CONGRESSIONAL RECORD:

5-6880

CONTAINING

THE PROCEEDINGS AND DEBATES

OF THE

FIFTY-FOURTH CONGRESS, FIRST SESSION.

VOLUME XXVIII.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1896.

VOLUME XXVIII, PART VI.

CONGRESSIONAL RECORD,

FIFTY-FOURTH CONGRESS, FIRST SESSION.

get up here to-night like a man, amidst the groans and hisses of members of his own party, and advocate what he knew was right.

I want to say to his credit that he stood here every Friday night since Congress met in the interests of the soldiers, especially the old soldiers, the privates, when perhaps all those who are up here to-night, who are speaking in the interests of widows of officers, were in bed asleep, or at some game of cards, or something of that sort.

Mr. NORTHWAY. Will the gentleman allow me to ask him a question?

Mr. TALBERT. My friend, I do not want you to get hurt again. I saw you with your arm in a sling the other day. [Great laughter.] I want to say to you, gentlemen, you should hang your heads in shame when you come up here from this side and that side and cross fire upon the distinguished gentleman from South Dakota, whose loyalty to the old soldier can not be questioned.

Mr. NORTHWAY. Will the gentleman allow me to ask him a question?

Mr. TALBERT (continuing). You have proved yourselves many and many of you to be hypocrites in the true sense of the word, because enough of you could not be found here the other night to help him carry on business in the interest of the old soldier.

Mr. NORTHWAY. Will the gentleman allow me to ask him a question?

Mr. TALBERT. Why, certainly. You know there are certain people that can ask questions that others can not answer. I will not promise to answer. [Great laughter.]

Mr. NORTHWAY. Will the gentleman be kind enough to strike out of the RECORD the remarks he made about the gentleman from South Dakota the other evening attempting to pension bounty jumpers and camp followers?

Mr. TALBERT. I did take it out. [Laughter.] The gentleman from South Dakota has shown courage in standing here in the interests of the common soldier. Now, I am going to try you again and give you a chance to redeem yourself from this condition into which you have put yourselves. I hope the amendment to strike out the words "seventy-five" and insert "sixty" will prevail.

Mr. MORSE. Mr. Chairman, I desire to detain the committee only a single moment, and in that moment I wish to say that I have a good opinion of the chairman of the Committee on Invalid Pensions. I believe he is a just and patriotic man. I believe he has stood upon this floor for the old soldier in the four Congresses of which I have been a member in season and out of season, and that no man loves the old soldier better or will do more for him than that gentleman. And I also want to say, Mr. Chairman, that he has undertaken and is endeavoring to carry out an impossible task. I believe that this whole business is wrong. I believe that this whole class of legislation should be covered by general legislation, and for that reason, during the four terms that I have been in Congress, I have scarcely introduced a bill of this character.

Now, tell me what justice there is in giving a soldier or a soldier's widow $30, $40, $50, or $75 a month when beside him or her, in the next house, lives a soldier or a soldier's widow, equally, and perhaps more deserving, who is only receiving $8, $10, or $12? I say that this whole business is wrong. The tendency is to make the great mass of the pensioners of the country dissatisfied with the pensions they are receiving, and members of Congress, instead of presenting these special cases for legislation which are downright favoritism and injustice, should abolish this system and discourage this class of legislation. Now, somebody says that there are a class of cases that can not be reached by general law. There may be, and there are a few such cases, but I hope to live to see the time when these cases will be decided by some commission, court, or tribunal, and when this outrageous class legislation and favoritism will be taken away from the Congress of the United States. [Applause.]

Mr. MILES. I desire to ask the gentleman a question, if he will yield.

Mr. MORSE. Certainly.

Mr. MILES. Were you in favor of granting a pension to the widow of General Cogswell at $75 a month?

Mr. MORSE. I will say in answer to the gentleman that since that policy had met with approval here, as she was a Massachusetts woman, I had no hesitation in voting that pension to her.

Mr. MILES. I thank the gentleman for his candor.

Mr. MORSE. I want to say that if there ever was a soldier in the Union Army, a brave man, a patriotic man, whose widow deserved a pension, that woman is the widow of my colleague, Gen. William Cogswell, of Massachusetts.

Mr. MILES. It is just the same with the widow of Gen. Tom Ewing.

The CHAIRMAN. The question is on the amendment of the gentleman from South Carolina, to strike out "seventy-five" and insert "sixty."

The question was taken; and the Chairman announced that the noes seemed to have it.

Mr. TALBERT. Division.

The committee divided; and there were—ayes 34, noes 66.

So the amendment was rejected.

The CHAIRMAN. The question is on agreeing to the amendment proposed by the committee.

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CARRIE L. GREIG.

The next business on the Private Calendar was the bill (H. R. 2962) granting a pension to Carrie L. Greig, widow of Theodore Greig, brevet major of volunteers.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Carrie L. Greig, widow of the late Theodore W. Greig, brevet major of volunteers, and pay her a pension of $30 per month.

Mr. TALBERT. I should like to have the report read.

The report (by Mr. MCCLELLAN) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2962) granting a pension of $30 per month to Carrie L. Greig, widow of Theodore W. Greig, late brevet major of volunteers, having considered the facts and circumstances in evidence, respectfully report as follows:

Theodore W. Greig enlisted as private, Company A, Sixty-first New York Infantry Volunteers, August 25, 1861; promoted to sergeant-major September 21, 1861; commissioned second lieutenant, to date from July 1, 1862, and transferred to Company C; commissioned first lieutenant November 17, 1862, with rank from June 26, 1862; mustered in to date July 2, 1862; transferred to Company E February 8, 1863, to accept promotion as captain; commissioned as captain March 31, 1863, with rank from September 17, 1862, and mustered in to date September 17, 1862, and mustered out October 9, 1864. He was brevetted major United States Volunteers May 20, 1867, for gallant and meritorious service in late war.

In the battle of Antietam, Md., September 17, 1862, while the battle was at its height, the Fourth Alabama Confederate Regiment stuck its battle flag in the ground, a little in advance, as a dare for anyone to capture it. Major Greig, then lieutenant, rushed forward and captured it. He was shot in the neck, but held onto the flag and returned with it to his company.

Claimant was married to soldier November 11, 1884; soldier died November 17, 1893. Claimant filed application for pension under act of June 27, 1890, which was rejected on the ground that "claimant is not without other means of support than her daily labor."

The testimony shows that applicant has $500 worth of furniture; has an income of $66 annually from a mortgage and $75 annually from $1,500 received from her husband's life insurance.

Testimony also shows that soldier's death was due to chronic nephritis.

From all the facts and circumstances presented your committee recommend that the bill do pass.

The bill was laid aside to be reported favorably to the House.

RICHARD P. PILKINGTON.

The next business on the Private Calendar was the bill (H. R. 5711) granting a pension to Richard P. Pilkington.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Richard P. Pilkington, late captain of Company E, Seventy-sixth Pennsylvania Volunteer Infantry, and pay him a pension of $50 per month, in lieu of the pension he is now receiving.

Mr. ERDMAN. Gentlemen on the other side really do not know how many good things they are missing by not having these reports read. They do not know how much they might be instructed and edified. Why, sir, this report shows that in 1880 this man, by reason of a premature explosion, lost his fingers and became blind; and this report really determines that a premature explosion fifteen years after the close of the war is a misfortune of service origin. It further determines that because 50 of the man's neighbors ask that you grant this pension as a matter of charity and because he is destitute, therefore you should grant it. Those are important things which probably gentlemen on the other side would like to know; but they are missing all these things by not having these reports read.

Mr. PICKLER. I am willing that anybody who reads this report shall decide whether this man is entitled to a pension.

Mr. MILNES. I wish to call the attention of this committee to the inconsistency of the gentleman from Pennsylvania [Mr. ERDMAN]. He has just voted—I saw him so vote—for a pension of $75 a month where there was no injury claimed whatever. Now, here is the case of a man who is blind and shot all to pieces, and the gentleman says that we are "missing a great deal" by not knowing the facts.

Mr. ERDMAN. I will say to the gentleman who has just taken his seat that I have voted for a pension of $75 a month to the widow of Gen. Thomas Ewing, just as the gentleman himself and other gentlemen on that side voted $75 a month to the widow of General Carr——

Mr. MILNES. I did not vote that way.

Mr. ERDMAN. To the widow of General Cogswell, to the widow of General Gresham, and to the widows of a great number

of other generals. I am in favor of pensioning people according to their rank and services. The general law having provided for no distinction above the rank of lieutenant-colonel, it is practically left to be determined by Congress in special bills what shall be the pension in cases not covered by the general law. That is what we are doing in passing these bills. We are determining the rates of pensions according to the rank and service. And that is one of the reasons why I vote for many of these bills.

But that question was not involved in what I said in regard to the bill under consideration. I wanted to point out to gentlemen on the other side that they are putting these pensions through without knowing what they are doing. Not five of you gentlemen have read the reports—probably not three. You do not care to have them read. In this way the people do not see them. I simply emphasize the fact that you gentlemen are acting in the dark; that you are willing to grant gratuities to people without knowing what you are doing.

The CHAIRMAN. The question is on ordering the bill to be laid aside to be reported favorably to the House.

The question was decided in the affirmative.

EMILY E. CASH.

Mr. COX. Mr. Chairman, I trust I may be permitted to occupy a moment. I have not given the House much trouble in regard to any pension bills on this Calendar. But I have in my charge to-night the case of an old widow, 83 years of age, who is confined to her bed. She is the widow of a soldier of the Mexican war, who, as the report states, "died in 1848 in a general military hospital at New Orleans, which he entered immediately upon his return from Mexico, where he had been discharged on account of disability." The committee has reported a bill in favor of increasing the pension of this old lady. I do not know her except by reputation.

Mr. PICKLER. The gentleman from Tennessee is taking as much time in talking as would suffice to pass his bill.

Mr. COX. The gentleman from South Dakota has taken up enough time to pass a hundred bills. [Laughter.] I hope he will be quiet a moment.

Mr. PICKLER. Why does not the gentleman send up his bill?

Mr. COX. I ask unanimous consent for the present consideration of this bill, for the simple reason that unless it be taken up out of its order its passage will never do the old woman any good.

There being no objection, the House proceeded to the consideration of the bill (H. R. 8248) to increase the pension of Mrs. Emily E. Cash.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, directed to increase the pension of Mrs. Emily E. Cash, widow of Private Thomas W. Cash, a soldier in the Mexican war, to $30 a month.

The amendment reported by the committee, to strike out "thirty" and insert "twenty," so as to make the pension $20 a month, was read and agreed to.

The bill as amended was laid aside to be reported favorably to the House.

CHILDREN OF PATRICK F. REYNOLDS.

The next business on the Private Calendar was the bill (H. R. 603) to pension minor children of Patrick F. Reynolds.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the act of Congress approved June 27, 1890, the names of the minor children of Patrick F. Reynolds, deceased, late a member of Company H, First Connecticut Volunteer Cavalry, and to pay to their legal guardian the pension to which they would have been entitled under said act had not the soldier left a widow surviving at the date of his death.

Mr. TALBERT. I would like to have the report read in this case; I do not know anything about it.

The Clerk read the report (by Mr. POOLE), as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6603) to pension the minor children of Patrick F. Reynolds, report as follows:

The soldier enlisted December 10, 1863, and was honorably discharged August 2, 1865. He died September 5, 1895, leaving a widow, to whom he was married November 6, 1892, and three minor children by a former marriage. The widow makes no claim under the general pension laws, because soldier's death was not due to causes arising in the service, and none under act of June 27, 1890, because she was married to the soldier subsequently to the passage of that act. She was appointed guardian of the children, and as guardian filed a claim for pension for them under act of June 27, 1890, but the claim was rejected on the ground that the minors had no title, since the soldier left a widow, who is still living.

The case is just this: The minor children of the soldier, who were intended to be pensioned by the act of June 27, 1890, are barred by the living widow, who has no title under said act.

The committee believe this to be most clearly a case calling for special action to remove the technical bar which defeats the purpose of the law, and recommend the passage of the bill.

Mr. ERDMAN. Mr. Chairman, in this case the children are not going to get the pension. The widow is the guardian appointed by law, and she herself applies as the guardian of the children for this pension.

Mr. MILES. She applies to get that which she could not get under the general law. She was married since the passage of the act of 1890.

Mr. ERDMAN. It is therefore a case where you propose to transfer a pension as a vested right; and it has at last come to that pass where you are constituting and creating a pension a vested right, which is to pass by descent, and be assignable as any commercial contract is.

Mr. TALBERT. Mr. Chairman, I want to say, in reply to what the gentleman says, if we err let us err upon the side of charity in this case and give these children what they ask for.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

MARY E. CHAMBERLAIN.

The next business on the Private Calendar was the bill (H. R. 6221) granting an increase of pension to Mary E. Chamberlain.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary E. Chamberlain, widow of Lowell A. Chamberlain, late a captain in the First United States Artillery, and pay her a pension of $50 a month, in lieu of the pension she is now receiving, or of that to which she is entitled.

The Committee on Invalid Pensions recommended the following amendments:

In lines 6 and 7 strike out the word "Chamberlain" and insert the word "Chamberlin"; also in line 8 strike out the word "fifty" and insert the word "thirty."

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

DANIEL D. JENNINGS.

The next business on the Private Calendar was the bill (H. R. 2947) increasing the pension of Daniel D. Jennings, late of Company C, Sixty-fifth Ohio Volunteers.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Daniel D. Jennings, a private of Company C, Sixty-fifth Ohio Volunteer Infantry, and pay him a pension of $30 a month, in lieu of the pension he is now receiving.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

SARAH A. BULL.

The next business on the Private Calendar was the bill (S. 2014) granting an increase of pension to Sarah A. Bull.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the limitations and provisions of the pension laws, the name of Sarah A. Bull, widow of Hiram C. Bull, late a major and paymaster of volunteers in the United States Army, and grant her a pension at the rate of $25 per month in lieu of the pension of $8 per month which she is now receiving.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

ELVIRA BACHELDER.

The next business on the Private Calender was the bill (S. 147) granting a pension to Elvira Bachelder.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed to place on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month, the name of Elvira Bachelder, dependent mother of J. K. P. Bachelder, late a private in Company D, Seventh New Hampshire Volunteer Infantry.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

MARY COLLINS.

The next business on the Private Calendar was the bill (H. R. 158) granting a pension to Mary Collins.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Collins, mother of John Collins, late of Company D, Sixteenth Regiment Massachusetts Volunteer Infantry, and pay her a pension from the passage of this act.

The Committee on Invalid Pensions recommend the following amendment:

Strike out all after the word "Infantry," in line 7, and insert in lieu thereof the words "at the rate of $12 per month."

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

MRS. HELEN FUNKHOUSER.

The next business on the Private Calendar was the bill (H. R. 6236) to grant a pension to Mrs. Helen Funkhouser.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions

and limitations of the pension laws, the name of Mrs. Helen Funkhouser, widow of John J. Funkhouser, late colonel Ninety-eighth Regiment Illinois Volunteer Infantry, and pay her a pension of $30 per month.

The Committee on Invalid Pensions recommended an amendment, inserting after the word "Helen" the initial "A." in line 6.

The amendment was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

CATHERINE DARRAGH.

The next business on the Private Calendar was the bill (H. R. 1892) granting a pension to Catherine Darragh.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Catherine Darragh, widow of John Darragh, late a private in Company H, One hundred and tenth Pennsylvania Volunteer Infantry, and pay her a pension of $12 per month.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

JANE FISHER.

The next business on the Private Calendar was the bill (H. R. 4604) granting a pension to Jane Fisher (colored), of Madisonville, Ky.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jane Fisher, widow of Henry Fisher, late of Company B, Seventeenth Kentucky Cavalry, and pay her a pension at the rate of $12 per month.

The Committee on Invalid Pensions recommended the following amendment:

After the word "late," in line 6, insert the word "private"; and in line 8, strike out the word "twelve" and insert in lieu thereof the word "eight."

Mr. ERDMAN. Mr. Chairman, if I may interrupt the carnival for a few moments, I want to call attention to a bill which passed a little while ago, the third or fourth or fifth bill just passed. In passing that bill the committee have determined that when a soldier is killed by keeping wild elks in a pen, his death is due to service origin. That is one of the strange things that we have determined.

For fear that the leader on the other side would be disappointed if we should not have some report read, I will ask to have the report on this case read in my time.

The CHAIRMAN. The Clerk will read the report.

The report (by Mr. ANDERSON) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4604) granting a pension to Jane Fisher, widow of Henry Fisher, late private, Company B, Seventeenth Kentucky Cavalry Volunteers, having examined and considered all the facts and circumstances presented in this case, respectfully report as follows:

The husband of this widow served as a private in Company B, Seventeenth Kentucky Cavalry, from December 1, 1864, to September 25, 1865, on which date, at Louisville, Ky., he was honorably discharged, and died September 4, 1890. Widow filed application for pension July 3, 1895, which said claim was rejected upon the ground that claimant was not the legal wife of soldier. The report of a special examiner discloses the following:

"The public record (B. J. 10) shows claimant to have married soldier July 31, 1889, and the record shows soldier divorced from his wife Rachel October 23, 1889, so that claimant's marriage was not a legal marriage, cohabitation after divorce not being recognized as equivalent to marriage under the laws of the State of Kentucky. If illegality of marriage be not a bar, then claimant no doubt has title under act of June 27, 1890.

"F. C. MILLER, *Special Examiner.*"

The facts in this case show that soldier was formerly married to one Rachel Nourse, and some time prior to July 31, 1889, he and his wife Rachel separated, and soldier filed application for divorce, and owing to soldier's ignorance of proceedings in legal tribunals (he being an ignorant colored man) was led to believe that said divorce had been granted, and acting upon this belief he in good faith was united in marriage to claimant July 31, 1889, when in reality soldier was not actually divorced from his wife Rachel until October 23, 1889, something less than three months after his marriage to claimant. There is nothing to show that soldier, or claimant either, ever became aware of this discrepancy, and continued to cohabit together, under the belief that they were lawfully husband and wife, and were so regarded by their friends and acquaintances.

In view of the reason urged by the Pension Department for the rejection of this claim, and of the further fact that claimant is wholly without means of support, as shown by the evidence, the committee report the bill back to the House with the recommendation, after being amended by inserting the word "private," after the word "late," in line 6, and by striking out the word "twelve," in line 8, and inserting in lieu thereof the word "eight," that the bill do pass.

Mr. PICKLER. I move to amend by striking out of the title of the bill the words "(colored), of Madisonville, Ky."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Strike out from the title the words "(colored), of Madisonville, Ky."

The amendments proposed by the committee were agreed to.

The amendment of Mr. PICKLER was agreed to.

The bill as amended was ordered to be laid aside, to be reported to the House with a favorable recommendation.

EMILY A. MANN.

The next business on the Private Calendar was the bill (H. R. 3480) for the relief of Emily A. Mann.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll, at the rate of $12 per month, the name of Emily A. Mann, widow of William R. Rogers, late of First Illinois Light Artillery.

Mr. BAKER of New Hampshire. Mr. Chairman, I ask for the reading of the report in that case.

The report (by Mr. KERR) was read, as follows:

The Committee on Invalid Pensions have considered the bill (H. R. 3480) to pension Emily A. Mann, and submit the following report:

The petitioner was formerly the widow of William R. Rogers, who was a soldier in Company B, First Illinois Light Artillery, from February 8, 1862, to March 28, 1862, when he died in the line of duty at Fort Donelson of typhoid fever. She was pensioned as his widow from the date of his death until December 28, 1865, at which time she married S. K. Mann, when her pension ceased. Mr. Mann died on the 12th of June, 1871.

The widow is now over 60 years of age, in destitute circumstances, and has no means of support, except contributions from friends, and no property.

She is afflicted and disabled with spinal disease caused by a fall in 1887. These facts are shown by the evidence on file in the Pension Office and the testimony of Dr. E. N. Howley, Dr. W. E. Gill, C. J. Baldwin, and C. W. Rule. She is now confined to her bed and is not likely to live a great while.

The committee therefore recommend the passage of the bill.

Mr. BAKER of New Hampshire. Mr. Chairman, this is another of that remarkable class which I had supposed from the information I had received from the Committee on Invalid Pensions were not again to be reported to this House. This is the case of a woman who is not the widow of a soldier. She remarried and left soldier's name and family and voluntarily relinquished a pension to which she had been entitled by the law of her country; and, having done so, this is a case, not of merit, but a clear, clean gratuity, upon a new basis, if we continue to pass these cases, and we have been unable thus far to receive from the Committee on Invalid Pensions or from any member of the committee or the House any just reason why that should be done.

Mr. TALBERT. Will the gentleman allow me to ask him a question right there?

The CHAIRMAN. Does the gentleman from New Hampshire yield to the gentleman from South Carolina?

Mr. BAKER of New Hampshire. I do.

Mr. TALBERT. It seems that the settled policy of the majority here is, as we have pensioned one widow at $75 a month, to turn back. Now, as we have pensioned these remarried widows, will it do to go back on that proposition also?

Mr. BAKER of New Hampshire. The gentleman can answer his own question.

Mr. PICKLER. Vote!

Mr. BAKER of New Hampshire. I am not in favor of voting at present, I will say to the gentleman from South Dakota. On one or two evenings we have considered cases like the one now pending.

Mr. PICKLER. If the gentleman will yield I will move that the committee rise.

Mr. BAKER of New Hampshire. I yield for that purpose.

Mr. PICKLER. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. HOPKINS having resumed the chair as Speaker pro tempore, Mr. HEPBURN, Chairman of the Committee of the Whole House, reported that that committee had had under consideration the bills S. 466, S. 246, H. R. 6111, S. 1051, S. 247, S. 2514, H. R. 4994, H. R. 3578, H. R. 1825, H. R. 4193, H. R. 4001, H. R. 6789, H. R. 4888, H. R. 6483, H. R. 4363, S. 177, H. R. 3421, S. 2175, H. R. 2006, S. 705, S. 746, H. R. 1827, H. R. 1826, H. R. 6134, S. 61, H. R. 4481, S. 616, H. R. 2189, S. 1100, S. 1493, S. 1435, S. 1522, and S. 145, and had directed him to report the same to the House with the recommendation that they do pass. The committee also had under consideration the bills H. R. 2359, H. R. 5226, H. R. 979, H. R. 5946, H. R. 1178, H. R. 4720, H. R. 5311, H. R. 6283, H. R. 5710, S. 1924, H. R. 1820, S. 1215, S. 404, S. 1044, S. 739, H. R. 4724, H. R. 4020, H. R. 4547, H. R. 126, H. R. 3857, H. R. 4910, H. R. 3229, H. R. 1891, H. R. 1511, H. R. 986, H. R. 4903, H. R. 4753, H. R. 2358, S. 149, S. 1189, H. R. 3264, S. 1420, H. R. 1890, H. R. 2373, H. R. 1500, H. R. 3113, and H. R. 5050, and had directed him to report the same to the House with amendments, and that as amended they do pass. The committee had also had under consideration the bills H. R. 2317, H. R. 3152, H. R. 3890, H. R. 6808, H. R. 3877, H. R. 4354, H. R. 8184, H. R. 4361, H. R. 2405, S. 1837, H. R. 8248, H. R. 6221, H. R. 158, and H. R. 4604, and had directed him to report the same with amendments, and that as amended they do pass. The committee had also had under consideration the bills H. R. 3306, H. R. 6466, H. R. 4283, H. R. 4721, H. R. 1599, H. R. 2969, H. R. 2963, H. R. 5711, H. R. 6603, H. R. 2947, S. 2014, S. 147, H. R. 6236, and H. R. 1892, and had directed him to report the same with the recommendation that they do pass. The committee had also had under consideration the bills H. R. 358, H. R. 4090, H. R. 3496, H. R. 1894, and H. R. 1931, and had directed him to report the same back to the House with the recommendation that they do lie on the table. The committee had

also had under consideration the bill H. R. 3480 and had come to no resolution thereon.

Mr. PICKLER. I move that the House do now adjourn.

Mr. ERDMAN. I rise to a point of order. My point is that a large number of the bills just reported have not been considered by this Committee of the Whole and have been improperly reported. I protest against their being reported to this House.

The SPEAKER pro tempore. The Chair overrules the point of order. The question is on the motion of the gentleman from South Dakota [Mr. PICKLER] that the House adjourn.

The motion was agreed to; and accordingly (at 10 o'clock and 25 minutes p. m.) the House, in pursuance of its previous order, adjourned until Monday next.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, a letter from the Acting Secretary of the Interior, transmitting, with accompanying documents, an agreement with the Shoshone and Arapahoe Indians ceding to the United States a portion of their reservations, a draft of bill, and copy of the proceedings of the council, was taken from the Speaker's table, referred to the Committee on Indian Affairs, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. BAKER of New Hampshire, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 3623) to amend section 4 of an act entitled "An act to define the jurisdiction of the police court of the District of Columbia," reported the same without amendment, accompanied by a report (No. 1664); which said bill and report were referred to the House Calendar.

Mr. McCORMICK, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the House (H. R. 8557) to provide an American register for the steamer *Menemsha*, reported the same without amendment, accompanied by a report (No. 1676); which said bill and report were referred to the House Calendar.

Mr. HULICK, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 2647) relating to the testimony of physicians in the courts of the District of Columbia, reported the same with amendment, accompanied by a report (No. 1677); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred House bills Nos. 8098 and 8472, reported in lieu thereof, without amendment, a bill (H. R. 8472) authorizing the Commissioners of the District of Columbia to accept the bequest of the late Peter Von Essen for the use of the public white schools of that portion of said District formerly known as Georgetown, accompanied by a report (No. 1678); which said bill and report were referred to the House Calendar.

Mr. BENNETT, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 2642) entitled "An act to provide for the safety of passengers on excursion steamers," reported the same with amendments, accompanied by a report (No. 1679); which said bill and report were referred to the House Calendar.

Mr. DOWNING, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 7919) providing for the erection and maintenance of a charity hospital by the city of Biloxi, Miss., reported the same with amendment, accompanied by a report (No. 1687); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BABCOCK, from the Committee on the District of Columbia, to which was referred the bill of the Senate (S. 2928) entitled "An act to extend the routes of the Eckington and Soldiers' Home Railway Company and of the Belt Railway Company of the District of Columbia, and for other purposes," reported the same with amendment, accompanied by a report (No. 1688); which said bill and report were referred to the House Calendar.

Mr. JOY, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 2843) entitled "An act to authorize the construction of a bridge across the Missouri River at or near the city of Boonville, Mo.," reported the same without amendment, accompanied by a report (No. 1690); which said bill and report were referred to the House Calendar.

Mr. WANGER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 7255) providing for the establishment of a life-saving station on the coast of Maryland, reported the same without amendment, accompanied by a report (No. 1691); which said bill and report were referred to the House Calendar.

Mr. PARKER, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 51) for the recognition of the military service of the officers and enlisted men of certain Pennsylvania military organizations, reported the same with amendments, accompanied by a report (No. 1694); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. GRIFFIN, from the Committee on Military Affairs: The bill (H. R. 3493) for the relief of Robert Burton. (Report No. 1663.)

By Mr. ANDERSON, from the Committee on Invalid Pensions: The bill (H. R. 3040) to restore to the pension roll the name of Mary F. Barker. (Report No. 1665.)

By Mr. BAKER of Kansas, from the Committee on Invalid Pensions: The bill (H. R. 6845) granting an increase of pension to Maj. John H. Gearkee, Iowa City, Iowa. (Report No. 1666.)

By Mr. KERR, from the Committee on Invalid Pensions: The bill (H. R. 8173) granting a pension to Lydia Sampsell. (Report No. 1667.)

By Mr. McCLELLAN, from the Committee on Invalid Pensions: The bill (H. R. 7568) granting a pension to Julia Walke, widow of the late Rear-Admiral Henry Walke, at the rate of $100 per month. (Report No. 1668.)

By Mr. MILES, from the Committee on Invalid Pensions: The bill (H. R. 6872) granting a pension to Elfrida C. Lewis, widow of Col. George W. Lewis. (Report No. 1669.)

By Mr. SULLOWAY, from the Committee on Invalid Pensions: The bill (S. 2594) entitled "An act granting an increase of pension to William A. Beckford." (Report No. 1671.)

The bill (S. 1343) entitled "An act granting an increase of pension to Enoch G. Adams." (Report No. 1672.)

By Mr. THOMAS, from the Committee on Invalid Pensions: The bill (H. R. 3699) for the relief of Mrs. Belinda Wheeler. (Report No. 1673.)

By Mr. WOOD, from the Committee on Invalid Pensions:

The bill (H. R. 7040) to increase pension of James A. McGaughey. (Report No. 1674.)

The bill (S. 1356) entitled "An act to increase the pension of Elizabeth L. Larrabee, widow of Col. C. H. Larrabee, late of the Twenty-fourth Regiment of Wisconsin Volunteers." (Report No. 1692.)

By Mr. FENTON, from the Committee on Invalid Pensions: The bill (H. R. 8250) for the relief of William Gemmill. (Report No. 1675.)

By Mr. DENNY, from the Committee on Claims:

The bill (H. R. 610) for the relief of John F. McRae. (Report No. 1680.)

The bill (H. R. 3318) for the relief of the sufferers by the wreck of the United States revenue cutter *Gallatin* off the coast of Massachusetts. (Report No. 1681.)

By Mr. COX, from the Committee on Claims:

The bill (S. 1183) entitled "An act for the relief of Frank J. Burrows." (Report No. 1682.)

The bill (S. 92) entitled "An act for the relief of Calvin Gunn." (Report No. 1684.)

By Mr. HEINER of Pennsylvania, from the Committee on Claims: The bill (S. 1758) entitled "An act for the relief of Christopher Schmidt." (Report No. 1683.)

By Mr. DE WITT, from the Committee on Claims: The bill (S. 758) entitled "An act authorizing the Secretary of the Treasury to adjust and settle the account of James M. Willbur with the United States, and to pay said Willbur such sum of money as he may be justly and equitably entitled to." (Report No. 1685.)

By Mr. WOODARD, from the Committee on Claims: The bill (S. 278) entitled "An act for the relief of Olivia and Ida Walter, heirs and children of Thomas U. Walter, deceased." (Report No. 1686.)

By Mr. COOPER of Texas, from the Committee on War Claims: The bill (S. 2501) entitled "An act for the relief of James Sims, of Marshall County, Miss." (Report No. 1689.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. JENKINS: A bill (H. R. 8814) to authorize the construction by the Duluth and North Dakota Railroad Company of

two bridges across the Red River of the North between the States of Minnesota and North Dakota—to the Committee on Interstate and Foreign Commerce.

By Mr. HENRY of Connecticut: A bill (H. R. 8815) changing the time for holding circuit court of the United States at Hartford, in the district of Connecticut—to the Committee on the Judiciary.

By Mr. LONG: A bill (H. R. 8816) donating condemned cannon and condemned cannon balls to Frontier Post, No. 353, Grand Army of the Republic, Department of Kansas, at Spearville, Kans.—to the Committee on Naval Affairs.

Also, a bill (H. R. 8817) donating condemned cannon and condemned cannon balls to Stephenson Women's Relief Corps, No. 89, Grand Army of the Republic, Department of Kansas, at Sedgwick—to the Committee on Naval Affairs.

Also, a bill (H. R. 8818) donating condemned cannon and cannon balls to Garfield Post, No. 25, Grand Army of the Republic, at Wichita, Kans.—to the Committee on Naval Affairs.

Also, a bill (H. R. 8819) donating condemned cannon and condemned cannon balls to Scott Post, No. 398, Grand Army of the Republic, Department of Kansas, at Coldwater, Kans.—to the Committee on Naval Affairs.

By Mr. HOPKINS: A bill (H. R. 8821) donating 2 condemned cannon and 10 condemned cannon balls to Aurora Post, Grand Army of the Republic, Aurora, Ill.—to the Committee on Naval Affairs.

By Mr. POOLE: A bill (H. R. 8822) authorizing the Secretary of the Navy to donate condemned cannon to Ben. H. Porter Post, No. 164, Department of New York, Grand Army of the Republic—to the Committee on Naval Affairs.

By Mr. WILSON of Idaho: A bill (H. R. 8823) to apply a portion of the proceeds of the public lands to the endowment and support of mining schools in the several States and Territories for the purpose of extending similar aid in the development of the mining industries of the nation as already provided for the agricultural and mechanical arts—to the Committee on the Public Lands.

By Mr. HOOKER: A bill (H. R. 8849) granting a pension to Delia Risley, helpless sister of Patrick H. Riley, late of Company H, Eighty-fifth New York Volunteers—to the Committee on Invalid Pensions.

By Mr. BLUE: A resolution (House Res. No. 316) continuing employees of the House who were incapacitated for manual labor by service in the late war and by physical infirmity on the roll of the House during the recess of Congress—to the Committee on Accounts.

By Mr. JOHNSON of California: A resolution (House Res. No. 317) to pay W. D. Catlett for services performed in Statuary Hall—to the Committee on Accounts.

By Mr. BARRETT: A joint resolution (H. Res. 181) proposing an amendment to the Constitution of the United States—to the Committee on the Judiciary.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills; which were referred as follows:

The bill (H. R. 8757) to grant pension to Eliza Koons, mother of Charles M. Koons, late of Company E, Twenty-eighth Pennsylvania Volunteers—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

Petition for the benefit of James Starkey—Committee on Invalid Pensions discharged, and referred to the Committee on Military Affairs.

The bill (H. R. 8360) granting a pension to C. S. Alvord—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

The bill (H. R. 4315) for the relief of Clara A. Graves and others, heirs of Lewis Smith, deceased—Committee on Claims discharged, and referred to the Committee on War Claims.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. BLUE: A bill (H. R. 8824) increasing the pension of David M. Bingaman, late second lieutenant of Company D, Twentieth Regiment Indiana Infantry Volunteers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8825) granting a pension to Adda Tubbs as army nurse—to the Committee on Invalid Pensions.

By Mr. DAYTON: A bill (H. R. 8826) for the relief of Mary E. Buckey, of Randolph County, W. Va.—to the Committee on War Claims.

By Mr. ELLIS: A bill (H. R. 8827) to correct an act entitled "An act to pension George Hunter"—to the Committee on Pensions.

By Mr. EVANS: A bill (H. R. 8828) granting a pension to Mrs. Miranda C. Birkhead, of Jefferson County, Ky.—to the Committee on Invalid Pensions.

Also (by request), a bill (H. R. 8829) for the relief of Capt. John W. Neville, of Montgomery, Ala.—to the Committee on War Claims.

By Mr. GRIFFIN: A bill (H. R. 8830) for the relief of George W. Moore—to the Committee on Military Affairs.

By Mr. HICKS: A bill (H. R. 8831) to correct the military record of Augustus Thomas and remove the charge of desertion therefrom—to the Committee on Military Affairs.

Also, a bill (H. R. 8832) granting a pension to Eliza J. Shomo, mother of Silas B. Shomo, late of Company D, Fourth Regiment Pennsylvania Volunteer Cavalry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8833) for the relief of the heirs of Jeremiah Gordon, deceased—to the Committee on War Claims.

By Mr. HILL: A bill (H. R. 8834) for the relief of Dorence Atwater—to the Committee on Military Affairs.

By Mr. HULICK: A bill (H. R. 8835) granting a pension to Margaret Nash—to the Committee on Invalid Pensions.

By Mr. JOHNSON of North Dakota: A bill (H. R. 8836) to have George W. Posey honorably discharged from the United States service—to the Committee on Military Affairs.

By Mr. LESTER: A bill (H. R. 8837) for the relief of the heirs or legal representatives of Anton Borchert—to the Committee on War Claims.

By Mr. MAHANY: A bill (H. R. 8838) for the relief of the heirs or legal representatives of James B. Sullivan, deceased—to the Committee on War Claims.

By Mr. McCALL of Massachusetts: A bill (H. R. 8839) to remove the charge of desertion from the military record of Joshua Fairclough, alias Joseph Whittle—to the Committee on Military Affairs.

By Mr. ROBERTSON of Louisiana: A bill (H. R. 8840) for the relief of Joseph D. Broussard, Vermilion Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 8841) for the relief of the estate of J. S. Douglass, deceased, late of Tensas Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 8842) for the relief of the estate of Prosper D. Oliver, deceased, late of Iberia Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 8843) for the relief of Marcelin Lafleur, of St. Landry Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 8844) for the relief of the estate of François Herpin, deceased, late of Vermilion Parish, La.—to the Committee on War Claims.

By Mr. ROYSE: A bill (H. R. 8845) granting a pension to Francis E. Hoover—to the Committee on Invalid Pensions.

By Mr. SETTLE: A bill (H. R. 8846) granting a pension to Larry H. Moseley—to the Committee on Pensions.

By Mr. SPARKMAN: A bill (H. R. 8847) for the relief of Sarah E. Caro and Henry O. Bassett—to the Committee on Claims.

By Mr. PICKLER: A bill (H. R. 8848) granting an increase of pension to John A. Hughes—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BLUE: Petition of S. S. Mathers and 8 others, asking to be continued on the roll during the recess of the House, to accompany the resolution pertaining thereto—to the Committee on Accounts.

By Mr. BULL: Petition of Hon. Charles Warren Lippitt, governor, the members of the Naval Militia, and citizens of the State of Rhode Island, praying for the promotion of Lieut. William McCarty Little, United States Navy, retired, to be a commander on the retired list—to the Committee on Naval Affairs.

By Mr. DALZELL: Resolutions of the Engineer's Club of Philadelphia, in favor of the adoption of the metric system—to the Committee on Coinage, Weights, and Measures.

By Mr. DANFORD: Petition of Gill Bros. and others, of Steubenville, Ohio, in favor of adopting the metric system—to the Committee on Coinage, Weights, and Measures.

By Mr. HENDERSON: Petitions of 153 teachers and 11,312 children in the public schools of Washington, D. C.; also letter of Mr. J. G. Falck, clerk of superintendent of public schools, praying for legislation to prevent the desecration of the United States flag—to the Committee on the Judiciary.

Also, communication of the governor of Michigan and other

State officials, urging the consideration of House bill No. 3273, for the classification of clerks in first and second class post-offices—to the Committee on the Post-Office and Post-Roads.

By Mr. JENKINS: Resolutions of the Superior Commercial Club, favoring the passage of Senate bill to incorporate the Maritime Canal of North America—to the Committee on Railways and Canals.

By Mr. LONG: Petition of James W. Clark and other citizens of Great Bend, Kans., for the passage of House bill No. 7692, for the relief of Clara Matilda Bain—to the Committee on Invalid Pensions.

By Mr. MAHON: Petition of citizens of Satillo, Huntingdon County, Pa., protesting against the statue of Père Marquette remaining in Statuary Hall—to the Committee on the Library.

By Mr. MEREDITH: Petition of J. S. Dean, of Fauquier County, Va., praying reference of his claim to the Court of Claims—to the Committee on War Claims.

Also, petition of Charles R. Carder, of Rappahannock County, Va., praying reference of his war claim to the Court of Claims—to the Committee on War Claims.

By Mr. MERCER: Resolutions of the city council of Galveston, Tex.; also of the city council of Logan, Utah; also of the Commercial Club of St. Joseph, Mo.; also of the Nebraska Irrigation Fair Association of North Platte, Nebr., favoring the transmissisippi and international exposition of Omaha—to the Committee on Ways and Means.

By Mr. SCRANTON: Resolutions of the Engineers' Club of Philadelphia, favoring the adoption of the metric system—to the Committee on Coinage, Weights, and Measures.

By Mr. CHARLES W. STONE: Resolutions of the Engineers' Club of Philadelphia, Pa., praying for the adoption of the metric system—to the Committee on Coinage, Weights, and Measures.

Also, memorial of Hiram Mead and others, of Garland, Pa., against military training in our public schools—to the Committee on Education.

By Mr. WILSON of Ohio: Petition of F. M. Black and 34 other Union ex-soldiers of Fayette County, Ohio, favoring the passage of a pension law based on service only—to the Committee on Invalid Pensions.

SENATE.

SATURDAY, *May 9, 1896.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. NELSON, and by unanimous consent, the further reading was dispensed with.

ENROLLED BILLS SIGNED.

The signature of the Vice-President was announced to the following bills, which had previously been signed by the Speaker of the House of Representatives:

A bill (H. R. 953) for the relief of William Gray;

A bill (H. R. 1002) for the relief of A. P. Brown, late postmaster at Lemars, Iowa; and

A bill (H. R. 7395) to authorize the Secretary of the Treasury of the United States to reconvey to the former owners a certain tract of land in Valverde County, Tex.

HOUSE BILLS REFERRED.

The bill (H. R. 7370) to amend an act entitled "An act to establish circuit courts of appeals and define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes," approved March 3, 1891, was read twice by its title, and referred to the Committee on the Judiciary.

The bill (H. R. 8237) to improve the printing and binding methods of the public documents was read twice by its title, and referred to the Committee on Printing.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of Volunteer Assembly, No. 1400, Knights of Labor, of Wellston, Ohio, and a petition of District Assembly, No. 4, of St. Louis, Mo., praying for the passage of the so-called Phillips bill, authorizing the appointment of a nonpartisan commission to collate information, and to consider and recommend legislation to meet the problems presented by labor, agriculture, and capital; which were referred to the Committee on Education and Labor.

Mr. BURROWS (for Mr. MCMILLAN) presented a petition of Oxford Grange, No. 395, Patrons of Husbandry, of Oxford, Mich., praying for the passage of the so-called filled cheese bill; which was referred to the Committee on Finance.

Mr. COCKRELL. I present the memorial of Bernard Q. Harmon, of Sutherland, O'Brien County, Iowa, remonstrating against the petition to the Senate and House of Representatives of the United States in Congress assembled, passed by the legislature of the State of Iowa, praying for the enactment of legislation for the relief of and proper indemnity to settlers upon certain land granted to the State of Iowa to aid in the construction of railroads, and to provide an appropriation of a sum sufficient to compensate them for their losses legitimately resulting from their eviction from their homes and property rights, and so forth. The memorial should go to the same committee to which the petition of the legislature of Iowa was referred.

The VICE-PRESIDENT. The petition referred to is on the table, the Chair is advised. The memorial will lie on the table.

Mr. BURROWS (for Mr. MCMILLAN) presented sundry petitions of the Woman's Christian Temperance Union, of the Second district of Michigan, numbering 1,000 members, praying for the enactment of a Sunday-rest law for the District of Columbia; which were referred to the Committee on the District of Columbia.

He also (for Mr. MCMILLAN) presented a petition of the Board of Trade of Detroit, Mich., praying for the enactment of legislation to increase the pension of Patrick Culhan, private of Company F, Forty-sixth Indiana Volunteers; which was referred to the Committee on Pensions.

Mr. ALDRICH presented the petition of Simon S. Bucklin, of Warwick, R. I., praying for arbitration between Spain and Cuba; which was referred to the Committee on Foreign Relations.

REDEMPTION OF BONDS.

Mr. COCKRELL. I present a letter addressed to me by the Secretary of the Treasury, dated May 6, 1896, stating exactly the amount of bonds redeemed and purchased from March 1, 1885, to March 1, 1889, and then from March 1, 1889, to March 1, 1893. It is a very short document, signed by Secretary Carlisle, and I ask that it be printed in the RECORD, that it also be printed as a Senate document, and that a thousand copies of it be printed for the use of the Senate. It comprises only one sheet, and there will be a great many calls for it.

The VICE-PRESIDENT. Without objection, it will be so ordered.

The letter is as follows:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., May 6, 1896.

SIR: In reply to your inquiry in regard to the redemption of the public debt, with the premium and interest paid, from March 1, 1885, to March 1, 1893, I have the honor to state that the bonds redeemed and purchased, and the premium paid thereon, together with the amounts paid for interest on the public debt during the period named, were as follows:

	Principal.	Premium.	Interest.
From Mar. 1, 1885, to Mar. 1, 1889:			
Loan of 1882, redeemed	$194,190,500		
Loan of 1907, purchased	56,726,550	$15,604,309.79	
Loan of 1891, purchased	87,157,800	6,772,813.32	
	338,074,850	22,377,123.11	$187,820,957.40
From Mar. 1, 1889, to Mar. 1, 1893:			
Loan of 1891, redeemed	24,606,950		
Loan of 1907, purchased	121,615,950	30,666,138.59	
Loan of 1891, purchased	111,973,000	8,225,388.08	
	258,192,900	38,891,526.67	128,610,276.92

Respectfully, yours,

J. G. CARLISLE, *Secretary.*

Hon. F. M. COCKRELL,
United States Senate.

PLATFORM FOR AMERICAN INDEPENDENTS.

Mr. STEWART. I hold in my hand a proposed national platform prepared by William P. St. John, an eminent economist and banker of New York. As he has contributed largely to enlighten the people of the country on the financial question, and as the paper is not long, I should like to have it printed in the RECORD as a part of my remarks. I have no doubt that Senators would like to read the suggestions coming from such a source.

Mr. MITCHELL of Oregon. For which party is it intended as a platform?

Mr. STEWART. For some independent party. It is his idea of a platform for some independent party.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The paper referred to is as follows:

A NATIONAL PLATFORM FOR THE AMERICAN INDEPENDENTS OF 1896.

[Proposed by Mr. William P. St. John, president of the Mercantile National Bank, New York.]

Leaving the domestic affairs of the several States to those party organizations already occupied therewith, and believing that the Senate of the United States is quick to respond to the clearly expressed will of the people, we confine our present attempt to the election of the President, Vice-President, and Representatives in Congress on the following demands:

First. (*a*) That the mints of the United States shall be reopened to equally unrestricted coinage for gold and silver into the unlimited legal-tender money of the United States, the gold to issue in the present standard gold coins and the silver to issue in the present standard silver dollars. (*b*) Depositors of

the gold or silver at the mint to receive in lieu of coin, if they prefer, at the coining value thereof, coin certificates, which shall be redeemed on demand in gold or silver coin at the option and according to the convenience of the United States. (c) And as a safeguard against panic and money stringency the Secretary of the Treasury shall be empowered to issue such coin certificates additionally against deposits of interest-bearing bonds of the United States, the interest accruing on the bonds to inure to the United States pending their reexchange for the coin certificates, which coin certificates when returned shall be canceled; provided that such additional issues of coin certificates shall not reduce the percentage of coin and bullion reserved for coin certificates and silver certificates below 60 per cent of the aggregate sum of coin certificates and silver certificates outstanding. The now outstanding silver certificates, gold certificates, and Treasury notes of 1890 to be retired as they come into the Treasury.

[This (a) is free coinage at 16 to 1, the convenient coin certificate (b) to take the place of gold certificates, silver certificates, and Treasury notes of 1890. The safeguard (c) would provide for a temporary increase of $300,000,000 of paper money against the silver on hand in the Treasury April 1.]

Second. The threatened competition with our Southern cotton mills of those of China and Japan, the increasing importations of long-stapled Egyptian in competition with our sea-island cotton, and the ill effects of the abrogation of the tariff on wool along with the deduction in the tariff on woolen manufactures, combine to evidence the fact that the time has not arrived to abandon an adequate protective tariff system in vain pursuit of the phantom of free trade.

The effect of the wool schedule of the Wilson bill has been to enrich the European manufacturer at the expense of our domestic manufacturer, and enlarge the European market for foreign wools while lessening our home market for our domestic wools, occasioning an advance of 2 cents a pound for Port Phillip (Australian) wool in London, while unwashed Ohio wool has declined 11 cents a pound in Boston and New York; and producing such a depression of our home manufactures as has caused a reduction in wages of operatives and threatens to throw this branch of domestic labor out of all employment.

We are, therefore, opposed to opening our home market of 70,000,000 consumers to the foreigner on any pretense of procuring thereby a foreign market for the productions of the United States. But we shall exact of our manufacturers that they accord to labor a liberal and more continuously certain share of the protection accorded them; and that the tariff devised shall afford also a protection to the farmer and the planter, and provide sufficient revenues for the necessary expenditures of Government.

[This second demand meets the requirement of the great mass of American labor, to whom McKinley threatens to become the embodiment of the protective tariff. While my reports from all sections, including the new South, are overwhelmingly in favor of protection, comparatively few manufacturers favor the restoration of the McKinley tariff.]

Third. We demand the application of the principle defined as the initiative and referendum to all national legislation which involves any radical change in public policy.

[A test of this principle, thus restricted to any radical change in public policy, seems warranted by the practice of Switzerland. The test may commend a broadening of the restriction, if found practicable. "Should the great trunk lines of railway become a possession of the Government?" would seem to be such a radical change in public policy as might wisely be referred to the people.]

Fourth. We condemn Clevelandism utterly—that debauching of legislators with patronage to achieve legislation opposed to the will of the people is a vicious prostitution of Executive influence, which we shall denounce as bitterly if it be the practice of an Executive elected as a Republican as when the practice of one elected as a Democrat.

If all who have become distrustful of old parties and tired of boss rule will unite in these demands and nominate on this platform some man of such achievements as commend him to the conservative element of the country, and who is not a seeker after the preferment, he can be elected in the approaching campaign to the Presidency of the United States.

If the Democratic platform demands the reopening of the mints to silver, as now seems likely, all the powers of the Democratic (?) Administration will be used to compass the defeat of the Democratic candidate. The prosperity to accrue to the people under the adoption of that policy would put in shameful contrast the current results of the Administration's policy.

If the Republican platform demands, unequivocally, the reopening of the mints to silver, the Democratic platform will necessarily demand the same, and the contest will be narrowed thereby to a protective tariff against free trade.

WILLIAM P. ST. JOHN.

As to the first, some would acquiesce in free coinage if they could foresee freedom from panic on its adoption. If $30,000,000 of bank clearing-house certificates can allay a panic in Wall street, the prospect of $300,000,000 of United States coin certificates is likely to stifle any panic that could arise. The people who are vulnerable are they who own the Government bonds, generally speaking. Certain other bondholders can be relied upon to lend their bonds, at a commission, for the proposed issue of coin certificates.

On the April 1 statement the Treasury notes of 1890 outstanding, less the amount on hand in the Treasury, were, in round numbers, $104,000,000. The total silver on hand, other than subsidiary coin, was $493,000,000. Deducting $104,000,000 for the Treasury notes leaves $389,000,000 of silver, a 60 per cent reserve for $648,000,000 of paper. Of this sum $333,000,000 net are already afloat as silver certificates, leaving $315,000,000 issuable in the proposed coin certificates.

As to the second, we declare our watchfulness and readiness to protect our cotton growers and cotton manufacturers upon the first evidence of their needing protection against foreign competitors in our home markets. We proclaim our acquaintance with the situation of our woolgrowers and wool manufacturers and our determination to remedy that situation promptly. We assert our disposition to afford protection to our home industries wherever needed, but beyond this we intend to give the country a rest from tariff tinkering, except in so far as necessary revenues demand legislation.

As to the third, we offer here an inducement to all elements among the independents to combine with us in our endeavor to overthrow boss rule and political corruption. If found practicable, our limitation upon the referendum will be broadened, and while our preamble restricts us to national affairs, our success will prove an entering wedge into State and municipal affairs, the result being a closer relationship between the people and legislation.

As to the fourth, we rely upon it that all independents are agreed as to the debauching character of Clevelandism as defined.

FREDERICK VAN GUILDER.

Mr. NELSON. I ask unanimous consent to call up for present consideration Order of Business 886, the bill (H. R. 3046) for the relief of Frederick Van Guilder.

Mr. COCKRELL. Is there a report with the bill?

Mr. NELSON. It has been favorably reported by the Committee on Military Affairs.

Mr. COCKRELL. There is no such case on the Calendar put on my desk. I should like to hear the report read. This is one of the House bills. We ought to take up all the House bills, and we could then go on and pass them in the same time we are asking unanimous consent to call up particular bills. Let us have some order and system about it.

The VICE-PRESIDENT. Is there objection to the consideration of the bill indicated by the Senator from Minnesota?

Mr. COCKRELL. I can not find it on the Calendar. I should like to hear the report. We have no chance to examine the case now, and we are necessarily compelled to ask for the reading of the report in these cases where they are sprung on us without a moment's notice.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Minnesota? It is for the Senate to determine.

Mr. COCKRELL. Nos. 873, 875, and 909 are the cases on my Calendar in regular order.

Mr. NELSON. I call attention to the fact that it is in the index to the House Calendar, on page 44; but I find that it is on our Calendar, reported favorably by the Committee on Military Affairs, at page 22.

Mr. SHERMAN. What is the number?

Mr. NELSON. Order of Business 886. It is simply a bill to remove a charge of desertion; that is all. It was reported favorably April 30 by the Committee on Military Affairs, Report No. 823. The Senator from Missouri will find it on the Calendar.

Mr. COCKRELL. I have it now, after we have spent time enough on it to have passed three bills if it had been done decently and in order.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The VICE-PRESIDENT. The report will be read.

Mr. NELSON. Unless the Senator from Missouri desires the reading of the report, I ask that it be dispensed with.

Mr. COCKRELL. I asked for it because I desire to have it read.

The Secretary proceeded to read the report submitted by Mr. ELKINS April 30, 1896, and read as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 3046) for the relief of Frederick Van Guilder, having had the same under consideration, beg leave to submit the following report, and recommend its passage without amendment:

This bill passed the House of Representatives April 2, 1896, and is intended to remove the charge of desertion and to issue an honorable discharge, to date July 6, 1863. It appears from the testimony submitted and from the records of the War Department that this soldier enlisted in September, 1862, and was mustered into the United States service November 5, 1862, and served until July 6, 1863, having taken part in the battle of Gettysburg.

Mr. COCKRELL. Let the Secretary read over on page 2 the report from the War Department, so as to show what his military record was.

The VICE-PRESIDENT. The Secretary will read as indicated.

The Secretary read in part the communication of January 28, 1896, from the Chief of the Record and Pension Office.

Mr. COCKRELL. I ask that the remainder of the report of the War Department may be printed, and with a close shave this bill may be permitted to go through. It is barely meritorious.

The VICE-PRESIDENT. It will be so ordered.

The communications referred to are as follows:

RECORD AND PENSION OFFICE, WAR DEPARTMENT,
January 28, 1896.

It is shown by the records on file in this office that Frederick Van Gilder was enrolled on September 5, 1862, and that he was mustered into service as a private of Company K, One hundred and twenty-third New York Volunteers, to serve three years, on November 5, 1862, at Albany, N. Y., by a regularly appointed mustering officer of the United States. He is borne as present with his command on all rolls of his company up to and including that for June 30, 1863. The next roll, that for August 31, 1863, reports him as absent without leave since July 6, 1863, and he is reported as absent on all subsequent rolls, except the muster-out roll of his company, which is dated June 8, 1865. On this roll he is reported as having deserted July 6, 1863.

It does not appear that the soldier received any pay from the time he enlisted until he left the service, and it is evident from the official records and from testimony that has been submitted to this Department that the fact of his having been mustered into service on November 5, 1862, was not communicated to his company officers until after he left his command on July 6, 1863.

On February 20, 1865, he enlisted to serve one year in Company A, Eighth Vermont Infantry, in violation of the twenty-second (now fiftieth) article of war, and was honorably discharged from that regiment on June 28, 1865.

In support of an application for removal of the charge of desertion from the One hundred and twenty-third New York Volunteers, Van Gilder has stated under oath that he served for many months without receiving any pay, that payment was refused him on the ground that the rolls did not show that he had been mustered into service, and that both he and his company officers were unaware that he had been mustered into service. This statement is corroborated to a certain extent by the official records and by the testimony of comrades which is on file in this Department; but, unfortunately, the soldier did not remain with his command until his case could have been adjudicated by the proper authorities, but abandoned the service without proper authority and went home, thereby making it necessary that the charge of desertion should be entered against him upon the records when his company officers discovered that he actually was mustered into the military service on November 5, 1862.

In view of the facts of record in this case, which do not conflict in any important particular with the statements made by the applicant and his

witnesses, the War Department is unable to afford any relief under the provisions of the act approved March 2, 1889, which is the only law now in force governing the subject of removal of charges of desertion.

Respectfully submitted.

F. C. AINSWORTH,
Colonel, United States Army, Chief Record and Pension Office.

The SECRETARY OF WAR.

—

RECORD AND PENSION OFFICE, WAR DEPARTMENT,
Washington City, February 3, 1896.

SIR: In returning herewith the copy of the statement by Mr. Frederick Van Guilder, received by your reference on the 30th ultimo with the request to be furnished with certain information relative to the muster into service of Frederick Van Guilder, late of Company K, One hundred and twenty-third New York Infantry, and with the affidavit on file in this Department in his case, I am directed by the Secretary of War to inform you as follows:

No record has been found showing that shortly after the battle of Gettysburg this soldier reported to a provost-marshal, as alleged.

Upon a reexamination of the records of the provost-marshal at Baltimore, Md., it has been ascertained that under the name Fred Vangilder he was confined in the Gilmore House July 19, 1863, as an arrested deserter, with remark "not mustered in."

The "Letters Received Book," First Division, Twelfth Army Corps, shows that on June 11, 1863, H. O. Wiley, captain One hundred and twenty-third New York Infantry, requested that Private Van Guilder be mustered into the United States service, and that on the following day Captain Wiley's communication was forwarded for information. The records of the Twelfth Army Corps furnish no additional information in the case.

There is no muster and descriptive roll in the case on file in this office, the muster roll of his company dated August 31, 1863, being the basis for the statement that Van Guilder was mustered into service November 5, 1862, at Albany, N. Y.

An exhaustive investigation fails to elicit any further information in regard to the soldier as a member of Company K, One hundred and twenty-third New York Volunteers, additional to that contained in the report on H. R. bill No. 3046, Fifty-first Congress, first session. It appears, however, that on February 20, 1865, he enlisted for one year in Company A, Eighth Vermont Infantry, and was honorably discharged from that regiment on June 28, 1865.

If he was not in the military service as of Company K, One hundred and twenty-third New York Infantry, he could not, of course, be a deserter therefrom, and would not therefore be entitled to the benefits accruing from military service rendered therein, but whatever informality there may have been in the record of this man's muster into service, it is evident that he was, at least constructively, mustered in, and was in the military service as a member of that regiment and a technical deserter therefrom.

Following is a synopsis of the testimony on file in the case:

March 27, 1890, the soldier testified that he enlisted as a private in Company K, One hundred and twenty-third New York Infantry, on or about September 5, 1862, at Granville, N. Y., but was not mustered into service until "about the last days of September, 1862, at Albany"; that his muster rolls could not be found, and the paymaster refused to pay him, "on the grounds that I had not been mustered in," and said that "he could not muster me unless I enlisted over again, which would have caused me to lose all my pay"; that thinking he had served long enough without pay, he left his command, with his captain's consent, after the battle of Gettysburg; that he surrendered to the provost guard, and was taken to the provost-marshal general at Baltimore, but the latter officer, failing to find his muster-in papers, sent him home; and that not until many years after the war did he (soldier) know that he had been mustered into service.

Cassius G. Waite, aged 43 years, of Granville, N. Y., testified, May 23, 1890, that he was well acquainted with Van Guilder before his enlistment, and served with him in Company K, One hundred and twenty-third New York Infantry; that Van Guilder left the service at the battle of Gettysburg, about July 3, 1863, because his captain (H. O. Wiley) refused to issue him any clothing, and for the further reason that "he was not known on the muster rolls of said company and the Government"; and that "he heard Major-General Williams, division commander of Twelfth Corps, tell claimant not to fight unless the Government paid him, and to go home."

George W. Baker, late captain Company K, One hundred and twenty-third New York Infantry, testified September 15, 1890, that he was second lieutenant of the company at the date of Van Guilder's enlistment therein; that Van Guilder enlisted November 5, 1862, was mustered into service November 5, 1862, and left the regiment July 10, 1863; that the captain of the company (Henry O. Wiley) wrote several times to the adjutant-general of the State of New York for the mustering papers of the soldier, but was unable to obtain them, and that he was therefore "unable to get his pay or to find out whether he was a soldier or not"; and that on July 25, 1863, he (affiant) was detailed on detached service after drafted men in New York, and that on reaching Albany he obtained from the adjutant-general's office the mustering papers of Van Guilder and of two other members of the command, and forwarded them to the regiment.

It is proper to add that a synopsis of the testimony should have been embraced in the report on bill H. R. 3046, Fifty-fourth Congress, first session, but was inadvertently omitted therefrom.

Very respectfully,

F. C. AINSWORTH,
Colonel, United States Army, Chief Record and Pension Office.

Hon. R. WAYNE PARKER,
Chairman Subcommittee B, Committee on Military Affairs, House of Representatives.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ORDER OF BUSINESS.

Mr. VILAS. If the morning business is closed——

The VICE-PRESIDENT. The morning business has not been concluded.

Mr. COCKRELL. I wish to submit to the Senate a request for unanimous consent that as soon as the routine morning business is disposed of we may have some understanding, and either take up the unobjected House bills on the Calendar or take up the Calendar in its regular order, or something of that kind, so that we can do it systematically and know in advance what we are doing, and not have this hop-skip-and-jump method of business.

Mr. GALLINGER. I suggest to the Senator from Missouri a further modification. We might devote half an hour to passing the pension bills that are on the Calendar. Those are bills in which a great many Senators are interested.

Mr. VILAS. Let us dispose of the unobjected House bills in order.

The VICE-PRESIDENT. The Chair will submit to the Senate the specific request of the Senator from Missouri.

Mr. COCKRELL. That will include the pension bills, too.

Mr. VILAS. I suggest unobjected House bills.

Mr. FRYE. There is a very important bill before the Senate known as the river and harbor bill, and it ought to be completed to-day. It ought to be in conference by Monday. I do not like to undertake to drive the Senate to consider a bill. I have no more interest in it than any other Senator, certainly, but we ought to dispose of the river and harbor bill to-day.

Mr. COCKRELL. Give us until 1 o'clock to take up some order of business; the unobjected House bills, I think, would be better for the present, and then that will dispose of them.

Mr. GALLINGER. I do not object to that course.

Mr. QUAY. I will object to anything except the regular order until the river and harbor bill is disposed of.

The VICE-PRESIDENT. Objection is made. If there are no further petitions and memorials, reports of committees are next in order.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 137) granting an increase of pension to William W. French.

The message also announced that the House had passed the bill (S. 730) granting an increase of pension to Mrs. Helen Morrell Carroll with an amendment in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 138) granting an increase of pension to Mary E. Hazlip;

A bill (H. R. 446) to increase the pension of Julia H. H. Crosby;

A bill (H. R. 485) for the relief of Kate Eberle, an Indian woman;

A bill (H. R. 950) granting increase of pension to John Coombs;

A bill (H. R. 1022) to increase the pension of Byron Cotton;

A bill (H. R. 1062) to grant a pension to Armstead M. Rawlings, of Arkansas;

A bill (H. R. 1436) to quiet title to lands in persons who purchased the same in good faith without notice and for a valuable consideration, and to enable the Government to issue patents on such lands, and that commutations of homestead entries shall take effect from date of settlement, and not from date of entry;

A bill (H. R. 1980) to provide a life-saving station at or near Point Bonita, at the Golden Gate, in the State of California;

A bill (H. R. 3033) to increase the pension of Elizabeth T. Beall, widow of Benjamin L. Beall, late colonel First United States Cavalry;

A bill (H. R. 3787) for the relief of H. C. Herndon;

A bill (H. R. 4255) to provide for settlement of titles and disposition of public lands in the Arredondo grant, in Columbia County, Fla.;

A bill (H. R. 4383) granting a pension to Gen. William H. Morris;

A bill (H. R. 4913) granting a pension to Mrs. Mary E. Wyse, widow of Lieut. Col. F. O. Wyse;

A bill (H. R. 5175) granting a pension to Nancy Gentry;

A bill (H. R. 5388) for the relief of F. Alberts & Co., Muskegon, Mich.;

A bill (H. R. 5580) granting a pension to Archibald Hunley;

A bill (H. R. 7777) to authorize the Secretary of the Navy to furnish condemned cannon to Fort Thomas, Ky.;

A bill (H. R. 7381) directing the Secretary of the Navy to donate one condemned cannon and cannon balls to Soldiers and Sailors' Monument Association of the City of Middletown, N. Y.;

A bill (H. R. 8260) to authorize the establishment of a life-saving station at Port Huron, on the coast of Lake Huron, Michigan;

A bill (H. R. 8820) making provision for the deportation of refugee Canadian Cree Indians from the State of Montana and their delivery to the Canadian authorities; and

A joint resolution (H. Res. 174) granting permission to the circuit and county courts in Rockingham County, Va., to occupy the Federal court room in Harrisonburg, Va.

REPORTS OF COMMITTEES.

Mr. GALLINGER, from the Committee on the District of Columbia, to whom was referred the bill (S. 2987) to establish certain harbor regulations for the District of Columbia, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2986) authorizing the Commissioners of the District of Columbia to accept the bequest of the late Peter Von Essen for

the use of the public white schools of that portion of said District formerly known as Georgetown, reported it without amendment, and submitted a report thereon.

He also, from the Committee on Pensions, to whom was referred the bill (H. R. 7988) to pension Frances E. Wickware, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 752) to increase the pension of Capt. James B. Logan, reported it without amendment, and submitted a report thereon.

Mr. PUGH, from the Committee on Revolutionary Claims, to whom was referred the joint resolution (S. R. 141) to carry into effect two resolutions of the Continental Congress directing monuments to be erected to the memory of Gens. Francis Nash and William Davidson, of North Carolina, reported it without amendment.

Mr. PERKINS, from the Committee on Naval Affairs, to whom were referred the following bills, reported them severally without amendment:

A bill (H. R. 7143) granting to the Soldiers and Sailors' Monument Association, of the county of Middlesex, in the State of New Jersey, 4 condemned cannon and 30 cannon balls;

A bill (H. R. 7216) donating one condemned cannon and cannon balls to Grand Army of the Republic Post No. 573, of Evans City, Pa.;

A bill (H. R. 8266) donating two condemned cannon to Custer Post, No. 38, Grand Army of the Republic, of Etna, Pa., and two condemned cannon to James G. Clark Post, No. 162, Grand Army of the Republic, of Allegheny, Pa.;

A bill (H. R. 4324) authorizing the Secretary of the Navy to deliver one condemned cannon to the city of Elmwood, Peoria County, Ill.;

A bill (H. R. 4557) authorizing and directing the Secretary of the Navy to donate two pieces of condemned cannon and four pyramids of condemned cannon balls to the St. Boniface Union Soldiers' Monument and Memorial Association, of Chicago, Ill.;

A bill (H. R. 6666) granting to Major C. A. Angel Post, No. 20, Grand Army of the Republic, of Lambertville, N. J., 4 condemned cannon and 20 cannon balls; and

A bill (H. R. 6256) authorizing and directing the Secretary of the Navy to furnish to George F. Fuller Post, Grand Army of the Republic, of Manistique, Mich., a condemned cannon.

Mr. HILL. There are a great many bills being reported in reference to condemned cannon. I think the Senate ought not to pass any more House bills on the subject. The Calendar is flooded now simply with special bills authorizing the Secretary of War and the Secretary of the Navy to grant condemned cannon to this and that Grand Army post, or this and that village, or something else. We have already passed a general bill, carefully guarded, which gives general authority to the Secretary of War and the Secretary of the Navy to grant, under suitable regulations, the privilege of having condemned cannon. I merely suggest to the Senate that we ought not to pass these House bills, and in that way we may be able to bring around the House to pass the general bill first. We are cumbering the session laws here with legislation of very little value to anybody. I merely make the suggestion.

Mr. HARRIS. Yesterday I reported, from the Committee on the District of Columbia, the bill (S. 3088) to authorize the extension of the lines of the Potomac Light and Power Company. I now report adversely two bills upon the same subject. The bill already favorably reported proposes to dispose of the whole subject-matter. I ask that the two bills I report adversely be indefinitely postponed.

The bills were indefinitely postponed, as follows:

A bill (S. 2544) to authorize the extension of the lines of the Potomac Light and Power Company; and

A bill (S. 2124) to authorize extension of the lines of the Potomac Light and Power Company.

Mr. GALLINGER. I desire to suggest to the Senator from Tennessee that as a member of the Committee on the District of Columbia I reserved the right to file a minority report upon that bill.

Mr. HARRIS. Oh, upon the bill favorably reported.

Mr. GALLINGER. Upon the bill favorably reported.

Mr. HARRIS. Of course the Senator has that right.

Mr. GALLINGER. I did not know it had been reported until this morning.

Mr. HARRIS. Yes; it was reported the same day the committee took action upon it, but I have not filed any report with it. I simply reported the bill favorably.

Mr. PALMER. The Committee on Pensions, to whom were referred the bill (S. 894) granting a pension to Nancy E. Allabach and the message of the President disapproving the bill, direct me to submit a report. I ask that it be printed, and I shall call up the bill and message at the earliest day possible.

The VICE-PRESIDENT. The report will be printed under the rule.

ARTICLES EXPORTED FOR EXHIBITION PURPOSES.

Mr. MORRILL. I am directed by the Committee on Finance, to whom was referred the bill (H. R. 7865) to allow the return free of duty of certain articles exported from the United States for exhibition purposes, to report it favorably, without amendment. It is a short bill, and I ask to have it read, and that it be put upon its passage.

The VICE-PRESIDENT. The bill will be read for information.

The Secretary read the bill, as follows:

Be it enacted, etc., That whenever any article or articles or live stock shall be sent out of the United States for temporary use or exhibition at any public exposition, fair, or conference held in a foreign country, such articles shall be entitled to be returned to the United States, under such regulations as may be prescribed by the Secretary of the Treasury, without the payment of customs duty, whether they shall be of domestic or of foreign production: *Provided*, That the articles of foreign production have once paid duty in the United States and no drawback has been allowed thereon, and if any domestic articles are subject to internal-revenue tax, such tax shall be proved to have been paid before exportation and not refunded.

Mr. MORRILL. This bill has passed the other House, and it was unanimously agreed to by the Committee on Finance this morning.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

INVESTIGATION OF BOND SALES.

Mr. MORRILL, from the Committee on Finance, reported the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate, and ordered to be printed:

Resolved, That for the purpose of making the investigation and report ordered by Senate resolution of May 7, 1896, the Committee on Finance be, and they are hereby, authorized to sit by subcommittee or otherwise, to summon witnesses, and to administer oaths during the sessions or recess of the Senate, at such times and places as they may deem advisable, to employ stenographers and such clerical and other assistance as may be necessary, the expense of such investigation to be paid from the contingent fund of the Senate.

ALCOHOLIC LIQUOR TRAFFIC.

Mr. KYLE. I am instructed by the Committee on Education and Labor, to whom was referred the bill (S. 2592) to provide for a commission on the subject of the alcoholic liquor traffic, to report it adversely, and to recommend that it be indefinitely postponed.

The VICE-PRESIDENT. The bill will be indefinitely postponed, in the absence of objection.

Mr. KYLE. In connection with the report, I desire to read a letter from the Commissioner of Labor, as follows:

DEPARTMENT OF LABOR, *Washington, D. C., May 7, 1896.*

MY DEAR SENATOR KYLE: I have yours of the 6th instant, inclosing Senate bill No. 2592, providing for a commission on the subject of alcoholic liquor traffic.

You will remember that Congress has already authorized this Department to make an investigation relative to the economic aspects of the liquor traffic. In accordance with this instruction this Department is now at work collecting information, and the investigation is working successfully, so far as I can see. Employers of labor everywhere are taking an interest in the matter, and I believe the investigation will be fairly successful and very valuable. I should think it would be bad policy to pass bill 2592 until the results of the pending investigation are known, although there are some things provided for in the bill which we can not attempt very well; as, for instance, the criminal, moral, and scientific aspects of the question in connection with pauperism, crime, and vice. These points elude the statistical method, although we shall have some facts bearing upon them. Nor can we, under the instructions of Congress, take cognizance of the results of license and prohibitory legislation. Our investigation will cover the questions of revenue, production, consumption, etc.

It will interest you to know that a large committee, known as the Committee of Fifty, has been at work two years or more studying these very problems—the criminal, moral, and scientific aspects of the liquor question, and the practical results of license and prohibitory legislation. This committee is headed by Hon. Seth Low, president of the Columbia University, and is still at work expending money in making practical investigations.

Looking at these points generally, therefore, and in answer to your question, it does not seem to be necessary to pass the bill.

I am, sincerely yours,

CARROLL D. WRIGHT, *Commissioner.*

Hon. JAMES H. KYLE,
United States Senate.

NATIONAL NEW HAVEN BANK.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 1365) for the relief of the National New Haven Bank of the State of Connecticut, which was, in line 7, after the word "appropriated," to insert:

Being the amount found to be due to John W. Griffiths, as appears from a report dated February 27, 1877, made by a board of constructors appointed by the Bureau of Construction and Repairs of the Navy Department, which report is on file in said Bureau.

Mr. PLATT. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

BILLS INTRODUCED.

Mr. QUAY introduced a bill (S. 3105) to provide for the erection of a public building at McKeesport, Pa.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. COCKRELL introduced a bill (S. 3106) for the relief of the legal representatives of Douglas Dale, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3107) for the relief of Cogswell & Co.; which was read twice by its title, and referred to the Committee on Claims.

Mr. HILL introduced a bill (S. 3108) granting a pension to Mrs. Maria V. Finch, of Gloversville, N. Y.; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. BURROWS (for Mr. MCMILLAN) introduced a bill (S. 3109) to increase the pension of Magnus D. Slack; which was read twice by its title, and referred to the Committee on Pensions.

Mr. WILSON (by request) introduced a bill (S. 3110) providing for the construction of cable and telegraph lines from the United States to Siberia, Japan, and the Hawaiian Islands, and guaranteeing interest on bonds to be secured by said lines; which was read twice by its title, and referred to the Committee on Foreign Relations.

Mr. ALLEN introduced a bill (S. 3111) to remove the charge of desertion from the name of George Miller, of Valentine, Nebr.; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. MARTIN introduced a bill (S. 3112) to regulate the right of appeal in certain cases; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 3113) for the relief of W. E. Judkins, executor of Lewis McKenzie; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3114) to provide for the adjustment and payment of certain claims against the District of Columbia by drawback certificates; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. ALDRICH introduced a bill (S. 3116) for the relief of the heirs at law of the late Duncan H. Campbell; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Patents.

Mr. PETTIGREW introduced a joint resolution (S. R. 144) authorizing the employment of counsel for the purpose of bringing suits against the directors and stockholders of the Union and Central Pacific railroads; which was read twice by its title.

Mr. PETTIGREW. I ask that the joint resolution may lie on the table, as I wish to make some remarks upon it.

The VICE-PRESIDENT. The joint resolution will lie on the table for the present.

Mr. ALDRICH introduced a joint resolution (S. R. 146) authorizing the Secretary of the Navy to deliver to the Sackanosset School for Boys, of Cranston, R. I., one condemned cannon; which was read twice by its title, and referred to the Committee on Naval Affairs.

SPECIAL LIQUOR-TAX RECORD.

Mr. PEFFER. A day or two ago on presenting a petition in relation to Senate bill 239 quite a spirited discussion arose. In order to obviate the difficulties which were presented at that time by Senators, I propose to amend section 3243 of the Revised Statutes by adding a single paragraph. With the indulgence of the Senate, I will read the section, for I am anxious that it shall go into the RECORD:

SEC. 3243. The payment of any tax imposed by the internal-revenue laws for carrying on any trade or business shall not be held to exempt any person from any penalty or punishment provided by the laws of any State for carrying on the same within such State, or in any manner to authorize the commencement or continuance of such trade or business contrary to the laws of such State, or in places prohibited by municipal law; nor shall the payment of any such tax be held to prohibit any State from placing a duty or tax on the same trade or business for State or other purposes.

That is section 3243 of the Revised Statutes, and this is the clause which I ask to have added:

And in order to make the provisions of this section more effectual it shall be the duty of collectors of internal revenue, on the 1st day of every calendar month, to prepare and forward by mail to the officer or person having custody of county records in each of the counties within the particular collection district a statement showing how many and what persons, with their post-office addresses, paid such taxes in said county during the last preceding month, and for what trade or business the tax was paid.

I now introduce the bill proposing to add this provision.

The bill (S. 3115) to amend section 3243 of the Revised Statutes relating to taxes under the internal-revenue laws was read twice by its title.

Mr. PEFFER. I ask that the bill may be referred to the Committee on Finance, and I hope that we shall now have an early report.

The VICE-PRESIDENT. The bill will be referred to the Committee on Finance.

PROPOSED REGULATION OF BOND ISSUES.

Mr. DUBOIS. I introduce a joint resolution and ask for its immediate consideration.

The joint resolution (S. R. 145) regulating the issue of bonds was read the first time by its title, and the second time at length, as follows:

Be it resolved, etc., That after the date of this act no bonds of the United States shall be issued by any officer of the United States, under any existing law, until the President shall have communicated to Congress, in a message, the facts showing the necessity for such issue of bonds, and the amount of bonds required for such purpose, and until Congress by the passage of a bill or joint resolution shall authorize such bonds to be paid.

Mr. HILL. I think an important measure like that should go to one of the standing committees of this body.

Mr. SHERMAN. It should go to the Committee on Finance.

Mr. HILL. Is there any objection to the bill being referred to the Finance Committee, I ask the Senator from Idaho?

Mr. DUBOIS. There is no necessity for its reference to the Committee on Finance. I should like to have a vote on it by the Senate.

Mr. SHERMAN. It proposes to change an existing law, and as a matter of course it has to be in the form of a bill or joint resolution.

Mr. DUBOIS. It is a joint resolution.

Mr. HILL. It is in the form of a joint resolution.

Mr. SHERMAN. It must be read three times, and I object to its third reading.

Mr. MILLS. Let the joint resolution go over.

The VICE-PRESIDENT. Objection being interposed, the joint resolution will go over.

Mr. DUBOIS. It will go over and be printed.

The VICE-PRESIDENT. It is so ordered.

Mr. DUBOIS. I shall ask for its consideration on Monday.

AMENDMENTS TO DEFICIENCY APPROPRIATION BILL.

Mr. PEFFER (by request) submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. HILL submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Claims, and ordered to be printed.

DEPARTMENT OF COMMERCE AND MANUFACTURES.

Mr. FRYE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That there be printed for the use of the Senate 2,000 extra copies of Senate bill 2447, "to establish the department of commerce and manufactures."

HISTORICAL DOCUMENTS IN DEPARTMENT OF STATE.

Mr. GALLINGER. I submit a resolution and ask for its adoption.

The resolution was read, as follows:

Resolved, That the Secretary of State be, and is hereby, requested to inform the Senate at his earliest convenience to what extent and under what conditions the historical documents deposited in the Department of State are accessible to students of American history.

Mr. COCKRELL. I move to strike out "requested" and insert "directed."

Mr. GALLINGER. I accept the modification proposed.

The VICE-PRESIDENT. Without objection, the resolution will be so modified. The question is on agreeing to the resolution as modified.

The resolution as modified was agreed to.

TOWBOAT ASSOCIATION OF NEW ORLEANS.

Mr. WARREN. I ask for the adoption of the resolution which I send to the desk.

The resolution was read, as follows:

Resolved, That the bill (S. 862) entitled "A bill for the relief of the receivers of the Towboat Association of New Orleans, La.," now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887. And the said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

Mr. WARREN. I move to reconsider the vote by which Senate bill 862 was ordered to a third reading and passed. It seems that the bill was put upon its passage and sent to the other House, while it was the intention of the Senate to send the claim to the Court of Claims.

The VICE-PRESIDENT. If there be no objection, the motion to reconsider will be agreed to. It is agreed to, and the bill is reconsidered. The question is on agreeing to the resolution submitted by the Senator from Wyoming.

The resolution was agreed to.

DEPORTATION OF CANADIAN INDIANS.

Mr. CARTER. I ask the unanimous consent of the Senate for the present consideration of the bill (H. R. 8820) making provision

for the deportation of refugee Canadian Cree Indians from the State of Montana, and their delivery to the Canadian authorities. In connection with the request, I desire to make a statement concerning the facts.

About ten years ago, at the close of the Riel rebellion, a number of Cree Indians from the Northwest Territory invaded the territory of the United States, and they have remained in the country since that time. Repeated efforts have been made through the State Department to secure the consent of the Canadian authorities to receive back those Indians. The Secretary of State recently secured the consent of the Canadian Government to accept the Indians at the border line on the 10th day of the present month, and in order that the Government may be in a position to comply with the terms of the agreement within ten days after the 10th it is important that this bill should become a law.

It was favorably reported in the form of an amendment by the Committee on Foreign Relations, but inasmuch as the deficiency appropriation bill will not probably be passed in time to make the fund available until after the 1st of June, the Committee on Appropriations yesterday suggested the propriety of having a small bill passed to meet the emergency. The other House has passed the bill, and I ask unanimous consent for its present consideration.

Mr. QUAY. In view of the statement of the Senator from Montana I shall not object to this bill, but I shall object to any other hereafter.

The bill (H. R. 8830) making provision for the deportation of refugee Canadian Cree Indians from the State of Montana and their delivery to the Canadian authorities was read the first time by its title, and the second time at length, as follows:

Be it enacted, etc., That there be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $5,000, or so much thereof as may be necessary, the same to be immediately available, to enable the President, by employment of the Army, or otherwise, to deport from the State of Montana and deliver at the international boundary line to the Canadian authorities all refugee Canadian Cree Indians in said State.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

By unanimous consent, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 138) granting an increase of pension to Mary E. Hazlip;

A bill (H. R. 446) to increase the pension of Julia H. H. Crosby;

A bill (H. R. 950) granting increase of pension to John Coombs;

A bill (H. R. 1022) to increase the pension of Byron Cotton;

A bill (H. R. 1062) to grant a pension to Armstead M. Rawlings, of Arkansas;

A bill (H. R. 3033) to increase the pension of Elizabeth T. Beall, widow of Benjamin L. Beall, late colonel First United States Cavalry;

A bill (H. R. 4383) granting a pension to Gen. William H. Morris;

A bill (H. R. 4913) granting a pension to Mrs. Mary E. Wyse, widow of Lieut. Col. F. O. Wyse;

A bill (H. R. 5175) granting a pension to Nancy Gentry; and

A bill (H. R. 5580) granting a pension to Archibald Hunley.

The following bills were severally read twice by their titles, and referred to the Committee on Naval Affairs:

A bill (H. R. 7381) directing the Secretary of the Navy to donate one condemned cannon and cannon balls to Soldiers and Sailors' Monument Association, of the city of Middletown, N. Y.; and

A bill (H. R. 7777) to authorize the Secretary of the Navy to furnish condemned cannon to Fort Thomas, Ky.

The following bills were severally read twice by their titles, and referred to the Committee on Commerce:

A bill (H. R. 1980) to provide a life-saving station at or near Point Bonita, at the Golden Gate, in the State of California; and

A bill (H. R. 8260) to authorize the establishment of a life-saving station at Port Huron, on the coast of Lake Huron, Michigan.

The following bills were severally read twice by their titles, and referred to the Committee on Public Lands:

A bill (H. R. 1436) to quiet title to lands in persons who purchased the same in good faith without notice and for a valuable consideration, and to enable the Government to issue patents on such lands, and that commutations of homestead entries shall take effect from date of settlement, and not from date of entry; and

A bill (H. R. 4255) to provide for settlement of titles and disposition of public lands in the Arredondo grant, in Columbia County, Fla.

The bill (H. R. 485) for the relief of Kate Eberle, an Indian woman, was read twice by its title, and referred to the Committee on Indian Affairs.

The bill (H. R. 3787) for the relief of H. C. Herndon was read twice by its title, and referred to the Committee on Finance.

The bill (H. R. 5388) for the relief of F. Alberts & Co., Muskegon, Mich., was read twice by its title, and referred to the Committee on Claims.

The joint resolution (H. Res. 174) granting permission to the circuit and county courts in Rockingham County, Va., to occupy the Federal court room in Harrisonburg, Va., was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. PRUDEN, one of his secretaries, announced that the President had on the 7th instant approved and signed the act (S. 2997) to provide for the fulfillment of the stipulations of the treaty between the United States and Great Britain signed at Washington on the 8th day of February, 1896.

The message also announced that the President of the United States had on this day approved and signed the following bills:

An act (S. 129) for the relief of Capt. George H. Perkins; and

An act (S. 1846) authorizing and directing the Secretary of the Navy to donate condemned cannon to Custer Post, Grand Army of the Republic, at Leavenworth, Kans., and Mathies Post, Grand Army of the Republic, at Burlington, Iowa.

TENNESSEE CENTENNIAL EXPOSITION.

Mr. BATE. I ask leave to call up the bill (S. 2889) to aid and encourage the holding of the Tennessee Centennial Exposition at Nashville, Tenn., in the year 1897, and making an appropriation therefor.

Mr. QUAY. I regret that I shall have to object.

The VICE-PRESIDENT. Objection is interposed to the present consideration of the bill. The Calendar under Rule VIII is in order.

Mr. BATE. I move to take up the bill notwithstanding the objection.

The VICE-PRESIDENT. The question is on the motion of the Senator from Tennessee.

Mr. QUAY. The chairman of the Committee on Commerce seems to be absent at this moment. I supposed that he would move to proceed to the consideration of the river and harbor bill as soon as the morning business was completed. As he is not here, I have no objection to the Senator from Tennessee proceeding with his bill.

Mr. BATE. I did not understand the Senator from Pennsylvania.

The VICE-PRESIDENT. The Senator from Pennsylvania has withdrawn his objection.

Mr. BATE. I am much obliged.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill indicated by the Senator from Tennessee?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RESTRICTION OF IMMIGRATION.

Mr. FAULKNER. At the request of the junior Senator from Maryland [Mr. GIBSON], I desire to announce that next Thursday morning, directly after the conclusion of the morning business, he will call up the bill reported from the Committee on Immigration in regard to the restriction of immigration, for the purpose of addressing the Senate on the subject.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. FRYE. I move that the Senate proceed to the consideration of the river and harbor bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7977) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, the pending question being on the amendment of Mr. WHITE to the amendment reported by the Committee on Commerce.

Mr. WHITE. Mr. President, I will resume consideration of my objections to the Santa Monica item of the river and harbor bill, and will now proceed to consider some of the claims made by the advocates of Santa Monica and also the objections raised to the San Pedro location, although I deem it unnecessary to a correct solution of the immediate question pending that any elaborate presentation of the particular subjects to which I allude shall be made, because the amendment which I have proffered involves the appointing of a commission to locate the harbor, and provides that upon a favorable report of a majority of the commission the appropriation shall be made available for the point selected by them. The merits of each site would thus be finally and satisfactorily settled.

I believe it has already been sufficiently shown and that it must continue to be apparent that there is at least reasonable ground to doubt the advisability of investing more than three millions of

public funds in an unapproved breakwater site, and I trust that I may be able to show to the Senate that it is improper to make such an appropriation as is designed in the bill without any governmental sanction or without any regard to those safeguards which have heretofore been deemed essential to secure the proper disbursement of public money.

Notwithstanding the fact that I do not deem it absolutely material to consider objections to the contending locations, I will do so, as some may be influenced by the many charges and theories from time to time urged in this connection. In the minority report, page 31, occurs the following:

It is asserted that since the last report of the engineers was made Mr. Huntington and his associates of the Southern Pacific Company have constructed an extensive wharf at Port Los Angeles (Santa Monica), and that the shipping experience since had evidences the wisdom of the location. It is true that in ordinary weather vessels successfully discharge their cargoes at Mr. Huntington's wharf, but in this respect San Pedro possesses equal advantages. The evidence taken by the committee shows insurance rates to be less at San Pedro than at Santa Monica. The Mendell's report mentions that San Pedro Bay has been a shipping point time out of mind; that prior to the American occupation mariners touched there, and the locality was known as the "Embarcadero." During those periods no one thought of resorting to Santa Monica Bay.

In the letter circulated by and bearing Mr. Corthell's name I find the following response to the point to which I have just adverted:

On page 68 of the report of the hearing is a digest of certain affidavits made by shipmasters this year, who have, some of them, for two or three years been engaged regularly in loading and unloading vessels at Port Los Angeles. It is my pronounced opinion that had the commercial experience at the wharf at Port Los Angeles been available for consideration by the Mendell board in 1891 it would not have hesitated to give an opinion in favor of building a deep-sea harbor at this place instead of at San Pedro. It is well known that the reason why "San Pedro has been a shipping point from time out of mind" is the existence of the mouth of a tidal lagoon at this place into which the small vessels which formerly plied along this coast could enter and unload upon the banks or wharves, and that it was not on account of any anchorage facilities which the open bay might possess.

In the same connection Mr. Corthell refers to the holding ground at San Pedro thus:

The contention in regard to holding ground at San Pedro has been, and is, that there are near the shore and in some other parts of the bay rocky areas which do not form good holding ground for vessels at anchor. It is generally conceded by shipmasters, and it certainly is evident from careful examinations made by borings and by experience in pile driving at Port Los Angeles, that that part at least of the Bay of Santa Monica could not have better holding ground.

Among the many fallacious impressions which obtain in some quarters, and perhaps yet prevail, in consequence of reiterated assertion, is the notion that the holding ground at San Pedro is not good. There will be found printed in the hearings before the Senate committee the statement of some forty-odd shipmasters who have visited San Pedro at different times, and their evidence upon this subject is absolutely conclusive. Those shipmasters have not called at that port during one or two years, but have plied up and down the coast of California for extended periods. The statements to which I refer are on page 24 of the hearings and extend to the middle of page 28. The original affidavits are on file with the committee, and the matter presented in the report is in digested form. I quote:

O. A. Olsen, master mariner: Have been acquainted, in my capacity as practical sailor, with San Pedro Bay and Harbor nine years. Have been in San Pedro Bay several times, and have anchored in roadstead. Very good holding ground. San Pedro has the better anchorage ground. San Pedro has the better natural protection from prevailing winds and swells.

F. G. Miller, master mariner: Have been acquainted with San Pedro Bay and Harbor, as a practical sailor, for thirty years. Have been in San Pedro Bay and Harbor six times. Always anchored in roadstead. Anchored in winter of 1860-61 and since to date. Good holding ground, and with good ground tackle I think vessel will lay safe to her anchors the year round.

Here is the case of a man who has been engaged in managing vessels, acting as master mariner on the Pacific coast since 1861, and he has frequently visited this bay.

H. A. Smith, master mariner: Have anchored in San Pedro Bay many times since 1868. Good holding ground. San Pedro best place for harbor. Is better protected from prevailing winds and swells than Santa Monica Bay.

John Peterson, master mariner: Have been acquainted with San Pedro Bay and Harbor twenty years, and have been there many times. Anchored in the roadstead. Very good anchorage ground. Have been acquainted with Santa Monica Bay twenty years. San Pedro has better anchorage ground and has better natural protection from prevailing winds and swells.

I will not read all the statements, but I will ask to have same incorporated in my remarks. Senators who care to do so may peruse these statements upon pages 24, 25, 26, 27, and 28 of the hearings. They are to the effect that the natural advantages of San Pedro are in every way superior to Santa Monica, and are specific and positive as to the character of the holding ground. These affidavits are made, not by theorists, but by men who have cast their anchors in that roadstead and know exactly what they are talking about. Their views should be regarded as conclusive. I submit their statements:

Sworn statements of sea captains as to holding ground for anchorage at San Pedro.

W. S. Southard, master mariner: Have been at San Pedro Bay and Harbor once. Anchored in the roadstead. First-class holding ground. Have been in Bay of Santa Monica, near Redondo. San Pedro is best place for harbor. Is protected by islands on one side, mainland on the other. Latter protects from westerly winds, which prevail at different times of the year.

F. E. Magune, shipmaster: Been in San Pedro Harbor twelve times. Anchored in roadstead. The holding ground is good and very hard. San Pedro has better protection from prevailing winds and swells.

Barnard Olsson, master mariner: Anchored many times in San Pedro Bay, in roadstead. San Pedro best holding ground. Have always tried to keep away from Santa Monica Bay. The better anchorage ground is at San Pedro, by all means. San Pedro has better protection from prevailing winds and swells.

Henry A. Crocker, master mariner: Have been in San Pedro Harbor many times—too numerous to mention. Anchored in roadstead. Very good anchorage ground at San Pedro. Have been in Bay of Santa Monica. San Pedro has better anchorage ground and has better protection from prevailing winds and swells.

R. Brummer, master mariner: Have been in San Pedro Harbor many times. Anchored in roadstead. The holding ground is exceptionally good. Am acquainted with Bay of Santa Monica. San Pedro has better anchorage ground and better natural protection from prevailing winds and swells.

Charles Warner, master mariner: Have been in San Pedro Harbor many times. Anchored in roadstead. Anchorage ground very good. Was in Santa Monica Bay with cargo of piles and found great difficulty in discharging and holding ground very poor. San Pedro has better anchorage ground and better protection from prevailing winds, etc.

P. A. Johnson, master mariner: Have been on San Pedro route six years steady. Have anchored in roadstead many times. Good holding ground. Don't think favorably of Santa Monica. San Pedro has better anchorage ground and is better protected from prevailing winds and swells.

C. C. Birkholm, master mariner: Have been in San Pedro Bay and Harbor twenty times. Anchored in roadstead. Good anchorage ground. Have discharged two cargoes at Santa Monica. San Pedro has better anchorage ground and better protection from prevailing winds.

E. Christ, shipmaster: Have been in San Pedro Harbor many times. Always anchored my vessel outside. Have always found the holding bottom of first-class quality. Do not think there is any better. Never had occasion to anchor in Santa Monica Bay. San Pedro has better anchorage ground, I think. San Pedro has better natural protection from prevailing winds and swells.

O. Anderson, master mariner: Have been in San Pedro Harbor many times. Anchored in roadstead many times. Good holding ground. Have been acquainted with Santa Monica Bay since 1881, and do not know any good of it. San Pedro has better anchorage ground and better protection from prevailing winds and swells.

William Robb, master mariner: Have been in San Pedro Harbor twenty times or more. Anchored in roadstead. Have always found the anchorage good; in fact, superior to any bay on the Pacific coast, San Francisco excepted, and only except San Francisco on account of the harbor being landlocked. Have anchored in Santa Monica Bay on different occasions in small boats and yachts. San Pedro has better anchorage ground and better protection from prevailing winds and swells. San Pedro is sheltered from prevailing winds on Pacific coast.

John W. Aspe, master mariner: Have been in San Pedro Harbor about thirty times. Anchored in roadstead every voyage. Holding ground is good. Am acquainted with Santa Monica Bay. San Pedro has best anchorage ground and better protection from prevailing winds and swells. San Pedro is a safe harbor for the summer winds, with good holding ground. Santa Monica has a constant westerly swell, with very poor holding ground.

M. Olsen, master mariner: Have been in San Pedro Bay many times. Often anchored in roadstead. Good holding ground. San Pedro has best anchorage ground. Acquainted with Santa Bay only by my charts. San Pedro has better natural protection from prevailing winds and swells.

F. D. Wells, master mariner: Have been in San Pedro Harbor several times. Anchored in roadstead. I have anchored there in heavy blows and my anchors always held. San Pedro has best anchorage ground. Am acquainted with Santa Monica Bay. San Pedro has better natural protection from prevailing winds and swells.

C. Jansen, master mariner: Have been in San Pedro Bay many times. Anchored in roadstead. Good holding ground; most emphatically good. Am acquainted with Santa Monica Bay. I consider San Pedro superior in all weather from the fact that San Pedro is protected from all prevailing winds and seas. San Pedro has best anchorage ground, and is recognized by all seafaring men as a safe port to anchor in.

J. W. Grove, shipmaster: Have been in San Pedro Bay. Anchored in roadstead. Good holding ground. Have been in Santa Monica Bay twice. San Pedro has best anchorage ground and better natural protection from prevailing winds and swells. The latter place is protected from the south by Catalina Island; from the north by the mainland.

William Kindlen, master mariner: Have anchored in San Pedro Harbor, in roadstead. San Pedro has good holding ground and shelter. Can not compare San Pedro with Santa Monica, for I do not know; but San Pedro is good. In my opinion San Pedro has better protection from prevailing winds and swells.

F. M. Johnson, master mariner: Have been in San Pedro Harbor many times. Anchored in roadstead. Good holding ground. Am acquainted with Santa Monica Bay from my charts. San Pedro has best anchorage ground and better natural protection from prevailing winds and swells.

David Robinson, master mariner: Have been in San Pedro Harbor, and anchored in roadstead. I think the bottom is very good holding ground. I have never dragged my anchor there. Am not acquainted with Bay of Santa Monica. In my opinion San Pedro has best anchorage ground and be ter protection from prevailing winds and swells. I have been over to Santa Monica, and I noticed that there is a very strong undertow, and I should think it would be ver-y hard to hold a ship at the wharf. As to anchorage, I know nothing, only from hearsay.

John Slater, master mariner: Have been in San Pedro Bay and Harbor many times. Anchorage ground good. Am acquainted with Santa Monica Bay for twenty years, and I at all times wanted to keep away from it. San Pedro has best anchorage ground, and has better protection from prevailing winds and swells.

C. Ryder, shipmaster: Have been in San Pedro Bay and Harbor many times. Anchored in roadstead many times. Good anchorage ground. As between bays of Santa Monica and San Pedro the latter has best anchorage ground and better natural protection from prevailing winds and swells.

William Rosendall, master mariner: Have been in San Pedro Bay and Harbor many times. Anchored in roadstead many times. Good holding ground. Acquainted with Santa Monica a little by knowledge acquired from my charts. San Pedro has best anchorage ground and better natural protection from prevailing winds and swells. San Pedro is protected from all prevailing winds and swells, excepting severe winds and seas from the southeast; these the bay of Santa Monica is entirely exposed to.

Martin Chester, shipmaster: Have been in San Pedro Bay and Harbor between three and four hundred trips and anchored in roadstead many times. Good holding ground. Never knew of a vessel meeting with any accident on account of poor holding ground. I was master of the first vessel that tied up alongside of the old Santa Monica wharf. San Pedro has best anchorage ground and better protection from prevailing winds, etc. In my personal experience as master of different vessels bound for both ports I found that for safety and shelter San Pedro was preferable and more secure.

Richard Hillyer, master mariner: Have been in San Pedro Harbor and Bay hundreds of times. Anchored in roadstead. I have found anchorage good, and it can not be surpassed. Have been acquainted with Santa Monica Bay for many years. San Pedro has better anchorage ground under all circumstances than Santa Monica, and has better natural protection from prevailing winds and swells. Santa Monica has poor holding ground and but little shelter. I dragged my anchors in Santa Monica Bay, and was forced to go back to San Pedro Bay for protection.

R. P. Rasmussen, master: Have been in San Pedro Bay and Harbor. Anchored in roadstead twenty times or more. Have found the anchorage good for almost all winds, with hard blue clay for bottom, well adapted for holding ground, with a depth of water of from 5 to 15 fathoms. Am acquainted with bay of Santa Monica by careful study of charts. In my opinion San Pedro has best anchorage ground and better natural protection from prevailing winds and swells, San Pedro anchorage, with winds from due west to due south, is perfectly sheltered, while Santa Monica is exposed to both winds and swells between said points.

E. C. Generaux, master mariner: Have been in San Pedro Bay about ten trips. Anchored every trip, save one, in roadstead. Anchorage ground is excellent holding ground. No sudden rise and fall in the bottom and an average depth throughout the whole ground. Have been anchored in several gales and never dragged. Am acquainted with Santa Monica Bay, first from observations from the beach and how vessels anchored in the bay act, and from hearsay from shipmasters that have been there. From experience I know little concerning Santa Monica Bay, but I can plainly see that there is too much water for vessels to anchor safely. Very heavy undertow. San Pedro has best anchorage ground by far, as Santa Monica has too much water and not an even bottom. San Pedro Bay has better protection from prevailing winds and swells, as it is only open to southerly and westerly winds. A vessel will ride a gale in San Pedro better than Santa Monica.

Walter H. Mackie, master mariner: Have been in San Pedro Bay. Anchored in roadstead. Good holding ground. San Pedro has best anchorage ground and better protection from prevailing winds and swells than Santa Monica.

A. C. Glaser, master mariner: Have been in San Pedro Harbor and Bay several times. Anchored in roadstead. Good anchorage ground at San Pedro. Am acquainted with Santa Monica Bay. San Pedro has best anchorage ground and better natural protection from prevailing winds and swells. San Pedro is a natural harbor.

Edward Lewis, shipmaster: Have been in San Pedro Bay about ten trips. Anchored in roadstead. San Pedro is the very best holding ground, in my opinion, there is on the Pacific coast, basing my opinion from the fact of having discharged full cargoes of coal in the outer harbor. San Pedro has better protection from prevailing winds than Santa Monica. The prevailing winds for about ten months in the year come from the westward, and a ship at anchor in San Pedro Bay, being protected by Point Firmin, is safe from the wind and swells.

J. C. Hansen, master mariner: Have been in San Pedro Bar and Harbor many times. Have anchored in roadstead many times—too numerous to mention. Find from my varied experience that the holding ground at San Pedro is of the very best. In 1876 in Santa Monica Bay I came near losing the schooner *Hayes*, a new vessel. Had all my lines out, and also many lines furnished by the company, and barely escaped destruction. San Pedro has best anchorage ground and better natural protection from prevailing winds and swells.

A. P. Carlson, master: Have been in San Pedro Harbor various times and anchored in roadstead. Anchorage ground good. San Pedro has best anchorage ground and better protection from prevailing winds and swells. I have been in Santa Monica and rebuilt the wharf, and during that time I observed it to be a dangerous bay for shipping. Saw the seas break over the wharf at times while a personal observer.

J. Willey: Have anchored in roadstead, San Pedro Bay, ten or fifteen times during last year. First-class holding ground; sheltered from all winds except a southeast wind, which we have three or four times during the winter months. They last only short time. No trouble of a vessel riding if their anchors are clear and have out good scope. Vessels never go to Santa Monica unless they are compelled to. San Pedro has best anchorage ground and better protection from prevailing winds and swells.

O. Anfindsen, master mariner: Have been in San Pedro Bay and Harbor six or seven times each year during all seasons. Anchored in roadstead often. While master of the schooner *Bobolink*, in 1886, anchored there about once a month. Anchorage ground I find excellent, with good shelter from northwest and southwest winds, and from south and southeast winds. It is, in my opinion, better than any harbor south of San Francisco, barring San Diego, and I have been in all of them. Am acquainted with Santa Monica Bay no more than from casual runs up and down the coast. San Pedro has by far the best advantage. Santa Monica is an open ocean and no shelter. San Pedro has the most advantage of a harbor for shipping, it being inclosed by land in a half circle, whereas Santa Monica is exposed to all quarters of the compass, and the undertow there is severe on the ship's ground tackle, which does not exist in the outer road of San Pedro.

George Dettmer, master mariner: Have been in San Pedro Bay and Harbor many times. Anchored in roadstead many times. Good holding ground. Have been many times in Santa Monica Bay and its locality. San Pedro has best anchorage ground and has better natural protection from prevailing winds and swells.

E. W. Sprague, master: Have been running to San Pedro Harbor off and on as master of vessel for twelve years. Always anchored in roadstead every trip. Have found it first-class holding ground, and have never known a vessel to drag anchor there. Am acquainted with bay of Santa Monica to my sorrow. My experience is a heavy westerly swell setting in the year round, and westerly wind has full sway, and there is no protection from them. San Pedro has best anchorage ground and better protection from prevailing winds and swells. Westerly winds are the prevailing winds and always a westerly swell, and San Pedro has a protection from them already, and Santa Monica has not, and in my opinion it never can have. Can easily anchor 100 ships in outer bay of San Pedro in a westerly gale in perfect safety.

O. Peterson, master mariner: Have been in San Pedro Harbor about one hundred times. Anchored in roadstead many times. Good holding ground. Have been acquainted with Santa Monica Bay since 1878. San Pedro has best anchorage ground and better protection from prevailing winds and swells.

F. O. Raven, shipmaster: Have been in San Pedro Harbor many times. Anchored in roadstead. Have anchored and laid in all kinds of weather and never dragged my anchors. Have been acquainted with Santa Monica Bay for eighteen years. San Pedro has best anchorage and better protection from prevailing winds. Have laid in Santa Monica Bay with cargo and discharged my cargo with great difficulty.

Alexander Smith, master mariner and pilot: Have been in San Pedro Bay and Harbor about five hundred times. Anchored in roadstead both light and deep draft. Anchorage ground is very good and will hold a long time if your anchors are clear. Am very well acquainted with Santa Monica Bay. San Pedro has best anchorage ground, and has better natural protection from prevailing winds and swells for three hundred and sixty days in the year. Santa Monica Bay has not good holding ground for any vessels' anchors; the bottom is too hard until you get 14 miles to the southeast of the new Santa Monica wharf. San Pedro Bay is the most eligible location for a deep-water harbor because the half of a natural harbor is there already.

Claus C. Hansen, master: Have been in San Pedro Bay and Harbor twenty times and more and have anchored in roadstead. It is a very good holding ground. San Pedro has best natural protection from prevailing winds. It is a better protected roadstead from westerly winds, which are most prevailing. Catalina Island protects some. Do not see any protection for Santa Monica Bay from any islands.

P. Sonerud, master mariner: Have been in San Pedro Bay and Harbor between twenty and thirty times and anchored in roadstead. There is a good holding bottom, and I think a vessel can lie perfectly safe in most any kind of weather. Am acquainted with Santa Monica by study of chart and wind and current setting into that place. San Pedro has best anchorage ground, and better protection from prevailing winds. From my constant trading to San Pedro I have always found it a safe place, and that the outside harbor has a natural protection from the prevailing winds that blow there; and, furthermore, never saw any swell setting in to interfere with discharging of deep-water vessels that always lay in the harbor discharging freight.

R. Johannessen, master mariner: Have been in San Pedro Bay and Harbor about a hundred times. Have anchored in roadstead many times. Anchorage ground there is excellent. Am acquainted with bay of Santa Monica for twenty-three years. San Pedro has best anchorage ground, and better protection from prevailing winds.

Is there anything in the proposition of Mr. Corthell and others that the Mendell board were ignorant of the situation and would have reached a different conclusion had they been aware that a wharf such as that of the Southern Pacific could be erected and maintained at Port Los Angeles? There is nothing anywhere to justify the assertion.

I have no doubt from the shipping experience at San Pedro that it would be possible to construct and operate a wharf extending into the roadstead there. The constant use of San Pedro Bay for years for shipping uses demonstrates this.

It is conceded that Mr. Huntington has built a magnificent pier at Port Los Angeles and that he is able to handle shipping and transact business there. There are sometimes difficulties incident to rough water. Trouble of that kind has been lately experienced.

In has been said there never has been an accident at the Santa Monica wharf and that ships have been wrecked at San Pedro. San Pedro Harbor has been utilized for commercial purposes, as the evidence before us shows, from time out of mind. No doubt in stormy seasons vessels can not at all hours lie there in safety, and there is evidence that there have been wrecks within that harbor. It is admitted that certain vessels have drifted ashore at San Pedro. But during the time that Mr. Huntington's wharf has been in operation at Santa Monica there have been no disasters at San Pedro—none whatever. It so happens there have been no very serious storms since that structure has been called into existence, and consequently no disasters at either place. When the Mendell Board examined this subject they did not content themselves with equivocal language, but they announced their conclusions (page 9 of the Mendell report) thus:

> In view of the fact that San Pedro Bay in its natural condition affords better protection both from prevailing winds and from dangerous storms than Santa Monica Bay; that protection can be secured at less cost for equal development of breakwater at the former than at the latter; that a larger area of protected anchorage from the prevailing westerly swells can be secured, the severe storms from the southeast being infrequent, and that there is already an interior harbor that will be a valuable addition to the outer harbor, the Board considers San Pedro Bay as the better location for the deep-water harbor provided for by the act.

It was never supposed by Colonel Mendell or anybody else that a wharf would not stand during ordinary weather at the place pointed out by Mr. Huntington and selected by him. No one has ever argued that the storms upon the southern California coast are severe enough to destroy a well-built pier, unless in exceptional cases.

It is evident from an inspection of the coast of Santa Monica Bay, where the railroad wharf is located, the westerly swells, admitted to be common and severe, must directly affect Santa Monica Bay. There is nothing to prevent such a swell disturbing the sea behind the breakwater proposed by the majority. The southwesterly swells and the westerly swells are those which mariners fear. It is shown by conclusive proof that, while the wind sometimes blows from the southeast, the swell never proceeds from that direction. The San Pedro breakwater is so designed as to completely intercept westerly and southwesterly swells. The breakwater will cut off the swell completely, and it is therefore a matter of indifference whether there is or is not deep water west of Point Firmin.

In the immediate neighborhood of the breakwater at San Pedro the water is not extremely deep; the bottom recedes, proceeding westerly, with considerable rapidity; but Mr. Corthell's diagram portraying the suddenness of the deepening near Point Firmin is not fair. No doubt deep water can be found by proceeding westerly from the point. But if Mr. Corthell will make his soundings southeasterly or southerly or toward Catalina Island he will find a gentle slope and better water than exists near Port Los Angeles.

Such a diagram can be made to show almost anything, depending upon the direction selected.

I have referred several times to the deep-sea matter and have,

perhaps, given more attention to the point than it deserves; but I wish to quote briefly from the report of the Craighill board, showing that those gentlemen took the subject into consideration and examined it with care. I read from page 6 of the Craighill report, as follows:

HYDROGRAPHY.

Throughout Santa Monica Bay the depth is very irregular—

That statement is fully justified by the charts—

Abreast of Santa Monica village there is a depth of 40 fathoms 4 miles offshore, but off the beach, south of La Ballona, a submarine plateau 4 miles wide extends for 8 miles to the southwest, with depths very uniformly increasing to 40 fathoms, the bottom being gray sand, mud, and gravel—

This plateau is towards San Pedro from Santa Monica and is not necessarily involved here—

Westward of this plateau, toward Point Dume, the depth increases rapidly to nearly 300 fathoms, carrying 200 fathoms within a mile south of the point, and the bottom is muddy. On the east of this plateau, toward Point Vincente, there is a remarkable submarine valley only 1 mile wide between the 100-fathom curves, carrying from 280 to 100 fathoms to within 1 and 1½ miles of the beach, with a muddy bottom. The eastern side of this valley is very steep, dropping from 40 to 200 fathoms in three-eighths of a mile. The western side is more sloping, but the slope from 100 fathoms is very sharp. It has been named by Professor Davidson the Vincente Submarine Valley. Near the southern end of the bay a well-marked current running to the northward and westward has been observed.

I refer to this description to prove that the Bay of Santa Monica throughout—not merely in one particular point, but throughout—is irregular, and that the uniform grade or slope is largely the offspring of Mr. Corthell's poetic fancy. The report further proceeds:

The line of 10 fathoms, which may be considered the practical outer limit for breakwater construction, and the line of 5 fathoms, which is the inner limit of the deep-water anchorage, for both Santa Monica and San Pedro bays, are shown on the map accompanying this report.

And an inspection of the Coast Survey maps will fully sustain everything I have said upon this proposition.

In the minority report it is said:

It is claimed that the proposed breakwater at San Pedro is not protected from southeast gales; that therefore that locality is not desirable for harbor purposes, and that the land projection which culminates in Point Firmin shelters Santa Monica Bay from these winds. This subject has been carefully considered in the reports already noted, and the conclusion there reached by the gentlemen who examined into the matter was that no danger is to be anticipated from the southeast gales. It may be remarked in this connection that the inner harbor at San Pedro, which it is conceded is perfectly sheltered and upon the surface of which scarcely a ripple is ever observed, is largely exposed to the so-called dangerous southeast gales, and yet the shipping within that inner harbor has never been disturbed thereby. Manifestly, no breakwater can ever protect any harbor from wind; the essential feature in such cases is the guarding against ocean swells. The difficulty in this respect proceeds from the west, and the proposed breakwater at San Pedro will afford complete protection from this peril. A vessel lying within the proposed San Pedro Harbor with sails unfurled might be disturbed by southeast winds, but naked masts could never present sufficient surface for the serious operation of any wind likely to visit that coast.

In his letter heretofore mentioned Mr. Corthell says:

The objection stated by me and others upon this point is that the harbor, not the breakwater, is unprotected from southeast gales, and that the entrance to Wilmington Harbor is entirely unprotected from these gales by the breakwater as designed, and an examination of the charts of the harbor and of the plan will evidence this to anyone.

In the report of the Craighill commission (H. R. Ex. Doc. 41, Fifty-second Congress, second session) we have a map, the second in that publication, from which it appears that the proposed breakwater at San Pedro protects an extended area, including the 7-fathom curve, from winter storms and from the western swells.

The subject of harbor protection is treated of in that report and the conclusion reached that the smooth surface at San Pedro is much more than that at Santa Monica. I call attention specifically to this matter, and invite study of the contrasts.

For the purposes of comparison—

Says Craighill, page 17—

the anchorage areas for the Santa Monica harbors are assumed to be the areas included within the breakwaters, the lines drawn through their ends normal to the shore, and the 5-foot contour; and for the San Pedro Harbor the area included between the breakwater, the line drawn from the end of the breakwater to Deadmans Island, and the 6-foot contour. The deep-water anchorage is assumed to be the area over which there is a depth of at least 30 feet; the remaining area will be referred to as the inner anchorage.

I will ask the Secretary to read, beginning with the last paragraph on page 17 down to the end of page 18 of the pamphlet which I send to the desk.

The PRESIDING OFFICER (Mr. HILL in the chair). Without objection, the Secretary will read as requested.

The Secretary read as follows:

ADVANTAGES FOR SHELTER AND FOR HANDLING FREIGHT.

For the purposes of comparison, the anchorage areas for the Santa Monica harbors are assumed to be the areas included within the breakwaters, the lines drawn through their ends normal to the shore, and the 6-foot contour; and for the San Pedro Harbor the area included between the breakwater, the line drawn from the end of the breakwater to Deadmans Island, and the 6-foot contour. The deep-water anchorage is assumed to be the area over which there is a depth of at least 30 feet; the remaining area will be referred to as the inner anchorage.

The total anchorage area at the San Pedro Harbor is 1,187 acres. This includes the area in Wilmington Harbor. The deep-water area is 339 acres and the inner anchorage 848 acres. The harbor at Santa Monica village has a total anchorage area of 1,078 acres. The deep-water area is 602 acres and the inner anchorage 476 acres. The harbor above Santa Monica Canyon has a total anchorage area of 994 acres. The deep-water area is 479 acres and the inner anchorage 515 acres. In the Santa Monica harbors the inner anchorage will be very much diminished by the wharves, which must extend completely across it to reach deep water. This is not the case to the same extent in the San Pedro Harbor.

To compare the exposures, it is assumed that so much of the anchorage area as lies north of southeast and southwest lines drawn through the ends of the breakwaters is not fully covered from the heavy swells. The harbor at San Pedro has a protected area of 562 acres and an unprotected area of 335 acres. The harbor at Santa Monica village has a protected area of 209 acres and an unprotected area of 869 acres. The harbor above Santa Monica Canyon has a protected area of 221 acres and an unprotected area of 773 acres.

The harbor above Santa Monica Canyon, within the anchorage limits assumed, has a land frontage 8,000 feet in length available for the construction of wharves. The harbor at Santa Monica village has a similar land frontage 8,000 feet in length. In the harbor first mentioned, however, the land approach to the wharves is narrow and not capable of extension except at great expense, and there is no available place for the construction of interior basins. The conformation of the ground is such that free access to the landing facilities of the harbor would not be easily attainable by all parties engaged in the business of land transportation.

At Santa Monica village, on the other hand, the approaches from the land are more open, and at La Ballona an interior basin could be readily formed. At San Pedro there is a land frontage of 4,300 feet in the outer harbor without including the inner line of the breakwater. Since the breakwater is connected with the shore, a railway can be constructed along it, and wharves can be readily projected from its inner face. This advantage would be sacrificed if a western entrance were established. This gives for the outer harbor an additional frontage of 8,000 feet and a total frontage of 12,300 feet. The frontage of the inner harbor is about 4 miles long. The total frontage for the whole harbor is therefore 33,420 feet, or about 6¼ miles. The approaches are good, as they include both sides of the harbor, and Wilmington Harbor forms a magnificent interior basin.

In every harbor a portion of the area must be more or less exposed, owing to the necessity of providing convenient communication with the sea. In a port of commerce it is of great importance that the harbor should be so located and designed that the landing facilities should be established in the most sheltered part. In the Santa Monica harbors this imperative condition is entirely neglected, the landing facilities being necessarily situated entirely within the exposed area. As a consequence of this the wharves will not be well protected during storms, and small vessels will crowd the quiet spaces of the deep-water anchorage. At the San Pedro Harbor the landing facilities are situated within the unexposed area, and small vessels will find their best shelter in bad weather within the inner harbor.

The deep-water anchorage area is amply sufficient in all the harbors and can in all be readily extended in the future. In the San Pedro Harbor the landing facilities can be greatly extended within the inner harbor without any addition to the outer breakwater. This is not the case in the Santa Monica harbors.

In all the harbors the holding ground is good. Some doubts have been expressed with regard to the character of the holding ground at San Pedro, but after diligent inquiry the board is satisfied that it is as good in this location as in the others.

Mr. WHITE. The Senate will observe, therefore, that the Craighill board, perhaps to a greater extent and more carefully than that presided over by Colonel Mendell, took into consideration the relative value of the protection afforded by each plan of harbor construction, and concluded, in direct antagonism to the opinions of the Southern Pacific engineers, that the San Pedro project would afford more extended safe anchorage facilities.

It is said, and this is one of the favorite arguments of the majority of the committee, that running a line directly from Point Vincente to Point Dume there will be a water inclosure extending landward from the center of such line 12 miles, whereas San Pedro Bay, according to Mr. Corthell's first statement before the Commerce Committee, in 1894, when similarly examined, manifests only 6¼ miles. This may reasonably be said to be an advantage, as far as it goes, favoring Santa Monica. But this circumstance was considered by the boards mentioned, and was not deemed vital or controlling.

You will observe upon the photograph of the Santa Monica shore, which is upon the blackboard, the real character of that so-called bay. It is nothing but an open roadstead; there is a 12-mile indentation, and it must be between 30 and 40 miles from Vincente to Dume, and looking from the shore out to the ocean the exposure is absolute; the waves roll in, as appearing upon the photograph, comparatively uninterrupted. There is but slight evidence of an actual bay in this case.

The wharf of the Southern Pacific Company, around which we are asked to place this governmental protection, is located in Santa Monica Bay, as shown on the photograph, and northerly and westerly of the town of Santa Monica. In my judgment the Mendell board was correct in saying that the very best site to be found in Santa Monica Bay was nearly opposite the town of that name. There the bluff is not remarkable. It recedes as we go east and south, until at South Santa Monica there is no precipice and the favorable conditions spoken of by Colonel Mendell can there be found. If we are to have a harbor in Santa Monica Bay this is the proper location. But such a work would be most accessible. The proprietors of the wharf which we are about to protect preferred a different spot, less open to intrusion and not as readily subject to competition.

In the testimony taken before the Commerce Committee it is said that there is ample room along the shore of the ocean from Santa Monica to the wharf for ten or twelve railroad tracks. The Santa Monica shore from the wharf to the town is an ordinary seabeach. The waves roll over it, not tempestuously, but in a manner usual on the southern California coast. Thousands from the

city of Los Angeles visit this region for the purpose of seaside bathing. Santa Monica itself—a very delightful town and growing in seaside importance—is in the immediate vicinity of the most favored bathing spot. There are extensive and finely constructed bath houses, occupied and used in the summer, indeed, to some extent throughout the whole year, but principally in the summer, by anxious crowds coming from the city of Los Angeles and the interior. These people resort to the sea for objects of health and diversion. The presence of one railroad track within the municipality of Santa Monica and upon the seabeach is a positive disadvantage. Any person walking along the bluff, at the foot of which the railroad runs, while a locomotive is passing will find the cinders excessively disagreeable; and while there is yet sufficient space between the bluff and the shore to enable the ordinary pursuits of pleasure which accompany diversions at the seaside, yet if there are to be additional tracks laid along that shore, if railroad freight and passenger traffic is to be carried on there by several railroads, the locality will cease to be available for present uses.

The question as to how many tracks may be placed along that shore is a matter entirely within the jurisdiction of the board of trustees. No condemnation proceedings can procure a right of way along the ocean within the town limits until after an affirmative vote of the board of trustees. I assume that that board will properly discharge its duties and will not permit the extension of that which is already a nuisance.

But it is contended that the proposed harbor can be reached by means of Santa Monica Canyon. It is possible, and I think practicable, to obtain a grade through the Santa Monica Canyon. But the route is circuitous, and a road thus built would be longer than that of the Southern Pacific Company. But when the shore is reached the expense will have but begun.

If we assume that the breakwater designed by the Southern Pacific engineers would be sufficient and adequate to protect an area great enough to permit the erection of two or three large wharves as proposed, nevertheless the expense is almost prohibitory. It will cost at least three-quarters of a million dollars, and probably more, to build a wharf, to say nothing of the right of way and other difficulties of access. Now, it is proposed in this bill that the Southern Pacific Company shall give the use of their tracks upon this wharf to any railway that will pay a sufficient pro rata proportion of the cost thereof, to be fixed by the Secretary of War. There is now but one track and one wharf. If the business grows to the magnitude expected, these will never suffice. If it does not grow to that magnitude, then there is no justification at all for the proposed expenditure. Mr. Huntington will not make any foolish trades. His road will have an advantage at Port Los Angeles that no other road can enjoy.

At San Pedro, as shown in the report of the engineers, not only is the Southern Pacific already on the water front, but there is also a competing railroad upon the other side of the inner harbor, and while the latter would not be directly connected with the outer harbor, still the proximity is such that there could be no difficulty in the transference of shipping from one point to the other, especially if the inner harbor be deepened under the Benyaurd project.

It is said that the bluff near San Pedro, some 60 feet in height, presents insuperable obstacles to reaching the shore. I do not think it will be necessary for the purposes of commerce for years to come to build piers in any outer harbor on our coast. The inner anchorage will suffice; but, assuming that the demands of trade require such harbor to be reached from shore, there is no difficulty in making a grade, as the Southern Pacific did to the wharf which it commenced to build and afterwards abandoned at San Pedro, and thus reaching the shore. Colonel Craighill says in his report, and all of his colleagues agree with him, that the breakwater itself could be utilized for railroad tracks, thus using the interior of the bay right along the line of the breakwater for slips. This, Mr. Corthell says, is impossible. He takes issue with the engineers upon this proposition. I will quote his language. He says:

> Considering the location of this proposed breakwater—immediately under a vertical bluff, in the open ocean—and the impracticability, as shown by the physical facts, of building a railroad track under the bluff in the protected harbor, it is difficult to see how the top of this dike could be made accessible to railroads, and I think I am safe in saying that on a dike 10 feet above the surface of the water, or even 20 feet above the surface of the water, in such an exposed location a railroad could not be operated, or even maintained upon it, on account of the waves during heavy storms, at least, coming over the top of the breakwater, not only making the track unavailable, but also throwing masses of water upon the wharves placed under it. I have made no estimates of the cost of a breakwater at this place that would admit of the operation of a track upon it and of wharves behind it, but I should think it would cost twice, perhaps three times, as much as the breakwater shown on the plans of the Government engineers.

The Craighill board is positively to the contrary.

> Since the breakwater—
>
> They say—
>
> is connected with the shore, a railway can be constructed along it, and wharves can be readily projected from its inner face. This advantage would be sacrificed if a western entrance were established.

At the hearings Colonel Hains, who was a member of the board, gave an opinion of a similar character. He says:

> There is another thing in regard to the continuing breakwater. The first board recommended two breakwaters with a gap. I do not think that there is any trouble about the filling in with sand, which some people apprehend, from the deposits along the shore. If the breakwater is continuous with the shore, it enables a protected area on the inside of this breakwater to be used for docks and that sort of thing. Often the inside breakwaters are used for docks and landings.

The breakwater at San Pedro can be approached by a cut. It is true the Southern Pacific Company claims to own land there. A considerable part of the property on the San Pedro bluff is controlled by that company; not all of it, however. The Government owns a reservation there, and private parties have holdings. However, condemnation proceedings properly conducted will remedy this trouble. The building of a track upon the breakwater will depend upon the demands of business. If the exigencies of the case warranted, a track would be laid upon the dike, and would afford superior facilities for harbor access. It hence appears that there is an available method of reaching an outer harbor at San Pedro preferable to anything at Santa Monica. Of course at San Pedro wharves might be built into the sea, but such a programme would be attended by the expense of which I complain. For years to come there will be ample room in the inner harbor, when improved, for our commerce; and the San Pedro deep-sea anchorage will accommodate vessels at anchor awaiting an opportunity to discharge.

Mr. President, there is another criticism to which I deem it wise to reply. I refer to Mr. Corthell's theory of the littoral current which moves sand in a northerly direction along the coast. He avers that the effect of the breakwater, constructed as proposed by the Craighill board, would be to detain a large amount of these sands near the shore and gradually destroy the harbor, or make it necessary to dredge extensively. Perhaps some little accumulation might occur. If so, it could be readily removed. Nowadays a reasonable amount of harbor dredging is an attendant upon nearly all public works of this character. One of the few exceptions is afforded by the Wilmington inner harbor, which has ever since governmental improvement always kept itself clear. But both Major Raymond and Colonel Hains are positive that no danger is to be apprehended from any sand deposit. They have studied the question carefully; it is considered in the reports from which I have quoted. All the Government experts rest their reputations as experts upon the proposition that no serious harm will accrue. Mr. Corthell, in the communication with which he has honored me—though delivery of the same was omitted—informs us that there are known instances of moving sands impelled by littoral currents upon the Pacific coast. He tells me that I am acquainted with the condition of affairs at San Diego Bay, and that I must be aware that at the point where a jetty is now under process of construction at the entrance to that bay sand accumulates.

This statement is true, but the movement of said particles there is manifestly attributable to the great rush of water into the bay attending the tidal rise. The torrent flowing with wonderful power in or out of the narrow harbor entrance is a sight worth seeing. This naturally disturbs the sand and the inward current tends to accumulate the material below the jetty rapidly and obviously. I attracted the attention of Mr. Corthell to the fact that a ship laden with coal some years ago was wrecked at San Pedro; and that a large quantity of the coal was picked up afterwards south of that point, at the town of Long Beach. I asked him how he accounted for that consistently with his theory. He gave the explanation which I shall read, which, I must confess, does not seem to me to be entirely conclusive. The following is the statement:

> Senator WHITE, of California. Before you reach that, I want to say a word. I remember the circumstance of a vessel loaded with coal being wrecked in the neighborhood of San Pedro and sinking there, and a good deal of that coal being picked up on Long Beach. Long Beach is located southerly from San Pedro?
>
> Mr. CORTHELL. Yes.
>
> Senator WHITE, of California. If the shore currents are northerly, how do you account for the coal being carried to Long Beach?
>
> Mr. CORTHELL. I had a memorandum made to explain that. That fact was called to my attention, and I will give you the reason for it. As I said to Senator NELSON, there are occasional southwestern swells so great that they may reverse the current for the time being, and they would move obstacles on the bottom. The current does not move coal; it moves fine particles of sand. What moved that coal across the bay was this: These lines here [indicating on the diagram] are kelp, which indicate rocky areas. That coal dropped on the rocky bottom, was affected by the heavy waves, and it simply drifted over the bottom and across it until it struck Long Beach and was thrown upon it by the waves.

Mr. President, in the first place, southwesterly swells are not uncommon; the westerly is the regular swell incident to that coast; and here we have a statement that this discriminating current, alluded to by Mr. Corthell, does not move coal, while it moves fine particles of sand! This littoral current will not move coal, but it will move fine particles of sand. We reach the remarkable conclusion that coal drifts south and sand goes north; that one is

moved by a current which influences coal, and the other by a current influencing sand!

Mr. President, it is a matter of fact, notorious upon that coast, that objects frequently float southerly. In two or three cases where persons lost their lives by drowning the remains were picked up south of the scene of disaster. It may be said that this was only an occasional manifestation, but that it was not the rule, that the current usually tends in the other direction. But no such deductisn is authorized. But if there were any danger of the accumulation of sand at Point Firmin, inside this breakwater, how is it that there is at that place to-day a rocky bluff? How is it that there is no sand spit? How is it that there are no sand dunes, no accumulations around Point Firmin indicating the tendency claimed? If the sand drifts, as stated by this expert, northerly, it would naturally be detained in the neighborhood of Point Firmin, and would certainly extend to that point. Right here I may remark—perhaps I should have said it in connection with another point—that there are no severe storms beating against Point Firmin. The unworn base of the bluff proves this. The material is soft and could not resist heavy waves. The unscathed shore disposes of the pretense that San Pedro Bay is a storm center.

Mr. President, the inner harbor at San Pedro is exposed to these so-called terrible southeasterly storms. The land lying upon both sides of the inner harbor is comparatively level. There is nothing to prevent winds sweeping across the inner harbor; and yet no one ever heard of a vessel within its confines being injured by any storm from any quarter. The swell which does injury, which strains chains, which divorces the anchor from the ship, comes from the west; the southeast wind, seldom serious even in connection with the swell, must be harmless without it.

Mr. President, in opening this argument I said that it was problematical whether the proposed structure at Santa Monica would ever be of much protective value. In support of my assertion I have the testimony of Major Raymond, who was examined before the committee. He made the following comments in this connection. It is of importance and I direct the attention of the Senate to it:

Major RAYMOND. I can state generally what were the essential differences which we thought were in favor of San Pedro as a location, as compared with locations farther up the coast. To my own mind, as I remember it now, the extension of the present harbor of San Pedro and the improvements there, at an inconsiderable expense to the Government, made a rather remarkable impression.

Senator WHITE, of California. In what respect?

Major RAYMOND. Because jetty improvements of that kind have not, as a rule, been successful in this country. The depth of water at San Pedro was increased from 2 or 3 feet—the original depth—to about 14 feet at mean low water. The thing that made it especially interesting to me was the examination of the changed front in the inner harbor, which was so trifling as compared with the other places on the Atlantic coast. All the phenomena seemed to me less marked than any other place where I have been in practice. The shoaling was slow there. The tide is about 5 feet, I think. That there should be a jetty harbor of that kind so successful, and that the depth of water should be so increased, and that the problem should be so simply solved, was a matter of very great interest to me. I could see that the inner basin, the inner harbor, the inner anchorage, could be extended very readily without difficulty; and that was a feature in the future improvement which was very advantageous.

The inner anchorage is a very important thing, especially in time of war. Torpedo boats can run into the inner harbor, protected from the fire of the enemy. That was the thing most advantageous. When we came to examine the problem, step by step, we did not find any point in which the other location seemed superior to San Pedro, and we found several points in which we thought San Pedro superior to the other location. My own opinion is that a breakwater harbor, such as that proposed at Santa Monica, parallel to a nearly rectilinear shore, is fatal. I do not know of any place where there is an exactly similar harbor, and I can not conceive a place where I would be willing to construct it where the outlying breakwater is parallel to the shore, as in this case.

Senator WHITE, of California. What are the cardinal defects in that kind of a harbor?

Major RAYMOND. Generally speaking, the accessibility would be very good for a harbor of that kind, but the main defect in such a harbor is that the landing facilities are in the most exposed part of the harbor. Generally, motions of the waves are deflected by the ends of the breakwater, and the disturbance is generally created in the parts of the harbor farthest from the points of deflection. I do not remember that kind of a harbor in any place.

Afterwards, Colonel Hains, who was examined upon the same topic, thought that the wharves proposed by the Southern Pacific to be erected could be protected by the breakwater. I will read his statement in that respect:

Senator WHITE, of California. What do think of the feasibility of such a harbor as that designed at Santa Monica?

Colonel HAINS. In what respect?

Senator WHITE, of California. Would it be a success?

Colonel HAINS. Do you mean the breakwater?

Senator WHITE, of California. Yes.

Colonel HAINS. I think that this breakwater there would protect these wharves [indicating on the map]. I do not think they need much protection. The fact that they use these wharves so much without a breakwater is pretty good evidence that they need very little protection from the outside. I think that a breakwater made of plank would accomplish the purpose.

If there were severe storms I presume it would be admitted that a breakwater of plank would not be very desirable, or there would be no excuse for this application for a three-million-dollar appropriation.

Colonel Hains thinks the wharves designed would probably be protected by a breakwater. But his declaration shows that he does not anticipate storms.

Major Raymond, who has had more experience in breakwater construction than anyone who was before us, is of the opinion that the proposed appropriation would not accomplish its purpose, and says that he would not be willing to undertake the work.

Now, Mr. President, we are here, I presume, to enact a law providing for an appropriation to be expended for some useful purpose and under conditions giving reasonable assurances of success. We are not here to experiment. Colonel Hains says, in speaking of the character of the Port Los Angeles breakwater—I read from page 30:

I do not think that a breakwater parallel with the coast is as good as one which connects with the shore, but it might accomplish the purpose.

Shall we engage in the business of constructing a harbor at a condemned place upon an uncertainty as to the result? Shall we spend this money upon a spot regarding which the testimony is at least conflicting, and concerning which our accredited engineer, who has had great special experience, expresses an adverse opinion? Is it proper thus to risk public moneys?

There are a number of incidental matters which I do not care to allude to now, but which may be mentioned hereafter. However, I will mention one. Commander Taylor, of the United States Navy, was engaged for some time in coast and geodetic survey upon the Pacific. His views were placed before the board of engineers at Los Angeles, and Mr. Corthell and members of the majority of the Commerce Committee rely not a little upon his opinions. He strongly favors Santa Monica. A memorandum of his theories and experiences was called to the attention of the Craighill board by Mr. Hood, who seemed to be advised concerning the same. That document is the strongest part of the Santa Monica presentation, and as I am endeavoring to state this whole case without reservation, I will ask that it be read, and will follow it with a statement by Professor Davidson upon the other side of the matter. I refer to page 109 of the executive document from which I have already made several extracts. I ask that the same be read at the desk.

The PRESIDING OFFICER (Mr. FAULKNER in the chair). The Secretary will read as requested.

The Secretary read as follows:

MEMORANDUM REGARDING A BREAKWATER AT SANTA MONICA.

For many years the need of a harbor at Santa Monica has been apparent. Southern California is separated from the rest of the State by mountain systems and needs a port as an outlet for its products. The center of the business activity of southern California is Los Angeles. This city has grown to be too great to let it be anticipated that that center will be changed. Indeed, the fertile plain and the adjacent valleys of which it is now the depot would require such a port if Los Angeles were not there.

San Diego, whatever its qualities as a seaport, is too far to the south; it has practically no back country of sufficient importance to justify a great seaport. To the east and southeast is the peninsula of Lower California, and farther in that direction lie the northern provinces of Mexico. But the ports of the Gulf of California will intercept traffic from that direction. To the north and northeast is a country of great productiveness, but that country is nearer to Los Angeles as a depot, and will find its outlet to the sea near that city. As to the harbor of San Diego, it may be said (as of all harbors) that it is not entirely satisfactory. San Francisco itself, which ranks as the greatest of bar harbors, is dangerous to enter after long-continued stormy weather. From Puget Sound to Magdalena Bay, Mexico, few harbors exist, and none of great convenience. It is natural, therefore, that San Diego Harbor should be regarded of value on account of the great scarcity of harbors on the coast. It is not denied that it could be improved and its bar perhaps removed. The situation there is favorable to certain classes of engineering work, but the object of such work is not apparent when the position is not the natural sea outlet of an important tract of country.

A creek makes into the land at Wilmington and San Pedro, affording a shelter to small vessels, and expensive improvements have been carried on for several years by the army engineers, which have slightly benefited it, but, at the best that can be hoped, it can never have the accommodations of a great harbor. A breakwater to include sufficient area of shelter could be built, but it would include some shoals and rocks inside of it, and would also receive whatever discharge of sediment there would be from the creek. This creek was used in the beginning by schooners and small craft, which were sufficient for the trade of the then unsettled country. The circumstances of its location, favorable for such craft, are unfavorable for the formation of a great seaport such as the commerce of southern California now demands.

We come now to that locality which appears specially to be favored by nature, Santa Monica.

The bay of Santa Monica is, in its combination of natural features, unique on the Pacific coast. Here the depth of water increases from the beach outward with an ease and gradual slope for several miles. Here a breakwater can be established to inclose and shelter a capacious harbor, without being in water so deep as to make its construction impracticable or even difficult.

The marked feature of the Pacific coast is the steep slope of the bottom as we move from shore to seaward. This rule has few exceptions, and it results that along the entire coast a breakwater to inclose a sufficient sheltered area would have to be placed in such deep water as to be impossible of construction.

Among the few exceptions is the bay of Santa Monica. It is a remarkable coincidence that the coast line in a deep curve here approaches nearer than at any other point to Los Angeles and to the fertile region of which it is the depot.

The bay of Santa Monica has, along most of its shore line, this quality of gradual deepening of the water, the bay of itself being occupied by a submarine plateau unique upon the Pacific coast. But certain portions of the shore line of the bay have other advantages in addition. The town of Santa Monica is situated at a point on the shore near a neighboring range of mountains against or toward which blow the only winds of violence. The force of the

wind blowing against a great barrier is deadened for some distance to windward of such barrier, and this probably accounts for the well-known fact that the winds at Santa Monica do not blow with violence. The swell which rolls in at this anchorage is much modified, even in the worst weather, by the effect of the large islands to seaward and by the deep recessed position of this portion of the bay shore.

I have had considerable experience in this bay while conducting the surveys carried on there, and have laid at anchor through all seasons of the year, at and near Santa Monica, on the Government vessel which I commanded. I have never seen any weather in which a vessel could not ride at her anchors there in safety, and but few occasions when unloading at a wharf was impracticable.

If southern California needs a port. I am confident that Santa Monica is the only practicable place to construct such a port, and that southern California does urgently need a port there can be no longer any question. The mountain ranges intervening between the southern and central parts of the State are of so difficult a character for railroads that the hauling of freights across these mountains is very expensive, and the products of the southern section of the State have now become so numerous and important that the construction of a proper harbor in southern California can not longer be neglected. Also we have to regard Los Angeles no longer as a way station, but as a truly terminal point for several systems of railroads now built or to be built. With such a port close to the suburbs of Los Angeles, she would possess a most attractive route for the transportation of products from the other side of the Pacific to her own vicinity, and thence across the continent.

Is a breakwater at Santa Monica practicable, convenient, economical?

Having had, some years ago, the opinion of an able and experienced civil engineer as to the amount and quality of rock to be obtained in the hills abreast of the end of this breakwater, after his personal examination, made at my request, I am justified by the opinion in taking for granted a plentiful supply of good rock at that point. With this basis of supply close at hand, I would propose a breakwater in 40 feet depth of water, 3,000 yards long, in a straight line parallel to the shore, or with a slight angle at the center of the line, the angle being convex to seaward, as shown on the chart submitted in blue. A section of it is shown on accompanying sheet. It would be 45 feet high, 20 feet across the top, 225 feet across the bottom. Its inner face would have the natural slope of dumped rock, its seaward face would be extended until its profile would be a modified form of that at Plymouth, England. This cross section would contain 677 square yards, and the whole breakwater, 3,000 yards long, would contain 2,021,000 cubic yards. I have taken as a basis of cost the prices at which contractors have successfully delivered stone at the breakwater now building by the United States engineers at Rockport, Mass., being an average for two years of 65 cents per ton, or allowing 2 tons per cubic yard, $1.30 per cubic yard. The difficulty and expense are, however, much greater in delivering rock there than they would be at Santa Monica. At the latter the hills which contain the rock are at a distance of only 2,300 yards, across water of moderate depths, to the nearest end of the breakwater. A tramway on piles can be constructed easily and cheaply to connect the two, and the quarries can be located in the hills at an elevation sufficient to cause gravity to move the loaded cars down, and bring back by their weight the empty cars. It is reasonable, therefore, to regard this estimate of $1.30 per cubic yard as being largely in excess of the probable cost. I have, however, added to this amount 33⅓ per cent, to cover the installation of working plant, the opening of quarry, the building of tramway, and all contingencies, as follows:

To excavate 2,100,000 cubic yards and deliver same in place, at $1.30 per cubic yard	$2,730,000
To install plant, etc., and for all contingencies, 33⅓ per cent	910,000
Total	3,640,000

It is my belief that this sum is much in excess, and that a breakwater can be built for $2,500,000.

I will mention here that a smaller breakwater could be placed in 30 feet depth of water, 2,000 yards long, and of similar though smaller section than the above, at a cost of $1,800,000, and would afford a good shelter. It would not, however, possess the qualities of a great port, either in itself or in its powers of expansion for future needs, and it is a great port which southern California now demands for its growing trade.

Under the shelter of 3,000 yards breakwater, with wharves properly planned and constructed, 130 ships of 300 feet length could lie alongside the wharves and leave space there and in the anchorage ground between them and the breakwater for 200 more vessels of various sizes. A breakwater 2,000 yards long in 30 feet depth of water would form an excellent shelter, but I would recommend one 3,000 yards long in 40 feet depth of water as the wiser project of the two. It would, in fact, be a perfect project, leaving nothing to be chanced. In this depth a breakwater will be as distant from shore as will ever be necessary. Greater area of shelter, when desired, may be secured by extensions of the breakwater on its own line parallel to the shore.

Finally, I submit a plan of such breakwater, shown in blue print on the chart. I submit also a section of same, showing details of proposed construction.

Respectfully, H. C. TAYLOR,

NOTE.—The drawings, etc., referred to by Commander Taylor have been mislaid, the foregoing memorandum having been written several years ago.

Mr. WHITE. I have had this document read because it has been relied upon with confidence by the advocates of Santa Monica, and although it does not in any manner sustain any claim to superiority on the part of the site upon which the Southern Pacific Company has made its pier, I presume that Taylor had reference to a harbor opposite the town. But there is an air of partisanship about Lieutenant Taylor's statement which I do not quite understand. For instance, he refers to an improvement at the inner harbor at San Pedro as being slightly beneficial, for he says:

A creek makes into the land at Wilmington and San Pedro, affording a shelter to small vessels, and expensive improvements have been carried on for several years by the Army engineers, which have slightly benefited it.

The engineer's report is that the benefit has not been slight, but that it has been remarkable. There has been an increase of depth from 2 feet to 14 feet at low tide and an 18-foot low tide depth is anticipated. Then Lieutenant Taylor refers to the discharge of sediment from Wilmington Creek. There is no sedimentary discharge of an injurious kind. No deposits on the bar or outside can be found. I must say that Lieutenant Taylor seems to be a special advocate. His figures are peculiar, his calculations unique. I am quite willing that his expressions shall be read side by side with those of General Craighill's board.

But if there is any man upon the Pacific Coast who is thoroughly familiar with all topics pertaining to hydrography and who has given to Pacific harbor work the patient toil of almost a lifetime, that man is Prof. George Davidson, a gentleman of great attainments and sterling worth. His views of Santa Monica Bay I wish to put before the Senate. No more valuable expert opinion can be found in the United States or elsewhere, for that matter. I ask that the Secretary read the memorandum commencing on page 124, Executive Document 41.

Mr. PERKINS. I suggest to my colleague that he state that Professor Davidson has had charge of the Coast and Geodetic Survey on the Pacific Coast for forty years.

Mr. WHITE. Yes, sir.

Mr. PERKINS. He is the author of the Coast Pilot, and is the best living authority on nautical matters relating to the hydrography of the ocean and coast that there is on the Pacific Coast.

Mr. WHITE. I desire to say further that during the hearings I requested Mr. Corthell to state whether in his opinion Professor Davidson was not an authority upon these matters, and he responded by saying that he had great regard for him.

The PRESIDING OFFICER. The Secretary will read as requested, if there be no objection. The Chair hears none.

The Secretary read as follows:

MEMORANDUM BY PROF. GEORGE DAVIDSON, UNITED STATES COAST AND GEODETIC SURVEY.

SAN FRANCISCO, *September 7, 1892.*

My experience begins with June, 1852, when the disabled steamer *California* anchored in San Pedro Bay. The navy-yard commission was on board of her, and to prevent great delay the members were carried to San Francisco by the United States Coast Survey steamer *Active*.

I mention this merely because the *Active* was then transporting me for the chronometer determinations of the longitude of all southern points with San Francisco. Before this incident, and afterwards, my duties compelled me to land through the surf at all the exposed stations on the main shore and the Santa Barbara Islands. And this bears upon the following statement:

In December, 1852, after selecting a base line, I was waiting for a steamer at the old adobe of San Pedro. The brig *Fremont* was at anchor off San Pedro, and rode out a strong southeast gale of two or three days' duration. (See Coast Pilot 1889, pages 38 and 40.) The judgment there expressed is that formed from my own experience through subsequent years, the experience of Coast Survey officers, naval and civilian, and of captains whom I have known to be familiar with the place.

At the time of the *Fremont*'s riding out the gale I had no doubt that I could have landed on the beach in a well-manned boat from the *Fremont*.

I have learned no facts to weaken my judgment expressed in the Coast Pilot. Vessels that have dragged into danger—and they have been remarkably few in the last forty-two years—have anchored in shoal water too close inshore, at anchor not well found in ground tackle, or both; and I express my judgment with confidence because I had command of the surveying brig *R. H. Fauntleroy* for four years in the waters from San Francisco to the Gulf of Georgia, and have anchored hundreds of times over every character of bottom and varying depths of water, under stress of weather, in exposed situations, with strong currents, and in very heavy weather. The northern weather is much heavier than the southern.

In our "southeasters," the swell of the Pacific comes from the southwest and along the greater part of the coast, breaks squarely upon the shore, reaching from profound depths at a very short distance from land. The only fairly protected part of the coast is that from Point Conception eastward and southward to between San Pedro and San Diego. There is, however, a marked peculiarity of the winter storms of this coast which I have expressed in the Coast Pilot, the farther north we go in winter the heavier are the gales. In this low latitude of 33½° the winter storms are relatively not severe, and, combined with this character of the storms, the great islands of Santa Barbara form barriers against the full force of the winter swell.

In the latitude of San Francisco, 37½°, the southwest swell frequently breaks all over the San Francisco bar in 6 or more fathoms of water, while the swell of the same storm would not break on the bar of San Diego, where the depth of water is less than 4 fathoms. (See Coast Pilot, page 18.) San Pedro is but 95 miles from San Diego and not so open to the swell, because the great islands of San Clemente and Santa Catalina serve to break up the broad ocean swell of the winter gales.

This low latitude and these protecting islands are very important factors in judging of the safety of any anchorage. We know that it occasionally breaks on the shoal spots of 9½ fathoms off Cape Mendocino, and I have laid off the breaking bar of Humboldt for two weeks, but at the same time there would be no break in San Diego bar and no danger in San Pedro Bay. From the summit of Tamalpais I have seen a large English vessel forced to leave her anchorage on the southern edge of San Francisco bar before the swell was breaking, and such a vessel would lie in absolute safety at the same time in San Pedro Bay.

Smaller vessels at San Pedro, even well found in ground tackle, necessarily do not care to ride out a "southeaster" there, with its wear and tear and the annoyances, when the lee of Santa Catalina Island is only 18 miles distant and affording them ample protection. In this respect the anchorage is almost as much favored as Hueneme, San Buenaventura, and Santa Barbara.

One plain proof of the comparative weakness of the destructive action of the southeast storms on this southern coast is seen in the very slow wearing away of the sandy cliffs and of the bluff immediately at San Pedro; nor could the exposed wharves of this region stand if the destructive forces of the winter storms was great.

In regard to the anchorage of San Pedro, I have always believed that there was good bottom for holding ground. The bay is the northwestern limit of a very extensive plateau of comparatively shoal water along the seaboard from Point Firmin to about Newport, and the whole country behind the shore is sandy and so low that in winter it is flooded for miles inland by the rains and the overflowing of the low banks of the numerous streams frequently changing their courses. The detritus from these streams is moved seaward and principally to the westward over this plateau, and helping to extend it, by the action of the inshore eddy current.

I believe that this material, mud, sand, and gravel, is sufficiently deep to give good holding ground for any sized vessel if properly found in ground tackle.

I may mention here that for many years I have believed that San Pedro Bay is an admirable location for a breakwater to form a first-class harbor of refuge against winter storms, when the commerce of the southern coast demands it. Gen. B. S. Alexander and myself frequently discussed the importance of a breakwater here, because I was not enamored of the smaller temporary jetty scheme which he had proposed. He was fully alive to the great advantage of a breakwater on a large plan, but he believed the commerce did not then warrant it, and that the Government would not then sanction it; and that the relief he proposed was temporarily sufficient. With the chart of the Coast Survey before us we have drawn rough lines of the suggested breakwater to cover the exigencies of vessels entering the harbor from the west or around the exterior extremity of the breakwater, and to give free movement to the inshore eddy current carrying its material to the westward. (He utilized this movement of material in planning the present jetty.)

My study of the great breakwaters of Europe has satisfied my judgment, and I see clearly that a capital harbor can be formed in San Pedro Bay by a breakwater in 10 fathoms of water, and that from my visits to Catalina Island building stone can be had in any quantity, if the rock of San Pedro hill is too soft, as I believe it is.

SANTA MONICA BAY.

I am not unfamiliar with Santa Monica Bay, but do not know it so well as I know San Pedro. I think the same would be said by all sailing and steamship captains on the southern seaboard.

I was along the "West Beach" as early as 1852 and 1853. In 1872 I had the following experience on the shores of Santa Monica Bay. With a loaded wagon I followed the beach from the arroyo east of Santa Monica to Point Dume. The high bluffs and cliffs came so sharply to the shore, and the arroyos there so deep that no road was practicable above high water, and I had to travel along the beach at low water. At Point Dume a very fierce westerly wind sprang up and retarded my operations so that in returning to Santa Monica I was on the beach through two low waters. I found the beach torn away along the whole shore line, and met with rocky obstructions, which in some cases had been wholly uncovered by the washing away of the sands. As we approached Santa Monica the evidences of this destructive action became more and more marked, and for the last 2 or 3 miles the beach was torn away from 10 to 12 feet in depth. We met a friend from the Santa Monica arroyo driving his buggy on the inner edge of the beach of four days before, where he was 10 to 12 feet above the new beach, and he was in such a hazardous position that we had to relieve him. When I soon afterwards left Los Angeles via San Pedro there were no signs whatever of damage done to the beach there.

Afterwards when I was appealed to for a letter recommending the location of Santa Monica for a commercial wharf I related the above facts and refused to give an unqualified indorsement of the location.

During the hydrographic survey of Santa Monica Bay from Point Vincente to Point Dume by the Coast Survey, the officer commanding the surveying vessel reported that when at anchor in the vicinity of Santa Monica, with a strong westerly breeze blowing, and the inshore eddy current running to the northward along the shore, the vessel rode to the current and her rolling in the swell falling directly on shore was so large and disagreeable that the vessel had to weigh anchor and seek a more comfortable berth.

I have had no personal experience of the winter storms at the head of Santa Monica Bay. A glance at the chart will demonstrate that it is more squarely open to the southwest swell than San Pedro.

In the winter of 1888-89, when my party was on the Los Angeles plains, I visited the wharf at Newport to learn what effect the winter's storms had upon it. This wharf is situated 15 miles eastward of San Pedro, and is more exposed to the open sea. It is located at the head of a submarine valley, just as that at Redondo Beach in Santa Monica Bay, but the storms had not sprung a plank. (See Coast Pilot, page 35, bottom.) At the same time I understood that the end of the wharf at Redondo had been badly damaged. (Coast Pilot, page 46.)

In conclusion, I may say that a few years since I was consulted to express an opinion upon the feasibility of a harbor or wharf or anchorage in Santa Monica Bay, between Point Dume Cove and the vicinity of La Ballona. I presented what facts I then had, exhibited tracings of the original surveys, and made such explanations to the deeply interested parties that they abandoned the project.

GEORGE DAVIDSON.

Mr. WHITE. Mr. President, this résumé of the situation by the best man upon the Pacific Coast, one who knows more about the hydrographic conditions surrounding this issue than any other individual, can not but be a most valuable contribution to this discussion.

Not only was Professor Davidson's information before the Craighill board, but the statement of Lieutenant Taylor was likewise received. The decision of the board was made upon a complete case. Lieutenant Taylor has recently declared that he adheres to the opinion above cited, and Professor Davidson has informed me that he sees no reason to depart from the opinion which has been repeated here to-day.

There was much testimony before the Craighill board supporting the views of Professor Davidson. The hearing lately conducted by the Commerce Committee is of little moment when contrasted with the examination made by the board of engineers of 1892.

If Senators who care to thoroughly understand this case will read the evidence and exhibits returned by the board of 1892 the justice of my remark will be conceded. That board had all the information given before the Commerce Committee, except only that at that time the Southern Pacific wharf was not in operation. I imagine that the majority of the members of the Committee on Commerce (I do not include the chairman) have not thoroughly digested the evidence reported by the Craighill board. On page 62 of that paper will be found the statement of Mr. Johnson, with whom I was well acquainted. I have much confidence in his accuracy. He does not express himself, perhaps, with that technical correctness which is preferable in such controversies, but his remarks are to the point. He resided in San Pedro for years and spoke with knowledge. I ask the Secretary to read the statement of Mr. H. C. Johnson, commencing at the foot of page 62, to the end of the statement.

The VICE-PRESIDENT. The Secretary will read as indicated. The Secretary read as follows:

Mr. H. C. JOHNSON. Well, I will say the little facts I know about the harbor. I came here in 1852, in December, forty years ago, in the bark *America*. I went to anchor in the Bay of San Pedro; rode out two heavy southeasters with safety; two anchors, one with 45 and the other with 50 fathoms of chain. Then from that time until 1854 I lived at San Pedro, on the point which they call now Timms Point, in that neighborhood. Saw vessels coming there, few, as a matter of course, and two little steamers that were running there then, the only steamers on the coast—the *Seabright* and the *Ohio*. And they got there in all kinds of waters, and, with the exception of one losing her anchor once without having their chain shackled, there was never any trouble about riding out the gale, so far as the holding ground was concerned, within a couple of miles of the bluff. Southeast from there to here there is more or less loose sand. Of course, in the southeast wind, the only wind that is liable to do any damage, the vessels would naturally drift inshore toward the water, where the anchorage will hold better. In 1854 I was engaged by John Ord, the United States surveyor at the time, to run him about the coast, surveying—him and his party. I was engaged—the vessel and myself. And I got in the Bay of San Pedro there in all kinds of weather during the winter months in 1853, 1854, and 1855, and part of 1856; got to anchor there in the night and day, and all kinds of waters, and I never had any trouble of laying there safe, as far as the anchorage is concerned, to hold, as long as the moorage and tackles are good. Since that time, for fourteen years, I was running in and out the bay, night and day, any kind of weather, summer and winter; anchored in every place and any place within the anchorage as laid down in our official chart, and never had any trouble. And from that time I stopped following the sea and having anything to do with the vessels. But I resided in the neighborhood and saw every vessel there. And no vessels ever dragged their anchorage who had their anchors clear. Those who dragged their anchorage either parted their chain or they had a fouled anchor which they neglected to clear before the storm came up.

Now, with regard to the inner harbor, we all know there is about 18 feet of water there to go over at high tide. Vessels go in there and they are well secured. They are like in a pond when they are in there. And the outer harbor is protected from all winds, with the exception of the east and southeast. The southwest wind that is prevailing here during the months of February and March, and sometimes a part of April, they are the strongest gales we have on this coast, which every seafaring man knows, because they blow more toward shore than any other wind; raise a heavier sea. San Pedro there is protected by Point Firmin. It is only the wind from the east and southeast. Catalina Island protects part of the harbor, but not sufficient for vessels to lie perfectly smooth in smooth water.

Now, with the money that has been expended in that harbor there, with very little breakwater in sufficient water there to build it on a solid foundation, which is not to be found in every other place, a small breakwater would inclose there a couple of thousand acres for their deep-sea harbor. The inside harbor is nearly as good as finished. And we would have plenty of facilities for all the railroad companies, for all the community that would ever live in that neighborhood, for warehouses and everything else; lots of fine, level soil, and the facilities would be great. I heard a gentleman this morning speaking about ships going up to the Columbia River to get to Santa Monica. I have followed the sea since 1841, and I couldn't think even Columbus himself would have traveled so far to find the port of San Pedro or Santa Monica as to go to the Columbia River. Any vessel—or in fact, to make it short, allow me to state that we must in the future look to our trade by water. We expect to have communication from South America, West Indies, or at least Central America and Mexico. To have that trade we are nearest to Los Angeles of any of the towns.

In regard of making harbors, what does a seaman want? A good lighthouse? We have got it in San Pedro. We have got Catalina lying out there for a point of land to navigate by. We have a Government reservation at San Pedro, if the Government wants to build any fortification or anything. They have 500 square varas of land there and, in fact, any facility anybody wants to have for the sake of a harbor.

Now, in regard to the time between San Francisco and here, the freight and the passenger traffic that has been carried in former years is nearly done away with. Everything goes by railroad that come from there. We must not look to San Francisco for our trade. We must look to the East by water to have cheap transportion. Consequently, if we get it by water we are nearest to Los Angeles of any port. Any little freight or passengers that come from San Francisco to Santa Monica they gain a little time, that is true. But, outside of that, what is there in Santa Monica to protect shipping? It is open to the south, and we know we have heavy gales from the south and southwest. They speak about water being smooth there. I have been there hundreds of times, and always found plenty of surf for the bathers to bathe in, and heavy swells. I have known vessels to drag there, and they had to send steamers there in the month of May, 1878, to pull them out, keep them from going ashore, heavy swell, undertow, and one thing and another. Anchors didn't hold up laying alongside of the wharf. They were destroyed there.

In regard to the anchorage outside in Santa Monica, I can't tell, for the reason I never sounded much, other than the Point Dume. I was up there with John Ord, and he sounded there and put some signals ashore.

In regard to Redondo, my friend here has said all that could be said in regard to it. There is deep water, plenty of it; protected from the southeast, it is true, but it is open to the westward. If the gentlemen wish to inquire in regard to anything else I would like to state. I don't like to take up all your time.

Mr. WHITE. This is the opinion of a man of experience, who derived his knowledge not from theories and statements of others, but from his own interpretation of events which had transpired under his direct notice.

I do not propose to expend any time with the proposition that it would be of advantage to have the harbor at Santa Monica because of its greater proximity to the city of Los Angeles, for I do not believe that that fact is of sufficient importance to affect the result. Nor do I care to discuss the relative merits of the two localities; the superior advantages of Santa Monica as a most delightful seaside resort are too well known to require elaboration. Commercial considerations should control our decision.

I have just procured the time and distance tables issued by the Southern Pacific Company for the use of its employees exclusively, and by which its trains are operated and its freight tariffs made. This schedule shows that the distances from Los Angeles to San Pedro and Port Los Angeles, respectively, are as follows:

From Los Angeles to San Pedro, 22.10 miles.

From Los Angeles to Port Los Angeles, 20.70 miles.

I have already called the attention of the Senate to the circumstance that at San Pedro, or Wilmington, there is a large area in immediate proximity to the inner harbor owned by the State of California, inalienable because of its tide character, and subject to use under limited franchises, and therefore held for the benefit of the public. I think I have already shown that it is difficult to imagine the possibility of any other institution than the Southern Pacific Company obtaining access to the water of Santa Monica Bay where Port Los Angeles is located except at a very great expenditure of money. In my opinion no other wharf will be built there for years.

Mr. President, what is the amendment which I have introduced and upon which I ask a vote? What is the proposition which I make to the Senate regarding the subject? The gist of the matter is the making of an appropriation and the expenditure of the money at either San Pedro or Port Los Angeles, the location to be determined by a board consisting of an officer of the United States Navy, of rank not less than commander, to be appointed by the Secretary of the Navy; a member of the Corps of Engineers of the United States Army, to be selected by the Secretary of War, and a member of the Coast and Geodetic Survey, to be selected by the Superintendent of the Survey.

Now, I ask those who are disposed to be fair, who wish this important subject determined accurately, what objection can be rationally made to this plan. An objection might, indeed, be urged upon the part of those who advocate San Pedro and who are interested on the part of the Government in the disbursement of public moneys, upon the ground that two boards have already reported against Santa Monica, and therefore it may be said that we are going too far in selecting a third tribunal when we have two positive reports made by competent persons. In offering the amendment I do not in the slightest degree impugn the motive, question the integrity, or doubt the capacity of the eight distinguished gentlemen who have passed upon this subject. I believe that as to the location of the harbor their views are correct. I have entire confidence in the accuracy of their positions, but a majority of the Commerce Committee and several Senators who affirm that they have thought about this subject for seven or eight years announce that the engineers are wrong; that the boards are mistaken; that these eight impartial, honest servants of the Government are all misinformed; that among these eight scientific men of integrity there was not one competent to pass judgment or able to reach the true conclusion. There seems to be a notion in some quarters that the Mendell and Craighill boards were prejudiced. Why, I am at loss to know. There is no evidence or suspicion justifying such a conclusion, unless it be found in the opinion of a majority of the committee to the effect that both boards reached erroneous results.

But, Mr. President, as soon as it was asserted or intimated that there had not been an absolutely impartial and unbiased examination, as soon as it was intimated that the second board was influenced by the first board, and that there was an esprit de corps existing among those officers which made it impossible for one to determine anything against the other, it was suggested by one of my associates of the Commerce Committee that we might make the appropriation and leave the determination of this issue between these two points to an admittedly uninfluenced tribunal appointed pursuant to a plan agreed on by Congress.

I am not irrevocably committed to the plan proposed in my amendment. I have no desire to provide for the selection of a board which will not do equal, exact, and complete justice to all. I want a board satisfactory to the most critical. I want no one save persons of integrity, of capacity, and without partiality. I wish a board upon whom those who favor Santa Monica and those who prefer San Pedro can alike look with confidence and upon whose judgment any right-thinking man should be willing to rest. But what do we encounter? It is to this most indefensible part of the Santa Monica contention that I attract the attention of Senators. Here we have a harbor site condemned officially. It has no legal indorsement. The employed agents of interested parties, and with whom certain Senators seem to concur, declare that we should reject all the evidence bearing official authenticity. The point is made that the reports of the eight engineers should be rejected because not founded upon fact, or because conclusions not properly deducible from facts presented have been announced. But are we to proceed without any favorable intimation from any of our officers?

Let me ask those who oppose my view, Why object to the appointment of a skilled and unbiased commission to pass upon the subject? If he be not satisfied with that which has been done, if it be contended that the action of previous boards must be disregarded, can we not find some one somewhere to whom we will be willing to commit this subject? Will Senators who have no more knowledge of the situation than that derived from the cursory and scattered hearings before the committee pretend to tell me that they know absolutely and conclusively that these eight officers of the Government were wrong, and that they are so satisfied of this that they want no more light; that the glorious radiance flashing from the information which they have received here renders the advent of other knowledge impossible? That the limit of intellectual absorption has been attained? Is this the position? Will anyone admit that he is unwilling to lay this matter before a competent, impartial board? Yes; the advocates of Santa Monica must so concede. They will not consent to the submission of their pretensions to any person or officer. They say in effect by this refusal that no board will report in favor of their location. They decline to submit their arguments to competent scrutiny. Why? Not because they think their success possible. They would not then refuse. They decline, because—and there is no other deduction possible from their conduct—they know that no impartial and competent tribunal will decide in their favor. They fear fairness.

Is the constitution of the proposed board objected to? If so, why not suggest improvement? I and those who are contending in conjunction with me are prepared to do that which is honest and equitable. Is it possible to form any commission to constitute any board to which the majority of the committee will be willing to submit? Evidently it is not possible. Mr. President, you can not find, you can not devise, you can not suggest any tribunal, any board, any committee, any qualified person or persons to whom this discretion will be committed by my friends of the opposition. They rest in security upon the theory that Senators are ready to vote against the report of the Government engineers and against everything official, are willing to appropriate in the face of authoritative condemnation, and they do not therefore propose to risk any board.

This sort of procedure may sometime—surely it ought to be—condemned. Here are three millions of money, Senators, to be disbursed in defiance of official recommendation. How are you to justify this outlay? Where is your authority? Have you any official indorsement at all? Two boards have reported adversely. You say that they were not fair, that they were in error. Do you not think it well to have the approval of some one not interested and who is possessed of techinal knowledge before you make this expenditure? The answer comes "No; we will not consent to this amendment." "We have waited long enough," it is said. True, you have waited long. You have never had the concurrence of Senator, Representative, or engineer. You have waited long indeed to find anyone competent and impartial treating this matter your way.

Now, at this hour when the committee reports in favor of an appropriation for an unrecommended and repudiated place we are asked to vote for that report to appropriate this enormous sum simply upon the general evidence taken before the commerce committee, which, as the record will show, is of little significance and in defiance of the authorities to whom we are in the habit of committing such matters. Why this extraordinary zeal to do something unprecedented?

Mr. President, when the Southern Pacific Company built its pier at Port Los Angeles no one had any idea of erecting any breakwater in that part of the open ocean. It has attracted us there. The committee proposes to use now $3,098,000, and Heaven only knows how much more in the end, to guard and make convenient the private property mentioned. What will the breakwater protect? If it answers its purpose, as those who are advocating it claim that it will, it will defend the railroad pier and not another structure. There is nothing else in the bay; there is nothing in the neighborhood; there is no inner harbor to be benefited; there is no adjacent commercial interest to be gratified. The expenditure of this money as designed by the committee will be the donation of $3,098,000 to a private corporation. It will be taking that sum, which the engineers of this Government have recommended be not expended, and expending it for the immediate benefit of individuals. Prospectively, it may be said, others will derive profit. This is mere speculation. The immediate object, the immediate effect, is an individual advantage. No public interest is to be subserved, but the money is given because it is asked for by enterprising citizens engaged in the development of a large commerce over one of the most magnificent wharves in the world.

Mr. President, I do not believe that an appropriation made as designed in this bill can be justified. I think that its consummation will be an outrage upon the public. Suppose that the distinguished gentlemen who favor Santa Monica are right in their scientific opinions, and that the boards and other trained officers of the Government are in error, still there stands a controversy, in which officials of integrity and no selfish interest are ranged upon one side, and upon the other stand interested parties reaching for the Treasury. Grant that the latter are also intelligent; grant that they are also men ordinarily free from bias; they are nevertheless personally concerned, and hence not reliable judges.

You refuse to recommit for examination; you decline to subject it to candid investigation, but it is proposed to boldly overturn and cast aside the suggestions of those to whose recommendation we should at least award decent consideration, and to substitute therefor the conclusions of employees of Mr. Huntington and to

enable them to place at his feet a great winning made from the Government of the United States.

If the advocates of Santa Monica believe that they have the meritorious side, then let them face a commission chosen upon impartial lines. With the judgment of such a board I shall be content. Until some fair, competent, and disinterested man, appointed according to law, has determined that this appropriation is justifiable, I shall continue to oppose it and to raise my voice against it, even though I stand alone.

Mr. President, I shall not offer anything further at present. I have endeavored to put the facts very fully before the Senate, citing various opinions and conclusions adverse to my contention as well as those upon which I have relied. There are other Senators who desire to speak upon the matter, and I care to say no more now, but may later have occasion to detain the Senate should the remarks of Senators who take a different view in my opinion justify further comment.

Mr. FRYE. Mr. President, I understand, as representative of the Committee on Commerce, that I am expected alone to present the side of the committee, and therefore I deem it entirely fair, and I presume the Senate will also deem it entirely fair, that I have the close of the debate in the case.

Mr. WHITE. Mr. President, I should object to that. I have moved the pending amendment representing the minority. I have made the motion to strike out the amendment proposed by the committee, and upon that proposition I have the affirmative. I do not know that there is any way of enforcing any rule of this kind. I suppose we may continue to answer each other world without end, but I should like myself to have some agreement about it. I do not think, however, it is fair that the chairman of the committee should take the affirmative upon this proposition. If the amendment is voted down, then the question will arise upon the amendment proposed by the committee. After all amendments designed to be proposed to that amendment have been disposed of, then, when the amendment itself comes up, the subject will be presented somewhat differently. There, of course, the Senator proposing that amendment will be entitled to close; but as the matter now stands I am not ready to make any such admissions.

Mr. FRYE. Does the Senator understand that other Senators desire to speak in favor of his amendment?

Mr. WHITE. I have been told by two Senators that they desire at some stage of the controversy to make a few remarks; but I think their desire was to speak after the Senator from Maine, more in the nature of reply than anything else. I will state that I do not understand that the Senator from Maine could in any exigency be debarred or cut off from replying to anything that might be said. I do not wish anything of that kind.

Mr. FRYE. I do not want to make this discussion indefinite in length. The Senator has occupied four hours.

Mr. WHITE. I have gone over the matter very fully, and probably have saved the Senator from Maine the production of a good many documents and other matters, but I have devoted no more time to it than I deemed its importance justified, for I dislike as much as anyone to detain the Senate, and am as anxious to close this session and go home; but I regarded my duty here as requiring me to say what I have said so far.

Mr. PEFFER. Mr. President, I say to Senators that I wish to be heard for a few minutes; I do not think I shall occupy more than fifteen or twenty minutes. I do not care at what particular stage of the discussion I am heard.

Mr. FRYE. Suppose the Senator takes the floor now. I do not desire to take the floor until other Senators have spoken.

Mr. PEFFER. Very well.

The VICE-PRESIDENT. The Chair recognizes the Senator from Kansas.

Mr. PEFFER. Mr. President, what I desire to say on this matter is by way of emphasizing one point made by the Senator from California [Mr. WHITE]; that is, that under an act of Congress of 1890, I think it was, a commission composed of three eminent engineers of the Army was appointed under the provisions of an act for the purpose of selecting a point for a deep-water harbor on the Pacific Coast between two certain points named. They were about 75 miles apart. It appeared that between the Bay of San Francisco and the Bay of San Diego there was at that time no proper place or location for a harbor excepting within the limits of the two points named in the act. The board took an abundance of time. They went over the whole field and finally made a report, which is embodied in Executive Document, House of Representatives, Fifty-second Congress, first session, No. 39.

This board was composed of Colonel Mendell, Lieutenant-Colonel Gillespie, and Lieutenant-Colonel Benyaurd, of the Corps of Engineers. That board passed along the entire line between the two points named, examining every place, and finally determined that there were but two places where such a harbor as was contemplated in the law could be located at any reasonable expense, an expense that would not more than outweigh the benefits of such a harbor. They then directed their attention to those two particular localities. One of them was Santa Monica and the other San Pedro. After having examined the topography at length, with proper measurements, with the usual instruments accompanying engineer parties, the hydrography of the places, winds, waves, exposure, and every other matter proper to be considered on such an errand by such a board, they finally determined as follows:

> In view of the fact that San Pedro Bay in its natural condition affords better protection both from prevailing winds and from dangerous storms than Santa Monica Bay; that protection can be secured at less cost for equal development of breakwater at the former than at the latter; that a larger area of protected anchorage from the prevailing westerly swells can be secured, the severe storms from the southeast being infrequent, and that there is already an interior harbor that will be a valuable addition to the outer harbor, the board considers San Pedro Bay as the better location for the deep-water harbor provided for by the act.

This report is signed by all of the engineers whose duty it was to make the examination. Their report was made to the Chief of Engineers, Brig. Gen Thomas Lincoln Casey. That officer says:

> After a careful consideration of the facts in the case as presented by the board, its views as to the location and general estimates of construction are concurred in by me. The difference in cost of the two breakwaters, for the same area of protection, is over $700,000 in favor of San Pedro, and when the other advantages of San Pedro, as detailed by the board, are taken into consideration, it would seem that its selection has been properly made.
>
> Very respectfully, your obedient servant,
>
> THOS. LINCOLN CASEY,
> *Brigadier-General, Chief of Engineers.*
>
> Hon. L. A. GRANT,
> *Acting Secretary of War.*

That report was submitted to the Senate January 5, 1892. The date of the report is December 18, 1891. Some dissatisfaction being expressed as to the report of the board, another board was appointed for the purpose of reexamining the work that had been done by the board whose report I have just mentioned. The other board made its report on October 27, 1892, and, without going into details, it is sufficient to say that this new board of five officers went upon the ground in person. They met at San Francisco and they also met at Los Angeles, calling before them at both places all persons who were interested either for one or the other of those two particular points. They heard engineers, topographical engineers, civil engineers, army engineers of different grades, together with officers of the railway companies, city officers, boards of trade, chambers of commerce, etc., covering the whole field of examination, hearing all the objections that were made to the preceding report; and after having had such a hearing, this new board, composed of five officers, all engineers, reported unanimously in favor of the San Pedro Harbor as it had been approved by the preceding board.

Mr. President, in view of these facts, that officers specially appointed by the President under an act of Congress, officers of the Government, educated by the people, men not belonging to any particular party, not politicians, not railway men, not officers interested in the progress of any particular locality, but officers of the Army, men presumed to be without prejudice—after men of that character twice examining the same points, coming to the same conclusion, their reports being approved by the same officer, the Chief of Engineers, and there being no other report of any character or description in opposition, it does seem to me that it is the duty of Congress, if we follow anyone's advice, to follow the advice of the persons specially appointed in this manner to determine what ought to be done. As was so well stated by the Senator from California, there has been no opposing report, there is no official information from any source, so far as I have been able to learn, in opposition to these reports; and it seems to me an unusual proceeding, to say the least of it, that a committee of Congress should undertake to set aside the reports of two boards of engineers, appointed for this particular work, and present its own views, and ask that an appropriation be made by Congress without anything official or professional in support of it. That is all I have to say at this time.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from California [Mr. WHITE] to the amendment reported by the Committee on Commerce. Is the Senate ready for the question?

Mr. STEWART. Mr. President, I believe it is generally desired to hear the chairman of the committee on this subject when there is a full Senate, and it is now late.

Mr. WHITE. If the Senator from Nevada is about to make the motion which I judge from his appearance he intends to make, which would result in the temporary dissolution of this body, I desire to suggest, if he has any such a design, that there is some other business that we might desire to transact to-day.

Mr. STEWART. I was not going to make that suggestion. I was going to suggest that the pending bill be postponed until Monday morning, immediately after the conclusion of the routine morning business.

Mr. WHITE. I would myself prefer that very much. I regret that the Senate is so thin to-day, and I would prefer that there should be a full Senate, as it is an important matter. However much of detail there may be in it, it is one of those propositions

to which I think the attention of all the members of the body should be addressed. I agree fully with the Senator from Nevada in what he has said.

Mr. STEWART. I suggest that by unanimous consent the pending bill may go over until Monday morning——

Mr. COCKRELL. I was going to suggest, if we can not go on with the river and harbor bill, that we devote two hours or more to the consideration of unobjected House bills on the Calendar, or, if the Senate prefer, unobjected bills on the Calendar generally. I think it would be the wiser and the better course to consider unobjected House bills.

Mr. MITCHELL of Oregon. Let us take up the Calendar regularly.

Mr. CULLOM. I should like especially to have some of the pension bills taken up and passed.

MARITAL AND PARENTAL RELATIONS.

Mr. FAULKNER. I wish to make one exception to the unanimous consent which is asked for, and it is one, I think, which will appeal to every Senator in this body. The law of this District provides that a man in marrying shall be responsible for the antenuptial debts of his wife. There are several cases within my personal knowledge where that relation has been prevented by reason of that particular law, and which are awaiting the passage of a law by Congress, in accordance with the laws of the different States on the subject, relieving a person from those liabilities. I think, therefore, there ought to be an exception in the case of that bill, particularly as there will be only one more District day in the other House, and if that bill is passed to-day it can be acted upon on Monday in the House of Representatives.

Mr. WHITE. I should like to inquire of the Senator from West Virginia whether he knows of any suffering consequent upon the existence of the law to which he refers? [Laughter.]

Mr. FAULKNER. I do; I know of two cases, and very sad ones, indeed. [Laughter.] If there be no objection, before the unanimous consent is given to proceed with the consideration of the Calendar, I ask unanimous consent that the bill to which I have referred, being Senate bill 1659, may be now considered.

The VICE-PRESIDENT. Is there objection?

Mr. FAULKNER. I wish to say that there are other questions involved in the bill, and if there be any real opposition to any of the other provisions of the bill I will waive them, although the bill is supported by the District bar, as I understand, by an association of 2,500 ladies in the District, by the Commissioners of the District, and by the District Committee.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1659) to amend the laws of the District of Columbia as to married women, to make parents the natural guardians of their minor children, and for other purposes.

The bill was reported from the Committee on the District of Columbia with amendments.

The first amendment was, in section 1, line 7, after the word "devise," to insert "purchase"; and in line 13, after the word "gift," to strike out "*Provided*, That the said liability shall not be enforced till all the property of the husband has first been exhausted"; so as to make the section read:

That the property, real and personal, which any woman in the District of Columbia may own at the time of her marriage, and the rents, issues, profits, or proceeds thereof, and real, personal, or mixed property which shall come to her by descent, devise, purchase, or bequest, or the gift of any person, shall be and remain her sole and separate property, notwithstanding her marriage, and shall not be subject to the disposal of her husband or liable for his debts, except that such property as shall come to her by gift of her husband shall be subject to, and be liable for, the debts of the husband existing at the time of the gift.

The amendment was agreed to.

The next amendment was, in section 2, line 6, after the word "may," to insert "by a promise in writing"; so as to make the section read:

SEC. 2. That a married woman, while the marriage relation subsists, may bargain, sell, and convey her real and personal property, and enter into any contract in reference to the same in the same manner, to the same extent, and with like effect as a married man may in relation to his real and personal property, and she may, by a promise in writing, expressly make her separate estate liable for necessaries purchased by her or furnished at her request for the family.

The amendment was agreed to.

The next amendment was to strike out section 3, as follows:

SEC. 3. That a woman, while married, may sue and be sued in the same manner as if she were unmarried. The judgment obtained by her in such action shall be her sole property and shall not be liable for her husband's debts, nor shall he be liable for any judgment in such action against her, and no suit shall abate by reason of the nonjoinder of the husband.

The amendment was agreed to.

The next amendment was to strike out section 5, as follows:

SEC. 5. That any woman who shall have been married out of the District of Columbia shall, if her husband afterwards becomes a resident of the District, enjoy all the rights as to property which she shall have acquired by the laws of any other State, Territory, or country, or which she may have acquired by virtue of any marriage contract or settlement made outside of the District.

The amendment was agreed to.

The next amendment was to strike out sections 7 and 8, as follows:

SEC. 7. That one-half in value of all personal property and real estate in which the husband or the wife at the time of death had a legal or equitable interest, and not necessary for the payment of debts, shall become the property in fee simple of the survivor, and the survivor's portion shall not be affected by any will of the husband or wife: *Provided*, That he or she elects to take under the law and relinquish all rights conferred by the will.

SEC. 8. That the estates of dower and by courtesy are hereby abolished.

The amendment was agreed to.

The next amendment was, in section [10] 6, after the words "guardians of," to insert "the person of"; in line 3, after the word "guardianship," to strike out "devolves" and insert "of the person shall devolve"; and in line 4, after the word "other," to insert:

Provided, however, That in case of the death of either parent, from whom the said children may inherit or take by devise or bequest, the said parent may, by deed or last will and testament, appoint a guardian of the property of the children, subject to the approval of the proper court of the District of Columbia.

So as to make the section read:

SEC. 6. That the father and mother shall be the natural guardians of the person of their minor children. If either dies or is incapable of acting, the natural guardianship of the person shall devolve upon the other: *Provided, however*, That in case of the death of either parent from whom the said children may inherit or take by devise or bequest, the said parent may, by deed or last will and testament, appoint a guardian of the property of the children, subject to the approval of the proper court of the District of Columbia.

The amendment was agreed to.

The next amendment was, in section [11] 7, line 2, after the word "guardian," to strike out "for" and insert "of the person and property of"; so as to make the section read:

SEC. 7. That the survivor may by last will appoint a guardian of the person and property of any of the children, whether born at the time of making the will or afterwards, to continue during the minority of the child, or for a less time, subject at all times to removal for cause and appointment of another by the proper court.

The amendment was agreed to.

The next amendment was to insert as a new section the following:

SEC. 8. That dower shall hereafter be assigned to a widow entitled to the same in the equitable as well as the legal estate of her deceased husband.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ORDER OF PROCEDURE.

Mr. COCKRELL. Mr. President, I now ask unanimous consent that we may proceed to the consideration of unobjected cases on the Calendar. I think it would be the better policy to first consider the unobjected House cases.

Mr. TELLER. Oh, no.

Mr. MITCHELL of Oregon. Let us go to the Calendar regularly.

Mr. COCKRELL. If Senators object to proceeding to the consideration of unobjected House bills only, then let us go to the regular Calendar, and take the unobjected cases in their order.

Mr. GALLINGER. I desire to ask the Senator from Missouri if he has any objection to modifying his request to the extent that that order be continued until half past 4 o'clock, at which time we shall proceed to the consideration of pension bills on the Calendar.

Mr. FAULKNER. Make it 5 o'clock.

Mr. GALLINGER. There are a great many Senators interested in these bills, and I think I have not a single bill on the Calendar in which I am personally interested.

Mr. COCKRELL. I know there are a great many Senators interested in bills on the Calendar, which they are calling up almost every day; but I think if we give the whole of this evening to the Calendar of unobjected cases there will be no trouble in securing the assignment of an hour's time to be devoted entirely to pension cases when we next go to the Calendar; and I suggest that that be done. I know the importance of passing the pension bills. If they are to become laws at this session they ought to be passed at least ten days before the adjournment or they will not become laws. That is manifest to everybody who has observed what has occurred.

Mr. GALLINGER. I do not like to be persistent about this matter. As I said a moment ago, there is not a single bill on the Calendar in which I have, I think, the remotest personal interest. I have reported a good many bills for other Senators. I dislike to interpose this request so often. If I could have any assurance that the pension bills could be taken up and passed it would relieve me from a great deal of trouble.

Mr. COCKRELL. I have no doubt that they can be taken up on Monday or Tuesday.

Mr. MITCHELL of Oregon. I hope that at some opportune time to-day, possibly after we get along with the business on the Calendar, we may take up the general bill pensioning the Indian war veterans. It has been reported and upon the Calendar for a long time. It includes all the old Indian war veterans.

Mr. COCKRELL. I think the Senator from Oregon had better give notice that he will call up that bill. Some opposition was made to it the other day, and the Senator is not now here who made it.

Mr. MITCHELL of Oregon. I give notice that I shall ask consent, immediately before the river and harbor bill is taken up and after the morning business on Monday, that it may be considered. I am compelled to go away in a few days. I do not think the bill will lead to any extended debate.

Mr. COCKRELL. The Senator from Delaware [Mr. GRAY] made the opposition to it.

Mr. MITCHELL of Oregon. That is the reason why I am giving notice.

Mr. COCKRELL. I prefer that he shall be here when the notice is given. I do not know what is his objection to the bill, but he ought to be here.

Mr. MITCHELL of Oregon. All right.

The VICE-PRESIDENT. The Chair will submit to the Senate the request of the Senator from Missouri.

Mr. GALLINGER. I desire to say that I will not urge the suggestion further, but I trust there will not be any objection to it when I next make the request, which will be early in the week.

Mr. SHERMAN. I do not like to make a discrimination against pension bills. The pension bills can be taken up in their order. The clerks can turn from one page to another without any loss of time. I think the pension cases ought to be put on the same footing as the other bills when reached in order according to their number. They ought to be considered.

Mr. FRYE. They will be considered when reached.

Mr. SHERMAN. But they are now separated. They will not be reached to-day.

Mr. GALLINGER. No; not to-day.

Mr. SHERMAN. Not one of them will be reached to-day.

Mr. CULLOM. I think they ought to be disposed of the first thing.

Mr. FAULKNER. I will state to the Senator from Ohio that the other day we gave an hour to pension bills and we passed 80 in the hour, so that is the reason why none of them are on the Calendar now. They have all been passed up to about No. 750 or No. 800.

Mr. PASCO. No. 795.

Mr. FAULKNER. They have all been passed up to No. 795 on the Calendar.

Mr. SHERMAN. I will not interfere with the Senator from New Hampshire in his management of the pension cases, but I do not think a discrimination ought to be made against them; that they should be postponed to another calendar and thus deferred.

Mr. GALLINGER. The only additional remark I wish to make is that it would take about twenty minutes to dispose of all the pension bills on the Calendar. There are not many of them. I hope that we shall get to them at an early day. Some time on Monday next I shall ask the Senate to consider them.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Missouri? The Chair hears none, and it is so ordered. The first case on the Calendar will be called.

CLARA A. GRAVES AND OTHERS.

Mr. COCKRELL. I asked that one case might be laid over. It is Senate bill 34, a very short bill, reported favorably from the Committee on Claims. I have examined it and I do not object to it. I think it ought to be considered. I had it laid over without prejudice.

Mr. GALLINGER. It was read.

Mr. COCKRELL. It was read. It proposes simply to pay $2,500 of prize money. I have examined the bill. The money is in the Treasury.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 34) for the relief of Clara A. Graves, Lewis Smith Lee, Florence P. Lee, Mary S. Sheldon, and Elizabeth Smith, heirs of Lewis Smith, deceased, which had been reported from the Committee on Claims with an amendment, in line 6, after the first word "and," to insert "Florence P. Lee, legal representative of," and in line 7, before the word "heirs," to insert "deceased"; so as to make the bill read:

Be it enacted, etc., That the Treasurer of the United States shall pay, out of any money in his hands not otherwise appropriated, to Clara A. Graves, Lewis Smith Lee, Florence P. Lee, Mary S. Sheldon, and Florence P. Lee, legal representative of Elizabeth Smith, deceased, heirs of Lewis Smith, the sum of $2,317.77, being their father's and grandfather's portion of prize money as first lieutenant of the brig *Warrior*, due and unpaid on or about July 17, 1815.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Clara A. Graves, Lewis Smith Lee, Florence P. Lee, Mary S. Sheldon, and Florence P. Lee, legal representative of Elizabeth Smith, deceased, heirs of Lewis Smith, deceased."

GEORGE H. PLANT.

Mr. PASCO. There is another bill which has been passed over without prejudice. It is Senate bill 1083, which was passed over when last called at the request of the Senator from Virginia [Mr. DANIEL]. He has looked into the matter and told me that I might call it up in his absence, as he is satisfied with reference to it. A similar bill has already passed the Senate twice, and this bill has received the unanimous approval of the Committee on Claims.

The bill (S. 1083) for the relief of George H. Plant, of the District of Columbia, was considered as in Committee of the Whole. It proposes to pay to George H. Plant, of the District of Columbia, $5,216.85, being the amount found to be due to him by the Court of Claims for losses and damages sustained by him by reason of a collision between the U. S. S. *Gettysburg* and the steamboat *Lady of the Lake* on the Potomac River.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

STEWART COLLEGE AT CLARKSVILLE, TENN.

Mr. BATE. I ask leave to call up a bill similarly situated to the one which has just been considered. It is Senate bill 1648.

Mr. COCKRELL. It was passed over without prejudice.

Mr. BATE. Yes; it was passed over without prejudice.

The VICE-PRESIDENT. The bill will be stated.

The SECRETARY. A bill (S. 1648) for the relief of Stewart College (now the Southwestern Presbyterian University), located at Clarksville, Tenn.

Mr. CULLOM. What is the amount given in the bill? The title does not indicate whether $10,000 will go out of the Treasury or $1,000 or what sum.

Mr. SHERMAN. The bill has not been read yet.

Mr. BATE. Let the bill be read.

Mr. CULLOM. There ought to be something known about it.

Mr. BATE. The Committee on Claims reported the bill unanimously.

The Secretary read the bill.

Mr. CULLOM. I think that is a pretty important bill, and I feel called upon to object to it.

Mr. HARRIS. It is an important bill.

Mr. CULLOM. It involves a good deal of money.

Mr. HARRIS. That property was taken possession of, I may say, in violation of the orders of General Grant. It was occupied for some years. Libraries and apparatus were destroyed and the building greatly impaired. But about the close of the war the Quartermaster-General, or rather the ranking quartermaster of that department, offered a sum of money in full satisfaction of the use and occupation and all the injuries sustained. The institution declined to accept the sum offered. It was $4,000, I believe, that was offered. They have been appealing year after year for compensation from that time to the present. The bill proposes to pay just such sum as the accounting officers of the Treasury may find to be justly due to the institution, and that is all.

Mr. CULLOM. There ought to be a report connected with the bill. It is a very important one.

Mr. HARRIS. Let the report be read.

Mr. CULLOM. It is a claim going back to the beginning of the war. I think the bill had better go over for the present.

Mr. BATE. The report is not a long one.

Mr. HARRIS. I hope the Senator from Illinois will not object to the consideration of the bill.

Mr. BATE. I hope he will not object. The claim has been pending a long time, and there are very peculiar surroundings.

Mr. CULLOM. Very well; let the report be read.

Mr. COCKRELL. I think the Senator from Tennessee had better let the bill be passed over for the present and let the Senator from Illinois look at the case. The reading of the report will consume time, when doubtless there will be discussion, and then somebody will object to it, and it will be simply a waste of time.

Mr. HARRIS. Let the report be read, and let us see whether anyone objects to the bill or not.

Mr. COCKRELL. I must say very frankly that I can not approve of the language of the bill. I say it is the first time the Committee on Claims have ever reported a bill attempting to make compensation for this object. I appeal to the Senator from West Virginia [Mr. FAULKNER] and other Senators. The bill says "for the injury to its buildings, apparatus, cabinets, and other property injured or destroyed." We have had many cases from Missouri, and in every solitary instance from Missouri the committee have stricken out that clause and provided payment only for use and

occupation. Now, if you confine to use and occupation and treat every State alike, I shall have no objection to the bill.

Mr. BATE. The buildings were occupied, Mr. President.

Mr. PLATT. I wish also to call the attention of the Senator from Missouri to the fact that the Senator from Tennessee who last spoke said that it was taken possession of by the troops in opposition to and in violation of military orders. Now, we have never made compensation in such a case if that were so.

Mr. CULLOM. I think we ought not to have any further discussion about the measure. I have objected to it two or three times.

Mr. HARRIS. If the Senator has objected, which I did not understand, that ends it.

The VICE-PRESIDENT. The Chair did not so understand. Objection being interposed, the next case will be called.

PUBLIC BUILDING AT BUTTE CITY, MONT.

The bill (S. 260) to provide for the construction of a public building at Butte City, Mont., was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Buildings and Grounds with an amendment, in page 2, line 14, before "hundred," to strike out the word "four" and insert "three"; so as to read:

Which said sum of $300,000 is hereby appropriated for said purpose, out of any moneys in the United States Treasury not otherwise appropriated, upon the following provisions, etc.

Mr. HILL. I should like to ask the Senator in charge of the bill how large a town is Butte?

Mr. MANTLE. I desire to say, in reply to the Senator from New York, that the city of Butte has a population of from 30,000 to 35,000, not all within the city limits as laid out, because the town has spread very far beyond the original town-site limits. There is a report accompanying the bill which very fully gives all the details in relation to the city, its population, etc.

Mr. HILL. What is the population? I did not catch the remark.

Mr. MANTLE. It is estimated at from 30,000 to 35,000.

Mr. HILL. What was it at the last census?

Mr. MANTLE. Ten or twelve thousand for the actual city limits of Butte, but I was just explaining that the city itself has spread far beyond the original limits.

Mr. HILL. Chicago-like?

Mr. MANTLE. Yes; the same as Chicago.

Mr. HILL. What is the amount proposed to be appropriated?

Mr. MANTLE. Three hundred thousand dollars.

Mr. HILL. A mere trifling sum.

Mr. MANTLE. The estimate for a site is from $75,000 to $100,000 in a desirable locality of the city. That figure will give the Senator an idea of the value of the ground, which, of course, brings up the cost of the building very largely. I will say also that Butte City is the metropolis of the State of Montana, being by far the largest city in the State. I may also add that it is perhaps the most thriving, prosperous, and growing city of its size in the United States to-day. The business of the post-office and of every Government department is daily increasing. The estimates show very clearly and conclusively that the amount the Government now pays in the way of rents will very much exceed the interest upon the sum proposed to be appropriated.

Mr. HILL. I am very much gratified to learn that in spite of the prevailing gold standard the State, and especially Butte City, is very prosperous. I supposed that it might have affected that portion of the country, but it seems not. Are there any other public buildings in the State?

Mr. MANTLE. One; a very small building at the capital of the State—an assay office.

Mr. HILL. Built by the Government?

Mr. MANTLE. I think it was built by the Government.

Mr. HILL. What was the cost of that building?

Mr. MANTLE. I do not remember.

Mr. CARTER. About $50,000.

Mr. MANTLE. It is not a large building; it is a very small affair.

Mr. GALLINGER. It is an assay office?

Mr. MANTLE. An assay office for refining gold and silver, being a matter of convenience in shipment.

Mr. HILL. There is no post-office building, or otherwise?

Mr. MANTLE. There is not a post-office building in the State.

Mr. HILL. Is the capital the next largest town in the State?

Mr. MANTLE. No; it is some 75 miles distant, but connected by rail.

Mr. HILL. Can the Senator give us any assurance that the bill will pass the other House?

Mr. MANTLE. I think the Senator from New York may rest safely assured on that score, so far as I have any information upon the subject.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ESTATE OF WILLIAM B. TODD.

The bill (S. 336) for the relief of the estate of William B. Todd, deceased, was considered as in Committee of the Whole. It proposes to issue to the administrators of the estate a drawback certificate for lots 1, 2, 3, and 4, in square 1040, in the District of Columbia, on account of excessive special assessments found to be due in the revision of such assessments in accordance with the revising acts of Congress, which drawback certificate shall be receivable in payment for all arrearages of general taxes due the District of Columbia and unpaid prior to July 1, 1895.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PRACTICE OF MEDICINE AND SURGERY.

The bill (H. R. 5731) to regulate the practice of medicine and surgery, to license physicians and surgeons, and to punish persons violating the provisions thereof in the District of Columbia was announced as next in order.

Mr. GALLINGER. The bill has been once read. I will state that the Senator from Florida [Mr. CALL] made a request that he might be further heard on the bill, he having spoken once for a considerable length of time. I understand that the Senator has left the city for his home, and I have been informed that he is not to return during the present session of Congress. I want to extend every possible courtesy to the Senator, but as it is very important that the bill shall become a law, I hope it will be considered to-day.

The Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the District of Columbia with amendments.

The first amendment was, in section 1, line 6, after the word "physicians," to insert "one of whom shall be learned in the law"; so as to read:

That there shall be, and is hereby, created a board of medical supervisors of the District of Columbia, which shall consist of the presidents of the three boards of medical examiners hereinafter provided for and two persons, not physicians, one of whom shall be learned in the law, to be appointed by the Commissioners of the District of Columbia, each for a period of three years, or until his successor is appointed.

The amendment was agreed to.

The next amendment was, in section 1, line 13, after the word "remove," to insert "after due notice and hearing"; so as to read:

That said Commissioners may remove, after due notice and hearing, any member of said board for neglect of duty or other just cause, and that in case of the death, resignation, or removal of any member the vacancy for the unexpired term of said member shall be filled in the same manner as other appointments are made.

The amendment was agreed to.

The next amendment was, in section 2, line 14, after the word "age," to strike out "and"; so as to read:

Said register shall show the name, age, place, and duration of residence of each candidate, etc.

The amendment was agreed to.

The next amendment was, in section 3, line 1, after the word "the," to strike out "passage of this act" and insert "1st day of July, 1896"; so as to read:

That from and after the 1st day of July, 1896, all persons desiring to practice medicine and surgery in any of their branches in the District of Columbia shall apply to said board of medical supervisors for a license to do so.

The amendment was agreed to.

The next amendment was, in section 4, line 5, before the word "dollars," to strike out "twenty" and insert "ten"; so as to read:

That said application for a license to practice medicine and surgery in the District of Columbia shall be made to the secretary of said board of medical supervisors upon a form prescribed by said board, and shall be accompanied by a fee of $10.

The amendment was agreed to.

The next amendment was, in section 5, line 24, before the word "said," to insert "either of"; and in the same line, after "have," to insert "been"; so as to read:

That no member of either of said boards shall have been engaged in the practice of medicine and surgery in the District of Columbia for less than five years at the time of his appointment.

The amendment was agreed to.

The next amendment was, in section 5, line 34, after the word "examiners," to strike out "or of both, as the case may be"; and in line 35, after the word "society," to strike out "or societies"; so as to read:

That in event of the failure of the Washington Homeopathic Medical Society or of the Eclectic Medical Society of the District of Columbia, after

fifteen days' notice by the Commissioners of the District of Columbia, to submit the list of names aforesaid, said Commissioners may appoint the members of the board of homeopathic medical examiners or of the board of eclectic medical examiners, without restriction as to nomination by the society in default.

The amendment was agreed to.

The next amendment was, in section 5, line 37, after the word "of," to strike out "said boards" and insert "either of the boards named in this act"; so as to read:

That said Commissioners may at any time remove any member of either of the boards named in this act for neglect of duty or other just cause, and that in case of the death, resignation, or removal of any member the vacancy for the unexpired term of said member shall be filled in the same manner as other appointments are made.

The amendment was agreed to.

The next amendment was, in section 6, line 9, after the word "and," to insert "other meetings shall be held"; in line 10, after the word "such," to strike out "other"; in line 12, after the word "boards," to strike out "of medical examiners," and in line 13, before the word "immediately," to strike out "examination" and insert "meeting"; so as to read:

Each board shall hold a meeting for examination in the city of Washington on the second Thursday in January, April, July, and October of each year, and continuing so long as may be necessary to examine all applicants, and other meetings shall be held at such times as the board of medical supervisors shall direct. Each of said boards shall examine, at the meeting immediately following the receipt of the proper certificates from the board of medical supervisors, all applicants for licenses to practice medicine and surgery in the District of Columbia so certified.

The amendment was agreed to.

The next amendment was, in section 7, line 13, before the word "of," to strike out "department" and insert "departments"; so as to read:

From the lists of questions so submitted said board of medical supervisors shall select the questions for each examination, and such questions shall be the same for all candidates, except that in the departments of therapeutics, practice of medicine, etc.

The amendment was agreed to.

The next amendment was, in section 7, line 22, after the word "the," to strike out "examination"; and in the same line, after the word "average," to strike out "of" and insert "attained by"; so as to read:

An official report of the result of each examination, signed by the president and the secretary and each acting member of the board of medical examiners conducting such examination, stating the average attained by each candidate in each branch, etc.

The amendment was agreed to.

The next amendment was, in section 8, line 13, after the word "physician," to strike out "a graduate of any medical college in good standing"; and in line 16, after the word "act," to strike out:

And provided further, That a license may be issued, under such regulations as the board of medical supervisors of the District of Columbia, with the approval of the Board of Commissioners of said District, shall make, to any physician holding a license from any State board of medical examiners established by law which has required, before the issue of said license, qualifications and examinations equivalent to those required by this act for the issue of similar licenses.

And insert:

And to physicians who may change their residence to the District of Columbia from any State or Territory where medical laws and medical examining boards exist, the presentation of a certificate or license from a medical examining board, if found upon due inquiry to be true and genuine, being sufficent evidence of right to registration and certification under the provisions of this act.

So as to read:

Provided, That a license shall be issued upon application, free of cost and without examination, to each physician who is registered at the health office of the District of Columbia at the time of the passage of this act, and to physicians who may change their residence, etc.

The amendment was agreed to.

The next amendment was, in section 10, line 8, after the word "chronic" and before "inebriety," to strike out "and persistent."

The amendment was agreed to.

The next amendment was, in section 10, line 17, after the word "the," to strike out "Board of Commissioners" and insert "court of appeals"; in line 18, after the word "and," to strike out "its" and insert "the"; in the same line, after the word "decision," to insert "of said court"; and in line 23, after the word "him," to insert "or her"; so as to read:

Appeal from the decision of said board may be taken to the court of appeals of the District of Columbia, and the decision of said court shall be final. Said board may at any time within two years from the refusal or revocation of a license, or the cancellation of registration under this section, by a vote of four members, issue, without examination, a new license to the person so affected, restoring to him or her all the rights and privileges of which he or she had been deprived by said board.

The amendment was agreed to.

The next amendment was, in section 11, line 6, after the word "the," to strike out "recording"; in the same line, after the word "clerk," to insert "of said court"; and in line 9, before the word "register," to insert "shall"; so as to read:

That any person receiving a license as hereinbefore provided shall have it recorded in the office of the clerk of the supreme court of the District of Columbia within three months from the date of said license, and the place and date of record shall be certified thereon by said clerk; and the holder of the license shall pay to the clerk of said court a fee of 50 cents for making the record. The holder of said license shall, after the same has been recorded, exhibit the same at the health office, and shall register, in a book provided for that purpose, his or her name and address.

The amendment was agreed to.

The next amendment was, in section 12, line 8, after the word "to," to insert "the practice of massage or the so-called Swedish movement cure, nor to"; in line 10, after the word "without," to strike out "any"; and at the end of line 10 to strike out "being given in return therefor"; so as to make the section read:

SEC. 12. That this act shall not apply to commissioned surgeons of the United States Army, Navy, or Marine-Hospital Service, nor to regularly licensed physicians and surgeons in actual consultation from other States or Territories, nor to regularly licensed physicians and surgeons actually called from other States or Territories to attend specified cases in the District of Columbia, nor to the treatment of any case of actual emergency, nor to the practice of massage or the so-called Swedish movement cure, nor to the use of ordinary domestic remedies without fee, gift, or consideration of any kind.

The amendment was agreed to.

The next amendment was, in section 13, line 6, before the word "and," to strike out "to do so"; in line 9, after the word "registration," to strike out "or both"; and in line 18, page 13, after the word "act," to strike out:

Provided, That this act shall not apply to massage, Swedish movement, and other similar methods of treatment without medicine.

So as to make the section read:

SEC. 13. That from and after the passage of this act any person practicing medicine and surgery or midwifery in the District of Columbia, or who shall publicly profess to do so, without first having obtained from the board of medical supervisors of the District of Columbia a license, and registered the same as herein provided, or in violation of any of the provisions of this act or any of the rules and regulations made by authority conferred herein, or after his license or registration has been canceled by order of said board of medical supervisors of the District of Columbia, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished for each offense by a fine of not less than fifty nor more than five hundred dollars, or by imprisonment in the District jail for a period of not less than ten nor more than ninety days, or by both such fine and imprisonment. It shall be the duty of the United States district attorney for the District of Columbia to prosecute all violations of the provisions of this act.

The amendment was agreed to.

The next amendment was, in section 14, line 8, after the word "as," to strike out "said board" and insert "the Commissioners of the District of Columbia"; so as to read:

And if any surplus remain on the 30th day of June of each year the members of the board of medical supervisors appointed as such shall be paid such reasonable compensation as the Commissioners of the District of Columbia may determine, etc.

The amendment was agreed to:

The next amendment was, in section 16, line 2, before the word "not," to strike out "now existing"; and in line 3, after the word "act," to strike out "or inconsistent therewith"; so as to make the section read:

SEC. 16. That all acts or parts of acts, general or special, not in accordance with the provisions of this act be, and are hereby, repealed.

The amendment was agreed to.

Mr. KYLE. This seems to be a very important bill. I should like to know of the Senator from New Hampshire [Mr. GALLINGER] whether it has the approval of the various medical societies in the District of Columbia.

Mr. GALLINGER. In answer to the interrogatory, I will say that so far as I know it has such approval. There are some outside parties who do not want this legislation, as is always the case. I will furthermore state that every State and Territory in the Union has a law similar to this bill, some of them not so liberal, and the District of Columbia is the dumping ground of incompetent and unskilled physicians who leave the States and Territories and come here as so-called practitioners of medicine.

Mr. KYLE. I mean has the bill the approval of the regular schools of medicine in the District of Columbia?

Mr. GALLINGER. The bill provides specifically that the representatives of the three medical societies, the so-called regular, the homeopathic, and the eclectic, shall be treated with absolute equality.

Mr. KYLE. Very well.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. FAULKNER. I offer an amendment which is satisfactory to the Senator in charge of the bill.

The PRESIDING OFFICER (Mr. PASCO in the chair). The amendment will be stated.

The SECRETARY. In section 8, line 30, it is proposed to amend by adding after the words "provisions of this act" the following proviso:

Provided, That the medical laws and examining boards of such States and Territories grant equal rights and recognition to the licentiates of the board herein created.

The amendment was agreed to.

Mr. FAULKNER. I also offer another amendment.

The SECRETARY. In section 13, line 7, after the word "Columbia," it is proposed to insert "nor to medical students who have

matriculated in any medical college in the District of Columbia prior to January, 1896."

Mr. GALLINGER. I am not sure that that is a desirable amendment, but as I intend to ask for a conference with the House of Representatives on the bill and amendments, I am willing that the amendment shall go in.

The amendment was agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. GALLINGER. I move that the Senate request a conference with the House of Representatives on the bill and amendments.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate, and Mr. GALLINGER, Mr. MCMILLAN, and Mr. FAULKNER were appointed.

ESTATE OF WILLIAM MOSS.

The bill (S. 837) making an appropriation for the benefit of the estate of William Moss, deceased, was considered as in Committee of the Whole. It proposes to pay $14,175 to the administrator of the estate of William Moss, deceased, late of Arkansas, for extra services in transporting the United States mails not provided for in Moss's contract.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MONUMENT TO GEN. NATHANAEL GREENE.

The bill (S. 1188) to provide for the erection of a monument to Gen. Nathanael Greene on the battlefield of Guilford Court-House was considered as in Committee of the Whole. It proposes to appropriate $25,000 for the erection of a statue of Gen. Nathanael Greene on the land of the Guilford Battle Ground Company, in Guilford County, N. C.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

REPUBLICAN FORM OF GOVERNMENT IN ALABAMA.

The resolution for the appointment of a select committee to make inquiry whether there is and for the last two and a half years has been a republican form of government in the State of Alabama was announced as the next business in order on the Calendar.

Mr. PUGH. The Senator in charge of the resolution is not present, and I suggest that it go over.

Mr. COCKRELL. Let it be passed over.

The PRESIDING OFFICER. The resolution will be passed over.

FUR-BEARING SEALS IN ALASKA.

The bill (H. R. 3206) to amend an act entitled "An act to prevent the extermination of fur-bearing seals in Alaska, and for other purposes," was announced as the next in order on the Calendar.

Mr. GALLINGER. I suggest that the bill go over, retaining its place.

Mr. COCKRELL. Yes.

The PRESIDING OFFICER. It will be so ordered.

Mr. SHERMAN subsequently said: What became of House bill 3206?

The PRESIDING OFFICER. It was passed over without prejudice, the Chair will state.

Mr. SHERMAN. I desire to enter my objection to the bill and to suggest that it go over under Rule IX.

Mr. CULLOM. I hope that the Senator from Ohio will not ask that that be done in the absence of the Senator from Maine [Mr. FRYE]. I know he is very anxious about the bill.

Mr. COCKRELL. It does not injure the bill.

Mr. SHERMAN. It does not make any difference.

Mr. COCKRELL. The bill will have to be taken up on motion.

Mr. SHERMAN. It will have to be taken up on motion. I do not want to do anything that is not satisfactory. But it will not change the status of the bill except that it can only be taken up on motion if it goes over under Rule IX.

Mr. CULLOM. I understand that that is true, and yet at the same time the practice has been to let bills stand in their places by being passed over without prejudice.

Mr. SHERMAN. I have no objection to letting the bill go over without prejudice.

The PRESIDING OFFICER. The Senator from Ohio withdraws the request, and the bill will be passed over without prejudice.

Mr. CULLOM. I think that course will be more satisfactory to the Senator from Maine [Mr. FRYE].

LANDS OF THE UNIVERSITY OF UTAH.

The bill (S. 2047) extending the time within which the University of Utah shall occupy lands heretofore granted to it was considered as in Committee of the Whole. It proposes that the time within which the University of Utah shall occupy the lands granted to it by act of July 23, 1894, shall be extended from five years to ten years thereafter.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN W. GUMMO.

The bill (S. 814) for the relief of John W. Gummo was considered as in Committee of the Whole. It proposes to pay to John W. Gummo, late of Company F, Twelfth Regiment Pennsylvania Volunteer Cavalry, $190, being balance of bounty due him for services rendered the Government during the late war of the rebellion.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CHANNEL IN ATCHAFALAYA BAY, LOUISIANA.

The Senate, as in Committee of the Whole, proceeded to consider the joint resolution (S. R. 83) directing and authorizing the Secretary of War to appoint a commission to determine the cost of securing for the United States the channel in Atchafalaya Bay, Louisiana, which had been reported from the Committee on Commerce with amendments.

The first amendment was, in section 1, line 4, after the words "authorized to," to strike out "appoint a commission consisting of one army engineer and one civil engineer to determine" and insert "ascertain"; and in line 10, after the word "report," to strike out "their findings to the Secretary of War, who shall transmit same"; so as to make the section read:

That the Secretary of War be, and he is hereby, directed and authorized to ascertain the cost of securing and acquiring by the United States the property rights and franchises of the Atchafalaya Bay Company, or their assignees or assignees, in and to a channel in the Atchafalaya Bay, situated in the State of Louisiana, and to report to Congress, with his recommendation, at the earliest practicable moment.

The amendment was agreed to.

The next amendment was, in section 2, line 3, after the words "expense of the," to strike out "commission" and insert "investigation"; so as to make the section read:

SEC. 2. That the sum of $500, or as much thereof as may be necessary, be appropriated to defray the expense of the investigation.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A joint resolution directing and authorizing the Secretary of War to ascertain the cost of securing for the United States the channel in Atchafalaya Bay, Louisiana."

C. B. BRYAN & CO.

The bill (S. 589) for the relief of C. B. Bryan & Co. was considered as in Committee of the Whole. It proposes to pay to C. B. Bryan & Co., of Memphis, Tenn., $3,643.60 for the value of a coal barge and coal, as found by the Court of Claims.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ISAIAH MITCHELL.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1938) allowing Isaiah Mitchell, of Denver, Colo., ten years within which to make a final homestead entry upon certain land, which had been reported from the Committee on Public Lands with amendments. The amendments were, in line 12, after the word "until," to strike out "ten" and insert "seven"; and in line 14, after the word "land," to insert the following proviso:

Provided, That no adverse claim shall exist at the date of the passage of this act, and that within six months from that date he shall go upon said land and establish his residence thereupon, and that he shall thereafter continue to reside upon and cultivate the same as his home for the proper period according to the provisions of the homestead laws.

So as to read:

That Isaiah Mitchell, of Denver, Colo., late a corporal of Company G, One hundred and fifteenth Regiment United States Colored Volunteer Infantry, who, on March 22, 1893, made a homestead application in the Denver, Colo., land office for entry of the southwest quarter of section 28, township 2 south, of range 64 west, and by reason of disabilities incurred consequent upon his service as a soldier during the late war of the rebellion was compelled to abandon said land, be, and he is hereby, granted further time and until seven years from the passage of this act within which to make final entry upon said land: *Provided*, That no adverse claim shall exist at the date of the passage of this act, etc.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

On motion of Mr. HARRIS, the title was amended so as to read: "A bill allowing Isaiah Mitchell, of Denver, Colo., seven years within which to make a final homestead entry upon certain land."

PROPOSED PENSION LEGISLATION.

The bill (S. 2047) to amend section 3 of an act entitled "An act granting pensions to soldiers and sailors who are incapacitated for the performance of manual labor, and providing for pensions to widows, minor children, and dependent parents," approved June 27, 1890, was announced as the next business in order on the Calendar.

Mr. COCKRELL. I suggest that this bill and the next two bills, the bill (S. 2407) to supplement the act of June 27, 1890, as to pensions, and the bill (S. 2406) concerning the weight of evidence in pension claims, be passed over, retaining their places, as the Senator who reported them is not present.

The PRESIDING OFFICER. It will be so ordered.

STATUE OF COMMODORE SLOAT.

The bill (S. 1609) for the erection of a statue of Commodore John D. Sloat in the city of Monterey, Cal., was considered as in Committee of the Whole. It proposes to appropriate $10,000, or so much thereof as may be necessary, for the erection of a statue of the late Commodore John D. Sloat within the limits of the city of Monterey, Cal., and for the proper preparation, grading, and inclosing of the lot and foundation upon which the statue is to be erected.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EVIDENCE IN PENSION CLAIMS.

Mr. GALLINGER. During my absence the bill (S. 2406) concerning the weight of evidence in pension claims was passed over. It is a bill which passed the Senate during the last Congress. There is no objection to it, and I think it ought to be passed.

Mr. COCKRELL. What is the effect of the bill?

Mr. GALLINGER. The effect of it is to provide that the oath of a person who has served as a private or noncommissioned officer shall not have any less weight than if such witness had served as a commissioned officer, and only that.

Mr. CULLOM. Let us pass it.

Mr. COCKRELL. That is all right.

The Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that in all applications for pension and in all proofs and evidence submitted in support of any claim under the pension laws the oath of a person who has served as a private or noncommissioned officer shall not have any less weight than if such witness had served as a commissioned officer.

Mr. HARRIS. Is there any law that gives greater weight to the testimony of a commissioned officer?

Mr. PEFFER. It is a rule.

Mr. GALLINGER. I will say it is a rule of practice. There is nothing in the law, but the Pension Bureau has established a practice that does it.

Mr. HARRIS. It seems to me very singular that there should be any necessity for the passage of such a bill. I have no objection to it.

Mr. COCKRELL. It is a rule of the Pension Office.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

UNIVERSITY OF THE UNITED STATES.

The bill (S. 1202) to establish a university of the United States was announced as the next business in order on the Calendar.

Mr. COCKRELL. Let this bill be passed over.

Mr. KYLE. I should like to have it passed over without losing its place on the Calendar.

The PRESIDING OFFICER. It will be so ordered.

PENSIONS UNDER ACT OF 1890.

Mr. GALLINGER. The bill (S. 2407) to supplement the act of June 27, 1890, as to pensions, was passed over during my absence. The bill passed the House during the last Congress, and was favorably reported to the Senate. It is a short bill, and I think we ought to pass it.

Mr. COCKRELL. What is the effect of the bill?

Mr. PLATT and Mr. GALLINGER. Let it be read.

The bill was read; and the Senate, as in Committee of the Whole, proceeded to its consideration. The bill provides that in any application for a pension under the act approved June 27, 1890, where it is shown that the soldier or sailor on account of whose service the pension is asked dies or has died without having received an honorable discharge from the service, and without having by his own misconduct forfeited his right to receive an honorable discharge, the want of an honorable discharge shall not debar the applicant from receiving the benefits of the law upon complying with the other requirements thereof, if no charge of desertion is standing against the soldier or sailor upon the records of the War or Navy Department.

Mr. GALLINGER. The bill is favored by the Commissioner of Pensions, and is simply designed to correct an inequality which ought not to exist.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GERMAN EVANGELICAL CHURCH AT MARTINSBURG, W. VA.

The bill (S. 461) for the relief of the trustees of the German Evangelical Church at Martinsburg, W. Va., was announced as next in order on the Calendar, and was read.

Mr. ALDRICH. Has Congress been in the habit of paying for property destroyed in that way? I think the bill had better go over.

Mr. COCKRELL. Let it be passed over.

The PRESIDING OFFICER. The bill will be passed over.

ALEXANDER STODDART, OF NEW YORK.

The bill (S. 1548) for the relief of Alexander Stoddart, of New York, was announced as the next business in order on the Calendar.

Mr. ALDRICH. Let the bill go over.

The PRESIDING OFFICER. The bill will go over without prejudice.

SUFFERERS BY WRECK OF REVENUE CUTTER GALLATIN.

The bill (S. 1555) for the relief of the sufferers by the wreck of the United States revenue cutter *Gallatin* off the coast of Massachusetts was considered as in Committee of the Whole. It proposes to appropriate a sum sufficient to reimburse the survivors of the officers and crew of the United States revenue cutter *Gallatin*, wrecked off the coast of Massachusetts January 6, 1892, for losses sustained by them, respectively, in the wreck of the vessel.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ALLOTMENTS OF PAY BY NAVAL OFFICERS.

The bill (S. 2462) to provide for the making of allotments of pay by officers of the Navy and Marine Corps was considered as in Committee of the Whole. It authorizes the Secretary of the Navy to permit officers of the Navy and the Marine Corps to make allotments from their pay, under such regulations as he may prescribe.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MRS. ALICE M. WALSH.

Mr. COCKRELL. Let the next order of business, the bill (S. 1004) for the relief of Mrs. Alice M. Walsh, go over under Rule IX, it having been adversely reported.

The PRESIDING OFFICER. It will be so ordered.

EXPENDITURES OF THE SENATE.

The resolution directing the Committee on Civil Service and Retrenchment to investigate the expenditures of the Senate for the past year was announced as the next business in order on the Calendar.

Mr. COCKRELL. Let the resolution be passed over.

Mr. HARRIS. The resolution might as well go over under Rule IX.

Mr. COCKRELL. Let the resolution go over under Rule IX.

The PRESIDING OFFICER. The resolution will be passed over under Rule IX.

WAR IN CUBA.

The resolution proposing to postpone the consideration of the report of the conference committee on Senate concurrent resolution No. 19, relating to Cuba, until Monday, April 6, 1896, was announced as the next business in order on the Calendar.

Mr. PLATT. Let the resolution be indefinitely postponed.

Mr. COCKRELL. I suggest that the resolution go over under Rule IX.

Mr. PLATT. It might as well be indefinitely postponed, so as to get it off the Calendar.

Mr. HILL. The subject has been disposed of.

Mr. PLATT. I move that the resolution be indefinitely postponed.

The motion was agreed to.

J. HENRY RIVES.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1709) for the relief of J. Henry Rives, which was reported from the Committee on Claims with an amendment, in line 5, after the words "sum of," to strike out "$858.57," and insert "$293.90"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be authorized to pay to J. Henry Rives, of Lynchburg, Va., out of any money in the Treasury not otherwise appropriated, the sum of $293.90, being the amount of the attorney's fees and expenses necessarily incurred and paid by him in the arrest of John C. Henry, deputy collector, for embezzlement.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PAYMENT OF PENSION MONEY.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 901) amending section 4716 of the Revised Statutes, which was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That section 4716 of the Revised Statutes be amended so as to read as follows:

"SEC. 4716. No money on account of pension shall be paid to any person or to the widow, children, or heirs of any deceased person who in any manner voluntarily engaged in or aided or abetted the late rebellion against the authority of the United States, except to such persons and the widows of such persons as before the 1st day of September, 1864, voluntarily, or as a substitute for any other person, and without a bounty or the promise of a bounty for so doing, enlisted in the service of the United States and actually served for ninety days."

Mr. ALDRICH. How does that change existing law? I hope some member of the committee will explain it.

Mr. GALLINGER. I will say that that bill was reported by the Senator from Illinois [Mr. PALMER].

Mr. PLATT. It had better go over until the Senator who reported it comes in.

The PRESIDING OFFICER. The bill will be passed over without prejudice.

RELIEF LIGHT VESSEL ON PACIFIC COAST.

The bill (S. 1908) for a relief light vessel on the Pacific Coast was announced as next in order.

Mr. PERKINS. I ask that that bill be passed over without prejudice. Such a vessel has already been provided for in the sundry civil bill.

Mr. ALDRICH. Then the bill ought to be indefinitely postponed.

Mr. WHITE. Oh, no. We might want another light vessel. [Laughter.]

The PRESIDING OFFICER. The bill will be passed over without prejudice.

STORAGE BUSINESS IN THE DISTRICT OF COLUMBIA.

The bill (H. R. 3462) to regulate the business of storage in the District of Columbia was announced as next in order.

Mr. ALDRICH. That bill had better go over.

Mr. PLATT. Let the bill be passed over.

The PRESIDING OFFICER. The bill will be passed over without prejudice.

Mr. PLATT subsequently said: With regard to House bill 3462, to which I objected, I will say that I should be perfectly willing to have it passed if an amendment can be made to it in lines 8, 9, and 10, by striking out the words "such lien to include all legal demands for like storage and expenses against the owner of said property," which seem to make a lien upon property held by storage companies for a debt which has not been paid. I have no objection to the consideration of the bill, but I shall offer that amendment.

Mr. GALLINGER. I think there will be no objection to that amendment being made. I trust the bill will be allowed to pass; it is an important one.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 3462) to regulate the business of storage in the District of Columbia.

The bill was reported from the Committee on the District of Columbia with an amendment, in section 2, line 6, after the word "due," to strike out "and" and insert "by the person at whose instance such change of possession is so ordered, and who shall be entitled to recover such payment as part of the costs in such proceeding, or, if defeated therein, he shall be credited with such payment in taxation of costs against him. And"; so as to make the section read:

SEC. 2. That whenever the title or right of possession to any goods, wares, merchandise, or personal property on storage shall be put in issue by any judicial proceeding, the same shall be delivered upon the order of court after prepayment of the storage charges and cash advances then due, by the person at whose instance such change of possession is so ordered, and who shall be entitled to recover such payment as part of the costs in such proceeding, or, if defeated therein, he shall be credited with such payment in taxation of costs against him. And unless the person, firm, association, or corporation so conducting a storage business shall claim some right, title, or interest in said stored property otherwise than the lien hereinabove authorized, he, it, or they shall not be made a party to said judicial proceedings.

The amendment was agreed to.

Mr. PLATT. Now I move to strike out, beginning with the last word in line 8 of section 1, the sentence, "such lien to include all legal demands for like storage and expenses against the owner of said property."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 710) granting a pension to Ada J. Schwatka, widow of the late Lieut. Frederick Schwatka, with an amendment in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 75) granting a pension to Mary F. Davenport;

A bill (H. R. 4275) to increase the pension of Mrs. Annis H. Enochs, widow of Gen. William H. Enochs, from $20 to $50 per month;

A bill (H. R. 4355) to increase the pension of Theresa Peebles, of Jefferson County, Ga.;

A bill (H. R. 4395) for the relief of Miss Juliette Betts;

A bill (H. R. 5400) to increase the pension of Mary L. Bacon, widow of the late George B. Bacon, late lieutenant-commander of the United States Navy;

A bill (H. R. 5225) for the relief of Mrs. Elizabeth M. Williams, of Monroe County, Tenn.;

A bill (H. R. 5712) granting increase of pension to John W. Hines; and

A bill (H. R. 6132) granting an increase of pension to Thomas M. Scott.

WILLIAM F. WILSON.

The bill (S. 434) for the relief of William F. Wilson was considered as in Committee of the Whole. It proposes to pay to William F. Wilson, of Berkeley County, W. Va., $1,530, in full for the use and value of his house at Harpers Ferry, Jefferson County, W. Va., during the war of the rebellion.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading; read the third time, and passed.

SOLICITOR AND JUDGE-ADVOCATE-GENERAL.

The bill (S. 1996) amending the act of June 8, 1880, entitled "An act to authorize the President to appoint an officer of the Navy or the Marine Corps to perform the duties of solicitor and judge-advocate-general, etc., and to fix the rank and pay of such officer," and for other purposes, was announced as next in order.

Mr. CULLOM. Let that bill go over for the present.

The PRESIDING OFFICER. The bill will go over without prejudice.

PURCHASE OF PAINTING BY VICTOR NEHLING.

The joint resolution (S. R. 18) authorizing the purchase of the painting by Victor Nehling, representing Pocahontas saving the life of Capt. John Smith, was announced as next in order.

Mr. COCKRELL. Let that be passed over for the present.

The PRESIDING OFFICER. It will be passed over without prejudice.

LEASE OF SIBLEY ISLAND.

The bill (S. 1923) granting to the city of Bismarck, N. Dak., the right to lease and use for public purposes Sibley Island, an island in the Missouri River, was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Lands with an amendment, in line 21, after the word "park," to insert:

Provided, That nothing herein contained shall be construed as authorizing the felling of timber on said island, for sale or consumption, nor shall any timber be cut save for the purpose of improving or beautifying the grounds: *Provided further*, That such leases shall not be for a longer period than ten years: *Provided further*, That the Secretary of the Interior may at any time declare a forfeiture of the privilege herein granted for violation of any of the terms, reservations, or conditions hereof.

So as to make the bill read:

Be it enacted, etc., That the city of Bismarck, in State of North Dakota, by and through its regular city council, shall have authority, either by itself or under a system of leases securing a revenue to the city, to use or lease Sibley Island, an island in the Missouri River near said city of Bismarck, for public assemblies of a religious, literary, political, or scientific character; to use or lease the same for fair grounds or driving-park purposes; together with the right to erect such buildings and make such improvements as may be necessary to provide for the comfort and convenience of visitors or those connected with said island for any of the purposes named; also to have control of all timber upon said island; the said city council having at all times authority to control and regulate all the fees or charges made by any person or association thereon for any of the purposes herein enumerated, and full authority to construct roadways and lay out said island into grounds, parks, or lots suitable for the uses herein allowed and provided for; said island always remaining free to the public for the ordinary uses of a public park: *Provided*, That nothing herein contained shall be construed as authorizing the felling of timber on said island, for sale or consumption, nor shall any timber be cut save for the purpose of improving or beautifying the grounds: *Provided further*, That such leases shall not be for a longer period than ten years: *Provided further*, That the Secretary of the Interior may at any time declare a forfeiture of the privilege herein granted for violation of any of the terms, reservations, or conditions hereof.

The amendment was agreed to.

Mr. COCKRELL. I move, at the end of the committee amendments just adopted, to insert:

Without any liability for any sum whatever by reason thereof; and Congress reserves the express authority to resume the ownership, possession, and control of said island.

It is only a lease, and let it appear as a lease, and not as a gift.

Mr. DUBOIS. Is that not covered by the proviso?

Mr. COCKRELL. No.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from Missouri.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. CULLOM. I think we have been here long enough for Saturday evening, and I move that the Senate adjourn.

Mr. WHITE. Will the Senator withdraw the motion for a few moments? There are several small bills which Senators desire to have considered.

Mr. CULLOM. I have a number in which I feel an interest, and have been waiting for three or four days to secure an opportunity for their consideration, but have not been successful.

Mr. WHITE. I hope the Senator will accede to the request.

Mr. CULLOM. I withdraw the motion to adjourn.

The PRESIDING OFFICER. The motion to adjourn is withdrawn.

SUGAR LOAF RESERVOIR SITE, COLORADO.

Mr. TELLER. I do not desire to break into the order, but if we are likely to adjourn I desire to call up a bill which I am anxious to get to the House of Representatives, so that it may become a law speedily. I ask for the present consideration of Senate bill 2232, which was favorably reported by the Committee on Public Lands.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2232) to vacate Sugar Loaf Reservoir site, in Colorado, and to restore the lands contained in the same to entry, which had been reported by the Committee on Public Lands with amendments, in line 4, after the word "numbered," to strike out "seven" and insert "five"; and in line 10, after the word "same," to strike out "under the existing laws for the disposal of the public lands," and insert:

At the price of $2.50 per acre, under such regulations as he may prescribe: *Provided*, That nothing in this act shall be construed to deprive the State of Colorado of the control of the water in any reservoir which may be constructed on this site by any person or corporation or association, under the regulations provided by the State laws in such cases.

So as to make the bill read:

Be it enacted, etc., That the public land embraced in the reservoir site known as Sugar Loaf Reservoir site No. 5, located in Lake County, Colo., which was withdrawn from entry and settlement under the provisions of the act making appropriations for sundry civil expenses of the Government, approved October 2, 1888, is hereby restored to the public domain, and the Secretary of the Interior is hereby authorized to dispose of the same at the price of $2.50 per acre, under such regulations as he may prescribe: *Provided*, That nothing in this act shall be construed to deprive the State of Colorado of the control of the water in any reservoir which may be constructed on this site by any person or corporation or association, under the regulations provided by the State laws in such cases.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GILMAN WILLIAMS.

Mr. GEAR. I ask permission to call up at this time the bill (H. R. 1020) granting an increase of pension to Gilman Williams. The beneficiary named in the bill is in an insane hospital and almost dying.

Mr. COCKRELL. We have an understanding that pension cases are all to be taken up together, and I must object. We have fifty or seventy-five pension cases on the Calendar, and I do not think it is right for one Senator to be allowed to call up one pension bill in this way, when others can not.

Mr. GEAR. I hope the Senator will not object.

Mr. COCKRELL. I am not objecting, but I am enforcing the rule, though I shall be compelled to object if the Senator insists upon his request. It is placing us in a false position, and I claim that no Senator has a right to place his brother Senators in such a position.

Mr. GEAR. If the Senator objects, of course I shall withdraw the request.

Mr. GALLINGER and others. Regular order, Mr. President.

The PRESIDING OFFICER. The next bill on the Calendar will be stated.

MUSKOGEE, OKLAHOMA AND WESTERN RAILROAD COMPANY.

The bill (S. 1741) to authorize the Muskogee, Oklahoma and Western Railroad Company to construct and operate a line of railway through Oklahoma and Indian Territories was announced as next in order.

Mr. GALLINGER. Let that bill go over, Mr. President.

The PRESIDING OFFICER. The bill will be passed over without prejudice.

EMMART, DUNBAR & CO.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1265) for the relief of Emmart, Dunbar & Co., which had been reported from the Committee on the District of Columbia with an amendment, in line 3, after the word "hundred," to insert "and forty-eight"; so as to make the bill read:

Be it enacted, etc., That the sum of $14,548.22, the amount found due Emmart, Dunbar & Co. by the auditor of the District of Columbia for work done by said firm in connection with the laying of the 30-inch water main under their contract of September 1, 1871, with said District be, and the same hereby is, appropriated, out of the revenues of the District of Columbia; and the Commissioners of said District are hereby authorized and directed to pay the said sum of money to said firm in satisfaction of said amount so found due.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

STATUE OF VICTOR HUGO.

The joint resolution (S. R. 21) for the purchase of a statue of Victor Hugo, to be placed in the new building of the Library of Congress, was announced as next in order.

Mr. COCKRELL. Let that be passed over without losing its place.

The PRESIDING OFFICER. It will be so ordered.

Mr. MITCHELL of Wisconsin. That joint resolution was reported favorably by the Committee on the Library.

Mr. COCKRELL. But I do not think it will go through this evening, and that is the reason why I asked that it should be passed over, not losing its place.

Mr. MITCHELL of Wisconsin. I think there is no objection to it.

Mr. COCKRELL. I have serious objection to it, and I would not have asked to have it passed over if I had not had objection to it.

Mr. MITCHELL of Wisconsin. That settles it.

The PRESIDING OFFICER. The joint resolution will be passed over.

BILLS PLACED UNDER RULE IX.

Mr. CULLOM. The next two orders of business, Nos. 537 and 538, being the bill (S. 212) fixing the compensation of the United States district attorneys, and for other purposes, and the bill (S. 217) fixing compensation of United States marshals and deputies, and for other purposes, should be indefinitely postponed, I think.

Mr. PLATT. Not until the sundry civil bill is passed.

Mr. CULLOM. The provisions of these bills are covered by the sundry civil appropriation bill.

Mr. PLATT. But they had better remain on the Calendar until the sundry civil bill becomes a law.

Mr. COCKRELL. Let them be placed under Rule IX.

The PRESIDING OFFICER. Orders of Business 537 and 538, being the bills referred to by the Senator from Illinois [Mr. CULLOM], will go over under Rule IX.

ANTON GLOETZNER.

The bill (H. R. 6104) for the relief of Anton Gloetzner was considered as in Committee of the Whole. It proposes that all real estate lying in the District of Columbia heretofore purchased by and conveyed to Anton Gloetzner prior to the passage of this bill be relieved and exempted from the operation of the act entitled "An act to restrict the ownership of real estate in the Territories to American citizens," etc., approved March 3, 1887, and that all forfeitures incurred by force of that act in respect of such real estate be remitted.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

TESTIMONY OF PHYSICIANS IN THE DISTRICT OF COLUMBIA.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 981) relating to the testimony of physicians in the courts of the District of Columbia, which had been reported from the Committee on the District of Columbia with an amendment, in line 6, after the word "information," to insert "confidential in its nature"; so as to make the bill read:

Be it enacted, etc., That in the courts of the District of Columbia no physician or surgeon shall be permitted, without the consent of the person afflicted, or of his legal representative, to disclose any information, confidential in its nature, which he shall have acquired in attending a patient in a professional capacity and which was necessary to enable him to act in that capacity, whether such information shall have been obtained from the patient or from his family or from the person or persons in charge of him: *Provided*, That this act shall not apply to evidence in criminal cases where the accused is charged with causing the death of or inflicting injuries upon a human being and the disclosure shall be required in the interests of public justice.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EMPLOYMENT OF ALIENS IN EXECUTIVE DEPARTMENTS.

The Senate proceeded to consider the resolution submitted by Mr. GALLINGER December 16, 1895, directing a careful and thorough inquiry to be made regarding the employment of aliens in the several Executive Departments.

Mr. GALLINGER. I hope that resolution will pass, Mr. President. It is simply a resolution of inquiry.

Mr. COCKRELL. There is no objection to it.

The resolution was reported from the Committee on Civil Service and Retrenchment with an amendment, in line 6, after the words "regarding the," to strike out "employment" and insert "number"; and in the same line, after the word "aliens," to insert "employed in"; so as to make the resolution read:

Resolved, That the Secretary of State, the Secretary of the Treasury, the Secretary of War, the Secretary of the Navy, the Secretary of the Interior, the Secretary of Agriculture, the Postmaster-General, and the Attorney-General are hereby directed to cause a careful and thorough inquiry to be made regarding the number of aliens employed in their respective Departments, and to communicate the result of said inquiry to the Senate at the earliest practicable day.

The amendment was agreed to.

The resolution as amended was agreed to.

JOHN F. W. DETTE.

The bill (S. 80) for the relief of John F. W. Dette was considered as in Committee of the Whole. It directs the Secretary of War to cause to be examined and investigated the terms and conditions of the contract of John F. W. Dette with the United States to build a stone wall of masonry around the national cemetery at Jefferson Barracks, in the county of St. Louis and State of Missouri, and the plans and specifications therefor, and any changes or modifications made therein, and the character, actual cost of material, and work in the construction of the wall; and whether by reason of any change or modifications in the contract the cost of the work per perch was increased, and what loss was incurred on any additional work required by such changes or modifications; and what, if any, sum is reasonably and equitably due to the said Dette, in addition to the amount already paid him, by reason of the changes or modifications in his contract, and to report the result to Congress.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DISTILLATION OF BRANDY FROM FRUITS.

The bill (H. R. 886) to amend section 3255 of the Revised Statutes of the United States concerning the distilling of brandy from fruits was announced as next in order.

Mr. HARRIS. Let that bill be passed over, holding its place on the Calendar. It is possible that the committee may want to offer some additional amendments to it.

The PRESIDING OFFICER. The bill will be passed over without prejudice.

Mr. DUBOIS. I should like very much to have that little bill pass without amendment. It is a bill in which my people are particularly interested.

Mr. HARRIS. I am decidedly in favor of the bill as it stands, but I do not see more than one member of the committee present except myself, and for that reason I prefer that that bill should go over without prejudice; and going over in that way, whenever we go the Calendar it is subject to be called up by the Senator from Idaho [Mr. DUBOIS] or any other Senator.

Mr. PLATT. I will say to the Senator from Idaho that I do entertain hope that there may be an agreement to drop this amendment. I may be disappointed, but I hope that that course may be taken.

Mr. DUBOIS. Certainly the amendment ought to be dropped. It is a House bill, and interests our section of the country.

Mr. HARRIS. I should prefer that other members of the committee besides the two of us now present should be here when the bill is considered.

Mr. WHITE. I fully agree with the Senator from Idaho that the bill is a very meritorious one. It affects my State, and I urged it through the Finance Committee, but there are several little matters, which it is talked of attaching to this bill, among others, that regarding the wood-alcohol matter and wool, and all the various provisions of the tariff bill, and all the ills that political flesh is heir to. In fact, this bill is sought to be used to give the Senate jurisdiction of the tariff. Of course, we can not originate a tariff measure here, but having got this very innocent little bill for the benefit of Idaho, California, and a few other usually oppressed places, we are to add to it a vast amount of tariff discussion. So long as the committee seems disposed, as it does now, to press these amendments, I do not think the members of the committee present would be justified in allowing the bill to be considered to-day.

Mr. PLATT. I do entertain the hope that before the close of the session the amendments referred to may all be withdrawn.

Mr. WHITE. I trust so myself, but I am afraid not.

The PRESIDING OFFICER. The bill will be passed over without prejudice.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 75) granting a pension to Mary F. Davenport;

A bill (H. R. 4275) to increase the pension of Mrs. Annis H. Enochs, widow of Gen. William H. Enochs, from $20 to $50 per month;

A bill (H. R. 4355) to increase the pension of Theresa Peebles, of Jefferson County, Ga.;

A bill (H. R. 4395) for the relief of Miss Juliette Betts;

A bill (H. R. 5400) to increase the pension of Mary L. Bacon, widow of the late George B. Bacon, late lieutenant-commander of the United States Navy;

A bill (H. R. 5225) for the relief of Mrs. Elizabeth M. Williams, of Monroe County, Tenn.;

A bill (H. R. 5712) granting increase of pension to John W. Hines; and

A bill (H. R. 6132) granting an increase of pension to Thomas M. Scott.

LOST OR ABANDONED PROPERTY, ETC.

The bill (H. R. 4452) to amend section 416 of the Revised Statutes of the United States relating to the District of Columbia, was considered as in Committee of the Whole.

Mr. PLATT. In line 5, I move to amend by inserting the words "so as to read" after "amended" and before "as follows."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

ESTATE OF WILLIAM B. THAYER.

The bill (S. 338) for the relief of George F. Roberts, administrator of the estate of William B. Thayer, deceased, surviving partner of Thayer Bros., and others, was considered as in Committee of the Whole. It proposes to pay to the following-named persons, or their legal representatives, respectively, such amounts as shall be shown to the satisfaction of the Commissioner of Internal Revenue to have been paid by them, or by the firms they respectively represent, as tax on distilled spirits in excess of the quantity withdrawn by them from warehouse: To George F. Roberts, administrator of the estate of William B. Thayer, deceased, surviving partner of Thayer Bros., $10,790.32; to Silas Q. Howe, surviving partner of William T. Pate & Co., $19,662.19; to Henry W. Smith, surviving partner of T. & J. W. Gaff & Co., $14,062.50, these payments being a refund of taxes exacted and paid on distilled spirits in excess of the quantity withdrawn by them from the United States bonded warehouse between July 1 and December 31, 1864.

Mr. CULLOM. Does the bill come from the Committee on Finance?

Mr. GALLINGER. It comes from the Committee on Claims.

Mr. CULLOM. It seems to carry a pretty large amount of money with it.

Mr. WHITE. I am informed by the Senator having the measure in charge that the bill is for leakage, which, of course, covers the case.

Mr. MITCHELL of Oregon. The bill is all right. A similar bill has passed the Senate two or three times before.

Mr. CULLOM. What is the amount proposed to be appropriated by the bill?

Mr. MITCHELL of Oregon. I can not state the exact amount.

Mr. PLATT. Let the report be read.

Mr. MITCHELL of Oregon. It is a refund of tax collected on whisky deposited in warehouses where the leakage occurred.

Mr. COCKRELL. It amounts to about $45,000.

Mr. MITCHELL of Oregon. No allowance was made for the leakage when the tax was collected.

Mr. CULLOM. I think if it is a good bill it ought to wait.

Mr. MITCHELL of Oregon. It is one of a number of bills passed heretofore of the same kind. This very bill has passed the Senate on three different occasions heretofore.

Mr. PLATT. I should like to hear the report read.

The PRESIDING OFFICER. The report will be read.

The Secretary proceeded to read the report submitted by Mr. MITCHELL of Oregon, from the Committee on Claims, March 17, 1896, and read as follows:

The Committee on Claims, to whom was referred the bill (S. 338) for the relief of George F. Roberts, administrator of the estate of William B. Thayer, deceased, surviving partner of Thayer Bros., and others, having had the same under consideration, beg to submit the following report:

This bill has frequently been reported favorably from this committee and

passed the Senate at the first session of the Fifty-second Congress, at which time it was accompanied by Report No. 79. Your committee readopt said report and report back the bill without amendment and recommend its passage.

The report referred to is as follows:

"The Committee on Claims, to whom was referred the bill (S. 352) for the relief of George F. Roberts, administrator of the estate of William B. Thayer, deceased, surviving partner of Thayer Bros., and others, having had the same under consideration, submit the following report:

"A similar bill was before this committee at the first session of the Fiftieth Congress, at which time the following report was agreed to, being Report No. 94 of that session:

"The Committee on Claims, to whom was referred the bill (S. 394) for the relief of George F. Roberts, administrator of the estate of William B. Thayer, deceased, surviving partner of Thayer Bros., and others, having had the same under consideration, submit the following report:

"A similar bill was before this committee at the first session of the Forty-ninth Congress, at which time the following report was adopted; which was also agreed to in the first session of the Fiftieth Congress, being Report No. 279:

"Thayer Bros., Pate & Co. and J. W. Gaff & Co., in the year 1864 had deposited a large quantity of distilled spirits in a United States bonded warehouse, then under the control of officers of the Government charged with the collection of the internal revenue. That it further appears that the quantity so deposited is correctly stated in the petition of said parties filed with said bill; that it further appears that the quantity originally deposited is correctly stated, as is also the quantity withdrawn, and that during the time said spirits were so deposited, and the time at which the said spirits were withdrawn, there was a percentage of leakage, whereby, as is shown, in the case of Thayer Bros. there is a loss of 7,193.53 gallons, in the case of Pate & Co. a loss of 13,272 gallons, and in the case of J. W. Gaff & Co. a loss of 9,375 gallons. And that it further appears, under direction of the Commissioner of Internal Revenue, these parties severally paid the tax required by law on the quantity originally deposited, without regard to the fact of loss by leakage, in the year 1867; and that against this said parties then and ever since protested in mode and manner as from time to time they have been advised was best to secure relief, their last resort being to Congress for such relief, their appeal being a protest that such collection of taxes was against a proper construction of the act of Congress, June 30, 1864 (section 55), and was against the practice and rulings of the Internal-Revenue Office."

Mr. COCKRELL. I desire to call the attention of the Senator from Connecticut to the fact that the gist of the case is stated in the report thus far read. The rest is merely a recapitulation of the evidence. They put the whisky in the warehouse, it stayed there a certain length of time, it was drawn out, and by exact measurement there was a certain deficiency, and they had to pay the tax on the amount that was first made. They had to pay it as a matter of course. Now they claim the balance; and that is all there is in the case. They claim a refund of the taxes they paid on the amount of spirits that had disappeared during the time it was in the warehouse.

Mr. MITCHELL of Oregon. That is the case exactly.

Mr. PLATT. The matter that troubles me is that this seems to be a claim dating back to 1864, and it is reported here upon the assumption that the tax ought not to have been collected upon the amount of leakage while the whisky was in the bonded warehouse.

Mr. MITCHELL of Oregon. The Supreme Court of the United States has decided that the Government was not entitled to collect the taxes on leakage. But they were collected, and I think some half a dozen bills have been passed heretofore refunding the tax. I think this is perhaps the only case remaining.

Mr. HILL. I ask the Senator whether suit could not have been brought in the Court of Claims to recover?

Mr. MITCHELL of Oregon. I do not know whether it was brought or not, and I do not care, so far as that is concerned, not to be abrupt to the Senator from New York; but, under the circumstances, it seems to me there ought to be no objection to the bill. It is the last one of a series where it has been recommended by the Department that the tax be refunded, and it seems to me these people ought to be treated like the others.

Mr. HILL. Can the Senator assure me that this is the last one?

Mr. PLATT. If I had not been interrupted, I was going to say that if this was the last of a series of cases where the tax had been remitted, having been collected in 1864, I should be perfectly satisfied with the passage of the bill, but if it is taking a case out of the rule as it was then adopted and making an exception in behalf of certain persons, when others who are similarly situated do not receive the benefit of the exception, I think we had better pass a general law upon the subject.

Mr. TURPIE. This is the last of the series of bills.

Mr. PLATT. Then I make no objection.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REPRESENTATIVES OF JAMES W. SCHAUMBURG.

The bill (S. 488) for the relief of the legal representatives and devisees of James W. Schaumburg was considered as in Committee of the Whole. It proposes to pay to the legal representatives or devisees of James W. Schaumburg, deceased, the amount of the pay and allowances of a first lieutenant of dragoons from July 1, 1836, to March 24, 1845, as heretofore found to be due to him by the United States circuit court for the eastern district of Pennsylvania.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ESTATE OF A. H. HERR.

The bill (S. 450) for the relief of the estate of A. H. Herr, deceased, late of the District of Columbia, was announced as next in order.

Mr. WHITE. Had not that bill better go over until we get some information about it?

Mr. MITCHELL of Oregon. I beg pardon.

Mr. WHITE. Is the Senator from Oregon interested in the bill?

Mr. PLATT. I think the bill had better go over.

Mr. MITCHELL of Oregon. I am interested to the extent simply that I reported it; that is all.

Mr. WHITE. The amount involved seems to be rather large.

Mr. PLATT. I should like to examine the report.

Mr. MITCHELL of Oregon. The Senator from West Virginia [Mr. FAULKNER] takes quite an interest in the bill.

Mr. WHITE. He could probably explain it if he were here.

The PRESIDING OFFICER. Objection being made, the bill will go over without prejudice.

UNCOMPAHGRE INDIAN RESERVATION.

The joint resolution (S. R. 102) directing the Secretary of the Interior to open for public entry all that certain part of the public domain in the State of Utah known as the Uncompahgre Indian Reservation was announced as next in order.

Mr. CANNON. In view of the fact that the senior Senator from Wisconsin [Mr. VILAS] has not concluded his remarks on the subject, and in pursuance of the agreement with him, I ask that the joint resolution be passed over without prejudice.

The PRESIDING OFFICER. The joint resolution will go over without prejudice.

PROOF IN PENSION CASES.

The bill (S. 2404) defining and regulating proof in certain pension cases was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "as," to strike out "satisfactory" and insert "sufficient."

Mr. COCKRELL. I ask the Senator from New Hampshire if it would not be better to insert "prima facie"?

Mr. GALLINGER. I will state in response to the Senator from Missouri that I so wrote the bill originally, but certain lawyers on the committee objected to that term. I am not a lawyer myself, and I am disposed to be guided by the opinion of the Senator from Missouri on that matter.

Mr. COCKRELL. I move to strike out "sufficient" and insert "prima facie."

Mr. GALLINGER. I have no objection.

Mr. COCKRELL. Everybody understands that term.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. In line 7 strike out "sufficient" and insert "prima facie"; so as to make the bill read:

Be it enacted, etc., That upon the consideration of any application for a pension under any law of the United States the fact that the applicant was accepted and mustered into the military or naval service of the United States shall be taken and held as prima facie proof that such applicant was of sound body and mind at the time he was so accepted and mustered.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AFFIDAVITS IN PENSION CLAIMS.

The bill (S. 2519) to amend section 4746, Revised Statutes of the United States, was considered as in Committee of the Whole. It proposes to amend section 4746 of the Revised Statutes of the United States so as to read:

SEC. 4746. Every person who knowingly or willfully in anywise procures the making or presentation of any false or fraudulent affidavit concerning any claim for pension or payment thereof, or pertaining to any other matter within the jurisdiction of the Commissioner of Pensions, or who knowingly or willfully shall make, or cause to be made, or present, or cause to be presented, at any pension agency, any power of attorney or other paper required as a voucher in drawing a pension, which paper bears a date subsequent to that on which it was actually signed or executed, shall be punished by a fine not exceeding $500, or by imprisonment for a term not exceeding three years, or by both.

Mr. GALLINGER. I move to amend the bill, in line 5, by inserting after the word "amended" the words "so as to read."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. PLATT. As the next two cases on the Calendar were reported by myself, I think I will take advantage of this opportunity to move to adjourn. I make that motion.

The motion was agreed to; and (at 5 o'clock p. m.) the Senate adjourned until Monday, May 11, 1896, at 12 o'clock meridian.

SENATE.

MONDAY, *May 11, 1896.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of the proceedings of Saturday last, when, on motion of Mr. ALLEN, and by unanimous consent, the further reading was dispensed with.

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Navy, transmitting, in response to a resolution of the 22d ultimo, the number of enlisted men and apprentices in the Navy and Marine Corps March 31, 1896, and also the number of "blue jackets" enlisted in the rating of landsmen; which was referred to the Committee on Naval Affairs, and ordered to be printed.

He also laid before the Senate a communication from the Postmaster-General, transmitting, in response to a resolution of the 25th ultimo, certain information relative to the delay in the transmission of public documents through the Washington city postoffice; which, with the accompanying paper, was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of Labor Assembly, No. 1697, Knights of Labor, of Wellston, Ohio, and a petition of the Order of Knights of Labor of Little Rock, Ark., praying for the passage of the so-called Phillips bill, authorizing the appointment of a nonpartisan commission to collate information and to consider and recommend legislation to meet the problems presented by labor, agriculture, and capital; which were referred to the Committee on Education and Labor.

He also presented a petition of the Chamber of Commerce of New York, praying for the passage of the so-called Torrey bankruptcy bill; which was ordered to lie on the table.

Mr. LODGE presented resolutions of the legislature of the State of Massachusetts, in support of the Monroe doctrine; which were read, and ordered to lie on the table, as follows:

[Commonwealth of Massachusetts. In the year 1896.]

Resolutions in support of the Monroe doctrine.

Resolved, That the senate and house of representatives of the Commonwealth of Massachusetts, in general court assembled, has seen with profound gratification that the action of the United States is about to secure a settlement of the controversy between Great Britain and Venezuela which is honorable to both nations, will establish the principle of arbitration in international disputes, and by enforcing the Monroe doctrine, which should be firmly sustained by the United States wherever it justly applies, will protect the smaller American governments from the danger of European aggression.

Resolved, That a copy of these resolutions, properly attested, be transmitted by the secretary of the Commonwealth to each of our Senators and Representatives in Congress.

In senate, adopted April 29, 1896.

In house of representatives, adopted in concurrence April 30, 1896.

A true copy.

Attest:

WM. M. OLIN,
Secretary of the Commonwealth.

Mr. LODGE presented resolutions adopted by Boot and Shoe Cutters' Assembly, No. 3662, of Lynn, Mass., favoring the passage of the so-called Phillips bill, authorizing the appointment of a nonpartisan commission to collate information and to consider and recommend legislation to meet the problems presented by labor, agriculture, and capital; which were referred to the Committee on Education and Labor.

He also presented resolutions of the Brookfield Conference of Congregational Churches, adopted at its annual meeting at Ware, Mass., favoring the enactment of legislation to insure the safety of American citizens, including missionaries, residing in the Turkish Empire; which were referred to the Committee on Foreign Relations.

He also presented a memorial of sundry citizens of Revere, Mass., remonstrating against the adoption of the so-called Pasco amendment to the Post-Office appropriation bill, which is now in conference, or of any measure which shall in any manner curtail the present jurisdiction of the Boston postal district; which was referred to the Committee on Appropriations.

Mr. CULLOM presented a petition of Cigar Makers' Union, No. 80, of Danville, Ill., praying for the Government ownership and control of telegraph lines; which was referred to the Committee on Interstate Commerce.

Mr. ALLEN presented the petition of John Lynch and sundry other settlers on the Sioux Indian lands in Nebraska, praying for the enactment of legislation remitting the payments required by section 21 of the act of March 2, 1889; which was referred to the Committee on Indian Affairs.

Mr. HARRIS presented a petition of the Chamber of Commerce of Nashville, Tenn., praying for the establishment of a department of commerce and manufactures; which was referred to the Committee on Commerce.

ADDRESS OF NATIONAL IRRIGATION CONGRESS.

Mr. WARREN. I present an address issued to the people of the United States by the National Irrigation Congress, at its fourth annual session, at Albuquerque, N. Mex., September 16–19, 1895. The congress was composed of delegates from very many States and Territories; and I ask that the address may be printed as a miscellaneous document, and also that it be printed in the RECORD.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Wyoming?

Mr. HILL. What is the necessity for printing it in the RECORD when it is to be printed as a document?

Mr. WARREN. As a miscellaneous document there will be two or three hundred copies printed.

Mr. HILL. I have no objection to its being printed as a miscellaneous document; but I do not think we ought to encumber the RECORD. I think we are trespassing now altogether too far upon the proper province of the RECORD.

Mr. WARREN. If the Senator from New York is disposed to object I do not wish to press the request.

Mr. TELLER. Let it be printed as a document.

Mr. HILL. I will object to its being printed in the RECORD, but not as a document.

The VICE-PRESIDENT. The address will be printed as a document and lie on the table.

REPORTS OF COMMITTEES.

Mr. TELLER, from the Committee on the Judiciary, to whom were referred the following bills, asked to be discharged from their further consideration, and that they be referred to the Committee on Public Lands; which was agreed to:

A bill (S. 3032) for the relief of William H. Wilder, testamentary executor of the succession of Myra Clark Gaines, deceased, late of the parish of Orleans, in the State of Louisiana; and

A bill (S. 3033) for the relief of William H. Wilder, testamentary executor of the succession of Myra Clark Gaines, deceased, late of the parish of Orleans, in the State of Louisiana.

Mr. QUAY, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 105) for the erection of a public building at Aberdeen, S. Dak., reported it without amendment, and submitted a report thereon.

Mr. HARRIS, from the Committee on the District of Columbia, to whom was referred the bill (S. 2499) to amend an act entitled "An act to incorporate the Washington and Great Falls Electric Railway Company," reported it with amendments.

Mr. GALLINGER (for Mr. MCMILLAN), from the Committee on the District of Columbia, to whom was referred the bill (S. 3008) authorizing the employment of day-labor in the construction of certain municipal buildings and works in the District of Columbia, reported it without amendment, and submitted a report thereon.

He also (for Mr MCMILLAN), from the same committee, to whom was referred the bill (S. 1417) to regulate the employment of labor on public buildings and public grounds belonging to the District of Columbia, reported adversely thereon, and the bill was postponed indefinitely.

Mr. FRYE. I report back favorably from the Committee on Commerce without amendment the bill (H. R. 8038) for the protection of yacht owners and ship builders of the United States, and submit a report thereon. I give notice that I shall not call the bill up until the next session of Congress.

Mr. VEST. On behalf of the minority of the Committee on Commerce, the Senator from Arkansas [Mr. BERRY], the Senator from Louisiana [Mr. CAFFERY], the Senator from Florida [Mr. PASCO], and myself, I propose an amendment to the bill, and ask that it may be printed and go over with the bill until the next session.

The VICE-PRESIDENT. It will be so ordered.

Mr. CARTER, from the Committee on Public Lands, to whom was referred the bill (S. 2739) to confirm the title to the Aspen town site, in the State of Colorado, reported it with an amendment, and submitted a report thereon.

Mr. NELSON, from the Committee on Commerce, to whom was referred the bill (H. R. 8260) to authorize the establishment of a life-saving station at Port Huron, on the coast of Lake Huron, Michigan, reported it with amendments.

FORT SULLY MILITARY RESERVATION.

Mr. PETTIGREW. I am directed by the Committee on Public Lands, to whom was referred the bill (H. R. 7324) to authorize and empower the State of South Dakota to select the Fort Sully Military Reservation in said State as a part of the lands granted to the State under the provisions of an act to provide for the admission of South Dakota into the Union, approved February 22, 1889, and for indemnity school lands, and for other purposes, to report it favorably without amendment. I ask unanimous consent for the immediate consideration of the bill.

The Secretary read the bill, and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. PETTIGREW subsequently submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (H. R. 7324) to authorize and empower the State of South Dakota to select the Fort Sully Military Reservation in said State as a part of the lands granted to the State under the provisions of an act to provide for the admission of South Dakota into the Union, approved February 22, 1889, and for indemnity school lands, and for other purposes.

FORT LEWIS MILITARY RESERVATION.

Mr. DUBOIS. I am instructed by the Committee on Public Lands to report back favorably, without amendment, the bill (H. R. 5481) to restore the lands embraced in the Fort Lewis Military Reservation, in the State of Colorado, to the public domain.

Mr. TELLER. I ask for the present consideration of the bill. It is a House bill, and local in its character.

The Secretary read the bill, and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DEPUTY MARSHALS IN INDIAN TERRITORY.

Mr. TELLER. From the Committee on the Judiciary I report back with an amendment the bill (S. 3050) to validate the appointments, acts, and services of certain deputy United States marshals in the Indian Territory, and for other purposes, and submit a report thereon. I am directed by the committee to ask for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment of the Committee on the Judiciary was, in line 10, section 2, before the word "thousand," to strike out "forty" and insert "fifty"; so as to make the section read:

SEC. 2. That hereafter United States marshals in said Territory shall give bond, with two or more sureties to be approved by the judge of said district, in the sum of $20,000, conditioned as by law required in regard to the bond of other United States marshals: *Provided*, That whenever the business of the courts in said Territory shall make it necessary, in the opinion of the Attorney-General, for the United States marshal of any district therein to furnish greater security than the official bond herein required, a bond in the sum not exceeding $50,000 shall be given by said marshal when required by the Attorney-General, who shall fix the amount thereof.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

UNIFORM SYSTEM OF BANKRUPTCY.

Mr. TELLER. I am directed by the Committee on the Judiciary, to whom was referred the bill (H. R. 8110) to establish a uniform law on the subject of bankruptcies throughout the United States, to report it with a recommendation that all after the enacting clause be stricken out and that the bill (S. 742) to establish a uniform system of bankruptcy which was reported from the Judiciary Committee April 13, with amendments, and is now on the Calendar, be substituted for the House bill, the intention being to substitute for the bankruptcy bill which was passed by the other House Senate bill 742, as reported from the Judiciary Committee of the Senate.

Mr. MITCHELL of Oregon. I am authorized by the minority of the Judiciary Committee to state to the Senate that the minority of that committee dissents from this report. The minority of the committee favors the House bill on bankruptcy, and will advocate the adoption of that bill with any necessary amendments that may occur to the minority when it comes up for consideration.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

FORD'S THEATER DISASTER.

Mr. FAULKNER. I am instructed by the Commission on the Ford's Theater Disaster to report a bill, accompanied by a written report. I suppose it will be necessary to submit a motion that the usual number of copies of the report be printed for the use of the Senate, as it comes from a commission and not a committee, and the ordinary rule of the Senate requiring a certain number of reports to be published from a committee would not cover this case. I therefore move that the usual number be printed.

The motion was agreed to.

Mr. PLATT. I wish to make an inquiry of the Senator from West Virginia. This, I understand, is the report of the commission recommending payment of damages to those who were injured in the Ford's Theater disaster.

Mr. FAULKNER. Recommending payment to the injured and including the three death cases that were not presented when the former payment was made at the last session of Congress.

Mr. PLATT. I desire to ask the Senator whether he is not also going to propose an amendment to the deficiency appropriation bill covering the cases.

Mr. FAULKNER. I have it now in my hand and will offer it as soon as the bill is read.

The bill (S. 3117) to provide compensation for injuries to person of employees of the Government in the disaster at Ford's Theater, which occurred on the 9th day of June, 1893, and for other purposes, was read twice by its title.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

Mr. FAULKNER. I submit the bill in the form of an amendment intended to be proposed to the deficiency appropriation bill. I move that it be referred to the Committee on Appropriations and printed.

The motion was agreed to.

BILLS INTRODUCED.

Mr. SHERMAN introduced a bill (S. 3118) to remove the charge of desertion from Joseph B. Colbert; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. QUAY introduced a bill (S. 3119) making appropriation to the Department of Justice to pay Ellery P. Ingham, late United States district attorney for the eastern district of Pennsylvania, for extraordinary services rendered in relation to the condemnation proceedings for sites for a new United States mint at Philadelphia; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. GRAY introduced a bill (S. 3120) granting a pension to John Smith; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SEWELL introduced a bill (S. 3122) for the relief of Bridget Lane; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. ALLEN submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Claims, and ordered to be printed.

Mr. SQUIRE submitted an amendment intended to be proposed by him to the fortifications appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. PUGH submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. QUAY submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. PLATT submitted an amendment intended to be proposed by him to the fortifications appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

PACIFIC RAILROADS.

Mr. MORGAN. I submit a resolution, for which I ask immediate consideration.

The resolution was read, as follows:

Resolved, That the report of the Committee on Pacific Railroads (S. 2894) and the views of the minority on that bill and other bills reported adversely by the committee be printed together as one document, for the use of the Senate.

Mr. MORGAN. I have conferred with the chairman of the committee, and he desires that this order shall be taken.

The resolution was considered by unanimous consent, and agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills:

A bill (S. 981) relating to the testimony of physicians in the courts of the District of Columbia;

A bill (S. 2488) to amend an act entitled "An act to authorize the Denison and Northern Railway Company to construct and operate a railway through the Indian Territory, and for other purposes";

A bill (S. 2790) for the relief of Sophronia S. Stowell;

A bill (S. 2843) to authorize the construction of a bridge across the Missouri River at or near the city of Boonville, Mo.; and

A bill (S. 2870) to permit Rene C. Baughman to lay pipes in a certain street in the city of Washington.

The message also announced that the House had agreed to the amendments of the Senate to the following bills:

A bill (H. R. 3462) to regulate the business of storage in the District of Columbia; and

A bill (H. R. 3751) to regulate the practice of medicine and surgery, to license physicians and surgeons, and to punish persons violating the provisions thereof in the District of Columbia.

The message further announced that the House insisted upon its amendment to the bill (S. 2231) for the relief of settlers on the Northern Pacific Railroad indemnity lands; agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. LACEY, Mr. WILSON of Idaho, and Mr. UNDERWOOD managers at the conference on the part of the House.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

A bill (H. R. 1171) to pension Hannah Yasell;

A bill (H. R. 1261) for the relief of John Kehl, and to restore him his former rating;

A bill (H. R. 1299) to pension Harriet Woodbury, of Windsor, Vt.;

A bill (H. R. 1936) to remove the charge of desertion standing against David Mosten;

A bill (H. R. 3524) for the relief of James McGowan from the charge of desertion;

A bill (H. R. 3937) granting a pension to Miriam V. Kenney, widow of Samuel W. Kenney;

A bill (H. R. 4199) to correct the military record of Edward H. Munson, late a private in Company H, Thirty-second New York Regiment Infantry; and

A bill (H. R. 4598) granting a pension to May Cray.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (H. R. 8820) making provision for the deportation of refugee Canadian Cree Indians from the State of Montana and their delivery to the Canadian authorities; and it was thereupon signed by the Vice-President.

PETER P. FERGUSON.

Mr. VILAS. I ask for the present consideration of the bill (H. R. 6431) to pay Peter P. Ferguson $1,765.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay Peter P. Ferguson $1,765, the same being the amount of a certain judgment recovered by the United States against Ferguson on the 24th day of December, 1892, in the circuit court for the western district of Wisconsin, for $1,600, and also $165 expended for costs by Ferguson in defending the action, and which judgment was paid in full by him, it being for the value of timber cut from certain lands in Ashland County, Wis., and claimed by the United States, and which lands were subsequently determined by the Supreme Court in the case of Wisconsin Central Railroad Company against Forsythe to be owned by the railroad company, through whom Ferguson obtained his title.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

W. L. HALL.

Mr. ALLEN. I ask unanimous consent to call up the bill (S. 1572) for the relief of W. L. Hall.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay $178 to W. L. Hall for money expended by him in the discharge of his duty as deputy United States internal-revenue collector during the fiscal year ended June 30, 1890.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

TENNESSEE CENTENNIAL EXPOSITION.

Mr. BATE. If there is no objection, I ask for the present consideration of the joint resolution (H. Res. 167) authorizing foreign exhibitors at the Tennessee Centennial Exposition to be held in Nashville, Tenn., in 1897, to bring to this country foreign laborers from their respective countries for the purpose of preparing for and making their exhibits, and allowing articles imported from foreign countries for the sole purpose of exhibition at said exposition to be imported free of duty, under regulations prescribed by the Secretary of the Treasury. The joint resolution was reported unanimously from the Select Committee on International Expositions and has also received the unanimous action of the other House.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

GILMAN WILLIAMS.

Mr. GEAR. I desire to call up the bill (H. R. 1020) granting an increase of pension to Gilman Williams.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to increase the pension of Gilman Williams (insane), of Company H, Third Ohio Infantry Volunteers, to $30 a month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

TALLAHATCHIE RIVER BRIDGE.

Mr. WALTHALL. I ask for the consideration of the joint resolution (H. Res. 137) declaring a certain bridge across the Tallahatchie River, in Tallahatchie County, State of Mississippi, a lawful structure.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, which had been reported from the Committee on Commerce with amendments.

The first amendment was to strike out the resolving clause and insert

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

The amendment was agreed to.

The next amendment was, in line 10, section 1, to strike out "by" and insert "on"; so as to make the proviso read:

That the said temporary pile bridge shall be removed thoroughly and completely on or before the 31st day of December, 1897.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

The title was amended so as to read: "A bill declaring a certain bridge across the Tallahatchie River, in Tallahatchie County, State of Mississippi, a lawful structure, and for other purposes."

FRANK D. ORME.

Mr. CULLOM. I ask leave to call up Senate bill 2083 for immediate action.

Mr. FRYE. Quite a number of Senators are asking me that they may have an opportunity to request unanimous consent for the consideration of bills. I feel that the river and harbor bill ought to be proceeded with and certainly it should be completed to-day, but I do not like to oppose my wishes to those of the Senators who are seeking for this opportunity. I give notice that promptly at 1 o'clock I shall demand the regular order and move to take up the river and harbor bill.

Mr. CULLOM. Now, I hope the Senate will proceed to the consideration of the bill (S. 2083) authorizing sale of the title of United States in lot 5, square 1113, in the city of Washington.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the District of Columbia with an amendment, at the end of the bill to insert the following proviso:

Provided, That before the said conveyance is made the said Frank D. Orme shall satisfy the Secretary of the Interior that all taxes and assessments against such lot have been paid.

Mr. ALLEN. I should like to have an explanation of the bill.

Mr. CULLOM. I will state that this is a report from the Committee on the District of Columbia by the Senator from West Virginia [Mr. FAULKNER]. It seems to be a unanimous report, and there is no possible reason why the bill should not pass. There is a sort of a cloud over the title. I understand that the gentleman who has the title has already paid a good deal more than the price of the lot, but he is anxious to get rid of all question about the title, and therefore he is willing to pay another thousand dollars, and the Commissioners and the Committee on Claims and the Committee on the District of Columbia and all recommend that this should be done.

Mr. ALLEN. What title has the Government to the property?

Mr. CULLOM. Originally the Government owned the title, I understand, and it was conveyed in some way, I do not know exactly how. Perhaps the report of the committee, or the Senator from West Virginia [Mr. FAULKNER] himself, will be able to satisfy the Senator from Nebraska more readily than I could do, as I am not so familiar with the subject as the Senator from West Virginia, who made the report. I call the attention of the Senator from West Virginia to the bill.

Mr. FAULKNER. I will state that this is a case in which the title of the property has really never been in the United States since 1842, yet there is an apparent cloud upon it that has prevented parties from buying it, as the title companies will not guarantee it. There was a commission appointed I think in 1840 or 1842 to make sale of certain Government lots. They were sold and some of the parties buying did not pay the purchase money. My recollection now is, though I can not remember the exact fact, that in some way this property was not entirely paid for by the original purchasers, but they transferred it, and the title is perfect from 1846 down. There are two little cabins on it, you may say of no value whatever. The Commissioners and also the Attorney-General estimated the full value of the property that ought to be demanded from this person at a thousand dollars, and as by prescription the title would have been perfected long years ago, the Commissioners thought it advisable, in consideration of

$1,000, and the requirement that all back taxes shall be paid to the District government up to the present time, though there is no report of any due, to accept this amount as full and complete compensation to the Government for the value of the property. I understand that the Attorney-General also indorses the proposition. There is a written report in full on the subject.

Mr. CULLOM. I will state to the Senator from Nebraska that he will find in the report a letter from the Attorney-General, a letter from A. A. Birney, United States attorney for the District of Columbia, and also a letter from the Commissioners, as well as other letters, recommending that this be done.

Mr. ALLEN. I have not examined the report; my attention was simply attracted by the statement that the property was to be sold at its assessed valuation. The difficulty, as I see it, is that if the Government has title to this property it ought not to be sold for less than its actual fair market value. If the Government has no title to it, then we ought to relinquish any apparent title that we have of record to this man without any compensation.

Mr. FAULKNER. I think the reason why the sum of $1,000 was fixed is because that was assumed to be a full compensation for the original sale, and as a part of the purchase money of the original sale was not paid there is a defective title.

Mr. ALLEN. If the bill authorizes the sale of the property for what it was worth in 1842, I am opposed to it, and I think the case ought to be investigated further. If the original purchasers or contractors for this property in 1842 have suffered it to lapse and have not performed their contract by paying as they should, they should not be permitted, nor should their assignees be permitted, to wait for over fifty years, until the property becomes valuable, and then procure an act of Congress authorizing the transfer of the property at its original value.

I ask that the bill may go over, that it may be investigated.

Mr. CULLOM. I hope the Senator from Nebraska will not insist upon the bill going over.

Mr. FAULKNER. I do not know how we could investigate it more thoroughly. If the Senator himself will read the report he will see that the committee gave it a most thorough investigation, and that this proposition is indorsed by all of the Federal office-holders who could have any information on the subject as a most fair and liberal proposition.

Mr. ALLEN. I do not see that that adds strength to it.

Mr. CULLOM. The man who has the property has paid more than it is worth two or three times, I understand.

Mr. ALLEN. The statement of neither the Senator from Illinois nor the Senator from West Virginia seems to be clear. I gather that in 1842, or about that time, the Government contracted to sell this property to some individual who is not named. The person with whom the contract was made failed to carry out the provisions of the contract and has failed, up to this time, to carry out the provisions of the contract or to make the payment required by the contract of sale. Now, fifty-four years after that transaction, this bill proposes to permit the transferee or assignee of the original contractor to obtain title to this lot by the payment of a sum that would have been a fair equivalent for the property fifty-four years ago. That seems to be the statement as made by the Senator.

Mr. FAULKNER. I think that Mr. Birney's letter, which is printed in the report, and which is short, states the case much better and more clearly than I did, and the Senator will see that his views are concurred in by the Attorney-General and by all. Mr. Birney says:

WASHINGTON, D. C., *April 9, 1896.*

SIR: I have the honor to state that in accordance with the directions contained in your letter to me of the 3d ultimo I have made an investigation with a view to ascertaining "the right, title, and interest" of the Government in and to lot 5, in square 1113, being the lot referred to in Senate bill No. 2083, Fifty-fourth Congress, first session.

The condition of the title to the lot is shown in a report made to me by Assistant District Attorney Taggart, which is inclosed herewith. From this report it appears that the legal title to the lot passed from the Government to James Greenleaf by a certificate granted to him under date of July 10, 1794—

I find that I did not state the time correctly—

and which was duly recorded among the land records, and that it remained outstanding in Greenleaf and his assignees until restored to the United States by a decree of court passed in the year 1831; that immediately it was listed for taxation, for the nonpayment of which it was sold and a tax deed issued.

The only title of Mr. Orme is traceable to this tax deed, and the question presented is whether in the event of a suit an adverse possession under it could, the circumstances considered, be successfully set up as a bar against the United States. I have carefully considered the views expressed by Mr. Taggart, and concur in his opinion that the conflicting claims of the Government and of Mr. Orme in the premises make the case a proper one for adjustment through compromise, and that the interest of the United States should be relinquished upon the payment of a suitable sum.

The condition of the title to this lot is substantially the same as that of the title to lot 1 in the same square, in respect of which I recently made a like recommendation.

Two papers transmitted to me with your letter are herewith returned.

Very respectfully,

A. A. BIRNEY,
United States Attorney, District of Columbia.

The ATTORNEY-GENERAL.

That presents a different view from what I expressed.

Mr. ALLEN. I am entirely satisfied from that report on the case that the bill ought not to pass.

Mr. FAULKNER. Why so?

Mr. ALLEN. I object to the further consideration of the bill, Mr. President.

The VICE-PRESIDENT. Objection being interposed, the bill will go over.

NATIONAL MILITARY PARK.

Mr. HAWLEY. I ask unanimous consent for the present consideration of the bill (H. R. 175) authorizing the Secretary of War to make certain uses of national military parks.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes that, in order to obtain practical benefits of great value to the country from the establishment of national military parks, the parks and their approaches be declared to be national fields for military maneuvers for the Regular Army of the United States and the National Guard or militia of the States; but they shall be opened for such purposes only in the discretion of the Secretary of War, and under such regulations as he may prescribe, and it authorizes the Secretary of War, within the limits of appropriations which may from time to time be available for the purpose, to assemble, at his discretion, in camp, at such season of the year and for such period as he may designate, at such field of military maneuvers, such portions of the military forces of the United States as he may think best, to receive military instruction there, and to make and publish regulations governing the assembling of the National Guard or militia of the several States upon the maneuvering grounds, and detail instructors from the Regular Army for such forces during their exercises.

Mr. STEWART. From what committee was that bill reported?

Mr. HAWLEY. From the Committee on Military Affairs.

Mr. STEWART. I should like to have some explanation of it.

Mr. HAWLEY. I will make a brief explanation. The commissioners of the magnificent Chickamauga Park and the adjoining possessions of the Federal Government find a disposition to go there on the part of the National Guard or militia of the several States, and it will also prove a very fine ground for any regular troops who may be within easy reach, simply for drill. The National Guard perhaps will go there and camp.

There is no money whatever required by this bill. Anyone who has been to the Chickamauga Park will remember the fine fields there are there for the maneuvering of troops and how admirable a place it would be for the National Guard of Alabama or Georgia or Tennessee to pass a week there and drill, and, if they choose, to fight over again the battles of the war. This is simply permissive. It is to be regulated entirely by the Secretary of War.

Mr. STEWART. Voluntary action?

Mr. HAWLEY. Voluntary action entirely.

Mr. STEWART. Without any expense to the General Government?

Mr. HAWLEY. There is no expense authorized by this bill except such as the Secretary of War may make within the limits of the appropriations which may from time to time be available for such purposes to assemble the regular troops there. If he gets the appropriation he can do it, and if he does not of course he can not.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

COURT-HOUSE AND JAIL AT NAVAJO, ARIZ.

Mr. CANNON. I ask unanimous consent for the present consideration of the bill (H. R. 3448) authorizing the county of Navajo, Territory of Arizona, to issue bonds for the construction of a court-house and jail at the county seat thereof.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported by the Committee on Territories with amendments, in line 7, after the word "exceeding," to strike out "five" and insert "six," and after the word "county," at the end of the bill, to insert:

Provided, That a vote of the duly qualified electors of said county shall first be taken upon the question of the issue of the bonds under the provisions of this act, which election shall be held in all respects as required by the general election laws of the Territory of Arizona, and unless a majority of the qualified electors of said county shall vote at said election for the issue of bonds as in this act provided, said bonds shall not be issued.

So as to make the bill read:

Be it enacted, etc., That the board of supervisors of the county of Navajo, Territory of Arizona, be, and are hereby, authorized to issue bonds of said county not exceeding $15,000 in amount, payable in not less than five nor more than twenty years, and bearing interest at a rate not exceeding 6 per cent per annum, interest and principal payable in lawful money of the United States, interest payable semiannually, and which said bonds shall not be sold for less than par, for the construction of a court-house and jail at the county seat of said county: *Provided*, That a vote of the duly qualified electors of said county shall first be taken upon the question of the issue of the bonds under the provisions of this act, which election shall be held in all respects as required by the general election laws of the Territory of Arizona, and unless a majority of the qualified electors of said county shall vote at said election for the issue of bonds as in this act provided said bonds shall not be issued.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

WILLIAM H. MAHONY.

Mr. PERKINS. I ask unanimous consent for the present consideration of the bill (H. R. 900) to provide for the payment of the claim of William H. Mahoney.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to receive and redeem, without the indorsement of N. A. Rogers, and to pay to W. H. Mahoney, the present owner thereof, out of the moneys appropriated for the redemption of bonds issued by the Treasury Department pursuant to an act of Congress approved March 2, 1861, to provide for expenses incurred by the Territories in the suppression of Indian hostilities therein in the years 1855 and 1856, the sum of $500, upon the delivery by W. H. Mahoney to the Secretary of that certain bond designated as "Oregon war debt bond No. 1358," issued on March 24, 1862, by the Treasury Department pursuant to said act, and upon W. H. Mahoney giving a good and sufficient bond in the penal sum of $1,000 to hold harmless the United States against repayment of said bond, to be approved by the Secretary of the Treasury.

Mr. PERKINS. I move to amend the bill by correcting the spelling of the name "Mahoney." Wherever it occurs the name should be spelled "Mahony."

The VICE-PRESIDENT. That amendment will be made, in the absence of objection, wherever the name appears in the bill.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill to provide for the payment of the claim of William H. Mahony."

POINT BONITA LIFE-SAVING STATION.

Mr. WHITE. There is on the Calendar a bill (S. 2980) to provide a life-saving station at or near Point Bonita, at the Golden Gate, in the State of California, which was favorably reported by the Committee on Commerce without amendment. There is a House bill on the same subject, which is in exactly the same words, and has lately been referred to the Committee on Commerce. I ask that the House bill may be recalled from the committee and substituted for the Senate bill and now considered.

The VICE-PRESIDENT. The Committee on Commerce will be discharged from the consideration of the bill, if there be no objection. The Chair hears none, and it is so ordered.

Mr. WHITE. I now ask for the consideration of the House bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 1980) to provide a life-saving station at or near Point Bonita, at the Golden Gate, in the State of California.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. WHITE. I now move that Senate bill 2980, for which the House bill has been substituted, may be indefinitely postponed.

The motion was agreed to.

FORCE SCHOOL PROPERTY.

Mr. LODGE. I ask unanimous consent for the present consideration of the joint resolution (S. R. 142) to authorize the Commissioners of the District of Columbia to dispose of the Force school property on Massachusetts avenue and to obtain another site for that school.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It directs the Commissioners of the District of Columbia to dispose of the Force school property on Massachusetts avenue and to obtain, by purchase or condemnation, another site in the vicinity and to erect on the new site a building for school purposes.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FRENCH W. THORNHILL.

Mr. DAVIS. I ask unanimous consent for the present consideration of the bill (S. 3606) granting a pension to French W. Thornhill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place upon the pension roll the name of Dr. French W. Thornhill, of Spring Valley, Minn., at $30 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EMMA D. LARSH AND CHARLES M. LARSH.

Mr. WARREN. I ask unanimous consent to call up the bill (S. 412) for the relief of Mrs. Emma D. Larsh, of Denver, Colo. I desire to offer a substitute which will embrace that bill and the one following on the Calendar, being the bill (S. 413) for the relief of Charles M. Larsh, of Denver, Colo. The bill which I desire substituted for these bills is exactly the same as one which has been introduced in the other House and favorably reported upon by the committee there.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3121) for the relief of Mrs. Emma D. Larsh and Charles M. Larsh.

Mr. VILAS. I should like to ask the Senator what is the basis of that bill? The committee report shows nothing of it. Has it been recommended by the Department?

Mr. WARREN. In reply to the question of the Senator from Wisconsin, I desire to say that two bills were introduced and favorably reported from the Committee on Public Lands of the Senate. The facts in the case are these: These entrymen made entry upon a section of land, proved up upon it, and paid the Government the amount of money that is sought to be recovered. At a later time an agent of the Government approached the parties and threatened them with suit, both criminal and civil, on the ground that they had made some agreement as to water.

The man and his wife relinquished the land, other parties settled upon it, proved up, and paid for it. As shown by the report, an affidavit made by the agent of the Government shows that the statement I am making is correct; that he obtained this relinquishment by threats of personal prosecution rather than a voluntary relinquishment. If this bill passes, the people will have gotten back the amount of money they paid, and will have lost the use of it for a number of years, and lost their rights. The Government, on the other hand, will have lost nothing, but will have gained the relinquishment of their rights and the use of the money since.

Mr. VILAS. Do I understand the Government has received from the subsequent purchasers the full price?

Mr. WARREN. Exactly.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. WARREN. I now move that the two Senate bills on the same subject, being the bill (S. 412) for the relief of Mrs. Emma D. Larsh, of Denver., Colo., and the bill (S. 413) for the relief of Charles M. Larsh, of Denver, Colo., be indefinitely postponed.

The motion was agreed to.

PUBLIC BUILDING AT PORTLAND, OREG.

Mr. MITCHELL of Oregon. I ask the Senate to consider at this time Senate bill 1827, which is a very short bill and will not consume time.

Mr. FRYE. I gave notice that at 1 o'clock I would be obliged to call up the river and harbor bill. I know of no Senator who has more interest in that bill than the Senator from Oregon.

Mr. MITCHELL of Oregon. I hope the Senator will allow me to call up the bill to which I refer. It is a bill to increase and limit the appropriation for a public building at Portland, Oreg., and to designate its uses. It is important that it should be passed, and it is less than half a page in length.

The VICE-PRESIDENT. Does the Senator from Maine yield?

Mr. FRYE. I will yield to the Senator from Oregon, but to no one else, I desire to say now, so that no one will ask me to do so.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1827) to increase and limit the appropriation for a public building at Portland, Oreg., and to designate its uses.

The bill was reported from the Committee on Public Buildings and Grounds with an amendment, in line 11, after the words "court rooms," to insert "Signal Service offices"; so as to make the bill read:

Be it enacted, etc., That in addition to the appropriations heretofore made for the purchase of a site and the construction of a public building at Portland, Oreg., there be, and hereby is, appropriated, out of any moneys in the Treasury not otherwise appropriated, the further sum of $650,000, which amount, including the amount heretofore appropriated, shall be the limit of the cost of such building, such building, when completed, to be for the purposes of a custom-house, appraisers' stores, court rooms, Signal Service offices, and office of the United States surveyor-general.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 1171) to pension Hannah Yazell;

A bill (H. R. 1261) for the relief of John Kehl and to restore him to his former rating;

A bill (H. R. 1299) to pension Harriet Woodbury, of Windsor, Vt.;

A bill (H. R. 3037) granting a pension to Miriam V. Kenney, widow of Samuel W. Kenney; and

A bill (H. R. 4598) granting a pension to May Cray.

The following bills were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (H. R. 1936) to remove the charge of desertion standing against David Mosten;

A bill (H. R. 3524) for the relief of James McGowan from the charge of desertion; and

A bill (H. R. 4199) to correct the military record of Edward H. Munson, late a private in Company H, Thirty-second New York Regiment Infantry.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. FRYE. I move that the Senate proceed to the consideration of the river and harbor bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7977) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, the pending question being on the amendment of Mr. WHITE to the amendment reported by the Committee on Commerce.

Mr. BERRY. Mr. President, I had supposed that at the conclusion of the remarks of the Senator from California [Mr. WHITE] the Senator from Maine [Mr. FRYE], or some one of the majority of the Committee on Commerce, which reported the amendment, would reply. The Senator from Maine, however, declined to do so, claiming that he had the right to conclude the debate. I therefore propose to occupy the attention for a short time upon the proposition reported by the majority of the committee.

If this, Mr. President, were an ordinary case I should not feel called upon to say anything after the able, the exhaustive, and the unanswerable argument made by the Senator from California on Friday and Saturday of last week in opposition to the amendment of the committee; but I do not regard this as an ordinary case. Disclaiming any intent to reflect upon the motives of any Senator who supports this appropriation of $3,000,000 for Santa Monica, yet from my standpoint I regard it as the most unjustifiable and inexcusable attempt that I have ever seen in the Senate to disregard the public interest, to override public sentiment, and to make an appropriation of money the effect of which will be to benefit private individuals only. For that reason, as well as one other, which I shall now state, I feel called upon as a member of the Committee on Commerce to present my objections to the adoption of the committee amendment.

The other objection to its adoption is that I feel a deep interest in the passage of the river and harbor bill. I believe it is important to the country that some river and harbor bill should become a law during the present session of Congress, and I believe, furthermore, if this amendment is forced on the bill that it will greatly endanger and probably defeat any appropriation for rivers and harbors during the present session of Congress.

The people of this country, or a great majority of them, approve appropriations for the improvement of rivers in this country, because they believe the rivers are the only protection they have against the inordinate and exorbitant charges of railroad companies. They approve such appropriations when they are made in the public interest. They do not, however, approve such appropriations when made to subserve private interests only.

In every other item of this bill save one, in every item of every river and harbor bill which has passed heretofore, the universal rule has been to make appropriations for rivers and harbors upon the report of army officers belonging to the Corps of Engineers. There are but two exceptions to that within my knowledge. One was an appropriation for the improvement of the mouth of the Mississippi River below New Orleans, which improvement was made under the supervision of Captain Eads, and in that case there was a contract between Captain Eads and the Government, that unless he succeeded in doing what he proposed to do no pay should be given him. There is one other appropriation which was made in 1892, I think, for Brunswick, Ga., upon the same principle as that which was made for the improvement of the mouth of the Mississippi River with Captain Eads; but with those two exceptions, all appropriations made for these public purposes have been made upon the report and estimate of the army engineers. This is the first attempt to overrule and override the report of army engineers by private engineers, hired by private parties who have private interests at stake. These are the reasons why I deem this amendment so very objectionable. It is because of the fact that there is no Government engineer who has ever said that this appropriation should be made for Santa Monica.

I do not now propose to go into the particulars to the extent to which the Senator from California did, but I shall state the general facts, which are admitted and not denied. In 1890 it was believed by Congress that it was important to make provision for a deep-sea harbor upon the Pacific Coast. In the river and harbor act of that year it was provided that three army officers belonging to the Corps of Engineers should be appointed as a board to visit the Pacific Coast to select between certain points named in that order a deep-sea harbor for that coast. That board was appointed by the Secretary of War, and consisted of the following distinguished officers of the United States Army: G. H. Mendell, colonel, Corps of Engineers; G. L. Gillespie, lieutenant-colonel, Corps of Engineers; W. H. H. Benyaurd, lieutenant-colonel, Corps of Engineers. I shall not go at length into this report, as the Senator from California did, but I will read the conclusions at which these distinguished officers of the United States Army arrived. They say:

> In its natural condition San Pedro Bay is better protected from the dangerous winds and seas than Santa Monica Bay.

They conclude as follows:

> In view of the fact that San Pedro Bay in its natural condition affords better protection both from prevailing winds and from dangerous storms than Santa Monica Bay; that protection can be secured at less cost for equal development of breakwater at the former than at the latter; that a larger area of protected anchorage from the prevailing westerly swells can be secured, the severe storms from the southeast being infrequent, and that there is already an interior harbor that will be a valuable addition to the outer harbor, the board considers San Pedro Bay as the better location for the deep-water harbor provided for by the act.

They all three united in that report. There was no dissent from any quarter.

Mr. President, if this had been an ordinary case, if extraordinary influences had not been brought to bear, Congress, upon that report made by these engineers, would have made the appropriation in 1892 for this deep-water harbor at San Pedro. Why was it not done? The reason was that the Senator from Maine [Mr. FRYE] either before or after this examination was made—I do not know which—had visited the Pacific Coast. He remained for a number of days at Santa Monica and also visited San Pedro. In his opinion Santa Monica was the better place for this deep-sea harbor, and he believed that the engineers of the United States Army had made a mistake. So believing, that was stated to the committee and no appropriation was made.

What was done, and done, too, upon the recommendation of the chairman of that committee and placed in the river and harbor bill of 1892? I will read the provision, which is as follows:

> The Secretary of War is hereby authorized and directed to appoint a board of five engineer officers of the United States Army, whose duty it shall be to make a careful and critical examination for a proposed deep-water harbor at San Pedro or Santa Monica bays, and to report as to which is the more eligible location for such harbor in depth, width, and capacity to accommodate the largest ocean-going vessels and the commercial and naval necessities of the country, together with an estimate of the cost. Said board of engineers shall report the result of its investigations to the Secretary of War on or before the 1st of November, 1892; and $10,000, or so much thereof as may be necessary, are hereby appropriated for said purpose.

Mr. President, the Senate will bear in mind that when the Senator from Maine differed with the other board, out of consideration for his great ability, out of consideration for his thorough knowledge in regard to the commerce of this country, the committee submitted to have another board appointed, and in order that it might have weight and force and its conclusions to be final, there were five engineers, and not three, placed upon the board under the law which I have just read, directing them to proceed to the Pacific Coast to make a critical examination of these two points and to report their findings to the Secretary of War. Those engineers were appointed by the Senator from West Virginia [Mr. ELKINS], who was at that time Secretary of War. The last board consisted of the following-named gentlemen: William P. Craighill, colonel, Corps of Engineers (and now General Craighill, Chief of Engineers); Henry M. Robert, lieutenant-colonel, Corps of Engineers; Peter C. Hains, lieutenant-colonel, Corps of Engineers; C. W. Raymond, major, Corps of Engineers, and Thomas H. Handbury, major, Corps of Engineers.

Without going at length into their report, I will read a few extracts as to what these five distinguished men say, and I assert here to-day that these five men, and no man would assert to the contrary, are as eminent in their profession, as distinguished and honorable gentlemen as ever served, or are to-day serving, in the United States Army, who had no interest in the result; educated at West Point to tell the truth, to rely upon their honor, would be actuated by no personal motives, or anything except an honest desire to comply with the law, and to discharge their duties in a manner creditable to themselves. They say:

> The board is of opinion that the location of San Pedro is decidedly the best, considered as a place of shelter and for receiving and discharging freight.
>
> * * * * * * *
>
> The location at San Pedro has natural protection from all winds and seas, except from the southeast around to the southwest. The San Pedro Hill, 1,493 feet high, which forms the west side of the bay, furnishes a more perfect shelter from wind and sea than can be afforded by any artificial structure in Santa Monica Bay. In all the proposed locations the foundations are favorable.

Mr. BACON. What is the last sentence? Will the Senator read it again?

Mr. BERRY. It says:

In all the proposed locations the foundations are favorable.

Here it is repeated in a stronger way, if the Senator from Georgia [Mr. BACON] will notice it:

In all the harbors the holding ground is good. Some doubts have been expressed with regard to the character of the holding ground at San Pedro, but after diligent inquiry the board is satisfied that it is as good in this location as in the others.

The final conclusion, the wind up of the report, is as follows:

Having made a careful and critical examination for a proposed deep-water harbor at San Pedro or Santa Monica bays, as required by law, the board is unanimously of opinion that the location selected by the board of engineers of 1890, at the present anchorage at the westerly side of San Pedro Bay under Point Firmin, is the "more eligible location for such harbor in depth, width, and capacity to accommodate the largest ocean-going vessels and the commercial and naval necessities of the country."

That is the conclusion of the second board sent there at the instance of the Senator from Maine [Mr. FRYE], because he was dissatisfied with the first report.

Mr. GEORGE. Did they make an estimate?

Mr. BERRY. There is an estimate of cost.

Mr. GEORGE. Made by the last board?

Mr. BERRY. Yes, sir. I will turn to it later. I do not know whether I can put my hand on it now. There is an estimate. I forget the amount of it. It is $4,000,000, is it not, Mr. Chairman?

Mr. FRYE. The first board reported $4,000,000; the second board about $3,000,000.

Mr. BERRY. Very well; the estimates are there.

Mr. GEORGE. How much difference was there between the estimates of the two boards?

Mr. BERRY. It is some hundred thousand dollars more at Santa Monica than at San Pedro, as I remember it.

Mr. FRYE. The first board estimated $700,000 more at Santa Monica than at San Pedro and the second board estimated $37,000 more at Santa Monica than at San Pedro.

Mr. BERRY. Bear in mind that here were eight engineers, first one board of three and then another board of five, all distinguished in their profession, having no interest except a desire to report that which they believed was for the best interests of the country, and they unanimously say that San Pedro is the better location.

Now, is that all that can be said in behalf of San Pedro? No. The public sentiment, the common sense of the people of southern California, before this board had ever gone there, had almost unanimously agreed that San Pedro was the better place for the location of a deep-sea harbor. Up to that time I assert here without fear of contradiction ninety-nine one-hundredths of the people of that State believed that San Pedro was the proper place for the harbor. It is true—and this was shown before the committee—that a number of them stated that there had been some change of sentiment, but I will meet that later, and show how the change was brought about. Not only that, but these reports were before the Committee on Commerce. Both of the Senators from California were there in the committee room, of opposite political beliefs. One of them has resided in that immediate locality for thirty or forty years.

The member of Congress who represents that district in the other House was also before the committee. They all three united in saying that if any appropriation were made for a deep-sea harbor there it should be made at San Pedro and not at Santa Monica. It would seem to a man who is not familiar with this case in all its surroundings that that ought to have been sufficient. Here were two boards of engineers; here was the public sentiment in that section of the country; here were both Senators from that State and the member of Congress, who stated before the committee that every man who was a candidate in that section last year declared himself in favor of San Pedro as the location of the harbor. Yet, notwithstanding all that, a majority of the Committee on Commerce said, "We will locate this deep-water harbor at Santa Monica and not at San Pedro."

Mr. President, I propose to show the only reason they gave for it. I intend to state it fairly, and if I misstate it I stand ready to be corrected. The first and most powerful reason was the fact that the Senator from Maine [Mr. FRYE] had seen the two locations and believed that Santa Monica was the better place. To offset that I will state that there are two Senators who sit on this side of the Chamber who have frequently been to both localities, and they say that San Pedro is by far the better place of the two. What else did we have besides the statement of the Senator from Maine or his opinion? We had in addition two civil engineers, men said to be eminent in their profession. One is Mr. Hood, who is the general engineer of the Southern Pacific Railroad, of which Collis P. Huntington is president, as I understand. Mr. Hood is said to be an engineer of ability. He came before the House committee, and we have his testimony as taken there. He said he believed Santa Monica was the better place; but the Senate will bear in mind that the same engineer went before the last board of five United States engineers, presented everything to that board that he could say in behalf of Santa Monica, and they considered every statement he made before they made their last report.

I have nothing to say against Mr. Hood; I am told that he is a splendid engineer; but when it comes to taking his testimony, interested as he is, interested as he admits he is, being the engineer of the man but for whom no question would ever have been made in favor of Santa Monica, being the engineer of the man who is most directly interested financially in having a deep-water harbor located at Santa Monica, as a matter of course his prejudices and his predilections are to be taken into consideration in coming to a conclusion as between him and disinterested officers of the United States.

There was one other civil engineer. That is Mr. E. L. Corthell. The Senator from Maine says Mr. Corthell is a distinguished engineer and a great man. Mr. Corthell in his answer to the minority of the committee practically admits all that the Senator from Maine says about him—that he is a great engineer, a great man. I do not dispute it. I am not here to deny it. But I say that he comes before the Senate and before the committee as the employee of Mr. Huntington. It is true that in the reply he made to the minority of the committee, which he had printed as a pamphlet and circulated in the Senate, he tries to evade the force of that fact, but I state that his own statement before the committee of the Senate shows that Mr. Huntington paid his expenses; that Mr. Huntington first spoke to him about going there, and that while he was unwilling to go without the approval of the Senator from Maine [Mr. FRYE] and the Senator from Louisiana [Mr. BLANCHARD], who was then chairman of the House committee, he went there as Mr. Huntington's employee, and his efforts and his attempt to show that he is a disinterested engineer have only weakened with me the statement he otherwise made.

Mr. GEORGE. Was he at that time employed by the Southern Pacific Company?

Mr. BERRY. I will show the Senator his own statement about it, taken down by a stenographer. I asked him this question:

In the beginning of your remarks you said something about going out there at the instance of Senators. Did I understand you to say so?

Mr. CORTHELL. I meant with the approval of Senators.

Senator BERRY. They did not employ you to go out there, did they?

Mr. CORTHELL. No, sir.

Senator BERRY. Who employed you?

Mr. CORTHELL. Nobody at the time; but afterwards Mr. Huntington paid my expenses. Mr. Huntington asked me, in the first place, if I would make the examination. I said that I did not think I would like to do so in my position, because it would be officious if I should make an examination and ask to be heard before a committee. I said: "If Senator FRYE and Mr. BLANCHARD (then chairman of the House Committee on Rivers and Harbors) would like me to make an examination I will make it."

Senator BERRY. There was no order of Congress for you to make it?

Mr. CORTHELL. No; I received a telegram from Mr. CATCHINGS while at San Diego, asking my opinion, but expressly stating that he did not intend to employ me, but that he wished me to give my opinion.

In the reply that he afterwards made to the minority of the committee after the testimony was taken—I do not undertake to quote him literally, but I shall do so if it is questioned—he says, "I consider that I went out there at the request of the chairmen of the committees of Congress." He says, furthermore, "It is true that as I was leaving for California Mr. Huntington spoke to me about it." But he says here that Mr. Huntington first asked him to go, and that he was unwilling to go unless it was approved by the Senator from Maine [Mr. FRYE] and by the chairman of the House committee.

Mr. GEORGE. What I wish to know is whether at that time or before or afterwards he was in the employ of the Southern Pacific Railroad Company.

Mr. BERRY. He was. He so stated in his answer to the Senator from California [Mr. WHITE]. The Senator from California asked him this question:

You had done some work for Mr. Huntington before that?

Mr. CORTHELL. I was, for four years, when obtaining a charter from Congress, the representative of six railroads at New Orleans, and the president of the Southern Bridge and Railroad Company while the charter was being obtained for a railroad bridge over the Mississippi; it was (by previous agreement among the directors of the companies) then transferred to the railroad interests. That was the object of getting the charter. I resigned my position as president, and was reelected chief engineer and Mr. Huntington was elected president. Those are my relations with him. Of course I was very glad on account of these relations to do anything which I could properly do that Mr. Huntington requested.

That is his own testimony taken before the committee.

I do not propose to comment further upon Mr. Corthell. I have never believed in Senators standing here and criticising to a great extent others who can not reply to them upon the floor of the Senate; but when Mr. Corthell answered saying that he was disinterested in this matter, as he said two years ago, when he saw proper to go into the public prints and print a pamphlet replying to the committee which had made a report here, it seems to me he laid down the gage and he can not complain of any comments which may be made upon him.

If he had come before the committee and frankly said that he made the examination in the interest of Mr. Huntington, that he was paid by him to make it, that he believed it was correct, I

would have had more respect for his opinion. But when he seeks to make it appear before the Senate that he is disinterested, when it is known to a number of Senators on this floor that he has been one of the most active agents Mr. Huntington has had here for the last ten days who have thronged the Marble Room and the corridors of the Capitol, then he can not very well say that he comes here in a disinterested capacity.

Now, having said this much, I do not propose to comment upon the testimony in regard to the different conditions that exist out there. I do not pretend to know, nor would I know if I were to go there, as to which is the better harbor, Santa Monica or San Pedro. Mr. Corthell may be a great and distinguished engineer. He is undoubtedly swift to state everything that is favorable to Santa Monica and slow to state anything that is favorable to San Pedro. Probably he is correct; I do not deny his position; but I remember one point which he made, and that is this: He stated that while the winds there blew in a southerly direction, as I understood him, the waves beneath, which went down to the bottom, would carry the sand in a northerly direction and would greatly interfere with, and pile up and pack sand against, the breakwater, if it was built at San Pedro.

Bear in mind that he said the sand coming from the bottom of the ocean would be carried northerly so as to interfere with the breakwater. Then he was confronted by the Senator from California [Mr. WHITE] with this proposition. The Senator from California said that a boat was sunk in San Pedro Harbor loaded with coal, and that the coal afterwards drifted in a southerly direction and came out on the beach south of San Pedro. Mr. Corthell said yes, he had been informed of that occurrence and had made a note of it, and that the undertow or the wave action—I do not know what he called it—would carry the sand to the north, but that the wind or something else would carry coal sunk there down south. That may be all true, as I have stated; I do not pretend to be informed upon the subject, but it convinced me that no question could be put to that man which militated against Santa Monica or which would show in favor of San Pedro that he was not ready with some kind of answer to meet it.

Mr. FRYE. Mr. President——

The PRESIDING OFFICER (Mr. CARTER in the chair). Does the Senator from Arkansas yield to the Senator from Maine?

Mr. BERRY. I yield to the Senator from Maine.

Mr. FRYE. Does the Senator remember that the first board held to precisely the same theory that Mr. Corthell did—that the action of wind on the sand would result in gradually filling it up, providing a breakwater were attached to the shore without any break in it?

Mr. BERRY. I do not remember that either the first or the second board said that there was some kind of a peculiar undertow on the Pacific coast which would carry sand in one direction and coal in another.

Mr. FRYE. That is not the question at all.

Mr. BERRY. I will say to the Senator that my information about the first board is that it had been represented to them, and they believed, that there might be danger to the breakwater from drifting sand. They made provision for an opening, as I remember it, to meet that condition.

Mr. FRYE. Exactly.

Mr. BERRY. The last board stated that they did not attach any importance to that, and in that one particular they did not agree with the first board. That is my recollection.

Mr. FRYE. But the first board did agree with Mr. Corthell.

Mr. BERRY. As to the sand, but not as to the coal.

Mr. FRYE. Oh, the coal. It is altogether too small business to argue anything of that kind in a case involving so much as this does.

Mr. BERRY. What is small or large business to argue I will be the judge of, and not the Senator from Maine.

Mr. FRYE. I beg the Senator's pardon; I should not have said what I did say.

Mr. BERRY. But I admit that there are questions in this matter much larger than, and which rise high and far above, any question as to whether Santa Monica or San Pedro is the better harbor. I assert here to-day, in answer to the Senator from Maine, that in my opinion it would be much better that there should never be a deep-sea harbor upon the Pacific Coast, it would be much better to take the $3,000,000 and dump it into the Pacific Ocean, than that the country should come to know that the Senate is willing to override its army engineers, to override the public interest, to override the public opinion, in order to make an appropriation for private greed and private gain. That is the main objection I have to this report.

I frankly state that of my own knowledge I do not know which is the better place. I do know that these army officers, who are disinterested, say that San Pedro is the better place. I do know that Major Raymond, a man of remarkable intelligence, who has been an engineer in the United States Army for thirty years, who is now in charge of the great breakwater on the Delaware at Philadelphia, says that in his opinion a breakwater could not be built at Santa Monica; that so far as he knows, and he has studied the question for thirteen years, there is not a breakwater throughout the wide world located in a harbor situated as Santa Monica is. That is in his testimony, and the Senator will not deny it.

Mr. FRYE. Does the Senator from Arkansas know, when he says that Major Raymond has charge of the Delaware appropriation, that the committee deliberately overruled Major Raymond and overruled the Board of Engineers and put a provision into the Delaware appropriation that no further money should be expended on the project which they had under consideration, nor should there be expended any money hitherto appropriated to carry out the contracts which the army engineers had made?

Mr. WHITE. Mr. President——

Mr. BERRY. I will yield to the Senator from California in a moment. If it were entirely polite to do so I should reply to the Senator from Maine as he did to me a moment ago and say, in the way he puts it, that this is too small a matter to enter into the discussion of this great question. The Senator from Maine knows that in the case to which he refers the people of Delaware, through their Senator here, and through ex-Senator Higgins, came before the committee and represented that the work upon the Delaware River was obstructing some creeks and rivers in the State of Delaware; that it was cutting off from communication with Philadelphia and with Wilmington and with other points a number of the people of that State, and that it endangered their homes. They said the river would probably overflow, and they would lose everything they had. In view of that statement, made by these two distinguished gentlemen from Delaware, the committee did agree to suspend the work there until it could be ascertained if there was not some way by which those people could be protected. Does the Senator from Maine mean to insinuate to the Senate that that action was taken because of the incompetency of Major Raymond in any way?

Mr. FRYE. It was taken because the Senate committee did not believe that if the projects of the army engineers were carried out Delaware and its rivers entering into the Delaware River could be protected, and they overruled the board, as they do, without the slightest hesitation, whenever they think they ought to do so.

Mr. WHITE. Will the Senator from Arkansas permit me?

Mr. BERRY. I yield to the Senator from California.

Mr. WHITE. As I understand the Delaware case, it is not stated fairly at all by the Senator from Maine. The committee, as I understand it, prevented further work upon the project in order to protect the riparian rights of various landed proprietors. They did not stop the work because they assumed to know more about the engineering project than the Government engineers did, but they did so to protect private interests upon the shore with which the Government engineers were not at all concerned; and they acted, too, upon the request of the Senator from Delaware [Mr. GRAY].

Mr. BERRY. Major Raymond, and no one knows it better than the Senator from Maine, the chairman of the committee, stated that under the law he was only required to do the work so as to improve the commerce of that great river, and that he was not charged with the protection of the rights of individuals or the effect that his work might have upon individuals in the State of Delaware. That is the fact, and any idea that the Senator from Maine may mean to convey to the Senate that there was any reflection upon Major Raymond or upon the board of engineers in that action of the committee is unwarranted by the facts. Not one word was ever asserted there that they were doing the work contrary to law, or that they were not doing it for the best interests of the improvement of the Delaware River. So much, then, for that case.

Mr. FRYE. We stopped their project very suddenly.

Mr. BERRY. These two engineers of whom I have spoken, Mr. Hood, who is a regular engineer of the Southern Pacific Railroad, and Mr. Corthell, employed by C. P. Huntington, are the only two private engineers who have ever gone there and made examination and examined those works with a view to determining which is a better place for a harbor. I will admit, and it is in proof, that a large number of sea captains and pilots have made statements on both sides of this question as to which is the better place in regard to holding ground. But I am talking about engineers who went there and made the examination. Here are eight United States engineers, disinterested, gentlemen of ability, educated at the cost of the Government, honorable men, one of them to-day a general in chief of the engineers, standing on one side, and on the other side stand Mr. Hood, the regular engineer of the Southern Pacific Railroad, and Mr. E. L. Corthell, who admitted himself that Mr. Huntington paid his expenses when he went to make the examination. So much, then, for that.

What other argument is used by the Senator from Maine as to why this should be done? One argument used is that Mr. C. P. Huntington had a railroad at Santa Monica and another short road running up to San Pedro; that he had started to build a pier,

and spent a considerable amount of money at San Pedro; that he dropped that work, went to Santa Monica, and has put in probably, he said, about $1,000,000 in building a pier at Santa Monica.

I have been asked by Senators outside if San Pedro is the better place why did Mr. Huntington drop that scheme and go down and spend $1,000,000 at Santa Monica? Mr. President, I do not know all the reasons that actuated Mr. Huntington; I would not undertake to state as a matter of fact what controlled him. My information in regard to his character is that it would be a hazardous undertaking for any mortal man to attempt to account for his motives in the great transactions with which he has been connected.

I can give my opinion, however, as to why this change was made and why he put his money in at Santa Monica and ceased to put it in at San Pedro. The Senate will bear in mind that at San Pedro the shore line, the wharf privileges, were owned largely by the county of Los Angeles and the State of California. Under the rules and regulations the shore privileges and the wharf privileges are open to any man and to any railroad that sees proper to go there. One railroad had taken advantage of that and had come into San Pedro across what was called Rattlesnake Island. Already at San Pedro Mr. Huntington had competition with the chief railroad in California, that is, the Terminal Railroad, which had some connection with his chief competitor, the Santa Fe Railroad, in the State of California. That is one reason why. He had a competitor already at San Pedro and he could not have a monopoly of those privileges there.

I will tell the Senator from Maine (and I am sorry that he has left his seat) what I believe to be another reason. Bear in mind, I do not state it as a fact, but I state it as my conclusion after having heard all the testimony. The other reason I believe to be is that the Senator from Maine had been out there and had given an opinion that this breakwater ought to be built and would be built at Santa Monica. No man knew better than Mr. Huntington the powerful influence of the Senator from Maine in the Senate, augmented in a matter of this kind, as it would be, by the fact that he was chairman of the Committee on Commerce. In addition to that, the Senator from Nevada [Mr. JONES] was also a member of the Committee on Commerce, and was known to be most earnestly in favor of the location of the deep-sea harbor at Santa Monica. I imagine that having competition at San Pedro, believing that with the influence of these two popular Senators, supplemented by his own influence, which is not to be despised in a great contest, he believed he would be able to force the location of the deep-sea harbor at Santa Monica and get the appropriation. That is my belief as to the reasons and motives that actuated him.

Mr. GEORGE. What competition is there at Santa Monica?

Mr. BERRY. There is no competition there.

Mr. GEORGE. Is there any chance for competition there?

Mr. BERRY. There is a dispute on that point. There are different statements made about that. The Senator from Maine has quoted frequently and relies almost entirely upon the civil engineers. I think I will read from another civil engineer in answer to the Senator from Mississippi. Now, bear in mind, as I said before, the Senator from Maine relies entirely upon the civil engineers. I propose to read from the testimony of a civil engineer on the other side. I frankly confess and state that he had the same interest to testify in behalf of San Pedro that Mr. Corthell had to testify in behalf of Santa Monica. He was employed by the friends of San Pedro to come here and appear before the committee and make his statement. His name is Mr. H. Hawgood. After stating what he believed, and giving his reasons for believing that San Pedro was the better place, he was asked in regard to the approaches at Santa Monica:

Senator WHITE. Taking the approach from Santa Monica by the tracks of the Southern Pacific Company, what are the facilities for other tracks of railroad companies, independent of the Southern Pacific?

Mr. HAWGOOD. In my opinion, there is room for one other track outside of the track of the Southern Pacific as far as Santa Monica Canyon. From Santa Monica Canyon west there is no room for a track.

Now that is one witness. This is contradicted by Mr. Huntington. He says that ten tracks can be built there. I believe, if I am not mistaken from the testimony, however, that they are all compelled to approach to where the pier is now located through a tunnel, over which they will be compelled to go.

As I said before, Mr. Huntington could get no privileges at San Pedro over and above any other railroad. At Santa Monica, while he stated that he owned only the railroad tracks, no man can take the testimony and come to any other conclusion than that the Southern Pacific can dictate its own terms, except so far as the law would step in and convey the right of way giving others the opportunity to approach there.

Mr. President, with the exception of the opinion of citizens out there, large numbers of whom came here and testified, some for Santa Monica and some for San Pedro—I believe with that exception and the testimony of sea captains who had gone to these different ports, I think I have fairly stated the testimony that was presented before the committee. I repeat what the Senator from California said, that no engineer of the United States Army, no engineer of the Coast and Geodetic Survey, has ever stated that Santa Monica is preferable to San Pedro. It stands to-day before the Senate, if the amendment of the committee be passed, that we are going to set aside the rule that appropriation shall be made upon the reports and estimates of the army engineers and base it upon the report of men who admit that they were employed by the party who has the largest interest—financial interest—in locating a deep-water harbor at Santa Monica.

Now, I want to correct one other impression that prevails, and in a very short time I will conclude. I heard a Senator say the other day that he knew nothing about this question, but that he was in the habit of following the committee. I heard it said by the Senator from Maine that no man except the Senator from California, as he understood, in the committee was in favor of San Pedro.

Mr. President, I propose to state the facts in regard to what was done in the committee precisely as I remember them. After the testimony had been taken, after everything had been heard, there were some members of the committee who believed that it was not best this year to appropriate any money for either place, that is, for an outside harbor at San Pedro or for a breakwater at Santa Monica. They believed that owing to the depleted Treasury, owing to other considerations, it would be better to appropriate for the inside harbor at Wilmington and San Pedro and leave the other matter open. Knowing that a number believed that way, a motion was made in committtee that no appropriation be made for the outside harbor.

Mr. FRYE. Does the Senator from Arkansas feel at liberty to state everything that takes place in committee?

Mr. BERRY. If there is the slightest objection to it, if the Senator from Maine thinks it is improper, no consideration could induce me to do so. I never dreamed that there would be objection to it. If it is improper——

Mr. FRYE. It is unusual, to say the least.

Mr. BERRY. Is it unusual to state how the committee stood?

Mr. FRYE. Yes.

Mr. BERRY. To state how many voted for the proposition and how many voted against it?

Mr. FRYE. I do not see any objection to that, but it is unusual to state the various processes by which a committee reached a result.

Mr. BERRY. Then, if that be objectionable I will make another statement. I am astounded, however, that the Senator from Maine should object to it. I might have expected other Senators on the other side of the Chamber to have objected—I mean members of the committee—but I did not expect the Senator from Maine to object.

Mr. FRYE. Why?

Mr. BERRY. Why did I not expect it?

Mr. FRYE. Yes. Why except the Senator from Maine?

Mr. BERRY. Because I never supposed anything occurred in committee that the Senator from Maine cared for the whole world to know.

Mr. FRYE. I do not care for the whole world to know; but I understood the Senator to commence by a statement that the Senator from Maine said so and so.

Mr. BERRY. I said the Senator from Maine stated outside of the Chamber that he understood the Senator from California was the only man who was in favor of making the appropriation for a deep-sea harbor at San Pedro.

Mr. FRYE. At the present time?

Mr. BERRY. Yes; at the present time.

Mr. FRYE. I have made no statement on the floor of the Senate.

Mr. BERRY. I do not think you have made any either way in regard to it.

Mr. FRYE. No, sir; I have made no statement on the floor of the Senate of any kind.

Mr. BERRY. I said you have not, except now.

Mr. FRYE. And I should not have felt at liberty myself to have stated what I know took place in committee.

Mr. BERRY. Very well; I think the Senator is probably a little bit over particular. It has been done here again and again.

Mr. FRYE. I withdraw any objection.

Mr. BERRY. But if there be any doubt about it—if the Senator from Maine thinks it is improper—I will not do it. He states, however, that the vote of the committee upon the amendment is legitimate. Then, that being true, I will state that there are 15 members of the committee, and 9 of them voted in favor of Santa Monica and 6 voted against the appropriation.

Mr. FRYE. Is that true?

Mr. BERRY. Is that statement legitimate?

Mr. FRYE. Is it true?

Mr. BERRY. That 6 members of the committee voted against this appropriation? It is true, absolutely true. I will call the names, and if anyone can say it is not true, let him rise and so

state. I state that the Senator from Minnesota [Mr. NELSON], the Senator from Louisiana [Mr. CAFFERY], the Senator from Florida [Mr. PASCO], the Senator from Missouri [Mr. VEST], the Senator from California [Mr. WHITE], and myself, making 6, voted "no" on the appropriation for Santa Monica. That I state. If I have misstated any Senator let him rise and correct me.

Mr. FRYE. Did some of the Senators state why they voted that way?

Mr. BERRY. You have objected to such a statement being made by me on this floor.

Mr. FRYE. Very well, then; I will not ask the question.

Mr. BERRY. You have objected to that. If you want to go into it, if you will open the doors and say it is entirely proper, I will tell the Senator almost everything that was said in the committee as far as I know.

Therefore I say when a Senator says he will follow the committee he means to say that he will follow the majority of 3 on that vote.

Now, what more? That was the vote. The Senator from Maine objects to stating anything that was said in the committee. I will state then that since that time in the Senate the Senator from California has offered an amendment to the proposed committee amendment in which he proposes that instead of making the appropriation for Santa Monica the appointment of a new board shall be provided by Congress, and in order to get rid of the prejudice that they say exists against army officers the Senator from California says we will take one army engineer, we will take one from the Coast and Geodetic Survey, and we will take one from the Navy, and send that board there, and although we have two boards already, yet if we send the new board thus constituted, so confident is the Senator from California in the justice of the cause of San Pedro that he says, "Send this board there, and if they say Santa Monica, let it be Santa Monica, and no man hereafter will raise his voice." That is the amendment that is pending here now. He has said that we have two boards in favor of San Pedro. You have no board in favor of Santa Monica. Yet so certain is he that any fair, any honest board, any board which is not employed by the parties in interest, that will go there will say that San Pedro is the proper place, he proposes that to the Senate. Is there a man on this floor who can say that that is unfair? If Senators believe that Santa Monica is the proper place, if they believe that a fair board will say so, let them vote for the amendment proposed by the Senator from California. It will not delay the time, because the amendment provides that the appropriation shall be made and that it shall be expended at the point the new board says is the proper place.

Mr. President, in view of all the facts, in view of the fair proposition that has been made, I appeal to the honor and to the fairness of the Senate to say if they think it is fair treatment of the Senator from California and the members from California and the overwhelming sentiment of that State when they have said: "Although we have two official reports, we will risk the entire case upon a new board, a fair board, one that is totally disinterested; we are willing for that board to determine the question, and if it says Santa Monica then we will abide by it?" Do you believe that if those who advocate Santa Monica thought that the better place they would not accept the proposition? What injustice is there in it? I call upon the Senator from Maine to tell the Senate, when he comes to speak, why this is not a fair proposition.

These are my views, Mr. President, about the case. Take it all in all, this is the most extraordinary proposition I have ever known submitted to the Congress of the United States. I do not believe that there is a man throughout this broad land in the United States, save and except Mr. C. P. Huntington, who would have had the assurance, in the face of the reports of these army officers, to have come to the Congress of the United States and asked them to give him $3,000,000 in money to build a breakwater to serve his private interests. I say that I think he is the only man who would have made such a proposition. But the matter rests with the Senate to determine whether they will agree to the amendment reported by the committee or whether they will agree to the proposition made by the Senator from California. As I said once before, to me it is a matter of the most utter indifference, so far as I am individually concerned, save and except that I believe if the precedent be once set that private interests and private engineers can set aside the reports made by army officers, if we discredit the eight distinguished engineers and follow the lead of two men hired by those who have the greatest interests in the matter, we set a precedent that will come to plague us hereafter. If this can be done on the Pacific coast there are many other ambitious men on the Atlantic Coast and upon the Gulf of Mexico who stand ready to get any number of civil engineers to set aside the reports made by the board of army officers. I think that the Senator from Maine scarcely knows to what extent the precedent may lead if the Senate adopts the amendment reported by the committee.

I repeat what I said in the early part of my remarks, that I think it much better that no deep-water harbor should ever be had, that it were far better the money should be utterly and absolutely thrown to the winds, rather than that we should make thousands of people throughout this broad land believe that the appropriation was made, not in the public interests, but in order to promote the private financial interests of individuals, be those individuals whom they may, whether the most powerful man in the land or the humblest citizen who walks this Union. In either case, if it once be understood that the Senate will be controlled by the reports of private engineers made for private individuals, then, Mr. President, the river and harbor bill will no longer be considered for the best interests of the entire Republic, but it will be solely a question as to who can bring the greatest influence to bear, who can hire the most engineers, who can succeed in setting aside and discrediting and humiliating the Engineer Corps of the United States.

Mr. VEST. Mr. President, I was unavoidably called away from the city at the time when the minority report in regard to this item in the river and harbor bill was presented. If I had been here I should have agreed with the Senator from Florida [Mr. PASCO]. I am one of those mentioned by the Senator from Arkansas [Mr. BERRY] who are unable to appreciate the immediate necessity for expending $3,000,000 upon an outside harbor at either San Pedro or Santa Monica. I have endeavored to exclude all personal feeling in my consideration of the case, not pretending to be better than anybody else, hoping I am not any worse. I have friends directly and largely interested at both localities, and I have heard the testimony, the arguments, and the acrimonious discussion which have accompanied this subject from its inception until now.

I do not lay great stress upon the wishes of the people of southern California, and especially those at Los Angeles. They are neither better nor worse than the average citizens of the United States. I have generally found that our citizens want money expended at their localities, and if they can not get it at one place in the immediate vicinity they will take it at another. Our experience upon the Committee on Commerce, to speak of that only, has in this particular instance verified that statement.

The first impression made upon me was that there was a universal clamor for this improvement at San Pedro. Somebody telegraphed from the House of Representatives (and this is in evidence) that Mr. Huntington had been successful in defeating the appropriation at San Pedro, but that they could obtain an appropriation at Santa Monica of $3,000,000 for an outside harbor connected with the improvement of the inner harbor at San Pedro, and immediately the electric wires were almost burned in congratulations upon the prospective appropriation, which would give an expenditure of $3,000,000 at Santa Monica and of $392,000 upon the inner harbor at San Pedro. It is not saying that there was any corruption in this case; it is not saying that those people are any worse than the people at other places, but when they came to the conclusion that they could get $3,392,000 expended at the two places in the vicinity of Los Angeles, their zeal for San Pedro at once abated, and they were willing to take the money at either place.

I do not take any stock in the abuse of Mr. Huntington because he is a railroad president and a rich man. He is like the rest of the world, looking after his own interests. He is neither better nor worse than other men in his position. He has evinced his honesty in this matter at least. He has shown that he is sincere in preferring Santa Monica, because he has given up an investment of nearly $1,000,000 at San Pedro. His testimony before the committee, uncontradicted, was that he commenced, or rather his subordinates commenced, an improvement at San Pedro, and when they drew upon him up to $900,000 he concluded that the matter was worth looking after individually. He went to San Pedro, saw the incipient improvement made with his money or that of the company of which he is president, and he states that he came to the conclusion immediately that they had selected the wrong place. He said, "You never can build this outside harbor here with these southwestern winds and no bottom to the ocean after you get out 2 miles. I will abandon this investment; I must have a harbor for my steamship line." And he went up the coast and found Santa Monica, and on his own account commenced the improvement. He has spent a million dollars there, giving up the million dollars at San Pedro, which he says is not a total loss, but almost a total loss as an investment. I take it that a man, no matter how rich, with Huntington's brain, and that is unquestionable, who abandons an investment of over $900,000 for his own interest—I grant you without any patriotism—is perfectly sincere when he says that Santa Monica is the best place for this outside harbor.

Mr. President, there are two questions in this case, leaving out all the talk about monopolies and lobbies and all that sort of thing. Any United States Senator who permits the lobby to influence him, it goes without saying, is unworthy of a seat on this floor, and nothing he says should be considered. There are but two questions. In the first place, is there an immediate necessity to expend $3,000,000 at either of these places for an outside harbor? I

came to the conclusion that there is not. We have a river and harbor bill here carrying $70,000,000, unheard of as to magnitude in the history of this Government. I call the attention of Senators—that is too strong an expression—I simply remark that we are not now with an overflowing Treasury, but we are with a Treasury that in a few months, if this "endless chain" continues, will be confronted with the necessity of issuing more bonds to meet the ordinary expenses of the Government. With that contingency staring us in the face we bring in here a river and harbor bill amounting, with immediate and contract expenditures, to $70,000,000, a thing unheard of before.

Is this a time to make such appropriations? Is this a time to hurry forward to expend money when you can do without expending it? What would be thought of a private citizen, the ordinarily sound business man, who would conduct his affairs in that way; who, with monetary depression, with embarrassment on every hand, seeks for an opportunity to spend more money and incur more liabilities? I do not know any such rule in my public action. I endeavor (though oftentimes drawn aside by the seductive blandishments of friends and constituents) to conduct the public business as I do my own and as the trustee of an express trust. I am not hunting for an opportunity, in the present condition of the Treasury, to spend money. Those of us who know something about making a river and harbor bill appreciate the statement that you are met in every item with solicitations and with inducements of every sort to contract liabilities to spend money; and if a sacrifice has to be made in the way of diminution of expenditure, every Senator and every Representative demands that it shall be made at the expense of somebody else rather than of his immediate constituents.

We have attempted honestly and faithfully to diminish the amount carried by this bill, but we have been unable to do so. We have struck out three continuing contracts, and they have all been put back by the Senate, as I knew they would be at the time we struck them out. We have endeavored to diminish appropriations, but every Senator has said: "Do not commence with me; commence with my neighbor. If you are going to make sacrifices, sacrifice somebody else; but here is a great improvement which is necessary to the whole country, with an immense commerce, and you will delay the advance of a vast section of country in its march toward improvement and the future; and I must have this money." So we are here to-day with the most unparalleled bill in the way of expenditures that has ever been known in the history of this country.

I did not think that $3,000,000, under these circumstances, should necessarily be expended upon either of these harbors, and I will give my reasons for it. In the first place, take Santa Monica. Mr. Huntington has made an improvement there, which has stood for three years and been most successful, according to all the testimony on both sides. He has now in existence an improvement which, of course, he will finish whether the Government gives him a dollar or not. He is that sort of a man. It has answered all his purposes so far for his steamship line. Three hundred vessels have landed at Santa Monica in the last year, all of them safely and satisfactorily, and it only remains for the Government to complete this improvement, commenced by Mr. Huntington and built with his money or that of his company. So with Santa Monica. The port of Los Angeles—because Los Angeles is behind both these improvements—is a city of 100,000 people, situated at one end of the triangle. There [indicating on the map] is Los Angeles; here is San Pedro; and here is Santa Monica. It is 3 miles farther from Los Angeles to San Pedro than it is to Santa Monica. Two railroad companies are fighting each other. The first, running from Los Angeles to Santa Monica, is the Southern Pacific, under the control of Mr. Huntington, and the other is the line running to San Pedro under one interest. The people of Los Angeles appeared before our committee about equally divided. Some of them who had investments in the direction of San Pedro wanted the money expended there; others testified that the city of Los Angeles recently had started toward Santa Monica, and they wanted the money expended at Santa Monica.

I have spoken of Santa Monica in its present condition, but there is certainly no necessity for putting $3,000,000 there. Commerce is not languishing; commerce is not endangered. There never has been a more successful public improvement in the history of this country than that at Santa Monica so far as it has gone.

Now, take San Pedro. San Pedro accommodates all vessels of a small or medium size. The engineers report 14 feet at low water now over the bar at San Pedro, and they testify that with the expenditure of $392,000 they can put 18 feet of water on that bar at low tide, and with the rise of the tide, which is between 5 and 6 feet, you would have a depth of from 24 to 25 feet at high water, which would admit all large vessels, except the largest sized and vessels of war, which would be compelled to lighter in order to reach the inside harbor, which, although small, is absolutely perfect in its protection from storms. Where is the overruling necessity for expending $3,000,000 at that place? I want to speak frankly, for I have no connection with either of these factions, and I want to do my duty to the people of the United States.

Unfortunately, Mr. Huntington is a political factor in California. They test every man's competency and qualification for office there by the question: "Is he for Huntington or against him?" You can not hold a town meeting but what the question is, "Is this man a Huntington man or not a Huntington man?" In the present condition of public sentiment I would not make this appropriation at this time, and I will proceed to give my reasons for that.

My friend from Arkansas [Mr. BERRY] has animadverted pretty severely upon Mr. Corthell. I know Mr. Corthell very well, and I will state why I know him. As every old Senator here knows, I was the warm, intimate friend of James B. Eads, although we differed politically. I think he was the greatest riparian engineer the world ever produced, and his works to-day prove it and will continue to prove it to the end of time. When Eads was struggling against the Engineer Bureau in building the great bridge at St. Louis, they said it could not be built with 525-foot spans, and yet it stands there to-day as solid as this continent, in spite of their resolutions, unanimously adopted in the city of St. Louis, that a span of 525 feet could not be built. You can build one of 1,500 or 2,500 feet if you have got the money, as Eads told them. They said that Eads could not build the jetties at the mouth of the Mississippi. They are there to-day bridling the mouth of that river, and the bridle remains on it in spite of the predictions of the Engineer Bureau.

In all these great works Corthell was Eads's lieutenant, and Captain Eads thought he was one of the ablest engineers upon this continent. It is true that he accepts money in his profession to go and examine improvements. This is entirely legitimate, as a lawyer takes money for examining a brief and giving his opinion upon it. There may be room for criticism as to the propriety of his appearing before the committee and stating that he had been sent there at the instance of Senators and members of Congress, and that his expenses had been paid by Mr. Huntington; but he came before the committee and with carefully prepared maps—and there is one of them [indicating]—and he made the statement as an engineer, and risked his reputation upon it, to say nothing of his personal veracity, that at Santa Monica up to the way where the ships land there was a gradual shoaling for 12 miles, which broke the force of the oceanic waves and necessarily protected ships.

It does not require an expert to know that as you approach shoal water a wave diminishes in violence and height, and as you go to deep water the waves increase in violence and height. It is the unanimous opinion of experts and the testimony of individuals that at Santa Monica the waves decrease in violence as they approach toward the way, and that is the principal argument used in behalf of the Santa Monica improvement. Corthell went there and sounded the ocean, looked across upon its floor, so to speak, and brought here that map, taken from those soundings, and he says that is the physical condition of the floor of the ocean at that point. He also says that he examined and sounded the bottom of the ocean at San Pedro and found that 2 miles out it went down into—I forget how many fathoms, but almost without bottom. After you go out 2 miles from the mouth of the inside harbor of San Pedro how many fathoms is it?

Mr. FRYE. At 3 miles it is 300 fathoms.

Mr. VEST. Three hundred fathoms at 3 miles.

Mr. WHITE. It depends upon which direction you go.

Mr. VEST. Of course. The southwest wind is the dangerous wind, Mr. Corthell says, as it comes directly into the mouth of that inside harbor, and that any ship lying outside is dashed upon the bar, and if it misses the bar, upon the coast adjoining. But the point I make is that Mr. Corthell states, as a matter of physical examination, that 2 miles or 3 miles out from the mouth of the inside harbor of San Pedro there is 300 fathoms of water, and nothing like this gradual shoaling which they find at Santa Monica.

Now, Mr. President, after receiving this testimony the committee sent for General Craighill, who is now the head of the Engineer Bureau, and who was the president of the commission that made this report. I believe he was on the second commission. He was then Colonel Craighill. I believe I asked him this question: "Did you examine the floor of the ocean at Santa Monica and at San Pedro; and, if so, what have you to say in regard to Mr. Corthell's statement (who was sitting there in the room) that there is a gradual shoaling up toward Santa Monica, while there is a depth of 300 fathoms 3 miles out from San Pedro?" He said he did not examine the floor of the ocean.

Mr. BERRY. Will the Senator from Missouri permit me?

Mr. VEST. Certainly.

Mr. BERRY. The Senator from Missouri is not accurate. In the first place, General Craighill's statement was made before the statement of Mr. Corthell was made. General Craighill was asked

if he examined the holding ground at San Pedro in person, and he said, "No; but we took the testimony of topographical engineers," I think was the reply.

Mr. WHITE. Of the officers of the Coast and Geodetic Survey.

Mr. BERRY. "Of the officers of the Coast and Geodetic Survey and all the other testimony, and we heard Mr. Hood, who had theretofore made the examination." Those are the facts.

I direct the attention of the Senator from Maine to the fact that the Senator from Missouri is calling attention to matters which occurred in committee, and I understood the Senator from Maine objected to that.

Mr. FRYE. The Senator from Missouri has been talking about testimony taken before the committee.

Mr. VEST. I am talking about the testimony of witnesses. There is no necessity for any heat about this matter.

Mr. BERRY. There is no heat about it.

Mr. VEST. If I misstate it I can be corrected from the testimony. I am not here in the interest of either of these locations. It does not make any difference when General Craighill made this statement, whether it was before or after Mr. Corthell. He made this statement, which impressed me more than anything else. He said: "We are not riparian engineers; we are fortification engineers."

Mr. FRYE. That is what I was going to ask the Senator.

Mr. VEST. That struck me, because I have always believed that that is the defect in the system of putting all the rivers and harbors exclusively under the Engineer Corps. I asked him specifically that question, and he said: "We are not riparian engineers; it is for the Coast and Geodetic Survey to examine the floor of the ocean and make soundings; but we are fortification engineers"; and if you will take the report upon San Pedro you will find one-third of it, speaking with all due limitation, is as to the point of defending San Pedro in case of war, proving that they were fortification engineers and looked upon the subject from that view of the case.

But, Mr. President, that is a trivial matter compared with the fact that the board of engineers now report that with $392,000 they can put 18 feet of water at low tide upon that bar at San Pedro, and with the rise in the tide which comes upon the lower Pacific Coast there is between 5 and 6 feet of water, which would make 24 or 25 feet at high tide, and that would float any except the largest ships, including men-of-war, which could be lightered over that bar.

Mr. BACON. Will the Senator please state the depth of water within the bar?

Mr. VEST. It varies. We had maps before the committee.

Mr. WHITE. It is 14 feet inside.

Mr. FRYE. And it is proposed to make it 18 feet.

Mr. VEST. The engineers propose to have an average depth of 18 feet at all stages in the different portions of that inside harbor. When there is high tide there is an increase of between 5 and 6 feet, the tide being much higher there than it is on the Atlantic Seaboard and considerably higher than upon the Gulf of Mexico. I grant the largest-sized ships, the armored vessels, for instance, would be compelled to lighter in order to get over that bar; but if these engineers have $392,000 they say they can give us 18 feet at low water over that bar at San Pedro. I say that meets all the probable exigencies of the present and the future, and it saves to us out of these schemes nearly $3,000,000 for an improvement that is not necessary, for an outside harbor at either locality.

Mr. MORGAN. I should like to ask the Senator from Missouri, or the chairman of the committee, at what rate per cubic yard do the engineers estimate for excavations at the bar at San Pedro?

Mr. VEST. I am not quite able to answer. Perhaps $2.50.

Mr. WHITE. Two dollars and a half.

Mr. VEST. Is there an estimate in detail in regard to the cost of the work?

Mr. WHITE. Here is the estimate:

Entrance, 36,000 cubic yards, at 50 cents	$18,000
Reef, 37,000 cubic yards, at $2.50	92,500
Reef to wharves, 150,000 cubic yards, at 40 cents	60,000

Mr. MORGAN. What is the estimate for dredging—how much a cubic yard?

Mr. WHITE. Four hundred and ninety thousand cubic yards, at 30 cents per yard. That would cover what I suppose to be dredging.

Mr. MORGAN. Thirty cents a cubic yard for dredging?

Mr. WHITE. Yes.

Mr. MORGAN. We are doing it in the Bay of Mobile for about 8 cents, and carrying the material away.

Mr. FRYE. Seven and seven-tenths cents.

Mr. MORGAN. How far do they carry the material at Mobile?

Mr. FRYE. They land it away beyond the works, entirely away.

Mr. MORGAN. Three or four miles.

Mr. WHITE. I would state that I believe the distinguished gentleman who made the calculations, Colonel Benyaurd, believes that he has estimated perhaps too much for the softer material in view of the present developments in dredging, and so on; but we are told that the estimate is quite low enough, perhaps too low, as to the rock upon the reef.

Mr. MORGAN. How long ago was it that these estimates were made?

Mr. WHITE. About two years ago.

Mr. FRYE. Only about two years ago. It is fair to say that the estimates are nearly double on the Pacific Coast to what they are on the Atlantic.

Mr. WHITE. That is correct.

Mr. VEST. I was going to say that the Senator from California [Mr. PERKINS] and I believe the Senator at my left [Mr. WHITE] said that the price of work is nearly twice what it is on the Atlantic Seaboard and on the Gulf of Mexico.

Mr. MORGAN. Machine work would be quite as cheap, I should think.

Mr. VEST. But all sorts of labor and supplies would be much higher.

Mr. WHITE. Yes, sir.

Mr. MORGAN. I should think a dredging machine could be worked there as cheaply as here.

Mr. VEST. I have spoken of the aggregate cost of the inside harbor of San Pedro, which is $392,000.

Mr. LINDSAY. I should like to ask the Senator from Missouri whether 18 feet is the deepest channel possible, or whether an appropriation would enable the engineers to make a still deeper channel than 18 feet?

Mr. VEST. I suppose, as a matter of course, they could make a deeper channel by an expenditure of more money; it goes without saying, I think, that they could.

Mr. WHITE. There is a survey provided for in this bill having in view the obtaining of 25 feet of water.

Mr. LINDSAY. One other question. When vessels cross the bar is there sufficient water in San Pedro Harbor?

Mr. VEST. It is a mere question of the expenditure of money. They propose to make the average depth 18 feet, and, of course, the inside harbor would have the advantage of the rise of the tide, which can be relied upon safely at all times. It is simply a question of the expenditure of money as to deepening the water upon the bar in the inside harbor, the fact always being undisputed by all factions and interests that the inside harbor is perfectly safe from all storms. Nature has provided a harbor there which is now available for all small-sized ships, and the only advantage of such a harbor as is proposed at either place is to provide for large-sized ships.

Now I come to the last consideration. I have stated that if I had been here I would have signed the report drawn by the Senator from Florida [Mr. PASCO] upon the line of opinion which I have expressed here and am endeavoring to give my reasons for. If the Senate concludes that it will not adopt that line of argument, and it will insist upon an outside harbor, against my judgment in the premises, the only question is whether we can adopt the amendment as to Santa Monica as it stands, which puts the improvement at Santa Monica absolutely, or the amendment offered by the Senator from California [Mr. WHITE], which leaves that question, together with the location of the improvement of San Pedro, to the report of another board of engineers. I am of opinion that if the Senate concludes to make the improvement of the outside harbor, a slight amendment of the proposition of the Senator from California should be adopted, and I will give my reasons for it.

After General Craighill stated before our committee that he was not a riparian engineer, after he stated that he was not prepared to contradict the statement of Mr. Corthell as to the floor of the ocean at the two places, it seemed to me that the necessity immediately arose that the floor of the ocean at these two places should be examined by competent experts, because it becomes a matter of the highest importance to know whether this shoaling process for 12 miles out exists at Santa Monica, as Mr. Corthell states. If it does, it follows mathematically that there can be found no harbor superior to that for the largest sized ships, as well as the smaller vessels.

It becomes also of the highest importance to know whether it is true, as stated by Corthell, that when you go out 3 miles from the mouth of the inside harbor at San Pedro you strike 300 fathoms of water. If you do, none but the strongest works that can be invented by mortal man will resist the waves that come from that water, impelled by the southwest wind, as Corthell said, and there is nothing to contradict him in the report of these engineers, because they stated that they did not examine the floor of the ocean; that they left that to the Geodetic Survey.

Mr. FRYE. Will the Senator allow me?

Mr. VEST. Of course.

Mr. FRYE. On the contrary, we have the chart of the Coast and Geodetic Survey now, where all these tracings have been made, and they all confirm Mr. Corthell's statement.

Mr. VEST. I had not alluded to that fact and have not examined it.

Mr. BERRY. Will the Senator from Missouri yield to me for a moment?

Mr. VEST. Of course.

Mr. BERRY. All confirm the statement as to what?

Mr. FRYE. As to the depth of water 3 miles out.

Mr. WHITE. I deny that absolutely.

Mr. BERRY. If the Senator will yield to me one moment, I do not think he wants to place General Craighill in a wrong position. I take it for granted he does not.

Mr. VEST. Of course not.

Mr. BERRY. The Senator has stated that General Craighill has said that he was not prepared to contradict the statement of Mr. Corthell in regard to the holding ground at San Pedro. That is not in General Craighill's testimony. He never, so far as I remember, mentioned Corthell. The Senator from Missouri asked him if he had examined the holding ground at San Pedro in person, and he said no; that they took the testimony, as the Senator from California [Mr. WHITE] says, of the Coast and Geodetic Survey. General Craighill said they took testimony there from all parties in regard to it, and he reported that the holding ground there was equal to that of any other place. Therefore to say that General Craighill said that he was not prepared to contradict Mr. Corthell's statement is not placing General Craighill in a correct position. The testimony will show for itself. The only thing he said about fortification engineers came in this connection. He was asked the question, and he said in reply that in case of war San Pedro would be far better. He was asked what he meant by that, and he said, "As to protection from an enemy;" and then he dropped the remark—and it was the only place he used it—"We are fortification engineers." That is the testimony.

Mr. VEST. I admit that, and I have not the slightest amendment to make to it. I will take the statement of the Senator. I do not want to do any injustice to General Craighill. The point I was making was simply this: So far as the testimony before our committee is concerned, Corthell's statement is uncontradicted that the ocean floor shoals for 12 miles up to Santa Monica; and it is also true that General Craighill did state, as the Senator from Arkansas remarks—and I do not care, so long as he said it, in what connection it was—that he was a fortification engineer and not a riparian engineer. I say when that board went there to examine, under an order of the Government of the United States, the question as to where should be this outside harbor, it was their duty in person to examine the floor of the ocean and to tell us what was the depth of the two places, in order that we could determine what was the violence of the waves and where the harbor should be located.

Permit me to say that we have had one or two glaring instances of the fact that these gentlemen belonging to the Corps of Engineers, men of the highest character—I make no assault upon them—but they have in another instance delegated to subordinates what they should have done themselves. I know we had a conspicuous instance of it at Brunswick, Ga., in the case of the large improvement there, for which we have been appropriating for some years. We sent a commission there to examine, and they delegated the duty to a subordinate, and no member of the board ever went in person to examine it, as we intended they should do. The result is, we are now just where we commenced, and we are compelled to rely upon subsequent examinations, perhaps, in order to carry on that work.

Mr. WHITE. Mr. President, in fairness, the Senator from Missouri ought to state that the board to which he now alludes was not exclusively from the Engineer Corps, but it was a mixed board.

Mr. VEST. I know it was, but still they ought to have gone in person. That is the point I make. When we send a board, either members of the Geodetic Survey or of the Corps of Engineers, to examine an improvement and report on it to the Senate, so that we may make or withhold large appropriations, it is their duty to go in person and not leave it to any lieutenant or sergeant to go and make the examination and let him report to them, and let them adopt his suggestions and report to us. We do not send them there for any such purpose.

Mr. HARRIS. How is the fact in regard to Santa Monica and San Pedro? Did the board go to these places?

Mr. VEST. It was stated—that is my recollection, though I paid no very great attention to it—that they went to both places. They went to Santa Monica and stayed one day, some witnesses swear, and others that it was a day and a half or possibly two days; but they made no soundings. That is the point that struck me. They said that they had made no examination of the floor of the ocean. It seems to me that that is one of the most important parts of this whole examination.

Now I come to the last thing I want to say, and I will not trespass upon the Senate longer. The amendment offered by the Senator from California should be amended in one particular. In the personnel of the new board which the Senator proposes shall be sent out there he has an army officer, a member of the Corps of Engineers. I would not put a member of the Corps of Engineers upon that commission; and I will give my reasons for it. General Craighill made the report which is now attacked by the Santa Monica people. He is now at the head of that Bureau; and, without intimating that there would be any undue influence at all, we all know in the Army and in the Navy the reluctance with which any army or navy officer will overrule his chief. If we make as one of the members of this board a member of the Corps of Engineers, he will consider himself, with that sort of military or caste courtesy which obtains, possibly properly among these gentlemen, constrained to adopt the conclusions which his chief at one time adopted, and which he defended before the committee. I would make up that commission of two Geodetic Survey men and a naval officer, or one officer from the Geodetic Survey, one from civil life, and a naval officer; but I would not put upon it a member of the Corps of Engineers of the Army.

I agree thoroughly with that provision of the amendment which says that the report, whatever it may be, in favor of either place, assuming of course that we intend to make the improvement at one place or the other, shall be conclusive, and that the appropriation shall take effect eo instanti upon that report being made and approved by the Secretary of War, because if I have any hope now, legislatively speaking, it is that I shall never hear of Santa Monica or San Pedro again.

Mr. WHITE. Mr. President, with reference to the amendment suggested by the Senator from Missouri to the amendment which I offered, I could not consent to it, of course, without consulting with other Senators. Personally, as I before remarked, I am perfectly willing to have this matter submitted to any impartial board. All I want is that some official authority may pass upon this question before it is voted on, if an appropriation is to be made for Santa Monica.

Mr. CAFFERY. Mr. President, I desire briefly to give the reasons why I oppose the appropriation for Santa Monica.

As very correctly stated by the Senator from Missouri [Mr. VEST], the first point to be considered is whether there is any necessity at either one of these points, San Pedro or Santa Monica, for a deep-sea harbor; and the second is whether, if so, the point at Santa Monica or San Pedro is to be the one selected.

The statement in favor of a deep-sea harbor at either one of these points was that the city of Los Angeles had in late years developed much commerce and intercourse with the East. It was also stated, whether in committee or whether on the outside I do not now remember, that the Australian trade and the trade generally with the Orient would seek the port of Los Angeles rather than the port of San Francisco. But it is to be borne in mind that that trade is prospective; that there is no large amount of it at either one of these points at the present time. It is known, however, that for some years Mr. Huntington has had ships anchor and discharge their cargoes at Santa Monica, and I must confess, as I stated in the committee, that the fact that Mr. Huntington has voluntarily left San Pedro and has established his wharfage at Santa Monica is, in my mind, a very strong fact to induce the conclusion that Santa Monica presents the best deep-sea harbor facilities.

On the first proposition, whether there is any immediate need for a deep-sea harbor at either one or the other of these points, I will say that there is not, in my opinion, sufficient testimony to establish the commercial need of a great governmental work—the construction of a deep-sea harbor at either one of the points at present. But the argument of the Senator from Missouri [Mr. VEST] went, it appears to me, a little too far in this direction. He stated that in the condition of the Treasury as it exists these appropriations are not warranted. I do not entirely agree with him in that statement. I do not agree that because the Treasury is strained, because it is difficult to keep up the gold reserve, necessarily river and harbor improvements should not be undertaken. The point with me is to establish whether it is necessary, whether it is useful; and if that be so I do not think the present condition of the Treasury is such as to prevent the necessary appropriation to effect these public purposes. My opinion is that the Treasury is depleted of its gold not by reason of a deficit of revenue, but by reason of the constant agitation of the financial question, and my own view is that as the Wilson Act gets older, gets in better working harness, the receipts will come up to the expenditures more nearly than they do now. We have some $270,000,000 in the Treasury, and I can not see why it is that there is such a spasm of economy upon us when these necessary appropriations in regard to the improvement of rivers and harbors demand our attention.

But this controversy has largely drifted, not as to whether either one of the points should have this appropriation, but whether San Pedro or Santa Monica should have the appropriation. It is very easy to criticise the Army Engineer Corps. It is very easy to point to the example of Captain Eads and to point out the mistakes of the Army Engineer Corps in condemning the work

which Captain Eads afterwards proved to be entirely successful and entirely appropriate. But we have a certain system under which these river and harbor appropriations are applied. We rely upon the findings and the reports of the commissions of the Army or the Navy, as the case may be. If they are useless let us get rid of them. As long as we have them we must necessarily follow them, as a general rule.

Now, as against Santa Monica Harbor the reports of two commissions are absolutely adverse. They are not only adverse to Santa Monica, but they are favorable to San Pedro. I was captivated with the very learned and very exhaustive statement of the civil engineer, Mr. Corthell. I thought he presented his case with great ability. I am perfectly willing to concede his ability without any other proof than that furnished by himself in his own statement; but we have adopted a regular system of improvements to be made according to the findings and reports of the Army Engineer Corps. Are we to discard them and take up the captivating report of an engineer on the outside?

Mr. MITCHELL of Oregon. Will the Senator from Louisiana yield to me for a moment?

Mr. CAFFERY. Certainly.

Mr. MITCHELL of Oregon. I know but little personally about this controversy, but the Senator is touching upon a point now that attracts my attention to a little history to which I should like to call his attention, if he will allow me.

Mr. CAFFERY. Certainly.

Mr. MITCHELL of Oregon. In 1873 I took my seat in the Senate. At that time the city of New Orleans in the Senator's State had no foreign commerce—none at least of any importance.

Mr. CAFFERY. Oh, I beg the Senator's pardon.

Mr. MITCHELL of Oregon. Not to amount to anything.

Mr. CAFFERY. We had some foreign commerce.

Mr. MITCHELL of Oregon. A vessel drawing over 6 feet of water could not come to New Orleans. At that time a controversy was going on in one of the committees of this body, of which I happened to be a member. Mr. Eads came before the committee with a project for improving the mouth of the Mississippi River. I had but little faith in it. I was a member of the committee, as I stated. The army engineers were unanimous in opposition to his scheme from the Chief of Engineers down. Finally, after a long controversy before the committee, Mr. Eads submitted a proposition that seemed to be fair, in which he said to the committee and to Congress: "If you will pay me so much money I will give you so many feet of water; and when I give you so many more feet of water, you will pay me so much more money." It struck the committee as being a bargain which the United States might perhaps make without running any great risk on the part of the Government. We finally made a bargain with him, as the Senator knows. We ignored the engineers, or rather we entered upon the scheme suggested by Mr. Eads.

What has been the result? We all know it has been one of the grandest successes that have ever attended any engineering project in the United States or anywhere, so that now the city of New Orleans, the great city of the State represented here in part so ably by the Senator from Louisiana [Mr. CAFFERY], instead of having little or no foreign commerce, is, I believe, third in foreign commerce in the United States.

So, Mr. President, while of course I have the very highest respect for the Engineer Corps of the United States Army, and while as a rule I have always been inclined to follow them, at the same time there are exceptions, and that is one great exception wherein the Engineer Corps were at fault. They were in error in their positive statement that the scheme of Eads would not work.

Mr. WHITE. Will the Senator from Louisiana excuse me? I should like to ask the Senator from Oregon whether in that case it was not a fact that a contract was made, and as a result of that contract Mr. Eads was to get the money, provided he obtained the water?

Mr. MITCHELL of Oregon. Certainly.

Mr. WHITE. There was no absolute appropriation made in defiance of the Government recommendation?

Mr. MITCHELL of Oregon. I am not referring to the case as parallel to this. It may or may not be; but I am attracting attention to it for the purpose of showing that the Congress of the United States are not necessarily bound to follow the Army Engineer Corps, and that their recommendations are not regarded by Congress as conclusive.

Mr. WHITE. No one claims infallibility.

Mr. MITCHELL of Oregon. Sometimes it is not best to do so; and in that particular case, if we had followed the Engineer Corps, we perhaps would not have had the great improvement at the mouth of the Mississippi which we have now.

Mr. CAFFERY. I agree with the Senator from Oregon [Mr. MITCHELL]. There are exceptional cases where some extraordinary genius may prove that the Corps of Engineers might do better by trying some other than their own plans; but I am speaking of a systematic plan of improvement. We have adopted a river and harbor plan under the specifications and findings of Corps of Engineers belonging to the Army and Navy. Now, as I said in opening, either we have to follow their findings and their conclusions as a general proposition, or we have to reject them entirely, discard that system, and adopt some other. But one swallow does not make a summer, and the improvement of the jetties of the Mississippi River does not prove that the whole scheme of river and harbor improvements in the United States could be better undertaken and accomplished by some other plan than the one we have.

I will say to the Senator from Oregon that he is a little wrong in regard to the improvements to the mouth of the Mississippi River. There was 14 feet of water at the Southwest Pass at the mouth of the river. That 14 feet was kept open by dredging, and we did have a considerable amount of foreign commerce coming through the channel 14 feet in depth at low water. The Eads jetties have to be dredged constantly now to keep them open, as was predicted by the Army corps, and a deposit of sand is made at the entrance of these jetties to the Gulf. Not only is the silt carried out and deposited at the end of the jetties at the Gulf, but the channel itself has narrowed, and it is only kept open by constant dredging. It is not kept open to the extent that Captain Eads, great genius though he was, said would be the result of his jetty process.

Mr. MITCHELL of Oregon. What is the ordinary depth?

Mr. CAFFERY. The ordinary depth is 26 feet, but I saw in the paper that a vessel was grounded right athwart the channel.

Mr. TELLER. I should like to ask the Senator from Louisiana to repeat his last statement.

Mr. CAFFERY. I say that the jetty system as proposed and adopted under the contract system between Mr. Eads and the Government of the United States has not accomplished all the results that were predicted for it by its originator, Mr. Eads, and that in order to keep up this depth of 26 feet the Eads heirs have constantly to employ a dredge boat to aid the current in washing out this depth.

Mr. TELLER. I understood the Senator to say that the army engineers were more nearly correct than Mr. Eads. That is the way I understood it.

Mr. CAFFERY. No, sir. I said they were correct in their statement as to the deposit of silt, and that the current would not keep it washed out as Mr. Eads said it would.

Mr. TELLER. I do not think Mr. Eads ever claimed that it might not be necessary to do some dredging. When his proposition was submitted it is a notorious fact that the army engineers declared it would be a failure. It has not been a failure.

Mr. CAFFERY. No; I do not say it has been a failure.

Mr. TELLER. In the controversy between Captain Eads and the engineers, Eads won by getting the Government to make the contract, he won by getting the depth of water he said he would in spite of their prediction, and he got his pay.

Mr. CAFFERY. Mr. President, I do not propose——

Mr. VEST. The Senator from Louisiana will permit me, in justice to the memory of Captain Eads, to make a statement. As the Senator from Colorado [Mr. TELLER] has stated, the engineer officers made two predictions—if there is any doubt about it I can refer to the records—first, that there would not be sufficient power of current to produce the erosion that Captain Eads said would be produced by the volume of water in the Mississippi River; second, that possibly if there was, the effect of this erosion, the scouring process, would be to create a bar at the mouth of the jetties in the Gulf of Mexico, which would finally become impassable, even for ships drawing 8 or 10 feet of water. Captain Eads contended that the power of this silt-bearing current would be such as to force the silt or the deposit in the Mississippi River coming from the alluvial lands far enough out into the Gulf to permit it to be scattered, and that the bar would not be formed to the extent they claimed, and that there would be sufficient force of current. But he never did say that it would not be necessary to dredge. On the other hand, he said it would be necessary to dredge. He took the contract, no cure, no pay. He was not to get a dollar unless he produced a certain depth of water. The Government made a contract, a part of which was that Captain Eads or his representatives should secure for a number of years, twenty years, I believe, so many feet of water in this channel through the Southwest Pass. Every year an officer of the Government of the Engineer Corps is sent there, who sounds the whole length of the channel and reports to the Department whether Captain Eads or his representatives have secured that depth, and until that officer reports that it has been secured the estate can not draw one dollar. If it has been secured, they receive $100,000 a year.

These are the whole facts, and there has not been a year in which the money has not been paid. As a matter of course, if he had not secured the depth of water he would not have received a cent.

Mr. CAFFERY. I am not to be understood as attacking the

memory of Captain Eads. He has been a great benefactor to my part of the country. But I have only stated the facts which have been communicated to me by the local engineer in charge in Louisiana. A great contention between Captain Eads and the army engineers was as to whether a plan of confining the water in narrow jetties and permitting the water to wash out to a sufficient depth would succeed of itself. I never heard before that Captain Eads claimed that he had to use dredgers in order to aid the river. I do not believe there would have been any contention between Captain Eads and any of the Engineer Corps or anybody else if he had conceded that it would be necessary to keep the channel open by dredging. But the case of Captain Eads is not parallel to the case here.

Mr. TELLER. I wish to correct the Senator from Louisiana. Captain Eads made a contract to keep the channel open.

Mr. CAFFERY. Precisely. That is what I am talking about.

Mr. TELLER. That presupposes something to be done besides building jetties. That was a part of his system. It had to be done.

Mr. CAFFERY. Yes, sir; I know that. I know it was contemplated that the jetties would do the work without dredging.

Mr. VEST. They did most of it.

Mr. CAFFERY. I know that the work of the current has been supplemented by the artificial work of dredgers. That I know. I have heard it stated that it was doubtful whether Eads's heirs would continue the dredging to maintain the depth, as the expense of dredging about equals the installments they would derive from the Government for keeping open the channel.

Mr. VEST. Who stated that?

Mr. CAFFERY. Mr. J. B. Quinn.

But the case of Eads is not parallel to the case here at all. There has been no contract of any kind, nor is any contemplated by anybody, to get so much depth of water, or to protect the harbor at Santa Monica or San Pedro by artificial works. It is a question solely whether this work is to be done under the present system of the Army Engineer Corps, and I say if it is to be done under that system you can not travel outside of the system. You can not go beyond the findings of the engineers and take up the report and the findings of a civil engineer when there is no sort of liability upon his part or upon the part of his employers. This is not a no-cure-no-pay case. Here is a case where the money of the United States Government is asked to be appropriated under the supervision of its Corps of Engineers, when the engineers have repudiated it, when they have condemned it.

Now, if a great engineer like Captain Eads were to undertake to build a breakwater at San Pedro or Santa Monica, as the case may be, for so much money to accomplish such and such results, that would establish a case parallel to the case of the jetties at the mouth of the Mississippi. But that is not the case here. The case here is to violate the findings of the army commission, when the money is to be spent under their direction. That is the case. They have condemned Santa Monica. They have accepted San Pedro, and I say that we have either to follow generally the report of the army engineers or we have to discard the system entirely and adopt the system of contract.

I have no sort of feeling in this controversy. I do not consider that the fact that Mr. Huntington supports the Santa Monica improvement is of any weight whatever toward its condemnation. But when both Senators from that State, when, as I am told, every Representative in the House representing California wants the appropriation for San Pedro Harbor, and when that application of theirs, or indorsement of theirs, is backed up and sustained by the report and recommendation of the Corps of Army Engineers, I do not think it would be competent or safe or wise to throw aside both their indorsements, the recommendation of the engineers, and take up the report of an outside engineer, backed up by the experiments of Mr. Huntington. It is true, in one sense, that an appropriation for a harbor is a national affair. A harbor of the dimensions and of the sort that is contemplated here at one or the other of these points partakes of a general character. It is of interest to the whole nation. It concerns everybody, as it were, but it more directly concerns the people living in that country; and I have lived long enough to know, I think, that the counsel, the advice, the indorsement of the people immediately in interest, having the welfare of their constituents at heart, ought, from the nature of the case, to carry very great weight. It would take testimony absolutely conclusive to convince my mind that their indorsement is wrong in the premises before I would disavow it.

The chairman of the committee, a very able man, who has made a study of these matters for years, has arrived at his conclusion from facts and premises that in his opinion are sufficient to warrant it. I complain of nobody's action, and I discard as utterly irrelevant to any intelligent discussion of this question the fact that Mr. Huntington supports one or the other of these projects. That these corporations have great influence I know, and that they exercise great vigilance everybody knows, and if their case is not won it is not because of the lack of energy or vigilance on their part. They are very well able to represent themselves in any enterprise of this sort. But it looks to me like a purely commercial enterprise. I can not see from my standpoint how it would be entirely and exclusively in the interest of a railroad. But be that as it may, I shall follow the lead, all things being equal, of the representatives from the locality of an improvement of this sort, and it would be an extreme case, it would be a case where the testimony leaves no leg to stand upon, that I would go against their judgment in the premises. But the case we have presented before us is one that not only does not militate against their views, but one that is indorsed by the highest authority in the United States in regard to these improvements. I am inclined to the belief, however, that temporarily, at least until the commercial needs of that part of the country are developed into larger proportions, the improvement of the inside harbor at Wilmington is sufficient for present purposes. It will be a considerable saving to the country right now not to expend the $3,000,000 asked for for San Pedro or Santa Monica, and if the needs of commerce do not justify it, I adopt the conclusion of the Senator from Missouri [Mr. VEST], and say that the amendment offered by the Senator from California [Mr. WHITE] in that regard ought to have the sanction of the Senate.

Mr. FRYE. Mr. President, I am very sorry that I am compelled to exhaust the patience of the Senate with a further discussion of this matter, but as chairman of the committee and its mouthpiece, as a matter of course I must defend its action and I know of no better defense of the contention which the committee has made than the picture upon which Senators are now looking.

Here [indicating on map] is the bay of Santa Monica. Point Dume is off here [indicating]. Here is Vincente [indicating]. Here [indicating] is the present pier in Santa Monica Bay in the center of the curve of the bay. These are the proposed wharves [indicating]. If built they will accommodate about 200 ships at one time. Here [indicating] is the proposed breakwater to protect the ships in the inside.

Mr. MORGAN. How far from the coast?

Mr. FRYE. It is about a mile and one-third from the shore. It is about 8,400 feet long. It includes inside of it an area of about 555 acres of deep water, which will accommodate about 222 deep-draft vessels at anchor. Every inch inside is excellent holding ground, being mud and gravel. It is absolutely protected by a range of mountains over a thousand feet high from the north winds, the northeast and the northwest winds. It is absolutely protected on the other side by the highlands—these are the highlands [indicating]—from every southeast wind. The dangerous wind of the Pacific coast is that from the southeast. There is no great fear of the other, except occasionally a heavy southwest gale. This bay [indicating] is absolutely protected from everything except the southwest wave line, as it is called, and the westerly winds.

Now, here is a remarkable fact, and, without knowing the fact, no engineer, whether he be civil or war, is able to determine whether or not a harbor can be made a safe one. As I said, the heavy winds and gales are from the southeast. Whenever there is a heavy gale from the southeast the wave line is from the southwest, at an exact right angle to the southeast inshore wind, undoubtedly showing that the action of the mountains has affected the wind near shore in such a way that a heavy southwest gale in the open ocean becomes, when you approach the shore, a southeast gale.

Now, a breakwater, as a matter of course, every Senator knows, has nothing to do with the wind. It is to stop the waves, and that is the only purpose. The only necessity in the Bay of Santa Monica for any protection whatever comes from the southwest wave line. For the three years the pier has been there, there never yet has been any damage done it, because there has not happened during that time any heavy southeast gales, or southwest wind at sea, and southwest wave line. But it is liable to take place any hour of time. It is liable to take place when 50 ships are lying in this open roadstead [indicating], and if it did every ship would go ashore. For two or three years there had been no dangerous wrecks in the harbor at Apia, but one day there were scores of men-of-war lying there, a gale came up, and hundreds of lives were lost, and several ships were driven ashore. Harbor protection is not for fair weather; it is not for ordinary weather; it is against extraordinary weather; and because these three years have passed and there has been no extraordinary weather it is not, as the Senator from Missouri says, an argument against the necessity of protection at all. To-morrow, or a week from now, when great ships are lying there, that terrible southwest gale sweeping across the great Pacific may bring in enormous waves and drive every ship ashore, sacrificing property and human life.

Here to the right is Point Fermin [indicating]. Here, at that point [indicating], is where the first board started its breakwater, running it out two or three thousand feet, and then leaving an open space of 1,500 feet, then running four or five thousand feet

in the direction here shown [indicating]. There [indicating] is Wilmington Harbor.

Mr. WHITE. The inner harbor.

Mr. FRYE. It is called the inner harbor; it is the inner harbor of Wilmington which has been talked about. The harbor which it is proposed to make at San Pedro is here [indicating]. Now, here is the remarkable fact to be noted. The first board of engineers found that if a breakwater were attached to the shore and run eight or ten thousand feet from shore, the harbor made by it inside would certainly fill up with sand, and in that Corthell and Hood concur. So the three army officers and the two civil engineers agree that if a breakwater is so attached and extended from the shore the harbor will fill up. What did the first board do? They provided for that reach of breakwater, then an open space of 1,500 feet right in the harbor, then a breakwater running off in this direction [indicating]. Which is the direction of the southwest winds? There it is; Senators can all see it. Exactly straight in to the 1,500 feet the first board of army officers left open. Is there any safety in that harbor? Can any ship lie there in a heavy southeast gale when southwest waves are coming in?

How happened it that the army board of engineers made such a blunder? It happened simply because they did not know that a southeast gale on shore was accompanied by a southwest wave line from the ocean. That is all. They made a profound mistake because they did not make the necessary inquiry. There is not a Senator on this floor who does not know that they made a mistake. There is not a Senator here who can not see that if they had made it on purpose to receive the southwest wave line they could not have placed it in any better position. There it is, right straight in [indicating].

Mr. MITCHELL of Oregon. Is there any dispute about that matter?

Mr. FRYE. Oh, no; that is the exact location of the breakwater. This is an exact map in every respect. There is no undertaking to cheat or defraud anybody about this matter in any direction on either side that I know of.

Mr. STEWART. Do they now admit that it would be a failure?

Mr. FRYE. They never have been asked. I do not think they would admit it, but every Senator here who is in my hearing and in sight of this map knows that it was an absolute failure.

Now, the second board (whether they had ever found out the mistake I doubt) started theirs from the shore and followed it right out to the end of the breakwater without any break in it. They disagreed entirely, you will see, from the first board, because the first board said a breakwater of that kind would fill up with sand. The second board say, as a matter of course, it will not fill up with sand, because they made their plan of a breakwater from the pier outward without any break in it. Did they know anything about the southwest wave. I think the evidence is conclusive that they had not found it out. What is the evidence?

Somebody wished to know where you could place the wharf in San Pedro, and I assure the Senators it is a very serious question. Here is the Southern Pacific Railroad, that "horrible instrument of injury to the country," running right along here and out to this point [indicating]. This is a very high bluff [indicating], I should say 60 or 70 feet high, rocky and perpendicular. The waves of the ocean are nearly all the time dashing up against it at the foot. Where are you going to put your wharves? Where will you locate them? The second board of engineers said that you could make a dozen in some way or other—it would be very expensive for this railroad—by running your railroad out on the breakwater, and then attaching your wharves to it.

Now, is not that conclusive proof that the second board did not know that the southwest wave line accompanied a southeast shore wind? Have not Senators here seen the power of waves on the Pacific when they come sweeping in across the sea over water that is 300 fathoms deep within 3 miles of the shore and strike that breakwater 10 feet up out of the water? How long would a railroad track stand on the top of that breakwater? How long would a ship lying by the wharves stay there? Those waves would break over that breakwater from 40 to 50 feet high, and, as a woman would sweep with a broom the dust from the ground, sweep away your railroads and your railroad tracks and completely submerge every vessel lying by the wharves attached to the breakwater.

Here is what is called the Terminal Railroad [indicating]. It comes down here to Rattlesnake Island and out to that little island on that point [indicating].

Mr. WHITE. That is a jetty.

Mr. FRYE. That is a jetty down to here [indicating].

Mr. WHITE. Yes, here [indicating].

Mr. FRYE. Here is the Pacific Railroad, down to here [indicating].

Mr. WHITE. The Terminal Railroad.

Mr. FRYE. One is the Terminal Railroad and the other is the Southern Pacific Railroad. Now, to a certain extent this is a railroad fight. The Senator from Arkansas [Mr. BERRY] thinks it is a fearful thing for a Senator to be on the side of a great railroad and a "greedy monopoly." I never have seen anything more greedy in my experience than this little Terminal Railroad. It is about 40 miles long. What is it there for? It was built there after the first report of the board of engineers. Under the first report of the board of engineers there were certain gentlemen who thought they saw a chance for a speculation.

They saw that the Southern Pacific had the entire north side, all the land on it; that there was a chance to get a little terminal railroad down on the southerly side; that if that breakwater was built and it became a great harbor, necessarily there must be two great competing lines stretching from the Pacific shore over toward the Atlantic. They built this railroad with the understanding and expectation that when the harbor was completed some great transatlantic railroad would be obliged to gobble up the little terminal railroad and make it a very handsome speculation. That railroad is in the fight. The Southern Pacific, as a matter of course, is in the fight because it is up there [indicating]. The Atchison, Topeka and Santa Fe Railroad is in the contest. Why, I do not know. Here is the Atchison, Topeka and Santa Fe [indicating]. It runs away up to that point now [indicating]. Here is the harbor [indicating]. Here is the Southern Pacific [indicating], running to the place where they have located their wharves. Here is a little tunnel [indicating]. I heard it asked in the Senate half a dozen times if another road could go through that tunnel. What do you suppose that tunnel is? It is a tunnel under a street a couple hundred feet long. You can cut it out; you can throw it away; you can build a bridge over it, and 40 railroads can go through if they please any time and anywhere. You will observe that there is plenty of room. The Southern Pacific Railroad Company could get but 50 feet wide. The trustees of the town owned this front down here [indicating].

Mr. DAVIS. Of San Pedro?

Mr. FRYE. Of the county or town; I do not know which.

Mr. WHITE. Of the town.

Mr. GRAY. Of Santa Monica.

Mr. FRYE. Yes. They own it. They refused to let the Southern Pacific Railroad have an inch of land outside of their place for two tracks, and the Southern Pacific does not own an inch of land at Santa Monica. They own nearly all of the land on the north side here [indicating].

Mr. CULLOM. San Pedro?

Mr. FRYE. San Pedro. There is room at Santa Monica for twelve tracks, for ten more tracks. Any other railroad can get it just as easily as the Southern Pacific Railroad Company did. Mr. Huntington said he would build the tracks for them for $10,000 a mile, and this bill provides that they shall use his wharf if they desire to do so.

Now, can some Senator tell me why the telegrams from the Atchison, Topeka and Santa Fe Railroad have been falling here upon Senators in the last ten days as the snowflakes fall in the winter storm, except that it is the remains of the old fight between the Southern Pacific and the Atchison, Topeka and Santa Fe Railroad? They made it once. They lost from ten to twelve million dollars in the encounter and went into bankruptcy. I happened to be the unfortunate owner, I am happy to say of a very small amount, of stock in the Atchison, Topeka and Santa Fe Railroad, and only a few months ago I paid an assessment on it. I can think of no reason why they should interfere except for the remains, as I say, of the old fight. That is just about the condition of the whole thing; and I say no man on earth can make an argument in favor of Santa Monica so strong as that picture itself, silent though it be.

I wish to call your attention to one point more in this connection. You see that arrow is southwest [indicating]; as a matter of course, southeast would be this way [indicating]. Will any Senator tell me how that breakwater protects the proposed San Pedro Harbor from a southeast gale? Not the slightest under the sun. The southeast gale comes right square into the mouth of it. As a matter of course, if the breakwater be extended away around it could not keep the wind out. It has full sweep and full sway. It is admitted by everybody in this controversy that it is the southeast wind that the mariners are afraid of on the Pacific coast. Yet the harbor of San Pedro, fix it up the best way you can, is right out with open arms, apparently anxious to receive into its bosom the terrific southeast gales, while the other one is absolutely protected from them. I think that is all I want of the map. [The map was removed.]

Mr. President, I am very happy to see your face once more.

I should like, in the first place, to dissipate if I can a little of the fog that has been placed around this controversy. I have to a certain extent made allusions to the railroads. The Senator from Missouri did to a certain extent allude to the people of Los Angeles. Somebody told me that the member of Congress from that district was placed on a platform two years ago in favor of an appropriation for San Pedro, and that his convention met a week ago and put him on a platform in favor of an appropriation for Santa Monica.

The city council unanimously the other day voted for an appropriation for Santa Monica. I think the Senator from Missouri described the conditions at Los Angeles about right. But what has Los Angeles to with this anyway? Why, the Senator from Missouri and I have been in this fight for about eight or ten years, I believe. We know all about it. We have got tired of it, too. I am very sorry to find him willing to have it run any further. I wish to get rid of it forever. I never want to hear of it again.

Give Los Angeles an inner harbor of 18 feet depth of water and it will accommodate all the commerce of Los Angeles for the next fifty years. It is ample for it. If you put a breakwater outside of the interior harbor, you are throwing away $392,000. The idea that the Los Angeles people are to instruct Congress as to where they shall put a harbor! For the commerce of Los Angeles? Nobody has ever talked about that. It is for the commerce of the world, and not only is it for the commerce of the world, but it is for a harbor of refuge, just as important as a harbor for commerce. The Atlantic coast has harbors of refuge all along. We are building one now at Sandy Bay, on the New England coast, at a cost of $5,000,000, and we have them every 40 or 50 miles—harbors in which tempest-tossed ships can run for refuge. They are just as important for protection to life and property as are protected harbors for commerce.

The harbor that we are talking about here is not a little harbor for a town or a city. It is a harbor for the commerce of the world, a harbor for the ships of the world, and Los Angeles has no more interest in it and no more to say about it than the people in the city of Portland, Me.

We have heard talk about corruption and bribery, but in this body there is more bribery from the good feeling which exists between Senators than from any and every other cause known to man. I think that we yield our preferences and our wishes to Senators when no amount of money and no amount of honor would induce us to do it under any circumstances; and I admit that I am one of the yielding kind, for while it has been charged in Los Angeles that I am owned by the Southern Pacific Railroad I would rather have the kindly regard of these Senators I am addressing, and their confidence, than the support of all the railroads and railroad magnates on the face of the earth, and all the money that all of them possess. The Examiner said if I succeeded in getting Santa Monica adopted as a harbor my pockets would be lined with gold, a happy way they have of talking about public men, sir, in your State, Mr. WHITE; pleasant and agreeable compliments they pay us—a high estimate they make of us. I thank a kind Providence that ever since my mother put the first pocket into my pantaloons it has been just as well lined with gold from that day to this as my modest necessities ever required.

Mr. HILL. I call the Senator's attention to the fact that the Republican State convention recently held in California declared in favor of silver.

Mr. FRYE. I think very likely they did, and against railroads. I do not understand that the Senators from California are entitled to any more recognition in the question of whether a harbor shall be established at Santa Monica or shall be constructed at San Pedro than the Senators from the State of Minnesota; neither did the Committee on Commerce, although we had one of their Senators on the committee as a member. It is not a harbor for California; it is just as much a harbor for my ship which sails out from the city of Bath as it is for the ship of the Senator from California which sails out through the Golden Gate—just exactly. It is just as much a home for the safety of the ship which sails from the lakes, if it can escape to the ocean, as it is for a ship which comes from Australia.

There is another thing which I am sorry has crept in to becloud this case, because I think it is gravely unjust. The Senator from California—I am sorry his speech has not been published in the RECORD, and I have to take the report of it from the morning Post—in concluding says:

> "It will be a donation of $3,000,000 to a private corporation," said Mr. WHITE. "It will be taking $3,000,000, which the United States engineers have recommended be not expended and spending it on an individual. It will not be for a public benefit, but for the benefit of an enterprising person who is developing a large commerce over one of the most magnificent wharves in the world."

The distinguished Senator from Arkansas [Mr. BERRY] intimated that it would be a terrible thing for the Senate of the United States to yield to the "greed of one man." Ah, both of those utterances savor a little bit of the slogan of the sand lots of the Golden Gate, where the name of Huntington is conjured to frighten babies with and used by demagogues to make the knees of weak-kneed politicians tremble. The "greed of one man"! Yet the "one man," the Senator admits, is building up a great commerce, which is coming over the finest wharf in the whole world. If that man is building up a great commerce is he not entitled to have a harbor to which that commerce shall come just as much as if it were built up by twenty different men? Is Mr. Huntington to be excluded from all the benefits of legislation?

Why, pray tell me, if he succeeds in establishing a great line of ships from China and Japan, and they bring the contributions of the Orient down to Santa Monica Bay, then take them on the Southern Pacific Railroad and land them at New Orleans as cheaply as to-day they can be carried from San Francisco to Ogden, and then they are put on board his great line of steamers, 20 in number, from New Orleans and carried to New York for one-fifth the cost from Ogden to New York by rail, is he to be punished for it? Is he entitled to the reprobation of the Senate? Is he to be summoned up here as a ghost to frighten Senators from voting as their consciences dictate? Mr. President, if that is the course to be pursued, we must re-form this river and harbor bill; we must change it entirely, we must strike out quite a number of items we have in it.

Take the item for Newport News. There was the Chesapeake and Ohio Railroad, dead, an utter wreck. This man, Mr. Huntington, took it and brought it to life; and with his courage and indomitable energy built one of the finest roads in this country from Cincinnati to Newport News; and to-day it is carrying more corn than any other line on this earth. Oh, cut out the appropriation for Newport News, because Huntington built the Chesapeake and Ohio Railroad! That is the appeal.

Take another thing. We have been helping great shipyards by giving them contracts for building vessels, and I am glad of it. They needed it. We wanted to build the vessels in the United States. We had ingenuity enough; we saw that all needed, was encouragement. We have been helping great iron works, Bethlehem and Carnegie's, by giving them contracts and a chance to make money, and thus get their plants together. It was a good thing to do. But there was a quiet man in the United States who did not call upon the Government for any help. Nobody in the Senate knew anything about what was going on at Newport News. One day I received an invitation to go down and see a ship launched at Newport News. I did not know there was a shipyard at Newport News; I had never heard of it. I went down there, saw a great iron ship married to the ocean, and it had been built in the finest shipyard in the world, equipped with every kind of conceivable modern machinery, costing $6,000,000. It employed thousands and thousands of men; it has enabled them to support their families; they have built themselves houses, and for the next half century it will support those men, educate and clothe and feed the children; and Huntington did it. Oh, cut off the appropriation for Newport News; he ought not to have it! Huntington ought to be punished for building that shipyard, which is to-day underbidding every shipyard in America and building the great war ships of the country.

Cut it off from Norfolk, where he has a great line of steamers. The improvements there are a benefit. Cut it off from New Orleans. He runs 20 steamers into New Orleans.

Oh, it is too paltry to undertake to stop any legislation with that cheap, demagogical cry that because Huntington has done it no help can be given to Huntington. He employs to-day 75,000 men; pays them their wages when they are due, and there never has been a laboring man who has worked for him to whom he has not given his wages the day it was due; one instance I know, where a railroad was an utter wreck and owed the laborers $500,000, and Mr. Huntington put his hand into his pocket, gave the $500,000 to the railroad, wrecked as it was, to enable it to pay its laborers, took the wrecked railroad as security, and then put his energy and courage into the railroad and brought it up to life, activity, and value.

Mr. President, enough of this sort of paltering has been indulged in here. Let us come right back to the questions of where a harbor should be made, and whether it should be made at all. It has been said, and truly, that we sent a board of army engineers out there. I have called your attention to their report. I do not yield to any man in the Senate or anywhere else in my respect for the army engineers. They are gentlemen—thoroughbreds. They are educated men and scientific men. Their integrity can be trusted without question. I would risk my life and my reputation and my money with the Corps of Army Engineers as quickly as I would with my own father. But, as the Senator from Missouri said, they are finite; they make mistakes; they are frequently overruled. They are fortification engineers, as General Craighill said in our committee room, not riparian engineers.

It is said we can not overrule them; we must not overrule them. Your attention has been called to instances where we have deliberately overruled them. We have overruled them three, four, or five times in this very bill which we are now considering. We sent either a board or an engineer down to Brazos River to see whether or not it could be improved and a great commercial harbor made there. The engineers reported that it was an utter impossibility; that the jetty system there would be an entire failure; that the river would fill up. Colonel Ernst afterwards made another report, and he more strongly said that it was an utter impossibility; it could not be done. We authorized a company to do it, and in the river and harbor bill. That company sent for Mr. Corthell, this gentleman who perhaps may be doubted as authority because somebody paid his board. Mr. Corthell went

and made a plan and specification for a jetty system for the Brazos River. The company adopted it, and to-day they have 20 feet of water and the river is scouring its channel. They want the United States now to take it up. They called upon us, and we concluded to have a commission to investigate. Did we appoint a board of army engineers as that commission? Not a bit of it. We disregarded the Corps of Engineers and appointed outside men to make that investigation. Why? Any Senator can answer the question who pleases.

In this same bill there was a proposition for a great harbor in Georgia, the harbor of Brunswick. There was a gentleman there who thought that with dynamite he could make all the channel that was neccessary. I will say for myself that I never believed it. The army engineers laughed it to scorn, said it was an utter impossibility, and that it could not be done. We authorized, in spite of the army engineers, two or four years ago, this man to go on with dynamite and make his channel. He went on and claimed that he had made that channel of a certain depth. Another board of army engineers reported to us that he had not made the channel and was not entitled to pay, but we paid him $30,000. How about the army engineers being supreme authority with the Committee on Commerce? Again, in this very river and harbor bill, he came in for a renewal of his contract, and we renewed it, the army engineers saying that the thing was an utter failure. He came in and proved by divers persons, ship captains and others, that it was not a failure; that he had that depth of water, and the majority of the Committee on Commerce determined against the army engineers, said he had procured a certain depth of water, and they not only renewed the old contract, but they doubled it, they tripled it, and provided for the making of a channel three times as wide as in the first bill. Then they did not leave it to the army engineers to measure—think of it—to see whether or not he had gotten a certain depth of water and was entitled to $30,000. Who did it? We took a man outside of the army engineers, a Geodetic Survey man.

In my experience with river and harbor bills, wherever a majority of the committee wish to overrule the army engineers that majority does it without the slightest compunction of conscience.

A board of army engineers made its report, and I declare that never in a single instance did the first board of army engineers or the second board of army engineers, either one of them, condemn Santa Monica as a harbor, and no condemnation of it can be found in their report. They simply expressed a preference for San Pedro and gave their reasons, and the most prominent reason was that it was better adapted to fortifications than was Santa Monica. That was the principal reason, and, as the Senator from Missouri has said, occupied more space in their report than did anything else.

Another reason they gave was that it was impossible, they thought, to find the right kind of rock at Santa Monica. Now it turns out that there is any quantity of rock at Santa Monica, of the very best kind of granite, 175 pounds to the cubic foot, which is about the best granite you can find, and any quantity of it, illimitable. They declared in their report that there would be danger of one railroad being able to charge any price it pleased for hauling rock if it were hauled by railroad. I propose to add an amendment to the Senate amendment like this: "*Provided*, That whatever rock is transported by the Southern Pacific Railroad Company, there shall be no charge for hauling higher than one-half cent a ton a mile"—the lowest rate known to railroads; and Mr. Huntington before our committee said that he would guarantee that it should be hauled for that.

When the report was made to us in our Committee of Commerce we considered the matter, and determined not to appropriate for a harbor at San Pedro at that time. Shortly afterwards I went out there. Now, the Senator from California [Mr. WHITE], who is perfectly fair in his argument, I admit, and argued both sides of the case, with so much fairness that every once in a while I felt a little uncertainty as to whether he was not going to take my side, alluded to the "distinguished navigator from Maine," and his visit to San Pedro somewhat sarcastically; but I'll forgive him. I will say, nevertheless, I went out there. I do know something about harbors. I have common sense, I think; what they call in New England "horse sense"; and I have looked over a great many harbors in my life. I am able to form a general judgment. I think I could tell, looking at that picture [indicating], which was the better place for a harbor; and I pity the Senator who could not. I went down there on that bluff [indicating] at San Pedro.

Who took me there? The Southern Pacific Railroad owned me then, of course, because the president of the Southern Pacific Railroad Company took me there, and he had about a dozen of his Southern Pacific officers with him. I think the Senator from Minnesota [Mr. DAVIS] was there with me, and the senior Senator from Connecticut [Mr. PLATT]. Senator Stanford was urging the necessity of an appropriation, stating that it was vital to their railroad, that it was vital to the interests of commerce, that a great commerce would spring up there if they could only have a safe harbor. I loved dear Senator Stanford with all my heart; I should have been delighted to have served him in any possible way. He was a kindly gentleman in every respect. I stood on that bluff [indicatting], about 70 feet high, the bluff running down straight, rocky, and looked out into this proposed harbor. About the first question I asked the Senator—there was only a slight breeze blowing, that was southerly, and the little waves were rushing up against the rocky side of this bluff upon which I stood—I asked the Senator which was the troublesome wind there. He said it was the southeasterly wind. "If your bad wind is the southeasterly wind," I said, "Senator, how is that harbor, which looks right into the southeast, going to be protected? How are ships going to be protected? Where are you going to put your wharf?" He said they were going to put a wharf—Senators can perhaps see the little point running out there about half an inch along the right side of that picture [indicating]—there, inside of that breakwater. "But," said I, "my dear Senator, that wharf will not stay there at all. The southeast wind will take that wharf off"—Senators can see the line there [indicating]—"and any vessel that lies there."

Mr. GRAY. Which is southeast?

Mr. FRYE. This is southeast [indicating]. The southeast wind comes right here where I am pointing [indicating].

Mr. WHITE. The Senator is a little bit out of the way.

Mr. FRYE. There is southwest [indicating]. The wind comes right in here [indicating]. At any rate there was no place there to put a wharf, and no man on earth could find one.

Shortly afterwards they went to work on that wharf. They spent several hundred thousand dollars in building it, and got it out perhaps a hundred or a hundred and fifty feet, when they concluded it was money thrown away and gave it up. Whether I am a "navigator" or not, I made up my mind very deliberately then that a safe harbor at San Pedro was an impossibility on account of the southeast winds. I did not know anything about the southwest waves then at all. I so told Senator Stanford. He argued the question with me, and by that time there were a hundred or two hundred people around listening, and I finally in jest said to the Senator, "Senator, if these Los Angeles people want a harbor, suppose they move their city down to San Diego. There is a good harbor there." You ought to have read the Los Angeles papers that night. There was nothing on earth bad that I was not. I never got such a lecture in my life as from those newspapers, and some of them have kept it up ever since.

The next day I went up to Santa Monica; I think it was Saturday; and for two days I enjoyed the gracious hospitality of one of the pleasantest homes which I ever visited in my life. The host was so much of a gentleman that he never mentioned harbor to me. But on Sunday, having nothing to do, I went prospecting on harbor business. I looked off onto Santa Monica Bay right from a a high bluff; right up here [indicating]. Here is Santa Monica. I was right here on this bluff, and looked out into this beautiful bay. It was a still day, and the bay looked like a lake. I thought I never had seen in my life a better place made by the Almighty for a harbor than that was. It seemed to be absolutely perfect. No northeast wind, no north wind, no southeast wind, no southwest wind could touch it; it was a remarkably well-protected resting place, and it did not need a great expenditure to make it absolutely safe, so it seemed to me. I have never divested myself of that first opinion, which I formed then, notwithstanding the reports of two boards of army engineers; and the other board, which is proposed now, if it should come to the same conclusion, would leave me in precisely the same spot. That may seem like obstinacy, but it is a deep, well-fixed judgment of my own.

I came home, told my experience to the committee, and they voted against an appropriation for San Pedro, as has been announced, indicating influence which I did not suppose I possessed with the committee or with the Senate.

We had another board appointed. That board went out, as has been stated, and made the usual examination made by boards. They followed very largely in the footsteps of the first. I never dreamed they would come to a conclusion in favor of San Pedro. I took it for granted that they would decide in favor of Santa Monica. I know them better now. You can not get one Department officer ever to overrule another one, his predecessor; you can not get an army board of engineers to overrule in the essentials a prior board of army engineers. You put one on the board provided for in the amendment and he never will overrule the Chief of the Corps of Engineers, who has been on one of the boards. The last board, however, differed from the first very essentially in this: They said that the harbor would not fill up with sand if there was a continuous breakwater from the shore out. The other said it would; Corthell said it would; Hood said it would. This board said it would not. As I told you a while ago, they provided for wharves attached to a breakwater that would rise 10 feet above the level of

the ocean. I am sailor enough to know that that will not do, and I think any Senator here is sailor enough to know it will not do. That board made its report, and still the Committee on Commerce would not make the appropriation for San Pedro, and, in my judgment, never will. You send out a board now of Geodetic Survey men and a naval officer without that provision, that if they decide in favor of San Pedro then the Secretary of War shall make the contract, and let that report come before the Committee on Commerce, I will guarantee that that committee will not provide for an outside harbor at San Pedro. That is so; they would not do it. The inner harbor at San Pedro is enough at that point.

What comes next? I am not conceited enough to set my judgment against Army engineers, not at all. I felt a good deal of anxiety about this matter, and one day I heard that the Southern Pacific Railroad Company, which had been trying to induce me to favor San Pedro, had deserted San Pedro and gone to Santa Monica. I made some inquiries in relation to that. I found that the name of their engineer was Hood. I wrote to Mr. Hood and asked him if it was true that the change had been made, to send me his report on which the change had been made. He sent it. I regard this as the strongest argument in favor of Santa Monica which can be made by any Senator. The Southern Pacific Railroad instead of having invested $1,000,000 had invested $3,000,000 at at San Pedro. They own nearly all the land on the north side of San Pedro. They had spent $900,000 trying to get wharves, and the time came when their commerce was increasing to such an extent that wharfage was an absolute necessity.

Why do you suppose they selected Mr. Hood? To do their will? Not at all. Because he was a fool? Not at all. These great railroad corporations manage to secure the best talent there is in the world, and they pay the requisite salaries to obtain the talent. They had to pay my friend sitting there, the Senator from Nebraska [Mr. THURSTON] a handsome salary to obtain his legal abilities in their interest. They succeed in getting the best there is, and why not? When they are seeking an engineer for whom do they look? They look for a man upon whose judgment may depend the expenditure of millions and millions of dollars, upon whose judgment success or defeat lies. The Southern Pacific Railroad Company selected Mr. Hood, one of the best engineers in the country. Mr. Huntington said to Mr. Hood: "Mr. Hood, the time has come when we must make some expenditures. I want you to investigate the harbor of San Pedro thoroughly, completely, and make your report to me."

Mr. Hood made the examination, spending all the necessary time. He made all the requisite soundings, found out all about the bottom of the ocean, found out all about the winds, found out all about the waves, looked it all over to see where wharves could be constructed. Then he made a report to Mr. Huntington that San Pedro could not be improved; that you could not make a safe harbor there; that it would, with the best breakwater that ever was built, be open to the southeast gales, and no ship could lie there in a southeast gale whether she was anchored off or was inshore at the wharf. He said that a large part of the area within the breakwater was upon rocky bottom and there was no proper holding ground. The fact that kelp is growing there now inside the breakwater—and any Senator can see it if he goes there—discloses ledges at the bottom just as certainly as the magnet is disclosed when steel is around. The report of Mr. Hood, their engineer, was not made to influence the Senator from Delaware [Mr. GRAY] at all. Nobody knew that the Senator from Arkansas [Mr. BERRY] would ever see it or ever hear of it. It was made for the company, and the company alone. On that report the Southern Pacific Railroad deserted their $3,000,000 planted down at San Pedro and went up and planted $1,000,000 in building at Santa Monica, as the Senator says, the finest wharf or pier in the whole world.

Mr. HILL. Will the Senator from Maine allow me? How came the Southern Pacific Company to locate at San Pedro in the first instance?

Mr. FRYE. I do not know.

Mr. HILL. Did they have an engineer upon whose advice they then acted?

Mr. FRYE. I do not know.

Mr. WHITE. Hood was then their engineer.

Mr. FRYE. I do not know how they ever came to locate at San Pedro.

Mr. STEWART. They bought an old road, and there was a small harbor there.

Mr. HILL. Did they have their choice of the two places originally?

Mr. WHITE. Yes, sir.

Mr. FRYE. They bought an old road?

Mr. STEWART. Yes, sir.

Mr. WHITE. Permit me to correct the Senator from Nevada. The county of Los Angeles contributed a considerable sum of money to enable the completion of a railroad from the city of Los Angeles to San Pedro. There was a good deal of public money in it.

I desire to correct the Senator from Maine in one particular. He stated that the Southern Pacific has deserted San Pedro. That is an error. They are running trains there regularly and are carrying a large amount of freight which they get upon their cars by means of the inner harbor at San Pedro to-day.

Mr. FRYE. I mean they deserted it as a deep-sea harbor. Of course their tracks are there. Mr. Huntington said they had sacrificed two-thirds of their property in leaving it.

Mr. WHITE. That is a matter of opinion.

Mr. FRYE. He ought to know perfectly well. The pier at Santa Monica, built out a mile, has stood for three years, and not a bolt or plank has started. I say that no man, I care not how ingenious he may be, can make an argument that speaks with the power that single act does.

I was not content. I saw Mr. Corthell one day—this man who, because his board was paid, would sacrifice, perhaps, his reputation, which has been earned by lifelong service, and deliberately undertake to deceive Congress. Who is Mr. Corthell? He is a member of the American Society of Civil Engineers; the American Society of Mechanical Engineers; the American Institute of Mining Engineers; the Canadian Society of Civil Engineers; the Institution of Civil Engineers, of Great Britain; the Society of Arts, of Great Britain; the Imperial Institute, of Great Britain; the Institution of Engineers and Shipbuilders, of Scotland; the French Society of Civil Engineers, corresponding member of that society for the Northwest of the United States; the Mexican Association of Civil Engineers and Architects; honorary member of the Geographic and Statistical Society of Mexico; the American Geographical Society; the National Geographic Society, of Washington; the Boston Society of Civil Engineers; the Engineering Association of the South; the Western Association of Engineers, at Chicago; fellow of the American Association for the Advancement of Science; second vice-president of the American Society of Civil Engineers in 1888; first vice-president in 1893 and 1894; president of the Western Society of Engineers in 1889.

And yet for his board bill Mr. Corthell might sacrifice his reputation. What a proposition that is to make to the United States Senate! What a weak, silly foundation that on which to place an argument! He was Mr. Eads's right-hand man for four years, in full, complete charge of the jetties in the Mississippi River. He was employed as the leading engineer for the Brazos Company, and made a success of it. Mexico heard of him. They needed a great harbor at Tampico. It was one of the most troublesome places in the world to make one. They had been trying for it for years. They sent to this engineer, Corthell. He went down there, and to-day they have one of the finest harbors in the world, a perfect success. They sent for him out on the western coast of the Pacific, at the western terminal of the Tehuantepec Railroad. There the English propose to expend some $3,000,000 in creating a harbor. Corthell was sent for. He made a plan and specifications, and in the English contract for the building of the harbor the Corthell plan is entered. To-day he stands at the head, or nearly at the head, of the civil engineers on the question of riparian improvements in the United States of America.

I met him. I knew him. I asked him if he could not go to Santa Monica and San Pedro and make an examination and report. I was still uncertain. The engineers disturbed me as they disturbed others. I did not even yield to the fact that I had heard of the change which had been made. He said he was doing nothing and that he could go. I asked him if he would go. He said he would. Mr. Huntington undoubtedly paid his expenses. I did not and could not. My lean pocket is only enough for my modest necessities and not enough to pay engineers.

Mr. WHITE. When did the Senator from Maine request Mr. Corthell to go there?

Mr. FRYE. I can not tell the Senator. That, of course, is too indefinite to remember. I know I made the request.

Mr. WHITE. More or less.

Mr. FRYE. I have not the remotest idea. It was after the second board had reported, certainly.

Mr. Corthell said he could go. He went. He spent a month or two months, I do not remember which, and he came back with his report. It was in favor of Santa Monica and against San Pedro, with reasons given from the first to the last, disagreeing with both boards in many particulars and uttering his disagreement in unmistakable language. He declared that you could not make a safe harbor at San Pedro, that there was no power on earth to prevent the southeast gales from sweeping square into San Pedro. He declared that a breakwater built as the last one is proposed to be built would certainly fill with sand. He declared that no railroad track could be maintained on that breakwater an hour. He declared that no wharves could be attached to it, and that if they were no ships could live at the wharves when there

was a gale from the southeast and the waves came in from the southwest. He joined issue with these engineers in all those regards.

As to Santa Monica and the present location, it must be remembered that the present location is one that has never been examined by our army engineers at all, and when Mr. Davidson's letter was read and he talked about ruins on the shore and where he walked, Mr. Davidson was walking from way up here [indicating] around to Point Dume, here [indicating]. Point Dume is more than 17 miles from the breakwater which is proposed for Santa Monica Harbor, and when my friend the Senator from California [Mr. WHITE] spoke of the depth of 270 fathoms, etc., he was reading the depth of water off Point Dume, more than 15 miles to sea.

Mr. WHITE. There are 200 fathoms of water within your 12 miles.

Mr. FRYE. Oh, very well; within the 12-miles limit, occasionally. Here is the map, and any Senator can see it. The figures are all down here, showing exactly the depth of water. You draw a line across there [indicating], and it would be about 15 miles.

Mr. WHITE. There seems to be some conflict in the record with reference to that. Mr. Corthell's last statement is 12 miles.

Mr. FRYE. Twelve miles, then.

Mr. WHITE. It is in one place stated at 15 and in another at 12 miles. I suppose it depends upon how it is measured with reference to the two capes.

Mr. FRYE. The course of the southwest wave line is that [indicating]. It is marked on the map. Follow the course of the southwest wave line from that breakwater out and this is an absolutely correct representation of the bottom of the sea—the red line, every inch of it. You follow it out from San Pedro to Point Firmin, which is only a little ways out there [indicating], and this [indicating] is an exact representation of the bottom of the ocean there [indicating]. If it had not been for that formation [indicating] in Santa Monica the wharves could not have stayed there a year. That gradual decline [indicating] into the depths of the ocean is what saved the wharves. They could not have lived in San Pedro a year with 300 fathoms only 3¼ miles off, with nothing to break the force and the power of the waves.

Mr. CAFFERY. Will the Senator from Maine allow me? I ask for information. He stated that the harbor at San Pedro would be dangerous on account of the southeast gales, being open to them, and further that the swell came from the southwest. I want to know of the Senator whether any engineer has stated that the breakwater designed to keep off the swells at San Pedro could not be made strong enough under the specifications they have to resist the action of the waves?

Mr. FRYE. Mr. Corthell stated in his testimony that he thought a certain portion of the last breakwater as it was practically out in the open sea, had been made too weak to withstand the waves and probably would give way.

Mr. WHITE. I call the attention of the Senator from Maine to the fact that Mr. Corthell stated, on page 38 of the hearings, that he had spoken to Major Raymond about the matter, and that Major Raymond had said to him, which he had no doubt was true, that the breakwater was upon the same section as that constructed in the Delaware, and that he was not therefore disposed to dispute that proposition. You will find it on page 38 of the hearings.

Mr. FRYE. I remember he said it at some other place. I did not know anything about that. I shall return to the statement of Engineer Corthell again before I finish what I have to say.

I said that the engineers had never condemned Santa Monica, and I said that San Pedro would be open to the southeast gales. The Senator from California [Mr. WHITE], in the minority report and in his speech, too, said that the army engineers found that this harbor was not in danger from southeast gales. If he had turned to page 11 of the same minority report he would have found a quotation from one of the engineer reports which says that the dangerous winds come from the southeast and south, sweeping directly up the coast, and that San Pedro Bay is directly exposed to the southeast seas. In another place he will find, on the same page, that many vessels, a partial list of which is given there, have been wrecked in that bay, being caught there by southeasters. On page 23 he will find that the engineers say "the location at San Pedro has natural protection from all winds and seas except from the southeast around to the southwest."

The Senator from California further says that the affidavits of 40 shipmasters show that there is good holding ground, and I am glad he said in the roadstead at San Pedro. The roadstead is southerly and southeasterly from Wilmington, and is not within the harbor protected by the breakwater.

Mr. WHITE. That I absolutely deny, for I have seen the ships riding there myself, and know the locality myself.

Mr. FRYE. As to Santa Monica, and condemning it—page 11—the remarks of the army engineers are as follows:

> On the other hand, Santa Monica Bay is entirely sheltered from southeast gales by the highlands of San Pedro Hill.

These hills, on page 23, are reported to be 1,493 feet high; and these mountains, as they may well be called, now quoting from the report, furnish at Santa Monica "a more perfect shelter from wind and sea than can be afforded by any artificial structure." So I was correct in my statement. You can not find in the army reports total condemnation of Santa Monica as a harbor. There is only a preference for San Pedro.

Mr. WHITE. The Senator from Maine is doubtless weary, and I suggest that we might defer the further consideration of this matter, if it be agreeable to him.

Mr. FRYE. I confess I am warm.

Mr. GRAY. It is a very warm day.

Mr. FRYE. It is a warm day, and it is very warm in the Chamber.

Mr. MORGAN. As the Senator from Maine is about to yield the floor, I desire his attention for a moment.

Mr. FRYE. I should like to go on to-morrow morning as soon as the Journal is read, and I ask unanimous consent that I may do so.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Maine? The Chair hears none.

Mr. MORGAN. I desire to suggest to the Senator from Maine, in order that he may be prepared to deal with the subject, that he explain to the Senate to-morrow whatever plan may exist for the building of this breakwater; whether any plan has actually been made.

Mr. FRYE. Yes; the plan has been made.

Mr. MORGAN. And an estimate made?

Mr. FRYE. Yes; the plan has been approved by the Secretary of War.

Mr. MORGAN. Approved?

Mr. FRYE. Yes.

Mr. WHITE. I think that plan (I do not understand that it has received the approval of the Secretary of War; I never have seen it) should be brought from the obscurity where it may rest.

Mr. MORGAN. I wish to observe in the presence of both Senators that the Congress of the United States could hardly be expected to enter upon the construction of a breakwater on the Pacific Coast that is to cost millions of dollars—three millions, is it?

Mr. FRYE. It has been submitted to the War Department. All the plans and specifications have been submitted to the Chief of Engineers. I have his report here, in which he says that it can undoubtedly be built for the money which is called for, and that it will give the necessary protection.

Mr. WHITE. I have seen the paper to which the Senator from Maine alludes. I should like to have it here to-morrow, so that Senators, several of whom have asked me about it, may be able to peruse it in the RECORD.

Mr. FRYE. And the testimony of Colonel Hains is to the same effect.

Mr. MORGAN. I desire for my part to know something about that, because until we have the plan on which we are to spend the money, which has been surveyed by competent engineers and the cost estimated, of course we are in the dark as to what we are doing.

Mr. GORMAN. I submit an amendment which I ask to have read and printed.

The VICE-PRESIDENT. The amendment will be read for information.

The SECRETARY. At the end of line 10, on page 100, insert:

> *Provided further*, That the Secretary of War shall so adjust the contracts herein authorized to be made by apportioning them in such way as not to obligate the Government under this act and all prior acts "providing for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," which provide for contracts beyond appropriations made, for a sum exceeding in the aggregate $10,000,000 in any one fiscal year for such materials and work authorized to be contracted for in all of said acts.

The VICE-PRESIDENT. The amendment of which the Senator from Maryland gives notice will be printed.

CONSIDERATION OF PENSION BILLS.

Mr. GALLINGER. I ask unanimous consent that the Senate proceed to the consideration of private pension bills on the Calendar.

The VICE-PRESIDENT. Is there objection to the request of the Senator from New Hampshire? The Chair hears none, and it is so ordered. The Secretary will announce the first pension bill on the Calendar.

MRS. MARIETTA HAYES.

The bill (S. 1898) granting a pension to Mrs. Marietta Hayes was announced as first in order on the Calendar, and the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Pensions with an amendment, in line 5, after the word "pension," to strike out "law" and insert "laws"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Marietta Hayes, mother of Watson Hayes, late a private in Company E, Sixteenth Connecticut Volunteers.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RACHEL PATTON.

The bill (H. R. 1185) granting a pension to Rachel Patton was considered as in Committee of the Whole. It proposes to place on the pension roll, at $20 per month, the name of Rachel Patton, of Paris, Edgar County, Ill., formerly the widow of John H. Patton, late captain of Company C, Seventy-ninth Regiment Illinois Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN S. COCHENOUR.

The bill (H. R. 3189) to increase the pension of John S. Cochenour was considered as in Committee of the Whole. It proposes to place on the pension rolls the name of John S. Cochenour, late captain of Company H, Sixtieth Regiment Illinois Volunteer Infantry, and to pay him a pension of $50 per month in lieu of the pension he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JANE H. VANDEVER.

The bill (S. 2645) granting a pension to Mrs. William Vandever was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, before the word "Vandever," to strike out "Mrs. William" and insert "Jane H."; and in line 7, after the word "Infantry," to insert "and late brigadier-general, United States Volunteers"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jane H. Vandever, widow of Gen. William Vandever, late of Ninth Regiment Iowa Infantry, and late brigadier-general, United States Volunteers, at the rate of $30 per month.

The amendments were agreed to.

Mr. ALLEN. Let the bill be read again as to the amount.

Mr. CULLOM. It grants $30 a month.

Mr. ALLEN. I ask the chairman of the committee why the amount was not fixed at $50, the rate that has been usually granted in cases of this character?

Mr. GALLINGER. I will simply say in reply that the distinguished Senator from Illinois [Mr. PALMER], formerly the chairman of the committee, reported the bill, and I do not at this moment recollect why the rate was fixed at $30 a month. It seems to be a bill coming from the part of the country the Senator from Nebraska represents, and I presume there is some good reason for it, but I can not now state it.

Mr. ALLEN. I think the amount should be fixed at $50 a month at least.

Mr. GALLINGER. I have no objection to it at all.

Mr. CULLOM. What was the rank, I inquire of the Senator from New Hampshire?

Mr. GALLINGER. He was a brigadier-general.

Mr. ALLEN. He was a brigadier-general first, but later he was a brevet major-general, I think.

Mr. GALLINGER. He was a brigadier-general.

Mr. ALLEN. Let me ask the Senator was this lady his wife at the breaking out of the war or during the war.

Mr. GALLINGER. That I can not state.

Mr. GEAR. What is the question?

Mr. COCKRELL. Let the report be read.

Mr. ALLEN. I move that "$50" be inserted in place of "$30."

The PRESIDING OFFICER (Mr. LODGE in the chair). The amendment will be stated.

The SECRETARY. In line 9, before the word "dollars," strike out "thirty" and insert "fifty"; so as to read:

At the rate of $50 a month.

Mr. ALLISON. That is right.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Jane H. Vandever."

SARAH L. HIVELY.

The bill (S. 2074) granting a pension to Sarah L. Hively was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, after the word "Colorado," to strike out "Cooy" and insert "Cavalry"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah L. Hively, widow of Andrew L. Hively, late private Company C, Third Regiment Colorado Cavalry Volunteers, and pay her a pension of $12 per month from the passage of this act in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read, "A bill granting an increase of pension to Sarah L. Hively."

SILAS B. HENSLEY.

The bill (S. 2763) granting a pension to Silas B. Hensley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Silas B. Hensley, late private Company K, Third North Carolina Mounted Infantry, at $20 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SARAH E. COTTON.

The bill (S. 2529) for the relief of Sarah E. Catton was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 5, after the name "Sarah E.," to strike out "Catton" and insert "Cotton"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Sarah E. Cotton (nee Sarah E. Thompson), late hospital nurse in the United States Army, and pay her a pension at the rate of $12 per month from the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Sarah E. Cotton."

ALBERT ELLIS.

The bill (H. R. 708) to increase the pension of Albert Ellis was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Albert Ellis, late of Company K, Twelfth Kansas Volunteer Infantry, at $24 per month, in lieu of the pension he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

IRA HARRIS.

The bill (S. 2711) granting a pension to Ira Harris was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ira Harris, a lieutenant-commander of the Navy, and to pay him a pension of $30 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ALBERT B. SIMPSON.

The bill (S. 1124) granting an increase of pension to Alfred B. Simpson was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 5, before the word "dollars," to strike out "thirty" and insert "twenty"; and in line 7, before the letter "B.", to strike out "Alfred" and insert "Albert"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, at the rate of $30 per month, subject to the limitations and provisions of the pension laws, the name of Albert B. Simpson, late of Company C, Second Michigan Infantry, the pension hereby granted to be in lieu of that which he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Albert B. Simpson."

MARIA E. WILSON.

The bill (H. R. 1181) for the relief of Maria E. Wilson was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 9, after the word "pension," to strike out "and that her pension be rated from the date of the soldier's

death as the widow of a captain instead of first lieutenant"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Maria E. Wilson, widow of Matthew Wilson, late captain Company M, Fourteenth Pennsylvania Cavalry Volunteers, and pay her a pension of $20 a month in lieu of her present pension.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

SARAH COMLY.

The bill (S. 937) granting a pension to Sarah Comly, widow of Maj. Clifton Comly, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, before the word "dollars," to strike out "fifty" and insert "thirty-five"; and in the same line, after the word "month," to insert "the same to be in lieu of the pension now drawn by her"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah E. Comly, widow of Maj. Clifton Comly, and pay her a pension of $35 per month, the same to be in lieu of the pension now drawn by her.

The amendments were agreed to.

Mr. ALLEN. I should like to ask the chairman of the Committee on Pensions the ground for the allowance of this amount?

Mr. GALLINGER. Unfortunately, the Senator asks me about bills that I am not quite as familiar with as those I reported myself. I will say in regard to the pending bill that the widow is receiving a pension of $25 a month, which is the rate allowed by the pension laws of the United States to the widow of a major. There seems to be a good claim for some increase of pension, but the committee were of opinion that an increase of $10 would be equitable rather than the increase of $25 proposed in the bill.

Mr. ALLEN. What I more particularly desired to know is the ground upon which the increased pension is asked and the disability the lady herself is suffering under at this time.

Mr. GALLINGER. It seems that she is struggling to support herself and educate a young son, but I do not know that that was the whole ground upon which the increase is given. Major Comly seemed to have had a very meritorious service, and beyond a doubt the widow is in a very frail state of health and is in poverty. That seems to be established by the report.

Mr. ALLEN. I have no objection to the bill itself, but I think at this time I will offer an amendment to the bill.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. It is proposed to add at the end of the bill the following proviso:

Provided, That the Secretary of the Interior be, and he is hereby, also authorized and directed to place the name of Alice V. Cook, of St. Paul, Nebr., invalid daughter of John Y. Cook, deceased, late of Company D, Eighth Regiment Kansas Volunteer Infantry, on the pension roll of the United States at a monthly pension of $25, to be paid as other pensions are paid under the general laws of the United States.

Mr. GALLINGER. Does the Senator from Nebraska desire to address himself to the amendment, or may I be permitted to make a statement?

Mr. ALLEN. I desire to make a statement briefly in this connection.

Mr. GALLINGER. Certainly.

Mr. ALLEN. I introduced some time ago the bill which I now offer as an amendment to the pending measure and it was referred to the Committee on Pensions. It was reported back unfavorably at some time to me unknown. I was not in the Chamber when the report was made, but I found afterwards that the Committee on Pensions made a report, which I will ask the Secretary to read.

The PRESIDING OFFICER. The report will be read.

The Secretary read the report submitted by Mr. BAKER April 7, 1896, as follows:

The Committee on Pensions, to whom was referred the bill (S. 2285) granting a pension to Alice V. Cook, of St. Paul, Nebr., invalid daughter of John Y. Cook, deceased, late of Company D, Eighth Kansas Volunteer Infantry, have considered the same, and report as follows:

John Y. Cook enlisted on the 5th day of November, 1861, at Sabetha, Kans., in Company D, Eighth Regiment Kansas Volunteers, to serve three years as private. He was mustered in at Fort Leavenworth November 9, 1861. He died of smallpox in the hospital at Fort Leavenworth February 13, 1863, having served fifteen months and four days.

Sarina Cook, his widow, applied for and was granted a pension at the rate of $8 per month, and $2 for each of her three minor children, one of which was the Alice V. Cook who now asks a gratuity.

Alice V. Cook is now 38 years of age. Since she was 2 years old she has been subject to epileptic fits, which has made it impossible for her to care for herself, and needs the attention of another person. She has become insane, and is now, so it is alleged, an inmate of an insane asylum.

The object of this bill is to grant her a pension at the rate of $25 per month because of her relation to the deceased soldier and because of his service, and perhaps for the better reason that she is helpless.

Shortly after the death of the soldier his widow, the mother of this claimant, remarried, and has provided for the said Alice V. Cook ever since.

With all due feeling for the condition of the said Alice V. Cook, we can not see that there is any liability resting here, and therefore report adversely and ask that the bill be indefinitely postponed.

Mr. CULLOM. I should be glad if the Senator from Nebraska would point out the number of the case and the page of the Calendar, so that I may be able to find the bill to which he refers.

Mr. ALLEN. Where it was rejected? I do not think it is necessary.

Mr. CULLOM. I thought the Senator was trying to have a bill passed.

Mr. ALLEN. Oh, no, sir; I am trying to amend a bill that is now on its passage. The amendment——

Mr. CULLOM. Where is the bill now under consideration on the Calendar?

Mr. ALLEN. The bill is Order of Business 822, as I understand it, a bill granting a pension to Sarah E. Comly, widow of Maj. Clifton Comly. I have offered as an amendment to that bill a bill I introduced some time ago and which was adversely reported by the Committee on Pensions.

Mr. CULLOM. Order of Business 822 is a bill granting a pension to Sarah E. Comly, widow of Maj. Clifton Comly.

Mr. ALLEN. Yes, sir; and I have moved to amend that bill by granting Alice V. Cook a pension of $25 a month.

Mr. CULLOM. That seems to be adding another pension case to the one under consideration.

Mr. ALLEN. Yes; it is not an uncommon thing, however, to be done here.

Mr. CULLOM. It is the first time I ever saw it done.

Mr. HAWLEY. I never knew it to be done.

Mr. CULLOM. Nor I either.

Mr. HAWLEY. I have been here fifteen years, and I do not think I have ever heard of it being done. The Senator from Missouri [Mr. COCKRELL] shakes his head, and if there is anything of this sort he does not remember I do not know what it is.

Mr. COCKRELL. It is an anomaly; that is all.

Mr. HAWLEY. I think so.

Mr. ALLEN. I have heard the senior Senator from Wisconsin [Mr. VILAS] say that one of the most important pension bills in this country came about by an amendment offered to a private pension bill.

Mr. COCKRELL. That is very true. It was an amendment as to legislation. I remember the bill very distinctly; but never when one private pension bill was pending has another private pension bill been added to it.

Mr. ALLEN. What distinction is there between one private pension bill and general legislation with reference to pensions?

Mr. CULLOM. It seems to me we had better take one bill at a time. As Order of Business 822 is under consideration, let us dispose of it either by passing it or rejecting it or laying it aside. Then, if the Senator from Nebraska has another bill that he wants to get up for consideration and it is on the Calendar, we will see whether we shall take it up or not.

Mr. ALLEN. What harm is there, let me ask the Senator from Illinois, in putting this amendment on the bill?

Mr. CULLOM. Because I think it is taking an unfair advantage. We do not know anything about the case. It is not here for consideration.

Mr. ALLEN. The report is here before you.

Mr. COCKRELL. An adverse report, too.

Mr. ALLEN. Is not the evidence with the chairman of the committee, as in the other case?

Mr. CULLOM. I object to the consideration of the bill the Senator is trying to amend.

Mr. ALLEN. Very well; then I will offer the amendment on the next bill that comes up.

Mr. GALLINGER. I do not think it would be competent to object to the consideration of the pending bill. I think we had better see this matter out.

Mr. ALLEN. If no measure is to pass here except by the consent of the Senator from Illinois, then I will try it upon every bill that comes up.

Let me say in this connection that I offer my amendment in the best of good faith. I offer it more particularly for the purpose of emphasizing a thing that is apparent and that has been apparent here from time to time. The only statement the Senator from New Hampshire has made with reference to the bill to pension Mrs. Comly at $50 a month is that she is the widow of Maj. Clifton Comly, that she is in feeble health, and that she desires or needs this money for the purpose of educating her boy. That is true of a great many thousands if not hundreds of thousands of widows of soldiers. The same argument used by the Senator from New Hampshire is true with reference to a vast army of soldiers' widows and soldiers' orphans.

Now, what distinction is there between the case of Mrs. Comly and the case of Alice V. Cook? Alice V. Cook was not the child of an officer of the Army. She was the child of a private soldier; and so far as the evidence is now before the Senate her case is much more meritorious than the case of Mrs. Comly. Alice V. Cook was the daughter of a soldier of Company D, Eighth Regiment of Kansas Volunteers, who died from smallpox, and in consequence of the death of her father she was thrown upon her

mother for support. She became and is now a hopeless invalid in consequence of epilepsy. She has been and is now in a condition where she needs the constant personal attendance of one person to minister to her wants. It is true that her mother a few years after the death of her first husband remarried, but the evidence before the Committee on Pensions shows that the mother is in a worse condition in consequence of her second marriage than she probably would have been if she had remained a widow. The mother and the stepfather are absolutely unable to furnish the means to support this girl as she should be supported. She is a hopeless invalid. I took occasion in this Chamber but a few weeks ago in a case like this from the State of Missouri that was reported favorably from the Committee on Pensions, as my honorable friend at my right [Mr. COCKRELL] will remember, to ask that the pension be increased from $12 to $24 a month; which was done. I never yet have had an explanation from the Committee on Pensions—I do not mean privately, because they do not owe that to me—I have never yet seen a member of that committee stand in this Chamber and offer a reason why the bill to pension this girl, Alice V. Cook, was reported adversely.

Mr. GALLINGER. It never has come up.

Mr. ALLEN. I have always supposed it was a reasonable courtesy to call the attention of a Senator who was the author of a bill to the fact of its adverse report, so that it might be placed on the Calendar if he desired, instead of being indefinitely postponed, but that was not done in this case.

What merit does this bill for the relief of Mrs. Comly present to this Chamber which is not met and overcome in the case of Alice V. Cook? What reason is there for granting her a pension which does not apply with double force to the case of Alice V. Cook?

It may be an anomaly to have two persons pensioned in one bill, but I know of nothing in the rules or practice of the Senate, I know of nothing in the Constitution, which prohibits it, and I shall insist upon the amendment.

Mr. GALLINGER. A single word, Mr. President, before the vote is taken. The bill introduced by the Senator from Nebraska was reported upon by the Senator from Kansas [Mr. BAKER]. My impression is, I will say to the Senator from Nebraska frankly, that had the bill been in my hands I might have made a different disposition of it. I do not recall the circumstance of it having been considered in the committee. I may have been absent at the time. I should not have voted for $25, but very likely might have voted in favor of $12, which is the amount we uniformly report in favor of invalid daughters when we think they ought to have anything.

There is this to be said in the case in which the Senator is interested: This woman seems to be in an asylum, and presumably is being cared for. As I understand from the report, her mother is caring for her.

Mr. COCKRELL. The report in the case, if the Senator will examine it, reads:

> Shortly after the death of the soldier, his widow, the mother of this claimant, remarried, and has provided for the said Alice V. Cook ever since.

Mr. GALLINGER. Precisely. She does not seem to be dependent according to the report. There may be other facts of which the committee was not in possession.

Mr. ALLEN. Somebody must provide for her. Of course she has not been permitted to starve, or to go absolutely naked, but it is a bare support.

Mr. GALLINGER. I desire to say to the Senator that, so far as the bills are concerned which he has submitted to the Committee on Pensions, I have personally interested myself to see that they have been fairly considered, and if injustice was done to the claimant in this case, certainly the chairman of the committee is not responsible for it. It was unfortunate, perhaps, that the Senator was not present at the time the report was made to ask that the bill should go upon the Calendar. If I had had any knowledge that he desired that disposition of the case, I should have interposed and had the bill placed on the Calendar.

A single word further in regard to the Senator's amendment. I trust the Senator will not insist upon his amendment to the bill. There is a special reason why it should not be adopted, which, perhaps, has escaped the Senator's attention, as to granting two pensions in one bill. The President of the United States is in the habit of vetoing some private pension bills, and it may be that the objections which the Senator urges may attract the attention of the Chief Executive, and he might want to veto this bill, and he could not veto it without vetoing the Senator's bill at the same time.

Mr. ALLEN. I think my bill will be the salvation of the committee's bill.

Mr. GALLINGER. That might possibly be the case, but the other bill might be the destruction of the Senator's bill. I think the Senator will see that there is an insuperable objection to amending a private pension bill by adding another pension bill to it; and I trust he will not insist on it. The easier way, perhaps, would be to reintroduce his bill and send it to the committee; and I will guarantee that it shall have very careful consideration, and that the chairman, at least, will take a personal interest in it, because the chairman desires always to be just and generous toward the Senator from Nebraska.

Mr. ALLEN. I have no doubt about that.

Mr. GALLINGER. The Senator takes a broad view of pension matters, especially regarding the unfortunate children of soldiers, and of the private soldier particularly, and in that I sympathize deeply with the Senator from Nebraska; but I trust he will not obstruct the consideration of these bills by offering an amendment which seems to me such a one that it ought not to be offered to a private pension bill.

Mr. ALLEN. I want to say just one word, and then I will let this matter come to a vote. I can not understand—it may be that I am so obtuse that I can not understand it—why there should be any objection to receiving this as an amendment to the pending bill. The Senator from New Hampshire [Mr. GALLINGER], to whom I am pleased to give credit for always being faithful in the discharge of his duty on the Committee on Pensions, and who, I believe, sympathizes with those who are entitled to recognition at the hands of the Government, has yet failed to state the precise thing for which Mrs. Comly is being pensioned. It is said that she is in feeble health. How far that feeble health goes, to what extent it incapacitates her from discharging ordinary household duties or earning a livelihood or assisting in earning a livelihood for herself and her son, has not been stated. It is said that in consequence of her ill-health and in consequence of her desire to educate her son this bill is offered and recommended. I am in entire sympathy with the bill; I do not want it defeated; and am the last man in this Chamber who would undertake to defeat it. I have within a few moments moved to increase the committee recommendation in a bill which I believe to be meritorious; but, Mr. President, here comes the distinction which has marked the proceedings of this Chamber ever since I have been here—an invidious distinction, a distinction which no man ought to make, and especially the Senate of the United States ought not to make, that in the one case the proposed pensioner is the wife of an officer, and in the other case the proposed pensioner is the helpless invalid daughter of a private soldier.

Mr. GALLINGER. If the Senator will permit me, if he will follow these bills as they are considered to-day—and I trust they may all be considered—he will find the committee have recommended increases in the cases of widows of private soldiers and in the case of private soldiers themselves. The committee has tried to be just in these matters. The Senator, I think, is rather unjust sometimes in his criticism of the committee, especially in his evident purpose to hold the chairman responsible for pretty much all that is being done by the committee.

I want to say that the distinguished Senator from Ohio [Mr. BRICE] made the report in this case, and, I presume, considered it with great care, and having been a soldier himself, I take it the committee was somewhat governed by his conclusions.

Mr. ALLEN. It is not my desire to hold the chairman of the Committee on Pensions responsible for everything the committee does or fails to do. I have very great appreciation of the services the honorable Senator has rendered pensioners; and I believe, as I said a moment ago, that he is in hearty sympathy with the policy of making reasonable and necessary pensions.

Now, let us look for a moment at this Calendar. Passing from this bill I come to Order of Business 863, a House bill.

Mr. GALLINGER. Why skip Orders of Business 860, 861, and 862?

Mr. ALLEN. Because I know nothing about them, only as I see them by their titles; but Order of Business 863 by its title discloses a remarkable fact. It is a bill (H. R. 4182) granting increase of pension to Georgianna C. Hall, dependent mother of Maj. John W. Williams, deceased, late surgeon, United States Army. There is the mother of Major Hall to be pensioned. I have no doubt that the recommendation of the committee is perfectly proper and that the mother is entitled to a pension; and I would not antagonize it unless I was convinced by evidence before me to the contrary; but certainly in this case, Mr. President, this lady did not sustain any closer relation to Maj. John W. Williams than Alice V. Cook sustained to her father, who died, and whose death forms the ground of a pension for her.

Mr. GALLINGER. The Senator, of course, is aware of the fact that a dependent mother has a pensionable status under the general pension law which a daughter has not. There is that great distinction, which the Senator ought not to lose sight of.

Mr. ALLEN. I do not know why it should be so.

Mr. GALLINGER. But it is so.

Mr. ALLEN. Calendar Order 871 is a House bill for the relief of Mary Jane Lynn, the daughter of John R. Lynn, a Revolutionary soldier. I presume that the mother has a pensionable status that the daughter does not sustain, according to the existing general law, and it would apply to this case; and yet the committee have reported a bill in her favor.

I turn to Order of Business 913, being a bill (S. 2357) granting

a pension to Elizabeth Watts Kearny, daughter of the late Philip Kearny, major-general, United States Army. Mr. President, what distinction is there between the relation of Elizabeth Watts Kearny to her father and the relation existing between Alice V. Cook and her dead father?

Mr. SEWELL. If the Senator from Nebraska wants imformation upon that subject I will give it to him.

Mr. ALLEN. How is that?

Mr. SEWELL. Miss Kearny is the daughter of the late Gen. Philip Kearny, one of most distinguished soldiers in the United States Army. This is the first pension that it has ever been proposed to give to a member of his family. His widow never received a pension, and never asked for one.

Mr. GALLINGER. And General Kearny was killed on the battlefield.

Mr. SEWELL. Yes; he was killed on the battlefield, and I was present on the occasion.

As to the case of Major Comly, he was one of the most distinguished soldiers of the late war; and so great was his administrative ability that he was placed in charge of the Government exhibit at Chicago. He was one of the best officers we had in the service of the United States.

In the case referred to by the Senator from Nebraska, he proposes to change the law entirely. You may give a gratuity to that poor woman, now 38 years of age, but she was only pensionable up to the age of 16 or 18, whatever the general law may be——

Mr. GALLINGER. Sixteen years.

Mr. SEWELL. So that the Government has given everything it ever promised in that case. I do not think it is fair for the Senator from Nebraska to undertake to put the beneficiary named in the bill which he has advocated onto another pension bill. If the Senator will bring it in as a separate measure, and make out a good case, I for one would be rather in favor of making an exception of it; and I suggest that the great State of Nebraska, or wherever she lives, ought to take care of unfortunates of that kind. The Government has done its duty fully in the case.

Mr. ALLEN. I ask attention also to Calendar No. 919, being the bill (S. 2983) granting a pension to Ida Emmott, daughter of the late Thomas Emmott. I should like to have some Senator explain, if he can—I know Senators can do a great many things—what distinction there is in the natural relation between Ida Emmott and her father, Thomas Emmott, which does not exist in the case of Alice V. Cook and her dead father?

Mr. BAKER. Mr. President, I should like to say with reference to the claim of Alice V. Cook that there is no legal obligation resting upon the Government of the United States in any respect whatever. She comes here asking relief purely and solely because her father at one time was an honored soldier, not because of any legal relation to the Government or any obligation imposed by the Government, but simply as a gratuity. Now, when she comes and asks relief merely as a gratuity, she should show that she is in a condition to justly receive the gratuity. There was no evidence before the committee that her mother was not in a proper condition and amply able to take care of Alice V. Cook. There was not a particle of evidence showing that her mother by her second marriage had not married a man in good circumstances; there was not a particle of evidence showing that the mother was not amply able to take care of the child. The report in that case specifically finds and states that—

> Shortly after the death of the soldier his widow, the mother of this claimant, remarried, and has provided for the said Alice V. Cook ever since.

There is not a particle of evidence in the record that was submitted to the Pensions Committee that this woman was not still able and willing to take care of this child.

If the Senator had come before the committee, or presented his case, showing by this second marriage the condition of the woman was no better than by the first marriage, and that she was not able to take care of her daughter, then he might have put himself in a position to call upon us for some clemency; but he did not do that. I do not know but that the mother of this child is to-day worth more than the Senator from Nebraska or myself, and is better able to take care of her than either one of us would be. So when the Senator comes and asks a gratuity, let him furnish his proof, and I have no doubt if the Senator will furnish the proof of the proposition that the mother is not able to take care of the child, and will ask the committee to reconsider this matter, perhaps then they will be willing to allow the usual sum of $12 a month. In the absence of all proof they could do nothing else than to report adversely on that claim, as there was no legal liability and no showing that the mother of the child was not abundantly able to provide for her.

Mr. ALLEN. Mr. President, it is very gratifying to me to be informed by the Senator from Kansas as to the course I should pursue. Really I do not know what I should have done in the discharge of my duties if the Senator had not made his advent into the Chamber recently to inform me.

The Senator from Kansas says there is no evidence as to the condition of the mother of this girl. I introduced evidence, and sent it to the committee, as to her condition. I think I understand quite as well as the junior Senator from Kansas what constitutes legal evidence and what evidence the committee is warranted in acting upon: and I say there was before that committee the character of evidence which is acted upon by it daily, showing that Mrs. Jones, the mother of Miss Cook, was incapable of supporting her; showing that she and her husband were themselves struggling for a livelihood; and while they did support, in a way, this invalid daughter, Alice V. Cook, they were ill able to support her, and were not able to procure her the medicines and medical attendance and matters which an invalid or a sick person should have. I say that the evidence shows conclusively——

Mr. COCKRELL. She is in an asylum, where she is certain to be cared for.

Mr. ALLEN. My friend suggests that she is in an asylum, where she is bound to be cared for. I recollect no evidence before the committee that this girl is in an asylum at this time; it may be so, and I will not say that the evidence is not there, but what excuse is that? Suppose this girl is in an asylum; it is in consequence of this Government failing to discharge its duty to her.

The Senator from Kansas informs me, and I am grateful for the information, indeed, that it would be a gratuity to give Alice V. Cook a small pension under these circumstances. Mr. President, what is it to be in the case of the daughter of General Kearny? Is it to be a gratuity there, I ask the honorable Senator from Kansas?

Mr. BAKER. In the case of Miss Kearny the evidence before the committee is that she is in a destitute and enfeebled condition.

Mr. GALLINGER. And almost blind.

Mr. BAKER. Yes. There was no such evidence, according to the statement of the Senator, in the Alice V. Cook case.

Mr. ALLEN. What evidence is there in the case of Ida Emmott?

Mr. BAKER. I do not know anything about that case.

Mr. GALLINGER. Ida Emmott is in a very deplorable condition, I will say to the Senator; which will be explained when we reach that case.

Mr. ALLEN. It is a gratuity——

Mr. GALLINGER. Undoubtedly.

Mr. ALLEN. It is a gratuity when it is applied to Alice V. Cook, the humble daughter of an humble soldier; but it is not a gratuity, it is a just debt upon the part of the Government, when it is applied to the widow of Major Comly or the daughter of General Kearny or the daughter of Thomas Emmott.

Mr. GALLINGER. I hope we shall come to a vote. I will say to the Senator from Nebraska that the next case on the Calendar is one of the most deplorable cases I ever considered—of a private soldier—and we ought to pass his bill to-day, so that we may get it through the House of Representatives.

Mr. ALLEN. I am not antagonizing this bill. I said at the start I was perfectly willing to support it and vote for it.

Mr. GALLINGER. We understand that.

Mr. ALLEN. But when I undertake to amend it in behalf of a girl who has been demented, and who is dependent upon public charity, I find because she is the daughter of a private soldier that distinguished Senators are arraying themselves here against her, when they are advocating the pensioning of others under like circumstances.

Mr. COCKRELL. I suggest to my good friend from Nebraska that this lady would get no benefit from a pension. It is no charity to her. She is insane and in an insane asylum, and is bound to be provided for there with necessaries and luxuries. She can not be taken home to enjoy them, and there would be no enjoyment to her. She would be unconscious of anything that could be done for her, and she is there as well cared for as she could be anywhere on this earth.

Mr. ALLEN. That is no argument at all; and usually I listen with great interest to my honorable friend from Missouri. She is in an insane asylum and can be cared for there, Mr. President, as a subject of public charity. What would be thought of me if I were to say that the daughter of General Kearny can go to the poorhouse and be cared for there? What would be thought of me if I should say the daughter of Mr. Emmott should go to the poorhouse and be supported there? I would not say it; I would not argue it. I say, give to them a pension adequate to their needs and the services of their fathers. Give to this girl a pension adequate to her needs and the distinguished services of her father, humble though his rank may have been.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Nebraska [Mr. ALLEN].

Mr. PETTIGREW. Let the amendment be read. I should like to hear it.

The Secretary again read the amendment.

Mr. ALLEN. I wish to suggest one amendment to the amendment, and that is to insert the words "late a private of," before the words, "Company D."

The PRESIDING OFFICER. Without objection, the amendment to the amendment will be agreed to.

Mr. GALLINGER. Let us have a vote now.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Nebraska as amended.

Mr. ALLEN. On that I call for the yeas and nays.

Mr. GALLINGER. I move that the Senate adjourn.

Mr. ALLEN. Before the motion of the Senator from New Hampshire is put I rise to a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Nebraska will state his parliamentary inquiry.

Mr. ALLEN. I wish to know the status of this case as applied to my demand for the yeas and nays before we adjourn.

The PRESIDING OFFICER. Pending the demand for the yeas and nays the Senator from New Hampshire [Mr. GALLINGER] moved that the Senate adjourn——

Mr. GALLINGER. Which is always in order.

The PRESIDING OFFICER. And only that motion is in order. The question is on agreeing to the motion to adjourn.

The motion was agreed to; and (at 5 o'clock and 34 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, May 12, 1896, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

MONDAY, *May 11, 1896.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of Friday was read and approved.

EXTENSION OF REMARKS IN THE RECORD.

Mr. PERKINS. Mr. Speaker, I desire to call the attention of the House to a violation of the privilege of printing in the RECORD, but as I observe that the gentleman from Alabama [Mr. WHEELER] is not in his seat at this time, I give notice that later in the day, when I hope he will be present, I will bring the matter to the attention of the House.

MOUNTAIN VIEW CEMETERY, OAKLAND, CAL.

Mr. HILBORN. Mr. Speaker, I ask unanimous consent for the present consideration of the joint resolution (H. Res. 15) authorizing the Secretary of the Navy to donate to the Mountain View Cemetery Association, at Oakland, Cal., certain cannon, etc.

The joint resolution was read, as follows:

Resolved by the Senate and House of Representatives, etc., That the Secretary of the Navy be, and he is hereby, authorized to donate and deliver, under such conditions as he may deem necessary in order to insure the proper fulfillment of the purposes of this resolution, to the Mountain View Cemetery Association, at Oakland, Cal., such old and unused cannon, muskets, swords, and other implements of war, of copper, tin, bronze, iron, and steel, as are not now and will not hereafter be required for naval uses, for the purpose of being used for parades, anniversary celebrations, and salutes: *Provided*, That such articles only be donated, under the authority herein contained, as in the judgment of the Secretary of the Navy may be spared without detriment to the public interests: *Provided further*, That the United States shall not be subjected to any expense in connection with the donation of the articles referred to.

The SPEAKER. Is there objection to the present consideration of this joint resolution?

Mr. BAKER of New Hampshire. Reserving the right to object, I will ask the gentleman whether this is a soldiers' cemetery or not?

Mr. HILBORN. These cannon are to decorate the soldiers' plat, where there is a monument.

The Committee on Naval Affairs recommended an amendment, striking out all after the word "California," in line 7, down to the end of line 11, and inserting:

Six condemned cannon and six pyramids of condemned cannon balls for the purpose of decorating the Grand Army burial plat, reserved for the burial of honorably discharged soldiers and sailors of the Union, and to be placed around and near the soldiers' monument already erected there.

The amendment was agreed to.

The joint resolution as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bills and joint resolutions of the following titles; in which the concurrence of the House was requested:

A bill (S. 534) for the relief of L. A. Davis;

A bill (S. 927) for the relief of Chester B. Sweet, of California;

A bill (S. 482) for the relief of the estate of Thomas Sherwin, deceased;

A bill (S. 652) for the relief of Nancy E. Day, administratrix of the estate of James L. Day, deceased;

A bill (S. 663) to remove the charge of desertion against Philip Pflueger, late of Company G, Twenty-fourth Wisconsin Infantry;

A bill (S. 762) for the relief of Henry Lane;

A bill (S. 1897) to establish a classification division in the United States Patent Office;

Joint resolution (S. R. 27) granting permission for the erection of a monument in Washington, D. C., for the ornamentation of the national capital and in honor of Samuel Hahnemann;

A bill (S. 14) for the relief of Pearson C. Montgomery, of Memphis, Tenn.;

A bill (S. 615) for the relief of Andrew Martin;

A bill (S. 21) to authorize the investigation by the Attorney-General of certain claims alleged to be due the late proprietors of the Knoxville Whig for advertising and authorizing the payment therefor by the Secretary of the Treasury of any amounts found by the Attorney-General to be legally or equitably due;

A bill (S. 34) for the relief of Clara A. Graves, Lewis Smith Lee, Florence P. Lee, Mary S. Sheldon, and Florence P. Lee, legal representative of Elizabeth Smith, deceased, heirs of Lewis Smith, deceased;

A bill (S. 336) for the relief of the estate of William B. Todd, deceased;

A bill (S. 1083) for the relief of George H. Plant, of the District of Columbia;

A bill (S. 1265) for the relief of Emmart, Dunbar & Co.;

A bill (S. 1035) authorizing the Sioux City and Omaha Railway Company to construct and operate a railway through the Omaha and Winnebago Reservation, in Thurston County, Nebr., and for other purposes;

A bill (S. 1974) for the relief of Mrs. Harriet D. Newson;

A bill (S. 2415) for the relief of B. J. Van Vleck, administrator of Henry Van Vleck, deceased;

A bill (S. 2978) to provide an American register for the steamer *Menemsha;*

Joint resolution (S. R. 7) authorizing the issue of duplicate medals where the originals have been lost or destroyed;

A bill (S. 2870) to permit Rene C. Baughman to lay pipes in a certain street in the city of Washington;

A bill (S. 1659) to amend the laws of the District of Columbia as to married women, to make parents the natural guardians of their minor children, and for other purposes; and

A bill (S. 981) relating to the testimony of physicians in the courts of the District of Columbia.

The message also announced that the Senate had passed with amendments the bill (H. R. 5731) to regulate the practice of medicine and surgery, to license physicians and surgeons, and to punish persons violating the provisions thereof in the District of Columbia, asked a conference with the House on the bill and amendments, and had appointed Mr. GALLINGER, Mr. MCMILLAN, and Mr. FAULKNER as the conferees on the part of the Senate.

The message also announced that the Senate had passed without amendment bills of the following titles:

A bill (H. R. 3046) for the relief of Frederick Van Guilder;

A bill (H. R. 3462) to regulate the business of storage in the District of Columbia;

A bill (H. R. 4452) to amend section 416 of the Revised Statutes of the United States, relating to the District of Columbia;

A bill (H. R. 7865) to allow the return free of duty of certain articles exported from the United States for exhibition purposes;

A bill (H. R. 8820) making provision for the deportation of refugee Canadian Cree Indians from the State of Montana and their delivery to the Canadian authorities; and

A bill (H. R. 6104) for the relief of Anton Gloetzner.

ATLANTIC AND PACIFIC RAILROAD COMPANY.

Mr. POWERS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 6398) to define the rights of purchasers under mortgages authorized by an act of Congress approved April 20, 1871.

The bill was read, as follows:

Be it enacted, etc., That whenever a sale of the road, equipment, lands, franchises, privileges, and other rights and property of the Atlantic and Pacific Railroad Company is made by virtue of any mortgage or other power authorized by act of Congress, the purchasers at such sale, and their associates or assigns, shall constitute a new company, which shall have and shall be entitled to exercise the same rights, powers, privileges, grants, and franchises, including the franchise to be a corporation, granted by the act of Congress approved July 27, 1866, incorporating the Atlantic and Pacific Railroad Company, and by acts amendatory thereof and supplemental thereto, and the incorporation as hereby provided shall be completed and become effective whenever the said purchasers and their associates or assigns shall file with the Secretary of the Interior a certificate of incorporation here under, duly acknowledged, specifying the name of such new corporation, its president, and the names of its directors, the amount of its proposed capital stock and bonds, not exceeding the amounts which the said Atlantic and Pacific Railroad Company by said acts was authorized to issue, and with like effect, together with certified copy of the decree or decrees ratifying such sale; but nothing in this act shall make such purchasers and their associates or such new corporation liable for any debts or claims or contracts of the old corporation not expressly assumed in their contract of purchase at said judicial sale.

The Committee on Pacific Railroads recommended an amendment, as follows:

Strike out all after the enacting clause and insert:

"That whenever any mortgage made by the Atlantic and Pacific Railroad Company under and by virtue of acts of Congress is foreclosed in any court of the United States, or of any State or Territory thereof, and any sale of the road, equipment, lands, franchises, privileges, and other rights and property covered by said mortgage is made under a decree or decrees of such courts, the purchaser at any such sale or sales, and their associates or assigns, shall constitute a new company, which shall have and shall be entitled to hold and possess the franchises and property so sold, and to exercise the same rights, powers, privileges, grants, and franchises, including the franchise to be a

corporation, granted by the act of Congress approved July 27, 1866, incorporating the Atlantic and Pacific Railroad Company, and by acts amendatory thereof and supplemental thereto, which were owned and possessed by said Atlantic and Pacific Railroad Company or said mortgagees at the time of such decree of foreclosure; and the incorporation as hereby provided shall be completed and become effective whenever the said purchasers and their associates or assigns shall file with the Secretary of the Interior a certificate of incorporation hereunder, duly acknowledged, specifying the name of such new corporation, its president, and the names of its directors, the amount of its proposed capital stock and bonds, together with certified copy of the decree or decrees ratifying such sale: but nothing in this act shall make such purchasers and their associates or such new corporation liable for any debts, or claims, or contracts of the old corporation not expressly assumed in their contract of purchase at said judicial sale: *Provided*, That the amount of the proposed issue of stock of such new corporation shall not exceed the aggregate amount which the Atlantic and Pacific Railroad Company has already issued and is now outstanding, except that said corporation may issue an additional amount of stock which, with the stock heretofore issued, shall not exceed the aggregate amount heretofore authorized by Congress, and such additional stock shall not be issued except for money, labor, or property, estimated at its actual cost value, in exchange for such stock at its full or par value: *Provided further*, That nothing herein contained shall be construed as making any additional grant of lands or other franchises to such successor corporation, or as a waiver of any rights of the United States now existing to enforce any forfeiture of lands heretofore granted to the said Atlantic and Pacific Railroad Company, or as in any manner affecting the vested rights of any settler or settlers on any of the lands heretofore granted to the Atlantic and Pacific Railroad Company or of any purchaser or purchasers of said lands from said company.

"SEC. 2. That Congress shall at all times have the power to alter, amend, or repeal this act."

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. HOPKINS. Mr. Speaker, I reserve the right to object pending an explanation of the bill.

Mr. BLUE. So do I, Mr. Speaker.

Mr. POWERS. This bill is for the single purpose of enabling the bondholders under the first mortgage of the western division of the Atlantic and Pacific Railroad Company to purchase the property, which is soon to be sold at foreclosure sale, and to organize a new corporation with precisely the same privileges as the old company. That is the whole scope and purpose of the bill.

Mr. HOPKINS. I dislike very much to object, but it seems to me that this is too important a bill to go through the House by unanimous consent. I would suggest to the gentleman to try to have some time set apart for the consideration of the bill, so that it can be discussed and, if necessary, amended.

Mr. POWERS. There is very little to discuss about it, and if the gentleman will give his attention to the reading of the report, I think he will be satisfied that the bill ought to pass.

Mr. HOPKINS. This bill looks to the organization of a new company and to a variety of things which it seems to me ought to be considered in Committee of the Whole with reference to the amendment of the bill, if necessary.

Mr. POWERS. This is nothing in the world but a bill to enable the mortgage bondholders of the western division of this road, running from Albuquerque west to California, to reorganize into a new company after the foreclosure sale. The road is already a part of the Santa Fe system and there is a foreclosure pending. This road was chartered by Congress, and therefore it is necessary that authority shall be given by Congress for the organization of the successor company.

Mr. HOPKINS. But why not take the bill up in Committee of the Whole and discuss it and, if necessary, amend it?

Mr. POWERS. The difficulty is that the foreclosure sale takes place in a very short time and the bondholders will be all afloat unless some legislation of this kind is had.

Mr. HOPKINS. In making my suggestion I do not contemplate the postponement of the bill beyond the present session. It seems to me that it might be taken up some day this week and considered in Committee of the Whole.

Mr. POWERS. Well, the gentleman is aware of the pressure of business, and I think if he will listen to the reading of the report he will be entirely satisfied.

Mr. HOPKINS. But the point with me, Mr. Speaker, is that this is a matter of too much importance to go through the House by unanimous consent. I think that the creation of a great corporation like this, with the powers contemplated in the bill, is a matter of so much importance that it ought to be considered in Committee of the Whole, instead of being passed through here hurriedly by unanimous consent.

Mr. POWERS. I think the gentleman misapprehends the scope of this bill. It is not a bill to charter a great corporation, as the gentleman says. The Atlantic and Pacific Railway was chartered to run from Springfield, Mo., west to California. That line is made up of several constituent roads and companies. This is one of those little companies, and the purpose of this bill is simply to enable the mortgage bondholders to continue the ownership of the property after the foreclosure sale which is now pending; and, as I have already said, they must have authority from Congress to organize a new company for that purpose.

Mr. HOPKINS. I am willing, when we come to it, to consider this bill on its merits, but I still think that the bill is of such a character that it ought not to be passed through here by unanimous consent. It looks to the reorganization of this company, or to the organization of a new company and the extinguishment of the old company, with the various incidental claims connected with it, which will drop out of existence when this new company is chartered.

Mr. POWERS. I am quite sure that my friend from Illinois would not like to throw a straw in the way of the passage of a proper measure.

Mr. HOPKINS. No, sir; certainly not.

Mr. POWERS. And if he will be kind enough to listen to the reading of the report, I am quite sure that his objections to the consideration of the matter will vanish at once. It is a mere formal proceeding, to permit the owners of this property to get it into such shape that they may take by legal title.

Mr. HOPKINS. Well, we can take any day during the week to consider the bill, and if the gentleman wants me to do so, I will join with him in a petition to the Committee on Rules to have its consideration fixed for some special day. But I do not think it wise to permit matters of such importance, and possible far-reaching consequences, to be considered by unanimous consent. It is a question of too much importance.

Mr. POWERS. My dear sir, pardon me; it involves nothing of the kind. It is a matter the gentleman himself would not object to if he would take time to consider the report. Why, on the very first day of the session he himself, if he will permit me to call his attention to the fact, called up a bill of much more importance and had it put through by unanimous consent. Now, I joined with him in that. It was a proper thing to do. If it is a proper bill there can be no objection to this method of consideration. It does not require delay, such as the gentleman intimates, and he himself will not insist upon it if he would but listen to the reading of the report.

Mr. HOPKINS. But the difference between my bill and this one is that that related to a single person and did not affect the rights of any other individual or the rights of the Government. This, on the contrary, may affect the rights of thousands of people and does involve millions of money.

Mr. POWERS. The gentleman is entirely mistaken about the scope of the bill——

Mr. HOPKINS. I think I will have to insist on my objection. I do it of course with reluctance.

Mr. KEM. Mr. Speaker, I demand the regular order.

APPOINTMENT OF CONFEREES.

The SPEAKER. The Chair appoints the following conferees on the disagreeing votes of the two Houses on the bill (S. 2221) for the relief of settlers on the Northern Pacific indemnity lands: Mr. LACEY, Mr. WILSON of Idaho, and Mr. UNDERWOOD.

PASSAGE OF ENGROSSED PENSION BILLS.

The SPEAKER. The Chair will lay before the House at this time, as a part of the regular order, certain bills which have been heretofore considered by the House and ordered to be engrossed and read a third time, and laid aside on a demand for the reading of the engrossed bill.

The Clerk will now read the engrossed copies of the bills.

SOPHRONIA S. STOWELL.

The bill (H. R. 5996) for the relief of Sophronia S. Stowell was read the third time and passed.

Mr. ERDMAN. Has debate been closed on all these bills?

The SPEAKER. The previous question has been ordered on them.

Mr. DINGLEY. Mr. Speaker, there is on the table a Senate bill identical with the House bill just passed. I refer to the bill of the Senate No. 2790, and I ask unanimous consent that it be substituted for the House bill.

The SPEAKER. Is there objection to the request of the gentleman from Maine?

Mr. ERDMAN. I object.

Some time subsequently

Mr. DINGLEY. Mr. Speaker, objection has been withdrawn to the request I made for the substitution of the Senate bill for the House bill.

So, there being no further objection, the bill, S. 2790, of the same title, was substituted for the House bill.

The SPEAKER. Without objection the House bill, No. 5996, will be ordered to lie on the table.

It was so ordered.

BILLS PASSED.

Engrossed bills of the following titles were severally read the third time and passed, namely:

The bill (H. R. 1261) for the relief of John Kehl;

The bill (H. R. 3937) granting a pension to Miriam V. Kenney;

The bill (H. R. 1299) to pension Harriet Woodbury, of Windsor, Vt.;

The bill (H. R. 4598) granting a pension to Mary Cray;

The bill (H. R. 1936) to remove the charge of desertion standing against David Mosten;

The bill (H. R. 3524) for the relief of James McGowan from the charge of desertion;

The bill (H. R. 4199) to correct the military record of Edward H. Munson, late a private in Company H, Thirty-second New York Regiment Infantry; and

The bill (H. R. 1171) to pension Hannah Yazell.

Mr. PICKLER. Mr. Speaker, I move to reconsider the several votes by which these bills have been passed, and also move to lay that motion on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. LACEY. Mr. Speaker——

The SPEAKER. The regular order has been called for.

Mr. LACEY. I understand that the gentleman from Nebraska [Mr. KEM], who made the demand for the regular order has withdrawn it.

The SPEAKER. The Chair did not so understand.

Mr. BABCOCK. I will ask the gentleman from Nebraska whether he will not withdraw the demand for a few moments?

Mr. KEM. I will do so.

DENISON AND NORTHERN RAILWAY COMPANY.

Mr. PENDLETON. I ask unanimous consent that the House take from the Speaker's table and consider at this time the bill (S. 2488) to extend the charter of the Denison and Northern Railway Company. This bill of the Senate is precisely the same as a House bill which has been considered by the Committee on Indian Affairs of this House and unanimously reported. The measure is carefully guarded in every respect.

The bill was read, as follows:

Be it enacted, etc., That the provisions of section 9 of the act entitled "An act to authorize the Denison and Northern Railway Company to construct and operate a railway through the Indian Territory, and for other purposes," approved July 30, 1892, be, and the same hereby are, extended for a further period of two years from the passage of this act.

SEC. 2. That section 2 of said act be amended to read as follows:

"SEC. 2. That a right of way of 100 feet in width through said Indian Territory is hereby granted to the Denison and Northern Railway Company, and a strip of land 100 feet in width, with a length of 2,000 feet in addition to the right of way, is granted for such stations as may be established, but such grant shall be allowed but once for every 10 miles of the road, no portion of which shall be sold or leased by the company, with the right to use such additional grounds where there are heavy cuts or fills as may be necessary for the construction and maintenance of the roadbed, not exceeding 50 feet in width on each side of said right of way, or as much thereof as may be included in said cut or fill: *Provided*, That no more than said addition of land shall be taken for any one station: *Provided further*, That no part of the lands herein granted shall be used except in such manner and for such purposes only as shall be necessary for the construction and convenient operation of said railroad, telegraph, and telephone line, and when any portion thereof shall cease to be used such portion shall revert to the nation or tribe of Indians from which the same shall have been taken."

SEC. 3. That section 6 of said act be amended by striking out all after the word "*Provided*," and inserting the following: "That a map of definite location showing the entire route of said road through the Indian Territory shall be filed and approved by the Secretary of the Interior before any part of the said road shall be constructed."

Mr. KEM. I wish to inquire of the gentleman from Texas whether this bill is in the usual form?

Mr. PENDLETON. It is in the usual form; and all the restrictions which are ordinarily imposed by the present Committee on Indian Affairs have been incorporated in this bill.

Mr. KEM. Is this the renewal of an old grant?

Mr. PENDLETON. It is an old grant renewed, with some additional restrictions.

Mr. KEM. Restrictions upon the company?

Mr. PENDLETON. Upon the company.

There being no objection, the House proceeded to the consideration of the bill; which was ordered to a third reading, read the third time, and passed.

On motion of Mr. PENDLETON, a motion to reconsider the last vote was laid on the table.

DENVER, CRIPPLE CREEK AND SOUTHWESTERN RAILROAD.

Mr. LACEY. I ask unanimous consent for the present consideration of the bill which I send to the desk.

The Clerk read as follows:

A bill (H. R. 8590) granting to the Denver, Cripple Creek and Southwestern Railroad Company a right of way for a railroad through the South Platte and Plum Creek forest reserves, in the State of Colorado.

Be it enacted, etc., That the Denver, Cripple Creek and Southwestern Railroad Company, a corporation incorporated and organized under and by virtue of the laws of the State of Colorado, is hereby authorized to construct and maintain a railroad over and through the South Platte Forest Reserve and the Plum Creek Forest Reserve, in the State of Colorado, heretofore set apart and established as forest reservations by proclamations of the President, dated, respectively, December 9, 1892, and June 23, 1892; said railroad to enter said reservations at the junction of the North and South Forks of the South Platte River, in section 25, in township 7 south of range 70 west of the sixth principal meridian, and to run thence along the water course of the South Fork of the South Platte River to section 3, in township 13 south of range 71 west, and also to be constructed from section 21, in township 9 south of range 70 west, along the water courses of Horse Creek and Trout Creek, in the Plum Creek Forest Reserve, to section 34, in township 10 south of range 69 west; said right of way to be granted subject to the rights, privileges, rules, and restrictions of an act entitled "An act granting to railroads the right of way through the public lands of the United States," approved March 3, 1875, said act being hereby made applicable to the right of way hereby granted. The said company, however, shall not cut timber upon said forest reservations outside of the limits of said right of way.

There being no objection, the House proceeded to the consideration of the bill, which was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. LACEY, a motion to reconsider the last vote was laid on the table.

DONATION OF CONDEMNED CANNON.

Mr. PITNEY. I ask unanimous consent for the present consideration of the bill which I send to the desk.

The bill (H. R. 8495) granting to John Hill Post, No. 86, of Boonton, N. J., 4 condemned cannon and 20 cannon balls was read.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. EVANS. I object.

PIPE LINES IN COLORADO AND WYOMING.

Mr. MONDELL. I ask unanimous consent for the present consideration of the bill (S. 2032) to grant right of way over the public domain for pipe lines in the States of Colorado and Wyoming.

The bill was read, as follows:

Be it enacted, etc., That the right of way through the public lands and reservations of the United States situate in the State of Colorado and in the State of Wyoming outside of the boundary lines of the Yellowstone National Park is hereby granted to any pipe line company or corporation formed for the purpose of transporting oils, crude or refined, which shall have filed or may hereafter file with the Secretary of the Interior a copy of its articles of incorporation, and due proofs of its organization under the same, to the extent of the ground occupied by said pipe line and 50 feet on each side of the center line of the same; also the right to take from the public lands adjacent to the line of said pipe line material, earth, and stone necessary for the construction of said pipe line: *Provided*, That no such right of way shall be so located as to interfere with the proper occupation by the Government of any reservation; and all maps of location shall be subject to the approval of the Department of Government having jurisdiction of such reservation.

SEC. 2. That any company or corporation desiring to secure the benefits of this act shall, within twelve months after the location of 10 miles of the pipe line, if the same be upon surveyed lands, and if the same be upon unsurveyed lands, within twelve months after the survey thereof by the United States, file with the register of the land office for the district where such land is located a map of its line, and upon the approval thereof by the Secretary of the Interior the same shall be noted upon the plats in said office, and thereafter all such lands over which such right of way shall pass shall be disposed of subject to such right of way.

SEC. 3. That if any section of said pipe line shall not be completed within five years after the location of said section the right herein granted shall be forfeited, as to any incomplete section of said pipe line, to the extent that the same is not completed at the date of the forfeiture.

SEC. 4. That nothing in this act shall authorize the use of such right of way except for the pipe line, and then only so far as may be necessary for its construction, maintenance, and care.

The amendments reported by the Committee on Public Lands were read, as follows:

In lines 3 and 4 strike out the words "and reservations."

In line 12 strike out "fifty" and insert "twenty-five."

At the end of section 1 strike out these words:

"*Provided*, That no such right of way shall be so located as to interfere with the proper occupation by the Government of any reservation; and all maps of location shall be subject to the approval of the Department of Government having jurisdiction of such reservation."

There being no objection, the House proceeded to the consideration of the bill.

The amendments were agreed to.

The bill as amended was ordered to a third reading, read the third time, and passed.

On motion of Mr. MONDELL, a motion to reconsider the last vote was laid on the table.

FLAGSTAFF AND CANYON RAILROAD COMPANY.

Mr. LACEY. I ask unanimous consent for the present consideration of the bill which I send to the desk.

The Clerk read as follows:

A bill (H. R. 7578) granting the Flagstaff and Canyon Railroad Company right of way for railroad purposes through the Grand Canyon Forest Reserve in northern Arizona.

Be it enacted, etc., That the Flagstaff and Canyon Railroad Company, a corporation created and existing under the laws of Arizona Territory, is authorized to construct and maintain a railroad over and through the Grand Canyon Forest Reserve (heretofore reserved from entry or settlement and set apart as a public reservation by Benjamin Harrison, President of the United States, by proclamation of date the 20th day of February, 1893), said railroad to enter the said Grand Canyon Forest Reserve at or near Moqui Station, Coconino County, Ariz., and to run thence by the most practicable route to a point at or near Cameron Ranch, near the Grand Canyon of the Colorado; said right of way to be granted subject to the rights, privileges, rules, and restrictions of an act entitled "An act granting to railroads the right of way through the public lands of the United States," approved March 3, 1875, said act being hereby made applicable to the right of way hereby granted.

The amendment reported by the Committee on Public Lands was read, as follows:

Add at the end of the bill the following:

"*Provided*, That no timber shall be cut by said railway company for any purpose outside of the right of way herein granted."

Mr. McMILLIN. I wish to inquire whether this bill has been submitted to the Interior Department?

Mr. LACEY. It has been.

Mr. McMILLIN. Will the gentleman have read the recommendation of the Department?

Mr. LACEY. The letter of the Department asks that the privilege of cutting timber be limited to timber within the grant. Under the general railway law the company could take timber

anywhere for the building of the road; but on account of this land having been withdrawn and put in a state of reservation, the company can not build under the general law. This bill simply gives the company the right of way, limiting the privilege of cutting timber in accordance with the recommendation of the Department.

There being no objection, the House proceeded to the consideration of the bill.

The amendment reported by the Committee on Public Lands was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Mr. MCMILLIN. I ask that the recommendation of the Secretary of the Interior be printed in the RECORD in connection with the action on this bill.

There was no objection.

Mr. LACEY. I will send it up.

The letter of the Secretary of the Interior is as follows:

DEPARTMENT OF THE INTERIOR, *Washington, April 22, 1896.*

SIR: I have the honor to hand you herewith a report from the Commissioner of the General Land Office on H. R. 7578, entitled "A bill granting the Flagstaff and Canyon Railroad Company right of way for railroad purposes through the Grand Canyon Forest Reserve in northern Arizona."

I concur in the Commissioner's conclusion that the bill in its present form should not be passed, but that it should be amended as suggested by the Commissioner, in order that the purpose contemplated by said reserve may not be jeopardized.

Very respectfully, HOKE SMITH, *Secretary.*

Hon. JOHN F. LACEY,
Chairman Committee on Public Lands, House of Representatives.

On motion of Mr. LACEY, a motion to reconsider the vote by which the bill was passed was laid on the table.

NATIONAL FLOWER, PLANT, AND FRUIT GUILD.

Mr. SCRANTON. I ask unanimous consent for the present consideration of the bill (H. R. 8497) to incorporate the National Flower, Plant, and Fruit Guild.

The bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. LOUD. Mr. Speaker, reserving the right to object, I should like to ask, What is the object sought to be attained by this bill? If anyone fathers the bill, I should like to know what the purpose is in coming to Congress?

The SPEAKER. The gentleman from Pennsylvania [Mr. SCRANTON] presents the bill.

Mr. SCRANTON. The object is to give them a legal organization.

Mr. LOUD. But I will say to the gentleman that they can incorporate under the laws of any State. Is it not a dangerous precedent to ask Congress to grant charters of this or any other character?

Mr. SCRANTON. This is a purely philanthropic and benevolent association.

Mr. LOUD. Oh, I understand that; but what precedent has been established for this? Of course I know that if this passes, it will be one precedent; but I should like to know what precedent has been established heretofore.

Mr. SCRANTON. I am unable to answer that question.

Mr. LOUD. I recognize the fact that this seems to be a very worthy object, and if there was no other way of incorporating except by coming to Congress I should raise no objection to it; but I think it is a very dangerous precedent to come, even with a simple proposition of this character, to ask Congress for incorporation, because there is an abundance of power under the laws of any State to incorporate, and accomplish the same object sought to be attained here.

Mr. SCRANTON. This bill was referred to the Committee on the Judiciary, and that committee have reported unanimously. Their report is here. It is very short.

Mr. LOUD. I think I shall have to object.

Mr. ADAMS. Mr. Speaker, I hope the gentleman will not object.

The SPEAKER. Objection is made.

CONDEMNED CANNON FOR LANCASTER, WIS.

Mr. BABCOCK. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 8324) authorizing and directing the Secretary of the Navy to donate four pieces of condemned cannon and four pyramids of condemned cannon balls to the Grant County Union Soldiers' Monument and Memorial Association of Wisconsin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to donate four pieces of condemned cannon and four pyramids of condemned cannon balls to the Grant County Union Soldiers' Monument and Memorial Association of Wisconsin, for the ornamentation of the soldiers' monument in the city of Lancaster: *Provided*, That the same can be spared without detriment to the service, and that no expense is thereby incurred by the Government.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

CONDEMNED CANNON FOR G. A. R. POST, BOONTON, N. J.

Mr. LOUDENSLAGER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 8495) granting to John Hill Post, No. 86, of Boonton, N. J., 4 condemned cannon and 20 cannon balls.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to donate to John Hill Post, No. 86, Grand Army of the Republic, of Boonton, N. J., 4 condemned cannon and 20 cannon balls for the decoration of the soldiers' monument in said city: *Provided*, That the same can be spared without detriment to the service, and that no expense is thereby incurred by the Government.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

BRIDGE ACROSS THE RED RIVER OF THE NORTH.

Mr. EDDY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 8167) to authorize the construction of a bridge across the Red River of the North.

The bill was read. It provides that the North Dakota and Minnesota Central Railway Company, a corporation organized, created, and existing under and by virtue of the laws of the State of Minnesota, is hereby authorized to construct, operate, and maintain a bridge and approaches thereto across the Red River of the North, at a point to be selected by said company and suitable to the interests of navigation, in township 148 north, of range 49 west, of the fifth principal meridian. Said bridge shall be constructed to provide for the passage of railway trains, and, at the option of said corporation, may be so constructed as to provide for the passage of wagons and vehicles of all kinds, animals, and foot passengers, for such reasonable rates of toll as may be approved by the Secretary of War, etc.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. MCMILLIN. Mr. Speaker, I should like to ask the gentleman whether this bill has been submitted to the Secretary of War?

Mr. EDDY. It has.

Mr. MCMILLIN. Has it received the recommendation of the Department?

Mr. EDDY. It has.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. EDDY, a motion to reconsider the last vote was laid on the table.

Mr. BABCOCK. Regular order, Mr. Speaker.

CLAIMS PENDING BETWEEN UNITED STATES AND STATE OF TENNESSEE.

Mr. MCMILLIN. Mr. Speaker, I am not sure but the matter I desire to call up would be privileged, but at any rate it would only take a minute to dispose of. I will submit it, and if there be any controversy I will withdraw it.

Mr. BABCOCK. I withdraw the demand for the regular order.

Mr. MCMILLIN. Senate joint resolution 91, providing for the adjustment of certain claims of the United States against the State of Tennessee and certain claims of the State of Tennessee against the United States, passed the Senate some time ago, Mr. Speaker. I then asked consent that it lie on the Speaker's table until a similar resolution, pending before the House Committee on Claims, should be disposed of. They have since been considering it, and I understand that it will be amended, or it is desired to amend it. I therefore think the better course is to refer the Senate joint resolution 91, and let it be acted on in the committee instead of the House bill. I ask, therefore, that it be referred to the committee now.

The SPEAKER. Without objection, the reference will be made. [After a pause.] The Chair hears no objection.

ORDER OF BUSINESS.

The SPEAKER. The gentleman from Wisconsin [Mr. BABCOCK] calls for the regular order, which is business of the District Committee. What bill does the gentleman propose to call up?

Mr. SCRANTON. The demand for the regular order is withdrawn.

Mr. BABCOCK. I withhold it a moment.

PROPOSED INVESTIGATION OF LEAVENWORTH SOLDIERS' HOME.

Mr. TRACEY. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the desk.

The Clerk read as follows:

House resolution No. 241.

Resolved, That the Speaker is hereby authorized to appoint a committee of five members, who shall be empowered to examine and report to this House upon the plan, practical workings, and management of the National Homes for Disabled Volunteer Soldiers, and any specific complaints which have been made as to the workings and management of any or all of the Homes, and

especially the Western Branch, and to recommend, by bill or otherwise, what may appear to them to be necessary to insure the most effective, economical, and humane application of the funds annually appropriated by Congress for the support of said Homes; and for that purpose said committee is authorized to sit during the sessions of the House and during the recess of Congress, at any place in the United States, to examine such of the Homes as it may deem necessary, to send for persons and papers, also the books, accounts, papers, and all other matters and things pertaining to said Homes and the conduct of any manager or officer thereof, to administer oaths, and to employ such clerical and other assistance as may be required for this work. The Clerk of the House, upon the order of the chairman of said committee, shall advance, out of the contingent fund of the House, such sums as may be required to meet the current expenses for clerk hire and other services, traveling and other expenses, not exceeding $5,000, said amount to be promptly accounted for by proper vouchers duly certified by said chairman.

The amendments recommended by the committee were read, as follows:

In line 4, strike out the word "Homes" and insert the word "Home"; in line 5, after the word "Soldiers," insert "at Leavenworth, Kans."; in line 7, after the word "management," strike out the words "of any or all of the Homes, and especially the Western Branch" and insert in lieu thereof the words "of said Home"; in line 12, strike out the word "Homes" and insert the word "Home"; in line 14, strike out the words "any place in the United States" and insert the words "Leavenworth, Kans."; in line 15, strike out the words "such of the Homes as it may deem necessary" and insert the words "said Home"; in line 18, strike out the word "Homes" and insert the word "Home."

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. HALL. I want an explanation of the resolution, reserving the right to object.

Mr. TRACEY. Mr. Speaker, the resolution as amended refers solely to and includes the Home at Leavenworth, Kans. There has been so much said about the management of that Home that it would seem to everyone whose attention has been called to it that there ought to be an investigation, both in justice to the men charged as well as in justice to the inmates of the Home; and I trust there will be no opposition to the consideration and passage of the resolution.

Mr. DOCKERY. I understand from a hurried reading of the resolution that it limits the expense to $5,000.

Mr. McCLELLAN. I want to suggest that the last inquiry of this nature, which was also limited to $5,000, cost $11,500 before they got through. That was an investigation held in 1883—a similar one to this.

Mr. TRACEY. That was an examination much more extensive than this. This is confined to a single Home.

Mr. McCLELLAN. That was confined to a single Home.

Mr. TRACEY. I do not see how they could expend the money.

Mr. DOCKERY. Is this the unanimous report of the committee?

Mr. McCLELLAN. It is not.

Mr. HALL. I object.

BRIDGE ACROSS MISSOURI RIVER NEAR BOONVILLE, MO.

Mr. HUBBARD. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 2843) to authorize the construction of a bridge across the Missouri River at or near Boonville, Mo.

The bill was read at length.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. HUBBARD, a motion to reconsider the vote by which the bill was passed was laid on the table.

SAFETY OF PASSENGERS ON EXCURSION STEAMERS.

Mr. BENNETT. Mr. Speaker, I ask unanimous consent for the present consideration of the Senate bill 2642, to provide for the safety of passengers on excursion steamers.

The bill was read, as follows:

Be it enacted, etc., That in order to provide for the safety of passengers on excursion steamers and oarsmen taking part in regattas, amateur or professional, that may hereafter be held on navigable waters, the Secretary of the Treasury be, and he is hereby, authorized and empowered in his discretion to detail revenue cutters to enforce such rules and regulations as may be adopted to insure the safety of passengers on said excursion steamers and the oarsmen taking part in such regattas.

The amendments recommended by the committee were read, as follows:

In line 4, after the word "steamers," strike out the word "and" and insert the word "yachts"; in same line insert the words "and all craft, whether as observers or participants"; in line 11, after the word "steamers," strike out the words "and the" and insert the word "yachts"; also, in same line, insert the words "and all craft, whether as observers or participants."

The SPEAKER. Is there objection to the present consideration of the resolution? [After a pause.] The Chair hears none.

Mr. DINGLEY. One moment. Is this mandatory, or simply authorizes the Secretary of the Treasury?

Mr. BENNETT. It is left in the discretion of the Secretary of the Treasury.

The SPEAKER. The Chair hears no objection.

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

ORDER OF BUSINESS.

Mr. BABCOCK. Regular order, Mr. Speaker.

The SPEAKER. What bill does the gentleman propose to take up?

Mr. BABCOCK. I call up the bill H. R. 5731, with Senate amendments that came over to-day.

PRACTICE OF MEDICINE AND SURGERY IN DISTRICT OF COLUMBIA.

The Clerk proceeded to read the bill.

Mr. BABCOCK. I ask unanimous consent that the reading of the bill be dispensed with. This is a House bill; the amendments of the Senate can be read.

The SPEAKER pro tempore (Mr. DINGLEY). The amendments may be reported. That is all that is necessary.

Mr. McMILLIN. I would suggest to the gentleman that, while the bill is a little long, it has been the custom so persistently to have all bills read, however small the importance, that it would be well that this bill should be read.

Mr. RICHARDSON. This is a House bill with Senate amendments.

The SPEAKER pro tempore. Has it been read once?

Mr. BABCOCK. This is a House bill with Senate amendments, and therefore it does not require to be read.

Mr. McMILLIN. Ah, the situation is different.

Mr. RICHARDSON. Wholly.

The SPEAKER pro tempore. Does the gentleman from Wisconsin desire to have all of the amendments reported and voted upon in gross?

Mr. BABCOCK. I do.

The SPEAKER pro tempore. The Clerk will report the Senate amendments.

The Senate amendments were read, as follows:

Page 1, line 6, after "physicians," insert "one of whom shall be learned in the law."

Page 1, line 12, after "remove," insert "after due notice and hearing."

Page 2, section 2, line 14, strike out "and" where it occurs the first time.

Page 3, section 3, line 1, strike out "passage of this act" and insert "1st day of July, 1893."

Page 4, section 4, line 5, strike out "twenty" and insert "ten."

Page 5, section 5, line 24, after "of," insert "either of."

Page 5, section 5, line 24, after "have," insert "been."

Page 6, section 5, line 34, strike out "or of both, as the case may be,".

Page 6, section 5, line 35, strike out "or societies."

Page 6, section 5, line 37, strike out "said boards" and insert "either of the boards named in this act."

Page 6, section 6, line 9, after "and," insert "other meetings shall be held."

Page 6, section 6, line 9, strike out "other."

Page 6, section 6, line 11, strike out "of medical examiners."

Page 7, section 6, line 12, strike out "examination" and insert "meeting."

Page 7, section 7, line 13, strike out "department" and insert "departments."

Page 8, section 7, line 22, strike out "examination."

Page 8, section 7, line 22, strike out "of" and insert "attained by."

Page 8, section 8, lines 13 and 14, strike out "a graduate of any medical college in good standing."

Page 8, section 8, line 16, strike out all after "act" down to and including "licenses," line 24, page 9, and insert "and to physicians who may change their residence to the District of Columbia from any State or Territory where medical laws and medical examining boards exist, the presentation of a certificate or license from a medical examining board, if found upon due inquiry to be true and genuine, being sufficient evidence of right to registration and certification under the provisions of this act: *Provided*, That the medical laws and examining boards of such States and Territories grant equal rights and recognition to the licentiates of the board herein created."

Page 10, section 10, line 3, strike out "and persistent."

Page 10, section 10, line 17, strike out "Board of Commissioners" and insert "court of appeals."

Page 10, section 10, line 18, strike out "its" and insert "the."

Page 10, section 10, line 18, after "decision," insert "of said court."

Page 10, section 10, line 23, after "him," insert "or her."

Page 11, section 11, line 6, strike out "recording."

Page 11, section 11, line 6, after "clerk," insert "of said court."

Page 11, section 11, line 9, after "and," insert "shall."

Page 11, section 12, line 7, after "Columbia," insert "nor to medical students who have matriculated in any medical college in the District of Columbia prior to January, 1896."

Page 11, section 12, line 8, after "to," insert "the practice of massage or the so-called Swedish movement cure, nor to."

Page 11, section 12, line 9, strike out "any."

Page 11, section 12, lines 9 and 10, strike out "being given in return therefor."

Page 12, section 13, line 6, strike out "to do so."

Page 12, section 13, line 9, strike out "or both."

Page 12, section 13, line 18, strike out all after "act," down to and including line 20.

Page 13, section 14, line 8, strike out "said board" and insert "the Commissioners of the District of Columbia."

Page 13, section 16, line 2, strike out "now existing."

Page 13, section 16, line 3, strike out "or inconsistent therewith."

The SPEAKER pro tempore. Is there objection to considering the Senate amendments to the House bill in gross?

There was no objection, and the amendments of the Senate were concurred in.

STORAGE IN THE DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker, I call up the bill (H. R. 3462) "To regulate the business of storage in the District of Columbia," with the amendments of the Senate thereto.

The Senate amendments were read, as follows:

Page 1, section 1, line 8, strike out all after "thereon" down to and including "property," on line 10.

Page 2, section 2, line 6, strike out "and" and insert "by the person at whose instance such change of possession is so ordered, and who shall be

entitled to recover such payment as part of the costs in such proceeding, or if defeated therein he shall be credited with such payments in taxation of costs against him. And"

The amendments were concurred in.

PIPES FOR PETROLEUM.

Mr. BABCOCK. Mr. Speaker, I call up the bill (S. 2876) to permit Rene C. Baughman to lay pipes in a certain street in the city of Washington.

The bill was read, as follows:

Be it enacted, etc., That the Commissioners of the District of Columbia are hereby authorized to grant to Rene C. Baughman permission to lay pipes for the transmission of petroleum and its products in the following-named streets in said city of Washington, to wit: From north block No. 697 along the unpaved portion of Half street southeast a distance of 3,000 feet in a southerly direction to the Eastern Branch of the Potomac River; that said pipe line shall be laid under the direction of the Commissioners of the District of Columbia.

SEC. 2. That said Rene C. Baughman shall furnish said Commissioners with bond or bonds, or such other security as they may require, to guarantee the strict compliance with the permit that may be granted said Rene C. Baughman, and to insure the complete restoration of said unpaved portion of Half street disturbed in laying said pipe line as aforesaid.

SEC. 3. That said Rene C. Baughman shall also lower or re-lay any pipes whenever directed to do so by said Commissioners, by reason of a change in the grade of the street above named or the construction of any public work therein.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

TESTIMONY OF PHYSICIANS IN COURTS OF DISTRICT OF COLUMBIA.

Mr. BABCOCK. I call up the bill (S. 981) relating to the testimony of physicians in the courts of the District of Columbia.

The bill was read, as follows:

Be it enacted, etc., That in the courts of the District of Columbia no physician or surgeon shall be permitted, without the consent of the person afflicted, or of his legal representative, to disclose any information, confidential in its nature, which he shall have acquired in attending a patient in a professional capacity and which was necessary to enable him to act in that capacity, whether such information shall have been obtained from the patient or from his family or from the person or persons in charge of him: *Provided*, That this act shall not apply to evidence in criminal cases where the accused is charged with causing the death of or inflicting injuries upon a human being, and the disclosure shall be required in the interests of public justice.

The report (by Mr. HULICK) is as follows:

The Committee on the District of Columbia, to whom was referred the bill (H. R. 2647) relating to the testimony of physicians in the courts of the District of Columbia, have given careful consideration to the same and recommend the passage of the bill with an amendment as follows:

After the word "any," in the fifth line, and before the word "information," in the sixth line, insert the word "confidential"; so that the bill will read:

"A bill relating to the testimony of physicians in the courts of the District of Columbia.

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That in the courts of the District of Columbia no physician or surgeon shall be permitted, without the consent of the person afflicted, or of his legal representative, to disclose any confidential information which he shall have acquired in attending a patient in a professional capacity and which was necessary to enable him to act in that capacity, whether such information shall have been obtained from the patient or from his family or from the person or persons in charge of him: *Provided*, That this act shall not apply to evidence in criminal cases where the accused is charged with causing the death of or inflicting injuries upon a human being and the disclosure shall be required in the interests of public justice."

The bill as thus amended receives the unanimous indorsement of the committee.

The object of this bill is to place a physician in the same legal relation to his patient concerning communications made to him by his patient of a confidential nature as that recognized by the common law and enacted into statutory law by almost if not every State in the Union between an attorney and his client concerning communications made to him by his client in that relation, or his advice to his client. The reason for the latter applies with equal force to the former.

Many of the States have extended this privilege to clergymen and priests concerning confessions made to them in their professional character. All such legislation is based upon public policy. The bill under consideration does not go so far as to include the clergy and protect them.

The information thus acquired by the physician must be confidential in its character, otherwise it is not privileged.

This bill was referred to the Commissioners of the District of Columbia, who submitted it to the District attorney, to the justices of the supreme court of the District of Columbia, and to the president of the Medical Society of the District.

The following is the letter of President Ross on the subject:

"OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
"*Washington, January 13, 1896.*

"DEAR SIR: The Commissioners have the honor to make the following response to your reference to them for their examination of and report on House bill 2647, 'relating to the testimony of physicians in the courts of the District of Columbia.'

"Upon receipt of the bill they conferred with the advocates and opponents of the proposed measure, and ultimately submitted the subject to the justices of the supreme court of the District of Columbia and the president of the Medical Society of the District, and to their attorney. The Commissioners have no especial qualifications or experience that would render their conclusions on the subject of exceptional value, and therefore take the liberty of transmitting copies of the opinions of the justices of the supreme court of the District, of the president of the Medical Society of the District as the representative of that society, and of the attorney for the District, as the best manner of getting before you the views of the most authoritative exponents of both sides of the question.

"Very respectfully,

"JOHN W. ROSS,
"*President Board of Commissioners, District of Columbia.*

"Hon. J. W. BABCOCK,
"*Chairman Committee on the District of Columbia,*
"*House of Representatives.*"

The district attorney favors the measure, as expressed in the following letter:

"OFFICE ATTORNEY FOR THE DISTRICT OF COLUMBIA,
"*Washington, D. C., December 23, 1895.*

"GENTLEMEN: I have examined Senate bill (S. 981, Fifty-fourth Congress, first session) relating to the testimony of physicians in the courts of the District of Columbia, which you referred to me for opinion.

"The object of this bill is to place physicians on the same plane with lawyers as to confidential communications in the course of their employment. At common law (which prevails in this District) confidential communications made by a patient to his physician are not privileged. This rule has been changed by statute in a majority of the States so that communications made by a patient to his physician or surgeon and information acquired by him while attending a patient in a professional capacity, which are important to enable him to act, are protected.

"Judge Cooley (Torts, 619, 620), after observing that the common law does not extend to the confidence bestowed upon a physician the same protection which it gives to the legal adviser, says:

"'Yet the reasons in support of it are largely the same, and ought to have been recognized as sufficient. The disclosures made to any of the three (physicians, clergymen, and lawyers) may in a measure be compulsory, and what is extorted can never rightfully be made use of except for the very purpose for which it is obtained. The competent physician does not undertake to make cures where he knows nothing of the causes; and he may need to know the history of an ailment before he is able to determine the family to which it belongs, or the remedies likely to be available for its cure. He demands this; and in the mind of the patient the alternative to disclosure may be that he will be wrongly and prejudicially treated. But the disclosure that may be useful for treatment may be damaging otherwise if placed before the public; and if the lips of the physician are not sealed the patient may elect to deceive him rather than to have his body cured at the expense of his liberty or his reputation.'

"The bill very properly excepts evidence in criminal cases where the accused is charged with causing the death, etc., and the disclosure is required in the interest of public justice.

"In my opinion the measure is one that is entitled to be favorably recommended to Congress.

"The bill is herewith returned.

"Very respectfully,

"S. T. THOMAS,
"*Attorney District of Columbia.*

"The COMMISSIONERS, etc."

The justices of the supreme court of the District recommend unfavorable action thereon by Congress in the following communication:

"SUPREME COURT OF THE DISTRICT OF COLUMBIA,
"*Washington, January 17, 1896.*

"DEAR SIR: In response to your request for our views as to the desirability of the proposed legislation, we have examined and considered Senate bill No. 981, relating to the testimony of physicians in the courts of the District of Columbia, and suggest that you recommend unfavorable action thereon by Congress.

"The privilege thus proposed to be extended to physicians, exempting and prohibiting them from disclosure, in the courts, of information obtained in attending a patient in a professional capacity, did not exist at common law, and in a more or less restricted form exists by statute to-day in only 20 of our States and Territories. Of these, New York is the only Atlantic Coast State, and Arkansas the sole Southern State. The legislation is comparatively recent, and of the States adopting it all are quite young except those just mentioned and California, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Ohio, and Wisconsin.

"The privilege extended to communications between legal adviser and client at common law was based upon public policy and had direct reference to the administration of justice which required 'the aid of men skilled in jurisprudence, in the practice of the courts, and in those matters affecting rights and obligations which form the subject of all judicial proceedings.' The reason for the rule was said to be that without it no man 'would dare consult a professional adviser with a view to his defense, or to the enforcement of his rights.' No such reason exists or applies as to communications made by patient to physician, and it clearly fails with reference to knowledge derived by the physician from observation. There is no occasion for the provision excluding information obtained from the family or others attending the patient, for the rule of evidence as excluding hearsay testimony accomplishes that.

"The enactment sought by this bill would be a serious obstruction to justice in contests over life insurance, personal injury from negligent or willful act, wills, and others in which mental capacity is involved. In such cases, facts coming under the observation of the attending physician are generally of first importance, and in cases involving questions of mental capacity the opinion of the physician, based in whole or in part upon communications made to him by the patient, is frequently the most important evidence adduced. These objections are not obviated by placing such evidence within the power of 'the person afflicted, or of his legal representative' to permit or deny. It is not to be anticipated that such person will ever consent to the examination of a physician whose testimony is expected to be adverse to him, and the other party to the litigation, and the court as well, perhaps with full knowledge of the situation, would be powerless in such instances to require the truth to be shown.

"Under statutes in force in this District, parties to a cause are competent and compellable witnesses in behalf of each other, as well as competent witnesses in their own behalf. They ought not to be permitted to exercise control over the knowledge of others.

"We think that this bill ought not to become law in its present shape; that it is not susceptible of such amendment as will obviate the objections stated; and that such legislation would be detrimental to the administration of justice.

"Very respectfully,

"E. F. BINGHAM.
"A. B. HAGNER.
"A. C. BRADLEY.
"L. E. McCOMAS.
"CHAS. C. COLE.
"WALTER S. COX.

"Hon. JOHN W. ROSS,
"*President Board of Commissioners, District of Columbia.*"

The committee hold in high esteem the opinions and judgment of this eminent tribunal and recognize the force of their argument against the bill in its original form, but think their objections are met by the amendment suggested by the committee.

The bill thus amended makes privileged only such "confidential information which he shall have acquired in attending a patient in a professional capacity, and which was necessary to enable him to act in that capacity," etc.

It will be observed that the information thus acquired to be privileged must be "confidential"; it must be obtained by him in his capacity as a physician, and it must be "necessary" to enable him to act in that capacity. If any of these elements lack in the information it will not come under the rule as privileged.

We respectfully differ with the learned justices when speaking of the principle as applied to attorney and client, that "no such reason exists or applies as to communications made by a patient to a physician."

We think the reason exists with greater force where the character and reputation, the health and life of the patient are involved. The issues of life and death are placed in the hands of the trusted family physician. The patient should frankly, freely, truthfully, unreservedly make full disclosures to the doctor, and he in turn should be at perfect liberty to ask for and demand all the information bearing upon the disability that would enable him to properly diagnose the case and apply the remedy, without being compelled to make disclosures thereof in court or elsewhere.

There is an unwritten law among the medical profession that forbids any physician to disclose what he has learned about his patient that would reflect upon his reputation or character, under the penalty of dishonorable dismissal from their fraternity.

The learned justices say further, "and it (the reason) clearly fails with reference to knowledge derived by the physician from observation."

Under this bill knowledge derived from observation may or may not be privileged. That will be a question for the court to determine from all the circumstances in each particular case. The knowledge obtained, whether from communication or observation, must be confidential, otherwise the rule does not apply.

The common-law rule as applied to attorneys is modified by this bill in its application to physicians:

"This act shall not apply to evidence in criminal cases where the accused is charged with causing the death of or inflicting injuries upon a human being and the disclosure shall be required in the interests of public justice."

This important modification seems to have been overlooked by the justices in considering this measure.

Communications made to his attorney by the veriest criminal are privileged. Not so under this act by communications made by the patient to his physician, where the accused is charged with causing death or inflicting injuries on a human being.

The medical profession universally ask this legislation, not in their own interests, but for the protection of the reputation, health, and lives of their patients, as well as for public justice.

We subjoin the very able communication of the president of the Medical Society of the District of Columbia, which clearly expresses the views of the profession upon this question:

1545 I STREET NW.,
Washington City, D. C., February 11, 1896.

SIR: The bill (H. R. 2647) entitled "A bill relating to the testimony of physicians in the courts of the District of Columbia" has been drafted and presented to Congress by direction of the Medical Society of the District of Columbia. It is modeled after the law of the State of New York, and is substantially the same as similiar laws in force in twenty States and one Territory of this country, the first of which was enacted by the State of Oregon in 1872, and the latest in 1887 by the States of Indiana, Wyoming, Montana, and Idaho.

The following list includes the States, with the year, page, and section of the statute books in which the law is to be found:

State.	Statute book.	Year.	Page.	Section.
Arkansas	Stat	1883	625	2862
California	Code, C. P	1885		1881
Colorado	Gen. Stats	1883	1062	4
Dakota	Comp. Laws	1887	910	5313
Idaho	Revised Stats	1887	679	
Indiana	Rev. Stat	1887	579	497
Iowa	Rev. Code	1884	800	
Kansas	Comp. Laws	1885	645	323
Michigan	Gen. Stat	1882	1889	7516 and 86
Minnesota	do	1881	702	10
Missouri	Rev. Stat	1879	900	4017
Montana	Comp. Stat	1887	*230	650
Nevada	Gen. Stat	1885	853	3406-3484
New York	Code C. P. (4 Rev. Stat., 104).			834
Ohio	Rev. Stat	1884	1006	5241
Oregon	Gen. Law	1872	251	
Utah	Comp. Laws	1876	506	
Washington	Code	1881	102	702
Wisconsin	Rev. Stat	1878	992	4075
Wyoming	do	1887	590	2589
Oklahoma Territory				

*Civil Code.

The opposition to the enactment of this bill is set forth in the protest of six justices of the supreme court of the District of Columbia now on file with the Board of Commissioners of the District of Columbia, to which I am directed by the committee of the Medical Society of the District of Columbia to make reply, as follows:

The medical profession of this District holds in high esteem the justices of the supreme court of the District of Columbia, as well for their learning and judicial ability as for their personal standing and integrity, but it is surprised that they should unite in a formal protest against the enactment of this bill, which has for its object the extension to the citizen of the liberty of privileged communications, and for his protection in the enjoyment of the right of unreserved and confidential confession to his physician, now denied him by the common law in force in this District, and enforced by the said six justices of the supreme court of the District of Columbia. It is quite reasonable to suppose there are in either House of Congress many men who, for the time being, are discreet legislators, and fully qualified to determine the utility and wisdom of such laws, to whom the Medical Society will appeal, with the hope of securing the passage of House bill No. 2647, the opposition of the justices of said court to the contrary notwithstanding, and it will continue to prosecute its purpose with unabated zeal until success shall crown its efforts.

It is not known to the Medical Society, nor to any member thereof, that any organized opposition, either judicial or popular, has been made to the enforcement of such laws in any of the States in which such statutes exist, or that any effort has been made to repeal them, or that any conflict exists in regard to their utility and justice. It must therefore at least be inferred that the wisdom of such statute protection of physicians from enforced disclosure of the confidential communications of patients has been established, and it remains only to extend such protection to less favored communities.

The bill is intended to protect physicians from the compulsory disclosure of information acquired in a professional capacity, and which may be necessary to enable them to manage cases of sickness with intelligence and success. It frequently occurs that patients will conceal important, and sometimes absolutely necessary, information, and occasionally will deny the existence or previous occurrence of certain circumstances or conditions alleged by the physician, until admission or confession is extorted by some statement of the physician that longer concealment or denial would prove dangerous and perhaps fatal.

It is a recognized principle of law that a witness can not be forced to criminate himself. Surely information extorted by a physician, or communicated to him in the confidence of a confiding patient, should be equally inviolable as information known only to the witness himself. If a witness can not be compelled to criminate himself directly by confession in open court, is it not gross injustice to compel him to criminate himself indirectly by the compulsory disclosure of his confession or confidential communication to his physician made under duress, fright, or emotional impulse? If a man unwillingly confesses some circumstance, incident, or vice of his life to a physician to enable that physician to treat an existing ailment with intelligence, is it more than exact justice to grant him the right of refusing permission to such physician to disclose in open court such confidential communication? The bill is intended to protect the patient from such indirect and involuntary crimination of himself, and compulsory disclosure of a secret confided to his friend and physician.

The second paragraph of the protest of the six justices sets forth three averments in opposition to this bill:

(1) "New York is the only Atlantic Coast State" that has adopted such a law.

(2) "Arkansas is the sole Southern State" in which such a statute exists.

(3) "The legislation is comparatively recent, and of the States adopting it all are quite young, except those just mentioned (New York and Arkansas) and California, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Ohio, and Wisconsin."

The third averment carries with it the emphatic contradiction of the averment of recency, because of the admission that it is inapplicable to 11 of the 29 States in which such statutes exist. If the averment of recency were true, how would such fact disprove or lessen the wisdom and justice of such laws? On the contrary, it would seem to establish the equity of such legislation, because in evidence of the progress of a higher civilization and broader conception of private rights and privileges. The progress of civilization during the past twenty-four years (the first law dates back to 1872) has not been more clearly shown than in the many recent statutory modifications of and exemptions from legal traditions—than by such legislation in the States named, which has exempted 27,000,000 (census of 1890) citizens of this country from such compulsory disclosures.

The citation of one Atlantic Coast and one Southern State is even more fallacious, and partakes of the nature of a derisive appeal to geographical, sectional, or local prejudices. New York is the largest, most populous, and wealthiest of the original thirteen States. Why, then, may not her statute of exemption be accepted as testimony in support of the justice of such legislation; all the more strongly so because as yet there has been neither judicial nor popular remonstrance against such statutory protection of physicians from the compulsory disclosure of the confidential communications of her sick citizens? And surely Arkansas is old enough and her citizens are sufficiently advanced in civilization to know how best to protect her citizens in their private rights and privileges. So far, then, these two States may be cited as exemplars worthy of the emulation of other sister States still lagging in the tradition of the common law transmitted to us from English descent.

The Medical Society of the District of Columbia, as does the medical profession at large, admits (see third paragraph of protest) the justice of the exemption of legal advisers from enforced disclosure of the secrets of their clients, but it can not be admitted that such confidential communications are more sacred than the confidences of sick people. Legal advisers and attorneys are for the most part concerned with litigants, and their confidential information relates mainly to business matters and property values. The confidences of the physician refer most especially, and in most instances exclusively, to personal conditions, character, temperament, idiosyncrasies, vices, indiscretions of life, family history, inherited predispositions and diseases, and avoidable and unavoidable afflictions, social as well as pathological; and all this in the interest of health, longevity, and life. If these two widely different classes of confidences could be measured by any common or uniform standard, those of the physician would rise far above those of the attorney on the scale of inviolability.

It is stated in the same paragraph that if the privilege was not "extended to communications between legal adviser and client no man would dare consult a professional adviser with a view to his defense or the enforcement of his rights." The predicate and postulate are both conceded, and it is equally true that "no man would dare consult" his medical adviser with a view to the treatment and cure of disease if he knew that his confidential communications and confessions would be disclosed in open court. "The privilege extended to communications between legal adviser and client at common law" is based upon public policy, but that fact can not justify the limitation of the privilege exclusively to the legal profession, nor is it believed that popular judgment, always the safest depository of power, will sustain such contention.

Under the common law the physician can not protect himself from compulsory disclosure of confidential communications, nor can the common law be amended; relief can therefore only be obtained by statute law enacted by the legislature. The patient should be protected in the unreserved and fearless statement of his ailment and its cause. Suppose, for instance, an erring man by a candid confession aided his physician in the diagnosis of syphilis contracted by illicit intercourse, and is treated to his own advantage and to the protection of his wife and unborn children. If he knew his medical attendant could be compelled to convict him of adultery, he would hesitate to make such confession to his own destruction and ruin of his family.

According to the census of 1890, 27,472,236 citizens of this country have been exempted by State legislation from such compulsory disclosures as are set forth in the bills H. R. 2647 and S. 981. These bills seek to guarantee to this community the same protection. The original bill was prepared by a distinguished attorney of the local bar, after a careful examination of the statutes in the twenty States. This simple statement of facts is a conclusive answer to the protest of the six justices and establishes the wisdom and justice of such legislation.

I have the honor to be, your obedient servant,

SAMUEL C. BUSEY, M. D.,
President of the Medical Society of the District of Columbia.

Hon. JOHN W. ROSS,
President Board of Commissioners, District of Columbia.

The SPEAKER pro tempore. The attention of the Chair has been called to the fact that this is a Senate bill which has not been reported by any committee of the House.

Mr. BABCOCK. The House Committee on the District of Columbia has reported an exact duplicate of this bill, which is on the Calendar. The report was made by the gentleman from Ohio [Mr. HULICK], who will explain the bill.

Mr. HULICK. The House Committee on the District of Columbia directed me to report a similar bill to this. The original bill reported to the House is identical with the bill passed by the

Senate, but the House committee have recommended an amendment to its bill. Upon last Saturday, however, the Senate passed its bill with an amendment similar to that proposed by the House committee, and I wish to call attention to the amendments that are proposed by the House and Senate, respectively. In order to make the matter clear, I will first ask to have House bill No. 2647 read with the amendment proposed.

The bill (H. R. 2647) was read, as follows:

Be it enacted, etc., That in the courts of the District of Columbia no physician or surgeon shall be permitted, without the consent of the person afflicted, or of his legal representative, to disclose any confidential information which he shall have acquired in attending a patient in a professional capacity and which was necessary to enable him to act in that capacity, whether such information shall have been obtained from the patient or from his family or from the person or persons in charge of him: *Provided*, That this act shall not apply to evidence in criminal cases where the accused is charged with causing the death of or inflicting injuries upon a human being and the disclosure shall be required in the interest of public justice.

Mr. HULICK. It will be observed that the amendment proposed by the House committee has the word "confidential" before the word "information." The bill as amended by the Senate has after the word "information" the words "confidential in its nature." Now, it is for the House to determine whether they will accept the bill as it comes from the Senate or will adopt the amendment recommended by the House committee. Although there is not very much difference between the two, I would prefer the amendment of the House committee, and if the Senate had not already passed the bill in this amended form I should be inclined to insist upon our amendment. The expression "confidential information" is a fixed term, and the court would have to interpret it according as the facts and circumstances in each case should warrant. The language of the amendment made by the Senate, "information confidential in its nature," might be regarded as indefinite and uncertain, and I think it would be better to adopt the language recommended by the House committee.

The SPEAKER pro tempore. The Chair calls the attention of the House to the fact that the Senate bill is before the House as an original bill, and the House bill is not before the House.

Mr. HULICK. The House bill has been reported and is on the Calendar.

The SPEAKER pro tempore. It is on the Calendar, but it has not been called up. The Senate bill has been called up.

Mr. HULICK. Well, in connection with the Senate bill, I will ask that the House bill be taken up, so that both may be considered together.

The SPEAKER pro tempore. The chairman of the committee [Mr. BABCOCK] has called up the Senate bill, and of course only one bill can be considered at a time.

Mr. BABCOCK. This bill has already passed the Senate.

Mr. HULICK. That is true, but the House bill is on the Calendar, and while both bills can not be formally under consideration, yet the House may have before it at the same time the two amendments proposed, the one by the Senate and the other by the House, for the purpose of comparing them and determining which is preferable.

The SPEAKER pro tempore. The Senate bill only is before the House, but an amendment to that bill would be in order.

Mr. DOCKERY. I suggest that the gentleman from Ohio can attain the object he has in view by moving to amend the Senate bill.

The SPEAKER pro tempore. The Chair would suggest that in view of the parliamentary situation the better way would be to consider the Senate bill and allow the House bill to be afterwards tabled. Otherwise the bill would have to be sent to the Senate again.

Mr. HULICK. I recognize the parliamentary situation, and in view of the fact that there is merely a shade of difference between the Senate amendment and the one recommended by the House Committee on the District of Columbia, and as the Senate has already passed the bill, I think I shall not insist upon the House amendment.

The SPEAKER pro tempore. The question, then, is on concurring in the Senate bill.

Mr. HULICK. Mr. Speaker, there is one matter to which I wish to call attention, in connection with my remarks. The judges of the supreme court of the District of Columbia have signed a protest, or rather an argument, as will be observed in the report, against the passage of this bill. The committee, of course, have great respect for the opinions of that court and for the judges composing it. I know one of the judges personally, having practiced before him in Ohio. It is unnecessary to say that the opinion of the judges is a matter to which the committee have felt bound to give very full and careful consideration. This legislation is in derogation of the principle of the common law in regard to information or knowledge received by a physician from his patient. Hence the committee have felt that they should act deliberately in recommending the adoption of any measure not consistent with the opinion of a court of so high standing. Nevertheless the amendments which have been suggested to the original bill will, we think, overcome the objections which have been offered by the judges of that court.

In this connection, I wish to have printed in the RECORD a brief summary of the statutes adopted by the different States in regard to the matter embraced in this bill. I call attention to the fact that but one State has adopted in its statute the term "confidential" in reference to information thus obtained by a physician. I think that the point the judges had in mind was that the privilege should not be so broad as to cover every communication which might be made by a patient to his physician, or information obtained by him; they doubtless thought that the information intended to be protected by this privilege should be information confidential in its nature—such as was in fact intended by the patient to be confidential. Among the 21 States and Territories that have adopted laws of this kind only one—the State of Iowa—has inserted in its statute the term "confidential information." There are four States where this privilege applies only to civil actions. In those States in criminal investigations, where the death of a human being results, or where public justice requires the disclosure of the information, exceptions are made as we propose to make exception in this bill. I repeat that I think the suggestions made by the judges of this District in reference to this measure are met by the amendments of the committee which have been incorporated in the bill—amendments limiting this privilege to confidential information and also excepting from its application criminal cases such as I have described.

All the physicians of the District, or at any rate the most prominent ones, who have been consulted concur in indorsing this bill. They think that some measure of protection like this ought to be adopted so as to reenforce what is already the unwritten law of the profession, regarded among honorable physicians as equally obligatory with a statutory provision making information of this character privileged.

Members will remember the great case which recently created so much interest all over the world—a case which was decided only a short time ago in the English courts—the case of Dr. Playfair, who was required to pay a judgment of $40,000 for divulging (inadvertently, perhaps) information confidentially obtained which involved the character and reputation of one of his patients. This doctor, who was a physician to the royal family, was attending a sister of his wife, and in that relation obtained information relative to the disease or disability of his patient which he afterwards revealed (inadvertently, perhaps) to his wife, by whom it was communicated to other persons. The husband of the lady aggrieved brought suit against the doctor, and after a long litigation judgment was rendered against him and he was compelled to pay $40,000 for his indiscretion. In that case the doctor simply divulged the information to his wife. It has sometimes been suggested among members of the bar that the introductory words of so many legal documents, "Know all men by these presents," might be amended to read "Know one woman by these presents," because in that case everybody else would be sure to find it out. It is on that theory that a member of the medical profession is not permitted, by the rules of his profession or the unwritten law, which is as unchangeable as that of the Medes and Persians, as he will not be permitted by this statute, to communicate information thus confidentially obtained, even to his wife.

The object of this statute is to protect both the doctor and the patient; and the committee believe that the bill as framed and amended will effectually carry out that purpose.

The SPEAKER pro tempore. The gentleman from Ohio [Mr. HULICK] asks to have printed with his remarks certain statutes. The Chair hears no objection.

The statutes referred to are as follows:

ARKANSAS.

Confidential communication to physician or surgeon.—No person authorized to practice physic or surgery shall be compelled to disclose any information which he may have acquired from his patient while attending him in his professional character, and which information was necessary to enable him to prescribe as a physician or do any act for him as a surgeon. (Section 2919, page 758, revised statutes, Arkansas, 1894.)

—

CALIFORNIA.

A licensed physician or surgeon can not, without the consent of his patient, be examined in a civil action as to any information acquired in attending the patient which was necessary to enable him to prescribe or act for the patient. (Section 1881, page 621, 4 Code C. P., California.)

—

COLORADO.

A physician or surgeon duly authorized to practice his profession under the laws of this State shall not, without the consent of his patient, be examined as to any information acquired in attending the patient which was necessary to enable him to prescribe or act for the patient. (General statutes, 1883, page 1062, section 4.)

—

DAKOTA.

A physician or surgeon can not, without the consent of his patient, be examined in a civil action as to any information acquired in attending the patient which was necessary to enable him to prescribe or act for the patient. (Comp. Laws, 1887, section 5313, page 910.)

IDAHO.

A physician or surgeon can not, without the consent of his patient, be examined in a civil action as to any information acquired in attending the patient which was necessary to enable him to prescribe or act for the patient. (Revised Statutes, Idaho, 1887, page 679, section 5057.)

INDIANA.

Witnesses who are incompetent.—The following persons shall not be competent witnesses:

1. * * *
2. * * *
3. * * *
4. Physicians, as to matters communicated to them as such by patients in the course of their professional business, or advice given in such cases.

IOWA.

No practicing physician or surgeon shall be allowed in giving testimony to disclose any confidential communication properly intrusted to him in his professional capacity, and necessary and proper to enable him to discharge the functions of his office according to the usual course of practice or discipline. (Revised Code, Iowa, 1884, page 800.)

This State, as to confidential communication, etc., is the only one with that provision in it.

KANSAS.

A physician or surgeon concerning any communication made to him by his patient with reference to any physical or supposed physical disease, or any knowledge obtained by a personal examination of any such patient. (Comp. Laws, Kansas, page 645.)

MICHIGAN.

No person authorized to practice physic or surgery shall be allowed to disclose any information which he may have acquired in attending any patient in his professional character, and which information was necessary to enable him to prescribe for such patient as a physician, or to do any act for him as a surgeon. (General Statutes, Michigan, 1882, page 1829, section 7516.)

MINNESOTA.

A regular physician or surgeon can not, without the consent of his patient, be examined in a civil action as to any information acquired in attending the patient which was necessary to enable him to prescribe or act for the patient. (Statutes, Minnesota, section 5962, page 1541.)

MISSOURI.

Persons incompetent to testify.—Fifth. A physician or surgeon concerning any information which he may have acquired from any patient while attending him in a professional character, and which information was necessary to enable him to prescribe for such patient as a physician, or do any act for him as a surgeon.—(Revised Statutes, Missouri, 1879, page 690.)

MONTANA.

A licensed physician or surgeon can not, without the consent of his patient, be examined in a civil action as to any information acquired in attending the patient which was necessary to enable him to prescribe or act for the patient. (Montana Codes, 1895, page 679, section 3163.)

NEVADA.

A licensed physician or surgeon shall not, without the consent of his patient, be examined as a witness as to any information acquired in attending the patient which was necessary to enable him to prescribe or act for the patient: *Provided, however*, In any suit or prosecution against a physician or surgeon for malpractice, if the patient or party suing or prosecuting shall require or give such consent, and any such witness shall give testimony, then such physician or surgeon defendant may call any other physicians or surgeons as witnesses on behalf of the defendant without the consent of such patient or party suing or prosecuting. (General Statutes, Nevada, 1885, page 533, section 3400.)

NEW YORK.

Confidential communication to physician or surgeon.—A person duly authorized to practice physic or surgery shall not be allowed to disclose any information which he acquired in attending a patient in a professional capacity, and which was necessary to enable him to act in that capacity. (Section 8, page 1015, Revised Statutes, New York.)

OHIO.

SEC. 5241.—*Privileged communications and acts.*—The following persons shall not testify in certain respects: 1. An attorney concerning a communication made to him by his client in that relation, or his advice to his client; or a physician concerning a communication made to him by his patient in that relation, or his advice to his patient; but the attorney or physician may testify by express consent of the client or patient, and if the client or patient voluntarily testify, the attorney or physician may be compelled to testify on the same subject.

Mr. HULICK. Mr. Speaker, an examination of the statutes of the several States will disclose the tendency of legislation in the direction of this bill. We have not sought to go as far in this bill from the common-law doctrine as many of the States. The majority make any and all information derived from the patient privileged, both in civil and criminal proceedings. This bill makes exception in criminal cases and confines it to confidential information. Doubtless it will be but a short time when every State will adopt statutes similar to the one under consideration.

Mr. CURTIS of Iowa. The gentleman assents to the Senate bill as amended?

Mr. HULICK. Oh, yes; it will facilitate the passage of the bill.

Mr. BABCOCK. I ask that the bill be put on its passage.

The bill was ordered to a third reading, read the third time, and passed.

On motion of Mr. HULICK, a motion to reconsider was laid on the table.

Mr. HULICK. I now ask that House bill 2647, corresponding in its provisions to the Senate bill just passed, lie upon the table.

The SPEAKER. In the absence of objection, that order will be made.

RIGHTS OF MARRIED WOMEN.

Mr. BABCOCK. I now call up the bill (S. 1659) to amend the laws of the District of Columbia as to married women, to make parents the natural guardians of their minor children, and for other purposes.

The SPEAKER. Has a House bill substantially the same as this been reported and placed on the Calendar?

Mr. BABCOCK. The committee has made a report, but the report is not yet on the Calendar.

The SPEAKER. Under the rule, then, the bill could not come up except by unanimous consent.

Mr. BABCOCK. I am instructed by the committee to call up the Senate bill this morning and request its passage.

The SPEAKER. As the Chair understands, the bill has been favorably reported to the House, in which case it will be in order.

The bill was read, as follows:

Be it enacted, etc., That the property, real and personal, which any woman in the District of Columbia may own at the time of her marriage, and the rents, issues, profits, or proceeds thereof, and real, personal, or mixed property which shall come to her by descent, devise, purchase, or bequest, or the gift of any person, shall be and remain her sole and separate property, notwithstanding her marriage, and shall not be subject to the disposal of her husband or liable for his debts, except that such property as shall come to her by gift of her husband shall be subject to, and be liable for, the debts of the husband existing at the time of the gift.

SEC. 2. That a married woman, while the marriage relation subsists, may bargain, sell, and convey her real and personal property, and enter into any contract in reference to the same in the same manner, to the same extent, and with like effect as a married man may in relation to his real and personal property, and she may, by a promise in writing, expressly make her separate estate liable for necessaries purchased by her or furnished at her request for the family.

SEC. 3. That any married woman may carry on any trade or business, occupation or profession by herself or jointly with others, and perform any labor or services on her sole and separate account, and the earnings of any married woman from her trade, business, profession, occupation, labor, or services shall be her sole and separate property, and may be used and invested by her in her own name.

SEC. 4. That nothing in this act contained shall invalidate any marriage settlement or contract.

SEC. 5. That the husband shall not be liable for the payment of the wife's antenuptial debts, but she shall be liable to all remedies for the recovery of such debts, to be enforced against her and her separate property as if she were unmarried.

SEC. 6. That the father and mother shall be the natural guardians of the person of their minor children. If either dies or is incapable of acting, the natural guardianship of the person shall devolve upon the other: *Provided, however*, That in case of the death of either parent from whom the said children may inherit, or take by devise or bequest, the said parent may, by deed or last will and testament, appoint a guardian of the property of the children, subject to the approval of the proper court of the District of Columbia.

SEC. 7. That the survivor may by last will appoint a guardian of the person and property of any of the children, whether born at the time of making the will or afterwards, to continue during the minority of the child, or for a less time, subject at all times to removal for cause and appointment of another by the proper court.

SEC. 8. That dower shall hereafter be assigned to a widow entitled to the same in the equitable as well as the legal estate of her deceased husband.

Mr. FISCHER. Mr. Speaker, I would like to ask the gentleman in charge of this bill a question for information. It occurs to me from the reading of it that some mistake has been made in preparing the bill. You speak of the estate of married women and provide, as most of the State laws do, that she shall have power to dispose of the same; that it shall be and remain her sole and separate property, notwithstanding her marriage, and so on; but you say that a married woman may bargain or sell and convey real or personal property or make contracts "while the marriage relation subsists." Now, if, for instance, a woman be divorced on account of the fault of the husband, on statutory grounds, although she be the owner of property, under this provision it might be construed that she would have no right, the marriage relations no longer existing, to enter into contracts to sell property or to convey any kind of estate.

Mr. BABCOCK. Does the gentleman desire the information for his own use or for the benefit of the House?

Mr. FISCHER. Well, let us have it for the benefit of the House. Probably it would help them. I would like to get the information anyway. [Laughter.]

Mr. BABCOCK. I will state in reference to the bill under consideration that the whole object of the bill is to frame a law which will permit the marriage of a woman who is encumbered by debt, and prevent the debt being assumed by the husband.

I would say to the gentleman from New York that unfortunately at this time there are several gentlemen who are anxiously awaiting action by the House on such a bill as this. He may appreciate, therefore, how he would feel himself under such circumstances, as he would not perhaps like to assume an indebtedness of from one hundred to two or three hundred thousand dollars.

Mr. FISCHER. Well, I am speaking for the married women, not for myself. I wish simply to call the attention of the gentleman to the language of section 2, which provides that a married woman, while the marriage relation subsists, may do so and so. Perhaps that means while the marriage relation "exists."

Mr. DOCKERY. No; subsist is the proper word.

Mr. FISCHER. Very well; either way. But while the marriage relation subsists she may bargain, sell, and convey her real and personal property or enter into a contract, and so on. Suppose she owns property and the marriage relation does not subsist, still by a construction which could be given to this bill she would have no right to dispose of any of her property or make title to any real estate.

Mr. BABCOCK. Oh, no; she would not be affected at all.

Mr. POWERS. She can do that at any time if she owns the property—that is, she can make a title to it if she is not married.

Mr. HULICK. Under the common law she would have that right.

Mr. FISCHER. But you are undertaking to confer certain rights now in certain contingencies——

Mr. BABCOCK. If she is an unmarried woman she can dispose of her own property.

Mr. BRUMM. Does not she become a femme sole the moment she is divorced, and then has all the rights pertaining to any woman who is not married and who owns property?

Mr. FISCHER. That would depend upon the character of the divorce. If she is divorced on statutory grounds, then the marriage relations no longer subsist; but suppose that it is a divorce from bed and board—a separation—it might be held that the marriage still subsists, and she would be prohibited from making any disposition of her own estate.

Mr. BRUMM. The gentleman thinks there would be a difference in her status under the bill between a divorce a vinculo matrimonii and a divorce a mensa et thoro.

Mr. FISCHER. What I want is that in the passage of such a bill she can have the right to dispose of her own estate under either kind of divorce.

Mr. BRUMM. But let me suggest to the gentleman that if she is divorced absolutely she would come under the common law.

Mr. FISCHER. But if she is divorced from bed and board the marriage relation would still subsist.

Mr. BRUMM. Divorces for adultery or on statutory grounds are always absolute.

Mr. FISCHER. Certainly; but there are other characters of divorce where the marriage relation might be held still a subsisting relation.

Mr. BRUMM. The bill covers that case, the gentleman will find, just as well as the other.

Mr. FISCHER. I am only suggesting that there is some ambiguity about the language. I am not particularly anxious one way or the other.

Mr. POWERS. Does this bill provide a remedy for the wife with reference to her separate estate? Does it enable her, in other words, to keep her estate in her own name?

Mr. HULICK. Yes, sir; in relation to her own property she has that right. This bill was intended largely to meet the very suggestion of the gentleman from Vermont [Mr. POWERS].

Mr. POWERS. The bill is in the right direction.

Mr. HULICK. It agrees with the laws of the States as a rule with reference to the separate property of married women.

Mr. POWERS. Does it provide that she may sue at law, or must she go into equity?

Mr. HULICK. Section 3 provides—

That any married woman may carry on any trade or business, occupation or profession by herself, or jointly with others, and perform any labor or services on her sole and separate account, and the earnings of any married woman from her trade, business, profession, occupation, labor, or services shall be her sole and separate property, and may be used and invested by her in her own name.

Mr. POWERS. What will she do in the event some one undertakes to violate her right of property? Does she have the right of action? I do not notice any remedy provided in the bill for the married woman. She certainly should have the same right to sue at law and equity as if she were a femme sole. That is the legislation in most of the States with reference to the property of married women, as far as I know.

Mr. HULICK. That would seem to follow more by implication than by express provision in the statute.

Mr. POWERS. Now, that being so, I call the attention of the gentleman from Ohio to the fact that the only way in which a married woman can sue on general principles, in the absence of legislation, is in a court of equity; and that is on the ground that the court of equity, long before there was any legislation on the subject, worked out an equitable right for a woman to her own separate estate. It seems to me that this bill should provide that in case the property of a married woman is imperiled she shall have the same right of action at law that she would have if she were femme sole. I suggest to the gentleman that some such amendment should be offered.

Mr. HULICK. Mr. Speaker, I think there is a good deal of force in the suggestion of the gentleman from Vermont. While this bill gives to a married woman the property, real and personal, which she owns at the time of her marriage, and the rents and profits of it, and property which may come to her by purchase, descent, or bequest, and it remains her sole and separate property, not subject to the disposal of her husband, etc., yet I do not see any express provision in regard to her right to sue and be sued in the courts of the District in relation to her property. That provision generally follows the statutes that have been enacted in that respect which take the place of the common-law provisions. This gives her the right to control all these interests, and makes them her sole and separate property, but it falls short of what it ought to attain, because there is no provision by which she can sue and be sued as if she were femme sole.

Mr. POWERS. She should have the same authority exactly, and I suggest to the gentleman that it would be well to lay this bill aside and perfect it in the way which has been suggested.

Mr. HULICK. This is a bill which comes from the Senate. It has not been submitted to our committee. I think it ought to be referred to the committee for just such an amendment as suggested by the gentleman from Vermont. I had not read the bill before until he asked the question.

Mr. BABCOCK. I will ask unanimous consent to withdraw the bill until an amendment can be perfected covering this point.

The SPEAKER pro tempore. The gentleman withdraws the bill.

HARBOR REGULATIONS, DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker, I call up the bill (H. R. 8532) to establish certain harbor regulations for the District of Columbia.

The bill was read, as follows:

Be it enacted, etc., That it shall be unlawful for any owner or occupant of any wharf or dock, any master or captain of any vessel, or any person or persons to cast, throw, drop, or deposit any ballast, dirt, oyster shells, or ashes in the water in any part of the Potomac River or its tributaries in the District of Columbia, or on the shores of said river below high-water mark, unless for the purpose of making a wharf, after permission has been obtained from the Commissioners of the District of Columbia for that purpose, which wharf shall be sufficiently inclosed and secured so as to prevent injury to navigation.

SEC. 2. That it shall be unlawful for any owner or occupant of any wharf or dock, any captain or master of any vessel, or any other person or persons to cast, throw, deposit, or drop in any dock or in the waters of the Potomac River or its tributaries in the District of Columbia any dead fish, fish offal, dead animals of any kind, condemned oysters in the shell, watermelons, cantaloupes, vegetables, fruits, shavings, hay, straw, ice, snow, filth, or trash of any kind whatsoever.

SEC. 3. That any person or persons violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and on conviction thereof in the police court of the District of Columbia shall be punished by a fine not exceeding $100 or by imprisonment not exceeding six months, or by both such punishments, in the discretion of the court.

SEC. 4. That nothing in this act contained shall be construed to interfere with the work of improvement in or along the said river and harbor, under the supervision of the United States Government.

SEC. 5. That all acts or parts of acts inconsistent herewith are hereby repealed.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

SIDEWALKS, ETC., IN THE DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker, I call up the bill (H. R. 7469) for the removal of snow and ice from the sidewalks, cross walks, and gutters in the District of Columbia, and for other purposes.

The bill was read, as follows:

Be it enacted, etc., That the owner or tenant of each house or other building or lot or lots of ground in the cities of Washington and Georgetown, and in such other part or parts of the District of Columbia as the Commissioners of said District shall from time to time designate, shall, within the first four hours of daylight after every fall of snow, cause the same to be removed entirely from off the paved sidewalks opposite each house, building, lot, or land under the penalty of $1 for each lot for every such neglect, to be paid by the said owner or tenant; and such owner or tenant shall, under a like penalty, within five days after a notice to do so by the Commissioners, clean off and remove, or cause to be cleaned off and removed, all dirt, sand, gravel, or other refuse matter that may fall or be washed upon any paved sidewalk, roadway, or alley inside the cities of Washington and Georgetown and in such other part or parts of the District of Columbia as the Commissioners of said District shall from time to time designate.

SEC. 2. That in case the sidewalks are covered with ice the owner or tenant of any building, lot, or lots of ground in the cities of Washington and Georgetown, and in such other part or parts of the District of Columbia as the Commissioners of the said District shall from time to time designate, shall promptly cause the paved sidewalks or paved portions of the sidewalk opposite his, her, or their premises to be strewn with ashes, sand, sawdust, or some other suitable substance that will insure or contribute to the safety of pedestrians, under the penalty of $1 for each lot for every neglect, to be paid by the said owner or tenant.

SEC. 3. That in case the owner or tenant of any house, lot, building, or land shall neglect to comply with any of the provisions of the preceding sections of this act it shall be the duty of the Commissioners of the District of Columbia to cause the removal of snow and ice, or any dirt, sand, or gravel from all paved sidewalks and alleys in the cities of Washington and Georgetown, and in such other part or parts of the District of Columbia as the Commissioners of said District shall from time to time designate, wherever there has been a failure on the part of the owner or tenant as aforesaid to remove the same; and the cost of such removal, by order and under the direction of the said Commissioners, shall be assessed as a tax against the property to which the sidewalks in question belong, for the purposes of this act, and the said tax so assessed shall be carried to the regular tax roll of the District aforesaid, and shall be collected in the manner provided for the collection of other taxes.

SEC. 4. That it shall be the duty of the Commissioners of the District of Columbia, immediately after every fall of snow on the cross walks or in the gutters, forthwith to cause the same to be removed from the said cross walks to a width of 10 feet and from out of the said gutters to a breadth of 1 foot, in the said cities, respectively, and in such other part or parts of the District of Columbia as the Commissioners of said District shall from time to time

designate; and the said cross walks and gutters shall be kept clean and free from obstructions, and in case the cross walks are covered with ice it shall be their duty to cause such cross walks to be liberally sprinkled with sand or sawdust, or such other material as will insure safety to pedestrians.

The report (by Mr. CURTIS of Iowa) is as follows:

The Committee on the District of Columbia, to whom was referred the bill (H. R. 7469) entitled "A bill for the removal of snow and ice from the sidewalks, cross walks, and gutters in the District of Columbia, and for other purposes," beg leave to submit the following report, and recommend that said bill do pass without amendment.

The following letter from the District Commissioners will sufficiently explain the purpose of the bill:

"OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
"*Washington, February 26, 1896.*

"DEAR SIR: The Commissioners of the District of Columbia have the honor to recommend that 'An act for the removal of snow and ice from the sidewalks, cross walks, and gutters in the cities of Washington and Georgetown, and for other purposes,' approved March 2, 1895 (U. S. Stat. L., volume 28, page 809), be amended so that the title and the first, second, third, and fourth sections shall read as follows:

[Here follow the sections as set forth in the bill above.]

"This proposed amendment would embody three modifications of the present law:

"First. To provide for the removal of dirt, sand, gravel, and other refuse from the roadways as well as from the sidewalks, etc.

"Second. To extend the scope of the law, which now applies to the city of Washington only, to such other part or parts of the District of Columbia as the Commissioners of the said District shall from time to time designate, where the conditions are such as to render it necessary.

"Third. To correct an inadvertence in the third section of the original law, by providing that the assessment therein mentioned shall be carried on the regular tax roll of the District of Columbia, instead of 'the cities,' as now mentioned in said section.

"The reason for adding the word 'roadways' is that sand, gravel, and other refuse is washed from property the grade of which is higher than that of the contiguous street upon the roadway of the street, particularly on streets where there are no sidewalks. The cost of removing these accumulations from roadways is now a charge upon the street-cleaning department. There is no good reason why such material should not be removed at the expense of the owners of the abutting property, as the accumulation is due to their failure to grade the property down, or to provide means to prevent the washing or falling of material therefrom upon the roadway.

"A draft of the amendment suggested is inclosed, with request for its introduction in the Senate.

"Very respectfully, "JOHN W. ROSS,
"*President Board of Commissioners District of Columbia.*

"Hon. J. W. BABCOCK,
"*Chairman Committee on the District of Columbia,*
House of Representatives."

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

LOTS 13 AND 14, SQUARE 959, WASHINGTON, D. C.

Mr. BABCOCK. Mr. Speaker, I desire to present for the consideration of the House the bill (H. R. 4356) to confirm title to lots 13 and 14, in square 959, in Washington, D. C.

The bill was read, as follows:

Be it enacted, etc., That all the right, title, and interest, whether legal or equitable, of the United States of America in and to all those lots or parcels of ground situate in the city of Washington, D. C., and known on the ground plan of city as lots numbered 13 and 14, in square numbered 959, be, and the same hereby is, released and quitclaimed to Thomas Yates, the present owner of the equitable title to said lots, and to his heirs and assigns forever.

This act shall have the effect only of a quitclaim of all the right, title, and interest of the United States therein, but shall not affect an adverse title to said land, if any, nor create any liability on the part of the United States.

Mr. DOCKERY. Mr. Speaker, I should like some explanation of this bill.

Mr. HULICK. I call for the reading of the report.

The Clerk proceeded to read the report. During the reading,

Mr. HULICK said: Mr. Speaker, this is an adverse report upon this bill. The report was made quite full, so that there would be a record against the claimants and any other person or persons who might set up claim to this property. As the report is quite long, I suggest that it be printed in the RECORD, and that the reading of it be dispensed with.

The SPEAKER pro tempore. The gentleman from Ohio asks unanimous consent that the report be printed in the RECORD. Is there objection?

There was no objection.

The report (by Mr. HULICK) is as follows:

The Committee on the District of Columbia, to whom was referred the bill (H. R. 4356) to confirm title to lots 13 and 14 in square 959, in Washington, D. C., have given full consideration thereto, and fully concur in the opinion of the Attorney-General of the United States and the United States attorney for the District of Columbia that in the division made between the original proprietors and the Commissionersthe title to said lots became vested in the United States in fee simple, and that such title is now in the United States, and that Thomas Yates has no title, legal or equitable, in the same.

As a part of this report the letter of the United States attorney for the District of Columbia of March 2 instant is referred to, together with the report of his assistant, therein mentioned, relating to the ownership of said lots. The following is the letter:

"WASHINGTON, D. C., *March 2, 1896.*

"SIR: In response to your letter of February 20, 1896, transmitting to me a copy of House bill No. 4356, to confirm title to lots 13 and 14, in square 959, in Washington, D. C., and other papers received by you from the committee of the House on the District of Columbia, and instructing me to examine and report upon the condition of the title to said lots, I have the honor to state that Assistant District Attorney Taggart had, by my direction, made such examination, and his report in the premises is respectfully transmitted herewith. I have carefully considered the report of Mr. Taggart, from which it is clear that the title to said lots became vested in the United States in fee simple upon the allotments which took place originally between the proprietors of the lands upon which the city was laid out and the United States authorities. The property has never been disposed of by the United States, and title still remains in them to the property.

"Very respectfully, "A. A. BIRNEY,
"*United States Attorney, District of Columbia.*

"The ATTORNEY-GENERAL."

The following is the report of the assistant District attorney, which fully discloses the title of said lots:

"*Notes of title, as disclosed by the public records, to lots 13 and 14, in square 959.*

"Prior to the laying out of the city of Washington, all of the lands which fell within the proposed limits were conveyed by the original owners or proprietors to two trustees, viz, Thomas Beall, of George, and John M. Gantt, upon certain trusts, and among them that the said lands should be laid out 'for a Federal city, with such streets, squares, parcels, and lots as the President of the United States for the time being shall approve, and that the said Thomas Beall and John M. Gantt, or the survivor of them, or the heirs of such survivor shall convey to the Commissioners for the time being appointed by virtue of an act of Congress entitled "An act for establishing the temporary and permanent seat of the Government of the United States," and their successors, for the use of the United States forever, all the said streets and such of the said squares, parcels, and lots as the President shall deem proper for the use of the United States, and that as to the residue of the lots into which the said lands hereby bargained and sold shall have been laid off and divided, that a fair and equal division of them shall be made between the original owner of the land and said Commissioners,' etc.

"In accordance with the trusts so declared the various squares appearing upon the plan of the city were divided between the United States and the proprietors of the land upon which they were respectively located; the division took place by lots, into which the squares were subdivided. In accomplishing divisions and partitions of squares between the public and the proprietors, and for the purposes of perpetuating the evidence of such divisions and partitions, the agreement between them was committed to writing and signed by such proprietors or their representatives and by the Commissioners appointed under the act of Congress referred to in the deeds. These papers were signed in duplicate, one being given to the proprietor and the other being retained by the Commissioners, and recorded in books of the Commissioners' office entitled 'Register of Squares.'

"In suits affecting title to lots in the squares of the city, the allotments made by these instruments are considered to be the foundation of titles beyond which it is not necessary to go in proving record titles.

"George Walker, Notley Young, and the heirs of Abraham Young were the proprietors of adjoining tracts upon a portion of each of which the square 959 was laid out, and the following is a copy, from the public records, of the instrument executed by them in making a partition or disposition of the land in this square under the provisions of the respective deeds executed by them to Beall and Gantt in trust.

"At the request of the Commissioners appointed under the act of Congress for establishing the temporary and permanent seat of the Government of the United States, the following square in the city of Washington was recorded the 12th day of January, 1801:

"Bounded on the north by H street north, on the south by G street north, 231 feet 9 inches; on the east by Eleventh street east, on the west by Tenth street east, 280 feet 6 inches.

"As per return dated June 12, 1795.

"THOMAS FREEMAN."

"OCTOBER 20, 1799.

"R. KING.

"The Commissioners and George Walker, Notley Young, and the heirs of Abraham Young, deceased, the original proprietors of this square numbered 959 in the city of Washington, have agreed on the division thereof in manner following, to wit: Lots 1, 2, 15, and 16 are to remain to the said heirs, and lots 7, 8, 9, and 10 are to remain to the said Notley Young, and lots 3, 4, 5, 6, 11, 12, 13, and 14 are subject to be sold agreeably to the deeds of trust concerning lands in said city.

"Witness our hands this 29th day of October, in the year 1800.

"GUSTS. SCOTT,
"WILLIAM THORNTON,
"ALEX. WHITE,
"GEO. WALKER,
"SAML. YOUNG,
"NOTLEY YOUNG,
"*Commissioners.*

"Witness:
"WM. BRENT."

"Samuel Young, whose name is signed to the foregoing division of the square, was appointed guardian in certain proceedings between the heirs of Abraham Young, by the Maryland high court of chancery, and authorized on behalf of said heirs to represent them in divisions with the Commissioners of the city of the estate that belonged to said Abraham Young.

"Title in fee simple to said lots 13 and 14 thus became vested in the United States, and the public records fail to show that the United States has ever disposed of the same. The public authorities have always treated said lots as the property of the United States. The commissioner of public buildings, who was the successor in office of the original Commissioners under the legislation of Congress, wrote to the Secretary of the Interior, under date of June 17, 1864, in regard to the lots in the city belonging to the public. From this letter the following paragraph is abstracted:

"'I will mention two lots which stand upon the books of this office as clearly the property of the United States, viz, lots 13 and 14 in square No. 959. Mr. William B. Todd has a title to them, as he says, from Notley Young, of fifty years' standing. A large number of lots are, however, unquestionably the property of the United States. I respectfully recommend that those to which there is no claim by adverse title be advertised and sold at public auction. There is now much paving and other work necessary to be done about the city, to which, by law, the avails of the city lots is applicable, and it will be better to dispose of these lots now, when real property is in demand, than to let them lie idle to be squat upon, and the United States eventually lose them or grant them to individuals for a song, as has already been done in some instances.'

"In a report by Colonel Casey, Corps of Engineers, to General Humphreys, Chief of Engineers, United States Army, dated June 30, 1878, in regard to the public grounds of the city, he says, among other things:

"'The title of the United States to lots 13 and 14, square 959, was established,

and these lots were graded and filled to the level of the sidewalk, removing a stagnant pool of water of great injury to the people living in its vicinity.'

"The filling referred to by Colonel Casey, it would seem from certain papers on file in the office of the Chief of Engineers, was done after a report had been received from Mr. Wells, then United States attorney for the District, dated April 24, 1878, declaring the titles of the lots to be in the United States.

"Through some inadvertence or error on the part of the tax officials of the former corporation of the city of Washington, these lots 13 and 14 were entered in 1824 on the tax books in the name of Nicholas Young et al., who had no title to them or interest in them. Since that time the following deeds of conveyance of the property have been recorded in the office of the recorder of deeds of the District:

"Notley Young et al. (described as heirs at law and legatees of Nicholas Young) to William B. Todd. Deed dated November 3, 1851, and recorded June 4, 1852; Liber J. A. S., 39, folio 171. In consideration of $450 grantors convey lots 13 and 14, in square 959, together with many other lots in various squares.

"Edward W. Young et ux. to William B. Todd. Deed dated November 6, 1871; recorded November 8, 1871; Liber 666; folio 93. Confirms the above deed; grantors having been minors at the time of its execution and having since become of full age.

"Edward W. Young et ux. to William B. Todd. Deed dated November 6, 1871; recorded September 14, 1874; Liber 760, folio 271. This is a rerecord of the preceding deed.

"The heirs of Nicholas Young by three several deeds, two of them dated July 9, 1853, and the other dated November 5, 1853, and recorded, respectively, in J. A. S. 71, at folios 306, 402, and 404, convey certain real estate to George W. Young; George W. Young and wife conveyed it to John Carroll Brent, by deed dated November 8, 1856, and recorded in Liber J. A. S., 24, folio 222; Etta Brent, as only child and heir at law of John Carroll Brent, conveyed it to Mary D. Denman by a quitclaim deed dated December 1, 1877, and recorded in Liber 875, at folio 208; but these several deeds have no specific relation to said lots 13 and 14 in said square 599.

"Elizabeth G. Todd et al., widow and heirs at law of William B. Todd, to James L. H. Robinson. Deed dated May 13, 1892; recorded May 24, 1892; Liber 1690, at folio 330. In consideration of $10, grantors convey lots 13 and 14 in square 959.

"James L. H. Robinson et ux. to Frank L. Calhoun and John E. Benton. Deed of trust dated May 19, 1892; recorded May 24, 1892; Liber 1690, at folio 333. Grantors convey said lots in trust to secure William Mayse in $1,200, in four notes of $300 each, payable in six months, with interest, with power to sell in case of default in the payment of said notes.

"Under this deed of trust the property was sold and conveyed to William Mayse by a deed which is hereinafter noted. By this sale and conveyance the following deeds became inoperative:

"James L. H. Robinson et ux. to Rufus A. Morrison. Deed dated May 24, 1892; recorded May 24, 1892; Liber 1690, at folio 330. Grantors, in consideration of $10, convey said lots 13 and 14.

"Rufus A. Morrison to Agnes Robinson. Deed dated November 1, 1892; recorded January 27, 1893; Liber 1774, at folio 246. Grantor, in consideration of $10, conveys the same property.

"Agnes Robinson to Jay B. Smith and Rufus A. Morrison. Deed of trust, dated January 30, 1893; recorded January 27, 1893; Liber 1774, at folio 248. Conveys said lots 13 and 14 in trust to secure Tracy L. Jeffords $250; note payable with interest on or before one year after date, with authority to sell in case of default.

"Agnes Robinson to Susan A. Ruffin. Deed dated January 30, 1893; recorded February 9, 1893; Liber 1783, folio 115. In consideration of $11,000, conveys said lots 13 and 14.

"Susan A. Ruffin et vir. to Edward Q. Gunson. Deed dated February 7, 1893; recorded March 17, 1893; Liber 1804, folio 13. In consideration of $11,245.57, grantors convey said lots 13 and 14.

"Edward Q. Gunson et ux. to George W. Stickney and Robert R. Roberts. Deed of trust; dated February 7, 1893; recorded March 7, 1893; Liber 1804, folio 15. To secure debt of $7,493.23 to Susan A. Ruffin in five notes, one for $250, payable in one year with interest; one for $4,000, payable in two years with interest; one for $1,500, payable in two years with interest; one for $1,200, payable in two years with interest; and one for $443.23, payable in two years with interest, conveys said lots 13 and 14 in square 959. The deed provides that Gunson, his heirs or assigns, may subdivide the lots 13 and 14 into six or seven sublots, and to have this trust released and a new trust placed upon the property as subdivided, the indebtedness to be pro rata, etc.

"Frank L. Calhoun and John E. Benton, trustees, to William Mayse. Deed dated June 27, 1893; recorded July 7, 1893; Liber 1828, at folio 302. Conveys said lots 13 and 14, reciting the trust from James L. H. Robinson to grantors, dated May 19, 1892, and recorded in Liber 1690, at folio 333; that default was made in the payment of the debt mentioned in that instrument, and that the property had been sold to the grantee at public auction for $1,275.

"William Mayse et ux. to Thomas Yates. Deed dated July 27, 1893; recorded July 24, 1893; Liber 1815, at folio 434. In consideration of $1,300, grantors convey said lots 13 and 14.

"Thomas Yates et ux. to Charles F. Benjamin, trustee. Deed in trust dated May 10, 1895; recorded May 20, 1895; Liber 1997, at folio 457. Grantee is to hold the property by the terms of the deed, and to convey the same as grantor, his heirs, or assigns may direct, after grantee is paid for all expenses incurred in clearing the title from defects 'caused by their apparent conveyance to the United States at the time of the division of lots in said square,' etc.

"Thomas Yates to Frederick T. F. Johnson. Agreement dated December 14, 1894; recorded December 11, 1895; Liber 2067, at folio 421. Recites that Yates is the owner of lots 13 and 14 in square 959, subject to such title as may be outstanding in the United States, which outstanding title said Yates desires to secure and obtain, to which end he is desirous of securing and retaining the assistance and professional services of said Johnson, etc. Said Yates agrees to pay for such services and assistance a fee equal to 35 per cent of the market value of the property at the date when the title of the United States becomes vested in said Yates.

"The foregoing comprises all the information which I have been able to obtain from the public records bearing upon the title to said lots 13 and 14, in square 959. It establishes the fact conclusively that the fee-simple title to said lots is in the United States. Even if actual possession had been taken of the lots by the heirs of Nicholas Young, who was one of the sons of Notley Young, the original proprietor of the land, and that possession had been continuous on the part of every person mentioned in the chain and deriving title from said heirs, such possession could not avail against the United States, against whom the statute of limitations does not operate. The fact disclosed that the lot was filled by the public authorities in 1878 would indicate that down to that time there had certainly been no such possession.

"HUGH T. TAGGART,
"*Assistant District Attorney.*

"A. A. BIRNEY, Esq.,
"*United States District Attorney.*"

This report was submitted to the Attorney-General of the United States, and on the 3d of March last he submitted his opinion thereon in the following letter:

"DEPARTMENT OF JUSTICE, *Washington, D. C., March 3, 1896.*

"SIR: I have the honor to return herewith a copy of House bill No. 4356, to confirm title to lots 13 and 14, in square No. 959, in Washington, D. C., which was referred to me by your directions on the 1st ultimo, and also to transmit herewith, for your information, a copy of a letter received from the United States attorney for the District of Columbia, dated the 2d instant, together with the report of his assistant (Mr. Taggart) therein mentioned, both of which relate to the ownership of said lots, and exhibit the result of investigations concerning such ownership made pursuant to instructions of this Department.

"The aforesaid report gives a full history of the title to said lots, as shown by the records of the District of Columbia; and upon consideration thereof I concur in the opinion expressed by the United States attorney in his letter, namely, that in the division made between the original proprietors and the Commissioners on the 29th of October, 1801 (which is set forth in said report), the title to said lots became vested in the United States in fee simple, and that such title is still in the United States.

"I am, sir, very respectfully,
"JUDSON HARMON,
"*Attorney-General.*

"Hon. JOSEPH W. BABCOCK,
"*Chairman of Committee on the District of Columbia,*
"*House of Representatives.*"

Upon a full and fair consideration of the facts stated in said report, the conclusion is irresistible that the title, legal and equitable, to said lots was, on the 29th day of October, 1801, in the division made between the original proprietors and the Commissioners, vested in the United States in fee simple, and that such title is now in the United States.

The committee therefore report adversely to said bill, and recommend that it do lie upon the table.

Mr. BABCOCK. I move that the bill be indefinitely postponed.

The motion was agreed to.

LOT 5, IN SQUARE 1113, WASHINGTON, D. C.

Mr. BABCOCK. Mr. Speaker, I ask for the present consideration of the bill (H. R. 6172) authorizing the sale of the title of the United States in lot 5, square 1113, in the city of Washington.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to grant and convey unto Frank D. Orme, of the city of Washington, and his heirs and assigns, all the right, title, and interest of the United States in and to a certain lot of land in the city of Washington, in the District of Columbia, known upon the plat or plan of said city as lot No. 5, in square 1113, upon the payment by the said Frank D. Orme into the Treasury of the United States of the sum of $1,000, the assessed value of the said lot.

The Committee on the District of Columbia recommended the following amendment:

Add at the end of the bill the words:

"*Provided*, That before the said conveyance is made the said Frank D. Orme shall satisfy the Secretary of the Interior that all taxes and assessments against such lot have been paid."

Mr. DOCKERY. Mr. Speaker, I ask that the report on this bill be printed in the RECORD.

Mr. CURTIS of Iowa. This report is quite long, and if desired I can explain the nature of the bill. I ask that the report be printed. It fully sets forth the reasons for the passage of the bill. It is not necessary to consume the time of the House in reading it.

The SPEAKER pro tempore. The gentleman asks unanimous consent that the report on this bill be printed in the RECORD. Is there objection?

There was no objection.

The report (by Mr. CURTIS of Iowa) is as follows:

The Committee on the District of Columbia, to whom was referred the bill (H. R. 6172) entitled "A bill authorizing the sale of the title of the United States in lot 5, square 1113, in the city of Washington," beg leave to submit the following report, and recommend that said bill do pass, with an amendment as follows:

Add after the last word in section 1:

"*Provided*, That before the said conveyance is made the said Frank D. Orme shall satisfy the Secretary of the Interior that all taxes and assessments against such lot have been paid."

The reasons for the passage of the bill are very clearly set forth in the Senate report on Senate bill 2083, which is a duplicate of House bill 6172, which report is adopted as the report of your committee.

[Senate Report No. 795, Fifty-fourth Congress, first session.]

The bill was sent to the Commissioners of the District of Columbia, and at their instance was referred to the Attorney-General, who reports that the title to the lot in question is in the United States. The report of Hon. Hugh T. Taggart, assistant United States district attorney, which is given in connection with this report, shows that the Government holds this lot not as the sovereign, but as a landowner, as any individual might own land, such ownership coming from the division of the lots in the city of Washington between the Government and private individuals. The Government attempted to sell this particular lot, with others, to private parties, but through failure of the individuals concerned in the transaction the courts ordered the lots restored to the United States. However, the property had been repeatedly assessed as belonging to individuals, and in 1841 was conveyed by the corporation of the city of Washington to James McCormick, jr., from whom the chain of title is complete to Frank D. Orme, to whom the lot was conveyed July 1, 1893. Such conveyance was confirmed by a decree of the equity court on December 11, 1894.

Mr. Taggart, in summing up, says: "Limitations, of course, do not run against the United States, but assuming that there has been such an actual adverse possession of the lot by Frank D. Orme and those under whom he claims as would bar a private individual, a court might decide, under the peculiar circumstances of this case, that it was one in which to enforce it against the Government. Under the peculiar circumstances, I am of the

opinion that the case presented is a proper one to compromise by the relinquishment of the Government's title for a suitable consideration."

The assessed valuation of the lot is $1,000, but it already has cost Mr. Orme many times that amount, and the equities of the case are entirely with him. In the opinion of the committee, therefore, the Secretary of the Interior should be authorized and directed to grant and convey to him all the right, title, and interest of the United States in and to the said lot on the payment by him of $1,000.

The committee recommend, however, that the bill be amended by providing that Mr. Orme shall first satisfy the Secretary of the Interior that the taxes on the lot have been paid up to the time of the conveyance provided for.

The reports of the Commissioners, of the Attorney-General, and of the district attorney and assistant district attorney are given below. The report of Mr. Taggart is of decided historical value, as well as being a strong presentation of a class of questions constantly arising in Congress—the title to lots in the District of Columbia claimed by individuals, but by error retained by the Government.

—

OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, February 26, 1896.

DEAR SIR: The Commissioners have the honor to suggest, with reference to Senate bill 2083, authorizing the sale of the title of the United States in lot 5, square 1113, in the city of Washington, which was transmitted to them at your instance for their examination and report, that inasmuch as the matters mentioned therein concern the right, title, and interest of the United States in the property involved, the subject more directly pertains to the purview of the Department of Justice. They therefore recommend that the bill be submitted to the Attorney-General of the United States with the object of obtaining a report thereon by the United States attorney for the District of Columbia, who is the official upon whom the making of such investigations customarily devolves.

Very respectfully,

JOHN W. ROSS,
President Board of Commissioners District of Columbia.

Senator JAMES MCMILLAN,
Chairman Committee on District of Columbia,
United States Senate.

—

DEPARTMENT OF JUSTICE, *Washington, D. C., April 11, 1896.*

SIR: I have the honor to return herewith a copy of Senate bill No. 2083, authorizing sale of the title of the United States in lot 5, square 1113, in the city of Washington, which was referred to me by your direction on the 29th of February last, and also to transmit herewith for your information a copy of a letter received from the United States attorney for the District of Columbia, dated the 9th instant, together with a copy of the report of his assistant (Mr. Taggart) therein mentioned, both of which relate to the ownership of said lot and exhibit the result of investigations concerning such ownership made pursuant to instructions of this Department. The report gives a history of the title to the lot as shown by the records of the District of Columbia, and from the information thus furnished I am of opinion that the United States has a good and valid title to the premises.

I am, sir, very respectfully,

JUDSON HARMON,
Attorney-General.

Hon. JAMES MCMILLAN,
Chairman of Committee on the District of Columbia,
United States Senate.

—

WASHINGTON, D. C., *April 9, 1896.*

SIR: I have the honor to state that, in accordance with the directions contained in your letter to me of the 3d ultimo, I have made an investigation with a view to ascertaining "the right, title, and interest" of the Government in and to lot 5, in square 1113, being the lot referred to in Senate bill No. 2083, Fifty-fourth Congress, first session.

The condition of the title to the lot is shown in a report made to me by Assistant District Attorney Taggart, which is inclosed herewith. From this report it appears that the legal title to the lot passed from the Government to James Greenleaf by a certificate granted to him under date of July 10, 1794, and which was duly recorded among the land records, and that it remained outstanding in Greenleaf and his assignees until restored to the United States by a decree of court passed in the year 1831; that immediately it was listed for taxation, for the nonpayment of which it was sold and a tax deed issued.

The only title of Mr. Orme is traceable to this tax deed, and the question presented is whether in the event of a suit an adverse possession under it could, the circumstances considered, be successfully set up as a bar against the United States. I have carefully considered the views expressed by Mr. Taggart, and concur in his opinion that the conflicting claims of the Government and of Mr. Orme in the premises make the case a proper one for adjustment through compromise, and that the interest of the United States should be relinquished upon the payment of a suitable sum.

The condition of the title to this lot is substantially the same as that of the title to lot 1 in the same square, in respect of which I recently made a like recommendation.

Two papers transmitted to me with your letter are herewith returned.

Very respectfully,

A. A. BIRNEY,
United States Attorney, District of Columbia.

The ATTORNEY-GENERAL.

—

Notes of title as disclosed by the public records to lot 5 in square 1113.

Through agreements with the original proprietors of the land and conveyances by them to two trustees, Thomas Beall and John M. Gantt, the United States became entitled, upon the founding of the city of Washington, to one-half of all the building lots in the squares laid out within the limits of the city.

The partition of lots in any square between the United States Commissioners, appointed under the act of July, 1790 (providing for the establishment of the permanent seat of the Government), and the original proprietors of the land upon which the square was laid out was usually accomplished by arrangement between the parties; prior to such partition the land in any square was held by the public and the individual in equally undivided parts. By the partition each took in severalty the lots assigned to them respectively. In some instances the whole square would be assigned to one or the other, and the title to a particular square or lot is traced to the United States or to an individual, as it went to the one or the other on the partition.

In the partition of square 1113 the whole of it became the property of the United States.

The following is a copy of the instrument in relation to it, which was signed by the parties and recorded:

"At the request of the Commissioners appointed under the act of Congress for establishing the temporary and permanent seat of the Government of the United States, the following square in the city of Washington was recorded the 27th day of May, 1800:



"SQUARE NO. 1113, CITY OF WASHINGTON.

"Bounded by the south by D street south, 413 feet 4 inches; the east by Nineteenth street east, 39 feet 6 inches; the west by Eighteenth street east, 254 feet 6 inches; the northeast by Massachusetts avenue, 464 feet 7 inches.

"As per return dated November, 1793.

"JAMES R. DERMOTT."

—

MAY 27, 1797.

The Commissioners and heirs of William Young, deceased, original proprietors of this square, numbered 1113, in the city of Washington, have agreed the whole of the said square shall be subject to be sold agreeably to the deeds of trust concerning lands in the said city. Witness our hands this 28th day of September, 1797.

GUSTS. SCOTT,
WILLLIAM THORNTON,
ALEX. WHITE,
Commissioners.

Witness:
T. MONROE.
JAMES R. DERMOTT.

RUTH ANN YOUNG,
For herself and as mother and natural guardian to Alexander, Manduit, Mary, and Nancy Young, infant children of William Young, deceased.
By JOHN OAKLY,
Their Attorney.

ABEL JENNER,
WILLIAM YOUNG,
Heirs of William Young.

The records of the early Commissioners of the city and those in the office of the recorder of deeds show that on September 23, 1793, said Commissioners entered into an agreement with James Greenleaf for the sale to him of 3,000 of the lots belonging to the United States, and that they also agreed with Robert Morris for the sale to him of 3,000 of said lots. These agreements were consolidated by one of December 24, 1793, making a sale to said Greenleaf and Morris, jointly, of 6,000 lots upon certain terms: 4,500 of the lots were to lie southwest of Massachusetts avenue and the remaining 1,500 to lie northeast of said avenue, etc. The lots were to be selected from those belonging to the public, and they were excluded from making selections in certain squares mentioned, square 1113 not being among them.

On July 9, 1794, the Commissioners entered into an agreement with said Greenleaf, which recited that Greenleaf was negotiating a loan in Holland of £300,000 current money of Maryland, to be secured by a mortgage on lots in the city; that the Commissioners desired to increase their funds, and had agreed to take one-third of the loan, and had given Greenleaf a certificate for 1,000 lots to make up their one-third of the security by which the legal title would be put in Greenleaf for that purpose. The agreement also recited that certificates had been given to Greenleaf for other lots, for which the Commissioners had taken the bond of said Greenleaf and John Nicholson; and the agreement provided for a redemption and reconveyance to the Commissioners of the lots to be pledged as their part of the security for the loan, etc.

By one of the certificates from the Commissioners to said Greenleaf, dated July 9, 1794, and recorded in Liber B, at folio 44, of the land records, the title to 500 lots is transferred in fee, the lots in square 1113 being among them.

Greenleaf, with a view to obtaining the loan, conveyed to Rutger Van Schimmelpfennick, Peter Godefroy, and Robert Daniel Crommelin, of Amsterdam, in the United Netherlands, by deed dated July 28, 1794, (B, folio 65), a great number of lots and squares, and among them square 1113.

The negotiation fell through and the grantees reconveyed the property to Greenleaf by deed dated June 26, 1795. (B, folio 493.)

He then apparently negotiated the loan with the house of Gilles Groenveldt, Rudolph Mees, and Peter van der Wallen van der Hoven, of Amsterdam, and conveyed to them by deed dated July 29, 1795 (B, folio 496), a great number of lots and squares, including square 1113.

By deed dated May 13, 1796 (B, folio 532), Greenleaf conveyed all the lots to which he derived title by the certificate of July 9, 1794 (B, folio 44), to Robert Morris and John Nicholson as tenants in common.

Greenleaf, Morris, and Nicholson were engaged in large speculations in property in the city of Washington and elsewhere, and all became bankrupt and made assignments for the payment of debts. Their business relations with the Commissioners were the cause of great embarrassments to the latter, and it would serve no useful purpose here to detail the complex and intricate history of them.

Greenleaf, Morris, and Nicholson conveyed to Henry Pratt and others their lots in Washington, in trust to secure payment of their debts, by deed dated June 26, 1797 (C, folio 204); Notley Maddox, sheriff of Prince George

County, Md., conveyed to William H. Dorsey square 1113 and other squares which he had sold under executions issued on judgments against Greenleaf, by deed dated January 31, 1799 (D, folio 298), and Dorsey conveyed the same to said Henry Pratt et al. by deed dated January 26, 1803 (I, folio 263), to hold upon the trusts in the deed to them from Greenleaf et al. of June 26, 1797, and reciting that the purchase money had been paid by said Pratt et al., and that he (said Dorsey) simply held in trust for them.

Gillis Groenveldt et al. filed in the old circuit court of the District of Columbia their bill in equity January 17, 1803, against James Greenleaf, Henry Pratt, et al., and Thomas Monroe, the superintendent of the city of Washington (who had succeeded to the powers of the Commissioners under the act of Congress), setting forth the deed to them from Greenleaf, that a large part of their debt was unpaid, and praying for a foreclosure of the mortgage.

By the decree passed in this cause March 21, 1831, the parties were directed to convey to the United States, among other property, the square 1113, and it was provided that if such conveyance was not made within the time limited, then the decree should stand as such.

In one of the books of the early Commissioners the six lots in this square are marked as "selected by Morris and Nicholson." The certificate given by the Commissioners to Greenleaf July 9, 1794 (B, folio 44), recites that the 500 lots transferred had been paid for by Greenleaf, and that he was entitled to hold them in fee simple.

Whether the title of Greenleaf was originally a perfect one to the lots in the square or not, the fee simple as against him and his grantees and the trustees under his assignment for the benefit of creditors, and as against the Groenveldt mortgage, became by the decree of 1831 vested in the United States.

The papers and books relating to city affairs, sales of lots, etc., are now in charge of Col. John M. Wilson, Corps of Engineers, United States Army, and I am informed at his office that there is nothing there indicating that the United States has ever disposed of its interest in lot 5 in this square. The land records of the recorder's office contain nothing to indicate it. It may, therefore, be safely assumed that the title of the United States is a good one in fee simple to said lot 5 in square 1113, subject only to such rights as may have been acquired under deeds issued by the late corporate authorities of the city of Washington in pursuance of sales for delinquent taxes, under which arise and upon which are predicated the rights of the present claimants of the lot.

It is a general principle that the property of the sovereign is not subject to taxation or its incidents, unless authority is specifically granted for that purpose to subordinate agencies, in the matter of municipal rule. It is also clear as matter of law that in many instances where the Government steps down from the high pedestal of sovereignty and becomes a property owner after the manner of an individual, its ownership of property not necessary for the purpose of government is to be treated in the same manner as the property of an individual would be under like circumstances. The only question, therefore, in the present case is whether the facts shown make it a proper one for the application of the rule.

By the certificate from the United States commissioners of July 9, 1794 (B, folio 44), the legal title became vested of record in James Greenleaf; by his conveyance to Gilles Groenveldt et al. it became vested in them; by his deed to Morris and Nicholson his interest passed to them, and by the assignment to Henry Pratt et al. it became vested in them, at least in so far as the equity of redemption was concerned. The property was, under these circumstances, very properly, in my opinion, listed for taxation, and in the year 1803 it was listed in the name of Henry Pratt et al.; in 1819 it was listed for taxation in the name of Gillis Groenveldt et al.

Finally it was sold by the corporation of the city for delinquent taxes assessed upon it as the property of Groenveldt et al. for the years from 1827 to 1835. In pursuance of this sale it was conveyed by the corporation to James McCormick, jr., by deed dated May 12, 1841, and recorded April 21, 1841, in Liber W. B. 93, at folio 149. Tax deeds of that date are all defective by reason of informalities in complying with the law.

By a decree for the partition of James McCormick's real estate among his heirs, dated January 9, 1846, and recorded March 14, 1849, in Liber J. A. S. 3, folio 1, it was assigned to Caroline H. McCormick. The proceedings in which the decree was rendered took place in Baltimore County, Md., and of course ordinarily could not affect property in this jurisdiction. Caroline H. McCormick intermarried apparently with Earle, and by deed dated June 15, 1849, and recorded July 19, 1849, in Liber J. A. S. 5, folio 293, conveyed the lot to William B. Todd.

Todd conveyed to Lampkin by deed dated October 3, 1851. (J. A. S. 31, folio 454.)

Lampkin conveyed to Beall by deed dated August 2, 1858. (J. A. S. 159, folio 225.)

Beall conveyed to Cox by deed dated February 18, 1859. (J. A. S. 170, folio 49.)

Cox reconveyed to Beall June 9, 1859. (J. A. S. 177, folio 372.)

Beall conveyed to Lanahan February 22, 1860. (J. A. S. 190, folio 406.)

Lanahan conveyed to Snowden in trust to secure debt February 23, 1860. (J. A. S. 190, folio 406.)

Snowden sold under the trust and conveyed to Bratt January 11, 1861. (J. A. S. 207, folio 231.)

Bratt conveyed to Mitchell July 27, 1864. (N. C. T. 41, folio 285.)

Mitchell conveyed to William B. Todd July 18, 1864. (N. C. T. 42, folio 72.)

Todd died intestate in the year 1873, and Seth J. Todd, one of his children and heirs at law, died in 1874, leaving by will all his estate to his widow, Georgie D. Todd.

The widow of William B. Todd and his adult heirs, together with Georgie D. Todd, devisee of Seth J. Todd, conveyed said lot 5, square 1113, to Thomas H. G. Todd November 24, 1874 (777, folio 1).

Thomas H. G. Todd conveyed to Walker April 25, 1892 (1676, folio 326).

Walker conveyed to William Mayse July 23, 1892. (1696, folio 456).

William Mayse and wife conveyed to Calhoun and Benton in trust, to secure Frank D. Orme in an indebtedness of $3,500, July 1, 1893 (1832, folio 246).

Frank D. Orme, on September 29, 1894, filed his bill in equity against Calhoun and Benton, the trustees, and Mayse, the grantor in and the debtor under the deed of trust. The bill alleges the insolvency of Mayse, his failure to keep property insured and to pay taxes, etc., and prays for a foreclosure of the trust. On December 11, 1894, the decree was passed by the court providing, among other things, for a sale of the property and appointing Edwards and Hood trustees to make such sale. They reported sale to Frank D. Orme, which was duly ratified and confirmed.

The trustees, Edwards and Hood, conveyed to Frank D. Orme by deed dated August 28, 1895 (2089, folio 425).

Limitations, of course, do not run against the United States, but assuming that there has been such an actual adverse possession of the lot by Frank D. Orme, and those under whom he claims, as would bar a private individual, a court might decide, under the peculiar circumstances of this case, that it was one in which to enforce it against the Government.

Under the peculiar circumstances, I am of the opinion that the case presented is a proper one to compromise by the relinquishment of the Government's title for a suitable consideration.

HUGH T. TAGGART,
Assistant United States Attorney.

A. A. BIRNEY, Esq.,
United States Attorney, District of Columbia.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. CURTIS of Iowa, a motion to reconsider the last vote was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bills and joint resolutions of the following titles; in which the concurrence of the House was requested:

A bill (S. 2889) to aid and encourage the holding of the Tennessee Centennial Exposition at Nashville, Tenn., in the year 1897, and making an appropriation therefor;

A bill (S. 2519) to amend section 4746 Revised Statutes of the United States;

A bill (S. 2462) to provide for the making of allotments of pay by officers of the Navy and the Marine Corps;

A bill (S. 2407) to supplement the act of June 27, 1890, as to pensions;

A bill (S. 2406) concerning the weight of evidence in pension claims;

A bill (S. 2404) defining and regulating proof in certain pension cases;

A bill (S. 2232) to vacate Sugar-Loaf Reservoir site in Colorado and to restore the lands contained in the same to entry;

A bill (S. 2047) extending the time within which the University of Utah shall occupy lands heretofore granted to it;

A bill (S. 1938) allowing Isaiah Mitchell, of Denver, Colo., seven years within which to make a final homestead entry upon certain land;

A bill (S. 1923) granting to the city of Bismarck, N. Dak., the right to lease and use for public purposes Sibley Island, an island in the Missouri River;

A bill (S. 1709) for the relief of J. Henry Rives;

A bill (S. 1609) for the erection of a statue to Commodore John D. Sloat in the city of Monterey, Cal.;

A bill (S. 1555) for the relief of the sufferers by the wreck of the United States revenue cutter *Gallatin* off the coast of Massachusetts;

A bill (S. 1188) to provide for the erection of a monument to Gen. Nathaniel Greene on the battlefield of Guilford Court-House.

A bill (S. 837) making an appropriation for the benefit of the estate of William Moss, deceased;

A bill (S. 814) for the relief of John W. Gummo;

A bill (S. 589) for the relief of C. B. Bryan & Co.;

A bill (S. 488) for the relief of the legal representatives and devisees of James W. Schaumburg;

A bill (S. 434) for the relief of William F. Wilson;

A bill (S. 338) for the relief of George F. Roberts, administrator of the estate of William B. Thayer, deceased, surviving partner of Thayer Bros., and others;

A bill (S. 260) to provide for the construction of a public building at Butte City, Mont.;

A bill (S. 80) for the relief of John F. W. Dette; and

Joint resolution (S. R. 83) directing and authorizing the Secretary of War to ascertain the cost of securing for the United States the channel in Atchafalaya Bay, Louisiana.

The message also announced that the Senate had passed without amendment bills of the following titles:

A bill (H. R. 175) authorizing the Secretary of War to make certain uses of national military parks;

A bill (H. R. 1020) granting an increase of pension to Gilman Williams;

A bill (H. R. 1980) to provide a life-saving station at or near Point Bonita, at the Golden Gate, in the State of California;

A bill (H. R. 3606) granting a pension to French W. Thornhill;

A bill (H. R. 5481) to restore the lands embraced in the Fort Lewis Military Reservation, in the State of Colorado, to the public domain;

A bill (H. R. 6431) to pay Peter P. Ferguson $1,765;

A bill (H. R 7324) to authorize and empower the State of South Dakota to select the Fort Sully Military Reservation in said State as a part of the lands granted to the State under the provisions of an act to provide for the admission of South Dakota into the Union, approved February 22, 1889, and for indemnity school lands, and for other purposes; and

Joint resolution (H. Res. 167) authorizing foreign exhibitors at the Tennessee Centennial Exposition, to be held in Nashville, Tenn., in 1897, to bring to this country foreign laborers from their respective countries for the purpose of preparing for and making their exhibits, and allowing articles imported from foreign countries for the sole purpose of exhibition at said exposition to be imported free of duty under regulations prescribed by the Secretary of the Treasury.

INDIAN APPROPRIATION BILL.

Mr. SHERMAN. Mr. Speaker, I submit a conference report on the bill (H. R. 6349) "making appropriations for the current

and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1897, and for other purposes."

Mr. BABCOCK. Does the gentleman desire action on this bill now?

Mr. SHERMAN. I do, Mr. Speaker. It is not a final report, however. We ask for a further conference. This report does not reach a conclusion so far as such matters as sectarian schools and the Old Settlers' claims or some other matters about which I think there might be some controversy are concerned. I think there is nothing in this report that would create any difference of opinion upon the floor.

Mr. RICHARDSON. I would ask the gentleman, if it should provoke such controversy, would he withdraw its consideration?

Mr. SHERMAN. In that event I have no objection to allowing it to be printed and let it come up to-morrow.

Mr. RICHARDSON. I make that request in order that we may go on with our business.

Mr. SHERMAN. I am entirely satisfied for it to take that course.

Mr. CANNON. Is there much in it?

Mr. SHERMAN. Not for the gentleman from Illinois. For him I think there is nothing "in it." [Laughter.]

Mr. CANNON. Let us hear it read.

Mr. SHERMAN. I ask that it be read, and if any gentleman insists on its being printed, I shall not insist on action now.

Mr. HERMANN. Before that is done I would like to ask the gentleman a question, whether he can refer to an item in the bill with reference to the appointment or the creation of a commission for the purpose of settling a boundary dispute with reference to the Klamath Indian Reservation in the State of Oregon?

Mr. SHERMAN. On the question of that commission my recollection is we have not agreed in conference. We propose generally in such matters not to have a commission, but to leave the questions to be settled by the Indian inspectors through the Secretary.

Mr. HERMANN. I understand, however, that in the report which is now submitted this is among those items not agreed to.

Mr. SHERMAN. That is so. There are fifteen or twenty items that we did not agree to, and upon which we ask a further conference, and this is one of them.

Mr. CANNON. This is not a final report, then?

Mr. SHERMAN. It is not a final report.

Mr. HERMANN. I made this inquiry to find out whether it was a final report. And I desire to say that the delegation wish to submit to the conferees certain facts in regard to this matter, provided it is not a final report.

Mr. SHERMAN. It is not a final report, and we will be glad to have any facts submitted to the committee.

The report of the committee of conference was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6249) making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1897, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 4, 6, 7, 11, 21, 22, 29, 30, 34, 35, 43, 62, and 90.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 5, 8, 9, 10, 12, 13, 15, 17, 18, 19, 23, 24, 25, 27, 28, 32, 36, 38, 39, 40, 41, 42, 44, 50, 53, 54, 55, 58, 59, 60, 61, 63, 65, 72, 73, 74, 75, 79, 80, 81, 82, 88, and 89, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with amendments as follows: Strike out, in line 19, page 29 of the bill, the word "Kickapoos," and insert in lieu thereof the words "Kickapoos in Kansas," and in lieu of the matter inserted by said amendment insert the following:

"KICKAPOOS IN OKLAHOMA.

"To enable the Secretary of the Interior to assist the Kickapoo Indians of Oklahoma Territory who have not accepted their allotments to make improvements upon said allotments as fast as accepted and to purchase seed grain and subsistence for said Indians, $5,000, to be immediately available. The sum of money now in the Treasury of the United States belonging to said Indians shall be retained as a permanent fund, upon which the Treasurer shall pay to said Indians annually interest at the rate of 5 per cent per annum from July 1, 1895."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: Add at the end of said amendment the following: "And sections 669, 670, 671, of chapter 27, of Mansfield's Digest of the Laws of Arkansas covering deeds, mortgages, liens, and instruments of writing pertaining to real estate, are hereby extended over and put in force in said Quapaw Agency, Indian Territory. That the allottees of said land within the limits of said Quapaw Agency are authorized to lease the same for a term not exceeding three years for farming purposes, or five years for mining or business purposes"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with amendments as follows: Strike out from said amendment the word "Santee," and add at the end of said amendment the following: "and North and South Dakota"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: Add at the end of said amendment the following: "and charged against any funds belonging to said Lower Brule Indians now in the Treasury of the United States"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: Strike out, in line 12, page 39, of the bill the word "divided" and insert in lieu thereof the word "expended"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: Add at the end of said amendment the following:

"And not exceeding $1,500 for necessary traveling and incidental expenses of such persons.

"For completing the work of the Puyallup Indian Commission appointed under the act of March 3, 1893, to select and appraise such portions of the allotted lands within the Puyallup Indian Reservation, Wash., as are not required for homes for the Indian allottees; and also that part of the agency tract, exclusive of the burying ground, not needed for school purposes, and for the purpose of defraying the expenses of said Commission, $4,000, to be reimbursed to the United States out of the proceeds of the sale of the agency tract and allotted lands, as provided in said act, to be immediately available; and said Commission shall conclude its work and terminate on or before the 1st day of December, 1896."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"The Secretary of the Interior is hereby authorized to negotiate through the Indian inspectors of his Department with the Indians residing on the Fort Hall Indian Reservation, in the State of Idaho, and with the Indians residing upon the Uintah Reservation, in the State of Utah, for the surrender of any portion of their respective reservations, or for such modification of existing treaties as may be deemed desirable by said Indians and the Secretary of the Interior, any agreement thus negotiated being subject to subsequent ratification by Congress."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with amendments as follows: Strike out, in line 3 of said amendment, the word "three" and insert in lieu thereof the word "two"; and strike out, in line 42 of said amendment, the words "sufficient proof" and insert in lieu thereof the word "conviction"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 67, and agree to the same with an amendment as follows: Add at the end of said amendment the following: ", and said sum shall be in full payment and satisfaction of all claims of the said Campbell or his representatives for said money and lands and interest therein, and the receipt of said Campbell for said sum shall so specify"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 91, and agree to the same with amendments as follows: Strike out, in line 4 of the last paragraph of the amendment, the words "section 2 of this act" and insert in lieu thereof the words "this section"; and add at the end of said paragraph the following:

"*Provided, however*, That any person who in good faith prior to the passage of this act had discovered and opened or located a mine of coal or other mineral shall have a preference right of purchase for ninety days from and after the official filing in the local land office of the approved plat of survey provided for by this section."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 92, and agree to the same with amendments as follows: Strike out, in line 4 of the last paragraph of the amendment, the words "section 2 of this act" and insert in lieu thereof the words "this section"; and add at the end of said paragraph the following:

"*Provided, however*, That any person who in good faith prior to the passage of this act had discovered and opened or located a mine of coal or other mineral shall have a preference right of purchase for ninety days from and after the official filing in the local land office of the approved plat of survey provided for by this section."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 93, and agree to the same with amendments as follows: Strike out, in line 4 of the last paragraph of the amendment, the words "section 2 of this act" and insert in lieu thereof the words "this section"; and in line 12 of said paragraph, after the word "opened," insert the words "or located"; and strike out, in the last line of said paragraph, the words "section 2 of this act" and insert in lieu thereof the words "this section"; and the Senate agree to the same.

On amendments numbered 33, 37, 46, 47, 48, 49, 52, 56, 64, 66, 68, 69, 70, 71, 76, 77, 78, 83, 84, 85, 86, 87, and 94 the committee of conference has been unable to agree.

J. S. SHERMAN,
CHARLES CURTIS,
GEORGE C. PENDLETON,
Managers on the part of the House.

R. F. PETTIGREW,
H. M. TELLER,
F. M. COCKRELL,
Managers on the part of the Senate.

Mr. BABCOCK (during the reading of the report). Mr. Speaker, I ask unanimous consent that the further reading of the conference report be dispensed with.

Mr. DOCKERY. Mr. Speaker, this is too important a matter to have the reading dispensed with.

Mr. BABCOCK. I do not understand that the gentleman in charge of the report desires to dispose of it at this time.

Mr. SHERMAN. We desire to dispose of it if we can.

The SPEAKER pro tempore. Is there objection to dispensing with the further reading of the conference report?

Mr. FITZGERALD. I object, Mr. Speaker.

The Clerk resumed and completed the reading of the report.

The statement of the conferees on the part of the House was read, as follows:

STATEMENT TO ACCOMPANY CONFERENCE REPORT ON HOUSE BILL 6294.

The following Senate amendments, to which the House conferees have agreed, are purely formal, consisting of changes in phraseology, correction of errors, and the like: Nos. 1, 2, 5, 12, 15, 18, 19, 26, 28, 30, 40, 41, 44, 47, 48, 72, 82, 83, 84, 85, 88, and 89.

The Senate recedes from its amendments, leaving the bill in those particulars as it left the House, as follows: Nos. 3, 4, 6, 7, 11, 21, 22, 29, 30, 34, 35, 43, 62, and 90.

The House recedes from amendments 8 and 9. These amendments relate to the pay of Indian inspectors. The House fixed the salaries at $3,000 each per annum. The Senate replaced them to the figures in the last bill, $2,500.

No. 10 limited the time within which inspectors remaining in Washington under orders from the Secretary of the Interior have their expenses paid to twenty days. There was no time limit as the bill passed the House.

No. 13 strikes out the appropriation for the second payment of the Cherokee Outlet, the Secretary of the Treasury having decided that he was authorized to make the payment with the appropriation and having already made said payment.

No. 14 reads as follows: "To enable the Secretary of the Interior to assist the Kickapoo Indians of Oklahoma Territory who have not accepted their allotments to make improvements upon said allotments as fast as accepted, and to purchase seed grain and subsistence for said Indians, $5,000, to be immediately available. The sum of money now in the Treasury of the United States belonging to said Indians shall be retained as a permanent fund, upon which the Treasurer shall pay to said Indians interest at the rate of 5 per cent per annum from July 1, 1895."

No. 16 provides "that all deeds and instruments of writing pertaining to real estate within the Quapaw Agency and the town of Miami, in the Indian Territory, shall be recorded at the said town of Miami by the clerk of the United States court in and for the northern district of the Indian Territory, or his duly appointed deputy, in a book or books kept for the purpose; and sections 669, 670, and 671 of chapter 27 of Mansfield's Digest of the Laws of Arkansas, covering deeds, mortgages, liens, and instruments of writing pertaining to real estate, are hereby extended over and put in force in said Quapaw Agency, Indian Territory.

No. 17 authorizes a transfer on the books of the Treasury of a part of the funds of the Sac and Fox tribes in Mississippi to the same tribe in Iowa.

No. 20 authorizes the Secretary of the Interior, in his discretion, to pay in money instead of kind to the Santee Sioux under treaty.

No. 23 extends to certain Indians not on allotments the same benefits under treaty as though they were.

No. 24 authorizes the Secretary of the Interior, in his discretion, to pay in money instead of kind to the Sioux and Poncas under treaty.

No. 25 gives the option to Lower Brule Indians to choose new allotments.

No. 27 carries out the provisions of the act of February, 1895, on the subject.

No. 31 provides for the distribution of the amount to the Poncas after paying employees authorized by law.

No. 32 adds the members of the said tribe in South Dakota.

No. 33 provides for setting up and operating machines already owned and on the ground.

No. 39 provides for surveying certain ceded lands in Idaho.

No. 42 provides "That the Secretary of the Interior is hereby authorized and directed to ascertain and determine the amounts due various merchants of Cloquet and Fond du Lac, Minn., from certain Fond du Lac Indians, not exceeding in the aggregate $6,600, for supplies furnished to said Indians, at the request of the Indian farmer, during the years 1888 and 1889, or upon orders approved by the Indian farmer drawn upon and accepted by certain contractors for the purchase of pine timber on lands allotted to or selected by said Indians or claimed by them, and to pay said merchants the amount found due them, or each of them, their proportion of said sum out of any money on hand paid the United States by said contractors, or any of them, in settlement or satisfaction for pine timber cut upon such lands."

No. 45 authorizes the temporary employment of persons of practical experience in irrigation work.

No. 50 provides "That the homestead settlers on all ceded Indian reservations be, and they are hereby, granted an extension of one year in which to make payments as now provided by law."

No. 51 is agreed to with an amendment which strikes out the appropriation and requires that the work be done by the Indian agents.

Nos. 53, 54, and 55 together increase the amount of the appropriation $16,000 and more specifically name the work to be done.

No. 57 provides for the continuance of the survey of the Indian Territory and provides penalties for interference with the work. It is agreed to ask that the appropriation be reduced from $300,000 to $200,000.

No. 58 reads as follows: "In payment, under direction of the Secretary of the Interior, to certain Chippewa Indian allottees of the Isabella Reservation in Michigan, as their interests may appear, being the sums recovered by the United States as judgments against certain parties for timber depredations committed within said reservation upon lands which have been allotted and patented to individual Indians, and covered into the Treasury of the United States, $1,121.62."

No. 59 provides: "That any adult Peoria or Ottawa Indian, an allottee under any act of Congress, may, with the approval of the Secretary of the Interior, sell and convey to the Miami Town Company, a company chartered under the laws of Kansas, 40 acres of ground near Miami, Ind. T., to be used exclusively for cemetery purposes and no other: *Provided*, That 40 acres shall not exceed half of his or her allotment.

No. 60 reads as follows: "To reimburse N. J. Cramer, of Yankton, S. Dak., amount paid by him to the United States as stumpage for 400 cords of wood furnished to the Government at Fort Bennett, S. Dak., in 1878, $300."

No. 61 reads as follows: "To pay Josephine Lofland, an Indian woman, formerly assistant matron at the Seneca, Shawnee, and Wyandotte school, her heirs and representatives, such sum as the Secretary of the Interior shall ascertain will compensate her for loss sustained by reason of the burning of the school building in which she was employed, not exceeding the sum of $200."

No. 63 provides: "That the Secretary of the Interior be, and he is hereby, authorized and directed to ascertain and pay to Louis Mazawakinyena, Louis De Coteau, and James W. Lynd, of South Dakota, such sum as he shall find justly due them for property lost and destroyed by the Sioux Indians on the Sioux Reservation during the outbreak in 1890. For the purpose of carrying out the provisions of this act there is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, a sum of money sufficient to carry out the provisions of this act, not exceeding $550."

No. 65 provides for locating the absentee Wyandotte Indians in accordance with treaty.

No. 67 is agreed to with an amendment to prevent any further claim. A treaty seems to compel this payment.

No. 73 provides for the erection and completion of suitable buildings, including furniture of all kinds for the same, for an industrial boarding school at or near the reservation of the Sac and Fox Indians in Tama County, Iowa, and for the purchase of a suitable site for the same, $35,000.

No. 74 increases the appropriation for the Carlisle School, Carlisle, Pa.

Nos. 79, 80, and 81 increase the appropriation for the Genoa School.

Nos. 91, 92, and 93 are ratifications of treaties.

On amendments 33, 37, 39, 46, 49, 52, 56, 64, 66, 68, 69, 70, 71, 76, 77, 78, 86, 87, and 94 the conferees did not agree and the House conferees ask a further conference.

Mr. SHERMAN. Mr. Speaker, I move that the conference report be adopted, and that the conference be continued as to the amendments which have not been agreed upon.

Mr. GROSVENOR. Mr. Speaker, I wish the gentleman from New York [Mr. SHERMAN] would state briefly what matters are left unsettled, as well as the most important matters that are settled by this report. He can no doubt state them in much shorter time than would be required for members to ascertain by an examination of the report.

Mr. SHERMAN. As to the matters left unsettled, in the first place the question of sectarian schools is one, and the question of appropriations generally for Indian schools is another. The specific appropriations for particular schools, like that at Carlisle, for instance, have been acted upon, but the question of appropriations for schools generally is left for further conference. The question of the payment of the Cherokee Outlet money is left for further conference, as well as the Old Settlers attorneys' claims, the continuance of the Dawes Commission, and several other matters which are not of general interest. There are some cases where appropriations have been increased, for specific schools, for instance, or for other purposes, which are still left in conference, but I think the question of sectarian schools and the question of the old Cherokee claims and the other matters I have specified are the main matters of general interest that are left unsettled, and in regard to them we ask that the conference be continued.

Mr. DOOLITTLE. Mr. Speaker, I wish to move to amend so as to except from the motion of the gentleman from New York to concur the Senate amendments numbered 47 and 48, because I desire to bring the matters involved in those amendments again before the conferees. I do not believe the chairman of the committee will object.

Mr. FITZGERALD. What are those matters?

Mr. DOOLITTLE. The amendments are in relation to negotiations for the purchase of the lands of the Yakima Indians. One of the conferees assured me that the matter had been arranged to the satisfaction of the people interested in the subject.

Mr. DOCKERY. Of course the gentleman understands that a conference report can not be amended. The only thing to be done with such a report is to either approve it or reject it.

Mr. DOOLITTLE. The House can do it, I suppose, and I desire another opportunity to appear before the conferees in relation to this matter.

Mr. DOCKERY. There is only one way for the gentleman to attain his object, and that is to have the conference report rejected.

Mr. DOOLITTLE. I suppose the House has the power to reject some part of it.

Mr. DOCKERY. Mr. Speaker, as I understand the parliamentary status, a conference report must be accepted or rejected as a whole.

The SPEAKER pro tempore. The Chair understands that there has been an agreement in part as to certain amendments and a disagreement as to others.

Mr. SHERMAN. That is correct.

The SPEAKER pro tempore. If the conference report should be agreed to, all the amendments that have been agreed to in conference would, of course, be removed from further consideration, and so far as the conferees have agreed those amendments can not now be amended.

Mr. DOOLITTLE. Mr. Speaker, this places me in a very peculiar position and I feel there is some injustice in it, because one of the conferees informed me that the agreements were in accordance with the terms of the House bill; but now when the report comes in I find that such is not the case.

Mr. SHERMAN. It is the same except as to the appropriation, which is stricken out.

The SPEAKER pro tempore. The Chair thinks the only way in which amendments that have been agreed to in conference can be reached again is by a rejection of the conference report.

The question being taken, the conference report was adopted.

Mr. SHERMAN moved to reconsider the vote by which the conference report was adopted, and also moved to lay that motion on the table.

The latter motion was agreed to.

On motion of Mr. SHERMAN, a further conference was ordered.

MOTION TO RECONSIDER.

Mr. EVANS. Mr. Speaker, I desire to enter a motion to reconsider the vote whereby the House passed the bill H. R. 8495.

Mr. HILL. Was not a motion to reconsider made and laid on the table?

The SPEAKER pro tempore. A motion to reconsider has been entered by the gentleman from Kentucky. If the motion to reconsider was made and laid on the table after the passage of the bill, of course another motion to reconsider would not be in order. The Chair will have the Journal examined as to that.

ORDER OF BUSINESS.

Mr. BABCOCK. Mr. Speaker, I move that the House resolve itself into Committee of the Whole for the purpose of considering the bills H. R. 6713, H. R. 8010, and H. R. 4149.

The motion was agreed to. The House accordingly resolved itself into Committee of the Whole, Mr. PAYNE in the chair.

EXTENSION OF NORTH CAPITOL STREET, WASHINGTON.

The CHAIRMAN. The House is in Committee of the Whole for the purpose of considering the bills indicated by the gentleman from Wisconsin. The Clerk will report the first bill.

The Clerk read as follows:

A bill (H. R. 6713) to extend North Capitol street to the Soldiers' Home.

The bill was read, as follows:

Be it enacted, etc., That the Commissioners of the District of Columbia are hereby directed to open and grade North Capitol street from T street to the Soldiers' Home, and are hereby authorized and directed to condemn, according to chapter 11 of the Revised Statutes of the United States relating to the District of Columbia for opening highways, such of the lands of the Prospect Hill Cemetery and of Annie E. Barbour as may be necessary for the extension of said street; and the amount of money necessary to pay the judgment of condemnation and the cost of grading is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to carry out the provisions of this act, but the cost of grading shall not exceed $10,000: *Provided*, That one-half of said sum shall be charged to the revenues of the District of Columbia: *And provided further*, That this appropriation shall be immediately available.

Mr. CURTIS of Iowa. I call for the reading of the report.

The report (by Mr. CURTIS of Iowa) was read, as follows:

The Committee on the District of Columbia have considered the bill (H. R. 6713) to extend North Capitol street to the Soldiers' Home, and report same with the recommendation that it do pass.

The Commissioners of the District have not favored the passage of this bill because, as they say, its passage may imperil the passage of a general highway act. They advanced this reason in the Fifty-third Congress, but the committees of the Senate and House did not agree with them, and recommended the passage of the measure, and Congress passed the bill. The committee are of opinion that the opening of this highway will be of great public benefit.

North Capitol is one of the main avenues of the city, leading directly north from the Capitol to the Soldiers' Home, a distance of about 3 miles, and width 130 feet. Beyond the city limits the land was donated in 1889 for a distance of nearly 2,000 feet, and from the Soldiers' Home southward for 2,200 feet, there remaining an intervening space of about 2,000 feet, occupied by the Prospect Hill Cemetery and the Barbour estate, the latter being in litigation; the land through these two properties it is impossible to obtain except by condemnation.

In December, 1893, Congress passed the act hereinbefore mentioned, appropriating the money for this purpose, to be condemned according to laws for highways prior to March 2, 1893 (the date of the general highway act), the intent being to condemn the land under chapter 11 of the United States Revised Statutes relating to the District of Columbia, but the proceedings were had under the Printing Office site law. The jury returned a verdict that was considered excessive by the Commissioners, and they secured legislation in the District of Columbia appropriation bill August 7, 1894, ordering the verdict set aside and new proceedings of condemnation under chapter 11, Revised Statutes. The owners took an appeal and the court of appeals enjoined the Commissioners from proceeding under chapter 11, and also refused a mandamus to compel the District to pay the award under the Printing Office site law; so by reason of the operations of the courts and the District Commissioners the law stands a dead letter to-day, and there is no way to open the street except under the operations of a new law.

The opening of this street will be followed by railroad facilities and result in the rapid improvement of this section, which is now blocked for want of street railroads and other facilities of growth, and will be of general public good. The certain opening of this street is hurtful to the interests of the cemetery, and condemnation proceedings should be no longer delayed; therefore your committee urge the prompt passage of the bill.

Mr. CURTIS of Iowa. Since this report was submitted the committee have agreed upon two amendments, which I will read for information and then send to the Clerk's desk. The first amendment is as follows:

Strike out in lines 6, 7, and 8 the words "Chapter 11 of the Revised Statutes of the United States relating to the District of Columbia for opening highways" and insert "the act approved March 2, 1893, entitled 'An act to provide a permanent system of highways in that part of the District of Columbia lying outside of cities.'"

The second amendment is to add, at the end of the first section, the following:

Provided further, That in lieu of condemnation proceedings the Commissioners of the District of Columbia are authorized to acquire by purchase the lands of said cemetery and Annie E. Barbour, or either of them, paying therefor out of the appropriation herein authorized the sum of $25,000 to the said cemetery and the sum of $20,000 to Annie E. Barbour.

Mr. DOCKERY. I wish to call the attention of the gentleman in charge of this measure to the fact that it is proposed by this special bill to bring North Capitol street within the provisions of the act of March 2, 1893, known as the highway-extension act; and it is also proposed that the cost of condemnation and grading shall be paid one-half out of the District revenues and one-half out of the Treasury of the United States. All the appropriations heretofore made by Congress under the highway act have been made, so far as I remember, entirely from the revenues of the District. Now, then, without regard to the question of the propriety of extending this street, a matter upon which I defer to the superior judgment of the Committee on the District of Columbia, I submit that the amount necessary to meet the cost of the condemnation proceedings and the cost of grading (whether it shall finally come out of the joint revenues or out of the revenues of the District) should be appropriated in the future, as has been the custom in the past, in the regular bill making appropriations for the District of Columbia.

Mr. HENDERSON. Does this bill provide for an appropriation?

Mr. DOCKERY. Yes, sir; an indefinite appropriation at that, except that the maximum for grading is fixed at $10,000.

Mr. BAKER of New Hampshire. Has there not been inserted either in the House or the Senate an item to pay these parties—Mrs. Barbour and others—for their land beyond the point where it was donated?

Mr. DOCKERY. I have not examined the amendments made by the Senate. But I will say that if the suggestion I have submitted be agreeable to the committee I will not further antagonize the bill. My proposition is that the bill be so amended as to provide that this expense shall hereafter be met in such manner as Congress may prescribe. Thus the amount to be paid will be left open for the consideration of Congress at its next session; and the question whether or not this expenditure should be paid out of the joint revenues or solely out of the District revenues will also be left open.

A MEMBER. What is your amendment?

Mr. DOCKERY. The substance of the amendment is that the liability incurred by the passage of this bill shall be met by appropriations which Congress in its judgment may make from time to time.

Mr. HULICK. Would not that really annul the provisions of this bill?

Mr. RICHARDSON. Certainly.

Mr. DOCKERY. Why?

Mr. HULICK. The bill in the last clause of the first section has this proviso:

Provided further, That this appropriation shall be immediately available.

Now, if the appropriation which is to meet this expenditure be deferred for future action of Congress it seems to me it will virtually destroy the effect of this bill.

Mr. DOCKERY. But the condemnation proceedings must proceed——

Mr. HULICK. I beg the gentleman's pardon. Not necessarily under the amendment which has been proposed.

Mr. DOCKERY. There is an appropriation carried in the District of Columbia appropriation bill—$2,000 was the amount as I remember when it left the House—to provide the necessary court expenses in condemnation proceedings.

Mr. HULICK. But the gentleman will observe that the amendment now proposed goes further, and provides that if the Commissioners can make a contract with the cemetery trustees and with Mrs. Barbour they are authorized to pay to the cemetery $25,000 and to Mrs. Barbour $20,000.

Mr. DOCKERY. I do not see any such provision.

Mr. HULICK. That is an amendment just offered by the gentleman from Iowa [Mr. CURTIS]. I suggest that if this amendment is to be adopted the suggestion made by the gentleman from Missouri will not avail. As will be remembered, there were condemnation proceedings had in regard to this very property about a year ago, and the damages were assessed at over $51,000 in favor of the trustees of the cemetery and quite a large sum in favor of Mrs. Barbour. These proceedings were taken into the court, and it was considered by the Commissioners that the awards or assessments were exorbitant. These parties are now in court, I understand, trying to enforce the collection of the assessment.

Now, the object of this amendment is to settle this matter. It is a good amendment and ought to be carried out. If the Commissioners can effect a compromise with Mrs. Barbour and the trustees of the cemetery, then the whole matter will be closed up, and the suggestion made would avail nothing, because money would have to be appropriated by virtue of the bill to carry out the arrangement that is in contemplation as suggested in the proposition of the gentleman from Iowa.

Mr. CURTIS of Iowa. Mr. Chairman, I desire to say a word in further explanation of the amendment and what I propose to accomplish by its operation.

This is not new legislation. I call the attention of gentlemen on the floor to the fact, as shown in the report of the committee, that it is expressly stated that—

In December, 1893, Congress passed the act hereinbefore mentioned, appropriating the money for this purpose, to be condemned according to laws for highways prior to March 2, 1893 (the date of the general highway act), the intent being to condemn the land under chapter 11 of the United States Revised Statutes relating to the District of Columbia, but the proceedings were had under the Printing Office site law. The jury returned a verdict that was considered excessive by the Commissioners, and they secured legislation in the District of Columbia appropriation bill, August 7, 1894, ordering the verdict set aside and new proceedings of condemnation under chapter 11, Revised Statutes. The owners took an appeal and the court of appeals enjoined the Commissioners from proceeding under chapter 11, and also refused a mandamus to compel the District to pay the award under the Printing Office site law; so by reason of the operations of the court and the District Commissioners the law stands a dead letter to-day, and there is no way to open the street except under the operations of a new law.

The Commissioners at that time proposed to the cemetery association and to the estate of Annie E. Barbour that there should be paid to the cemetery association and to the estate of Annie E. Barbour the amount of money specified in the amendment now proposed, which the parties declined to accept. Therefore, at the suggestion of the parties in interest, it was thought advisable to add the proviso giving the parties the liberty to accept the amount then offered, or to accept the consequences of condemnation

proceedings. In the opinion of the committee the amendment adds considerable strength to the bill. At least it removes some of the objections.

Mr. RICHARDSON. And provides a limitation.

Mr. CURTIS of Iowa. This bill, I might say, was reported to the House in a former Congress by my colleague on the District Committee from Tennessee [Mr. RICHARDSON], who is much more familiar with its provisions than I am.

Mr. DOCKERY. Mr. Chairman, I thought my recollection was accurate with reference to this question; and I appeal now to the gentleman from Tennessee to substantiate it. I have not before me the act of March 2, 1893, known as the highways act, although I have sent for it, but it seems impossible to get a copy. It provides, however, that all of the expenses incurred in carrying out the provisions of the highway act are to be paid solely from the revenues of the District of Columbia; and I appeal to the gentleman from Tennessee to say if that is not correct.

Mr. RICHARDSON. Outside of the city.

Mr. HULICK. That is the language of the general highway act.

Mr. DOCKERY. This is a special bill to extend the provisions of the highway act, and proposes that one-half of the expenses of the extension shall be paid from the revenues of the District of Columbia and one-half by the people of the United States.

I do not propose to enter into the general question as to the propriety of the original act. That act provided, however, that the expenditures should be paid from the revenues of the District entirely. That question, therefore, is settled by the enactment of a law of Congress. Now, then, this bill is in the nature of special legislation, to extend the provisions of the highway act, pending, perhaps, the amendment of the general act, and if passed at all, then the entire expenditure should be made as provided in the original act.

Mr. HULICK. Does the gentleman desire to include not only damages awarded to the owners of property, but the cost of the property itself?

Mr. DOCKERY. I propose to include every cent of liability incurred under the operations of this bill. I contend that it should be paid in harmony with the provisions of the act of March 2, 1893, which required these expenditures to be paid solely from the District revenues.

Mr. HULICK. Do I understand the gentleman to offer an amendment to that effect?

Mr. DOCKERY. I do.

Mr. HULICK. I think it is right, and I shall vote with him on that proposition.

Mr. DOCKERY. I want to be understood, however, about this matter. The question as to the propriety of imposing all of the expense on the District has been settled. Congress enacted the law of March 2, 1893. I understand, however, that there has been some decision of the supreme court of the District which for a time has hampered and delayed the execution of that general statute. This is a special permit or grant of authority to extend this particular street. Mr. Chairman, if Congress is going to pass this bill, an amendment should be agreed to bringing the extension within the provisions of the act of March 2, 1893.

Mr. HULICK. I think the gentleman is right.

Mr. DINGLEY. Do I understand the gentleman from Missouri to say that the terms of this law providing for the opening of this street are different from the conditions provided in the general law for opening streets?

Mr. DOCKERY. Certainly.

Mr. DINGLEY. Why is not that street to be opened under the general law, as all streets have been previously opened?

Mr. RICHARDSON. Because this law has been hung up in the courts.

Mr. DOCKERY. Some of the provisions of the act of March 2, 1893, are awaiting the construction of the courts.

Mr. RICHARDSON. And pending that, this bill has been introduced.

Mr. DOCKERY. It seems that the committee in their wisdom—and I am not criticising the action of the committee—thought it was not wise to await the action of the court, and so they propose this special bill extending North Capitol street, but provide that the expenditure shall be paid jointly out of the revenues of the people of the United States and the revenues of the District of Columbia.

Mr. DINGLEY. Does that change the statute?

Mr. DOCKERY. That changes the statute.

Mr. RICHARDSON. That has always been the law until this act of March 3, 1893, was passed, and there has been no opening under that act as I understand it. This bill proposes——

Mr. DINGLEY. Do you propose by a special act to override the statute of 1893?

Mr. RICHARDSON. This would be a law just as much as that law.

Mr. DINGLEY. Ought not this to be done under a general law?

Mr. RICHARDSON. The integrity of that law was attacked, and the lower court decided that it was unconstitutional, but it was appealed to the supreme court of the District of Columbia, and that court, in a recent decision, has sustained the act in part. This bill was introduced early in the session, and it provides that the expense shall be divided equally between the revenues of the United States and the revenues of the District of Columbia. The District Committee thought that was right and proper, pending the decision of the court upon the general law.

Mr. DINGLEY. Would it not be better to assume that the general law is constitutional and proper until it is overthrown?

Mr. RICHARDSON. The gentleman will understand that the particular point to which this amendment goes is not pending; that is, so much as divides the expense between the revenues of the United States and the revenues of the District of Columbia is not, as I understand it, questioned. The question of constitutionality relates wholly to matters other than that provision, such as the assessment against citizens for benefits to adjacent property where streets are opened, making adjacent property owners contribute something. So that the issue referred to by the gentleman is not involved in this particular amendment. Now, if the gentleman from Missouri [Mr. DOCKERY] and the committee are of the opinion that the District revenues ought to contribute the whole amount, why, then, it would be very easy to strike out the words "one-half of," and let it all be chargeable against the revenues of the District. For one I do not think that is right. While this extension is technically outside of the city of Washington, it is just beyond the boundary, and on one of the main streets of the city, leading to the Soldiers' Home. I do not see and never have seen any reason or any equity in the original provision in the act of March 3, 1893, which taxes the entire expense upon the revenues of the District of Columbia exclusively.

The gentleman from Maine [Mr. DINGLEY] will probably remember that that bill passed on the last day of the session, and was a compromise. The gentleman from South Carolina, Mr. Hemphill, who was then chairman of the committee, accepted that, and recommended that the House agree to the conference report which had been pending for some time, hung up upon that very question. The House finally yielded and did agree that all the expense of opening highways should be taxed exclusively against the revenues of the District. I voted against it; I am against it now; but then, if the House sees fit to put it all upon the District revenues, it can be done by amendment.

Mr. DINGLEY. What occurs to me is that, if there is a general law on this subject which provides a certain method for the opening of these streets, that law should be followed as long as it is upon the statute books. If the law is wrong, it should be repealed.

Mr. RICHARDSON. When this bill was introduced and the report made, my impression is that the decision of the supreme court of the District, reversing the decision of the lower court in respect to the constitutionality of this act, had not been rendered, and therefore it was supposed that possibly the entire highway act of March 3, 1893, would be set aside and declared void. Since then, however, it has been held to be constitutional in many respects, and unconstitutional—in so far as I understand the decision, I do not pretend to quote it accurately, for I have not read it carefully—only in so far as it taxes benefits to adjacent property for the opening of these highways.

Mr. HULICK. I think there is an improper impression in regard to the law under which this former condemnation was had. I do not understand that that was had under the general highway act of 1893.

Mr. RICHARDSON. I believe the gentleman is correct.

Mr. HULICK. I think the impression has been created here that this condemnation was made under the general highway act which is now in controversy in the court and attacked by various parties as being unconstitutional. There was no question as to the regularity of the proceedings whereby this property was condemned heretofore, being under chapter 11, Revised Statutes, relating to the District of Columbia. The only exception was that the amount of damages awarded was too high. Over $51,800 was returned for the property of the cemetery alone and over $20,000 for Mrs. Barbour. The Commissioners objected to the payment of the award because it was too high, and possibly they had some other reasons for avoiding the payment. Proceedings are now being had by the attorneys of those parties, seeking to enforce the payment of the money under those condemnation proceedings.

Mr. KIEFER. And the court of appeals of this District sustained the claim of the property owners.

Mr. HULICK. Yes; but the Commissioners objected to the amount of the award. Now, the object of this bill is to authorize another condemnation of this property, with the view of having it condemned and damages assessed which, according to the judgment of the Commissioners, will be reasonable and within bounds of reason, and the amendment offered by the committee is not only to authorize proceedings of condemnation, but to authorize the Commissioners of the District to compromise, or to

buy this property at private sale from the cemetery trustees and from Mrs. Barbour, the first at $25,000 and the second at $20,000.

Mr. BLUE. Is it a fact that this bill is special in its nature and applies only to this property?

Mr. HULICK. That is correct. This bill is intended to carry out and enforce what has been considered to be a public benefit; in fact, a public necessity.

Mr. BLUE. Another question. This bill is, in its nature, an amendment to the general law for street extensions?

Mr. HULICK. Not at all.

Mr. BLUE. But if that general law applies to all parts of the city, while this bill is special and local in its application, then it must affect the general law to the extent of either repealing it or sustaining it.

Mr. HULICK. If that general law were to be held constitutional and were to be enforced by the courts, of course this act would affect it to the extent specified in the bill, but it would not affect any of the general provisions of the law; it would not affect the general law at all except as to its application to the extension of this street through the property of this cemetery and of Mrs. Barbour.

Mr. BLUE. Then why are you anxious to pass this bill and make it applicable to that particular locality at this time?

Mr. HULICK. The gentleman has propounded a question which brings up a point which this House should consider, namely, that this bill is in the public interest and for the public benefit.

This cemetery property stands right in the way of the extension of this street—an extension which must be made at some time, and the sooner the better, and therefore I say this bill is in the public interest. There is no protest against the opening up of this street. No one objects to it; no one doubts that the street ought to be opened. All the citizens in that locality favor it. There has been no protest by anybody against it, and in order to have the interest of the public conserved this bill has been introduced so that the enterprise may not have to be postponed for the final decision of the court upon the general highway act.

Mr. BLUE. In that connection I wish to ask the gentleman another question. Will there be any great loss or injury to anyone if this street extension shall be deferred until the next session of Congress, giving us an opportunity in the meantime to hear from the courts?

Mr. HULICK. This bill is intended to meet a public necessity and a demand on the part of the good people in that locality for the improvement.

Mr. BLUE. That might be said of any other locality for which a special bill might be introduced as well as for this.

Mr. HULICK. Well, this is urgent, and the only reason the street was not opened before was because of the exhorbitant amount of the damages assessed.

Mr. MILNES. Have not the courts decided that the general law is constitutional?

Mr. HULICK. That question has not been fully determined, as I understand, by the court.

Mr. MILNES. I understand that there is no suit pending. The case went to the court of appeals and the court has decided that the law is constitutional, with the one exception that benefits can not be assessed upon the adjacent property.

Mr. HULICK. That doubtless is correct.

Mr. MILNES. That is the only thing in the law that has been knocked out by the court. Now, here is the law of 1893, which is in force, and which provides that when streets are extended the money to pay the expense shall be taken altogether from the treasury of the District of Columbia, and not at all from the Treasury of the United States, whereas this bill provides that half the cost of this extension shall come from the Treasury of the United States. Therefore this bill is a repeal of the law of 1893 so far as it applies to this particular part of the general street extension. Now, the only thing in controversy here is whether the United States shall pay half the expense of this street opening, or whether the District of Columbia shall, as the law of 1893 provides, pay the whole of that expense.

Mr. HULICK. All I have to say is that I think that amendment would be quite a proper one if the gentleman should offer it. But the main reason that should be impressed upon the House for the passage of this bill is that the public interest demands that condemnation proceedings shall be had under this bill, so that results can be obtained as they were sought to be obtained under the previous condemnation proceedings.

Mr. DOCKERY. Mr. Chairman, I desire to occupy the attention of the committee for two or three minutes. The act of March 2, 1893, known as the highway act, provided for the extension of the streets of Washington, and provided further that—

> No expense for the improvement of any street, circle, reservation, or avenue, laid out under the provisions of this act outside the cities of Washington and Georgetown, shall be chargeable to the Treasury of the United States, but such expense shall be paid solely out of the revenues of the District of Columbia.

That was the act authorizing the general extension of the streets of this beautiful city.

Now, then, pursuant to that act, Congress has from year to year appropriated a certain amount of money to prepare the plans for the extension of streets into the outlying districts. We have been so particular in respect to these extensions—so desirous of having symmetrical and harmonious plans—that Congress has authorized the District Commissioners to employ a famous landscape engineer, Mr. Olmsted, of Massachusetts, and he is now in the employ of the District preparing the plans for the extension of streets pursuant to the act of March 2, 1893. There is a provision in the District of Columbia bill for continuing the work of preparing plans for this extension of streets. The idea, as I have said, was to extend these streets out into the District in a symmetrical, harmonious manner, so that the streets in the outlying districts may present as beautiful and attractive an appearance as those within the city. This is what has heretofore been done under the act to which reference has been made.

Now, then, comes the Committee on the District of Columbia and proposes to except North Capitol street from the provisions of this general extension because in their judgment there is an exigent necessity for the immediate extension of this street. I do not believe such a measure ought to be adopted. I know that this proposition "bobbed up" in former Congresses. I know that it was pressed with just as much vigor upon the attention of Congress four years ago as it is pressed to day. I do not assail the judgment of the committee and insist that the extension is not necessary. I think it very likely that it is; but I suggest to the honorable gentlemen comprising this committee whether this extension ought not to wait the operations of the general plan.

If, however, you are going to extend these streets; if there is such pressure for this particular extension as there was three or four years ago—and I think the pressure has been continuous from that day until this—let us not override the provisions of the act of March 2, 1893, which in exact terms, after exhaustive and elaborate discussion, imposed this cost on the revenues of the District of Columbia. I do not believe the extension ought to be made now, because it may operate to mar that beautiful plan which is now being prepared under the direction of Mr. Olmsted. But if the House intends to authorize the extension and incur the danger to which I have adverted, let it be made under the provisions of the general law and impose all the cost upon the treasury of the District.

Mr. BLUE. Mr. Chairman, in addition to what the gentleman from Missouri [Mr. DOCKERY] has said in regard to this bill, I wish to call the attention of the House to the fact that this is not simply a separate and special effort for the opening and grading of a particular street, but this is an appropriation bill. It is not only an appropriation bill, which should properly go to the Appropriations Committee for consideration, but it provides that the appropriation shall be immediately available. This business is somewhat new to me; but it does seem to me that along the line of what is good business for this House, it is necessary that an appropriation of this kind should go where it properly belongs and where it may receive the consideration which it deserves—where it may form a part of the general plan of appropriations which are made for the country.

If this measure is to succeed, others of a similar character and under similar pressure may follow, and in this way street after street may be opened as a separate entity without referring the appropriations to that committee whose business it is to consider such matters, permitting the District Committee to arrogate to itself not only the right to provide for establishing and opening these highways, but to proceed to occupy territory that does not rightfully belong to it, and to appropriate the necessary money and to direct that it be made immediately available. It seems to me that this is exceedingly bad business and that this bill ought to be defeated. There is not, so far as I have been able to gather, any pressing necessity for this measure. It is put forward now for no good reason which I can see, and is to be made an exception, and this committee, outside of the rule, is to arrogate to itself the right to appropriate money for carrying out the provisions of the bill. The measure ought to be defeated.

Mr. BAKER of New Hampshire. Mr. Chairman, in addition to what has been said in connection with this bill, I find that in itself it does not provide for any assessment of the damages of this condemnation upon the property abutting the street and benefited by it. In this way it is essentially different and distinct from the act providing general highways for the District of Columbia. If this bill should pass in its present form, whether the whole or one-half of the expenditure be made payable out of the District of Columbia revenues, the property owners themselves will go absolutely free in connection with the cost of extending this particular street. Before I can vote for such a bill I should like to have some explanation as to why this street is to be exempted from the requirements of the statute which is applied to all other streets.

Mr. CURTIS of Iowa. I desire to say a few words only upon the bill, and then yield to my colleague on the committee, the gentleman from Tennessee [Mr. RICHARDSON].

Mr. BAKER of New Hampshire. I still hold the floor, and have only yielded to the gentleman for an explanation.

Mr. CURTIS of Iowa. Very well; I call the gentleman's attention to the report of the committee. The street referred to was by special act of Congress opened in 1893. There was donated for the purpose of the street extension nearly all of the ground north of the tract now proposed to be condemned, 4,200 feet. Property has been bought and sold on this proposed street extension, with the distinct understanding that the street would be opened, and the proposed legislation now before us is only the reenactment of law.

Now, if this class of legislation can not properly come before the Committee on the District of Columbia I fail to realize where it can go, as I believe that the District Committee has heretofore had jurisdiction over this class of bills. This bill was reported from that committee in a former Congress and enacted into a law—or a bill practically the same as this—and no question as to the jurisdiction of the committee was raised. With respect to the amendment proposed by the gentleman from Missouri, and to which he confined his remarks, as I understand it, I am not prepared to say whether he is right or wrong, If he believes that the amendment should prevail let him offer it and let us have a vote upon it.

Mr. BAKER of New Hampshire. Mr. Chairman, I do not find that the explanation of the gentleman from Iowa explains. The most that can be said or the most that can be claimed for what he said is that certain parties had donated sufficient land for the extension of this street along their respective ownerships, and that when it reached to the point where land was not donated there was no further extension; and this bill provides for the extension.

Now, the two principal points of objection raised against the bill are not concerning the jurisdiction of the Committee on the District of Columbia or the Committee on Appropriations or any other committee, but the objection, the main objection, is confined to two questions—one whether the entire expenditure shall be paid from the revenues of the District of Columbia or one-half of it from the general revenues of the Government, and the other is whether there shall be any assessment upon the adjoining property owners according to the terms of the act of March 2, 1893; and upon that point was where I had yielded to the gentleman for an explanation or for information in regard to the property and got none.

Now, if any member of the committee or any member of this general committee can explain why this property should be exempt when all other property outlying the boundaries of the city shall be taxed, I will yield for that information.

Mr. RICHARDSON. Mr. Chairman, in response to the gentleman from New Hampshire I have but a word or two to say. I will take the objections in their order, commencing with the last one first, that made by the gentleman from New Hampshire. He objects because there is no assessment, as he says, of any amount against the adjacent property holders for improvement in the value of their property caused by the extension of this street. Now, the gentleman is altogether mistaken in that.

This section of this bill provides:

> The Commissioners of the District of Columbia are directed to open and grade North Capitol street to the Soldiers' Home, and are hereby authorized and directed to condemn, according to the provisions of the act approved March 2, 1893, entitled "An act providing for a permanent system of highways in that part of the District of Columbia lying outside of the city," etc.

Now, that act expressly provides that there shall be assessments made against the owners of adjacent property for benefits accruing to them by reason of the opening of streets. That, therefore, answers the gentleman's objection so far as that point goes.

Mr. BAKER of New Hampshire. I see nothing about such condemnation proceedings in the bill before me.

Mr. RICHARDSON. The gentleman has not a copy of the bill that was sent up. The bill as reported from the committee differs from that which the gentleman holds in his hand. I am not surprised the gentleman did not know of the existence of this provision, for it is not in the bill as originally printed; but the words to which I have referred are made a part of the bill as reported by the committee at this time. The condemnation is to be under the provisions of the act of 1893, the act of March 2, and that provides for proper assessment of the benefits, if any accrue, upon the adjacent property.

Mr. HULICK. If the gentleman will allow me in that connection to emphasize that point and answer the criticism of the gentleman from New Hampshire at the same time, I will state that this property was condemned under this same provision of law before.

Mr. RICHARDSON. Yes.

Mr. HULICK. And the only objection that existed was as to the amount of the condemnation awards.

Mr. RICHARDSON. That is correct.

Mr. HULICK. Now, this proposes to review those condemnation proceedings, and directs the Commissioners to commence anew proceedings to condemn the property; in other words, to have a repetition of the same proceedings that we have had heretofore.

Mr. HOPKINS. If the gentleman from Tennessee will permit me, he read from the bill that these condemnation proceedings should be in accordance with the provisions of the previous act. What is that act? And how are the assessments made under it?

Mr. RICHARDSON. The assessment is by a jury appointed by the court. They go out on the ground, and on the sworn testimony as to the improvements make the report to the court, and the assessment is made by the court.

Mr. HOPKINS. Can the assessment spread out beyond the abutting property?

Mr. RICHARDSON. I so understand it. But, as a matter of fact, proceedings have been pending before the supreme court of the District upon that point and other questions involved in this controversy, and there may be some change. There may be some limits, in other words, upon the question as to the extent to which these assessments may go beyond property abutting immediately on the street.

Mr. SHAFROTH. What per cent is prescribed by the law as to the benefits that can be assessed on abutting property? Is there a percentage fixed, or is it in the discretion of the Commissioners?

Mr. RICHARDSON. It is in the discretion of the jury appointed by the court; and they, under oath, make this assessment.

Mr. SHAFROTH. Could they make an assessment of all of the cost of the highway against the abutting property?

Mr. RICHARDSON. The courts of the District have decided that they can only assess a proportion, as I understand.

Mr. SHAFROTH. And that proportion is one-half?

Mr. RICHARDSON. That is what it was intended to be under this act of 1893.

Mr. McMILLIN. Will the gentleman allow me to ask him a question?

Mr. RICHARDSON. Yes.

Mr. McMILLIN. Is it not a fact that the District Commissioners antagonize this proposition and refuse to give their assent to it?

Mr. RICHARDSON. Undoubtedly. The report states that. They objected to it in the beginning, when they submitted their report on the bill, some time in January, because they wanted it opened under some new highway act which they were recommending to Congress.

Now, that act has been delayed, or hung up in the supreme court, and the necessity for the opening of this street being immediate and urgent, as the committee believe, they decided that it was not proper to wait one, two, three, or four years until that litigation shall be ended. Now, the District Commissioners have a very proper idea about the general question of opening streets. They are opposed to any opening in detail, because they want the streets extended under some general highway act, carrying them out into the country and into the outlying portions of the District.

Mr. McMILLIN. Does my colleague not think it would be well to take their view of it and delay this until there can be a general scheme?

Mr. RICHARDSON. I think it is right to take their view of it as to the general system of opening streets, but they can not offer any objection to the opening of this street or make any suggestion that will improve it.

Right here I will answer the second objection, the one made by my friend from Missouri [Mr. DOCKERY]. Mr. Chairman, it is so apparent that that objection amounts to nothing, that I think everyone will agree with me, upon the mere statement of the case, that it ought not to be urged.

What is it? He says you may interfere with the harmony of the beautiful plan that the Commissioners, under their landscape gardener, may propose for the extension of these streets. I agree with my colleague as to the general extension, and I agree with the gentleman from Missouri that as to the general extension it ought to be done in a harmonious way. But, Mr. Chairman, the simple opening of North Capitol street need not be delayed, need not wait for any report from the landscape gardener or from the Commissioners of the District of Columbia. Why? It is only 6,000 feet from the boundary, the outside line of the city of Washington, at T street, where North Capitol street crosses the boundary—it is only 6,000 feet from that point to the Soldiers' Home. North Capitol street extended runs right up to the Soldiers' Home. It can not go any farther because of the Soldiers' Home property. Now, it must be straight. It is one of the streets of the city. It is concreted, I believe, to Florida avenue, or to the boundary at T street. It is graded for 2,000 feet beyond the boundary. It is 6,000 feet from the boundary to the Soldiers' Home.

For 2,000 feet it is already opened and graded, but it runs up against an immense embankment, 15 or 20 feet high, and there North Capitol street stops.

Now, Mr. Chairman, for the next 2,000 feet, going north toward the Soldiers' Home, you go through the property of Mrs. Barbour and this little cemetery, Prospect Hill, if I recollect the name correctly. It is 2,000 feet through those two pieces of property. Then you are within 2,000 or 2,200 feet of the Soldiers' Home. That farther part is all graded for 2,200 feet, the street opened in perfect alignment with the street from the Capitol here to the point I have already described, the beginning of Mrs. Barbour's property. It is an air line.

Now, 2,000 feet will take it through Mrs. Barbour's property and through the little Prospect Hill Cemetery. At the other side you again begin on a straight line, and the property holders at the other end have dedicated and donated the property necessary, and have graded the street down to its proper grade. That runs all the way for the next 2,200 feet to the Soldiers' Home. There North Capitol street must stop. Now, this bill simply provides for the opening of the middle space of 2,000 feet, through Mrs. Barbour's property and through Prospect Hill Cemetery.

Mr. McMILLIN. I will ask my friend right there whether persons interested in that German cemetery have not resisted the opening of this road because it would require the taking up of the bones of their dead?

Mr. RICHARDSON. Not at all.

Mr. KIEFER. Have they acquiesced in that amendment?

Mr. RICHARDSON. That is as I have understood it. They have agreed to it, and are perfectly satisfied to have it. They did object to it in a former Congress, but that objection is withdrawn; and then as to that bill, Mr. Chairman, instead of it being vigorously fought in the last Congress, as the gentleman from Missouri stated, as I recollect it the bill passed almost unanimously. The only objection that has arisen has been the effort to get the condemnation proceedings through court. The jury placed the condemnation and valuation too high, the Commissioners objected, and it was set aside. The time has expired, and now they come back with a proposition to open it through the same property, and a limit is put upon it. Mrs. Barbour is to receive $20,000, and Prospect Hill Cemetery, I do not remember the amount, but I think $25,000. There is an urgent demand for the opening of the street there, and it has been pressed upon the committee ever since I have been a member, for four or five years.

Mr. CANNON. I desire to ask the gentleman a question for information. I know something of the character of this proposition, and I think it is a work very proper to be done. As I understand it, under the direction of Congress there is a landscape architect who is engaged in making a general plan touching the improvements of the District, and has not yet completed his report. Am I correct?

Mr. RICHARDSON. I do not know.

Mr. DOCKERY. That is correct.

Mr. CANNON. That relates to the grounds and with respect to certain streets.

Mr. RICHARDSON. That did not relate to a street like this. This is simply the extension of a street in its middle part. It is already extended beyond the property proposed to be opened now, and also on this side.

Mr. CANNON. What I want to say is, I will vote—of course, at the expense of the District—for the opening of this street. I believe it ought to be done, but——

Mr. BABCOCK. That is right.

Mr. CANNON. I want to say that it is alleged that there is a plan now in process of preparation by Mr. Olmstead, under law, that covers this and other improvements. Now, what I want to understand is this: Is that so?

Mr. RICHARDSON. It does not touch this street. This is a perfectly straight street. It would be just the same as if you take the case of Pennsylvania avenue and deflect it in its middle course. The other end is open, and this end is open. You can not change it through the middle. It must run in a straight line, and therefore no landscape architect would undertake to change the line running through this cemetery or through this Barbour property. It must be a perfectly straight line.

Mr. CANNON. If the gentleman is correct in that information, then I have no objection to this bill, provided it is amended in conformity to the highway act as to the payment for these improvements.

Mr. RICHARDSON. I believe there is no objection to that.

Mr. CANNON. But if there is any reasonable doubt as to whether when that is ordered and the work is done it will conflict with the general plan in preparation, I think we ought to wait.

Mr. RICHARDSON. This deals with matters within the city, and does not conflict, I can assure the gentleman, with that plan.

Mr. BABCOCK. I wish to say to the gentleman from Illinois that the Commissioners have assumed the position here during the past year that they would not recommend the opening of any street or any parts of a street unless it be done under the general highway act, taking in a whole subdivision; that they have opposed everything in the shape of improvements. Now, this is almost inside. It is within part of the highway plan, as the gentleman from Tennessee [Mr. RICHARDSON] states it. This is simply 2,000 feet right in North Capitol street, between the Capitol and Soldiers' Home.

Mr. CANNON. I know where it is.

Mr. BABCOCK. And in the new plan for the improvements here the Baltimore and Ohio, in North Capitol street, will be required to tunnel through. One of the street-car roads, which has a charter, has been stopped going into this street on account of being unable to go through this German cemetery.

Mr. CANNON. It would not interfere with the plan under the law?

Mr. BABCOCK. No; it would not.

Mr. DINGLEY. I would like to ask the gentleman from Tennessee, who seems to be familiar with this matter, a question, to see if I understand the situation. By the highway act of 1893, as I understand it, as to all new streets outside of the city limits, to which that refers of course, the expense of opening them—the condemnation and grading—is borne one-half by the abutters and one-half by the District. Am I right in that?

Mr. RICHARDSON. That is correct.

Mr. DINGLEY. What I desire to know is why there is an appropriation made in this bill from the Treasury. Is it designed to be simply an appropriation of District revenues and nothing more?

Mr. RICHARDSON. It could not be anything else, as I understand it.

Mr. DINGLEY. But is your bill distinct enough on that point?

Mr. RICHARDSON. It would be with the amendment proposed by the gentleman from Missouri [Mr. DOCKERY].

Mr. DINGLEY. It seems to me that if this bill is to pass it should be distinctly stated in it that one-half the expense growing out of these condemnation proceedings should be paid under the act of 1893, by the abutters, and the other half from the revenues of the District.

Mr. RICHARDSON. I would not object to that. I think it already means that, because it says this shall be done under the act of 1893. Certainly the amendment of the gentleman from Missouri would cover that point.

Mr. McMILLIN. But the amendment has not been adopted, and I will say to my friend from Maine that he is eminently correct in his suggestion. As this bill is drawn and presented to the House it will charge the Government of the United States with one-half of this expense, and to that extent it will break down the law of 1893, which proposes to put upon the District of Columbia and the adjacent property owners the entire expense of the extension of these streets. The gentleman from Maine is clearly right, because this bill as reported by the committee breaks down the law of 1893. This bill provides that one-half of the expense shall be paid by the District and one-half by the Government of the United States. Hence, those who vote for this measure ought to understand that if the amendment of the gentleman from Missouri [Mr. DOCKERY] is not adopted the Government will assume that which it expressly declined to assume under the law of 1893.

Mr. RICHARDSON. I believe there is no objection to the amendment proposed by the gentleman from Missouri.

Mr. DINGLEY. I understand that the Commissioners object to the passage of this bill.

Mr. RICHARDSON. They did object on the general idea that this work should await the general plan, the execution of which may be one, two, three, four, or five years—nobody knows how long.

Mr. DINGLEY. That objection would have a good foundation if this is a part of a general plan, but if it is entirely distinct from the general plan and if this street must be constructed as proposed in this bill whatever may be the general plan, that makes a difference.

Mr. RICHARDSON. The gentleman will understand that for 2,000 feet from the city limits this street is now graded by the Commissioners. For 2,200 feet beyond that point it is already graded under the direction of the Commissioners. The property holders contributed to meet the expense, but, as I understand, the money was expended under the direction of the Commissioners. Therefore both ends of the street are opened and there is only a little space of 2,000 feet between the two that is to be opened under this bill. The Commissioners have approved the street, as I understand, beyond this point, and in opening this part of it it would be impossible to get out of the straight line.

Mr. DINGLEY. I have simply to say that if this bill is amended so as to make it perfectly clear that one-half of the whole cost, including the condemnation and grading, is to be borne by the abutters, and that the other half is to be paid from the revenues of the District of Columbia, I have no objection to the bill, unless it interferes with a plan which ought to be one symmetrical whole.

Mr. BABCOCK. It does not.

Mr. RICHARDSON. I suggest that the proviso on page 2 of the bill that "one-half of said sum shall be charged to the revenues of the District of Columbia" can be amended by striking out the words "one-half of," leaving it to read "that said sum shall be charged to the revenues of the District of Columbia."

Mr. DOCKERY. I have an amendment to suggest for consideration. It is to strike out, on page 1, lines 12 and 13, the words "any money in the Treasury not otherwise appropriated" and insert "the revenues of the District of Columbia"; so that it will read:

And the amount of money necessary to pay the judgment of condemnation and the cost of grading is hereby appropriated out of the revenues of the District of Columbia to carry out the provisions of this act, but the cost of grading shall not exceed $10,000.

Then, in line 15, strike out the words "one-half of" and insert "the"; so that it will read:

Provided, That the said sum shall be charged to the revenues of the District of Columbia.

Mr. BAKER of New Hampshire. Then, Mr. Chairman, I desire to propose an amendment, which I will read for the information of the committee.

Mr. HULICK. Mr. Chairman, if the gentleman will permit me, I think there is some misapprehension as to the force of the statute referred to here on the part of gentlemen who are proposing amendments. The question was asked what the statute provided under which the Commissioners are directed to proceed. There is, I think, a misapprehension upon that point, and I would like to call the attention of gentlemen to what that chapter of the Revised Statutes does provide and then to offer an amendment which I think will meet all the criticisms.

Mr. BAKER of New Hampshire. I will simply state what I propose to offer if the gentleman's amendment does not cover the point, and then will yield him the floor.

I propose to offer this amendment to come in at the end of the bill:

Provided further, That all damages and benefits under this act shall be assessed and collected in the manner provided by the highway act of the District of Columbia approved March 2, 1893.

This provision, without using the words "abutting property owners," will answer the purpose, I think.

Mr. HULICK. I wish now to state the amendment which I propose to offer and to support it by reference to the statute under which this proceeding is intended to be conducted. My amendment is to strike out all of the bill after the word "street," in the tenth line.

The CHAIRMAN. The Chair understands there are two amendments now pending.

Mr. HULICK. I am only endeavoring to see whether I can not satisfy gentlemen who have already offered amendments that this amendment of mine will meet the criticisms they have suggested. If my amendment be adopted the effect of the bill will be to direct the Commissioners of the District of Columbia to open and grade North Capitol street from T street to the Soldiers' Home and to condemn, according to chapter 11 of the Revised Statutes of the United States relating to the District of Columbia for opening highways, such of the lands of Prospect Hill Cemetery and of Annie E. Barbour as may be necessary for the extension of said street.

As will be seen, two purposes will then be accomplished by the bill. In the first place, the Commissioners will be directed to proceed under the statutes to open the street through the lands of Prospect Hill Cemetery and those of Mrs. Barbour. Now, what is the provision of chapter 11 of the statutes of the District of Columbia here referred to?

All public roads within said District outside the limits of Washington and Georgetown which have been duly laid out or declared and recorded as such are public highways.

That is the first provision. Then follow provisions for the execution of that law, for the condemnation of property——

Mr. MILNES. Is that the act of 1893?

Mr. HULICK. No, sir; this is the prior act, but an act which is now in force. It provides for public highways to be surveyed; for the fixing of boundaries and width of street; for the giving of notice to property holders affected by the proceedings of condemnation. This act, following the provision I have read, goes on and provides for public highways to be surveyed and recorded; for boundaries to be permanently marked; for width and location of streets; for the laying out, widening, or changing of roads; for notices to property holders and the hearing of objections; for proceedings when a route is objected to and others proposed; for the method of proceeding when no objection is made; for the method of proceeding when owners of land object and claim damages. It provides also that the marshal shall summon a jury and administer oaths; it provides what the jury shall consider; it also provides for proceedings upon the rendering of the verdict. It makes provision, too, that a second jury may be summoned, and it provides also the method of paying the costs.

Now, I want to call the attention of this Committee of the Whole to the fact that all the expenses of these proceedings up to the demanding of the second jury are to be paid by the District of Columbia. That meets the suggestion of the gentleman from Missouri [Mr. DOCKERY]. I trust he will give me his attention for a moment. I have been referring to the statute under which the proceedings to condemn this property will be prosecuted if this bill be passed.

Mr. RICHARDSON. The proceedings will not be conducted under the statute which the gentleman has been reading.

Mr. HULICK. Why, sir, it is required that they shall be, under the very provisions of this bill.

Mr. CURTIS of Iowa. That provision is stricken out and it is provided that proceedings shall be conducted in accordance with the act of March 2, 1893.

Mr. DOCKERY. If the suggestion of the gentleman from Ohio [Mr. HULICK] should be acceded to, and all of the bill after the word "street," in line 10, be struck out, and if the proposed amendments be also excluded——

Mr. HULICK. I propose to strike out also the amendments that have been offered.

Mr. DOCKERY. If the bill be amended in that way I see nothing objectionable in it.

Mr. HULICK. That is exactly the form in which I propose that we leave the bill. The District Commissioners will then proceed under the law I have read without reference to the act of 1893. It is under the latter act that all the embarrassment comes in. The constitutionality of that act has been questioned in the courts. I propose to provide a means by which condemnation proceedings can be carried out effectually without reference to the act of 1893. If my amendment prevails all the costs up to the second jury will be paid by the District of Columbia under the act I have just read. Now, let me explain the meaning of that second jury. If the party whose property is condemned is not satisfied with the amount of damages awarded by the first jury, then he may demand a second jury, and if the verdict of the second jury is not in excess of the verdict of the first, then the party asking for the second jury must pay the expense out of his own pocket, but up to the second jury all the expenses are paid by the District of Columbia.

If my amendment be adopted, the purport of the bill will simply be to direct the Commissioners to proceed to condemn this special property by virtue of chapter 11 of the Revised Statutes, pertaining to the District of Columbia.

Mr. MILNES. Let me ask the gentleman one question. Under the act of 1893 half of the expense is chargeable to the abutting property and half to the treasury of the District of Columbia. Now, this bill does not provide for that, does it?

Mr. HULICK. This provides—and I am very glad the gentleman called my attention to it—it provides in section 262 of the act in question as follows:

The jury, having been upon the premises and assessed the damages, shall make out a written verdict to be signed by them, or a majority of them, and attested by the marshal, which the marshal shall transmit to the proper authorities at their next meeting, and which shall be recorded.

And I call your especial attention to this provision found in section 261:

In making their decision the jury shall take into consideration the benefit such road may be to each owner by enhancing the value of his land, or otherwise, and shall give their verdict accordingly.

That is equitable, just, and meets the criticisms which have been made upon this bill. That is where the embarrassment is in those condemnation proceedings which has been questioned in the courts under the law of 1893. It was thought advisable, therefore, in the introduction of this bill, that we proceed under this act rather than under the act of 1893.

Now, if the committee accept that amendment——

Mr. DOCKERY. I understand you propose to strike out all after the word "street," in line 10?

Mr. HULICK. Yes, sir.

Mr. DOCKERY. I am quite willing to accept that if it meets the wishes of the members of the committee.

Mr. HULICK. And the proceedings will be identical with the proceedings under chapter 11, where the verdict rendered was in excess of what the Commissioners of the District of Columbia thought right and just. And if the trustees of the cemetery property and the owner of the other property find that condemnation proceedings are to be prosecuted under that statute, if they should be required to go to a jury under the law in which they obtained judgment before, they will, I am quite sure, take the amount offered by the Commissioners rather than go through that proceeding again. And in fact, in the opinion of the committee, the offer of $25,000 was a very liberal offer; in fact, it might well be considered extravagant, and I do not mean to reflect upon anybody in making that assertion, and that the verdict of the jury was extorted—and I do not wish to be understood as being offensive in any sense of the word in that expression,

either—but what I mean is that it was an unreasonable verdict. It was for damages in favor of the cemetery of over $51,800, and over twenty thousand for that condemned of Mrs. Barbour. The Commissioners have been very liberal to these people, in the judgment of the committee, and yet they defy public interest, they defy the wants of everybody, they defy the Commissioners; and now, if it is provided by this act that the Commissioners shall proceed under the old statute, they will call a jury, assess the damages, the property will be condemned, and the parties will have to take what the verdict of the jury may give them.

I therefore offer that amendment.

The CHAIRMAN. There are two amendments pending now.

Mr. CURTIS of Iowa. I think there is much confusion in the minds of many of us as to just what the amendment of the gentleman from Ohio is. I would like to have it stated again.

Mr. HULICK. I will cheerfully do so. My suggestion is to strike out all of the original bill, including the amendments offered, after the word "street," in the tenth line of the first page.

Mr. CURTIS of Iowa. You mean to strike out the committee amendments also?

Mr. HULICK. Everything; because the object is to direct the Commissioners of the District of Columbia to proceed under this act, and that will give full jurisdiction and control to call a jury, assess the damages, and bring the parties into court if necessary. Let the verdict of the jury be returned, and that will be a judgment against the District of Columbia, and the cost of it to be paid from the District of Columbia revenues; unless, as I said before, the parties agree to call a second jury and have proceedings under that. If the verdict of the second jury is not greater than the verdict of the first, then the parties complaining or calling the second jury must pay the cost of the second jury proceedings themselves. Otherwise, if no second jury is called, then the District will have to pay the amount of the verdict.

Mr. CURTIS of Iowa. You propose to strike out all after "street" and insert nothing in its stead, as I understand?

Mr. HULICK. Yes; strike out everything from that word and insert nothing in its stead. Just leave the first part of the bill stand, down to the word "street." It strikes out all of the amendment of the gentleman from Iowa authorizing the Commissioners to go and buy the property at private sale. That, I think, is inconsistent with the original act.

Mr. DOCKERY. I am quite willing to accept that suggestion, so far as I am concerned; but I do not care about making any sort of agreement by which this bill will go to the Senate, be amended, and get into conference, and then, under pressure of a conference report, the very things carried in the bill to which we are objecting now.

Mr. CURTIS of Iowa. Mr. Chairman, the committee desire a vote upon this bill, and as far as I have had an opportunity to consult the members of the committee they seem willing to accept the amendment offered by the gentleman from Ohio [Mr. HULICK].

The CHAIRMAN. Does the gentleman ask to withdraw the amendment offered by the committee?

Mr. CURTIS of Iowa. The last amendment only.

The CHAIRMAN. Then the question is on the first amendment offered by the committee.

Mr. DINGLEY. Is the general debate closed?

Mr. DOCKERY. Not yet.

Mr. DINGLEY. I desire to call the attention of the gentleman from Ohio to one further fact. I have just run over the Revised Statutes; and in view of the amendment which the gentleman has suggested, I want to call his attention to the fact that chapter 11 of the Revised Statutes contemplates a very different condition of things from what the highway act of 1893 does. It seems to me that if this act is passed, and these proceedings are remanded entirely to chapter 11 of the Revised Statutes, then you will have condemnation proceedings.

Mr. CURTIS of Iowa. I call the attention of the gentleman to the fact that those words have been stricken out, or it is proposed to strike them out, and insert in lieu of the same "the act approved March 2, 1893."

Mr. DINGLEY. I was taking the suggestion of the gentleman from Ohio that we strike out all after the word "street," in line 10.

Mr. RICHARDSON. But that was after these words were inserted in that place.

Mr. DINGLEY. That may be. Let us hear those words; because I see that chapter 11 of the Revised Statutes and the highway act of 1893 contemplate entirely distinct and different proceedings. Not only that, but they employ a different method of paying the damages. In that case the District pays the entire cost, but under the act of 1893 the District pays half and the owners of the property pay half.

Mr. HULICK. It was the suggestion of the gentleman from Missouri [Mr. DOCKERY] that the expense be all charged up to the District.

Mr. CURTIS of Iowa. The act will read as follows:

That the Commissioners of the District of Columbia are hereby directed to open and grade North Capitol street from T street to the Soldiers' Home, and are hereby authorized and directed to condemn, according to the act approved March 2, 1893, entitled "An act to provide a permanent system of highways in that part of the District of Columbia lying outside of cities," such of the lands of the Prospect Hill Cemetery and of Annie E. Barbour as may be necessary for the extension of said street.

Mr. HULICK. Now, Mr. Chairman, does not the gentleman understand, and is it not so understood by every lawyer and by every member of the House who has given any attention whatever to the matter, that the act of 1893 can not be enforced in condemnation proceedings such as are proposed by this bill? They can not do it under that act, because it is so embarrassed by exceptions and by attacks that have been made upon it by the courts in the District, that it can not be enforced. I see the gentleman from Missouri [Mr. DOCKERY] winks his eye and nods his head in assent to my proposition. He does not want this act carried out, and he will vote for that amendment. If you insert that amendment you can not enforce the condemnation of this property, because the general highway act can not be enforced in the District of Columbia.

Mr. DOCKERY. I hope it will take time enough so that the general plan can be prepared, and then we shall move along harmoniously.

Mr. HULICK. I want to say that if you go into that and adopt the general highway act, you go into it with your eyes open, and you will never get the property condemned until there is further legislation or a further decision by the courts.

Mr. DOCKERY. I think you had better withdraw the bill and let it go over.

Mr. CURTIS of Iowa. I call for a vote.

Mr. TERRY. I should like to ask if there is not litigation pending in regard to some of this property which you are trying to go through, and if there has not been an injunction in regard to some of it?

Mr. CURTIS of Iowa. There is no litigation pending, as I understand.

Mr. TERRY. I understand there has been an injunction in regard to going through some of this property.

Mr. CURTIS of Iowa. This bill is satisfactory to the property holders.

Mr. TERRY. I should like to ask the gentleman from Tennessee [Mr. RICHARDSON] if there has not been an injunction issued to restrain them from going through some of this property?

Mr. RICHARDSON. There was, but that was under the act passed by the last Congress, growing out of an effort to condemn this property under an act passed by the Fifty-third Congress.

Mr. TERRY. And now you are trying to get around that act?

Mr. RICHARDSON. The provisions contained in this bill are satisfactory to the parties who brought that litigation, and this will end that litigation and be satisfactory to them, as I understand it.

Mr. TERRY. I have been advised the other way.

Mr. HULICK. I want to answer further the inquiry of the gentleman in regard to that litigation. That is litigation growing out of the amount of damages. These parties, the cemetery people and Mrs. Barbour, want the amount assessed to be paid, and the litigation grows out of the fact that they are trying to enforce the payment of that verdict and get that judgment enforced against the District. The District Commissioners are opposing that. That is the litigation referred to, as I understand it.

The CHAIRMAN. The question is on the first amendment offered by the committee.

Mr. BLUE. I hope that amendment will be again reported.

The amendment was again reported.

Mr. McMILLIN. I desire to ask the gentleman in charge of this bill about a matter that I have been informed of since this discussion commenced, and that is, whether or not there has been a permanent injunction granted against this very proceeding of opening a street through that cemetery? I understand that those people have spent $4,000 or $5,000 to prevent going through their cemetery, and I ask if there has been a perpetual injunction granted? Now, is that a fact?

Mr. RICHARDSON of Tennessee. I do not so understand it. I have just answered that question. The gentleman from Arkansas asked me the same question and I answered him.

Mr. McMILLIN. I did not hear that inquiry, or I would not have duplicated it.

Mr. RICHARDSON. He asked me the same question.

Mr. McMILLIN. I have been informed that such is the fact. I know that when this was up before in Congress there was a great resistance to the bill, but what form that resistance took in the court I did not attempt to follow; but I am informed that that is the situation, and I was inquiring to know whether my information was correct?

Mr. RICHARDSON. I can only state again, that there was an

injunction suit brought, because they objected to the method of the condemnation that was undertaken.

Mr. McMILLIN. Did not they object to the going through the cemetery in toto?

Mr. RICHARDSON. They may have included that too, but there was no objection to this bill by those parties provided the amount mentioned in this bill is paid to them. They undertook to get an injunction, and possibly did get an injunction against the proceedings under the act of the Fifty-third Congress, but it was not because of the amount, as I understand, or an objection to going through, but in respect to the assessment of damages in some way upon the abutting property. It was the practice under that act to assess benefits as against damages. Then I understand the injunction was made perpetual, possibly upon all the grounds you have mentioned; but the representatives of the cemetery, and the representatives of Mrs. Barbour, appeared before our Committee on the District of Columbia, and, as I understand it—and I state it here in the presence of other members of the committee—they agree or did agree that if the amount mentioned here, $20,000 to Mrs. Barbour and $25,000 to the cemetery, was paid that there is no objection, as I understand it, on the part of either.

Mr. HULICK. I will state to the gentleman that I have never heard of that. I asked about that and was advised by a member of the committee that no agreement had been reached.

Mr. RICHARDSON. There is no agreement; but I understand they consent to accept these figures if an amendment is inserted, and that amendment has been suggested; and if the bill is passed I understand that they will take the amount we have offered.

Mr. KIEFER. I want to ask you a question for information. I wish to state to the gentleman in charge of the bill that on March 3, this year, a committee consisting of members of the corporation termed the Prospect Hill Cemetery Association asked me to introduce a claim for $51,686, which was the amount that had been found by the committee who had the condemnation proceedings in their hands. They claim that they have yet before the courts an injunction forbidding a right of way through their cemetery. Now, if these gentlemen have agreed to take $25,000, of which I am not aware, I am willing to vote for the bill; but otherwise I can not vote for it, because I have no information from the gentleman who asked me to introduce this bill.

Mr. DOCKERY. But there does not seem to be any distinct and definite understanding. The gentleman from Tennessee himself is not sure.

Mr. RICHARDSON. They have not agreed to accept that amount.

Mr. TERRY. There being so much misunderstanding, the gentleman ought to let this matter be laid aside until this committee can understand it properly.

Mr. CURTIS of Iowa. Mr. Chairman, I will say for the information of some gentlemen of the House that the committee understood the Barbour estate had agreed to accept the amount proposed, $20,000, the amount offered by the Commissioners, in lieu of damages under the former act. It is expected—I do not know that anybody has definite information as to that—but it is expected that the cemetery association will accept the amount which was offered to them at the same time also, although under the provisions of this proposed amendment the cemetery association are at liberty to accept this amount in lieu of condemnation proceedings or to proceed under the highway act to condemn.

Mr. McMILLIN. As I understand, there is no definite information that the cemetery association has agreed to accept this amount; but if they do not, you propose to go on with the condemnation proceeding, notwithstanding the injunction?

Mr. CURTIS of Iowa. The cemetery association have been objecting to the condemnation proceedings or to the acceptance of the amount proposed in the former act in lieu of condemnation proceedings, but as provided by the amendment offered by my colleague from Ohio, this amendment is stricken out, and everything in the bill following the word "street," in the tenth line. I call the gentleman's attention to this, especially when the second amendment proposed by the committee should be reached, and it is proposed now, if satisfactory to the gentlemen who have raised some objections to this bill, that we accept the amendment offered by the gentleman from Ohio and have a vote.

Mr. DOCKERY. I hope my friend from Iowa will withdraw this bill, as questions of an injunction and figures have been brought up here for the first time.

Mr. HULICK. You withdraw your amendment?

Mr. CURTIS of Iowa. Yes; if it is desired. I desire to reach a vote upon the bill, and harmonize all differences if possible, in order that the bill may go through. It is a measure that ought to pass.

Mr. HULICK. The gentleman from Iowa desires to withdraw the amendment that he offered.

The CHAIRMAN. Without objection, the gentleman from Iowa withdraws the amendment.

Mr. DOCKERY. He withdraws both amendments.

Mr. HULICK. Now, Mr. Chairman, I offer the amendment suggested previously, which is that all afte the word "street," in line 10 of this bill, be stricken out.

The proposed amendment was read, as follows:

Line 10, after the word "street," strike out the following:
"And the amount of money necessary to pay the judgment of condemnation and the cost of grading is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to carry out the provisions of this act, but the cost of grading shall not exceed $10,000: *Provided*, That one-half of said sum shall be charged to the revenues of the District of Columbia: *And provided further*, That this appropriation shall be immediately available."

The CHAIRMAN. The question is on the amendment.

Mr. BLUE. Mr. Chairman, if that amendment is correctly reported it refers merely to the form of the condemnation. Does it include also the matter of paying damages and expenses? I do not so understand it.

Mr. KIEFER. It refers to a former act which does provide for that.

Mr. BLUE. Only as to the methods of condemnation.

Mr. KIEFER. And as to the mode of paying.

Mr. HULICK. And as to the cost of condemnation. It executes itself fully.

Mr. DOCKERY. I understand that the amendment strikes out all of the bill after the word "street," in line 10. If that amendment were adopted, I ask the gentleman from Maine, who would pay these expenses?

Mr. DINGLEY. I think that is left very uncertain. It is the condemnation proceedings that chapter 11 of the Revised Statutes provides for. This bill provides that the costs, etc., shall be paid according to that statute.

Mr. HULICK. That everything up to the demand for the second jury shall be paid out of the revenues of the District.

Mr. DINGLEY. I think it would be better to have that distinctly settled.

Mr. DOCKERY. It might be amended so as to read: "*Provided*, That all expenses involved under this bill shall be paid wholly from the revenues of the District of Columbia."

Mr. BLUE. Expenses and damages.

Mr. DINGLEY. I notice that chapter 11 of the Revised Statutes provides for the methods of condemnation and provides for a jury to estimate the damages. It also says that in estimating the damages they shall deduct the benefits that may be supposed to accrue to the owners of the abutting property, and then it provides that all the expense shall be paid by the District of Columbia.

Mr. CURTIS of Iowa. Mr. Chairman, I ask consent to withdraw this bill.

The CHAIRMAN. The gentleman from Iowa withdraws the bill.

Mr. DINGLEY. I would like to ask a further question, at the suggestion of the gentleman from Nebraska [Mr. HAINER]. The language in chapter 11 applies simply to costs. Now, it seems to me that damages are entirely distinct.

Mr. McMILLIN. Mr. Chairman, I will submit this idea to the gentleman from Maine. Chapter 11 of the Revised Statutes was enacted before the act of 1893, and under that act whatever expense was incurred by the District of Columbia was to be paid one-half by the District and one-half by the Government. Therefore, if we proceed under that statute, the Government of the United States will have to pay part of this expense.

Mr. HULICK. It is not so provided in the statute.

Mr. RICHARDSON. Mr. Chairman, this debate is all out of order.

Mr. BABCOCK. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. PAYNE, from the Committee of the Whole, reported that they had had under consideration the bill H. R. 6713, and that the same had been withdrawn from the consideration of the committee.

LAWS AFFECTING MARRIED WOMEN IN THE DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker, I call up the bill S. 1659, which was laid aside a few moments ago for the preparation of an amendment, the bill to amend the law of the District of Columbia as to married women, and to make parents the natural guardians of their minor children, and for other purposes.

The bill was read, as follows:

A bill to amend the laws of the District of Columbia as to married women, to make parents the natural guardians of their minor children, and for other purposes.

Be it enacted, etc., That the property, real and personal, which any woman in the District of Columbia may own at the time of her marriage, and the rents, issues, profits, or proceeds thereof, and real, personal, or mixed property which shall come to her by descent, devise, purchase, or bequest, or or the gift of any person, shall be and remain her sole and separate property, notwithstanding her marriage, and shall not be subject to the disposal of her husband or liable for his debts, except that such property as shall come to her by gift of her husband shall be subject to, and be liable for, the debts of the husband existing at the time of the gift.

SEC. 2. That a married woman, while the marriage relation subsists, may bargain, sell, and convey her real and personal property, and enter into any contract in reference to the same in the same manner, to the same extent, and with like effect as a married man may in relation to his real and personal property, and she may, by a promise in writing, expressly make her separate estate liable for necessaries purchased by her or furnished at her request for the family.

SEC. 3. That any married woman may carry on any trade or business, occupation, or profession by herself, or jointly with others, and perform any labor or services on her sole and separate account, and the earnings of any maried woman from her trade, business, profession, occupation, labor, or services shall be her sole and separate property, and may be used and invested by her in her own name.

SEC. 4. That nothing in this act contained shall invalidate any marriage settlement or contract.

SEC. 5. That the husband shall not be liable for the payment of the wife's antenuptial debts, but she shall be liable to all remedies for the recovery of such debts, to be enforced against her and her separate property as if she were unmarried.

SEC. 6. That the father and mother shall be the natural guardians of the person of their minor children. If either dies or is incapable of acting, the natural guardianship of the person shall devolve upon the other: *Provided, however*, That in case of the death of either parent from whom the said children may inherit, or take by devise or bequest, the said parent may, by deed or last will and testament, appoint a guardian of the property of the children, subject to the approval of the proper court of the District of Columbia.

SEC. 7. That the survivor may by last will appoint a guardian of the person and property of any of the children, whether born at the time of making the will or afterwards, to continue during the minority of the child, or for a less time, subject at all times to removal for cause and appointment of another by the proper court.

SEC. 8. That dower shall hereafter be assigned to a widow entitled to the same in the equitable as well as the legal estate of her deceased husband.

Mr. HULICK. Mr. Speaker, the bill S. 1659 is now up for consideration. When it was called up before in its order there were suggestions made by the gentleman from Vermont in regard to the rights of married women, their right to bring actions, to sue and be sued in the courts of the District relative to their own contracts and their own property, and it was suggested that we should prepare an amendment or amendments to the bill. It was referred to me, and in the short time I have had I have prepared a hasty amendment, one not quite satisfactory to my own mind, nevertheless an amendment which can be offered and which will require the bill to go back to the Senate and possibly to a conference, for I have observed that the laws of the District of Columbia have been amended in that way before, without proper consideration by the Judiciary Committee, and we have found much embarrassment when we have come to compare them with existing statutes. I propose, therefore, to offer these amendments with the prefatory statement that the matter has not been considered by the committee as fully as it should be. In fact, the committee has not given any consideration to it whatever.

Under the laws now prevailing in the District of Columbia with reference to the issue of executions by the courts and other matters connected with the collection of debts, such matters are controlled by an old English law passed in the year 1265, during the reign of Henry III. And the execution of property in the hands of the marshal or sheriff is regulated by a law passed one hundred and sixty-four years ago.

We are now called upon, in connection with a bill coming from the Senate that has not been referred to our committee, to offer amendments in regard to the rights of married women in property that may have come to them by descent, purchase, or otherwise. This bill, as has been suggested by the gentleman from Vermont, falls far short of executing itself. I will read the amendments which I propose to offer. They are to be numbered as sections 4 and 5:

SEC. 4. A married woman may sue and be sued as if she were unmarried; and her husband shall be joined with her when the cause of action is in favor of or against both her and her husband.

SEC. 5. When a married woman sues or is sued, like proceedings shall be had and judgment rendered and enforced as if she were unmarried; and her property and estate shall be liable for judgments against her; but she shall be entitled to all the benefits of all exemptions to the heads of families or householders.

Under the statutes now in force there are exemptions to heads of families and householders. We want to give to a married woman the benefit of such exemptions, so that if her husband fails to demand his rights in that respect she may demand them for herself. It too frequently happens that a married woman has a husband with no property—perhaps without capacity or ability to make a living for her and their family. She has her own property. Under the provision I have read if such a woman is defendant in a suit involving that property, and a judgment should be rendered against her, instead of her homestead or other private property being taken from her so that she and her family might be turned out of doors, she would be entitled to the exemptions provided in section 13 of the compiled statutes of the District. Those exemptions cover such things as wearing apparel, beds and bedding, fuel for three months, mechanics' tools, library and implements of a professional man or artist, etc. Under this provision the wife would be protected in her ownership of such property.

Under the first provision of these amendments a married woman may sue and be sued as if she were unmarried. Of course that provision is in derogation of the common law as now enforced in the District of Columbia. What other statutes may have been enacted relative to the rights of married women we have not had time to consider, and I am frank to say that I do not know whether the amendments I have offered are consistent or inconsistent with other statutes of the District of Columbia. But if the amendments I propose should be adopted, and the bill goes back to the Senate, it will then probably go to a conference, when more time will be given to the subcommittee of the District, which will be enabled to give some consideration to the bill.

I now submit these amendments with this further remark, that if they be adopted a renumbering of the following sections will of course be necessary.

Mr. BRUMM. I should like to ask the gentleman from Ohio a question. His amendment, as I understand, makes a married woman liable for her personal debts, whether she is declared a feme sole trader or not.

Mr. HULICK. As bearing upon her own separate estate only.

Mr. BRUMM. Of course.

Mr. HULICK. It would not affect her husband's property.

Mr. BRUMM. But by your amendment, as I understand, you put her in such a position that under the coercion of her husband she may be compelled to part with her entire property. You hold her liable to the extent of her own estate for all her debts, whether she be a feme sole trader or not.

Mr. HULICK. I do not understand the gentleman's remark as to "the coercion of her husband." The presumption of the old common law is that the wife is under the coercion of her husband.

Mr. BRUMM. Under your amendment she can sign a promissory note, make a bond, etc.

Mr. HULICK. Yes, sir; she can do as she pleases concerning her own property.

Mr. BRUMM. Do you mean to tell me she may not be forced to do such acts under the coercion of her husband?

Mr. HULICK. No more than the husband could be forced to do so under the coercion of his wife.

Mr. BRUMM. I fail to see where she is protected; and I for one shall oppose any amendment of that kind.

Mr. HULICK. Mr. Speaker, with the amendment pending, in view of the lateness of the hour, as well as because of the fact that other matters are to be considered by the committee this afternoon, on consultation with the chairman of the committee, I withdraw this bill, and will let it go over to a later date.

Mr. BRUMM. I would suggest that in the meantime the gentleman have the bill and the amendment printed, and have it perfected when next laid before the House.

The SPEAKER. No action has been taken by the House on the bill?

Mr. HULICK. None whatever.

The SPEAKER. The gentleman has the right to withdraw it.

Mr. HULICK. Then I withdraw it.

Mr. MILNES. Mr. Speaker, I rise to a parliamentary inquiry. If this bill is withdrawn, what becomes of it?

The SPEAKER. It is returned to the same status that it occupied before it was called up by the chairman of the committee to-day.

Mr. BABCOCK. It goes to the committee, I suppose?

The SPEAKER. It goes back to its original place, subject to any further action on the part of the commiteee.

ECKINGTON AND SOLDIERS' HOME AND BELT RAILWAY COMPANIES.

Mr. BABCOCK. Mr. Speaker, I call up now the bill (S. 2928) to extend the routes of the Eckington and Soldiers' Home Railway Company and the Belt Railway Company of the District of Columbia, and for other purposes, and I ask that the reading of the bill be dispensed with. It has been before the committee for three months, and I think it is thoroughly understood by the House.

Mr. BAKER of New Hampshire. I object.

The SPEAKER. The Clerk will read the bill.

The bill was read at length.

The Committee on the District of Columbia recommend the adoption of the following amendments:

On page 2, line 8, strike out the words "two years" and insert in place thereof "eighteen months."

Strike out all of section 2.

In section 4, page 4, strike out all of lines 17 to 25, inclusive.

Add to section 4 the following:

"*Provided*, That if there is not sufficient room for two tracks on Water street without encroaching on tracks already there, that the said Belt Line Railway Company shall purchase at its own cost sufficient ground to open Water street from the terminus of its line as now located along said projected route to P street."

In section 5, line 6, strike out the word "all" and insert the word "the" in place thereof.

In section 5, line 7, strike out the words "two years" and insert the words "one year" in place thereof.

Mr. BABCOCK. Mr. Speaker, I move the adoption of the committee amendments.

The amendments were agreed to.

Mr. BABCOCK. I offer the following additional amendment.

The SPEAKER. The Clerk will report the amendment.

Mr. HEPBURN. Before that, Mr. Speaker, I have several amendments to offer which precede that of the gentleman from Wisconsin, and I do not wish to lose the right to offer them by consenting that his amendment, which, as I understand it, comes into a later part of the bill, shall be first considered.

Mr. BAKER of New Hampshire. I ask for the reading of the bill by sections.

The SPEAKER. The Chair thinks the bill had better be read by sections.

Mr. BABCOCK. This amendment, I will state, Mr. Speaker, is practically a committee amendment, and the only difference is that it was not prepared at the time the bill was reported.

The SPEAKER. The Chair understands the gentleman assents to the proposition of the gentleman from Iowa that he may have permission to recur to other parts of the bill and offer amendments.

Mr. BABCOCK. Certainly; I have no objection.

The SPEAKER. The Clerk will report the amendment proposed by the gentleman from Wisconsin.

The Clerk read as follows:

Add a new section, as follows:

"SEC. 12. That the Metropolitan Railroad Company be, and it is hereby, authorized to extend the lines of its underground electric railroad from the intersection of Connecticut and Florida avenues northward along Columbia Road to a point on the west line of Eighteenth street extended: *Provided*, That the said extension be completed before January 1, 1897, and the said company is hereby authorized and empowered to increase its capital stock for the purpose of making and equipping the extension of its route authorized by this act and for the completion of its present construction, but the amount of the capital stock so to be issued as aforesaid shall be subject to the approval of the supreme court of the District of Columbia, and shall not exceed, together with the bonded indebtedness of said company, the cost of the making and equipment of the extension herein provided for and the completion of its present construction."

The amendment was agreed to.

Mr. HEPBURN. Now, Mr. Speaker, I offer the following amendment, which I send to the desk.

Mr. BAKER of New Hampshire. I ask that this bill be read by sections for amendments, beginning at the beginning.

Mr. WILLIAM A. STONE. Oh, no; it is too late.

The SPEAKER. The Clerk will report the amendment proposed by the gentleman from Iowa.

The Clerk read as follows:

Insert in line 14, section 1, after the word "power," the following:

"*And provided further*, That within thirty days after the passage of this act cars shall be regularly run over the existing tracks beginning at the intersection of G street and New Jersey avenue, thence across New Jersey avenue to and along G street to North Capitol street, thence north on North Capitol street to T street according to a schedule satisfactory to the Commissioners of the District of Columbia."

Mr. BAKER of New Hampshire. Mr. Speaker, I now call for the reading of the bill by sections.

Mr. DINGLEY. Mr. Speaker, it is evident that the consideration of this bill can not be completed to-night, and at the suggestion of gentlemen connected with the committee, who are willing that that be done, I shall move that the House adjourn after the gentleman from New York [Mr. DANIELS] has presented a report on a contested-election case.

Mr. HEPBURN. Mr. Speaker, can we not have a vote on this pending amendment? It is an amendment which ought to be adopted, and there should be no objection to it.

CONTESTED ELECTION CASE—FELTON VS. MADDOX, SEVENTH DISTRICT OF GEORGIA.

Mr. DANIELS. Mr. Speaker, I am directed by the Committee on Elections No. 1 to present a report in the case of Felton *vs.* Maddox, from the Seventh Congressional district of the State of Georgia. It is a unanimous report, signed by all the members of the committee except Mr. LINNEY, who is out of the city. I ask that the report be printed.

The SPEAKER. What action does the gentleman from New York desire on the resolutions?

Mr. DANIELS. To have the resolutions read and adopted.

Mr. DINGLEY. Why not let it go over until to-morrow.

Mr. DANIELS. I think it will not occasion any discussion.

The SPEAKER. The Clerk will report the resolutions.

The Clerk read as follows:

Resolved, That William H. Felton was not elected a member of the Fifty-fourth Congress at the election for Representative for the Seventh Congressional district in the State of Georgia on the 6th day of November, 1894.

Resolved, That John W. Maddox was elected a member of the Fifty-fourth Congress at the election for Representative for the Seventh Congressional district in the State of Georgia on the 6th day of November, 1894.

Mr. DANIELS. I ask for the adoption of the resolutions.

The resolutions were agreed to.

ORDER OF BUSINESS.

Mr. DINGLEY. I move that the House do now adjourn.

Mr. RICHARDSON. Mr. Speaker, a parliamentary inquiry in relation to the amendment offered by the gentleman from Iowa [Mr. HEPBURN]. I do not understand that there was any vote taken upon that amendment.

Mr. DINGLEY. That is pending.

The SPEAKER. That amendment is pending.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 6) constituting Syracuse, N. Y., a port of delivery;

A bill (H. R. 4804) to amend subdivision 10 of section 2238 of the Revised Statutes of the United States;

A bill (H. R. 1743) for the relief of the widow of Thomas L. Young;

A bill (H. R. 8820) making provision for the deportation of refugee Canadian Cree Indians from the State of Montana and their delivery to the Canadian authorities;

A bill (S. 137) granting an increase of pension to William W. French; and

A bill (S. 1365) for the relief of the National New Haven Bank of the State of Connecticut.

SENATE BILLS AND JOINT RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, the following Senate bills and joint resolution were taken from the Speaker's table and referred by the Speaker as follows:

A bill (S. 2962) to confer jurisdiction on the Court of Claims in the case of the book agents of the Methodist Episcopal Church South against the United States—to the Committee on War Claims.

A bill (S. 2232) to vacate Sugar Loaf Reservoir site, in Colorado, and to restore the lands contained in the same to entry—to the Committee on the Public Lands.

Joint resolution (S. R. 91) providing for the adjustment of certain claims of the State of Tennessee against the United States—to the Committee on Claims.

A bill (S. 1659) to amend the laws of the District of Columbia as to married women, to make parents the natural guardians of their minor children, and for other purposes—to the Committee on the District of Columbia.

CONFEREES ON THE INDIAN APPROPRIATION BILL.

The SPEAKER appointed as conferees on the part of the House on the Indian appropriation bill Mr. SHERMAN, Mr. CURTIS of Kansas, and Mr. PENDLETON.

HOUSE BILLS LAID ON THE TABLE.

The SPEAKER laid before the House the following bills; which were, by unanimous consent, ordered to lie on the table, similar Senate bills having passed the House:

A bill (H. R. 4146) relative to the First National Bank of Sprague, Wash.;

A bill (H. R. 608) for the relief of E. R. Shipley;

A bill (H. R. 1030) for the relief of John J. Shipman;

A bill (H. R. 3637) to provide for the construction of a bridge across the Columbia River;

A bill (H. R. 5549) amending the general pension laws; and

A bill (H. R. 7138) granting a right of way to the Denison and Northern Railroad Company through the Indian Territory.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted

To Mr. JOY, for this day, on account of important business.

To Mr. ANDERSON, on account of sickness.

To Mr. WILLIAMS, for five days, on account of important business.

And then, on motion of Mr. DINGLEY (at 5 o'clock and 12 minutes p. m.), the House adjourned.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. ELLIS, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 4058) to set apart certain lands now known as the Pacific Forest Reserve as a public park, to be known as the Washington National Park, reported the same with amendment, accompanied by a report (No. 1699); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HILBORN, from the Committee on Naval Affairs, to which was referred the following sundry bills, reported the same, accompanied by reports; which said bills and reports were referred to the Committee of the Whole House on the state of the Union, as follows, to wit:

WITH AMENDMENTS.

The bill (H. R. 6895) empowering and directing the Secretary of the Navy to furnish 2 pieces of condemned cannon, 2 caissons,

and 24 cannon balls to the Grand Army of the Republic post at Somerset, Pa., and the borough of Somerset, Pa. (Report No. 1700.)

The bill (H. R. 8269) donating condemned cannon to Colonel John M. Patterson Post, No. 131, Grand Army of the Republic. (Report No. 1701.)

The bill (H. R. 6894) empowering and directing the Secretary of the Navy to furnish 2 pieces of condemned cannon, 2 caissons, and 24 cannon balls to the Grand Army of the Republic post and the the borough of Everett, Pa. (Report No. 1702.)

The bill (H. R. 8265) donating 1 cannon and 5 cannon balls to Loomis Post, No. 2, Quincy, Mich. (Report No. 1705.)

The bill (H. R. 8581) donating 1 cannon and 25 cannon balls to E. W. Hollingsworth Post, No. 210, Albion, Mich. (Report No. 1716.)

The bill (H. R. 8725) donating 2 condemned cannon and 10 condemned cannon balls to Shelly Norman Post, Grand Army of the Republic, of Muscatine, Iowa, and 2 condemned cannon and 10 condemned cannon balls to General N. B. Baker Post, Grand Army of the Republic, of Clinton, Iowa. (Report No. 1720.)

The bill (H. R. 8214) granting to Will E. Webber Post, Grand Army of the Republic, of Galatia, in Saline County, Ill., 2 condemned mounted brass cannon. (Report No. 1722.)

The bill (H. R. 8267) donating condemned mounted cannon to the National Guard of Delaware. (Report No. 1723.)

The bill (H. R. 8323) granting condemned cannon, carriages, and balls to Nelson Post, No. 40, Grand Army of the Republic, Bristol, N. H., for monumental purposes. (Report No. 1724.)

The bill (H. R. 8503) to donate 4 condemned cannon and 50 cannon shot to the Allen County Soldiers' Monumental Association, Fort Wayne, Ind. (Report No. 1725.)

The bill (H. R. 8696) providing for 4 cannon and 4 pyramids of cannon balls to be donated to the commissioners of Putnam Park, Redding, Conn. (Report No. 1726.)

WITHOUT AMENDMENT.

The bill (H. R. 8208) granting to A. B. Bateman Post, No. 60, Grand Army of the Republic, of Cedarville, N. J., 4 condemned cannon and 20 cannon balls. (Report No. 1703.)

The bill (H. R. 8213) authorizing and directing the Secretary of the Navy to furnish 2 pieces of condemned cannon and 60 cannon balls to the George C. Stoyell Post, Grand Army of the Republic, of Moravia, N. Y. (Report No. 1704.)

The bill (H. R. 8216) granting to Custer Post, No. 38, Grand Army of the Republic, of Etna, Pa., 3 condemned cannon and 25 cannon balls. (Report No. 1706.)

The bill (H. R. 8268) granting condemned cannon, carriages, and balls to Kenesaw Post, Grand Army of the Republic, Danville, Ill., for monumental purposes. (Report No. 1707.)

The bill (H. R. 8294) donating 4 condemned cannon and 4 pyramids of condemned cannon balls to Monumental Association of Catawissa, Pa. (Report No. 1708.)

The bill (H. R. 8295) donating 1 condemned cannon and 2 pyramids of condemned cannon balls to Captain Jackson Post, Grand Army of the Republic, No. 159, Berwick, Pa. (Report No. 1709.)

The bill (H. R. 8296) donating 4 condemned cannon and 4 pyramids of condemned cannon balls to Lincoln Post, No. 140, Shamokin, Pa., for their Soldiers' Monumental Association. (Report No. 1710.)

The bill (H. R. 8317) donating 1 condemned cannon and 4 pyramids of condemned cannon balls to O. R. Whitman Post, No. 346, Grand Army of the Republic, Lamont, Buchanan County, Iowa. (Report No. 1711.)

The bill (H. R. 8324) authorizing and directing the Secretary of the Navy to donate 4 pieces of condemned cannon and 4 pyramids of condemned cannon balls to the Grant County Union Soldiers' Monument and Memorial Association of Wisconsin. (Report No. 1712).

The bill (H. R. 8495) granting to John Hill Post, No. 86, of Boonton, N. J., 4 condemned cannon and 20 cannon balls. (Report No. 1713.)

The bill (H. R. 8496) granting to John G. Tolmie Post, No. 50, Grand Army of the Republic, of Phillipsburg, N. J., 4 condemned cannon and 20 cannon balls. (Report No. 1714.)

The bill (H. R. 8556) authorizing the Secretary of the Navy to deliver 4 condemned cannon to B. B. King Post, No. 70, at Canton, Mo. (Report No. 1715.)

The bill (H. R. 8649) donating 4 condemned cannon and 4 pyramids of condemned cannon balls to Henry Wilson Post, No. 229, Grand Army of the Republic, of Milton, Pa. (Report No. 1717.)

The bill (H. R. 8697) authorizing and directing the Secretary of the Navy to donate 1 condemned cannon and 4 pyramids of condemned cannon balls to Francis Washburn Post, No. 92, Grand Army of the Republic, of Brighton, Mass., and for other purposes. (Report No. 1718.)

The bill (H. R. 8621) donating a condemned cannon to Franklin Post, No. 256, Department of Illinois, Grand Army of the Republic, of Monticello, Ill. (Report No. 1719.)

The bill (H. R. 8727) donating 1 condemned cannon and 2 pyramids of condemned cannon balls to Bryson Post, No. 225, Grand Army of the Republic, of Watsontown, Pa. (Report No. 1721.)

Mr. NOONAN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 180) to make the city of Erie, Pa., a port of immediate transportation, reported the same without amendment, accompanied by a report (No. 1727); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

By Mr. HULL, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 6352) to simplify the system of making sales in the Subsistence Department to officers and enlisted men of the Army, reported the same without amendment, accompanied by a report (No. 1728); which said bill and report were referred to the House Calendar.

By Mr. ELLIS, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 2749) entitled "An act to establish the official survey of fractional townships 31 and 32, of ranges 6, 7, and 8 west, the sixth principal meridian, in the State of Nebraska, north and west of the Niobrara River, and quieting the title of settlers thereon, and for other purposes," reported the same without amendment, accompanied by a report (No. 1741); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. BISHOP, from the Committee on Military Affairs: The bill (H. R. 4493) to remove the charge of desertion from the military record of Thomas W. O'Brien. (Report No. 1695.)

By Mr. HULICK, from the Committee on Naval Affairs: The bill (H. R. 5758) to remove the charge of desertion from the naval record of Horace G. Reed. (Report No. 1696.)

By Mr. HALTERMAN, from the Committee on Pensions: The bill (H. R. 7849) granting a pension to L. Electa Brown. (Report No. 1697.)

By Mr. ANDREWS, from the Committee on Invalid Pensions: The bill (S. 2822) entitled "An act to increase the pension of Theodore V. Purdy." (Report No. 1729.)

By Mr. CROWTHER, from the Committee on Invalid Pensions: The bill (H. R. 3331) to pension Col. James Lindsay. (Report No. 1730.)

By Mr. KERR, from the Committee on Invalid Pensions: The bill (H. R. 4484) for the relief of Sarah E. Chamberlain. (Report No. 1731.)

By Mr. KIRKPATRICK, from the Committee on Invalid Pensions: The bill (H. R. 2403) granting a pension to Jackson Osborn. (Report No. 1732.)

By Mr. LAYTON, from the Committee on Invalid Pensions:

The bill (H. R. 8884) granting a pension to Henry Graves, reported in lieu of H. R. 7811. (Report No. 1733.)

The bill (H. R. 8159) to pension Mrs. Martha M. Gibson. (Report No. 1734.)

By Mr. PICKLER, from the Committee on Invalid Pensions: The bill (H. R. 8848) granting an increase of pension to John A. Hughes. (Report No. 1735.)

By Mr. POOLE, from the Committee on Invalid Pensions: The bill (H. R. 3263) to increase the pension of Carlos Bombard, late of Company F, Fifth Regiment Vermont Volunteers. (Report No. 1736.)

By Mr. WOOD, from the Committee on Invalid Pensions: The bill (S. 1052) entitled "An act increasing the pension of Luvicey J. Summers, widow of William H. Summers, late captain of Company E, Fortieth Regiment Illinois Volunteers, and also a soldier in the Mexican war." (Report No. 1737.)

By Mr. ANDERSON, from the Committee on Invalid Pensions: The bill (H. R. 8633) granting a pension to Nancy Roberts, of Manchester, Clay County, Ky. (Report No. 1738.)

By Mr. SULLOWAY, from the Committee on Invalid Pensions: The bill (S. 2187) entitled "An act to pension Thomas F. Leahy." (Report No. 1739.)

ADVERSE REPORT.

Under clause 2, Rule XIII, Mr. BISHOP, from the Committee on Military Affairs, reported adversely (Report No. 1740) the bill (H. R. 8425) to correct the military record of George E. Day; which said bill and report were laid on the table.

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. PENDLETON: A bill (H. R. 8850) to amend an act passed at the first session of the Fifty-fourth Congress, entitled "An act to grant to railroad companies in the Indian Territory additional power to secure depot grounds"—to the Committee on Indian Affairs.

By Mr. CURTIS of Iowa: A bill (H. R. 8851) donating 1 condemned cannon and 10 condemned cannon balls to August Wenz Post, Grand Army of the Republic, of Davenport, Iowa—to the Committee on Naval Affairs.

By Mr. REYBURN: A bill (H. R. 8852) to provide an American register for the steamship *Southery*—to the Committee on the Merchant Marine and Fisheries.

By Mr. HARDY: A bill (H. R. 8853) to regulate promotions in the Executive Departments at Washington, D. C.—to the Committee on Reform in the Civil Service.

By Mr. MILLIKEN: A bill (H. R. 8854) to establish a council of ordnance—to the Committee on Military Affairs.

By Mr. HILBORN: A bill (H. R. 8885) amending and extending the provisions of an act of Congress entitled "An act approving with amendments the funding act of Arizona," approved June 25, 1890, and the act amendatory thereof and supplemental thereto, approved August 3, 1894—to the Committee on the Territories.

By Mr. DOCKERY: A concurrent resolution (House Con. Res. No. 47) to print additional copies of the Messages and Papers of the Presidents—to the Committee on Printing.

By Mr. CORLISS: A joint resolution (H. Res. 182) authorizing the President to invite the leading commercial nations of the world to join in an international monetary conference and providing for a commission, etc.—to the Committee on Coinage, Weights, and Measures.

By Mr. CHARLES W. STONE: A joint resolution (H. Res. 183) authorizing preliminary proceedings looking to the adoption of an international coin or coins—to the Committee on Coinage, Weights, and Measures.

By Mr. PHILLIPS: A resolution (House Res. No. 318) fixing Tuesday, May 12, for the consideration of House bills Nos. 6119 and 208—to the Committee on Rules.

By Mr. BARRETT: A memorial of the Massachusetts legislature, in support of the Monroe doctrine—to the Committee on Foreign Affairs.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. APSLEY: A bill (H. R. 8855) to increase the pension of Aaron C. Handley—to the Committee on Invalid Pensions.

By Mr. ATWOOD: A bill (H. R. 8856) to remove the charge of desertion from Thomas J. Foley—to the Committee on Military Affairs.

By Mr. BAKER of Maryland: A bill (H. R. 8857) for the relief of the heirs and legal representatives of James Herron—to the Committee on War Claims.

By Mr. BENNETT: A bill (H. R. 8858) granting a pension to Eliza Conroy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8859) granting an increase of pension to James H. Stevens—to the Committee on Invalid Pensions.

By Mr. BRUMM: A bill (H. R. 8860) granting an increase of pension to Robert McCormick—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8861) granting a pension to Casper Shutt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8862) granting an increase of pension to Herman Von Marsdorff—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8863) granting an increase of pension to Sarah Siebert—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8864) granting an increase of pension to Elizabeth Kleckner—to the Committee on Invalid Pensions.

By Mr. COLSON: A bill (H. R. 8865) granting an increase of pension to B. E. Huffman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8866) granting an increase of pension to Robert S. Bowman—to the Committee on Invalid Pensions.

By Mr. CONNOLLY: A bill (H. R. 8867) for the relief of Charles Riddle—to the Committee on War Claims.

By Mr. CUMMINGS: A bill (H. R. 8868) for the relief of Mrs. Ellen O'Rorke—to the Committee on Invalid Pensions.

By Mr. CURTIS of Kansas: A bill (H. R. 8869) for the relief of Jason J. Jones—to the Committee on Military Affairs.

Also, a bill (H. R. 8870) granting an increase of pension to Robert L. Parseal—to the Committee on Invalid Pensions.

By Mr. EVANS: A bill (H. R. 8871) granting an increase of pension to Mrs. Lou C. Harwood, of Louisville, Ky.—to the Committee on Invalid Pensions.

By Mr. FLYNN: A bill (H. R. 8872) granting a pension to Walter M. Macarty—to the Committee on Invalid Pensions.

By Mr. HULICK: A bill (H. R. 8873) for the relief of Clara W. Stagg, widow of Jesse S. Stagg, deceased—to the Committee on Claims.

Also, a bill (H. R. 8874) to remove the charge of desertion and disloyalty from the military record of Joseph Shuman—to the Committee on Military Affairs.

By Mr. KNOX: A bill (H. R. 8875) for the removal of the charge of desertion standing against Lawrence Martin, late a private of Company K, Sixty-seventh Regiment New York Volunteer Infantry—to the Committee on Military Affairs.

Also, a bill (H. R. 8876) granting a pension to Pena Adler, daughter of Christian G. Adler—to the Committee on Invalid Pensions.

By Mr. LITTLE: A bill (H. R. 8877) for the relief of certain persons residing in the original Hot Springs Reservation of Arkansas—to the Committee on Public Buildings and Grounds.

By Mr. MILLER of Kansas: A bill (H. R. 8878) for the relief of Anna W. Tarbell, widow of Bvt. Brig. Gen. Jonathan Tarbell, deceased, late colonel Ninety-first Regiment New York Volunteers—to the Committee on Invalid Pensions.

By Mr. POWERS (by request): A bill (H. R. 8879) to enable the personal representative of E. M. Shield to bring suit against the United States—to the Committee on Claims.

By Mr. SKINNER: A bill (H. R. 8880) for the relief of the heirs of Samuel T. Carrow, late of North Carolina, deceased—to the Committee on War Claims.

By Mr. WALKER of Massachusetts: A bill (H. R. 8881) granting a pension to Lizzie M. Sibley—to the Committee on Invalid Pensions.

By Mr. WALKER of Virginia: A bill (H. R. 8882) for the relief of T. A. Windle—to the Committee on Claims.

By Mr. PICKLER: A bill (H. R. 8883) granting a pension to Matilda Putnam—to the Committee on Invalid Pensions.

By Mr. ELLIS: A bill (H. R. 8886) for the relief of Hiram T. Corum and Silas W. Davis, of Oregon—to the Committee on Indian Affairs.

By Mr. FOSS: A bill (H. R. 8887) for the correction of the record of and for the remuster of George W. Smith, late of Battery D, Third United States Colored Heavy Artillery—to the Committee on Military Affairs.

By Mr. MARSH: A bill (H. R. 8888) to grant an honorable discharge to Christopher C. Cummins—to the Committee on Military Affairs.

By Mr. RUSK: A bill (H. R. 8889) granting a pension to Sarah J. Bantz—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALDRICH of Alabama: Petition of the heirs of Pleasant O. Grimes, deceased, late of Dallas County, Ala., praying reference of his war claim to the Court of Claims—to the Committee on War Claims.

By Mr. BAKER of New Hampshire: Petition of the Molly Stark Chapter, Daughters of the American Revolution, of Manchester, N. H., favoring the publication of certain records and papers relating to the Revolutionary period—to the Committee on Printing.

By Mr. BARHAM: Petition of citizens of Napa, Cal., praying for favorable action on House bills Nos. 838 and 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. BENNETT: Petition of James H. Stevens, to accompany House bill for increase of pension—to the Committee on Invalid Pensions.

By Mr. BLUE: Petition of ex-prisoners of war residing in Kansas, asking for the passage of House bill No. 306, granting a pension to soldiers and sailors who have been confined in so-called Confederate prisons—to the Committee on Invalid Pensions.

Also, petition of Thomas Higgins and 52 other members of the Fort Dodge (Kans.) State Soldiers' Home, asking that the amount allowed by the General Government for State soldier's homes be given directly to the individual members thereof for their private use and disposition—to the Committee on Military Affairs.

By Mr. BREWSTER: Memorial of C. W. Palmer, of Riga, Monroe County, N. Y., on the subject of public lands—to the Committee on the Public Lands.

By Mr. CANNON: Petition of Danville Typographical Union, No. 230; also, of Cigar Makers' Union, No. 80, of Danville, Ill., praying for Government ownership of telegraph lines—to the Committee on the Post-Office and Post-Roads.

By Mr. COOPER of Wisconsin: Petition of the Free Baptist Congregation of Kneeland, Wis., in favor of a Sunday-rest law for the District of Columbia—to the Committee on the District of Columbia.

Also, petition of citizens of Delavan, Wis., favoring the passage of House bills Nos. 4566 and 838, relating to the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. HADLEY: Petition of the Woman's Christian Temperance Union of Vandalia, Ill., to raise the age of consent in the District of Columbia—to the Committee on the District of Columbia.

By Mr. HART: Petition of citizens of Summit Hill, Pa.; also of citizens of East Mauch Chunk, Pa., praying for the passage of the Stone and McCall immigration bills—to the Committee on Immigration and Naturalization.

By Mr. HENDERSON: Resolution of the Grand Army of the Republic, Department of Iowa, urging the passage of the bill to establish a national military park at Vicksburg, Miss.—to the Committee on Military Affairs.

By Mr. HILBORN: Resolutions of the San Francisco Labor Council, asking for the passage of a bill to secure Government ownership and control of telegraph lines—to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Oakland, Cal., protesting against the acceptance of the Marquette statue—to the Committee on the Library.

By Mr. HOOKER: Petition of citizens of Panama, N. Y., for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter, and bill No. 838, to reduce letter postage—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Belmont, N. Y., favoring the adoption of the metric system—to the Committee on Coinage, Weights, and Measures.

By Mr. KNOX: Affidavit of James Houston, M. D., to accompany House bill granting a pension to Pena Adler—to the Committee on Invalid Pensions.

Also, paper to accompany House bill to remove the charge of desertion against Lawrence Martin—to the Committee on Military Affairs.

By Mr. LACEY: Resolutions of Grand Army of the Republic post, Department of Iowa, favoring the passage of House bill No. 4339, for a national military park at Vicksburg, Miss.—to the Committee on Military Affairs.

By Mr. LESTER: Resolution to refer certain bills to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act—to the Committee on War Claims.

By Mr. LINTON: Papers to accompany House bill No. 6653, granting an honorable discharge to one John Reynolds—to the Committee on Military Affairs.

Also, remonstrances and petitions of citizens of Lower Lake, Cal.; also of citizens of Pittsburg, Pa.; also of citizens of Haller, Wash., in relation to the Marquette statue—to the Committee on the Library.

By Mr. LONG: Petition of E. S. Baker and 11 others, praying for the passage of House bill No. 306, granting a pension to soldiers and sailors confined in so-called Confederate prisons—to the Committee on Invalid Pensions.

By Mr. LOUD: Two petitions of citizens of Chicago, Ill., in favor of the passage of House bill No. 4566, relating to second-class mail matter, and bill No. 838, to reduce letter postage—to the Committee on the Post-Office and Post-Roads.

By Mr. MILLIKEN: Petition of Edwin N. Barnes, Mrs. T. Rokes, and others, protesting against military training in the public schools—to the Committee on Education.

By Mr. PERKINS: Petition of members of Grand Army Post, No. 226, Department of Iowa, in behalf of an appropriation of $200,000 for a Soldiers' Home at Southern Pines, Moore County, N. C.—to the Committee on Appropriations.

By Mr. SCRANTON: Resolution of the Scranton Central Labor Union, of Scranton, Pa., regarding Government ownership and control of telegraph lines—to the Committee on Interstate and Foreign Commerce.

By Mr. SKINNER: Petition of citizens of Roper, N. C., protesting against the passage of House bill No. 4566, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. STRODE of Nebraska: Resolutions of 800 citizens of Nebraska, in favor of the transmississippi exposition at Omaha, Nebr., and passage of bill recognizing same and making appropriations therefor—to the Committee on Ways and Means.

By Mr. WATSON of Ohio: Petition of D. S. Wilder and others, of Columbus, Ohio, asking for the passage of House bill No. 306, providing for pensioning of ex-prisoners of war—to the Committee on Invalid Pensions.

By Mr. VAN VOORHIS: Resolution of Cambridge Lodge, No. 21, Amalgamated Association of Iron, Tin, and Steel Workers, praying for the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

SENATE.

TUESDAY, *May 12, 1896.*

Prayer by Rev. HUGH JOHNSTON, D. D., of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. CARTER, and by unanimous consent, the further reading was dispensed with.

MEMBERS OF THE DISTRICT MEMORIAL ASSOCIATION.

The VICE-PRESIDENT appointed, under the joint resolution approved June 14, 1892, Mr. A. B. Hagner and Mr. S. H. Kauffmann members of the Memorial Association of the District of Columbia, to fill the vacancies occasioned by the expiration of their term of membership.

COTTON STATES AND INTERNATIONAL EXPOSITION.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 6th instant, the report of the officer in charge of the administration of customs at the Cotton States and International Exposition at Atlanta, Ga.; which, with the accompanying papers, was referred to the Select Committee on International Expositions, and ordered to be printed.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the Molly Stark Chapter, Daughters of the American Revolution, of Manchester, N. H., praying for the publication and distribution of the papers and documents relating to the Continental Congress; which was referred to the Committee on the Library.

He also presented a petition of the select and common councils of Philadelphia, Pa., praying for the enactment of legislation providing for the digging out of the back channels separating League Island from the mainland, in the First Ward of the city of Philadelphia; which was ordered to lie on the table.

Mr. MITCHELL of Wisconsin presented a petition of the Commercial Club of Superior, Wis., praying for the enactment of legislation to incorporate the maritime canal of North America; which was referred to the Committee on Commerce.

Mr. KYLE presented a petition of the Woman's Christian Temperance Union of Davidson County, S. Dak., praying for the enactment of legislation raising the age of consent from 16 to 18 years in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. COCKRELL presented a memorial of the Wholesale Liquor Dealers' Association of St. Louis, Mo., remonstrating against the passage of the bill introduced in the House of Representatives and referred to the Ways and Means Committee, permitting the bottling of whiskies by distillers in bond under the supervision of United States internal-revenue officers; which was referred to the Committee on Finance.

Mr. BURROWS presented a memorial of the Woman's Christian Temperance Union of Onekama, Mich., remonstrating against the introduction of military training in the public schools of the country; which was referred to the Committee on Military Affairs.

Mr. VEST presented a memorial of the Wholesale Liquor Dealers' Association, of St. Louis, Mo., remonstrating against the enactment of legislation permitting the bottling of whiskies by distillers in bond; which was referred to the Committee on Finance.

REPORTS OF COMMITTEES.

Mr. HARRIS, from the Committee on Finance, to whom was referred the bill (S. 2172) to authorize a reliquidation of certain entries of merchandise, reported adversely thereon, and the bill was postponed indefinitely.

Mr. BLACKBURN, from the Committee on Naval Affairs, to whom was referred the amendment submitted by himself on the 1st instant, providing for payment to Edward T. Mathews for services as acting clerk of the Joint Committee on the Personnel of the Navy during the Fifty-Third Congress, intended to be proposed to the general deficiency appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (S. 3020) granting a pension to W. L. Faxon, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 4383) granting a pension to Gen. William H. Morris;

A bill (H. R. 3216) granting an increase of pension to James P. Hurley;

A bill (H. R. 75) granting a pension to Mary F. Davenport;

A bill (H. R. 4475) granting a pension to Mrs. Catherine Gaffney;

A bill (H. R. 3001) granting a pension to Cynthia A. Lapham, widow of William B. Lapham; and

A bill (H. R. 4395) for the relief of Miss Juliette Betts.

Mr. STEWART, from the Committee on Claims, to whom was referred the bill (S. 2721) for the relief of owners or legal representatives of canal boats *Swan* and *Lewis and Butler*, reported it without amendment, and submitted a report thereon.

Mr. SHERMAN, from the Committee on Finance, to whom was referred the bill (H. R. 8008) defining cheese, and also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of "filled cheese," reported it with amendments.

Mr. BURROWS, from the Committee on Claims, to whom was referred the bill (H. R. 5388) for the relief of F. Alberts & Co., Muskegon, Mich., reported it without amendment, and submitted a report thereon.

Mr. CANNON, from the Committee on Pensions, to whom was referred the bill (S. 2434) granting a pension to Simon D. Kohl, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1164) granting a pension to Aaron B. Page, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2494) restoring a pension to Michael Carron, reported it with an amendment, and submitted a report thereon.

Mr. WARREN, from the Committee on Claims, to whom was referred the bill (S. 3045) for the relief of William W. Jackson, of Washington, D. C., asked to be discharged from its further consideration, and that it be referred to the Committee on Military Affairs; which was agreed to.

Mr. HAWLEY, from the Committee on Military Affairs, to whom was referred the bill (S. 3019) to remove the charge of desertion from the name of George W. Adams, asked to be discharged from its further consideration, and that it be referred to the Committee on Naval Affairs; which was agreed to.

Mr. BAKER, from the Committee on Pensions, to whom was referred the bill (S. 3004) granting a pension to Jacob Salladin, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2820) granting a pension to Mary F. Hawley, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2535) granting a pension to Elender Herring, of Elsmore, Kans., reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2758) granting a pension to Hiram H. Palmer, reported it without amendment, and submitted a report thereon.

Mr. MARTIN, from the Committee on the District of Columbia, to whom was referred the bill (S. 3114) to provide for the adjustment and payment of certain claims against the District of Columbia by drawback certificates, reported it without amendment, and submitted a report thereon.

Mr. ALLEN, from the Committee on Claims, to whom was referred the amendment submitted by himself on the 11th instant, providing for the payment of the claim of Edward H. Murrell, intended to be proposed to the general deficiency appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the same committee, to whom was referred the bill (S. 2119) for the relief of John Breitling, reported it without amendment, and submitted a report thereon.

Mr. VILAS, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. 7161) for relief of Benjamin F. Jones, reported it with amendments, and submitted a report thereon.

Mr. DUBOIS, from the Committee on Naval Affairs, to whom was referred the bill (S. 2500) to remove the charge of desertion from the record of Charles T. Hurd, formerly a landsman in the United States Navy, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 2336) to place on the retired list of the Navy Louis V. Housel, late lieutenant of the Regular Navy, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 2777) to authorize the Light-House Board to pay to Chamblin, Delaney & Scott the sum of $2,125, reported it without amendment.

Mr. PROCTOR, from the Committee on the District of Columbia, to whom was referred the following bills, reported adversely thereon; and the bills were postponed indefinitely:

A bill (S. 2444) to provide for completing the system of sewage disposal and protection against floods in the District of Columbia, and for other purposes;

A bill (S. 28) to provide for continuing the system of trunk sewers in the District of Columbia, for completing the system of sewage disposal and protection against floods, and for other purposes; and

A bill (S. 29) to amend an act entitled "An act to provide a permanent system of highways in that part of the District of Columbia lying outside of cities," approved March 2, 1893.

Mr. PROCTOR, from the Committee on the District of Columbia, to whom the subject was referred, reported a bill (S. 3123) to provide for the payment of final decrees of the supreme court of the District of Columbia under an act entitled "An act to provide a permanen' system of highways in that part of the District of Columbia lying outside of cities," approved March 2, 1893; for continuing the system of trunk sewers in the District of Columbia, for completing the system of sewage disposal and protection against floods, and for other purposes; which was read twice by its title.

Mr. VEST, from the Committee on Finance, to whom was referred the bill (H. R. 4580) to amend section 3449 of the Revised Statutes, reported it with an amendment.

Mr. QUAY, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 3105) to provide for the erection of a public building at McKeesport, Pa., reported it without amendment, and submitted a report thereon.

Mr. FAULKNER, from the Committee on the District of Columbia, to whom was referred the amendment submitted by Mr. DANIEL on the 1st instant, providing for the payment to physicians for the vaccination of poor persons during the smallpox epidemic of 1894, intended to be proposed to the general deficiency appropriation bill, reported it with amendments, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

HENRY T. BAKER.

Mr. PERKINS. I am directed by the Committee on Naval Affairs, to whom was referred the joint resolution (H. Res. 180) for the relief of Ex-Naval Cadet Henry T. Baker, to report it without amendment, and I ask for its present consideration. It is very short.

The joint resolution was read; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration. It authorizes the Secretary of the Navy to reappoint Henry T. Baker as a naval cadet to fill the vacancy in the engineers' division of his class caused by his resignation of March 7, 1896, with the same standing, rights, and privileges in all respects as if such resignation had not been tendered. But he shall not receive pay while out of the service.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

IMPORTATIONS OF ORIENTAL PRODUCTS.

Mr. ALDRICH. I am directed by the Committee on Finance to report a resolution for which I ask present consideration. I think there will be no objection to it.

The resolution was read, as follows:

Resolved, That the Committee on Finance, under the provisions of the Senate resolution of March 3, 1891, is hereby directed to inquire whether American labor and industries are suffering from or threatened with injurious competition through importations of oriental products, and if so, to investigate the causes which have made such competition possible.

Mr. ALLEN. Let the resolution go over.

The VICE-PRESIDENT. Objection is interposed, and the resolution will go over under the rule.

BILLS INTRODUCED.

Mr. CULLOM introduced a bill (S. 3124) granting an increase of pension to Isabella H. Silvey, widow of Lieut. Col. William Silvey, deceased; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BURROWS introduced a bill (S. 3125) to refer to the Court of Claims for adjudication certain claims of the white adopted citizens of the Cherokee Nation, and for other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. HAWLEY introduced a bill (S. 3126) granting a pension to Cornelia L. Brownell; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SHERMAN introduced a bill (S. 3127) to provide for the medical inspection of immigrants at the port of debarkation; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Commerce.

Mr. WETMORE introduced a bill (S. 3128) granting a pension to Phebe A. Thurber, of Providence, R. I., dependent daughter of Samuel Short, a Revolutionary soldier; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3129) to authorize the Secretary of War to remove the charge of desertion as to Jasper L. Dodge, late of Company F, First Rhode Island Volunteer Cavalry; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. TURPIE introduced a bill (S. 3130) granting a pension to Catherine M. Clark; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. COCKRELL submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Claims, and ordered to be printed.

Mr. BLACKBURN submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations.

Mr. TELLER submitted an amendment intended to be proposed by him to the fortifications appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

ESSEX M. BOSTFORD.

On motion of Mr. GALLINGER, it was

Ordered, That the papers in connection with Senate bill 2748 in the Fifty-second Congress, granting a pension to Essex M. Bostford, be, and the same are hereby, withdrawn from the files of the Senate for reference to the Committee on Pensions, there being no adverse report thereon.

INVESTIGATION OF BOND SALES.

Mr. PEFFER. I move that the resolution providing for the investigation generally of all the material facts and circumstances connected with the sale of United States bonds by the Secretary of the Treasury in the years 1894, 1895, and 1896 be printed as a document.

The motion was agreed to.

COINAGE OF SILVER BULLION—VETO MESSAGE.

Mr. COCKRELL. I submit a resolution and ask for its adoption.

The resolution was read, as follows:

Resolved, That there be printed in document form, for the use of the Senate, 1,000 copies of the message of the President of March 29, 1894, returning without his approval House bill No. 4956, entitled "An act directing the coinage of the silver bullion held in the Treasury, and for other purposes," and the bill as vetoed by the President.

Mr. COCKRELL. The document never has been printed and there are a great many calls for it. It will cost a very small sum of money.

The resolution was considered by unanimous consent, and agreed to.

THOMAS J. ROBERTSON.

Mr. SHERMAN submitted the following resolution; which, with the accompanying paper, was referred to the Committee on Privileges and Elections:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay to Ex-Senator Thomas J. Robertson, of South Carolina, the salary due him from March 4, 1867, to July 22, 1868, said sum to be paid out of the contingent fund, and at the rate of salary paid to United States Senators at that time (1867 and 1868).

WILLARD WARNER.

Mr. SHERMAN submitted the following resolution; which was referred to the Committee on Privileges and Elections:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay to Hon. Willard Warner, late a Senator from Alabama, the amount due from the beginning of his term on the 4th of March, 1867, until he was paid, said payment to be made from the contingent fund of the Senate.

TENNESSEE CENTENNIAL EXPOSITION.

Mr. BATE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Whereas the citizens of Tennessee propose to celebrate the one hundredth anniversary of the admission of Tennessee into the Federal Union on June 1, 1896, at Nashville, Tenn.; and

Whereas an invitation has been extended to the Senate of the United States to be present and participate in the ceremonies on that patriotic occasion: Therefore

Be it resolved, That the invitation extended to the Senate of the United States by the Tennessee Centennial Exposition Company, under whose auspices are to be held the ceremonies at Nashville, Tenn., on the 1st day of June, 1896, commemorating the one hundredth anniversary of the admission of the State of Tennessee into the Federal Union, be accepted and entered upon the Journal of the Senate, and that the President of the Senate is hereby authorized to appoint a committee of five to attend said celebration at the city of Nashville on the 1st day of June next.

ALASKA TRANSPORTATION AND TRADE COMPANY.

Mr. QUAY. I move that the bill (S. 2522) creating a corporation known as the Alaska Transportation and Trading Company, and granting right of way for the construction and operation by that corporation of a turnpike and post road from Taiya Inlet to Lake Bennett, in the Territory of Alaska, be committed to the Committee on Public Lands, with instructions to report to the Senate on Monday next.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Pennsylvania? The Chair hears none, and it is so ordered.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6249) making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1897, and for other purposes; insisted upon its disagreement to the amendments of the Senate to the bill numbered 33, 37, 46, 47, 48, 49, 52, 56, 64, 66, 68, 69, 70, 71, 76, 77, 78, 83, 84, 85, 86, 87, and 94; asked a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SHERMAN, Mr. CURTIS of Kansas, and Mr. PENDLETON managers at the further conference on the part of the House.

The message also announced that the House had passed the following bills with amendments; in which it requested the concurrence of the Senate:

A bill (S. 2032) to grant the right of way over the public domain for pipe lines in the States of Colorado and Wyoming; and

A bill (S. 2642) to provide for the safety of passengers on excursion steamers.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 6172) authorizing the sale of the title of the United States in lot 5, square 1113, in the city of Washington;

A bill (H. R. 7469) for the removal of snow and ice from the sidewalks, cross walks, and gutters in the District of Columbia, and for other purposes;

A bill (H. R. 7578) granting the Flagstaff and Canyon Railroad Company right of way for railroad purposes through the Grand Canyon Forest Reserve in northern Arizona;

A bill (H. R. 8167) to authorize the construction of a bridge across the Red River of the North;

A bill (H. R. 8324) authorizing and directing the Secretary of the Navy to donate 4 pieces of condemned cannon and 4 pyramids of condemned cannon balls to the Grant County Union Soldiers' Monument and Memorial Association of Wisconsin;

A bill (H. R. 8495) granting to John Hill Post, No. 86, of Boonton, N. J., 4 condemned cannon and 20 cannon balls;

A bill (H. R. 8532) to establish certain harbor regulations for the District of Columbia; and

A bill (H. R. 8590) granting to the Denver, Cripple Creek and Southwestern Railroad Company a right of way for a railroad through the South Platte and Plum Creek forest reserves, in the State of Colorado.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (S. 137) granting an increase of pension to William W. French;

A bill (S. 1365) for the relief of the National New Haven Bank of the State of Connecticut;

A bill (H. R. 6) constituting Syracuse, N. Y., a port of delivery;

A bill (H. R. 1743) for the relief of Thomas L. Young; and

A bill (H. R. 4804) to amend subdivision 10 of section 2238 of the Revised Statutes of the United States.

INDIAN APPROPRIATION BILL—CONFERENCE REPORT.

Mr. PETTIGREW. I submit a report of the committee of conference on the Indian appropriation bill, which I ask to have read.

The VICE-PRESIDENT. The report will be read.

Mr. GORMAN. I suggest to the Senator from South Dakota that without the report being formally read it be printed in the RECORD, so that we can see it in the morning.

Mr. PETTIGREW. Very well.

The VICE-PRESIDENT. The report will be printed in the RECORD, in the absence of objection. The Chair hears none, and it is so ordered.

The report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6249) making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1897, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 4, 6, 7, 11, 21, 22, 29, 30, 34, 35, 43, 62, and 90.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 5, 8, 9, 10, 12, 13, 15, 17, 18, 19, 23, 24, 26, 27, 28, 32, 36, 38, 39, 40, 41, 42, 44, 50, 53, 54, 55, 58, 59, 60, 61, 63, 65, 72, 73, 74, 75, 79, 80, 81, 82, 88, and 89; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with amendments as follows: Strike out, in line 19, page 20, of the bill, the word "Kickapoos" and insert in lieu thereof the words "Kickapoos in Kansas"; and in lieu of the matter inserted by said amendment insert the following:

"KICKAPOOS IN OKLAHOMA.

"To enable the Secretary of the Interior to assist the Kickapoo Indians of

Oklahoma Territory who have not accepted their allotments to make improvements upon said allotments as fast as accepted, and to purchase seed, grain, and subsistence for said Indians, $5,000, to be immediately available. The sum of money now in the Treasury of the United States belonging to said Indians shall be retained as a permanent fund, upon which the Treasurer shall pay to said Indians annually interest at the rate of 5 per cent per annum from July 1, 1895."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: Add at the end of said amendment the following: "And sections 669, 670, and 671, of chapter 27 of Mansfield's Digest of the laws of Arkansas covering deeds, mortgages, liens, and instruments of writing pertaining to real estate are hereby extended over and put in force in said Quapaw Agency, Indian Territory. That the allottees of land within the limits of said Quapaw Agency are authorized to lease the same for a term not exceeding three years for farming purposes or five years for mining or business purposes"; and the Senate agreed to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with amendments as follows: Strike out from said amendment the word "Santee," and add at the end of said amendment the following: "And North and South Dakota"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: Add at the end of said amendment the following: "And charge against any funds belonging to said Lower Brule Indians now in the Treasury of the United States"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: Strike out in line 12, page 39 of the bill, the word "divided" and insert in lieu thereof the word "expended"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with amendments as follows: Add at the end of said amendment the following:

"And not exceeding $1,500 for necessary traveling and incidental expenses of such persons.

"For completing the work of the Puyallup Indian Commission appointed under the act of March 3, 1893, to select and appraise such portions of the allotted lands within the Puyallup Indian Reservation, Wash., as are not required for homes for the Indian allottees, and also that part of the agency tract exclusive of the burying ground not needed for school purposes, and for the purpose of defraying the expenses of said Commission, $4,000, to be reimbursed to the United States out of the proceeds of the sale of the agency tract and allotted lands as provided in said act, to be immediately available; and said Commission shall conclude its work and terminate on or before the 1st day of December, 1896."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"The Secretary of the Interior is hereby authorized to negotiate through the Indian inspectors of his Department with the Indians residing on the Fort Hall Indian Reservation in the State of Idaho, and with the Indians residing upon the Uintah Reservation, in the State of Utah, for the surrender of any portion of their respective reservations, or for such modification of existing treaties as may be deemed desirable by said Indians and the Secretary of the Interior, any agreement thus negotiated being subject to subsequent ratification by Congress."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with amendments as follows: Strike out, in line 3 of said amendment, the word "three" and insert in lieu thereof the word "two"; and strike out, in line 42 of said amendment, the words "sufficient proof" and insert in lieu thereof the word "conviction"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 67, and agree to the same with an amendment as follows: Add at the end of said amendment the following: "And said sum shall be in full payment and satisfaction of all claims of the said Campbell or his representatives for said money and lands and interest therein, and the receipt of said Campbell for said sum shall so specify"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 91, and agree to the same with amendments as follows: Strike out, in line 4 of the last paragraph of the amendment, the words "section 2 of this act" and insert in lieu thereof the words "this section"; and add at the end of said paragraph the following:

"*Provided, however*, That any person who in good faith prior to the passage of this act has discovered or opened or located a mine of coal or other mineral shall have a preference right of purchase for ninety days from and after the official filing in the local land office of the approved plat of survey provided for by this section."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 92, and agree to the same with amendments as follows: Strike out, in line 4 of the last paragraph of the amendment, the words "section 2 of this act" and insert in lieu thereof the words "this section"; and add at the end of said paragraph the following:

"*Provided, however*, That any person who in good faith prior to the passage of this act had discovered and opened or located a mine of coal or other mineral shall have a preference right of purchase for ninety days from and after the official filing in the local land office of the approved plat of survey provided for by this section."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 93, and agree to the same with amendments as follows: Strike out, in line 4 of the last paragraph of the amendment, the words "section 2 of this act" and insert in lieu thereof the words "this section"; and in line 12 of said paragraph, after the word "opened," insert the words "or located"; and strike out, in the last line of said paragraph, the words "section 2 of this act" and insert in lieu thereof the words "this section"; and the Senate agree to the same.

On amendments numbered 33, 37, 46, 47, 48, 49, 52, 56, 64, 66, 68, 69, 70, 71, 76, 77, 78, 83, 84, 85, 86, 87, and 94 the committee of conference have been unable to agree.

R. F. PETTIGREW,
H. M. TELLER,
F. M. COCKRELL,
Managers on the part of the Senate.

J. S. SHERMAN,
CHARLES CURTIS,
GEORGE C. PENDLETON,
Managers on the part of the House.

RIVER AND HARBOR APPROPRIATION BILL.

The VICE-PRESIDENT. Under the agreement made yesterday, the Chair lays the river and harbor bill before the Senate.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7977) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, the pending question being on the amendment of Mr. WHITE to the amendment reported by the Committee on Commerce.

Mr. FRYE. I come, Mr. President, in my speech to what is always a tedious task to me, citations of testimony; but the duty, while a disagreeable one, is rendered necessary in justice to the committee whose report I sustain and to the Senators who act in this matter with it.

The Senator from Alabama [Mr. MORGAN] inquired yesterday whether there was any plan for a breakwater at Santa Monica, and if yes, whether it had been referred to the War Department and what the War Department had to say in reference to it. There was a plan, as a matter of course. It was referred to the War Department, although that was entirely unnecessary. The committee in their report have broken away in this matter from the boards of army engineers. They have adopted the opinions of the civil engineers, and in adopting those opinions they have adopted the plan of the civil engineers, and so whether the War Department approved was a matter of little or no consequence to the committee. But the War Department did approve. It was referred, and I have here before me the return of the Chief of Engineers, all of which I will print, and only a little part of which I will read:

The subject of the construction of a harbor of refuge in that vicinity has been fully considered and reported upon; but inasmuch as the letter of January 16 intimates that the committee have already before them the reports previously rendered and desire information only as to specific points, this communication will not repeat the statements of those reports, but will comment briefly upon the points brought up in the letter of January 16.

Q. 1. As to Mr. Hood's location of the breakwater.

A. The location for a breakwater suggested by Mr. Hood appears to be as good as can be selected in the vicinity of the wharf of the Southern Pacific Railroad Company at Santa Monica.

Let me remark parenthetically it is the exact location made by the board of 1892.

As to the plan of the breakwater.

There is no objection to the plan of the breakwater for the object it is intended to subserve, but the form and area of the vertical sections are not considered the best for that location.

I will remark here that the sections are exactly those of the board of 1892, made for San Pedro. The breakwater for San Pedro was in a much more exposed condition than the breakwater at Santa Monica. And so on. As I say, I will print this document without reading further.

The paper referred to is as follows:

OFFICE OF THE CHIEF OF ENGINEERS,
UNITED STATES ARMY,
Washington, D. C., February 5, 1896.

SIR: I have the honor to acknowledge the receipt of letters of January 8 and 16 from Hon. W. P. FRYE, chairman of the Senate Committee on Commerce, relative to plan of Mr. William Hood, chief engineer, Southern Pacific Railroad, for the improvement of the harbor of Port Los Angeles (Santa Monica Bay), California, presented by Mr. C. P. Huntington.

In reply to the reference of these papers to this office for report I have the honor to submit the following:

The subject of the construction of a harbor of refuge in that vicinity has been fully considered and reported upon; but inasmuch as the letter of January 16 intimates that the committee have already before them the reports previously rendered and desire information only as to specific points, this communication will not repeat the statements of those reports, but will comment briefly upon the points brought up in the letter of January 16.

Q. 1. As to Mr. Hood's location of the breakwater.

A. The location for a breakwater suggested by Mr. Hood appears to be as good as can be selected in the vicinity of the wharf of the Southern Pacific Railroad Company at Santa Monica.

Q. 2. As to the plan of the breakwater.

A. There is no objection to the plan of the breakwater for the object it is intended to subserve, but the form and area of the vertical sections are not considered the best for that location.

Q. 3. As to the stone proposed to be used, whether it is good for the purpose.

A. Considering the samples of stone presented, it would appear that the granite from the Declez quarry, 70 miles from Santa Monica, and the stone from Catalina Island are good for the purposes of breakwater construction. The use of the sandstone, while possibly permissible, would not seem to be judicious so long as the other stone is available.

Q. 4. As to the plan of trestle and the method of building the work.

A. It is understood the question refers to the project proposed by Mr. Hood of constructing the breakwater by dumping stone into the sea directly from cars running over the existing wharf of the railroad company and over supplementary trestle work to connect the wharf with the extreme limits of the breakwater.

This is a practical method of construction in case the stone is brought from the interior by rail, but it is quite probable the use of stone from quarries which will not require transportation by rail and which can be dumped from barges over and along the line of the breakwater would be more advantageous and economical.

Q. 5. Estimate of cost according to the plan.

A. The details upon which Mr. Hood's estimates are based are not given, but I have no doubt the totals presented by him are ample for the construction proposed if supply of material, transportation, and method of execution be open to competition.

Suggestions are requested "touching the merits of the matter and the propriety of the passage of a bill relative thereto." The general question of a harbor on the southern California coast has been considered in reports which are before the Committee on Commerce. A further expression of

opinion at the present time as to the merits of the proposed work would seem to be prohibited by section 13 of the river and harbor act of August 17, 1894, except to refer in general terms to one or two points. The fundamental one is whether such a breakwater is needed by the commerce of the locality. That is a question of opinion founded on statistics. If Congress should decide to build a breakwater at Santa Monica, it should be so arranged as to be available for general use and should be built by contract after due advertisement and competition.

Very respectfully, yours, your obedient servant,

W. P. CRAIGHILL,
Brigadier-General, Chief of Engineers.

Hon. DANIEL S. LAMONT,
Secretary of War.

Mr. WHITE. If the Senator from Maine will permit me, I think it well, if the Senator has no objection, to state where the figures found in the bill, $3,098,000, are obtained, whether from a recommendation of any officer of the United States whatever.

Mr. FRYE. The officers say that it can be built for the figures which are mentioned, $2,848,000.

Mr. WHITE. But my question was directed to the proposition, Where were those figures obtained?

Mr. FRYE. They were obtained from Mr. Hood, and while the Engineer Department say they did not have the details, they were mistaken, because I sent to the Engineer Department these details and they are all carried out away down to the lowest figures. But it would encumber the RECORD to put them in. The Senator from California can examine them at his leisure. This was sent to the War Department.

Mr. VEST. If it does not disturb the line of argument of the Senator from Maine, I should like to call his attention to one matter that came up in yesterday's debate about which I have received some information that comes to me for the first time. The Senator from Maine will remember that I stated the impression was made upon the committee, at least upon my mind, during the examination of this question that about 3 miles from the bar at San Pedro there were 300 fathoms of water, and the Senator from Maine corroborated that by saying that this was the report of the Geodetic Survey. That was my recollection. Am I correct?

Mr. FRYE. Hardly. I did not say from the bar of San Pedro, of the inner harbor.

Mr. VEST. Well, from what point?

Mr. FRYE. From the breakwater.

Mr. VEST. Very good; from the breakwater. Since the adjournment of the Senate—in fact, just before the adjournment—I was shown a map which I saw for the first time, made by the Geodetic Survey, and by the measurements that statement is not corroborated as I understand that map. The Senator from California [Mr. WHITE] had the map and made the measurement in my presence, and upon the scale adopted with regard to that map the statement is not correct. I recollect the statement made by Mr. Corthell to be about 2½ miles, possibly it was 3 miles, but that is not material. The important point is, What does the map of the Geodetic Survey show in regard to the depth of water between 2½ and 3 miles from the breakwater at San Pedro?—because with me that is an important inquiry in this case.

Mr. FRYE. Well, it will be necessary to have those maps in order to see. There is not any chance for any dispute in reference to it—not the slightest under the sun.

Mr. VEST (exhibiting). Here is the map.

Mr. FRYE (examining). On the larger one you can see the figures more plainly.

Mr. WHITE. The map to which the Senator from Missouri has directed attention is the one that I have before me here [exhibiting] and which has been corrected up to April 23, 1896—that is to say, the stamp of the Geodetic Survey is as follows: "Aids to navigation. Corrected from information received to April 23, 1896." It only refers to San Pedro Harbor, and is a pretty elaborate affair. However, I referred to it before. It is the same map I had here during the discussion on a former day.

Mr. CULLOM. What does it show? I inquire of the Senator from California what the map shows as to the depth 3 miles away?

Mr. WHITE. The map shows that in the direction which I may say is the Catalina Island direction, over 7 miles from Point Firmin, the water is 15 and 16 fathoms. Southerly as far as the survey proceeds, about 4 miles, the depth is 14, 8, 19 fathoms, and so on. Due westerly at 3 miles, according to my estimate, it is 75 fathoms, and thence it goes on in a westerly direction until it reaches three hundred and odd fathoms. But the depth differs in different directions. As I say, there is Catalina Island on southerly [indicating]. It is over 7 miles from the point. It is only 15 fathoms. It is not possible to build the breakwater at the exact point where the harbor is, but some distance farther inward toward San Pedro.

Mr. FRYE. Mr. President, I can see how very easily confusion is brought into this matter by this map, and I am very glad my attention was called to it by the Senator from Missouri. The Senator from California measures away off in the first place to the southeast. Then he measures away off to the west up here [indicating]. He is very careful not to measure to the southwest, from which the wave line comes. If he will put his compasses on this map and take the wave line, which is southwest, he will find that it gets into deep water very shortly. I should like to have the other maps that were here. [The maps were brought into the Chamber.]

Mr. WHITE. I think the Senator will find that I have not gone into the deep water southwest from that point.

Mr. FRYE. I do not know what the scale is here. Measuring from the southwest you get 240 and 242 and 288 fathoms, but I can not tell how many miles it is from this map.

Mr. WHITE. It is about 3¼ miles. That is not southwest. It is westerly.

Mr. FRYE (indicating). No; that is the coast. That is southwest. That is the trend of the wave line [indicating]. You follow the trend of the wave line and when you get 3¼ miles you are in nearly 300 fathoms of water. You are precisely where that picture which was here yesterday of the red line and the blue line shows you to be. There is no chance for mistake about it. There is no purpose in measuring in any direction whatever except in the southwest direction, because that is the wave line. It makes no difference about the other line—the westerly line, or the southerly line, or the easterly line; it is the wave line that is to be examined into.

Mr. WHITE. Will the Senator from Maine tell me, in view of the fact that the breakwater keeps out the waves and it is admitted by his own engineer that the section provided by the Government engineer is sufficient, what difference it makes with reference to where the waves come from as long as they are excluded from the harbor?

Mr. FRYE. It makes a wonderful difference. When the same board recommends the attachment on top of the breakwater of a railroad track and to the breakwater of wharves it simply shows that they were mistaken about the southwest wave line, because it is utterly impracticable.

Mr. WHITE. I fail to see the connection. But I want to attract the Senator from Maine to another statement he made yesterday which seems to me to belong to the poetical side of this controversy. He referred to waves 40 and 50 feet high. If his information——

Mr. FRYE. I did not refer to waves 40 and 50 feet high. I am as familiar with waves as the Senator from California, but I have seen, as I presume he has seen, waves breaking on a rock running more than 40 feet high.

Mr. WHITE. Of course; they might break on a rock 200 feet high.

Mr. FRYE. I am sorry to be interrupted in this way.

Mr. WHITE. Excuse me.

Mr. FRYE. It is out of the entire line of my remarks.

Mr. WHITE. Excuse me.

Mr. FRYE. I said when these great waves from the Pacific Ocean struck that barricade made by the engineers 10 feet out of water the wave would break over it 40 or 50 feet high. I never said there was a wave 40 or 50 feet high. I think no one who ever saw a wave coming on to the shore will dispute my statement.

I wish now to call attention to the testimony given before the committee by Mr. Huntington, the "individual" referred to by the Senator from California [Mr. WHITE], the "man of greed" referred to by the Senator from Arkansas [Mr. BERRY]. He is not bulling the stock markets nor bearing them. He is not cornering wheat nor flour. He is engaged in enormous enterprises, the results of which are building up the commerce of this Republic, and in all his enterprises he is successful. So if he be greedy the reasons which induced him to change from San Pedro to Santa Monica are worthy of the consideration of the Senate. He says on page 31:

A little railroad was built from Los Angeles down to this little lagoon. Later the Southern Pacific followed the same line that had been followed by those who preceded it and bought a small road that was built from Los Angeles to San Pedro. The company made the large improvements there and purchased San Pedro Point. I myself paid but little attention to this until they commenced building a pier outside of the little inside lagoon (or inside harbor) out into the open sea. The Government engineers, looking out for a harbor in that region of California, naturally drifted into the line followed by the small traders whom I have before mentioned. When I went to look at the location of the pier that was pointing out into the open sea, I decided at once that it was a place where a pier could not be sustained. I procured the Government Coast Survey maps and charts and made the best examination I could of San Pedro, and was confirmed in my opinion; and I believe the Government engineers would never have thought of locating a deep-sea harbor at that point excepting for the money that had already been invested there in local building up and improvements, and the interest that the people of Los Angeles had because of the old associations and traditions connected with that place.

I went to Santa Monica and made as thorough an examination as I could there. I asked Colonel Crocker to go over and examine the two locations, and he was in perfect accord with me in thinking that San Pedro was about as bad as it could be and that Santa Monica was probably the best anywhere for probably a couple of hundred miles of seacoast. I asked Mr. Hood, our chief engineer, to make a thorough investigation, which he did, and he also reported that Santa Monica was very much the better location for a deep-sea harbor; that a larger area of protected harborage could be acquired there than at San Pedro, while the holding ground was much better, and the harbor, in short, would be very much safer. For my part, I do not believe that any harbor can be constructed on the plans proposed that will protect San Pedro from the terrible southern storms that blow up against Point Firmin.

When such winds strike vessels lying there if they should drag their anchors they would certainly be destroyed on the rocky bluffs at Point Firmin. At Santa Monica we have a fine seabeach with perfect holding ground, and since we located at Santa Monica I have often examined the headlands and my judgment has been strengthened and confirmed that we had selected the best, in fact the only place for a safe harbor in the neighborhood of Los Angeles.

At any rate, my belief in Santa Monica was so strong that we left something over $1,000,000 of investment in San Pedro and went to Santa Monica, where we had no property excepting a small road used mostly for excursions, and invested there something like $1,000,000 in building a pier and other improvements necessary to accommodate the commerce there. During the three or more years that we have been there shipping has been coming to the pier almost every day, and there has not been one day when ships could not put on and take off cargo at our pier. The steamer *San Benito*, drawing 27 feet of water, and many other vessels drawing 25 feet, have been going to that pier regularly for years. What we want is the very best harbor to accommodate the commerce that is sure to come there, as the port for Los Angeles must be used for a very large area of country, to include the Pacific Coast, the commerce as far east as El Paso, which includes nearly all of New Mexico, all of Arizona, southwestern Utah, much of southern Nevada, and all of that beautiful though not large area of country lying south of the Sierra Nevadas and west of the San Jacinto, probably one of the most beautiful spots upon the earth's surface. The growing city of Los Angeles, now containing about 100,000 people, I have no doubt will in time be a city extending to the northwest, which will cover its own present limits and also Santa Monica. I believe that in twenty-five years a continuous, well built-up city will extend from the present city of Los Angeles to the shores of the sea at Santa Monica. Such a city ought to have a harbor of its own.

There is a nice little village at San Pedro at present; considerable improvements have been made there; and I should hope the Government would keep accommodations there for the small water craft they now have; but I do not see why they should have anything more than that to accommodate the traffic that would go there. The great deep-sea harbor for southern California I believe will be, as I know it ought to be, at Port Los Angeles.

Much has been said about the accommodations of other roads there; but I must say that I believe those who say that know better. At least, those who have been there must know better, and those who have not are, at least, mistaken; for, as I have said, I will agree to put ten other tracks along under the bluff where the tracks of the Southern Pacific are now built, on the same level as those, at $10,000 a mile for each track. Other roads which want to use our tracks can use them on the same conditions that we do; that is, paying interest on a portion of the track according as their business compares with that of the Southern Pacific Company. If they wish to use the pier of the Southern Pacific Company it can be used in the same way; and when I say ten tracks it means that there would be twelve tracks there, and that is more than will be wanted in the next fifty years, for there is hardly a limit to the tonnage which can be taken over twelve tracks.

I do not bother myself a great deal about what the people of Los Angeles think or say. I said before that I did not care what they thought or said. The ships of Maine have more interests in this great harbor of refuge than the ships of Los Angeles to-day, and no one can tell what the people of Los Angeles do think. We have had some of them before our committee. One day they think one way and the next day they think the other way. A year ago they held a Congressional convention and put the candidate on a plank for the expenditure at San Pedro, and a week ago they held a convention in the same district for Los Angeles, and they put the same candidate on a plank for Santa Monica. So it is not of much consequence.

Mr. BERRY. The platform did not name Santa Monica.

Mr. FRYE. It named the appropriations that are to be made by Congress, which are for Santa Monica and San Pedro.

Mr. BERRY. I read it last night in a Los Angeles paper, and it said in favor of all harbors.

Mr. FRYE. Ah! What did that mean?

Mr. BERRY. It did not name Santa Monica.

Mr. FRYE. What does the Senator think that means?

Mr. BERRY. I stated it correctly——

Mr. FRYE. As a matter of course it means just what I said, for the two harbors named in the pending bill, which meant putting in a plank for the expenditure of $3,392,000 at Santa Monica and San Pedro, and it could not have meant anything else, and he understands that it so meant.

While I do not propose to go over any of the testimony, I wish to give a few words that were said before the committee by Mr. Cole, who was formerly a United States Senator from California. He is known personally to a good many of the Senators present, and by reputation to all of them. Senator Cole said:

I have been in California forty-seven years and upward, and I have looked at this matter a good deal in relation to this harbor proposition. I have studied it on information derived from numerous masters of vessels, from shipmasters who have sailed on that coast from the time of Dana's Two Years Before the Mast. I think he mentioned in that book that the southeast winds are the dangerous winds along that coast and that this very harbor of San Pedro is absolutely and necessarily exposed to the southeast winds, whether a breakwater is there or not. A breakwater can not be built so as to break the effect of southeast winds. They are the dangerous winds, as is proved by numerous wrecks of vessels at this very point of San Pedro—wrecks caused by these very southeast winds. We build the roofs of our houses to guard against danger for a few days in the year. We build breakwaters against dangers which may last only a few days in the year. But there is the point of danger. If a vessel were anchored out there [indicating San Pedro on the map] on this rocky foundation, or even supposing there was the best kind of holding ground, and if one of those southeast winds rises, how is that vessel to get out?

The CHAIRMAN. She will get out of the water and go ashore.

Mr. COLE. Inevitably she will. You may build a breakwater to cost $4,000,000, or four times four millions, but when the vessel is caught inside there (in San Pedro Harbor) she is inevitably driven ashore, as many vessels have been at that point and in that way.

Now I propose to cite to a limited extent from Mr. Corthell, the engineer. I do not know that I will, however. I have marked with red the citations I intended to make, and I will state that in every respect he sustains the harbor at Santa Monica, the breakwater, and attacks the harbor at San Pedro. With the permission of the Senate, I will print without reading—for I confess I detest reading anything—the passages that I have marked, commencing on page 4 of the hearing before the Senate committee June 19, 1894, running through to page 9, and then a summing up, commencing on page 11 and closing on page 14. If there is no objection I will print those extracts as a part of my remarks without reading them.

The VICE-PRESIDENT. Is there objection? The Chair hears none.

The extracts referred to are as follows:

The winds through the summer months are light, and the sea within the area bounded by these islands is quite smooth; the weather is usually calm. From November to April there are occasionally heavy seas from on-shore winds; those from the northeast and the northwest are usually sudden and strong, but those harbors lying under points of land are protected and the sea is not seriously disturbed. It came under my observation, fortunately, while making these examinations, to witness the effect of a violent wind from north-northwest, which prevailed for several days while I was at Port Los Angeles (Santa Monica). At the pier of the Southern Pacific Company, which extends nearly a mile into the ocean, the coal steamer from Puget Sound continued at work during the storm, discharging from hatchways into cars without any inconvenience. During the same gale a three-masted schooner of 365 tons was blown ashore at Redondo, which, with a north-northwest wind, is on the lee shore of this indentation of the coast. At this writing the schooner is still high and dry on the beach. A photograph showing her position accompanies this statement. The steamer of the Pacific Coast Steamship Company was unable to land at Redondo wharf, but had no trouble in transferring its freight and passengers at Port Los Angeles. I mention this as it was asserted publicly that the steamer could not land at Port Los Angeles.

The direction of the winds during the heavy winter storms is from the southeast, blowing straight up the coast into San Pedro Bay, but is cut off from Santa Monica Bay by the high points of land extending into the ocean at Point Firmin and Point Vincente. Redondo is also protected from this wind. The storms then usually swing around so as to come from the south and southwest, when all the harbors are exposed except so far as the outlying islands modify the swell.

One advantage of Santa Monica Bay is in the depth of the indentation of the coast line. A straight line drawn between Point Dume and Point Vincente is 12 miles out at sea from the shore line at Santa Monica, while at San Pedro the depth between protection points is about 6 miles, and the mouth of the little river at Wilmington is about 1½ miles from this line of exposure.

In considering the question of area to be protected by a breakwater of a given length, a peculiar nautical condition should be considered. It is evident from the testimony of those well informed that the heavy ocean swells and no doubt the strong storm winds at sea start from and come from the southwest, but the wind, being more easily changed than the ground swell of the deep ocean, is deflected on approaching the land by the high mountains of the coast range and comes up the coast from a southeast direction. As a general rule the ocean swell is parallel to the general coast line when it reaches the coast, its direction being modified somewhat by the curves of the local formations and indentations.

* * * * * * *

The first board of engineers appreciated this important fact and considered it wise to disturb the regimen of the ocean currents as little as possible, and they therefore designed a detached breakwater at San Pedro, so as to allow these northwardly currents to still do their work of transporting the sands out of the harbor. I can but concur with them in this plan as absolutely essential, and I would be willing to predict that a curved breakwater at San Pedro joined to the shore, without an opening, would cause more or less rapidly the deterioration of the protected harbor by shoaling; no doubt also the deposit in the harbor of sedimentary matter and refuse from the bay and from streams and sewers of the town of Wilmington and of San Pedro would lead to a still more rapid shoaling.

Unfortunately at San Pedro the breakwater had to be either connected with the shore or built with an opening about 1,500 feet wide to accommodate vessels and the shore currents. If the latter plan were adopted, the southwest swells—and they are the principal ones to protect against—would enter freely and with marked and annoying disturbance into the harbor, striking at an angle against the wharves if built out to deep water. Under such conditions the harbor could not be considered protected in any sense of the word. The area actually protected beyond the 4½-fathom line would be very restricted and of but little value to commerce. An examination of the small chart of this harbor accompanying House Executive Document No. 41, with the direction of the swell shown on it, will convince anyone of the correctness of the above statement.

The board of 1892 recognized the serious dilemma in which they were placed, and considering it best, no doubt, to take the hazardous risk of the harbor filling up by the action of a closed breakwater, recommended it in order to escape the other serious alternative.

At Santa Monica, or Port Los Angeles, the conditions are favorable to easily meet both of the above conditions of ocean swells and currents. There will be ample area between the 4½-fathom low-water curve and the breakwater. This area is nearly a mile wide, sufficient for handling vessels in and out of the wharves and at the same time admit of the anchoring and maneuvering in the harbor, if required, of a large number of vessels.

The protected area between the 4½-fathom curve and a breakwater built on the 9-fathom curve and 8,250 feet long, as designed by the board of 1891, is over 750 acres, which would accommodate from 250 to 300 vessels at one time, in addition to those lying at wharves extending to the 4½-fathom curve. It is of interest to know the distance from, say, the 3-fathom curve to the 4½-fathom curve, as this gives the measure of usefulness of the harbor for wharf purposes for all craft, large and small. This distance averages about 1,400 feet, and is quite uniform. The wharves might be extended, without unduly interfering with the harbor area, to the 5½-fathom curve, if thought best, which would give an average length of wharf room between this curve and the 3-fathom curve of about 2,800 feet, offering over a mile of wharf room on each wharf. The easy uniform slope seaward is one of the advantages of this harbor. Westward of the end of the breakwater there is a free open space three-fourths of a mile wide for navigation and the unobstructed movement of the ocean currents.

At San Pedro the conditions are not as advantageous; the shore line is not parallel to the breakwater and the mouth of the river, and the jetties required to maintain a channel of about 16 feet into an inner harbor of restricted dimensions occupy much of the useful area and a considerable part of the shore line.

* * * * * * *

At Port Los Angeles the distance from the shore to, say, the 4½-fathom curve is uniformly about one-half a mile and over ground suitable for building wharves the entire length behind the breakwater. At San Pedro it is

one-half to five-eighths of a mile at the westerly end of the harbor, but about 1¼ miles along the easterly portion, furnishing a convenient distance for wharf construction at only one point where the Southern Pacific has built its wharf.

That the conditions for building out the wharves at Port Los Angeles are much more favorable than at San Pedro is shown by the two wharves already built at each place by the Southern Pacific Company. At San Pedro the piles had to be placed in openings blasted into the rocky bottom by dynamite; at Port Los Angeles the material is good for driving piles.

They were driven from 10 to 20 feet into the sea bottom, and into sufficiently hard material to sustain any load required. There is no rock bottom and no hidden dangers. The borings, also, out to 50 feet of water show good holding ground for anchors, the material being clay, gravel in patches near the shore, mud, and sand. The material brought up on the piles, whenever for any reason they had to be withdrawn, was stiff mud and sand and clay, as shown by the reports of the pile driving and by statements of the contractors who drove them.

The borings for a deep-water wharf at San Pedro showed generally about the same kind of material, after getting out beyond the rocky bottom of the shoal areas near the shore. There are, however, areas of rocky bottom in deep water, the material lying in ridges, which is dangerous holding ground, as has been shown at various times by the breaking of ground tackle and by the unusual strength and weight of that used by vessels doing business at San Pedro.

It will be seen by an examination of Executive Document No. 41, report of the board of 1892, that the breakwater proposed at San Pedro is and necessarily must be located entirely outside of the protection of Point Firmin, and that in fact the entire deep-water harbor is in the ocean outside of that point.

* * * * * * *

The location at Santa Monica was the result of a long and careful examination, with soundings, borings, and observation, and study of wind and wave conditions. The result of these studies, the accessibility of approaches to deep water, and the short rail haul to Los Angeles were the principal reasons for establishing an ocean terminal at this point. The wharf is one of the most substantial and convenient in the United States. The approaches to this harbor are convenient, not only for the Southern Pacific, but for any other road. There is ample width of foreshore above high water under the bluff for several tracks. The owners of this property along the shore were not willing that any one road should have the entire ownership, and, therefore, they sold only a 50-foot strip to the Southern Pacific Company. The right-of-way maps and the photographs of the vicinity show plenty of room for several more tracks the entire distance. This feature is discussed further on, more in detail, in the review of the report of the boards.

The wharf has been built since the second board of engineers made its examination. In order to satisfy myself of its substantial character, I obtained from the chief engineer of the road the plans and some details, and have also procured some photographs of it. The completion of this wharf to deep water and its commercial use are new and important features in determining the question of the location of the breakwater. The business is already being done there, and has been for nearly a year, to the great advantage of the commerce of this part of the country. The cost of transportation in large vessels from New York to Los Angeles by way of this port is now 75 cents a ton less than by any of the other ports, where the freight has to be lightered.

In my opinion, the building of a breakwater at San Pedro will not accomplish what the Government desires; vessels would no doubt still be lightered there and the business would still go to Port Los Angeles, and a breakwater would ultimately have to be built there.

* * * * * * *

Whichever point is selected for a protected harbor, a breakwater is required. A wharf into deep water would be an unsafe berth for vessels in a southwester, and at other times, under unusually severe conditions of the sea, it would be inconvenient to handle cargoes or to hold vessels alongside of the wharf. The fact that there has been no necessity for vessels to get away from the wharf at Port Los Angeles during the last year is to its advantage, but it can not be proven from this that the necessity will not exist in the future.

After a comparison of conditions and a careful examination and a close study of the reports of the two boards, and taking into consideration the important fact of the existence of an ocean terminal pier, with large and convenient facilities at Port Los Angeles, and of the existence of none at any other point, I am of the opinion that the breakwater to form a fully protected harbor should be built there in preference to any other point.

* * * * * * *

There is no question in my mind about the stability of a properly designed and constructed breakwater at Port Los Angeles.

From the high professional character of the engineers composing the two boards, for whom I have great respect either from personal or professional acquaintance, I am of the opinion that they based their conclusions on a misapprehension of the conditions as they then existed, or formed their judgment without the advantage of those facts of more recent date which came under my observation.

Referring to the facts as I have given them, and supplementing them where necessary by some of less importance, I desire now, with the probability of some repetition, to briefly review some of the features of the reports of the boards.

First. The board of 1892 ignored the current and drift conditions along the shore, as above fully stated, or rather they did not believe the silting of the harbor to any great extent would result from a continuous breakwater connected with the shore.

They differed with the board of 1891 in this, and I think they were in error.

Second. The board of 1892 confused the direction of the wind with that of the swell, and calculated protected or unprotected areas in the two localities according to wind directions rather than swell directions, and to the prejudice of both points, particularly Santa Monica. In this also they differed from the board of 1891, and again I think erroneously.

It requires detailed reference to understand this. In House Executive Document No. 41, page 18, of the report of the board of 1892 they compared exposures by using direction of wind rather than swells, although they copied statements from the report of the board of 1891 and from the statement of Prof. George Davidson, both of which statements are emphatic in the opposite direction (see Executive Document No. 41, page 7, lines 13 to 20, and page 104, where Professor Davidson states, "In our southeasters the swell of the Pacific comes from the southwest.")

Experience at the new wharf at Port Los Angeles since the report of the board of 1892 was made confirms the above statement. The very heavy swells come from a southwesterly direction, moving toward the coast about north 30° east (magnetic course), while the direction of the ordinary swell is about north 54° east (magnetic). These directions are from careful observations at Port Los Angeles wharf.

In designating a breakwater the location should take into consideration both of these directions and be placed so that it would offer the largest amount of protection.

By using wind, not swell direction, from the southeast to determine the protected area behind a breakwater at Santa Monica the board of 1892 erred greatly to the prejudice of this harbor, making the area 221 acres, while from the careful survey of Port Los Angeles made in 1893, and basing the calculations on the length of the breakwater designed for Santa Monica by the board of 1891, and placing it in 9 fathoms, I find a protected area of 750 acres between the 4½-fathom curve and the breakwater.

Third. While it may possibly be a matter of no great importance, as suggested by the board of 1892, to build in the most economical location, yet, as the largest estimate given by the board of 1892 for Santa Monica might be used to the prejudice of that location and has been so used, it is necessary to refer to estimates.

The board of 1891 made a difference in favor of San Pedro of about $700,000—$4,843,440 at Santa Monica and $4,126,106 at San Pedro—which seemed to be a matter of importance to the Chief of Engineers (see Executive Document No. 39, page 2). Mr. Hood, in his statement before the board of 1892 (see Executive Document No. 41, page 108), showed that this difference was due to the fact that the former board had not discovered the best and most economical position for a breakwater in Santa Monica Bay, and that had they done so there was no doubt of the estimates having been in favor of Port Los Angeles. The board of 1892 admits the fact of the lesser volume of work at Port Los Angeles, but the estimate turns out to be in favor of San Pedro, caused by changing the position of the breakwater at San Pedro, bringing a considerable part of it into lesser depths than proposed by the former board, and the adoption, unwisely, I think, of a section of breakwater only about 75 per cent of that of the former board. Even assuming this new section and new location to be correct, the estimate ought not to be used in comparing it with the cost of one at Santa Monica, which was in deeper water and had a much larger section.

Fourth. The board of 1892 have made their breakwater the weakest where it ought to be the strongest, and that is at the extreme low-water line on the sea side. From that point to extreme high water, about 8 feet, and above that to the top of the work, about 10 feet—18 feet in all—they have designed a slope practically 1 on 1—45°. A slope of rubblestone breakwater of this steepness could not possibly stand, even while building the breakwater. The return waves of the swells would continually drag the stones down until they had formed a stable slope of not less than 2 on 1, probably 2½ on 1, as designed by the board of 1891. If this slope which the 1891 board applied to Santa Monica had been applied by the 1892 board to San Pedro it would have considerably exceeded in volume the Port Los Angeles breakwater and consequently cost more.

* * * * * * *

Fifth. It will not be practicable to use the inner face of the breakwater for tracks and wharves, as proposed by the board of 1892. The waves will very often break with violence over the top of the work.

Sixth. In Executive Document No. 41, page 11, second paragraph, the board of 1892 state that the wharf at Santa Monica belonging to the Southern Pacific Company was removed in 1880, "partly on account of its exposure to the western swell." I have inquired into this matter, and find that it was removed because it was old, worm-eaten, and dangerous.

Seventh. The board of 1892 objects to the opening designed by the board of 1891 at San Pedro, on the ground that it would be dangerous to vessels, and refers to the fact of an increase in wrecks at Tynemouth by the building of jetties there. As the United States Government, since the construction of the South Pass jetties, has been, and is now, building them at several points, it is safe to assume that the dangers to navigation by their construction are not excessive. The opening at the mouth of the Mississippi jetties is only one-half that designed by the board of 1891 for San Pedro, and wrecks are almost unknown at the South Pass, even though the commerce is very large.

The statement made by the board in regard to Tynemouth was based on misinformation. The engineer who has been in charge of the work from its inception stated a year after the board of 1892 made its report that:

"A comparison of the casualties that have occurred during the last thirty years to the present time to vessels actually entering, endeavoring to enter, or leaving the Tyne shows the result of the successful effect of the Tyne piers and entrance works, which I believe to be unprecedented or unsurpassed in any other harbor improvement works in the Kingdom or elsewhere."

Eighth. The detailed discussion of the board of 1892 in Executive Document No. 41, page 21, about the cost of royalty and hauling stone, where, they say, "the contractors and the Government are at the mercy of the railway," may be at once disposed of by reference to the statement already made as to the royalty from the land quarries not exceeding 12½ cents per cubic yard, which is guaranteed by Mr. Huntington, president of the Southern Pacific Company, and by the guaranty also given by him that the rate shall not exceed one-half a cent per ton per mile from either quarry—that is, 25 cents per ton from the Chatsworth sandstone quarry and 37½ cents from the Declez granite quarry, the distance of the latter being 75 miles.

Ninth. I must decidedly dissent from the board of 1892 in the condemnation of the trestle method of building the work. I am very confident of its entire success. I have no doubt that the Southern Pacific Company would allow the use of the tracks on its wharf for this purpose and the extension of it straight out to the breakwater in the shape of a substantial double-track trestle. On reaching the breakwater location it could be made to conform by a curve to the line of the work, and both ends of the breakwater could be under construction at the same time. The extremities of the wharf would be quite well protected as soon as the breakwater was well under way, and that portion of it on the line of the work would be strengthened by dumping the stone around the piles to form the base of the breakwater. The sea bottom is excellent for holding ground for piles, and if the trestle is properly built and well braced laterally it is not likely to be disturbed.

The board has alluded (see Executive Document No. 41, page 21) to the great breakwater at Boulogne as being built from barges. The base may have been put in from barges, but the work above water was built from a railroad track from shore to the extreme end in the sea. I know this to be the fact from a personal inspection of the work with the engineer, and from having walked or ridden on a rubble car its entire length. At Ymuiden, Amsterdam, the railroad was employed, also at the mouth of the Maas, at least for all the top work.

I am confident from experience, examination, and study of wave conditions that the trestle plan is better by far.

Tenth. In Executive Document No. 41, page 21, the board of 1892 states that the Catalina route has "unlimited capacity" and the railroad route limited capacity; and on page 32 they do not consider it necessary to investigate in detail the trestle method by which the work is to be connected with the shore, "because it is based upon an assumption which must be regarded as inadmissible, that the structure is to be completed in nine hundred working days," requiring "a quarry output of 3,000 cubic yards per working day."

I have already stated that from the two quarries available 5,000 tons per day, about 3,700 cubic yards, can be easily quarried, loaded, hauled, and unloaded. I have no doubt of it whatever, and I am satisfied that the railroad company would agree to do this, or even more, if it had the contract with this requirement.

Eleventh. In order to settle some of the important questions discussed unfavorably for Santa Monica, or Port Los Angeles, by the board of 1892, and to form my own judgment by appeal to the highest authority in the matter,

I called on Mr. Huntington, president of the Southern Pacific Company, in San Francisco, and asked him to give you, through me, a definite guaranty in regard to—

(1) The royalty on the stone from the land quarries controlled by his company.

(2) The rate on stone haul.

(3) His willingness to permit other railroad companies to reach the harbor at Port Los Angeles, where interference with his tracks or right of way might be necessary.

* * * * * * *

I can now assure you on all these points.

Mr. FRYE. I will also, immediately following that, print a résumé by Mr. Corthell.

SANTA MONICA OR SAN PEDRO?

First. Santa Monica (Port Los Angeles) is a deep indentation of the coast line 12 miles inland from the headlands. San Pedro is a headland itself and the dike must necessarily be in the open ocean beyond it.

Second. The sea slope at Santa Monica is gentle; that at San Pedro is steep. The storm waves are modified by the Santa Monica slope, but are not by the San Pedro slope.

Third. The country back of Santa Monica Canyon (Port Los Angeles) is high, deadening the winds for some distance seaward as they approach the shore; it also protects the harbor from violent northerly winds. The headland on the southeast of Santa Monica furnishes some protection against the southeast winter storm winds. At San Pedro none of these three conditions exist, and the winter winds would blow directly into the harbor, even if a breakwater were built.

Fourth. The drift of sand along the shore by the ocean currents would soon shoal a protected harbor formed by a dike connected with the shore at San Pedro, and should an opening to avoid this be left in the dike it would let in the great ocean swell, to the damage of shipping. At Santa Monica the dike is parallel to these shore currents and would cause no deposit, nor would wharves built on piles, as has been proven by experience at the great pier there.

Fifth. The holding ground at Santa Monica is clay, sand, and gravel; at San Pedro there are large rocky areas.

Sixth. There is no space for a suitable railroad track under the wave-washed bluff at San Pedro. At Santa Monica there is ample room for a dozen.

Seventh. At San Pedro one railroad company owns nearly the entire approach to the protected harbor, and also nearly all the land adjoining it. At Santa Monica the same railroad owns only a 50-foot right of way, and there remains from 100 feet to 150 feet above high water for other railroads. This company, however, has offered to allow other roads to use its facilities on a reasonable rental.

Eighth. There is now a pier at Santa Monica costing, with its approaches, $1,000,000, where the largest vessels transact their business. At San Pedro there is nothing whatever in the way of harbor facilities.

Ninth. Experience has proven that the favorable conditions at Santa Monica make it entirely practicable to load and unload vessels in almost any weather without inconvenience or delay.

Tenth. Most of the ocean business is between Los Angeles and San Francisco and other northerly points. Santa Monica is 35 miles nearer these points than San Pedro.

Eleventh. Successful experience in transacting commercial business at the great pier at Port Los Angeles makes it evident that even if a breakwater should be built at San Pedro and not at Santa Monica the principal commercial business of southern California would still be done at Santa Monica.

Twelfth. There is no doubt that the opposition to Santa Monica is fomented by local interests at San Pedro—real-estate reasons and the opposition of the Los Angeles Terminal Railway, a small railroad on the east side of Wilmington Harbor, which, however, can not reach a protected harbor at San Pedro without crossing the only navigable channel there by a draw bridge.

Thirteenth. The cost of a breakwater at Santa Monica, as now located, will be less than one on a similar cross section at San Pedro, the latter being $2,885,324, the former $2,848,000.

I am now obliged to read some. The engineer of the Southern Pacific, as was stated yesterday, is Mr. Hood, and the Senator from California [Mr. WHITE] and no one else attacks his skill as an engineer. I propose to read this because it is a communication made to Mr. Huntington after the second board of engineers made their report. It is a communication which Mr. Hood never supposed would be brought to the attention of a committee of Congress. He never supposed it would be read in the United States Senate. He never supposed it would be seen by anybody but his employer, Mr. Huntington, and therefore his statements will be taken as conclusive of his opinions. It is dated February 6, 1893.

C. P. HUNTINGTON, Esq., *President.*

DEAR SIR: I have carefully read Executive Document No. 41, Fifty-second Congress, second session, December 6, 1892, containing the report of the board of engineer officers of the United States Army as to the proposed deep-water harbor at San Pedro or Santa Monica bays.

It is quite natural that the desire of this board of engineers should be to succeed in substantially agreeing with the report of the former board of engineers, published in Executive Document No. 30, Fifty-second Congress, first session, December 19, 1891, that the San Pedro site near Point Firmin, is the proper one.

As is well known to those residing in California who have taken any interest in the matter, the examinations by the last board of engineers, reporting in Executive Document No. 41, were chiefly confined to the taking of verbal and written testimony presented by various parties, most of whom are interested in the several proposed harbor sites, and to a study of the existing Coast Survey charts, and principally to a study of report of the former engineer board, contained in Executive Document No. 30, together with some trifling excursions to various points in San Pedro and Santa Monica bays.

So far as I can learn, but one source of rock supply was examined (Cold Water Canyon), and in fact practically almost no independent work was done by the board in obtaining knowledge of physical facts.

It must be remembered that this is written to Mr. Huntington; not to be read in the United States Senate.

This is somewhat disappointing, as the $10,000 appropriated for their use, together with the time allowed, from July 27 to November 1, 1892, had suggested the expectation that some new and useful information would be obtained by the board of engineers and made public through the regular channels.

There are some points in Executive Document No. 41, and also as compared with Executive Document No. 30, that seem worthy of notice. Quoting Executive Document No. 41, page 5, "The location of such a harbor should be determined principally with reference to the convenient and ample accommodation of deep-draft vessels engaged in foreign trade and the requirements of ships of war, the needs of coastwise navigation and the cost of construction being considered matters of secondary importance."

It is difficult to see why a harbor that would best accommodate the needs of coastwise navigation would not also equally well accommodate deep-draft ships engaged in foreign trade and ships of war. The latter class of ships could shape their course to equally well reach any one of several points on the coast situated within 20 or 30 miles of each other, while the situation of a harbor in reference to the commercial metropolis (Los Angeles) and the coastwise trading vessels would materially affect their interests. Hence the best accommodation of the coastwise navigation would seem to be the proper controlling feature in locating a harbor; and all parties are obliged to admit that Santa Monica best accommodated the coastwise navigation.

As to cost of construction being a matter of secondary importance, the proposition is certainly a novel one, and does not seem to be concurred in by the Chief of Engineers, Brig. Gen. Thomas Lincoln Casey, in Executive Document No. 30, page 2, where special weight is given to the estimated difference of cost for the same arcs of protection in favor of San Pedro of $700,000. As shown in Executive Document No. 41, page 108, this difference of cost in favor of San Pedro as reported by the former board was due to their not having discovered the cheapest and best position for a breakwater in Santa Monica Bay, and had they discovered it their report would, no doubt, have been in favor of Santa Monica Bay, as regards cost of construction. This is practically admitted in Executive Document No. 41, page 23, lines 6 and 7.

The report of cost of breakwater at San Pedro in Executive Document No. 41 has been made to be less than that of any site heretofore considered, including the proposed breakwater in San Monica Bay, near Santa Monica Canyon, by the following methods:

The plan of the position of the San Pedro breakwater has been changed from that recommended by the former board in Executive Document No. 30 in such a way as to bring a considerable part of the breakwater into much less depths than before proposed. This involves the closing of the formerly proposed western entrance and also introduces some uncertainties as to whether the harbor will be shoaled or not, from the effects of the obstructed westward shore current.

In addition the new board have adopted a breakwater cross section much smaller than that adopted by the former board in Executive Document No. 30, and which is related to it at a depth from top of breakwater to bed of the ocean at a depth of 60 feet as 5,232.45 is to 6,825, or but about 76 per cent. Although this new cross section may be a proper one, it certainly accounts, in connection with the new proposed position of breakwater, for the low estimate of quantity of rock and cost of breakwater as given in Executive Document No. 41, page 26, but this estimate should not be used in determining relative cost in comparison with the breakwater sites at Santa Monica Bay, which are computed on the basis of the cross section proposed by the former board in Executive Document No. 30.

Referring to Executive Document No. 41, page 17, advantages for arrival and departure, as regards coasting trade, the only article considered is lumber from northern ports, and the report says: "This difference (of 25 miles in favor of Santa Monica) in distance is, however, not sufficient to affect the coast transportation, and a few hours difference of time is not a matter of importance for this class of freight."

The other classes of coastwise freight and the steamer passenger travel are not mentioned, and for them the Santa Monica site presents great advantages, and the opinion of the board that "there is no essential difference as regards advantages for arrival and departure" would seem to be unfounded.

Executive Document No. 41, page 17, advantages for shelter and handling freight, the comparison of anchorages sheltered at the several breakwater sites is curious in that it gives the San Pedro site the greater sheltered anchorage area by taking into the comparison of the sites all areas to 6 feet of water as "anchorage."

Certainly all anchorage between 27 or 30 feet of water and 6 feet depth should hardly be considered as anchorage in a deep-water harbor proposition.

And he goes entirely through with the report with these criticisms and suggestions. I will print the remainder of the communication without reading further:

The useful anchorage with 30 feet or more of water, called deep-water anchorage by the board, shows in Executive Document No. 41 as 339 acres as against 479 acres at the Santa Monica Canyon breakwater site.

The remark on pages 18 and 19 of Executive Document No. 41, "In Santa Monica Harbor the inner anchorage will be very much diminished by the wharves, which must extend completely across it to reach deep water. This is not the case to the same extent in the San Pedro Harbor," is interesting, first, because it is difficult to see the objection to diminishing or obstructing altogether the shoal-water anchorage, and second, because such anchorage will be obstructed in San Pedro Harbor as much as in Santa Monica Harbor if any individuals or corporations can be found with money enough to build the very long wharves required to reach the 5-fathom curve at San Pedro breakwater, which very long wharves are required to utilize the protected area at all points except at the extreme western part of the protected area, where there is room for one wharf to be built out with about the same length from shore to deep water as is required at the Santa Monica breakwater site.

Executive Document No. 41, page 18: "To compare exposures, it is assumed that so much of the anchorage area as lies to the north of the southeast and northwest lines drawn through the ends of the breakwater is not fully covered from the heavy swells."

This proposition entirely ignores the statement copied from the report of the former board, Executive Document No. 41, page 7, lines 13, 20; also the testimony of Prof. George Davidson, United States Coast and Geodetic Survey, Executive Document No. 41, page 104, in which he states, "In our southeasters the swell of the Pacific comes from the southwest," which testimony is referred to in Executive Document No. 41, page 7, and which our experience in two heavy storms from the southeast this winter, while building the wharf near Santa Monica Canyon, confirms the very heavy swells which would make a ship liable to break from her moorings, having come squarely from the southwest.

The breakwater site at Santa Monica Canyon is a complete protection from this swell, as is shown by a glance at the chart in Executive Document No. 41, and the statement on page 18 that it had but 221 acres protected is misleading. It has, in fact, 994 acres protected from this swell, of which 479 acres is deep-water anchorage, which seems the only part of the anchorage worth considering at any of the proposed harbor sites.

Regarding the third paragraph on page 18, Executive Document No. 41, comparing the two Santa Monica Bay harbor sites—the statement as to narrow land approach for wharves at the Santa Monica Canyon breakwater site, and that access to it could not be had except at great expense to parties engaged in land transportation—I can only account for such a statement from their imperfect examination by the board, as there is well known to be room for convenient access.

The Santa Monica Canyon site has the important advantage of being protected from the occasional severe northwest winds by the Cahuenga Mountains, which are so efficient a protection that no perceptible increase of

ordinary waves can be noticed during such a wind at the Santa Monica Canyon site, while at the site between Santa Monica and Bellona the waves from such a wind are perceptibly heavier and the interior of the breakwater is entirely exposed to them, and farther down the coast at Redondo the wharf was badly wrecked by the effects of such a northwest wind during the fall of 1892, while there was nothing at the Santa Monica Canyon site the same day to prevent the construction of the new wharf there from going on as usual.

The remarks in fifth paragraph of page 18, Executive Document No. 41, as to the landing facilities in Santa Monica harbor sites being entirely within the exposed area, are based on the same misunderstanding as to the facts of the case by the last board of engineers, as above referred to, as to the direction of heavy swell during southeasters.

The former board, reporting in Executive Document No. 39, understood this matter better and anticipated no such imaginary difficulties.

Regarding the use of trestles for breakwater construction which the new board criticise on page 22, Executive Document No. 41, it is hardly to be decided in so offhand a manner, and the opinion of the former board is in favor of a trestle method of construction, per page 9, Executive Document No. 39.

So far as the possibility of constructing a breakwater in nine hundred working days is concerned, the new board seems to consider it impossible to do this, because it involves handling and delivery of 140 loaded cars of rock daily, or, as they express it, "a length of at least 1 mile of loaded cars."

It must be that the members of the board are not experienced in transportation by rail, as there would be no possible difficulty in handling this number of cars daily, as any railroad man knows. It may very possibly be that the construction of the breakwater would require a longer time than nine hundred working days if appropriations for the work were made in the usual manner.

I agree entirely with the last paragraph in page 22, Executive Document No. 41, "that there is no increased cost of large stone over small stones with proper appliances, excepting in the fact that the large stone above the water level has to be carefully placed, at increased cost over the dumping of the rock to be used below the water level."

There is an item of quarrying the large stone, however, that makes it cost more than quarrying the smaller stone, viz, at the time the large stone is required for the facing of the upper portion of the breakwater there would be no available use for the smaller stone; and as any ordinary quarry will develop a large percentage of small rock along with the large rock required, there would require to be many more cubic yards of rock quarried than would be obtained in large pieces and the smaller rock would have to be removed to keep the quarry clear, thus making the cost of quarrying the large rock more expensive than that of quarrying rock for the portion of the breakwater under water, which could be built of large and small rock as it happened to come in the quarrying, within certain limitations of size.

The remark at top of page 23, Executive Document No. 41, is not exact as a comparison of breakwater areas as along their axes, and should be supplemented by the statement that the length of the proposed San Pedro curved proposed breakwater is 8,200 feet, as against 8,390 feet at the Santa Monica Canyon breakwater, and the length of the 5-fathom line protected from the southwest swells by the San Pedro breakwater is about 2,900 feet, as against the same at the Santa Monica Canyon breakwater of about 2,200 feet.

As to the capacity for defense, page 23, Executive Document No. 41, it would be very interesting to know the reasons in detail for this conclusion.

In regard to the proposition to use the breakwater at San Pedro for a railway constructed along it from the shore and wharves projected along it from the inner face of the breakwater, Executive Document No. 41, page 18, paragraph 4—the maintenance of a railway on a rock embankment in about 9 fathoms of water, with the embankment but 10 feet above high water, will certainly be a novelty, and an interesting one during the prevalence of southwest swells accompanying a southeasterly gale.

The construction of wharves along this inner face of the breakwater will be excessively expensive, the water being from 56 to 62 feet deep at high tide along the most useful part of this inner face.

The problem of getting a railway to the shore end of the San Pedro breakwater would be a serious one, the entire shore from the breakwater to Firmin Point at San Pedro inner harbor being an essentially rocky bluff from 50 to 60 feet high, washed by a depth of several feet of water at high tide, which bluff makes the building of any wharves into the sheltered harbor from the table-land above an expensive matter for construction, maintenance, and operation.

The difficulties are serious enough to raise the question as to whether the proposed harbor if built at San Pedro would ever be used for unloading direct from vessels to wharves at all in the near future, but rather find its only usefulness as a harbor of refuge and safe anchor for deep-sea vessels, their cargoes being lightered into the inner harbor and unloaded at present wharves in the same manner as at present, at great expense.

This feature of a rocky bluff shore throughout the protected anchorage at San Pedro breakwater site, with no dry land whatever between the foot of the bluff and the ocean at high tide, coupled with the great distance between the 5-fathom line and the shore throughout most of the protected area (ranging from about three-eighths of a mile at the extreme west end of the breakwater to 1¼ miles from Firmin Point to the 5-fathom line opposite the easterly end of the breakwater) would raise the question whether the practicability of building wharves at San Pedro from the shore to and beyond the 5-fathom line in the proposed protected area had been considered at all by the various boards of engineers who have reported upon the breakwater sites.

Regarding Prof. George Davidson's memorandum, Executive Document No. 41, page 105, Santa Monica Bay, his experience on the "West Beach" was evidently west of Santa Monica Canyon, a short distance beyond which point to the westward the bluffs reach to ordinary high water, and the beach is often impracticable for wagons in ordinary high tides without storms.

There is no record of any such wave action as he speaks of at the Santa Monica Canyon breakwater site and from there toward Santa Monica.

Regarding the petitions submitted to the board and appended to Executive Document No. 41, the only one signed by a large number of merchants of large capital is evidently the one in favor of Santa Monica, on pages 112, 113.

Yours, respectfully,

WILLIAM HOOD, *Chief Engineer.*

Mr. President, Santa Monica is an old story. In the river and harbor act of 1882 we provided for a commission to make an examination of Santa Monica Harbor, and Colonel Mendell was assigned to the duty of making the examination. I have his report, page 2209. It is dated "United States Engineer Office, San Francisco, Cal., November 22, 1882," and I want Senators to hear what he says, because he was chairman of the first board, the report of which has been cited here as in favor of San Pedro. Colonel Mendell says:

Los Angeles is the principal town in southern California. It now enjoys great prosperity and is growing rapidly. It is supposed to have a population numbering more than 15,000 and less than 20,000.

It is 100,000 to-day. That was in 1882.

It is 18 miles distant in an easterly direction from Santa Monica, and is connected by a railroad. Santa Monica is the point of the coast nearest to Los Angeles. It is a village of a few hundred inhabitants, pleasantly situated, facing the sea, on a table-land 60 or 70 feet above the sea level.

A detailed hydrographic survey of the bay was completed in 1876 by a party under the command of Lieut. Commander H. C. Taylor, United States Navy, assistant, United States Coast Survey. This survey includes the hydrography of the whole bay, giving not only a chart of the landing but of the approaches. The fullness of this survey dispenses with the necessity of repeating it at present.

This chart shows a depth of 3 fathoms at a quarter of a mile from shore, which deepens evenly to 10 fathoms at 1½ miles. To a depth of 30 fathoms the slope of the bed of the sea is about 40 feet to the mile.

This is Colonel Mendell. Again:

It appears from this description that Santa Monica is exposed to the waves which approach the coast from the west and southwest. If the access of these waves were cut off the bay would become a harbor which might have any desired capacity. As an engineering proposition, a project of this kind appears to be entirely feasible. A breakwater judiciously located would secure the result.

An anchorage ground over which, for a width of about seven eighths of a mile, the water would be between 3 and 8 fathoms could be protected by a breakwater in 8 fathoms of water. A greater width would result from the location of the breakwater in deeper water. The length of the structure would be determined by the extent of the area which it is desired to protect. While the project is entirely feasible, it must necessarily be costly.

Then he says:

Santa Monica at present has no commerce.

Consequently he does not recommend an appropriation, but in the strongest terms he commits himself to the making of a perfect harbor at Santa Monica by a breakwater.

He alludes to the careful survey made by Captain Taylor. I am aware that the Senator from California [Mr. WHITE], with the shrewdness of a skillful lawyer, put Captain Taylor's statement into his speech. He thought to entomb it in the bowels of that speech, where no resurrection could happen to it; but I prefer, when Captain Taylor's investigation for its thoroughness has been indorsed by Colonel Mendell, to put his statement into the case here. He says:

A creek makes into the land at Wilmington and San Pedro, affording a shelter to small vessels, and expensive improvements have been carried on for several years by the army engineers, which have slightly benefited it, but, at the best that can be hoped, it can never have the accommodations of a great harbor. A breakwater to include sufficient area of shelter could be built, but it would include some shoals and rocks inside of it, and would also receive whatever discharge of sediment there would be from the creek. This creek was used in the beginning by schooners and small craft which were sufficient for the trade of the then unsettled country. The circumstances of its location, favorable for such craft, are unfavorable for the formation of a great seaport such as the commerce of southern California now demands.

We come now to that locality which appears specially to be favored by nature, Santa Monica.

The Bay of Santa Monica is, in its combination of natural features, unique on the Pacific coast. Here the depth of water increases from the beach outward with an easy and gradual slope for several miles.

Did the Senator from Missouri [Mr. VEST] hear that? Captain Taylor says that "the depth of water increases from the beach outward with an easy and gradual slope for several miles"; and Colonel Mendell says that Captain Taylor made an exhaustive examination of this harbor.

Here a breakwater can be established to inclose and shelter a capacious harbor, without being in water so deep as to make its construction impracticable or even difficult.

The marked feature of the Pacific coast is the steep slope of the bottom as we move from shore to seaward. This rule has few exceptions, and it results that along the entire coast a breakwater to inclose a sufficient sheltered area would have to be placed in such deep water as to be impossible of construction.

Among the few exceptions is the Bay of Santa Monica. It is a remarkable coincidence that the coast line in a deep curve here approaches nearer than at any other point to Los Angeles and to the fertile region of which it is the depot.

The Bay of Santa Monica has along most of its shore line this quality of gradual deepening of the water, the bay of itself being occupied by a submarine plateau unique upon the Pacific coast. But certain portions of the shore line of the bay have other advantages in addition. The town of Santa Monica is situated at a point on the shore near a neighboring range of mountains, against or toward which blow the only winds of violence. The force of the wind blowing against a great barrier is deadened for some distance to windward of such barrier, and this probably accounts for the well-known fact that the winds at Santa Monica do not blow with violence. The swell which rolls in at this anchorage is much modified, even in the worst weather, by the effect of the large islands to seaward, and by the deep recessed position of this portion of the bay shore.

I have had considerable experience in this bay while conducting the surveys carried on there, and have lain at anchor through all seasons of the year at and near Santa Monica on the Government vessel which I commanded. I have never seen any weather in which a vessel could not ride at her anchors there in safety, and but few occasions when unloading at a wharf was impracticable.

Then he goes on to argue the necessity of a great harbor and the absolute necessity and practicability of locating it at Santa Monica. Captain Taylor is now the president of the Naval War College at Newport. At the request of the committee I wrote to Captain Taylor informing him that there was to be a hearing before the committee on such a day and asking him if he would not be present and give his testimony. He received the letter too late for the hearing. He wrote me that he would come at any time the committee desired, but that he must be authorized to do so by the Secretary of the Navy. A telegram was sent to him the next day, in order to save him from coming if possible, to know whether

or not he had changed his mind any about Santa Monica since he made the report, and he said in a telegram:

Nautical advantages excellent. Natural location great port. My opinion strong.

Now, where can you get better testimony than that? There is the man who made all the surveys, the man under whose surveys these charts were made, a man utterly indifferent. When there was no controversy, when there were no two sides, when there was no contest on the one side and no contest on the other, when no question was presented to the Senate and no question to the Committee on Commerce, this naval officer gives his opinion selecting above all within 200 miles, and he familiar with every mile of it, Santa Monica, and giving his reasons.

I received some time ago a letter from General Miles, dated Chicago, Ill., May 29, 1894. He is the present General of the United States Army. He says:

MY DEAR SENATOR: I have been informed that there is a movement on foot to improve the harbor of Santa Monica, Cal. I desire to say that I was for several years in command of the Department of Arizona, also in command of the Division of the Pacific, and for more than two years had my headquarters at Los Angeles, Cal. That city is the center of communication and commerce for that whole Southwest district of country, including southern California and Arizona. There is in prospect a road running northwest that will connect it with Utah. Within 16 miles, in a direct line, is the harbor of Santa Monica, which will undoubtedly be the principal port of entry on the southern Pacific coast.

I have had excellent opportunity for observing the condition of the climate and the effect of storms in all seasons of the year, and have no hesitation in saying that it has many advantages to make it a very important port of entry. The topographical features of the coast are such as to give, to some extent, natural protection, and, with the assistance that could be given to it by either the Government or private enterprises, will make it, in my opinion, a perfectly safe harbor and good anchorage for vessels. There is sufficient depth of water for ships of any draft, and the pier that was built many years ago and the very large and important one that was recently built have demonstrated the capacity of such constructions to stand the severest storms.

I would recommend a liberal appropriation by the Government to improve what nature has already done, and what private enterprises have so generously contributed far in the advance of the work which would naturally fall to the Government to perform, as the improvement of the harbor is of national importance.

In the immediate vicinity of Santa Monica there are very high and commanding bluffs upon which land batteries of mortars and rifle guns could be placed, which would render the harbor easily defended.

Very respectfully, your obedient servant,

NELSON A. MILES,
Major-General, United States Army.

Hon. WILLIAM P. FRYE,
United States Senate, Washington, D. C.

Mr. CAFFERY. What is the date of the letter from General Miles?

Mr. FRYE. It is dated May 29, 1894.

I had thought to cite other testimony, but I am inclined to think I have presented, as well as I can, the views of the Committee on Commerce and that it is unnecessary for me to present any more testimony. But it is necessary for me to say a word in reference to the amendment, which seems on its face to be fair. I refer to the amendment offered by the Senator from California [Mr. WHITE], in which he proposes a board who shall thoroughly investigate these two harbors and report, and then authorizes the Secretary of War to construct by contract a harbor wherever the board may report.

What objection have I to that proposition? I do not believe there is more than one chance in ten of any board now reporting in favor of San Pedro. Why not accept it, then, and take my nine chances? Because I dare not trust that one chance in ten. Why not? Because if that chance should be taken you would be throwing away $3,000,000. You might just as well dump it into the Pacific Ocean. Before that board can make its report the $392,000 provided in the pending bill for the inside harbor at San Pedro will be expended; the inside harbor will have 18 feet of water at low water, and the outside harbor, with the inside harbor at San Pedro, is an absolute absurdity.

Mr. PASCO. I suggest to the Senator from Maine that the appropriation for the inside harbor might in the meantime be suspended to await the report of the board. Then the objection he suggests would be obviated.

Mr. FRYE. I suggested to the Senator from California [Mr. WHITE] that both of these items should be stricken out of the bill and that we risk the future in relation to the harbors, and he respectfully declined the proposition. They insist upon the inside harbor; they insist upon that appropriation, and I say I do not believe any member of the Committee on Commerce can be found other perhaps than the Senator from California who will assert that after the improvement is made in the inside harbor at San Pedro there is any necessity, so far as that commerce is concerned, of any outside harbor at all at that point.

Then, again, Mr. President, I think that Senators know something about Mr. Huntington. He has made his deliberate choice, has he not, between San Pedro and Santa Monica? He has sacrificed a million dollars or more in making it. Do you suppose he is going to change back again to San Pedro? Does any Senator suppose that he is not going to have a great harbor at Santa Monica?

Mr. VEST. Will my friend allow me to ask him a question?

Mr. FRYE. Yes.

Mr. VEST. I understand the Senator to state that if the engineers secure the depth of water which they say they can secure by the expenditure of $392,000 upon the inside harbor at San Pedro it is absurd to contemplate the construction or making of an outside harbor?

Mr. FRYE. Yes.

Mr. VEST. Is that because the inside harbor would answer all the demands of commerce when so improved?

Mr. FRYE. All of the demands of commerce that ever would come to San Pedro. The great commerce of the Orient is coming to Santa Monica. That Southern Pacific Railroad Company is at Santa Monica; its pier, costing $1,000,000, is at Santa Monica. That commerce, the Senator from California said, was to be created by "one man." That "one man" is there at Santa Monica; he is not going to go back to San Pedro.

Mr. VEST. If the Senator will permit me, the citizens of Los Angeles—and that is a city which is behind both these improvements, so to speak, if you eliminate Mr. Huntington and the Southern Pacific Railroad and his steamship line there—the citizens of Los Angeles who were before our committee said that they were deeply interested in an outside harbor in the vicinity of that city, because they had commenced with the idea that Los Angeles was to be the entrepôt for this continent, instead of San Francisco, of the eastern commerce, of China and Japan and Asia generally. Now, there is but 3 miles difference in distance between Santa Monica and San Pedro to Los Angeles, as I stated yesterday that it is a triangle, on one side with San Pedro, 3 miles longer than the side to Santa Monica. The great interest, leaving out Mr. Huntington's personal interest and that of his company, with the people of Los Angeles and southern California is to secure an outside harbor at a port which is to receive this Asiatic commerce. If, then, either of these points can be made that entrepôt, it simply becomes a question of expense, which is the cheaper. As I understand the Senator from Maine to say—and I believe it to be true—with $392,000 and a systematic and intelligent improvement of the inside harbor at San Pedro we can secure what these witnesses claimed they were desirous of obtaining.

Now, if Mr. Huntington—and I am frank to say from all I have heard and know of him, that I believe the Senator from Maine is right—if Mr. Huntington chooses for his own purposes and those of the Southern Pacific Railroad Company to go on and construct his outside harbor at Santa Monica, he has the unquestioned right to do it; and I hope that he will do it, because, of course, two outside harbors would be better than one. But the point with me is the expenditure of the money of the people of the United States, and if we can obtain an outside harbor and all the benefits of an outside harbor at San Pedro by improving the inside harbor for $392,000, it saves the difference between that and $3,000,000 at that point alone. Besides that, $3,000,000 expended, if done by Mr. Huntington at Santa Monica, is no charge at all upon the Treasury of the United States.

I am perfectly willing, if the Senate comes to the conclusion, against my judgment, that this outside harbor should be placed at one point or the other, to risk the judgment of another board, eliminating the member from the Corps of Engineers for the reasons I gave yesterday, and I am willing to make this appropriation contingent absolutely on the report of that board.

Mr. FRYE. I should not have said ten words more if the Senator had not interrupted me.

Mr. VEST. I beg the Senator's pardon for interrupting him.

Mr. FRYE. When I said that no one who knew Mr. Huntington doubted that the deep-water harbor would be at Santa Monica, I said it without fear, because I did not believe that a man, a United States Senator, would take advantage of the fact that he believed that Mr. Huntington would build a harbor which it was the duty of the United States to build, and let Mr. Huntington do it. He is as much entitled, with the commerce which he creates, to the protection of the United States and to the appropriation of moneys for rivers and harbors as is any man or any body of men. While I stated boldly that I had no doubt that he would do it, I did it only because I did not believe that a United States Senator would, on account of that statement, declare, "Well, then, let him do it, and we will save $3,000,000." That is too small a thing to charge to a United States Senator.

Mr. President, those are the reasons why I object to this proposed new board. We have had this fight—at any rate, the Senator from Missouri [Mr. VEST], one of the old members of the committee, and I have had this fight—on our hands for years. We wish to be divested of it, never to hear from it again.

I hope that the Senate, for the reasons given, will vote down the amendment which the Senator from California has proposed and will agree to the amendment reported by the committee, and that this contest will be ended.

I thank the Senate for the patience with which they have listened to me and apologize to them for the wearying of them.

Mr. PERKINS. Mr. President, the discussion has taken an exceedingly wide range. I thought I had some knowledge of the coast of California and of the wishes of the people of that State, but I must admit that I have been somewhat mystified by the discussion which has taken place during the past three or four days upon the floor of the Senate.

I find in examining the report of the Committee on Commerce that it gives evidence of great labor and great research, and contains a fund of information obtained by that committee, which is entitled to the thanks of the Senate and of the people of our country.

I notice that there are about 400 different appropriations made for the improvement of harbors, of rivers, of estuaries, and of lakes, and for the removal of bars at the entrance of harbors. I notice that these 400 appropriations are divided among 36 States of the Union, and that embraced in these appropriations are three great rivers, the Mississippi, the Missouri, and the Ohio.

I also find in looking at the estimates made that almost every one of the recommendations of the committee and every one of the proposed appropriations, with, perhaps, the single exception of the one now under discussion, was made upon the estimates and recommendations of the United States Government engineers. It would have been a herculean task—it would have been practically impossible for the committee to have intelligently arrived at the various recommendations they have made—without the report of the Government Corps of Engineers, who have been detailed for this purpose.

The chairman of the Committee on Commerce has a national reputation, well earned by twenty-five years' duty in Congress. He is perhaps as well equipped to perform the duties of that committee as any other Senator who ever held a seat on this floor. While I differ with him in his conclusions upon this proposition, yet he could hardly do anything which would dissipate the admiration I have for him for his advocacy in former years of our American shipping and his defense of American industries and American institutions. He is deserving of and has the thanks of the people of this country for his indefatigable energy and zeal in whatever he undertakes. He is a positive man, a man of force of character and determination; and it was unfortunate, perhaps, for the people of California that in his first visit to the Pacific Coast he went to Santa Monica, and there saw the beauties of that delightful place, for the town of Santa Monica and its surroundings are not excelled by any place in any State or any country in the world.

Yesterday when I heard him picture in such glowing language the beauties of Santa Monica I asked my friend on the right, who accompanied him on that journey [Mr. DAVIS], what was the month of the year in which the visit was made. He informed me it was the month of November. I could then readily understand that one leaving Maine in November, with its bleak, cold, stormy coast, on which tossed the angry waves of the Atlantic, leaving a crest of frozen spray wherever they might strike on those rocks, and going to Santa Monica would be most deeply impressed with the place as he looked out upon the broad Pacific at that time of the year, the most delightful in California. That season of the year on the Pacific is what August and September are on the Atlantic. It is the Indian summer. The trade winds have ceased to blow and the angry Pacific, which has been bubbling and boiling during all the summer months, is as quiet as a mill pond in June in the Senator's native State. So I can understand, as he sat on the beach at Santa Monica and there heard the Pacific sing the sunset song of the nation as it washed the western shore of this continent, how he became enamored of Santa Monica, and that nothing that we can ever say or do will dispel his admiration. I might paraphrase a familiar couplet, and say:

> And neither the angels in heaven above
> Nor the demons down under the sea
> Can dissever his love
> From the love he bears—

For Santa Moni[ca]kee. [Laughter.]

Santa Monica will be a part of the city of Los Angeles, and perhaps many a Senator now upon this floor will pay it a visit and there find a delightful home.

The question before us for our consideration is a simple business proposition. California has a coast as long as the distance from Maine to South Carolina—that is, California borders the Pacific for the same distance that the States between Maine and South Carolina border the Atlantic. In the southern part of California there has grown up the great metropolis of Los Angeles—the city of angels. It is located in the midst of one of the richest agricultural, horticultural, and viticultural sections of the country. It has vast and illimitable commercial possibilities; it has undeveloped mining resources; it is the central depot of two great transcontinental railroads, and is their terminus on the western side of this continent—the Atchison, Topeka and Santa Fe Railroad and the Southern Pacific Railroad. The population of Los Angeles County has doubled every four years during the past two decades, and yet they come; and the people who come there never return except to visit their friends, for it is the paradise of this country. Its future I shall not attempt to describe, but it is as bright as the midday sun. The railroads I have named are reaching out into Arizona, into New Mexico, into Texas, into southern Utah and southern Nevada, and are bringing the wealth of those great States and Territories into that city.

So the people say, "We want a port of entry, a port of export for these great products." They came to Congress, and Congress assisted them in improving the harbor of Wilmington, at San Pedro, and never was money more judiciously expended or expended with better results than those derived from the Government appropriations made for that port. When they commenced the work in 1872 there was but 2 feet of water upon the bar at the entrance to that harbor; to-day there is 18 feet of water; and the appropriation proposed by the Committee on Commerce of $492,000 will give us, we believe, 22 feet of water. If it does, the harbor is capable of being enlarged and made a great commercial seaport—a harbor where there will be machine shops, graving docks, and all the appliances which are so necessary to foster and encourage a successful commerce.

I want to say, about the enterprise of the railroads which have come into Los Angeles, that it is their competition which has developed that country. It is competition we want in business, in the transportation business, in manufacturing and every other branch of commercial industry. We want that rivalry, that emulation, that energy which commends business people to their patrons. I want to say here that this is no contest or rivalry, as has been intimated, between two railroad companies, and I can not permit to pass unchallenged the remarks made by the Senator from Missouri [Mr. VEST] and by the Senator from Maine [Mr. FRYE] yesterday. That I may not misquote them I shall read from the RECORD.

The Senator from Missouri said:

> Unfortunately, Mr. Huntington is a political factor in California. They test every man's competency and qualification for office there by the question, "Is he for Huntington or against him?" You can not hold a town meeting but what the question is, "Is this man a Huntington man or not a Huntington man?"

Then the Senator from Maine said, referring to some remarks which had been made by my distinguished colleague [Mr. WHITE]:

> This savors of the slogan of the sand lots of the Golden Gate, where the name of Huntington is conjured with to frighten babies, and used by demagogues to make weak-kneed politicians tremble.

Mr. President, I dislike exceedingly to refer on this floor to any gentleman who is not a member of this body. I dislike exceedingly to refer to anyone who is not here to speak and answer for himself. But I say that that charge is a libel upon the fair name of the good people of California, and I should be false to those I represent if I permitted the charge of the Senators from Maine and Missouri to pass unchallenged. The people of California have no prejudices against Mr. Huntington or his associates. I know nothing against Mr. Huntington to his discredit, unless it be his own testimony before a Congressional committee and certain letters which it is alleged he wrote to an associate upon the board of directors of the company with which he was connected. I have no feeling of personal animosity or jealousy or envy toward him; I admire him for his enterprise, for his pluck, for his energy; I admire him for what he has accomplished in his life. I knew him many years ago in California when he was an honored and respected merchant in that State. He left us to come East many years ago, and I do not know much of him, except through general report, since that time. But I repel the charge that the people of California seek office by declaiming against him or his associates, or by advocating that which he desires, or opposing it. The people of California are a cosmopolitan people. There are the representatives of every State in this Union to-day resident in California. They have built up that great empire of the West. They are a broad-minded, liberal people in politics, in religion, and in their business pursuits. They have no such prejudices.

Mr. President, I have but to refer you to the fact that the president of that great corporation was elected governor of that State by the popular vote of the people; I have but to remind you of the fact that he was twice elected to a seat upon this floor. The crowning act of his life was performed before being called to that "bourn whence no traveler returns." He had the courage to become the executor of his own estate while living, and administered its affairs for the benefit of the people. He established a magnificent university of learning, where the humblest child in this land may go and drink from the fountain of knowledge without money and without price. His associates upon that board have been known for their acts of public spirit, of munificence, and of benevolence. The family of Mr. Crocker to-day, to my certain knowledge, are distributing thousands of dollars in charity, and many an old man and old woman, many a sick man and sick woman and helpless child, inmates of hospitals and homes founded

through their munificence, can thank them for their humane sympathy and assistance.

Mr. President, the people of California in city and county and State gave most liberally toward building the first transcontinental railroad. They were in sympathy with the promoters, because the latter were in touch with the people at that time, and if to-day our people censure them, it is because they believe they have not been true to their trust, that they have forgotten the common interests and the common bond which unite their interests with the interests of the people of California. That is the reason. If they are censured, it is because they use their great power sometimes to thwart the wishes and desires of the people; but that the name of Mr. Huntington is used to influence the acts of public men in California is untrue. I repeat it, it is a vile slander against the good name and fame of the people of California.

Mr. President, only last week a great State convention met in California. There were in that convention representatives from every town and county in the State. They assembled at the capital, and among the various resolutions they passed was one denouncing what is known as the railroad funding bill. But to show that they had no prejudice against the individual members of that company, except only as to their action in a corporate sense, they nominated for Presidential elector the vice-president of that great railroad company; and, as sure as the sun rises and sets on election day in November next, he will be elected a Presidential elector of the United States.

I did not intend to refer to this, but it has been called out by the charge made here, the unjust charge, that the names of certain men are conjured up as bogy men in California. The charge is without foundation; it is without one bit of truth.

We believe in railroads. We believe that they have the power to develop the great resources of our State as no other agency has. What we complain of is that they prostitute their power to elect to office men whom the people do not want; or that when men are elected to office they use their power to influence them to subserve private instead of public interests. All we want the railroad company to do, and what the people demand, is that it shall be equal before the law, equal before the people; that it shall pay its just quota of taxes and do as the humblest man in this land is compelled by law to do.

But, Mr. President, we are wandering away from this port of refuge, from this great commercial harbor, which the people of California have declared time and time again they want built on the coast. We have 75 miles alone on the coast of California fronting on the one county of Los Angeles, and comprised within that distance there is the great Santa Monica Bay and the great San Pedro Bay. Our Government has decided through two impartial boards of engineers, and also by a board of the Coast and Geodetic Survey, in favor of San Pedro.

And what is the Coast and Geodetic Survey? What is its mission? In the year 1807 the United States Coast and Geodetic Survey was established by an act of Congress. In 1843 it was reorganized, and since that time it has been the greatest factor in our coast surveys, making the soundings of our harbors, making the triangular surveys of the coast, showing the elevation of the mountains and the location of sunken rocks and of hidden bars, light-houses, and beacons, and publishing sailing directions for the mariner.

Mr. STEWART. Will the Senator from California allow me to ask him a question?

Mr. PERKINS. Certainly.

Mr. STEWART. Do I understand the Senator to state that the Coast and Geodetic Survey have reported against Santa Monica?

Mr. PERKINS. Professor Davidson, who had charge of the Coast and Geodetic Survey, in a letter which my colleague presented, which has been published already and is of record, reported against Santa Monica as a suitable place for a harbor. I will read it if the Senator desires. It has, however, been printed in the RECORD; it appeared there in full this morning.

Mr. STEWART. Captain Taylor had charge of the surveys at that time. We have his letter.

Mr. PERKINS. Captain Taylor was a subordinate under the direction of Professor Davidson. I state it as a fact, which came to my knowledge through a captain of one of our vessels, that while he was engaged in making soundings in Santa Monica Bay a strong southwest gale of wind came on and he was obliged to run his vessel under the lee of the Island of Catalina for protection.

Mr. President, to the Coast and Geodetic Survey we are indebted for our charts of our coast. The chart before us and other charts upon the desks of Senators were made by them. We are indebted to them for the Coast Pilot. The last issue was published in 1889. It gives the sailing directions of the vessels making the different ports upon the coast. It gives the altitude of the different light-houses, the class of light-houses, whether they are stationary, revolving, or flash light, and all other directions so necessary to the safe and successful navigation of the coast. Since my friend from Nevada has referred to it, I will, with your permission, read what the Coast Pilot says of Santa Monica Bay:

From Point Vincente to Point Dume the course is north 67 degrees west, and the distance 25½ miles. The space inside this course is called Santa Monica Bay, and the deepest part is abreast the Arroyo Santa Monica, which is 10 miles north of the above line.

General hydrography of the bay.—From Point Vincente the cliffs to the northwest trend north 37 degrees west for 2½ miles to the westernmost termination of the ridge, which is called Rocky Point (described on page 47), and thence nearly north-northeast for 3 miles to the long sand beach forming the eastern shore of Santa Monica Bay. The northern shore lies at the base of the high, rugged mountains of the Santa Monica range. The beach is only passable at low water. The whole force of the western swell breaks heavily against these cliffs. The depth throughout the bay is quite irregular. Abreast of the arroyo and town of Santa Monica a depth of 40 fathoms is found 4 miles off shore, but off the beach, between La Ballona and the salt pond, a submarine plateau 4 miles wide stretches out to the southwest for 8 miles, with very uniformly decreasing depths, to 40 fathoms, with gray sand, mud, and gravel. Westward of this plateau and toward Point Dume the depth increases rapidly to nearly 300 fathoms, muddy bottom, and carrying 200 fathoms within a mile south of the point. On the east of this plateau, and toward Point Vincente, there is a remarkable submarine valley only 1 mile wide, between the 100-fathom curves, and carrying from 280 fathoms, muddy bottom, to 100 fathoms within 1½ miles of the beach, near the salt works. The eastern side of this valley is remarkably steep, dropping from 40 to 200 fathoms in three-eighths of a mile. The western side is more sloping, but the slope from 100 fathoms is very sharp.

Ranging off from each one of these points or headlands—Point Dume, Point Vincente, and Point Firmin—there is a great subterranean valley, as it were. As was shown by the letter from Professor Davidson presented here in my colleague's speech, the water pitches off abruptly from a depth of 6 to 8 fathoms to over 150 fathoms. This is not confined alone to Point Firmin or Point Vincente or San Pedro, but to Point Dume and to almost all the places where promontories reach out into the ocean. Therefore the charts other than those issued by the Coast Survey and presented here may easily deceive the eye.

I want to say in passing that Engineer Hood and Engineer Corthell stand high in their profession. They are perhaps as eminent as any we know of in that eminent calling. But they are not looking for defects in the harbor of Santa Monica. They are employed as special counsel, as special experts to show the advantages of that particular locality as compared with the other locality. While the Senator from Maine stated that Mr. Corthell had made a careful survey of the harbor and the soundings, I hardly think he spoke advisedly, because from his own testimony it was impossible for him to do this in the time he was on the Pacific Coast. The survey alone of such a bay as Santa Monica or San Pedro would take a vessel with her complete crew and a corps of engineers who are adepts and experts in that line at least six months. It is done by triangulation. Every 100 square yards off shore is sounded and the character of the ocean floor is depicted in the same way as the general topography of the country is shown on a map. It is a labor of months and years before a perfect and careful survey can be made and the rocks and reefs noted of the locality. When a company is about to build a wharf they spend weeks and weeks in selecting a location for that particular wharf. How must it be when it is necessary to survey an area of 50, 75, or 100 square miles? I am confident that the Senator from Maine must have been misinformed as to Mr. Corthell's knowledge of the bottom of this bay. It is not in the power of man to gain such knowledge in the length of time that this eminent engineer devoted to the study of Santa Monica Bay.

Now, coming back to the location, what is the sentiment of the people of Los Angeles? Public sentiment, the Senator from Maine says, has nothing to do with the locality of a wharf; it has nothing to do with the place where a harbor should be. The people, he says, have nothing to do with the location, that it belongs to the Government, but he is willing that a self-constituted committee of Congress may make the selection. In other words, we will prescribe the medicine and let the people take it.

Mr. President, who are "we"? We are simply the temporary agents the people sent here for a particular purpose, sent here to represent them on certain lines of duty. Some of these lines they have indicated in language that is unmistakable, others they leave to our discretion. The representative who is not true to the instructions given, the representative who does not carry out both in spirit and letter the well-known wishes of his constituents, is not only false to them and false to himself, but he is unworthy to be their representative.

Two years ago when the political campaign was made the universal voice and sentiment in Los Angeles was for San Pedro, and why? It was because a board of Government engineers had declared it the best, the most feasible, the most practicable place, and so the legislature of California, through their representatives, passed a resolution. I will try not to travel over any of the beaten ground which my colleague has so well covered, but to this resolution I think he did not refer, and therefore I will read it:

Senate joint resolution No. 15, relating to the construction by the United States Government of a deep-water harbor at San Pedro, on the coast of Los Angeles County. (Adopted February 8, 1893.)

Whereas the board of engineers appointed by the Secretary of War to inquire into and report upon the best point for the construction by the

United States Government of a deep-water harbor on the coast of southern California and the necessities for such work have reported in favor of San Pedro, on the coast of Los Angeles County, and also in favor of the necessity of such harbor being constructed; and

Whereas it will afford greatly needed facilities for ocean commerce to a large section of this State: Therefore,

Be it resolved by the senate of the State of California (the assembly thereof concurring), That we instruct our Senators, and urgently request our Representatives in Congress from this State, that they use every means in their power to secure, at the session of Congress now in session, the passage of a bill appropriating the sum of at least $500,000, to begin the construction of such a deep-water harbor at San Pedro, on the seacoast of Los Angeles County, in this State, as is contemplated in the report of the board of engineers hereinbefore referred to; and

Be it resolved, That the governor be requested to transmit to each of our Senators and Representatives in Congress from this State a copy of these resolutions.

That is the last expression of the people of California through their representatives in the State legislature.

Mr. STEWART. I inquire of the Senator if he has heard that senators and representatives who voted for that resolution have changed their views upon this same question?

Mr. PERKINS. Not in their official capacity. A few of those who thus performed their duty publicly have privately advised their Representatives that they would be glad to have them vote for Santa Monica.

Mr. STEWART. How many who voted for the Senator are among those?

Mr. PERKINS. The Senator is entitled to a fair answer and he shall receive it.

Mr. STEWART. All right.

Mr. PERKINS. In the county of Los Angeles six or seven representatives in the legislature who voted for me (that is a high encomium of their good judgment) have since wired me that they would be glad to have me vote for two appropriations, one for Santa Monica and the other for San Pedro. But that was done as private individuals, not as representatives of the people of the State in the legislature. They acted simply as individuals, at the importunity perhaps of some official friends, and being, as they must have been, amiable gentlemen, or I would not have received their votes, they desired to please them, knowing, as they did, that I have never yet swerved from my public duty as I understood it. I promised them before I was elected that I would carry out the wishes of their people on this particular question as expressed through my colleague [Mr, WHITE], the Senator who lives in their city, and through their Congressman, who lives in that city, and when a vote on the pending question is taken I shall do my duty as I understand it to be.

But since our legislature adjourned there has been another great assemblage, the eighth convention of the Transmississippi Commercial Congress. This convention met in Omaha, Nebr., on the 25th of November, 1895, and continued in session until the 28th. It had representatives from 26 different States and Territories. They assembled there, having in view the best commercial interests of this country. Representatives from 26 States went there without the hope or fear of reward. They went there having in view only that which they believed would best advance the interests of our whole country. I notice that the State of Missouri had some 30 or 40 representatives in that convention, as appears from their proceedings. Among the resolutions which they adopted was the following:

Resolved, That the Congress of the United States be urged to provide for the construction of a deep-water harbor at San Pedro as already determined by the several acts of Congress, and in accordance with the several recommendations of the boards of United States Army engineers (as shown by Executive Documents Nos. 30 and 41 of the Fifty-second Congress, first and second sessions), and that the further improvement of the interior harbor at San Pedro be earnestly recommended.

I do not see how my friend from Missouri can do otherwise than vote for the appropriation for San Pedro, for I think Missouri was more largely represented in the convention, unless perhaps Nebraska, than any other State of the Union.

Mr. President, I have only referred to this as showing the public sentiment as expressed through the people in Los Angeles, which is the home of my distinguished colleague. Then we have the report of the Government engineers. If there were no other reason, I can not see how I could honestly perform my duty and vote on this question contrary to their recommendations. They are men of well-known integrity and high character. During the past ninety years, I think, since the Government first undertook the improvements of harbors and the building of fortifications and light-houses, the work has been delegated to the Corps of Engineers of the United States Army, and to their credit be it said, out of the hundreds of millions of dollars which they have expended there has never been the taint of scandal connected with the disbursement of these immense sums of money. Holding their position for life or during good behavior, educated by the Government, they feel that patriotism and pride in their profession which have held them strictly to their line of duty. How could they then make an exception in this one particular case? I know the chairman of the first commission well and intimately, Col. G. H. Mendell, for forty-five years an honored army officer and chief of the Corps of Engineers on the Pacific Coast. He has no prejudice surely against any company or individual. He has no bias in favor of any particular place. You might as well charge a skillful surgeon called in to diagnose a disease with being biased or prejudiced. If he is true to his profession, true to his duty, he knows nothing but the subject that is before him, and he makes his finding according to the facts. So it is with these gentlemen.

As I have stated, and it is the one bright page in the history of our public men, this splendid corps of engineers, educated at our great institution of learning at West Point, supported by the Government, have always been honest and loyal to duty. They hold their position for life, and there is no influence that can prevent them from doing their duty. They can only be removed by impeachment, and impeachment can never lie against an honest man. So they have again and again reported in favor of the improvement of an outer harbor at San Pedro in preference to Santa Monica. They reported in favor of Wilmington, and I believe the Wilmington Harbor yet will become the great central shipping basin of southern California.

I remember that when a boy, many years ago, I visited Newcastle-upon-Tyne. At low tide there was scarcely any water in that river, and yet to-day for miles, tens of miles, along that stream there are great shipbuilding yards, great graving docks, machine shops, and foundries, where they are turning out five great steamships a day. It was the skill of man that widened those rivers and gave them a depth of water that to-day enables great ships to sail to and fro, carrying immense cargoes of coal and iron.

In conversation a few weeks ago with a very intelligent Scotchman who was born in Edinburgh he said: "When a boy, 3 miles below the city of Edinburgh I frequently waded across that little stream, which, as you know, is an estuary of the sea, and it is called the Frith of Forth, and yet to-day great steamships drawing 26 and 27 feet ply their vocation up and down that river." So I believe this is all possible for Wilmington in the future.

But there has been one strong point made in favor of Santa Monica, and it has not been answered yet. Why did the Southern Pacific Railroad, it is asked, abandon Wilmington, where they had expended millions of dollars, and go to an unknown place and there build a wharf costing them nine hundred thousand or a million dollars? The mere statement of that question carries with it a strong argument, and if the facts were true it would be almost unanswerable. But, Mr. President, they are not true. They have not abandoned San Pedro or Wilmington, and I do not believe there is any reasonable amount of money that could purchase their rights there.

Mr. STEWART. Have they not abandoned their scheme to build a wharf in the outer harbor?

Mr. PERKINS. Yes; and I will tell you why. I will come to that in one second. They never seriously intended building a wharf outside until the breakwater was completed, because they had ample facilities inside for the transportation of all the freight that came there. The great objection to it was lighterage. It was one of the great expenses that ships having a heavy draft of water—more than 18 feet—could not go in over the bar at Wilmington, and the result was that the ships were obliged to anchor in San Pedro roadstead and there lighter their coal on shore. So there was a rival wharf built at a place called Redondo, on the southern portion of Santa Monica Bay, and that wharf was getting a large amount of business that came from the north, because passengers and freight would reach Los Angeles City via Redondo several hours before they could on vessels coming from the north going via San Pedro. It was a wise business undertaking, and it is characteristic of the enterprise and sagacity and the business foresight of the management of that great railroad company. As I have said before, for his enterprise, for his energy, for his push, Mr. Huntington is the peer of any man in this country. So he wisely said, "We will build a wharf on this bay where we can save this lighterage." Do you know that they use from ten to fifteen thousand tons of coal per month that is obliged to go over their road to the various distribution depots? So the railroad company decided to build this wharf at Santa Monica, and saved this dollar a ton lighterage which it was paying to another company. It was a wise business enterprise. It was not an experiment.

To hear my friend from Maine talk, anyone would think Santa Monica is the only place for a wharf on the coast. Mr. President, I can name you 16 different wharves between Golden Gate and Point Lome, just north of San Diego, built out into the sea precisely the same as the wharf is built at Santa Monica. They have not cost that amount of money, it is true, because there was no necessity for it, and while it would be presumptuous in me to criticise the great expenditure of money upon the Santa Monica wharf, yet it cost twice what was necessary; that is, a wharf costing one-half as much would have answered every purpose.

But this great railroad company does not do things by halves. It has tunneled the great Sierra Nevada. It has spanned great

streams in Arizona, where the cloudbursts come down and, like an avalanche, wash out miles and miles of road. Yet it rebuilds it, and builds it to stand like a light-house upon a rock. It does things thoroughly and in a masterly manner, because it has great resources, and so it has built this wharf as it builds other structures which it undertakes. But I submit it was not necessary to build it so strong or so long or so wide unless it wished to do so in order to hold great coal bunkers, that the coal may be discharged into those bunkers, loaded on to cars, and transported by cars to the various depots in Southern California, Arizona, and New Mexico. There is a wharf to-day at Hueseme, a place about 40 miles north of Santa Monica, which did not cost over $75,000. It is built in a place not so well protected, because there is not the Catalina Island, and the Catalina Island is what protects San Pedo in a great degree. It breaks the southwest swells that the Senator from Maine [Mr. FRYE] talks about which coming in.

The prevailing winds on the coast of California during the summer months are from the northwest. They are the great trade winds, and they blow for four and five months in the year. Trade winds sound to those who are not initiated perhaps like a gentle zephyr, and yet it may be said to those who are not accustomed to them that they pick up a good-sized pebble and hurl it across the street. They prevail for four or five months in the year, and they are very strong when they blow. They commence in the morning and blow until late in the afternoon and evening. In the winter time the storms come from the southwest. The wind usually commences to blow very strong from the southeast. It hardly ever blows for more than a few hours from that point of the compass, when it veers around to the southwest, and there it blows with great strength and force. By reason of the location of Catalina Island, San Pedro is protected from those very heavy sea waves that roll in from the ocean. While Santa Monica in a degree is protected, yet it is not protected to that extent, or our friend Captain Taylor, who made the report, would not have been obliged to leave his anchorage and seek the sheltering protection of the lee of Catalina Island.

I find in looking at the chart which is before us that at Santa Monica—and anyone will notice it by closely observing the map—there are various lines running north and south, or following the meanderings of the coast. They are called the 5-fathoms line, the 10-fathoms line, the 15-fathoms line, and the 20-fathoms line. Surveyors seldom go outside of that. I find by examining the 10-fathoms line, which is 60 feet deep, that at Santa Monica it is only one mile and a half from the shore. If this wharf is 1 mile long there would be only a half mile between the end of the wharf and the breakwater; and if other wharves are built out, as they must necessarily be—this is to be not only a harbor of refuge, but also a great commercial harbor—there must be hundreds of wharves to accommodate the shipping. Where, then, is the anchorage for the great ships that will come there from the orient, from the islands of the Pacific, through the Nicaragua Canal, which we all hope and expect to live to see constructed? Where will there be anchorage for those vessels if there is only a half mile between the end of the wharf and the breakwater? It is true that the engineer reports say there is an area of so many acres. That will be between the wharves, and every nautical man knows that it is impossible for vessels to navigate successfully among them, even in charge of a towboat.

The wharf at Santa Monica, as I have said, has been a good business investment. I believe the saving alone to the Southern Pacific upon its lighterage of coal and lumber and other supplies will amount to not less than fifteen and perhaps twenty thousand dollars per month, and by reason of their facilities for doing other business, for handling merchandise coming in over the wharves from other countries, as well as our own coast States, they can handle it much more cheaply than anybody else can, and this will correspondingly add to their revenue. Therefore, the building of this wharf is a splendid business investment, and I do not believe that the projectors of the wharf when they built it had any expectation of asking the Government to build a breakwater. Fifteen miles south of San Pedro there is a wharf called Newport wharf. It runs out into the ocean about 800 or 1,000 feet. During the past eight months 35,000,000 feet of lumber alone have passed over that wharf, besides thousands and thousands of tons of grain. The same is true at San Buenaventura, Hueneme, and the other wharves on the coast. Every one of the owners of those wharves would like to have a breakwater. It would be a great benefit to the respective ports; it would be a great benefit to the wharf, and yet it would not make a commercial port or a harbor of refuge of any one of those ports more than they are at the present time. It is a law of nature which never yet has been successfully controverted that a breakwater can not be successfully constructed that runs parallel with a rectilinear shore.

It is contrary to the very nature of things that it can be. At Santa Monica, as well as in other open roadsteads, every twenty seconds there is a wave rolling in like a great battering ram, striking against the beach or sea wall, against the breakwater, against the wharf, or whatever may obstruct it. The most successful wharves that have been constructed on the coast are the wharves that presents the least surface of resistance for the action of the waves to strike against. Take a vessel and place it diagonally across the end of the wharf at Santa Monica or any other wharf extending into the sea, and I would almost wager my hope of future existence that if a southwest gale prevailed for twenty-four hours the vessel would sink at the end of the wharf or the wharf would be a story of the past. It can not be otherwise.

There is not an artificial breakwater constructed anywhere in the world of which we have knowledge that is built parallel to the shore. At Cherbourg, the great naval port on the coast of France, there are three land sides, and the great digue or breakwater is 2½ miles from the inner shore. It was commenced, I think, in the reign of Louis XVI. It was years and years—a hundred years I think—before it was completed. It cost an enormous sum of money—more than $30,000,000—and for the first years of its construction it did not resist the action of the waves. Yet it is exposed only to the short, choppy seas of the British Channel. Contrast that with the undulating, never-ceasing waves of the Atlantic or the Pacific, rolling in every twenty seconds, as I said before, thundering against this broadside. I believe the Government engineers are right when they say it is almost an engineering impossibility to construct such a breakwater.

While passing upon engineers, I wish to say one word. Yesterday eulogies were delivered upon the magnificient work accomplished by Mr. Eads in the Mississippi River, and deserved credit was given to him. None hold him or his memory in higher admiration and esteem than do I. I knew him well, and when governor of California I took the responsibility of inviting him to come to California and there investigate the great question that was agitating the public mind—the filling up of our rivers with the débris flowing from the mines. He came there. He made a personal examination, and his report has been productive of much good and benefit to our people. We are carrying out, on the lines he proposed, some of the improvements to our rivers with the most satisfactory results. Yesterday in the discussion the Senator from Missouri [Mr. VEST] or the Senator from Oregon [Mr. MITCHELL] said that all the credit was due to him, and that the Government engineers were mistaken. I do not claim that the United States engineers are infallible. They undoubtedly make mistakes at times.

Mr. MITCHELL of Oregon. Will the Senator from California yield to me for a moment?

Mr. PERKINS. Certainly.

Mr. MITCHELL of Oregon. I was surprised in looking over the RECORD this morning to find that in the little colloquy I had with the Senator from Louisiana [Mr. CAFFERY] yesterday I inadvertently made a statement which was entirely too broad and is calculated to do an injustice to the Engineer Corps.

In attracting the attention of the Senator from Louisiana to the Eads proposition in 1873, when that subject was before the Senate committee, I said:

> At that time a controversy was going on in one of the committees of this body, of which I happened to be a member. Mr. Eads came before the committee with a project for improving the mouth of the Mississippi River. I had but little faith in it. I was a member of the committee, as I stated. The army engineers were unanimous in opposition to his scheme, from the Chief of Engineers down.

The latter statement was inadvertently and unintentionally made by me. What I intended to say, and what I really supposed I had said until I read the RECORD this morning, was that the then Chief of Engineers, General Humphreys, and those associated with him in the office here—in other words, that portion of the Engineer Corps whom we consulted then as we do now, General Craighill and his associates, were unanimously opposed to the Eads proposition. That is what I intended to say, but my statement was entirely too broad when I said that the whole Engineer Corps, from the Chief of Engineers down, were opposed to it. That statement was an injustice to the Engineer Corps, and I intended, as soon as the Senator from California took his seat, to make the correction. But inasmuch as the Senator was referring to the matter at this time, I thought the proper time to do so was now.

In this connection, I will state that I this morning received a letter from the present Chief of Engineers, Gen. W. P. Craighill, very properly taking me to task for the statement I made, and I take pleasure in inserting General Craighill's letter in the RECORD now. The letter is addressed to me, dated to-day. He says:

> I am sure you would not intentionally be unjust to the Corps of Engineers or anyone, but the RECORD of yesterday shows that you made a statement which the facts do not sustain relative to the jetties at the mouth of the Mississippi River.
>
> The first official suggestion of jetties there in 1852 was made by a mixed board of army and navy officers, among whom were three officers of the Corps of Engineers—Chase, Beauregard, and Barnard. While it is true that General Humphreys, Chief of Engineers later, opposed the scheme of Mr. Eads, it is equally true that Mr. Eads had the support of a mixed board who recommended the approval of his project, and on it were three officers of the Corps of Engineers, Barnard, Alexander, and Comstock, and they were sustained by many other members of the Corps of Engineers.

Nobody is infallible, and the Corps of Engineers does not claim to be, nor any member of it, but let us have justice at least.

Respectfully and truly, yours,

W. P. CRAIGHILL,
Brigadier-General, Chief of Engineers.

I take great pleasure in presenting this letter to the Senate and having it incorporated in the RECORD, as my statement yesterday, as I said, was entirely too broad. I should be the last one who would say anything that could by any construction be tortured into any misrepresentation of or reflection upon the Engineer Corps of the United States Army, because I hold that Corps, as it is justly and universally held, in the very highest respect. The members of the Corps are not infallible, as stated by the Chief of Engineers. Nobody expects that of any corps or of any body of men. They sometimes make mistakes. The then Chief of Engineers, in 1873, was in very great error in his theory in opposition to the scheme of Mr. Eads. I had frequent conversations, I remember, with General Humphreys at the time, and his objections, as stated yesterday, were twofold. First, he claimed that after the jetties were built there would not be power enough in the current to wash out the silt from the bottom of the river; and secondly, that if there were, then a bar would be formed out beyond the jetties that would prevent ships drawing 10 feet of water from coming in. Based on that theory, vigorous opposition was then made by the Chief of Engineers and his associates in charge of the Bureau in the War Department. That is what I intended to say yesterday and what I supposed I had said, and I regret very much that I made the statement differently.

Mr. PERKINS. I could not expect less from my distinguished friend the Senator from Oregon [Mr. MITCHELL] than that which he has so frankly stated and which is a simple act of justice to our Government engineers. I was about to say that I am sure he was laboring under some erroneous impression, or that he had received wrong information, as the facts he has stated had been imparted to me personally by Mr. Eads.

There is one other thought. I do not like to trespass so long upon the patience of the Senate, as the question has been so thoroughly discussed. My distinguished colleague [Mr. WHITE] presented it in all of its phases, and I have endeavored not to enter upon any of the particular lines of thought which he followed. There are some suggestions, however, which I have learned in the practical school of experience which it seemed to me pertinent to offer at this time, and that is my excuse for intruding so long upon the patience of the Senate.

There is one point against constructing a wharf in an open roadstead or arm of the sea which has not been alluded to, and that is the undertow. It may not be known to all, especially to those who have not given it thought, that any shore presenting a line to the ocean has what is known as an undertow; that is, the waves come rolling in like an avalanche, combing up over each other on the beach, taking a rotary motion. The result is that when the waves recede they run back with a strong undercurrent. That is what nautical men call the undertow, Any vessel lying at one of these open wharves feels the effect of this undertow. It is stronger than the waves which are pressing her in toward the beach. The careful mariner moors his vessel so that in surging backward and forward the line that holds and counteracts the effect of the undertow is as strong as the one that resists the desire of the waves to press the vessel onto the shore. The result is that the vessel is in a swing, as it were, backward and forward, forward and backward, with the never-ceasing motion of the ocean.

I do not believe, and I do not think any engineering man does, that any breakwater exposed to the open sea can be constructed which will counteract the action of the undertow. It is fatal in a degree to the rapidity and the safety of handling freight. We lose large quantities of freight overboard and by being broken by falling from the slings upon the wharf, caused by the constant surging to and fro of the vessel. At Port Harford there is a rock perhaps 3,000 feet out from the north point of the bay, and the Government has made appropriations for the building of a breakwater from the shore to this rock in the bay. It is landlocked almost, and yet the undertow is present, especially when there has been a severe storm at sea. It must continue there. It is against the law of nature to have it otherwise in bay, inlet, or other place where the actions of the waves can affect the water. Therefore it is impossible to have in any open roadstead a successfully protected harbor where the vessels may be taken on the beach, or launched from the beach, and boats pulled up for repairs or safety.

The amendment proposed by my distinguished colleague [Mr. WHITE] provides that a new commission shall be appointed, whose duty it shall be to reexamine these two localities, Santa Monica and San Pedro. In doing this he has stated that which the people expected. He has voiced the sentiments of the people of California, the people of his own city, the people of the great West, that commerce demands and requires a great port of entry and a port of export in California. We want this money expended where it will do the most good. We want the Government to help us build this harbor, but we do not want them to build it at a place where commerce will derive no benefit. As there has been a great difference between private engineers and Government engineers as to the best locality, my colleague says, "Let us have a new commission." First, we will select one engineer from the Navy with rank not lower than that of commander. He holds his position for life. He is educated by the Government, and step by step, from midshipman to ensign, from ensign to lieutenant, from lieutenant to commander, and from commander to captain, he has won his epaulets by service. He holds his appointment during life or good behavior, not subject to the caprice of any political party. Who can object to such a commissioner?

He selects another one who is connected with the Coast and Geodetic Survey. Who is as capable to judge as the one who made the charts, who made the soundings, who knows the hydrography of the sea as well as the topography and the triangulations of the land? He says, "Let us select one from that department." Then, wisely, in my opinion, he has said that after the money has been appropriated by the Government it must be expended by the United States Corps of Engineers. The corps is composed of men who, as I said before, are selected because of their skill. They, too, have advanced by reason of their special fitness to discharge the duties of their important offices. They have never proven recreant to duty, nor have they failed in any charge delegated to them. It seems to me eminently proper that one member should be selected from the Corps of Engineers, because they are to construct the work, and they should pass upon the practicability of doing so—whether there is good material at hand, whether it is an engineering possibility. Yet my friend the Senator from Maine [Mr. FRYE] says, and I hardly think he means it, that a subordinate would not dare to differ with his chief, that a subordinate would not dare to set up an opinion of his own. My friend the Senator from Maine does great injustice to true manhood when he says that. It is the primary lesson, it is one of the elementary studies in that Academy, that the young cadet shall be independent, that he shall speak for himself and reason for himself. It is the benefit of the judgment of such men, and not their superiors' judgment, that the amendment proposes to give to the commission. I say it is unjust, it is unfair to make the assertion.

But I feel so deeply interested, I am so anxious that an appropriation shall be made for a great commercial port in the proper place, that I wish to ask my colleague to consent to this amendment, and thereby quiet the objection of the Senator from Missouri and the Senator from Maine. I want him to make this proposition to those who so strongly advocate the location of the breakwater at Santa Monica. I want him to say to them, "Although it is not right, it is not just to the engineers, yet I will sacrifice my feeling in the matter, and, if you will consent to this amendment, I will agree that the President of the United States shall, instead of one member from the Engineer Corps of the Army, appoint one from civil life, a practical engineer." I believe, upon reflection, he will consent to do this, and if he does the amendment should be unanimously adopted.

Mr. STEWART. Will the Senator allow me?

Mr. PERKINS. Certainly.

Mr. STEWART. There was a question suggested yesterday with regard to the rivalry between different railroads to obtain access to the Bay of Santa Monica. What is the fact in regard to that, and what is the law in regard to connection with the harbor?

Mr. PERKINS. I do not think that there is so much in that proposition as has been made to appear. I do not think that any railroad company can monopolize any one port. While, if they own the land, they have a great advantage as to warehouses and other terminal facilities, yet under the laws of our State, as I understand them, anyone can make application to the board of supervisors for a franchise to build a wharf anywhere on the coast within one or two thousand feet of another wharf. It is only necessary for them to show that the demands of commerce or of business require it, and the board of supervisors can then regulate the rates of toll over the wharf.

Mr. STEWART. There is no arbitrary rule, then, but it may be done wherever it may be required by commerce. Have they that right?

Mr. PERKINS. I so understand.

Mr. STEWART. Is the Senator advised as to who owns the land at Santa Monica?

Mr. PERKINS. I am not, but it matters not who owns it, the right of way can be condemned there, and other wharves can be constructed, if the proper showing be made to the board of supervisors.

Mr. STEWART. There has been some question made with regard to the position of the outer harbor at San Pedro. It has been suggested in argument that it is open to the southeast wind, and that that was an insuperable objection to it.

Mr. PERKINS. I did not feel called upon to expatiate particularly upon the merits of San Pedro Harbor, because we have the reports of two boards of engineers before us, and they have been spread in full upon the records of the Senate, and have fully answered the queries in relation to that subject.

Referring to the southeast winds, I would say that they prevail, but are of very short duration. They blow pretty strong while they are blowing, but it is the experience of all nautical men that the winds blowing from the southeast soon chop around to the southwest, and the sea waves that roll in all come from the southwest. One of the advantages of San Pedro over Santa Monica is that the island of Santa Catalina, located some 15 miles away, about 18 miles long, rising up out of the ocean nearly 3,000 feet, acts as nature's great breakwater to the Bay of San Pedro.

Mr. STEWART. As to winds coming from the south?

Mr. PERKINS. As to winds from the south and west.

Mr. STEWART. I am talking about southeast. The gale comes sometimes from the southwest; but if a heavy gale comes from the southeast, what effect would it have on the San Pedro Harbor? What effect would it have upon ships sailing into the bay?

Mr. PERKINS. It depends upon their ground tackling, their anchorage. I have known a great many ships to hold on there during a southeast gale.

Mr. STEWART. Would that depend entirely upon the ground tackling?

Mr. PERKINS. There is no question about that; it would be as at any other place.

Mr. STEWART. The Senator will recollect he explained to me one day the effect of the case made before the committee, and if I understood him aright he thought Santa Monica was decidedly the better place?

Mr. PERKINS. Not the best place, but that the best argument had been presented.

Mr. STEWART. And that all the weight of evidence was in favor of Santa Monica?

Mr. PERKINS. I did. I listened to the testimony before the Committee on Commerce of the Senate, and I am frank to say that it presented a very taking case, but, upon examination of the charts of the coast, especially of the 10 and 15 fathom curve line, and the soundings off Vincente and Point Firmin and Point Dume, I think the truth was painted by the advocates of Santa Monica in Titian colors.

Mr. STEWART. The Senator has described the harbor of Santa Monica as being exceedingly dangerous on account of the constant moving of the waves, and yet during the last three or four years vessels have loaded and unloaded at that port without difficulty. Is not that correct?

Mr. PERKINS. There is no question about that. I think I admitted in my remarks that ships, unless there were very heavy gales, could and did lie close to those wharves and discharge their cargoes, but, of course, not with the ease or facility that they could in still water. That applies to Santa Monica, and I also state that it applies with equal force to 16 other wharves on the coast which I could name. Our captains, or those who have charge of vessels navigating the ocean in the coastwise business, become thoroughly familiar with these different localities. It would seem at times almost impossible to make a successful landing; and yet they have done so, and continue to do so. I reiterate that which I stated before, that Santa Monica is one of the best wharves on that coast or any other coast. It answers the purposes for which it was constructed. It was and is a good business investment. But the question we have under consideration is the appropriation by this Government of $3,000,000 for the purpose of building a breakwater. Is it practicable to build this breakwater, and, if it is built, will it bring the result that each of us desires?

Mr. STEWART. Is the Senator in favor of building a breakwater at one or the other place, or in favor of abandoning them altogether?

Mr. PERKINS. With the report of the board of engineers before me——

Mr. STEWART. I am speaking now of the Senator's knowledge of the situation. He is a sailor and navigator, and I want the opinion of a sailor and a navigator in the Senate. I want to say that these engineers are selected on altogether different lines. As has been stated, they are selected on account of their military knowledge; they are builders of military forts; they do not navigate the sea, and I would rather trust the Senator from California as to any harbor on the coast where he has navigated and where he lives, than any corps of engineers. Of course he would know more about it, because it is his specialty, it is in his line.

It is not the business of the engineers to find harbors. They construct harbors after they are found. I remember an instance at Duluth. I was interested there. The engineers reported that the only way to build a harbor there was at the mouth of the St. Louis River, about 5 or 6 miles south of Duluth. The people were very anxious that there should be a harbor on the northwest corner, but the engineers were all against it. They finally dug across the points which run out there several miles and connected with the bay inside. They ran across this point up near Duluth, when they were enjoined. Finally, they got inside and made a good harbor after the engineers had all given it up. They have built up the main harbor now, and the objections the engineers made to it have not materialized. Engineers may be mistaken the same as anybody else; and locating harbors, as I have said, is outside of their specialty. But the point I make is that the Senator from California has some experience, and I will ask him one or two more questions.

Mr. PERKINS. Let me first answer the questions the Senator has already put.

Mr. STEWART. Very well.

Mr. PERKINS. When the Senator comes to California this summer I shall be pleased to take him yachting, and I shall try to find some quiet little cove, where we can discuss this question fully, and, combining the placid waters of the Pacific with other ingredients, which we will artificially secure, we shall make the trip a pleasant one for him.

We are acting here, however, Mr. President, in the capacity of representatives of the people and voting to appropriate a certain sum of money for certain purposes. It may not be improper for me to state that I accompanied a delegation to the Committee on Commerce of the House of Representatives early in the session—a delegation that came from San Jose, Cal. They were asking for $25,000 for the purpose of straightening an arm of San Francisco Bay, an estuary that runs up to the town of Alviso, which is the depot for vessels from the great Santa Clara Valley. The gentlemen composing that committee listened to the remarks of the delegation patiently for a time, and finally interrupted with the question, "Have the Government engineers surveyed that place?" "Yes; some years since." "Have they made an estimate of its cost?" "No." "Do they recommend the appropriation?" "Well, no; but yet they favor it." "It is useless, gentlemen, for us to listen to you. It is a rule of this committee and of Congress to make no appropriations for rivers and harbors or like improvements until the Corps of United States Engineers have surveyed them, have estimated the cost, and recommended the practicability of the same."

The delegation returned to San Jose; and ever since the Committee on Commerce of the Senate have recommended the expenditure of $3,000,000 for the improvement of Santa Monica against the recommendation of the United States engineers I have been wondering what I should say to that delegation when I returned to California and was confronted by them and they said, "You, our representative, could not get us even a hearing because we had not the recommendation of the Government engineer, and yet in the Senate you appropriated $3,000,000 for an improvement which the Government engineers have not recommended." I have been wondering what I shall say to them in reply. The only answer I can find is that perhaps the Senator from Maine or the Senator from Nevada will explain it.

Mr. STEWART. I am trying to find out what the Senator thinks about this question, for I regard his opinion as much more valuable than that of a man who is not an expert in navigation. The Senator is a sailor. He has already said that Santa Monica was an excellent place, the best place on the coast. He has already told us that ships have been in the habit of loading and unloading there without any difficulty for the last three or four years. I ask the Senator could they do that at San Pedro?

Mr. PERKINS. I think so, after constructing a proper wharf, not the same as my friend from Maine, who is very ingenious and wanted to build a wharf with its side to this breakwater. I admired the ingenuity with which he presented the case on yesterday. Here is the point: He proposed building a wharf heading west instead of southwest at San Pedro and then a southwest wind would strike against it broadside. I would have said to him: "Senator, I would build my wharf head to the sea, and then it would stand." Of course it will not stand otherwise or as you have indicated the line you would construct it upon.

Mr. STEWART. They can build a wharf just as the case stands now to answer equally for the purpose at Santa Monica.

Mr. PERKINS. I think so.

Mr. STEWART. Then they were very foolish to leave off building a wharf there?

Mr. PERKINS. No; because the other place is some twelve hours nearer to San Francisco, and has some other advantages.

Mr. STEWART. What other advantages has it?

Mr. PERKINS. It has deeper water, and they are saved from building a long line of railroad out to San Pedro Point to the wharf. The Senator is thoroughly familiar with it. The wharf could be built outside of Dead Mans Island and run out southwest to the sea without any trouble.

Mr. STEWART. Do I understand that the Senator is willing to have an appropriation made at one place or the other?

Mr. PERKINS. I am willing. I want to reiterate again and again that the necessities of southern California demand a deep-sea harbor. We want to make no mistake, and I am willing to vote for this amendment, and I hope my friend, if he wants the best place selected, will vote for the amendment proposed by my distinguished colleague from California, and make this appropriation definitely.

Mr. STEWART. If this amendment is defeated does the Senator from California propose to vote against the appropriation?

Mr. PERKINS. Mr. President, it is hardly fair to anticipate what the verdict of the jury may be, and one is not qualified to sit as a juror who has already made up his mind before hearing the testimony. But we want a harbor; and if, as I have no doubt, the Senator is as honestly and as earnestly desirous for a deep-sea harbor as my colleague and I, he surely then will vote for the amendment.

Mr. STEWART. That is not the question. I want to know how the Senator from California would vote in case the amendment is voted down?

Mr. PERKINS. I would be disqualified to sit on a jury if I had made up my mind in advance.

Mr. VEST. I am as anxious to vote on this question as any Senator present. I do not want to protract the discussion at all. I certainly shall not go into a discussion of California politics. I have only the most general interest in the political affairs of that State, and only know what the issues are before the people of California by the testimony taken before the Committee on Commerce and by what I have seen in the newspapers published in that State.

I take it for granted that the Senator from California [Mr. PERKINS] who has last spoken, when he charges the Senator from Maine [Mr. FRYE] and myself with being libelers and common slanderers, is simply speaking in the Pickwickian sense and indulging in that old-fashioned and long-used political strategy which endears every representative to his people, of setting up some man of straw and then tearing him into pieces in the most impassioned manner, to give evidence of his love for his dear people. Nobody has attacked the people of California. I simply remarked, so far as I was individually concerned, that Mr. Huntington seemed to be the issue and the great political factor in that State. My information comes from the California newspapers, which are sent to me in great abundance, all containing headlines "Huntington or anti-Huntington," and declaring that the question now, the burning issue, is whether the State belongs to Huntington politically or not; whether the Southern Pacific Railroad system is to dominate the free voters of that Commonwealth.

In the speeches made by the California delegates before the Committee on Commerce a large portion of their addresses were given to that issue. Mr. Huntington was denounced in the most vehement terms by some, and praised by others. One gentleman, to show the impassioned fervor which entered into this personal discussion, an ex-judge of the superior court of the State, declared that rather than make any compromise with Huntington, or any concession to Huntington influence, he would expatriate himself, and cease to be a citizen. [Laughter.] That will be found in the evidence taken before the committee, for I presume it is fully published, though I have not looked at it.

So the Senator from Maine and myself are not responsible for these statements. California people came to us and made them, and they held up their manacled hands on the one side and asked us to deliver them from the thraldom of the Southern Pacific Railroad, headed by Huntington, and the other side wanted to deify Huntington as a great benefactor, who was causing the grass to grow where it had not grown before and the fragrance of flowers to be found upon their arid lands. If any Senator or Representative of the people of California can stand here in the presence of the utterances of their friends and say that this Huntington issue is not the burning one in that State, then he has a hardihood which I do not envy and which I can not appreciate.

Mr. FRYE. Will the Senator allow me?

Mr. VEST. Certainly.

Mr. FRYE. Here is an extract from a leading California newspaper, published about a week ago, and sent to me marked. If the Senator will allow me, I will read it.

Mr. VEST. Certainly.

Mr. FRYE. It is as follows:

> The list of the nine members of the committee who voted for the Santa Monica steal has the suggestive sound of a burglar alarm. The names are FRYE, GORMAN, JONES, ELKINS, MCMILLAN, MURPHY, MCBRIDE, QUAY, and SQUIRE. There are two or three Senators in that lot whom it might be safe to meet on a dark night with a pocketful of money, but if a marksman wanted to bring down the greatest number of rascals with the smallest supply of rocks he could dispose of his missiles to better advantage in that quarter than anywhere else in the Capitol outside of a joint meeting of the Committees on Pacific Railroads.

[Laughter.]

Mr. WOLCOTT. From what newspaper is that?

Mr. FRYE. The San Francisco Examiner.

Mr. VEST. That is certainly a very vitriolic utterance. I am not taking any issue with it. The only surprise I desire to express is that my name is not in the list. This is the first time I have escaped. [Laughter.] They have charged me with burglary and every other felony.

Mr. FRYE. They had not heard the Senator make the speech in which he stated that Huntington was entitled to the rights of a civilized man. If they had heard that he would have been in the list. [Laughter.]

Mr. VEST. I protest against this being an issue of Huntington or no Huntington. I know very little about Mr. Huntington that every other Senator does not know. I think he is entitled to fair treatment, and that his claims are to be considered just as the claims of any other citizen of the United States. I do not intend to go into any discussion of that matter, nor do I propose to waste the time of the Senate in talking about the high character of the Corps of Engineers. They are gentlemen, United States officers, and whilst they are fallible and have the same prejudices and passions and errors that the rest of us have, they are certainly, as a Corps of Engineers, entitled to the highest commendation and consideration. It is not true, however, that they have been impeccable and infallible. They have made a great many mistakes, which I do not care to enumerate, but they are known to every public man who has had anything to do with rivers and harbors. As to corruption, they have no more been exempt from that than any other set of human beings organized for any human purpose. One of the worst scandals that ever took place in the city of Washington was that connected with the tunnel for the water works here, in which, I believe, the Government lost about a million and a half of dollars. That was, to use the mildest expression, caused by the criminal negligence of a member of the Corps of Engineers; and yet no man would stand here and say that the whole Corps were guilty of criminal negligence or corruption. As a rule they are men of the highest official and personal character, there is no question about that; but they are not infallible, and especially about rivers and harbors, and for the simple reason that, as the head of that Corps himself said before our committee, they are not riparian engineers, they are fortifications engineers.

These engineers went to San Pedro and Santa Monica. Their first idea was how these places were to be defended in case of a naval war, and when they look at any improvement upon the seacoast that is naturally their first idea, because they are West Pointers, trained in the art of destroying men and of defending localities. You could no more expect them to be riparian engineers than you could expect that they were astronomers or chemists or proficient in any other department than that for which they had been educated. I have the greatest respect for them. I received a copy of the letter which the Senator from Oregon read from the head of the Corps of Engineers. I suppose he thought it was necessary to send it to me because I said yesterday that the Corps of Engineers had opposed the jetty improvements at the mouth of the Mississippi River. They did oppose them. They are opposed to them to-day, and their objection to them is that a man outside of the Corps of Engineers, to whom this sort of work was not given by the Government, had been successful in doing what the leading engineers who belonged to that corps had denounced as utterly impossible. General Humphreys, at the head of the Engineer Corps, denounced the jetty system as applied to the mouth of the Mississippi River. I wish to say now in reply to my friend from Louisiana [Mr. CAFFERY] that the jetty system is not a failure.

Mr. CAFFERY. Will the Senator from Missouri permit me?

Mr. VEST. Certainly.

Mr. CAFFERY. The Senator from Louisiana made no assertion that it was a failure.

Mr. VEST. The Senator quoted yesterday from, I suppose, an interview, certainly not a report, of Major Quinn, who is the officer detailed from the Corps of Engineers to examine the jetty work and to report whether the Eads estate are entitled to the money for having 26 feet of water there with a 30-feet central channel 200 feet wide. If Major Quinn ever made any such report I have never been able to find it. I have here, not exactly an interview, but a report from the New Orleans papers, in which Major Quinn is made to say that this work is comparatively a failure; that the bar is increasing outside the mouth of the Mississippi River. He nowhere says in that interview or report, or whatever it may be—the newspaper report of what he did say—that the Eads estate would be compelled, on account of the expense of dredging, to abandon the contract; there is nothing of that sort in it; but he is made to say that the expenses increase, that the dredging is continuing, and that the remedy—and that is the point I am coming to, because the people of the Mississippi Valley, including those of Missouri, are vitally interested in the project of the jetties at the mouth of the Mississippi—he does say that the only remedy in the future is to cut a channel from Algiers to Barataria Bay. In other words, he indorses the outlet system, which is directly antagonistic to the jetty system. There are two schemes for the improvement of the mouth of the Mississippi River and for the whole length of it. One is known as the outlet system, which is to exhaust the water in the river and prevent the outflow that damages and devastates the lower Mississippi country—to take the water out of the river; and Major Quinn says that that is the remedy, if he is reported correctly in the New Orleans paper, to

cut a canal from Algiers to Barataria Bay, and then put jetties at the mouth of that canal.

Mr. CAFFERY. Will the Senator from Missouri permit me?

Mr. VEST. Certainly.

Mr. CAFFERY. Does that interview purport to be authentic wherein it is stated that Major Quinn is in favor of a canal to cut across from Algiers to Barataria Bay, rather than to maintain the present jetties at the mouth of the Mississippi River?

Mr. VEST. Yes, sir; he says that is the ultimate remedy; and he says that it is the only remedy that can be applied. In order that I may do him no injustice I will give the interview.

Mr. CAFFERY. I never heard of any such statement as coming from Major Quinn.

Mr. VEST. Here is Major Quinn's interview, and here is the answer of the New Orleans paper. The Times replies to him in a column. It says that he was never friendly to the jetty system; that he has never been able to overcome his prejudices; and that he is now advocating the outlet system, which will ruin New Orleans and ruin the commerce of the Mississippi River. Here is the report, which I did not care to inflict upon the Senate, but I will put it in the RECORD. It is at the service of my friend. It purports to be an interview with him, in which he goes on to declare that the jetty system is comparatively a failure; that there are lumps of mud being formed in the channel; that the channel is crooked; that there is a bar forming which has increased gradually for the past ten years at the mouth of the jetties; and that it will require an infinite amount of expensive dredging in order to keep up the channel to 26 feet and 30 feet as the central depth.

The papers referred to are as follows:

A CALAMITY HOWL—MAJOR QUINN'S RECENT INTERVIEW SEVERELY CRITICISED—RESIDENTS OF PORT EADS DECLARE THE PASS FROM THE RIVER TO THE SEA WAS NEVER IN BETTER CONDITION—NAMES OF VESSELS OF GREAT DRAFT THAT HAVE PASSED OUT RECENTLY.

[Special to the Times-Democrat.]

PORT EADS, LA., *December 21, 1895.*

The interview of Major Quinn in yesterday's Picayune has been generally and unfavorably discussed here by many. He is not taken seriously, but is regarded as a mere calamity howl. His interview is a contradiction of, and is at variance with, his annual reports on South Pass for the years 1894, 1895, which show that the fan-shaped area in the Gulf at the mouth of the Pass, instead of diminishing, has increased in depth. The mud lumps that he speaks of are far to the westward of navigation, and were there when the jetties were built and are there now. The shoaling around them is expected, as the water of the Pass is discharged in that direction, but it is entirely out of the track of navigation and will do no harm.

The jetty work from one end of the Pass to the other is in good condition, and only the usual force of men is employed to keep it in repair. The channel through the Pass from the river to the sea was never better, and the largest vessels pass in and out without the slightest difficulty. Since November 1 over 50 foreign and domestic vessels drawing over 23 feet, and many drawing over 25 feet, have gone to sea. On December 4 the steamship *Leenki*, drawing 25 feet 10 inches, went to sea, and on the same day the *American*, drawing 25 feet 3 inches, went out. On December 11 the *Pio IX*, drawing 25 feet, went to sea, and on the 12th the steamer *Parkmore*, drawing 26 feet, went through the channel without difficulty. These figures are official, and are obtained from the bar pilots.

At present there is no evidence of any necessity for an early or remote extension of the jetties, and the probability of there being only 10 or 12 feet on the bar in the next ten years, as Major Quinn says, is farfetched and not deserving of serious consideration.

MAJOR QUINN AND THE JETTIES.

[New Orleans Times-Democrat, December 22, 1895.]

Major Quinn, of the United States Engineers, who has supervision of a number of important works in this district, among others the jetties, has for some time past spoken more or less derogatively of the latter, one of the greatest engineering achievements in the country. Major Quinn has not said that the jetties were a failure—indeed, he could not. It is his duty to report on their status, and whether the contract of the jetty company with the Federal Government has been carried out; and he has always declared that it has been carried out and that the depth of water required has been maintained. But in his interviews there is the general suggestion that the jetties are not the best way of treating the mouth of the river; that they are merely a temporary relief after all; that it will cost an immense sum to extend them, and that this will only relieve us for a comparatively few years, when a further extension will be required, it being more difficult and expensive than the original work. And these predictions as to the fate of the jetties are always accompanied by a proposition to get a permanent solution of the difficulty by a canal from the Mississippi to Barataria Bay. In other words, Major Quinn seems to be an advocate of the outlet or canal theory, as opposed to the Eads or jetty plan.

His remarks have the effect of creating apprehension as to the harbor of New Orleans, fear lest it may be ruined, and they undoubtedly throw discredit on the jetties. This is unfortunate, coming from an officer of the Government. The jetty plan has the approval of all the leading engineers in the world. It was conceived and carried out by the greatest American engineer. When Congress took hold of this matter it had to compare the jetty plan with the canal one, which Major Quinn now offers, except that his Barataria Canal is less favorably located than the proposed Fort St. Philip one.

The outlet or canal proposition was strongly pressed before Congress, but when Captain Eads was heard he made the matter so clear, showed so plainly the bad effects the canal would have, how it would altogether fail of its purpose to afford a navigable stream, besides injuring the navigation of the river, that Congress at once decided in favor of the jetties, and made the contract which Major Quinn is now required to supervise and see carried out.

The jetties proved to be all that Captain Eads claimed for them—and even more. We have had them for nearly twenty years, and they have been of untold value to New Orleans and the Mississippi Valley, and worth hundreds of millions of dollars to the country.

When the jetties were built, Captain Eads foresaw that there would be some filling in beyond their end; but the filling in has been less than expected; and the extension of the jetties, if it becomes necessary, will not be a difficult or a very expensive undertaking. In fine, Captain Eads's predictions in regard to the jetties and the mouth of the river have been so completely verified in every respect that it would be very bad judgment on our part to abandon the system he proposed for the improvement of the river and adopt that of Major Quinn or anyone else.

As for Major Quinn's account of the condition of affairs at the jetties, our correspondent there declares that it is "farfetched and not deserving of serious consideration"; and even styles Major Quinn "a calamity howler." His present account of the jetties is a contradiction of and wholly at variance with his last annual report on this subject to the Secretary of War. There has been no filling up at the mouth of the Pass, and the mud lumps he speaks of, and which are out of the way of navigation, were there when the jetties were built. The channel from the jetties out was never better than it is now, and there is no evidence of any necessity for an early or remote extension of the jetties.

The Government having adopted the jetty plan for the mouth of the river, and having stationed Major Quinn here to see that the contract is carried out, he is not the person to criticise that plan, to constantly throw slurs on it, and to predict its failure; and we believe that it would be better, if he holds the opinion he seems to entertain, to replace him with some other engineer who believes in the jetties and is anxious and desirous of seeing the success of this system of improving the mouth of the river. Congress has decided in favor of it, and Major Quinn can not change the plan in any way. If he ever sees the jetty system fail it will be his duty to report it, but his predictions of failure are no more worthy of consideration than the similar predictions that were so frequent when the work was first begun, and we have had nearly twenty years' use of the jetties to prove the falsity of those forecasts.

As for the canal proposed by Major Quinn to Barataria Bay, it is unworthy of consideration. Congress has rejected these canal projects over and over again, and there is nothing in Major Quinn's canal to recommend it. Emptying into a bay full of shallows, it would soon fill up at its mouth unless he had jetties there to keep it clear of the mud, and with jetties he would encounter the same difficulties which he claims to find at the mouth of the Mississippi, without the advantage of the volume and current of the great river which is now so effective in getting rid of the mud in South Pass.

It is always unwise to place an officer in charge of work or to supervise it who is opposed to it and believes it is going to prove a failure. Major Quinn is not the man to supervise the jetties if he entertains the opinion of them which his interviews indicate.

Mr. VEST. Mr. President, I have here an official statement of the depth of water in the jetties. It comes from a report made by Major Quinn himself. Without reading all of it, for it is an extensive array of figures, it shows that the first year the jetties went into operation the depth was 30 1/10 feet. In the report for the last month that is reported upon, which was June, 1895, the depth of water in the jetties was 30 3/10 feet, or an increase of two-tenths. Of course it varied from time to time, but not in one single year did the Government fail to pay to Captain Eads when living, and to his estate after his death, the amount which that estate or which Captain Eads was entitled to receive only upon complying with the contract to maintain 26 feet of water over the whole 200 feet in width with a central depth of 30 feet, which was the main channel. In order to condense this matter, to put it in form before the Senate, I will ask the Secretary to read as a part of my remarks a letter from Mr. Corthell, who was the assistant of Captain Eads and had charge of the jetties, and who knows the truth of the statements which he makes.

Mr. CAFFERY. What is the date of it?

Mr. VEST. Yesterday; last night.

The VICE-PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

WASHINGTON, D. C., *May 11, 1896.*

DEAR SENATOR VEST: The remarks made by Senator CAFFERY to-day in condemnation of the jetties at the mouth of South Pass, built by Captain Eads, are entirely erroneous.

First. In regard to the formation of the channel, between 1875 and 1879, the following is taken from my History of the Mississippi Jetties, page 214, and I can vouch for its correctness:

"Some of the channel results have been obtained by dredging, but the amount of material moved by this means has been so small, being only about 1 per cent of the whole, that we have not included it in the exhibition of results. This artificial applinance has simply hastened a result which the current had ample power to accomplish, as is evident from the fact that it is now able not only to maintain the channel secured, but to still further enlarge it."

Second. I hand you herewith the chart of the jetty channel, and extending some distance seaward, of the ends of the jetties, as shown by Maj. James B. Quinn, the United States engineer inspecting officer, dated June 30, 1895, by which it will appear that there is a straight channel through the entire jetties and to the deep water of the Gulf 26 feet deep and over 200 feet wide at that depth, with a central depth of 30 feet as required by the law, and that this channel is not crooked, nor at any part difficult of navigation for the largest ships. It is chart No. 1 of the report. I also in this connection refer you to the table of depths of the water through the jetties at various dates, being pages 1732 to 1734, by which you will see that there has been through the entire period since July 8, 1879, when the maximum channel was obtained by Captain Eads, a depth fully equal to the requirements of his contract with the United States Government, up to and including June, 1895, the last month of the report.

The tendency at present is for a deepening rather than a shoaling in the Gulf beyond the end of the jetties.

Third. I happen to have at hand some very interesting data in regard to the number of days of dredging since 1879, and you will understand that this dredging was almost entirely done for the purpose of not enlarging but rectifying the channel in order to make it conform to the very difficult requirements of a Congressional enactment, that is, to make it 200 feet wide at the depth of 26 feet, with a central depth of 30 feet. It has often happened that the width of the 26-foot channel might be, say, 199 feet, and the central depth perhaps 35 feet, or 40 feet, but the law required that while the channel was large enough and deep enough for navigation it should have at least the width of 200 feet. It also has happened in the course of years that the 26-foot channel might have a width of say 250 feet or more, but the central depth might not be over 29½ feet, but yet this central depth must be made 30 feet to make the channel conform to the law.

Now, in order to accomplish this purpose it has been necessary, in order to maintain this legal channel, measured according to the recently corrected datum plane, to dredge only one hundred and twenty-one days in the jetty channel and forty days in the area outside of the jetties, where I assume Senator CAFFERY'S crooked channel exists. I wish to call your attention particularly to the fact that dredging in the channel beyond the end of the

jetties was required in only one year in the last thirteen years, and that was during a very remarkable phenomenon of sand waves which moved down the main river and through the jetty channel to the Gulf, and to the further fact that no dredging whatever has been required beyond the jetties in the last three years, and this fact alone would seem to be an indication at least that no great amount of shoaling could be taking place beyond the end of the jetties. In other words, during five thousand eight hundred and forty days that have elapsed since the maximum channel was obtained by Captain Eads in 1879, he and his executors have been obliged to dredge to maintain a legal channel only one hundred and sixty-one days.

It was very unfortunate for Senator CAFFERY to refer to Major Quinn as his authority for his statement, for this same Government officer has been, during the last two years, so hostile to the jetties that he has made himself very obnoxious, even on the streets of New Orleans, in predicting failure and in calling the jetties "a fraud." In December, 1895, he allowed himself to be interviewed, and I inclose the interview, which appeared in the New Orleans Picayune December 20, 1895. I also hand you with it a statement sent from Port Eads at the time, which I am sure is correct, and I quote from it a few lines referring to the navigation passing through the jetties:

"The channel through the Pass from the river to the sea was never better, and the largest vessels pass in and out without the slightest difficulty. Since November 1 over 50 foreign and domestic vessels drawing over 23 feet, and many drawing over 25 feet, have gone to sea. On December 4 the steamship *Leeuki*, drawing 25 feet 10 inches, went to sea, and on the same day the *American*, drawing 25 feet 3 inches, went out. On December 11 the *Pio IX*, drawing 25 feet, went to sea; and on the 12th the steamer *Parkmore*, drawing 26 feet, went through the channel without difficulty. These figures are official and are obtained from bar pilots."

I also hand you an editorial of the Times-Democrat of December 22, 1895, which gives the real animus of Major Quinn's hostility to the jetties; in other words, he is still harping on the project of a canal and following the lead of his superiors, who, as you know, were utterly vanquished at the time of the charter. He is making the senseless and uncalled-for prediction which they made so persistently and openly twenty-two years ago.

It may be proper for me to state from personal knowledge that the executors of Captain Eads's estate have felt called upon to protest against the persistent attacks and the outspoken hostility of Major Quinn to Captain Eads's great work.

You, who knew him so well and so fully understand and appreciate the remarkably successful results achieved by him, are fully able to defend him.

I am, Senator, yours, very truly,

E. L. CORTHELL.

Hon. GEORGE G. VEST,
United States Senate, City.

Mr. VEST. I desire to put into the RECORD, without reading it, another letter to which Mr. Corthell refers. It makes the record perfect in that respect.

The paper referred to is as follows:

THE RIVER'S MOUTH—MAJOR QUINN'S CHARTS SHOW IT TO BE FILLING, AND DESPERATE REMEDIES WILL SOON HAVE TO BE TAKEN TO PRESERVE A CHANNEL.

[New Orleans Picayune, December 20, 1895.]

Yesterday Major Quinn returned to the city from quite an extended visit to Mobile Bay. Some time ago vessels, in entering the harbor during bad weather, carried away one or two of the beacons, and Major Quinn visited the harbor for the purpose of replacing these beacons.

Yesterday Major Quinn was extremely busy arranging a number of new maps and soundings taken at the mouth of the jetties, preparatory to a report to his department at Washington. After inspecting these charts and maps, which are the results of long months of observation, Major Quinn has come to the conclusion that the Gulf has been shoaling up, from the mouth of the jetties out, at the rate of 100 feet per annum.

The outside limit of the bar extends fully 1,500 feet farther out than it did during the year 1879. This very grave fact, together with the gradual increasing of the bar's width, has been carefully marked off on the charts.

These documents were laid upon a table and Major Quinn, after a thorough explanation, remarked that within ten years, should the present conditions remain as they are now, there would not be more than 10 or 12 feet on the deepest part of the bar. The slope of the jetties has been gradually decreasing, which slackens the current and removes the power which has in years past carried the mud of the river farther out to sea. There has been a gradual building up from the Head of the Passes down to the very mouth of the jetties. The only relief for the dangers which must come upon New Orleans is an extension of the jetties out into the sea, fully 1,500 feet, where the 20-foot shoals have begun to form.

At the mouth of the jetties there is a deep valley, as it were, where there is some 30 or 40 feet of water, but on each side of the works and beyond this deepened part of the Gulf there begin two banks of mud. Some of these lumps are so large that there is but 20 feet of water. The channel, however, is deep. Farther out there are other shoals, where from 30 to 40 feet of water can be found. Gradually the gulf deepens, until, at a distance of a mile and a half, there is 100 feet of water.

During 1879, three years after the building of the jetties, soundings and maps were made. The same depths then existed. There were 20 and 30 foot banks, but this shoaling up and gradual deepening began much closer to the immediate mouth of the jetties. At the rate of 100 feet for the year, these shoals have been moving farther away from the jetties.

Major Quinn explained further that with the shoaling up of the Gulf there was a decrease in the slope in the jetties and a corresponding decrease in the velocity of the stream. This was a very grave situation, for it meant certain ruin for the mouth of the river. Referring to a report upon the jetties, he stated that in 1879 the slope of the jetties was .856, while in 1895 it showed .621, or a decrease of .235.

In 1879, during the low tide, there was a slope of 1.242, while under the same conditions in 1895 there was a slope of 0.994. The slope of the jetties in 1879 during the mean tide was 1.05, and in 1895, the same conditions, the slope was 0.81.

Steadily this slope would be decreased until there would be no velocity to the stream and the filling up would come more rapid. He figured that within another fifteen years there would not be more than 10 or 12 feet of water on the bar.

Major Quinn was asked for his opinion as to a suitable and permanent remedy to this threatened calamity. The only relief which he could suggest, and this would be but temporary, was an extension of the jetties at least 1,500 feet. This would cost a vast amount of money. There would be more difficulty in extending the jetty work than previously, for the reason that there are deep places which must be crossed, and this would cost a vast amount of money and trouble. Then, too, even after this jetty work was complete there would have to be a renewal in another twenty or thirty years. He thought that the Eads Company could maintain the regular depth of water until the time their contract expired, but at the ending of this contract a vast amount of money would have been expended.

The Eads Company would have to keep a dredge boat constantly at work, for the passes are filling up. At present dredges are worked every day and a large force of men are kept at work upon the banks of the pass. He also found by the charts the same condition of affairs at the Southwest and Southeast passes. He has not as yet had time to make a thorough investigation of these outlets, however.

There was but one permanent remedy which Major Quinn could suggest, and that was to cut a canal from Algiers to Barataria Bay. There would be no currents into the bay to speak of, and this could be regulated with locks. At the end of the canal, in the bay, the jetties could be constructed so that deep water could be reached. This would make the distance between New Orleans and the Gulf, by water, only 50 miles, just one-half the distance along the river banks. This would require about five years' constant work, and within that time work would also have to continue on the jetties.

When these jetties are extended further out into the sea, their direction will have to be changed considerably. The mud banks on the west side have formed almost directly in front of the opening, while the banks on the east side of the jetties have drifted further away. This is most likely caused by currents in the Gulf.

Major Quinn was confident that something would have to be done upon the jetties before long, especially after the Eads contract has expired, which will be within a few years.

Mr. VEST. I care nothing about the personal part of this matter. I do not know Major Quinn. But I know that the people of the Mississippi Valley are deeply and intensely interested in the question as to the success of those jetties; and I know more than that, that when this interview or newspaper report in regard to what Major Quinn had said was published it created consternation in St. Louis and in all the country which is tributary commercially to New Orleans and is dependent upon the success of the jetties. If Major Quinn is correct then the outlet system is the proper one. If the outlet system is the proper one the jetties constitute a great blunder, and we have been expending millions of dollars for nothing. That is the inevitable result. As to the jetty system, I know personally from observation that it has been eminently successful in other places besides the mouth of the Mississippi. There are bars on the Mississippi River removed by the jetty system where no dredging is now required, and where there used to be 4 and 5 feet of water there are now 9, 10, and 12. There is upon the Missouri River to-day a piece of work extending 45 miles, done under the jetty system, which is the most perfect piece of riparian engineering in the United States. It was done by the Corps of Engineers upon the jetty plan. The Chief of Engineers claims in his letter to the Senator from Oregon that the jetty plan was originally adopted by the Corps of Engineers and afterwards was applied by Eads at the mouth of the Mississippi. But I care nothing about the matter. I do not wish to inject it here, and would not have done so except to make evident what I think is the truth—that the jetties at the mouth of the Mississippi are not a failure at all.

Mr. CAFFERY. Neither the Senator from Missouri nor Mr. Corthell, whom the Senator appears to take as authentic proof, can put into my mouth words that I have never said. I do not charge the Senator from Missouri with that attempt, but the trend of his argument would seem to imply that there is hostility upon my part to the Eads jetty system.

Mr. VEST. No; I did not mean that.

Mr. CAFFERY. The Senator does not?

Mr. VEST. I beg the Senator's pardon. He quoted Major Quinn, and what I have said was in reply to the alleged statement of Major Quinn. For instance, when I asked the Senator's authority for the statement that the Eads estate was about to abandon the dredging on account of the expense and said, "Who made that statement?" his reply was, "Major Quinn." Now, permit me to say one other word. I am intimately acquainted with the executor and son-in-law of Captain Eads, Mr. McHenry. If any such idea obtains with Mr. McHenry or any of the heirs, and I believe there is only one other, of Captain Eads's estate, I have never heard of it. On the contrary, my information is that they propose to carry on that contract, and there never has been a shadow of a doubt in St. Louis, where Mr. McHenry has his home, that that was his intention.

Mr. CAFFERY. I do not remember the exact words that I used yesterday in the part that I took in the debate, but I do not believe that I made the statement that the Eads heirs were about to abandon the jetty contract. I think in speaking of the cost of dredging, equalizing or about equalizing the amount of the installments that they would derive from the Government, I quoted Major Quinn. I will read precisely what I said:

Mr. CAFFERY. I know that the work of the current has been supplemented by the artificial work of dredgers. That I know. I have heard it stated that it was doubtful whether Eads's heirs would continue the dredging to maintain the depth, as the expense of dredging about equals the installments they would derive from the Government for keeping open the channel.

Mr. President, I know Major Quinn. I do not know Mr. Corthell. I do know that Major Quinn is an ornament to the service of the United States, both in his character as a man and in his equipment as an officer. He has made certain statements. He stated that the jetty channel was dredged. He stated that it was dredged to keep it open. The letter of Mr. Corthell read in the Senate proves that statement. He says there has been a small amount of dredging done, but there have been, I believe, one hundred and sixty-one days of dredging done out of five thousand

days. I am not expert enough to know whether that amount of dredging would show that the jetties failed entirely in their purpose or partially in their purpose, but the fact remains that there has been dredging, and a considerable amount of dredging. The suction dredges which are now used throw out an immense quantity of mud or sand or gravel, as the case may be, in an hour. I think I heard a statement from the Senator from Missouri to the effect that one of the suction dredges used upon the Mississippi River in clearing out a sand bar would throw out 8,000 cubic feet of dirt in an hour. If, therefore, any dredges of that sort were used for one hundred and sixty-one days upon the Eads Channel an enormous amount of deposit would have been thrown out of the jetties.

I do not condemn, and Mr. Corthell can not make me condemn by a letter to anybody, the jetty system. When Major Quinn, as much as I think of him as a man and an officer, offered his judgment in regard to the comparative merit between the outlet system and the jetty system, it did not at all affect my judgment. I have seen enough of the jetty system and know enough of it to believe that while it will not at the mouth of the Mississippi River accomplish the entire dredging of the river, it will do so by being helped with dredges. That is not sufficient, however, to condemn it, and I do not condemn it for that reason. I believe that by narrowing the channel, and by giving greater velocity and volume to the current, sand bars in the Mississippi River or any other silt-bearing stream will be necessarily removed and the sandy bottom deepened. But where the tide only rises, as it does at the mouth of the Mississippi, about three feet and three feet and a half, there is not enough rise of water and the outgoing tide does not go down with enough velocity in low water to effect a complete dredging process, as is done, as the Senator from Missouri well knows, in certain rivers of Europe, where the ebb and flow of the tide is much higher than it is upon the Gulf of Mexico.

I do not want to be brought into a controversial discussion, nor do I want to be made to attack a principle of deepening rivers which I indorse so far as my limited judgment goes. I do not pretend to be an expert. I do not pretend to have that ability which I have heard advanced upon this floor, that a man can judge of the superiority of one harbor over another by looking at it. I know my judgment indorses the Eads project of improvement upon the Mississippi River. Not only that, but I believe that the levee system, in accordance with that principle of improving rivers, is necessary to the deepening of the channel of the Mississippi River, because it is only carrying out the system that Mr. Eads adopted at the mouth of the river. By confining the channel, by narrowing the water, not permitting it to spread over a vast area, you necessarily force the water to cut out obstructions.

I had intended before this discussion ended to say something about the two harbors on the Pacific coast; but I believe that any further remarks from me upon this point will be entirely unnecessary in view, as I am told, of the possible termination of the contentions between Senators who advocate one or the other of these harbors by a compromise acceptable to both sides.

Mr. WHITE. Mr. President, I desire to say a few words in response to the statements made by the Senator from Maine [Mr. FRYE].

In the first place, I repudiate the intimation that there is anything of the so-called sand-lot agitation to be found upon the San Pedro side of this controversy. I wish to say to the Senator from Maine that the people of California are as law-abiding, and, with due deference to him and his constituents, as fully competent to take care of their own affairs, as intelligent, and as enlightened and progressive as are those whom he represents here.

As far as I am personally concerned, he places an estimate upon my character far from flattering when he assumes that I can be swerved in the slightest degree from the pathway of my duty by any ulterior influence or unreasoning excitement. I say to the Senator from Maine that however independent he may be I claim similar independence. I deny that my constituents are animated by any motives not creditable, manly, and thoroughly American. Those who are immediately interested in Los Angeles are persons of discrimination, fairness, and education. Nor is it true that I said one word in the somewhat lengthy argument made by me here that can be called undue criticism or uncalled-for censure of Mr. Huntington. I used no imprecatory phrase, no denunciatory epithets. I am confident that I have acted within the rules of politeness and duty. True, I do not and did not regard the soil upon which he treads as sacred, but I trust that I uttered no expression in reference to Mr. Huntington which was not becoming. His affairs when connected with legislation are to that extent proper matter for comment; so also of his motives. He is entitled to fair treatment and nothing more.

As my colleague [Mr. PERKINS] has said, the people of our State are always ready to do justice and have no disposition to oppress. They have resented certain interferences by Mr. Huntington and his associates in local affairs, and have demanded immunity in politics from corporate domination. The issue before us, however, must be solved upon other lines. I have endeavored to consider it on its merits, and Mr. Huntington's personality has less influence upon me perhaps than upon some who might be identified.

While the Senator from Maine was most eloquent and laudatory, and, I believe, extravagant in his praises of Mr. Huntington, I do not complain. It is a matter of taste for which I am not responsible. He can record his admiration, if it pleases him so to do. But I do complain of the caustic phrases he has used toward those who sent me here, and I assert he was not justified in the attacks so gratuitously made. The Senator from Maine says very truly that the proposed outer harbor is not to be a mere local improvement, and that the entire Senate—the country at large—is interested, and that it makes no difference what the people of Los Angeles want. He takes pains to tell the Senate he does not care what they want, a proposition which perhaps it was not necessary for him to announce here formally.

It is true that the nation is concerned in works of this kind. It is true that the views of the Senators from California are not conclusive. It is equally true that I might invade the domain of my friend the Senator from Maine and pass judgment upon public works in the State of Maine, and pay no attention to his recommendation. This course I might adopt as a member of the Committee on Commerce. Perhaps it would be my duty in certain contingencies to do so. I might act likewise regarding proposed improvements in other States. But surely I would not follow such a course without the gravest cause. It is the habit to yield somewhat to those who come from the locality immediately affected. It is sometimes the case that Senators who have resided for a long time in a particular neighborhood know more about it than a gentleman, however able he may be, whose eyes have been transitorily cast upon the troubled waters.

The distinguished Senator from Maine stood on the shore at San Pedro and he viewed the bay from the bluff. On Sunday he found himself upon the cliffs of Santa Monica, and looking upon the bay was charmed. This survey thus made by the Senator from Maine settled the harbor question, engineers to the contrary notwithstanding. It is true he did not make any soundings. Camille Flammarion, the celebrated astronomer, has very recently written that it is now possible to ascertain whether the seas in Mars are deep or shallow. As science has thus progressed, it is not singular that the Senator from Maine was able so accurately to determine the true inwardness of the harbor question during his brief visit to the Pacific.

The Senator from Maine tells us that he does not profess to be scientific; that he does not claim to be an engineer, familiar with all the details of breakwater constructions, yet he also declares that anyone—any man of sense who gazes upon the map which he produced must read there a recorded judgment in favor of Santa Monica. Perhaps I and other Senators may be able to endure in good health this flattering reference to our restricted and constricted and arrested mental development. But I submit that the evidence which is thus alluded to as conclusive does not convince and should not control those who are anxious to reach a correct result. There are other matters of far greater value to be considered.

There are various propositions that can not very well be understood by a mere glance at the map. However, it is true that this plat is useful. It shows that Santa Monica is merely an open roadstead. It can scarcely be called a bay. A casual inspection of the Coast and Geodetic chart dispels the delusion that there is any protection at Santa Monica from the dangerous ocean swells. The Senator from Maine several times declared that the southeast gales are the winds which are generally feared. We find in the Craighill report, under the head of "Meteorological conditions," the following:

> The prevailing wind on the California coast is from the northwest, nearly parallel to the coast line north of Point Conception, which is in latitude 34° 27′ N. At this point the trend of the coast changes from northwest to west. This fact, in connection with the bold topography of the shore, causes the prevailing winds along the southerly coast of California to be westerly. This wind never becomes more than a moderate gale. It never produces the heaviest waves. The disturbance of the water due to it is, however, always an inconvenience to vessels lying at a wharf exposed to its action, and when the disturbance is greatest there is danger to vessels. This wind prevails on the southern coast during the greater part of the year with the intermission of calms in the autumn and winter. In the last-named season occur the southerly offshore winds, which produce the heaviest waves to which the coast line is exposed.
>
> "Southerly offshore winds."
>
> A northeasterly land wind, known as the "Santa Ana," occasionally blows from the dry hot plains lying to the eastward. Its duration is short and it is severe, but having no fetch over the sea, it raises no waves near shore. It occurs both on Santa Monica and San Pedro bays.
>
> The southeaster comes in the winter and spring and brings rain. The storm first manifests itself by a wind from the southeast, which continues for a few hours, shifting then to the south and southwest. The storm clears up when the wind gets to the northwest. In these storms a heavy sea is developed, which breaks upon the coast line in waves of great magnitude. These waves come from the south and southwest. The waves produced by the southeast wind are short, designated by the sailors as choppy. The south

and southwest seas, on the other hand, are long and heavy. A vessel at anchor under this exposure must, under these circumstances, get to sea, with the possibility of otherwise going ashore. It is the heave of the sea rather than the wind, although the latter alone is sufficiently dangerous, that makes the strongest ground tackle at times of no avail.

So the alleged terrible southeast gales amount to little, except in so far as they are ultimately the cause of the swells which proceed from the south and southwest. The southeast wind itself directly develops no waves save the short choppy waves just referred to, and the testimony, so far from sustaining the Senator from Maine, shows that it is the heave of the sea proceeding from the south and southwest which is to be remedied or counteracted. These exposures are absolutely protected by the harbor designed at San Pedro.

The Senate will notice the protection afforded San Pedro by Catalina Island, which is 17½ miles in length. The testimony is (and we scarcely need evidence to sustain that view) that this island tends to protect San Pedro Harbor. As I said in my opening argument, the calmest water anywhere in that ocean is on the land side or lea of Catalina, and the island being, as I have stated, 17½ miles in length, naturally influences the water even to San Pedro. Santa Monica is not thus favorably influenced by Catalina. The presence of frightful waves at San Pedro is the creation of the imagination of my friend the Senator from Maine. No one who has resided there and who is familiar with that coast has ever seen these alarming manifestations.

The San Pedro bluff affords proof that there are no such dangerous storms as those to which our attention has been called. The bluff shows no evidence of the battering to which we are told it has been subjected. It is a silent witness in refutation of the charge.

Said the Craighill board:

A strong evidence of the weakness of the destructive action of the southeast storms is seen in the very slow wearing away of the sandy cliffs and of the bluffs at San Pedro; nor could the exposed wharves be maintained in this region if the destructive action of the storms was great.

I have heretofore inquired why the southeast storms do not affect the inner harbor. Here [indicating] we find a narrow neck called Rattlesnake Island. The surface is but little above the sea, and if the winds blow with the force described, surely the shipping in the inner harbor would be injured. Nobody has ever heard of ships being affected at all in the inner harbor by the wind. No disturbance of that sort has ever been witnessed.

Again, the Senator from Maine stated that neither the first nor second board of engineers had any knowledge with reference to the westerly swells. The Senator is obviously mistaken. In the first report Colonel Mendell says:

San Pedro Bay is sheltered from the westerly winds by Point Firmin. It is open to the winds and seas from the southwest and to the prevailing *southwest swell* above noted, over an angle of 60° to the westward of Catalina Island.

It will be observed that Colonel Mendell speaks of the southwest swell, and one of the engineers, Colonel Hains, testified about it at the recent hearing. He said the same peculiarity is mentioned in the report of Colonel Craighill, already cited.

Colonel HAINS. The breakwater is to be carried around in such a direction that that exposure does not amount to much. In the first place, the southeast gales are of very short duration. They do not last long. The wind starts in from the southeast, but the sea comes from the southwest. The sea is what causes the trouble, not the wind; and the sea comes from the southwest.

Senator NELSON. It can not come from the southeast?

Colonel HAINS. Some seas come from the southeast; but the heaviest swells come from the southwest, even if the wind is blowing from the southeast. Then the wind generally shifts round to the northward.

The reason for the curved construction of the San Pedro breakwater is because it is designed to resist the westerly swells. While it is a fact that out as far as 7 miles from Point Firmin in the direction of Catalina Island there is to be found water not over 15 fathoms deep; while it is true also that 3 miles in a westerly direction there is water of very moderate depth, nevertheless if it be conceded that the depth westerly from Point Firmin is as claimed by Santa Monica advocates, still no point is made against San Pedro, for the breakwater will absolutely intercept this swell.

The very object of its construction is to cut off these waves, and that the section proposed is well designed there is now no question. On the other hand, when we come to Santa Monica Bay we have absolutely nothing to interfere with the southwesterly swells. The surf is not serious or the sea remarkably rough anywhere along the coast of southern California. At Hueneme, at Newport Landing, and at other places referred to by my colleague there are wharves extending directly into the ocean. In Monterey Bay there are wharves built seaward, and they stand. Senators not familiar with these uncommon conditions can not well appreciate the difference between the Atlantic and Pacific in this regard. The success of the Southern Pacific wharf is by no means phenomenal.

At Redondo, for instance, shown on the map, there is an excellent wharf in full operation. The water is very deep, and the pier is consequently short. It is worthy of note that while the water is deeper near Redondo than at many other places on the bay, no great difference in the westerly swells is observable. Before Mr. Huntington made his development above Santa Monica most of the Los Angeles coast business coming from San Francisco was transacted at Redondo because vessels were able to come up to a wharf and discharge their cargoes. The Pacific Coast steamship has been in the habit of calling at Redondo, and it has been rarely found difficult to discharge at that wharf. These illustrations suffice to show the availability of the southern California coast for wharf construction. A glance at the map discloses a number of shipping points similar to those mentioned.

The Senator from Maine alluded several times to Mr. Huntington's abandonment of Wilmington Harbor. He never has abandoned Wilmington Harbor. The Southern Pacific commenced to build a wharf near Point Firmin; Mr. Hood had charge of it. Mr. Hood was the same skilled engineer then that he is now, and he has been for a long time at the head of the engineering department of the railroad company. He was their chief engineer long before the Santa Monica wharf was built and he was thoroughly familiar with San Pedro when he commenced the pier near Point Firmin.

About the time that Mr. Huntington commenced work at Port Los Angeles the Terminal Railroad was built to Rattlesnake Island and commenced the transaction of business there. Redondo was doing, as I have said, the major part of the northerly business, taking most of it from Wilmington because of its proximity to San Francisco. So Mr. Huntington built his pier, not because of any special harbor advantages but to meet the competition referred to. He selected a point as far up as it was possible to go. The beach narrows proceeding toward Point Dume and Mr. Huntington has so arranged matters that it is practically impossible to pass him.

I have shown a photograph of the approach to Mr. Huntington's wharf. It will be observed that it is at the foot a bluff about 200 feet high. I exhibit the picture to the Senate. The isolation of the situation is clear. A study of the photographs filed makes comment unnecessary. Mr. Huntington controls the land upon this bluff, and the ownership extends to the sea and for some 2,000 feet along shore.

I do not deem the fact that any particular person owns this land as of controlling importance, but I desire the facts in the matter to be made of record.

I wish to call the attention of the Senate to the accessibility proposition. The Senator from Maine says that he does not know why the Atchison, Topeka and Santa Fe Railroad Company people are opposed to the Port Los Angeles breakwater. If the conditions were as the Senator from Maine describes them, of course the Santa Fe would not be opposed to it. If the managers of that corporation were not fearful of a monopoly they would naturally aid this appropriation. They want to reach tide water. They are already here [indicating] at Redondo Beach, and are not far, it will be observed, from San Pedro. Indeed, I have heard that they have some arrangement by which they pass over the Terminal line. But that is unimportant, and my knowledge regarding it is limited.

The Senator from Maine says that ten or twelve tracks can be constructed along the seashore at Santa Monica. But what will become of that town? Santa Monica is one of the most charming seaside resorts of which I have any knowledge. It is susceptible of great development and adornment. Its beauties will fade if its beach is devoted to railroads and locomotives. I can not believe that the trustees who control the subject will ever allow the intrusion of more railroads along the water front. Can boys and girls, women and children, nurses and babies safely be trusted upon a shore thus devoted to commercial uses? It is not to be anticipated that the members of the boards of trustees of Santa Monica will ever permit the place to be ruined.

But if further destruction of the beach is forbidden, how can competing railroads reach the protected harbor? It may be said that Santa Monica Canyon can be utilized for approach. But the difficulties of this plan are many. The route is circuitous, the grade severe; many private interests must be condemned. I believe that no competing railroad will construct a wharf there for years, and the erection of piers by parties of moderate means is impossible. It is not a matter of surprise to me that so much opposition is manifested to Mr. Huntington's plan by those who are actuated by business considerations rather than by sentiment.

The Senator from Maine mentions that there has never been the slightest trouble in maintaining the wharf which Mr. Huntington has built at Santa Monica. I have already observed that there is nothing remarkable in this. I do not doubt that this situation will be maintained for many years.

Occasionally landing will be difficult. For instance, last March the British ship *Dunboyne* was forced to leave the wharf because of an uncommon swell. She was towed away by the Pacific Coast Steamship Company's vessel *Corona*. But under all ordinary conditions I concede that any wharf on the southern California

coast will fairly accommodate shipping. Santa Monica has no monopoly in that respect.

The Senator from Maine made a very able defense of Mr. Corthell. I do not complain that Mr. Corthell was employed by Mr. Huntington. I never have objected to that, but I do resent his attempt to pose as an official employed to give a disinterested opinion. He actually tells us in the letter which he addressed to the minority of the Commerce Committee that he acted in an official capacity. I read his language last week during this debate. What official authority had Mr. Corthell to make this examination? He says he was first spoken to by Mr. Huntington, and the Senator from Maine, who wanted, of course, an impartial report, sought the services of a man already spoken to by Mr. Huntington, and who had business connections with the latter, to make the inquiry.

Mr. Huntington was undoubtedly at liberty to employ Corthell, but the fact of such employment destroyed Corthell's disinterestedness. Could Corthell be bribed by the mere payment of a board bill? No one ever charged that he was bribed by the payment of a board bill or bribed in any other way; but I have asserted, and do say, that no hired expert, no man who is engaged to give an opinion by a party to a controversy, is as reliable a witness as a public officer who has nothing but his honor and reputation in issue. Mr. Corthell was employed for what? To assist Mr. Huntington in getting an appropriation for Santa Monica, a work in which he has been engaged ever since the Senator from Maine asked his opinion. Mr. Corthell, therefore, is an opinion witness testifying for his employer.

The very best men—persons of finest standing—have been found unequal to the task of impartiality under such conditions. Mr. Corthell is no exception. He is as intensely partisan as anyone can be. He is a loyal and warm advocate of Mr. Huntington, with whom he has long been associated, and whose interests he is seeking to conserve.

Certainly the Senator from Maine will not claim that Mr Corthell's opinions as an employee of Mr. Huntington are to be treated as disinterested and conclusive. Mr. Corthell is greatly interested. His correspondence with Senators, his anxiety to mix in its discussion, is demonstrative of his feeling. When the Senator from Maine and others connected with the river and harbor bills sent for Mr. Corthell and spoke to him about making this investigation in a State represented by other Senators, it was a little singular, it seems to me, that not a word was said to the officers entitled to speak for that State. Would it not be regarded as a little peculiar if I, as a member of the Commerce Committee, were to delegate some one to go to Maine to pass upon river and harbor matters there without consulting him at all? The Senator from Maine has said that he wishes to be courteous to everybody. Does he think this action to be the quintessence of courtesy?

The Senator from Maine says he is always anxious to yield to Senators upon the committee. One of the many characteristics of the Senator from Maine that I admire is his firmness, his positiveness, and the fact that, when he has an opinion, he is not afraid to express it, and to do so forcibly, and he generally adheres to his view. Does not each member of the Committee on Commerce know that if there ever was a determined chairman who not only wishes to have his own way, but nearly always does have it, it is the Senator from Maine? Talk about concessions! I have never known a man in my life to make fewer concessions than my friend the chairman of the Commerce Committee.

Mr. FRYE. I am always right. [Laughter.]

Mr. WHITE. Well, you think you are, and you are happy. I believe the Senator from Maine believes that he is always right; but one who credits himself absolutely is frequently in error. I hope the Senator from Maine will never again state in the presence of members of his committee that he is of such yielding and plastic temperament, of such conciliatory and conceding disposition. The Senator describes the formation of his opinion on this issue. In 1893, in the month of April, the Senator from Maine asserted upon this floor that his mind was fully made up. Why he desired any further investigation I do not know. Whether the Senator from Maine has ever in the course of his life changed an opinion formed by him deliberately I am unable to state. He may have done so in his younger days, but not in connection with his duties upon the Commerce Committee. His judgment is irrevocable.

The Senator from Maine, while disclaiming engineering attainments, seems to think that I was reflecting upon him in some way when I spoke of him as a navigator. I did think that the Senator from Maine was possessed of much nautical knowledge; but if I was in error I will withdraw the remark. [Laughter.] But while the Senator from Maine disclaims familiarity with technical matters he informs us that anyone can see the conclusive merits of his argument by a mere glance at his map. Those of the most ordinary intellectual development must see that he is right. This is his faith, and he does not hesitate to set up his nonprofessional judgment against those who have been employed by the Government to pass upon this subject. He not only relies upon himself against skilled authority, but he tells us that as there is one chance in ten of a decision in favor of San Pedro he will vote against the amendment which I offer. This is more conciliation.

Mr. President, the amendment which I have advocated involves the appointing of a commission of admittedly unbiased and impartial men to determine between these two locations—San Pedro and Santa Monica. What is the objection to this? The Senator from Maine says that possibly there might be a decision for San Pedro—only one chance out of ten, he declares. But this is quite enough. No impartial experts who choose San Pedro can, according to his view, be relied on. No impartial or other board for him. What does he want? He demands the power to personally solve this dispute his own way.

The Senator from Maine says that General Craighill stated that he was a fortifications engineer. So he did; and so he is; but the engineers of the Army of the United States have some riparian knowledge, I presume. They have general engineering skill. Their attainments are not confined to providing methods of defense. They have all had vast practical experience as well as thorough education in all branches of engineering science. It has been said that the reports of the boards of engineers as to San Pedro show that the main point considered was as to the availability of the harbor site for defense. This is inaccurate. The reports of these boards are here and show that but little space was devoted to mere fortification or defensive questions. A more intimate knowledge of the contents of these documents would prove beneficial.

Look at these seven volumes on my desk, compiled in the War Department and sent here for the study and enlightenment of myself, the Senator from Maine, and other Senators. What do we find? Only references to fortification matters? By no means. We find the advice and recommendation all through these books of the army engineers concerning riparian improvements. The great rivers, over which pass hundreds and thousands and millions of tons of commerce, are kept in proper condition under their management and control. The harbors needing improvement are committed to their care, not merely to carry out a project elsewhere devised, but their advice is solicited and obtained and acted upon with reference to the character of the improvements to be made. They furnish projects at the instigation of Congress. Grant that they are sometimes mistaken. Everybody is sometimes mistaken, except my friend from Maine, and we have his authority that he is never wrong. We concede that engineers are human—they are fallible—but if we have doubts as to the correctness of a conclusion which they have reached, let us investigate in an orderly way and obtain proper indorsement and authorization somewhere before we pledge ourselves to a contrary policy. If the eight engineers whose reports are being discussed are not all wrong this appropriation should not be made.

I have been criticised because I remarked that the Santa Monica site had been condemned. I would have been strictly accurate had I said that the engineers recommended San Pedro as the preferable place, and alluded to Santa Monica as comparatively undesirable. But this is a decision against Santa Monica. It is a virtual rejection of that site. It is true that many competent officers hold that the Santa Monica breakwater can be successfully constructed. Major Raymond does not think so, and I believe he has had more experience in the matter of breakwater building than anyone in the United States. He thinks—and his view seems to me rational—that the westerly waves will pass in behind the artificial protection. The construction parallel to the rectilinear shore does not appeal to his experience or mathematical investigation.

But, at all events, this disputation merely amounts to this, that my friend from Maine, the majority of the committee, and other intelligent, nonprofessional gentlemen, think that the engineers have made a mistake, and they propose not to let any contingent contract, not to do as Congress did in the case of the Brunswick Harbor, or in the Eads jetty matter—which, by the way, was approved by numerous members of the Engineer Corps—no success no pay—but we propose to appropriate flat $3,098,000 against the recommendation of our own officers, and in compliance with Mr. Huntington's unapproved solicitation, without any favorable recommendation. It is to that style of business that I object; and it is to the candid judgment of this Senate that I appeal. Senators, are you willing to make this appropriation without any recommendation, and are you ready to vote down the proposition that there must be some approval by some competent official authority? Can we afford to contribute governmental funds without any sanction or excuse?

I demand the judgment of a competent board. I have entire confidence in the Army Corps and in their opinions. Others differ from me. I am not unreasonable; but I insist that, even if Senators believe that developments lately transpiring indicate the preferable character of Santa Monica, still it is essential that we be accorded the favorable opinion of an able, qualified, and unprejudiced board suggesting the propriety of our action. Can you afford to vote down such a proposition?

I have repeatedly asserted that I announced no dogmatic rule for the formation of such a commission. I have no friends in this case to serve, no enemies to punish, but a duty I have to discharge. I want no stuffed commission, no prejudiced institution, nobody biased in any way whatever. I have submitted time and again to the majority of the committee the proposition that they should suggest some method of constructing an impartial board, and I have said that I would acquiesce, and yet that proposal has been refused, without reason assigned. I resubmit my proposal. I plainly suggest that there is no excuse, even tolerably plausible, against my tender.

My friend from Maine says that if there is to be an outer harbor at San Pedro then the inner harbor should not be improved. From this view I utterly dissent. The inner harbor of San Pedro is most valuable, even as it is. Wharves line the harbor frontage at that point—not piers costing hundreds of thousands of dollars, but wharves owned by moderate mercantile interests in Los Angeles—over which extensive commerce is transacted. This is done though only 14 feet at low tide is found upon the bar. When the Benyaurd project, adopted in this bill, shall have proved successful there will be 18 feet at low tide within that harbor and hundreds of wharves will demonstrate the success of the projects which the Engineer Corps has indorsed. The inner harbor is confined by low land. The bluff rises rather abruptly at San Pedro. The facilities for wharves and docks are marked, and the improvement of the so-called inner harbor has not only proven successful as far as it has gone, but few commercial projects offer more striking possibilities.

I have never known or heard of a citizen of Los Angeles opposed to the improvement of the inner harbor. The entire community appreciates its advantages and merits.

I have heard many things about the people of my home. Notwithstanding my long residence there I have been informed that the lawfully elected Representatives of that section are in the dark. My friend from Maine says that the present Congressman from that district was instructed when first nominated to support San Pedro, and that now he is renominated by a convention which passed a resolution in favor of Santa Monica.

The Congressional district convention—Republican, I am glad to say—to which allusion is made, passed a resolution in favor of all appropriations. In other words, they said, "We will take all the money you will give us." A willingness to absorb, not dependent upon a choice of places. A sentiment favoring donations common to all enterprising communities.

The Republican convention in California lately assembled was a very curious affair. I do not intend to discuss politics, but I must say that that body passed a resolution denouncing the Pacific Railroad funding bill as a fraud and an outrage, and at the same time put on the electoral ticket the vice-president of the railroad company offending—a very estimable gentleman. The only member of the California Congressional delegation who indorsed the funding bill, and who, by the way, is a very able member of the House Committee on Pacific Railroads, was elected a delegate to the national Republican convention upon a platform declaring not only against the funding bill, but also in favor of William McKinley and free and unlimited coinage at 16 to 1. [Laughter.] If there is any subject not covered on both sides by my Republican local brethren, if my friends of the opposition have not agreed to all things that conflict, I am at a loss to interpret their singular platform. But the general sweeping resolution mentioned by the Senator from Maine merely amounts to an acceptance of all appropriations which we may make. Very few Republican conventions (I mean no offense) will decline to assimilate that which they can get. [Laughter.]

Mr. ALLEN. Did that convention make any specific reference to Santa Monica?

Mr. WHITE. No; but in the county of Los Angeles, where there are six assembly districts, two only of such districts acted upon the subject in recent Republican conventions and these passed resolutions in favor of San Pedro. So you have it. The immediate locality favors San Pedro. The Republican State convention indorsed the railroad as far as nominees were concerned, advocated all appropriations, McKinley, and free coinage, and opposed Democracy, monopoly, and the funding bill.

I am not responsible, I am glad to say, for the proceedings of the late Republican convention held in California. The Republican delegation being absent from that State, the convention evidently escaped from proper or consistent management. As far as the sentiment of the people of Los Angeles is concerned, I know whereof I speak when I say that their judgment is overwhelmingly for San Pedro. There are many, as I have said, who prefer to take Santa Monica rather than lose the appropriation; but, be it said to the credit of Los Angeles County, and let it be said to the credit of the workingmen of that prosperous section, and to the honor of the chamber of commerce and the board of trade, that they have all preferred to sacrifice a mere appropriation rather than to lose independence. The leaders and officials of almost all the labor organizations of Los Angeles have manfully and grandly supported the right in this struggle. They have emphatically declined to submit to blandishments and have approved of the course of myself and my colleague.

I feel that we should reach a vote upon this proposition at once, and I concur that the bill should reach conference immediately. I submit the issue to your candid judgment. Your opinion can not be coerced or controlled. You know this case now. Its various phases have been fully examined. I have sought to impress the facts upon you, content to rest my claims upon justice and truth.

The struggle which I have made here may seem stubborn to some, but it is maintained in the consciousness and belief that I am acting for the public interest. No demagogical appeal—notwithstanding intimations to the contrary—has influenced or ever will influence me. I have been as able as the Senator from Maine to maintain myself in my conservative methods without condescending to belittlement. I experience natural pride in my presence here, but I would willingly sacrifice that honor rather than yield my maturely formed judgment to any senseless clamor, to threats or flattery, to condemnation or applause, and I might say, Mr. President, that I had rather be a lawyer whose word was as good as the rich man's bond, and whose opinion upon an intricate question of judicial science was valued by the master minds of my profession, than to hold in my hand all the honors that ever were won by appeals to the passions or prejudices of men. [Applause in the galleries.]

Mr. FRYE. Mr. President, the Senator from California has painted a picture of me which I do not believe any Senator who has been associated with me for quite a number of years will recognize. I think I do yield very frequently, and to a certain extent I am going to yield now, notwithstanding the charge which has been made against me—the navigator of the committee. I objected very seriously to the amendment offered by the Senator from California. It contained an army engineer as one of the commission. I am not saying anything against the army engineers, but in a question of this kind, in which there has been so much discussion and friction, to put on that commission an army engineer, when his chief is the head of the Engineer Department, and was the head of one of the boards which made report to Congress and has been under consideration, I do say that it is packing, in all human probability, the foreman of that jury, for he would be the foreman, and I should not be content with nor would I risk a commission of that kind. It was on that account that I said there might be one chance in ten of a commission so constituted reporting in favor of San Pedro.

The Senator has offered an amendment to strike out the item which the committee had inserted in the bill, and to insert his amendment. It is my right before that question is taken to perfect, so far as I may, the amendment which the committee itself reported, and I am going to propose a commission which, under the statement of the Senator made within the last fifteen minutes, I fail to see how even he can refuse to accept.

In order that the Senate may understand the amendment I now propose, I will read the first two lines of the amendment reported by the committee, which read in this way:

For a deep-water harbor at Port Los Angeles, in Santa Monica Bay, California.

After the word "California," in line 14 of that amendment of the committee, I move to insert these words:

Or at San Pedro, in said State, the location of said harbor to be determined by an officer of the Navy, to be detailed by the Secretary of the Navy, an officer of the Coast and Geodetic Survey, to be detailed by the Superintendent of said Survey, and three experienced civil engineers, skilled in riparian work, to be appointed by the President, who shall constitute a board, the decision of a majority of which shall be final as to the location of said harbor. It shall be the duty of said board to make plans, specifications, and estimates for said improvement. Whenever said board shall have settled the location and made report to the Secretary of War of the same, with said plans, specifications, and estimates, then the Secretary of War may make contracts for the completion of the improvement of the harbor so selected by said board, according to the project reported by them, at a cost not exceeding in the aggregate $2,900,000, and $20,000 are hereby appropriated, so much thereof as may be necessary to be used for the expenses of the board and payment of the civil engineers for their services, the amount to be determined by the Secretary of War.

Mr. VEST. I will suggest to the chairman of the committee that he insert the words "who shall personally examine the localities named."

Mr. FRYE. I will say "who shall constitute a board and personally examine."

Mr. WHITE. I presume the Senator from Missouri has in view what he thinks is the necessity of re-sounding this harbor.

Mr. VEST. Yes. I do not want this work done by proxy, as has been done in other cases.

Mr. WHITE. I will suggest that the Coast and Geodetic Survey charts, upon which navigation is conducted on that coast, are presumably accurate. However, I only make that statement because I do not think it is just to criticise General Craighill for not making soundings, which had been officially done by the Coast and Geodetic Survey. Still, I am not objecting to the re-soundings.

Mr. TELLER. I suggest to the chairman of the committee that $20,000 is not an adequate sum for that kind of work.

Mr. FRYE. The Senator from Iowa [Mr. ALLISON] was just making that same suggestion to me.

Mr. TELLER. I want to say that if the President of the United States selects three engineers such as he ought to select, each one of them should have at least $10,000 for that work.

Mr. FRYE. Suppose we make the amount $40,000?

Mr. TELLER. I should say it ought to be at least $50,000—say "to be used in the discretion of the President, not exceeding $50,000."

Mr. FRYE. Very well.

Mr. PERKINS. I would also suggest to the chairman of the Committee on Commerce that there should be limit of time within which the matter shall be determined. It does not seem to me that it should be like Tennyson's brook, to run on forever. I think there should be a limit of time.

Mr. FRYE. No; I do not think there should be. I think the board should have all the time they need to settle this question. There is one thing above everything else I wish, and that is a settlement of this vexed question.

Mr. BERRY. I wish to remark to the Senator from Maine that it seems to me that it would be fairer and better to take two of the members of the board from civil life and two from the Coast and Geodetic Survey, or one from the Coast and Geodetic Survey and one from the Navy. It occurs to me that it would be better to have more public officials on the commission who are responsible to the Government. I simply make the suggestion as giving my views about it.

Mr. FRYE. I am obliged to the Senator; but I have all day been running this over in my mind, and as a conclusion, a fair conclusion of this contest, I finally have settled down upon this proposition. As a matter of course, I have yielded a good deal in doing so. The Senator from California is practically having his own way, when he says he simply asks an entirely impartial board.

Mr. BERRY. Is the proposition satisfactory to the Senator from California?

Mr. WHITE. I have stated that I would accept any impartial board, and I usually stick to what I say, or try to do so, and I believe the President of the United States—I not only believe, but I know—will do his duty in this regard. If I had my way about it I would rather have one army engineer, but I see no reason to think that this will not be an absolutely impartial board. I think all the other boards have been impartial; but this is an endeavor to reach a conclusion satisfactory to the Senate, and I will adhere to what I stated. I have consulted with those who agree with me about this matter, with as many as I could talk to about it, and it seems to be the general impression that I should accept the amendment. While I have my preferences, as stated, I do not wish to interpose any objection to the accomplishment of a plan which is a concession by the Senator from Maine and also a concession by the Senator from California. I think we can afford to stand upon it.

Mr. FRYE. I offer the amendment, then, Mr. President.

Mr. PASCO. Mr. President, as one of the minority of the committee who objected to the majority report, I am entirely in favor of this amendment, and I am very glad that the Senator from Maine [Mr. FRYE], the chairman of the committee, has conceded so much. There never was a time during the sessions of the committee when the minority of the committee would not have joined with him in obtaining what we all regarded as a fair and impartial board; and I think the amendment he now offers to us proposes just such a scheme as that. For one I hope that it will be adopted and that this plan of settlement will be agreed upon by the Senate.

The VICE-PRESIDENT. The amendment submitted by the Senator from Maine [Mr. FRYE] will be stated.

Mr. FRYE. I am inclined to think there is no need of reading the amendment again. It comes in after the word "California," in line 14, on page 35.

Mr. ALLEN. Let the amendment be read at the desk, Mr. President.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 35, line 14, after the word "California," it is proposed to insert:

Or at San Pedro, in said State, the location of said harbor to be determined by an officer of the Navy, to be detailed by the Secretary of the Navy, an officer of the Coast and Geodetic Survey, to be detailed by the Superintendent of said Survey, and three experienced civil engineers skilled in riparian work, to be appointed by the President, who shall constitute a board, and who shall personally examine said harbor, the decision of a majority of which shall be final as to the location of said harbor. It shall be the duty of said board to make plans, specifications, and estimates for said improvement. Whenever said board shall have settled the location and made report to the Secretary of War of the same, with said plans, specifications, and estimates, then the Secretary of War may make contracts for the completion of the improvement of the harbor so selected by said board, according to the project reported by them, at a cost not exceeding in the aggregate $2,900,000, and $50,000 are hereby appropriated, so much thereof as may be necessary to be used for the expenses of the board and payment of the civil engineers for their services, the amount to be determined by the Secretary of War.

Mr. ALLEN. I should like to ask the Senator from Maine why it would not be reasonably good policy to require this board to report to Congress and have further Congressional legislation upon the subject after that report and before an appropriation is made?

Mr. FRYE. That is a question for the Senate. I am in favor of ending this matter by authorizing the Secretary of War to make the contracts whenever they report. I am in favor of ending it.

Mr. ALLEN. I simply asked to have the proposed amendment read, not because I am personally interested in it one way or the other further than I am interested as a representative of the taxpayers, but for the purpose of emphasizing two important points: First, Congressional responsibility is absolutely shirked by the amendment; and second, in the compromise which has been made between the honorable chairman of the Committee on Commerce and the honorable Senator from California the very important item of appropriating $2,900,000 has not been overlooked on either side.

Mr. VILAS. If I heard the amendment rightly it is not proposed to strike out.

Mr. FRYE. Yes. I propose to follow the amendment by a motion to strike out.

Mr. VILAS. The amendment was not so read.

Mr. FRYE. I propose to follow the amendment by another.

Mr. LINDSAY. I should like to ask the Senator from Maine what would be the condition of the appropriation of $392,000 for the channel.

Mr. FRYE. That is left in the bill.

Mr. LINDSAY. That is left in?

Mr. FRYE. It does not touch that.

Mr. LINDSAY. It is separate from this amendment?

Mr. FRYE. It is a separate item.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Maine to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. FRYE. Now, I move to strike out all after the word "aggregate," in line 23. That has been rendered unnecessary by what has been put in.

The VICE-PRESIDENT. The words proposed to be stricken out will be read.

The SECRETARY. After the word "aggregate," in line 22, strike out the remainder of the amendment of the committee down to and including line 10, page 36, in the following words:

Two million nine hundred and ninety-eight thousand dollars, exclusive of the amount herein and heretofore appropriated: *Provided however*, That prior to the expenditure of any part of the money hereby appropriated the Southern Pacific Company, or the owner or owners thereof, shall execute an agreement and file the same with the Secretary of War that any railroad company may share in the use of the pier now constructed on the site of said harbor, and the approaches thereto, situated westerly of the easterly entrance to the Santa Monica tunnel, upon paying its proportionate part of the cost of the same and its proportionate part of the expenses of maintenance of the same, to be determined by the Secretary of War in case of disagreement between the parties.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. FRYE. On page 108, after line 6, I move to insert:

Buffalo Fork of White River, from mouth to mouth, on Rush Creek, with a view to determine the character and extent of improvement required.

Mr. WHITE. I want to call the attention of the Senator from Maine to what I consider a matter that needs a little change in the Santa Monica amendment reported.

Mr. FRYE. Let the amendment I have just proposed be agreed to first.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. After line 6, page 108, insert:

Buffalo Fork of White River, from mouth to mouth, on Rush Creek, with a view to determine the character and extent of improvement required.

The amendment was agreed to.

Mr. FRYE. In section 8, providing for preliminary examinations, after line 4, page 111, I move to insert "La Trappe River."

The amendment was agreed to.

Mr. FRYE. The committee has no other amendment to propose.

Mr. GORMAN. I wish to offer an amendment.

Mr. CULLOM. Will the Senator from Maryland, before he offers his amendment, allow me to ask that a little amendment be made?

Mr. GORMAN. Certainly.

Mr. CULLOM. On page 76 I offer an amendment which I hope will be adopted. After the word "appropriated," in line 2, I move to insert:

Provided, That in making such contract or contracts, the Secretary of War shall not obligate the Government to pay in any one fiscal year, beginning July 1, 1897, more than 25 per cent of the whole amount authorized to be expended.

Mr. GORMAN. Let the amendment be read again.

The amendment was again read.

Mr. CULLOM. It applies to only one item in the bill.

Mr. GORMAN. Very well.

Mr. MITCHELL of Oregon. To what item does the amendment apply?

Mr. CULLOM. To the Illinois and Michigan Canal.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Illinois.

Mr. SMITH. I ask what item it refers to?

Mr. CULLOM. It refers only to the Illinois and Michigan Canal appropriation.

The amendment was agreed to.

Mr. HAWLEY. Will the Senator from Maryland allow me to get a small amendment made before he enters into a discussion? It is merely verbal.

Mr. GORMAN. Certainly.

Mr. HAWLEY. On page 7, line 13, after the word "upon," I move to insert "the construction by"; in line 14, to strike out the word "constructing" and insert "of"; and to insert, at the end of the paragraph, after the word "causeway," the words "upon plans approved by the Secretary of War." It is merely a technical amendment.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. In line 13, page 7, after the word "upon," insert the words "the construction by"; and in line 14, strike out the word "constructing" and insert "of"; and at the end of the paragraph, after the word "causeway," insert "upon plans approved by the Secretary of War"; so as to read:

Improving harbor at Bridgeport, Conn.: Continuing improvement, in accordance with the modified project, $28,000, $10,000 of which shall be expended upon Yellow Mill Pond for constructing a channel 12 feet deep and 200 feet wide from the main channel to the causeway, conditioned upon the construction by the city of Bridgeport of a drawbridge at the causeway upon plans approved by the Secretary of War.

The amendment was agreed to.

Mr. GORMAN. I offer the amendment which I send to the desk.

Mr. WHITE. If the Senator from Maryland will allow me, there is another matter connected with the San Pedro and Santa Monica affair to which I wish to call the attention of the Senator from Maine. In the testimony of Mr. Huntington, page 33 of the hearings, he said:

Other roads which want to use our tracks can use them on the same conditions that we do; that is, paying interest on a portion of the track according as their business compares with that of the Southern Pacific Company. If they wish to use the pier of the Southern Pacific Company, it can be used in the same way.

And so on. In the alternative proposition contained in the amendment I think the Senator from Maine should modify the phraseology used, so that if Santa Monica were awarded the appropriation there should be a clause requiring consent upon the part of the railroad company to the use of their tracks on the terms suggested by the president of the corporation. It will require a little time to prepare it exactly in accordance with the conditions surrounding it. I make the suggestion to the Senator now, so that when the bill gets into conference he will not overlook it.

Mr. FRYE. I have no objection to it at all, but it would have to be drawn with some care. Of course you will have to provide that if Santa Monica should be selected then the company would be under obligation to do it.

Mr. WHITE. Undoubtedly. I will submit an amendment to the Senator that I think will cover it. I have not drawn one that exactly suits me with reference to it.

Mr. FRYE. All right; I have no objection. One moment, if the Senator from Maryland will allow me; on the Santa Monica amendment, page 35, I inserted the amendment after the word "California." All the rest should be stricken out—"said harbor to be formed," etc. Does the Secretary understand it?

The VICE-PRESIDENT. The clerks understand it.

Mr. FRYE. All that should go out.

The VICE-PRESIDENT. It is so ordered.

Mr. WARREN. I ask the Senator from Maryland if he will yield to me to offer an amendment to the pending bill?

Mr. GORMAN. Certainly.

The VICE-PRESIDENT. The amendment submitted by the Senator from Wyoming will be stated.

The SECRETARY. After line 24, page 107, insert:

For the examination of sites and report upon the practicability and desirability of constructing reservoirs and other hydraulic works necessary for the storage and utilization of water, to prevent floods and overflows, erosion of river banks and breaks of levees, and to reenforce the flow of streams during drought and low-water season, and to increase and utilize the supply of water for irrigation, at least one site each in the States of Wyoming, Utah, and Nevada.

Mr. WARREN. I had intended to occupy five or ten minutes in presenting this matter, but I will not trespass upon the time of the Senate or upon the good nature of my friend from Maryland, who has the floor. I ask for the adoption of the amendment.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Wyoming.

Mr. WOLCOTT. I ask the Senator from Wyoming if he will consent that the word "Colorado" may be added?

Mr. WARREN. I would be glad to have it added.

Mr. WOLCOTT. Let "Colorado" come in after "Nevada."

Mr. THURSTON. I ask the consent of the Senator from Wyoming to insert "Nebraska" also.

Mr. WARREN. I have not the slightest objection to letting in all the States of the Northwest.

Mr. BAKER. I ask that the name of "Kansas" be inserted.

Mr. ALLISON. Let the amendment be read again.

The VICE-PRESIDENT. The amendment submitted by the Senator from Wyoming will be stated, with the modifications suggested.

Mr. FRYE. I think that if it is to extend all over the United States I had better interpose a point of order against the amendment.

Mr. WOLCOTT. I did not understand the Senator from Maine.

Mr. FRYE. I think I had better interpose a point of order against the amendment.

Mr. SQUIRE. It is only preliminary.

Mr. THURSTON. It covers only the arid or semiarid region.

Mr. WARREN. I trust that the chairman of the committee will not make a point of order against the amendment.

Mr. FRYE. It is extending all over the country.

Mr. WARREN. Then I desire to say a few words at this time.

Mr. FRYE. If the Senator will explain his amendment as briefly as he reasonably can, I should like to have him do so.

Mr. WARREN. Mr. President, there is with us an important problem, which in my opinion ought to be solved, and that is, whether it is necessary or desirable or practicable to commence the work of impounding the surplus waters in the mountains and high plains in the Rocky Mountain country near to and above the arid plains—agricultural country. My attention was brought to this matter during the discussion of the pending bill by the remarks of the distinguished Senator from Missouri [Mr. VEST], and I will read from his remarks. He said:

Now, I have not the slightest doubt but what the Missouri River can be improved and navigation brought back to it, and it can be made a portion of the great waterway to the Gulf, for it is really the Mississippi River. It gives color to it, and it ought to have given name to the whole river. * * *

We have appropriated hundreds of thousands of dollars (and I have been as much responsible for it as any Senator, possibly more so, under the demands of my constituents) at different localities to prevent erosion of the banks, to save walls, to save farms, and the money has been expended and the work washed away in the freshet that came down from the Rocky Mountains, from Montana and the Dakotas, in the next year. What we suffer from there is what has endangered the Lower Mississippi—immense fires upon the head waters of the Missouri, that destroy the undergrowth and the mosses and herbage that would absorb the water, and it runs as it would over the top of this desk when the snows break up in the spring and pours a flood down the Missouri and Mississippi, resulting in immense erosion and destruction of lands and even of towns.

The waters of the Missouri River come from the mountains, where great valleys—at one time inland seas and lakes, probably—pour the water from their vast watersheds, snow accumulations, and springs out through narrow gorges or chasms which have been at some point worn through the rocks by the escaping water. In many places not expensive dams or embankments could be constructed so as to catch and hold immense bodies of water during the seasons of melting snow and high water, and through proper gates and sluiceways this surplus could be drawn off for use during the dry, low-water season.

There are also great depressions in the high plains where nature has done so much that but little more is necessary to construct permanent and very extensive catchment basins.

The storage of these surplus waters as indicated would be of very great and important benefit in many directions.

First, it would prevent floods and overflows and consequent erosion of river banks all the way down to the Missouri River; also all along the Missouri and, indeed, the whole Lower Mississippi from the mouth of the Missouri to the ocean, its benefits thus extending thousands of miles; in the abatement of erosion of river banks, breaking of levees, and the inundation and damage of broad areas in the lower country.

Second, this reserve supply of surplus water gathered in flood time would be drawn off during times of drought, thereby keeping up an even flow in streams valuable for domestic purposes as well as for the benefit of navigation.

Third, and most important of all, this great reserve supply could be diverted and used for irrigation, mining, and mill purposes while on its way from mountain top to sea level, losing little or nothing but time on its way, the ultimate volume being but slightly, if at all, diminished through such uses.

Fourth, the presence and use of this additional water would, according to accepted theories, greatly increase rainfall in those high, dry regions, thus reproducing and increasing itself.

It may be said, Mr. President, that this is too big an undertaking for the Government to consider, or that the several States should take up this enterprise and expenditure. To this I answer, these waters form a part of interstate streams, and the impounding of water at certain seasons of the year and distributing it at others benefits equally, though not perhaps exactly in the same manner, different States all the way from our northern border to the Gulf of Mexico.

Again, the lands where these reservoirs are to be located belong to the United States, and if we are to relegate this problem and

its solution to the different States, then let us appropriate the lands to the States and otherwise assist them.

In either case, the river and harbor bill is, in my judgment, where we should provide for it, whether we appropriate money to build works or appropriate lands to the several commonwealths.

Mr. President, I assume that the genius or plan of so-called river and harbor bills is to appropriate money to be expended in the interest of commerce and trade, and that primarily it matters not in what State or States the money is to be expended, the object always being to benefit the United States as a whole, as the result of improvements accomplished, rather than to benefit the States or localities where these improvements happen to be made, through the patronage or disbursement of the money expended in such locality.

As a matter of fact, however, such bills seem sometimes to be regarded as appropriations for the particular benefit of the several certain localities. Senators and members of Congress demand that States they represent be recognized; that constituents expect appropriations for their own particular States, and in many cases it seems as if the usefulness of a Senator or member is, by his constituents, measured by the amount he is able to obtain in the river and harbor bill for expenditure within his own State or district.

Thirty-seven of the States of the Union are named in this present bill, and appropriations of certain amounts are ordered expended within such States. The District of Columbia is also remembered. Four of the States not mentioned by name border on the Missouri River—namely, North and South Dakota, Nebraska, and Kansas—and are interested in the quite liberal appropriations for improvements of the Missouri River opposite them. But there remains, Mr. President, four States in a group together, and four alone, that are not named as participants in this distribution, nor do they touch upon waters where money is to be expended. In other words, four States out of forty-five are cut off without a shilling. These are Wyoming, Colorado, Utah, and Nevada. And it so happens that these States, so unfortunately excepted, have greater need for the expenditure of public money to promote trade and commerce and national as well as local prosperity than almost any other in the Union. These States are far above their sisters in altitude, and within their borders are the headwaters of the great interstate streams flowing out in all directions. Within these States are the mountain forests—or what is left of them—which gather the snow in winter, retaining it until spring or summer, and furnishing to the great rivers the largest proportion of their water supply. There should be within these States vast reservoirs to receive, retain, and distribute from the surplus waters, thus providing for the necessities of commerce.

Mr. President, turn it whichever way you will, the States I name in this amendment and the investigation I ask ought to be considered in this bill. Let there be an investigation by competent Government engineers, who, in conjunction with the several State engineers of the States mentioned, can report upon plans and ways and means, and Congress can then determine whether the United States will enter into the detention and storage of waters direct, or whether the States shall be aided by turning over to them the public lands within their borders.

In any event, I submit that it is no more than fair and just that these arid-land States shall participate hereafter in the deliberations, emoluments, and perquisites of river and harbor bills. If money appropriated is to be distributed with some little regard for local benefits, then give us our share. If it is purely pro bono publico, then what expenditure could be more generally beneficial to the United States as a whole or a greater portion than that which I propose?

It has been said of New England that every drop of water trebles its value by turning the wheels of industry on its route or flow from hills and highlands to ocean. How much more important, then, that we stop this waste of water that in time of flood rushes past immense areas of drought-stricken country, tearing away river banks and levees, and inundating the lowlands in its mad race from mountain to sea, and by impounding these waters high up in the valleys and depressions of mountain and plain, they can be released when needed, using a portion while en route to irrigate the arid, dry stretches of agricultural lands, and creating a regular, moderate, nondamaging flow through the lower country, at all times below high-water mark, and at no time far below the general-average mark.

Mr. President, I commend this matter to the earnest attention and investigation of the distinguished chairman and members of the Committee on Commerce, and I beg that committee to expect a vigorous struggle for proper recognition of this whole subject in the forthcoming river and harbor bills.

We demand in justice that these States mentioned shall at least have the benefit of the services of employees of the Government, and a statement from Government engineers whether this work and plan is practicable or not, and whether it shall be carried on by the Government or by the several States.

This is all I have to say at this time, Mr. President.

The VICE-PRESIDENT. Does the Chair understand the Senator from Maine to make the point of order?

Mr. FRYE. I dislike very much to make the point of order, and I will not. I will take a vote of the Senate.

The VICE-PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from Wyoming [Mr. WARREN], which will be stated.

The SECRETARY. After line 24, on page 107, it is proposed to insert:

For the examination of sites and report upon the practicability and desirability of constructing reservoirs and other hydraulic works necessary for the storage and utilization of water, to prevent floods and overflows, erosion of river banks, and breaks of levees, and to reenforce the flow of streams during drought and low-water season, and to increase and utilize the supply of water for irrigation, at least one site each in the States of Wyoming, Utah, Nevada, Colorado, Nebraska, and Kansas.

Mr. CARTER. I move to insert the State of Montana.

Mr. WARREN. I should be glad if it were extended to all the Western States, and in bringing in the amendment I did not intend to cut out any; but I named the States which had not been named in the river and harbor bill, with the exception of the State of Colorado, to which the Senator from Colorado [Mr. WOLCOTT] called my attention. But as this is simply for an examination, it strikes me to be impracticable to make these examinations in all the States under present appropriations. I will simply say that if all the States, or all the arid States, are to be added, I pray the chairman of the committee will increase the appropriation or provide some means whereby the investigation can be made. It ought to be made in all the arid States.

Mr. FRYE. If there is going to be any increased appropriation the chairman of the committee will make the point of order.

Mr. WARREN. While I do not make a motion to extend it, I do not want to cut out Montana. I should like the other States to be included, but I do not wish to have the amendment cut out on their account. I beg Senators will not insist. If the chairman of the committee is going to make a point of order against the amendment if the other States are added, then I ask the Senators from the other States to withdraw the amendments proposed, and let it go as first proposed.

Mr. FRYE. I said I would allow a vote to be taken, but if a sufficient number of States are to be added here to make a majority of the Senate, then I suppose it would be rather doubtful whether it is the duty of the chairman of the committee to interpose with a point of order.

Mr. TELLER. It might endanger the bill, I should say.

Mr. SHOUP. I was about to ask the Senator from Wyoming to include the State of Idaho. Does the Senator in charge of the bill object?

Mr. VEST. I make the point of order upon the amendment that it is new legislation; that there is no estimate for it; that there is no report from a standing committee.

Mr. WARREN. I ask the Senator from Missouri whether the point of order made against so many States would be made against one State alone?

Mr. VEST. It is against the amendment.

Mr. WARREN. I desire to say that I am so earnest in my desire to have some examination made that I am willing to withdraw the State which I have the honor to represent in part, and to confine the investigation to any one State or any one site in the arid region that the Senator from Missouri [Mr. VEST] will name.

Mr. VEST. That is not the point.

Mr. WARREN. Or any one site in the United States.

Mr. WOLCOTT. For my part I shall very gladly join hands with the Senator from Wyoming. He contends for a principle which the Senate ought to recognize. So far as I am concerned and the share that I have in representing the State of Colorado, I will withdraw that State, if Senators will permit under this bill an examination and report as to any section in the arid belt of the West, so that we may have some intelligent information as to the needs and possibilities of utilizing the waters of those sections which now go to waste.

Mr. MITCHELL of Oregon. I hope it will be confined to one State, and that that State will be the one represented by the Senator from Wyoming [Mr. WARREN], who offered the amendment.

Mr. WOLCOTT. I heartily agree with that suggestion.

Mr. CARTER. I withdraw my proposed amendment.

Mr. THURSTON. I withdraw my proposed amendment; but I should like to suggest that Colorado is one State which under all circumstances ought to be joined with Wyoming. They both lie similarly situated with respect to the great watershed of the Rocky Mountains.

Mr. CULLOM. I suggest that we put those two States in.

Mr. FRYE. I hope the Senator from Missouri will withdraw his point of order and let the two States of Wyoming and Colorado go into the bill for an examination.

Mr. CULLOM. That is right.

Mr. GALLINGER. I hope so, too.

Mr. CULLOM (to Mr. VEST). Withdraw your point of order.

Mr. GORMAN. Question!

The VICE-PRESIDENT. Is the point of order withdrawn?

Mr. WARREN. I wish to add my further appeal to the Senator from Missouri, if he has not already withdrawn it, to withdraw the point of order. I am perfectly willing that he shall name any State and that it shall be confined to one site. I simply desire that the principle or plan may be investigated by a Government engineer, so that we may have a report.

Mr. VEST. As I remember the legislation in regard to this matter, we have made an appropriation in the sundry civil act, and one of the bureaus of the Government is now engaged in this particular matter. Besides that, we have given a million acres of land to each of these States—to three of them anyhow—for the purpose of testing this very matter. Now it is proposed to put in a river and harbor bill this amendment not germane to the bill. It ought to go upon some other bill if it is adopted at all after what we have done. We are told it might endanger the river and harbor bill. Then let it go.

Mr. WARREN. One word, if I may be permitted. There were, it is true, a million acres granted in the sundry civil act to each arid State under certain almost impossible conditions, but while so granted these States were simply given the privilege of selecting lands for certain of their settlers, 160 acres apiece, and there is no provision for the States to occupy the lands for reservoirs in that act, I am sorry to say, or I should not offer the amendment now.

I desire to say further that the State which I have the honor to represent in part has already executed with the Government three different contracts and is proceeding to avail itself of that privilege not to the benefit of the State financially, but for the benefit of those who wish to carve out homes and farms in that new country. They are proceeding as fast as they can under the act in question, but we meet this difficulty—that there must be storage of water in order to make it successful. We are confronted with the proposition that the lands belong to the United States. There is no law at present whereby States or individuals can secure them or the use of them for reservoirs as proposed.

The Government, on the other hand, is not prepared to proceed as to reservoirs and reservoir sites. It seems to me that it is very little for the four States named in this bill to ask sufficient consideration to obtain the report of a Government engineer for at least one site.

If the spirit manifested in this discussion on the part of some Senators whose States are snugly and generously provided for in this river and harbor bill is to prevail, and if we are to be ruled out on a point of order when it is manifest a majority of the Senators desire the amendment to be adopted, then I say it seems to me that the plan of extending the limits just far enough in river and harbor bills to include a sufficient number of States and the Senators therefrom to secure votes enough for the passage of the bill is an unfair and unjust one, and I desire to serve notice now that, so far as I am concerned, if it is to be a close corporation hereafter of few or many States, and the wants of some other States are to be unconsidered and a great national question like this of storage of waters, in which some of the States are vitally interested, is to be ignored as is proposed now, by the enforcement of a point of order, then I can not consent to give my support and vote to future river and harbor bills.

I shall at least ask for an explanation before I can give my individual vote for bills of this nature. I do not say this as meaning that I shall not vote for the present bill, but I am speaking of the future.

Mr. WOLCOTT. I should like to suggest to the Senator from Wyoming that the four States that are left out are the close corporations and that the others constitute an open corporation.

Mr. WARREN. Yes; we are a closed-out corporation.

Mr. PEFFER. I wish to say that the people living on two-thirds of the area of the United States are interested in the matter now proposed by the Senator from Wyoming [Mr. WARREN], and, speaking for the people of Kansas, we will vote—100 per cent of us—for the project that he now submits in order that we may make a beginning in the direction he so earnestly and ably advocates.

Mr. GORMAN. I trust the Senator offering the amendment will withdraw it, and not attempt to place a provision of this sort on the river and harbor bill. It is entirely foreign to every provision and item in the bill. The Senator from Wyoming, and all the Senators representing those great States, will remember that Congress for the past six or eight years has appropriated liberally to the Interior Department. The money has been expended under the direction of the Geological Survey. Not all of the sites that are available for storage of water have been ascertained, but a great many of them have been. That information is now being collected by the only Department which can properly take charge of the subject.

Mr. WARREN. Permit me to say that the money so appropriated is not to be expended in those States to any great extent. In fact, nearly every Eastern State receives an expenditure of a greater amount than is expended in any Western State. A very slight amount of the money that is appropriated is expended there.

Mr. GORMAN. I wish to call the attention of the Senator to the fact that we were going on systematically under Major Powell and were locating these very sites for reservoirs with a view of reserving them so that the States might have them when the Senators representing those States themselves came forward and asked for a donation of a million acres of land to each that the States might undertake it themselves, having all this information about the sites.

Mr. WARREN. A million acres was not donated, but placed at the disposal of States under almost impossible conditions.

Mr. GORMAN. Now at this session, and at the request of all the Senators representing those States—take the State represented by the distinguished Senator from Montana [Mr. CARTER], whom I have now in my eye—we inserted a provision in the sundry civil bill which practically turns over a million acres of land to each one of those States.

Mr. TELLER. I wish to call the attention of the Senator from Maryland to one fact. We put a provision in one of the bills that the Interior Department, through the Geological Survey, should make examination as to those sites. There was a clause put in that the sites should be reserved after they had been located. Under that the Department of the Interior construed the law to withdraw from entry and occupation all the land of the United States, in other words, that that law repealed all the settlement laws of the United States. They were about to cancel 135,000 entries. Of course that left 135,000 settlers without any title, and we insisted upon a repeal of the whole provision, for it was becoming an intolerable curse to that section of the country. That is why it was repealed. So far as I am concerned I am very much afraid to have the Government of the United States put its hands on this question after that experience.

Mr. GORMAN. The point I want to impress upon Senators, and upon the Senator who offered this proposition, is that on the proper bill, the sundry-civil bill, when the question has come up, the Senate, on both sides, has dealt very liberally with this matter and we are prepared to do so, knowing it to be one of the great coming questions of this country. But on the river and harbor bill, I suggest to my friend who offered the amendment, it has no earthly place. It will meet antagonism which it would not have if considered in connection with the proper bill. I trust, without having the slightest feeling about the matter, that the Senator will recognize the universal rule of the body in discussing a question upon the bill where it properly belongs. That is all there is in this case.

Mr. WARREN. Will the Senator from Maryland please tell me on what bill it properly belongs? It is in respect to the water of streams and the uses of water. It seems to me that in the river and harbor bill there are many streams mentioned that I never saw nor heard of when I studied geography. We never see or hear of them when we go through the States mentioned, but I presume it is necessary that such streams shall be improved. This bill seemed to me to be the place for directing the engineers of the Government, who are directed by the bill already to examine certain streams, to examine this problem. It must be understood that we do not ask for a dollar of special appropriation or of the expenditure of any money except incidental expenses necessary for traveling, etc., for the employed agents of the Government. I again ask to what bill should we attach it?

Mr. GORMAN. To the sundry civil bill, I will state to the Senator, where it has always been.

Mr. WARREN. That bill has been passed.

Mr. ALLISON. The sundry civil bill is generally the omnium gatherum of items that do not go anywhere else; but I do not quite agree with the Senator from Maryland [Mr. GORMAN] as to the scope and purpose of the pending amendment.

There is one clause in it which, as I remember it, provides for an examination into irrigation. It seems to me that any appropriation for irrigation purposes is not germane to the river and harbor bill. But it is not a new thing, I submit to the Senate, to have argumentation and suggestion as to the storage of the waters of the Upper Missouri and the Upper Mississippi as affecting the flow of water into the Gulf of Mexico; and, although I do not remember it specifically, I venture the statement that in this bill there is an appropriation of a hundred thousand dollars or more for the purpose of storage reservoirs in the State of Minnesota. I remember a great many years ago to have examined the subject and to have found it a very interesting one. An old gentleman, who had examined the waters of the Mississippi River, their flow and overflow, conceived the idea that by establishing storage reservoirs in the northern portion of Minnesota, which is a flat country, the water could be there stored by raising a dam 3, 4, or 5 feet high, and that thus you could gather an immense quantity of water, which could be utilized upon the Mississippi River in periods of drought.

I participated somewhat a good many years ago in a little debate here upon that subject. Some years afterwards we put into a river and harbor act a provision looking to the gathering of those waters in the northern portion of the State of Minnesota, and if

there is not an appropriation in the pending bill for that purpose it is because those dams and reservoirs have been so completed that further appropriations are not considered important.

Mr. GORMAN. The Senator from Iowa understands that that was only for the purpose of navigation, not irrigation.

Mr. ALLISON. I stated in the beginning of my observations that if the word "irrigation" were left out of the amendment it would be a germane inquiry to insert in a river and harbor bill as affecting the overflow of the waters of the Missouri and the Mississippi, as affecting the mouth of the Mississippi River, as to what we shall do in the great future respecting the levees and dams and jetties which are a continuous annual expense to the Government of the United States, and undoubtedly will be as long as water runs.

If there could be reservoirs in the high mountain regions for the storage of the immense body of water that comes down the Missouri River at certain seasons of the year, and if there could be erected dams which would check the flow of water in the Mississippi at certain seasons of the year, it seems to me it is an intelligent investigation which would be valuable to the people of this country, and especially to the interior portion of it, where those waters flow and where the overflows occur. But it requires investigation by an army officer, perhaps, or some one who is an expert in all these questions of the effect of waters in the stream, when and how they gather and flow to the Gulf or to the ocean, as the case may be. I do not think we should restrict this inquiry. I think it is a very late hour, I suggest to the Senator from Wyoming, to propose the amendment; but I think at some time we might well enter upon this investigation.

Mr. VEST. I am so anxious to get a vote upon the bill and to get rid of it that I will say to the Senator from Wyoming and the other Senators interested that if they will strike out the word "irrigation" and let it apply to navigable streams, as is done in the case of the appropriation now in the bill for reservoirs at the head waters of the Mississippi, I will not raise the point of order unless some other Senator does. I do not believe in the system of reservoirs at all; I never have voted for it in committee or anywhere else, but if the irrigation feature is eliminated I will not make the point of order.

Mr. WARREN. I suggest to the Senator from Missouri that I am willing that the objectionable word shall be stricken out, because I know that if the point of order is insisted upon, and it shall be maintained by the Chair, we can not get an expression of the Senate upon this subject; so, under the circumstances, I am compelled to accept whatever the Senator offers. I therefore give my consent to striking out the objectionable though by far the most important word in the amendment, that of "irrigation." If it is his intention, however, to apply it to the navigable streams and the head waters thereof, then it might seem better to include more of the States. I am willing, under the circumstances, that the word "irrigation" shall be stricken out.

Mr. SMITH. I hope the Senator from Wyoming will insist upon including the other States, because this seems to be a general grab-bag business, and as there are about $70,000,000 to be appropriated, there certainly ought to be enough to give each State a part of it. I should like to vote to have it properly distributed.

The VICE-PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from Wyoming [Mr. WARREN] as modified.

Mr. BAKER. How does the amendment read now?

The VICE-PRESIDENT. The amendment as modified will be stated.

The SECRETARY. On page 107, after line 24, it is proposed to insert:

For the examination of sites and report upon the practicability and desirability of constructing reservoirs and other hydraulic works necessary for the storage and utilization of water to prevent floods and overflows, erosion of river banks, and breaking of levees, and to reenforce the flow of streams during drought and low-water season, at least one site each in the States of Wyoming and Colorado.

The VICE-PRESIDENT. The question is on agreeing to the amendment as modified.

The amendment as modified was agreed to.

Mr. VILAS. After the pending bill was ready for report, or about that time, and before the committee could have an opportunity to consider it, there was a communication from the Assistant Secretary of War asking that an appropriation should be made for the examination of the character, limitations, and description of the property and rights of the Government in the Fox and Wisconsin rivers—property which belongs to the United States, but which, by the terms of the deed of conveyance, was somewhat uncertain in respect to its boundaries. I prepared an amendment which has had the examination of the chairman of the committee and which provides in accordance with the request of the Assistant Secretary of War, and also contains provisions to make avail of the use of the water in the stream.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 73, after line 15, it is proposed to insert:

For a thorough investigation of the character, limitations, and description of the property and rights of the United States in connection with the improvement of the Fox and Wisconsin rivers, to be made under the direction of the Secretary of War, upon condition that the owners of any property which may be interested in such delimitation shall pay such proportion of the cost of such investigation as the Secretary of War shall determine, $3,000. And the Secretary of War is directed, by the use of flash-boards or otherwise, to make avail of all the natural flow of water and prevent waste thereof to the height to which the right of the United States to hold the same has been established and without interfering with private rights.

The amendment was agreed to.

Mr. MCBRIDE. I offer the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment proposed by the Senator from Oregon will be stated.

The SECRETARY. On page 95, after line 17, it is proposed to insert:

Provided further, That the Secretary of War may, in his discretion, use so much of the money herein appropriated as may be necessary to prevent the erosion of the west bank of the Willamette River opposite Salem, Oreg., and to maintain the river channel at that point.

Mr. FRYE. That is to be taken from the general appropriation for the river, is it not?

Mr. MCBRIDE. Yes; to be taken from the general appropriation.

Mr. FRYE. Then I have no objection to the amendment.

The amendment was agreed to.

Mr. MITCHELL of Oregon. I desire to say a word in regard to the amendment proposed by my colleague, which has just been adopted by the Senate. My colleague intends that it is to take the place of an amendment adopted a few days ago, providing for a survey. I ask the chairman of the committee to make a note of that, so that there may be no difficulty about it in conference.

Mr. FRYE. All right.

Mr. MITCHELL of Wisconsin. I offer an amendment to reimburse the city of Menasha for money which was expended in connection with a Government improvement of rivers and harbors.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. After the amendment already adopted, in line 15, on page 73, it is proposed to insert:

To reimburse the city of Menasha, Wis., for moneys expended by said city in the construction of a retaining wall along the bank of the Government canal in said city, $3,000, or so much thereof as may be found by the Secretary of War to be due said city for building said retaining wall.

The amendment was agreed to.

Mr. CULLOM. I offer an amendment in line 23, on page 80, after the word "and."

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. In the clause making the appropriations for the Mississippi River, between Cairo and the mouth of the Missouri River, on page 80, line 23, after the word "and," it is proposed to insert "$30,000, or so much thereof as may be necessary, shall be expended"; so as to read:

And $30,000, or so much thereof as may be necessary, shall be expended in removing the bar in front of Chester, Ill., etc.

The amendment was agreed to.

Mr. GORMAN. I now ask that the amendment of which I have given notice may be laid before the Senate.

The VICE-PRESIDENT. The amendment submitted by the Senator from Maryland will be stated.

The SECRETARY. On page 100, at the end of section 5, line 10, it is proposed to insert:

Provided further, That the Secretary of War shall so adjust the contracts herein authorized to be made by apportioning them in such way as not to obligate the Government under this act and all prior acts providing for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, which provide for contracts beyond appropriations made, for a sum exceeding in the aggregate $10,000,000 in any one fiscal year for such materials and work authorized to be contracted for in all of said acts.

The VICE-PRESIDENT. The question is on the amendment submitted by the Senator from Maryland.

Mr. MITCHELL of Oregon. I want to ask the Senator from Maryland how under that amendment the amounts appropriated would be apportioned? If I understand the proposition the money might be applied to the full extent of two or three contracts and the others allowed to go unaided.

Mr. GORMAN. In answer to the Senator, I will say that it will be applied precisely as it has always been applied since we have made river and harbor bills containing continuing contracts for improvements. The Secretary of War and the Chief of Engineers, as a matter of course, determine the amount to be expended on each of these works.

The object of the amendment is to limit the total expenditures under this bill and the provisions which have been heretofore made for continuing contracts for works on rivers and harbors. The bill as it came from the House of Representatives and as amended now by the Senate makes an appropriation of $12,614,550, as nearly as I can get at it. There may be some little inaccuracy in the amount, but I think it is substantially correct. I have embodied the appropriations contained in the bill as it came from

the House and as reported by the Senate committee in a table, which I append herewith:

APPROPRIATIONS.

States.	Senate bill.	House bill.	States.	Senate bill.	House bill.
Maine	$251,500	$214,000	Tennessee	$307,000	$177,000
N. Hampshire	25,000	25,000	Kentucky	156,000	156,000
Vermont	15,000	15,000	Ohio	741,000	713,000
Massachusetts	434,000	434,000	Michigan	572,150	567,150
Rhode Island	149,300	99,300	Wisconsin	368,440	361,500
Connecticut	267,000	250,500	Minnesota	127,000	99,000
New York	823,500	725,000	Indiana	103,500	111,500
New Jersey	193,660	166,660	Illinois	280,000	260,000
Pennsylvania	637,500	588,500	Mississippi River	1,564,000	1,464,000
Delaware	184,160	159,160	Missouri (State)	275,000	245,000
Maryland	402,800	85,800	Missouri River	350,000	250,000
Dist. of Col	125,000	100,000	Montana	35,000	15,000
Virginia	354,000	325,000	California	626,550	496,000
West Virginia	37,500	30,500	Oregon	506,300	306,300
N. Carolina	242,000	141,500	Idaho	33,000	35,000
S. Carolina	154,500	189,500	Washington	335,000	150,000
Georgia	235,000	240,000	Surveys	200,000	100,000
Florida	578,000	279,000			
Alabama	314,000	254,000	Total	12,561,850	10,480,860
Mississippi	55,400	55,400			
Louisiana	258,000	230,500			
Texas	202,000	137,000			
Arkansas	233,000	233,000			

Senate report	$12,614,550
House report	10,594,718
Port Orford	140,858
	10,493,860

The bill contains provisions authorizing continuing contracts as follows:

CONTINUING CONTRACTS IN PRESENT RIVER AND HARBOR BILL.

Maine	$1,570,500.00	Washington	$980,000.00
Massachusetts	1,145,000.00	Rhode Island	707,000.00
New York	3,655,558.00	Pennsylvania	894,500.00
Delaware	4,885,846.00	West Virginia	1,200,000.00
South Carolina	1,908,250.00	Tennessee	600,000.00
Georgia	3,572,500.00	Kentucky	1,346,000.00
Louisiana	1,488,250.00	Mississippi	800,000.00
Texas	1,403,856.00	Michigan	1,065,000.00
Ohio	1,354,000.00	Illinois	6,360,960.00
Wisconsin	108,737.91	Ohio River	2,807,250.00
Minnesota	3,080,553.00	Mississippi River	13,400,000.00
California	4,006,000.00		
Oregon	4,664,000.00	Grand total	64,211,760.91

In addition to these there is a provision in regard to the work on the Monongahela River, which will in all probability increase this sum $3,000,000 more. Besides that, we have appropriated—at least the Senate has passed during the present session—for contracts already existing, but which are not yet completed, $3,584,597, leaving the contracts heretofore authorized at about $47,000,000, in addition to the contracts authorized by the pending bill, amounting in all from sixty-four to sixty-seven million dollars.

Mr. FRYE. Will the Senator allow me?

Mr. GORMAN. With pleasure.

Mr. FRYE. Has the Senator examined to see whether or not most of the existing contracts will not be completed in the present year?

Mr. GORMAN. I will give the exact figures. The contracts that were heretofore authorized amounted to $47,383,501; that is to say, by the river and harbor acts of 1890 and 1892, and they are still outstanding. We have appropriated heretofore on that account $39,158,468, leaving a balance to be appropriated of $8,225,033 at the beginning of this session. The estimate of the War Department of the amount they will require for the current year was $4,044,597, but Congress has only appropriated $3,584,597 of the $8,225,033 required, leaving a little over $4,000,000.

Mr. FRYE. To be appropriated for in the future.

Mr. GORMAN. And about four millions and a half to be added on account of the contracts authorized by this bill. These contracts, when made, necessarily must be met from time to time, and they ought to be met promptly. When the contracts are entered into there is no escape from making the appropriations, and it would be equivalent to repudiation if we should undertake to do so. I will insert a table setting forth this matter in detail.

The following shows the river and harbor contracts authorized by the river and harbor acts of 1890 and 1892, the appropriations thereunder to date, the balances under each, and the estimates submitted for 1897:

River or harbor.	Amount authorized.	Appropriations to date.	Balance.	Estimates, 1897.	Amount in Senate sundry civil bill of this session.
Baltimore, Md., 1890	$700,000	$699,200	$800		
Philadelphia, Pa., 1890	3,300,000	2,141,000	1,159,000	$850,000	$900,000
Galveston, Tex., 1890	6,200,000	4,510,000	1,690,000	1,140,000	*1,140,000
Hay Lake Channel, Michigan, 1890	1,684,115	1,190,000	494,115		
Hudson River, New York, 1892	$2,220,403	$1,145,000	$1,115,406	$500,000	$480,000
Great Kanawha River, West Virginia, 1892	1,080,700	1,080,700			
St. Johns River, Florida, 1892	284,500	284,500			
Mississippi River from Ohio River to Minneapolis, 1892	4,875,000	4,775,000	100,000		
St. Marys River, Michigan, 1890	3,738,865	3,513,865	225,000		
Great Lakes, between Chicago, Duluth, and Buffalo, 1892	2,965,000	1,375,000	1,590,000	500,000	500,000
Canal, Cascades of Columbia River, 1892	1,419,250	1,239,653	179,597	179,597	179,597
Point Judith, R. I., 1892	1,100,000	500,000	600,000	400,000	300,000
Charleston, S. C., 1892	1,953,000	1,700,000	253,000	100,000	
Savannah, Ga., 1892	2,831,250	2,831,250			
Mobile, Ala., 1892	1,181,300	1,181,300			†160,000
Humboldt, Cal., 1892	1,565,115	747,000	818,115	375,000	225,000
Mississippi River Commission, 1892	7,995,000	7,995,000			
Missouri River Commission, 1892	2,250,000	2,250,000			
Total	47,383,501	39,158,468	8,225,033	4,044,597	3,584,597

* Including $300,000 in urgent deficiency bill.
† Under joint resolution this session.

The yearly appropriations to meet said contracts since their authorization have been as follows:

1891 in river and harbor act	$2,340,000
1892 in sundry civil act	1,951,200
1893 in sundry civil act	814,000
1894 in sundry civil act	14,166,153
1895 in sundry civil act	8,400,000
in deficiency act	200,000
1896 in sundry civil act	11,287,115
Total	39,158,468

With the large contracts heretofore authorized, together with the appropriations made, the expenditure has not exceeded $20,000,000 in any one year. That has been found to be as much as could be properly and economically used by the War Department. It has never been attempted to exceed it.

If the amendment I have offered be adopted the case will stand thus: Under the direct appropriations made by the pending river and harbor bill of $12,614,550 during the next current year, if the War Department pursues the same policy which has been followed in the past, and I doubt not they will, because the river and harbor bill is regarded as a bill for two years instead of for one year, they will expend all that direct appropriation of $6,000,000, and they will have under the amendment I have offered the authority to spend $10,000,000 more on account of the contracts contained in this bill, and will have in addition the $3,584,597 which we have appropriated in the sundry civil bill, which will make within a fraction of $20,000,000 for the next fiscal year, and for the fiscal year beyond that it will be the same.

Mr. BERRY. Will the Senator permit me to ask him a question?

Mr. GORMAN. Certainly.

Mr. BERRY. Do I understand that the effect of the Senator's amendment will be to eventually save anything? Will it reduce the total appropriation in any way, or will it simply take longer to dispose of it?

Mr. GORMAN. No; there is no saving on this bill.

Mr. BERRY. There is no saving, or no reduction?

Mr. GORMAN. No saving whatever except the saving of time and other considerations, though the Engineer Department, after looking at the works provided for, may, when they report to Congress, think that some of them are useless. That may be done. That is the only hope there is about it. The amendment, however, will save the Treasury in its present depleted condition—though I am not going over all the figures about that again—from the very unusual and extraordinary drain during this next fiscal year and the fiscal year following. It will give $20,000,000 in each of those two years to be expended on that account, which would be as great an amount or greater than has ever been expended before.

Mr. MITCHELL of Oregon. I suggest to the Senator, as to his amendment, that he need not extend it beyond the 4th of March next, for we shall then have a Republican Administration and shall have plenty of money, and so there will be no need of such a limit as the Senator proposes.

Mr. GORMAN. The Senator from Oregon is assuming a great deal when he predicts that we shall have a Republican Administration after the 4th of March next.

Mr. COCKRELL. He ought to know that we shall not.

Mr. GORMAN. No matter what Administration shall be in power, whether it be Republican or Democratic, that has nothing to do with this matter.

Mr. MITCHELL of Oregon. Does the Senator know how much has been appropriated for in the sundry civil bill on these contracts each year for the last two years?

Mr. GORMAN. Yes.

Mr. MITCHELL of Oregon. The effect of the amendment proposed by the Senator from Maryland, and its only effect, will be to nullify what has been done in the bill.

Mr. GORMAN. So far from that being so, it practically insures that amount of money. The sundry civil bill of 1892 was the first bill in which appropriations were made on account of these contracts. The appropriations for contracts authorized by the river and harbor bills are now made in the sundry civil bill, and we appropriated all that the engineers required during that year, about $1,951,200; the next year $814,000, and the next year we appropriated $14,166,153. That was in the year 1894.

Mr. SQUIRE. How much does the Senator say?

Mr. GORMAN. Fourteen million one hundred and sixty-six thousand one hundred and fifty-three dollars. Then in the next bill we appropriated $8,400,000, and in the last bill $11,287,115. In the present year in the sundry civil bill, which is just passing through Congress and has already passed the Senate, we have appropriated $3,500,000.

Mr. SQUIRE. I should like to ask the Senator from Maryland the question whether he would not be willing to modify his amendment so as to make the amount appropriated annually not exceeding the average for the past eleven years. I have before me a statement, prepared by an officer of the War Department, giving the appropriations from 1885 to 1896, inclusive. I shall not read it all, but I will state that it averages between thirteen and fourteen million dollars in each year.

Mr. GORMAN. The Senator can put that in in his own time. I will say to the Senator that the appropriation this year exceeds anything which has been made in the past. This will give practically for the next year $20,000,000, which exceeds the amount appropriated in any one year. I know that you can not limit it. I should be delighted to see that done. I started off with the general idea to limit these contracts to not over $7,000,000; but, taking the conditions that surround this bill, the atmosphere about it, and the immense number of contracts which have been forced in here against the will of the committee who have examined it, and to which the chairman himself has had to give way, the Senate having insisted upon them, a reasonable amount ought to be added.

The bill came from the House of Representatives with a less amount than it now contains. The attempt was made there to limit the expenditure to 25 per cent. That provision was eliminated, and the Senate has inserted a provision that in no one of these cases shall more than $400,000 be expended. I desire to limit the amount to be expended to $10,000,000 per annum, and I say to the Senator from Washington that will give a greater amount per annum than has been expended in any year for the last eleven years.

Mr. ALLISON. Mr. President, I hope in some form that the amendment proposed by the Senator from Maryland will be adopted. It is in accordance with the general scheme and plan of this bill. As to a number of appropriations in the bill, where contracts are authorized to be entered into, there is a proposition that not more than one-quarter of them, or 25 per cent of the amount, shall be expended in any one fiscal year. It is provided as to others that not more than one-third shall be expended in any one fiscal year, and in many others there is no limitation as to the expenditure. So we have here different provisions as applied to these different contract appropriations.

I have favored the contract provisions in the past. I became convinced by the arguments of the Senator from Maine [Mr. FRYE] several years ago that it was a wise thing to contract for the work on a specific harbor or river and then allow the appropriations to be made from year to year in the execution of that contract.

As I remember, the first work of the kind was one applying to the harbor at Galveston, Tex., and also another to the Sault Ste. Marie improvement on the Northwestern Lakes. At the harbor of Galveston we provided for a contract for $6,000,000, if I remember rightly, or perhaps $6,200,000, and we authorized the contract to be made for the entire work. The contract was so made, and then, when this first appropriation was made, the Committee on Commerce, having charge of rivers and harbors, practically dismissed that improvement from their consideration. They did so because under their jurisdiction it was a completed affair, and the subsequent appropriations were reported by the Committee on Appropriations in the sundry civil bill.

The result was, we progressed in these contract provisions and increased them from year to year. As I remember, the next year we provided for twelve or fifteen million dollars in those contracts, the next year for $31,000,000, and the next year in the river and harbor bill for $47,000,000, as I think the Senator stated. These old contracts lapsing from time to time, and new ones being entered into, the result of that in the Committee on Appropriations has been that that committee, and the Engineer Department as well, as to these great contracts, have been at the mercy of the contractors rather than having the power to regulate the speed with which the contracts should be completed and executed. The contractors secure a considerable plant for the execution of their contracts. If they have favorable contracts, as most of them have, for they contracted for the work on higher prices and are executing them upon a constantly descending scale of prices, and if they are able to execute them, they come to the Committee on Appropriations and say, "So many dollars will be expended under this contract in the next year and so many dollars each year thereafter." The result of that has been that in the sundry civil bill we have, as the Senator from Maryland has already stated, appropriated as high as $14,000,000 in a single bill for the execution of contracts over which we have no power, except to know from the engineer officers of the Government that the contract entered into two or three years ago is in the process of execution.

Last year during the short session we appropriated, as I recollect—the Senator from Maryland gave the amount—$11,500,000 under these continuing contracts for rivers and harbors and other public works. That swelled the sundry civil bill to $39,000,000. I have seen it stated in many places that the sundry civil bill of this year came to the Senate with less than $25,000,000 upon it, making a saving of $15,000,000 as to the appropriations of this year compared with those of last year.

Mr. President, I think that if we are to continue the process of making these large contracts, mortgaging the future revenues and the future appropriations of the Government, we should do so in such a way that we shall have a reasonable control of the probable amount from year to year. We are having these contracts made not only as to rivers and harbors, but they are made in other departments during the present year and have been in the past. They are made now in the fortifications bill, which will presently come before us. Here are $60,000,000 to be appropriated in the future, and in many of these items there are but small initial appropriations, to which are attached large sums of money. I do not object to that; I do not say that it is unwise; but I say that if we are to put into an appropriation bill this year $5,000 and upon it hang a contract of $4,500,000, which may be executed by the Secretary of War, and if, in the judgment of the Secretary of War and in the judgment of the Chief of Engineers, that contract should be executed within two years with the Government of the United States, its credit and its faith are mortgaged to pay that amount within two years.

So, whether the limit be $10,000,000—I do not say that that is the proper sum, but I think it is large enough—or, if that be not the proper sum, let us take a sum, whether it be ten or eleven or twelve million dollars, whereby the engineer officers of the Government shall have a guide as to these contracts, so that they shall not obligate the Government beyond a fixed sum for a certain year.

Mr. SQUIRE. May I ask the Senator from Iowa a question?

Mr. ALLISON. Certainly.

Mr. SQUIRE. Referring to the appropriations for the last few years, the Senator has already mentioned the appropriations for 1896 as being eleven and a half million dollars. With his permission, I shall at this point insert a table showing the appropriations for rivers and harbors from 1885 to 1896, inclusive.

Mr. ALLISON. Very well.

Mr. SQUIRE. The table is as follows:

APPROPRIATIONS FOR RIVERS AND HARBORS FROM 1885 TO 1896, INCLUSIVE.

1885	$14,948,300.00
1886	
1887	14,464,900.00
1888	
1889	22,410,791.99
1890	500,000.00
1891	25,292,395.00
1892	2,951,200.00
1893	22,068,218.00
1894	14,181,153.00
1895	20,055,005.30
1896	11,452,115.00
Total	148,324,077.99

What I want to ask the Senator is, does he think the sum of $10,000,000 per annum would enable the Government to pay for past contracts as well as future contracts; in other words, is that sum sufficient for what is contemplated in past legislation and in present legislation?

Mr. ALLISON. I see the point the Senator makes. There is only a liability of $4,300,000, or about that sum, upon contracts already made. Here is a liability upon future contracts amounting to $64,000,000 or $62,000,000. Is it understood that this is to be the last river and harbor bill? These contract provisions do not cover more than one-tenth or one-twentieth of the river and

harbor bill. We may not have at the short session of Congress a river and harbor bill, but we are certain to have one at the next long session of Congress. We have these river and harbor bills only once in two years. When the next Congress after the present convenes, is it supposed that that Congress will not have, as this Congress, with our present depleted condition of the Treasury, projects and plans and improvements that will require appropriations at that time?

We have here now in this bill, it is stated, $12,000,000 or more that are to be currently expended with respect to contracts. We have in the sundry civil appropriation bill $3,500,000 additional, making fifteen and one-half million dollars that are to be expended in the next fiscal year from current appropriations and upon contracts already made, without reference to the future. The amendment of the Senator from Maryland, I understand, provides only that the contracts in the pending bill and the contracts heretofore made shall not have expended under them exceeding $10,000,000. Will not the Senators on this floor from every State in the Union, or every State that has rivers and harbors within it, ask two years from now that there shall be sums appropriated for their rivers and harbors, because there are not contract provisions in the pending bill applying to them? These contract provisions here are rare. They apply only to a few important places; and yet there are a great many places which will need improvement. So, under the next river and harbor bill there will be at least $12,000,000 and possibly $20,000,000 appropriated outside of these contracts. It is the only purpose of the amendment of the Senator from Maryland, as I understand it, to limit the expenditures under these contracts.

I will defer largely to the chairman of the Committee on Commerce and to the Senators upon that committee as to what should be the annual limitation, but to say that we shall authorize $60,000,000 in contracts and leave it to the Chief of Engineers to make contracts and say that the $60,000,000 shall be spent in two years is an abdication of the power of Congress that for one, whatever others may do, I never shall consent to. We place the whole power of the $64,000,000 in the hands of the Chief of Engineers and the Secretary of War to expend it in one or two years, except where we have already put in the bill a limitation that only 25 per cent shall be spent in a single year.

So I think a limitation in addition to the limitations already provided in the bill should be added. I would not have made the suggestion had not the bill been amended in the Senate. There is in section 5 of the bill a provision, as it came from the House, that only 25 per cent of the postponed contracts shall be expended in any one year. That provision by its own vigor sends these contract appropriations over a period of four years. But here that limitation has been stricken out and another limitation, which I agree is a limitation as well, has been inserted. It is that there shall be expended only $400,000 in a single year, unless it is otherwise specifically provided for. Is that a wise provision, making fish of one improvement and flesh of another?

Mr. FRYE. The Senator does not understand the amendment.

Mr. ALLISON. I am glad I do not. I thank the Senator for that information.

Mr. FRYE. Will the Senator allow me to interrupt him?

Mr. ALLISON. I will read it.

Mr. FRYE. No; will the Senator allow me?

Mr. ALLISON. I will.

Mr. FRYE. As the bill came from the House there was a provision that not more than 25 per cent should be expended in any one year, but it excepted all below $500,000. Now, there was a contract following shortly of $517,000.

Mr. ALLISON. The Senator must not say that he corrects me in any statement that I made, because I did not make the whole statement at the moment. I was only speaking of these larger appropriations. Of course I was not ignorant of the fact that there was a limitation of $500,000.

Mr. FRYE. Below $500,000, which can be expended in one year, and one of the next items was $517,000, with a 25 per cent limit to it, and therefore that could not be expended under four years. The large majority of contracts were below $800,000 and over all continued by the 25 per cent clause for four years—exceedingly unfair and unjust in every respect.

Now, what the Senate said was that no more than $400,000 should be expended on any one contract in any one year, and then it provided in certain very important contracts, like that at Superior and Duluth, that not over 25 per cent should be expended in any one year, not limiting them to the $400,000, and in another one, the Delaware harbor of refuge, which was a very important work under way, we put in a provision allowing them 25 per cent. We could get a million dollars of expenditure for Superior and Duluth, because they were very important and ought to be completed as soon as possible; and the Senator himself, in concert with the Senator from Illinois, has to-day put into the bill a provision that the Hennepin Canal, the propriety of which I always doubted, and I think I have always voted against the Hennepin Canal anyway——

Mr. ALLISON. I know.

Mr. FRYE. Should have 25 per cent of expenditure—that is, about $5,000,000, and $1,000,000 that they can spend in every year. I do not see how you could make it fairer than that.

Mr. ALLISON. The Senator has only reenforced my argument.

Mr. FRYE. The Senator did not need any reenforcement of his argument.

Mr. ALLISON. Here is the point. I will read the limitation in the bill:

> That under the authority to make contracts for materials and work, under the provisions of this act, in addition to the sums appropriated herein, the Secretary of War shall not obligate the Government to pay, in any one fiscal year, beginning July 1, 1897, more than $400,000 upon the said contracts for any one of the works herein placed under the contract system, except as herein otherwise specifically authorized to do.

The Senator from Maine has given two noted illustrations where the 25-per-cent clause was inserted, and through the kindness of the Senate the Senator from Illinois had the same inserted as respects the Hennepin Canal. Now, then, there are three important works that have no limitation except the one-quarter of the expenditure. There are other important works that have the limitation of $400,000. All these, I take it, are limitations intended to restrict and limit the annual expenditures, are they not?

Mr. FRYE. Certainly.

Mr. ALLISON. They are for that purpose. Therefore the amendment of the Senator from Maryland is in the line of the policy and of the project and plan of the bill.

Mr. FRYE. Only, if the Senator will allow me, the Committee on Commerce undertook to so arrange it that the most important should not be limited as to the $400,000.

Mr. ALLISON. Very well.

Mr. FRYE. And they undertook to discriminate in the interest of commerce.

Mr. ALLISON. Yes; upon certain improvements. We had a controversy about the Santa Monica improvement. It lasted two days. If that authority shall be given finally under the scheme and plan adopted they can expend only $400,000 annually under the bill as it stands.

Mr. BERRY. Will the Senator from Iowa permit me to ask a question in that connection?

Mr. ALLISON. Certainly.

Mr. BERRY. On the Lower Mississippi River the amount is specified that may be expended for the next year and for three years following.

Mr. ALLISON. Yes, sir.

Mr. BERRY. Now, what will be the effect of the amendment of the Senator from Maryland, if adopted, in regard to the contracts on the Lower Mississippi?

Mr. ALLISON. That is pertinent. It will, of course, depend upon what the Secretary of War or the Chief of Engineers may do in adjusting all these appropriations. The Senator will bear me witness that I said in the opening of my observations I was not certain that the limit of $10,000,000 proposed by the Senator from Maryland is the right limit, although I thought it was sufficient. I would defer very much to the Senator from Maine and the other Senators upon the Committee on Commerce as to what that limitation should be.

Mr. BERRY. That being the specific amount named in the law as it now stands which may be expended by the Mississippi River Commission.

Mr. ALLISON. Yes, or it may not be. That is all within the discretion of the Chief of Engineers, and in the case of the Lower Mississippi it is in the discretion of the Mississippi River Commission, which is far away from us as respects these expenditures and far away from our examination as respects the methods of the expenditures.

Mr. PASCO. Will the Senator from Iowa allow me to ask him a question?

Mr. ALLISON. Certainly.

Mr. PASCO. I should like to ask the Senator if the amendment is adopted whether it would not be just as fair that all the special limitations should be eliminated from the bill?

Mr. ALLISON. No; I think not.

Mr. PASCO. Otherwise the items which are to receive the special amounts will for the first two years, at all events, absorb all the money appropriated for these purposes.

Mr. ALLISON. I do not think so, though I have not myself examined it with care as respects that point. It only shows that the amount is to be increased to $11,000,000, if you please.

Mr. SQUIRE. Does not the Senator from Iowa think it would be right that the reduction should be pro rata all around and not exceptional in favor of some improvements and against others?

Mr. ALLISON. How is the bill now, I ask the Senator? That is exactly its situation now. The reason why I support the amendment of the Senator from Maryland is because I think it is in accord with the spirit of the bill that we shall equalize and arrange it so as to limit the expenditure in any one year.

Mr. GEORGE. Mr. President, it may be true as stated by the

Senator from Iowa, that the amendment ought to be adopted in some shape or other, but I doubt very much whether it ought to be adopted in the shape in which it is now before the Senate. I understand that when the contracts in the bill are authorized, there is specific authorization as to each place limiting the amount. In the bill itself, these amounts are fixed by the Commerce Committee. The effect of the amendment, I understand, is simply to do away with all the limitations and leave to the discretion of the Secretary of War how much shall be given to one place and how much to another. The amendment does not require the Secretary of War to make a pro rata reduction from each one of the contracts, but in carrying out the amendment the Secretary of War may take out of a specific appropriation made, a specific contract authorized, all the reduction that the amendment requires. I think that is giving him too much authority, and for that reason I shall not vote for it.

Mr. VEST. I move to lay the amendment of the Senator from Maryland on the table.

Mr. GORMAN. I ask for the yeas and nays on that motion, so that there may be a test vote on it.

Mr. VEST. If we do not lay the motion on the table we can go on with the amendment in the morning.

The VICE-PRESIDENT. The Senator from Maryland demands the yeas and nays on the motion of the Senator from Missouri to lay the amendment on the table.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. HARRIS (when his name was called). I have a pair with the senior Senator from Vermont [Mr. MORRILL], who is absent, but from the conversation I had with him this afternoon I feel warranted in voting upon the amendment. I vote "nay" upon this motion.

Mr. MCBRIDE (when his name was called). I have a general pair with the senior Senator from Florida [Mr. CALL]. I am informed by his colleague [Mr. PASCO] that the senior Senator from Florida would vote "yea," if present. Therefore I will vote. I vote "yea."

Mr. TELLER (when his name was called). I am paired with the junior senator from West Virginia [Mr. ELKINS]. If he were present, he would vote "yea" and I should vote "nay."

Mr. WALTHALL (when his name was called). I am paired with the senior Senator from Pennsylvania [Mr. CAMERON]. If he were present, I should vote "yea."

Mr. QUAY. I think if the senior Senator from Pennsylvania were here he would vote "yea."

Mr. WALTHALL. Upon that assurance I will vote. I vote "yea."

The roll call was concluded.

Mr. BURROWS. My colleague [Mr. MCMILLAN] is paired with the Senator from Kentucky [Mr. BLACKBURN]. If my colleague were present, he would vote "yea."

Mr. GALLINGER (after having voted in the affirmative). I have a standing pair with the senior Senator from Texas [Mr. MILLS], who has not voted. I will transfer my pair to the senior Senator from Ohio [Mr. SHERMAN], and allow my vote to stand.

The result was announced—yeas 26, nays 31, as follows:

YEAS—26.

Aldrich,	Frye,	Pasco,	Squire,
Berry,	Gallinger,	Perkins,	Vest.
Blackburn,	George,	Platt,	Walthall,
Burrows,	Lodge,	Pugh,	Warren,
Caffery,	McBride,	Quay,	White.
Cullom,	Mitchell, Oreg.	Sewell,	
Dubois,	Nelson,	Shoup,	

NAYS—31.

Allen,	Carter,	Harris,	Peffer,
Allison,	Chandler,	Hawley,	Pettigrew,
Bacon,	Chilton,	Hill,	Roach,
Bate,	Cockrell,	Kyle,	Smith,
Brice,	Faulkner,	Lindsay,	Vilas,
Brown,	Gear,	Mantle,	Wetmore,
Butler,	Gorman,	Martin,	Wolcott.
Cannon,	Gray,	Mitchell, Wis.	

NOT VOTING—32.

Baker,	Gibson,	McMillan,	Sherman,
Blanchard,	Gordon,	Mills,	Stewart,
Call,	Hale,	Morgan,	Teller,
Cameron,	Hansbrough,	Morrill,	Thurston,
Clark,	Hoar,	Murphy,	Tillman,
Daniel,	Irby,	Palmer,	Turpie,
Davis,	Jones, Ark.	Pritchard,	Voorhees,
Elkins,	Jones, Nev.	Proctor,	Wilson.

So the Senate refused to lay Mr. GORMAN'S amendment on the table.

Mr. ALDRICH. Mr. President, as I understand the amendment of the Senator from Maryland, it nullifies the provisions of the bill in regard to most of the appropriations made for harbors under contract, and the bill had better not pass at all than pass in that way. I understand that there are a large number of provisions in the bill for contracts in various important works. These provisions contain limitations of various kinds, some that there shall not be over $400,000 expended in any one year, and others that not over 25 per cent of the appropriation shall be spent in any one year. Those provisions in the aggregate will undoubtedly amount to more than $10,000,000, of which certain provisions will get the whole amount the bill calls for, and all the other provisions in regard to contracts will get no appropriation, and will not be entitled to have any contracts whatever made.

Mr. ALLISON. Will the Senator from Rhode Island allow me?

Mr. ALDRICH. Certainly.

Mr. ALLISON. The last provision is a limit upon the whole bill. The other provision is a limit upon the specific appropriations "not exceeding"; they are not bound to expend one-quarter annually.

Mr. ALDRICH. But the other provisions stand until they reach $10,000,000, and then no other appropriations are to be made and no other contracts are to be made.

Mr. GORMAN. Oh, no. It does not read so.

Mr. ALDRICH. It certainly reads so, and there can be no other construction of the amendment. If the amendment has any force at all, if it is not put in here—I do not say the Senator from Maryland put it in for any such purpose—simply to preach economy and has no binding force whatever upon future Congresses as to whether the appropriation shall be $10,000,000, or $20,000,000, or $30,000,000, or $40,000,000, as that Congress may determine; but if it is actually binding upon anybody it practically prevents any appropriations or any contracts for a large portion of the works which are put under contract by provisions of the bill. The theory upon which they are being put under contract is that they are the most important works upon rivers and harbors in the whole country. Now, if it is the purpose of the Senate to defeat the most important parts of the bill, we had better do it on a direct vote, with a full understanding of what we are doing.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Maryland [Mr. GORMAN].

Mr. FRYE. This amendment is likely to lead to more discussion. I recognize the fact that it has been a very hot day and that Senators are weary. I should like to ask unanimous consent that further debate on the pending bill and any of its amendments shall be limited to the five-minutes rule——

Mr. PLATT and others. That is right.

Mr. FRYE. That its consideration shall be commenced immediately after the reading of the Journal to-morrow, and that at 3 o'clock a vote shall be taken upon all the amendments and upon the bill.

The VICE-PRESIDENT. Is there objection?

Mr. CAFFERY. I wish to know of the Senator from Maine whether he includes the amendment offered by the Senator from Maryland [Mr. GORMAN]?

Mr. FRYE. All amendments.

Mr. CAFFERY. I think the pending amendment will require a greater latitude of discussion than can be secured under the five-minutes rule.

Mr. FRYE. Each Senator is entitled to speak for five minutes. The five minutes' debate is the best and most intelligent debate that ever was provided for.

Mr. VEST. That is true.

Mr. FRYE. Interminable speeches in the United States Senate befog infinitely more than they instruct. Any Senator can say everything he wants to say about the amendment in five minutes.

Mr. WOLCOTT. I hope the Senator from Maine will except from that statement the delightful speech he made a few hours ago.

Mr. FRYE. I have finished that speech.

The VICE-PRESIDENT. The Chair submits to the Senate the request of the Senator from Maine [Mr. FRYE]. Is there objection? The Chair hears none.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, returned to the Senate, in compliance with its request, the bill (H. R. 7324) to authorize and empower the State of South Dakota to select the Fort Sully Military Reservation in said State as a part of the lands granted to the State under the provisions of an act to provide for the admission of South Dakota into the Union, approved February 22, 1889, and for indemnity school lands, and for other purposes.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. 3448) authorizing the county of Navajo, Territory of Arizona, to issue bonds for the construction of a court-house and jail at the county seat thereof.

The message further announced that the House had passed the joint resolution (S. R. 15) authorizing the Secretary of the Navy to donate to the Mountain View Cemetery Association, at Oakland, Cal., certain cannon, etc., with an amendment, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution:

A bill (S. 981) relating to the testimony of physicians in the courts of the District of Columbia;

A bill (S. 2780) for the relief of Sophronia S. Stowell;

A bill (S. 2870) to permit Rene C. Baughman to lay pipes in a certain street in the city of Washington;

A bill (S. 2843) to authorize the construction of a bridge across the Missouri River at or near Boonville, Mo.;

A bill (H. R. 175) authorizing the Secretary of War to make certain uses of national military parks;

A bill (H. R. 1020) granting an increase of pension to Gilman Williams;

A bill (H. R. 1980) to provide a life-saving station at or near Point Bonita, at the Golden Gate, in the State of California;

A bill (H. R. 3046) for the relief of Frederick Van Gilder;

A bill (H. R. 3462) to regulate the business of storage in the District of Columbia;

A bill (H. R. 3606) granting a pension to French W. Thornhill;

A bill (H. R. 5481) to restore the lands embraced in the Fort Lewis Military Reservation, in the State of Colorado, to the public domain;

A bill (H. R. 6104) for the relief of Anton Gloetzner;

A bill (H. R. 6431) to pay Peter P. Ferguson $1,765;

A bill (H. R. 7865) to allow the return free of duty of certain articles exported from the United States for exhibition purposes; and

A joint resolution (S. R. 167) authorizing foreign exhibitors at the Tennessee Centennial Exposition, to be held in Nashville, Tenn., in 1897, to bring to this country foreign laborers from their respective countries for the purpose of preparing for and making their exhibits, and allowing articles imported from foreign countries for the sole purpose of exhibition at said exposition to be imported free of duty, under regulations prescribed by the Secretary of the Treasury.

Mr. GORMAN. I move that the Senate adjourn.

The motion was agreed to; and (at 6 o'clock and 21 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, May 13, 1896, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

TUESDAY, *May 12, 1896.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of yesterday's proceedings was read and approved.

THE RECORD.

Mr. PENDLETON. Mr. Speaker, I desire to correct the RECORD.

Mr. PERKINS. I desire to call up a matter.

Mr. PENDLETON. I desire to correct the RECORD.

The SPEAKER. The gentleman from Iowa has a question he calls up.

Mr. PERKINS. Mr. Speaker, I desire to call the attention of the House to what I regard as a violation of the privileges of printing in the RECORD, as found on pages 5472, 5473, 5474, and 5475 of the RECORD. The House will remember that on Friday last we were engaged in the absorbingly interesting question of providing clerks for members.

Mr. MORSE. Mr. Speaker, let us have order. It is impossible to hear.

The SPEAKER. The House will be in order.

Mr. PERKINS. Mr. Speaker, the gentleman from Illinois [Mr. ALDRICH], chairman of the Committee on Accounts, yielded five minutes to the gentleman from Alabama [Mr. WHEELER]. On that occasion my friend from Alabama trembled for his country to such an extent that his vibrations extended over those pages of the RECORD that I have named.

Now, Mr. Speaker, it is not a pleasant task for me to call the attention of the House to a violation of the privileges of printing in the RECORD upon the part of any member; but it is a matter, as it seems to me, incumbent upon me, and one in justice to the members of the House generally and to the proprieties involved in the proceedings as they appear in the RECORD. I think in this instance it is so manifestly improper that I hardly need to say anything more. I am quite willing to yield now to the gentleman from Alabama for the length of time I have occupied—and granting in that no leave to print [laughter]—for such an explanation as he may choose to make.

Mr. WHEELER. Mr. Speaker, the offense which the gentleman alludes to is the printing of some tables in the RECORD illustrative of other remarks I made; but, while I have not the notes before me, my recollection is that I distinctly stated, with the permission of the House, that I would print them. Now, it is known that never in the history of Congress has a table been read before the House. They are simply put in the RECORD by all members without objection, simply upon the suggestion that they will do so. Since I have been a member of this House I have never given myself the pain which the gentleman from Iowa says he has given himself to-day. I have never alluded to any members personally, except where I could do it in a complimentary and pleasant manner and in such a manner as would commend them to the country and their constituents.

Now, with regard to the revision of the RECORD. There is no rule in the rules adopted at the opening of this session of Congress alluding to this subject in any way whatever; and from the beginning of this Government it has been the custom for members of Congress to take their remarks as handed them by the stenographers and give them such revision as they thought proper and best. Even the greatest man that ever was in the Senate of the United States, Daniel Webster, in the case of the greatest speech he ever made, that rang throughout the whole world—that speech appeared in the RECORD thirty days after it was delivered; and the persons who took down his speech, as nearly correct as possible, as I have seen lately published—this speech when printed was not recognizable as the speech delivered in the Senate.

Now, the purpose of members of Congress should be, and it is my purpose, to do my duty to my constituents and to my country; and in speeches which are to go into the RECORD, if I find, after reading the stenographer's notes, I can recast sentences or make such changes as to express myself better, it is a privilege that has always been accorded without objection to members of Congress.

Mr. PERKINS. Mr. Speaker——

Mr. WHEELER. Allow me to get through; one moment more.

Mr. PERKINS. I yield one or two moments more.

Mr. WHEELER. Thank you.

Now, on more than one occasion, when I have made speeches which have contained matter which met the approval of at least my own party—on more than one occasion some gentleman on the other side has risen to make objection to the way it appeared in the RECORD.

Now, the other day an objection was made. When I went to the Printing Office I found that the gentleman who had made this objection had made changes in his remarks far exceeding those I had made in mine; but I did not come before the House like a tattling schoolboy to rise up here and criticise my fellow-members. But even in the last Congress, so correct a member as our distinguished Speaker, while making a speech on that side of the aisle near where the gentleman from Iowa [Mr. PERKINS] now stands, a speech which was read all over the country, as the gentleman will recall, being on the silver question, taking from his pocket a memorandum, read a list of gentlemen on this side who then were voting with the gold-standard men and who had up to a short time before cast their votes for free and unlimited coinage of silver; and the gentleman from Maine [Mr. REED], with that wonderful emphasis and that wonderful command of language and manner which he possesses, used, as I recollect, these words. He quoted my friend from Georgia [Mr. TURNER], and Mr. Bynum of Indiana, winding up with the distinguished gentleman from West Virginia, Mr. Wilson. He was referring to the vote of 1890. I then rose in this place and said: "Yes; and every Democrat who voted the other way—who voted against free coinage on that occasion—has been defeated and retired from public life by the people."

Mr. PERKINS. Mr. Speaker——

Mr. WHEELER. I am coming to my point. [Applause and laughter.] That evening I saw my remark, just as I had made it, written out in typewriting in the speech of the distinguished gentleman from Maine, the present Speaker, but next morning, when that great speech came out, instead of seeing my well-timed remark in its place it was not there; there was a perfect blank. [Laughter.] Therefore, if I can have the example of the distinguished Speaker of this House for changing other people's remarks, certainly I can enjoy the poor privilege of making some slight changes in my own. [Laughter.]

Mr. PERKINS. Now, will the gentleman——

Mr. WHEELER. Oh, I am not through yet. [Laughter and applause.]

A MEMBER. Ask leave to print. [Laughter.]

Mr. PERKINS. Mr. Speaker——

Mr. WHEELER. Mr. Speaker, I want to put myself right. The gentleman said he felt pain; now I want to relieve him of his pain by explaining my position.

Mr. PERKINS. I do not yield any further, Mr. Speaker. If the purpose——

Mr. WHEELER. Mr. Speaker, I believe I have the floor. Can the gentleman take me off the floor?

The SPEAKER. The gentleman from Iowa had the floor——

Mr. WHEELER. And he yielded to me.

The SPEAKER (continuing). And yielded the same time that

he had occupied to the gentleman from Alabama, which was about three minutes. The gentleman from Alabama has had ten minutes.

Mr. WHEELER. Well, I want about thirty. [Laughter.]

Mr. PERKINS. That is in the same line as the matter I am complaining of. If the position of the gentleman from Alabama is correct, any member on this floor, any morning that he may see fit, can fill the CONGRESSIONAL RECORD, or expand it to two or three times its usual size, with any matter that he may choose to put in. Now, certainly the manifest impropriety of that must be recognized by everybody. If the gentleman will refer to the Manual, page 355, he will find that he is not correct in the statement he makes that a member may print tables, etc., at his will, and without asking the consent of the House, provided he has simply alluded to them in his remarks. I read from the Manual:

Citations or other matter not actually delivered in the course of debate, but simply referred to, can not be printed in the RECORD without consent of the House.

Mr. WHEELER. I have that before me.

Mr. PERKINS. The reference is to Journal, first session, Fifty-third Congress, page 114. Now, Mr. Speaker, there can be no question as to the impropriety of the proceeding under consideration, and I am surprised that the gentleman from Alabama claims it as a right. I have been led to think that he does, because he has repeatedly violated the privileges of debate here in a similar manner. It has occurred to me that if the gentleman from Alabama or any other gentleman on this floor considers it a matter of right for him to put anything that he may choose into the RECORD, it would be well for us to determine that question now. The gentleman's position seems to me so manifestly improper, so absolutely absurd, that I propose to submit the question to the House, and I move you, Mr. Speaker, that the superfluous matter which I have indicated, other than the matter actually delivered on the floor of the House on last Friday by the gentleman from Alabama, be stricken from the permanent RECORD; and upon that motion I demand the previous question.

The SPEAKER. The gentleman from Iowa moves——

Mr. WHEELER. Mr. Speaker, I rise to a question of privilege.

The SPEAKER. The gentleman will permit the Chair to put the question before the House. The gentleman from Iowa moves that the portion of the RECORD which he indicates, on pages 5472, 5473, 5474, and 5475, in the remarks of the gentleman from Alabama, the interpolated matter which he did not deliver in the five minutes allotted to him, be stricken from the permanent RECORD. Will the gentleman from Iowa reduce his motion to writing, so that the House may know exactly what matter it includes.

Mr. PERKINS. I will do so. I offer the resolution that I send to the desk.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Mr. PERKINS moves to strike out of the permanent RECORD the matter inserted by Mr. WHEELER on Friday last, aside from the matter, according to the reporter's notes, delivered by him in his five minutes' time; said matter being on pages 5472, 5473, 5474, and 5475.

The SPEAKER. On this motion the gentleman from Iowa demands the previous question.

Mr. WHEELER. Mr. Speaker, I rise to a point of order. This is a new proposition. There has been no debate on this proposition at all, and I respectfully make the point of order that we are entitled to twenty minutes' debate upon it. It is entirely different from the other motion.

The SPEAKER. The Chair thinks there has been debate within the rule.

Mr. WHEELER. Not on this resolution. The gentleman from Iowa made some remarks and then submitted some verbal suggestion as to what he was going to do, but not in the form of a resolution; and there was debate on that. But now he has submitted a written resolution, upon which there has been no debate. I make the point of order that under the previous question twenty minutes' debate must be allowed on each side. I should like to hear the gentleman sustain his resolution.

Mr. DOCKERY. I suggest to the gentleman from Iowa [Mr. PERKINS] that perhaps the best way out of this difficulty would be to refer the whole question to the Committee on Rules.

Mr. PAYNE. I think the House can readily dispose of it.

Mr. RICHARDSON. In the last Congress (if I may be permitted to refer to the matter) a question similar to this was raised, and it was referred to the Committee on Rules that they might investigate and report. It occurs to me that the gentleman from Iowa has now accomplished his purpose in calling attention to this irregularity, if it be one, and that we might avoid further difficulty by referring the question to the Committee on Rules and letting them examine it.

Mr. PERKINS rose.

Mr. RICHARDSON. If the gentleman will pardon me a moment, I make the suggestion for this reason——

Mr. PERKINS. The gentleman from Alabama claims this as a right; and it seems to me the House ought to determine whether he has such a right or not.

Mr. WHEELER. Certainly not without debate.

Mr. PERKINS. Whichever way the House may determine the question I shall be satisfied.

The SPEAKER. The question before the House is whether under the rules debate on this proposition should now be allowed.

Mr. PERKINS. I ask the ruling of the Chair on that question.

Mr. RICHARDSON. I was about to make a suggestion which I think would relieve the House of embarrassment in this matter. It is almost impossible for a member in hastily drawing a resolution like this to cover just what matter should remain in the RECORD and what ought not to remain. Having myself had some experience in investigating questions of this kind, I simply suggest that it might be well to refer this question to the Committee on Rules, that they might determine what part of the matter published is competent and what part is incompetent and should go out. That is the object I had. Inasmuch as the gentleman from Iowa has called attention to this irregularity, if it be one, I think that the ends of justice would be subserved by the course I suggest.

Mr. PERKINS. As there seems some disposition to have some further debate on this matter, I will withdraw my demand for the previous question for ten minutes, and will now yield five minutes to the other side, retaining five minutes for myself, giving notice that at the expiration of ten minutes I shall move the previous question.

The SPEAKER. The gentleman from Iowa yields five minutes to the gentleman from Alabama [Mr. WHEELER].

Mr. WHEELER. Mr. Speaker, I do not suppose any member of the House fails to comprehend why this movement was made. One of the most distinguished Republicans said this morning that the trouble with these statements showing appropriations by Democratic Congresses and by Republican Congresses was that they put the Republican party in a bad light, and therefore they want to obliterate them. I want to say to the Republican party, and with the best feeling, that if they do not want to be put in a bad light they must not make a record which puts them in a bad light. They must not for a series of years make a character of appropriations which place them before the country in an unfavorable light, and then cry out at the beginning of an election campaign that they want to obscure and hide their own record. The case to which the gentleman referred was different from the case now before the House. That was a case where a member sought to incorporate in the RECORD extracts from newspapers, very voluminous extracts, which should properly have been read to the House. These are not extracts from newspapers; they are simply tables prepared with great care and great accuracy and great truth [laughter]; and though the publication of them to the country may be disastrous to the Republican party's prospects, they ought to stand it like men [laughter and applause], and try to make some excuse, or they ought better to remain here during this summer and legislate in behalf of the people, so as to palliate the wrongs they have heretofore committed. As a friend near me suggests, "while the lamp holds out to burn"—I will not say "the vilest sinner," but I will say the greatest transgressor "may return." [Laughter.]

Now, Mr. Speaker, another trouble in this case was that there was put before this House an adverse report upon a resolution which took $200,000 from the hard working laboring people and gave it to already overpaid Congressmen. A resolution reported adversely was brought before the House, and I, in my humble efforts, sought to prevail upon my fellow-members to consider and reflect and hesitate before they committed themselves to an act which they would regret all their days, and which the metropolitan press of the country is to-day denouncing as a salary grab—as unjustifiable and indefensible as the salary grab of 1873—which retired every advocate of it to private life. That, Mr. Speaker, was the ground of my offense. Not a member who has made a speech on this floor——

The SPEAKER. The time of the gentleman from Alabama has expired.

Mr. WHEELER. I ask unanimous consent that my time be extended.

Mr. PERKINS. Mr. Speaker, I do not suppose that this question relates to the value of the tables inserted by the gentleman from Alabama, or to the value of the comments which he made thereon. This is a question, and a question only, whether the gentleman from Alabama has the privilege to make such use of the CONGRESSIONAL RECORD as he, in the discharge of his public duties, may see fit to do.

I presume it is true, also, that both sides of the House are somewhat afraid of the gentleman from Alabama. [Laughter.] But that is not the question. The question and the sole question is as to whether the privileges of the House, with reference to printing matter in the RECORD, were trangressed by the gentleman in this case. That is all. It is a matter of no concern with me, and

I dare say it is a matter of no concern with any other member on this side of the House, what the value of these tables or the lack of value in them may be. But it is the question as to whether the House of Representatives controls matter appearing in the CONGRESSIONAL RECORD or whether the gentleman from Alabama does.

Now, he suggests that it is his privilege; that, notwithstanding his desire to economize in the expenditures of the Government, he claims it to be his privilege to enter into the Printing Office any night in the week, or at any time he may desire, and have printed over his name or under his name whatever he sees fit to present there for that purpose, and have it published in the RECORD; and that that is a privilege which remains with him as against the House of Representatives. Now, it is important that we should know whether that right exists or not, and therefore, in order that the question may be determined by the House, I have made the motion to expunge from the RECORD the matter referred to, excepting that part which the gentleman uttered on the floor of the House; and on that I move the previous question.

Mr. CRISP. Will the gentleman from Iowa yield to me for two or three minutes?

Mr. PERKINS. Certainly.

Mr. CRISP. I only wish to say to the House that if the previous question is ordered I shall move to commit this resolution to the Committee on Rules.

Mr. PERKINS. Will the gentleman allow me?

Mr. CRISP. Why, of course.

Mr. PERKINS. Does the gentleman think the privileges of the House were abused in this instance?

Mr. CRISP. I desire to say to the gentleman from Iowa that the very purpose of my suggestion was that this matter should be properly examined into, so that the House may know authoritatively after that investigation whether or not there had been a breach of privilege.

Now, Mr. Speaker, ever since you have been a member of this House, and ever since I have been here, whenever a proposition has been made to expunge from the RECORD remarks inserted therein by any gentleman, and it was claimed on the floor that they were improperly inserted, it has been, when the question was raised, always referred to a committee for investigation. The Committee on Rules is the committee that is charged with the making of the rules of the House; it is charged with the interpretation of the rules of the House; it is your committee, and therefore it seems to me that in this case, unless you wish to deal very summarily with my friend from Alabama, the wiser course, the judicious course, and the judicial course, that course which will commend itself to the approval of every gentleman who desires to protect himself and the House, and to do no injustice to a fellow-member, will be to refer the resolution to the Committee on Rules. They can report at any time; they can examine into all of the facts involved in the matter; they can inform the House as to their opinion on investigation, and the House can intelligently pass upon the question, protecting its own rights and privileges, and at the same time inflicting no indignity on the gentleman from Alabama, unless it be absolutely necessary to do so.

I thank the gentleman from Iowa.

Mr. PERKINS. I yield three minutes to the gentleman from New York [Mr. PAYNE].

Mr. PAYNE. Mr. Speaker, I would not trespass on the time of the House on this occasion except for the suggestion of the gentleman from Georgia.

It seems to me that this is a question that the House can determine, and one that it is prepared to determine now without the intervention of any committee.

This is not the first time or the second time, or even the third time, that the House has been detained because the gentleman from Alabama has seen fit to violate this rule of the House by inserting not only a page or two but often dozens of pages of matter never delivered in the House, and has inserted without the consent of the House these lengthy articles in the CONGRESSIONAL RECORD. Heretofore the gentleman has acknowledged his fault, and claimed that he did it through ignorance or something else.

Mr. WHEELER. I did not claim it was ignorance——

Mr. PAYNE. And the House has usually excused him and allowed the matter to stand in the RECORD. Now, it seems to me, it is high time that the House and each member of the House, including the gentleman from Alabama, should understand by the vote of the House whether this thing is proper or whether it is to be stopped. The House will understand——

Mr. RICHARDSON. Mr. Speaker, will the gentleman yield for an inquiry?

Mr. PAYNE. I have only three minutes. The House will understand that if at any time the gentleman from Alabama should propose by unanimous consent to insert matter in the RECORD he could obtain the consent of the House without reading the matter before the House. There is no time that the gentleman from Alabama, if he proposed to abandon the floor in favor of printing matter in the RECORD that he had written out, could not obtain the consent of the House [laughter], and it seems to me that under those circumstances the gentleman from Alabama should understand what is the rule of the House. He comes in here to-day and does not apologize—does not ask to be excused. He does not say that on account of his ignorance he violated a rule of the House, but he asserts as a matter of right that at any time he sees fit he may print 2 pages or 4 pages or 50 pages of extraneous matter in the RECORD, whether it is in accordance with his line of thought, whether it is in accordance with his argument, whether it is at all upon the line of the question on which he "trembled" for the condition of the country or not—that he has a right to insert that in the RECORD and, I suppose, send it out by his frank, after having compelled the Government at a large expense, as in this instance, to set up the matter—solid pages of figures—and print it in the RECORD. It seems to me that the House ought to vote on it now.

Mr. PERKINS. Mr. Speaker——

Mr. RICHARDSON. Mr. Speaker, I ask the gentleman to yield me one minute.

Mr. PERKINS. I will yield one minute to the gentleman from Tennessee, my colleague on the committee [Mr. RICHARDSON], and then I shall move the previous question on the motion.

The SPEAKER. The gentleman from Tennessee.

Mr. RICHARDSON. Mr. Speaker, this House will bear witness to the fact that I have endeavored, not only while the House was controlled by my own party, but while it has been controlled by gentlemen on the other side, to keep the RECORD as clear as it could be kept of matter that ought not to go into it. Now, I submit that this House is not prepared to vote on the motion of the gentleman from Iowa [Mr. PERKINS] to exclude the improper matter, conceding, if you please, that improper matter has been inserted by the gentleman from Alabama in the RECORD. What part are you going to strike out? The gentleman has not defined it. Are you going to strike out the words that the gentleman from Alabama uttered on that day? Do you know, does any gentleman know, what words he uttered? He spoke five minutes, as I am informed. You do not know, acting in an emergency or in this hasty manner, where to draw the line. You want to strike out a part of what he has inserted in the RECORD. I submit, Mr. Speaker, that it is proper and orderly to let this matter go to the Committee on Rules, and have that committee draw the line at the proper point. Then we can vote understandingly upon it.

I submit that we ought not now ruthlessly, because "the gentleman is an old violator," as my friend from New York [Mr. PAYNE] intimates, adjudge him guilty without a hearing, and strike out everything he said. That is a bad rule to apply.

[Here the hammer fell.]

Mr. PERKINS. Mr. Speaker, the gentleman from Tennessee [Mr. RICHARDSON] is stating a case that does not exist here. The motion provides that the remarks of the gentleman from Alabama, as taken down by the Official Reporters, shall remain in the RECORD, and that the remaining portion shall be stricken out. Now, Mr. Speaker, I move the previous question.

The previous question was ordered.

Mr. CRISP. I move to commit the resolution to the Committee on Rules.

The question was taken on the motion of Mr. CRISP; and the Speaker announced that the noes appeared to have it.

On a division, demanded by Mr. CRISP, there were—ayes 63, noes 122.

Mr. CRISP demanded the yeas and nays.

The question was taken; and there were—yeas 75, nays 148, answered "Present" 1, not voting 131; as follows:

YEAS—75.

Abbott,	Denny,	Livingston,	Spalding,
Adams,	Dinsmore,	Lockhart,	Spencer,
Allen, Miss.	Dockery,	Maguire,	Stallings,
Bailey,	Elliott, S. C.	McCormick,	Stokes,
Baker, Kans.	Erdman,	McCreary, Ky.	Strait,
Bankhead,	Fitzgerald,	McCulloch,	Strowd, N. C.
Bartlett, Ga.	Hall,	McDearmon,	Sulzer,
Bell, Colo.	Harrison,	McLaurin,	Swanson,
Bell, Tex.	Hart,	McMillin,	Talbert,
Berry,	Hendrick,	McRae,	Tate,
Buck,	Johnson, Cal.	Money,	Terry,
Clardy,	Jones,	Neill,	Turner, Ga.
Cooper, Fla.	Kleberg,	Otey,	Turner, Va.
Cox,	Kyle,	Patterson,	Tyler,
Crisp,	Latimer,	Pendleton,	Underwood,
Crowley,	Lawson,	Richardson,	Walker, Va.
Culberson,	Layton,	Sayers,	Walsh,
Danford,	Lester,	Shuford,	Woodard.
De Armond,	Little,	Skinner,	

NAYS—148.

Aldrich, Ala.	Avery,	Bennett,	Burrell,
Aldrich, Ill.	Babcock,	Bishop,	Burton, Mo.
Allen, Utah	Baker, Md.	Blue,	Burton, Ohio
Anderson,	Baker, N. H.	Brewster,	Calderhead,
Andrews,	Barham,	Bromwell,	Cannon,
Apsley,	Barney,	Brumm,	Chickering,
Arnold, Pa.	Belknap,	Bull,	Clark, Iowa

Codding,	Griswold,	Loisenring,	Reeves,
Coffin,	Grosvenor,	Leonard,	Royse,
Connolly,	Hadley,	Linton,	Russell, Conn.
Cook, Wis.	Hager,	Long,	Sauerhering,
Cooke, Ill.	Hainer, Nebr.	Loud,	Scranton,
Cooper, Wis.	Halterman,	Loudenslager,	Shafroth,
Corliss,	Harmer,	Low,	Shannon,
Cousins,	Hatch,	Mahon,	Sherman,
Crowther,	Heatwole,	Marsh,	Simpkins,
Crump,	Henderson,	McCleary, Minn.	Smith, Ill.
Curtis, Iowa	Henry, Conn.	McEwan,	Snover,
Curtis, Kans.	Hermann,	Mercer,	Southard,
Dalzell,	Hicks,	Miller, Kans.	Stahle,
Daniels,	Hill,	Miller, W. Va.	Stewart, Wis.
Dayton,	Hitt,	Milliken,	Stone, C. W.
De Witt,	Hopkins,	Milnes,	Strode, Nebr.
Dingley,	Howell,	Minor, Wis.	Sulloway,
Dolliver,	Hubbard,	Mondell,	Taft,
Doolittle,	Hull,	Moody,	Thomas,
Draper,	Hunter,	Morse,	Thorp,
Eddy,	Hurley,	Murphy,	Tracewell,
Ellis,	Johnson, N. Dak.	Otjen,	Treloar,
Fenton,	Joy,	Overstreet,	Van Voorhis,
Fischer,	Kerr,	Payne,	Wadsworth,
Foss,	Kiefer,	Perkins,	Warner,
Gamble,	Kirkpatrick,	Pitney,	Wellington,
Gardner,	Knox,	Poole,	Wilson, Idaho
Gibson,	Lacey,	Powers,	Wilson, Ohio
Gillet, N. Y.	Lefever,	Pugh,	Wood,
Griffin,	Leighty,	Quigg,	Wright.

ANSWERED "PRESENT"—1.

Wheeler.

NOT VOTING—131.

Acheson,	Foote,	Mahany,	Shaw,
Aitken,	Fowler,	McCall, Mass.	Smith, Mich.
Arnold, R. I.	Gillett, Mass.	McCall, Tenn.	Sorg,
Atwood,	Goodwyn,	McClellan,	Southwick,
Barrett,	Graff,	McClure,	Sparkman,
Bartholdt,	Grout,	McLachlan,	Sperry,
Bartlett, N. Y.	Grow,	Meiklejohn,	Steele,
Beach,	Hanly,	Meredith,	Stephenson,
Bingham,	Hardy,	Meyer,	Stewart, N. J.
Black, Ga.	Harris,	Miles,	Stone, W. A.
Black, N. Y.	Hartman,	Miner, N. Y.	Strong,
Boutelle,	Heiner, Pa.	Moses,	Tawney,
Bowers,	Hemenway,	Mozley,	Taylor,
Broderick,	Henry, Ind.	Newlands,	Towne,
Brosius,	Hepburn,	Noonan,	Tracey,
Brown,	Hilborn,	Northway,	Tucker,
Catchings,	Hooker,	Odell,	Updegraff,
Clark, Mo.	Howard,	Ogden,	Van Horn,
Clarke, Ala.	Howe,	Owens,	Walker, Mass.
Cobb,	Huff,	Parker,	Wanger,
Cockrell,	Hulick,	Pearson,	Washington,
Colson,	Huling,	Phillips,	Watson, Ind.
Cooper, Tex.	Hutcheson,	Pickler,	Watson, Ohio
Cowen,	Hyde,	Price,	White,
Cummings,	Jenkins,	Prince,	Wilber,
Curtis, N. Y.	Johnson, Ind.	Raney,	Williams,
Dovener,	Kem,	Ray,	Willis,
Downing,	Kendall,	Reyburn,	Wilson, N. Y.
Ellett, Va.	Kulp,	Robertson, La.	Wilson, S. C.
Evans,	Lewis,	Robinson, Pa.	Woodman,
Fairchild,	Linney,	Rusk,	Woomer,
Faris,	Lorimer,	Russell, Ga.	Yoakum.
Fletcher,	Maddox,	Settle,	

So the motion to commit was not agreed to.

The following pairs were announced:

Until further notice:

Mr. DRAPER with Mr. TUCKER.

Mr. DOVENER with Mr. CATCHINGS.

Mr. JOHNSON of Indiana with Mr. BLACK of Georgia.

Mr. WILSON of Idaho with Mr. COWEN.

Mr. HUFF with Mr. MINER of New York.

Mr. MOZLEY with Mr. MOSES.

Mr. FARIS with Mr. SORG.

Mr. MEIKLEJOHN with Mr. ROBERTSON of Louisiana.

Mr. SMITH of Michigan with Mr. LAWSON.

Mr. BARTHOLDT with Mr. MADDOX.

Mr. STEELE with Mr. WASHINGTON.

Mr. WILLIS with Mr. WILLIAMS.

Mr. MILLER of Kansas with Mr. OWENS.

For this day:

Mr. WILBER with Mr. WALSH.

Mr. LORIMER with Mr. SHAW.

Mr. GILLETT of Massachusetts with Mr. YOAKUM.

Mr. BROSIUS with Mr. CLARKE of Alabama.

Mr. KULP with Mr. HUTCHESON.

Mr. RANEY with Mr. SPARKMAN.

Mr. LOW with Mr. MCCLELLAN.

Mr. LINNEY with Mr. RUSK.

Mr. HARDY with Mr. MILES.

Mr. BOUTELLE with Mr. PRICE.

Mr. GOODWYN with Mr. ELLETT of Virginia.

Mr. HOWE. I would like to vote. I was not in the House.

The SPEAKER pro tempore (Mr. SPALDING). The Chair, under the rule, can not entertain the request.

The result of the vote was then announced as above recorded.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

On motion of Mr. PERKINS, a motion to reconsider the vote by which the resolution was agreed to was laid on the table.

PRACTICE OF MEDICINE AND SURGERY IN DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker, I desire to move that the vote by which the House concurred in the Senate amendments to House bill 5731 be reconsidered, and that the House agree to a conference.

The SPEAKER. The gentleman from Wisconsin moves that the vote whereby the House concurred in the Senate amendments to House bill 5731 be reconsidered.

Mr. DINGLEY. Let the title be read.

Mr. MCMILLIN. What is the bill?

Mr. BABCOCK. It is the medical bill, and this request comes from the Senate committee, as there was a misunderstanding of some of the amendments that were adopted.

The motion to reconsider was agreed to.

The SPEAKER. The question now is upon concurring in the Senate amendments. The gentleman moves to nonconcur and ask for a conference.

The motion was agreed to.

The following committee of conference was appointed: Mr. SHANNON, Mr. BABCOCK, and Mr. COBB.

RETURN OF BILL TO THE SENATE.

The SPEAKER. The Chair lays before the House a privileged resolution.

The Clerk read as follows:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (H. R. 7324) to authorize and empower the State of South Dakota to select the Fort Sully Military Reservation, in said State, as a part of the lands granted to the State under the provisions of an act to provide for the admission of South Dakotainto the Union, approved February 22, 1889, and for indemnity school lands, and for other purposes.

The SPEAKER. Without objection, the request will be granted.

There was no objection, and it was so ordered.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment bills and a joint resolution of the following titles:

A bill (H. R. 1185) granting a pension to Rachel Patton;

A bill (H. R. 3189) to increase the pension of John S. Cochenour;

A bill (H. R. 708) to increase the pension of Albert Ellis; and

Joint resolution (H. Res. 180) for the relief of Ex-Naval Cadet Henry T. Baker.

The message also announced that the Senate had passed a joint resolution and bills of the following titles, with amendments in which the concurrence of the House was requested:

Joint resolution (H. Res. 137) declaring a certain bridge across the Tallahatchie River, in Tallahatchie County, State of Mississippi, a lawful structure;

A bill (H. R. 3448) authorizing the county of Navajo, Territory of Arizona, to issue bonds for the construction of a court-house and jail at the county seat thereof;

A bill (H. R. 900) to provide for the payment of the claim of William H. Mahony; and

A bill (H. R. 1181) for the relief of Maria E. Wilson.

The message also announced that the Senate had passed bills and a joint resolution of the following titles; in which the concurrence of the House was requested:

A bill (S. 3050) to validate the appointments, acts, and services of certain deputy United States marshals in the Indian Territory, and for other purposes;

A bill (S. 1572) for the relief of W. L. Hall;

Joint resolution (S. Res. 142) to authorize the Commissioners of the District of Columbia to dispose of the Force school property on Massachusetts avenue, and to obtain, by purchase or condemnation, another site in the vicinity, and to erect on the new site a building for school purposes;

A bill (S. 3121) for the relief of Mrs. Emma D. Larsh and Charles M. Larsh;

A bill (S. 1827) to increase and limit the appropriation for a public building at Portland, Oreg., and to designate its uses;

A bill (S. 1898) granting a pension to Mrs. Marietta Hayes;

A bill (S. 2645) granting a pension to Mrs. William Vandever;

A bill (S. 2074) granting a pension to Sarah L. Hively;

A bill (S. 2763) granting a pension to Silas B. Hensley;

A bill (S. 2529) for the relief of Sarah E. Cotton;

A bill (S. 2711) granting a pension to Ira Harris; and

A bill (S. 1124) granting an increase of pension to Alfred B. Simpson.

The message also announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (H. R. 7324) "to authorize and empower the State of South Dakota to select the Fort Sully Military Reservation, in said State, as a part of the lands granted to the State under the provisions of an act to provide for the admission of South Dakota into the Union, approved February 22, 1889, and for indemnity school lands, and for other purposes.

SENATE BILLS AND JOINT RESOLUTIONS REFERRED.

Under clause 2 of Rule XXIV, the following Senate bills and resolutions were taken from the Speaker's table and referred by the Speaker as follows:

A bill (S. 2889) to aid and encourage the holding of the Tennessee Centennial Exposition at Nashville, Tenn., in the year 1897, and making an appropriation therefor—to the Committee on Ways and Means.

A bill (S. 2519) to amend section 4746, Revised Statutes of the United States—to the Committee on Invalid Pensions.

A bill (S. 2462) to provide for the making of allotments of pay by officers of the Navy and the Marine Corps—to the Committee on Naval Affairs.

A bill (S. 2407) to supplement the act of June 27, 1890, as to pensions—to the Committee on Invalid Pensions.

A bill (S. 2406) concerning the weight of evidence in pension claims—to the Committee on Invalid Pensions.

A bill (S. 2404) defining and regulating proof in certain pension cases—to the Committee on Invalid Pensions.

A bill (S. 2047) extending the time within which the University of Utah shall occupy lands heretofore granted to it—to the Committee on the Public Lands.

A bill (S. 1938) allowing Isaiah Mitchell, of Denver, Colo., seven years within which to make a final homestead entry upon certain land—to the Committee on the Public Lands.

A bill (S. 1923) granting to the city of Bismarck, N. Dak., the right to lease and use for public purposes Sibley Island, an island in the Missouri River—to the Committee on the Public Lands.

A bill (S. 1709) for the relief of J. Henry Rives—to the Committee on Claims.

A bill (S. 1609) for the erection of a statue to Commodore John D. Sloat in the city of Monterey, Cal.—to the Committee on the Library.

A bill (S. 1555) for the relief of the sufferers by the wreck of the United States revenue cutter *Gallatin* off the coast of Massachusetts—to the Committee on Claims.

A bill (S. 1188) to provide for the erection of a monument to Gen. Nathanael Greene on the battlefield of Guilford Court-House—to the Committee on the Library.

A bill (S. 837) making an appropriation for the benefit of the estate of William Moss, deceased—to the Committee on Claims.

A bill (S. 814) for the relief of John W. Gummo—to the Committee on War Claims.

A bill (S. 589) for the relief of C. B. Bryan & Co.—to the Committee on Claims.

A bill (S. 434) for the relief of William F. Wilson—to the Committee on Claims.

A bill (S. 338) for the relief of George F. Roberts, administrator of the estate of William B. Thayer, deceased, surviving partner of Thayer Bros., and others—to the Committee on Claims.

A bill (S. 260) to provide for the construction of a public building at Butte City, Mont.—to the Committee on Public Buildings and Grounds.

A bill (S. 80) for the relief of John F. W. Dette—to the Committee on Claims.

Joint resolution (S. R. 83) directing and authorizing the Secretary of War to ascertain the cost of securing for the United States the channel in Atchafalaya Bay, Louisiana—to the Committee on Rivers and Harbors.

A bill (S. 534) for the relief of L. A. Davis—to the Committee on Claims.

A bill (S. 927) for the relief of Chester B. Sweet, of California—to the Committee on Claims.

A bill (S. 482) for the relief of the estate of Thomas Sherwin, deceased—to the Committee on War Claims.

A bill (S. 652) for the relief of Nancy E. Day, administratrix of the estate of James L. Day, deceased—to the Committee on Claims.

A bill (S. 668) to remove the charge of desertion against Philip Pfueger, late of Company G, Twenty-fourth Wisconsin Infantry—to the Committee on Military Affairs.

A bill (S. 762) for the relief of Henry Lane—to the Committee on Military Affairs.

A bill (S. 1897) to establish a classification division in the United States Patent Office—to the Committee on Patents.

Joint resolution (S. R. 27) granting permission for the erection of a monument in Washington, D. C., for the ornamentation of the national capital and in honor of Samuel Hahnemann—to the Committee on the Library.

A bill (S. 14) for the relief of Pearson C. Montgomery, of Memphis, Tenn.—to the Committee on War Claims.

A bill (S. 615) for the relief of Andrew Martin—to the Committee on Military Affairs.

A bill (S. 21) to authorize the investigation by the Attorney-General of certain claims alleged to be due the late proprietors of the Knoxville Whig for advertising and authorizing the payment therefor by the Secretary of the Treasury of any amounts found by the Attorney-General to be legally or equitably due—to the Committee on Claims.

A bill (S. 34) for the relief of Clara A. Graves, Lewis Smith Lee, Florence P. Lee, Mary S. Sheldon, and Florence P. Lee, legal representative of Elizabeth Smith, deceased, heirs of Lewis Smith, deceased—to the Committee on War Claims.

A bill (S. 336) for the relief of the estate of William B. Todd, deceased—to the Committee on the District of Columbia.

A bill (S. 1083) for the relief of George H. Plant, of the District of Columbia—to the Committee on Claims.

A bill (S. 1035) authorizing the Sioux City and Omaha Railway Company to construct and operate a railway through the Omaha and Winnebago Reservation, in Thurston County, Nebr., and for other purposes—to the Committee on Indian Affairs.

A bill (S. 1974) for the relief of Mrs. Harriet D. Newson—to the Committee on Foreign Affairs.

Joint resolution (S. R. 7) authorizing the issue of duplicate medals where the originals have been lost or destroyed—to the Committee on Military Affairs.

A bill (S. 1898) granting a pension to Mrs. Marietta Hayes—to the Committee on Invalid Pensions.

A bill (S. 2529) for the relief of Sarah E. Cotton—to the Committee on Invalid Pensions.

A bill (S. 2645) granting a pension to Jane H. Vandever—to the Committee on Invalid Pensions.

A bill (S. 2763) granting a pension to Silas B. Hensley—to the Committee on Invalid Pensions.

A bill (S. 3050) to validate the appointments, acts, and services of certain deputy United States marshals in the Indian Territory, and for other purposes—to the Committee on the Judiciary.

A bill (S. 3121) for the relief of Mrs. Emma D. Larsh and Charles M. Larsh—to the Committee on Claims.

A bill (S. 1124) granting an increase of pension to Albert B. Simpson—to the Committee on Invalid Pensions.

A bill (S. 1572) for the relief W. L. Hall—to the Committee on Claims.

A bill (S. 1827) to increase and limit the appropriation for a public building at Portland, Oreg., and to designate its uses—to the Committee on Public Buildings and Grounds.

A bill (S. 1938) allowing Isaiah Mitchell, of Denver, Colo., seven years within which to make a final homestead entry upon certain land—to the Committee on Public Lands.

A bill (S. 2074) granting an increase of pension to Sarah L. Hively—to the Committee on Invalid Pensions.

Joint resolution (S. R. 142) to authorize the Commissioners of the District of Columbia to dispose of the Force school property on Massachusetts avenue and to obtain another site for that school—to the Committee on the District of Columbia.

CONTESTED-ELECTION CASE—RINAKER VS. DOWNING.

Mr. COOKE of Illinois. Mr. Speaker, in obedience to the direction of the Committee on Elections No. 1, I call up for present consideration the report of that committee in the contested-election case of John I. Rinaker *vs.* Finis E. Downing; and I will also say, Mr. Speaker, that by an understanding with the gentlemen who have signed the minority report in that case I believe we can this evening reach a vote, perhaps late in the afternoon. It is agreed between us, I believe, that we are to take not to exceed two and a half hours on either side. The gentleman from Massachusetts [Mr. MOODY] will control the time upon the part of the minority, and I will control the time upon the part of the majority of the committee. If the statement which I have made meets with the concurrence of the gentleman from Massachusetts, I will ask that the House order that the agreement which we have reached may be made the rule of the House.

Mr. DINGLEY. Perhaps the gentleman in charge of the matter will understand that if there be five hours' debate that will carry it to half past 6, when the vote shall be taken. Is it the intention to have the vote as late as half past 6?

Mr. COOKE of Illinois. We have agreed that we shall not take exceeding two and a half hours on each side, hoping that before the House adjourns we may be able to take a vote.

Mr. RICHARDSON. I do not think we ought to take a vote at half past 6. I should object to having a vote at that time, as members will not be here, and you can not do it.

Mr. DINGLEY. The gentleman can move the previous question when he desires.

The SPEAKER. The gentleman has it in his own control. He can move the previous question whenever he sees fit.

Mr. DINGLEY. If the vote is to be had, the previous question ought to be called at 5 o'clock.

Mr. COOKE of Illinois. I would like to hear from the gentleman from Massachusetts.

Mr. MOODY. The two branches of the committee have agreed between themselves that they will not take a longer time for debate than five hours. We all hope that we may conclude in a reasonable time and have the vote; and if the debate is prolonged,

I hope we may come to some other arrangement; but I dislike to enter into an agreement now that the vote shall be taken to-morrow, because if the debate should proceed we shall have to debate to empty benches, which I do not propose to do.

The SPEAKER. Objection is made. Is there objection to the proposal as to the time to be controlled by the gentleman from Illinois and the gentleman from Massachusetts? [After a pause.] The Chair hears no objection.

The Clerk will report the resolutions.

The resolutions were read, as follows:

Resolved, That Finis E. Downing was not elected a member of the House of Representatives of the Fifty-fourth Congress from the Sixteenth Congressional district of Illinois, and is not entitled to the seat.

Resolved, That John I. Rinaker was elected a Representative to the Fifty-fourth Congress from the Sixteenth Congressional district of Illinois, and that he is entitled to the seat.

Mr. MOODY. Mr. Speaker, I desire to give notice that at the proper time I shall move a substitute for those resolutions, moving to recommit this case to the Committee on Elections.

Mr. DINGLEY. With or without instructions?

Mr. MOODY. With instructions for a recount of a part of the vote.

Mr. EVANS. Mr. Speaker, the gentleman from Illinois [Mr. COOKE] has yielded to me in order that I may say that, pursuant to the instructions of the Committee on Ways and Means, as soon as this case is disposed of—not meaning, however, to interfere with the special business of to-morrow—I shall ask the House to consider what is called the free alcohol bill; that is, the bill to repeal section 61 of the Wilson bill. A great many gentlemen are interested in it, and I have therefore thought it proper to make this announcement.

Mr. MOODY. Mr. Speaker, it has been suggested to me that I ought to state more fully the motion that I intend to make.

Mr. COOKE of Illinois. What is the point of the gentleman from Illinois?

The SPEAKER. The gentleman from Massachusetts desires to present a substitute for the pending resolutions. The Clerk will read the substitute.

Mr. COOKE of Illinois. I would like to ask the gentleman whether he proposes to introduce a different substitute from the one which appears at the end of the minority report?

Mr. MOODY. I do not, unless some suggestion is made as to the form of the substitute.

The SPEAKER. The Clerk will report the substitute.

The Clerk proceeded to read the substitute.

Mr. RICHARDSON (during the reading). Mr. Speaker——

The Clerk continued and completed the reading of the proposed substitute, as follows:

Resolved, That the contested election case of John I. Rinaker *vs.* Finis E. Downing be recommitted to the Committee on Elections No. 1, with instructions either to recount such part of the vote for Representative in the Fifty-fourth Congress from the Sixteenth Congressional district of Illinois as they shall deem fairly in dispute, or to permit the parties to this contest, under such rules as the committee may prescribe, to recount such vote, and to take any action in the premises, by way of resolution or resolutions, to be reported to the House or otherwise, as they may deem necessary and proper.

Mr. COOKE of Illinois. I yield twenty minutes to the gentleman from Pennsylvania [Mr. LEONARD].

Mr. RICHARDSON. Mr. Speaker, I rise to a privileged matter. I move that the House adjourn in order that we may attend the unveiling of the Hancock statue.

The SPEAKER. The gentleman from Illinois can not be taken off the floor.

Mr. RICHARDSON. I can rise to make a privileged motion that the House adjourn.

Mr. DINGLEY. Not while some one else is on the floor.

The SPEAKER. The gentleman from Illinois [Mr. COOKE] had been accorded the floor and had begun.

Mr. RICHARDSON. But there had been no debate.

The SPEAKER. The gentleman from Illinois was occupying the floor.

Mr. RICHARDSON. I rose and addressed the Chair when the gentleman from Massachusetts commenced to make his motion.

The SPEAKER. Let the Chair understand that. The gentleman rose at what time?

Mr. RICHARDSON. When the Clerk commenced to read the substitute of the gentleman from Massachusetts I arose and addressed the Chair, but waited for him to complete the reading, and then made my motion.

Mr. COOKE of Illinois. Mr. Speaker, I yielded to the gentleman from Massachusetts for the purpose of introducing his substitute, but still retained the floor.

The SPEAKER. The Chair thinks the gentleman from Tennessee was too late.

Mr. COOKE of Illinois. I also yielded to the gentleman from Kentucky [Mr. EVANS], retaining the floor.

Mr. RICHARDSON. I think my motion is a privileged one and that I have a right to make it. I insist on my right, under the rules of the House, to make the motion that the House adjourn.

The SPEAKER. The Chair thinks not. The Chair thinks the gentleman from Illinois was on the floor all the time. The gentleman from Illinois will proceed.

Mr. COOKE of Illinois. Mr. Speaker, I yield twenty minutes to the gentleman from Pennsylvania [Mr. LEONARD], my colleague upon the committee.

Mr. LEONARD. Mr. Speaker, the consideration of this case, as compared with the other cases which have taken the attention of this House during the present session, is decidedly refreshing. Here there is no allegation of ballot-box stuffing, no allegation of raised returns, no allegation of false conduct on the part of sworn election officials. On the contrary, this contention rests entirely upon errors of election officers honestly, though in many instances mistakenly, performing the duties of their office. The Sixteenth Congressional district of the State of Illinois comprises the counties of Cass, Morgan, Scott, Pike, Greene, Macoupin, Calhoun, and Jersey. It is essentially a farming district. No large cities are within its borders, the largest town containing a voting population of only about 3,700. The official return for Congressman at the November election of 1894 gives the contestee, Mr. Downing, 17,816 votes, and the contestant, Mr. Rinaker, 17,776 votes, a plurality of 40. It will therefore be readily seen that the errors of election officers need not have been very numerous or very great to completely obliterate this narrow plurality and give the contestant a right to a seat in this body.

One of the charges contained in the notice of contest is that the election officers of the various election districts of the Congressional district erred in interpreting and rejecting ballots. The ballot in use in Illinois is a species of the Australian ballot system. It is an official ballot containing the different party tickets ranged in columns. At the head of these columns is the party appellation; over the party appellation is a circle in which the voter may mark a cross and thereby vote for all the candidates for all the offices mentioned in the columns below. There is also a provision in the Illinois ballot law which prohibits the voter from marking more names than there are offices to be filled. Upon this ballot voted in the November election, 1894, were four tickets, which contained complete lists of all the candidates for the different offices to be filled, the Democratic, the Republican, the Prohibition, and the People's Party. There were also two columns containing partial lists of candidates for the different offices to be filled, namely, the Independent Republican and the People's Silver Party.

Of these rejected ballots there were 30 which contained a cross in the Republican circle and also a cross in the Independent Republican circle. These ballots were interpreted by the various election boards as being in violation of the mandate of the statute which prohibits the marking of more names than there are offices to be filled, and were therefore rejected. However, since the record was made up in this case, since the briefs were submitted, a decision of the supreme court of Illinois has been handed down—a decision to which allusion has been made in both the majority and the minority reports, and to which reference will constantly be made in the argument of this case. I refer to the decision of Parker *vs.* Orr, wherein it is held that if a voter mark a cross in two or more circles at the head of two or more columns that ballot shall not be counted as to any candidate for an office where there are two or more candidates in those columns, but that where he makes a mark in the circles at the head of two or more columns and there is but one candidate for an office in those columns the ballot shall be counted as to that candidate.

Upon the Republican ticket was the name of John I. Rinaker as a candidate for member of Congress. Upon the Independent Republican ticket no name was mentioned for that office. In conformity to this decision, the ballots marked with a cross in the Republican circle and also with a cross in the Independent Republican circle should have been received and counted for the contestant in this case, and should therefore be credited to him in this contest at this time. That being done, the narrow plurality of 40 is thereby reduced to 10. The decision in the case of Parker *vs.* Orr throws light upon other questions which are important in this case in interpreting other irregularly marked ballots, 57 all told, which are classified in the majority report under the head of "irregularly marked ballots." The decision in Parker *vs.* Orr holds that the voter must declare his intention by making a cross. Great liberty is given him as to the form of the cross, but he must make some sort of a cross. The decision also holds that what was formerly in practice, the privilege of the voter to write his name upon his ballot, is now prohibited; that the writing of a name upon a ballot renders the ballot void, for the reason that it tends to destroy its secrecy.

Of these 57 ballots there were 3 which were received and counted and made a part of the official record. Evidence was taken as to those ballots. One was marked with a straight line instead of

a cross; 1 had the voter's name written upon it; another was marked after the name "Downing" and before the name "Rinaker," rendering it uncertain for whom the voter intended to cast his ballot. All agree and concede that these 3 votes should be deducted from the count, 2 from the contestant and 1 from the contestee. Of the remaining 54 ballots after careful inspection and thorough investigation the majority of the committee have decided that the election officers were right in 41 instances, that they rejected 41 ballots properly. As to the remaining 13 they agree that 7 should have been counted for the contestee and 6 for the contestant; leaving the contestee the gainer by 2 votes as the result of our investigation and conclusion as to irregularly marked ballots.

Another subject which gave the committee no little labor was that of illegal votes. The election law of the State of Illinois requires the voter to have lived within the State one year, within the county ninety days, and within the election district thirty days to entitle him to the right of suffrage. As often happens there were very many who presented themselves to their election board to vote, whose residence qualifications were questioned. I think there were 65 all told in this case about whose qualification to vote evidence was taken. After carefully considering the peculiar evidence as to each case, the majority of the committee have concluded that 55 of those alleged illegal voters were legal; that 10 were illegal and their votes should not have been received and counted—6 for the contestee and 4 for the contestant, leaving the contestant the gainer by 2, by virtue of our investigation and conclusion as to illegal votes. There was 1 vote offered which was not received. All concede that that voter was a legal voter and that his vote should have been received. It was a vote for the contestant and should be credited to him in this contest.

There was also a question about the return in Patterson township. The certificate showed that the contestee, Mr. Downing, had 100 votes, while the tally sheet showed that he had 114 votes. This was discovered accidentally by a deputy county clerk. His evidence was taken; also the evidence of the recollections of the election board, which was conflicting. The determination of this question depended upon weighing evidence; and the majority of the committee came to the conclusion that there was not such evidence as to justify a contradiction of the official return. They therefore leave the return from that township as returned.

But as to irregularly marked ballots, as to illegal votes, as to the counting of this vote which should have been received, as to accepting the returns from Patterson township, the minority of the committee accept the conclusions of the majority of the committee, leaving two conclusions of the majority of the committee to which the minority of the committee do not assent—the conclusion as to assisted voters and the conclusion as to the recount in Macoupin and Cass counties. I will read the section of the Illinois ballot law which bears upon the question of assisting voters:

> Any voter who may declare upon oath that he can not read the English language, or that by reason of any physical disability he is unable to mark his ballot, shall, upon request, be assisted in marking his ballot by two of the election officers of different political parties, to be selected from the judges and clerks of the precincts in which they are to act, to be designated by the judges of election of each precinct at the opening of the polls. Such officer shall mark the ballot as directed and shall thereafter give no information concerning the same.

There were, all told, some 44 illiterate voters and voters laboring under some physical disability who presented themselves to their election boards, stated their inability or disability, and requested assistance in marking their ballots; whereupon the election boards gave them this assistance without administering to them the oath as to the truth of their statements which is prescribed in the section I have read. The theory of the majority of the committee is that when these voters presented themselves to their election boards and made a truthful statement as to their inability or disability, and requested assistance, they did all that the act required them to do, and that the failure of the election officers to perform their duty in administering the oath should not render their ballots void and should not disfranchise them. The theory of the minority of the committee is that the administration of this oath is an absolute condition precedent to the right of the voter to vote, and the failure to administer this oath rendered their ballots void, and that the ballots should be rejected and deducted from the official counts—38 from the contestant and 6 from the contestee.

I will say here that the Elections Committee of the last Congress had this question before them in the case of Stewart *vs.* Childs, and they held that the provisions of this statute were mandatory; that the failure to administer this oath rendered the ballots void. It is a fact that the report of that committee was never acted upon by the House. We have information that that statute was hastily considered in the committee. The able jurist [Mr. DANIELS], the distinguished chairman of our committee, informs us that this is the fact—that the question was not carefully and thoroughly considered by the Elections Committee of the Fifty-third Congress.

Mr. MARSH. Was he a member of that committee?

Mr. LEONARD. He was a member of that committee. Under the circumstances, we think that not a controlling authority in this case. The chairman of our committee will tell you, as he told us, that he has given this question careful and thorough investigation, and he has become satisfied that the provisions of this statute are directory only, and that these votes received under the circumstances which I have mentioned should not be disturbed.

It is nowhere alleged that these illiterate and disabled voters were otherwise disqualified to vote. It is nowhere alleged that the statements which they made as to their inability or disability were in any respect untrue. It is nowhere alleged that they did not receive assistance from the proper election officers—presumably two from different parties, designated by the election board at the opening of the polls. That being the case, we can hardly see how it is in point of fact any violation of the secrecy of the ballot. The minority report makes these cases parallel to the case of the voter who writes his name upon a ballot.

The SPEAKER. The time of the gentleman has expired.

Mr. COOKE of Illinois. I yield to the gentleman further, if he desires.

Mr. LEONARD. I think perhaps I had better use no further time.

Mr. COOKE of Illinois. I yield to the gentleman, that he may conclude what he was saying.

Mr. LEONARD. I will occupy only a minute or two.

Where a person writes his name upon a ballot, that is notice to everybody under whose eyes that ballot ever comes that he voted that ticket. Where these voters were assisted by two election officers, their sworn duty is not to disclose how any person voted. The fact that the voter takes or neglects to take the prescribed oath makes no difference whatever as to their duties and makes no difference as to the information that may be given to the world.

Mr. HALL. Will the gentleman permit me a question right there?

Mr. LEONARD. Yes, sir.

Mr. HALL. The point which the gentleman is now discussing is the point, as I understand, on which the case may turn.

Mr. LEONARD. I understand that it is decisive.

Mr. HALL. It involves a sufficient number of votes to turn the entire case.

Mr. LEONARD. So I understand.

Mr. BARTLETT of Georgia. Will my colleague permit me to answer that question?

Mr. LEONARD. Yes, sir.

Mr. BARTLETT of Georgia. It is a fact in the case not disputed that the majority of the committee return the contestant as elected by 30 votes, and there are 32 votes which the contestee attacks. Now, if you deduct those votes it leaves the contestant without a majority.

Mr. LEONARD. It leaves the contestee 2 plurality.

Mr. HALL. Now, what I want is to address the mind of the House to that question, as to the statement of the law the gentleman is now making.

The law of my State in reference to elections, if the gentleman will permit me, is very plain. We have two separate sets of judges; first, a distributing set, and then the receiving judges. The distributing judges are required to put their initials on the top of the ballot. It is handed to the voter, who takes it to the booths, fixes his ticket, brings it back, and delivers it to the receiving judges. The law requires them also to put their initials on the ballot. But the law also requires the voter, on delivering his ballot to the receiving judges, to turn his back, or withdraw a certain number of feet away from the voting place. Our courts, in construing the law, say that the privilege of the voter is to see that the distributing judges' initials are on the ballot, and it is his privilege also to see that all of the conditions of the law are complied with until he parts with the ballot. But if the receiving judges fail to put their initials on the ballot it does not invalidate the ballot.

Now, I want to know if you are not taking the position that you do not require the voter to see that the condition precedent is complied with; something he could have done, something that under our law, according to the decision of the court, it is his duty to do?

Mr. LEONARD. That is the position I take. I believe it to be in conformity with the statute and decisions of the State of Illinois.

Mr. COOKE of Illinois. Mr. Speaker, I yield now to the gentleman from Illinois [Mr. CONNOLLY] for twenty minutes, or for such time as he may desire to occupy.

Mr. CONNOLLY. I think we ought to hear from those favoring the minority report before we proceed further on this side.

Mr. COOKE of Illinois. I will say, Mr. Speaker, that in conference with the gentleman from Massachusetts [Mr. MOODY] I suggested that he follow our colleague on the committee [Mr. LEONARD]. He expressed a decided objection to occupy the floor at that time, inasmuch as he expressed his intention to open the debate on that side of the question.

Mr. MOODY. If the gentleman will pardon me, I do not want

to be understood as still persisting in the intention of opening the debate on this side. I have no desire to speak at the present time.

The SPEAKER pro tempore (Mr. DOLLIVER). The gentleman from Illinois is recognized.

Mr. COOKE of Illinois. I would like to say to the gentleman from Massachusetts, as suggested by gentlemen around me, that it is no more than fair that after we have opened the case the gentlemen on the other side shall proceed to occupy some part of their time, so that we may know what their position is.

Mr. MOODY. I yield so much time as he may desire to the gentleman from Georgia [Mr. BARTLETT].

Mr. BARTLETT of Georgia. Mr. Speaker, I had not expected to address the House upon this case just at this time, but at the suggestion of my colleague [Mr. MOODY] I will proceed. As was stated by the gentleman from Pennsylvania [Mr. LEONARD], there are involved in the case no questions of fraud. While the notice of contest contained many allegations, yet there are no allegations or charges that in any wise attack or impugn the integrity or honesty of the election officials or their management of the election, so that the House can come to the consideration of the case with the absolute assurance and confidence there is not the suggestion or an intimation made in the pleadings or proofs submitted that anything fraudulent was done in the management of the election or in the casting or counting of the ballots.

The contestant in his notice of contest sets out that certain irregularities in the counting of the ballots by the election judges and officers occurred, but nothing that impugned either the integrity or the correctness of their conduct, except mistakes in the construction of the law as to how certain ballots marked should be counted, whether they ought to be counted for the contestant or contestee. He also alleges that certain illegal votes were cast, and alleges that certain unsworn and illiterate voters were permitted to vote, and that their ballots were marked for contestee by the officers without their having first taken the oath prescribed by law. This comprises succinctly the grounds of the contest; so that, I repeat, we come to the consideration of the case with absolute confidence in the integrity of the election officers. Whatever was done that might have changed the result was done in the utmost good faith, was done in counting ballots or not counting them at all, because of the failure of the elector to mark his ballot in accordance with the law prescribed by the Illinois statutes.

It is not strange, Mr. Speaker, that these election officers should be charged with making errors, because this law—this election law—is not simply a species of, or an imitation of, the Australian ballot, but is in fact the Australian ballot system recently adopted by the State, and had never been construed by the courts of Illinois prior to this election. The election officers proceeded to construe it and to count for the contestee or contestant, or to refuse to count at all, certain ballots that had been deposited in the boxes.

Now, this was done in accordance with instructions that were sent along with the election papers by the Secretary of State, and which were also posted up at the polling places so that the electors could see them. The supreme court of Illinois have, since this case was pending, made a decision in the case of Parker *vs.* Orr, and if we are permitted to resort to the ballots for the evidence this decision will relieve the House and the committee from any trouble in determining how these ballots thus marked and cast shall be counted or whether they shall be counted at all.

Upon investigation of the Illinois statute—which the gentleman from Massachusetts [Mr. MOODY] will discuss more in detail, for I do not desire to take up any more time than is absolutely necessary to state the case—I say upon investigation of the Illinois statute it will be found so declared and so adjudicated by the supreme court of the State of Illinois in the case of Parker *vs.* Orr, which will be discussed, and which I have here, that this is an Australian ballot system, and that the main purpose and intent of this ballot law of Illinois, as is the main intent and purpose of all these ballot laws, is to secure fair and honest elections, and above all things to preserve the sanctity and secrecy of the ballot. So that we come to determine the main question in this case, which is whether the House will accept an unofficial count, made by a person not an officer, not under oath when he made the count, in preference to the official count made by honest, sworn election officers, or in preference to the best evidence—namely, the ballots themselves—in the case.

I have here a sample of the ballot that was voted on that day. The gentleman from Massachusetts [Mr. MOODY] has one that was certified to in the evidence, and I have simply a copy of it. There are, as you see, 50 names upon the ballot. There are instructions as to how the ballot shall be marked. To vote for the entire Democratic, Republican, Prohibition, Independent Republican, or People's Silver Party ticket upon this ballot the voter would have to mark a cross in the circle at the head of the ticket. That is what he did if he desired to vote the whole ticket. If he desired to vote for certain candidates on that ticket and not the entire ticket, then he would mark in the squares opposite their names. The voter, in undertaking to carry out these instructions as to marking his ballot, would sometimes mark in the circle over the whole Democratic ticket and then mark one Democratic candidate, and then mark the Republican ticket, sometimes in both circles. I do not mean to say those are the particular cases; but in that way, the voter not following out the instructions, the ballots were not marked in accordance to law, as the judges of election then understood it. Those ballots were some of them rejected and some of them were counted for one party and some for another. You will see the size of this ballot.

Now, there was a contest in one of these counties over local officers, and a recount was had under the supervision of the judges of election in one of these counties, as provided by the Illinois statute. The ballots were taken out during that recount. Pending that recount a witness, whose testimony is proposed to be accepted here and acted on in the place of the ballots and the sworn return of the election officers, stood behind or at the side of one of the officers conducting the recount and cast his eye over the ballots as they were handed from one judge to another or from one counsel to another. He did not have the ballots in his hands, and did not examine them critically, but he now undertakes to detail in his evidence the manner in which those ballots were marked and how they should be counted. It is upon that evidence, upon this point of the case, that the majority of the committee undertake to say that the solemn action of the election officers, organized under the law of Illinois so that each side shall have a representation, shall be set aside. It is insisted that the action of these sworn election officers in determining that certain ballots should be disregarded for being improperly marked, and that those ballots should not be counted for Mr. Downing or for Mr. Rinaker as they had been; that that count shall be undone and that the House shall accept the evidence of an outside third party in preference to the return of the election officers. I stand here to assert, without the slightest fear of successful contradiction, that in the election cases that have been decided in this House or by courts or in England or anywhere, that the testimony of an unsworn third party—the unofficial count of a third person—has never been taken and accepted in preference to the sworn official returns of the election officers where it has not been charged that the return is fraudulent.

Mr. HENDERSON. Will my friend permit a question?

Mr. BARTLETT of Georgia. Certainly.

Mr. HENDERSON. That is a very important suggestion; but it is claimed, I understand, by the advocates of the contestant, that by reason of an injunction, sued out by the contestee, the primary evidence could not be obtained, and that they were compelled to take this secondary evidence.

Mr. BARTLETT of Georgia. I understand that. I am coming to that.

Mr. HENDERSON. You are going to discuss that?

Mr. BARTLETT of Georgia. Why, certainly, if I have the time and the ability, and I might as well do it now, since my friend has asked the question.

Mr. DALZELL. Will the gentleman allow me to ask a question just at this point?

Mr. BARTLETT of Georgia. Certainly.

Mr. DALZELL. I understand that there are 160 election districts in this Congressional district?

Mr. BARTLETT of Georgia. I think as many as that; yes.

Mr. DALZELL. And am I right in assuming that the recount that was accepted only extended over 25 of the 160 election districts?

Mr. BARTLETT of Georgia. Yes, I think so. Yes, 25; that is right.

Mr. DALZELL. And am I right in further assuming that those 25 districts fall 11 districts short of constituting the whole of one county?

Mr. BARTLETT of Georgia. Yes, 11 districts short of all the districts of one county.

Mr. CONNOLLY. Neither of those assumptions is correct.

Mr. BARTLETT of Georgia. Then the record is not correct.

Mr. CONNOLLY. The record is correct.

Mr. MOODY. The gentleman from Georgia is correct, too.

Mr. BARTLETT of Georgia. Yes; I happen to know I am right. I was on the subcommittee. I went over this evidence with my colleagues on the subcommittee. I know I am right, and I shall be glad if the gentleman from Illinois [Mr. CONNOLLY] can show where I am wrong, for I know I am correct in the statement I make, and his assertion is not sustained by the record.

Mr. COOKE of Illinois. Upon what point is the gentleman speaking?

Mr. BARTLETT of Georgia. This recount by Mr. Murphy was in 25 districts in Macoupin County.

Mr. COOKE of Illinois. That is true; and it is so stated in the brief.

Mr. BARTLETT of Georgia. Certainly; but it was denied by your colleague [Mr. CONNOLLY].

Mr. CONNOLLY. I beg your pardon. I deny that it was 25

in the whole district. It was 25 in one county out of the whole 165 districts. The question of the gentleman from Pennsylvania was whether the recount was had in more than 25 of the 165 districts.

Mr. BARTLETT of Georgia. And the gentleman said that was true.

Mr. CONNOLLY. I said that was not true. The others were in Cass County.

Mr. DALZELL. Pardon me a moment. I only ask for information. Was that had in more than 25 districts?

Mr. CONNOLLY. Twenty-five in Macoupin County and 37 in the district.

Mr. DALZELL. I want to know whether Mr. Murphy's testimony covers any more than 25?

Mr. CONNOLLY. Only 25, and they all relate to one county. That is all in the whole 165.

Mr. BRUMM. Why were there no more than 25 districts canvassed?

Mr. BARTLETT of Georgia. In that county?

Mr. BRUMM. Anywhere. I simply want to ask for information.

Mr. BARTLETT of Georgia. This was not done at the instance of the contestee. They never had any more. As to why they did not do it, I can not account for it.

Mr. BRUMM. Why did not the contestant have it done?

Mr. COOKE of Illinois. Will my colleague allow me to answer?

Mr. BARTLETT of Georgia. Certainly.

Mr. COOKE of Illinois. The answer is, an injunction was obtained on the part of the contestee prohibiting the counting of any of the ballots for this entire Congressional district, based upon an alleged construction of the statute of Illinois which places it in conflict with the statute of the United States, which statute expressly provides for the counting of all the ballots in every election district in it where there is a contest. That is the reason why.

Mr. BARTLETT of Georgia. Now, Mr. Speaker, I do not think my friend and colleague understands the question. This injunction was gotten out after this alleged recount.

Mr. COOKE of Illinois. This injunction was gotten out after there had been a local contest.

Mr. BARTLETT of Georgia. That is what I said.

Mr. COOKE of Illinois. Other officers had their local contests in this election.

Mr. BARTLETT of Georgia. Certainly.

Mr. COOKE of Illinois. In two counties. And there were judicial recounts made, and at these judicial recounts there were persons present who made a careful memoranda of exactly how the votes stood upon the Congressman, and that evidence was put in as secondary evidence after the best evidence had been suppressed by this illegal injunction.

Mr. DINSMORE. And this investigation, if my friend from Georgia will permit me, was all based on a report made by a man looking over the shoulders of the persons making the recount, making such as he could without an opportunity to make a careful examination of the ballots.

Mr. COOKE of Illinois. The testimony will show that it was made with the greatest care and sustained and corroborated by unimpeachable evidence.

Mr. BARTLETT of Georgia. Now, Mr. Speaker, I did not intend to consume as much time as I have. I want to get to the point suggested by the gentleman from Iowa and answer the suggestion of my colleague from Illinois. Now, the question asked by the gentleman from Pennsylvania [Mr. BRUMM] was why the recounts were not had in the other counties, and the gentleman from Illinois, my colleague, stated because there was an injunction. Now, I say as to that injunction that it was not obtained until after this recount was had in these two counties. The recount was had for these local offices, and there was no injunction before that. Very well.

Mr. POWERS. Will the gentleman yield for a moment?

Mr. BARTLETT of Georgia. Certainly; to the gentleman from Vermont.

Mr. POWERS. Do you contend that the officers of a State court can tie up these ballots so that the House of Representatives shall have no power to get at them?

Mr. BARTLETT of Georgia. I do not; and that is not done in this case, nor claimed to be so by the minority.

Mr. COOKE of Illinois. Does the gentleman from Georgia deny that the injunction in express terms prohibited the opening of these ballots until after the 3d day of March, 1895?

Mr. BARTLETT of Georgia. I do; and the order in the record will sustain me.

Mr. COOKE of Illinois. The gentleman will find by examining the order that it prohibits the opening of the ballots except in some court of competent jurisdiction, or before some person authorized to try the case, or until ordered by the House of Representatives after the 3d day of March, 1895.

Mr. BARTLETT of Georgia. I so understand.

Mr. COOKE of Illinois. Now, does the gentleman claim that there is any court having competent jurisdiction over this matter?

Mr. BARTLETT of Georgia. I think so.

Mr. COOKE of Illinois. What court?

Mr. BARTLETT of Georgia. Any court of the United States or court of the State of Illinois.

Mr. COOKE of Illinois. What court of Illinois and what court of the United States has jurisdidtion over a contested election case where the seat of a member of Congress is involved?

Mr. BARTLETT of Georgia. I do not undertake to say, Mr. Speaker.

Mr. MOODY. Will the gentleman from Georgia permit me to answer that question?

Mr. BARTLETT of Georgia. Yes, sir.

Mr. MOODY. By the express terms of the statute any judge of a court of the United States has jurisdiction over this subject-matter of ordering a recount. Also by the terms of the statute any judge of a court of record of the State has jurisdiction; but I assume that no State court will take jurisdiction in compliance with a statute of the United States, but that any United States court will assume jurisdiction in conformity to an express statute passed by Congress.

Mr. COOKE of Illinois. The very statute to which the gentleman refers——

Mr. BARTLETT of Georgia. The gentleman from Illinois will pardon me if I say to him that he will have plenty of time to make his argument hereafter. If it were not for the consumption of time which I ought not to undertake to consume I would be glad that he should be heard now, and if he does desire to be heard further at this time I will give him the floor; but if he does not, I hope I shall not be considered at all offensive if I decline to yield further.

Mr. COOKE of Illinois. Proceed.

Mr. BARTLETT of Georgia. Mr. Speaker, I do not contend that any State court or any other court could tie up the ballots in this case so that Congress could not get at them. The minority of the committee has based and bottomed its report upon the proposition that those ballots are to-day, by order of this court and its decree, just as they were, preserved as when they were cast and voted, for the special purpose of preserving them so that Congress might have them and count them.

Mr. WILLIS. Will the gentleman permit a question?

Mr. BARTLETT of Georgia. Yes, sir.

Mr. WILLIS. Does the State law make provision for the preservation intact of the ballots?

Mr. BARTLETT of Georgia. It does; and they are to-day preserved, and if this House desire to "dig deep" for the truth and to get at the justice of the case they can have those ballots before the Committee on Elections or before the officials of this House where they can be counted just as they were cast. Instead of doing a wrong this injunction preserved the ballots for the use of this House, and the judge who made this order was careful to prescribe in it that the ballots should be preserved for the purposes of this contested election case so that this Committee on Elections and the members of this House can to-day, on the evidence in this record which is not denied, have those ballots brought here and counted for the candidates for whom they were cast.

Mr. CANNON. May I ask the gentleman a question for information?

Mr. BARTLETT of Georgia. Yes, sir.

Mr. CANNON. Why was not the evidence taken as to what these ballots told within the ninety days as the law provides?

Mr. BARTLETT of Georgia. I can not tell you why.

Mr. CANNON. Was there any effort made to take that evidence?

Mr. BARTLETT of Georgia. I think not, by either side. There was no notice given or subpœnas issued.

Yes; there was a subpœna issued upon the clerk of the court, who returned that he had been enjoined from delivering the ballots except in the way provided by the order.

Mr. CANNON. Was that subpœna issued in pursuance of United States law?

Mr. BARTLETT of Georgia. It was. The gentleman knows that it was; he is simply asking these questions for effect. [Laughter.]

Mr. CANNON. I want to get at the fact. It was issued by an officer in pursuance of the law?

Mr. BARTLETT of Georgia. By a notary public.

Mr. CANNON. Why was it not answered?

Mr. BARTLETT of Georgia. It was answered.

Mr. CANNON. Were the ballots produced?

Mr. BARTLETT of Georgia. They were not.

Mr. CANNON. Why not?

Mr. BARTLETT of Georgia. Because the clerk answered that he had been enjoined.

Mr. CANNON. By whom?

Mr. BARTLETT of Georgia. By the judge of an Illinois court, the judge of an Illinois circuit court.

Mr. CANNON. Who sued out the injunction?

Mr. BARTLETT of Georgia. The gentleman knows that it was the contestee.

Mr. CANNON. The sitting member?

Mr. BARTLETT of Georgia. Yes, sir. The gentleman from Illinois was aware of this all the time; and he need not have had any fear that I was not going to state it, for I had expected to state it. He has not embarrassed me at all by getting information which was no information to him.

Mr. BAKER of New Hampshire. May I ask the gentleman a question?

Mr. BARTLETT of Georgia. Yes, sir.

Mr. BAKER of New Hampshire. Will the gentleman please state why the injunction was procured?

Mr. BARTLETT of Georgia. In order to preserve the ballots, because they were the evidence of the title of the contestee.

Mr. BAKER of New Hampshire. How would those ballots have been in any way endangered by bringing them before the notary in the presence of the contestant and the contestee and their respective attorneys?

Mr. BARTLETT of Georgia. I do not know, except in the manner alleged in the bill; and the judge who tried the case decided that they would be, and enjoined their being delivered to the notary public.

Mr. BAKER of New Hampshire. What judge?

Mr. BARTLETT of Georgia. A judge of a circuit court of Illinois having jurisdiction in equity. I apprehend everybody understands that to have taken the ballots before a notary public, an officer who has hardly any other power than to administer an oath, who can not preserve order—to have dragged those ballots before a notary public would have endangered them. At any rate that was the belief of the contestee. And, however much he may have erred in that respect, however much the judge may have erred in granting the injunction (which I do not concede except for the argument), this House can not afford to take the evidence of an outsider as to what those ballots contained in preference to the returns of the election officers when the ballots themselves are preserved by order of the court for the purpose of being counted.

Mr. HALL. I would like to ask the gentleman a question for information.

Mr. BARTLETT of Georgia. Mr. Speaker, how much time have I consumed?

The SPEAKER pro tempore (Mr. PAYNE). The gentleman has unlimited time.

Mr. BARTLETT of Georgia. But I do not want to occupy unlimited time. I want to get through as soon as I can. I yield to the gentleman from Missouri [Mr. HALL].

Mr. HALL. I wish to ask this question for information purely: Whether the contestee and the minority of the committee have ever volunteered or offered to produce those ballots or expressed any willingness to do so?

Mr. BARTLETT of Georgia. Certainly. It was desired to produce them and have them counted. The contestee asked to have them recounted. They are in the custody of the court—preserved by order of the court and by the court officials, for the special purpose of being recounted by this House.

Mr. HALL. I ask the gentleman whether that application for an injunction was not for the purpose of construing a statute which was somewhat ambiguous as to who was the proper custodian of the ballots?

Mr. BARTLETT of Georgia. It was filed, as alleged, to have the ballots preserved and opened only as provided by the Illinois statute.

Mr. LACEY. I would like to ask the gentleman a question in this connection.

Mr. BARTLETT of Georgia. Very well; I will answer the gentleman's question, and then I will not yield further.

Mr. LACEY. The inquiry has been made as to the ground on which the injunction was issued, and whether it was a good ground or not. Now, I ask whether that proceeding was not based on this language of the statute:

> Such ballots shall be opened only in open court, or in open session of such body, and in the presence of the officer having custody thereof.

The judge may perhaps have made a mistake in issuing the injunction; but did he not act on the theory that the ballots could not be opened except in the presence of the court?

Mr. BARTLETT of Georgia. That was the law of Illinois. That was the ground on which the injunction was sought, construing a statute of the State of Illinois which had not before been construed, as I understand.

Mr. LACEY. Was any motion made to dissolve the injunction?

Mr. BARTLETT of Georgia. No, sir.

Mr. HOPKINS. It was a Democratic clerk who was the defendant in that proceeding, I believe. The contestant was not a party to the suit, was he?

Mr. BARTLETT of Georgia. No, sir; but the same counsel represented both.

Mr. LACEY. Did the contestant ask to be recognized as a party in the proceeding in order to move to dissolve the injunction?

Mr. BARTLETT of Georgia. He did not. As I understand the law in Illinois and everywhere else, a person who is interested in a matter of this kind, whose title is involved, can come into court and be made a party and make such a motion and take such action in the matter as the law may justify.

Now, Mr. Speaker, I stand here to say that this House, acting in a judicial capacity, can not afford to put itself upon record as saying that it will punish a man for appealing to the courts of the country and punish him because the courts of the country have sustained him in the contention that he made. When you say that the contestee shall be subjected to such a rule—that the law as it has existed for years shall be changed and that a party shall be punished simply because he desired and attempted to preserve for the use of this House the evidence which this House ought to have—then indeed will you establish a precedent which no judicial body can ever safely follow.

Mr. Speaker, I have an authority upon this question of secondary evidence. I call the attention of the House to the decision pronounced by Lord Campbell in 2 Ellis & Blackburn's Report, page 944. The rule there laid down is that where a third party to the case is subpœnaed or notified by proper legal procedure to produce documents or papers and fails to produce them, if they are still in existence, and if he does not give a good ground for his refusal, then, under the law, as construed in that case by Lord Campbell, chief justice, secondary evidence of the contents of those papers is not admissible. Here is the decision by Lord Campbell:

> If a stranger so served (with a subpœna duces tecum) does not produce the documents and shows no lawful justification for refusing or omitting to do so, his omission does not entitle the party who served him with the subpœna to give secondary evidence of the contents of the documents.

In the same case, Erle, judge, also said:

> The appellants have, as a part of their case, to prove the contents of a written document. They must, therefore, produce that document or account for its nonproduction. They say they account for it, because they served with a subpœna duces tecum the person who had it, and he did not produce it. I am of the opinion that the law does not admit the disobedience of a person served with a subpœna duces tecum a sufficient excuse for giving the contents of a document when the person served is punishable for his disobedience.

The case is the case of the Queen against the town of Llanfaethly, seventy-fifth English Common Law Report, page 938.

Now, Mr. Speaker, we all understand, as lawyers, where a notice is served under the statutory provision, that the party in the contest or the suit, if he fails to produce the papers, if he can not account for them and does not comply with the order, the presumption is that there is something in the papers which would injure the party so refusing to produce them. And where you serve a subpœna duces tecum on a third party, such as the clerk of the court in this instance, requiring him to produce them, and he fails to do so and at the same time declares or discloses the fact to the court that the ballots or the papers are reserved for the use of the case, such a declaration or disclosure would not authorize the court to use secondary evidence.

Mr. COOKE of Illinois. Will my colleague allow me an interruption?

Mr. BARTLETT of Georgia. Of course I can not refuse to yield to my colleague on the committee.

Mr. COOKE of Illinois. Were not the ballots in each of the counties in this case asked for under a subpœna duces tecum by the contestant in this case?

Mr. BARTLETT of Georgia. I have so stated.

Mr. COOKE of Illinois. Was not the answer in every instance that the injunction prevented, or stood in the way?

Mr. BARTLETT of Georgia. I have so stated more than once.

Mr. COOKE of Illinois. Then, how does the gentleman undertake to say that secondary evidence was not proper evidence under the circumstances? Does the gentleman make that declaration?

Mr. BARTLETT of Georgia. I do.

Mr. COOKE of Illinois. Then, if I understand the gentleman, he holds that the injunction was a lawful and proper proceeding and produced no wrongful results?

Mr. BARTLETT of Georgia. I say it produced no wrongful result. Whether the judge who granted the injunction rendered an erroneous judgment with reference to it it is not for me to say. I do not undertake to criticise his action. Certain it is that it was not appealed from; and I take it for granted, where a judge in Illinois, wearing the judicial ermine in that State for many years, has rendered a decision which was not appealed from, but which was an honest decision, it is a question res adjudicata; certainly until it is set aside on a review of the case by some tribunal having authority to review it.

Mr. COOKE of Illinois. The bill, if my colleague will permit me, is in the record in full, and the order in full. Now will the gentleman give the House the benefit of his opinion as to whether the decree was lawfully entered or not?

Mr. BARTLETT of Georgia. I am of the opinion that the

decree was lawfully entered because the court entertained jurisdiction of it and decided upon it. I do not undertake to say finally, because I have not arrived at a conclusion, that the court, as a matter of law, had a right to enjoin the delivery of the ballots. That is a question that I do not undertake to enter upon now. Nor do I undertake to say that the law of the United States, which provides that the notary public could serve a subpœna duces tecum to produce a paper, would cover the ballots, that the ballots are "papers" in the language of the law, and that the provision of the statute is supreme, and that it was a provision of that statute which prevented it from being done.

I am not prepared to say that the statutes of the United States prevented the judge from doing what he did, because as a matter of fact Congress has not indicated its purpose on the subject by the enactment of a law other than as to how testimony in contested election cases is to be taken, and matters of that kind. And as lawyers we know that until Congress has enacted a law the law of the State with reference to elections must be followed. So I do not say that the judgment of the court is wrong, nor do I undertake to criticise it. On the contrary, the contestee, taking advice of counsel going into court, rested his action on the judgment of a judge in Illinois. This House decided in the case of Follet against Delano, 2 Bartlett, page 113, that no conduct of the contestee in election cases where a mistake was made was to act as an estoppel, because the electors of the district were interested and their interest was entitled to be considered. Here is the case:

But the contestant and the sitting member are by no means the only parties interested in this representation. The electors of the district, each and every one of them, have a vital interest in that question, and no one of them can be precluded by any laches not his own from insisting that the choice of the majority shall be regarded. No confession of the sitting member, however it might bind him personally, can place the contestant in his seat unless he is the choice of the majority, nor deprive that majority of its rightful representation. The committee are of the opinion that the House should require proof that the sitting member has not, and that the contestant has, a majority of the legal votes before unseating one and admitting the other, however the sitting member may have seen fit to conduct his own case in a contest.

If this is the correct rule (and it has been accepted as such by the best authorities and commended), then this House can not justly punish the people of this district, because the contestee sued out this injunction, by unseating him upon illegal evidence. The proposition to do so is simply monstrous.

Mr. Speaker, the House at this very session, in the case of Van Horn *vs.* Tarsney, decided that these ballots were the best evidence. Both branches of the Committee of Elections No. 2 decided that the evidence as to the contents of the ballots was inadmissible, and that the ballots themselves were the best evidence; and the House refused to send back and have the ballots investigated or inquired into, because the proof was that they had been tampered with, or that the election in which they were cast was one in which there had been great frauds perpetrated. That was the argument both in the reports of the majority and minority of the committee, both sides holding that the ballots were the best evidence, but the majority contending that they ought not to take the time and trouble to ascertain for whom they were cast, because they could put no faith in them, as they had been shown to be fraudulent. The minority of the committee took the view that the House could ascertain what they were and the truth about them. Now, that is the position of the minority in this case, precisely. We occupy that position, that the ballots are the very best evidence, just as the House decided in the case of Van Horn against Tarsney that they were.

Before the official return of the elected officer can be set aside by an unofficial count, surely the House will require that fraud shall at least be charged. I call attention to the following authorities on this subject:

The burden of proof is always upon the party attacking the returns. The presumption is that the officers, charged by law with the duty of ascertaining and declaring the result, have performed that duty faithfully.

The true rule, while it may not require the exclusion of all reasonable doubts, does require clear and satisfactory proof of fraud or mistake before the legal presumption in favor of the correctness of the acts of sworn officers will be nullified.

The presumption is always against the commission of a fraudulent or illegal act and in favor of the honesty and correctness of the official acts of a sworn officer.—*Paine on Elections*, section 762.

The law presumes that sworn officers of election perform their duties until contrary is shown. The presumption is a fair one in favor of the correctness of the record kept by officers of election. (Paine, section 763; Koontz *vs.* Coffroth, 2 Bart., 128; Cooper *vs.* Telfair, 4 Dall., 14; Webster *vs.* Gilmore, 91 Ill., 324; Bromberg *vs.* Haralson, Senate Cong. Com., 355; Barr's Case, L. & R., 254; Bank *vs.* St. Joseph, 46 Mich., 526; Turner's Case, C. S. & J., 21; Custis *vs.* Yocum, 1 Ells., 416.)

The return must stand until such facts are proven as to clearly show that it is not true. This rule is well settled by numerous authorities, including the following: McCrary, sections 536, 537; Blair *vs.* Barrett, 1 Bart., 308; Knox *vs.* Blair, 1 Bart., 521; Howard *vs.* Cooper, 1 Bart., 276; Washburn *vs.* Voorhees, 2 Bart., 54; State *vs.* Commissioners, 35 Kans., 640; Reed *vs.* Julian, 2 Bart., 822.

A return can not be set aside upon proof that a recount made by unauthorized persons some time after the official count has been made showed a different result from the official count. This was upon the ground that the count made by sworn officers immediately upon closing of the polls was better evidence of the true result than a count made by interested parties not sworn at a subsequent period, and after the result of the official count had been made known. Such evidence comes far short of establishing either fraud or mistake in the official count. (McCrary, section 538; Gooding *vs.* Wilson, 5 Cong. Cases, 79; Featherstone *vs.* Cate, Rowell Cong. Cases, 103; Mudd *vs.* Compton, Rowell Cong. Cases, 150; Bisbee *vs.* Hull, 1 Ells., 316; Bard, C. & H., 117; Frederick *vs.* Wilson, Mobley, 402; McDuffie *vs.* Turpin, Rowell, 264; English *vs.* Peelle, Mobley, 235.)

An application for a recount of the ballots cast at an election will not be granted unless some specific mistake or fraud be pointed out in the particular box to be examined. Such recount will not be ordered upon a general allegation of errors in the count of all and giving particulars as to none of the boxes. (McCrary, Elections, third edition, section 400; and cases cited.)

In the case of Letcher *vs.* Moore (Clark and Hall's Cases, page 715) the House refused to accept a recount of a portion of the election precincts to discredit the returns. In that case the votes of four out of five counties of the district was recanvassed; and the report says:

If a part of the vote is omitted this is not even prima facie evidence, because non constat that a canvass of the whole vote would produce the same result.

Mr. BRUMM. It seems to me that this case will turn probably on this question, and the sooner we get this information the better, though it may take a little time. I see by reading the minority report that you favor the adoption of the following resolution:

That the contested election case of John I. Rinaker *vs.* Finis E. Downing be recommitted to the Committee on Elections No. 1, with instructions either to recount such part of the vote for Representative in the Fifty-fourth Congress from the Sixteenth Congressional district of Illinois as they shall deem fairly in dispute, or to permit the parties to this contest, under such rules as the committee may prescribe, to recount such vote, and to take any action in the premises, by way of resolution or resolutions, to be reported to the House or otherwise, as they may deem necessary and proper.

Now, suppose this case is recommitted. How can you get at these ballots now, any more than you could have gotten them before?

Mr. BARTLETT of Georgia. Why, sir, because the order of the judge, on page 214 of the record in this case, declares that they are enjoined—

From removing or permitting said ballots to be removed from the place where they are now kept, until the same are ordered to be opened or recounted by a court of competent jurisdiction of the State of Illinois or of the United States, or by the House of Representatives in Congress of the United States after the 3d day of March, A. D. 1895.

Mr. BRUMM. Are you now reading from the decision of the court which granted the injunction?

Mr. BARTLETT of Georgia. Yes; I am reading the decree of the court.

Mr. BRUMM. That is a part of the decree of the court?

Mr. BARTLETT of Georgia. Yes; signed by Lyman Lacey, the judge of the circuit court, where the case was heard and decided; and this is certified to by John F. Clark, clerk. I hope the gentleman will understand how we can recount them. They are there. They are preserved. The witnesses swear they are there, sealed up, tied up, put in trunks. There they remain to this day.

Mr. RICHARDSON. To be counted here, if necessary.

Mr. BARTLETT of Georgia. And the clerks for those counties certify that they are there in the same condition in which they were when they were sealed up by order of the court, and we have these certificates here before the House.

Mr. TURNER of Georgia. If the gentleman will allow me, how were these ballots originally counted? Were both parties represented by election officers?

Mr. BARTLETT of Georgia. These parties?

Mr. TURNER of Georgia. I mean the political parties to which these gentleman belong.

Mr. BARTLETT of Georgia. Yes.

Mr. TURNER of Georgia. There were men on the board representing both parties?

Mr. BARTLETT of Georgia. Yes. The Illinois law required that.

Mr. TURNER of Georgia. How is it proposed to set aside their official count?

Mr. BARTLETT of Georgia. By the statement of a person who stood behind one of these officials and looked over his shoulder, and who undertakes to say how the ballots were marked and for whom he thinks they should be counted; and this was done by him only in 25 precincts out of 37 in Macoupin County, when there are 160 precincts in the district.

Mr. TURNER of Georgia. Was he an employee of the contestant? How came he there?

Mr. BARTLETT of Georgia. He did it in the interest of the contestant and was employed by him to do so.

Mr. TURNER of Georgia. He was not commissioned or directed by any court?

Mr. BARTLETT of Georgia. No; as a matter of course, not; and no pretense is made that he was or that he acted except at the request of the contestant. We should count the ballots for ourselves. It is not only our right but our duty to do so, that the truth may be ascertained and the right prevail. We have ample authority to do this. I call attention to the following language of Judge Cooley, to be found in Cooley's Constitutional Limitations, page 625:

But back of the prima facie case the court may go, and the determination of the State board may be corrected by those of district boards, and the latter by the ballots themselves, when the ballots are still in existence and have been kept as required by law.

Mr. HENDERSON. Right here, if I may be allowed to interrupt my friend, I will call his attention to the fact that he read an English case which I do not think he has applied. As I understand the doctrine, which is a sound one, if the contestant had been asked to produce the ballots, under a subpœna to bring and produce them, and if they were in his possession, the authority would apply if they were not produced. But the contestant sued out this subpœna and the clerk, who was not a party in interest, had the possession of the ballots. The answer was put into the clerk's mouth by the contestee, through his writ of injunction. The clerk, standing in the shoes of the contestee, refused to produce the ballots. Therefore it seems to me that the English authority would operate against the contestee. If I misinterpret the gentleman's application, I should be glad to have him make it clear.

Mr. BARTLETT of Georgia. I think you do. It does apply. The gentleman has not applied it in the way that I think it ought to be applied.

Mr. HENDERSON. I want to hear your application of it to this case, because I think this is an important part of the case, so far as I have listened to the discussion.

Mr. BARTLETT of Georgia. We have a statutory provision, notice to produce—a number of the States have—and they have it in England by statute. Notice to produce papers in the possession of a party serves as a subpœna duces tecum upon a third party; so that if a party to a suit is served with notice to produce, and it is shown that the papers are in his possession, that he has them and he fails to account for them, then the law, as a penalty upon him, does one of two things. It either permits the plaintiff (if he is the plaintiff and the person notified is the defendant) to proceed against him without hearing him, or permits the jury to conclude that he does not produce the papers because they are hurtful to his case. But if a third party fails to produce under a subpœna duces tecum, no such inference can be drawn as against the party against whom the evidence is sought by means of the subpœna.

Mr. HENDERSON. Yes; but in this case the contestee had brought about the condition of things which prevented the clerk from responding to the subpœna, and all the time was insisting upon the enforcement of the injunction, so that it could not be done, as I understand it.

Mr. BARTLETT of Georgia. That is true; the contestee did it, but the contestee did it in the assertion of what he deemed to be a legal right, and in the assertion of that legal right he had the judgment of a court of competent jurisdiction sustaining him. Now, does the distinguished gentleman [Mr. HENDERSON], the chairman of the Judiciary Committee of this House, undertake to say that any court would visit upon a party as a penalty or a forfeiture that which he was sustained in doing by a court of competent jurisdiction?

Mr. HENDERSON. I think that the contestee, as I understand the case thus far, ought not to have stood in the way of letting the best evidence be produced——

Mr. BARTLETT of Georgia. He did not.

Mr. HENDERSON (continuing). To show his title.

Mr. BARTLETT of Georgia. He did not.

Mr. HENDERSON. And that is why secondary evidence had to be taken. As to your objection to the secondary evidence, I do not see, in its application to the case, how it helps the matter.

Mr. BARTLETT of Georgia. I am sorry you do not.

Mr. TERRY. With the permission of my friend from Georgia I would like to suggest to the gentleman from Iowa that if the law provided that these ballots should not be opened before a notary public—should not be produced before a notary public—and the law requires that they should not be produced except before a court, then the clerk in refusing would not be standing in the shoes of the contestee, but he would be standing as the minister of the law. So that when the court of Illinois, clothed with competent jurisdiction to construe the statutes of Illinois, held that the law forbade these ballots to be opened before a notary public, then the clerk making such response responded not as the contestee but as a minister of the law acting under the direction of the chosen instrumentality authorized to interpret the law of the State of Illinois.

Mr. HOPKINS. One moment.

Mr. BARTLETT of Georgia. I do not yield. I can not yield any further. I am obliged to go on.

Mr. HOPKINS. I would like to answer that suggestion of the gentleman from Arkansas.

Mr. BARTLETT of Georgia. I will yield if you will not take it out of my time.

Mr. HOPKINS. I want to say that the evidence in this case was being taken under the Federal law, and the notary public that he speaks of under this law has the same right, the same power, and the same authority as a Federal judge; and it has been decided on this floor that an officer of that kind, clothed as this man was, seeking to examine these ballots, was empowered with all the authority of a court.

Mr. TERRY. I want to say to the gentleman from Illinois that there is no law of the United States that clothes the notary public with the power of a United States court.

Mr. HOPKINS. The gentleman, then, has not read the law, and does not know what he is talking about.

Mr. TERRY. I undertake to say further that you can not find any decision of any court in Christendom——

Mr. HOPKINS (interrupting). That was decided in the last Congress.

Mr. TERRY (continuing). That ever held that under a statute providing that the ballots should only be opened before a court a notary public was a court within the meaning of the statute.

Mr. HOPKINS. Now, if the gentleman knows anything, and knows anything of the facts in the Scull case, he knows that under the law as interpreted there the notary public was given the power I speak of.

Mr. BARTLETT of Georgia. Am I understood to have the floor?

Mr. TERRY. I would like to have it out with my impetuous friend from Illinois.

The SPEAKER pro tempore. The gentleman from Georgia has the floor.

Mr. BARTLETT of Georgia. I have the law of Illinois here before me. There being no law of the United States upon the subject, it provides that the ballots in an election in Illinois shall not be opened except in open court, and must be opened in such a body in the presence of the officer having the custody thereof. I have undertaken to say, in answer to the question of my friend from Iowa, that the law of the United States makes no provision except for permitting the notary public to take the testimony and have the papers produced. I am not discussing the Scull case, referred to by the gentleman from Illinois [Mr. HOPKINS], because my colleague will do that. I could discuss it. But I take it that no House, and no tribunal, will undertake to say that because the contestee in this case—and there I will leave this question—because the contestee in this case undertook to protect the ballots by legal process and by sanction of a court, which was done, that this House in trying this case should trample under foot the rules of law and admit the testimony of a witness who, while he doubtless intended to tell the truth, is not reliable because of the circumstances that surrounded him. His testimony itself shows that he was liable to be incorrect as to how these tickets were marked, and under those circumstances I think that this House, even this Republican House, ought to pause long before they destroy a rule of law so universal and so essential in the preservation of the title of a seat of its member.

One more word in reference to the other point and I am done. The other point is that there were a number of voters who voted for the contestant and for the contestee who under the law of Illinois were illiterate voters, and who had to take an oath before they could be assisted by the clerks or officers in marking their ballots. I do not know what occurred in the committee room of the last Congress with reference to the case of Steward against Childs. I know it was an Illinois case. I know it was a case which undertook to construe the very Illinois statute which we now are to construe. I know it has been stated that the chairman of our committee, who was also upon the Elections Committee then, said that it was not a well-considered case; but I know that this very identical point was made in the contest of a Democratic contestant, and I know that there were countercharges made by the Republican contestee that illiterate voters were assisted to mark their ballots for the Democratic contestant without taking the oath prescribed by statute.

I know that the briefs submitted upon both sides for the contestant and for the contestee made this point and discussed it. I know that a committee composed of a majority of Democrats and a minority of Republicans, including the distinguished chairman of the present Committee on Elections No. 1, including also the distinguished chairman of the Committee on Elections No. 3 of the present House, unanimously reported that Steward, the Democrat, was not entitled to his seat, because, among other reasons, it was stated that of the voters who had voted for contestant 94 had been assisted by the Democratic election officers to mark their ballots, when the law of Illinois required that the voters should be first sworn as to their inability to mark the ballots themselves.

Mr. DANIELS. Where is the evidence that the minority of that committee agreed to that report at all?

Mr. BARTLETT of Georgia. I do not know what occurred in the committee room, but the evidence is here that the Committee on Elections submitted a report to the effect I have stated. Here is the report. No minority report is made.

Mr. DANIELS. I have the report here, and there is no evidence whatever in it that any member of the minority of that committee in the last House agreed to the report, and the report by the minority in the case of O'Neill *vs.* Joy was directly to the contrary—to the effect that a voter could not lose his vote by the neglect or fault of the officers of election in that respect.

Mr. BARTLETT of Georgia. I do not know, of course, what occurred in the committee room, but I can not presume that the present distinguished chairman of our committee and the distinguished Republicans upon that committee would consent to a report which declared and laid down distinctly a wrong principle of law simply because it would keep a Republican in his seat. I will not consent to that conclusion.

Now, Mr. Speaker, here are the authorities. The other day the supreme court of Kentucky, a State which has a similar provision of law, I may say the exact statute as Illinois, with reference to how illiterate voters shall be assisted, decided that voters who had their ballots marked for them without having first taken the oath, should not have their ballots counted. Here are the cases. Here is an apparently unanimous report in the Fifty-third Congress. Here is the position of the supreme court of Kentucky deciding this question, which I will furnish to my friends on the other side. Here are the reports of decisions of other States, Minnesota and Wisconsin, to the same effect, and if the report of the majority of this committee shall be adopted, if it shall be declared that that is not the law, then his case will stand out in bold relief as the only authority, and that an authority made for this occasion, which can be cited to sustain its doctrine.

Whatever is done in contested election cases, surely the plain and admitted propositions of law should not be changed to suit partisan purposes or needs. [Applause.]

APPENDIX.

Under the leave granted me by the House, I append to my remarks the following, submitted by me to the Committee on Elections No. 1 on this case:

MR. BARTLETT, of the subcommittee, submits to the committee the following views:

The undersigned submits to the committee, and to each individual member thereof, the following statement in the above-entitled case, as an expression of his views concerning the same, and as indicative of the very strong impression which he has received from a careful study of the testimony, the briefs of counsel, the authorities cited, and the argument submitted orally.

In the first place, this is a case based upon the results of an election held in the Sixteenth Congressional district of Illinois on the 6th day of November, 1894, for Representative in Congress, under the Australian ballot-system law of Illinois, and in connection with the regular general State and county elections, at which candidates for all the State and county offices appear upon their respective party tickets in connection with the candidates for Representative in Congress. The Australian ballot law of Illinois is, it will be seen, peculiar in some respects, and contains mandatory provisions intended to enforce the fundamental principle of that law, which, it has been declared by the supreme court of the State, is the secrecy, purity, and integrity of the ballot. As all the party tickets and the candidates of each party for the various offices to be filled at that election are printed in parallel columns upon a single ticket, commonly called a "blanket ticket," being approximately 10 inches long by 20 inches wide, and as the voter is required to indicate by making a cross in the circle to the left of and immediately preceding the party title at the head of the ticket he wishes to vote straight, or in the square at the left of and immediately preceding the name of the candidate upon any other ticket which he desires to vote for instead of the candidate which is printed upon his own ticket, it results that at every voting precinct, and owing to the varying degrees of education or intelligence of the voters, who are required to mark the official ballot delivered to them in a voting place in a booth provided for that purpose separate and apart from the election officers or any other person in order that their ballot may be absolutely secret, and necessarily, as all the voters do not fully and clearly comprehend the instructions which are given and provided for their benefit, and which would result in absolute uniformity in the marking of the ballots, there have been peculiarities in the manner of marking ballots amounting in many instances to such a mutilation as to destroy the expression of the intention of the voter and to so confuse the mind of the election officers that they find it impossible to count them.

These ballots, it will be found from the record, furnished to a large extent the basis or grounds upon which the contestant in this case has staked his right to the seat now held by Mr. Downing, the contestee.

And it also appears that the errors which he complains of, which have, he asserts, deprived him of the official certificate, are the errors of judgment, honestly made by sworn officials, against whom there is not the slightest allegation or evidence of wrongdoing or fraudulent intention. A careful analysis of all the scratched ballots above alluded to, which appears in the evidence of this case, would seem to indicate that the aforesaid honest mistakes of election officers, in deciding whether they should be counted or not, as if counted, for whom, have been made as largely upon one side as the other, with the exception, however, of one class of marked or scratched ballots, being such as have been marked by the voter with a cross in both Republican and the Independent Republican party ticket circles, there being no candidate upon the Independent Republican party ticket for Representative in Congress. The same kind of double markings, it appears, were made in case of the Democratic ticket and the People's Silver party ticket, in a few instances, but more of them occurred in the former than in the latter case, and consequently, as the larger part of tickets marked in this manner were rejected by the election officers, and, as in accordance with the opinion of the supreme court, subsequently rendered and not then published for the guidance of election officers, it was held inter alia that tickets marked in such a manner ought to be counted for the candidates upon the ticket first marked, where there was no candidate for the same office upon the ticket last marked, and consequently it follows that in considering these peculiarly marked ballots we find that a few more of the same must be counted for Rinaker than for Downing.

It, however, appears that in the County of Macoupin, during the progress of a recount of the ballots had in pursuance of lawful authority, and in the mode prescribed by the statutes of Illinois, for the purpose of determining a contested election case between the rival candidates for the office of county treasurer, a private and unauthorized recount was made on Congressman at the instance and request of the contestant in this case, and was made by his son, assisted by one Murphy and another, who were employed so to do by the contestant, and who kept an account of some 35 precincts out of 37 in the said county, the recount having been abandoned in the county contest case, as the charges and variations from the official count were of such an immaterial amount as to have no effect whatever upon the result as declared by the official returns.

It seems, however, that the result of this private and unofficial recount of the first 11 precincts on Congressman, thus made by the son of the contestant and the person assisting him, neither of whom was under oath or otherwise specially qualified, has not been made known to this committee, either in the testimony or in the briefs of contestant's counsel, so far as the result of the same related to the parties in this contest; but it does appear, from an examination of the table made by the officers who did conduct the county contest and the recount of the ballots in that proceeding of the aforesaid 11 precincts, that, so far as the results could be obtained, the errors and mistakes so discovered were in favor of and increased the vote of the Democratic candidate by 16. It is, however, brought out prominently in the record by the contestant that, so far as the remaining 25 precincts were concerned, which were those recounted privately and unofficially by the said Murphy, in the interest of said contestant and purely ex parte, there were discovered errors and mistakes as concerned the "objected to" and "rejected" ballots which had theretofore not been counted by the various precinct election officers, in official count and otherwise, to the extent of increasing the vote of Rinaker 35 net. It is but fair, however, to the contestee in this case to say that he was no party to and had no knowledge of, nor did he consent to, the aforesaid unofficial recount, and that he protests against its being received by this committee as of any value whatever as regards his right to the seat he now holds.

But it should be borne in mind that the result of the private recount made by the contestant in the first 11 precincts, which showed a net Democratic gain of 16, would have shown, if the same had been testified to by the persons who made it (as was done in the case of the last 25 precincts), a gain to the contestee equal to that found in favor of the candidate of his party over the official returns for county treasurer, which, if it had been made to appear in the record of this case, as we insist it should have been done in all fairness and justice, and if the contestant had desired to have acted fairly and honorably by his opponent, the net gain by the discovered errors and mistakes testified to by said Murphy of 35 for contestant (discovered in his private recount of the last 25 precincts of the county), would have reduced the claim of the contestant in this case with regard to the total vote in Macoupin County accordingly, and he then could have claimed, by reason of his private and ex parte recount above alluded to, a gain of but 19; but it must be taken into account, and be borne in mind by this committee, and as it will appear by an analysis of the testimony, that a part of even the aforesaid 19 alleged gain for contestant in Macoupin County were made up of scratched or irregularly marked ballots which had been excluded from the official count, but which the said Murphy assumed to decide should be so counted, notwithstanding the sworn officers of election had returned them as "objected to" or "rejected" ballots, and made them parts of their records, in order that any tribunal of competent jurisdiction trying a contested election case in which they became material might determine judicially as to whether or not they should be counted for one or the other of the candidates. And it is upon this assumption of a judicial function by the said Murphy, who was acting in a private capacity as the paid agent of the contestant in this case, and in an ex parte manner, and who assumed to decide that certain of these "objected to" and "rejected" ballots ought to have been counted for Rinaker, that this committee is asked to deprive the contestee in this case of his seat in Congress, based upon the verity of the official returns, not only of that county, but of all the counties in the district, the integrity and accuracy of which have not been impeached or contradicted in any manner, and of which it has not been and can not be, I assume, asserted that they were procured by fraud or collusion of the contestee, or based upon errors made in his interest, with intent to defraud the contestant of any of his rights.

It is also to be observed in the testimony that the aforesaid so-called "recount of ballots" in Macoupin County was made under such circumstances and with such surroundings and in such a manner as to impart no verity whatever to the results testified to by contestant's witnesses as compared with the official returns made under circumstances of official sanctity, and by officers whose integrity and honesty have not been impugned or called in question in this case. And we assert that in all the history of contested election cases before Congress there will not be found a single case where upon testimony of this character or upon a recount of ballots made under such questionable circumstances and under such surroundings as in this case has any sitting member ever been deprived of his seat in Congress. To establish such a precedent at this time and upon such testimony as is adduced for our consideration in the record of this case would be to establish a most dangerous and destructive precedent, and one which would subject this committee to the just criticism of the House and of all succeeding Congresses.

It would be a reversal of the time-honored doctrines of the law, which have prevailed in this Congress since its institution, and which are expressed in section 440 of the second edition of McCreary on Elections, and in section 538 of the third edition of the same author, wherein he states the doctrine to be that "a return can not be set aside upon proof that a recount made by unauthorized persons, some time after the official count has been made, showed a different result from the official count." This doctrine was also asserted in the case of Gooding *vs.* Wilson, Forty-second Congress, and to the same effect are all the books upon contested elections. A reversal of this doctrine at this time can not but be disastrous. I am unwilling to agree that any cloud upon the title of contestee in this case to his seat shall be predicated upon the testimony of an unofficial recount made by an unauthorized person, at least so long as the ballots themselves, of and concerning which the said unlawful recount has been made, are in existence and in a condition, as it is stipulated they are in the record, to be examined and recounted by this committee, and their exact result learned by us from a recount made by ourselves.

But I wish also to call attention to the fact that contestant, in his claims, in order to increase the apparent gain which he hopes the committee will allow him, and by reason of which he hopes to overcome the narrow majority of the contestee, has sought to include, and in his summary has insisted that, in addition to the apparent gain resulting from the testimony of Murphy aforesaid in the county of Macoupin, there shall be counted for him a second time certain scratched or irregularly marked ballots, which themselves furnish the material and were included by the said Murphy in his alleged recount showing apparent gains for contestant. Murphy includes in his statement of gain for contestant 14 of these "objected to" or "rejected" ballots. Aside from this demonstration that contestant has thus attempted to secure an unjust advantage by counting for himself twice the same irregularly marked or scratched ballots, I insist that this committee could under no circumstances concur with Murphy in that decision, after examining the decision of the supreme court of the State in the case of Parker *vs.* Orr, and assuming that the description of such marked or scratched ballots, as testified to by the son of the contestant, is correct. Under no circumstances and under no construction of the law or the rule laid down in the said decision of the supreme court could there be counted for the contestant of those 14 irregularly marked ballots more than 5; much less should Murphy be allowed to credit Rinaker with the whole 14. But there should be, I insist, 4—at least 3—of the same counted for the contestee.

My position with regard to this county, however, is that there can be no

other result accepted as the true result of the election in that county by this committee than that which is expressed and appears in the officially announced result, made up and canvassed by the State officials from the returns as certified to them. From any evidence which has been adduced in this case, or brought to the attention of the committee, the most that could be justly and properly admitted by the committee would be that the testimony of Murphy and Rinaker, and others, tends to show that there have possibly been some slight errors committed in matters of judgment and decision, upon irregularly marked ballots, and possibly in actual tallying and count in Macoupin County, which would justify this committee in demanding and having brought before it, for its personal and actual inspection, the ballots themselves and all the records and papers pertaining thereto, upon inspection of which and upon the recount of the same, made by the committee, we shall be able to arrive at the exact and true result. It can be done in no other way.

The following tables contain a careful analysis of the testimony as to "scratched" or "informally" marked ballots in the counties of Macoupin, Cass, Pike, Morgan, Greene, Scott, and Calhoun.

Analysis of scratched or informally marked ballots:

MACOUPIN COUNTY (25).

Record pages.	Witness.	Exhibit No.	How counted by Rinaker.	How counted by Downing.
36, 50, 51	T. Rinaker	1	Counted for Downing.	Counted for Downing.
	do	2	do	Counted for neither.
	do	3	Counted for neither	Counted for Downing.
	do	4	do	Counted for neither.
	do	5	do	Do.
	do	6	Counted for Downing.	Counted for Downing.
	do	7	Counted for neither	Counted for neither.
	do	8	Counted for Rinaker	Do.
	do	9	do	Do.
	do	10	do	Counted for Rinaker.
	do	11	do	Counted for neither.
	do	12	do	Counted for Rinaker.
44, 50, 51	do	13	do	Counted for neither.
	do	14	do	Do.
	do	15	do	Do.
	do	16	do	Do.
	do	17	do	Counted for Rinaker.
	do	18	do	Counted for neither.
	do	19	do	Counted for Rinaker.
81, 50, 51	do	20	Counted for neither	Counted for neither.
	do	21	do	Do.
	do	22	Counted for Rinaker	Do.
	do	23	do	Do.
	do	24	Counted for neither	Do.
	do	25	do	Do.

Query: Should not Ex. 21 have been counted for Downey?

CASS COUNTY.

104, 105	John G. Pearn	A	Counted for Rinaker	Counted for neither.
	do	B	do	Counted for Rinaker.
	do	C	do	Do.
	do	D	Counted for Downing.	Counted for Downing.
	do	E	Counted for neither	Counted for neither.
	do	F	Counted for Rinaker	Do.
	do	G	do	Do.
	do	H	do	Do.
	do	I	Counted for Downing.	Do.
	do	J	Counted for Rinaker	Counted for Rinaker.
	do	K	do	Do.
	do	L	do	Do.
	do	M	Counted for neither	Counted for neither.
70, 86	do	N	do	Do.
	do	O	do	Do.
	do	P	Counted for Rinaker	Counted for Rinaker.
71	J. Cunningham.	A	Counted for neither	Counted for neither.
	do	B	Counted for Rinaker	Counted for Rinaker.
73	Hagener & Fulks.	A	do	Do.
	do	B	do	Do.

PIKE COUNTY (23).

126	Gerard		Counted for Rinaker	Counted for Rinaker.
	do		do	Do.
	do		do	Do.
128	Johnson		do	Do.
	do		do	Do.
131	Uppinghouse		do	Do.
137	Ruppert		do	Do.
138	do		do	Counted for neither.
139	Stillwell		do	Do.
	do		do	Do.
140	Cooper		do	Counted for Rinaker.
141	do		do	Do.
	do		do	Do.
	do		do	Counted for Downing.
	do		do	Do.
121	McMahan		Counted for Rinaker	Counted for neither.
	do		do	Do.
	do		Counted for Downing.	Do.
	do		Counted for neither	Do.
128	Gerhard		Counted for Downing.	Do.
141	Baker		Counted for Rinaker	Do.
	do		do	Do.
	do		do	Do.

MORGAN COUNTY (2).

196, 211	Rowe & Kinman.		Counted for Rinaker	Counted for Rinaker.
	do		do	Do.

GREENE COUNTY (4).

178, 178	Haven		Counted for Rinaker	Counted for Rinaker.
175	Pope		do	Counted for neither.
556	Reynolds		Counted for Downing.	Counted for Downing.
556	Goodwin		Counted for Rinaker	Counted for Rinaker.

SCOTT COUNTY (2).

230	Sanders		Counted for neither	Counted for neither.
245	Dawson		do	Do.

CALHOUN COUNTY (4).

269	M. Todd	1	Counted for neither	Counted for neither.
	do	2	do	Do.
270	Roth		do	Do.
	do		do	Do.

RECAPITULATION—HOW COUNTED.

County.	Total.	By Rinaker.			By Downing.		
		Rinaker.	Downing.	Neither.	Rinaker.	Downing.	Neither.
Macoupin	25	14	3	8	4	3	18
Cass	20	13	2	5	9	1	10
Pike	23	18	4	1	10	2	11
Morgan	2	2	0	0	2	0	0
Greene	4	3	1	0	3	1	1
Scott	2	0	0	2	0	0	2
Calhoun	4	0	0	4	0	0	4
Total	80	50	10	20	27	7	46

GREENE COUNTY.

I am of opinion that an unbiased and honest consideration of the testimony in the record relating to Greene County will admit of no other construction or conclusion than that the clerical error of 14 votes, which was made honestly, I believe, but which resulted in depriving Downing in the official count of 14 votes in Patterson precinct, should be corrected by this committee, and that number of votes restored to Downing's vote in the district. I base my conclusions that this should be done upon the testimony of County Clerk Carmody, found in the printed record, page 145, where he states, in answer to the question:

"Q. Did you assist in the canvassing of the vote?

"A. In the first canvass, with the justice of the peace, I did not assist. Mr. Short, my deputy, did that, but the next morning after that we heard about the Rinaker and Downing vote being so close, and I went to one of the judges, a Republican, who had served in town here at elections, and suggested that we go through them again so as to be sure.

"Q. What did you go through?

"A. Went through the vote for Congressman.

"Q. Went through what?

"A. The tally sheets and certificates.

"Q. It was from the tally sheets that you made the calculation, was it not?

"A. Yes, sir; and the certificate on the back of the tally sheets. We got to talking about it one day, Mr. Jones and I, and I went in there (in the closet where the returns were kept, previously testified to). I wanted to show him that in Patterson township, on the tally sheet, they had marked 114 votes for Mr. Downing, and on the back of the tally sheet in the certificate they had only written out 100, and I told him I thought there was a mistake there; that they ought to have given Downing 114 votes, as the tally sheet showed that many for him."

(On page 147:)

"Q. And they discovered that the votes as tallied up on the tally sheet did not correspond with the certificate made by the judges on the back of the tally sheet in one township?

"A. Yes, sir; Patterson Township.

"Q. I will ask you to state again, Mr. Carmody, what difference, if any, you discovered in the number of votes certified to by the judges, and the number of votes tallied up?

"A. After the election it was reported around here that first one was elected and then the other, and the next morning, after the canvass was made with the justices of the peace, I called Harry Moore in; he was a Republican and also one of the judges in that township, and I told him there was liable to be a contest and I wanted to go over the canvass again, and we took the tally sheets and certificates and went over them again. We discovered when we got to Patterson township that they had tallied 114 for Downing on the tally sheets and on the back of the certificate it was written out 100 votes.

"Q. The majority of Downing in this county, was it based on the certificate of the judges on the back of the tally sheet?

"A. Yes, sir; we counted 100 votes for him as certified by the judges of election.

"Q. What is the law in this State, Mr. Carmody, with reference to certifying the vote to the secretary of state?

"A. We canvass the votes and take the certificates of the various judges of election as the basis.

"Q. In certifying the number of votes to the secretary of state cast for Mr. Downing in Greene County, did you in making up your estimate take into consideration the number of votes tallied up for him on the tally sheet in Patterson Township, or the number of votes specified in the certificate of the judges on the back of the tally sheet?

"A. We took the number of votes certified to in the certificate on the back of the tally sheet."

(On page 148:)

"Q. Then, as a matter of fact, if the number of votes tallied up for Mr. Downing in Patterson Township is the correct number that he received in that township, Mr. Downing received 14 more votes in Greene County than he got credit for in the returns sent by the county clerk to the secretary of state. Is not that correct?

"A. Yes; that is correct."

(On page 149:)

"Q. Did you examine any other tally sheets than that of Patterson?

"A. We examined them all, but found but two townships in which changes

should have been made; one was in Woodville. The writing was so poor that we could hardly tell what it was intended for, but there was a difference of 2 or 3 votes, probably 10 votes, and they wrote 67 when it should have been 57; it showed a difference there. By comparing them we could see that it was intended for a 57 instead of a 67, or a 67 instead of a 57, and I don't remember which now.

"Q. When you made out your certificate and sent it to the secretary of state did you make it conform to the number of votes indorsed on the back of the tally sheets?"

(On page 180:)

"A. Yes, sir; after we found the mistakes we sent for Squire Heron and Squire Connole, and pointed out to them the two mistakes I have mentioned. One was at Woodville, where they were giving Downing too many votes. We sent for Heron and Cannole and showed it to them, and they saw that they had made a mistake, and corrected the Woodville mistake.

"Q. I understand you to say that you sent for the canvassers, the two justices of the peace, and they corrected the mistake in the Woodville vote?

"A. Yes, sir.

"Q. And deducted that from whose vote?

"A. From Downing's vote.

"Q. What did you do with the vote in Patterson township?

"A. We had to leave that as it was because they certified he only got 100 votes, although the tally sheet showed they counted him 114 votes. Taking 114 votes, the number of votes Downing got, and the number of votes the other candidates got, the vote showed it was the proper number of votes. To only count 100 votes for Downing would show about 14 votes that were not cast for anybody for that office.

"Q. Why was not the vote for Woodville certified the same way?

"A. It was certified, but it was certified properly. In reading on the back the number of votes they did not read it right. They called it 57 when it should have been 67, or 67 when it should have been 57. The writing was so poor that it looked as much like one as it did like the other.

"Q. The returns certified by you to the secretary of state show the number of votes in the respective voting districts as certified to by the judges and clerks of the election on the back of the tally sheets?

"A. Yes, sir.

"Q. Counting in the number of votes the tally sheets showed tallied up for Downing, what sort of a result would that make, added to the number of votes tallied up and certified to for other candidates, with reference to the whole number of votes cast?

"A. That would be about right. I do not know whether it tallied just the number of votes cast or not, but it was about right."

C. A. Henshaw, one of the judges of election, Patterson Township, testifies on page 534. In answer to a question of counsel as to what discrepancy appeared upon the tally sheet referred to, how it happened, etc., he says: "The discrepancy between the tally sheet and the certificate I think was a clerical error on the part of the parties who wrote it out. The votes were counted, and then we found some discrepancy in the legislative ticket, and we counted the ballots over again. We counted them all, for we thought if an error had been made there there might have been one made some place else also. We counted the tickets a second time, and there was an understanding between the judges, and I think we all understood it the same, that, as the tally sheet shows, that was the correct count; if my recollection serves me right, it was 114 votes for Mr. Downing. We did not notice that error there, but my understanding was at the time, and always has been, that the vote for Downing should have been 114 votes instead of 100."

Again, W. C. Linder, another of the judges of election in Patterson Township, testifies, on page 537 of the record, in answer to questions of counsel as to what was his recollection with reference to the discrepancy in the tally sheet in Patterson precinct:

"My recollection in that there were 114 votes counted for Downing.

"Q. What is your recollection as to how many votes were cast for Mr. Downing at that election?

"A. One hundred and fourteen is my recollection.

"Q. Your recollection now is that that was the number of votes Mr. Downing received in that township at that election?

"A. Yes, sir.

"Q. How can you state that Downing got 114 votes?

"A. I remember it that way. I don't know how I can state it. I think what makes me remember it was that I heard that there was an error somewhere, but I did not hear the nature of it. I heard there was an error in our count, and that put me to thinking in regard to that one thing, and I remember it by that, and then I went to my ballot that I had and looked at that, and that showed 114 votes.

"You say that you have not that memoranda now?

"A. No, sir; I have not. I did not know that I was going to be called up here or I should have been careful to have preserved it. I was clearing out my desk, and I think I destroyed it with some papers not more than a month ago, I would say.

"Q. If the tally sheets show that Mr. Downing received a certain number of votes, and the certificate of the judges shows that he received a different number, which is correct, if you know?

"A. I would not swear positively, as I said before; but my recollection is that 114 is right. I have never seen the tally sheets since that night, but I think the tally sheets show 114."

Again, Mr. W. H. Dyer, who was a clerk at the said election in Patterson Township, being asked if there is any discrepancy between the tally sheet and the certificate made by the judges and clerks as to the votes cast for Downing for Congress, which was correct, and how he knew, answers, on page 538:

"A. It is my judgment that the tally sheet is correct. I aimed to count the votes just as they were given to me, and I think the tally sheet is correct."

A. J. Martin, another clerk, testifies on pages 539 and 540, to the same effect. The only other witness who testifies regarding this discrepancy, or clerical error, on the tally sheets of Patterson Township, is one Abraham Groce, who, in his examination in chief for the contestant, testifies as to the regular Democratic vote received by other candidates, and to the reception by Downing of 114, but which figures he states, without giving any adequate or satisfactory account of the reasons therefor, were changed to 100. All of his testimony, both in chief and upon cross-examination, and upon reexamination and recross-examination, is unsatisfactory, indefinite, and so evidently biased as to render it worthless and not to be regarded for an instant in comparison with the testimony of the other five witnesses who participated in the transaction and whose testimony we have quoted from as above.

There is no indication in the testimony of any of these witnesses, nor any intimation of any kind to be found in the printed testimony, or in the tabulated statement of the vote returned officially in the county, which would indicate that Mr. Downing did not receive his full party vote, while it would seem that, in some precincts, Rinaker received, in addition to his party vote, the votes of some Prohibitionists, and I am unwilling to believe, in the light of the above-quoted testimony, and in the absence of any official recount of the ballots of that county, that Mr. Downing should be deprived of the 14 votes in Patterson Township which were not included in the official returns, by reason of the clerical error so fully explained in the testimony. It is manifest that the error in Woodville precinct, by which, if it had remained unchanged, Downing would have received 10 more votes than he was lawfully entitled to, was corrected by the canvassers very properly, and the official certificate made to conform to the exact vote which he did receive.

We are at a loss, however, to understand why the same correction was not made with regard to the palpable clerical error of 14, made by the clerk or judge who indorsed the tally sheets, as was done in the Woodville case. It certainly is within the power of this committee and Congress to make this correction, and the 14 votes should be added to Downing's total. If the objection be made that the tally sheets are the best evidence, certified copies can easily be obtained.

CASS COUNTY.

With regard to the unofficial and private account of the ballots in Cass County, it appears from the evidence of John G. Pearn, page 104, record, who was a party in the county contested election case, that he kept a tally of the ballots in 5 out of the 16 precincts, and only of ballots called off in recounting for the contest purposes, so far as the same related to vote on Congressmen. He and his assistant, Mr. Dale, were also engaged, and their attention principally centered upon the result of the recount as to the office in which Pearn was interested, and their unofficial and unauthorized tally on the Congressional vote must be taken notice of with that understanding.

As has been shown in the table quoted hereafter, the count kept by Wilson, and the count kept by Pearn, and the count kept by the contestee himself differ in their results, owing no doubt to the different circumstances under which they were made. It is fair, however, to presume that, inasmuch as the attention of the contestee and Mr. Wilson was centered upon the Congressional vote alone, their results are far more likely to approximate the truth than that of the count kept by Mr. Pearn and Mr. Dale, whose principal interest in the recount was centered upon the result of the contest to which Mr. Pearn was a party. This only serves to emphasize what we have said hereinbefore; and that is, that inasmuch as the ballots are in the condition to render them competent as evidence, and are accessible to the process of this committee, and can be laid before it in the exact condition in which they were cast, together with all "objected to" and "rejected" ballots, and the record of the action thereon taken by the judges of election, it is the manifest duty of this committee, in view of the interests which the people of the district have in the result of this contest, as well as the parties thereto and Congress itself, to require the same to be laid before it, and to make such an official examination thereof in this case as will enable the committee, and each and every member thereof, to be convinced as to the true and exact result of the election in Cass County. The following tabulated statement by precincts shows the result of the three separate recounts alluded to as compared with the official returns:

CASS COUNTY—RECOUNT UNOFFICIAL.

Precinct.	Official count.		Pearn's recount.		Wilson's recount.		Downing's recount.		Page of record.
	Downing.	Rinaker.	Downing.	Rinaker.	Downing.	Rinaker.	Downing.	Rinaker.	
Arenzville	170	96	169	98	169	98	169	98	104, 413
Indian Creek	52	32	52	32	52	32	52	32	104, 417
Princeton	35	41	35	42	36	41	36	41	104, 417
Chandlersville	170	159	168	159	168	159	169	159	104, 417
Ashland	172	200	172	200	172	200	172	200	104, 417
East Beardstown	154	216	153	215	153	215	154	215	104, 417
Virginia, No. 1	163	197	163	196	163	195	165	195	104, 417
Virginia, No. 2	138	131	138	130	138	130	140	130	104, 417
Total, 8 precincts	1,054	1,072	1,050	1,072	1,051	1,070	1,055	1,070	

Net result differing from official vote.

Pearn's unofficial recount shows: Net loss, Downing, 4. See Rinaker's brief, page 9.

Wilson's unofficial recount shows: Net loss, Downing, 1.

Downing's unofficial recount shows: Net gain, Downing, 3.

ASSISTED UNSWORN VOTERS.

There is another feature in this case, however, which we believe should be regarded by this committee as res adjudicata. We refer to the disposition to be made of votes which the testimony shows have been cast by certain questionable electors for the respective parties to this contest, and to whom assistance in the making out or marking of their ballots was rendered by the officers of election in various precincts without the statutory condition precedent to the rendition of such assistance having been complied with on the part of the voter, namely, his oath taken, showing that he was legally entitled to such assistance. The statute upon the subject is, in my judgment, mandatory, and is found in chapter 46, paragraph 311, section 14, of the statutes of Illinois, and is in these words:

"Every voter who may declare upon oath that he can not read the English language, or that by reason of any physical disability he is unable to mark his ballot, shall, upon request, be assisted in marking his ballot by two of the election officers, of different political parties, to be selected from the judges and clerks of the precincts in which they are to act, to be designated by the judges of election of each precinct at the opening of the polls."

In the great majority of the voting precincts in the district it is to be presumed this law was strictly complied with and regarded as mandatory by

the judges of election, as the legal presumption that such is the case must arise from the fact that nothing is shown to the contrary. In a few of the precincts, however, in the counties of Morgan, Cass, Pike, and Greene, there were instances proved in the record in which the statute above quoted was regarded by the election officers as directory only, and voters were assisted without the declaration upon oath of the voter that he was entitled under the statute to assistance in the marking of his ballot; and it is in these instances, it has been claimed by the contestant, that such assisted voters who had cast their votes for him should be allowed to stand as cast, and their votes, which I hold were illegal, be counted for him in the aggregate of his vote.

My opinion is founded upon the law itself, as above quoted, and the decision of the supreme court of the State of Illinois and the decision of the Fifty-third Congress, and the Committee on Privileges and Elections thereof, as shown in the officially published reports, being Report No. 1741, Fifty-third Congress, third session, in the case of Steward vs. Childs, under facts analogous to those in this case and arising identically under the same statute. And also as held under an analogous statute regarding the numbering of ballots and the indorsing of initials of election judges on the back thereof, in the case of O'Neill vs. Joy, Report No. 268, Fifty-third Congress, second session. In the supreme court of the State of Illinois, in the case of Parker vs. Orr, rendered November 10, 1895, extracts from which, as reported in the Northwestern Reporter, have been set out by the contestee in his supplemental statement of claims filed with this committee since the hearing. In the full text of that opinion will be found this language concerning the provisions of this mandatory statute:

"The statute being directory and not mandatory as to the manner of voting prescribed in section 23" (which relates to the marking of the ballot) "it remains to be determined what is the proper construction in settling this question. Two objects must be kept in view, viz, the secrecy of the ballot and the intention of the voter."

And concludes its opinion in this case with the following language:

"It may properly be added that it is the duty of every voter, under this law, to ascertain fully the provisions of the statute and the directions of the secretary of state in his instructions sent out with the ballots, and that whenever, either through negligence or willfulness, he disregards that duty, he does so at the peril of losing his vote."

The above language can not be misinterpreted. The clear and explicit provisions of section 14 above quoted, as construed by the above decision in Parker vs. Orr, leave no room for doubt that the chief purpose and intent of that law is to insure to the voter by every possible safeguard the absolute secrecy of his ballot; and also as a restraint upon bribery, as, without the safeguard provided by that section, any corrupt purchase and sale of votes might be given effect and the delivery rendered certain if an unrestrained license were afforded to the claiming and rendering of assistance to a voter who had not been required to declare under oath that he was entitled under the law to receive it. This proposition is so plain that I refrain from further argument to show that its provisions are clearly of the essense and substance of the election, and necessary to carry out its clear object and intent, and that disregard of the same by the voter is done at the peril of losing his vote.

There is no doubt in my mind but that the provisions of the law above alluded to, which require that before assistance may be rendered to a voter by the election officers he shall declare upon oath that he is disqualified from marking his ballot in the manner prescribed by law, was prompted by a sound public policy, is a wise and beneficial one, and is mandatory, and that violation of the same is fatal to the reception and counting of the vote of the person thus unlawfully assisted. It remains, therefore, but to ascertain from the evidence how many of this kind of voters have cast their ballots without making the aforesaid declaration under oath and, if possible, for whom said ballots were cast, to enable us to determine and find specifically how many votes should be deducted from the total of each party to this contest on account thereof. The following table presents what I believe to be the correct statement of this class of votes, at what precinct, for whom cast, and what deductions ought to be made on account thereof.

GREENE COUNTY—WALKERVILLE PRECINCT.

Assisted voters not sworn:
Samuel Lockhart, Rep., v. for R.
Shetterly, p. 157.
Henson, D., v. for D.
Shetterly, p. 157.
Henson, D., v. for D.
Shetterly, p. 157.
Samuel Lawson, D., v. for D.
Shetterly, p. 157.
Deduct from Rinaker 1
Deduct from Downing 3

PIKE COUNTY.

Not sworn. Assisted voters:
J. S. Mart,
Darnell,
Z. Kellom,
Simon Manker,
Samuel Manker,
C. Kimbro,
W. Butler,
I. Foster,
M. Kimbro,
} Voted for Rinaker, Record, pages 332, 334, 335, 336, 337.
Deduct from Rinaker 9

CASS COUNTY.

Not sworn. Assisted voters:
Philadelphia precinct.
Jacobs, D., Record, 99, D.
Simmerman, D., Record, 99, D.
Deduct from Downing 2
J. T. Crimes, R.,
I. N. Crimes, R.,
W. N. Maddox, R.,
George Brooks, R.,
} Record, pages 375, 376, 377.
Deduct from Rinaker 4

MORGAN COUNTY.

Not sworn. Assisted voters:	
Rep. A. Shelborn	Record, p. 585
Rep. S. Jones	Do.
Rep. J. Joquin	Record, p. 588
Rep. A. Deornellos	Record, p. 589
Rep. M. Souza	Do.
Rep. Tony Baptiste	Do.
Rep. T. Deaton	Record, p. 590
Rep. M. Alves	Do.
Rep. M. Ward	Do.
Rep. J. Martin	Record, p. 592
Rep. J. Deornellos	Do.
Rep. A. Cores	Do.
Rep. M. Deornellos	Record, p. 593
Rep. J. B. Turner	Record, p. 594
Rep. Seth Joquin	Record, p. 591
Rep. James Bias	Record, p. 592
Rep. Seb. Deornellos	Do.
Rep. Jos. Vincent	Do.
Rep. Man. Deless	Do.
Rep. J. Baptiste	Do.
Rep. J. P. De Silvia	Do.
Rep. Seb. De Frates	Do.
Rep. V. Fernandes	Do.
Rep. M. Vasconsellos	Do.
Rep. M. Rose	Do.
Dem. Jos. Bringle	Do.
Deduct from Downing	1
Deduct from Rinaker	25
Total deducted from Rinaker	30
Total deducted from Downing	6
Total assisted not sworn voters	45

OTHER ILLEGAL VOTES.

For the purpose of this statement, it is sufficient to say with regard to the claims and concessions of the parties to this contest, of and concerning the votes of persons in the various precincts and counties of the district, which were illegally cast on account of the disqualifications of the voters by reason of nonresidence or otherwise, that in my judgment the voluminous evidence concerning them, which has been taken by both parties to the contest, results in a showing of about an equal number of votes to be deducted from each party on this ground. I prefer, therefore, to leave the further consideration of that feature of the case to a more careful and complete analysis of the same in a report of the committee should it become necessary, and I therefore dismiss this class of testimony and the results thereof, as regards illegal voters, from further consideration at this time. I will simply state that, in my judgment, the result of the most scrutinizing analysis of the law, and the facts developed and relied upon, would fail to show any material difference in the result as affecting the majority of the sitting member.

To summarize, therefore, the facts in this statement, it will be seen that, in my opinion, this is a case in which no claim is made that the sitting member has obtained the certificate upon which he has been given the seat in this House through any fraud or illegality, or that there has been any serious irregularity upon the part of any of the election officers, nor on the part of the contestee or his partisans or friends, but that the contestant relies solely and entirely upon evidence of honest mistakes and errors in judgment, by honest men acting as election officers, who have endeavored to discharge their sworn duty in strict compliance with the law. Such errors and mistakes are, he would have us believe, sufficient in number and importance to cause this committee to set aside the accredited and veritable official returns, duly certified to the secretary of state, upon which contestee's title rests to his seat, and he asks this practically upon the following grounds:

That by an ex parte, unauthorized, unofficial, and inaccurate recount of certain ballots in Macoupin County, by which after assuming to decide judicially upon the question as to whether or not ballots judicially and officially rejected or objected to, and not counted by the sworn election officers, who in the careful and deliberate discharge of their sworn duties had decided they ought not to be counted; and of a similar superficial and partial recount made in Cass County; and by reason of a clerical error in Patterson precinct, Greene County, by which contestee was deprived of 14 votes, to which he was legally entitled and which should have been counted for him in the total result; and by reason of what would amount to a reversal of the cases decided by this and preceding Congresses, and the adjudicated construction of the laws under which the election was held by the courts of Illinois, Mr. Downing should be deprived of his seat in Congress and Mr. Rinaker be declared duly elected thereto. In the present condition of the case and with means of absolute certainty easily within our reach, I can not under a sense of my duty to the House and to the people of the district consent to such a conclusion.

Much undue stress has been laid upon the proceeding and injunction obtained by contestee which appear in the record. In order that the ballots in the Sixteenth Congressional district of Illinois might be preserved for inspection by this committee and Congress in this case, should it desire to make such an examination thereof, and in order that they might not be destroyed, as would have been the case in many of the counties under the operation of law, and to insure their proper preservation and safe-keeping in order that their value as evidence in this case might be preserved, the contestee secured by due legal process and upon a proper showing made to a court of competent jurisdiction, an injunction or decree, which was duly served upon the custodian of said ballots in the various counties of the district, and which in its terms, among other things, declares as follows:

"It is therefore ordered and adjudged and decreed by the court that the said defendants, as county clerks of their respective counties, and each of them, and their successors in office, and their deputies, assistants, agents, and attorneys, and each of them, be, and they are hereby, enjoined and restrained from opening the ballots cast at the election held in their respective counties on the 8th day of November, A. D. 1894, and now in the custody or possession of said defendants, as county clerks of their respective counties, or from permitting the same to be opened or recounted, or from removing or from permitting said ballots to be removed, from the place where they are now kept, until the same are ordered to be opened or recounted by a court of competent jurisdiction of the State of Illinois, or of the United States, or by the House of Representatives in Congress of the United States, after the 3d day of March, 1895."

The grounds upon which the aforesaid decree was granted, being set out in full in the copy of his bill, in the printed record of this case, at page 212, and said decree, which was rendered after a full hearing in the presence of the parties, will be found on page 214 of said record. I am of opinion that in view of the peculiar provisions of the Illinois statute, this step was not the violation of any law on the part of the contestee, and that, so far from working any hardship or from being detrimental to the interests of the contestant or the contestee in this case, as is insisted by the contestant, the proceeding provided in the only possible manner in which the same could have been provided adequately, for the preservation of the ballots for the use of this committee in this investigation, and rendered it possible for this committee to ascertain with absolute exactness the true result in said district. I am also of the opinion that any partial or incomplete examination of said ballots which might have been had during the progress of the investigation by the parties and their counsel, would have been unsatisfactory and insufficient to advise the committee or House fully, as in by far the greater number of the counties comprising the district, there has been, as developed by the record, no prima facie case of fraud or mistake made out which would have justified the examination of the ballots during the taking of the testimony.

I therefore insist that the developments of the testimony in this case render it expedient and necessary, before the contestee shall be deprived of his seat upon the floor of the House of Representatives in this Congress, that we should avail ourselves of the opportunity afforded us, and should sustain the motion made by his counsel at the hearing of this cause, that this committee, upon proper directions from the House, by its own proper process should require the production of the ballots, either of the entire Congressional district and of each county and precinct therein or at least of the counties of Cass, Greene, and Macoupin, against the accuracy of the returns of which there is some testimony found in the record.

Congress has clothed this committee with abundant power, I believe, to take this action of its own motion and without further delay. But should it be thought otherwise the House has full power to direct this to be done.

I am firmly convinced that it is the duty of this committee to refrain from further action in this case and itself recount the ballots as aforesaid, and in the interest of the electors of the Sixteenth Congressional district of Illinois and in the interests of the parties to this contest and in justice to the House of Representatives that this course be taken without any further delay, and I trust that this will be done.

Mr. MOODY. Mr. Speaker, I think that in justice to my colleague upon the committee, the gentleman from Illinois [Mr. COOKE], it ought to be stated to the House that the very able report prepared by the majority of the committee was prepared and presented by him. By some error which has crept into the records of this House it would appear that the report had been prepared and presented by the chairman of the committee, the gentleman from New York [Mr. DANIELS]. I do not intend, of course, to suggest for a moment that the report does not have the assent of the gentleman from New York, because I know that it does, but I want the credit for that very able report to fall where it is due.

Mr. COOKE of Illinois. I thank the gentleman.

Mr. MOODY. I am very glad to receive the gentleman's thanks, but I do not wish to occupy much of my time receiving thanks. [Laughter.]

Mr. COOKE of Illinois. I was simply going to add that it is a matter of no consequence to me, I can assure the gentleman.

Mr. DANIELS. The mistake was made by the printer.

Mr. MOODY. Undoubtedly, and if anything that I have said can be construed into a reflection upon any member of the committee I desire that it shall be withdrawn.

Mr. Speaker, it is a source of sincere regret to me that I have been unable to agree with the conclusions which were reached by the majority of the Republican members of the Committee on Elections; but I take it that in a matter of this kind, the decision of which will take a seat in this body from one man and give it to another, every man must be the keeper of his own conscience. I have examined this case with the utmost care and the utmost ability that I could bring to it, and the conclusion which I arrived at in the first place has been reenforced by further reflection. I believe, Mr. Speaker, that if the decision of the majority of the committee is sustained by this House it will be an outrage upon the people of the Sixteenth Congressional district of Illinois and a stain upon the good name of the Fifty-fourth Congress. I make no imputation upon the motives of any man who may disagree with me, but I state to this House the deliberate conclusion at which I have arrived.

Mr. Speaker, I think we ought not to go much further in the consideration of this case without understanding exactly where we are. We throw aside all the minutiæ upon which we might disagree, and we come to the two main points upon which the two branches of the committee are at odds. Mr. Downing holds his seat in this Congress by a plurality of 40 votes. It is proposed to take it from him by a plurality of 30 votes. There is not a claim in the record, or made by counsel, or indulged in by any member of the committee, that from the beginning to the end of this election there was any fraudulent practice on the part of any man who had anything to do with it. It behooves the members of this House, before they reverse a plurality of 40 votes and turn it into a plurality of 30 votes, to examine with care the grounds upon which that is sought to be done.

There is one main branch of this case which has been largely discussed, and which I will restate to the House. There were about 38,000 or 39,000 votes cast in that election for Congress. A few more than 5,000 were recounted, and the errors which it is alleged were found in that recount were 39 in number in favor of the contestant, just 9 more than the plurality the report of the majority seeks to give him. It is perfectly clear, then, that unless you accept the results of the recount in the two counties—Macoupin and Cass—you can not upon this record seat the contestant. No matter what you may think about the other question—the question of assisted voters—if you decline to accept the results of that recount in those two counties, then that is an end of this case.

Now, let me say here, so that there can be no mistake about it, that the minority of this committee do not propose to settle this contest here; they propose to send it back to the committee with instructions to find the real truth, no matter what difficulties may lie in the way. I know—and I answer it now—it will be objected by and by that this delay will operate as a denial of justice. How great, Mr. Speaker, can be the detriment arising from this delay? We are approaching the closing day of this Congress. It will be of no great advantage to either of these gentlemen to occupy a seat in this hall for the few days that are left to us at this session. If a recount is had as we propose, when we come back here this contest can be determined in my opinion beyond all doubt, and the man who is honestly entitled to the seat can take it without any stain upon it or without any doubt hanging about his title.

Let us see what the recount is that it is proposed to substitute for the count of the honest election officials of the county of Macoupin. There was a recount of the vote for county treasurer of that county. That is the home county of General Rinaker, the contestant. It is there he proposes to make the gain which shall reverse the plurality shown by all the other seven counties of the district. The parties met, and they had a recount of the vote for treasurer in 36 of the 37 voting precincts of that county. The successful candidate for the office of treasurer had a plurality by the original returns of 39 votes. When the last precinct was reached the errors were so few and so balanced each other that the counsel concluded that the recount could not change the result, and that precinct was not counted. In the meantime, in the first 11 precincts of that county, an unofficial recount was made of the vote for Representative in Congress. The recount was made by representatives of General Rinaker—among others by his son, who was one of the counsel in that recount. We have never heard what the result of that recount in those 11 counties was. Nobody comes forward to tell us the result of that unofficial recount in those first 11 precincts. We may guess at the reason when we find that in the contest for treasurer those are the 11 precincts where the Democrats gained, while they lost in the precincts selected to be brought forward in this House to take the seat from the man who now holds it.

Mr. COOKE of Illinois. Would the gentleman consider it at all seemly or proper for counsel in a case to come forward and testify, especially where the client was his own father?

Mr. MOODY. Mr. Speaker, I must let Mr. Thomas Rinaker, the son, settle that question for himself. He did come forward to testify in this case. He was the first counsel who did so; and he testified to this very recount in which he acted as counsel. The gentleman from Illinois [Mr. COOKE] can not have forgotten that circumstance.

Mr. COOKE of Illinois. Not so far as the result reported by Murphy is concerned, according to my recollection.

Mr. MOODY. "Not so far as the result reported by Murphy is considered." He could not testify to what Murphy knew; but he testified about other matters concerning that recount, which he deemed material to aid his father in this contest; and I say that when he withheld the information which he had with respect to the eleven counties where if there was to be a gain for the Democratic candidate that gain would be found, there is a significance in the matter which can not be denied.

Now, after that recount had gone on for two or three days Mr. Murphy steps in and takes part in it; and you must accept Mr. Murphy's recount as correct and reject the sworn returns or else you must leave Mr. Downing in his seat.

Before I come to the details of the recount I want to describe to this House the method in which it was conducted. There was a table 5 feet long and 2½ feet wide. Upon one end of the table sat the county judge, under whose direction the recount was proceeding. By the side of him were two tellers. On the two sides of the table sat the four counsel for the parties to the recount. Upon the other end of the table sat the deputy county clerk, Waggoner, who produced and opened the ballots which were to be recounted for the office of treasurer. Behind Waggoner, who was opening these ballots, laying them upon the table and announcing from each ballot whether the vote was for one or the other of the candidates for treasurer, sat on a high stool Mr. Murphy, the important witness in this case. All the information, gentlemen, which Mr. Murphy had about the true state of the ballot in that county he received while sitting on that high stool in the position I have named.

I have here one of the original ballots. [Exhibiting ballot.] Those ballots contained the names of 50 candidates. The county clerk took those ballots. He first turned them over and looked for any marks on the back that might invalidate them; then he uttered the name "Gleason," or whatever else may have been the name of the candidate for treasurer; passed the ballot to counsel for verification, and it was passed about the table. All the opportunity which Murphy had to ascertain the truth of the matter was while the ballot was in Waggoner's hands and before it was passed to anybody else. These ballots were counted, according to the testimony of the county judge, at a rate of not less than 6 per minute, and in some cases as high as 16 per minute. They regulated the speed with which the ballots were handled, not to conform to the convenience of Mr. Murphy, who was a spectator, but for the convenience of the count by the officers who were engaged in that business.

Mr. McCLEARY of Minnesota. If the gentleman will permit me, I would like to ask him if during that count an announcement was made of the votes for Congressman?

Mr. MOODY. No; there was no such announcement.

These proceedings were not exactly secret, because it appeared to be generally known that Mr. Murphy was present and was making a count of the Congressional vote, yet he was not recognized as a party to the official count or as being there according to law. Mr. Murphy was a spectator, like many others who were present.

Mr. HOPKINS. But all know that he was keeping a count.

Mr. MOODY. I have already said that such was the case.

Mr. HOPKINS. And when the count was slow, at the rate of six ballots a minute, it was these ballots where there were many changes; that is to say, they were not the straight ballots?

Mr. MOODY. On the contrary, the sixteen-a-minute ballots were put all together as straight ballots, and were counted faster.

Mr. HOPKINS. But the rapidly counted ballots were the straight party ballots; that is what I mean.

Mr. MOODY. Unquestionably the gentleman is correct in that.

Now, remember, Mr. Speaker, that Mr. Murphy was unquestionably in the employ of General Rinaker, which fact appears in the testimony, and which is not disputed. It is shown that he was employed at the instance of Thomas Rinaker, the contestant's son and counsel. There was no concealment about it and no dispute of the facts. Nobody represented the other side there. Mr. Murphy thought he could keep the count accurately under the circumstances I have tried to recite to you——

Mr. HOPKINS. If it will not interrupt the gentleman——

Mr. MOODY. I welcome interruptions, especially interruptions that I know are intended only to elucidate facts in the case.

Mr. HOPKINS. Is it not true that Bell and Anderson were attorneys in the case also for the contestee? Were they not sitting at the table looking at the ballots as the contestee's counsel?

Mr. MOODY. It does not appear whether they were attorneys for Downing or not. There is nothing in the record to indicate that fact.

Mr. HOPKINS. I think that is admitted.

Mr. MOODY. Whether they were or not, at that time the evidence does not disclose, but there is no evidence that they kept count upon the votes for Congressman.

Now, Mr. Murphy thought he could keep the count accurately, and Mr. Waggoner, whose back was turned to Murphy all the time, also thought Mr. Murphy could keep the count accurately; but everybody else who testified in the case and give their opinion of the value of Mr. Murphy's count say that it would not be possible to keep an accurate count under the circumstances.

But, Mr. Speaker, I do not rely too much on the opinion of people on such subjects. Too much depends on the differences in men; and Mr. Murphy appears to have been an accurate man, as far as it would have been possible for a man to be accurate under the existing conditions. But I appeal to every man in this House within the sound of my voice to say if it is possible, under the circumstances, that any man could keep an account of the ballots accurately, or whether it would be possible for such a man to keep such a count more accurately than the sworn officers of the law, who had every facility afforded to them for performing their duties? Why contrast Mr. Murphy's recount with the official recount going on? He was alone, endeavoring to keep this count under difficult circumstances.

On the other hand, in the official recount there was the judge of the court to decide questions in dispute about the law; there was a teller for each party to the contest; there were counsel present on each side of the controversy, and the deputy county clerk, acting under the responsibilities of his office, who counted out the ballots in the presence of all of the others. The testimony shows all that, and yet with all of these precautions again and again a mistake was made. Something on the ballot escaped the scrutiny of the first man, passed the second, the third, and the fourth man, until finally it reached the last man before the error was detected. So that, as a matter of fact, the judgment and the eyesight of one man was corrected by another and another and another still, each one verifying the count of his predecessor, until the result of the final count was as accurate as such a proceeding could possibly be.

Mr. HENDERSON. After the ballots had gone the rounds of those whose duty it was to inspect them, were they put in a pile near where Mr. Murphy sat?

Mr. MOODY. They were not; they were folded and strung again. Mr. Murphy had no opportunity—and if I am wrong about it I should be glad to be corrected——

Mr. COOKE of Illinois. I know my friend does not wish to misstate the case in the slightest degree. I should like to answer the gentleman from Iowa by saying that Mr. Waggoner, who sat at the head of the table, and by whose shoulder Mr. Murphy sat, was the deputy clerk who opened the ballots, and he, having the ballots there open before him, read the result aloud to those assembled, and then the ballots were passed around.

Mr. MOODY. I stated that, I think. If I did not, I am very much mistaken.

A MEMBER. You did state it.

Mr. HENDERSON. When this deputy clerk opened the ballot, he was doing that, I suppose, while the inspection of the last preceding ballot was being had?

Mr. MOODY. No; he took the ballot, opened it, made the announcement as soon as he inspected it, reading the name of either one candidate or the other for county treasurer, and then immediately passed it away from Mr. Murphy.

Mr. HENDERSON. And then took out another ballot and prepared to do the same thing, and hence the ballot would lie there some time—until the inspection of the next preceding one was completed by the other officers?

Mr. MOODY. I can only answer that the uncontradicted testimony shows that the ballots were counted, as the county judge said, between the extremes of 6 a minute and 16 a minute, and Mr. Murphy had what chance he could have under those circumstances.

Mr. HENDERSON. The object of my first question was to know whether at the end or the beginning there was a period of rest for the ballot, when Mr. Murphy was situated so that he could take advantage of that period of rest.

Mr. MOODY. Undoubtedly there was a period of rest, of greater or less extent, when Mr. Murphy could see the ballot. No one disputes the fact that he had some chance. Our point is that he had not a chance to be more accurate than the precinct officers themselves, who could take all the time they pleased. And let me again, at the expense of repetition, say to the gentleman from Iowa [Mr. HENDERSON] that the speed with which these ballots were handled was made to conform to the recount upon treasurer and not to the requirements of the recount upon Congress. That is an extremely important matter.

Mr. BRUMM. Will the gentleman allow me to ask him a question for information?

Mr. MOODY. Certainly.

Mr. BRUMM. As I understand, this matter was going on in a contested election case for treasurer?

Mr. MOODY. That is true.

Mr. BRUMM. That the question as to who or who was not elected to Congress was not at issue?

Mr. MOODY. Not at all.

Mr. BRUMM. While these ballots were being counted, or being examined with reference to one contest, a gentleman by the name of Murphy was sitting where he could see those ballots; and he swears, as I understand it, that he discovered that among those ballots there were a certain number that had been declared by this investigation to be illegal, and that there were a certain number of those that had upon them the name of one or the other of the Congressional candidates. Is not that the truth?

Mr. MOODY. I understand, if the gentleman will permit me to explain in detail, that he counted every ballot that was recounted; that he looked over the shoulder of those who were counting for treasurer. He had a pad on his knee and a pencil in his hand, and he made a tally for each ballot that passed; and I do not deny——

Mr. BRUMM. That does not answer the question. The information I want is this: You say this testimony conflicts with the recount for treasurer.

Mr. MOODY. I do not. I mean to say that, as you will see later, there is a difference between the results of the two recounts, but I do not consider that very material, because General Rinaker was running ahead of his ticket, and very greatly ahead of his ticket.

Mr. BRUMM. Then there is really no conflict, and there is no denial, so far as the testimony goes to show, of what Mr. Murphy swore to?

Mr. MOODY. There is no denial and can be no denial of the fact that Mr. Murphy made that recount. We all know that he did.

Mr. BRUMM. I understood you to say that there was a conflict with the official returns.

Mr. MOODY. Oh, with the official returns made by the election officers when they made their original count.

Mr. BRUMM. Yes; but here is the point I want to get at. Of course that conflicted with the official returns, because the official returns gave so many votes to one and so many to the other.

Mr. MOODY. Yes.

Mr. BRUMM. If, however, the ballots that Murphy said were illegal are in reality illegal, then that would reverse the official returns, without charging the officials with fraud or with anything more than error.

Mr. MOODY. I see what is in the gentleman's mind. The

gentleman has made an error of fact in reference to the illegality, and if he will permit me to go on and speak for a few moments longer, perhaps I shall explain what is in his mind.

Mr. SHAFROTH. Will the gentleman answer a question?

Mr. MOODY. Certainly.

Mr. SHAFROTH. I should like to know whether the testimony discloses that when Mr. Murphy sat behind this man, when he found there was a mistake made in any ballot, whether he called the attention of any one to it?

Mr. MOODY. The evidence shows that he did not. He made his count entirely independent of every other human being in the world, and upon that I want to call the attention of the members of this House, as men who love justice and fair play, to what the Republican judge of that county who presided at that recount said—a man who was elected upon this very ticket at this very election, who was friendly, as everybody was and everybody is here, to General Rinaker. In answer to this question:

Would you like to undertake to have your count, made under the circumstances that Mr. Murphy made that, considered strictly accurate?

He replied:

If I was contesting an election, I should want the ballots counted a little more accurately than they were counted. Of course I should want somebody watching the other side as well.

And that answers the question of the gentleman better than I can answer it.

Mr. DANIELS. Now I ask the gentleman whether the evidence of the deputy county clerk did not show that the process when this counting was done was that the ballots were opened and laid flat on the table?

Mr. MOODY. I have so stated by illustration. If I have not so stated I desire to do so, for I do not desire to misrepresent, and if I do misrepresent I beg gentlemen to correct me. But all the ballots were, as has been suggested, spread upon the table. The announcement was made and they were passed along with the speed which I have described.

Mr. HENDERSON. I would like to make one further inquiry of my friend, and then I will not disturb him further.

Mr. MOODY. I yield cheerfully.

Mr. HENDERSON. And if he is going to cover the point he need not pay any attention to it.

Mr. MOODY. I will pay attention to the gentleman always.

Mr. HENDERSON. You are very kind to all of us. It seems, according to the argument, that the rights of the defendant depend upon the secondary evidence. Now, what I would like to hear is the views of the gentleman on this point. Was it within his power to get the primary evidence?

Mr. MOODY. If the gentleman will permit me, I will discuss that later in my argument, without any evasion whatever.

Mr. HENDERSON. I want to see if he could get the primary evidence.

Mr. CANNON. Will the gentleman allow me to ask him a question?

Mr. MOODY. Certainly; if it is not on the question of injunction.

Mr. CANNON. It is not, except incidentally. It is upon another point. In fact, were the attorneys of the sitting member present at this recount, one or both?

Mr. MOODY. The gentlemen who subsequently appeared in the record as attorneys, or some of the gentlemen who subsequently appeared in the record as attorneys for the contestee, and some who subsequently appeared as attorneys for the contestant, were present at this recount. They were attorneys in the recount; they were not acting for the contestee. No attorney was acting in regard to the Congressional election. Murphy was the only man who officiated.

Mr. CANNON. I want to ask the gentleman one or two more questions. Within a few days, as I understand from a hasty reading of the report, after this recount on the local contest the subpœna duces tecum to bring these ballots was issued by the notary public under the Federal law.

Mr. MOODY. Yes.

Mr. CANNON. Now, then, is it or is it not true that the sitting member had then applied to the State courts?

Mr. MOODY. Of course it is true.

Mr. CANNON. To my friend's mind, is it significant that those attorneys of the sitting member got enough information to know that they did not want these ballots counted under the Federal process?

Mr. MOODY. I do not think these attorneys appeared for the sitting member at that time. I do not think they appeared at this recount. That fact has never assumed any significance in my mind.

Now, I want to call your attention and weary your patience, perhaps, by a table which I have prepared for use in my argument, and lest I fall into the lot of my friend from Alabama [Mr. WHEELER] I ask consent of the House to print this table instead of reading it, and then I shall refer to it in detail.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts? [After a pause.] The Chair hears none, and leave is granted.

The table is as follows:

Gains and losses in recounts, including "objected to" ballots.

	By Murphy's recount for Congress.		By official recount for treasurer.	
	R.	D.	R.	D.
Carlinville	2, + 1			
Western	+ 1	− 2		+ 1
South Otter	+ 1		+ 2	− 3
Shipman	+ 4	− 1		− 1
North Palmyra	+ 1	− 2	+ 2	− 3
Scottsville	+ 3	− 3	+ 1	− 1
Gillespie	+ 2	− 1		− 1
North Otter	+ 3	− 3		
Bunker Hill	2,	+ 2	− 1	+ 2
Chesterfield	+ 1			+ 1
Polk		+ 1		
Carlinville	1, + 1			
Do	4,	− 1		
Mount Olive	1, + 2	− 1	+ 3	
Bunker Hill	3, + 2	− 1		
Do	1, + 1		+ 1	
Staunton	2,	− 1		
Total	+ 23	− 13 net.	+ 8 net.	− 4 net.

Mr. MOODY. There were 25 precincts counted by Murphy, and in 8 of them he purports to find no change. In the other 17 precincts he finds the change indicated here upon this table. That column which I point to shows the gain for each precinct that he found for Rinaker; that [indicating] shows the loss or gain which he found for Downing, and these figures in red are corresponding losses and gains on the recount for treasurer in the same precincts.

Now, gentlemen will observe that this gain of 35 votes net in this recount of 17 precincts in the contestant's home county is made up of little odds and ends picked up in the different precincts. In only one case are there as many as 4—the precinct of Shipman. In only two precincts are there as many as 3. In most cases there are only 1 or 2. Now, I do not dispute Murphy's honesty. There is nothing in the record which permits me to do that. I do not dispute his accuracy. I have no right to do so on this testimony. But I do say that when it comes to the matter of picking up, out of 200 or 300 votes in a precinct, 1 or 2 or 3 or even 4 votes, we can not trust to that process if we seek to do justice between man and man.

I say again that these changes may have been, and undoubtedly largely were, the result of different views of the law between Murphy and the precinct officers, and who is to tell us which view was right? To illustrate this point, in the precinct of North Palmyra there is a gain of 1 for Rinaker. It is shown without contradiction that in North Palmyra Mr. Murphy said to a bystander that there was a gain of 1 on account of a ballot which was marked in this way: "This is the ballot of J. C. Hamilton," he claiming that that was a legal ballot and ought to have been counted. That testimony is not contradicted. That was the claim of the contestant in his brief. But the supreme court of Illinois since that time has decided that such a ballot can not be counted.

Now, I say that the consideration of this illustration which I have given to the House may account for the difference that there is between the official count and the recount of Murphy. And I say that, without knowing on what grounds he proceeded, we ought not to take the judgment of a man about whom we know nothing, except that he is accurate in figures and that he is honest, as against the count of men who were sworn officials under the law and against whose integrity not one word has been uttered.

Mr. COOKE of Illinois. I want to ask the gentleman whether the very fact which he presents here so clearly, showing that these changes are but few in number in the various precincts, is not the highest evidence that could be brought here to show the accuracy and reliability of Mr. Murphy's work? In other words, if there had been a change of 6 or 8 or 10 shown in one precinct and only 1 in another, and 7 or 8 or 9 in another precinct and only 1 or 2 in still another, would not that indicate a hop-skip-and-a-jump method of counting, which could not be so accurate as the one embodied in this table?

Mr. MOODY. My colleague upon the committee appears to test the value and the accuracy of Mr. Murphy's testimony by the closeness with which it conforms to the original count. I accept that standard. [Laughter.] The original count is the thing that is ultimately authoritative in this case until, in a legal manner, some other state of facts is shown.

Mr. REEVES. May I ask the gentleman a question?

Mr. MOODY. Yes.

Mr. REEVES. The county judge sat at the end of his table, and was it not his duty to pass, and was he not in fact passing, upon the validity of those ballots?

Mr. MOODY. It was his duty to pass upon the validity of the ballots, but in point of fact he did not. My friend is mistaken, and I hope to convert the whole Illinois delegation before I get through if they keep on asking questions. [Laughter.] It was his duty to pass upon those questions, but wherever there was any objection made to a ballot, judgment was reserved; so the court never did pass upon these questions. Nobody under God's heavens ever passed upon them except Murphy, and what we ask is that before we take away this man's right, before we take away the rights of the people of this district, this House shall pass upon these questions.

Mr. HOPKINS. This evidence of Murphy was offered by the contestant during the forty days allowed him by law to take his testimony, was it not?

Mr. MOODY. Yes.

Mr. HOPKINS. Now, what prevented Mr. Downing from having the ballots counted to verify or to defeat this evidence during the forty days allowed him for the taking of testimony?

Mr. MOODY. Nothing occurs to me now.

Mr. HOPKINS. Mr. Downing did not do it, did he?

Mr. MOODY. Mr. Downing did not do it. We want to do it now. If Mr. Downing made a mistake, do not visit it upon the people of Illinois.

Mr. HOPKINS. But if there was fraud, we do not want the gentleman from Massachusetts to sustain it.

Mr. MOODY. Fraud! If I did not misunderstand the gentleman's word, this is the first time that any man has alleged fraud against anybody in connection with this case, and it shows that the gentlemen who are supporting the majority report are being driven to extremities to do it.

Now, Mr. Speaker, it has been described how the ballots have been preserved. I would like to call attention to the law, because I know that gentlemen want to follow it. The law as laid down by McCrary is this—I will not weary the House by reading very much. McCrary states the law in these words:

> The official acts of sworn officers are presumed to be honest and correct until the contrary is made to appear. It has accordingly been held that a return can not be set aside upon proof that a recount made by unauthorized persons some time after the official count has been made showed a different result from the official count. This was upon the ground that the count made by sworn officers immediately upon the close of the polls was better evidence of the true result than a count made by interested parties not sworn at a subsequent period and after the result of the official count had been made known. Such evidence comes far short of establishing either fraud or mistake in the official count.

I commend that last statement to the gentleman from Illinois [Mr. HOPKINS].

He cites Gooding *vs.* Wilson, Forty-second Congress, in which case the report was unanimously made by a very able committee, of which Mr. McCrary himself was chairman.

Mr. McCALL of Massachusetts. Will my friend permit me another interruption?

Mr. MOODY. Yes.

Mr. McCALL of Massachusetts. The count relied on by the contestant is the count of Mr. Murphy?

Mr. MOODY. Yes.

Mr. McCALL of Massachusetts. And that contradicts the count of the election officers?

Mr. MOODY. Yes.

Mr. McCALL of Massachusetts. Now, how many different election officers were there who were contradicted by Mr. Murphy?

Mr. MOODY. I think somewhere about 75. I can not tell the exact number. And I beg you to remember, gentlemen, that they are representatives of different parties.

Mr. BRUMM. The gentleman does not mean that the "count" is contradicted. As I understand, the question is as to the legality or illegality of certain votes.

Mr. MOODY. No; there is also a question of errors in counting. How much of the controversy in this case turns upon a difference of opinion as to the legality or illegality of votes and how much upon the question of actual errors in the count no man can tell. But I say, where the question is as to the legality or illegality of votes, this House ought not to proceed on Mr. Murphy's judgment, and where the question is upon errors in the actual count this House ought not to proceed upon Mr. Murphy's judgment, against that of 75 honest Republican and Democratic election officials of the State of Illinois.

Mr. COOKE of Illinois. Does the gentleman mean to say that Mr. Murphy passed upon any alleged illegal votes or upon any irregularly marked ballots?

Mr. MOODY. I mean just this: Mr. Murphy said that whenever either party to the recount on the treasurership objected to a ticket he marked it "objected to" and claimed it for Rinaker or for Downing, as the case might be, and then he put those votes into the statement which he made of the gain of 36 votes.

Mr. COOKE of Illinois. That is to say, in the contest going on over the other offices he paid no attention to the objections of counsel pro and con, but treated as regular the ballots that had been returned as regular, in accordance with the returns; but such ballots as had been returned by the election officers as "rejected" or "objected to," and not counted—those he did not include in his count.

Mr. MOODY. It is not clear whether he did or not.

Mr. COOKE of Illinois. Certainly my statement is correct.

Mr. MOODY. The fact is not to my mind clear; and I make no such claim.

Now, Mr. Speaker, I listened to see whether any precedent could be produced for conduct of this kind. I observe that my friends on the other side have not as yet produced a precedent. There is one, Mr. Speaker; and I want to call the attention of the House to it, especially the attention of some members of the Illinois delegation. It is the case of English *vs.* Peelle, in the Forty-eighth Congress. If gentlemen think that that is a proper precedent to follow, they will support the majority report in this case; if they doubt it, they will vote with the minority in this case.

In the Forty-eighth Congress the Democrats had a plurality of 42 votes. Mr. Peelle held a seat from the State of Indiana by a plurality of 88 votes, and the Democrats undertook to get the seat from him. Mr. English, who had the advantage of having a very powerful and very rich father, undertook to steal that seat away from Mr. Peelle. He came here with a contest in order to do so. Among other things he had this testimony: A recount was going on in the county of Marion, in the State of Indiana, for the office of county sheriff—not county treasurer, as in this case. One of the men engaged in that recount was employed by Mr. English's father—just as Mr. Murphy was employed in this case by General Rinaker's son—to make a recount at the same time of the Congressional vote.

Now, sir, there are two things to distinguish that case from this. In the first place, the man who made the recount in that case, whose name was Brown, had two counts to attend to. On the other hand, those ballots went through his hands with just the speed that he let them go; he had all the time that he wanted. That goes the other way. I say that if there is any choice between these two recounts, as to the value to be given them as evidence, the choice is in favor of the gentleman in Indianapolis who made the recount in English *vs.* Peele. He was not plain Murphy, he was Hon. Austin H. Brown; and he brought the testimony of a Senator of the United States, Senator McDonald, to his good character. And he brought the testimony (it was in the record) of a judge of the supreme court of the State of Indiana, Judge Niblack, that he was a man of unquestioned character. He had been a Treasury clerk in Washington, an assistant clerk in the Sixth Auditor's Office; he had assisted (God forgive him for it) in the preparation of the report on the tariff of Robert J. Walker; he had been clerk of Marion County; he had been county commissioner, and State printer, and county auditor; he had been a member of the city council. He had every qualification in the world, besides the title of "honorable" to his name, and the certificate which he got from the gentleman to whom I have referred. And he made another convenient recount of the votes cast just about like the recount of this case. He testified that Mr. English thereby gained 99 votes, just enough to entitle him to a seat on this floor with 12 to spare.

The majority of the committee reported in favor of English, and the report came before the House. The gentleman from Georgia [Mr. TURNER]—I do not know whether he is present now or not—was then chairman of the committee. To his eternal honor be it said he voted against the report of his committee and in favor of the Republican member, after a debate of unexampled bitterness and a long contest (the minority report being in favor of the Republican). Although that was a Democratic House, the minority report was substituted by a vote of 121 to 117. Then they adopted on the other side filibustering tactics. A motion to reconsider and a motion to lay on the table were made, and some gentleman on that side moved that the House adjourn, in order to secure reenforcements from outside, and carried the motion. The next day the motion to reconsider was defeated by a tie vote, 132 to 132; then a motion to reconsider was carried by 133 to 130, and a motion to recommit to the Committee on Elections was defeated by a vote of 133 to 134. Then, on reconsideration, the vote on the adoption of the minority report was defeated by 1 majority.

Now, there are gentlemen about me on this floor who can not fail to remember that contest, or the debate which took place at that time, or how they voted upon the question. It is precisely the same question that is presented in the pending case. This question of the injunction can not obscure the real question at issue here, nor can the question of how the evidence came into the case, or how the evidence was taken, or any other collateral question. It is simply a question of whether the testimony in the case is to be believed or rejected after it is in the case. It is not a question of the reception of the testimony. Nothing that was done a month later could possibly affect the weight of evidence, and in that case to which I have just referred, the whole Republican side of the House, with the minority of the Democrats, were against accepting the unofficial count, and my friend from Illinois

[Mr. CANNON], who now rises to question me, voted all the way through against accepting the last recount. I hope he will be consistent now, if it is not too much to expect consistency of any man who has served so long in Congress as my distinguished friend from Illinois. [Laughter and applause.]

The gentleman from Pennsylvania [Mr. BRUMM], who sits just before me, voted against accepting the report of the committee; the gentleman from Maine [Mr. DINGLEY], who sits near me, voted not to accept it; the gentleman from Iowa [Mr. HEPBURN] not only voted against it, but was on the committee which reported against it. The gentleman from Iowa [Mr. LACEY] voted against it, and I have reason to believe that he at least intends to be consistent and to make his action square to his own conscience and not to partisan ends. The gentleman from Illinois [Mr. HITT] was also against it——

Mr. LACEY. If the gentleman from Massachusetts will permit me, he is mistaken. I was not a member of that Congress.

Mr. MOODY. Then there was another gentleman of the same name.

Mr. LACEY. There was a member from Michigan of the same name.

Mr. MOODY. Well, all gentlemen of that name appear to be right in their opinions on the question of recounts. [Laughter].

Now, Mr. Speaker, there is a precedent. It is for this Republican House to say whether we shall follow it. Are we enough in need of Republican votes here in this Congress to stultify every word spoken by the Republicans and every vote cast by them in a precisely similar case in the Forty-eighth Congress?

Mr. Speaker, if it were not that somebody might stretch my words into a reflection upon some one with whom I differ on this question which I do not intend, I would adopt as my own language the words spoken on that occasion by a member from Massachusetts [Mr. Long], who closed his address with this language:

Mr. Speaker, this whole case as presented in the majority report is an insult to common intelligence. If it is a joke, then it is time to end it. If not, then this House in the dignity of its own self-respect, rising above all partisanship, ought to tramp such infamy under foot. I would like nothing better than to leave it to you, Mr. Speaker; I would like to see what quiet but quick work you would make of the miserable sophistry which seeks to rob the member from Indiana of the seat which he is so justly and clearly entitled to hold on this floor.

Now I yield to my friend from Illinois.

Mr. CANNON. Now, if the gentleman will permit me, I have a general recollection——

Mr. MOODY. Well, the gentleman had better get a special recollection.

Mr. CANNON. Oh, very well, I will. I wish to ask the gentleman, as he is familiar with the case, this question: Was there evidence taken touching the ballots in that election?

Mr. MOODY. No.

Mr. CANNON. Was any effort made to take the evidence?

Mr. MOODY. No; the Democrats complained because the Republicans did not make an effort to do it.

Mr. CANNON. Well, neither Democrats nor Republicans made an effort to get the primary evidence?

Mr. MOODY. They did not.

Mr. CANNON. They did not?

Mr. MOODY. No; and the secondary evidence was in, and the House would not believe it.

Mr. CANNON. This was mere secondary evidence, then, that was acted upon, with no effort having been made to get the primary evidence?

Mr. MOODY. Mr. Speaker——

Mr. CANNON. I want to know that as a fact.

Mr. MOODY. Let me answer. The words "secondary evidence" were not used in the debate in that case from beginning to end, according to my memory. The evidence was in the case, just as the evidence is in this case before you here to-day. The only thing the Republicans said was, "We will not believe it. We will not take that evidence of an unofficial recount against the sworn return of the precinct officer." And that is what we do here.

Mr. CANNON. Precisely. But let me ask the gentleman this further question, if he claims now that these two cases are upon all fours.

Mr. MOODY. Oh, no two cases, Mr. Speaker, are upon all fours——

Mr. CANNON. But in principle?

Mr. MOODY. In principle I do say so, according to my conscience.

Mr. CANNON. One further question now. I want to ask my friend if he parades this case here, in the exhortation to myself and others, as an appeal to the Democrats who are in this Congress who were in that Congress, who voted to unseat Mr. Peele, to vote consistently?

Mr. MOODY. Oh, no, Mr. Speaker; I do not do anything of that kind. I want this side of the House to be better than the Democrats. That is the reason I belong to the Republican party. [Laughter and applause.]

Now, Mr. Speaker, I approach the question of the injunction. Let there be no mistake about this. I am not going to undertake to announce any decision upon the question as to whether that injunction was well founded or not as a matter of law——

Mr. BURTON of Missouri. Before the gentleman proceeds to that branch of the case I should like to ask him if the testimony of Mr. Murphy is all the testimony there is as to the recount?

Mr. MOODY. Absolutely all, except that in one other county there was a gain of 4 votes, upon the same sort of testimony by another man, which testimony was contradicted, by the way, but we do not make any point about that. There was a gain of 4 votes in Cass County, but that gain of 4 votes depended upon the testimony of one man, whose testimony was contradicted. The gain of 35 votes in Macoupin County, which is conclusive in this case, depends absolutely and solely upon the testimony of Murphy. The only possible corroboration is the fact that Waggoner, who sat with his back to Murphy all the time, gave it as his opinion that Murphy could count accurately. That is all there is in the case.

Now I want to come to the question of this injunction. I believe every lawyer in this House will agree with me that the question of the injunction is not free from difficulty. That is all I say, that it is not free from difficulty. It is by no means sure how that question would be decided if it came to the Supreme Court of the United States. Let us see what it was. It was an injunction against opening these ballots except by Congress or by a court of record of the State of Illinois or by a judge of a United States court.

Now, I agree that we will eliminate the State court, for reasons that I have already stated to the House; but the statute under which contests are tried confers jurisdiction upon a judge of the United States court to issue his subpœna and take the evidence in this case, and there is no question about it. Gentlemen say it did not belong to the jurisdiction before this act of Congress was passed. That is true; but all jurisdiction, if I am not mistaken, in the courts of the United States depends upon some statutory enactment. It is given by one statute or by another statute; and by this statute under which contests are tried the courts of the United States have the power to issue a subpœna and take the evidence. Now, this injunction was issued upon the 17th day of January——

Mr. HOPKINS. If my friend will allow me to interrupt him, under the statute the district judge must live in the district?

Mr. MOODY. Yes; undoubtedly.

Mr. HOPKINS. And he has no more power than a notary public for that purpose?

Mr. MOODY. No; I think not. I think the jurisdiction is limited by the statute itself. I think the statement of the gentleman is correct; but we know that there is a difference——

Mr. HEPBURN. Will the gentleman allow a question? Is this jurisdiction conferred upon the court or upon the judge?

Mr. MOODY. Upon the judge.

Mr. HEPBURN. Who might be sitting as an officer taking the testimony in the case?

Mr. MOODY. It is conferred upon any judge of a United States court who resides in the district.

Mr. HEPBURN. Yes; but would he not have to be sitting as a notary public would?

Mr. MOODY. Oh, yes.

Mr. HEPBURN. Or as that officer would who was taking the testimony in this particular case?

Mr. MOODY. Oh, yes; certainly he would.

Mr. HEPBURN. And if he was not selected for that purpose, then he would have no power whatever.

Mr. MOODY. The jurisdiction is invoked by act of the party.

Mr. HEPBURN. Is there any further jurisdiction or authority reposed in the judge of a circuit court under the Federal statutes than there is in a notary public that may be selected?

Mr. MOODY. No; not as I understand it.

Now I will talk about the effect of the injunction, which is claimed to be a suppression of the evidence in this case. I say that if it held these ballots until Congress met, it is a perversion of terms to speak of it as a "suppression of evidence." "A preservation of evidence"—"a suppression of evidence." But the injunction expressly exempts the United States courts. The injunction was had on the 19th of January, and of the forty days allowed to the contestant for taking evidence only three days had passed away. He could have had one day, or ten days, or a dozen days if necessary, to go to a judge of the United States court to have escaped the terms of this injunction. He could have had his subpœna issued from the court, and there would not have been any conflict between the United States courts and the courts of Illinois; and he could have taken testimony if he wanted to.

Mr. HOPKINS. I take issue with the gentleman.

Mr. MOODY. My friend can do that. I am stating my position. The real fact was that they thought they had maneuvered Mr. Downing into a corner, so that they could get this court of highest jurisdiction to accept that recount of Murphy's.

Mr. HOPKINS. Will the gentleman allow me to ask him a question?

Mr. MOODY. Certainly.

Mr. HOPKINS. You spoke about the injunction conferring power upon the United States courts.

Mr. MOODY. I did not say any such absurd thing as that.

Mr. HOPKINS. Did not you read the injunction, and argue that it was competent to have these ballots counted by the United States court and by authority of this Congress?

Mr. MOODY. That is true.

Mr. HOPKINS. I say to the gentleman that the United States has no jurisdiction in these matters aside from the very counting of the ballots which comes under its authority the same as the notary public.

Mr. MOODY. The United States courts do have the fullest authority that any court can have in the performance of its duties in the authority to take evidence, which the statutes gives them.

Mr. HOPKINS. What authority has the United States court to determine a contested election case?

Mr. MOODY. The United States court has just the same authority as the notary public had, no more and no less—the authority conferred by the statute.

Mr. HOPKINS. Simply acting under this authority that is given to the notary public to take evidence.

Mr. MOODY. Oh, no; acting under the authority given by statute. Just let my friend look at the old cases when we had the Federal election laws. Jurisdiction was conferred upon the United States courts by statute, and they could act anywhere upon the subject-matter under statutory authority. Under the authority conferred upon the circuit and district judges of the courts of the United States there is no power given to determine contested election cases. The only power given is the power of a judge who resides in the district to take the evidence. Nobody has power to decide an election case except the House of Representatives; and all I ask is that the members of the House, who are listening to me to an extent which I deeply appreciate, will act upon this question upon their individual responsibility and according to their consciences.

Mr. HEPBURN. Will the gentleman permit me to ask him a question?

Mr. MOODY. Yes.

Mr. HEPBURN. The language of the injunction is as follows:

> Until the same is ordered to be opened and recounted by a court of competent jurisdiction of the State of Illinois, or of the United States, or by the House of Representatives in Congress of the United States after the 3d day of March, A. D. 1895.

The question I want to ask is this: Supposing that a judge of the Federal court had been selected as an officer to take this testimony, does the gentleman contend that that court would be a court of competent jurisdiction of the United States, such as referred to in this language of the injunction?

Mr. MOODY. That certainly, Mr. Speaker, was my understanding.

Mr. HEPBURN. Then there is no distinction in the mind of the gentleman between a court of competent jurisdiction of the United States and a judge of the United States in a Federal court taking depositions?

Mr. MOODY. Oh, yes; there is a distinction. There is a distinction in the duties between the judge trying a case in equity and trying a case under an indictment, or between the differing jurisdictions that statutes repose in that judge.

Mr. HEPBURN. Does the gentleman think that the court issuing this injunction, when it used that language, then contemplated a district judge, we will say, taking depositions in an election case?

Mr. MOODY. I am not in the confidence of the court in Illinois, and I can not say.

Mr. HEPBURN. The gentleman is scarcely fair in answering in that way.

Mr. MOODY. I do not intend to be unfair. I stated my belief that it would have been possible for the contestant to have gone to the United States court and continued taking testimony there. I may be wrong. But that is not a vital part of the case.

Mr. HEPBURN. But could he have done it under the injunction?

Mr. MOODY. Yes, sir; under the injunction. I think the injunction would not have prevented him. In respect of any subject-matter, a court is a court of competent jurisdiction which has jurisdiction of that particular matter.

Mr. BRUMM. I wish to ask whether under that jurisdiction the judge of the district court would have had power to enforce the production of the ballot box for the purpose of investigation?

Mr. MOODY. Oh, yes; I think so. My position is that he would have had.

Mr. BRUMM. What process do you think he would have pursued?

Mr. MOODY. His subœpna. It would have been yielded to.

Mr. BRUMM. Suppose that the clerk had refused to comply with the subpœna?

Mr. MOODY. My point is that he would not. My point is that the injunction excepts a subpœna issuing from a judge of a court of the United States.

Mr. HOPKINS. The gentleman has spoken of the right of the contestant to go into the United States court. I want to ask him whether, as a matter of fact, the record does not show that there is no United States judge living in that district?

Mr. MOODY. I can not tell.

Mr. HOPKINS. Does not the record show that fact?

Mr. MOODY. If it does, it has escaped my attention.

Mr. HOPKINS. I am informed that the record shows there is no judge living in that district.

Mr. MOODY. The gentleman may be correct in his information.

Mr. HOPKINS. Then, assuming that to be correct, the contestant could not under the law go into the United States court, could he?

Mr. MOODY. Well, if he could not, he could not, of course. These questions of law can not be determined by the accidental residence of a judge in one place or another. We are determining questions of law.

Mr. HOPKINS. But whether the legal right which the gentleman claims to exist could be exercised depends upon that matter of fact entirely.

Mr. BRUMM (to Mr. MOODY). Would not the notary public have had the same jurisdiction which the judge would have had?

Mr. MOODY. Undoubtedly.

Mr. BRUMM. So that the question as to whether the judge lived in the district is not material.

Mr. MOODY. Of course not.

Mr. LACEY. Is it not the fact that the injunction simply copies the language of the statute of Illinois?

Mr. MOODY. That is true.

Mr. LACEY. The injunction uses the identical language of the statute; and if there was any violation of the proprieties of the occasion, it arose from simply copying the statute.

Mr. MOODY. This leads me to ask this House to consider this question—a question of constitutional law as to the relative rights of the States and the United States. What is the provision of the Constitution with reference to this subject? I read from Article I, section 4:

> The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

Now, there is no question that under the Constitution of the United States the State of Illinois has the right to regulate its own elections; to determine whether voters shall vote viva voce, by open or secret ballot; whether the ballot shall be destroyed as soon as it is cast and counted or whether it shall be preserved for one month or six months; whether it shall be preserved for a recount or not. All that is within the control of the legislature of Illinois under the Constitution of the United States. Do gentlemen forget that we had an elaborate system of Federal election laws which has all been swept from the statute book? Under that system of Federal laws the case of Ex parte Siebold arose, which is quoted here—a case which decides nothing material to this case except what I will read. Mr. Justice Bradley, on page 388, said:

> The State laws, which Congress has seen no occasion to alter, but which it allows to stand, are in effect adopted by Congress.

What, then, is the law of the State of Illinois which Congress has not seen fit to alter? The law of that State is this:

> In all cases of contested elections the parties contesting the same shall have the right to have the package of ballots cast at such election opened, and to have all errors of the judges in counting or refusing to count any ballot corrected by the court or body trying such contest, but such ballots shall be opened only in open court, or in open session of such body, and in the presence of the officer having the custody thereof.

Now, the question is whether the State of Illinois had not the right to say to Congress, "You may look to these ballots; but when you look to them you must look to them under conditions which we under the constitution prescribe in our laws until Congress sees fit to alter them."

Why, Mr. Speaker, the State of Illinois had 46 candidates on these very ballots for State officers in this election. It might well—and we can see the reason for the objection—it might well object to having these ballots taken out of the custody of the proper officer and put into the possession of some notary public or other officials for the purpose of making a recount. But until Congress makes it clear that it intends to override any provision concerning the preservation of ballots which the State chooses to make,

the man who acts on that view is not to be treated as a criminal, and have his rights taken away from him because it is claimed that he made a mistake on a mere question of law.

Mr. HOPKINS. Then if the tatute is plain that these ballots can not be taken from the officers in whose custody they now are, would the committee, as suggested by the gentleman, have any right to make a recount or to examine them in any way?

Mr. MOODY. Unquestionably they would.

Mr. HOPKINS. How would that be possible, if they can only be recounted according to the provisions of the statute of the State of Illinois, which does not provide for the recount in the manner suggested by the gentleman? In other words, the committee does not meet the requirements of the statute of the State.

Mr. MOODY. This meets the requirements of that injunction, which is enough for the present consideration of the case.

Mr. HOPKINS. But it does not meet the point the gentleman makes himself.

Mr. CONNOLLY. And it does not meet the requirements of the injunction, either, that required it to be in open session.

Mr. HOPKINS. Your argument, if the gentleman from Massachusetts will permit me, would lead to the conclusion that these ballots can not be opened at all.

Mr. MOODY. The terms of the injunction are until some order be taken by the House of Representatives.

Mr. HENDERSON. And a committee would have to be sent out for the purpose of making the examination?

Mr. MOODY. Certainly; but, gentlemen, do not let that be an obstacle in the pathway of justice.

Mr. HOPKINS. But, as I understand your point, it is that the statute of the State of Illinois is supreme, and the statute of the State of Illinois does not provide for such a count at all.

Mr. MOODY. I am not asserting that the statutes of the State of Illinois are supreme. I am asserting that the question is so doubtful that any man who acts honestly, under the advice of counsel, and procures an injunction from a court of competent jurisdiction, ought not to be treated like a criminal, and ought not to be forbidden to inquire into the true state of a controversy with a view to determining exactly what his rights are under it.

Mr. COOKE of Illinois. Will the gentleman not admit that the Federal statute, where it speaks plainly upon the right of a contestant and contestee to have all of the papers relating to the election produced, is supreme over the law of the State?

Mr. MOODY. Well, that is a question of construction. The only question here is whether there is a conflict or not. Where there is a conflict—a well-defined conflict—the statute of the United States is undoubtedly supreme. But I can not stop to answer questions about the plain language and powers that arise under the Constitution of the United States, or the authority which is given to Congress by the Constitution.

Mr. COOKE of Illinois. Then will the gentleman please explain to the House why, if the Federal law is supreme, the injunction is to be excused?

Mr. MOODY. Well, if I have not made myself plain to the gentleman from Illinois I certainly can not hope to do so by continuing this controversy. I can not pursue this branch of the subject further. I do not wish to use up too much of the time of the House. I might state the position, however, by a familiar illustration from criminal law: A man takes a piece of property without right, but under a claim of right; the law will not convict him as a thief.

Mr. COOKE of Illinois. But will not the gentleman recognize the difference——

Mr. MOODY. My friend must excuse me. I decline to yield further.

I am going to call the attention of the House, because it is an essential element in this case, to the assisted vote. It is a material point, because you have got to take Murphy's count and also retain the assisted votes to unseat Downing.

The Illinois statute upon the subject has been read. I will not undertake to read it again. It is not necessary. We say it is mandatory according to every authority that can be produced. The gentlemen on the other side will not, I venture to assert, show authorities to the contrary. They will confine themselves to assailing the authorities that I produce, but will give none in support of their own position. This question could not have arisen except under the Australian-ballot system, which has been adopted in the State of Illinois. It was raised first in a case that originated in Michigan. The court there decided the precise question at issue. The statute there is substantially similar to that of the State of Illinois. Any attempts to distinguish it do not reach the substance. The Michigan court held that the ballot of an assisted voter, who did not take the oath as to his disability, ought to be rejected. The precise question was decided unanimously by the supreme court of Minnesota. The question was before this House in the last Congress, and was decided by a Democratic House in favor of a Republican. There are three authorities upon that question. Some reason is given why each one of them should not be accepted by the House but nothing is substituted in their place.

The gentleman from New York [Mr. DANIELS] says that the decision of the committee in the last Congress was not a carefully considered one, and that there is not anything to show that the minority did not dissent from that conclusion. Why, there is something to show. The gentleman from New York is here himself. If he dissented from it, I invite him to say so now. The gentleman from Massachusetts, my colleague [Mr. MCCALL], who is chairman of the Committee on Elections No. 3, and who joined in that decision, did not dissent from it. If there was any dissent, I call on him to state it now.

I say in all justice and fairness that we ought not to reverse the decision of the last Congress in this case.

Now, we wrote this report and submitted it to the House on the 28th day of April. On that day, without our knowledge, this question received a solution by the supreme court of the State of Kentucky. It is not in the report, but I want to call the attention of gentlemen to it. I have it here; it was handed down the very day we filed this report.

Remember, Michigan has decided it as we claim. Minnesota has decided it as we claim. The Congress of the United States has decided it as we claim, and no other court or tribunal on the face of the earth, to my knowledge, has decided it otherwise. On the day that we filed this report the supreme court of Kentucky, upon a statute that can not be distinguished from the one under discussion by any fair use of words, handed down this decision. The section of the Kentucky statute is as follows:

SEC. 1475. *Illiterate, blind, and disabled persons; penalty for false declaration.*—Any elector who declares on oath that, by reason of inability to read the English language, he is unable to mark his ballot may declare his choice of candidates or party ticket to the clerk, who, in the presence of the judges, sheriff, and challengers, and the elector, shall, with his pencil, mark a dot in the appropriate place for the cross mark to indicate the choice of the elector. The clerk shall then fold and deliver the ballot to the elector, and instruct him to retire to the booth and there mark his ballot by making a cross mark either in the squares showing dots or any other squares he may desire. In all other respects he shall vote as is required of other electors. In case any person applying to vote is blind, and shall so declare on oath, the clerk shall be allowed to mark his ballot for him in the presence of the other officers of election and the challengers allowed by law; or in case any person shall be so physically disabled as to be unable to mark his ballot, and shall so declare on oath, the clerk shall have the right to mark his ballot, as in the case of a blind person applying to vote. Anyone making a false declaration under this provision of this section shall, upon conviction, be fined in any sum not exceeding $50 and be disfranchised for a period of two years, and any clerk who shall willfully deceive any elector in marking any ballot or willfully mark the same in any other way than as requested by said elector shall be guilty of felony, and upon conviction shall be imprisoned in the penitentiary for not less than two nor more than five years.

The decision is as follows:

First. The officers of election permitted the ballots of four voters to be stamped openly on the table of the clerk of election without requiring them to state under oath any disability which prevented them from marking their own ballots, and all of these ballots were so marked as to be counted, and were counted for appellee.

Second. The clerk at that precinct accompanied 18 voters into the voting booths, and stamped or assisted those voters in stamping their ballots so that they should be counted for appellee.

Third. * * * Upon the first ground stated, we are of opinion that the court should have sustained the contention of appellant, and excluded from count the ballots which were marked openly by the clerk of the election without the statement under oath of disability required by the statute. (1475 Ky. Statute.)

In our view the statute imperatively requires that the voter shall declare his disability, on oath, before his ballot can be marked for him by the clerk, and to permit the officers to assume, either from the voter's appearance or from their own alleged personal knowledge, that he is so disabled as to be unable to mark his own ballot would be to open a door for wholesale evasion of the requirements of secrecy in the ballots. This rule may result in hardship to the individual voter in cases where the officers are neglectful of their duty in requiring the oath of disability to be made, but the requirement that the voter shall take the oath before his ballot can be marked and deposited in order that he may be punished if he make a false declaration is, in our judgment, mandatory to the voter.

The statutes are alike in substance. There is no prohibition in the Illinois statute, and there is no prohibition in the Kentucky statute against counting ballots that are voted without the voter taking this oath. In each case there is a penalty for a man who makes a false oath. It is called a "false declaration" in the Kentucky statute. It is called a "false statement" in the Illinois statute. The sections are on all fours. I commend this decision to the examination of any man who desires to do justice; and we add Kentucky to Michigan, to Minnesota, and to the House of Representatives in favor of our side of this question. When we ask what there is against it, the answer must be: Nothing, nothing, nothing!

Mr. HENDERSON. Is the counting of these ballots essential to the seating of Mr. Rinaker?

Mr. MOODY. It is absolutely essential. There is no dispute about that. All agree to it. Each question must be decided in favor of the contestant in order to enable him to take his seat.

Now, the gentleman from New York [Mr. DANIELS], for whose attainments we all have the greatest respect, says that the case of O'Neill *vs.* Joy was contrary to this. Why, gentlemen, the case of O'Neill *vs.* Joy was nothing of the kind. The case of O'Neill *vs.* Joy was this: The voter in that case had prepared his

ballot in accordance with the statute. He had done everything under heaven that he could do, and he passed the ballot to the election officers, and they failed to put their initials upon it. He could not help that. It was not an act of his that failed. It was an act of a person over whom he had no control, and there can be no question about this. I do not know whether the gentleman from New York [Mr. DANIELS] wrote the report in that case or not, but whoever wrote it understood it, because in that report it is said:

> Prohibition [of depositing such ballots], it will be seen from the language of the section, is directed to the judges themselves and not to the voter. When he passed back his ballot to the judges as the ballot he intended to vote, all had been done by him which the statute required from him to have his vote deposited and counted.

The default was neither his default nor the default of anyone over whom he had any control. In the case of the voter who does not take the oath, the default is his own act. He may tender the oath. What would happen if they declined to receive it is another question. No such question arises in this case. He has the control over his own actions. He may either take the oath or not. He is presumed to know the law. If he does not know the law, I commend to him the words of the suprome court of Illinois in the late decision:

> It may properly be added that it is the duty of every voter under this law to ascertain and follow the provisions of the statute and the directions of the secretary of state in his instructions sent out with the ballots, and that whenever, through negligence or willfulness, he disregards that duty, he does so at the peril of losing his vote.

Now, I say the Illinois case which is in our report—and I want to appeal to the House for a consideration of it—goes to show, to my mind, that when this question arises before the supreme court of Illinois they will decide it in the way we contend for. They will follow the case in Michigan, they will follow the cases in Minnesota and in Kentucky. All the courts agree that the very essence of the Australian system of voting is the compulsory secrecy of the ballot, and that any construction of the statutes which tends to impair that secrecy is to be avoided. If you once allow an election officer not to take the ballot and count it without the oath of disability from the illiterate voter, the door to fraud is open, and will be entered. If you decide against our contention, you are providing a weapon for the hands of the enemies of the purity of the ballot box.

Mr. COOKE of Illinois. Will the gentleman point out the particular section and the language of the Illinois statute which he holds as mandatory?

Mr. MOODY. Why, it has been read a good many times. Why should I read it again?

Mr. COOKE of Illinois. Point out the section and state where is the mandatory language.

Mr. MOODY. I will answer the gentleman. The Illinois statute is entitled, among other things, "An act to enforce the secrecy of the ballot."

Mr. COOKE of Illinois rose.

Mr. MOODY. Let me get through. The State of Illinois has a system of voting where, in an election in cities and towns, a man has the right to write his name upon the ballot for the purpose of identification. The Australian ballot law did not give him the right to do this, nor did it deny it to him. The law was silent on the matter. The man might go into the ballot box and vote for a mayor of a town and mark his ballot so that it might be identified. As I say, the Australian ballot law was silent on that question, and he might assume that he could do the same thing under that law. But the supreme court of Illinois, although that act does not deny him the right to write his name on the ballot, and says nothing about it, has decided that if he so does he forfeits his ballot and it can not be counted—

> Because—

To use the language of the court, in substance, for it is important—

> Because it might lead to the destruction of the secrecy of the ballot, and furnish means to designing persons to evade the law as to secrecy.

That is where I find the mandatory power. The principle of that decision enforces the views I have submitted, and if you hold any other way you furnish means to destroy the secrecy of the ballot.

Now, Mr. Speaker, these courts I have referred to in these three great States arrived at their decisions independently. The court in Kentucky, which sent down an opinion on the 28th day of April, does not cite the decision in the Michigan case, and it does not cite the decision in the Minnesota case, and it does not cite the decision of this House. These three courts, reasoning upon the imperative necessity for the secrecy of the ballot, have all come to the conclusion that if a man seeks to take advantage of this provision, having some such inability to vote as shall require assistance, he must do so in accordance with the statute at the peril of losing his vote.

Mr. DANIELS. Let me call the attention of the gentleman to the fact that in the Minnesota case it was stated by the court that every one of these ballots that was contested under that provision of the law of Minnesota had been sworn to. They had sworn every voter. Is not this the language: "The oath was orally administered and informally taken, and held to be a compliance of the statute of the State"?

Mr. MOODY. I know what the gentleman is aiming at. He suggests the language presented in the report is in the nature of an obiter dictum.

Mr. DANIELS. I ask you simply the question whether all the votes in controversy in that case were not sworn to personally?

Mr. MOODY. The court held that what they did amounted to an oath.

Mr. DANIELS. And that ended the controversy.

Mr. MOODY. It did not end the controversy by any means. When the question of the construction of this section of the statute came before the court of Minnesota they discussed and disposed of the whole question. Now, I suppose a court knows what it decides and what it does not decide. And when you have a syllabus prepared by the court you have something pretty near to what the court decides. I hold in my hand the report of the decision, which shows in some place here that the syllabus was prepared by the court. I can not find it.

Mr. TAWNEY. That is right. That is the rule, and the law requires it.

Mr. MOODY. Here is the syllabus of the supreme court. I find it stated here that the syllabus is by the court. I read it:

> The requirement found in section 57 of the same chapter, that an oath must be administered to an alleged illiterate or physically disabled elector before he can have the aid of another person in the marking of his ballot, held mandatory. And the elector who requests such aid must, under oath, bring himself strictly within the terms of the statute as to his inability to mark his own ballot. He can not avail himself of aid upon the ground that he usually uses glasses, but has not brought them with him.

That is what the court decided.

Mr. DANIELS. Was not that statement made after the court had decided that every one of those contested voters had been properly sworn?

Mr. MOODY. No, sir; it was made while deciding the whole question.

Mr. DANIELS. No, sir.

Mr. MOODY. I have cited to the House what the court itself said that it decided.

Mr. DANIELS. Let me read what the court said as to the extent of its decision on the subject of these votes:

> We also wish to say in this connection that the provision of the law requiring the administration of an oath to such persons as claim the right to have their ballots marked is mandatory, and must be strictly observed.

That was after they had decided the whole case and decided that these votes were properly in.

Mr. MOODY. If the gentleman from New York gets any comfort from the language used by the court of Minnesota and the order in which it is uttered, he is welcome to it. I have stated what was decided. I do not care whether you call it dictum or not; the court said that they decided that question.

This is an example which I commend to the attention of the House as to the manner in which these authorities will be treated by gentlemen on the other side. They will not bring anything against them. They can not bring anything against them. They will go back to old authorities under an open-ballot system, which have nothing to do with the secret-ballot system—a system which makes secrecy compulsory. They will seek to find in minute differences in the language of statutes distinction in substance. They will say that in the case of Steward *vs.* Childs in the last Congress the Committee on Elections did not pay enough attention to the question which they then decided. But that is all they will or can say.

Now, Mr. Speaker, I do not intend to prolong this discussion further. It has been desultory, I know, on account of the interruptions which I have welcomed and of which I do not complain. The record in this case shows that the ballots were preserved down to the time of the injunction—preserved from the time they came from the hands of the election officers, who were honest election officers; that those ballots were sealed up, strung on a wire, and the wire itself sealed. The injunction of the court has held those ballots subject to the disposition of this Congress; there is no question about that. After the recount in the county which is principally in dispute, the ballots (as the testimony affirmatively shows) were restrung. They were put back into their cases; they were put into a trunk; the trunk was sealed with the seal of the county clerk; and his name written across a paper which was sealed over; the trunk was locked; the key was put in an envelope; the envelope was sealed; and the sealed envelope was put in the safe of the county clerk; and there it stays today.

I hold in my hand the certificate of every county clerk in that district. I will read only one of the certificates—the certificate of the clerk of the county which is principally in dispute—the

county of Macoupin. I will read the certificate, and I wish gentlemen to observe that this officer is a Republican:

STATE OF ILLINOIS, *Macoupin County, ss:*

I, Fred. G. Oeltjen, clerk of the county court in and for the county and State aforesaid, do hereby certify that the tickets or ballots cast at the general election of 1894, together with all the election papers pertaining to said election, in said county aforesaid, have been preserved and are now in the same condition that they were when I testified concerning them in the contested election of John I. Rinaker *vs.* Finis E. Downing. I further certify that I shall continue to preserve said ballots and papers of said election until the said election contest of Rinaker *vs.* Downing is finally determined.

In witness whereof I have hereunto set my hand and the seal of said court this 24th day of April, A. D. 1896.

[SEAL.] FRED. G. OELTJEN,
County Clerk.

Mr. LACEY. What is the date of that certificate?

Mr. MOODY. April 24, 1896.

There, Mr. Speaker, in the safes of the county clerks of that district in Illinois lies the real truth in this controversy. We can have it if we want it. We can go there and get it. The minority of the committee recommend that we shall go there and find out the truth between these men—the truth that concerns the rights of the people who chose one or the other as their Representative here. It is our duty before God to do this, and not to take away this man's seat upon the record that is in the case before us. You have the power to do it. You have the might, but not the right. Before I would hold up my hand to take away this man's seat upon this testimony I would let it wither and fall to the ground. Before I would let my tongue utter the words that should take his seat from him I would let it rot and drop from between my teeth. The gentleman from Illinois smiles at my earnestness. He has the power, as others have, to do this. We have the majority to do it. But if we do it we shall only add one more to that long list of unjust and partisan decisions which deface the history of Congress. I trust that this Congress will not bring that disgrace upon itself in these closing days of its sitting. [Applause.]

Mr. COOKE of Illinois. Mr. Speaker, I have not the physical strength at the present time to continue upon my feet to answer in detail all that has been said by my friend from Massachusetts [Mr. MOODY]. I regret exceedingly to be compelled to say that during the last three weeks I have been ill most of the time, and that I am not able to continue the discussion of this case with that vigor and comprehensiveness of treatment which I would like to bestow upon it. But I believe that the nature of the case is such, and that the record which has been made is so clear upon the questions at issue, that it will not require any considerable time on my part to make the statement which it is my duty to make.

I need not say that I appreciate the solemn sense of responsibility which has been expressed by the gentleman from Massachusetts as he approaches and contemplates the proposition or the duty of expelling from this floor one of our associates. There is no legislative duty which I could be brought to perform which would be more distasteful than that of serving upon an elections committee. The duty is an invidious one, and one from which a frank and generous mind naturally shrinks. But there is a law to be observed and a duty to be performed; and as members of this august assembly we may not shrink from the duty, nor may we disobey the law.

The questions in this case are: What is the law? What are the issues of fact which arise upon the record? And what is the conclusion to which we should come as conscientious, fairminded men, in the performance of the high duty which has been intrusted to us under the Constitution of the United States of determining who shall sit here to participate in making the laws for a great people?

I return with the greatest pleasure the compliment which my friend from Massachusetts was kind enough to bestow upon me, by saying that which is far more to his honor than any poor merit I have displayed in this case. The report which he prepared on behalf of the minority in this case displays a breadth of candor, a clearness of judgment, and a fairness of conclusion upon many propositions which have troubled this committee for many long months, and upon which points a minority report, if it had been prepared in any captious disposition or form, would have thrown an obscurity upon the consideration of the questions now before this House, and would have made it much more difficult for us to have come to a fair and impartial decision of the case. I refer to the entire elimination from the consideration of the House of all questions which relate to the irregularly marked ballots, of which there were in this case nearly 60.

I refer further to the elimination from the consideration by this body of all questions pertaining to the alleged illegal voters, some 57 to 60 in number. Upon those two branches of the case members of the committee, especially of the subcommittee, were required to spend a large amount of time, a very great amount of labor, and a very considerable amount of patient investigation. By the candor of the gentleman from Massachusetts, who has drawn the minority report in this case, all those questions and some others, too, are happily removed and eliminated entirely from our consideration. They need not bother or worry us at all in our attempt to reach the real merits of this controversy.

The manner in which the minority report is drawn, the creditable position taken by the minority in this respect, as I assume and maintain, leaves only two questions in the case upon which there may exist some doubt in the minds of members of this House who sit here as the judges to determine finally the right to the seat which is here in controversy. Those two questions I will state in their inverse order. First, there is the question as to the assisted voters—those voters who were in the various precincts of the Congressional district, before casting their votes, assisted by the judges of the elections in marking their ballots without having first taken the oath prescribed by the statute setting forth that they needed or were entitled to have such assistance. Quite a large number of such voters voted without having taken that oath prior to being assisted by the various judges in the different precincts.

I merely state that question. The other great question in the case is that which arises from the fact that after it had been discovered in two of the counties of this district that large errors had been made in the counts by the regular officers of elections the contestee in this case, instead of allowing the law to take its course as prescribed by the Federal statute, which required and allowed the ballots to be produced before a notary public, to be there introduced in evidence and counted, went into one of the State circuit courts in one of the eight counties in the district and there filed a bill asking for an injunction to prevent such production of the ballots and such recount from being had. Those are the two great leading questions in this case, and all other questions are so far eliminated or dwarfed into insignificance that they amount to nothing in comparison with the determination of those two points.

I might say, Mr. Speaker, that there is, or was, in this case another large question of vital importance to the final conclusion by this body upon the merits of the controversy. That question arose from the fact that the Australian-ballot law of Illinois, adopted in 1891, provided by a clearly mandatory section that the ballots should be printed with a heading or party appellation at the top of each party ticket in letters of a specific size. The law required that that heading should consist of letters at least one-fourth of an inch in height; and by a clearly mandatory provision it was declared that none but ballots prepared in accordance with the provisions of the act should be received or counted.

It appears from the evidence in this case that in two of the counties in that district the ballots were printed and furnished to the electors in disregard of that provision. Instead of one of the party appellations or headings being in letters one-quarter of an inch in height, the word "Independent" in the phrase "Independent Republican" was printed upon the ballot in letters only one-eighth of an inch in height—a clear infraction of the language of the statute.

It was claimed on the part of the contestant that if the committee or the House should hold that the law of Illinois with reference to the assisted voters was and is mandatory, though no words of the statute are mandatory on that point, that then the clearly mandatory language of the statute with reference to the printing of the ballots with letters of a certain size should receive full force and effect, the result of which would be that all of the ballots in Cass and Pike counties would be thrown out, whereby the sitting member would lose 280 of the plurality returned in his favor upon the face of the returns. But the majority of the committee, of which majority I have the honor to be a member, were not able to find anywhere in the reports of the supreme court of the State of Illinois any decision which would warrant them, notwithstanding the apparently clear mandatory provision of the statute in this respect, in casting out and rejecting entirely the votes of the two counties of Pike and Cass in this Congressional district. The law is too well settled in Illinois on the question of mandatory and directory provisions of election statutes to allow the majority of the committee to adopt such a narrow construction of the provision as to the printing of the ballots as would cast out all the votes of Pike and Cass counties, and thus disfranchise all of such voters.

Now, Mr. Speaker, these, then, are three great points at issue, the question as to the injunction, the question as to the assisted voters—those who voted without having taken the oath provided for by the statute—and the question as to the throwing out of the votes of Pike and Cass counties. And in this connection let me say that the gentleman from Massachusetts, in the report signed by the minority of the committee, has been exceedingly candid in every other respect, except in regard to these two points to which I am now about to refer. Every text writer, every decision of the courts passing upon statutes which are to be strictly construed, and upon those which are held not to be essential to the validity of the election, classifies the different provisions of statutes of that nature into those which are mandatory, as the law terms it, and those which are merely directory. The mandatory provision by

no means must be omitted, but must be in every respect fulfilled and performed. The directory provisions, however, are not essential to the election. They do not go to the vital question of the legality of the election, and are construed to be mere directions to the officers who are in control of the election, and may be passed over and held not necessarily to be such as would vitiate or invalidate an election in the event that they are passed over.

I have looked carefully, Mr. Speaker, through the report by the minority of the committee in this case, and I have not been able anywhere to discover a single word in that report which classifies the Illinois statute in question either as a mandatory provision or as a merely directory one. I do not know but that gentlemen felt themselves deeply embarrassed when they approached that question, because if they held the statute with reference to the assisted voters to be mandatory, how could they escape from holding the provisions of the statute with reference to the printing of the ballots and the size of the heading upon them, to be mandatory? And yet see to what a conclusion it would lead them at once if they adopted that latter construction. See what a difference it would make in their case. We would not then need to go through all the trouble and labor involved in the consideration of all the minor questions at issue in the case. The contestant would have a plurality of 280 over and above all question should a strictly mandatory construction be placed on the provision of the Illinois statute with reference to the size of the letters to be used in printing the party appellations at the top of the ballots.

Each one of the accepted writers on the law of elections has devoted a great deal of care, and made extensive citations of authorities upon this very question of mandatory and directory provisions of statutes. I will refer to Paine on Elections, sections 497, 498, and 600, and to McCrary on Elections, sections 114, 126, 127, and 200. One of the best definitions as to the distinction which has been always made in these classes of statutes, as between directory and mandatory provisions found in the various State statutes, I find in the sixth volume of the American and English Encyclopedia of Law, page 325. It is very brief, very instructive, very clear, and bears so directly on the pending issue in this case that I will read it for the information of the House:

1. *Directory and mandatory provisions.*—Constitutional and statutory provisions for the conduct of elections are either mandatory or directory, and a violation of mandatory provisions will avoid the election, without regard to the motive of the persons guilty of the violation, and without any inquiry into the effect upon the result of the election; but in case of directory provisions the election will not be set aside, unless the disregard of the provisions has been such as to show a fraudulent intent, or uncertainty has been produced in the result of the election. When the election is fair and honest, courts will not disfranchise the voters, unless compelled to do so by the peremptory requirements of the law.

Directory provisions are such as are not of the essence of the election, but are enacted as a guide to the officers of the elections. As to what requirements are mandatory and what merely directory, the cases are not all in agreement, and it may be difficult in some cases to determine from the authorities into which class a provision falls; but it may be said that the tendency of the courts, and also of legislative bodies, is not to hold a provision mandatory unless it is clearly of such a character that its violation will tend to prevent a correct determination of the result of the election, unless it is declared in the law that its violation shall render the election void. This is true even if the language is prohibitory as to the officers, or even if its violation may subject the offending officer to penal liability. (Cases cited, note 2.)

2. Thus, in the case of Daly *vs.* Petroff (10 Phila., 389), it was said, the power to throw out the returns from a precinct is one which a court should only exercise as a last resort and only under circumstances which demonstrate that the disregard of the law has been so fundamental and continuous that it is impossible to determine what votes were lawful and what unlawful or arrive at any certain result, or unless the whole proceedings are shown, either by the face of the papers or aliunde, to be so tarnished by the fraudulent or criminally negligent conduct of the officers as to be altogether unreliable. (Barber, Re, 10 Phila., 579.)

Courts will not set aside an election unless it is clearly illegal, but will give effect to it if possible. (State *vs.* Board of Freeholders, 35 N. J. L., 299; Territory *vs.* Mohave County (Ariz.), 12 Pac. Rep., 730; Fowler *vs.* State (Tex.), 3 S. W. Rep., 255; Tarbox *vs.* Sughrue, 96 Kans., 225——

Mr. CANNON. Will it interrupt the gentleman to ask him a question just there?

Mr. COOKE of Illinois. Not at all.

Mr. CANNON. I hold in my hand a copy of the Illinois statutes. Let me read a line or two from it, speaking of the Australian ballot:

The party appellation or title shall be printed in capital letters not less than one-fourth of an inch in height.

Then, further:

And none but ballots provided in accordance with the provisions of this act shall be counted.

Now, I also see from the reports and the evidence that in two counties in Illinois in this district that law was not complied with; but instead of being in quarter-inch type, it was in eighth-inch type, and therefore, under the express provision of the law, it could not be counted if that provision of the law is mandatory. Now, if those two counties were rejected, the report and the evidence show that the contestant would be elected by 280 votes, without reference to any of these other questions.

Now, I have followed the argument of the gentleman from Massachusetts [Mr. MOODY] about assisted voters. Under his contention, and under the decision of the Minnesota court (and I understand under the decision of the New York court of appeals), this same law would elect the contestant by 280 votes.

Mr. COOKE of Illinois. Unquestionably so; but the gentleman from Illinois [Mr. CANNON] will bear with me a moment while I call his attention to the fact that the supreme court of Illinois has also passed upon such questions, and has often held that it will not lay its hand upon the ballots of the voters and disfranchise them, except where it appears that some fraudulent result was intended, or followed from the allowing of the vote, as against some such statute. I could quote from the decision of the supreme court of the State of Illinois in Clark *vs.* Robinson made as long ago as the 88th Illinois, page 500. The court quoted a prior section of our election law which expressly provided as follows:

No vote shall be received at any State election in this State if the name of the person offering to vote be not on the said register * * * unless the person offering to vote shall furnish to the judges of election his affidavit in writing, stating therein that he is an inhabitant of said district * * * entitled to vote therein at said election, and prove by the oath of a householder and registered voter of the district in which he offers to vote that he knows such person to be an inhabitant of the district.

Now listen, and hear how the supreme court of Illinois passed upon a question that arose upon a statute of that mandatory character, where votes had been received and counted, and the question arose as to whether they were rightfully received and lawfully counted. I quote from the decision in the case of Clark *vs.* Robinson, 88 Illinois, page 500. The court said:

The words of the statute are express. * * * The presumption of the legality of a vote * * * arises from the fact of the deposition of the ballot in the ballot box. A vote so deposited is presumed to be a legal vote until there is evidence to the contrary. * * * Failure of observance of this direction would not invalidate a vote that had been received by the judges of election and deposited in the ballot box, but once there the presumption would be that it was a legal vote, notwithstanding the express prohibitory words of the statute against receiving the vote. We find no error in counting these votes.

The ballot should be liberally construed and the intendments should be in favor of a reading and construction which will render the ballot effective rather than in favor of a conclusion which will, on some technical ground, render it ineffective. At the same time it is not admissible to say that something was intended which is contradictory of what was done, and if the ballot is so defective as to fail to show any intention whatever it must be disregarded.

The principle that controls in such cases which touch the recording and return of the votes received and the mode and manner of conducting an election in detail are to be regarded as directory to the officer. And while such officer may be liable to punishment for willful failure to discharge the duties imposed by the statute the citizen is not thereby to be disfranchised.

Such is the language of the supreme court of Illinois upon that class of cases; and my distinguished colleague [Mr. CANNON] will understand how a majority of this committee, coming against the decisions of the supreme court of Illinois in such classes of cases, did not feel themselves authorized or justified to seize hold of this technical difficulty which existed in the case of Cass County and Pike County and throw out the votes of those two entire counties. The majority of the committee thought they would be going beyond any decision that had ever been made in the State of Illinois if they came to any such conclusion.

Mr. CANNON. If my friend will allow me at that point——

Mr. COOKE of Illinois. But I should like to say that all that reasoning and those decisions of the supreme court of Illinois leave literally nothing of the claim which is made here on the part of the contestee that the language of the statute with reference to assisted voters is mandatory. There is not a thread or a patch upon which you can rest any such claim. There is no mandatory provision whatever of the statute to be found bearing upon that question. Neither is there any directory provision, except that which is directory to the officers that they shall administer the oath to those who wish to take the oath that they require assistance.

Mr. CANNON. Now, I want to see if I understand my friend. The gentleman from Massachusetts [Mr. MOODY] contended that the assisted voters who did not take the oath that they were disabled from marking their tickets were assisted without taking the oath, and then cited the Minnesota decision to show that those votes ought not to be counted. Now, then, when I turn to the Illinois statutes, as to the assisted voters, I find that there is no law in Illinois saying that the votes shall not be counted, and I agree with my friend they ought to be counted; but when I turn over and look at these ballots, 320 in number, that were not printed as the statute provides, and find that the law expressly provides that they shall not be counted, I would like to know what kind of a fix the gentleman from Massachusetts is in, if my friend can tell me, because if his doctrine is applied to these illegally printed ballots that he has applied to the assisted voters, then Rinaker is seated by 280 votes.

Mr. COOKE of Illinois. I will say in answer to the gentleman from Illinois, as to the predicament that my friend from Massachusetts is in as to this particular subject, I asked him in the midst of his eloquent imprecation upon this subject to point to the section of the Illinois law which contained any mandatory language upon this point, and he immediately, with a versatility that I admire and with a lucidity that is beyond all expression of

compliment, proceeded to an argument that it ought to be so; that there ought to be such a provision; but he nowhere found it; he did not read it; he could not find it; it is not in the law. These decisions from the other States, Mr. Speaker, are decisions which proceeded upon the statutes of other States, which the courts of those several States held to be mandatory statutes, and being mandatory statutes, when the cases came to the various supreme courts of those States involving an alleged infraction of the mandatory law, the supreme courts in those States held the statutes to be mandatory.

But I call attention to the fact that in Illinois there is no such provision, no such decision; but the entire current of our authorities since the admission of the State into the Union has been to the contrary; in other words, they have held always to this exceedingly liberal construction of the law with reference to giving force, effect, and conclusiveness to the ballots and the choice of the suffrage of the people; and I hold that that is a pretty good line of decision for any court or any legislative body to hold to, because it respects the majesty of the sovereign people, who rule in this Government, and the sacredness of the ballot should everywhere be admitted and its security should always be carefully guarded. The only complaint that could be made against this committee, and the friendly complaint made by our friends here, is that the majority of the committee have not gone far enough and taken hold of the radical provisions which we find in this statute which would cast out, exclude, and throw aside entirely all of the ballots in the counties of Cass and Pike, because the election law there was clearly violated in terms.

Mr. BRUMM. Will the gentleman permit me to ask him a question at this point?

Mr. COOKE of Illinois. Certainly.

Mr. BRUMM. You are now discussing the matter of the mandatory or directory provision of the law, and then you say you could have thrown a number of these ballots out because the ballot is not printed on the inside in the size of type in which it should have been printed?

Mr. COOKE of Illinois. The large heading on the top of the Australian ballot?

Mr. BRUMM. Exactly; on the inside.

Mr. COOKE of Illinois. It is only printed on one side.

Mr. BRUMM. It is that part which is for the information of the election officers and the voter.

Mr. COOKE of Illinois. All the voters would cast their votes on a big sheet like this, the Australian ballot.

Mr. BRUMM. I understand; but the point of my question about that is this, whether this is directed to be printed on the outside of the ballot or simply on the inside.

Mr. COOKE of Illinois. On the inside, what I call the face of the ballot.

Mr. BRUMM. Yes; this is simply as to the method, as I understand.

Mr. COOKE of Illinois. Yes, sir.

Mr. BRUMM. Now, then, as to the secret use. The provision requires of each voter to swear that he is unable to mark his own ballot. You contend that this is merely directory also.

Mr. COOKE of Illinois. Yes, sir.

Mr. CONNOLLY. There is no provision of that kind in the law.

Mr. BRUMM. Oh, yes; there is no question about that.

Mr. CONNOLLY. I think not.

Mr. BRUMM. If I am not mistaken. I want to get at the facts.

Mr. CONNOLLY. You are mistaken.

Mr. BRUMM. I first want to know whether there is any provision requiring them to swear—that they shall first swear—that they are unable to mark their ballots. Am I wrong?

Mr. COOKE of Illinois. Your language is perhaps incorrect, but in substance I think that is so.

Mr. BRUMM. The question I now want to ask is, if it be shown after an investigation that these people who did not swear that they all voted for the contesting member, do you still contend that that would have no effect upon the general result, or that it should have no effect on the general result?

Mr. COOKE of Illinois. The gentleman has misapprehended my argument.

Mr. BRUMM. Why not answer the question? What is the position of the committee in reference to this matter? Do you now contend that this is improperly done, simply because the act is not mandatory but only directory?

Mr. COOKE of Illinois. I find it difficult to answer the gentleman from Pennsylvania, because I do not clearly apprehend what he means. I will only say this: I am simply discussing one branch of the case; that is, as to what the law of Illinois provides with reference to voters who are assisted by the election officers before they have first taken the oath that they require the assistance of such officers.

Mr. DINGLEY. Will the gentleman pardon a suggestion? He is evidently weary; and as we know, he has not been in good health recently. If it would be agreeable to him to pause in his argument now and resume it when the House shall again take up this question, I will move that the House adjourn. I desire to consult entirely the wishes of the gentleman from Illinois.

Mr. COOKE of Illinois. I thank the gentleman from Maine for his suggestion; it is most agreeable to me. I will not consume much more time upon resuming the case to-morrow.

Mr. BLUE. To-morrow is set apart for pension business.

Mr. DINGLEY. At the suggestion of the gentleman who has been occupying the floor, and who is somewhat weary, I will now, as it is past 5 o'clock, move that the House do now adjourn.

Mr. BARTLETT of Georgia. Will the gentleman withhold that proposition for a moment? I wish to make a personal request of the House.

Mr. DINGLEY. Go ahead.

Mr. BARTLETT of Georgia. I ask unanimous consent that I may put in my published remarks some statements I did not have time to bring before the House in this case.

Mr. DINGLEY. That is all right.

The SPEAKER pro tempore (Mr. DOLLIVER). Is there objection to the request of the gentleman from Georgia? The Chair hears none, and leave is granted.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and a joint resolution of the following titles; when the Speaker signed the same:

A bill (H. R. 5481) to restore the lands embraced in the Fort Lewis Military Reservation, in the State of Colorado, to the public domain;

A bill (H. R. 7865) to allow the return free of duty of certain articles exported from the United States for exhibition purposes;

A bill (H. R. 1020) granting an increase of pension to Gilman Williams;

A bill (H. R. 1980) to provide a life-saving station at or near Point Bonita, at the Golden Gate, in the State of California;

A bill (H. R. 3046) for the relief of Frederick Van Gilder;

A bill (H. R. 6104) for the relief of Anton Gloetzner;

A bill (H. R. 3462) to regulate the business of storage in District of Columbia;

A bill (H. R. 175) authorizing the Secretary of War to make certain uses of national military parks;

A bill (H. R. 3606) granting a pension to French W. Thornhill;

A bill (H. R. 6431) to pay Peter P. Ferguson $1,765;

Joint resolution (H. Res. 167) authorizing foreign exhibitors at the Tennessee Centennial Exposition, to be held in Nashville, Tenn., in 1897, to bring to this country foreign laborers from their respective countries for the purpose of preparing for and making their exhibits, and allowing articles imported from foreign countries for the sole purpose of exhibition at said exposition to be imported free of duty, under regulations prescribed by the Secretary of the Treasury;

A bill (S. 3790) for the relief of Sophronia S. Stowell;

A bill (S. 2870) to permit Rene C. Baughman to lay pipes in a certain street in the city of Washington;

A bill (S. 2843) to authorize the construction of a bridge across the Missouri River at or near the city of Boonville, Mo.; and

A bill (S. 981) relating to the testimony of physicians in the courts of the District of Columbia.

Mr. DINGLEY. I will withdraw for a moment the motion to adjourn.

COURT-HOUSE AND JAIL, NAVAJO COUNTY, ARIZ.

The SPEAKER. The Chair will lay before the House a bill returned from the Senate with amendments.

The bill (H. R. 3448) authorizing the county of Navajo, Territory of Arizona, to issue bonds for the construction of a court-house and jail at the county seat thereof, was read, with the amendments of the Senate.

Mr. MURPHY of Arizona. I move that the amendments of the Senate be concurred in.

The motion was agreed to.

ORDER OF BUSINESS.

Mr. HOPKINS. Gentlemen interested in the pending election case desire to conclude it to-morrow. In order that this may be done without interfering with the special order providing for the hearing of pension cases, I ask that Thursday, the 14th instant, be substituted for Wednesday, the 13th instant, in the order with reference to the consideration of pension business, so that those cases may be taken up on the day after to-morrow, instead of to-morrow, leaving to-morrow open for the conclusion of the election case.

The SPEAKER. Is there objection?

Mr. PICKLER. One inquiry——

Mr. RICHARDSON. We did not hear the request.

The SPEAKER. The request is to change the special order in regard to pension cases from to-morrow (Wednesday) until the next day (Thursday).

Mr. PICKLER. Do gentlemen know whether there is any more probability of appropriation bills coming in on Thursday than on to-morrow?

Mr. HOPKINS. No; there will be no appropriation bills on Thursday to interfere; if there are, we will vote them down. [Laughter.]

Mr. RICHARDSON. The proposition is simply that the special order be postponed from to-morrow until Thursday, with the same privileges now obtaining.

The SPEAKER. The proposition is merely the substitution of one day for another. Is there objection to the request? The Chair hears none; and it is so ordered.

Mr. MOODY. I wish to inquire whether we can not now make some arrangement for the close of the debate on the election case.

Mr. PICKLER. I ask unanimous consent that if this case does not take the whole of to-morrow, the Pension Committee may have the remainder of the day.

The SPEAKER. The Chair has interrupted the regular course of business in order that the change of day might be made, and he does not feel at liberty to further interrupt the proceedings.

Mr. DINGLEY. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 12 minutes p. m.) the House adjourned.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. PARKER, from the Committee on Military Affairs, to which was referred the joint resolution of the House (H. Res. 145) to provide for the presentation of medals of honor to the militia and volunteer troops of the several States who volunteered their services for the defense of the States of Maryland and Pennsylvania in the year 1863, prior to and after the battle of Gettysburg, Pa., reported the same with amendment, accompanied by a report (No. 1742); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred House bill No. 3444, reported in lieu thereof a bill (H. R. 8890) as to medals of honor, accompanied by a report (No. 1747); which said bill and report were referred to the House Calendar.

Mr. BURTON of Missouri, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 8815) changing the time of holding circuit courts of the United States at Hartford, in the district of Connecticut, reported the same without amendment, accompanied by a report (No. 1754); which said bill and report were referred to the House Calendar.

Mr. SHERMAN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 2936) entitled "An act to authorize the construction of a bridge across the Niagara River, in the town of Lewiston, in the county of Niagara, State of New York," reported the same without amendment, accompanied by a report (No. 1755); which said bill and report were referred to the House Calendar.

Mr. PATTERSON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 6750) to authorize the mayor and city council of Monroe, La., to construct a traffic bridge across the Ouachita River opposite said city, reported the same with amendment, accompanied by a report (No. 1756); which said bill and report were referred to the House Calendar.

Mr. MAHON, from the Committee on War Claims, to which was referred the bill of the House (H. R. 8380) to authorize the Auditor for the War Department to audit the claims of the State of Missouri on file in his office, reported the same without amendment, accompanied by a report (No. 1763); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the House (H. R. 8191) to extend the act of July 28, 1866, for one year, reported the same with amendment, accompanied by a report (No. 1764); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the House (H. R. 3326) for the relief of certain officers of the Missouri State Militia, reported the same without amendment, accompanied by a report (No. 1765); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. KERR, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4175) to restore the pensions of widows in certain cases, reported the same with amendment, accompanied by a report (No. 1771); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. WILSON of New York, from the Committee on Naval Affairs: The bill (S. 716) entitled "An act to correct the naval history of John C. Dull." (Report No. 1744.)

By Mr. PARKER, from the Committee on Military Affairs: The bill (H. R. 2253) for the relief of Barzilla C. Hudson. (Report No. 1745.)

By Mr. GRIFFIN, from the Committee on Military Affairs: The bill (H. R. 924) to authorize the Secretary of War to remove the charge of desertion as to Jasper L. Dodge, late of Company F, First Rhode Island Volunteer Cavalry. (Report No. 1746.)

By Mr. TRACEY, from the Committee on Military Affairs:

The bill (H. R. 4960) for the relief of Jacob Scott. (Report No. 1748.)

The bill (H. R. 2747) to remove the charge of desertion from the service record of John R. Killingsworth. (Report No. 1749.)

The bill (H. R. 657) to correct the military record of James McGee. (Report No. 1750.)

By Mr. MEYER, from the Committee on Naval Affairs:

The bill (S. 895) entitled "An act for the relief of Christopher Ellis." (Report No. 1751.)

The bill (H. R. 511) to remove the charge of desertion against the record of William J. McFalls. (Report No. 1752.)

The bill (H. R. 918) to correct the naval record of and grant an honorable discharge to Thomas H. Holden, of Pawtucket, R. I. (Report No. 1753.)

By Mr. DE WITT, from the Committee on Claims: The bill (H. R. 3137) for the relief of the heir or heirs of John Howard Payne. (Report No. 1757.)

By Mr. COOPER of Texas, from the Committee on War Claims: The bill (H. R. 8809) to refer the claim against the United States of the trustees of the Cumberland Presbyterian Church, of Athens, Limestone County, Ala., to the Court of Claims. (Report No. 1758.)

By Mr. GIBSON, from the Committee on War Claims: A resolution (House Res. No. 322) to refer the bill (H. R. 2926) for the relief of Lydia A. Newby, with all accompanying papers, to the Court of Claims, reported in lieu of House bill No. 2926. (Report No. 1759.)

By Mr. HURLEY, from the Committee on War Claims: A resolution (House Res. No. 323) to refer the bill (H. R. 7679) for the relief of Mrs. Ellen J. Brossman, with all accompanying papers, to the Court of Claims, reported in lieu of House bill No. 7679. (Report No. 1760.)

By Mr. LESTER, from the Committee on War Claims:

The bill (S. 2962) entitled "An act to confer jurisdiction on the Court of Claims in the case of The Book Agents of the Methodist Episcopal Church South against The United States. (Report No. 1761.)

A resolution (House Res. No. 324) to refer the bill (H. R. 8837) for the relief of the heirs or legal representatives of Anton Borchert, with all accompanying papers, to the Court of Claims, reported in lieu of House bill No. 8837. (Report No. 1762.)

By Mr. MAHON, from the Committee on War Claims:

The bill (H. R. 1546) for the relief of John W. Gummo and the payment to him of his military bounty. (Report No. 1766.)

The bill (H. R. 3985) for relief of William McAdams, who survived William Marks, now deceased. (Report No. 1767.)

By Mr. BAKER of Kansas, from the Committee on Invalid Pensions:

The bill (H. R. 6328) granting a pension to Joseph R. Martin. Report No. 1768.)

By Mr. KERR, from the Committee on Invalid Pensions:

The bill (H. R. 7290) to pension Jackson Lykins for services in the late war. (Report No. 1769.)

The bill (S. 574) entitled "An act granting a pension to Caroline A. Slocum." (Report No. 1770.)

By Mr. LAYTON, from the Committee on Invalid Pensions:

The bill (H. R. 7160) granting a pension to Francis A. Kitchen, late surgeon United States Army. (Report No. 1772.)

The bill (H. R. 2018) granting an increase of pension to Aretas Norris. (Report No. 1773.)

By Mr. POOLE, from the Committee on Invalid Pensions: The bill (H. R. 6816) for the relief of Catherine Holland. (Report No. 1774.)

By Mr. SULLOWAY, from the Committee on Invalid Pensions:

The bill (S. 1149) entitled "An act granting a pension to Sophia J. Chilcott." (Report No. 1775.)

The bill (S. 1119) entitled "An act granting a pension to Peter Daly." (Report No. 1776.)

By Mr. THOMAS, from the Committee on Invalid Pensions: The bill (H. R. 6807) granting a pension to Jane H. Sandborn, dependent daughter of Gilman T. Sandborn, late a private in Company K, Third Regiment Minnesota Volunteers. (Report No. 1777.)

By Mr. WOOD, from the Committee on Invalid Pensions:
The bill (H. R. 6902) granting a pension to Mrs. Mary A. Viel. (Report No. 1778.)
The bill (H. R. 5234) to grant increase of pension to Russian Blair, Company B, Fifty-fourth Illinois Volunteers. (Report No. 1779.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. SIMPKINS: A bill (H. R. 8891) authorizing the Secretary of the Navy to deliver condemned cannon to the Veteran Association of Fairhaven, Mass.—to the Committee on Naval Affairs.

By Mr. DRAPER: A bill (H. R. 8892) to authorize the registration of trade-marks, and to protect the same—to the Committee on Patents.

By Mr. MONDELL: A bill (H. R. 8893) to ratify an agreement with the Indians of the Shoshone or Wind River Reservation, Wyo., and making appropriation to carry the same into effect; establishing the Wyoming Hot Springs Reservation and making an appropriation for the survey thereof—to the Committee on Indian Affairs.

By Mr. HART: A bill (H. R. 8894) granting to Lafayette Post, No. 217, Department of Pennsylvania, Grand Army of the Republic, of Easton, Pa., 2 condemned cannon and 35 cannon balls—to the Committee on Naval Affairs.

By Mr. McCALL of Massachusetts: A bill (H. R. 8895) relating to the appointment of receivers for and the reorganization of insolvent railroad corporations—to the Committee on the Judiciary.

By Mr. TAWNEY: A bill (H. R. 8913) to increase and equalize the trade of the United States with foreign countries—to the Committee on Ways and Means.

By Mr. LOW: A resolution (House Res. No. 321) from the Committee on Territories requesting the Committee on Rules to fix an early day for the consideration of House bill No. 4052 and Senate bill No. 2022; also House bill No. 7716—to the Committee on Rules.

By Mr. MORSE: A memorial of the Massachusetts legislature, in support of the Monroe doctrine—to the Committee on Foreign Affairs.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills; which were referred as follows:

The bill (H. R. 6661) to restore Charles C. Fleckner, of Maryland, to the position of passed assistant engineer in the United States Navy—Committee on Military Affairs discharged, and referred to the Committee on Naval Affairs.

The bill (H. R. 4209) for the relief of Abraham C. Bryan, of Traphill, N. C.—Committee on War Claims discharged, and referred to the Committee on Military Affairs.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. ALLEN of Utah: A bill (H. R. 8896) to increase the pension of George W. Walton—to the Committee on Invalid Pensions.

By Mr. BURRELL: A bill (H. R. 8897) granting a pension to William W. Garvin—to the Committee on Invalid Pensions.

By Mr. CRISP: A bill (H. R. 8898) to increase the pension of Elizabeth Wellons—to the Committee on Pensions.

By Mr. CRUMP: A bill (H. R. 8899) granting an increase of pension to Charles Howell—to the Committee on Invalid Pensions.

By Mr. HART: A bill (H. R. 8900) for the relief of Emanuel Peck, to amend his military record, and grant him an honorable discharge, to date January 4, 1862—to the Committee on Military Affairs.

By Mr. HEINER of Pennsylvania: A bill (H. R. 8901) for the relief of F. M. Fleck, of Apollo, Pa.—to the Committee on Military Affairs.

By Mr. HENRY of Connecticut: A bill (H. R. 8902) granting an increase of pension to Frederick O. Lathrop—to the Committee on Invalid Pensions.

By Mr. HERMANN: A bill (H. R. 8903) for the relief of M. S. Hellman, of Oregon—to the Committee on Claims.

By Mr. McCREARY of Kentucky: A bill (H. R. 8904) to increase the pension of Sarah Montgomery—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8905) to pension the widow of Gen. William J. Landram—to the Committee on Invalid Pensions.

By Mr. McDEARMON: A bill (H. R. 8906) for the relief of Toney Nesbit, of Gibson County, Tenn.—to the Committee on War Claims.

By Mr. MILLIKEN: A bill (H. R. 8907) granting a pension to John W. Channing—to the Committee on Invalid Pensions.

By Mr. MONEY: A bill (H. R. 8908) to place on the pension roll the name of Narcissa Grace Short—to the Committee on Pensions.

By Mr. RUSSELL of Connecticut: A bill (H. R. 8909) granting a pension to Esther Jackson—to the Committee on Pensions.

By Mr. SPENCER: A bill (H. R. 8910) for the relief of the Mississippi Manufacturing Company, of Copiah County, Miss.—to the Committee on War Claims.

By Mr. WHEELER: A bill (H. R. 8911) to carry out the findings of the Court of Claims in the case of the estate of Clark M. Tompkins, deceased—to the Committee on War Claims.

Also (by request), a bill (H. R. 8912) for the relief of G. H. Le More, of Havre, France—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ABBOTT: Protest of 44 citizens of Dallas County, Tex., against the passage of bill No. 4566, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. BARHAM: Petition of citizens of Bloomfield, Cal., protesting against the acceptance of the Marquette statue—to the Committee on the Library.

By Mr. BARTLETT of New York: Resolutions of the Chamber of Commerce of the State of New York, asking that the sum to be appropriated for the improvement of channels at entrance of port of New York be increased to $500,000—to the Committee on Appropriations.

Also, resolutions of the Chamber of Commerce of the State of New York, asking Congress to pass bill appropriating $125,000 for the completion of new appraisers' stores in New York—to the Committee on Appropriations.

By Mr. BOWERS: Remonstrance and petition of 86 citizens of Escandido, Cal., regarding the Marquette statue—to the Committee on the Library.

Also, petition of 72 citizens of Merced, Cal., for export bounty on agricultural staples—to the Committee on Ways and Means.

By Mr. BURTON of Missouri (by request): Resolutions of Wholesale Liquor Dealers' Association of St. Louis, concerning House bill No. 8582, to allow the bottling of distilled spirits in bond—to the Committee on Ways and Means.

By Mr. BURTON of Ohio: Resolution of the Chamber of Commerce of Cleveland, Ohio, favoring medical examination of immigrants to the United States at the port of embarkation—to the Committee on Immigration and Naturalization.

By Mr. CLARDY: Petition of 27 citizens of Sturgis, Ky., asking that a bill to restrict immigration be passed—to the Committee on Immigration and Naturalization.

By Mr. DAYTON: Petition of W. R. Neville and 16 other citizens of Grant County, W. Va., praying for the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

Also, petition of the heirs of Jacob Full, deceased, late of Pendleton County, W. Va., praying reference of his war claim to the Court of Claims—to the Committee on War Claims.

By Mr. GROUT: Petition of P. K. Peck and 7 others, of Rutland, Vt., in favor of House bill No. 3273, for the classification of post-office clerks in first and second class post-offices—to the Committee on the Post-Office and Post-Roads.

Also, resolutions adopted by a meeting of property holders on Kenesaw avenue (Mount Pleasant and Columbia Heights), April 27, 1896, in regard to Senate bill No. 2928, relating to the laying of tracks of the Belt Line Railway Company through Kenesaw avenue—to the Committee on the District of Columbia.

Also, resolutions adopted by the Florida Society of Sons of the Revolution, favoring the publication of certain records and papers relating to the Revolutionary period—to the Committee on Printing.

Also, petition of Frank F. Hill and 53 others, of St. Johnsbury, Vt., in favor of the passage of joint resolution No. 11, prohibiting further appropriations to institutions under ecclesiastical control—to the Committee on the Judiciary.

Also, petition of citizens of Montpelier, Vt., praying for favorable action on House bills Nos. 838 and 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. HATCH: Papers to accompany House bill No. 8306, granting a pension to Darwin T. Brown—to the Committee on Invalid Pensions.

By Mr. HENDERSON: Petition of W. C. McDonald and 64 other citizens of Blackhawk County, Iowa, praying for the enactment of a law prohibiting the use of freight cars without closing the space between their roofs by an extension of some kind to prevent persons from falling between them—to the Committee on Interstate and Foreign Commerce.

By Mr. HULL: Resolution of the Grand Army of the Republic, Department of Iowa, urging the passage of the bill to establish a national military park at Vicksburg, Miss.—to the Committee on Military Affairs.

By Mr. LINTON: Remonstrance and petition of citizens of Panaca, Nev.; also of citizens of Lopes, Wash.; also of citizens of Woodland, Wash.; also of citizens of Crested Butte, Colo., also of John Gray and associates; also of J. E. Griffin and associates, regarding the Marquette statue—to the Committee on the Library.

By Mr. MCCREARY of Kentucky: Petition of George L. Davis and others, of Moulden, Ky., asking for an increase of pension for Sarah Montgomery—to the Committee on Pensions.

By Mr. MCEWAN: Petition of Division No. 312, Order of Railway Conductors, asking for the passage of House bill No. 268, concerning carriers engaged in interstate commerce—to the Committee on Interstate and Foreign Commerce.

By Mr. MILLIKEN: Remonstrance of the mayor of Belfast, Me., and others, against military training in the public schools—to the Committee on Education.

By Mr. MONEY: Petition of Narcissa Grace Short, for a pension—to the Committee on Pensions.

By Mr. MORSE: Petition of 128 citizens of Honey Brook, Pa., praying for the recognition of God in the Constitution—to the Committee on the Judiciary.

By Mr. REYBURN: Petition of the Joint Executive Committee of the Trades of Philadelphia, on the improvement of the Philadelphia Harbor and the Delaware and Schuylkill rivers—to the Committee on Rivers and Harbors.

By Mr. RUSSELL of Connecticut: Papers relating to bill granting a pension to Esther Jackson—to the Committee on Pensions.

By Mr. SCRANTON: Resolutions of Cigar Makers' Union, No. 295, of Scranton, Pa., favoring the Lodge immigration bill—to the Committee on Immigration and Naturalization.

By Mr. WHEELER: Papers relating to the claim of Isaac F. Hayworth, of Jefferson County, Tenn.—to the Committee on War Claims.

Also, papers relating to the claim of A. H. Beans, of Loudoun County, Va.—to the Committee on War Claims.

Also, papers relating to the claim of A. C. N. Smets—to the Committee on War Claims.

SENATE.

WEDNESDAY, *May 13, 1896.*

Prayer by Rev. HUGH JOHNSTON, D. D., of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. FAULKNER, and by unanimous consent, the further reading was dispensed with.

DAYS OF GRACE ON PROMISSORY NOTES.

Mr. FAULKNER. I ask unanimous consent to call up for consideration the bill (H. R. 5105) to abolish days of grace on promissory notes, drafts, etc., in the District of Columbia. The bill has been read. It was objected to by the Senator from Massachusetts [Mr. HOAR], but he told me afterwards that he had made a mistake, and saw no objection to its passage.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ENROLLED BILLS SIGNED.

The signature of the Vice-President was announced to the following bills and joint resolution, which had previously been signed by the Speaker of the House of Representatives:

A bill (S. 981) relating to the testimony of physicians in the courts of the District of Columbia;

A bill (S. 2790) for the relief of Sophronia S. Stowell;

A bill (S. 2870) to permit Rene C. Baughman to lay pipes in a certain street in the city of Washington;

A bill (S. 2843) to authorize the construction of a bridge across the Missouri River at or near Boonville, Mo.;

A bill (H. R. 175) authorizing the Secretary of War to make certain uses of national military parks;

A bill (H. R. 1020) granting an increase of pension to Gilman Williams;

A bill (H. R. 1980) to provide a life-saving station at or near Point Bonita, at the Golden Gate, in the State of California;

A bill (H. R. 3046) for the relief of Frederick Van Gilder;

A bill (H. R. 3462) to regulate the business of storage in the District of Columbia:

A bill (H. R. 3606) granting a pension to French W. Thornhill;

A bill (H. R. 5481) to restore the lands embraced in the Fort Lewis Military Reservation, in the State of Colorado, to the public domain;

A bill (H. R. 6104) for the relief of Anton Gloetzner;

A bill (H. R. 6431) to pay Peter P. Ferguson $1,765;

A bill (H. R. 7865) to allow the return free of duty of certain articles exported from the United States for exhibition purposes; and

A joint resolution (S. R. 167) authorizing foreign exhibitors at the Tennessee Centennial Exposition, to be held in Nashville, Tenn., in 1897, to bring to this country foreign laborers from their respective countries for the purpose of preparing for and making their exhibits, and allowing articles imported from foreign countries for the sole purpose of exhibition at said exposition to be imported free of duty, under regulations prescribed by the Secretary of the Treasury.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on the District of Columbia:

A bill (H. R. 7469) for the removal of snow and ice from the sidewalks, cross walks, and gutters in the District of Columbia, and for other purposes; and

A bill (H. R. 8532) to establish certain harbor regulations for the District of Columbia.

The following bills were severally read twice by their titles, and referred to the Committee on Forest Reservations and the Protection of Game:

A bill (H. R. 7578) granting the Flagstaff and Canyon Railroad Company right of way for railroad purposes through the Grand Canyon Forest Reserve in northern Arizona; and

A bill (H. R. 8590) granting to the Denver, Cripple Creek and Southwestern Railroad Company a right of way for a railroad through the South Platte and Plum Creek forest reserves, in the State of Colorado.

The following bills were severally read twice by their titles, and referred to the Committee on Naval Affairs:

A bill (H. R. 8324) authorizing and directing the Secretary of the Navy to donate four pieces of condemned cannon and four pyramids of condemned cannon balls to the Grant County Union Soldiers' Monument and Memorial Association of Wisconsin; and

A bill (H. R. 8495) granting to John Hill Post, No. 86, of Boonton, N. J., 4 condemned cannon and 20 cannon balls.

The bill (H. R. 8167) to authorize the construction of a bridge across the Red River of the North was read twice by its title, and referred to the Committee on Commerce.

Mr. FRYE. Under the unanimous-consent agreement the river and harbor bill was to be laid before the Senate immediately after the reading of the Journal.

Mr. LODGE. I desire——

Mr. HILL. Mr. President——

Mr. FRYE. I am blind and deaf absolutely to all requests.

Mr. LODGE. I do not desire to make any request. I have morning business to present, which I supposed would be allowed.

Mr. FRYE. It was agreed that immediately after the reading of the Journal the river and harbor bill should be taken up.

The VICE-PRESIDENT. Such was the unanimous-consent agreement.

Mr. LODGE. I desire to submit a report from a committee, if that is to be allowed.

Mr. HILL. I merely wanted to move concurrence in the amendments of the House of Representatives to a Senate bill which the Chair is ready to lay before the Senate.

REGULATIONS CONCERNING REGATTAS.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 2642) to provide for the safety of passengers on excursion steamers, which were, in line 4, after the word "steamers," to strike out the word "and" and insert the word "yachts"; in the same line, after the word "oarsmen," to insert the words "and all craft, whether as observers or participants"; in line 10, after the word "steamers," to strike out the words "and the" and insert the word "yachts"; also in the same line, after the word "oarsmen," to insert the words "and all craft whether as observers or participants."

Mr. HILL. In behalf of the Senator from Maine I will move to concur in those amendments.

Mr. FRYE. Those amendments are all right.

The amendments were concurred in.

Mr. FRYE. I will yield ten minutes, Mr. President.

MRS. HELEN MORRELL CARROLL.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 730) granting an increase of pension to Mrs. Helen Morrell Carroll, which was, in line 8, before the word "dollars," to strike out "seventy-five" and insert "fifty."

Mr. GALLINGER. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

MOUNTAIN VIEW CEMETERY ASSOCIATION.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the joint resolution (S. R. 15) authorizing the Secretary of the Navy to donate to the Mountain View Cemetery Association, at Oakland, Cal., certain cannon, etc., which was to strike out all after the word "California," in line 7, down to and including "salutes," in line 11, and insert in lieu thereof "six condemned cannon and six pyramids of condemned cannon balls for the purpose of decorating the Grand Army burial plat, reserved for the burial of honorably discharged soldiers and sailors of the Union, and to be placed around and near the soldiers' monument already erected there."

Mr. PERKINS. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

ADA J. SCHWATKA.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 710) granting a pension to Ada J. Schwatka, widow of Lieut. Frederick Schwatka, which was, in line 7, before the word "dollars," to strike out "thirty" and insert "seventeen."

Mr. GALLINGER. I move that the Senate nonconcur in the amendment of the House of Representatives, and ask for a conference on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent the Vice-President was authorized to appoint the conferees on the part of the Senate; and Mr. GALLINGER, Mr. SHOUP, and Mr. MITCHELL of Wisconsin were appointed.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the Balfe Musical Club, No. 1, of New York, praying for the passage of the so-called Phillips bill, authorizing the appointment of a nonpartisan commision to collate information and to consider and recommend legislation to meet the problems presented by labor, agriculture, and capital; which was referred to the Committee on Education and Labor.

Mr. FAULKNER presented a petition of Potomac Council, No. 104, Junior Order United American Mechanics, of Gormania, W. Va., praying for the passage of the so-called Stone immigration bill; which was referred to the Committee on Immigration.

Mr. CARTER presented a petition of sundry citizens of Washington, D. C., praying that an appropriation of $5,000 be made for grading and regulating Illinois avenue in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of Missoula Typographical Union, No. 277, of Missoula, Mont., and a petition of Federal Labor Union, No. 6512, of Belt, Mont., praying for the Government ownership and control of telegraphic lines; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. CAMERON presented a memorial of sundry citizens of Queenstown, Pa., and a memorial of sundry citizens of Pennsylvania, remonstrating against the introduction of military training in the public schools of the country; which were referred to the Committee on Military Affairs.

He also presented a petition of Schuylkill County Patriotic Order Sons of America, of Pottsville, Pa., and a petition of sundry citizens of Pennsylvania, praying for the passage of the so-called Stone immigration bill; which were referred to the Committee on Immigration.

He also presented a petition of the United Brotherhood of Carpenters and Joiners, of Philadelphia, Pa., praying for the free and unlimited coinage of silver; which was ordered to lie on the table.

He also presented sundry memorials of citizens of Pennsylvania, remonstrating against placing the statue of Père Marquette in Statuary Hall; which were ordered to lie on the table.

He also presented a petition of the Methodist Episcopal Church of Pleasantville, Pa., and a petition of the Grace Methodist Episcopal Church, of Oil City, Pa., praying for the enactment of a Sunday-rest law for the District of Columbia; which were referred to the Committee on the District of Columbia.

He also presented a petition of the Brotherhood of Railroad Trainmen of McKees Rocks, Pa., praying for the establishment of a board of arbitration to settle the differences between employees and railway companies; which was referred to the Committee on Education and Labor.

He also presented a petition of the Engineers' Club of Philadelphia, Pa., praying for the adoption of a metric system of weights and measures; which was referred to the Committee on Finance.

He also presented a petition of the Board of Trade of Scranton, Pa., praying for the establishment of a department of commerce and manufactures; which was referred to the Committee on Commerce.

He also presented a memorial of the Woman's New Century Club of West Chester, Pa., remonstrating against the payment of certain claims against the Indians, as proposed by the Indian appropriation bill; which was referred to the Committee on Appropriations.

He also presented a petition of sundry citizens of Pennsylvania, praying for the passage of House bill No. 2626, providing for the protection of agricultural staples by an export bounty; which was referred to the Committee on Finance.

He also presented a petition of sundry citizens of the United States who served in the military and naval service during the war of the rebellion, praying for the enactment of legislation to increase the pension of those who lost limbs; which was referred to the Committee on Pensions.

He also presented a petition of the Grand Army Association of Allegheny County, Pa., praying for the enactment of legislation amending the pension laws; which was referred to the Committee on Pensions.

Mr. BRICE presented a petition of the Otis Steel Company, Limited, of Cleveland, Ohio, praying for the adoption of a metric system of weights and measures; which was referred to the Committee on Finance.

He also presented a petition of Elm Grove Grange, No. 644, Patrons of Husbandry, of Evansport, Ohio, praying for the passage of House bill No. 8008, regulating the manufacture of filled cheese; which was ordered to lie on the table.

He also presented a memorial of the Stonecutters' Association of Lancaster, Ohio, remonstrating against the employment of convict labor in the construction of public buildings, and praying for the enactment of legislation restricting second-class postal matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Stomps-Burkhardt Company, of Dayton, Ohio, praying for the enactment of legislation to protect free labor and industries in which it is employed from the injurious effect of convict labor by confining the selling of goods, wares, and merchandise manufactured by convict labor to the State in which they are produced; which was referred to the Committee on Education and Labor.

REPORTS OF COMMITTEES.

Mr. PROCTOR. I move that the bill (H. R. 3279) to authorize the reassessment of water-main taxes in the District of Columbia, and for other purposes, which is Order of Business 660 on the Calendar, be recommitted to the Committee on the District of Columbia.

The motion was agreed to.

Mr. PROCTOR. From the Committee on the District of Columbia I report back the bill (H. R. 3279) to authorize the reassessment of water-main taxes in the District of Columbia, and for other purposes, with amendments, and I ask that it take the place on the Calendar of the bill just recommitted.

The VICE-PRESIDENT. Without objection, it will be so ordered.

Mr. PROCTOR, from the Committee on Agriculture and Forestry, to whom the subject was referred, submitted a report, accompanied by a bill (S. 3131), to provide for a director in chief of scientific bureaus and investigations in the Department of Agriculture, and for other purposes; which was read twice by its title.

Mr. PALMER, from the Joint Committee on the Dedication of the Chickamauga and Chattanooga National Military Park, submitted a report; which was ordered to be printed.

Mr. GALLINGER. I am directed by the Committee on the District of Columbia, to whom was referred the bill (H. R. 8532) to establish certain harbor regulations for the District of Columbia, to report it without amendment. I ask that it take the same place on the Calendar, being Order of Business 968, that is now occupied by the bill (S. 2987) to establish certain harbor regulations for the District of Columbia, and that the latter bill be indefinitely postponed.

The VICE-PRESIDENT. It will be so ordered.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (H. R. 2844) granting a pension to Martha McNeil, reported it without amendment, and submitted a report thereon.

Mr. DAVIS, from the Committee on Foreign Relations, to whom was referred the petition and papers in the claim of William B. Matchett against the Government of Venezuela, reported adversely thereon; and the subject was postponed indefinitely.

Mr. ROACH, from the Committee on Pensions, to whom was referred the bill (S. 810) to amend the act entitled "An act granting pensions to the soldiers and sailors of the Mexican war, and for other purposes," approved January 29, 1887, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the

bill (S. 2754) granting a pension to Jerusha Hayward Brown, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2802) granting a pension to Margaret Rowsell, reported it without amendment, and submitted a report thereon.

Mr. MARTIN, from the Committee on the District of Columbia, to whom was referred the bill (S. 1660) to provide for the adjustment and payment of certain claims against the District of Columbia by drawback certificates, and for other purposes, reported adversely thereon; and the bill was postponed indefinitely.

Mr. VEST. I notice by the RECORD that yesterday the Senator from Ohio [Mr. SHERMAN] reported from the Finance Committee House bill 8008, what is known as the filled-cheese bill. My attention was called to something else at the time and I did not observe the report. On behalf of the minority of the committee, consisting of the Senator from Mississippi [Mr. WALTHALL], the Senator from Tennessee [Mr. HARRIS], the Senator from Arkansas [Mr. JONES], the Senator from California [Mr. WHITE], and myself, I had leave from the committee to file the views of the minority. I should have stated yesterday that it was simply a majority report.

The VICE-PRESIDENT. Leave will be granted as requested.

Mr. VEST, from the Committee on Commerce, to whom was referred the bill (H. R. 8167) to authorize the construction of a bridge across the Red River of the North, reported it without amendment.

Mr. GALLINGER. In behalf of the Senator from North Dakota [Mr. HANSBROUGH], the Senator from Kansas [Mr. BAKER], and myself, I submit the views of the minority of the Committee on the District of Columbia upon the bill (S. 3088) to authorize the extension of the lines of the Potomac Electric Power Company. I ask that the views of the minority be printed.

The VICE-PRESIDENT. It will be so ordered.

Mr. BRICE, from the Committee on Pensions, to whom was referred the bill (S. 2883) granting an increase of pension to Isaac Harbaugh, reported it with an amendment, and submitted a report thereon.

Mr. SQUIRE, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 1338) to provide for the purchase of a site and the erection of a public building thereon at Durham, in the State of North Carolina, reported it with an amendment, and submitted a report thereon.

Mr. BERRY, from the Committee on Public Lands, to whom was referred the bill (S. 2923) for the better improvement of the Government reservation at the city of Fort Smith, in the State of Arkansas, and for other purposes, reported it with an amendment, and submitted a report thereon.

Mr. GORMAN. I am directed by the Committee on Interstate Commerce, to whom was referred the bill (S. 2967) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, to report it with an amendment in the nature of a substitute. I desire to state that this is a report of the majority of the committee.

Mr. CHILTON. I dissent from the report of the majority, and will file a minority report at a later day.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

CHARLES K. JENREE.

Mr. WALTHALL. I am directed by the Committee on Military Affairs, to whom was referred the bill (H. R. 6298) to correct the military record of Charles K. Jenree, etc., to report it with an amendment.

Mr. SHERMAN. I will ask the Senate to put the bill on its passage at this time. It will take but a moment. It is to correct the record of an officer.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment of the Committee on Military Affairs was, in line 5, after the word "Company," to strike out "B, Twenty-seventh New York Volunteer Infantry," and insert "D, First New York Veteran Cavalry Volunteers"; so as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and is hereby, authorized and directed to remove the charge of desertion from the military record of Charles K. Jenree, late of Company D, First New York Veteran Cavalry Volunteers, and to issue to the said Charles K. Jenree an honorable discharge: *Provided*, That no pay, bounty, or emoluments shall become due by virtue of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

CLAIMS OF B. H. HENRY AND OTHERS.

Mr. LODGE, from the Committee on Foreign Relations, to whom was referred the message from the President of the United States, transmitting, in response to Senate resolution of January 7, 1896, report from the Secretary of State, with accompanying report of the special agent of the United States sent to the Fiji Islands to investigate the claims of B. H. Henry and other American citizens, submitted a report thereon, accompanied by the following resolution, which was placed upon the Calendar:

Be it resolved, That the President is hereby requested to continue the investigation and efforts hitherto made by the United States in the matter of the claims of B. H. Henry and other American citizens against the Government of Great Britain in regard to certain lands in the Fiji Islands, to the end that such an adjustment of such claims may be made as may be warranted by the facts and by the law applicable thereto.

VICTOR HUGO M'CORD.

Mr. DAVIS. I move that the message from the President of the United States, received January 10, 1896, in relation to the arrest and imprisonment of Victor Hugo McCord at Arequipa, Peru, be referred to the Committee on Foreign Relations.

The motion was agreed to.

BILLS INTRODUCED.

Mr. GALLINGER introduced a bill (S. 3132) to restore to the pension roll the name of Nathaniel W. Davis; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3133) granting an increase of pension to Betsey B. Olin; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HILL introduced a bill (S. 3134) to restrict employment on public buildings and public works to citizens of the United States; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. QUAY introduced a bill (S. 3135) for the relief of the heirs of James Glover; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. KYLE (by request) introduced a bill (S. 3136) for Sunday rest; which was read twice by its title.

Mr. KYLE. I have reintroduced the bill by request, as I introduce all bills and resolutions of which I am not the author, although I may be in sympathy with the provisions of such bills or resolutions. Looking over the list of bills introduced by myself I see that the words "by request" were left off of this bill two years ago. Probably my statement was not heard by the clerks. In looking over my bills I notice another measure which I introduced by request. This was Senate joint resolution 94, Fifty-third Congress, second session. The statement evidently was not heard at the desk. The joint resolution had been published in the journals of the city several days before. I presented it to the Senate by request of the Knights of Labor.

I move that the bill be referred to the Committee on Education and Labor.

The motion was agreed to.

Mr. SEWELL introduced a bill (S. 3137) granting an increase of pension to Lambert L. Mulford; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CAMERON introduced a bill (S. 3138) to remove the charge of desertion against Israel Blessing; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 3139) to amend chapter 67 of volume 23 of the Statutes at Large of the United States; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Naval Affairs.

He also introduced a bill (S. 3140) to restore to the pension roll the name of John E. Watson; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 3141) granting a pension to Rachel Kern; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PUGH introduced a bill (S. 3142) to provide an American register for the barge *Black Diamond;* which was read twice by its title, and referred to the Committee on Commerce.

Mr. CAFFERY introduced a bill (S. 3143) granting a pension to Sarah M. Spyker; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BRICE introduced a bill (S. 3144) granting a pension to Samuel Shaffer; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 3145) to increase the pension of William Hulsizer; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. GRAY (by request) introduced a bill (S. 3146) to revise and amend and extend the act of Congress of August 15, 1876, to encourage and promote telegraphic communications between America and Asia across the Pacific Ocean from the western shores of the United States to the Hawaiian Islands, to Japan, and China; which was read twice by its title, and referred to the Committee on Foreign Relations.

AMENDMENTS TO DEFICIENCY APPROPRIATION BILL.

Mr. TURPIE submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. HILL submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. GEORGE submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. CAMERON submitted an amendment intended to be proposed by him to the general deficiency bill; which was referred to the Committee on Appropriations, and ordered to be printed.

REPORT ON NATIONAL SANITARIUM IN NEW MEXICO.

Mr. GALLINGER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That Senate Report No. 771, from the Committee on Public Lands, on Senate bill 2593, be reprinted.

POSTAL TELEGRAPH AND TELEPHONE SERVICE.

Mr. BUTLER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That 1,000 additional copies of document No. 205, Fifty-fourth Congress, first session, relating to a postal telegraph and telephone, be printed for the use of the Senate.

DIRECTOR IN CHIEF OF SCIENTIFIC BUREAUS.

Mr. PROCTOR submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That there be printed 3,000 extra copies of the arguments before the Committee on Agriculture and Forestry in favor of the proposition for a director in chief of scientific bureaus in the Department of Agriculture, together with all the appendices accompanying the same as published for the use of said committee, 1,500 of which shall be for the use of the Secretary of Agriculture and 1,500 for the use of the Senate.

DENISON AND NORTHERN RAILWAY.

Mr. CHILTON submitted the following concurrent resolution; which was read:

Resolved by the Senate (the House of Representatives concurring), That the Committee on Enrolled Bills of the two Houses be authorized to correct the enrolled bill of the Senate (S. 2488) entitled "An act to amend an act entitled 'An act to authorize the Denison and Northern Railway Company to construct and operate a railway through the Indian Territory, and for other purposes,'" by striking out the word "nine," in line 2 of said enrolled bill, and inserting "eight."

Mr. CHILTON. The object is to correct the numbering of a section in a bill that was passed a day or two ago. It is merely a formal correction, and I ask for the adoption of the resolution.

The concurrent resolution was considered by unanimous consent, and agreed to.

REGULATION OF BOND ISSUES.

Mr. BACON. I desire to give notice that on Friday morning, after the conclusion of the routine business, I shall ask the consent of the Senate to call up the bill (S. 3101) to prohibit the issuance of bonds or other interest-bearing obligations of the Government by the Secretary of the Treasury or other officer of the Government without the authority of Congress, in order that I may submit some remarks upon it.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. PRUDEN, one of his secretaries, announced that the President had on the 9th instant approved and signed the act (S. 661) to amend section 2880 of the Revised Statutes of the United States, fixing time for vessels to unlade.

The message also announced that the President of the United States had on the 11th instant approved and signed the act (S. 1872) authorizing the Secretary of the Treasury to exchange on behalf of the United States the tract of land at Choctaw Point, Mobile County, Ala., now belonging to the United States and held for light-house purposes, with the Mobile, Jackson and Kansas City Railroad Company for any other tract or parcel of land in said county equally well or better adapted to use for light-house purposes.

BILL BECOMES A LAW.

The message further announced that the bill (S. 2557) granting a pension to Sarah A. Boyd was presented to the President April 29, 1896, and not having been returned by him to the House of Congress in which it originated within the ten days prescribed by the Constitution, has become a law without his approval.

GUARDIAN FOR PENSIONERS.

Mr. FRYE. Now, I shall be obliged——

Mr. PEFFER. I ask the attention of the Senator from Maine. Some time ago I reported from the Committee on Pensions the bill (S. 2237) providing for the appointment of a committee or guardian for pensioners in certain cases in the District of Columbia. It is a bill that is applicable particularly to pensioners in the District of Columbia who squander their money through drunkenness, etc. I am quite sure that there will be no objection to the passage of the bill, and I should like to have it taken up and passed.

Mr. FRYE. I yield to the Senator from Kansas.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Pensions with an amendment, to insert the following proviso at the end of section 1:

Provided, That the compensation of said guardian shall be fixed by the court, not to exceed 5 per cent of the funds so intrusted to his care.

So as to make the section read:

That any judge of the supreme court of the District of Columbia, upon the filing of a petition alleging that a United States pensioner residing in the said District is squandering pension money in drinking or by vicious habits of life, and after service of a copy of said petition on the pensioner, may, upon evidence satisfactory to him, appoint a guardian for said pensioner, and thereafter all payments on account of pensions due to said pensioner shall be made to said guardian, who shall expend the same under the direction of the said court: *Provided*, That the compensation of said guardian, etc.

The amendment was agreed to.

Mr. HILL. What committee reported the bill?

Mr. PEFFER. It is from the Committee on Pensions.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill providing for the appointment of a guardian for pensioners in certain cases in the District of Columbia."

RIVER AND HARBOR APPROPRIATION BILL.

The VICE-PRESIDENT. Under the agreement of yesterday, the Chair lays the river and harbor bill before the Senate.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7977) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, the pending question being on the amendment of Mr. GORMAN.

Mr. VEST. I understand that the amendment of the Senator from Maryland [Mr. GORMAN] is pending.

The VICE-PRESIDENT. That is the pending question.

Mr. FRYE. Will the Senator from Missouri yield to me one moment? I wish to move one or two little amendments while they occur to me.

Mr. VEST. Certainly.

Mr. FRYE. On page 24, line 20, I am informed by authorities in interest who know all about it that $1,000,000 under the contract system will complete that contract. Therefore I move to strike out "$403,856," leaving the amount $1,000,000.

The amendment was agreed to.

Mr. FRYE. On pages 114 and 115, under the subhead of New York, I move to insert:

New York Harbor, from the Narrows to the sea, with a view of obtaining 35 feet at mean low-water mark.

Buffalo, entrance to Erie Basin and Black Rock Harbor.

East Chester Creek, with a view to extending improvement to head of tide water.

The amendment was agreed to.

Mr. VEST. Mr. President, I ask the attention of the Senator from Maryland. I must confess my astonishment upon yesterday at the result in the Senate upon the motion I had the honor to make to lay the pending amendment upon the table. Unless I am egregiously mistaken as to the effect of it, I think the Senate will reconsider that action. If Senators will give some attention to the wording of the amendment they will see that it is exceedingly far-reaching and has an effect which I hardly think the Senator from Maryland himself intends, with great deference to him. The amendment reads:

Provided further, That the Secretary of War shall so adjust the contracts herein authorized to be made by apportioning them in such way as not to obligate the Government under this act and all prior acts providing for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, which provide for contracts beyond appropriations made, for a sum exceeding in the aggregate $10,000,000 in any one fiscal year for such materials and work authorized to be contracted for in all of said acts.

I take it for granted that there can be no contention as to the meaning of this amendment in so far as it is limited to the work and materials to be done and purchased under contract. It is exclusively intended to apply to the contract expenditures under this bill.

I will say, in passing, to the Senator from Maryland that his calculation as to the amount of the contract sums to be expended is very erroneous. I have not gone through all of them, but my knowledge of the bill is such as to enable me to say that the estimate is erroneous in regard to some States. I think if he will turn to the State of Washington, conspicuously, he will find an error as to the amount of the contract sums to be expended in that

State, and so as to my own State, to which my attention was particularly called.

But returning to the amendment, the plain meaning of the amendment is that under no circumstances shall more than $10,000,000 be expended in any one fiscal year upon these contracts, leaving out of view the immediate and direct appropriations made by the bill. By whom is this apportionment to be made of the $10,000,000, and under what rule is it to be made? Under none except the will and discretion of the Secretary of War. The Secretary of War absolutely under this amendment controls the apportionments.

Mr. MITCHELL of Oregon. If the Senator will allow me, I will state that the amendment not only applies to the pending bill, but it covers the contracts now in existence under former acts.

Mr. VEST. There is no question about it, and I am coming to that. But I am speaking now—and for the purposes of my argument that is sufficient—as to the bill pending in the Senate. It is hardly necessary for me to say that I am a member of the Democratic party, and that the Democratic Administration will be in power until the 4th of March next anyhow. But I would not give to any living man such power as is given by this amendment. I hardly think that there is a partisan in this Chamber, no matter how intense or extreme he may be, who will give such a power to a Cabinet officer. I have never known a Secretary of War (and there have been very eminent men, men beyond any suspicion as to motives, holding that high office) to whom I would give this power. It is an abuse of the meaning of governmental power. It is an invasion of the autonomy of the Government to put this absolute and despotic and autocratic power in the hands of any Cabinet officer of the Government.

Mr. President, look at the specific appropriations. What is the result? We have in the bill provided that certain appropriations should be given in the next fiscal year for the completion of great public improvements. If the amendment is adopted the Secretary of War can nullify those provisions of the bill. My friend from Maryland says no, but I say yes, because you can not, under the Procrustean rule of this amendment, go beyond $10,000,000; that is, the whole of the contracts in the aggregate shall not exceed $10,000,000 for the next fiscal year; and the Secretary of War then comes in and exercises his discretion and his pleasure as to how the $10,000,000 shall be adjusted and appropriated.

Take the Mississippi River, where we have made a continuing appropriation, and the Missouri River, and the improvement at Duluth and other important points, the most important named in the bill. The Secretary of War may, in his discretion, say: "I do not think that the improvement on the Mississippi River should have more than $1,000,000, or two million and a half dollars even, for the next fiscal year. I do not think Duluth should have more. In other words, I will put my discretion in lieu of that of Congress, and under this amendment will do as I please inside of the limit of $10,000,000." Is the Senate prepared for that? Is the Senate prepared now to surrender its judgment in regard to this important bill—the largest we have ever passed for the improvement of rivers and harbors—to any Cabinet officer, I do not care how distinguished he may be or how able he may be in the discharge of the duties of his office?

Mr. GORMAN. Will the Senator from Missouri permit me?

Mr. VEST. With the greatest pleasure.

Mr. GORMAN. The Senator from Missouri I know, upon reflection, will admit that to-day we authorize continuing contracts to be made for improvements—it has been done for all the improvements made up to this time—and we have left it absolutely to the discretion of the Secretary of War and the Engineer Department to determine how much shall be expended each year. For instance, take Galveston, with an appropriation of $6,000,000 or $8,000,000, whatever was the amount; and in all the cases that is true. So there is nothing new in that feature. That is the rule.

Mr. VEST. The answer of the Senator does not meet the point I make at all. I should like to have him show me in any prior river and harbor bill where we have ever given to any Secretary of War the power to apportion our appropriations. I should like to have him show me any such provision. It is true we have said that the Secretary of War may make continuing contracts, which the courts have decided to be coercive, and that "may" means "shall." That has been repeatedly adjudicated by tribunals of highest authority; but we have never before—and I challenge my friend from Maryland to point me to an instance—undertaken to say to a Secretary of War that he shall take the aggregate of our appropriations, either immediate or under contract, and apportion them as he sees proper.

Mr. ALDRICH. Will the Senator from Missouri excuse me for a moment?

Mr. VEST. Certainly.

Mr. ALDRICH. Undoubtedly, under the practice and the construction that has been put upon the laws, the Secretary of War might expend a part of the appropriation, say, for Galveston Harbor, this year and a part of it next year; but we never have given and no one has ever thought of giving the Secretary of War the authority, when an appropriation has been deliberately made by Congress for Galveston Harbor, to say whether there shall be any expenditure at all. Under the amendment suggested by the Senator from Maryland, in the next twenty-five years it might be impossible to spend a cent of money for Galveston Harbor. You leave the matter entirely in his discretion, whether to spend the money upon improvements in the Delaware River or improvements in the Mississippi River, and whenever the time may come in the far distant future that there may be money available for Galveston Harbor, he will spend it there.

Mr. VEST. That is unquestionably my construction of the amendment, and I do not know how I could elaborate my meaning further than I have expressed it. If any Senator here, however astute or technical he may be as a lawyer, will convince me that we have not abdicated our legislative authority by giving this discretion to the Secretary of War, I shall be very much obliged to him for that information.

Mr. GORMAN. Mr. President, only one word in answer to the Senator from Missouri, who is a very distinguished lawyer. Unfortunately I am one of the few members of this body who happen not to be lawyers, and I therefore have some hesitancy in controverting what the Senator has said.

The first suggestion the Senator made was that the statement I furnished, which is printed in the RECORD, of the amount of the continuing contracts, is inaccurate. It is true in one or two cases, though not in the aggregate, the clerks in making up the statement did leave out an amount for the State of Missouri and for the State of Washington, and those amounts were put under some other States; but I furnish to-day the correct statement as they have revised it, making the aggregate amount of the contracts contained in the bill $64,017,227.91. The amount that was placed to the State of Washington, $900,000, as it appears in the RECORD this morning, will now be found to be $2,380,000. That went into another item, but the aggregate amount is correct, so that in that particular the Senator is right. It was the fault of the clerks in making up the statement.

As to my amendment changing the rule and Congress abdicating its right to determine the amount of appropriations which shall be expended, it is exactly the reverse. Heretofore, as I stated a moment ago to the Senate, in every appropriation that has been made the appropriation for the harbor of Baltimore, for the harbor at Galveston, for all of the great harbors where contracts have been authorized to be made, the Secretary of War was authorized to make the contracts, and the Secretary of War absolutely determined the number of cubic yards that would be removed every year and the cost of that work, and at the end of the year reported to Congress the amount that he in his judgment thought ought to be expended, and Congress has made the appropriation. It is true that in no case heretofore has Congress limited the Secretary of War in the amount that he was to expend. He was at perfect liberty to make a contract and expend the entire amount of the appropriation in one year or two years or three years, the only reservation being that the contractor would look to Congress for appropriations at such time and in such amount as Congress might determine. But the power to obligate the Government for $1,000,000 or $10,000,000 we have always left absolutely to the Department.

All that the amendment provides is a restriction upon the Secretary of War that he shall not in the aggregate expend more than $10,000,000. The only reason for that is because for the first time in the history of the Government we have gone into the wholesale business of contracts, and it is only because of the conditions which surround us that I have offered this amendment, not with a view of impeding any of these works. I do not believe it will impede them. Leave this amendment out of the bill and the Secretary of War will have the absolute power to say what amount of money shall be expended in this year and in the next year. I say if I were Secretary of War or had control of the Treasury Department in the present condition of the Treasury I would apply the rule suggested by the Senator from Ohio [Mr. SHERMAN] and which has been adopted by Secretary Carlisle. I would not enter into one of these contracts or obligate the Government for a dollar of money until Congress made provision for the Treasury.

I am anxious for the passage of the river and harbor bill. I have stated before during the present session that I regard it as the most important bill in the interest of the country that we have. I would not stay the improvement of the Mississippi River or any one of the great harbors, because that improvement means commerce and thrift for our people. I would be liberal with the appropriations for the improvements—I have always been liberal with them—but in the present condition I think it is wise to make this limitation. It is not abdicating anything. Congress ought to assert itself in this particular instance, in my judgment, by telling the executive officers our condition is such that you ought not to expend more than $10,000,000.

Mr. President, who upon earth has a right to complain of it? What will it do? It will give for the year ending June 30, 1897, $20,000,000 to be expended by the Secretary of War, and but once, if I remember correctly, certainly not more than twice, was there ever $20,000,000 expended in one year, and that included the Mississippi River, it included the great harbor of Galveston, and all those great works. It will give under that provision $19,000,000 to be expended for the year ending June 30, 1898. The Department has considered—and that has been the case in all recent Congresses, as the chairman of the committee, I think, will bear me out—that the river and harbor bill covers two years. They take the amount of $12,000,000, for instance, and they expect to expend $6,000,000 of it during the fiscal year for which we are appropriating, which is up to the 1st day of July, 1897. So there is $6,000,000 of cash available for the next fiscal year, and $10,000,000 under contracts, which will be $16,000,000, and $4,000,000 under contracts heretofore made; which makes practically $20,000,000 for the next year and $20,000,000 for the year following. It will take under that arrangement six years to complete the expenditures provided for in this bill. In addition to that, two years from now we shall have an appropriation of from fifteen to twenty million dollars—of course the exact amount can not be stated now——

Mr. WALTHALL. May I ask the Senator from Maryland a question?

Mr. GORMAN. I yield with great pleasure.

Mr. WALTHALL. I only want to ask the Senator how his amendment affects the improvement as to the time within which the expenditure to be made is limited, as in the case of the Mississippi to three years?

Mr. GORMAN. There is no question, in my judgment, but that that is a specific appropriation and that the work is required to be completed. So far as that case is concerned, the provision is emphatic in the bill itself. As I understand, the amount would be expended as provided for in that particular section of the bill. I submit to the Senator that the bill as it came from the House, if I am not right in this, would have interfered with that provision.

Mr. WALTHALL. I would say to the Senator that if he is mistaken in that, then a very large proportion of the appropriations made for the Mississippi River improvement would be lost, and all that is not made prior to June 1, 1897, will lapse.

Mr. GORMAN. Let us see if I am right, or if the Senator is right. If I am wrong about it, then the bill as it came from the other House has practically the same provision, the only difference being in the amount. The provision for the Mississippi River is that $2,583,333 may be expended annually for three years. That is in the bill as it stands. Those are the contracts which are authorized to be made for the work. The bill came from the other House with that provision, and it has not been changed by the Senate a particle. If the Senator will turn to page 99 of the bill he will find this provision:

SEC. 5. That under the authority to make contracts for materials and work, under the provisions of this act, in addition to the sums appropriated herein, the Secretary of War shall not obligate the Government to pay, in any one fiscal year, beginning July 1, 1897, more than 25 per cent of the whole amount authorized to be let by any one of said contracts.

There is a limitation. If the Senator is right, and if my distinguished friend from Missouri [Mr. VEST] is right, as to the effect of my amendment, the bill as it came from the other House made the same interference with this appropriation.

Mr. BERRY. That was corrected in the Senate, was it not? I ask the Senator.

Mr. GORMAN. I will tell the Senator in a moment. I am talking about the bill as it came from the other House. If the contention of the Senator from Missouri and the Senator from Mississippi is right, then the provision in the bill as it came from the other House would be limited to 25 per cent of the amount appropriated, and it would require four years to complete the improvement. I do not believe that contention is right, with all due deference to those Senators.

Mr. BERRY. Will the Senator permit me to make a suggestion?

Mr. GORMAN. Certainly.

Mr. BERRY. Twenty-five per cent, or one-fourth, so far as the Mississippi River contract is concerned, would exactly take up the appropriation within four years, even according to the bill as it came from the other House.

Mr. GORMAN. The bill provides for three years—not four years.

Mr. BERRY. There is a provision for the first year and for three additional years. There is one provision made for this year and then for the three years beginning June 30, 1897. It is not a provision for three years. That is my understanding of it.

Mr. WALTHALL. Do I understand the Senator from Maryland that his amendment does not apply to the Mississippi River improvement at all?

Mr. GORMAN. I think so. I contend also that the bill as it came from the other House would not have applied to it, and that if the contention of my distinguished friend as to the effect of my amendment is good, then there would have remained the restriction of the Mississippi River improvement in the bill as it came from the other House. I do not believe it will bear that construction, however.

Mr. CAFFERY. May I interrupt the Senator from Maryland?

Mr. GORMAN. Certainly.

Mr. CAFFERY. The Senator's amendment, as I understand, provides for continuing contracts not exceeding in any one year $10,000,000, at the will of the Department.

Mr. GORMAN. Not as to specific contracts.

Mr. CAFFERY. There is a specific appropriation for the Mississippi River for four years. The first appropriation is a cash appropriation of $1,250,000. Then there is an appropriation for three years after the fiscal year ending June 30, 1897—a continuing contract—for $2,583,000 per annum. Do I understand the Senator from Maryland to say that his general provision in the shape of an amendment, that the continuing contracts all together are not to exceed $10,000,000, does not apply to the specific appropriations made for the Mississippi River?

Mr. GORMAN. I ask the Senator, as a rule of law, where there is a general provision such as is proposed, that not more than $10,000,000 shall be expended, and an executive officer, who is supposed to be a lawyer, taking up this bill, finds that it is required that in any one case $2,000,000 shall be expended, whether he would not first apply that amount? Would not that be the rule of law, and has it not always been the practice of the Department?

Mr. CAFFERY. As to the cash appropriations that might be so, but as to the continuing contracts I rather think it might be different under the Senator's amendment.

Mr. GORMAN. If that be so, this bill as it came from the other House with the 25 per cent limitation would unquestionably be the same.

Mr. WALTHALL. I will ask the Senator would he have any objection to putting in the amendment a provision in accordance with his statement of his own view of the meaning of the amendment, so that there will not be any question about it?

Mr. GORMAN. I have no objection to it. All I wish to accomplish is that when we meet here in December next we shall not be confronted with estimates based upon contracts made which would involve the expenditure of over $10,000,000 in the next fiscal year. That is all I desire to accomplish. I have no other desire.

Mr. WHITE. Will the Senator from Maryland permit me to ask him a question?

Mr. GORMAN. Certainly.

Mr. WHITE. If I understand the design of the Senator from Maryland, it is that it is necessary to put something of a restrictive character in this bill, so that the Secretary of War may not go too far in the expenditure of public money. If that be the danger menacing us, I do not think that it amounts to a very great deal, because I think that that officer in the treatment of river and harbor matters has evinced a disposition to be economical. When his estimates were sent to Congress during the present session, instead of adopting the figures suggested by the local engineers, the Chief of Engineers, for the first time, I believe, in many years, cut the amount down so low that, according to his view, no smaller amount could possibly be successfully expended; and this he did, as I understand, under the direction of the Secretary of War. Feeling that that officer has been thus disposed to be careful with the public money, in some instances going further than some of us on the committee would have gone, it appears now rather unnecessary to put on this additional restriction.

Mr. GORMAN. I have, of course, great admiration for the present Secretary of War, and I believe he will do all the Senator from California indicates. It is not at all for want of confidence in the Secretary of War that I offer the amendment; but it is nothing new, I wish to say to my distinguished friend from California, to put such a restriction on the Secretary of War or on any other Secretary. We have authorized an expenditure of four or five million dollars for the construction of guns, and we have said that the Secretary of War must not exceed the expenditure of two millions of that money in one year. We have said to the Secretary of the Navy, "We will give you ten or twenty million dollars to construct your ships and your armor, but you must not expend more than a certain amount in any one year." So there is no unusual restriction on the War Department proposed by the amendment. On the contrary, this is a wise provision, which Congress has frequently made; and but for such provision the Treasury to-day would be in a worse condition than it is.

More than that, I desire the passage of this bill, and as a Senator representing a great State in this Union I have a duty to perform, and that is to try to keep these expenditures within reasonable limits. I can not afford to vote for any bill which will put it in the power of any one man in the present condition of affairs to force the expenditure of money which we have not.

Mr. MILLS. I want to ask the Senator from Maryland if this amendment of his gives the power to the Secretary of War in apportioning the $10,000,000 to leave out the contracts in the State of Texas? I wish to know whether that power is to be placed in his hands.

Mr. GORMAN. I do not believe, as I said a moment ago, that there has ever been a river and harbor bill where there was a contract authorized to be made that that power did not exist to the fullest extent, so that the Secretary of War could determine in each case, and has so determined in each case, the exact amount which he will expend at Galveston or Baltimore or upon the Pacific Coast; and there is no other way in which these contracts can be entered into.

I wish to insert in the RECORD a corrected statement of the continuing contracts contained in the bill, as there were one or two errors in the table I submitted yesterday.

The table referred to is as follows:

CONTINUING CONTRACTS.

Maine	$1,570,500.00	Rhode Island	$707,000.00
Massachusetts	1,145,000.00	Pennsylvania	894,500.00
New York	3,655,558.00	West Virginia	1,200,000.00
Delaware	4,885,846.00	Tennessee	600,000.00
South Carolina	1,996,250.00	Kentucky	1,349,000.00
Georgia	3,572,500.00	Mississippi	890,000.00
Louisiana	1,488,250.00	Michigan	1,065,000.00
Texas	1,403,856.00	Illinois	6,360,960.00
Ohio	1,354,000.00	Ohio River	2,807,250.00
Wisconsin	168,737.91	Mississippi River	13,400,000.00
Minnesota	3,080,553.00	Missouri River	900,000.00
California	3,908,000.00		
Oregon	3,264,467.00	Grand total	64,017,227.91
Washington	2,380,000.00		

Maine:		
Harbor at Rockland	$760,500.00	
Portland Harbor	810,000.00	
		$1,570,500.00
Massachusetts:		
Harbor at Boston	1,145,000.00	
		1,145,000.00
New York:		
Harbor at Buffalo	2,200,000.00	
Harbor at Dunkirk	398,258.00	
Bay Ridge Channel	637,300.00	
Newtown Creek	420,000.00	
		3,655,558.00
Delaware:		
Harbor of refuge, Delaware Bay	4,660,000.00	
Wilmington Harbor	225,846.00	
		4,885,846.00
South Carolina:		
Winyaw Bay	1,996,250.00	
		1,996,250.00
Georgia:		
Savannah Harbor	987,500.00	
Cumberland Sound	2,345,000.00	
Brunswick Harbor	240,000.00	
		3,572,500.00
Louisiana:		
Calcasieu River	315,000.00	
Bayou Plaquemine	1,173,250.00	
		1,488,250.00
Texas:		
Sabine Pass	1,403,856.00	
		1,403,856.00
Ohio:		
Cleveland Harbor	1,354,000.00	
		1,354,000.00
Wisconsin:		
Milwaukee Harbor	168,737.91	
		168,737.91
Minnesota:		
Duluth	3,080,553.00	
		3,080,553.00
California:		
Oakland Harbor	666,000.00	
Santa Monica	2,900,000.00	
Wilmington Harbor	342,000.00	
		3,908,000.00
Oregon:		
Yaquina Bay	1,000,000.00	
Columbia River	2,064,467.00	
Willamette and Yamhill rivers	200,000.00	
		3,264,467.00
Washington:		
Salmon Bay and Ship Canal	1,400,000.00	
Grays Harbor	980,000.00	
		2,380,000.00
Rhode Island:		
Providence River and Narragansett Bay	707,000.00	
		707,000.00
Pennsylvania:		
Herr Island	894,500.00	
		894,500.00
West Virginia:		
Upper Monongahela	1,200,000.00	
		1,200,000.00
Tennessee:		
Cumberland River	600,000.00	
		600,000.00
Kentucky:		
Kentucky River	1,349,000.00	
		1,349,000.00
Mississippi:		
Yazoo River	890,000.00	
		890,000.00
Michigan:		
Keweenaw Point	1,065,000.00	
		1,065,000.00
Illinois:		
Illinois and Mississippi Canal	$5,710,960.00	
Chicago River	650,000.00	
		$6,360,960.00
Ohio River dams	300,000.00	
Ohio River dams	1,990,000.00	
Ohio River Falls	517,250.00	
		2,807,250.00
Mississippi River:		
Upper Mississippi	5,025,000.00	
Lower Mississippi	8,375,000.00	
		13,400,000.00
Missouri River	900,000.00	
		900,000.00

NOTE.—Page 48, appropriation made for payment by the Secretary of War of judgments and costs for the condemnation of all the property and appurtenances of Monongahela Navigation Company.

In addition to the contract for construction of Illinois and Mississippi Canal it is authorized to pay indemnity for condemnation of right of way.

Mr. CULLOM. I should like to ask the Senator from Maryland a question or two, as I desire to get as nearly as I can at what his amendment means.

Mr. VILAS. Will the Senator from Illinois allow me to make a suggestion first, and perhaps it will anticipate what he is going to say? I wish to ask the Senator from Maryland—I am in entire sympathy with him—if he will not accept this addition to the amendment he proposes, which will probably meet the view which has been suggested.

Mr. CULLOM. I will hear the Senator from Wisconsin.

Mr. VILAS. I suggest to the Senator from Maryland that he modify his amendment by adding thereto the following:

Provided, That this shall not relate to or affect the appropriations, or the special regulations for the expenditure thereof, hereinbefore made for the harbor of refuge in Delaware Bay, the harbor of Duluth, Minn., or the Mississippi River from the Head of the Passes to the mouth of said river.

Mr. MILLS. What becomes of Texas?

Mr. CULLOM. Is that the suggestion the Senator offers to do away with my desire to ask a question?

Mr. VILAS. I want to say there are special provisions made in this bill for those places, special directions in the expenditure. If those special directions for expenditure were excepted, the provision of the Senator from Maryland would apply equally to all others entitled to them.

Mr. CULLOM. I did not yield to the Senator to make a speech on the amendment.

Mr. VILAS. I beg the Senator's pardon.

Mr. CULLOM. I desire to inquire of the Senator from Maryland whether his amendment is proposed to cut out all the appropriations not under the general contract system?

Mr. GORMAN. As a matter of course not.

Mr. CULLOM. It does not refer to them?

Mr. GORMAN. It does not refer to them in the slightest.

Mr. CULLOM. Then it refers to those that are proposed to be put under continuous contracts only. Now, I desire to ask this other question: As I understand, we shall be compelled to appropriate $4,000,000 to carry out contracts heretofore made. That is true, is it not?

Mr. GORMAN. Yes, sir.

Mr. CULLOM. Therefore we shall only have for the year 1897 $6,000,000 to apply to the continuous contract appropriations included in this bill. Is that right?

Mr. GORMAN. You will have $3,500,000, which is already appropriated in the sundry civil appropriation bill on the old contracts.

Mr. CULLOM. There will be $4,000,000 left, as I understand?

Mr. GORMAN. We have $3,500,000 appropriated now, and there will be $4,000,000 left for the next session of Congress. We shall have $6,000,000 direct appropriations under the river and harbor bill now pending.

Mr. CULLOM. Only $6,000,000.

Mr. GORMAN. That will give $9,500,000, and then $10,000,000 on contracts.

Mr. CULLOM. I understand that the Senate just now is dealing with the river and harbor appropriations contained in the pending bill. As I understand it, we shall have but $6,000,000 which can be used during the next year which is appropriated for in this bill and under the general contract system. Therefore, if we vote for this amendment, we shall know exactly what we are going to get for the next year as applied to the contracts that are contained in this bill.

Mr. ALLISON. Mr. President, I do not know whether the Senator from Maryland has concluded or not.

Mr. GORMAN. I have not quite concluded, but I will give way to the Senator if he desires.

Mr. ALDRICH. Before the Senator concludes I should like to ask him a question.

The VICE-PRESIDENT. The Senator from Iowa [Mr. ALLISON] is recognized.

Mr. ALLISON. I shall only occupy a few moments. On yesterday I stated that I favored a limitation upon this bill. Whether the amount suggested by the Senator from Maryland

[Mr. GORMAN] was the right one I was not prepared to say, but the amendment now suggested by the Senator from Wisconsin [Mr. VILAS] shows the situation in which this bill will be if there is no further limitation put upon it. The Senator from Wisconsin suggested certain exceptions, beginning with Delaware Bay. As this bill stands there is an appropriation of $5,000 for Delaware Bay, and there is authority to contract for four millions and a half. There is a limitation, then, upon that, that not more than one-quarter of it shall be expended in any one year. Therefore, when the Committee on Appropriations comes to consider this question next winter we shall find ourselves having an estimate before us of a million dollars for Delaware Bay. That is No. 1.

We shall find also before us an estimate for the Mississippi River from the Passes to Cairo for $2,500,000.

Mr. CULLOM. For that year?

Mr. ALLISON. For that year. I am speaking now in round numbers. That is three and a half million dollars. We shall find also an appropriation for Duluth Harbor, wherein the estimates for that year will be a million; that is, four and a half million dollars, and so on, running through a half dozen other appropriations in this bill, including the Mississippi River above Cairo, and including the Missouri River.

What I said yesterday I repeat to-day, and that is that this committee have not, as the Senator from Missouri [Mr. VEST] said this morning, placed additional power in the hands of the Secretary of War, but they have limited his power, as the amendment of the Senator from Maryland is a limitation on his power. But for this limitation of one-quarter, as to Delaware Bay, it would be within the power of the Secretary of War under this bill to make a contract for the whole four and a half million dollars to be executed in a year and a half.

Mr. ELKINS. May I ask the Senator a question?

Mr. ALLISON. Certainly.

Mr. ELKINS. The bill expressly provides that Congress may make appropriations from time to time.

Mr. ALLISON. Undoubtedly; and that will be inserted in the contract; but suppose the contractor says, "I will finish this work in a year and a half, and I will take my chances of getting the appropriation."

Mr. ELKINS. He would be a good contractor, then.

Mr. ALLISON. He would be a good contractor; he would be a splendid contractor; and most likely he would do it, unless there was a limitation put upon him.

Mr. ELKINS. Here are two distinguished Senators and two great leaders, and I venture to say they both do not construe this amendment in the same way. There have been a dozen lawyers in this Senate on their feet who wanted to know what the amendment of the Senator from Maryland meant. It looks as if these two Senators, who are members of the great Appropriations Committee—and I want the Senate to take notice of that—are to exercise a sort of guardianship over the Committee on Commerce in this limitation—for that is what it means—after the Commerce Committee has carefully considered this bill and given three weeks to it; and now comes the Senator from Maryland, who is a distinguished member of that committee, but a greater member of the other committee, and with him the chairman of the great Appropriations Committee, and they say, "We want to guard against extravagance; we want to correct you; and we want to save the Treasury"; and I venture to say that no two Senators can take this amendment and read it for half an hour and agree upon what it does mean. I ask the Senator from Iowa if he knows what it does mean?

Mr. ALLISON. I do not intend to discuss this amendment.

Mr. ELKINS. I want to add that there are no accounting officers of the Treasury and there are no engineers in the United States who can properly construe this amendment. It will endanger this whole bill. We had better let it remain as it is; we had better follow the old beaten path, and take the river and harbor bill as we have worked it out, and follow the precedents of the Government.

I know it is easy to talk about putting restrictions in a bill, but these works pertain to commerce, and we want the Commerce Committee to have charge of them. This is a fight indirectly made at the Commerce Committee by the great Appropriations Committee. They have enough to do. Let them take care of the matters which are properly within their jurisdiction. The Commerce Committee are satisfied on this matter and now are unanimous that the bill is right. If the Senator from Iowa can construe what the proposed amendment means let him do so, so that any lawyer can understand it.

Mr. ALLISON. I am glad my friend finally reached his question. I do not intend to construe this amendment. I intend to make some suggestion by way of amendment to it.

Mr. ELKINS. I knew it.

The PRESIDING OFFICER (Mr. BACON in the chair). The Senator from Iowa [Mr. ALLISON] is entitled to the floor.

Mr. ALLISON. I intended to make some suggestion by way of amendment before I got through. I had supposed that the object of bringing these bills into the Senate was to compare views of Senators here. I did not know that there was an omnipotence in any committee of this body. The Senator from Maryland offered the pending amendment, and I ventured some gentle criticisms last evening in a modest way respecting the limitation that was already in the bill as to the power of Congress. The Senator from Missouri comes in this morning and says that we are giving the Secretary of War power which he never had before.

The Secretary of War under this bill as it stands has unlimited power to contract, and but for the limitation which the Committee on Commerce itself has put in the bill, all the appropriations where contracts are authorized to be made could be executed in a single year, and I illustrated it by taking the Delaware Bay appropriation.

Mr. VEST. Will the Senator allow me?

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Missouri?

Mr. ALLISON. I do.

Mr. VEST. Will the chairman of the Appropriations Committee point out one single river and harbor bill in which we have ever heretofore made a provision that the Secretary of War should apportion harbor appropriations, taking, if he pleases, as he could do under this amendment, all for one locality or putting that with another, provided he did it inside the limits of the $10,000,000? Will the Senator just point that out to me?

Mr. ALLISON. I will answer the Senator.

Mr. ELKINS. Will the Senator first answer my question? What does the amendment mean?

Mr. ALLISON. The amendment, as I construe it, means that there is a limitation upon the annual expenditures under postponed contracts for which no appropriations are made that are to be executed not for the fiscal year for which the appropriations are made, but in the next fiscal year. That is what it means—that the total appropriations shall not exceed $10,000,000. I do not know whether that is the exact sum that should be fixed. I do not know whether it should be ten or twelve or fifteen or twenty millions.

Mr. ELKINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield?

Mr. ALLISON. Allow me to complete what I was saying.

The limitation to which I have referred was in the bill. What other limitations are in this bill? The Senator from Missouri [Mr. VEST] put clamps upon his own Mississippi River Commission by saying that they should not expend, between the Passes and Cairo, more than two and one-half million dollars a year. If he can do that, why can not we say to the Secretary of War: "You shall not expend, under this appropriation, more than $15,000,000 a year"?

Mr. ALDRICH. Mr. President——

Mr. ELKINS. Now, let me ask the Senator——

The PRESIDING OFFICER. The Senator from West Virginia will please suspend a moment. The Chair understands that the Senate is proceeding under the five-minute rule. That being so, the time of the Senator from Iowa has expired.

Mr. ELKINS. I wish to ask the Senator a question.

The PRESIDING OFFICER. The Senator from Rhode Island [Mr. ALDRICH] is entitled to the floor.

Mr. ALDRICH. I understand the Senator from Maryland and the Senator from Iowa, acting under their responsibility as members of the Committee on Appropriations and guardians of the Treasury, desire to limit the annual expenditures under this bill. I suggest to the Senator from Maryland and the Senator from Iowa that not one single cent of money can be expended under the provisions of this bill until an appropriation shall first have been made by Congress; and whether we can limit the next Congress as to what appropriations they shall make is a question I do not care to discuss. I do not think we can do so by such legislation as this.

Mr. ALLISON. Will the Senator yield to me?

Mr. ALDRICH. Certainly.

Mr. ALLISON. Whilst that is true, as the Senator from Rhode Island knows, when the Secretary of War makes an estimate under one of these contracts we are obliged in good faith to make the appropriation in order that the contract may be executed.

Mr. ALDRICH. Why, Mr. President——

Mr. GRAY. Will the Senator allow me? I shall not occupy half a minute.

Mr. ALDRICH. Very well.

Mr. GRAY. All that this limitation would do would be to prevent the Secretary of War from incurring a debt which we would be in honor bound to provide for by appropriations.

Mr. ALDRICH. Yes, at the proper time, whenever that was, but not in any particular year.

The Senator from Iowa says if the Secretary of War makes an estimate for a contract we are bound in good faith to carry it out. The Senator knows a great deal better than I do what estimates

are sent here by the Departments which they claim are necessary to be expended, and he knows how far short the aggregate appropriations every year fall below these estimates.

The fact is that this amendment can have but one purpose, and that is to tie the hands of future Congresses as to the amount of appropriations to be made, not as to the contracts to be made, because these contracts, as the Senator from Iowa well says, all contain a provision that they are to be proceeded with as fast as appropriations are made, and they can not be made in any other way; and every contractor who makes a contract under those provisions understands that as well as I or the Senator from Iowa.

Mr. ALLISON. Allow me to ask the Senator why is it that the Committee on Commerce has put in a provision that contracts shall only be made, or obligations shall not be incurred, for more than one-quarter of the amount of the appropriation in any one year? Why is that limitation put upon these appropriations and not upon others?

Mr. ALDRICH. It is to put some kind of a restraint, if you please, upon the action of the Secretary of War; it is not mandatory, but it is a persuasive constraint upon the Secretary of War in the arrangement of these contracts. Are the Senator from Iowa and the Senator from Maryland afraid of themselves next year? This question of appropriations under these acts is entirely in the hands, in the first instance, of the Committee on Appropriations, and in this case, as in all others, they pay attention to the estimates of the Departments or not just as they see fit. They are not obliged, because the Secretary of War shall put in his estimates for two millions and a half for work upon the Mississippi River, to insert in the sundry civil appropriation bill an appropriation for two millions and a half. Neither is Congress under any restraint to do that.

I am quite willing to trust to the good judgment of the Commerce Committee as to appropriations to be made under these contracts. I do not desire to put into the hands of an executive officer of this Government the decision of a question which must and ought to belong to the two Houses of Congress and the President. If any amendment is to be adopted of this nature it ought to be an amendment placing this matter squarely in the hands of the Secretary of War and making him responsible as to the relative merits of these propositions in regard to contracts.

If we are prepared to do that, if the Secretary of War is better to be trusted than the Appropriations Committee of this body and the body itself as to future appropriations for expenditures upon rivers and harbors, let us put the responsibility squarely in his hands and not try to give him responsibility which belongs to us. I assume that in the future the members of this body will be able to take care of the appropriations for these and all other purposes, governed by the revenue of the country and their responsibility as Senators.

Mr. ELKINS. Mr. President, I could not for the life of me get the distinguished Senator from Iowa [Mr. ALLISON], the chairman of the Committee on Appropriations, to say what the amendment means, nor can I get the Senator from Maryland [Mr. GORMAN] to do so.

Mr. ALLISON. Now, if the Senator——

Mr. ELKINS. In one moment. As near as I can understand the Senator from Maryland, he says it does not apply. There is nothing in the language of the amendment, but he goes out and finds in his imagination as a lawyer, I suppose, that the Delaware Bay is not embraced in the amendment, that the Mississippi River is not in it, and that a lot of other public improvements are not included in the amendment. I do not know how that construction is arrived at, but if the author of the amendment construes his amendment properly it is an outrage upon the other public works, I submit to the Senate. If the amendment has concealed in it something we can not understand which exempts a great many other works, then it is a discrimination against and an outrage upon the rest of the public improvements of the country. I submit to the Senate that it is dangerous to pass an amendment the meaning of which nobody knows.

If the Senator from Maryland had said, "*Be it enacted so and so*, That $10,000,000 shall be the limit of the river and harbor bill this year," then we would have known what he meant; and if he means that, why not say it? I am afraid that that is what will be determined by the Attorney-General of the United States. When the Secretary of War looks at the bill he will say: "The Government is in great straits; we are selling bonds to keep going. I will send this provision over to the Attorney-General and ask him what it means." It will be very easy for the Attorney-General under this elastic amendment to say, "I do not think we get the Delaware breakwater matter in it, but it means you shall spend $10,000,000 this year and you can not spend any more." Congress can pass another river and harbor bill at its next session.

The amendment is mischievous. It is full of danger. It is full of doubt. Nobody knows what it means. As I said before, the Commerce Committee has given three weeks to the consideration of this bill. They have agreed upon it unanimously here. They had the engineers' estimates before them. They had before them the recommendations of the Secretary of War. They think just as much, I take it, of the Treasury and preserving it, and economy, as the Appropriations Committee. I say to the Senate that there is no Senator here who will attempt to state, nor will the Senator from Maryland attempt to state, what the amendment means. If Senators here, great lawyers, have different views upon the construction of the amendment, what are the Government officers going to do? What is the Secretary of War going to do? How are the accounting officers of the Government to proceed? How are the engineers to proceed? What works are the engineers to select out under the amendment? Then the board of engineers become supreme. They say, "We will expend it on the Illinois and Mississippi Canal." Then there will be a fight. Somebody will think they ought to expend it on his improvement. The amendment is so doubtful that I think it is safest simply to vote it down, and pass the river and harbor bill as it came from the House and as amended by the Senate.

Mr. MITCHELL of Oregon. Mr. President, I think I understand what the amendment means.

Mr. ELKINS. If the Senator does, it is a good thing.

Mr. MITCHELL of Oregon. It has been argued by the Senator who proposed the amendment and by some others as though the only effect of the proposed amendment is to limit the amount to be expended in the two fiscal years to which it applies.

The amendment does more than that. It absolutely prohibits the Secretary of War from obligating the Government under the proposed act and all prior acts providing for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, which provide for contracts beyond appropriations made, for a sum exceeding in the aggregate $10,000,000 in any one year. It is not merely that it shall not exceed $10,000,000 for any one year, but the Secretary of War is prohibited from entering into contracts by which the Government will be obligated to a further extent than $10,000,000. In other words, the bill provides in the body that the Secretary of War shall be, and he is hereby, authorized and directed to enter into contracts to the extent of between sixty and seventy million dollars. Then comes in the amendment, and it undertakes to provide and does provide, if we pass it, that he shall only enter into contracts to the extent of $10,000,000.

Mr. GRAY. Oh, no.

Mr. MITCHELL of Oregon. It leaves, as the Senator from Rhode Island [Mr. ALDRICH] says, the discretion in him as to where the contracts shall be made. The effect of the amendment is to destroy the whole bill as framed by the committee.

There is another effect. Here you propose to limit the power of the Secretary to obligate the Government to enter into contracts exceeding $10,000,000, and yet you have provided for contracts that have run up to sixty or seventy million dollars. How is he to select? How is he to determine? Is he to take the Delaware breakwater for $4,000,000? Is he to take Duluth for another two or three million dollars; the Mississippi for two or three millions more? That makes up the $10,000,000. He can not contract beyond that sum. If the amendment is adopted, he can not obligate the Government beyond those three or four items; and what is the effect? All the other contracts provided for in the bill are at a standstill, and he can not contract at all in reference to any of them.

Mr. CAFFERY. I ask the Senator from Oregon whether the language in the third line would not at least be plausibly construed thus: "He is not to obligate the Government to pay under this act."

Mr. GRAY. That is right.

Mr. CAFFERY. Would not that be the construction?

Mr. CULLOM. To pay in any one fiscal year.

Mr. MITCHELL of Oregon. That is not the amendment.

Mr. CAFFERY. That is what it means.

Mr. MITCHELL of Oregon. Not at all. I think the provision is fairly susceptible of but one construction, and that is to place a limitation upon the power and jurisdiction of the Secretary of War to enter into any number of contracts that will exceed in all the sum of $10,000,000.

Mr. ALDRICH. I suggest to the Senator from Oregon, in answer to the inquiry of the Senator from Louisiana [Mr. CAFFERY], that the Secretary of War does not make obligations on the part of the Government to pay in any fiscal year. That is left expressly to the power of Congress. It is in the contracts themselves. You do not agree to pay in any particular year and in any given amount. It is expressly provided in the contract that the work is to be paid for from time to time as the appropriations shall be made therefor by Congress.

Mr. MITCHELL of Oregon. I wish to say one other word. What will be the effect of the amendment in the matter of securing contracts on proper terms for the execution of the work? Will a contractor, when he knows that he is limited in the amount that he is to receive in any one year, contract for a piece of work

for the same amount he would if it were left open, to be paid as the work progresses?

The amendment, it appears to me, whatever view is taken of it, is pernicious, and the effect of it, and the only effect, is to destroy the bill. I hope it will be voted down.

Mr. PASCO. Mr. President, we might as well look upon this amendment in a business sort of way before we act upon it. The purpose of it, I understand, is to limit the appropriations on the continuing contracts to the sum of $10,000,000 a year. Yesterday when the Senator from Iowa [Mr. ALLISON] had the floor I asked him a question, suggesting that if the amendment were adopted the special amounts, for the first two years at all events, would absorb the whole amount appropriated for these purposes. I had not the figures then before me, but I have looked them up, and I find that the facts fully warrant the suggestion I made.

Mr. ALLISON. What is the aggregate?

Mr. PASCO. I will proceed to give the figures upon the different projects.

The table furnished us by the Senator from Maryland [Mr. GORMAN] yesterday shows that there is due upon the old contracts already authorized in previous years the sum of $8,225,033. It is proposed, I understand, to cover those in two years, and that would make $4,112,516 a year if equally divided. There are in the bill besides four contracts which are to be completed according to the intent of the bill in four years, and these special provisions, I take it, must be provided out of the $10,000,000 before any appropriations can be made for any other work. The four contracts that are to be completed in accordance with the plan contemplated in the bill are as follows:

Hennepin Canal	$1,427,240
Mississippi River	2,583,333
Duluth and Superior harbor	770,138
Delaware Bay harbor of refuge	1,165,000
Amounting in all to	5,945,711

These items, with the old contracts, will make $10,058,227 for the next two years, and more than the $10,000,000 will therefore be expended in carrying out these special exceptions in the bill, leaving nothing for any of the other continued contracts provided for in the bill.

After two years, when the former contracts are out of the way, there will then be in the neighborhood of $6,000,000 a year absorbed in these four improvements, so that every other continuing contract all over the country will be obliged to stand aside and wait until these special contracts are carried out and completed for two years at all events, and most of them for more than four years. So, notwithstanding the bill upon its face authorizes these contracts to be made now, it takes it out of the power of the Secretary of War to make provision for any payments upon any of them, with these four exceptions, until two years, and for the larger part of the amount until four years have elapsed. Therefore the bill virtually carries within itself a veto. You say it shall be done on the one hand, and you say practically it shall not be done on the other hand.

Mr. ALLISON. Of course the Senator from Florida does not take into account that one-half of the $8,000,000 will be expended during the next fiscal year, and that it is already appropriated, or nearly so.

Mr. PASCO. I do not think that the table furnished by the Senator from Maryland quite bears out the statement made by the Senator from Iowa. I am not so familiar with these former contracts as are members of the Committee on Appropriations. [Examining table.] Yes; the Senator from Iowa is correct. The amount in the sundry civil bill for this year is $3,584,000; that is, for the coming year, closing in 1897.

Mr. ALLISON. Yes.

Mr. PASCO. Therefore it still carries the total of the figures I have stated for 1897 and for 1898, though the payments are not equally divided. That makes two years. That is the effect of it.

It does seem to me we had better strike out these continuing contracts altogether than to pretend to enact them and then put it beyond the power of the Secretary of War to enforce them.

Mr. CAFFERY. Mr. President, I do not think the amendment ought to meet the sanction of the Senate. While I do not agree with the propositions advanced as to the construction of the amendment, I yet think that construing it as fair as it can be it works very injuriously to certain appropriations under the bill. My own construction, however, is first that the Secretary of War by the amendment is only obliged to contract for $10,000,000 per annum of the amount appropriated for these continuing contracts, and that all classes of appropriations are included within this general lowering.

Now, I desire to direct attention to the specific appropriation for the Mississippi River from the Head of the Passes to the mouth of the Ohio at Cairo. That appropriation in round numbers is $9,000,000. It is a million dollars less than the river and harbor act of 1892 carried. That appropriation is apportioned thus: $1,250,000 as a cash appropriation and $2,583,000 for three years, commencing on the 30th of June, 1897.

This appropriation, although it is under the continuing-contract system for the three years from June, 1897, is not one that looks toward the completion of the work. In that respect the appropriation for the improvement of the Mississippi River is different from an appropriation for the completion of a harbor. An appropriation for the completion of a harbor might as well be extended six years instead of four, even if the four-years plan were adopted under contracts made with the sanction of the Secretary of War. But as to the appropriation for the Mississippi River, construing the amendment to mean that all continuing contracts are to be razeed proportionately, it contemplates running the money for the Mississippi River over six years, thereby cutting off one-third of the amount appropriated for that river, because the sum appropriated was designed for four years, not to complete the improvement, because it will take many years to do that, but as a sum necessary for the next four years for the improvement of the river.

Therefore it is that the amendment would cut off the amount appropriated for the Mississippi River by two years and one-third the amount, and after having submitted to a 10 per cent reduction from the previous act, $1,000,000 (the appropriation was $10,000,000 before), I think the amendment would work peculiar hardship upon the Mississippi River. I therefore draw the attention of the mover of the amendment to this feature of his amendment, with a view to seeing whether or not his amendment can not be improved on by excepting the Mississippi River.

The PRESIDING OFFICER. The time of the Senator from Louisiana has expired.

Mr. GRAY. I merely rise to offer an amendment to the amendment of the Senator from Maryland, which is to insert, in line 7, after "for," the words "the payment of"; and after the word "sum," the words "on account of any of said contracts."

Mr. GORMAN. How will the amendment then read?

Mr. GRAY. Then the amendment of the Senator from Maryland will read:

Provided further, That the Secretary of War shall so adjust the contracts herein authorized to be made by apportioning them in such way as not to obligate the Government under this act and all prior acts providing for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, which provide for contracts beyond appropriations made, for the payment of a sum on account of any of said contracts exceeding in the aggregate $10,000,000 in any one fiscal year for such materials and work authorized to be contracted for in all of said acts.

I offer the amendment to the amendment because the Senator from Oregon [Mr. MITCHELL] rose in his place and made the argument that there is something more in the amendment than appears upon the surface; that it is made to limit the power of the Secretary of War to make any contract or any number of contracts the aggregate of which shall be for more than $10,000,000, whereas as I conceive the object of the Senator from Maryland it is to confine the payment in any one year on account of any of these contracts to the sum of $10,000,000. It is to make the amendment plain.

Mr. ALDRICH. I ask that the amendment to the amendment which I send to the desk may be read for information. I will offer it at the proper time.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. It is proposed to add at the end of the amendment the following proviso:

Provided, That this provision shall apply equally to all contracts authorized by this act without regard to any special terms to the contrary contained in the clauses providing for such contracts.

Mr. ALDRICH. I wish to have the Delaware Bay project and the Hennepin Canal and all the rest of these improvements stand upon the same basis.

Mr. MILLS. Why not say "all contracts and all appropriations"?

Mr. ALDRICH. That is all right. I have no objection to it.

Mr. GRAY. I do not care.

Mr. ELKINS. It is getting worse and worse. Nobody can understand the amendment.

Mr. VILAS. Mr. President, I merely wish to remark that we could not have a much better illustration of the character of this general and comprehensive grab than was offered by the situation when I made the suggestion to amend the amendment of the Senator from Maryland [Mr. GORMAN] practically in accordance with the suggestion of the Senator from Iowa [Mr. ALLISON] yesterday evening. It was immediately cried out against by the Senator from West Virginia [Mr. ELKINS] and the Senator from Oregon [Mr. MITCHELL] and the Senator from Rhode Island [Mr. ALDRICH] and others, who altogether made a great outcry. But in point of fact the amendment did not withdraw any bone from the cage. It would not have shortened the rations. It would merely have prevented any misunderstanding in regard to the construction

which was so well stated by the Senator from Florida [Mr. PASCO] a few moments ago. If he be right in that construction, then the amendment which the Senator from Maryland has offered might have embarrassed the appropriations seriously, as was suggested yesterday evening by the Senator from Iowa: and for that reason, in accordance with what the Senator from Maryland said in answer to the Senator from Mississippi, I thought it wise to inquire if the amendment might not be put on.

Of course, there was no purpose to secure any special advantage for any one of the appropriations. The bill has already done it beyond all question. The Senator from Florida [Mr. PASCO] is right in his construction. The bill has already secured to those several appropriations their special advantage. The Mississippi River is already taken care of, and we ought at all events as I think to vote down the amendment proposed by the Senator from Rhode Island [Mr. ALDRICH]. It would destroy the special consideration which the Committee on Commerce have given to the Mississippi River and these particular improvements which need certain regulations. But it is highly important, as it seems to me, highly important to the success of this measure, highly useful to the interests of the country, that we shall provide, as has been argued by the Senator from Maryland and the Senator from Iowa, some proper limitation upon the amount for which the Secretary of War shall impose obligations upon the Government. Senators say——

Mr. ALDRICH. Mr. President——

Mr. VILAS. I have but five minutes. Senators say that the contracts are to be made only for so much as shall be appropriated by Congress, but is not Congress going to appropriate what the Secretary of War obliges us to incur? Is Congress not going to appropriate what the obligations of the Government require in order to be properly discharged; and if it does not, then what is the value of making contracts if you are not going to give the contractor his specific time of payment and his certainty of receipt of money?

Mr. GORMAN. The only exception is that in the sundry civil bill another branch of the Government attempted to reduce the amount below the contract price and the Senate restored it.

Mr. VILAS. The Senator from Maryland illustrates it perfectly. The whole value of the system of contracts consists in the Secretary of War being able to make specific and definite terms with contractors.

Now, all that is provided in the amendment is simply that he shall extend the time of the completion of the work in certain cases, and the times of payment during a certain number of years, and if these special exceptions were eliminated from it the provision suggested by the Senator from Maryland would be ample to cover every case there is. As I said before, there is no occasion for any ravening, because no bone was really removed.

Mr. BERRY. Mr. President, I wish to say in the first place that there has been some intimation that the committee have been extravagant in the make-up of the bill, and that, too, by some Senators who had come before that committee and urged increases in almost every case within their States.

Mr. ELKINS. That is right, precisely.

Mr. BERRY. I wish to state in addition that the committee did after a desperate effort succeed in knocking out, I think, about three continuing contracts. It came down to the Senate and the Senate forced them back upon the bill, and the committee had to take them whether it wanted them or not. So much for the extravagance, if there has been any extravagance, in the bill.

I recognize that the bill carries a large amount of money. It carries a great deal more than any of us would like to have it carry, but it came from the other House with the continuing contracts on it, and it was impossible for the committee to get rid of them. Senators from all over the Chamber protested whenever an attempt was made to take out one of the contracts.

If the amendment of the Senator from Maryland would save the Government any considerable amount of money, or a single dollar, an argument might be made for it; but the Senator from Maryland himself admits that it will not save one solitary cent, but simply postpone the payment of it for two years probably over and above the part postponed in the bill.

Now, why should that be done? The Senator from Maryland says on account of the condition of the Treasury. There is $268,000,000 in the Treasury to-day. If the deficit continues at $25,000,000 a year we shall still have enough to pay for the river and harbor bill and the running expenses of the Government at the same rate that the receipts are coming in to-day. There is nothing in the amendment. It accomplishes nothing; it saves nothing; and it is not necessary on account of the condition of the Treasury, because there is $168,000,000 in the Treasury over and above the $100,000,000 of reserve. It is a great deal better that the surplus should not accumulate to a large extent in the Treasury. I do not mean to say that wrong appropriations should be made, but when the Senator from Maryland insists that this provision is necessary in order to save the Treasury for this year, the facts do not bear him out, because there is $268,000,000 in the Treasury as shown by the report of the Secretary.

Now, one other word, Mr. President. I do not know what the exact effect of the amendment would be on the Lower Mississippi River. There are better lawyers in the Senate than I am who think it would materially cripple that work and probably stop it altogether, and for that reason I am opposed to the amendment. If it were found necessary to reduce the total amount of the appropriation it could be done in a much better way than by putting an amendment on it, the precise effect of which no man here seems to understand, save and except that it would put it in the power of the Secretary of War to stop one work altogether as might suit him and put all the money upon some other and more valuable work.

Mr. MITCHELL of Oregon. What is the amount for the Mississippi River in the bill?

Mr. BERRY. There is an appropriation of about $9,000,000; I think something over that amount. It is $9,600,000 altogether—$2,500,000 after this year (I am not speaking accurately) for each of the succeeding three years, the entire amount to be expended in the contract in four years. The result would be, as I believe, that if the amendment were adopted a certain portion of that appropriation would be lost to the Mississippi River altogether, because it must be expended within four years, and this would stretch it out to six years and would thereby stop the contract.

Mr. WALTHALL. Any curtailment would be that much lost.

Mr. BERRY. Any curtailment would be that much lost. The plans were made by the Mississippi River Commission and by the Chief of Engineers, and this was the least amount upon which they could continue that great work for the next four years.

Mr. THURSTON. Mr. President, I am not a member of either committee that has had this matter of appropriation under consideration, and I would not venture to discuss it at this time except for the fact that I shall be called upon soon to vote upon it, and I desire that the reasons for the vote I am to cast may go upon the record.

I came into the Senate this morning favorable to the amendment, understanding nothing more of it than that it aimed to limit the expenditure of the money by the Government for river and harbor purposes. I am strongly impressed with the idea that a very great deal of unnecessary money is appropriated from time to time by the Congress of the United States for these improvements. I wish our Constitution permitted that the Executive might veto any particular item, for I believe that under a provision of that sort we could appropriate moneys actually needed, provide for improvements actually desired, and leave out those that in some years at least have aroused the criticism of the country.

But as I read the amendment and carefully consider its application to the provisions of the bill, I find myself bound to vote against it. I would very gladly join Senators upon this floor in limiting the appropriation or the contract obligation of each and every continuing contract so that the amount provided might be distributed through any number of years. I find that the bill as it came from the other House, on page 99, in line 18, provided that not more than 25 per cent of the whole amount authorized to be let by any one of the contracts for which provision is made in the bill shall be authorized or expended in any one year. But the Senate has stricken that out. I believe that a provision of that kind is proper. I believe that a provision as to each specific continuing contract which would adjust and apportion the entire amount of the authorized expenditure from year to year would be in the interest of wise legislation, and I would vote for any such amendment.

I would vote for any amendment which would limit the Secretary of War in his distribution under the contract plan to the expenditure of any certain per cent of a specific appropriation through a number of years. But the present amendment, as I read it and as I must understand it, places the power in the Secretary of War to authorize, first, the total expenditure under one item of appropriation for the next year to the full amount of the contract authorized; and if he does that upon a contract which would provide for an expenditure of $3,000,000 there would then be left to him only $7,000,000 to be distributed among the others. The Secretary of War, under the amendment, could authorize the performance of three contracts to the exclusion of the performance of all the other contracts in the bill.

Therefore, sir, it seems to me that the amendment is vicious and takes the power Congress should reserve to itself and gives it to the Secretary of War, where he may exercise the greatest favoritism and lavish the moneys of the Government upon one locality to the exclusion of all others.

Mr. ALLISON. I was about to suggest to the Senator from Nebraska that that is just what the Secretary of War can do now without the amendment, under the bill, except as to the points where they have limited it to one-fourth. I quite agree with the Senator from Nebraska that it would be a great deal better to

restore the House provision which the Senate has stricken out as in Committee of the Whole. But I desire to offer an amendment to the amendment proposed by the Senator from Maryland.

The PRESIDING OFFICER. The Chair will state that there is a pending amendment to the amendment. The amendment of the Senator from Iowa can be read for information, but no further amendment can be received to the amendment. The amendment of the Senator from Delaware is an amendment to the amendment of the Senator from Maryland.

Mr. GRAY. Will the Senator from Maryland accept my amendment?

Mr. GORMAN. I will accept the amendment of the Senator from Delaware. I have no objection to it at all. So that will open the way for the amendment of the Senator from Iowa.

Mr. ALDRICH. I suppose the Senator from Maryland will have no objection to accepting the amendment which I moved?

Mr. GORMAN. I have very decided objection to it.

Mr. ALDRICH. Then I ask for a vote on it. I supposed that most of the amendments would be accepted by the Senators on the other side.

Mr. HILL. I should like to have read the amendment of the Senator from Delaware to the amendment of the Senator from Maryland.

The PRESIDING OFFICER. The amendment to the amendment will be read.

The SECRETARY. In line 7 of the amendment, after the word "for," insert the words "the payment of"; after the word "sum," in the same line, insert "on account of said contract"; so as to read:

Which provide for contracts beyond appropriations made for the payment of a sum on account of said contract exceeding in the aggregate $10,000,000, etc.

Mr. MILLS. Mr. President, it seems to me that none of the amendments to the amendment meet the objection suggested by the Senator from Missouri, which is the largest, in my mind, and that is that the discretion is given in the amendment to the Secretary of War to select the work upon which the $10,000,000 is to be expended. If that be the case, we may as well turn over the whole thing to the Secretary of War, for the effect of the amendment is to give him $10,000,000 to expend as he pleases. He may put it on one work if the contract is sufficiently large for any one work to embrace it, or he may distribute it on three works and leave out the whole coast of the United States under his discretion.

I have always understood that it was the duty of the executive officers of the Government to execute the law as Congress makes it. Here a committee of this body have been working for months on the bill to distribute the appropriations around as they may be demanded in the different works, and after they have brought their bill into the Senate we propose to give the Secretary of War the power to annul all the work and to take the appropriations and give them to three works if he wants to do so, leaving out all the rest of us. Does the Senator from Maryland understand it so?

Mr. GORMAN. So far from understanding that to be the case, I understand just the opposite, that every work provided for in the bill the Secretary of War will be obligated to go on with, and the only limitation is that in the aggregate he shall not expend more than $10,000,000 in one year.

Mr. FAULKNER. May I ask the Senator from Texas a question? I am trying to get at the real meaning of the amendment. Does not the other amendment adopted by the Senate limit and control the Secretary so that he can not obligate the Government for over $400,000 in any one year as to any particular improvement?

Mr. MILLS. But under the amendment of the Senator from Maryland he has the power to select the work. That is the point I am on.

Mr. FAULKNER. To the extent of $400,000.

Mr. MILLS. Why would it not be better to say that he shall so adjust the contracts herein authorized to be made by apportioning to each work the amount which is to be expended; that a certain per cent of the appropriation in the bill shall be expended on each work? I do not want to give to any Secretary of War the discretion to select any work that he may please and expend the money on it.

Mr. ALDRICH. I ask that the pending amendment, the amendment I offered, may be read.

The PRESIDING OFFICER. The amendment of the Senator from Rhode Island has heretofore been read for information. The Chair now understands the Senator to offer it.

Mr. ALDRICH. I offer it as an amendment to the amendment of the Senator from Maryland.

The PRESIDING OFFICER. The amendment to the amendment will be read.

The SECRETARY. At the end of the amendment add:

Provided, That this provision shall apply equally to the contracts authorized by this act without regard to any special terms to the contrary contained in the clauses providing for such contracts.

Mr. ALDRICH. I suppose the Senator from Maryland will not object to the amendment. Will he accept it? There certainly ought to be a spirit of fairness in this business.

Mr. VEST. I move to lay the amendment as amended on the table.

Mr. CULLOM. The whole business.

Mr. WALTHALL. The whole thing.

The PRESIDING OFFICER. The Senator from Missouri moves to lay the amendment offered by the Senator from Maryland on the table. It has not yet been formally amended, the Chair understands.

Mr. MILLS. An amendment to it was accepted by the Senator from Maryland.

Mr. GORMAN. I modified the amendment. I had a right to modify it.

Mr. VEST. As modified, I move to lay the amendment on the table.

Mr. GORMAN. Let us have a direct vote on the proposition. We had one vote to lay on the table, and that was the last vote taken in the Senate. I suggest that we take a direct vote upon the proposition.

Mr. ELKINS. Do I understand the Senator from Missouri to move to lay the amendment and all the amendments thereto on the table?

Mr. VEST. Yes; the whole thing.

Mr. ELKINS. It will take them all.

Mr. BERRY. It will take them all.

Mr. ELKINS. Then, if the amendment of the Senator from Maryland is laid on the table, it will dispose of the whole brood and family of amendments, all of which obscure the case.

Mr. ALLISON. I should like to get in an amendment to the amendment of the Senator from Maryland.

Mr. ELKINS. Let it come in and we will kill it with the rest. I am willing that that shall be done.

The PRESIDING OFFICER. Is there objection to the reception of the amendment of the Senator from Iowa to the amendment of the Senator from Maryland?

Mr. GORMAN. I hope the amendment to the amendment will be read.

Mr. ALLISON. I offer it as a substitute for the amendment.

The PRESIDING OFFICER. Is there objection? There being no objection, the amendment will be read.

Mr. VEST. I am willing to hear it read, but I shall not withdraw my motion or lose my right to make it.

The SECRETARY. In lieu of the amendment of Mr. GORMAN as modified insert:

Provided further, That the Secretary of War shall so adjust the contracts authorized to be made beyond the appropriations made herein by apportioning them in such a way as not to obligate the Government to pay under said contracts a sum exceeding in the aggregate $12,000,000 in any one fiscal year for such materials and works authorized to be contracted for.

The PRESIDING OFFICER. The Senator from Missouri moves to lay the amendment of the Senator from Maryland as it has been modified, and all pending amendments to it, on the table.

Mr. VEST. That is the motion.

Mr. GORMAN. On that question let us have the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. DAVIS (when his name was called). I am paired with the Senator from Indiana [Mr. TURPIE]. If he were present, I should vote "yea."

Mr. HANSBROUGH (when his name was called). I am paired with the junior Senator from Illinois [Mr. PALMER]. If he were present, I should vote "yea."

Mr. THURSTON (when his name was called). I have a pair with the junior Senator from South Carolina [Mr. TILLMAN]. I transfer that pair to the Senator from Michigan [Mr. MCMILLAN] and vote "yea."

Mr. WALTHALL (when his name was called). I have a general pair with the senior Senator from Pennsylvania [Mr. CAMERON], but as he and I agree upon this matter, I will record my vote. I vote "yea."

The roll call was concluded.

Mr. BLACKBURN. I have a general pair with the senior Senator from Michigan [Mr. MCMILLAN], but my pair has been transferred, and I vote "yea."

Mr. BURROWS. I wish to announce that my colleague [Mr. MCMILLAN], if present, would vote "yea."

Mr. TELLER. I am paired with the senior Senator from Florida [Mr. CALL]. If he were present, he would vote "yea" and I should vote "nay."

Mr. SQUIRE. I have a general pair with the senior Senator from Virginia [Mr. DANIEL]. I transfer that pair to the Senator from New Hampshire [Mr. CHANDLER] and vote "yea."

Mr. CHANDLER (after having voted in the negative). I withdraw my vote.

Mr. GORMAN. I understand that the Senator from New Hampshire [Mr. CHANDLER] is paired with the Senator from New

York [Mr. MURPHY]. The Senator from New York is, I understand, in favor of the amendment, and the Senator from New Hampshire votes the same way.

Mr. CHANDLER. I am not paired with the Senator from New York on this vote, not unless it is a party question.

Mr. BUTLER. I wish to state that my colleague [Mr. PRITCHARD] is unavoidably absent. If he were present, he would vote "yea."

Mr. CHILTON (after having voted in the negative). I am requested by the senior Senator from Louisiana [Mr. CAFFERY] to pair with his colleague [Mr. BLANCHARD], and I therefore withdraw my vote and announce my pair.

Mr. CANNON (after having voted in the negative). I am paired on this vote with the senior Senator from Alabama [Mr. MORGAN]. He is not present, and I therefore withdraw my vote.

Mr. MARTIN. I desire to state that if my colleague [Mr. DANIEL] were here he would vote "nay" on the motion to lay the amendment on the table. He is in favor of the amendment offered by the Senator from Maryland.

Mr. SQUIRE (after having voted in the affirmative). Under the circumstances, if it is understood that the Senator from Virginia [Mr. DANIEL] can not be paired with the Senator from New Hampshire [Mr. CHANDLER], I will withdraw my vote. I should like to exchange pairs; I should like to vote "yea" on the motion, but I understand that the Senator from Virginia would vote "nay" if present. Therefore I withdraw my vote.

Mr. CHANDLER. I vote "nay."

Mr. BUTLER. I will pair my colleague [Mr. PRITCHARD] with the Senator from Virginia [Mr. DANIEL] and the Senator from Washington can vote.

Mr. SQUIRE. Very well. I vote "yea."

The result was announced—yeas 40, nays 23; as follows:

YEAS—40.

Aldrich,	Dubois,	Mills,	Sherman,
Bacon,	Elkins,	Mitchell, Oreg.	Shoup,
Baker,	Frye,	Nelson,	Squire,
Berry,	Gallinger,	Pasco,	Stewart,
Blackburn,	George,	Perkins,	Thurston,
Burrows,	Jones, Ark.	Pettigrew,	Vest,
Butler,	Jones, Nev.	Platt,	Walthall,
Caffery,	Lodge,	Pugh,	Wetmore,
Cameron,	McBride,	Quay,	White,
Cullom,	Mantle,	Sewell,	Wilson.

NAYS—23.

Allen,	Cockrell,	Hawley,	Peffer,
Allison,	Faulkner,	Hill,	Proctor,
Bate,	Gear,	Kyle,	Roach,
Brice,	Gorman,	Lindsay,	Smith,
Brown,	Gray,	Martin,	Vilas.
Chandler,	Harris,	Mitchell, Wis.	

NOT VOTING—28.

Blanchard,	Davis,	McMillan,	Tillman,
Call,	Gibson,	Morgan,	Turpie,
Cannon,	Gordon,	Morrill,	Voorhees,
Carter,	Hale,	Murphy,	Warren,
Chilton,	Hansbrough,	Palmer,	Wolcott.
Clark,	Hoar,	Pritchard,	
Daniel,	Irby,	Teller,	

So the amendment was laid on the table.

Mr. LINDSAY. I offer an amendment to the pending bill, to take the place of the amendment just voted down.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. At the end of line 10, page 100, insert:

Provided, That except where otherwise herein specifically authorized, the Secretary of War shall so adjust the contracts provided for by this act that not more than 20 per cent of any one of the appropriations to be expended under a continuing contract shall be expended in any one fiscal year.

Mr. FRYE. I think that there must be a misunderstanding about the limitation which has been proposed in the bill. I think the Senator from Nebraska [Mr. THURSTON] misunderstood it. The bill came from the House of Representatives with a provision only as to those continuing contracts where the sum to be in the end expended exceeded $500,000, that a 25 per cent limitation should be put on. Almost on the second or third page of the bill is a continuing contract for $517,000, and just before it comes one for $500,000. Under that limitation, the $500,000 contract could be completed in a year and paid for, and under the 25 per cent limitation the $517,000 contract would take four years. There is no justice in that; there is no propriety in it. The large majority of these contracts are between $500,000 and $900,000. There is not the slightest difficulty about completing these contracts in two years; and in these contracts time is just as important as money, and yet under the 25 per cent limitation, if it was an $800,000 contract, you would have to take four years about it; and if it was a $700,000 contract four years about it. At the same time, if it was a $4,000,000 contract you could expend $1,000,000 a year. There were several of those—the Hennepin Canal is for nearly $5,000,000, and you could expend a million and a quarter a year; in the Superior and Duluth, $4,000,000, you could spend a million a year. I could name several others where a million dollars a year could be expended, but if it happens to be a $517,000 contract, one very important, and just as important as any other, it would have taken four years to carry it out. There was no justice in that limitation, nor would there be any more justice in the amendment proposed by the Senator from Kentucky. The committee considered that question and made a limitation on all these continuing contracts that no more than $400,000 a year should be expended on any one of them.

Mr. GORMAN. Except those stated in the bill.

Mr. FRYE. The Senator did not let me finish.

Then we excepted—not the Hennepin Canal, for the Senate excepted that—but we excepted Superior and Duluth. Nobody questions the importance of completing that contract at the earliest day possible. We excepted the Delaware harbor of refuge, where thousands and thousands of vessels will seek its shelter every year, because of its great importance, and we excepted the Mississippi River. You must make the appropriations for the Mississippi River annually if you are going to make them at all.

Mr. SMITH. May I ask the Senator from Maine a question?

Mr. FRYE. Certainly.

Mr. SMITH. According to the estimate furnished as to the amount carried by this bill between the continuous contracts and the money directly appropriated the sum total to be appropriated is about $72,000,000 in round numbers. Will the Senator from Maine, the chairman of the Committee on Commerce, inform me as to how much of that money under this bill can be spent for the next fiscal year, provided the Secretary of War should make all the contracts for the amount of money appropriated and that the contractors should be able to perform the work?

Mr. FRYE. I have never figured that, but I imagine it would amount to $25,000,000.

Mr. SMITH. Then, as I understand it, the amendment offered by the Senator from Maryland [Mr. GORMAN], according to his statement, would make the amount to be expended $22,000,000. Do I understand, then, that the only difference between the amount of money under any circumstances that could be spent under the bill as it stands and under the amendment of the Senator from Maryland is $3,000,000?

Mr. FRYE. No. The Senator asked me under the continuing contracts. There is $12,000,000 appropriated here that can be expended.

Mr. SMITH. What I want to get at as near as I can is as to how much of the money, when this appropriation bill shall have been passed, will be called upon or could, under any circumstances, be called from the Treasury to be paid out during the coming year.

Mr. FRYE. I have never estimated it. I hold to a little different opinion from what has been expressed on this floor in relation to this bill. I have never known a time yet when the Secretary of War did not refrain from making an expenditure if he desired to do so, I do not care what the appropriation was nor where it was. Under the law, if he desires not to expend the money, he has the right to refuse, and he has refused to expend it. Take the case of Port Orford, which came up here the other day. There was an appropriation made ten years ago of $170,000 which has not yet been expended. Why? Because the Secretary of War used his discretion and refused to expend it.

I go one step further. I understand that in this bill it is in the discretion of the Secretary of War to make these contracts, or not to make them, and there is where I differ with the Senator from Missouri [Mr. VEST]. I know what the decisions of the courts have been; but heretofore, in nine cases out of ten at any rate, when we have made a continuing contract the language used was: "The Secretary of War is hereby authorized and directed to make a contract"; and in every instance in this bill it is that he "may make a contract." I believe that that language was used by the House committee and by the House itself for the purpose of leaving in the hands of the Secretary of War a discretion as to what of these contracts he shall now enter into, what he shall enter into a year from now, and what he may enter into two years from now, or whether he shall enter into any of them or not. Therefore I voted against the amendment of the Senator from Maryland.

Mr. SMITH. I am sorry to be obliged to interrupt the chairman of the committee for a moment longer. My object, Mr. President, in asking the question I have was simply that on the face of the bill which is now pending it will appear to the public, or it would at least to the ordinary mind, that the bill was carrying an expenditure of $70,000,000, or three or four times the amount ever heretofore appropriated in a similar bill. I think in justice to the members of this body that it should not go out in that form.

I am in favor of fair appropriation bills for river and harbor purposes. But with the present condition of the general business of this country and with the general condition of the receipts and disbursements of the Government Treasury, I say, notwithstanding some of our friends have refefred to the large amount which is now in the Treasury, partly there from the sale of bonds, that we are not justified in appropriating an amount of money greater than was ever heretofore appropriated by any Congress for this

purpose. Now, if ever, is the time in the history of our country when we should show to the people, while they are in a state of distress, that we are not going to embarrass them either by additional taxation or by the sale of bonds, by the passage of any bill such as this, which is not necessary at this time.

I speak, Mr. President, on this question, not as I might as a partisan, glad to be able to see the majority of this Senate and of Congress passing a bill unprecedented in the history of this country, but I speak as a Senator, representing no party but the great American people; and I say here that when we undertake to go before the American people with a bill double that of any passed in the best times ever known in the history of our country, I doubt very much whether it will meet their approval.

I hope, if there is any question as to the amount the Treasury will be obliged to pay out on this account for the coming year, that some amendment may be offered to limit the expenditure. I do not care whether it is the Secretary of War or the Secretary of the Treasury upon whom the limitation is placed; but I do feel that I should like to vote intelligently, and I should like to know how much I am going to vote shall be expended in this direction. Without that information I can not see how any Senator can properly be called upon to cast his vote for a measure as to which he is so largely in doubt as to the amount of money it carries.

Mr. LINDSAY. Mr. President, I wish to ask the chairman of the Committee on Commerce whether I understand him to say that so far as where direct appropriations are made this bill is mandatory upon the Secretary of War, but so far as appropriations are to be made under contemplated contracts the making of those contracts and consequent expenditure of the money under those contracts is merely permissive?

Mr. FRYE. I did not say so, Mr. President. I said that both were in the discretion of the Secretary of War and that he had always exercised that discretion.

Mr. LINDSAY. Then, Mr. President, when this bill becomes a law it will be nothing more than an enabling act, which may be carried out by the Secretary of War or suspended at his discretion. I do not believe that any Department of the Government will reach the conclusion that this is a mere enabling act, intended merely to empower the Secretary of War to make or to refuse to make these public improvements at his will or discretion. He will understand that it is his duty to carry out the expressed will of Congress as it appears in this bill, and the only discretion which he can properly exercise will be as to limiting the time within which the money shall be expended.

I think it is the duty of Congress, when it comes to authorize contracts to be made for the expenditure of $65,000,000, to indicate to the Secretary of War its opinion as to what this limitation ought to be; and it does seem to me if he be authorized to make contracts which will involve the expenditure of $13,000,000 a year under the contract system, with the knowledge that each succeeding year other appropriations will be made, Congress should say to the country that not exceeding twenty or twenty-five million dollars a year ought to be taken out of the public Treasury for the purpose of public improvements under existing conditions.

Mr. FAULKNER. I will ask the Senator from Kentucky to permit me to interrupt him. It may be that he has forgotten the limitation already in this bill. There is a limitation in the bill that the Secretary of War shall not contract, as I understand, with reference to any of these continuing contracts for an amount to be paid annually exceeding $400,000. That is a decided limitation; and I think that is in the bill.

Mr. LINDSAY. Is that now in the bill?

Mr. FRYE. Yes, sir.

Mr. FAULKNER. It is in the bill now; and in the construction of these improvements there can not be expended in any one year an amount exceeding $400,000 on any one continuing contract.

Mr. LINDSAY. I will ask if any estimate has been made as to what the amount of the annual expenditure will be if the Secretary of War goes to the extent of $400,000 under these various appropriations?

Mr. FRYE. No estimate has been made.

Mr. LINDSAY. Then the Committee on Commerce can not tell whether the expenditure of the coming year will be fifteen, eighteen, or twenty-five million dollars under that limitation?

Mr. FRYE. I estimated it at $25,000,000; but it was not a careful estimate.

Mr. LINDSAY. For the first year?

Mr. FRYE. Yes.

Mr. LINDSAY. That is, including appropriations that are not to be expended?

Mr. FRYE. No; the second year the bill appropriates about twelve million two or three hundred thousand dollars. My own impression would be that if we made a contract in every single case, next year it would reach at any rate $25,000,000.

Mr. ALLEN. How much expenditure of money would it require to fulfill the terms of the bill if all the contracts authorized to be made were made?

Mr. FRYE. There is a restriction, as the Senator knows, in the bill of $400,000—that in no one contract can there be over that sum expended.

Mr. ALLEN. But that is not the question I asked the Senator. Taking the appropriations altogether, with the money which will be necessary to discharge the obligations which may be incurred under the bill, the contracts which may be entered into, how much money, in round numbers, will it take to exhaust the bill?

Mr. FRYE. It takes about $64,000,000 in continuing contracts, and they all run over four years, and one of them probably will run eight years.

Mr. ALLEN. Is that in addition to the present appropriations?

Mr. FRYE. That is in addition to the appropriation of $12,000,000.

Mr. ALLEN. So it will make about $76,000,000, all told?

Mr. FRYE. I should think so.

Mr. LINDSAY. I think $13,000,000 spent under the continuing-contract system is an excessive sum, after the Senate has decided against the limitation of $10,000,000. I shall therefore insist upon my amendment.

Mr. ELKINS. I should like to hear the amendment read.

Mr. FRYE. I move to lay the amendment on the table.

Mr. ELKINS. What is the amendment?

Mr. ALLISON. Let the amendment be read.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to add at the end of line 10, on page 100, the following:

Provided, That, except where otherwise herein specifically authorized, the Secretary of War shall so adjust the contracts provided for by this act that not more than 20 per cent of any one of the appropriations to be expended under a continuing contract shall be expended in any one fiscal year.

Mr. ELKINS. There is the same objection to that amendment as to the other.

The VICE-PRESIDENT. The question is on the motion of the Senator from Maine [Mr. FRYE] to lay the amendment of the Senator from Kentucky [Mr. LINDSAY] on the table.

Mr. ALLEN. I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. DAVIS (when his name was called). I am paired with the Senator from Indiana [Mr. TURPIE].

Mr. HANSBROUGH (when his name was called). I am paired with the junior Senator from Illinois [Mr. PALMER]. If he were present, I should vote "yea."

Mr. HARRIS (when his name was called). I am paired with the Senator from Vermont [Mr. MORRILL], but he and I agree on this question, and I vote "nay."

Mr. SMITH (when his name was called). I am paired with the Senator from Idaho [Mr. DUBOIS], and therefore withhold my vote.

The roll call was concluded.

Mr. BLACKBURN. I am paired generally with the senior Senator from Michigan [Mr. MCMILLAN], but I am assured by his colleague [Mr. BURROWS] that on this question he would vote "yea," if present, and as I vote the same way I will record my vote. I vote "yea."

Mr. WARREN. I desire to announce that my colleague [Mr. CLARK] is absent from the city. He is paired with the junior Senator from Maryland [Mr. GIBSON].

Mr. CANNON. On this vote I am paired with the senior Senator from Alabama [Mr. MORGAN]. If he were here, I should vote "nay."

Mr. BUTLER. I wish to announce that on this vote my colleague [Mr. PRITCHARD] is paired with the Senator from Virginia [Mr. DANIEL], who is paired generally with the Senator from Washington [Mr. SQUIRE]. By this transfer of pairs the Senator from Washington [Mr. SQUIRE] is at liberty to vote. My colleague would vote "yea," if present.

Mr. SQUIRE. I understand that the exchange of pairs as made is satisfactory, and so my vote in the affirmative may stand.

Mr. PASCO. I wish to announce that my colleague [Mr. CALL] on this vote is paired with the Senator from Colorado [Mr. TELLER]. If my colleague were present, he would vote "yea."

Mr. CHILTON. I am paired on this question with the Senator from Louisiana [Mr. BLANCHARD]. If he were present, he would vote "yea" and I should vote "nay."

Mr. THURSTON. I understand my pair has been transferred, and I therefore vote "nay."

The result was announced—yeas 37, nays 18; as follows:

YEAS—37.

Aldrich,	Elkins,	Nelson,	Stewart,
Bacon,	Faulkner,	Pasco,	Vest,
Baker,	Frye,	Perkins,	Walthall,
Berry,	Gallinger,	Pettigrew,	Warren,
Blackburn,	George,	Platt,	Wetmore,
Burrows,	Jones, Nev.	Pugh,	White,
Butler,	Lodge,	Quay,	Wilson.
Caffery,	McBride,	Sewell,	
Cameron,	Mills,	Shoup,	
Cullom,	Mitchell, Oreg.	Squire,	

NAYS—13.

Allen,	Gear,	Kyle,	Sherman,
Bate,	Gorman,	Lindsay,	Thurston,
Brown,	Harris,	Martin,	Vilas.
Chandler,	Hawley,	Mitchell, Wis.	
Cockrell,	Hill,	Peffer,	

NOT VOTING—34.

Allison,	Davis,	Jones, Ark.	Roach,
Blanchard,	Dubois,	McMillan,	Smith,
Brice,	Gibson,	Mantle,	Teller,
Call,	Gordon,	Morgan,	Tillman,
Cannon,	Gray,	Morrill,	Turpie,
Carter,	Hale,	Murphy,	Voorhees,
Chilton,	Hansbrough,	Palmer,	Wolcott.
Clark,	Hoar,	Pritchard,	
Daniel,	Irby,	Proctor,	

So the amendment was laid on the table.

Mr. HILL. On page 14, line 14, in order that the item there may have further consideration in the conference committee, I move to strike out "five" and insert "ten."

The VICE-PRESIDENT. The amendment proposed by the Senator from New York will be stated.

The SECRETARY. In line 14, page 14, before the word "thousand," it is proposed to strike out "five" and insert "ten"; so as to read:

Improving harbor at Huntington, N. Y.: Continuing improvement, $10,000.

The amendment was rejected.

Mr. BATE. In line 5, on page 65, in the clause relating to the improvement of Cumberland River below Nashville, Tenn., before the word "thousand," I move to strike out "eighty" and insert "two hundred and fifty"; so as to make the appropriation $250,000.

The VICE-PRESIDENT. The amendment of the Senator from Tennessee will be stated.

Mr. BATE. Mr. President, I beg to say that this amendment proposes to provide for a continuing contract for $250,000. The work can be completed, I think, within eighteen months or two years. It is for the removal of an obstacle in the Cumberland River.

It is a very small amount. Its friends went before the Committee on Commerce, but I regret to say they did not allow us but $80,000 for the continuing contract which was appropriated by the House. I trust the Senate will agree to make it $250,000. Though the appropriation involves but a small amount, it is of great interest to our people. The commercial organizations, the boards of trade, and the people generally are much interested in it and ask that I present the matter to the Senate. I do so, and I hope the Senate will accept the amendment which I have offered.

Mr. VEST. Let the amendment be read.

The VICE-PRESIDENT. The amendment submitted by the Senator from Tennessee [Mr. BATE] will be stated.

The SECRETARY. On page 65, line 5, before the word "thousand," it is proposed to strike out "eighty" and insert "two hundred and fifty"; so as to to read:

Improving Cumberland River below Nashville, Tenn.: Continuing improvement, $250,000, etc.

Mr. ALLEN. Mr. President, I am not at all surprised that Republican Senators should support this bill, as it authorizes the making of large contracts for the expenditure of money. I am surprised, however, that Democratic Senators should give aid and comfort to this seeming squandering of the public money. Of course these contracts will be made in the year 1897; they will be made evidently by a Republican Secretary of War, if the present prospects are realized, and no doubt these contracts will be made with a class of gentlemen who will be willing to contribute very largely and very liberally to the support of the Republican party in its campaigns. I can understand, therefore, from a mere party standpoint, why Republican Senators should support this measure. I can not understand, however, why Democrats should do so, nor why Populists should do so.

There is one matter about this bill that we ought to know, and I regret very much that the chairman of the committee has failed thus far to enlighten the country upon the prospect that we have in view at another Congress of appropriating money for the improvement of additional creeks. The bill itself carries an appropriation for the improvement of many creeks and one mill pond, as I recollect it. I do not recall any ditches. I think there is one ditch, however, in New York. But the bill requires estimates to be made for the improvement of 16 different creeks for the improvement of which appropriations have never been made heretofore. The first one is Five Mile Creek, in Alabama. The second is Petaluma Creek, in California. Then there are Cedar Creek, in Delaware; Suisun Creek, in California; Orange Creek, in the State of Florida; Oldmans Creek, Dividing Creek, and Tuckerton Creek, in New Jersey; Catskill Creek and Coney Island Creek, in the State of New York; Potecasi Creek, in North Carolina; Tonawanda Creek, in the State of Pennsylvania; Redwood Creek, California; Mantua Creek, New Jersey, and Whatcom Creek, in the State of Washington.

I think it is important that the country should know that the bill not only improves many creeks and obscure estuaries in the country that are of no earthly account for commercial purposes, but that the contemplated policy is that it will take in all the creeks in all the different States of the Union, especially those States lying along the Atlantic and Pacific Seaboard.

I think the honorable chairman of the Committee on Commerce did not do the country full justice when he failed to enlighten the taxpayers that the bill which carries with it something like seventy-six and a half million dollars of money, immediate and prospective, is to be supplemented by a bill in the Fifty-fifth Congress which shall take in all the creeks from Maine to Florida and from the Atlantic to the Pacific Ocean. I think the people ought to be warned or ought to be informed of an appropriation policy upon the part of the incoming Administration which will take into consideration the creeks.

Let me say one thing more. I observe in the bill that we have made an appropriation to improve what is known as Yellow Mill Pond, in the State of New Hampshire. That is my recollection. It has been several days since I read it.

Mr. FRYE. Connecticut.

Mr. ALLEN. In Connecticut. It is all the same.

Mr. FRYE. Not quite.

Mr. ALLEN. The people can be informed and rest assured that as soon as we get through with the estuaries and the lagoons and the bayous and the creeks we will reach the ditches of the country, and then we will reach the mill ponds.

Mr. FRYE. The Senator from Nebraska [Mr. ALLEN] is talking about things that he knows nothing on earth about.

Mr. ALLEN. Thank you.

Mr. FRYE. He is talking about creeks as if a creek because it is called a creek has no navigation on it. I told the Senator the other day, when the same question was raised, that there is an appropriation here for Newtown Creek, and that there is $67,000,000 of commerce on Newtown Creek.

The play on the word "creek" is old. It smells of antiquity. It has been used over and over again. It is the old talk of running a ship on dew and all that sort of thing. Let me tell the Senator there is no creek appropriated for which has not received the approval of two engineers, first a preliminary examination, next a survey, and then a declaration that commerce requires it. Let me tell him that the farmers all through the South depend upon these very appropriations to get their products of cotton and tobacco to the markets.

Mr. GRAY. In competition with the railroads.

Mr. FRYE. These rivers and bayous and creeks are little arteries of commerce, to be sure; they require only small appropriations, but they go directly to the poor working people and the farmers of the country and not to the great commercial centers. The Senator had better investigate the bill before he undertakes to abuse it by talking about creeks.

Besides, I am sick of having Senators rise on this floor and object to the river and harbor bill when the same Senators come before the committee and demand at the hands of the committee increased appropriations.

Mr. ALLEN. I regret very much that the Senator from Maine should misconstrue my remarks. I am in hearty sympathy with the bill as it exists, of course, and the prospective appropriations, and I was simply saying that I thought the Senator from Maine had failed to discharge his duty only so far as he failed to call the attention of the country to the fact that all the creeks in the country and all the mill ponds after a time are to be improved.

I am perfectly willing that the Senator shall make appropriations to improve the creeks and rivers of the State which I have the honor in part to represent here. I shall not regard it as an offense if he does so, and I think the Senator is premature in his remarks that I am talking about something I know nothing about. I have seen some of the creeks in this country. It is in accordance with the policy of the bill, and I say this at the hazard of what little interest the State of Nebraska may have in it, whether the Senator from Maine may like it or not, to expend thousands and millions of dollars in worthless improvements of creeks and estuaries and bayous. The argument that the Senator from Maine makes here has been made a hundred times before. There never was a reckless and inexcusable expenditure of public money that an artful man could not conjure up a subterfuge or excuse for it.

Mr. BATE. Mr. President, I hope the heated forensic passage between the chairman of the committee and the Senator from Nebraska [Mr. ALLEN] as to creeks and bayous will not divert the Senate from the simple proposition I have made, for it is a just and proper one. It is simply to increase the amount of the House appropriation from eighty thousand to two hundred and fifty thousand dollars.

Upon the question of "creeks" I have no comment to make, except that my proposed amendment is not for a "creek," but for the Cumberland River, navigable 500 miles, and 200 miles of it between the city of Nashville and its mouth. Thousands of tons of freight annually go down its bosom to the Ohio and Mississippi rivers, and is thus transferred around the country. There are

two railroads down that river—one on either bank. They control the rate of transportation of the products grown in the fertile country drained by that river and its tributaries. I propose by the amendment at least to help to check the monopolistic tendency of the railroads that run down the banks of the river and bring them to a sense of propriety in regard to the amount they should charge for the transportation of the farm products raised in that immediate country.

I will not be driven from what I believe to be my duty by the idea that is thrown out by the Senator from Nebraska as to the course to be pursued by Democrats. Mr. President, I do not believe in these extravagant expenditures that increase the burden of taxes upon our already overburdened people. I do not approve of all or even half that is found in the pending bill, but because I do not shall I stand idly by and see others taking the loaf while I can not get even a slice on the meritorious amendment I offer in the interest of the people in my State? The cleaning out of the rivers and harbors is a great advantage to our country, for it brings about much-needed competition; but it should be done with moderation and propriety, and I do not myself approve of the extravagance that is in this bill, and I have voted every time an opportunity has been offered for the reduction of the amount of $70,000,000. I will do so again. But, sir, my proposition should not be defeated simply on account of the declamation of the Senator from Maine [Mr. FRYE] or the Senator from Nebraska [Mr. ALLEN]. It should stand on its merits.

Mr. FRYE. I move to lay the amendment on the table.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Maine to lay the amendment on the table.

Mr. BATE. I suppose the Senator from Maine will allow me to get through, certainly, before he moves to shelve my motion.

Mr. FRYE. I beg the Senator's pardon. I supposed he had concluded.

The VICE-PRESIDENT. The Chair understood the Senator from Tennessee to yield the floor.

Mr. BATE. I want to have it understood that the Cumberland is not a creek, but a splendid and beautiful river. It is a stream which bears tons of commerce upon its bosom; one which contributes much to the advantage of a half million people who live upon its banks. The appropriation asked for by this amendment would relieve the chief obstruction to its navigation at the mouth of Harpeth River, between the city of Nashville and the Ohio River. It has no connection with the just and proper appropriation applied to this river above the city of Nashville.

Mr. FRYE. For this river there is one item in the bill for $80,000 and in another item there is a continuing contract for $600,000.

Mr. BATE. It is altogether a different proposition. That is above and this is below the city of Nashville. I tried to make it appear that at the mouth of the river, where this applies, there is an obstacle that should be removed, and with that obstacle removed we will have two months' additional regular navigation of the river and help the laborer and the producer transport their products at reasonable rates.

The VICE-PRESIDENT. The question is on the motion of the Senator from Maine to lay the amendment on the table.

The motion was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The VICE-PRESIDENT. The question is, Shall the bill pass?

Mr. FRYE. As chairman of the committee I feel that it is my duty to reply to a certain extent to what the Senator from New Jersey [Mr. SMITH] has said in relation to the bill, and therefore I ask unanimous consent that, representing the committee, I may occupy about fifteen minutes of the time of the Senate.

The VICE-PRESIDENT. Is there objection? The Chair hears none.

Mr. FRYE. Mr. President, there never has been a time in my experience when there has been such a universal demand for river and harbor improvements as this very year. There is hardly a great harbor in this country hitherto regarded as ample for all requirements of commerce which has not been persistent in its demands for wider and deeper channels to accommodate the great freight ships of the world. It has come from away down in the magnificent harbor of Portland, from Boston, New York, all over the Great Western Lakes—the lakes 2 or 3 feet lower than usual and the ships twice as large as ever. From them this demand has come to Congress. It has been an irresistible demand, for it is the demand of the American people. It is in response to that demand that the bill has been reported by the two committees of the two Houses.

Mr. President, the commerce of this Republic in the last quarter of a century has increased so enormously that it is the marvel of the whole world. It is without parallel in all history. I have heard it estimated—I dare not myself make an estimate—that anywhere from twenty to forty billion dollars' worth of domestic commerce is transported every year over the 175,000 miles of our railroads and by over 8,000,000 tons of documented and undocumented vessels, a fleet three times greater than that of France and Germany and Italy and Spain and England combined engaged in the same business. It is, I say, the marvel of the age. Mr. Depew, in a speech only a short time ago—I remember seeing it in the press—declared that our commerce transported over our railroads 100 miles exceeded by 200,000,000 tons the commerce of the whole world. I take it there is no Senator here who will not be ready to admit that a great factor, a very valuable factor, in that immensely increasing commerce has been the constantly decreasing freight charges.

Twenty years ago we paid our railroads 3½ cents a ton-mile. It cost them 2½ cents a ton-mile. Last year we paid those same railroads seventy-eight one-hundredths of 1 cent a ton-mile, and the cost was about one-half of a cent. You take freights by steam on the ocean and they are only one-fifth of those by rail, while by sail they are only one-tenth. The voyage from California to Europe with a load of wheat is 15,000 miles. The charges of freight on that wheat are from $7.50 to $10 a ton. That is five one-hundredths of a cent a ton-mile up to sixty-seven one-thousandths of a cent.

The people of this country are not content. They are demanding that those freights shall still go down. How can they be further reduced? Can your railroads carry any more cheaply? I assert that they can not unless some new motive power is discovered which economizes in the matter of fuel. Where can you carry it more cheaply? On the water, and nowhere else; and for that reason the people of the United States to-day, the intelligent business men of the country, are everywhere demanding water improvements. Did you notice a few months ago that by an overwhelming vote the people of New York appropriated $9,000,000 to broaden and deepen the Erie Canal? What for? To decrease freight charges, and for nothing else. Have you noticed that there are demands to-day coming from great boards of trade that there shall be dams built to raise the water in the Lakes? What for? To accommodate the great freight ships of the Lakes and make freights cheaper. Have you noticed that the demands are coming from all over the country for great canals and waterways from the Lakes to the ocean? What for? To make freights cheaper. Have you noticed that the people are demanding the building of the Nicaragua Canal? What for? To bring the Pacific and the Atlantic 10,000 miles nearer to each other and to decrease the freights one-half at least and build up the commerce enormously, both domestic and foreign.

Sir, you can see, and if the Senators are in touch with the American people they will feel it, too, that the demand in this country is for accommodations on the water. How will the people get them? The United States has exclusive jurisdiction over navigable streams in this country. There is only one place to obtain those appropriations and to secure those improvements, and that is from Congress. We have been responding for the last ten years and we have been supposed to be responding with a reasonable degree of liberality. Have we been throwing away money? Have we been too extravagant? We have spent millions of dollars on the great Mississippi River. Is it money thrown away? Year before last it took 3,500,000 tons of documented and undocumented vessels to carry the freight on that river alone. I admit it is a vexatious and troublesome river, but can the United States refuse to make appropriations for it and let it become a useless one? We made heavy appropriations for a deep-water harbor at Galveston. Was it money thrown away? Such a harbor will accommodate a portion of this country greater than all the islands of Great Britain. Is that money thrown away? I picked up a moment ago the statement of the local engineer. Let me show you what he says. Colonel Miller says:

> The depth at Galveston March 2, 1893, 13 feet; March 2, 1894, 14 feet; March 2, 1895, 15 feet; March 2, 1896, 22 feet. From the date of my arrival here in March, 1893, to the present date the channel has deepened 8½ feet. There is no doubt that 25 feet of water will be obtained in a few months, and ultimately a depth of 30 feet.

Is it wasting the money of the people of the United States to obtain a deep-water harbor at Galveston, floating vessels of a draft of 30 feet and accommodating a third of this great Republic, and that third being the agriculturists of the country?

We have appropriated a large sum of money for a magnificent lock at the Soo. It was placed under a continuing contract. It has taken five or six hundred thousand dollars a year. Is it money wasted? Last year two and a half million of tonnage passed through the Soo Canal in eight months' time, more than passed through the Suez Canal, which carries the commerce of the world, in an entire year. We made great appropriations for a deep channel through the Lakes. Is there a Senator here who will say that money is thrown away to maintain a channel of 21 feet through

those lakes and accommodate the magnificent commerce of that section of the country?

Mr. President, take the Alabama River. I see the Senator from Alabama [Mr. PUGH] sitting here. We placed the Alabama River under the continuing contract system, and the Savannah Harbor also, to obtain, I think, 24 feet of water and a channel 500 feet wide. It has been accomplished. How accomplished? At a cost of 7.7 cents a cubic yard, the lowest price ever paid by the United States for dredging. Now, what will it do? Take the Alabama River alone. You lay out $50,000 more on the Warrior and the Tombigbee rivers, and you will open up to the commerce of the world inexhaustible mines of the best coal on the globe, which can be landed on shipboard at Mobile for $1.25 a ton. One year's business will save the people every single dollar appropriated for that improvement. I might go on almost endlessly in this direction. But I will not trespass on the Senate.

The next question is, Why do you not finish some of these improvements and stop? Why does not commerce stop? We can not complete and stop, because the demands of the people for cheap freights have doubled the size of freight ships in the last ten years, and a channel 300 feet wide and 12 feet deep, ten years ago ample, will not permit the freight ships of to-day to turn around in it nor pass through unless they can walk on the bottom. Another thing, why do you have such large ships? Because small ships are eliminated to-day from the problem. They can not carry at a profit at present rates. It is utterly impossible. It is only the great ships that can be successfully run. Low freights have compelled great ships, and great ships are to-day demanding these improvements.

The Senator from Nebraska [Mr. ALLEN] talks about creeks and bayous. That has been the fashion with river and harbor critics for years. Such talk is stale and such fault-finders have not the facts. To-day under the law how are you to secure an improvement for a harbor? We will suppose the Senator from Montana [Mr. MANTLE] desires to have an improvement for a river in his State. What is the course to be pursued under the law? He comes to the Committee on Commerce and gets a preliminary survey in the bill. What is that? It requires an engineer officer to go to the locality, make a careful and thorough examination into the commerce, present and prospective, then to determine whether or not under all circumstances the locality is entitled to improvement, whether or not the interests of commerce will justify it. He makes his report. If unfavorable, that is the end of it. We hear no more about it. About a third of them are ended in that way.

If, on the contrary, he reports that it is worthy of improvement, then two years from that time there is an item in the next river and harbor bill, providing for a survey, an estimate, and a project. The local engineer makes his survey, his project, and his estimate, reports to the Chief of Engineers, the Chief examines carefully both reports, and then at the end of four years he sends them to Congress with his recommendation. Then the committees in both Houses make their careful examinations, and if they agree with those officers Congress makes an appropriation. Now, pray tell me how a miserable creek or a useless bayou can secure a place in the river and harbor bill through that devious route which it must travel? I say it is absolutely impossible.

There has been extravagance in the use of money for river and harbor improvements. I admit it. But what kind of an extravagance? Too small appropriations. Let me illustrate: The Senator from Mississippi [Mr. WALTHALL] desires a harbor in his State improved. There is a project for dredging. It will cost a million dollars. It has been recommended by the Corps of Engineers, after the first and second examinations, and the local engineer estimates that $200,000 ought to be appropriated for the coming year; that that amount can be profitably expended. The Chief of Engineers looks it over and he finds that adding all the recommendations of the local engineers together will make a river and harbor bill of $70,000,000. So he cuts this item down one-half, and recommends $100,000. Then the two committees of Congress find that the aggregate of the Chief will reach $30,000,000, and they make another cut, and the result is that it gets, say, $50,000 that year. That must suffice for two years. Now, the contractor must bid on a fifty-thousand-dollar job only. It takes all the paraphernalia it would require if it were a million-dollar contract. So he charges double what he would if he had the entire contract.

The $50,000 is expended. The next year he gets nothing because we only have a river and harbor bill once in two years. At the end of the next year the currents, the storms, and the waves have swept away the $50,000, and that is repeated year after year. In twenty years that improvement would not be completed under our old plan of doing business, and every dollar thus appropriated in nine cases out of ten was wasted. We started with Galveston in just that way. We appropriated $500,000 year after year and made no headway at all.

I saw very plainly how that was an extravagance, and a few years ago proposed to the Senate Committee on Commerce that we try an experiment. I knew that in Europe where they wished to make an improvement of any importance they first appropriated the entire amount of money necessary, then made their contracts, and the contractors drew on the money so appropriated until completion was reached. I proposed that we select half a dozen important improvements and direct the Secretary of War to make contracts to complete them. It was done in several instances. We selected, first, Galveston, Philadelphia, Baltimore, St. Marys Lock, Hay Lake Channel. Nobody questions the importance of any of them. Nearly all of them are right on the ragged edge of completion to-day, and under the old plan they would not have been completed within ten years. How about the cost?

Mr. PASCO. Some of them are completed.

Mr. FRYE. Some of them are completed. How about the cost? Our improvements before that time had always cost us more than the estimates. How about it this time? We saved $900,000 on Galveston. I have read to you the result there. We saved on the lock at Sault Ste. Marie $768,000. We saved on Baltimore Channel 15 per cent, on Hay Lake Channel 34 per cent, and in all these cases we saved as much in time as in money. How about Philadelphia? The estimates at Philadelphia were $4,300,000. The entire contract was let for $2,000,000. We saved in that single contract $2,000,000; the work is nearly complete, and the Philadelphians are rejoicing in their great harbor.

Mr. SMITH. Will the Senator excuse me for a question?

Mr. FRYE. Certainly.

Mr. SMITH. May I ask the Senator when he says "saved" does he mean to say that it would have cost that much more under other circumstances?

Mr. FRYE. I mean to say the engineers estimated the cost of removing the islands at Philadelphia at $4,300,000, and that it would have cost every dollar of that, and probably more, as is shown by our experience in the past. But being authorized to make a contract for the entire work, they actually let it for a good deal less than one-half the price the dredgers had ever offered to take it for before. That is what I mean.

Mr. SMITH. In other words, the difference between the estimate of the engineers and the price paid is the difference you claim was saved.

Mr. FRYE. That is a play on words. I do not care anything about that.

Mr. SMITH. It is not a play on words. It is a statement of fact.

Mr. FRYE. In the next bill we inserted the Hudson River; the Charleston Harbor, which has been completed, and is a perfect success; Savannah; St. Johns River; Mobile Harbor, completed, a success; Mobile Bay; the Cascades; ship channel through the lakes 21 feet deep. We saved all the way from 15 to 50 per cent on all of these contracts and saved more in time. Let me give you an illustration. The estimate for the lake ship channel was $3,340,000. We let it for $1,304,000 and the work is about done. We saved one-half the cost and more than one-half the time. Take Mobile Bay. I told you what the dredging was—7.7 cents a cubic yard. Never before have we had it done for less than 12 cents. Take Humboldt Bay, California. The estimate was $1,715,000. We let it for $750,000, a million dollars less than the estimate, and the other day a picture was sent to me which showed a steamer sailing right into the bay, the work being done.

Now, Mr. President, why has the other House provided for continuing contracts in the pending river and harbor bill to the amount of $64,000,000? Why has the Committee on Commerce on the part of the Senate approved of that action? There are items in the bill that I have been against and am against. Yet why am I able to assert in this presence that this bill is a good bill, promotive of the best interests both of commerce and of the working people of this Republic? I hesitate not to make such a declaration because of the lessons taught me during the experience of the last ten years, and he is a foolish man who reads history written and profits nothing from its teachings.

I thank the Senate.

The VICE-PRESIDENT. The question is, Shall the bill pass?

Mr. SMITH. I ask for the yeas and nays on the passage of the bill.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. CLARK (when his name was called). I am paired with the junior Senator from Maryland [Mr. GIBSON]. If he were present, I should vote "yea."

Mr. HARRIS (when his name was called). I am paired with the senior Senator from Vermont [Mr. MORRILL], who is necessarily absent. He and I agreeing upon this question, I record my vote "nay."

Mr. PUGH (when his name was called). I have a general pair with the senior Senator from Massachusetts [Mr. HOAR], but I am assured that if he were present, he would vote "yea," and I cast the same vote. I vote "yea."

Mr. THURSTON (when his name was called). I am paired with the junior Senator from South Carolina [Mr. TILLMAN]. Do I understand that the same transfer heretofore made applies to this vote?

Mr. BLACKBURN. The Senator from Nebraska will make the same transfer made twice before to-day.

Mr. THURSTON. Then I transfer my pair to the Senator from Michigan [Mr. MCMILLAN] and vote "yea."

The roll call was concluded.

Mr. BLACKBURN. Under the transfer of pairs announced by the Senator from Nebraska [Mr. THURSTON] I vote "yea."

Mr. BUTLER. I wish to state that my colleague [Mr. PRITCHARD] is unavoidably absent. If he were present, he would vote "yea." I wish to pair him with the Senator from Virginia [Mr. DANIEL], so that the Senator from Washington [Mr. SQUIRE] can vote.

Mr. BRICE. I have a general pair with the junior Senator from Colorado [Mr. WOLCOTT]. If he were present, I should vote "yea."

Mr. PASCO. I wish to announce that if my colleague [Mr. CALL] were present, he would vote "yea." He is out of the city at the present time and is not paired.

Mr. BERRY. My colleague [Mr. JONES of Arkansas] is absent, but he is paired with the Senator from Maine [Mr. HALE]. If my colleague were present, he would vote "yea."

The result was announced—yeas 57, nays 9; as follows:

YEAS—57.

Aldrich,	Davis,	Mantle,	Shoup,
Allison,	Dubois,	Martin,	Squire,
Bacon,	Elkins,	Mills,	Stewart,
Baker,	Faulkner,	Mitchell, Oreg.	Teller,
Berry,	Frye,	Mitchell, Wis.	Thurston,
Blackburn,	Gallinger,	Nelson,	Turpie,
Burrows,	Gear,	Pasco,	Vest,
Butler,	George,	Peffer,	Walthall.
Caffery,	Gray,	Perkins,	Warren,
Cameron,	Hansbrough,	Platt,	Wetmore,
Cannon,	Hawley,	Pugh,	White,
Carter,	Jones, Nev.	Quay,	Wilson.
Chandler,	Lindsay,	Roach,	
Cockrell,	Lodge,	Sewell,	
Cullom,	McBride,	Sherman,	

NAYS—9.

Allen,	Chilton,	Hill,	Smith,
Bate,	Harris,	Kyle,	Vilas.
Brown,			

NOT VOTING—31.

Blanchard,	Gordon,	McMillan,	Pritchard,
Brice,	Gorman,	Morgan,	Proctor,
Call,	Hale,	Morrill,	Tillman,
Clark,	Hoar,	Murphy,	Voorhees,
Daniel,	Irby,	Palmer,	Wolcott.
Gibson,	Jones, Ark.	Pettigrew,	

So the bill was passed.

Mr. FRYE. I move that the Senate request a conference with the House of Representatives on the bill and amendments.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate; and Mr. FRYE, Mr. QUAY, and Mr. VEST were appointed.

ORDER OF BUSINESS.

Mr. MITCHELL of Oregon. I ask the consent of the Senate to proceed to the consideration of the Indian war veterans bill that we had up a few days ago.

Mr. GALLINGER. It was read.

Mr. MITCHELL of Oregon. It was read at that time. I do not think it will take long. Perhaps it can be disposed of in a few minutes.

Mr. VEST. I should be very glad if the Senator from Oregon would let me have a bill passed which has been read, in order to get it into conference. It will not take long, I presume.

Mr. MITCHELL of Oregon. Very well.

Mr. VEST. I ask the Senate to proceed to the consideration of House bill 2698. The bill was read the other day, and at the suggestion of the Senator from Illinois [Mr. CULLOM] the proceeding was suspended.

Mr. CULLOM. The bill was read in full.

Mr. VEST. Yes; it was read in full.

SENATOR FROM DELAWARE.

Mr. TURPIE. Mr. President, I rise to a point of order. By unanimous consent on a former day it was agreed that immediately upon the passage of the river and harbor bill, which has just been passed, the resolution in relation to seating Mr. Du Pont, of Delaware, should be taken up for consideration and be continued until a vote should be reached.

The VICE-PRESIDENT. The Chair will have read from the RECORD the agreement referred to by the Senator from Indiana.

The Secretary read as follows:

The VICE-PRESIDENT. The Senator from Maryland will restate his request.

Mr. GORMAN. It is that upon the passage of the river and harbor appropriation bill, the next morning, immediately after the routine business, the resolution proposing to seat Mr. Du Pont shall be taken up and continued under consideration, and that the vote shall be taken not later than 5 o'clock on the second day.—*Congressional Record*, page 4772.

Mr. TURPIE. I see that I had misapprehended the text of the unanimous-consent agreement. I thought it provided that the resolution should be taken up immediately after the passage of the river and harbor bill.

Mr. MITCHELL of Oregon. I will state to the Senator from Indiana that I was under the same impression until a few moments ago, but in counseling with some gentlemen on the other side of the Chamber my attention was attracted to the RECORD, and I saw it was the unanimous agreement that the next morning after the conclusion of the river and harbor bill that resolution should be proceeded with. So the Du Pont case will come up to-morrow morning under the order heretofore made.

Mr. BLACKBURN. That is right.

Mr. TURPIE. I wish to offer an amendment on the part of the minority of the committee in conformity with the precedents upon the subject. I move to insert "not" before "entitled."

Mr. MITCHELL of Oregon. I ask that the amendment be printed and go over until to-morrow.

The VICE-PRESIDENT. It will be so ordered.

Mr. MITCHELL of Oregon. I now yield to the Senator from Missouri.

MISSISSIPPI RIVER BRIDGE AT ST. LOUIS.

Mr. VEST. I ask the Senate to take up House bill 2698. It has been already read in full.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 2698) authorizing the construction of a bridge over the Mississippi River to the city of St. Louis, in the State of Missouri, from some suitable point between the north line of St. Clair County, Ill., and the southwest line of said county, which had been reported from the Committee on Commerce with amendments.

Mr. VEST. I ask the Senate to act upon the committee amendments and we can take up the amendment offered by the Senator from Illinois when that part of the bill is reached.

The VICE-PRESIDENT. The amendments of the committee will be stated in their order.

The first amendment was, in section 1, to insert after line 25 the following proviso:

Provided also, That said proposed bridge shall not be located within one-half mile of any bridge already constructed across said river.

Mr. VEST. The Senator from Illinois has an amendment to propose to the provision. He desires to strike out "one-half" and insert "three-fourths."

Mr. CULLOM. I move to strike out the words "one-half" and insert the words "three-fourths of 1"; so as to read "within three-fourths of 1 mile of any bridge."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Commerce was, in line 1, section 9, after the word "That," to insert "as"; so as to read:

That as a principal reason for giving authority to build the bridge herein contemplated is to secure reasonable rates and tolls to that class of traffic described in this act for passage over the same.

The amendment was agreed to.

The next amendment was, in section 10, line 8, after the word "The," where it first occurs, to strike out "said"; in the same line, after the word "corporation," to strike out "or individuals"; in line 11, after the word "directors," to strike out "or individuals owning" and insert "of the corporation owning or controlling"; so as to read:

That said corporation may transport on said bridge and approaches thereto persons and property of the class described in this act, and may allow others so to do; and said bridge and approaches may be used for the transportation of all that class of persons and property described in this act, under such regulations as the directors of said corporation or the parties owning the said bridge may prescribe. The corporation owning the said bridge may take, receive, and collect such rates and tolls for travel, passage, or transportation over said bridge and approaches as the directors of the corporation owning or controlling said bridge may from time to time fix and establish, etc.

The amendment was agreed to.

The next amendment was, in section 10, line 31, after the word "said," to strike out "directors or individuals owning" and to insert "corporation owning or controlling"; in line 35, after the word "over," to strike out "the same" and insert "said bridge"; and in line 36, after the word "shall," to strike out "in either event"; so as to read:

In case said corporation owning or controlling said bridge shall operate a street-car line or permit any street-car company to operate a street-car line on said bridge and approaches, the fare for a single passenger over said bridge for persons over 5 years of age shall not exceed 5 cents.

The amendment was agreed to.

The next amendment was to strike out section 11, in the following words:

SEC. 11. That said corporation shall have power to acquire title to lands, by condemnation or otherwise, as may be necessary for the construction of said

bridge and approaches thereto, in accordance with the laws of the State or States wherein title to such property may be necessary to the construction of such bridge.

The amendment was agreed to.

The next amendment was to strike out section 12, in the following words:

SEC. 12. That the said corporation, its assigns, successors, grantees, mortgagees, representatives, and successors in interest, may, from time to time, borrow money at any rate of interest and issue bonds or other evidences of indebtedness bearing such rate of interest and payable at such time and at such place or places as may thereby be deemed advisable or proper, and may secure such bonds or other indebtedness by mortgage of such bridge and approaches and such tolls and of the privileges, rights, and franchises given by this act.

The amendment was agreed to.

Mr. GEORGE. I move to amend by inserting at the end of line 20, in section 1, the words "or in the navigation of the river"; so as to read:

And it shall be the duty of the said board to give a public hearing in the city of St. Louis to all parties interested in the construction of said bridge or in the navigation of the river whenever the design and drawings of said bridge and maps of location shall have been submitted to the Secretary of War as herein provided.

Mr. VEST. That is right.

The amendment was agreed to.

Mr. GEORGE. I move to amend, on page 3, section 3, line 3, before the word "unbroken," by inserting the article "an."

The amendment was agreed to.

Mr. GEORGE. In line 4 of section 3 I move to insert the word "single" before the word "spans," and to change the word "spans" to "span," in the singular number; and in the same line I move to strike out all after the word "span" down to and including the word "water," in line 7, on page 4.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. In section 3, line 4, it is proposed to strike out the word "spans" where it first occurs and insert "span"; before the word "span," to insert the word "single"; and in the same line, after the word "span," to strike out "and shall have at least two channel spans of not less than 750 feet clear width, each measured at right angles to the current at any and all stages of water"; so as to read:

SEC. 3. That in case the said bridge shall be built below the bridge heretofore constructed and known as the Eads Bridge, it shall be built with an unbroken and continuous single span, etc.

The amendment was agreed to.

Mr. VEST. What does the Senator make the width of those spans?

Mr. GEORGE. We do not have two spans there. It is to be a single span.

In section 3, line 7, on page 4, I move to strike out the word "spans" and insert "span."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. VEST. I move that the Senate insist upon its amendments and ask for a committee of conference.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate, and Mr. VEST, Mr. ELKINS, and Mr. JONES of Nevada were appointed.

PENSIONS TO INDIAN WAR VETERANS.

Mr. MITCHELL of Oregon. I now ask unanimous consent of the Senate for the present consideration of Senate bill 2281. The bill has already been read.

Mr. COCKRELL. Let me suggest to the Senator that we proceed for the remainder of the evening with the Calendar of unobjected cases.

Mr. MITCHELL of Oregon. I hope the Senator will allow me to have this bill considered and passed.

Mr. COCKRELL. What is the bill?

Mr. MITCHELL of Oregon. It is the Indian war veterans' pension bill, which was unanimously reported by the Committee on Pensions, through its chairman [Mr. GALLINGER].

Mr. COCKRELL. Then, I ask as soon as that bill shall have been disposed of that by unanimous consent we may proceed with the consideration of unobjected cases on the Calendar.

Mr. MITCHELL of Oregon. I have no objection to that.

Mr. COCKRELL. I ask unanimous consent that when the bill in charge of the Senator from Oregon is disposed of the Senate proceed to the consideration of unobjected cases on the Calendar. The only question is, whether we should proceed to the consideration of unobjected House cases or unobjected cases generally.

Mr. SHERMAN. I have one case that I shall ask to have taken up.

Mr. COCKRELL. Is it a Senate bill?

Mr. SHERMAN. No; it is a House bill of only four lines in length, which can be passed in a minute.

Mr. COCKRELL. I ask unanimous consent, then, that we may dispose of unobjected House bills. ["No." "No."]

The VICE-PRESIDENT. The Chair will first ask if there be objection to the request of the Senator from Oregon to proceed to the consideration of the bill named by him.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2281) to amend an act entitled "An act granting pensions to the survivors of the Indian wars of 1832 to 1842, inclusive, known as the Black Hawk war, Creek war, Cherokee disturbances, and the Seminole war," approved July 27, 1892.

Mr. LODGE. I ask for the reading of the bill.

Mr. MITCHELL of Oregon. The bill has been read heretofore.

The VICE-PRESIDENT. The Chair is advised that the bill has been heretofore read in full. It will be again read if any Senator desires.

Mr. LODGE. Very well. I do not ask for it.

The VICE-PRESIDENT. The amendments reported by the Committee on Pensions will be stated.

The first amendment reported by the Committee on Pensions was, in line 19, after the words "Pacific Coast," to insert "the Florida wars with the Seminole Indians from 1842 to 1858."

Mr. PASCO. That amendment was heretofore agreed to.

Mr. MITCHELL of Oregon. That was agreed to the other day.

The VICE-PRESIDENT. The next amendment reported by the committee will be stated.

The next amendment was, in line 32, after the words "record of," to strike out "enlisted" and insert "enlistment"; and in line 35, after the words "shall be," to strike out "acceptable" and insert "accepted"; so as to read:

And provided further, That where there is no record of enlistment or muster into service in any of the wars mentioned in this act, or the original act of which it is a supplement, the record of pay by the United States shall be accepted as evidence of said service.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PORT OF CONNEAUT, OHIO.

Mr. SHERMAN. I ask unanimous consent for the consideration of the bill (H. R. 4787) to establish the port of Conneaut, in the State of Ohio, as a subport of entry, in the district of Cuyahoga, in said State of Ohio.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NETTIE A. CHEEKS.

Mr. BLACKBURN. I ask consent of the Senate to have taken up for consideration at this time Senate bill 2913, granting a pension of $20 a month to Nettie A. Cheeks.

Mr. COCKRELL. I give notice now that I shall object to any more pension bills being taken up until we take them up in regular order. There are a hundred of these cases on the Calendar, and they ought to be disposed of together.

Mr. BLACKBURN. I am sure my friend from Missouri will allow me to remind him and the Senate that this is the first time I have ever asked such an indulgence.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2913) granting a pension to Nettie A. Cheeks, which had been reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Nettie A. Cheeks, widow of Peter O. Cheeks, late a private Company D, Thirteenth Regiment United States Infantry, and a private United States Marine Corps, and pay her a pension of $20 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Nettie A. Cheeks."

CIRCUIT COURT AT HARTFORD, CONN.

Mr. PLATT. I wish to appeal to the Senator from Missouri. I desire to have a bill passed changing the time of holding the United States circuit court at Hartford, Conn. That court has to be held on the third Tuesday of September, and it is desired to

change the time to October. If the bill is not passed now it will not get through the other House.

Mr. COCKRELL. That is all right. I have no objection to the consideration of a bill of that kind.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2859) changing the time for holding circuit court of the United States at Hartford, in the district of Connecticut, which had been reported by the Committee on the Judiciary with an amendment, to strike out all after the enacting clause and insert:

That a term of the United States circuit court in the district of Connecticut shall be held at Hartford, in said district, on the second Tuesday of October, 1896, and thereafter in each year on the second Tuesday of October, and that after the third Tuesday of September, 1896, the term of said circuit court now by law provided to be held annually on the third Tuesday in September shall be discontinued.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

COURT IN INDIAN TERRITORY.

Mr. VILAS. The Judiciary Committee have had under consideration for a considerable length of time, and finally reported, after a good deal of examination, a bill to amend the practice act which governs the court in the Indian Territory. Its passage is very much desired by the judges and the bar of that Territory, and there is really a necessity for some change in respect to the condition there. I ask that the bill may be considered. It is Senate bill 1833.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1833) to amend the act of March 1, 1895, and other acts relating to the United States court in the Indian Territory, and for other purposes.

The bill was reported from the Committee on the Judiciary with amendments. The first amendment was to strike out section 3, as follows:

SEC. 3. That section 2 of said act be further amended so as to provide as follows: The United States marshal in each of the three judicial districts in the Indian Territory may appoint one chief deputy marshal, who shall receive a salary of $2,000 per annum, and each marshal may appoint six deputy marshals in his district, each of whom shall receive a salary of $1,200 per annum and his expenses as now provided by law; and each of said marshals may appoint as many other deputy marshals as he may deem necessary for the enforcement of law and the suppression of crime, and such deputies shall receive for their services the compensation allowed to United States marshals by sections 829 and 830 of the Revised Statutes of the United States: *Provided*, That no such deputy marshal shall receive a greater compensation than $1,200 per annum.

The amendment was agreed to.

The next amendment was, in section [4] 3, line 20, after the word "act," to strike out "be so" and insert "is"; and after the word "amendment," in the same line, to strike out "as to authorize each of the clerks of the United States court in the Indian Territory to appoint one deputy clerk for the courts held at Muscogee, South McAlester, and Ardmore, who shall receive a salary of $100 a month, and one other deputy clerk at each of said places, who shall receive a salary of $60 a month, each of whom shall perform the same duties and be subject to the same provisions of law as the other deputy clerks" and insert "by striking from the third sentence thereof the words 'where he himself does not reside'; so that said sentence will read: 'Each of said clerks shall appoint a deputy clerk for each court in his district'"; so as to make the section read:

SEC. [4] 3. That section 3 of said act is amended by striking from the third sentence thereof the words "where he himself does not reside"; so that said sentence will read: "Each of said clerks shall appoint a deputy clerk for each court in his district."

The amendment was agreed to.

The next amendment was, in section [5] 4, line 7, after the word "That," to strike out "section 4 of said act be so amended as to authorize" and insert "in addition to the number provided by section 4 of said act"; in line 9, after the word "judge," to strike out "of said court"; in line 10, after the word "district," to insert "is authorized"; and in line 16, after the word district," to strike out "so as to provide for eight districts in the manner required in this act" and insert "accordingly"; so as to make the section read:

SEC. 4. That in addition to the number provided by section 4 of said act, the judge for the northern district is authorized to appoint two additional United States commissioners, and two additional United States constables for said district, who shall receive the same salaries, have the same powers, and be subject to the same provisions of law as the commissioners and constables heretofore appointed; and said judge is authorized to re-form the commissioner's districts accordingly.

The amendment was agreed to.

The next amendment was, in section [6] 5, line 8, after the word "Territory," to strike out "(Indian)."

The amendment was agreed to.

The next amendment was to strike out section 8, as follows:

SEC. 8. That section 6 of said act be amended by adding thereto the following: "That nothing contained in any act of Congress heretofore passed applicable to the Indian Territory shall be construed so as to disqualify any member of any Indian tribe, whether by blood or adoption, otherwise qualified, from serving as a juror in any case, civil or criminal, in said Indian Territory, but no person shall be qualified to serve as a juror who does not understand the English language."

The amendment was agreed to.

The next amendment was, in section [9] 7, line 6, after the word "court," to insert "and in furtherance of justice"; and in line 8, after the word "district," to strike out "the place for trial to be fixed where the fairest and most impartial decision can be had and where it shall be most convenient for all concerned, to be determined by the judge"; in line 11, after the word "party," to strike out "to transfer the case from one place to another: *Provided*, That all applications for change of venue, or transfer of cases, both civil and criminal" and insert "which"; so as to make the section read:

SEC. [9] 7. That section 7 of said act be amended by striking out the last sentence of said section and by inserting in lieu of said sentence the following: "All cases shall be tried in the court to which the process is returnable unless a change of venue is allowed, in which case the court shall change the venue to the nearest place of holding court in another district; and any civil case may, in the discretion of the court, and in furtherance of justice, be removed for trial to another place of holding court in the same district on application of either party, which may be contested by the opposing party."

The amendment was agreed to.

The next amendment was, in section [10] 8, line 21, on page 5, after the word "prosecuted," to insert "the said court shall order"; in line 23, after the word "clerk," to strike out "of said court shall" and insert "to"; in line 23, after the word "court," to strike out "of appeals"; in line 25, after the word "and," to strike out "when said papers are so received by the circuit court of appeals they" and insert "the same"; in line 2, page 6, after the word "shall," to strike out "have the same jurisdiction and powers" and insert "proceed"; in line 3, after the word "error," to strike out "as" and insert "with the same powers"; in line 5, after the word "would," to insert "otherwise"; and in the same line, after the word "had," to strike out "said cause been determined therein"; so as to make the section read:

SEC. 8. That section 11 of said act of March 1, 1895, be amended by adding thereto the following: "*Provided*, That in any case in which for any reason a majority of the judges are disqualified from sitting in said court of appeals in the determination of any cause in which an appeal or writ of error has been taken or prosecuted, the said court shall order the clerk to transmit the record and all the papers filed in said court to the circuit court of appeals for the eighth circuit of the United States, and the same shall be filed therein, and said court shall proceed to hear and determine said appeal or writ of error with the same powers the United States court of appeals in the Indian Territory would otherwise have had. The mandate from the circuit court of appeals in cases under this provision shall be to the court in the Indian Territory from which the appeal or writ of error was taken or prosecuted: *And provided further*, That no appeal or writ of error from the final decision of said appellate court shall be allowed in civil cases unless the value in controversy exceeds $2,000."

The amendment was agreed to.

The next amendment was to strike out sections 11 and 12, as follows:

SEC. 11. That section 11 of said act of March 1, 1895, be further amended so as to provide that writs of error and appeals from any judgment of the United States court in the Indian Territory shall be allowed, and may be taken to the court of appeals of said Indian Territory under the same form of procedure as appeals and writs of error are taken from the circuit courts of the United States in the eighth circuit to the United States circuit court of appeals for said circuit.

SEC. 12. That section 2348 of Mansfield's Digest of the Laws of Arkansas heretofore put in force in the Indian Territory, be so amended as to read as follows:

The amendment was agreed to.

The next amendment was, on page 7, section 9, line 8, after the word "sureties," to strike out "to bind themselves"; so as to make the section read:

SEC. 9. That in all prosecutions in cases less than felony in the United States commissioners' courts in said Indian Territory the commissioner may, in his discretion, require the prosecutor, or some person for him, to enter into bond, with good and sufficient surety, for the payment of all costs which may accrue in said prosecution. Such bond shall be given to the United States, and shall require the principal and his surety to pay all costs in the case if defendant is acquitted.

The amendment was agreed to.

The next amendment was, in section [14] 11, page 8, line 9, after the word "required," to strike out "of the prosecuting witness"; so as to make the section read:

SEC. 11. That jurors in civil cases before United States commissioners' courts in the Indian Territory shall be entitled to a fee of 50 cents for each case in which they may serve. The amount required for their payment shall be advanced by the party to the suit who may demand the jury, and shall be taxed as a part of the costs in the case.

In all criminal cases before United States commissioners' courts in said Territory wherein a jury is impaneled at the demand of the defendant, each juror shall be entitled to 50 cents in each case, but not more than $1.50 shall be allowed to any juror for any day he may serve as a juror in said court. The commissioner shall issue certificates for such compensation as in the case of witnesses in felony cases, and if the defendant is found guilty, execution shall issue immediately for the fine and costs against the defendant, who shall stand committed until such fine and costs are paid, or discharged as provided by law; and if the defendant is acquitted and a cost bond has been required, judgment shall be entered on said bond for all costs in the case.

The amendment was agreed to.

The next amendment was to strike out sections 16 and 17, as follows:

SEC. 16. That the United States commissioners and United States constables in the Indian Territory shall each receive and be allowed to retain, in addition to the salaries which they are allowed by law, all fees earned by them in civil cases cognizable before such commissioners, to be taxed in accordance with the Arkansas laws in force in the Indian Territory.

SEC. 17. That in every criminal case before United States commissioners' courts in the Indian Territory, wherein the defendant is represented by counsel and demands a trial by a jury, the commissioner may appoint any one of the licensed attorneys in the Indian Territory to represent the United States in the case, and may tax against the defendant, if he be found guilty, an attorney's fee of $10 as a part of the costs in the case, and when collected by the commissioner he shall pay the fee so charged to the attorney who represented the United States; but the United States shall not be liable for attorneys' fees in such cases except as herein provided.

The amendment was agreed to.

The next amendment was, in section [18] 13, line 3, page 10, after the word "detainer," to strike out "and" and insert "or"; and in line 4, after the word "detainer," to insert "or of ejectment"; so as to make the section read:

SEC. 13. That concurrent jurisdiction with the United States court in the Indian Territory is hereby conferred upon the United States commissioners in their respective districts in said Territory to enforce the provisions of chapter 67, entitled "Forcible entry and retainer," of said Mansfield's Digest, heretofore put in force in said Territory, and as amended by this act, in all cases, regardless of the value of the property in controversy; and appeals shall be allowed in such cases to the United States court in said Territory as in other cases, upon executing a bond in a sum at least double the value of two years' rent or use of the property in controversy, and in double the amount of the judgment and costs in the case, conditioned as required by law. But appeals from United States commissioners in such cases to the United States court, and from that court in all cases of forcible entry and detainer or unlawful detainer, or of ejectment, to the court of appeals in the Indian Territory, shall not operate to supersede the judgment for the possession of the premises in question unless the judge of the United States court of the district shall so order.

The amendment was agreed to.

The next amendment was to strike out section 19, as follows:

SEC. 19. That it shall not be necessary, in order to sustain an action for unlawful detainer in the Indian Territory, under the provisions of section 3348 of said Mansfield's Digest, heretofore put in force in the Indian Territory, for the plaintiff to prove the relation of landlord and tenant between him and the defendant, but it shall be sufficient to maintain such action if the plaintiff shall establish the fact that he is entitled to the possession of the premises in controversy and that demand was made in writing for the delivery of the possession thereof to him thirty days prior to the commencement of the suit. The bonds heretofore required by law to be given in the Indian Territory in actions of forcible entry and detainer and unlawful detainer shall hereafter be given in a sum at least double the value of two years' rent or use of the property specified in the writ, which value shall be ascertained as provided in said Mansfield's Digest. In all actions for forcible entry and detainer or for unlawful detainer in the Indian Territory in case the finding of the verdict is for the defendant, the court shall give judgment thereon with costs and for any damages that may be assessed in favor of the defendant, and shall also issue a writ of restitution, directed to the marshal, to cause the defendant to be repossessed, to which shall be added a clause commanding the marshal to levy of the goods, chattels, lands, and tenements, subject to execution of the plaintiff, the damages assessed in favor of the defendant, with costs. If the finding and judgment be in favor of the defendant, but from any cause he be not entitled to the repossession of the premises at the time of judgment, then the writ of execution shall only be for the damages and costs that may be awarded him, and in all cases where judgment is rendered, either against the plaintiff or defendant, for any amount of recovery, damages, or costs, judgment shall be rendered against his sureties in the bond given in the case.

The amendment was agreed to.

The next amendment was, in section [21] 15, after line 4, page 12, to strike out the following proviso:

Provided, however, That where two or more defendants are joined in the same bill of indictment and tried without severance, the number of challenges shall be the same as if one defendant were upon trial.

The amendment was agreed to.

The next amendment was, in section [22] 16, line 9, page 12, before the word "be," to strike out "should"; so as to make the section read:

SEC. 16. That if any judge of the United States court in said Territory be interested in any suit pending in the court over which he may preside, or be of counsel or akin to either of the parties to the suit, one of the other judges who may be qualified may preside at the trial of such case.

The amendment was agreed to.

The next amendment was, in section [23] 17, line 16, page 12, after the word "crime," to strike out:

And no person other than a party to the suit or prosecution shall be competent to testify in any case, civil or criminal, in said Territory, who has been convicted in the courts of the United States or of any State or Territory of the crime of perjury, subornation of perjury, larceny, burglary, robbery, rape, or forgery; but no person shall be disqualified as a witness in said Territory who has been convicted of any other crime or misdemeanor.

So as to make the section read:

SEC. 17. That in the courts of the Indian Territory no party to the suit or prosecution shall be excluded as a witness in the case on that account or on account of his conviction of any crime. In all cases the fact of conviction may be shown by the record of conviction or by oral evidences in order to affect the credibility of the witness.

The amendment was agreed to.

The next amendment was, in section [25] 19, line 7, page 13, after the word "may," to insert "by sentence"; so as make the section read:

SEC. 19. That the United States court in the Indian Territory may by sentence require persons convicted of crimes or misdemeanors and confined in the jails in their respective districts to perform manual labor, either within or without the prisons, under such rules and regulations as may be prescribed by the Attorney-General; but no expense which may accrue on this account shall be paid by the United States in excess of the fines which may be collected in each district, respectively, which fines may be used by the Attorney-General for this purpose, and any moneys which may be received for such labor shall be placed in the Treasury of the United States.

The amendment was agreed to.

The next amendment was, in section [26] 20, line 6, page 14, after the word "thirteen," to strike out "conveyances of real estate, chapter 27"; in line 9, after the word "districts," to strike out "corporations, chapter 29"; and in line 11, after "seventy-one," to strike out "medicine and surgery, practices of, chapter 105"; so as to read:

SEC. 20. That in addition to the laws of the State of Arkansas heretofore put in force in the Indian Territory, the provisions of the following chapters and sections of the general laws of the State of Arkansas, in force at the close of the session of the general assembly of said State in 1883, published in 1884 in the volume known as Mansfield's Digest of the Statutes of Arkansas, which are not locally inapplicable or in conflict with any laws of Congress, are hereby extended over and put in force in the Indian Territory, and jurisdiction to enforce the provisions thereof is hereby conferred upon the United States court in said Territory, namely: Apprentices, chapter 4; arbitration and awards, chapter 5; bastardy, chapter 13; coroners, chapter 28, and the United States commissioners in said Territory shall be ex officio coroners in their respective districts; ejectment, chapter 55; estrays, chapter 58; garnishment, chapter 71; partnerships, limited, chapter 116; poisons, sale of, chapter 120, etc.

The amendment was agreed to.

The next amendment was to strike out section 28, as follows:

SEC. 28. That all the provisions of chapter 9 of Mansfield's Digest, entitled "Attachment," heretofore put in force in the Indian Territory, which are in conflict with the provisions of chapter 71, entitled "Garnishment," put in force in said Territory by this act, are hereby repealed in so far as they apply in said Territory: *Provided, however*, That when the plaintiff has a debt or demand against the defendant which is due he may cause a writ of garnishment to be sued out and served as provided by law in such cases, upon the institution of suit by him to recover such debt or demand: *And provided further*, That a judgment shall be rendered in the garnishment proceedings against the garnishee at the same time that judgment is rendered against the defendant.

The amendment was agreed to.

The next amendment was, in section [29] 22, line 13, page 16, after the word "be," to insert "so"; so as to make the section read:

SEC. 22. That nothing in this act or in any previous acts of Congress in reference to the Indian Territory shall be so construed as to repeal or in any way modify section 1024 of the Revised Statutes of the United States; and that said section is hereby declared to be in full force and effect in said Territory.

The amendment was agreed to.

The next amendment was to strike out sections 30 and 31, as follows:

SEC. 30. That any person in the Indian Territory being in failing circumstances who shall make a general assignment for the benefit of all his creditors without preferences, conveying to his assignee all of his property save such as is exempt by law from execution under the laws in force therein, shall be released in full from the claims of all the creditors accepting the benefits of such assignment within six months after the filing and recording of such assignment whenever the proceeds of the assignment shall pay 40 cents on the dollar of the claims of such creditors: *Provided, however*, That this provision is not intended to affect the claims of those creditors who do not accept under such assignment.

SEC. 31. That any person who shall board any railway train in the Indian Territory, whether moving or standing, having no lawful business thereon and not intending in good faith to become a passenger thereon, but with intent to obtain a free ride on such train, however short the distance, shall be guilty of a misdemeanor, and shall be punished by a fine of not less than $5 nor more than $100, or by imprisonment not exceeding six months, or by both such fine and imprisonment.

The amendment was agreed to.

The next amendment was, in section [32] 23, line 14, page 17, after the word "the," to strike out "United States court" and insert "courts created under act of Congress"; so as to make the section read:

SEC. 23. That in all cases of conviction for crime in the courts created under act of Congress in the Indian Territory the judge of said court shall fix the punishment which may be imposed.

The amendment was agreed to.

The next amendment was, to strike out 33, as follows:

SEC. 33. That if any officer in the Indian Territory shall fail to return an execution placed in his hands within the time required by law, he may, in a suit brought against him to recover the amount showed in the execution, show as a defense that the defendant in execution was insolvent at the time the execution was issued, and remained so up to the date of its return.

The amendment was agreed to.

Mr. ALLEN. I offer as a proviso to the last section of this bill what I send to the desk.

The VICE-PRESIDENT. The amendment of the Senator from Nebraska will be stated.

The SECRETARY. It is proposed to add to the last section of the bill the following:

Provided, That in all trials for contempt of court in any United States court, except the Supreme Court of the United States, the accused shall, on demand, be entitled to a trial by jury.

Mr. VILAS. I apprehend the Senator from Nebraska mistakes the bill which is under consideration. This is not the contempt bill which involves that subject and which has been considered, but is a bill relating entirely to the courts in the Indian Territory.

Mr. ALLEN. I did not misapprehend the bill at all. I understand what the bill is. I also understand what the amendment is. I hope the honorable Senator from Wisconsin will accede to the amendment.

Mr. VILAS. I certainly can not, because it is entirely foreign to the bill. I do not want to introduce into this bill, which is merely to regulate the practice of courts in the Indian Territory, a provision as to what shall be the law in cases of contempt. I move to lay the amendment on the table.

Mr. ALLEN. I hope the Senator will not insist upon that motion, and take snap judgment here without a statement in reference to the amendment.

Mr. VILAS. I shall not make the motion if the Senator wishes to address the Senate upon the amendment.

Mr. ALLEN. The Senator from Wisconsin is undertaking to run away from the discharge of an unpleasant duty by assuming that my amendment is not germane to this bill. While I have not been a lawyer so many years as the Senator from Wisconsin, I have been a lawyer pretty nearly thirty years, and I know in a general way what pertains to the practice of courts, and I know a provision with reference to the trial of contempts is germane to a bill which provides for the practice in any court. The Presiding Officer of this body and every Senator in this Chamber knows that.

Mr. President, there is a disposition to shirk any Senatorial or Congressional responsibility with reference to the subject of contempts. It is true the Judiciary Committee have reported a bill which defines what constitutes a direct and also an indirect contempt, but it is no more than declaratory of the common law. There is not a thing in their definition which is new. It is simply an attempt to comply with the wishes of certain classes of citizens of the United States, which it does not comply with, and, in my judgment, a very feeble and ineffectual attempt on the part of the Committee on the Judiciary to escape any legislation on this subject.

A direct contempt of court is a contempt which is committed in the immediate presence of the court by loud and unusual noises, or by any other kind of disturbance which interferes with the orderly administration of justice. It may not be in the court room; it may be so immediately adjacent to the court room as to be a direct contempt. An indirect contempt is a contempt which is committed against the process of the court, and not in the presence of the court, as, for instance, the publication of an article in a newspaper that may undertake to influence the action of a judge or a jury or some officer of the court.

The Federal courts have carried the doctrine of contempt to the extent that they have in many cases stifled the constitutional right of free speech. I can understand quite well how gentlemen feel who are halting between two opinions; that is, between the opinion whether the common man of this country shall have his rights as completely as the most exalted citizen and the opinion whether they as politicians dare to encounter the active hostility of great corporations in the accomplishment of their political ambitions. I think I state it exactly as it is.

A few years ago, Mr. President, under the wise counsel of the senior Senator from Illinois [Mr. CULLOM] there was passed by Congress what is known to the country as the interstate commerce act, the sole purpose of which was to regulate the great corporations in their charges and in the conduct of their business, and to prevent pooling and those things which were hostile to the interests of the people. Yet the most effectual portion of that act, according to the strained judicial construction made in the State of Michigan by a Federal judge—Judge Ricks, I think his name is—was wrested from its primary purpose and applied to the case of men who were employed in the service of the companies. From that time until this moment it has been a common thing in the Federal courts to enjoin men engaged in the service of railroad companies from the commission of certain acts, and then, when the injunctions were violated, to call those men before a Federal court or judge, and without any formal accusation against them, without information or indictment, to try them by an ex parte proceeding, and condemn them to imprisonment. I apprehend the same rule will be followed in the Territory in which this bill is to operate.

This rule has been carried to the extent that it has stifled free speech. It has been carried to the extent that it has produced slavery. But a short time ago, less than three years ago, a Federal court held to the doctrine that it had jurisdiction to enjoin an employee of a railroad company from going to a coemployee in a peaceful and orderly manner and using his power of persuasion upon his neighbor to leave the service of that company.

What distinction is there between the law of injunction thus abused and thus wrested from its original purpose and that law which permits a citizen to put shackles or handcuffs upon the limbs of another man and take him into his own servitude involuntarily or the servitude of some corporation? There is no difference in principle—not the slightest—except that the slavery in the first instance is caused by the criminal use of the writ of injunction, and the slavery in the second case is caused by the brutal power of force. That is all. There is no difference between the chattel slavery which characterized this country thirty-five years ago and that slavery which characterizes it to-day in this respect except in the one instance that the slave answered to the lash of the master, and in this case he answers to the injunction of the court, the judge of which himself is the tool in many instances of the corporations which enforce this condition of affairs. That is all there is to it. It is apparent to everybody. No man will dispute this proposition when you talk with him in private conversation. He will admit it, and admit that it is deplorable; and yet so strong, so powerful, are these corporations in the politics of this country that few men will take the risk of calling up legislation to check them.

I certainly hope that the Senator from Wisconsin [Mr. VILAS] will not insist on taking snap judgment upon us, and by that means run away from the proposition that these persons who are accused of contempt, like the most ordinary criminal, shall have a jury trial with proper restrictions and regulations.

Mr. VILAS. I shall not move to lay the amendment on the table, but will let a vote be taken. It has nothing to do with this bill. There is another bill on which it can be considered fully.

Mr. HILL. I desire to say just a word. I appeal to my friend the Senator from Nebraska [Mr. ALLEN] to withdraw the amendment at this time. I shall endeavor to cooperate with him in the passage of some such provision on the regular bill relating to contempts which has been reported from the Judiciary Committee. I hereby give notice that after the disposition of the joint resolution relating to the election of Senators by the people, of which notice has been given by the Senator from Oregon [Mr. MITCHELL], I shall ask the Senate to take up the bill relating to contempts and proceed to a final disposition of it.

Mr. PUGH. The Du Pont case has the right of way.

Mr. HILL. First comes the Du Pont case, and then the Senator from Oregon [Mr. MITCHELL] has given notice as to the joint resolution proposing a constitutional amendment. After that I give notice I will ask to take up the contempt bill. It is a bill about which there is some difference of opinion; it will lead to considerable debate, and I think it unwise to make a premature fight on an amendment to the pending bill. The Senator from Nebraska has at heart the same cause I have, and we shall undoubtedly cooperate in the passage of the bill I refer to, as I hope it may be amended.

Mr. MITCHELL of Oregon. In this connection I desire to change the notice I gave in regard to the joint resolution proposing a constitutional amendment providing for the election of Senators by the people. The notice I gave was that immediately after the conclusion of all the appropriation bills I should move to take up the joint resolution. I desire to change it, and to give notice that immediately on the conclusion of all the appropriation bills except the general deficiency bill I shall move to proceed to the consideration of that measure.

Mr. ALLEN. With the assurance I have received from the Senator from New York [Mr. HILL], the Senator from Wisconsin [Mr. VILAS], and the Senator from Alabama [Mr. PUGH] that they will heartily——

Mr. PUGH. Yes; and the Senator from Mississippi [Mr. GEORGE].

Mr. ALLEN. And the Senator from Mississippi [Mr. GEORGE] that they will heartily cooperate in the passage of a bill that will provide for a jury trial in case of contempt, I withdraw the amendment at this time.

Mr. HILL. I desire to say right here that if a favorable opportunity occurs between the consideration of the appropriation bills I shall then bring the bill forward.

The VICE-PRESIDENT. The amendment of the Senator from Nebraska [Mr. ALLEN] is withdrawn.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ORDER OF PROCEDURE.

Mr. COCKRELL. I ask unanimous consent that we may now proceed with the consideration of unobjected House bills on the Calendar.

The VICE-PRESIDENT. Is there objection?

Mr. PASCO. If the Senator from Missouri wishes to bring up any particular House bill I shall not object, but I do think we ought to take up the cases on the Calendar in regular order. There is no reason why House bills should have preference. In another place such preference is not given to Senate bills. Some of us have spent a great deal of time in making reports on Senate bills, and they ought not to be allowed to slumber on the Calendar for weeks and months without attention.

I do think we ought to take up the entire Calendar when we

proceed, giving every bill a fair opportunity, and let it be sent, when passed here, to the other end of the Capitol. Then let the responsibility for its failure, if there is to be any, rest elsewhere than in the Senate.

Mr. COCKRELL. Then the responsibility for the failure of House bills for our own constituents which have been passed elsewhere will rest upon our shoulders. There is but one way to proceed, in my judgment. It has always been the way, when the Senate has proceeded with its business with anything like rapidity and dispatch, that is occasionally to take up House bills and act upon them, and the House in time will become ashamed of itself and will do likewise with Senate bills. I hope the proposition will be agreed to.

Mr. PASCO. I have said that if there are on the Calendar any particular House bills in which the Senator's State or his people are interested, let them be called up, and I shall not object to their being considered.

Mr. COCKRELL. I have no purpose except to transact business, and it is the only way the business can be transacted.

Mr. CHANDLER. I have been requested to call up a House bill granting a pension, but I will refrain from doing so if consent can be given to the request of the Senator from Missouri [Mr. COCKRELL]. If we are going on to call up bills, however, I will ask unanimous consent to call up the bill I refer to. I do not object to the request of the Senator from Missouri.

Mr. PASCO. At the urgent suggestion of the Senator from Missouri I will not object at this time, against his wish. I dislike very much to oppose him, but I do not think it is just toward Senators who have been busy on Senate bills and have got them advanced upon the Calendar that they should be put off indefinitely. But I will not object at the present time. I do hope, however, that when he makes similar requests hereafter it will be to proceed regularly with the Calendar, taking up House and Senate bills as we come to them. I have no objection to the request of the Senator from Missouri.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Missouri? The Chair hears none, and it is so ordered?

INDIAN APPROPRIATION BILL—CONFERENCE REPORT.

Mr. PETTIGREW. I desire to call up the conference report on the Indian appropriation bill.

The VICE-PRESIDENT. The Chair lays before the Senate the conference report on the bill indicated, which will be stated by title.

The SECRETARY. Report of the committee of conference on the bill (H. R. 6249) making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1897, and for other purposes.

Mr. PETTIGREW. There has been some mistake in regard to one or two items in the report, and I therefore ask the Senate to disagree to the report.

The VICE-PRESIDENT. The question is on concurring in the report of the committee of conference.

The report was nonconcurred in.

Mr. PETTIGREW. I move that the Senate insist upon its amendments disagreed to by the House, and ask for a further conference on the disagreeing votes of the two Houses thereon.

The motion was agreed to.

By unanimous consent the Vice-President was authorized to appoint the conferees on the part of the Senate at the further conference, and Mr. PETTIGREW, Mr. TELLER, and Mr. COCKRELL were appointed.

FRANK D. ORME.

The VICE-PRESIDENT laid before the Senate the bill (H. R. 6172) authorizing the sale of the title of the United States in lot 5, square 1113, in the city of Washington.

Mr. CULLOM. This bill is an exact copy of one reported by the Senator from West Virginia [Mr. FAULKNER]. We had it up a day or two ago and the Senator from Nebraska [Mr. ALLEN] objected. He has since looked into the bill and says he has no further opposition. I ask that it may be put upon its passage.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. GEORGE. I should like to have an explanation of the bill.

Mr. CULLOM. The Senator from West Virginia [Mr. FAULKNER] explained it the other day.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. CULLOM. I move that the bill (S. 2083) authorizing sale of the title of the United States in lot 5, square 1113, in the city of Washington, be indefinitely postponed.

The motion was agreed to.

PRINTED COPIES OF PATENTS.

The VICE-PRESIDENT. The first case on the Calendar under the order adopted will be announced.

The bill (H. R. 6195) amending the statutes relating to the sale of printed copies of patents was considered as in Committee of the Whole. It proposes to amend section 493 of the Revised Statutes so as to read:

The price to be paid for uncertified printed copies of specifications and drawings of patents shall be determined by the Commissioner of Patents: *Provided*, That the maximum cost of a copy shall be 10 cents.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

UNCLAIMED FREIGHT IN THE DISTRICT.

The bill (H. R. 6663) relating to the sale of unclaimed freight, baggage, and other property in the District of Columbia, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CONTRACTS FOR NAVAL SUPPLIES.

The bill (H. R. 4179) to amend section 3719 of the Revised Statutes was considered as in Committee of the Whole.

Mr. GORMAN. I should like to ask the Senator in charge of the bill what it proposes to do.

Mr. CHANDLER. The bill provides that where there is a proposal for supplies, instead of exacting a guaranty signed by individuals, a certified check may be deposited.

Mr. GEORGE. I suggest whether there ought not to be inserted in the bill "certified check on a responsible bank."

Mr. CHANDLER. The bill is well guarded.

Mr. GEORGE. There is nothing of that sort in it.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

On motion of Mr. CHANDLER, the title was amended so as to read: "A bill to amend section 3719 of the Revised Statutes relative to guaranties on proposals for naval supplies."

RAILWAY PROPERTY IN INDIAN TERRITORY.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 5379) making it unlawful to shoot at or into any railway locomotive or car, or at any person thereon, or to throw any rock or other missile at or into any locomotive or car, and for other purposes, which had been reported from the Committee on the Judiciary with amendments. The first amendment was, in section 1, line 7, before the word "missile," to strike out "rock or other" and insert "dangerous"; so as to read:

That every person who, in the Indian Territory, shall willfully and maliciously shoot at or into any locomotive, caboose, postal car, passenger coach, express, or baggage car of any railway train, or at any person thereon, or shall throw any dangerous missile at or into any locomotive, caboose, postal car, passenger coach, express, or baggage car of any railway train, or at any person thereon, or shall derail or attempt to derail any locomotive or train, shall be deemed guilty of a felony.

The amendment was agreed to.

The next amendment was, in section 2, line 4, after the word "throw," to strike out "a stone or," and in line 5, before the word "missile," to strike out "other" and insert "dangerous"; so as to make the section read:

SEC. 2. That any person who, in the Indian Territory, shall willfully shoot at or into any freight, stock, postal, baggage, or other car of any railway train, whether such car is attached to a locomotive or not, or shall throw any dangerous missile at or into such car, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment not exceeding ninety days, or by fine not exceeding $300, or by both such fine and imprisonment.

The amendment was agreed to.

Mr. BERRY. Does the bill come from the Judiciary Committee?

The PRESIDING OFFICER (Mr. BURROWS in the chair). The bill was reported from the Committee on the Judiciary.

Mr. BERRY. By whom was it reported?

The PRESIDING OFFICER. It was reported by the Senator from Minnesota [Mr. DAVIS].

Mr. BERRY. Does it in any way change the jurisdiction of the courts in the Territory at this time, I should like to ask the Senator from Connecticut [Mr. PLATT]?

Mr. PLATT. It does not, I understand. It does not speak of jurisdiction at all.

Mr. BERRY. It does not affect the present jurisdiction and the present status there?

Mr. PLATT. I understand that it does not.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

On motion of Mr. PLATT, the title was amended so as to read: "A bill making it unlawful to shoot at or into any railway locomotive or car, or at any person thereon, or to throw any rock or other missile at or into any locomotive or car in the Indian Territory, and for other purposes."

STANDARD FOR DRY MEASURES.

The bill (H. R. 6833) defining the standard shape and size for dry measures in use in the District of Columbia, and for other

purposes, was announced as the next business in order on the Calendar, and was read.

Mr. KYLE. I should like an explanation as to why these articles can not be sold in any other way than by weight in the District of Columbia.

Mr. COCKRELL. That is the way they are sold all the time on the market. We are conforming to what is the usual way.

Mr. KYLE. That is true; but I understand that farmers come in from the country round about and bring their bushel measure and endeavor to sell their products on the street.

Mr. FAULKNER. It is to avoid the frauds that are perpetrated upon the people of the District, in which parties have been caught frequently, by having measures that have double bottoms, etc., that the law is proposed to be enacted.

Mr. KYLE. I understand that. I have seen the measures myself. At the same time the bill provides that these measures shall be of certain depth, width, etc. By providing that they shall not be sold in any other way than by weight, it forbids people who come from the country from selling upon the streets. I object to that feature of the bill.

The PRESIDING OFFICER. The Senator from South Dakota objects to the consideration of the bill, and it will be passed over.

DISTRICT WATER-MAIN TAXES.

The bill (S. 3379) to authorize the reassessment of water-main taxes in the District of Columbia, and for other purposes, was considered as in Committee of the Whole.

The bill was reported from the Committee on the District of Columbia with an amendment, to strike out all after the enacting clause and to insert:

That the Commissioners of the District of Columbia be, and they are hereby, authorized and directed, in all cases not exempted by this act, where water-main taxes or assessments in the District of Columbia have been quashed, set aside, or declared void by the supreme court of said District, or have been otherwise canceled or set aside, by reason of such tax or assessment not having been authenticated by the proper officer, to reassess all lots or parcels of ground in respect of such taxes or assessments, with power to assess and collect the same according to existing law relating to the assessment and collection of water-main assessments or taxes: *Provided*, That in cases where such assessments have heretofore been quashed or declared void by said supreme court, or have been otherwise canceled or set aside for the reason hereinbefore provided, the reassessment herein provided for shall be made within one year from the passage of this act: *And provided further*, That hereafter all water-main taxes or assessments in the District of Columbia shall be levied and authenticated by the Commissioners of the District of Columbia, who are hereby authorized to designate the official whose duty it shall be to notify the owner or agent of any lot or land of any water-main tax or assessment levied against such lot or land.

SEC. 2. That no water-main tax or assessment shall hereafter be assessed or reassessed upon any land without the limits of the city of Washington, held and used exclusively for agricultural purposes, or upon any unsubdivided land not used for business purposes: *Provided*, That this exemption shall not apply to any land into which Potomac water has been or shall be introduced from a public water main in the avenue, street, alley, or road on which the land abuts; and that where Potomac water shall hereafter be introduced said water-main tax or assessment shall be levied or assessed within thirty days after such introduction, and where Potomac water has been heretofore introduced the assessment or reassessment shall be made within ninety days after the passage of this act: *And provided further*, That in case of any land not subdivided into building lots the water-main tax or assessment provided for in this section shall be levied or assessed on a frontage of not exceeding 100 feet for each lot or parcel of land or premises into which Potomac water has been or shall be introduced, and this water-main tax or assessment shall be considered in any subsequent subdivision of such property as having extended on said lot or parcel of land or premises to a depth of 100 feet from the front on which levied or assessed.

SEC. 3. That in any assessment or reassessment made under the provisions of this act, the owner of any lot or parcel of land shall be credited with any amount which may have been heretofore paid upon any water-main tax or assessment levied against such lot or parcel of land.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill to authorize the reassessment of water-main taxes or assessments in the District of Columbia, and for other purposes."

Mr. PROCTOR. I move that the Senate request a conference with the House of Representatives on the bill and amendment.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate; and Mr. PROCTOR, Mr. FAULKNER, and Mr. MCMILLAN were appointed.

MICHAEL M'KENNA.

The bill (H. R. 3596) to remove the charge of desertion from the military record of Michael McKenna was considered as in Committee of the Whole. It proposes to remove the charge of desertion now standing upon the records of the War Department against the name of Michael McKenna, alias David Dunton, late of Company F, First United States Dragoons, and to grant him an honorable discharge, to date July 31, 1848.

Mr. CHANDLER. I will not ask that the report be read, but I will ask whether the evidence shows that the soldier did not desert as a matter of fact?

Mr. COCKRELL. He did not desert. He was simply a boy who had followed the Army all the way through Mexico, and when he got back to New Orleans his father went to him and took him home to stay all night by permission of the officers, and when he got back the next day the command was gone. It was after the close of the war.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CAPT. HENRY S. PRATT.

The bill (H. R. 2451) to correct the records of the War Department in the case of Capt. Henry S. Pratt was considered as in Committee of the Whole. It proposes to issue, in the name of Henry S. Pratt, late captain of Company A, Tenth New York Cavalry, an honorable discharge as of date the 18th day of May, 1863.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DIVORCE CASES IN TERRITORIES.

The bill (H. R. 5217) making one year's residence in a Territory a prerequisite to obtaining a divorce there was considered as in Committee of the Whole.

The bill was reported from the Committee on Territories with amendments, in line 3, after the word "for," to strike out "a" and insert "any"; in line 4, before the word "unless," to strike out "which occurred elsewhere"; and at the end of the bill to insert the following proviso:

Provided, That this act shall not affect any action duly commenced and pending at the date of the passage thereof.

So as to make the bill read:

Be it enacted, etc., That no divorce shall be granted in any Territory for any cause unless the party applying for the divorce shall have resided continuously in the Territory for one year next preceding the application: *Provided*, That this act shall not affect any action duly commenced and pending at the date of the passage thereof.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

THE DEATH PENALTY.

The bill (H. R. 878) to reduce the cases in which the penalty of death may be inflicted was announced as next in order.

Mr. TURPIE. I object to the further consideration of that bill.

The PRESIDING OFFICER. The bill will be passed over.

DRAINAGE OF LOTS IN THE DISTRICT OF COLUMBIA.

The bill (H. R. 7264) to provide for the drainage of lots in the District of Columbia was considered as in Committee of the Whole.

The Secretary read the bill.

Mr. PLATT. I should like to have a part of the first section read again.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

That each original lot or subdivisional lot situated on any street in the District of Columbia where there is a public sewer shall be connected with said sewer in such manner that any and all of the drainage of such lot, whether water or liquid refuse of any kind, except human urine and fecal matter, shall flow into said sewer; and if such original lot or subdivisional lot is situated on any street in said District where there is a public sewer and water main, such original lot or subdivisional lot shall be connected with said sewer and also with said water main in such manner that any and all of the drainage of such lot, whether water or liquid refuse of any kind, shall flow into said sewer.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

APPOINTMENT BY BREVET.

The bill (H. R. 3719) to provide for the appointment by brevet of active or retired officers of the United States Army was announced as next in order.

Mr. SEWELL. The senior Senator from Nebraska [Mr. ALLEN] desires time to look into the bill, and I am willing that it shall go over.

The PRESIDING OFFICER. The bill will be passed over.

RECORD OF INSTRUMENTS OF CONVEYANCE.

The bill (H. R. 227) requiring bills of sale, conditional sales, mortgages, or deeds of trust of chattels in the District of Columbia to be recorded was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LIEN FOR FREIGHT ON IMPORTED MERCHANDISE.

The bill (H. R. 6836) to amend section 2981 of the Revised Statutes of the United States as amended by the act of June 10, 1880, was announced as next in order.

Mr. PLATT. That bill seems to have been reported from the Committee on Finance without recommendation and at some time when I was not present. The chairman of the committee is not here, and I think it might as well be passed over. I should like to examine it myself.

The PRESIDING OFFICER. The bill will be passed over.

Mr. PLATT subsequently said: With regard to the bill which I asked to have passed over, I think that it was reported and the Committee on Finance was discharged with the intention of referring it to the Committee on Commerce. I ask that it may be so referred.

The PRESIDING OFFICER. The Senator from Connecticut asks that House bill 6836, which was reported without recommendation from the Committee on Finance, be referred to the Committee on Commerce. If there be no objection, it will be so referred.

THE PINTSCH COMPRESSING COMPANY.

The bill (H. R. 5790) to permit the Pintsch Compressing Company to lay pipes in certain streets in the city of Washington was announced as next in order.

Mr. TELLER. I think that had better go over until there is some one here from the committee.

Mr. FAULKNER. I hope there will be no objection to the bill.

Mr. TELLER. I do not object to it, as there is some one from the committee here.

Mr. FAULKNER. It is a bill that has no purpose except to connect pipes with certain railroads in order to supply to cars a peculiar kind of gas manufactured by this company. Everybody is, I think, in favor of it.

Mr. TELLER. I do not make any objection. I did not see any member of the committee present when I spoke.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SALE OF GAS IN THE DISTRICT OF COLUMBIA.

The bill (H. R. 6994) relating to the sale of gas in the District of Columbia was announced as next in order.

Mr. PLATT. We can not pass that bill this afternoon.

Mr. FAULKNER. The bill has been read and all the amendments of the committee have been adopted. The Citizens' Association, through their officers, called on me to-day and appealed to me to try to get it through, and it strikes me that we certainly ought to pass it. It is a very important measure to the people of this District, and the bill ought to be passed.

Mr. GEORGE. Is that the bill to which the Senator from Florida [Mr. CALL] objected?

Mr. FAULKNER. The Senator from Florida objected to it when I was absent. As I was stating, citizens of the District called upon me who have been fighting the gas company all along. Mr. Tucker, who is the attorney of the East Washington Association, and Mr. Frizzell, who I think has been president of it for years, urged me to-day to try to get the bill through.

Mr. GEORGE. What about Mr. Dodge?

Mr. FAULKNER. I have heard of Mr. Dodge on the gas subject for eight years.

Mr. GEORGE. He sent me some very important statistics, which I should like to spread before the Senate.

Mr. FAULKNER. Of course if Senators think they are representing the citizens and do not want the bill to pass, I will not insist.

Mr. KYLE. There will certainly be a great deal of discussion in regard to the bill. The people of the District of Columbia want $1 gas. This bill provides for gas the first year at $1.15 and then a fall to $1.10 and $1.05, covering a period of five years.

Mr. PLATT. I have objected to the bill because I knew it would cause discussion.

The PRESIDING OFFICER. Objection is made, and the bill will be passed over.

DONATION OF CANNON AND CANNON BALLS.

The bill (H. R. 7172) donating four condemned cannon and four pyramids of condemned cannon balls to the Soldiers' Monument Association of Allegan, Mich., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The bill (H. R. 8012) donating condemned cannon and cannon balls was considered as in Committee of the Whole.

The bill was reported from the Committee on Naval Affairs with an amendment, in line 11, after the word "balls," to insert "also, to donate one condemned cannon to the Allen M. Harmon Post, Grand Army of the Republic, at Northville, Mich."; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to deliver to Grand Army of the Republic post of Sparta, Ill., 1 condemned cannon and 5 cannon balls for the purpose of decorating the soldiers' monument in said place, and 2 condemned cannon and 5 cannon balls for the Grand Army of the Republic post at Morenci, Mich.; also, to donate to McDowell Post, Grand Army of the Republic, of Enid, Okla., 1 condemned cannon and 15 cannon balls; also, to donate 1 condemned cannon to the Allen M. Harmon Post, Grand Army of the Republic, at Northville, Mich.: *Provided*, That in the judgment of the Secretary of the Navy such articles can be spared without detriment to the public interests: *And provided further*, That the United States shall not be subjected to any expense on account of such donation.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The bill (H. R. 7140) granting to A. L. Robeson Post, No. 42, Grand Army of the Republic, of Bridgeton, N. J., 4 condemned cannon and 20 cannon balls was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The bill (H. R. 8013) donating one condemned cannon and cannon balls to Grand Army of the Republic, L. W. Cooper Post, Department of Missouri, No. 81, of Lathrop, Mo., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The bill (H. R. 7671) authorizing and directing the Secretary of the Navy to donate one condemned cannon and condemned cannon balls to U. S. Grant Post, No. 72, Grand Army of the Republic, of Washington, Ind., Department of Indiana, was considered as in Committee of the Whole.

Mr. CULLOM. I should like to offer as an amendment to that bill what I send to the desk.

The PRESIDING OFFICER. The amendment proposed by the Senator from Illinois will be stated.

The SECRETARY. It is proposed to add at the end of the bill:

Also two pieces of condemned cannon and four pyramids of condemned cannon balls to the St. Boniface Union Soldiers' Monument and Memorial Association, of Chicago, Ill., for the soldiers' monument now erected in St. Boniface Cemetery, Chicago, Ill.

The amendment was agreed to.

Mr. CHANDLER. I offer an amendment to come in after the amendment just adopted on the motion of the Senator from Illinois.

The PRESIDING OFFICER. The amendment submitted by the Senator from New Hampshire will be stated.

The SECRETARY. After the amendment just adopted, it is proposed to insert:

Also two cannon and pyramids of cannon balls to the Soldiers' Monument Association at Londonderry, N. H.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill authorizing and directing the Secretary of the Navy to donate one condemned cannon and condemned cannon balls to U. S. Grant Post, No. 72, Grand Army of the Republic, of Washington, Ind., Department of Indiana, and for other purposes."

STANDARD FOR DRY MEASURES IN THE DISTRICT.

Mr. KYLE. When the bill (H. R. 6833) defining the standard shape and size for dry measures in use in the District of Columbia, and for other purposes, was under consideration I raised an objection to it. The bill has been modified so that it is perfectly agreeable to me; and if the amendment be read and adopted I shall be perfectly satisfied with the bill.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was reported from the Committee on the District of Columbia with amendments.

The first amendment was, in section 2, line 2, after the word "pounds," to insert "when sold by wholesale and 56 pounds when sold by retail"; and in line 4, after the word "weight," to strike out "be subject to the same penalty as that provided for in section 1" and insert "under a penalty of $5 for each offense, to be recovered in the police court of the District of Columbia, in the name of the said District, in the same manner as other fines and penalties are recovered"; so as to make the section read:

SEC. 2. That the lawful weight of a bushel of potatoes shall be 60 pounds when sold by wholesale and 56 pounds when sold by retail, and that hereafter all sales thereof shall be made by weight, under a penalty of $5 for each offense, to be recovered in the police court of the District of Columbia, in the name of the said District, in the same manner as other fines and penalties are recovered.

The amendment was agreed to.

Mr. KYLE. Now I offer the amendment I send to the desk.

The PRESIDING OFFICER. The proposed amendment will be stated.

The SECRETARY. In section 2, line 1, after the word "That," it is proposed to insert "when potatoes are sold by weight."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

DONATION OF CONDEMNED CANNON.

The bill (H. R. 8077) granting to Budlong Post, Grand Army of the Republic, Westerly, R. I., two condemned mounted brass cannon was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The bill (H. R. 7100) to donate 8 condemned cannon and 100 cannon shot to the Grand Army of the Republic Cemetery Association of Colorado was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The joint resolution (H. Res. 122) authorizing the Secretary of the Navy to deliver condemned cannon to Chamberlain Post, Grand Army of the Republic, to be posted by the soldiers' monument at St. Johnsbury, Vt., was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN N. QUACKENBUSH.

The bill (H. R. 6739) for the relief of John N. Quackenbush, late a commander in the United States Navy, was announced as next in order.

Mr. PLATT. I have heard so much about that case that I do not think we can act upon it this afternoon.

Mr. COCKRELL. Let it be passed over.

The PRESIDING OFFICER. It will be passed over.

ESTATE OF GEORGE CASE.

The bill (H. R. 2740) to carry into effect a finding of the Court of Claims in favor of the estate of George Case, late of Independence County, Ark., was considered as in Committee of the Whole.

Mr. CHANDLER. I ask that the report made in that case may be read.

The PRESIDING OFFICER. The report will be read.

The Secretary read the following report, submitted by Mr. BURROWS May 5, 1896:

The Committee on Claims, to whom was referred House bill 2740, beg leave to report that the amount carried by the bill was found due the claimant by the Court of Claims, as appears by the following finding of facts:

[Court of Claims. Congressional, No. 575. Sarah Case, administratrix, vs. The United States.]

This case, being a claim for supplies or stores alleged to have been taken by or furnished to the military forces of the United States for their use during the late war for the suppression of the rebellion, the court, on a preliminary inquiry, finds that George Case (since deceased), the person alleged to have furnished such supplies or stores, or from whom the same are alleged to have been taken, was loyal to the Government of the United States throughout said war.

BY THE COURT.

Filed April 29, 1889.

—

[Court of Claims. No. 575. Sarah Case, administratrix of George Case, deceased, vs. United States.]

STATEMENT OF CASE.

The claim in the above-entitled case for supplies or stores alleged to have been taken by or furnished to the military forces of the United States for their use during the late war for the suppression of the rebellion was transmitted to the court by the Committee on War Claims of the House of Representatives on the 4th day of March, 1889.

Mr. R. A. Berton, esq., appeared for claimant, and the Attorney-General, by Felix Brannigan, esq., his assistant, and under his direction, appeared for the defense and protection of the interests of the United States.

On a preliminary inquiry the court, on the 29th day of April, 1889, found that the person alleged to have furnished the supplies or stores, or from whom they were alleged to have been taken, was loyal to the Government of the United States throughout said war.

The case was brought to a hearing on its merits on the 14th day of February, 1894. The claimant in her petition makes the following allegations:

That during the war there was taken from the intestate the following stores and supplies of the value stated and of which he was the owner, to wit:

1 mule	$150.00
2 mules	300.00
2 wagons	250.00
1 set double harness	40.00
1 platform scales	40.00
2 pairs counter scales	24.00
6 pairs harness hames	7.50

The court, upon the evidence and after considering the briefs and arguments of counsel on both sides, makes the following

FINDING OF FACT.

There were taken from the claimant's intestate, near Batesville, Ark., as alleged in the petition, during the late war for the suppression of the rebellion, by military authority for the use of the Army, quartermaster stores the reasonable value of which at the time and place of taking was $475.

BY THE COURT.

Filed April 2, 1894.
A true copy.
Test this 4th day of April, 1894.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Your committee report back the bill and recommend its passage.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NATIONAL UNIVERSITY.

The bill (H. R. 4785) to incorporate the National University was announced as next in order.

Mr. CULLOM. Let that go over.

Mr. KYLE. The Senator from Minnesota asked me to have this bill waived for the time being.

The PRESIDING OFFICER. The bill will be passed over.

HENRY H. SCHRAWDER.

The bill (H. R. 128) for the relief of Henry H. Schrawder was considered as in Committee of the Whole. It directs the Secretary of War to correct the military record of Henry H. Schrawder, late a member of Company E, Second Battalion Fifteenth Regiment United States Infantry, and to grant him an honorable discharge; and vacates and sets aside the proceedings of court-martial finding him guilty of absence without leave and desertion.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FORT SULLY MILITARY RESERVATION.

Mr. PETTIGREW. I ask the Chair to lay before the Senate the message of the House of Representatives returning House bill 7324.

The PRESIDING OFFICER laid before the Senate the bill (H. R. 7324) to authorize and empower the State of South Dakota to select the Fort Sully Military Reservation in said State as a part of the lands granted to the State under the provisions of an act to provide for the admission of South Dakota into the Union, approved February 22, 1889, and for indemnity school lands, and for other purposes, which had been returned from the House of Representatives in compliance with the request of the Senate.

Mr. PETTIGREW. I move that the Senate reconsider the votes by which the bill was ordered to a third reading and passed.

The motion was agreed to.

Mr. PETTIGREW. I now ask for the immediate consideration of the bill, and I desire to submit an amendment to it.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 7324) to authorize and empower the State of South Dakota to select the Fort Sully Military Reservation in said State as a part of the lands granted to the State under the provisions of an act to provide for the admission of South Dakota into the Union, approved February 22, 1889, and for indemnity school lands, and for other purposes.

Mr. PETTIGREW. I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. After the words "date of," in line 24, it is proposed to strike out "filing of the plat of survey of any township in any local land office of said State" and insert "the passage of this act."

The amendment was agreed to.

The bill was ordered to a third reading, read the third time, and passed.

RAILROAD BRIDGE NEAR GRAFTON, ILL.

The bill (H. R. 7973) to establish a railroad bridge across the Illinois River near Grafton, Ill., was considered as in Committee of the Whole.

Mr. CULLOM. I desire to inquire if there were any amendments reported to that bill by the Senate committee?

The PRESIDING OFFICER. The Chair is informed that there are no amendments to the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DISTRICT APPROPRIATION BILL.

The bill (H. R. 5210) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1897, and for other purposes, was announced as next in order.

Mr. GALLINGER. That seems to be the District appropriation bill, which I presume we do not wish to consider now.

The PRESIDING OFFICER. The bill will be passed over.

DISTRICT HARBOR REGULATIONS.

Mr. GALLINGER. I wish to call attention to Order of Business 968, which is the bill (S. 2897) to establish certain harbor regulations for the District of Columbia, which the Commissioners are very desirous to have passed. I reported a House bill this morning in identically the same language, which I will ask to

have considered instead of the Senate bill, if there is no objection, and I presume there is none.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 8532) to establish certain harbor regulations for the District of Columbia.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. GALLINGER. I now move that Senate bill 2987, on the same subject, be indefinitely postponed.

The motion was agreed to.

DONATION OF CONDEMNED CANNON.

Mr. CARTER. I move that the Senate proceed to the consideration of executive business.

Mr. COCKRELL. I hope the Senator will withdraw that motion. There are a half dozen or more bills in which Senators are interested—I am not interested, nor is my State—but they are simply bills appropriating condemned cannon and they are all in the same form. They are the next ones on the Calendar, and I hope they will be disposed of. They will only consume a few moments of time.

Mr. CARTER. Very well; I withdraw the motion.

The bill (H. R. 7143) granting to the Soldiers and Sailors' Monument Association of the county of Middlesex, in the State of New Jersey, 4 condemned cannon and 30 cannon balls was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The bill (H. R. 7216) donating one condemned cannon and cannon balls to the Grand Army of the Republic Post, No. 573, of Evans City, Pa., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The bill (H. R. 8266) donating two condemned cannon to Custer Post, No. 38, Grand Army of the Republic, of Etna, Pa., and two condemned cannon to James G. Clark Post, No. 162, Grand Army of the Republic, of Allegheny, Pa., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The bill (H. R. 4324) authorizing the Secretary of Navy to deliver one condemned cannon to the city of Elmwood, Peoria County, Ill., was considered as in Committee of the Whole.

Mr. GALLINGER. I desire to offer an amendment to the bill.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. It is proposed to insert after the word "city," in line 6:

And also two condemned cannon and a pyramid of cannon balls to the State Soldiers' Home at Tilton, N. H.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

On motion of Mr. GALLINGER, the title was amended so as to read: "A bill authorizing the Secretary of Navy to deliver one condemned cannon to the city of Elmwood, Peoria County, Ill., and for other purposes."

The bill (H. R. 4557) authorizing and directing the Secretary of the Navy to donate two pieces of condemned cannon and four pyramids of condemned cannon balls to the St. Boniface Union Soldiers' Monument and Memorial Association, of Chicago, Ill., was announced as the next business in order on the Calendar.

Mr. CULLOM. This is the bill which was attached to another bill in the shape of an amendment. Let this bill be indefinitely postponed.

The PRESIDING OFFICER. The bill will be indefinitely postponed.

The bill (H. R. 6666) granting to Maj. C. A. Angel Post, No. 20, Grand Army of the Republic, of Lambertville, N. J., 4 condemned cannon and 20 cannon balls, was considered as in Committee of the Whole.

Mr. DUBOIS. I move to amend the bill by inserting what I send to the desk.

The SECRETARY. After the word "city," in line 8, it is proposed to insert "and also four condemned cannon and suitable pyramids to the Soldiers' Home at Boise City, Idaho."

The amendment was agreed to.

Mr. SEWELL. I move to amend the bill by inserting "eight condemned cannon and suitable pyramids to the State Soldiers' Home in New Jersey."

Mr. CHANDLER. I should like to ask the Senator from Kentucky [Mr. BLACKBURN] a question. Has the Senator from Kentucky any information that I do not possess—and I confess I have very little—as to the number of condemned cannon which are available by the Navy Department, and also more especially with respect to the number of available cannon compared with the propositions that are pending, either in this or the other House, for donations of such cannon to the various cemeteries and Grand Army posts?

I think that before asking the Senator to answer the question I ought to say that the bills far outnumber the cannon. The Committee on Naval Affairs has reported a general bill, which is upon the Calendar here, authorizing the Secretary of the Navy to give away all the condemned cannon that are possessed by the Navy Department, and notwithstanding the fact that the bill is upon our Calendar we do not pass it. We go on passing special bills. I think there is going to be disappointment somewhere in this connection.

Mr. HILL. Will the Senator from New Hampshire allow me? The general bill referred to has passed the Senate.

Mr. CHANDLER. Is the Senator from New York sure of that?

Mr. HILL. The general bill has passed the Senate and is in the other House. The House has not taken up the bill for divers reasons.

Mr. SEWELL. I will withdraw my amendment under the circumstances.

Mr. CHANDLER. I do not wish to do anything——

Mr. DUBOIS. I desire to state, in reference to what the Senator from New Hampshire [Mr. CHANDLER] and the Senator from New York [Mr. HILL] have said, that I believe it is the desire of the Naval Affairs Committee that a general bill shall be passed leaving it discretionary somewhat with the Secretary of the Navy in regard to these matters. Such a bill would take the place, more or less, of these special bills.

Mr. CHANDLER. I think I ought to say that the Senator from New York is right. The bill that I had in mind is Senate bill 2017.

Mr. HILL. I made the inquiry of members of the House as to why the bill was not taken up. I think really we ought not to pass any more of these special bills, and make an additional pressure upon the other House to take up the general bill and pass it. I am advised that the passage of such special bills can do no harm, and it prevents any great amount of mischief being done by other legislation.

Mr. BLACKBURN. I desire to offer an amendment, but I wish first to answer the question submitted to me by the Senator from New Hampshire [Mr. CHANDLER]. I have no information that is authentic in this matter as to the number of condemned cannon now at the disposal of the Navy Department, but I have information that satisfies me of the fact that it is less than a hundred. I think it is somewhere between eighty and ninety. I do not know; I have not kept a tally sheet this afternoon, but I think we have passed private bills appropriating some seven or eight hundred instead of eighty-odd.

However, I want to offer the amendment in order to assert the loyalty in my State. If these private bills are going through I wish to have 10 cannon for Fort Thomas merely for ornamental purposes. The bill has passed the House, No. 7777, and I offer it as an amendment to the pending bill. I agree with the Senator from New York [Mr. HILL] that the general bill which the Senate has already passed should be dealt with by the other House, and we should leave it to the discretion of the Secretary to apportion the cannon as best he can.

Mr. SEWELL. I withdrew the amendment I offered to the bill after I noticed what the bill is, simply because I want the bill to take effect at as early a day as possible, giving cannon to this post. It is a recent organization, and it desires to have a celebration on the 30th of the month, and if the amendments are inserted it probably will not have them in time, as the bill will not get through the other House as amended in due season.

Mr. BLACKBURN. If the amendment I offered in any way embarrasses the Senator from New Jersey I will ask to withdraw it.

Mr. SEWELL. The Senator is very kind. It does embarrass me. I ask the Chair if any amendment has been adopted.

The PRESIDING OFFICER. The amendment proposed by the Senator from Idaho [Mr. DUBOIS] was agreed to.

Mr. SEWELL. I ask the Senator from Idaho to withdraw it.

Mr. DUBOIS. I will oblige the Senator from New Jersey by withdrawing the amendment.

The PRESIDING OFFICER. The amendment will be considered as reconsidered and withdrawn.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The bill (H. R. 6256) authorizing and directing the Secretary of the Navy to furnish to George F. Fuller Post, Grand Army of the Republic, of Manistique, Mich., a condemned cannon was considered as in Committee of the Whole.

Mr. DUBOIS. I offer the amendment which I send to the desk.

The SECRETARY. After the word "cannon," in line 7, it is proposed to insert "and also four condemned cannon and a suitable pyramid of cannon balls to the State Soldiers' Home at Boise City, Idaho."

The amendment was agreed to.

Mr. BLACKBURN. Unless it embarrasses some Senator, I will ask to renew the amendment which I heretofore offered.

The SECRETARY. It is proposed to add after the amendment just adopted:

And also 10 pieces of condemned cannon for ornamental purposes for Fort Thomas, Ky.

The amendment was agreed to.

Mr. BAKER. I offer the amendment which I send to the desk.

The SECRETARY. It is proposed to insert after the amendment just adopted:

And also two condemned cannon and four pyramids of cannon balls to the Grand Army post at McLauth, Kans.

The amendment was agreed to.

Mr. WARREN. I wish to say that while we have a number of Grand Army of the Republic posts we have only one Soldiers' Home in our State, that at Cheyenne, and I wish to offer an amendment, a duplicate of that offered by the Senator from Idaho [Mr. DUBOIS], except to make it applicable to the Soldiers' Home at Cheyenne, Wyo.

Mr. CARTER. I offer the amendment which I send to the desk.

The SECRETARY. It is proposed to add after the amendment just adopted:

And also 10 pieces of condemned cannon and 50 cannon balls to the Montana State Soldiers' Home.

The amendment was agreed to.

Mr. CHANDLER. I offer the amendment which I send to the desk.

The SECRETARY. After the amendment just adopted it is proposed to insert:

And all remaining condemned cannon possessed by the Navy Department to the National Grand Army of the Republic.

Mr. HILL. That would exclude Soldiers' Homes throughout the country, would it not? There are a few which are not yet provided for especially by private bills.

Mr. CHANDLER. I do not think there will be any remnant to be disposed of after the bills which have been passed become laws, but I can think of no more appropriate disposition to make of any chance remnant than to give them to the Grand Army of the Republic.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New Hampshire [Mr. CHANDLER].

The amendment was agreed to.

Mr. WARREN. I offer the amendment which I send to the desk.

The SECRETARY. It is proposed to insert after the amendment just adopted:

And also four condemned cannon and four pyramids of cannon balls to the Soldiers' Home at Cheyenne, Wyo.

The amendment was agreed to.

Mr. KYLE. I offer the amendment which I send to the desk.

The SECRETARY. It is proposed to add after the amendment last adopted:

And also two condemned cannon, with suitable pyramids of cannon balls, to the Soldiers' Home at Hot Springs, S. Dak.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

On motion of Mr. BAKER, the title was amended so as to read: "A bill authorizing and directing the Secretary of the Navy to furnish to George F. Fuller Post, Grand Army of the Republic, of Manistique, Mich., a condemned cannon, and for other purposes."

UNIFORM SYSTEM OF BANKRUPTCY.

The bill (H. R. 8110) to establish a uniform law on the subject of bankruptcies throughout the United States was announced as the next business in order on the Calendar.

Mr. FAULKNER and Mr. COCKRELL. Let the bill be passed over.

The PRESIDING OFFICER. The bill will be passed over.

LIFE-SAVING STATION AT PORT HURON, MICH.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 8260) to authorize the establishment of a life-saving station at Port Huron, on the coast of Lake Huron, Michigan, which had been reported from the Committee on Commerce with amendments. The amendments were, in line 4, after the word "station," to strike out "on the light-house reservation belonging to the United States"; in line 5, before the word "port," to insert "or near"; and in line 6, after the word "Michigan," to insert "at such point as the General Superintendent of the Life-Saving Service may recommend"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and is hereby, authorized to establish a life-saving station at or near Port Huron, on the coast of Lake Huron, in the State of Michigan, at such point as the General Superintendent of the Life-Saving Service may recommend.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. NELSON. I move that the Senate request a conference with the House of Representatives on the bill and amendments.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate, and Mr. NELSON, Mr. PASCO, and Mr. MCMILLAN were appointed.

MANUFACTURE AND SALE OF FILLED CHEESE.

The bill (H. R. 8008) defining cheese, and also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of filled cheese was announced as the next business in order on the Calendar.

Mr. COCKRELL. Let it be passed over.

The PRESIDING OFFICER. Objection is made, and the bill will be passed over.

F. ALBERTS & CO.

The bill (H. R. 5388) for the relief of F. Alberts & Co., Muskegon, Mich., was considered as in Committee of the Whole. It proposes to pay $435.67 to F. Alberts & Co., of Muskegon, Mich., for money wrongfully collected from them on a claim timber trespass.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BENJAMIN F. JONES.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 7161) for the relief of Benjamin F. Jones, which had been reported from the Committee on Post-Offices and Post-Roads with amendments, in line 7 to strike out "97" and insert "50," and in line 8 to strike out all after the word "dollars" and insert:

In full compensation for all services and expenses in carrying and distributing the mails between Wesson and Beauregard, in the State of Mississippi, in 1883.

So as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to cause to be paid to the said Benjamin F. Jones, late postmaster at Beauregard, Miss., or to his order, out of such money in the Treasury of the United States not otherwise appropriated, the sum of $50, in full compensation for all services and expenses in carrying and distributing the mails between Wesson and Beauregard, in the State of Mississippi, in 1883.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

The Committee on Post-Offices and Post-Roads reported an amendment to strike out the preamble, which was agreed to.

PROTECTION OF TRADE NAMES.

The bill (H. R. 4580) to amend section 3649 of the Revised Statutes was announced as the next business in order on the Calendar.

Mr. CHANDLER. The member of the Committee on Finance who reported the bill is not present. I shall desire an explanation of it when it is taken up, and I therefore object to its consideration at this time.

The PRESIDING OFFICER. Objection being made, the bill will be passed over. That disposes of the order of the Senate.

GROUND MAP OF THE UNITED STATES.

Mr. CANNON. I ask unanimous consent for the present consideration of the joint resolution (S. R. 135) providing for the appointment of a commission to report upon the practicability of establishing near Washington, D. C., a ground map of the United States.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

Mr. CHANDLER. I do not object, but I shall object to any further business.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

Mr. CANNON. In line 12, page 2, after the word "area," I move to insert "or on such scale as it may be possible to comprise within the reclaimed or Potomac Flats."

Mr. KYLE. Does that carry an appropriation?

Mr. CANNON. It carries no appropriation.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Utah [Mr. CANNON].

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. CHANDLER. I move that the Senate proceed to the consideration of executive business.

Mr. COCKRELL. It is very late. It is 6 o'clock; let us adjourn.

Mr. CHANDLER. Very well; I withdraw the motion.

Mr. COCKRELL. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 57 minutes p. m.) the Senate adjourned until to-morrow, Thursday, May 14, 1896, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *May 13, 1896.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read and approved.

DONATION OF CONDEMNED CANNON.

Mr. PITNEY obtained the floor.

Mr. WHEELER. I rise to a question of privilege.

The SPEAKER. The gentleman from New Jersey [Mr. PITNEY] has been recognized on a question of privilege.

Mr. PITNEY. I will state the matter which I wish to bring to the attention of the House. On day before yesterday House bill No. 8495 was passed by this House. It is a bill in the usual form donating to John Hill Post, No. 86, of Boonton, N. J., 4 condemned cannon and 20 cannon balls. The bill had been favorably reported by the Committee on Naval Affairs, and was passed by the House, as I have stated. Later in the same day the gentleman from Kentucky [Mr. EVANS] entered a motion to reconsider the vote by which that bill was passed. He having made that motion, the rules gave him the sole right to call it up at any time during the day it was made or during the succeeding day, ended yesterday. He has not done so. I desire now to call it up for the purpose of asking the House to lay the motion to reconsider on the table. If the gentleman from Kentucky [Mr. EVANS], whom I now see in his place, has no objection, I will ask an immediate vote. I do not care to detain the House by any statement unless the gentleman wishes to say something.

Mr. EVANS. I have an objection; but I think the matter can be very easily arranged.

Mr. PITNEY. I am unable to hear the gentleman.

Mr. EVANS. I say that for the present I have an objection, though I think the matter can be very easily arranged between the gentleman and myself, if he will be a little patient and wait, say, until to-morrow morning.

The SPEAKER. The gentleman from New Jersey [Mr. PITNEY] calls up the motion to reconsider. Has any gentleman any motion to make?

Mr. PITNEY. I am ready to make a motion to lay the motion to reconsider on the table. I do not care for any discussion unless the gentleman from Kentucky thinks that some discussion is necessary.

Mr. EVANS. I do not know whether the gentleman from New Jersey understood what I just said or not.

Mr. PITNEY. I did not hear what the gentleman said.

Mr. EVANS. I said that I have an objection to the matter being taken up now, but I think that the gentleman from New Jersey and myself can very easily arrange this matter by to-morrow morning. I entered the motion for reconsideration with the view of calling the attention of the House to certain matters connected with this question; but I do not know that I shall insist even upon that. If the matter be left open until to-morrow morning, it can probably be very easily settled.

Mr. PITNEY. I regret that it will not be convenient for me to be here to-morrow morning.

Mr. EVANS. Well, whether the gentleman be here or not, I think the matter can be arranged by to-morrow morning so that I may withdraw the motion to reconsider.

Mr. MCMILLIN. If the gentleman from New Jersey should not be here, I presume the matter could be postponed until he will be here.

Mr. EVANS. Even if he should not be here, I have no doubt the matter may be arranged so that I can withdraw the motion.

Mr. PITNEY. I prefer that the matter should be disposed of now, without consuming any more of the time of the House than I have already occupied.

Mr. EVANS. If the gentleman prefers to have the matter disposed of now, I shall ask that the action of the House be withheld until I can be heard. If the gentleman is not willing to allow the matter to go over until to-morrow morning, so that he and I may talk it over and so that the motion to reconsider may be withdrawn, as I have no doubt we can arrange it shall be, then I shall ask that the gentleman's motion to lay on the table the motion to reconsider be voted down.

Mr. PITNEY. Several times since the gentleman entered his motion to reconsider I have approached him with the purpose of ascertaining his wishes in regard to the disposition of the motion. He has at no time expressed any preference with regard to it. I can not conceive of any matter involved here that requires any debate or should call for the consumption of ten minutes of the time of the House. The bill in question is a bill granting condemned cannon and cannon balls to a Grand Army post in my district for the purpose of decorating a soldiers' monument in the town of Boonton. It is a bill exactly similar in form to those of like purpose which have passed this House. I can conceive of no objection to it, reasonable or unreasonable. The bill has been passed without objection. The motion to reconsider prevents the bill from being acted on by the Senate. I desire to have the motion to reconsider tabled, in order that the bill may be released, so that it may go over into the Senate.

Mr. DOCKERY. Why not make that motion now?

Mr. PITNEY. I do not wish to cut the gentleman from Kentucky off, and will yield to him if he wants time, retaining the floor myself.

Mr. EVANS. If the gentleman desires it, I will——

Mr. PITNEY (continuing). Because I can not attend to it to-morrow morning.

Mr. EVANS. If the gentleman desires it, I will state to the House what I would have stated to him between now and to-morrow morning, before taking the action which I proposed to take with reference to the motion.

Mr. PITNEY. I do not wish to stifle debate on this question. It has been suggested to me to move now to lay on the table the motion to reconsider. I do not wish to make that motion at once, if the gentleman from Kentucky desires to be heard. If I can do so, I will still retain the floor and yield to the gentleman from Kentucky for an explanation, but not for a motion.

Mr. EVANS. Mr. Speaker, I have no objection whatever to the bill of the gentleman from New Jersey on its merits. When I asked unanimous consent a few days ago for the present consideration of a private bill—a bill concerning the interests of individuals in my district—without what seemed to me to be any adequate reason, the gentleman from New Jersey objected to its consideration, and I was prevented from getting it before the House. I thought, under the circumstance, that it was no more than due to myself and to my people, if he objected to the consideration of private measures concerning them, that I should take precisely the same position with reference to matters in which he and his people were interested; in other words, that the people of my district should have precisely the same degree of justice as his people had. So, when he made a motion or request for the present consideration of a bill I, as I had a right to do, objected to it, and of course without that unanimous consent asked by him the bill could not be considered.

Now, Mr. Speaker, since that objection was entered and the gentleman withdrew from the effort to secure its consideration at that time and I, having business elsewhere, had left the House, shortly afterwards he got a colleague of his to ask unanimous consent for the present consideration of another bill, and when that consent was given for the present consideration of another bill and it was passed, the gentleman asked to substitute this bill for the one that he had already succeeded in getting passed, and in that way the gentleman's bill was given unanimous consent and was passed by the House.

Now, I shall not characterize that proceeding as anything wrong; I do not know whether it was or was not; I do not pretend to say; but I do think that it was due to the House that there should have been perfect frankness about it. When I looked at the RECORD the next day I found none of these things, but I have before me the original notes of the stenographer setting out exactly what occurred as I have stated it.

Now, because of that, and only because of that, I entered the motion to reconsider the vote by which the bill was passed, in order that I might direct the attention of the House to the matter and the manner in which the unanimous consent was obtained. I do not and did not care to indulge in any child's play about this bill or any other bill, but my only object was to protect my district, and to insist that the people whom I represent should have the same privileges on the floor of the House as those represented by the gentleman from New Jersey. And I intended, and shall do it before I sit down—I intended when the matter came up to make this explanation of why I had made this objection, and to say to the people of the Grand Army that the gentleman from New Jersey represents that they would have no obstruction from me in the passage of a simple bill to give them a few condemned cannon. But, as I have said to the gentleman from New Jersey, it was my purpose to have said these things to the gentleman between now and to-morrow morning, and to withdraw the motion for reconsideration, instead of taking the time of the House with this explanation.

Having made that statement, I now do what I intended to and what I would have done if the gentleman had waited until to-morrow morning. I withdraw the motion.

Mr. PITNEY. I will ask the gentleman to let me see the stenographer's notes to which he has referred.

Mr. EVANS (handing them to him). Here they are.

The SPEAKER. The question is on the motion——

Mr. PITNEY. I should like to be heard for a few moments, Mr. Speaker. I yielded the floor to the gentleman from Kentucky for the purpose of an explanation and not for a motion, or the withdrawal of the motion to reconsider, that being now the pending motion.

Mr. RICHARDSON. It is impossible for us back here to hear what is going on.

The SPEAKER. The House will please be in order, and gentlemen will take their seats. The gentlemen in the aisles in front of the Chair will be seated.

Mr. EVANS. Mr. Speaker——

The SPEAKER. The Chair will insist that gentlemen resume their seats.

Mr. EVANS. Mr. Speaker, I only wanted to say, if the gentleman wants to make an explanation, I will withhold my motion to withdraw the motion to reconsider in order that he can make it. I do not desire to cut him off.

Mr. PITNEY. I should not have occupied the time of the House with a discussion about this very small matter, except that the gentleman from Kentucky has deemed it necessary to explain to the House the reason why he objected to my bill, which I had introduced, a bill granting four condemned cannon and a few cannon balls to a Grand Army post in my district. But since he has thought it necessary to explain the reason why he objected to the consideration of that bill, since he has put it upon the ground on which he has put it, and has called attention to other matters concerning the passage of the bill through this House, I deem it necessary to occupy a few moments in an explanation.

The commencement of this episode, as the gentleman from Kentucky [Mr. EVANS] has now explained, and explained in a manner that I should not have taken the liberty to state without his open admission upon the floor of this House, was on a week ago last Monday, when the gentleman from Kentucky asked unanimous consent for the present consideration of a bill introduced by himself for the relief of Samuel McKee. The proceedings which then transpired are found in the CONGRESSIONAL RECORD of May 4, 1896, upon page 4793, and in order that these proceedings may appear now in the RECORD, side by side with the present transaction, I ask unanimous consent, without reading it, to print in the RECORD this extract from the RECORD, relating to the consideration of the bill for the relief of Samuel McKee. If there is objection, Mr. Speaker, I will ask the Clerk to read it in my time.

The SPEAKER. The gentleman asks unanimous consent to print in the RECORD the passage which he has described. Is there objection?

There was no objection.

The matter referred to by Mr. PITNEY is as follows:

SAMUEL M'KEE.

Mr. EVANS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 467) for the relief of Samuel McKee.

The bill was read, as follows:

"*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Samuel McKee the sum of $1,718, for expenses incurred by him in a contest for his seat in the Fortieth Congress."

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. PITNEY. Reserving the right to object, I should like to hear the report or some statement concerning the bill.

Mr. COX. Let the report be read.

The SPEAKER. The Clerk will read the report.

The report (by Mr. COLSON) was read, as follows:

"The Committee on Claims, to whom was referred the bill (H. R. 467) to pay to Hon. Samuel McKee the sum of $1,718 for expenses incurred by him in a contest for his seat in the Fortieth Congress, from the Ninth Congressional district of the State of Kentucky, have had the same under consideration and submit the following report:

"Your committee find that said McKee's right to a seat in the Fortieth Congress was contested by Hon. J. D. Young; that issues were joined, evidence was taken, and a hearing was had before the Elections Committee of the House, and that the seat was awarded to said McKee.

"The committee further find from the proofs in the case that the said McKee in his said contest incurred, necessarily, expenses amounting to the sum of $1,718, as appears from the itemized account of the said McKee duly verified.

"It further appears that no part of said sum has ever been paid.

"The committee also find that Hon. John D. Young has been paid the sum of $2,500 for his expenses incurred in said contest.

"This claim was before the Committee on Elections of the House in the Forty-eighth Congress, and was favorably acted upon by said committee, but no action was had by the House.

"Your committee would therefore report back the bill and recommend that it do pass."

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BAILEY. Mr. Speaker, I desire to reserve the right to object.

Mr. EVANS. I should like to explain the bill, because I want everybody to know what it is. I think there will be no objection when the bill is understood.

In the Fortieth Congress the Hon. John D. Young held a certificate of election as a member of this House from the Ninth district of Kentucky, but was never sworn in. McKee contested his right to the seat and was given the place. He presented at the time no account for expenses of contest. Mr. Young was, by resolution of the House, on the 11th of May, 1869, directed to be paid $2,500 for expenses of contest. The Committee on Accounts paid him $1,500. June 24, 1874, an act was passed giving him $1,000, the difference between $2,500 and the $1,500 paid by the Committee on Accounts. Again, on March 3, 1880, by action of that date, he was paid $6,865, his salary as a member of the House up to the date McKee was awarded the seat, although he (Young) had never served. He was never admitted to the Fortieth Congress at all, and on the contest it was held that McKee had a majority of the votes legally cast.

In 1881, Mr. McKee's attention being called to the fact that Mr. Young had been paid the salary and $2,500 for expenses of the election contest, he made out his account and presented it, and it was referred to the Committee on Elections. It was thought that it ought to go to a different committee, and at the next session it was presented to the Committee on Claims. From that date to this, in several Congresses, committees of one House or the other have reported this claim favorably, always recognizing the justice of it.

Mr. SAYERS. Will the gentleman inform the House how it was that Young was not awarded his seat, and yet afterwards received pay as a member? What was the ground of his rejection?

Mr. EVANS. Young was not awarded the seat originally because he did not take the test oath and could not take it. On the subsequent contest McKee was held to have received a majority of the votes.

Mr. MILES. Why could not Mr. Young take the oath?

Mr. EVANS. Because he had given aid and comfort to the rebellion. It was shortly after the war. He was therefore not admitted on the prima facie certificate, and when the contest was subsequently determined it was decided that he was not elected.

Mr. PITNEY. What was the date of this election?

Mr. EVANS. To the Fortieth Congress. It was shortly after the war.

Mr. PITNEY. That would be thirty years ago, now?

Mr. EVANS. But this bill has never been paid.

Mr. PITNEY. And he never presented any claim until 1881?

Mr. EVANS. He has been presenting this claim ever since the Forty-seventh Congress.

Mr. PITNEY. I think it is too stale, and I shall have to object.

Mr. EVANS. I hope the gentleman will not do that. It is a perfectly just claim. I know this man well. He lives in my town, and he needs the money.

Mr. PITNEY. He made no statement of the claim at the time?

Mr. EVANS. He presented his claim as soon as he knew the other man had been paid, who was not entitled to the seat at all.

Mr. PITNEY. Because a previous Congress has passed a wrong bill that is no reason why we should.

Mr. EVANS. This is the only case where the expenses of a contestant have not been paid. I sincerely hope that my friend will withdraw his objection, because this is clearly a perfectly just and proper claim against the Government. The fact that it has not been paid for a long time by no manner of means diminishes the force of the claim.

Mr. MILES. What is the amount of the claim?

Mr. EVANS. About $1,700. I speak with assurance when I say this gentleman is entitled to this money and needs it, and I do sincerely hope no member of this House will object.

Mr. PITNEY. I shall have to object. I do not think the statement is satisfactory.

Mr. BAILEY. I assume from the fact that the committee recommend this bill that the claimant filed properly certified vouchers showing that he incurred this expense.

Mr. EVANS. Perfectly satisfactory to the committee, and the claim has been established satisfactorily to committees of one or the other of the two Houses ever since the Forty-seventh Congress.

Mr. PITNEY. But he never presented his claim until fifteen years after the election. How could he present properly certified vouchers?

Mr. EVANS. It was perfectly satisfactory to those who investigated it.

Mr. PITNEY. Does the gentleman know that he has filed certified vouchers?

Mr. COX. Mr. Speaker, I will answer that. Mr. Speaker, this claim comes from the Committee on Claims. Under the law as it exists now, no party contesting an election is entitled to more than $2,000. It requires that the itemized expenses shall be filed with the committee. The trouble in this claim grows out of the delay, and that is all. But that this man incurred these expenses there is no question about that.

Mr. MILES. He filed his vouchers?

Mr. COX. He has filed a statement of his expenses. Of course he can not file the vouchers—that is, vouchers in the proper shape—but he filed his claim with an itemized statement of the expenses that he incurred, and it passed the Committee on Claims upon that idea entirely.

Mr. TERRY. I would like to ask the gentleman if this gentleman drew $6,000, and that the same amount was also paid to John Young Brown?

Mr. EVANS. He was paid the salary like any other member.

Mr. TERRY. There was a time during which he did not occupy his seat here, and neither one of them occupied the seat. Now, when this man came in did he draw the money for all that time?

Mr. COX. While in the seat he drew the money.

Mr. TERRY. He drew it for a period when neither one was in the seat.

Mr. EVANS. Like every other contestant, he got his pay back to the time when Congress began.

Mr. TERRY. Now, I have had a case of that kind before Congress for several years, and they never paid the man a dollar.

Mr. PITNEY. That is the trouble with such claims as this. We ought not to pay one of them, because it would establish a precedent for the payment of others.

Mr. COX. Now, hold on one minute and let us get it straight. When a man has a contest for his seat and it is decided in his favor that he is entitled to his seat, would it not be right to pay him the salary?

Mr. TERRY. I say it would. I have no objection to that, but the point I am making is this: That here is a man who did not have a seat more than a few months and drew pay for the whole time; and I have one here who occupied the seat half of the time, and is not allowed any pay and has been knocking at the doors of Congress for years.

Mr. EVANS. I am not objecting to his being paid.

Mr. PITNEY. Now, the gentleman from Kentucky [Mr. EVANS] may have an opportunity to move to suspend the rules and pass this bill, but I am not willing to give consent to its consideration. It is too stale.

Mr. EVANS. If I am in order I will move to suspend the rules.

The SPEAKER. The Chair must follow the order of business that has been proceeding.

Mr. EVANS. Do I understand the gentleman to insist on his objection?

Mr. PITNEY. Yes, sir; I am constrained to object.

Mr. PITNEY. Now, Mr. Speaker, that was a bill providing for the appropriation of the sum of $1,718 out of the Treasury of the United States, to pay to Mr. Samuel McKee his expenses of an election contest over an election to the Fortieth Congress. The Fortieth Congress took office thirty years ago, or at least over twenty-eight years ago. The election in question occurred twenty-nine years ago. It appeared from the statement made by

the gentleman from Kentucky [Mr. EVANS] at the time (and I have since verified it by referring to the files of this House, where the statement appears over the signature of Samuel McKee) that he had allowed fourteen years and over to elapse before he made any statement or submitted to any authority any statement of claim for the expenses incurred by him in that election contest; and it also appears in like manner that he made no such claim until he (McKee) accidentally discovered that his contestee, the party whom he had succeeded in unseating, had procured appropriations to defray not only his salary, but also the expenses which he, the contestee, had incurred in that election contest, and that then, in 1881, finding that one or two Congresses, exercising (I think in a very questionable manner) their discretion, had voted to the contestee his share of the expenses of the contest, Mr. McKee presented a claim for $1,718.

I objected to the consideration of the bill for the relief of Samuel McKee, and I beg the gentleman from Kentucky and I beg the House to understand that I had no personal reason for objecting to its consideration. It was not by reason of any personal matter between the gentleman from Kentucky and myself that I objected to it. I objected to the consideration of the claim because it was barred five times over by the statute of limitations; because it was barred by the negligence and laches of Samuel McKee for fifteen years failing to present a claim; because it was barred by thirty years' delay in enforcing the claim; because the statement made upon the floor of this House when the consideration of the bill was asked for showed that he had not presented and could not present to the Committee on Claims any vouchers certified in the manner contemplated by the law and the practice of this House. It seemed to me that the claim was an extraordinarily stale claim, that it was stale by reason of the laches of the claimant, that it was very questionable whether we ought to pass the bill; and inasmuch as no obligation was imposed upon us by any law to pay these election expenses, and as the contestant himself had not urged them until so late a time, I thought that this time, when we are striving by every effort to keep down the expenses of the Government, was a very inopportune moment to pass a bill like that under unanimous consent.

Mr. STEELE. I rise to a question of order. I call for the regular order.

The SPEAKER. This is the regular order.

Mr. STEELE. This general discussion is not a matter of privilege——

The SPEAKER. It is not a matter of privilege, but the subject before the House is the motion to reconsider a certain vote previously taken. That is now before the House.

Mr. STEELE. I understand the motion to reconsider has been withdrawn by the gentleman from Kentucky.

The SPEAKER. The Chair understands not, but that he has withdrawn the withdrawal.

Mr. PITNEY. Mr. Speaker, how much time have I remaining?

Mr. McMILLIN. An hour.

Mr. PITNEY. I think I can get through in a few moments.

The SPEAKER. The gentleman has occupied about nine minutes.

Mr. PITNEY. I will try to get through in a short time. I want the gentleman from Kentucky to be assured that when I objected, when I refused to give my consent to the consideration of the bill he presented, it was because I thought it was my duty as a member of this House, not by reason of any personal feeling against him. On the contrary, it was in spite of a feeling of warm personal friendship between me and the gentleman from Kentucky that I made that objection. The gentleman from Kentucky and I have been personal friends ever since the beginning of this session, sleep nightly under the same roof, and daily meet in our personal relations; and I need not assure him that I had no personal feeling against him.

Now, then, what was the next occurrence? I asked consent two days ago, and one week subsequent to the incident to which I have referred, for the present consideration of this bill of mine, to which the gentleman stated no objection, or at least gave no reason for his objection; and the gentleman now admits he had no objection to it. He now stands upon this floor and states that he raised objection to its consideration only because I had objected to the consideration of a bill in which he says the people of his district were interested. I do not see how the people of his district are interested, beyond one citizen. If it had been a bill which affected the interests of the people of his district, and of which he was a better judge than any other member of this House, I should have hesitated to enforce an objection, although one might reasonably lie against his bill; but, inasmuch as it was a claim against the Government, which we could judge of just as well as the gentleman who introduced the bill, I thought it was my duty to object when I considered that a valid objection lay against it.

And because I objected to the consideration of a bill for his district, and, the gentleman says, without any other reason than that, he objected to a perfectly unobjectionable bill which I introduced for a patriotic object, in order to get a few relics of the war of the rebellion for decorative and ornamental purposes for a post of the Grand Army of the Republic in the district which I have the honor to represent.

Now, I hope the gentleman from Kentucky will reflect for a moment, and he will see that if objections such as he interposed are to be practiced there would result dickers and deals between members for mutual and reciprocal favors in such matters, and——

Mr. MEREDITH. Will my friend permit a question? I only wanted to say how sweet and lovely a thing it is for brethren to dwell together in harmony.

Mr. PITNEY. I think a little clearing of the atmosphere is very good in that direction.

Such a practice, I repeat, would result in "deals" between members which would be better befitting a board of aldermen made up of ward politicians than suitable to the American Congress.

Now, then, the next thing that occurred, as the gentleman has said, was this: After he left the Hall my colleague [Mr. LOUDENSLAGER], at my request, asked unanimous consent for the present consideration of this same bill. That is what he intended to ask for. But, by mistake, a different bill was placed in the hands of the Clerk to be read, and was read. The gentleman from Kentucky says that he has consulted the stenographer's original notes and they show a certain state of facts to exist. I make no contradiction of that. I consulted what were laid before me as the original notes of the stenographer, referring to the proceedings when my bill was passed, and they do not develop the state of facts which the gentleman has said actually occurred. I made no alteration of the stenographer's notes. But be that as it may, the bill which I desired to have passed, House bill 8495, was not substituted surreptitiously, was not substituted unfairly, was not substituted at all until after the Speaker, at the request of my colleague [Mr. LOUDENSLAGER], had called attention to the fact that the wrong bill had been read. Moreover, the second bill was not substituted, as the minutes of the stenographer show, until it had been read at length, and unanimous consent had been asked for its substitution, and unanimous consent had been given. Therefore, if the gentleman, or any other gentleman, had desired to interpose an objection, he had his full and fair opportunity to interpose it pending or after the reading of the second bill—that is, House bill 8495—the same as if that bill had been first read. There was absolutely nothing surreptitious about it.

Now, my colleague [Mr. LOUDENSLAGER], in asking consent for the consideration of that bill, was acting within his rights as a member of this House; but I am free to say, Mr. Speaker, that if I had supposed the gentleman from Kentucky or any other gentleman on the floor had any valid or reasonable objection to the consideration of my bill, I should not have asked my colleague, or any member, to bring it up again before the House at the same session unless assured of the presence of the gentleman who had formerly objected. But I surmised—I should not have stated it, but I surmised—what the gentleman from Kentucky has now deliberately told us, that he had really no objection to the consideration of my bill except that I would not consent to the consideration of a bill which sought to make what I believed an improper charge upon the public Treasury; and therefore I took the course which I did take. I want to say to the gentleman from Kentucky now, in all kindness, that I think the old soldiers in whose interest my bill was introduced would rather I should go back to them without having secured its passage than that I should have bargained for its passage by consenting to the consideration of any bill which I thought was not proper to be brought before the American Congress.

Mr. Speaker, I am sorry to have taken so much time, and if the gentleman from Kentucky does not desire a further hearing, I will now move to lay the motion to reconsider on the table, and will ask the members of the House to support me in that motion. I will, however, yield to the gentleman, if he desires it, for the purpose of an explanation only.

Mr. EVANS. Mr. Speaker, I am quite sure the House will agree with me that this is very much ado about nothing. I have not had the slightest desire to charge anybody with wrongdoing in this matter. I have not felt the slightest inclination to put myself in a position to bargain with anybody. The gentleman from New Jersey objected to the interruption of the proceedings of the House for the purpose of giving unanimous consent to a bill for which I asked consideration. I should not have complained if the gentleman had voted against my bill; all I asked was that it should be considered, and if the House did not care to pass the bill it could have rejected it. But, Mr. Speaker, if my bills ought not to be considered out of order, it seems to me that the bills of the gentleman from New Jersey ought not to be so considered.

This is not a question of bargain; it is a question of comity and good feeling, which, as the gentleman has expressed it toward me, I certainly feel and have felt it toward him. My surprise was that the gentleman should have entertained the idea that he

was bound to guard the Treasury of the United States to such an extent as to object to giving the House an opportunity to consider a bill which had been knocking at the doors of Congress for fourteen years; that he should not have been willing to let the House consider it and pass its judgment upon it, instead of by his single voice debarring the House from the privilege and, I believe, the pleasure of doing justice to the good old soldier for whose relief that bill was introduced.

The gentleman from New Jersey tells us that his bill was intended to serve certain old soldiers in his district; but the beneficiary of my bill also was a good old soldier. He was a man who saw and felt the torments of Libby Prison, and who for fourteen years has felt the torments of seeking consideration by Congress of his just claim, and I was surprised that the gentleman from New Jersey should feel unwilling to permit this House to have the pleasure of considering such a bill. Now, I have been perfectly frank in this matter. I have said that I objected to the consideration of the gentleman's bill because he had objected to the consideration of my bill. I say now that I think that is perfectly proper. I feel that I should have as many rights for my district upon this floor as the gentleman has for his, and if I do not get them it will not be for want of trying.

So far as the other aspects of the matter are concerned, I have no objection to the gentleman's bill, and I told the gentleman that I should have preferred to have had this matter settled outside of the House; but as it has given him the opportunity of making a good speech, I do not regret that he has brought it up here.

Mr. PITNEY. May I ask the gentleman what arrangement could have been made outside of the House?

Mr. EVANS. I should have said to the gentleman outside of the House what I have said now to the House. Mr. Speaker, I withdraw the motion to reconsider.

The SPEAKER. The gentleman from Kentucky withdraws the motion to reconsider. Is there objection?

There was no objection.

THE RECORD.

Mr. WHEELER. Mr. Speaker, I rise to a question of privilege.

The SPEAKER. The gentleman will state his question of privilege.

Mr. WHEELER. I offer a privileged resolution which I send to the Clerk's desk.

The SPEAKER. The Clerk will read the resolution.

The resolution was read, as follows:

Mr. WHEELER of Alabama moves to strike out of the permanent RECORD the matter inserted by Mr. PAYNE on Tuesday (yesterday), aside from the matter, according to the Reporter's notes, delivered by him in his three minutes' time, said matter being on page 5008.

[Laughter.]

The SPEAKER. Those in favor of the resolution will say "aye."

Mr. WHEELER. Mr. Speaker, I desire to explain that resolution. I have an hour's time under the rule. I shall not occupy all of it, but I do desire a few moments to explain the resolution.

Mr. DINGLEY. Mr. Speaker, is this determined to be a question of privilege?

Mr. WHEELER. Mr. Speaker, the resolution is not presented for the purpose of antagonizing the gentleman from New York——

Mr. DINGLEY. I rise to a question of order. Has it been decided that this is a question of privilege?

Mr. WHEELER. I offered that resolution not for the purpose of criticising the gentleman from New York——

The SPEAKER. One moment. The gentleman from Maine rises to a question of order.

Mr. DINGLEY. My question of order is whether this is a question of privilege.

The SPEAKER. Does the gentleman make the point of order that it is not?

Mr. DINGLEY. I make the point of order that it is not.

Mr. WHEELER. I desire to speak on the point of order. I submit, Mr. Speaker, it is too late to make the point of order. I had been recognized, and commenced the debate on the resolution.

The SPEAKER (after examining the resolution). The Chair thinks that the resolution is in order; and the gentleman from Alabama is recognized.

Mr. WHEELER. I offered the resolution, Mr. Speaker, not for the purpose of criticising the gentleman from New York [Mr. PAYNE], for whom I have the greatest respect and the kindest feeling, but to give myself an opportunity to correct a statement——

Mr. DINGLEY. Mr. Speaker, has the resolution been read?

Mr. WHEELER and others. It has been.

The SPEAKER. The resolution was read.

Mr. WHEELER. To give myself an opportunity to reply to the unwarranted assertions which the gentleman made.

The SPEAKER. The gentleman from Alabama must confine himself to the resolution under discussion.

Mr. WHEELER. I will do so, Mr. Speaker; but I trust you will allow me to approach it——

The SPEAKER. The gentleman must keep within the rules.

Mr. WHEELER. The gentleman from New York [Mr. PAYNE] made a speech yesterday insisting that a member had no right to insert anything——

The SPEAKER. The gentleman must confine himself to the resolution.

Mr. WHEELER. I am trying to state what it is that the resolution sought to reach.

The SPEAKER. It is a proposition to strike out from the RECORD what has been inserted.

Mr. WHEELER. I am trying to state in the plainest language and in the briefest manner what the offense was, and I shall contend that what was done by the gentleman was not a violation of any rule as has always been interpreted by this House prior to 12 o'clock yesterday. Yet almost before the gentleman's eloquent voice had ceased to resound through this Hall, which eloquence more than all else caused the adoption of a resolution putting a new and different interpretation upon the rules, he proceeds with all haste to the stenographers and violates the very rule which his eloquence had caused to be adopted by this House. He was the first man to violate a rule which he largely had caused to be adopted.

It seemed to me that the animus of the gentleman from New York and the gentleman from Iowa was different from what appeared in their remarks. It seemed to me that their purpose was to use the overwhelmingly Republican majority which now controls this body, so far as lay in their power, to put a member of the minority to a disadvantage.

It showed the truth of the old adage:

Satan finds some mischief still for idle hands to do.

Since the controlling majority of this body has determined not to enact legislation and to abandon the purpose for which it was elected it has been getting into mischief. The gentleman from New York in a thoughtless moment of excitement committed a very serious error which I am confident he did not intend. He said that the gentleman from Alabama had inserted—

Not only a page or two, but often dozens of pages of matter never delivered in the House, and has inserted without the consent of the House these lengthy articles in the CONGRESSIONAL RECORD.

Mr. DINGLEY. I make the point of order that the gentleman is not discussing his resolution.

The SPEAKER. The gentleman from Alabama must confine himself to the resolution.

Mr. WHEELER. I am doing so, Mr. Speaker; you will find that I am if I am allowed to proceed with——

The SPEAKER. The gentleman must speak in order.

Mr. WHEELER. The Chair knows that I have great respect for him personally, and I am endeavoring to confine myself strictly within the rules of order.

The SPEAKER. The resolution before the House proposes to strike out what has been inserted by the gentleman from New York in the RECORD.

Mr. WHEELER. And how can I discuss that resolution unless I state what the gentleman said? I want the same privilege which the Speaker allowed to those who made the attack upon me yesterday. No objection was made to their going on in their own way; and now when I am trying to repeat what they said and explain in what particular the rules were violated, I am called to order.

The SPEAKER. That is not the question before the House. It is whether certain things shall be stricken out of the RECORD; not what was said.

Mr. WHEELER. I am trying to state what they are.

The SPEAKER. It is not in order to discuss the merits of what was said at that time, but whether certain things shall be stricken out.

Mr. WHEELER. But how can the House know how to vote upon a question of this sort unless the particular violation of the rule is explained as the matter was explained yesterday? The Speaker very properly allowed a full statement yesterday. He did not limit members at all. They were allowed to go on without limitation.

The SPEAKER. The Chair suggests to the gentleman from Alabama that the time of the House ought not to be occupied except on the resolution itself.

Mr. WHEELER. I think so, too.

The SPEAKER. Nothing else.

Mr. WHEELER. I am trying to confine myself to that.

Mr. DOCKERY (to Mr. WHEELER). State what the gentleman from New York said.

Mr. WHEELER. I was trying to read what the gentleman said, but I was called down—called to order.

The SPEAKER. It is not what the gentleman said that is the question, but what he did not say.

Mr. WHEELER. I am trying to state what he said, and then state what appears in the RECORD. It is impossible for a member to proceed if he is to be called down or to order every time he opens his mouth in trying to explain.

The SPEAKER. The gentleman can not make that complaint against the House. [Laughter.]

Mr. PAYNE. Will the gentleman allow a question?

Mr. WHEELER. Yes, sir.

Mr. PAYNE. Can the gentleman from Alabama point out a single word, in what is printed in the RECORD, that I did not utter on the floor of the House yesterday?

Mr. WHEELER. I can point out words which were not put down by stenographers——

Mr. PAYNE. I ask the gentleman——

Mr. WHEELER (continuing). When I went down to see my remarks yesterday afternoon I found that certain words had been interpolated in the remarks of the gentleman from New York which were in his handwriting.

Mr. PAYNE. Can you point out a single word that appears in the RECORD that I did not utter on the floor of the House in debate on yesterday?

Mr. WHEELER. The rule adopted on yesterday was that we must be confined to what the stenographers put down. [Cries of "Oh, no!"] That is the rule adopted on yesterday; and I ask in my time that the resolution adopted on yesterday be read.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

Resolved, That there be stricken out of the permanent RECORD the matter inserted by Mr. WHEELER on Friday last, aside from the matter, according to the reporter's notes, delivered by him in his five minutes' time; said matter being on pages 5472, 5473, 5474, and 5475.

Mr. WHEELER. Now, Mr. Speaker, a word that I see was changed is this: On page 140 of the RECORD copy he puts in the words "to be stopped," which were not written by the stenographers. [Laughter.] He puts in the words "that he has a right," and adds "matter of," according to the RECORD, and none of these words were written by the stenographers. They appeared to have been written by Mr. PAYNE. But the serious feature was the assertion by the gentleman from New York that—

The gentleman from Alabama has seen fit to violate this rule of the House by inserting not only a page or two, but often dozens of pages of matter never delivered in the House.

Now, the stenographer's notes showed that the word "dozen" was used by Mr. PAYNE; but the gentleman from New York appears to have added an "s" to the word dozen; so that this morning it reads in the RECORD "dozens." [Laughter and applause.]

Mr. DINGLEY. I call the gentleman from Alabama to order.

The SPEAKER. The gentleman from Alabama will proceed in order.

Mr. WHEELER. I am trying to explain to the House by reading the words as they appear in the RECORD and then stating in that connection what the gentleman actually did say, as shown by the stenographer's notes. I can not get along without that latitude.

Now, I submit that that sentence to which I have referred was changed in the RECORD. As first stated by the gentleman it was "dozen pages." He inserted an "s" and made it "dozens of pages." [Laughter.] Not satisfied with the grossly unfounded charge that I had put a dozen pages in, he goes and puts an "s" to it, so that it reads "dozens of pages." [Laughter and applause.]

Now, Mr. Speaker, is it not a matter of privilege for a member who is charged falsely by anyone to make a correction——

Mr. DINGLEY. Mr. Speaker, I am compelled to call the gentleman from Alabama to order.

The SPEAKER. The gentleman from Alabama will resume his seat.

Mr. WHEELER. Certainly.

The SPEAKER. The Chair will hear the gentleman from Maine.

Mr. DINGLEY. I wish to say that the gentleman is discussing what took place at some other time, and has no reference to the resolution now before the House. The resolution before the House is to strike from the RECORD what is alleged to have been printed that was not uttered by the gentleman from New York on yesterday. If the gentleman desires to point out the specific thing or language uttered or inserted in the RECORD, the House may be detained for the purpose of considering it, but I insist that the House can not be and should not be detained by totally irrelevant matters.

The SPEAKER. The Chair thinks the point of order is well taken.

Mr. RICHARDSON. I move that the gentleman from Alabama be permitted to proceed in order.

The motion was agreed to.

Mr. WHEELER. Mr. Speaker, I was endeavoring to express my criticism of that part of the RECORD which appears this morning as to the insertion of the letter "s" after "dozen." [Laughter and applause.] That word was not used and does not appear in the stenographer's notes, and then, again, it is a very serious violation of the rules of the House for one member to make an unfounded statement which is derogatory to another——

The SPEAKER. The Chair thinks the gentleman from Alabama should confine himself to the question and proceed in order.

Mr. WHEELER. Is it not in order, if a member has been——

The SPEAKER (continuing). The Chair hopes the gentleman will proceed in order. He knows what is in order.

Mr. WHEELER. I have written it out in such a way that I thought was in order. [Laughter.]

A MEMBER. Better abandon your manuscript. [Laughter.]

Mr. WHEELER. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WHEELER. Is it not in order when one member of this House interpolates into the RECORD certain statements regarding another which are not true that he can have the right to rise on the floor and politely and courteously state the facts and refute the untrue statements?

The SPEAKER. The Chair, in reply to the interrogatory, will state that under the present proceedings it is not.

Mr. WHEELER. Well, then, I will amend the resolution so as to make it in order and bring it within the rules as prescribed by the Chair.

The SPEAKER. The Chair wants to call the attention of the gentleman from Alabama to the fact that he has risen to a question which suspends the business of the House, that the public business stops until this matter is disposed of, and therefore he should confine himself to points strictly in order with reference to the resolution, which is that certain things shall be stricken out of the RECORD. It is not to fight the battle over again which occurred yesterday or at any other time, but it is to dispose of the question whether certain words should be stricken out, and the Chair hopes that the gentleman from Alabama will remember what the situation is.

Mr. WHEELER. Mr. Speaker, I fully appreciate what the Speaker has said about the importance of time, and I ask unanimous consent to proceed for five minutes, and then I will occupy no further time.

Mr. HENDERSON. You mean on yesterday's performance?

Mr. WHEELER. I want to proceed for five minutes without these constant interruptions.

Mr. PAYNE. Mr. Speaker, I hope there will not be any objection to that.

The SPEAKER. The gentleman from Alabama [Mr. WHEELER] asks permission to proceed for five minutes. Is there objection?

Mr. BREWSTER. I object.

Mr. PAYNE. If the gentleman is compelled to proceed in order he will not have anything to say, because he can not criticise——

The SPEAKER. The gentleman from New York is not in order.

Mr. BREWSTER. If the gentleman's request is limited to five minutes, I will withdraw the objection.

The SPEAKER. Objection is withdrawn. Is there further objection? [After a pause.] The Chair hears none. The gentleman will proceed for five minutes.

Mr. WHEELER. I do not think the gentleman from New York, on cool reflection, would be willing to allow the statement that he made regarding myself to remain in the RECORD. It is utterly unwarranted and without foundation.

The other occasion to which the gentleman must refer was when the gentleman from Maine [Mr. BOUTELLE] criticised a slight change that I made, which only involved a change of twelve words, and that change was made in order to make my statement accurate, and the gentleman from Maine immediately made changes in his own remarks and violated the very rule that he had invoked. Again, in the last Congress a question was brought up, complaining of my extending my remarks, which involved an extension of about two pages. The other occasion where a motion was made to strike out, which did not carry, was where I made a speech in the Forty-seventh or Forty-ninth Congress, and Mr. Kelley of Pennsylvania moved to strike my speech out of the RECORD because it did not suit him [laughter], and it will be remembered that the House would not do it. It is there yet. Those were the only complaints that I can recall that were ever made against myself, and it shows that the gentleman's statement is utterly groundless and without foundation; his first statement, "dozen pages," was utterly unwarranted, and when changed to "dozens of pages" it was astoundingly so.

Now, Mr. Speaker, with the rarest exceptions I am indebted to my Republican brethren on that side of the House for most gratifying courtesy to me, a courtesy which has always been most highly appreciated and valued by myself, and the reason why I confine my remarks and criticism to the speech of the gentleman from New York [Mr. PAYNE] is that I felt that I had reasons to expect more consideration from a fellow committee member with whom I had enjoyed a long and always pleasant service.

Now, the figures which the Republican majority struck out of my speech yesterday were illustrative of a criticism on my part of

what I regarded as improper appropriations, a character of appropriations which I would criticise with equal readiness whether made by party friends or party foes.

Every man in this House knows that while I have been a member of this body I have been one of the foremost advocates of liberal appropriations for proper subjects—carrying on the Government, improving our harbors, improving our rivers. What I oppose and criticise is what are called jobs. It cost no more during the Republican Fifty-first Congress for the legitimate expenses of the Government than it did during the preceding Democratic Congresses, but the jobs thrown in were what caused the extra appropriation. That is what I sought to criticise. That is what seemed to hurt the gentleman who moved to strike out those tables.

Now, Mr. Speaker, with regard to confining the RECORD to what the stenographers write down in their notes: They are most remarkably accurate; so universally and remarkably correct as to elicit our wonder and admiration; but how often have we heard members rise and say, "There is so much tumult in the Hall I can not hear what a man says 2 feet from me." That being the case, how can the stenographers at that desk hear what is said in that noise and tumult? And when I made that speech the other day gentlemen will remember the noise and excitement that there was in this Hall, and that gentlemen filled up the aisle and the space in front of the Clerk's desk so that the stenographers could not possibly have heard all that was said, and yet the resolution adopted yesterday, if insisted upon, would confine the RECORD to what the stenographers succeeded in hearing and omitting all that was said that they did not happen to hear. Now, I wish to say, in closing——

The SPEAKER. The gentleman's time has expired. The question is on agreeing to the resolution.

Mr. WHEELER. I withdraw the resolution.

Mr. COOKE of Illinois. I call for the regular order.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had agreed to the amendments of the House of Representatives to bills and a joint resolution of the following titles:

A bill (S. 2642) to provide for the safety of passengers on excursion steamers;

A bill (S. 730) granting an increase of pension to Mrs. Helen Morrell Carroll; and

Joint resolution (S. R. 15) authorizing the Secretary of the Navy to donate to the Mountain View Cemetery Association, at Oakland, Cal., certain cannon, etc.

The message also announced that the Senate had passed the following resolution; in which the concurrence of the House of Representatives was requested:

Resolved by the Senate (the House of Representatives concurring), That the Committees on Enrolled Bills of the two Houses be authorized to correct the enrolled bill of the Senate (S. 2488) entitled "An act to amend an act entitled 'An act to authorize the Denison and Northern Railway Company to construct and operate a railway through the Indian Territory, and for other purposes,'" by striking out the word "nine," in line two of said enrolled bill, and inserting "eight."

The message also announced that the Senate had passed without amendment the bill (H. R. 5105) to abolish days of grace on promissory notes, drafts, etc., in the District of Columbia.

RETURN OF BILL TO SENATE.

The SPEAKER. The Chair will lay before the House a resolution with reference to the business of the House.

Resolved, That the Senate be requested to return to the House its resolution notifying the Senate that the House had agreed to the amendments of the Senate to the bill (H. R. 5731) to regulate the practice of medicine and surgery, to license physicians and surgeons, and to punish persons violating the provisions thereof in the District of Columbia.

The SPEAKER. Without objection, the resolution will be agreed to. [After a pause.] The Chair hears none, and it is so ordered.

Mr. COOKE of Illinois. I yield to the gentleman from Washington for a moment.

TWYMAN O. ABBOTT.

Mr. DOOLITTLE. Mr. Speaker, I desire to ask at this time unanimous consent for the consideration in Committee of the Whole of the bill H. R. 7226 on next Friday morning, immediately after the reading of the Journal.

The SPEAKER. The gentleman from Washington asks unanimous consent to consider a bill immediately after the reading of the Journal on Friday.

The bill was read, as follows.

A bill (H. R. 7226) for the relief of Twyman O. Abbott.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Twyman O. Abbott, of Tacoma, State of Washington, his heirs or legal representatives, the sum of $27,748.75, in full and final settlement of his claim for damages sustained by reason of the breach of a certain contract for lease of a building and grounds for post-office purposes.

SEC. 2. That the sum of $27,748.75 is hereby appropriated for the purpose of paying the above claim.

Mr. RICHARDSON. A parliamentary inquiry. Is this a recognition by the Chair or by the gentleman from Illinois?

The SPEAKER. It is a recognition by the Chair.

Mr. DOCKERY. Incidentally.

Mr. DOOLITTLE. Mr. Speaker, I desire to state——

Mr. COX. One inquiry.

Mr. DINGLEY. Before there is any discussion——

The SPEAKER. The gentleman's request is that the bill may be brought up for consideration—substantially made a special order for Friday morning after the reading of the Journal.

Mr. DINGLEY. I think the practice ought not to be adopted of assigning a special bill for a special time. Let the assent be asked at the proper time, and not be made a special order.

The SPEAKER. Objection is made.

Mr. NEILL. I object.

CONTESTED-ELECTION CASE—RINAKER VS. DOWNING.

Mr. COOKE of Illinois. Mr. Speaker, at the conclusion of the session of yesterday I had finished the remarks which I deemed it necessary to make with reference to that branch of this election contest that related to the so-called "assisted voters," and had finished all I had to say with reference to all the other questions in the case except only the questions which arise upon the record growing out of the wrongful issuing of the injunction in the Sixteenth district of the State of Illinois, which prevented the complete opening and recounting of all the ballots which were cast for the parties to this contest at the election of November 6, 1894.

There remains, however, to be considered the injunction, the main question in the case, as I regard it, as the committee regarded it upon both sides, as I believe, and as various members of this House appear to regard it, so far as I am able to judge from private conversations with them. What, then, is the question with reference to the injunction? Briefly stated, that question is this: It was found immediately after the announcement of the result of that election, first, that the plurality in favor of the sitting member was a very small one, only 40 out of a total vote cast in the district of 38,323 votes.

It was found that there had been errors committed here and there throughout the district. It was rumored that to a considerable extent such errors had been discovered here and there, sufficient to overturn the result. Two contests had arisen in two of the counties of the district over local offices, such as treasurer and sheriff. In the course of the contest in those cases it was discovered that the errors which were surmised to exist were actual errors. The contestant in this case gave the usual notice under the statute of the United States that he would contest the certificate of election which had been given in favor of the sitting member [Mr. Downing]. There is no denial that the proper notice was given and that it was given in proper time. There can be no denial but that the statute of the United States gave the right to make the contest. In fact, the United States statute upon the subject is clear and explicit. It is contained in Title II, chapter 8, of the Revised Statutes of the United States, sections 110, 111, and 123 of which provides as follows:

SEC. 110. When any contestant or returned member is desirous of obtaining testimony respecting a contested election he may apply for a subpœna to either of the following officers who may reside within the Congressional district in which the election to be contested was held:

First. Any judge of any court of the United States.

Second. Any chancellor, judge, or justice of a court of record of any State.

Third. Any mayor, recorder, or intendent of any town or city.

Fourth. Any register in bankruptcy or notary public.

SEC. 111. The officer to whom the application authorized by the preceding section is made shall thereupon issue his writ of subpœna, directed to all such witnesses as shall be named to him, requiring their attendance before him, at some time and place named in the subpœna, in order to be examined respecting the contested election.

SEC. 123. The officer shall have the power to require the production of papers; and on the refusal or neglect of any person to produce and deliver up any paper or papers in his possession pertaining to the election, or to produce and deliver up certified or sworn copies of the same in case they may be official papers, such person shall be liable to all the penalties prescribed in section 110. All papers thus produced and all certified or sworn copies of official papers shall be transmitted by the officer, with the testimony of the witnesses, to the Clerk of the House of Representatives.

There, Mr. Speaker, was a clear, explicit, and full authority given under and by virtue of the act of Congress providing for and allowing the ballots and other papers pertaining to the election in the district to be produced before the officer, the notary public, or other person selected under the act of Congress to take the testimony. Immediately upon the notice being given by the contestant that he would proceed under those sections of the statute, the contestee in this case, instead of obeying the authority of the Federal statute, proceeded in the State court, the circuit court of Morgan County, by a bill in chancery, alleging and setting forth in direct terms that the contestant claimed the rights which are guaranteed to him under the sections of the Federal statute which I have read, and setting forth, claiming, and pretending that a

section of the law of the State of Illinois prohibited that from being done. The section of the Illinois law set up in the bill is this:

In all cases of contested election the parties contesting the same shall have the right to have the package of ballots cast at such election opened, and to have all errors of the judges in counting or refusing to count any ballot corrected by the court or body trying such contest; but such ballots shall be opened only in open court, or in open session of such body, and in the presence of the officer having the custody thereof.

Now, such a construction of that section of the Illinois statute was claimed and contended for in the bill for an injunction as would set it in direct opposition to the Federal statute which I have read. I have only to say, Mr. Speaker, that it is the opinion of the majority of the committee that no such construction should be given to the Illinois law, that that statute should be construed to be in harmony with the Federal statute, and that where, under the Federal statute, an officer is given power to proceed with a subpœna duces tecum and to bring in these records and papers, he is a tribunal created by the lawful authority of the United States and clothed with the power to try the contested election to the extent of receiving, recording, and forwarding the evidence to the Congress when it shall convene.

That is the view of the majority of the committee. It commends itself to my mind because it places the statute of my State in harmony with the law of the United States, and does not give to that statute such a construction as would leave upon the statute book of the State of Illinois a law attempting to nullify the Federal law. I believe that is the true construction to make of that statute.

Now, Mr. Speaker, proceeding immediately after this injunction decree had been entered, each one of the different county clerks throughout the district was served with the injunction order; each one of them was made a party to the suit; each one of them was enjoined from producing the ballots, papers, and records pertaining to that election by a strange and peculiar form of order.

Mr. BARHAM. Did the court have jurisdiction to make that order?

Mr. COOKE of Illinois. My opinion is that upon the bill, if it had been demurred to, the demurrer should have been sustained.

Mr. BARHAM. But jurisdiction is never waived for want of a demurrer. That is an elementary proposition. You can not confer jurisdiction by consent. Now, did the court in that case have jurisdiction?

Mr. COOKE of Illinois. Oh, I think the court had jurisdiction, strictly speaking.

Mr. BARHAM. Well, then, is not that judgment or decree an absolute verity?

Mr. COOKE of Illinois. It is to be so taken by the parties to it until reversed by a court of competent appellate jurisdiction; and it is just at that very point that the wrong was done, because no appeal could be taken until the time had expired for taking evidence in this case.

Mr. BARHAM. One question more. Assume that Mr. Downing, the contestee, the seated member, committed any kind of wrong—that he suppressed evidence, for example—will you unseat a member of Congress for any error which he may have committed, and thus deprive the people of their duly elected representative? Whatever error he may have committed, assuming that he committed a most egregious error in getting this injunction, why should the people of that district lose their representative who was in fact elected?

Mr. COOKE of Illinois. I will answer the gentleman in the words of the learned author of Paine on Elections:

SEC. 1000. Under that provision of the Constitution which makes the House of Representatives the judge of the elections, returns, and qualification of its members, the House may adjudicate the question of a right to a seat in either of the four following cases:

(1). In the case of a contest between a contestant and a returned member of the House, instituted in accordance with the provisions of title 2, chapter 8, of the Revised Statutes;

That is the very statute which I have been discussing.

(2). In the case of a protest by an elector of the district concerned.
(3). In the case of a protest by any other person, and
(4). On the motion by a member of the House.

The proceeding in the first of these actions is by the Revised Statutes made a proceeding inter partes, a suit or action in which the contestant is plaintiff and the returned Representative defendant. The management of this suit or action is by law placed in the hands of these parties. They are not only permitted, but required to frame and serve the pleadings which give form to the controversy. They are permitted and required to serve upon each other the notices under which the depositions are taken. They may stipulate to take depositions without notice. In taking the depositions they may appear in person or by agent or attorney. In a word, notwithstanding the controversy involves interests of a public nature, its form and fate are subjected by the law to the control of these parties. Their acts, omissions, diligence, laches, waivers, admissions, and stipulations may under the law always prove decisive of the contest. As between these parties, therefore, the contest provided for in the Revised Statutes is in the strictest sense a suit, an action, a litigated case.

Mr. BARHAM. Right there, will the gentleman permit me? Suppose that Mr. Downing had gone before the notary public and admitted that the contestant was duly elected, would that be conclusive upon Congress?

Mr. COOKE of Illinois. Most decidedly not, under the very authority which I have just read, because the power still resides in Congress to hear the petition of any elector of the district.

Mr. BARHAM. Well, then, does it not follow that any action which Mr. Downing took, by the restraining order or otherwise, does not bind Congress at all and is not a suppression of evidence?

Mr. COOKE of Illinois. If any elector of the district should come here and file a petition it would be the duty of this House and of our committee, if it were referred to us, to act upon the case, as I take it.

Mr. BARTLETT of Georgia. Will it interrupt my colleague on the committee if I should make a suggestion? I do not wish to interrupt his argument if it is at all objectionable to him.

Mr. COOKE of Illinois. As the gentleman knows, I am not in a fit physical condition to speak very long; but I will gladly hear his question.

Mr. BARTLETT of Georgia. Following up the question of the gentleman from California [Mr. BARHAM], I was about to call my colleague's attention to a case decided by this House, the case of Follett *vs.* Delano, which is somewhat in contradiction of the authority just read. I refer to 1 Bartlett on Elections, page 113, where, citing the case of Follett *vs.* Delano, it is stated:

All the electors in the district have a vital interest in the question at issue; and no one of them can be precluded by any laches not his own from insisting that the will of the majority shall be regarded. No confession of the sitting member can place the contestant in the seat, unless he is the choice of the majority, nor deprive that majority of its rightful representation.

I thank my friend for allowing me to read this statement.

Mr. COOKE of Illinois. Mr. Speaker, I prefer the very careful and studied statement given in Paine on Elections to any decision that can be quoted, because that work goes over the entire subject and deals with the different classes of cases in which these controversies may arise and states the law on each class by itself.

Now, Mr. Speaker, as I was about to say, the injunction decree was entered; the injunction order was served on each one of the county clerks in the eight counties of the district. And there the contestant was met by an insuperable objection or difficulty, one which he could not get over, to the opening and counting of the ballots and the production and inspection of these records of the election. It was no fault of the contestant; it was no crime on the part of the contestee. It was, as I claim, a wrongful act, an unlawful act—something prohibited by law which was done by the contestee and which prevented the Federal statute from running and taking effect. It does not involve any moral turpitude; it involves no misdemeanor, no crime, or anything of that nature. It simply involves, as produced against the contestant, a great wrong. It prevented the contestant from having the benefit of a law of Congress, which he was as well entitled to invoke in his favor as the contestee would have been entitled to invoke it in his favor, had he desired to have the ballots opened and inspected in any contest which he might have made, or which might have been made against him.

The subpœnaes were issued by the notary public under the Federal statute to each and every one of the county clerks, requiring them to bring in the books, the papers, the ballots, and all the records pertaining to that election. Each one of the county clerks came forward and replied that he had been enjoined from producing or allowing the ballots to be produced or opened or counted.

Mr. Speaker, speaking with all the sincerity and with all the solemn sense of duty which attended the utterances yesterday of the gentleman from Massachusetts when he spoke of the position in which he found himself in this case, stating substantially that he wished to do no man any wrong, I feel in this case as high a sense of moral responsibility, I trust, as does my friend from Massachusetts. And I say, standing here in my place, that upon a careful examination of these judicial proceedings, this bill, this injunction, these various subpœnas, these various injunction orders, and the returns made by the county clerks in the various counties, and all the proceedings pertaining thereto, I assert upon my responsibility as a lawyer and as a man of fairness and with a just disposition that a very great wrong was done right there. As I have privately said to my friend, Mr. Downing, if it were not for that injunction I would see no way in which to disturb the result in this case.

In friendly conversation I have told him—he knows what I believe on this question—that that injunction produced a very great and serious wrong, and that I am as conscientious, as deliberate, as fair in the expression of my views on this subject as admittedly my friend from Massachusetts is. It is simply a question now, not of fraud, not of crime, not of any intentional wrongdoing. I do not charge it, but it is a simple question as to whether we can in this case give our sanction and approval to a proceeding in a State court which shall attempt to nullify and set at naught the Federal statutes, which are plenary, which are

complete, which cover the subject, which give a certain important right, and which right has been denied.

Not to take up too much time of the House, I will proceed rapidly, Mr. Speaker.

The consequences of evidence being wrongfully suppressed are stated by approved text writers on the law of evidence. There is no mystery about it. We are not without a guide, both of law and precedent, in determining what to do in such a case as this where there has been a wrongful suppression of lawful and legal evidence. We are not without the proper guide as to what the consequences of it should be. Starkie on Evidence, marginal page 846, says:

If, on the supposition that a charge or claim is unfounded, the party against whom it is made has evidence within his reach by which he may repel that which is offered to his prejudice, his omission to do so supplies a strong presumption that the charge or claim is well founded; it would be contrary to every principle of reason * * * to all experience of human conduct to form any other conclusion. * * *

(Page 847): Again the maxim of the law is omnia præsumuntur contra spoliatorem.

Greenleaf says, volume 1, section 37:

The presumption of innocence may be overthrown and a presumption of guilt be raised by the misconduct of the party in suppressing or destroying evidence which he ought to produce, or to which the other party is entitled. Thus the spoliation of papers material to show the neutral character of a vessel furnishes a strong presumption, in odium spoliatoris, against the ship's neutrality. A similar presumption is raised against a party who has obtained possession of papers from a witness after the service of subpœna duces tecum upon the latter for their production, which is withheld.

The general rule is omnia præsumuntur contra spoliatorem. His conduct is attributed to his supposed knowledge that the truth would have operated against him. Thus, if some of a series of documents of title are suppressed by the party admitting them to be in his possession, this is evidence that the documents withheld afford inferences unfavorable to the title of the party. Thus, also, where the finder of a lost jewel would not produce it, it was presumed against him that it was of the highest value of its kind. But if the defendant has been guilty of no fraud or improper conduct, and the only evidence against him is of the delivery to him of the plaintiff's goods, of unknown quality, the presumption is that they were goods of the cheapest quality.

Citing 2 Pothier's Obligations (by Evans), Sir Samuel Romilly's argument in Lord Melville's case, 29 Howell's State Trials, 1194, and numerous other cases.

I intended to refer to the point made in the minority report as follows:

Is it just for that reason to deny to Mr. Downing the benefit of the testimony of the ballots which were actually cast for him? Mr. Downing acted upon the advice of counsel, which was confirmed by the decision of the court. If we look beyond Downing to the people who voted for him, how can we justify to them our refusal to ascertain the truth from their ballots simply for the reason that their candidate, in acting upon the advice of counsel, proceeded upon a wrong view of the law?

On this question the law of elections is well settled, as I endeavored to show in reply to the gentleman from California [Mr. BARHAM] a moment ago. Mr. Downing, the contestee, stands in the position of a party litigant. Paine on Elections, section 1009, just read, covers the question entirely, and I need not go into it again.

The elementary rules of evidence amply cover the cases of voluminous documents and records, such as those involved in the evidence furnished by a multitude of ballots or records of returns in an election case. There is no insurmountable difficulty whatever in arriving legally and logically at the result of a mass of ballots brought forward in evidence. There is no mystery about the matter of ascertaining the results from and contents of such legal documents any more than in counting other papers, records, or accounts over which there may be a controversy. The law is well settled as to that class of evidence. I quote from Greenleaf on Evidence, Volume I, sections 82, 91, and 93:

A fourth rule which governs in the production of evidence is that which requires the best evidence of which the case in its nature is susceptible. * * * Its design is to prevent the introduction of any, which, from the nature of the case, supposes that better evidence is in the possession of the party. It is adopted for the prevention of fraud; for when it is apparent that better evidence is withheld it is fair to presume that the party had some sinister motive for not producing it, and that if offered his design would be frustrated. The rule thus becomes essential to the pure administration of justice. * * *

SEC. 91. The rule rejecting secondary evidence is subject to some exceptions; grounded either on public convenience or on the nature of the facts to be proved. * * *

SEC. 93. A further relaxation of the rule has been admitted, where the evidence is the result of voluminous facts, or the inspection of many books and papers, the examination of which could not conveniently take place in court. Thus, if there be one invariable mode in which bills of exchange have been drawn between particular parties, this may be proved by the testimony of a witness conversant with their habit of buisness, and, speaking generally of the fact, without producing the bills. But if the mode of dealing has not been uniform, the case does not fall within this exception, but is governed by the rule requiring the production of the writings. So, also, a witness who has inspected the accounts of the parties, though he may not give evidence of their particular contents, may be allowed to speak to the general balance, without producing the accounts. And where the question is upon the solvency of a party at a particular time, the general result of an examination of his books and securities may be stated in like manner. (Note 2, Meyer vs. Sefton, 2 Stark. R., 274.)

NOTE 2. When books and documents introduced in evidence at the trial are multifarious and voluminous, and of such a character as to render it difficult for the jury to comprehend material facts without schedules containing abstracts thereof, it is within the discretion of the presiding judge to admit such schedules, verified by the testimony of the person by whom they were prepared, allowing the adverse party an opportunity to examine them before the case is submitted to the jury. (Boston and W. R. R. Corp. vs. Dana, 1 Gray 83, 104. See also Holbrook vs. Jackson, 7 Cushing, 136.)

Starkie on Evidence, marginal page 645, is to the same effect:

Neither is the rule strictly adhered to where a mere negative is to be proved, especially where it results from inspecting documents of a voluminous nature. And although a witness can not give evidence of accounts not produced, he may, it seems, be examined as to the general state of such accounts, or he may give evidence of the general course of trade, as that the practice has been to accept bills in a particular form, according to one invariable course of dealing.

I have read these authorities, Mr. Speaker, for the reason that there seems to be some doubt and obscurity in the minds of some of our friends, not members of the legal profession, as to the mere matter or question of the recount, as though there was something mysterious about the fact of giving evidence of the results of a recount. There is no mystery about it. It is merely the testimony of a witness who swears that he inspected the papers, and who states the numbers of them, with schedules, and the condition in which he found them, the other side having the equal right to put a witness or witnesses on the stand to show the contrary if it can do so.

I might say right here that the best evidence in this case was, of course, the ballots themselves and the original election returns, which were suppressed by the operation of the wrongful injunction, and hence and for that reason only the secondary evidence was admissible. And yet our friends, the minority of the committee, object to the introduction of secondary evidence, because forsooth, it is not the best evidence. Of course it is not. The contestant desired and applied for the best evidence; he proceeded under the Federal statute, which granted him the right to have the best evidence, but it was denied him by the wrongful operation of this injunction, although subpœnas were issued to secure that evidence. Each county clerk when he came in was compelled to make answer that he was under an injunction of the court, preventing him from producing the papers.

I must hasten to a conclusion. The position of the minority of the committee as to a recount of the ballots, shown by the evidence in Macoupin and Cass counties, is substantially that it is quite excusable and to be overlooked that the best evidence, the ballots, was suppressed by the injunction; and when the secondary evidence of the contents of the ballots is offered, that secondary evidence, though the best attainable, is objected to because it is not the best evidence, the evidence which was suppressed by the injunction.

Now, I need not take the time of the House to go into details as to the testimony of Mr. Murphy, Mr. Waggoner, and Mr. Bell as to the details of that recount. It lasted only two or three days. It was a matter of close inspection by Mr. Murphy, sitting at the shoulder of Mr. Waggoner, before whom each of the ballots was opened. Mr. Murphy was selected because of his tried, well-known, and reliable character. Not a breath of suspicion has gone out against him. He sat at the shoulder of Mr. Waggoner with a book in his hand and made the tally as the ballots were opened, and had plenty of time to do so. Mr. Waggoner corroborates his testimony as to the nearness of his position to the ballots and the clear opportunity that he had to make that count. The testimony of Bell has been referred to as indicating that Mr. Murphy was not sitting in such a position as to enable him to make this recount. I have to say that while the minority has quoted somewhat from the testimony of Mr. Bell, it has omitted to quote from Mr. Bell's testimony one statement which he makes, which, in my opinion, shows that he was badly prejudiced and biased in his view of the matter, and that he wished to give his testimony such a turn as to make most strongly against the credibility of Mr. Murphy's count.

I quote from page 507 of the record in this case:

Q. Please state what position Mr. Murphy occupied in keeping that count?
A. I think all the time Mr. Murphy kept the count he sat in the rear of Mr. Waggoner, and I think he sat upon one of those high office stools.
Q. About how far would the ballot be from Mr. Murphy at the time it was read off by Mr. Waggoner—what distance?
A. Well, allowing for the space which must have been occupied by Mr. Waggoner at the end of the table and the location of Mr. Murphy's stool, which must have been about two feet and a half away from the end of the table, and Mr. Murphy was sitting on the edge of that stool.

You see he there placed it at only 2½ feet away. Mr. Waggoner had said that Murphy sat within 1 foot of him, not more than 1 foot away, and this witness is rebutting the testimony of Waggoner. He says, continuing his answer:

No, I will change that. Without unnecessarily crowding, I would say Mr. Murphy's stool would stand about 3 feet or such a matter from the end of the table, and he would be on that high stool above Mr. Waggoner's head, and that would bring Mr. Murphy's eyes 4 or 5 feet from the ballot, and may be 5 or 6, but it could not have been less than 5 feet, I should think.

Well, how absurd that is, to suppose that an intelligent man, like Mr. Murphy is shown to have been, who was there for the purpose of doing his duty, sat five or six feet away from the ballots when he could easily sit within one foot of Mr. Waggoner, who opened the ballots. I think there has been nothing adduced

to throw the slightest discredit upon the statement made by Mr. Murphy, that he had a full, complete, and ample opportunity to inspect each ballot as it passed before them there, and to make a correct and exact record of it in his book, and he swears to it positively from his book. Mr. Murphy, of course, only had the mere matter of the Congressional vote to inspect. He had no more to inspect than the counters and inspectors there had with reference to the other office which was being contested for.

Now, Mr. Speaker, in conclusion I should like to say that I have postponed until this part of my argument the brief discussion which I desire to make upon the proposition that any State statute or the decision of any State judge construing a State statute can be held to nullify or set at naught or render ineffective a law of the United States, because it is upon that point that the controversy turns, because if the injunction was rightfully entered, no complaint can be made against it, and the secondary evidence which was introduced in this case was illegal, improper, inadmissible, subject to the objections which were made against the same, should not have been considered by the committee, and should not now be considered by the House; and in that case the contestant has no standing here whatever. But, strange to say, this carefully prepared report by the able gentlemen on the opposite side of the question says:

We do not deem it material to the decision of this case to pass upon the merits of this injunction.

Think of that! Not material to pass upon the merits of this injunction. What a strange idea that there is a contestant here seeking a seat upon the floor of this House, relying admittedly upon secondary evidence only, alleging that he had a right to introduce secondary evidence because the best evidence was suppressed by the operation of an illegal injunction, and yet the minority of the committee say they do not regard it as material to pass upon the merits of that injunction. I do not think the injunction has any merits. It is suggested to me that the complainant, who procured the injunction, had the right and the power at any moment from the time he filed the bill down to the time of the meeting of Congress last December to have had the injunction set aside and to have gotten at the ballots and had them counted and to have opened them up and to have allowed them to be inspected, but he never for a moment chose to do so.

This seems to us a late day in the history of the United States for a court in any State, upon any application, to proceed upon a bill or upon a petition or on any form of complaint whatever to erect a State statute into such dignity, power, and conclusive force as that it shall annul a law of the Federal Government. That law is the law of Congress. I have read it in this hearing. It is upon the statute books. It was passed and intended to cover such cases as this; and yet the bill asking for an injunction, and the injunction decree itself, proceeds upon the theory that a State statute of Illinois may be subject to such a construction that a Federal statute as against it shall have no force, operation, or effect. I need not refer to the long history of the struggle for what has been called "State sovereignty"—the right of a State to pass a law in disregard of the provisions of a Federal law. I need not refer to the long controversy over that question, which led, as we all remember, to most unfortunate results when pursued on the field of battle.

I will refer now only to two great authorities upon that subject for the purpose of refreshing the minds of gentlemen who may have forgotten the exact subject. The exact point to which I refer is decided in Tarble's Case, 13 Wallace, United States Supreme Court Reports, page 400. There the following language is used:

The Constitution—

Said Mr. Chief Justice Taney—

was not framed merely to guard the State against danger from abroad, but chiefly to secure union and harmony at home; and to accomplish this end it was deemed necessary when the Constitution was framed that many of the rights of sovereignty which the States possess should be ceded to the General Government and that in the sphere of action assigned to it it should be supreme and strong enough to execute its own laws by its own tribunals without interruption from a State or from State authorities. The two governments in each State stand in their respective spheres of action in the same independent relation to each other, except in one particular, that they would if their authority embraced distinct territory. That particular consists in the supremacy of the authority of the United States when any conflict arises between the two governments. The Constitution and the laws passed in pursuance of it are declared by the Constitution itself to be the supreme law of the land, and that the judges of every State are bound thereby, anything in the constitution or the laws of any State to the contrary notwithstanding.

I have the full opinion here. I have read from the extract in order to make it briefer. I may, I think, with propriety refer to the celebrated debates by Mr. Webster on this great question. He spoke on State nullification of Federal laws on numerous occasions, some of which are as follows: Speech on the subtreasury, January 31, 1838; speech on "The Constitution not a compact between sovereign States"—a reply to John C. Calhoun, February 16, 1833; speech at Pittsburg, Pa., July 8, 1833; speech at Worcester, Mass., October 12, 1832; speech at New York City, March 10, 1831; speech in reply to Hayne, January 26, 1830.

I will read briefly from the latter speech. Mr. Webster said:

I understand the gentleman to maintain that, without revolution, without civil commotion, without rebellion, a remedy for supposed abuse and transgression of the powers of the General Government lies in a direct appeal to the interference of the State governments.

Mr. Hayne here rose and said: "He did not contend for the mere right of revolution, but for the right of constitutional resistance. What he maintained was, that in case of a plain, palpable violation of the Constitution by the General Government, a State may interpose; and that this interposition is constitutional."

Mr. Webster resumed:

So, sir, I understood the gentleman, and am happy to find that I did not misunderstand him. What he contends for is, that it is constitutional to interrupt the administration of the Constitution itself, in the hands of those who are chosen and sworn to administer it, by the direct interference, in form of law, of the States, in virtue of their sovereign capacity. The inherent right in the people to reform their government I do not deny; and they have another right, and that is to resist unconstitutional laws, without overturning the Government. It is no doctrine of mine that unconstitutional laws bind the people. The question is, Whose prerogative is it to decide on the constitutionality or unconstitutionality of the laws? On that the main debate hinges. The proposition that, in case of a supposed violation of the Constitution by Congress, the States have a constitutional right to interfere and annul the law of Congress, is the proposition of the gentleman. I do not admit it. If the gentleman had intended no more than to assert the right of revolution for justifiable cause, he would have said only what all agree to. But I can not conceive that there can be a middle course between submission to the laws, when regularly pronounced constitutional, on the one hand, and open resistance, which is revolution or rebellion, on the other. I say the right of a State to annul a law of Congress can not be maintained but on the ground of the inalienable right of man to resist oppression; that is to say, upon the ground of revolution. I admit that there is an ultimate violent remedy, above the Constitution and in defiance of the Constitution, which may be resorted to when a revolution is justified. But I do not admit that under the Constitution and in conformity with it there is any mode in which a State government, as a member of the Union, can interfere and stop the progress of the General Government by force of her own laws under any circumstances whatever.

Those are the celebrated words of perhaps the greatest exponent of the Constitution of the United States, next, possibly, to John Marshall, that this country has ever produced. His honored remains rest in the State from which my friend hails, and I commend his doctrine to the study of my friend from Massachusetts [Mr. MOODY] who preceded me in this discussion.

Mr. MOODY. I agree to every word of it.

Mr. COOKE of Illinois. I have no doubt of that, but the gentleman does not practice that doctrine.

Now, Mr. Speaker, the gentlemen on the other side, I suppose, are ready to proceed.

Mr. MOODY. I yield fifteen minutes to the gentleman from Iowa [Mr. LACEY].

Mr. LACEY. Mr. Speaker, I do not like to disagree with my colleagues upon the floor of this House upon questions involving party policy, but I do not understand that the question in issue is one of party policy. It is true that we have here a contested-election case in which a Republican is making a contest for a seat now occupied by a Democrat, and the Elections Committee on both sides have cleared the way so that there is a single proposition which is conclusive in this case; not conclusive as to the ultimate rights of the parties, but conclusive as to this particular stage of the contest. If the minority is right, the ballots should be recounted before the House acts. If the minority is wrong, the House should take Mr. Murphy's count and let that end the case.

Now, I am not prepared to accept the views of the gentleman from Illinois [Mr. COOKE] who has just taken his seat, that the Illinois statute is in derogation of the Constitution of the United States or of the act of Congress. On the contrary, that statute is a lawful statute, enacted for a proper and laudable purpose, and if it had not been for that statute the very ballots that we desire to count in this case could not have been preserved. We must recollect, Mr. Speaker, first, that there are, I believe, 52 men elected to different offices on that same blanket ballot.

Mr. MOODY. Fifty.

Mr. LACEY. About 50. Now, any one of those candidates might have a contest. One of them did have a contest in Macoupin County. Under the statute of Illinois the candidate for treasurer, or any other candidate, anybody who is named upon the ticket, having a contest, may have the ballots opened and they may be recounted in the presence of the court. After the count is made the court should see that they are sealed up and preserved; preserved in order that any subsequent contest may proceed, notwithstanding the fact that the ballots have been brought into court and examined by the court in one contest. Now, when my friend from Illinois [Mr. COOKE] says that that statute is in derogation of the rights of Congress he certainly does not look at its real purpose. The purpose of that statute is to preserve the rights of General Rinaker, to preserve the rights of Mr. Downing, so that when the treasurer got through with his count the ballots could be reopened and recounted again in the presence of the court. And if Mr. Rinaker on such recount is found to have a majority of those votes, if Mr. Murphy's count is correct and that of the 50 election judges, selected by opposite parties, who were watching each other is wrong, Mr. Rinaker will have the seat.

Now, experience has taught me that in the matter of counting

ballots any man ought to be watched, even in Illinois or any other State of the Union. It makes no difference where such a count is going on, the only safe way is to have some persons on the opposite side, men of intelligence, selected by the respective parties, to see that honesty is observed in the counting of the ballots. Illinois is noted for its honesty. It has a delegation here almost unitedly Republican. I have great confidence in the State of Illinois. I should have been glad if this district had elected General Rinaker; and if he has been elected I shall vote to seat him. But we can not tell whether he has been elected or not until those ballots shall have been recounted, and the statute of Illinois provides a method. In the Fifty-first Congress I had the honor to be a member of the Committee on Elections, and this very question came up before that committee in the case of McGinnis *vs.* Alderson, and I propose to read an extract from the report in that case, showing the view which the committee took of this question.

Mr. HENDERSON. I will ask my colleague to give his attention, if he has not already done so, to the question whether the contestant had the power, notwithstanding the injunction, to have those ballots counted.

Mr. LACEY. He has the power now.

Mr. HENDERSON. Has that question been discussed by you?

Mr. LACEY. I am going to talk about it presently. He has never lost that power. The ballots are still in existence. They were sealed up in the presence of the lawyers on both sides after the treasurer's contest, and in the presence of the election officers, sealed up and put in a trunk, the trunk sealed, and the key put in a sealed envelope, which is in the county clerk's safe, in the custody of a good, honest Republican official.

Mr. HENDERSON. Conceding all that, how could the contestant have reached that count?

Mr. LACEY. I am going to tell you; but in the first place, when I was interrupted by my colleague I was about to make a quotation from the case of McGinnis *vs.* Alderson. In that case there was a recount, under the laws of West Virginia, for the office of governor, as there was in this case in Illinois for the office of treasurer, and there was a recount for the office of Congressman, just as a recount is sought here. I was directed by the majority of the Committee on Elections, a Republican committee, on which were some strong lawyers, Mr. Rowell, of Illinois, was the chairman—I was directed by that committee to prepare a report, from which I will read an extract to show the position that the committee took then as to the effect of State laws upon recounts:

> In the West Virginia election cases in the present Congress, and in the famous case in the gubernatorial contest between Fleming and Goff, we have had striking illustrations of the dangers of a recount of the ballots, where a change of a few tickets may affect the result. The law of West Virginia, while it provides for such recount, attempts to throw around the recount such elements of safety as will prevent a fraudulent change of the ballots. Such recount is always viewed with suspicion and is full of danger.

The gentleman from Illinois [Mr. COOKE] says that the statute of Illinois is in derogation of the law of Congress——

Mr. COOKE of Illinois. If the gentleman will permit me, I did not say that the statute was in derogation of the law of Congress. I do not think it is. I think it has been falsely construed to be so, that is all.

Mr. LACEY. Well, I think you have falsely construed it to be in derogation of the United States law, because there is nothing in that statute which interferes at all with an honest count of the ballots cast in the Congressional election. In this report we say further:

> The law of West Virginia is as follows:
> "They shall, upon the demand of any candidate voted for at such election, open and examine any one or more of the sealed packages of ballots and recount the same; but in such case they shall seal up the same again, along with the original envelope, in another envelope, and the clerk of the county court shall write his name across the place or places where it is sealed, and indorse on the outside: 'Ballots of the election held at ——, the district of ——, and county of ——,'" etc.
> The law also provides that the original packages shall be sealed up at the place of voting, as follows:
> "When the said certificates are signed, the ballots shall be inclosed by the commissioners in an envelope, which they shall seal up, and write their names across the place or places where it is sealed, and indorse on the outside of the said envelope as follows: 'Ballots of the election held at ——, in the district of ——, and county of ——, the —— day of ——,'" etc.
> In order to justify a recount it ought to appear that these requirements have been complied with, or clearly shown that the failure to comply therewith has resulted in no injury.

Mr. HALL. Will the gentleman yield for one question?

Mr. LACEY. I would like to answer my friend from Illinois, but I will yield to the gentleman for a moment. My time is very short.

Mr. HALL. A question has been asked in regard to the recounting of those ballots. I wish to ask this question, which seems to me directly in point: Is it not the fact that if the majority report be adopted, those ballots never can be and never will be recounted? If the minority report is adopted, it simply allows those ballots to be recounted.

Mr. LACEY. By adopting the report of the minority, the case is not ended at all. We are called upon by the majority of the committee to accept the count of Mr. Murphy and seat General Rinaker. I hope the recount, if had, may seat him, because he is of my political party and I am in sympathy with him; he is an honorable gentleman, once, I believe, a distinguished member of this House, and I should be glad to see him occupy the seat. But I do not want to seat him upon the statement of Mr. Murphy as to these ballots when the ballots are where we can see them for ourselves; where the Committee on Elections can see them for themselves.

When I was interrupted I was reading from the report in the McGinnis case, in which the committee goes on further to say that "in order to justify a recount it ought to appear that these requirements," that is, the requirements of the West Virginia statute, "have been complied with or clearly shown that the failure to comply therewith resulted in no injury."

We found in that case that the ballots had not been properly cared for; that the requirements of the West Virginia statutes had not been complied with. In behalf of the Republican in that contest, I said there should be no recount; and I based my position on the statute of West Virginia. Now, under the statute of Illinois, I say there should be a recount. The statute provides for it. The ballots have been preserved. We have a Committee on Elections appointed expressly to investigate matters of this kind and with ample power under the Constitution to recount these ballots.

Let me call the attention of my friend from Illinois to a further fact. He mistakes when he assumes that the notary had power to make a recount. No such power is given under the Federal statute. No such power has ever been given under Federal statute to recount the ballots. That being conceded, we must get our power from the Constitution; and the Constitution gives the House power to determine the elections and qualifications of its own members; and the ballots being in existence, we have the power to make the law in this case and to recount those ballots.

Mr. HOPKINS. Does not the gentleman know that in the last Congress it was decided that the ballots were a part of the papers in the case, and that the notary had the power to recount?

Mr. LACEY. Yes; but you and I voted against that report.

Mr. HOPKINS. Not against that part of it. That part was approved by the honest men of the House.

Mr. LACEY. In the last Congress we saw Charles F. Joy turned out of his seat in disregard of the rights of the parties.

Mr. HOPKINS. I am not speaking of the Joy case.

Mr. LACEY. I am not asking that this House shall now decide the Rinaker case. I am simply asking that we should not shut our eyes to the evidence; that we should not refuse to look at the evidence as it now exists and shelter ourselves behind an injunction, and say that because this contestee unlawfully sued out an injunction (if he did do so) that he shall be deprived of his seat. It will not do to say that because he did a foolish thing that you are going to unseat him. If we undertake to unseat every man in Congress who does some foolish thing, think how hard it will be to maintain a quorum in this House.

Mr. COLSON. I wish to ask the gentleman whether the custody of those ballots since the original count has been such as to preclude the possibility of change?

Mr. LACEY. It is so stipulated in the record.

Mr. HOPKINS. Oh, no; I take issue squarely with the gentleman. There is no such stipulation.

Mr. LACEY. I am following the report of the committee, and the report so states.

Mr. MOODY. If the gentleman from Iowa [Mr. LACEY] will allow me, I can answer that question so that there will be no mistake about it. When this contest was proceeding a stipulation was made by the sitting member, at the request of Mr. Rinaker, that the ballots were then in the condition that they reached the various county clerks, in the condition in which they left the hands of the election officers. The testimony then affirmatively showed that they remained in the hands of the county clerks down to the time of the recount. The testimony further showed affirmatively that after the ballots were recounted in the presence of the county court they were restrung under the direction of the judge of the county court——

Mr. LACEY. In accordance with the statute of Illinois.

Mr. MOODY. In accordance with the statute of Illinois, and were sealed up in a trunk; the trunk was locked; the key was sealed up, and put into a safe; and yesterday there was read on the floor of this House certificates of the clerks that when the record closed those ballots were in that condition.

Mr. LACEY. Those ballots are now in the hands of those county clerks——

Mr. HOPKINS rose.

Mr. LACEY. I decline to yield until I have had an opportunity to finish my statement.

Mr. HOPKINS. I should like to answer the statement of the gentleman from Massachusetts [Mr. MOODY].

Mr. LACEY. I decline to yield for that purpose. The gentleman can make the answer in his own time.

Now, Mr. Speaker, if it is true that the ballots have not been

properly preserved, if it be true that the Republican official who has them locked up in his sworn custody there has not taken proper care of them, that is a matter which the Committee on Elections can ascertain, and if it be so determined they can decline to count them. But it is sought now to accept the count of these ballots by the statement of Mr. Murphy. The count was going on between two candidates for treasurer, and the record shows that when they got through with the recount it made only a difference of either two or three votes.

The SPEAKER pro tempore (Mr. SHERMAN). The time of the gentleman has expired.

Mr. LACEY. I would like to have a few minutes' additional time.

Mr. MOODY. I yield ten minutes longer to the gentleman from Iowa.

Mr. LACEY. The evidence shows, I was proceeding to say, Mr. Speaker, that these ballots have been properly kept. If they have not been, of course they would not be counted.

Now, it is contended that the suing out of the injunction compels us to take the count made by Murphy. Suppose he did make a count. Are we to take his count against the count of 50 honest election officers of the State of Illinois? Why, I am surprises that my friend from Illinois has so little confidence in the officials of his own State as to be willing to impeach the count made by 50 officials of the State and take in preference to their count that of one man——

Mr. HOPKINS. If the gentleman refers to me, I want to say that he entirely misapprehends my position.

Mr. LACEY. I must decline to yield to the gentleman. You will have your own opportunity to explain.

I will only say that this reminds me of an occasion where a client of mine found some thirty or forty witnesses testifying against him, and he told me he knew how to get around them. I asked him how. And he said, "Why, I will go on the stand myself and impeach them all." [Laughter.] That is what Mr. Murphy does. He goes on the stand; he impeaches the testimony of 50 officers of the State of Illinois selected under the statute, one as a Republican, one as a Democrat, sitting on opposite sides of the table keeping count, keeping tally on each other, watching each other as closely as men would watch each other in a game of cards to prevent cheating; and the evidence shows that when they got through with that recount it only made a difference of either two or three votes in the total vote for treasurer.

With such a count as that, Mr. Speaker, I ask if it is likely that Murphy is correct in his count and the officials are entirely wrong? Is it not more probable that election officers counted more accurately, counting the ballots in sequence as they did, and with every facility to secure accuracy, rather than that the count of Mr. Murphy was a correct one?

Now, when we concede that Mr. Murphy may possibly be wrong, and it must be remembered that he only counted 25 precincts out of a hundred and sixty-odd, that he only counted 25 precincts out of this county and omitted 11 more, and when we find that the recount made this difference of 39 votes only in the total of nearly 6,000 votes, it seems to me that if the ballots are where we can get at them, that the Committee on Elections can secure them, they have the power to secure them, and that is the proper way to determine the matter by an examination of the ballots themselves. Mr. Rinaker had power to appear in the injunction case and ask to intervene and by intervening motion move to dissolve the injunction or to be allowed to complete the count in the presence of the court issuing the injunction, as he had a right to do under the law of the State of Illinois.

But, now, suppose the statute of Illinois had not been in force. The count made by the two treasurers in their contest would have left their ballots in inextricable confusion, so that they would have been unreliable for a recount; and, further, the controversy between Mr. Rinaker and Mr. Downing could not have been fairly tried; the ballots would have been counted by some Democratic notary public, for it was a Democratic contest, and he would have to be trusted with the care of them for that purpose. I can not help recalling a remark Mr. Mason, of Illinois, made about the Democrats, that he would be perfectly willing to have a Democrat administer his estate, to have a Democrat act as guardian for his children, but he would not trust a Democrat up a dark alley with a ballot box. [Laughter.]

Mr. CANNON. Or with issuing an injunction, either, to suppress evidence.

Mr. LACEY. Well, this injunction was sued out under the law of the State and in conformity with the statutes of Illinois. It provided that the ballots when opened should be counted and preserved and again sealed up. That was the substance of it, and the evidence is still in existence. This contestee is charged with suppression of testimony in the case. What is the testimony? It is the ballots themselves, not the examination of witnesses before a notary public. That notary was not an officer like a master in chancery to state an account between a Democrat and Republican, with power to send for persons and papers, administer oaths, and cross-examine witnesses. All he could do was to issue subpœna papers, and there was no Federal statute authorizing the recount. Hence, if the recount was made it must be under the requirements of the law of Illinois, and it does not strike me that the injunction was illegal and unfair. But the main fact is that the ballots are there now and are still accessible. This committee can send for them. This Congress will probably be in session until the 1st of June. They can have these ballots here inside of a week. They can count them, and then if General Rinaker is elected—as I hope he will be, as I should be glad to have him—he will be elected, not by me, not by my friend from Illinois [Mr. HOPKINS], who does not live in that district, but elected by the people of his district, and they are the ones who are concerned in this matter. But they say that the same principle applies in this case as though he had suppressed testimony, as though he had made way with a bond or an obligation and concealed it.

Now, the principle does not apply here at all, for this reason: Mr. Downing has no more knowledge of the contents of these ballots than has General Rinaker. All he knows is that under the laws of Illinois he has the certificate, and he does not want to give it up, and he sued out an injunction. That injunction delayed the furnishing of the ballots to the House. It did not prevent it. It simply delayed it, and they can be furnished, and this House, with its 140 Republican majority, can not afford to be unfair about this. Let us send for the ballots, bring them before the Committee on Elections, let them be counted, and then we will determine whether the Republicans, Democrats, and Populists constituting the election board made a mistake or whether Mr. Murphy made a mistake. One or the other made a mistake. I am not prepared to overturn 50 men with one, and that one with a hop-skip-and-jump count like this. Mr. Murphy did not understand that he was making an official count. At that time no injunction had been sued out. He did not know his testimony would be taken. He was simply checking off to see whether it was worth while to have a recount. That is all.

I am not here to advocate the good faith of Mr. Downing in suing out the injunction. I care nothing about it. I think, perhaps, the proper thing for him to have done would have been to have stipulated with General Rinaker, and made some provision for a recount. But that is not the question. The question is whether the ballots are still there; whether the evidence has been suppressed; and this committee says it has not been suppressed; that the ballots are there. The action which Mr. Downing took prevented a Republican notary public from counting the ballots, or certifying the result of a count in his presence, and that, too, when there is no statute authorizing such a recount in the presence of any Federal official under the act of Congress.

But, Mr. Speaker, this whole debate has proceeded upon the theory that the act of Congress authorized a recount before a notary public. I ask my friends upon the other side—and I do not like to speak about Republicans as being on the other side, because I am on their side—I ask those gentlemen who disagree with me upon the question of the law to point out any Federal statute which authorizes a notary public chosen by the contestant to make a recount. There is a law authorizing him to summon persons and papers, but sealed ballots are not papers within the meaning of that law. Ordinarily, under the laws of most of the States, the ballots are destroyed immediately after the count. They are only preserved in some few of the States. They are preserved under the Australian ballot law of the State of Illinois, and no doubt have been carefully and properly preserved. No man here has raised his voice to impeach the honesty and integrity of the officers and the manner of keeping those ballots.

Mr. HOPKINS. Will the gentleman from Iowa yield?

Mr. LACEY. Yes.

Mr. HOPKINS. If I understood the gentleman from Iowa correctly, he says that a notary public could not require the counting of those ballots. A notary public under the Federal law would have the same power and the same authority that a Federal judge would have. Now, I ask the gentleman if it is not in accordance with the spirit and the letter of that law that a Federal judge or a notary public, as the case may be, would have the power to issue a subpœna duces tecum——

Mr. LACEY. I think not.

Mr. HOPKINS. Wait until I get through. I ask the gentleman whether a Federal judge or a notary public would not have the power to issue a subpœna duces tecum to the county clerk and compel him to produce the ballot and then make him swear how many ballots were cast for General Rinaker, and how many for the sitting member, as shown by the ballots themselves?

Mr. LACEY. There is no such provision in the law.

Mr. HOPKINS. Oh, yes; there is.

Mr. LACEY. When you come to speak to the House, I ask you to read the provision of the law. There is a provision for summoning persons. There is authority for the issuing of a subpœna duces tecum to bring in papers, and that is all. When the papers

are produced the notary public has no authority to count them. He should not have. It would not be safe to intrust a partisan notary, with nobody on the other side to watch him, to make this count.

[Here the hammer fell.]

Mr. COOKE of Illinois. I yield to the gentleman from Iowa [Mr. HEPBURN].

Mr. HEPBURN. Mr. Speaker, I have no desire to participate in this debate except for the reason that reference was made by a gentleman in the discussion yesterday, as I understood him, to the necessary action of certain members of this House because of their action upon the case of English against Peelle. As I understood, it was stated yesterday that that case furnished a precedent for this case, and that those gentlemen who voted against the unseating of Peelle would necessarily have to vote against the seating of the contestant in this case.

The reference of the minority of this committee to that case was an unfortunate one. There is nothing similar in the cases. In that case it was sought by a secret arrangement to secure one of a board of three gentlemen who were by the court ordered to recount the votes in the case of the contest in the canvass for sheriff, one gentleman being authorized by the father of the contestant secretly to count the votes cast for Congressman. During the first day 9 precincts were counted. He says that during that count he found that errors amounting to 99 were made in the canvass for Representative. On the morning of the second day it was found that this gentleman was engaged in that recount. Then another of the commissioners associated himself with this gentleman, Brown, and together they counted the other twenty-five or twenty-six precincts. They found that in the recount, when both were counting together, that the vote of Peelle was increased 127 instead of being decreased, as this gentleman had said was the case with reference to the other 9 precincts. This man Brown then said that there was nothing in the recount for English; that he would so advise Mr. English; that he was satisfied that the vote of that county was favorable to the contention of Peelle. But later he went upon the stand and testified that he had discovered errors to the number of 99 in the first 9 precincts. The question determined by the minority of the committee in that case then was of the credibility of this witness Brown, not one of competency. There is not a word in that report, sir, that you can find as to the competency of the proof; but it all turned on the credibility of the witness, and the minority of the committee believed that he had lied.

Mr. MOODY. Will the gentleman permit me? Mr. Speaker, the gentleman seems to misapprehend what I said and I desire now to correct him. I said yesterday that no question of competency of testimony of Brown was involved in the case of English against Peelle, but I said the minority of the committee, the Republican members of the committee, refused to accept the testimony of Brown against the official count.

Mr. HEPBURN. They refused to accept the testimony of Brown because they believed him to be utterly unworthy of belief, because he had made statements out of court contradicting those he had made in court, because he was an impeached witness. That was it, sir; and it is not a precedent for this case.

Mr. MOODY. Will the gentleman again permit me?

Mr. HEPBURN. Again, Mr. Speaker, it is unlike this case in another respect. It differs from that case as to what would be secondary evidence, because there the ballots existed; the ballots were accessible; the ballots could have been resorted to. No injunction existed there. There had been no suppression of proof in that case.

Why, Mr. Speaker, gentlemen are disturbed in this case because they say the proofs here relied upon are incompetent and are secondary. Is that true? What is the rule? The rule requires the production of the best testimony of which the case is susceptible; and that is all. The best attainable; that is all. The deed would be the best evidence of its recitals. Destroy the deed, and a properly certified copy is the best evidence attainable of which the case is susceptible then. Destroy the copy, and then the oral declarations of witnesses as to what the recitals were is the best evidence of which the case is susceptible. Here in this case there was better evidence at one time, that of the ballots. That is put entirely beyond the reach of the contestant in the case by the act of the contestee. He did it. He makes it impossible to get that evidence, and all the environments of the case show that it was done with evil purpose.

What is the experience of lawyers on this floor? I expect some of them at least have at times been willing that competent evidence might not be introduced against their side of a contention, but why were they solicitous? Because they knew harmful results would follow its production. No man seeks to exclude testimony that he knows to be competent, no honest man, except when he knows that it is going to be hurtful to the issue that he is trying to support. This man, after he became satisfied that those proofs were perilous, invoked the aid of an injunction. Look at the reasons given by him—flimsy—not one worthy a moment's consideration. He fears that there will be "a pretended count." Why, Mr. Speaker, the man who conducts that count is for that purpose a court, charged with all the responsibilities that the oath he has taken and the duties prescribed to him by statute can impose—a court to which this contestee had access by himself, by his counsel, by his friends. He states that he feared a "pretended count." Why, Mr. Speaker, it could not be a "pretended count." It is a count to which he is a party; it is a count in his (the contestee's) litigation; it is a count in his presence; it is a count conducted and aided by his attorney and under the sanction of statutes. I think we have a right to look at all these environments, to look at all these reasons assigned.

But, again, he says that his object isto preserve the sanctity of these ballots so that later on they can be used, perhaps. Why, Mr. Speaker, in the case of two of the counties, prior to this oath of his, attached to the petition for the injunction, that sanctity had been destroyed (if it can be) by the handling of the ballots by profane hands. Yet these are the very ballots in issue. These are the ballots to which suspicion attaches. These are the ballots now in controversy.

[Here the hammer fell.]

Mr. COOKE of Illinois. I yield the gentleman such additional time as he may desire.

Mr. HEPBURN. I want only a few minutes more.

Mr. Speaker, this testimony that we have now before this committee is the very best of which the case was susceptible when the record closed. Mark the date provided as the time to which this injunction should extend—March 4, 1895. Why was that? Simply because it overlapped the day when proofs might in proper manner be introduced by the contestant.

Mr. MOODY. Those ballots were not to be reopened and recounted except by order of some court of record of the United States or the State of Illinois or by the House of Representatives before the 4th of March, 1895.

Mr. HEPBURN. What court, I would ask the gentleman, could have made such an order? What House of Representatives could have made such an order? There was no tribunal in existence to make that order; and therefore the restraining order might just as well have been without limitation of any kind.

Mr. MOODY. If the gentleman asks what tribunal could have made such an order, I answer, this House of Representatives.

Mr. HEPBURN. But it did not convene until December last.

Mr. MOODY. It might legally have met as early as March 4, 1895.

Mr. HEPBURN. Now, Mr. Speaker——

Mr. BRUMM. Will the gentleman from Iowa [Mr. HEPBURN] allow me to ask him a question? I should like to know how many votes he claims would have been changed.

Mr. HEPBURN. I am discussing a particular branch of this case——

Mr. BRUMM. I should like to know how many votes would have been changed.

Mr. HEPBURN. Thirty-nine votes, so far as this matter is concerned.

Mr. BRUMM. And would that have been enough to change the result?

Mr. HEPBURN. I am only discussing this phase of the case.

Mr. BRUMM. Would that many votes have been enough to change the result?

Several MEMBERS. Yes.

Mr. HEPBURN. Gentlemen around me say "yes."

Mr. MOODY. Not enough to change the result, without deciding some other questions in favor of the contestant.

Mr. HEPBURN. If the resolution of the minority prevails, we then allow the contestee in this case to take advantage of his own wrong. We allow him to draw his salary up to the convening of the next session of Congress. We are paying him a reward of three or four thousand dollars for a wrong which, in my judgment, he has committed, in the suppression of proof in this case, a suppression which was without warrant, without reason, without justice, without excuse. No gentleman on the other side can give a valid reason why the contestee should have resorted to that injunction. I have wondered why some of these gentlemen who get so warm in defense of the minority have not said something to justify this man in attempting to impede the orderly and proper investigation of the case under the laws of Congress. What was the reason, gentlemen? Will not some of you state it? Will not somebody tell us why it was that the ordinary course of proceeding under the law was not allowed to be pursued? Why was the injunction necessary? Will not some apologist for the contestee tell us?

Mr. HULICK. Will the gentleman allow me a single remark? As a juror in this case, I should like to have that question answered. There is a stumbling block in my mind. If that question can be answered satisfactorily, it will have a very great bearing on my mind, and possibly the minds of others.

Mr. HEPBURN. I have been trying to persuade some gentleman to tell me the reason.

Mr. HULICK. Will not the gentleman suspend his remarks for a moment and let some one satisfactorily answer that question?

Mr. HEPBURN. Do you want me to "pause for a reply"? I will do so. [Laughter.]

Mr. HOPKINS. Let the gentleman from Massachusetts [Mr. MOODY] answer.

Mr. MOODY. I did not hear the question.

Mr. HEPBURN. I want some gentleman to give a reason why the contestee in this case interrupted the orderly procedure of the contest, as prescribed by the Federal law, by a resort to the process of injunction. Why did he do it?

Mr. MOODY. In the first place, I say he did not do it; and in the second place, if he did, the reasons are given in the petition which appears in the record accompanying the case.

Mr. GROUT. What are the reasons?

Mr. HEPBURN. I will read them.

Mr. MOODY. I hope the gentleman will read them all.

Mr. HEPBURN. I will.

And your orator says he has reason to believe and does believe, and so charges, that if such demand is made by said Rinaker said officers will comply therewith and issue his subpœna as aforesaid, and that said county clerks of the county courts of said counties will comply with and obey said subpœna and produce before such officer the said ballots so voted in said county, and that the same will be opened and a pretended recount thereof had.

Your orator says that in case said ballots are taken and opened and a pretended recount of the same be made the same will be in violation of the provision of the statutes of the State of Illinois, and will result in great and irreparable injury to him, in this, that said ballots are the evidence of his election, and if the same be so taken and opened as demanded they will lose their efficacy and virtue as legal evidence of his election, because the said ballots can not legally be opened and recounted except in open court or in open session of the body authorized by law to try said contest.

That is the reason he gives. Now, remember that all of the pleadings had been filed to constitute an issue; remember that the notary public or judge of the Federal court or officer selected was the officer of this body to take these proofs. That officer was acting under the solemnity of an oath, under the obligation of an oath, and for all the purposes of this count he was a court in open session, and he was proceeding to take the testimony in the case, all the parties present. The proofs that were adduced there favorable to the contestee would be favorable to him here; the report made by that officer; the testimony reported here by him would have its effect beneficial to the contestee, if such it necessarily was, no matter who took it. Remember that but forty days were allowed the contestant in the production of his proof. Remember that if the ballots did constitute the contestee's title to the seat it would be brought out in the investigation; it would be preserved in proper form and brought before the court of last resort—the House of Representatives. Who believes in that excuse? Who believes but that this man was trying to prevent the production of testimony until after the forty days expired. An evil purpose—the suppression of proofs—and the criminality comes in when you remember they had to take oath in order to secure his injunction to suppress the testimony, that he had to invoke the aid of the court, that he had to prostitute the means and methods of justice in accomplishing this unholy suppression. And yet it is in the interest of a man that so depicts himself, that assumes that character, that gentlemen are here shedding crocodile tears, and are so fearful that some injustice may come to him when at this time he changes front because the time has expired when it is no longer possible for him to suppress the testimony in the case.

Mr. Speaker, I believe that the report of the majority of the committee ought to be sustained. I believe that this contestant ought to have his seat. I do not believe that the contestee ought longer to be permitted to play with the law and play with the courts and play with this House in order that he may draw his salary at the end of this Congress. [Prolonged applause.]

Mr. COOKE of Illinois. I now yield to the gentleman from Illinois [Mr. CONNOLLY] twenty minutes, or so much time as he may desire.

Mr. CONNOLLY. Mr. Speaker, I wish that this contested-election case was not pending before this House. Both these gentlemen, the contestant and the contestee, are my personal friends. Each one of them lives in a county adjoining the one in which I live. I practice law in the courts of their county; I know their people; I know these men, their character; they are my neighbors at home, and I would most gladly avoid taking any part in the controversy between these two gentlemen.

When I found that this contest was bound to come up here I made up my mind that I would cast no vote and take no part in it until I had carefully read every word of the evidence given by every witness, both for the contestant and contestee. I have done so; every word of it. And I am now ready to cast my vote, whichever way it must be cast, against a personal friend. It is not a pleasant duty. I do not voluntarily seek this opportunity on the floor to show the reason why I am sure my vote will be right. I have been invited and urged to do it.

Mr. Speaker, it is beyond question that the House of Representatives is the judge of the election and qualifications of its own members. It is without question that the House of Representatives has the right to make rules for the determination of questions as to the election and the eligibility of its members. It may make those rules to-day. It may reverse those rules to-morrow. We are a law unto ourselves within this Chamber, as to our mode of proceeding, to determine whether a man is entitled to a seat in this House or not. But we all recognize that however often we may change these rules we still must always do it in a spirit of fairness to all persons who may be interested in the rule or in its change.

The act passed by Congress is not a rule of the House of Representatives. It is not binding upon this House, I concede; but it is binding upon every man who seeks a seat in this House. General Rinaker was bound by that law that Congress passed. Finis E. Downing was bound by the law that Congress passed. They were bound. This House is not bound. Now, what obligation did that law impose upon General Rinaker and upon Mr. Downing? What obligations were imposed upon General Rinaker by the law, and not only upon him, but upon every citizen who shall contest the right of anyone else to a seat in this House? The law imposed upon him the right that he should, within thirty days after the result of the election was declared, serve a written notice upon the one who had the seat that he claimed, and in that notice advise him of the ground upon which he contested his election. Then, that law which bound Rinaker also bound Downing, within thirty days after that date, to file his answer and to deliver a copy to General Rinaker, making his reply to the charges that Rinaker had made against him. Then that law said to General Rinaker: "Within forty days after Downing serves that answer on you and the issue is made up you must take all your evidence." What would be the result if General Rinaker allowed the forty days to elapse without taking any evidence? His contest would be at an end. He would have failed to do that which the law plainly imposed upon him as a duty. Hence, under the law, he could no further be heard as a contestant in this House.

What further did that law impose upon Downing? After the lapse of Rinaker's forty days, when all his evidence in chief must be in and scrutinized by Downing, Downing must then, within the next forty days, take, on notice to Rinaker, all the evidence he proposes to offer to this House in support of the seat that he holds, and in answer to Rinaker's attack upon his right to that seat. Then what does the law impose upon Rinaker? "In ten days after the expiration of Downing's forty days, you are required to file your evidence in reply to the evidence taken by Downing"; and then not only is the issue made up, but the evidence is all in and the case is prepared for the court of last resort. The record is as complete as is a record from a nisi prius court to the court of appeals, when it is all made up and signed by the judge, and sealed by the clerk and filed in the office of the appellate court. There is the end of making further record in that case. That is the law. We are not bound by it in the House as a House. We can do as we please. We have the power.

> Oh, it is excellent
> To have a giant's strength; but it is tyrannous
> To use it like a giant.

This law, that is put there not only to notify contestants for seats, but to notify the individual voter as well, passed by the Senate and House and approved by the President, should not be ignored by us. We who are here to uphold the majesty of the law should not ignore that law. Remember, then, that Rinaker was bound by the law as written, and so was Downing.

Now, Mr. Speaker, I have been somewhat entertained by the language of the gentleman from Georgia [Mr. BARTLETT] on yesterday, and also by the language of the gentleman from Massachusetts [Mr. MOODY], when they portrayed to this House that here finally was a case in which all men connected with it had acted honestly and fairly—a case in which all the parties had sought to follow the law—and that fraud had never obtruded its hydra head into the record of this case.

Mr. Speaker, I beg leave, from an intimate knowledge of all the surroundings of this case and of the district, to dissent most positively and decidedly from the statement that no fraud has interposed. It may not be a legal fraud, but it is a fraud that honest men regard quite as much as they do legal fraud. It is a moral fraud. It is, by political chicanery and trickery, an attempt, by a new device, to hold a man in his seat in this House for the entire term for which that seat might be held——

Mr. BARTLETT of Georgia. May I ask the gentleman a question? I stated on yesterday, and if I was to be corrected I called on my colleague on the committee [Mr. COOKE of Illinois] to correct me, that there was not a charge in this record, nor was there a sentence of evidence in it, which in any way attacked or impugned the honesty and integrity of the election officials who held this election; and now that that has been contradicted and dissented from, I call upon the gentleman from Illinois [Mr. CONNOLLY] who now has the floor, I call upon any man who is familiar with this record, to name the allegation, to name the witness, or to cite the evidence.

Mr. CONNOLLY. Well, now, if the gentleman had possessed his soul in patience for a few minutes I was coming right to that very thing. I trust he will possess it now, until I get through with it.

Mr. BARTLETT of Georgia. Oh, I am very patient.

Mr. CONNOLLY. That is right; I am glad you are.

Mr. BARTLETT of Georgia. But I will wait a long time before the gentleman makes his assertion good.

Mr. CONNOLLY. Now, Mr. Speaker, I say that there is in this record evidence showing fraudulent chicanery and trickery upon the part of this contestee, upon the part of his advisers, and I say now that this evidence shows that the new scheme hatched and devised, one such as was never exposed in this House before, was hatched and devised in a political party caucus. Now, Mr. Speaker, I will come to that. Let us look at these two contestants. These gentlemen are so much afraid that the people of that magnificent agricultural district shall be deprived of the representative of their choice. Let me call attention to where their hearts were fixed in their choice.

In the first place, the convention that nominated Mr. Finis E. Downing met in the county adjoining my own. It was in session day and night for I do not know how many days, until more than a thousand ballots were taken before the nominee was chosen.

Mr. MILES. Will the gentleman permit me an inquiry?

Mr. CONNOLLY. Why, yes; if it is not for the mere sake of interrupting me.

Mr. MILES. It is not. Is that fact in the record?

Mr. CONNOLLY. No, sir; it is not; but it is before the House now. It is in the circumambient air. [Laughter and applause.] I tell you there are many things that are not in this record; but they are in my mind and knowledge, and I will tell you. I do not propose to let the other side of this House use me as a monkey to pull their chestnuts out of the fire. [Applause.] I am here in this court of last resort.

Mr. BARTLETT of Georgia. May I ask the gentleman a question?

Mr. CONNOLLY. No, sir; I will not submit to any more of this flea-biting. [Laughter and applause.]

Mr. BARTLETT of Georgia. Mr. Speaker——

The SPEAKER pro tempore (Mr. SHERMAN). The gentleman from Illinois declines to yield.

Mr. CONNOLLY. Mr. Speaker, I said there were many things here where we are bound by no law except the law of right, the law of conscience, the law that commands every honest man to bring to his aid in the determination of any question where he is not bound by statute law all the knowledge that he has and all the information he has obtained from every source. I have it; I will use it; I will act upon it. I am justified as an honest man in doing it.

I said here, with reference to the choice of the people of that district, Mr. Downing was nominated after the convention had labored for days and nights, he all the time sitting there with the single vote of his own little county of Cass, while the Congressional timber of the district was being voted for by the great body of the convention, until finally the mountain labored and Mr. Downing was nominated. [Laughter.] They are not without Congressional timber in that district, either Republican or Democratic. The other convention nominated General Rinaker. There were no sessions of days and nights. He stood like Saul among the children of Israel, head and shoulders above all of them; and it was the work of but a moment to select the man upon whom all eyes were turned. There you see the very initiation of this thing. Again, that district has normally between 5,000 and 6,000 Democratic majority. It had never been known to elect a Republican. No Republican was ever able to be heard of in an election in that Congressional district until after that long convention, in which they finally eased themselves off by nominating Mr. Downing.

Now, you talk about the choice of the people of that district. You find first that his own party did not want to nominate Mr. Downing; secondly, after he was nominated, instead of 5,000 or 6,000 majority, that had been common in the district, all they could do, by hook and crook and pencil pointing and ingenious figuring was to count him in by a majority of 40. Do you suppose, then, that the people of that district, the Democrats of that district, are lying awake at nights praying for the success of Mr. Downing in this contest? This history that I have given you, and which is true, indicates that there was no such desire; not by any means.

Now, then, sir, I come to this fraudulent effort, to this political trickery, that has manipulated this case from beginning to end.

The election took place on the 6th day of November, 1894. Under the law, which Rinaker could not escape from, he must give his notice within thirty days after the vote has been declared. He gave notice on the 19th day of December. Mr. Downing filed his answer on the 17th day of January. The same day the answer was filed General Rinaker gave notice to Mr. Downing that he would begin to take the testimony in his case in Calhoun and Jersey counties, fixing the dates. Mark, that was on the 17th day of January.

Now, let me call attention to what the record shows as to the condition of the ballots in that county of Calhoun, which was the first county that Mr. Rinaker's notice stated he proposed to take evidence in. When he subsequently took depositions there in accordance with the notice, the county clerk came on the witness stand and, in reply to questions propounded as to the condition of the ballots, said that there were then in his office two packages, I think, of ballots from two precincts in that county the envelopes of which were not sealed; that the envelopes were open and he did not know who had unsealed them, or whether the ballots in those envelopes were the same ballots that had been returned by the election judges or not. Let me tell you further that on the very night of the election the reporters who were watching the returns sent out a report of the result. They have there, I believe, a telegraph line, but they have no railroad and no ready means of communicating with the outside world. A report was sent out on the night of the election to the Chicago and St. Louis daily newspapers by a gentleman, a Democrat familiar with the politics of the county, that General Rinaker had carried the county by a majority of 26 votes. That is the county where Rinaker, on the very day that Downing served his answer, gave notice that he would begin taking testimony—the county which the first reports stated that he had carried by 26 votes.

Mr. MARSH. What was the official return from that county?

Mr. CONNOLLY. It was forty-eight hours after that before any different report was sent out to the world. Hidden away as they were there in Calhoun County, they were free to do as they pleased; and that county, which was first announced as having been carried by Rinaker, was the county in which two packages of envelopes subsequently turned up open, so that the county clerk could not tell whether they were the ballots that had been cast and had been returned by the judges or other ballots that had been stuffed in there in the interval between the first and the second reports, so as to make the ballots that would be found in the envelope conform to the second report. That was done by somebody in Calhoun County. This gentleman—Mr. Downing—may not have known of it, but he did not devise this plan himself alone, because, while he is a lawyer by admission to the bar, yet by practice he is county clerk and editor of a Democratic newspaper at the county seat, and I do not believe that he devised the trick of the injunction. But does it not appear obviously that the men who did devise it knew something about the condition of things in Calhoun County; knew something about these ballots and how unsafe it would be to have Rinaker go down there and expose those ballots open and show, perhaps, that some of those ballots had not been cast, but had been subsequently stuck into those envelopes, and did not bear the marks of the judges of the precinct in whose envelopes they were found?

At all events, on that 17th day of January, Mr. Rinaker served on Mr. Downing the notice of contest, and within two days after that Downing and his lawyers have devised a plan whereby they will prevent an official examination of those Calhoun County ballots, and they will do it by a new scheme, and will do it before Rinaker can know anything about it. They prepare a bill for an injunction. They do not make Rinaker a party to that bill. Mark you, Rinaker is not in that suit at all. They ignore him, but they include every county clerk in the Congressional district. They apply to the judge at Jacksonville, Judge Epler, who is holding court, but he declines to take part in the scheme. Then they send to a distant county for Judge Lacey. I do not know whether he is any kin to my friend from Iowa who is so voluble in supporting his opinion here or not, but the name is the same. Judge Lacey I know very well. He is a very excellent judge. I have to practice law before him, so I am not going to say anything mean about him here [laughter]; gentlemen will understand that. But in fact there is no occasion to say anything mean about him. He is a good judge and a splendid man, and he is as intense a Democrat as any State ever turned out—clean-cut to the marrowbone. [Laughter.]

Now, I say Judge Epler, who lives in Jacksonville, and who was holding court there at that very time, having declined to have anything to do with the scheme, they sent to the distant county of Mason for Judge Lacey to come to Jacksonville, where the court was in session. Jacksonville is in his circuit. He came, and when Judge Epler had an adjournment of the court, at noon or in the evening, Judge Lacey took the bench and Mr. Downing or his attorney presented the bill setting out the equitable reasons why he claimed that those ballots should not be disturbed. Thereupon Judge Lacey without any difficulty immediately granted an injunction preventing an examination of the ballots. Calhoun County and its open envelopes of ballots from that instant were protected, and the door of inquiry was shut. They succeeded in protecting the men who opened those envelopes in Calhoun County by this infamous injunction—I can not characterize it as anything less.

Now, tell me, is there no evidence in all this of that moral fraud of which I have spoken in the conduct of this gentleman and of his secret advisers? But the gentlemen say, "If he has been guilty of a mistake"—they call it innocently a mistake—"if he has been guilty of a mistake do not punish him or punish the people of the district in consequence of it." Mr. Speaker, it is folly to characterize this as a mistake. The resort to the injunction for the purpose of protecting those ballots from an honest inspection, examination, and recount was for a fraudulent purpose. It was to suppress, to destroy, to make away with the ballots, or to keep them there until their confederates might do what they chose in preparing those ballots for examination, if the day should ever come for such examination. Now, why did he say he wanted those ballots not examined? Here is the act of Congress that says to General Rinaker, "If you want those ballots examined, you must give notice to the men who have them in possession to bring them before your notary and have them there counted, and the result declared by the mouths of witnesses in the presence of Mr. Downing." That is what the law says that Rinaker must do.

Mr. GRAFF. If he had not done that could he ever have had those ballots examined?

Mr. CONNOLLY. As I said before, of course not. The law limited Rinaker to forty days within which to take everything. The oral testimony of witnesses, the examination of the ballots and the tally sheets, and the illegal votes—everything must be done within the forty days. Rinaker was pursuing the law as laid down and as binding upon him. In steps Mr. Downing with this injunction. What was the pretense and excuse for it? Was it honest? I say not. Every candid man who will look at it will say that it is simply a trick and nothing else. Let me read his language. Mark you, he does not make Rinaker a party, but he sets out that he and Rinaker were candidates for Congress; he sets out that he was declared elected; he sets out that Rinaker has given him notice of a contest of his seat. Then he says:

And your orator says he has reason to believe, and does believe, and so charges, that if such demand is made by said Rinaker, said officers will comply therewith.

Of course they would. The law plainly and clearly requires them to do it. He knew they would comply; hence he was safe in swearing to it.

Said officers will comply therewith, and issue the subpœna as aforesaid, and that said county clerks of the courts of said counties will comply with and obey said subpœna and produce before such officer the said ballots so voted in said county, and that the same will be opened and a pretended recount thereof be had.

Do not gentlemen know that for years and years past, in almost every county in the State of Illinois, that very thing has been done? In every contested election case, from a township election up to a legislative election, evidence has been taken before notaries public under the law of Illinois similar to this law of the United States. Ballots have been brought there; their contents examined and stated before witnesses. That is the only way of taking the testimony in the case of legislative contests, just like the contest provided for in this Federal statute.

He goes on further to say:

Your orator says that in case said ballots are taken and opened and a pretended recount of the same be made, the same will be in violation of the provisions of the statutes of the State of Illinois—

It will, eh? What provision, and what provision only, could it be in violation of? That I will show the House in a moment after I get through with what is contained in this bill. He resumes—

and will result in great and irreparable injury to him in this case; that said ballots are the evidence of his election—

He did not rely, then, on the certificate of election. That he already had. That is the evidence required by this House to seat him; but he says here that the ballots are the evidence of his election—

and if the same be so taken and opened as demanded they will lose their efficacy and virtue—

And flavor, he might have added—

as legal evidence of his election, because the said ballots can not be legally opened and recounted—

Now mark this—

except in open court or in open session of the body authorized by law to try said contest.

There is his ground. There, for the first time in the history of election contests, an attempt was made by a cabal of Democratic politicians to put in opposition to the Federal law that provision of the law of Illinois which declares that the ballots can only be opened and counted in the presence of a court or in open session of the body authorized to try the contested election case. There is such a law. The gentleman from Massachusetts [Mr. MOODY] yesterday, when I interpolated into his remarks the suggestion that the injunction did not follow the statute of the State of Illinois, said very promptly to me that it did—that it was in the very terms of the statute of Illinois.

Mr. MOODY. I did not intend to say so.

Mr. CONNOLLY. I think the gentleman said many things which on reflection he will not stand by. But that is one of the things that he distinctly said—that the injunction was in the very language of the statute of the State of Illinois.

Mr. MOODY. The gentleman is in error about my present view as he is about very many things in this case.

Mr. CONNOLLY. About your "present view" I do not know. You may have reformed somewhat since yesterday. But there is the ground taken by Mr. Downing. He says, in order to keep Rinaker from inspecting these ballots and the condition of the envelope in which they are contained, that if the court permitted the ballots to be recounted, it would destroy the evidence of his election.

Well, what had already become at that very time of the evidence of his election in Macoupin County? The evidence shows that every one of these ballots had been opened and counted. What had become of the evidence of his election in Cass County? The record shows that in eight townships of that county the ballots had been opened and counted, right in the very county and under the nose of Mr. Downing himself; and, I have no doubt, from the time the count began and went on he himself wrote editorial articles in his paper to inform the people of his county that the recount of the ballots was going on. And yet he did not think that that affected the evidence of his election. Why did not he seek an injunction then? He did not. General Rinaker suggests to me that the recount in Cass County was after the service of the notice and the taking of testimony. Very good; it was after the granting of the injunction. That was granted on the 19th day of January.

After that date, right in the city in which Mr. Downing lived, in the court-house where for eight years he was the county clerk, and in which I know he entered his appearance every day, right there, and no doubt with him standing by half of the time, a count of these very ballots was going on—the ballots of that county—that were to appear as evidence of his election; a count that was lessening their virtue, where they were vaporing their essence away, disappearing by that recount, and yet he had already obtained the injunction restraining all of the county clerks, the clerk of his own county with the others, from permitting the ballots to be taken and counted at all. Why does he permit them to be taken and counted after the injunction right in his own county and town? Did he want to let the recount run on and see whether he would make or lose by it? I do not know. But it went far enough, at all events, to demonstrate to him that he was losing, and then he either drew the injunction on the clerk and made him shut up the ballots or his party friends advised him that if he let this proceeding go further in that manner that the evidence would unseat him. Therefore he had better keep the door locked and get the Democratic contesting treasurer to close the contest just as quickly as possible. Now, see the juggling which has been going on with reference to the matter. See how this man and his party friends have been juggling with this case and the ballots. After getting out an injunction he permits the clerk to open the ballots in his own county, and no doubt stood by and looked at them as their count progressed.

Now, as to this injunction, what does it say—because undoubtedly it was granted in the very words this gentleman himself and his counsel in their secret cabals drew up and in the words of the affidavit that they deemed to be necessary? What does it say? The language is:

It is therefore ordered, adjudged, and decreed by the court that the said defendants as county clerks of their respective counties, and each of them and their successors in office, and their deputies, assistants, agents, and attorneys, and each of them has, and they are hereby, enjoined and restrained from opening the ballots cast at the election held in their respective counties on the 6th day of November, A. D. 1894, and now in the custody or possession of said defendants, as county clerks of their respective counties, or from permitting the same to be opened or recounted, or from removing or permitting said ballots to be removed from the place where they are now kept, until the same are ordered to be opened or recounted by a court of competent jurisdiction of the State of Illinois or of the United States or by the House of Representatives in Congress of the United States, after the 3d day of March, A. D. 1895.

There is the extent now of the injunction, fraudulently obtained for the purpose, smirched with moral fraud, to say the least of it, all the evidence showing that in Calhoun County the ballots—and in some other county, I forget which now—had been opened, and their validity as evidence in the case practically destroyed. And it does not take many open packages of ballots to overturn a majority of only some 30, 40, or 50, and there are many men who can make the necessary changes with nimble fingers and do the trick very quickly, and Brother LACEY would never discover it.

But the injunction restrained these county clerks. Now, mark you, Mr. Rinaker had nothing whatever to do with that. By law he knows nothing whatever about it. Now, some of these gentlemen learned in the law say, Why did not Mr. Rinaker appeal that case? Why? Have you, my legal friends, ever discovered a way by which you can appeal a case which you are not a party to? I never have. Neither in the State nor in the Federal law have I

ever discovered it, and the gentleman from Massachusetts, who labored long to find a way to permit General Rinaker to appeal that case, found none, first, for the reason that the suit was filed to the May term of Morgan County court, and our statute requires that a bill in chancery shall be filed ten days before the term of court at which the case may stand for trial; and the subpœna shall be issued and served ten days before the term of the court at which the case is to be heard.

Now, this bill was filed and the summons in chancery issued in January, for what term of court? Returnable to the May term of the court. What would be the condition of things when the May term of court arrived? Why, Rinaker's forty days for taking testimony under the law of Congress would have expired long before that. The whole ninety days, indeed, the time given for Rinaker, the time given for Downing, the time given for evidence in reply, would all have expired before the term of court at which these gentlemen so ingeniously made their summons returnable. Was there no trick in that? There was, right in that circuit, a court to begin on the second Monday in February. Why did they not go and file their bill in that court, where there might have been a hearing on the second Monday in February? No; that did not suit their purpose. The purpose was to chop the dog's tail off right behind his ears. It was to completely and effectually shut Rinaker out from having opportunity to comply with the law of Congress.

"And then," said the little cabal of Democratic politicians, with Downing in their midst, "pay no more attention to him, but when Congress meets Rinaker will be there without any evidence. He will beg the House to permit him to take evidence, because you have got in his way. But there will be no trouble. With the united Democratic vote and a few superserviceable mugwumps there will be no trouble to turn Rinaker outdoors and send him back to plod along his weary way in the State of Illinois." That was the scheme, morally tainted with fraud, for the purpose of circumventing the law passed by Congress. Some gentleman, I believe it was a Pennsylvania gentleman, whom I understand to be a lawyer, said to me, "Why did not General Rinaker appeal that case then?" Why, my dear Pennsylvania friend, have you any way by which a stranger to a case could go into a court and appeal that case? When Smith and Brown have a lawsuit, can John Jones come in and appeal the case? Not by any means. "Oh, well," my friend suggests, "Rinaker could have filed a bill of interpleader." These learned lawyers, you know, the worse they are confounded the longer the names of the different things that they are willing to suggest. He might file a bill of interpleader. Yes, he might, when the May term of that court came.

Mr. HOPKINS. Will my colleague allow me?

Mr. CONNOLLY. Yes.

Mr. HOPKINS. Suppose that Democratic judge, who was aiding this Democratic member of Congress to suppress the evidence there, had said that he was not a proper party, that he was simply acting against the clerks, and the clerks only.

Mr. CONNOLLY. I was about to say that. He might file a bill of interpleader when the May term of the court came; but he could not do it without leave of the court. He could not file his bill of interpleader before the May term, and under the law of Illinois you can not file your bill of interpleader in chancery without leave of the court, not leave of the judge. Many of these gentlemen, the gentleman from Massachusetts [Mr. MOODY] among others, have confounded the terms "court" and "judge." They are quite different. When the May term of the court came, he might file his bill of interpleader for the first time.

Mark you, he could not appeal, for he is not a party to the case. He can not become a party until the May term of the court. He can not then become a party without leave of the judge who granted the injunction, sitting in open court. Then, suppose the judge who has so far cut General Rinaker out from his rights under the act of Congress, suppose that judge, in furtherance of the position he has taken, should say to General Rinaker, "You can not have any interest in this proceeding. If injustice has been done you, your remedy is in the House of Representatives at Washington; therefore I will not allow the filing of your bill of interpleader." I am speaking of the facts to show that by this injunction they had effectually bottled Rinaker up, had effectually nullified this act of Congress, and had done it by this injunction, which did not follow the language of the law of Illinois. The gentleman from Massachusetts [Mr. MOODY] a while ago said that I misunderstood him when he declared that the injunction followed the statute of Illinois; but he and the gentleman from Iowa [Mr. LACEY] said the same thing. I read from the RECORD:

Mr. LACEY. Is it not the fact that the injunction simply copies the language of the statute of Illinois?

Mr. MOODY. That is true.

Mr. LACEY. The injunction uses the identical language of the statute; and if there was any violation of the proprieties of the occasion, it arose from simply copying the statute.

Now, I stated, Mr. Speaker, that this injunction effectually bottled Rinaker up. It effectually nullified this act of Congress that required him to get his evidence within forty days. He could not do it with the injunction standing, not against him of course, but against the county clerks. Now, these ingenious gentlemen are driven from the position of saying that he might appeal the case, and they find that that is not true, and that he could not appeal it. They find that he could not file a bill of interpleader, and if for no other reason, the judge would say to him, "Why, you can not count these ballots now. You must count them within forty days after the beginning of the contest. The forty days have expired. Your right is gone, and hence you can not come in by bill of interpleader."

The injunction is granted, not in the language of the statute of the State of Illinois, but quite as effectually nullifying the law of the United States as if it had been in the exact language of the statute of Illinois. Instead of this injunction following precisely the language of the statute of Illinois, it follows precisely the language of the bill filed and sworn to by Mr. Downing.

Mr. STRODE of Nebraska. But did not the gentleman from Massachusetts [Mr. MOODY] state yesterday in answer to the gentleman from Iowa [Mr. LACEY] that it did follow the exact language of the statute?

Mr. CONNOLLY. I have read that from the RECORD. Mr. MOODY and Mr. LACEY both agreed that it did follow the precise language of that statute, and I have shown they were both wrong in that matter.

Now, sir, for the purpose of showing what the statute of Illinois does say about this matter of opening the ballots, and where they shall be opened, I read from the statute itself, first, the provision that the officer shall carefully preserve the ballots for six months, and at the expiration of that time shall destroy them by burning without previously opening the ballots; the ballots shall be destroyed in the presence of witnesses, etc.

Provided, That if any contest of an election of any officer voted for at such election shall be pending at the expiration of said time the said ballots shall not be destroyed until such contest is finally determined. In all cases of contested election the parties contesting the same shall have the right to have said ballots opened.

They have, therefore, the right to have the ballots opened. Mr. Downing said they have not. The law of Congress says they have; the law of Illinois says they have; but the judge to whom he went said they had not.

In case of contested elections the parties contesting the same shall have the right to have said ballots opened and to have all errors of the judges in counting, revising the count, and the ballots corrected by the court or body trying such contest.

Then comes this further provision:

But such ballots shall be opened only in open court or in session of such body, and in the presence of the officer having the custody thereof.

Now, the court granted an injunction under the plan that was agreed upon by those gentlemen, by a literal construction of the law of Illinois; that is, if the House wanted to have these ballots counted, it must conform to the law of Illinois, namely, have them counted in open session. Gentlemen say the injunction did not so say. The injunction does not; the statute does. The statute says they shall not be opened except "in open session of the body trying the case." The Committee on Elections do not try the case. It is the House of Representatives that tries the case. There, then, we come up against a question of conflict between the State and Federal law. There is no doubt that Congress has the right to prescribe laws to regulate the election of members of Congress; and when Congress passes such a law it must be supreme on that subject. In the absence of any law, the State has the right to regulate and make provisions for the election of members of Congress, for the counting of the ballots, for the destruction of the ballots, if you please; but if Congress has passed a law upon any one of those branches, then that law must be supreme.

The Illinois law says the ballot shall only be opened in open session of the house of "the body trying the case." The law of Congress passed in 1851 says that the evidence shall be taken not in open session of the House, but that all ballots, papers, and evidence of every kind shall be taken before a notary or any of those other officers within the first forty days. There the two laws are in conflict. The law of Congress says you must take your evidence in forty days, and then says you must bring your papers. The gentleman from Iowa [Mr. LACEY] says "ballots are not papers." I presume he is the only lawyer in the House who would say that as a matter of law. Ballots are papers. Well, sir, the law of Congress says the ballots must be brought before a notary, and if they are they must be counted within the forty days. Then, Congress having now legislated upon the manner of taking the evidence of the ballots, the law of the State of Illinois is inoperative on that question. But the judge who granted this injunction says clearly the law of the State of Illinois shall prevail and the law of Congress shall be ignored.

Now, my friends on this side of the House, with a large Republican majority, let me say that you are confronted for the first time here in your history with an attempt by a State judge to absolutely nullify this Federal election contest law. If you by

your votes indorse or permit that nullification, in how many contested-election cases in the future coming from the States of the South will you ever be able to get the ballots counted? Not one. The Republican party had its very life and existence by maintaining the doctrine that the laws of the Federal Government are supreme as the law of this land and that no State law should be allowed to interfere with them. We were cradled in that doctrine.

Now, after forty years of successful and splendid service for the nation, we find Republicans on this side of the House forgetting the early teachings of the fathers of the Republican party, forgetting the doctrines that we were cradled in, coming in here and giving effect to an injunction granted by a Democratic judge to impede and obstruct the operation of a Federal law and hold a Democratic member in his seat, which the evidence shows he is not entitled to. The idea of Republicans doing this! Ah, but some one says, somebody may be afraid that we are using our great majority to unseat a man improperly. Are we too cowardly to do right lest we may be criticised by some one for doing it? If so, abdicate your power, pull down the standard of the Republican majority and in its place lift up the palmetto flag of Democracy—and surrender. [Loud applause on the Republican side.]

But gentlemen say that we have successfully seated two Republicans and two Democrats; and it seems that gentlemen are afraid that if we should seat the third Republican that that would be destroying the balance of power. They are as afraid of this House doing this as it is said the nations of Europe are of partitioning Turkey, for fear it would destroy the balance of power. Gentlemen, we can not afford to be cowards. We can not afford here to lower our flag and abandon a doctrine which is one of the great doctrines of the Republican party, namely, that where Congress has passed a law within its constitutional power to pass that law shall be supreme.

As I have said, Mr. Speaker, this injunction was a trick. It was obtained for a purpose morally fraudulent and was carried out by the judge. I charge nothing upon him. He simply carried it out by making an order in accordance with the literal reading of the statute of Illinois, but that injunction tied General Rinaker's hands. Now, the law that is on the Federal statute book bound Rinaker and it bound Downing, but it does not bind us. We can say, "Let the law go." Congress made a law by which General Rinaker was compelled to take the course he did take or else abandon his contest. He could not do otherwise. He would have been foolish to have been taking evidence in the middle of next summer; you would not have received it.

Mr. HENDERSON. Let me ask the gentleman a question. Suppose that Mr. Murphy had not taken these memoranda during the count in the contest for treasurer and that General Rinaker was without any evidence at all, but still believed that he had been elected, what would then be his remedy? And let me follow that thought up with the suggestion that those of us who perhaps do not feel satisfied to let this Murphy count take the place of a formal count, where both parties are represented, might feel like pursuing now the same course of safety to get at the ballots (if the status has not been disturbed) that we would pursue if no memoranda had been taken by Mr. Murphy, and General Rinaker stood knocking at the door of public justice to have a recount made.

Mr. CONNOLLY. I was about to turn to that feature of the case. Passing now, Mr. Speaker, as I do, from all the fraudulent nimbus that surrounds this injunction proceeding, I come to the question of what General Rinaker's attitude would be if he had given notice of a contest, had simply stated that the ballots cast in the several counties when properly counted and enumerated would show a majority of a thousand in his favor rather than 40 in favor of Mr. Downing, and had set up no other cause of contest, except barely that the enumeration of the ballots had been incorrect. In that case, if Downing had gone and done just as he has done—locked up the ballots—how could General Rinaker have obtained a scintilla of evidence to sustain his contest? But if he did not within forty days obtain some evidence to maintain the contest, what would be the result?

Now, suppose that this House meets, and Rinaker's notice of contest is on file, and Downing's answer is on file denying the alleged miscount of ballots, and there is no other question involved and no evidence on file. The case is referred to the Elections Committee. They open the papers; there is the notice of contest and there is the answer. The committee say: "Where is your evidence, General Rinaker?" "Oh, I have no evidence. Mr. Downing prevented the clerk from letting me count the ballots, but I want to count them now." What would have been Mr. Downing's answer in that case? He would have pointed the committee to the act of Congress, and would have said: "That law is binding on you, Mr. Rinaker; that law says that you must furnish your evidence in forty days, and you failing to do that, I am required to do nothing. You are simply in court with a declaration filed, a plea denying it, and no proof to maintain it."

That is what Mr. Downing would say. Does anybody suppose that Mr. Downing and the gentlemen on that side of the House would in such a case have come up generously and said: "Oh, well, let us have Mr. Rinaker's evidence taken now; let us piece it out for him; let us try to make a case for him?" Indeed, they would not. Mr. Rinaker would merely have failed to do his duty under the law and would have to take the consequences. But in fact General Rinaker obeyed the law of Congress, which was made to control his movements in such a case, and Mr. Downing and his cabal stepped in the way. They removed from his reach the evidence that he wanted to take and which was necessary to make out his case, removed it just as effectually as if they had taken those ballots and dumped them into the Illinois River. Suppose that instead of the county clerk being ordered at Mr. Downing's instance to take these ballots and lock them up in his vault Mr. Downing had got the ballots in his own possession and had locked them up in his vault, and had said to General Rinaker when called upon to produce them, "I will not produce them until the House of Representatives in open session orders me to do so," would it be said then that Rinaker was bound to wait until the House did come into session and order those ballots to be counted? The House would undoubtedly order them to be recounted, unless some reliable evidence was supplied to take the place of those ballots. Gentlemen have said that those ballots are in the same condition they were in when they left the hands of the inspecting officers.

Gentlemen, when they reflect upon the evidence in this book, will see that they must revise that statement. No man can read this evidence and fail to see that in certain townships in Calhoun County and one of the others—I forget which—somebody had been tampering with those ballots. My friend from Iowa [Mr. LACEY] said it was stipulated in the record by these parties that the ballots were in the same condition. Can the parties stipulate away the rights of this House? Can the parties by a stipulation impose upon us conditions that are improper, when the evidence shows marks that require explanation, when the evidence shows that the envelopes are not in the condition in which they were when they left the election judges?

Mr. LACEY. In regard to the county in which Mr. Murphy made the recount, do you claim there is any evidence of any kind indicating that the ballots have not been properly preserved and are not in precisely the same condition in which they were when Mr. Murphy made that recount?

Mr. CONNOLLY. I do not think there is such evidence as to that county. That is only one of the eight counties involved.

Mr. LACEY. Then we can safely see whether Mr. Murphy is right as to that county by counting the ballots, can we not?

Mr. CONNOLLY. I do not know whether you can or not.

Mr. LACEY. Let us try it.

Mr. CONNOLLY. There are eight counties in this district. In one of the counties, Calhoun, as I said at the beginning—the one in which Rinaker gave notice to first take testimony—the evidence shows that in two of the townships the ballots had apparently been tampered with after they left the hands of the election judges. That county, on the night of the election, Rinaker was publicly declared to have carried by 26 majority. Forty-eight hours afterwards, when it was found how many votes were necessary to elect Downing over Rinaker, the result as before announced was changed so as to give Downing enough votes to give him the district by 40 majority.

Mr. HALL. Will the gentleman allow me a question?

Mr. CONNOLLY. Yes, sir.

Mr. HALL. If you have in your possession all this evidence of fraud, why did you not testify before the committee instead of testifying before the House?

Mr. CONNOLLY. Are you through? Is that all of it? One attorney in this case, Rinaker, the son of General Rinaker, has testified; and he has been in a most discourteous manner criticised by the gentleman from Massachusetts for presuming to tell the truth in this case. Now, if a man who was simply a lawyer in the case, volunteering to testify, is subject to animadversion on this floor, how much more would a juror who is to try the case be subject to animadversion for volunteering to testify and seeking to influence the report of the committee of this House? My testimony was not lost by keeping my mouth shut before the committee, because I knew I should have a chance to give it before the full jury having the final right to try this case. Does the gentleman understand my position now?

Mr. HALL. I understand your position, of course.

Mr. CONNOLLY. Well, I am glad of it.

Now, sir, this claim of a desire to count these votes is not honest. It is for the purpose of carrying on the scheme that was commenced by an injunction to keep this man in his seat and make the people of this country pay double salaries for that district during the whole length of this Fifty-fourth Congress; because, suppose the scheme that this committee now proposes in order to carry out the injunction project should carry—suppose that this case is recommitted and the committee ordered to take further

testimony and to examine the ballots—when can they report? After the holidays next winter. Then, with all the delays that may be proposed, when will it be possible to get a vote of the House, even though the recount should show Rinaker elected by a thousand majority? Would it be possible to get a vote and unseat this man—to unhorse these schemers—much before the 3d day of March, 1897? And is not this allowing them to carry out their scheme? Is it not giving it the indorsement of this House to permit that sort of thing?

Gentlemen concede the law is well settled that where one suppresses the primary evidence the party who desires to make use of the proof shall have the right to introduce secondary evidence. We all agree about that rule of law. But gentlemen say, in the first place, Downing did not suppress the primary evidence. I have said as much as I think is necessary to be said to show that he has most effectually suppressed the primary evidence—namely, the ballots.

Secondly, gentlemen say conceding that he did suppress the primary evidence, and that the contestant has the right therefore to introduce secondary evidence, yet they do not seem willing to depend on the secondary evidence that he has introduced; they claim that it was a private recount; and the gentleman from Massachusetts cited the case of English vs. Peelle to show that this House had held that a private count of that kind could not be depended upon—would not be accepted as evidence. The gentleman from Iowa [Mr. HEPBURN] has shown wherein that case differed from this. It differed because the witness produced to give the secondary evidence was an unreliable and unsafe source to which to look for truth; the House could not believe him. Secondly, in addition to that, there had been no suppression of the primary evidence by the party against whom it was sought to use the secondary evidence; so that under no principle of law could he have been entitled to the use of that secondary evidence.

Mr. TERRY. Will the gentleman answer a question?

Mr. CONNOLLY. Yes, sir; if I can hear it.

Mr. TERRY. The gentleman has referred to the case of Steward vs. Childs.

Mr. CONNOLLY. No, sir; I have not.

Mr. TERRY. I thought you referred a while ago to that case.

Mr. CONNOLLY. No, sir.

Mr. TERRY. Well, while I am on my feet let me ask you in regard to that——

Mr. CONNOLLY. That case is not now in the line of discussion I am pursuing, and I do not care to be drawn away from that line.

Mr. TERRY. I would ask the gentleman if he is going to take up the question of the assisted voters?

Mr. CONNOLLY. Indeed, I do not know exactly what I shall take up; but I do not suppose that I will discuss every possible question that anybody may raise in connection with the case. I am confining myself to what I regard as the essential features.

Mr. TERRY. Inasmuch as that is your State, I would like to have your views upon the question.

Mr. CONNOLLY. Well, I will give you my views privately, if you want them; but I do not want to burden the House with my opinions.

Mr. TERRY. Your private views are not what I want. I want the House to have the benefit of your views upon the question, as this is a matter arising in your own State.

Mr. CONNOLLY. I do not think that on that proposition my views or the views of anybody else are of very much account. There is one pivotal point connected with the case, and I wish to keep as near to that as possible and not go off into the clouds.

Mr. TERRY. I would like the gentleman to explain whether it is true that unless Mr. Rinaker has the benefit of all of the assisted voters he could not be considered as elected.

Mr. CONNOLLY. I have not reached that point, although I will say to the gentleman that I propose to refer to it later on.

It has been contended here, Mr. Speaker, in this discussion by gentlemen that a man who gives substantial testimony as to the count of the ballots in Macoupin County, that he did not have an opportunity to make a count that was worthy of consideration; that it was not an accurate count, and that they did not think it was good for any purpose. Who knows best? Is it not more reasonable to believe the man who testifies and says that he did have an opportunity, the man who for three days sat there intentionally observing every vote, and as he says, with a full opportunity to make the count? And yet gentlemen of the House come to us and say, "We do not believe him." Why do you not believe him? He is an honorable man; the record shows that. He was a man who was honored by the people who knew him with numerous public offices; he was sheriff of the county, mayor of the city in which he lived, a reputable and an honorable man; and I may say that General Rinaker, from what I know of him, would employ no other instrument for any purpose; that he would employ no man who was not as clean as a hound's tooth to do work of that kind for him. He is that kind of a man.

Mr. Murphy is shown by the records to be worthy of consideration; and nobody attacks the evidence; and the minority of the committee concede in the report the fact that Murphy for accuracy, reliability, and intelligence, is beyond all question or cavil. Now, there he is, as truthful a man as any man in this House; he sat there three days, and kept a careful tally on this count. It was not expected at that time that this evidence would ever be required. True, Mr. Rinaker was contemplating the contest. He had given notice, but had received no answer, but for the purpose of satisfying himself, without the slightest thought of ever being able to use Mr. Murphy's investigation, he had Murphy do this thing and see how it was running. He found, as the testimony shows, these various mistakes. Was there crime in that? Why, Mr. Waggoner, the county clerk, near whom Mr. Murphy sat while the count was going on, said that it was a well-known fact that he was keeping the count. He said, "We all talked about it in the room"; and here is the reply that this county clerk (Mr. Waggoner), who was opening the ballots, spreading them out, calling off the votes, passing them on to the next member of the counting committee, and so on. He was examined under oath and corroborated what Mr. Murphy had said. This was the question that was propounded to him, and I ask your attention to his answer:

Q. How did you come to pay such close attention to the vote of General Rinaker for Congress?

A. I suppose for the same reason everyone in the room paid attention to it. There was a good deal of talk about this matter then, and there were parties standing near me watching the vote, and, as I called the vote, I naturally looked for that vote part of the time.

There is the testimony of the county clerk (in addition to the testimony of Murphy) that he himself and all the others in the room knew that the count was being kept. Nobody questions it, and nobody comes to say that Murphy's count could not be depended upon; at least that he was not honest in making it.

Now, I want to say here, Mr. Speaker, that the very best corroboration of the truth of Mr. Murphy's count is furnished by the contestee [Mr. Downing]. How? After the forty days in which Mr. Rinaker had to take his testimony had expired, Mr. Downing knew what Mr. Murphy had testified to. Downing was present and heard Murphy's testimony about what the recount in his presence showed. Now, if that count is unreliable, if it could not be depended upon, there were the ballots in the county clerk's office, and all that Mr. Downing had to do to contradict Murphy was to dismiss his injunction, notify the county clerk to produce the ballots with his subpœna duces tecum, and count the ballots there in the presence of himself and Mr. Rinaker. He could do it, but Mr. Rinaker could not. He could dismiss the injunction suit and call for the ballots and contradict Mr. Murphy if he desired to do so.

Mr. MOODY. Will the gentleman permit an interruption just there?

Mr. CONNOLLY. Certainly.

Mr. MOODY. I would ask the gentleman if he is not aware of the fact that in the only other contested-election case under that statute, even without an injunction, the clerks of some of the counties in the State of Illinois declined to produce the ballots?

Mr. HOPKINS. I wish to say to the gentleman right there that in the case the gentleman referred to, in every county except the county of Will, the clerks produced the ballots and they were counted; and in that case no special point was made upon it, but the contestee in that case took the precise position that my colleague takes to-day.

Mr. MOODY. I do not know what position he took, but I know the ballot boxes were not all produced, and some of the clerks at least proceeded on the ground that the law did not authorize it.

Mr. HOPKINS. No point was made on it because it was not decisive in the case.

Mr. CONNOLLY. Now, I hope my friends will let me go ahead and get through. What has that to do here? Why is the gentleman from Massachusetts sitting on nettles so much and so badly when I am suggesting this mode of contradicting Murphy's testimony?

Mr. MOODY. I am not. I submitted to interruptions from the gentleman yesterday, and I have not interrupted him unduly to-day.

Mr. CONNOLLY. The gentleman sought yesterday to insist that the testimony of Mr. Murphy was unreliable, and that this House could not depend on it. If that is true, did not Mr. Downing know that after Mr. Rinaker's forty days had expired, and after Murphy's testimony had been seen and read by Downing? If that was true, you know, gentlemen, every one of you, and it is conceded in this debate, that Downing had the right then, having commenced the injunction suit, to dismiss the injunction suit, serve on Mr. Oeltgen, the county clerk, a subpœna duces tecum to bring forward those ballots, and he himself could have counted the ballots and proved the unreliability and unworthiness of Murphy's count. He did not do it. He never proposed to do it before this committee.

Mr. MOODY. If the gentleman will permit me to correct him, I hold in my hand a brief submitted to the committee at the meeting of Congress. In that brief the contestee says this:

Believing that if a recount is ordered the ballots and his rights under the law will be fully protected, he is willing that a recount be had, and in any assistance he can render in person or by and through his attorney and counsel he is at the call and service of the committee.

Mr. CONNOLLY. And his attorney stated before the committee, in arguing the case, that the ballots now were not worth the paper that they were written on as evidence.

Mr. MOODY. He did not so state.

Mr. CONNOLLY. I have been informed by members of the committee that he did.

Mr. HOPKINS. Why did he not come in with a resolution in the House on the first day of the session, as he had a right to do, and ask for a recount? Mr. Rinaker was an outsider and he could not do it, but your friend was a member of the House and could do so.

Mr. CONNOLLY. As to the matter of a recount, this House this winter has had an example of it. A sitting member, Mr. Tarsney, from Missouri, with a contest pending, desired a recount of the ballots, and in the first or second week of this session he manfully came into the House and on the floor of the House offered a resolution authorizing the Committee on Elections to go to Kansas City and recount the ballots, but this House refused to do it. At the very same time Mr. Tarsney was thus manfully proposing to do that Mr. Downing sat behind him quietly in his seat, never proposing to do the manly thing that Tarsney was proposing to do. No; he sat behind the bulwark of an injunction that had thus far protected him, and he proposed to stay under cover of that injunction just as long as he could; and when smoked out then to have his friends come here, begging of the House to let him go back and do what he might have allowed to be done if he had been open and fair about it or his advisers honest, to get at the truth, more than a year ago—what he might himself have done after Mr. Murphy and Mr. Waggoner had testified as to what the ballots showed.

Tell me, then, you gentlemen who come here and say that Mr. Murphy can not be believed, why did not Mr. Downing say that? Why did not Mr. Downing contradict him? Why did he not produce the ballots, as he might do, that would have contradicted him?

Now, Mr. Speaker, I have gone thus far on that feature of the case concerning this miserable injunction, this scheme to set up the law of the State of Illinois against the law of Congress. Thank God, no Republican of the State of Illinois so far forgets her position here on this question as for one moment to say that the law was intended to nullify a Federal statute, or to impede its operation. It was done by a Democratic judge in the interest of a Democratic contestee, to keep him in Congress in his seat as long as possible.

Now, Mr. Speaker, I turn to another feature of this case briefly. The House has so kindly listened to me for so long that I will be as brief as possible, and will not seek to do full justice to this branch of the subject.

The minority of this committee say in their report:

While we do not agree in all respects with the conclusions arrived at by the majority upon this branch of the case—

That is, about illegal marks of ballots, illegal votes, and so forth—

yet, for the purpose of simplifying the issue between the majority and minority, we accept their conclusion.

So that as to all questions of illegal votes and matters of that kind the majority and minority have agreed.

In determining that the contestant should be seated by a plurality of 30 votes, the majority of the committee have adopted two conclusions from which we dissent:

First. They have allowed a gain of 39 votes to the contestant on account of a private and unofficial recount of the ballots in parts of the two counties of Macoupin and Cass.

Second. They have permitted the parties to retain certain votes which were counted for them by the returning officers. These votes were those of illiterate voters whose ballots were prepared by the officers of election without the voters first having made the oath required by law that they were unable to mark their ballots by reason of their physical disability or inability to read the English language. This ruling benefits the contestant to the extent of 32 votes net.

If either of these disputed conclusions be incorrect, then the report of the majority of 30 shall fail.

Now, there were 39 votes that he received on a miscount in Macoupin and Cass counties, which the majority of the committee think Rinaker is entitled to credit for. So that 39 votes, all but one, wipes out the declared majority for Downing.

Now, then, we come to the other question. The minority say there were 32 votes allowed to Rinaker that there is no question were honestly cast by honest voters, by men entitled to vote, just as the ballots were counted, and by men who were legal voters. Now, these gentlemen who are so anxious to have the legal voters of that district not disfranchised, remember the minority of this committee say to you, we believe that these 32 voters shall not be counted, some of whom were blind, some of whom were in invalid chairs and could not walk into the polling place, all of whom were legal voters—one of them old Professor Turner, of Jacksonville, known to all college presidents and educators from the Atlantic to the Pacific, one of the leading educators of the country for the past fifty years, a man notable among the best minds in the United States, blind and old, who has been living in Jacksonville for fifty years, led by a daughter up to the polling place; but blind as he is, and heavy as the burden of years rests upon him, did not fail in the performance of the last great duty of the citizen to go and do his duty by voting his sentiment at the polls.

Professor Turner, led there by a daughter and confronted by these judges, who have known him since their childhood, who knew of the blindness that is on him—the minority of this committee say that the two judges, one a Democrat and one a Republican, who went into the booth with him and prepared his ticket as they both knew he wanted it, and then marked it and deposited in the box—that those judges did an unlawful thing, and that Professor Turner, rounding out his century of existence, shall, for the first time in his life, be disfranchised by the House of Representatives of this Republic for which he has done so much. Shame upon any committee who would insist upon any construction of the law that would disfranchise a man of that kind!

Another was a crippled old soldier, disabled in his country's service. They would disfranchise him and not count his ballot because, forsooth, he is forced to spend his life in an invalid chair, and, wheeled by loving hands up to the ballot box, he cast his vote as he pointed his gun. [Loud applause.] Disfranchise him! Disfranchise him for what? For the sake of seating the editor of a Democratic newspaper as a Representative in this House. [Applause on the Republican side.] My God! where is the old-time Republican pride? Gone! Crawling on your bellies to men who will criticise you no difference how you vote! You had better stand up like men and vote for the principle that you believe in, and give the voter, the lawful voter, the right to cast his vote once and have that one vote honestly counted.

Now, sir, these gentlemen say to me—two or three members on this side have said to me—in private conversation, "Why, you can not count these ballots for the blind and the illiterate, because your law says that they shall not be counted unless they make an oath that they are blind and illiterate." I said to each of those gentlemen, "Oh, no; our law does no such thing." Now, the gentleman from Pennsylvania [Mr. BRUMM]—I have him in mind—asked a question of my colleague [Mr. COOKE of Illinois] yesterday: "Does not your Illinois law say that a man whose vote is received after it is prepared by the judges, a man who is blind or illiterate, and his ballot is prepared by them, has to make oath to illiteracy and blindness or that vote shall not be counted?" I interposed and said, "No; our statute does not."

Now, I want to show all gentlemen who will give attention to it that our statute does not, and that our statute differs materially from the Kentucky statute, respecting which the gentleman from Massachusetts [Mr. MOODY] read the decision. Now, mark you, the evidence in this case, unlike the Michigan case, unlike the Kentucky case, unlike any case these gentlemen have cited—the evidence in this case shows that all of these assisted voters were lawfully entitled to vote, either that they were blind, that they could not read or write, or that they were otherwise disabled.

Mr. TERRY. Will the gentleman yield for a moment?

Mr. CONNOLLY. I would rather not, for I am taking too much time.

Mr. TERRY. There is no evidence that 21 out of 44 assisted voters were entitled to assistance.

The SPEAKER pro tempore. Does the gentleman from Illinois yield to the gentleman from Arkansas?

Mr. CONNOLLY. I do not. The gentleman is running a side show of his own over there. [Laughter.]

Mr. TERRY. It is not a side show at all; but the gentleman from Illinois was misstating the evidence.

Mr. CONNOLLY. Well, at all events it is not under the main canvas. [Laughter.]

Mr. TERRY. Of course the main canvas is where the gentleman from Illinois pitches his tent. [Laughter.]

Mr. MOODY. Will the gentleman from Illinois yield long enough to see if we can not fix a time for taking the vote?

Mr. CONNOLLY. I shall get through in a few minutes.

Now, Mr. Speaker, here is the law of Illinois which this minority say compels the voter who is unable to prepare his ballot to make the oath before he has the right to vote. Let me say before I read it that the legislature of Illinois could not prevent a man from voting by any law it might make if he was, under the constitution of the State, a voter. The State constitution secures to him the right to vote. The legislature may prescribe the machinery by which the vote shall be taken, but the right to vote is inherent in the voter himself by the constitution. In the election machinery provided by the State the legislature makes provision for the blind and the illiterate or otherwise disabled voters. It provides a mode

by which such a voter may compel the election judges to recognize his constitutional right and accept his vote. It is a section of the law that does not pretend to confer a right or to impose a duty upon the voter, but which imposes a duty upon the election inspectors. What duty? Why, the duty of preparing for such a voter his ballot if he makes the oath. He is not required, however, to even make the oath. Let me read the law, and I will try to read it so that gentlemen can catch the point:

When any elector shall make oath that he can not read English, or that, because of physical disability, he can not cast his ballot, or when such disability shall be made manifest to said inspectors——

[Applause.]

Mr. MOODY. Is the gentleman reading from the Illinois statute?

Mr. CONNOLLY. I am reading from the Illinois statute.

Mr. MOODY. Is the gentleman quite sure?

Mr. CONNOLLY. Quite sure.

Mr. BRUMM. I was going to say that if the gentleman was reading from the Illinois statute, it is different from what is found in the minority report as that statute.

Mr. MOODY. The gentleman from Illinois is certainly mistaken as to the statute.

Mr. CONNOLLY. Well, I will read it now from the statute book. I took it for granted that you had copied it correctly in your report. I have been reading it from the minority report, taking for granted that they had copied it correctly.

Mr. MOODY. The gentleman has been reading the statute of another State.

Mr. CONNOLLY. Very well. I was depending on you. I confess I ought not to have done it, but I did.

Mr. MOODY. I suggest to the gentleman that if he has only just now found out the statute of his State he can not very well instruct the House about it. [Laughter.]

Mr. CONNOLLY. Oh, I am not seeking to instruct. That is within the province of the gentleman from Massachusetts entirely. [Laughter.] I read now from the statutes of Illinois. I will not depend upon your minority report any further.

Any voter who may declare upon oath—

Not that he must, but that he may—

Any voter who may declare upon oath that he can not read the English language, or that by reason of any physical disability he is unable to mark his ballot, shall, upon request, be assisted in marking his ballot by two of the election officers of different political parties, to be selected from the judges and clerks of the precinct in which they are to act, to be designated by the judges of election of each precinct at the opening of the poll. Said officers shall mark the ballot as directed by the voter and shall thereafter give no information regarding the same.

Mr. BRUMM. So you were evidently wrong when you read the statute a while ago.

Mr. CONNOLLY. No, sir; I was not wrong.

Mr. MOODY. Why, the gentleman was wrong. He was reading from the statute of another State.

Mr. CONNOLLY. My dear sir, the wrong, I confess, was in depending on your report for the law of Illinois.

Mr. BRUMM. What you have read now is entirely different from what you read a while ago.

Mr. CONNOLLY. I have read the facts. Does the gentleman understand?

Mr. BRUMM. Yes, sir; but I want to know whether this does not differ from what you read awhile ago.

Mr. CONNOLLY. I do not yield any further; I can not.

Mr. BRUMM. Then you refuse to answer my question?

Mr. CONNOLLY. Why, in the name of common sense, do you want an answer when you say you understand now?

Mr. BRUMM. Your present statement differs from your former statement.

Mr. CONNOLLY. I made no statement. I read the law.

Now, gentlemen will see this statute imposes no new duty upon the voter. A man who can not see has under the constitution of the State of Illinois a right to vote just as much as the man who can see. The legislature would not undertake to say that a man who can not see shall not vote unless he does a particular thing in the way of taking an oath that nobody else is required to take, because a law of that kind would be unconstitutional under a constitution which says that every man of 21 years of age, resident in the State twelve months, shall be a legal voter and entitled to have his vote counted.

Now, if the legislature had said that men 21 years of age who have lived in the State a year and who are blind or lame or illiterate shall not vote unless they make a preliminary oath, while other men may vote without the preliminary oath, do you not see that there would be a test placed upon the blind voter or the lame voter or the illiterate voter which would exclude him from his constitutional right to cast his ballot? All that this section does is to impose a burden, a new duty, upon the judges of election with reference to the blind man or the illiterate man different from the duty which the statute imposes with reference to men who can read and write or who can see. The statute provides that if such a man makes an oath it shall be the duty of two of these inspectors to prepare his ballot for him in the booth.

The SPEAKER pro tempore. The time of the gentleman from Illinois has expired.

Mr. MOODY. I rise to a parliamentary inquiry.

The SPEAKER pro tempore (Mr. SHERMAN). The gentleman will state it.

Mr. MOODY. How much time has the gentleman from Illinois now on the floor occupied?

The SPEAKER pro tempore. One hour and fifty-six minutes. The Chair assumed that the gentleman was entitled to only one hour, but did not call him down at the end of that time because——

Mr. CONNOLLY. How can I be taken off the floor by an inquiry as to how much time I have occupied?

The SPEAKER pro tempore. The gentleman from Massachusetts addressed to the Chair a parliamentary inquiry, which was entirely proper, and the occupant of the chair was attempting to answer it.

Mr. CONNOLLY. The question has been answered—one hour and fifty-six minutes; and that ends the matter, I presume.

The SPEAKER pro tempore. It does not end it, if the gentleman from Massachusetts makes the point of order——

Mr. MOODY. I make the point of order that we on this side are now entitled to the floor.

The SPEAKER pro tempore. If the gentleman makes the point of order that the time of the gentleman from Illinois has expired, the Chair will so hold. He was about to state why he so held; but if the gentleman from Illinois does not care to hear the reason he need not. The Chair holds that the gentleman's time has expired.

Mr. COOKE of Illinois. Yesterday I asked for an agreement fixing the amount of time on both sides. Objection came from the other side, the effect of which, as I understand, was practically to allow us to continue this debate to an unlimited extent. For that reason, it seems to me, the time is unlimited.

The SPEAKER pro tempore. The present occupant of the chair fails to find from the RECORD that there was an absolute agreement as to unlimited time. There was simply an agreement not to fix any time, but to allow the time occupied to be controlled on the one side by the gentleman from Illinois [Mr. COOKE] and on the other side by the gentleman from Massachusetts [Mr. MOODY]. Under the circumstances, the time occupied by any particular member would be governed by the rules of the House; and the gentleman from Illinois could have been granted but one hour. He has exceeded that time; therefore his time has expired, and he can not proceed now unless by unanimous consent.

Mr. MCMILLIN. Under the agreement each side would be entitled to an equal amount of time.

The SPEAKER pro tempore. Most certainly.

Mr. MOODY. How much time are we entitled to on this side to make up for what the gentleman from Illinois has occupied?

The SPEAKER pro tempore. Two hours and nineteen minutes more have been consumed or disposed of by the gentleman from Illinois [Mr. COOKE] than by the gentleman from Massachusetts [Mr. MOODY].

Mr. MOODY. Then I ask that the vote be taken at a quarter past 5 o'clock to-day, and that this side control the remainder of the time. We will waive the difference if that be assented to.

Mr. CONNOLLY. I object to being taken off the floor in this way.

Mr. GRAFF. I rise to a parliamentary inquiry. At the time that the gentleman who now has the floor, the gentleman from Illinois [Mr. CONNOLLY], rose to speak did not the gentleman from Illinois [Mr. COOKE] who controls the time say that he would grant him whatever time he desired, and was there, therefore, any limit upon the time? Did not that give to the gentleman now occupying the floor such time as he might see fit to occupy?

The SPEAKER pro tempore. It gives to him such time only as he could be given under the rules of the House, and that is sixty minutes.

Mr. STRODE of Nebraska. But when there is no limit to the time of debate, Mr. Speaker, is a member who occupies the floor limited in that manner?

The SPEAKER pro tempore. Unlimited time was not granted; and there being no limit fixed for the debate, it is covered, of course, by the rules of the House.

Mr. DOLLIVER. But, if the Chair will permit me, the gentleman from Illinois [Mr. COOKE] was given absolute control of the time on his side, and yielded such time as the gentleman from Illinois desired to use.

The SPEAKER pro tempore. He was given the control of the time, but the time was not limited. The gentleman simply controlled such time as was given pending an agreement as to a limitation of the time. Now, when he yields time to another member,

under the rules of the House he can yield but sixty minutes, excepting by unanimous consent of the House. Therefore the gentleman from Illinois is no longer entitled to the floor.

The gentleman from Massachusetts asks unanimous consent that the time of the vote be fixed at 5 o'clock and 15 minutes today, and that the remainder of the time between now and that hour shall be given to that side of the question. Is there objection?

Mr. HOPKINS. I object.

Mr. HULICK. How much time would that give the gentleman from Massachusetts?

The SPEAKER pro tempore. About one hour and thirty minutes less than the time occupied on the other side of the question.

Mr. HULICK. But there has been no consent. How can we, under the rules of the House, give to him time that is not given by the rules of the House, according to the decision of the Chair just now?

The SPEAKER pro tempore. It can be done by unanimous consent.

Mr. HULICK. Then there will be no unanimous consent.

The SPEAKER. If the gentleman from Ohio objects, of course that ends the proposition.

Mr. HULICK. I understand that under the rules of the House only one hour could be given. Now, the gentleman claims more than that time; and under the decision of the Chair it is to be accorded to him?

(The Speaker here resumed the chair.)

The SPEAKER. Whenever the time is under the control of two gentlemen on opposite sides of the question, it is always understood that it is under such control subject to the rules of the House, and the rules of the House limit any member to sixty minutes unless by unanimous consent it is changed.

In the proposition which the Chair heard, allowing a half hour or more of debate, if the House saw fit to agree it would be adopted; if not it is for the House to say when the debate shall close.

Mr. COOKE of Illinois. I ask unanimous consent that the gentleman from Illinois have ten minutes to close his remarks.

Several members objected. [Cries of "Vote!" "Vote!"]

Mr. MOODY. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MOODY. If the previous question is ordered (and that would not make up enough time to this side to equalize what has been consumed on the other side), would I be permitted to control the remaining time?

The SPEAKER. The gentleman would control the remaining time with the agreement heretofore made, subject, of course, to the rules of the House.

Mr. MOODY. Then I move that the previous question be considered as ordered at a quarter past 5 o'clock.

Mr. CANNON. I make the point of order against that motion.

The SPEAKER. The gentleman can not make that motion. It can only be done by consent of the House. If the gentleman is desirous of submitting the request for unanimous consent, the Chair will put it to the House.

Mr. MOODY. I do not desire to ask unanimous consent.

Mr. RICHARDSON. I ask, Mr. Speaker, if the gentleman from Massachusetts should use thirty minutes of the time, whether he could not, at the end of that time, if he saw fit, move the previous question?

Mr. CANNON. He has not charge of the measure.

Mr. McMILLIN. That does not matter——

Mr. MOODY. Mr. Speaker, I yield ten minutes to the gentleman from Colorado [Mr. SHAFROTH].

Mr. SHAFROTH. Mr. Speaker, in the speech of the gentleman from Illinois [Mr. CONNOLLY] who has just taken his seat is found the remarkable instance of a person going beyond the testimony which has been presented to the committee for the purpose of giving his views upon the case. There has been an element in that speech, it seems to me, that ought to meet with the disapproval of every member of this House. When he attempted to bring into this case the question of party and, in the manner he did, to refer to Mugwumps working or voting against the majority report, I submit it is not a proper spirit in which to discuss the important legal questions in a contested-election case before the House of Representatives. [Applause.]

I submit, sir, that the accusations that have been made in this case, accusations as to fraud, which it is claimed had been committed on the part of Mr. Downing, the sitting member, have no foundation from anything that appears in the record of this case. It is not shown that any fraud exists. Those who make them fail at the same time to give any weight whatever to his explanation. They fail to give him credit for any honest intentions in the matter. He says he instituted this suit for the purpose of testing the construction of the statute as to whether a notary public has the power to compel the production of ballots; and when we find, after he gets to a tribunal of his own State, that his views are adopted by that State, I ask where is there any fairness in declaring that there is fraud or conspiracy in getting out that injunction?

Mr. Speaker, the truth is that the whole argument of the gentleman has been to mystify this case. It has been for the purpose of leading the House from the true issue in the case. We find that gentlemen have been talking about the fraud, about the iniquity there was in suing out a writ of injunction, the iniquity in appealing to the courts for the construction of a statute, and they have labored upon that to keep the minds of members of this House from examining into the true merits of the case.

Mr. Speaker, suppose everything they claim were true. Suppose that in every way they have indicated they are correct. How does it leave the situation of these parties? If that injunction suit had even been brought willfully to gain time, what is the legal effect? What is the situation of the parties? It simply permits the introduction of secondary evidence, and that is all. Secondary evidence is permitted to establish what the ballots show in Macoupin County. That is the question. What is that secondary evidence? It is the evidence of a man who, in a contest between the candidates for county treasurer in that county, during a count of the ballots to determine that question, made some sort of a count of the vote for Congressman. That is the man on whose testimony they rely for the purpose of overturning the solemn, sworn statements of the parties who were judges of election. On man sat behind the county clerk and by his pencil marks attempted to count the votes that had been received for Congressmen, Mr. Downing, the sitting member, and General Rinaker, the contestant. He was not there during all of the counting of those ballots. He was simply there while 25 precincts were being counted. We find that when he testified in this case his tally showed a difference of 22 votes in favor of General Rinaker and 13 votes against Mr. Downing, the sitting member, and the result was that those two sums added together make 35 votes, which is more than the majority given by the report of the committee to General Rinaker, and hence decides the question in this case.

Now, then, the question is simply, what does all this talk about the injunction suit amount to? It amounts to laying the foundation for the introduction of secondary testimony only, and that secondary testimony is the evidence of one man, an unsworn person, a member of the same political party as General Rinaker, a man who evidently felt a deep interest in General Rinaker. He was not sworn, his count was not an official count, and it is by this evidence that it is sought to override the official returns made by the officers.

Mr. COX. Will the gentleman yield for a question?

Mr. SHAFROTH. Certainly.

Mr. COX. Was this man who made the count of the Congressional vote placed there by any authority in the world?

Mr. SHAFROTH. None whatever.

Mr. COX. Who put him there?

Mr. SHAFROTH. He was representing General Rinaker.

Mr. COX. Did General Rinaker put him there?

Mr. SHAFROTH. I do not know whether he did or not, but the evidence showed that he was representing General Rinaker.

Mr. COX. He was not employed as an officer of the State at all?

Mr. SHAFROTH. No.

Mr. LACEY. The evidence showed that he was employed by Thomas Rinaker, a son of General Rinaker.

Mr. COX. He was not a State officer at all?

Mr. SHAFROTH. No, sir.

Mr. COX. He was not under oath?

Mr. SHAFROTH. Not at all.

Mr. COX. That is a curious kind of man to make a count of that sort.

Mr. HULICK. When the result of Murphy's count was known to be favorable to General Rinaker, then it was that this injunction proceeding was begun and the counting of the ballot closed against General Rinaker.

Mr. SHAFROTH. I understand that the injunction was sued out first.

Several MEMBERS. Oh, no.

Mr. HULICK. I should like to know that fact.

Mr. SHAFROTH. I do not know whether it was or not. It is immaterial.

A MEMBER. It is very material.

Mr. HOPKINS. Will the gentleman yield?

Mr. SHAFROTH. My time is nearly up.

Mr. HOPKINS. It is right on that point.

Mr. SHAFROTH. I can not yield.

The SPEAKER. The gentleman declines to yield.

Mr. SHAFROTH. Now, Mr. Speaker, what is our duty between these two parties? I care not what the result of the injunction suit is. I care not how it locks up the ballot. I care not in what situation it would place the contestant, so long as it preserved the ballots, and we have the right to look at them now.

Now, what is the situation if those ballots are not opened? We have upon the one side a conflict of testimony. This secondary evidence is admissible to show what? To show that this man Murphy examined the count for candidates for Congress, and found by his count a discrepancy. Now, that is the situation, and that is all the evidence upon that side. Mr. Downing, by reason of the injunction suit, can not be deprived of the fact that he holds the certificate of election, can not be deprived of the fact that there were five sworn officers in each precinct, that they in an official capacity passed upon these votes. It then becomes a question of the preponderance of evidence.

Upon one side we have what? Simply one man, unsworn, not an official at all, who had no legal right to examine the ballots, making a count over the shoulder of another man. Now, what do we find in the testimony, and ample testimony, on the other side? We find that every one of these precinct returns was read and examined by five men. We find that in each of the election precincts there were watchers trying to find whether there was any illegal voting. Again, we find that the judges represented the different political parties and the greatest watchfulness was evinced upon each side to determine whether or not there was a single vote that was illegally cast or counted. Then we find that the clerks of the election were of different political parties, every one of them straining every nerve to see that there was no fraudulent vote cast; and notwithstanding these were sworn men; notwithstanding the fact that they were in the performance of their official duty; notwithstanding the fact that they were there to see that no frauds were committed, you are asked by the majority report in this case to set aside their testimony and to say that this was an illegal count, simply on what one man says, and he unsworn, and in the interest of the party who is the contestant in this case.

Mr. Speaker, if we are prepared to do that, it seems to me that there is no Representative in this House whose seat is safe. We are not asking that Mr. Downing be seated. That is not the question that is before this House by the report made by the minority of the committee. That is not what they are claiming. They are claiming that the votes in the precincts in which it is claimed mistakes in the count have been made, namely, the votes in Macoupin County, be recounted. We have the evidence of the county clerk, made at that time, and also made in an affidavit on the 24th day of last April, that these ballots are intact; that by agreement these ballots were placed in two trunks, and the trunks locked; that seals were put upon the locks; that the name of the county clerk was written upon the seals; that the keys were inclosed in an envelope, and sealed and placed in the vault of the county. When we take into consideration the fact that the county clerk himself is of the same political party as General Rinaker, what excuse is there on earth for denying justice to the sitting member? What excuse is there for refusing to find out the truth?

I submit, Mr. Speaker, it is simply saying we are afraid to open the ballots for fear they do not show enough votes for General Rinaker to elect him.

Mr. COOKE of Illinois. Will the gentleman permit me to ask him one question?

Mr. SHAFROTH. Yes, sir.

Mr. COOKE of Illinois. Was not the application for an injunction a clear indication that they were afraid on their side of having the ballots opened and counted?

Mr. SHAFROTH. I do not care whether it was or not. I do not know. It does not make any difference whether it is so or not. You can not elect or unseat a man upon mere fear or suspicion. The bringing of the injunction suit does not prove anything. It simply permits the introduction of secondary evidence, and that is all; and then when you produce that evidence, I submit that there is no member of this House that would want his seat even contested by such testimony as that.

The SPEAKER. The time of the gentleman has expired.

Mr. MOODY. I yield ten minutes to the gentleman from Pennsylvania [Mr. DALZELL].

Mr. DALZELL. Mr. Speaker, I do not rise at this time to enter into any lengthy discussion of this case. I rise simply for the purpose of explaining to the House the reasons why I can not assent to the conclusions reached by the majority of the committee.

This Congressional district in question was composed of 160 election precincts. At each of those 160 election precincts there were election officers duly chosen in accordance with the law, representatives of both parties. Those 160 election precincts, through the medium of their election officers, made returns—sworn returns; and there is no allegation of any fraud upon the part of a single election officer in all these 160 districts. The sitting member comes here, therefore, with the commission that the law gives him as the result of those election returns, and they are absolutely conclusive and binding until they are overturned by competent evidence.

Have they been so overturned? It is alleged that some time after the election returns were made and the certificate issued a contest arose in a certain county between the Republican and the Democratic candidates for treasurer, and in that contest the ballots were counted. They were counted by officers appointed by law for that purpose, acting under the sanction of an oath, and following the mode of procedure pointed out by the law. At the instance of the contestant, in the interest of the contestant, presumably in the hire of the contestant, a party who, in my judgment, had no business in that room where the ballots were being counted sat behind one of the parties engaged in that count, and as the ballots were passed speedily along, at the rate of from 6 to 16 a minute, made a tally of the Congressional vote. He did that in 25 out of 160 election districts. The proposition here now is that the sworn returns of the legally elected and sworn election officers in the 160 election districts shall be overturned and the title to a seat in this House settled upon the testimony of that hired counter, who counted in this method in these 25 out of the 160 election precincts. That is the question before this House and nothing can obscure it. Now, then, our friends upon the other side will admit, I think, that up to this point, if there were nothing more in the case, the contestant would have no case. I assume that they would concede that. In other words, they would concede that in the absence of something not yet disclosed the testimony of Murphy is insufficient to change the result.

Now, how do they justify the admission of Murphy's testimony? Upon what basis do they give it the weight that enables it to overturn the regular election returns? Upon this basis; the law of Illinois contains this provision:

> In all cases of contested elections the parties contesting the same shall have the right to have the package of ballots cast at such election opened, and to have all errors of the judges in counting or refusing to count any ballot corrected by the court or body trying such contest; but such ballots shall be opened only in open court, or in open session of such body, and in the presence of the officer having the custody thereof. (Election laws of Illinois, 1894, compiled, article 12, section 31, page 46.)

Undoubtedly taking that provision upon the statute book of his own State as a guide for his conduct, the contestee went into a circuit court in Illinois and asked that these ballots be not counted elsewhere than where the statute provided they might be counted, to wit, in open court, and procured an injunction against their being counted anywhere save in a court of competent jurisdiction of the State of Illinois, in a Federal court, or in Congress subsequent to its meeting.

Now, I care nothing about the motive of the contestee in procuring that injunction. It can not in any wise affect the legal result or the legal status of the case as it now stands. I put that consideration, therefore, aside altogether. I care not whether it was a good motive or a bad motive. The question is, Did his procuring of that injunction justify the admission of Murphy's testimony? That is the question to which I now address myself. You can introduce secondary evidence when, after due diligence, the primary evidence has been put beyond the jurisdiction of the court. But those two elements must concur. There must be due diligence to secure the primary evidence, and that evidence must have been put beyond the jurisdiction of the court. Neither of those prerequisites is found in this case.

Mr. HOPKINS. Will the gentleman allow me to interrupt him for a moment?

Mr. DALZELL. Yes, sir.

Mr. HOPKINS. Can the gentleman from Pennsylvania state to this House any court where those ballots could have been legally counted for Rinaker and Downing?

Mr. DALZELL. The gentleman evidently misapprehends the trend of my argument, and it is not necessary that I should answer that question, but I will answer it in a few moments if he desires an answer. I was saying, Mr. Speaker, that neither of the necessary prerequisites required by the rule exists in this case. In the first place, there was no due diligence. What was the situation of the case? The contestee as plaintiff and the various county clerks as defendants were parties to an equity proceeding. The contestant was no party to that proceeding, but the interest of the contestant was the subject-matter of that proceeding, and the doors of that court were open to him. He could have gone into the court, and it was his duty to have gone into the court, and stated that he was a party in interest; that he prayed to be made a party to the proceeding, and moved to dissolve the injunction. Or failing that—and upon this point I do not care to take up much time, because I have not much to spare—failing that, moved to have had the ballots counted.

Mr. HOPKINS. When could he have had the ballots counted under that proceeding? He could not have had them counted until you would be a gray-headed old man.

Mr. DALZELL. It is not material to the case whether he could have had the ballots counted or not. He did not do what he ought to have done.

Mr. HOPKINS. I take issue with you there. I think he did.

Mr. DALZELL. I decline to be interrupted further, especially by the gentleman who has interrupted everybody. [Laughter.]

Mr. HOPKINS. Well, I have never done it without making a point. [Laughter.]

Mr. DALZELL. I say, Mr. Speaker, the first prerequisite is wanting—due diligence. The second prerequisite is also wanting in this case, because the primary evidence was not put beyond the jurisdiction of the court. It was impossible for that court to make an order, if it had attempted to do it, to put those ballots beyond the reach of this Congress. Gentlemen say that the evidence could not be produced within the forty days or the fifty days or ninety days. There is no time binding on this House. There are no rules for the conduct of contested election proceedings that are binding on this House. The source of its authority, the limit of its power, the charter for its exercise, is found in the Constitution of the United States, which makes the House the sole and exclusive judge, according to its own methods, according to the methods of each Congress for itself, as to the election and qualifications of its own members. Those ballots have never been beyond the reach of this House, and they are by this very injunction preserved in their integrity to answer the purpose recommended by the minority of the committee, to wit, an examination by this court of last resort to determine the truth as between the parties.

How much time have I remaining, Mr. Speaker?

The SPEAKER. The time of the gentleman has expired.

Mr. MOODY. I yield the gentleman ten minutes more, or whatever further time he desires.

Mr. DALZELL. Now, Mr. Speaker, I go a step further. The injunction could by no possibility do the contestant any harm, because he was not entitled to a recount unless he acquired that right by a statute of the State of Illinois. The laws of Congress authorize no recount. There is no law anywhere that authorizes the party taking testimony in a contested election case to have a recount of the ballots. The gentlemen who refer to the case of Greevy *vs.* Scull misapprehend the scope and purpose of that case. It did not decide that there could be a recount before the notary. The contestant therefore lost nothing if he was not entitled to a recount. If, on the other hand, he was entitled to a recount, he became entitled thereto by the provisions that are found upon the statute book of Illinois.

Mr. CANNON. Will the gentleman allow me a moment?

Mr. DALZELL. Certainly.

Mr. CANNON. Does the gentleman hold that under the Federal statute it was out of the power of the contestant to examine the county clerk who had the ballots in his custody, and to take evidence touching the ballots themselves, and if necessary, as part of that evidence, to take complete copies of the ballots?

Mr. DALZELL. I do not. There is a vast difference between that and a recount.

Mr. CANNON. That, as I understand (and if I am in error I want to be corrected), is just exactly what the contestant sought to do by the subpœna duces tecum.

Mr. DALZELL. To have a recount?

Mr. CANNON. No; to examine touching those ballots and to take evidence so as to obtain copies of them and spread the results in the record for the consideration of the House.

Mr. DALZELL. Very well; he was prevented for the time being from doing that by the course which was taken.

Mr. CANNON. Precisely.

Mr. DALZELL. But the ballots were not taken out of the jurisdiction of the court; they do not, therefore, come within the rule which allows the admission of secondary evidence.

Mr. CANNON. I only interrupted the gentleman to say that it was not a recount, but the taking of the evidence originally, that was sought to be accomplished by the contestant.

Mr. DALZELL. I submit, then, that no harm could come to the contestant, because he was not entitled to a recount unless pursuant to the provisions of the statute of Illinois. If he was entitled to a recount pursuant to the provisions of that statute and desired to have it, he could only have it in accordance with the terms of the statute; and that recourse was open to him at all times.

But aside from this altogether—aside from the proposition that he was not entitled to a recount generally—he was not entitled to a recount on the pleadings in this case. You can not, without some averment with respect to particular ballot boxes, have a recount in any case except a case where there has been discovery of such general fraud as makes the election void unless the truth can be ascertained by going to the ballot boxes. There is no allegation in the petition in this case; there is no possible ground in the pleadings in this case to justify a recount. Why, sir, I need hardly say to a body made up largely of lawyers that no man upon even a general allegation of fraud, which we have not in this case, could have a recount as an experiment, so as to set off ballot box against ballot box, or ballot box on the one side and judicial findings on the other. An election contest is not an experimental investigation; it is a trial of specific charges; and what is complained of in this case is that the contestant is prevented from going to the ballot boxes of the 160 precincts in that Congressional district to find out whether or not he had not something rightly to complain of.

Now, Mr. Speaker, if my argument thus far has proceeded upon a proper basis this evidence was incompetent. But let us concede that it was competent. I want you gentlemen to face the proposition you are asked to sustain. Suppose, for example, that there were no ballots in existence at all, and the only evidence in the case was on one side the sworn returns of the election officers and on the other Murphy's testimony. I want you to answer the question to your consciences, Could you unseat the contestee and seat the contestant on such evidence?

Mr. HULICK. Will the gentleman allow me to answer that on my own behalf?

Mr. DALZELL. The question was rhetorical. The gentleman can answer it by his vote. I am not anxious to have the gentleman's answer. He has already indicated how he is going to vote, and I do not expect to make a convert of him. I ask you now—and I do not care to prolong the discussion—to consider seriously this proposition: Will you set aside the unimpeached returns of 160 election precincts upon the testimony of Murphy who counted in the manner indicated by the testimony in 25 out of the 160? That is the question; that is the only question. And I want to say to you before I take my seat that the decision of a Republican Congress made by votes cast upon the ground that the contestant is a friend of this party or a friend of that party, or that the contestee is a Democratic newspaper editor—the decision of a Republican Congress made upon such grounds will be a disgrace to a Republican Congress. [Applause.] A decision made upon any ground except in consonance with the facts as presented upon the record and the law applicable thereto will be lacking in glory and will be an infamous one. [Applause.]

Mr. COOKE of Illinois rose.

Mr. MOODY. I believe I have the floor. I would like, before yielding the floor, to inquire of my colleague on the committee, the gentleman from Illinois [Mr. COOKE], whether he will consent to the previous question being now ordered?

Mr. COOKE of Illinois. After the objection which was made to limiting the time, and so long as we are entitled to close the debate, and so long as we have been unable to come to any agreement as to the time at any moment during the progress of the debate, I can not consent.

Mr. MOODY. Mr. Speaker, there are many gentlemen who wish to speak on this side of the question; but the universal demand that comes to me to allow the House to decide whether or not it will close this debate now, compels me, without any wish upon the subject one way or the other, to ask the previous question.

Mr. CANNON. Will the gentleman allow me one word before he does that?

Mr. MOODY. Certainly.

Mr. CANNON. Only a word.

Mr. MOODY. Does the gentleman desire a word with the House or with me?

Mr. CANNON. I wish to make a suggestion to the gentleman from Massachusetts. Three or four of my colleagues, and colleagues of the contestant, would be very glad to have five or ten minutes for the purpose of discussing the law and the facts in connection with this matter as they appear in the record. Therefore I want to appeal to the gentleman from Massachusetts, in all fairness and fair play, not to move the previous question (which seems to me substantially out of order), and not to seek to take the control of the matter from the member who has under the rules and practice control of it. I would suggest to the gentleman that we adjourn now, or let the debate run fifteen or twenty minutes further. [Cries of "Vote!" "Vote!"] Oh, gentlemen, our man has waited a year for his seat. You can certainly wait and let the case be properly presented.

Mr. MOODY. It is insisted here, Mr. Speaker, that the time belonging to the other side of the House, and much more than that time, has been already occupied. If I yielded to my own wishes I should say let the debate go on. But the House can do as they see fit in the matter. I have no wish about it one way or the other. Our desire is, if possible, to take a vote to-night, and while it puts me in a very painful position, indeed, to be in opposition to the distinguished gentleman from Illinois, unless the House otherwise prefers I shall have to insist upon the previous question.

Mr. DINGLEY. If the gentleman will pardon me a moment, in pursuance of the almost universal practice of the House it has been accorded to the gentleman in charge of any bill or resolution before the House to close the debate and move the previous question. I would suggest to the gentleman that the ordinary practice had better not be deviated from in this case.

Mr. MOODY. That is an appeal which, of course, I can not deny to the distinguished gentleman from Maine, but I would like to ask the gentleman if his appeal would be satisfied if we

would allow, say, ten or fifteen minutes, to the other side and then take a vote—allowing them to close the debate?

Mr. DINGLEY. I would simply say, of course, if it is the desire of the House to come to a vote, I think that is only proper, although I think the motion should be made by the gentleman in charge of the matter at the conclusion of the argument.

Mr. MOODY. The difficulty is that the motion will not be made. There will be an attempt to adjourn. The House is here, we are all interested in the matter, and we ought to dispose of it. If they will agree to, say, ten or fifteen minutes, and then move the previous question, I have no objection, and I shall be glad to yield for that motion.

Mr. HOPKINS. I will say to the gentleman that a number of gentlemen have left the Hall under the impression that there would be no vote to-day.

Several MEMBERS. They ought to be here.

Mr. HOPKINS. It is now half past 5 o'clock, and the vote, if we should go to voting now, would take, say, until 7 this afternoon. Nothing can be lost by allowing the matter to go over and permitting gentlemen to present their views on the law and the facts, and take the vote on another day.

Mr. MOODY. I will yield to the appeal of the gentleman from Maine to the extent that I have already indicated. If gentlemen on the other side will take from our time—for this is our time, as we have occupied nowhere near the amount of time that has been occupied by the other side—if they will take fifteen minutes of our time, and then have the previous question considered as ordered at the end of that time, and agree that a single vote on the substitute of the minority shall be final on the whole case, and nothing more, I will grant consent to that programme.

Mr. CANNON. Well, we will not make, I think, if it requires unanimous consent, that agreement.

Mr. MOODY. Then, Mr. Speaker, I demand the previous question.

Mr. CANNON. I rise to a question of order on that motion.

The SPEAKER. The gentleman will state it.

Mr. CANNON. It is not in order for the gentleman from Massachusetts to move the previous question, for the reason that, while the rule may be silent on the subject in that respect, yet it is the practice of the House, an unbroken practice, so far as I know, for years, that the gentleman in charge of the bill or measure should be, as he has been always, recognized at the close of the debate to move the previous question.

The SPEAKER. The Chair does not remember any case where the right to move the previous question has been refused to a member. The remedy seems to be very simple. If the House does not desire the previous question ordered, it can vote the motion down. The gentleman in charge of the bill was recognized originally and was in charge of it. He has not seen fit to move the previous question, but if some one else moves it and the House does not desire to have it ordered it can vote down the motion.

Mr. HOPKINS. Mr. Speaker, inasmuch as a number of gentlemen have gone from the House, supposing there would be no vote on the question to-day——

Mr. MOODY. Mr. Speaker, I have not yielded the floor.

The SPEAKER. The Chair will hear the gentleman from Illinois upon the point of order.

Mr. HOPKINS. Inasmuch as a number of gentlemen have gone, supposing there would be no vote to-day, and inasmuch as there are a number of gentlemen on the side of the contestant who desire still further to discuss the law and the facts, it seems to me that it would be improper to cut off the discussion in this way——

Mr. MILES. Mr. Speaker, is this a point of order?

The SPEAKER. The Chair hardly thinks that is a point of order. These are considerations addressed to the House as to the propriety of ordering the previous question.

Mr. HOPKINS. That was simply a premise to my motion, which is that the House do now adjourn.

Mr. MOODY. I make the point of order that I have the floor.

The SPEAKER. The gentleman has the right to move that the House do now adjourn.

Mr. RICHARDSON. I make the point that that is dilatory.

The SPEAKER. The Chair will overrule the point and put the question. The gentleman from Illinois [Mr. HOPKINS] moves that the House do now adjourn.

Mr. BARRETT. Mr. Speaker, a point of order. I will ask the Speaker to first state the motion of the gentleman from Massachusetts.

The SPEAKER. The gentleman from Massachusetts [Mr. MOODY] has asked for the previous question. That is the matter pending before the House. Pending that, the gentleman from Illinois [Mr. HOPKINS] moves that the House do now adjourn.

Mr. LACEY. A parliamentary inquiry, Mr. Speaker. Should we adjourn, what would be the condition of the case to-morrow, or the next time it comes up? Will it then stand upon the motion for the previous question?

The SPEAKER. It will stand precisely as it does now.

Mr. LACEY. That is, the motion for the previous question will be pending?

The SPEAKER. The motion for the previous question will be pending.

Mr. PICKLER. Mr. Speaker——

The SPEAKER. The question is on the motion of the gentleman from Illinois that the House do now adjourn.

The question was taken, and the Speaker announced that the noes seemed to have it.

Mr. HOPKINS demanded a division, and pending the division demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 96, nays 139, not voting 120; as follows:

YEAS—96.

Acheson,	Curtis, Kans.	Hooker,	Prince,
Aldrich, Ala.	Curtis, N. Y.	Hopkins,	Reeves,
Aldrich, Ill.	Danford,	Howard,	Reyburn,
Avery,	Daniels,	Hubbard,	Royse,
Baker, N. H.	De Witt,	Hulick,	Scranton,
Barney,	Dingley,	Huling,	Sherman,
Belknap,	Fischer,	Hull,	Smith, Ill.
Bishop,	Foss,	Hunter,	Smith, Mich.
Blue,	Gamble,	Johnson, N. Dak.	Snover,
Brewster,	Gibson,	Joy,	Southard,
Broderick,	Gillet, N. Y.	Kiefer,	Spalding,
Brumm,	Graff,	Leonard,	Sperry,
Burton, Mo.	Griffin,	Linton,	Stewart, Wis.
Calderhead,	Grosvenor,	Long,	Strode, Nebr.
Cannon,	Hadley,	Lorimer,	Sulloway,
Chickering,	Hager,	Marsh,	Tawney,
Connolly,	Hainer, Nebr.	Mercer,	Tracey,
Cooke, Ill.	Halterman,	Miller, Kans.	Van Horn,
Cooper, Wis.	Harris,	Minor, Wis.	Van Voorhis,
Corliss,	Henderson,	Murphy,	Walker, Va.
Cousins,	Hepburn,	Northway,	Warner,
Crowther,	Hermann,	Overstreet,	Watson, Ohio
Crump,	Hill,	Parker,	Wilson, Ohio
Curtis, Iowa	Hitt,	Perkins,	Wood.

NAYS—139.

Abbott,	Eddy,	Loud,	Sparkman,
Allen, Miss.	Elliott, S. C.	Loudenslager,	Spencer,
Allen, Utah	Ellis,	Maguire,	Stahle,
Anderson,	Erdman,	McCall, Mass.	Stallings,
Apsley,	Evans,	McCleary, Minn.	Stokes,
Bailey,	Fairchild,	McCulloch,	Stone, C. W.
Baker, Kans.	Fitzgerald,	McDearmon,	Strait,
Baker, Md.	Gardner,	McLaurin,	Strowd, N. C.
Bankhead,	Hall,	McMillin,	Swanson,
Bartlett, Ga.	Hardy,	McRae,	Taft,
Beach,	Harrison,	Meyer,	Talbert,
Bell, Colo.	Hart,	Miles,	Tate,
Bell, Tex.	Hatch,	Milliken,	Tayler,
Berry,	Heiner, Pa.	Money,	Terry,
Brown,	Hendrick,	Moody,	Towne,
Bull,	Henry, Conn.	Neill,	Tracewell,
Burton, Ohio	Hicks,	Otey,	Treloar,
Catchings,	Jenkins,	Otjen,	Tucker,
Clardy,	Jones,	Patterson,	Turner, Ga.
Clarke, Ala.	Kem,	Payne,	Turner, Va.
Cobb,	Kendall,	Pendleton,	Tyler,
Codding,	Kerr,	Pickler,	Underwood,
Cooper, Fla.	Kleberg,	Pitney,	Updegraff,
Cox,	Knox,	Poole,	Wadsworth,
Crisp,	Kulp,	Powers,	Walsh,
Crowley,	Kyle,	Pugh,	Wanger,
Culberson,	Lacey,	Raney,	Watson, Ind.
Cummings,	Latimer,	Richardson,	Wellington,
Dalzell,	Layton,	Russell, Conn.	Wheeler,
De Armond,	Leighty,	Russell, Ga.	Willis,
Denny,	Lester,	Shafroth,	Wilson, N. Y.
Dinsmore,	Linney,	Shuford,	Wilson, S. C.
Dockery,	Little,	Simpkins,	Wright,
Dolliver,	Livingston,	Skinner,	Yoakum.
Draper,	Lockhart,	Southwick,	

NOT VOTING—120.

Adams,	Doolittle,	Lawson,	Phillips,
Aitken,	Dovener,	Lefever,	Price,
Andrews,	Downing,	Leisenring,	Quigg,
Arnold, Pa.	Ellett, Va.	Lewis,	Ray,
Arnold, R. I.	Faris,	Low,	Robertson, La.
Atwood,	Fenton,	Maddox,	Robinson, Pa.
Babcock,	Fletcher,	Mahany,	Rusk,
Barham,	Foote,	Mahon,	Sauerhering,
Barrett,	Fowler,	McCall, Tenn.	Sayers,
Bartholdt,	Gillett, Mass.	McClellan,	Settle,
Bartlett, N. Y.	Goodwyn,	McClure,	Shannon,
Bennett,	Griswold,	McCormick,	Shaw,
Bingham,	Grout,	McCreary, Ky.	Sorg,
Black, Ga.	Grow,	McEwan,	Steele,
Black, N. Y.	Hanly,	McLachlan,	Stephenson,
Boutelle,	Harmer,	Meiklejohn,	Stewart, N. J.
Bowers,	Hartman,	Meredith,	Stone, W. A.
Bromwell,	Heatwole,	Miller, W. Va.	Strong,
Brosius,	Hemenway,	Milnes,	Sulzer,
Buck,	Henry, Ind.	Miner, N. Y.	Thomas,
Burrell,	Hilborn,	Mondell,	Thorp,
Clark, Iowa	Howe,	Morse,	Walker, Mass.
Clark, Mo.	Howell,	Moses,	Washington,
Cockrell,	Huff,	Mozley,	White,
Coffin,	Hurley,	Newlands,	Wilber,
Colson,	Hutcheson,	Noonan,	Williams,
Cook, Wis.	Hyde,	Odell,	Wilson, Idaho
Cooper, Tex.	Johnson, Cal.	Ogden,	Woodard,
Cowen,	Johnson, Ind.	Owens,	Woodman,
Dayton,	Kirkpatrick,	Pearson,	Woomer.

So the motion to adjourn was rejected.
The Clerk announced the following pairs:
Until further notice:
Mr. WILLIAM A. STONE with Mr. SAYERS.
Mr. JOHNSON of Indiana with Mr. BLACK of Georgia.
Mr. MILLER of West Virginia with Mr. WOODARD.
Mr. STEELE with Mr. WASHINGTON.
Mr. MCEWAN with Mr. SULZER.
Mr. WILSON of Idaho with Mr. COWEN.
Mr. HUFF with Mr. MINER of New York.
Mr. MOZLEY with Mr. MOSES.
Mr. FARIS with Mr. SORG.
Mr. MEIKLEJOHN with Mr. ROBERTSON of Louisiana.
Mr. BARTHOLDT with Mr. MADDOX.
Mr. WILLIS with Mr. WILLIAMS.
For this day:
Mr. STEPHENSON with Mr. RUSK.
Mr. MCCALL of Tennessee with Mr. LAWSON.
Mr. LEFEVER with Mr. MAHANY.
Mr. BURRELL with Mr. COCKRELL.
Mr. LOW with Mr. MCCLELLAN.
On this question:
Mr. DOOLITTLE with Mr. MCLACHLAN.
Mr. STRONG with Mr. GILLETT of Massachusetts.
Mr. BLACK of New York with Mr. BARTLETT of New York.
Mr. HENRY of Indiana with Mr. SHAW.
Mr. BENNETT with Mr. OWENS.
Mr. DOVENER with Mr. BROMWELL.
Mr. MILNES with Mr. MEREDITH.
Mr. QUIGG with Mr. MCCREARY of Kentucky.
Mr. GROUT with Mr. GRISWOLD.
Mr. HURLEY with Mr. GOODWYN.
Mr. LEISENRING with Mr. HUTCHESON.
Mr. HARMER with Mr. BUCK.
Mr. MORSE with Mr. BROSIUS.
Mr. SAUERHERING with Mr. ELLETT of Virginia.
Mr. DAYTON with Mr. OGDEN.
Mr. MCCLURE with Mr. COOPER of Texas.

Mr. SAYERS. Mr. Speaker, I find that I am paired with the gentleman from Pennsylvania, Mr. WILLIAM A. STONE. I withdraw my vote. If he were here, I should vote "no."

Mr. DOOLITTLE. I see that I am paired with the gentleman from California, Mr. MCLACHLAN. I voted "aye," but I desire now to withdraw my vote for that reason.

Mr. STEELE. I voted "aye." I am paired with the gentleman from Tennessee, Mr. WASHINGTON, and withdraw my vote.

Mr. GROUT. I am reminded that I am paired with the gentleman from Pennsylvania, Mr. GRISWOLD, and so withdraw my vote. I voted "aye."

Mr. WILLIS. I am paired with the gentleman from Mississippi, Mr. WILLIAMS, but this case is specially excepted.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on ordering the previous question.

Mr. HOPKINS. A parliamentary inquiry?

The SPEAKER. The gentleman will state it.

Mr. HOPKINS. Pending that motion, would a motion to postpone the further consideration of this contested-election case until Friday be in order?

Mr. LACEY. Would not that be a dilatory motion after the motion just voted upon?

The SPEAKER. The motion would not be in order. The question is on agreeing to the previous question.

The question was taken on ordering the previous question; and the Speaker announced that the ayes seemed to have it.

Mr. HOPKINS. Division.

The House divided; and there were—ayes 145, noes 69.

Mr. HOPKINS. Mr. Speaker, I demand the yeas and nays on this. [Cries of "Oh!"]

The yeas and nays were ordered.

The question was taken; and there were—yeas 143, nays 76, not voting 136; as follows:

YEAS—143.

Abbott,	Catchings,	Ellis,	Jenkins,
Allen, Miss.	Clardy,	Erdman,	Jones,
Allen, Utah	Clarke, Ala.	Evans,	Kem,
Anderson,	Cobb,	Fairchild,	Kendall,
Bailey,	Codding,	Fischer,	Kerr,
Baker, Kans.	Cooper, Fla.	Fitzgerald,	Kleberg,
Baker, Md.	Crisp,	Gardner,	Knox,
Bankhead,	Crowley,	Gillet, N. Y.	Kulp,
Bartlett, Ga.	Culberson,	Hall,	Kyle,
Bell, Colo.	Cummings,	Hardy,	Lacey,
Bell, Tex.	Dalzell,	Harrison,	Latimer,
Berry,	De Armond,	Hart,	Layton,
Bishop,	Denny,	Hatch,	Leighty,
Boutelle,	Dinsmore,	Hendrick,	Lester,
Brown,	Dockery,	Henry, Conn.	Little,
Bull,	Draper,	Howe,	Livingston,
Burton, Ohio	Eddy,	Howell,	Lockhart,
Cannon,	Elliott, S. C.	Hunter,	Loud,
Loudenslager,	Pendleton,	Sparkman,	Tucker,
Maguire,	Pickler,	Spencer,	Turner, Ga.
McCleary, Minn.	Pitney,	Stahle,	Turner, Va.
McCulloch,	Poole,	Stallings,	Tyler,
McDearmon,	Powers,	Stokes,	Underwood,
McLaurin,	Pugh,	Stone, C. W.	Updegraff,
McMillin,	Raney,	Strait,	Wadsworth,
McRae,	Richardson,	Strowd, N. C.	Walker, Va.
Meyer,	Russell, Conn.	Swanson,	Walsh,
Miles,	Russell, Ga.	Taft,	Wanger,
Milliken,	Shafroth,	Talbert,	Watson, Ind.
Money,	Sherman,	Tate,	Wheeler,
Moody,	Shuford,	Tawney,	Willis,
Neill,	Simpkins,	Tayler,	Wilson, N. Y.
Otey,	Skinner,	Terry,	Wilson, S. C.
Otjen,	Southard,	Towne,	Wright,
Patterson,	Southwick,	Tracewell,	Yoakum.
Payne,	Spalding,	Treloar,	

NAYS—76.

Acheson,	Cousins,	Halterman,	Northway,
Aldrich, Ala.	Crowther,	Henderson,	Overstreet,
Aldrich, Ill.	Crump,	Hepburn,	Parker,
Apsley,	Curtis, Iowa	Hitt,	Perkins,
Avery,	Curtis, Kans.	Hopkins,	Prince,
Baker, N. H.	Curtis, N. Y.	Hulick,	Quigg,
Barney,	Danford,	Huling,	Reeves,
Belknap,	Daniels,	Hull,	Reyburn,
Blue,	De Witt,	Kiefer,	Royse,
Brewster,	Dingley,	Leonard,	Scranton,
Broderick,	Foss,	Linney,	Smith, Ill.
Brumm,	Gamble,	Linton,	Stewart, Wis.
Burton, Mo.	Gibson,	Long,	Strode, Nebr.
Chickering,	Graff,	Lorimer,	Sulloway,
Colson,	Griffin,	Marsh,	Van Horn,
Connolly,	Grosvenor,	Mercer,	Van Voorhis,
Cooke, Ill.	Hadley,	Miller, Kans.	Warner,
Cooper, Wis.	Hager,	Minor, Wis.	Watson, Ohio
Corliss,	Hainer, Nebr.	Murphy,	Wood.

NOT VOTING—136.

Adams,	Downing,	Joy,	Price,
Aitken,	Ellett, Va.	Kirkpatrick,	Ray,
Andrews,	Faris,	Lawson,	Robertson, La.
Arnold, Pa.	Fenton,	Lefever,	Robinson, Pa.
Arnold, R. I.	Fletcher,	Leisenring,	Rusk,
Atwood,	Foote,	Lewis,	Sauerhering,
Babcock,	Fowler,	Low,	Sayers,
Barham,	Gillett, Mass.	Maddox,	Settle,
Barrett,	Goodwyn,	Mahany,	Shannon,
Bartholdt,	Griswold,	Mahon,	Shaw,
Bartlett, N. Y.	Grout,	McCall, Mass.	Smith, Mich.
Beach,	Grow,	McCall, Tenn.	Snover,
Bennett,	Hanly,	McClellan,	Sorg,
Bingham,	Harmer,	McClure,	Sperry,
Black, Ga.	Harris,	McCormick,	Steele,
Black, N. Y.	Hartman,	McCreary, Ky.	Stephenson,
Bowers,	Heatwole,	McEwan,	Stewart, N. J.
Bromwell,	Heiner, Pa.	McLachlan,	Stone, W. A.
Brosius,	Hemenway,	Meiklejohn,	Strong,
Buck,	Henry, Ind.	Meredith,	Sulzer,
Burrell,	Hermann,	Miller, W. Va.	Thomas,
Calderhead,	Hicks,	Milnes,	Thorp,
Clark, Iowa	Hilborn,	Miner, N. Y.	Tracey,
Clark, Mo.	Hill,	Mondell,	Walker, Mass.
Cockrell,	Hooker,	Morse,	Washington,
Coffin,	Howard,	Moses,	Wellington,
Cook, Wis.	Hubbard,	Mozley,	White,
Cooper, Tex.	Huff,	Newlands,	Wilber,
Cowen,	Hurley,	Noonan,	Williams,
Cox,	Hutcheson,	Odell,	Wilson, Idaho
Dayton,	Hyde,	Ogden,	Wilson, Ohio
Dolliver,	Johnson, Cal.	Owens,	Woodard,
Doolittle,	Johnson, Ind.	Pearson,	Woodman,
Dovener,	Johnson, N. Dak.	Phillips,	Woomer.

So the previous question was ordered.
The following additional pairs were announced:
On this question:
Mr. HERMANN with Mr. SNOVER.
Mr. MCCALL of Massachusetts with Mr. HILL.

Mr. CANNON. Mr. Speaker, how am I recorded?

The SPEAKER. The gentleman from Illinois is recorded in the negative.

Mr. CANNON. I desire to change my vote.

The SPEAKER. The Clerk will call the name of the gentleman from Illinois.

The name of Mr. CANNON was called and he voted "yea."

The result of the vote was then announced as above recorded.

Mr. CANNON. Mr. Speaker, I move to reconsider the vote by which the previous question was ordered.

Mr. MOODY. I move to lay that motion on the table.

Mr. RICHARDSON. I make the point of order that the motion is dilatory, Mr. Speaker. The motion is clearly dilatory, after the House has so clearly expressed its opinion upon this matter.

The SPEAKER. The Chair hopes the gentleman will withdraw the motion.

Mr. CANNON. Mr. Speaker, I think I have the right to make this motion. In my judgment—if I may be indulged a moment upon the point of order—I suppose it is proper that I should have just a minute. In my judgment, it is the right, at least at this stage of the proceedings, of any member to move to reconsider the vote. I am aware, sir, that a dilatory motion, and all dilatory motions, are not in order. I am also quite aware that the Speaker is made the judge, in his discretion, as to when a motion becomes dilatory. Having said that, I have said all I care to say; and I

say that it seems to me, considering the extraordinary departure from parliamentary usage by the action of the gentleman who moved the previous question, that I have the right to challenge the attention of the House and of the country by this motion upon the merits.

The SPEAKER. The Chair will entertain the motion. The gentleman from Massachusetts moves to lay the motion to reconsider on the table.

The question was taken; and the Speaker announced that the ayes seemed to have it.

Mr. HOPKINS. Division.

The House divided; and there were—ayes 127, noes 63.

Mr. HOPKINS. Mr. Speaker, I demand the yeas and nays on this vote.

The yeas and nays were ordered.

The SPEAKER. The question is on the motion of the gentleman from Massachusetts [Mr. MOODY] to lay the motion to reconsider on the table.

The question was taken; and there were—yeas 141, nays 69, not voting 145; as follows:

YEAS—141.

Abbott,	Erdman,	Loud,	Spencer,
Allen, Miss.	Evans,	Loudenslager,	Stahle,
Allen, Utah	Fairchild,	Maguire,	Stallings,
Anderson,	Fischer,	McCleary, Minn.	Stokes,
Bailey,	Fitzgerald,	McCulloch,	Stone, C. W.
Baker, Kans.	Gillet, N. Y.	McDearmon,	Strait,
Baker, Md.	Hall,	McLaurin,	Strowd, N. C.
Bankhead,	Hardy,	McMillin,	Swanson,
Bartlett, Ga.	Harrison,	McRae,	Taft,
Bell, Colo.	Hart,	Meyer,	Talbert,
Bell, Tex.	Hatch,	Miles,	Tate,
Berry,	Heiner, Pa.	Money,	Tayler,
Bishop,	Hendrick,	Moody,	Terry,
Boutelle,	Henry, Conn.	Neill,	Towne,
Brown,	Howard	Otey,	Tracewell,
Burton, Ohio	Howell,	Otjen,	Tucker,
Catchings,	Huff,	Patterson,	Turner, Ga.
Clardy,	Hunter,	Payne,	Turner, Va.
Clarke, Ala.	Jenkins,	Pendleton,	Tyler,
Cobb,	Jones,	Pickler,	Underwood,
Codding,	Kem,	Pitney,	Updegraff,
Cooper, Fla.	Kendall,	Poole,	Wadsworth,
Cox,	Kerr,	Powers,	Walker, Va.
Crisp,	Kleberg,	Pugh,	Walsh,
Crowley,	Knox,	Raney,	Wanger,
Culberson,	Kyle,	Richardson,	Watson, Ind.
Cummings,	Lacey,	Russell, Conn.	Wheeler,
Dalzell,	Latimer,	Russell, Ga.	Wilber,
De Armond,	Lawson,	Shafroth,	Willis,
Denny,	Layton,	Sherman,	Wilson, N. Y.
Dingley,	Leighty,	Shuford,	Wilson, S. C.
Dinsmore,	Lester,	Simpkins,	Wright,
Dockery,	Linney,	Southard,	Yoakum.
Eddy,	Little,	Southwick,	
Elliott, S. C.	Livingston,	Spalding,	
Ellis,	Lockhart,	Sparkman,	

NAYS—69.

Acheson,	Cousins,	Halterman,	Perkins,
Aldrich, Ala.	Crowther,	Henderson,	Prince,
Aldrich, Ill.	Crump,	Hepburn,	Reeves,
Avery,	Curtis, Iowa	Hitt,	Royse,
Baker, N. H.	Curtis, Kans.	Hopkins,	Scranton,
Belknap,	Curtis, N. Y.	Hulick,	Smith, Ill.
Blue,	Danford,	Huling,	Smith, Mich.
Brewster,	Daniels,	Hull,	Stewart, Wis.
Brumm,	De Witt,	Johnson, N. Dak.	Strode, Nebr.
Bull,	Foss,	Kiefer,	Sulloway,
Calderhead,	Gamble,	Leonard,	Van Horn,
Cannon,	Gardner,	Linton,	Van Voorhis,
Chickering,	Gibson,	Long,	Warner,
Colson,	Graff,	Lorimer,	Watson, Ohio
Connolly,	Griffin,	Marsh,	Wood.
Cooke, Ill.	Hadley,	Minor, Wis.	
Cooper, Wis.	Hager,	Overstreet,	
Corliss,	Hainer, Nebr.	Parker,	

NOT VOTING—145.

Adams,	Cooper, Tex.	Hill,	Miller, Kans.
Aitken,	Cowen,	Hooker,	Miller, W. Va.
Andrews,	Dayton,	Howe,	Milliken,
Apsley,	Dolliver,	Hubbard,	Milnes,
Arnold, Pa.	Doolittle,	Hurley,	Miner, N. Y.
Arnold, R. I.	Dovener,	Hutcheson,	Mondell,
Atwood,	Downing,	Hyde,	Morse,
Babcock,	Draper,	Johnson, Cal.	Moses,
Barham,	Ellett, Va.	Johnson, Ind.	Mozley,
Barney,	Faris,	Joy,	Murphy,
Barrett,	Fenton,	Kirkpatrick,	Newlands,
Bartholdt,	Fletcher,	Kulp,	Noonan,
Bartlett, N. Y.	Foote,	Lefever,	Northway,
Beach,	Fowler,	Leisenring,	Odell,
Bennett,	Gillett, Mass.	Lewis,	Ogden,
Bingham,	Goodwyn,	Low,	Owens,
Black, Ga.	Griswold,	Maddox,	Pearson,
Black, N. Y.	Grosvenor,	Mahany,	Phillips,
Bowers,	Grout,	Mahon,	Price,
Broderick,	Grow,	McCall, Mass.	Quigg,
Bromwell,	Hanly,	McCall, Tenn.	Ray,
Brosius,	Harmer,	McClellan,	Reyburn,
Buck,	Harris,	McClure,	Robertson, La.
Burrell,	Hartman,	McCormick,	Robinson, Pa.
Burton, Mo.	Heatwole,	McCreary, Ky.	Rusk,
Clark, Iowa	Hemenway,	McEwan,	Sauerhering,
Clark, Mo.	Henry, Ind.	McLachlan,	Sayers,
Cockrell,	Hermann,	Meiklejohn,	Settle,
Coffin,	Hicks,	Mercer,	Shannon,
Cook, Wis.	Hilborn,	Meredith,	Shaw,
Skinner,	Stone, W. A.	Treloar,	Wilson, Ohio
Snover,	Strong,	Walker, Mass.	Woodard,
Sorg,	Sulzer,	Washington,	Woodman,
Sperry,	Tawney,	Wellington,	Woomer.
Steele,	Thomas,	White,	
Stephenson,	Thorp,	Williams,	
Stewart, N. J.	Tracey,	Wilson, Idaho	

The following additional pairs were announced:

On this question:

Mr BRODERICK with Mr. MILLIKEN.

Mr. MERCER with Mr. SKINNER.

For this day:

Mr. BAKER of New Hampshire with Mr. BAKER of Kansas.

Mr. HOPKINS. Mr. Speaker, I ask for a verification of the vote.

The SPEAKER. The gentleman from Illinois asks for a recapitulation of the vote.

Mr. POWERS. Mr. Speaker, I submit that that is dilatory.

Mr. HOPKINS. No; that is a matter of right.

The SPEAKER. The Chair is going to have the House convinced on the subject. The Clerk will recapitulate the vote.

Mr. HOPKINS. I thank the Chair for his candor.

The vote was recapitulated by the Clerk, and the result was announced as above recorded.

Mr. CANNON. Mr. Speaker, I ask consent to make a proposition to the gentleman from Massachusetts, now in charge of this matter. As many gentlemen are gone from the Hall, I suggest that consent be given that the House adjourn, and that the vote be taken to-morrow the first thing after the reading of the Journal. [Cries of "Regular order!"]

Mr. MOODY. Let me suggest to the gentleman from Illinois that if that should be done the time would be taken out of that which has been allotted to pensions, and this case may take an hour or two before we get through. I for one would not feel justified in assenting to the gentleman's proposition.

Mr. CANNON. Let the vote be taken Friday morning, then.

Mr. MOODY. I suggest to the gentleman from Illinois that the House has manifested a purpose to take this vote now, and it is the obstructive tactics upon the other side that prevent it.

The SPEAKER. The question is upon agreeing to the resolutions.

Mr. HOPKINS. Mr. Speaker, I rise for the purpose of making a privileged motion, the motion that the House adjourn.

Mr. DALZELL. I make the point of order that that is dilatory.

Mr. HOPKINS. The Speaker has ruled upon that.

Mr. DALZELL. Not upon this motion.

The SPEAKER. The Chair has not ruled upon that, but he will rule. Does the gentleman insist upon his motion?

Mr. HOPKINS. I should not have made it if I did not propose to insist upon it.

The SPEAKER. The Chair will rule it in order.

The question was taken upon the motion to adjourn; and the Speaker declared that the noes seemed to have it.

Mr. HOPKINS. I ask for a division, Mr. Speaker.

The House divided; and there were—ayes 53, noes 132.

Mr. HOPKINS. Mr. Speaker, I demand the yeas and nays.

The question was taken; and the yeas and nays were ordered, 46 members voting in favor thereof.

The question was taken; and there were—yeas 60, nays 133, not voting 162; as follows:

YEAS—60.

Acheson,	Crowther,	Hainer, Nebr.	Minor, Wis.
Aldrich, Ala.	Crump,	Halterman,	Murphy,
Aldrich, Ill.	Curtis, Iowa	Hepburn,	Otjen,
Avery,	Curtis, Kans.	Hitt,	Overstreet,
Belknap,	Curtis, N. Y.	Hopkins,	Prince,
Bishop,	Danford,	Howard,	Reeves,
Blue,	Daniels,	Hubbard,	Royse,
Brewster,	Dingley,	Hull,	Scranton,
Burton, Mo.	Foss,	Johnson, N. Dak.	Smith, Ill.
Calderhead,	Gamble,	Leonard,	Stewart, Wis.
Cannon,	Gardner,	Linney,	Strode, Nebr.
Connolly,	Gibson,	Long,	Sulloway,
Cooper, Wis.	Graff,	Lorimer,	Van Horn,
Corliss,	Hadley,	Marsh,	Warner,
Cousins,	Hager,	Miller, Kans.	Wood.

NAYS—133.

Abbott,	Bull,	Dinsmore,	Henry, Conn.
Allen, Miss.	Burton, Ohio	Dockery,	Howell,
Allen, Utah	Catchings,	Eddy,	Hunter,
Anderson,	Clardy,	Elliott, S. C.	Jenkins,
Bailey,	Clarke, Ala.	Ellis,	Jones,
Baker, Md.	Cobb,	Erdman,	Joy,
Bankhead,	Codding,	Evans,	Kem,
Barrett,	Cooper, Fla.	Fairchild,	Kerr,
Bartlett, Ga.	Cox,	Fischer,	Kleberg,
Beach,	Crisp,	Fitzgerald,	Knox,
Bell, Colo.	Crowley,	Hall,	Kulp,
Bell, Tex.	Culberson,	Hanly,	Kyle,
Berry,	Cummings,	Harrison,	Lacey,
Boutelle,	Dalzell,	Hart,	Latimer,
Brown,	De Armond,	Hatch,	Layton,
Brumm,	Denny,	Hendrick,	Lefever,

Lester,	Patterson,	Spalding,	Underwood,
Little,	Payne,	Sparkman,	Updegraff,
Livingston,	Pendleton,	Spencer,	Wadsworth,
Lockhart,	Pickler,	Stahle,	Walker, Va.
Loud,	Pitney,	Stallings,	Walsh,
Loudenslager,	Poole,	Stokes,	Wanger,
Maguire,	Powers,	Stone, C. W.	Watson, Ind.
McCleary, Minn.	Pugh,	Strait,	Watson, Ohio
McCulloch,	Raney,	Swanson,	Wheeler,
McDearmon,	Richardson,	Taft,	Wilber,
McLaurin,	Russell, Conn.	Talbert,	Willis,
McMillin,	Russell, Ga.	Tate,	Wilson, N. Y.
McRae,	Shafroth,	Terry,	Wilson, S. C.
Miles,	Sherman,	Tracewell,	Wright,
Money,	Shuford,	Tucker,	Yoakum.
Moody,	Simpkins,	Turner, Ga.	
Neill,	Southard,	Turner, Va.	
Otey,	Southwick,	Tyler,	

NOT VOTING—162.

Adams,	Ellett, Va.	Leighty,	Reyburn,
Aitken,	Faris,	Leisenring,	Robertson, La.
Andrews,	Fenton,	Lewis,	Robinson, Pa.
Apsley,	Fletcher,	Linton,	Rusk,
Arnold, Pa.	Foote,	Low,	Sauerhering,
Arnold, R. I.	Fowler,	Maddox,	Sayers,
Atwood,	Gillet, N. Y.	Mahany,	Settle,
Babcock,	Gillett, Mass.	Mahon,	Shannon,
Baker, Kans.	Goodwyn,	McCall, Mass.	Shaw,
Baker, N. H.	Griffin,	McCall, Tenn.	Skinner,
Barham,	Griswold,	McClellan,	Smith, Mich.
Barney,	Grosvenor,	McClure,	Snover,
Bartholdt,	Grout,	McCormick,	Sorg,
Bartlett, N. Y.	Grow,	McCreary, Ky.	Sperry,
Bennett,	Hardy,	McEwan,	Steele,
Bingham,	Harmer,	McLachlan,	Stephenson,
Black, Ga.	Harris,	Meiklejohn,	Stewart, N. J.
Black, N. Y.	Hartman,	Mercer,	Stone, W. A.
Bowers,	Heatwole,	Meredith,	Strong,
Broderick,	Heiner, Pa.	Meyer,	Strowd, N. C
Bromwell,	Hemenway,	Miller, W. Va.	Sulzer,
Brosius,	Henderson,	Milliken,	Tawney,
Buck,	Henry, Ind.	Milnes,	Tayler,
Burrell,	Hermann,	Miner, N. Y.	Thomas,
Chickering,	Hicks,	Mondell,	Thorp,
Clark, Iowa	Hilborn,	Morse,	Towne,
Clark, Mo.	Hill,	Moses,	Tracey,
Cockrell,	Hooker,	Mozley,	Treloar,
Coffin,	Howe,	Newlands,	Van Voorhis,
Colson,	Huff,	Noonan,	Walker, Mass.
Cook, Wis.	Hulick,	Northway,	Washington,
Cooke, Ill.	Huling,	Odell,	Wellington,
Cooper, Tex.	Hurley,	Ogden,	White,
Cowen,	Hutcheson,	Owens,	Williams,
Dayton,	Hyde,	Parker,	Wilson, Idaho
De Witt,	Johnson, Cal.	Pearson,	Wilson, Ohio
Dolliver,	Johnson, Ind.	Perkins,	Woodard,
Doolittle,	Kendall,	Phillips,	Woodman,
Dovener,	Kiefer,	Price,	Woomer.
Downing,	Kirkpatrick,	Quigg,	
Draper,	Lawson,	Ray,	

So the motion to adjourn was rejected.

The following additional pairs were announced:

Mr. HENDERSON with Mr. MEYER, for the remainder of the day.

Mr. HULING with Mr. STROWD of North Carolina, for this day.

Mr. HOPKINS. I ask a recapitulation of the vote.

The SPEAKER. The Chair refuses a recapitulation. [Applause.]

Mr. HOPKINS. I should like to know why. Is not that a matter of right? Mr. Speaker, I demand it, not as a matter of privilege, but as a matter of right.

The SPEAKER. And the Chair denies it.

Mr. HOPKINS. Well, I should like to know how I am recorded. I want to know how I stand, if I can not know how other members stand.

The SPEAKER. The gentleman is recorded in the affirmative.

Mr. HOPKINS. That is the way I voted.

Mr. HEPBURN. I desire to know how I am recorded.

The SPEAKER. The gentleman is recorded in the affirmative.

Mr. LORIMER. My name was called twice, and I do not know whether or not I have been recorded. I should like to know whether I have been recorded or not.

The SPEAKER. The gentleman is recorded in the affirmative.

Mr. NEILL. Mr. Speaker, am I recorded?

The SPEAKER. In the negative.

Mr. NEILL. That is right.

The SPEAKER. On this question the yeas are 60, the nays 133. [Applause.] The motion to adjourn is not agreed to. The question is now on agreeing to the substitute proposed by the gentleman from Massachusetts [Mr. MOODY].

Mr. MOODY. On that question I ask the yeas and nays.

The yeas and nays were ordered.

Mr. MOODY. May the resolution be read?

The SPEAKER. The Clerk will read the resolution.

Mr. HOPKINS. Before that is read, I desire to make a parliamentary inquiry. Is the resolution which the Clerk is now about to read the substitute for the original resolution reported by the majority of the committee?

The SPEAKER. It is. The Clerk will report it.

The Clerk read as follows:

Resolved, That the contested election case of John I. Rinaker *vs.* Finis E. Downing be recommitted to the Committee on Elections No. 1, with instructions either to recount such part of the vote for Representative in the Fifty-fourth Congress from the Sixteenth Congressional district of Illinois as they shall deem fairly in dispute, or to permit the parties to this contest, under such rules as the committee may prescribe, to recount such vote, and to take any action in the premises, by way of resolution or resolutions, to be reported to the House or otherwise, as they may deem necessary and proper.

The SPEAKER. The Chair will state the order of proceeding. If this substitute should be agreed to, a vote will then have to be taken on the resolution of the committee as amended by the adoption of the substitute. Two votes will have to be taken.

Mr. COX. What is the substitute?

The SPEAKER. It has just been read.

The question was taken; and there were—yeas 139, nays 35, not voting 176, present and not voting 5; as follows:

YEAS—139.

Abbott,	Elliott, S. C.	Lockhart,	Spalding,
Allen, Miss.	Ellis,	Loud,	Sparkman,
Allen, Utah	Erdman,	Loudenslager,	Spencer,
Anderson,	Evans,	Maguire,	Stahle,
Bailey,	Fairchild,	McCleary, Minn.	Stallings,
Baker, Md.	Fischer,	McCulloch,	Stokes,
Bankhead,	Fitzgerald,	McDearmon,	Stone, C. W.
Barrett,	Gardner,	McLaurin,	Strait,
Bartlett, Ga.	Hall,	McMillin,	Swanson,
Bell, Colo.	Hardy,	McRae,	Taft,
Bell, Tex.	Harrison,	Miles,	Talbert,
Berry,	Hart,	Money,	Tate,
Bishop,	Hatch,	Moody,	Tayler,
Boutelle,	Heiner, Pa.	Neill,	Terry,
Brown,	Hendrick,	Otey,	Towne,
Brumm,	Henry, Conn.	Otjen,	Tracewell,
Burton, Ohio	Howell,	Patterson,	Treloar,
Catchings,	Hubbard,	Payne,	Tucker,
Clardy,	Hunter,	Pendleton,	Turner, Ga.
Clarke, Ala.	Jenkins,	Pickler,	Turner, Va.
Cobb,	Jones,	Pitney,	Tyler,
Codding,	Kem,	Poole,	Underwood,
Cooper, Fla.	Kendall,	Powers,	Updegraff,
Crisp,	Kerr,	Pugh,	Walker, Va.
Crowley,	Kleberg,	Raney,	Walsh,
Crowther,	Knox,	Richardson,	Wanger,
Culberson,	Kulp,	Russell, Conn.	Watson, Ohio
Cummings,	Kyle,	Russell, Ga.	Wheeler,
Dalzell,	Lacey,	Scranton,	Wilber,
De Armond,	Latimer,	Shafroth,	Willis,
Denny,	Layton,	Sherman,	Wilson, N. Y.
Dingley,	Leighty,	Shuford,	Wilson, S. C.
Dinsmore,	Lester,	Simpkins,	Wright,
Dockery,	Little,	Southard,	Yoakum.
Eddy,	Livingston,	Southwick,	

NAYS—35.

Acheson,	Cooper, Wis.	Hainer, Nebr.	Prince,
Aldrich, Ill.	Curtis, Kans.	Hopkins,	Reeves,
Avery,	Curtis, N. Y.	Joy,	Smith, Ill.
Belknap,	Danford,	Leonard,	Stewart, Wis.
Blue,	Daniels,	Linney,	Thomas,
Brewster,	Foss,	Lorimer,	Van Voorhis,
Bull,	Gibson,	Marsh,	Warner,
Calderhead,	Graff,	Minor, Wis.	Wood.
Cannon,	Hadley,	Murphy,	

NOT VOTING—176.

Adams,	Doolittle,	Hyde,	Pearson,
Aitken,	Dovener,	Johnson, Cal.	Perkins,
Aldrich, Ala.	Downing,	Johnson, Ind.	Phillips,
Andrews,	Draper,	Johnson, N. Dak.	Price,
Apsley,	Ellett, Va.	Kiefer,	Quigg,
Arnold, Pa.	Faris,	Kirkpatrick,	Ray,
Arnold, R. I.	Fenton,	Lawson,	Reyburn,
Atwood,	Fletcher,	Lefever,	Robertson, La.
Babcock,	Foote,	Leisenring,	Robinson, Pa.
Baker, Kans.	Fowler,	Lewis,	Royse,
Baker, N. H.	Gamble,	Linton,	Rusk,
Barham,	Gillet, N. Y.	Long,	Sauerhering,
Barney,	Gillett, Mass.	Low,	Settle,
Bartholdt,	Goodwyn,	Maddox,	Shannon,
Bartlett, N. Y.	Griffin,	Mahany,	Shaw,
Beach,	Griswold,	Mahon,	Skinner,
Bennett,	Grosvenor,	McCall, Mass.	Smith, Mich.
Bingham,	Grout,	McCall, Tenn.	Snover,
Black, N. Y.	Grow,	McClellan,	Sorg,
Bowers,	Hager,	McClure,	Sperry,
Broderick,	Halterman,	McCormick,	Steele,
Bromwell,	Hanly,	McCreary, Ky.	Stephenson,
Brosius,	Harmer,	McEwan,	Stewart, N. J.
Buck,	Harris,	McLachlan,	Stone, W. A.
Burrell,	Hartman,	Meiklejohn,	Strode, Nebr.
Burton, Mo.	Heatwole,	Mercer,	Strong,
Chickering,	Hemenway,	Meredith,	Strowd, N. C.
Clark, Iowa	Henderson,	Miller, Kans.	Sulloway,
Clark, Mo.	Henry, Ind.	Miller, W. Va.	Sulzer,
Cockrell,	Hepburn,	Milliken,	Tawney,
Coffin,	Hermann,	Milnes,	Thorp,
Colson,	Hicks,	Miner, N. Y.	Tracey,
Connolly,	Hilborn,	Mondell,	Van Horn,
Cook, Wis.	Hill,	Morse,	Wadsworth,
Cooke, Ill.	Hitt,	Moses,	Walker, Mass.
Cooper, Tex.	Hooker,	Mozley,	Washington,
Corliss,	Howard,	Newlands,	Watson, Ind.
Cousins,	Howe,	Noonan,	Wellington,
Cowen,	Huff,	Northway,	White,
Crump,	Hulick,	Odell,	Williams,
Curtis, Iowa	Huling,	Ogden,	Wilson, Idaho
Dayton,	Hull,	Overstreet,	Wilson, Ohio
De Witt,	Hurley,	Owens,	Woodman,
Dolliver,	Hutcheson,	Parker,	Woomer.

PRESENT AND NOT VOTING—5.

Black, Ga.	Meyer,	Sayers,	Woodard.
Cox,			

So the substitute was agreed to.

The following additional pairs were announced:

On this question:

Mr. ROYSE with Mr. GILLETT of Massachusetts.

Mr. OVERSTREET with Mr. WATSON of Indiana.

For the remainder of the day:

Mr. CORLISS with Mr. HOWARD.

Mr. SAYERS. I desire to withdraw my vote. I am paired with the gentleman from Pennsylvania [Mr. WILLIAM A. STONE]. If he were present, I should vote in the affirmative on this resolution. I announce myself as present in order to make a quorum, if necessary.

Mr. BLACK of Georgia. I am paired with the gentleman from Indiana [Mr. JOHNSON]. If he were present, I should vote "aye." I wish my presence recorded.

Mr. COX. While I am paired with the gentleman from Illinois [Mr. HITT] on this vote, I want to be recorded as present.

Mr. MEYER. I am paired with the gentleman from Iowa [Mr. HENDERSON]. I wish to be recorded as present.

Mr. WOODARD. I am paired with the gentleman from West Virginia [Mr. MILLER]. I have answered "present," and desire to be so recorded.

Mr. HOPKINS. Mr. Speaker, can I have a recapitulation of the vote?

The SPEAKER. The gentleman can, because the vote is very close.

The vote was recapitulated.

The SPEAKER. On this question the recorded vote is 139 in the affirmative, 35 in the negative, and present 2. In addition there are present the following gentlemen, 12 in number: Mr. HEPBURN, Mr. PARKER, Mr. LONG, Mr. SAYERS, Mr. WOODARD, Mr. MEYER, Mr. BURTON of Missouri, Mr. BLACK of Georgia, Mr. COX, Mr. COUSINS, Mr. GAMBLE, Mr. TRACEY.

A quorum being present, the ayes have it and the substitute resolution is agreed to. [Applause.]

The question is on agreeing to the resolution as amended.

The question was taken; and on a division (demanded by Mr. HOPKINS) there were—ayes 146, noes 21.

Mr. HOPKINS. No quorum.

Mr. MOODY. I demand the yeas and nays.

The yeas and nays were ordered.

Mr. BARRETT. Mr. Speaker, I desire to submit a parliamentary question.

The SPEAKER. The gentleman will state it.

Mr. BARRETT. The House having voted to recommit this matter with instructions, which, although proposed by the gentleman from Massachusetts as an amendment or substitute, was not an amendment or substitute, but simply a parliamentary motion, I ask whether or not it is necessary that a vote should be had on the resolution as amended by this motion of the gentleman from Massachusetts?

The SPEAKER. The Chair thinks so.

Mr. ALLEN of Mississippi. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ALLEN of Mississippi. The gentleman from Illinois having failed to vote, and then makes the point of no quorum, is it not a self-evident proposition that it is a dilatory motion? [Laughter.]

The SPEAKER. If it were a motion the Chair would pronounce it dilatory.

The Clerk will proceed with the roll call.

The question was taken; and there were—yeas 137, nays 13, present and not voting 33, not voting 172; as follows:

YEAS—137.

Abbott,	Curtis, Kans.	Jenkins,	Neill,
Allen, Miss.	Curtis, N. Y.	Jones,	Otey,
Allen, Utah	Dalzell,	Joy,	Otjen,
Anderson,	De Armond,	Kem,	Parker,
Bailey,	Denny,	Kendall,	Patterson,
Bankhead,	Dingley,	Kerr,	Payne,
Barrett,	Dinsmore,	Kleberg,	Pendleton,
Bartlett, Ga.	Dockery,	Knox,	Pickler,
Bell, Colo.	Eddy,	Kyle,	Pitney,
Bell, Tex.	Elliott, S. C.	Lacey,	Poole,
Berry,	Ellis,	Latimer,	Powers,
Bishop,	Erdman,	Layton,	Pugh,
Boutelle,	Evans,	Leighty,	Raney,
Brown,	Fairchild,	Lester,	Richardson,
Brumm,	Fischer,	Little,	Russell, Conn.
Bull,	Fitzgerald,	Livingston,	Russell, Ga.
Burton, Ohio	Gardner,	Lockhart,	Shafroth,
Catchings,	Hall,	Loudenslager,	Sherman,
Clardy,	Hardy,	Maguire,	Snuford,
Clarke, Ala.	Harrison,	McCleary, Minn.	Simpkins,
Cobb,	Hart,	McCulloch,	Southard,
Codding,	Hatch,	McDearmon,	Southwick,
Cooper, Fla.	Hendrick,	McMillin,	Spalding,
Crisp,	Henry, Conn.	McRae,	Sparkman,
Crowley,	Howe,	Miles,	Spencer,
Culberson,	Howell,	Money,	Stahle,
Cummings,	Hubbard,	Moody,	Stallings,
Stewart, N. J.	Tayler,	Tyler,	Willis,
Stokes,	Terry,	Underwood,	Wilson, N. Y.
Stone, C. W.	Towne,	Updegraff,	Wilson, S. C.
Strait,	Tracewell,	Walsh,	Wright.
Swanson,	Treloar,	Wanger,	Yoakum.
Taft,	Tucker,	Watson, Ohio	
Talbert,	Turner, Ga.	Wheeler,	
Tate,	Turner, Va.	Wilber,	

NAYS—13.

Acheson,	Danford,	Johnson, N. Dak.	Wood.
Aldrich, Ill.	Daniels,	Marsh,	
Brewster,	Foss,	Minor, Wis.	
Crump,	Gibson,	Warner,	

NOT VOTING—205.

Adams,	Dolliver,	Johnson, Ind.	Prince,
Aitken,	Doolittle,	Kiefer,	Quigg,
Aldrich, Ala.	Dovener,	Kirkpatrick,	Ray,
Andrews,	Downing,	Kulp,	Reeves,
Apsley,	Draper,	Lawson,	Reyburn,
Arnold, Pa.	Ellett, Va.	Lefever,	Robertson, La.
Arnold, R. I.	Faris,	Leisenring,	Robinson, Pa.
Atwood,	Fenton,	Leonard,	Royse,
Avery,	Fletcher,	Lewis,	Rusk,
Babcock,	Foote,	Linney,	Sauerhering,
Baker, Kans.	Fowler,	Linton,	Sayers,
Baker, Md.	Gamble,	Long,	Scranton,
Baker, N. H.	Gillet, N. Y.	Lorimer,	Settle,
Barham,	Gillett, Mass.	Loud,	Shannon,
Barney,	Goodwyn,	Low,	Shaw,
Bartholdt,	Graff,	Maddox,	Skinner,
Bartlett, N. Y.	Griffin,	Mahany,	Smith, Ill.
Beach,	Griswold,	Mahon,	Smith, Mich.
Belknap,	Grosvenor,	McCall, Mass.	Snover,
Bennett,	Grout,	McCall, Tenn.	Sorg,
Bingham,	Grow,	McClellan,	Sperry,
Black, Ga.	Hadley,	McClure,	Steele,
Black, N. Y.	Hager,	McCormick,	Stephenson,
Blue,	Hainer, Nebr.	McCreary, Ky.	Stewart, Wis.
Bowers,	Halterman,	McEwan,	Stone, W. A.
Broderick,	Hanly,	McLachlan,	Strode, Nebr.
Bromwell,	Harmer,	McLaurin,	Strong,
Brosius,	Harris,	Meiklejohn,	Strowd, N. C.
Buck,	Hartman,	Mercer,	Sulloway,
Burrell,	Heatwole,	Meredith,	Sulzer,
Burton, Mo.	Heiner, Pa.	Meyer,	Tawney,
Calderhead,	Hemenway,	Miller, Kans.	Thomas,
Cannon,	Henderson,	Miller, W. Va.	Thorp,
Chickering,	Henry, Ind.	Milliken,	Tracey,
Clark, Iowa	Hepburn,	Milnes,	Van Horn,
Clark, Mo.	Hermann,	Miner, N. Y.	Van Voorhis,
Cockrell,	Hicks,	Mondell,	Wadsworth,
Coffin,	Hilborn,	Morse,	Walker, Mass.
Colson,	Hill,	Moses,	Walker, Va.
Connolly,	Hitt,	Mozley,	Washington,
Cook, Wis.	Hooker,	Murphy,	Watson, Ind.
Cooke, Ill.	Hopkins,	Newlands,	Wellington,
Cooper, Tex.	Howard,	Noonan,	White,
Cooper, Wis.	Huff,	Northway,	Williams,
Corliss,	Hulick,	Odell,	Wilson, Idaho
Cousins,	Huling,	Ogden,	Wilson, Ohio
Cowen,	Hull,	Overstreet,	Woodard,
Cox,	Hunter,	Owens,	Woodman,
Crowther,	Hurley,	Pearson,	Woomer.
Curtis, Iowa	Hutcheson,	Perkins,	
Dayton,	Hyde,	Phillips,	
De Witt,	Johnson, Cal.	Price,	

So the resolution as amended was agreed to.

The SPEAKER. The Clerk will report the names of members present and not voting.

The Clerk read as follows:

Mr. BELKNAP, Mr. MEYER, Mr. REEVES, Mr. SNOVER, Mr. BEACH, Mr. HAINER of Nebraska, Mr. GAMBLE, Mr. SAYERS, Mr. BURTON of Missouri, Mr. STRODE of Nebraska, Mr. WOODARD, Mr. COX, Mr. SMITH of Illinois, Mr. HUNTER, Mr. PRINCE, Mr. MURPHY of Illinois, Mr. LONG, Mr. GRAFF, Mr. CALDERHEAD, Mr. FARIS, Mr. AVERY, Mr. KULP, Mr. BLACK of Georgia, Mr. HICKS, Mr. STEWART of Wisconsin, Mr. CANNON, Mr. HADLEY, Mr. LEFEVER, Mr. HILL, Mr. HEPBURN, Mr. HOPKINS, Mr. HULICK, Mr. LORIMER.

Mr. HILL. I am paired with Mr. MCCALL of Massachusetts, and desire to be recorded as present.

Mr. HULICK. I did not vote when my name was called, but wish to be recorded as present.

Mr. BLACK of Georgia. I am paired with the gentleman from Indiana, Mr. JOHNSON, and desire to be recorded as present.

Mr. MEYER. I am paired with the gentleman from Iowa, Mr. HENDERSON, and desire to be recorded as present.

Mr. SMITH of Illinois. I desire to be recorded as present.

Mr. KULP. I am paired with Mr. HICKS, and withdraw my vote.

Mr. LORIMER. I find, Mr. Speaker, that I am recorded as having voted. I did not vote when my name was called, and desire simply to be recorded as present.

Mr. SAYERS. I withdraw my vote, and wish to be recorded as present.

Mr. HOPKINS. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HOPKINS. Is a motion to adjourn now in order?

The SPEAKER. The Chair thinks not.

The Clerk will read the names of those voting.

The names of those voting were recapitulated by the Clerk.

The SPEAKER. On this question the yeas are 137, the nays are 13, present and not voting 33. So, a quorum being present, the resolution as amended is agreed to.

Mr. MOODY. I move to reconsider the last vote, and to lay that motion on the table.

The SPEAKER. Without objection, that order will be made.

Mr. HOPKINS. I object.

Mr. LACEY. In that event, Mr. Speaker, I desire to submit a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LACEY. The resolution having been to recommit, and having now been voted on a second time, is not the second vote substantially equal to a reconsideration, the second not having been necessary?

The SPEAKER. The Chair thinks if the point had been raised when the resolution was originally presented as a substitute for this question it might have been good.

Mr. LACEY. I make the point now.

The SPEAKER (continuing). But that point not having been made, and the proposition having been voted upon as a substitute before the question was raised, the Chair thinks that a motion to reconsider is the best way to meet it. As many as are in favor of the motion——

Mr. RICHARDSON. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. RICHARDSON. As I understand the rule, when a matter has once been before the House and been recommitted, it is not in order to bring that matter again before the House by a motion to reconsider. I think the rule is expressly that way.

Mr. HOPKINS. The Chair has ruled upon that.

Mr. RICHARDSON (continuing). That the matter can not be brought back after it has been once, by a vote of the House, recommitted. I am satisfied the rule is that way.

Mr. DALZELL. Mr. Speaker, I think that matter is covered by a special rule of the House.

Mr. RICHARDSON. I refer, Mr. Speaker, if the Chair will allow me, to item 2 of Rule XVIII.

Mr. DALZELL. Mr. Speaker, I call attention to the second paragraph of Rule XVIII.

The SPEAKER. The Chair has that rule. The Chair does not think that rule applies to a matter like this, unless the gentleman can cite some authority. The Chair will hear whatever authority there is on the subject.

Mr. RICHARDSON. I am very much inclined to be governed by the decision of the Chair, and if the Chair will announce his conclusion in the matter, it may be satisfactory to myself, having raised the question——

The SPEAKER. Without undertaking to decide, if the gentleman desires to cite any authority, the idea of the Chair is that this rule was intended to apply to cases of formal reference, for instance, reference after a first reading. Those matters are not to be brought back upon a motion to reconsider. The Chair thinks the rule was intended to cover a first reference, the policy of the rules of the House of Representatives having always been to cause everything to be referred to a committee before action by the House. The opinion of the Chair is that the rule was intended to cover such cases as that, and not cases where a report has been made by a committee and the matter is sent back with instructions.

Mr. RICHARDSON. It may be that the Chair is correct in the ruling, and I am not now inclined to raise the question any further; but it occurred to me that it came within the provisions of the rule which I have cited, and that, like a motion to adjourn, it would execute itself upon being ordered and not be subject to reconsideration. Still I will not press it.

Mr. BARRETT. Mr. Speaker, I should like to add in this connection that that section of the rule has nothing to do with this motion to reconsider. The paragraph referred to merely says that the papers shall not be brought back into the House upon a motion to reconsider. If a bill had gone to the Senate, for instance, it would have to be brought back before a motion to reconsider could be entertained; but this merely means that the motion to reconsider can be entertained while the papers themselves are literally in the custody of a committee. I suggest that this section of the rule does not refer to the matter under consideration.

The SPEAKER. The question is on the motion of the gentleman from Massachusetts [Mr. MOODY] to lay on the table the motion to reconsider.

The question was taken; and the Speaker announced that the ayes seemed to have it.

Mr. HOPKINS demanded a division.

The House divided; and there were—ayes 130, noes 4.

Mr. HOPKINS. No quorum.

Several MEMBERS. Count, Mr. Speaker.

The SPEAKER (having counted the House). One hundred and eighty present. The ayes have it, and the motion to reconsider is laid on the table.

Mr. HOPKINS. Mr. Speaker, I challenge the correctness of the count and ask for tellers.

The SPEAKER. The Chair disregards the challenge of the gentleman from Illinois. [Applause.]

Mr. MOODY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 8 o'clock and 42 minutes p. m.) the House adjourned.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. MORSE, from the Committee on Alcoholic Liquor Traffic, to which was referred the bill of the House (H. R. 8072) to provide for a commission on the subject of the alcoholic liquor traffic, reported the same without amendment, accompanied by a report (No. 1789); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. BISHOP, from the Committee on Military Affairs:

The joint resolution (H. Res. 161) for the relief of James P. Veach. (Report No. 1780.)

The bill (H. R. 6113) granting Gould P. Austin, of Phœbus, Va., permission to erect a building upon the Government reservation at Fortress Monroe, Va. (Report No. 1781.)

By Mr. STALLINGS, from the Committee on Pensions: The bill (H. R. 7314) to increase the pension of John E. Gullett. (Report No. 1782.)

By Mr. McCLELLAN, from the Committee on Invalid Pensions: The bill (H. R. 7827) granting a pension to Joseph Buckle. (Report No. 1783.)

By Mr. ANDREWS, from the Committee on Invalid Pensions: The bill (S. 2441) entitled "An act granting a pension to George D. Noble." (Report No. 1784.)

By Mr. PICKLER, from the Committee on Invalid Pensions: The bill (H. R. 8639) granting a pension to Matilda A. Higgins. (Report No. 1785.)

By Mr. POOLE, from the Committee on Invalid Pensions:

The bill (H. R. 1534) granting a pension to Ida Wiederhold. (Report No. 1786.)

The bill (H. R. 7154) granting a pension to Irene M. Chase, dependent sister of Abner W. Chase. (Report No. 1787.)

The bill (H. R. 153) granting a pension to Clara V. Shaw. (Report No. 1790.)

By Mr. WOOD, from the Committee on Invalid Pensions: The bill (H. R. 8706) granting a pension to Elizabeth Jordan. (Report No. 1788.)

By Mr. NEILL, from the Committee on War Claims:

A resolution (House Res. No. 327) to refer the bill (H. R. 1053) for the relief of James Erwin, of McBee Landing, Marion County, Ark., with all the accompanying papers, to the Court of Claims, reported in lieu of House bill No. 1053. (Report No. 1791.)

A resolution (House Res. No. 328) to refer the bill (H. R. 5859) to pay Laurena Opp, sole and only heir at law of Reuben Opp, for property taken and destroyed from the said Reuben Opp by the Federal troops at Helena, Ark., during the war of 1861 to 1865, with all the accompanying papers, to the Court of Claims, reported in lieu of House bill No. 5859. (Report No. 1792.)

By Mr. MAHON, from the Committee on War Claims: The bill (S. 814) entitled "An act for the relief of John W. Gummo." (Report No. 1793.)

By Mr. GRAFF, from the Committee on Claims:

The bill (H. R. 6276) to authorize the Postmaster-General to credit the account of James A. Sexton with the amount of funds stolen. (Report No. 1795.)

The bill (S. 1075) entitled "An act for the relief of the heirs of D. Fulford." (Report No. 1796.)

The bill (S. 652) entitled "An act for the relief of Nancy E. Day, administratrix of the estate of James L. Day, deceased." (Report No. 1803.)

By Mr. COLSON, from the Committee on Pensions: The bill (H. R. 7500) to grant a pension to Mrs. Keturah Wilson, widow of James Wilson, deceased. (Report No. 1797.)

By Mr. WILSON of New York, from the Committee on Naval Affairs: The bill (H. R. 5389) for the relief of Robert Kennish. (Report No. 1798.)

By Mr. COX, from the Committee on Claims: The bill (S. 589) entitled "An act for the relief of C. B. Bryan & Co." (Report No. 1799.)

By Mr. HANLY, from the Committee on Claims: The bill (S. 837) entitled "An act making an appropriation for the benefit of the estate of William Moss, deceased." (Report No. 1800.)

By Mr. DENNY, from the Committee on Claims:

The bill (S. 1555) entitled "An act for the relief of the sufferers by the wreck of the United States revenue cutter *Gallatin* off the coast of Massachusetts." (Report No. 1801.)

The bill (S. 1083) entitled "An act for the relief of George H. Plant, of the District of Columbia." (Report No. 1802.)

By Mr. SNOVER, from the Committee on Claims: The bill (S. 338) entitled "An act for the relief of George F. Roberts, administrator of the estate of William B. Thayer, deceased, surviving partner of Thayer Bros., and others." (Report No. 1804.)

By Mr. WOODARD, from the Committee on Claims: The bill (S. 3121) entitled "An act for the relief of Mrs. Emma D. Larsh and Charles M. Larsh." (Report No. 1805.)

ADVERSE REPORT.

Under clause 2 of Rule XIII, Mr. DENNY, from the Committee on Claims, reported adversely (Report No. 1794) the bill (H. R. 4647) for relief of Howard Ellis; which said bill and report were laid on the table.

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. FLYNN: A bill (H. R. 8914) providing for the collection of debts on Indian reservations in Oklahoma Territory—to the Committee on Indian Affairs.

By Mr. SPALDING: A bill (H. R. 8915) to donate 4 condemned cannon and 16 cannon balls to Grand Army post of Hudson, Mich.—to the Committee on Naval Affairs.

By Mr. WRIGHT: A bill (H. R. 8916) granting condemned cannon and balls to Kilpatrick Post, No. 71, Grand Army of the Republic, Holyoke, Mass., for monumental purposes—to the Committee on Naval Affairs.

By Mr. EDDY: A bill (H. R. 8917) to protect bona fide purchasers of lands from railroad companies to which the companies have failed to obtain a title—to the Committee on the Public Lands.

By Mr. CURTIS of Iowa: A bill (H. R. 8919) to provide for the payment of final decrees of the supreme court of the District of Columbia under an act entitled "An act to provide a permanent system of highways in that part of the District of Columbia lying outside of cities," approved March 2, 1893, for continuing the system of trunk sewers in the District of Columbia, for completing the system of sewage disposal and protection against floods, and for other purposes—to the Committee on the District of Columbia.

By Mr. LONG: A bill (H. R. 8957) donating condemned cannon and condemned cannon balls to Victor Post, No. 293, Grand Army of the Republic, at Fort Dodge, Kans.—to the Committee on Naval Affairs.

By Mr. LOW: A joint resolution (H. Res. 184) authorizing and requiring the Secretary of War to contract for the building of the Harlem Kills Canal, New York City—to the Committee on Railways and Canals.

By Mr. HENDERSON: A resolution (House Res. No. 325) fixing Tuesday, May 19, 1896, for the consideration of bills reported from the Committee on the Judiciary—to the Committee on Rules.

By Mr. DANFORD: A resolution (House Res. No. 329) asking the Committee on Rules to set apart Monday, May 18, for consideration of bills reported by the Committee on Immigration—to the Committee on Rules.

By Mr. JOY: A resolution (House Res. No. 330) to pay Noah L. Hawk, acting assistant deputy sergeant-at-arms, the sum of $300 per annum in addition to his pay as Capitol policeman—to the Committee on Accounts.

By Mr. FITZGERALD: A memorial of the Commonwealth of Massachusetts in support of the Monroe doctrine—to the Committee on Foreign Affairs.

Also, a memorial of the Commonwealth of Massachusetts relative to the granting of pensions to soldiers and sailors confined in Confederate prisons—to the Committee on Invalid Pensions.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. BABCOCK (by request): A bill (H. R. 8918) extending to Simon Carmody the provisions of an act approved February 13, 1895, relating to the settlement of outstanding claims against the District of Columbia—to the Committee on the District of Columbia.

By Mr. BANKHEAD: A bill (H. R. 8920) for the relief of William H. Bickerstaff, of Walker County, Ala.—to the Committee on War Claims.

Also, a bill (H. R. 8921) for the relief of H. W. Jones, of Tuscaloosa County, Ala.—to the Committee on War Claims.

By Mr. BELL of Colorado: A bill (H. R. 8922) for the relief of Henry C. Smith, late of Company B, Eleventh Regiment Indiana Volunteers—to the Committee on Invalid Pensions.

By Mr. BENNETT: A bill (H. R. 8923) granting a pension to Annie Fowler—to the Committee on Invalid Pensions.

By Mr. BROWN: A bill (H. R. 8924) for the relief of Samuel Edington, of Monroe County, Tenn.—to the Committee on War Claims.

By Mr. COX: A bill (H. R. 8925) for the relief of the estate of N. E. Perkins, deceased, of Williamson County, Tenn.—to the Committee on War Claims.

By Mr. CURTIS of Kansas: A bill (H. R. 8926) to remove the charge of desertion against Hiram A. Parsons, of Douglass, Kans.—to the Committee on Military Affairs.

By Mr. EDDY: A bill (H. R. 8927) granting a pension to Julia E. G. Lewis—to the Committee on Invalid Pensions.

By Mr. FENTON: A bill (H. R. 8928) to increase the pension of John H. Prather—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8929) granting a pension to Stephen Thompson—to the Committee on Invalid Pensions.

By Mr. GROSVENOR: A bill (H. R. 8930) for the relief of Eva J. Stevens—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8931) granting a pension to U. L. Daniels—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8932) to increase the pension of W. H. H. Adams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8933) for the relief of Peter C. Lawyer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8934) granting a pension to Sophia Kroll—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8935) granting a pension to James C. Wilson—to the Committee on Invalid Pensions.

By Mr. HADLEY: A bill (H. R. 8936) to remove the charge of desertion from the record of John R. Butler—to the Committee on Military Affairs.

By Mr. McDEARMON: A bill (H. R. 8937) for the relief of Elam Cooper, of Lauderdale County, Tenn.—to the Committee on War Claims.

By Mr. McRAE: A bill (H. R. 8938) for the relief of Mrs. S. A. Johnson, Desha County, Ark.—to the Committee on War Claims.

By Mr. PATTERSON: A bill (H. R. 8939) for the relief of E. J. Sullivan, of Fayette County, Tenn.—to the Committee on War Claims.

By Mr. PICKLER: A bill (H. R. 8940) granting a pension to Caroline Buehler—to the Committee on Invalid Pensions.

By Mr. SMITH of Michigan: A bill (H. R. 8941) to increase the pension of Magnus D. Slack, late sergeant, Company K, Thirteenth Michigan Infantry—to the Committee on Invalid Pensions.

By Mr. SPALDING: A bill (H. R. 8942) to pension Ann Maria Meinhoefer, widow of Lewis Meinhoefer, Company B, Forty-first New York Infantry—to the Committee on Invalid Pensions.

By Mr. SPENCER: A bill (H. R. 8943) for the relief of Emmit Hicks, deceased, late of Claiborne County, Miss.—to the Committee on War Claims.

Also, a bill (H. R. 8944) for the relief of Mrs. Ann M. Brown, of Claiborne County, Miss.—to the Committee on War Claims.

By Mr. TRELOAR: A bill (H. R. 8945) for the relief of Sarah A. Kempinsky—to the Committee on War Claims.

By Mr. VAN VOORHIS: A bill (H. R. 8946) to grant an honorable discharge to John A. White—to the Committee on Military Affairs.

By Mr. WATSON of Ohio: A bill (H. R. 8947) to increase pension of Mrs. Rhoda A. Connell—to the Committee on Invalid Pensions.

By Mr. WHEELER: A bill (H. R. 8948) for the relief of John T. Green—to the Committee on Claims.

Also, a bill (H. R. 8949) for the relief of Isiah Y. Jones, of Franklin County, Ala.—to the Committee on War Claims.

Also, a bill (H. R. 8950) for the relief of James Massey, of Franklin County, Ala.—to the Committee on War Claims.

Also, a bill (H. R. 8951) for relief of the estate of William J. Thomson, deceased, late of Franklin County, Ala.—to the Committee on War Claims.

Also, a bill (H. R. 8952) to refer claim of F. W. Waugh to the Court of Claims—to the Committee on War Claims.

By Mr. WILSON of South Carolina: A bill (H. R. 8953) for the relief of A. O. Garvin, of Union County, S. C.—to the Committee on War Claims.

Also, a bill (H. R. 8954) for the relief of Isaac Peeler, of Union County, S. C.—to the Committee on War Claims.

Also, a bill (H. R. 8955) for the relief of A. J. Byars, of Union County, S. C.—to the Committee on War Claims.

Also, a bill (H. R. 8956) for the relief of William Lockhart, of Union County, S. C.—to the Committee on War Claims.

By Mr. ALLEN of Mississippi: A bill (H. R. 8958) for the relief of David Ingram, of Itawba County, Miss.—to the Committee on War Claims.

Also, a bill (H. R. 8959) for the relief of Dr. O. R. Early, of Lowndes County, Miss.—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petition of the United States Maimed Soldiers' League, for an increase of the pensions of those who lost an arm or a leg or were totally disabled in the war of the rebellion—to the Committee on Invalid Pensions.

Also, resolutions adopted by the McKeesport (Pa.) Board of Trade, favoring the erection of a public building at that place—to the Committee on Public Buildings and Grounds.

By Mr. ARNOLD of Pennsylvania: Petition of residents of State College, Center County, Pa., advocating the adoption of the metric system—to the Committee on Coinage, Weights, and Measures.

By Mr. BARHAM: Petition of citizens of Fort Jones, Cal., for favorable action on House bill No. 4566, to amend the postal laws relating to second-class matter, and bill No. 838, to reduce letter postage—to the Committee on the Post-Office and Post-Roads.

By Mr. COUSINS: Petition of the Grand Army of the Republic, Department of Iowa, urging the passage of the bill to establish a national military park at Vicksburg, Miss.—to the Committee on Military Affairs.

By Mr. CURTIS of Iowa: Resolutions of Grand Army of the Republic post, Department of Iowa, favoring the passage of House bill No. 4339, for a national military park at Vicksburg, Miss.—to the Committee on Military Affairs.

By Mr. DINGLEY: Petition of Mrs. M. S. Milliken and others, of Independent Order of Good Templars of Washington, D. C., for the establishment of an inebriate home and hospital in the District of Columbia—to the Committee on the District of Columbia.

By Mr. DRAPER: Petition of 202 composers of music and professional musicians, citizens of the United States, against any change in the copyright law which will compel the manufacture of music in the United States as a condition of copyright security—to the Committee on Patents.

By Mr. FITZGERALD: Petition of the Boston Chamber of Commerce, Boston, Mass., in favor of better immigration laws—to the Committee on Immigration and Naturalization.

Also, resolutions of the Paint and Oil Club of New England; also of the Boston Merchants' Association, favoring the bill which provides for the establishment of a department of commerce and manufactures, introduced in the Senate on March 9, 1896, by Senator FRYE—to the Committee on Manufactures.

Also, resolutions of the Boston Merchants' Association; also of the New York Board of Trade and Transportation, asking for the passage of the Torrey bankruptcy bill—to the Committee on the Judiciary.

Also, resolutions of the Commercial Club of Boston, Mass., favoring a currency immovably founded on the gold standard—to the Committee on Banking and Currency.

Also, petition of the Massachusetts Horticultural Society of Boston; also of the Bay State Agricultural Society of Boston, in relation to the distribution of seeds by the Department of Agriculture—to the Committee on Agriculture.

By Mr. GROUT: Resolutions adopted by the Board of Trade of St. Johnsbury, Vt., favoring the passage of the Southwick convict-labor bill—to the Committee on Labor.

By Mr. GROSVENOR: Papers to accompany House bill for the relief of Eva J. Stevens—to the Committee on Invalid Pensions.

Also, paper to accompany House bill granting a pension to Sophia Kroll—to the Committee on Invalid Pensions.

Also, paper to accompany House bill granting a pension to James C. Wilson—to the Committee on Invalid Pensions.

Also, paper to accompany House bill to increase the pension of W. H. H. Adams—to the Committee on Invalid Pensions.

Also, papers to accompany House bill granting a pension to U. L. Daniels—to the Committee on Invalid Pensions.

By Mr. LEIGHTY: Resolutions of J. H. Danseur Post, Grand Army of the Republic, of Lagrange, Ind., favoring a service pension—to the Committee on Invalid Pensions.

By Mr. McEWAN: Petition of the Congregational Association of New Jersey, comprising churches in New Jersey, Pennsylvania, Maryland, District of Columbia, and Virginia, asking that prompt aid be extended to Armenian Christians—to the Committee on Foreign Affairs.

By Mr. MEREDITH: Petition of Lucy, Kate, and Molly B. Petty, of Culpeper County, Va., praying reference of their war claim to the Court of Claims—to the Committee on War Claims.

By Mr. MILLIKEN: Remonstrance of A. C. Goddard and others, against military training in the public schools—to the Committee on Education.

By Mr. PATTERSON: Petition of J. Henry Baker and William L. Baker, heirs of Moses Baker, deceased, praying reference of their claim to the Court of Claims—to the Committee on War Claims.

By Mr. SCRANTON: Resolution of the Scranton (Pa.) Clerks' Association, No. 127, favoring Government control of the telegraph—to the Committee on Interstate and Foreign Commerce.

By Mr. SPALDING: Paper to accompany House bill to pension Mrs. Ann Maria Meinhoefer, widow of Lewis Meinhoefer—to the Committee on Invalid Pensions.

By Mr. SMITH of Illinois: Petition of citizens of Benton, Ill., in favor of the passage of House bill No. 4566, relating to second-class mail matter, and bill No. 838, to reduce letter postage—to the Committee on the Post-Office and Post-Roads.

By Mr. SMITH of Michigan: Petition of United States Maimed Soldiers' League, for increase of pensions of maimed veterans—to the Committee on Invalid Pensions.

Also, petition of the Old National Bank, Grand Rapids, Mich., praying for favorable action on House bills No. 838 and 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. TOWNE: Petition of certain residents of West Duluth, Minn., for legislation against the manufacture of alcoholic beverages in the District of Columbia—to the Committee on the District of Columbia.

By Mr. WHEELER: Papers relating to the claim of B. S. Dempsey, of Floyd County, Ga.—to the Committee on War Claims.

By Mr. WHITE: Petition of citizens of Medora, Ill., favoring the passage of House bills Nos. 4566 and 838, relating to the postal laws—to the Committee on the Post-Office and Post-Roads.

SENATE.

THURSDAY, *May 14, 1896.*

Prayer by Rev. HUGH JOHNSTON, D. D., of the city of Washington.

On motion of Mr. GIBSON, and by unanimous consent, the reading of the Journal of yesterday's proceedings was dispensed with.

DONATION OF CONDEMNED CANNON.

Mr. BURROWS. I desire to enter a motion to reconsider the vote by which the bill (H. R. 6256) authorizing and directing the Secretary of the Navy to furnish to George F. Fuller Post, Grand Army of the Republic, of Manistique, Mich., a condemned cannon, was passed by the Senate yesterday.

The VICE-PRESIDENT. The motion to reconsider will be entered.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, requested the Senate to return to the House the resolution agreeing to the amendments of the Senate to the bill (H. R. 5731) to regulate the practice of medicine and surgery, to license physicians and surgeons, and to punish persons violating the provisions thereof in the District of Columbia.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the Vice-President:

A bill (H. R. 708) to increase the pension of Albert Ellis;

A bill (H. R. 1185) granting a pension to Rachel Patton;

A bill (H. R. 3189) to increase the pension of John S. Cochenour;

A bill (H. R. 3448) authorizing the county of Navajo, Territory of New Mexico, to issue bonds for the construction of a courthouse and jail at the county seat thereof;

A bill (H. R. 5105) to abolish days of grace on promissory notes, drafts, etc., in the District of Columbia; and

A joint resolution (H. Res. 180) for the relief of Ex-Naval Cadet Henry T. Baker.

VISITORS TO WEST POINT.

The VICE-PRESIDENT appointed Mr. GRAY and Mr. SEWELL members of the Board of Visitors on the part of the Senate to attend the next annual examination of cadets at the Military Academy at West Point, N. Y., under the requirements of section 1327 of the Revised Statutes of the United States.

VISITORS TO ANNAPOLIS.

The VICE-PRESIDENT appointed Mr. BLACKBURN and Mr. HALE members of the Board of Visitors on the part of the Senate to attend the next annual examination of cadets at the Naval Academy at Annapolis, Md., under the requirements of the act of February 14, 1879.

PRACTICE OF MEDICINE AND SURGERY.

The VICE-PRESIDENT laid before the Senate the request of the House of Representatives to return to the House its resolution agreeing to the amendments of the Senate to the bill (H. R. 5731) to regulate the practice of medicine and surgery, to license physicians and surgeons, and to punish persons violating the provisions thereof in the District of Columbia; and by unanimous consent the request was ordered to be complied with and the resolution returned to the House.

LIEN FOR FREIGHT ON IMPORTED MERCHANDISE.

Mr. FRYE. Yesterday, when we reached on the Calendar the bill (H. R. 6836) to amend section 2981 of the Revised Statutes of the United States as amended by the act of June 10, 1880, the indication on the Calendar was that the bill had been reported from the Committee on Finance without any recommendation, and under those circumstances the Senator from Connecticut [Mr. PLATT] moved the reference of the bill to the Committee on Commerce. The fact is that the Committee on Commerce a long while ago—two months ago, at least—favorably reported the bill.

Mr. PLATT. The Senate bill?

Mr. FRYE. The Senate bill. Later the other House passed a bill exactly like the Senate bill, and when it came from the House I asked that it might take the place of the Senate bill on the Calendar. That was agreed to, and the Senate bill was indefinitely postponed. I now ask that the action of the Senate yesterday, by which reference of the bill was made to the Committee on Commerce, may be reconsidered.

The VICE-PRESIDENT. Without objection, it will be so ordered.

Mr. FRYE. The bill was read yesterday. It is eminently proper and right, being recommended warmly by the Secretary of the Treasury, and as it will take but a minute, I ask that it may be put on its passage.

Mr. HILL. What is the bill about?

Mr. FRYE. It relates to the general average and charges of steamboat carriers.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. PRUDEN, one of his secretaries, announced that the President had on the 13th instant approved and signed the act (S. 1904) to regulate marriages in the District of Columbia.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the Daughters of the American Revolution, praying for the publication of the records and papers of the Continental Congress; which was referred to the Committee on the Library.

Mr. SHERMAN presented a petition of the Trades and Labor Assembly of Sandusky, Ohio, praying for the passage of House bill No. 5113 to authorize money-order post-offices to receive money on deposit; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. LODGE presented the petition of Harry Farmer and 11 other citizens of the District of Columbia, praying that Frank J. Metcalf, who was injured in the Ford Theater disaster, be awarded a larger amount for his injuries than that granted to him by the Ford Theater Commission; which was ordered to lie on the table.

PRINTING OF SECRETARY CARLISLE'S SPEECH.

Mr. VILAS. I move that the speech of Hon. John G. Carlisle, made before the workingmen of Chicago, April 15, 1896, a copy of which I hold in my hand, be printed as a document.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. MITCHELL of Wisconsin (for Mr. BRICE), from the Committee on Pensions, to whom was referred the bill (H. R. 4275) to increase the pension of Mrs. Annis H. Enochs, widow of Gen. William H. Enochs, from $20 to $50 per month, reported it without amendment, and submitted a report thereon.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the bill (H. R. 1601) to amend the military record of John S. Evans, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1381) to remove the charge of desertion from the military record of Patrick Larkin, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2742) for the relief of Charles Fletcher, alias James H. Mitchell, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 756) to correct the military record of William Kiser, of Noble County, Ind., submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (H. R. 468) granting an increase of pension to Mrs. H. J. Kiernan, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 1109) granting a pension to Elizabeth Marshall, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 1734) to increase the pension of Ann Catherine Hull, reported it without amendment, and submitted a report thereon.

Mr. HANSBROUGH, from the Committee on the Library, to whom was referred the bill (S. 2509) to authorize the erection of a statue of the late President Abraham Lincoln at Gettysburg, Pa., reported it without amendment, and submitted a report thereon.

Mr. WETMORE, from the Committee on the Library, to whom was referred the bill (S. 3087) to incorporate the National Society of Colonial Dames of America, reported it without amendment.

Mr. DUBOIS, from the Committee on Naval Affairs, to whom was referred the bill (H. R. 248) empowering and directing the Secretary of the Navy to furnish four pieces of condemned cannon to the city of Hastings, Mich., reported it without amendment.

Mr. MARTIN, from the Committee on Finance, to whom was referred the bill (H. R. 7816) for the relief of John S. Burwell, administrator of the estate of A. L. Burwell, deceased, asked that the committee be discharged from the further consideration of the same and that the bill be referred to the Committee on Claims; which was agreed to.

Mr. CHANDLER, from the Committee on Post-Offices and Post-Roads to whom was referred the bill (S. 3122) for the relief of Bridget Lane, reported it without amendment, and substituted a report thereon.

DISCRIMINATING DUTIES.

Mr. CAFFERY. I am directed by the Committee on Commerce, to whom was referred the bill (S. 3040) to protect commerce, and for other purposes, to report it back with a recommendation that the committee be discharged from its further consideration, and that it be referred to the Committee on Finance.

Mr. President, the bill in question is substantially a bill to authorize the President of the United States, by proclamation, to levy discriminating duties in certain cases. Those cases are wherever any foreign country levies any discriminating tax or duty against the products of the United States or increases its bounty or premium upon its own exports coming into the United States. It provides that the President be authorized by proclamation to state that fact, and, after the proclamation, that the Secretary of the Treasury be required to ascertain the exact amount of discriminating duty in the one case, or the export bounty or premium in the other, and after the amount and nature of the duty or bounty be accurately ascertained, that the President be authorized to impose just such countervailing duty or tax as will offset or equalize the discriminating duty or bounty levied by the foreign country. I will state that the recent action of the German Reichstag emphasizes, in my opinion, the necessity of some legislation of the kind proposed in the bill reported back by me.

The Committee on Commerce considered that the subject-matter of the bill was one beyond their jurisdiction. The bill relating, although indirectly, to finance and tariff, was, as they considered, beyond their jurisdiction, and came within the jurisdiction of the Committee on Finance.

Mr. President, I will read from Willett & Gray's Daily Sugar Trade Journal, published in New York, of the issue of May 12, 1896, the following:

GERMAN BOUNTY.

The Reichstag passed the new sugar-bounty bill to-day, fixing rates of bounties of 2.50 marks on raws and 3.55 marks on refined per 100 kilograms, in place of 3 marks and 4 marks, respectively, as last proposed by committee. The new rates give bounty on raws of 27 cents per 100 pounds, against present bounty of 13½ cents per 100 pounds, and gives bounty on granulated of 38½ cents per 100 pounds, against present bounty of 21½ cents per 100 pounds.

Taking into account the amount of raw sugar required to make 100 pounds of granulated, the new rate will be equal to 30 cents per 100 pounds on raws, against 38½ cents per 100 pounds granulated, or, say, 8½ cents per 100 pounds more bounty on refined than on raws, against present difference of 8 cents per 100 pounds. With a small saving also in paying duties, the new law shows a total reduction in American refiners' present protection of, say, 3½ cents per 100 pounds, or one thirty-second of a cent per pound, which is sufficient to call for a countervailing duty on the part of the United States.

The immediate effect of the passage of this bill is to increase the value of the present stock and all productions of refined to August 1, when the new law takes effect, as it will cause a heavy demand for refined in Germany meanwhile, to avoid the increased consumption tax from 18 marks to 21 marks per 100 kilograms.

Under the action of the McKinley law, German raw sugar was imported into this country under the stimulus of the export bounty of Germany to a very great extent. Since raws were placed upon the tariff list and a tariff of 40 per cent was made for differentials on refined not so many raws have been exported. The export article of late has mostly been of refined. However, in that statement I do not pretend to be entirely correct, but it is safe to say that under the operation of this new law proposed by the German Reichstag, to take effect upon the 1st of August next, the nascent and growing sugar industry of the Northwest, of Nebraska, California, Utah, and other States, will be entirely destroyed, because the export bounty under this new proposed law of the Reichstag will be increased nearly a hundred per cent.

Mr. GEAR. Is the Senator able to inform us what is the present export bounty or premium on sugar in Germany, and what is the proposed bounty?

Mr. CAFFERY. The present bounty is about 32½ cents, and this increases it 27 cents, about 100 per cent. The present bounty on granulated is increased from 21 marks to 38½ marks.

Mr. GEAR. Thirty-eight marks on how much?

Mr. CAFFERY. On 100 pounds.

Mr. GEAR. That would be four dollars and some cents.

Mr. CAFFERY. I should have said cents instead of marks. This is the quotation:

The new rates give bounty on raws of 27 cents per 100 pounds against present bounty of 13½ cents per 100 pounds, and gives bounty on granulated of 38½ cents per 100 pounds against present bounty of 21½ cents per 100 pounds.

I am authorized by the committee, from which I report the bill back to the Senate, to request prompt action on the part of the Finance Committee on this very important measure. I am not authorized to say, nor do I say, that the committee is entirely in favor of the bill. The only expression is that they are in favor of prompt action, and I think it is due to the industry threatened by the German law that some prompt action be taken by the Congress of the United States.

Mr. President, in view of the fact that I am occupying the floor by the courtesy of other Senators, I shall not detain the Senate long, but I say the whole sugar industry is threatened with destruction by the proposed increase of bounty by the German Reichstag. The sugar industry is already laboring under a great many burdens, and I think it is meet and proper that the Congress of the United States should not permit a great industry like this to be destroyed by the discriminating action of a foreign country. That discriminating action has already driven out of Continental Europe all cane sugars, and if permitted it will destroy in the United States the industry upon which one-half of the people of my State gain their sustenance. Not to say anything about the possibility of the growth of the sugar industry upon the Pacific Slope and in the Northwestern States, there is a State already where this industry has taken deep root whose prosperity is threatened with destruction by the action of the German Reichstag.

I do not propose at this moment to discuss the features of the bill. I do not propose to dwell upon the point whether the Senate of the United States can take cognizance of such a bill. But I do want to direct the attention of the Senate and of the country to the fact that something is due to our home producers in the way of protection against the hostile action of a foreign country.

The VICE-PRESIDENT. The bill will be referred to the Committee on Finance.

BILLS INTRODUCED.

Mr. SHERMAN introduced a bill (S. 3147) granting a pension to Priscilla Wetterman; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. CARTER introduced a bill (S. 3148) granting a pension to Susan Buck; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MARTIN introduced a bill (S. 3149) for the relief of James T. Smith; which was read twice by its title, and referred to the Committee on Claims.

Mr. DUBOIS introduced a bill (S. 3150) authorizing the President to appoint Lieut. Robert Platt, United States Navy, to the rank of commander; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. ALLEN introduced a bill (S. 3151) granting a pension to Alice V. Cook, of St. Paul, Nebr., invalid daughter of John Y. Cook, deceased, late of Company D, Eighth Regiment Kansas Volunteer Infantry; which was read twice by its title, and referred to the Committee on Pensions.

AMENDMENT TO DEFICIENCY APPROPRIATION BILL.

Mr. ALLEN submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

JOHN S. HARRIS.

Mr. CARTER submitted the following resolution; which was referred to the Committee on Privileges and Elections:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay to Hon. John S. Harris, late a Senator from Louisiana, the amount due from the beginning of his term on the 4th of March, 1867, until he was paid; said payment to be made from the contingent fund of the Senate.

ORDER OF BUSINESS.

Mr. GIBSON. I ask unanimous consent to call up the bill (S. 2147) establishing additional regulations concerning immigration to the United States, in order that I may submit some remarks upon it.

The VICE-PRESIDENT. The Senator from Maryland asks unanimous consent to call up the bill indicated by him, that he may submit some remarks in accordance with previous notice. Is there objection? The Chair hears none.

Mr. GIBSON. Mr. President——

Mr. MITCHELL of Oregon. If the Senator from Maryland will allow me, I wish to state that the regular order is the Du Pont case, and by unanimous consent it is understood that that will be set aside temporarily in order that the Senator from Maryland may make a speech; but if the discussion should be prolonged, I would have to object.

Mr. ALLISON. As I understand the agreement, it was that after the river and harbor bill was disposed of, and after the routine business of this morning, the Du Pont case was to be taken up and proceeded with and voted upon at 5 o'clock on the second day, unless sooner disposed of.

Mr. FAULKNER. No; at 5 o'clock of the second day.

Mr. GRAY. At 5 o'clock; not sooner. The proposition to vote earlier was rejected, so that everybody might be here at the hour named.

Mr. ALLISON. Very well. I do not see the Senator from Colorado [Mr. TELLER], who is in charge of the District of Columbia appropriation bill, in his seat; but I wish to give notice that if no one wishes to proceed upon the Du Pont case after the Senator from Maryland has finished his observations, that appropriation bill will be called up.

Mr. CULLOM. I should like to make an inquiry before this matter is passed over. There is a dispute as to the exact time we are to vote upon the Du Pont case.

Mr. MITCHELL of Oregon. Five o'clock to-morrow was the time fixed.

Mr. CULLOM. Not before that hour?

Mr. MITCHELL of Oregon. Not before that hour.

Mr. GORMAN. I appeal to Senators to allow my colleague to proceed.

Mr. MITCHELL of Oregon. Certainly; the Senator from Maryland has obtained unanimous consent to submit his remarks, and I ask that then the Senator from Minnesota [Mr. NELSON], who is anxious to make a speech of some three-quarters of an hour on the same subject, be permitted to do so, and after that the Du Pont case will be taken up and proceeded with.

The VICE-PRESIDENT. The Chair will submit to the Senate the request of the Senator from Oregon [Mr. MITCHELL]. The Senator from Oregon requests that the Senator from Minnesota [Mr. NELSON] be permitted to address the Senate after the Senator from Maryland [Mr. GIBSON] shall have concluded.

Mr. GORMAN. With the distinct understanding, Mr. President, that immediately thereafter the Du Pont case is to be taken up and proceeded with according to the agreement entered into several days ago.

Mr. MITCHELL of Oregon. Certainly.

Mr. GORMAN. So that the vote upon the amendment to the resolution and the resolution itself shall be taken at 5 o'clock to-morrow evening.

Mr. MITCHELL of Oregon. That we shall proceed with the Du Pont case until 5 o'clock to-morrow, and then we shall proceed to vote on it; but what particular vote it shall be is a matter to be determined at the time.

Mr. GRAY. It is a vote to dispose of the case of Mr. Du Pont one way or the other; to admit him or reject him. That was the understanding.

RESTRICTION OF IMMIGRATION.

Mr. GIBSON. I ask that the bill (S. 2147) establishing additional regulations concerning immigration to the United States be read.

The VICE-PRESIDENT. The bill called up by the Senator from Maryland will be read.

The Secretary read the bill (reported by Mr. LODGE from the Committee on Immigration February 18, 1896), as follows:

Be it enacted, etc., That section 1 of the act of March 3, 1891, in amendment of the immigration and contract labor acts, be, and hereby is, amended by adding to the classes of aliens excluded from admission into the United States the following:

"First. All persons over 14 years of age who can not read and write the language of their native country or some other language, except that an aged person not so able to read and write who is the parent or grandparent of an admissible immigrant may accompany or be sent for by such immigrant.

"Second. For the purpose of testing the ability of the immigrant to read and write, as required by the foregoing section, the inspection officers shall be furnished with copies of the Constitution of the United States, printed on numbered uniform pasteboard slips, each containing five lines of said Constitution printed in the various languages of the immigrants in double small pica type. These slips shall be kept in boxes made for that purpose and so constructed as to conceal the slips from view, each box to contain slips of but one language, and the immigrant may designate the language in which he prefers the test shall be made. Each immigrant shall be required to draw one of said slips from the box and read, and afterwards write out, in full view of the immigration officers, the five lines printed thereon. Each slip shall be returned to the box immediately after the test is finished, and the contents of the box shall be shaken up by an inspection officer before another drawing is made. No immigrant failing to read and write out the slip thus drawn by him shall be admitted, but he shall be returned to the country from which he came at the expense of the steamship or railroad company which brought him, as now provided by law. The inspection officers shall keep in each box at all times a full number of said printed pasteboard slips, and in the case of each excluded immigrant shall keep a certified memorandum of the number of the slip which the said immigrant failed to read or copy out in writing."

Mr. GIBSON. Mr. President, with the broad acres of this country yet unsettled and untilled, with a land virtually unredeemed from primeval silence and solitude, with a soil as yet virgin, with an affluence and amplitude of domain adequate to the happiness and maintenance of 500,000,000 people, there is no reason why luxury and want and why capital and labor should look askance at one another.

While we have mountains to tunnel, rivers to bridge, forests to fell, and mines to develop there is no reason to turn back from our shores the offered laborer who asks for a home and opportunity of self-support on our unoccupied fields or in the channels of industry that need his labor.

Immigration is as essential now to our development as it ever was. From 1820 down to the present time the influx of foreign population to the United States has, in all those years, never been beyond 15,000,000 people. We have to-day in the United States a foreign-born population of 9,000,000 people, making an average of one foreigner to every nine native born. Within the period of forty years, from 1850 to 1890, there has been an increase in the census years of only 1 per cent in the foreign immigration to the United States in each ten years.

The following table shows the number and percentage of persons of foreign birth at each census from 1850 to 1890:

Census year.	Number of foreign born.	Per cent of total population.
1850	2,244,602	9.68
1860	4,138,697	13.16
1870	5,567,229	14.44
1880	6,679,943	13.32
1890	9,249,547	14.77

Instead of 72,000,000 people, the United States can accommodate hundreds of millions of people without being overcrowded. One of the most prosperous countries in Europe is Belgium, with a population of 530 inhabitants to the square mile. The next in population is England, with 505 to the square mile. The area of the United States, exclusive of Alaska, in 1890 was 2,939,000 square miles. This area of the United States, exclusive of Alaska, at the same ratio of population as Belgium and England, could support, instead of 72,000,000, the stupendous aggregate of over 1,557,670,000 people; that is to say, 100,000,000 more than the entire population of the whole earth to-day. We have one State, Texas, which is as large as England, France, and Germany combined. And yet with such a capacity and possibilities, when we have only 72,000,000 out of a possible 1,600,000,000, when we have only 21 people to support to the square mile, while Belgium has 530 and England 505 to the square mile, being at the same time the most prosperous nations of Europe, we talk about restricting immigration:

It will be interesting, Mr. President, in this connection to call attention to Mulhall's statistics giving the following table of inhabitants to the square mile in 1890 of the different countries in Europe:

Inhabitants per square mile in 1890.

United Kingdom	184	Portugal	136
England	505	Sweden	28
Scotland	135	Norway	16
Ireland	148	Denmark	133
France	190	Holland	350
Germany	288	Belgium	530
Russia	42	Switzerland	190
Austria	166	Greece	88
Italy	260		
Spain	86	Europe	90

United States, exclusive of Alaska and Indian Territory, 21.31 per square mile.

This shows that the most prosperous nations in Europe are those that have the largest population per square mile.

The Western States have for occupancy and open for settlement, exclusive of Alaska, 579,464,133 acres of land. This would make 3,621,650 homesteads of 160 acres each. On an average of five persons to a family, there is room in these States for 18,000,000 farmers, fruit raisers, wine growers, truck farmers, miners, mechanics, and laborers of all classes, which means 18,000,000 consumers of manufactured products, clothing, shoes, groceries, farming stock, implements, etc., giving labor to other millions of mechanics, miners, and laborers of all classes, adding billions to our national wealth.

The Western States want these lands occupied, and who will occupy them if the European immigrant does not?

But, even more than the West, the great undeveloped South wants immigrants, and is glad to welcome the foreigner, whether educated or illiterate, if he only works.

The Houston (Tex.) Post says that—

Texas can find room for 100,000,000 people and then not be as crowded as many countries are; in fact, not as much as some of the Eastern States in this Union are. And yet she has only 3½ or as much as 4 per cent of this number.

But, Mr. President, while I have here at hand any number of newspaper articles upon this important subject, I will spare the Senate the reading of more of them, but will ask permission that they may appear in the RECORD.

The density of population at the census of 1890, according to States, was as follows:

Density of population at census of 1890.

States and Territories.	1890.	States and Territories	1890.
The United States	21.31	North Central division—Continued.	
North Atlantic division	107.37	Iowa	34.46
		Missouri	28.98
Maine	22.11	North Dakota	2.60
New Hampshire	41.81	South Dakota	4.28
Vermont	36.39	Nebraska	13.78
Massachusetts	278.48	Kansas	17.47
Rhode Island	318.44		
Connecticut	154.06	South Central division	18.94
New York	125.95		
New Jersey	193.82	Kentucky	46.47
Pennsylvania	116.88	Tennessee	42.34
		Alabama	29.36
South Atlantic division	32.98	Mississippi	27.83
		Louisiana	24.63
Delaware	85.97	Texas	8.32
Maryland	105.72	Oklahoma	1.50
Virginia	41.27	Arkansas	21.27
West Virginia	30.95		
North Carolina	33.30	Western division	2.58
South Carolina	38.16		
Georgia	31.15	Montana	.91
Florida	7.22	Wyoming	.62
		Colorado	3.98
North Central division	29.68	New Mexico	1.25
		Arizona	.53
Ohio	90.10	Utah	2.53
Indiana	61.05	Nevada	.42
Illinois	68.33	Idaho	1.09
Michigan	36.46	Washington	5.22
Wisconsin	50.98	Oregon	3.32
Minnesota	16.44	California	7.75

From whence it will be seen, Mr. President, that there is no necessity for this measure under consideration. In my judgment, Mr. President, our present laws, rigidly, conscientiously, and impartially enforced, are sufficient to prevent all the evils of immigration that are complained of. These laws not only prohibit the admission into the United States of Chinese laborers, but add the following classes of aliens:

All idiots, insane persons, paupers or persons likely to become a public charge, persons suffering from loathsome or dangerous contagious diseases, persons who have been convicted of a felony or other infamous crime or misdemeanor involving moral turpitude, or any person whose ticket or passage is paid by the money of another, or who is assisted by others to come.

If this legislation stopped here it would be sweeping enough in its character to meet every emergency in the way of restricting undesirable immigration, but it goes further than this. It provides that no steamship transportation company or owners of vessels shall directly or through agents, under heavy penalties, either by printing or personal solicitation, invite immigration to the United States, except by ordinary circular letters, or other representations stating the terms of transportation, etc.

It is charged that emigration is largely stimulated by steamship agents in Europe, and that the European countries send us their superfluous population. This assertion has no foundation in fact. Immigration to our shores is coming to be counted as a serious loss by the countries from which it is drawn. Indeed, the different governments of Europe do not think they have any surplus population and strive by the strongest laws to make emigration of their subjects as difficult as possible. In Germany, for instance, steamship agents are allowed to act only within a narrow range prescribed by minute police regulations. They must be residents of the district in which they do business and citizens of that country. They must obtain a license for that purpose and deposit a large sum (in Germany 20,000 marks) with the police authorities, and it is then difficult to obtain such a right. Often slight infractions of the police regulations and the emigration laws are at once punished by heavy penalties. No steamship line is permitted to circulate information about foreign countries which might be considered as inciting to emigration. Even a simple comparison, for instance, between Germany and the United States, showing the advantages of the latter, is considered as belonging to this interdicted class of literature.

In addition to these acts of Congress the most thorough sifting process takes place in Europe. When emigrants apply for passage they have to answer very particular and searching interrogatories, a copy of which must be filed with the Commissioner of Immigration in this country.

We have the testimony of the labor organizations of this country that the present laws, if carried out as they are now administered, fully serve the purpose for which they were intended. Let us glance for a moment at what the labor organizations have to say on this subject.

Mr. Samuel Gompers, president of the American Federation of Labor, which has an aggregate membership of 652,300, says:

While, in my opinion, it may be necessary to restrict immigration in some cases, American workingmen are reluctant to impose any restraint upon the natural right of a man to choose his own place of abode.

Mr. Morse, secretary of the International Machinists' Union of America, says:

This trade is not much affected by the influx of alien labor. The foreign elements chiefly affecting the engineering trade are the Swedes and Germans.

"Swedes and Germans" are of the class of immigrants commended by the author of this bill as being those desirable.

Mr. O'Keefe, editor of the Knights of Labor Journal, says that this order does not object to immigration in the abstract, but does object to immigration induced by representatives of steamship companies or their agents.

Mr. Anderson, general secretary of the Philadelphia Operative Bricklayers' Union, with 36,000 members, states that this trade has no strong feeling against immigration. It may injure the trade here and there, but in the mass he thinks it does no harm.

Mr. P. J. McGuire, general secretary of the United Brotherhood of Carpenters and Joiners, says that his society is divided on the subject of foreign immigration, some being in favor of one and some of another bar of restriction; but in his opinion, as he says, the more thoughtful men among the members think that immigration in the past has really made the country what it is. He believes that New York changes its labor population every few years, men who have been there some time moving out and being replaced by newcomers.

Mr. G. W. Perkins, president of the Cigar Makers' International Union, of 30,000 members, says a large number of immigrants have come into the cigar trade. Of these, many are Germans who at first are socialists, but who gradually become good trades-unionists. A considerable number of Russian Jews have of late years come into the trade, but wages do not seem to have been reduced in consequence. On the contrary, they seem to have increased in the well-organized centers of the trade.

The New York State branch of the American Federation of Labor, sitting in Albany, reported among other things the following:

That while believing in the necessity of greater efficiency in the administration of the immigration department, we nevertheless hold that extreme radical measures of restriction would be contrary to the spirit of our times and the welfare of our country. Natural and wholesome immigration has been the source of unbounded benefit to our country, and our vast natural resources are such as would easily support many times our present population. * * * We wish to condemn the old Know Nothing sentiment which uses the immigration question as a pretext. The same spirit attempts to rise from the dead through this blind clamor and again bid defiance to the irresistible tread of industrial and social progress.

The Junior Order of American Mechanics, of 160,000 members, calls itself a patriotic fraternity. In its declaration, among other things, it asserts:

We affirm a warm and hearty welcome to all immigrants who desire to better their condition and become a part and parcel of our nationality, but we have not one square inch of room for the anarchists, the socialists, or nihilists, or for any one who is not willing to vow allegiance to that flag which is powerful enough to shield and protect them as well as us in the exercise of our religious and civil liberty.

Among the opinions of statesmen and economists on this subject, Dr. Charles W. Eliot, President of Harvard University, has been good enough to say:

I believe every healthy and honest man, woman, or child brought into this country to be an altogether desirable addition to the resources of the United States. Consequently, I think that immigration should not be restricted, except by rules intended to keep out paupers, criminals, and persons afflicted with incurable or contagious diseases. As to the contract-labor law, it seems to me a stupid piece of demagogic barbarism. More laborers, skilled and unskilled, are just what this half-occupied continent needs.

Mr. Edward Atkinson, whose writings on economic questions are well known, in an article the drift of which will be gathered from its title, "Incalculable room for immigrants," says:

It seems almost pusillanimous to refuse a refuge to the oppressed and to the industrious and capable for fear the institutions of this country may suffer. If we can not deal with one-half of this great continent, of which the resources are as yet hardly even known, will not this prove that our capacity is not yet equal to our opportunities?

These labor organizations, therefore, do not favor any such proposed restrictive and prohibitive legislation as proposed by this bill, or a consular inspection, or a high head money tax. They, although subjected to the competition of new labor forces, have no voice to raise against the admission of alien immigration.

This law has been strenuously enforced ever since its enactment, and the good effects of it are discernible each year in the diminishing number of immigrants coming to our shores. By this bill it is proposed to make a new class of excluded immigrants, adding to those who have just been named "the totally ignorant." Paupers, diseased persons, convicts, and contract laborers are already excluded. Three of this class, paupers, diseased persons, and convicts, of course we do not want and will not have under any circumstances. The bill excluding contract laborers has excluded the best of the class of immigrants who would come to this country, the skilled laborers. Whether this is wise it is not my purpose now to consider. Now we propose to exclude the next best class of laborers under the educational test. It is not the learned and the refined, it is not the doctors, lawyers, and professional men, whom we look for in the immigrant ship, nor yet the dilettante of the youth of southern Italy, who frequent the Olympic games, or, breathing fresh perfume from their curly locks, with their lily fingers pat the red brawn of the gladiators in the arena and bet their sesterces upon their head, but we do want the strong, clean-limbed, ruddy-cheeked, vigorous, young, and healthful toilers who are willing and able to carve out with their own good right hands the way to fortune and to favor in the land of their adoption. Uneducated they may be, not able to read or write in their own tongue or in that of any other, but not bad hearted; poor in purse, but not paupers.

We will educate these immigrants when they get here. We will find the task less difficult to make a homogeneous mass of these people, adapting them to our customs and to our purposes, than if they had preconceived notions from the education which they had received abroad. We do not want them partial to the learning and culture of Europe. We do not want an importation of men with ideas hostile to our native civilization. In the composite population of this Republic we will have a nation of Americans, peculiar to our own civilization. While it may not be "home born and home bred exclusively," in their hearts there will have grown up a spirit which will make them the faithful bodyguard of our liberties, who would be "driven into the sea at the point of the bayonet before they would renounce one principle of our Constitution."

Let us for a moment, Mr. President, consider the class of uneducated who came into our ports in the year 1895. Since the passage of this act of Congress referred to there has been a marked decrease in the amount of immigration to this country. Immigration for the fiscal year 1893–94 amounted to 285,631, and for the fiscal year 1894–95 to 258,536, a decrease of 27,095, thus showing the smallest immigration since 1879. Nearly a quarter of the Italian immigrants who have arrived at the port of New York lately have been debarred admittance to the country. Commissioner Senner says the wholesale detentions are having a deterrent effect on Italian immigration. As an instance of this, he says the steamship Hesperia, which has a capacity for 1,500 immigrants, is bringing only 200 to this port. I ask, Mr. President, to have made a part of my remarks Table No. 7 of the report of the Commissioner-General of Immigration, by which it appears that, owing to our healthful laws, immigration has decreased from the countries usually furnishing the greatest number of immigrants.

TABLE NO. 7.—*Showing the increase and decrease, by nationalities, of immigrants arrived during the fiscal years ended June 30, 1894 and 1895.*

Countries of nativity.	1894.	1895.	Increase.	Decrease.
Austria-Hungary:				
Bohemia, Moravia, Galicia, and Bukowina	6,147	6,297	150	.....
Hungary	14,700	15,206	506	.....
Other Austria	17,791	11,898	.....	5,893
Belgium	1,709	1,058	.....	651
Denmark	5,003	3,910	.....	1,093
France (including Corsica)	3,080	2,628	.....	452
Germany	53,989	32,173	.....	21,816
Greece	1,356	597	.....	759
Italy	42,977	35,427	.....	7,550
Netherlands	1,820	1,388	.....	432
Norway	9,111	7,581	.....	1,530
Portugal	2,196	1,452	.....	744
Roumania	729	523	.....	206
Russia (proper)	36,725	33,232	.....	3,493
Finland	2,553	2,675	122	.....
Poland	1,941	790	.....	1,151
Spain	925	501	.....	424
Sweden	18,286	15,361	.....	2,925
Switzerland	2,905	2,239	.....	666
Turkey in Europe	298	245	.....	53
England and Wales	18,748	25,045	6,297	.....
Ireland	30,231	46,304	16,073	.....
Scotland	3,772	3,788	16	.....
Not specified	60	24	.....	36
Total Europe	277,052	250,342	23,164	49,874
Mexico	109	116	7	.....
Central America	32	21	.....	11
Cuba	2,601	2,532	.....	69
Other West Indies	576	564	.....	12
British North American Possessions	194	239	45	.....
South America	39	36	.....	3
China	1,170	539	.....	631
Japan	1,931	1,150	.....	781
Other Asia	1,589	2,802	1,217	.....
Australia	195	89	.....	106
Hawaiian Islands	44	52	8	.....
Other Oceanica	5	.....	.....	5
Africa	24	36	12	.....
Not specified	70	14	.....	56
Grand total	285,631	258,536	24,453	51,548

From the foregoing tables it appears that during the last fiscal year 258,536 immigrants arrived in this country. Of these, 256,117 were landed and 2,419 were debarred and deported at the expense

of the various steamship lines transporting them. Of those deported, 694 were under contract to perform labor in this country made previous to their arrival and 1,725 were deported as coming within the prohibitions of the act of March 3, 1891.

In addition to the above, 177 immigrants who had been landed were returned to the countries whence they came, having become public charges within one year after their arrival in the United States. The latter were returned at the expense of the steamship lines bringing them if the cause of their having become public charges existed prior to landing; otherwise at the expense of the immigrant fund.

It is gratifying, says the Commissioner-General of Immigration, to be able to say that—

We know of no immigrant landed within a year who is now a burden upon any public or private institution. The class of immigrants has been of a good, healthy, and hardy character, well qualified to earn a livelihood wherever their services were required. They comprised both skilled and unskilled laborers.

Now let us see in this last importation of 1895 how poor they were and how many paupers there were because of their illiteracy:

The money we know they actually brought with them amounted to $4,126,723, but as the immigrant is only required to satisfy the inspector as to the amount when under $30, he is not required to disclose any above that amount; yet with some it is reasonable to suppose that the money actually brought very much exceeds that reported, as in many instances they bring comparatively large sums to invest in small business enterprises or to purchase lands and build homes for their families in the New World. Experience shows that this amount could be safely multiplied three or four times.

Multiply, therefore, the four millions, as ascertained that they actually brought, by four, and we find that instead of bringing four millions they brought sixteen and a half millions.

Of the 152,000 immigrants arriving at the port of New York during the six months ended June 30, 1892, more than $3,060,000 was brought in, one man bringing with him $25,000 and another $10,000. Multiply these as stated by Commissioner-General Stump and we have nearly twelve and one-half millions in 1892. An incident showing the amount of money brought to this country by aliens was disclosed at Ellis Island when upon searching an immigrant it was ascertained that he had more than $10,000 in his possession, although at the time of preliminary inspection he had informed the officers that he had no money whatever. The junior Senator from Massachusetts [Mr. LODGE], arguing from the report of the committee, claims that the immigrants who would have been shut out by the illiteracy test are those who bring less money to the country and come most quickly upon public or private charity for support. And yet the class of immigrants coming in within the two years referred to, though largely illiterate, added to the material wealth of the United States twenty-eight and one-half millions.

In summarizing the results of the committee's investigations, which have been fully set forth in their report, as referred to by the distinguished Senator from Massachusetts, it is found that he claims that the illiteracy test will bear most heavily upon the Italians, Russians, Poles, Hungarians, Greeks, and Asiatics. These are the immigrants the educational test will keep out, while the consular-inspection bill could not keep them out; whereas, judging from a letter addressed to me, under date of April 16, 1896, the American Anti-Semitic Association, Brooklyn, N. Y., protests most loudly against the educational test, claiming that this would let in the classes that ought to be kept out, as all of these can read and write. They demand equally loudly the passage of the Stone consular-inspection bill. Now, as between the Russian Jews themselves and the Senator from Massachusetts, on this educational test being effective, who is right and who is wrong? The Russian Jews ought to know!

The letter is as follows:

BROOKLYN, N. Y., *April 16, 1896.*

HONORED SIR: We respectfully beg to call your attention to the inclosed resolutions, passed at the regular monthly meeting of the American Anti-Semitic Association.

Advices received from Washington say that a powerful Jewish lobby, pretending to represent the German-American voters, is at work to prevent the passage of effective laws that would hinder the immigration of their own people; and to our great consternation we noticed that recent proceedings in the House Committee on Immigration seem to indicate.

Public opinion calls for effective measures. The educational-test bill will not exclude the Russo-Polish Jews. They all read and write the Hebrew jargon.

We indorse the consular-certificate bill for the countries of eastern and southern Europe.

Shall the Rothschilds and Hirsches score another victory against the American people?

Yours, very respectfully,

FR. JO. GROSS,
The President of the A. A. A.
E. FINDEISEN,
Chairman of Committee.

To the Honorable Senator CHARLES H. GIBSON,
Washington, D. C.

AMERICAN ANTI-SEMITIC ASSOCIATION,
Brooklyn, N. Y., April 16, 1896.

PROTEST AGAINST THE JEWISH IMMIGRATION.

Resolutions passed at the regular monthly meeting of the A. A. A.

Delegates from branch organizations were present.

Whereas the present laws for excluding the objectionable Russo-Jewish immigration have proven entirely insufficient, and the moral and social danger of a continuous influx of these people is strongly agitating the public mind;

Whereas in a history of over two thousand years the Jews have never shown an example of assimilation with other nations, and the presence of this people, alien in race and religion, striving after the financial and political supremacy in the Christian countries of the world, is creating serious disturbances everywhere:

Resolved, That we protest against the passage of the McCall educational test bill as entirely inadequate to debar these people, nearly all of them being able to read and write the Hebrew jargon.

Resolved, That we favor the Stone consular-certificate bill for the countries sending us this undesirable immigration, namely, Russia, Austro-Hungarian Empire, Italy, Roumania, Servia, Bulgaria, Turkey, Asia, and Africa, with the instructions to the United States consulates abroad.

E. AUG. LEHUERMANN,
The Secretary of the A. A. A.
E. FINDEISEN,
Chairman of Committee.

Mr. President, if the United States intends to close our portals to foreign immigration entirely, if we propose to say that we have enough of foreigners on our shores, and that we do not want any more and will not have any more, well and good; let us say so. No objection under the law of nations can be made to our so doing. If we are going to surround ourselves with a Chinese wall, over which none save the anointed children of education shall climb, under the specious claim of protection to American labor, as in the past we have undertaken to build a like wall for the protection of American manufactures, then let us do it, and take the consequences. But we will not put ourselves, I take it, in such an attitude to the rest of the civilized world.

If our purpose springs from a fervent desire to benefit the people by restricting immigration, then we must look for some more legitimate and practical means than this measure now under consideration. This bill will not accomplish it. Of all the proposed legislation before the Senate of the United States within my experience, nothing is further removed from wisdom and justice than this. It is undemocratic, unrepublican, un-American, and has no health in it. It is barbaric and cruel; in its operation it will separate families and divide those among them who may be able to read and write from those who can not. It is a standing menace to the future of the West and South; it will keep out from the country immigrants who are desired and will admit those who are not.

The uneducated laborer, whose strong muscles and willingness to work we are in need of, will be driven back, while the communist and socialist, and loud-mouthed and filthy anarchists who labor with their tongues, demagogues, et id omne genus, because they are able to read, will be allowed to come in—evil fellows who work not themselves, but who foment discord and discontent among workingmen, who, if left to themselves, would be good citizens. These are the educated class whom this bill would admit.

The question of restricting immigration into the United States is not a new one. It has been the subject of legislation heretofore. We have all the laws we want. In some parts of the world there are too many people for the work there is to be done, and in other parts there are not enough. Whenever these conditions arise the excess of laborers in one part of the world seeks the excess of labor in the other part. The process began with the beginning of time and will continue to its end. Our present position among the nations is greatly due to it. If the increase of our population had been dependent upon the excess of persons born and growing to maturity over those dying, it is quite safe to say that its number would not be more than half, possibly not more than a third, of what it now is. Instead of having more than 70,000,000 of people within our borders we would have only 40,000,000, or perhaps only 30,000,000.

A great part of what has been done to open up our country and develop its resources would have remained undone. It would have been impossible without the aid of the strong and willing laborers coming to us from the old countries to have made a great part of the West fit for the homes of the splendid population which now enjoys it. The thousands of miles of railroads that cross and recross our country in every direction, annihilating distance and making those who live in the remotest parts neighbors to all the rest, could not have been built. The commerce carried by the agency of these roads would not have sprung up and the numerous and happy villages and cities created and supported by it would have no existence. Without the men who have sought homes on our shores our mines would have remained unopened, our canals undug, and many of our useful industrial works unperformed.

Without them our people might still have skirted the slopes of the Alleghanies; the western boundary of our civilization might still be on the east side of the Mississippi, and the wide expanse beyond might still have remained the pasture of the buffalo and the hunting ground of the savage, where the rank thistle nods in the wind, and where the wild fox digs his hole unscared! The downfall of this great and glorious Republic from any cause, at any time to which the most farsighted can now look forward, is not a matter of dread to me. But if in the dim, mysterious future, mercifully made impenetrable to our gaze, there should come a period when this country, the pride of her own people and the

admiration of the world, shall endure the lot of all things perishable, among the causes of its downfall immigration will not be found.

Mr. Jacob Riis says:

The immediate duty which the country has to perform for its own protection is to school immigrant children first of all into Americans, and next into useful citizens. The problems that seem so perplexing in the light of freshly formed prejudices against this or that immigrant yield to the simple solution that discovers all alarms to have been groundless. Yesterday it was the swarthy Italian, to-day the Russian Jew, that excited distrust. To-morrow it may be the Arab or the Greek. The one immigrant who does not keep step or, having fallen out of the ranks, has been ordered to the rear, is the Chinaman, who brought neither wife nor child to push him ahead. He left them behind, that he might not become an American, and by the standard he himself set up he has been judged.

It has been the wise policy of our Government to welcome the immigration of all classes of laboring men. For a time it was wholly unrestricted, and as long as the flow was natural, consisting of a stream of hardy, healthy, and honest men and women, coming of their own accord, no restriction was required; but when advantage was taken by organizations in various parts of Europe of the lack of laws in this country regulating immigration to ship paupers, cripples, diseased persons, whom they wished to get rid of, and criminals, proper measures were speedily taken by our Government.

I am opposed to the passage of this bill and am unwilling for it to become a law. It is not needed. The spirit that presided at its birth and now urges its passage is illiberal and un-American. It is the same spirit that spread its baneful influence over the country some forty years ago, which apparently died out; but which again shows sign of pernicious activity; and the bill is worthy of its originators. It appears to be general in its purpose; but is certainly aimed at the poor and ignorant alone. It is carefully drawn, and is accompanied by a report containing numerous tables prepared to show the necessity for its enactment. The classes especially aimed at by it are the Bohemian, the Russian, the Italian. These are declared to be unfit to land on our shores and to become our fellow-citizens.

But—

Says the New York Journal of Commerce—

experience has shown that no aliens coming here have done the country better service, and they have been among the most peaceable of the people.

Three arguments are presented why this bill should become a law:

First. The selfish one that if the people excluded by the bill are allowed to come in they will compete with Americans for work and lower their wages.

Second. That such immigrants are idle and vicious, and likely to be a plague and burden to the community.

Third. That they are alien and inferior, and if allowed to mix with our people will deteriorate them and lead to national decadence and ruin.

It does not require much consideration of the first argument to arrive at the conclusion that it is wholly groundless and no reason at all. The best proof that unrestricted immigration does not tend to reduce wages is the fact that at the present day, after all these years of unrestricted immigration, the wages of the workingman in this country are higher and the hours of daily labor shorter than ever before. It needs only a superficial acquaintance with the nature of wages to show that they do not decrease as population increases. England has a greater number of inhabitants per square mile than Germany, and yet wages are higher in England than in Germany; and the same relation again exists between Germany and Russia. It is principally the skill and productiveness of the laborer that determines the rate of wages. As long as there is room in this country for both skilled and unskilled labor we should welcome every man that is willing to work.

And again, labor unions, which more than ever before in the world watch over the interests of workingmen, by direct or indirect methods effectually prevent the undercutting of wages. The rise and fall of wages due to obscure causes may occur, and be without remedy, but if it is caused by nothing else than competition among the workingmen themselves, labor unions may be depended upon to regulate it. But competition between laboring men of the class affected by this bill and Americans will never be, for skilled labor and unskilled labor work in different fields, too far apart for the higher class to be interfered with or jealous of the lower. As compared with the laborers of the class affected by this bill, all Americans are skilled laborers. They seek the shops, factories, foundries, machines, railroads, engine rooms, bridge and iron constructions, and other places where special aptitude, training, and acquired skill give larger value to their labor. There is no danger that he will overstock the market or that there will be more of him than there is demand for. In the Iron Trade Review of Cleveland there is an article calling attention to the scarcity of skilled men. And in all the departments where their work is needed there is an increasing instead of a decreasing call for such workmen.

But the Bohemian, Russian, and Italian must take and are glad to take the meaner sort of occupations—street sweeping, sewer cleaning, the digging of ditches and drains, the making of excavations, the outdoor work about mills and factories, which does not require skilled labor or special training, but only strength and industry—menial service, peddling, waiting in hotels and restaurants, fruit selling, knife grinding, toy and image making, and a great many other things which Americans do not seek and will not willingly undertake. All of these, together with many indoor employments, such as cigar and garment making, fall to the share of the newly landed, poor, and illiterate immigrants. Americans do not want such work. Hebrews, Russians, and Italians do want it; and the reason for their coming is that they may get it. They are the only persons to do it, and their presence here is a logical necessity.

The second reason alleged why this bill should pass is that these people are idle and vicious. The argument seems to be that poor and ignorant people are idle and vicious; that these people are poor and ignorant, and therefore are idle and vicious. I admit these people are poor and ignorant both, but even if they are it does not follow as a consequence that they must be vicious. A writer in the Forum of July 1, 1892, well observed—

That no sensible man will deny or underestimate the value of knowledge or education, but they do not form the only criterion to judge the worth of a man. Virtue and patriotism are not privileges belonging exclusively, or even preeminently, to wealth and learning. Scoundrels usually possess a fair education, so far as it can be acquired in schools or from books, and an educational test, in its practical workings, may not prove to be what is expected by its advocates.

Governor John Page, of Virginia, reported Patrick Henry as saying: "Natural parts are better than all the learning on earth."

And, indeed, the experience of all men is that the poor and ignorant are far from being necessarily bad, and it is a cruel and wanton injustice to make such a charge against them.

The tables in the report accompanying this bill show that there are a great many juvenile offenders whose parents, one or both, are foreign. But the census of 1890 shows that one-third of our people are children of parents one or both of whom came from another country. So it does not follow that these juvenile offenders are only of Russian, Bohemian, or Italian origin. They may be of other foreign parentage. In this respect the tables are ambiguous, insufficient, and valueless to prove the charge made by the advocates of this bill against this class of immigrants.

It may also be remarked, in passing, that the term "juvenile offenders" may include little chaps who have been arrested for playing ball in the streets, for being impudent to a majestic cop, or for trespassing upon forbidden grass. The offenses, at any rate, can not be very heinous.

It will be instructive to hear what is said of this class of immigrants by persons who have made a study of them. Tissot, a well-known French writer, says of the Russians:

There is nothing more gentle, more humane, than the Russian peasants, and murders are much less frequent in the Muscovite country districts than in the streets of Berlin and Paris.

In the consular reports published by the State Department in 1890 Italians are thus spoken of:

He gives the police no trouble; the criminal statistics of New York show a diminution in the arrest of foreigners. Only 794 Italians out of a total of 20,000 arrests in the last quarter of 1889, and these mainly for petty offenses. Of the 794 arrests of Italians, but 17 were women. The Italians of New York in some respects may not be a very desirable fraction of the population, but it does not appear to be disorderly or dangerous. The little knowledge of the anarchist is more dangerous than the industrial ignorance of the Latin races. These people are chiefly the peasant farmers of Calabria—vigorous in body; if illiterate, not stupid; if poor, not paupers; intellectually above the average so far as native powers are concerned. I was able to find among 1,075 immigrants not one dweller in an Italian city; all were peasants originally in Italy. As the Irish took the unskilled work off our hands a quarter of a century ago and the French Canadian came to relieve the Irish, it is now the Italians who have come to relieve the Canadian French. It is impossible to develop new country, to open new railways, to build new cities, without unskilled labor. New countries require a larger contingent of raw muscle than old countries. The Italian came because he was wanted.

The Italian beggars do not emigrate. The lazzaroni of Naples can not be induced to go elsewhere, for nowhere is life so easy to him. As a rule, the conditions of life are such that dwellers in cities do not migrate. If we get the illiterate immigrant, we also get the bone and sinew of Europe. What manner of men and women ensue depends in part on the environment which this country supplies.

You in the United States get our better industrial lower class. We could not get our tramps to go if we wanted to. You will find an improvement in the Italian immigrant of the future, I think, because education in Italy is now compulsory, as it is in most of European States to-day. All the younger ones can now read and write.

How easily these immigrants fall into American manners one must have noted who has observed the effect of one or two years of American life on the abject and underfed Italian peasant. Between this adaptability on the one hand and an intense nationality on the other hand, it can easily be seen that Italians who lose their grip of Italy will speedily get a powerful American bias. Their children, at least, are likely to be good citizens of the Republic, perhaps in many cases as valuable as the descendants of Gallic or Teuton stock. Variety of stock must itself strengthen the race whose energies already express the best results of the combination of northern races. As the Latin stock contributed not a little to German vigor, may not the same stock reenforce the new nation on this side the sea?

The largest permanent immigration is from the province of Turin. From Lombardy permanent immigration also tends to increase. Calabrian immigration also increases, but arrivals from Tuscany are diminishing. Rome sends absolutely no Roman, old or young. It is a fact suggestive of the powerful hold of the cellars and attics of crowded European cities that, although

Naples is the most densely populated city in Europe, many a village of Calabria sends to the United States more immigrants. It is not cities that are contributing to the cities.

Mr. Landis, of Vineland, who has had most extensive dealings and intercourse with the Italians, both in their country and in this, says:

In the settlement of Italians of Vineland there is a population of 1,000 Italians, about 6 to 12 in a family. There are in this Italian colony 200 owners of land; the farms average about 20 acres each. I sold the land on credit, mainly. The occupants invariably pay for their places and get on well. Since 1871 these Italian families have averaged about $20 each increase of wealth, so that their industry since 1871 (a period of about twenty years) represents an aggregate of $400,000. There is not an Italian in my county in an almshouse. There is not an Italian begging in the place.

The lesson of my journey in Italy is that the Italians are good farmers, steady, sober, and industrious. The sense of art, which is powerful in the Italian race, crops out even in their agriculture. Their cottages are tastefully treated; their interiors are attractive; their agricultural utensils are primitive, but they move forward on touching land in the New World. One-half the Italians in the Vineland settlement can read and write.

The testimony that I have been able to collect relative to the Hebrews exhibits their character in an equally favorable light. I quote from the Forum, volume 16, page 172:

Those who are willing enough to admit our indebtedness to immigration in the past, object to Jewish immigrants, saying that the character of our immigrants is not what it was twenty years ago, forgetting that twenty years ago the prejudice against Irish immigrants was as strong and unreasoning as that which now exists against Jewish immigrants. * * *

Although the Russian Jews have now for several years taken an active part in the industrial, intellectual, and civil life of New York, few of its citizens know anything of this earnest, intelligent, and intensely interesting people. * * *

The Jews are a temperate people, and the saloon is not likely to become an element in their social or political life. * * *

Page 178:

Jewish immigration is free from the objection so commonly urged against immigration in general, that it increases crime and pauperism. The Jewish quarters in New York, although more densely populated than any other tenement-house district, is rarely the scene of serious brawls or disturbances. Policemen are rarely seen there, and these find but little demand for their services. The records of police courts are remarkably free from Jewish names. This is principally owing to their temperate habits, while their strong domestic virtues, their love of their wives and children, prevent family troubles, whose settlement forms so large a part of the work of civil courts and police justices.

Statistics show that during the last few years, when Jewish immigration has so largely increased, crime among this nationality has not shown a corresponding increase. The whole number of Jewish prisoners in New York State is 300. This remarkably small number in a State which contains so large a Jewish population is a conclusive proof of their law-abiding character.

In Sing Sing, out of a total of 1,600 prisoners, there are only 72 Jews, and of these 19 are American, leaving only 53 foreign born. In Clinton prison, among 900 there are only 25 Jewish prisoners. In Auburn there are 36 Jews among 1,160. In the workhouse on Blackwells Island out of 1,100 inmates there are only 5 Jews. The superintendent of the workhouse says that a Jew is seldom brought back a second time. There has never been a Jewish woman in the workhouse. In the penitentiary at Albany there are only 2 Jews among 700 prisoners. There is 1 Jew prisoner in each of the penitentiaries of Syracuse, Rochester, and Buffalo.

The Anti-Immigration League of Boston has published a mass of statistics intending to show that Italians, Hungarians, Russians, and Poles are less desirable immigrants than those coming from other European countries, but from the Massachusetts reports the character of these people is doubtless the same here as in other States, so that the facts of their criminality, insanity, and pauperism, compared with the people of other parts of Europe which are found here, will hold all over the country. Take the last report of the Massachusetts State prison, in the official year ended September 30, 1893. There were 140 commitments. Of those committed, 97 were native born, and of those born abroad, 5 came from the British provinces, 15 from Ireland, 7 from England, 1 from Scotland, 1 from Wales, 3 from France, 4 from Italy, 1 from Germany, 1 from Austria, 1 from Sweden, and 1 from Finland. Italy and Austria, the countries complained of as furnishing the worst immigrants, contributed only 5, and Russia and Poland none of those committed. This looks as if these objectionable people were really the desirable ones.

Take the last report of the State reformatory for the same official year. The commitments during the year were 185, of whom only 11 came from Austria, Italy, Poland, and Russia together. There, once more, the case against the south and east of Europe is so much reversed as to make the figures of the league look ridiculous.

Take, once more, the birthplace of prisoners committed to all the jails and houses of correction in the State of Massachusetts for the same year. The total was 11,824, of whom only 177 came from Italy, Russia, Poland, Austria, and Hungary. There, again, is by far the best showing for these people who are principally aimed at by the league as the poorest of our immigrants.

In a notice published last year in a New York paper Mr. William Lloyd Garrison, takes issue with those who regard a restriction of immigration as desirable, quoting the authority of Dr. Senner, the immigration commissioner of New York, who has kept a record of what becomes of the foreigners who land at that port. Mr. Garrison denies that it is the "dregs and offscourings of Europe" that land upon our shores. "On the contrary, it is not the poorer class of European cities who emigrate to America, but the harder working people from the rural districts. But even if all immigration were seriously objectionable, it would still amount to only one family added to a preexisting hundred every five years. Our institutions must have lost their vigor if they can not subjugate 1 per cent of elements the most unruly during the term prescribed as the preparation for citizenship. Even if they come to be massed together in groups that are congruously un-American, they have still the environment of our educational system and our laws, and these have accomplished greater transformations than that of Hungarian miners and Italian laborers into useful American citizens."

If the problem of assimilating the "foreign element" had been an excessively hard one, the effect would be shown in the States where there was a preponderance of the "foreign element"—either foreign born or of immediate foreign descent. Massachusetts had 57 per cent foreign born or of foreign parentage; Maine 77 per cent. Maine is therefore a more representative American State than Massachusetts; but is there any distinction in the institutions or the legislation of those States that would warrant the belief that the "foreign element" in Massachusetts had not been successfully assimilated? In Minnesota there are to each 100 native inhabitants 239 of foreign birth or of foreign parentage, and in Wisconsin the proportion is 100 native to 264 foreign. Is there anything in the government of these States, or in the tendency of their institutions, such as schools, courts, etc., indicating that the foreign element was injuriously affecting the welfare of the country? Is there any higher grade of intelligence, public spirit, or material prosperity in Indiana, Maine, Missouri, or Kansas (States showing strong antiforeign complexion) than in Wisconsin or Minnesota? On the contrary, are these latter not the peers of their sister States in the conditions referred to?

On the 11th of April the same Mr. William Lloyd Garrison, whose remarks I have given above, at a dinner given by the Massachusetts Reform Club in Boston, speaking on the subject of the restriction of immigration, said:

You may prove that in the slums of the city there is an undue proportion of illiterate foreigners. You can not prove that their condition is not bettered by their change of place.

The measures proposed to limit immigration are ridiculously inadequate. The $10 fine will simply be an addition to the passage money, depleting to that extent the scanty possessions of the poor people who need every penny of their hard-earned savings to start the new life. The test of reading and writing is worthless as a safeguard of character.

To stop emigration or to reduce emigration European nations must remove the causes which are behind emigration—land monopoly, landlordism, and militantism, words of golden truth. Our most effective method of stopping this influx will be to cultivate these same devastating causes. These causes are the common enemies upon which the guns of reformers should be trained, not upon fugitives from European and Asiatic oppression. [Great applause.]

The Hon. John E. Russell, ex-governor of the State of Massachusetts, on being called upon to speak upon the same subject, said:

I do not think that the test of illiteracy is of much good as an immigration test. I agree with Mr. Garrison's remark that the country is in more danger from the literate than from the illiterate. It is the cupidity and neglect of the literate which we need to fear most.

This testimony to character comes from those who have studied this class of immigrants, who are fair minded and not infected by the pestilential intolerance that characterizes the real promoters of this bill. It is not among this class of immigrants that the professional disturber of the peace, the avowed enemy of social order, is ever found. They do not furnish the sturdy vagabond, ever ready to commit robbery and murder if his unwarranted demands for money are not at once complied with; the instigators and leaders of riots, the manufacturers and throwers of bombs, or those who penetrate into the homes of prominent citizens to destroy with malignant wantonness lives useful to the state. But it has been asserted that we have already had all or nearly all the immigration required. The examination of this part of the subject will be brief.

The Congressional committee appointed in 1892 to investigate the immigration question in its official report made the following statement:

We welcome with open arms the worthy immigrant who, by himself or with his family, comes to our country to live under its laws, to make it his home, and, together with our yeomanry, by honest toil and labor, seeks to better his condition.

Not less significant was the address of the governors of Southern States, who met in convention at Richmond, Va., at the beginning of the year 1893. This address was directed to the people of the United States and Europe, and contains the following passage:

They (the Southern States) are anxious to have immigrants settle among them. To the worthy immigrant they extend the hand of welcome, with the assurance that he will find an educated, warm-hearted, hospitable, progressive people, among whom he can live in amity and peace, without regard to his religion, his politics, or his nativity.

It seems, therefore, that the hue and cry which has been raised against immigration is confined almost exclusively to a few States where the American Protective Association and the Boston Anti-Immigration League have been able to work upon the feelings of the native element. The people, however, who so vehemently inveigh against foreign immigration because the populous cities of the East are not apparently in need of any increase of population from that source, entirely forget that the West and South possess nearly all the primary wealth of the country; that their natural resources are almost unlimited, and need for their development the brawny arm of the foreign immigrant; and, finally, that the commercial, mercantile, and industrial interests of the East, nay, even the value of property in the Eastern cities, are for the most part dependent on the untrammeled progress of the West and South.

I should be doing injustice to this feature of my theme did I fail to here insert as part of my remarks the following eloquent tribute paid to the immigration question by Rev. De Witt Talmage in a sermon he delivered on Sunday last in the city of Washington:

It is too late now to discuss whether we had better let them come. They are here. They are coming this moment through the Narrows. They are this moment taking the first full inhalation of the free air of America. And they will continue to come as long as this country is the best place to live in. You might as well pass a law prohibiting summer bees from alighting on a field of blossoming buckwheat; you might as well prohibit the stags of the mountain from coming down to the deerlick, as to prohibit the hunger-bitten nations of Europe from coming to this land of bread—as to prohibit the people of England, Ireland, Scotland, Italy, Norway, Sweden, and Germany, working themselves to death on small wages on the other side the sea, from coming to this land where there are the largest compensations under the sun.

Why did God spread out the prairies of the Dakotas, and roll the precious ore into Colorado? It was that all the earth might come and plow, and come and dig. Just as long as the centrifugal force of foreign despotisms throw them off, just so long will the centripetal force of American institutions draw them here. And that is what is going to make this the mightiest nation on the earth. Intermarriage of nationalities! Not circle intermarrying circle, and nation intermarrying nation. But it is going to be Italian and Norwegian, Russian and Celt, Scotch and French, English and American.

The American of a hundred years from now is to be different from the American of to-day. German brain, Irish wit, French civility, Scotch firmness, English loyalty, Italian æsthetics packed into one man, and he an American! It is this intermarriage of nationalities that is going to make the American nation the greatest nation of the ages.

* * * * * * *

Just open the map of the continent and see how it is shaped for immeasurable prosperities. Navigable rivers, more in number and greater than of any other land, rolling down on all sides into the sea, prophesying large manufactories and easy commerce. Look at the great ranges of mountains, timbered with wealth on the top and sides, and metaled with wealth underneath. One hundred and eighty thousand square miles of coal! One hundred and eighty thousand square miles of iron! The iron to pry out the coal. The coal to forge and smelt the iron. The land so contoured that extreme weather hardly ever lasts more than three days—extreme heat or extreme cold. Climate for the most part bracing and favorable for brawn and brain. All fruits. All minerals. All harvests. Scenery displaying autumnal pageantry that no land on earth pretends to rival. No South American earthquakes. No Scotch mists. No English fogs. No Egyptian plagues. The people of the United States are happier than any people on earth. It is the testimony of every man that has traveled abroad. For the poor more sympathy! For the industrious more opportunity!

The annual increase of our population by immigration is about 300,000 people, and who can compute the increase to our national wealth thereby represented? Dr. Young, the Chief of the Bureau of Statistics in Washington in 1872, made a scientific research as to the pecuniary value of each immigrant, and arrived at the conclusion that the average capital value of each immigrant is $800. Dr. Young, however, emphasizes at the same time that it is wrong to place so low an estimate on a human being as to regard a man only as an automatic machine, computing his productive power minus his running expenses. Besides, all these immigrants bring a little money along, a fair average being $20 per head. At that rate the 300,000 immigrants bring annually $6,000,000 into this country. When here, they must live in houses which must be built and furnished, thus giving employment to a large number of other people, and if the housing of them requires only $15 a head per annum, it would mean an outlay of $4,500,000. They must also buy clothes, and millions of dollars are spent on that. They travel and increase the earnings of our railroads, and last, but not least, they must eat, and if they spend only 20 cents per day per head for that, it means an increase of our home market for food products by nearly $22,000,000 per annum. But the beneficial influence of the foreign-born citizen has been felt in every walk of life, and it is impossible to measure the value of the activity of his brain, of his skill in handicraft, the industrial arts and trade, of his taste as an artisan, of his inventive genius as a mechanic, or of his endurance and frugality as a farmer.

In the year 1839 there arrived a Swedish immigrant, better known as Capt. John Ericsson. What was his value to this country, Mr. President, as estimated on the 9th of March, 1862, when the country watched with bated breath the doubtful issue between the *Merrimac* and the "cheese box" of a *Monitor*, the creation of Ericsson's genius? Was it $800 or $800,000 or $8,000,000? This is only one instance of the part taken by citizens of foreign birth in our long struggle for national unity, which sheds a luster around those whose valor, devotion, and patriotism upheld and strengthened the nation in her hour of greatest need. If the names were reviewed of those to whom the nation owes a debt of gratitude for their sacrifices of life and blood untold thanks would be found due those whose cradles stood on foreign shores and over whose graves on our own shores alien mothers wept bitter tears.

In the report of the president and board of directors of the Board of Trade of the city of Baltimore for the year 1893 I find this expression of opinion:

There should be no impediment to immigration beyond the broad principle of moral, mental, and physical disqualification; no plea of competitive labor which closes our doors to those who would contribute to our wealth and happiness, while we throw them open to the most degenerate of European population.

There is every reason for the exclusion or dismissal of the sunken and degraded. But the deportation of those who, lured by the siren voice of Freedom, have sought the shelter of our laws; the proscription of an entire population of one particular nationality, regardless of individual rights and good behavior, finds no vindication in the spirit of American Government.

To further show the feeling of the people of my State, I quote an article referring to recent legislation in the legislature of Maryland, whose session has just ended, establishing a bureau of immigration. The article is taken from a Baltimore paper of April 6, and epitomizes some of the provisions of the bill. It is in part as follows:

It is also made the duty of the State superintendent to visit Europe once in each year for the purpose of soliciting immigration to this State, and he must remain at least four months visiting different countries in the prosecution of his work. The remainder of his time he may devote to personally soliciting immigration from the other States of the Union and from Canada, in the meantime advertising according to his judgment. He is also empowered to make contracts with railroad and steamship companies for transportation for immigrants, and to make necessary arrangements for their temporary accommodation upon their arrival at Baltimore. The first term of office is to begin May 1, 1896. For the purpose of carrying out this comprehensive scheme the sum of $5,000 per annum for two years is appropriated.

So that in my own State immigration is not only welcomed but great pains are taken and expense incurred to secure it.

The report accompanying this bill shows that questions touching the kind and amount of immigration desired have been addressed to the authorities of twenty-six States, and the replies received are brought forward to sustain the advocates of the bill.

It is evident that one at least of the questions I have referred to was framed so as to draw out a reply showing what class of immigrants was preferred, and naturally a preference was expressed by English-speaking people for immigrants who spoke their own language, and next, for that class of foreigners with which our people were best acquainted. Some of the States, it was thought, needed no more immigration, but by no State, where immigration was desired, was any objection expressed to the incoming of this class of people. Kentucky, it is true, did not want forced immigration, but Kentucky was ready to welcome the class of people affected by this bill, if they came of their own volition.

I have in my hand a number of clippings from newspapers published in numerous and widely separated parts of our country. The tone and sentiment are the same in all of them: Give us more laboring men. We need them to farm our lands and develop our resources. There is no hard limitation laid down that the laboring men shall be of this or that nationality or shall profess this or that creed. Give us the men. We will undertake to environ them with conditions of life whereby both they and their descendants will be made true and faithful Americans.

We need common laborers in this country to develop our splendid resources, to dig or fill in, to build up or tear down, and we do not care whether they are literate or illiterate. Their children feel the stimulus of American life and obtain our common-school education, and, being of healthy stock, become good and valuable citizens, having a sound mind in a sound body.

The great immigration convention at St. Paul in December, the immigration conventions in North and South Dakota, Washington, Oregon, and the county conventions throughout these States emphasize the fact that immigrants to populate these States and till the vacant lands of the Northwest and Western States are much wanted and great efforts will be made to secure them.

With reference to the congestion of immigration in the seaboard States, referred to by the distinguished Senator from Massachusetts [Mr. LODGE], it is natural, perhaps, that the three seaboard States should for a time be overcrowded and include in their population more persons of foreign origin than is desirable. But this condition arises ex necessitate rei. The fact that the three great ports of entry of foreign immigration lie within their borders accounts for this superabundance. Foreign immigration must come there first, but the immigrants do not mean to remain in these States. They come to America to find homes, to go where there is work for them, and as fast as they are able they progress westward, mingle with the people, and lose their identity as foreigners. If these overcrowded States find that their geographical position has been the means of imposing this burden upon them they should remember that the same geographical position has brought them advantages that far more than compensate.

Mr. President, I now approach what has been stated to be the greatest and most serious question of all—that is, the danger of race deterioration if the classes aimed at by this bill should be permitted to come in and mingle with us. The Senator from Massachusetts deals with this question with the seriousness and solemnity it would deserve if the danger were a real one.

It is not complimentary to one acquainted with the American people to ask him to believe that nearly 70,000,000 of such proud, independent, self-reliant, intelligent people as they are can be deteriorated by contact, however intimate, with a few thousand foreign immigrants, even if they were worse than it is claimed these are. No, sir; the Americans are no such pliable, defenseless people. As a race they are not yet formed, it is true; what they may turn out to be at the end of a long series of years yet to come can not be surely known; but it may be safely trusted that the fruit will be worthy of the seed, and the descendants who will enjoy this completed and perfected country will be worthy of the ancestors who, with unparalleled wisdom and justice, devised its plan and laid its foundations. The dread of race deterioration is a monster conjured from the realm of fantasy and without reality. It is intended to terrify the ignorant and mislead the credulous.

Mr. President, the ultimate perfection of the human race depends upon the recognition of the right of every man to be treated as a man, whether he be Jew or Gentile, literate or illiterate. Character is largely the result of environment, and depends more than is generally admitted upon the habitat of the individual. It is hardly possibly to imagine a gay and joyous Puritan or a cold, unbending son of Italy; but it is not too much to say that if the home and the surroundings of the two had been changed long ago, the warmth of the southern skies might have softened the hardness of the Puritan heart, and the solemn mystery of the long night in the wintry north might have entered the soul of the Italian and given it an element of gravity and firmness.

But it is certain that the Latin race is at least one-half Germanic. From the earliest times Italy has been the spoil of the Germans. Brennus had predecessors as well as successors. It surely can not be said that the Romans, who with the Germans commingled make up the present Latin race, were an inferior race. Not the people from whom we derive our civil law; our philosophy; whom we have been taught from childhood to admire. Not the people represented in our recollections by Brutus, by Regulus, by Cæsar, by Cicero, by Virgil, by Horace, by Lucretius, by Marcus Aurelius, and by Justinian. The race that produced these people, that dominated the whole world, that advanced civilization everywhere it went, can not be a bad one. Nor was the amalgamated product bad. At first it struggled for existence in one of those strange periods of man's history when everything seemed to be going to ruin and destruction. Periods which came before in the world's history and will come again—wherefore no man can tell; periods which may be likened to sick spells which do not kill a man, but greatly injure and depress him; periods when the light of civilization flickers and all evil influences predominate. It is not fair to judge a race passing through such times with the same rigor as might be used in piping times of peace.

Italy was the center of the world, and because it was the center the evil of the Dark Ages was most virulent in her midst.

If the condition of the Italian is to be regretted, if he is poor and illiterate, the reason for his being so is not attributable to his own race inferiority. Think what the modern Italian has been and is, and think of Columbus, of Dante, of Galileo, Petrarch, Leonardo, of Volta, of Michael Angelo. Remember that for more than a thousand years no man's education has been considered complete until he has visited Italy and studied its incomparable art in painting, sculpture, and architecture. Remember that banks, life insurance, modern ideas of commercial exchange, were all invented or first generally practiced in Italy; remember that during the whole of the dark period, when literature, learning, and art seemed in danger of being lost to the world, they were preserved and cherished by the Italians. Remember these things, and do not say that the Italians are an inferior race or unfit to mix with ours.

So likewise, in whatever direction we turn our eyes, we find the once despised and for a long time misunderstood Jew, courageously, persistently, and successfully striving to better his condition. "He is no idler or dreamer, but a worker in every field open to him." Almost at the same time Disraeli and Gambetta, men of Jewish stock, ruled—the one England and the other France. Montefiore and Hirsch are in the front rank of philanthropists; Rothschild and Bleichroder in finance. Maimonides in his time and Spinoza later were preeminent in the intellectual world, and Darmstetter, Adler, and Bernstein are now of the highest rank as scholars. Heine's place in poetry remains to be filled, and all musicians are familiar with the names of Mendelssohn and Halevy and Rubinstein. He excels in all the arts that engage the attention of mankind, except in the cruel one of shedding blood, and the civilized world is fast coming to accept the Jew's opinion of war.

I very much question, Mr. President, whether the restriction of immigration is all that is aimed at in this bill. There is more behind it, as it occurs to me. It is contemplated in this bill not simply a seeking to benefit the institutions of this country in the restriction of immigration. It is not prompted by a genuine desire to ameliorate the condition of the workingman, or to prevent the greatest evil of all that is threatened in what the Senator from Massachusetts [Mr. LODGE] calls race deterioration. The promoters and advocates of this bill are not the honest farmers and workingmen of this country. No solicitude for their interest has suggested it. Behind the Anti-Immigration League of Boston there is an influence, subtle and potent to a degree in its character, which finds its opportunity in this bill to give expression to its venomous hatred to the Catholic Church of the United States.

This organization to which I refer, Mr. President, is known as the "American Protective Association"—a secret, oath-bound, red-lettered, left-handed, dark-lanterned organization—organized recently by a resident of Clinton, Iowa, who was the founder of the order and the author of its ritual. "America for Americans," and undying hatred to foreigners, are the first and governing principles, so called, of the order!

The very first in the enumerated order of their public declarations is "Restriction of immigration," added to which, further on in their so-called platform, is the declaration that—

> All private schools, convents, nunneries, monasteries, seminaries, hospitals, asylums, and educational or charitable institutions to be open to public inspection and under Government control.

This dangerous organization, Mr. President, which is generally believed to be instigating and urging the passage of this bill, has for its real purpose hostility to the Catholic Church.

It is the child of envy, hatred, and malice—the offspring of a pestilential brood of mischief-makers, who lurk about the doors of legislative halls, and hang on the flanks of political parties, seeking to lure lawmakers from the wide paths and open day of rectitude into the devious ways and darkness of evil doing—breathing threatenings and vengeance where they can not cajole and deceive.

The platform of this organization or its public declaration of its principles is one thing—it is what it pretends to do; what it is sworn to do is quite another thing. Their voice is Jacob's voice, but their hands are the hands of Esau. Let us see, Mr. President, what there is in their claim of patriotism in this so-called "patriotic order."

Every applicant to membership to the councils of this order—the notices of the meetings of which are always sent out in red letters—are required to subscribe to what is called the "scroll." This scroll sets out another declaration of principles from that described in their public declaration. It is as follows:

> I hereby declare I am a firm believer in a Deity; nor have I any sympathy with Roman Catholicism; that in my opinion no Roman Catholic should be allowed any part or parcel in the control of or to occupy any position in our public schools. On the contrary, I realize that the institutions of our country are in danger from the machinations of the Church of Rome. I believe that only by the removal of Roman Catholics from office of public trust can justice, right, and true American sentiment be fully subserved, and that by the concerted and continued efforts of lovers of American liberty only can such results be consummated and continued. I pledge myself to defend the Government of the United States and of the State in which I reside against invasion, disorder, treason, or rebellion, either by ecclesiastical or foreign forces, and against the usurpation of temporal or spiritual power whereby men become slaves to party and the Roman Catholic Church.
>
> I am willing to bind myself by a vow sacred and unavoidable. I am a Protestant, and have been for —— years.
>
> I belong to the —— Church and the following societies:
>
> Age ——.
>
> Residence ——.
>
> Occupation ——.
>
> Recommended by —— ——.
>
> Recommended by —— ——.
>
> (Signature.)

Omitting in this connection, Mr. President, the "circumstantia, the paraphernalia" of the council chamber, and the various other oaths the candidates are required to subscribe to in the various stages of their progress to their full membership in this order, I come to that oath subscribed to before what is known as the "department of church" or "ecclesiastical department." Here the candidate is required to take the following oath:

> I do most solemnly promise and swear that I will always, to the utmost of my ability, labor, plead, and wage a continuous warfare against ignorance and fanaticism; but I will use my utmost power to strike the shackles and chains of blind obedience to the Roman Catholic Church from hampered and bounden consciences of a priest-ridden and church-oppressed people; I will not allow anyone a member of the Roman Catholic Church to ever become a member of this order, I knowing him to be such; and I will use my influence to promote the interest of all Protestants everywhere in the world where I may be; that I will not employ a Roman Catholic in any capacity if I can procure the services of a Protestant.
>
> I further promise and swear that I will not aid in building or obtaining by my resources any Roman Catholic church or institution of their sect or creed whatsoever, but will do all in my power to retard and break down the power of the Pope in this country or any other; that I will not enter into any controversy with a Roman Catholic upon the subject of this order, nor will I enter into an agreement with a Roman Catholic to strike or create a disturbance whereby the Roman Catholic employees may undermine and substitute the Protestants thereof; that in all grievances I will seek only Protestants and counsel with them, to the exclusion of all Roman Catholics, and will not make known to them anything of any nature matured at such conferences.
>
> I furthermore promise and swear that I will not countenance the nomination in any caucus or convention of a Roman Catholic for any office in the gift of

the American people, and that I will not vote nor counsel my friends to vote for a Roman Catholic, but will vote for a Protestant, so far as it may lie in my power; should there be two Roman Catholics on opposite tickets, I will erase the name off the ticket I vote; that I will endeavor at all times to place the political positions of this Government in the hands of Protestants to the entire exclusion of the Roman Catholic Church or the members thereof, to the mandate of the Pope.

To all of which I do most solemnly promise and swear. So help me God. Amen, Amen, Amen.

This is the organization, Mr. President, that proposes to play no small part in American politics!

This is the "association" that proposes to "protect" our American institutions!

This is the "patriotic" order—God save the mark—the very first element of which is to deny the first tenet of American liberty—freedom to worship God—and to "punish religious beliefs which it does not share by depriving those who hold them, not only of their political rights, but, if possible, of the means of livelihood as well"!

In a most excellent article in the May number of the Century Magazine, entitled "The mischief of the A. P. A.," the writer says:

There should be no need of warning intelligent citizens against the dangers of such organizations.

They are the deadly enemies of democratic institutions.

The mischief of this movement has lately begun to reveal itself at the national capital. The defeat of the appropriation for Indian schools, because most of these schools are under the care of Roman Catholics, is due to these societies, and it is to their hostility that we owe the shameful proposal to exclude from the national gallery of statuary the effigy of the great pioneer and discoverer, Father Marquette. With respect to the schools, they avail themselves of a sentiment which widely prevails, and which is reasonable enough, but which in this case is greatly overstrained, with the result of depriving the Indian pupils of educational privileges. Not only are Roman Catholics to be refused permission to take part in the defense of their country, but those who decline to ostracize them must themselves be ostracized.

The Père Marquette incident is such an illustration of bigotry as ought to bring a blush to the cheek of every American. That the great French priest was a brave and noble man can be disputed by nobody; that his work among the Indians was one of beautiful devotion is not a matter of controversy; that to him was largely due the discovery of the Upper Mississippi River and the opening of the great Northwest to civilization is the testimony of history. Yet simply because he was a Roman Catholic priest the "patriotic" orders would deny the State which is most closely associated with his beneficent activity the right of celebrating his services to the nation.

The mischief of this association can not find its stronger rebuke than in the eloquent language of the Senator from Wisconsin but a few days ago in this Chamber, in speaking to the resolution of Congress thanking the State of Wisconsin for the statue of James Marquette, the renowned missionary, explorer, and discoverer of the Mississippi.

But, Mr. President, the State of Wisconsin, now a Commonwealth of 2,000,000 freemen, rejoicing in prosperity and happiness on the soil he trod so long ago, in raising this stone in the nation's Hall of Statuary does not merely celebrate a name "illustrious for historic renown," a character whose excellence is worthy of perpetual remembrance. It means still more, that it shall stand there as a testimony and monument to a principle of our social order of the utmost value to mankind—the principle of religious liberty! Sir, this is no rule, as sometimes miscalled, of toleration. I contemn the term. I deny all it implies. It is the right, absolute, uncontrollable, of utter, perfect liberty. It is an inalienable right. The coward, the willing slave, can not divest himself of it. It goes with him in his bondage, however recreant he be to nature.

Sir, he is wrongfully despoiled, his right invaded, a grievous injury done, when to any man is denied any part or share of his social rights or privileges by reason of his religious faith. If property, if place, if honor be his rightful due among his fellows, he who strikes aught away of either because of religious opinion is an enemy to law, to humanity, and all its hopes. Hostis humani generis.

And therefore it is, sir, that this statue of James Marquette will stand as a monument and emblem of religious liberty. The noble right to honor and remembrance among men, which the legislature of Wisconsin and the Congress of the United States have declared to be his, he is not denied. It is sacredly preserved.

The Democratic party of Oregon, in its convention held at Portland a few days ago, set forth in no uncertain terms the views of the Oregon Democrats in reference to this organization, which are as follows:

That religious differences should find no place in American politics, and the Democratic party is opposed to a spirit of intolerant bigotry fostered for political purposes by those who seek to breed discord and animosity among the citizens of this Republic.

Secret political parties are a curse to party, state, and nation.

We heartily welcome the assistance of all good citizens who will cooperate in the suppression of any political movement organized for religious proscription.

Mr. President, secret oath-bound political parties having the enactment of laws and the guidance of public policy for their objects are inimical to the welfare of this Republic and a dangerous menace to its liberties. They should not exist within our land. There is no reason in this country, where there is nothing to prevent the fullest and freest public discussion of any subject, for the existence of secret societies, whose places of meeting are not known, whose proceedings are carefully concealed, whose members are oath bound. There is no kind of honest political work which needs to be thus hemmed in and concealed. Such political associations have been universally condemned wherever in the world they have existed, and most justly. They have the approval of no thoughtful men who have given the subject consideration.

Washington, in his Farewell Address, thus speaks of parties generally, and his remarks apply with still more force to secret societies:

All combinations and associations, under whatever plausible character, with the real design to direct and control the regular deliberation and action of the constituted authorities, are destructive of the fundamental principles of the nation and of fatal tendency. They serve to organize faction, to give it an artificial and extraordinary force; to put in the place of the delegated will of the nation the will of a party, often a small but artful and enterprising minority of the community, and according to the alternate triumphs of different parties, to make the public administration the mirror of the ill-conceived and incongruous projects of faction rather than the organ of consistent and wholesome plans digested by common counsels and modified by mutual interests.

However combinations or associations of the above description may now and then answer popular ends, they are likely in the course of time and things to become potent engines by which cunning, ambitious, and unprincipled men will be enabled to subvert the power of the people.

The whole people are equally interested in the welfare of this country, and none should be refused an equal share with the rest in every deliberation and in all legislation affecting it. All political clubs, societies, and associations start on their career with professions skillfully drawn so as to make it appear that their purposes are patriotic and worthy of support; but all of them, as soon as they have obtained power, are used by unprincipled men to do wrong. This is the history of the Carbonari, the Nihilists, the Jacobins, the Anarchists, and the Commune, and this will be the history of the A. P. A. unless its evil tendencies are perceived in time by the American people and its dangerous career stopped by their good sense and judgment. I have faith, Mr. President, without bounds or limits, in the American people, in their moderation, wisdom, justice, and courage. I do not believe that they will submit to the dictation of any such organization as the A. P. A., but that they will promptly and effectively stamp with the seal of their condemnation this impudent and dangerous interference with the interests of this Republic.

Moreover, Mr. President, there is no reason for the assertion that the country is in danger from immigration because of the increase of Roman Catholics to our population.

There is no more danger from such immigration than there is that a man should die of thirst on the shores of Lake Superior!

The following tables show plainly the numerical difference between Catholic and Protestant immigration:

Foreign-born population of the United States, 1890.

Country.	Roman Catholic.	Protestant.	Not classified.
Canada and Newfoundland	902,496	678,442	
Mexico	77,853		
Central America	1,192		
South America	5,009		
Cuba and West Indies	23,356		
Austria	123,271		
France	113,174		
Bohemia	118,106		
Italy	182,580		
Spain	6,185		
Portugal	15,996		
Ireland	1,871,509		
England		908,141	
Scotland		242,231	
Wales		100,079	
Great Britain (not specified)		951	
Switzerland		104,069	
Germany		2,784,894	
Holland		81,828	
Belgium		22,639	
Luxemburg		2,882	
Norway		322,665	
Sweden		478,041	
Denmark		132,543	
Europe (not specified)			12,579
Australia		5,984	
Sandwich Islands		1,304	
Russia			182,644
Hungary			62,435
Poland			147,440
Greece			1,887
China			106,688
Japan			2,292
India			2,143
Asia (not specified)			2,260
Africa			2,207
Atlantic islands			9,739
Pacific islands			2,065
Turkey			1,839
Born at sea			5,533
Other countries			479
Total	2,840,624	5,866,693	542,239

Summary.

	Totals.	Per cent.
Roman Catholic countries	2,840,624	30.71
Protestant countries	5,836,693	63.43
Not classified	542,230	5.86
Total	9,249,547	100

The immigration statistics, Mr. President, of the United States, since 1890 opened, have amazed all Europe in the spread of the English tongue consequent upon the movement of races.

"Of the 15,000,000 that Europe has sent us since 1820 to develop the resources of this Republic, Great Britain has sent us 6,000,000, Germany 4,500,000, and Ireland 3,500,000. Since that time," says Mr. DINGLEY, "English has advanced from 21,000,000 to 125,000,000 speakers—from 13 to 31 per cent! English is now spoken by twice as many people as any of the other tongues of Europe. English is now the speech of the world of travel and of trade."

I feel that I would do injustice to one of the ablest consular reports ever made to the State Department did I not here refer to the closing remarks of Mr. DINGLEY on this most important subject. He says:

> Emigration which begins to travel and passes from transient into permanent characteristics gives rise to commerce, to geography, and to the expansion of all forms of human life.
>
> The Queen of Sheba left locusts and wild honey on becoming an emigrant, just as the Italian gives up coarse bread and curd on becoming an American! It is the blessing of all races and all nations that man is an emigrating animal. The provincial intellect which expands itself in hating foreigners is in the thick skull of prejudice! The nation which wants the foreigner least to-day is least wanted of steam, invention, and social and political progress. The rise of prejudice is the fall of industry!

On this side of the sea and at the close of the nineteenth century a craze against foreign immigration would be irrational, suicidal, anti-American, and antirepublican!

There is no such condition affecting us, Mr. President, as "unrestricted" immigration.

There lies no such peril at the portals of our land; no such danger has begun to threaten us.

The gates which have stood open wide have not been unguarded.

Mr. President, if symptoms of decay in the character of our people should appear, it will not be from "race deterioration due to the influence of immigration." If our people should deteriorate, their morals become corrupt, and their character fall from its present high standard, the influences bringing about so dire a calamity will be found in the idleness and luxury of the very rich, the aping of foreign manners and customs, the evil example of titled adventurers, greed for public notoriety, and to skepticism and the neglect of religious duties.

These and the enervating effect of governmental paternalism may in time threaten the ruin of our country. I do not believe that such can be. But for such ruin, if it should ever come—if in the places where our temples stand the "lean wolf shall unmolested make her lair"—these patient, peaceable, hard-working, frugal immigrants will not be responsible therefor.

When "civic honor and public spirit died," then only did the thronging Goths and Vandals trample Rome; "then only did the barbarians come, as the carrion kite drops from the India sky on the dead beast of the jungle."

Mr. President, over against The Unguarded Gates of the poet Aldrich, so dramatically and forcefully presented by the Senator from Massachusetts, I can not forbear to contrast the glowing words of Emma Lazarus, a daughter of the "Scattered Nation," in her poem addressed to the "New Colossus"—Bartholdi's statue of Liberty Enlightening the World:

> Not like the brazen giant of Greek fame,
> With conquering limbs astride from land to land;
> Here at our sea-washed, sunset gates shall stand
> A mighty woman, with a torch whose flame
> Is the imprisoned lightning, and her name
> Mother of Exiles. From her beacon hand
> Flows world-wide welcome; her mild eyes command
> The air-bridged harbor that twin cities frame.
> "Keep, ancient lands, your storied pomp," cries she,
> With silent lips; "give me your tired, your poor,
> Your huddled masses, yearning to breathe free.
> * * * * *
> Send these, the homeless, tempest-tost, to me;
> I lift my lamp beside the golden door."

Mr. NELSON. Mr. President, as a member of the Committee on Immigration, I joined the committee in reporting favorably the bill that is now under consideration. I believe it is just and proper as a matter of self-protection that there should be some restriction upon immigration. Those immigrants who are paupers, who are unsound in body or unsound in mind, who are morally and physically unfit to enter this country should be excluded.

The bill only aims to cover a part of the ground. It simply seeks to enforce what is known as the literary test. It simply provides that immigrants who are over 14 years of age shall be required to read and write some language, either that of their own country, the land of their nativity, or of some other country. This is a fair and reasonable test as far as it goes.

It may be conceded that perhaps in some cases it will work a hardship; that sometimes there are good and healthy immigrants, fit to enter this country and become good members of society, who could not pass this test. But it is very difficult in a matter of general legislation to fit all cases. We have to legislate upon general lines and under general principles, and so we can not at all times reach and meet individual cases. Whatever few cases of hardship there may be are more than made up by the great advantages that will accrue to the country from a restriction such as is proposed. I want to disabuse the Senate of the idea that seems to be implied by the remarks of the Senator from Maryland [Mr. GIBSON] that the bill is inspired by anything of an A. P. A. nature, or any opposition to the Catholic Church. Nothing of that kind ever entered my mind, and I do not think anything of the kind entered the minds of the committee.

Mr. President, I do not care about entering into any particular discussion of the merits of the bill more than to state my views in regard to it. I propose rather to make a brief recapitulation or résumé of the immigration to this country during the past years of the Republic, and the effect it has had upon the institutions of this country.

Mr. President, the darker and more unpromising features of the immigration problem have been presented on this floor in eloquent and vivid language. I shall not undertake to question or contradict anything that has been said in favor of restrictive legislation. I shall content myself, and feel that I have done my duty, in presenting to the Senate the brighter and more promising side of the problem, and in calling your attention to the substantial and important benefits that have accrued to our country from the continued flow of immigrants to our shores. By having both sides presented, you will be better able to divest yourselves of all prejudice, better able to judge impartially, and, above all, better able to legislate wisely on a matter of so much importance.

The question should be considered in its economic, its political, its social, and its ethnic features. Our own experience should be scanned and studied, for it will furnish us much information and many valuable lessons. We have been, to a large extent, a nation of immigrants, and a large share of our history is a history of immigration. No nation of modern times has had such a varied and extended experience in this field.

The chief factors in our extraordinary growth and development have been our free system of government, our abundant supply of cheap and fertile lands, and the immense immigration to our shores. The first two have brought about, absorbed, and utilized the third. And the three combined have been a trio, in force and magnitude, such as no other nation ever possessed. Ample space, ample freedom, and ample numbers have given us a force and momentum of growth unknown and unheard of in any other nation, and the evidences of it are palpable on all sides.

We have no statistics of immigration prior to 1820.

It is estimated that from 1783 till 1820 about 250,000 immigrants settled in the country. Our entire population at the latter period was, according to the census then taken, 9,633,822—scarcely 200,000 more than our foreign-born population in 1890. Since that time, up to the beginning of the present year, 18,022,785 immigrants have come to this country. It is claimed that these figures are too high because no account has been taken of immigrants who, having gone back on a visit to their native land, have, on their return, landed a second time at our ports. But whatever discrepancy there may be on this score is more than counterbalanced by the fact that no account has been kept of the immigration through or from Canada since 1885. I append to my remarks a table of the yearly immigration since 1820. It shows a continued and incessant though fluctuating flow.

In 1890, out of a total population of 62,622,250, 9,249,547 were foreign born, 8,085,019 were natives whose parents were both foreign born, and 3,418,656 were natives with one foreign-born parent. It thus appears that 20,753,222, or about a third of our population, was at this time foreign born or directly of foreign parentage. If the same ratio of increase be applied to our entire volume of immigration since 1820—in all 18,022,785—we have evidently had as a result of the same 15,753,737 native born with both parents of foreign birth, and 6,661,071 native born with one parent of foreign birth, or a total of 40,437,593 of foreign immigrants and their children of the first generation.

I shall not take up the time of the Senate to read it, but shall append to my remarks a table which states in detail the countries from whence all our immigrants have come. Only a small proportion of them have belonged to the learned professions or been skilled laborers. The great body have been small farmers, small tradesmen, and agricultural and other unskilled laborers. Nearly all of them have been from the ranks of the common people, the toiling masses of humanity. People of rank and of wealth have little occasion or desire to emigrate, nor, indeed have they been desirable in a country progressing under conditions such as ours.

We have needed men to dig our canals, to build our railroads, to open and exploit our mines, to clear our vast forests, to open, develop, and reduce to a state of cultivation our vast expanse of untilled land; in short, to perform the toil and drudgery and to bear the trials and misfortunes incident to the development of a new and unsettled country. This want has in a large measure been supplied by our foreign-born immigrants. In this field they have not been hostile usurpers, but have merely occupied ground that has most willingly been accorded to them by the native born. And this toiling, struggling mass of humanity, charged to a large extent with the drudgery of our progress and civilization, viewed from an economic and financial standpoint has added millions to the wealth and capital of our country. An immigrant increases our wealth in a twofold way—by the money he brings into the country and by his value as a laborer and producer of wealth.

The average amount of money brought by an immigrant has been variously estimated at from $10 to $100. There are no exact or complete statistics on the subject. I think that on the whole, during all the past, $50 would be a low, safe, and moderate estimate for each immigrant. But his chief value has been his productive labor capacity. Different estimates are put upon this. Friedrich Kapp, a former commissioner of immigration in the State of New York, estimated the economic or labor value of an immigrant at from $1,000 to $1,200. Dr. William Farr, a former head of the statistical department of the registrar-general's office, in England, estimates it at $875. Dr. Becker, the head of the German statistical office, estimates it at from $200 to $225, and Edward Young, chief of the Bureau of Statistics, in 1871, in his special report on immigration made in that year, makes this estimate and statement:

From the foregoing considerations, therefore, the sum of $800 seems to be the full average capital value of each immigrant. At this rate, those who landed upon our shores during the year just closed added upward of $285,000,000 to our national wealth, while during the last half century the increment from this source exceeds $6,243,880,800. It is impossible to make an intelligent estimate of the value to the country of those foreign-born citizens who brought their educated minds, their cultivated tastes, their skill in the arts, and their inventive genius. In almost every walk of life their influence has been felt. Alike in the fearful ordeal of war and in the pursuits of peace, in our legislative halls, and in the various learned professions, the adopted sons of America have attained eminence. Among the many who rendered timely aid to our country during the late war, it may seem invidious to mention a single name, except for the purpose of illustration. In the year 1839 there arrived at the port of New York, in the steamship *British Queen*, which sailed from the port of London, a Swedish immigrant, better known as Capt. John Ericsson. What was his value to the country, as estimated on the 9th day of March, 1862? Was it eight hundred, eight hundred thousand, or eight million of dollars?

The average of these estimates is about $720. But conceding that even this is too high, surely $500 would be a very low estimate of the money brought and the economic value of each immigrant over 14 and under 40 years of age. About 70 per cent are within this age limit, and 70 per cent of our immigration amounts to 12,615,949. At $500 per head the total money or economic value of our immigration equals $6,307,974,500, which is $3,000,000,000 in excess of the value of the entire product of our gold and silver mines from April, 1792, till the end of the year 1894, as estimated by the Director of the Mint. And in this connection let it be noted that these immigrants have been among the chief labor factors in the production of this vast volume of mineral wealth.

The rapid settlement and development of our country and its marvelous increase in wealth and in population is in a large measure due to our extraordinary immigration. The immigrants have settled mainly in the Northern States. In 1860, the year before the great rebellion, our foreign-born population amounted to 4,138,697, and out of this number 3,845,443 were settled in the States that were not in rebellion. Allowing the same proportion of natives of foreign parentage to the foreign born as is given by the census of 1890, there must have been in 1860, in the Northern States, 3,361,297 natives with both parents of foreign birth, and 1,417,563 natives with one parent of foreign birth, or a total of 8,624,308 of foreign birth and of direct foreign parentage. And this total was 41 per cent of the entire population of the loyal States.

The entire immigration to this country from 1793 till July 1, 1861, was 5,383,508, and nearly all of it had settled in the loyal States. These immigrants and their children had, during this period, by their labor and industry produced and created a large portion of the wealth in these States. While no statistics can be found on this point, yet I have no doubt that on the eve of the great rebellion the proportion of the substantial wealth of the North produced by the immigrants and their descendants was equal to the proportion of their number then living. And it was this volume of wealth and numbers resulting from our foreign immigration that gave the North its great preponderance and made it more than a match for the South in men and in resources, and enabled it to preserve and perpetuate the integrity of the Union. Had there been no more immigration to the North than there was to the South since 1793 the two sections would have been nearer on a parity with each other and the struggle would have been more prolonged and more doubtful. And had the wealth and numbers of the immigrants and their children been a part of the South instead of the North the days of a united country might have been numbered.

It was not so much the immigrants who fought in our ranks on land and sea—they bore their share and did their duty as became them—nor so much the gift of the immigrant John Ericsson—his little *Monitor*—that gave us the ascendency as the force, the momentum, the irresistible impact of half a century of immigration. It was this gathered force, gathered in the bosom, and infused with the spirit, the inspiration, and the love of a great nation that hung like a threatening cloud—like a pall—over the scheme for the disruption of the Union. Not only did the immigrants and their children form an important factor in the suppression of the great rebellion, but even in the days of the Revolution, when the great Republic was first brought into being and was in its infancy, they were a most important element of our success. A large portion of the Continental Army was of foreign birth, indeed the very backbone of the men in the ranks were of that class. The historian Lecky says:

No troops had shown themselves more courageous, more patient, and more devoted than the Pennsylvania line. Its privates and noncommissioned officers consisted chiefly of immigrants from the north of Ireland.

From an ethnologic and social standpoint, immigration has, beyond a fair question, infused much vital force of a better kind into the being of the nation. The immigrant has not been a mere inert labor machine, but he has also been a physical, a moral, and a mental factor, that has been responsive, and has brought accessions to the intellectual and moral make-up and instincts of the nation. We are an English-speaking people, of English texture and origin, but of a more cosmopolitan character, of more pronounced elements of strength and energy, and with a greater concentration of force and vigor than was possessed by the English of the England that gave us birth, or even by the English of today. In the eyes of the universal observant world, the Yankee is never confounded with the Englishman, nor is he ever placed in the rear rank. It took England more than fifteen hundred years to produce the Englishmen of the colonists. She began with the Celts, and these, according to Professor Huxley, were only an earlier edition, a more primitive product of the great Teutonic or Germanic race. These are his views on this important question:

All accounts which have been handed down to us by the Romans and the Greeks of the physical character of the Celtic-speaking people known to them, and whom they called Gauls or Kelts, agree in ascribing to these terrible enemies of theirs a tall stature, fair hair, of a reddish or yellow tinge, blue eyes, and fair skins. Such were the Gauls whom Cæsar conquered; such were the Gauls who settled in Asia Minor, to whom the epistle to the Galatians was written; such, again, were the Britons with whom Cæsar fought in northeastern Britain. But all the ancient authors give exactly the same account of the physical character of the ancient Germans. There is not a doubt that they, also, were tall, blue-eyed, fair-haired, and fair-skinned; so, without doubt, were all the other Teutonic-speaking people, whether Angles, Saxons, Danes, or Norsemen. So close was the physical resemblance of the Celts and the Teutons, who in the early days of the Roman Empire inhabited the right and the left banks of the Rhine, that it was and is a matter of discussion whether particular rights belonged to the one division or the other. And we hear of Celtic tribes who tried to pass themselves off as of German origin, an imposture which could not have been attempted had any clear physical difference existed between the two stocks.—*Pall Mall Gazette*, January 10, 1870.

These primitive Celts of Great Britain were, by language—which to some extent represented distinct traits of character—divided into two dialects at the time of the Roman invasion, the Cymric, spoken in England, and the Gaelic, spoken in Ireland. Neither of these dialects were of kin or affinity to any English or Teutonic dialects. While the greater portion of the Celts of England and Ireland were of Germanic origin, there was a considerable element of dark-skinned, black-eyed, dark-haired people found in southwestern England and in certain parts of Ireland, especially the south and west. These are the so-called Milesians, and these are the same as the primitive people of southern France and Spain. In France they were called Basques and in Spain Iberians.

While the language of these people has been lost, their blood has maintained itself among the English race, and is the basis of the darker element among our people. Our earliest forefathers, then, were a mixture of Teutonic and Iberian Celts, in which the former element preponderated. Then came an early infusion of Scandinavian or Germanic origin, called Picts, located in the north of Scotland. This was succeeded by the great Roman invasion under Julius Cæsar. The Romans never occupied Ireland, but were in possession of England for upward of 400 years, and when they departed they had neither impressed their blood nor their language upon the natives of the country. The people were still Celts, speaking two dialects, and of a twofold origin.

Then for over five hundred years there was an outpouring, an invasion, and an infusion from northwestern Germany and Scandinavia of Angles, Saxons, Jutes, Danes, and Norsemen, in the order named, and all of them branches of the great Teutonic family. These invaders infused much of their blood and all of their language into the native Celts. It was during these years of invasion and conquest that the language of the invaders—the

Anglo-Saxon—the mother of our present English, became the language of the country, and it was also during these years that that amalgamation of races took place which gave us the prototype of the Englishman of Elizabeth and Oliver Cromwell. The new language and the new race, thus formed, has ever since remained in the ascendant, and did not succumb to the Norman invasion. The Normans—a people of mixed Gaelic and Norse blood—conquered, and for centuries bore rule, yet they never impressed their blood nor their language in any material degree upon the native races.

But the Normans succeeded in fastening their system of government—feudalism, with all its complications and drawbacks—upon the English people, the traces of which, well marked and defined, remain to this day. Norman architecture, Norman land tenures, Norman jurisprudence, and a Norman gentry and nobility are the legacy of the Norse-Celts. But they also gave the English this legacy: a spirit of resistance to tyranny, a spirit of aggressiveness and belligerency, and a spirit of conquest and imperialism.

We must never forget that it was the Norman barons that forced Magna Charta from King John, and that it was their descendants that inspired and consummated the English revolution of 1688, which, for the first time, settled and made clear the bulwarks of English liberty and the underlying principles of the English constitution. They mapped out and fortified the true ground of constitutional liberty the world over.

Native Celts, liberally infused and amalgamated with Germanic races and duly tempered and hardened by the Normans, constituted the ethnic make-up of the English people who colonized these shores. They were the concentration and quintessence of the Saxon and Celt, the Norman and the Norseman. A blending of all these made the mightiest nation on the face of the earth; and our vast immigration has only measurably enlarged, broadened, and deepened the process. The earlier grafting was upon a Celtic stock; this later grafting has been upon an English stock of the seventeenth century. In both cases the grafts are from the same source, but the Germanic races of the nineteenth century are as much superior in culture and intelligence, in capacity for self-government and refinement to those who succeeded the Romans in Britain as the English of the seventeenth century were superior to the native Celts who confronted Julius Cæsar. There has been in this century a finer graft upon a better stock, and surely the result is a nobler tree.

I have compiled and shall append to the printed copy of my remarks a table, classifying our immigration by races. From this table it appears that the blood of nearly 15,000,000 of Germanic people has been infused into the heart and loins of the American people. And these immigrants have not come to these shores, as their ancestors did to the Celts of Britain, as a scourge, as freebooters, and as pirates, but they have come on a mission of peace, to participate with us and to aid us in evolving from the great undeveloped resources of this country a mighty nation, mighty in wealth and numbers, and above all mighty and noble in the make-up and texture of its people. The new blood is transfused into the old. The sluggishness of ease and plenty is quickened by the unrest of limited opportunities and honest poverty.

The immigrant Nikola Tesla transmits and guides the unutilized force of the American Niagara. In the great realm of human development the one is the lesser though necessary complement of the other. It can not in fairness be said that this great Germanic immigration has been of other than great advantage to our country. The immigrants, however seared and benumbed they may have become from the environment of the land of their birth, have no sooner landed on American soil than they have, intuitively and as if by inspiration, responded in full measure to the intellectual, moral, and political instincts and requirements of the nation, and have become thoroughly assimilated to all that is good and progressive among our people, and the children of these immigrants have become the most intense and emphatic of all Americans within our borders.

But while all this is admitted as to the Germanic races, it is said that people of other and inferior races, wholly unfit for American institutions and wholly unfit for self-government, flock to our shores. And Russians, Poles, Hungarians, and Italians are cited as samples of these races. He who belittles and affects to despise these races knows little of their history and ethnic make-up.

The Italians were a great people in art, literature, and statecraft while our English ancestors were still in a state of barbarism, and though they afterwards, through various causes, sank to a low level, they have in our own day and generation, through many adverse circumstances, restored their country to a higher and better level than it ever occupied before and placed it in the rank of the great nations of the world. The poorer classes are still suffering from some of the evils of the past and it may take a little time for them to become fully emancipated, but the innate vigor of the race will soon dispel all the foggy mists of the past.

The blood that flowed in the veins of Virgil and Dante, Raphael and Michael Angelo, Columbus and Napoleon, Cavour, Garibaldi, Victor Emmanuel, and Crispi surely will not contaminate our English of many strains. And the Russians—Tartar, Slav, and German as they are—who dare accuse them of being an effeminate or stagnant people? Scarcely more than two centuries ago they occupied the outer verge of Europe and the frozen zone along the polar belt of Asia, remote from the navigable sea, and with ports only at Archangel and on the Caspian Sea. Europe looked upon them as a race of barbarous Tartars. To-day their country covers a full third of Europe and almost half of Asia and extends from the Gulf of Finland on the west to the Gulf of Vladivostock on the east, and from the Polar Ocean on the north to Persia, British India, and China on the south. A people who, a half a century ago, on a narrow peninsula in the Black Sea, were almost a match for the united power of England and France, and who to-day are the arbiters of the peace of Europe, and who have, in the hour of our greatest need, given us their effective moral support—will the blood of such a people render us effeminate or denude us of virile vigor and manhood?

And Poland—poor, unfortunate, and dismembered Poland, victim of a worthless nobility and an unkind fate, hemmed in and garroted by the great powers, with many of your best sons and daughters in exile. It can be said of these people, as has been said of the Irish, they have been greater in many other lands than their own. As a nation they have been a failure, but as a people they are full of energy, ability, and fire.

Then we come to the Hungarians—those sons of the ancient Huns, who once overran and held the civilized parts of Europe in their grasp and afterwards stood as a barrier between Europe and the unspeakable Turk. They were a sturdy, headlong, and dominant race in those pregnant days of the past, and such they are still. To-day they are the backbone and furnish the statesmen and the statesmanship for the Austrian Empire. They have infused vigor, energy, and renewed life into the old decrepit House of Hapsburg. They once pined for a separate existence as a nation, but to-day they bear rule in realms greater than they hoped for in the days of Kossuth. The people of this race will never debase our Anglo-Saxon blood, nor render it torpid and stagnant.

And who can say, with his attention fixed upon the Balkan Peninsula, that the Slavs are unfit for free government? Less than a quarter of a century ago the Bulgarians were vassals and serfs of the Turks, and had been such for centuries past. As the outcome of a great war and through the treaty of Berlin they regained their freedom and were erected into an independent state, under the form of a limited monarchy, with a parliament of their own choice. In spite of the machinations of Russia and in spite of the misfortune of imbecile princelings placed at their head, from the days of their freedom till the present moment the Bulgarian people have made rapid and solid strides, politically and economically, both as a people and as a nation, and they have succeeded in placing their Government on such an enduring basis that even the murder of their ablest statesman caused no political upheaval and left no opening for the entrance of the wily Muscovite.

They stand to-day, a young nation, promising, ambitious, fiery, and full of hope, on the outer battlements of Christian Europe, as palpable evidence of the fact that sound, vigorous blood will survive and overcome the servitude of centuries. Who fears contamination from such a people as these? A strain of the irrepressible, hot, riotous blood of these nations of southern Europe infused into our ethnic make-up will certainly do no harm, and may be productive of much good. It may infuse into our stolid and phlegmatic Germanic blood an element of vim, force, and fire now absent, and may give it an effervescence of tone and temper that may dispel much of the prosaic in the drudgery of life. What Professor Huxley has said of the darker people of Spain, Portugal, and southern France is apt and germane in this connection, and I can not forbear to quote it. These are his words:

> When the genealogy of the English people is thoroughly worked out, we find that our forefathers are reduced to two stocks—the one, a lightly made, short, dark-complexioned people, the Iberians, who, as far as they can be traced back, talked Euskaldunac, a language which has not the least resemblance to any other spoken in Europe; the other, a tall, big-limbed, fair people, who, as far as we can trace them, have always talked some form or other of the languages of the great Aryan family to which German, Latin, Greek, Persian, and Sanskrit belong, and of which the Celtic tongues are outlying members. In everything which constitutes a race these Aryan or Celtic and Teutonic nations are of one race. In every particular by which races of mankind differ the Iberians and the Aryans are of different races.
>
> Thus English political ethnology offers two problems:
>
> 1. Is there any evidence to show that the Iberians and the Aryans differ in their capacity for civilization or in their intellectual and moral powers? All I can say is, that I know of none. Whether in Greece or Rome, in modern Italy, France, Germany, or England, the dark stock and the light have run neck and neck together.
>
> 2. Is there any evidence to show that there is what may be called a political difference between the Celtic Aryan and the Germanic Aryan? I must say once more that I can find none. And one of the keenest observers who ever lived, and who had the opportunity of comparing the Celt and the German side by side—I mean Julius Cæsar—tells us especially that the Gauls in former days were better men than the Germans; that they had been corrupted by contact with civilization, and that even in his day the races who held the

Black Forest in possession were the equals of the Germans in frugality, hardiness, and every virtue of man or warrior. Put side by side with this the picture of the Saxon when, England fairly won, he sank into the slothful enjoyment of his possessions; and after the Conquest fell so low that the invective of Giraldus Cambrensis against the Saxons of his day as idle, worthless fellows, cowards and liars, fit only to be drudges and menials, reads just like an extract from an English or American leading article against the low Irish. Do not let what I have said mislead you into the notion that I disbelieve in the importance of race. I am a firm believer in blood, as every naturalist must be, and I entertain no doubt that our Iberic forefathers have contributed a something to the making of the modern Englishman totally distinct from the elements which he has inherited from his Aryan forefathers. But which is the Aryan element and which the Iberian I believe no man can tell, and he who affirms that any quality needful for this, that, or the other form of political organization is present in the one and absent in the other makes a statement which I believe to be as baseless in natural science as it is mischievous in politics.—*Pall Mall Gazette*, January 10, 1870.

It may, however, be urged that our great immigration has depressed, or will depress, the price of labor. This might be true if American labor was content to remain in the rut of mere labor; but our experience in the East and all over the country has demonstrated that the large influx of foreign labor has led American labor to seek higher pursuits and more profitable callings. The result has been, on the whole, the promotion of American labor to greater and more enlarged spheres of usefulness. When the American girl was crowded out of the kitchen and dining room by her foreign-born sister, she entered the schoolroom as a teacher, the store as a cashier or saleswoman, and the countinghouse as an accountant or bookkeeper; and when the American boy was crowded out of the factory, the mine, and the rolling mill by his foreign-born brother, he became a captain or a lieutenant of industry, and sought and assumed higher callings in various directions. And the process that has thus been going on between the native and the foreign born has also been going on among the foreign-born themselves.

High wages and good living under the sunshine of American institutions have rendered an earlier crop of foreign-born laborers fit and anxious to be crowded out of their labor sphere and placed on a higher industrial level by a later arrival of foreign-born labor. And thus it has come to pass that continued immigration, so far from depressing the scale of wages, has rather resulted in gradually promoting labor to a higher level. And this is a great gain.

Brute toil and the almighty dollar is not the chief aim of our existence. All who are fit to survive, fit to stay in the ranks of a great nation, by their very nature aspire to a higher plane of development; and the space above, in the social and economic world, results in a large degree from the pressure below. The crude ore becomes pig iron, and the latter becomes the finished engine. I shall not, however, take up your time any further on this feature of the case, but shall content myself with quoting from the report of the Immigration Investigation Commission for the year 1895 the following evidence as to the effect of immigration upon wages:

The influence of immigration on wages is too large and complex a subject for the commission to discuss with any fullness at the present stage of its investigations. The opinion is widespread that wages have fallen since the great tide of immigration set in. The facts do not bear this out. The statistics of immigration already given (see page 8) show that large immigration has almost invariably been coincident with (not necessarily the cause of) prosperity, and the report of the Senate subcommittee of 1891, which was charged with the duty of ascertaining the course of prices and wages of labor, shows further that wages have been highest during these same periods of prosperity. Not only, according to this report, have wages steadily increased during the last three decades of steadily increasing immigration, but they have been the highest during those years in which immigration has been the largest (page 10).

But finally the objection is made that the immigrants furnish an undue proportion of criminals. A superficial examination of our statistics may lead to this opinion, but a more careful consideration and study of the subject in all its aspects makes it plain that such opinion is incorrect and unfounded, and that the immigrants do not, as a matter of fact, furnish more than their proportionate share of criminals, and, in many localities and places, even less.

A short time ago I requested the Hon. Hastings H. Hart, secretary of the board of corrections and charities of the State of Minnesota (a most excellent authority), to investigate this subject thoroughly, and to give me the result of such examination.

In compliance with this request, Mr. Hart has sent me the following letter, with accompanying tables, which demonstrate and make plain that there is no basis, in fact, for the common notion that foreign-born citizens furnish an undue proportion of the criminal population of the country. I quote his letter, which speaks for itself, and which makes it evident and palpable that the immigrants are as law abiding as the native born:

BOARD OF CORRECTIONS AND CHARITIES, STATE CAPITOL,
St. Paul, Minn., April 27, 1896.

DEAR SIR: * * * The statistics which are published showing the ratios of crime are entirely misleading as applied to foreign immigration, for the reason that the prisoners are compared with the entire population of the country—men, women, and children. The children furnish practically no criminals and are nearly all credited to the native-born population, so that the children of foreign-born parents are credited to the native-born population and used against their own parents.

Of the prisoners of the United States 95 per cent are above the age of 15 years and 84 per cent are above the age of 21 years; so that the children ought to be left out of the count. The women of the country furnish only 9 per cent of the criminals, and they may be left out of the count.

In Table No. 1, which I inclose herewith, I have compared the male prisoners of the United States with the males of voting age, and the result is just the opposite from that which is obtained by comparing the prisoners with the males of voting age.

The native-born population of the United States in 1890 numbered 53,390,600; the native-born prisoners, 65,977; ratio, 1,235 to a million. The foreign population numbered 9,231,381; the foreign-born prisoners, 16,352; ratio, 1,744 to a million, an apparent excess of foreigners over natives of 41 per cent.

But the number of native-born males of voting age was 12,591,852; native-born male prisoners 61,637; ratio 4,895 to a million. The number of foreign-born males of voting age was 4,848,459; foreign-born male prisoners 14,237; ratio 3,235 to a million; showing an actual excess of natives over foreigners of 50 per cent.

In the table I have omitted the Southern States, for the reason that they contain only 7.5 per cent of the foreign-born prisoners in the United States; but if the Southern States were included, it would make the showing worse for the native born on account of the large number of colored prisoners.

It will be seen from the table that the men of foreign birth furnish less prisoners proportionally than those of native birth in each division of the Northern States, as follows—(see columns 2 and 3 of Table No. 1):

Number of prisoners to each million males of voting age.

	Foreign born.	Native born.
Northern States	3,240	4,445
North Central division	1,915	3,550
North Atlantic division	4,615	5,205
Western division	4,360	6,410

By reference to Table No. 1 it will be seen that the showing is in favor of the foreign born in every Northern State and Territory except Maine, New Hampshire, Arizona, and New Mexico. While the showing is more favorable to the native born in the Northern States than for the whole country, the ratio of the native-born criminals is still 37 per cent larger than that of the foreign born.

If we compare the foreign born with the pure native born—i. e., the native born of native parents—the showing is more favorable to the native stock. (See columns 2 and 5 of the table.)

Number of prisoners to each million males of voting age.

	Foreign born.	Native born of native parents.
Northern States	3,240	4,075
North Atlantic division	4,360	4,135
North Central division	1,915	3,715
Western division	4,615	6,050

In the North Atlantic division alone the ratio of foreign-born prisoners exceeds that of the pure native born. The excess is found in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, and Pennsylvania; but in Rhode Island, New York, and New Jersey the showing is in favor of the foreign born. In the Central and Western divisions the record is in favor of the foreign born in every case except Arizona and New Mexico.

If we compare native born with native born the result is as follows—(see columns 3, 4, and 5, Table 1):

Number of prisoners to each million males of voting age.

	Total native born.	Native born; parents foreign.	Native born; one or both parents native.
Northern States	4,445	5,665	4,075
North Atlantic division	5,205	8,510	4,135
North Central division	3,550	3,005	3,715
Western division	6,410	7,645	6,050

Here there is a marked diversity between the different sections of the country. The children of native-born parents show about the same ratio of criminals in the North Atlantic and the North Central States; but the children of foreign parents show nearly three times as high a ratio in the North Atlantic States as in the North Central States. In every one of the North Atlantic States the showing is against the children of foreign parents; but in every one of the North Central States except Illinois and North Dakota the showing is in favor of the children of foreign-born parents. Of the Western States, five show against the native born and six against the foreign born.

The difference in the showing in different parts of the country is due to the character of the immigration. (See Table No. 2.) We can not compare the criminals with the adults of each country for the reason that the census does not so divide them, and it does not make very much difference as long as we compare foreign with foreign.

The following is the number of prisoners to each million of inhabitants of the same nationalities from the principal countries which send immigrants to this country: Mexico, 7,758; Italy, 3,047; Ireland, 2,970; England, 2,106; Hungary, 2,082; Scotland, 1,977; Canada, 1,611; Austria, 1,403; Germany, 1,001; Denmark, 852; Sweden, 730; Norway, 644; Bohemia, 304.

The result is, as will be seen from the two tables, that those States which have a large Irish and Italian immigration—Massachusetts, Connecticut, New York, and New Jersey—show a high ratio of crime among the foreign-born immigrants, while those which have had a large proportion of Germans, Scandinavians, and Slavs, like Ohio, Wisconsin, Minnesota, Iowa, Nevada, and the Dakotas, show a low ratio of criminality among the foreign immigrants.

Not only that, but in the States of the North Central division the foreign born show a ratio of crime only a little more than one-half as large among the foreign born as among the native born, and the result is to bring the average of crime in these States very low. I believe that it may be said truthfully that Wisconsin, Minnesota, Iowa, North and South Dakota, and Nebraska have

a smaller ratio of criminals to the population than any other territory of equal size or any other portion of equal numbers in the civilized world, and this immunity from crime is due to the high quality of the native and foreign immigration into these States, especially the foreign immigration.

I have no doubt that the excessive ratio of crime among the English-speaking immigrants is not due so much to the character of the nations from which they come as to the fact, of which there is uncontrovertible evidence, that known criminals have immigrated to America from those countries. I believe that the apparent decrease of crime in Great Britain is owing to this fact, in an appreciable measure.

The indiscriminate denunciation of foreign immigration is not only slanderous, but it is suicidal.

It will be easy for any experienced student of statistics to verify the figures which I present in the inclosed table.

I shall take pleasure in furnishing any additional information on request.

I am, Senator, yours, with high respect,

H. H. HART, *Secretary.*

Hon. KNUTE NELSON,
Washington, D. C.

No. 1.—*Number of male prisoners to each million males of voting age in the northern United States.*

	All classes.	Foreign born.	Native alone.		
			Total native born.	Parents foreign born.	Parents native born.
The United States	4,480	3,285	4,805	5,475	4,775
Northern States	4,045	3,240	4,445	5,665	4,075
North Atlantic division	4,920	4,360	5,270	8,510	4,135
Maine	2,380	4,525	2,000	6,200	1,615
New Hampshire	2,515	3,345	2,285	8,475	1,730
Vermont	1,880	2,130	1,815	2,550	1,690
Massachusetts	6,735	5,865	7,285	16,200	4,990
Rhode Island	4,790	3,475	5,685	10,400	4,060
Connecticut	4,195	3,700	4,460	9,035	3,170
New York	5,615	4,310	6,440	8,165	5,580
New Jersey	5,285	4,600	5,655	8,135	4,860
Pennsylvania	4,035	3,765	4,135	5,940	3,675
North Central division:	3,045	1,915	3,550	3,005	3,715
Ohio	2,640	1,550	2,940	2,825	2,975
Indiana	3,155	1,935	3,325	2,620	3,440
Illinois	3,470	2,330	4,120	4,340	4,045
Michigan	3,300	2,270	4,000	3,790	4,060
Wisconsin	2,325	1,735	2,290	2,000	2,970
Minnesota	2,600	1,735	3,900	3,200	4,575
Iowa	1,705	995	2,300	1,570	2,530
Missouri	3,810	2,180	4,145	3,495	4,205
North Dakota	1,680	935	3,060	3,280	2,940
South Dakota	1,800	1,000	2,435	2,175	2,550
Nebraska	2,135	1,125	2,590	1,010	2,960
Kansas	4,940	4,255	5,095	3,165	5,400
Western division	5,060	4,615	6,410	7,645	6,050
Montana	6,440	4,300	8,335	12,050	7,400
Wyoming	2,740	980	3,635	1,610	4,300
Colorado	5,330	4,240	5,820	8,570	5,200
New Mexico	4,250	6,065	3,928	4,200	3,895
Arizona	10,420	12,700	8,780	6,205	9,480
Utah	4,810	3,020	5,535	3,055	6,865
Nevada	7,160	5,105	9,330	7,665	9,945
Idaho	4,760	4,900	4,650	3,825	4,925
Washington	3,050	2,415	3,460	4,765	3,135
Oregon	3,920	3,340	4,210	6,000	3,920
California	7,075	5,275	8,880	9,700	8,580

No. 2.—*Total foreign-born inhabitants and foreign-born prisoners in the United States, 1890, distributed according to country of birth.*

Country of birth.	Foreign-born inhabitants.	Per cent.	Foreign-born prisoners.	Per cent.	Number of foreign-born prisoners to each million foreign-born inhabitants.
Total foreign born	9,249,547	100	16,352	100	1,769
North and South Americans	1,088,245	11.76	2,208	13.50	2,029
Canada and Newfoundland	980,936	10.61	1,580	9.66	1,611
Mexico	77,853	.84	604	3.69	7,758
Cuba, West Indies, and Central America	24,448	.26	13	.08	532
South America	5,006	.05	11	.07	2,200
Great Britain, Ireland, and Australia	3,128,895	33.82	8,099	49.53	2,588
England	909,092	9.83	1,914	11.70	2,106
Scotland	242,231	2.62	479	2.93	1,977
Wales	100,079	1.08	89	.54	890
Ireland	1,871,509	20.23	5,559	34	2,970
Australia	5,984	.06	58	.36	9,693
Germanic nations	3,119,583	33.73	3,371	20.61	1,081
Germany	2,787,776	30.14	2,957	18.08	1,061
Austria	123,271	1.33	173	1.06	1,403
Holland	81,828	.88	61	.37	745
Belgium	22,639	.25	26	.16	1,148
Switzerland	104,069	1.13	154	.94	1,479

No. 2.—*Total foreign-born inhabitants, etc.*—Continued.

Country of birth.	Foreign-born inhabitants.	Per cent.	Foreign-born prisoners.	Per cent.	Number of foreign-born prisoners to each million foreign-born inhabitants.
Scandinavian nations	933,249	10.09	669	4.09	717
Norway	322,665	3.49	208	1.27	644
Sweden	478,041	5.17	348	2.13	730
Denmark	132,543	1.43	113	.69	852
Slav nations	510,625	5.52	486	2.97	951
Russia	182,644	1.97	171	1.05	936
Hungary	62,435	.68	130	.79	2,082
Bohemia	118,106	1.28	36	.22	304
Poland	147,440	1.59	149	.91	1,010
Latin nations	319,822	3.46	875	5.36	2,736
France	113,174	1.22	278	1.70	2,456
Italy	184,467	2	562	3.44	3,047
Spain	6,185	.07	26	.16	4,204
Portugal	15,996	.17	9	.06	563
All others	149,128	1.62	644	3.94	4,318

Many of the immigrants who come to our shores are unskilled laborers of the poorer class. Oppressed by poverty at home, they come here to better their condition, and, above all, to find a better and brighter future for their children. Many of them enter, on their arrival, the field of drudgery and labor, at the foot of the ladder, in our large cities—a place cheerfully accorded to them by the native born. Toil and drudgery, such as is theirs, too often seek relief in the flowing bowl, and this brings crimes of common grades in its wake. This is an incident and misfortune of labor, in the lower strata, the world over, among native as well as foreign born. It comes not from the innate depravity of the race, but from the environment and misfortune of certain classes of its members.

Slums are the human excrescences of rapid and congested growth—an incident of even the highest state of civilization. All large cities have their slums among all nationalities the world over. And the poor, the profligate, and the unfortunate—the men of sheer brute toil, whether native or foreign born—make up a large quota of the slum population. And while the proportion of foreign born in the slums of our large cities may be great—by reason of the original environment and pinched poverty of the immigrants—yet, in numbers and in character the slums of our cities will bear favorable comparison with the slums of the great cities in other parts of the world.

We are all creatures of circumstances. Place these unfortunate sons of toil in the slums of a great city, whether they be native or foreign born, and they are apt in some measure to deteriorate, apt to become drunkards and criminals. Place the same men on farms in the woodlands or on the broad prairies of the West, and they become prosperous and model farmers, and their children become full-fledged Americans to all intents and purposes, as though they were the descendants of generations of native born.

In conclusion, let me draw your attention for a brief moment from the slums of the great cities to the prairies and the woods of the great West. Fifty-five years ago Minnesota was a Territory—an undeveloped wilderness, the home of large bands of roving Indians, with but 6,000 white people within her borders. Eight years later she became a member of the American Union, with a population of over 150,000 people. In 1895, pursuant to a census then taken, she found herself with a population of 1,574,619 people, of whom 517,535 were of foreign birth and 573,783 were natives but of foreign parentage. In 1894 her assessed valuation was $642,903,651, and her permanent school and university fund was $11,746,187, and she expended during the year for educational purposes, in all, $3,945,645; and 337,761 pupils were enrolled in her common, graded, and high schools, 1,839 in her normal schools, and 1,828 students in her State university.

Out of all this population there were but 613 inmates in her State prison and State reformatory—the only places for confinement of adult criminals outside of the jails and workhouses—and out of this prison population 423 were native born, and 190 foreign born. And in the State reform school for incorrigibles and juvenile offenders there were 428 inmates, of whom 339 were native born, and 89 of foreign birth. No State can show a finer record than this; and the foreign born have a prison record better even than the native born. Such is Minnesota. And she is, to a large extent, under the sunshine and dew of her free institutions, the product of the industry, the perseverance, the frugality, and the thrift of her foreign-born citizens and their children. But she is entitled to all and more than all they have brought her.

They came there, most of them, poor and empty handed, with no capital but stout hearts and willing hands, but possessed of

an intense desire and purpose to become good American citizens. She received them with open arms, as though they were to the manor born, and on a parity with her own people. And to-day, after the lapse of half a century, she can truly say that they have not betrayed the trust she reposed in them. As the good wife, though loving her mother, still gives her husband the uppermost place in her affections, so do the foreign-born sons and daughters of Minnesota, though loving the lands of their birth, still place her, and the great country of which she is a part, uppermost and foremost in their love and affection.

"They bear a love for the country of their adoption as if she were their daughter. Smoke her pipe in peace, bear her tomahawk in war."

APPENDIX.

No. 1.—*Total immigration to the United States during each fiscal year since 1819.*

Year.	Number of immigrants.	Year.	Number of immigrants.	Year.	Number of immigrants.
1820	8,385	1847	234,968	1874	313,339
1821	9,127	1848	226,527	1875	227,498
1822	6,911	1849	297,024	1876	169,986
1823	6,354	1850	369,980	1877	141,857
1824	7,912	1851	379,466	1878	138,469
1825	10,199	1852	371,603	1879	177,826
1826	10,837	1853	368,645	1880	457,257
1827	18,875	1854	427,833	1881	669,431
1828	27,382	1855	200,887	1882	788,992
1829	22,520	1856	195,857	1883	603,322
1830	23,322	1857	246,945	1884	518,592
1831	22,633	1858	119,501	1885	395,346
1832	60,482	1859	118,616	1886	334,203
1833	58,640	1860	150,237	1887	490,109
1834	65,365	1861	89,724	1888	546,889
1835	45,374	1862	89,007	1889	444,427
1836	76,242	1863	174,524	1890	455,302
1837	79,340	1864	193,195	1891	560,319
1838	38,914	1865	247,453	1892	623,084
1839	68,069	1866	318,494	1893	502,917
1840	84,066	1867	298,967	1894	314,467
1841	80,289	1868	282,189	1895	279,949
1842	104,565	1869	352,768	Jan. 1, 1896	165,932
1843	52,496	1870	387,203		
1844	78,615	1871	321,350		18,022,785
1845	114,371	1872	404,806		
1846	154,416	1873	459,803		

No. 2.—*Table of immigration by nationalities and countries for each fiscal year since 1820 up to and including the fiscal year ended June 30, 1895.*

The United Kingdom:		
England	1,809,916	
Ireland	4,035,118	
Scotland	371,430	
Wales	37,133	
Other places	560,420	
		6,814,017
Germany		4,976,036
Scandinavia:		
Norway and Sweden together up to 1870	153,928	
Norway since 1870	332,205	
Sweden since 1870	660,193	
Denmark	173,173	
		1,319,559
British North America up to 1885 (no record since)		1,040,925
Austro-Hungary:		
Bohemia	77,247	
Hungary	256,348	
Other parts of Austria, except Poland	384,276	
		717,871
Italy, including Sicily and Sardinia		682,611
Russia, including Finland, but not Poland:		
Russia	470,626	
Finland	34,222	
		504,848
France		384,490
Switzerland		197,408
Poland		145,843
Netherlands		127,972
Belgium		50,725
Spain		37,506
Portugal		21,797
Turkey in Europe, including Roumania, Bulgaria, Servia, and Montenegro		14,122
Unclassified, including Asiatic and African		978,055
Total		18,022,785

No. 3.—*Immigration classified by races.*

Germanic:		
Germany	4,976,036	
England, exclusive of Ireland, Scotland, and Wales	2,370,396	
Scandinavia	1,319,559	
British North America	1,040,925	
German parts of Austria	384,276	
Netherlands	127,972	
		10,219,104
Germanic-Celtic:		
Ireland	4,035,118	
Scotland	371,430	
Wales	37,133	
		4,443,681
Latin:		
Italy	682,611	
France	384,490	
Spain	37,506	
Portugal	21,797	
		1,126,404

No. 3.—*Immigration classified by races*—Continued.

Poles, Slavs, Hungarians, and kindred races:		
Hungary	256,348	
Poland	145,843	
Bohemia	77,247	
Turkey in Europe, including Roumania, Bulgaria, Servia, and Montenegro	14,122	
		493,560
Tartar-Slav-Germanic:		
Russia in Europe, exclusive of Finland and Poland	470,626	470,626
Latin-Germanic:		
Switzerland	197,408	
Belgium	59,725	
		257,133
Finnish-Germanic:		
Finland		34,222
Unclassified, including Latin-Indian, negro, and Asiatics		978,055
Total		18,022,785

No. 4.—*Statistics of population, property, education, and crime in the State of Minnesota.*

Item.	1890.	1894.	1895.
Total population	1,301,826		1,574,619
Native born	834,470		1,057,084
Foreign born	467,356		517,535
Native born; both parents foreign	406,808		*450,486
Native born; one parent foreign	111,343		*123,297
Total foreign born, and of foreign parentage	985,507		*1,091,318
Total native born of foreign parentage	518,151		*573,783
Assessed valuation		$642,903,651	
Permanent school fund		10,712,120	
Permanent university fund		1,034,067	
Expended for common and graded schools during year		3,584,488	
Expended for State University		235,157	
Expended for normal and high schools		126,000	
Expended for institutes and training schools		27,000	
Total for education during the year		3,972,645	
Pupils enrolled in common, graded, and high schools		337,761	
Pupils enrolled in normal school		1,839	
Students in State University		1,828	
Number of common school districts		6,111	
Number of high schools		85	
Number of normal schools		4	

*Based on the same ratio as 1890.

CENSUS OF PRISON POPULATION, 1895.

	Number of inmates.	Native.	Foreign born.
State prison	485	337	148
State reformatory	128	86	42
State reform school for incorrigibles and juvenile offenders	428	339	89
Total	1,041	762	279
State public school for dependent and abandoned children	260	244	16

No. 5.—*Population of the United States in 1890.*

Total population	62,622,250
Native born	53,372,703
Foreign born	9,249,547
Native born, both parents foreign	8,085,019
Native born, one parent foreign	3,418,656
Foreign born and of foreign parentage	20,753,222
Native of foreign parentage	11,503,675
Total immigration, 1820-1895	18,022,785
Giving the same ratio of increase as is given to the foreign born by the census of 1890, it would leave of—	
Native, both parents foreign	15,753,737
Native, one parent foreign	6,661,071
Total native of foreign parentage	22,414,808
Thus showing that the foreign immigrants and their first generation of children have added to the population since 1820	40,437,593

SENATOR FROM DELAWARE.

The Senate resumed the consideration of the resolution reported by Mr. MITCHELL of Oregon from the Committee on Privileges and Elections February 18, 1896, as follows:

Resolved, That Henry A. Du Pont is entitled to a seat in the Senate from the State of Delaware for the full term commencing March 4, 1895.

The pending question being on the amendment of Mr. TURPIE, to insert the word "not" before the word "entitled," and to strike out the last clause; so as to make the resolution read:

Resolved, That Henry A. Du Pont is not entitled to a seat in the Senate from the State of Delaware.

Mr. PLATT. Mr. President, knowing that the Du Pont case would be before the Senate to-day, and having it somewhat in mind, I took up a morning paper and my eyes fell upon this startling headline: "The most marvelous thing in a century." I supposed, of course, that the article which followed referred to the marvelous, the most remarkable and strange occurrences which took place in the joint meeting of the members of the two houses of the legislature in the State of Delaware on the 9th day of May, 1895; and I confess that I was surprised when on reading the article I found it related only to a patent medicine.

The occurrences which took place on the 9th day of May, 1895, in the joint assembly of the State of Delaware constitute the most remarkable thing which has taken place in the last century. I do not know but that I ought to qualify that statement by saying that the arguments which have been used in the Senate to sustain the declared result on that day are even more remarkable; and I do not know but that I ought to qualify it further by saying that if the Senate, by a majority vote, dividing on party lines, should sanction what was declared to be the effect of that day's proceedings, it would be more marvelous still.

What was it that took place on that day? The legislature which met in January previous in the State of Delaware was charged with the duty of electing a United States Senator. The house consisted of 21 members when full and the senate consisted of 9 members. When the legislature came to ballot in the separate houses no election resulted from the ballots thus taken, and on the 16th day of January, I think, 1895, according to the United States statute, the members of the legislature of Delaware met in joint assembly for the purpose of proceeding to elect a Senator. They continued every day from that date until the 9th of May, 1895, meeting in joint assembly and balloting for a Senator without any result.

In the meantime, on the 9th day of April, the governor of Delaware, Joshua Marvil, died. By the constitution of Delaware, to which I shall allude more specifically hereafter, the speaker of the senate, William T. Watson, became the governor of the State, and from that day, the 9th of April, when he became governor of the State, he abandoned the exercise of any duties as senator or as speaker of the senate and assumed the duties and functions of governor of the State. He occupied the executive office. He had not been present in the senate during that whole month. He had not entered the joint assembly of the members of the two houses during that whole month.

On the 9th of May, a resolution having been passed for the final adjournment of the legislature to take place at 3 o'clock p. m. on that day, the joint convention met, having taken a recess from the day before, at 9 o'clock in the morning, and commenced balloting for a Senator, with the usual result, 29 votes cast, no one receiving more than 14, the other 15 being divided among several of the candidates; and it so balloted until 11 o'clock, when a recess was ordered for one hour.

During that morning William T. Watson occupied the executive office; did not come to the senate, did not come to the joint meeting of the members of the legislature; but upon the reassembling of that joint meeting, this governor of the State of Delaware entered the joint meeting of the members of the legislature, assumed to preside over it; did preside over it, assumed to vote in it; did vote in it for some 27 times, and upon each of those ballots Mr. Du Pont received 15 votes and the other candidates received, including the vote of the governor, 15 votes, this governor, acting as presiding officer of the joint meeting of the members, declaring in each instance that there was no election, as no one had received a majority of the votes cast, and when the hour of 3 o'clock came, declared the joint meeting adjourned without day, and the legislature adjourned.

For a hundred years in the State of Delaware it had never been supposed by anyone that a person occupying the position of governor, whether elected by the people or whether called to that position to fill a vacancy occurring by the death of the governor elected by the people, could take part in the senate of the State of Delaware or could be a senator. There had been nine instances in which the speaker of the senate had been called to occupy the position of governor owing to the death or resignation of the governor who had been elected by the people, and in no single instance upon any occasion had the person so called to occupy the position of governor acted as senator, occupied a seat in the senate, acted in a joint convention of the two houses, or a joint meeting of the members of the two houses, or cast any vote. I venture to say, and I think it will not be contradicted, that during that whole one hundred years it had never been supposed that he could do it. It had been the accepted understanding of every man who had occupied the position of governor under those circumstances that he could not do it, and the affidavits here show that on the morning of the 9th day of May, 1895, William T. Watson, occupying the position of governor of the State of Delaware, himself believed that he had no right to do it.

But something occurred during that hour of interval between the morning and noon session of the joint meeting which changed his mind and decided him to act. A member of the house who had been constantly voting for Mr. Addicks as Senator, upon the last day, a Republican, feeling that he could not take the responsibility of preventing an election of Senator in the State of Delaware, gave notice that he proposed in the joint meeting which was to assemble at 12 o'clock to vote for Mr. Du Pont, which would give him 15 votes, a majority of all the votes which had been cast in the joint meeting from the 9th day of April, 1895, to the 9th day of May, 1895. Then it was that Governor Watson was called upon to take a seat in the joint meeting and to vote, and thereby prevent an election; and it is in the sworn affidavits here that he said he could not do it, for he had no right to do it. He was then told that Chancellor Wolcott either had rendered a different opinion or Chancellor Wolcott himself informed him that it was his opinion that he could do so. So, against his own idea of what his duty was, in violation of his own idea of what his power was, he entered that joint meeting and cast his vote 27 times; and, assuming the presidency of the convention or meeting, declared that no election was had.

Mr. President, I venture to say, on this simple statement of the case, there was not only no man in Delaware who up to that hour believed that Governor Watson could do that thing, but until this effort to refine away the plain provisions of the constitution of Delaware occurred upon the consideration of this case there was no man in the United States who would have believed or did believe that Governor Watson could legally do this thing. Am I not justified, therefore, in saying that of all the remarkable performances which have ever occurred relating to the election of a United States Senator in the last century this is the most remarkable of all? The marvel of it will only be exceeded if this Senate allows such a usurpation, such a violation of constitutional law, such a wicked prostitution of power to prevail and prevent the seating in this body of Mr. Du Pont.

The debate in this case has taken a very wide range. The provisions of the Delaware constitution are perfectly plain. Upon looking at that with an unprejudiced eye it would admit of but one construction, and yet this debate has extended over all English and American law. The Constitution of the United States and the constitution of every State in the Union have been discussed with the utmost technicality and, I may say, with exceeding ingenuity. I shall not attempt to follow the Senators who have attempted to argue away and to argue out of sight the plain provisions of the constitution of Delaware by these ingenious, thinly spun, hair-splitting arguments upon the constitutions of other States and upon the Constitution of the United States.

Sometimes I have thought, Mr. President, that I should never be able to establish in this body the reputation of being a great constitutional lawyer, because to establish that reputation it seems to be thought necessary to be able to argue all day—one day, two days, or three days—upon questions which do not affect the main result, which do not affect the main question, and to show a wealth of learning and research which will impress not only this Senate but the entire country. I despair of ever being classed in the ranks of constitutional lawyers if that be necessary to constitute one. I have never learned to—

> * * * distinguish, and divide
> A hair, 'twixt south and southwest side—

but I do think, as a lawyer, I can understand the plain provisions of the constitution of Delaware which are important to this case. Nay, I think that a layman, one who makes no claim to be learned in the law or distinguished as a constitutional lawyer, may read as he runs and can not err therein. It is only by refinement, by raising false issues, by attracting the attention of the Senate to matters not connected with this case, that there is any possibility of obscuring the result.

As every case contested in a judicial tribunal finally resolves itself into one or at the most two simple propositions over which the contention proceeds, so this case has resolved itself into two simple propositions. Those who claim that Mr. Du Pont was not elected must maintain that William T. Watson, on the 9th day of May, 1895, was not governor of the State of Delaware, or they must maintain that, admitting that on the 9th day of May William T. Watson was governor of the State of Delaware, the Senate has no right to inquire into that legal question as to whether he was or was not. It is to those points that I propose to address the few remarks which I shall make in favor of Mr. Du Pont's claim to a seat in the Senate.

I say, then, that Mr. Watson was a governor of the State of Delaware; and I think nothing shows more clearly the search, the earnest search, which those who oppose Mr. Du Pont's claim to be entitled to a seat here have made to discover what William

T. Watson was if he was not governor; and the very able, learned, and distinguished Senators who have argued this question do not seem to agree as to what he was. The very fact that they can not agree to my mind shows how futile and how untenable is the position that he was not a governor. I had supposed that there was only one kind of a governor in a State or that there could be but one kind of a governor; that a man who was entitled to perform all the functions of the office, that a man who took the oath required for a governor, that a man who exercised all the privileges and prerogatives pertaining to the office of governor, that a man who received the emoluments of the office, was a governor, and only such a man was a governor; and that no matter how he came to occupy the position, if those requisites were present, if he was capable of performing without limitation all the functions and exercising all the powers of the gubernatorial office, if he was entitled to enjoy all the prerogatives of that office, if he had sworn to execute that office, and if he received the salary and emoluments of that office, he was governor. There is no other distinction to be found in any law book, and those questions determine in every case whether a man is the officer that he claims to be.

But it seems that the Senators who have argued this case upon the other side have discovered a variety of governors. It would be amusing, if it were not so serious, to recapitulate the kinds of governors that they think may exist in a State. Counsel against the claim of Mr. Du Pont conceded that he was a governor, but called him an "ad interim governor." That is one kind of a governor which has been invented for this case. The journal of the convention has discovered another kind of a governor, "a speaker-governor," for in the journal of the convention it says: "The hour of 12 o'clock having arrived, the senate, preceded by Speaker-Governor Watson, attended by the clerk and sergeant-at-arms, proceeded to the hall of the house of representatives;" and "Speaker-Governor Watson directed the clerk to call the roll;" and "Speaker-Governor Watson declared the houses adjourned sine die."

Mr. VILAS. Would it interrupt the Senator if I should ask him a question?

Mr. PLATT. Oh, no.

Mr. VILAS. I was just going to ask, has not the constitution of the State of Delaware a right to say what he should be and what he should be called?

Mr. PLATT. I will come to the constitution of the State of Delaware. The constitution of the State of Delaware only recognizes one kind of a governor, and I will show it thoroughly before I get through.

So we have the conceded governor by the counsel against Mr. Du Pont, called "ad interim governor"; we have a "speaker-gov ernor," according to the journal of the joint assembly; we have, according to the Senator from Delaware [Mr. GRAY], a most astonishing kind of a governor—"a stop-gap governor"; we have, according to the Senator from Mississippi [Mr. GEORGE], "a speaker of the senate who ad interim exercises the powers of governor"; and we have, according to the Senator from Indiana [Mr. TURPIE], "no governor at all, but a speaker, and only a speaker."

Mr. GRAY. Now give us what the constitution calls him.

Mr. PLATT. I trust the Senator will allow me to proceed in my own way.

Mr. GRAY. I beg the Senator's pardon for interrupting him.

Mr. PLATT. Is it not remarkable, Mr. President, that those who claim that William T. Watson was not to all intents and purposes governor of the State of Delaware should be driven to the strait of inventing these unheard-of governors, even to the idea which the Senator from Delaware is entitled, I think, to a patent on, the inventing of a "stop-gap governor"? As I said, it would be amusing if it were not so serious.

The constitution of the State of Delaware provides for the election of a governor by the people, who shall hold his office for four years, and it then provides, in section 14, that—

Upon any vacancy happening in the office of governor, by his death, removal, resignation, or inability, the speaker of the senate shall exercise the office until a governor elected by the people shall be duly qualified.

Is there anything there which indicates that there may be two kinds, or three kinds, or four kinds of governors in the State of Delaware? But Senators say that because this language is used, "shall exercise the office until a governor elected by the people shall be duly qualified," that that means that the person who at the time of the death of the governor happens to be the speaker of the senate does not become to all intents and purposes governor, but he simply exercises the office of governor. None of the Senators go so far as to say that he is in no sense a governor, except the Senator from Indiana, who says he is a speaker, nothing more, and that this language which I have read from the constitution of Delaware confers upon the speaker, upon that officer, the duty of discharging, while the vacancy continues, the duties of governor, but that he becomes in no sense the governor. Well, Mr. President, that meets the issue squarely. All the other theories that he is not a governor in the full sense, but a governor in a limited sense, an "ad interim governor," "a speaker-governor," "a stop-gap governor"—all those contentions, it seems to me, are simply evasions of the one issue here. The Senator from Indiana meets it boldly, if not successfully.

Senators say that the words "exercise the office of governor" are inconsistent with the idea that he is governor, and they seem very strangely to have overlooked the fact that in this very same constitution and in this very same article the words "exercise the office of governor" are used to denote the man who is elected governor. Section 5, article 3, is as follows:

No member of Congress nor person holding any office under the United States, or this State, shall exercise the office of governor.

Does not that refer to the elected governor? Does it refer merely to a speaker who, upon the theory of the Senator from Indiana, has thrust upon him the obligation to perform the duties of governor and performs them ex officio? No. This section 5 uses the words "exercise the office of governor" synonymously with the phrase "hold the office of governor." It can not be held by any refinement of reasoning not to apply to the elected governor, and there is no distinction, therefore, to be drawn in this constitution of Delaware between an elected governor and a governor who, under the terms of the constitution, becomes governor in case of a vacancy. It is somewhat remarkable that this phrase has not attracted the attention of the Senators who hold that the words "exercise the office of governor" are incompatible with the idea that the man called upon to assume the position in case of a vacancy is the governor. I will read it again:

No member of Congress, nor person holding any office under the United States, or this State, shall exercise the office of governor.

Is not that the same thing as saying that no man holding any such office shall be governor—shall be elected governor? Does not this refer to the governor who may be elected? Unless Senators can resort to some more ingenious refinement of reasoning than they have yet resorted to, there is a large stumbling-block which they can not pass over and can not remove out of the way. The language is the same.

SEC. 14. Upon any vacancy happening in the office of governor, by his death, removal, resignation, or inability, the speaker of the senate shall exercise the office, etc.

SEC. 5. No member of Congress, nor person holding any office under the United States, or this State, shall exercise the office of governor.

But in the very language in the constitution, in section 14 of Article III, the plain implication is that there may be a governor of the State who is not elected by the people, and that the person who assumes the vacant place, who succeeds to the vacancy by reason of having been at the time when the vacancy occurred speaker of the Delaware senate, is a governor, though called to fill a vacancy, as truly as though elected by the people.

Upon any vacancy happening in the office of governor, by his death, removal, resignation, or inability, the speaker of the senate shall exercise the office until—

When?—

until a governor elected by the people shall be duly qualified.

Why did they put in "elected by the people" if the person who exercises the office is not as fully governor as a governor elected by the people? Why does it not say "until a governor shall be duly qualified"? If a speaker of the senate, occupying the office of governor is not a governor, then the words "elected by the people" are entirely surplusage. You will find that language repeated several times here—a plain implication, as the language to which I have heretofore alluded is a plain declaration—that the person, whoever he may be, who is called to the gubernatorial chair by reason of the death or resignation of the person filling it is governor.

If there be no speaker of the senate, or upon a further vacancy happening in the office, by his death, removal, resignation, or inability, the speaker of the house of representatives shall exercise the office until a governor elected by the people shall be duly qualified.

Why did it not say "until a governor shall be elected by the people and duly qualified"? If it had used that language there might possibly have been an opportunity to reason by implication that the only governor known to the State of Delaware was a governor elected by the people. If the speaker of the senate or the speaker of the house called to the gubernatorial chair were not the governor, then this language is entirely out of place.

I come now to the third phrase in section 14 of Article III:

If the person elected governor shall die, or become disqualified before the commencement of his term of office, or shall refuse to take the same, the person holding the office shall continue to exercise it until a governor shall be elected and duly qualified.

Plainly, Mr. President, the term "holding the office" is used synonymously with the term "exercise it," as it is used in section 5.

But here is another provision which I should like to have the Senators explain who say that a person coming to the gubernatorial chair by reason of the provisions of the constitution in case

of the death of the governor is not a governor. It is the last clause in section 14.

Mr. GRAY. Of what article?

Mr. PLATT. Of Article III.

The governor shall not be removed from his office for inability but with the concurrence of two-thirds of all the members of each branch of the legislature.

We have in the commencement of section 14, Article III, the provision that—

Upon any vacancy happening in the office of governor by his death, removal, resignation, or inability, the speaker of the senate shall exercise the office until a governor elected by the people shall be duly qualified. If there be no speaker of the senate, or upon a further vacancy happening in the office by his death, removal, resignation, or inability, the speaker of the house of representatives shall exercise the office until a governor elected by the people shall be duly qualified.

Now, can not the governor who has been called upon because he was speaker of the senate, or, in the next instance, called upon because he was speaker of the house, be removed for inability by two-thirds of the members of the legislature in each branch? If so, it is declared here in the constitution in plain words and terms which can not be overcome that the person so called to the office of governor is governor.

The governor—

It makes no distinction how he came to be governor—

shall not be removed from his office for inability but with the concurrence of two-thirds—

And it is already provided in the section that in the case of the inability to discharge the office of the governor who has come from the speaker's chair to the gubernatorial chair the speaker of the house of representatives shall be governor.

I do not think I need go further, Mr. President. These provisions of the constitution of the State of Delaware are simple; they are plain; they are not capable of more than one construction, because the words "exercise the office," when applied to the person who was speaker but who becomes governor, are the same words which are used in section 5, referring to a governor who is elected by the people. In the last clause any kind of a governor is referred to, or rather it precludes the idea that there can be but one kind of governor in the State of Delaware, and when the inability of that governor occurs he can be removed by the concurrent vote "of two-thirds of all the members of each branch of the legislature," and not otherwise.

It is a refinement of ingenuity—I was going almost to say unworthy, I will say it is out of place in this body—to deny that the State of Delaware has a governor to-day, or that he is any less a governor than if he had been elected by the people. The constitution declares that he shall be governor when it declares that he shall exercise the office of governor. The only difference between him and an elected governor is in the length of his term of office. The elected governor holds his office for four years. The governor who comes to the chair because at the time of the death of the elected governor he occupied the position of speaker of the senate holds his office until another governor has been elected and qualified. That may be a longer or shorter time. In the State of Delaware it has been as much, I think, in some instances as two years and a half; in some instances it has only been a few months. It might be more than four years. The person called to the gubernatorial chair under this provision of the constitution that the person occupying the position of speaker of the senate at the time of the death of the governor shall become governor may have a longer term than the elected governor. He may be five years in his place, because under the provisions of the constitution in case there is a contest he would hold until the end of the contest, and if the contest extended over the whole four years of the term of governor he would hold that four years in addition to the months or years that he had held in consequence of the death of the preceding governor. Is there anything in that which detracts from the dignity, the power, or the character of the governorship, assumed, cast upon the person who was speaker of the senate?

There is another provision here. I do not turn to it at this moment, but I can state what it is. It may so happen under the constitution of the State of Delaware, and has so happened, that the person thus called upon under the constitution to become the governor of the State is required to exercise his office after his senatorial term shall have expired. I can not turn to the provision, but there will be no controversy on that subject.

Now, if in the person who becomes governor it be only the casting of certain powers and duties upon another officer, how is it that the person holding that office must, under the constitution of the State of Delaware, continue to hold it after his term of office expires? If anything were needed to make the contention perfectly conclusive that it is the man who becomes governor and not the officer who is called upon to discharge the functions of governor, it seems to me that this fact is irresistible.

I had wondered how that argument would be met. I had wondered how the Senators who said that there was no governor of the State of Delaware under such circumstances would meet it. I do not recollect that the distinguished Senator from Indiana [Mr. TURPIE] attempted to meet that argument. He said, indeed, there was no governor in Delaware to-day; that there was simply a speaker there who was charged by the constitution with performing the duties which the governor, if there were one, would have to perform; and yet, if I am not mistaken, he entirely overlooked the fact that the very same person, who he says is speaker and not governor, will, if I am not misinformed as to the term of his service, be governor, exercise the office, perform the duties of governor, after his senatorial term and speakership shall have expired.

The Senator from Mississippi [Mr. GEORGE] saw the pinch of the case and he invented a way out. He is entitled to great credit for his ingenuity, but I think he exercised it at the expense of his reason. He says that the constitution of the State of Delaware in such a case prolongs the term of the senatorship, and when the constitution says that a senator shall be elected for four years he may possibly have been elected for eight.

Mr. GEORGE. Will the Senator mind if I correct him in that statement?

Mr. PLATT. Not at all.

Mr. GEORGE. I expressly stated that the constitution did not prolong the office of senator; it prolonged the office of the speaker of the senate. I expressly stated that it did not prolong the office of senator, and gave my reasons for it.

Mr. PLATT. Then the Senator is driven to the more absurd contention that a man may be the speaker of the senate of Delaware who is not a senator. He would be obliged to allow that the senate of Delaware might elect an outsider to be its speaker. Is there anything in the constitution which says, except by this remote and ingenious implication, that the speaker of the senate may continue to be speaker of the senate after the senate has dissolved and gone into the dreary past; that he lives on, a sad survivor of the senate of the State of Delaware? Oh, Mr. President, when the necessities of the case require a resort to such arguments the case must be poor indeed!

Now, if a man be governor of the State of Delaware—and for this purpose I do not care what kind of a governor—whether a governor elected by the people, an ad interim governor, or a stopgap governor—if he be a governor of the State of Delaware he can not be a senator.

Mr. MITCHELL of Oregon. If the Senator from Connecticut will allow me right there, before he leaves the point he has just been discussing so clearly—unanswerably, as I think—I should like to call the attention of the Senator to another absurdity.

Mr. PLATT. I should be very glad if the Senator would do so.

Mr. MITCHELL of Oregon. It seems to me the argument of my distinguished friend from Mississippi leads him——

Mr. GEORGE. If the Senator from Oregon is referring to me, I do not hear what he is saying.

Mr. MITCHELL of Oregon. I was about stating that it seems to me another suggestion can be made in addition to the one suggested by the Senator from Connecticut, which shows the untenability—I said absurdity a moment ago—of the argument of the Senator from Mississippi. If the effect is, as claimed by the distinguished Senator from Mississippi, to extend the office of speaker over and beyond the period when that same speaker ceases to be a senator, and he continues, as he must continue under another provision of the constitution of the State of Delaware, to exercise the office of governor until a governor elected by the people is duly qualified, then it might happen, and undoubtedly would happen in perhaps many cases, that a new senate would come into power and a new speaker would be elected; and you would then have two speakers, not a speaker pro tempore and a regular speaker, but two speakers of the senate of the State of Delaware at one and the same time.

Mr. PLATT. Or the senate would find itself in the remarkable situation that it would have no speaker. It could not elect a new speaker constitutionally and legally, and the old speaker would be governor.

Mr. MITCHELL of Oregon. One of the two would happen.

Mr. PLATT. One of the two.

Mr. President, I was proceeding to say that no matter what kind of a governor William T. Watson may be, if he is a governor, he can not be a senator; because if he is a governor he holds the office of governor, and it is expressly provided in section 12 of Article II that—

No person concerned in any army or navy contracts, nor member of Congress, nor any person holding any office under this State, or the United States, except the attorney-general, etc., shall, during his continuance in Congress or in office, be a senator or representative.

It would seem as if it could not be contended that William T. Watson was not in the office of governor, was not holding the office of governor; it would seem as if all these provisions of the constitution of the State of Delaware were too plain to admit that

he was not in the office of governor, that he was not holding the office of governor; and if he is, he can not, by the plain prohibition of the constitution, be a senator at the same time. If he is an ad interim governor, he can not be a senator at the same time; if he is even a stop-gap governor, he can not be a senator at the same time; and even if he is only a speaker-governor, he can not be a senator. There is no distinction made. In either of the cases he is holding an office.

The Senator from Indiana [Mr. TURPIE] has taken the only alternative in arguing the case, and that is that he is not a governor in any sense. When counsel admitted that he was a governor, though only an ad interim governor, when the Senator from Delaware [Mr. GRAY] admits that he is a governor, only a stop-gap governor, and when the journal admits that he is a governor, only he is a speaker-governor, his right to be a senator, to act as a senator, is conceded away. The only difficulty with the argument of the Senator from Indiana and the Senator from Mississippi, who also, I think, holds that he is not a governor, but only a speaker who ad interim exercises provisionally the office, was plainly seen by the Senator from Delaware and by counsel in the case, and that is that it is untenable, that the constitution of Delaware calls him governor, provides that he shall be governor, makes no distinction between him and the governor elected by the people, indicates by plain implication of language that a governor elected by the people and a governor called because he occupies the office of senator or speaker of the senate at the death of the governor are the same.

If this be so, Mr. President, there is no use going any further in the case to inquire whether there is an incompatibility in these offices, to inquire what effect the conduct of the people of Delaware, what effect the conduct of former officials, what effect the precedents have upon the construction of the constitution, because once admit that William T. Watson was governor of the State of Delaware, and he can not be a senator of the State of Delaware at the same time. It is utterly needless to go into the question as to whether, in case there is no new election of a senator ordered, he can resume a place as senator when his term of office as governor expires, because he can not be a senator while he is governor, and it is not claimed that he can be if he is governor, as I understand it, when the argument is resolved down to its final analysis.

I might say the argument has been adduced here that the people of the State of Delaware have treated the office of senator as if it existed so that when the person who was called to be governor because he was speaker of the senate ceased to be governor, he could come back and resume his place, and therefore the constitution must be construed as making it proper, constitutional, and compatible that the governor might at the same time be a senator of the State. If that be so, Mr. President, if that has any effect upon the construction of the constitution, then the fact that no governor has ever attempted to exercise the office of senator or speaker of the senate, or, while governor, to perform any duty attaching to the office of senator or speaker of the senate, is equally conclusive that the constitution does not permit it.

I do not need to go into the argument that the constitution of Delaware is not to be construed by or in the light of what has been done by speakers of the senate during the last hundred years. It is utterly immaterial, I think, for the whole case hinges upon the question whether Watson was a governor, any kind of a governor, in any sense a governor in which the constitution of Delaware recognizes that officer. If he was, he could not be a senator. Constitutions can not be construed by what has been done or suffered to be done by the people of a State or even by a legislature. It may be evidence of what people have thought about it, but it can not in any way affect the meaning of the constitution; and if it be true that it evidences the fact that the people of Delaware thought the office still remained, although the man was for the time being taken away from it, so that when his office of governor ceased he could return to the office, then it also evidences the fact that the people of the State of Delaware never believed that while in the office of governor he could attempt to discharge the duties of senator or of speaker of the senate.

That, I think, is quite enough to say upon this branch of the case. I am not on the Committee on Privileges and Elections, and I have not studied carefully every detail and every word in the reports and in the arguments. I have, as I think, given sufficient attention to the case to see where it hinges. It all hinges upon the question whether William T. Watson on the 9th day of May, 1895, was governor of the State of Delaware as he was supposed to be, and I should be very sorry to see the Senate, driven by the necessities of party, to declare, in plain opposition, as it seems to me, to the constitution of Delaware—in plain opposition to what has been thought to be for a hundred years constitutional law in the State of Delaware—that William T. Watson was not governor on that day. I might go into the argument as to the impossibility of his performing the duties of senator at the same time when he performed the duties of governor and was governor. But that has been fully gone into by speakers who have preceded me.

But one illustration comes to my mind which I think shows the entire absurdity of the claim that in the nature of things a man can be a governor and a senator at the same time. It is as impossible as that two particles of matter shall occupy the same space at the same time. I suppose that in the legislature of the State of Delaware, as in every other legislative body, there must be some rule, as there is in this body, to provide for securing the attendance of absent members in the senate and house, and that less than a quorum may compel the attendance of absent members. Just think of the senate in session, not a quorum present, and less than a quorum directing the absent members to be summoned, and a sergeant-at-arms sent after William T. Watson, governor of Delaware, in the field at the head of the army and fighting the battles of the State or in the discharge of any other gubernatorial duty, to bring him into the senate. If he is a senator, it could be done. No, no; he was not senator and he was not speaker of the senate.

The view which I have advanced, namely, that William T. Watson, immediately on the death of Joshua A. Marvil and the taking of the oath of office, became governor of the State of Delaware and remains governor of the State until this time, and that there is no limitation or qualification upon his right to that office, is abundantly justified by the case of Chadwick *vs.* Earhart, quoted by the Senator from Michigan [Mr. BURROWS] in his admirable argument upon this question. The constitution of the State of Oregon provided as follows:

> In case of the removal of the governor from office, or of his death, resignation, or inability to discharge the duties of the office, the same shall devolve on the secretary of state; and in case of the removal from office, death, resignation, or inability both of the governor and secretary of state the president of the senate shall act as governor until the disability be removed or a governor elected. (Constitution of Oregon, Article V, section 8.)

It was claimed that the duties of the office of governor became thereby annexed to the office of secretary of state; in other words, that the duties of the office, but not the office itself, devolved upon the secretary of state. Chief Justice Waldo, in delivering the opinion of the court upon this claim, proceeds to say:

> This position seems to require, first, either that the office of governor should continue vacant during the time the secretary discharges its duties, and that such duties be in some way performed by the secretary of state, as such, consistently with a condition of vacancy; or, second, that the office be filled, and yet he who fills it be in no wise governor, but continue to be merely secretary of state.
>
> In the first place, it is not shown how an office can be vacant and yet there be a person—not the deputy or locum tenens of another—empowered by law to discharge the duties of the office, and who does in fact discharge them. It is not explained how in such a case the duties can be separated from the office so that he who discharges them does not become an incumbent of the office; and, in the second place, how a person can fill the office of governor without being governor.
>
> It is the function of a public officer to discharge public duties. Such duties constitute his office. Hence, given a public office and one who, duly empowered, discharges its duties, and we have an incumbent in that office. Such is the case here. The secretary of state, by force of the function cast upon him, becomes governor, and consequently entitled to the salary appertaining to the office.
>
> In Merriam *vs.* Clinch, 6 Blatch., 9 (1867), Mr. Justice Blatchford said: "Three times since the adoption of the Constitution the President has died, and, under the provision referred to, the powers and duties of the office of President have devolved on the Vice-President. All branches of the Government have, under such circumstances, recognized the Vice-President as holding the office of President, as authorized to assume its title and entitled to its emoluments. The Vice-President holds the office of President until a successor to the deceased President comes to assume the office at the expiration of the term for which the deceased President and the Vice-President were elected."
>
> The case of The People, ex rel. Church, *vs.* Hopkins (35 N. Y., 74) is much in point. In 1859 a law was passed in New York establishing the office of superintendent of insurance. The superintendent was to be appointed by the governor for the term of three years, with authority to appoint clerks, one of whom was to be designated his deputy, and to "possess the powers and to perform the duties attached by law to the office of principal during a vacancy in such office, and during the absence and inability of his principal." The superintendent resigned his office, the duties of which thereupon devolved upon the deputy. The deputy claimed the salary of r superintendent during the time he discharged the duties of the office, and it was held that he was entitled to such salary.
>
> The court, by Grover, J., supported the conclusion reached by references which are especially pertinent in this case: "But there are precedents which, though not judicial, I regard as entitled to be considered as decisive of the question under consideration. In the constitution of the State adopted in 1822 will be found the following provision: 'In case of the impeachment of the governor or his removal from office, death, resignation, or absence from the State, the powers and duties of the office shall devolve upon the lieutenant-governor for the residue of the term, or until the governor absent or impeached shall return or be acquitted.' (Const. 1822, Article III, section 6.) On the 11th of February, 1828, the office of governor became vacant by the death of De Witt Clinton, the then incumbent of the office, and its powers and duties, under the above provision of the constitution, devolved on Nathaniel Pitcher, then lieutenant-governor. The question arose whether he was to be regarded, in the exercise of the powers and performance of the duties so vested in him, as acting governor, or in the performance of the contingent duties of lieutenant-governor, and, as a consequence, whether he was entitled to the salary of the former office, or the compensation given to the lieutenant-governor for his services as such.
>
> "It was held by William L. Marcy, then comptroller, that he was to be regarded as the acting governor and entitled to the salary given by law to that officer. The same questions, under the same provision, again arose in 1829, upon the resignation of the office of governor by Martin Van Buren, and

the powers and duties of the office devolving upon Enos T. Throop, then lieutenant-governor, and were decided the same way by Silas Wright, then comptroller. It will be seen that these questions were identical with that in the present case. We surely shall not go far astray in following the precedents established by these able jurists, wise statesmen, and rigid economists."

The principle on which the second question is to be decided, namely, whether the appellant shall cease to be governor when he ceases to be secretary of state, seems to be this: If an office be appendant, as the expression is in 1 Leon, 321, to another office, the determination of the first office will determine the second. This is the case where a person holding any office is ex officio entitled to some other office. For instance, in City of Portland *vs.* Denny (5 Oreg., 160) the recorder of the city of Portland was ex officio a justice of the peace. In that case the office of justice of the peace was appendant to the office of recorder and determined with it.

On the contrary, if the nomination or appointment to an office be by descriptio personæ of one who holds some office by the title of which he is described, and who, on some contingency, is to enter and fill another office, the answering the description at the time the contingency arises designates him as the person who is to enter and fill the office, and when, as thus designated, he enters into the office he holds it in his natural and not in his official capacity. This seems to be the principle which applies when the office of governor devolves on the secretary of state on the happening of any of the events specified in the constitution. That the president of the senate, who holds under a similar title, ceases to be president of the senate when he becomes governor seems evident, for the two offices are incompatible at common law and there is no constitutional implication that both offices shall be held together. It would follow, therefore, that the president of the senate would hold the office of governor, once incumbent, without reference to his office of president of the senate. Now, as two offices may remain distinct which are not incompatible, though the officer is the same person, it would seem that the same principle should govern the holding of the office of governor by the secretary of state.

This question therefore must also be answered in favor of the appellant and judgment be entered accordingly.

Judgment reversed.

Now, the only other branch of the case is one to which I wish to call the attention of the Senate for a few minutes. The Senator from Indiana [Mr. TURPIE], I think, apprehended perhaps better than any of the other Senators what may be called the pinch of the case, and therefore pressed harder home upon the Senate a doctrine from which I utterly dissent, and that is that the Senate can not inquire into this case because each house of the State of Delaware is by the State constitution made the judge of the qualifications and elections of its own members, and that the senate of Delaware had so acted that this matter was res adjudicata, and the Senate of the United States has no power to inquire into it. Indeed, Mr. President, the views of the minority of the committee seem to me to abandon the contention that William T. Watson was not governor of the State of Delaware and therefore could be a senator, and to rely almost wholly upon the supposed doctrine that the Senate can not inquire, because in some mysterious, undefined, vague way the senate of the State of Delaware has passed upon his right to act as a senator and as speaker of the senate, and to enter the joint convention and preside there and vote there and declare there had been no election. That matter has been answered fully by the able Senator from Oregon [Mr. MITCHELL], the chairman of the Committee on Privileges and Elections.

The senate of the State of Delaware never had an opportunity to pass upon that question, according to the testimony in this case, and if it were admitted, which I shall by and by take occasion to deny, and to deny earnestly, that if the senate of the State of Delaware had acted upon it the Senate of the United States would be shut out from making any inquiry, yet the evidence utterly fails to show that the senate of the State of Delaware ever acted on the question as to whether William T. Watson while governor of the State could also act as senator.

Now, what were the facts? As I said in the opening of my remarks, there had been a joint meeting of the members of the two houses in session from 9 o'clock until 11 o'clock on that day. Then there had been a recess of the joint meeting taken until 12 o'clock. At 11 o'clock the senate reassembled, and the speaker elected by the senate when Mr. Watson assumed the office of governor, Mr. Records, presided at the meeting. Bills were passed. The journal does not show that anyone else took the chair. The journal—and I call the attention of the Senator from Indiana to the journal—shows that Mr. Records occupied the chair during the whole session.

Mr. MITCHELL of Oregon. Not only does the journal fail to show that anybody else took the chair, but it shows by the votes taken every few moments that Mr. Records was in the chair and voted.

Mr. PLATT. Yes, and that Mr. Watson was not there. I feel like saying to the Senator from Indiana, from the stress which he laid upon the journal, that I thank him for that word, because the journal not only utterly fails to show that Mr. Watson came to the senate and assumed in the senate to occupy the chair of speaker, but it does show that the chair was occupied by another person who had been chosen to occupy it.

I do not care for the purposes of this case and this argument whether Mr. Watson came at a minute to 12, as the Senate was getting ready to go to the joint assembly and stepped to the chair, or whether he stepped to the head of the procession after it had started for the hall of the house of representatives where the joint meeting was to be held, and marched at the head of the procession of senators into the joint meeting. In neither case had there been an opportunity for the senate to pass upon the question whether he was entitled to occupy the speaker's chair. It is not claimed seriously that the senate ever did pass upon that question either silently or publicly, either by act or by acquiescence.

Now, admit the whole doctrine that is claimed by Senators on the other side, that if the senate of Delaware had acted, if the senate had passed a resolution saying that the governor had a right to come there and take the speaker's chair, or if the senate had acquiesced in it, the Senate of the United States would be obliged to stultify itself, if it thought otherwise, and say it could not inquire into it. Admit that argument to the full extent, and how is it possible for Senators who claim that this case turns upon that point to say there had been any decision and the matter was res adjudicata? Stand by the journal. That seems to be the sacred thing in the minds of those Senators. The journal does not show it. The affidavits do not show it. No evidence points to the fact that the senate ever had an opportunity to consider whether it would permit the governor to come to the senate and occupy the speaker's chair. If there is any evidence tending to show it, remotely looking to it, I have failed to observe it.

The senate could not act in joint meeting of the two houses. The senate could not pass upon that question after it entered the hall where the joint meeting was held, because it was not a joint convention of the two houses. Suppose a protest had been made. Who would decide it? Suppose some senator had challenged the right of Watson to occupy as speaker of the senate the position of presidency of the meeting. Who would decide it? We have had trouble enough of that sort in the discussion as to who would decide questions which might arise when the two Houses of Congress meet to count the electoral vote. But the two houses did not meet. It was, under the statute, a meeting of the members of the two houses, and there could be no protest made there, and there is nothing in this case which prevents the Senate from looking into it even upon the most extreme claim of the limitations of the power of the Senate made by Senators upon the other side. It seems to me that ought to dispose of that branch of the case, and it does dispose of it.

I have heard—I do not know whether in this discussion or outside—a Senator express the opinion that the fact that Mr. Watson marched at the head of the procession of senators into the joint meeting and presided there without protest would govern his vote. Is there anything in the constitution of Delaware which says that a joint meeting of the members of the two houses or the members of the legislature in joint meeting shall have power to decide upon the qualifications of their members? I think not. If there be not, what matter whether there was a protest or not? What matter whether his right was challenged there? The senate could not decide it. There is no constitutional power in the joint meeting of the members of the two houses to decide it. The protest was made in fact and, as I understand, presented before the final adjournment of the joint assembly. But whether it was made or not, what does it matter even upon the extreme claim put forward here of the powerlessness of the Senate to inquire into the validity of the election of persons claiming to be elected Senators? The senate never passed upon the question whether while Watson was governor he could also exercise the office of senator. The joint meeting could not have passed upon it.

But go a little further, Mr. President, although I wish to say that it is outside of this case. If William T. Watson was governor of the State of Delaware, he could not be senator. If the senate had not passed upon that question, the Senate of the United States is not concluded. The joint meeting could not pass upon the question, and therefore it did not pass upon it, and the Senate of the United States is not concluded from making an inquiry. That, as it seems to me, is all that there is in this case. But I desire to go a little further, as I wish to take this occasion to enter my dissent——

Mr. GRAY. May I ask the Senator from Connecticut a question, in order that I may understand his position thoroughly?

Mr. PLATT. Certainly.

Mr. GRAY. Is it the Senator's position that the Senate of the United States, in any case of a contested election for United States Senator, can pass upon the qualifications and right to a seat in a State legislature of any member of that legislature whose qualifications have not been especially passed upon and made the subject of a judgment by the house to which he belongs?

Mr. PLATT. I shall make that claim very soon.

Mr. GRAY. That is the Senator's proposition?

Mr. PLATT. That is my own opinion, differing, perhaps, from what has been supposed to be the accepted doctrine of the Senate. But I do not think that case arises here. That Watson had been a senator, elected and sworn in, is true. That he could be a senator while governor was not passed upon, was not acquiesced in by the senate. That question arose subsequent to the time when he was permitted to take his seat as senator. Something new had

come in; he had gone into a new office. A new question arose—not whether he was elected as senator and entitled to a seat as senator, but whether as another officer he could act in the senate. That question was never settled either by acquiescence or by direct act or passed upon.

Mr. MITCHELL of Oregon. Suppose, instead of succeeding to the office of governor, he had become insane, and thus in the eyes of everyone absolutely disqualified to exercise the office of senator. In such case the fact that his qualifications as senator had been passed upon away back yonder when he took his seat certainly could not apply to the case, could it?

Mr. PLATT. Oh, no.

Mr. VILAS. Will the Senator from Connecticut permit me to ask him a question? I do not understand the Senator as maintaining, except as a matter of personal opinion, that it is necessary, in order to recognize the judgment of a legislative body, that it shall have expressly passed upon the case.

Mr. PLATT. No.

Mr. VILAS. If a body recognizes a member, suffers him to act, is not that the judgment of the body that he is entitled to be there?

Mr. PLATT. The senate of the State of Delaware never did that. That is what I have been trying to show for the last twenty minutes. There is no evidence to show it.

Mr. MITCHELL of Oregon. He did not himself go back.

Mr. VILAS. The Senator from Connecticut, then, is waiving the legal point and addressing himself to a mere question of fact as he supposes it to be from the evidence?

Mr. PLATT. That is precisely what I was saying; that admitting the doctrine to the full extent claimed even by the Senator from Indiana, there was no opportunity for the senate of the State of Delaware to pass either directly or by acquiescence upon the question whether Watson, as governor, could vote in the senate or go into the joint convention.

Mr. VILAS. Will the Senator allow me to ask him one other question? Does it make any difference during what length of time a body recognizes a person as a member of it? Is it not its judgment so long as it recognizes him?

Mr. PLATT. I would hardly want to say that. I think if I had been a member of the senate of Delaware and William T. Watson at 30 seconds of 12 o'clock had appeared there and pushed the speaker whom the senate had elected out of his chair and occupied it for a space of thirty seconds I should have been too dumfounded and startled to have had my acquiescence had any effect upon the situation.

Mr. VILAS. I am not going to debate that proposition now with the Senator, but I wish to ask him a question. If he had been there and that had taken place and he had not recognized it to have been the usage of a hundred years, would he not have protested against it, and does he not suppose that no protest or objection was made to the speaker's resuming his chair for the reason that it was supposed to be right until the necessities of some hours later raised a question which has found courageous debaters in this body?

Mr. PLATT. Do I understand the Senator from Wisconsin to say that during the whole hundred years any governor had come back and assumed the speaker's chair?

Mr. VILAS. No; he has always been recognized as the speaker exercising the office of governor and entitled to resume his seat when the temporary performance was over.

Mr. MITCHELL of Oregon. That is different.

Mr. PLATT. When the temporary performance was over! Did anybody in the State senate suppose that the time for him to cease the discharge of his duties as governor had arrived? Oh, no. The Senate will not stand on any such very narrow technical application of the doctrine, though the doctrine may be admitted. The record——

Mr. CHANDLER. Will the Senator from Connecticut permit me?

Mr. PLATT. In one moment. The record fails to disclose the fact that he came at all. The weight of evidence is to the conclusion that he did not come at all to the speaker's chair.

Mr. CHANDLER. Will the Senator from Connecticut allow me to ask the Senator from Wisconsin a question?

Mr. PLATT. Certainly.

Mr. CHANDLER. I think under the circumstances it is fair that the Senator from Wisconsin should answer this question, and that is whether he considers the acquiescence by the senate of Delaware, for the time specified and shown in the record, in the return by Governor Watson to the senate and his resumption of the duties to have been an adjudication by the senate of Delaware that he was entitled to continue to act as speaker and senator, which is binding upon the Senate of the United States?

Mr. VILAS. I think just this: The senate did not adjudicate, but it recognized him as a member of its body without question on the part of any other one of the senators there.

Mr. CHANDLER. Now, I ask the Senator what force he gives to what took place. Does he say, whether it was a judgment or not, or a vote or not, that it gave Watson rights that he would not otherwise have possessed, and that the Senate of the United States is precluded, by what took place at that time, from inquiring whether as a matter of fact and of law he was then speaker of the senate and a senator?

Mr. VILAS. The senate of the State of Delaware was rightfully composed of nine senators, and when the other eight recognized him as the ninth, they made him so de facto, whatever might be the case.

Mr. CHANDLER. The Senator thinks——

Mr. MITCHELL of Oregon. Will the Senator permit me?

Mr. CHANDLER. In one moment. The Senator from Wisconsin, then, thinks that upon that principle, whether or not Watson had the right to come back and act as speaker of the senate or senator, as a matter of fact and of law what took place precludes the Senate of the United States from inquiring into the title. To put the facts as they were, a few minutes before 12 o'clock, having been absent thirty days, never having undertaken to act as senator or as speaker of the senate during that time, he came back and superseded Speaker Records and marched with the senators to the place of joint meeting. Does the Senator from Wisconsin, as a lawyer, give those transactions the force and effect of a decision by the senate of Delaware that gave Watson title as senator, whether he otherwise had such title or not?

Mr. VILAS. I do not say it was an adjudication, but I say it was the recognition of his being de facto senator and speaker, and as the constitution designates it, and not speaker pro tempore.

Mr. CHANDLER. And the Senator from Wisconsin holds, then, that what took place gave Watson a right to vote for United States Senator whether he had the right before he came in and did this thing or not. That is the Senator's proposition.

Mr. VILAS. He was recognized as a member of that body.

Mr. CHANDLER. Does the Senator hold that by so recognizing him it gave him title, whether he had it or not?

Mr. VILAS. If the senate of Delaware recognized him as their ninth member, the Senate of the United States has not a right to say that there was a vacancy in that membership and that but eight were there.

Mr. CHANDLER. I am inclined to think that what I would call an adjudication by the State senate would be binding. The Senator from Connecticut [Mr. PLATT] argues in favor of a broader right of inquiry on the part of the United States Senate. But I wish to bring home to the Senator from Wisconsin and to the Senator from Delaware [Mr. GRAY], who is aching to get into the discussion again, that to say it was a recognition by the State senate of an intruder as senator, who had no right otherwise, unless recognized by the senate and determined by the senate to be one of its members—to say that because Governor Watson came back there under the circumstances stated in this case is the most extraordinary proposition of constitutional law that I ever heard even two Democrats make.

Mr. GRAY. Will the Senator allow me right there?

Mr. MITCHELL of Oregon. Will the Senator from Delaware allow me to supplement what has been said before he answers?

Mr. GRAY. No; I would rather not, if the Senator from Oregon will allow me. The Senator has the floor.

Mr. MITCHELL of Oregon. I have not the floor. The Senator from Connecticut [Mr. PLATT] has the floor.

Mr. PLATT. I am not through; but I do not object to interruptions.

Mr. GRAY. I beg the Senator's pardon. I wish to reply to him dum fervet opus, as the Senator used to say when at school.

The proposition upon which we rely on this side of the question now before the Senate is that Mr. Watson, like every other member of the senate of Delaware, having once been admitted as senator and his qualifications and election having been certified to as appears upon the journal, he remains a de facto senator until he is ousted by a judgment of the legislature, and the proposition then is, in the words of Mr. Cushing, which I will adopt as more perspicuous and authoritative than any I could use, as to cases of the character to which I have just referred:

> In cases of this kind the existence of the vacancy must be declared by the assembly itself. In cases arising under this and the preceding section there is, in fact, no vacancy until it is so declared or implied by the resolution of the assembly itself.

Until the senate of Delaware had, by resolution or some other action tantamount thereto, declared or implied a vacancy in the seat of Mr. Watson, there was none, and this Senate is not competent to declare such a vacancy.

Mr. MITCHELL of Oregon. If the Senator will allow me right there, that is a different question entirely——

Mr. GRAY. That is the question we are arguing here.

Mr. MITCHELL of Oregon. That is a different question from the one put by the Senator from New Hampshire [Mr. CHANDLER].

Mr. GRAY. Yes; a very different one from the extraordinary position just taken by the Senator from New Hampshire.

Mr. MITCHELL of Oregon. No.

Mr. GRAY. But the one sanctioned by all the authorities is the one I have just put.

Mr. MITCHELL of Oregon. It was argued at length on the other side, and I think by the Senator from Delaware himself, in the able argument he made in this case as to what took place in the senate of the State of Delaware, that if Governor Watson came in and took the chair a few moments before the houses met in joint assembly that was an adjudication of his qualification to sit as a senator, that it was res adjudicata by virtue of what took place there that day. The Senator from New Hampshire desired the Senator from Wisconsin to state whether, in his opinion as a lawyer and as a Senator, what did take place there that day, leaving all other questions out of consideration, and in the absence of any adjudication—Governor Watson would have a right to sit as a senator and whether what took place that day amounted to an adjudication or a judgment?

I say, Mr. President, there are but two kinds of judgments in cases of that character. The one is called actual adjudication, actual judgment; the other is called constructive. Of course it will not be claimed that this was an actual judgment. The only question remaining is, Was it a constructive judgment? It does seem to me that what took place there that day in the few moments that Governor Watson occupied the speaker's chair can not be considered from any possible standpoint as a constructive adjudication of the right of a person who otherwise had no right to be there to sit and act as a senator.

Mr. VILAS. Mr. President, I had not intended at any time to argue this proposition.

Mr. MITCHELL of Oregon. I said from the answer made by the Senator that he would not hold that to be a constructive adjudication.

Mr. VILAS. I rest my opinion of the clear duty of the Senate to reject the claim of Mr. Du Pont to a seat in this body upon a different branch of the case altogether; but since the Senator from Connecticut [Mr. PLATT] was making the discussion he did, I wanted to ask a question as to his view upon the subject; and in response to the Senator from New Hampshire I do wish to say that in such a case as he puts it is of course inconceivable that in a legislative body of the dignity of the senate of the State of Delaware a man with no right, no shadow of right, should be admitted as a member of the body, and take the office of its president or speaker to conduct its proceedings, leading it to a meeting in joint convention with the other house of the legislature, and there to preside for hours unchallenged over that joint convention; and I do say that a recognition of such an important officer as that by such a body as that without a challenge, without a question, was a constitution of that person as, at least, de facto a member of that body.

Mr. CHANDLER. Mr. President, all that is a correct statement of plain constitutional law. There is no doubt that Mr. Watson was once a senator of the State of Delaware. The case starts with that.

Mr. MITCHELL of Oregon. And speaker.

Mr. CHANDLER. He was elected a senator of the State of Delaware and while he was senator he was chosen speaker. The counsel for Governor Watson has taken the pains to put into this case the record of his original election as senator. There was no need of that; that was folly; that fact was not disputed. No one has denied that there was a senate of Delaware with nine members, and that William T. Watson was one of the nine.

Mr. VILAS. It was never otherwise adjudicated, was it?

Mr. CHANDLER. There never was any resolution that he was entitled to his seat. I grant that where a senator takes his seat in the beginning of a session and remains continuously in his seat, without his right being disputed, there grows up a recognition that fairly may be called an adjudication. The Senator from Oregon has stated that not only here and now but has stated it in his report.

But this is the point to which I am coming. Mr. Watson having been unquestionably senator, having been unquestionably speaker of the senate, became governor by the death of Governor Marvil, and the whole claim, the whole contention in this case that has occupied the attention of the Senate in this relation, has been that when Watson became governor, took the oath of governor, and left the senate chamber and acted for thirty days as governor, he ceased to retain the power to act as senator; and we have pointed to the fact that not in a hundred years of the life of the State of Delaware under the constitution has any such governor ever undertaken to act as senator while he was governor; and the contention on our side is that any act as senator of a governor while he is governor is null and void. That is our contention.

Mr. VILAS rose.

Mr. CHANDLER. Shall I yield to the Senator?

Mr. VILAS. I should like to ask the Senator a question. Do I understand him that he still remains a senator, but without the power to act as such?

Mr. CHANDLER. I will answer that question a little later, if the Senator will allow me. We will get through with one question first.

Mr. VILAS. Certainly.

Mr. CHANDLER. When Governor Marvil died, there was no doubt Governor Watson was senator and speaker of the senate, and there is no need of proving that he had been originally elected. He was a senator and speaker of the senate, and he became governor; and we say he became disqualified from acting as senator while he was governor, that he could not act as governor and act as senator at the same time. The proposition of the other side I understand to be this: The proposition which the Senator from Wisconsin made a little while ago was that even if Watson ceased to be senator, or ceased to have the right to act as senator, so that he was without title and without right to act from the time he became governor down to the time when he entered the joint assembly, yet the fact that he entered the senate chamber a few minutes before 12 o'clock, took his seat in the speaker's chair, and went with the eight senators to the joint meeting, was a recognition of Watson as having a right, of his being a senator and having a right to vote as senator, which is conclusive upon the Senate, and gave him the right to cast that vote whether he otherwise possessed it or not. That was the proposition of the Senator from Wisconsin, for he stated distinctly that he held that a recognition of the right of Watson to vote made by the State senate gave him the right to vote whether he otherwise had the right to vote or not, and the senate was precluded from inquiring as to whether he had the actual right or not. That is the contention on the other side, which I characterize, with all due respect, as absurd.

It can not be, if Watson by being governor was disqualified as senator, that the senate determined and decided and adjudicated that he had resumed and had the right to resume his functions simply by what took place in this case, and which has been cited to us all through the debate by the other side as a recognition of Watson's right by the senate, which made his right to act res adjudicata, so that his right can not be any further inquired into.

Mr. VILAS. If the Senator from Connecticut will allow me one moment, I am not going to undertake to state or argue the proposition which has been so very ably argued by other Senators; but in respect to the point as to which the Senator from New Hampshire has with so much force presented the views he entertains, I think he does not yet apprehend the point as they make it. Their point is that, being once a senator, and the title he had as a senator having been once established by recognition to the extent that the Senator says it was unnecessary to prove it, his right continued until there was a judgment of that body that there was a vacancy; and he states that that is based upon a proposition very clearly stated by the distinguished chairman of the Judiciary Committee of the Senate, the Senator from Massachusetts [Mr. HOAR], whose judgment upon a point of law we all respect, in the words quoted by the Senator from Delaware in his remarks. Speaking of those who were received and recognized without special adjudication of their right to a seat, he said:

> Their title is not, as is sometimes carelessly said, a prima facie title. It is an absolute title, continuing until the house itself has adjudicated that some other person be admitted to their place.

The point that is made here, not to undertake to argue it, is that, being there rightfully, he remained a senator until that body had adjudicated a vacancy; and that, instead of adjudicating a vacancy as against him, they recognized him as being there still, as he had been during the portion of the session of the legislature previous to that time, except when temporarily absent.

Mr. PLATT. Mr. President, let us see to what conclusion this argument of the Senator from Wisconsin leads us. There is no force in the argument when it is admitted that Mr. Watson could not, under the constitution of the State of Delaware, be a senator or speaker of the senate. The claim concedes that; but then the claim is made that, it being conceded that the constitution of the State of Delaware says that being governor he could not be senator, yet that office remained open there for him until the senate of Delaware by solemn act declared that it was vacant, and that, although the constitution of the State of Delaware says that he could not come there and be a senator, yet he could come there and be a senator, because the senate of the State of Delaware had not declared the office vacant.

Was ever anything forced to a greater length to save a bad case? Just think of what this position is. Just imagine that the United States Senate is going to give a man a seat, or withhold it from him, upon this argument, this claim as now made. A man who could not vote under the constitution of the State of Delaware voted, and thus defeated the election of the claimant. He was governor of the State, and therefore he could not vote; but the Senate can not look into that at all! It can not inquire whether he could vote, because he came into the senate and assumed the office of speaker one, two, or three minutes before it started for the joint convention; and although there was the constitution plainly against his

doing so, yet because senators sat still and did not protest, therefore the senate of the State of Delaware recognized his power and right to perform an unconstitutional act, and the Senate of the United States is bound by it! That is the contention, and I insist that I never knew a more remarkable one.

Upon the other branch of the case, if they say he was not governor, there they find standing ground, poor though it be; but if it is admitted that he was governor, then he could not be a senator, and it makes no difference, with our power and our right and our duty, whether the senate of the State of Delaware said he could be or not. But certainly no acquiescence, no failure to protest, no failure to declare the seat vacant, can bind the Senate of the United States and defeat the claim of Mr. Du Pont to a seat in the Senate.

Just look for one moment more at this claim. The Senator from Wisconsin says, in effect, if Mr. Watson was governor and could not vote, then he was a usurper, and asked, Would the senate have tolerated a usurper there? But if he was governor and could not vote, the senate did tolerate a usurper there, according to his doctrine, because the senate did not protest; did not then and there in a minute and a half pass a resolution that he could not sit and did not exercise the force of the sergeant-at-arms to tumble him out of his chair. If he had no right there he was a usurper; and yet the claim is put here gravely in the Senate of the United States as a proposition of law to decide this case, that because a usurper sat there and no protest was made and he was not tumbled by force out of the speaker's chair, therefore he had a right to be there, though a usurper.

Mr. VILAS. Suppose they recognized him?

Mr. PLATT. Suppose they did recognize a usurper, suppose there had been a contest going on as to the right of a senator to sit there, a senator who had been admitted, and there had been a case of contest all through that session which had not been decided, and suppose on this last day, as the senate started for the joint meeting, that the contestant came there and by force ousted the senator who had sat there all through from his position in the line, and took it and went into the joint convention and sat there and, as the Senator says, was recognized, would that have made his vote legal? Would it have concluded the senate from inquiring into it? I never heard of such a doctrine, Mr. President.

Mr. VILAS. Nobody claims any such doctrine as that.

Mr. PLATT. It is the same thing.

Mr. VILAS. No.

Mr. PLATT. They were to acquiesce when the man claimed a right to the seat?

Mr. VILAS. Acquiesced in superior force.

Mr. PLATT. But, Mr. President, as to this doctrine of estoppel—I should not call it that, because estoppel is based upon the conduct of the party estopped, and the Senate has done nothing by which it can be estopped from inquiring into the qualifications of the persons voting—but this doctrine that the Senate is precluded from inquiring into the right of persons in the legislature to vote has never until now, except in the single dictum in the Turpie case, been carried to an extent which makes the doctrine at all troublesome in this case. It has never been seriously claimed until now, I think, even if a person who was not entitled under the constitution of the State as a matter of law to cast his vote in the election of Senator, and was permitted in one branch of the legislature to cast that vote, that the Senate of the United States was precluded from inquiring whether he had a constitutional right to vote. I have never heard that doctrine in the Senate. It goes away beyond anything that the Senate has ever said or that any of its committees have ever declared, unless it be in the Turpie case, to which I shall refer.

It can not be in the nature of things, Mr. President, that the Senate may not inquire whether persons casting votes in the election of a Senator in a legislature had the constitutional right to cast those votes, when that question has not been positively determined and adjudicated by either branch of the legislature. That is what we are asked to do here.

The case all turns upon the question whether William T. Watson, governor of the State of Delaware, could, under the constitution of the State of Delaware, cast a vote when the election for United States Senator was taking place. It has never been decided by the senate of Delaware, nor by a joint meeting of the members of the two houses of the State of Delaware, that he could; and yet Senators on the other side say the Senate of the United States can not inquire into it; and if the vote changes the result, that we have got to submit to it. The doctrine never has been pushed to that extreme before, Mr. President. I think it has been pushed very far—very much further than I assent to.

I could safely leave this case, and I can leave it, and do leave it, so far as its merits are concerned, upon the right of the Senate to determine whether under the constitution of the State the vote of Mr. Watson was a legal vote, when neither branch of the legislature nor the joint meeting of the members of the legislature had decided otherwise. It is not necessary to say that we are not concluded by questions of fact or mixed questions of fact and law. Manifestly this Senate has power enough to determine this question for itself when it has not been definitely settled and determined by the legislature, or either house of the legislature; and that disposes of this case.

But, while I am upon it, I want to ask, before I leave this Senate, an opportunity to enter my protest against the doctrine that there is any limitation whatever upon the right and power of the Senate to determine the election of its own members, or persons claiming to be its members. The Constitution of the United States gives the Senate that power. In what I now have to say, I speak for myself; I do not know whether or not what I say represents the views of any other member of the Senate.

Section 5 of Article I of the Constitution of the United States provides that—

> Each House shall be the judge of the elections, returns, and qualifications of its own members.

Is there any limitation upon that power in the Constitution? We are to judge of the elections of our own members; and yet Senators say if a legislature in either house has determined that a man who, under the constitution of the State, had no right to vote, may vote, that we are bound by it, that we can not inquire, no matter how plain the proposition may be, no matter whether the action of the house has been ignorantly taken, or willfully taken, or taken for the purpose of defeating or producing an election, it is the act of the legislature, or one house of the legislature, recognizing the right of a man to vote, and, therefore, we must accept the man who comes to us elected by that vote or fail to seat the man who comes to us defeated by that vote. In other words, it is a proposition that though the vote was illegal, we are so limited in the exercise of our power to judge of the elections of our members that we are bound to accept an illegality, because, forsooth, that illegality has passed without contradiction, or has been accepted by one branch of the legislature of the State.

Is there a limitation upon the power of this Senate to determine the elections of its own members? Where is it to be found? Not in the Constitution of the United States, even by implication; yet we are gravely told that because a State constitution allows either branch of the legislature of that State to be the judge of the qualifications of its own members, we can not be the judge of the elections of our own members, so as to inquire whether the votes cast for them were under the constitution and laws of that State legal or illegal.

Mr. MITCHELL of Oregon. I should like to state in this connection that so far as I am concerned, I agree that the Senator from Connecticut is entirely right in his construction of that clause of the Constitution. There certainly is no limitation or qualification in connection with it. The grant is broad, absolute, unconditional. The limitation, however, that has been placed upon it is simply one which has grown up in practice in the Senate; that is all.

Mr. PLATT. Not all under the Turpie case.

Mr. MITCHELL of Oregon. Not all under the Turpie case, but in other cases the practice has been different. I believe it is pernicious; I believe it is erroneous; but as one member of the Senate and as one member of the Committee on Privileges and Elections I have been disposed to follow it.

Mr. PLATT. Mr. President, what I am claiming now does not affect this case. I state it because there is an opportunity, and I think an occasion, for stating it. To go on. What is an election? We are the judges of the elections of our own members. What is necessary to constitute an election? To constitute an election it must be found: First, that the claimant received upon the deciding vote a majority of the persons present and entitled to vote. That is positive. Second—and this is negative—that the result was not changed or affected by the presence and voting of persons not entitled to vote by bribery, violence, or the prevention of voting by persons who were entitled to vote. That constitutes an election. There can be no election unless a person has received a majority of the votes of the persons present upon the deciding vote and entitled to vote. There can be no election if a person was present upon the deciding vote who was not entitled to vote and was suffered to vote, and his vote changed the result.

Mr. MITCHELL of Oregon. Or if his vote has been purchased.

Mr. PLATT. And the rule is just. There is no distinction to be made in a case where a person was present voting who had no right to vote, and the case of bribery and corruption, or of intimidation or violence to prevent a person from voting who was entitled to vote.

Mr. HILL. Will the Senator from Connecticut allow me a moment?

Mr. PLATT. Yes; I will.

Mr. HILL. I want to see if I can comprehend the argument of the Senator. In a State legislature, where there is one contested seat, the question arises whether a member of the legislature is elected or not. The constitution of the State gives the legislature the power to determine that question. The legislature proceeds and determines that question. It turns out one member of the

legislature and admits another, and upon that question hangs the point as to whether a United States Senator was elected or not. Does the Senator mean to say that under the Constitution of the United States this Senate can review that question thus properly determined by the State legislature? Does the Senator go to that extent? There is no question of legality about it. It is a question of evidence. It is a question of evidence submitted to that legislature and determined by that legislature and which the legislature had the power to determine. Does the Senator say that we can review that question and overrule it? It is to that extent, involving the question of the determination of evidence, not a question of law. I want to see to what extent the Senator goes, so that we can understand his argument.

Mr. PLATT. I hold that there is no limitation whatever on the power of the United States to determine whether any and every vote cast for a Senator or against him was a legal vote under the laws and constitution of the State where the election took place. That is as far as I need to go.

Mr. HILL. How would the Senator answer the proposition that I made?

Mr. PLATT. I do not believe, if the Senator desires a categorical answer, that there is any limitation whatever on the power of the Senate in determining the question of the election of its members. As a question of power and right I hold that there is no limitation whatever; but I freely admit that it is a power which should be exercised with caution and discretion and not arbitrarily, and that upon disputed questions of fact arising in the question of the election of members of a legislature or in the conduct of a legislature in seating or unseating a man, showing a fair question of doubt, it would be impolitic and unwise on the part of the Senate to exercise the power which the Constitution commits to it.

Mr. HILL. And would the Senator go to the still further extent of determining the question as to the legality of the votes given for the member of the legislature originally?

Mr. PUGH. In each precinct.

Mr HILL. In each precinct?

Mr. PLATT. They do it in the House of Representatives, and by virtue of the same clause in the Constitution.

Mr. HILL. That is a different question. That does not involve this question at all.

Mr. PLATT. That is not an answer, does the Senator say?

Mr. HILL. No. There the people are electors and elect the Representatives; here the legislature elects.

Mr. PLATT. I will come to that argument in a moment. So far as the power is concerned, I say yes; so far as the propriety of it is concerned, I say that the Senate must be governed by the cases which arise.

Mr. HILL. Does not the Senator think that the precedents are all in favor of not exercising that power, if it exists?

Mr. PLATT. There is only one single precedent.

Mr. HILL. Is not that a good one?

Mr. PLATT. No.

Mr. HILL. Does not that commend itself to your judgment?

Mr. PLATT. Not at all; and it will not to the Senator's judgment when I call his attention to that precedent.

Mr. HILL. Do you think it wiser to leave the whole question open and always to be exercised?

Mr. PLATT. I think the most dangerous thing that can be done for the existence of the integrity and purity of this body——

Mr. HILL. I have that confidence in the chairman of the Committee on the Judiciary——

Mr. PLATT. Of the integrity and purity of this body is so to administer the constitutional provisions that we are the judges of our elections so that our hands are bound and that we can not look into anything which a legislature does with reference to the seating or unseating of its members. There can be no doctrine which is more dangerous than that; and the course of legislatures in these last years shows that we must call a halt in the direction which we have been going.

Now, the Senator from New York puts an extreme case where it would appear to be, and I admit would be, impolitic for the Senate of the United States to go into the question. I want to put the other extreme case. Suppose a legislature, being equally divided, or nearly so, one political party having a single majority in a joint meeting, one branch of the legislature, being in position to do it, on the morning of the last day when the members of the legislature must go into joint convention, arbitrarily unseats two of its members and thereby changes the result. They having decided on the right of the parties to vote, am I to be told that under those circumstances, because the legislature is the judge of the qualifications of its own members and has arbitrarily and for the purpose of affecting the result expelled two men, and therefore changed the result of that election, our hands are tied here by the provision in the State constitution? Am I to be told that there is a limitation upon our power, and that we can not investigate it? There is a whole line of occurrences which may take place in a legislature relating to the seating of members, to the admission of members, and the only ground upon which it is safe to stand is that there is no limitation upon our power to determine whether the votes cast in the election of Senators are legal or illegal, but that we should exercise a wise and a prudent discretion as to how far we should go.

Mr. HILL. The State legislature, then, if I may interrupt the Senator, has the unlimited power to determine the question of membership, subject, as far as the election of Senators is concerned, to be overruled by the Senate of the United States. That seems to be where the logic of the argument is.

Mr. PLATT. Why not? For what?

Mr. HILL. Because the State legislature, by virtue of its constitution, is given the sole power to determine the question. That is the reason.

Mr. PLATT. Is no power given to the Senate of the United States?

Mr. HILL. That is one of the rights and powers of the State reserved.

Mr. PLATT. Is no power given to the Senate of the United States by the Constitution of the United States——

Mr. HILL. Yes; to determine——

Mr. PLATT. When a legislature of a State has set up its arbitrary will as to who shall vote for its Senators in its State? Does the Senator go so far as that?

Mr. HILL. The States have that power.

Mr. PLATT. The Turpie case goes as far as that. I admit that case is against me. The Turpie case says, if I understand it, that where it was charged that a person usurped the position of a presiding officer, took away from the man entitled to occupy that position his seat and occupied it as a usurper, and by his vote and action changed the result, although if it were true that if it was done it was a crime the Senate could not inquire into it. I do not believe, Mr. President, that the Senate on reconsideration is going to push the doctrine to that extent. Bribery is a crime. It vitiates an election, or it ought to do so. But suppose the legislature allows the bribed man to vote, knowing of the bribery; or, as the Senator from Wisconsin would say, all the members knowing of the bribery, nobody stands up at the time of the vote to say that the man is bribed, and therefore his vote must be received, and the determination of the legislature as to the qualification and election of its members must determine that question.

Mr. HILL. Will the Senator from Connecticut allow me just one further question?

Mr. PLATT. Certainly.

Mr. HILL. Suppose the whole legislature has elected itself by bribery?

Mr. PLATT. There has never been a claim but that the Senate could investigate the question as to whether there was a legislature or whether there was such fraud as vitiated the entire composition of the legislature. It has never been denied that the Senate could then inquire, though the right of inquiry in such case has been predicated on the power and duty of the Senate to determine whether there was a legislature.

Mr. HILL. Is not that the legislature, the regular legal de facto legislature, for every purpose of enacting laws, for every purpose of electing a United States Senator, and could the laws be attacked or could the title of the Senators elected be attacked?

Mr. PLATT. For the purpose of enacting laws, yes; for the purpose of electing a United States Senator, no.

Mr. HILL. In other words, does the Senator mean to assert the doctrine that if the legislature had been entirely elected by more or less bribery, and the legislature proceeds to enact law, there is any proceeding known to the world by which those laws could be declared illegal and set aside and held for naught?

Mr. PLATT. I hope that I shall have an opportunity during this session in the Alabama case to argue the question which the Senator now presents.

Mr. HILL. I do not understand that it arises in the Alabama case.

Mr. PLATT. In that case it is claimed that the entire legislature was elected by fraud. There is no difference between bribery and fraud in that respect. While I would admit that that legislature was competent to enact laws for the State, I would deny that such a legislature was competent to elect a United States Senator.

Mr. HILL. And those laws would be conclusive upon everybody, would they not?

Mr. PLATT. In the State, undoubtedly.

Mr. HILL. Upon everyone?

Mr. PLATT. In the State, undoubtedly; but this is a question which reaches outside of the State.

Mr. HILL. And those laws would be binding upon the United States, so far as the State has a right to enact legislation?

Mr. PLATT. Mr. President, this doctrine grew up out of the extreme contention of the State-rights men that a State was a sovereign power.

Mr. HILL. I trust the Senator does not wish to have the Senate understand that the honorable and learned chairman of our Judiciary Committee, the Senator from Massachusetts [Mr. HOAR], is rather an extreme State-rights man. That would be certainly news to Massachusetts and news to us.

Mr. PLATT. The Senator scarcely allows me time to finish a sentence. If he has any criticisms to make on the Senator from Massachusetts, the Senator from Massachusetts can answer them.

Mr. HILL. I have no criticism to make.

Mr. PLATT. As I was going on to say, this doctrine grew up out of the idea that the State was sovereign.

Mr. HILL. Is not that so?

Mr. PLATT. No.

Mr. HILL. Is not the State sovereign?

Mr. PLATT. No.

Mr. HILL. Within its sphere?

Mr. PLATT. Yes. But the old idea was that the State was sovereign in all things, and especially in the matter of electing United States Senators. I have stood here upon the floor of the Senate and heard Senators speak of Senators occupying seats here as ambassadors from the States. In this connection I will call attention to the argument of a distinguished son of New York who was a Senator before the present Senator from New York, a name that I think he will recognize as that of one of the ablest lawyers of the State of New York, Silas Wright. When this doctrine was first broached in the Senate of the United States, I think he made the complete argument in answer to it, and the Senate would have done well if it had held to the doctrine which, although he was in the minority in the case of Potter *vs.* Robbins, he laid down so well as the rule which should govern the Senate in relation to the matter of judging of the election of its own members.

Mr. HILL. The Senate decided otherwise, did it not?

Mr. PLATT. Oh, yes. I heard the Senator from Mississippi [Mr. GEORGE] take a quarter of an hour or twenty minutes in commenting upon the great abilities of the men who composed that committee, and he did not omit to speak, though he did not dwell upon it to the same extent, of the great ability of Senator Wright. As often happens in a case, the dissenting opinion in that report, looked at in the light of the lapse of years, is by far the better opinion. The case did not necessarily turn on that question. I do not think the case turned at all on that question. It seems to me to have turned on the question whether an act passed by the legislature of the State of Rhode Island was to prevail against its charter. The claim was set up that the charter of the State was to determine the question, although an act had been passed which extended the period of the time of the session of the legislature. I have no doubt that the question turned upon that feature of the case.

Now I wish to call attention to what Mr. Wright said. I may have to read a little more than I had intended to read. This is from the views of the minority as expressed by Silas Wright, jr.:

> The Senate, by the Constitution, is made "the judge of the elections—

Emphasizing the word "elections"—

> returns, and qualifications of its own members," and can it, under this power, look into these facts to determine which of the persons claiming the seat as a Senator from Rhode Island is entitled to represent that State in this body?
>
> No question appears to the undersigned to be raised as to the "returns" or "qualifications" of either of the claimants, and he therefore considers that the question of "election" is the only one presented for decision. This question the Senate has the power to determine, because it is made "the judge of the elections" of its own members. The facts in this case show that the legislature of the State of Rhode Island declare, in the solemn form of a law of the State, that Mr. Robbins has not been elected to the Senate; that the proceedings from which his commission proceeded were "null and void, and of no effect," because the body taking them were not authorized to elect a Senator, and that the place was "vacant" at the time when this declaration was made. Still, notwithstanding this solemn declaration by a body conceded to be the legislature of the State, Mr. Robbins produces to the Senate, and there is referred to the committee, a commission in due form, according to the laws and the practice of the government of Rhode Island, to show that Mr. Robbins had been duly elected a Senator to represent that State in the Senate of the United States. Will the Senate look behind this commission to determine whether or not it was properly granted? The undersigned believes that it is not only the right but the duty of the Senate to do so. The commission is only the evidence of the election of a Senator, and if the Senate were to limit its inquiries to the proper form and authentication of the commission it would only make itself the judge of the evidence of an election, not the judge of the election itself. The undersigned supposes that the evidence of an election to an office is, in all cases, prima facie only, and is susceptible of being controverted and contradicted before a tribunal competent to judge of the election—

I want to repeat that sentence—

> The undersigned supposes that the evidence of an election to an office is, in all cases, prima facie only, and is susceptible of being controverted and contradicted before a tribunal competent to judge of the election; he therefore supposes that the regularity of the evidence of an election may be one thing and that the election may be a very different thing; and he concludes that, as the senate is constituted not the judge of the evidence of the elections of its members only, but "the judge of the elections" of its members, it may and, in all cases of a contested election where the contest does not arise as to the regularity of the evidence simply, should look behind the evidence and into the election itself, that it may determine what it is constituted the judge to determine, the fact of election, or, in other words, that it may determine whether the prima facie evidence laid before it is the real evidence of facts or is subject to contradiction by the facts.
>
> The terms of the Constitution would seem to confirm this construction of the powers of the Senate. It is "the judge of the elections, returns, and qualifications of its own members." The "returns" must refer to the commissions or other evidences of election of the members of this body as separate from the "elections" or "qualifications," and of the "returns" the Senate is the judge. Again, the "qualifications" must relate to the age, citizenship, residence, and other personal qualifications of the person elected, and of these "qualifications" the Senate is also the judge; and these are matters to be determined separate from the "elections" and "returns." So also the Senate is the judge of the "elections" of its members as separate from the "returns and qualifications." The three enumerations would seem to be separate subjects, upon each of which the Senate is to judge in the performance of its constitutional duty; and as a judgment upon the returns is made a separate matter from a judgment upon the election, the inference would seem to be irresistible that an examination behind the returns was contemplated, that a judgment upon the election, independent of the return, might be formed.
>
> Against this construction of the constitutional powers and duties of the Senate the majority of the committee interpose objections which are of a consequential character mostly, but which will be considered. The committee say—

What? Not that we could not inquire, not that the Senate had no power to inquire, but—

> "it would be a dangerous exertion of power to look behind the commission for defects in the component parts of the legislature, or into the peculiar organization of the body for reasons to justify the Senate in declaring its acts absolutely null and void. Such a power, if carried to its legitimate extent, would subject the entire scope of State legislation to be overruled by our decision, and even the right of suffrage of individual members of the legislature whose elections were contested might be set aside. It would also lead to investigation into the motives of members in casting their votes, for the purpose of establishing a charge of bribery or corruption in particular cases."

Mind, the majority of the committee do not deny the power. They say the exercise of it would be dangerous.

> Reserving for the present the consideration of the extent to which the consequences of adjudging any act unconstitutional, or illegal, or invalid may be properly used as an argument against such an adjudication, the undersigned respectfully suggests that, in his judgment, the consequences here mentioned do not necessarily follow the decision apprehended. He understands it to be a necessary rule of all legislative bodies empowered to judge of the "elections, returns, and qualifications" of their own members that the person presenting the prima facie evidence of membership is allowed to take his seat, and is fully authorized to act until such prima facie evidence of right is overruled by the judgment of the body; and he never heard it doubted or questioned that the votes of a member so sitting were as valid for all purposes as the votes of a member whose seat was not contested and whose right to a seat was not questioned. Indeed, if it were not so, the admission of a member to a seat in a legislative body until his election, return, and qualifications had been definitely adjudged would be an absurdity. It would be the admission into the body of a voter who might, by the adjudication of the body itself, vitiate its whole proceedings.
>
> So also in the case supposed by the majority of the committee of alleged bribery and corruption. The undersigned has always supposed that a member of a legislative body who should accept a bribe was punishable for the crime, but he has never understood, nor does he now understand, that the vote of the member given under the corrupt influence vitiated the proceeding voted upon or rendered either void or voidable by legal adjudication such proceeding. The member bribed is still constitutionally and legally a member of the body notwithstanding his corruption, and retains all his rights and all his powers as a member until conviction for the crime ousts him from his seat.
>
> * * * * * * * *
>
> Again, the majority of the committee say "such a power does not belong to the Federal Government, and would, if claimed and carried out to its full extent, annihilate all the reserved rights of the States. It is a general principle of national law applicable to all distinct and independent governments, that if there arise any disputes in a State on the fundamental laws and administration, or on the prerogatives of the different powers of which it is composed, it is the business of the State alone to judge and determine them in conformity to its political constitution. No government has a right to intrude into the domestic affairs of another State, and attempt to influence its deliberations, or to control its action.

The paragraph just read is from the majority of the committee. Now, Senator Wright proceeds:

> These principles may be perfectly sound when applied to nations wholly disconnected with and independent of each other; but the undersigned respectfully submits that they can not be applicable to governments related to and connected with each other, as are the governments of the States of this Confederacy and the Federal Government, of which the States are component parts.

Senator Wright had not yet come to regard our country as anything more than a confederacy and a Federal Government, and yet he had got far enough to deny the doctrine that because a State undertakes to determine the question as to who shall vote for United States Senator the United States Senate can not look into it.

> And especially when the question is the proper representation of the State in that branch of the Federal Legislature where its sovereignty is represented in the particular manner pointed out by the Federal Constitution. Upon such a question that instrument, and not the general principles of international law, must govern the decision. We have already seen that the Constitution makes it the duty of the Senate to judge of the "elections" of its members.

What follows refers to the legality of the legislature.

Mr. MITCHELL of Oregon. It is pretty warm, and I ask whether it will be convenient to the Senator from Connecticut to finish his argument in the morning?

Mr. PLATT. It will be.

Mr. MITCHELL of Oregon. Then I ask that the Du Pont case may be laid aside until to-morrow.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 5731) to regulate the practice of medicine and surgery, to license physicians and surgeons, and to punish persons violating the provisions thereof in the District of Columbia; agreed to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SHANNON, Mr. BABCOCK, and Mr. COBB managers at the conference on the part of the House.

The message also announced that the House had agreed to the resolution of the Senate authorizing the Committees on Enrolled Bills of the two Houses to correct an error in the enrolled bill (S. 2488) to authorize the Denison and Northern Railway Company to construct and operate a railway through the Indian Territory, and for other purposes.

JOHN BREITLING.

Mr. ALLEN. I ask unanimous consent to call up the bill (S. 2119) for the relief of John Breitling.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to John Breitling, of Nebraska, $738.25 for commissary stores furnished to United States troops.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CONSIDERATION OF PENSION BILLS.

Mr. GALLINGER. I ask unanimous consent that the Senate shall devote thirty minutes to the consideration of pension bills on the Calendar.

The VICE-PRESIDENT. Is there objection to the request of the Senator from New Hampshire?

Mr. CHANDLER. I do not desire to object, but I wish to have it understood that no other business than pension bills shall be transacted during the remainder of the afternoon.

Mr. PASCO. I have a bill which I desire to call up.

Mr. CHANDLER. Let it come in before the pension bills are considered. Let it be understood that after the pension bills are disposed of no other business is to be transacted.

The VICE-PRESIDENT. Is there objection to the request of the Senator from New Hampshire [Mr. GALLINGER]? The Chair hears none.

ARREDONDO GRANT, FLORIDA.

Mr. PASCO. I am directed by the Committee on Public Lands, to whom was referred the bill (H. R. 4255) to provide for settlement of titles and disposition of public lands in the Arredondo grant, in Columbia County, Fla., to report it favorably. It is a matter that relates to our State, and I ask that it may receive immediate consideration.

Mr. GALLINGER. If it does not lead to any debate I have no objection.

Mr. PASCO. I will withdraw it if it leads to debate.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JEFFERSON FUESTON.

Mr. MITCHELL of Oregon. I ask the Senator from New Hampshire [Mr. GALLINGER] to allow me to call up a pension bill, but not in the regular order, as I can not remain. It is only four lines long.

Mr. GALLINGER. All right; I yield for that purpose.

Mr. MITCHELL of Oregon. I ask the Senate to proceed to the consideration of the bill (H. R. 3689) increasing the pension of Jefferson Fueston, of Company M, Tenth Ohio Volunteer Cavalry.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay Jefferson Fueston, late of Company M, Tenth Ohio Volunteer Cavalry, a pension at the rate of $30 per month, in lieu of the pension he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MONUMENTS TO GENERALS NASH AND DAVIDSON.

Mr. BUTLER. I ask unanimous consent, with the permission of the chairman of the Committee on Pensions, to call up joint resolution (S. R. 141) to carry into effect two resolutions of the Continental Congress directing monuments to be erected to the memory of Gens. Francis Nash and William Davidson, of North Carolina.

Mr. VILAS. Is there not a unanimous-consent agreement that the pension cases shall be taken up in their order?

The VICE-PRESIDENT. That was the agreement of the Senate. The Chair recognized the Senator from North Carolina to make the request.

Mr. BUTLER. I ask permission of the chairman of the Committee on Pensions to have the joint resolution taken up.

Mr. VILAS. Are we executing the unanimous-consent agreement, or what is the arrangement? I understood pension bills were to be considered.

Mr. GALLINGER. I am not quite sure that under the agreement I can yield for other business. I should like very much to accommodate all Senators, I will say.

Mr. BUTLER. This a very short measure. If it leads to any discussion I will withdraw it.

Mr. GALLINGER. If there is no objection I will yield for the consideration of the joint resolution, but after that I shall insist upon the regular order, although several other Senators wish me to yield to them.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It proposes to appropriate $5,000 for the erection of a monument in honor of the memory of Brig. Gen. Francis Nash, of North Carolina, and the further sum of $5,000 for the erection of a monument in honor of the memory of Brig. Gen. William Davidson, of North Carolina.

Mr. BUTLER. At the request of a member of his family, I wish to move to amend the name of Brig. Gen. William Davidson by inserting after "William" the name "Lee"; so as to read "Brig. Gen. William Lee Davidson."

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

On motion of Mr. BUTLER, the title was amended so as to read: "A joint resolution to carry into effect two resolutions of the Continental Congress directing monuments to be erected to the memory of Gens. Francis Nash and William Lee Davidson, of North Carolina."

SARAH COMLY.

Mr. GALLINGER. I call for the regular order.

The VICE-PRESIDENT. The first pension bill on the Calendar will be proceeded with.

The bill (S. 937) granting a pension to Sarah Comly, widow of Maj. Clifton Comly, was announced as first in order on the Calendar; and the Senate, as in Committee of the Whole, resumed its consideration.

Mr. GALLINGER. The bill has been read at length, and the Senator from Nebraska [Mr. ALLEN] offered an amendment which I trust he will withdraw.

Mr. ALLEN. I think I will withdraw the amendment at this time.

Mr. GALLINGER. Let the committee amendments be stated.

The SECRETARY. The Committee on Pensions reported, in line 7, before the word "dollars," to strike out "fifty" and insert "thirty-five"; and in the same line, after the word "month," to insert "the same to be in lieu of the pension now drawn by her"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah E. Comly, widow of Maj. Clifton Comly, and pay her a pension of $35 per month, the same to be in lieu of the pension now drawn by her.

The VICE-PRESIDENT. The amendments were agreed to when the bill was formerly under consideration.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Sarah E. Comly, widow of Maj. Clifton Comly."

SILAS M. STEVENS.

The bill (S. 2931) granting an increase of pension to Silas M. Stevens was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Silas M. Stevens, late of the U. S. S. *Lackawanna*, and to grant him a pension of $50 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed

MARGARET A. LUTHY.

The bill (H. R. 4712) granting a pension to Margaret A. Luthy was considered as in Committee of the Whole. It proposes to place on the pension roll at $8 per month the name of Margaret A. Luthy, widow of Franklin Luthy, late of Lieutenant Allen's detachment of recruits, Missouri Mexican Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS HOLADAY.

The bill (H. R. 2326) granting a pension to Thomas Holaday was considered as in Committee of the Whole. It proposes to place on the invalid pension roll the name of Thomas Holaday, late a private in Company C, Kimball's regiment Missouri Volunteer State Militia, at $24 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGIANNA C. HALL.

The bill (H. R. 4189) granting increase of pension to Georgianna C. Hall, dependent mother of Maj. John W. Williams, deceased, late surgeon, United States Army, was considered as in Committee of the Whole. It proposes to increase the pension allowed under the act of January 29, 1887, to Georgianna C. Hall, as the widow of William Hall, of Company B, Third Louisiana Volunteers, in the Mexican war, to $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CAROLINE A. HOUGH.

The bill (H. R. 2604) to increase the pension of Caroline A. Hough, widow of Brig. Gen. John Hough, was considered as in Committee of the Whole. It proposes to place the name of Caroline A. Hough, widow of the late Brig. Gen. John Hough, upon the pension roll, and to grant her a pension of $30 per month in lieu of the pension of $17 per month which she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. CULLOM subsequently said: I understand that the rate fixed by House bill 2604 is $30. The rule has been to give widows of generals of General Hough's rank $50. I move to reconsider the votes by which the bill was ordered to a third reading and passed.

The motion to reconsider was agreed to.

Mr. CULLOM. I move to amend the bill by striking out "thirty" and inserting "fifty" before the word "dollars," in line 7.

Mr. HAWLEY. The proposition is to make it $50?

Mr. CULLOM. Yes.

Mr. HAWLEY. I should like to know something about that, because we are striving to get what we can for some of these poor people.

Mr. CULLOM. General Hough was a general in the Army, a splendid soldier, and he happened to live in Illinois, and that is the only reason why the rate should not be $50 that I have ever heard of. I want his widow to fare as well as the widows of other men of the same rank and service in the Army.

Mr. HAWLEY. I have no objection.

The PRESIDING OFFICER (Mr. HILL in the chair). The question is on agreeing to the amendment submitted by the Senator from Illinois [Mr. CULLOM].

The amendment was agreed to.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

KATE GRANT.

The bill (H. R. 3607) to increase the pension of Kate Grant was considered as in Committee of the Whole. It proposes to increase the pension of Kate Grant, widow of the late Capt. Charles E. Grant, of Company F, Fortieth Regiment New Jersey Infantry Volunteers, to $20 per month, in lieu of the pension now received by her.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHRISTIANA C. QUEEN.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1091) granting a pension to Christiana C. Queen, widow of Walter W. Queen, formerly an admiral in the United States Navy, which had been reported from the Committee on Pensions with amendments, in line 6, after the word "late," to strike out "admiral" and insert "rear-admiral"; and in line 8, before the word "dollars," to strike out "one hundred" and insert "seventy-five"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Mrs. Christiana C. Queen, of Washington, D. C., widow of Walter W. Queen, deceased, late rear-admiral, United States Navy, and to pay her a pension at the rate of $75 per month from and after the passage of this act, in lieu of the pension which she now receives.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Christiana C. Queen, widow of Walter W. Queen, rear-admiral, United States Navy."

MARY E. ELY.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2133) granting a pension to Mary E. Ely, which had been reported from the Committee on Pensions with amendments, in line 6, after the word "late," to strike out "a brigadier-general of the United States Army" and insert "lieutenant-colonel Eighth Michigan Volunteers"; in line 9, before the word "dollars," to strike out "fifty" and insert "thirty"; and in the same line, after the word "month," to strike out "from and after the passage of this act"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary E. Ely, widow of Ralph Ely, late a lieutenant-colonel Eighth Michigan Volunteers, and pay her a pension at the rate of $30 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARGARET CUSTER CALHOUN.

The bill (S. 2954) to increase the pension of Margaret Custer Calhoun was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Margaret Custer Calhoun, widow of Lieut. James Calhoun, late of the Seventh United States Cavalry, and to pay her a pension of $30 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARY JANE LYNN.

The bill (H. R. 483) for the relief of Mary Jane Lynn, the daughter of John R. Lynn, a Revolutionary soldier, was considered as in Committee of the Whole. It proposes to place upon the pension roll at $12 per month the name of Mary Jane Lynn, the daughter of John R. Lynn, who served as a private soldier from the State of Pennsylvania, under General Wayne, in the war of the Revolution.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIJAH N. PARKHURST.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1946) granting a pension to Elijah N. Parkhurst, which had been reported from the Committee on Pensions with amendments, in line 4, after the word "rate," to strike out "paid for loss of both legs" and insert "of $72 per month"; and in line 7, after the word "Cavalry," to insert "in lieu of the pension he is now receiving"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, at the rate of $72 per month, the name of Elijah N. Parkhurst, late private Company A, Ninth Regiment Indiana Cavalry, in lieu of the pension he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read "A bill granting an increase of pension to Elijah N. Parkhurst."

CARRIE A. MOODY.

The Senate as in Committee of the Whole proceeded to consider the bill (S. 759) granting a pension to Carrie A. Moody, which had been reported from the Committee on Pensions, with an amendment, in line 9, before the word "dollars," to strike out "twenty-five" and insert "twelve"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Carrie A. Moody, dependent sister of William H. Moody, late lieutenant-colonel One hundred and thirty-ninth Pennsylvania Volunteers, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LEWIS D. BAKER.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2556) granting an increase of pension to Lewis D. Baker, which had been reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty-four" and insert "twenty"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lewis D. Baker, late of Company G, Fourteenth Regiment of New York Volunteer Heavy Artillery, at the rate of $20 a month, in lieu of the pension he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM GROSE.

The bill (H. R. 515) granting a pension to William Grose was considered as in Committee of the Whole. It proposes to place

on the pension roll the name of William Grose, of Newcastle, Henry County, Ind., late a brigadier-general of the United States Volunteers in the Union Army, at $75 per month, said pension to be in lieu of that which he now receives.

The bill was reported to the Senate without amendment; ordered to a third reading, read the third time, and passed.

JONATHAN SCOTT.

The bill (H. R. 4526) granting a pension to Jonathan Scott was considered as in Committee of the Whole. It proposes to place on the pension roll, at $72 per month, the name of Jonathan Scott, of Oswego, Kans., late of Company M, Sixth Regiment Iowa Volunteer Cavalry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZABETH WATTS KEARNY.

The bill (S. 2357) granting a pension to Elizabeth Watts Kearny, daughter of the late Philip Kearny, major-general, United States Army, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "dollars," to strike out "fifty" and insert "twenty-five"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Elizabeth Watts Kearny, daughter of the late Philip Kearny, major-general, United States Army, and to pay her a pension at the rate of $25 per month during her natural life.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LUCRETIA C. WARING.

The bill (S. 202) to increase the pension of Lucretia C. Waring was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "one hundred" and insert "fifty"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the general pension laws, the name of Lucretia C. Waring, widow of the late Lieut. Howard S. Waring, of the United States Navy, and pay her a pension at the rate of $30 a month in lieu of any other pension.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

NANCY PIPER.

The bill (S. 2844) granting a pension to Nancy Piper was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Nancy Piper, widow of Samuel Piper, who was a soldier in Capt. John W. Kendrick's cavalry company, from Troup County, Ga., in the Creek Indian war of 1836, for a period of three months, and who received a land warrant for such service, and to pay her a pension of $8 a month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MRS. ELIZABETH RICHARDSON.

The bill (H. R. 3932) granting a pension to Mrs. Elizabeth Richardson was considered as in Committee of the Whole. It proposes to place upon the pension rolls the name of Elizabeth Richardson, mother of Robert F. Richardson, late a private in Company A, in the Eighth Regiment of Missouri State Militia Cavalry, and who was killed during the war, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

IDA EMMOTT.

The bill (S. 2983) granting a pension to Ida Emmott, daughter of the late Thomas Emmott, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, before the word "daughter," to insert "dependent and invalid"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ida Emmott, dependent and invalid daughter of the late Thomas Emmott, private in the Seventh Battery of Massachusetts Volunteer Light Artillery, at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Ida Emmott, dependent and invalid daughter of the late Thomas Emmott."

WILLIAM T. HILL.

The bill (S. 2312) granting a pension to William T. Hill, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, after the word "Infantry," to insert "at the rate of $12 per month"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William T. Hill, late private Company D, Fourteenth United States Infantry, at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HIRAM SANTAS.

The bill (S. 2877) granting a pension to Hiram Santas was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, before the word "dollars," to strike out "twenty" and insert "eight"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to place the name of Hiram Santas, late a private of Company G, Nineteenth Wisconsin Volunteer Infantry, upon the pension roll at the rate of $8 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JACKSON LUCUS.

The bill (S. 2439) granting a pension to Jackson Lucus was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "dollars," to strike out "twelve" and insert "eight"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jackson Lucus, late of Company C, Tenth Regiment Indiana Volunteer Infantry, at the rate of $8 per month from the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES E. MANN.

The bill (S. 2880) granting a pension to Charles E. Mann was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty-four" and insert "twelve"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles E. Mann, late sergeant of Company H, Second Regiment of Massachusetts Volunteers, at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES A. HUTCHINGS.

The bill (S. 2879) granting a pension to Charles A. Hutchings was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty-four" and insert "eight"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles A. Hutchings, late private Company H, Third Wisconsin Cavalry Volunteers, at the rate of $8 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM F. GOWDY.

The bill (S. 2433) granting a pension to William F. Goudy was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the name "William F.," to strike out "Goudy" and insert "Gowdy"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William F. Gowdy, late captain Company H, Forty-seventh Regiment Illinois Volunteer Infantry, at the rate of $12 per month from the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to William F. Gowdy."

JAMES H. JONES.

The bill (H. R. 4122) granting an increase of pension to James H. Jones was considered as in Committee of the Whole. It proposes to increase to $20 per month the pension of James H. Jones, of Cusseta, Ga., late of the Georgia Volunteers, Indian war.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. AMANDA WOODCOCK.

The bill (H. R. 6037) granting a pension to Mrs. Amanda Woodcock was considered as in Committee of the Whole. It proposes to place on the pension roll at $12 per month the name of Amanda Woodcock, of Richmond, Ky., widow of Robert Woodcock, late a private in the Fourth United States Volunteer Infantry, in the Mexican war.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MICHAEL H. J. CROUCH.

The bill (H. R. 5140) for the relief of Michael H. J. Crouch, late of Company M, Sixth Regiment Pennsylvania Cavalry, was considered as in Committee of the Whole. It proposes to place the name of Michael H. J. Crouch, late of Company M, Sixth Regiment Pennsylvania Cavalry, on the pension roll at $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CASSIE A. DAVIS.

The bill (H. R. 5814) granting a pension to Cassie A. Davis, widow of James T. Davis and mother of Mary T. Davis, an invalid daughter, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the words "rate of," to strike out "$30 per month, in addition to the $12 which she is now receiving as a widow; said $30 per month to be in lieu of the $2 per month now paid on account of soldier's helpless daughter, Mary T. Davis, and to be paid so long as said Mary T. Davis remains helpless and is cared for by said Cassie A. Davis," and insert "$24 per month, in lieu of that she is now receiving"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension roll the name of Cassie A. Davis, widow of James P. Davis, late Company E, Third Regiment of Vermont Volunteers, at the rate of $24 per month, in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read the third time.

The bill was read the third time, and passed.

HANNAH NEWELL BARRETT.

The bill (S. 1300) for the relief of Hannah Newell Barrett was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 9, before the word "dollars," to strike out "twenty" and insert "twelve"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Hannah Newell Barrett, eldest daughter of Noah Harrod, late a soldier in Colonel Shepard's regiment and Captain Webb's company of Massachusetts troops in the war of the Revolution, and pay her a pension at the rate of $12 per month from and after the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time and passed.

The preamble was rejected.

HENRY V. ANDREWS.

The bill (H. R. 2605) granting a pension to Henry V. Andrews, of Fulton County, Ill., a survivor of the Black Hawk war, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry V. Andrews, of Fulton County, Ill., and to pay him a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN DALTON.

The bill (H. R. 3221) granting a pension to John Dalton was considered as in Committee of the Whole. It proposes to place on the pension rolls the name of John Dalton, of Lamar, Mo., who was employed as a teamster in the Quartermaster-General's Office during the war of the rebellion, and who, while serving as such in the line of his duty, was wounded in the left thigh by a musket ball at and during the battle of Marks Mill, Arkansas, on the 23d day of April, 1864, at $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAMSON DURLEY.

The bill (H. R. 3234) granting a pension to Williamson Durley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Williamson Durley, of Hennepin, Ill., who was a private in the company of Capt. George B. Willis, Fortieth Regiment, Fourth Brigade, First Division of the Illinois State Militia, and who served as such in the Indian war of 1832, known as the Black Hawk war, and to pay him a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN CASTER.

The bill (H. R. 5854) granting a pension to John Caster was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Caster, late a private in Company A, Thirty-third Missouri Enrolled Militia Cavalry, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

KATHERINE S. M'CARTNEY.

The bill (H. R. 4528) granting a pension to Katherine S. McCartney, widow of William H. McCartney, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Katherine S. McCartney, widow of William H. McCartney, late captain First Massachusetts Artillery, and to pay her a pension of $20 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ABEL S. CHASE.

The bill (S. 152) granting a pension to Abel S. Chase was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Abel S. Chase, of Logansport, Ind., at $30 per month, in lieu of the pension he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FRANCES E. WICKWARE.

The bill (H. R. 7983) to pension Frances E. Wickware was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Frances E. Wickware, widow of Lieut. Charles Wickware, late of Company I, Sixth Regiment Vermont Volunteer Infantry, at $15 a month and $2 per month for each minor child until they severally arrive at the age of 16 years.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CAPT. JAMES B. LOGAN.

The bill (S. 752) to increase the pension of Capt. James B. Logan was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James B. Logan, late captain of Company K, Tenth Regiment of Missouri Infantry, and also a soldier in the Mexican war, and grant him a pension of $20 per month in lieu of $12 per month which was granted him under certificate No. 180959.

The bill was reported to the Senate without amendment; ordered to be engrossed for a third reading, read the third time, and passed.

W. L. FAXON.

The bill (S. 3020) granting a pension to W. L. Faxon was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an

amendment, in line 7, before the word "dollars," to strike out "twenty-five" and insert "twelve," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of W. L. Faxon, of Middleboro, Mass., late a surgeon, Thirty-second Regiment Massachusetts Volunteers, and that he receive a pension of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GEN. WILLIAM H. MORRIS.

The bill (H. R. 4383) granting a pension to Gen. William H. Morris was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William H. Morris, late a brevet major-general of volunteers in the Army of the United States, at $75 per month, in lieu of the pension which he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES P. HURLEY.

The bill (H. R. 3216) granting an increase of pension to James P. Hurley was considered as in Committee of the Whole. It proposes to increase the pension of James P. Hurley, private Company G, Twenty-eighth Regiment Massachusetts Volunteer Infantry, and Company C, Thirteenth Regiment Veteran Reserve Corps, to $30 per month in lieu of that he now receives.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY F. DAVENPORT.

The bill (H. R. 75) granting a pension to Mary F. Davenport was considered as in Committee of the Whole. It proposes to place upon the pension roll the name of Mary F. Davenport, widow of Dudley Davenport, late first lieutenant of the steamer *Caleb Cushing*, and to pay her a pension of $25 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. KATHERINE GAFFNEY.

The bill (H. R. 4475) granting a pension to Mrs. Katherine Gaffney was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Katherine Gaffney, widow of Michael Gaffney, formerly of Company I, Second Kentucky Volunteer Infantry, and to pay her a pension of $12 per month during her life.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SIMON D. KOHL.

The bill (S. 2434) granting a pension to Simon D. Kohl was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, after the word "Volunteer," to strike out "Infantry" and insert "Cavalry"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Simon D. Kohl, late sergeant Company K, Eighth Regiment Iowa Volunteer Cavalry, at the rate of $12 per month from the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AARON B. PAGE.

The bill (S. 1164) granting a pension to Aaron B. Page was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, after the word "receive," to strike out "and further, that the Secretary of the Treasury is hereby directed to pay to the said Aaron B. Page back pay from the time of his discharge, at the rate of $30 per month, up to the time this bill shall take effect"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Aaron B. Page, late of Company E, Seventy-second Regiment Illinois Volunteers, at the rate of $30 per month, in lieu of the pension now received.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to increase the pension of Aaron B. Page."

MICHAEL CARRON.

The bill (S. 2494) restoring a pension to Michael Carron was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 4, after the word "directed," to strike out "to restore to the pension roll the name of Michael Carron, late a private in Company G, Sixty-first Regiment Ohio Volunteer Infantry, and pay him the pension granted to him by certificate No. 842829 issued under the law of June 27, 1890," and insert "to place upon the pension roll, at the rate of $12 per month, in lieu of the pension he is now receiving, the name of Michael Carron, late a private in Company G, Sixty-first Regiment Ohio Volunteer Infantry"; so as to make the bill read:

Be it enacted, etc. That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll, at the rate of $12 per month, in lieu of the pension he is now receiving, the name of Michael Carron, late a private in Company G, Sixty-first Regiment Ohio Volunteer Infantry.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to increase the pension of Michael Carron."

JACOB SALADIN.

The bill (S. 3004) granting a pension to Jacob Saladin was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jacob Saladin, late of Company E, First Gasconade Missouri Battalion Home Guards, at $12 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARY F. HAWLEY.

The bill (S. 2820) granting a pension to Mary F. Hawley was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "thirty"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary F. Hawley, widow of late Capt. John B. Hawley, Company H, Forty-fifth Regiment Illinois Infantry, and to pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ELENDER HERRING.

The bill (S. 2535) granting a pension to Elender Herring, of Elsmore, Kans., was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elender Herring, mother of the late George W. Herring, who was a private in Company I, Sixty-second Regiment Illinois Infantry Volunteers, and to grant her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CYNTHIA A. LAPHAM.

The bill (H. R. 3001) granting a pension to Cynthia A. Lapham, widow of William B. Lapham, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Cynthia A. Lapham, the widow of William B. Lapham, formerly first lieutenant, Twenty-third Maine Volunteer Infantry, first lieutenant Seventh Maine Volunteer Light Battery, and captain and assistant quartermaster, United States Volunteers, at $17 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MISS JULIETTE BETTS.

The bill (H. R. 4395) for the relief of Miss Juliette Betts was considered as in Committee of the Whole. It proposes to place on the pension roll at $12 per month the name of Juliette Betts, the daughter of Hezekiah Betts, a Revolutionary soldier, she being now 91 years old and dependent.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HIRAM H. PALMER.

The bill (S. 2758) granting a pension to Hiram H. Palmer was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Hiram H. Palmer, late a private in

Company A, of the Sixth Wisconsin Infantry, and to pay him a pension of $30 per month in lieu of the pension he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARTHA M'NEIL.

The bill (H. R. 2844) granting a pension to Martha McNeil was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Martha McNeil, widow of John McNeil, late brigadier-general and brevet major-general, United States Volunteers, and to pay her a pension of $50 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARGERET ROWSELL.

The bill (S. 2802) granting a pension to Margeret Rowsell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Margeret Rowsell, widow of George Rowsell, late of Company D, Fourth Regiment United States Infantry, at $12 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JERUSHA HAYWARD BROWN.

The bill (S. 2754) granting a pension to Jerusha Hayward Brown was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 11, before the word "dollars," to strike out "thirty" and insert "twelve"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Jerusha Hayward Brown, destitute daughter of Samuel Hayward, a private under Capt. James Waterbury's battalion, in the year 1781, pensioned June 17, 1833, for service in the Army of the Revolution, died at Stafford, Vt., March 4, 1837, and pay her a pension of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ISAAC HARBAUGH.

The bill (S. 2883) granting an increase of pension to Isaac Harbaugh was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty-five" and insert "twenty"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Isaac Harbaugh, Company A, One hundred and sixty-third Regiment Ohio Volunteers, at the rate of $30 a month in lieu of the pension he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. GALLINGER. I move that the Senate adjourn.

Mr. VILAS. I hope the Senator will not ask for an adjournment. There ought to be an executive session this evening.

Mr. GALLINGER. I withdraw the motion.

Mr. VILAS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 53 minutes p. m.) the Senate adjourned until to-morrow, Friday, May 15, 1896, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate May 14, 1896.

PROMOTIONS IN THE ARMY.

Medical Department.

Capt. Samuel Quincy Robinson, assistant surgeon, to be surgeon, with the rank of major, May 2, 1896, vice Caldwell, retired from active service.

To be professor of civil and military engineering.

Capt. Gustav Joseph Fiebeger, Corps of Engineers, United States Army, May 4, 1896, vice Mercur, deceased.

To be post chaplain.

The Rev. Ivory Hovey Bartlett Headley, of Massachusetts, May 8, 1896, vice Kerr, deceased.

CAVALRY ARM.

First Lieut. Daniel Hall Boughton, Third Cavalry, to be captain, April 5, 1896, vice Johnson, Third Cavalry, deceased.

Second Lieut. Andrew Gregg Curtin Quay, Fifth Cavalry, to be first lieutenant, April 5, 1896, vice Boughton, Third Cavalry, promoted.

ASSOCIATE JUSTICE, SUPREME COURT, TERRITORY OF OKLAHOMA.

John C. Tarsney, of Missouri, to be associate justice of the supreme court of the Territory of Oklahoma, vice John H. Burford, whose term expired March 8, 1896.

SECRETARY OF LEGATION, MEXICO.

Robert Ransom, of North Carolina, to be second secretary of the legation of the United States to Mexico, to take effect July 1, 1896.

UNITED STATES CONSUL.

Ernest A. Man, of Florida, to be consul of the United States at Bergen, Norway, vice Frederik G. Gade.

POSTMASTERS.

W. A. Shepard, to be postmaster at Auburn, in the county of Placer and State of California, in the place of Frederick S. Stevens, whose commission will expire May 27, 1896.

Oswald Allen, to be postmaster at Loveland, in the county of Larimer and State of Colorado, in the place of Solomon J. Krouskop, whose commission will expire May 27, 1896.

William Munroe, to be postmaster at Quincy, in the county of Gadsden and State of Florida, in the place of John E. Davidson, whose commission expired May 9, 1896.

W. F. Symons, to be postmaster at Brunswick, in the county of Glynn and State of Georgia, in the place of Franklin McC. Brown, whose commission will expire May 26, 1896.

I. J. Jenkins, to be postmaster at El Paso, in the county of Woodford and State of Illinois, in the place of Louis H. Kerr, deceased.

Moran Scott, to be postmaster at Ardmore, in the Chickasaw Nation, Ind. T., in the place of John S. Hammer, sr., resigned.

James H. O'Toole, to be postmaster at Amesbury, in the county of Essex and State of Massachusetts, in the place of Daniel W. Davis, whose commission will expire May 27, 1896.

W. S. Cornutt, to be postmaster at Culbertson, in the county of Hitchcock and State of Nebraska, in the place of Mrs. Bertha Klevens, removed.

John W. Brown, to be postmaster at Butler, in the county of Butler and State of Pennsylvania, in the place of John T. Kelly, whose commission expires May 20, 1896.

Kate V. Caseber, to be postmaster at Charleroi, in the county of Washington and State of Pennsylvania, in the place of Elmer E. Caseber, deceased.

William H. Smith, to be postmaster at Newport, in the county of Perry and State of Pennsylvania, in the place of William H. Bosserman, whose commission expired March 23, 1896.

Benjamin F. Shaffer, to be postmaster at Canyon City, in the county of Fremont and State of Colorado, in the place of Willard B. Felton, whose commission will expire May 27, 1896.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 14, 1896.

PROMOTIONS IN THE ARMY.

Infantry arm.

Lieut. Col. William John Lyster, Twenty-first Infantry, to be colonel.

Maj. Chambers McKibbin, Twenty-fifth Infantry, to be lieutenant-colonel.

Capt. Mott Hooton, Twenty-second Infantry, to be major.

First Lieut. Frank Beall Jones, Twenty-second Infantry, to be captain.

Second Lieut. Wilson Chase, Twentieth Infantry, to be first lieutenant.

POSTMASTERS.

Mark A. Drane, to be postmaster at Charleston, in the county of Mississippi and State of Missouri.

Walter B. Woodward, to be postmaster at Two Harbors, in the county of Lake and State of Minnesota.

John Laubenthal, to be postmaster at Allegany, in the county of Cattaraugus and State of New York.

Julia H. Bronson, to be postmaster at Clinton, in the county of Oneida and State of New York.

Jacob H. Fank, to be postmaster at Hackensack, in the county of Bergen and State of New Jersey.

Lester B. Colwell, to be postmaster at Friendship, in the county of Allegany and State of New York.

Annie Larrabee, to be postmaster at Oyster Bay, in the county of Queens and State of New York.

Charles E. Rose, to be postmaster at Patchogue, in the county of Suffolk and State of New York.

HOUSE OF REPRESENTATIVES.

THURSDAY, *May 14, 1896.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

JOURNAL.

The Journal of yesterday's proceedings was read.

The SPEAKER. The question is on approving the Journal.

Mr. PRINCE. Mr. Speaker, I find on page 5207 among other names read by the Clerk as present the name of "Mr. PRINCE." I desire to say to the House that I was not in the building at that time.

The SPEAKER. At what time?

Mr. PRINCE. At the time of the taking of the last vote.

The SPEAKER. The Chair is informed at the Clerk's desk that the gentleman went out after the question was put.

Mr. PRINCE. If the Chair was so informed I desire to say he was misinformed; for this reason, that after the vote was taken on the resolution I supposed that was the end of the matter, and I left; and in company with me was my colleague, Mr. GRAFF. I see we are both recorded as being "present and not voting." I left, believing that was an end of the entire matter. When I saw the RECORD I found that there was a further roll call, upon the amended resolution, at which, neither at the time of putting the question, during the vote, nor at the end of it was I in this building.

The SPEAKER. Without objection, the Journal will be considered as approved. [After a pause.] The Chair hears no objection, and it is so ordered.

ADJUSTMENT OF PENSIONS OF MAIMED UNION SOLDIERS AND SAILORS.

Mr. ANDREWS. Mr. Speaker, I desire to submit a privileged report on the bill (H. R. 8354) to adjust the pensions of maimed Union soldiers and sailors of the late war of the rebellion, and ask that the bill be printed and recommitted to the Committee on Invalid Pensions.

The SPEAKER. The gentleman from Nebraska submits a privileged report on a bill the title of which will be read.

The title was read.

The SPEAKER. The gentleman asks that the bill be printed and be recommitted to the Committee on Invalid Pensions. Without objection, it will be so ordered.

There was no objection.

CONDEMNED CANNON.

Mr. BURTON of Missouri. Mr. Speaker, I desire to ask unanimous consent for the present consideration of a bill which I send to the desk. It will not take two minutes to pass it.

The bill was read, as follows:

A bill (H. R. 7771) authorizing and directing the Secretary of the Navy to donate condemned cannon and condemned cannon balls to certain posts of the Grand Army of the Republic.

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to donate to J. H. Crenshaw Post, Grand Army of the Republic, at Carterville, Mo., 1 condemned cannon and 15 cannon balls, and also to the General Joe Bailey Post, Grand Army of the Republic, at Nevada, Mo., 1 condemned cannon and 15 cannon balls.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The amendment recommended by the committee was read, as follows:

Provided, That in the judgment of the Secretary of the Navy such articles can be spared without detriment to the public interests: *And provided further*, That the United States shall not be subjected to any expense on account of such donation.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. BURTON of Missouri, a motion to reconsider the vote by which the bill was passed was laid on the table.

ORDER OF BUSINESS.

Mr. PICKLER. Mr. Speaker, I move that the House resolve itself into Committee of the Whole for the consideration of bills under the special order.

The SPEAKER. Will the gentleman suspend for a moment until the Chair gets through the necessary business?

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolution of the following titles; when the Speaker signed the same:

A bill (H. R. 708) to increase the pension of Albert Ellis;

A bill (H. R. 1185) granting a pension to Rachel Patton;

A bill (H. R. 3189) to increase the pension of John S. Cochenour;

A bill (H. R. 3448) authorizing the county of Navajo, Territory of Arizona, to issue bonds for the construction of a court-house and jail at the county seat thereof;

Joint resolution (H. Res. 180) for the relief of Ex-Naval Cadet Henry T. Baker; and

A bill (H. R. 5105) to abolish days of grace on promissory notes, drafts, etc., in the District of Columbia.

CORRECTION OF ENROLLED BILL.

The SPEAKER laid before the House the following Senate concurrent resolution; which was considered, and agreed to:

Resolved by the Senate (the House of Representatives concurring), That the Committees on Enrolled Bills of the two Houses be authorized to correct the enrolled bill of the Senate (S. 2488) entitled "An act to amend an act entitled 'An act to authorize the Denison and Northern Railway Company to construct and operate a railway through the Indian Territory, and for other purposes,'" by striking out the word "nine," in line 2 of said enrolled bill, and inserting "eight."

Mr. PICKLER. I move that the House resolve itself into Committee of the Whole for the consideration of business under the special order.

CONTESTED ELECTION—CHEATHAM VS. WOODARD.

Mr. PRINCE. Mr. Speaker, I have a privileged report that I would like to make.

The SPEAKER. The Chair begs pardon. The Chair thought the gentleman rose to make a request for unanimous consent.

Mr. PRINCE. It is a report with reference to the contested-election case of Henry P. Cheatham against Frederick A. Woodard. I would like to have the resolutions read to the House, and then I will ask for their adoption.

Mr. PICKLER. A parliamentary inquiry, Mr. Speaker. Under the special order there is nothing to displace this special order except appropriation bills. Is it in order to bring up a contested-election case?

The SPEAKER. The Chair thinks that a privileged matter. The question of the right of a member to his seat has precedence over even a special order of the House. The Chair was not aware that the gentleman from Illinois had a privileged report, but thought he was asking for unanimous consent for the consideration of a bill. The Clerk will report the resolutions.

The Clerk read as follows:

Resolved, That Henry P. Cheatham was not elected a Representative in the Fifty-fourth Congress from the Second Congressional district of North Carolina, and is not entitled to a seat therein.

Resolved, That Frederick A. Woodard was elected a Representative in the Fifty-fourth Congress from the Second Congressional district of North Carolina, and is entitled to retain his seat therein.

The resolutions were agreed to.

Mr. PRINCE. I ask that the report be printed in the RECORD.

The SPEAKER. Without objection, it will be so ordered.

There was no objection.

On motion of Mr. PRINCE, a motion to reconsider the vote by which the resolutions were agreed to was laid on the table.

The report of the committee is as follows:

Mr. PRINCE, from the Committee on Elections No. 2, submitted the following report:

The Committee on Elections No. 2, to whom was referred the contested election case of Henry P. Cheatham, contestant, against Frederick A. Woodard, contestee, from the Second Congressional district of North Carolina, respectfully report that, after a careful consideration of the printed evidence and briefs filed in said cause and having heard the oral arguments of counsel for said parties in support of their respective claims, the committee find the following facts, viz: The said district is composed of nine counties, to wit, Bertie, Edgecombe, Greene, Halifax, Lenoir, Northhampton, Warren, Wayne, and Wilson.

Frederick A. Woodard, Democrat, received 14,721 votes, H. P. Cheatham, Republican, received 9,413 votes, and H. F. Freeman, Populist, received 5,314 votes, at the general election held in said district on the 6th day of November, 1894. Contestee received the certificate of election, was sworn in, and is now the sitting member of the House from that district. Contestant, within the time required by law, served upon contestee his notice of contest, alleging various matters as reasons why contestee was not legally elected and claiming that he (contestant) was duly and legally elected.

To this notice contestee served on contestant his answer, specifically denying all of the material allegations in said notice.

From the evidence it appears that contestant and his brother-in-law, George H. White, were rival candidates for the nomination for Congress before the convention of the Republican party, which met in said district in Weldon, on June 27, 1894.

The contest preceding the convention between contestant and George H. White was active, earnest, and bitter. At said nominating convention, owing to contesting delegations, the bitterness between said parties was increased and each insisted that he was the regular nominee of the convention for Congress. Both remained in the field, each declaring himself to be the regular nominee of the party, until September 24, 1894, when the Republican national Congressional committee declared that Mr. Cheatham was the regular nominee of his party in said district. Owing to this unfortunate trouble between contestant and George H. White, as appears from the evidence, a very great many of the colored Republican voters refused to vote for Mr. Cheatham, a few of them even preferred to vote for Mr. Woodard, Democratic candidate, and a great many of them voted for H. F. Freeman, the Populist candidate. Contestant contends that the colored voters are in a

majority in the district and that the colored vote was solid for him. The evidence in the case failed to sustain either of these allegations. It is further alleged by contestant that the election was not conducted fairly and that poll holders were ignorant and corrupt and defrauded him. This allegation is not maintained, except in a few instances, where the poll holders were shown to be ignorant. From the evidence it appears that this is the first contest that has occurred in this district, and it would seem that if the Republican party was united on their candidate the district would be represented in Congress by a Republican. Conceding to contestant the benefit of every reasonable doubt and all legitimate presumptions in the irregularity in the conduct of said election, your committee do not feel warranted upon the facts proved in holding that contestant was elected, because he falls far short of a sufficient number of votes to legally elect him as a Representative in Congress from said district.

The committee therefore recommend the adoption by the House of the following resolutions:

"*Resolved*, That Henry P. Cheatham was not elected a Representative in the Fifty-fourth Congress from the Second Congressional district of North Carolina and is not entitled to a seat therein.

"*Resolved*, That Frederick A. Woodard was elected a Representative in the Fifty-fourth Congress from the Second Congressional district of North Carolina and is entitled to retain his seat therein."

SPECIAL ORDER.

The SPEAKER. The gentleman from South Dakota moves that the House resolve itself into Committee of the Whole for the consideration of bills under the special order.

Mr. PICKLER. Pending that, I yield for a moment to the gentleman from Pennsylvania.

DELEGATE FOR ALASKA.

Mr. SCRANTON. Mr. Speaker, it was the intent to call up to-day the motion to reconsider the motion by which the bill H. R. 3826, the Alaska Delegate bill, was denied a third reading, but I do not desire to interfere with pension matters, and therefore I give notice that I will ask a vote upon the motion to-morrow morning.

The motion to go into Committee of the Whole was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the Private Calendar under the special order, Mr. PAYNE in the chair.

The CHAIRMAN. The House is in Committee of the Whole for the consideration of bills under the special order, which the Clerk will report.

The special order was read.

EMILY A. MANN.

The first pension business was the bill (H. R. 3480) for the relief of Emily A. Mann, which the Clerk proceeded to read.

Mr. BISHOP. Mr. Chairman, that is not the first bill in order. There were several bills reported from the Committee on Military Affairs which were passed over the other night and ought to be taken up before this bill is reached.

The CHAIRMAN. The Chair is informed that this bill was pending when the committee rose at the last session for the consideration of pension bills under the special order. The Clerk will complete the reading of the bill.

The Clerk resumed and completed the reading of the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll, at the rate of $12 per month, the name of Emily A. Mann, widow of William R. Rogers, late of First Illinois Light Artillery.

Mr. BAKER of New Hampshire. Mr. Chairman, at the close of the session on last Friday evening I had risen to oppose this bill, but gave way for a motion that the committee rise. I do not propose at this time to discuss the bill at any length. I wish merely to state what it is, and then leave it to the members of the Committee of the Whole to decide as they see fit, as they undoubtedly will. This is a case of a soldier's widow who remarried, and is now the widow of a civilian, not of a soldier. This bill proposes to pension her under a name which has not its counterpart upon the rolls of the Army. The soldier served a little less than two months, when he died. His widow was pensioned, but subsequently remarried, and now, after she has voluntarily retired herself from the pension roll, this bill proposes to reinstate her upon that roll. The principal objection to bills of this character lies in the fact, as I have already suggested, that there is no counterpart of service upon which to base the pension. Again, this is the third bill of this kind which has been before this House, and if we pass this bill we shall establish a precedent which will come up here every Friday evening, and probably at every session in the future, to occupy the time of the House and to expend the money of the United States for the benefit of persons who have voluntarily relinquished their claim to pension by their own free act. That is the character and condition of this case, and with these remarks I leave the bill to the judgment of the committee.

The CHAIRMAN. The question is, Shall this bill be laid aside to be reported to the House with the recommendation that it do pass?

Mr. DINGLEY. Mr. Chairman, after the statement which has just been made that this lady is not the widow of a soldier, as she is described in the bill, I shall move to amend so as to make the bill conform to the fact. It ought to be amended by inserting in line 6, after the word "of," the words "S. K. Mann, and previously widow of." I offer that amendment in order that the fact may appear that this lady was formerly the widow of a soldier. I think we ought not to state in a bill anything that is contrary to the fact.

The Clerk read the amendment, as follows:

After the word "of," in line 6, insert "S. K. Mann, and previously widow of"; so that it will read "widow of S. K. Mann, and previously widow of William R. Rogers."

The amendment was agreed to.

Mr. DINGLEY. This is a bill to pension a remarried widow, and as that is not conformable to the general law, there ought to be some specific reason for making an exception in this particular case, because we have in the country more than 10,000 widows who are exactly in the same position as this one, soldiers' widows who have remarried and who therefore do not come within the general law. I think there ought to be an exceptional reason for passing a bill like this.

Mr. PICKLER. I will yield to my colleague on the committee to reply to the gentleman from Maine.

Mr. KERR. I desire to say, Mr. Chairman, in answer to the suggestion of the gentleman from Maine, that it is rather late to raise the particular question that is now raised by him, inasmuch as it has been the policy of this House to pass every bill recommended by the Committee on Invalid Pensions where the beneficiary was the war widow of a soldier. That I state as the first particular circumstance that ought to recommend this bill to favorable consideration.

Mr. DINGLEY. If that is the policy to be followed, why is it not better for the Committee on Invalid Pensions to report a general bill covering all these cases?

Mr. KERR. I will say to the gentleman from Maine, who knows everything that goes on in this House except the particular thing which he does not appear to know in this instance, that the Committee on Invalid Pensions has recommended the passage of such a bill, and I have had in charge for two or three weeks a bill that does render eligible to pension all widows who were the wives of soldiers for any period during the war.

Mr. DINGLEY. Then the point is this: Would it not be better, if we are to adopt that policy, to take up and pass the general bill rather than to pension a particular widow, unless there are some special or exceptional circumstances?

Mr. KERR. There is no reason why in the case of this poor widow justice should be delayed by waiting for this House to pass a general bill.

Mr. DINGLEY. Is there anything that distinguishes the case of this widow from the case of 10,000 other widows?

Mr. KERR. There is. Although the gentleman is much better able to make an estimate than I am, I will say there are not 10,000 widows or the half of 10,000 widows in a similar situation to this lady. Let me state the particular circumstances; and I do not wish to encroach upon the time of the House by any prolonged discussion of a particular bill.

This widow was remarried in 1865, and thereby forfeited the pension she had been drawing as the widow of William R. Rogers. Rogers died in the service. He was with Grant in front of Donelson and he gave his life for the Union, although he did not die in battle, but from disease contracted in the service. A pension was granted to her. She was a war widow; she was this man's wife long before the war. In 1865, as I have said, she forfeited her pension by remarriage; and, although her second husband died in 1871, she did not for years apply to be reinstated. But in 1887, as the evidence shows, she suffered a fall which injured her spine, and ever since that time she has been confined to her house and for a great part of the time to her bed. She is now entirely penniless. She has no children, and depends upon the charity of friends.

Mr. DINGLEY. I think that the facts the gentleman states are sufficient to justify the passage of this bill; but I want the real reason for granting the pension to appear in the bill. If the gentleman will yield for the purpose, I will move to add as an amendment these words:

This pension being granted, notwithstanding remarriage, for the exceptional reason that said widow is totally disabled and without any means of support.

Mr. KERR. I have no objection to that amendment, except that this bill is now in the exact form of all the bills of this kind coming from the Invalid Pensions Committee.

Mr. DINGLEY. The passage of the bill is entirely proper if that explanation appears.

Mr. KERR. I have no objection to the amendment if——

Mr. DINGLEY. I move to amend in the manner I have indicated.

Mr. PICKLER. We do not want that amendment.

Mr. DINGLEY. I want it to appear distinctly why this widow is picked out from among thousands of others.

Mr. PICKLER. She is a war widow.

Mr. DINGLEY. But it seems to me if we are to pick out one case from among thousands there ought to appear some special reason for it. If this is simply the case of a remarried widow, there are tens of thousands of others in the same situation. But if we state in the bill that this widow is pensioned as being totally disabled and without means of support, that will show the reason why this case has been made an exception.

The CHAIRMAN. The Clerk will read the amendment of the gentleman from Maine.

The Clerk read as follows:

Insert at the end of line 7 the following:
"This pension being granted, notwithstanding remarriage, for the exceptional reason that said widow is totally disabled and without any means of support."

Mr. PICKLER. I think this amendment is wholly unnecessary. The report shows that this is a war widow; that she was the wife of a soldier who contracted at Donelson the disease from which he died. The gentleman from Maine, by his amendment, proposes to get up a new form for our pension bills; he seeks to inject into this bill a new and particular reason for granting the pension.

A MEMBER. An apology.

Mr. PICKLER. Yes; an apology. The amendment proposes to put an argument in the bill; and arguments ought not to be inserted in a bill. The argument of the case is in the report. I know that when the gentleman fully understands the case he will not insist upon the amendment. It is stated in the report that in addition to being a war widow she "is now over 60 years of age, in destitute circumstances, and has no means of support except contributions from friends, and no property."

Mr. DINGLEY. I say that it is proper to pension a remarried widow when those facts appear. But let us not establish a precedent for applications in 10,000 cases where there are not just such circumstances.

Mr. PICKLER. The statement which the gentleman proposes as an amendment ought not to go into the bill.

Mr. DINGLEY. I think it ought. Without some such explanatory statement the bill will be constantly pointed to hereafter as a precedent for pensions in cases not having the same peculiar merit as this.

Mr. BRUMM. I should like to know whether there are any children.

Mr. TALBERT. I hope this amendment will not prevail. I am astonished to see such a discussion as this arise.

The CHAIRMAN. The time allowed for debate on this bill has expired.

Mr. TALBERT. I hope the bill will pass without the amendment. I am astonished at gentlemen raising such a question on a meritorious bill of this kind.

The question being taken on the amendment of Mr. DINGLEY,

The CHAIRMAN. The ayes seem to have it.

Mr. PICKLER. I call for a division.

The question being again taken, there were—ayes 45, noes 74.

Mr. ERDMAN. Mr. Chairman, I demand tellers.

Tellers were not ordered, there being less than one-fifth of the members rising to support the demand.

So the bill was laid aside to be reported to the House with favorable recommendation.

NICHOLAS SWINGLE.

Mr. VAN VOORHIS. Mr. Chairman, at the last Friday night session House bill No. 1175, to remove the charge of desertion from the military record of Nicholas Swingle, was the first bill on the Calendar to be considered——

The CHAIRMAN. The Clerk will report the next bill on the Calendar, which is the bill to which the gentleman refers.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorised and directed to remove the charge of desertion from the military record of Nicholas Swingle, late of Company E, Seventy-eighth Ohio Volunteer Infantry, and that an honorable discharge be issued in lieu thereof, to date September 15, 1864.

Mr. TALBERT. I do not understand, Mr. Chairman, how that bill comes up now.

The CHAIRMAN. The question is, Shall the bill be laid aside with favorable recommendation.

Mr. TALBERT. I would like to have some light on this question. I do not think that this bill ought to be rushed through without discussion like the other was. This bill has no merit whatever, while the other was a meritorious bill. I would like to have the report read or some light thrown upon it some way or other.

Mr. VAN VOORHIS. I ask that the report accompanying the bill be read.

The report (by Mr. BISHOP) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 1175) entitled "A bill to remove the charge of desertion from the military record of Nicholas Swingle," beg leave to submit the following report, and recommend that said bill do pass without amendment:

A similar bill to the one under consideration was introduced in the Fifty third Congress and favorably reported by your committee, which report your committee hereby affirms and adopts.

The report is as follows:

[House Report No. 1671, Fifty-third Congress, third session.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 8017) entitled "A bill to remove the charge of desertion from the military record of Nicholas Swingle," having had the same under consideration, report it back favorably, and recommend its passage.

Nicholas Swingle, private, Company E, Seventy-eighth Ohio Volunteers, was enrolled at Zanesville, Ohio, March 18, 1864, to serve three years. On the muster roll of company for March and April, 1864, his presence or absence is not stated; May and June, 1864, "absent at hospital since June 12, 1864"; July and August, 1864, "absent, sick since June 12." His name is dropped from all subsequent rolls until the muster out of company, dated July 11, 1865, which reports him "deserted from hospital at Big Shanty, Ga., on or about June 15, 1864."

It will be noted that in the above statement of Swingle's military record, furnished by the War Department, it appears that the charge of desertion was not entered against his name until the muster out of his company, July 11, 1865, and then by direction of the chief mustering officer of the Seventeenth Army Corps, and against the judgment of the second lieutenant of his company, who was the acting muster officer of the company.

It appears from affidavits on file in connection with this case that Swingle was wounded in the right knee while on the skirmish line near Big Shanty, Ga., June 11, 1864; was sent to a field hospital, where he remained for some days, and when able to perform duty was discharged and ordered to rejoin his command. Swingle did not reach his company, and from the time of leaving the hospital all trace of him was lost until he appeared at his home in Muskingum County, Ohio, in June, 1865, completely broken in health, unable to speak above a whisper, and so badly shattered mentally as to be unable to give any intelligible account of his wanderings.

The story gathered from him was that after his discharge from the field hospital, and while on his way to his command, he was overtaken by Confederate cavalry, captured, and sent to a military prison, where he was detained until his parole, when he was sent to Annapolis, Md. After remaining there for some time he came home, understanding that the war was over.

It appears that when Swingle entered the service he was a strong, able-bodied man, whose good character and faithfulness as a soldier are testified to by the affidavits of his captain and second lieutenant, both of whom state that, although absent from military control without authority, they did not believe him to be a deserter. In less than a year after his disappearance he returned home shattered in mind and body, and unable to give any consecutive or lucid story that would enable his friends to explain his absence to the authorities.

Under all the circumstances your committee is of the opinion that the relief prayed for in this bill should be granted, and therefore recommend the passage of the bill.

Mr. TALBERT. I just desire to make this statement—I do not wish to detain the committee—but on last Friday evening, when a motion was made to go into Committee of the Whole, on a division it was found that there were but 50 members present. I made the point of no quorum, with the understanding, as stated at the time, that if I could secure unanimous consent that these bills for the removal of charges of desertion and for the correction of military records should be passed over and not brought forward for consideration, but let the committee go on and reach claims upon the Calendar that had some merit in them, I would withdraw the point of order. That agreement was made, and several meritorious bills were passed.

That agreement was made, I thought, in perfect good faith. Certainly it was on my part; and that evening some seven or eight of these desertion bills were passed over and other bills taken up, as I have said, and passed. I believed then that under that agreement these bills would still remain in obscurity, and that we would take up the Calendar to-day, commencing with the meritorious claims, and consider them, or, at least, that we would certainly not go back and take up these bills which were laid aside under that agreement on last Friday night. Now, I hope the House will keep faith with the agreement and not go back.

I make the point that this is not in order, and that the House can not go back and take up these bills out of order in this manner.

The CHAIRMAN. The Chair overrules the point of order.

Mr. ERDMAN. The gentleman from South Carolina has evidently jumped from the frying pan into the fire. On Friday night we could take up and discuss these bills without limit, whereas now we are limited to ten minutes on each bill.

But as to the point of order suggested by the gentleman, if this is the same Committee of the Whole as the committee which acted on these bills on Friday night last—and it seems to have been so determined by the ruling of the Chair on last Friday night—then clearly that faith ought to be kept to which the gentleman refers, and the agreement fixed in the Committee of the Whole ought to be adhered to.

The CHAIRMAN. The question is on laying the bill aside with a favorable recommendation.

The question was taken; and on a division (demanded by Mr. TALBERT) there were—ayes 107, noes 3.

So the bill was laid aside with a favorable recommendation.

WILLIAM F. SONGER.

The next business on the Private Calendar was the bill (H. R. 4193) to correct the military record of William F. Songer.

The CHAIRMAN. The Chair will state that this bill is now brought forward because it was passed over by a mistake.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion standing against William F. Souger, late a private of Company B, Forty-second Regiment of Indiana Volunteers, on the records of the War Department, and to issue to said Souger a certificate of honorable discharge.

Mr. HARDY. I want to offer an amendment to this bill. The name in the bill is wrong. The name is printed "Souger." I move to strike out the letter "u" where it occurs in the bill and insert the letter "n"; so as to read "Songer."

The amendment was agreed to.

Mr. SPALDING. I would like to have the report read which accompanies this bill.

The report (by Mr. WOOMER) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 4193) entitled "A bill to correct the military record of William F. Souger," beg leave to submit the following report, and recommend that said bill do pass:

This is a bill enacting that William F. Souger, private Company B, Forty-second Regiment Indiana Volunteers, be relieved of the charge of desertion.

The evidence shows that he served faithfully during his first enlistment; that in October, 1864, nine months after his second enlistment, he deserted, returning to his home to visit his wife, who was sick, and she remained sick a long time thereafter.

In consideration of his faithful service for three years, the committee are of opinion that this bill should pass.

The question being taken on laying aside the bill, the committee divided, on demand of Mr. TALBERT; and there were—ayes 94, noes 5.

So the bill was laid aside to be reported favorably.

HOMER C. M'CUSKEY.

The next business on the Private Calendar was the bill (H. R. 4872) to correct the military record of Homer C. McCuskey.

The bill was read, as follows:

Be it enacted, etc., That the charge of desertion now standing against Homer C. McCuskey, second lieutenant of the Seventh Regiment of United States Colored Troops, on the records of the War Department, be, and the same is, removed, and the Secretary of War is hereby directed to issue to said Homer C. McCuskey an honorable discharge, the same to date from the muster out of said Seventh Regiment of United States Colored Troops.

Mr. HAGER. I ask for the reading of the report.

The report (by Mr. GRIFFIN) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 4872) to correct the military record of Homer C. McCuskey, having had the same under consideration, would report thereon as follows:

The object of the bill is to remove the charge of desertion now standing against Homer C. McCuskey, second lieutenant of the Seventh Regiment, United States Colored Troops, and that the Secretary of War be directed to issue to him an honorable discharge, to date from the muster out of such regiment. The records of the War Department show the service of the soldier to be as follows:

That Homer C. McCuskey was enrolled as a private in Company G, Thirty-first Ohio Infantry, to serve three years, and that he was discharged October 29, 1861, because of "chronic enlargement of the liver."

As Homer C. McCuskey he again enlisted as a private in Company D, Sixty-second Ohio Infantry, February 18, 1864, and was discharged by reason of promotion to second lieutenant, Seventh Regiment United States Colored Troops, November 28, 1864.

It is also shown by the records that Homer C. McCuskey, aged 21 years, was enrolled November 30, 1864, and was mustered into service as second lieutenant Company B, Seventh United States Colored Infantry, December 19, 1864, to date November 30, 1864, to serve three years.

He was transferred to Company K, same regiment, December 31, 1865. The muster rolls report him as follows: From enrollment to June 30, 1865, "present"; August 31 and to December 31, 1865, "absent sick in hospital"; February 28 and to June 30, 1866, "absent without authority."

On March 24, 1866, Lieut. Col. O. E. Pratt, commanding the regiment, reported that Mr. McCuskey had been sent to hospital at New Orleans by the surgeon in charge of the post hospital at Indianola, Tex., in September, 1865; that he (Colonel Pratt) had since ascertained from a reliable source that Mr. McCuskey had not entered hospital at New Orleans, but had proceeded to his home in Ohio and thence to Minnesota, where he was engaged in farming; and that he had been reported absent without leave since February 20, 1866. That report having been duly forwarded to the War Department, and Mr. McCuskey's address not being known, he was notified by newspaper publication to make defense to the charge of desertion within thirty days or be subject to recommendation for dismissal. No response or defense having been received, Mr. McCuskey was "dropped from the rolls of the Army for desertion," he "having absented himself from his command since September 1, 1865, without authority," by order of the Secretary of War, in paragraph 1, Special Orders No. 390, War Department, Adjutant-General's Office, August 9, 1866. No medical record of him has been found.

The affidavit of the beneficiary, made on the 4th day of January, 1886, shows that he remained at the hospital at Indianola until September, 1865; that his health continuously grew worse, and that he was informed by the post surgeon that if he recovered he would have to go North, and that such surgeon gave him written permission to go for his health, which written permit both McCuskey and his wife, Emily J. McCuskey, in their affidavits, stated was lost with other of McCuskey's army papers about the time they moved to Iowa; that he went to his home at Somerset, Ohio, and that at the time of leaving the hospital he was unable to get to the boat alone and was assisted thereto; that he continued sick and unable for active duty after his return home, and that he sent in his resignation on account of sickness, and, on the assurance that it would be accepted, supposed it had been until long thereafter; that being in poor health and only a boy in years and experience, he did not give the matter the concern that he should have done or find out just what action was taken as to his resignation or whether it was received.

Accompanying the papers is an affidavit made by John L. Sheridan on the 9th day of October, 1890, stating that he was well acquainted with McCuskey, late a lieutenant in the Seventh United States Colored Infantry, and that McCuskey applied to him in the autumn of 1865 for information as to the method to be pursued to resign from the service of the United States; that, at said McCuskey's suggestion, the said John L. Sheridan wrote to the late General Sheridan, then commanding Department of the Gulf, and was by him informed that the resignation would be accepted for cause, provided such resignation was forwarded through regular channels; that said McCuskey in his affidavit states that said John L. Sheridan was a brother of Gen. P. H. Sheridan, commanding the department in which McCuskey's regiment was then serving, and that said McCuskey, upon forwarding his resignation, relied upon the assurance that it would be accepted. He further states in his affidavit that he did not learn that his resignation had not been accepted or that he was borne on the records of the Army as a deserter until long after his regiment had been mustered out. The affidavit of Mrs. McCuskey, made on the 13th day of August, 1891, corroborates her husband's statement as to his reaching home sick, and also as to seeing the written permission given by the surgeon for him to go to his home.

Your committee, from an examination of the records and papers in the case, are therefore of the opinion that the soldier in this case never intended to desert or believed that he had deserted, but that his absence from his command at the time it was mustered out was due to his ill condition of health, the admonition of the surgeon that if he expected to recover he must go North, the written permission of the surgeon so to do, the subsequent tender of his resignation upon arrival at home after he discovered that he was not recovering his health, and the assurance received by him that such resignation would be accepted for cause such as prompted him to tender the same, which was his illness, and therefore recommend that the bill do pass.

The bill was laid aside to be reported to the House with favorable recommendation.

JOHN J. JOHNSON.

The next business on the Private Calendar was the bill (H. R. 3514) granting an honorable discharge to John J. Johnson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he hereby is, authorized and directed to grant an honorable discharge to John J. Johnson, late a private in Company D in the Second Regiment of Arkansas Cavalry Volunteers, as of date June 14, 1864.

The CHAIRMAN. The question is upon laying aside the bill with a favorable recommendation.

Mr. DINGLEY. Let us have the report read.

The report (by Mr. TRACEY) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 3514) to remove the charge of desertion from the military record of John J. Johnson, late a private in Company D of the Second Regiment of Arkansas Cavalry, and grant him an honorable discharge, beg leave to report:

John J. Johnson enlisted as a private in Company D of the Second Regiment of Arkansas Cavalry on the 10th day of February, 1864. Lemuel R. Jones, who was second lieutenant of the same company, testifies to the good character and faithful service as a soldier of Johnson until reports came to the company, in April, then serving at Springfield, Mo., and in the country surrounding Springfield, that the guerrillas were raiding the Union families in Newton County, Ark., where the family of Johnson and of most of his comrades in the company lived. These reports so worked upon the members of the company that they asked permission of the colonel of the regiment to go to the assistance of their families. Permission was refused by the colonel on the ground of the extreme danger of a small party going to such a distance from the command.

During the summer and fall of 1864 about 60 men of said company left the command and went to Newton County to defend and care for their families, and Johnson was among them, and was at the time a sergeant in the company. At the time of leaving he wrote a letter to the colonel of the regiment stating that himself and the men had no intention of deserting, but were going to the assistance of their imperiled families. This letter was given to the colonel with the morning report and the colonel stated that he had promised the men furloughs, but the great danger from the enemy had deterred him from granting them.

In December, 1864, Lieutenant Jones resigned to return home to Newton County, Ark., and was told by the colonel to inform the men that if they would return to the command they should not be molested or punished. When Jones returned to Newton County he found his men scouting the country and doing thoroughly what they had gone home to do. In May, 1865, Lieutenant Jones returned to Springfield and reported to Gen. J. B. Sanborn, commanding the Southwest Military District, and requested that the members of his company then in Newton County should be placed on detached service and allowed to remain there to protect the Union families of the county. The request of Lieutenant Jones was granted, and a general order issued placing said soldiers on detached service and ordering them to remain in Newton County until further orders.

Sergeant Dickey was ordered to take command of the men, which he did, and they performed effective and faithful service. In August, 1865, Sergeant Dickey was ordered to return to his command, which was then at Memphis, Tenn. He did so return with most of the men, but Johnson and some others failed to get the notice of the order, and did not report in consequence, and was not mustered out as were his comrades who received notice of the order to return to the command.

In view of all these facts your committee are of opinion that Johnson did not intend to desert, and did not desert his command, and was only prevented from being mustered out with his command by a failure to receive notice of the order to report at Memphis.

The bill is therefore reported favorably, with a recommendation that it do pass.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

EZRA ABBOTT.

The next business on the Private Calendar was the bill (H. R. 3565) to grant an honorable discharge to Ezra Abbott.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to grant an honorable discharge to Ezra Abbott, late of Company I of the Twenty-first Michigan Volunteer Infantry, to date from the 10th day of September, 1863.

Mr. MILNES. Let us have the report read.

The Clerk proceeded to read the report (by Mr. BISHOP), as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 365) to grant an honorable discharge to Ezra Abbott, having considered the same, would respectfully report the same back to the House and recommend that the bill do pass.

The facts relied upon for such recommendation are fully set forth in a report of your committee made in the Fifty-first Congress, hereto attached and adopted as a part of this report. A bill for the relief of such soldiers passed both Houses of the Fifty-first Congress, but because of an error in such bill the act was inoperative for the relief intended. The report of the Adjutant-General on such bill is also hereto attached.

[House Report No. 2656, Fifty-first Congress, first session.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 10526) to remove the charge of desertion from the record of Ezra Abbott, late of Company I, Twenty-first Michigan Volunteer Infantry, having considered the same, respectfully report:

That Ezra Abbott, the claimant, enlisted in August, 1862, and served faithfully to July 25, 1865, excepting for a period of four months and eight days, during which time he was in desertion. Had he returned to the service eight days sooner he could have been relieved under the general law.

The report of the Secretary of War, herewith submitted, shows that the claimant deserted from the hospital, where he had been confined for quite a long period with chronic diarrhea. He went home just long enough to recover his health sufficiently to pass medical examination, when he reenlisted in another organization than the one in which he had first served, but without bounty.

Your committee believe the relief asked for should be granted, and recommend the passage of the bill.

Mr. MILNES. Mr. Chairman, I am satisfied with that report.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

PATRICK RAINEY.

The next business on the Private Calendar was the bill (H. R. 2338) for the relief of Patrick Rainey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he hereby is, authorized and directed to remove the charge of desertion from the military record of Patrick Rainey, late of Company K, Fifty-second Regiment Ohio Volunteer Infantry, and issue to said Rainey an honorable discharge.

The CHAIRMAN. The question is upon laying aside the bill with a favorable recommendation.

Mr. TALBERT. Let us have the report read.

The CHAIRMAN. The report will be read in the time of the gentleman from South Carolina.

The report (by Mr. TRACEY) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 2338) to remove the charge of desertion from the military record of Patrick Rainey, late of Company K, Fifty-second Regiment Ohio Volunteer Infantry, have carefully considered the same and beg leave to report:

Patrick Rainey enlisted in the Fifty-second Ohio Infantry as a private on the 15th day of August, 1862, to serve three years. He was born in Ireland in the year 1843, and hence was but 14 years old at the time of his enlistment. Like many other boys, he ran away from home to enlist. His mother, his father being dead, went with one John Cunningham to Camp Dennison to bring him home. All their arguments failed and the lad remained. Subsequently his older brother, James Rainey, went to Nashville, Tenn., and partly by persuasion, partly by coercion, succeeded in getting Patrick to leave the regiment and go with him to town, where he bought him a suit of citizen's clothes and refused to allow him to return to the regiment.

After getting him back home with difficulty a close guard was kept over him to prevent his return to the regiment until after it was mustered out.

Your committee believe, in view of the facts and the almost extreme youth of the boy, that there is nothing in his conduct to warrant the charge of desertion, and the bill is therefore reported favorably with the recommendation that it do pass.

The question was taken on laying aside the bill to be reported to the House with a favorable recommendation; and the Chairman announced that the ayes seemed to have it.

Mr. STEELE. That man is admittedly a deserter. Let us have a division.

The committee divided; and there were—ayes 68, noes 5.

Accordingly the bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

THOMAS S. DAUGHERTY.

The next business on the Private Calendar was the bill (H. R. 3333) granting a pension to Thomas S. Daugherty.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to cause to be placed upon the pension roll of the United States the name of Thomas S. Daugherty, late a private in Company A, in the First Regiment of Kentucky Cavalry, and to pay him a pension at the rate of $30 per month.

Mr. MILNES. Let us have the report.

The CHAIRMAN. The report will be read.

Mr. PICKLER. Who wants the report read, Mr. Chairman?

The CHAIRMAN. The gentleman from Michigan.

Mr. MILNES. I should like to hear the report.

The report (by Mr. CROWTHER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3333) granting a pension to Thomas S. Daugherty, submit the following report:

Your committee find that Thomas S. Daugherty enlisted as a private in Company A, First Regiment of Kentucky Cavalry, in the fall of 1864, and was discharged from the service on the 9th day of August, 1865, having been enlisted to serve one year or during the war. In June, 1865, the telegraph wires being down, he was sent with a special message to be delivered to the commanding officer at Midway, Ky., his command being at the time stationed at Bagdad. Upon arriving at Midway the conductor of the train, upon which Daugherty was in the discharge of the duty upon which he had been sent, refused to check the speed of the train to allow him to get off with the message, and, determined to perform the duty upon which he had been sent at all hazards, he jumped off of the train, and in doing so his left foot slipped under a cross-tie, throwing him backward, dislocating his left ankle and knee, striking the extreme lower part of his spinal column, also the back of his head, rupturing the drum membrane of the right ear.

From these injuries he never recovered. His knee was set, but his ankle was not, and a running sore resulted that has never healed. His right ear is totally deaf, and he has suffered much from the shock to his spine. His disabilities have increased with advancing years, and the only reason given by the Pension Bureau for the rejection of his claim for pension is that the First Regiment of Kentucky Cavalry, to which he belonged, was a State organization. There is no dispute as to the facts nor as to the additional fact that he is now totally disabled from the performance of manual labor of any kind. He is an educated physician, but for some years has been wholly unable to practice his profession.

In view of the fact that the injuries from which the claimant suffers were incurred in the service, and in the discharge of an important duty devolved upon him, your committee believe he is entitled to a pension, notwithstanding he belonged to a State military organization, and the bill is therefore reported favorably, with a recommendation that it do pass.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

MINNIE PARKER.

The next business on the Private Calendar was the bill (H. R. 6113) granting a pension to Minnie Parker, widow of Bvt. Brig. Gen. Ely S. Parker, late of the United States Army.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Minnie Parker, widow of Brt. Brig. Gen. Ely S. Parker, late of the United States Army, and to pay her a pension of $50 per month.

The Committee on Invalid Pensions recommended the following amendments:

In line 6, between the words "of" and "Brevet," insert the words "Colonel and."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

JERUSHA H. BROWN.

The next business on the Private Calendar was the bill (H. R. 5279) granting a pension to Jerusha H. Brown.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension roll, at the rate of $12 per month, Jerusha H. Brown, of St. Paul, Minn., daughter of Samuel Hayward, a soldier in the American Revolution.

Mr. MILNES. Let us have the report.

The report (by Mr. HARDY) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 5279) granting a pension to Jerusha H. Brown, have considered the same and respectfully report as follows:

A similar bill was before your committee at the second session of the Fifty-third Congress and was reported favorably. The report of the committee (House Report No. 1458, Fifty-third Congress), fully setting forth the facts, is adopted by your committee as their report, and the bill is returned with a favorable recommendation.

[House Report No. 1458, Fifty-third Congress, second session.]

The Committee on Pensions, to whom was referred the bill (H. R. 7307) granting a pension to Jerusha H. Brown, have considered the same and report as follows:

The claimant is the daughter of Samuel Hayward, who served for a year and four months in Captains Bliss and Dana's companies in the Connecticut Line, war of the Revolution. The service is a matter of record, and the soldier and his widow, Sarah Hayward, were pensioners during their lifetime.

The testimony of Samuel Pennock, Mary J. Patterson, Nathan S. Young, and F. L. Young establishes the identity of the claimant as the only surviving child of the soldier. These witnesses knew Samuel Hayward in his lifetime and were acquainted with the members of his family. Jerusha H. Brown, the beneficiary, is a member of the "Society of the Daughters of the American Revolution," and a copy of a certificate of her membership in that organization is on file with the papers.

The testimony further shows that the claimant is 71 years old, without property or income, and a sufferer from rheumatism to such an extent that she can do no manual labor, and that she is dependent on others for a livelihood.

There are several precedents for the allowance of pensions to the aged and dependent daughters of Revolutionary soldiers—one of them (the case of Hannah Lyons) having become a law at this session of Congress—and in the light of the facts set forth above your committee return the bill with the recommendation that it do pass.

Mr. MILNES. Mr. Chairman, it appears from the reading of this report that this is the daughter of a Revolutionary soldier; that the father and mother of this claimant were borne upon the pension rolls for something like seventy years. Now, I should like to know what is going to be the policy and how long we are

to continue pensions. Is there to be no end to them? It seems to me that we ought not to adopt this policy of pensioning daughters of soldiers who fought in a war more than one hundred years ago. It seems to me like a very bad policy. I am certainly opposed to it.

Mr. LOUDENSLAGER. Mr. Chairman, I will say in reply to the gentleman from Michigan that this is in the line of precedents established not only by this Congress but by former Congresses. In fact, no bill of this kind has been presented to either the Fifty-third or Fifty-fourth Congresses and been defeated. They have all been acted upon favorably. So that this is not the first precedent established in this line. It is only one of a series.

Mr. MILNES. It is a bad precedent.

Mr. LOUDENSLAGER. The evidence is clear as to the relationship of this claimant to the Revolutionary soldier and as to her entire dependence.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

ELEANOR CARROLL POE.

The next business on the Private Calendar was the bill (S. 804) granting a pension to Mrs. Eleanor Carroll Poe.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, at the rate of $100 per month, the name of Eleanor Carroll Poe, widow of the late Col. Orlando M. Poe, of the United States Army.

The Committee on Invalid Pensions recommended an amendment, striking out the words "one hundred," in line 5, and inserting in lieu thereof the word "fifty."

The amendment recommended by the committee was agreed to.

Mr. DINGLEY. Let the report be read.

The Clerk read as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 804) granting a pension to Mrs. Eleanor Carroll Poe, having considered the matters in evidence, adopt as their own Senate Report No. 136, and recommend the passage of the bill with an amendment, striking out, in line 5, the words "one hundred" and inserting in lieu thereof the word "fifty."

The Senate report is as follows:

[Senate Report No. 136, Fifty-fourth Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 804) granting a pension to Mrs. Eleanor Carroll Poe, after full consideration, make a favorable report thereon.

The bill proposes to pension, at the rate of $100 a month, the widow of an officer who rendered distinguished service both in war and in peace.

For twenty years General Poe was a member of General Sherman's staff. The relations that these two men sustained to each other are set forth by General Sherman with peculiar directness and with much feeling in the following letter:

"HEADQUARTERS ARMY OF THE UNITED STATES,
"*Washington, D. C., October 30, 1883.*

"MY DEAR FRIEND: By reason of circumstances long since revealed, the little group of officers which has daily gathered at these headquarters will soon give place to others, and we will scatter—you to your post of duty at Detroit and I to my home at St. Louis.

"The relation between a general and his personal staff is too intimate, too sacred, to be treated in General Orders. So, according to a habit long since formed, I will address you thus rather than pay a fulsome compliment for publication.

"I construe your personal and official service near my person to have begun in the spring of 1864 at Nashville, and that it will not cease till February 3, 1884, so that you will have been with me twenty years—and twenty most eventful years. In the beginning we were in the throes of a great civil war, with vast armies in motion needing guidance and maintenance, wherein your well-stored mind and sound judgment aided me more than you ever can know.

"We gradually but surely swept our enemies out of existence, and in 1865 rode into this capital of Washington to celebrate a grand victory, and, what was better, a peace founded on principles of truth as lasting as time.

"Most of our comrades went to their homes, but our work was not yet done. Out of the wrecks of the vast armies had to be created smaller ones adapted to the new condition of facts, and these had to be guided and directed so as to prepare the way for the inevitable result—subduing the Indian and making possible the settlement of the vast region west of the Missouri; to cover and protect the great railways which now connect the Atlantic with the Pacific, and bring those most valuable communities into more intimate relations with the remainder of our country. This, too, has been done in our day, and for your most valuable assistance in this connection I am greatly indebted to you. To deal in more particulars would swell this letter to an uncomfortable length, and I will only add that throughout our relations have been so confident that either could anticipate the action of the other without waiting for the conclusion.

"My career is now at an end, but there is no reason why you should not go on to the highest round of the ladder in our profession. I know your partiality to your own special branch; but you have had experience in all, and as to command men in battle is regarded by the world as the highest branch of the military art I would have you bear that in mind should the occasion arise in your life.

"Wishing you and yours all possible honor and happiness,

"I am, truly and sincerely, your friend,

"W. T. SHERMAN, *General.*

"Col. O. M. POE, A. D. C.,
"*Brevet Brigadier-General, United States Army.*"

Mr. PICKLER (interrupting the reading). Mr. Chairman, I think that is sufficient.

Mr. DINGLEY. Mr. Chairman, I should like to ask the chairman of the Committee on Invalid Pensions whether this rate of $50 per month is not higher than the amount usually given to the widows of officers of this rank?

Mr. PICKLER. Yes; it is higher than is usually given.

Mr. DINGLEY. Is there any exceptional reason for raising the amount in this case? It seems to me there ought to be some uniform rule in reference to these cases.

Mr. PICKLER. The gentleman who reported the bill [Mr. THOMAS] does not seem to be present. I was not in the committee when this bill was agreed to. I have to say, however, Mr. Chairman, that this officer rendered very distinguished services. This letter of General Sherman read by the Clerk shows that. I presume the distinguished services rendered by this officer constitute one reason why the bill was reported at this rate. In the cases of some brevet brigadier-generals who commanded a brigade under extraordinary circumstances pensions have been allowed at $50 a month. I will say that this is above the ordinary amount that the committee recommend for officers of this rank.

Mr. HULICK. What would this lady be entitled to under the law?

Mr. PICKLER. Thirty dollars a month.

Mr. LOUD. She is getting $30 a month now, is she not?

Mr. PICKLER. I do not know as to that.

Mr. CURTIS of New York. General Poe was one of the most distinguished engineer officers of the Western army.

Mr. CORLISS. There is no doubt about that.

Mr. MILNES. But his widow is no more distinguished than the widow of many other officers.

Mr. DINGLEY. I notice that in the case of Bvt. Brig. Gen. Ely S. Parker, which just passed the committee, we allowed $30 per month, and that officer was of the same rank.

Mr. CURTIS of New York. But there was this difference: General Poe commanded troops. He was a staff officer, but he was in command of troops.

Mr. DINGLEY. There ought to be a general rule in respect to these pensions.

Mr. CURTIS of New York. General Parker's widow ought to have had $50 a month instead of $30; and the misfortune attached to that case ought not to be visited on this.

Mr. PICKLER. Vote!

The CHAIRMAN. The committee will rise informally to receive a message from the Senate.

The committee accordingly rose; and Mr. GROUT assumed the chair as Speaker pro tempore.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. COX, its Secretary, announced that the Senate had passed with amendments a bill (H. R. 7977) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, asked a conference with the House of Representatives on the bill and amendments, and had appointed Mr. FRYE, Mr. QUAY, and Mr. VEST as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 2698) authorizing the construction of a bridge over the Mississippi River to the city of St. Louis, in the State of Missouri, from some suitable point between the north line of St. Clair County, Ill., and the southwest line of said county; asked a conference with the House of Representatives on the bill and amendments, and had appointed Mr. VEST, Mr. ELKINS, and Mr. JONES of Nevada as the conferees on the part of the Senate.

The message also announced that the Senate had disagreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6249) making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1897, and for other purposes, and had further insisted upon its amendments disagreed to by the House, had asked a further conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. PETTIGREW, Mr. TELLER, and Mr. COCKRELL as the conferees on the part of the Senate.

The message also announced that the Senate had disagreed to the amendment of the House of Representatives to the bill (S. 710) granting a pension to Ada J. Schwatka, widow of the late Lieut. Frederick Schwatka; asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. GALLINGER, Mr. SHOUP, and Mr. MITCHELL of Wisconsin as the conferees on the part of the Senate.

The message also announced that the Senate had passed without amendment bills of the following titles:

A bill (H. R. 4787) to establish the port of Conneaut, in the State of Ohio, as a subport of entry in the district of Cuyahoga, in said State of Ohio;

A bill (H. R. 6172) authorizing the sale of the title of the United States in lot 5, square 1113, in the city of Washington;

A bill (H. R. 6195) amending the statutes relating to the sale of printed copies of patents;

A bill (H. R. 6663) relating to the sale of unclaimed baggage and other property in the District of Columbia;

A bill (H. R. 3596) to remove the charge of desertion from the military record of Michael McKenna;

A bill (H. R. 2451) to correct the records of the War Department in the case of Capt. Henry S. Pratt;

A bill (H. R. 7264) to provide for the drainage of lots in the District of Columbia;

A bill (H. R. 227) requiring bills of sale, conditional sales, mortgages, or deeds of trust of chattels in the District of Columbia to be recorded;

A bill (H. R. 5790) to permit the Pintsch Compressing Company to lay pipes in certain streets in the city of Washington;

A bill (H. R. 8077) granting to Budlong Post, Grand Army of the Republic, Westerly, R. I., two condemned mounted brass cannon;

A bill (H. R. 2740) to carry into effect a finding of the Court of Claims in favor of the estate of George Case, late of Independence County, Ark.;

A bill (H. R. 7100) to donate 8 condemned cannon and 100 cannon shot to the Grand Army of the Republic Cemetery Association of Colorado;

Joint resolution (H. Res. 122) authorizing the Secretary of the Navy to deliver condemned cannon to Chamberlain Post, Grand Army of the Republic, to be posted by the soldiers' monument at St. Johnsbury, Vt.;

A bill (H. R. 7140) granting to A. L. Robeson Post, No. 42, Grand Army of the Republic, of Bridgeton, N. J., 4 condemned cannon and 20 cannon balls;

A bill (H. R. 8013) donating one condemned cannon and cannon balls to Grand Army of the Republic, L. W. Cooper Post, Department of Missouri, No. 81, of Lathrop, Mo.;

A bill (H. R. 7172) donating four condemned cannon and four pyramids of condemned cannon balls to the Soldiers' Monument Association of Allegan, Mich.;

A bill (H. R. 7973) to establish a railroad bridge across the Illinois River near Grafton, Ill.;

A bill (H. R. 8532) to establish certain harbor regulations for the District of Columbia;

A bill (H. R. 7143) granting to the Soldiers and Sailors' Monument Association, of the county of Middlesex, in the State of New Jersey, 4 condemned cannon and 30 cannon balls;

A bill (H. R. 7216) donating one condemned cannon and cannon balls to Grand Army of the Republic post No. 573, of Evans City, Pa.;

A bill (H. R. 8266) donating two condemned cannon to Custer Post, No. 38, Grand Army of the Republic, of Etna, Pa., and two condemned cannon to James G. Clark Post, No. 162, Grand Army of the Republic, of Allegheny, Pa.;

A bill (H. R. 128) for the relief of Henry H. Schrawder;

A bill (H. R. 5388) for the relief of F. Alberts & Co., Muskegon, Mich.; and

A bill (H. R. 6666) granting to Maj. C. A. Angel Post, No. 20, Grand Army of the Republic, of Lambertville, N. J., 4 condemned cannon and 20 cannon balls.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. HERMANN. Mr. Speaker, I ask unanimous consent that the House nonconcur in the Senate amendments to the river and harbor appropriation bill, and that the request of the Senate for a conference be agreed to.

The SPEAKER pro tempore. The gentleman from Oregon asks unanimous consent that the Senate amendments to the river and harbor bill be nonconcurred in by the House, and that the conference asked by the Senate be agreed to. Without objection, it will be so ordered.

There was no objection, and it was so ordered.

The SPEAKER pro tempore. The committee will resume its session.

The committee resumed its session.

MRS. ELEANOR CARROLL POE.

Mr. TALBERT. Mr. Chairman——

The CHAIRMAN. The gentleman from Maine is entitled to the floor.

Mr. TALBERT. I just desire to call the attention of the House to this inconsistency in its proceedings. Just a moment ago we passed a bill granting a pension of $30 a month to the widow of a distinguished officer, Mrs. Parker. Now, you propose to give to the widow of another distinguished officer, Mrs. Poe, the sum of $50 a month, $20 more. I have endeavored in my weak way to try to come to some understanding and some common level in the granting of pensions to widows of distinguished officers. It seems to me now, sir, that you ought either to raise the one to $50 or to reduce the other to $30, or to reduce the one to $40 and raise the other to $40, and establish some precedent which will prevent this everlasting harangue about inconsistencies and discriminations.

Mr. McCLELLAN. The gentleman will remember that Colonel Parker was a lieutenant-colonel and General Poe a brigadier-general.

Mr. TALBERT. He was brevetted; they are all brevetted. Whether they ever served in that capacity under such a title or not we do not know. I submit, sir, that we ought to try to arrive at some common level, so as to stop this continual harangue about discriminations. I only desire to say this much. I do not propose to oppose $50 if you agree upon that; but I submit that you ought to reduce this to $30 or to raise the other to $50, so as not to discriminate.

The CHAIRMAN. Debate on this bill is exhausted.

Mr. PICKLER. Mr. Chairman, I will only state that the Senate passed this bill at $100, and we have cut it in half.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

ANDREW R. LADD.

The next business on the Private Calendar was the bill (H. R. 6468) to increase the pension of Andrew R. Ladd.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension now allowed and paid to Andrew R. Ladd so that he shall be allowed and paid the sum of $16 a month. The said Andrew R. Ladd was a private in Company C, Thirtieth Regiment Wisconsin Volunteer Infantry.

The amendment recommended by the committee was read, as follows:

Strike out all after the word "to," in line 4, and insert the following: "Place on the pension roll the name of Andrew R. Ladd, late a private in Company C, Thirtieth Regiment Wisconsin Volunteer Infantry, and pay him a pension of $12 per month, subject to the provisions and limitations of the act of June 27, 1890.

Mr. HENDERSON. I desire to offer an amendment to the committee amendment. I want to say for the information of the committee that the bill and amendment both have the letter of his company wrong. It is in the bill and the amendment "C." It should be "E." The purpose of my amendment is simply to make this correction.

The Clerk read as follows:

Strike out the letter "C," in line 9, and insert in lieu thereof the letter "E."

The CHAIRMAN. Without objection, the amendment offered by the gentleman from Iowa will be agreed to.

There was no objection.

The CHAIRMAN. The question is on agreeing to the amendment proposed by the committee.

Mr. DINGLEY. Let the report be read.

The report (by Mr. BAKER of Kansas) was read, as follows:

The Committee on Invalid Pensions, having carefully considered the evidence relating to the bill (H. R. 6468) to increase the pension of Andrew R. Ladd, report as follows:

This soldier served from September 16, 1863, to September 25, 1865. He filed a claim for pension under the general law January 26, 1889, and was pensioned from that date at $4 per month for malarial poisoning. His claim for additional pension on account of injury of right shoulder was rejected August 30, 1894, on the ground of no record and claimant's alleged inability to show same incurred in line of duty by competent testimony.

Medical examination in 1893 rated him eight-eighteenths for piles, eight-eighteenths for injury of right shoulder and resulting rheumatism, and six-eighteenths for malarial poisoning, for which he is pensioned under the general law.

Your committee are of the opinion that this shows a degree of disability entitling the soldier to the rate of $12 per month under the act of June 27, 1890, and they therefore recommend that the bill be amended by striking out all after the word "to," in line 5, and adding the words "place on the pension roll the name of Andrew R. Ladd, late a private in Company C, Thirtieth Regiment Wisconsin Volunteer Infantry, and pay him a pension of $12 per month, subject to the provisions and limitations of the act of June 27, 1890," and that as amended the bill do pass.

The CHAIRMAN. The question is on the amendment proposed by the committee.

Mr. TALBERT. Mr. Chairman, I desire to ask the chairman of the committee a question. I see in the latter part of the report it says "pay him a pension at $12 a month, subject to the provisions and limitations of the act of June 27, 1890." Why should you put that provision in? If he is to be subject to that law, does not the law itself say how much he shall get? I only ask for information.

Mr. PICKLER. He may not have served 90 days. He must show that to come under that law; and that the disease is not the result of his own vicious habits.

Mr. HENDERSON. The report shows that he served over two years.

Mr. TALBERT. It seems to me unnecessary to put in the amount if you make his pension subject to the provisions and limitations of that law.

Mr. HENDERSON. That is the usual form.

Mr. LOUD. Mr. Chairman, I would like to ask the chairman of the Committee on Invalid Pensions if this would not give this soldier $18 a month pension? Would not the effect of this bill be to direct the Commissioner of Pensions or the Secretary of the Interior to place him on the pension rolls at $12 a month. He is now on the pension rolls with some other rating, probably from $4 to $6 a month. Would not this give him a pension in addition to the amount that he now has?

Mr. PICKLER. That is not the intention of the committee. The law provides that a man can not receive more than one pension. If there is any ambiguity about it the gentleman can offer an amendment.

Mr. LOUD. I will offer as an amendment the words "in lieu of the pension that he is now receiving."

Mr. HENDERSON. I will agree to that.

The amendment was read, as follows:

Insert at the end of line 13: "*Provided*, That this shall be in lieu of any pension he is now receiving."

The amendment was adopted.

The amendment recommended by the committee as amended was agreed to.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MARY C. THOMPSON.

The next business on the Private Calendar was the bill (H. R. 3755) to increase the pension of Mary C. Thompson.

The bill was read, as follows:

Be it enacted, etc., That the pension of Mary C. Thompson, widow of Dr. Fillmore Thompson, deceased, be increased from the sum of $12 per month to $20 per month; and the Secretary of the Interior is hereby authorized and directed to place her on the roll at the increased rate of $20 per month, in lieu of the rate of $12.

Mr. MILNES. Let us have the report read.

The report (by Mr. CROWTHER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3755) granting an increase of pension of $20 per month to Mary C. Thompson, widow of Dr. Fillmore Thompson, having carefully examined and considered all the facts and circumstances, respectfully report:

That at the breaking out of the rebellion Dr. Thompson resided at Hot Springs, in the State of Arkansas, and was a thorough and intense Unionist; that as such he secreted and assisted many persecuted and fleeing Union people, white and black; that owing to his loyalty he was obliged to seek refuge and protection within the Union lines at Little Rock, then occupied by Gen. Fred. Steele; that he was employed by General Steele as chief guide to his expedition to Camden, in the spring of 1864, for the purpose of cooperating with General Banks in his Louisiana campaign, and acted as such until the final return to Little Rock of said army upon its retreat.

The character and services of Dr. Thompson are clearly set forth in the following affidavit of Prof. J. B. Wheeler:

"Prof. J. B. Wheeler, of the United States Military Academy at West Point, N. Y., being duly sworn, deposes that he is a resident of West Point, N. Y., and is at the present time the professor of civil and military engineering in the United States Military Academy at that place.

"That during portions of the years 1863 and 1865 and the whole of the year 1864 he held the rank of captain in the Corps of Engineers in the United States Army, and during that time served as the chief military engineer of the United States troops serving in the State and Department of Arkansas.

"That as the chief engineer officer he accompanied the march of the expedition under Maj. Gen. Fred. Steele, which moved south in March, 1864, to cooperate with, and, if possible, to effect a junction with the United States forces under command of Maj. Gen. N. P. Banks, then moving toward Shreveport, on the Red River, in Louisiana.

"That during this march and the return he was daily thrown in contact with the principal guide, one Dr. F. Thompson, a former resident of Hot Springs, Ark., who had sought protection within the United States lines against violence from the inhabitants of that part of the State, with which he was threatened by reason of his well-known Union feelings.

"That from his personal knowledge he knows of the peculiar fitness of the said Thompson for the place of principal guide, and attributes largely the successful progress of the expedition, as far south as it proceeded, to said Thompson's thorough knowledge of the roads, the crossing of streams, and the sentiments and opinions of the inhabitants of that part of the country.

"That the return march of the expedition, followed as it was by a victorious enemy, who received a severe check at Jenkins Ferry, was greatly aided by the said Thompson's intimate acquaintance with the roads and character of the country used and crossed by the army in its retreat.

"That during this retreat all the members were more or less sufferers from fatigue and exposure.

"That shortly after the return of the expedition Dr. Thompson was taken sick and very soon thereafter died.

"That the deponent understood at the time of said Thompson's death that it, as well as the sickness, were largely, if not entirely, caused by the fatigues and exposures that said Thompson had undergone during the time he accompanied the expedition as its principal guide.

"J. B. WHEELER.

"Subscribed and sworn to before me this 15th day of September, A. D. 1874.
"[SEAL.] WM. WARD,
"*Notary Public, New York.*"

Dr. Thompson, upon his return to Little Rock, was quite exhausted and prostrated, and appeared to be in a partially delirious condition, and shortly after his return was attacked by erysipelas, which caused his death. He was attended by several physicians, all of whom certify that the disease of which he died was, in their opinion, superinduced by the fatigue, exposure, and injuries incident to his service upon such expedition. The precise nature of the contract under which he acted as guide does not appear in evidence, though his widow—the petitioner—says that his services were paid to the time of his decease. Dr. Thompson left seven children, who, the petitioner says, were dependent upon her for support, their property being taken or destroyed.

Dr. Thompson participated in the battles of Prairie de Ann and Jenkins Ferry, and in many of the skirmishes in which the forces of General Steele were engaged on the expedition to Camden and return, and was wounded at the battle of Jenkins Ferry by the explosion of a shell, making a scalp wound on his face and head. According to the testimony of physicians who attended him, his death in June, 1864, shortly after the return of the expedition to Little Rock, Ark., was due to erysipelas and pneumonia, which resulted from the wound, hardships, and exposure endured in that campaign.

Had the claimant applied in time and made the proof which has been presented to the Pension Bureau, prior to 1874, she could have been pensioned under section 4693 of the Revised Statutes, but knowing her husband was not an enlisted soldier she did not apply.

Dr. Thompson was offered and declined a commission as brigadier-general in the Confederate Army, and was afterwards conscripted, but escaped service by a plea of "over age."

The applicant was married to Dr. Thompson April 26, 1849, and is now in advanced years, and her pension of $12 per month is too meager to give her a decent support, she being too infirm to earn her living by labor and having no other adequate means of maintenance.

Your committee therefore earnestly recommend the passage of the bill.

Mr. LOUD. Mr. Chairman, I would ask the chairman of the Committee on Invalid Pensions what rule of equity has been followed in this case. If this lady were allowed a pension as the widow of an assistant surgeon, she would be entitled, I think, to $17 a month. If she were given a pension as the widow of a full surgeon, she would be entitled to $25. Now, upon what basis of equity does the committee act in recommending a pension of $20?

Mr. CROWTHER. It seems that this man was serving in the capacity of captain of scouts, or chief of guides, for the Army of the Southwest at the time this expedition took place, and he received wounds while so engaged.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

SAMUEL HOLLIDAY.

The next business on the Private Calendar was the bill (H. R. 6546) granting a pension to Samuel Holliday.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Samuel Holliday, late of Company I, Thirty-ninth Iowa Infantry, and pay him a pension of $30 per month.

Mr. DINGLEY. Let the report be read.

The report (by Mr. PICKLER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6546) granting a pension to Samuel Holliday, having carefully considered the facts in the case, respectfully report:

Samuel Holliday enlisted August 2, 1862, in Company I, Thirty-ninth Iowa Infantry, and was honorably discharged June 5, 1865.

On August 2, 1888, he applied for pension under the old law, alleging disabilities contracted in the line of duty. He sustained his declaration by the affidavits of three physicians to the effect that he was totally incapacitated, and that the disabilities were of service origin. Two examining boards found him entitled to a rating of fourteen-eighteenths. He was allowed a pension of but $2, however, to date from the time of filing.

Thereafter he applied under the act of June 27, 1890, and his claim was approved for admission on May 4, 1894, but the medical referee rejected the same on the ground of no pensionable degree of disability. The last examining board reports him "unfit for any manual labor."

It appears from the evidence that in December, 1862, while on the march, the soldier was taken very sick, and that he was left behind and was captured by the enemy. After being held a prisoner for eight or nine months, suffering from scurvy and parotitis and exposed to the elements, with such care and attention as might be expected of a foe, he managed to rejoin his regiment, and then served out the balance of his time. It further appears, as a result of these diseases and hardships, that he has been unable to perform any labor for the past twelve or fifteen years.

In the opinion of your committee the claim is a very meritorious one, and we respectfully recommend the passage of the bill, with the following amendments:

In line 5, after the word "late," insert "sergeant."

In line 6 strike out the word "thirty" and insert in lieu thereof the words "twenty-four."

The amendments recommended in the report were agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

WILBUR F. COGSWELL.

The next business on the Private Calendar was the bill (H. R. 2042) to increase the pension of Wilbur F. Cogswell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Wilbur F. Cogswell late an assistant engineer in the United States Navy, at the rate of $50 per month, to commence February 4, 1892, deducting the amount paid him since that date.

Mr. DINGLEY. Let the report be read.

The report (by Mr. PICKLER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2042) to increase the pension of Wilbur F. Cogswell, having carefully considered the same, respectfully report:

Wilbur F. Cogswell served in the United States Navy from January 23, 1863, to September 13, 1863, when he was discharged for disability. His disability consisted of fracture of the skull incurred in line of duty, for which he was pensioned at $8 per month from date of incurrence. This rate was increased from time to time until February 23, 1887, when he was allowed $50 per month for dementia, and because he required the frequent aid and attendance of another person. His pension, however, was afterwards reduced to $30, to take effect February 4, 1892, on the ground that he could take care of himself. Thereafter the pensioner filed claim for dementia, fistula, piles, and rheumatism. On this claim the Pension Office, January 17, 1896, reports:

"The pensioner has been informed that his pension of $30, for dementia, is fully commensurate with the degree of disability arising from said cause, and that his claim on account of rheumatism and disease of rectum requires testimony showing origin in the service at date of discharge and since, but that if said disabilities were established it would not increase his rate of pension to more than $30, the amount he now receives."

Many affidavits are on file showing that this man does in fact require the frequent aid and attendance of another person, and on the case made he would be clearly entitled to $50 per month under the law.

Your committee therefore respectfully recommend the passage of the bill with the following amendment:

In line 7 strike out all after the word "month."

The amendment recommended in the report was agreed to.

Mr. ERDMAN. Mr. Chairman, there is something lacking in this report which I think ought to be supplied by a little statement. There ought to be some severe language used against Mr. Bussey and Mr. Raum for reducing this man's pension from $50 to $30 a month. It does not look well to omit that, but our reports are cut down at the instance of the chairman of the committee, so that these important elements are frequently left out. I must express my sympathy with this poor soldier who had his pension reduced from $50 to $30 a month, and why the report does not blame Mr. Bussey and Mr. Raum for it I fail to understand. Something ought to be put into the RECORD to show that they are responsible for this. [Laughter.]

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ALFRED P. BUSS.

The next business on the Private Calendar was the bill (H. R. 2941) granting increase of pension to Alfred P. Buss.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alfred P. Buss, of Springfield, Mass., and pay him a pension at the rate of $50 per month, in lieu of the pension he now receives. Alfred P. Buss served in the Army of the United States during the late war, in Company D, Fourth Massachusetts Heavy Artillery, and this increase of pension is asked on account of total disability to perform manual labor.

An amendment recommended by the Committee on Invalid Pensions was read, as follows:

Strike out, beginning with the words "of Springfield," in line 6, down to and including "manual labor," in line 12, and insert "late private, Company D, Fourth Regiment Massachusetts Heavy Artillery, at the rate of $30 per month."

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ALBERT BUCK.

The next business on the Private Calendar was the bill (H. R. 3389) increasing pension of Albert Buck from $12 to $30 per month.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed and authorized to place on the pension roll the name of Albert Buck, late a private in Company K, One hundred and first Regiment of Illinois Infantry Volunteers, at the rate of $30 per month instead of $12 per month, which he is now drawing under act of Congress of June 27, A. D. 1890.

Mr. DINGLEY. Let the report be read.

The report (by Mr. WOOD) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3389) increasing pension of Albert Buck from $12 to $30 per month, submit the following report:

The committee have examined the evidence in this case, as well as a report from the Pension Office, and find the following facts to exist, without dispute or controversy:

This soldier enlisted in Company K, One hundred and first Illinois Volunteers, August 22, 1862, and was mustered out at the end of the war, June 7, 1865. He was in good health when he entered the service, and, so far as the evidence shows, in good health when mustered out. He never lost a day during his entire service; he never missed a skirmish or battle in which his regiment was engaged; he never was in a hospital except to go occasionally to see a sick or wounded comrade.

Some years since, in a runaway accident, his right knee was crushed. His leg is entirely disabled, and therefrom he is totally incapacitated for manual labor. He is poor, and the pension of $12 he is now drawing under act of June 27, 1890, is insufficient for his support.

In view of the faithful services of this private and his need, the committee recommend the passage of the bill.

Mr. TALBERT. Mr. Chairman, I am surprised that the gentleman who asked for the reading of this report does not say something about it after having it read. Here is a soldier who is drawing a pension of $12 a month, granted to him under the law, and no doubt rightly and properly granted. Nobody objects to that, The latter part of this report, however, says that—

Some years since, in a runaway accident, his right knee was crushed. His leg is entirely disabled, and therefrom he is totally incapacitated for manual labor. He is poor, and the pension of $12 he is now drawing under act of June 27, 1890, is insufficient for his support.

Now, Mr. Chairman, I submit that it is not right or proper that this soldier should receive an increase of pension on account of the fact that he happened to get into a runaway scrape and got his leg hurt. That was his misfortune, for which we are all very sorry, but the report puts this proposed increase of pension on the ground of charity. Now, gentlemen, if you desire to increase this man's pension from $12 to $30 a month, do so, but do not do it under the pretended head of "pension legislation," because it is not that; it is simply a piece of charity.

Mr. WOOD. Mr. Chairman, I desire to call the attention of the committee to this very remarkable case. This soldier was in good health at the time he enlisted; he was in good health at the time he was discharged. There is no pretense to the contrary. During all the time of his service he never missed a roll call, he never missed a skirmish or an engagement in which his regiment participated. He never was in the hospital a single minute except to go to see some sick comrade who was there.

We have been engaged——

Mr. TALBERT. Will the gentleman allow me a question?

Mr. WOOD. Yes; if the gentleman will not take much time.

Mr. TALBERT. If we establish this precedent, is every old soldier now drawing a pension to have his pension increased if he accidentally gets hurt? What will such a precedent cost us? What will it lead to?

Mr. WOOD. I was approaching the point which the gentleman's question involves. We have been pensioning in this House officers for distinguished services. I ask now whether we can not pension a private soldier for the most distinguished service that any man can render to his country—the distinction of having been always present, always on duty, always ready to discharge his duty. Now, when this faithful soldier is absolutely disabled, I ask whether his meritorious services shall not have some weight with the Representatives in Congress in favor of a bill providing this man some means for taking care of himself in his old age?

Thirty dollars a month is the amount which this man would receive under the regular law for total incapacity; and that is the sum fixed in this bill. I have no special knowledge about the circumstances of the case. The bill was introduced by my colleague [Mr. DOWNING]. But while examining the records in the Pension Office my attention was attracted by the very meritorious and distinguished service which this soldier had rendered. If we vote down his bill, we apply to a private soldier a different principle from that which we apply to an officer of high rank.

Mr. POWERS. Mr. Chairman, if I understand this report aright, it is proposed to pension this soldier, not on account of any disability incurred by him by reason of his service in the Army, but because of a runaway accident that happened to him a few years ago. Now, if you pension him on such a ground, and I should break my leg in a runaway accident, would I have the same claim to a pension that this man has?

Mr. LOUD. Certainly, if you could get it.

Mr. PICKLER. In reply to the gentleman from Vermont [Mr. POWERS] allow me to say that, not only in this Congress, but in other Congresses in years past, where a particularly deserving case has been presented, where it has appeared that a man who has served as a soldier was helpless and wholly incapacitated for manual labor, we have made exceptions. Gentlemen will observe that this is the case of a private soldier; and $30 a month is the amount which would be allowed under the law for total incapacity. Now, neither this Congress nor any other Congress has ever held any such destitute soldier down to the strict letter of the law and required that the disabling injury must have been incurred in the service. In these cases, where the applicant is particularly destitute, not only this committee, but other committees have gone to the extent of placing the applicant upon the same footing which he would occupy if he could prove up his case in the Pension Office. We believe this is one of those deserving cases.

Mr. WOOD. If this man had been a brigadier-general we would pension him at $75 or $100 a month.

The CHAIRMAN. The question is on laying the bill aside to be favorably reported to the House.

The question being taken; there were on a division (called for by Mr. TALBERT)—ayes 59, noes 10.

Mr. TALBERT. No quorum.

The CHAIRMAN (having counted the committee). There are 120 members present; the ayes have it; and the bill is ordered to be laid aside to be reported favorably.

LEMUEL J. ESSEX.

The next business was the bill (H. R. 2985) granting an increase of pension to Lemuel J. Essex.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension rolls the name of Lemuel J. Essex, late of Company B, Eighty-seventh Indiana Infantry, at the rate of $30 per month in lieu of the pension that he is now receiving.

The amendment reported by the committee was read, as follows:

In line 6 strike out "thirty" and insert "twenty-four"; so as to make the amount of pension $24 per month.

Mr. DINGLEY. Let the report be read.

The report (by Mr. WOOD) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2985) granting an increase of pension to Lemuel J. Essex, having examined the evidence submitted in this case, as also the files in the Pension Office, find—

This soldier enlisted in Company B, Eighty-seventh Indiana, August 4, 1862, for three years; was discharged March 3, 1863, for disability. He was subjected to a rigid medical examination on muster. He appears to have done regular duty as a soldier until October 20, 1862. About October 1, 1862, he contracted disease—diarrhea—which became chronic, and followed by imperfect vision, disease of rectum, and piles. For these diseases he was pensioned at $2 from March 4, 1863, and $4 from November 2, 1887, and $6 from June 15, 1888, and $10 from May 21, 1890, and $12 from July 16, 1890, which he is now drawing. He subsequently, on September 10, 1864, enlisted for one year in Company I, One hundred and seventy-fourth Ohio Volunteers, and was discharged by end of war June 28, 1865. He is now, and has been for some years, suffering from paralysis, or locomotor ataxia, and from disease of back and spine. He is very poor and is totally disabled from manual labor, and his last medical examination, September 13, 1893, shows his disabilities fully equal to the loss of hand or foot. He has made application for increase, but

has been rejected. The Pension Bureau decline to accept the disease of back and spine as incident to the service, claiming it was the result of sickness at the age of 5 years.

The only basis for the contention of disease prior to enlistment rests on the soldier's discharge. It was made out by his captain, who at the time was temporarily sick, the company being in command of the first lieutenant. The soldier was then with his regiment. The discharge states "he is defective in his back and hips, which causes him to stagger and reel as he walks; the soldier was in this condition at the time of his enlistment." The second assistant surgeon certifies that the soldier was incapable of performing service "because of an injury to the spine received in early childhood."

The committee have searched in vain for any evidence that soldier ever received an injury to spine in early childhood. On the contrary, five witnesses who knew him prior to the war, two of whom knew him from childhood and two who lived with him in same house from 1858 to his enlistment, testify to his sound health prior to enlistment. All the evidence of sickness from childhood is from claimant himself, who says all he knows of it is that his mother told him he was very sick at the age of five years; that he was a puny child until about eight years of age, when he became as strong as other children.

The surgeon who certified to an injury to back and spine evidently knew nothing about it, for he has since made affidavit that soldier became sick from diarrhea in November and December, 1862, which became chronic; that he was reduced in flesh and a walking skeleton, and was discharged for that reason. The lieutenant in command when he was discharged swears to the soldier's being sick with some disease unknown to him, his symptoms being diarrhea, staggering gait, and imperfect vision, and that he procured his discharge, during the captain's short illness, to save soldier's life.

The evidence of claimant shows that the diseases, imperfect vision and locomotor ataxia, came upon soldier very suddenly, and have since been steadily growing. The only witness was a comrade who helped soldier to his tent. This soldier was afterwards killed in the battle of Chickamauga.

The committee, in view of the evidence, believe that the disease from which claimant is now suffering is of service origin, and recommend the passage of the bill with the following amendment:

Strike out of line 6 the word "thirty" and insert in lieu thereof the word "twenty-four."

The question being taken, the amendment was agreed to.

The bill as amended was laid aside to be reported favorably.

VISITORS TO NAVAL ACADEMY.

The committee rose informally, when

The SPEAKER announced the appointment of Mr. ROBINSON of Pennsylvania, Mr. LOW of New York, and Mr. MEYER of Louisiana as visitors to the Naval Academy.

CARRIE H. GREENE.

The Committee of the Whole House resumed its session.

The next business was the bill (H. R. 3395) granting a pension to Carrie H. Greene.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Carrie H. Greene, of Lee County, Ala., widow of John W. Greene, late member of Captain Jones's company of Georgia Volunteers, Indian war of 1836, subject to all of the conditions of the act of July 27, 1892.

Mr. HARRISON. Mr. Chairman, this is a meritorious bill. A bill in similar terms passed this House in the Fifty-third Congress, was favorably reported by the Committee on Pensions of the Senate, and failed to become a law simply for want of time. The facts of the case are clearly and briefly set forth in the report of the committee, which I ask may be read.

The report (by Mr. STALLINGS) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 3395) granting a pension to Carrie H. Greene, have considered the same, and respectfully report as follows:

The claimant is the widow of John W. Greene, late a private in Capt. S. A. H. Jones's company of Georgia Volunteers in the Creek Indian war of 1836.

The soldier in his lifetime made application for a pension under the Indian war act of July 27, 1892, and the records showing that, including fifteen days' travel, he served forty-two days in said war, his claim was allowed, and he remained on the roll until his death on October 29, 1893.

This widow, the beneficiary, then made application under the act referred to, but the fifteen days' travel included in the soldier's case was not allowed in her claim by the Department, and her application was rejected on the ground of insufficient service. The reason for this was that, subsequent to the allowance of the soldier's claim, departmental decisions in what is known as the "Blaser and Bailey" cases declined to accept time consumed in travel to and from the rendezvous of the organization at the time of enlistment and discharge.

As stated above, it is conceded in the soldier's case by the Department that, including the fifteen days' travel referred to above, the period of his service was twelve days more than is required to give title under the general act granting pensions to Indian war veterans and their widows.

Mrs. Greene was married to the soldier in 1856. She is now well advanced in years, an invalid, and wholly unable to do anything toward earning a support; and the pension carried by the bill is greatly needed to provide her a comfortable maintenance.

The passage of the bill is respectfully recommended.

The CHAIRMAN. The question is on laying aside the bill to be reported favorably to the House.

Mr. MILNES. Mr. Chairman, I desire to call attention to the facts in this case. If I understand them correctly from the report, this soldier served but forty-two days, all told. The entire term of service claimed for him, including everything, is forty-two days. It appears that the woman whom we are now asked to pension as his widow married him twenty years after the close of that war.

Mr. HARRISON. No, sir; I do not so understand.

Mr. MILNES. As I understand the report, she married him in 1856, and the war in which he served was fought in 1836.

A MEMBER. What war?

Mr. MILNES. Some Indian war. And now, sixty years after the close of that war, this woman, who married the soldier twenty years after the military service was rendered, comes before this Congress and asks to be pensioned.

Mr. ALLEN of Utah. Do I understand the gentleman to complain because she has waited for sixty years before applying for a pension?

Mr. MILNES. I do not think that the widow of a soldier who married him twenty years after he performed the military service is as deserving of a pension as a widow who was the wife of the soldier during his term of service. I think there is a clear distinction in that respect. It seems to me that we ought not to pass this class of bills, and that the country is not calling for them and will not support this Congress in passing them. For one, I desire to enter my protest against it.

The bill was laid aside to be reported to the House with a favorable recommendation.

ELIZABETH J. COOK.

The next business on the Private Calendar was the bill (H. R. 4755) for the relief of Elizabeth J. Cook, of Arkadelphia, Clark County, Ark., widow of Robert Cook.

Mr. McRAE. Mr. Chairman, I ask unanimous consent to consider Senate bill 125 instead of the House bill. It is identical with the House bill which has been reached on the Calendar.

Mr. LOUD. I hope the gentleman will allow the House bill to be read first, to see if it has got any merits.

Mr. McRAE. Of course I have no objection to its being read; but it is unnecessary, as the two bills are identical and the reading of the Senate bill will accomplish the object the gentleman has in view.

The CHAIRMAN. Is there objection to the substitution of the Senate bill for the House bill?

Mr. LOUD. I will object until the House bill is read; not afterwards.

The CHAIRMAN. The Clerk will report the House bill.

The bill was read at length.

Mr. LOUD. Now, let me ask the gentleman why is the beneficiary in this bill not entitled to a pension under the general law?

Mr. McRAE. For the reason that the records of the War Department do not show the service of the soldier. That service, however, has been clearly proven by an officer of the company in which he served. The committee find that the proof is convincing that the soldier served as alleged.

Mr. LOUD. He did not serve the requisite number of days. Is that the trouble?

Mr. McRAE. No; he served six or seven months. There is no question as to the length of the service.

Mr. LOUD. But there is no record of service?

Mr. McRAE. Not in the Department, but the proof is clearly made by Lieut. John C. Peay and other witnesses. There is no question as to the service. These men who have testified are of the highest character and the service notorious. I know the witnesses and applicant personally, and there can be no doubt about the truth of the facts stated by them. The lady herself is an educated, worthy lady and of one of the most distinguished families in our State. She was married to him before the service and is incapable of making a false claim.

Mr. HULICK. What is the rate of pension fixed by the Senate bill?

Mr. McRAE. The bill passed for $12 a month, but the House committee recommends that it be reduced to $8 a month, just as was done with the House bill.

Mr. HULICK. I understand the request of the gentleman is to substitute the Senate bill for the House bill?

Mr. McRAE. Yes; but that request, if granted, will carry with it the consideration of the amendment proposed to the Senate bill, which is to reduce the amount to $8 a month.

Mr. HULICK. How will that avail anything in the way of expediting the bill, if it be amended in the House? It will have to go back to the Senate anyhow.

Mr. McRAE. Certainly; but I expect that the Senate will concur in it without action by the Senate committee.

Mr. HULICK. Why not pass the House bill and let it go to the Senate for adoption?

Mr. LOUDENSLAGER. The Senate bill as amended is $8 a month.

Mr. McRAE. It is identical with the House bill, and the same amendment is pending to each.

Mr. HULICK. I beg the gentleman's pardon. I misunderstood. I thought the Senate bill was $12 a month.

Mr. McRAE. It is $12 a month in the bill, but the House committee has recommended a reduction of the amount fixed in the bill to $8 a month, and I presume that amendment will be adopted to either bill that may be considered.

Mr. HULICK. But I understood the gentleman from New Jersey to say that the Senate bill was $8 a month.

Mr. LOUDENSLAGER. The House committee recommends that it be reduced to that sum.

Mr. DINGLEY. Does the gentleman think he will be able to hold down that reduction if it goes back to the Senate?

Mr. LOUDENSLAGER. I think there is no doubt of that. We will endeavor to do it with the best of our ability. These bills have been reduced in every instance to $8.

Mr. McRAE. And I will state to the gentleman that, so far as I can control it, I will ask the Senate to concur in the House amendment without any conference, because I understand that the House Committee on Pensions will not consent to any higher rate. I prefer $8 to nothing for this deserving widow.

Mr. LOUDENSLAGER. That has been the action of the committee in all of these cases.

The CHAIRMAN. Unanimous consent is asked to substitute the Senate bill for the House bill. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report the Senate bill.

The Clerk read as follows:

A bill (S. 135) for the relief of Elizabeth J. Cook, of Arkadelphia, Clark County, Ark., widow of Robert T. Cook.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Elizabeth J. Cook, of Arkadelphia, Clark County, Ark., widow of Robert T. Cook, who, at the town of Washington, Hempstead County, Ark., in the month of July, 1846, volunteered and served as a United States soldier in the war with Mexico in the First Arkansas Mounted Infantry Volunteers, and pay her a pension of $12 per month.

The CHAIRMAN. The Clerk will report the amendment proposed by the House committee.

The Clerk read as follows:

In line 10 strike out the word "twelve" and insert "eight"; so that it will read "$8 per month."

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with a favorable recommendation.

The CHAIRMAN. In the absence of objection, the House bill will be reported to the House with the recommendation that it lie on the table.

There was no objection.

MARY ANN LAFFERTY.

The next business on the Private Calendar was the bill (H. R. 717) granting a pension to Mary Ann Lafferty.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, directed to place on the pension roll of the United States of America the name of Mary Ann Lafferty, the surviving widow of Patrick B. Lafferty, deceased, private in Captain Crawford's company, Second Regiment Tennessee Volunteer M. G. Men, Col. Thomas Williamson commanding, in Seminole Indian war, 1818, at the rate of $8 per month, according to the rules and regulations governing pensions.

Mr. DINGLEY. Let us have the report.

The report (by Mr. BLACK of Georgia) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 717) granting a pension to Mary Ann Lafferty, have considered the same, and respectfully report as follows:

The claimant's deceased husband, Patrick B. Lafferty, is shown by the records of the Second Auditor's Office, Treasury Department, to have served from January 31, 1818, to June 30, 1818, in Capt. Samuel Crawford's company, Second Tennessee M. G. Volunteers, in the Seminole Indian war. In addition to the official record your committee also had before them the soldier's certificate of discharge from said service.

Patrick B. Lafferty died in 1877. His widow, the beneficiary, is extremely old and in dependent circumstances. These facts are sworn to by James P. Baird, of Nashville, Tenn., and William C. Baird, of Hickman County, Tenn., who knew the soldier and have known his widow for many years. Mrs. Lafferty resides at Nashville, Tenn.

The Indian war act passed July 27, 1892, does not reach this case because that act has reference only to the wars from 1832 to 1842, and this claimant's husband served in 1818. Hence the only method of relief open to Mrs. Lafferty at this time lies in a special act of Congress, and your committee, believing the bill to be meritorious, return the same to the House with the recommendation that it do pass.

Amend by striking out the word "twelve," in line 9, and substituting therefor the word "eight," so as to fix the rate of pension at $8 per month.

The amendment recommended by the committee was agreed to.

The bill as amended was laid aside to be reported to the House with a favorable recommendation.

HELEN LARNED.

The next business on the Private Calendar was the bill (H. R. 6607) for the relief of Helen Larned.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, at the rate of $50 per month, the name of Helen Larned, widow of the late Frank H. Larned, captain Second Regiment United States Artillery, and pay her a pension on and after the passage of this act.

Mr. TALBERT. I ask for the reading of the report.

The report (by Mr. COFFIN) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 6607) granting a pension to Helen Larned, have had the same under consideration, and report:

Mrs. Larned is the widow of Frank H. Larned, late major First United States Artillery, who entered the service as a second lieutenant of infantry March 3, 1847; promoted to first lieutenant July 1, 1852; to captain April 28, 1861, and to major of artillery January 3, 1867. He was retired from active service on account of disability February 5, 1867, and died January 8, 1891, at Baltimore, Md., of "cancer of the bladder, following the removal of a tumor of long growth, the immediate cause of death being septicæmia and uræmia."

The diseases on account of which he was retired from the service are shown by the official records to have been disease of the eyes and chronic diarrhea, originating from exposure in line of duty.

During the period of his service Major Larned rendered gallant and meritorious service in the war with Mexico and subsequently in the war of the rebellion.

His widow's claim for pension under the general laws, filed March 2, 1891, was disallowed by the Pension Bureau February 11, 1892, on the ground of the claimant's inability to connect the cause of his death with the service, the said disease being of a very obscure nature and difficult of proof.

Hon. Herman Stump certifies that Mrs. Larned was left by the death of her husband without property of any kind, and that she is dependent upon others for her support.

In view of the long and distinguished service of the soldier, embracing two wars, and in the light of the dependent condition of his widow, your committee recommend the passage of the bill with an amendment fixing the rate of pension at $25 per month, the same being the rate allowed by the general laws for widows of soldiers of the rank of major.

Amend by striking out the words "captain Second," in line 6, and substituting therefor the words "major First."

The amendments recommended by the committee were agreed to.

The bill as amended was laid aside to be reported to the House with a favorable recommendation.

JACOB BROWN.

The next business on the Private Calendar was the bill (H. R. 6556) granting a pension to Jacob Brown.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Jacob Brown, late of Company A, Fifteenth Iowa Infantry, and pay him a pension of $24 a month.

The Committee on Invalid Pensions recommended the following amendments:

In line 5, after the word "late," insert "a private."

In line 6 strike out "twenty-four" and insert "thirty."

Mr. DINGLEY. Let the report be read.

The CHAIRMAN. The Clerk will read the report in the time of the gentleman from Maine.

Mr. PICKLER. Mr. Chairman——

Mr. DINGLEY. Or the gentleman from South Dakota can make a statement of the case.

Mr. PICKLER. This report shows that the claimant is now 73 years of age, totally disabled, and nearly blind; has been unable to do any kind of work for the past twelve or fifteen years, and is dependent on a pension of $12, which he draws under the act of June 27, 1890. He still carries in his shoulder the memento of the battle of Shiloh.

He states, under oath, that his hernia and rheumatism were incurred and contracted in the line of duty, but can not locate any of his comrades who have knowledge of this fact. The evidence shows, however, that he is a man of exemplary habits, very truthful, and of excellent character, and an allegation coming from him under existing circumstances is in the nature of an antemortem statement. He is totally incapacitated, and while he swears that this disease was contracted in the service, he can not substantiate that fact to the satisfaction of the Pension Office by the testimony of comrades. I think it is a very meritorious case.

Mr. ERDMAN. Mr. Chairman, this is a very good report to skip—an exceedingly good report to omit.

Mr. PICKLER. I call for the reading of the report, Mr. Chairman.

Mr. ERDMAN. The gentleman is not on the floor now, and I want to call the attention of the committee to the fact that this poor soldier has been struggling along through Republican Administrations from 1863 with a pension of $6 per month. He has made repeated applications to Republican Administrations, and Republican Administrations have repeatedly turned him down. Now he comes to Congress for relief. It is a very good report indeed to omit.

Mr. PICKLER. Mr. Chairman, I call for the reading of the report now, and we will see whose judgment is correct.

The report (by Mr. PICKLER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6556) granting a pension to Jacob Brown, having carefully considered the facts in the case, respectfully report:

The beneficiary named in the bill enlisted in Company A, Fifteenth Iowa Volunteer Infantry, November 16, 1861. At the battle of Shiloh (April 20, 1862) his right shoulder was shattered by a musket ball and he was sent to hospital, where he remained under treatment until October 4 of the same year, when discharged on certificate of disability. A pension of $6 per month was granted him from date of discharge.

June 23, 1863, the examining surgeon reports:

"I find the clavicle of the right shoulder has been badly shattered, and no evidence of ball having passed through, but must remain. The shoulder is very much stiffened."

This soldier was several times examined, and on February 6, 1878, a report shows:

"Ball struck about an inch from the sternal end of the clavicle, fracturing it, and it is now much flattened, with a depression nearly through it."

Again, on September 2, 1885, another board finds:

"Cataract of both eyes. * * * We do not know the rating for disease of eyes, but give the state of his vision, etc., as presented. * * * Three-fourths total rating for disability caused by gunshot wound of right shoulder."

On May 5, 1890, he applied for increase, and the medical evidence in support of his claim shows that his condition was as follows:

"Gunshot wound of right clavicle, which resulted in fracture of said clavicle, with an adherent scar and very painful. Also suffering with varicose veins of both limbs; tendency to ulceration. * * * Also rheumatism of kneejoint. * * * Also find inguinal hernia, oblique and complete. Also find cataract of both eyes. This man is unable to perform any part of a day's labor whatever."

On June 18, 1890, the examining board, after stating the condition of the gunshot wound in shoulder, reports:

"We also find right inguinal hernia complete * * * so bad that it can not be controlled by truss; find also varicose veins in both limbs from both knees down; also find rheumatism in left kneejoint, very much enlarged on comparative measurement. * * * Both eyes, senile pannus. Second grade."

This board gives him a rating of twenty-six eighteenths, and on November 4, 1891, another examining board rates him at thirty-two eighteenths.

The soldier served also in the war of 1846, and appears to have participated in most of the engagements from Vera Cruz to the City of Mexico. He was duly pensioned as a survivor of that war under the act of January 19, 1887.

The claimant is now 73 years of age, totally disabled, and nearly blind; has been unable to do any kind of work for the past twelve or fifteen years, and is dependent on a pension of $12, which he draws under the act of June 27, 1890. He still carries in his shoulder the memento of the battle of Shiloh.

He states under oath that his hernia and rheumatism were incurred and contracted in the line of duty, but can not locate any of his comrades who have knowledge of this fact. The evidence shows, however, that he is a man of exemplary habits, very truthful, and of excellent character, and an allegation coming from him under existing circumstances is in the nature of an ante-mortem statement.

Your committee believe that this claim is unusually full of merit. We will give the veteran the benefit of the doubt, and respectfully recommend the passage of the bill with the following amendment:

In line 5, after the word "late," insert "a private."

In line 6 strike out "twenty-four" and insert in lieu thereof the word "thirty."

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

T. CLARKSON INGALLS.

The next business on the Private Calendar was the bill (S. 144) granting an increase of pension to T. Clarkson Ingalls.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of T. Clarkson Ingalls, late of Company E, Thirty-eighth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month, in lieu of that he is now receiving.

Mr. DINGLEY. Mr. Chairman, let the report be read.

The report (by Mr. SULLOWAY) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 144) granting an increase of pension to T. Clarkson Ingalls, having carefully considered the same, adopt the accompanying Senate report (No. 166) as their own, and respectfully recommend the passage of the bill.

[Senate Report No. 166, Fifty-fourth Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 144) granting an increase of pension to Theophilus C. Ingalls, have examined the same and report:

Mr. Ingalls's father was a soldier in the war of 1812, and he was one of three brothers who enlisted in the late war, all of whom had honorable military records. Claimant enlisted August 13, 1862, in his sixteenth year, and was discharged from Hilton Head Hospital June 8, 1865. It is said that soldier might have been pensioned at any time after the close of the war, but he was a patriotic man and did not make application for pension, preferring to earn an independent support for himself and family. Later on, however, he suffered greatly from rheumatism, paralysis of the optic nerve of the right eye supervening, which greatly interfered with his ability to earn a living.

In this emergency he applied for pension under the act of June 27, 1890, which was granted at the rate of $12 per month from June 3, 1891, for rheumatism and loss of vision of right eye. Since that time these disabilities have gradually increased, until now soldier is entirely blind, being led about the village by a small boy. He is also in very straitened circumstances, with no possible relief in the future.

A petition from the leading citizens of Derry, N. H., where soldier resides, has been filed with your committee setting forth the soldier's necessities and praying that his pension may be increased.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

MELITA E. WHITE.

The next business on the Private Calendar was the bill (H. R. 7212) to increase the pension of Melita E. White.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll, subject otherwise to the provisions and limitations of the pension laws, the name of Melita E. White, widow of Carr B. White, late colonel of the Twelfth Ohio Volunteer Infantry, and pay her a pension of $42 per month.

Mr. HULICK. Mr. Chairman, I call for the reading of the report in that case.

The report (by Mr. LAYTON) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5338) for the relief of Ann Eliza White, having carefully considered the same, respectfully report:

The beneficiary named in the bill is the dependent and permanently helpless daughter of Carr B. White, late colonel of the Twelfth Ohio Volunteer Infantry. The soldier served in the war with Mexico, and also during the rebellion. He enlisted October 1, 1861, and was honorably discharged July 11, 1864. September 30, 1871, he died from disabilities contracted in line of duty.

The evidence shows that the claimant has been afflicted with curvature of spine since childhood, being wholly unable to take care of herself or earn a support, being entirely dependent upon her mother. September 6, 1890, she filed application under the act of June 27 of that year as permanently helpless, but on October 21, 1891, the claim was rejected because the applicant was more than 16 years of age at the date of the passage of said act.

The soldier's widow is now drawing a pension of $30 under the general law, but she has little or no property, is extremely feeble, and is likely to die very suddenly at any time.

Your committee do not believe it was the purpose of the act of June 27, 1890, to forever bar the permanently helpless child of a gallant soldier because the unfortunate happened to be over 16 years of age on the day the law was enacted, and several favorable reports have been made on bills introduced to correct this statutory discrimination. We think the case a very meritorious one, and, in view of all the facts, respectfully recommend the passage of the following substitute for the bill:

"A bill to increase the pension of Melita E. White.

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll, subject otherwise to the provisions and limitations of the pension laws, the name of Melita E. White, widow of Carr B. White, late colonel of the Twelfth Ohio Volunteer Infantry, and pay her a pension of $42 per month."

Mr. HULICK. Mr. Chairman, I offer an amendment to that bill, which amendment I send to the Clerk's desk to be read. Before the reading of the amendment I wish to state that this bill is a substitute for one that I offered in behalf of this helpless child. The original bill was to pay her a pension, but the committee thought it the wiser plan to offer a substitute, and have the money paid to the widow, to increase her pension for the benefit of this helpless child. The substitute, therefore, is before the committee for consideration. I offer the amendment now, in view of the fact that the mother is very feeble, and if the daughter were to outlive the mother the pension would cease at the death of the mother. That ought not to be the case and was not the intention of the committee. Upon calling the attention of the gentleman from Ohio [Mr. LAYTON], the member of the subcommittee who had the bill in charge, to this phase of the case, he suggested that there be an amendment, and so I offer this amendment, which I ask the Clerk to read.

The amendment was read, as follows:

Insert in line 8, after the word "month," the following:

"And at the death of the said Melita E. White the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll, subject to the provisions and limitations of the pension laws, the name of Ann Eliza White, the dependent and permanently helpless daughter of the said Carr B. White, deceased, and pay her a pension of $20 per month."

Mr. PICKLER. Suppose she dies first?

Mr. HULICK. Then the pension would cease.

Mr. LOUD. Mr. Chairman, I raise a point of order. This amendment seeks to provide for a contingency that I do not think Congress has the power to provide for in the bill now under consideration.

Mr. DINGLEY. It is ingrafting one private bill upon another, really.

Mr. HULICK. Yes; but the substitute really makes ineffective the original bill, which was introduced for the benefit of this helpless daughter.

She was over 16 years of age at the date of the passage of the law of 1890. She was a few months over the age, and for that reason is not entitled to pension.

Mr. PICKLER. The reason why the committee reported the bill as it has is to avoid the objection of the statute that two pensions shall not be paid at the same time for the same service.

Mr. HULICK. This would not be two pensions at the same time for the same service. It is not to go into effect until the death of the mother. The pension is thereafter to be given to the daughter.

Mr. PICKLER. I do not think I have any objection.

Mr. HULICK. This daughter is a helpless invalid, and will always be during her life. The mother is very feeble and doubtless this daughter will be left, if this bill passes in its present shape, on the death of her mother, without friends, without money, and without pension, and therefore I have suggested the amendment, which I think is not subject to the objection.

The CHAIRMAN (Mr. DALZELL). The Chair sustains the point of order. It is not in order to ingraft upon a bill providing for one beneficiary a provision for another.

The bill was ordered to be laid aside with a favorable recommendation.

MARY ARNOLD.

The next business on the Private Calendar was the bill (H. R. 4548) granting a pension to Mary Arnold.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Arnold, of Unadilla, Nebr., mother of Isaac Arnold, late a private in Company B, Thompson's Battalion Six Months Missouri State Militia.

The amendments recommended by the committee were read, as follows:

Amend by making the title of the bill read "Mary L. Arnold," instead of "Mary Arnold," and that all after the enacting clause be stricken out and the following substituted therefor:

"That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension roll the name of Mary L. Arnold, mother of Isaac Arnold, late a private in Company B, Thompson's Battalion Six Months Missouri State Militia, and pay her a pension of $12 per month."

The CHAIRMAN. The question is on agreeing to the amendment recommended by the committee.

Mr. DINGLEY. What is the amendment?

The CHAIRMAN. The Clerk will report the amendment again, without objection.

The amendment recommended by the committee was again reported.

Mr. DINGLEY. What is substituted for it?

The CHAIRMAN. The Clerk has just reported the substitute.

Mr. DINGLEY. Let the report be read.

The report (by Mr. ANDREWS) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4548) granting a pension of $12 per month to Mary L. Arnold, mother of Isaac Arnold, late of Company B, Thompson's Six Months Missouri State Militia, having carefully considered the same, respectfully report as follows:

The soldier enlisted as a private in Company B, Thompson's Battalion Six Months Missouri State Militia, and served from October 14, 1861, to February 11, 1862, and died February 25, 1863. The soldier was in hospital sick when he was mustered out, and died before reaching home. There is no question about his having contracted his fatal illness in the service. The evidence shows that three sons and the husband of the claimant, Mary L. Arnold, enlisted in the Union Army; that she herself rendered valuable services to the country during the late civil war. She filed an application for a pension November 29, 1890, which was rejected January 28, 1895, on the ground that the organization in which soldier's services were rendered was a State organization, not in the United States service, and that under the present laws and practice can not be allowed by the Pension Bureau.

The testimony shows, and the Commissioner reports, that the testimony on file in the Pension Office establishes the fact that she has no property other than her labor. She is now 72 years of age. The soldier was a single man at the time of his death and at the time of his enlistment.

Your committee recommend that the bill be amended by making the title of the bill read "Mary L. Arnold" instead of "Mary Arnold," and that all after the enacting clause be stricken out and the following substituted therefor:

"That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension roll the name of Mary L. Arnold, mother of Isaac Arnold, late a private in Company B, Thompson's Battalion Six Months' Missouri State Militia, and pay her a pension of $12 per month."

And that the bill as so amended do pass.

The CHAIRMAN. The question is on agreeing to the amendment reported by the committee.

Mr. DINGLEY. I would like to ask the chairman of the committee a question. This seems to be the case of the widow of a soldier not mustered into the United States service, one of the Missouri militia. There is no general law providing a pension for those who were not so mustered in.

Mr. PICKLER. No, sir.

Mr. DINGLEY. Have there been instances where they have been pensioned?

Mr. PICKLER. Oh, yes; there have been frequent instances. This is in the line of precedent, and we have reported a general bill to cover these cases.

Mr. DINGLEY. Was he in the service ninety days?

Mr. STRODE of Nebraska. I will answer the gentleman's question. This is my bill. The report of the committee shows that he served from October to some time in February—about four months. The evidence shows that he was under the command of a United States officer.

Mr. DINGLEY. Although not mustered in the United States service?

Mr. ERDMAN. Mr. Chairman, this report, in accordance with the policy of the committee, very carefully omits to state what the soldier died of. It says he was sick and died before reaching home, and then draws the conclusion there is no question about his having contracted the disability in the service. There are probably 30,000 or 40,000 people whose husbands died in the militia, and who would like to have pensions on just such evidence as this. You do not allow them to come in, but select a particular one and show favor to her, giving her the bounty of the Government.

The amendment recommended by the committee was agreed to.

The CHAIRMAN. The question is on laying aside the bill with a favorable recommendation.

Mr. PICKLER. I desire to move to amend, after the word "Arnold," in line 5, by inserting the word "dependent," so as to read "dependent mother."

The CHAIRMAN. The amendment recommended by the committee was agreed to, and the gentleman's amendment is not now in order.

Mr. PICKLER. I ask unanimous consent that the word be inserted. It ought to go in there.

The CHAIRMAN. The gentleman from South Dakota asks unanimous consent to insert the word "dependent," before "mother," in the fifth line. Is there objection?

Mr. ERDMAN. I object. It does not matter whether we insert the word "dependent" or not.

The CHAIRMAN. Objection is made.

Mr. PICKLER. It is not material.

The bill as amended was laid aside with a favorable recommendation.

The committee informally rose, and the Speaker resumed the chair.

CONFEREES ON RIVER AND HARBOR BILL.

The SPEAKER. The Chair will announce the appointment of the following conferees on the river and harbor appropriation bill: Mr. HOOKER of New York, Mr. HERMANN of Oregon, and Mr. CATCHINGS of Mississippi. The committee will resume its session.

The committee resumed its session.

MRS. JULIA A. JAMESON.

The next business on the Private Calendar was the bill (H. R. 5792) granting an increase of pension to Mrs. Julia A. Jameson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Julia A. Jameson, widow of Brig. Gen. Charles D. Jameson, United States Volunteers, at the rate of $50 per month, in lieu of the pension of $30 per month she is now receiving, to commence from the passage of this act.

The committee recommended an amendment, which was agreed to, striking out, after the word "receiving," in line 9, the words "to commence from the passage of this act."

Mr. DINGLEY. Let the report be read.

The report (by Mr. BAKER of Kansas) was read in part, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5792) granting an increase of pension to Mrs. Julia A. Jameson, having carefully examined the evidence on file in the case, together with the reports from the records of the War Department, report as follows:

Charles D. Jameson served as colonel of Second Maine Volunteer Infantry from May 28, 1861, to August 14, 1861, when he resigned. He was appointed brigadier-general of volunteers September 3, 1861, and commanded a brigade in Heintzelman's Division, Army of the Potomac, from October, 1861, to February, 1862; from March, 1862, to May 31, 1862, he commanded the First Brigade, Hamilton's Division, Third Army Corps. He was granted leave of absence June 13, 1862, for the benefit of his health, and died from the effects of typhoid fever November 6, 1862, at his home in Oldtown, Me. The following letters from Gen. O. O. Howard and Gen. Joseph S. Smith are pertinent:

"CHICAGO, *February 19, 1896.*

"DEAR MR. BOUTELLE: Mrs. General Jameson's case is so clear that I think she will get her increase. General Jameson was badly hurt at Fair Oaks in the battle, and lay all night on the field without cover. He was never well again. He died in consequence of that terrible exposure.

"Sincerely, yours,

"OLIVER O. HOWARD."

"BANGOR, ME., *March 1, 1896.*

"DEAR SIR: Referring to the Jameson pension case, I would say that at the battle of Fair Oaks, Va., in 1862, General Jameson's horse was killed and fell upon the General during the latter part of the battle, hurting him severely; that the General lay upon the field all night. It was raining very hard. As a result of his exposure typhoid fever set in, which was the cause of his death. I am personally knowing to the above, as I brought him from the field of battle to Washington, D. C., at the time. I sent to Maine for his wife and her father, who came on, and after he gained a little they took him to his home, but he never was able to rally, and soon after died.

"Mrs. Jameson has ever since been a widow, and has no other means of support excepting her pension. She is now nearly 70 years of age, very feeble and infirm. General Jameson gave up a prosperous business to enter the service, and died a bankrupt.

"As to who I am, I can refer to Senator FRYE, Speaker REED, Representatives BOUTELLE, DINGLEY, and MILLIKEN.

"Very respectfully,

"JOSEPH S. SMITH,

"*Late Brevet Brigadier-General, United States Volunteers.*

"Hon. GEORGE M. CURTIS,

"*Member of Congress, Second District of Iowa.*"

In view of General Jameson's gallant services and the necessitous condition of his widow, the committee earnestly recommend the passage of the bill with an amendment striking out all after the word "receiving," in line 9.

Appended is a very full statement in regard to the services of General Jameson, which shows the esteem in which he was held by Gen. Phil Kearny and others.

Military record of Brig. Gen. Charles Davis Jameson, United States Volunteers, war of the rebellion, 1861–1865.

The Second Maine Regiment, Col. Charles D. Jameson, was the first to leave the State for the seat of war, and was among the first of New England regiments that set foot upon the "sacred soil" of Virginia, arriving at Falls Church on the morning of July 1, 1861, where they were encamped three weeks, being the farthest advanced of any regiment toward the enemy.

At the first battle of Bull Run the Second was hotly engaged, and displayed numerous instances of daring and reckless bravery. Upon the retiring of General McDowell's army they were detailed as rear guard and were attacked by the celebrated Black Horse Cavalry, which they routed completely. For this exploit Colonel Jameson was warmly thanked and complimented by General Keyes, commanding the brigade, and by General Tyler, commanding the division. During this battle their loss was 47 killed and wounded and over 100 missing. The Union forces being ordered to fall back the night after the engagement, the Second arrived the following morning, after a severe and tiresome march, at Alexandria, where they remained two days, and then were ordered to the vicinity of Fort Corcoran, directly opposite Georgetown. There they remained some two weeks, when they were placed in possession of the fort, and acted as heavy artillery until the middle of October, during which time they were reviewed by General McClellan, President Lincoln, and Secretary Stanton, the former complimenting them highly for their drill. While in command of the fort Lieutenant-Colonel Roberts, who succeeded to the colonelcy of the regiment after Colonel Jameson was appointed brigadier-general, was twice ordered to get ready for action. (Adjutant-General's Report, Maine, 1862, part 1, page 39.)

Maine has been called upon since my last report to mourn the loss of some of her sons whose virtues it will not be unbecoming briefly to describe. It is due to the gallant dead that meritorious service for the public good should have public record.

Gen. Charles D. Jameson was one of the best specimens of the chivalrous gentleman, soldier, and patriot which his native State has sacrificed to the Union during the war. He was a true son of Maine; lived on the banks of

our noblest river, always resident within our borders, engaged in that business which marks our distinctive employment and gives us name. He was in all respects a true child of the Pine Tree State. In all the calls of life he was active and energetic. He was successful in his business and happy in his home. He was generous and genial in his associations with his fellow-men. He had a great readiness of perception, the nicest sense of honor, and a bland and pleasing address. He had no enemies, but the most extended circle of warm and sustaining friends. In politics he was a Democrat whose patriotism and love of liberty blazed high and warm above the limits of party.

It was natural that such a man should have been the colonel of the militia regiment of his vicinity and twice a candidate for governor of the State. The attack upon Sumter brought from his heart the earliest vows upon the altar of his country. He left wife and children, parents, and home and friends, and all that made life cherished and valuable, to share the hardships and dangers of the field. The Second Regiment, raised under his active exertions, made him its colonel, and was the first from Maine at the seat of war. In a few weeks it was launched in battle at Bull Run. Its conduct there gave it glory and a gallant name. Its colonel then won his star as brigadier.

It shows the man that in this conflict, when the regiment had been driven back from batteries of the enemy, leaving their wounded behind, he called for volunteers, and leading back a little band, under steady fire, brought off in their arms the injured and helpless men. As brigadier he had not the fortune to lead men from his own State, but choice regiments from Pennsylvania and New York composed his command. With those he fought at Yorktown, Williamsburg, Fair Oaks, and in other fields of battle. He was first to enter Yorktown, and one of the first to enter Williamsburg.

At Fair Oaks his conduct and generalship won him warmest praise from his superior, that eminently gallant man, the late lamented Kearny. It is believed that Jameson then and there carried the Stars and Stripes and by its side the Pine Tree banner of Maine nearer Richmond than any other, before or since, in this war. A friend once asked him, "What did you intend, with your handful of men, when you received orders at Fair Oaks to fall back?" "But for that order," said he, "I would have been in heaven or in Richmond that night." As a soldier General Jameson was a striking figure. Daring to rashness, exposing himself without sense of danger, he rushed into battle and inflamed with his own dash and ardor the men who followed him.

He asked no man to go where he was not willing to be in advance of the foremost. He was not less noticeable in other fields of duty. He had at all times and in all places the love and admiration of his brigade, which gloried in its leader. He cared for his men tenderly, and counted no labor as hardship which brought them health or comfort. In marches he walked with them. He lived with them in camp and shared their lot, whatever it was. By such labor and exposure he became sick, and in September came home to recruit his health, intending soon to go back to the field again; but it was not so ordered of Providence, and he sank gradually until, on the 6th day of November last, he died. It sums up this narrative that Jameson was the first volunteer and the first colonel in the field from Maine; that he was first at Yorktown and among the first and foremost toward Richmond; one of the first in gallantry, one of the first in the love and admiration of his men. Alas, that he should be the first general of Maine to die. At 35 years of age it was hard for the country to lose such a gallant spirit, but the State has gained the memory of a hero.

The Washington Republican speaks as follows of the qualities which distinguished our gallant general:

"Intrepid, enterprising, but withal judicious and full of resources, General Jameson had before him the prospect of a most brilliant military career. He was one of the fighting generals.

"As he, with others of the salvoed chiefs of fearless men who lately have left us—when we could have better spared others of another mold than theirs—as he, and Kearny, and Stevens shall reach the shores of that dark river, made mournful by Cerberus's ceaseless howl, the waiting hosts of the bravest dead of all the past will recognize their beaming blades, nor will they seek to dispute them place amid their front and foremost ranks."

[General Kearny to General Jameson.]

"DEAR GENERAL: I have signed and forwarded to Mr. Fuller the requisite certificate.

"You have no idea how greatly I miss you socially and militarily, and your last, on the 30th of June, on the Newmarket road, I think, really, the handsomest fight of the war. Our line was very unjustly extended 2¼ miles for our weak division.

"The fighting fell entirely on the First Brigade, and I grudged giving General Robinson, a stranger to us, the credit. The enemy tried on us Longstreet's men, who had succeeded on the Chickahominy, but it would not go down. They disregarded our artillery, Thompson's battery; lost men not by scores, but by hundreds, and were only repulsed by Hayes with the Sixty-third and part of the Thirty-seventh and your humble servant. Hayes counted for a legion. As he led them, with his wild, heroic actions, he really looked Homeric; and I trust that I figured for some. * * *

"Oh, how I fancied your being there, with your own fine form and dashing impulsive manner, forming one of our trio. This brigade, which you managed so well and kept in heart, believed in you and followed you with a discipline of the heart. * * *

"I have invariably maintained that you are identified with the division. Williamsburg and Fair Oaks (the great battles of the war) saw you towering o'er the sea of fight, and I acknowledge none other. I have met with too many insulting slights not to count as precious above all other distinctions my noble division as it entered the baptismal stream of fire in that first proof for the idlers of the Potomac—Williamsburg. * * *

"Dear general, may you soon recover and be back in time to head those men who believe in you.

"Very truly, yours, "P. KEARNY, *General.*

"HARRISON'S LANDING, *August 9, 1862.*"

The following letter of General Jameson to his friend and neighbor was accompanied by a pen and ink diagram of the engagement of which he gives a description:

"HEADQUARTERS FIRST BRIGADE, KEARNY'S DIVISION,
"*Fair Oaks Station, June 4, 1862.*

"DEAR SIR: Thinking you might be interested in a brief description of the great battle of last Saturday, I inclose a rough sketch of that portion of the field that came under my observation during the engagement, and will endeavor to give you some idea of my movements after arriving at the scene of action.

"I came up the Richmond road with three regiments, having sent one, the Fifty-seventh Pennsylvania Volunteers, up the railroad. Upon arriving near the open field where the rifle pits are, on the Richmond road, I filed off to the left into the woods road, and marched up to the abatis. I deployed the Sixty-third Regiment Pennsylvania Volunteers upon either side of the road on the abatis, with orders to drive the rebels out, they (the rebels) having succeeded in getting into the abatis first, driving Casey's division before them like sheep. I succeeded in holding them in check, but they were evidently determined to break our lines on the Richmond road, having been repulsed in their attempt to turn our left flank by Berry's brigade, and were working that way, keeping up a terrific fire. Our troops had all left the abatis, near the Richmond road. That was a critical moment. General Kearny was with me; my brigade had all been used up at different points (the Eighty-seventh New York Volunteers were sent to the right to support General Peck), except 348 rank and file of the One hundred and fifth Pennsylvania Volunteers under Col. A. A. McKnight. There was not a moment to be lost.

"The only way to prevent the torrent from pouring down that road was to move out of the woods where we were standing, charge across the open field, and up the Richmond road. We started at double-quick, General Kearny at the head with me, also Captain Potter, my assistant adjutant-general. We went up the road to the point designated by a multiple mark on the plan, and then deployed, one-half on either side of the road in the abatis. For more than one hour those men fought in that abatis, not more than 8 or 10 rods between the two lines, during which time I rode back and forth in rear of the abatis, and up the road to the line. At last the rebels broke to the rear and toward their left. About that time large bodies of the enemy were seen moving down the Nine-mile road. Couch's division was holding it. They began to give way. Just at that time the troops in the rifle pits broke and ran, leaving me completely cut off, the rebels rushing into the open field at the point marked 5, and sweeping everything before them.

"For more than half an hour I was driving the rebels before me toward Richmond, and directly in my rear the rebels were driving our troops toward the Chickahominy. It was a novel sight I can assure you. Before I received orders to fall back I had gone three-fourths of a mile beyond the rebels that were in my rear and the point where the attack was first made on Casey. I immediately moved my men off the left flank, toward the White Oak Swamp, through the woods to the rear. To add to the danger of our situation, our battery (6) opened fire on us, thinking our troops had all fled from that position. To give you an idea of our position while on the Richmond road, I will state the loss: Of 348 men that started up that road 171 were either killed or wounded; and of the 18 commissioned officers 13 were killed and wounded. General Kearny's horse and mine were both killed, mine having three bullets in him before he fell.

"I got back to the open field in rear of the battlefield in time to rally some remnants of regiments and make a charge on the rebel cavalry and infantry that had made their appearance, driving them into the woods. It was then quite dark and firing ceased for the night. This ended the fight for the day. In less than three hours I lost, in killed and wounded, nearly one-third of the force I took into action. The commanders of my four regiments were all disabled—three seriously wounded and one taken prisoner. * * *

"Heavy reenforcements having arrived in the night the rebels were repulsed in every quarter. I was not in the fight on Monday. But for Kearny's division it is hard telling what the consequences might have been.

"Please let father and mother know you have heard from me. Remember me to Mrs. ——— and the children. I feel very anxious to hear from you.

"I remain, yours, etc.,

"C. D. JAMESON.

"Hon. G. P. SEWALL."

—

[General Kearny to Governor Washburn.]

HEADQUARTERS THIRD DIVISION, HEINTZELMAN'S CORPS,
Camp Berry, Barhamsville, Va., May 10.

SIR: As the commanding general of this division, of which two of the generals commanding brigades (General Jameson and General Berry), as well as two regiments, the Third Maine, Colonel Staples, and the Fourth, Colonel Walker, form part, I take this opportunity of calling to your notice their meritorious conduct in the late fight, and to display the fact that although these regiments were not the sufferers in the late engagement at Williamsburg, having been detached by General Heintzelman to guard the left flank, yet by their steady and imposing attitude they contributed to the success of those more immediately engaged. And I assure you, sir, that with such material, commanded by such sterling officers, nothing but success can crown our efforts when the occasion requires. I have the honor to inclose the report of Gen. D. B. Birney, who commanded the noble brigade of which these two regiments form a part. General Birney commands two New York and two Maine regiments.

It is peculiarly appropriate, after having rendered justice to the regiments, to bring Generals Jameson and Berry to the especial attention of yourself and citizens at home, who look to them for noble deeds to illustrate their annals; and I am proud to state that they have amply filled the full meed of anticipated distinction. General Berry, charged with the left wing of our line of battle, evinced a courage that might be expected from him (when as colonel of the Fourth Regiment of Maine Volunteers he really saved the day at Bull Run), and also a genius for war and a pertinacity in the fight that proved him fit for high command, for he was most severely assailed on the left, and had most difficult rifle pits and abatis to face and carry. General Jameson, who commanded the First Brigade (One hundred and fifth, Sixty-third, Fifty-seventh Pennsylvania Volunteers, and Eighty-seventh New York), forming the rear of the column on the march from camp on the 5th instant, used vigor in bringing up his men under every difficulty, and was with me under severe fire when he arrived, and gave guaranty of a resolution that promised success in case, daylight remaining to us, he had been launched to the attack of Fort Magruder and those works which the enemy evacuated to us during the night, and which he was the first to enter at daylight.

I have the honor, sir, to be your obedient servant,

P. KEARNY,
Brigadier-General, Commanding Third Division, Heintzelman's Corps.

His Excellency ISRAEL WASHBURN, Jr.,
Governor of Maine.

[Report Adjutant-General of Maine, 1862, part 1, pages 132-136.]

Brig. Gen. Charles D. Jameson was one of the best specimens of the chivalrous gentleman, soldier, and patriot which his native State has sacrificed to the Union during the war. He was a true son of Maine; lived on the banks of our noblest river, always resident within our borders, engaged in that business which marks our distinctive employment and gives us name. He was in all respects a true child of the Pine Tree State. In all the calls of life he was active and energetic. He was successful in his business and happy in his home. He was generous and genial in all associations with his fellow-men. He had a great readiness of perception, the nicest sense of honor, and a bland and pleasing address. He had no enemies, but the most extended circle of warm and sustaining friends. In politics he was a Democrat whose patriotism and love of liberty blazed high and warm above the limits of party.

It was natural that such a man should have been the colonel of the militia regiment of his vicinity, and twice a candidate for governor of the State. The attack upon Sumter brought from his heart the earliest vows upon the altar of his country. He left wife and children, parents, home, and friends, and all that made life cherished and valuable to share the hardships and dangers of the field. The Second Regiment, raised under his active exertions, made him its colonel, and was the first from Maine at the seat of war. In a few weeks it was launched in battle at Bull Run. Its conduct there gave it glory and a gallant name. Its colonel then won his star as brigadier.

It shows the man that in this conflict when the regiment had been driven back from batteries of the enemy, leaving their wounded behind, he called for volunteers, and leading back a little band, under steady fire, brought off in their arms the injured and helpless men. As brigadier he had not the fortune to lead men from his own State, but choice regiments from Pennsylvania and New York composed his command. With those he fought at Yorktown, Williamsburg, Fair Oaks, and in other fields of battle. He was the first to enter Yorktown, and one of the first to enter Williamsburg.

At Fair Oaks his conduct and generalship won for him the warmest praise from his superior, that eminently gallant man, the late lamented Kearny. It is believed that Jameson then carried the Stars and Stripes, and by its side the Pine Tree banner of Maine, nearer Richmond than any other, either before or for a long time after. A friend once asked him, "What did you intend, with your handful of men, when you received orders at Fair Oaks to fall back?" "But for that order," said he, "I would have been in heaven or in Richmond that night." As a soldier General Jameson was a striking figure. Daring to rashness, exposing himself without sense of danger, he rushed into battle, and inflamed with his own dash and ardor the men who followed him.

He asked no man to go where he was not willing to be in advance of the foremost. He was not less noticeable in other fields of duty. He had, at all times and in all places, the love and admiration of his brigade, which gloried in its leader. He cared for his men tenderly, and counted no labor as hardship which brought them health or comfort; in marches he walked with them. He lived with them in camp, and shared their lot, whatever it was. By such labor and exposure he became sick, and in September came home to recruit his health, intending to go back to the field again; but it was not so ordered of Providence, and he sank gradually, until, on the 6th of November, 1862, he died.

It sums up this narrative that Jameson was the first volunteer and the first colonel in the field from Maine; that he was first at Yorktown, and among the first and foremost toward Richmond; one of the first in gallantry, one of the first in the love and admiration of his men. Alas, that he should be the first general of Maine to die. At 35 years of age it was hard for the country to lose such a gallant spirit, but the State has gained the memory of a hero.

The Washington Republican speaks as follows of the qualities which distinguished our gallant general:

"Intrepid, enterprising, but withal judicious and full of resources, General Jameson had before him the prospect of a most brilliant military career. He was one of the fighting generals.

"As, with others of the salvoed chiefs of fearless men who lately have left us—when we could have better spared others of another mold than theirs—as he, and Kearny, and Stevens shall reach the shores of that dark river, made mournful by Cerberus's ceaseless howl, the waiting hosts of the bravest dead of all the past will recognize their beaming blades, nor will they seek to dispute them place amid their front and foremost ranks." (Adjt. Gen. Report, Maine, part 1, pages 402, 403.)

Mr. CURTIS of Iowa. Mr. Chairman, I had the honor to introduce this bill. The report, a part of which has been read, is quite full and exhaustive, setting forth the military record of General Jameson, containing letters from the generals under whom he served, and a letter from the adjutant-general of the State of Maine. If, however, it is the desire of the committee to have this information in a condensed form, the gentleman from Maine [Mr. BOUTELLE], who lives in the town from which General Jameson enlisted and is familiar with all the facts of the case, can state them better than I can, and I shall be glad to yield to him for that purpose.

Mr. BOUTELLE. Mr. Chairman, the portion of the report that has been read contains the substance of this case. General Jameson was the first colonel to go to the field from the State of Maine, and the first general officer from that State who died. The letters printed in the report at considerable length show his service to have been remarkably brilliant and valuable. Very early in his military career he was promoted to the rank of brigadier-general, and he rendered distinguished service at the battles of Williamsburg and Fair Oaks. In a conversation a few moments ago with Governor MCCORMICK he mentioned the fact of his having entered Williamsburg with General Jameson, who had so distinguished himself by his gallantry in the action preceding the capture that General McClellan assigned him to the command of the city. At the battle of Fair Oaks his horse was shot three times and fell on him and injured him so badly that he was obliged to be taken to his home, where typhoid fever set in and resulted in his death a few weeks later. His widow, who is now advanced in years and in very poor health, has made application for this increase, in accordance with the custom that has prevailed of making provision in cases of this character. The testimonials in this report from General Howard, General Kearny, from the adjutant-general of Maine, and from other sources all combine to set forth the peculiar gallantry and brilliancy of General Jameson's record; and I have no idea that any gentleman on this floor will hesitate a moment in granting the increase that is asked in this case.

Mr. TALBERT. Mr. Chairman, I rise not to oppose the passage of this bill, but to submit a few remarks. Here is the widow of a distinguished general, whose military record, as set forth in this report, I have read with pleasure, including the references made to him by his commanding officers, Generals Kearny and Howard, and the report of the adjutant-general of the State of Maine. They are touching, they are eloquent, and the widow of this distinguished officer deserves the consideration that is proposed to be given to her in this bill, which, as I understand, is at the rate of $50 per month. The gentleman from Iowa [Mr. CURTIS] said that he would not ask more than $50 per month; that he thought that would be sufficient. Now, Mr. Chairman, I only want to repeat that I hope we shall vote unanimously for this bill, and thereby establish the precedent of voting to the widows of distinguished Union generals (of whom there were few more distinguished than the husband of this lady) a regular uniform amount. Let us give this widow $50 a month, and I do not think it likely that we shall be called upon in the future to vote a pension to the widow of any more distinguished officer than General Jameson. I hope the bill will be passed.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

LUCINDA RICKARDS.

The next business on the Private Calendar was the bill (H. R. 5393) for the relief of Lucinda Rickards, widow, and the minor children of John D. Rickards, deceased.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension roll, at the rate of $12 per month, the name of Lucinda Rickards, the widow, and the names of Henry, Lon, and Frank, the children of John D. Rickards, a private in Company A, Sixty-ninth Regiment of Enrolled Missouri Militia, at the rate of $2 per month each. The pension in the case of widow and children to commence on the 4th day of July, A. D. 1890, the date of the death of said soldier, John D. Rickards, and to be subject to the provisions and limitations of the general pension laws.

The report (by Mr. CROWTHER) was read, as follows:

The Committee on Invalid Pensions, having considered the bill (H. R. 5393) to pension Lucinda Rickards and the minor heirs of John D. Rickards, beg leave to report that a similar bill was introduced in the Fifty-third Congress. It was reported favorably in the following language, which the committee incorporate as a part of this report:

"The petitioner is the widow of John D. Rickards, who served in Company A, Sixty-ninth Missouri Enrolled Militia, in the years 1862, 1863, and 1864. This being a State militia organization, he was not pensionable under the general laws, but on proof that he had been wounded August 23, 1862, in action with the enemy, he was pensioned by special act of Congress approved February 14, 1885, and was rated at $8 per month for gunshot wound of left side. The petitioner was married to him January 24, 1865. The soldier died July 4, 1890, at the State insane asylum at St. Joseph, Mo.

"Dr. A. M. Raines testified May 29, 1894, that he was called to attend John D. Rickards on account of a gunshot wound received in actual service August 23, 1862. The ball, entering the spinal column, passed through one lobe of the lungs, and was extracted by affiant from between the ribs. He was treated by affiant for about six weeks, and his mind failed from the time he was wounded until his death in the asylum. 'I believe and have no doubt his insanity was the result of said wound.'

"Dr. D. V. Van Syckel, of Canton, Mo., testified June 2, 1894, that he examined the soldier and found a gunshot wound of left side of lung, near the vertebra, affecting the great spinal nerves of the back, especially motor and sentient nerves; passed through one lobe of lung and was extracted from between the ribs. 'I am confident, from the appearance of the man at time of examination, his insanity resulted from the wound and finally his death, which took place in the St. Joseph Asylum.'"

The committee recommend that all after the word "each," in the ninth line, to the word "subject," in the twelfth line, be stricken out, and as so amended the bill do pass.

The amendment recommended in the report was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

GEORGE W. TAYLOR.

The next business on the Private Calendar was the bill (H. R. 6608) to remove the charge of desertion from the military record of George W. Taylor.

Mr. TALBERT. Mr. Chairman, I ask unanimous consent that this and the next bill on the Calendar be passed over for the time being.

Mr. FLYNN. I object.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion standing against George W. Taylor, late of Company C, One hundred and third Regiment Illinois Volunteer Infantry, on the records of the War Department, and to issue to said George W. Taylor a certificate of honorable discharge.

An amendment recommended by the committee was read, as follows:

After the words "honorable discharge," in line 8, add "to date April 3, 1865: *Provided*, That such soldier shall not be entitled to any pay, bounty, or emoluments by virtue of this act."

Mr. FLYNN. Mr. Chairman, I am opposed to the committee amendment. This soldier resides in my district, and I submit that gentlemen who hear the report on this bill read will be inclined to sustain my proposition and to refuse to sanction the amendment of the committee. I ask for the reading of the report.

The report (by Mr. BISHOP) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 6608) entitled "A bill to remove the charge of desertion from the military record of George W. Taylor, beg leave to submit the following report, and recommend that said bill do pass with amendments as follows:

Add to line 8 the words "to date April 3, 1865: *Provided*, Such soldier shall not be entitled to any pay, bounty, or emoluments by virtue of this act."

The facts as found by your committee, upon which such soldier relies for the relief provided for in this bill, are as follows:

The soldier enlisted August 18, 1862; was wounded and suffered amputation of left middle finger in December, 1863; wounded in right thigh and groin, May, 1864; was furloughed on account of such wound, July 2, 1864; furlough extended to November 12, 1864. Up to this date the record of such soldier, from date of enlistment up to October, 1864, is most worthy.

The proofs submitted to your committee indicate that while such soldier was seeking to return to his command he was captured with a number of others at Powder Springs, Mississippi, about October 25, 1864. That he attempted to escape in January, 1865, but was wounded and recaptured. That he made a final escape in April, 1865, and rejoined our forces at Ebenezer Church, near Selma, Ala. That he was sent from there to Louisville, Ky., and was given transportation home. Two of the members of the forces who were present when the escaping soldier came inside our lines have testified

as to the facts, which seem to be confirmed by other testimony, that at the very time such soldier was reported to be a deserter he was a prisoner of war and confined within a Confederate prison.

After a careful consideration of this case your committee believe that such soldier never deserted, but had been so diligent in trying to reach his command from his furlough that he refused to turn back when notified of danger and thereby became a prisoner of war.

The report of the War Department is as follows:

Case of George W. Taylor, late of Company C, One hundred and third Regiment Illinois Infantry Volunteers.

It appears from the official records that the soldier named above was enrolled August 18, 1862, for three years. On the roll of his company, dated December 31, 1863, he is reported as absent, "wounded at Chattanooga, November 25, 1863." The rolls dated February 29 and April 30, 1864, show him present with his command, but the rolls dated June 30 and August 31, 1864, show him absent in field hospital near Dallas since May 27, 1864. The roll dated October 31, 1864, reports him absent, wounded in action at Dallas, Ga., May 27, 1864, and the roll dated December 31, 1864, reports him to have deserted while at home on furlough November 20, 1864. The company muster-out roll, dated June 21, 1865, shows him to have deserted November 12, 1864, while on furlough from hospital at Altoona, Ga.

The medical records show that he was admitted to regimental hospital November 25, 1863, with gunshot wound of the left middle finger, which was amputated, and that he was furloughed December 10, 1863.

The medical records also show that he was admitted to regimental hospital May 27, 1864, for gunshot wound (nature not stated), and that he was sent to the corps hospital June 9, 1864, but no record of him in the last-named hospital has been found.

The records of the Fifteenth Army Corps show that he was furloughed from July 2, 1864, to August 1, 1864, but the cause of his furlough is not given.

Nothing has been found of record to show that he was ever captured by the enemy.

Applying for removal of the charge of desertion, this man testified on December 28, 1892, that, having been wounded in the right thigh and groin, he went home on furlough about the 1st of July, 1864, which furlough was extended to November 12, 1864; that he left his home to join his command in October, 1864; that he was captured by the rebels at Powder Springs, Mississippi, about October 25, 1864, and was held as a prisoner until April, 1865, when he escaped to the United States forces at Ebenezer Church, near Selma, Ala.; that he was sent to Louisville, Ky., and there given transportation to his home; that he attempted to escape from the rebels in January, 1865, but was pursued, recaptured, and wounded by a saber stroke.

Jacob Johnson testified, under date of August 18, 1892, that he was a private in Company K, Fourth United States Cavalry, and that he knows that while his command was advancing from Ebenezer Church, Georgia, to Selma, Ala., and had reached the Alabama River, "the said George W. Taylor was on the opposite side of the river, came across in a canoe, and was escaping from the Confederate lines where he was a prisoner," and that he was very weak and emaciated.

Lewis Manker testified, under date of August 18, 1892, that he was a member of Company G, Second Indiana Cavalry, and that on April 3, 1865, George W. Taylor, who had just made his escape from the Confederate lines, where he had been a prisoner, came to Manker's company at Selma, Ala., and remained with it about four days.

Samuel N. Rockhold testified, under date of December 22, 1892, that he was a member of Taylor's company and went home with him on furlough in June or July, 1864, Taylor being wounded. He also testified that he had been "informed" that Taylor did not rejoin his command because he was captured and imprisoned by the rebels.

Under date of April 1, 1893, Taylor made a sworn statement in which he reiterated his previous allegations and detailed at some length the circumstances of his being wounded, attempting to rejoin his command, and his alleged capture and escape, and in addition he declared that after he reached the Union lines he was sent, about April 25, to Memphis and thence to Louisville; that the surgeon in charge of the convalescent camp at Louisville gave him a certificate showing that he was not fit for service; that he was given transportation to Bushnell, Ill., which was near his home, and that he had the surgeon's certificate until 1886, when it was destroyed by the burning of his house.

Bernard Kelly, late captain of Company F, One hundred and third Illinois Infantry, testified, under date of June 17, 1893, that Taylor was a member of his company, was a good soldier, always ready for and attentive to his duty, up to May 28, 1864, when he (Kelly) was last wounded. He gave no testimony with regard to the soldier subsequent to the last-named date.

Charles D. Monroe testified, under date of January 2, 1890 (?), that he was adjutant of the Forty-eighth Illinois Infantry in November, 1864; that on November 9, 1864, when returning from a leave of absence to his command, which was south of Rome, Ga., he found many others on their way to their commands, some of whom were turned back, but others were not, and many of those who were not turned back were captured by the rebels; that "from conversation with" Taylor he believed that he was one of the party that was captured by the rebels at that time; that he does not recognize Taylor as being one of the soldiers who were returning to their commands at the time in question, but from the fact that Taylor recognized him and made statements concerning the affair in question, which statements the affiant, Monroe, knows to be correct, he is satisfied that Taylor was captured by the enemy, as he claims, and that he did not desert.

Francis M. Hunt testified, under date of February 4, 1895, that he was a corporal in Company C, One hundred and third Illinois Infantry; that he knew of Taylor being wounded about May 28, 1864, and receiving a furlough; that he did not see him during the remainder of his service, but that from his acquaintance with him he does not believe he ever deserted, but believes that he was captured by the enemy and held as a prisoner of war, as stated by him.

Christopher C. Holland testified, under date of January 16, 1895, that Taylor employed him in 1862 to file a homestead entry; that in the course of this employment he saw and handled Taylor's "discharge," which he read and examined, and which he knows was in the usual form of such papers; that said discharge, on its face, showed, among other things, that the soldier was honorably discharged from the service of the United States; that the discharge was dated at Louisville, Ky., was issued from a hospital, and was signed by the person in charge of said hospital; and that this discharge was destroyed by fire in the spring of 1886.

Austin L. Thayer testified, under date of January 8, 1895, that he remembers that Taylor showed him "some kind of discharge paper," and that it contained Taylor's name, but that he has no recollection as to the official signature; that he considered the paper good enough evidence of Taylor having been in the service and discharged by some military authority; that he vouched for Taylor in a Grand Army post as having disclayed his discharge to him previous to his (Taylor's) being "burned out" in the spring of 1886; that his "impression" is that Taylor had a genuine discharge, and that his "impression" is that it was issued from some hospital, but he can not swear to that fact; that he "heard Taylor speak" of his having served in the Army and of his discharge, and when and where he was discharged, but that he can not remember the date or place of discharge as stated by Taylor.

The application for removal of the charge of desertion in this case has repeatedly been denied, and now stands denied, because repeated and exhaustive searches of the records of both the Union and Confederate armies have failed to elicit any evidence that Taylor was ever captured by or escaped from the enemy, or that he was ever under military control, either with troops in the field at Memphis or Louisville, at any time subsequent to July 2, 1864, on which date he received a furlough for thirty days; and because, further, the only record relative to his final separation from the service that can be found is the clear and positive record which shows that he deserted in November, 1864, while at home on furlough.

Respectfully submitted.

F. C. AINSWORTH,
Colonel, United States Army, Chief Record and Pension Office.

RECORD AND PENSION OFFICE,
War Department, March 2, 1896.

The SECRETARY OF WAR.

Mr. FLYNN. Now, Mr. Chairman, it will be seen that the committee find that while the charge of desertion was made against this soldier he was lingering in a Confederate prison. They further find that he never deserted; and in view of that fact I say the amendment of the committee should not be sanctioned by the House.

The question being taken, the amendment was rejected.

Mr. FLYNN. I desire to offer an amendment. There is a mistake in describing the company in which this man served. I move to strike out, in line 5, the letter "C" and insert "F."

The amendment was agreed to.

Mr. TALBERT. I think this bill ought not to pass. I move, therefore, that it be laid aside to be reported to the House unfavorably. Let us get bills of this character out of the way, in order that bills which ought to pass may come in.

The question being taken on the motion of Mr. TALBERT, it was not agreed to; there being on a division—ayes 5, noes 68.

The bill was then laid aside to be reported favorably to the House.

OSCAR A. BULETTE.

The next business was the bill (H. R. 5407) to remove the charge of desertion now standing against Oscar A. Bulette, late private in Company E, Fifty-second Illinois Infantry Volunteers, during late war.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the record of desertion now standing against Oscar A. Bulette, late private in Company E, Fifty-second Illinois Infantry Volunteers, during the late war, and instead thereof to grant him an honorable discharge.

Mr. DOOLITTLE. I move to amend the bill by inserting, after the name "Bulette," in line 5, the words "known in his military record as Austin Bulette"; also to amend the title by inserting the same words after the name "Bulette." My reason for offering this amendment is that in the records of the company and regiment the name appears as Austin Bulette.

Now, in regard to the circumstances of this case, I will make a statement so as to avoid the necessity of reading the report. This was a French boy who enlisted from Wisconsin, going over the line, however, into the State of Illinois. He had been brought up on a farm; and, fired with the patriotism which, as we all remember, swept over the country in those days, he ran away from home and enlisted. His people were very anxious about him and sought in different ways to obtain his discharge from the Army. Finally President Lincoln was petitioned by the father of the boy, and in some manner—just how it was accomplished the record does not state; the petition does not appear in the record, but there is an affidavit showing that there was a petition—in some way the prayer of that petition was carried out, and the boy was taken out of the Army. He states in his affidavit that an officer came to him at St. Louis, took him from his company with the knowledge of the officers of the company, and started him on his way home. He went home and remained there for several months—perhaps for more than a year; but, at all events, as soon as he became old enough he reenlisted and served out the time of his enlistment.

Mr. PICKLER. And was honorably discharged?

Mr. DOOLITTLE. And was honorably discharged. [Cries of "Vote!" "Vote!"]

Mr. TALBERT. I should like to hear the report read in this case.

Mr. DOOLITTLE. I have attempted to state the substance of the report.

Mr. TALBERT. But the report may state the facts more explicitly.

The Clerk proceeded to read the report (by Mr. GRIFFIN), but was interrupted by

Mr. TALBERT. I have no desire to hear that report further. I move that the bill be laid aside to be reported unfavorably.

The CHAIRMAN. The question is, first, on the amendment submitted by the gentleman from Washington.

The amendment of Mr. DOOLITTLE was agreed to.

The CHAIRMAN. The question is now on the motion of the

gentleman from South Carolina [Mr. TALBERT] that the bill be laid aside to be reported unfavorably.

The question being taken, the motion was rejected; there being on a division (called for by Mr. TALBERT)—ayes 4, noes 71.

The bill was then laid aside to be reported favorably.

RHODA AUGUSTA THOMPSON.

The next business on the Private Calendar was the bill (H. R. 6826) granting a pension to Rhoda Augusta Thompson, daughter of the late Thaddeus Thompson, a private in the Revolutionary war.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Rhoda Augusta Thompson, daughter of the late Thaddeus Thompson, a private in Colonel Lamb's regiment of artillery and in Captain Joseph Thomas's company of artillery, and to pay her a pension at the rate of $12 per month during her natural life.

Mr. SPERRY. This lady, who is well known to me, is the daughter of a Revolutionary soldier, and as such her father was on the pension roll. She is now 75 years of age; is infirm, with no one to care for her except her friends. This is a statement of the case. I think it is one well worthy of a pension.

The bill was laid aside to be reported favorably.

ANNA M. NEWTON.

The next business on the Private Calendar was the bill (H. R. 1508) granting a pension to the widow of Gen. John Newton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name Anna M. Newton, widow of John Newton, late major-general of volunteers and brigadier-general of the United States Army, and pay her a pension at the rate of $100 a month.

Amend the title so as to read: "A bill granting a pension to Anna M. Newton, widow of Gen. John Newton."

The Committee on Invalid Pensions recommended the adoption of the following amendment: Strike out "one hundred," in line 7, and insert "seventy-five"; so that it will read "at the rate of $75 a month."

Mr. DINGLEY. We ought to have some statement with the bill or have the report read.

Mr. TALBERT. I would like to have the report read.

Mr. CURTIS of New York. Mr. Chairman——

Mr. DINGLEY. If the gentleman will allow me, I desire to make this suggestion simply: I think it but just to the committee and to the House that there should be some brief statement made as to the merits of each of these cases as they come up, and this would be better than the reading of the report, as it would consume less time. If no one volunteers to make the statement concerning the bill, it will be necessary to have the report read in each case.

Mr. CURTIS of New York. Mr. Chairman, in view of the remarks of the gentleman from Maine——

The CHAIRMAN. The gentleman from South Carolina has demanded the reading of the report. Does he yield to the gentleman from New York?

Mr. TALBERT. Certainly.

Mr. CURTIS of New York. I was going to say that, in view of the suggestion of the gentleman from Maine, I would make a brief statement respecting this case, which will take less time than the reading of the report.

This bill proposes to pension the widow of Maj. Gen. John Newton. He was one of the most distinguished graduates of West Point before the war in a class nearly all of whom went into the Confederacy, and he, with Gen. George H. Thomas, were the conspicuous exceptions among the Virginians at that time who remained in the Union Army.

He was one of the most competent engineers of his day, graduated second in his class, and received promotions on account of his skill in the science of engineering, first to the rank of brigadier-general, and later, because of his military genius, to a higher grade. He served through the war most gallantly and won honorable distinction, and later on he was in charge of the most important Government works, especially the improvement in New York Harbor, and particularly in arranging for the safe navigation at what is known as the "Hell Gate Channel" leading into the sound. His widow is left in destitute circumstances and has to care for an invalid daughter.

The Senate passed this bill at $100 a month, and, Mr. Chairman, there is no bill on the Calendar that appeals more strongly to the sense of justice of this House than does this bill. Because of the action of the committee in reducing the amount proposed by the Senate bill I am reluctant to ask an increase, although my sense of justice would warrant me in so doing.

Mr. LOUD. I would like to ask the gentleman from New York if this officer did not receive, while performing the eminent services he describes, during his military life a compensation of from five thousand to seven thousand dollars a year for at least twenty or twenty-five years.

Mr. CURTIS of New York. Mr. Chairman, General Newton received such compensation as the law gives to the officers of the rank he held. Because of his peculiar talent and skill he was often charged with more responsible duties than other officers of like grade. But to raise the question whether his compensation was large or small raises the question of the propriety of the salaries given by law to officers in the service of the United States, and is a question upon which I do not care to enter as germane to the subject under consideration.

General Newton left no property to his family. He had to live in a very expensive city while receiving the compensation referred to by my friend from California, and his salary was exhausted. His widow, now an aged lady, nearly 70, past 65 years, comes to the House under these circumstances for its favorable consideration. Congress has expressed over and over again in measures for the relief of widows of officers of distinction who served the country as well as General Newton did its purpose to provide suitable support, and I am sure that there can be no disposition to grant his widow less than this bill requires.

Mr. TALBERT. Mr. Chairman, I move to strike out "seventy-five" and insert "fifty," and I do this simply on the same ground that I advocated a few moments ago—the pension to the widow of another general officer, General Jameson. I dislike very much to make this motion affecting the bill of my amiable friend from New York, on whose first visit to my part of the country we treated somewhat badly, but in justice to myself and to this class of pensions I think that they should go on a common ground, and for that purpose I move to strike out "seventy-five" and insert "fifty."

Mr. CUMMINGS. Mr. Chairman, I have listened with great interest to what my distinguished friend on my right [Mr. LOUD], who was himself a gallant soldier in the Union Army, has said with regard to the compensation received by General Newton from the Government for services rendered in the war and elsewhere. When application was made here for a pension to the widow of General Grant, if my friend from California had been a member, I think he would not have been found asking such a question concerning her pension. I speak on behalf of the widow of Gen. John Newton. He has a record of services taking in the battles on the Peninsula, Antietam, Fredericksburg, Chancellorsville, and Gettysburg. It reaches to the great armies of the West. His widow has far less of this world's goods than the widow of General Grant. She is entitled to at least the poor pittance of $75 a month. [Applause.] The Senate gave her a hundred. I was surprised to hear that the House committee had reduced it to $75.

John Newton became a major-general not through political or other influences. He won his double-starred shoulder straps on the field of battle. [Applause.] He was as modest and as undemonstrative in his bearing as General Grant himself.

General Newton was not only useful to his country when our great civil war was raging, but he was useful to her in the paths of peace and commerce after the war. He blasted a highway from Long Island Sound into the great port of New York. As president of the Panama Railroad Company he maintained for commerce that iron link between the Atlantic and the Pacific. He deserved well of his country from the day that he entered her service up to the day that he died, not only in war but in peace. His widow, now in straitened circumstances, asks only what has been granted to widows of major-generals in the Union service who died before her husband.

Mr. Chairman, Mrs. Newton will not receive under this bill what has been granted to the widows of former major-generals who were in far better circumstances. I do hope that my friend from South Carolina [Mr. TALBERT] will not insist upon his amendment, which reduces the amount still lower. I know that if he had fought with General Newton, as I have done, with others on this floor, and if he was acquainted with the circumstances of the case as they know them, he would be the last man here to gravely move to reduce this proposed pension. We have with us here on my left an officer, and a brave officer, who was upon General Newton's staff. I refer to my friend and colleague, Colonel SHANNON. He knew General Newton. He has seen him on the bloody field, and can testify to his meritorious services and the needs and necessities of the case. Mr. Chairman, this House will simply stultify and disgrace itself if it reduces this pension from $75 to $50 per month.

Mr. TALBERT. Will the gentleman say something for the widows of the privates who followed General Newton?

Mr. CUMMINGS. I am voting for pensions for them whenever I have an opportunity. Votes are at least as good as words.

Mr. LOUD. Mr. Chairman——

The CHAIRMAN. Time for debate on this bill is exhausted.

Mr. LOUD. The opposition to this bill have not consumed sixty seconds.

The CHAIRMAN. The time for debate upon this bill has expired.

Mr. LOUD. I hope that the gentleman will give me an opportunity to reply——

The CHAIRMAN. The Chair can not give the gentleman an opportunity when the time is exhausted.

Mr. CUMMINGS. I ask unanimous consent that the gentleman be allowed five minutes?

Mr. MILNES. I ask unanimous consent that the gentleman from California be heard.

The CHAIRMAN. Unanimous consent is asked that the gentleman from California be allowed five minutes.

Mr. POOLE. I object.

Mr. LOUD. Oh, I can get time on the next bill. I want nothing except what I am entitled to by right, and I will get it on some other bill.

Mr. HULL. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HULL. As I understand the rule, debate is limited to five minutes on a side.

The CHAIRMAN. Debate is limited to ten minutes, to be divided between the friends and opponents of the measure.

Mr. HULL. Can a man take the floor and occupy the ten minutes on one side, and thus cut off the other side entirely?

The CHAIRMAN. Two or three members can take the floor and occupy the whole ten minutes on either side, unless some member objects or raises the point of order. The question is on the amendment offered by the gentleman from South Carolina [Mr. TALBERT] to strike out "seventy-five" and insert "fifty."

The question was taken; and the Chairman announced that the noes seemed to have it.

Mr. TALBERT demanded a division.

The committee divided; and there were—ayes 44, noes 55.

Mr. TALBERT. I demand tellers.

Tellers were refused, 9 members (not a sufficient number) voting in support of the demand.

Accordingly the amendment was rejected.

The amendment recommended by the committee, to strike out "one hundred" and insert "seventy-five," was agreed to.

The question was taken on laying aside the bill as amended to be reported to the House with a favorable recommendation.

The CHAIRMAN announced that the ayes seemed to have it.

Mr. TALBERT demanded a division.

The committee divided; and there were—ayes 76, noes none.

Mr. TALBERT. No quorum.

The CHAIRMAN (having counted the committee). One hundred and fifty-three gentlemen are present. The ayes have it, and the bill is laid aside to be reported to the House with a favorable recommendation.

CATHARINE LEARY.

The next business on the Private Calendar was the bill (S. 819) granting a pension to Catharine Leary.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Catharine Leary, a nurse in the war of the rebellion, and to pay her a pension at the rate of $8 per month on and after the passage of this act.

The Committee on Invalid Pensions recommended an amendment striking out the word "eight," in line 6, and inserting in lieu thereof the word "twelve."

Mr. LOUD. Mr. Chairman, I should like to remind the chairman, before I proceed, that the Chair has repeatedly called the attention of members to the fact that they can not determine when a member's time has expired, and I want to call the attention of the Chair to the position in which a member is placed in this House. The House, or a member of the House, can not determine when a member's five minutes have expired. Hence a member must retain his seat until another member has used up the whole time, either in favor of or in opposition to the bill.

Now, then, in relation to the last case. When I suggested an inquiry to the gentleman from New York as to what salary had been received by General Newton, whose widow this House has just put upon the pension roll at $75 a month, the gentleman from New York worked himself into an imaginary frenzy—and when I say the gentleman from New York I mean Mr. CUMMINGS, who turned to me and said the "gentleman upon his right," meaning, I suppose, me, because he could not have meant anyone else—and asserted that if I had been in this House at the time that the widow of General Grant was pensioned I would not have raised my voice against the pension granted to that widow. Now, permit me to say to the gentleman——

Mr. CUMMINGS. I beg the gentleman's pardon. I said that he would not have applied the same argument to that case.

Mr. LOUD. I think I have quoted the gentleman's exact language. Permit me to say that the statement is entirely gratuitous on the part of the gentleman from New York. He is talking about something that he knows nothing about, as he quite frequently does. I deny to him or to anyone else the right to assume what position I would take. I think I have been consistent in my position in this House. I have endeavored to show favoritism to no one. I assert here that General Newton was paid for his services during his entire service, and he was educated at the expense of the Government.

Mr. Chairman, I was led to believe a fact, which I subsequently discovered to be true, which perhaps influenced the gentleman in the matter, and that was that General Newton was a Democrat.

Mr. CUMMINGS. If the gentleman will allow me, he was an anti-Tammany Democrat, and my political enemy.

Mr. MCCLELLAN. And put out of office by Tammany.

Mr. LOUD. I do not care anything about that. I was led to believe that, Mr. Chairman. So that it was wholly unnecessary for the gentleman to suggest what position I would have occupied. But I will state that if I had the power to prevent the pensioning of widows of officers beyond the amount allowed by law I would do so in the case of every widow in this country, not excepting the widow of General Grant. I do not believe that it is in the province of Congress to be charitable to any person. I say again, and I am sincere and earnest in what I say, that if I had it in my power I would defeat every one of these cases. I have been consistent in my course. I know I can not defeat them, and hence I keep my seat.

Mr. DINGLEY. Let us hear the report read or some explanation given of the bill.

Mr. PICKLER. The only point there is in this case is——

The CHAIRMAN. Does the gentleman from Maine yield to the gentleman from South Dakota?

Mr. DINGLEY. Certainly.

Mr. PICKLER. In the general army nurse bill, which is now the law, certain authority is defined in the law for the engagement of these nurses. This woman filed her application, but they decided that her employment was not under such authority as was defined by the general statute. She served six months. The record of this nurse's service shows that they were valuable. They were given during an epidemic of smallpox or cholera, and the only point in the case is that her employment was not under such authority as is defined in the law as it now stands. She is worthy of her pension. She served six months and did valiant service. There is no doubt about that.

Mr. DINGLEY. Is it the same amount of pension as given to nurses?

Mr. PICKLER. Yes, sir; it is the same as given to other nurses.

Mr. ERDMAN. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Maine yield to the gentleman from Pennsylvania?

Mr. DINGLEY. I do.

Mr. ERDMAN. Mr. Chairman, I understand that this woman did not enter the army service until a year after the war. A parliamentary inquiry. Is it within the jurisdiction of the Committee on Invalid Pensions to report a bill of this character?

The CHAIRMAN. In the opinion of the Chair that point comes too late. The bill has already been under consideration by the committee and has been debated for several minutes. [Cries of "Vote!" "Vote!"]

Mr. PICKLER. This woman was in the hospital service after the war was closed.

Mr. ERDMAN. I rise to a point of order. I make the point of order——

The CHAIRMAN. The gentleman will state the point of order.

Mr. ERDMAN. My point of order is that this bill is not properly reported from the Committee on Invalid Pensions.

The CHAIRMAN. The Chair is of the opinion that the point of order comes pretty late, after the bill has been under consideration by the committee.

Mr. ERDMAN. I do not understand that that would make any difference on the point of order. The question of jurisdiction in a court of justice can be made in the appellate tribunal, even if not made before.

The CHAIRMAN. The Chair overrules the point of order.

Mr. ERDMAN. Then I only want to say, Mr. Chairman, that from the affidavits on file it appears that this party was employed as a domestic in the family of Private Gillis at the time she was alleged to be a hospital nurse.

Mr. TALBERT. Mr. Chairman, I want to raise my voice here. [Laughter.] I want to try to bring to my assistance the distinguished gentleman from New York [Mr. CUMMINGS], who came very near falling in his tracks a while ago in the interest of the widow of a distinguished officer. I want to call to my assistance the Democrats who stood here and voted for that appropriation. I want them to help me to get a little pittance now for a poor woman. I want to appeal to the distinguished gentleman from New York who shed some of his crocodile tears a while ago; I want to appeal to him in the interest of this poor woman. It is a sad condition of affairs that whenever you gentlemen make an appeal for the officers' widows you have to come to the Democratic side to get those bills through. I am ashamed of it. Let those

gentlemen get up here now and say something in the interest of the poor people as well as in the interest of the rich.

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

SAMUEL D. GILMAN.

The next business on the Private Calendar was the bill (H. R. 7127) granting a pension to Samuel D. Gilman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby authorized and directed to place on the pension roll, subject to the provision, and limitations of the pension laws, the name of Samuel D. Gilman, late of the Strafford Guards, New Hampshire Volunteers, and pay him a pension of $30 per month.

Mr. DINGLEY. I hope we shall have a brief statement of the merits of this bill.

A MEMBER. Let the report be read.

The report (by Mr. SULLOWAY) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7127) granting a pension to Samuel D. Gilman, having carefully considered the same, respectfully report:

Samuel D. Gilman enlisted May 5, 1864, as a member of Strafford Guards, New Hampshire Volunteers, and went into service at Fort Constitution. While on duty in the service he took cold from exposure in a drenching rain, and rheumatism in his feet and ankles immediately followed, rendering him unfit for duty, and in a short time erysipelas of head and face. He had, up to that time, been a vigorous man, seldom lost a day by reason of illness, and was industrious and of good habits.

A special examiner, under date of January 24, 1896, says:

"The diseases named have resulted in his present wretched condition. There can be no question of his entire disability to do manual labor, and he has been in that condition for six or seven years or longer. The uncontradicted testimony is that he did have rheumatism when at Fort Constitution and erysipelas a few weeks later. The only question, it seems to me, is, was the man sound when he enlisted? Claimant's witnesses are some of the most reliable citizens of Dover, N. H., and he is a conscientious and honest man. He is 70 years of age."

In October, 1894, the examining board reports:

"This man is totally unable to do any work and can not take care of himself. Has to have a constant attendant."

In view of all the facts, your committee respectfully recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

AUGUSTUS G. CARY.

The next business on the Private Calendar was the bill (H. R. 4405) granting a pension to Augustus G. Cary.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Augustus G. Cary, late a lieutenant, United States Revenue Marine, serving on the revenue cutter *Forward* in November, 1863, at which time, by order of the President of the United States, the said cutter *Forward*, together with its officers and crew, was detached from the Revenue-Marine Service and attached to the naval forces, and served as a naval vessel for eleven months, during which time the said Augustus G. Cary acted as a lieutenant. Therefore the said Augustus G. Cary shall be paid such pension as he may then be entitled to according to law.

The committee recommended amendments striking out "a," after the word "late," in line 6, and substituting the word "first"; also striking out all after the words "revenue marine," in line 7, down to and including the words "according to law," in line 15, and substituting therefor the words "and pay him a pension at the rate of $30 per month."

Mr. DINGLEY. Let the report be read.

The report (by Mr. THOMAS) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4405) granting a pension to Augustus G. Cary, have had the same under consideration, and after a thorough and careful examination report the same back with the following amendments, and recommend that it do pass when so amended:

Strike out, in line 6, after the word "late," the word "a" and insert in lieu thereof the word "first." Strike out all after the word "marine," in line 7, and add "and pay him a pension at the rate of $30 per month."

The reasons for this recommendation were submitted to the Senate at the first session of the Fifty-second Congress in a report presented by Senator Sawyer, and again to the Senate at the Fifty-third Congress, second session, in a report presented by Senator VILAS, embodying the report of the preceding Congress, and to the House during the Fifty-second Congress. Said reports are hereunto attached and made a part of this report.

[House Report No. 2401, Fifty-second Congress, second session.]

The Committee on Invalid Pensions have had under consideration Senate bill 2648, and report the same with amendment, and when so amended recommend that it do pass.

Amend by striking out all after the word "pension," in line 7, and insert the following:

"Subject to the provisions and limitations of the pension laws as provided by the act of June 27, 1890, and that said pension shall be paid out of the naval pension fund."

During the war Mr. Cary was lieutenant in the Marine Revenue Service on the revenue-cutter *Forward*. In November, 1863, the *Forward*, with its crew, was transferred by order of the President from the marine to the naval service, and was in the naval service until July, 1864. The record shows that Mr. Cary was lieutenant on the revenue cutter, and that it was under orders from the President, and cooperated with the Navy at Beaufort, N. C., and at other points during that period.

He continued in the marine service for some time afterwards, where, he claims, he contracted the ailment from which he is now suffering. The evidence shows that he has been under treatment of physicians for sixteen years or more, and has undergone operations, which have failed to relieve him. He is now a confirmed invalid, wholly disabled, and has been so for several years. He is sick and in need of medical attendance, and he is dependent on his wife for care and support. His family consists of a wife and several small children.

[Senate Report No. 590, Fifty-third Congress, second session.]

The Committee on Pensions, to whom was referred the bill (S. 1948) granting a pension to Augustus G. Cary, have examined the same, and recommend that the bill be passed.

The reasons for this recommendation were submitted to the Senate at the second session of the Fifty-second Congress in a report of which a copy is appended.

[Senate Report No. 1068, Fifty-second Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 2648) granting a pension to Augustus G. Cary, have examined the same, and report:

The beneficiary, Augustus G. Cary, was, at the commencement of the war and subsequently, a lieutenant in the United States Revenue-Marine Service, and his claim for a pension is based upon his services in connection with the Navy. The committee have taken some pains to ascertain the facts in regard to Lieutenant Cary's claim, and have been informed by an official letter from the Secretary of the Treasury that the records of the Department show that "Lieutenant Cary served on the revenue cutter *Forward* at Beaufort, N. C., from November, 1863, to July, 1864, and that said vessel was under orders by the President to cooperate with the Navy during the period this officer served thereon."

Information from other sources shows that he rendered active and valuable service during the time his vessel cooperated with the Navy, and he is clearly entitled to a pension, inasmuch as he was practically an officer in the Navy during the prevalence of the President's order.

He is now advanced in years, very much disabled, and in reduced circumstances. His attending physician makes affidavit that he has a complication of diseases, and has had for a long time.

The bill is reported favorably, with a recommendation that it do pass.

This committee, after a careful examinination of the documents and other reliable evidence in this case, find the following state of facts:

The beneficiary, Augustus G. Cary, was, at the commencement of the war, and for some time prior thereto, a lieutenant in the United States Revenue-Marine Service, and his claim is based upon his services in connection with the Navy. The committee have taken some pains to ascertain the facts in regard to Lieutenant Cary's claim, and have been informed by an official letter from the Secretary of the Treasury that the records of the Department show that Lieutenant Cary served on the revenue cutter *Forward* at Beaufort, N. C., from November, 1863, to July, 1864, and that said vessel was under orders by the President to cooperate with the Navy during the period this officer served thereon.

Information from other sources shows that he rendered active and valuable service during the time his vessel cooperated with the Navy. Prior to the date on which the cutter *Forward* was transferred to the Navy by order of President Lincoln, viz, May, 1862, Lieutenant Cary was on the *Miami* at the taking of Norfolk, Va. Mr. Cary's first voyage in the service was on the *Varina*, which left New York in April, 1861, after rebel privateers. While on this vessel he was acting as third lieutenant, sailing master, and pilot. He was also on the *Stevens Battery*, a submerging monitor. Mr. Cary seems to have been a very efficient man and a thorough pilot, and his services were in great demand, hence his transfer from one boat to another from 1861 to 1864.

Your committee are clearly of the opinion that Lieutenant Cary is entitled to a pension, inasmuch as he was practically an officer of the Navy during the time his vessel was attached to the Navy by order of the President.

The affidavits filed by his attending physician show that he has a complication of diseases and for some years has suffered therefrom. He is now advanced in years, absolutely disabled, and so long as he lives will not again be able to perform manual labor. He is now confined to his bed, his property exhausted after continued illness covering a period of sixteen years, and he lives to-day as the result only of careful nursing and faithful service rendered to him by a devoted and noble wife.

Mr. DINGLEY. Is this man to be pensioned as of the Revenue-Marine Service or for naval service?

Mr. MINOR of Wisconsin. For naval service.

Mr. DINGLEY. I thought this person whom it is proposed by this bill to pension was in the Revenue-Marine Service and was transferred to the naval service. Of course we should be very careful not to pension anyone simply for being in the Revenue-Marine Service.

Mr. MINOR of Wisconsin. If the gentleman will look at the finding of the committee I think he will be satisfied.

The amendments recommended in the report were adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ORDER OF BUSINESS.

Mr. HAINER of Nebraska. Mr. Chairman, I ask unanimous consent to take up the bill (H. R. 7740) granting an increase of pension to Lewis Keiser, of Hubbell, Nebr.

The CHAIRMAN. Is there objection to the request of the gentleman from Nebraska?

Mr. CORLISS. It seems to me, Mr. Chairman, that we ought to follow the rule, unless there is some special reason why this bill should be taken up out of its course.

Mr. HAINER of Nebraska. I trust the gentleman will not object to taking up this bill. The case is a very peculiar and meritorious one. The beneficiary of this bill is 74 years of age, helpless, bedridden, and paralytic—one of the most pitiable cases on record.

The CHAIRMAN. Is there objection to the request of the gentleman from Nebraska?

Mr. SHERMAN. I object. I have a case just like this myself.

MRS. CHRISTINA GRAHAM.

The next business on the Private Calendar was the bill (H. R. 4268) granting a pension to Mrs. Christina Graham.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, at $12 per month, subject

to the provisions and limitations of the pension laws, the name of Mrs. Christina Graham, of Baltimore, Md., daughter of Wendel Laurentz, deceased, late a private in the Revolutionary war.

The report (by Mr. COFFIN) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 4268) granting a pension to Mrs. Christina Graham, have considered the same, and respectfully report as follows:

The claimant is the daughter of Wendel Lawrentz, a Revolutionary soldier, whose service is shown in the following report from the Pension Bureau:

"DEPARTMENT OF THE INTERIOR, BUREAU OF PENSIONS
"*Washington, D. C., February 28, 1896.*

"SIR: In response to your request, herewith returned, for a statement of service of Wendel Lawrentz, a Maryland soldier in the Revolutionary war, I have the honor to inform you that it appears from the papers in the claim of his widow, Ann Lawrentz, for pension (No. 9113), that he enlisted as a private "in the German regiment," in July, 1776, and served under Capts. Philip Graykill and Christopher Myers, Colonels Honsegger and Weltner, until July 20, 1779, when he was discharged. He was engaged in the battles of Trenton, Princeton, Brandywine, Germantown, and Monmouth.

"Very respectfully,

"WM. LOCHREN, *Commissioner.*

"The CHAIRMAN OF COMMITTEE ON PENSIONS,
"*House of Representatives.*"

The relationship of the claimant to the soldier is certified to by the officers of Avalon Chapter, Daughters of the Revolution, of Baltimore, Md.; and it is shown by the claimant's sworn statement, and by the certificate of Hon. JOHN K. COWEN, M. C., who is personally acquainted with the facts, that she is now 72 years old, without any means whatever, and dependent on friends for the necessities of life.

There are several precedents for the allowance of pensions to the aged and destitute daughters of soldiers of the Revolution, and, believing this case to be a worthy one, your committee respectfully recommend the passage of the bill.

Mr. DINGLEY. One word, Mr. Chairman. This seems to be a bill to pension the daughter of a Revolutionary soldier. Is it understood that daughters of Revolutionary soldiers, provided they can show need, are to be granted pensions?

Mr. LOUDENSLAGER. In reply to the gentleman from Maine I will say that that has been the attitude and action of the committee in the Fifty-third Congress, of which I was a member, and also in this Congress. The rule has been to report favorably upon all bills of that character.

Mr. DINGLEY. I simply wanted to know what the practice was to be and whether we were going into that business, because I have a dozen applications of that kind.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

JOHN R. ROW.

The next business on the Private Calendar was the bill (H. R. 3380) granting an increase of pension to John R. Row, of Toronto, Kans.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of John R. Row, of Toronto, Kans., late of Company B, Third Illinois Infantry, Mexican war, and pay him a pension of $72 per month in lieu of the pension now received by him, said increase of pension to be paid subject to the provisions and limitations of the pension laws.

An amendment recommended by the committee, striking out the word "seventy-two," in line 6, before the word "dollars," and inserting "thirty," was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

JACOB M. HAMBURGER.

The next business on the Private Calendar was the bill (H. R. 948) to remove the charge of desertion against Jacob M. Hamburger.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove charge of desertion standing against the name of Jacob M. Hamburger, late musician in Company G, First Battalion, Twelfth United States Infantry, and issue him an honorable discharge.

Mr. CORLISS. Mr. Chairman, the report in this case is short and covers all the facts. I ask that it be read.

The report (by Mr. TRACEY) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 948) entitled "A bill to remove charge of desertion against Jacob N. Hamburger," beg leave to submit the following report, and recommend that said bill do pass.

It appears from the petition, proof filed with the committee, and official records of the War Department, that Jacob N. Hamburger enlisted at the age of 15 years as a musician in the Twelfth United States Infantry, at the city of New York, on the 29th day of February, 1864, for a term of three years. He continued in the service until January, 1866, when he was reported as deserted at Richmond, Va. The official records also show that William Lowe was principal musician of the Twelfth United States Infantry, and had control of the musician, Hamburger, who was a frail boy, less than 16 years of age. It is claimed, and there is sufficient evidence to establish the reasonableness of petitioner's claim, that after Mr. Hamburger had served about a year he was most severely punished with a rawhide by the chief musician, Lowe, who, it is claimed, inflicted the punishment at a time when he was intoxicated. The punishment was so violent as to cause the cheek bone of the petitioner to be broken and his eye affected, from which he has since lost sight. The records show that the petitioner was taken to the hospital for treatment of lacerated wounds, and that the principal musician was placed under arrest, but there is no record of his trial.

The records further show that the petitioner returned to his service and continued until 1866, under the command, however, of a different principal musician. It appears that in January, 1866, Mr. Hamburger was transferred to Richmond, Va., and again placed under the command of William Lowe, who had inflicted such severe punishment, and in consequence thereof deserted the ranks and returned to his home, alleging as a reason therefor the fear of his life, in consequence of the repeated threats made by said Lowe.

The claimant was, upon his own application, furnished, in August, 1891, a deserter's release under General Orders No. 55, Adjutant-General's Office, 1890, which protects him from arrest and trial by general court-martial and closes his military record.

There is no record that this musician, during his service prior to date of desertion, was ever absent without leave for two days or for any other period.

The merits of this case, and extreme youthful appearance of the boy at the time, his age, and his good conduct during his entire service in the Army, constrain the committee to recommend the relief desired, and therefore urge that the bill do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

CHARLES WILLIAMSON.

The next business was the bill (S. 807) granting a pension to Charles Williamson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles Williamson, late assistant surgeon of the Twelfth Regiment Kansas State Militia Volunteers.

Mr. MILNES. Let us hear the report.

The report (by Mr. BAKER of Kansas) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 807) granting a pension to Charles Williamson, having carefully considered the same, adopt as their own the following Senate report, and recommend the passage of the bill:

[Senate Report No. 140, Fifty-fourth Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 807) granting a pension to Charles Williamson, have examined the same and report:

The petitioner, Charles Williamson, was assistant surgeon in the Twelfth Regiment Kansas State Militia Volunteers. He was enlisted July 8, 1864, and discharged October 25, 1864. He bases his claim upon double inguinal hernia incurred October 23, 1864, between Independence and Westport, Mo.

From the evidence submitted it appears that he was an able, strong-bodied man and perfectly sound at the time of his enlistment.

At the time of his discharge he was ruptured substantially as claimed by him in his declaration. He received the rupture while riding on horseback and attempting to cross a small ravine, occasioned by the jumping and stumbling of the horse. Immediately afterwards he was removed from the horse to the ambulance.

At the time of the injury he was in actual service and in the discharge of his duties. He presented proof of his claim and it was rejected because (as it was claimed) his proof failed to show his injury while in actual service. This claim on the part of the Government appears to be unfounded. Although the evidence furnished by the claimant and taken by the special examiner of the Department does not show by actual direct evidence the origin of claimant's double inguinal hernia, yet the testimony of bodily and physical soundness prior to his entering the service is positive, direct, and conclusive to the fact that the claimant was physically and bodily sound when he entered the Army, and the evidence is equally direct and conclusive that he did suffer from such hernia when he was discharged from the service, and the circumstances surrounding the origin of his disability, supported by strong circumstantial and corroborating evidence, lead to the conclusion of the correctness of his claim that he was injured while in the line of duty. The presumption is very strong and almost conclusive in his favor, and in accordance with the rulings of the Secretary of the Interior heretofore made, "that where strong circumstantial and corroborative evidence is given in favor of the claimant, he should be given the benefit of the doubt and the burden of proof changes from the claimant to the Government," and as the Government presents no proof overthrowing this claim of presumption, your committee, to whom was referred the bill, return the same with recommendation that it do pass with an amendment.

Amend by striking out all after the word "volunteers," in line 7.

The bill was laid aside to be reported favorably.

WILLIAM GREER.

The next business was the bill (H. R. 6590) granting a pension to William Greer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of William Greer, late of Company A, One hundredth Pennsylvania Veteran Volunteer Infantry, and pay him a pension of $50 per month.

The report (by Mr. CROWTHER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6590) granting an increase of pension to $50 per month to William Greer, late private Company A, One hundredth Pennsylvania Infantry Volunteers, having carefully examined and considered all the facts and circumstances in evidence in this claim, respectfully report:

William Greer enlisted February 15, 1864, and was honorably discharged August 16, 1865. He was wounded in the battle of Weldon Railroad, near Petersburg, Va., August 19, 1864, being struck with three balls about 2 inches below the elbow in right arm and passing through both bones of forearm, and one ball deflecting into the elbow joint, or through it.

He was pensioned at $8 from August 17, 1865; increased to $12 from April, 1886; afterwards a reissue at $30 from April 14, 1886, to correct the rating, and $36 from April 6, 1887; this was reduced to $18 from June 4, 1888; increased to $24 from July 23, 1889, and to $36 from December 30, 1889 (date of amputation).

The Pension Bureau sent a special examiner to inquire why the arm was amputated so far above the elbow, and Drs. Bond and Drake explained:

"The reason that we cut the arm as high above the elbow joint as we did was to get above the diseased tissue. The examination of the arm before amputation disclosed the fact of diseased tissue, and after the amputation the arm suppurated, showing that we had not gotten above that diseased portion. On opening the joint after the amputation we found necrosis of the elbow joint. The bones of the joint were denuded of cartilage, and fragments of the bullet were embedded in the bones of the forearm and arm through the joint. There were several suppurating sinuses both above and below the joint. We not only found that the bones of the lower arm had been injured by the ball as it entered and passed through the forearm, but also injured the humerus as it passed out of the arm above the elbow joint. We found fragments of lead in the bones of the forearm and cartilage of the humerus. Most of the cartilage of the humerus had necrosis. The condition of the arm as we found it to exist at that time, we believe, could not have been produced by any other cause than the gunshot wound as alleged."

The last medical examination had by the board at Kansas City, Mo., February 15, 1892, and which is in line with the previous examinations, and which was made very carefully under instructions from the Pension Bureau, the soldier being stripped and subjected to every test known to the science of medicine and surgery, clearly demonstrates the merits of applicant's claim that his present paralysis and loss of sight is due to the gunshot wound. The board reports as follows:

"Upon examination we find the following objective conditions: Pulse rate, 90 to 108; respiration, 20; temperature, 98½; height, 5 feet 9 inches; weight, 157 pounds; age, 48 years. The right arm amputated 7 inches below the acromion; right shoulder is 2½ inches smaller than the left. The right arm, 4 inches below acromion, is 3 inches less in size than its fellow. The stump is tender, the bone is well covered. There is enlargement of the end of the bone, which is also rough and irregular in outline. Violent paralysis agitans in the right arm, still more severe in the left arm and entire body, including the head, and affecting speech. The lower limbs are involved; violent muscular twitching of arms and trunk. Hyperæsthesia along the entire spine, also hyperæsthesia of scalp and face, with tender points on left side; tongue tremulous; incoordination of left arm—does not come within 1 foot of a point (with closed eyes)—incoordination of lower limbs, less marked than in the upper; great tenderness over the ulnar nerve in right axilla—the nerve, with its sheath, is many times its normal size.

"Pupils of eyes 4½ millimeters in size, but little affected by strong reflected light; atrophy of disks, pale retina (spinal amourosis); vision is indefinite, tests do not apply; he sees very well for all his purposes, however. No increase of cardiac dullness, but by reason of the palsy agitans we can not differentiate any of the cardiac sounds. The body is in a constant tremor. Claimant was nude while being examined, and the examination was long and careful. Employed all needed tests, such as æsthesiometer, dynanometer, electrical tests (in three forms), opthalmoscope, etc.

"Claimant has lost an arm above the elbow; a bad stump with diseased bone and extensive muscular atrophy remain, results of the original gunshot wound; ascending neural sclerosis as shown by the condition of ulnar nerve in the axilla. The condition of the spine and all nerves emanating therefrom is shown by the palsy agitans and the amourosis.

"This condition of the eyes may be due to either meningeal thickening at base of brain, or the disease of spine may thus affect the retina through the sympathetic, or both. The loss of coordinating power is very marked. Claimant, by reason of this, is totally unable to walk or stand alone (eyes open or shut); he can not dress or undress himself or cut up his food. He reaches his mouth by making an effort, working along till he reaches it. Claimant is so totally and permanently helpless from result of gunshot wound affecting spine and nervous system that he requires the personal aid and attention of another person for a larger portion of the time and for nearly all purposes. Rate, total first grade, $72 per month."

The Pension Bureau refuses to accept the paralysis agitans and amourosis as result of the gunshot wound, notwithstanding the ample medical testimony by those who had the soldier before them from time to time and made careful and painstaking examination.

Your committee place more reliance on the medical testimony showing the deplorable condition of this old veteran than upon the action of the Pension Office, and therefore urgently recommend the passage of this bill.

The bill was laid aside to be reported favorably.

HELEN M. MALLERY.

The next business was the bill (S. 724) granting an increase of pension to Helen M. Mallery.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Helen M. Mallery, widow of Garrick Mallery, late captain and brevet lieutenant-colonel, United States Army, and lieutenant-colonel Thirteenth Pennsylvania Cavalry and brevet colonel, United States Volunteers, to $50 per month, and pay her a pension hereafter at that rate.

Mr. DINGLEY. Let the report be read.

The report (by Mr. CROWTHER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 724) granting an increase of pension to Helen M. Mallery, having carefully examined the evidence presented, report as follows:

Her late husband, Garrick Mallery, entered the Army as captain in the Seventy-first Pennsylvania Volunteer Infantry June 4, 1861, and served in that regiment until February 16, 1863, when he was promoted lieutenant-colonel of Thirteenth Pennsylvania Cavalry, and served as such to June 15, 1864, when he became lieutenant-colonel in the Veteran Reserve Corps, and served in that capacity until appointed a captain in the Thirteenth United States Infantry, to date from July 28, 1866. He was retired with the rank of captain July 1, 1870, on account of wounds received at the battle of Peach Orchard, Virginia. He was brevetted colonel of volunteers for gallant and meritorious services during the war, and major and lieutenant-colonel in the Regular Army for gallant services in a skirmish at Garnett's Farm and in the battle of Peach Orchard, Virginia.

He was engaged in actions at Lewinsville, Munsons Hill, Falls Church, Balls Bluff, Fair Oaks, Seven Pines, and at Savage Station, where he was taken prisoner, having received two severe wounds, and left on the field, from whence he was taken to Libby Prison at Richmond, Va. The effects of these wounds and the privations of Libby Prison reduced Colonel Mallery to such extremity that his life was despaired of, when he was exchanged and sent to Philadelphia, Pa., where he was restored to comfortable health, though never again a well man.

The interest taken in this young officer by the great War Secretary is shown by the accompanying letter, sent to him at the time of his exchange.

He was honorably mentioned in the records of the rebellion in the report of the Seven Days Fight, and his services were conspicuous, not only for his gallantry in battle, but for his marked ability as an executive officer. He died October 24, 1894, from diseases contracted in the service.

The beneficiary of this bill is entirely without income for her support, except the pension which she is now receiving, of $30 per month. She is a lady of high culture and refinement, but broken down in health and unable to engage in any occupation for her support. She has no relatives to whom she can turn for aid, hence the urgent need of the relief proposed by this bill, the passage of which is earnestly recommended by your committee.

—

WAR DEPARTMENT,
Washington City, D. C., July 23, 1862.

Capt. Garrick Mallery, Seventy-first Pennsylvania Volunteers, has leave of absence for thirty days, with privilege of returning to his home, for the restoration of his health.

EDWIN M. STANTON,
Secretary of War.

Indorsed: Paid for May and June, 1862. David Taggart, paymaster, U. S. A.

DEAR SIR: I inclose with the above furlough $100 of my own private funds to enable you to get home comfortably, as I understand from Mr. Nidi that you are short. You can replace it at your convenience. Congratulating you on your safety and honorable service, with respects to your father, with whom I have the pleasure of an acquaintance,

I am, yours, truly,

EDWIN M. STANTON.

A true copy.

A. W. SULLY, *Surgeon, U. S. A.*

The bill was laid aside to be reported favorably.

PRICILLA R. BURNS.

The next business was the bill (H. R. 5938) for the relief of Pricilla R. Burns.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Pricilla R. Burns, widow of the late Gen. William W. Burns, of the United States Army, on the pension roll at the rate of $75 per month, in lieu of the amount she now receives.

The amendments reported by the committee were read, as follows:

In line 5 strike out "General" and insert "Brigadier-General."

In line 7 strike out "seventy-five" and insert "fifty"; so as to make the pension $50 per month.

The report (by Mr. KERR) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5938) for the relief of Pricilla R. Burns, submit the following report:

Pricilla R. Burns is the widow of Brig. Gen. William W. Burns. The bill as introduced gave her a pension of $75 per month.

Her husband had an especially meritorious military career, and he received several brevets and many testimonials for his gallant services in the war of the rebellion.

He commanded a company in the war with Mexico and a brigade in the Shenandoah Valley and a division in the Rappahannock campaign in the late war.

At the battle of Savages Station General Burns was severely wounded in the face, but notwithstanding his wound he continued in the field in command until the enemy had been repulsed and the battle was over. For his gallant and meritorious conduct on this field he was recommended by Major-General Sedgwick for appointment as major-general of volunteers.

The following letters are appended:

"Brig. Gen. L. THOMAS,

"*Adjutant-General United States Army, Washington, D. C.:*

"I have the honor to present to the honorable Secretary of War for his consideration the name of Brig. Gen. W. W. Burns for the appointment of major-general of volunteers. General Burns commanded a brigade in my division at the siege of Yorktown, the affair at West Point, and the battles of Fair Oaks and Allyns Farm. At the battle of Savages Station he commanded at the point of attack and handsomely repulsed the enemy, receiving a severe wound in the face. On the next day at the battle of Glendale he was warmly engaged. At these two engagements I consider his services were brilliant and well merit promotion.

* * * * * * *

"JOHN SEDGWICK,
Major-General Volunteers.

"I very cordially agree with General Sedgwick in his recommendation. I have known General Burns well, and know he has fairly earned his promotion.

"E. V. SUMNER,
Commanding Corps."

—

"As the commander of the Army of the Potomac during the period referred to in the preceding letters, I feel it a pleasure as well as a duty to bear testimony to the worth of General Burns and the value of his services. General Sumner in his indorsement, and General Sedgwick in his report of July 5 and letter of July 6, 1862, have not overrated the importance of the services rendered by General Burns during the period from June 29 to July 2, 1862. General Burns was severely wounded on the 29th, but nevertheless, retained his command. The conduct of General Burns at Savages Station and at Glendale on the 29th and 30th was something more than that display of gallantry which every brigadier commander ought to possess. In both instances the successes achieved were against large odds and (especially in the latter case) under very trying circumstances, and one of vital importance to the success of the movement then in progress. During the entire period that General Burns served in the Army of the Potomac under my command his services were eminently satisfactory, as they also were on my staff in western Virginia.

"GEORGE B. McCLELLAN."

Mrs. Burns is poor and without other means of support than her pension of $30 per month.

The committee recommend the following amendments, and that as amended the bill do pass:

Amendments: In line 5, before the word "General," insert "Brigadier," and in line 6 strike out the word "seventy-five" and insert "fifty."

Mr. TALBERT. I move to amend this bill by striking out "$75" and inserting "$50."

The SPEAKER. That is the pending amendment reported by the committee.

The amendment was agreed to.

The bill as amended was laid aside to be reported favorably.

WILLIAM LORING SPENCER.

The next business was the bill (S. 1699) for the relief of William Loring Spencer.

Mr. PICKLER. I ask that this bill may be passed over. A House bill for the relief of Mrs. Spencer has already been passed by the Committee of the Whole and is now on the Calendar as unfinished business.

The CHAIRMAN. Without objection, this bill will be passed over informally.

Mr. STEWART of New Jersey. I object. I desire to have this bill disposed of.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions

and limitations of the pension laws, the name of William Loring Spencer widow of George E. Spencer, late colonel First Regiment Alabama Cavalry, at the rate of $75 per month.

The amendment reported by the committee was read, as follows:

In line 8 strike out "seventy-five" and insert "thirty," so as to make the pension $30 a month.

Mr. STEWART of New Jersey. Mr. Chairman, when the House bill corresponding to this was up for consideration the other day the distinguished chairman of the Committee on Military Affairs insinuated that the statements made with reference to the physical condition of Mrs. Spencer were not true. Since that time I have at considerable trouble obtained certificates from physicians and from other sources corroborative of those statements—showing, indeed, that many of the statements then made were not as strong as they should have been. I will first read the doctor's certificate:

WINNEMUCCA, NEV., *May 7, 1896.*

I hereby certify that Mrs. W. Loring Spencer is suffering from angina pectoris and chronic pen paralysis.

H. HAGAR, M. D.

Subscribed and sworn to before me this 8th day of May, 1896, by H. Hagar, who is a practicing physician in the town of Winnemucca, Humboldt County, Nev.

[SEAL.] L. F. DUNN,
County Clerk and ex officio Clerk of the Second Judicial District Court of Nevada, in and for Humboldt County.

I also call attention to the following:

UNITED STATES SENATE, *Washington, D. C., May 11, 1896.*

U. H. PAINTER, *Washington, D. C.*

MY DEAR SIR: I am sorry that I did not see you when you called at my committee room this afternoon.

You ask me to say a kind word about General Dodge. I have known him for more than thirty years. He entered the military service at the beginning of the war and continued to the end, being a major at the beginning and a major-general at the end. He was one of the most trusted corps commanders under General Grant in the Western Army. He is a man of splendid judgment, accurate observation, and always knows what he is talking about, and is truthful in every statement he makes. So, if he has made any statement as respects the military record of any one, I should regard it as a valuable statement for the purpose he may have in view.

Very truly, yours,

W. B. ALLISON.

Knowing General Dodge intimately, I earnestly concur in all of the foregoing.

D. B. HENDERSON.

We all know who HENDERSON is and who ALLISON is.

I have known Gen. G. M. Dodge over thirty years. He is one of Iowa's most foremost men, and any statement made by him would be considered by those who know him to be true. He is a man of high sense of honor and a personal friend.

JOHN W. GEAR.

We know who GEAR is.

I ask attention also to the following:

No. 1 BROADWAY, NEW YORK, *May 12, 1896.*

DEAR SIR: Replying to your letter of May 11 in relation to Gen. George E. Spencer, I do not see how I can write anything stronger than in my letter dated St. Louis, May 9, 1865, where I recommended him for promotion to the rank of brigadier-general.

On my staff he took part in all the engagements which my command was in up to Kenesaw Mountain, and you will find him mentioned in my official report with proper credit.

Whilst in command of the Alabama cavalry, in the District of Corinth, he took part in several noted raids, and no doubt his official reports of this are on file.

When he left me in June, 1864, to resume command of his regiment, he fell under the direct command of General Van Dever, at Rome, Ga., a detached portion of my corps. After that he fell directly under the command of General Sherman and took part in all the engagements up to the Carolinas, commanding a brigade in Kilpatrick's division, and whatever battles he took part in while in that division no doubt his official reports will show.

There is no doubt as to General Spencer's standing as an officer, his courage, and the ability with which he handled his men on the battlefield.

He had good judgment, and was an officer that great discretion could be given when sent with orders. In addition to this, during the time I held the country and protected Grant's flank in the Vicksburg campaign, General Spencer was sent with some very important communications to the enemy, penetrating far into their lines and territory. He also was with me when I made the campaign to Bragg's rear, destroying his supplies in the Tennessee Valley. He performed all these duties with great credit, never failing to accomplish what he was sent for.

I am, truly, yours,

G. M. DODGE.

U. H. PAINTER, Esq., *Washington, D. C.*

Now, in view of these corroborative proofs I ask that the Senate bill be passed without the amendment of the House committee. We ask the paltry amount of $75 a month for the widow of General Spencer, who for twelve years served his State in the United States Senate and who for gallantry upon the field of battle was brevetted a major-general. We ask simply for $75 a month. Over and over again we have seen instances where this amount has been given in this House to the widows of undistinguished and unknown men. I ask for the destitute widow of General Spencer simple justice.

Mr. CROWTHER. I wish to say in reply to my friend from New Jersey [Mr. STEWART] that we are proposing to pension the widow not of General Spencer but of Colonel Spencer, for the rank of colonel was the highest he ever attained during the war. Nor are we engaged in pensioning ex-Senators of the United States or their widows. We are proposing to pension the widow of Colonel Spencer at the highest figure that the law allows in such cases—$30 a month. A House bill granting that amount has been passed. The committee have carefully considered this question, and they have unanimously recommended that this Senate bill be reduced in amount from $75 to $30 a month, which is what the law would give her if she could prove that her husband's death originated from army service.

Mr. BAKER of New Hampshire. Mr. Chairman, in this case, though it may be true that the highest actual rank held by General Spencer was that of colonel, yet it is not by any means true that the committee or the House has confined the rate allowed on pensions to that fixed by the law.

Here is one of those meritorious cases where this widow should receive such a pension as the committee has been accustomed to give the widows of other officers of like grade. I can not understand how the committee, in view of its other recommendations, should recommend the cutting down of this pension to $30 a month. At least there should have been $50 to make it at all commensurate with what the committee has very frequently done in other cases, and at the proper time I shall move to strike out "thirty," if that amendment of the committee is insisted upon, and insert "fifty."

Mr. CROWTHER. Mr. Chairman, I move, as a substitute for the pending amendment, that the Senate bill lie on the table. The House bill has been passed for the same beneficiary.

Mr. DINGLEY. The motion should be, that the bill be reported to the House with the recommendation that such action be taken.

The CHAIRMAN. The gentleman moves that the committee recommend that the bill lie on the table.

Mr. SHERMAN. I make the point of order that that can not be done. It can not be laid on the table in committee.

Mr. PICKLER. What is the parliamentary status of the bill now? Will the Chair be kind enough to explain?

The CHAIRMAN. The only question is with reference to this bill. It is a Senate bill——

Mr. PICKLER. But this same bill, or a bill pensioning the same party, passed the committee last week and is among the unfinished business yet on the Calendar. This bill or the other bill ought to lie on the table.

The CHAIRMAN. The Chair understands that the other was a House bill. This is a Senate bill. But it is competent for this committee to recommend either or both favorably or otherwise.

Mr. CROWTHER. In order to facilitate the granting of pension to this party, I will withdraw my motion to recommend that it lie on the table and let the bill of the Senate be passed with the amendment recommended by the committee.

Mr. PICKLER. The House passed the bill for $30 a month the other day.

Mr. ALLEN of Utah. I do not understand whether this is a bill for General Spencer or his widow.

The CHAIRMAN. The Chair is unable to give any other information than that appearing in the bill.

Mr. ALLEN of Utah. Gentlemen are talking of a pension to a widow in this case, but on the Calendar it seems to be a pension for General Spencer himself.

Mr. STEWART of New Jersey. The name given in the title of the bill is the name of this lady herself.

Mr. MILNES. I move that that part of the bill be read again, to see who is the beneficiary.

The CHAIRMAN. Without objection, that order will be made.

There was no objection; and the bill was again reported.

Mr. BAKER of New Hampshire. Now, Mr. Chairman, I move to amend the committee amendment by striking out "thirty" and inserting "fifty."

Mr. STEWART of New Jersey. I accept that amendment.

The question being taken on the amendment to the amendment, the committee divided; and there were—ayes 41, noes 46.

Mr. STEWART of New Jersey. I ask for tellers.

Tellers were ordered.

The Chairman announced the appointment of Mr. BAKER of New Hampshire and Mr. PICKLER as tellers.

Mr. TALBERT. I rise to a parliamentary inquiry. As I understand it, the motion of the gentleman from New Hampshire is to strike out "thirty" and insert "fifty." Now all of those voting in favor of that amendment express themselves in favor of fixing $50 by the House as against the rule fixed in the Senate, whereas those who vote against it are practically in favor of $75 a month pension in these cases.

The CHAIRMAN. The Chair can only state that the amendment of the committee is to strike out "seventy-five" and insert "thirty," to which the gentleman from New Hampshire moves an amendment by striking out the amendment proposed by the committee—that is, "thirty"—and inserting "fifty."

Mr. TALBERT. Exactly; and if we do not get the fifty we will have to take the seventy-five.

The committee divided; and the tellers reported—ayes 81, noes 43.

So the amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The CHAIRMAN. The question is on laying aside the amended bill with a favorable recommendation.

Mr. MILNES. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MILNES. If I understood the bill when it was read a moment or two ago it was to pension "William" Somebody. I understand the object is to pension a widow——

Mr. WHEELER. That is her name—William Loring Spencer.

Mr. BARRETT. That is her correct name.

The CHAIRMAN. The Chair can only state what the bill contains.

The bill was laid aside to be reported to the House with a favorable recommendation.

Mr. PICKLER. Mr. Chairman, I move that the committee recommend that the House bill lie on the table.

The CHAIRMAN. The Chair understands that the House bill has been reported to the House. Under those circumstances the committee would have no jurisdiction, and the motion would be out of order.

Mr. PICKLER. I thought it was in the committee, but I believe it has been reported to the House.

The CHAIRMAN. The Clerk will report the next bill.

ALEXANDER C. MORRISON.

The next business on the Private Calendar was the bill (H. R. 6552) granting increase of pension to Alexander C. Morrison.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Alexander C. Morrison, late a corporal in Company E, Fourth Iowa Veteran Volunteer Cavalry, and pay him a pension of $30 per month.

The report (by Mr. PICKLER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6552) granting increase of pension to Alexander C. Morrison, having carefully considered the facts in the case, respectfully report:

The soldier enlisted September 23, 1861, in Company E, Fourth Iowa Cavalry, and was honorably discharged August 8, 1865.

The records show that from December 9, 1864, to June 16, 1865, he was in hospital under treatment for injury to leg, diarrhea, and other complications, incurred and contracted in line of duty.

October 3, 1870, he was pensioned at $2; March 30, 1880, increased to $4; December 1, 1881, to $6; July 22, 1885, to $8; June 13, 1888, to $17.

The gradual aggravation of claimant's disabilities during this time is indicated by the reports of the examining boards, as follows:

February 1, 1878, one-half total; March 30, 1880, "a difficult case to rate"; December 1, 1881, three-fourths total; July 22, 1885, total; June 14, 1888, sixteen-eighteenths.

In 1890 he filed an increase claim, alleging disease of eyes, scurvy, piles, deafness, and general debility, in addition to injury to leg, varicose veins, and ulcers.

January 6, 1892, the examining board rates him thus: Injury and ulceration of left leg, ten-eighteenths; varicose veins, four-eighteenths; deafness, six-eighteenths; scurvy, two-eighteenths; piles, two-eighteenths.

February 16, 1894, the claim was approved for disease of eyes, deafness, piles, scurvy and results, the examiner saying:

"Disease of eyes, piles, and impaired hearing of botn ears can not be rejected on medical grounds."

The medical referee, however, found other grounds on which to disallow the claim, and uses this language:

"Injury to left leg and resulting varicose veins and ulcers, seventeen-eighteenths; no increase. Piles, four-eighteenths—rate for combined disabilities not to exceed seventeen-eighteenths. Reject claim for disease of eyes and deafness; no ratable disability since filing."

The rating for scurvy and results seems to have been lost sight of entirely.

Claimant is 60 years of age, and the medical and lay evidence on file in the Pension Bureau shows that he has been for several years and is now totally disabled.

Your committee believe that the soldier is justly entitled to $30 per month, and therefore respectfully recommend the passage of the bill.

Mr. PICKLER. Mr. Chairman, I desire to call attention to the action which the committee has just taken in regard to the pensioning of generals' widows. I want to state in behalf of the Committee on Invalid Pensions, and I want it understood, that this Committee of the Whole on last Wednesday and to-day have repeatedly and persistently put up the amounts recommended by the Committee on Invalid Pensions in pensioning generals' widows. Last week the bill to pension Mrs. Spencer passed the Committee of the Whole at $30 on the recommendation of the Committee on Invalid Pensions. To-day this Committee of the Whole disregard that recommendation and pass the same bill at $50. And so in regard to other bills. I do not refer particularly to the case of Mrs. Spencer, but I am speaking generally on the subject. The Committee on Invalid Pensions were criticised early in the session for reporting bills which were alleged to be for large amounts; but I desire to call the attention of the Committee of the Whole to the fact that the Committee of the Whole is persistently going above the recommendations of the Committee on Invalid Pensions in the cases of brigadier-generals and major-generals. I hope that the Committee on Invalid Pensions will not be criticised hereafter by anybody on this floor in that regard.

Mr. TALBERT. Mr. Chairman——

Mr. PICKLER. Mr. Chairman, I can not yield now.

The CHAIRMAN. The gentleman from South Dakota declines to yield.

Mr. PICKLER. It seems in every case, as I stated here the other evening, that when a bill comes from a State in which gentlemen reside they forget all about the theory which they advocate as to other bills. I merely desire to call attention to the fact that the Committee on Invalid Pensions are proving to be the conservative body connected with this House, and that this Committee of the Whole are voting up and increasing the recommendations of the Committee on Invalid Pensions in the case of generals and generals' widows.

Mr. TALBERT. I desire to second the motion of the gentleman in his endeavor to establish a uniform rate of pensions for officers and officers' widows. I have gone hand in hand with the gentleman in that respect; but I want to say that I have failed to control the Democratic party on this side of the House, who rush through like stall-fed horses and vote for $75 and $100 every time when $50 is proposed. I will do all I can to help the gentleman, but I can not control the boys on this side. [Laughter.]

Mr. WOOD. Mr. Chairman, I desire to call the attention of the committee, and of the country as well, to the fact that the chairman of the Committee on Invalid Pensions [Mr. PICKLER] voted to disregard the action of the committee in reducing the pension of Mrs. Spencer from $75 to $30 per month and to put it up to $50.

Mr. PICKLER. I beg the gentleman's pardon. He is mistaken. I did not do any such thing. The Committee on Invalid Pensions recommended that bill at $30 a month.

Mr. WOOD. And the gentleman got up and accepted an amendment providing $50.

Mr. PICKLER. No; we cut the Senate bill down to $30.

Mr. WOOD. I understand that, but I am speaking of what occurred here on the floor.

Mr. PICKLER. I would not misrepresent the committee.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

GIDEON L. M'GINNIS.

The next business on the Private Calendar was the bill (H. R. 6549) granting a pension to Gideon L. McGinnis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Gideon L. McGinnis, late of Company K, Thirteenth Illinois Cavalry, and pay him a pension of $30 per month.

The Committee on Invalid Pensions recommended inserting in line 5, after the word "late," the words "a private."

The amendment recommended by the committee was agreed to.

The report (by Mr. PICKLER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6549) granting a pension to Gideon L. McGinnis, having carefully considered the facts in the case, respectfully report:

Claimant enlisted April 1, 1862, in Company D, Thirteenth Illinois Cavalry, and was honorably discharged April 4, 1865.

He applied for pension under the old law, alleging diarrhea, piles, and rheumatism contracted in line of duty. His allegation as to origin is substantiated by the testimony of one comrade, and the records report him sick during July and August, 1862, and show that he was in hospital under treatment for fever and dysentery in August and October, 1864. Continuance of disability is satisfactorily proved down to the year 1870, after which time and until about 1885 the claimant did not reside long enough at any one place to allow acquaintances to gain a knowledge of his infirmities.

December 17, 1890, the examining board gives him a rating of sixteen-eighteenths.

He is now drawing a pension of $12 under the act of June 27, 1890.

Since his last examination his disabilities have greatly increased, and the affidavits of several neighbors show him to be a man of good habits, worthy of belief, almost destitute, and totally disabled at the present time. If he could prove continuance he would undoubtedly be entitled to $30 per month, and in view of all the facts your committee respectfully recommend the passage of the bill with the following amendment:

In line 5, after the word "late," insert "a private."

Mr. GROSVENOR. Mr. Chairman, I hope the Committee of the Whole House will be admonished by the chairman of the Committee on Invalid Pensions not to interfere with the reports of that committee. The fact about it is, I do not know why this Committee of the Whole is here. I do not know any earthly use that it fills. There is no demand for it that I know of. The Committee on Invalid Pensions alone is quite sufficient to do this business, I find. In point of fact, if I had my way about it, I would leave the whole subject to the chairman of the Committee on Invalid Pensions.

Mr. PICKLER. You would do well. I am always here, and that is more than the gentleman from Ohio can say.

Mr. GROSVENOR. Yes; one of the most efficient men on earth is the chairman of that committee. I know it, for he has admitted it to me [laughter], and admissions are competent proof in cases of that character.

Mr. PICKLER. They ought to be.

Mr. GROSVENOR. The gentleman admits that he is always here, and now he reprimands the boys for undertaking to have a voice in this matter. I advise that hereafter there be no interference with the reports of the Committee on Invalid Pensions. They understand it, and you do not know anything about it. Now, let us go ahead and get this thing through as fast as we can. I want to get to some bills a good deal farther down on the Calendar than we are now.

Mr. PICKLER. You are in favor of going above the recommendations of the Committee on Invalid Pensions in the cases of generals.

Mr. GROSVENOR. Oh, I am opposed to any interference with the reports of the Committee on Invalid Pensions.

Mr. PICKLER. The gentleman from Ohio is a great deal better on blackboard exercises than he is on pensions. [Laughter.]

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having taken the chair, a message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bills and a joint resolution of the following titles; in which the concurrence of the House was requested:

A bill (S. 2281) to amend an act entitled "An act granting pensions to the survivors of the Indian wars of 1832 to 1842, inclusive, known as the Black Hawk war, Creek war, Cherokee disturbances, and the Seminole war," approved July 27, 1892;

A bill (S. 2918) granting a pension of $20 a month to Nettie A. Cheeks;

A bill (S. 2859) changing the time for holding circuit court of the United States at Hartford, in the district of Connecticut;

A bill (S. 1833) to amend the act of March 1, 1895, and other acts relating to the United States court in the Indian Territory, and for other purposes;

Joint resolution (S. Res. 135) providing for the appointment of a commission to report upon the practicability of establishing near Washington, D. C., a ground map of the United States; and

A bill (S. 2237) providing for the appointment of a guardian for pensioners in certain cases in the District of Columbia.

The message also announced that the Senate had passed bills of the following titles, with amendments; in which the concurrence of the House was requested:

A bill (H. R. 4179) to amend section 3719 of the Revised Statutes;

A bill (H. R. 5379) making it unlawful to shoot at or into any railway locomotive or car, or at any person thereon, or to throw any rock or other missile at or into any locomotive or car, and for other purposes;

A bill (H. R. 7324) to authorize and empower the State of South Dakota to select the Fort Sully Military Reservation, in said State, as a part of the lands granted to the State under the provisions of an act to provide for the admission of South Dakota into the Union, approved February 22, 1889, and for indemnity school lands, and for other purposes;

A bill (H. R. 7671) authorizing and directing the Secretary of the Navy to donate one condemned cannon and condemned cannon balls to U. S. Grant Post, No. 72, Grand Army of the Republic, of Washington, Ind., Department of Indiana;

A bill (H. R. 8012) donating one condemned cannon and balls to Grand Army of the Republic post of Sparta, Ill.;

A bill (H. R. 4324) authorizing the Secretary of the Navy to deliver one condemned cannon to the city of Elmwood, Peoria County, Ill.;

A bill (H. R. 5217) making one year's residence in a Territory a prerequisite to obtaining a divorce there;

A bill (H. R. 6298) to correct military record of Charles K. Jenree, etc.;

A bill (H. R. 6833) defining the standard shape and size for dry measures in use in the District of Columbia, and for other purposes; and

A bill (H. R. 7161) for the relief of Benjamin F. Jones.

The message also announced that the Senate had passed without amendment the bill (H. R. 6836) to amend section 2981 of the Revised Statutes as amended by the act of June 10, 1880.

The message also announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to return to the House, in compliance with its request, its resolution agreeing to the amendments of the Senate to the bill (H. R. 5731) to regulate the practice of medicine and surgery, to license physicians and surgeons, and to punish persons violating the provisions thereof in the District of Columbia.

The message also announced that the Senate had passed with amendments the bill (H. R. 3279) to authorize the reassessment of water-main taxes in the District of Columbia, and for other purposes, asked a conference with the House on the bill and amendments, and had appointed Mr. PROCTOR, Mr. FAULKNER, and Mr. MCMILLAN as the conferees on the part of the Senate.

The message also announced that the Senate had passed with amendments the bill (H. R. 8260) to authorize the establishment of a life-saving station at Port Huron, on the coast of Lake Huron, Michigan, asked a conference on the bill and amendments, and had appointed Mr. NELSON, Mr. PASCO, and Mr. MCMILLAN as the conferees on the part of the Senate.

The message also announced that the Senate had passed with amendments the bill (H. R. 2698) authorizing the construction of a bridge over the Mississippi River to the city of St. Louis, in the State of Missouri, from some suitable point between the north line of St. Clair County, Ill., and the southwest line of said county, asked a conference with the House of Representatives on the bill and amendments, and had appointed Mr. VEST, Mr. ELKINS, and Mr. JONES of Nevada as the conferees on the part of the Senate.

The committee again resumed its session.

SARAH A. STACEY.

The next business on the Private Calendar was the bill (H. R. 6046) granting a pension to Mary A. Stacey, dependent mother of Manley T. Stacey, late private Company D, One hundred and eleventh Regiment New York Volunteers.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll of the United States at the rate now authorized to be paid to pensioners of a similar class the name of Mary A. Stacey, dependent mother of Manley T. Stacey, late a private of Company D, One hundred and eleventh Regiment New York Infantry Volunteers.

Mr. POOLE. Mr. Chairman, I move to amend by striking out the word "Mary" and inserting the word "Sarah"; also to change the title in the same way.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

In line 6, strike out the word "Mary" and insert the word "Sarah"; so as to read "Sarah A. Stacey."

The CHAIRMAN. Without objection, the amendment will be agreed to.

There was no objection, and it was so ordered.

Mr. POOLE. Mr. Chairman, I can state briefly the contents of the report, if I may be permitted to do so. The bill proposes to pension Sarah A. Stacey as the dependent mother of Manley T. Stacey, who was accidentally killed while in the Army. He was accidentally shot, and the Pension Office decided that it was not in the line of duty. The fact is that he and several comrades were scuffling, and in the course of the scuffle they picked up a revolver that was supposed to be empty, and one of the boys pointed the revolver at this man and fired. The result was that he was instantly killed. The Pension Office can not grant a pension to the woman on that ground. She is now about 70 years old and very poor. The bill is a very meritorious one, and I hope there will be no opposition.

Mr. ERDMAN. Let the report be read.

The report (by Mr. POOLE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6046) to pension Mary A. Stacey, after duly considering the same, together with the evidence submitted in support thereof, respectfully report as follows:

Manley T. Stacey enlisted August 6, 1862, in Company D, One hundred and eleventh Regiment New York Volunteers, and died in the regimental hospital at or near Brandy Station, Va., on the 6th day of December, 1863.

On the latter date he, with two of his comrades, was in the tent of their captain, and one of the party, Catlin by name, picked up an old revolver and began playfully snapping it at young Stacey. Unknown to Catlin, one of the chambers of the revolver was loaded and the charge exploded, the bullet lodging in the brain of young Stacey, who died in less than half an hour thereafter. The only persons who were actual witnesses of the accident were Charles M. Catlin and Luther Rogers, the latter now deceased.

The evidence as to the circumstances attending the accident varies in some particulars, but in the main is very plain and convincing.

In a letter to his wife, written at the date of the accident and published in the Lyons (N. Y.) Republican of January 1, 1864, Capt. Sebastian Holmes, of Company D, One hundred and eleventh New York Volunteers, says:

"Only a few moments since Sergeants Catlin, Rogers, and Stacey were in my quarters chatting together, when Catlin picked up Lieutenant Green's revolver (which he did not know was loaded) and went to snapping it. There happened to be two loads in it and one of them went off, the ball hitting Stacey in the corner of his eye, killing him almost instantly."

In an affidavit made in January last he says he was not present at the time of the accident, but was in a tent just in rear; that as reported to him at the time by those present, Stacey was blacking his boots at the time when Catlin fired the revolver.

Charles M. Catlin, when examined by a special examiner of the Bureau of Pensions, November 29, 1895, said that he and Rogers and Stacey were in the quarters of Lieutenant Green; that they were fooling with each other; that they found an old revolver; that he can not tell who handled the revolver first, but thinks they all had hold of it; that they were fooling with each other; that he could not tell how many times he snapped the revolver at Stacey before it went off; that both Captain Holmes and Lieutenant Green were on the scene within a few moments of the accident.

Lieutenant Green, examined in November, 1895, testified that he heard the shot fired and ran to the scene of the accident immediately; that he heard at the time from those present that Catlin and Rogers had been fooling with firearms; that he never heard that Stacey had any in his hands; that the only firearms in the tent were his [Lieutenant Green's] revolver and Rogers's musket; that Catlin got the revolver down and began snapping it at Stacey; that Stacey would each time the revolver was snapped at him fall and pretend he was hit, until finally Catlin came to the loaded chamber and the revolver was fired, hitting Stacey in the forehead.

Sarah A. Stacey, the beneficiary named in this bill, is shown to be the dependent mother of the victim of this accident. She is 75 years of age and in feeble health. The special examiner who was detailed by the Pension Bureau to examine as to the question of her dependence reports as follows:

"They [Mrs. Stacey and her daughter] are in straitened circumstances, and are borrowing money of friends to live on. About all the income they have is what a poor, sickly daughter can earn by teaching music."

In 1893 Mrs. Stacey filed her claim with the Pension Bureau, and after exhausting her ability to furnish further testimony submitted her case. Her claim was rejected upon the ground that the soldier's death did not occur in the line of duty.

Your committee are of the opinion that the circumstances of this case are of such a character as to warrant the intervention of Congress for the relief of this widowed mother. The evidence clearly shows that the victim of this

distressing accident was wholly blameless. There is no evidence tending to show that this party of comrades were wrongfully in the tent of their captain; indeed, it appears from the evidence that one of the party (Rogers) tented with Captain Holmes. Nor does it appear that Stacey was violating any order or military regulation at the time he was shot, but was presumably conducting himself as a soldier not on duty might properly conduct himself. The evidence does not bear out the conclusion that he in any way contributed to the negligence which was the cause of his death.

Your committee therefore respectfully recommend that this bill do pass.

The bill was ordered to be laid aside with a favorable recommendation.

OLIVE M. LEWIS.

The next business on the Private Calendar was the bill (H. R. 6472) granting a pension to Olive M. Lewis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Olive M. Lewis, widow of John B. Knight, late of Company C, Second New Jersey Volunteer Infantry, and pay her a pension of $12 dollars per month.

The report (by Mr. POOLE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6472) granting a pension of $12 per month to Olive M. Lewis, as widow of John B. Knight, late of Company C, Second New Jersey Infantry Volunteers, having examined and fully considered all the facts and circumstances in evidence, respectfully report as follows:

John B. Knight enlisted as corporal, Company C, Second New Jersey Infantry Volunteers, May 27, 1861, and died in hospital at Philadelphia, Pa., September 3, 1862, from dysentery contracted in service. He had been previously married, and three children, Edward L., born September 23, 1850; Ida M., born July 20, 1852, and Sarah, born November 17, 1854, were the fruits of this prior marriage. His first wife died September 7, 1858.

He was married to the claimant December 20, 1861, by whom he had no children, but claimant brought up, cared for, and educated his children by the previous marriage of her husband.

Her stepson, Edward L. Knight, enlisted in the United States Navy, on U. S. S. *Portsmouth*, March 16, 1865, and faithfully served until July 16, 1870, when he was honorably discharged. He was sick at date of discharge with chronic disease of lungs, contracted while in the service, and speedily became more weak and helpless, and died with consumption on September 28, 1870, about two months after discharge.

Applicant applied for pension as dependent upon this stepson, Edward L. Knight, who had recognized his obligation to contribute to her support and maintenance, on July 26, 1890, under the act of June 27, 1890; but the claim was rejected February 16, 1893, on the ground that she was not the mother of the soldier.

She is now 62 years of age, in destitute circumstances, having cared for, brought up, and educated her husband's children (including her stepson, Edward L. Knight, kindly laboring for him in his last illness, contracted while he was in the service) until they could care for themselves.

Your committee believe she should be pensioned, and recommend that the bill be amended by striking out all after the word "Lewis," in the fifth line, and adding in lieu thereof the following: "Dependent stepmother of Edward L. Knight, late of the U. S. S. *Portsmouth*, of the United States Navy, and pay her a pension of $12 per month," and as so amended urgently favor the passage of the bill.

Mr. TALBERT. Mr. Chairman, it seems to me that this is an entirely new departure. This is to grant a pension in the interest of a stepmother. I do not think there is any precedent for it; and if this House passes this bill it will be establishing a precedent, so that stepmothers can come in and draw pensions.

Mr. PICKLER. That has always been the case, let me say to the gentleman from South Carolina.

Mr. TALBERT. I will ask the gentleman if that has been done before?

Mr. PICKLER. If the stepmother had the care of the child, and the boy then became a soldier, pension has been granted.

Mr. TALBERT. Is there any precedent?

Mr. PICKLER. If in the early years of the child's life she takes the place of a mother, Congress has time and again granted a pension.

Mr. TALBERT. But the precedent is by a special bill.

Mr. PICKLER. It is by special bill.

Mr. TALBERT. There is nothing in the general law that allows this.

Mr. PICKLER. There is nothing in the general law that allows it.

Mr. TALBERT. I would like to ask the chairman of the Committee on Invalid Pensions, and I am only asking for information, Why does she not draw a pension as the widow of her husband?

Mr. PICKLER. This is the case of a stepmother. Her husband was not a soldier. It was her stepson that was the soldier. The boy she took when a child went into the service.

Mr. TALBERT. Then this is a case of step all around, is it?

Mr. PICKLER. It is the case of a stepmother. The soldier was a stepson.

Mr. TALBERT. They propose to step into a pension?

Mr. ERDMAN. Allow me to call the attention of the gentleman to the fact that John B. Knight was the husband of this woman and he enlisted as corporal in Company C of the Second New Jersey Infantry Volunteers, and died from dysentery contracted in the service. The stepson, Edward L. Knight, is the one on account of whose service she is asking for a pension. Why not pension her as the widow of the husband instead of as the stepmother of a stepson?

Mr. PICKLER. I do not know.

Mr. ERDMAN. Is she going to draw two pensions?

Mr. PICKLER. No; she is not drawing a pension.

Mr. LOUD (to Mr. ERDMAN). Probably she remarried.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. PICKLER. I am informed by the clerk of the committee that she remarried.

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOSIAH P. BRADBURY.

The next business on the Private Calendar was the bill (H. R. 5852) to increase the pension of Josiah P. Bradbury.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized to increase the pension of Josiah P. Bradbury, late private in Company M, First Maine Heavy Artillery, and pay him at the rate of $30 per month in lieu of the pension now paid him by certificate No. 65366.

Mr. PICKLER. Mr. Chairman, I desire to say that I will move that the committee rise at fifteen minutes past 5, and then move that the House adjourn.

The report (by Mr. SULLOWAY) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5852) to increase the pension of Josiah P. Bradbury, having very carefully considered the evidence on file here, as well as the Pension Office papers, report as follows:

This soldier served in Company B, Eleventh Wisconsin Volunteer Infantry, from September 18, 1861, to April 10, 1863, when he was discharged on surgeon's certificate of disability, which shows that he was incapable of performing the duties of a soldier, because of—

"Exposure to malaria at Helena, Ark., in August, 1862, in consequence of which he has dysentery and intermittent fever, which first has become chronic, still continues, and is incurable (in the Army). He is otherwise physically incompetent for the duties of a soldier. He again enlisted January 2, 1864, this time in Company M, First Maine Volunteer Home Guards, and was again discharged for disability September 20, 1865, on account of a wound received in battle before Petersburg, June 18, 1864: ball passed through right leg just below the knee transversely. Necrosis and much lameness have resulted. Unfit for the Veteran Reserve Corps. Degree of disability, three-fourths.

"Soldier is pensioned at $17 for gunshot wound of right knee and malarial poisoning. Certificate of medical examination by board of United States examining surgeons, made on June 5, 1865, shows: Right knee, extension complete; flexion not possible beyond a right angle. Has depressed, adherent, very tender cicatrix (depression, three-fourths inch below general surface); inner side head of tibia, one-half inch by 2½ inches, showing recent scab of oozing pus. Right patella movable, irregular in conformation, with distinct separation of old fracture lines; depressions about one-fourth inch wide. Right leg also a mass of varices; very few varices on left leg. Uses crutches constantly. It is our opinion that claimant is disabled as result of this injury equivalent to the loss of the leg at the knee joint, the varices increasing the amount of suffering to such an extent that labor is impossible, while the appearance of the cicatrix is of angry recurrences of necrotic processes."

It is apparent from this description that the soldier is in a worse condition and more disabled than if his right leg were amputated below the knee, and as this condition is found to be due to the wound for which he is pensioned by the board of surgeons, who had the man before them and had a chance to see for themselves just how he is affected, your committee are inclined to be governed by their judgment rather than by that of the medical referee of the Pension Office, who has not seen the soldier, especially as the finding of the local board is corroborated by other medical evidence showing that claimant is wholly disabled for manual labor, and they therefore recommend the passage of the bill.

The bill was ordered to be laid aside with a favorable recommendation.

JENNIE E. MOORE.

The next business on the Private Calendar was the bill (H. R. 6247) to grant a pension to Miss Jennie E. Moore.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and hereby is, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Miss Jennie E. Moore, orphan, invalid daughter of Charles E. Moore, late of Company K, Twenty-fifth Regiment Illinois Volunteer Infantry, and Lovina J. Moore, his wife, now both dead, and grant her a pension of $30 per month.

The report (by Mr. WOOD) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6247) to grant a pension to Miss Jennie E. Moore, submit the following report.

The evidence in this case shows that Charles E. Moore, private, Company K, Twenty-fifth Illinois Volunteers, was enlisted June 1, 1861, and discharged March 31, 1863, for disability. Kind of disability not shown by the record. He does not appear to have drawn any pension. He died February 22, 1873, from inflammatory rheumatism and chronic diarrhea.

Lavinia J. Moore, mother of claimant, was legally married to soldier March 2, 1869. The claimant was born January 2, 1873. Lavinia J. Moore, the mother, was pensioned under act of June 27, 1890, at $8 per month from May 15, 1891. She was adjudged insane December 18, 1894, a conservator appointed for her, and she died in insane hospital at Kankakee, Ill., March 1, 1895. Her pension was drawn by conservator to January 4, 1896.

No person whatever is, or has been since widow's death, drawing a pension on account of this soldier.

Jennie E. Moore is the only child by this marriage. She has no means or property or income whatever. By reason of rheumatism, the outgrowth of typhoid fever, she is a helpless invalid, requiring the constant attention of a nurse. Since January, 1887, she has not been able to sit up, even in bed. Spinal disease has resulted, and she has only the use of her arms, hands, and head, and can only be moved upon a sheet. She lives with her grandparents, old people, aged 75 and 73 years, respectively. She has two half brothers by the former marriage of her father. She is now living on charity. Nobody is legally bound to support her, or appears to be able to support her.

In view of these circumstances the committee recommend the passage of this bill with amendments, inserting after the word "orphan," in line 6, the words "permanently helpless," and in line 7, after the word "late," the word "private."

The amendments recommended by the committee were agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

LEWIS KEISER.

Mr. SHERMAN. Mr. Chairman, I withdraw the objection which I made a while ago to the request of the gentleman from Nebraska for the consideration of a bill which he desired to call up.

Mr. HAINER of Nebraska. Mr. Chairman, I ask unanimous consent to take up for consideration at this time the bill (H. R. 7740) granting an increase of pension to Lewis Keiser, of Hubbell, Nebr.

The CHAIRMAN. Is there objection to the request of the gentleman from Nebraska?

Mr. HICKS. Regular order.

The CHAIRMAN. The regular order is demanded, which is equivalent to an objection. The Clerk will report the next bill.

CATHERINE DILLON.

The next business on the Private Calendar was the bill (S. 148) granting a pension to Catherine Dillon.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Catherine Dillon, of Logansport, Ind., widow of Patrick Dillon, deceased, late a private of Company E, Ninth Regiment of Illinois Cavalry, and pay her a pension at the rate of $12 per month.

The report (by Mr. WOOD) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 148) granting a pension to Catherine Dillon, submit the following report:

Patrick Dillon was a private soldier in Company E, Ninth Illinois Cavalry. He served from October 3, 1861, to February 9, 1864, without the loss of a day, so far as the record shows. He is presumed to have been a good soldier. There is nothing on record to the contrary during this time. He died while in the service, March 10, 1864, at regimental hospital, according to the record, from delirium tremens; according to other testimony, of fever brought on by excessive use of whisky.

His widow, the claimant, Catherine Dillon, is 66 years of age; was married to the soldier in 1845; she is without property and needy, and is supported by charity—in fact, is a county charge. She is not entitled to a pension under the general laws on the facts shown. The Commissioner of Pensions holds that death is not equivalent to an honorable discharge under act of June 27, 1890, and has rejected her claim.

The Senate committee are of opinion that soldier's death was "due to his military service." Your committee do not so believe, but do regard his nearly three years' faithful services and death as entitling his widow to a pension the same as if he had been "honorably discharged."

We therefore recommend that the bill do pass.

Mr. TALBERT. Mr. Chairman, I see that the report in this case states that the record shows that this soldier died of delirium tremens, and I want to ask the chairman of the Committee on Invalid Pensions whether it is the opinion of the committee that he contracted that disease in the service. [Laughter.]

Mr. PICKLER. I do not profess to be a doctor. He died in the service, and his widow is now asking for this pension.

Mr. TALBERT. I suppose the gentleman from South Dakota, being a prohibitionist, does not know anything about matters of that kind, but the gentleman from Illinois [Mr. WOOD] is in charge of the bill, and I will ask him the question.

Mr. WOOD. Mr. Chairman, this is a Senate bill, introduced by Senator TURPIE. There is nobody, I believe, on this floor who is specially interested in it. I have examined the evidence, and am prepared to tell this committee, in not more than two minutes, the whole case. The husband of this claimant was an Irishman. He loved his adopted country. For many months he had worn its uniform and followed the fortunes of its flag. He loved liberty, too. He was willing to risk his life that the poor and oppressed of another race might be free. During all the time he was in the service there is no record that he was absent a day from his command or that he missed a battle. He loved to fight, as is shown by the fact that he was always present when fighting was to be done. He had enlisted, and then he reenlisted to serve, not for three months or six months or a year, but during the war—until the last battle should be fought and peace should be restored.

I think it is fairly deducible from the evidence that he loved whisky. [Laughter.] If that be a sin, the Lord have mercy on some other Irishmen, and a good many Americans, and a few officers of high rank to whom previous Congresses have given pensions by special acts. [Laughter.] After serving two years or more, nearly his full time, he reenlisted as a veteran soldier. He served until a few days before his death. There is no reason to doubt that he got on "a bit of a spree" and was taken to the hospital where he died. His widow was married to him away back on the Old Sod in 1845. She was comparatively a young woman when he died, but she has remained true to his name and to his memory through all these long and dreary years. She has never remarried. She is now old and helpless and friendless, a county charge. She applied to the Commissioner of Pensions, but was told that the death of her husband in the Army after almost three years of faithful service was not an honorable discharge.

Mr. Chairman, the Power that planted in the breast of that poor Irishman the love of liberty and of country, and the love of combat as well, and permitted his frailties and imperfections, mustered him out of that service, and it hardly lies in the mouth of a petty officer of the great Government that he served so long and faithfully to pronounce that muster out or that discharge a dishonorable one; and while I do not know, I am just believing that the Great Disposer of all events has been more just and more merciful to poor Pat Dillon than the Commissioner of Pensions has been to his old widow. The facts are all before you, gentlemen. I believe that this House is entitled to all the facts of the case, and I have given them as they appear to me. This man served nearly three years honorably and faithfully, and I believe that his old and helpless widow ought to have this pension. [Loud applause.]

Mr. ERDMAN. Mr. Chairman, of course it was a Republican Administration that refused this pension; for under the present rulings death in the service is held to be an honorable discharge where there has been a previous enlistment of thirty days. But as this Committee of the Whole has just voted to pension a servant girl as a quasi nurse, I do not think we ought to scruple at pensioning this widow, even if her husband did die of delirium tremens. She could not help it, poor woman. But it does grate a little to accept that as a disease of service origin. Still the responsibility, gentlemen, rests with you; and you are equal to it.

The question being taken, the bill was ordered to be laid aside to be reported favorably.

WILLIAM GROSE.

The next business was the bill (H. R. 515) granting a pension to William Grose.

Mr. PICKLER. It has been suggested to me that the gentleman from Indiana [Mr. JOHNSON] called this bill up and had it passed by unanimous consent ten days ago. I ask, therefore, that it be passed over for the present without losing any rights.

The CHAIRMAN. The Chair is informed that the bill has passed the House. Without objection, the request of the gentleman from South Dakota [Mr. PICKLER] will be agreed to.

There was no objection.

LUE R. BROWN.

The next business was the bill (S. 1672) granting a pension to Lue R. Brown.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lue R. Brown, widow of the late William A. Brown, formerly first lieutenant and adjutant of the Sixth Indiana Cavalry, and pay her a pension at the rate of $25 a month from and after the passage of this act; which pension shall be in lieu of the pension she now receives.

The report (by Mr. KIRKPATRICK) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 1672) granting a pension to Lue R. Brown, having carefully considered the same, adopt the accompanying Senate report (No. 130) as their own, and respectfully recommend the passage of the bill.

[Senate Report No. 130, Fifty-fourth Congress, first session.]

It appears that William A. Brown was enrolled July 24, 1862, at Greencastle, Ind., for three years, and was mustered into service August 18, 1862, to date from July 24, 1862, as a private of Company C, Seventy-first Indiana Infantry, the designation of which regiment was subsequently changed to the Sixth Indiana Cavalry. He was promoted to be sergeant-major August 19, 1862, and to be first lieutenant and adjutant of the regiment to date from December 13, 1862. He was mustered out of service and honorably discharged while holding the grade of first lieutenant and adjutant, to date from July 27, 1865, having been rendered supernumerary by the consolidation of the regiment. He appears to have been present with his command or properly accounted for during the entire period of his service.

It further appears that he was appointed consul to San Juan del Norte, Nicaragua, in December of 1884, where he served until January of 1892. The severity of the climate of Nicaragua entirely destroyed his health, which was much impaired by exposure and a wound he received in the shoulder during the war; and when he returned to his home and family he was a complete physical wreck, requiring constant care and attention until his admission to the Hampton Military Home in the spring of 1892, where he was admitted in a deplorable physical condition, and where his shattered and broken health still further failed him until death relieved him of his sufferings February 18, 1895. Claimant receives a pension of $8 a month under the widows' pension act of June 27, 1890, but the amount is totally inadequate for the support of herself and her young daughter of 16 years, and her present needs are very pressing. In view of the long and honorable military services of her husband, and the utter destruction of his health and final loss of life in another branch of the Government service, claimant has been deprived of her only protection and support.

The following letter from Hon. D. W. VOORHEES, who personally knew the soldier and has knowledge of the petitioner and the facts in the case, is also submitted:

"JANUARY 24, 1896.

"MY DEAR SENATOR: I introduced a bill a day or two ago granting a pension of $25 a month to Mrs. Lue R. Brown. I knew the husband of this lady well and intimately; he was mayor of Greencastle, in my own State, at one time, and a man of high standing and character. He was as gallant and true a soldier as ever drew sword in defense of the Union during the late war, and was as modest in the discharge of his duty as he was brave and patriotic, and never sought in the plain discharge of his duty as a soldier any preferment or advancement to which his services did not justly entitle him. He was among the first to respond to the call to arms, having enlisted as a private in the Seventy-first Indiana Volunteers as early as August 28, 1862, and served continuously throughout the entire war, and was finally mustered out as first lieutenant and adjutant July 27, 1865. His rapid promotion from the ranks shortly after his enlistment to the grade of first lieutenant was but a small recognition of his worth and merit. He was subsequently assigned to duty as adjutant of his regiment, the Sixth Indiana Cavalry, which had been

formed from the Seventy-first Regiment of Volunteers. The history of the services performed by that regiment are too familiar for me to undertake to rehearse here.

"I can not speak too strongly of this gentleman, for he was my friend and I knew him intimately. That he was mustered out with no higher grade than that of first lieutenant and adjutant of his regiment should not militate in any way against the claim of his widow for the amount of the pension for which she now applies; for had her husband been advanced in grade commensurate with his bravery, patriotism, and ability, his death would have entitled his widow to a pension of at least $30 a month. He was never absent from his command during the entire period of the war, as his record will show, and some recognition of such fidelity could well be shown his widow now in her need. Mr. Brown was appointed United States consul to Greytown, in Nicaragua, in December, 1884, and served there until January of 1892. The exposure and hardships of the war, together with a severe wound he received in the shoulder, had greatly impaired his health, and the severity of the climate of Nicaragua completed its wreck. He was in a most deplorable condition when he came back from there, and in the spring of 1892 was admitted to the Hampton Military Home, where he subsequently died, in February, 1895. I can conceive of no more meritorious or deserving case than this; his widow has been left in an absolutely destitute condition, with a daughter 16 years of age and the mere pittance she now receives under the widows' pension act of June 27, 1890, of $8 per month.

"I feel constrained to add that I have a strong conviction in my own mind, arising from my intimate personal relations with Adjutant Brown, that his breakdown in health and his premature death were due to the injuries and exposures he incurred in the line of duty while in the Army more than to all other causes combined.

"With great respect, I am, very truly, yours,

"D. W. VOORHEES.

"Hon. J. H. GALLINGER."

In view of all the facts in the case your committee recommend the passage of this bill.

The bill was laid aside to be reported favorably.

GREENVILLE PUCKETT.

The next business was the bill (H. R. 5880) granting an increase of pension to Greenville Puckett.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Greenville Puckett, late a corporal in Company D, Forty-fifth Regiment Kentucky Mounted Infantry, upon the pension rolls, with an increase of pension to $72 per month.

The report (by Mr. ANDERSON) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5880) granting an increase of pension to Greenville Puckett, having given the matter careful consideration, report:

This soldier served in Company D, Forty-fifth Kentucky Mounted Infantry, from September 7, 1863, to December 24, 1864, when he was honorably discharged. While in the service he contracted chronic diarrhea, for which he has been pensioned as of service origin. He is now pensioned under act of June 27, 1890, for chronic diarrhea and partial paralysis. He filed a claim under the general law for paralysis as a result of chronic diarrhea, but the medical officers of the Pension Office decline to accept it as a pathological result, and therefore the claim was rejected.

Examination by a board of pension surgeons in 1890 showed that soldier was then totally disabled and required constant aid and attendance, entitling him to a first-grade rating of $72 per month for chronic diarrhea and paralysis. Another examination, made in August, 1891, shows a similar condition arising from the same causes.

The evidence presented to this committee shows that the soldier is now in a state of utter helplessness and in absolute destitution.

In view of this and the fact there appears no other cause for the paralysis than the chronic diarrhea which has been sapping his vitality for over thirty years, in spite of the fact that the medical officers fail to see the pathological connection, this committee recommend the passage of the bill.

The bill was laid aside to be reported favorably.

ELISE BLENKER.

The next business was the bill (H. R. 4410) to increase the pension of Elise Blenker from $30 to $50.

The bill was read, as follows:

Be it enacted, etc., That the pension of Elise Blenker, widow of Gen. Louis Blenker, late brigadier-general of the United States, be, and the same is hereby, increased from $30 per month to $50 per month, and the Secretary of the Interior be, and he is hereby, authorized and directed to place her name on the pension roll at the rate of $50 per month, subject to the provisions and limitations of the pension laws.

The report (by Mr. KERR) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4410) to increase the pension of Elise Blenker from $30 to $50, submit the following report:

This bill gives to Elise Blenker a pension of $50 per month as the widow of Brig. Gen. Louis Blenker. General Blenker entered the war of the rebellion at the beginning of hostilities and served until the battle of Cross Keys, where he was injured by a fall of his horse. His injury was wholly disabling, rendering him unfit for further military duty, and caused his death in September, 1863.

General Blenker's service at the first battle of Bull Run was conspicuous for gallantry. His regiment, the Eighth New York Volunteers, held one of the important positions in the Union line at Centerburg, and was the last to leave the field.

The evidence seems to show satisfactorily that the General's death was caused by an injury received while in the line of duty.

His widow is now over 70 years old and very poor. She has no means of support save her pension of $30 per month, and no property.

It seems to the committee that this is a proper case for the intervention of Congress, and that $50 a month is not more than a reasonable amount for the Government to bestow upon the poor widow of a brave and gallant soldier.

The passage of the bill is therefore recommended.

The bill was laid aside to be reported favorably.

LENA D. SMITH.

The next business was the bill (S. 1342) granting pension to Lena D. Smith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Lena D. Smith, widow of Green Clay Smith, late colonel Fourth Kentucky Cavalry and brigadier-general United States Volunteers, and to pay to her a pension of $50 per month from and after the date of the passage of this act.

The report (by Mr. ANDERSON) was read, as follows:

The Committee on Invalid Pensions, having carefully considered the bill (S. 1342) to pension Lena D. Smith, report as follows:

Green Clay Smith, the husband of this claimant, was mustered into service June 9, 1846, as second lieutenant Company H, First Kentucky Cavalry Mexican War Volunteers, to serve for twelve months, and was mustered out June 8, 1847. He was mustered in as colonel Fourth Kentucky Cavalry April 4, 1862; was seriously wounded in the leg in action at Lebanon, Tenn., May 5, 1862. He was promoted to the rank of brigadier-general of volunteers June 12, 1862. In September, 1862, he was commanding the Second division United States forces near Covington and Newport, Ky. He continued in active service, commanding a part of the time a brigade and some of the time a division, until December 1, 1863, when his resignation was accepted. He has a record of treatment for chronic diarrhea of two months' standing in 1863. He was brevetted major-general of volunteers to date March 13, 1865, for meritorious services during the war.

As is well known, General Smith died in this city a short time ago, and the evidence presented to this committee shows that he left his widow without means of support.

In view of his well-known services, he having rendered gallant and meritorious services in two wars, and of the need of the widow, your committee recommend the passage of the bill.

The bill was laid aside to be reported favorably.

ROBERT SMALLS.

Mr. RICHARDSON. I should like to inquire of the gentleman from South Dakota [Mr. PICKLER] whether it is not time now for the committee to rise? It is a quarter past 5 o'clock.

Mr. PICKLER. I will make that motion in a moment. As the concluding bill this evening, I desire to ask unanimous consent (which I do by direction of the Invalid Pensions Committee, the only such request they have directed to be made to the House) for the consideration of the bill (H. R. 1874) to place the name of Robert Smalls on the pension rolls. Mr. Smalls, as will be remembered by all gentlemen here, was once a Representative on this floor.

Mr. RICHARDSON. Is this a bill to pension him?

Mr. PICKLER. Yes, sir.

Mr. RICHARDSON. Has it been reported regularly?

Mr. PICKLER. It has.

Mr. RICHARDSON. Has it been reached regularly on the Calendar?

Mr. PICKLER. No, sir. I have been directed by the Committee on Invalid Pensions to ask unanimous consent that it be considered by the Committee of the Whole out of its order.

Mr. ERDMAN. May I inquire when that was done by the Committee on Invalid Pensions?

Mr. PICKLER. About two weeks ago.

The CHAIRMAN. The bill will be read, subject to objection.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to restore to the pension rolls the name of Robert Smalls, late a pilot in the United States Navy, and to pay him a pension at the rate of $25 per month.

The amendment of the Committee on Invalid Pensions was read, as follows:

In line 6, strike out "twenty-five" and insert "thirty"; so as to make the pension $30 a month.

There being no objection, the Committee of the Whole proceeded to the consideration of the bill.

Mr. PICKLER. Mr. Chairman, I will read a portion of the report in this case:

Robert Smalls, the beneficiary of this bill, on the night of May 12, 1862, assisted by seven other contrabands, took the Confederate steamboat *Planter* from the wharf at Charleston, S. C., and carried her safely past the forts outside and turned her over to the officers of the blockading squadron. He was then employed as a pilot in the United States Navy, and later as a pilot in the employ of the Quartermaster's Department and as captain of the *Planter* until the end of the war. No record of his having been commissioned as captain can be found, but the records show that he served and was recognized and paid as such. He claimed and was allowed a pension under act of June 27, 1890, but under recent construction of that act, as set forth in the Bennett decision, he was dropped from the rolls on the ground that his was not a pensionable service under said act.

This committee by reporting and the House by passing the bill (H. R. 8271) have declared that such service as his while a pilot is pensionable under the act of June 27, 1890; but your committee are of opinion that such recognition is not adequate for the valuable services rendered by this brave man and gallant officer, but hold that he should be pensioned at total of rank of a captain in the Navy. They therefore recommend that the bill be amended by striking out the word "twenty-five," in line 6, and inserting in lieu thereof the word "thirty," and that as amended the bill do pass.

Mr. Smalls is now nearly blind, or has very deficient vision, is suffering with rheumatism, and is totally incapacitated from any manual labor. He would be entitled, if totally incapacitated for manual labor, even as a private, to this pension. He has been a member of Congress, as most gentlemen here know, and has rendered very distinguished services to the Government, and deserves the thanks of the country. Only two days ago I was reading an oration of Mr. George William Curtis, and intended to bring the book up here with me, but neglected to do so, where he pays a very high tribute to Mr. Smalls.

Mr. LOUD. Let me ask the gentleman if he is cognizant of the fact that this gentleman now has a good big claim and is asserting it anxiously before Congress—a claim for five thousand, ten thousand, fifteen or twenty thousand dollars?

Mr. PICKLER. I do not think he has; but if he has, it ought to be paid.

Mr. LOUD. Does not the gentleman know that he has?

Mr. PICKLER. I have heard so, but I do not know. I ask a vote upon the amendment.

The amendment of the committee was agreed to.

The bill as amended was laid aside with a favorable recommendation.

ORDER OF BUSINESS.

Mr. PICKLER. I move that the committee now rise and report the bills for the consideration of the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. PAYNE reported that the Committee of the Whole, having had under consideration bills on the Private Calendar, under the special order, had directed him to report with amendments bills of the House of the following numbers: 6549, 6046, 6472, 6247, 1874, 3480, 4193, 6166, 6468, 6546, 2042, 2941, 2985, 717, 6607, 6556, 4548, 5792, 5393, 6608, 5407, 1508, 4405, 3380, and 5938; and Senate bills of the following numbers: 804, 125, 819, and 1699, with the recommendation that the amendments be concurred in and the bills as amended passed.

Also, that he had been directed to report back, without amendment, and with favorable recommendation, House bills of the following numbers: 6590, 6552, 5852, 4410, 3389, 3395, 7212, 6826, 7127, 4268, 948, 1175, 4873, 5379, 3333, 2328, 3565, 3514, 3755, and 5880; and Senate bills of the following numbers: 807, 724, 148, 1672, 144, and 1342.

Also, that he had been directed to report back the bill H. R. 2755, with the recommendation that it lie on the table.

QUESTION OF ORDER—RIVER AND HARBOR BILL.

Mr. HEPBURN. Mr. Speaker, I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. HEPBURN. Two hours ago, while in Committee of the Whole, the committee informally rose, as I am informed, for the purpose of receiving a message from the Senate, and at the same time took some action upon the river and harbor bill, or the Senate amendments thereto, disposing of them in some manner. I submit, Mr. Speaker, that there is no authority on the part of the committee to do that; and that it was not a proper disposition of that bill.

I want to call the attention of the Speaker for a moment to Rule XXIII, which provides:

1. In all cases, in forming a Committee of the Whole House, the Speaker shall leave his chair after appointing a chairman to preside, who shall, in case of disturbance or disorderly conduct in the galleries or lobby, have power to cause the same to be cleared.

Mr. LOUD. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. LOUD. I make the point of order that the gentleman from Iowa is not in order. He has presented no point of order; and if he should, the time has passed for it to be done.

Mr. DOCKERY. But the gentleman is only stating now his point.

Mr. HEPBURN. I am presenting the question now. Possibly if the gentleman from California can contain his soul in patience a while he may change his views.

Mr. LOUD. Oh, I can do it. I have had to do it lots of times. [Laughter.]

Mr. HEPBURN. I take the position that after the committee has been formed, after the Speaker has left the chair, that it is not competent for the Speaker again to resume the chair until, through the action of the committee, it is determined that the committee shall rise, at which time it becomes competent for him to assume control of the body, which is then the House.

I know that for certain purposes, such, for instance, as receiving a message from the Senate, it has been the custom of the committee to informally rise; and I am not quarreling with that mode of procedure. But I am trying to complain against the action of the committee which was indulged in on the occasion to which I now refer. It had been my purpose, if I had been in the House at that time, to raise the point of order on the Senate amendments making additional appropriations; that they must, under the rule, be considered in a Committee of the Whole House on the state of the Union. But I expected nothing of the kind to be done, of course, while we were in committee under a special rule. I was in the lobby when the procedure was had, and I think it competent for the Chair now to consider, and so hold, that that message from the Senate is on the Speaker's table undisposed of.

Mr. HERMANN. Mr. Speaker, I desire to make the additional point of order that there is nothing before the House to which the gentleman's point refers; that the conferees have been appointed, the amendments of the Senate have been nonconcurred in, the message has been transmitted from this House to the Senate, and the bill has now gone to the printer. Consequently there is nothing before the House to which the gentleman's point relates.

Mr. PAYNE. Mr. Speaker, the usual announcement was made by the chairman of the Committee of the Whole—the Secretary of the Senate appearing—that the committee would rise informally and receive a message from the Senate, and thereupon the committee did rise, and one of the members of the House took the chair, and the Secretary of the Senate made his report. While in the House, the river and harbor bill having come in with amendments, a member of the House rose in his place and asked the Chair for the unanimous consent of the House to consider the Senate amendments as disagreed to and to concur in the Senate's request for a committee of conference. The question was then put, and there was no objection, and the committee resumed its session. I state this to give the entire history of the transaction, because I was present and witnessed it.

Mr. HEPBURN. That is as I understood it, Mr. Speaker, but I insist that the committee had informally risen for the purpose of receiving that message, and it can not be considered that the House was then in session for the transaction of business. By a formal vote of the House it had resolved itself into a Committee of the Whole House and was in that condition; but by consent, following a precedent, it rose for a specific purpose. In the contemplation of our rules, in my judgment, the House was not a House of Representatives for any other purpose than to receive that message, not to act upon it. The injustice of that action is apparent when the suggestion is made that there were Senate amendments upon that bill that were subject to the point of order. Now, by this action—snap judgment, if you choose to call it—they have passed that stage, and it seems to me that a wrong has been done to the House, and one that the Speaker can right by declaring the nullity of the procedure.

The SPEAKER. The Chair will examine into the matter and announce to the House his opinion about it to-morrow. The transaction, however, as the Chair recollects, is not an unusual one.

Mr. RICHARDSON. I only want to say, Mr. Speaker, while I sympathize with the gentleman from Iowa [Mr. HEPBURN] on the merits of the proposition, that it occurs to me that his point of order now comes too late. I agree with him that when the Committee of the Whole rose, and the Speaker took the chair, as he says, informally, that it would not have been in order for the House then to have gone on with legislative business, provided the point of order was then made; but a quorum being present, the House duly organized, the Speaker in the chair, no one objecting, unanimous consent being given, I think it was in order for the House to do what was done, and that it comes too late for the gentleman to raise the point of order at this stage, at this hour. I think it was waived. I think that whenever the House is organized, that is, when the Speaker is in the chair and a quorum is present, by unanimous consent the action could be taken that was taken. That is my idea of the matter.

The SPEAKER. The Chair is of the opinion that there are numerous precedents on the subject; but he wishes to give it due consideration.

Mr. HEPBURN. Mr. Speaker, in view of that fact, will the Chair permit me now to enter a motion to reconsider the vote by which that reference was made, subject to his decision upon the case? I do not want to lose my right to do that.

The SPEAKER. The Chair will not undertake to entertain the motion, but will regard it as notice of a motion to enter a reconsideration; because the matter has gone to the Senate.

Mr. McRAE. Mr. Speaker, I understand the procedure upon the river and harbor bill was taken by unanimous consent, and I think it can only be changed in the same way. I do not consent to anything that will waive any right as to the status of that bill. I insist that the House was in session for the purpose of considering that bill, or any other appropriation bill that was presented for consideration, and I do not agree to the proposition stated by the gentleman from Tennessee that it was only by unanimous consent that it could be done. If it was proper to receive it, then it was in order to consider it, by motion or by consent. The order was made in the usual way.

Mr. CANNON. If the Chair will indulge me for just a minute, I am not vain enough to think that I can throw any light upon this situation, but it seems to me that upon the merits the river and harbor bill has quite sufficient legs to proceed regularly. Now, I think generally members supposed under the order, and had a right to suppose, under the special order to-day, that when the House went into Committee of the Whole the only business transacted would be in the Committee of the Whole.

Of course it is competent in the committee to informally rise, by universal precedent, to receive a message from the Senate; and I suppose it was quite competent for a motion to rise, and for the House to have taken up other business. While I apprehend that from time to time orders of this kind have been made under precisely similar circumstances without any challenge, it

seems to me that, without imputing blame to anybody, it has the appearance of a suspicion of sharp practice that on the bare suggestion no friend of the bill ought to hesitate to have corrected; and while I am not clear about the point as to whether the Speaker, under the circumstances, would have the right to annul the order that was taken, yet, as a friend of the court, so to speak, I am glad that it has been brought to the attention of the House; and as the Speaker has indicated that to-morrow he might make a decision in the matter, I would be glad that it go over.

Mr. DOCKERY. Let me suggest to the gentleman that it would be competent to reconsider the action of the House and request a return of the bill from the Senate.

Mr. CANNON. Oh, yes. That, however, would depend upon a majority vote; and while the majority has the right to take any step it may choose, yet it ought to be taken rightly, openly, and fairly.

Mr. HERMANN. Mr. Speaker, I desire to say this: That it comes with rather poor grace from the gentleman from Illinois to make the insinuation that the motion which was made this morning for the consideration of that bill, that is to say, so far as nonconcurrence in the Senate amendments was concerned, was made in bad faith.

Mr. CANNON. The gentleman certainly does not apply that interpretation to my remarks; and if he will get a copy of them as taken down he will find that he has made haste to misinterpret them.

Mr. HERMANN. The intimation was broad enough to include just exactly what I have said.

Mr. CANNON. With the statement——

Mr. HERMANN. I wish to say this further——

Mr. CANNON. With the statement that the gentleman misinterprets my remarks, I taking especial pains to hedge so that it could not be done, if the gentleman proceeds upon that line, I can not help it.

Mr. HERMANN. The gentleman is very well aware of the fact, as everyone else who is acquainted with the business of this House is, that the public business is being transacted in such a manner as to tend to an early adjournment. He is well aware of that; and as one of the leaders of the House he has been advising toward that end. It is, therefore, natural that those interested in the waterway improvements of this country should desire to have an early consideration of this bill. It may require three, four, or five days to consider the bill in committee of conference. Then it will have to be reported to the Senate and to the House; and that may be the last time it will come before the House before it may come back with a Presidential veto. Therefore it is the duty of every member of this House to do all he possibly can to expedite the consideration of the bill and bring it to its final conclusion. When I looked around the House and saw a quorum was present and the Speaker in his proper place, I concluded that I had the right, as I have observed other members doing under the same circumstances, to call up a measure of this character and ask action upon it. And when gentlemen rise in their places and solemnly make the point of order upon this question, I say that it is not the first instance in which it has been done. There are many precedents for this action, which I have known not only in this Congress, but in previous Congresses under similar rules. The measure is right in the line of the demands of the country.

Inasmuch as nothing further can be done until the conference report is submitted to the House by the managers, gentlemen will have ample opportunity to examine as to the propriety of the Senate amendments. The House will then have an opportunity again, for the last time, to consider the bill; so that if a gentleman has any objection to any portion of the bill, and deems it necessary in the performance of his duties faithfully to call attention to it, he will have an opportunity to rise in his place and make such objection as the occasion may call for.

I will state further to the gentleman from Illinois that the motion which has been made was made in the very best faith, and made in the interest of what I believe to be the public business of this Congress, and in the interest of the country; and I say to him, with reference to this very bill, he is mistaken in the conclusions that he has come to.

Mr. DINGLEY. Mr. Speaker, I desire simply to call attention to one important fact bearing upon this question of order. That is, that the resolution adopted by the House, on the report of the Committee on Rules, setting apart this day for the consideration of pension business, contained an express reservation that general appropriation bills, of which the river and harbor bill is one, might be considered.

Mr. HEPBURN. Undoubtedly; but——

The SPEAKER. The Chair has his impression about this matter, but it being near the moment of adjournment, he thought it might be as well to be certain about it, and therefore made the suggestion with regard to to-morrow, as no change would take place in the rights of anybody, the message having been transmitted to the Senate.

Mr. HERMANN. Mr. Speaker, if it is understood that the motion of the gentleman from Iowa [Mr. HEPBURN] to reconsider is now pending, I desire to make a point of order against it.

The SPEAKER. That is understood. All rights are reserved.

GEN. JOSEPH R. WEST.

Mr. PICKLER. Mr. Speaker, I am directed by the Committee on Invalid Pensions to report back the bill (S. 673) granting a pension to Joseph R. West, brigadier and brevet major general, United States Volunteers, with the recommendation that the House insist upon its amendment to the Senate bill and agree to a conference.

The SPEAKER. The Clerk will read the bill.

The bill was read in full.

The House insisted on its amendment and agreed to a conference; and the Speaker appointed as conferees on the part of the House Mr. PICKLER, Mr. THOMAS, and Mr. ERDMAN.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, the following Senate bills were taken from the Speaker's table and referred by the Speaker as follows:

A bill (S. 488) for the relief of the legal representatives and devisees of James W. Schaumburg—to the Committee on Claims.

A bill (S. 1265) for the relief of Emmart, Dunbar & Co.—to the Committee on the District of Columbia.

A bill (S. 2415) for the relief of B. J. Van Vleck, administrator of Henry Van Vleck, deceased—to the Committee on Claims.

A bill (S. 2978) to provide an American register for the steamer *Menemsha*—to the Committee on Merchant Marine and Fisheries.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and a joint resolution of the following titles; when the Speaker signed the same:

A bill (S. 730) granting an increase of pension to Mrs. Helen Morrell Carroll;

A joint resolution (S. R. 15) authorizing the Secretary of the Navy to donate to the Mountain View Cemetery Association, at Oakland, Cal., certain cannon, etc.; and

A bill (S. 2642) to provide for the safety of passengers on excursion steamers.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. WILSON of Idaho, for one week, on account of important business.

To Mr. WOODMAN, for five days, on account of important business.

To Mr. COOPER of Texas, indefinitely, on account of important business.

To Mr. DINSMORE, indefinitely, on account of illness.

To Mr. HULL, indefinitely, on account of important business.

To Mr. LORIMER, for ten days, on account of sickness in his family.

To Mr. THORP, for ten days, on account of important business.

REPRINT OF A BILL.

Mr. PICKLER, by unanimous consent, obtained an order for a reprint of the bill H. R. 8271.

The House then, on motion of Mr. PICKLER (at 5 o'clock and 46 minutes p. m.), adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Lucius Hough against The United States was taken from the Speaker's table and referred to the Committee on War Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. LITTLE, from the Committee on Indian Affairs, to which was referred the bill of the Senate (S. 1741) entitled "An act to authorize the Muskogee, Oklahoma and Western Railroad Company to construct and operate a line of railway through Oklahoma and the Indian Territory, and for other purposes," reported the same without amendment, accompanied by a report (No. 1811); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HILBORN, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 8894) granting to Lafayette Post, No. 217, Department of Pennsylvania, Grand Army of the Republic, of Easton, Pa., 2 condemned cannon and 35 cannon balls, reported the same without amendment, accompanied

by a report (No. 1812); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MORSE, from the Committee on Alcoholic Liquor Traffic, to which was referred the bill of the House (H. R. 1888) to further amend an act entitled "An act regulating the sale of intoxicating liquors in the District of Columbia," approved the 3d day of March, A. D. 1893, reported the same with amendment, accompanied by a report (No. 1813); which said bill and report were referred to the House Calendar.

Mr. BOWERS, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 7256) for the relief of owners and claimants to lands within the national parks and forest reservations in the State of California, reported the same with amendment, accompanied by a report (No. 1814); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. LINTON, from the Committee on Ventilation and Acoustics, to which was referred the House resolution No. 186, reported in lieu thereof a bill (H. R. 8967) to provide for an improved system of heating and ventilation of the House (south) wing of the Capitol, accompanied by a report (No. 1825); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. PUGH, from the Committee on War Claims:

A resolution (House Res. No. 331) to refer the bill (H. R. 5900) for the relief of the administrator of the estate of Thomas K. Ball, deceased, with all accompanying papers, to the Court of Claims, reported in lieu of House bill No. 5900. (Report No. 1806.)

A resolution (House Res. No. 332) to refer the bill (H. R. 3788) for the relief of Mrs. E. Taylor, with all accompanying papers, to the Court of Claims, reported in lieu of House bill No. 3788. (Report No. 1807.)

By Mr. CURTIS of Kansas, from the Committee on Indian Affairs: The bill (S. 229) entitled "An act for the relief of Robert McGee." (Report No. 1810.)

By Mr. BRUMM, from the Committee on Claims:

The bill (H. R. 5539) for the relief of John W. Arnold. (Report No. 1822.)

The bill (H. R. 5062) to reimburse D. D. Brennan for expense incurred in travel from Yokohama, Japan, to Haverstraw, N. Y., after his summary discharge as paymaster's clerk in the United States Navy. (Report No. 1815.)

By Mr. MINOR of Wisconsin, from the Committee on Claims:

The bill (S. 2415) entitled "An act for the relief of B. J. Van Vleck, administrator of Henry Van Vleck, deceased." (Report No. 1816.)

The bill (H. R. 5204) for the relief of Capt. George W. Goethals. (Report No. 1824.)

By Mr. HANLY, from the Committee on Claims:

The bill (H. R. 7109) for the relief of the heirs and legal representatives of those who were killed by the explosion of the gun-cotton factory at the United States torpedo station at Newport, R. I. (Report No. 1819.)

The bill (S. 488) entitled "An act for the relief of the legal representatives and devisees of James W. Schaumburg." (Report No. 1820.)

By Mr. COX, from the Committee on Claims: The bill (S. 768) entitled "An act for the relief of James A. Moore." (Report No. 1821.)

By Mr. HYDE, from the Committee on Indian Affairs: The bill (S. 1828) entitled "An act to authorize the Auditor for the Interior Department to settle and adjust the accounts of E. C. Chirouse, Indian Agent at the Tulalip Agency, Wash." (Report No. 1823.)

ADVERSE REPORTS.

Under clause 2 of Rule XIII, Mr. MINOR of Wisconsin, from the Committee on Claims, reported adversely bills of the following titles; and they were thereupon laid on the table:

The bill (H. R. 376) for the relief of John Scott. (Report No. 1817.)

The bill (H. R. 5195) for the relief of Charles T. Brant. (Report No. 1818.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. MONDELL: A bill (H. R. 8960) donating condemned cannon and condemned cannon balls to Custer Post, No. 1, Department of Colorado and Wyoming, Grand Army of the Republic, at Laramie, Wyo.—to the Committee on Naval Affairs.

By Mr. HARRISON: A bill (H. R. 8961) to authorize the construction of a bridge across the Warrior River by the Mobile and Ohio Railroad Company—to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 8962) to authorize the construction of a bridge across the Cahaba River, in Bibb County, Ala., by the Mobile and Ohio Railroad Company—to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 8963) to authorize the construction of a bridge across the Alabama River by the Mobile and Ohio Railroad Company—to the Committee on Interstate and Foreign Commerce.

By Mr. HOWE (by request): A bill (H. R. 8964) to authorize experimental coinage—to the Committee on Coinage, Weights, and Measures.

By Mr. BERRY: A bill (H. R. 8965) to provide for mounting cannon at Fort Thomas, Ky.—to the Committee on Military Affairs.

By Mr. REYBURN: A bill (H. R. 8966) to authorize Commander E. S. Houston, United States Navy, to accept a portrait from His Majesty the Emperor of Germany—to the Committee on Foreign Affairs.

By Mr. LINTON: A bill (H. R. 8967) to provide for an improved system of heating and ventilating the House (south) wing of the Capitol—to the Committee on Ventilation and Acoustics.

By Mr. LOUDENSLAGER: A resolution (House Res. No. 333) to compensate Robert A. Stickney for services performed as a clerk in the Clerk's office—to the Committee on Accounts.

By Mr. LESTER: A resolution (House Res. No. 334) to refer certain bills to the Court of Claims for a finding of facts under the act of March 3, 1887, and generally known as Tucker Act—to the Committee on War Claims.

By Mr. PERKINS: A resolution (House Res. No. 335) for a special order to the Committee on the Territories for the consideration of certain measures—to the Committee on Rules.

By Mr. MILLIKEN (by request): A resolution (House Res. No. 336) to pay James Hall for extra services performed in the Doorkeeper's department—to the Committee on Accounts.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on the Merchant Marine and Fisheries was discharged from the consideration of the bill (H. R. 1272) authorizing the Secretary of the Treasury to appoint commissioners to estimate damages done to planted oysters and oyster beds in Raritan Bay and adjoining waters in New York and New Jersey and to make compensation therefor; and the same was referred to the Committee on Claims.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. BROMWELL: A bill (H. R. 8969) for the relief of the widow of Adolph Rauch—to the Committee on Invalid Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 8969) for the relief of Leroy Q. Webber—to the Committee on Military Affairs.

By Mr. CRUMP: A bill (H. R. 8970) pensioning Mrs. Kate Crawford—to the Committee on Invalid Pensions.

By Mr. DE ARMOND (by request): A bill (H. R. 8971) for the relief of M. A. Shelton, of Bates County, Mo.—to the Committee on War Claims.

By Mr. FARIS: A bill (H. R. 8972) to pension William H. Arbuckle—to the Committee on Invalid Pensions.

By Mr. HEINER of Pennsylvania: A bill (H. R. 8973) to remove the charge of desertion from the military record of N. B. Wesner, of Parkers Landing, Pa.—to the Committee on Military Affairs.

Also, a bill (H. R. 8974) for the relief of the widow and heirs of Thomas H. Reynolds, deceased—to the Committee on War Claims.

By Mr. KULP: A bill (H. R. 8975) for the relief of Capt. McCurdy Tate, late captain Company H, Fifty-third Pennsylvania Volunteers—to the Committee on Military Affairs.

By Mr. MILLER of Kansas: A bill (H. R. 8976) for the relief of Francis Knapp, late a corporal in Company B, Tenth Kansas Veteran Volunteer Infantry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8977) for the relief of Harriett Camp, of Kansas City, Wyandotte County, Kans.—to the Committee on War Claims.

Also, a bill (H. R. 8978) granting a pension to Nancy Mefford—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8979) for the relief of Allison J. Pliley, late a scout in the Eighteenth Kansas Cavalry Volunteers—to the Committee on War Claims.

Also, a bill (H. R. 8980) to increase the pension of William H. Banguess—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8981) granting a pension to Sophisa Buford, of Garnett, Kans.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8982) to increase the pension of Ethan A. Drake, Company G, Forty-seventh Illinois Volunteers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8983) to increase the pension of Stephen H. Parish, late of Company E, First Ohio Battery, Light Artillery—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8984) granting a pension to Ann M. Relgin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8985) to increase the pension of William Baber—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8986) granting a pension to Cyrus E. Pruitt, late of Company G, One hundred and thirty-third Illinois Volunteers—to the Committee on Invalid Pensions.

By Mr. NOONAN: A bill (H. R. 8987) granting a pension to Philip Barnhart—to the Committee on Invalid Pensions.

By Mr. SKINNER: A bill (H. R. 8988) for relief of S. R. Fowle & Son, Washington, N. C., importers of molasses and salt, to reimburse them for import duties wrongfully collected—to the Committee on Claims.

By Mr. SPERRY: A bill (H. R. 8989) granting a pension to Honora Redmond—to the Committee on Invalid Pensions.

By Mr. VAN VOORHIS: A bill (H. R. 8990) increasing pension of William H. Nevitt from $12 to $30 per month—to the Committee on Invalid Pensions.

By Mr. SMITH of Michigan: A bill (H. R. 8991) for the relief of John W. Beatty, late of Company C, Seventh Tennessee Cavalry Volunteers—to the Committee on Military Affairs.

By Mr. TAWNEY: A bill (H. R. 8992) removing the charge of desertion from the military record of Ashley C. Cameron—to the Committee on Military Affairs.

By Mr. BULL: A bill (H. R. 8993) for the relief of the heirs at law of the late Duncan H. Campbell—to the Committee on Patents.

By Mr. CHICKERING: A bill (H. R. 8994) for the relief of Mary Walker, M. D.—to the Committee on War Claims.

By Mr. SPENCER: A bill (H. R. 8995) for the relief of the estate of James S. Winters, deceased, late of Hinds County, Miss.—to the Committee on War Claims.

By Mr. WHEELER: A bill (H. R. 8996) for the relief of Benjamin Richardson, of Lauderdale County, Ala.—to the Committee on War Claims.

Also, a bill (H. R. 8997) for the relief of William Cunningham, of Courtland, Ala.—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BARRETT: Resolutions of the citizens of Revere, Mass., remonstrating against the passage of the so-called Pasco amendment to the Post-Office appropriation bill—to the Committee on the Post-Office and Post-Roads.

By Mr. BELL of Colorado: Two petitions of citizens of the State of Colorado, favoring the adoption of the metric system—to the Committee on Coinage, Weights, and Measures.

Also, remonstrances of citizens of the State of Colorado; also of Council No. 74, American Protective Association, of Hotchkiss, Colo., against the acceptance of the Marquette statue—to the Committee on the Library.

Also, petition of citizens of the State of Colorado, in favor of the passage of a service-pension act—to the Committee on Invalid Pensions.

Also, petition of the Denver Board of Trade, favoring the passage of House bill No. 1, relating to the classification and salaries of railway postal clerks—to the Committee on the Post-Office and Post-Roads.

By Mr. BROMWELL: Petition of the United States Maimed Soldiers' League of Philadelphia, for increase of pensions of maimed veterans—to the Committee on Invalid Pensions.

By Mr. CANNON: Petition of M. W. Thompson and 38 others, citizens of Danville, Ill., against the continuance of the Père Marquette statue in the Capitol—to the Committee on the Library.

By Mr. CLARK of Missouri: Petition of Lewis County (Mo.) Grand Army Post, No. 412, favoring the passage of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. DANIELS: Petition of George E. Mann and others, of Buffalo, N. Y., in favor of the adoption of the metric system—to the Committee on Coinage, Weights, and Measures.

By Mr. FITZGERALD: Resolution of the Boston Chamber of Commerce, in favor of the passage of the bill to remove discriminations against American vessels in coastwise trade—to the Committee on the Merchant Marine and Fisheries.

Also, resolution of the board of directors of the Manufacturers and Producers' Association of California, relating to the importation of convict-made goods, and favoring the protection of free labor from competition with convict labor—to the Committee on Labor.

By Mr. FOSS: Petitions of Burke & Storms, of Antioch, Ill., People's Health Journal Company, of Chicago, Ill., and of the North American Practitioner of Chicago, Ill., protesting against the passage of House bill No. 4566, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petitions of C. M. Henderson & Co. and others, in favor of the passage of House bills Nos. 838, 4566, and 5560, for 1-cent letter postage and the amendment of the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. GROUT: Resolutions adopted by the Paint and Oil Club of New England, in favor of Senate bill No. 2447, to establish a department of commerce and manufactures—to the Committee on Manufactures.

Also, petition of S. J. Somerville and 51 others, of St. Johnsbury, Vt., favoring the immediate removal of the Père Marquette statue from Statuary Hall—to the Committee on the Library.

By Mr. HEMENWAY: Petition of William M. Collins and others, of the State of Indiana, for the passage of House bill No. 6851, appropriating unclaimed pension and bounty money due the estates of deceased colored soldiers to military and educational purposes for the colored people—to the Committee on War Claims.

By Mr. HITT: Memorial and petition of the Manufacturers and Producers' Association of California, in favor of the passage of House bill No. 6116, to protect free labor from competition with convict labor, and restraining the sale of convict-made goods to the State in which they are produced—to the Committee on Labor.

By Mr. JOHNSON of California: Petition of citizens of Clarksville, El Dorado County, Cal., favoring the passage of House bill No. 2626, for the protection of agricultural staples by an export bounty—to the Committee on Ways and Means.

By Mr. LINTON: Petition of citizens of Wilkes County, N. C., against the appropriation of public moneys for sectarian undertakings and for a constitutional amendment against making appropriations for ecclesiastical purposes—to the Committee on the Judiciary.

Also, remonstrances and petitions of citizens of Philadelphia, Pa.; also of citizens of Buena Vista, Pa., regarding the Marquette statue—to the Committee on the Library.

Also, a paper to accompany House bill to increase the pension of Frank A. Rockwith—to the Committee on Invalid Pensions.

By Mr. McEWAN: Petition of Irish societies and citizens of Hudson County, N. J., asking Congressional action in urging the liberation of Irish prisoners in England—to the Committee on Foreign Affairs.

By Mr. MEREDITH: Papers relating to the claim of Richard Pinn, next friend of Sallie Pinn, of Fauquier County, Va.—to the Committee on War Claims.

Also, papers relating to the claim of Charles R. Carder, of Rappahannock County, Va.—to the Committee on War Claims.

Also, papers relating to the claim of Lucy Kate Petty and Mollie B. Petty, of Culpeper County, Va.—to the Committee on War Claims.

Also, papers relating to the claim of James S. Dean, of Fauquier County, Va.—to the Committee on War Claims.

Also, petition of Margaret A. Proctor (now Tapscott) for herself and minor children of her late husband, Samuel K. Proctor, deceased—to the Committee on War Claims.

By Mr. TAWNEY: Papers to accompany House bill removing the charge of desertion from the military record of Ashley C. Cameron—to the Committee on Military Affairs.

By Mr. TERRY: Petition of W. C. Hull and 34 other citizens of Johnson County, Ark., protesting against the passage of bill No. 4566, to amend the postal laws relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. WANGER: Petition of Keasby & Mattison Company, F. A. Comly, John J. Houghton, and 33 other citizens of Montgomery County, Pa., for the passage of House bill No. 3618, to organize and increase the efficiency of the personnel of the Navy, etc.—to the Committee on Naval Affairs.

Also, petition of W. E. Megargee, Henry F. Stem, and other citizens of Wyndmoor, Pa., favoring the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. WHEELER: Papers relating to the claim of James C. Newman, executor of Alexander F. Newman, deceased, of Warren County, Miss.—to the Committee on War Claims.

Also, papers relating to the claim of John A. Ducournan, of Natchitoches, La.—to the Committee on War Claims.

Also, papers relating to the claim of Martha C. Brooks, executrix of Aaron T. Brooks, deceased, of Marshall County, Miss.—to the Committee on War Claims.

SENATE.

FRIDAY, *May 15, 1896.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

On motion of Mr. ALLEN, and by unanimous consent, the reading of the Journal of yesterday's proceedings was dispensed with.

RIGHT OF WAY FOR PIPE LINES.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 2032) to grant right of way over the public domain for pipe lines in the States of Colorado and Wyoming; which were, in lines 3 and 4, to strike out "and reservations"; in line 12, to strike out "fifty" and insert "twenty-five"; and in line 15, to strike out all after "line" down to and including line 20.

Mr. CLARK. I move that the amendments of the House of Representatives be concurred in.

The motion was agreed to.

NAVAL APPROPRIATION BILL.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 7542) making appropriations for the naval service for the fiscal year ending June 30, 1897, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. ALLISON. In the absence of the Senator from Maine [Mr. HALE], who has charge of the bill here, I move that the Senate insist upon its amendments and agree to the conference asked by the House of Representatives.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate, and Mr. HALE, Mr. QUAY, and Mr. GORMAN were appointed.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of Local Assembly, No. 3961, Knights of Labor, of St. Louis, Mo., praying for the passage of the so-called Phillips bill, authorizing the appointment of a nonpartisan commission to collate information and to consider and recommend legislation to meet the problems presented by labor, agriculture, and capital; which was referred to the Committee on Education and Labor.

He also presented a memorial of the Lambert Pharmaceutical Company of St. Louis, Mo., relative to the rebate on alcohol; which was ordered to lie on the table.

Mr. FRYE presented a petition of the Independent Order of Good Templars of the District of Columbia, praying for the establishment of an asylum and hospital in the District of Columbia for the treatment of inebriates; which was referred to the Committee on the District of Columbia.

He also presented petitions of the Real Estate Exchange and Auction Board of Boston, Mass.; of the Paper Trade Association of Boston, Mass.; of the Retail Grocers' Purchasing Association of Rochester, N. Y.; of the Grocers and Importers' Exchange of Philadelphia, Pa., and of the Chamber of Commerce of Nashville, Tenn., praying for the establishment of a department of commerce and manufactures; which were referred to the Committee on Commerce.

He also presented a petition of the Military Order of the Loyal Legion of the United States, Commandery of the State of Maine, of Portland, Me., praying for the enactment of legislation reviving the grade of lieutenant-general in the Army; which was referred to the Committee on Military Affairs.

Mr. HAWLEY presented a memorial of the Entomological Society of Washington, D. C., remonstrating against the passage of Senate bill No. 1552, relating to vivisection; which was referred to the Committee on the District of Columbia.

Mr. CULLOM presented a petition of the Manufacturers and Producers' Association of California, praying for the enactment of legislation to protect free labor from competition with convict labor and confining the sale of convict-made goods to the States in which they are made; which was referred to the Committee on Education and Labor.

Mr. PLATT presented a memorial of the board of directors of the Connecticut State prison, remonstrating against the interstate transportation of articles manufactured in penal institutions; which was referred to the Committee on Interstate Commerce.

Mr. ALLEN presented the petition of D. L. Geer, of Columbia County, Fla., praying that all homestead settlers on the Arredondo Spanish grant in that county be protected in their homes and lands entered since 1882; which was referred to the Committee on Public Lands.

He also presented a petition of the Manufacturers and Producers' Association of California, praying for the enactment of legislation to protect free labor from competition with convict labor and confining the sale of convict-made goods to the States in which they are made; which was referred to the Committee on Education and Labor.

UNIFORM SYSTEM OF BANKRUPTCY.

Mr. ALLEN. I ask to have printed in the RECORD a short letter from A. Wolcott, of Wolcott, Ind., on the subject of the pending bankruptcy bill.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

IN OPPOSITION TO HOUSE BILL NO. 6110.

Hon. W. V. ALLEN:

DEAR SIR: As opposed to the bankruptcy bill, House bill No. 6110, may I be allowed to offer some suggestions?

First, and generally. There have been not less than three bankruptcy laws since the Government of the United States was established; and all after mature trial have been repealed, for the reason that in their practical effects more harm than good resulted from them. The expenses of a bankruptcy court and the sacrifices of the estate of bankrupts in the hands of court officers, under summary laws for closing out and realizing on the estates of bankrupts, with lack of special knowledge of the properties constituting the estates, and the mere formal manner of performing their official duties by the court officers, have resulted uniformly in little pecuniary benefit to creditors. The histories of the courts of bankruptcy show always little and often no dividends to creditors from the estates of bankrupts. Industrious and useful men have been destroyed, and no one has been benefited. The work has heretofore been ruin without compensation. The same character of laws, if enforced, in the future will be followed by the same real destruction of the usefulness of men and the impoverishment, sufferings, and degradation of their families.

Fifty years ago, by the laws then prevailing in the various States of the Union, debtors could be imprisoned for debts. No matter how honest, no matter how unfortunate the debtor, no matter what suffering would be inflicted on his family, under the inexorable laws for imprisonment for debt the exacting creditor could put his debtor in jail. This law of barbarism has passed away as civilization has advanced. The especially cruel features of the bill No. 8110 relate to insolvency, as expressed in subdivision 2 of section 2, and subdivisions 8 and 9 of said section 2, as a cause of bankruptcy proceedings. Only an allegation of insolvency is required to bring the debtor into a court of bankruptcy. This proceeding against a debtor would alone so discredit him and embarrass his affairs as to create insolvency, though otherwise no insolvency would have existed. Ordinarily, if a man slander or libel the credit or financial standing of another he is liable in a suit at law for all damages.

But under this bankruptcy bill, if it shall become a law, a creditor may libel his debtor, by commencing, without legal cause, a bankruptcy proceeding, and do his debtor untold damages, without incurring legal responsibility for the outrage. The law should provide that if in any case a creditor shall commence in bankruptcy court without just grounds, the creditor shall pay all costs, and triple the damages the debtor may sustain by the unwarranted proceedings. In relation to the proceedings before referred to, in section 2 and its quoted subdivisions, the debtor may be a man of all honesty, and of every virtue, and a useful man, much respected in his community; yet if insolvent by any accident, or unfortunate condition of things, as for instance, a merchant who has trusted his farmer neighbors, that by adverse seasons have lost their crops, and are on that account unable to pay the merchant, he may be proceeded against and ruined. For this ruin, as in the case of the imprisoned debtor under former laws, the creditor would have a dividend only of gratified spite. But the question has other facts that in equity are entitled to controlling consideration.

No man is required to give credit to any person. If a man does give credit it is his free and voluntary act, and the laws of all the States and of the United States give ample remedies for the collection of debts. If frauds have been practiced by any person, and he has obtained property under false pretenses, the debtor is also liable to be prosecuted and punished under the criminal laws.

The destructive process of force or involuntary bankruptcy of honest debtors under any condition is a barbarism fully equalling the old law of imprisonment for debt, long since obsolete for its useless cruelty. As the creditor gives credit of his own free will, let him be satisfied with the collection and criminal laws under which he has given his credits, for he justly can claim no more. Wreckage and destruction of a debtor under involuntary, enforcing bankruptcy laws have no moral right, and should have no legal right. The highest interests of the public consist in the elevation and self-sustaining character of our people. Financial and industrial distress prevails greatly throughout the country. Their artificial increase by force of coercive bankruptcy laws would be evil, and only evil.

A. WOLCOTT.

WOLCOTT, IND., *April 21, 1896.*

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. CULLOM. If it is not contrary to the agreement, I should be very glad to submit a conference report this morning. I think it will take no length of time to dispose of it.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 6348) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 142, 309, 310, and 314.

That the House recede from its disagreement to the amendments of the Senate numbered 11, 12, 13, 19, 108, 109, 144, and 313; and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "three laborers at $840 each; twenty-two"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$120,784"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: In lieu of the number proposed insert "30"; and on page 9 of the bill, after the word "each" where it first occurs in line 5, insert "7 privates, at $900 each"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$52,120"; and on page 9 of the bill, at the

end of line 8, insert the following: "And hereafter the Capitol police, under the direction of the Sergeants-at-Arms of the Senate and of the House of Representatives and of the Architect of the Capitol, shall police the Capitol building and the Capitol Grounds"; and the Senate agree to the same.

That the House recede from its disagreement to the amendments of the Senate numbered 36 and 37, and agree to the same with an amendment as follows: Strike out the amended paragraph constituting lines 12, 13, 14, and 15 of page 18 of the bill; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For register of copyrights, $2,500, who shall be selected on or after June 1, 1896, by the Joint Committee upon the Library of Congress, consisting of the Committee on the Library of the Senate and the Committee on the Library of the House of Representatives, and who shall give good and sufficient bond to the United States in such sum, not less than $20,000, as the Secretary of the Treasury may direct, and to be approved by him, faithfully to account for all public moneys and property which he may receive. He shall have and exercise all the rights and duties touching copyrights now devolved upon the Librarian of Congress. He shall, without additional compensation, disburse the sums appropriated for the salaries and expenses of his office, and also the salaries and expenses appropriated for the Library of Congress. He shall have an official seal of such pattern and design as he shall designate, and it shall contain the words 'Register of Copyrights, United States of America'; and by this seal all records and papers issued from the office of the register of copyrights shall be authenticated. He shall be provided with suitable rooms in the building for the Library of Congress.

"For one clerk, at $1,600, and for twelve clerks, at $900 each, necessary for the execution of the copyright law, to be appointed by and employed under the direction of the register of copyrights; in all, $12,400.

"For salaries for the month of June, 1896, of the register of copyrights; one clerk at the rate of $1,600 per annum and one clerk at the rate of $900 per annum, $412.10, or so much thereof as may be necessary.

"The assistants in the Library of Congress now employed on work relating to the execution of the copyright law shall continue to be so employed, in the discretion and under the direction of the register of copyrights, until the close of the fiscal year 1897."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 83, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following:

"*Provided*, That the next session of the legislative assembly of the Territory of New Mexico shall commence on the third Monday in February, 1897, and each succeeding session thereof shall commence on the third Monday in February of every odd-numbered year thereafter: *Provided further*, That no other officer of either house of said legislative assembly shall be elected or appointed or paid out of any moneys appropriated by the Congress of the United States, or by the legislative assembly of said Territory, than such as may be provided for by the laws of the United States, except a translator and an interpreter."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 233, and agree to the same with an amendment as follows: In lieu of the sum proposed insert $5,500; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 305, and agree to the same with an amendment as follows: Restore the section proposed to be stricken out by said amendment, amended to read as follows:

"SEC. 19. That the terms of office of all commissioners of the circuit courts heretofore appointed shall expire on the 31st day of December, 1896; and such office shall on that day cease to exist, and said commissioners shall then deposit all the records and other official papers appertaining to their offices in the office of the clerk of the circuit court by which they were appointed. All proceedings pending, returnable, unexecuted, or unfinished at said date before any such commissioner shall be continued and disposed of according to law by such commissioner, appointed as herein provided, as may be designated by the district court for that purpose. It shall be the duty of the district court of each judicial district to appoint such number of persons, to be known as United States commissioners, at such places in the district as may be designated by the Attorney-General, which United States commissioners shall have the same powers and perform the same duties as are now imposed upon commissioners of the circuit courts. The appointment of such United States commissioners shall be entered of record in the district courts, and notice thereof at once given by the clerk to the Attorney-General. That such United States commissioners shall hold their offices, respectively, for the term of four years, but they shall be at any time subject to removal by the district court; and no person shall at any time be a clerk of a United States court and a United States commissioner without the approval of the Attorney-General: *Provided*, That all acts and parts of acts applicable to commissioners of the circuit courts, except as to appointment and fees, shall be applicable to United States commissioners appointed under this act.

"Warrants of arrest for violations of internal-revenue laws may be issued by United States commissioners upon the sworn complaint of a United States district attorney, assistant United States district attorney, collector or deputy collector of internal revenue, or revenue agent or private citizen, but no such warrant of arrest shall be issued upon the sworn complaint of a private citizen unless first approved in writing by a United States district attorney.

"That United States commissioners and all clerks of United States courts are hereby authorized to administer oaths."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 306, and agree to the same with an amendment as follows: Restore the section proposed to be stricken out by said amendment, amended to read as follows:

"SEC. 20. That no marshal or deputy marshal, or deputy clerk of the circuit or district court, attorney or assistant attorney of any district, jury commissioner, clerk of marshal, no bailiff, crier, juror, janitor of any Government building, nor any civil or military employee of the Government, and no clerk or employee of any United States justice or judge shall have, hold, or exercise the duties of the United States commissioner. And it shall not be lawful to appoint any of the officers named in this section receiver or receivers in any case or cases now pending or that may be hereafter brought in the courts of the United States."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 307, and agree to the same with an amendment as follows: Restore the section proposed to be stricken out by said amendment amended to read as follows:

"SEC. 21. That each United States commissioner shall be entitled to the following-named fees, and none other: Drawing a complaint, with oath and jurat to same, 50 cents; copy of complaint, with certificate to same, 30 cents; issuing warrant of arrest, 75 cents; issuing a commitment and making copy of same, $1; entering a return, 15 cents; issuing subpœna or subpœnas in any one case, with 5 cents for each necessary witness in addition to the first, 25 cents; drawing a bond of defendant and sureties, taking acknowledgment of same and justification of sureties, 75 cents; for administering an oath (except to witness as to attendance and travel), 10 cents; recognizance of all witnesses in a case, when the defendant or defendants are held for court, 50 cents; transcripts of proceedings, when required by order of court and transmission of original papers to court, 60 cents; copy of warrant of arrest, with certificate to same, when defendant is held for court, and the original papers are not sent to court, 40 cents; order in duplicate to pay all witnesses in a case: For first witness 30 cents, and for each additional witness 5 cents, and for oath to each witness as to attendance and travel, 5 cents; for hearing and deciding on criminal charges and reducing the testimony to writing when required by law or order of court, $5 a day for the time necessarily employed: *Provided*, That not more than one per diem shall be allowed in a case, unless the account shall show that the hearing could not be completed in one day, when one additional per diem may be specially approved and allowed by the court: *Provided further*, That not more than one per diem shall be allowed for any one day: *Provided further*, That no per diem shall be allowed for taking a bond or recognizance and passing on the sufficiency of the bond or recognizance and the sureties thereon when the bond or recognizance was taken after the defendant had been committed to prison under a final commitment, or has given bond or been recognized for his appearance at court, or when the defendant has been arrested on a capias or bench warrant, or was in custody under any process or order of a court of record. For the examination and certificate in cases of application for discharge of poor convicts imprisoned for nonpayment of fine or fine and costs, and all services connected therewith, $3; for attending to a reference in a litigated matter, in a civil cause at law, in equity, or in admiralty, in pursuance of an order of the court, $3 a day; for taking and certifying depositions to file in civil cases, 10 cents for each folio; for each copy of the same furnished to a party on request, 10 cents for each folio; for issuing any warrant under the tenth article of the treaty of August 9, 1842, between the United States and the Queen of the United Kingdom of Great Britain and Ireland against any parties charged with any crime or offense set forth in said article, $2; for issuing any warrant under the provision of the convention for the surrender of criminals between the United States and the King of the French, concluded at Washington November 9, 1843, $2; for hearing and deciding upon the case of any person charged with any crime or offense, and arrested under the provisions of said treaty or of said convention, $5 a day for the time necessarily employed.

"Such commissioners shall keep a complete record of all proceedings before them in criminal cases in a well-bound book, which record book shall be delivered to and preserved by the clerk of the district court for such district on the death, resignation, removal, or expiration of term of the commissioner, for which record the commissioner shall receive no compensation."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 308, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"SEC. 23. That it shall be the duty of the Attorney-General of the United States to make an investigation as respects the compensation to be paid by salary or otherwise to clerks of United States circuit and district courts; and he shall report on the first day of the next session of the present Congress a plan for fixing such compensation for the clerks of the several courts of the United States as he may deem just, and he shall also recommend with his report such provisions as may to him seem proper touching their appointment and the performance of their duties."

And the Senate agree to the same.

S. M. CULLOM,
H. M. TELLER,
F. M. COCKRELL,
Managers on the part of the Senate.
HENRY H. BINGHAM,
ALEXANDER M. DOCKERY,
JOHN E. McCALL,
Managers on the part of the House.

Mr. HILL. I suggest to the Senator from Illinois that the report be printed and that its further consideration be postponed until to-morrow.

Mr. CULLOM. I always like to accede to a request made by the Senator, but I would a little rather not do that to-day for the reason, if I may be allowed to refer to the fact, that the chairman of the House conferees desires to be absent, and he is very anxious that the bill shall be disposed of before he has to leave. I venture to mention this circumstance as the only reason why I should prefer to dispose of the report to-day. I think there is nothing in the bill referring to the commissioners, with two or three little exceptions which can be mentioned, that will not be found in the original bill as passed by the House of Representatives, if that is the portion of the bill to which the Senator desires to give attention.

Mr. HILL. Yes; that is the very matter complained of. For instance, the Senate committee struck out all the provisions relating to United States commissioners which had been inserted in the House. When the bill came into the Senate the Senate adopted that view and concurred with the committee. I called the attention of the Senate then to the importance of the provision, and I was assured by the distinguished Senator from Iowa that the proposition of the committee to strike out would not be yielded in conference if he could have his way. The Senate had not discussed the propriety of the House provision, but our conferees have in their wisdom seen fit to yield the point. That is the very question I want to examine. I do not desire to take up the time of the Senate to-day, when we are acting substantially under a special order.

Mr. CULLOM. I see that the Senator is disposed to discuss the question some time, at any rate, and in view of the common-consent arrangement for to-day I hardly feel at liberty to insist upon the consideration of the report this afternoon. I will therefore allow it to go over until to-morrow morning and be printed.

The VICE-PRESIDENT. The report will be printed and go over.

STANDARD FOR DRY MEASURES.

Mr. GALLINGER. I move that the bill (S. 2359) defining the standard shape and size for dry measures to be used in the District of Columbia, and for other purposes, now on the Calendar, be indefinitely postponed, a House bill identical in terms having passed the Senate.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (H. R. 4598) granting a pension to Mary Cray, reported it without amendment, and submitted a report thereon.

Mr. PROCTOR, from the Committee on Military Affairs, to whom was referred the bill (S. 2583) for the relief of Leonard I. Brownson, late first lieutenant Company K, Fifth Vermont Volunteers, reported it without amendment, and submitted a report thereon.

Mr. PASCO, from the Committee on Claims, to whom was referred the bill (S. 1488) appropriating $6,332.30 in payment of the claim of C. M. Kirkpatrick for paving the street adjacent to the United States arsenal at Indianapolis, Ind., reported it with amendments, and submitted a report thereon.

Mr. HARRIS, from the Committee on the District of Columbia, reported an amendment providing for an appropriation for the paving of certain streets leading to the Zoological Park, intended to be proposed to the District of Columbia appropriation bill, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. SHOUP, from the Committee on Education and Labor, reported an amendment providing that skilled mechanics employed in the Government Printing Office be paid at the rate of 50 cents per hour for time actually employed, intended to be proposed to the District of Columbia appropriation bill, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. GEAR, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 1961) to authorize the purchase of the property known as the Corcoran Art Gallery, in the city of Washington, D. C., reported it without amendment, and submitted a report thereon.

Mr. HAWLEY. I am directed by the Committee on Military Affairs, to whom was referred the bill (S. 2402) to authorize the sale of a part of the Fort Niobrara Military Reservation, in the State of Nebraska, to ask to be discharged from its further consideration, and that it be referred to the Committee on Public Lands. But two days ago, while the bill was still pending in the Committee on Military Affairs, this land was assigned to the Interior Department by proclamation as an abandoned military reservation. The bill should properly go to the Committee on Public Lands.

The VICE-PRESIDENT. The Committee on Military Affairs will be discharged from the further consideration of the bill, and it will be referred to the Committee on Public Lands.

Mr. HAWLEY, from the Committee on Military Affairs, to whom was referred the joint resolution (S. R. 130) to extend the rights and privileges granted by an act entitled "An act authorizing the construction of a railway upon the Government Reservation at Fortress Monroe" to the Newport News, Hampton and Old Point Railway Company, in the State of Virginia, reported it without amendment, and submitted a report thereon.

Mr. TELLER, from the Committee on Claims, to whom was referred the bill (S. 1438) for the relief of the estates of Daniel Woodson and of Ely Moore, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred a letter of the Acting Secretary of the Treasury, in response to the resolution of April 10, 1896, transmitting a list of cases of Kentucky claimants for rents for barracks and quarters allowed by the accounting officers of the Treasury and reported to Congress January, 1895, and not appropriated for, asked to be discharged from its further consideration, and that it be referred to the Committee on Appropriations; which was agreed to.

Mr. WARREN, from the Committee on Military Affairs, to whom was referred the bill (H. R. 225) to provide for the transfer of Fort Omaha Military Reservation to the State of Nebraska, reported it with amendments, and submitted a report thereon.

DIRECTOR IN CHIEF OF SCIENTIFIC BUREAUS.

Mr. GORMAN, from the Committee on Printing, to whom was referred the resolution submitted by Mr. PROCTOR on the 13th instant, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That there be printed 3,000 extra copies of the arguments before the Committee on Agriculture and Forestry in favor of the proposition for a director in chief of scientific bureaus in the Department of Agriculture, together with all the appendixes accompanying the same as published for the use of said committee; 1,500 of which shall be for the use of the Secretary of Agriculture and 1,500 for the use of the Senate.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 7977) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes; agreed to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HOOKER, Mr. HERMANN, and Mr. CATCHINGS managers at the conference on the part of the House.

The message also announced that the House insisted upon its amendment to the bill (S. 673) granting a pension to Joseph R. West, brigadier and brevet major-general, United States Army Volunteers; agreed to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. PICKLER, Mr. THOMAS, and Mr. ERDMAN managers at the conference on the part of the House.

The message further announced that the House had passed a bill (H. R. 7771) authorizing and directing the Secretary of the Navy to donate a condemned cannon and condemned cannon balls to certain posts of the Grand Army of the Republic; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the Vice-President:

A bill (S. 730) granting an increase of pension to Mrs. Helen Morrell Carroll;

A bill (S. 2488) to amend an act entitled "An act to authorize the Denison and Northern Railway Company to construct and operate a railway through the Indian Territory, and for other purposes";

A bill (S. 2642) to provide for the safety of passengers on excursion steamers; and

A joint resolution (S. R. 15) authorizing the Secretary of the Navy to donate to the Mountain View Cemetery Association, at Oakland, Cal., certain cannon, etc.

BILLS INTRODUCED.

Mr. ROACH introduced a bill (S. 3152) granting an increase of pension to Ransom S. Angell, late private of Company G, First Regiment Wisconsin Cavalry; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GEAR introduced a bill (S. 3153) granting a pension to Mary R. Henderson; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3154) granting an increase of pension to Barnabas A. Bonham; which was read twice by its title, and referred to the Committee on Pensions.

Mr. TURPIE (for Mr. VOORHEES) introduced a bill (S. 3155) for the relief of Barzilla C. Hudson; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. HAWLEY introduced a bill (S. 3156) to increase the pension of Lorenzo Thomas; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BLACKBURN introduced a bill (S. 3157) for the relief of those suffering from the destruction of the salt works near Manchester, Ky., pursuant to the orders of Maj. Gen. Carlos Buell; which was read twice by its title, and referred to the Committee on Claims.

Mr. WETMORE introduced a bill (S. 3158) for the relief of the heirs at law of the late Duncan H. Campbell; which was read twice by its title, and referred to the Committee on Patents.

AMENDMENTS TO DEFICIENCY APPROPRIATION BILL.

Mr. MANTLE submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. GRAY submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

HOUSE BILL REFERRED.

The bill (H. R. 7771) authorizing and directing the Secretary of the Navy to donate a condemned cannon and condemned cannon balls to certain posts of the Grand Army of the Republic was read twice by its title, and referred to the Committee on Naval Affairs.

TRIAL OF CITIZENS ARRESTED IN CUBA.

Mr. MORGAN. I desire to submit a resolution, which I ask to have read and printed, and that it go over until to-morrow, when I shall ask the privilege of submitting some remarks upon it.

The resolution was read, and ordered to lie over and to be printed, as follows:

Resolved, That the Committee on Foreign Relations is directed to inquire and report to the Senate what are the rights of the United States, under our treaties with Spain, as to the trial of our citizens arrested in Cuba and now under condemnation and sentenced to death by the Spanish military tribunals for alleged offenses of a political or other character against the Spanish laws or Government, and to report on that subject by bill or otherwise.

2. That the Secretary of State is directed to send to the Senate literal copies of the original text of a protocol of conference and declarations concerning judicial procedure, signed by Caleb Cushing, as minister of the United States, and Señor Don Fernando y Collantes, minister of the King of Spain, on January 12, 1877, as the same was executed and interchanged, both in the English and Spanish languages; and that he will inform the Senate whether the established or agreed original text of said protocol is in the English or the Spanish language.

3. That the Secretary of State is further directed, if it is not incompatible with the public service, to communicate to the Senate copies of any correspondence that has taken place between the Governments of Spain and the United States respecting the said protocol and its bearing or effect upon the trial and condemnation of citizens of the United States who were recently captured on or near the vessel called the *Competitor*, that was seized under Spanish authority in Cuban waters, or near to that island.

PROPOSED TARIFF REVISION.

Mr. GALLINGER. I submit a resolution. After it is read I shall make a request concerning it.

The resolution was read, as follows:

Resolved, That the widespread business depression and rapid increase of the public debt demonstrate that the existing tariff law does not produce sufficient revenue, and that a revision of the law is imperatively demanded in the interests of the people of the United States.

Mr. GALLINGER. I ask that the resolution lie upon the table subject to my call, as I desire to address myself either to the resolution or to some bill that may be before the Senate on the tariff question before the adjournment of the present session.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

IMPORTATIONS OF ORIENTAL PRODUCTS.

Mr. MILLS. The Senator from Rhode Island [Mr. ALDRICH] reported a resolution the other day from the Committee on Finance and it went over. He dropped a note to me and asked me to have it called up. I made some objection, as did the Senator from Nebraska [Mr. ALLEN], to the resolution. I ask that the resolution be laid before the Senate.

The VICE-PRESIDENT. The Chair lays before the Senate the resolution indicated by the Senator from Texas.

The Secretary read the resolution reported by Mr. ALDRICH from the Committee on Finance on the 12th instant, as follows:

Resolved, That the Committee on Finance, under the provisions of the Senate resolution of March 3, 1891, is hereby directed to inquire whether American labor and industries are suffering from or threatened with injurious competition through importations of oriental products, and if so, to investigate the causes which have made such competition possible.

Mr. ALLEN. I move to amend the resolution by adding at the end the following proviso:

Provided, That in ascertaining the relative efficiency of oriental and American labor the committee shall report to Congress the labor cost of products per unit of quantity in both countries.

Mr. MILLS. That amendment, I beg to say, the Senator from Rhode Island said he would accept.

The amendment was agreed to.

The resolution as amended was agreed to.

JOHN S. EVANS.

Mr. ALLISON. As I am obliged to be absent much of the time during the sessions of the Senate, I ask unanimous consent at this time to call up the bill (H. R. 1601) to amend the military record of John S. Evans.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to restore to the muster rolls of Company E, Twenty-seventh Ohio Volunteer Infantry, the name of John S. Evans, and to grant him an honorable discharge from the service.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PERSONAL EXPLANATION.

Mr. KYLE. Mr. President, in the Post of this morning I notice a reference to the bill passed day before yesterday regulating the standard shape and size of dry measures. The Post extract is as follows:

The bill related to a standard shape and size for dry measures. It was on the point of being passed when Senator KYLE, a Populist of South Dakota, offered an amendment which proposed that 60 pounds should be equivalent to a bushel of potatoes when sold at wholesale and 56 pounds when they were sold at retail. In other words, the wholesale dealer gained one-fifteenth of a bushel of potatoes on every bushel that he sold. In 15 bushels he made a clear profit of a bushel under the law. The proposition, too, came from a Populist, who would hardly be supposed to side with the large dealer and discriminate against the workingman, the boarding-house keeper, and the housewife in such fashion, etc.

I wish merely to state in this connection that the provision, as indicated in this communication, was the committee amendment, placed in the bill by the Committee on the District of Columbia of this body. It reads as follows:

SEC. 2. That the lawful weight of a bushel of potatoes shall be 60 pounds when sold by wholesale and 56 pounds when sold by retail, and that hereafter all sales thereof shall be made by weight, under a penalty of $5 for each offense, to be recovered in the police court of the District of Columbia, in the name of the said District, in the same manner as other fines and penalties are recovered.

I merely by my amendment moved to strike out the provision that all potatoes should be sold by weight, and the recommendation for the discrimination making 60 pounds the wholesale weight and 56 pounds the retail weight was from the Commissioner of the District of Columbia, John W. Ross. He says in his report:

I recommend that the wholesale weight of a bushel of potatoes be made 60 pounds, but the retail weight be made 56 pounds. This difference is fully equalized by the amount of dirt shoveled up when putting potatoes in sacks for wholesale delivery and the care taken when preparing them for sale by retail.

I will state that the reporter of the Post assured me that it was by mistake that he connected my name with the matter. The responsibility for the amendment rests with the District Committee, and the authority for their action is District Commissioner John W. Ross.

REGULATION OF BOND ISSUES.

Mr. BACON. Mr. President, several days since I gave notice that to-day I would ask the unanimous consent of the Senate to call up the bill (S. 3101) to prohibit the issuance of bonds or other interest-bearing obligations of the Government by the Secretary of the Treasury, or other officer of the Government, without the authority of Congress, in order that I might submit some remarks upon it. I now make that request.

The VICE-PRESIDENT. The Senator from Georgia asks unanimous consent that the bill indicated by him may be taken up for the purpose of submitting some remarks. Is there objection? The Chair hears none.

Mr. BACON. I desire to state, what I should have stated before, that prior to making this request I conferred with the Senator from Connecticut [Mr. PLATT] and had his approval of the course I have taken.

The VICE-PRESIDENT. The Senator from Georgia will proceed.

Mr. BACON. I ask that the bill may be read at length.

The Secretary read the bill (introduced by Mr. BACON on the 8th instant), as follows:

Be it enacted, etc., That from and after the passage of this act neither the Secretary of the Treasury nor any other officer of the Government shall issue any bonds or other interest-bearing obligations of the Government, except hereafter expressly thereto authorized by Congress.

Mr. BACON. Mr. President, the bill which has just been read is of a general character and would prohibit, should it be enacted into law, the issuance of any bonds in the future by the Secretary of the Treasury unless thereto specifically authorized by act of Congress. It is a fact, however, that there is at present but one law upon the statute books under which bonds can be issued by an executive officer of the Government without the specific authority of Congress. That is the act of 1875, commonly known as the resumption act. The effect of the bill if it should become a law would be to repeal practically one portion of the act of 1875, to wit, that portion of it which authorizes the Secretary of the Treasury to sell bonds for the purpose of raising what is known as the redemption fund, for the redemption of greenbacks when presented for payment. I shall, therefore, discuss this bill as if it were specifically an act to repeal that particular portion of the act of 1875, and when in the course of my remarks I speak of the law I am referring to the act of 1875 and that portion of it which gives this authority to the Secretary of the Treasury.

The fact that within the past two years the interest-bearing debt of the United States has been increased by $262,000,000 of bonds issued through orders of the executive department of the Government under a general existing law, is sufficient to challenge the attention of the Senate to this bill as one of most serious import.

The urgent importance of taking away from executive officers this immeasurable power to create public debt is emphasized by the further fact that neither of the several issues of bonds aggregating this stupendous amount would have been authorized or consented to by Congress at the several times of their issuance. On the contrary, it is beyond doubt that if the consent of Congress had been asked to either of these issues of bonds, such consent would have been most emphatically refused.

To this fact, which has only ceased to be startling because from its continued repetition we have grown familiar with its enormity, must be added the recognized certainty that in the future operation of a system of finance which under the present construction of existing law is the most vicious and suicidal that ever cursed a government and a people, there will inevitably be additional issues of bonds unless Congress, in the exercise of its power and in the performance of what I believe to be its duty, shall say it must not be done. Mr. President, it is no light matter to clothe one man with the power to burden the people with hundreds of millions

of dollars of indebtedness. If in the opinion of Congress it is a proper thing to invest any one man with such power, or to permit him to remain invested with such power, it is a great responsibility which Congress assumes when it forms that opinion and acts upon it.

If, on the contrary, it is in the opinion of Congress a thing not proper to be done, it is an abandonment of the highest duty if it fails to prohibit the exercise of such power in the future in the most commanding and effective manner known to its powers. It is a responsibility which can not be escaped by Congress—this responsibility for the issuance of bonds at the will of one man. It is within the power of Congress to prevent the future issuance of bonds by the executive department without the direct authorization of the lawmaking power. If it defeats the bill which prohibits such issuance of bonds in the future by the executive department, by such action Congress takes the responsibility of justifying such future issuance. If Congress refuses or fails to take any action one way or the other, and by such refusal or failure permits to stand unrepealed the existing law under which the power to issue bonds without limit is claimed and exercised by the executive department, it is practically an approval by Congress of the continued exercise of such power. We can not escape the responsibility. We can not screen ourselves under the plea that it is the act of the executive department and that it is not done by Congress. The bonds are issued by the executive department under a law which it is within the power of Congress to repeal. Without that law the executive department will have no power in the future to make further issues of bonds. If we permit the law to stand on the statute book, we sanction the future issues of bonds by the Executive, and the responsibility is ours. If we repeal the law, the bonds will not be issued hereafter. If we do not repeal the law, they will be issued. Therefore, either in our action or nonaction the question whether these bonds shall be issued in the future is to be determined by us, and the responsibility is the responsibility of Congress. If this session closes and this law remains unrepealed, Congress will say to the people we approve the law, and we will further say to the people that, as we are certain that the executive officer will under this law issue more bonds in the future in the same manner as has been done in the past, we approve what this officer has done in the issuance of bonds under this law, and we justify and warrant his doing the same thing time and again in the future.

If the law under which this two-hundred-and-sixty-two-million-dollar bond issue has been made had now expired by limitation of time, would Congress now pass a law giving to an executive officer the unlimited power by his mere order to issue bonds, which is now claimed and exercised under the present law? How many Senators, in the light of the experience of the last two years, would vote for a law which conferred upon an executive officer, or any other one man, the power, in his single judgment and at his individual discretion, to issue bonds, and in all reasonable probability increase the public debt, principal and interest, to the enormous amount of one thousand million dollars?

That there are some Senators in this Chamber who would support such a measure may be possible, but that a large majority of Senators would refuse their assent to the enactment of such a law I can not doubt. If so, no Senator can shut his eyes to the logical conclusion that in refusing to give his aid to the repeal of the present law, the responsibility upon him is the same as if he were now by his vote to enact a new law to the same effect.

If the time shall ever come when it shall be recognized as the permanent policy of this Government that one man shall be clothed with the power at his own unbridled will to determine when and in what amounts and upon what terms the bonded debt of the people shall be increased, it will be the heaviest and most fatal blow ever struck at representative government. The responsibility for so great and so fateful a revolution in our instituntions should not be left in doubt, and upon the records of this Senate should be spread the names of those who favor it and the names of those who oppose it to the uttermost.

Every day that the existing law is allowed to remain in force is a recognition of its propriety. Every such day is an advance in the direction of the perpetuation of the system by which the people can be loaded down with enormous indebtedness without the consent and against the will of their chosen representatives. Every time there is an issue of bonds under the existing law, the loyalty of the people to republican representative government is weakened and they become more and more familiar with submission to one-man power.

The requirement for the repeal of the existing law is not the demand of sentiment. It is not for the promotion of the interests of any one particular political party, except in so far as such interest may be affected by the support of, or the opposition to, the repeal by such political party. It is demanded by the immeasurable interest and the conceded right of the people that they should not be burdened with debt except by the votes of their chosen representatives in Congress. It is demanded by the experience of the last two years—the great object lesson by which is shown the consequences of such royal power when placed in the hands of any one man. It is, above all, demanded that there may be preserved the bounds set by the Constitution upon executive power, and that the legitimate duties and powers and responsibilities devolved by the Constitution upon Congress shall be exercised by Congress, and shall not be delegated to any other department of the Government, or to any one man, whoever he may be, or whatever office he may hold.

If there is one thing in the Constitution clearer than any other one thing, it is the intention that Congress alone shall have the power to create a debt, or levy and collect taxes for the payment of debt, or for any other purpose. There is no line or syllable in that instrument indicating the intention that the executive department shall exercise in any degree either of these powers. There is not a line in it looking to the idea that the Chief Executive should have any connection with, or influence upon, the exercise of such powers except in the power of the veto as on any other proposed legislation.

The plain, emphatic, indisputable design of the Constitution is that the lawmaking power alone shall create debt, levy taxes, direct or indirect, make appropriations, and control the disbursement of the public treasure. A departure from such direct intention is a violation and a defeat of the purpose of the fundamental law.

There is no room for contention or successful dispute of this proposition. There is nothing either in the plain reading or the hidden meaning of the Constitution which will justify any other construction. There has never been the dictum of a respectable commentator on this instrument, never a judicial decision, and, so far as I am informed, never the utterance of a publicist upon which could be rested a contention in conflict with this proposition.

In the history of the English-speaking race there is nothing more important than the achievement, through the struggles of centuries, of the right of the people to control taxation and expenditure through their representatives. No cost and no sacrifice have been deemed too great a price for this inestimable right. And, sir, I think it may be safely said that no part of the English-speaking people has ever voluntarily surrendered this right. No part of this liberty-loving, self-ruling race has ever intentionally conferred upon the executive head of its Government the power to levy and collect taxes, and to expend the revenues derived therefrom, regardless of the wishes, and in opposition to the will of their representatives.

The Constitution of the United States most carefully guards and limits to Congress the right and the duty to create debt, to levy and collect taxes, and to make and control expenditure of the public money. After the preamble, the first line in the Constitution is as follows:

> All legislative power herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

The creation of debt, the levy of taxes, and the appropriation of the public money are among the highest legislative powers. But not content with this general authorization, the Constitution, in that magnificent enumeration of the great powers of Congress, in the first clause of such enumeration provides that Congress shall have power "to lay and collect taxes" and "to pay the debts" "of the United States."

In the second clause of these enumerated powers is that "to borrow money on the credit of the United States."

The final clause of this enumeration confers upon Congress the duty "to make all laws which shall be necessary and proper to carry into execution the foregoing powers."

What powers? Why, undoubtedly the powers conferred on Congress. It is made the duty of Congress to pass all laws which may be necessary to enable Congress to exercise the great powers therein conferred upon it. There is nothing which can be construed into authority to Congress to pass laws by which these great powers, the execution of which is devolved upon Congress, may, by delegation thereof, be exercised by the executive branch of the Government. They are to be exercised by Congress, and by Congress only. Any device by which the great powers of creating debt, or levying taxes, or appropriating money, are practically taken away from Congress, and practically conferred upon the executive branch of the Government, is a violation of the letter and of the spirit of the Constitution.

The enumeration of the powers of the Executive contains nothing looking to the creation of debt, the levying of taxes, or the appropriation of the public money. Outside of the appointment of officers and the official intercourse with foreign governments, almost all of the duties of the Executive head may be included in the one sentence in the Constitution, "He shall take care that the laws be faithfully executed."

It is not for any executive officer to make law, nor is it for Congress to confer upon any executive officer powers the discharge of which enables him in his discretion to determine what amount of

public debt shall be incurred and what amount of taxes shall be levied and collected for the payment of such debt. Such power and the duty to exercise it belongs to Congress only. It can not be constitutionally delegated to the executive branch of the Government.

Despite this careful constitutional limitation of legislative powers, and particularly of the debt-creating power, to Congress, it is not to be denied that the power is now by law, under its present construction, lodged in the executive department, and in one officer of that department, at his single will and in his sole discretion, to enforce taxation and expenditure practically without limit, and under this law this autocratic power is exercised not only in the absence of the assent of the people but directly in opposition to their wishes and to the wishes of their chosen representatives. Congress practically has nothing to do in the premises but to obediently, and as a matter of formality, levy the taxes and appropriate the money which the executive officer has himself already practically levied and appropriated in the contraction of a debt which must be paid without hesitation and without question.

But for the credit of the American people I am glad to be able to say, as I shall attempt to prove, that in the passage of the act of 1875 there was no intention to confer such a power on an executive officer, and that there was nothing in the terms of the act under the conditions then existing which would justify the contemplation of the exercise of such power under it at any time.

The act of 1875, as modified by the act of 1878, does not, it is true, confer in terms upon the Secretary of the Treasury the power to levy taxes and to appropriate and disburse the money collected from the people through such taxation. But it is in effect practically the same thing. Under the law as construed by the executive department, the Secretary of the Treasury has the power, in his discretion, to create debt and to issue interest-bearing bonds as the evidence thereof. When he issues in the name of the Government one hundred millions of bonds, it is no longer a question in the discretion of Congress whether the hundred million dollars, with the amount of the interest thereon, shall be collected from the people for their payment. The bonds thus issued must be paid, principal and interest. The money must by Congress be collected from the people by taxation, and the money thus collected must be appropriated by Congress for the payment of the debt, however unwillingly it may be done. So that, I repeat, the law empowering the Secretary of the Treasury to issue bonds of the Government practically without limit, in effect confers upon this officer, or upon the President who may direct and control him, the power, in thus contracting a public debt, at his own will and in his own discretion, to tax the people without limit. This law also practically empowers him to the same extent to make appropriations and disbursement of the public treasure without their wish or consent.

Mr. President, if Senators realize the enormity of a statute conferring such power upon an executive officer, can they possibly hesitate in the recognition of the duty of Congress to promptly reclaim and retake to itself the high prerogative of determining what amount of money shall be collected from the people, and to what public uses that money shall be appropriated after it has thus been collected?

Sir, it would seem that sufficient reason would be found for the repeal of this law in the fact that in its presence upon the statute book there is a practical abdication by Congress of the most important functions conferred upon the legislative branch by the Constitution. But this constitutional objection to this law has much additional force if it be true, as I think can be clearly shown, that in its enactment Congress never designed to confer upon the executive branch the power now exercised under it. While the law as construed by the executive department undoubtedly now confers upon the executive officer the power to create debt practically without limit, and while it is equally true that this law in its present operation practically confers on him the additional power to enforce the levying of taxes and the disbursement of the public money in accordance with his unrestrained discretion and will, it is nevertheless also true that it was not the original intent or contemplation of the statute to confer such power, and that there was nothing in its terms, under the conditions then existing, to justify the anticipation that any such power could be exercised under it by an executive officer.

The ministerial act of signing and issuing the bonds of the Government has always been delegated to the executive department, but the determination of what bonds should be issued, and when and in what amount, has always been kept within the control of Congress. It may be safely said that from the foundation of the Government the issuance of bonds has been either for the purpose of borrowing money or for the funding or renewal of an existing debt. In either case the discretion has been exclusively exercised by Congress in the issuance of such bonds. If a certain sum of money was to be borrowed, the executive department was directed to negotiate and issue bonds in the amount necessary to procure the same. If a debt was to be funded, or refunded, the executive department was directed in the same manner to issue the amount of bonds required for the purpose. In each instance the executive department, in issuing the bonds, was but the agency of the legislative department, and acting strictly within the limits prescribed by the latter department.

The act of 1875 was when enacted no exception to this general rule. The purpose of the act was to provide a fund by which the legal-tender notes of the Government should be paid in coin when presented for redemption.

The amount of these legal-tender notes was known, and when the law authorized the Secretary of the Treasury to negotiate and issue bonds at not less than par to an extent necessary to redeem all legal-tender notes presented for payment, it was in the contemplation of that act an authority to issue bonds in an amount not exceeding the total amount of legal-tender notes then outstanding. In the enactment of that law Congress never intended to clothe the Secretary of the Treasury with unlimited power to issue bonds in his discretion, and there was nothing in the conditions then existing to warrant the contemplation of Congress that the law could ever have such effect. If the original act had been carried out as designed, there would have been simply the exchange of one form of indebtedness for another by the Government, without increasing the amount of such indebtedness. For the legal-tender notes bonds in equal or less amount would have been substituted.

Under this act a portion of the legal tenders were redeemed and canceled. Finding that the cancellation of the legal tenders was too violently contracting the currency, the act of 1878 was passed requiring that the legal-tender notes when redeemed should not be canceled, but should again be reissued by the Treasury Department. By this latter act the whole nature of the act of 1875 was changed. From an act authorizing an issue of bonds which could not exceed the amount of the greenbacks, it was converted into an act which put into the hands of the Secretary of the Treasury practically unlimited power to issue bonds in his discretion. The effect in this regard of this act of 1878 was not foreseen by Congress at the time of its enactment, or doubtless at the same time the act of 1875 would have been further amended by withdrawing from the Secretary of the Treasury the power to issue bonds and reserving to Congress, to whom it legitimately belonged, to authorize thereafter such specific issues of bonds, upon such terms and under such conditions, as might be required for the redemption of the greenbacks. The possibilities of bond issues under this act of 1875 as modified by the act of 1878 did not become apparent for many years thereafter. Such possibilities never would have been developed if the Department had adhered to what was recognized for years as the law, and which I conceive still to be the law, that the authority to issue bonds was given by the statute only to be exercised when there was not in the Treasury, derived from any source, legal-tender coin in sufficient amount with which to redeem the greenbacks presented for payment. Not only is it plainly the correct construction of the resumption act that the Government should exercise the option as to which legal-tender coin it would use in the payment of its obligations, but this construction was recognized in the practice of the Government for more than fifteen years. Not only so, but the right and intention of the Government to exercise such option is emphatically announced in the act of July 14, 1890, commonly known as the Sherman Act. I will ask the Secretary to read the portion of the act of 1890 which is marked.

The VICE-PRESIDENT. The Secretary will read as indicated.

The Secretary read as follows:

That upon demand of the holder of any of the Treasury notes herein provided for the Secretary of the Treasury shall, under such regulations as he may prescribe, redeem such notes in gold or silver coin, at his discretion, it being the established policy of the United States to maintain the two metals on a parity with each other upon the present legal ratio or such ratio as may be provided by law.

Mr. GRAY. Would it interrupt the Senator if I should call his attention to the act repealing the so-called Sherman law, and the duty that by that repealing law was imposed upon the Government?

Mr. BACON. Not in the least.

Mr. GRAY. The law is in these words:

And it is hereby further declared that the efforts of the Government should be steadily directed to the establishment of such a safe system of bimetallism as will maintain at all times the equal power of every dollar coined or issued by the United States in the markets and in the payment of debts.

It seems to me, I submit to the Senator, that that imposes a duty in a somewhat different light upon the Government and the administration of the fisc of this country than that read by the Senator from the so-called Sherman law.

Mr. BACON. I am very glad of the interruption by the distinguished Senator. I think so far from that being in any manner a change, it is directly in the line of that law. In response to the inquiry of the honorable Senator from Delaware, I desire to call attention with a little more particularity to the act of 1890 for the purpose of emphasizing the proposition that the act of

1890 did not simply do what all the political platforms have done and what several statutes and resolutions of Congress have done, to wit, announce the policy of the Government to maintain the parity, but it went further to indicate the particular way in which that parity was to be maintained. I confess that I have read this law a number of times, and only within the past few days has this exact language been called to my attention.

It is plain that the act of 1890 announced it as the policy of the Government, and as the direct law as to Treasury notes issued under that law, that the Government should exercise the option and that the creditor should not exercise it. There is no other proper construction to it. It is true the law does not use the word "option"; it uses the word "discretion," but there is no other construction which can be put to it.

Mr. GRAY. Read it again.

Mr. BACON. At the request of the Senator from Delaware I will read the clause again.

Mr. GRAY. I mean just those words.

Mr. BACON. It says:

That upon demand of the holder of any of the Treasury notes herein provided for the Secretary of the Treasury—

Not "may"—

shall, under such regulations as he may prescribe, redeem such notes in gold or silver coin, at his discretion.

Mr. GRAY. Is there anything following that clause?

Mr. BACON. Yes.

It being the established policy of the United States to maintain the two metals on a parity with each other upon the present legal ratio—

Which is 16 to 1.

Mr. GRAY. I ask the Senator——

Mr. BACON. Wait a moment—

or such ratio as may be provided for by law.

If the Senator will pardon me a moment, I should like to state my proposition before he answers it. I say that no court in the construction of that language could come to any conclusion but that the use of the words "at his discretion" meant that the Government should exercise the option.

Now, it may be said that discretion of the Secretary might be exercised in permitting the creditor to choose, but there would certainly be no correct reasoning in that contention. That would defeat it, as is suggested to me by the Senator from Nebraska [Mr. ALLEN]. When the law says that the Secretary of the Treasury shall redeem in either gold or silver coin at his discretion, it does not mean that he shall exercise that discretion by permitting the other party to exercise a discretion. It can not do that.

Mr. GRAY. I think that is right. Now, what I want to submit to the fair, legal mind of my friend the Senator from Georgia is the question whether the subsequent clause of the Sherman Act, the one following the clause just read, does not impose upon that discretion a limitation in the nature of describing the object for which the discretion shall be exercised?

Mr. BACON. In this law?

Mr. GRAY. Yes, in the Sherman Act.

Mr. BACON. The one I have just read?

Mr. GRAY. Yes.

Mr. BACON. By no means. The Senator's question simply anticipates what I intended myself to discuss.

Mr. GRAY. I beg pardon.

Mr. BACON. I think every Senator here, even the distinguished Senator from Delaware himself, admits the correctness of the proposition I have just announced as to what is the true construction of the language so far as I went. The Senator from Delaware assents to it.

Now, what is the meaning of the continuing language? The continuing language does not in any manner change the nature of the language already used, but simply goes on to state the purpose to be effected by that language which it had already used. It says, in other words, practically, in order that the parity between gold and silver may be maintained, the Secretary of the Treasury, when he pays the demand obligations of the Government, shall exercise the option whether he will pay gold or silver, and he shall not leave that option to be exercised by the creditor.

Mr. ALLEN. It being in the nature of a public trust, he must exercise it in the interest of the public.

Mr. GRAY. I do not want to interfere with the Senator from Georgia.

Mr. BACON. It does not interfere with me in the least. I am happy to hear the Senator from Delaware.

Mr. GRAY. What I contend is, it seems to me, what the Senator has frankly stated, that the succeeding words do modify the use of the discretion by describing the end to be accomplished by the exercise of that discretion.

Mr. BACON. Certainly.

Mr. GRAY. There we agree.

Mr. BACON. We agree.

Mr. GRAY. What is that end? The end is:

To maintain the two metals on a parity with each other upon the present legal ratio——

Mr. BACON. Yes.

Mr. GRAY. To go further—

or such ratio as may be provided by law.

Therefore it is not an unlimited discretion, but it is a discretion to be exercised in that way which will best accomplish this purpose.

If the Secretary of the Treasury should believe, in the honest exercise of that discretion, that it was necessary, in order to preserve the parity of the two metals, to pay an obligation of the United States in gold, surely it would not be a departure from the command of the law for him to pay in gold.

Mr. BACON. Most undoubtedly not, if he has both.

Mr. GRAY. Very well; then we agree.

Mr. BACON. But the departure is in the Secretary of the Treasury entirely surrendering his own judgment as to whether gold or silver coin would best promote the parity, and permitting the creditor to say in his discretion whether he will have the one or the other, regardless of what may be the opinion of the Secretary.

Mr. GRAY. The Senator from Mississippi [Mr. GEORGE] suggests that that is a complete answer. It seems to me, if I may be pardoned for trespassing on the indulgence of the Senator from Georgia [Mr. BACON]——

Mr. BACON. The Senator is not trespassing.

Mr. GRAY. It seems to me that where the end in view is described by the law, that is, to preserve parity, and discretion given to the Secretary of the Treasury to accomplish that end, it is beside the case, and the reason that underlies the case, to say that he has surrendered the discretion to a party who demands gold, where the Secretary chooses to pay gold in order that there may be no difference in the action of the Treasury Department in its use of the two metals, in order that whatever is demanded may be paid, for the moment one metal is discriminated against, or has a discrimination made in its favor, that moment, it seems to me, there is a departure from the plain end of the law. Now, as is admitted everywhere, it seems to me, by persons who are cognizant of the methods of doing business, a demand note of the Government has to be paid in that metal which the creditor prefers at the time, in order that that duty may be properly performed by him, for the moment he refuses to do that he compels the acceptance of a metal which is not preferred by the creditor, and the discrimination between the two coins commences and the parity begins to disappear.

Mr. ALLEN. Discrimination causes disparity.

Mr. BACON. The entire proposition as stated by the honorable Senator from Delaware, so far as I can analyze it and reduce it to a single proposition, is that the Secretary of the Treasury would be justified in surrendering his own discretion and in permitting the creditor to exercise the discretion, or the option, to use the other term, in case the Secretary of the Treasury thought it the best policy to do so. The law gives him no such power. The law gives him power to say, "I will pay in gold, because I think that will best produce parity," if he wishes to do so.

Mr. GRAY. Yes.

Mr. BACON. It gives him power to pay in silver, if that will the more surely tend to produce parity. It does not give him power to say, "I think it is the policy of this Government, regardless of what may be my opinion as to the interest of the Government, to let the creditor exercise the option when he comes and says 'I will take gold.'" There would be no such power. The Secretary might think it better for the Government that the creditor should take silver.

Mr. GRAY. It is the desire of the creditor for gold that operates upon and is the reason for the exercise of the discretion.

Mr. BACON. That does not make parity. Gentlemen talk upon this floor and on the stump about parity. Because a man can with a silver dollar get a gold dollar does not make parity. Parity is where either metal will stand of itself without the support of the other; where either will accomplish the same result as the other without the assistance of the other. That is all there is in parity.

Mr. ALLEN. The law of equality.

Mr. BACON. It is the law of equality, as the distinguished Senator from Nebraska says.

I am glad this interruption has occurred, because it emphasizes the fact which escaped my notice up to within the past few days, and which I have never heard presented before, although it is on the plain surface of the law, that the act of 1890 laid upon the Secretary of the Treasury the absolute obligation to exercise his option in behalf of the Government if he thought the paying of one rather than the other coin would tend to produce parity between the two coins.

Mr. President, what can more tend to produce disparity than for the Government to admit that a coin, which it itself says is a

legal coin, is not an equal coin with the other, and that therefore a man has a right to discriminate between the two? I think that much we have heard on the coinage question would never have been heard if it had not been for the fatal mistake made by the Secretary of the Treasury in allowing that discrimination to be made. If he had said in the beginning, "Under the law these two coins are equal; under the law when you present one to me in payment for the debt due to the Government I do not ask you to give me the other. I accept either one; and under the law when you present an obligation to me for payment you must take either one, and I will exercise my judgment as to which is the one that it is more in the interest of the Government to pay"—if he had said that there would have been parity, parity not because one leans against the other or derives its support from the other, but parity because one is as strong and as tall as the other and will bear as much burden as the other. That is parity. So long as the Government admits the claim of the creditor that one is not so good as the other, and permits the creditor to say, "I will select what I will take," so long there will not be parity, certainly not under existing law.

Mr. GRAY. All that I meant to say, and I do not believe the Senator from Georgia will differ with me in that respect, is that where the Secretary of the Treasury has two coins in his possession, in maintaining the parity of which he is commanded to exercise a discretion he can only use that discretion by saying to a creditor, "Whichever of these coins you want you can have," for if he says, "You shall take one and not the other," then there is not parity maintained between them on the part of the Government. He says, "You can take either of these two coins, and therefore we show that we regard them precisely alike."

Mr. BACON. The mistake which the distinguished Senator from Delaware makes and which a great many others who think as he thinks also make is this: They confuse the idea of the parity which exists between the gold dollar and the paper dollar, which is not parity in the sense that we are talking about when we speak of the parity of two legal-tender coins. You say the legal-tender paper dollar is on a parity with gold. You use the expression "is on a parity with gold" simply because it is redeemable in gold.

The distinguished Senator and those of his school in this particular branch of politics think that all that is needed with reference to the silver dollar is that it shall have the same relation to the gold dollar that the paper dollar has to-day. I say that there is a fatal vice in that position, and that the relation which those recognize who occupy the position I do is that it shall be a parity not because one can be exchanged for the other, except so far as equality will promote exchange, but because one is as powerful as the other and will do as much as the other without reference to any support from the other.

Mr. GRAY. Then we mean different things by the word "parity."

Mr. BACON. We certainly do.

Mr. GRAY. I think it comes down to that.

Mr. BACON. We certainly do; and I am only sorry that the country at large and the men who do not have the time to investigate this matter are misled in that regard by the arguments of those who agree with the distinguished Senator from Delaware. They are confused upon the question of parity and made to believe that the question of parity between gold and silver is the same thing as the parity between gold and paper. They are as wide apart as the poles.

Mr. BUTLER. Will the Senator from Georgia permit me for a moment?

Mr. BACON. Certainly.

Mr. BUTLER. If we admit what the Senator from Delaware says, that the Secretary of the Treasury has exercised his option, then certainly the Senator from Delaware must admit that he has used his discretion badly, because the result of his option and his discretion as he has used them has been to cause a disparity and to make the disparity greater with each exercise of that option.

Mr. GRAY. On the contrary, I believe that the use by the Secretary of the Treasury of his discretion has thus far maintained the parity, and is the only thing which has maintained it.

Mr. BUTLER. He has succeeded in making the bullion value of silver come down by discriminating against it, for the Senator knows that the only way to increase the bullion value is by treating it equally and fairly with gold, and in this connection I quote the distinguished Senator from New York [Mr. HILL] in his Elmira speech, when he laid down the proposition that nothing had ever made the bullion value of silver equal to gold but treating it equally and fairly at the mints with gold.

Mr. BACON. Referring again to the act of 1890—and I say that the act of 1893 was practically a repetition of the same declaration on the part of the Government—it directly asserts the policy of the Government to maintain at the present ratio, 16 to 1 (that much-derided phrase in the act of 1890—it does not say 16 to 1, but it says present legal ratio, and that is 16 to 1), the parity between the legal-tender gold coin and the legal-tender silver coin by the exercise of this option on the part of the Government, and by refusing to permit the creditor to exercise his option in the premises. It not only asserts the general public policy as to the payment of all its obligations, but it unqualifiedly commands the Secretary of the Treasury to exercise that option in the payment of the Treasury notes to be issued under that act.

The recent contention is that parity between the gold legal-tender coin and the silver legal-tender coin is to be only maintained in the same way that parity is maintained between a gold dollar and a paper dollar, and that is by giving to the creditor the right to choose which of them he will receive in payment of his debt. But the recognized construction of the law for more than fifteen years and the plain assertion and command of the act of 1890 was that parity between the gold dollar and the silver dollar was to be maintained by treating each as standard money and by requiring the creditor to receive either which the Government in its discretion might choose to offer him.

With all respect to those who differ with me, it is to my mind an absurdity to call that a parity between two coins which permits a creditor to refuse to receive the one and gives him the right to demand the other. But however this may be in theory, the law recognized in practice by the executive department, which gives to the public creditor the right to demand and receive gold to the exclusion of legal-tender silver, is law made by the executive department and not by the constitutional lawmaking department. The making of this law by Executive order and the enforcement of it in practice, is a plain, palpable, undeniable usurpation of legislative functions by the officer of the executive department. It is not only without the sanction of the legislative department, but is directly in conflict with the laws which it has passed and with the resolutions which it has adopted.

It is not, however, my purpose in this connection to discuss at length the question whether the Secretary of the Treasury has or has not violated the spirit and intent of the law in the issuance of bonds to procure gold for the public creditor when there was at the time of such issue legal-tender coin in the Treasury with which to redeem the greenbacks. For the purposes of this argument that is not an essential question for determination at this time. Whatever may be the proper construction of this bond law in this regard, the reason and the necessity for its repeal are none the less imperative.

If it be conceded for the purposes of this argument that he has strictly pursued the law and has in no manner departed from its intent, the proposition is none the less beyond successful dispute that the exercise by an executive officer of the power in his discretion to create debt, and compel taxation, and force appropriations by Congress, is a violation of the plain intent of the Constitution. For Congress to permit such a statute to remain unrepealed is an abdication of its high prerogatives and an abandonment of its duty. Nay, more; to stand inert and submissive while the executive department, undisguisedly indifferent to the will of Congress, issues bonds and piles up debt upon the people to the amount of hundreds of millions of dollars, must necessarily bring into disrepute the legislative branch of the Government, and utterly destroy the respect to which its high office and its legitimate authority rightfully entitle it in the public esteem.

The great distinguishing feature between a despotism and a free government is the presence of a representative legislative branch, freely chosen by the people, and acting in the discharge of its legitimate legislative functions without hindrance, restraints, or attempted encroachment by the executive department. In every government, however despotic, there is found the executive department, and, as a practical necessity, also a judicial department. But a free representative legislature, free in its selection and free in the exercise of its powers, is only found in a free government, and wherever found there exists free government. The presence of the one insures the existence of the other. To the degree in which the executive department encroaches upon the legislative powers, or in which the legislative department voluntarily or carelessly surrenders its powers to the executive department, to the same degree is there a departure from the standard of a free representative government. It is a delusion to conclude that free government is assured by the mere existence of a representative branch, nominally and formally performing legislative functions. It has been my fortune to look upon a legislative assembly in which the members had been practically designated and chosen by the executive, and in which during several sittings witnessed by myself the bills which were presented for action, and which had been prepared by the executive department, elicited from no member present either motion, or suggestion, or comment. When these bills were put upon their passage, the roll call in every instance failed to show a single negative vote. And more than that, during those several sittings there was never, by any member, a motion, a suggestion, or a discussion upon any subject or measure. They did not meet to deliberate, or to discuss, or to legislate, but only to obey the executive orders. They simply voted unanimously in the affirmative upon the bills which had

been prepared for them, and adjourned. Although nominally a representative legislative body, they were in fact but the agents to register in the form of law the arbitrary edicts of the executive.

Now, Mr. President, it is not to be feared that any legislative body in the United States will ever be reduced to such slavish subserviency to Executive will and dictation. Such a condition is an impossibility to men of our race. There is certainly no present indication that they will be reduced to silence. But while it is not to be apprehended that we will ever reach such an extreme, it is not to be denied that whenever there is a surrender by the legislature to the Executive of any of the power belonging to the former, to that extent there is such subserviency. In the domain of Federal legislation, among the most important subjects are the creation of public debt, the levying and collection of taxes, and appropriation to expenditure of the money thus collected from the people. And when we permit to stand unrepealed the law which in a very large measure practically abandons to the executive department the legislative functions in regard to these important subjects, we stand in our subserviency, as repects them, in no better position than does the legislative body of which I have spoken, and which as to all measures of legislation simply obeys the command of the Executive.

At this very session, and I am glad to see the chairman of the Committee on Appropriations sitting before me when I make the assertion, in the appropriation bills are found $10,000,000 in round numbers to pay the annual interest on the $262,000,000 of bonds which within the past two years have been issued by the executive department under this law. Can it be said that in the appropriation of this $10,000,000 of interest Congress has done anything more than carry out the edict of the executive department?

Mr. ALLISON. Will the Senator from Georgia yield to me for a moment?

Mr. BACON. Certainly.

Mr. ALLISON. None of the appropriation bills provides interest on the public debt. That interest is provided by a law passed in 1862, which carries continuous appropriations for interest on the public debt without any intervention of Congress.

Mr. BACON. I understand that.

Mr. ALLISON. So we have not dealt with that question at all.

Mr. BACON. I understand that. What I mean is that the whole matter of appropriations is within the control of Congress, and that act as well as any other act is within the control of Congress, and whenever the Congress makes no change in the act appropriating money, of course it recognizes the propriety of payment under the act, because if there were an impropriety it would certainly recognize it and correct it.

Mr. ALLISON. It is not within the province of the Committee on Appropriations, except by the consent of the Senate, to propose new legislation.

Mr. BACON. I did not say the Appropriations Committee did this. The Senator from Iowa misunderstood me.

Mr. ALLISON. I understood the Senator to say we had put these provisions in appropriation bills.

Mr. BACON. I am simply calling attention to the fact that a large amount of money, to wit, $10,000,000, which will represent in round numbers the interest accruing upon the $262,000,000 of bonds issued, is an amount of interest that this Congress is bound to recognize, and it has to make provision for the payment of it. It can not exercise any discretion, either to interfere with any existing law or to make any new provision which would interfere with it in any way. That law is under the control of Congress, as any other law is. I think it ought to stand. The Senator from Iowa [Mr. ALLISON] must not misunderstand me about that. I am speaking of the fact that this is a debt which has been created by Executive order; that it did not originate in any specific legislative enactment. I am simply illustrating the fact that in the creation of the debt by Executive order there is the practical absorption of the legislative functions by the executive department; that when it creates the debt, which must be paid, Congress no longer has any discretion as to whether it will pay it, and it is the same thing as if the executive department had power to order its payment. That is the purpose for which I alluded to it.

The national honor requires that this interest on these bonds shall be paid. Whenever the principal debt is created by the Executive in issuing bonds, Congress has no discretion, but is under compulsion to appropriate money for the purpose, and is under equal compulsion to collect from the people by taxation the necessary amount of money. And so on to the end, until the maturity of these bonds issued by the Executive, Congress, without the exercise of any discretion and under compulsion, must each year levy taxes and practically make appropriation to the amount of $10,000,000 to pay this annual interest until the aggregate of interest will amount to more than $250,000,000. And at the end, the principal debt of $262,000,000 must also be paid, and the people must be taxed to this amount without the exercise of any discretion or will on the part of Congress, but under direct, absolute compulsion to levy the taxes and appropriate the money.

Mr. President, of course it must be recognized that not only in the case of these particular bonds issued through Executive order, but also in the case of bonds issued by specific act of Congress, the national honor is pledged and the principal and interest must be paid, that there can be the exercise of no discretion by Congress as to such payment, and that the Congress in office at the time of their maturity is under an obligation which can not be disregarded to provide the necessary money and to appropriate the same to such payment.

But the two cases are radically different. In each case it is the obligation of the original contract which takes away from Congress any future discretion as to the appropriation of money for its payment. In the latter case the obligation of the contract is the creation of Congress, and this obligation is subsequently discharged by Congress. The original obligation to pay, contracted through the exercise of the discretion and will of Congress, and the final payment by Congress, are in their beginning and ending the acts of the legislative department, acting throughout within its constitutional functions.

But in the former case, where the executive officer acts in his discretion under a power delegated by a general law, the executive department alone exercises the discretion and the will by which the obligation is created, and under which the compulsion of payment is laid upon Congress.

It is too plain for serious dispute that in the issuance of bonds under this existing law, and in the exercise of his discretion and will in such issuance, asking neither yea or nay of anyone, the executive officer practically performs the legislative functions in the creation of debt, and in the taxation and appropriation required for the discharge of that debt.

In a great matter vitally affecting the interest of the people, the protection of which has by the Constitution been particularly and exclusively confided as a duty to the legislative department, the Executive commands, and Congress has but to obey. In truth, Mr. President, the office performed by Congress in this regard hardly rises to the dignity of obedience. This highest legislative body becomes scarcely more than the pawn moved upon the governmental chessboard by the Executive hand.

The legislative is, under the Constitution, the highest branch of this Government. To it the officers of all other branches of the Government are answerable as to a tribunal of final power. To it have been committed by the Constitution the great governmental functions and powers, with the particular design and intent that they shall not be exercised by the Executive; that, wrested as they were from the grasp of kings, these powers should never again be within the control of any one man. Upon those clothed with these high prerogatives rests the strongest obligation to carefully see to it that the exercise of these great powers, or of any one of them, shall not intentionally, or through inadvertence, pass from the legislative to the executive department.

It may seem idle to seriously discuss the encroachment by the Executive upon the legislative department; but it is not without significance not only that Congress should contentedly acquiesce in the practical and continued exercise of the most important legislative functions by the executive department through the means of this bond law, but that a subaltern in the Treasury Department should openly set at naught the commands of regularly enacted law, and no movement be made in Congress to return him by the shortest route to the avocations of private life.

It bodes no good to the constitutional limitations of the great departments of our Government that such things can be. The cloud on the horizon may not be larger than a man's hand, but it is plainly discernible, and it may in time overspread the entire heavens.

From exercising legislative functions by the executive department it is but one step to the influence and control of elections by the same department, and the control of the elections by the executive department means the absolute domination and dictation of legislation.

The time when encroachment upon right should be resisted is in its beginning. The point at which to grapple with an invader is where he first sets foot upon the border.

Mr. President, what has been already done under this bond law can not be undone. The evil which has already been accomplished must be endured. The mountain of debt which has been piled up on the people must be borne for the period of a generation, and every year during that full period the earnings of every branch of industry must be taxed for its payment. This enormous and unnecessary debt has added not one dollar of value to the products of the field, of the mine, of the factory, or of the fruits of any other productive enterprise. And yet it must be paid by the people of this country to the last dollar, principal and interest, aggregating the vast sum of more than $500,000,000; and among all the people there is no one who is personally so poor or whose avocation is so humble but what he will each year pay his portion of it. Out of the pittance of the poor as well as out of the abundance of the rich the Government will each year collect a tax for the

payment of the principal and interest of this bonded debt thus created by Executive order. No one will escape. Each and every one in the whole land must pay his portion.

But however fixed and irretrievable is this calamity of the past, the fact can not be too strongly emphasized that if this bond law is permitted to stand unrepealed, Congress, in so doing, with the full knowledge of its practical operation, is deliberately and designedly surrendering to the executive department for the future the legislative power over the great and vital subjects of contraction of debt, the levying of taxes, and the appropriation of money. Not only so, but in refusing to repeal this bond law, Congress will furthermore be consenting that for the sole purpose of maintaining the gold standard, a still further bonded debt of hundreds of millions of dollars is hereafter to be added to the five hundred millions of principal and interest already contracted through Executive order to be paid for this purpose. And yet more; in refusing to repeal this bond law Congress will be also consenting that the greenback currency shall be withdrawn from circulation to the same amount for which bonds are issued. Congress must be assumed to consent to that which it knows will certainly occur when it refuses to exercise the power it has to prevent it.

There is no one so credulous as to believe that with this bond law unrepealed the issuance of bonds by the executive department has ended. It is not to be doubted that more bonds are to be issued for the same purpose that they have been issued for in the past. We have the word of the Chief Executive that these bonds have been issued to maintain the gold standard, and not for the purpose of paying the expenses of the Government. I have, upon a former occasion in the Senate, quoted this statement of the President, and I quote it again, because, in my opinion, the fact can not be too strongly or too often pressed home to the knowledge and the realization of the people that this stupendous debt of $262,000,000, which with the interest will amount to more than $500,000,000, has been laid upon their weary shoulders, not to pay any debt of the Government, not to pay any expenses of the Government, but solely and exclusively to maintain the gold standard. Whatever may have been the disposition made of any part of the proceeds of these bonds, the assertion of the President is that they were issued to maintain gold payments.

The President in his last annual message, sent in December, at the opening of Congress, said what I will insert in my remarks. I shall not take the time of the Senate to read it. I have the passage marked here, and any Senator can see it. I shall incorporate it in my speech.

Mr. ALLISON. It seems to me the Senator from Georgia should at this point state that from $136,000,000 to $139,000,000 of the money thus borrowed has gone to pay the current expenses of the Government.

Mr. BACON. In a subsequent part of my speech, which I have nearly reached, I will discuss that very question; and I think that furnishes one of the very strongest arguments which can be used in favor of the repeal of the law.

Mr. ALLISON. The reason why I call the Senator's attention to it is because I understood him to say a moment ago that all the money had been used for the maintenance of the gold standard.

Mr. BACON. No, sir; the Senator from Iowa misunderstood me. I said that whatever disposition had been made of the money, the issuance of the bonds had been for the purpose solely of maintaining the gold standard. I have here marked the extract from the President's last annual message in which he makes that statement, and which I did not propose to occupy the time of the Senate in reading, because I am satisfied everybody recollects it, and I simply proposed to incorporate it in my remarks. I think, however, that the suggestion of the distinguished Senator from Iowa is one of the most pertinent ones connected with the whole question, and I hope I may have the opportunity before concluding to present some views to him upon that subject. This is what the President said in his last annual message:

> It is possible that the suggestion of increased revenue as a remedy for the difficulties we are considering may have originated in an intimation or distinct allegation that the bonds which have been issued ostensibly to replenish our gold reserve were really issued to supply insufficient revenue. Nothing can be further from the truth. Bonds were issued to obtain gold for the maintenance of our national credit. As has been shown, the gold thus obtained has been drawn again from the Treasury upon United States notes and Treasury notes. This operation would have been promptly prevented if possible; but these notes having thus been passed to the Treasury, they became the money of the Government, like any other ordinary Government funds, and there was nothing to do but to use them in paying Government expenses when needed.
>
> At no time when bonds have been issued has there been any consideration of the question of paying the expenses of Government with their proceeds. There was no necessity to consider that question. At the time of each bond issue we had a safe surplus in the Treasury for ordinary operations, exclusive of the gold in our reserve. In February, 1894, when the first issue of bonds was made, such surplus amounted to over $18,000,000; in November, when the second issue was made, it amounted to more than $42,000,000, and in February, 1895, when bonds for the third time were issued, such surplus amounted to more than $100,000,000. It now amounts to $98,072,420.30.
>
> Besides all this, the Secretary of the Treasury had no authority whatever to issue bonds to increase the ordinary revenues or pay current expenses.

This relates to the first three bond issues and states the amount of surplus in the Treasury at the date of each of them. Since the date of that message $100,000,000 more of bonds have been issued for the same purpose, and at the date of that last issue the Treasurer's account showed the balance in hand of about $180,000,000. So that even if we had the guaranty of a large continuing balance in our favor in the Treasury, it would be no defense against the future issue of bonds if this law remains in force. One hundred and eighty millions of dollars in the Treasury in February last did not protect the people against the issue of $100,000,000 of bonds, and a like amount in the Treasury in the future will be equally impotent to protect them against an equal or greater issue of bonds within the next few months.

It can not be too often repeated that the people of the United States have been, through an Executive order, loaded with a debt of $262,000,000, besides an equal amount in interest, as the money price they have been required to pay for maintaining the gold standard for a little more than two years; and there is every indication that in the succeeding twelve months there will be added to this another payment by the people of certainly $100,000,000 of bonds, and probably twice that amount. This tribute which the people have already been compelled to pay in time of peace, solely to maintain the gold standard, added to the additional payments which, in all probability, will be exacted of them in another year, will, with the accruing interest, equal the amount which Germany, with the pent-up animosity of a century, exacted as a ransom from France when she lay crushed and helpless at the mercy of her hereditary foe.

While one creditor has as much right as another to demand gold, it is nevertheless true that, with one exception, all the creditors of the Government, excepting only one class, are content to be paid in silver, and, with that exception, practically all of them are now paid in silver or silver certificates. But whenever this favored class of public creditors, those who seem to be the chief objects of the concern and solicitude of the Government, those who toil neither in the field, nor in the mine, nor in the factory, nor in the workshop, but who each year gather untold wealth for themselves out of the products of the toilers in these and other spheres of productive industry, when they demand gold it is given them, and then more bonds are issued to gather in more gold, to be again paid to this class when they call for it. Under this law and its practical operation as administered by the executive department, our people are to be buried neck deep in debt in order that we may say to this favored class, and through them to all the world, "Here is gold; come and get it."

Each time the gold is drawn out the load of public debt is increased in fabulous amounts; each time the greenbacks and Treasury notes to an equal amount are locked up in the Treasury. At the same time that the public indebtedness is increased, the currency of the country is contracted. When the last bond issue was made in February, one hundred millions of the paper currency of the country was withdrawn from the circulation of the country and locked up in the Treasury, and more than that amount is there to-day, practically useless for the business needs of the country, while a corresponding amount of interest-bearing debt is demanding and exacting increased tribute from the people. There has already begun the outflow of the gold gathered into the Treasury but yesterday at such stupendous cost. Thirteen million dollars of it has gone, and of this $8,000,000 went in the past week.

Is there a Senator who doubts the fact that this drain of gold will continue and that within a few months it will be gone, and that under the existing law and the established practice of the executive department another hundred millions of bonds is again to be soon issued? It is not to be denied that in the withdrawal of the gold another hundred millions of greenbacks will be locked up in the Treasury. This hundred millions added to the amount already there and to the reserves will make more than $250,000,000 which, if this bond law stands unrepealed, will within the next few months be hidden away in the Treasury vaults and practically destroyed to the business purposes and necessities of the country. This is one-half of the whole paper currency of the Government. There is a most powerful and active element in the country, under the lead of the Chief Executive of the Government, openly advocating the retirement and cancellation of all the greenbacks and Treasury notes without any provision of law substituting any other currency therefor. To lock this currency up in the Treasury will effect their purpose as thoroughly as would be accomplished by their cancellation. When thus withdrawn from circulation and hidden away in the Treasury vaults, these bills are as effectually destroyed for all business purposes as if given to the flames and reduced to ashes.

Those who favor the retirement of our paper currency have the pecuniary means with which to accomplish this practical retirement by two or three successive withdrawals of the gold reserve, at each time paying into the Treasury a like amount of greenbacks and Treasury notes to be added to the hidden store in the Treasury vaults. The bond law remaining unrepealed upon the

statute book gives the opportunity for this practical destruction of the paper currency of the Government. It has already been partially accomplished. Unless in the repeal of this bond law we arrest the further progress, it can not be doubted that in the near future it will be accomplished in a much larger degree, if not in its totality.

In his last annual message the President recommended to Congress the retirement and cancellation of the greenbacks and the issuance of interest-bearing bonds in lieu thereof. The proposition was unqualifiedly condemned by the utterances of Senators and Representatives of every political party in Congress, and never commanded sufficient support to secure even the introduction of a bill to carry it into effect.

The PRESIDING OFFICER (Mr. CHILTON in the chair). The Senator from Georgia will suspend a moment. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A resolution reported by Mr. MITCHELL of Oregon, from the Committee on Privileges and Elections, "That Henry A. Du Pont is entitled to a seat in the Senate from the State of Delaware for the full term commencing March 4, 1895."

Mr. PLATT. If there is no objection, I should hope that the resolution might be laid aside temporarily to allow the Senator from Georgia to conclude.

The PRESIDING OFFICER. Without objection, it will be so ordered.

Mr. BACON. I am much obliged for the courtesy of the Senator from Connecticut. I will state that I have occupied very much more time than I anticipated because I have been led off into side discussions, to which I had no objection except in the interest of time.

What Congress refused to do by legislation, and what ordinarily could not have been accomplished without legislation, the executive department has, under the existing bond law, accomplished to the amount of one hundred millions of dollars by an executive order. The tide has already turned; the process of repetition has already begun, and in a brief period of time another hundred of millions of greenbacks will be retired by another Executive order, not only without legislative enactment, but in the face of the refusal of Congress to make such legislative enactment. And here again we have, in the practical operation of this unrepealed bond law, the legislative power practically put into the hands of the Executive, and the practical abandonment by Congress of the high legislative functions exclusively confided to it by the Constitution. Under this law not only has the Executive the powers properly belonging exclusively to the legislative branch—to contract debt, to force the levying of taxes, and the making of appropriations—but also the power to retire and practically destroy for business purposes the greenback currency as effectually as if canceled by an act of Congress. This is the practical exercise by the executive department of the highest legislative functions.

There is still another feature of this bond law in its practical operation under which the executive department exercises powers properly and exclusively belonging to the legislative department.

And now I come to the particular part to which the distinguished Senator from Iowa [Mr. ALLISON] called my attention, and I beg his attention to the suggestion which I have to make upon it, because it seems to me to be of the most vital character for the consideration of Congress.

Under the provisions of this law all money arising from the sale of bonds is paid into the general fund in the Treasury and is subject to be paid out by the Secretary under any appropriation made by Congress. That is recognized by everybody. There is no denial of the fact that money arising from the sale of bonds is so deposited in the general fund and has been paid out for general purposes.

The Senator from Iowa states that $139,000,000 of it has been so paid. Senators on this floor within the past few days in the discussion of the appropriation bills have warned the Senate that excessive appropriations would result in the issuance of more bonds, thus recognizing that the Executive in the issuance of bonds under the existing law is, indirectly by this means, through a mere Executive order, contracting debt, the money arising from which is devoted to the payment of the expenses of the Government. The President in his last annual message emphatically states that there is no authority in the Secretary of the Treasury to issue bonds for this purpose, and yet under the existing law now sought to be repealed, there is the exercise of this authority by which, through an Executive order, debt is contracted and the money realized from the same is applied to the payment of the current expenses of the Government.

Now, here is the important consideration which I suggest in this connection: There can be no question that under the Constitution it is the duty, and exclusive power of Congress, to provide the money with which the expenses of the Government are paid, and it matters not in this regard whether the money is provided by loan, or by revenue from taxation. In either case the power and the duty and the responsibility in this regard are those of Congress alone. Any law, or device, or evasion by which this money is provided by the executive department, without direct legislative authority for that purpose, is an encroachment upon the legislative power, and is distinctly a violation of the Constitution, both in its letter and in its spirit.

Sir, I have said that a free representative branch is the distinguishing feature of a free government. I will go further and say that a fundamental principle in every such free government is that the legislative department shall control the raising of all the money needed by the government, and that the executive head shall not have the power to raise a dollar by taxation, forced loan, or otherwise, except by the consent of the representative branch of the government. It is of the very essence of free government that this should be so. It is the vital principle that the hand which wields the sword shall not control the purse. In the maintenance of this great principle those from whom we have derived our laws and our free institutions, have counted treasure as but dross, and blood as no more than water.

A denial of this principle and its practical overthrow, is an attack which passes the outer works and assaults the inner defenses of free representative government.

From the highest official source in this Government, and upon an historic occasion during the present week, we have heard the following:

> The perpetuity of our popular government depends upon our fidelity to the principles upon which it rests.

It was the utterance of a great political truth, and there is no principle more fundamental to those free institutions than that which requires that the executive head shall have no power to raise any money for the support of the Government, or for the payment of its expenses, but that all such power shall be exercised alone by the legislature.

Mr. PEFFER. Allow me to interrupt the Senator just at this point. I wish to call attention to the fact that whatever responsibility may rest upon the Senate in this matter, two years ago and more, immediately after the first issue of bonds, I took occasion to call attention to the matter in the Senate. I delivered an address of some length, pursuing the same line of argument that the Senator has to-day. So whatever responsibility may rest upon the Senate, the Populists are clear.

Mr. BACON. I regret that I have not had the opportunity to read the speech of the distinguished Senator from Kansas, otherwise it might not have been necessary for me to occupy so much of the time of the Senate in repeating what probably the Senator has already better said.

Mr. PEFFER. I did not intend to make such an allusion. I am delighted with the Senator's remarks. I am very much interested.

Mr. BACON. I am much obliged.

Mr. President, there is a wide difference in the views of various Senators relative to the issuance of bonds, and especially with reference to the issuance of bonds to maintain the gold standard. There are those who think bonds should be issued and sold whenever the gold in the Treasury has, under our suicidal system, with recurrent periodicity been drawn out below a certain point. There are others of us who think that no bonds should be issued in time of peace, except perhaps in making provision for the public defense, where the emergency may demand it. And especially do those of this class think that no debt of hundreds of millions of dollars should be heaped up on the people of this and future generations through the issuance of bonds to replenish a gold reserve, so long as there is in the Treasury a sufficiency of legal-tender coin which the Government itself receives in the payment of all dues to it.

But, Mr. President, it matters not, so far as the question now under consideration is concerned, whether Senators are of opinion that bonds should or should not be issued. The point is, that even if it be proper that bonds should be issued, their issuance should be authorized and controlled by Congress alone, and that the executive department should not have the power which is now exercised to issue bonds without restraint and without limit. Why, sir, when the last issue of one hundred millions was about to be made, it was generally reported that the executive department contemplated the issuance of either one hundred millions, or two hundred millions of bonds. The public and Congress were in doubt which amount it would be. The Congress of the United States, invested by the Constitution with the duty and the responsibility of all legislation of every kind and degree, and especially charged with the direct control of all matters affecting the contraction of debt and the expenditure of money, sat here while this question so gravely affecting the public interest was being decided at the other end of the Avenue. Senators and Representatives, clothed with the high functions giving the right and imposing the duty to control this matter in its every detail, had no more connection with it, and no more influence over it, than the Lords and Commons of the British Parliament. And if to-morrow morning, or the day

after we shall have adjourned and hurried away to attend political conventions, it were announced that the executive department had determined to issue one hundred millions, or two, or even three hundred millions of bonds, so long as this bond law remains unrepealed, where is the power to say it nay?

Mr. President, is it to be recognized as the permanent policy of this Government that the executive department is to exercise in its discretion the power to contract debt and to issue bonds? Is Congress for all time to surrender to the executive department this high legislative prerogative which the Constitution says shall be exercised only by Congress? If not, there is no time like the present for the repeal of this law. If the propositions I have discussed are sound, the time can not come too quickly when Congress shall reassume its constitutional legislative functions, and confine the executive department within its legitimate sphere of duty and of power. I repeat, that either in our action or nonaction the responsibility for the future issuance or nonissuance of bonds is upon us, and can not be escaped by us.

Mr. President, we spend days and weeks discussing questions of appropriation and of expenditure. Shall we be silent, either in speech or in vote, when there is presented the great issue—shall any one man be invested for the future with the more than royal power, in his discretion and without limit, to burden the people with debt to untold millions, and shall the executive department be clothed with the most important legislative functions conferred by the Constitution upon Congress! Let the record show in their votes how Senators and Representatives, and how the political parties they represent, stand upon this vital question.

TO PROHIBIT THE FURTHER ISSUE OF BONDS WITHOUT THE ADVICE AND CONSENT OF CONGRESS.

Mr. BUTLER. Mr. President, we have just heard from the distinguished Senator from Georgia [Mr. BACON] a very able, timely, and patriotic speech on a very important question. His argument showing that the Secretary of the Treasury has no power under existing law to issue bonds is conclusive to my mind; but a number of Senators, or rather only a few, I trust, including the Senator from Delaware [Mr. GRAY], claim that the Secretary of the Treasury has that power. As the Senator from Georgia, however, has shown, even the President of the United States himself admits in an official document that the authority is not clear, that it is doubtful authority, and that he hesitated to issue bonds under such questionable legal authority.

But there are other points in the Senator's speech which are beyond controversy. When he proceeded to show that when Congress——

Mr. BACON. I will say to the Senator from North Carolina that in each instance where I spoke of the power of issuing bonds under the bond law I qualified it by saying "as construed by the executive department."

Mr. BUTLER. Exactly. I fully concur with the argument which the Senator made upon that point, and I have no doubt his argument was conclusive; but there is controversy on that point, though there is no controversy on the point made by the Senator, to the effect that Congress is responsible for the issue of those bonds so long as we sit still and allow the Executive to use the questionable authority to issue bonds. Not only that, but the Senator from Georgia made it clear that it was the duty of every Senator upon this floor, whether he favored or opposed the issue of bonds, to take back this power and responsibility to the legislative branch of the Government in Congress, where they belong, and prohibit the Executive from piling up a limitless amount of debt upon this country to be paid by future generations. In my opinion Congress has no power under the Constitution to delegate such power to the Executive, and if it has done so we should make haste to correct such a grave and dangerous error.

Another point which the Senator made clear was that if Congress did not act, if Congress did not by positive enactment tell the Executive he should not issue further bonds, before the next session of Congress we shall have another issue of bonds of $100,000,000; and possibly $200,000,000 of bonds.

The Senator called attention to how much gold was being drawn out of the Treasury by the exercise of this "endless chain" business that has been started up. He truthfully called attention to the fact that over $1,000,000 a day is now being drawn out without anything to show for it. I have here a statement from an Associated Press dispatch, under date of May 13, which shows that over $49,000,000 has been drawn out through this endless-chain process since February 1. I will ask the Secretary to read that press dispatch.

The PRESIDING OFFICER. The Secretary will read as requested, in the absence of objection.

The Secretary read as follows:

TREASURY GOLD RESERVE $114,000,000—LOSS SINCE FEBRUARY 1, $49,000,000.

WASHINGTON, *May 13*.

The withdrawals of gold from the Treasury to-day were $1,535,900, which reduces the Treasury gold reserve to $114,456,381. The last bond issue of $100,000,000 in February raised the reserve to $128,000,000, but since that point was touched the reserve has steadily declined. All the gold due from that bond issue—$111,000,000—with the exception of $600,000 has been paid into the Treasury. Since February 1 last the Treasury has lost $49,000,000 in gold. The loss this month has been $11,500,000, and since the beginning of the fiscal year, July 1, 1895, $140,000,000.

Mr. BUTLER. Mr. President, every Senator receives a statement issued by the Treasury Department every morning. If he will notice the first figures to the right, marked with a star, he will observe that for the last week or more there has been more than a million dollars of this gold reserve withdrawn every day, and there is every indication that that will increase. How long will it be, with this drain of gold from the Treasury, before the Executive will issue more bonds? Will Congress sit still? Shall we adjourn this session without putting some check upon the Executive in this matter? If we at least do not make some effort, as the Senator from Georgia has so ably and timely said, then every Senator who does not go on record against this monstrous business stands responsible with the Executive for such action.

The Senate has passed a resolution, introduced by the Senator from Kansas [Mr. PEFFER], to investigate the last bond deals. This was proper. Now let us prohibit the further issue of bonds without the consent of Congress, so that there will be no more bond scandals to investigate.

The Senator from Kansas [Mr. PEFFER] timely called attention to the position of the People's Party on this question. We stand ready at any hour to give six votes to either side that will stop this debt-increasing and currency-contraction infamy; and in order to test this matter, I ask now, Mr. President, that a day be fixed when this body will take up the bill which I have introduced and pass it, or at least consider it. I ask the Secretary to read the bill, so that Senators will know what it is.

The Secretary read the bill (S. 1341) to prohibit the further issuance of interest-bearing bonds without the consent of Congress, as follows:

Be it enacted, etc., That the issuance of interest-bearing bonds of the United States for any purpose whatever without further authority of Congress is hereby prohibited.

Mr. BUTLER. I ask the Secretary to state when that bill was introduced.

The SECRETARY. Introduced January 3, 1896, by Mr. BUTLER.

Mr. BUTLER. I gave notice that I should call up that bill for consideration on the 11th of March. At that time there were several privileged questions before the Senate, one of those being the Du Pont case, which is now before the body and will be decided this evening at 5 o'clock.

Mr. President, out of consideration for the appropriation bills and the questions of privilege before the Senate I have not called up this bill heretofore, but I wish now to ask unanimous consent to call up the bill to-morrow morning for consideration immediately after the finishing of the morning routine business.

Mr. HILL. Mr. President, the Senator from Oregon [Mr. MITCHELL] has given notice that he will call up his joint resolution to amend the Constitution, unless prevented by the consideration of an appropriation bill. I have already given notice that at the conclusion of that matter I should bring forward a bill, which has been on our files for some time, relating to the punishment for contempts. Those are notices which have been given here, and I therefore shall object to anything else coming in between them.

Mr. BUTLER. Mr. President, the notice given by the Senator from Oregon places the consideration of his joint resolution after House bill 8109, which is the appropriation bill for fortifications and other defenses. Therefore, I ask for this bill to come up to-morrow at 2 o'clock. This will not interfere with the notice given by the Senator from Oregon.

Mr. HILL. I have also given notice that I should move, if there is any opportunity between appropriation bills, to take up another bill. I ask that the Secretary read my notice.

The PRESIDING OFFICER. The notice given by the Senator from New York will be stated.

The Secretary read as follows:

May 13, 1896.—By Mr. HILL: That at the first opportunity he would call up for consideration S. 2984, in relation to contempts of court.

Mr. HILL. Therefore I shall object to the request of the Senator from North Carolina.

Mr. BUTLER. Then, Mr. President, I wish to make another proposition for unanimous consent. I ask that when the pending appropriation bill——

Mr. MITCHELL of Oregon. I wish to say to the Senator that I shall be compelled to call for the regular order on which we have agreed to vote to-day.

Mr. BUTLER. I will make one other request, and then I shall give way. The last appropriation bill now before the Senate is the appropriation bill providing for the expenses of the District of Columbia. The others are still in committee, and have not been reported. I ask unanimous consent that the bill I have introduced shall be taken up immediately after the disposition of the District appropriation bill. The Senator from New York will have an opportunity between now and then——

Mr. HILL. I object to farming out the time of the Senate in

advance. The Senator can at some interval move to take up his bill, and test the sense of the Senate upon that proposition; but I object to a unanimous-consent agreement, which must give way to appropriation bills, and give way to other notices which have been given in advance. I shall not only object to the consideration of the Senator's bill, but to the consideration of any other bill which purports to put measures so far in advance.

Mr. BUTLER. Then, I wish to ask the chairman of the Committee on Appropriations when he wishes to take up the District appropriation bill, which is the next appropriation bill now before us?

Mr. TELLER. I am in charge of the District appropriation bill, and I desire to have it taken up very soon, in a few moments, if there is no objection to it.

Mr. BUTLER. Does the Senator desire to take it up to-day?

Mr. TELLER. If I can.

Mr. BUTLER. Then, I give notice now that I shall move after——

Mr. TELLER. I will say to the Senator that I have agreed to yield to the Senator from West Virginia [Mr. FAULKNER] to call up a bill concerning gas and electric lighting in the District, because of the importance of that being disposed of before we pass the District appropriation bill. We wish to have that bill passed, because we have undertaken to deal with the matter in the District appropriation bill, and it is better that we should have that bill acted upon so as to be able to deal with the subject more intelligently on the appropriation bill.

Mr. BUTLER. Then, I give notice that, at the conclusion of the District appropriation bill or when that bill goes into conference, I shall move to take up for consideration and final action the bill which I have just had read.

Mr. MITCHELL of Oregon. I ask for the regular order.

Mr. ALLEN. I rise for the purpose of asking a question, if the Senator from Oregon will permit me.

Mr. MITCHELL of Oregon. I yield for a moment.

Mr. ALLEN. Not particularly to ask a question, but to state a little matter of history in conjunction with the bill which has just been under discussion.

This measure is not new in this Chamber. In 1894, before the first bond issue, which was in February following, I introduced a bill in the Senate and had it referred to the Committee on Finance, to repeal the provisions of the resumption act of 1875 authorizing the issuance of bonds. The Committee on Finance at that time was in the hands of the Democratic party. The bill was never reported; it was never either reported favorably or reported unfavorably; it did not meet the dignity of a report one way or the other in that committee. I introduced before that time a resolution, and discussed it in January, 1894, with the Senator from Ohio [Mr. SHERMAN], declaring that the resumption act of 1875 had been repealed by fulfillment, and expressly repealed by the act of May 31, 1878. No action was taken. The Democratic party then was in possession of this Chamber.

Mr. BUTLER. I have read the Senator's very able argument on that question, and it seems to me it ought to have convinced the Senate.

Mr. ALLEN. During this Congress, not to exceed five or six weeks ago—I do not recall the bill; it was one of the appropriation bills, however—I offered an amendment to that bill, declaring that the President or the Secretary of the Treasury should not issue bonds without Congressional action, which, of course, amounted to an implied repeal of the act of 1875, and Democrats and Republicans alike joined in voting down that amendment. Now, it is a singular discovery that the junior Senator from Georgia [Mr. BACON] has made over two years after I pointed out in this Chamber that this system of redemption which Mr. Cleveland now calls——

Mr. MITCHELL of Oregon rose.

Mr. ALLEN. I shall not disturb the Senator from Oregon, as I shall be through in a moment.

As to the system which Mr. Cleveland now calls "the endless chain," I had pointed out before that time, in 1894, the consequences that would follow this system of redemption; and with the permission of the Senate, I desire to refer briefly to what was said on that occasion. I read from the CONGRESSIONAL RECORD of January 25, 1894, page 1379, as follows:

Let me illustrate the monstrous result of such a construction—

Speaking of the construction of the resumption act of 1875—

Suppose the banks of New York, Boston, and Philadelphia should combine to deplete the Treasury of its gold, as they could and are likely to do, and each week purchase and present at the Treasury Department for redemption the entire volume of outstanding legal-tender notes. Under the construction given the law by the Secretary of the Treasury these notes are redeemable in gold. It would be the duty of the Secretary to pay the entire sum in gold, which would take $346,681,016 weekly. In one year they would be able to take out, by this weekly redemption, $18,027,413,832, and in the four years that cover the term of office of the Secretary of the Treasury they would be able to take out $72,109,651,328, and the Secretary of the Treasury would be compelled to issue interest-bearing bonds to this amount to replace the coin thus paid out. This is the position to which every Senator who espouses Mr. Carlisle's construction of the statute is driven.

Mr. MITCHELL of Oregon. I feel obliged to call for the regular order. The Senator will remember there is to be a vote at 5 o'clock.

Mr. ALLEN. I will speak to the regular order just a moment, then.

Mr. MITCHELL of Oregon. There are some speeches to be made on the Du Pont case.

Mr. PLATT. I believe I have the floor on the regular order.

Mr. ALLEN. I had just a word more which I wanted to quote. However, let it go. I did not suppose the Senator from Oregon would want to chop this important history up into bits.

Mr. MITCHELL of Oregon. Of course not; but the Senator from Nebraska knows that there is an order, by unanimous consent, that we shall take an important vote or votes this evening at 5 o'clock. The Senator from Connecticut [Mr. PLATT] has the floor on that question, the Senator from Wisconsin [Mr. VILAS] desires to address the Senate, and perhaps there may be some other remarks. Under the circumstances stated, the Senator certainly can not object.

Mr. ALLEN. I understand. I do not need to be catechised.

Mr. MITCHELL of Oregon. I am not catechising; but the Senator comes back at me as if I had been guilty of some discourtesy.

Mr. ALLEN. I do not know but that I think so.

SENATOR FROM DELAWARE.

The Senate resumed the consideration of the resolution reported by Mr. MITCHELL of Oregon, from the Committee on Privileges and Elections, February 18, 1896, as follows:

Resolved, That Henry A. Du Pont is entitled to a seat in the Senate from the State of Delaware for the full term commencing March 4, 1895.

The pending question being on the amendment of Mr. TURPIE, to insert the word "not" before the word "entitled," and to strike out the last clause of the resolution; so as to read:

Resolved, That Henry A. Du Pont is not entitled to a seat in the Senate from the State of Delaware.

Mr. PLATT. Mr. President, I had nearly concluded last evening all that I desired to say upon the proposition which I was discussing when I was asked to yield for the consideration of pension bills. I shall not occupy the time of the Senate to any great length this morning. The importance of that proposition seems, in my own opinion at least, to justify me in stating a little more fully what I conceive to be the power and the right of the Senate of the United States to make inquiry with regard to the election of its own members.

I had said that in my opinion there was no limitation upon the right and power of the Senate to make any inquiry relating to any essential question as to whether a person claiming a seat in the Senate had been properly or legally elected. The issue which is made by the minority of the committee in this case is, stated briefly, that the Senate can make no inquiry whatever as to the right of a member of the legislature of a State in either branch to have voted for a Senator, and by implication would go so far as to hold that we can not even inquire as to whether that vote was purchased or secured by any corrupt or fraudulent means.

I had said that, although the doctrine had never been pushed so far as claimed here except in one case, which is called the Turpie case, there had been in the utterances of majority and minority members of the Committee on Privileges and Elections a tendency to concede to some extent the doctrine that there was a limitation upon the power of the Senate to investigate and inquire and judge of the election of its own members. I do not think that any election case in the Senate has turned upon that question, however, except the Turpie case, to which I have alluded, and shall allude somewhat hereafter.

I had said last evening, or started to say, that I thought this tendency to remit to the State legislature or the separate houses thereof the exclusive right to determine who might vote and who was entitled to vote for a Senator grew out of a mistaken idea which prevailed in the early history of this country with regard to what was supposed to be the sovereignty of the States; that it was an utterance of the extreme doctrine of State rights; and the case from which I read, the case of Potter *vs.* Robbins, and the citations which I made from the majority of the committee and also from the views of the minority of the committee show that that doctrine was placed upon that idea of the absolute sovereignty of the States and the rights of the States. Admitting that the House of Representatives might inquire into the primary capacity, into the right of suffrage, the majority of the committee in the case of Potter *vs.* Robbins say that—

The right of the House of Representatives to judge of the elections of its own members "opens a much wider field of inquiry and investigation than a like contest for a seat in the Senate, which is a body wholly federative in its character and organization, and whose members hold their appointments from and represent the States as political sovereignties."

Mr. President, that is no longer the doctrine of the Republic. This Government is no longer a federation. It never was, strictly

speaking, a federation. The idea that a Senator represents nothing but the political sovereignty called a State is no longer the doctrine of the Senate or of the Nation. "A body wholly federative in its character." What does "federative" mean? The word "federal" is synonymous with, or at least relates to, a treaty, a league, a compact, a confederacy. In the early history of our Government it was supposed that in its constitution and character it was simply a confederacy of States, a league, a compact between States, and not a Nation; but little by little that view has been combated in the Houses of Congress, before the people, and at last by the grand arbitrament of war, so that there is no longer an opportunity to say that this is a federative body merely. This is one branch of a National Government—admitted so now—and Senators do not, in the strict sense in which it was formerly asserted, represent merely the political sovereignty of the States.

The idea may have prevailed in earlier days that Senators represented what may be called the quasi corporation named a State; the political entity as distinguished from the people of the State; but Senators represent to-day, I think it will be admitted, as truly the people of a State as the member of the House of Representatives represents the people of the district from which he is elected. When a Senator comes here from a State he becomes something more than the mouthpiece of the corporation called a State or that thing which is designated as a political sovereignty. He becomes a member of a branch, which is a part of the National Legislature, and which has to do with every interest and with every man and with every question which may arise within the bounds of a great and magnificent Nation or affecting any one of its great number of people.

So it was, while it was thought necessary in those early days to assert the absolute sovereignty of the States and the limited character of representation by Senators of those political sovereignties, that this doctrine had its start. The circumstances which gave rise to it have disappeared; and yet it is sought here, after the disappearance of the circumstances and the opinions which gave rise to it, to insist upon its application to an extent that it has never been insisted upon in the history of the Senate. Gradually that idea thus contended for and, as Senators say, adopted in the case of Potter *vs.* Robbins, has been broken down in other respects. For instance, the majority of the committee claimed in that case, and the minority sanctioned the claim, that to admit that the Senate had power to judge of the legality of the votes cast for Senator—

> Would also lead to investigation into the motives of members in casting their votes for the purpose of establishing a charge of bribery or corruption in particular cases.
>
> * * * * * * *
>
> These matters—

Referring to bribery and corruption—

> your committee think, properly belong to the tribunals of the State, and can not constitute the basis on which the Senate could, without an infringement of State sovereignty, claim the right to declare the election of a Senator void who possessed the requisite qualifications and was chosen according to the forms of law and the Constitution.

That was insisted upon just as truly and firmly as it was insisted that the question whether votes were legal or illegal, cast by members of the legislature, must be left to the legislature itself, and, if anything was decided, just as truly decided, and yet the Senate has abandoned that doctrine. In many cases we have considered the question whether Senators were elected by bribery, notably in a case in Kansas, where we investigated the question whether Pomeroy was elected by bribery, and in many other cases.

Mr. GRAY. May I ask the Senator from Connecticut whether in that case investigation was not as to whether it was by bribery of the members of the legislature?

Mr. PLATT. Bribery of the people who cast their votes for him. There is no sanctity attaching to the phrase "member of a legislature" any more than there is to the phrase "an elector." The members of the legislature are, it is true, the electors who take part in the election of a Senator, and now, to-day, this doctrine is sought to be carried to the extent that any person who is allowed to vote in a legislature upon the election of a Senator is entitled to vote because the legislature or the branch of the legislature will allow him to do so. Boiled down, as we say, that is the position which is stated here.

The proposition may be stated thus: That when one branch of a State legislature allows a person to vote for Senator the United States Senate has no power under the Constitution to inquire whether that person was legally entitled to vote, and if one branch of a State legislature prevents any person from voting the United States Senate has no power under the Constitution to inquire whether the vote of that person ought to have been received. This makes a single branch of a State legislature the sole judge of the election of United States Senators except that the mere formalities only of an election may be inquired into by this body. All inquiry as to the essentials of an election is thus denied to the United States and committed exclusively and conclusively to a single house of the State legislature.

I think I have not overstated the proposition which is contended for here, and the mere statement of it ought to be sufficient to excuse any further argument of its unsoundness. It is a proposition so at variance with the power committed to the Senate by the Constitution of the United States that it may be thought that I have overstated the doctrine as contended for here, and I shall therefore, without detaining the Senate at any length, call attention to some phrases to be found in the views of the minority of the committee, signed by Senators TURPIE, PUGH, GRAY, and PALMER.

> We think that the senate of the State of Delaware, whereof he was member, is the sole tribunal which could either hear or determine lawfully these objections to the qualifications of Senator Watson.
>
> * * * * * * *
>
> The judgment of the [Delaware] senate is a finality.
>
> * * * * * * *
>
> We have no authority to originate, hear, or determine any objections to the qualifications of those who acted and voted as members of the senate of the State, or to revise or review their action or nonaction in the premises.

Speaking of the case of Clark and McGinnis *vs.* Sanders and Power:

> These decisions and judgment of the Senate are founded upon the principle that the States, by constitutional ordinances, have made each house of the State legislature the judges of the elections and qualifications of their own members; it is ultra vires of our powers to revise, review, consider, or pass upon any questions of this character.
>
> * * * * * * *
>
> Any adjudication by the Senate of the United States upon such a subject is beyond our province. Such action upon our part would be an intrusion, an interference, an unwarrantable usurpation of power vested in another body, ruinous to the autonomy of the States, and disastrous to the character of this body, whose members purport not to be chosen by their own action, but by that of the legislatures of the States.

And in summing up:

> Second. The senate of the State of Delaware had paramount and exclusive jurisdiction to adjudge such questions, and, whether they exercised such jurisdiction or not, the Senate of the United States has no jurisdiction in the premises.

Now, is it not the first essential of an election that nobody shall have cast a vote for the man claiming his seat which affected or changed the result who had not the constitutional right, under the laws of the State, to cast a vote; and are we to be denied jurisdiction of the essential element of an election, not because it has been actually passed upon by one of the houses of the legislature, but because one house of a legislature allowed that vote to be cast? Illustrations might be adduced here to show how futile and unfounded the claim is. The constitution of the State of Delaware requires, I think, without turning to it, that members of the legislature shall not be aliens, shall be male persons, shall be of a certain age. There are three constitutional qualifications without which a man can not be a member of either branch of the legislature of Delaware, without which he can not legally vote as a member of either branch of the legislature of Delaware.

Now, suppose that in the senate of the State of Delaware there was admitted a person who was notoriously but 18 years of age, and the senate, notwithstanding that fact, known and proved and admitted, allowed that person to vote; that under the latest development of the doctrine of woman's rights a woman had been elected in one of the senatorial districts or voted for by a majority of the electors of that district and had been received and sworn in the senate of Delaware and allowed to cast a vote for Senator; and an alien, notoriously an alien, about whose foreign allegiance there was no question, no claim that he had ever been naturalized, was allowed, with full knowledge of the senate of Delaware, to cast a vote in the election of a United States Senator; and that those 3 votes decided the result. The doctrine of the minority of the committee and those who oppose Mr. Du Pont's claim to a seat is that the United States Senate, because the senate of Delaware allowed those votes to be cast, in open violation of the constitutional requirements of the State of Delaware, must accept them as constituting the election of the Senator who comes here with the credentials of the State, and that, to use the language of the report, we can not inquire; it is beyond the province of the Senate; the Senate has no jurisdiction to make such inquiry.

It is said, however, that the Senate can not inquire because it is a right reserved to the State that each house shall be the judge of the qualifications, elections, and returns of its members. But is it a reserved right of the State of Delaware that the senate shall not only be the judge of the qualifications of the members of the State senate of Delaware, but shall be the judge, and the sole judge, of the election of two members of this Senate? For to that extent does the claim proceed. The Constitution of the United States says that the Senate of the United States is the judge of the elections of its members. The minority of the committee and those who oppose the claim of Mr. Du Pont here insist that the senate of the State of Delaware is to determine the question whether or not Mr. Du Pont was legally elected, whether the votes cast against him and preventing his election were cast in accordance with the constitution of the State of Delaware, and that no

case can exist; that neither fraud nor corruption, nor bribery, nor violence, can invest the Senate with jurisdiction to inquire into a vote, the legality of it, the honesty of it, the integrity of it, if the senate of Delaware permitted that vote to be cast.

Mr. President, that doctrine will lead us eventually into great trouble. That I do not overstate it I want to read a sentence or two from the speech of the Senator from Indiana [Mr. TURPIE]. He says, in one part of his speech:

> The Senator from Oregon thinks that a small error in the State senate is binding, but a very gross error is not binding. There is no error, large or small, that we can revise.

If the senate of Delaware allows an alien to vote, a person under age to vote, a woman to vote, we can not revise that error. If the senate of Delaware allows open bribery in the senate chamber, sees a vote purchased and paid for and counts that vote, we can not inquire.

Mr. GRAY. The Senator from Indiana is not so contending. He made no such contention.

Mr. PLATT. Let us see what he says. Speaking of the Turpie case and upon the claim which was made by the contestants, not acknowledged to be true, of course, he says:

> Here was one person lawfully elected and sitting in actual occupancy of his seat, and another, whom they claimed not to have been elected at all, was given that seat and the lawful incumbent ousted for the express purpose of effecting the election of a person as a member of this body. Where shall relief be given if not in such a case? If relief was refused in that case where shall we grant it? Was there ever a more monstrous case, violative of every principle of morality, of propriety, than this case as made, than this case as given? Yet the Senate of the United States decided that they would not inquire into that judgment.

The report of the majority of the committee, made by the distinguished Senator from Massachusetts [Mr. HOAR], did say that the Senate could not inquire into it; but if the facts alleged were true a monstrous crime was committed in the senate of the State of Indiana, but this body was precluded from inquiring.

Mr. GRAY. Will the Senator allow me? I do not wish to interrupt him again. I may have misunderstood him. I thought the Senator from Connecticut said that the Senator from Indiana contended that the Senate had no right to inquire into a charge of gross corruption of a member of the legislature in the election of a Senator. That he did not contend for.

Mr. PLATT. Upon what ground can an inquiry into a charge of bribery be put unless the inquiry can be made where the crime has been committed, like that of ousting a member who is entitled to his seat for the purpose of controlling the election? What difference is there between the two cases? Bribery is investigated because it goes to the essentials of an election.

Mr. TURPIE. The Senate investigate the charge of bribery with a view always of affecting the Senator-elect. If it is found that they can not trace or connect the person claiming a seat here with the bribery the investigation must fall. It goes to the disqualification of the person claiming the seat.

Mr. GRAY. That was the doctrine in the Pomeroy case.

Mr. TURPIE. Yes, and it was the doctrine in the Ingalls case. It has always been the doctrine. No other ground has ever been taken. It is a disqualification of the Senator-elect. It has nothing to do with the members of the legislature unless their action is traceable to the person who is claiming a seat.

Mr. PLATT. Do I understand it to be claimed that the election of a Senator is legal notwithstanding there was bribery; but that having come here by a legal election, because the legislature received and counted the votes, the Senate can then inquire into it, because it will not have a man here who has been guilty of bribing anyone?

Mr. TURPIE. That is the ground it has always been put upon, and because it can not be traced in the case named the investigation was ended.

Mr. PLATT. So the Senator holds that no matter how great may have been the bribery, the election is valid if the bribery was winked at, suffered, condoned by a branch of the legislature. He is driven to take that ground.

Mr. TURPIE. No, sir; that is not the manner in which I put it. No matter how great the bribery may have been among members of the legislature, unless it can be traced directly or indirectly to the person who is benefited by it and claiming a seat, the Senate of the United States will not make inquiry into it. That is not my holding only, but the holding of the Senate.

Mr. PLATT. But still, if I understand the claim of the Senator, it is that no matter how much bribery there is, no matter how much of corruption, no matter how much of fraud or crime there is in an election, we can not inquire into it for the purpose of determining whether there was an election or not; but if we find such a man here we may then take him in hand and deal with him and expel him, because he was a very wicked man when elected.

Mr. President, that shows the absurdity—I will not use that word—but it shows the desperate straits to which Senators who claim this exclusive jurisdiction in one house of a legislature to determine all questions as to whether or not votes cast are legal, are driven.

Mr. TURPIE. It shows nothing in regard to Senators. The record has taken the form of a decision. It does not show the absurdity of any Senator nor the untenability of the position of any Senator. If it shows anything, it shows the absurdity of the decisions of the Senate of the United States in repeated cases on record as claimed by the Senator from Connecticut, but I do not think any judgment of the Senate is an absurdity.

Mr. PLATT. The Senator commented upon a word which slipped from my lips unintentionally and which I took back. He says again:

> There is no escape from this grant of absolute power to a legislature to judge of the elections, qualifications, and returns of its own members. That power is continuous. It continues with the member through his whole term; it allows no question as to the member's title to be raised in the Senate of the United States, nor in any court or tribunal, except in the house of the State legislature to which he belonged. There the question may be raised and decided. If it be decided, the decision can not be reviewed or revised, and if no question be raised, the member holds under the first adjudication when he was admitted upon his credentials.

I have only read these extracts to show to what extent this doctrine is claimed. The difficulty about the doctrine is that for all the purposes of the State the conclusions and judgment of either house are conclusive, just as for all question of the United States the judgment of the Senate or the House of Representatives is conclusive upon the question of the election of its members. But it is setting up the State above the General Government; it is setting up the State above the Nation when the claim is made that the State can allow anybody it chooses to vote, whether elected or not, whether qualified or not under its constitution, whether observing the laws of the State or not, and the Senate must accept the conclusion, the conduct, the allowance of the one branch of the State as final.

I said yesterday that it was final, so far as all questions affecting the State were concerned, but not final so far as questions concerning the United States are concerned. When the Senator claiming to be elected takes his credentials and comes and presents them at our desk, he becomes a member of one body of the National Legislature. What he does affects every individual in this great Nation, and it therefore becomes important for this body to determine for itself, under the express power committed to it by the Constitution of the United States, whether the alleged election of that person is supported by all the essentials requisite to constitute a valid election to this body. The doctrine that no matter what may have been done in either house of the legislature, so it is allowed by that house, can not be reviewed by this body will lead to trouble.

Legislatures are not immaculate. They are not exempt from the charge of acting improperly and corruptly, and year by year, I am sorry to say, under the influence of political excitement, when it runs high, when the passions of men are aroused, party spirit overrides conscience more and more, and the legislatures of the States are doing things with reference to the election of Senators which if allowed, which if held to be exclusive and conclusive will bring this body into discredit and disrepute much more than anything that has been done in the past has tended to bring it into discredit and disrepute. If you can not inquire whether a person was legally qualified under the constitution and laws of a State to cast a vote for Senator because he was allowed to do so by one branch of the legislature of the State, you can not inquire whether men who were entitled under the constitution and laws of a State to cast votes were by force prevented from casting those votes if that force is overlooked and the votes were not received by the House to which the member belonged. There are no limitations or qualifications to the doctrine as it was placed here; the action, the nonaction even, of either branch of the legislature is held to be conclusive, final, ultimate, and not subject to be reviewed by court or Senate. That no matter how faulty the election may be we have no right to inquire is not the doctrine of the Constitution.

What does the word "election" mean in the Constitution of the United States? It means and implies everything that is essential to a valid election. It means first, as I said yesterday, that a man must have received a majority of votes from the persons legally entitled to vote for him as Senator, and no person legally entitled to vote for him as Senator must have been prevented from voting if that prevention would change the result. That is the first essential of an election; and it will not do to say that any man, whether he was elected or not, whether he was a usurper or not, whether he has the constitutional qualifications required in order to become a member of one branch of a legislature, was entitled to vote simply because that branch of the legislature allowed him to vote. If that doctrine be pursued to its legitimate end, if it does not overthrow this body entirely, it will so detract from its high character, its integrity, its dignity, its honor, and its fair fame that this Senate will have little respect among the people of the United States.

It is for the dignity and the character, the integrity, the honor, and the fair fame, of this body that I insist upon it there is no limitation whatever upon the power of this body to inquire into the election of its own members and into everything which an election implies. It is not necessary to this case that I should have thus stated my views and entered my dissent to what I consider a monstrous and dangerous doctrine. The case is clear without the argument which I have made, but I have felt that it was my duty to leave upon record my views, my dissent, my denial, that the Senate can be compelled to stultify itself and admit here a man to sit in a seat beside ours whom we know was not elected by persons who were entitled under the laws and constitution of the State to vote for him or who was elected by bribery, fraud, corruption, intimidation, or violence.

Mr. VILAS. Mr. President, the political arrangement of the State of Delaware gives a legislature of 30 members. They recognize in both houses the equality of representation of the three counties which compose that State, and thus awarding 3 senators and 7 representatives to each, the senate consists of 9 members, the house of representatives of 21. The legislature of the State of Delaware is composed of two bodies; but the Constitution of the United States has created a single Federal agency to elect Senators to represent that State in this body and has composed that Federal agency of 30 persons, the same persons who constitute the legislature of Delaware.

The constitution of that State is singular in the respect that it provides for the election of no person to take the place of a governor in case death, resignation, or other accidental occurrence shall remove the governor from his office. The theory of the State constitution is that there shall be a governor elected by the people only, and that in case of an interruption some other officer shall temporarily exercise the duties of the office of governor until the people at the next general election can supply themselves with a constitutional governor.

It happens that the governor of Delaware died while the electoral college of that State was in the vain throes of an effort to choose a Senator of the United States last year. Thereupon the constitution imposed upon the speaker of the senate the obligation to exercise the duties of the office of governor. Did it remove him thereby from the senate? That is the first question to be determined, and according to the view which I take of the law applicable to this case the determination of that question in the negative, as I think it necessarily must be determined—and the argument upon both sides of this Chamber has so established it—settles this question.

I therefore purpose to address, first, a few remarks to the proposition that Mr. Watson, a senator and the speaker of the senate of Delaware, did not lose his office as senator by reason of the accidental and temporary superimposition of the duties of the office of governor upon him, but remains, and until the expiration of his senatorial term will continue, one of the nine senators of the State, one of the three from the county of Kent.

I do not intend to go so deeply into the argument supporting that proposition as to repeat at any length what has already been so abundantly and so satisfactorily demonstrated by the distinguished Senator from Indiana [Mr. TURPIE], the distinguished Senator from Mississippi [Mr. GEORGE], and the learned and able Senator from Delaware [Mr. GRAY], who is peculiarly interested as one of the Senators entitled to represent his State. I mean rather to sum up the argument to support the primary proposition than to expand it and elaborate it.

The facts are undisputed, and therefore the proposition is determinable only from the constitution of Delaware, as all agree.

Now, we start with Mr. Watson as a senator, on every hand conceded to have been duly elected, to have been recognized by the senate of Delaware in such a way that his right to be there was unquestionable. The duty therefore lies upon them who would say that he lost his office by entrance on the performance of the duties of governor to show it from the constitution. Unless they establish that he remains senator and speaker of the senate.

The first argument to answer their claim that he lost his senatorship is a very simple one, that the constitution of Delaware does not say so. If the constitution of Delaware, when it said that the speaker of the senate should exercise the office of governor until a governor elected by the people should be duly qualified, had intended that he should thereby lose his office as senator and speaker, is it conceivable that it would have been omitted from express declaration? Consider the instrument, the constitution of a State, which was providing, as is perfectly obvious upon the mere reading of it, simply for the temporary performance of the duties of an office from which the officer had been unexpectedly and suddenly removed. Is it conceivable that when it was said some other officer shall temporarily perform those duties it would not have added, if that had been meant, and another person shall be chosen to his place, or, in some phrase, that a vacancy should be thereby created? The constitution shows that the very point was in the minds of the constitution makers, for they took the careful precaution to declare that when the speaker should exercise the office of governor the senate should choose a speaker pro tempore. Therefore it is to my mind conclusive that they did not intend that the senator who thus was called upon for a temporary duty should lose his office, because they did not say so.

Mr. MITCHELL of Oregon. Is that omission any more strange than the omission of the framers of the Constitution of the United States in not declaring when the Vice-President succeeded to the office of President that he should no longer hold the former office?

Mr. VILAS. Mr. President, if you take up the case of the Vice-President of the United States and reason upon it from the Constitution I think it will be found that the interpretation which prevails is the result of a practical construction quite as much as of reasoning upon the language. But I do not wish to be diverted into a discussion of that subject, for my time will be very limited—suggesting in what I have said the line which I should like to take, if time served me, to present something I think might be said upon it.

Now, observe next the practical justice, the convenience of the interpretation which I have suggested. Sir, it might easily happen that the speaker of the senate of Delaware would be called upon under this provision to exercise the office of governor during a period of no more than seventy days, and during which the legislature was not in session. Is it to be supposed that, without particular declaration, the constitution makers meant to say that if that duty fell upon a senator—whose term of office is four years—during the first year of his term, so that at a time when he was discharging no legislative duties he temporarily took the place of a deceased governor for sixty or seventy days, that therefore his office as senator, his office of speaker of the senate, was taken from him? Of course the plain inconvenience and injustice of such a contingency was enough of itself to show that they intended no consequence of that character unless they meant to express the intention in unmistakable terms. Their omission to so declare, therefore, very strongly appeals to my judgment.

Besides, it would be necessary that an election should be provided for; and it seems to me it is quite improbable that the constitution would not have made some provision or direction for that when it was so careful to provide for the election of a speaker pro tempore.

But, sir, there is another consideration which, to the mind of a lawyer, is so overwhelming in support of this interpretation that I am sure the force of it has been recognized by the Senator from Oregon [Mr. MITCHELL], who, with such great ability, has maintained the desperate legal argument which was imposed upon him by the necessities of the case and the side he espoused, and that is the same argument which I a moment ago alluded to with reference to the Constitution of the United States, the argument of contemporaneous and continuing practical interpretation, extending in Delaware for more than a hundred years.

Mr. President, Delaware had this precise constitution in this particular adopted in 1792, and it happened that four cases like this occurred under that constitution of 1792. Five times the speaker of the senate was called upon to exercise the office of governor under the constitution of 1792. In every one of those cases the senate and all the people of Delaware considered that acting governor to be still a senator from the county from which he was originally chosen, and the senate caused no election to be held to fill the vacancy, but the acting governor himself served out the term as senator. It is true, sir, that during the time he was acting as governor he was not habitually present in the senate, perhaps not present at all——

Mr. MITCHELL of Oregon. Never.

Mr. VILAS. Although the negative of the proposition is not perfectly established as to all those cases; but I will grant it for the sake of this argument that he was not there. In four of the five cases the senatorial term extended beyond the gubernatorial service and the seat as senator was actually occupied after performance of that service.

Mr. MITCHELL of Oregon. Will the Senator allow me to ask him a question?

Mr. VILAS. Certainly.

Mr. MITCHELL of Oregon. I should like to ask the Senator at that point if the fact that four of these gentlemen who succeeded to the office of governor resumed their seats in the senate at the expiration of their terms as governor is to be considered a construction that they still remained senators? Is not the fact that a single instance can not be pointed out where any person succeeding to the office of governor ever undertook to exercise the office of senator or speaker of the senate while he exercised the office of governor a construction on the other branch of our case, namely, that the two offices could not be exercised by the same person at the same time?

Mr. VILAS. The Senator states the proposition a little stronger in his concluding sentence than I am willing to admit; but I admit that, according to my opinion, the constitution of the State

of Delaware did not expect the acting governor to remain in the senate, and that was the reason why they caused a speaker pro tempore to be chosen to take his place, and the fact that he did not remain is an interpretation that he was not bound to remain in the senate, and that perhaps his legislative function ought not in propriety to be exercised by him during the time he was acting as governor.

I am willing to go so far as that. I am now of the opinion, and am arguing only, that he remained both speaker and senator, neither office being taken from him. Doubtless a certain sense of official propriety besides the exaction of the duties of the office of governor would take him from the senate during the time he was acting; but the Senator from Oregon will agree that when the temporary performance was over he did not return to take his seat as senator unless he had been all the time a senator. I think, then, the Senator from Oregon will recognize that the construction placed upon that instrument of 1792 was the determination in every one of those four cases that the acting governor still remained a senator of the State. If I am not right that that is the true interpretation to be placed upon that part of it, I should like to have the Senator challenge me for the error now.

Sir, the Constitution of the United States has had an interpretation, as I remarked, and that interpretation is perfectly certain with reference to that Constitution, and the meaning of that Constitution to-day must be regarded as perfectly unchallengeable because four Vice-Presidents have become Presidents. But more instances to establish this interpretation under the constitution of Delaware of 1792 occurred while it was in force.

Let me advance one step further. With that interpretation thus grafted into every word of that instrument, as much a part of it as if it were written in as explicit terms as I have stated it, Delaware caused another constitutional convention to assemble in the year 1831, and then, in totidem verbis, reenacted the self-same provisions which had thus received that fixed and definite interpretation. It is that reenacted constitution, reenacted with this construction a determined and fixed part of it, that we are called upon again to construe; not the original one, but that one which the people have themselves accepted in that State, with all the force of contemporaneous and continuing and universal interpretation during a period of forty preceding years. Since that time this reenacted constitution, reenacted with the interpretation which it had derived from practical construction, has been itself six or seven times practically construed by the legislature in similar instances, and with precisely the same result. Thus it came down to the year 1895, perfectly determined that the constitution of Delaware did not mean a senator should lose his office because he entered upon the performance of these temporary, accidental, and extraordinary duties which were imposed upon him in some exigency.

But, Mr. President, Delaware does not stand alone in the same legislative determination of this question. A similar constitution existed in the State of Pennsylvania, and though it did not last so long there, and that State has since assimilated its constitutional arrangement more nearly to other States, yet it did happen that a similar question arose in that State, and again it was decided in the same way. There was a constitution in the State of Maine which, though slightly different, yet substantially was like this; and under that constitution a question was addressed to the judges of that State, as is there provided for, and the judges held that the senator did not lose his office, but only that he could not perform, and that by reason of peculiar words in that constitution, distinguishing it from that of Delaware, the legislative function of a senator while he also performed the gubernatorial function. In other words, there is no instance before this time in more than a hundred years of experience when anybody ever asserted that a speaker of a senate thus called upon to act as governor for the time being lost his office as senator. The novelty of decision which this Senate is asked to render is the extreme urgency of necessity from partisan demand, nothing less.

I do not need to discuss, and I shall not spend a moment of time in collating authorities as to the value and the obligation of such interpretation. Every lawyer recognizes it. So vigorous is the rule of the law that it has been held over and over again in various States of the Union that if one State adopts and enacts a statute which had previously been enacted in some other State, and had there received interpretation before it was enacted in the other State, that interpretation goes with its words and as a part of it; as obligatory as if it were correct, for the correctness of the interpretation can not be challenged any more than the plain meaning of words can be thwarted by being denied their effect.

Mr. President, there is not a particle of difficulty about this when you read that constitution in the simple way in which any man reading an instrument and seeking only with perfect honesty to extract its fair purpose should understand it. Read the language for a moment:

> Upon any vacancy happening in the office of governor, by his death, removal, resignation, or inability, the speaker of the senate shall exercise the office until a governor elected by the people shall be duly qualified. If there be no speaker of the senate * * * the speaker of the house of representatives shall exercise the office. * * * If the person elected governor shall die or become disqualified * * * the person holding the office shall continue to exercise it until a governor shall be elected and duly qualified. If, upon a vacancy happening in the office of governor, there be no other person who can exercise said office within the provisions of the constitution, the secretary of state shall exercise the same until the next meeting of the general assembly, who shall immediately proceed to elect by j nt ballot of both houses a person to exercise the office until a governor ele ed by the people shall be duly qualified.

How simple and plain it all is, most obviously to a common intent, so that the wayfarer, though he be a fool, need not err therein. The arguments that have been urged against the proposition I am maintaining, themselves, in my mind, add force and strength to its clear, lucid interpretation. The only such arguments derived from the constitution are raised from two sections: First, section 12 of article 2, which declares that—

> No person concerned in any army or navy contracts, nor member of Congress, nor any person holding any office under this State or the United States * * * shall, during his continuance in Congress or in office, be a senator or representative.

The other one is section 5 of article 3, which says:

> No member of Congress, nor person holding any office under the United States or this State, shall exercise the office of governor.

These were two general provisions incorporated with the constitution, the one in relation to the legislature, the other in relation to the governor, both of them preceding in point of time of expression this section which makes the particular provision for someone to act as governor when there is no governor.

Mr. President, the explicitness of the effect declared by those two sections is undeniable. The question is only whether they relate to a speaker of the senate or of the house or the secretary of state when called upon thus temporarily to perform the duties of the vacant office of governor. That is all the question for consideration.

We heard yesterday the distinguished Senator from Connecticut [Mr. PLATT] spend an hour or more in refined and minute discussion upon words, mere words, for the purpose of endeavoring to establish an opposition between these two sections, which are general in nature, and the later one, which is particular. His argument was ingenious, but was purely a verbal argument. His point was that this acting governor was really governor.

Now, Mr. President, we must begin by observing that one can not exercise the office of governor without doing in it the same things which the governor himself will do when he is there. The governor exercises the office of governor, and the acting governor exercises the office of governor, but one is governor and the other is acting in the place where a governor constitutionally should be. That is the difference between the two cases.

But I wish to make another line of remark before noticing this nice weighing of words and syllables, and that is that the rules of interpretation, established as the result of much human controversy and great experience, recognize two things which human nature is incapable of obviating: First, the poverty of human language, and, next, the infirmity of human foresight. It is impossible, or fairly to be said impossible, to express within the compass in which a constitution is to be written all the various shades of meaning which may be necessary to anticipate all the possibilities of future occurrence, and human foresight is unequal to the task of that anticipation if it were within the reach of language to compass its possibilities.

Words themselves manifest this weakness; and thus we are obliged to use almost all the principal ones in our language for more than one meaning. Some words will be found in the dictionary with as many as six or eight distinctive meanings defined by the lexicographer. Therefore, at times, when a law or constitution is written, a word must be used in one place in one sense, and again the same word elsewhere in another; and it is left to the honesty and justice and fairness of interpretation to accept the word in either place in the sense in which it was obviously and fairly intended to be used. Therefore, if, as the Senator from Connecticut seemed to do yesterday, you first argue that this word "governor" should be applied to this state of things, and then say, "Therefore this state of things is identical with another in reference to which the constitution has used that word," when it is fairly obvious that different meanings were intended, it is perverting the language which perhaps human power could hardly have made more explicit than it is, in advance of controversy.

So the first rule of interpretation is, having reference to these limitations on the human intellect, that every word used in an instrument of this kind shall be read to serve the purpose obviously discernible from the whole context of the instrument. Here it is so plain from the words and the context that the language employed for this case meant that the speaker of the senate, when acting as governor, should remain a senator in the legislature, that nobody ever dreamed of the contrary for more than a hundred years.

But we find this effort on the part of Senators to establish an opposition of meaning between these two first sections that I have

mentioned and this other section in relation to the particular case. Let us first grant all they ask for argument's sake. Let us grant that those two provisions do stand in opposition to the provision relating to the acting governor. Which will prevail? Why, sir, the rules of interpretation govern that subject as perfectly as the necessity should require. First, when a provision is general and it comes in contact or into opposition with one which is particular, the particular expression always governs. If, therefore, the arguments of the Senator from Connecticut and the Senator from Oregon were successful in establishing the fact that there was a contrariety between these two sections, it would have helped their cause no more, for the contrariety being established, this particular section prevails, not those upon which their case must depend.

But, sir, there is another principle of interpretation equally established and equally decisive. It is this: When two contrary provisions are found in the same instrument, the later written prevails over the earlier, unless there be particular reasons for the contrary, such as might happen in the case I have just alluded to, if the later provision were a general one, and the former were a particular one. But here the later provision is the particular one, and, as the latest expression of the thought in the mind of the constitution makers, it governs by this particular rule.

Now, let me illustrate for a moment the curious way in which a verbal argument like that, so ingenious and subtle and so skillfully presented yesterday by the Senator from Connecticut, can create seeming opposition that would destroy the life of the spirit. It made me think of some of the old discussions reported in the time of the school men. The Senator said—and it was the whole foundation of his argument—that this acting governor becomes and is the governor, and he sought to reach in a roundabout way that conclusion which, if it had been the purpose of the constitution makers, they could have expressed by simply saying so, but which they obviously avoided by labored phrases. He argued that that was the meaning of the instrument from placing in juxtaposition different provisions in the constitution. Sir, let me put two together to show him the contrary. A speaker of the senate need be but 27 years old. The constitution requires only that a senator shall have attained the age of 27 years, and any senator may be elected speaker. But turn over the leaf, and here is section 4 of Article III, which begins thus upon the qualifications of a governor:

He shall be at least 30 years of age.

Therefore the argument of the Senator that the acting governor is governor is at once overthrown, for he need not be 30 years of age, but only 27 years of age.

This illustrates the rule which I have been drawing attention to, that in reading an instrument like a constitution, or indeed any other, the effort must be to reconcile with kindly fairness all the different provisions, not to create antagonisms, but to remove the seeming antagonisms which words might create contrary to the clear purpose; thus to read in one place the same word with a different meaning from what you give it in another place, it being obvious that from poverty of language the makers of the instrument were compelled to select that word for use in one sense here and in another sense there.

I think I have shown by familiar principles that if this antagonism existed between these sections the particular one would prevail upon which we rest. But it must be borne in mind that the interpretation of practical usage for a hundred years just as much applies to this possible antagonism as to every other part of the instrument or to the particular section. Every part of it is controlled and governed by that uniform, undeviating, unquestioned, acknowledged usage.

There is, however, little difficulty in regard to this. These two sections, relied on to affect Watson's right, have no reference to an acting governor. Let me illustrate this by the one that relates to the office of governor, for that is the only one which is really important here—"No member of Congress, nor person holding any office under the United States or this State, shall exercise the office of governor." Unless a senator of the legislature is an officer holding an office he is not within the meaning of that section. So plain has been the common popular understanding that a member of the legislature is not an officer that when this question was mooted in the Senate, and the Senator from Oregon and others were in colloquy over it, the distinguished Senator from Ohio [Mr. SHERMAN] answered at once, according to the fact, that a senator is not considered an officer. Let me call attention to a very singular proof of that idea in this very instrument itself. Article IX says:

Members of the general assembly and all officers, executive and judicial—

Omitting any view of legislative as possible—

shall be bound by oath or affirmation, etc.

It disregards a class of officers that we might call legislative. It speaks of officers as judicial and executive, illustrating that at the time when the constitution was adopted the condition and character of a senator or member of the house of representatives was esteemed to be different from what nowadays we are more inclined to regard them. Doubtless that grew out of the English system, where a member of Parliament is not a paid officer, but is a representative of the commons in one house, summoned to aid his sovereign by advice and to give money, and in the other one of the peers of the realm. In this country we have made the legislative office as distinctive an office, perhaps, as the judicial or the executive, but that was not the common idea at the time when the Delaware constitution was written; and it is not yet so freely accepted as perhaps a lawyer might regard it, as was plainly indicated by the remark of the distinguished Senator from Ohio. So that, undoubtedly, if you read the provision in that spirit of fair understanding to which I have referred, it must be recognized that the makers of the constitution did not intend to prohibit a senator or a member of the house of representatives from exercising the office of governor independently even of this particular direction, which expressly requires it in case of vacancy.

Now, sir, there was another argument advanced by the distinguished Senator from Oregon, and I need not say that it was presented with that abundance of learning, that research into all authorities which could throw a cast of light upon it from far or near, which always distinguishes his arguments of legal propositions in this body. It was that by the common law there was an incompatibility between a legislative office and the gubernatorial office; and therefore if one acted as governor he could not act as legislator. How easy it is to answer that. Is the common law superior to the constitution, or is the constitution superior to the common law?

The people of Delaware made a constitution, and by it they could as easily trample upon the common law as they could trample upon any of the preexisting systems of institutions for which they substituted a republican form of government.

Mr. MITCHELL of Oregon. Will the Senator allow me? Nobody denies that, of course; but the Senator will agree with me, I presume, that it is a proper thing to do to take into consideration what the common law is on a given subject in reference to which there is statutory law or constitutional provision, especially if there is any doubt at all in reference to the proper construction of any of those provisions.

Mr. VILAS. I recognize that it is one of the principles of interpretation that you are to consider what the law was when you are considering what changes made in it were intended to make it to be. I agree to that. To that extent it would be well enough to look into it.

Mr. MITCHELL of Oregon. It was with that view that I discussed the common law.

Mr. VILAS. But that is a very feeble light to throw upon an instrument which has been construed with undeviating fixity for a hundred years, and after so long a period has passed. That light of the common law comes from too far back—from the mists of antiquity—and is refracted by too much fog.

So with this theory of the American system which the Senator has presented. The whole question is, What have the people of Delaware done for themselves? They have made their constitution; and when you attempt to declare what is the American system you must begin by looking for what that constitution is, to the extent that Delaware is one of the components of the American Government, out of which the American system may be said to have arisen; not construe the constitution to your ideas of an American system. But I do not think the Senator laid much force upon that argument. It might be addressed to a lodge of a certain kind, perhaps to a school of protection, or some company of jingoism that was striving to cry, without very definite meaning, some slogan to arouse the people. It hardly has force among a body of lawyers seeking to interpret a constitution.

Mr. President, I wish to call attention to one argument more which I take from the Senator from Oregon. When he gave us the pleasure of the discussion with which this matter was opened and was dwelling upon this point I put to him this question:

I should like to ask the Senator from Oregon whether he is contending now that Mr. Watson was not a senator from the time he took the oath of office of governor? Is the Senator contending that he lost his office as senator?

Mr. MITCHELL of Oregon. The Senator from Wisconsin will see before I conclude precisely what I am contending for upon that subject. I shall evade nothing. I have nothing to keep back in discussing this question. I have fixed opinions in regard to it, and I shall present them to the Senate as fully, fairly, and frankly as I am able, and in the course of my remarks I will answer the question of the Senator from Wisconsin fully.

I have not a doubt that the Senator from Oregon expressed just what he meant and what was in his mind, and I will turn now to page 44 of his speech as printed, and afterwards to pages 60 and 61, to show how he answered that question. His sixth proposition was:

That when William T. Watson, as speaker of the Delaware senate, took the gubernatorial oaths and entered upon the exercise of the office of governor, he became the governor of the State in the full constitutional sense of that term, and not merely governor ex officio or ad interim as speaker of the

senate, and his acceptance of such office was ipso facto a resignation in law, either—

Either—

absolutely of his office as senator, or at least of his right to exercise the office of senator so long as he exercised the office of governor.

That was the carefully written proposition of the Senator. Later, and at page 60, the Senator from Mississippi [Mr. GEORGE] again asked the Senator from Oregon [Mr. MITCHELL] a similar question, and the Senator from Oregon again made a similar answer to that he made me. Then the Senator from Mississippi [Mr. GEORGE] said:

It is either vacation or suspension. It can not be both.

Then the Senator from Oregon [Mr. MITCHELL] replied:

I say it is one or the other.
Mr. GEORGE. Oh, yes; all right.
Mr. MITCHELL of Oregon. And, so far as this case is concerned, it does not make one particle of difference.

And then later in the answer he says:

I do not care whether you say that the seat becomes absolutely vacant or whether the right to exercise the office of senator and speaker of the senate is merely suspended.

Thus the Senator from Oregon did not at any time in his speech, and never has in my hearing in the Senate, answered the question which was propounded, or denied what I affirm as my proposition. He has never affirmed, and I give him due credit for not affirming, that Mr. Watson lost his office as senator.

Mr. MITCHELL of Oregon. I think I stated more than once, perhaps two or three times, perhaps not in my opening speech, but during colloquies with other Senators, especially with the distinguished Senator from Mississippi [Mr. GEORGE] while he was speaking, what I believe to be the true construction of the constitution of Delaware upon that point. I believe the true construction is just as stated in the first part of the proposition, that the moment Speaker Watson succeeded to the office of governor that moment ipso facto there was a resignation of the office of speaker of the senate. I believe that is the correct interpretation of the constitution.

But I claim further and with propriety, as I take it, that if I am wrong about that I am not wrong in the other proposition, namely, that there was a resignation of the right to exercise the function of senator and the function of speaker while exercising the functions of governor.

Mr. VILAS. The legislative function?

Mr. MITCHELL of Oregon. The legislative function.

Mr. VILAS. The Senator from Oregon, under the stress of debate, has advanced then to the point of assertion which his careful preparatory study and consideration of this case did not enable him to make in his first speech on the subject.

Mr. MITCHELL of Oregon. Not at all. I know the distinguished Senator from Wisconsin does not wish to place me in any false position regarding the matter.

Mr. VILAS. No.

Mr. MITCHELL of Oregon. I have from the first, perhaps not so distinctly in my first speech, but I certainly did on several occasions, in interlocutory remarks, state what I believed to be the true construction of the constitution of Delaware on that point, and that is that there was an absolute resignation of the office of speaker and senator upon his entering on the office of governor.

Mr. VILAS. I was very particular, because I had the argument I am now making in my mind, to put that question to the Senator from Oregon when he was making his speech, hoping to get a distinct declaration. It was again presented to him by the Senator from Mississippi [Mr. GEORGE] at least, and with the result which I have indicated. In his first speech the Senator certainly reserved to himself at every point at which he spoke of it the right to have it either one or the other.

Mr. MITCHELL of Oregon. I do yet.

Mr. VILAS. Without declaring which one or the other he considered to be the right one.

Mr. MITCHELL of Oregon. It is not necessary and never has been necessary since we entered upon this debate, so far as our side of the case is concerned, to say which it is, because whichever one it is, if either, our case is made. If they are both wrong, then the Senator has the case.

Mr. VILAS. I hope to satisfy the Senator that he has to take one or the other horn of the dilemma. I am content to say that Mr. Watson was a senator and his legislative function was suspended—his function as a legislator. I will give the Senator the benefit of that proposition for the argument I am about to make.

Mr. MITCHELL of Oregon. If that is the fact, the Senator gives away his case.

Mr. VILAS. Oh, no; I do not. I am not changing any facts. I am making argument; and for myself I have no fear of it.

I start with the proposition, then, as established, that Mr. Watson is to-day a senator of the State of Delaware and will remain until the end of his senatorial term a senator of the State of Delaware. I do not care about his legislative function under the constitution of the State of Delaware, whether suspended, in abeyance, or otherwise dormant. I accept that branch of the dilemma, and give the other to the Senator from Oregon.

Watson, then, is a senator—one of the 30 members of the Delaware legislature; one of the 9 members of the senate. Now, I call the attention of Senators to this, that the function which Mr. Watson exercised in voting for a United States Senator he did not derive from the constitution of Delaware, he did not possess as a legislative function. He derived it wholly from the Constitution of the United States. The Constitution of the United States provides that the Senate shall be composed of two Senators from each State, chosen by the legislature, and it also provides that the regulation of the time and manner of choosing Senators may be made by Congress by law. The right to choose a Senator comes wholly from the Federal Constitution. The regulation of it is wholly a matter of Federal law. What is the law?

The legislature of each State which is chosen next preceding the expiration of the time for which any Senator was elected—

I should like to call the attention of the Senator from Connecticut [Mr. PLATT] to the next words—

to represent such State in Congress shall, on the second Tuesday after the meeting and organization thereof, proceed to elect a Senator in Congress.
SEC. 15. Such election shall be conducted in the following manner: Each house shall openly, by a viva voce vote of each member present, name one person.

And so on. If both houses choose the same person the next day the choice is recorded.

But if the same person has not received a majority of the votes in each house, or if either house has failed to take proceedings as required by this section, the joint assembly shall then proceed to choose—

How?—

by a viva voce vote of each member present, a person for Senator, etc.

By virtue, therefore, of the law of the United States this Federal agency for the choice of Federal Senators is composed of the several persons who are members of the senate and lower house, whatever it may be called, of the State. In Delaware there were 30 persons who were members of the lower house and of the senate. Those 30 members were invested by the Constitution and the laws of the United States with the power to choose a Senator. Who can take it away from them? The constitution of Delaware did not confer it. The constitution of Delaware can not take it away. All that is allowed to the State is to choose and determine the various members who compose the senate and the house of representatives of its legislature, and when they are known, when their right properly to sit in that body as representatives of the people is settled by the State, the Constitution of the United States vests those persons with this function, which is not a State function, which does not come from the State, but from the Federal Government—the function of electors. It is not a legislative function. As legislators they exercise their power only as members of the two separate houses. As legislators they may in the house of representatives pass a law which the senate independently may veto. As members composing the senatorial electoral college, each person elected to either house is one elector entitled to exercise the privilege which is given by the Constitution of the United States to him as one of the whole number.

The only question referable to the constitution of Delaware is, was this person who claims to be an elector a senator? If he was a senator, he was an elector in that electoral college. The State of Delaware could impose no qualifications. The State of Delaware could not suspend his function given to him by the Constitution of the United States. It could suspend his function as a legislator in the State of Delaware, but it could not suspend that function of a Senatorial elector which the Constitution of the United States alone bestowed upon him. To interrupt his right to vote on bills, to interrupt his right to sit and consider bills or to make speeches, was no lawful interruption of his right to act as an elector when the electoral college convened under the authority of the Constitution and laws of the United States to perform a duty enjoined upon it by the Federal Constitution.

Mr. MITCHELL of Oregon. The Senator holds, then, if I understand his argument, that a person may be a member of the State senate, have no right whatever to exercise any legislative function, no right to make laws, no right to vote, and yet at the same time have the right to go into the joint assembly and vote for a United States Senator.

Mr. VILAS. Yes, sir. If he is a senator of the State legislature he is one of the electoral college. It does not make any difference what, for purposes of its own internal State administration, the State constitution may have provided or the State laws may have provided. All the qualification which by the Constitution and the law of Congress is requisite to the exercise of the office of elector is that he shall be a senator or a member of the lower house. If he possesses that qualification, Delaware can impose no other. It can take nothing from his power, it can add no further qualification or disqualification. This proposition has

been determined over and over again in the Senate in another aspect. We had once from my State an illustration of it. We had it in the case of the distinguished Senator from West Virginia [Mr. FAULKNER].

Many a State has put into its constitution the provision that no judge shall be elected a Senator of the United States during the term of his office as judge in the State. Has the Senate ever regarded it? Not the least. The very fact that he was a judge was an additional reason, perhaps, why he should be chosen to this body. And if this case is not to be decided in accordance with the firm principles of law, it might be necessary to choose more judges to sit here; for we are now considering not a political question, not a question of administration, but acting in our judicial capacity, that same capacity in which under the presidency of the Chief Justice we might sit here to try the dearest rights and determine the honor of the highest citizen of the land. We are sitting as judges, and we are as much bound by the Constitution and by our oaths to determine according to law as the judges of the Supreme Court in another part of this Capitol.

Mr. TELLER. That is correct.

Mr. VILAS. Yes; I am sure Senators will recognize it. The Senate has adjudged—beyond all question correctly—over and over again that a State can add no qualification or disqualification to any function which is given by the Constitution of the United States. The Constitution of the United States requires but one qualification for a senatorial elector, and that is that he shall be a member of the legislature. The constitution of Delaware may, if you please, declare that a senator or member of its legislature shall not vote in certain cases; that he shall refrain from speaking in certain cases; that he shall not act as a legislator in cases where he is interested, or in any other cases. The people there may impose as many such limitations as they choose and of what character they choose. They may provide that he may do certain things as a legislator which we should not regard to be a part of a legislator's duty. That is all for the people of Delaware to decide.

Mr. CHANDLER. Will the Senator from Wisconsin allow me a question?

Mr. VILAS. With pleasure.

Mr. CHANDLER. I understand the Senator to be arguing, very clearly and distinctly, that although all Governor Watson's other legislative function may have been suspended while he was governor, yet that still he might enter the legislature and vote for United States Senator, because the power and duty of electing a United States Senator is imposed upon the legislature of a State. Do I understand the Senator correctly?

Mr. VILAS. Because the several members of the legislature of the State constitute an electoral college for the choice of United States Senator.

Mr. CHANDLER. And the Senator holds (he is arguing certainly, and therefore is assumed to hold) that although Governor Watson might not have been authorized to act as a member of the legislature in any other capacity, he might still vote for United States Senator?

Mr. VILAS. Most assuredly so.

Mr. CHANDLER. Then the Senator asserts that Governor Watson may have possessed a function as legislator which was not a legislative function? Is not that the Senator's proposition?

Mr. VILAS. That he does not possess it as a legislator, but by reason of being a legislator; that he is given a function which is not legislative.

Mr. CHANDLER. Very good. Then he had a power as a legislator which was not a legislative power? He had a function as a legislator which was not a legislative function?

Mr. VILAS. No.

Mr. CHANDLER. Is not that the Senator's statement?

Mr. VILAS. He had this by reason of being a legislator of the State of Delaware. He had a Federal power or agency conferred upon him which was not legislative within the State of Delaware.

Mr. CHANDLER. Then he had a function as a member of the legislature, solely as a member of the legislature, which was not a legislative function.

Mr. VILAS. Yes; he had a function by reason of his being a member of the legislature which was not legislative.

Mr. CHANDLER. Now, if the Senator will allow me, that is the proposition I wanted to understand, that we may know hereafter that a member of a legislature may have a power and a function solely by virtue of the fact that he is a member of the legislature, which is not the legislative function.

Mr. VILAS. Certainly. The Constitution of the United States chose to select a certain class of officers in Delaware as an electoral college for Senators. It has also created another of a single executive officer. In case that body can not act, when a vacancy occurs while that body is not in session, the Constitution gives that authority to the governor. But it is not a gubernatorial function of the State strictly.

Mr. CHANDLER. But they say the legislature——

Mr. VILAS. He does not derive it as governor from the constitution of Delaware, but because he happens to be governor; he takes it from the Constitution of the United States.

Mr. GRAY. If I may be allowed at this point, in the line of what the Senator is saying, and apropos to the question of the Senator from New Hampshire, when the amendment to the Constitution proposed and advocated by the Senator from Oregon [Mr. MITCHELL] shall have been adopted, if indeed it shall ever be, that the Senators of the United States shall no longer be elected by the legislatures, but shall be elected by the people at large, that function—not a legislative function—will be taken away from the members of the State legislature, and yet their legislative function will remain intact.

Mr. CHANDLER. By the same reasoning, then, a Senator may vote for President and exercise the functions of the people, which is not a popular function. There is the same difference. I ask the Senator from Wisconsin whether when Governor Watson voted he did not perform the function of a legislator?

Mr. VILAS. None whatever.

Mr. CHANDLER. Did he not perform the act by virtue of his membership of the legislature?

Mr. VILAS. Yes.

Mr. CHANDLER. Then a member of the legislature?

Mr. VILAS. By virtue or rather by reason of his membership and the investure in him by the Constitution of the United States of that agency.

Mr. CHANDLER. As a member of the legislature?

Mr. VILAS. Because he was a member of the legislature.

Mr. TELLER. He had to be a member of the legislature.

Mr. VILAS. Yes; he had to be a member of the legislature in order to receive——

Mr. CHANDLER. If the Senator will allow me, the law does not say the members of a State legislature as members, as individuals, shall elect a Senator. It says that each State shall appoint through its legislature its United States Senators. How the Senator can make it out that any person when he votes for a United States Senator (which he only does because he is a member of the legislature) is not in the exercise of the function of a member of the legislature I can not understand.

Mr. VILAS. I do not know that I can make that plain to the Senator, but let me say this: That question was one which I touched in discussing the Dubois and Claggett case. It arose there incidentally, and I made the same argument substantially that I am making now, only the case required a different application of it. There was from the beginning of this Government a question whether under the Constitution the legislature chose the Senator as a legislative act or whether the electoral college as a distinct official agency was composed and created of the several persons who had the right to sit in the legislature; and the latter interpretation of the Constitution has prevailed. It has prevailed in the Senate whenever it has been discussed, and it prevailed in the passage of the law of 1866, which is now written in the Revised Statutes, from which I read a part of section 15.

So, I repeat, the function which Mr. Watson or any other member of the Delaware legislature exerted in the choice of a Senator of the United States was not a legislative function of the State of Delaware, but it was a function given to him and each of them by the Constitution of the United States. We decided similarly in the case of Senator CALL since I have been in the Senate. It is not the two houses which elect a Senator; it is only a majority of those persons who happen to constitute the two houses. In the case of Senator CALL the legislature of Florida, in both houses, numbered 100 members, and 51 members convened. The question was whether those 51 members had a right to elect a Senator, and we held that they did.

Mr. TELLER. Why?

Mr. VILAS. Because they constituted a quorum of the senatorial electoral college, not a quorum of each house or of either house. The houses of the legislature are no longer regarded; the legislative character has nothing to do with the act. Simply the several persons who compose the legislature constitute an electoral body, of whom a majority is a quorum.

Mr. TELLER. I understand this whole controversy has gone on the question whether this man was a member of the senatorial college.

Mr. VILAS. Ah, Mr. President, the distinguished Senator from Colorado, with his clarity of legal perception, could not take any other ground. But he mistakes. It is contended that, although a member of the senate, his function was suspended, and he was not a member of the electoral college.

Mr. TELLER. Of course he was.

Mr. VILAS. But if he were a senator (and he was) that is all I have been arguing on this point, and there is no escape from the conclusion. You can not wabble over this question by saying he was either a resigned senator or he had resigned his function for the time being, or that he was a senator in abeyance. He was not in abeyance as an elector of a United States Senator. He was either an elector in the electoral body or he was not a senator in

the legislature at all, or in any sense. You can recognize him, then, as an elector or you can take the other course and deny his being a senator. Under the stress of that necessity you can trample Delaware, her constitution, her interpretation of her own constitution for more than a hundred years unchallenged in the mire of partisanship.

Mr. President, I wanted to have added some more things possibly on this subject. They are not necessary to present the case. I have stated the points and I think I have made them clear. I think I have summed up the reasons which show Mr. Watson was a senator, and if he was, he was surely entitled to sit in that electoral body.

There is another aspect of this case, entirely independent of the one which I have been discussing, that I wish I could have argued. The Senator from Indiana [Mr. TURPIE], the Senator from Mississippi [Mr. GEORGE], and the Senator from Delaware [Mr. GRAY] have already made so clear that it seems to me there is little need for further argument upon it, the proposition that the question of the membership of the Delaware senate was one solely for the Delaware senate to decide. The Senator from Connecticut [Mr. PLATT] argued that it is within the power of the Senate to inquire ad libitum into any circumstance that goes to the election or qualification of a Senator. So it is. It is in the power of the Supreme Court of the United States to decide any case that comes before them for plaintiff or defendant at their merely personal will. But it is in the rightful power neither of the Senate nor of the Supreme Court to decide any case in judgment before them except as the law requires it to be decided. The Supreme Court of the United States might just as well refuse to the supreme court of the State of Delaware the interpretation fixed by a line of decisions of that court to a State statute as the Senate of the United States sitting in this tribunal refuse to award to the judgment of the senate of Delaware the full measure of faith and credit to which it is entitled.

It might be, according to the argument of the Senator from Connecticut [Mr. PLATT], that the Supreme Court of the United States should say that some person who is admitted here as a Senator was not a Senator, and might hold that he was not entitled to receive his pay, notwithstanding his admission here is a final judgment of his right. They have the power when two parties are before them to decide contrary to law. But it would be as unheard of in that court as anything which it is possible for the human mind to conceive. They are invested with power to decide according to the law. So is this Senate, and that law requires the recognition by the Senate of every judgment which the court of a State or either house of its legislature is authorized finally to decide.

But I wish to add another point. By virtue of that principle Mr. Watson stands before this senate de jure a senator. He has been adjudged so by the proper tribunal. But there is another principle which has not been adverted to, and that is that he was de facto a senator. There were rightfully 30 members of that electoral college; 9 members of that senate entitled to participate. He was one of them, recognized as being such. Nobody contested it. No other was excluded.

Mr. President, who ever dreamed of challenging the action of a de facto member under such circumstances until necessity made this? The Senator from Connecticut said yesterday it was one of the marvels of the age, drawing his inspiration, as he told us, from a patent-medicine advertisement, that such a case was presented. Is it not more marvelous that that whole electoral body, with a considerable majority of Republicans in it, interested to the last degree in this question, struggled through twenty-eight ballots to elect a Senator without raising a single question that that man who was sitting there as one of the 30, presiding over their assemblage, was a rightful officer there? Not until that legislature was adjourned, or on the very moment of adjournment, when the last ballot had been taken and the failure to elect had become complete, was the desperate claim asserted that an election had been made by the first ballot of the twenty-eight.

And now why is this question here? The Republicans of the State of Delaware did not elect this man. They had the power in that legislature. They were not satisfied to elect Colonel Du Pont. But 14 had voted for him until that last afternoon, when 1 more did. There was a great respect for the rights of property, or something else, which held back certain Republicans from this candidate. They could not be made to vote for Mr. Du Pont, or for but one candidate. But here, now, because the Republicans of the State of Delaware failed to exercise the power which they possessed, because they could not agree, they come here asking the United States Senate to seat a man who had only half of the Delaware legislature and not a majority, and therefore to absolutely nullify the vote of Mr. Watson, acting in his place as one of the 30 lawfully entitled to be there, de facto one of a rightful 30, whether he himself was entitled or not, if there had been a contestant. Would an act of the legislature have been invalid because he had so acted in legislation, though his vote had passed the bill through the senate? No. Like every officer acting de facto he is to be recognized as a valid officer, not to be challenged but by the only authority which was entitled to demand his place if he were wrongfully in it, the State of Delaware.

Mr. President, I regret that I have been detained quite so long with this discussion. I have been greatly hurried in making it, and I hoped to have given way fifteen minutes ago.

The VICE-PRESIDENT (at 5 o'clock p. m.). The question is upon the amendment submitted by the Senator from Indiana [Mr. TURPIE] to the resolution reported by the Senator from Oregon [Mr. MITCHELL].

Mr. MITCHELL of Oregon. Let the resolution and the amendment be read.

The VICE-PRESIDENT. The resolution will be read.

The Secretary read the resolution reported by Mr. MITCHELL of Oregon, from the Committee on Privileges and Elections, February 18, 1896, as follows:

Resolved, That Henry A. Du Pont is entitled to a seat in the Senate from the State of Delaware for the full term commencing March 4, 1895.

The VICE-PRESIDENT. The amendment proposed by the Senator from Indiana will be read.

The SECRETARY. Before the word "entitled" insert the word "not," and strike out the last clause of the resolution; so as to read:

Resolved, That Henry A. Du Pont is not entitled to a seat in the Senate from the State of Delaware.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Indiana.

Mr. GORMAN and Mr. MITCHELL of Oregon. I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. GALLINGER (when Mr. ALDRICH's name was called). I am authorized to state that the senior Senator from Rhode Island [Mr. ALDRICH] is paired on this vote with the Senator from Florida [Mr. CALL].

Mr. PASCO (when Mr. CALL's name was called). My colleague [Mr. CALL], as already announced, is paired with the Senator from Rhode Island [Mr. ALDRICH]. If my colleague were present, he would vote "yea."

Mr. GEAR (when his name was called). I have a standing pair with the senior Senator from Georgia [Mr. GORDON]. If he were present, I presume he would vote "yea." I should vote "nay."

Mr. HARRIS (when his name was called). I have a standing pair with the Senator from Vermont [Mr. MORRILL]. If he were present, he would vote "nay" and I should vote "yea" upon this question.

Mr. GALLINGER. That it may not be overlooked, I desire to state that if the senior Senator from Rhode Island [Mr. ALDRICH] were present, he would vote "nay."

I desire further to state that the Senator from Maine [Mr. HALE] is paired on this vote with the Senator from South Carolina [Mr. IRBY]. If the Senator from Maine were present, he would vote "nay."

The Senator from North Dakota [Mr. HANSBROUGH] is absent from the Senate in consequence of sickness, and is paired with the Senator from Illinois [Mr. PALMER]. If the Senator from North Dakota were present, he would vote "nay."

Mr. HILL (when his name was called). I am paired with the junior Senator from Massachusetts [Mr. LODGE].

Mr. BURROWS (when Mr. MCMILLAN's name was called). My colleague [Mr. MCMILLAN] is paired with the Senator from Kentucky [Mr. BLACKBURN]. If my colleague were present, he would vote "nay."

Mr. GALLINGER (when Mr. MORRILL's name was called). The senior Senator from Vermont [Mr. MORRILL], who is necessarily absent from the Chamber, desired me to announce that he is paired on this vote with the Senator from Tennessee [Mr. HARRIS].

Mr. HARRIS. The pair has already been announced.

Mr. NELSON (when his name was called). I am paired with the Senator from Missouri [Mr. VEST]. If he were present, he would vote "yea" and I should vote "nay."

Mr. PUGH (when his name was called). I am paired with the senior Senator from Massachusetts [Mr. HOAR]. If he were present, I should vote "yea."

Mr. SQUIRE (when his name was called). I have a general pair with the senior Senator from Virginia [Mr. DANIEL]. Were he present, I should vote "nay."

Mr. THURSTON (when his name was called). I have a general pair with the junior Senator from South Carolina [Mr. TILLMAN]. If he were present, I should vote "nay."

The roll call was concluded.

Mr. TELLER. My colleague [Mr. WOLCOTT] is paired. His regular pair is with the Senator from Ohio [Mr. BRICE]. I understand that his pair has been transferred to the Senator from

Nevada [Mr. JONES]. I do not know how that was done. It has been done, I understand. If my colleague were present, he would vote "nay."

Mr. GALLINGER. Having charge of the pairs upon this side on this vote, I desire simply to state that no information has come to me concerning the transfer of the pair of the Senator from Colorado [Mr. WOLCOTT], but I presume it has been done upon authority. I have no information on the point.

Mr. ALLISON. On this vote I am paired with the Senator from Ohio [Mr. BRICE] at his special request. If he were present, I should vote "nay."

Mr. DUBOIS. I am paired with the senior Senator from New Jersey [Mr. SMITH]. If he were present, he would vote "yea" and I should vote "nay."

Mr. BLACKBURN. I am paired generally with the senior Senator from Michigan [Mr. MCMILLAN]. That pair is transferred to the senior Senator from Indiana [Mr. VOORHEES], and I vote "yea."

Mr. BUTLER. I wish to state that my colleague [Mr. PRITCHARD] is absent, and is paired on this question with the Senator from Louisiana [Mr. BLANCHARD].

Mr. CHANDLER. On this question I am paired with the junior Senator from New York [Mr. MURPHY]. I suggest to the senior Senator from New York [Mr. HILL] that the pair of his colleague be transferred to the junior Senator from Massachusetts [Mr. LODGE], so that the Senator from New York and myself can vote.

Mr. HILL. That is satisfactory.

Mr. CHANDLER. I vote "nay."

Mr. HILL. I vote "yea."

Mr. ALLISON. I think I should state further, in view of what the Senator from New Hampshire [Mr. GALLINGER] has just said, that my pair with the junior Senator from Ohio [Mr. BRICE] was made at his special request, and I think in conversation he stated to me—in fact, I remember he did—that the Senator from Colorado [Mr. WOLCOTT] was paired with some other Senator.

Mr. PASCO. I will state that before the Senator from Ohio [Mr. BRICE] left he told me of the special arrangement which had been made with reference to his pair; that the Senator from Nevada [Mr. JONES] would vote on this proposition against the seating of Mr. Du Pont; and that he had accordingly transferred his pair with the Senator from Colorado [Mr. WOLCOTT] to the Senator from Nevada [Mr. JONES].

Mr. MITCHELL of Oregon. I take it for granted that the Senator in charge of the pairs on the other side of the Chamber has consent directly from the Senator from Nevada [Mr. JONES] that he should be paired in favor of the pending amendment.

Mr. PASCO. I had it upon the authority of the Senator from Ohio [Mr. BRICE]. He notified me of the pair and stated that it had been made.

Mr. HARRIS. The Senator from Idaho [Mr. DUBOIS] I believe announced a pair with some Senator on this side.

Mr. DUBOIS. I am paired with the senior Senator from New Jersey [Mr. SMITH].

Mr. HARRIS. If agreeable to the Senator from Idaho, as I am paired with the senior Senator from Vermont [Mr. MORRILL], we will transfer our respective pairs and record our votes.

Mr. DUBOIS. Very well.

Mr. HARRIS. I vote "yea."

Mr. DUBOIS. I vote "nay."

The result was announced—yeas 31, nays 30; as follows:

YEAS—31.

Allen,	Cockrell,	Jones, Ark.	Peffer,
Bacon,	Faulkner,	Kyle,	Roach,
Bate,	George,	Lindsay,	Stewart,
Berry,	Gibson,	Martin,	Turpie,
Blackburn,	Gorman,	Mills,	Vilas,
Butler,	Gray,	Mitchell, Wis.	Walthall,
Caffery,	Harris,	Morgan,	White.
Chilton,	Hill,	Pasco,	

NAYS—30.

Baker,	Cullom,	Mantle,	Sherman,
Brown,	Davis,	Mitchell, Oreg.	Shoup,
Burrows,	Dubois,	Perkins,	Teller,
Cameron,	Elkins,	Pettigrew,	Warren,
Cannon,	Frye,	Platt,	Wetmore,
Carter,	Gallinger,	Proctor,	Wilson.
Chandler,	Hawley,	Quay,	
Clark,	McBride,	Sewell,	

NOT VOTING—23.

Aldrich,	Gordon,	McMillan,	Smith.
Allison,	Hale,	Morrill,	Squire,
Blanchard,	Hansbrough,	Murphy,	Thurston,
Brice,	Hoar,	Nelson,	Tillman,
Call,	Irby,	Palmer,	Vest,
Daniel,	Jones, Nev.	Pritchard,	Voorhees,
Gear,	Lodge,	Pugh,	Wolcott.

So the amendment was agreed to.

The VICE-PRESIDENT. The question recurs upon agreeing to the resolution as amended.

Mr. MITCHELL of Oregon. Let us have the yeas and nays, Mr. President.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. GALLINGER (when Mr. ALDRICH'S name was called). I rise, Mr. President, to announce the pair of the senior Senator from Rhode Island [Mr. ALDRICH] with the Senator from Florida [Mr. CALL]. If the Senator from Rhode Island were present, he would vote "nay" and I presume the Senator from Florida would vote "yea."

Mr. ALLISON (when his name was called). I desire to repeat that on this question I am paired with the Senator from Ohio [Mr. BRICE], otherwise I should vote "nay."

Mr. BLACKBURN (when his name was called). I ask to repeat the announcement heretofore made, that my pair with the senior Senator from Michigan [Mr. MCMILLAN] has been transferred to the senior Senator from Indiana [Mr. VOORHEES]. I vote "yea."

Mr. CAFFERY (when Mr. BLANCHARD'S name was called). My colleague [Mr. BLANCHARD] is paired with the Senator from North Carolina [Mr. PRITCHARD]. If present, my colleague would vote "yea."

Mr. DUBOIS (when his name was called). By arrangement with the Senator from Tennessee [Mr. HARRIS], he and I have transferred our pairs, so that the Senator from New Jersey [Mr. SMITH], with whom I am paired, will stand paired with the Senator from Vermont [Mr. MORRILL], who was paired with the Senator from Tennessee. I vote "nay."

Mr. GEAR (when his name was called). I have a general pair with the Senator from Georgia [Mr. GORDON]. If he were present, I should vote "nay."

Mr. GALLINGER (when Mr. HALE'S name was called). I will again announce that on this vote the Senator from Maine [Mr. HALE] is paired with the Senator from South Carolina [Mr. IRBY].

Mr. GALLINGER (when Mr. HANSBROUGH'S name was called). I will announce again that the Senator from North Dakota [Mr. HANSBROUGH] stands paired on this vote with the Senator from Illinois [Mr. PALMER].

Mr. HARRIS (when his name was called). My pair with the senior Senator from Vermont [Mr. MORRILL] having been transferred to the Senator from New Jersey [Mr. SMITH], I record my vote "yea."

Mr. HILL (when his name was called). I am paired with the Senator from Massachusetts [Mr. LODGE], but that pair has been transferred by arrangement with the Senator from New Hampshire [Mr. CHANDLER] to my colleague [Mr. MURPHY], and I therefore vote "yea."

Mr JONES of Arkansas (when his name was called). I have a general pair with the Senator from Maine [Mr. HALE], but that pair has been transferred to the Senator from South Carolina [Mr. IRBY]. I vote "yea."

Mr. BURROWS (when Mr. MCMILLAN'S name was called). My colleague [Mr. MCMILLAN] has a general pair with the Senator from Kentucky [Mr. BLACKBURN], but that pair has been transferred to the Senator from Indiana [Mr. VOORHEES]. If my colleague were present, he would vote "nay."

Mr. NELSON (when his name was called). I am paired with the Senator from Missouri [Mr. VEST]. If he were present, he would vote "yea" and I should vote "nay."

Mr. BUTLER (when Mr. PRITCHARD'S name was called). My colleague [Mr. PRITCHARD] is absent, paired with the Senator from Louisiana [Mr. BLANCHARD]. If present, my colleague would vote "nay."

Mr. PUGH (when his name was called). I again announce my pair with the senior Senator from Massachusetts [Mr. HOAR]. If he were present, I should vote "yea" and he would vote "nay."

Mr. SQUIRE (when his name was called). I again announce my pair with the Senator from Virginia [Mr. DANIEL]. If he were present, I should vote "nay."

Mr. THURSTON (when his name was called). I have a general pair with the junior Senator from South Carolina [Mr. TILLMAN]. If he were present, I should vote "nay."

The roll call having been concluded, the result was announced—yeas 31, nays 30; as follows:

YEAS—31.

Allen,	Cockrell,	Jones, Ark.	Peffer,
Bacon,	Faulkner,	Kyle,	Roach,
Bate,	George,	Lindsay,	Stewart,
Berry,	Gibson,	Martin,	Turpie,
Blackburn,	Gorman,	Mills,	Vilas,
Butler,	Gray,	Mitchell, Wis.	Walthall,
Caffery,	Harris,	Morgan,	White.
Chilton,	Hill,	Pasco,	

NAYS—30.

Baker,	Cullom,	Mantle,	Sherman,
Brown,	Davis,	Mitchell, Oreg.	Shoup,
Burrows,	Dubois,	Perkins,	Teller,
Cameron,	Elkins,	Pettigrew,	Warren,
Cannon,	Frye,	Platt,	Wetmore,
Carter,	Gallinger,	Proctor,	Wilson.
Chandler,	Hawley,	Quay,	
Clark,	McBride,	Sewell,	

NOT VOTING—28.

Aldrich,	Gordon,	McMillan,	Smith,
Allison,	Hale,	Morrill,	Squire,
Blanchard,	Hansbrough,	Murphy,	Thurston,
Brice,	Hoar,	Nelson,	Tillman,
Call,	Irby,	Palmer,	Vest,
Daniel,	Jones, Nev.	Pritchard,	Voorhees,
Gear,	Lodge,	Pugh,	Wolcott.

So the resolution as amended was agreed to.

MERCHANT MARINE ENGINEER SERVICE.

Mr. FRYE submitted the following conference report; which was read:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 3013) to amend section 4131 of the Revised Statutes of the United States, to improve the merchant marine engineer service, and thereby also to increase the efficiency of the Naval Reserve, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate, and agree to the same with amendments as follows:

In the second and third lines of section 2 strike out the word "three" where it occurs in each of said lines and insert in lieu thereof the word "five."

After the word "renewal," at the end of the first paragraph in section 2, insert the following:

"And in all cases where the issue is the suspension or revocation of such licenses, whether before the local boards of inspectors, as provided for in section 4450 of the Revised Statutes, or before the supervising inspector, as provided for in section 4452 of the Revised Statutes, the accused shall be allowed to appear by counsel and to testify in his own behalf."

WILLIAM P. FRYE,
WATSON C. SQUIRE,
Managers on the part of the Senate.

S. E. PAYNE,
A. J. HOPKINS,
C. M. COOPER,
Managers on the part of the House.

The report was concurred in.

DES MOINES RIVER LAND SETTLERS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, in accordance with the provisions of the sundry civil appropriation act of August 18, 1894, the report of Robert L. Berner, special commissioner to investigate the claims of the so-called Des Moines River land settlers; which, with the accompanying papers, was referred to the Committee on Public Lands, and ordered to be printed.

Mr. ALLISON. I ask unanimous consent that 500 extra copies of that document may be printed.

The VICE-PRESIDENT. Without objection, that order will be made.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CHAPELL, one of its clerks, announced that the House had passed the following bills:

A bill (S. 177) granting an increase of pension to Sophia D. Clendennin;

A bill (S. 246) granting a pension to Nancy Carson Blunt;

A bill (S. 247) granting a pension to Wallace McGrath;

A bill (S. 466) granting an increase of pension to William Brown;

A bill (S. 705) granting a pension to Emily B. Muncey;

A bill (S. 746) granting a pension to Elizabeth E. Donohue;

A bill (S. 1051) granting a pension to Elizabeth New, widow of Jethrow New;

A bill (S. 2175) granting a pension to James Lloyd Young, late of Company A, Sixth Regiment Kentucky Volunteers;

A bill (S. 2357) granting a pension to Elizabeth Watts Kearny, daughter of the late Philip Kearny, major-general, United States Army; and

A bill (S. 2936) to authorize the construction of a bridge across the Niagara River, in the town of Lewiston, in the county of Niagara, State of New York.

The message also announced that the House had agreed to the amendments of the Senate to the following bills:

A bill (H. R. 1181) for the relief of Maria E. Wilson;

A bill (H. R. 900) to provide for the payment of the claim of William H. Mahoney;

A bill (H. R. 3426) granting an increase of pension to Eugenia R. Sweeney, widow of Brig. Gen. Thomas W. Sweeney, deceased;

A bill (H. R. 5814) granting a pension to Cassie H. Davis, widow of James P. Davis, and mother of Mary T. Davis, an invalid daughter;

A bill (H. R. 6298) to correct the military record of Charles K. Jenree, etc.;

A bill (H. R. 7161) for the relief of Benjamin F. Jones;

A bill (H. R. 7671) authorizing and directing the Secretary of the Navy to donate one condemned cannon and cannon balls to U. S. Grant Post, No. 72, Grand Army of the Republic, of Washington, Ind., Department of Indiana; and

A bill (H. R. 8012) donating condemned cannon and cannon balls.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution:

A bill (S. 2032) to grant right of way over the public domain for pipe lines in the States of Colorado and Wyoming;

A bill (H. R. 128) for the relief of Henry H. Schrawder;

A bill (H. R. 227) requiring bills of sale, conditional sales, mortgages, or deeds of trust of chattels in the District of Columbia to be recorded;

A bill (H. R. 2451) to correct the records of the War Department in the case of Capt. Henry S. Pratt;

A bill (H. R. 2740) to carry into effect a finding of the Court of Claims in favor of the estate of George Case, late of Independence County, Ark.;

A bill (H. R. 3596) to remove the charge of desertion from the military record of Michael McKenna;

A bill (H. R. 4787) to establish the port of Conneaut, in the State of Ohio, as a subport of entry in the district of Cuyahoga, in the State of Ohio;

A bill (H. R. 5388) for the relief of F. Alberts & Co., Muskegon, Mich.;

A bill (H. R. 5790) to permit the Pintsch Compressing Company to lay pipes in certain streets in the city of Washington;

A bill (H. R. 6172) authorizing the sale of the title of the United States in lot 5, square 1113, in the city of Washington;

A bill (H. R. 6195) amending the statutes relating to the sale of printed copies of patents;

A bill (H. R. 6663) to authorize and regulate the sale of unclaimed freight, baggage, and other property in the District of Columbia;

A bill (H. R. 6666) granting to Major C. A. Angel Post, No. 20, Grand Army of the Republic, of Lambertville, N. J., 4 condemned cannon and 20 cannon balls;

A bill (H. R. 6836) to amend section 2981 of the Revised Statutes as amended by the act of June 10, 1880;

A bill (H. R. 7100) to donate 8 condemned cannon and 100 cannon shot to the Grand Army of the Republic Cemetery Association of Colorado;

A bill (H. R. 7140) granting to A. L. Robeson Post, No. 42, Grand Army of the Republic, of Bridgeton, N. J., 4 condemned cannon and 20 cannon balls;

A bill (H. R. 7143) granting to the Soldiers and Sailors' Monument Association, of the county of Middlesex, in the State of New Jersey, 4 condemned cannon and 30 cannon balls;

A bill (H. R. 7172) donating four condemned cannon and four pyramids of condemned cannon balls to the Soldiers' Monument Association, of Allegan, Mich.;

A bill (H. R. 7216) donating one condemned cannon and cannon balls to Grand Army of the Republic Post, No. 573, of Evans City, Pa.;

A bill (H. R. 7264) to provide for the drainage of lots in the District of Columbia;

A bill (H. R. 7973) to establish a railroad bridge across the Illinois River near Grafton, Ill.;

A bill (H. R. 8266) donating two condemned cannon to Custer Post, No. 38, Grand Army of the Republic, of Etna, Pa., and two condemned cannon to James G. Clark Post, No. 162, Grand Army of the Republic, of Allegheny, Pa.;

A bill (H. R. 8532) to establish certain harbor regulations for the District of Columbia;

A bill (H. R. 8013) donating one condemned cannon and cannon balls to Grand Army of the Republic, L. W. Cooper Post, Department of Missouri, No. 81, of Lathrop, Mo.;

A bill (H. R. 8077) granting to Budlong Post, Grand Army of the Republic, of Westerly, R. I., two condemned mounted brass cannon; and

A joint resolution (H. Res. 122) authorizing the Secretary of the Navy to deliver condemned cannon to Chamberlain Post, Grand Army of the Republic, to be posted by the soldiers' monument at St. Johnsbury, Vt.

DISTRICT APPROPRIATION BILL.

Mr. TELLER. I move that the Senate proceed to the consideration of the bill (H. R. 5210) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1897, and for other purposes.

The motion was agreed to.

Mr. HARRIS. If the Senator from Colorado will yield to me for the purpose I have in view, I will move that the Senate do now adjourn.

Mr. BLACKBURN and Mr. FAULKNER. Let us have an executive session.

Mr. HARRIS. Then I move that the Senate proceed to the consideration of executive business.

Mr. BLACKBURN. Has the appropriation bill been taken up?

Mr. HARRIS. The bill is before the Senate.

Mr. BLACKBURN. I rise to a parliamentary inquiry. I desire to know whether the motion of the Senator from Colorado prevailed, and the bill indicated by him to make appropriations for the support of the government of the District of Columbia has been taken up and is now before the Senate?

Mr. TELLER. I understood the bill had been taken up.

Mr. HARRIS. Unquestionably.

The VICE-PRESIDENT. The Chair so understands. The Senator from Colorado made the motion, and it was agreed to without objection.

Mr. BLACKBURN. I only wanted to know whether the bill was before the Senate.

Mr. TELLER. The bill is before the Senate.

The VICE-PRESIDENT. The bill is before the Senate. The question is on the motion of the Senator from Tennessee, that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After thirteen minutes spent in executive session the doors were reopened, and (at 5 o'clock and 41 minutes p. m.) the Senate adjourned until to-morrow, Saturday, May 16, 1896, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate May 15, 1896.

CONSULS.

John Fowler, of Massachusetts, to be consul of the United States at Chefoo, China, to take effect July 1, 1896.

Robert Lee Jenkins, of North Carolina, to be consul of the United States at Patras, Greece, vice Edward Hancock.

UNITED STATES DISTRICT JUDGE.

William Lochren, of Minnesota, to be United States district judge for the district of Minnesota, vice Rensselaer R. Nelson, resigned.

COMMISSIONER OF PENSIONS.

Dominic I. Murphy, of Philadelphia, Pa., now First Deputy Commissioner of Pensions, to be Commissioner of Pensions, vice William Lochren, resigned.

FIRST DEPUTY COMMISSIONER OF PENSIONS.

Napoleon J. T. Dana, of Portsmouth, N. H., to be First Deputy Commissioner of Pensions, vice Dominic I. Murphy, nominated for appointment as Commissioner of Pensions.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 15, 1896.

CONSUL.

Ernest A. Man, of Florida, to be consul of the United States at Bergen, Norway.

APPOINTMENT IN THE REVENUE-CUTTER SERVICE.

Samuel A. W. Patterson, of Pennsylvania, to be a third lieutenant.

PROMOTIONS IN THE ARMY.

Cavalry arm.

First Lieut. Daniel Hall Boughton, Third Cavalry, to be captain.

Second Lieut. Andrew Gregg Curtin Quay, Fifth Cavalry, to be first lieutenant.

To be post chaplain.

The Rev. Ivory Hovey Bartlett Headley, of Massachusetts.

To be professor of civil and military engineering.

Capt. Gustav Joseph Fiebeger, Corps of Engineers, United States Army.

Medical Department.

Capt. Samuel Quincy Robinson, assistant surgeon, to be surgeon.

EXAMINER IN CHIEF, PATENT OFFICE.

John H. Brickenstein, of Lititz, Pa., to be an examiner in chief in the Patent Office.

POSTMASTERS.

W. F. Symons, to be postmaster at Brunswick, in the county of Glynn and State of Georgia.

William Munroe, to be postmaster at Quincy, in the county of Gadsden and State of Florida.

Amos Kendall Jones, to be postmaster at Union, in the county of Union and State of Oregon.

HOUSE OF REPRESENTATIVES.

FRIDAY, *May 15, 1896.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read and approved.

PERSONAL EXPLANATION.

Mr. CANNON. Mr. Speaker, in justice to the gentleman from Tennessee [Mr. MCCALL], I desire to make a brief statement. On the 8th day of May I voted for the House resolution to pay clerks to members during vacation. I am also announced in the RECORD as paired with the gentleman from Tennessee [Mr. MCCALL], I being in favor of the resolution and he against it. I recollect now having agreed to pair with him and the announcement was properly made, but I am so rarely paired that it did not occur to me at the time, and I voted. I make this statement in justice to the gentleman from Tennessee.

QUESTION OF PERSONAL PRIVILEGE.

Mr. HOWARD. Mr. Speaker, I rise to a question of personal privilege. It refers to charges made by members of the press gallery about three months ago, and I will read an extract from the St. Louis Republic, as it contains perhaps the most dastardly and willfully false statement to be found in any of the papers on this subject. This is the extract:

> On the 3d of March, 1895, Senator Riddleberger, a Virginia Republican, being drunk and disorderly in the Senate of the United States, was, by direction of the President pro tempore, Ingalls, forcibly ejected from the Senate Chamber. Not for many years before and not since then has such a spectacle presented itself of national disgrace as the taking of HOWARD from the House of Representatives to-day. HOWARD, it seems, has been on a spree for four or five days, and to-day entered the Chamber and went to sleep on a lounge back of the seats, in plain sight of the galleries. He had not changed his linen in several days, and his appearance was that of a disreputable tramp. A couple of the House porters were instructed to lift him up and take him out. This was done by two colored men, who half lifted and half led him out in the presence of the House and a large concourse of disgusted spectators.

Now, Mr. Speaker, I have not before attempted to trespass upon the time of this House, nor would I to-day, sir, but for the fact that I feel it is due to the people whom I represent, due to the children who bear my name, to brand this lie and slander here. It is well known by members on this floor and has been testified to by my physician and by Dr. Stafford, one of the most eminent ministers of this city, who was in constant attendance by my bedside, that at the very time these cowardly words were penned I was hovering between this shore and that bourn from whence no traveler has ever returned. And, sir, I am informed that the correspondent of the St. Louis Republic sent a private message to a gentleman in my district on the same evening making this same charge against me. Sir, he—

> Who steals my purse steals trash; 'tis something, nothing;
> 'Twas mine, 'tis his, and has been slave to thousands;
> But he that filches from me my good name
> Robs me of that which not enriches him
> And makes me poor indeed.

Sir, no matter what feeling may exist against me, no matter what political party I may belong to, I am a member of this House, and so long as I am a member I am entitled to its protection. The attack made upon me by the press of this country is outrageous and should be stamped with condemnation. Gentlemen on this floor, members of the press, who made this charge, knew that I was lying at death's door, and for a month I was unable to leave my bed; and only day before yesterday was I able to come here and resume my duties.

Some of the papers have charged, sir, that there is a great feeling against the members of the Populist party on the part of Southern Democrats. I do not know whether this be true or false; but, sir, if my party and if the principles and ideas I represent are wrong, abuse and vilification and vituperation will never get the deluded people back into the right fold. Why, gentlemen, the very name "Democrat" was first given to your party as a name of reproach, yet that party gave to this country an Andrew Jackson. And the Abolition party, hated and despised and maligned, sowed the seed from which sprang the greatest patriot, the best friend of the poor man the world ever saw, Abraham Lincoln. [Applause.] It may be, sir, that this People's Party has "fanatics" in it; it may be that we are "wild-eyed lunatics." But the free-silver Democrats and the free-silver Republicans are also classed as "wild-eyed lunatics," except that they are harmless, and we are not. [Laughter.] Sir, I do not feel that in this body there should be such a distinction made. And I am here to say, further, that no member of the People's Party has ever been seen on this floor under the influence of whisky, and you can publish that to the world.

With these remarks, sir, I have nothing more to say. I deny the charge most specifically. It is absolutely unfounded and false; and the men who made it knew that it was untrue.

I will add the remark (suggested to me by a friend near me) that I came here to vote for the silver bill. I came against the wishes of my physician. Friends on the floor saw, when I came here, my feeble condition. The gentleman from South Carolina [Mr. McLAURIN], who sat by my side, saw that I was extremely and desperately ill and advised me to return to my hotel. I do think, sir, in the name of justice, in the name of all that is fair and right, this House ought to protect members when they are sick against such charges as these. [Applause.]

But I do not fear the consequences. Already the reaction has come. The newspapers said, "Here comes the end of the career of HOWARD." The wish was father to the thought. Sir, that will never be, so long as I stand by the common people of this country; and I have nothing to fear, because—

Truth crushed to earth shall rise again—
The eternal years of God are hers;
But Error, wounded, writhes with pain,
And dies among his worshipers.

[Applause.]

BRIDGE ACROSS NIAGARA RIVER.

Mr. WADSWORTH. I ask unanimous consent for the present consideration of the bill (S. 2936) to authorize the construction of a bridge across the Niagara River, in the town of Lewiston, in the county of Niagara, State of New York.

The bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. TALBERT. I reserve the right to object. There was so much confusion during the reading of the bill that I could not hear distinctly its provisions. I should like to know whether the bill carries any appropriation.

Mr. WADSWORTH. No, sir. It is a bill which has been passed by the Senate, and reported favorably by the Committee on Commerce of this House.

Mr. TALBERT. And it makes no appropriation?

Mr. WADSWORTH. No, sir. Mr. Speaker, I ask for the passage of the bill.

There being no objection, the House proceeded to the consideration of the bill; which was ordered to a third reading, read the third time, and passed.

On motion of Mr. WADSWORTH, a motion to reconsider the last vote was laid on the table.

ADJOURNMENT TILL MONDAY.

Mr. DINGLEY. I desire to make a privileged motion. I move that when the House adjourn to-day it adjourn to meet on Monday next.

The motion was agreed to.

MUSKOGEE, OKLAHOMA AND WESTERN RAILROAD COMPANY.

Mr. McRAE. I ask unanimous consent for the present consideration of the bill which I send to the desk.

The Clerk proceeded to read the bill (S. 1741) to authorize the Muskogee, Oklahoma and Western Railroad Company to construct and operate a line of railway through Oklahoma and the Indian Territory, and for other purposes.

Mr. MAHON (before the reading was concluded) called for the regular order.

DELEGATE FROM ALASKA.

Mr. SCRANTON. I rise to a parliamentary inquiry. I gave notice yesterday that to-day I would call up the motion to reconsider the vote by which the bill (H. R. 3826) to provide for the election of a Delegate from Alaska was defeated on its third reading. It has since been suggested to me that, this being private-bill day, the consideration of such a motion as I indicated would not be in order. I should like to have the opinion of the Chair on that point.

The SPEAKER. The Chair thinks it would not be in order to-day, as it is not private business.

Mr. SCRANTON. Then I give notice that I will call up the motion to reconsider at the first opportunity.

Mr. PERKINS. Mr. Speaker, I would like to raise a question of order on this matter.

The SPEAKER. The gentleman will state it.

Mr. PERKINS. On the 1st day of May the House had under consideration the bill No. 3826, and after discussion rejected it. The following evening, just before adjournment, the gentleman from Massachusetts [Mr. KNOX] entered a motion——

The SPEAKER. The bill is not up now.

Mr. PERKINS. I know. He entered a motion for reconsideration. My point is as to whether the gentleman from Massachusetts, having acted and voted with the minority, is competent to enter a motion for reconsideration or whether in fact——

The SPEAKER. The question is not now before the House. The Chair will state, however, that the uniform decisions are, where there is no record vote, that a gentleman entering such motion is assumed to have acted with the prevailing side.

Mr. PERKINS. But the gentleman made a record on the floor——

Mr. KNOX. Evidence can not be introduced on that question.

The SPEAKER. The matter is not now before the House.

Mr. PICKLER. I demand the regular order.

ADA J. SCHWATKA.

The SPEAKER laid before the House the bill (S. 710) granting a pension to Ada J. Schwatka, widow of the late Lieut. Frederick Schwatka, with House amendment, disagreed to by the Senate, and a request for a conference thereon.

Mr. LOUDENSLAGER. This bill, Mr. Speaker, was passed by the House at $17 a month. The Senate bill fixed it at thirty.

The SPEAKER. What motion does the gentleman make?

Mr. LOUDENSLAGER. I move that the House insist on its amendment, and agree to the conference asked by the Senate.

Mr. DINGLEY. One moment before action is taken. Did the House cut the amount down?

Mr. LOUDENSLAGER. Yes; the Senate passed the bill for $30 a month and the House committee recommended seventeen.

Mr. DINGLEY. So the House cut down the pension to $17 a month?

Mr. LOUDENSLAGER. Yes.

Mr. DINGLEY. What is the object of the conference?

Mr. LOUDENSLAGER. To insist on the House amendment.

Mr. DINGLEY. Very well; if that is the object, all right.

Mr. LOUDENSLAGER. That is the object.

The motion of Mr. LOUDENSLAGER was agreed to.

DONATION OF CONDEMNED CANNON.

The SPEAKER also laid before the House the bill (H. R. 7671) authorizing and directing the Secretary of the Navy to donate one condemned cannon and cannon balls to U. S. Grant Post, No. 72, Grand Army of the Republic, of Washington, Ind., Department of Indiana, with amendments by the Senate.

The amendments were read at length and concurred in.

The SPEAKER also laid before the House the bill (H. R. 8012) donating condemned cannon and cannon balls.

The bill was read at length.

The SPEAKER. The Clerk will report the Senate amendments.

The amendments of the Senate were read at length.

The SPEAKER. The question is on concurring in the Senate amendments.

Mr. PICKLER. Pending that, Mr. Speaker, I would like to inquire, if there is a member of the Committee on Naval Affairs here this morning, in regard to what action the committee has taken, if any, upon the resolution of the gentleman from Ohio [Mr. GROSVENOR] in regard to the distribution of these condemned cannon?

I think it must be nearly two or three months ago when, during a discussion of one of these bills here, the gentleman from Ohio suggested that this matter had better be referred to that committee with instructions, or an indication, at least, of a desire on the part of the House that a general bill should be reported on this subject. I have not heard anything from that committee, although I have heard a number of the members inquiring about what had become of that bill. If there is a member of the committee present, I would like to know what action they have taken or contemplate taking with reference to it.

The SPEAKER. The question is on concurring in the Senate amendments.

Mr. GROSVENOR. Mr. Speaker, I introduced that resolution, or motion, referred to by the gentleman from South Dakota, by reason of the expression of opinion made in the House, and I myself am somewhat at a loss to know why that general proposition seems not to have been acted upon, or is wholly ignored, while all of these little matters of special bills have been very rapidly introduced into the House and passed. I think the expression of the House is decidedly in favor of having some general distribution of these matters.

I see the gentleman from Ohio [Mr. HULICK] is present, a member of the Naval Committee, and I would like to inquire of him whether any action has been taken upon the general proposition in regard to the disposition of these condemned cannon in some systematic manner?

Mr. HULICK. In answer to the gentleman's inquiry I will state that a bill of that kind was before the committee, and referred to the subcommittee, but no action was taken by that subcommittee. The matter has been discussed generally, but no report has been made. I think it is the sentiment of the committee, however, that a general bill should be reported, and when private bills have been referred to the committee they have discouraged the introduction and reporting of them for the reason that they favor a general bill. Nevertheless the committee have not as yet reported that general bill.

Mr. GROSVENOR. Then, Mr. Speaker, I do not know that there is any remedy for it, except that if anybody desires to obstruct and object to the passage of these local bills or special bills

he may do so. I have no feeling about it. I want to get two or three cannon in my district for a special purpose, but I withheld my local matter simply for the purpose of having this general proposition acted upon.

Mr. HULICK. I will state further to the gentleman that I think, in view of the expressions which have already been made in the committee, that a general bill will be reported, and I will bring the matter before the committee myself at the next meeting.

The Senate amendments were concurred in.

On motion of Mr. SPALDING, a motion to reconsider the last vote was laid on the table.

CHARLES K. JENREE.

The SPEAKER also laid before the House the bill (H. R. 6298) to correct the military record of Charles K. Jenree, etc., with Senate amendments thereto.

The amendments of the Senate were read and concurred in.

CONDEMNED CANNON, ELMWOOD, ILL.

The SPEAKER also laid before the House the bill (H. R. 4324) authorizing the Secretary of the Navy to deliver one condemned cannon to the city of Elmwood, Peoria County, Ill., with Senate amendments thereto.

The Senate amendments were read.

Mr. GROSVENOR. I desire to offer an amendment to that bill, substituting a Senate bill of a general character, which has already passed the Senate and been favorably reported from the Military Committee of the House. Otherwise I shall not consent to pass these single bills, because they are a complete reversal of the order of the House upon that question. I have sent for the Senate bill, and I ask that this bill may be laid aside long enough for me to get the bill that I want to substitute.

The SPEAKER. The Chair does not think the amendment to substitute a general bill would be in order.

Mr. GROSVENOR. That is the question that has troubled me. [Laughter.]

The SPEAKER. The question is on agreeing to the amendments of the Senate.

Mr. GROSVENOR. I do not think I ought to oppose this bill under the circumstances, but I hope it will be laid aside and that some general arrangement will be made about this matter. The first thing we know these bills that go through without any consideration will have absorbed all of these cannon, probably a large portion of them in one or two States. I think there ought to be a fair and equitable distribution of these cannon.

Mr. DOCKERY. I will ask the gentleman if the Senate has not already passed some general bill, which will soon be here?

Mr. GROSVENOR. They have passed such a bill and it is here, and I am trying to see if it is in order to substitute that bill for this.

Mr. DOCKERY. For a private bill?

Mr. GROSVENOR. This is not a private bill necessarily.

Mr. DOCKERY. That would not be in order. I should like to act in harmony with the views of the gentleman, but I do not see how he can accomplish his purpose on this bill.

Mr. GROSVENOR. Well, I do not know myself. [Laughter.] I hope the bill will not pass. I hope the House will take interest enough in this matter to suspend the consideration of these single bills.

Mr. DOCKERY. Why not ask unanimous consent that the bill lie on the Speaker's table?

Mr. GROSVENOR. I ask unanimous consent that the bill lie on the Speaker's table without losing its place until the matter can be investigated.

The SPEAKER. The gentleman from Ohio [Mr. GROSVENOR] asks unanimous consent that the bill before the House be laid aside and retain its place on the Speaker's table until the further order of the House. Is there objection?

There was no objection.

BENJAMIN F. JONES.

The SPEAKER also laid before the House the bill (H. R. 7161) for the relief of Benjamin F. Jones, with Senate amendments thereto.

The Senate amendments were read and concurred in.

On motion of Mr. SPENCER, a motion to reconsider the last vote was laid on the table.

WILLIAM H. MAHONY.

The SPEAKER laid before the House the bill (H. R. 900) to provide for the payment of the claim of William H. Mahoney, with Senate amendments changing the spelling of the name of the beneficiary in the body of the bill and title.

The Senate amendments were read and concurred in.

On motion of Mr. BARHAM, a motion to reconsider the vote by which the Senate amendments were concurred in was laid on the table.

MARIA E. WILSON.

The SPEAKER laid before the House the bill (H. R. 1181) for the relief of Maria E. Wilson, with a Senate amendment.

The bill and the Senate amendment were read.

Mr. DINGLEY. Mr. Speaker, let the words to be stricken out be reported.

The Clerk read as follows:

And that her pension be rated from the date of the soldier's death as the widow of a captain instead of first lieutenant.

The Senate amendment was concurred in.

EUGENIA R. SWEENY.

The SPEAKER laid before the House the bill (H. R. 3426) granting an increase of pension to Eugenia R. Sweeney, widow of Brig. Gen. Thomas W. Sweeney, deceased.

The bill and Senate amendments were read, changing the spelling of the word "Sweeney" in body of bill and title to "Sweeny."

Mr. LOUDENSLAGER. Mr. Speaker, I move that the House concur in the Senate amendments.

The Senate amendments were concurred in.

BRIDGE OVER MISSOURI RIVER AT ST. LOUIS.

Mr. MURPHY of Illinois. Mr. Speaker, I desire to ask unanimous consent to call up the bill H. R. 2698, which passed the Senate with amendments, and ask the House to nonconcur in the Senate amendments, and that a committee of conference be appointed.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

Mr. DINGLEY. Let the title of the bill be read.

The Clerk read as follows:

A bill (H. R. 2698) authorizing the construction of a bridge over the Mississippi River to the city of St. Louis, in the State of Missouri, from some suitable point between the north line of St. Clair County, Ill., and the southwest line of said county.

Mr. HENDERSON. I would like an explanation of the Senate amendments before that is acted upon.

Mr. MURPHY of Illinois. The material amendment of the bill of the Senate is by placing a three-quarter-mile limit in the bill. The bill provides that the location shall be left to river engineers, and for that purpose we desire a conference.

Mr. HENDERSON. That is, three-quarters of a mile from the other bridges.

Mr. MURPHY of Illinois. That is it.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

Mr. McRAE. Mr. Speaker, I do not know anything about the merits of this bill, but I want to say that the unanimous consents allowed appear to me to be distributed very unfairly. The regular order is usually called against the requests from this side.

Mr. CANNON. This is merely to put the bill in conference.

Mr. McRAE. I know; but there are a great many bills of like character not so far advanced as this which are desired to be passed by members on the Democratic side. We have been unable from some cause to get anything like a just proportion of consideration for bills of this character or other usually passed by unanimous consent.

Mr. MURPHY of Illinois. Allow me to explain to you——

Mr. McRAE. Now, let me say to the gentleman that I do not know anything about his bill, and I have no objection to its consideration; but there must also be some consideration given to those of us on this side of the Chamber who want to secure for our constituents legislation to which there can be no reasonable objection. The regular order is not often demanded when consents are asked for on your side, but the call is quite frequent when we obtain recognition for such purpose upon this side. Now, almost all of the legislation of this Congress has been passed by unanimous consent and the committees have not been called more than once or twice. There has been no unreasonable objection to legislation which has been favorably reported by a committee——

Mr. MAHON. Regular order.

Mr. McRAE (continuing). Such as bridge bills and rights-of-way bills, of which there are many in our sections of the country. This morning one bill of that character was passed on the motion of a Republican, when immediately following it, at the request of my colleague [Mr. DINSMORE], who is in bed sick, I asked for the consideration of a Senate right-of-way bill which has been favorably reported to the House, and to which there can not be any reasonable objection, the regular order was demanded from that side.

Mr. PICKLER. Was not that a very long bill?

Mr. McRAE. It would be no longer than this bill if this is read in full, as it might be.

Mr. CANNON. This will not require to be read.

Mr. McRAE. It will not require to be read if the House

consents to dispense with it. I do not know of any objection to the bill and I do not want to assume any unfriendly attitude toward it, but I do want to give you notice that from now on unanimous consent must be fairly distributed between the two sides or the regular order will be called and the business transacted under the rules.

Mr. PICKLER. I think you have had your full share of recognitions.

Mr. HENDERSON. Is this a lecture to the gentleman from Illinois or to the presiding officer of the House?

Mr. MURPHY of Illinois (to Mr. MCRAE). After I get this bill through I will have leisure to help the gentleman.

Mr. MCRAE. I say I have no objection to this bill, and shall not interpose an objection to its consideration, but I do insist that the treatment of this side this morning and for several days within the last two weeks has been unfair. You all know that this morning unanimous consent was given for the consideration of a bridge bill for a railroad company, and when I asked unanimous consent for the consideration of a right-of-way bill on behalf of my colleague [Mr. DINSMORE] the regular order was promptly demanded. These right-of-way bills are formal, but often are very important, equally as much so as bridges.

Mr. STEELE. I desire to know if there is any record kept, so as to know whether the assertions made by the gentleman are backed up by facts?

The SPEAKER. The Chair has caused a record to be made, but has no recollection about the number, and he has not examined with reference to this class of bills; but his memory is that a full proportion has been allowed. In fact, he has never failed to allow a bridge bill to have an opportunity to be brought up before the House, and he regards that as business eminently suitable for unanimous consent, because it is business to which there can be no objection. It is formal in its character and absolutely necessary for the improvement of the country.

Mr. MCRAE. Mr. Speaker, the Chair misapprehends the complaint that I made. It was not that recognition had not been accorded by the Chair. There may have been some discrimination in that regard, but the criticism I made was that the regular order has been demanded against your recognitions given to this side or just before they expect to secure them, and that it has not been demanded when recognition was given to the other side. I insist that common fairness requires that if members of the majority, who are responsible for legislation, think it proper to demand the regular order, they should do so before any bills have been passed for their political friends and not wait until the Speaker had given recognition to this side, as was the case this morning.

Mr. STEELE. Now, Mr. Speaker, I would like to know, further, if it is not a fact that the Democratic side has had as many unanimous consents and has had as many bills passed in that way, in proportion to the number of members on that side, as we have had, or more than we have had?

The SPEAKER. The Chair does not think that is so. The Chair has endeavored to apportion recognitions in proportion to the number of members on each side, which, of course, is accurate and proper, because the number of members represents, in a general way, the business of the country.

Mr. STEELE. I do not think there has been any disposition at all to discriminate against that side.

Mr. MCRAE. I remember two occasions within the last ten days when on one day I think there were four recognitions and on another six on the Republican side and only one on this side.

The SPEAKER. The Chair desires to say, moreover, that there have not been so many demands for recognition on the Democratic side. On some days the Chair has looked over there and has found nobody rising; and therefore, of course, could not give recognition.

Mr. MCRAE. Well, I sit away back in the Hall, Mr. Speaker, and perhaps the Chair did not always see me when I rose; but we will try to make the demand if that is the reason we have not gotten more than we have.

The SPEAKER. Possibly. Is there objection to the present consideration of the proposition?

Mr. MAHON. Regular order, Mr. Speaker.

Mr. CANNON. I hope the gentleman from Pennsylvania will not insist on that.

The SPEAKER. The gentleman from Pennsylvania demands the regular order, which covers this question.

Mr. HENDERSON (to Mr. PICKLER). Now, go ahead with your pension business.

HOGE VS. OTEY.

Mr. DE ARMOND. Mr. Speaker, I am directed by the Committee on Elections No. 3 to call up for action by the House the resolutions submitted unanimously by the committee in the contested-election case of Hoge *vs.* Otey.

The SPEAKER. The Clerk will read the resolutions.

The resolutions were read, as follows:

Resolved, That J. Hampton Hoge was not elected and is not entitled to a seat in the House as the Representative in Congress from the Sixth district of Virginia.

Resolved, That Peter J. Otey was duly elected and is entitled to a seat in the House of Representatives as the Representative in the Fifty-fourth Congress from the Sixth district of Virginia.

The resolutions were adopted.

On motion of Mr. DE ARMOND, a motion to reconsider the vote by which the resolutions were adopted was laid on the table.

ORDER OF BUSINESS.

Mr. PICKLER. Regular order, Mr. Speaker.

The SPEAKER. The order is the unfinished business. The Clerk will report the first bill.

The Clerk read as follows:

A bill (H. R. 986) for the relief of Hiram P. Pauley.

Mr. PICKLER. I demand the previous question.

Mr. RICHARDSON. Mr. Speaker, I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. RICHARDSON. I understood the Chair to call for the unfinished business. I would inquire of the Chair by what order this bill comes up as unfinished business?

The SPEAKER. The Chair intended to call for the bills reported from the Committee of the Whole, of which the Chair understands this to be one.

Mr. RICHARDSON. This being Friday, private-bill day, would not bills on the Private Calendar be in order if the motion were made to go into Committee of the Whole?

The SPEAKER. A motion can be made for that purpose after the unfinished business is disposed of.

Mr. RICHARDSON. When was this bill reported from the committee? Is it a bill that has been considered at a Friday night session?

The SPEAKER. It is the first bill on the unfinished Calendar.

Mr. PICKLER. The first unfinished business on the Private Calendar.

Mr. RICHARDSON. When did it receive consideration in Committee of the Whole?

Mr. PICKLER. On Friday, May 8.

The SPEAKER. It appears to have been considered at a Friday night session.

Mr. RICHARDSON. Is it the opinion of the Chair that measures so reported would take precedence over the Private Calendar on Friday?

The SPEAKER. Not at all. This is the Private Calendar. But, in the opinion of the Chair, this bill takes precedence of the motion to go into Committee of the Whole.

Mr. PICKLER. That is the rule.

Mr. MCMILLIN. I would ask the chairman of the Committee on Invalid Pensions whether there are not a good many of these bills?

The SPEAKER. There is a large number of them——

Mr. MCMILLIN. I was going to make this suggestion: The House, out of kindness and charity toward the old soldier, sets apart every Friday night for the consideration of pension bills. It has been the custom until recently to dispose of such bills on Friday night; but I submit to the chairman of the Invalid Pensions Committee that if we pursue the course now proposed—I am inclined to think the Chair has ruled correctly as to the business entitled to take precedence; I am not making any complaint of the ruling in that regard, for, though the question has been ruled both ways, the weight of authority is probably with the Chair—but if the course now proposed be pursued, I submit to the gentleman who has charge of this class of business, the result will be that if pension bills are not finished up at the Friday evening session by the action of the House upon them, if the whole of the evening session is consumed in considering bills in Committee of the Whole and reporting them to the House, business of that character will be piled up to such an extent as to take the whole of each succeeding Friday to dispose of it. I submit to the gentleman whether he thinks it fair that the whole Private Calendar, including numbers of different classes of claims, should stand in abeyance on account of the kindly order which has been made giving Friday nights to these pension claims.

Mr. PICKLER. In the regular course of business the Committee of the Whole on Friday nights would rise, and the bills acted on in Committee of the Whole would be passed; but we have been unable to have bills passed on Friday nights, because gentlemen have raised the point of no quorum. The bills passed on Friday night would not ordinarily occupy on the succeeding Friday more than thirty minutes of the time of the House to pass them; and then, of course, the motion to go into Committee of the Whole for the regular business on the Private Calendar would be in order. But as we have had pension bills under consideration for two days, the list of bills requiring the action of the House is longer to-day than usual and the disposition of those bills will necessarily take up a little more time.

Mr. McMILLIN. Why were not these bills disposed of during those two days which were given by the House for the consideration of this class of business?

The SPEAKER. The two days were given for the consideration of pension business in Committee of the Whole; and it is somewhat questionable whether——

Mr. McMILLIN. I have no complaint to make except to call the attention of the House to the fact that by this method of proceeding, Friday night being given to the consideration of pension cases, the business coming over from that session comes in and consumes practically the next Friday, the result of which must be that no consideration can be given to any other class of claims. This I regard as wholly unjust. I would not do injustice to the soldier, but I do not think that the whole of the time appropriated to private business ought to be given to this class of legislation.

Mr. PICKLER. I think that both the gentlemen from Tennessee [Mr. McMILLIN and Mr. RICHARDSON] will bear me out in the statement that I have never antagonized private-bill day for the consideration of ordinary claims.

Mr. RICHARDSON. Not at all. I have no complaint to make of the gentleman in that regard. But I understood that bills considered on Friday evenings—pension bills considered in Committee of the Whole and reported therefrom—were not in order on a succeeding day unless the previous question had been ordered upon them at the Friday night meeting, in which case they would be considered at the next session of the House. But I understand in these cases the previous question has not been ordered.

The SPEAKER. It has not been; but these bills remain on the Calendar as unfinished business.

Mr. RICHARDSON. Would they not be unfinished business for Friday evening?

The SPEAKER. Unfinished business for Friday.

Mr. RICHARDSON. How could that be? They are not in order on Friday, as I understand.

The SPEAKER. The Chair has ruled on that point once or twice this session; and ruled on it in the Fifty-first Congress in the same way.

Mr. RICHARDSON. I was not aware of the fact that this particular question had been ruled on by the Chair. I would not undertake to argue against the ruling which the Chair has made; but I do not remember that in the Fifty-first Congress bills of this kind were ever brought over where the previous question had not been ordered.

The SPEAKER. The fact that so large a number of these bills are brought forward to-day is owing, as the Chair understands, to two circumstances. In the first place there has been difficulty at the night sessions in procuring a quorum—a House quorum—to pass the bills. Another difficulty has arisen from the fact that two days have recently been given under a special resolution of the House for the consideration of pension business in Committee of the Whole. That is what has caused the accumulation of these bills at the present time. The result of these various causes is that the whole session's work on bills of this character, or at least a large portion of it, has been crowded into to-day.

Mr. RICHARDSON. I wish to ask whether the language of the special rule giving the Committee on Pensions and the Committee on Invalid Pensions two days for the consideration of their bills provided only for the consideration of such bills in the Committee of the Whole? Did it not mean, at least by implication, that such bills, after being considered in Committee of the Whole, should be brought up in the House—not that the entire day should be used for the consideration of such bills in the Committee of the Whole?

The SPEAKER. The Chair thinks that, perhaps, is the way the order ought to have been drawn, but upon examination it seems that it was not so drawn.

The Clerk will proceed with the reading of the bill.

The bill was read at length, and also the amendment.

Mr. PICKLER. Mr. Speaker, I demand the previous question on the bill to its passage.

The previous question was ordered; under the operation of which the amendment recommended by the Committee of the Whole was agreed to, and the bill as amended ordered to be engrossed and read a third time.

Mr. TALBERT. Mr. Speaker, I make the point that the engrossed bill is not present. I demand the reading of the engrossed bill.

The SPEAKER. The bill will be laid aside to be engrossed.

Mr. TALBERT. I desire to make this statement now to save time——

The SPEAKER. The previous question having been ordered, no statement can be made now.

The Clerk will report the next bill.

HATTIE A. BEACH.

The next business reported from the Committee of the Whole was the bill (H. R. 4903) for the relief of Hattie A. Beach, child of Erastus D. Beach, late a private in Company H, One hundred and forty-third New York Volunteers.

Mr. PICKLER. I demand the previous question.

The previous question was ordered, under the operation of which the amendment was agreed to, and the bill as amended ordered to be engrossed and read a third time.

Mr. TALBERT. Now, Mr. Speaker, I make the same point on this bill—that it has not been engrossed.

The SPEAKER. The gentleman demands the reading of the engrossed bill.

Mr. TALBERT. I do.

The SPEAKER. The bill will be laid aside to be engrossed.

Some time subsequently,

Mr. TALBERT. Mr. Speaker, I desire to ask unanimous consent to recur to House bill No. 4903. I want to state that when I objected on the ground of its not being engrossed my impression was that it was a bill for the removal of a charge of desertion. I find on examination that it is a bill for pension to the child of Erastus D. Beach, and I ask unanimous consent that the question be taken upon its passage.

The SPEAKER. The objection of the gentleman from South Carolina is withdrawn. Is there further objection.

There being no further objection, the bill was read the third time, and passed.

LAMBERT L. MULFORD.

The next business was the bill (H. R. 4753) reported from the Committee of the Whole without amendments.

Mr. PICKLER. I ask the previous question.

The previous question was ordered, under the operation of which the amendments were agreed to and the bill as amended ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

ELIZABETH SADLER.

The next business was the bill (H. R. 3421) granting a pension to Elizabeth Sadler.

Mr. PICKLER. I demand the previous question.

The previous question was ordered, under the operation of which the bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

ARMINDA WHITE.

The next business was the bill (H. R. 2358) for the relief of Arminda White, reported from the Committee of the Whole with amendments.

Mr. PICKLER. I demand the previous question on the bill and amendments.

The previous question was ordered, under the operation of which the amendments were agreed to, and the bill as amended ordered to be engrossed and read a third time, and it was accordingly read the third time, and passed.

HELEN M. JACOB.

The next business was the bill (S. 149) granting a pension to Helen M. Jacob, reported with amendments.

Mr. PICKLER. I demand the previous question.

The previous question was ordered, under the operation of which the amendments were agreed to, and the bill as amended ordered to a third reading; and it was read the third time, and passed.

ELIZA SANFORD.

The next business was the bill (S. 1189) granting a pension to Eliza Sanford, reported from the Committee of the Whole with amendments.

Mr. PICKLER. I demand the previous question.

The previous question was ordered, under the operation of which the amendment was agreed to, and the bill as amended ordered to a third reading; and it was read the third time, and passed.

MRS. VIRGINIA TURTLE.

The next business was the bill (H. R. 3264) to increase the pension of Mrs. Virginia Turtle, of the District of Columbia, reported with amendments.

Mr. PICKLER. I demand the previous question.

The previous question was ordered, under the operation of which the amendments were agreed to, and the bill as amended ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

ELIZABETH W. SUTHERLAND.

The next business was the bill (S. 1420) granting a pension to Elizabeth W. Sutherland.

On motion of Mr. PICKLER, the previous question was ordered, under the operation of which the amendment was agreed to, and the bill as amended ordered to a third reading; and it was accordingly read the third time, and passed.

MRS. WILLIAM LORING SPENCER.

The next business was the bill (H. R. 4020) granting an increase of pension to Mrs. William Loring Spencer, reported from the Committee of the Whole with amendments.

Mr. PICKLER. Mr. Speaker, I rise to a parliamentary inquiry.
The SPEAKER. The gentleman will state it.
Mr. PICKLER. Mr. Speaker, this bill was recommended at $30 a month by the Committee of the Whole on Wednesday a week ago. On yesterday a Senate bill for the same beneficiary was passed at $50 a month. I am at a loss to know just what to do. Can the last act of the committee be substituted for the first.
The SPEAKER. The Chair thinks the gentleman can amend this bill if desired so as to conform to the Senate bill.
Mr. PICKLER. Individually this bill at $30 a month is my judgment and was the original judgment of the committee; but on yesterday the Senate bill at $50 a month was passed.
The SPEAKER. When that bill comes up the Chair thinks it can be substituted by consent.
Mr. PICKLER. The gentleman interested in this bill does not seem to be here, and I do not want to take any advantage of his absence. Could the Senate bill by unanimous consent be substituted for this bill now?
The SPEAKER. It could by unanimous consent.
Mr. HEPBURN. I ask unanimous consent that this bill be laid aside.
Mr. PICKLER. I think that would be better, until the gentleman is present.
The SPEAKER. The gentleman asks unanimous consent that this bill be laid aside. It will go to the foot of the Calendar.
Mr. HEPBURN. I will withdraw the request.
Mr. PICKLER. Then I demand the previous question.
The previous question was ordered, under the operation of which the amendments were agreed to, and the bill as amended ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.
The SPEAKER. Without objection the title will be amended to conform to the amendment incorporated in the body of the bill.
There was no objection.

JAMES LLOYD YOUNG.

The next business was the bill (S. 2175) granting a pension to James Lloyd Young, late of Company A, Sixth Regiment Kentucky Volunteers.
On motion of Mr. PICKLER, the previous question was ordered.
The bill was ordered to a third reading; and it was accordingly read the third time, and passed.
The bill (H. R. 358) to pension James L. Young was ordered to lie on the table.

SILAS S. WHITE.

The next business was the bill (H. R. 4547) to pension Silas S. White.
On motion of Mr. PICKLER, the previous question was ordered.
The amendments recommended by the Committee of the Whole were agreed to.
The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

HARRIET C. GREGG.

The next business was the bill (H. R. 2006) to pension Harriet C. Gregg.
On motion of Mr. PICKLER, the previous question was ordered.
The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

MARTHA LINDSAY.

The next business was the bill (H. R. 126) for the relief of Martha Lindsay.
On motion of Mr. PICKLER, the previous question was ordered.
The amendments recommended by the Committee of the Whole were agreed to.
The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

EMILY B. MUNCEY.

The next business was the bill (S. 705) granting a pension to Emily B. Muncey.
On motion of Mr. PICKLER, the previous question was ordered.
The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

THOMAS BREWER.

The next business was the bill (H. R. 3857) granting a pension to Thomas Brewer.
The previous question was ordered.
The amendments recommended by the Committee of the Whole were agreed to.
The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

CYRUS THOMAS.

The next business was the bill (H. R. 4910) to pension Cyrus Thomas.
On motion of Mr. PICKLER, the previous question was ordered.
The amendment recommended by the committee was agreed to.
The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

ELIZABETH E. DONOHOE.

The next business was the bill (S. 746) granting a pension to Elizabeth E. Donohoe.
The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

HANNAH NEWELL BARRETT.

The next business was the bill (H. R. 3329) for the relief of Hannah Newell Barrett.
The amendments recommended by the committee were agreed to.
The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

CELESTIA R. BARRY.

The next business was the bill (H. R. 1891) granting a pension to Celestia R. Barry.
The amendment recommended by the committee was agreed to.
The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

LYDIA BOYNTON FERRIS.

The next business was the bill (H. R. 1511) for the relief of Lydia Boynton Ferris.
The amendment recommended by the committee was agreed to.
The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

KATHERINE ZIEGENHEIM.

The next business was the bill (H. R. 2359) granting a pension to Katherine Ziegenheim, of Louisville, Ky., with an amendment.
The amendment recommended by the Committee of the Whole was agreed to.
The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

NANCY B. PRINCE.

The next business was the bill (H. R. 1827) granting a pension to Nancy B. Prince, widow of Albert Prince.
The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HENRY PRINCE.

The next business was the bill (H. R. 1826) granting a pension to Henry Prince.
The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

GEN. JAMES C. PARROTT.

The next business was the bill (H. R. 5226) to give increased pension to Gen. James C. Parrott, with amendments.
The amendments recommended by the Committee of the Whole were agreed to.
The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CAROLINE E. PURDUM.

The next business was the bill (H. R. 6134) granting an increase of pension to Caroline E. Purdum.
The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

FRANCES E. HELFENSTEIN.

The next business was the bill (H. R. 979) granting a pension to Frances E. Helfenstein, with an amendment.
The amendment recommended by the Committee of the Whole was agreed to.
The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment bills of the following titles:
A bill (H. R. 4255) to provide for settlement of titles and disposition of public lands in the Arredondo grant, in Columbia County, Fla.;
A bill (H. R. 3689) increasing the pension of Jefferson Fueston, of Company M, Tenth Ohio Volunteer Cavalry;
A bill (H. R. 4712) granting a pension to Margaret A. Luthy;
A bill (H. R. 2326) granting a pension to Thomas Holaday;
A bill (H. R. 4182) granting increase of pension to Georgianna C. Hall, dependent mother of Maj. John W. Williams, deceased, late surgeon United States Army;
A bill (H. R. 3607) to increase the pension of Kate Grant;

A bill (H. R. 483) for the relief of Mary Jane Lynn, the daughter of John R. Lynn, a Revolutionary soldier;
A bill (H. R. 515) granting a pension to William Grose;
A bill (H. R. 4526) granting a pension to Jonathan Scott;
A bill (H. R. 3932) granting a pension to Mrs. Elizabeth Richardson;
A bill (H. R. 4122) granting an increase of pension to James H. Jones;
A bill (H. R. 6037) granting a pension to Mrs. Amanda Woodcock;
A bill (H. R. 5140) for the relief of Michael H. J. Crouch, late of Company M, Sixth Regiment Pennsylvania Cavalry;
A bill (H. R. 2605) granting a pension to Henry V. Andrews, of Fulton County, Ill., a survivor of the Black Hawk war;
A bill (H. R. 3221) granting a pension to John Dalton;
A bill (H. R. 3234) granting a pension to Williamson Durley;
A bill (H. R. 5854) granting a pension to John Caster;
A bill (H. R. 4528) granting a pension to Katherine S. McCartney, widow of William H. McCartney;
A bill (H. R. 7983) to pension Frances E. Wickware;
A bill (H. R. 4383) granting a pension to Gen. William H. Morris;
A bill (H. R. 3216) granting an increase of pension to James P. Hurley;
A bill (H. R. 75) granting a pension to Mary F. Davenport;
A bill (H. R. 4475) granting a pension to Mrs. Katherine Gaffney;
A bill (H. R. 3001) granting a pension to Cynthia A. Lapham, widow of William B. Lapham;
A bill (H. R. 4895) for the relief of Miss Juliette Betts;
A bill (H. R. 2844) granting a pension to Martha McNeil; and
A bill (H. R. 1601) to amend the military record of John S. Evans.

The message also announced that the Senate had passed bills of the following titles, with amendments in which the concurrence of the House was requested:

A bill (H. R. 2604) to increase the pension of Caroline A. Hough, widow of Brig. Gen. John Hough; and
A bill (H. R. 5814) granting a pension to Cassie A. Davis, widow of James T. Davis and mother of Mary T. Davis, an invalid daughter.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 7542) making appropriations for the naval service for the fiscal year ending June 30, 1897, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. HALE, Mr. QUAY, and Mr. GORMAN as the conferees on the part of the Senate.

The message also announced that the Senate had passed bills and joint resolutions of the following titles; in which the concurrence of the House was requested:

A bill (S. 2119) for the relief of John Breitling;
A joint resolution (S. R. 141) to carry into effect two resolutions of the Continental Congress directing monuments to be erected to the memory of Gens. Francis Nash and William Davidson, of North Carolina;
A bill (S. 937) granting a pension to Sarah Comly, widow of Maj. Clifton Comly;
A bill (S. 2931) granting an increase of pension to Silas M. Stevens;
A bill (S. 1091) granting a pension to Christiana C. Queen, widow of Walter W. Queen, formerly an admiral in the United States Navy;
A bill (S. 2133) granting a pension to Mary E. Ely;
A bill (S. 2954) to increase the pension of Margaret Custer Calhoun;
A bill (S. 1946) granting a pension to Elijah N. Parkhurst;
A bill (S. 759) granting a pension to Carrie A. Moody;
A bill (S. 2556) granting an increase of pension to Lewis D. Baker;
A bill (S. 2357) granting a pension to Elizabeth Watts Kearny, daughter of the late Philip Kearny, major-general, United States Army;
A bill (S. 202) to increase the pension of Lucretia C. Waring;
A bill (S. 2844) granting a pension to Nancy Piper;
A bill (S. 2983) granting a pension to Ida Emmott, daughter of the late Thomas Emmott;
A bill (S. 2312) granting a pension to William T. Hill;
A bill (S. 2877) granting a pension to Hiram Santas;
A bill (S. 2439) granting a pension to Jackson Lucus;
A bill (S. 2880) granting a pension to Charles E. Mann;
A bill (S. 2879) granting a pension to Charles A. Hutchings;
A bill (S. 2433) granting a pension to William F. Gowdy;
A bill (S. 1300) for the relief of Hannah Newell Barrett;
A bill (S. 152) granting a pension to Abel S. Chase;
A bill (S. 752) to increase the pension of Capt. James B. Logan;
A bill (S. 3020) granting a pension to W. L. Faxon;
A bill (S. 2434) granting a pension to Simon D. Kohl;
A bill (S. 1164) granting a pension to Aaron B. Page;
A bill (S. 2494) restoring pension to Michael Carron;
A bill (S. 3004) granting a pension to Jacob Saladin;
A bill (S. 2820) granting a pension to Mary F. Hawley;
A bill (S. 2535) granting a pension to Elender Herring, of Elsmore, Kans.;
A bill (S. 2758) granting a pension to Hiram H. Palmer;
A bill (S. 2754) granting a pension to Jerusha Hayward Brown;
A bill (S. 2883) granting an increase of pension to Isaac Harbaugh; and
A bill (S. 2802) granting a pension to Margaret Rowsell.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 2032) to grant right of way over the public domain for pipe lines in the States of Colorado and Wyoming.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, the following Senate bills and a joint resolution were taken from the Speaker's table and referred by the Speaker, as follows:

A bill (S. 2237) providing for the appointment of a guardian for pensioners in certain cases in the District of Columbia—to the Committee on the District of Columbia.

A bill (S. 1833) to amend the act of March 1, 1895, and other acts relating to the United States court in the Indian Territory, and for other purposes—to the Committee on the Judiciary.

Joint resolution (S. R. 135) providing for the appointment of a commission to report upon the practicability of establishing, near Washington, D. C., a ground map of the United States—to the Committee on the Library.

ENROLLED BILL SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled the bill (S. 2488) to amend an act entitled "An act to authorize the Denison and Northern Railway Company to construct and operate a railway through the Indian Territory, and for other purposes"; when the Speaker signed the same.

ABRAM H. PARKER.

The next business was the bill (H. R. 5946) granting an increase of pension to Abram H. Parker, with an amendment.

Mr. ERDMAN. Mr. Speaker——

Mr. PICKLER. I ask for the previous question.

The previous question was ordered.

The amendment recommended by the Committee of the Whole was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The amendment to the title was agreed to.

MARY PRINCE.

The next business was the bill (H. R. 1825) granting a pension to Mary Prince.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

Mr. ERDMAN. Mr. Speaker——

Mr. PICKLER. I demand the previous question upon the engrossment, third reading, and final passage of the bill.

The previous question was ordered, and under the operation thereof the bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MRS. F. E. MARSHALL.

The next business was the bill (H. R. 4090) granting an increase of pension to Mrs. F. E. Marshall, reported from the Committee of the Whole with the recommendation that the bill do lie on the table.

The SPEAKER pro tempore. The question is, Shall this bill lie on the table?

The recommendation of the Committee of the Whole was concurred in.

SARAH WEEDON.

The next business was the bill (H. R. 1178) to pension Sarah Weedon.

Mr. PICKLER. I demand the previous question.

Mr. ERDMAN. I rise to a question of order. The point of order is that this bill has been improperly reported from the Committee of the Whole. It is one of the bills considered in one Committee of the Whole, under certain rules, regulations, and restrictions, and reported by that committee on a different occasion. I make the point of order, at this time, that the bill has been improperly reported from the Committee of the Whole.

The SPEAKER pro tempore. The Chair overrules the point of order.

The previous question was ordered, and under the operation

thereof the amendment recommended by the Committee of the Whole was agreed to; and the bill as amended was ordered to be engrossed for a third reading.

Mr. ERDMAN. Mr. Speaker, I demand the reading of the engrossed bill.

The SPEAKER pro tempore. The bill will be laid aside for engrossment.

Mr. PICKLER. Regular order.

WILLIAM WALDRUP.

The next business was the bill (H. R. 4001) to reinstate William Waldrup on the pension roll.

Mr. PICKLER. I demand the previous question.

The previous question was ordered, and under the operation thereof the bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. ERDMAN. Mr. Speaker——

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. ERDMAN. To demand the reading of the engrossed bill.

The SPEAKER pro tempore. The gentleman rose too late.

Mr. ERDMAN. The Chair did not put that motion.

The SPEAKER pro tempore. The Chair put that motion and it was decided, the third reading was ordered, and the House was dividing on the final passage of the bill when the gentleman rose.

CASSIE A. DAVIS.

Mr. POWERS. Mr. Speaker, I ask consent to take from the Speaker's table House bill No. 5814, granting a pension to Cassie A. Davis. This bill has been amended by the Senate cutting down the amount of the pension from $30 to $24 a month, and I ask to take it up for the purpose of moving that the House concur in the amendment.

The Senate amendment was concurred in.

ISAAC H. WHETSEL.

The next business on the Private Calendar reported from the Committee of the Whole was the bill (H. R. 4720) granting an increase of pension to Isaac H. Whetsel, of Louisville, Ky.

The bill was read.

On motion of Mr. PICKLER, the previous question was ordered.

The amendment reported from the Committee of the Whole was agreed to.

The bill was ordered to be engrossed and read a third time.

Mr. ERDMAN. Mr. Speaker, I demand the reading of the engrossed bill.

The SPEAKER pro tempore. The gentleman from Pennsylvania demands the reading of the engrossed copy of the bill. The bill will be laid aside to be engrossed.

SARAH ANN WIBLE.

The next business on the Private Calendar reported from the Committee of the Whole was the bill (H. R. 5311) granting a pension to Sarah Ann Wible.

The bill was read.

On motion of Mr. PICKLER, the previous question was ordered.

The amendments reported from the Committee of the Whole were agreed to.

The bill was ordered to be engrossed and read a third time.

Mr. ERDMAN. Mr. Speaker, I demand the reading of the engrossed bill.

The SPEAKER pro tempore. The gentleman from Pennsylvania demands the reading of the engrossed copy of the bill. The bill will be laid aside to be engrossed.

Mr. PICKLER. If the statesman from Pennsylvania is going to demand the reading of the engrossed bills in all these cases, we might as well quit. It takes a man of great ability to do that.

The SPEAKER pro tempore. The Clerk will report the next bill.

Mr. CROWTHER. Will the gentleman from Pennsylvania please withdraw his objection to this bill? The woman is 84 years of age, and is now lying upon what will in all probability prove to be her deathbed. Will the gentleman withdraw his objection?

Mr. ERDMAN. Mr. Speaker, is this question open to debate? If it is, I am willing to debate it or any other question with the gentleman.

The SPEAKER pro tempore. Debate is not in order.

Mr. CROWTHER. This is in accordance with the action of the gentleman from Pennsylvania on other occasions, which is a disgrace to the State.

The SPEAKER pro tempore. The Clerk will report the next bill.

DR. HARRISON WAGNER.

The next business on the Private Calendar reported from the Committee of the Whole was the bill (H. R. 6789) granting a pension and for the relief of Dr. Harrison Wagner.

The bill was read.

On motion of Mr. PICKLER, the previous question was ordered.

The bill was ordered to be engrossed and read a third time.

Mr. ERDMAN. Mr. Speaker, I demand the reading of the engrossed bill.

The SPEAKER pro tempore. The gentleman from Pennsylvania demands the reading of the engrossed copy of the bill. The bill will be laid aside to be engrossed.

GEORGE HAGER.

The next business on the Private Calendar was the bill (H. R. 4888) for the relief of George Hager.

The bill was read.

On motion of Mr. PICKLER, the previous question was ordered.

The amendment reported from the Committee of the Whole was agreed to.

The bill as amended was ordered to be engrossed and read a third time.

Mr. ERDMAN. Mr. Speaker, I demand the reading of the engrossed bill.

The SPEAKER pro tempore. The gentleman from Pennsylvania demands the reading of the engrossed copy of the bill. The bill will be laid aside to be engrossed.

ELIZABETH WATTS KEARNY.

The next business on the Private Calendar reported from the Committee of the Whole was the bill (H. R. 6283) granting a pension to Elizabeth Watts Kearny, daughter of the late Philip Kearny, major-general, United States Army.

The bill was read.

The amendment reported from the Committee of the Whole was read.

Mr. PICKLER. Mr. Speaker, I ask consent for the substitution of the Senate bill (S. 2357), which is for the same beneficiary and for the same amount.

There was no objection.

The Senate bill (S. 2357) was ordered to a third reading; and it was accordingly read the third time, and passed.

The House bill (H. R. 6283) was laid on the table.

ELEANOR L. CURTIS.

The next business on the Private Calendar was the bill (H. R. 5710) granting a pension to Eleanor L. Curtis.

The bill was read.

The amendments reported from the Committee of the Whole were agreed to.

The bill was ordered to be engrossed and read a third time.

Mr. ERDMAN. Mr. Speaker, I demand the reading of the engrossed copy of the bill.

The SPEAKER pro tempore. The gentleman from Pennsylvania demands the reading of the engrossed bill. The bill will be laid aside for engrossment.

THOMAS D. WALKER.

The next business on the Private Calendar was the bill (H. R. 6483) granting increase of pension to Thomas D. Walker.

The bill was read.

The bill was ordered to be engrossed and read a third time.

Mr. ERDMAN. Mr. Speaker, I demand the reading of the engrossed copy of the bill.

The SPEAKER pro tempore. The gentleman from Pennsylvania demands the reading of the engrossed copy of the bill. The bill will be laid aside for engrossment.

CARRIE L. YEATON.

The next business on the Private Calendar was the bill (S. 1924) granting a pension to Carrie L. Yeaton.

The bill was read.

The amendments recommended, reported from the Committee of the Whole, were agreed to.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

NEIL M'NEIL.

The next business on the Private Calendar was the bill (H. R. 1820) granting a pension to Neil McNeil.

The bill was read.

On motion of Mr. PICKLER, the previous question was ordered.

The amendments reported from the Committee of the Whole were agreed to.

The bill as amended was ordered to be engrossed and read a third time.

Mr. ERDMAN. Mr. Speaker, I demand the reading of the engrossed bill.

The SPEAKER pro tempore. The gentleman from Pennsylvania demands the reading of the engrossed copy of the bill. The bill will be laid aside for engrossment.

OLIVER DODGE.

The next business on the Private Calendar was the bill (H. R. 3496) for the relief of Oliver Dodge, and to place him on the

pension roll, reported from the Committee of the Whole with the recommendation that it lie on the table.
The bill was accordingly laid on the table.

JOSEPH J. HUDSON.

The next business on the Private Calendar was the bill (H. R. 4263) to increase the pension of Joseph J. Hudson.
The bill was read.
On motion of Mr. PICKLER, the previous question was ordered.
The bill was ordered to be engrossed and read a third time.
Mr. ERDMAN. Mr. Speaker, I demand the reading of the engrossed copy of the bill.
The SPEAKER pro tempore. The gentleman from Pennsylvania demands the reading of the engrossed copy of the bill. The bill will be laid aside for engrossment.

SOPHIA D. CLENDENIN.

The next business on the Private Calendar was the bill (S. 177) granting an increase of pension to Sophia D. Clendenin.
The bill was read.
The bill was ordered to a third reading; and it was accordingly read the third time, and passed.
The next business on the Private Calendar was the bill (H. R. 1894) granting a pension to Sophia D. Clendenin, reported from the Committee of the Whole with the recommendation that it do lie on the table.
The bill was accordingly laid on the table.

ELLEN KINGSLEY.

The next business on the Private Calendar was the bill (S. 1215) granting a pension to Ellen Kingsley.
The bill was read.
On motion of Mr. PICKLER, the previous question was ordered.
The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

SAMUEL GOLDWATER.

The next business was the bill (S. 404) granting a pension to Samuel Goldwater.
The bill, with the amendment reported from the Committee of the Whole House, was read, the amendment agreed to, and the bill as amended ordered to a third reading, read the third time, and passed.

WILLIAM BROWN.

The next business was the bill (S. 466) granting an increase of pension to William Brown.
The bill was read, ordered to a third reading, read the third time, and passed.

MARY NEWMAN.

The next business was the bill (S. 1044) granting a pension to Mary Newman.
The bill, with the amendment reported from the Committee of the Whole House, was read.
The amendment was agreed to.
The question being taken on ordering the bill as amended to a third reading,
Mr. ERDMAN called for a division.
The question being again taken, there were—ayes 79, noes none.
Mr. ERDMAN. Mr. Speaker, there appears to be no quorum.
The SPEAKER pro tempore (after counting the House). There are 180 members present.
So the bill was ordered to a third reading; and it was accordingly read the third time, and passed.

C. E. PHILBROOK.

The next business was the bill (S. 739) granting an increase of pension to C. E. Philbrook, widow of Alvah Philbrook, major of Twenty-fourth Regiment Wisconsin Volunteers.
The bill, with the amendment reported from the Committee of the Whole House, was read.
The amendment was agreed to.
The bill as amended was ordered to a third reading, read the third time, and passed.

NANCY CARSON BLUNT.

The next business was the bill (S. 246) granting a pension to Nancy Carson Blunt.
The bill was read, ordered to a third reading, read the third time, and passed.

ELIZABETH A. SARGENT.

The next business was the bill (H. R. 6111) granting a pension to Elizabeth A. Sargent.
The bill, having been read, was ordered to be engrossed and read a third time.
Mr. ERDMAN. I demand the reading of the engrossed bill.
The SPEAKER. The bill, not having been engrossed, will be laid aside for that purpose.

ELIZABETH NEW.

The next business was the bill (S. 1051) granting a pension to Elizabeth New, widow of Jethrow New.
The bill was read, ordered to a third reading, read the third time, and passed.

WALLACE M'GRATH.

The next business was the bill (S. 247) granting a pension to Wallace McGrath.
The bill was read.
Mr. PICKLER. I call for the previous question.
The previous question was ordered; and under the operation thereof the bill was ordered to a third reading, read the third time, and passed.

MRS. ANNIE E. COLWELL.

The next business was the bill (S. 2514) granting an increase of pension to Mrs. Annie E. Colwell.
The bill was read, ordered to a third reading, read the third time, and passed.
The next business was the bill (H. R. 1931) granting an increase of pension to Mrs. Annie E. Colwell.
Mr. PICKLER. This House bill, similar in its effect to the Senate bill just passed, has been reported from the Committee of the Whole House with the recommendation that it lie on the table.
The SPEAKER. Without objection, this bill will be laid on the table.
There was no objection.

MARY L. ALESHIRE.

The next business was the bill (H. R. 4724) to increase the pension of Mrs. Mary L. Aleshire.
The bill, with the amendment reported from the Committee of the Whole House, was read.
The amendment was agreed to.
The bill as amended was ordered to be engrossed and read a third time.
Mr. ERDMAN. I demand the reading of the engrossed bill.
The SPEAKER. The bill, not having been engrossed, will be laid aside for that purpose.

MRS. SARAH MARTIN.

The next business was the bill (H. R. 4994) for the relief of Mrs. Sarah Martin.
The bill was read, and was ordered to be engrossed and read a third time.
Mr. ERDMAN. I call for the reading of the engrossed bill.
The SPEAKER. The bill has not been engrossed, and it will be laid aside for that purpose.

ELMIRA E. DUSTIN.

The next business was the bill (H. R. 3578) granting a pension to Elmira E. Dustin.
The bill was read.
Mr. PICKLER. I demand the previous question.
The previous question was ordered on the bill to its passage.
Under the operation of the previous question the bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

FREDERICK GRAMM.

The next business was the bill (S. 61) for the relief of Frederick Gramm.
The bill was read.
Mr. PICKLER. I demand the previous question.
The previous question was ordered, under the operation of which the bill was read the third time.
The question recurred on the passage of the bill; and on a division (demanded by Mr. TALBERT) there were—ayes 82, noes 3.
Mr. TALBERT. No quorum.
The SPEAKER (having counted the House). One hundred and seventy-nine members are present, a quorum.
So the bill was passed.

PATSEY E. BROADDUS.

The next business was the bill (H. R. 4481) granting an increase of pension to Patsey E. Broaddus, of Marion, Kans.
The bill was read.
Mr. PICKLER. I demand the previous question to the passage of the bill.
The previous question was ordered, under the operation of which the bill was ordered to be engrossed and read a third time.
Mr. ERDMAN. I demand the reading of the engrossed bill.
The SPEAKER. The bill, not having been engrossed, will be laid aside for that purpose, and the Clerk will report the next bill.

MARY MARTIN.

The next business was the bill (H. R. 1890) granting a pension to Mary Martin, reported from the Committee of the Whole with an amendment.

Mr. PICKLER. I demand the previous question to the passage of the bill.

The previous question was ordered, under the operation of which the amendment was agreed to, and the bill as amended ordered to be engrossed and read a third time; and being read the third time, it was passed.

ELVIN BROWN.

The next business was the bill (H. R. 2373) granting a pension to Elvin Brown, reported from the Committee of the Whole with an amendment, and also with recommendation to amend the title.

The bill was read.

Mr. PICKLER. I ask the previous question on the passage of the bill.

The previous question was ordered, under the operation of which the amendment was agreed to, and the bill as amended ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

The title was amended to conform to the recommendation of the Committee of the Whole.

MATILDA GRESHAM.

The next business was the bill (S. 616) granting a pension to Matilda Gresham, widow of the late Walter Q. Gresham.

The bill was read.

Mr. PICKLER. I demand the previous question on the passage of the bill.

The question was taken; and on a division (demanded by Mr. TALBERT) there were—ayes 100, noes 1.

Mr. TALBERT. No quorum.

The SPEAKER (having counted the House). One hundred and eighty-one members are present, a quorum; and the previous question is ordered.

The bill was ordered to a third reading; and it was accordingly read the third time.

The question recurring on the passage of the bill, on a division (demanded by Mr. TALBERT) there were—ayes 120, noes 15.

Mr. TALBERT. No quorum.

The SPEAKER. Does the gentleman make the point of order that there is no quorum voting?

Mr. TALBERT. I do, and no quorum present also.

The SPEAKER. That is the point that the Chair wanted to get at. [After counting the House.] One hundred and eighty-one gentlemen are present; a quorum.

So the bill was passed.

MRS. MARY A. FREEMAN.

The next business was the bill (H. R. 2189) granting a pension to Mrs. Mary A. Freeman.

The bill was read.

Mr. PICKLER. I demand the previous question on the passage of the bill.

The previous question was ordered, under the operation of which the bill was ordered to be engrossed and read a third time.

Mr. MILES. I demand the reading of the engrossed bill.

The SPEAKER. The bill not being engrossed, the Chair will cause it to be laid aside for that purpose, and the Clerk will report the next bill.

RUSSELL N. REYNOLDS.

The next business was the bill (S. 1100) granting a pension to Russell N. Reynolds.

The bill was read.

The bill was ordered to a third reading; and being read the third time, was passed.

MARY CLARE KELLY.

The next business was the bill (S. 1493) granting a pension to Mary Clare Kelly.

The bill was read.

The bill was ordered to a third reading; and being read the third time, was passed.

GEORGE W. BAGLEY.

The next business was the bill (H. R. 1500) granting a pension to George W. Bagley, reported from the Committee of the Whole with amendments.

Mr. PICKLER. I demand the previous question to the passage of the bill.

The previous question was ordered, under the operation of which the amendments were agreed to, and the bill as amended ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

NATHAN KIMBALL.

The next business was the bill (S. 1435) granting an increase of pension to Nathan Kimball.

The bill was read.

Mr. PICKLER. I ask the previous question on the passage of the bill.

The previous question was ordered; under the operation of which the bill was read three times, and passed.

MARGARET A. KIDWELL.

The next business was the bill (H. R. 3113) granting a pension to Margaret A. Kidwell, reported from the Committee of the Whole with amendments.

Mr. PICKLER. I ask the previous question to the passage of the bill.

The SPEAKER. Without objection, the previous question will be ordered.

The previous question was ordered; under the operation of which the amendment was agreed to, and the bill as amended ordered to be engrossed and read a third time.

Mr. ERDMAN. I ask that the engrossed copy of the bill be read.

The SPEAKER. The bill not having been engrossed, it will be laid aside for that purpose, and the Clerk will report the next bill.

CATHERINE SMITH.

The next business was the bill (S. 1523) granting a pension to Catherine Smith.

The bill was read.

Mr. PICKLER. I demand the previous question to the passage of the bill.

The previous question was ordered, under the operation of which the bill was ordered to be read a third time; and it was accordingly read the third time, and passed.

RANSOM C. HAZELIP.

The next business was the bill (H. R. 5050) for the benefit of and granting a pension to Ransom C. Hazelip, late a private soldier of Company G, Eleventh Regiment Kentucky Infantry Volunteers, and first lieutenant of Company B, Thirty-fifth Regiment Kentucky Mounted Infantry Volunteers.

On motion of Mr. PICKLER, the previous question was ordered on the bill to its passage.

The amendments recommended by the committee were agreed to.

The bill was ordered to be engrossed and read a third time.

Mr. MILES. I demand the reading of the engrossed bill.

The SPEAKER. The gentleman demands the reading of the engrossed bill. The bill will be laid aside for the purpose of engrossment.

MAUD ARDELLE BLISS.

The next business was the bill (S. 145) granting a pension to Maud Ardelle Bliss.

Mr. PICKLER. Mr. Speaker, I desire to call attention to the fact that this raising of objection to bills being passed without the engrossed bills being here simply results in the passage of all the Senate bills and in keeping back the bills introduced by members of this House. That is just the distinction. I move the previous question on this bill.

The previous question was ordered.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

LEVI T. E. JOHNSON.

The next business was the bill (H. R. 2317) to increase the pension of Levi T. E. Johnson.

On motion of Mr. PICKLER, the previous question was ordered on the bill to its passage.

The amendments recommended by the committee were agreed to.

The bill was ordered to be engrossed and read a third time.

Mr. ERDMAN. Mr. Speaker, I demand the reading of the engrossed bill.

The SPEAKER. The bill will be laid aside to be engrossed.

CHARLOTTE A. WELTON.

The next business was the bill (H. R. 3152) granting a pension to Charlotte A. Welton.

On motion of Mr. PICKLER, the previous question was ordered on the bill to its passage.

The amendments recommended by the committee were agreed to.

The bill was ordered to be engrossed and read a third time.

Mr. ERDMAN. I demand the reading of the engrossed bill.

The SPEAKER. The bill will be laid aside for engrossment.

GEORGE WILLIAM HODGDON.

The next business was the bill (H. R. 3890) granting a pension to George William Hodgdon.

On motion of Mr. PICKLER, the previous question was ordered.

The amendments recommended by the committee were agreed to.

The bill was ordered to be engrossed and read a third time.

Mr. ERDMAN. I demand the reading of the engrossed bill.

The SPEAKER. The gentleman demands the reading of the engrossed bill. It will be laid aside for engrossment.

Subsequently

The SPEAKER said: The Chair understands that the objection in regard to the engrossed bill H. R. 3890 not being here is withdrawn. Is that correct?

Mr. ERDMAN. I withdraw the demand.

The SPEAKER. The gentleman consents. The question is on the passage of that bill.
The bill was read the third time, and passed.

SARAH A. BOYD.

The next business was the bill (H. R. 6808) granting a pension to Sarah A. Boyd.
On motion of Mr. PICKLER, the previous question was ordered.
The amendment recommended by the committee was agreed to.
The SPEAKER. The Chair desires to call the attention of the gentleman from South Dakota [Mr. PICKLER] to the fact that the Senate bill covering the same ground has been passed. Does the gentleman desire to pass this bill also?
Mr. PICKLER. I ask to substitute the Senate bill for this bill.
The SPEAKER. The Senate bill has already passed, so the Chair is informed.
Mr. PICKLER. That the bill has passed the House?
The SPEAKER. The Chair is so informed by the Clerk.
Mr. PICKLER. Then I ask that this bill lie upon the table.
The SPEAKER. If there be no objection, the bill will lie on the table.
There was no objection.

THEODORE V. PURDY.

The next business was the bill (H. R. 3306) to increase the pension of Theodore V. Purdy.
Mr. PICKLER. Mr. Speaker, I desire to substitute Senate bill 2822, which is precisely the same as this bill, in the place of this bill, and to recommend that this bill lie upon the table.
The SPEAKER. Is there objection to the request of the gentleman from South Dakota? [After a pause.] The Chair hears none. The Senate bill is accordingly substituted.
The bill S. 2822 was ordered to a third reading; and it was accordingly read the third time, and passed.
The bill H. R. 3306 was ordered to lie on the table.

GEORGE V. BARNARD.

The next business was the bill (H. R. 6466) to increase the pension of George V. Barnard.
The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

HENDERSON MARPLE.

The next business was the bill (H. R. 3877) granting a pension to Henderson Marple.
The previous question was ordered on the bill to its passage.
The amendment recommended by the committee was agreed to.
The bill was ordered to be engrossed and read a third time.
Mr. MILES. Mr. Speaker, I ask for the reading of the engrossed bill.
The SPEAKER. The gentleman demands the reading of the engrossed bill. The bill will be laid aside for engrossment.

MRS. MARY GOULD CARR.

The next business was the bill (H. R. 4354) granting a pension to Mrs. Mary Gould Carr, widow of the late Brig. Gen. and Bvt. Maj. Gen. Joseph B. Carr, United States Volunteers, deceased.
Mr. PICKLER. I move the previous question on this bill to its passage.
The SPEAKER. The gentleman from South Dakota demands the previous question. Without objection, it will be considered as ordered.
Mr. TALBERT. I object, and demand a vote.
The question was taken; and on a division (demanded by Mr. TALBERT) there were—ayes 111, noes 2.
Mr. TALBERT. No quorum, Mr. Speaker. A parliamentary inquiry.
The SPEAKER. The gentleman will state it.
Mr. TALBERT. My object in making the point of no quorum here is to get an opportunity to offer an amendment. I ask if that will be in order? I am willing to withdraw the point of no quorum if the chairman of the Committee on Invalid Pensions will consent, or if it is in order to entertain a motion to amend. I ask if it will be in order?
The SPEAKER. It would not be in order, pending the demand for the previous question.
Mr. PICKLER. Mr. Speaker, I have no objection to that.
The SPEAKER. The gentleman says he has no objection to the offering of an amendment.
Mr. TALBERT. With that understanding I will withdraw the point of no quorum.
The SPEAKER. The point is withdrawn.
Mr. PICKLER. That is, that the previous question shall be considered as ordered?
Mr. TALBERT. The previous question may be considered as ordered, and I withdraw the point of no quorum with that understanding.
Mr. PICKLER. Offer your amendment.
Mr. TALBERT. I move to amend by striking out "$75" and inserting "$50."
The question was taken; and the Speaker announced that the noes seemed to have it.
Mr. TALBERT. Division.
The House divided; and there were—ayes 84, noes 38.
So the amendment was agreed to.
The SPEAKER. The Chair understands that this is an amendment to the committee amendment, which will, as amended, be reported to the House.
The Clerk read as follows:
In line 7, strike out the word "seventy-five" and insert "fifty."
Mr. POOLE. Mr. Speaker, I ask that that bill be laid aside, as my colleague [Mr. BLACK], who has it in charge, is out of town.
The SPEAKER. The gentleman from New York asks unanimous consent that the bill be laid aside. Is there objection?
Mr. TALBERT. I object.
The amendment as amended was agreed to.
The bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time.
The SPEAKER. The question is on its passage.
Mr. POOLE. Mr. Speaker——
The SPEAKER. Debate is not in order.
The bill was passed.

DELIA A. MARSH.

The next business was the bill (H. R. 4283) granting a pension to Delia A. Marsh.
Mr. PICKLER. Mr. Speaker, I demand the previous question.
The SPEAKER. The gentleman from South Dakota demands the previous question on the bill to its passage.
The previous question was ordered, and under the operation thereof the bill was ordered to be engrossed for a third reading; and, being engrossed, it was accordingly read the third time, and passed.

ORLEINA J. CLARK.

The next business was the bill (H. R. 4721) granting an increase of pension to Orleina J. Clark, of Louisville, Ky.
Mr. PICKLER. Mr. Speaker, I ask for the previous question.
The previous question was ordered, and under the operation thereof the bill was ordered to be engrossed; and being engrossed, it was accordingly read the third time, and passed.

PHŒBE M. WOOLLEY PALMETER.

The next business was the bill (H. R. 1599) granting a pension to Phœbe M. Woolley Palmeter.
Mr. PICKLER. I ask for the previous question, Mr. Speaker.
The previous question was ordered, and under the operation thereof the bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM H. NESBITT.

The next business was the bill (H. H. 4361) to pension William H. Nesbitt, with an amendment.
Mr. PICKLER. I ask for the previous question.
The previous question was ordered; and under the operation thereof the amendment reported from the Committee of the Whole was agreed to, and the bill as amended was ordered to be engrossed.
Mr. ERDMAN. I demand the reading of the engrossed bill.
The SPEAKER pro tempore (Mr. DINGLEY). The bill will be laid aside for engrossment.

MRS. LUCY A. ALLEN.

The next business was the bill (H. R. 2969) to grant a pension to Mrs. Lucy A. Allen.
Mr. PICKLER. I demand the previous question.
The previous question was ordered; and under the operation thereof the bill was ordered to be engrossed.
Mr. ERDMAN. Mr. Speaker, I demand the reading of the engrossed copy of the bill.
The SPEAKER pro tempore. The bill will be laid aside for engrossment.

MARIA GIBBONS.

The next business was the bill (H. R. 2405) granting a pension to Maria Gibbons, with an amendment.
Mr. PICKLER. I ask for the previous question.
The previous question was ordered, and under the operation thereof the amendment reported by the Committee of the Whole was agreed to, and the bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ELLEN EWING.

The next business was the bill (S. 1837) granting a pension to Ellen Ewing, widow of Bvt. Maj. Gen. Thomas Ewing, with an amendment.

Mr. PICKLER. I demand the previous question on the bill to its passage.

The SPEAKER pro tempore. The question is on ordering the previous question.

Mr. TALBERT. Mr. Speaker, I ask consent to offer an amendment.

The question was taken; and the previous question was ordered.

The SPEAKER pro tempore. The previous question is ordered, and an amendment is not in order. [Cries of "Vote!"] The question is on agreeing to the amendment reported by the Committee of the Whole.

Mr. TALBERT. I demand a division upon that. I move to amend by striking out "seventy-five" and inserting "fifty."

The SPEAKER pro tempore. That would not be in order.

Mr. TALBERT. I ask unanimous consent to offer that amendment.

Several MEMBERS. I object.

Mr. PICKLER. Regular order.

The question was taken on agreeing to the amendment recommended by the Committee of the Whole.

Mr. TALBERT. Division.

Mr. EVANS. What is the committee amendment?

The SPEAKER pro tempore. It has been reported once.

The House divided; and there were—ayes 51, noes 3.

Mr. TALBERT. No quorum, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from South Carolina makes the point of no quorum. The Chair will count.

Mr. TALBERT (during the count). A parliamentary inquiry. I want to state that my object is not to block legislation. My only object is to offer an amendment.

Mr. GROSVENOR. I make the point of order that that is not in order.

Mr. TALBERT. I desire to say that if I can accomplish that I will withdraw the point of no quorum.

Mr. GROSVENOR. I object to any debate.

Mr. TALBERT. My friend can not manage me quite as well as he manages the McKinley vote.

Mr. GROSVENOR. The gentleman has demanded a quorum; now wait until a quorum is here.

Mr. TALBERT. Now crack your whip! I only desired to make a statement, and I got my statement in notwithstanding Mr. Santa Claus.

The SPEAKER pro tempore (after counting). One hundred and seventy-nine gentlemen are present, a quorum; the ayes have it, and the amendment is agreed to.

Mr. TALBERT. I move to recommit the bill, with instructions that the committee bring it in amended, reducing the amount from $75 to $50.

The SPEAKER pro tempore. That is not in order yet. The question is on the third reading of the Senate bill.

The bill as amended was read the third time.

The SPEAKER pro tempore. The question is on its passage.

Mr. TALBERT. I demand the reading of the engrossed bill.

The SPEAKER pro tempore. This is a Senate bill.

Mr. TALBERT. Knocked out again!

The SPEAKER pro tempore. The question is on the passage.

Mr. TALBERT. I now move to recommit the bill——

The SPEAKER pro tempore. The Chair had put the question on the passage of the bill.

Mr. TALBERT. I rose in time, Mr. Speaker.

The SPEAKER pro tempore. The gentleman rose some time ago, and did not repeat his motion at the proper time.

Mr. HOPKINS. I submit that the gentleman signified to the Chair that he desired to make a motion to recommit, and it is but fair that he should have the opportunity.

Mr. LAYTON. And then he made another motion.

Mr. TALBERT. I know.

The SPEAKER pro tempore. The Chair will not be critical about the matter.

Mr. TALBERT. I now move to recommit the bill with instructions to bring it in for $50 instead of $75 a month.

Mr. LAYTON. I make the point of order that it is too late to make that motion.

The SPEAKER pro tempore. With the statement that is made by the gentleman, that he rose in season for the purpose, the Chair will accept it and put the motion.

The question was taken on recommitting the bill; and the Speaker pro tempore announced that the noes seemed to have it.

Mr. TALBERT. Division!

The House divided; and there were—ayes 68, noes 65.

Mr. TALBERT. I demand the yeas and nays.

The question was taken on ordering the yeas and nays.

The SPEAKER pro tempore. Eight gentlemen have arisen—not a sufficient number, and the yeas and nays are refused.

Mr. TALBERT. No quorum, Mr. Speaker.

The SPEAKER pro tempore (after counting). One hundred and eighty-six gentlemen are present, a quorum; the noes have it, and the motion to recommit is rejected. The question now is on the passage of the bill.

Mr. TALBERT. Division, Mr. Speaker.

The question was taken on the passage of the bill.

The SPEAKER pro tempore. On this question the ayes are 94, the noes 16. The ayes have it, and the bill is passed.

Mr. TALBERT. No quorum.

Mr. PICKLER. I make the point that the point came too late. The Chair had announced that the bill was passed.

The SPEAKER pro tempore. The Chair has just counted a quorum on this vote. A quorum is present; and the bill is passed.

WILLIAM H. NESBITT.

Mr. BURTON of Missouri. Mr. Speaker, recently, when the House had under consideration the bill (H. R. 4361) to pension William H. Nesbitt, the gentleman from Pennsylvania [Mr. ERDMAN] objected to the consideration of it because the bill had not been engrossed. The gentleman is now willing to withdraw his objection, and I ask that the bill be put upon its passage.

Mr. ERDMAN. That is correct.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

Mr. TALBERT. I object. [After a pause.] I withdraw the objection.

Mr. PICKLER. I object.

The SPEAKER pro tempore. Objection is made. The Clerk will report the next bill.

CARRIE L. GREIG.

The next business on the Private Calendar was the bill (H. R. 2962) granting a pension to Carrie L. Greig, widow of Theodore W. Greig, brevet major of volunteers.

The bill was read.

On motion of Mr. PICKLER, the previous question was ordered.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

WILLIAM H. NESBITT.

Mr. BURTON of Missouri. Now, Mr. Speaker, I ask consent to return to the bill (H. R. 4361) to pension William H. Nesbitt.

There was no objection.

The bill was accordingly read the third time, and passed.

RICHARD P. PILKINGTON.

The next business on the Private Calendar was the bill (H. R. 5711) granting a pension to Richard P. Pilkington.

The bill was read.

On motion of Mr. PICKLER, the previous question was ordered.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

PATRICK F. REYNOLDS.

The next business on the Private Calendar was the bill (H. R. 6603) to pension the minor children of Patrick F. Reynolds.

The bill was read.

On motion of Mr. PICKLER, the previous question was ordered.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

MARY CHAMBERLAIN.

The next business on the Private Calendar was the bill (H. R. 6231) granting an increase of pension to Mary Chamberlain.

The bill was read.

On motion of Mr. PICKLER, the previous question was ordered.

The amendments reported from the Committee of the Whole were agreed to.

The bill was ordered to be engrossed and read a third time.

Mr. ERDMAN. Mr. Speaker, I demand the reading of the engrossed bill.

The SPEAKER pro tempore. The gentleman from Pennsylvania demands the reading of the engrossed bill. The bill will be laid aside for engrossment.

DANIEL D. JENNINGS.

The next business on the Private Calendar was the bill (H. R. 2947) increasing the pension of Daniel D. Jennings, late of Company C, Sixty-fifth Ohio Volunteers.

The bill was read.

On motion of Mr. PICKLER, the previous question was ordered.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

SARAH A. BULL.

The next business on the Private Calendar was the bill (S. 2014) granting an increase of pension to Sarah A. Bull.

The bill was read.

On motion of Mr. PICKLER, the previous question was ordered.

The bill was read the third time, and passed.

ELVIRA BACHELDER.

The next business on the Private Calendar was the bill (S. 147) granting a pension to Elvira Bachelder.

The bill was read.

On motion of Mr. PICKLER, the previous question was ordered.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

MARY COLLINS.

The next business on the Private Calendar was the bill (H. R. 158) granting a pension to Mary Collins.

The bill was read.

The amendments reported from the Committee of the Whole were agreed to.

The bill was ordered to be engrossed and read a third time.

Mr. ERDMAN. Mr. Speaker, I demand the reading of the engrossed bill.

The SPEAKER pro tempore. The gentleman from Pennsylvania demands the reading of the engrossed bill. The bill will be laid aside for engrossment.

CHARLOTTE A. WELTON.

Mr. HARDY. Mr. Speaker, I ask unanimous consent to take up the bill (H. R. 3152) granting a pension to Charlotte A. Welton, which was laid aside a while ago because of its not being engrossed. I understand that my friend from Pennsylvania will withdraw the objection which he made on that ground.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana [Mr. HARDY] that the bill indicated by him be now taken up?

Mr. PICKLER. Mr. Speaker, this is taking up a great deal of time, and, besides, the gentleman from Pennsylvania has no right to dictate that one member's bill shall pass while another's shall not pass. I do not want to object in this case, but this method is occupying a good deal of time.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The bill (H. R. 3152) granting a pension to Charlotte A. Welton was passed.

MRS. HELEN FUNKHOUSER.

The next business was the bill (H. R. 6236) to grant a pension to Mrs. Helen Funkhouser.

Mr. PICKLER called for the previous question on the bill to its passage.

The previous question was ordered.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

The amendment to the title as reported from the Committee of the Whole House was agreed to.

CATHARINE DARRAGH.

The next business was the bill (H. R. 1892) granting a pension to Catharine Darragh.

Mr. PICKLER called for the previous question on the bill to its passage.

The previous question was ordered, and under the operation thereof the bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

JANE FISHER.

The next business was the bill (H. R. 4604) granting a pension to Jane Fisher, colored, of Madisonville, Ky.

The amendment reported from the Committee of the Whole House was read.

Mr. PICKLER called for the previous question on the amendment and on the bill to its passage.

The previous question was ordered, and under the operation thereof the amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

EMILY E. CASH.

The next business was the bill (H. R. 8248) to increase the pension of Mrs. Emily E. Cash.

The amendment reported from the Committee of the Whole House was read.

Mr. PICKLER called for the previous question on the amendment and on the bill to its passage.

The previous question was ordered, and under the operation thereof the amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

JESSE M'MILLAN.

The next business was the bill (H. R. 8184) granting a pension to Jesse McMillan.

The amendment reported from the Committee of the Whole House was read.

Mr. PICKLER called for the previous question on the amendment and on the bill to its passage.

The previous question was ordered, and under the operation thereof the amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

EMILY A. MANN.

The next business was the bill (H. R. 3480) for the relief of Emily A. Mann.

The amendment reported from the Committee of the Whole House was read.

Mr. PICKLER called for the previous question on the amendment and on the bill to its passage.

The previous question was ordered; and under the operation thereof the amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time.

Mr. ERDMAN. I ask for the reading of the engrossed bill.

The SPEAKER. The bill will be laid aside to be engrossed.

NICHOLAS SWINGLE.

The next business was the bill (H. R. 1175) to remove the charge of desertion from the military record of Nicholas Swingle.

The amendment reported from the Committee of the Whole House was agreed to.

Mr. PICKLER called for the previous question on the amendment and on the bill to its passage.

The previous question was ordered; and under the operation thereof the amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time.

Mr. TALBERT. I make the point that this bill has not been engrossed.

The SPEAKER. The bill will be laid aside for engrossment.

WILLIAM F. SOUGER.

The next business was the bill (H. R. 4193) to correct the military record of William F. Souger.

Mr. PICKLER called for the previous question on the bill to its passage.

Mr. TALBERT. I demand a vote on ordering the previous question.

The question being taken, there were on a division (called for by Mr. TALBERT)—ayes 80, noes 1.

Mr. TALBERT. No quorum.

Mr. PICKLER. I should like to know what the object of the gentleman from South Carolina is? Is it this class of bills that he is objecting to?

Mr. TALBERT. Yes, sir, of course, or I would not have made the point.

The SPEAKER (having counted the House). There are 179 members present.

So the previous question was ordered; and under the operation thereof the amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time.

Mr. TALBERT. I make the point that this bill is not engrossed.

The SPEAKER. The gentleman demands the reading of the engrossed bill. The bill will be laid aside for engrossment.

ORDER OF BUSINESS.

Mr. EVANS. The gentleman from Pennsylvania [Mr. ERDMAN] has withdrawn his demand for the reading of the engrossed bill in the case of——

The SPEAKER. The Chair thinks the orderly conduct of business requires that no matter should be taken up out of its order after objection is made.

Mr. POOLE. Mr. Speaker, I ask that we return to Calendar No. 106. It has been objected to, but the objection is now withdrawn.

The SPEAKER. The Chair thinks that the best method of conducting business will be to go on regularly.

HOMER C. M'CUSKEY.

The next business was the bill (H. R. 4872) to correct the military record of Homer C. McCuskey.

Mr. PICKLER called for the previous question on the bill to its passage.

The previous question was ordered, there being on a division (called for by Mr. TALBERT)—ayes 101, noes 3.

The bill was ordered to be engrossed and read a third time.

Mr. TALBERT. I make the point that the bill has not been engrossed.

The SPEAKER. The gentleman demands the reading of the engrossed bill. The Clerk will lay it aside for engrossment.

JOHN J. JOHNSON.

The next business was the bill (H. R. 3514) granting an honorable discharge to John J. Johnson.

The bill was read.

Mr. PICKLER. I ask the previous question.

The previous question was ordered to the passage of the bill;

under the operation of which the bill was ordered to a third reading.

Mr. TALBERT. I ask the reading of the engrossed copy of the bill.

The SPEAKER. This bill not having been engrossed, the Chair will direct it to be laid aside for that purpose, and the Clerk will read the next bill.

EZRA ABBOTT.

The next business was the bill (H. R. 3565) granting an honorable discharge to Ezra Abbott.

Mr. PICKLER. I demand the previous question to the passage of the bill.

The previous question was ordered; under the operation of which the bill was ordered to be engrossed and read a third time.

Mr. TALBERT. This bill has not been engrossed, Mr. Speaker, and I ask for the reading of the engrossed copy.

The SPEAKER. The bill, not having been engrossed, will be laid aside for that purpose, and the Clerk will report the next bill.

PATRICK RAINEY.

The next business was the bill (H. R. 2328) for the relief of Patrick Rainey.

The bill was read.

Mr. PICKLER. I demand the previous question.

The question was taken; and on a division (demanded by Mr. TALBERT) there were—ayes 109, noes 9.

Mr. TALBERT. No quorum.

The SPEAKER. The Chair has but recently counted the House and found a quorum present, and does not think the House has diminished since. [Applause.]

The House will be in order. The gentleman has a right to demand the presence of a quorum.

So the previous question was ordered; under the operation of which the bill was ordered to be engrossed and read a third time.

Mr. TALBERT. I ask for the reading of the engrossed bill.

The SPEAKER. The bill not having been engrossed, the Chair will direct that it be laid aside for that purpose, and the Clerk will report the next bill.

THOMAS S. DAUGHERTY.

The next business was the bill (H. R. 3333) granting a pension to Thomas S. Daugherty.

Mr. PICKLER. I demand the previous question to the passage of the bill.

The previous question was ordered; under the operation of which the bill was ordered to be engrossed and read a third time.

Mr. ERDMAN. I ask for the reading of the engrossed copy of the bill.

The SPEAKER. The bill not having been engrossed, the Chair will direct that it be laid aside for that purpose, and the Clerk will read the next bill.

MINNIE PARKER.

The next business was the bill (H. R. 6166) granting a pension to Minnie Parker, widow of Bvt. Brig. Gen. Ely S. Parker, late of the United States Army, reported with amendments.

The bill was read.

Mr. PICKLER. I demand the previous question.

The previous question was ordered, under the operation of which the amendments were agreed to, and the bill as amended ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Mr. LOUD. There should be an amendment to the title of this bill apparently.

The SPEAKER. Without objection, the title will be amended so as to conform to the amendment recommended by the Committee of the Whole.

JERUSHA H. BROWN.

The next business was the bill (H. R. 5279) granting a pension to Jerusha H. Brown.

The previous question was ordered on demand of Mr. PICKLER, under the operation of which the bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

MRS. ELEANOR CARROLL POE.

The next business was the bill (S. 804) granting a pension to Mrs. Eleanor Carroll Poe, reported from the Committee of the Whole with amendments.

The bill was read.

Mr. PICKLER. Mr. Speaker——

Mr. TALBERT. I ask the gentleman to allow me to offer an amendment before he moves the previous question.

Mr. PICKLER. I ask the previous question.

Mr. TALBERT. I thought the gentleman gave me permission. I ask him to withdraw the demand.

Mr. PICKLER. I do not see how I can do that.

Mr. TALBERT. Well, I see how you can do it, if you will. [Laughter.]

Mr. PICKLER. I must insist on the demand.

The previous question was ordered, under the operation of which the amendments were agreed to, and the bill as amended ordered to a third reading; and it was accordingly read the third time, and passed.

ANDREW LADD.

The next business was the bill (H. R. 6468) to increase the pension of Andrew Ladd, reported from the Committee of the Whole with amendments.

The bill was read.

Mr. PICKLER. I ask the previous question.

The previous question was ordered, under the operation of which the amendments were agreed to, and the bill as amended ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

MARY C. THOMPSON.

The next business was the bill (H. R. 3755) to increase the pension of Mary C. Thompson.

The bill was read.

Mr. PICKLER. I ask the previous question.

The previous question was ordered, under the operation of which the bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

SAMUEL HOLLIDAY.

The next business was the bill (H. R. 6546) granting a pension to Samuel Holliday, reported from the Committee of the Whole with amendments.

The bill was read.

Mr. PICKLER. I demand the previous question.

The previous question was ordered, under the operation of which the amendments were agreed to, and the bill as amended ordered to be engrossed and read a third time; and it was accordingly read a third time, and passed.

WILBUR F. COGSWELL.

The next business was the bill (H. R. 2042) to increase the pension of Wilbur F. Cogswell, reported with amendments.

The bill was read.

Mr. PICKLER. I ask the previous question.

The previous question was ordered, under the operation of which the amendments were agreed to, and the bill as amended ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

ALFRED P. BUSS.

The next business was the bill (H. R. 2941) granting an increase of pension to Alfred P. Buss, reported from the Committee of the Whole, with amendments.

The bill was read.

Mr. PICKLER. I ask the previous question.

The previous question was ordered, under the operation of which the amendments were agreed to, and the bill as amended ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

ALBERT BUCK.

The next business was the bill (H. R. 3389) increasing the pension of Albert Buck from $12 to $30 per month.

The bill was read.

Mr. PICKLER. I ask the previous question.

The previous question was ordered, under the operation of which the bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

LEMUEL J. ESSEX.

The next business was the bill (H. R. 2985) granting an increase of pension to Lemuel J. Essex, reported from the Committee of the Whole with amendments.

The bill was read.

Mr. PICKLER. I ask the previous question.

The previous question was ordered, under the operation of which the amendments were agreed to, and the bill as amended ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

CARRIE H. GREENE.

The next business was the bill (H. R. 3395) granting a pension to Carrie H. Greene.

On motion of Mr. PICKLER, the previous question was ordered on the bill to its passage.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

ELIZABETH J. COOK.

The next business was the bill (S. 125) for the relief of Elizabeth J. Cook, of Arkadelphia, Clark County, Ark., widow of Robert T. Cook.

On motion of Mr. PICKLER, the previous question was ordered on the bill to its passage.
The amendment recommended by the committee was agreed to.
The bill was ordered to a third reading; and it was accordingly read the third time, and passed.
On motion of Mr. PICKLER, the corresponding House bill (H. R. 4755) was ordered to lie on the table.
Mr. McRAE. Mr. Speaker, would it be in order to move to reconsider and table on the vote by which the Senate bill passed?
The SPEAKER. The Chair thinks that will be done on all these bills together.

MARY ANN LAFFERTY.

The next business was the bill (H. R. 717) granting a pension to Mary Ann Lafferty.
The previous question was ordered on the bill to its passage.
The amendment recommended by the committee was agreed to.
The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

HELEN LARNED.

The next business was the bill (H. R. 6607) for the relief of Helen Larned.
On motion of Mr. PICKLER, the previous question was ordered on the bill to its passage.
The amendments recommended by the committee were agreed to.
The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

JACOB BROWN.

The next business was the bill (H. R. 6556) granting a pension to Jacob Brown.
On motion of Mr. PICKLER, the previous question was ordered on the bill to its passage.
The amendments recommended by the committee were agreed to.
The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

J. CLARKSON INGALLS.

The next business was the bill (S. 144) granting an increase of pension to J. Clarkson Ingalls.
On motion of Mr. PICKLER, the previous question was ordered on the bill to its passage.
The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

MELITA E. WHITE.

The next business was the bill (H. R. 7212) to increase the pension of Melita E. White.
On motion of Mr. PICKLER, the previous question was ordered on the bill to its passage.
The bill was ordered to be engrossed and read a third time.
Mr. ERDMAN. I demand the reading of the engrossed bill.
The SPEAKER. The gentleman demands the reading of the engrossed bill. The bill will be laid aside for engrossment.

MARY ARNOLD.

The next business was the bill (H. R. 4548) granting a pension to Mary Arnold.
On motion of Mr. PICKLER, the previous question was ordered on the bill to its passage.
The amendment recommended by the committee was agreed to.
The bill was ordered to be engrossed and read a third time.
Mr. ERDMAN. I demand that the engrossed copy of the bill be read.
The SPEAKER pro tempore (Mr. PAYNE). The gentleman demands the reading of the engrossed bill. The bill will be laid aside for engrossment.

MRS. JULIA A. JAMESON.

The next business was the bill (H. R. 5792) granting an increase of pension to Mrs. Julia A. Jameson.
On motion of Mr. PICKLER, the previous question was ordered on the bill to its passage.
The amendment recommended by the committee was agreed to.
The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

LUCINDA RICKARDS.

The next business was the bill (H. R. 5393) for the relief of Lucinda Rickards, widow, and the minor children of John D. Rickards, deceased.
On motion of Mr. PICKLER, the previous question was ordered on the bill to its passage.
The amendment recommended by the committee was agreed to.
The bill was ordered to be engrossed and read a third time.
Mr. ERDMAN. I demand the reading of the engrossed bill.
The SPEAKER pro tempore. The bill will be laid aside for engrossment.

GEORGE W. TAYLOR.

The next business was the bill (H. R. 6608) to remove the charge of desertion from the military record of George W. Taylor.
Mr. PICKLER. Mr. Speaker, I move the previous question on the bill to its passage.
The SPEAKER pro tempore. The gentleman from South Dakota demands the previous question on the bill to its passage. If there be no objection, the previous question will be considered as ordered.
Mr. TALBERT. I call for a vote upon the previous question.
The question being taken, Mr. TALBERT demanded a division.
Mr. PICKLER. If we allow these bills for the removal of the charge of desertion to lie over, will the gentleman be willing to extend the time——
Mr. TALBERT. I would rather take a vote now.
The House divided; and there were—ayes 94, noes 4.
Mr. TALBERT. No quorum, Mr. Speaker.
The SPEAKER pro tempore (after counting the House). One hundred and seventy-nine members, a quorum, are present, and the previous question is ordered.
The amendment recommended by the committee, to strike out, in line 5, the letter "C" and insert the letter "F," was agreed to.
The bill as amended was ordered to be engrossed and read a third time.
Mr. TALBERT. I demand the engrossed bill.
Mr. PICKLER. I ask that the bill be laid over.
The SPEAKER pro tempore. The gentleman from South Carolina demands the reading of the engrossed bill. The bill will be laid aside for engrossment.

LUCINDA RICKARDS.

Mr. CLARK of Missouri. Mr. Speaker, a few minutes ago when the bill (H. R. 5393) was under consideration objection was made to its passage. The objection is withdrawn, and I ask that it be now passed.
The SPEAKER pro tempore. The gentleman from Missouri asks unanimous consent for the passage of the bill H. R. 5393. Is there objection?
Mr. TALBERT. I object.

OSCAR A. BULETTE.

The next business was the bill (H. R. 5407) to remove the charge of desertion now standing against Oscar A. Bulette, late private in Company E, Fifty-second Illinois Infantry Volunteers, during the late war, with an amendment.
Mr. PICKLER. I ask for the previous question.
The SPEAKER pro tempore. Without objection, the previous question will be considered as ordered.
Mr. TALBERT. I object. I demand a vote.
The question was taken; and the Speaker pro tempore announced that the ayes seemed to have it.
Mr. TALBERT. Division!
The House divided; and there were—ayes 80, noes 1.
Mr. TALBERT. No quorum.
The SPEAKER pro tempore. The Chair overrules the point. The Chair has just counted the House.
Mr. PICKLER. Regular order.
The amendment recommended by the Committee of the Whole was agreed to.
The bill as amended was ordered to be engrossed for a third reading.
Mr. TALBERT. I demand the reading of the engrossed bill.
The SPEAKER pro tempore. The bill will be laid aside to be engrossed.

RHODA AUGUSTA THOMPSON.

The next business was the bill (H. R. 6826) granting a pension to Rhoda Augusta Thompson, daughter of the late Thaddeus Thompson, a private in the Revolutionary war.
Mr. PICKLER. I demand the previous question on the bill to its passage.
The SPEAKER pro tempore. Without objection, the previous question will be considered as ordered.
There was no objection.
Under the operation of the previous question the bill was ordered to be engrossed; and being engrossed, it was accordingly read the third time, and passed.

WIDOW OF GEN. JOHN NEWTON.

The next business was the bill (H. R. 1508) granting a pension to the widow of Gen. John Newton, with an amendment.
Mr. TALBERT. I will ask the gentleman if he will withhold his demand for the previous question until I can offer an amendment.

Mr. PICKLER. I think we can vote the amendment down, and I yield for an amendment.

Mr. TALBERT. I move to strike out "seventy-five" and insert "fifty."

Mr. PICKLER. I demand the previous question on the bill and amendment.

Mr. MILES. Mr. Speaker, can that be done without unanimous consent?

The SPEAKER pro tempore. The gentleman demands the previous question on the bill and amendment to its passage.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from South Carolina, which is an amendment to the amendment of the committee.

The question was taken; and the Speaker pro tempore announced that the noes seemed to have it.

Mr. TALBERT. Division.

The House divided; and there were—ayes 41, noes 53.

So the amendment was rejected.

Mr. TALBERT. No quorum.

The SPEAKER pro tempore. The Chair thinks a quorum is present.

Mr. PICKLER. The gentleman from South Carolina ought not to do that.

The SPEAKER pro tempore. The question is on the amendment recommended by the committee.

The amendment recommended by the Committee of the Whole was agreed to.

The bill as amended was ordered to be engrossed for a third reading.

Mr. TALBERT. I make the point that the bill has not been engrossed, and demand the reading of the engrossed bill.

The SPEAKER pro tempore. The bill will be laid aside for engrossment.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and a joint resolution of the following titles; when the Speaker signed the same:

A bill (H. R. 8013) donating one condemned cannon and cannon balls to Grand Army of the Republic, L. W. Cooper Post, Department of Missouri, No. 81, of Lathrop, Mo.;

Joint resolution (H. Res. 122) authorizing the Secretary of the Navy to deliver condemned cannon to Chamberlain Post, Grand Army of the Republic, to be posted by the soldiers' monument at St. Johnsbury, Vt.;

A bill (H. R. 6663) to authorize and regulate the sale of unclaimed freight, baggage, and other property in the District of Columbia;

A bill (S. 2032) to grant right of way over the public domain for pipe lines in the States of Colorado and Wyoming;

A bill (H. R. 8532) to establish certain harbor regulations for the District of Columbia;

A bill (H. R. 6666) granting to Major C. A. Angel Post, No. 20, Grand Army of the Republic, of Lambertville, N. J., 4 condemned cannon and 20 cannon balls;

A bill (H. R. 128) for the relief of Henry H. Schrawder;

A bill (H. R. 7100) to donate 8 condemned cannon and 100 cannon shot to the Grand Army of the Republic Cemetery Association of Colorado;

A bill (H. R. 6836) to amend section 2981 of the Revised Statutes as amended by the act of June 10, 1880;

A bill (H. R. 7973) to establish a railroad bridge across the Illinois River near Grafton, Ill.;

A bill (H. R. 2451) to correct the records of the War Department in the case of Capt. Henry S. Pratt;

A bill (H. R. 5790) to permit the Pintsch Compressing Company to lay pipes in certain streets in the city of Washington;

A bill (H. R. 7264) to provide for the drainage of lots in the District of Columbia;

A bill (H. R. 7172) donating four condemned cannon and four pyramids of condemned cannon balls to the Soldiers' Monument Association of Allegan, Mich.;

A bill (H. R. 4787) to establish the port of Conneaut, in the State of Ohio, as a subport of entry in the district of Cuyahoga, in said State of Ohio;

A bill (H. R. 6195) amending the statutes relating to the sale of printed copies of patents;

A bill (H. R. 5388) for the relief of F. Alberts & Co., Muskegon, Mich.;

A bill (H. R. 227) requiring bills of sale, conditional sales, mortgages, or deeds of trust of chattels in the District of Columbia to be recorded;

A bill (H. R. 8266) donating two condemned cannon to Custer Post, No. 38, Grand Army of the Republic, of Etna, Pa., and two condemned cannon to James G. Clark Post, No. 162, Grand Army of the Republic, of Allegheny, Pa.;

A bill (H. R. 7143) granting to the Soldiers and Sailors' Monument Association of the county of Middlesex, in the State of New Jersey, 4 condemned cannon and 30 cannon balls;

A bill (H. R. 3596) to remove the charge of desertion from the military record of Michael McKenna;

A bill (H. R. 2740) to carry into effect a finding of the Court of Claims in favor of the estate of George Case, late of Independence County, Ark.;

A bill (H. R. 7216) donating one condemned cannon and cannon balls to Grand Army of the Republic Post, No. 573, of Evans City, Pa.;

A bill (H. R. 6172) authorizing the sale of the title of the United States in lot 5, square 1113, in the city of Washington;

A bill (H. R. 8077) granting to Budlong Post, Grand Army of the Republic, of Westerly, R. I., two condemned mounted brass cannon; and

A bill (H. R. 7140) granting to A. L. Robeson Post, No. 42, Grand Army of the Republic, of Bridgeton, N. J., 4 condemned cannon and 20 cannon balls.

The SPEAKER (during the reading of the report from the Committee on Enrolled Bills). The Chair desires the consent of the House to sit until this report be finished, and until one or two other matters necessary for the business of the House shall be disposed of. Is there objection?

Mr. PICKLER. Mr. Speaker, pending that, I ask consent that the remaining bills on the Unfinished Business Calendar——

The SPEAKER. Is there objection to the proposition made by the Chair?

There was no objection.

Mr. PICKLER. I ask consent that the previous question be considered as ordered on the remaining bills on this Calendar, with ten minutes' debate on each side.

Mr. TALBERT. I object.

The SPEAKER. Objection is made.

The Clerk resumed and completed the reading of the report of the Committee on Enrolled Bills as above.

HOUSE CONFEREES APPOINTED.

The SPEAKER appointed as conferees on the part of the House on the bill S. 710, Mr. LOUDENSLAGER, Mr. COLSON, and Mr. STALLINGS.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. STAHLE, for four days, on account of business.

Mr. WALSH, by unanimous consent, was excused from attending the evening session.

MITCHELL VS. WALSH.

Mr. LONG. Mr. Speaker, I desire to present the report of the Committee on Elections No. 2 in the contested-election case of Mitchell *vs.* Walsh.

Mr. MAGUIRE. Mr. Speaker, on behalf of the minority of the committee, we ask five days in which to present the views of the minority.

Mr. LONG. That is until Wednesday next?

Mr. MAGUIRE. Until and including Wednesday of next week.

There was no objection, and it was so ordered.

The SPEAKER. Under the rule, the House is now in recess until 8 o'clock p. m., and the gentleman from Pennsylvania, Mr. DALZELL, will please act as Speaker at the evening session.

EVENING SESSION.

The recess having expired, the House reassembled at 8 p. m. Mr. DALZELL took the chair as Speaker pro tempore, and directed the reading of paragraph 2 of Rule XXVI; which was read by the Clerk, as follows:

> The House shall on each Friday at 5 o'clock p. m. take a recess until 8 o'clock, at which evening session private pension bills, bills for the removal of political disabilities, and bills removing charges of desertion only shall be considered; said evening session not to extend beyond 10 o'clock and 30 minutes.

Mr. PICKLER. Mr. Speaker, I move that the House resolve itself into Committee of the Whole for the consideration of bills on the Private Calendar under the special order.

The question being taken, the Speaker pro tempore declared that the ayes seemed to have it.

Mr. TALBERT. I ask for a division.

The House divided; and there were—ayes 34, noes none.

Mr. TALBERT. No quorum, Mr. Speaker.

Mr. NEILL. Mr. Speaker, I hope the gentleman from South Carolina will withdraw that point.

The SPEAKER pro tempore. It is perfectly apparent that at this time there is no quorum present, but the Chair hopes that within a short time there will be a quorum.

Mr. TALBERT. Mr. Speaker, I desire to make a brief statement, if I may be permitted to do so.

The SPEAKER pro tempore. The gentleman can make a statement by unanimous consent.

Mr. TALBERT. I ask unanimous consent that all bills for the removal of charges of desertion and for the correction of military records be passed over to-night and take their place at the foot of the Calendar, where they belong. With that request granted I would be willing to withdraw the point of no quorum.

The SPEAKER pro tempore. The gentleman from South Carolina asks unanimous consent that bills relating to the removal of charges of desertion and the correction of military records be passed over to-night and put at the foot of the Calendar.

Mr. PICKLER. I ask the gentleman to let them retain their places.

Mr. TALBERT. They ought to be at the foot of the Calendar, and then when we have disposed of meritorious pension bills we can see whether there is any merit in any of these cases. There may be merit in some exceptional instances. I think that is a reasonable request.

Mr. CURTIS of New York. Mr. Speaker, as I understand the suggestion of the gentleman from South Carolina, it is not to put those bills at the foot of the Calendar, but to pass them over, leaving them in their places.

The SPEAKER pro tempore. That was not the gentleman's suggestion.

Mr. CURTIS of New York. I think my friend from South Carolina would be satisfied to have them passed over, retaining their places.

Mr. TALBERT. No, sir. My request is that they be put at the foot of the Calendar, where they belong.

Mr. LACEY. Of course the gentleman's request is for this evening's session only, and I do not see that there is any serious objection to that. Those bills would go to the foot of the Calendar only for this evening. We are of course making an arrangement for only one night's business.

Mr. HALTERMAN. I shall object to that, Mr. Speaker.

Mr. BROMWELL. I shall object to the suggestion of the gentleman from South Carolina, unless he agrees that these bills for the removal of charges of desertion shall retain their places on the Calendar. I do this, not being interested in a single one of them, simply to secure justice.

The SPEAKER pro tempore. The Chair will state to the House that if the request of the gentleman from South Carolina is granted, these bills will go to the foot of the Calendar, not for this evening only, but generally. There ought to be no misunderstanding about that.

Mr. STRONG. Then I must object, Mr. Speaker.

Mr. LACEY. I ask the gentleman from South Carolina to consent to modify his request, so that these bills shall be simply passed over for this night only, retaining their places.

Mr. TALBERT. I make the request only for to-night.

The SPEAKER pro tempore. The Chair wants to understand distinctly what the request of the gentleman from South Carolina is.

Mr. TALBERT. Mr. Speaker, I will state again my request and my reason for making it. I ask unanimous consent that to-night all bills of this character which we may reach—I do not mean all such bills on the Calendar, but all which we may reach to-night—be passed over and take their places at the foot of the Calendar. Let me state my object. I do not make the point of no quorum for the purpose of blocking pension legislation; but I do submit that these cases are not deserving. There are other cases on the Calendar that ought to be considered, and to put these measures continually in the front is wrong. For that reason I make this request, and I hope it will be granted. Then, and not till then, shall I be willing to withdraw the point of no quorum. As a matter of course, you can get a quorum, but you must do as you please; then the responsibility will rest with you. I am always governed by the majority without kicking.

Mr. LOUDENSLAGER. The gentleman is willing, I presume, that worthy cases shall be considered.

Mr. TALBERT. After we have considered the other cases we can take up these and sift them, and if any are deserving they can be passed. But I do not think these bills ought to be placed in front of the claims of true, loyal, brave soldiers.

Mr. LOUDENSLAGER. Will the gentleman insist on his point as against the worthy cases of this class?

Mr. TALBERT. We can not tell which are worthy until we consider them.

Mr. BISHOP. I shall certainly object to the making of this arrangement. There are just as worthy bills reported from the Committee on Military Affairs as from any other committee of the House.

Mr. TALBERT. I do not withdraw the point of no quorum unless that request be granted.

Mr. CURTIS of New York. Mr. Speaker, I am one of the members of the Military Committee, and I think if the House will hear me for a very short time I can satisfy my friend from South Carolina, whose attention I desire, that he ought to modify his request.

Mr. TALBERT. I do not think I am unreasonable.

Mr. CURTIS of New York. I trust the gentleman will listen to what I have to say.

Mr. TALBERT. Certainly I will, with pleasure.

Mr. CURTIS of New York. I am sure no one will complain that the Committee on Military Affairs have not exercised care and industry in the consideration of the bills which have been referred to them. Each and every bill so referred has been considered with great care, first by a subcommittee, and secondly by the whole committee. We have reported to the House for its favorable consideration bills which we regard as meritorious. Upon the passage of those bills depends the pensions of widows and orphans. If my friend from South Carolina had full knowledge of the labor which has been bestowed by our committee upon these bills, I do not think he would take the position he now occupies. But if he insists that this discrimination shall be made against our committee, let him at least so modify his request as to meet the suggestion of the chairman of the Committee on Invalid Pensions, that bills of the character that he objects to be merely passed over, not placed at the foot of the Calendar. That is asking too much. Let them merely be passed over when reached and let this night, if the gentleman so insists, be given to the consideration of reports from the Committee on Invalid Pensions and the Committee on Pensions.

This arrangement, if made, will be a great concession to the power which our friend from South Carolina is able to exercise over the House by making the demand he has made for a quorum. I am sure that a moment's reflection, taking into consideration the merits of these bills and the desire of the House to have them acted on promptly in view of the early adjournment of Congress, will satisfy my friend that he should modify his request and consent that bills from the Military Committee be passed over without prejudice, in order to consider exclusively to-night bills from the Committee on Pensions and the Committee on Invalid Pensions.

Mr. TALBERT. Of course I do not wish to be considered unreasonable. I am not unreasonable. My record here in regard to pensions and other subjects will not justify anyone in saying that I have been unreasonable. But, Mr. Speaker, last Friday night I made this same request. I thought it would be acceded to in good faith. But to-day the very first bills that were taken up were bills of this character, laid aside on last Friday night. I did not think that was right. Therefore, Mr. Speaker, I can not yield anything further. My request is a reasonable one. There are not many bills of this class that we can possibly reach. I do not include in my request all bills on the Calendar—only those that we may reach to-night. I make this request. Gentlemen can either agree to it or not. I do not entreat gentlemen to accept it. I do not beg. I simply assert and demand my just rights and privileges. If they are not granted, I accept the consequences, and go along my way the best that I can.

Mr. CURTIS of New York. My happy and genial friend stands up here and says that he "begs" nothing; yet he knows that the simple words which he has pronounced are a veto upon all business to-night; and that is the position he takes in the face of every member of the House.

Mr. TALBERT. Oh, no, my friend; I only wish to object to the consideration of those matters which I have been fighting since I have been a member of this House.

Mr. CURTIS of New York. Then why not accept the proposition that they be passed over?

Mr. TALBERT. I have made my request. The gentlemen can accept it or not as they see fit. I have nothing more to say.

Mr. HALTERMAN. I wish to say, Mr. Speaker, on looking over the Calendar, that there is but one bill which will lead to discussion, which came from the Committee on Military Affairs, of the character to which the gentleman from South Corolina refers, and I notice that the man to whom it refers is a man who died on the battlefield thirty-three years ago, and his family and his son request to have his military record corrected. There is no doubt that this bill will be passed.

The gentleman from South Carolina will admit it is a proper bill and advocate it when the report is read. This is the only bill of that character which will be reached to-night.

Mr. MORSE. Mr. Speaker, I do not share the views expressed by the gentleman from South Carolina. The gentleman asserts that these bills in regard to the removal of the charges of desertion and for the correction of military records have no merit. I believe that there are no more meritorious cases on the Calendar than some of the cases coming from the Committee on Military Affairs to remove charges of desertion. I have several such cases

in my own mind now, and one in particular, where the man undoubtedly was shot dead on the field of battle, and yet is borne on the rolls as a deserter. He had written affectionate letters to his wife up to the very date and hour of the battle, and I have seen the letters myself; but suddenly he disappeared—it was impossible to find out what had become of him, although there can be no doubt in the world that he was left dead on the battle-field, and he is borne on the rolls of the War Department as a deserter. I do not believe there can be any doubt from the testimony that he was killed in battle at the hands of the enemy. However, the facts can not be established by proof, but the Committee on Military Affairs, looking over the whole matter, after a careful investigation, believe that the charge of desertion ought to be removed; and hence, I repeat, I do not share the sentiments of the gentleman that these bills are unfair and unjust and that they ought not to be passed, and that the charges of desertion should not be removed.

I trust the condition made by the gentleman from South Carolina, that these bills should take their place at the foot of the Calendar, will not be accepted. I submit that consent ought not to be given to such an arrangement, because if it is given he will probably raise another objection in some other way and defeat the passage of bills.

Mr. PICKLER. I object, Mr. Speaker, to further debate. The gentleman from South Carolina makes the point of no quorum. Let us determine the point one way or the other now.

The SPEAKER pro tempore. The Chair will submit the modified request of the gentleman from South Carolina. The gentleman asks unanimous consent that all bills relating to desertion that are reached during the consideration of business this evening shall be passed over and go to the foot of the Calendar. Is there objection?

Mr. MAHANY, Mr. MORSE, Mr. BROMWELL, and others objected.

Mr. HERMANN. Mr. Speaker, I desire a moment to appeal to my friend from South Carolina.

Mr. PICKLER. I do not want to interrupt the gentleman, but there is nothing before the House.

Mr. HERMANN. I ask unanimous consent to be permitted to say a few words to the gentleman.

The SPEAKER pro tempore. The Chair will state that debate is proceeding only by unanimous consent.

Mr. HERMANN. I so understand, Mr. Speaker.

I desire the attention of my friend from South Carolina for a moment. I thought that perhaps the gentleman did not hear the very convincing few words uttered by the gentleman from Pennsylvania [Mr. HALTERMAN], who stated to the House that among the 30 or 40 bills on the first part of the Calendar, which will probably be reached this evening—and 40 bills will be probably more than we can consider at the session to-night—there is but one bill, I think, for the removal of the charge of desertion, and that bill is to remove the charge of desertion from a soldier's record who died on the field of battle thirty-odd years ago.

Now, the gentleman assures us that the testimony is convincing that he died on the field of battle, and his widow and his children are asking the American Congress to remove that stain of dishonor from the memory of a beloved husband and father. I ask my friend from South Carolina whether he will block legislation all this evening by making the objection he does in view of that fact?

Mr. TALBERT. My friend, I am not blocking the way of legislation. I have suggested a very easy way to prevent its being blocked. It is the gentlemen who make objection to my request. If they want to block it, they can take the responsibility. It is not upon me, but upon them.

Mr. HERMANN. Will the gentleman, in the face of the representation I have made, continue to block legislation as to these 40 cases to-night? I ask the gentleman from South Carolina whether, in the face of this statement, he will continue to urge the suggestion he has made?

Mr. TALBERT. I maintain I am not blocking legislation—it is the other fellows.

Mr. HERMANN. If the gentleman will not consent, in view of the statement of the gentleman from Pennsylvania, to withdraw his objection, I do not think that anything can induce him to do it.

Mr. WOOD. Mr. Speaker, I desire to renew the request of the gentleman from South Carolina. I wish to call the attention of the House to this one fact: There is not a bill to remove the charge of desertion that will be reached to-night.

Mr. LOUDENSLAGER. Oh, yes, there is.

Mr. WOOD. There is one to correct a military record, but not a bill to remove the charge of desertion. There is nothing in this bill to which any objection can be made. I read the title:

A bill to complete the military record of Caleb L. Jackson.

Under the rules that could not be taken up to-night. That has been held. So I hope, as it will do no harm to consent to it, that the request which I now renew——

Mr. DOCKERY. What is the request?

Mr. WOOD. That all such cases may go to the foot of the Calendar may be consented to. We shall not reach any such case at all to-night, and hence it does not become a practical question.

Mr. DOCKERY. I understand there is but one case——

Mr. WOOD. There is not one.

Mr. DOCKERY. But one case involving a charge of desertion.

Mr. WOOD. It is to complete a military record.

Mr. DOCKERY. I most heartily concur in the request of the gentleman from Illinois. This is a practical question, and it seems to me that it would be better to accept the proposition of the gentleman from South Carolina [Mr. TALBERT]. The gentleman in charge of that one bill can reach consideration of it in some other way at some other time.

Mr. PICKLER. I ask the Chair to submit the request of the gentleman from South Carolina again; and if it is objected to, we might just as well adjourn. I hope that the request of the gentleman from South Carolina will again be submitted, and I hope gentlemen will not object. The point is just here: It makes little difference where these bills go so far as the Calendar is concerned. When we have a quorum here in the House in the daytime, at any time, the House can do as it pleases with these bills.

Mr. BROMWELL. By unanimous consent.

Mr. LOUDENSLAGER. Or by suspension of the rules.

Mr. COX. If the gentleman will allow me to interrupt him for one moment, I do not think we shall have any trouble about this——

Mr. PICKLER. We are having a good deal of trouble.

Mr. COX. Let us get out of it.

Mr. PICKLER. We have lost twenty minutes of time now.

Mr. COX. I make this request for unanimous consent, that any bill that is on the Calendar to be reached to-night which embraces the charge of desertion be passed over for to-night and let the pension claims be considered. I am satisfied that my friend from South Carolina [Mr. TALBERT] has no motive in the world except to do what he thinks is his duty, and if this is done there will be no trouble, because we can take up the pension bills to-night and go back to these other bills afterwards.

The SPEAKER pro tempore. The Chair will submit the request of the gentleman from South Carolina [Mr. TALBERT] again.

Mr. COX. Mr. Chairman, I should like to have the request submitted which I have made.

The SPEAKER pro tempore. It is substantially the same thing.

Mr. PICKLER (to Mr. COX). Will the gentleman from South Carolina accept your request?

Mr. TRACEY. He tells me that he will not.

Mr. COX. Then I withdraw it.

Mr. LACEY. There is but one bill that can possibly be affected by the order asked by the gentleman from South Carolina. If that is a meritorious bill, I think there will be no trouble at all for the Committee on Rules to take care of that bill. So let us accept his proposition.

The SPEAKER pro tempore. The gentleman from South Carolina [Mr. TALBERT] asks unanimous consent that all bills relating to the charge of desertion reached during this evening session shall be passed over and go to the foot of the Calendar. The Chair understands that there is only one such bill within reach to-night. Is there objection? The Chair hears none.

Mr. BROMWELL. Mr. Speaker, I object.

Mr. PICKLER. It is too late.

Mr. BROMWELL. I think not. I rose to object, and I have objected.

Now, I want to be heard on this, Mr. Speaker. I have not a single case of military record correction upon this Calendar, so that I am not personally interested in this question at all.

Mr. TAYLER. But the rest of us have cases which we want to have considered.

Mr. BROMWELL. But I want to say that I have got tired of coming here every Friday night and having the business of this House, with over a hundred men here who ought to have manhood enough to assert their manhood, dictated to by one member. [Applause.]

I want to say that to my mind these cases of removal of charges of desertion and the correction of military records are just as important as any pension cases that we pass upon. There is something that is higher, something that appeals more to us, in the case of an unjust charge of desertion against a man, which has been hanging over him and blighting his record and his fair name, and that has been a disgrace and a shame to his family for thirty years, than there is in the mere question of whether we shall vote eight or ten or twelve dollars per month to maintain a man who has suffered injuries in the Army.

The injury to his fair name and reputation is as much to him as

the dollars and cents that we so lavishly and profusely bestow on pensions. I want to say, much as it will disappoint me to stand in the way of legislation, I propose to assert my manhood and my right to stand here and say that I will object, and continue my objection, to any such resolution as this gentleman offers. If he will agree to allow the bills relating to military desertion cases to keep their places on the Calendar, so that they may be considered at some other proper time, I would not object; but when he undertakes to pick out these particular cases that have been carefully examined by the Committee on Military Affairs, and favorably reported, I for one will not submit to such dictation. You may do so, but I, too, can block such proceedings, and the responsibility will rest with him and not with me. [Applause.]

Mr. TRACEY. Mr. Speaker, I want to state to my friend here—and he is my friend—that while it is asserted by the gentleman that he does not intend to do anything unreasonable, and I do not think he deliberately does intend to do anything unreasonable, yet he is doing what is unreasonable when the facts are taken into consideration. I am satisfied he does not deliberately intend to do that; but in a case to which he objected to-day, in which I happen to know the facts, the charge of desertion is as absolutely false as it is possible to assert a falsehood; yet the charge of desertion appears of record against the soldier, and it ought to be removed. It appears to me impossible that a gentleman should oppose the consideration of a case of this sort and yet say that he is not unreasonable. There may be cases—but no such case has been reported to the House by the present Committee on Military Affairs—in which a man would be reasonable in making objection to their present consideration, or to any consideration except at the foot of the Calendar.

The Committee on Military Affairs of the present House has taken great pains in the consideration of every case that has come before it in which they have made a favorable report. I am able to say to the House, and to the gentleman from South Carolina, that no case has been reported to this House favorably unless the testimony warranted the conclusion that the charge had been improperly made against the soldier. We have made no other sort of report to the House. Therefore it is wrong to the soldier, whose character is at stake, as it is wrong to the committee, that has spent its time investigating these cases. Therefore I sincerely trust that my friend will see how unreasonable he is to pursue this course, and I hope he will withdraw the point of no quorum.

Mr. PICKLER. I renew my motion that the House resolve itself into Committee of the Whole House under the special order.

Mr. WHEELER. I would like to say a word or two.

The SPEAKER pro tempore. The point of no quorum is still pending.

Mr. PICKLER. But a large number of members have come in since.

The SPEAKER pro tempore. The Chair will consider that fact, too.

Mr. WHEELER. Mr. Speaker, I do not wish to detain the House, but I wish to say——

Mr. HARDY. I rise to a point of order.

The SPEAKER pro tempore. The gentleman will state it.

Mr. HARDY. The gentleman from South Carolina made a motion that all bills upon the Calendar for consideration this evening that had anything to do with desertion should go to the foot of the Calendar. That required unanimous consent. Objection has been made, and I believe after objection has been made debate is not in order.

The SPEAKER pro tempore. It is not in order except by unanimous consent, and debate has been proceeding by unanimous consent.

Mr. HARDY. I object to further debate.

The SPEAKER pro tempore. The Chair will state the situation. The gentleman from South Carolina makes the point of no quorum, but agrees to withdraw that point upon a certain proposition, which has been submitted to the House, and to that objection has been made. The Chair will therefore count those present. [After a count.] One hundred and twenty-nine gentlemen are present; not a quorum.

Mr. PICKLER. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The Clerk proceeded to call the roll.

Mr. PICKLER (during the call). Mr. Speaker, I move to dispense with further proceedings under the call.

Mr. BROMWELL. Mr. Speaker, under conditions which have been suggested to me by the chairman of the Committee on Invalid Pensions, and without withdrawing from my view or my position in this matter, I understand that the gentleman from South Carolina [Mr. TALBERT] is willing to accept the suggestion that has been made if I will withdraw my objection to his request. If my understanding of the suggestion is correct, I will withdraw my objection; otherwise I will renew it.

Mr. TALBERT. The gentleman is mistaken about my withdrawing anything. I stated that if the gentleman would withdraw his objection to my request, I would then withdraw my point of no quorum.

Mr. BROMWELL. It is as broad as it is long. I will do that.

The SPEAKER pro tempore. Does the gentleman from South Dakota insist upon his motion to dispense with the call?

Mr. PICKLER. Yes, sir.

The SPEAKER pro tempore. The gentleman from South Dakota moves to dispense with further proceedings under the call.

Mr. TALBERT. I do not withdraw my request at all, Mr. Speaker.

The question being taken on the motion of Mr. PICKLER, the Speaker pro tempore announced that the noes seemed to have it.

Mr. PICKLER. I ask for a division. [Loud cries of "No!" "No!"]

Mr. PICKLER. Mr. Speaker, I insist upon my motion to dispense with further proceedings under the call. I desire to say, by unanimous consent, that I suppose gentlemen who voted against the motion just now understand that when the roll is called and the record is closed with no quorum present we are "out" for this night session. Now, I want to avoid that. If you want not to do any business this evening, gentlemen, and to have your record show no quorum present, then vote down my motion.

The question being taken on the motion of Mr. PICKLER, the Speaker pro tempore declared that the ayes seemed to have it.

Mr. BROMWELL. I ask for a division.

The House divided; and there were—ayes 84, noes 9.

So the motion of Mr. PICKLER was agreed to, and further proceedings under the call were dispensed with.

Mr. PICKLER. Now, Mr. Speaker, I renew my motion that the House resolve itself into the Committee of the Whole for the consideration of bills on the Private Calendar under the special order.

Mr. TALBERT. Mr. Speaker, I rise to a point of order. I submit that the House has been found without a quorum. I have made the point of no quorum. You have not ascertained that there is a quorum present; and therefore I submit that the motion of the gentleman from South Dakota is out of order.

The SPEAKER pro tempore. The Chair sustains the point of order.

Mr. PICKLER. Then I misunderstood what the gentleman from South Carolina had said. I move a call of the House, Mr. Speaker.

Mr. POWERS. Mr. Speaker, I move that the House do now adjourn.

The question being taken on the motion of Mr. POWERS, the Speaker pro tempore declared that the noes seemed to have it.

Mr. BISHOP. I call for a division.

The House divided; and there were—ayes 2, noes 70.

So the House refused to adjourn.

Mr. PICKLER. I move a call of the House. [Loud cries of "No!" "No!"]

Mr. DOLLIVER. Mr. Speaker, I suggest that the Chair again state to the House the request for unanimous consent made by the gentleman from South Carolina. I think an arrangement can be made.

The SPEAKER pro tempore. The gentleman from South Dakota has moved a call of the House.

Mr. PICKLER. I withdraw my motion.

Mr. BROMWELL. Mr. Speaker, information was brought to me by gentlemen who had been advising and consulting with the gentleman from South Carolina that if I would withdraw my objection to his request he on his part would withdraw his request that the cases indicated by him be put at the foot of the Calendar. That is all I have been contending against, and with that understanding I will and I do withdraw my objection to his request. But if the gentleman insists upon his original request, then I shall renew the objection.

Mr. TALBERT. The gentleman still misunderstands what I told his friends. What I said was this: They stated to me that the man my friend from Ohio [Mr. BROMWELL] had spoken of had been killed on the battlefield and that his case was a meritorious one, and I told them to say to the gentleman that if he would withdraw his objection and let me have unanimous consent, then, when we got to that case, I would make an exception of it and would ask that it be considered and passed. That was my proposition. That is what I stated; that if the gentleman would withdraw his objection I would make that agreement. I do not wish to block pension legislation. The gentleman is mistaken when he says that one man has been blocking pension legislation here. I deny that I have been blocking legislation. No gentleman can point to a single instance where I have done it during this session of Congress or at any time.

Mr. DOLLIVER. I renew my suggestion, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from South Carolina asks unanimous consent that all cases relating to desertion and to the correction of military records that are reached at this evening's session be passed over and go to the foot of the Calendar. Is there objection?

Mr. BROMWELL. I object.

Mr. CURTIS of Kansas. I move that the House adjourn.

The motion was not agreed to.

Mr. PICKLER. I move a call of the House.

The motion of Mr. PICKLER was agreed to.

Mr. PICKLER. Pending that, I hope the gentleman from Pennsylvania [Mr. HALTERMAN] will be allowed to make a statement.

Mr. HALTERMAN. Mr. Speaker, I wish to say in regard to the only bill that can be reached——

The SPEAKER pro tempore. A call of the House has been ordered, and no debate is in order.

Mr. PICKLER. The gentleman who is interested in this bill proposes to withdraw it.

Mr. CUMMINGS. I rise to a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. CUMMINGS. Will it be in order to ask unanimous consent that the roll call be resumed where it was left off——

Mr. PICKLER. No; that will not do.

The SPEAKER pro tempore. The Chair is of opinion that there being no quorum present, and the point being insisted on, nothing is in order but to proceed with the call of the House pursuant to the motion just adopted.

Mr. LACEY. But the gentleman from Pennsylvania, who is in charge of the only bill which will be affected by the proposed order, has been trying for some time to get an opportunity to make a statement by unanimous consent.

The SPEAKER pro tempore. But the Chair will state to the gentleman from Iowa that in the absence of a quorum no business of any kind can be done while the point is insisted upon.

Mr. LACEY. Can not the gentleman make a statement of the situation for the benefit of the House?

The SPEAKER pro tempore. He can, by unanimous consent.

Mr. LACEY. His bill is the only one involved, and I suggest that he have an opportunity to explain, so that an arrangement may be made about that bill.

The SPEAKER pro tempore. There is nothing now in order except to proceed with the call of the House.

Mr. PICKLER. I insist on the regular order.

The SPEAKER pro tempore. The Clerk will proceed with the call of the roll.

The roll was called; and the following-named members failed to answer:

Acheson,	Ellett, Va.	Loud,	Richardson,
Adams,	Elliott, S. C.	Low,	Robertson, La.
Aitken,	Fairchild,	Maddox,	Robinson, Pa.
Aldrich, Ill.	Fitzgerald,	Maguire,	Rusk,
Allen, Miss.	Fletcher,	Mahon,	Russell, Conn.
Anderson,	Foote,	McCall, Mass.	Russell, Ga.
Apsley,	Gillet, N. Y.	McCleary, Minn.	Sauerhering,
Arnold, Pa.	Goodwyn,	McClure,	Scranton.
Arnold, R. I.	Grosvenor,	McCormick,	Settle,
Bailey,	Grout,	McCreary, Ky.	Shaw,
Baker, Md.	Grow,	McDearmon,	Sherman,
Barney,	Hall,	McEwan,	Sparkman,
Barrett,	Hanly,	McLachlan,	Spencer,
Bartlett, N. Y.	Harmer,	McLaurin,	Stahle,
Beach,	Harris,	McMillin,	Steele,
Bell, Tex.	Harrison,	Meiklejohn,	Stephenson,
Bennett,	Hart,	Mercer,	Stone, W. A.
Berry,	Heiner, Pa.	Meredith,	Strait,
Bingham,	Henderson,	Meyer,	Sulzer,
Black, Ga.	Hendrick,	Miller, Kans.	Swanson,
Black, N. Y.	Henry, Ind.	Miller, W. Va.	Taft,
Boutelle,	Hepburn,	Milliken,	Tawney,
Bowers,	Hitt,	Miner, N. Y.	Thorp,
Brosius,	Hooker,	Mondell,	Tucker,
Buck,	Hopkins,	Money,	Turner, Ga.
Cannon,	Howard,	Moses,	Turner, Va.
Catchings,	Howell,	Mozley,	Tyler,
Chickering,	Huff,	Murphy,	Underwood,
Clarke, Ala.	Huling,	Newlands,	Updegraff,
Cobb,	Hull,	Odell,	Van Horn,
Cockrell,	Hurley,	Ogden,	Wadsworth,
Coffin,	Hutcheson,	Otey,	Walker, Mass.
Cooper, Fla.	Hyde,	Overstreet,	Walker, Va.
Cooper, Tex.	Johnson, Ind.	Owens,	Walsh,
Cooper, Wis.	Johnson, N. Dak.	Parker,	Washington,
Cousins,	Joy,	Patterson,	White,
Cowen,	Kendall,	Payne,	Wilber,
Crisp,	Kleberg,	Pearson,	Williams,
Crowley,	Knox,	Pendleton,	Willis,
Dayton,	Lawson,	Perkins,	Wilson, Idaho
Denny,	Leisenring,	Phillips,	Wilson, S. C.
Dingley,	Lester,	Pitney,	Woodard,
Dinsmore,	Lewis,	Price,	Woodman,
Doolittle,	Linton,	Quigg,	Woomer.
Dovener,	Livingston,	Raney,	
Downing,	Lockhart,	Ray,	
Draper,	Lorimer,	Reyburn,	

The SPEAKER pro tempore. The roll call has been completed, and discloses the lack of a quorum. The doors will now be closed——

Mr. HARDY. A number of gentlemen are here ready to answer to their names.

The SPEAKER pro tempore. Under the rule, gentlemen who come in after this call has been completed can report their names to the Clerk. The doors will now be closed, and the names of the absentees will be called for the presentation of excuses. Gentlemen desiring to offer excuses for absent members will please pay attention.

The Clerk proceeded to call the roll of absentees.

Mr. TATE (when the name of Mr. BARTLETT of Georgia was called). Mr. Speaker, my colleague, Mr. BARTLETT, is unwell to-night. I ask that he be excused on account of sickness.

There being no objection, Mr. BARTLETT of Georgia was excused.

Mr. POOLE (when the name of Mr. BROSIUS was called). Mr. Speaker, the gentleman from Pennsylvania, Mr. BROSIUS, was taken sick this afternoon, and is unavoidably absent to-night. I ask that he be excused.

There being no objection, Mr. BROSIUS was excused.

Mr. TATE (when the name of Mr. CRISP was called). Mr. Speaker, I ask that my colleague, Mr. CRISP, be excused on account of sickness.

The SPEAKER pro tempore. The gentleman from Georgia [Mr. TATE] asks that his colleague, Mr. CRISP, be excused on account of sickness. Is there objection?

Mr. CROWTHER. I object. I am tired of this thing of excusing these gentlemen who avoid these Friday night sessions.

Mr. TATE. It is well known to this House that my colleague, Mr. CRISP, has been unwell for some time, and that is the reason I have asked that he be excused.

The SPEAKER pro tempore. Objection is made.

Mr. LACEY. I move that the gentleman from Georgia [Mr. CRISP] be excused.

The motion was agreed to.

Mr. LITTLE (when the name of Mr. DINSMORE was called). I desire to announce that my colleague, Mr. DINSMORE, is confined to his room and unable to attend the sessions of the House. I believe he has already been excused.

The SPEAKER pro tempore. The gentleman from Arkansas, Mr. DINSMORE, has leave of absence.

Mr. HICKS (when the name of Mr. HUFF was called). Mr. Speaker, my colleague is absent by leave of the House.

The SPEAKER pro tempore. He does not require an excuse.

Mr. KEM. I ask that Mr. HOWARD of Alabama be excused on account of ill health.

There was no objection.

Mr. HICKS. The gentleman from Illinois who sits near me [Mr. HITT] is not yet in very robust health, and it is imprudent for him to be out at night. I ask that he be excused also.

There was no objection.

Mr. WELLINGTON. Mr. Speaker, my colleagues, Mr. BAKER of Maryland and Mr. COFFIN, have been called out of the city. I ask that they be excused.

There was no objection.

Mr. KIEFER (when the name of Mr. MCCLEARY of Minnesota was called). Mr. Speaker, my colleague, Mr. MCCLEARY, was very ill this afternoon with a severe headache. I walked part of the way home with him and know he was suffering severely. I ask that he be excused.

There was no objection.

Mr. MAHANY. I ask that my colleague, Mr. CHICKERING, who has been called out of the city, be excused.

There was no objection.

Mr. KULP. I ask that my colleague, Mr. LEISENRING, be excused, as he is out of the city.

There was no objection.

Mr. PUGH. My colleague, Mr. LEWIS, is detained at his home in Kentucky attending a session of court on very important legal business. He expected to have been here before now, but was detained. I ask that he be excused.

The SPEAKER pro tempore. The Chair is informed that the gentleman already has leave of absence.

Mr. WRIGHT. The gentleman from New York [Mr. FAIRCHILD] has been suddenly called out of town, and I ask that he be excused.

Mr. CROWTHER. Mr. Speaker, I object.

Now, here is an illustration of the way this thing works: The gentleman from Georgia [Mr. BARTLETT] was excused in the early part of the session to-night, but must have been cured by electricity, for he is here now. [Laughter.]

Mr. JOHNSON of California. I think the House ought to give thanks for the miraculous restoration to health of the gentleman from Georgia [Mr. BARTLETT]. I simply ask that we do so by proceeding at once to business. [Applause.]

Mr. BARTLETT of Georgia. Mr. Speaker, I do not know what the gentleman from California means. I know this, that when I left the House this afternoon I requested my colleague [Mr. TATE] to represent me in a matter that I thought might come up, as I was not feeling very well. I did not come out to the night session, not being well enough, but having received information that there was a call of the House proceeding, and that no quorum was here, in order to help to make a quorum as far as I could, and at very great inconvenience and discomfort to myself, I came, believing it to be my duty to do so. [Applause.]

The SPEAKER pro tempore. The Chair desires to state to the House that Mr. BARTLETT of Georgia is marked present on the first call. The Chair has no recollection of anybody asking that he be excused. So it seems that the gentleman from California and the gentleman from Missouri are both in error.

Mr. JOHNSON of California. The gentleman from Georgia [Mr. TATE] did ask that his colleague, Mr. BARTLETT, be excused on account of illness to-night. I know Mr. BARTLETT to be a gentleman who would come here if he could in the performance of his duties, and I am satisfied that everything that he has said is absolutely correct. He has set a first-class example to the Republicans of this House about attending these sessions. [Applause.]

Mr. SIMPKINS. Mr. Speaker, I ask that my colleague, Mr. MCCALL of Massachusetts, who has been called home on account of important business, may be excused.

There was no objection.

The Clerk resumed the call of the roll.

Mr. GARDNER. I ask that my colleague, Mr. PITNEY of New Jersey, be excused. He is absent from the city, in New Jersey. I think he has leave of absence, although I am not sure.

The SPEAKER pro tempore. The Chair is informed that the gentleman has leave of absence.

Mr. GARDNER. And I ask, also, that Mr. MCEWAN and Mr. HOWELL, my colleagues, who are both out of the city, be excused.

There was no objection.

The Clerk resumed the reading of the names of the absentees.

Mr. JOHNSON of California. The gentleman from Idaho [Mr. WILSON] has leave of absence, Mr. Speaker.

The SPEAKER pro tempore. The gentleman has leave of absence already, and needs no excuse.

Mr. MAHANY. I ask that my colleague, Mr. MCCORMICK, be excused on account of illness.

There was no objection.

Mr. MAHANY. I also ask that my colleague, Mr. WILBER, be excused. He is out of the city.

There was no objection.

Mr. WANGER. I ask that my colleague, Mr. MAHON, be excused. As is well known, he is one of the most constant in attendance on these Friday night sessions. He was in attendance here this afternoon, and left here suffering with a severe headache. I have no doubt that is the cause of his absence this evening.

There was no objection.

Mr. BELKNAP. My colleague, Mr. LORIMER, is absent on account of serious illness in his family. I ask that he be excused.

The SPEAKER pro tempore. He is already excused, as the Chair is advised.

Mr. PICKLER. I ask that the gentleman from Iowa [Mr. HEPBURN] be excused, on account of important business. This is the only night session during the present Congress from which he has been absent.

There was no objection.

Mr. HILL. I ask that my colleague, Mr. RUSSELL of Connecticut, be excused.

There was no objection.

Mr. HOWE. I ask that my colleague, Mr. HURLEY, be excused.

There was no objection.

Mr. FARIS. I do not know whether my colleague, Mr. JOHNSON of Indiana, is excused or not. It is well known that he is absent from the city, sick.

The SPEAKER pro tempore. The Chair understands he has leave of absence.

Mr. POOLE. I ask that my colleague, Mr. FAIRCHILD, be excused.

There was no objection.

The SPEAKER pro tempore. The call of the roll and the responses of those who came in after the roll call show that there are 166 gentlemen present. The Chair is ready to entertain any motion.

Mr. PICKLER. I offer the following resolution.

The Clerk read as follows:

Resolved, That the Sergeant-at-Arms is hereby authorized and directed to arrest and bring to the bar of the House all members absent without leave of the House.

The resolution was agreed to.

Mr. CURTIS of New York. Mr. Speaker, I desire to make a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. CURTIS of New York. I wish to ask as to how short a time is probably the least time in which absent members may be found and be brought here, and at what expense per member?

The SPEAKER pro tempore. The gentleman has propounded a conundrum which the Chair is utterly unable to answer.

Mr. CURTIS of New York. I think in the last session——

Mr. PICKLER. Regular order.

The SPEAKER pro tempore. There is nothing now in order except a motion to dispense with further proceedings under the call, or a motion to adjourn.

Mr. CURTIS of New York. I move that the House do now adjourn.

The motion was rejected.

Mr. NORTHWAY. Mr. Speaker, it is evident that we can not get a warrant issued before the time at which we are compelled to adjourn. Therefore I move to dispense with further proceedings under the call.

Mr. PICKLER. Regular order.

Mr. NORTHWAY. That is the regular order. I move to dispense with further proceedings under the call.

The SPEAKER pro tempore. The gentleman from Ohio [Mr. NORTHWAY] moves to dispense with further proceedings under the call.

The question was taken; and on a division (demanded by Mr. MILNES) there were—ayes 39, noes 78.

So the motion to dispense with further proceedings under the call was rejected.

Mr. DOLLIVER. Mr. Speaker, if the House will permit just a word, I understand the record shows that these proceedings in the last eight years have never resulted in bringing in more than nine members. In view of the lateness of the hour and the expense of the proceedings under a call, I move that the House do now adjourn.

Mr. PICKLER. I make the point of order that there has been no business done since that motion was made before.

The SPEAKER pro tempore. The Chair would suggest that no business can be done in a House that is without a quorum.

Mr. PICKLER. But there has been no other motion made.

The SPEAKER pro tempore. A motion to dispense with further proceedings——

Mr. PICKLER. The last business was a motion to adjourn.

The SPEAKER pro tempore. No; the last motion was to dispense with further proceedings under the call.

Mr. DOCKERY. The motion to adjourn is in order.

The SPEAKER pro tempore. The gentleman from Iowa [Mr. DOLLIVER] moves that the House do now adjourn.

The question was taken.

Mr. NORTHWAY demanded a division.

Mr. DOLLIVER. I call for the yeas and nays.

On the call for the yeas and nays there were—ayes 30, noes 51.

Accordingly (one-fifth voting in favor thereof) the yeas and nays were ordered.

Mr. PICKLER. I move to reconsider the vote by which the yeas and nays were ordered.

The SPEAKER pro tempore. The House having ordered the yeas and nays on the motion to adjourn, the gentleman from South Dakota moves to reconsider the vote by which the yeas and nays were ordered.

Mr. MILNES. Mr. Speaker, I move to lay that motion on the table.

Mr. BISHOP. I rise to a point of order.

The SPEAKER pro tempore. The gentleman will state it.

Mr. BISHOP. The motion of the gentleman from South Dakota is not in order. It is the privilege of the minority to demand the yeas and nays, and it can not be taken away from them.

Mr. PICKLER. Yes; it can.

Mr. DOCKERY. Mr. Speaker, under the practice the majority can reconsider a vote——

The SPEAKER pro tempore. The House will please be in order. The Chair will hear the gentleman from Missouri.

Mr. DOCKERY. Under the uniform practice, as I recollect it, the majority can reconsider the vote by which the yeas and nays were ordered; but then on reconsideration one-fifth of those present can again demand the yeas and nays.

Mr. PICKLER. I demand the regular order.

Mr. MILNES. The regular order is to lay your motion on the table.

The SPEAKER pro tempore. The Chair will suggest to the gentleman from Missouri that a motion is pending to lay on the table the motion to reconsider.

Mr. NORTHWAY. Mr. Speaker——

The SPEAKER pro tempore. The question now is——

Mr. DOLLIVER. Mr. Speaker, I do not think that a motion

to reconsider the vote by which the yeas and nays were ordered is in order.

Mr. PICKLER. I demand the regular order.

Mr. DOLLIVER. The Constitution provides that one-fifth of those present can demand the yeas and nays.

Mr. PICKLER. I demand the regular order.

The SPEAKER pro tempore. The Chair will hear the gentleman from Iowa.

Mr. PICKLER. The gentleman is out of order.

The SPEAKER pro tempore. The Chair will hear the gentleman from Iowa.

Mr. PICKLER. He has not risen to a point of order. The gentleman from Iowa has not stated that he rose to a point of order.

Mr. DOLLIVER. I rise to a question of order; and my point of order is that the motion of the gentleman from South Dakota, to reconsider the vote by which the yeas and nays were ordered, is not in order. The taking of the yeas and nays is a mere form of counting the vote, and after the yeas and nays have been ordered no motion of that sort is pertinent.

The SPEAKER pro tempore. The Chair overrules the point of order.

Mr. PICKLER. Regular order.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Michigan to lay on the table the motion of the gentleman from South Dakota to reconsider the vote by which the yeas and nays were ordered.

Mr. POWERS. On that motion I demand the yeas and nays. [Laughter and applause.]

The SPEAKER pro tempore. The Chair holds that that demand is not in order. The Chair will state the parliamentary situation. The question is——

Mr. TERRY. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. TERRY. I just want to suggest a parliamentary inquiry along here. A call for the yeas and nays has been made and was sustained by thirty-odd members. There were 60 on the other side. Now, if you can reconsider a vote of that kind, 60 can deny to 30 the constitutional right to demand the yeas and nays.

The SPEAKER pro tempore. The Chair will state to the gentleman from Arkansas that the decisions are clear on the subject as they appear at the desk. The Chair will now state the parliamentary situation. The yeas and nays having been ordered, the gentleman from South Dakota [Mr. PICKLER] moves to reconsider the vote by which the yeas and nays were ordered, and the gentleman from Michigan [Mr. MILNES] moves to lay that motion on the table. Those in favor of the latter motion will say "aye."

The question was taken; and the Speaker pro tempore announced that the ayes seemed to have it.

Mr. KIRKPATRICK and others. Division!

The House divided.

The SPEAKER pro tempore. On this question the yeas are 48, the nays 48; and the motion is lost.

Mr. PICKLER. Regular order!

Mr. POWERS. On that question I demand the yeas and nays, and I insist that that is in order. If it is competent for this House to divide and take a vote with no quorum present, it is entirely competent under the circumstances for one-fifth of those present to demand the yeas and nays.

The SPEAKER pro tempore. The Chair had already decided that the motion was lost. The Chair understands that the demand of the gentleman from Vermont now is that the yeas and nays be taken on the motion to reconsider.

Mr. POWERS. On either question.

Mr. PICKLER. It is too late.

The SPEAKER pro tempore. The Chair has already decided the other question, and has seen no reason to change that decision.

Mr. POWERS. Then I will ask for the yeas and nays on the original motion.

The SPEAKER pro tempore. The Chair will suggest to the gentleman from Vermont that this is a mere question of the method of taking a vote in the House in which there is no quorum, and the Chair is of the opinion that the yeas and nays are not properly demanded.

Mr. PICKLER. Regular order.

Mr. POWERS. I do not want to embarrass the situation, so I withdraw the demand.

The SPEAKER pro tempore. The question is on the motion of the gentleman from South Dakota to reconsider the vote by which the yeas and nays were ordered.

The question was taken; and the Speaker pro tempore announced that the noes seemed to have it.

A division was demanded by several members.

The House divided; and there were—ayes 43, noes 56.

So the motion to reconsider was rejected.

Mr. PICKLER. I demand tellers on this motion.

Mr. MILNES. Mr. Speaker, I move that all the absentees be now excused.

Mr. PICKLER. I demand tellers. I believe I have the floor, Mr. Speaker, or ought to have it. [Laughter.]

Mr. MILNES. The gentleman from South Dakota thinks he ought always to have the floor.

Mr. PICKLER. I demand tellers.

Tellers were ordered, 39 members voting in favor thereof; and Mr. PICKLER and Mr. TALBERT were appointed.

Mr. MILES (during the count by tellers). Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER pro tempore. The House is dividing, and the gentleman is not in order.

The House having again divided, the tellers reported—ayes 62, noes 48.

The SPEAKER pro tempore. The House decides to reconsider the motion whereby the yeas and nays were ordered, and the question now recurs on ordering the yeas and nays.

Mr. MILNES. Mr. Speaker, I move that the House adjourn.

Mr. McRAE. Is not that the pending question, Mr. Speaker?

Mr. PUGH. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. PUGH. While we are laboring here with closed doors in this dense atmosphere in the presence of this magnificent assemblage of ladies who grace with their presence this kindergarten performance in the national schoolhouse, I would like to know whether a call of the House suspends the rule against smoking in the Hall?

The SPEAKER pro tempore. It does not. If any gentleman smokes in the Hall he infringes the rule.

Mr. PUGH. Not only one, but quite a number of those present have been infringing the rule, and while it may be fun for the boys on the floor, it must be very disagreeable to the ladies and other visitors in the galleries.

The SPEAKER pro tempore. The Chair will state to the gentleman from Michigan [Mr. MILNES], who has just made a motion to adjourn, that the question before the House is on the motion to adjourn, and the pending question is whether the House will order the yeas and nays on that motion.

The question being taken, the yeas and nays were ordered.

Mr. PICKLER. Mr. Speaker, I move to reconsider the vote by which the yeas and nays have been ordered.

The SPEAKER pro tempore. The Chair holds that motion to be out of order. The Clerk will call the roll.

Mr. PICKLER. From that decision of the Chair I appeal.

The SPEAKER pro tempore. The Chair declines to entertain the appeal. [Applause.]

The question was taken; and there were—yeas 27, nays 119, not voting 209; as follows:

YEAS—27.

Aldrich, Ala.	Cummings,	Hager,	McClellan,
Avery,	Curtis, Iowa	Hainer, Nebr.	Milnes,
Bartlett, Ga.	Curtis, N. Y.	Hicks,	Northway,
Broderick,	Daniels,	Hunter,	Shannon,
Calderhead,	Dolliver,	Lacey,	Snover,
Clardy,	Erdman,	Latimer,	Spalding.
Codding,	Griswold,	Long,	

NAYS—119.

Allen, Utah	Evans,	Kirkpatrick,	Southard,
Andrews,	Faris,	Kulp,	Southwick,
Atwood,	Fenton,	Layton,	Sperry,
Babcock,	Fischer,	Lefever,	Stallings,
Baker, Kans.	Foss,	Leighty,	Stewart, N. J.
Baker, N. H.	Fowler,	Leonard,	Stewart, Wis.
Belknap,	Gamble,	Little,	Stone, C. W.
Bell, Colo.	Gardner,	Loudenslager,	Strode, Nebr.
Bishop,	Gibson,	Mahany,	Strong,
Blue,	Gillett, Mass.	Marsh,	Strowd, N. C.
Bromwell,	Graff,	McCulloch,	Talbert,
Brumm,	Griffin,	McRae,	Tate,
Burrell,	Hadley,	Miles,	Tayler,
Burton, Mo.	Halterman,	Minor, Wis.	Terry,
Burton, Ohio	Hardy,	Moody,	Thomas,
Clark, Iowa	Hatch,	Otjen,	Towne,
Clark, Mo.	Heatwole,	Pickler,	Tracey,
Colson,	Hemenway,	Poole,	Van Voorhis,
Cook, Wis.	Henry, Conn.	Powers,	Wanger,
Cooke, Ill.	Hermann,	Prince,	Warner,
Corliss,	Hilborn,	Pugh,	Watson, Ind.
Crowther,	Hill,	Reeves,	Watson, Ohio
Crump,	Howe,	Royse,	Wellington,
Curtis, Kans.	Hubbard,	Sayers,	Wheeler,
Danford,	Hulick,	Shafroth,	Wilson, N. Y.
De Armond,	Johnson, Cal.	Shuford,	Wilson, Ohio
De Witt,	Jones,	Simpkins,	Wood,
Dockery,	Kem,	Smith, Ill.	Wright.
Eddy,	Kerr,	Smith, Mich.	Yoakum.
Ellis,	Kiefer,	Sorg,	

NOT VOTING—209.

Abbott,	Bailey,	Bennett,	Buck,
Acheson,	Baker, Md.	Berry,	Bull,
Adams,	Bankhead,	Bingham,	Cannon,
Aitken,	Barham,	Black, Ga.	Catchings,
Aldrich, Ill.	Barney,	Black, N. Y.	Chickering,
Allen, Miss.	Barrett,	Boutelle,	Clarke, Ala.
Anderson,	Bartholdt,	Bowers,	Cobb,
Apsley,	Bartlett, N. Y.	Brewster,	Cockrell,
Arnold, Pa.	Beach,	Brosius,	Coffin,
Arnold, R. I.	Bell, Tex.	Brown,	Connolly,

Cooper, Fla.	Hopkins,	Mercer,	Shaw,
Cooper, Tex.	Howard,	Meredith,	Sherman,
Cooper, Wis.	Howell,	Meyer,	Skinner,
Cousins,	Huff,	Miller, Kans.	Sparkman,
Cowen,	Huling,	Miller, W. Va.	Spencer,
Cox,	Hull,	Milliken,	Stahle,
Crisp,	Hurley,	Miner, N. Y.	Steele,
Crowley,	Hutcheson,	Mondell,	Stephenson,
Culberson,	Hyde,	Money,	Stokes,
Dalzell,	Jenkins,	Morse,	Stone, W. A.
Dayton,	Johnson, Ind.	Moses,	Strait,
Denny,	Johnson, N. Dak.	Mozley,	Sulloway,
Dingley,	Joy,	Murphy,	Sulzer,
Dinsmore,	Kendall,	Neill,	Swanson,
Doolittle,	Kleberg,	Newlands,	Taft,
Dovener,	Knox,	Noonan,	Tawney,
Downing,	Kyle,	Odell,	Thorp,
Draper,	Lawson,	Ogden,	Tracewell,
Ellett, Va.	Leisenring,	Otey,	Treloar,
Elliott, S. C.	Lester,	Overstreet,	Tucker,
Fairchild,	Lewis,	Owens,	Turner, Ga.
Fitzgerald,	Linney,	Parker,	Turner, Va.
Fletcher,	Linton,	Patterson,	Tyler,
Foote,	Livingston,	Payne,	Underwood,
Gillet, N. Y.	Lockhart,	Pearson,	Updegraff,
Goodwyn,	Lorimer,	Pendleton,	Van Horn,
Grosvenor,	Loud,	Perkins,	Wadsworth,
Grout,	Low,	Phillips,	Walker, Mass.
Grow,	Maddox,	Pitney,	Walker, Va.
Hall,	Maguire,	Price,	Walsh,
Hanly,	Mahon,	Quigg,	Washington,
Harmer,	McCall, Mass.	Raney,	White,
Harris,	McCall, Tenn.	Ray,	Wilber,
Harrison,	McCleary, Minn.	Reyburn,	Williams,
Hart,	McClure,	Richardson,	Willis,
Hartman,	McCormick,	Robertson, La.	Wilson, Idaho
Heiner, Pa.	McCreary, Ky.	Robinson, Pa.	Wilson, S. C.
Henderson,	McDearmon,	Rusk,	Woodard,
Hendrick,	McEwan,	Russell, Conn.	Woodman.
Henry, Ind.	McLachlan,	Russell, Ga.	Woomer.
Hepburn,	McLaurin,	Sauerhering,	
Hitt,	McMillin,	Scranton,	
Hooker,	Meiklejohn,	Settle,	

The SPEAKER pro tempore. On this question the yeas are 27 and the nays are 119, and the House refuses to adjourn.

The hour of 10.30 having arrived, the Chair, under the rule, announces the House adjourned until Monday next at 12 o'clock. [Applause.]

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. MORSE, from the Committee on Public Buildings and Grounds, to which was referred the bill of the House (H. R. 7083) to prohibit the sale of intoxicating liquors in the Capitol building, and for other purposes, reported the same with amendment, accompanied by a report (No. 1831); which said bill and report were referred to the House Calendar.

Mr. CURTIS of New York, from the Committee on Military Affairs, to which was referred the joint resolution of the Senate (S. R. 7) authorizing the issue of duplicate medals where the originals have been lost or destroyed, reported the same without amendment, accompanied by a report (No. 1834); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SHAFROTH, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 4985) to authorize the Secretary of the Interior to convey to the State of Colorado, etc., reported the same with amendment, accompanied by a report (No. 1847); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. COLSON, from the Committee on Claims, to which was referred the joint resolution of the Senate (S. R. 91) providing for the adjustment of certain claims of the United States against the State of Tennessee, and certain claims of Tennessee against the United States, reported the same with amendment, accompanied by a report (No. 1848); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. TRACEY, from the Committee on Military Affairs:

The bill (S. 506) entitled "An act to correct the military record of John Fox, of Albany, Oreg." (Report No. 1826.)

The bill (H. R. 2995) to remove the charge of desertion from the military record of John Willoughby, of Washington, Kans., and grant him an honorable discharge. (Report No. 1827.)

The bill (H. R. 6557) for the relief of Daniel Martin. (Report No. 1828.)

The bill (S. 65) entitled "An act for the relief of J. E. Gillingwaters." (Report No. 1829.)

By Mr. FENTON, from the Committee on Military Affairs:

The bill (H. R. 4093) for the relief of Samuel D. Hubbard. (Report No. 1830.)

The bill (H. R. 6368) for the relief of Thomas J. Sheppard. (Report No. 1832.)

The bill (H. R. 5036) for the relief of James H. Smith, of Manchester, Ohio. (Report No 1833.)

By Mr. UNDERWOOD, from the Committee on the Public Lands: The bill (S. 1320) entitled "An act to confirm the title to certain lands in William Morgan and Harrison Moore, and to require the issue of patents therefor." (Report No. 1835.)

By Mr. ANDERSON, from the Committee on Invalid Pensions: The bill (H. R. 8788) granting a pension to Mary A. Widdores. (Report No. 1836.)

By Mr. ANDREWS, from the Committee on Invalid Pensions: The bill (H. R. 8451) granting an increase of pension to Samuel McConaughey. (Report No. 1837.)

By Mr. CROWTHER, from the Committee on Invalid Pensions: The bill (H. R. 8162) to increase the pension of William H. Dyer. (Report No. 1838.)

By Mr. KERR, from the Committee on Invalid Pensions: The bill (H. R. 6535) granting a pension to Lovezila L. Patterson. (Report No. 1839.)

By Mr. PICKLER, from the Committee on Invalid Pensions: The bill (H. R. 7153) increasing the pension of George W. Peters, Company I, Twelfth Regiment Tennessee Volunteer Cavalry. (Report No. 1840.)

By Mr. POOLE, from the Committee on Invalid Pensions: The bill (H. R. 3691) granting a pension to Catharine Kelley, widow of John Kelley. (Report No. 1841.)

By Mr. SULLOWAY, from the Committee on Invalid Pensions: The bill (H. R. 4967) granting an increase of pension to Joseph P. Harmon, late private in Company K, Fifth Maine Volunteers, and Company B, Seventh Maine Volunteers. (Report No. 1842.)

By Mr. WOOD, from the Committee on Invalid Pensions: The bill (H. R. 7582) granting a pension to Mrs. Martha A. Avery. (Report No. 1843.)

By Mr. WILSON of New York, from the Committee on Naval Affairs: The bill (H. R. 8197) for the relief of John T. Guerin. (Report No. 1844.)

By Mr. COLSON, from the Committee on Claims: The bill (H. R. 5409) for the relief of J. T. Taylor. (Report No. 1845.)

By Mr. ALLEN of Utah, from the Committee on the Public Lands: The bill (H. R. 6260) to provide compensation for a bridge and for buildings and other improvements constructed by certain persons upon public lands afterwards set apart and reserved as the Yellowstone National Park. (Report No. 1846.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. SOUTHWICK: A bill (H. R. 8998) to establish a dollar-and-a-half-a-day standard of wages for labor—to the Committee on Labor.

By Mr. SKINNER: A bill (H. R. 8999) to prohibit the further issuance of interest-bearing bonds without the consent of Congress—to the Committee on Ways and Means.

By Mr. HEINER of Pennsylvania: A bill (H. R. 9000) for the erection of a monument to Gen. U. S. Grant in the city of Washington, D. C.—to the Committee on Public Buildings and Grounds.

By Mr. SPALDING: A bill (H. R. 9001) to regulate the payment of import duties—to the Committee on Ways and Means.

By Mr. BABCOCK: A bill (H. R. 9023) to prevent the spread of contagious diseases in the District of Columbia—to the Committee on the District of Columbia.

By Mr. JOHNSON of California: A joint resolution (H. Res. 185) declaratory of the intent and meaning of a certain act named therein—to the Committee on the Judiciary.

By Mr. GROSVENOR: A concurrent resolution (House Con. Res. No. 48) for the printing of copies of the report of the Joint Committee on the Dedication of Chickamauga and Chattanooga National Park—to the Committee on Printing.

By Mr. DRAPER: A resolution (House Res. No. 338) requesting the Committee on Rules to fix an early date for the consideration of the bills reported by the Committee on Patents—to the Committee on Rules.

By Mr. FITZGERALD: A memorial of the Commonwealth of Massachusetts, relative to the navigation of the Connecticut River—to the Committee on Interstate and Foreign Commerce.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on War Claims was discharged from the consideration of the bill (H. R. 6648) for the relief of Mrs. Celia Ford, late a laundress in Battery F, Second Regiment, United States Artillery; and the same was referred to the Committee on Claims.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. BROSIUS: A bill (H. R. 9002) for the relief of the heirs of H. E. Muhlenberg, late collector of the Ninth United States internal-revenue district of Pennsylvania—to the Committee on Claims.

By Mr. DOOLITTLE: A bill (H. R. 9003) to remove the charge of desertion standing against the name of John M. R. Scott—to the Committee on Military Affairs.

By Mr. DOWNING: A bill (H. R. 9004) to place the name of Charles S. Devine on the pension roll—to the Committee on Invalid Pensions.

By Mr. HALL: A bill (H. R. 9005) to pay J. E. Blue for grain and stock taken from him by United States troops in July, 1864—to the Committee on War Claims.

By Mr. HUBBARD: A bill (H. R. 9006) to pay to James E. Blue for grain and stock taken from him by United States troops in July, 1864—to the Committee on War Claims.

By Mr. KULP: A bill (H. R. 9007) granting a pension to William Ogden—to the Committee on Invalid Pensions.

By Mr. LAYTON: A bill (H. R. 9008) for the relief of Dieterick Glander—to the Committee on Claims.

By Mr. LIVINGSTON: A bill (H. R. 9009) granting a pension to William Barrett—to the Committee on Pensions.

By Mr. McCALL of Tennessee: A bill (H. R. 9010) for the relief of the estate of Dr. J. M. Walker, deceased, late of Madison County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 9011) for the relief of the estate of Samuel Hayes, deceased, late of Madison County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 9012) for the relief of T. M. D. Coln, of McNairy County, Tenn.—to the Committee on War Claims.

By Mr. MONDELL: A bill (H. R. 9013) granting an increase of pension to J. F. Crawford—to the Committee on Invalid Pensions.

By Mr. NOONAN: A bill (H. R. 9014) granting a pension to Elise Marsteller—to the Committee on Invalid Pensions.

By Mr. PUGH: A bill (H. R. 9015) for the relief of T. P. Salyer, of Lawrence County, Ky.—to the Committee on War Claims.

By Mr. SORG: A bill (H. R. 9016) to remove the charge of desertion from the record of Frank Miller, Company K, Fifth Regiment Ohio Cavalry Volunteers—to the Committee on Military Affairs.

Also, a bill (H. R. 9017) to pension Mrs. Mary A. Tupper—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9018) to remove the charge of desertion from record of Allen Moore—Company K, Eighty-second Regiment Ohio Infantry Volunteers—to the Committee on Military Affairs.

By Mr. SWANSON: A bill (H. R. 9019) for the relief of Daniel Wingate—to the Committee on Claims.

Also, a bill (H. R. 9020) for the relief of A. P. McIntosh—to the Committee on Claims.

By Mr. WOOD: A bill (H. R. 9021) to increase the pension of George Gaylord—to the Committee on Invalid Pensions.

By Mr. KERR: A bill (H. R. 9022) to correct the military record of George Schell—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BLUE: Petition of Mayor A. L. Selig and 50 other citizens of Lawrence, Kans., asking for the passage of a bill to pension Hiram Hopson, to accompany House bill No. 2808—to the Committee on Invalid Pensions.

By Mr. BROWN: Petition of citizens of Chattanooga, Tenn., for the relief of book agents of the Methodist Episcopal Church South—to the Committee on War Claims.

By Mr. BULL: Petition of Annie Campbell to accompany House bill No. 8993, for the relief of the heirs of the late Duncan H. Campbell—to the Committee on Patents.

By Mr. DINSMORE: Petition of Margaret E. Gates, formerly Margaret E. Springfield, widow of J. F. Springfield, deceased, late of Crawford County, Ark., asking reference of her claim to the Court of Claims—to the Committee on War Claims.

By Mr. DOOLITTLE: Remonstrances and petitions of A. J. Bale and others; also of J. Fred Miller and others; also of citizens of Kalama, Tacoma, and other cities in the State of Washington, regarding the Marquette statue—to the Committee on the Library.

Also, of the faculty of the State University of Washington; also memorial of the citizens of Tacoma, Wash., favoring the adoption of the metric system—to the Committee on Coinage, Weights, and Measures.

Also, petition of citizens of South Tacoma, Wash.; also resolutions of Stedman Post of Whatcom; also petition of Plummer Post, Grand Army of the Republic, of New Whatcom, Wash., favoring a service pension—to the Committee on Invalid Pensions.

Also, petitions of citizens of Tacoma and Vancouver, State of Washington, in favor of the passage of House bills Nos. 838 and 4566, for 1-cent letter postage and the amendment of the postal laws—to the Committee on the Post-Office and Post-Roads.

Also, memorial of the Seattle Lumber Exchange, favoring the passage of Senate bill No. 1214, to appropriate funds for investigations and tests of American timber—to the Committee on Agriculture.

By Mr. EVANS: Petition of George W. Wheedon and others, of railroad department of the Young Men's Christian Association, favoring the passage of House bills Nos. 838, 4566, and 5560, amending the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. FITZGERALD: Petition of the New York Board of Trade and Transportation, urging Congress to give "a wise and careful consideration of our currency and finances"—to the Committee on Banking and Currency.

Also, resolution of the National Association of Manufacturers adopted at a convention in Chicago, Ill., for a uniform classification of freight rates throughout the United States—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the Nuttall Ornithological Club of Cambridge, Mass., favoring the creation of the office of director in chief of scientific divisions in the Department of Agriculture—to the Committee on Agriculture.

Also, petition of the National Association of Manufacturers of Cincinnati, Ohio, for an immediate and complete consular inspection, which shall determine the present condition of the service, and also recommend in what manner it can be without delay made most effective—to the Committee on Foreign Affairs.

By Mr. HALL: Petition of numerous citizens of the State of Missouri, praying for the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. HENDERSON: Resolutions of the board of directors of the Manufacturers and Producers' Association of California, asking for legislation to prevent competition from the cheap labor of other countries—to the Committee on Labor.

By Mr. HILL: Petition of Patquoque Council, No. 9, Order United American Mechanics, of Danbury, Conn., unanimously indorsing the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. LINTON: Remonstrances and petitions of citizens of New York, N. Y.; also of citizens of Newark, Ohio; also of citizens of Escondido, Cal., against the continuance of the Père Marquette statue in the Capitol—to the Committee on the Library.

By Mr. LITTLE: Petition of citizens of Auburn, Ark., protesting against the passage of House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. MAHON: Petition of citizens of Peters Township, Franklin County, Pa., protesting against the passage of House bill No. 4566, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. McCLEARY of Minnesota: Resolutions of a mass meeting in St. Paul, Minn., favoring interference by the United States in behalf of the Armenians—to the Committee on Foreign Affairs.

By Mr. ROBINSON of Pennsylvania: Petition of Kennett Council, No. 182, of Chester County, Pa.; also of John P. Crozer Council, No. 187, of Chester, Pa., Order United American Mechanics; also of Washington Camp, No. 335, Patriotic Order Sons of America, favoring the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. RUSSELL of Connecticut: Resolution of directors of the Connecticut State prison, in opposition to House bill No. 6116, forbidding the interstate transportation of articles manufactured in penal institutions—to the Committee on Labor.

By Mr. SORG: Paper to accompany House bill removing the charge of desertion from the military record of Frank Miller—to the Committee on Military Affairs.

Also, letter of the Stomps-Burkhardt Company, of Dayton, Ohio, in favor of the passage of House bill No. 6116, to protect free labor from competition with convict labor, and restricting the sale of convict-made goods to the State in which they are produced—to the Committee on Labor.

Also, resolution of the Wholesale Liquor Dealers' Protective Association of Dayton, Ohio, relative to the payment of tax on distilled spirits in distilleries or other bonded warehouses—to the Committee on Ways and Means.

Also, petition of Iron Molders' Union, No. 283, of Hamilton, Ohio, favoring the nationalization of telegraph lines—to the Committe on Interstate and Foreign Commerce.

By Mr. STEWART of Wisconsin: Remonstrance and petition of 31 citizens of Wausau, Wis., urging the immediate removal of the Père Marquette statue from Statuary Hall—to the Committee on the Library.

SENATE.

SATURDAY, *May 16, 1896.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

On motion of Mr. GALLINGER, and by unanimous consent, the reading of the Journal of yesterday's proceedings was dispensed with.

ENROLLED BILLS SIGNED.

The signature of the Vice-President was announced to the following bills and joint resolutions, which had previously been signed by the Speaker of the House of Representatives:

A bill (S. 2032) to grant right of way over the public domain for pipe lines in the States of Colorado and Wyoming;

A bill (H. R. 428) for the relief of Henry H. Schrawder;

A bill (H. R. 227) requiring bills of sale, conditional sales, mortgages, or deeds of trust of chattels in the District of Columbia to be recorded;

A bill (H. R. 2451) to correct the records of the War Department in the case of Capt. Henry S. Pratt;

A bill (H. R. 2740) to carry into effect a finding of the Court of Claims in favor of the estate of George Case, late of Independence County, Ark.;

A bill (H. R. 3596) to remove the charge of desertion from the military record of Michael McKenna;

A bill (H. R. 4787) to establish the port of Conneaut, in the State of Ohio, as a subport of entry in the district of Cuyahoga, in the State of Ohio;

A bill (H. R. 5388) for the relief of F. Alberts & Co., Muskegon, Mich.;

A bill (H. R. 5790) to permit the Pintsch Compressing Company to lay pipes in certain streets in the city of Washington;

A bill (H. R. 6172) authorizing the sale of the title of the United States in lot 5, square 1113, in the city of Washington;

A bill (H. R. 6195) amending the statutes relating to the sale of printed copies of patents;

A bill (H. R. 6663) to authorize and regulate the sale of unclaimed freight, baggage, and other property in the District of Columbia;

A bill (H. R. 6666) granting to Major C. A. Angel Post, No. 20, Grand Army of the Republic, of Lambertville, N. J., 4 condemned cannon and 20 cannon balls;

A bill (H. R. 6836) to amend section 2981 of the Revised Statutes as amended by the act of June 10, 1880;

A bill (H. R. 7100) to donate 8 condemned cannon and 100 cannon shot to the Grand Army of the Republic Cemetery Association of Colorado;

A bill (H. R. 7140) granting to A. L. Robeson Post, No. 42, Grand Army of the Republic, of Bridgeton, N. J., 4 condemned cannon and 20 cannon balls;

A bill (H. R. 7143) granting to the Soldiers and Sailors' Monument Association of the county of Middlesex, in the State of New Jersey, 4 condemned cannon and 30 cannon balls;

A bill (H. R. 7172) donating 4 condemned cannon and 4 pyramids of condemned cannon balls to the Soldiers' Monument Association, of Allegan, Mich.;

A bill (H. R. 7216) donating 1 condemned cannon and cannon balls to Grand Army of the Republic Post, No. 573, of Evans City, Pa.;

A bill (H. R. 7264) to provide for the drainage of lots in the District of Columbia;

A bill (H. R. 7973) to establish a railroad bridge across the Illinois River near Grafton, Ill.;

A bill (H. R. 8266) donating 2 condemned cannon to Custer Post, No. 38, Grand Army of the Republic, of Etna, Pa., and 2 condemned cannon to James G. Clark Post, No. 162, Grand Army of the Republic, of Allegheny, Pa.;

A bill (H. R. 8532) to establish certain harbor regulations for the District of Columbia;

A bill (H. R. 8013) donating 1 condemned cannon and 4 cannon balls to Grand Army of the Republic, L. W. Cooper Post, Department of Missouri, No. 81, of Lathrop, Mo.;

A bill (H. R. 8077) granting to Budlong Post, Grand Army of the Republic, of Westerly, R. I., 2 condemned mounted brass cannon; and

A joint resolution (H. Res. 122) authorizing the Secretary of the Navy to deliver condemned cannon to Chamberlain Post, Grand Army of the Republic, to be posted by the soldiers' monument at St. Johnsbury, Vt.

EXECUTIVE COMMUNICATION.

The VICE-PRESIDENT laid before the Senate a communication from the Attorney-General, in response to a resolution of the 9th instant, calling for a careful and thorough inquiry to be made regarding the number of aliens employed in the Department of Justice, stating that there are no aliens employed in that Department; which was ordered to lie on the table and to be printed.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. PRUDEN, one of his secretaries, announced that the President had on the 15th instant approved and signed the following acts:

An act (S. 1365) for the relief of the National New Haven Bank of the State of Connecticut; and

An act (S. 2870) to permit Rene C. Baughman to lay pipes in a certain street in the city of Washington.

IMPROVEMENTS IN YELLOWSTONE NATIONAL PARK.

Mr. CARTER. I ask unanimous consent for the present consideration of the bill (S. 2540) to provide compensation for a bridge and for buildings and other improvements constructed by certain persons upon public lands afterwards set apart and reserved as the Yellowstone National Park.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Territories with an amendment, in line 21, before the word "thousand," to strike out "four" and insert "one"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the several persons in this act named the several sums mentioned herein, to be received and accepted in each case as full and final compensation for a certain bridge, buildings, and other improvements constructed and made by said persons upon public lands afterwards reserved and set apart as the Yellowstone National Park by the act of March 1, 1872, namely:

To C. J. Baronett, of Gardiner, Mont., for the bridge known as "Baronett's Bridge," over the Yellowstone River, and the approaches thereto, $5,000.

To James C. McCartney, of Gardiner, Mont., for certain buildings at or near Mammoth Hot Springs taken and used by the United States, $3,000.

To Matthew McGuirk, of Los Angeles, Cal., for certain buildings at or near Mammoth Hot Springs taken and used by the United States, $1,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DENVER, CRIPPLE CREEK AND SOUTHWESTERN RAILROAD.

Mr. TELLER. I am directed by the Committee on Forest Reservations and the Protection of Game, to whom was referred the bill (H. R. 8590) granting to the Denver, Cripple Creek and Southwestern Railroad Company a right of way for a railroad through the South Platte and Plum Creek forest reserves, in the State of Colorado, to report it favorably without amendment, and as it is a local bill, I ask that it may be put upon its passage now.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PATRICK LARKIN.

Mr. GALLINGER. I ask unanimous consent for the consideration of the bill (S. 1381) to remove the charge of desertion from the military record of Patrick Larkin. It is a bill of only a few lines and will take but a moment.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to remove the charge of desertion standing against the name of Patrick Larkin, late a private in Company K, Fourth Regiment of Vermont Infantry Volunteers, and to issue an honorable discharge as of date February 17, 1864.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HISTORICAL DOCUMENTS IN DEPARTMENT OF STATE.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read, and, on motion of Mr. GALLINGER, was ordered to lie on the table and be printed:

To the Senate:

I transmit herewith, in response to the resolution of the Senate dated the 9th instant and addressed to the Secretary of State, a report of that officer, accompanied by copies of printed documents containing the information desired respecting the historical archives deposited in the Department of State.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, May 16, 1896.

PUBLIC BUILDING AT M'KEESPORT, PA.

Mr. QUAY. I ask unanimous consent to call up a brief public building bill, the bill (S. 3105) to provide for the erection of a public building at McKeesport, Pa.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to acquire, by purchase, condemnation, or otherwise, a site and cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, elevators, and approaches, for the use and accommodation of the

United States post-office and other Government offices at McKeesport, State of Pennsylvania, the cost of site and building, including the vaults, heating and ventilating apparatus, elevators, and approaches, complete, not to exceed $200,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

TRIAL OF CITIZENS ARRESTED IN CUBA.

Mr. MORGAN. I ask leave to call up the resolution of instruction to the Committee on Foreign Relations, relative to the trial of citizens arrested in Cuba, which I submitted yesterday morning.

Mr. PLATT. I should like to make a report from a committee.

Mr. HAWLEY. Will not the Senator allow morning business to be transacted?

Mr. MORGAN. I merely want to take the floor.

Mr. TELLER. I suggest that the Senator from Alabama be allowed to call up the resolution, and then he will yield.

Mr. TURPIE. I should like to call up a bill. I do not think it will lead to any debate.

Mr. MORGAN. I have submitted a resolution of instruction to the Committee on Foreign Relations upon a matter that is of vital importance to this country. It will take me but a little while to express my views upon it and inform the Senate of the grounds upon which I proceed and the necessity for it. I have not had even the opportunity of disturbing the Senate or annoying it for a long while, and I trust I shall not be deprived of a very brief moment in which to express my views on this question.

The PRESIDING OFFICER (Mr. FAULKNER in the chair). The resolution indicated by the Senator from Alabama will be read for information.

The Secretary read the resolution submitted yesterday by Mr. MORGAN, as follows:

Resolved, That the Committee on Foreign Relations is directed to inquire and report to the Senate what are the rights of the United States, under our treaties with Spain, as to the trial of our citizens arrested in Cuba and now under condemnation and sentenced to death by the Spanish military tribunals for alleged offenses of a political or other character against the Spanish laws or Government, and to report on that subject by bill or otherwise.

SEC. 2. That the Secretary of State is directed to send to the Senate literal copies of the original text of a protocol of conference and declarations concerning judicial procedure, signed by Caleb Cushing, as minister of the United States, and Señor Don Fernando Y. Collantes, minister of the King of Spain, on January 12, 1877, as the same was executed and interchanged, both in the English and Spanish languages; and that he will inform the Senate whether the established or agreed original text of said protocol is in the English or the Spanish language.

SEC. 3. That the Secretary of State is further directed, if it is not incompatible with the public service, to communicate to the Senate copies of any correspondence that has taken place between the Governments of Spain and the United States respecting the said protocol and its bearing or effect upon the trial and condemnation of citizens of the United States who were recently captured on or near the vessel called the *Competitor*, which was seized under Spanish authority in Cuban waters, or near to that island.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution? The Chair hears none, and the Senator from Alabama will proceed.

Mr. MORGAN. Mr. President, the recent action of Congress relating to the civil war in the Island of Cuba has not been received by the Government or people of Spain as a rightful declaration of the attitude of the Government and people of the United States upon this subject, in which the rights and welfare of our country are vitally concerned.

In that declaration of our opinions as to the existence of public war in Cuba, and that the parties engaged in it should be recognized as belligerents, there is no just cause of complaint on the part of the Government of Spain that Congress has in any act or declaration either overstepped their plain rights or that they have exhibited an unfriendly disposition toward that Government.

And in the further and more decisive step proposed to be taken under the resolution referred to the Committee on Foreign Relations that I offered in the Senate, if it is adopted by Congress, there can be no just deduction or inference of our unfriendliness to Spain as a nation.

It is the right of the Government of the United States to declare the status and define the duties of its citizens as they relate to and are affected by the existence of a state of war in any foreign country. If the motive is just, no nation can be called in question for such a declaration. This duty becomes imperative when the rights of our people demand that such a formal declaration shall be made to define their international status, for their own regulation and protection in their intercourse with a country in which war is flagrant. We are not fixing the status of Cuba, but of our own people. Our proximity to the Island of Cuba, our important commercial relations with those people, the ownership of valuable property that our people have acquired in Cuba under the sanction of treaty agreements with Spain, the actual residence of many of our people in Cuba, and the resort of a great number of Cubans to the United States seeking hospitality, create relations of such an intimate nature with that island that we are compelled to examine into the condition of their people and to determine for ourselves whether they are at peace or engaged in war. Our extradition treaties with Spain make such an inquiry an unavoidable duty.

In the performance of this duty we regret that a long series of events in Cuba that it would not be profitable to enumerate, but are extremely painful to our conceptions of humanity, has so excited the sympathies of our people that our action as a Government, however impartial, will be attributed by Spain to an inimical feeling on the part of the United States. We do not disavow our share in that state of feeling that animates the people of the United States, but we base our proposed action upon our strict right under the laws of nations, and solely upon the duty that the Government owes to the people of the United States.

The laws of nations clearly establish the right of any neutral power to define its neutrality and the duties thereby enjoined under those laws by declaring that, as to its government and people, it will recognize the existence of a state of war in a foreign country and will accord equal rights to both belligerents.

The instances in which this right has been exercised are so numerous as to remove the subject of its legitimacy from the field of discussion, and its honest exercise is no just cause of offense to any nation. If Spain denies us this right, it can only be upon the ground that it is not honestly exercised. In the case that is quite analogous in principle and in the facts, of the recognition by Spain of the belligerency of the Confederate States government, before any of the great battles of our civil war had been fought, the United States did not assume that the action of Spain was influenced by any unfriendly spirit or purpose of hostility, and did not dispute the right of Spain to perform that important act.

It was then conceded to Spain that the proximity of Cuba to the Southern States and the existence of negro slavery in both the neighboring countries was a just cause for her precaution in declaring that public war existed in the United States, that the parties engaged were lawful belligerents, and that she would maintain a strict neutrality between them. If the United States had known that Spain was then contemplating the invasion of Santo Domingo and had formed a league with other powers to execute that purpose on the pretext that the United States had designs upon that island, intending to acquire a right to the Bay of Samona, her recognition of the belligerency of the Confederate States would have been justly regarded as being unfriendly to the United States.

When the designs as to the Bay of Samona, so attributed by Spain to the United States, were found to be untrue, and Spain still pushed the occupation of Santo Domingo with the purpose of conquest, and was moved to this invasion by the ulterior design of establishing in that island a military occupancy that would hold the United States in check and endanger her frontiers, the unfriendly act of Spain was manifest.

Allusion is made to these facts, not to justify the future action of the United States with reference to Cuba by a spirit of retaliation for the past, but to present a contrast which, at least, is not disparaging to the United States in her attitude toward the Cuban people. The United States, chiefly for the purpose of avoiding difficulties with Governments whose colonies are near us and whose subjects are under monarchic rule, to which our people and their institutions are opposed, in the early days of the Republic enacted very stringent laws, added to the laws of nations, for preventing our people from interfering in the local affairs of neighboring States.

At great cost and under circumstances of a most trying character we have carefully performed this self-imposed task. No just charge of indifference or delinquency has been made by any of these neighboring powers against the United States respecting the faithful execution of our own laws on this subject.

For reasons that relate exclusively to the dissatisfaction of the Cubans with Spanish rule under the Spanish monarchy, which we have in no way incited or promoted, insurrection, attended with violence, war, and rapine, has, on several occasions, spread through the island, and has included in its disastrous progress every interest and every human being in Cuba. Not one of these commotions has failed to draw into its vortex many citizens of the United States, and very important rights of persons and property have been frequently exposed to serious danger. At the close of each of these outbreaks the United States have been compelled to present to Spain many large and just claims for compensation for very heavy losses sustained by our people. Some of the most important of these claims have been the price of the blood of our people that was shed, oftentimes under circumstances of cruelty that were shocking to humanity, and by the order of the Spanish authorities in Cuba.

It has been and is still a most trying and difficult task to restrain the wrath of our people when they have seen their own Government, restrained by the supposed duty of nonintervention, stand by while these unchristian barbarities were being perpetrated. Our people have been naturally impatient while their Government has

been deliberately waiting for the opportunity to measure the worth of these wrongs in dollars, at the end of protracted delays and finessing by the diplomatic agents of the Spanish Government. The American people have been the anxious witnesses of this terrible series of wrongs for many years, and have the record of them stored up in their memory. They are written in the indignant declarations of every American President and statesman who has ever made an official utterance on the subject, and yet these wrongs have been repeated and endured until our right to resent them is scornfully disputed by Spain. None of our representatives have expressed either an opinion or a doubt to the contrary in the past, and whatever doubts are now expressed, the facts will forever remain unchanged. They can not be changed until Spain changes her harsh policy. Our just pride in the principles of our Government, which embody the essence of human liberty and encourage the aspirations of all who crave that element and condition of responsible manhood, and our recollections of the price at which this great blessing has been obtained, alike impel us to indulge our active sympathy for all men who are engaged in a struggle for the right of local self-government. But the people of the United States, while they are conscious of the claims of our system of government upon the hearts of all enlightened people, are not propagandists of their free institutions. They respect the right of every people to settle for themselves all matters that relate to their internal affairs. This sacred duty has held them in check in every case where wars in foreign states have occurred, unless in the conduct of such wars the rights of humanity, as they are recognized in Christian countries, are flagrantly violated by the belligerents.

It is not incumbent on them, nor do they feel or admit that it is their duty, to witness at their doors the use of barbarous means for the repression of the demand of a people for liberty and for stifling the outcries of the victims of arrogant and cruel despotism, whoever may be the despot or however ancient may be his title. If the dealing of the Spanish Government with the people of Cuba was such as to challenge the approval of the public opinion of the world there could be no need for the suppression of information as to the conduct of hostilities and the results of conflicts of arms after their occurrence, such as is practiced by that Government with such rigid energy. Other nations from which the truth is excluded are not the enemies of Spain, nor are they spies upon her military operations. The island is guarded along the entire coast with numerous and powerful war vessels, so that there is little opportunity for access to the interior, and a strict censorship of the press and mails and telegraphic communications excludes the world from knowledge of the truth in respect of current events in Cuba. American newspaper correspondents who write anything that is not derogatory to the Cuban army or people are expelled from the island. This close censorship is only an imputation upon the people of the United States, and is based upon the assumption that they are Spain's secret enemies. Our people are incapable of disguising their opinions or sentiments, either through fear or for the sake of secret advantage.

Notwithstanding these difficulties and the vigilance of the Spaniards, enough has transpired to prove beyond denial that a great civil war has been waged in Cuba since the autumn of 1894 that has increased in magnitude with startling rapidity and strength.

The remotest and least informed nations of Christendom know that public civil war exists in Cuba and that it is conducted by armies in the field, regularly organized, equipped, and commanded by commissioned officers, in which are enlisted 150,000 Spanish troops, and more than 50 war vessels, and not less than 50,000 Cuban troops.

It is utterly preposterous to assert that a state of war does not exist in Cuba in the face of such facts and when there is not an important town or village where the Spaniards have possession that is not held as a military camp or post. Yet it is upon this denial by Spain that a state of war exists in Cuba that she is demanding of the United States that we shall assume the false attitude that we have no right, even for the protection of the rights of our own people, to assert the truth and act upon that assertion. It is required of us that we shall recognize a state of perfect peace as existing in Cuba, when every human life in the island is in constant peril and no place there that is not exposed constantly to deadly warfare with torch and sword. We are warned by Spain that if we formally acknowledge the fact that war exists in Cuba, and regulate the conduct of our people accordingly, she will consider such a declaration as an unfriendly act and, at her option, a just cause of war.

If we were a Spanish dependency or province our position would scarcely be assigned to us with a more exacting assertion of royal authority than Spain sets up, as her right, to compel us to deny the truth of the situation as it is in Cuba. Our Government is required by Spain to ignore or deny the truth as to the war in Cuba. The recognition of the existence of open, public war in any country or between any two countries can not be made in accordance with the laws of nations without the necessary predicate that there are at least two belligerent parties.

If the collision and struggle of arms is a riot or insurrection, it is not a state of war. But no nation can arrogate to itself the exclusive right, by its mere affirmation and contrary to the fact, to say that a strife that begun in insurrection, and continues without abatement for more than a year, has not assumed the proportions of a public war, when that fact concerns the rights or interests of the people of a foreign government.

It is no breach of the peace of nations for such a foreign government to know, acknowledge, and declare the truth.

If the strife originated in open rebellion, with an organized provisional government that declares its right to political autonomy and independence, and is not a mere insurrection intended to secure a redress of grievances from a government whose authority is acknowledged, the state of public war will be attributed to such an outbreak when it has assumed the phase of de facto government, and it should be so recognized when it has attained to the power and authority of a government de facto over the region that it assumes to govern. In either of these cases, however, any foreign government may, when its interests are affected, recognize such a government as being rightful while its power continues, although it is an insurrection, without giving just ground of offense to the mother government. In the case of Cuba there has not been a day since Spain lost her other American possessions that a large number of native Cubans have not felt deeply the desire and the necessity, as they view their condition, of entire independence of the Spanish Crown.

This spirit and motive have alone caused the frequent attempts at revolution that have made Cuba a battle ground, consecrated to liberty, and the common cemetery of worthy patriots.

While grievances, political and personal, and the domination of greedy despoilers set over them in authority by a power that was foreign to them in every interest and sympathy have aroused the native Cubans to violent resistance, in the wars that have ensued the aspiration for freedom and independence has been the great moving impulse in all these numerous attempts at revolutions. More distinctly than ever before the present war in Cuba is a war for independence and a determined purpose to establish a republican form of government.

The fact of the existence of such a war in Cuba may escape the vision of men in authority or elude their recognition of the truth, but it shocks the common sense of mankind that we are to be compelled, by some diplomatic oversight or deception, to admit as a nation that peace prevails in Cuba. This diplomatic fallacy has for its support several technical apologies and excuses that only make its allowance less agreeable to a truth-loving people. Among these diplomatic evasions is the alleged fact that the Cubans have no fortified towns or military defenses in their occupation. This grave suggestion is answered by the military saying that "Forts are strongholds that are made to be taken," and the Cubans do not choose to build them for that purpose; but more fully by the fact that the wise strategy of Cuban generalship causes them to avoid such situations and thereby deprive the enemy of the advantages of his superiority in artillery.

It is further alleged as a reason why the Republic of Cuba can not be a lawful belligerent that she has no seaports and no fleet. The attempt to hold a seaport without heavy artillery and strong defenses would only be an invitation to the entire Spanish navy to beleaguer the place. Such folly may be chivalric and charming to dilettante warriors and carpet knights, but it can not mislead a Cuban general. To a diplomat such a situation in Cuba would dispense with the loneliness of feeling that afflicts him when precedents can not be found to settle his doubts, but to a sensible military leader it would be the climax of absurdity. It is not the lines of precedent that Cuba is trying to establish, but independence. Another supposed impediment to a recognition of the belligerency of Cuba is that she has no ship or flag on the seas.

If Spain, with the support of the United States and other powers, can lawfully hold such armed vessels to be pirates, and that Cuban merchantmen are confiscable for sailing under Cuban registry or commissions, the assertion that they have no ships is equivalent to the declaration that the Republic of Cuba will not be permitted to have ships that may navigate the ocean under her own flag. If she is not a belligerent power, her war ships are pirates and her merchantmen are contraband of the seas. This is the condition that we are helping Spain to fix, irrevocably, on Cuba. If war exists, the rights of war are of the same nature on the sea as on the land, and that fact being established, no honorable nation can refuse to Cuba the rights of war on sea or land if the decision of the question becomes material. If, for this reason, we deny belligerent rights to Cuba, it is not because she has no ships, but because we will not permit her to sail them. If war actually exists between Spain and a body of people in Cuba the United States is bound by the laws of nations to impartial neutrality as to each belligerent. If, under such conditions, a

Cuban vessel, duly documented, should enter the port of New York on a commercial errand the United States could not refuse to protect her without assuming the rôle of an ally of Spain. We are not bound in honor or duty to aid Spain in putting down the Cuban struggle for liberty, and the people of the United States who are so severely censured by the Queen Regent for their alleged difference in sentiment and opinion from our President as to Cuba, would refuse to support him if, in any way, he should become the virtual ally and helper of that cruel monarchy.

While none of our Presidents have been influenced by such a purpose, and all of them who have dealt with this subject have only been controlled by a sense of duty, it is still true that, in their zeal to do right, they have often been the most potent force in aiding Spain in her persistent course of cruelty and bloodshed toward the people of Cuba. And in this mistaken zeal they have often inflicted severe and unnecessary wrongs upon our own people by failing to use their power to prevent them. If Spain had understood three years ago that, under the exact conditions that now exist in Cuba, the United States would recognize the belligerency of both parties, the Cubans would have been at least as free today as the Canadians are. But Spain has regarded the United States as being so far committed in the opposite direction that now she becomes insolently arrogant in denying to us that right.

Our zealous efforts to prevent our people from expressing, in their conduct, the sympathy for Cuba that is honorable to them and responsive to their most cherished principles has met with no other recognition from Spain than a demand that we shall continue in that rôle, as a duty we owe to her, without regard to any cruelties she may choose to inflict, even upon our citizens, when they fall into her hands as prisoners of war and are massacred by her relentless and unchristian agents as traitors and pirates. Our people have not forgotten the *Virginius* tragedy.

If it were possible to suppose that a condition of affairs could exist in Canada similar to that which is frequently recurring and now exists in Cuba, the United States would hasten to vindicate the Anglo-Saxon race from the dishonoring stigma, and the whole world would applaud our intervention. But Canada is a happy colony because the Anglo-Saxon rules with justice, and the Crown of Great Britain honors and loves its subjects. The United States have not at any time proposed a single step in the direction of actual intervention in Cuban affairs except by a tender of friendly offices between Spain and Cuba. These overtures having been repelled as an insulting interference, we now propose to take care of our own people by defining our attitude toward the contending forces in Cuba as that of absolute neutrality between belligerent powers. We have not heretofore been actually or properly neutral in these long-continued and frequently occurring wars in Cuba.

All our power as a Government has been exerted with extraordinary vigilance in the direction of preventing the Cubans from all opportunity to supply themselves with arms and war material and even hospital stores from the United States. At this time the objection that Spain urges against our recognition of Cuban belligerency is based upon the fact that it would open our markets equally to Cuba and Spain for the purchase of munitions of war. We are required to deny to suffering patriots what we gladly supply to Weyler and Spain. Spain can purchase in our markets whatever arms and munitions she desires with the full knowledge of our Government that they are to be used in making war against her own people under the thin pretext of suppressing insurrection, and no opposition is made to the cruel work.

Spain can send her ships to New York and load them with boxes of guns and ammunition and label them there as being intended to slay Cubans who are fighting for liberty in organized armies, while a Cuban general would be seized and tried in our courts if he dared to purchase like munitions for making war in defense of his native land. Spain threatens us with her serious displeasure if we accord to the Cubans such privileges.

If an American sends powder or dynamite to his own iron mines in Cuba to be used in his business, Spain limits the quantity until the work must be abandoned, or entirely forbids the importation, if that Government has a fear or apprehension that possibly these explosives may fall into the hands of the Cubans. If an American merchant should ship arms or cartridges to his agent or consignee in Habana for sale in the general market, it would be seized as contraband of war in the absence of a special permit. It is the frequent practice in Cuba to declare articles imported as being contraband, while Spain is declaiming with indignation that no war exists in Cuba. What laws, except the laws of war, exclude contraband goods from commerce?

If, for any just cause, the United States should be compelled to declare war against Spain, as the situation is now that declaration would make of every Cuban our national enemy, although the cause of such a declaration might be the cruelty of Spain toward the Cuban people, or some interference with the rights of some Cuban ship in our ports, or a demand for the extradition of a Cuban charged with being engaged in a riot, which we know to be a political offense, because it was a participation in a public civil war.

If our people are captured or are held liable to capture by Spain for landing military supplies in the ports or on the coasts of Cuba, and are claimed to be liable to the death penalty as pirates or insurgents or rebels, either under the municipal laws of Spain or under the international law, as has been done during the present war and also in the former ten years' war in Cuba, it is a national shame that such a condition of affairs is permitted by the United States out of friendly deference to a power that insists that peace prevails in that island, when all the world knows and Congress has declared that open public war is flagrant there. When these dangers that are practically unavoidable and beyond the power of the Government are a constantly impending peril to the peace of the country, and when they can be removed by our just declaration that the laws of war apply to such conduct and not the laws of treason, piracy, insurrection, or rebellion, it is almost inconceivable that our Government should be so derelict in its duty to our own people as to refuse to them this protection.

Some of our citizens are now in Spanish prisons, condemned to death for an offense that is no more than mere smuggling under the laws of nations, if Cuba is now in a state of peace. If war exists in Cuba, the offense is no more than a futile effort to run a blockade.

Under our treaties with Spain these people, whatever may be the grade of their alleged offense, are not amenable to trial by a military tribunal. Such a court can have no jurisdiction of them in respect of the offense with which they are charged.

No decent government can demand or accept a pardon for its citizens as a satisfaction of their wrongs, or for the national insult, when the tribunal that sentences them to death has no jurisdiction to arraign and try them. Especially is this true where it is agreed between the powers, in express treaty stipulations, that such a tribunal shall not exercise jurisdiction over our people in such cases.

When wrongs so flagrant are inflicted upon our people, the demand should be peremptory that the parties so convicted should first be discharged from arrest under such a sentence and then a demand for a civil trial if Spain desires their further prosecution. Until that sentence is set aside upon the disclaimer on the part of Spain of any right to impose it as the judgment of a court-martial the United States can not, in duty or honor, enter into any discussion with Spain as to a trial of the accused before any other tribunal. Until it is set aside every day that these men suffer imprisonment is a day of national humiliation to us as a people. All this complication would have been avoided if the United States had been as prompt in declaring the belligerent rights of Cuba as Spain was in declaring the belligerent rights of the Confederate States in 1862.

The comparison of the action of the two Governments on these occasions is more to the credit of Spain's courageous sense of national right and duty than it is to our supposed magnanimity. Spain's conduct did not forfeit our friendship toward that nation in 1862. Why should our recognition of Cuban belligerency be now regarded by Spain as an unfriendly act? It can only be for the reason that it disappoints the expectation of Spain that the United States will always be, as they have been, Spain's most efficient ally in the suppression of Cuba's struggle for independence.

The rights of citizens of the United States in Cuba are at this time dependent, in almost every way, upon the attitude of their Government on the question whether that island is in a state of peace or war. As the Government of the United States regards this question, so must their conduct be regulated while in Cuba. If insurrection exists in Cuba, our people must not take part in it against the Government of Spain. They may assist Spain in its repression. If their property is destroyed or damaged by insurrectionists that Spain has the power to repress, but neglects or fails to do so, they may claim damages from that Government and, if they are fortunate, the damages may be compensated at a future time.

If the insurrection is so powerful that Spain is unable to prevent the damage done to our people resident in Cuba, their losses stand credited to the chances that occur in a state of imperfect war, and reason demands the sacrifice under the international law. So that, in a war of such magnitude as that which now prevails, although Spain may declare that it is peace, disturbed by insurrection, the claim for damages suffered by our people is, in like manner, relegated to very doubtful prospects of future recognition or payment.

It would be morally intolerable that, after this terrible struggle for the dominion of Cuba, the United States should make war upon Spain for her inability to pay or her refusal to recognize the claims of our people who have suffered in the throes of so great a convulsion. No friendly state would be likely ever to press such demands upon so unfortunate a country. Our own experience in making such reclamations must inform us of the

extreme improbability of success in making such demands, even when the injuries are inflicted, under such trying circumstances, by the direct act of Spanish officials.

If, however, as is the case in Cuba, the insurrectionists embody almost the entire rural population of the island, and occupy it, except in towns, cities, and military camps actually held by Spanish troops, and thus possess, hold, and control two-thirds of the area of the island, and if the large majority of the native population are engaged in the military control and defense of that area, and their country thus held is invaded by armies imported from Spain, there arises a presumption—such as arose in the Revolutionary struggle of 1776 in the United States—which has the sanction of the laws of nations and the cordial approval of mankind, that the Spaniards have become the invaders and the Cubans are the true defenders of their native land.

Can we so far forget the history of our own struggle for liberty, justice, honor, duty, life, and humanity in our Revolutionary war as to be indifferent to the heroic struggles and sufferings of the Cuban people who are fighting with organized armies and marvelous success in a cause so nearly identical with that cause which in its triumph has been rewarded with results that now comprise the chief glory of the world?

Massachusetts from 1675 to 1730 was in almost every respect as much insulated as Cuba is. With powerful tribes of hostile Indians in the midst of the white settlements and occupying the continent to the west, she had little support from her feeble colonial neighbors. With resources of war that consisted of the powder horns, shot bags, and hunting knives that belonged to her men individually, and with scant stores of provisions even for the families of the colonists, they protected themselves at once against King Philip and the King of England.

In 1684 the high court of chancery in England declared the charter of Massachusetts forfeited, and Joseph Dudley was appointed governor. He was quickly succeeded by Sir Edward Andros. This governor and his council decreed tax laws against the people that were arbitrary and oppressive, just as Spain has done in Cuba, only that the burden laid upon the people of Massachusetts bears no comparison with the enormous exactions laid upon the people of Cuba.

Andros was submitted to for two years, while Cuba has been ground down for nearly a century. In April, 1689, the people of Massachusetts rose in arms, and "the men of Boston," aided by the men with the powderhorns and hunting knives from the back settlements, seized Andros and imprisoned him, seized the frigate *Rose*, stormed the British fortifications and took them, restored the old magistrates to office, and mended the seal of the old charter, which Andros had broken, and restored their ancient liberties.

That was insurrection. It was successful, but it was a battle for restoration of just government and not a war for independence. Great Britain had the good sense and the self-respect to give heed and due consideration to the will of the people, expressed even in acts of violent resistance to oppression. That was not a case for the recognition of the rights of belligerency in favor of the people of Massachusetts, because they were not waging war for independence, but for their rights under the British constitution. This insurrection gave peace and harmony to the relations between the Crown and the colony for nearly one hundred years. A later occupant of the throne, surrounded by an arbitrary ministry, undertook to repeat these aggressions in a different and milder form, and claimed the right to tax the colonies to pay the expenses of the war with France for the sovereignty of the Continent. These and other forms of asserting absolute power over the colonies in violation of their chartered rights created the fixed conviction among the people—not all of them, but the great majority—that independence of the British Crown was their only hope for justice, liberty, honor, and peace.

In this progress also Cuba is only repeating the history of our deliverance, with this difference in the surrounding conditions—that our wrongs were mere scratches on the surface as compared with those which mutilate the vitals of Cuba.

Our next arousing was with arms in the hands of the people who, without a general government and in scattered detachments, opened the war for independence and fought battles, led by colonels and captains, before independence had been declared by the thirteen colonies and before they had a general in the field. Again Cuba is found following painfully in the pathway to glorious liberty that our fathers marked out. Again Massachusetts came to the front and drove Hutchinson, the governor of the colony, into disgraceful retirement, rebelled against his government, but failed to overthrow it.

General Gage, with the British army and navy to support his authority, succeeded him as governor and maintained in theory, as Spain is doing in Cuba, the sovereign supremacy of the Crown. This time it was open rebellion, not insurrection. Boston was closed to all commerce as a seaport, and Marblehead was made the seaport of the colony.

But Gage was driven out, and Massachusetts took control of her own affairs and joined the general congress of the colonies. At that time her population, exclusive of slaves, did not exceed 250,000 souls.

The nations of the earth were so impressed with the heroism of the struggle and the grand purpose of independence for which these scattered peoples were fighting, that several of the leading powers hastened to recognize, not their belligerency merely, but their independence. Those powers did not stop to compare the battles that had been lost or won by the rebels, nor the number and equipment of the armies in the field, nor the ships on the sea, nor the size of the town that gave temporary shelter to their fugitive civil authorities, nor did they wait for the rebels to win some decisive battle, nor to feel the pulse of European monarchs to ascertain their wishes or to consult with them as to diplomatic precedent or propriety.

Men lived and acted in those days with a sense of duty toward God and a feeling of sympathy for the oppressed. If Cuba could find a race or nation in which such honest manhood has a courageous recognition, the fetters of Spain, now ready to fall from her limbs, would no longer offend against all humanity and the sacred cause of liberty and independence. While we dare to remember the history of Massachusetts, Virginia, North Carolina, Maryland, and their sister colonies without a feeling of self-reproach, we will not be found engaged in the humiliating task of searching for technical and frivolous excuses for debarring Cuba, by our action, from the power of self-defense against tyrants such as Weyler.

A citizen of the United States residing in a rural district of Cuba would deserve the regard and care of his own Government if he should refuse to espouse the divine right of the Spanish monarchy to conduct such a war as is flagrant there, under the false pretense that it is only a legitimate effort to suppress insurrection. If he should witness, as he does and is compelled to do, the most inhuman butcheries of innocent noncombatants—old men, women, and children—by the Spanish invaders and the death penalty or other infamous punishment inflicted upon enlisted men who are captured in battle, he would have the right to insist that his Government, for his protection, should declare that he was living in the presence of war, instead of licensed rapine and murder under the pretext of suppressing insurrection. And his country would be derelict if it refused to listen to his plea under such circumstances.

If the Cubans, under such conditions, should take his property, or compel him to pay tribute or taxes, or should compel him to enlist in their army, he would only yield, as every man may lawfully do, to the vis major, and his justification would be perfect. Even if captured in battle, after such an enlistment, the power of the United States under the laws of nations would, if it were exerted in time, be rightfully sufficient to save him from a felons' death or imprisonment for life at the hands of the Spaniards.

Just at this point, and to meet such emergencies, this citizen of the United States should find the law of protection that all men and all nations are bound to respect. It is the right and duty that is all pervading, which shelters those from the crime of treason, rebellion, piracy, or insurrection, who yield to the authority of a government de facto, and are not officially connected with its conduct.

Nations are bound by this law, and must respect it for the sake of humanity.

If there can be any legal test by which to determine when a body of people engaged in hostilities in a given area of country are entitled to the rights of belligerency, to exempt them from personal exposure to the penalties of insurrection, it is this test: "Does the government they are conducting, whether it is civil or military or both, in fact exclude the former government from its dominion over a region of country that is capable of demarcation by boundaries with reasonable certainty, or an area that corresponds with a known political or geographical division or district?"

If such a government exists, while it continues in authority, it is a lawful belligerent under the laws of nations, and may be so recognized without offense to the opposing party.

When a government is so lawfully entitled to a belligerent character, it is because of the rights of the people within its jurisdiction to protection, and not because of any element of legitimacy that its rulers may assume or possess. From whatever source its power may come, it is only the existence of the power and not the method or plan of its administration that entitles it to recognition.

The people it controls must obey a de facto government, because they can not resist it, or because they are under no obligation to do so.

It can not be denied that the Cuban organization, now engaged in war with Spain, exercises jurisdiction, either military or civil or both, over much the larger area of the island, and that it exercises authority over the great body of native Cubans in the rural districts of the island. Nor can it be denied that our citizens in that area, or enlisted in those armies, are subject to that de facto government.

It is their right to have their home government recognize the belligerency of the de facto government in that part of Cuba, because they can not otherwise escape the penalties of insurrection against Spanish authority if Spain chooses to enforce them. If we declare that war exists between Spain and the de facto government that commands the obedience of our people in Cuba who are within its power, the laws of war, as they are defined in the laws of nations, become applicable to them, and forbid Spain to treat them as insurrectionists.

As between Cuba and Spain and the United States, considered as Governments, the demand for such recognition is a matter of mere policy, in which our course is purely discretionary, but when the rights of our citizens are involved the question that we must settle is whether a state of public war exists in that island. If such is the fact neither of the belligerents can insist that our people there, who fight in either army, and their property may be treated as being subject to punishment or forfeiture for the offense of insurrection or rebellion against either Government.

Nothing could be more cruel than that the Government of the United States should say to a citizen enlisted in the Cuban army that he must wait until Cuba has won her independence before we can interpose to save his life or property if he is captured in war. If war exists in Cuba the American citizen residing there within the military command of the Cuban armies should not be required to remain subject to the laws of Spain and liable to its heavy penalties until the Cuban government de facto has become the government de jure by the success of its arms nor until it has a fixed capital, fortified posts, open ports under its authority, and ships bearing its flag on the seas.

If open, public war exists in Cuba, the fluctuations of success in battles furnish no reason for delaying the declaration of the fact and placing our people within the control and protection afforded by the laws of war.

If war exists in Cuba, Spain has no right to compel the United States to aid in blockading the ports and coasts of Cuba against our own people and subjecting them to the penalty of death under Spanish law if they are captured in the attempt to smuggle arms into Cuba. If Spain is involved in actual war with opposing armies in Cuba, she must conform her conduct to the laws of war and guard her coasts against those who would enter with their commerce, and such persons when captured must be treated as prisoners of war.

The war in Cuba is political, as contradistinguished from a riot or insurrection not having in contemplation the change of the sovereign dominion of the island from a government by the monarch to a republic in which the people are soverign. This distinction, with all its consequences, is admitted by both Governments in the treaty of extradition concluded between them in 1877, which provides that—

> The provisions of this convention shall not import claim of extradition for any crime or offense of a political character, nor for acts connected with such crimes or offenses.

The Government of the United States, on a demand of Spain for the extradition of a soldier enlisted in the Cuban army who is charged with the murder of a Spanish soldier slain by him in battle, would act without hesitancy and without the proof of any specific facts to prove the existence of a public, political war in Cuba, and would refuse extradition upon the undeniable facts that are known in every country in Christendom. She would not wait to count the respective forces, or the ships, or the fortified posts, or the size of the capitols to ascertain if war exists in Cuba and is conducted by governments. If the crime charged is piracy, incendiarism, robbery, or the destruction of property, and is shown to be "connected with any crime or offense of a political character," the demand for extradition would be refused under the terms of that treaty. After providing this sort of hospitality for political refugees from Cuba to our shores, only 90 miles distant, we can not refuse them the protection to which we invite the Cubans when they fly to us for shelter in order to escape death, inflicted as a penalty for the breach of Spanish laws against treason and insurrection, when they have engaged in open, public, political war against Spain. This treaty of extradition was concluded on the 5th of January, 1877, and the Cushing-Collantes protocol "as to the effect of existing treaties in certain matters of judicial procedure" was signed on January 12, 1877, both Governments being represented by the same ministers in each instance.

These agreements were made at the close of the ten years of civil war in Cuba, in which we had many serious controversies with Spain—such as the *Virginius* affair—the future provision for which, by regular judicial proceedings in the civil courts, was a sine qua non in the preservation of peace between the treaty powers whenever in the future there might be war or insurrection in Cuba.

This protocol applied to the same classes of persons found in either country who are accused of crime and included them, with a single exception, in the enjoyment of the same rights of trial in all respects by the civil courts that are applied to the citizens of the locality in which the proceeding is had. The exception is in respect of citizens of the United States who are taken with arms in hand.

In section 1 of the Spanish concession in this protocol the words used are: "No citizen of the United States residing in Spain," etc., shall be subject to trial, etc., while in the fourth article of the American concession like immunities are granted under the laws of the United States, to "extend to and comprehend all Spaniards residing or being in the United States."

The intent to shelter the same classes of persons under both concessions is clear, and it is essential to the mutuality and equality of the provision for the security of the citizens or subjects of each Government. The discrepancy in the language of these concessions, if it is real and not merely accidental, must be the result of a mistranslation or the imperfect expression in the Spanish idiom of the words "residing or being." It is incredible and absurd to suppose that the United States intended to expose a mere visitor to the Island of Cuba to trial by court-martial for an alleged offense, while its citizens who are resident in Cuba should have a trial by the civil courts with many important rights that are denied to one who is arrested while visiting the Island of Cuba. Spain, however, sticks in the bark in construing this treaty as a stipulation on our part that she may condemn visitors to death by the judgment of a court-martial for offenses that are not military in character.

If such is the true construction of this protocol, it can not be too soon repealed, nor can we be in too great haste to demand that the laws of war shall apply in favor of human life to our people who are captured on suspicion of treason or insurrection while visiting Cuba.

A declaration of belligerency in invitum—as such a declaration is not possible to be made otherwise—can not be the subject of diplomatic intercourse between the United States and Spain. It is not a matter that can be accomplished through a treaty, and can not, therefore, be included in that category of powers.

The Senate can not act upon a mere declaration of belligerency that the President might make by an agreement with Spain, or upon his own executive authority. This subject is not, therefore, among the diplomatic powers of the President. He has no other powers derived from the Constitution in which the function of declaring belligerence is included as a separate or exclusive executive power. If he can touch the subject except as he is empowered by Congress to do, it can only be through his concurrent action with Congress in considering and approving a bill or resolution that has passed the Houses or in returning it with his objections, to the House in which it originated. It would be a dangerous absurdity, if the fact should ever occur, that the President would not be bound by a statute enacted, notwithstanding his veto, that declared the existence of a state of war in this country or in any foreign country, or the existence of a legal state of peace, notwithstanding the occurrence of hostilities, as was once the case in our experience with France.

Our Constitution requires that Congress shall present to the President "every bill which shall have passed the House of Representatives and the Senate before it becomes a law." It also requires that "every order, resolution, or vote to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States."

In case of his disapproval of any such "bill, order, resolution, or vote he shall return it to the House in which it shall have originated" with his objections, "who shall enter the objections at large on their Journal and proceed to reconsider it." No such action can have the effect of law in such a case until it has been reconsidered; and if "approved" by two-thirds of each House "it shall become a law." Such proceedings are merely imperfect legislation and are still pending for final action, after a veto by the President, until the Houses have reconsidered their vote. If upon such reconsideration the measure is passed by a two-thirds vote, "it shall become a law."

In our country the President is oath bound and conscience bound to obey the laws and to execute them. It is inconceivable that he would refuse to execute a law that is passed over his veto, unless it is such an enactment as Congress has no right or power to make. In a case of disputed power between the Executive and Congress the Supreme Court could settle the question, unless it is merely a political question. In that category the Supreme Court would decide whether the President or Congress is the political department of the Government, and has declared that it will follow that department, and thus possibly the Government would be saved from wreck by such a declaration in the case supposed.

This difficulty is capable of being avoided, so far as Congress is concerned, by tendering to the President the opportunity of coinciding with or vetoing the act of Congress. If he exercises the power to force a reconsideration by the use of his veto power, he participates in the legislation and thereby concedes the power of Congress, under the Constitution, to legislate upon the subject.

If he denies such power and refuses to consider the question, he removes the question practically from the decision of the Supreme Court and assumes to reject their arbitrament. That this course would unsettle the foundations of the Government is a proposition that is scarcely open to discussion.

It is, therefore, the proper course for Congress to observe, to send a joint resolution to the President declaring that a state of public war exists in Cuba and that parties engaged in that war are belligerents, to each of whom the laws of nations equally apply, if such is the opinion of Congress.

This is a duty of wise and sincere patriotism, although it may not be otherwise imperative, for the reason that such a declaration is not a legislative act, and is not, therefore, required to be sent to the President for his approval. Congress can waive that question, and should not raise it in a matter that does not necessarily involve the status of the constitutional distribution of the powers of our own Government, whether it is in a state of war or peace, but only concerns a duty we owe to our own people in determining for ourselves whether a state of war or a condition of peace exists in Cuba.

It was for these reasons and upon this view of the duty of the Senate, as I consider it, that I had the honor to offer the resolution to submit to the President of the United States the joint declaration of the two Houses as to the rights of Cuba, touching the question of belligerency and neutrality. If the President, acting on the assumption that a declaration of the existence of war in Cuba and a recognition of the rights of the parties engaged in that war as belligerents falls within his exclusive constitutional powers in conducting diplomatic intercourse with foreign governments, should choose to ignore the existence of such a war, Congress, after the almost unanimous expression of opinion on that subject, owes it to the honor of the body to devolve the responsibility upon the President. Under existing circumstances some department of the Government must become responsible to our own people and to the judgment of mankind for continuing to permit the falsehood to remain unrebuked that peace prevails in Cuba and that war does not exist there. Whether it is Congress or the President that denies the facts and repudiates the appeal to the sentiments of our people and the honorable duty of our Government, there will be a just account to render in the end for the blood that patriots are shedding every hour in the cause of human liberty that a word from Congress or the President would stop.

I therefore, Mr. President, ask the adoption of this resolution of instruction to the Committee on Foreign Relations, so that we may have the judgment of that committee, after an examination of the original text of the treaty, both in the English and in the Spanish languages, as to what is the meaning of the protocol entered into between Mr. Cushing and the minister from Spain.

The PRESIDING OFFICER (Mr. BACON in the chair). The question is on agreeing to the resolution submitted by the Senator from Alabama.

Mr. CULLOM. Is that merely a resolution of reference?

Mr. MORGAN. No, sir; it is a resolution of instruction to the Committee on Foreign Relations to make thorough inquiry as to the text of the treaty and the protocol and what may be the meaning of them.

Mr. CULLOM. The chairman of the committee is not present, and I do not know whether the Senator from Alabama and he have an understanding about the resolution or not.

Mr. MORGAN. Not at all.

Mr. CULLOM. I suggest to the Senator from Alabama that the resolution lie upon the table until the chairman of the committee comes in.

Mr. MORGAN. I have no objection to taking the resolution up later, but if this matter goes over the country is going to be in trouble about it.

Mr. CULLOM. I suppose the chairman of the committee will be in the Chamber in a few moments, and I shall then call his attention to it.

The PRESIDING OFFICER. What is the suggestion of the Senator from Illinois regarding the resolution?

Mr. CULLOM. I suggest that it lie on the table until the chairman of the Committee on Foreign Relations comes in.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it will be so ordered.

Mr. CULLOM subsequently said: The Senator from Ohio [Mr. SHERMAN], the chairman of the Committee on Foreign Relations, is now in the Chamber.

Mr. MORGAN. The chairman of the Committee on Foreign Relations having come in, and the resolution having been changed to suit his views, I ask its adoption. Let the modification I have made of the resolution be stated.

The PRESIDING OFFICER. The modification will be stated.

The SECRETARY. The resolution has been modified in section 3, line 1, after the words "That the," by striking out "Secretary of State is further directed" and inserting "President is requested."

The PRESIDING OFFICER. The question is on the adoption of the resolution as modified.

Mr. HILL. Let the text of the section be read as modified.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

SEC. 3. That the President is requested, if it is not incompatible with the public service, to communicate to the Senate copies of any correspondence that has taken place between the Governments of Spain and the United States respecting the said protocol and its bearing or effect upon the trial and condemnation of citizens of the United States who were recently captured on or near the vessel called the *Competitor*, which was seized under Spanish authority in Cuban waters, or near to that island.

Mr. SHERMAN. The resolution merely requests the President to communicate certain information.

Mr. HILL. Very well.

The PRESIDING OFFICER. The question is on the adoption of the resolution as modified.

The resolution as modified was agreed to.

JOHN VEELEY.

Mr. TURPIE. I ask the unanimous consent of the Senate for the present consideration of the bill (S. 1335) for the relief of John Veeley.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Claims with an amendment, in line 8, after the words "to wit," to strike out:

United States note No. 85953, Series A, dated March 10, 1863; United States note No. 99331, Series C, dated March 10, 1863; one year 5 per cent note No. 22310, Series D, dated February 23, 1864; three years 6 per cent note No. 27128, Series A, dated December 15, 1864, and three years 6 per cent note No. 27229, Series C, dated December 15, 1864, each for the sum of $100.

And insert:

United States note, March 10, 1862, No. 85953, check letter A; United States note, March 10, 1862, No. 99331, check letter C, both of the foregoing bearing no interest; compound-interest note, August 15, 1864, No. 27128, check letter A; compound-interest note, August 15, 1864, No. 27229, check letter C, both of last named bearing interest at the rate of 7.3 per cent per annum and redeemable three years after date; one year 5 per cent note, act of March 3, 1863, No. 22310, check letter D, bearing interest at the rate of 5 per cent per annum and redeemable one year from date, according to the description of said notes set forth in the letter of the assistant treasurer dated March 28, 1896, each of the said five notes being of the denomination of $100: *Provided*, That in ascertaining the value of the notes there shall be added to the principal of those bearing interest all unpaid interest thereon, according to their terms, to the date when said notes became redeemable, and such amount shall be paid and received in full satisfaction of the claim of the said John Veeley.

So as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to John Veeley, out of any moneys in the Treasury not otherwise appropriated, the value of five certain Treasury notes found by said Veeley and forwarded to and now in the hands of the Treasurer of the United States, to wit: United States note, March 10, 1862, etc.

Mr. COCKRELL. Why have those notes not been paid?

Mr. TURPIE. Because the Treasurer of the United States declined to pay them on the ground that they were mutilated. Since then, however, they have found the numbers and check letters of the notes and are ready and willing to pay them. The Secretary of the Treasury reports that it is a just claim. It is not a large one, only for five notes of $100 each, with three years' interest on them.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PETITIONS AND MEMORIALS.

Mr. HAWLEY presented a memorial of the National Association of Military Surgeons, remonstrating against the passage of Senate bill No. 1552, relating to vivisection; which was referred to the Committee on the District of Columbia.

Mr. SHOUP presented a petition of typographical union No. 271, of Boise City, Idaho, praying for the Government ownership and control of the telegraph lines; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Typographical Union, No. 271, of Boise City, Idaho, praying for the free and unlimited coinage of silver at the ratio of 16 to 1, without waiting for international agreement; which was ordered to lie on the table.

Mr. CAMERON presented a petition of sundry citizens of Honeybrook, Pa., praying for the adoption of the proposed religious amendment to the Constitution of the United States; which was referred to the Committee on the Judiciary.

He also presented a petition of Local Union, No. 295, Cigar Makers' International Union, of Scranton, Pa., praying for the passage of the so-called Lodge immigration bill; which was referred to the Committee on Immigration.

He also presented a petition of the Grocers and Importers' Exchange of Philadelphia, Pa., praying for the passage of the so-called Torrey bankruptcy bill; which was ordered to lie on the table.

He also presented a petition of sundry citizens of Pennsylvania, praying for the passage of the so-called Stone immigration bill; which was referred to the Committee on Immigration.

DISTRIBUTION OF SEEDS.

Mr. PROCTOR. I have a letter from the Secretary of Agriculture, which I ask to have read from the Secretary's desk and then printed for the information of the Senate.

The PRESIDING OFFICER. The letter will be read.

The letter was read, and ordered to be printed, as follows:

UNITED STATES DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D. C., May 16, 1896.

SIR: The law authorizes the distribution by the Secretary of Agriculture of one-third of the seed purchased "to those who apply for the same" directly to the Department. Owing to the lateness of the season it is desirable that all the seed be distributed immediately in those more northern districts where they may still be used, or wherever they may be sought for by the people.

A careful inventory completed to-day shows that there will be, of the Secretary's quota, about 2,000,000 packets of vegetable seed and 100,000 packets of flower seed remaining undistributed on the 20th instant, after all regular orders have been filled.

In order that these seeds may be promptly forwarded to such districts as need them, I have the honor to request that you inform each member of the Senate that 1,000 mail packages of vegetable seed and 40 mail packages of flower seed have been allotted to each one of them as an additional quota, and that they are respectfully requested to cause to be sent to this Department immediately addressed franks to be attached thereto.

Since the 1st of May is the limit for the distribution of the regular quota, and it is important that these seeds be immediately distributed in order to be used this season, this present allotment will hold until the 21st instant, on which date the entire surplus of 400,000 mail packages will be sent out in accordance with existing law to those persons "whose names and addresses have been furnished by Senators and Representatives in Congress and who have not before during the same season been supplied by the Department." In case, then, some members do not take their additional quotas, there will be an opportunity for others to get an additional supply. These will be forwarded in the order in which the franks are received until the entire surplus is exhausted. For these reasons it will be necessary to receive all franks for the additional allotments before the close of business on Wednesday, May 20.

Very respectfully, yours, CHAS. W. DABNEY, JR.,
Acting Secretary.

Hon. REDFIELD PROCTOR,
Chairman Committee on Agriculture and Forestry,
United States Senate.

REPORTS OF COMMITTEES.

Mr. PROCTOR, from the Committee on Military Affairs, to whom was referred the bill (S. 2384) for the relief of David O. Burleigh, reported it without amendment, and submitted a report thereon.

He also, from the Committee on the District of Columbia, who were instructed by a resolution of the Senate adopted February 4, 1896, to inquire into the propriety of purchasing Analostan Island for the erection of a contagious hospital, and for such other purposes as the Government may require, etc., submitted a report thereon; which was ordered to be printed.

Mr. MITCHELL of Oregon, from the Committee on Claims, to whom was referred the amendment submitted by Mr. HILL on the 9th instant, intended to be proposed to the general deficiency appropriation bill, the amendment providing for the settlement with James M. Willbur for excess in weight of material, etc., on and around the New York City post-office, reported it without amendment, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. PETTIGREW, from the Committee on Indian Affairs, to whom was referred the bill (H. R. 3656) providing for free homesteads on the public lands for actual and bona fide settlers, and reserving the public lands for that purpose, reported it with amendments, and submitted a report thereon.

Mr. PERKINS, from the Committee on Naval Affairs, to whom was referred the bill (S. 2753) authorizing and directing the Secretary of the Navy to donate one condemned cannon to the Lake Madison Veteran Association, Grand Army of the Republic, of the State of South Dakota, reported it without amendment.

DONATION OF CONDEMNED CANNON.

Mr. PERKINS. I am directed by the Committee on Naval Affairs to ask that the bill (S. 2017) authorizing and directing the Secretary of the Navy to donate one condemned cannon to the Allen M. Harmon Post, Grand Army of the Republic, at Northville, Mich., be taken from the Calendar and postponed indefinitely, as the object the bill desires to obtain has already been reached by the passage of a House bill by the Senate.

The PRESIDING OFFICER. The bill will be postponed indefinitely.

BILLS INTRODUCED.

Mr. SHERMAN introduced a bill (S. 3159) granting a pension to Hannah McDaniel; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 3160) for the relief of the heirs of Lemuel J. Bowden, late a Senator from the State of Virginia; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Privileges and Elections.

Mr. PERKINS introduced a bill (S. 3161) amending and extending the provisions of an act of Congress entitled "An act approving with amendments the funding act of Arizona," approved June 25, 1890, and the act amendatory thereof and supplemental thereto, approved August 3, 1894; which was read twice by its title, and referred to the Committee on Territories.

AMENDMENTS TO DEFICIENCY APPROPRIATION BILL.

Mr. HILL submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. PLATT submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was ordered to be printed, and, with the accompanying paper, was referred to the Committee on Appropriations.

NORTHERN PACIFIC RAILROAD COMPANY.

Mr. JONES of Arkansas submitted an amendment intended to be proposed by him to the joint resolution (S. R. 124) to facilitate the reorganization of the Northern Pacific Railroad Company; to secure to actual settlers the right to purchase at a price not exceeding $2.50 per acre the agricultural lands within its grant, and to prohibit said company or any successor company from giving by consolidation, sale, or other corporate action control of its railroad to any corporation, company, person, or association of persons owning, operating, or controlling a parallel or competing railroad; which was ordered to lie on the table, and to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CHAPELL, one of its clerks, announced that the House insisted upon its amendment to the bill (S. 710) granting a pension to Ada J. Schwatka, widow of the late Lieut. Frederick Schwatka; agreed to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. LOUDENSLAGER, Mr. COLSON, and Mr. STALLINGS managers at the conference on the part of the House.

The message also announced that the House had passed the following bills:

A bill (S. 144) granting an increase of pension to T. Clarkson Ingalls;

A bill (S. 145) granting a pension to Maud Ardelle Bliss;

A bill (S. 147) granting a pension to Elvira Bachelder;

A bill (H. R. 2014) granting an increase of pension to Sarah A. Bull; and

A bill (H. R. 2822) to increase the pension of Theodore V. Purdy.

The message further announced that the House had passed the following bills, with amendments in which it requested the concurrence of the Senate:

A bill (S. 739) granting an increase of pension to C. E. Philbrook, widow of Alvale Philbrook, major of Twenty-fourth Regiment Wisconsin Volunteers;

A bill (S. 1420) granting an increase of pension to Elizabeth W. Sutherland; and

A bill (S. 1924) granting a pension to Carrie L. Yeaton.

HOUSE PENSION BILLS.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 126) for the relief of Martha Lindsay;

A bill (H. R. 717) granting a pension to Mary Ann Lafferty;

A bill (H. R. 979) granting a pension to Frances E. Helfenstein;

A bill (H. R. 1500) granting a pension to George W. Bagley;

A bill (H. R. 1511) for the relief of Lydia Boynton Ferris;

A bill (H. R. 1599) granting a pension to Phœbe M. Woolley Palmeter;

A bill (H. R. 1825) granting a pension to Mary Prince, widow of Ellis Prince;

A bill (H. R. 1826) granting a pension to Henry Prince;

A bill (H. R. 1827) granting a pension to Nancy B. Prince, widow of Elbert Prince;

A bill (H. R. 1890) granting a pension to Mary Martin;

A bill (H. R. 1891) granting a pension to Celestia R. Barry;

A bill (H. R. 1892) granting a pension to Catharine Darragh;

A bill (H. R. 2006) to increase the pension of Harriet C. Gregg, widow of Col. John Irvin Gregg, from $30 to $50 per month;

A bill (H. R. 2042) to increase the pension of Wilbur F. Cogswell;

A bill (H. R. 2358) for the relief of Arminda White, widow of Israel White;

A bill (H. R. 2359) granting a pension to Katherine Zeigenheim, of Louisville, Ky.;

A bill (H. R. 2373) granting a pension to Elvin J. Brown;

A bill (H. R. 2941) granting increase of pension to Alfred P. Buss;

A bill (H. R. 2962) granting a pension to Carrie L. Greig, widow of Theodore W. Greig, brevet major of volunteers;

A bill (H. R. 2985) granting an increase of pension to Lemuel J. Essex;

A bill (H. R. 3152) granting a pension to Charlotte A. Welton;
A bill (H. R. 3229) for the relief of Hannah Newell Barrett;
A bill (H. R. 3264) to increase the pension of Mrs. Virginia E. Turtle, of the District of Columbia;
A bill (H. R. 3389) increasing pension of Albert Buck from $12 to $30 per month;
A bill (H. R. 3395) granting a pension to Carrie H. Green;
A bill (H. R. 3755) to increase the pension of Mary C. Thompson;
A bill (H. R. 3421) to grant a pension to Elizabeth Sadler;
A bill (H. R. 3857) granting a pension to Thomas Brewer;
A bill (H. R. 3890) granting a pension to George William Hodgdon;
A bill (H. R. 4001) to reinstate William Waldrup on pension roll;
A bill (H. R. 4020) granting an increase of pension to Mrs. William Loring Spencer;
A bill (H. R. 4283) granting a pension to Delia A. Marsh;
A bill (H. R. 4354) granting a pension to Mrs. Mary Gould Carr, widow of the late Brig. and Bvt. Maj. Gen. Joseph B. Carr, United States Volunteers, deceased;
A bill (H. R. 4361) to pension William H. Nesbitt;
A bill (H. R. 4547) granting a pension to Silas S. White;
A bill (H. R. 4604) granting a pension to Jane Fisher;
A bill (H. R. 4758) granting an increase of pension to Lambert L. Mulford;
A bill (H. R. 4721) granting an increase of pension to Orlenia J. Clark, of Louisville, Ky.;
A bill (H. R. 4903) for the relief of Hattie A. Beach, child of Erastus D. Beach, late a private in Company H, One hundred and forty-third New York Volunteers;
A bill (H. R. 4910) granting a pension to Cyrus Thomas;
A bill (H. R. 5279) granting a pension to Jerusha H. Brown;
A bill (H. R. 5711) granting a pension to Richard P. Pilkington;
A bill (H. R. 5792) granting an increase of pension to Mrs. Julia A. Jameson;
A bill (H. R. 6134) granting an increase of pension to Caroline E. Purdum;
A bill (H. R. 6166) granting a pension to Minnie Parker, widow of Col. and Bvt. Brig. Gen. Ely S. Parker, late of the United States Army;
A bill (H. R. 6236) to grant a pension to Mrs. Helen A. Funkhauser;
A bill (H. R. 6466) to increase the pension of George V. Barnard;
A bill (H. R. 6468) to increase the pension of Andrew R. Ladd;
A bill (H. R. 6546) granting a pension to Samuel Holliday;
A bill (H. R. 6556) granting a pension to Jacob Brown;
A bill (H. R. 6603) to pension the minor children of Patrick F. Reynolds;
A bill (H. R. 6607) for the relief of Helen Larned;
A bill (H. R. 6826) granting a pension to Rhoda Augusta Thompson, daughter of the late Thaddeus Thompson, a private in the Revolutionary war;
A bill (H. R. 8184) granting a pension to Jesse McMillan; and
A bill (H. R. 8248) to increase the pension of Mrs. Emily E. Cash.

[The above-named bills were severally read twice by their titles, and referred to the Committee on Pensions.]

SALE OF GAS IN THE DISTRICT OF COLUMBIA.

Mr. FAULKNER. I ask unanimous consent for the resent consideration of the bill (H. R. 6994) relating to the sale of gas in the District of Columbia.

I will state that this is a bill involving the question of the price of gas, which has been fully considered by the committee, and passed upon by the Senate almost to the point of taking final action upon it.

I desire to state further, before the question is submitted by the Chair, that it is really necessary to pass upon this bill, as the whole subject-matter involved in the bill is partially involved in the District of Columbia appropriation bill, which is really now before the Senate; and this matter ought to be decided by the Senate before the appropriation bill for the District of Columbia is reached. I therefore ask that it be taken up for consideration. I will state that the bill has been read, all the amendments proposed by the committee have been adopted, and the bill is still as in Committee of the Whole.

Mr. GEORGE. I was going to state that the bill is still in Committee of the Whole.

Mr. KYLE. There will certainly be objection to the bill. We all understand that there will be precipitated upon this bill the discussion upon the price of gas, which otherwise would occur later upon the District appropriation bill when that item is reached.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill indicated by the Senator from West Virginia?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 6994) relating to the sale of gas in the District of Columbia, the pending question being on the amendment of Mr. ALLEN, in section 5, on page 5, line 13, after the words "may be," to strike out "or one of them"; so as to read:

Also if either of the said corporations shall desire hereafter to issue bonds upon their property, secured by mortgage or otherwise, upon petition therefor to said court, setting forth the necessity thereof and the amount of stock issued and outstanding, it may and shall be lawful for said court, or the chief justice and justices thereof, as the case may be, upon public notice, to be prescribed by the rules of said court, to permit the issuance of such bonds and mortgage as desired.

Mr. FAULKNER. There is no objection to that amendment.

The amendment was agreed to.

Mr. GEORGE. There are several amendments of the committee which were adopted the other day without any debate, which I desire to have amended. I move to reconsider the amendments reported by the committee on pages 1 and 2. They are all about the same thing.

Mr. KYLE. Mr. President, I am not a member of the Committee on the District of Columbia, though I have been interested for many years in the subjects committed to and considered by that committee, notably the subject of municipal ownership and control of some of our public enterprises.

I have been led to take a deep interest in the gas question in the District, and have become thoroughly convinced by my investigations that there should be a lowering of the price and an improvement of the quality of the gas. Complaints have been made to Congress for some twenty years, both as to the price and quality of gas, that the price was exorbitant, that very few, only the well to-do-classes, could afford to use it, and that the quality was such as to be at once injurious to the sight of those who were compelled to read by it at night and destructive to furniture and house fittings.

These complaints have crystallized into various forms. Resolutions have been passed by several organizations and societies throughout the District of Columbia. Here is one clipped from a newspaper February 28, 1896, representing the Columbia Heights Citizens' Association of the city of Washington:

THE CITIZENS' VOICE—MUNICIPAL OWNERSHIP DEMANDED—THE ONLY WAY TO SECURE CHEAP GAS AND TELEPHONE SERVICE.

At the last meeting of the Columbia Heights Citizens' Association the following resolutions were unanimously adopted:

"*Resolved*, That in the opinion of the Columbia Heights Citizens' Association the only real solution of the illumination problem in this city lies in the direction of municipal ownership of the source of supply; that all attempts to regulate gas and electric light monopolies are failures; that alleged reductions in price do not result in reductions in the size of the bills, and that competing companies, so called, instead of competing, combine.

"*Resolved*, That this association most cordially indorses the position taken by the District Commissioners in their proposal that the District shall furnish its citizens with cheap and good illumination, honestly measured, and control the conduits for an efficient and cheap telephone service.

"*Resolved*, That we invite the other citizens' associations, and particularly the press of the District, to an active and persistent agitation of this subject, with the end in view of securing municipal ownership of the gas and electric light supply and municipal control of the telephone service.

"*Resolved*, That a copy of these resolutions be furnished the chairmen of the two District Committees in Congress and sent to the press."

A resolution embodying the same idea has been passed by the East Washington Citizens' Association, and by various others.

These complaints, Mr. President, are well founded. They were considered well founded by the Senate fully ten years ago, and a special committee was then appointed to investigate the gas question. Upon that committee were the late Senator from Nebraska, Mr. Van Wyck, the Senator from Kentucky, Mr. BLACKBURN, and Mr. Spooner, then a Senator from Wisconsin. After summoning expert witnesses from various quarters and giving the subject very careful consideration, and after a full investigation of the methods of the gas company, the committee made a report that "the people are certainly entitled to have put in operation in this city for their benefit the best and most approved appliances and methods for making gas cheap and pure, whatever revolution that may require in the methods now here in use. Economy and the public health alike demand it."

Though the report was presented here some ten years ago, nothing so far has been done by Congress in the way of relief for the people, although we are the board of aldermen for this District, and it is our duty as that board to act when the citizens of the District call upon us for an investigation of this kind. Bills have been introduced, to be sure, from time to time since 1886 and have been referred to the District Committee—bills that provided for a cheaper and a better gas, and bills like the one introduced by the Senator from Kansas [Mr. PEFFER], providing for municipal ownership of the gas plant. But those measures to-day sleep the sleep of the just in the District Committee.

A year ago a new company was organized for the purpose of furnishing gas to the District of Columbia. It was a responsible company. The members of the company were willing to place themselves under $200,000 bonds to furnish a better quality of gas, 22 candlepower as against 16 candlepower that we get at the present time, and instead of $1.50 the price to be 75 cents to the citizens and 60 cents to the city at large. That bill also went to

the committee, and after receiving some discussion, I believe, it was allowed to sleep. During the present year I reintroduced the bill. It was considered in the committee and a short time since was reported adversely. I believe this was done because the present bill had passed the House, and the committee thought it possible to effect a compromise, the provisions of which we now have before us in House bill 6994 as amended.

Mr. President, I believe that the proper solution of the question lies in municipal ownership. This is entirely a business proposition, and should be settled by the same principles which men adopt in the conduct of their private business. A business man would be considered foolish to farm out his business by private contract when he could do it better himself. Merchants, farmers, bankers, railroad men, mine operators, all adopt business methods as being the best economic methods. Europe has taken up the question as an economical proposition. Our own cities are being forced to that position by the results of their investigation in European cities.

I recognize that there are some objections, but the chief objection in the mind of many people to-day is a political one. The objection upon the part of the Senators and Members is largely political. We have got it into our heads that the moment we yield a jot or tittle to the question of municipal ownership we are traveling in the direction of paternalism and socialism, and all you have to do to scare some legislators is to hold up before them the red flag of paternalism or socialism. The Populist party is now accused of adopting these ideas because they are in line with paternalism and socialism.

THE PEOPLE'S PARTY AND SOCIALISM.

I grant, Mr. President, that municipal ownership is in the line of socialism; but the Republican party, the Democratic party, the Populist party, and all good citizens are in favor of a modified form of paternalism and socialism. Populism is not socialism. The adoption of a modified system of socialism such as we have under consideration does not brand us as socialists. Our insane asylums are socialistic. Our system of public schools in the United States is socialistic. Our standing armies, our system of post-offices—all these are socialistic. Socialism, in the modified sense of the word, as applied to great American enterprises, means that the American people can better do these things than they can be done by private corporations. In that sense the Republican and Democratic parties are socialistic in kind, as well as the Populist party. We differ only in degree. The Republican party is a little more socialistic than the Democratic party, which believes that all things should be done by the States or by individuals as far as possible.

The Republican party to-day is responsible for a large number of so-called socialistic enterprises which have been of great benefit to the people of the United States. Now, the Populist party merely aims to add to the list a few more of these public functions or enterprises, in order that the people shall be relieved from the burdens of taxation and extortion. The Populist party in their St. Louis platform declared for individualism, but asked that the Government ownership of public enterprises be extended to the railroads and telegraphs, and to municipal ownership of gas, electric-light, and water works.

It is very easy for Senators to charge the Populist party with running at a headlong gait toward socialism. The Senator from Colorado [Mr. WOLCOTT], whom I do not see in his seat, mounted his high horse a few days ago and charged roughshod into the Populist camp, declaring to the world that he was willing to stand by the record of the Republican party, come what would in the next convention at St. Louis. He was not willing to go to the Populist party. He would go anywhere rather than to that party, because they were the exponents of socialism.

Mr. President, the Senator from Colorado and other Senators misjudge the Populist party by making certain extremists the exponents of our doctrine. Governor Waite, of Colorado, and other men of like views do not represent the solid sentiment of the Populist party of the United States.

The Populist party as a body believes in the fundamental principles as taught in the Republican party as far as the preservation of individualism is concerned. We believe through and through, heart and soul, in individualism, and we number in our ranks the honest, hardy yeomanry of the nation.

I have taken the trouble, Mr. President, to make inquiry of some of the prominent socialists of the United States as to what is meant by a particular plank in their platform. I have done this in order to set the Populist party right before the people in regard to the question of socialism, and to show the people that socialism is no part of the fundamental planks of the Omaha platform. I have a letter from James Seldon Cowdon, a prominent member of the Socialistic Labor party of the United States, a resident of the city of Washington, in reply to my question as to what was meant by "Plank No. 10," so called, of the Chicago Socialistic platform, which declared for the "Government ownership of all means of production and distribution." I have had my ideas for some time as to what was meant by this plank, but I wished to have it from the pen of their own leaders to see whether they held doctrines in common with the declarations of the Omaha platform.

Mr. Cowdon says:

ROOM 17, 524 TENTH STREET NORTHWEST,
Washington, D. C., May 6, 1896.

DEAR SIR: Your inquiry of this date as to my interpretation of the famous plank 10 of the Socialist platform is at hand.

In reply would say that "we kickers" want the public to own and operate "public industries" coextensive and contemporaneously, if not to the ultimate exclusion of all legitimate "private industries."

He winds up by saying:

In further explanation of my interpretation of the legislation that will be needed to interpret our plan 10 you are very respectfully referred to plans 5 to 41 of my own book on Public Cooperation, herewith handed your private secretary.

Very respectfully, JAMES SELDON COWDON.

Hon. JAMES H. KYLE,
United States Senate.

The PRESIDING OFFICER. The Senator from South Dakota will suspend. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 5210) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1897, and for other purposes.

Mr. TELLER. I ask that the unfinished business may be laid aside temporarily, and that the Senate may proceed with the bill that has been under consideration.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the Senator from South Dakota will proceed.

Mr. KYLE. I have here Mr. Cowdon's book upon Public Cooperation. Mind you, these men do not claim to be advocates of pure socialism or communism. They call themselves the "Socialistic Labor party" of the United States. His plans 5 to 41 are bills, so to speak, for the reconstruction of the Government upon the lines of the Socialistic Labor party.

The first bill that he proposes to have introduced is a bill to establish an executive department of public labor; second, a department of public land; third, a department of public transportation; fourth, a department of public communication; fifth, a department of public education; then a department of public insurance; next, a department of public printing; then a department of public periodicals—that the Government shall publish all the periodicals. The Senator from Nebraska [Mr. ALLEN] asks me what I am reading from. It is a book representing the plans of the Socialistic Labor party of the United States for public cooperation; something that we think does not belong to the Populist party. I am trying at the present time to eliminate this from the Populist doctrine.

Mr. PEFFER. It has never been there.

Mr. KYLE. No; it has never been there.

Next a department of public documents, a department of public elections, a department of public roads, a department of public farms, a bill for a department of public fisheries, a bill to establish an executive department of public forests, a department of public fluids, a department of public forces, a department of public mines, a department of public manufactures—that the Government shall do all the manufacturing; next for public products. In this he states:

First, to establish as many classes of public stores, shops, and places of merchandising as may be necessary to supply the wants of the people.

It is proposed that the Government shall manage all the stores; next a department of public works, a department of public methods, a department of public statistics, a department of public surveying, a department of public measures, a department of public inventions, a department of public science, a department of public fairs, a department of public libraries, a department of public lectures—that the Government shall furnish all the lectures for the people; next a department of public amusements, a department of public comfort—the Government shall furnish all the comforts possible; next a department of public health, a department of public hotels, a department of public baths—that the Government shall give everybody a bath; next a department of public laundries—that the Government shall do the laundry work of the people of the United States; next is a department of public records, and the last one is a department of public buildings.

This, Mr. President, represents the views of the practical men of the Socialistic Labor party of the United States; but in order to be perfectly sure as to the doctrines taught by this organization I addressed a letter to the leader of the party in the United States, Mr. De Leon. Mr. De Leon is the editor of The People, the Socialistic Labor organ published in New York. I asked him the same question, namely, what was his interpretation of the so-called plank No. 10 of the Chicago platform, which declared for the

"Government ownership of the means of production," and he replied as follows:

NEW YORK, *May 8, 1896.*

DEAR SIR: I have yours of yesterday.

By this mail I forward to you copy of this paper, on the fourth page of which you will find the national platform of the Socialist Labor party.

"Plank 10" is no part of our platform, as such. The Chicago organization of socialists is affiliated with our national executive organization. Its platform is ours and ours is its.

His interpretation, of course, would be considered good.

The history of "plank 10" is this: At the Chicago convention (December, 1895) of the American Federation of Labor a delegate presented a platform of several planks. The tenth demanded the national ownership of the means of production and distribution. This, generally speaking, condenses the socialist demands.

The Socialist Labor party aims at bringing under public ownership, control, and operation the whole land of the country on which and the whole capital (machinery, factories, shops) with which to produce the necessities of life, understanding under necessities all that civilized man needs.

This programme embraces the bulk of the industries, agriculture included.

Very truly, yours,

D. DE LEON, *Editor The People.*

Hon. JAMES H. KYLE,
Washington, D. C.

Such men, Mr. President, will not find a home in the Populist party. They have hoped to use the party as a stepping-stone for the attainment of their plans and schemes, but they will fail. It is true they have made a call for a convention of their followers at St. Louis at about the time of our national convention. Perhaps it may not be known to my colleague from Nebraska [Mr. ALLEN] that there is a call for a national cooperative congress to be held at St. Louis July 24, 1896. They ask all who believe in any form of cooperation to join with them, and state:

All who believe in the practicability of federating existing cooperative institutions, in the desirability of a large expansion of municipal and national cooperation, and are prepared to engage in such other work as may be necessary to the ultimate establishment of the cooperative commonwealth are cordially invited to attend. All socialist, nationalist, and cooperative societies in the United States, whether State, county, district, or general in their nature, are earnestly requested and invited to send delegates. Cooperative societies in Canada and foreign countries are also urged to send fraternal representatives.

This is signed by a large number of prominent socialistic labor men of the United States, only two or three of whom I know personally—Alonzo Wardell, of Kansas, and H. L. Loucks, of South Dakota.

Mr. President, this, let me say, is not Populism. It has nothing in common with Populism. In my judgment, and in the judgment of all who may listen to the reading of these declarations, it means the destruction of individualism. It means the destruction of private enterprises, and the people of the United States are not ready for such an innovation.

MUNICIPAL OWNERSHIP THE BEST BUSINESS METHOD.

But, Mr. President, municipal ownership of gas, electric-light, and water works and street railways is not socialism to the extent of destroying individualism. It is merely the application of business sense and business methods to these great public functions and enterprises for the purpose of serving the people economically and well along these lines.

I have before me an editorial from the Twentieth Century, a very strong editorial, putting the whole question upon a purely business basis. The editor, after commending the scheme of municipal ownership, goes on to state that Berlin, in Germany, has had the advantage of municipal ownership for a number of years. They own their electric-light and water works and their gas and street railways and telephones; in fact, all public improvements. The city makes a profit of 5,000,000 marks, or $1,250,000, per year above all expenses, and that is turned into the city treasury. Paris has turned $40,000,000 into the treasury in ten years by the same means.

The writer goes on to state that in consequence of municipal ownership of the street railways in the city of Berlin a laboring man can ride three hundred and sixty-five days in the year back and forth as many times as he chooses for the sum of $4.50, while in the city of New York to ride once a day to his work and back again upon the street cars will cost him $36 a year. Further, that in the city of Glasgow, Scotland, the railroad fare is but 2 cents per passenger; that the city of Denver does its own street cleaning at an expense of $8.75 per mile per day, while it costs the city of Chicago for the same sort of enterprise $22 per mile per day; that in the city of Staunton, Va., which owns its own electric-light plant, they burn every night during the year for $24 per light per annum, while it costs the city of Peoria, Ill., $145 under private ownership. He states further that in the city of Bloomington, Ill., which has 240 lights burning all night, without regard to the moon, and where they own their own plant, the cost is but $20 per light per year, and that the city of Dunkirk, N. Y., which owns its own plant, furnishes light all night and every night for $28.50 each per year.

The average price paid to private parties by the various cities is $105.13 per light per year, while the average where the municipalities own these great public enterprises is $52.12½. Boston pays a private corporation the enormous sum of $180 per lamp, but Chicago, which owns its own plant, pays for the same service $65 per year, a good deal less than one-half. So he goes on through a list of cities, making the comparison, and he closes up his article by saying:

A report of the New York senate shows that the people of New York City, under private ownership, have been bled in the last ten years to the extent of $30,074,715.27 above what they ought to have paid. Municipal ownership in the United States shows a net saving of 40 per cent. City ownership of all public utilities is a necessity.—*Twentieth Century.*

I have here an article of the same kind from the Star, an editorial of April 20, 1893. They take up the city of Peabody, Mass., and discover the same sort of economy from municipal ownership, and wonder why we can not have this introduced in the city of Washington.

Mr. BUTLER. Will the Senator from South Dakota allow me a few moments?

Mr. KYLE. Certainly.

Mr. BUTLER. I should like to call attention in this connection to the fact that the position of the People's Party with reference to monopolies is precisely the position taken by the founders of our Government and the framers of our Constitution, neither more nor less. The framers of our Constitution, the patriots whose names will be honored and reverenced as long as the Republic endures, took exactly the position with reference to monopolies that the People's Party takes. The People's Party stands to-day as the defender of the people and the supporters of the Constitution on that question. The People's Party came into existence to protest against the action of the old parties in deserting the position of the founders of our Government and framers of the Constitution. It came into existence because there was a demand for a party to stand for the principles advocated and represented by Jefferson, Jackson, and Lincoln. It stands between the people and the rule of monopolies and trusts.

Mr. KYLE. That is as I understand it.

Mr. BUTLER. The only natural monopoly in existence when our Government was formed, the only natural monopoly that appeared to the framers of the Constitution, was what? The Post-Office Department. What was the position of the framers of our Constitution? They said here is a natural monopoly, here is a monopoly per se, a monopoly by nature, here is a monopoly that must be used by the agent of the people for the benefit of all the people and for the public good at cost, for if allowed to go into private hands it would be used by private individuals for private gain and to the detriment of the public. What position did they take? They laid it down in the Constitution as a fundamental law that the Post-Office Department, being a natural monopoly, was a public function, a function of Government, and should be used by the Government for the public good. Henry Clay took the same position in 1844, when the question was raised as to whether electricity should be used by the Post-Office Department as a function of the Government to facilitate the postal service; and Hon. Cave Johnson, the Postmaster-General under President Polk, a strict construction Administration, took the same position; and John C. Calhoun, another strict constructionist, a Democrat of Democrats (not the modern kind, thank God, but the good old original Jefferson kind), took the position that it should be used, not by private corporations, but as a part of the Post-Office Department as a public function, according to the Constitution.

The Ways and Means Committee of Congress in 1845 took the same position in an able argument reported to this body. That is the position of the People's Party on this question, and if the other natural monopolies we have to-day had been in existence when the Constitution was formed the framers of that instrument would have laid it down as a part of the written fundamental law that those natural monopolies should be used for the public good as a government function, and every man who is a true American, who sincerely believes in a republican form of government, must take that position with reference to all natural monopolies.

Mr. KYLE. Will the Senator from North Carolina allow me?

Mr. BUTLER. Pardon me. Just one word further. I think it is important to get this matter straight since the subject is up, with the Senator's permission.

The position of the People's Party is simply the position of Thomas Jefferson. He feared the danger of natural monopolies, those functions which are by nature monopolies, going into the hands of private individuals. That is where the People's Party stands to-day; and any man who does not stand with the People's Party for that doctrine is a monopolist. He is a monarchist; he is opposed to the fundamental principles of free government and republican institutions. He is an enemy to the welfare and prosperity of our people. If there is a Senator on this floor who will stand in his place and say he is opposed to that doctrine, opposed to that fundamental principle on which our Government is founded, then he is antagonistic to our form of government; he is out of line with the Constitution and the spirit of the Constitution. That is where the People's Party stands. It does not go one step further nor recede one step from it. That is what its

platform calls for, simply a strict adherence to the Constitution in letter and spirit.

Any man who is opposed to the position of the People's Party on this fundamental question would to-day, if he had his way, put our Post-Office Department in the hands of the telegraph monopoly, or express company, or railroad combine. Let the people beware of such men. Next to an agent of the British gold trust, the most dangerous enemy to a republican form of government and to the welfare and prosperity of the people is the monopolist. And when the gold trust and the monopolies combine, as they have now, they are the arch enemies of the liberty and happiness of the human race. The People's Party is the only organization that can be trusted to defend the rights of the people and fight these curses of humanity and civilization.

Mr. KYLE. Mr. President, the municipal ownership of these public enterprises is no untried theory. I stated a moment ago that it has been adopted in many countries in Europe and in many American cities. I have a list before me of some cities in England which own their own plants—Birmingham, Bolton, Carlisle, Leicester, Manchester, Nottingham, Oldham, Salford, etc.

Two-thirds of all the municipalities in Great Britain own their gas plants, and the revenue derived from them, according to statistics, is from one hundred to two hundred and fifty thousand dollars per annum, and they sell pure coal gas at from 50 to 55 cents per thousand feet.

The same is true of Germany. In the United States we have cities like Henderson, Ky.; Huntsville, Mo.; Bellefontaine, Ohio; Hamilton, Ohio; Philadelphia, Pa.; Alexandria, Va.; Charlottesville, Va.; Danville, Va.; Fredericksburg, Va.; Wheeling, W. Va., and so on, which have adopted the principle, and it has proved, let me say, a great source of revenue to the treasuries of those respective cities. I have some facts before me showing this.

In 1893, of the 44 largest towns in Germany 29 owned their own gas works. Leipsic owns its own gas works and returns annually into the treasury the sum of $280,000. Breslau turns into the treasury $100,000 per annum. Berlin turned in in that year $1,793,518. Berlin from the waterworks turned in $380,000. Paris from the gas works in 1892 turned into the treasury $2,260,000; Birmingham, England, $150,000; Dresden, $187,000; Bolton, England, $140,000; Manchester, $250,000; Salford, $187,000; Leicester, $135,000; Nottingham, $125,000.

Mr. HARRIS. Will the Senator from South Dakota allow me to ask him for information, because I really do not know, whether the amounts turned into the treasury purport to be profits in that particular business or simply the amounts collected from private consumers, irrespective of what it cost the government to run those various enterprises?

Mr. KYLE. They represent the profits.

Mr. HARRIS. The net profit?

Mr. KYLE. The net profit.

Mr. HARRIS. Over and above the cost of production?

Mr. KYLE. Yes, sir; and turned into the treasury.

I have here the report of the mayor of the city of Philadelphia. I wish to read a short statement showing the profit in that city from the city's ownership of the gas works, which is right in line with the remarks of the Senator from Tennessee [Mr. HARRIS]. This is from the report of the mayor of Philadelphia for 1895, Edwin S. Stuart. On page 12 of the report, speaking of the bureau of gas, he says:

> The total expenditures of the bureau of gas from 1891 to 1894, inclusive, for material, maintenance, labor, supplies, coal, etc., were $10,858,910.58, and for extensions and permanent improvements $1,050,248.81; a total of $11,909,159.39. During the past four years there have been turned into the city treasury as receipts from this bureau $14,790,404.25, or very nearly $3,000,000 in excess of the entire expenditures.

"In excess of the entire expenditures."

> This is in the face of the fact that the price of gas in 1894 was reduced from $1.50 to $1 per thousand feet, a decrease of 33⅓ per cent in the price.

Mr. FAULKNER. What city does the Senator refer to?

Mr. KYLE. Philadelphia. I read from the mayor's report. He goes on to state:

> It is but just to the bureau of gas to state clearly that the money received by the city for its operation during the past four years not only equaled the entire sum appropriated to it during that period, including the cost of permanent improvements, but that it returned a profit over and above these expenditures of nearly $3,000,000.

He gives the number of gas lamps for 1891 as 16,649, and making the computation at $1 per thousand for these lamps, the amount saved by furnishing their own city street lamps would be $3,299,122, making the total as follows:

Receipts over expenses for furnishing to the city	$3,931,594
From gas supplied for public use	3,299,122
Making a total profit to the city of Philadelphia in four years of	7,230,716
Or an annual profit of	1,807,679

The same is true with reference to municipal ownership of electric lights.

From Advance Club Leaflets No. 2, published at Providence, R. I., by the Advance Club, I find a list of 139 cities of the United States given which are furnished electric lights by private companies for street purposes. The price charged is on the average $110.98 for 2,000-candlepower arcs and $55.49 for 1,000-candlepower arcs. Following this is given a list of 24 cities where electricity is furnished by the municipality, and the price charged for 2,000-candlepower arcs (average) is $52.40, and for 1,000-candlepower arcs $26.20 Washington pays a private company, I believe, $146 for 1,000 candlepower. Here is another list of cities furnished electricity by private companies and a list furnished by municipal control. This confirms the statements made in the club leaflet just referred to:

OWNED AND OPERATED BY MUNICIPALITIES.

Cities operating electric-lighting plants.	No. of arc lights.	Candle-power.	Period of illumination.	Total cost of plant with buildings.	Cost per arc light per year.
Little Rock, Ark	111	2,000	8 hours	$35,000	$54.00
Aurora, Ill	81	2,000	7 hours 36 minutes	43,000	66.69
Bloomington, Ill	240	2,000	All night	80,000	50.00
Decatur, Ill	61	2,000	Dark nights	21,000	49.18
Elgin, Ill	80	2,000	10 hours	23,000	43.00
Moline, Ill	80	2,000	All night	21,000	53.00
Paris, Ill	60	2,000	7 hours	9,600	40.00
Madison, Ind	85	2,000	Moon, all night	25,000	58.50
Topeka, Kans	184	2,000	All night	50,000	97.50
Bowling Green, Ky	60	2,000	Moon, all night	15,000	50.00
Bangor, Me	140	2,000	All night	35,000	45.00
Lewiston, Me	100	2,000	Moon, all night	15,000	54.75
Bay City, Mich	143	2,000	Moon, all night	30,000	58.00
Ypsilanti, Mich	80	2,000	Moon to 1 a. m	24,000	23.60
St. Joseph, Mo	208	2,000	8 hours	55,000	72.00
Galion, Ohio	73	2,000	Moon, all night	23,000	est. 35.00
Marietta, Ohio	65	2,000	Dark to midnight	13,000	38.00
Chambersburg, Pa	62	2,000	6 hours	34,500	45.00
Easton, Pa	82	2,000	All dark nights	20,000	87.00
Meadville, Pa	74	2,000	7 hours	20,000	47.43
Titusville, Pa	60	2,000	10 hours	9,000	est. 40.00
Galveston, Tex	175	2,000	7 hours	40,000	87.60
Staunton, Va	50	1,200	10 hours	17,000	24.00

Average cost per light per year of arcs operated by 23 cities, $53.04.

OWNED AND OPERATED BY PRIVATE COMPANIES.

Cities supplied by private companies.	Number of arc lights, 2,000 candle-power.	Period of illumination.	Contract price per arc light per year.
Texarkana, Ark	31	All night	$160.00
Danville, Ill	80	As ordered	80.00
Jacksonville, Ill	71	Moon, all night	96.00
Joliet, Ill	121	All night	124.00
Peoria, Ill	233	Moon, all night	145.00
Springfield, Ill	130	do	137.00
Streator, Ill	60	All night	98.00
Kokomo, Ind	56	do	100.00
Logansport, Ind	85	Moon, all night	100.00
Arkansas City, Kans	35	To 12 p. m	72.00
Fort Scott, Kans	75	Moon schedule, 1 a. m	80.00
Owensboro, Ky	32	do	110.00
Augusta, Me	66	Nine hours	76.33
Bath, Me	31	To 1 a. m	125.00
Grand Rapids, Mich	120	All night	109.50
Lansing, Mich	100	Moon, all night	100.00
Kansas City, Mo	128	All night	200.75
Sedalia, Mo	92	Moon, all night	87.00
Springfield, Mo	54	do	136.00
Bellaire, Ohio	52	do	90.00
Fremont, Ohio	70	All night	90.00
Hillsboro, Ohio	63	Moon, all night	70.00
Allentown, Pa	98	All dark nights	100.00
Lebanon, Pa	60	To 12 p. m	80.00
Newcastle, Pa	50	All night	80.00
South Bethlehem, Pa	55	Moon to 12 p. m	81.82
Dallas, Tex	125	All night	95.85
Houston, Tex	92	do	150.00
Parkersburg, Va	58	do	102.00

Average cost per light per year of arcs operated by 29 private companies, $106.01.

These facts, Mr. President, seem to me to be conclusive evidence as to the expediency and wisdom of a municipality owning such enterprises.

MUST BE CONTENT WITH PRIVATE CORPORATION.

But I realize that at the present time, probably, we must confine ourselves to the control of the present private corporation in this city. I do not know whether the good sense of the American Congress can be aroused to such a point that they will enact into law what they feel and know to be for the general good of the people of this city. Though we might show them figures from 100 European cities, though we might show them such figures as

I have read from the report of the mayor of Philadelphia, and from many prominent cities even larger than Washington, yet they will not believe, and we shall go on year after year voting our subsidies or our privileges to these private corporations.

I do not know why it is. I do not know why the gas company in the District of Columbia and the street-railway companies should have such a hold upon the United States Congress. Sometimes I feel charitable and say it is because of our neglect. What is everybody's business seems to be nobody's business, and so the corporations get what they please. But at the same time I do know that lobbyists are abroad in the land, that lobbyists are around the House and around the Senate corridors every day during the consideration of these bills; that stockholders in these companies, stockholders in the Washington Gas Company, have been lobbying with members of the House and Senate and appealing to them in the name of the widows and orphans of this city who hold the stock not to deprive them of their bread. One man appealed to a member of Congress, so the member told me this morning, and said, "I own $20,000 worth of gas stock in this city, which is paying 20 per cent per annum—$4,000 per year," and when asked if the 20 per cent was not rather exorbitant, he said he did not think it was any more than he ought to have.

The Board of Trade, I understand, has taken up this question. I have before me here an editorial from one of the city papers of March 10, 1896, which states that the Board of Trade did consider the matter at that time. They appointed a committee to investigate the question of gas and electric-light, etc. The committee made the investigation, and reported that both forms of illumination were retailed at exorbitant rates, and advised in favor of a campaign which should have for its object municipal ownership and conduct of the gas and electric light plants in the District of Columbia. Mind you, Mr. President, that report is not by a few disgruntled citizens in the District who feel that their gas bills are too high, but by a representative body—the Board of Trade of the city:

> Since then the House has enacted legislation cheapening the price and improving the quality of the gas, and the District appropriation bill, which is fixed so far as these items are concerned, contains such legislation in respect both to gas and electric lighting.
>
> Congress has indicated a disposition to furnish a measure of relief to the people by directly regulating the existing companies, and the practical common-sense present action on the part of this community is to back up vigorously the procedure which has found favor with the House. Municipal ownership of illuminating plants may well be viewed as the ideal condition; but in view of the heavy initial expense which it will involve and the extent of education on the subject which our legislation would require before there was any possibility of the enactment of this radical legislation, the project is not a practical one for this year or the immediate future. We should not neglect the opportunity to obtain immediate though partial relief through excessive and exclusive devotion to the brilliant but remote project of municipal ownership. The House has declared in favor of cheaper gas and electric light, an improved quality of gas, and more thorough inspection. The Board of Trade and its special committee can do good work in impressing upon the Senate the wisdom of speedy concurrence in the House propositions.

Therefore the editor goes on to argue in favor of the dollar-gas bill. I feel just about the same way; that it will be impossible at the present time to secure municipal ownership. Therefore I advocate with all my heart the reduction of gas by the present company to the lowest possible figure. At the same time I do not wish to cut it down to a point where the company can not make a legitimate profit. I am willing that the corporation shall be allowed a legitimate percentage upon its investment.

We are to-day living under corporation rule in the District, and for that reason I am afraid we can not accomplish a great deal even now in reducing the price of gas. The present gas company has got to be an octopus. It reaches out by its officers and by its stockholders, and has taken in many influential men hereabouts who have become interested in the question of gas. The company was organized in the year 1848, I believe.

Mr. FAULKNER. Will the Senator from South Dakota allow me?

Mr. KYLE. Certainly.

Mr. FAULKNER. I should like to ask the Senator, when he speaks about the company taking in a number of prominent men in Congress——

Mr. KYLE. I did not say in Congress.

Mr. FAULKNER. Ah, well; the Senator did not. I want to ask the direct question, then, whether the Senator has information that any member of the District Committee is in any way directly or indirectly interested in the stock or other securities of the Washington Gas Light Company?

Mr. KYLE. I will state to the Senator from West Virginia that I do not think any member of the District Committee is interested in the stock of the gas company.

Mr. GEORGE. Mr. President, these are very interesting facts which the Senator from South Dakota is now putting before the Senate, and this is a very important question. There should be a full Senate. I suggest the want of a quorum.

The PRESIDING OFFICER (Mr. BACON in the chair). The Senator from Mississippi suggests the want of a quorum. The Secretary will call the roll.

The Secretary called the roll; and the following Senators answered to their names:

Allen,	Chilton,	Harris,	Pettigrew,
Allison,	Clark,	Hawley,	Platt,
Bacon,	Cockrell,	Jones, Ark.	Proctor,
Baker,	Cullom,	Kyle,	Pugh,
Bate,	Davis,	Lindsay,	Quay,
Berry,	Dubois,	Martin,	Roach,
Blackburn,	Elkins,	Mills,	Sherman,
Brown,	Faulkner,	Mitchell, Oreg.	Squire,
Butler,	Gallinger,	Morgan,	Teller,
Caffery,	Gear,	Nelson,	Turpie,
Carter,	George,	Peffer,	Walthall,
Chandler,	Hansbrough,	Perkins,	White

The PRESIDING OFFICER. Forty-eight Senators have responded to their names. A quorum is present..

Mr. KYLE. In regard to the question put to me by the Senator from West Virginia, I will state that I have not made inquiry as to whether or not Senators or Members of Congress are holders of stock in this company, but there are prominent men in the city and the cities hereabouts who are stockholders and who are men of influence.

THE WASHINGTON GAS LIGHT COMPANY.

The company, as I stated, was organized, I believe, in 1848, with a capital of $50,000, of which $42,500 was paid in for 2,500 shares of the par value of $20. In 1852 the capital was increased to $300,000, which was paid in cash. In 1855 the capital was increased $150,000 and the stock taken up by stockholders. In 1866 another $500,000 was added and issued to shareholders, share for share. In 1872 the stock was increased to $1,000,000, with the privilege of increasing it another million, which has been done. In 1887 $600,000 of 6 per cent bonds were issued; and $600,000 of certificates of indebtedness have also been issued, which are convertible into stock if the stock shall be increased. On the stock a dividend of 10 per cent is paid and on the bonds and certificates 6 per cent. It is claimed that the $600,000 of certificates were a gift to the stockholders. In 1892 they paid an additional dividend of $3 per share, making 25 per cent. By their sworn statement the average per cent from 1848 to 1881 is 16⅓. From 1881 to 1886, 20 per cent, and for the year 1895, 30 per cent, which is pretty good for hard times. The par stock—$20—has been worth $51 and is now worth $44 and a fraction.

This is the history of the company. All but $500,000 of the present capital stock of $2,000,000 has been added from the profits of the concern. The authority for this statement as to all above $500,000 being profits I get from the Senate committee's report, No. 1460, a report of the investigation, and where Mr. McIlhenny, the president, I believe, upon being interrogated by Senator Van Wyck, admits that that was the fact. I do not see any reason why the company should be given the privilege, as under the present bill, of issuing a million and a half more stock. This company, let me say, are a power in the District and are a power in Congress. They have charged the highest rates possible. They have never yielded to a reduction of price except where they have been compelled to do so through fear of some legislation being enacted by Congress.

Mr. FAULKNER. I ask the Senator whether he has examined the report of the Commissioners on that subject, in which they enumerate a number of instances of voluntary reduction by the company?

Mr. KYLE. I recognize the fact and have read it that they voluntarily reduced the price; but I say, in my judgment, it was under fear that some bill would be passed by Congress.

Mr. FAULKNER. I should like the Senator to state his reasons for that statement, because I never heard of it before and I have been investigating this question for at least seven years.

Mr. GEORGE. Will the Senator from West Virginia allow me to ask him a question?

Mr. FAULKNER. Certainly.

Mr. GEORGE. The Senator said he has been investigating this matter. Has he discovered that in 1866 the company voluntarily burned its books?

Mr. FAULKNER. No, sir; I have not discovered any such thing.

Mr. GEORGE. It is the fact.

Mr. FAULKNER. No, sir; I differ with the Senator from Mississippi entirely in his statement of the fact. I am ready to answer it on the floor.

Mr. KYLE. I presume their willingness at the present time to reduce the price of gas is voluntary. They show a willingness to reduce the price of gas at the present time because they fear that Congress is going to pass a law bringing the price down to a dollar or to 75 cents. That is all there is about it. And so it was in the other instances.

As to whether this company destroyed its books, let me quote here from the report made by Senator Spooner, Report No. 1460,

first session, Forty-ninth Congress. The company deliberately destroyed its books. The committee says:

It is a significant fact that the destruction of these books blotted out from the public and from investigation the detailed transactions of this corporation up to the time in 1886 when the company distributed among its then stockholders, as representing corporate earnings theretofore put into an extension of the plant, $500,000 of stock, making altogether $1,000,000 of capitalization.

FEW CAN AFFORD TO USE GAS.

Mr. President, the company having a monopoly of the gas, as they do in this District, have reduced the price gradually, as they have been forced to do so by Congress; but at the present time gas is held at $1.25 per thousand feet to those who pay promptly and $1.50 per thousand to those who do not pay their bills, I believe, within ten days. The result is that fully one-half, I might say, of the people of the District of Columbia can not afford to use gas; and it is stated upon authority that while there are in the city 52,000 houses, only 25,000 or 26,000 of those houses use gas. In other words, the poor people of the city are not able to use gas at the figures charged by the company. Much of our population, white as well as colored, are compelled to use coal oil or the tallow candle, or to sit in darkness.

Mr. President, without attempting to instruct the gas company of the District of Columbia, let me say that they are pursuing a policy according to best experts which is detrimental to their own interests. The testimony of those who have examined this question in Europe and in the cities of the United States is that the lower the price of gas the more people use it, and the result is increased income to the companies.

Upon this question I have some very valuable testimony given by Mr. Henry M. Whitney before the Massachusetts legislature in the month of March last. Mr. Whitney is an authority upon this question, and was before the committee, I believe, for certain rights and privileges with reference to the use of the by-product of gas. He makes this statement before the committee:

You will see, Mr. Chairman, that by far the larger number of your people—probably more than 15 to 1, and I should think it fair to say 20 to 1—are not now customers of the gas companies—

That is in the State of Massachusetts—

They have never been customers, and under existing circumstances and conditions never can be.

The reason is entirely apparent. It is because the price of gas is so high and has remained so high for the last generation as absolutely to put it out of the power of these people to have it.

I am surprised, as I look at these statistics, that any well-managed gas company familiar with these conditions should have allowed this condition of things to exist; for I hold that these companies, like all quasi-public corporations, owe it to the community to keep abreast of the state of the art in all countries. It does not answer for them, nor for any other corporation holding quasi-public rights, to rest upon their laurels and make no improvement in their condition, nor seek to supply the people who are not now using gas and whom they ought to have supplied for the last thirty years. Had I been in management of one of these corporations I should have considered that a dangerous position to be in.

* * * * * * *

Now, very much has been said about the city of Manchester, England. The city of Manchester contains about the same population as the city of Boston. It contained in 1890, according to the statement I have, a population of 505,000, which is not far from the population of the city of Boston. The city of Manchester sends out more gas than is sent out in the whole State of Massachusetts. It furnished in the year 1893, 3,636,000,000 feet of gas, which is absolutely more gas than is furnished by all the gas companies in the State of Massachusetts; and Manchester sold that gas for 60 cents per thousand feet. That is the reason why the consumption was so large.

Taking the average of the large companies in foreign cities like Glasgow, Manchester, Birmingham, and in all these places where the population is large, you will find that the price is about uniform, and that the proportion of meters to this population is nearly 1 to 5. That is, substantially every family uses gas, and uses it in considerable quantities.

One meter to every 5 of the population, 5 representing a family, while in the State of Massachusetts they have 1 meter to every 20 in population.

So he summarizes the whole situation that as a consequence of the reduction in the price of gas more people use it and there is a greater income to the companies.

Mr. President, in view of what is charged in other cities of the United States and of the world, the charge made for gas by the Washington Gas Light Company is exorbitant. The whole question, it seems to me, for the Senate to consider is whether gas under the existing circumstances can be furnished to the people of this District for a less figure. That is all there is to it.

CAN THE PRICE BE REDUCED?

I have taken a great deal of pains to collect data upon this point. I have communicated with and received letters from the city clerks in the prominent cities of the United States, and the general report is that the price of gas is far below the price charged in the city of Washington. Here are the figures from a number of these cities: The city of New York furnishes gas for $1.25 per thousand; Chicago, $1.13. The price in Chicago is now down to a dollar. I will say before I give the figures that many of them are subject to change, because cities are frequently changing the price of gas, and generally taking the downward course.

Mr. GALLINGER. If the Senator will permit me, I should like to ask him if he is aware of the fact that there are some thirty or forty different gas companies in the city of New York, and that some of them are charging for gas very much more than is charged in the city of Washington?

Mr. KYLE. I am aware of that fact, and the same is true of the cities in the State of Massachusetts and other States.

Mr. GALLINGER. My point is that the Senator quotes, as he says, that gas is furnished in New York for $1 per thousand feet.

Mr. KYLE. For $1.25.

Mr. GALLINGER. I understood the Senator to say $1.

Mr. KYLE. The price in Chicago is $1.

Mr. GALLINGER. Even at $1.25 the price is the same as it is in Washington; but the fact is that there are a great many companies in New York which charge $1.50 per thousand feet, and in some instances as high as $1.75; and the statistics will show that fact.

Mr. KYLE. I have here the statistics of the cities of Massachusetts, which I might place in the RECORD, but shall not, which show the price charged in 1886 and 1894, and in every case there has been a great fall of the price of gas between 1886 and 1894; and so it extends over the country. These figures, as I said, are subject to change.

New York	$1.25	Newark	$1.40
Chicago	1.13	Minneapolis	1.60
Philadelphia	1.00	Jersey City	1.75
Brooklyn	1.25	Louisville	1.29
St. Louis	1.50	Omaha	1.75
Boston	1.08	Rochester	1.25
Baltimore	1.25	St. Paul	1.70
San Francisco	2.00	Kansas City	1.60
Cincinnati	.98½	Providence	1.20
Cleveland	.80	Indianapolis	1.25
Buffalo	1.00	Allegheny	.95
Milwaukee	1.00	Washington	1.25

Chicago has made provision for one-dollar gas.

The following is a list of cities owning and controlling their own gas works:

	Population.	Price per 1,000 feet.
Henderson, Ky	14,000	$1.00
Huntsville, Mo	2,000	2.00
Bellefontaine, Ohio	7,000	.80
Hamilton, Ohio	20,000	1.00
Philadelphia, Pa	1,200,000	1.00
Alexandria, Va	16,000	1.44
Charlottesville, Va	10,000	1.00
Danville, Va	11,000	1.25
Fredericksburg, Va	5,000	1.50
Richmond, Va	80,000	1.25
Wheeling, W. Va	40,000	.75

Mr. FAULKNER. Charlottesville owns its gas works.

Mr. KYLE. Yes; and the price there is $1.

In many of these cases the price in cities where they manufacture their own gas is as high or higher than in the city of Washington, but the point is that all the proceeds above the cost of producing and supplying the gas goes to the city treasury, and thereby reduces the amount of taxes to be paid by the people.

The following is a list of cities where the price of gas is $1 per thousand feet or less:

Boston	$1.00	Cincinnati	$1.00
Columbus	1.00	Atlanta, Ga	1.00
Dayton, Ohio	1.00	Taylorsville, Ill	1.00
Centerville	1.00	Henderson, Ky	1.00
Elyria, Ohio	1.00	Sandusky, Ohio	1.00
Troy, Ohio	1.00	Youngstown, Ohio	1.30
Greenville	1.00	Meadville, Pa	1.00
Pittsburg, Pa	1.00	Grafton, W. Va	1.00
Milwaukee, Wis	1.00	Hamilton, Ohio	1.00
Allegheny County	.95	Grand Rapids	.90
Cleveland	.80	Wheeling	.75
West Point	.60	Kokomo	.75
Bellefontaine	.80	Jackson, Mich	.50
St. Joseph	.50	Terre Haute	.50
Chicago, 1 company	.50	Lakewood, N. Y	.30

Mr. FAULKNER. I ask the Senator what is the price of gas in his own State?

Mr. KYLE. In South Dakota I have not investigated beyond my own town, where we have to pay a private company $3.50 per thousand feet for gas.

Mr. MILLS. What is the population?

Mr. KYLE. The population is about 6,000.

Mr. FAULKNER. I believe the average cost in the whole State is about $2.20.

Mr. KYLE. We pay $2.50 in my town, which we have always considered exorbitant. It is exorbitant, and the company know it is exorbitant, in my judgment. The people should take the matter into their own hands and operate the plant in the interest of the taxpayers and citizens generally.

The following summary as to gas companies I extract from the New York World, without quoting it literally:

The cost of gas in Cleveland is 80 cents, and the company pays the city 6½ per cent on their gross receipts, amounting to $50,000 per annum. The gas costs the company from 50 to 55 cents per

1,000 feet, and after paying the city 6¼ per cent it leaves to the company a profit of 20 to 25 cents per thousand, and pays 8 per cent on its $3,000,000 of stock.

In Cincinnati the price is $1 net, and less for the city lamps, and the company pays 10 per cent dividend.

Chicago experts say the cost of gas there is from 50 to 55 cents, including interest on the investment in plant, etc. The price to consumers is from $1 to 50 cents.

In Brooklyn the price is $1.25, and the officers refuse to state the cost.

Mr. C. E. Staples, a dealer in gas stocks, states that it costs to make water gas, such as we have here, from 35 to 37½ cents per 1,000 feet.

In Pittsburg the price is $1 per thousand feet, and the company supply the street lamps first to the amount of 12,500,000 feet. For all over that the city pays 75 cents per thousand feet. The officers of the company refuse to state what it costs to make gas.

In Bellefontaine, Ohio, as stated by Professor Bemis, the city has made its own gas since 1873—twenty years—at a cost for manufacture and distribution of 30 cents. The price in 1893 was 80 cents.

In Lakewood, N. Y., they furnish their own gas at 30 cents per thousand feet. In Bellefontaine and Lakewood they make water gas, the same as most of our gas.

West Point furnishes its own gas at 60 cents per thousand feet, which is all coal gas, and the nominal price is 75 cents.

The Louisville (Ky.) company sold gas at $1 per thousand until bought out by another company. The price is now $1.30 per thousand, and they refuse to give any information as to the cost.

In Albany, N. Y., the president of the gas company refuses to state the cost or the profit.

These are some facts as to what gas is being furnished for in the various cities of the United States. I might go a little further and give you a few of the companies abroad:

AN ANALYSIS OF THE ACCOUNTS OF THE PRINCIPAL GAS UNDERTAKINGS IN ENGLAND, SCOTLAND, AND IRELAND FOR 1893.

Gas statistics of Great Britain, 1893.

Municipal corporations.	Population.	Number of consumers.	Output.	Price per 1,000.	Candle-power.
			Cubic feet.	*Cents.*	
Birmingham	500,000	58,053	4,222,097,000	60	17.28
Bolton	115,000	23,565	780,300,000	66	17.99
Carlisle	39,000	6,301	228,200,000	56	19.16
Leicester	142,000	25,836	1,125,641,000	58	18.65
Manchester	505,000	81,493	3,636,690,000	62	19.11
Nottingham	211,000	38,005	1,502,510,000	60	19
Oldham	131,000	44,767	871,127,000	56	19.30
Salford	198,000	28,005	1,111,706,000	58	18.54
PRIVATE COMPANIES.					
Bath	51,844	7,463	396,000,000	66	16
Brighton	115,873	17,439	962,828,000	68	14.57
Bristol	221,576	22,660	1,578,966,000	70	16.56
Derby	94,140	14,900	446,869,000	64	16.50
Liverpool	517,980	73,200	3,361,873,000	75	21.59
Newcastle-on-Tyne	186,369	30,144	1,955,233,000	41	16
Plymouth	84,248	10,722	669,588,000	43	14.59
Portsea	159,278	10,400	649,911,000	58	14.82
Preston	107,573	23,283	403,732,000	77	18.75
Sheffield	324,243	48,950	1,974,700,000	45	17.88
London				*60	16
				†54	16

* Average. † Street lights.

All these range along from 14.50 to 21.50 candlepower, and not one of them comes to the dollar mark. They use coal to make gas.

Mr. GALLINGER. If the Senator will permit me, will he restate what he just said as to the candlepower in those cities?

Mr. KYLE. They range along from 14.50 to 18, 19, and 21 candlepower.

Mr. GALLINGER. The Senator will, of course, observe that in the bill now under consideration we propose to make the Washington Gas Light Company furnish gas of 24 candlepower.

Mr. KYLE. I understand that, and I will prove before we get through that it is not over 16 candlepower, because you are changing the test from the Argand burner to the Bray slit burner.

Mr. GALLINGER. We are adopting the test in use in every city in this country.

Mr. KYLE. I understand that.

Mr. FAULKNER. The Senator says we are changing the test, and I assert that the burner used in every city the Senator refers to is only 16, 17, 18, and 19 candlepower, and is the improved modern Parliamentary Argand burner, which gives a similar light to the burner we have adopted.

Mr. GALLINGER. There is no doubt about it.

Mr. KYLE. That is a question, because different cities have different methods of testing their own gas. But there is a difference between the new Parliamentary Argand burner and the Bray slit flat-flame burner, as I shall show.

Mr. FAULKNER. In England they have but one burner, and that is the parliamentary burner, by which they test all lights.

Mr. KYLE. But not the Bray flat flame burner. I have here a statement in reference to the city of Philadelphia. I made the statement that the city of Philadelphia furnishes gas to its consumers for $1 per thousand, and turns into the city treasury millions of dollars; that during the last four years it turned in the neighborhood of $7,000,000 into the city treasury. The gas monopoly of the city of Philadelphia, if it may be so termed, is a great bonanza to the city, and private companies in that section of the country understand this. I have before me an article from the Pittsburg Times of February 21, 1896, which says:

A syndicate to-day formally offered the city $20,000,000 cash for the gas works. The syndicate agrees to charge from 65 cents to $1 a thousand feet for gas, and after ten years to give the city 5 per cent of the profits of the gas works, and in 15 years 10 per cent of the profits. The city now makes all the gas used here, and sells it for $1 a thousand feet. Last year the city's profit on the plant was about $1,500,000.

The city can not afford to part with such a franchise. The thousands of poor there owning their own homes should congratulate themselves on the reduction in taxes and contend for the municipal ownership of the street railways, which are an oppression and a political power in that city.

The city of Philadelphia is not able to furnish all its own gas. The city being so large, they are compelled to purchase a certain amount of gas from private gas companies. I believe they have bought about 3,000,000 or more cubic feet of gas, and they made a contract with private companies for this purpose. I have the contract before me, and it will be a surprise to many to know the figure at which gas is furnished by a private company. The contract states:

We will furnish three million (3,000,000) cubic feet of gas, and as much more as is required, upon six months' notice, by the Hanlon and Leadley "W" process, of more than twenty-two (22) candlepower, delivered as required to your station meter, at thirty-seven (37) cents per 1,000 cubic feet for the first year, and for any subsequent year at thirty-seven (37) cents per 1,000 cubic feet.

Mr. GALLINGER. If the Senator will permit me again, there is no doubt they can afford to do that, for that is simply to furnish the gas at their own works. It does not include the cost of the mains and of distributing the gas and all that sort of thing. It is simply for the gas itself.

Mr. KYLE. The cost of distribution is estimated generally at 40 per cent, which would add about 12 cents more.

Mr. GALLINGER. That is not admitted by any gas man with whom I have ever talked. The Senator may know all about the details of gas distribution. The Committee on the District of Columbia, however, have had a great many hearings and have had experts before them, and no man there has ever ventured to make a suggestion such as the Senator has made.

Mr. KYLE. I have seen the statement made many times over by experts in the United States that the cost of distribution is 40 per cent of the cost of production; so, taking 37 cents and adding 40 per cent to it, the aggregate amount would be 13 or 14 cents more.

I may not know so much about the question as the Senator from New Hampshire, but I have been investigating the subject of gas somewhat for twenty years. The District Committee do not have a monopoly of knowledge.

Mr. GALLINGER. The only point I would make is, Mr. President—I do not care to get into a controversy with the Senator, and I know I am trenching upon his time—that I chance to be a member of the committee which has had very lengthy and very numerous hearings on this question, and they have heard all sides of it. We have had experts from New York and Boston and other cities, and presumably a member of the committee knows something as to what has been investigated by the committee; and that is all I claim.

Mr. KYLE. I understand what has been presented to the committee; but a great deal has been presented to the committee which is not true.

Mr. GALLINGER. Very likely so.

Mr. GEORGE. I desire to ask the Senator from New Hampshire a question. Have the hearings before the committee been printed in extenso?

Mr. FAULKNER. All of them.

Mr. GALLINGER. There is a document here that is accessible containing the recent hearings before the Committee on the District of Columbia, entitled "Gas."

Mr. GEORGE. When were the hearings had?

Mr. GALLINGER. Beyond a doubt the Senator can get a copy of the document by sending to the document room for it.

Mr. HARRIS. The hearings were held at various times.

Mr. GEORGE. I applied this morning at the document room and could not get a copy of the testimony.

Mr. FAULKNER. I will state that the hearings were published for the use of the committee, and any Senator who will apply to the clerk of the Committee on the District of Columbia will be able to secure a copy of the hearings as printed.

Mr. GEORGE. Why was it not printed for the use of the Senate?

Mr. FAULKNER. Simply because the committee never ordered it, and no one else asked that the hearings be published. Hearings before committees are not generally printed for public distribution except when the committee submits a written report embodying the hearings by the committee; but they do not generally publish hearings on matters which are purely local.

Mr. KYLE. I have stated here that the prices charged in the District of Columbia are exorbitant, and that the prices in many cities are below what they are here. The former president of the old company stated:

> The public do not know how cheap gas can be made, and we do not propose to tell them. Of course we can sell gas cheaper, but we do not propose to do so until we are compelled to.

Almost invariably in estimating cost of gas they include the cost of enlarging the plant, extending mains, etc. At a meeting of the American Gas Light Association when a member in reading a paper attempted to include in cost of gas extension of mains and other improvements he was stopped by President Harbison, who said:

> The cost of enlarging the plant should be charged to the capital account, and not to the cost of providing gas.

At a meeting of the association in 1880, Mr. Eugene Vanderpool, M. A., C. E., of the Newark Gas Light Company, and whom the Washington Gas Light Company asked to have brought here during the Spooner investigation in 1886, stated that cost of water gas was 42 cents per 1,000 feet, coal gas 35½ cents per 1,000 feet. This when coal was selling for $4.50 per ton and coke at 6 cents per bushel. The highest British authority, according to the Gas Light Journal, Mr. G. W. Stevenson, C. E., F. G. S., in his work, Precedents in Private Legislation Affecting Gas and Water Companies, 1879, gives the cost of coal gas, everything included, and the gas delivered to the burner of the consumer, at 51 cents per 1,000 feet. Take Mr. Vanderpool's estimate of 35½ cents in the holder and add 14 cents (40 per cent) for distribution, and we have 49½ cents per 1,000 feet, or a little more than a cent less than in Great Britain. Since then the residuals have come to be almost as valuable as the gas, and the price must have very materially fallen. Here are some facts from official sources as regards the cost of gas in the United States and Great Britain:

> According to the best authorities in the United States and Great Britain gas in the holder, in 1866, cost but 35 cents, and since then the cost of production has been reduced very materially.
>
> Hon. Orestes Cleveland—
>
> Ex-mayor of Jersey City, I believe—
>
> in a letter to the Senate committee in 1886, stated that to his personal knowledge it was then put in the holder at 30 cents per 1,000. The cost of distribution is given at 40 per cent of the cost of production, which would be 12 cents, thus making the cost of gas at the burner 52 cents per 1,000.
>
> The cost of gas in Great Britain in 1880 was 30 cents per 1,000, and the engineer of the Leeds gas works says that "recent improvements in the process have greatly cheapened the cost of manufacture, so that now coal gas in the holder costs but 22 cents."

I hope the Senator will listen to this.

Mr. GALLINGER. I am listening very attentively.

Mr. KYLE. The letter of Hon. Orestes Cleveland continues:

> In 19 cities in Great Britain the average cost was 37½ cents, and the average price charged consumers was 53½ cents.

Mr. GALLINGER. We had representatives of the so-called Rose-Hastings process before the committee, and they claim to make gas cheaper than by any other process on the face of the earth; but they did not pretend to say that they could make it for less than 35 cents a thousand.

Mr. KYLE. I do not presume that any company will tell you what they are able to make their gas for.

Mr. GALLINGER. But this company were trying to make it appear that they could manufacture gas and furnish it cheaper than it could be furnished by the old process, and it was to their interest to make the figures as low as possible.

Mr. KYLE. But they made the figures enough lower to show that they could furnish gas to the citizens here for 75 cents, and to the city itself at 60 cents.

Mr. GALLINGER. They did not do so to the satisfaction of the committee.

Mr. KYLE. The Senator's committee did not act upon the bill, I understand, because they did not want the city streets torn up.

Mr. HARRIS. I do not want the Senator to proceed upon that idea. During the Fifty-third Congress, and up to a late day in the Fifty-fourth Congress, I was an earnest advocate of the bill introduced by the Senator himself, because of its proposition to furnish cheaper gas. The investigations before the committee, where we had experts from various surrounding cities, at least produced a state of doubt upon my mind as to the possibility of producing gas upon their methods at these lower rates and of their ability to do what they proposed, which caused me to pause in the advocacy of their proposition. I was as earnestly in favor of it as the Senator in the Fifty-third Congress and up to a late day in the Fifty-fourth Congress.

Mr. KYLE. But I understand that the objection of the Commissioners was that they did not like the streets torn up.

Mr. HARRIS. That was one of the objections, and I am sure that was but one of the objections. It was not the only one. But this investigation went very much further than as to the tearing up of the streets. I totally disregarded that recommendation as against laying down other mains and other pipes, and other facts controlled my action—the utter failure of the new company to show its ability to produce gas at these lower rates, and, perhaps, its ability in financial and other respects.

Mr. KYLE. I do not care to go over the discussion of the 75-cent gas bill at this time——

Mr. GALLINGER. I ask the Senator for a moment more of his time. The Senator, of course, wants to be accurate on this point.

Mr. KYLE. I want to get through with my remarks soon.

Mr. GALLINGER. Just one moment. Mr. Thomas P. Worrall, who is president of the Westchester Gas Company, under the Rose-Hastings process, which undertook to get into the city of Washington under the bill which the Senator has championed, and still champions, and has had put on the Calendar after it had been adversely reported by the committee, said——

Mr. KYLE. I do not know that I can admit that now.

Mr. GALLINGER. I shall be through in a moment.

Mr. KYLE. I understand, but there is a great deal of rebuttal testimony which I should feel like putting in.

Mr. GALLINGER. Very well; I will read what Mr. Worrall said in my own time.

Mr. KYLE. I do not understand the matter as the Senator states it. I do not think that the attorney of the Rose-Hastings Company, Mr. Sands, had a proper hearing before the District Committee.

Mr. GALLINGER. Mr. President, that is a very serious charge.

Mr. KYLE. The experts on the line of the Rose-Hastings Company were heard, but after that, when the attorney who represents that company asked for his final hearing before the committee of this branch of Congress he was refused.

Mr. GALLINGER. That attorney had four or five or six hours of the committee's time.

Mr. FAULKNER. That is so.

Mr. KYLE. Not for his own argument.

Mr. GALLINGER. The Senator is making a very serious accusation, and it is not true.

Mr. KYLE. I have the correspondence right here.

Mr. GALLINGER. That may be; but you are accusing the Committee on the District of Columbia now.

Mr. HARRIS. Does the Senator mean Mr. Sands?

Mr. KYLE. Yes; I mean that he has not had a full final hearing.

Mr. HARRIS. When he makes such a statement he is wholly unjustified, and states a falsehood.

Mr. GALLINGER. That is true.

Mr. HARRIS. He has been heard over and over——

Mr. GALLINGER. And over again.

Mr. HARRIS. And heard to a greater extent than the representative of any other gas company in existence.

Mr. KYLE. His final argument I referred to, which he wished to make before the committee, and he was not given a hearing in regard to it.

Mr. FAULKNER. Mr. President——

Mr. KYLE. If the Senator from West Virginia wants to ask me a question I will hear him.

Mr. FAULKNER. If the Senator will permit me, I will state that he had a final hearing, and at that hearing he put in all the papers, he said, that would bear on the subject, and they are found here, as the Senator will see when he gets the printed record.

Mr. KYLE. I have seen the printed record, and I have the correspondence with the chairman of the District Committee. I have here a letter from Mr. Sands to the chairman of the committee, which is as follows:

> WASHINGTON, D. C., *January 14, 1896.*
>
> SENATOR: The bill No. 1408 to incorporate the National Capital Gas Light, Heat, and Power Company has been referred to your committee for consideration and report.
>
> The incorporators, for whom I appear as counsel, are anxious to be heard before your committee, prepared to show to them their readiness and ability to carry out every provision of that bill, and thus to give to the people of this District the relief for which they have been petitioning Congress so many years.
>
> Two of our experts, whose statements it is of the highest importance for each member of the committee to hear, are absent in the West, but can be here by Wednesday, January 22, instant.
>
> There are several new members on your committee, and it is just to them, as well as to us, that they also hear us upon the merits of our bill.
>
> Therefore, I request that you name a day when we can be heard by the full committee—
>
> "By the full committee"—
>
> when they can be here, and that no action be had without our being heard.
>
> The great importance of this bill to the people calls for such action, and asking such hearing, I am, yours, respectfully,
>
> F. P. B. SANDS, *Counsel.*
>
> Hon. JAMES MCMILLAN,
> *Chairman Committee on District of Columbia,*
> *United States Senate.*

Mr. HARRIS. Will the Senator allow me to state to him——

Mr. KYLE. Wait until I get through with this correspondence.

Mr. HARRIS. That as often as twice upon my motion——

The PRESIDING OFFICER (Mr. CARTER in the chair). The Senator from South Dakota declines to yield.

Mr. HARRIS. Of course, if the Senator declines to yield I will take my seat.

Mr. KYLE. I should like to finish the correspondence. Here is a letter from the chairman of the committee [Mr. MCMILLAN] to Mr. Sands:

JANUARY 16, 1896.

DEAR SIR: Replying to your letter of January 14, I would say that the bill to incorporate the National Capital Gas Light, Heat, and Power Company will be referred in the usual way, and when the subcommittee is ready to take up the measure you will be notified of the date arranged for a hearing.

Yours, truly, JAMES MCMILLAN.

F. P. B. SANDS, Esq.,
Adams Building, Washington, D. C.

Then on February 12 Mr. Sands writes again:

WASHINGTON, D. C., *February 12, 1896.*

MR. CHAIRMAN: On January 14 ultimo, as counsel for the incorporators named in the bill (S. 1408) to incorporate the National Capital Gas Light, Heat, and Power Company, I requested a hearing before the full committee in behalf of that measure.

I see that your committee has given a hearing before the full committee to the representatives of a citizens' association to speak upon that bill.

May I be permitted to request, in the name of simple justice, that the hearing before the full committee asked for be soon given to us, with forty-eight hours' previous notice, that our absent parties may have time to reach the city to be able to attend?

With respect, I am, yours, truly, F. P. B. SANDS,
Of Counsel.

Hon. JAMES MCMILLAN,
Chairman District Committee, United States Senate.

No answer was vouchsafed to this letter.

Then, February 14, Mr. Sands again writes the chairman as follows:

WASHINGTON, D. C., *February 14, 1896.*

DEAR SIR: I was informed yesterday that the committee had set Wednesday, February 26, at 2 p. m., for a hearing upon Senate bill No. 1408, to incorporate the National Capital Gas Light, Heat, and Power Company.

Will you kindly inform me whether such is the fact and what is to be the scope of the hearing, that I may notify our experts, who are in Pennsylvania and desire to be present, and to whom I think the date named will be satisfactory?

Asking of your courtesy an early reply, I am, respectfully, yours,
F. P. B. SANDS,
Of Counsel for Incorporators.

Hon. JAMES MCMILLAN,
Chairman Committee on District of Columbia,
United States Senate.

The reply of the chairman, dated February 15, is as follows:

SENATE OF THE UNITED STATES,
COMMITTEE ON THE DISTRICT OF COLUMBIA,
Washington, D. C., February 15, 1896.

DEAR SIR: Replying to your letter of yesterday, I would say that at the request of Senator HARRIS the committee arranged to hear some experts from Boston on the subject of gas. I will see that you and your friends have an opportunity to be heard before the bill (S. 1408) is disposed of, and of course you are entirely at liberty to be present at any hearing on the subject.

"To be present"—

Doubtless Senator HARRIS will tell you whom he expects to be present at the hearing arranged for the 26th.

Yours, truly, JAMES MCMILLAN.

F. P. B. SANDS, Esq.,
No. 1333 F street NW., Washington, D. C.

Mr. GALLINGER. Now——

Mr. KYLE. I am not through yet. I have a letter from Mr. Sands dated April 24, which is as follows:

WASHINGTON, D. C., *April 24, 1896.*

MY DEAR SIR: The foregoing correspondence shows what earnest efforts I made to secure a hearing on behalf of the incorporators in Senate bill No. 1408.

To prevent any snap judgment being taken against me I notified the experts we relied upon to attend on February 26, the date set for the hearing. They came on at great inconvenience to themselves, and on reaching the committee room we were informed by the chairman that the hearing was postponed until March 5.

They attended again on March 5 and on March 17.

On those dates I, as counsel, introduced the expert evidence to convince the committee that we were prepared with processes which enabled us to carry out the propositions in the bill as to gas to be supplied at the low rates named in the bill.

I confined myself to presenting my witnesses and proofs, except when required to answer questions put by members of the committee.

That is what he confined himself to.

When through with my experts I again asked that a day be fixed when I could have thirty minutes to explain the merits of that bill.

The chairman answered that if the committee desired to give me a hearing I would be notified.

I secured subsequently from the clerk of the District Committee a copy of the published report of the evidence taken by the committee, and after a perusal of it I saw the necessity of explaining a few of the facts touched upon by some of the opposing experts.

I therefore wrote again on March 27 to the honorable chairman of the committee, asking a hearing, and I submit a copy of my request and his answer thereto.

Considering the very great importance of that bill to my clients, as well as to the whole people of this community, I have reason to feel that we have been treated unfairly and that there has been a determination to prevent a full and free hearing in behalf of the bill. The officers and advocates of the Washington Gas Light Company were given free and full hearings to oppose our bill, and even after I was told (see page 64 of report) that the expert hearing was ended, and had left the committee room, an advocate of the Washington Gas Light Company was permitted to make his speech against our bill in our absence, and we have been deprived of an opportunity to answer him.

Respectfully, F. P. B. SANDS,
Counsel for Incorporators, Bill 1408.

Hon. JAMES KYLE,
United States Senate.

On the 27th day of March Mr. Sands wrote the following letter to Mr. MCMILLAN:

WASHINGTON, D. C., *March 27, 1896.*

SENATOR: A perusal of the printed report of the "gas" hearing on bill No. 1408 makes it clear that the committee will welcome a résumé of the expert evidence submitted to save the labor to the committee that must follow from an examination of it.

There are points in the conflicting statements of the witnesses on both sides that should be elucidated and explained, and in the interest of justice and fairness I ask for a brief hearing before the committee in regard to the experts' testimony.

I feel confident that you will appreciate the propriety of this and will fix an early day and a convenient hour for the hearing.

Respectfully, yours, F. P. B. SANDS.

Hon. JAMES MCMILLAN,
Chairman District Committee, United States Senate.

The reply is as follows:

SENATE OF THE UNITED STATES,
COMMITTEE ON THE DISTRICT OF COLUMBIA,
Washington, D. C., March 30, 1896.

DEAR SIR: Replying to your letter of March 27, asking for another hearing on the bill (S. 1408) I would say that the committee has decided to hold no more hearings on the subject of gas.

Yours, truly, JAMES MCMILLAN.

Mr. F. P. B. SANDS,
35 Adams Building, City.

Mr. HARRIS. If the Senator from South Dakota will allow me——

Mr. KYLE. I think the correspondence speaks for itself as far as the last final hearing and the argument he wished to make is concerned.

Mr. HARRIS. Will the Senator allow me to make a statement?

Mr. KYLE. Certainly.

Mr. HARRIS. As I have already stated, during the whole of the Fifty-third Congress and up to a late date in the Fifty-fourth, I was decidedly the advocate of the bill introduced by the Senator from South Dakota in favor of this new proposed gas company. I have known nothing of the correspondence the Senator has read, but knowing, as I was informed, that the company desired a hearing before the full committee, on my motion the full committee agreed to meet on a named day for the hearing of all the gas companies and all the experts from any and everywhere whom they proposed to bring before the committee, and we adjourned one hearing to another, and another, and another, and in those hearings I am safe in saying that the new gas company favoring the bill introduced by the Senator from South Dakota consumed two or three days, as much time as any other gas company claiming to be heard. This statement I deem it proper to make in answer to the complaint of that company.

Mr. KYLE. Mr. President, just a word more until I finish the particular point I was on. The cost of gas, as I asserted a while ago, I think, in the District of Columbia in the holder is about 35 cents a thousand. The cost of gas in Great Britain in 1890 was 30 cents a thousand, and so on. Let me read:

In 19 cities in Great Britain the average cost was 37½ cents, and the average price charged consumers was 52½ cents. One reason why gas can be produced so much cheaper now is the fact that the residual products are so utilized as to command much higher prices. Indeed, so much have the conditions changed in this respect, that, as stated in a letter from a prominent gentleman in Great Britain, the distillation of coal for the residual products alone is very profitable.

There is a most remarkable statement, that "the distillation of coal for the residual products alone is very profitable," corresponding to the testimony of Mr. Whitney and others with reference to the great value of the by-products to-day. Here is the statement made:

"There are three extensive plants operated on the gas-works plan situated at and in the vicinity of Stoke-on-Trent, England. The tar from these works is sent to New York; the benzole goes to Germany. I have reliable information that the business is very profitable, and yet they sell no gas."

Since the introduction of asphalt pavements, in which refined coal tar is used, the demand has largely increased, and by chemical methods the other residual products are utilized with still larger profit.

With such experience at home and abroad, there is no room left for doubt. There is not a shadow of a question but that it would be greatly for the benefit of the public for the District to furnish the light, both electrical and gas, not only for the streets, but for private use also.

Mr. MILLS. Mr. President, at the hour of half past 3 the Senate had resolved heretofore to proceed to hear eulogies on the late Representative WILLIAM H. CRAIN, of Texas. That hour has arrived.

Mr. KYLE. I yield to the Senator from Texas.

Mr. GEORGE. With the permission of the Senator from Texas, I ask the Senate to have reprinted, for the use of the Senate, Report No. 1460 of the Forty-ninth Congress, first session, being the report by Mr. Spooner, from the Committee on the District of

Columbia, upon this very question. I find at the document room that there is not a single copy of the report left. It is a very important report, and I should like to have it before the Senate on Monday. I do not want the hearing reprinted, but only the report.

The PRESIDING OFFICER (Mr. CARTER in the chair). In the absence of objection, it will be so ordered.

Mr. MILLS. I yield to my colleague [Mr. CHILTON].

EULOGIES ON THE LATE REPRESENTATIVE CRAIN.

Mr. CHILTON. Mr. President, I submit the resolutions which I send to the desk and ask for their adoption.

The PRESIDING OFFICER. The resolutions submitted by the Senator from Texas will be read.

The Secretary read the resolutions; and they were unanimously agreed to, as follows:

Resolved, That the Senate has heard with profound sorrow of the death of the Hon. W. H. CRAIN, late a Representative from the State of Texas.

Resolved, That the business of the Senate be now suspended, in order that fitting tribute be paid to his memory.

Resolved, That the sympathies of the members of the Senate be tendered to the family of Mr. CRAIN in this bereavement, and that the Secretary of the Senate transmit to them a copy of these resolutions.

Mr. CHILTON. Mr. President, I did not know Mr. CRAIN as intimately as some of those who, like my colleague, served with him in the other branch of Congress. We lived in different sections of our far-reaching Texas, and I believe he had been both district attorney and State senator before I made his personal acquaintance.

I remember well, sir, the occasion when I first saw him. It was at a Democratic State convention in Texas in 1880. A large crowd had assembled, and at some peculiarly stormy moment in the proceedings a tall and handsome man arose in the rear part of the hall, with a tone and manner which attracted instant attention, and addressed himself to the work of extricating the convention from its confusion. Some one who sat near me gave the name of the speaker as that of CRAIN, and the impression which the episode made upon my mind has never been effaced. In thinking of him I always like to look back to that day. I never saw a brighter face or keener eye; I never saw a presence more imperial; I never heard a diction more felicitous and clear. His speech was short, but it was complete. There was no waste of gesticulation, no waste of language, no waste of opportunity. It was all over quickly. Other scenes rapidly succeeded as the business of the convention was transacted, but none which are recalled with the vividness of that which I have described. I was then a young practitioner of the law, held no office, and was barely beginning a limited experience in politics, but I remember that the conclusion was then fastened upon my mind that Mr. CRAIN was suited to and sure of an eminent career.

It is always to me, sir, a most interesting study to analyze the lives of public men and endeavor to single out the particular qualities which have been the sources of their distinction. In Mr. CRAIN's case I would say it came, first, from that accomplishment which has been noticed by so many, his mastery of undiluted English expression; next, from his voice of music and of power; and, lastly, from an overflow of animal spirits developed into constant vivacity and creating a social charm which, according to my observation of mankind, neither study nor learning nor experience nor even good temper alone can altogether supply.

Possessing this combination of personal and oratorical gifts to which I have alluded, it may well be supposed that Mr. CRAIN was specially strong as a political canvasser. He could interest in private conversation, he could electrify in public debate, and thus it was that, though his adversaries were many, he was triumphantly elected to Congress term after term, and continued to his death a favorite of the people.

Mr. CAFFERY. Mr. President, to adequately portray the character and fittingly eulogize the virtues of the dead require an intimate acquaintance with the individual while alive. I lack the essential element of that acquaintance to do full honor to the memory of WILLIAM HENRY CRAIN. The only time I was thrown in contact with Mr. CRAIN was on the train from New Orleans to Washington several years ago. During that journey there was between us a free interchange of thought and a candid expression of opinion on many of the leading topics of the day.

The Southern character is distinguished for absence of form and freedom from restraint. When intelligent gentlemen of high social or official position are casually brought together, with rapid insight they correctly estimate each other's character; with sagacious confidence they lay the foundation for a friendship which in time frequently warms into the closest intimacy. There is neither that reserve which repels advance nor that caution which seeks seclusion.

During the journey referred to I observed in Mr. CRAIN a character that was chivalric, an intellect that was solid yet brilliant. His versatility was remarkable; his power of description graphic; his opinions just. In his bearing there was an urbanity of manner which charmed his companions; in his discourse a poetry of expression which almost glowed into verse.

But, sir, I was not fortunate enough to enter the sanctuary where mind fully discloses itself to mind, and heart to heart, the sacred sanctuary devoted to human friendship. And, therefore, tenderer hands than mine have laid their tribute on his grave, and more loving hearts than mine have done honor to his memory. Though this be so, a Louisianian brings this sincere offering to his name and fame and lays it on the grave of the noble Texan.

Mr. President, "Noscitur a sociis" is a maxim as true in ethics as in law. Judged by this maxim, the young and promising statesman was only unfortunate in his untimely death. He had "won golden opinions from all sorts of men." His associates in the House of Representatives with one accord honor his memory and grieve for his loss. With affectionate zeal they stamp his character and his ability with the seal of their love and respect.

Where he lived and where best known there were tears for the death "that did sit on his brow like an untimely frost"; there was love for the citizen and praise for the Representative, and there the memory of his worth will long outlive the generation which cherishes it.

Mr. MILLS. Mr. President, on the 10th day of February last, in the hours of the early morning, WILLIAM HENRY CRAIN, a Representative from the Eleventh Texas district, in the forty-eighth year of his age, joined the innumerable caravan that is ever journeying toward the unknown land. For twelve years he had been honored by the people of his district as their Representative in the National Legislature. It is useless to inquire how well he discharged the duties of the high station he occupied. His constituents have answered all such questions by their cordial indorsement at each recurring election. From the beginning to the sad ending of his public career he held without one wavering moment not only the confidence, but the affection of the people among whom he lived, for whom he labored, and beside whose departed loved ones he has been laid to sleep until the gray dawn of another morning, when those that sleep shall awake, and awake, as he believed, to another, a higher, and a better life. When one's life has been rounded out to hoary hairs and furrowed cheeks, and his head is then bowed upon the bed of death, there is a consolation that comes to the hearts of loved ones and friends in the consciousness of the fact that he has accomplished the work that the Master assigned. But when we stand by the open grave of a faithful public servant who has fallen in the full vigor of physical manhood and great intellectual endowments, there is a touch of deeper sadness, a pang of keener grief. It is in the shadow of that grief all Texas stands to-day. From the Sabine to the Rio Grande, and from No Mans Land to the Gulf of Mexico he was known to all.

In the interesting and sometimes angry contentions in reference to the adjustment of public questions he was always a participant, and one who was always ready to give a reason for the faith that was in him. In an intellectual encounter he was not an adversary to be despised, and the foeman who made the mistake of underestimating his strength always paid the penalty for his rashness before the encounter ended. At 24 years of age he was elected district attorney of the district in which he lived. This position presented to him a splendid field for the display of his intellectual gifts and attainments. In this arena he was constantly pitted against the ablest and best lawyers of his district. It would be fulsome flattery to say that he always came off first best in encounters with such a bar as that district had. But daily battle with strong men improved and whetted his own intellect and enabled him to mount faster and higher the eminence whose summit he was struggling to crown. In the exercise of his official duties as an officer of the State he was in constant touch with the people. The circle of his acquaintance was ever expanding and as it widened his hold grew stronger. He was endowed with a bright, quick mind, and with an ever-present wit and a generous warmth of disposition. He could prosecute without persecuting. He could differ sharply without offending those from whom he differed. There was genial sunshine and warmth displayed in his intercourse with all that attached his fellow-citizens to him, and he died without knowing how strong that attachment was.

In 1884 he was chosen the Representative in Congress of the district, which then bristled with men of ability, the constant friendship of all of whom he held to the last moment of his life; and when he announced some weeks before his death his determination to retire to private life his resolution met their remonstrance from every part of his district. They believed, as did all his friends, that the theater of his usefulness was widening; that there were higher altitudes to which fortune was inviting him and on which the pride and affections of his people were anxious he should stand. But he felt that twelve years of the very vigor of his life he had given to his country, and he should now look to the interests of those who were dependent on him for support. His earthly

goods were limited, and he felt that before he died he should better the pecuniary situation of his loved ones. In a conversation with him only a few days before his death he told me of his purpose to quit public life. In common with other friends I remonstrated with him against his decision. But he was immovable. In a few days after our conversation he was taken away from his people, his family, and his friends. He fell at his post and in the discharge of the duties imposed upon him by his fellow-citizens. When his death was announced there were no mourners more sincere than those among whom he was born and reared. They were not only proud of him as their representative, but they loved him, and loved him with an intensity and depth of feeling that is not often the fortune of public servants. While he had every evidence of their confidence in his integrity and fidelity in his discharge of public trusts, yet he never knew how deep was that tenderness of personal attachment that bound them to him. These are virtues that only manifest their full strength when the cherished object is destroyed and the image passes forever from our sight. Then the foundations are torn up and all hearts pour their grief into the grave of the loved and lost and speak only with flowers and shrouds and tears.

Mr. CRAIN had the advantages of a thorough education. To these he added the forces acquired by a life of reading and study. His mind was strong, active, and bright. When his brain was aroused in earnest discussion he commanded the clearest and most forceful words in the English tongue, and, like a skilled archer, shot every arrow to the mark he meant. When he felt it necessary by ridicule to puncture a fallacy he made his arrows laugh as they flew. When it was necessary he was logical, analytical, and serious, and developed an idea with faultless argument. He had what men call moral courage, that power that enables a man to stand by convictions when enveloped in clouds as well as when in sunshine. An open, frank, and happy disposition attracted friends, and held them when they came. His hold upon them was manifested when his remains were carried to his home for interment. His constituents, without regard to party, met in public assemblies and expressed their sorrow at his loss. From every part of his district they came with flowers to cover the grave in which was to rest the neighbor, the friend, and faithful public servant.

And there we leave him to sleep on till the mortal shall put on immortality and the dead shall wake to sleep no more.

I move, as an additional mark of respect to the memory of the deceased, that the Senate do now adjourn.

The motion was unanimously agreed to; and (at 3 o'clock and 50 minutes p. m.) the Senate adjourned until Monday, May 18, 1896, at 12 o'clock meridian.

SENATE.

MONDAY, *May 18, 1896.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of the proceedings of Saturday last, when, on motion of Mr. MITCHELL of Wisconsin, and by unanimous consent, the further reading was dispensed with.

EXECUTIVE COMMUNICATION.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting information relative to the imposition of retaliatory duties upon merchandise imported from foreign countries which discriminate against the importation to or sale therein of manufactures or products of the United States as provided for in Senate bill No. 3040, to protect commerce, and for other purposes; which was ordered to lie on the table, and to be printed.

C. E. PHILBROOK.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 730) granting an increase of pension to C. E. Philbrook, widow of Alva Philbrook, major of Twenty-fourth Regiment Wisconsin Volunteers.

The amendment of the House of Representatives was, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-five."

Mr. MITCHELL of Wisconsin. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

CARRIE L. YEATON.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 1924) granting a pension to Carrie L. Yeaton.

The amendments of the House of Representatives were, in line 4, to strike out "subject"; in line 5, to strike out "to the provisions and limitations of the pension laws"; and in line 8, to strike out "eight" and insert "twelve."

Mr. GALLINGER. I move that the Senate concur in the amendments made by the House of Representatives.

The motion was agreed to.

ELIZABETH W. SUTHERLAND.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 1420) granting an increase of pension to Elizabeth W. Sutherland.

The amendments of the House of Representatives were, in line 8, before the word "dollars," to strike out "seventy-five" and insert "fifty"; and in line 9, before the word "dollars," to strike out "seventy-five" and insert "fifty."

Mr. GALLINGER. I move that the Senate nonconcur in the amendments of the House of Representatives, and ask for a committee of conference on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate; and Mr. GALLINGER, Mr. HANSBROUGH, and Mr. VILAS were appointed.

PUBLIC BUILDING AT DEADWOOD, S. DAK.

Mr. PETTIGREW. I ask unanimous consent for the immediate consideration of the bill (S. 266) to provide for the purchase of a site and the erection of a public building thereon at Deadwood, in the State of South Dakota.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to acquire, by purchase, condemnation, or otherwise, a site and cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, elevators, and approaches, for the use and accommodation of the United States courts, post-office, and other Government offices, in the city of Deadwood, S. Dak., the cost of the site and building, including vaults, heating and ventilating apparatus, elevators, and approaches, complete, not to exceed $200,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PAY OF NONCOMMISSIONED OFFICERS.

Mr. SEWELL. I ask unanimous consent to call up the bill (S. 2420) to regulate the pay of noncommissioned officers of the Army.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with amendments.

The first amendment was, in line 6, before the word "dollars," to strike out "thirty-four" and insert "thirty"; in line 8, before the word "dollars," to strike out "thirty-four" and insert "thirty"; in line 9, before the word "dollars," to strike out "thirty-four" and insert "thirty"; in line 10, before the word "dollars," to strike out "twenty-five" and insert "twenty-three"; and in line 11, before the word "dollars," to strike out "eighteen" and insert "seventeen"; so as to read:

That on and after the 1st day of July, 1896, the pay per month of the following noncommissioned officers of the line of the Army shall be as follows: Sergeant-major, artillery, cavalry, and infantry, $30; regimental quartermaster-sergeant, artillery, cavalry, and infantry, $30; first sergeant, artillery, cavalry, and infantry, $30; sergeant, artillery, cavalry, and infantry, $23; corporal, artillery, cavalry, and infantry, $17.

The amendment was agreed to.

The next amendment was to add at the end of the bill the following proviso:

Provided, That nothing in this act shall be construed to prevent the increase of pay to noncommissioned officers of the Army by reason of longevity service now provided by law: *Provided further*, That nothing in this act shall be construed to increase the pay of noncommissioned officers of the Army on the retired list July 1, 1896.

The amendment was agreed to.

Mr. PEFFER. I wish to inquire of the Senator from New Jersey how the rates in the bill compare with the present pay?

Mr. SEWELL. I will state to the Senator from Kansas that while the rates in the bill are not as high as I asked for from the committee, the pay of a sergeant-major has been increased $7 a month, the pay of regimental quartermaster-sergeant $7 a month, the pay of first sergeant $5 a month, the pay of sergeants $5 a month, and the pay of corporals $2 a month.

Mr. PEFFER. It is not proposed to decrease the pay in any case?

Mr. SEWELL. No, sir.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

YOSEMITE NATIONAL PARK.

Mr. KYLE. I ask for the present consideration of the bill (S. 3064) authorizing the purchase by the United States and the making free of the toll roads passing over the Yosemite National Park, and for other purposes.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill; which was read.

Mr. PEFFER. I observe that the language of the bill is such that the Government shall purchase certain toll roads in the Yosemite Park. Am I correct in that understanding?

Mr. KYLE. That is correct.

Mr. PEFFER. Then I ask the Senator whether the language ought not to be changed? I think the Government now owns those roads, and probably the object of the bill is to pay for the work that has been done upon them. I understand that the Yosemite Park is a Government reservation and belongs to the Government of the United States now, and hence the people own the roads. I suppose what the Senator wants to do by the bill, and I think it is a proper step to be taken, is to pay the private parties who have built the roads for the work they have done on them. If I am correct, I think the phraseology of the bill ought to be changed so as to incorporate that idea.

Mr. WHITE. I will state to the Senator from Kansas that a portion of the roads are within the State park. A part of the park belongs to the State, and those roads have already been bought and paid for by the State and are public. The bill only refers to the portion of the roads outside of the State park. The bill has been examined and approved by the Interior Department.

Mr. KYLE. I will state that the bill was reported from the Committee on Forest Reservations and the Preservation of Game after having been examined very carefully.

Mr. PEFFER. In whom is the title to the ground used as a right of way vested?

Mr. WHITE. These roads were located by private individuals and are owned as such under the provisions of law existing prior to the making of the reservation.

Mr. PEFFER. I have no objection to the bill.

Mr. KYLE. It had the approval of Secretary Noble, of the Interior Department, some years ago, and also of the present Secretary of the Interior. I think there can be no objection to the bill, as it merely empowers a board of army engineers to investigate and report to Congress the probable expense of the purchase. It is not proposed to purchase the roads outright.

Mr. PETTIGREW. I should like to ask my colleague if it is the purpose of the bill to make these roads free to the public in connection with the roads in the State park?

Mr. WHITE. Yes, sir.

Mr. KYLE. Absolutely free.

Mr. PETTIGREW. Is there any estimate as to their cost?

Mr. KYLE. It is thought by some that the four toll roads complete would cost in the neighborhood of $200,000.

Mr. PETTIGREW. I should like to ask further if these are not toll roads, or are they pieces of abandoned roads for which somebody wants to get paid?

Mr. KYLE. They are toll roads, being used by all the visitors who go to Yosemite Park.

Mr. PETTIGREW. Then the roads are free in the State only, and when they get to the line of the national park they charge toll?

Mr. WHITE. That is the situation.

Mr. KYLE. That is it.

Mr. COCKRELL. I move to amend the bill, in section 2, line 13, by inserting after the word "nay" the words "if it approve"; so as to make it clear that the appropriation will only be made by Congress if Congress shall approve the report.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BRIDGET LANE.

Mr. CHANDLER. I ask unanimous consent to call up the bill (S. 3123) for the relief of Bridget Lane.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the Postmaster-General to give credit to Bridget Lane, postmaster at Summit, Union County, N. J., in the sums of $5,342.60 for postage stamps stolen from that office, $605.22 for postal funds and key-deposit fund, all of which were stolen on the 20th day of November, 1895, through no fault of Bridget Lane.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PETITIONS AND MEMORIALS.

Mr. SHERMAN presented a memorial of the Produce Exchange of Toledo, Ohio, remonstrating against the enactment of legislation providing for a change in the penalties for violation of the provisions of the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

Mr. DAVIS presented a petition of the Chamber of Commerce of Minneapolis, Minn., and a petition of sundry citizens of Minneapolis, Minn., praying for the passage of House bill No. 260, providing for an increase in the pay of letter carriers; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. TURPIE presented a petition of Encampment No. 142, Union Veteran Legion, of Jeffersonville, Ind., praying for the passage of a per diem pension law; which was referred to the Committee on Pensions.

Mr. PASCO presented the petition of C. H. Newell and sundry other citizens of Lake County, Fla., praying for the enactment of legislation to amend the postal laws relating to second-class mail matter, and also to reduce the rate of letter postage to 1 cent per half ounce; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. GALLINGER. A few days ago I presented a petition from the Boot and Shoe Workers' Union of Manchester, N. H., in favor of the free and unlimited coinage of silver. I now present a petition from the same organization, stating that they desire the bill for the purpose of nationalizing the telegraph lines to be enacted into law, and they represent that they wish the Senators from New Hampshire "to work and vote for that bill to secure Government ownership and control of the telegraph lines, which has secured the indorsation of the International Typographical Union."

This petition is signed by Earle Payne, president, and George Keller, secretary. These gentlemen have addressed the petition to "Senators GALLINGER and SMITH of the State of New Hampshire." I presume the mistake in the name of my colleague [Mr. CHANDLER] occurs from the fact that it has not been prominently before the American people of late. [Laughter.]

I move that the petition be referred to the Committee on Post-Offices and Post-Roads.

The motion was agreed to.

Mr. GALLINGER presented a memorial of the American Medical Association, remonstrating against the passage of Senate bill No. 1552, to regulate vivisection in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented the petition of Charles T. Mitchell, M. D., of Canandaigua, N. Y., favoring the passage of the bill restricting vivisection, now before Congress; which was referred to the Committee on the District of Columbia.

PREVENTION OF CRUELTY TO ANIMALS.

Mr. GALLINGER presented a communication from Charles W. Dabney, jr., Acting Secretary of Agriculture, stating why that Department should be excepted from the provisions of the bill (S. 1552) providing for the further prevention of cruelty to animals in the District of Columbia; which was referred to the Committee on the District of Columbia.

REPORTS OF COMMITTEES.

Mr. PERKINS. I am directed by the Committee on Appropriations, to whom was referred the bill (H. R. 8109) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, to report it with amendments, and submit a report thereon. I desire to give notice that immediately after the bill now under consideration, making appropriations for the expenses of the District of Columbia, has been concluded, I shall ask the Senate to consider the bill I have just reported.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

Mr. PLATT, from the Committee on Indian Affairs, to whom was referred the bill (H. R. 485) for the relief of Kate Eberle, an Indian woman, reported it without amendment.

Mr. BURROWS, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 1500) for the relief of William M. Masi, ex-postmaster, and Benjamin Hellman, Lawrence R. Bresnahen, John W. Griffen, George W. Hoyt, and Charles W. Riner, as sureties upon his official bond as postmaster at Cheyenne, reported it with an amendment, and submitted a report thereon.

He also, from the Committee on Claims, to whom was referred the amendment submitted by Mr. COCKRELL May 12, 1896, intended to be proposed to the general deficiency appropriation bill, the amendment providing for the payment of the several amounts found due by the accounting officers of the Treasury Department by Treasury settlements Nos. 9672, 9686, etc., reported it without amendment, submitted a report thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. MARTIN, from the Committee on the District of Columbia, to whom the subject was referred, reported a bill (S. 3162) in relation to taxes and tax sales in the District of Columbia; which was read twice by its title.

He also, from the same committee, to whom was referred the bill (S. 1517) in relation to taxes and tax sales in the District of Columbia, reported adversely thereon; and the bill was postponed indefinitely.

Mr. THURSTON, from the Committee on Agriculture and Forestry, to whom was referred the bill (S. 2892) to incorporate "The National Plant, Flower, and Fruit Guild," reported it with an amendment, and submitted a report thereon.

Mr. ALLEN. I am directed by the Committee on Indian Affairs, to whom was referred the bill (S. 3051) defining the rights and privileges of mixed-blood Indians under the treaties and statutes of the United States, confirming the title of said Indians to their lands, allowing the same to be alienated under certain circumstances, and for other purposes, to report it with an amendment and submit a report thereon. It is proper that I should state that the Senator from Connecticut [Mr. PLATT] does not agree to this report.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

INVESTIGATION OF BOND SALES.

Mr. GALLINGER, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. MORRILL on the 9th instant, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That for the purpose of making the investigation and report ordered by Senate resolution of May 7, 1896, the Committee on Finance be, and they are hereby, authorized to sit by subcommittee or otherwise, to summon witnesses, and to administer oaths during the sessions or recess of the Senate, at such times and places as they may deem advisable, to employ stenographers and such clerical and other assistance as may be necessary, the expense of such investigation to be paid from the contingent fund of the Senate.

EMPLOYEES ON THE MALTBY ROLL.

Mr. GALLINGER, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. HANSBROUGH on the 1st instant, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay any employees of the Senate now or hereafter borne on the Maltby roll at the salaries now assigned to the places on said roll until otherwise ordered.

INVESTIGATIONS IN ALASKA.

Mr. GALLINGER, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. SHERMAN April 22, 1896, reported it favorably, without amendment, as follows:

Resolved, That a committee of five Senators, to be designated by the President of the Senate, is hereby instructed to proceed to Alaska after the adjournment of Congress, and there inquire into and report to the Senate:

First. The condition of the fishery industry on the coast and waters of Alaska, and such measures as will protect such industry from waste and destruction.

Second. The present condition of the fur-seal fisheries, and such regulations as may be adopted, consistent with the treaty with Great Britain, to preserve the life of female seals on the islands and adjacent waters of Alaska.

Third. Such measures as may be deemed expedient to promote the progress and development of the people of Alaska in population, industry, education, and good order, and especially the mineral resources of Alaska.

Fourth. And the committee shall ascertain and report the progress made in defining the boundaries between Alaska and the British Possessions.

Resolved further, That the Secretary of the Treasury is requested to furnish the committee, when it arrives at Sitka, with a suitable vessel to convey its members to such points on the coast of Alaska as they may deem necessary for this investigation. And the committee may appoint a clerk now in the employ of the Senate to attend said committee; and the necessary expenses incurred in complying with these resolutions shall be paid out of the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

Mr. CHANDLER. I ask that the resolution may be placed upon the Calendar.

The VICE-PRESIDENT. It will be so ordered.

STEAMER KAHULUL

Mr. WHITE. I ask unanimous consent to call up the bill (S. 206) to provide an American register for the steamer *Kahului*.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

COURTS IN CALIFORNIA.

Mr. CLARK. I am directed by the Committee on the Judiciary, to whom was referred the bill (H. R. 270) changing the time of holding terms of the circuit and district courts of the United States in the northern district of California, to report it favorably, without amendment, and I ask unanimous consent that it may be put upon its passage.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILHELM SPIEGELBURG.

Mr. MITCHELL of Wisconsin. I am directed by the Committee on Military Affairs, to whom was referred the bill (S. 2871) to amend "An act for the correction of the military record of Wilhelm Spiegelburg," approved July 21, 1892, to report it without amendment, and I ask for its consideration at this time.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. SHERMAN introduced a bill (S. 3163) to grant an increase of pension to Alanson Hamilton; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. COCKRELL (by request) introduced a bill (S. 3164) to permit W. W. Wheeler to prosecute a claim; which was read twice by its title, and referred to the Committee on Claims.

Mr. GALLINGER introduced a bill (S. 3165) relating to the probate of wills in the District of Columbia; which was read twice by its title, and, with the accompanying paper, referred to the Committee on the District of Columbia.

Mr. BLACKBURN introduced a bill (S. 3166) to increase the limit of the appropriation for a public building at Newport, Ky.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. BAKER (by request) introduced a bill (S. 3167) to grant to the Hudson Reservoir and Canal Company of Arizona the right of way through the Gila River Indian Reservation; which was read twice by its title, and referred to the Committee on Indian Affairs.

AMENDMENT TO DISTRICT APPROPRIATION BILL.

Mr. GALLINGER submitted an amendment intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

NATIONAL SOCIETY OF COLONIAL DAMES.

Mr. WETMORE. I move that the bill (S. 3087) to incorporate The National Society of Colonial Dames of America, now on the Calendar, be recommitted to the Committee on the Library.

The motion was agreed to.

NICARAGUAN CANAL HEARINGS.

Mr. MORGAN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the hearings before the Committee of the House of Representatives on Interstate and Foreign Commerce, on House bill 35, relating to the Nicaraguan Canal, be printed for the use of the Senate.

JOINT TRAFFIC ASSOCIATION.

Mr. CHANDLER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Attorney-General be directed to inform the Senate of the condition of the legal proceedings commenced in New York City to restrain the operation of the Joint Traffic Association of the railroads between Chicago and the seaboard, giving all official correspondence relative to the institution of such proceedings; a full copy of the court record of all proceedings down to this date, including, however, the answer of only one defendant where the answers of different defendants are alike, and omitting the briefs of counsel; a statement of the names of the counsel employed or appearing on each side, and of the judge or judges before whom the proceedings have been or are pending, and of the delays and adjournments which have already taken place, and, further, the opinion of the Attorney-General as to the length of time which may elapse before a final decision.

PACIFIC COAST EXPOSITIONS.

Mr. PERKINS. I submit a resolution, and ask that it may be considered at this time.

The resolution was read, as follows:

Resolved, That the Secretary of the Treasury be, and hereby is, directed to transmit to the Senate the report of the officer in charge relating to the administration of customs at the California Midwinter International Exposition, San Francisco, Cal., and at the Northwest Interstate Exposition, Tacoma, Wash., and that the same be printed when received.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. COCKRELL. I move to strike out the words "and that the same be printed when received," so that we may determine the question of printing after we receive the report.

Mr. PERKINS. I have no objection to that amendment.

The VICE-PRESIDENT. The resolution will be so modified.

The resolution as modified was agreed to.

LOTS IN THE CITY OF WASHINGTON.

Mr. PROCTOR submitted the following resolution; which was considered by unanimous consent, and agreed to:

Whereas it appears that as the result of the division of lots in the city of Washington between the United States and the original owners of the land now embraced in said city the title of certain lots is still in the United States,

although such lots are assessed for taxes as belonging to individuals: Therefore,

Be it resolved, That the Attorney-General of the United States be, and he is hereby, directed to report to the Senate on the first Monday of December next a list of all such lots claimed by private individuals the title to which is in the United States; and also the draft of a bill authorizing and providing a proper method by which the United States may dispose of such lots.

INDIAN DEPREDATION CASES.

Mr. WILSON submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Attorney-General of the United States be, and he is hereby, requested to transmit to the Senate a list of all judgments rendered by the Court of Claims in favor of claimants since the 6th day of April, 1896, in Indian depredation cases, including the names of claimants, the amount claimed, and the amount of judgment recovered in each case.

THE LEWIS RANGE AND POSITION FINDER.

Mr. DUBOIS submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be directed to transmit to the Senate a complete copy of the record of the action of the range finder board and the Board of Ordnance and Fortification in relation to the Lewis range and position finder.

MESSENGER AT MALTBY BUILDING.

Mr. PEFFER submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the janitor now employed at the Maltby Building shall hereafter be designated as assistant messenger on the Maltby roll, and the Secretary of the Senate, from and after the 1st day of July, 1896, until otherwise ordered, shall pay said messenger on said roll at the rate of $1,200 per annum.

SALE OF GAS IN THE DISTRICT OF COLUMBIA.

Mr. FAULKNER. I ask unanimous consent to call up the bill (H. R. 6994) relating to the sale of gas in the District of Columbia, in order that the Senate may proceed with its consideration, the Senator from South Dakota [Mr. KYLE] having the floor.

The VICE-PRESIDENT. Is there further morning business?

Mr. FAULKNER. Of course I will yield, if the bill is taken up now, for morning business.

The VICE-PRESIDENT. The Chair hears no objection to the request of the Senator from West Virginia.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CHAPELL, one of its clerks, announced that the House had passed the following bills:

A bill (S. 61) for the relief of Frederick Gramm;

A bill (S. 616) granting a pension to Matilda Gresham, widow of the late Walter Q. Gresham, at the rate of $100 per month;

A bill (S. 1100) granting a pension to Russell N. Reynolds;

A bill (S. 1435) granting an increase of pension to Nathan Kimball;

A bill (S. 1493) granting a pension to Mary Clare Kelly;

A bill (S. 1522) granting a pension to Catherine Smith;

A bill (S. 1865) to authorize the Secretary of War and the Secretary of the Navy to make certain disposition of condemned ordnance, guns, and cannon balls in their respective Departments;

A bill (S. 2508) to establish customs ports of delivery at Pueblo, Durango, and Leadville, Colo., and for other purposes; and

A bill (S. 2514) granting an increase of pension to Mrs. Annie E. Colwell.

The message also announced that the House had passed the following bills, with amendments in which it requested the concurrence of the Senate:

A bill (S. 125) for the relief of Elizabeth J. Cook, of Arkadelphia, Clark County, Ark., widow of Robert T. Cook;

A bill (S. 149) granting a pension to Helen M. Jacob;

A bill (S. 404) granting a pension to Samuel Goldwater;

A bill (S. 804) granting a pension to Mrs. Eleanor Carroll Poe;

A bill (S. 1044) granting a pension to Mary Newman;

A bill (S. 1215) granting a pension to Ellen Kingsley;

A bill (S. 1189) granting a pension to Eliza Sandford; and

A bill (S. 1837) granting a pension to Ellen Ewing, widow of Bvt. Maj. Gen. Thomas Ewing.

The message further announced that the House had agreed to the concurrent resolution of the Senate to print 10,000 copies of the report made by Messrs. Ludlow, Endicott, and Noble upon the Nicaragua Canal.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 2405) granting a pension to Maria Gibbons;

A bill (H. R. 2947) increasing the pension of Daniel D. Jennings, late of Company C, Sixty-fifth Ohio Volunteers;

A bill (H. R. 3578) granting a pension to Elmira E. Dustin;

A bill (H. R. 5226) to give increased pension to Gen. James C. Parrott; and

A bill (H. R. 5946) granting an increase of pension to Abraham H. Parker.

The message further announced that the House has passed a concurrent resolution to print 15,000 additional copies of the Messages and Papers of the Presidents, RICHARDSON'S compilation; in which it requested the concurrence of the Senate.

REPUBLICAN FORM OF GOVERNMENT IN ALABAMA.

Mr. ALLEN. I ask unanimous consent to call up Order of Business 445, being a resolution for the appointment of a select committee to make inquiry whether there is, and for the last two years and a half has been, a republican form of government in the State of Alabama.

The VICE-PRESIDENT. The Senator from Nebraska asks unanimous consent for the present consideration of a resolution which will be read.

The Secretary read the resolution as reported from the Committee on Privileges and Elections March 3, 1896, as follows:

Resolved, That a select committee of five Senators shall be appointed to investigate the facts and circumstances of the election in the State of Alabama on the first Monday of August, 1894, resulting in the setting up of a State government, consisting of a governor, and of a legislature which elected a United States Senator; and especially to inquire whether the election of said State government was accomplished by false and fictitious returns, or by other fraudulent or dishonest methods, or by violent practices, and if so, what were the nature and extent of the wrongs committed, and the character and motives of any conspiracy to commit the same; and also whether the Constitution and laws of the United States were in any way violated in connection with said election; and further into all other matters and things in any way injuriously affecting the political autonomy of said State, or now or at any time impairing or destroying the right of said State government to recognition as the lawful government, or the competency of said legislature to elect a United States Senator. Said committee may sit as a full committee or by subcommittees, as it may elect, and in vacation or during the sessions of Congress, and at such times and places in said State or elsewhere as it may see proper; and said committee, or any subcommittee, shall have power to send for persons and papers, employ a stenographer, swear and examine witnesses, take and report testimony and evidence; and said committee shall make due report by bill or otherwise.

Mr. HILL. We have already taken up the bill relating to the sale of gas in the District of Columbia, and it is now being considered. The Senator from West Virginia simply yielded for matters to be brought up by unanimous consent. This is an important matter, and in the absence of the Senator from Delaware [Mr. GRAY], who has charge somewhat of the opposition to the resolution, I do not think it ought to be taken up now. In fact, I do not see how it can be taken up unless the gentlemen interested in the gas bill will consent.

Mr. ALLEN. This is a privileged question. It is not a question requiring unanimous consent. It concerns the political autonomy of a State, and is a question of the very highest privilege.

Mr. FAULKNER. I will state to the Senator from Nebraska that I should like, of course, to accommodate him in anything I possibly could, but the Committee on Appropriations and the Committee on the District of Columbia are insisting that the measure now before the Senate shall be considered, so that the District appropriation bill can be proceeded with. I can not agree with the Senator from Nebraska that this is a privileged motion in any sense whatever, and I do not think that the Chair can hold that it is. I hope the Senator will let us get through with the gas bill, which will not take more than three or four hours anyway, I think now, before insisting upon taking up the resolution.

Mr. ALLEN. I am perfectly willing to take the ruling of the Chair as to whether this is a privileged question or not.

Mr. CHANDLER. Before the ruling is made I should like to have the privilege of making a suggestion. I think I ought to say something in justice to the Senator from Nebraska.

The resolution for which the one reported by the committee is a substitute was introduced, I think, early in December. The Senator from Nebraska made various efforts to get it up, and at last it was referred to the Committee on Privileges and Elections.

Mr. ALLEN. If the Senator from New Hampshire will permit me, I will state that the resolution was introduced in the last Congress and debated over a year ago, and then reintroduced at the beginning of the present Congress.

Mr. CHANDLER. Either the Senator or myself has been introducing resolutions to investigate the condition of affairs in Alabama for the last two years, but as long as the Senator from New York is on the floor there does not seem to be any opportunity of getting resolutions of inquiry through this body. However, this particular resolution, which I hope both the Senator from Maryland and the Senator from New York will support when we get it before the Senate, was introduced by the Senator from Nebraska early in December. It was reported by the Committee on Privileges and Elections the 3d day of March, with an understanding that the views of the minority were to be submitted. After much delay and many inquiries, within a very short time, on the 8th day of May, the minority report against the passage of the resolution was submitted to the Senate. There has been delay,

which we have been glad to grant, on account of the sickness and absence of the senior Senator from Alabama [Mr. MORGAN], but here, now, is the resolution, with a report for it and a report against it, and it is a resolution that I think ought to be considered privileged. The reasons for and against its passage are stated in the two reports, and so far as the friends of the resolution are concerned they are willing to have it voted upon without any debate. I will say so for myself, and I think I may speak for the Senator from Nebraska.

Mr. HILL. Will the Senator allow me a moment? I understood the Senator from New Hampshire to say that the resolution ought to be regarded as privileged, but I do not understand the Senator to say, while he thinks that possibly as a matter of policy it ought to be regarded as such, that he thinks it is such under our rules. I do not understand the Senator from New Hampshire, who I concede is a good parliamentarian, to assert that under any interpretation of our rules the resolution can be regarded as privileged.

Mr. CHANDLER. If the Senator will excuse me, I intended to make a proposition which would obviate any discussion of the question whether it is privileged, by asking unanimous consent to vote within a few days upon the resolution without debate. Unless the Senator from Nebraska differs with me, I ask that on Wednesday, at 5 o'clock in the afternoon, there may be a vote on this resolution without debate. I ask unanimous consent for such an agreement.

Mr. HILL. Mr. President, there are two ways to progress with the public business. The usual and ordinary way in the Senate is when a matter is in condition to be moved, as this has not been until very recently. The majority report has been here for some time, but the minority report has been presented only recently, and the resolution has only just now been put in a status where it can be moved. When a measure gets in that condition the usual course is for a Senator to rise in his place and give notice that on such a day in the future he will move to take it up. There has been no such notice given, and now, right in the midst of a speech almost, when another measure is pending before the Senate, for the Senator to ask for the consideration of an important matter like this it does not strike me is, at least, the wisest course to pursue.

We must take these things up in their order. I gave notice the other day of a bill in which I am very much interested, in the public interest, to have passed. It is a bill relating to punishment for contempt—to remedy some abuses that are claimed to exist. I gave notice that at the first opportunity, on the first lull in the proceedings, not to antagonize appropriation bills, I would ask to have that bill taken up. I do not see why we should consent to have some semipolitical-investigation resolution take the place of that which is a public matter, demanding action from this body before we adjourn. The Senator from North Carolina [Mr. BUTLER] gave notice of another subject which he desires to have considered.

If my friend from Nebraska desires to address the Senate, and will give notice that at some future day he proposes to call up his resolution, so that we can all have notice of it, that would be in order; but I can not, as one Senator, in the light of the notices which I have given, consent that the resolution be now taken up, and a day fixed for its consideration by unanimous consent. Let us proceed regularly and in order. That is my idea about it, not wishing especially to antagonize the resolution of the Senator from Nebraska, whenever the proper time arrives for its consideration.

I dissent entirely, I wish to say right here, from the resolution, and I wish to be heard upon that question if it is to be pressed, upon the theory that it is a privileged matter, to be taken up and displace any other matter before the Senate. I do not think it can be done, and certainly I shall desire to be heard on that question. But I appeal to the Senator from Nebraska simply now to give notice that on such a day, not antagonizing appropriation bills, or in the interval of appropriation bills, he will ask to take this matter up, when we can proceed with it.

Mr. CHANDLER. Did the Senator from New York take note of the fact that there have been majority and minority reports in this case, and that my request was that we might vote on Wednesday, at 5 o'clock in the afternoon, without debate? That proposition does not interfere with the Senator's contempt bill, nor any of the other matters to which he has alluded, and expedites public business.

Mr. HILL. It would be so unprecedented in this Senate to have a matter of such importance disposed of without debate that in the interests of the traditions of the Senate I should have to object to that course.

Mr. ALLEN. I desire to say a word before the question is submitted to the Senate. I do not want my silence to be construed by the Senator from New York into agreeing with him that this is not a privileged question. Of course I am not a parliamentarian like the Senator from New York, and therefore it might be natural for him to suppose that I would not know whether the question were a privileged one or not. I take it, however, that no man who is familiar in the slightest degree with our form of government will deny that it is a question of the very highest privilege. Our Constitution provides that the Government of the United States shall guarantee to every State in the Union a republican form of government; and it is of the highest privilege to know whether the people of a State of this Union have, as a large portion of the people of Alabama claim, been deprived of a republican form of government. If there can be a question of higher privilege than that, I have no knowledge of it. I am satisfied that thoughtful men every where will agree that it is of the very highest order of privileged questions.

I do not want to detain the Senate this morning upon this matter unnecessarily, or to consume the time of the Senate needlessly. I want to say in answer to what I hear around me, however, that no one of whom I have any knowledge has any desire to secure the seat of the honorable Senator from Alabama [Mr. MORGAN], which seems to be involved in some way in this investigation. The purpose of this resolution is not aimed at the honorable Senator from Alabama. It is aimed at the broad question whether the people of the State of Alabama are deprived of a republican form of government. Certainly my relations with the honorable Senator from Alabama are such that I would not have any purpose in questioning his right to occupy his seat here.

I have information, Mr. President, from Alabama, by telegraphic dispatches and in the form of letters from representative men, that can not be denied or ignored, that the great majority of the people of that State are deprived of a republican form of government by what is known as the Organized Democracy. With this statement I am perfectly willing that the Chair shall determine, so that we may know and the country may know whether this is a privileged question or not.

Mr. FAULKNER. Of course, Mr. President, the admission of the Senator that he did not mean to question or involve the seat of the Senator from Alabama of itself negatives at once all idea of the resolution being a question of privilege or that it affects the privileges of the Senate. That is all I have to say in reply to the Senator.

Mr. ALLEN. Mr. President, I do not want to characterize the remarks of the Senator from West Virginia as pettifogging; I would not do that. I would not break the courtesy of the Senate by doing that; but I do hope the Senator from West Virginia, in self-respect, will not undertake to palm off upon as intelligent gentlemen as those composing the Senate an argument of that kind.

Mr. MILLS. Mr. President, I have never known a question of privilege to extend beyond the body of the House or the individual member of the body. It relates to the honor of the assembly or the honor of an individual member. It relates to the safety of a member, as was decided in the House of Representatives when somebody got on top of the House and shook down the glass some years ago, which fell near some members of the House. I have here in the Manual of the House of Representatives a large number of decisions about what is a privileged question, and, so far, I have not been able to discover a single one of the numerous decisions which does not affect either the body as a whole or one of its members in some form.

The question of whether there is a republican government in Alabama, or in any State in the Union, certainly can not be a question of privilege in any legislative body in this country. What is a republican form of government is determined by the constitution of a State and by an inspection of the constitution; and this body has no right to go outside of that, even if it were made a proper court to determine that question.

Congress by law must guarantee a republican form of government to each State. What is a republican form of government? Everybody understands that. It is a democratic form of government. There are various forms of government. There is the despotic or the autocratic, where one man governs alone; there is the aristocratic, where the wealthy class govern alone; and there is the democratic, where all the people govern, and a republican government is a democratic government, governing through representatives chosen by the people.

Where do you go to ascertain whether the form of government provided by the constitution of a State is republican? By an inspection of the charter which creates the State government, and by nothing else; and you can not go to see whether that has been correctly administered, because it belongs to the government itself to determine that question, and there can be no question about the privilege of this body to determine whether the form of government in Alabama is republican when its constitution upon its face, of which this body must take judicial notice if it has any jurisdiction at all, shows that it is a republican form of government.

Mr. HILL. Do I understand the Senator from Nebraska to withdraw his motion?

Mr. ALLEN. No, Mr. President; I am waiting for the ruling of the Chair upon this question, after which I shall guide myself accordingly.

Mr. HILL. I submit that the question can not be taken up except by unanimous consent, the gas bill being before the Senate. I want to dispose of the gas bill, so that we may get on with the appropriation bills and expedite the session of the Senate if we can. Therefore I object to taking up the resolution in place of the gas bill, which has the right of way.

Mr. ALLEN. To obviate all question and to relieve the Chair of all embarrassment, I move to take up the resolution.

The VICE-PRESIDENT. The Senator from Nebraska [Mr. ALLEN] asked unanimous consent to take up for present consideration the resolution indicated by him. Pending the discussion upon that the Senator from New Hampshire [Mr. CHANDLER] asked unanimous consent that the resolution be taken up at a certain time.

Mr. HILL. I objected to that, Mr. President, upon the ground that I wanted other matters, of which I had given notice, first considered.

The VICE-PRESIDENT. The Chair will state the question. The Senator from Nebraska having withdrawn his request and moved to take up for present consideration the resolution indicated by him, that motion the Chair entertains.

Mr. FAULKNER. I merely wish to say that, of course, a motion of that kind means to set aside the appropriation bill at this time.

Mr. ALLEN. I should yield for the consideration of appropriation bills.

Mr. HILL. The motion also sets aside the District of Columbia appropriation bill and other bills.

The VICE-PRESIDENT. The Chair is not determining the effect of the motion, but the Chair entertains the motion of the Senator from Nebraska and submits it to the Senate.

Mr. ALLEN. I call for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. BLACKBURN (when his name was called). I am paired with the senior Senator from Michigan [Mr. MCMILLAN], who is absent. Not knowing how he would vote, I withhold my vote. If he were present, I should vote "nay."

Mr. CAFFERY (when Mr. BLANCHARD'S name was called). My colleague is paired with the Senator from North Carolina [Mr. PRITCHARD]. If present, my colleague would vote "nay."

Mr. DUBOIS (when his name was called). I am paired with the senior Senator from New Jersey [Mr. SMITH].

Mr. FAULKNER (when his name was called). I am paired with the Senator from West Virginia [Mr. ELKINS], which pair I transfer to the Senator from Indiana [Mr. VOORHEES], and vote "nay."

Mr. HILL (when his name was called). I am paired with the Senator from Massachusetts [Mr. LODGE].

Mr. MARTIN (when his name was called). I am paired with the Senator from Montana [Mr. MANTLE]; otherwise I should vote "nay."

Mr. MORGAN (when his name was called). Mr. President, I ask to be excused from voting on this question.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and the Senator from Alabama is excused.

Mr. NELSON (when his name was called). I am paired with the Senator from Missouri [Mr. VEST].

Mr. PRITCHARD (when his name was called). I am paired with the Senator from Louisiana [Mr. BLANCHARD]. If he were present, I should vote "yea."

Mr. PROCTOR (when his name was called). I am paired with the Senator from Florida [Mr. CALL].

Mr. THURSTON (when his name was called). I have a general pair with the junior Senator from South Carolina [Mr. TILLMAN]. If he were present, I should vote "nay."

Mr. TURPIE (when his name was called). I am paired with the senior Senator from Minnesota [Mr. DAVIS]. He is not present, and therefore I withhold my vote.

Mr. VILAS (when his name was called). I am paired with the Senator from Oregon [Mr. MITCHELL]. In his absence I withhold my vote. If he were present, I should vote "nay."

Mr. WHITE (when his name was called). I am paired with the Senator from Idaho [Mr. SHOUP]. Not observing him present, I will not vote. If he were here, I should vote "nay."

The roll call was concluded.

Mr. BLACKBURN. I announced a pair with the senior Senator from Michigan [Mr. MCMILLAN], but that pair has been transferred to the junior Senator from New York [Mr. MURPHY], and I therefore desire to vote. I vote "nay."

Mr. CLARK. I desire to announce that my colleague [Mr. WARREN] is unavoidably detained from the Chamber.

Mr. MCBRIDE. My colleague [Mr. MITCHELL of Oregon] is absent from the Chamber on account of illness in his family. A pair with him has already been announced by the Senator from Wisconsin [Mr. VILAS].

Mr. GEAR. I have a general pair with the senior Senator from Georgia [Mr. GORDON], and withhold my vote. If he were present, I should vote "nay."

Mr. THURSTON. I am informed that the junior Senator from South Carolina [Mr. TILLMAN], with whom I am paired, if present, would vote "nay." I therefore vote "nay."

Mr. HANSBROUGH. I am authorized to announce that if the Senator from Utah [Mr. CANNON] were present, he would vote "nay."

The result was announced—yeas 6, nays 41; as follows:

YEAS—6.

Allen,	Frye,	Morrill,	Peffer.
Chandler,	Gallinger,		

NAYS—41.

Allison,	Clark,	Jones, Ark.	Sherman,
Bacon,	Cockrell,	Lindsay,	Squire,
Baker,	Cullom,	McBride,	Teller,
Bate,	Daniel,	Mills,	Thurston,
Berry,	Faulkner,	Mitchell, Wis.	Vest.
Blackburn,	George,	Pasco,	Walthall,
Burrows,	Gorman,	Perkins,	Wetmore,
Caffery,	Hale,	Platt,	Wilson.
Cameron,	Hansbrough,	Quay,	
Carter,	Harris,	Roach,	
Chilton,	Hawley,	Sewell,	

NOT VOTING—42.

Aldrich,	Gibson,	Martin,	Smith,
Blanchard,	Gordon,	Mitchell, Oreg.	Stewart,
Brice,	Gray,	Morgan,	Tillman,
Brown,	Hill,	Murphy,	Turpie,
Butler,	Hoar,	Nelson,	Vilas,
Call,	Irby,	Palmer,	Voorhees,
Cannon,	Jones, Nev.	Pettigrew,	Warren,
Davis,	Kyle,	Pritchard,	White,
Dubois,	Lodge,	Proctor,	Wolcott.
Elkins,	McMillan,	Pugh,	
Gear,	Mantle,	Shoup,	

So the motion was not agreed to.

Mr. ALLEN. Mr. President, I desire unanimous consent to say a word before this vote passes into history. This vote discloses to me what I have long suspected and that of which I have long been convinced—that there was no sincerity on the Republican side of this Chamber, outside of the chairman of the committee and one or two other Senators, ever to make any inquiry into the condition of affairs in Alabama. I want to give the honorable Senator from New Hampshire, the chairman of that committee [Mr. CHANDLER], credit for having done all a man could do to bring about an investigation of the condition of affairs in Alabama; but I was quite well convinced, and I am not at all surprised, that when it came to a show down a majority of the Republican party would join the Democrats in defeating this resolution. I have simply urged the matter now that the country might be convinced that when our Republican friends say they are in favor of an honest election and a fair count, that statement does not accord with the truth.

Mr. HILL. I insist upon the regular order.

Mr. SHERMAN. I wish to say a word, Mr. President.

The VICE-PRESIDENT. Is there objection?

Mr. HILL. Mr. President——

Mr. SHERMAN. Have I the floor, Mr. President?

Mr. HILL. I was going to insist upon the regular order. I do not know for what purpose the Senator from Ohio rises, and I now insist upon the regular order, which is the gas bill.

The VICE-PRESIDENT. The Chair submits to the Senate the request of the Senator from Ohio to address the Senate on the matter pending. Is there objection?

Mr. SHERMAN. Only for a moment.

The VICE-PRESIDENT. The Chair hears no objection, and the Senator from Ohio will proceed.

Mr. SHERMAN. Mr. President, the Senator from Nebraska entirely misapprehends the motive which guided a number of us, perhaps nearly all of us, in voting against taking up his resolution. In the first place, the question can not properly come before the Senate until after the 4th of March next. The next Senate must pass upon the credentials, elections, and qualifications of its own members. This Senate expires on the 4th of next March, if not in terms, in effect; at least one-third of the body changes at that time, and that Senate, when it convenes, is the proper and only tribunal to determine any question which affects the election of a Senator of the United States whose term begins in that Congress. As to the election of members of the other House, we have not the right to inquire at all.

As to general elections in the State of Alabama, whether they are fraudulent or not, we have no right to interfere or examine unless such elections affect the election of members of Congress. Our jurisdiction is confined to the question of whether or not this fraud or alleged fraud enters into the election of a Senator so as to defeat the Senator claiming election, and that only in case of a contest. Unless there is a contest as to the election of a Senator

now sitting here, and who claims to be elected to the Senate of the United States, we have no jurisdiction. If an election is challenged, then it is the duty of the Senate, as a matter of course, to inquire into and examine it; but the universal custom and the universal rule from the foundation of our Government has been, if a Senator presents credentials in regular form showing that he has been elected Senator he is sworn in without any question. Then if any allegation is made that he was not fairly elected, that allegation is examined into in the most careful way, and the question is determined for or against the sitting Senator.

I wished to say this much because the Senator from Nebraska seems to treat us as being necessarily an addendum of the Populist party, and I do not want to place myself in that position at any time.

Mr. ALLEN. If the Senator will permit me, I am satisfied he does not want to state to the Senate that which is incorrect. Upon that provision of the Constitution which requires Congress to guarantee to every State a republican form of government the resolution and the evidence submitted to the committee shows that the State of Alabama is deprived of a republican form of government.

I say the Senator from Ohio, the leader of his party, and the majority of his party in this Chamber have the liberty to refuse to carry out that which was recommended in this case, and therefore to abandon their claim to champion the cause of a pure ballot.

Mr. FAULKNER. I now ask for the regular order.

Mr. CHANDLER. I ask the Senator to allow me to say a word.

The VICE-PRESIDENT. Is there objection to the request of the Senator from New Hampshire?

Mr. FAULKNER. I dislike to be discourteous, but I really think we ought to proceed with the regular order.

Mr. CHANDLER. What I wish to say will sound far better now than upon the gas bill.

The VICE-PRESIDENT. Is there objection to the Senator from New Hampshire proceeding? The Chair hears none.

Mr. CHANDLER. Mr. President, it is the custom of the Senate to discuss votes after they have been taken. Therefore, I make no apology for saying a few words.

I wish to say to the Senator from Nebraska, who has given me credit for being heartily in favor of this resolution, but has made some imputations upon my Republican associates, that I think the vote upon this side of the Chamber was based largely, if not entirely, with the exception of the honorable Senator from Ohio [Mr. SHERMAN], who has peculiar reasons for his vote apparently, upon an unwillingness to take up the resolution pending an appropriation bill. I was not aware that the Senator from Nebraska intended to have a yea-and-nay vote taken upon it this morning. I would have advised against taking a vote at this time if the Senator had consulted me as to the wisdom of taking the vote. Nevertheless I voted for the resolution. I believe it should have been adopted, and I think under other circumstances, with no appropriation bill directly before the Senate, a large majority, if not all, the Senators upon this side of the Chamber would vote for the resolution.

As I have said, the object for which I rose was to call the attention of the Senator from Nebraska and others to the fact that, in my judgment, the vote upon this side of the Chamber was based largely, if not entirely, upon the fact that Senators on this side are unwilling at this time to displace the appropriation bill.

Mr. ALLEN. I am willing that the apology shall go for what it is worth.

SALE OF GAS IN THE DISTRICT OF COLUMBIA.

The VICE-PRESIDENT. The morning business has closed.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 6994) relating to the sale of gas in the District of Columbia.

Mr. FAULKNER. The Senator from South Dakota [Mr. KYLE] has the floor.

The VICE-PRESIDENT. The Chair recognizes the Senator from South Dakota on the pending bill.

Mr. HARRIS. I ask the Senator from South Dakota to yield to me for a moment.

Mr. KYLE. I yield to the Senator.

Mr. HARRIS. Mr. President, when the pending bill was under consideration on Saturday last, in the course of the remarks of the Senator from South Dakota [Mr. KYLE] upon it, he introduced a correspondence between Mr. Sands and himself, which contained copies of a correspondence between Mr. Sands and the chairman of the Committee on the District of Columbia [Mr. MCMILLAN]. Understanding from the statement made by the Senator from South Dakota, and so far as he had read in that correspondence, that Mr. Sands charged that the committee had refused to grant a hearing to the gas company represented by Mr. Sands, I characterized that statement as absolutely false, having not seen the correspondence between the chairman of the committee and Mr. Sands, and drawing the inference from what was said on the floor and the reading of the correspondence, so far as it had gone, and the line of argument of the Senator from South Dakota. I understood that Mr. Sands charged that the committee had refused to give the company that he represented a fair hearing. If the statement had been as I then understood it to be, I would have been fully justified in characterizing the statement as absolutely false, because it would have been false, for upon my own motion I secured to that company the fullest and fairest hearing before the full committee.

But upon examining the correspondence, as I have done this morning, I find that Mr. Sands did not charge that the company he represented had been denied a hearing, but he simply charges that he had requested the chairman to give an additional day's hearing, in order that he might sum up and make a concluding speech or argument upon the testimony that the committee had taken. The correspondence shows that that fact is true. He did make the request, and the chairman of the committee, as I think properly, declined to grant it. The correspondence shows that he did not charge that a full and fair hearing had been refused to the company he represented; that his charge was that he had simply asked for another hearing in order that he might submit an argument upon the facts that the hearings had developed.

The correspondence shows that he did not make the statement I understood him to make, and the statement he made was true. Therefore I deem it due to myself, due to common justice, that I make this statement, because the statement I made under a misapprehension did Mr. Sands an injustice from which I deem it my duty to relieve him.

Mr. GALLINGER. Will the Senator from Tennessee permit me to make a suggestion?

Mr. HARRIS. Of course, if the Senator from South Dakota yields.

Mr. GALLINGER. I desire merely to inquire of the honorable Senator from Tennessee if it is not likewise a fact that the Committee on the District of Columbia had substantially agreed to report the bill adversely in which Mr. Sands was interested when the declination was made to hear his final argument.

Mr. HARRIS. My recollection is that it was.

Mr. KYLE. Mr. President, I had almost closed my remarks upon last Saturday when I yielded the floor to the Senator from Texas [Mr. MILLS]. The particular question then under consideration was the probable cost of gas in the District of Columbia. As I stated at the beginning of my remarks, I feel that justice should be done to this corporation, as justice should be done to all individuals who are engaged in business enterprises. I am willing to grant them a reasonable and just dividend upon their investment, but I do not think exorbitant charges should be made upon the people of the District.

The whole question, as I stated, the location of the city and the cost of materials being taken into consideration, is whether gas can be produced at a cheaper rate than $1.15 per thousand feet. My argument all the way through has been that it can be produced at a less figure. Much may turn upon the kind and quality of gas produced by the company. I think it is universally conceded by gas companies that the cost of producing what is called water gas is very much less than the cost of producing coal gas. The company established in Washington is making, I believe, two-thirds water gas and one-third coal gas, according to the report of the House committee in 1894. The term "water gas" may probably not be understood by all. The process in Washington is what is called the Wilkinson process. It consists in passing steam through a generator containing limestone, fire brick, or similar material highly heated, thereby decomposing the steam and forming hydrogen gas, which gives heat, but very little light. Coal oil or naphtha is then added to the hydrogen gas and the compound heated to make it a fixed gas. The carbon added in the form of crude oil or naphtha gives color to the flame and therefore light.

It is a very simple process and can be understood by anyone.

The other kind of gas, coal gas produced by the District company, is the old-fashioned gas, as I understand it, produced from the burning of coal. The question is whether by this process they can make gas as cheaply as they can in other cities. On this point I think there can be little question, as Washington is not located far from the coal fields, and the residuals here are the same as the residuals in any other city and command as good prices in the market. I have before me a report of the Secretary of the Interior in which he gives the price per ton of coal for the various years from 1886 to 1893 paid by the Washington Gas Light Company. The average price per ton June 10, 1886, was $4.08¾; August 3, 1886, $4.275 per ton; May 10, 1887, $4.13½ per ton; May 31, 1888, $3.979; May 31, 1889, $4.094; May 15, 1890, $4.087; May 21, 1891, $4.124; May 17, 1892, $4.24½; May 15, 1893, $3.97 53 per ton.

Mr. President, I can not see, comparing the cost of materials in Washington, Philadelphia, Pittsburg, Cleveland, and Chicago, that there is a very great difference on the whole; certainly not

enough to account for the difference in the prices charged for gas. The cost of gas, from the figures of experts which I gave on Saturday, has been brought down to a minimum; and the reports, mind you, were made in 1886, when the cost of producing gas was a great deal more than it is at the present time. When the Spooner investigation was made water gas was a new thing. It was argued by many then that it was more expensive to make than coal gas. But the price of water gas at that time was very inconsiderable as compared with the price charged by the Washington Gas Light Company now.

I introduced in evidence a Mr. Vanderpoel, who, I believe, was the engineer in charge of the Newark Gas Company, at Newark, N. J., giving the cost at 35.8 cents placed in the holder in that city, and he thought it could be placed in the holder in the city of Washington just as cheaply as it could there. Adding what the Senate committee thought was a very reasonable price for the cost of distribution, 18 cents per thousand, it would make the cost of gas about 53 cents per thousand in the city of Washington. But the cost of distribution, being about 40 per cent of the cost of production, would make the actual cost of gas in the District of Columbia about 49 cents and a fraction. This is not the statement of a theorist not well informed, but a man acknowledged to be a practical expert by the Washington Gas Light Company, and who, I believe, were instrumental in bringing him before the Spooner committee in 1886.

I introduced also the report of a prominent expert in Great Britain, Mr. G. W. Stevenson, who has written a book touching upon the subject, which was reviewed in 1879 approvingly by the gas journals of Great Britain. He estimates the cost of production and distribution in England to be 51 cents per thousand, a difference, you see, of about 3 cents per thousand in favor of Great Britain, and both of them come down to a great deal less than one-half of the price charged for gas in the District of Columbia.

But, Mr. President, in summing up this argument I wish to embody in my remarks concisely the conclusions of the investigating committee of 1886, which I believe is the most thorough investigation that has ever been made by Congress. They summoned experts and went into the subject as carefully as it was possible to do. The report is a very voluminous one, giving the hearings in full, and I believe that if the members of the Senate were to read this testimony carefully they would be convinced, as were Mr. Spooner and the Senator from Kentucky [Mr. BLACKBURN], that the price charged by the Washington Gas Light Company is exorbitant and that some steps should be taken to secure a reduction in the price of gas in the District. On page 5 of the report the chairman states:

From all that the committee has been able to learn of the cost of gas in this city, it believes it safe to say that $1 per thousand cubic feet will afford to this company a dividend on its capital stock which will at no time fall below 7 per cent per annum.

Some well-informed persons think 20 per cent.

I turn again to page 8 of the same report, and I find very strong recommendations to Congress:

Thus it will be observed—

Says Mr. Spooner—

that Mr. Vanderpoel, a coal-gas expert, speaking to gas experts in 1879, figured the net cost of pure coal gas per thousand cubic feet at 35.8 cents. He estimated coal at $5.50 a ton—

And, mark you, the average price, as I read from the report of the Secretary of the Interior, is about $4 per ton—

while the statement before the committee is that in Washington the gas coal purchased by this company—

That is, the Washington Gas Light Company—

last year was $3.25 a ton, and this year will be $4.10 a ton, a great difference in favor of this company. The price of residuals is figured a little lower by Mr. Vanderpoel than the proof shows they sell at in Washington.

Then coming on down a little further:

It is, in the opinion of the committee, all things considered, certainly a generous concession to this company to assume that 35.8 cents, the net cost in 1879, as found by Mr. Vanderpoel, would at least cover the net cost for the same item in Washington to-day.

Then on page 9 I find this statement:

We doubt much if the fair cost of distribution here is 28.8 cents per 1,000 cubic feet—

This figure was named by a member of the company, I believe—

Colonel McCarty testifies that the usual cost is 18 cents per 1,000 cubic feet. Take it, however, for the purpose of the argument, as the company gives it, at 28 cents. This added to the 35.8 cents cost in the holder, calculated in 1879 on the basis of coal at $5.50, would make the actual cost per 1,000 cubic feet of coal gas of requisite candlepower 64.6 cents in Washington.

The committee is not now prepared to believe, with due respect to the Washington Gas Light Company, that the fair cost per 1,000 cubic feet of gas in Washington is above this sum—

That is, 64 cents per thousand cubic feet as the cost of production and distribution in the city of Washington—

On the contrary, we think that if we err it is considerably in favor of the company.

This is no random statement. It is the report of ex-Senator Spooner, known to all of us, a man who commanded respect for his fairness in the consideration of such problems. We also have the testimony right in the same line of Mr. McIlhenny, who was president of the company at that time, that they could sell gas at $1 per thousand feet and make 15 cents per thousand. I think that is quite a remarkable statement and is worthy of being read here. On page 9 of the committee's report, in reply to a question put by the Senator from Kentucky [Mr. BLACKBURN], Mr. McIlhenny says:

Mr. MCILHENNY. If we sold the gas for a dollar we should make about 15 cents a thousand on it.

His figure was for the year 1886, since which time we all know the price has been reduced considerably in the United States. Fifteen cents a thousand is about 17 per cent upon the cost of production, which is a very fine dividend.

The matter drifted along for several years and no investigation was made. Just why I can not tell. In 1894 a committee was appointed in the House of Representatives for the purpose of investigating the question. They went very carefully into the matter and came to the same conclusion. Mr. Heard says in his report, page 5:

But after a careful examination into the financial condition of the Washington Gas Light Company, as shown by the statement made by its president and secretary before your committee, covering its business operations for several years past, an examination of witnesses as to cost of making and supplying gas, we conclude that it is practicable for said company to furnish gas of the quality now being supplied to the public at $1 per 1,000 cubic feet, net, and pay a reasonable profit on the capital invested in the business.

This is the second committee which has advised the Senate in behalf of one-dollar gas.

DIVIDENDS DECLARED.

As I said, I am willing that this company shall have a fair, just, and reasonable dividend; but I think if anybody will take up the reports for the past few years he can not help being convinced that the dividends have been exorbitant. The press of this city have been making a noble effort in behalf of cheaper gas for the District. I have introduced extracts from those papers. I might read others with reference to the declaration of dividends, but I come now directly to the report of Mr. Spooner, because I wish all to know that what I read is from an official source.

On page 3 of Mr. Spooner's report I find these words:

The following is believed to be a reasonably accurate summary of the dividends paid by the company since its organization: It paid 6 per cent in 1850. In 1851 and 1852 no dividends were paid. In 1853 it paid 8½ per cent on $350,000 capital; in 1855 it paid 10 per cent on $500,000 capital; in 1856, 10 per cent; 1857, 10 per cent; 1858, 10 per cent; 1859, 10 per cent; 1860, 10 per cent; 1861, 10 per cent; 1862, 10 per cent, and in 1863, 10 per cent. It is alleged that no dividends were paid in 1864 or 1865. Whether this is true or not we can not tell. In February, 1866, 5 per cent was paid on $500,000, and in August 5 per cent was paid on $1,000,000. In 1867 10 per cent was paid; in 1868, 10 per cent; in 1869, 20 per cent was paid on $1,000,000; in 1870, 10 per cent; in 1871, 15 per cent; in 1872, 15 per cent; in 1873, 15 per cent; in 1874, 55 per cent; in 1875, 20 per cent; in 1876, 65 per cent; in 1877, 15 per cent; in 1878, 15 per cent; in 1879, 15 per cent, and in 1880, 15 per cent.

Here we have thirty-one years of dividends, and the average, when it is all put together, is 16.8 per cent on the capital invested. I have the testimony covering the period for the years 1881 to 1886. On page 24 of the hearing there are these words:

In the meantime the capital stock has been increased from $500,000 to $2,000,000, and on this watered stock for the past five years—

That is, from 1881 to 1886—

the dividends have amounted, according to their own sworn statement, to almost 100 per cent—to 95 per cent.

In other words, they have taken from the public and paid out in dividends in the last five years $2,000,000, according to that. That is an annual average of 18¾ per cent, at a time, too, when the Government could get all the money it needed at 3 per cent.

In addition to this it has expended for fixtures, including a plant for making water gas, $304,942.58; has paid for land that it does not use $42,136.35, and has cash on hand $103,189.17, $25,000 of which is in Government 4-per-cent bonds, drawing interest, or a total of $540,268.10. That is in the sworn statement presented in answer to Senator Van Wyck's resolution.

This gives the gas company during these long years sixteen and a fraction per cent for thirty-one years and eighteen and a fraction per cent from 1881 to 1886. Since then I have not the figures before me, but I understand the dividends have been very large. I have seen a communication in the Star that the company declared a dividend in 1895 of 30 per cent, 10 per cent at one time and subsequently an additional dividend of 20 per cent.

In view of this, in view of the fact that the stock has gone from $20, the par value of the shares, to $50 at one time, though now about forty-four dollars and a fraction per share, which indicates in a measure the dividends that are declared upon the stock, I conclude that the charges made by the Washington Gas Light Company are exorbitant and that a reduction to $1 would still afford them a just and fair income.

These earnings, as indicated by the reports, are enormous. They are only equaled perhaps by the dividends declared by the Washington and Georgetown Railroad Company. I do not know of any other corporation in the District of Columbia or anywhere else in the United States, unless it be other gas companies, that declare such enormous dividends, and I can not understand how any Senator upon the floor, who feels it his duty to defend the interests of the District over which we preside, can stand here and argue against the reduction of gas to $1 a thousand cubic

feet. The people of the District have investigated the matter very carefully and understand that it can be produced for less than a dollar a thousand, and though Senators upon the floor here might possibly be elected United States Senators by advocating such a proposition, if we had home government in the District of Columbia they could not be elected to the board of aldermen.

We do not know yet even the dividends that have been declared. Some years have been passed over, and we can only surmise. We do understand from the sworn statements of Mr. Bailey and others that the books were destroyed which covered the expense account of the company from 1848 to 1866.

Now, Mr. President, just a word in regard to street lamps. Washington has 6,138 street lamps, which cost the city $20.50 per lamp per year, burning 3,000 hours, according to the report of the Commissioners. New York furnishes the same street lamps for from $12 to $17 per lamp per year, burning from 2,920 to 4,000 hours, showing a striking contrast between New York and the city of Washington.

OBJECTIONS TO THE COMPROMISE BILL.

The question with many is, Why not accept the present compromise bill? I would be glad to accept some compromise. I would be glad to accept the compromise that is offered to us by the bill as it came from the House, namely, $1. Though I should like very much to see gas in the District of Columbia come down to 75 cents, and at that figure I think the company would make a very reasonable profit, I am opposed to this bill, which makes some reduction, because of the continuation of the contract over a period of five years.

Mr. FAULKNER. Will the Senator permit me? There is no provision for a contract unless the Commissioners deem it in the interest of the city. It is not obligatory at all.

Mr. KYLE. I understand that the bill provides for gas at $1.15 per thousand feet, with a sliding scale for five years.

Mr. FAULKNER. I thought the Senator spoke of a provision for a five-years contract.

Mr. KYLE. The bill allows them to make a contract.

Mr. FAULKNER. There is no contract at all. We fix it and Congress can repeal it. By the last provision in the bill Congress at any session, if it deems proper, may amend, modify, or repeal the law.

Mr. KYLE. Does not the Senator know how difficult it is to get a bill or any portion of it repealed? We want one-dollar gas to start with and no contract.

It is proposed that the Washington Gas Light Company shall begin with $1.15 per thousand cubic feet for the first year until July 1, 1898, and then $1.10 from that time to 1900, and from 1900 to 1901 it is not to exceed $1 per thousand cubic feet, and so as to the continuation of the contract with the Georgetown Gas Light Company. They provide also, I believe, that the company can make a contract for lighting the streets for a period of five years. They also provide for an increase of the capital stock to a certain amount. These provisions, Mr. President, I am not satisfied with, and the quality of the gas is not improved in my judgment. A question was raised on Saturday as to the burner test, that by the present bill they expect to make the quality better than it was before, because it raises it from 16 candlepower to 24 candlepower. It is provided in the bill that—

> The illuminating power of the gas furnished by any gaslight company, person, or persons in the District of Columbia shall be equal to 24 candles by the Bunsen photometer, using the Bray slit union burner No. 7, consuming 5 cubic feet of gas per hour.

In other words, changing from the Argand burner, which has formerly been used, to the Bray flat-flame test. I have not had very much experience in regard to those things, but I have the testimony of Mr. William C. Dodge here in the District of Columbia, who is one of the best experts in the line of invention, I presume, whom we have in the country. He makes the statement that there is no practical increase in the quality of the gas at 24 candlepower as tested by the Bray process. They get no more result as far as the light is concerned.

That calls up the question put by the Senator from New Hampshire [Mr. GALLINGER]. He maintained that the quality of the gas would be improved by the provisions of this bill.

There is no law in the States of the United States, I believe, as regards the burner test, but the whole matter is left to the contract which is made by a private company with the particular city. The burner ordinarily used, I believe, is the Bray flat burner, as suggested by the Senator from New Hampshire. It was stated by the Senator that English gas was tested by the flat flame, the same as in this country. I have investigated the matter since last Saturday, and I find that in England they formerly used the same burner used in the District of Columbia, the Argand round-flame burner test of 15 holes, but that by act of Parliament they have changed that and now use the Argand burner, but with 24 holes instead of 15.

Mr. FAULKNER. The only difference, I will state in correction of the Senator, is that the Argand burner is used for illuminating gas which does not go over 20 candlepower, and for all gas over 20 candlepower the flat-flame burner is used.

Mr. KYLE. The candlepower of gas in the list of English cities which I read last Saturday was measured by the Argand burner of 24 holes. The contention is that there is a very great difference between the Argand round-flame burner test and the Bray flat test, as indicated in the bill. In other words, we claim that the Washington gas, which, tested by the Argand round burner, is about 19 candlepower, if tested by the Bray flat-flame burner would be about 8 candlepower more. So that we gain nothing. Substantiating this I have the testimony of Mr. McIlhenny:

> In New York the law gives the inspector the right to use the burner best adapted to the quality of the gas and the kind of gas. Hence he uses a plain flame burner. That makes a very thin, flat flame, which is presented sidewise to the disk of the photometer. Our burner is an Argand burner, and only a certain amount of radius can be presented to the disk, and then the glass over it excludes perhaps 16 or 17 per cent of the light. As I say, I got Professor Love to come down here and asked him to bring the same burners that he tested the New York gas with, so that he might test our gas with the same burners. He tested our gas first with the lawful burner here, the Argand burner, and made it about the same as the inspector does, about 17 candles and a fraction that day, I think. He afterwards tested it with the New York burner, the Empire burner, and he made it 25 candlepower.

There is a difference, you see, there of 8 candlepower.

> So as compared with the New York gas, our gas would be about equal to theirs. We have Professor Love's certificate to that effect.

Then over on page 72 I find corroborative testimony:

> For very rich gas they use a very thin plate burner. In the photometer there is a disk that slides on the bar that is transparent. When that disk is moved to where both lights are equal, or this transparent substance shows no difference, then the light at that point is considered equal.

The candle test is 16 wax candles, according to the old law.

> With our system, the Argand burner, we use, of course, a glass with it, and that obstructs the light about 16 per cent; and then the burner is round, and the surface behind it is dead black and a great absorbent of light, as coal would be of heat. The round surface of this burner is presented to the disk; but with the flat-flame burner you stand right out flat against the disk and make it as wide as you can and thin as you can, because the thinner you make it the more oxygen you consume and the more perfect combustion you get. Consequently you get a great deal better illuminating result in that way than you can get from the Argand burner with the same quality of gas. Our gas when tested with this flat-flame burner—

That is, Washington gas—

> showed a difference of 8 candles. * * *
>
> Mr. MCILHENNY. If we had the privilege of testing by some burners we could make it 24 candles.

Then I have the testimony given before the House committee on February 12, 1896. This pamphlet is published by the Washington Gas Light Company.

Mr. Leech, the manager, says:

> In the city of New York, where they rate the gas at 23 candles, they use a flat-flame burner. It has been stated here and repeated that the candlepower in New York is 26 or 28. When Mr. Love, the expert from the city of New York, came here, he found that the gas rated here at 18 candles would be rated by his standard at about 26.4 candles. He was the gas inspector for the city of New York. When you have gas here rated at 19 candles, which is about the usual standard of it, the usual quality of it, you will find that the gas according to the New York rating is about 27 or 28 candles.

Now, this seems to me abundant testimony upon the question as to whether we are to get better gas under the present bill or not. The bill as you read it seems to furnish the people of the District better gas, and in a measure to compensate for the high price. They are mounting at one jump from 19 candlepower to 24 candlepower, a difference of about 5 or 6 candlepower. But from the evidence there is a difference between the Argand round-flame burner and the Bray flat-flame burner test of about 8 candlepower, and when you subtract you will find we get no better gas, but probably a little less candlepower, than they had under the old system.

Now, Mr. President, I wish to close this discussion.

It is shown, I think, by the facts set forth, that the charge for gas in the District of Columbia is clearly exorbitant, and that a large profit will accrue to the company by one-dollar gas, as provided in the House bill.

The complaints of the people are well founded, and there is good reason in the general demand for municipal ownership of this plant.

Washington is not an out-of-the-way place, but conveniently near the great sources of material supply, and there is no valid reason why gas should be higher than in Philadelphia and similar cities. The president of the Washington Gas Light Company admitted in 1886 that by selling gas at $1 they can make 15 cents per 1,000 feet. The testimony of the best American experts, approved by the gas companies, prove that gas can be furnished to the consumer for a fraction under 50 cents per thousand.

The testimony of experts in England, approved by the gas journals, prove that gas in that country can be delivered to the consumer for 51 cents per 1,000 feet.

Based on such testimony, the reports of the investigating committee in 1886 and of the House committee in 1894 are very conservative in recommending one-dollar gas. We have had this

question before us for years, Mr. President, and still nothing is done. Citizens daily and yearly make their complaints, and yet we do not act. In my judgment the Senate amendment to the House bill should not be adopted. The bill as it came from the House is extremely liberal to the Washington Gas Light Company.

The PRESIDING OFFICER (Mr. CHILTON in the chair). The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 5210) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1897, and for other purposes.

Mr. GALLINGER. I ask unanimous consent that the unfinished business be temporarily laid aside.

The PRESIDING OFFICER. It will be so ordered, without objection.

Mr. GALLINGER. Mr. President, it is a matter of regret to me that in the discussion of the very important bill that is now before the Senate the Senator from Michigan [Mr. MCMILLAN] who is chairman of the Committee on the District of Columbia, and who perhaps is better qualified to discuss the matter than any other member of the committee, is necessarily absent from the Senate Chamber.

The Committee on the District of Columbia is composed of 13 honorable Senators representing sovereign States of the American Union. Their names are: Senator MCMILLAN, of Michigan; Senator GALLINGER, of New Hampshire; Senator HANSBROUGH, of North Dakota; Senator PROCTOR, of Vermont; Senator PRITCHARD, of North Carolina; Senator BAKER, of Kansas; Senator WETMORE, of Rhode Island; Senator HARRIS, of Tennessee; Senator FAULKNER, of West Virginia; Senator GIBSON, of Maryland; Senator SMITH, of New Jersey; Senator MARTIN, of Virginia, and Senator BACON, of Georgia.

Mr. President, with one possible exception, that of the Senator from New Hampshire, the committee is certainly composed of intelligent, honorable, and high-minded men whose findings are entitled to the fair and unprejudiced consideration of their colleagues in this body. That committee spend at least one-half of their time in the consideration of questions that in the other cities of the Union are largely attended to by boards of aldermen or the common council. They are expected to regulate the practice of medicine, the charges for gas, for electric lighting, for telephone service; to recommend legislation concerning street railroads, steam railroads, markets, bridges, and a great variety of other things, including the extension of streets, the building of sewers, the opening of alleys, etc.

In the present Congress that committee has had under consideration all these questions, and has given numerous hearings to all the parties in interest. Especially has the committee patiently listened to all the parties who appeared before them and asked to be heard on the bill relating to gas. The citizens' committee appeared in opposition to the existing gaslight company and were heard at length; the Washington Gas Light Company was also heard through their attorneys, and the representatives of a new company which sought to secure a charter were repeatedly before the committee and made lengthy arguments. Everbody was treated courteously, and certainly no man or interest has any right to complain of the treatment accorded by the committee.

And yet, notwithstanding all this, on Saturday last the Senator from South Dakota arraigned the committee for dereliction of duty and plainly intimated that the action of the committee was influenced by lobbyists, who, he said, are swarming around the Capitol. It was an extraordinary and uncalled-for accusation, which I resented at the time, and concerning which I will add a word at the proper time to-day.

Mr. KYLE. Will the Senator from New Hampshire allow me?

Mr. GALLINGER. Certainly.

Mr. KYLE. Does the Senator know of any language which I used accusing the committee of being affected by lobbyists?

Mr. GALLINGER. I know the Senator suggested that lobbyists were about the Capitol, and that some undue influence was being exerted in reference to this matter.

Mr. KYLE. I did not refer to the committee.

Mr. GALLINGER. Inasmuch as this matter has only passed beyond the hands of the committee, and has not been acted upon by the Senate, I can not for the life of me understand who were influenced unless it was the Committee on the District of Columbia. No vote has been taken in the Senate on the question. Hence the Senator's accusation could not be applied to the Senate, but must be applied to the committee of the Senate.

Mr. KYLE. I referred in my remarks to other persons outside of the District Committee. A member of Congress who was not on the District Committee of either House told me about a certain person approaching him, not seeking to bribe him at all in voting, but asking him to use his influence against dollar gas. But I do not know a man who has approached any member of the District Committee—not one. I have never heard of anything of the kind.

Mr. GALLINGER. That is not very important. I have no anxiety concerning myself so far as lobbyists are concerned, and I simply state the fact that the Senator did make the broad statement that lobbyists were about the corridors of the Capitol.

Mr. KYLE. And they are.

Mr. GALLINGER. And inasmuch as this question, as I said before, is on the Calendar of the Senate, I could not for the life of me understand who had been influenced had it not been the committee that reported the bill.

Mr. President, in the discussion of the bill the honorable Senator from South Dakota [Mr. KYLE] entertained us on Saturday with a lengthy discussion of Socialism and Populism. I do not think that that discussion has very much to do with the practical question that is before this body for consideration and for settlement to-day. The Senator from North Carolina [Mr. BUTLER] interrupted the Senator from South Dakota to deliver a panegyric on the principles of the Populist party, in which he gave the Senate and I presume the country to understand that the Populist party, when it comes into power in this country, is going to remedy all the evils that the body politic is suffering from to-day; that it is going to fix the price of gas, I presume, in every municipality in the United States; and that it is going to lift the burdens from the shoulders of the people that have been imposed upon them by the great Republican party and the great Democratic party of this country.

Mr. President, I do not expect to live to see that time. I do not expect to live to see the time when the people will not have burdens upon them, and when even the Congress of the United States may be somewhat at a difficulty in relieving those burdens and giving the people every right that possibly they can demand under the Constitution and the laws of the country.

I think we are doing in the matter of legislation for the District of Columbia the best that can be asked of us. It is a peculiar, an anomalous, an extraordinary, an un-American government under which the people of the District of Columbia are living to-day. This committee of ours, burdened with other duties, coming here to represent their own constituencies and their own constituents, have this mass of business thrust upon them, and it is demanded of them that they shall give the most careful consideration to every question that comes before that great committee, and which they are trying to the utmost of their abilities to do from week to week and day to day. The Senator from South Dakota also entertained us with a discussion of the municipal ownership of corporations, including gas-light plants. That question is not before the Senate in any form. There is no proposition before Congress to-day that the Government shall buy the Washington Gas Light Company, and hence it is idle for us to waste time in discussing the question whether it would be best, all things considered, for the Government to own this plant or to allow it to remain in the hands of private parties, who to-day control the stock and have paid their money into that great corporation. I am not quite sure that the Senator from South Dakota, if the proposition were presented to-day, would vote in favor of the Government purchasing the Washington Gas Light Company.

Mr. KYLE. Indeed I would, Mr. President.

Mr. GALLINGER. He would, Mr. President; and yet upon every proposition that has come before the Senate to put sewers in the District of Columbia to save the health and lives of the people the Senator has always voted against issuing bonds for the purpose of raising money to secure those improvements.

Mr. KYLE. For the purpose of helping out real estate men in the suburbs.

Mr. GALLINGER. He and his colleagues of the Populist party have been consistent in this matter; now, here is a great corporation, owning property that has cost them $4,000,000. If the Government is to own that property, the Government must raise $4,000,000 to pay for that property, and it can only be done by the issuance of bonds. So, I say, if this proposition to-day were before the Senate of the United States, the Senator from South Dakota, if he desires to have his record remain consistent, would cast his vote against that proposition.

Now let us turn to the provisions of the bill and see what they are. The Committee on the District of Columbia had before it a bill that proposed to reduce the price of gas to the people of the District of Columbia to $1 per 1,000 feet. I think I can safely say that every member of that committee was as anxious as the Senator from South Dakota to give the people of the District of Columbia the greatest degree of relief that it could consistently do and yet be just to the men who have invested their money in this plant and who must look to dividends to pay them for the investment they have made. The committee gave very careful attention to the bill. They spent many weary hours in its consideration. It was up before them day after day and week after week, and they neglected their other duties in their great desire to do what was right in this matter and to report a bill that could pass the Senate of the United States and that, at the same time, would give as great a degree of relief to the people as was consistent with the

other interests involved. After very lengthy consideration and hearings, they reported a provision, the first section of which, relating to the Washington Gas Light Company, is that gas shall be furnished at a rate not exceeding $1.15 per thousand cubic feet until July 1, 1898; at a rate not exceeding $1.10 per thousand cubic feet from July 1, 1898, until July 1, 1900; at a rate not exceeding $1.05 per thousand cubic feet from July 1, 1900, until July 1, 1901; after which last-named date the rate shall not exceed $1 per thousand cubic feet.

It is proposed to decrease the earnings of the Washington Gas Light Company for the first two years from July 1, 1896, at the rate of about $90,000 per year. It is proposed to decrease its earnings for the next two years at the rate of about $135,000; for the next year at the rate of $180,000 per year, and after that time the decrease over their present earnings will be $200,000 per year under the provisions of the pending bill.

Mr. President, I think it is desirable in the discussion of this question that we should go to the record and find out if we can whether the committee have done the best they could under the circumstances and have made wise recommendations to the Senate of the United States. I turn to page 32 of the recent hearing before that committee and I find there quotations from Brown's Directory for 1894, which is a recognized authority upon the subject of gas plants in the United States. From that I discover the fact that in Illinois there are 53 gas companies. Out of this number 4 sell gas at $1, 8 at $1.15, 1 at $1.20, and 42 at from $1.25 upward, per 1,000 cubic feet.

Indiana has 38 companies, 32 of which sell for over and only 5 below $1.25 per 1,000 cubic feet.

Maine has 11 companies, all selling from $1.50 upward.

Massachusetts has 72 companies; only 4 sell below $1.25.

Michigan has 36 companies; only 3 sell below $1.26¼, including Detroit, which sells gas for $1.

Missouri has 26 companies, only 4 selling below $1.50, the remainder for $1.50 and above.

New Jersey has 48 companies; only 2 as low as $1.25.

New York has 117 companies, only 7 below $1.25, 4 of which are in Buffalo, at $1 per 1,000.

Ohio has 75 companies; only 9 report less than $1.20.

Rhode Island has 7 companies; only 1—Providence—as low as $1.20.

Pennsylvania has 106 companies; 12 report at $1, 5 at $1.10, 3 at $1.20, and 86 at $1.25 and upward.

Virginia has 12 companies, 5 of which are owned by the cities. Of these 5 Richmond, Charlottesville, and Danville sell at $1 per 1,000 cubic feet, Alexandria at $1.45, and Fredericksburg at $1.50. Only 1 of the other 7 sell as low as $1.25.

It is a fact that I might stop and enumerate almost every city in the American Union——

Mr. PEFFER. Will the Senator from New Hampshire allow a question at this point?

Mr. GALLINGER. Certainly.

Mr. PEFFER. Has the Senator any returns from gaslight plants owned by cities?

Mr. GALLINGER. The Senator from South Dakota [Mr. KYLE] very learnedly and leangthily elucidated that question. I must confess that I have not taken the pains to get the exact data concerning the matter.

Mr. PEFFER. I only wanted to know what is the rate at which gas is furnished by such plants.

Mr. GALLINGER. I am willing that the testimony the Senator from South Dakota gave on that question should for the present stand, because, as I before said, we are not now considering the question of municipal ownership of gas companies. When we come to that, we will endeavor to discuss it intelligently on both sides of the question.

Mr. GEORGE. Will the Senator from New Hampshire allow me to interrupt him?

Mr. GALLINGER. Certainly.

Mr. GEORGE. Is there any return in the book to which the Senator refers as to the dividends declared by these companies?

Mr. GALLINGER. There is not, I will say to the Senator.

Mr. GEORGE. Then allow me another question. The committee in coming to a conclusion as to what ought to be the proper charges for gas by the company so as to allow them reasonable dividends must have had in their minds some particular rate of dividends which they regarded as reasonable for the company to declare. What dividend was that?

Mr. GALLINGER. I will say to the Senator that my recollection of that matter is that, inasmuch as it is an acknowledged fact that the manufacture of gas is an extra hazardous business, and they can not get any insurance on their property in any city in this Union, it is generally conceded that somewhere from 8 to 10 per cent dividend is a very fair dividend on the capital stock invested in gas plants.

Mr. GEORGE. From 8 to 10 per cent?

Mr. GALLINGER. I think that is conceded. But I will show the Senator before I get through that the stockholders of the Washington Gas Light Company can not hope for any such dividend as that under the bill the committee has reported to the Senate and which they hope the Senate will pass.

I was about to say, when interrupted, that if I should go through every State in the American Union the same condition of facts would be found; that the proportion of gaslight companies which are furnishing gas to-day at a price less than $1.25 per thousand cubic feet is absolutely infinitesimal as compared to the entire number. In my own city, where we have agitated the gas question for a considerable length of time, our people are felicitating themselves to-day, and the newspapers are felicitating the people of that city, that the gaslight company has recently made a reduction from $1.80 to $1.50 per thousand cubic feet; and I understand that at that rate the stockholders in that company are not getting enormous dividends, but are getting a fair return upon the money they have invested in the extra hazardous business of the manufacture of gas.

There are a great many elements entering into the manufacture of gas. It is a question, too, that much rhetoric can be employed in discussing. If we simply listen to the clamor of some unthinking people on the outside, almost any Senator could grow eloquent in his defense of the rights of the dear people, and in denunciation of the greedy and outrageous imposition of this great corporate power, as it is represented by these outside parties; but we ought to consider practical things in this discussion. I say there are a great many elements entering into the question of the cost of gas. Coal is the chief element of cost; and while I at first could not understand why the people of Washington should have to pay more for coal than the people of most other cities of the Union, I was driven to the conclusion, in view of the testimony which was presented to the committee and which was not controverted, that that was an actual fact, and that this gas company is laboring under the burden of paying a larger price for its coal than is paid in almost all other American cities. For that reason this company should have some degree of consideration in the legislation of Congress. It was shown to us that in Pittsburg coal was bought for $1 a ton; in Detroit for $1.75; in Cleveland, Ohio, for $2; in Allegheny, Pa., for 80 cents; in Cincinnati, Ohio, for $1.25; in Providence, R. I., for $3.25; while in the city of Washington this company pays $3.90 for every ton of coal it uses in the manufacture of gas.

Mr. FAULKNER. I should like to have the Senator state if that is not the cheapest price they have ever paid, as reported by the company to the Secretary of the Interior?

Mr. GALLINGER. I understand it to be the very cheapest price they have ever been able to secure coal for, and that ought to be taken into consideration by Senators in discussing this question and in casting their votes upon this important matter.

Mr. President, there is one other thing in that same connection, a matter which I could not understand until the testimony was given before us; and if Senators will take the trouble to go through the testimony they will find that I very closely interrogated the gentlemen before the committee on all these points. It was made to appear to the committee that in this city the residuals sell for very much less than they do in any other city of the country. This is not a manufacturing city, and in cities where they have large manufacturing establishments everything in the nature of residuals of a gas plant is sold readily at a very good price, while in the city of Washington the coke and other residuals from the manufacture of gas are practically given away.

I have not a particle of undue sympathy for the Washington Gas Light Company; I do not know a man connected with it, except one gentleman from my own State, who happens to have a little stock in that company, a resident of the city of Washington, but it is well enough for us to remember that the Washington Gas Light Company has recently made a contract for two years for the single article of naphtha, and that they are to pay $13,000 a year more than they have heretofore paid for that one single article consumed in the manufacture of gas.

Mr. FAULKNER. Thirty-seven thousand dollars.

Mr. GALLINGER. I am glad to be corrected. It was merely a matter of recollection on my part, and I thought I would state it low enough.

Very much more might be said along this same line, but as I do not care to weary the Senate and I am very anxious to get a vote on this bill, I will merely call attention for a moment to the matter of burners, concerning which the Senator from South Dakota, who possesses a great deal of information and possibly an equal amount of misinformation upon the gas question, entertained the Senate a moment ago. The Senator read from Mr. Love, a New York expert, in reference to the change of burner from the old-fashioned English Argand burner to the Bray slit burner, which it is proposed to adopt if this bill becomes a law. Mr. Love was before the committee only a few weeks ago and was interrogated. Senator MCMILLAN asked him:

> You do not approve of this English Parliamentary burner?
> Mr. LOVE. No; that burner is an antique.

Mr. Love went on to say that the burner which was provided for in the bill which came over from the House of Representatives was not used in any city in the United States; that it was an old-fashioned English burner that had practically gone out of use in the British Empire itself.

Senator MCMILLAN. Then you would strike out this provision?
Mr. LOVE. Yes. In the first place, no consumer can get the English Parliamentary standard Argand burner; and you should place in the hands of the consumer just such a burner as the inspector uses.
Senator FAULKNER. So that the test in his house would be the same as the test made by the inspector?
Mr. LOVE. So that he can get just as much candlepower as the inspector, and if he does not it is his own fault.
Senator BAKER. Do you say that with the higher candlepower there is more liability of smoke?
Mr. LOVE. Yes, sir.
Senator BAKER. If you get above 27 candlepower there is liability of smoking?
Mr. LOVE. Yes, sir.

Mr. Love went on to say that in New York they had 26 candlepower, and he thought 24 candlepower or 25 candlepower was a better candlepower than 26 candlepower, because there was no danger of smoking, and, as he said, destroying the ceilings and walls of the homes of Washington.

Senator GALLINGER. How would it do to raise it to 26, the point at which you have it in New York?
Mr. LOVE. The difficulty about that would be that the average of 26 is made up by taking an average of a great number of water gases and of very little coal gas. In Washington you have a gas which is composed of one-third coal gas. I think you would find that, on the whole, 24 or 25 candle gas, with a flat-flame burner, would be more satisfactory than 26-candle gas.

And yet we put this bill 26 candlepower, because we wanted to compel the Washington Gas Light Company to give the people of this city as good gas as is made anywhere in the country.

Mr. KYLE. Will the Senator allow me right there?

Mr. GALLINGER. Certainly.

Mr. KYLE. I was not complaining in my remarks of the test of 26 candlepower by the Bray flat burner. I think if they use the Bray flat burner they will not give any better gas than 19 candlepower measured by the old-fashioned Argand burner. It means about the same sort of gas, but the pretension on the part of the company and of the committee of giving us better gas because it is 25 or 26 burner I think is without foundation.

Mr. GALLINGER. I have not heard of any such pretension; certainly I have not made it. But let us continue with Mr. Love, whom the Senator from South Dakota quotes so approvingly:

Senator BAKER. What do you say about what the candlepower should be?
Mr. LOVE. I have tested it for two weeks, and I think the average would be about 24½ by that burner.
Senator FAULKNER. Throwing out of consideration the interests of this company, what, in your judgment, would be the best candlepower, give the best illumination, and give the best satisfaction with a gas manufactured of one-third coal and two-thirds water?
Mr. LOVE. I should say 24 candlepower by a Bray burner.
Senator GALLINGER. That would be just what we have now?
Mr. LOVE. Just about what you have now. You must bear in mind that the company must carry the power a margin above that. It will have to run it up to 25.
Senator GALLINGER. You think that would give the best results?
Mr. LOVE. It would not give as much light as a 30-candle gas, but with a 30-candle gas the consumer would be very much annoyed with smoke. I think the best practical results would be obtained by 24 or 25 candle gas.

* * * * * * *

Senator FAULKNER. I would like to know why they could not make as good gas in Washington as they do in New York. The proposition here is to give us 24 candlepower by that burner.
Mr. LOVE. As I have already stated, the average in New York for the first two months of this year was 26 candles. You would get perhaps 25 candles, and no man on earth can tell the difference between the two in the illumination.
Senator FAULKNER. That would give a good, practical light?
Mr. LOVE. It would give a good light. In addition to that, you have a very rigid test here. Outside of New York, I do not know of any city where they have so rigid a test. In Boston they do not make more than 52 tests a year, a once-a-week test; but in Washington you have a daily test, the same as we have in New York.

And again, it is worth while to remind the Senate that the committee put in the bill 26 candlepower—a higher test than the Senator's expert advised.

Mr. President, the Senator from South Dakota dwelt with a great deal of emphasis on the relative price for street lamps paid in the city of Washington and other cities of the country. I have before me a report made in the Fifty-third Congress, giving the price for street lamps in the several cities of the country, or in the leading cities of the country, those containing a population of over 200,000. I wish I might have had time to have looked up a late report on this subject, if one exists, as we want the best and latest obtainable information. The record shows that in Milwaukee they charge $32 for each street gas lamp; in San Francisco they charge $36; in Boston it is sold by the thousand; in Baltimore, $28.25; in St. Louis, $37; in Chicago, $20; in Brooklyn, $29.93; in New York, $18.41; and in Washington, $21.50.

So that even on that point the city of Washington is furnished its street light for a considerable less average than is paid in the other large cities of the country.

The question of competition has been discussed a great deal in connection with gas companies in this and other cities of the United States. Theoretically I am in favor of competition always; and two years ago it was my opinion that it might be well for us to have another gas company in the city of Washington. I joined in that view with my distinguished friend the senior Senator from Tennessee [Mr. HARRIS] and one or two other members of the committee; but evidence has been furnished to us which has entirely changed my mind on that question. I have gone over this matter of competition in furnishing gas in all the different cities, and I find that competition does not last very long. In the city of Baltimore, I think, they have had six gas companies, and possibly more, but the plants are all controlled to-day, as I am informed, by a single company. That has been the fate of rival gas companies all over our country. When this matter was before the committee I called attention to the fact that in the city of Boston there were two large and powerful gas companies doing business in that city and that they had actual competition. One of those companies was the Bay State Gas Company. I shall not undertake to say what the capital of that company was, because it is notorious that more than one-half of it was water, and nothing else, but I think it was in the neighborhood of $20,000,000.

It is a company that has been manipulated by a gentleman well known to Delaware politics. The other company was the Brookline Gas Company, with a capital of $4,000,000. As before said, I think the Bay State Gas Company had a capital of something like $20,000,000; and those companies were competing in the manufacture and sale of gas. I quoted that before the committee as one illustration where actual competition existed in this country in the manufacture and sale of gas; but, lo and behold, a few days ago the newspapers brought us the intelligence that the Brookline Gas Company, with a capital of $4,000,000, had absorbed the Bay State Gas Company, with a capital of $20,000,000, or thereabouts, and there is only one gas company in the city of Boston to-day, and the people will have to pay tribute to that enormous and fictitious capitalization.

Mr. President, I had intended to say a word in this connection in answer to the suggestion of the Senator from South Dakota that there were undue influences about the Capitol in this matter of legislation as to gas. I have been here longer than the Senator from South Dakota, and for some reason or other, very likely because I have not been of sufficient consequence to be approached, I have not been troubled by lobbyists upon any question that has been before either House of Congress. The Senator from South Dakota was, according to his own testimony, once troubled by a lobbyist, and the Senator proved himself to be an honorable and a virtuous man, and I am sure he will accord to every other Senator, whether he be Democrat, Republican, or Populist, equal virtue with himself.

Beyond a doubt the Washington Gas Light Company made very large profits years ago; beyond a doubt the Washington Gas Light Company made enormous profits some years ago. It ought then and there to have been regulated by the Congress of the United States, but the fact is that this company, under the absolute control of Congress, has gone along year by year regulated as Congress chose to regulate it so far as its charges were concerned, until to-day the stock of the company is almost entirely owned by men, women, and children who had no connection whatever with it in the years when it made these enormous profits.

Now, does the Congress of the United States propose, Mr. President, to take by the throat these innocent holders of stock, who have paid a very high price for every share that they hold, and by arbitrary legislation confiscate or destroy the investment they have made, simply because those who owned that stock twenty-five, thirty, or forty years ago made enormous profits on the investments they had made in this gas plant? I do not believe that Congress will do anything of the kind. I believe that Congress will deal justly with the people who hold the stock to-day, and that they will not be swayed by prejudice or other considerations which are not fair and just to the people who have invested their money in good faith in this corporation, believing, as they had a right to believe, that they would receive fair play at the hands of the Congress of the United States.

Mr. President, the Senator from South Dakota complained that Mr. Sands, who was the attorney of a new gaslight company that was seeking to become incorporated in the District of Columbia, had not been fairly heard before the committee. I know Mr. Sands well; I have listened to him for a great many hours, and he always talks intelligently. I listened to Mr. Sands in the last Congress; I listened to Mr. Sands for many hours in the present Congress. Mr. Sands is paid for his services. He represents outside capital that, very likely, properly sought an opportunity to come into the District of Columbia and establish a gaslight company in competition with and in opposition to the existing plant.

I noticed that the letters the Senator from South Dakota had read on Saturday, the correspondence between Mr. Sands and the

chairman of the District Committee, the Senator from Michigan [Mr. McMILLAN], were dated some time in February last. I think I do not mistake the date when I say that those letters were written in February last.

Mr. KYLE. In February and March.

Mr. GALLINGER. February and March. I am sure, Mr. President, that if the Senator from Michigan were here to-day he could give an explanation that would be even more satisfactory than the one I shall attempt to give in his behalf concerning this matter.

It struck me on Saturday last when that correspondence was read that it was a very remarkable thing for an attorney who by courtesy is permitted to appear before a committee of the Congress to place in the hands of any Senator the correspondence between himself and the chairman of the committee to be read to the Senate in the absence of the chairman. It may be that there is nothing in that that is either discourteous or improper, but it impressed me that it was both discourteous and improper. But, however that may be, that correspondence took place largely, if not wholly, in February last. Now, I turn to this book, and I find that on March 5, 1896, Mr. Sands was heard before the committee. The chairman had taken the trouble to summon the full committee during the hours when the Senate was in session, which is always a great inconvenience to Senators; it certainly is always a great inconvenience to me to attend a committee meeting when the Senate is in session.

Mr. KYLE. Will the Senator allow me a moment just there?

Mr. GALLINGER. With pleasure.

Mr. KYLE. I do not think there will be any point of difference between us on that when we have an understanding in regard to it.

Mr. GALLINGER. I will endeavor to make the explanation, and if I do not make it satisfactorily, the Senator can supplement it.

Mr. KYLE. Mr. Sands had placed witnesses upon the stand and had examined them before the committee; he had answered a great many questions put to him by members of the committee, as well as by the chairman, and, as a lawyer always does before a jury, he wished the privilege of a half hour at another time to sum up the evidence, to show the fallacies of his opponents, and to set forth his own argument. That is what he wished, and he was denied a final summing up of the hearings. He does not contend that he was denied a hearing.

Mr. GALLINGER. Very likely there will not be any difference between us when I get through. If there is, I will let the Senator supplement it in his own words.

On the 5th day of March, Senator McMILLAN summoned the committee to the committee room of the Committee on the District of Columbia, and there were present Senators McMILLAN, GALLINGER, HANSBROUGH, PRITCHARD, BAKER, HARRIS, FAULKNER, GIBSON, and MARTIN. Mr. Sands was heard. The first 33 pages of this book containing the hearings show what Mr. Sands and the witnesses he brought with him had to say to the committee. We gave him a very full hearing. We then heard very briefly a representative of the Washington Gas Light Company, a representative of the Georgetown company, and two experts, Mr. Love and Mr. White, of New York. When that hearing closed Mr. Sands made the request that he should be permitted to appear before the committee and make a final argument, as he said, in favor of his company. He was not promised such a hearing, and very shortly after that the committee by consent, without a dissenting voice, came to the conclusion that they would not charter this company, and for that reason it was unnecessary and it would have been foolish under these circumstances to have had Mr. Sands waste his valuable time and the money of the men for whom he was working in making an argument before the committee, and it was declined. That is the story of that.

Mr. President, we are hearing a great deal at the present time about making gas more cheaply. My judgment is if there is and process that will improve the manufacture of gas known to the human mind, that the men who are now engaged in the business, having tens and hundreds of millions of dollars invested in gas plants over this country, will be the first ones to get possession of it. I do not think it will be floating around the country in the brains or the minds or the imaginations of a few men who want to tear up the streets of Washington to establish a new gaslight company that would not exist, in my judgment, as an independent organization for twelve months; that very likely would never be installed at all, because the old company would purchase it before the new company commenced operations. But we have some testimony on that point. Mr. Sands was here in advocacy of a company that proposed to manufacture gas by the Rose-Hastings process, which he claimed was a much cheaper process than was known to any other body of men, and he called attention to the fact that the chief existing plant working under the Rose-Hastings process was the Westchester Gas Company, of New York; and he claimed that they were making gas very much more cheaply than it was being made here in Washington or in any other city by the well-known and well-recognized processes that are used in the manufacture of this article. The committee called Mr. Worrall, the president of the Westchester Gas Company, and had some testimony from him. I asked Mr. Worrall this question:

> Senator GALLINGER. What do you get for your gas?
> Mr. WORRALL. We get $1.50 for gas for lighting, and $1 for gas for fuel, averaging $1.25.

When the question of furnishing gas in holders came up, Mr. Worrall testified that it cost them to put the gas in the holder 41 cents for a thousand cubic feet; and yet the Senator from South Dakota insists that it can be done for 30 cents or less per thousand cubic feet. The result of that inquiry was that Mr. Worrall gave it as his deliberate conviction that it cost more to manufacture gas by the Rose-Hastings process than it cost to manufacture gas by the process that is in use by the Washington Gas Light Company; and upon the testimony of Mr. Worrall, the president of the Westchester Gas Light Company, the committee took adverse action upon that proposition, and did so upon his testimony alone.

The Washington Gas Light Company may be a very bad corporation; I am not quite sure as to whether it is as good as it ought to be; my judgment is that it is not half so bad as it is painted to be. But however this may be, the records show that the Washington Gas Light Company has made a great many reductions in the price of gas. I turn to the record and I find that on January 1, 1867, gas was being furnished to the citizens of Washington at $4 per thousand, less 7½ per cent; net, $3.70. They made a reduction in July of that same year to $4 per thousand, less 12½ per cent; net, $3.50. July 1, 1868, they reduced the price to $4 per thousand, less 15 per cent, or $3.40 net. August 1, 1872, they reduced the price to $3.75, less 20 per cent; net, $3. May 1, 1876, they reduced the price to $2.50, less 25 cents; net, $2.25; and they reduced the cost for street lamps to $36.70. January 1, 1880, they reduced the price to $2.25, less 25 cents; net, $2; and the price for street lamps was reduced to $28.70. On July 1, 1881, the price for street lamps was reduced to $25. January 1, 1882, they reduced the price to $2, less 25 cents; net, $1.75. July 1, 1883, they reduced the price to $1.75, less 25 cents; net, $1.50; and the price for street lamps was reduced to $22. October 1, 1886, the price was reduced to $1.50, less 25 cents; net, $1.25; and November 1, 1893, the price was reduced to $1.25.

It is a matter of record, Mr. President, that almost every one of those reductions were voluntary reductions, only two of them having been made by virtue of legislation by the Congress.

Concerning the cost of gas I am not so well informed, possibly, as some other men; but, as I have said before, Washington is being furnished its gas at a very much cheaper average than it is being furnished to the people of the great cities of the country.

I turn to a table here of the Dominion of Canada, and I find that in the Dominion of Canada the highest price per thousand for gas is $3, and the lowest price in any city of that Dominion is $1.20. There is not a single city in the Dominion of Canada that furnishes gas to-day for less price than $1.20 per thousand feet; and we propose to give it to the people of Washington for $1.15, with a gradual reduction in five years to a dollar, and we are found fault with because, as it is charged, we are legislating in the interests of a monopoly and against the best interests of the people of the District of Columbia!

Mr. President, there are very many other things to which, if I had time, I would call the attention of the Senate in connection with this subject. It is an important matter. The people of the District of Columbia have a right to get their gas as cheaply as it can be furnished. I suppose it is the duty of Senators coming from their sovereign States to give all the time they can spare to the consideration of these questions which affect not their own constituents but the citizens of this great District. I am willing to give my time very graciously and very freely; but after I have given my time, after I have listened to all the testimony that can be offered before our committee, and have reached a conclusion in which every member of the committee joins, I have a right to ask that those findings shall have some weight in the determination of the question that is now under consideration.

As regards dividends, I am not quite sure what the average rate of dividends would be if we should go back to the formation of the company and figure them to the present time. I apprehend it would be large. I know, as I before stated, that in the early years of the existence of this corporation they did make enormous profits; but I know also, as I have already said, that that stock has almost entirely changed hands. It is to-day largely in the hands of small owners. It is in the hands of people of moderate means. They paid the market price for the stock when they bought it, which was largely above par, and they have a right to ask of Congress that their property shall not be confiscated or their investments destroyed, but that in the regulation of this matter their interests, as well as the interests of the people of the District, shall be taken into careful consideration.

It is estimated, and it has been stated to the committee over and

over again, that under the pending bill the Washington Gas Light Company will be fortunate if next year it can pay a dividend of 10 per cent upon its capital stock. But I wish to call the attention especially of the Senator from Mississippi [Mr. GEORGE] who is honoring me with his attention, because I presume he will make a reply, to the fact——

Mr. GEORGE. And because I want to learn.

Mr. GALLINGER. I thank the Senator, and I wish to call the attention of the distinguished and always just Senator from Mississippi to the fact that 10 per cent upon the capital stock of the Washington Gas Light Company is 10 per cent upon $2,000,000, while it is before the committee in testimony that has never been refuted or undertaken to be refuted that the company has $4,000,000 invested in the plant to-day. So if it makes 10 per cent dividend next year under the provision of this bill on the capital stock, it will be making but 5 per cent on the actual investment that has been made in the property of that great corporation.

Mr. President, I am always willing to stand for the rights and the interests of the people of the United States, and especially of those of this great capital of the nation, of which we are all so proud, but I am not willing to-day, nor will I be willing at any time, to cast my vote simply because there is clamor outside, whether it be newspaper clamor or the clamor of unthinking men in favor of a measure that will to any extent rob the men who have invested in good faith their hard-earned savings in the stock of any corporation. I will not do that simply because we are told that if we do not we will be regarded as the friends of monopoly and aggregated capital rather than of the interests of the plain people of the United States.

Mr. President, I have given very careful attention to this matter. I am not a gas expert, and do not pretend to know much beyond what I have learned in the committee room on the subject, but I have come to the deliberate, the honest, the conscientious conviction that the bill which the Committee on the District of Columbia has reported and which it asks the Senate to pass to-day is a bill that will do equal and exact justice to every interest involved in this controversy, to the people of the District, and at the same time to the men, women, and children who have invested their money in the stock of this corporation. Believing this, I urge the passage of the amended bill.

Mr. GEORGE. Mr. President, I am impressed that nothing can be said at this time which will change the result of the vote of the Senate upon this proposition. The Senate have shown by their unmistakable conduct during the debate so far, when very interesting and able speeches have been made on both sides of the question, that they are disposed to leave this matter of local detail to the committee which has it in charge. The committee has been very well described by the Senator from New Hampshire [Mr. GALLINGER] as being an able and conscientious committee and entitled to the respect of the Senate. In all he said about the committee, with one exception, I fully agree, and that is when he excepted himself from the very just praise which he gave to the other members of the committee. I think he is entitled to it as much as any of the rest.

My attention was called to this matter of very serious public interest to the people of the District several days ago by one of the citizens who has an interest and feels an interest in the proper settlement of the question. Since that time I have given somewhat of careful consideration to the matter now before the Senate, and while I agree, as I have just stated, with what the Senator from New Hampshire said is the weight entitled to be given to the Committee on the District of Columbia, I must also call the attention of the Senate to the fact that the present committee, able and distinguished as it is, is not the only committee of Congress, or of this body, which has given careful consideration to the subject.

As early as 1886 a committee of this body, the Committee on the District of Columbia, which so far as I know was equally as able, equally as distinguished as the present committee, gave this matter very full consideration. Mr. Spooner of Wisconsin was chairman of the committee; and that committee made a report reaching the conclusion that the House committee and the House itself reached in the bill now before the Senate, that $1 per thousand cubic feet was a fair and a just price to be charged by this company to the citizens who use gas. That committee was unanimous. There was no dissent. But, as usually happens when we undertake to destroy an abuse, especially an abuse which is fostered by a rich corporation, the report of the committee came to naught. Afterwards a committee of the House of Representatives, of which Mr. Heard of Missouri was chairman, also gave the matter very careful consideration and unanimously came to the conclusion that $1 per thousand cubic feet was a fair price to be charged. Then afterwards the Committee on the District of Columbia of this body gave it further consideration, and very full consideration. Mr. Hunton, then a Senator from Virginia, made the report. That committee was not unanimous. A majority of the committee, for very singular reasons, and reasons which ought not to have weight in this body, reached the conclusion that $1 per thousand cubic feet was an insufficient charge. If I can turn my eye to the report of that committee and to the place I have marked, I will read to the Senate the reasoning upon which the committee proceeded, and which I think the Senate will perceive at once ought not to control the deliberation of this body. Says the report:

Looking to the future development of this Federal city——

Mr. HARRIS. Does the Senator from Mississippi read from the Hunton report?

Mr. GEORGE. Yes, sir; from the Hunton report, page 7:

Looking to the future development of this Federal city and the reasonable demands of the public, is it not the true policy to allow a price for gas which will meet operating expenses, a reasonable dividend, not on the value of the plant, but on the $2,000,000 of capital stock, and a fund—

That is what I desire to call the attention of the Senate to—

equal to the average charge of $96,500 for expenses attending—

Not for expenses for operating the plant—I want to call the attention of the Senate to that—but—

attending the extension of its works, rather than to increase the capital stock or the bonded indebtedness of this company.

The basis upon which the majority of the committee decided that there should not be a reduction in the price of gas was that the company should have the reasonable opportunity of increasing the value of their plant over and above fair and reasonable dividends to the amount of $96,000 a year. So when I call the attention of the Senate to that, they will see that the committee acted upon an improper basis, because as the value of the plant is extended so also is the increase in the proceeds of the plant, and that is manifestly capital to be furnished by the stockholders and not to be charged to the people of the District.

That committee, as I said, was not unanimous. I find attached to it a dissenting report with the names of John Martin, of Kansas, not now a member of this body; Mr. HANSBROUGH, now a member of this body, and Mr. GALLINGER, who just addressed the Senate upon the subject. It is a very elaborate report. They resisted the conclusion to which a majority of the committee came and insisted that $1 per 1,000 feet was the proper price to be charged for gas. I will read a short extract from the minority report.

Mr. KYLE. Will the Senator from Mississippi pardon me? May I ask what the report is?

Mr. GEORGE. It is the Hunton report.

Mr. KYLE. A minority report?

Mr. GEORGE. A minority report.

Mr. KYLE. Did the Senator from New Hampshire [Mr. GALLINGER] argue for dollar gas there?

Mr. GEORGE. That is the way I understand it.

The enormous profits—

Says the minority of the committee—

which it is reaping from day to day as a result of this monopoly lead to the inevitable conclusion that it is the duty of Congress to give its affairs careful scrutiny. It is contended that it would be useless for the committee to extend its investigation to a period in the history of this corporation when its management was the subject of general remark and bordered on the scandalous, and when its earnings were so great as to suggest the existence of oppressive charges.

When we come now to authorities, I want the Senate to understand that we had a unanimous committee of this body in favor of dollar gas in 1886. We had a committee, the Hunton committee, in 1895, a majority opposed to dollar gas upon the grounds that I have just read to the Senate, and we have the report of three eminent members of that committee dissenting entirely from the views of the majority. We have two unanimous reports from the committee of the House of Representatives, who, after careful investigation, as they say, reached the same conclusion that the Spooner committee reached in 1886. Therefore, upon the question of authority, if we do not weigh the members, if we merely count them—which I reckon is the proper way to do in a legislative body—we have about three to one in favor of the proposition that the price of gas in this city should be fixed at $1 per thousand feet.

Mr. President, a very short retrospect of the operations of this company, which were somewhat alluded to in the report of the minority of the District of Columbia Committee, will not be out of place. The company was chartered in 1848 with a capital of $50,000. It has been increased from time to time until now it is $2,000,000. I desire to call the attention of the Senate to the fact that of the $2,000,000, which is the only money ever paid by the stockholders of the company, or is said to be, it is admitted by the majority in the Hunton report that only about $1,490,000 was ever paid by the stockholders. Call it a million and a half, as it is very near that. The Spooner committee say: "We are unable to ascertain how much money has been paid by the stockholders," for a

very sufficient reason, as detailed by that committee. I will read it to the Senate, so that the Senate may understand exactly what we are dealing with here. The committee of which Mr. Spooner was chairman undertook to find out all about the operations of this company from the very beginning.

It has been stated—

Say the committee—

heretofore in reports to Congress that the first $500,000 of capital was paid in in cash, and this was stated by the present officers of the company at the outset of the investigation to be true, and it may be true, but upon examination of them it was developed that their information is based upon inference and hearsay.

A very singular statement to be made by officers of a company which, though private in its ownership, is public in its use. They could not tell how much money had ever been put into the treasury of the company by the stockholders, and here is the reason for it:

The professed inability of the company to furnish this information finds explanation in a fact most extraordinary—

As everybody will see—

and almost unprecedented in the history of corporate management. On the —— day of ——, 1883, the board of directors of this company passed the following resolution or order—

A very extraordinary order—

"*Ordered*, That the secretary be directed to destroy or dispose of such books and papers as are no longer of use to the company."

"As are no longer of use to the company." So the president, Mr. Bartol, under that authority sold to a paper maker in the city of Philadelphia all the books of the company up to 1866, at which date an addition of five or six hundred thousand dollars was made to the capital stock of the company. Therefore there is not now the slightest record in that company among the papers or its books of the transactions of the company from 1848 up to 1866.

I said the other day in a short colloquy I had here that the manifest purpose of that was to destroy the evidence of the transactions of the company. Here is what the committee say:

The only explanation which is offered of the sale of these books is that some of them were moldy and damp, and some of them had been somewhat irregularly kept.

It is a very remarkable fact that a great corporation, a corporation whose use is public, responsible to the public for the way in which it transacts its business, should allow its books to get into the condition where they can be moldy or damp. I must suggest as my opinion upon the subject that they could not have got in that condition except with the same intent that was afterwards manifested when they sold them—they wanted to get rid of them.

It is a significant fact—

Says the committee—

that the destruction of these books blotted out from the public and from investigation the detailed transactions of this corporation up to the time in 1866 when the company distributed among its then stockholders, as representing corporate earnings theretofore put into an extension of the plant, $500,000 of stock, making all together $1,000,000 of capitalization.

The committee say—and I will read it, and that is all I will read on the subject:

Just what purpose was to be subserved it is probably unprofitable even to conjecture. The maxim of the law, "In odium spoliatoris omnia presumuntur," is perhaps fairly applicable to the case. One thing is certain; the $500,000 of capital distributed in 1866 was not paid for by the stockholders who received it, except, perhaps, by the investment of money received by the company in the preceding years.

Thus, when we come to investigate this company, which is but the servant of Congress, an agency employed by Congress for the purpose of furnishing to the people of the District illuminating gas, we are met at the very first step with the startling, extraordinary, and scandalous fact that the company just preceding the issuance of $500,000 worth of stock in 1866 destroyed its books, so that everything prior to 1866 which can now be brought out by an investigating committee rests on inference and on inference alone. That is the institution with which we are dealing to-day. It has paid, according to the majority of the Hunton committee, not the dissenting members, a little less than one million and a half for its stock of two million dollars, and the remainder of this immense plant now held up before us as a matter to be protected comes from what the reports say and what the Senators when this case was under discussion in this body a few days ago said were the enormous profits of this corporation.

Mr. KYLE. The Senator states that it is worth about $4,000,000.

Mr. GEORGE. They claim that. So we find, according to the statements of these committees on both sides, that not only have the dividends been enormous, such as to suggest scandalous management, but also in addition to that this great plant has been secured. That is the situation before us.

I am not going to discuss how much it costs to manufacture gas or how much it costs to distribute the gas. I have before me a document, and I wish every member of the Senate who is going to vote upon this question would read the document, which settles beyond controversy, beyond doubt, that the passage of the bill as it came from the House is not only just and right, but that it is absolutely demanded of the Senate.

The committee of the House, of which Mr. BABCOCK was chairman, which investigated this matter, made a report March 7, 1896, and as a result of that report a bill was passed which fixed the price of gas in the future in the District, to commence at once, at $1 per thousand feet. The committee of the Senate, and I want the Senate to bear this in mind, dissent from that conclusion only to this extent: They do not say that $1 a thousand feet is too little, but they say and affirm that it is sufficient, only that it shall not go into effect for five years. So the committee of the Senate, upon whose work we are now deliberating, have asserted to the Senate in the most solemn manner that $1 per thousand cubic feet for gas is a proper and reasonable charge if only we allow the company to charge a little more than that up to the year 1901. The committee, and I desire to call the attention of the Senate to the fact, give us no reason, they give us no fact, upon which we can act which shows that $1 per thousand feet will be a reasonable charge five years from now and not a reasonable charge now. They ought to have explained to us why a reduction of 10 cents a thousand immediately is right and not too high and then 15 cents and so on up for the five years until you get down to a dollar, if the company can not, as the company claims it can not, make gas at a price which will enable them to sell it at $1 a thousand feet.

What is to happen in the next five years—the committee have not told us—which will make the manufacture of gas in this city cheaper than it is to-day? Not a word is said upon that subject. We hear a great deal about the extra cost of coal in the city of Washington to-day above that of other cities, and no suggestion is made that in five years coal will be cheaper than it is now.

By the way, I think I am authorized to state what was said here in public debate a few days ago, that, although this report on its face is the unanimous report of the committee, there were dissenters in the committee who acceded to it as a mere matter of compromise. Now I go to this paper and I call the especial attention of Senators who take any interest in the matter to it. It is headed as follows: "Statement of the Washington Gas Light Company in response to inquiry of the Hon. J. W. BABCOCK, chairman of the Committee on the District of Columbia, February 3, 1895," and it shows the disbursements and receipts for the year 1895. That is the last year of its operations. I have made an analysis of the report and it shows the figures of the company itself, the statement made by the company through its officers to the chairman of the Committee on the District of Columbia in the other House. If Senators will take this paper and analyze it for themselves they will see not only that the reduction to $1 is just and proper but that it ought to be reduced more.

This account shows that at the commencement of the year 1895 there was $58,166 of cash on hand in the company's treasury. They started operations on the 1st day of January, 1895, with $58,166 in the treasury. The balance on hand at the end of the year was $89,922.38, showing a cash gain during the year of $31,755, or over 1½ per cent on the capital stock of the company reserved as a cash fund at the end of the year, not only reserved as a cash fund, but surplus or excess reserved over that which they had in the beginning of the year. The company sold bonds during the year to the amount of $368,663. They made permanent extensions, and excluding the two items of $36,059 for repair of plants and $26,130 for street lamps, items which are not brought out at all in the calculation which I make hereafter for extension—that is, for making more plant, extending their works, extending their business, extending the capital upon which they propose to do business for the future, they spent $198,305.86. This expenditure of $198,305.86 was less than the bond sales. They sold, remember, $368,000. It was less than the bond sales by $170,357.89. So let the Senate understand that when they paid for these extensions and when they put the sales of the bonds in the treasury they had in the treasury from the sales of bonds $170,357.89, which went to their general fund.

The next thing they did, as shown by this report, was the payment of $600,000 of dividends for the year 1895, or 30 per cent upon the capital stock of the company. That is not way back in the past, when the books were destroyed; it is not way back in the past, when it is supposed that the management of this company was scandalous and when they made enormous profits; but right here in our last fiscal year, the last year of the operations of this company. The $600,000 was not all profit, because I have just stated to the Senate (and I want to be exactly fair with this company) that $170,357.89 remained in the treasury of the company out of the proceeds of the sales of the bonds after they had paid for the permanent extensions. So I deduct that amount. They

paid dividends to the amount of $600,000, all profit, except the $170,357.89, leaving for full profit $429,642.91. That is, just on that transaction.

Then, Mr. President, I go back. The cash was increased $31,755.85 during the year; that is, they started out with $58,000 and concluded with $89,000. So I add that to the profit of $429,000, making the total profits, after paying all repairs, and so forth—$62,189.45—to which I called the attention of the Senate some time ago, $461,398.76. Now, that is not gross profit; that is net profit which this company made in the year 1895. This was the actual profits made by the company, as extensions—enlargements of the plant—were profits in every sense. The profit, counting the extension as a part of the profits, was a little over 22 per cent; a long way from the 10 per cent which the Senator from New Hampshire said was a reasonable profit.

Now I want to make this so plain that nobody can misunderstand me. I will go now upon the basis suggested by the Hunton committee, that we ought to leave the extensions as a part of the fund of the company and not treat them as profits. We will see how it stands then. If we take out the permanent extensions—$198,135—we have $263,000 as profits, 18 per cent in money, and $198,000 not divided, which was expended in the extension of the plant.

But here, Mr. President, I think I ought to call the attention of the Senate to one item of this $198,000, which I have in this last calculation given them. One hundred thousand dollars of the $198,000 was for a mole and a wharf bought of the canal company and was no part of the gas-extension plant. Taking out that $100,000 we have $363,093.90 as profit, or about 18 per cent on the capital, after allowing them for all they had paid out in extending the plant. That is an analysis of their report for the year 1895, with gas at a dollar and a quarter. It shows a profit of 18 per cent after allowing them $98,000 for extending their gas mains in the suburbs of the city and other places.

Mr. KYLE. For the year 1895?

Mr. GEORGE. For 1895, the last year.

Mr. KYLE. I think it is recorded that they declared that year 10 per cent first and then 20 per cent after that, making 30 per cent.

Mr. GEORGE. I have stated that they declared 30 per cent, but I also showed that a part of that was from the sale of bonds. I want to bring that out so as to be fair and right and just. Now, these are the fact: A profit of 18 per cent on the capital stock made during the year 1895, after allowing them for every dollar paid out in repairs, buying new street lamps, and allowing them $98,000 for an extension of that plant. I do not want to comment upon these facts. I have put them in the RECORD, so that the public may know upon what basis we are acting when we vote upon this measure.

Now, one more remark rather in application of what I have before said on one point, and then I will have said all I desire to say. The House committee and the House of Representatives came to the conclusion that $1 was a fair price. Any man who will pay attention to the figures which I have put before the Senate will agree that it was not only fair, but that it was a very liberal price. Now the Senate committee come in and do what? I repeat now what I said before. They bring the price down to a dollar and take five years to do it in, by gradual descent. No man has explained, and no man can explain, I suppose, on business principles, or else he would have done so, why they make that reduction. How can they predict that if the company can not make money at a dollar a thousand cubic feet of gas in 1896 they can make money at that price in 1901? I do not know whether the Senator from New Hampshire said that the committee had fixed any sum or not, but he at least stated as his own figures that 8 or 10 per cent upon the capital was fair remuneration for the company. I have shown that they made last year 22 per cent, not counting as profits, which ought to be counted, the $98,000 which they spent in extending their plant. I have shown that they made and handed over to their stockholders 18 per cent after taking out of the earnings of the company every cent that they had paid for betterments of every kind whatever and for extensions.

With that statement, Mr. President, I submit the case, so far as I am concerned, to the Senate, being absolutely certain that the figures which I have presented to the Senate are correct and can not be overturned unless you overturn the statement made by the company itself.

Mr. FAULKNER. Mr. President, I crave the indulgence of the Senate for a short time to reply to some of the suggestions made by the distinguished Senator from Mississippi [Mr. GEORGE]. I will state that I act in this capacity more for the reason that the bill having been in charge of the chairman of the Committee on the District of Columbia, who was necessarily called away to his State, he insisted that if there was an opportunity of getting it up I should take charge of it and urge its passage, as he feels great pride in the passage of the bill and the settlement of this gas question which has been before Congress for the last eight or nine years; in fact, for a longer period.

I wish to be very brief, and therefore I will reply to the suggestions made by the Senator from South Dakota [Mr. KYLE] and the Senator from Mississippi [Mr. GEORGE] in a practical way, I hope, so that the Senate will see exactly the question before it. The Committee on the District of Columbia have no interest whatever in this matter, except to reach a fair and equitable conclusion.

Mr. GEORGE. Nobody claims that they have.

Mr. FAULKNER. Of course not. They stand as impartial judges between two great interests. On the one side stand the consumers, who are anxious to reduce the price of gas, of course, as low as possible. It is the natural inclination of the human mind and the human heart to get the best bargain possible in any dealings. On the other side stand the gas company, who are as anxious to get as good a price for their gas as the conditions will permit and the authority of Congress will allow.

We have, therefore, to examine the interest of both of these parties impartially, sift their evidence, and examine into the earnings of the company to ascertain what would be equitable and just on the part of Congress in regulating this subject. There is no question that Congress has an absolute and exclusive right to regulate the price of gas in the District of Columbia. We entered into this investigation with a spirit and determination to do what we believe to be just between the two contending interests.

It may be proper and right, in order that the Senate shall have all the views the committee had before them, to allude to the new company that sought legislation from Congress by presenting a bill and asking the incorporation of that company to furnish gas both for fuel and lighting purposes in the District of Columbia, guaranteeing to do it at the sum of 75 cents per thousand cubic feet. That question was investigated most thoroughly and exhaustively. Opportunity was given to everyone to present all the facts bearing upon the subject, and when the examination was concluded, although the committee started out with a division of 6 to 7 or 7 to 6 in favor of the proposition, when it came to a test vote I do not think there was a single member of the committee who, under his responsibility as a Senator, acting as a common alderman of this city, was willing to cast his vote for the chartering of that company. Why, sir? Not because the committee did not want 75-cent gas for the citizens of the District, but simply because the evidence demonstrated beyond all question that the proposition made was impossible of execution. As stated by a distinguished expert who was before the committee, "Gentlemen, show me any man who has an invention that will reduce the cost of gas 5 cents on the thousand and I will pledge you my word within twenty-four hours to assemble all the capital that is necessary to purchase the patent right of the process." He said further: "There is not a single gas company now in operation in this country that would not be crowding at the doors of such a company to secure the right and the privilege of its patent in the manufacture of gas."

There are engaged in the gas business some of the ablest and most distinguished scientists in this country. They are working every day trying for some improvement in order to reduce the price of gas. They realize that there is a new and great light coming in as a competitor to gas, and which forces them to a realization that they must furnish gas at the very lowest figure possible. I allude to electricity, which is the great competitor to-day of gas. Its processes are being improved and its cost of production is being rapidly reduced, and gas has to meet that competition in every city and town in the country. Consequently they are experimenting at all times in all these works for improvements that will reduce the cost of gas. But up to this time they have been able to discover nothing better than the processes used by the Washington Gas Light Company.

We made a full examination of that subject. As the Senator from South Dakota said, Washington, being the capital city of the nation, has a right to the most perfect plant that can be established. It should be devised and planned upon the most scientific principles that will yield the greatest result from the amount of money involved for the cost of material used. It was the unanimous sentiment of every expert before us, uncontradicted by anyone, that the Washington Gas Light Company, in its new plant, was unsurpassed by any plant in the United States. The gentleman at the head of this company, who is known to almost every Senator, Hon. John R. McLean, has given them carte blanche to adopt every improvement and the latest scientific results secured at any other place, that he may improve the quality of the gas and produce the best results at the lowest cost. The experts gave it as their unanimous opinion that this plant was equal to any plant in the United States.

As to the question of candlepower, Senators who have not been engaged in the examination of these questions can not understand

all the details involved in this question as we who are members of the committee have necessarily acquired them by reason of the position in which we have been placed. Washington has suffered—yes, I say, has suffered—in the estimation not only of its own citizens but in that of the people of the country from the existence of a law which provides that gas of 16 candlepower shall be furnished by the gas company. Sixteen candlepower tested by what? By the argand burner of 15 holes. What is that burner? Where did it originate? It originated in England in 1823; it was called the English Parliamentary burner and has been discarded by England and it is discarded by every city in the world at this date; and yet here is the capital of this great Republic using as a test that which the whole civilized world has come to regard, as one expert said, "a mere antique." They have adopted the new Parliamentary Argand burner in England of 20 holes for low-candlepower gas. What is English gas? It is gas of 16, 17, 18, and 19 candlepower as a rule, but it is provided in England that wherever the candlepower exceeds 20 it shall be tested by the flat burner, the use of which is proposed by this bill. The burner described in this bill to test the candlepower of gas in Washington is the burner recognized by all commercial cities and towns where such tests are made.

I want to say further, Mr. President, that it has been conclusively demonstrated before the committee that the test of the quality and candlepower of gas in this city is superior to that of any other city in the Union, except the city of New York. Under the law here a Federal official is appointed by the President and confirmed by the Senate, who tests the gas supplied to this city every twenty-four hours, with heavy penalties upon the company for a failure to comply with the law. He tests it, of course, by the 15-hole Argand burner, and for the last five or six years it has fallen below the 16 candlepower only on three tests. The ordinary range or test in this city by the old English parliamentary burner has been from 16 to 18 and 19, but generally about 17 candlepower, which would give by the flat-flame burner about 22 candlepower.

As a committee we determined that we must discard this old antique piece of brass and select a burner by which the light can be tested not only in the office of the inspector but in every man's house; we must adopt the same burner by which to test gas as the one which the people themselves use in their private consumption. Then, if any consumer complains of the candlepower of the gas furnished you can say to him: "Have your light tested through the same burner as that used by the inspector in his official tests." We therefore adopted the Bray slit Union burner, No. 7, the flat-flame burner, for the reason that those burners can be purchased for 50 cents a dozen, a price at which every man can procure that burner for his own house and test the question of whether the candlepower of the gas furnished him is equal to that which the law requires.

We then determined what should be the highest candlepower that the people of this District should have, in order to give them a candlepower which would equal the candlepower in any other city in this Union for the purposes of light.

What do all the experts concur in? They unanimously concur in the proposition that 24 candlepower is the best practical candlepower that can be used in this city. They say if you put it at 24 the company will be bound to make the gas equal to about 25 candlepower in order to maintain the 24. They declare that the consumer, in fact, gets 25 candlepower, because there are heavy penalties when the test shows that the company has failed to reach what the law requires; and so 25 candlepower will be secured. The light from that will not smoke, but if you make it higher than that you have to put more of the oils into its manufacture, and the result will be a smoking gas instead of a clear gas. Consequently the experts all concur in the opinion that this candlepower is the best. We therefore changed the House bill from 22 to 24 candlepower.

Mr. MILLS. Is there any certain test about the quantity of gas that is used?

Mr. FAULKNER. We provide that the company shall not put any meter in any consumer's house until it has been tested by the Government inspector and he has sealed it, which insures to the consumer that it is a true and accurate meter. That was for the protection of the people. We have looked in every way that was possible to the interests of the consumer.

Let me observe here, Mr. President, that there are many causes for bad gas of which we hear complaint in this city which do not obtain in a great many other cities. You must remember that in this city, and nowhere else in the United States, has the gas company the slightest control over the American citizen when building a house as to its proper piping. The result is that we find in many houses in this city extremely bad gas, for the reason that the pipes are too small for the amount of gas necessary to properly light the house. There are old pipes, which I myself have seen, as a member of the District Committee, taken out so filled with rust that the aperture through which the gas must pass was not much larger than a darning needle.

Then we find the tips that are used here are inferior in many instances. As an illustration, one of the experts, when he arrived here, called upon a lady, and she said to him: "I am very glad you have come, as we have miserable gas in the District, and I want you to remedy it as far as you can." He said he examined the burners and found them very defective. When he went down town that evening he bought a set of burners and sent a man up to the house of this lady, and had them put on just to see what would be the effect. He said on the next visit he made to the house she said, "You have improved our gas very much; it is now simply perfect"; and it was merely because proper burners had been put on her gas fixtures. It was for no other reason, as nothing else had been done in the case.

The chairman of the committee, Senator McMILLAN, called attention in the examination, which the Senator from Mississippi and the Senator from South Dakota I dare say have read, to the fact that in the rear portion of his house he could not get good illumination. The experts said, "It must be the fault of your pipes." The chairman then said, "Send a man there to correct it." A man was sent and he corrected the piping, and then the gas was again turned on. It was just as fine then in the rear part of the house as in the front part. It was found that the pipes had filled up with rust and the aperture had become too small for the gas to pass through. The pipes were too small for a house of that size in the first instance. These complaints will come. It is really absurd that we should be required to argue and bring in all these details here in order to convince the Senate that this question has been honestly and elaborately examined in detail by the committee who have now for the first time in eight years reached a unanimous conclusion in support of a measure.

Mr. KYLE. I ask for information; is there any provision to prevent an insufficient flow of gas by cleaning out the pipes?

Mr. FAULKNER. There is no provision made for that. That is a matter that the gas company does at the request of parties, at least, I so understand; but there is no obligation by law upon the company to do it, and it is not done in any other city of the Union by such companies. Very frequently, however, in order to satisfy the consumer, if word be sent to the company that there is a defective flow of gas, they put their pumps on the pipes and blow them out. This I am told by consumers—I do not know it from the gas company or from any of the hearings we have had.

The Senator from Mississippi says: "You have proposed to give us dollar gas in five years, which is an admission of the fact that you ought to furnish gas at a dollar now, and your committee does not give us any reason why dollar gas is not given at the present time." I will give the Senator the reason which influenced me as a member of the committee, and, I believe, influenced other members, in favor of this sliding scale.

We are trying an experiment with the object and purpose of accomplishing what the citizens of Washington desire. We are trying an experiment, and, under the figures presented to us, we doubt whether it will be absolutely just or right to the company; but we know, in the growth of this magnificent city and in its development, that if we lower the price of gas, necessarily there will be additional consumption, and that the consumption will increase, without perhaps largely increased cost for any additions to the plant. If that proves correct the larger the consumption the cheaper the price at which the gas can be sold, and we hope by gradually coming down to a dollar that increased consumption will follow and that an increased development of the city in population will also assist in making a larger consumption of the output of this company and thereby enable them to meet the demands of this bill.

There is no city in the Union that compares with this, Mr. President, as to the cost of the gas plant. In other cities the companies place their mains in the center of the streets, but the Commissioners do not allow it here. They do not propose to allow the gas company, every time they have to make a connection with a house, or when they have to examine for a leak, to cut up these great and magnificent avenues, and tear up the asphalt from the curbing to the center of the street. They therefore require the company to incur a double expense in piping the city. The company is required to lay their mains on both sides of the streets, near the curbing, so that when they make connections, or when they are seeking for a leak, they do not interfere with travel or destroy the asphalt on the streets to the extent which would be required if laid in the center. The company is, of course, always required to replace it. These are the reasons, I will state to the Senator from Mississippi, why we hope that in five years this company can meet the demands imposed upon them by this bill.

There is another question upon which the Senator from Mississippi and the Senator from South Dakota have laid great stress; that is, as to what they call the enormous profits of this company. This statement has confronted every Committee on the District

of Columbia since I have been in the Senate. It was presented to us and has prejudiced and biased my mind and the minds of other Senators until through an investigation of it we were enabled to distinguish between the past and the present. Any person who will look over the records of these investigations will find from 1862 up to 1881, when large profits were accruing to the gas company, the price of gas was running from $4 a thousand for private consumption and $40 for street lamps, down to $2.75 to consumers and $32 for street lamps. There was then only a small capital invested; for up to 1867 the capital of the company was only $350,000, which enabled the payment of these large profits.

These prices, even at that time, were too high, and, in my judgment, the profits were inequitable and unjust. It was done, however, as you earn your salaries, by virtue of law, under regulations by Congress. They charged not one dollar more than the law authorized them to charge. Human nature is the same in a gas company as it is in a Senator. My distinguished friend from Mississippi may say that $5,000 a year is too high for the salary of a Senator; that it is too much to be paid; but I do not think he will be criticised for accepting what the law authorizes him to receive. If so, then you have no right to criticise this company. If high prices were charged, it was the fault of Congress that the subject was not better regulated in the interests of the people residing here, which had then, as it has now, jurisdiction of the subject.

It is said that $500,000 in stock in 1867 was distributed by this company. The testimony before the present Committee on the District of Columbia and before all the committees as to that question was that the cost of the plant to the stockholders at the time of the giving of that $500,000 of stock was $937,000, money which they had expended in developing the plant, and this represented money advanced by the stockholders or to which they would otherwise have been entitled. It was simply squaring the account; and I say that there is no evidence here or in any report of any similar distribution.

That is the only amount of stock that has been distributed by this company that was not earned; and its capital stock now reaches to $2,000,000 on an actual plant which, in any State in this Union, would be capitalized at $4,000,000, which plant has been created by money advanced by its stockholders or borrowed through the issuing of bonds which are now a lien upon it, aggregating in value $1,200,000. The stock of this company is at 41 on the market, because the people know that back of that stock there is a valuable plant, and every man who is a stockholder in that company and who has bought within the last seven or eight years has had to pay $41 on every $20 par value of the stock of the company. When, therefore, a dividend is declared of 10 per cent upon the capital stock, it means 5 per cent upon the actual value of the money put into the stock by the men who bought it. Who owned this stock from 1867 to 1880 I do not know, nor do I care; but I am convinced that those who manage and control the company now are to a large extent recent stockholders, and that they have paid $41 for every $20 of stock, and are only receiving a 5 per cent dividend on the actual money which has been paid in.

Mr. THURSTON. May I ask the Senator a question?

Mr. FAULKNER. Certainly.

Mr. THURSTON. I inquire for information what is the bonded indebtedness of this company?

Mr. FAULKNER. It is $1,200,000.

Mr. THURSTON. Are there any other fixed charges on which the company is required to pay interest?

Mr. FAULKNER. None that I know of. Those are the fixed charges.

Mr. GEORGE. I desire to call the attention of the Senator from Nebraska to the report.

Mr. FAULKNER. I am going to refer to that, if the Senator will permit me. He need not think that I am going to avoid it.

Mr. GEORGE. I hope the Senator will refer to it, but I do not care whether he does or not.

Mr. FAULKNER. I shall certainly do so.

Mr. GEORGE. Very well; do so.

Mr. FAULKNER. There is another question which the Senate ought to understand, and which the committee took into consideration. Are you aware, Senators, that under the law of the District whenever a street is laid out within the District of Columbia the Commissioners have the right to require this company to lay their mains, thus requiring it at times to make an expenditure of thousands and thousands of dollars in laying pipes on such streets years before there will be a dollar of income to the gas company from consumption along the line of those streets? This is a wise provision, Mr. President, and I heartily indorse it. Why? When those streets are laid out and graded, before they are paved or asphalted, it is the right and duty of this Government to see that the gas pipes are put down, so that the streets shall not be torn up after they have been paved. But it puts a burden on this company which is put on no other company in the United States. Even, to accommodate the demand from Takoma, last year the gas company put one of the large mains to Takoma, within the District of Columbia, 6 miles, to accommodate the people there; and yet there is but little return for the cost of that main, as it passes through mere woods, you may say, from the fire limits to Takoma itself, there being no consumption of gas whatever along the line.

These are obligations resting upon this company that the committee have had to take into consideration. I hold that the report heretofore made in 1895, which has been commented upon, was, in my judgment, correct. I regret that I was overruled by the committee. I maintain that it should be the policy of the Government in the District of Columbia to keep the capital stock and bonded indebtedness of every corporation at the lowest possible amount, and to allow them to have an income annually from receipts to make the extensions which are essential in the development of this city. I hold that it is a true business proposition that if you keep the capital stock down dividends will be kept down. But the committee overruled me in that, and it was only for that reason that I would consent to the reduction made here, because if the privilege were not given to the courts of this District to allow that extension by the increase of the capital stock it would be an absolute impossibility for the company to carry out the provisions of this bill.

Mr. President, what enters into the cost of gas? How are you going to ascertain its cost? These gentlemen have gone into fine-spun theories about the matter; they have presented some very scientific authorities, but that is not the practical way to arrive at a conclusion as to what is a proper charge by this company for the gas it manufactures. I take the simple receipts of the company, and I take its disbursements, and ascertain the amount of gas they sell, and then I can tell myself by a simple calculation the cost of gas to that company during a given year; and I assert here that during the last six years the average cost of gas to the gas company, taking its receipts and its disbursements into consideration, as sworn to by the officers of the company, has been $1.17, and this very first reduction that we make brings it down to $1.15.

Mr. KYLE. Will the Senator allow me?

Mr. FAULKNER. Yes, sir.

Mr. KYLE. How is it, then, that Mr. McIlhenny made a statement that by selling gas at $1 he could make 15 cents per thousand feet on it?

Mr. FAULKNER. If he ever made that statement I have never seen it. I do not care what Mr. McIlhenny or what any other gas man or expert says. I know when I have taken the receipts of that company and its disbursements and ascertained the amount of the output of gas, I can tell myself what is the cost to that company of its gas, and you will find that in 1889 it was $1.39.

Mr. WHITE. Will the Senator permit me a question?

Mr. FAULKNER. Certainly.

Mr. WHITE. Has the company referred to in this bill indicated its willingness to acquiesce in these changes of rates?

Mr. FAULKNER. Of course they say they can not do this, but they will try to do it, as the committee has determined to make an effort to test their ability to do so.

Mr. WHITE. The object of my interrogatory was this: From the statement of the Senator from West Virginia the conclusion inevitably follows that the manufacture of gas hereafter will be at a loss if the Senator's estimate of the cost of making gas is correct. That is the reason I asked the question.

Mr. FAULKNER. I think they will have to curtail expenses somewhere in order to accomplish it.

In 1889 the cost of gas was $1.39; in 1890 it was $1.21; in 1891 it was $1.06; in 1892 it was $1.08; in 1893 it was $1.18; I have not the figures for 1894; and in 1895 it was $1.10. That makes an average in the six years in the cost of the manufacture of gas, taking the output of the company and its disbursements, of $1.17; and I think that is accurate, because I have never seen it controverted, though it has been before the public since the Hunton report.

Mr. President, as to the cost of the manufacture of gas, the Senator from South Dakota read numerous statistics from various cities. There are not over seven cities in this Union to which the Senator can point where gas is sold at a dollar, and he unfairly presented the comparison between those cities and Washington to the Senate when he stated that this company was able to furnish dollar gas. He failed to state the difference in the cost of material at the points he named and this city. He referred to Allegheny, where the cost of coal is 80 cents, while the cost here is $3.94; he named Cleveland, where the cost of gas is $1 and coal costs $2. Is that a fair comparison? Is that giving any light to the Senate as to whether we ought to reduce the cost of gas here?

Mr. KYLE. How about Chicago and Detroit?

Mr. FAULKNER. I think I can give the price at Detroit, but I do not think I can at Chicago. In Detroit it is $2.35 a ton.

Mr. KYLE. How much?

Mr. FAULKNER. It is $2.35 a ton in Detroit, and at Detroit, in order to come down to dollar gas, they entered into a contract with the gas company to give it the exclusive privilege of the city for thirty years.

Mr. KYLE. It starts at a dollar and goes down to 90 cents.

Mr. FAULKNER. The city had to give the company a thirty-year exclusive contract in order to secure a reduction in the price of gas in Detroit to $1. None of the cities named are as far away from the coal fields as is Washington. The Senator from South Dakota can not name a city where the cost of coal and material is as high as here where they have dollar gas.

Mr. KYLE. I have named two or three of them.

Mr. FAULKNER. Name one. I challenge him to do it. He has all the information before him that I have, and he can not do it.

Mr. CHANDLER. May I ask the Senator from West Virginia where the coal does come from from which gas is made in this city? Can the coal that comes down the canal be used for that purpose?

Mr. FAULKNER. No; it is not gas coal. It is from the farther western mines. That comes from Georges Creek and the other mines around Cumberland. The coal the company uses is the gas coal of West Virginia and the Youghiogheny coal of Pennsylvania.

Mr. CHANDLER. Those coals have to be brought a long distance by rail?

Mr. FAULKNER. They have to be brought by rail. They are not in direct water connection. The Baltimore and Ohio controls the Chesapeake and Ohio Canal, and as the road goes up to the gas-coal fields of West Virginia, they do not make any special arrangements to let a transfer be made at Cumberland, where the canal stops, in order to transfer coal.

A most remarkable fact was developed in the investigation of this question, and I think the Senate ought to take notice of it through its proper committee. To bring a ton of gas coal from the coal fields to this city the railroads charge $2.50, whereas in reference to other coal I think it is $1.60 or $1.90 freight. They make a discrimination as to gas coal.

Mr. KYLE. Will the Senator from West Virginia allow me? I notice that Mr. Vanderpoel, in his testimony, figures out the cost of producing a thousand feet of gas in the holder at 35.8 cents, and he figures his coal at $5.20 a ton, whereas the price of coal in Washington is from $3.25 to $4 a ton.

Mr. FAULKNER. I can not follow my scientific friend, the Senator from South Dakota. I am a very plain man.

Mr. KYLE. It is not science. Let me say that this man was brought here at the instance of the Washington Gas Light Company.

Mr. FAULKNER. I will put the expert against the statement of the president of the new company which the Senator was seeking to have come into the city, in which he said that the gas from his improved process cost 62 cents to put it into the holder, without cost of distribution. I can not discriminate between these scientists who differ so widely. It is utterly impossible.

Mr. KYLE. Here is another man, Mr. Patton, now in the service of the Government in the Patent Office, who testifies that he was the engineer of the water-gas company at Harrisburg, and that he made water gas by the Lowe process, the same as here, and distributed it at a cost of 40 cents a thousand.

Mr. FAULKNER. See, to an unsophisticated man like myself, if I had not been on the committee, how misleading would have been the statement of the gentleman.

Mr. KYLE. Make allowance——

Mr. FAULKNER. Let me show the Senate how absolutely misleading he would be. Does he not know that there is no gas from coal consumed for gas purposes in making water gas?

Mr. KYLE. Two-thirds of the gas here is water gas.

Mr. FAULKNER. In making water gas the only use of coal is to heat the retorts.

Mr. KYLE. According to the report, two-thirds of the gas made here is water gas.

Mr. FAULKNER. Of course it is, but when they make water gas the only purpose of the coal is to heat up the furnace.

Mr. KYLE. I understand that.

Mr. FAULKNER. It makes no gas. No gas comes from the coal whatever, and when that portion of the gas which is made here is made by the water process it is a combination of water and oil that makes the illuminating gas.

Mr. KYLE. So it is there.

Mr. FAULKNER. Of course it is; but there they use the anthracite coal. They do not use at all the coal I am talking about. When they make water gas they use anthracite coal, which is a more heating coal than that which I speak of, which is bituminous or gas coal. The anthracite is used for water gas, and it is simply to heat the retorts.

Mr. KYLE. How does the Senator explain the difference between 46 cents a thousand and $1.15?

Mr. FAULKNER. I will explain it, I suspect, like the Senator's friend did. He said that by the process he wished to introduce in the District they were selling gas in Louisville at 35 cents. "Well," it was said, "how is that? That is mighty cheap." "Oh, well," he said, "part of it is natural gas, and that we mix with what we make; and we do not distribute it at all. We sell it at 35 cents a thousand to a company that already has mains in Louisville for the purpose of distribution."

Mr. KYLE. How does the Senator explain about Philadelphia? There they have no natural gas. A private company there furnishes gas to the city in the holder at 37 cents.

Mr. FAULKNER. That is pure water gas.

Mr. KYLE. Of course.

Mr. FAULKNER. They furnish it for a certain price; I do not know exactly what.

Mr. KYLE. Thirty-seven cents.

Mr. FAULKNER. They furnish it for 37 cents in the holder, and then all the cost of distribution comes on the city.

Mr. KYLE. Twelve to fourteen cents.

Mr. FAULKNER. Whatever that is we do not know. Nobody, even the distinguished Senator from Pennsylvania, has been able to get behind the records of the common council of Philadelphia and to find out what the fact is in reference to that and other matters.

Mr. KYLE. The best experts put it as high as 28 cents.

Mr. FAULKNER. It is easy to guess.

Mr. KYLE. The Spooner committee granted 28 cents, and then it only made the price of gas 64 cents.

Mr. FAULKNER. An expert's opinion is the expression of the opinion of a man who is familiar with the process or science as to which he is testifying. In other words, he is making a guess without any practical test whether his guess is right or whether it is wrong. It is like the friend of my distinguished friend the Senator from South Dakota, who came here two winters ago asking us to grant similar privileges to this same corporation. He testified before us that it had the finest process that had ever been devised for reduction in the price of gas. The same gentleman came before us this year with the same bill, but he says he found that the process of two years ago is of no account. "But we have now adopted another process which we know is all right." In other words, it was a guess by our friends, the experts, and when they try to put their process of two years ago into operation, which the Senator was seeking to have introduced here, and 400 miles of street torn up to experiment with it, they demonstrate the fact that they made a mistake.

There is another question here to which I wish to allude. I should like to get on to this branch of the question and settle it. The Senator from Mississippi [Mr. GEORGE] takes up the report made by the House committee in this matter, and it shows an enormous amount of profit realized by this company. He says they distributed $600,000 of dividends of the earnings of last year.

Mr. GEORGE. I did not say that.

Mr. FAULKNER. What did the Senator say?

Mr. GEORGE. I said they distributed $600,000 last year.

Mr. FAULKNER. I think if the Senator will notice his remarks in the RECORD to-morrow he will find that it was of the earnings of last year.

Mr. GEORGE. I said they distributed $600,000 last year, and then I went on to show it was not all from earnings and to show exactly what it was.

Mr. FAULKNER. We investigated that, and we found that a part of it was from the sale of bonds which had been in the hands of the company for years, and that the remainder of it had been little accumulations running over twelve years, and they therefore distributed last year more than we think is a fair amount to allow them by $400,000, but it was through the sale of these bonds, which were their own. I do not mean that they issued bonds and sold them. But in years past they had bought some bonds, and they sold those bonds last year, and then from little dribs of accumulations for the last twelve years this amount was received.

I say you can take that report, and I venture the assertion that I am correct, because the committee examined it thoroughly before they passed upon the bill, and if you reduce the price of gas to $1.15, taking as the basis of the calculation the returns of last year, and allow a dividend of 10 per cent simply upon the $2,000,000 of capital stock, it leaves the surplus for that year for all contingencies $14,903.21.

Gentlemen who are not engaged in these large undertakings involving science and also involving purchases from monopolies can not conceive what threatens these companies at all times. The contract for naphtha and oil expires on the 1st day of July or the 1st day of June, I do not remember which, and the Standard Oil Company, the exclusive owners and sellers of these oils, raised the price upon this company aggregating $38,500 a year on

the single item alone. They raised the price; and within thirty days another contract has been signed for two years increasing the cost in the manufacture of gas in the District just exactly by that amount for the next year.

Mr. GEORGE. What is the statement made by the Senator from West Virginia?

Mr. FAULKNER. I said that the contract being about to expire for naphtha and the Standard Oil Company controlling the entire output in this country it raised the price upon the company in Washington, so that the contract they entered into within the last thirty days increased the cost of the production of gas actually $38,500, based on the output of last year.

Mr. GEORGE. Is that stated in the report of the committee anywhere?

Mr. FAULKNER. No, sir; it is not.

Mr. GEORGE. How did the Senator get the fact?

Mr. FAULKNER. I got the fact by a letter addressed to the committee, which was not put into the hearing.

Mr. GEORGE. From whom?

Mr. FAULKNER. From Mr. McLean, president of the company, who stated that he has signed a contract to that effect. I want to say to Senators here that no one who has come in contact with John R. McLean in the investigation of this question will hesitate for one moment to say for him that he has done everything to give the committee information, to throw his books wide open to their investigation, so that they could reach a fair, proper, just, and equitable conclusion on the subject. A more honorable, straightforward, thorough business man it has never been my pleasure to come in contact with than Mr. McLean, and he has attempted to conceal nothing from the investigation of the committee.

I want to state frankly how I arrive at the conclusion which I announce here, as it differs with that arrived at by my friend the Senator from Mississippi [Mr. GEORGE]. One vital error in all his calculations is that he takes a balance of last year's proceedings into this year's. When you want to find out how a company is doing you do not ascertain how much they have on hand. You ascertain what were the receipts for last year; what were its disbursements properly chargeable to that year. That is the way to ascertain what the profits were on the year's work, and it is the only way you can ascertain it.

Mr. GEORGE. Let me show the Senator that he is wrong.

Mr. FAULKNER. The Senator can not show me.

Mr. GEORGE. How does the Senator know I can not?

Mr. FAULKNER. Simply because I am acting upon a good common-sense business principle which any man, it seems to me, ought to recognize.

Mr. GEORGE. The Senator will allow me to make a statement to show how absolutely wrong he is?

Mr. FAULKNER. Oh, yes.

Mr. GEORGE. The cash on hand, after all disbursements, at the end of the year was $89,000. In order to be fair with the company, I took from the company the cash they started with. I think that is fair.

Mr. FAULKNER. The receipts, as shown by the House report, were $1,583,808.18. To show here yearly receipts, deduct the following items: Balance January 1, 1893, $58,166.53; interest on sinking fund, $19,758.89; sale of bonds, $368,666.75. It aggregates $446,589.17, leaving——

Mr. GEORGE. What is the second item?

Mr. FAULKNER. Interest on sinking fund. The Senator did not deduct that amount.

Mr. GEORGE. Interest on what?

Mr. FAULKNER. Sinking fund.

Mr. GEORGE. Nineteen thousand dollars?

Mr. FAULKNER. Yes; $19,758.89.

Mr. GEORGE. They charged $72,000 for interest, and I supposed when they charged $72,000 interest paid out, they ought to be credited with $19,000 they received.

Mr. FAULKNER. The Senator is mistaken in his accounting. He is a distinguished jurist.

Mr. GEORGE. I am not such an accountant as is the Senator from West Virginia.

Mr. FAULKNER. Of course not.

Mr. GEORGE. Because the Senator counts it all in favor of the company.

Mr. FAULKNER. We will see if I do. I have taken out items in disbursements that the Senator did not deduct, as he will see when he comes to it. Gentlemen do not understand that when you receive interest from a sinking fund that interest and that fund are sacred. The interest is applied to reinvestment for the sinking fund, and therefore does not enter into the actual receipts or disbursements of the company as showing the business of the year.

Mr. GEORGE. It does not say interest on sinking fund.

Mr. FAULKNER. That is what it is.

Mr. GEORGE. How does the Senator know?

Mr. FAULKNER. Because I have investigated it.

Mr. GEORGE. Here, Mr. President, is the account made out by the company. The company show they received as interest $19,758; and they show that they paid for interest $72,000. If one is charged, the other ought to be, I should think.

Mr. FAULKNER. Oh, no. That fund is a special fund. It is the sinking fund to discharge a liability and is looked to by the holders of these obligations. They have $250,000 in the fund.

Mr. GEORGE. I do not think it is very material whether it is a sinking fund or anything else; but there is no evidence before the Senate that it is a sinking fund.

Mr. FAULKNER. There is my evidence, Mr. President.

Mr. GEORGE. How does the Senator know it?

Mr. FAULKNER. I assert it is a fact that it is the interest on the sinking fund.

Mr. GEORGE. If the Senator is a witness in the case I should like to cross-examine him.

Mr. FAULKNER. I am a witness. I am a witness for the District of Columbia Committee; what I have heard there and what I have ascertained from my investigation is subject to the demand of the Senate or its members at any time.

Mr. GEORGE. Let me ask the Senator a question. Has the company a bonded debt?

Mr. FAULKNER. Of course it has; and naturally it has a sinking fund.

Mr. GEORGE. Does it pay interest on it?

Mr. FAULKNER. Of course it does.

Mr. GEORGE. Is the $19,000 interest on bonded debt?

Mr. FAULKNER. Of course not. It is the interest on what they have invested for its discharge.

Mr. GEORGE. In making out their statement they do not take any notice of the interest on the sinking fund.

Mr. FAULKNER. The Senator himself just stated to the Senate that they took account of $72,000.

Mr. GEORGE. I mean as receipts.

Mr. FAULKNER. They take account of it as interest paid on bonded indebtedness. In the receipts they put it in because the committee called upon them for every item of receipts and disbursements of every character and description, whether they were receipts for the year's work or any other sort, and they made a complete exhibit of every dollar of receipts—from whatever source it was derived—or disbursements as paid by the company, that Congress might investigate and ascertain the facts as plainly as any member of that corporation could in the examination of its books.

Take the disbursements. In the House report the disbursements are put at $1,583,808.18. Deducting extraordinary expenses and balance, included in the report, the balance is $89,992.38. Purchase of property, $100,000. The Senator from Mississippi has not deducted that in his statement, and yet that is an extraordinary expense that ought not to be charged at all to the disbursements during the year.

Mr. GEORGE. What is that?

Mr. FAULKNER. One hundred thousand dollars for the purchase of property.

Mr. GEORGE. I took that out.

Mr. FAULKNER. I did not hear the item.

Mr. GEORGE. The Senator did not pay attention to what I was saying.

Mr. FAULKNER. Yes, I did. It may have been because some one diverted my attention at the time.

Mr. GEORGE. That is for what property?

Mr. FAULKNER. That is what they bought from the Chesapeake and Ohio Canal Company.

Mr. GEORGE. Is that the item you are speaking of?

Mr. FAULKNER. I think that is the only piece of property they bought—the Chesapeake and Ohio wharf.

Mr. GEORGE. I took that out.

Mr. FAULKNER. All right. Dividends in excess of 10 per cent, $400,000. Those items aggregate $589,992.38, leaving a disbursement for expenses during the year by the company of $993,815.80.

Receipts from year's earnings	$1,137,219.01
Disbursements from year's earnings	993,815.80
Receipts over expenditures	143,403.21
With a reduction to one-dollar gas	225,000.00
Surplus last year	143,403.21
If, therefore, you reduce to one-dollar gas the deficit in the company's receipts for last year would be	81,596.79

Now, the surplus last year was		$143,403.21
Reduced to $1.15	$90,000	
Increased cost of naphtha	38,500	
		128,500.00
Which shows a surplus, at $1.15 per 1,000 feet, of		14,903.21

Now, that is what the report shows if you bring it down to $1.15 per thousand for the first year. So the committee, after an investigation of all these questions in all their ramifications, said, "This matter must be settled. We must agree on something." And although there were some opposing a reduction at all, and some in favor of dollar gas, they said, "We will do the best we can; we will report a bill that will ultimately reduce the cost to $1 if it is possible to do so in the light of future events. We will make the law so that if the company desires to change before it is reduced to dollar gas they will have to come to Congress and show by the most conclusive proof that can be produced that they can not furnish gas at that rate and make a fair profit for an enterprise of that hazard."

So we agreed on this proposition. We raised all the other requirements. What will be the additional cost to the company in making 2 or 3 candlepower extra I do not know and never heard it stated. The committee came to the conclusion that to accomplish this purpose and relieve Congress of the controversy we would bring in this report and test the correctness of our conclusions by actual experiment.

There is one other point to which I wish to call the attention of my friend the Senator from South Dakota [Mr. KYLE], especially as he has discussed that question, and I think it is well for the whole Senate, especially those Senators who are looking forward to voting on the appropriation bill, to remember it. This bill does not apply to or affect the question to which I shall refer, as that is controlled by the annual appropriations. The proposition is in reference to street lighting in this city. The cost of gas for street lamps is $20.50 a lamp. Now, I want to say to the Senator from South Dakota that that is the lowest price for street lighting in the United States with the exception of two cities—Allegheny and Cleveland. The cost of lighting lamps is lower in the city of Washington than it is in any other city in the United States, except the cities named, where the coal is far cheaper.

In order to contrast the price of street lamps in this city and in other cities, we must know what amount of gas the street lamps are contracted to burn. If they burn only 3 feet of gas an hour, then you can not contrast the lamps with a city where under the contract the lamps are required to burn 6 feet an hour. In other words, when you want to contrast the cost of lighting in this city with that of any other city, you must find out whether the other city requires the company to furnish 18,000 feet of gas per lamp per year for the same price the company does here.

I assert that the lowest price for street lamps in any city in the United States, except those two, is in the city of Washington, and that is calculated on furnishing gas at $20.50 per lamp. Do you know, sir, that that is not what is paid for gas here? The actual pay for gas in this city is only $15.94 for 18,000 feet of gas a year.

The Commissioners of the District report to the District Committee that under the appropriations here the gas company have to clean and keep in repair and in perfect condition all the lamp posts, and that after a most thorough investigation they have ascertained the cost of keeping them in repair is $4.56 a post. Consequently the actual cost of gas to the city of Washington for its street lamps is only $15.94 for 18,000 feet of gas per year. It is really below Allegheny and Cleveland, the only two cities that are lower, based on the other calculation.

We have examined every question involved in the controversy very thoroughly, and I do not think there is any point which we have not investigated in the interest of both the consumers and the gas company, and this bill is the final conclusion of the District committee as a settlement of the matter, with the hopes of taking it out of legislation, where we are annoyed by it every year here. I sincerely hope, therefore, that it will be the pleasure of the Senate to adopt this bill; but before I take my seat I will state that I found in reading the bill this morning that there is an error on page 3. I call the attention of Senators to it. They will see that it is clearly an error. It is desired to reenact a law of June 23, 1874, and amend it, and instead of doing so they have used the language of that law, only that it is amended so as to read as follows:

> That from and after the 30th day of June, 1874, the illuminating power of the gas furnished by any gaslight company, person, or persons in the District of Columbia shall be equal to 24 candles.

It ought to be changed, and in line 10, page 3, the word "seventy-four" should be stricken out and "ninety-six" put in; so that the illuminating power of the gas after the 30th day of June, 1896, not 1874, shall be so and so.

Mr. WHITE. If the Senator from West Virginia will permit me, I should like to ask him a question. I notice that on page 23 of the District appropriation bill there is an amendment striking out the following provision of the bill as passed by the House:

> *Provided*, That all of said lamps shall burn every night, on the average, from forty-five minutes after sunset to forty-five minutes before sunrise.

And in lieu thereof is substituted the following by the Senate committee:

> And said lamps shall burn not less than three thousand hours per annum.

Is that a reduction, I will ask the Senator?

Mr. FAULKNER. It is exactly the same.

Mr. WHITE. It is the same?

Mr. FAULKNER. It is the same. The provision is in the District appropriation bill, and it was for that reason that the Committee on Appropriations wanted the pending bill passed upon before we take up that bill. I ask that the amendment which I suggested be stated and acted upon.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In line 10, section 3, strike out "1874," and insert "1896."

The amendment was agreed to.

Mr. FAULKNER. I wish to offer one more amendment from the committee, on page 4, section 4, and will then explain it. The question was suggested by the Senator from Texas. Section 4 provides—

> That any gas company or person placing a gas meter in service in the District of Columbia that has not been inspected, proved, and sealed, as provided for by the act of March 3, 1873, entitled "An act making appropriations for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1894, and for other purposes," for each and every such violation of said act shall be subject to a penalty of $100, to be recovered before the proper tribunal of the District of Columbia.

That is the way the House sent the bill to the Senate. Since it has been reported we notice the fact that there was no discretion there, and, upon calling on the Washington Gas Light Company for an explanation of the subject, they stated to the committee that they have a call sometimes for as high as 150 meters a day, or within a day or two, and that, with the force now in the control of the office of the inspector of gas, they can not possibly test more than from 20 to 30 meters a day, so that if this provision is adopted without any modification of course they can not put meters in houses when demanded by people until they were sealed, and perhaps for a night or two the people in those houses would have to go without a meter. We have therefore drawn up the following amendment:

> *Provided*, That if the United States inspector of gas meters is unable, through press of business or any accidental cause, to test and inspect and seal meters proposed to be set, then the company shall be at liberty to place an unsealed gas meter on any premises, the same to be replaced by a sealed meter as soon as practicable.

I think the latter part of the amendment had better be modified so as to read "as soon as a sealed meter can be procured from the inspector."

The PRESIDING OFFICER. The amendment will be stated.

Mr. ALLEN. Why not fix a certain time?

Mr. FAULKNER. Suppose, for example, that to-day 50 meters are demanded. They could put 30 in, and to-morrow they would be able to put the other 20 in. There would be no excuse for not doing it; but if there were 150 to be put in they would have two or three days to do it in. I do not want to put in any limitation that would not work practically.

Mr. ALLEN. I do not want to participate in this particularly interesting discussion, although I suggest that the language of the amendment is very indefinite. Why not say within twenty-four, thirty, or forty-eight hours, fixing a time within which the meter shall be placed in the house?

Mr. FAULKNER. I thought the modification which I suggested limited the company more than the original amendment would, because I think they ought to be required to put the sealed meter there just as soon as the inspector of gas meters, who is a Federal official, shall be able to deliver them unsealed, if it is only for twelve hours.

Mr. ALLEN. I suggest that the amendment be supplemented with a provision "not later than" such and such a time.

Mr. FAULKNER. I have no objection to the modification. Say, forty-eight hours.

Mr. ALLEN. Forty-eight hours, or some particular time.

Mr. FAULKNER. Or, not to exceed thirty-six hours.

Mr. ALLEN. Let the latter part of the amendment be read.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 4 add to section 4 the following proviso:

> *Provided*, That if the United States inspector of gas meters is unable through press of business or any accidental cause to test and inspect and seal meters proposed to be set, then the company shall be at liberty to place an unsealed gas meter on any premises, the same to be replaced by a sealed meter as soon as sealed meters can be procured from the inspector.

Mr. ALLEN. "Not later than forty-eight hours."

Mr. FAULKNER. Let the amendment be so modified. I think that makes it more practical.

The PRESIDING OFFICER. The question is on agreeing to the amendment as modified.

The amendment as modified was agreed to.

Mr. GEORGE. Mr. President, a little from me will clear up the mist which the Senator from West Virginia throws around this account. I wish to call the attention of the Senate to the account, and I will have to read some of the items so that the Senate may understand how it is made out. It is the account of the transactions of the company for a year. Coal is the first item of disbursement. That is expense. Then oil; then coal again; wages; then taxes; then United States inspectors; new laboratories; water rent; expense of law, and insurance. By the way, I desire to call the attention of the Senate to that item of insurance, $2,290, especially as the Senator from New Hampshire said that they could not get insurance on gas plants. Lime and purifying materials; rent; repair of street lamps; distribution; dividends; interest on bonds; employees' relief association; then the extension of work.

Now, with the disbursements, there is a credit to the company for the disbursement of $72,000 extra.

On the other side, the receipts, the interest is $19,000. In making an accurate account of the transactions of the company on gas, both items, the $72,000 and the $19,000, ought to have been excluded, but in order to be fair to the company I will let them both stand, which makes in favor of the company $52,241.11. Then they have credit for a disbursement of $72,000 when they were only charged with $19,000, so that so far as the difference is concerned the way I have worked it out is in favor of the company. I saw it at the time, but in order to be fair to the company I let them both stand, the $72,000 as paid out and the $19,000 as received. Every man can see that I am right about that.

I do not believe that the Senator from West Virginia took any exception to any other point I made except the one that I have before explained. He said the balance from the last year ought not to have been brought into this account. Possibly it ought not, but then there was brought into it the balance remaining at the end of the year. They started out with a balance of cash of $52,000. They ended with a balance of cash of $89,000. If we strike out both, as the Senator said, it would be against the company. I let them both stand.

Mr. KYLE. Mr. President, I shall say only a few words in closing.

The Senator from New Hampshire [Mr. GALLINGER] has replied to the remarks I made on Saturday and on to-day, but I do not see anything in his speech that is really in the line of argument. I do not know that he made clearly one point. In fact, I do not see how a Senator who has made a magnificent report upon the other side could make a good speech upon the side of the gas company. I was glad to hear the Senator from Mississippi read from this report of the Senator. He then argued very logically and strongly that the people of the city should have dollar gas, but now he turns around and informs the Senate that the only complainants on the outside are "unthinking" people of this city.

I want to ask him whether the citizens of the city who appeared before the committee during the past year are unthinking men? I want to ask the Senator from New Hampshire whether men like William C. Dodge, of the city of Washington, one of the finest patent lawyers in the United States, is an unthinking man? And I should like to ask him why it was that William C. Dodge did not appear before the District of Columbia Committee this year and give his testimony? I understand that Mr. Dodge appeared before the committee ten years ago and showed himself one of the best-posted men in the world upon the subject of gas. He is a patent lawyer of thirty or forty years' experience, and knows the ins and outs of every piece of machinery that has been introduced during that time in the line of gas. This I know, and yet I believe when he applied this winter as a citizen of the District of Columbia to give his testimony before that committee he was refused. He is one of the "unthinking men" of the city of Washington, who, as the Senator from New Hampshire says, are making complaints about $1.25 gas.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from New Hampshire?

Mr. KYLE. Certainly.

Mr. GALLINGER. Will the Senator restate the statement he just made as to who was refused a hearing before the committee?

Mr. KYLE. William C. Dodge.

Mr. GALLINGER. Oh, yes. Well, I will call the attention of the Senate, when the Senator gets through, to the fact that William C. Dodge has given us a great many hours of information.

Mr. KYLE. I presume he has at times; but I do not know that he did during the recent hearings. Everything that Mr. Dodge has given, let me say to the Senate, embodied in the report of ten years ago, of which Senator Spooner, of Wisconsin, was chairman, is the most valuable testimony on the subject ever presented to this body. Now, there are other "unthinking" men. I have a pocketful of letters from intelligent men of the city. Here is one from a most distinguished physician. I presume physicians are "unthinking men."

Mr. GALLINGER. Some of them are.

Mr. KYLE. The Senator probably knows who are the "unthinking" men in the city when he makes such remarks as he made a little while ago.

Mr. President, I listened very carefully to the argument made by the Senator from New Hampshire. About all he was able to give in the way of argument was a list of cities in the United States that charged more for gas than does the city of Washington. Why, a small boy can see there is not a particle of argument in that. Of course there may be hundreds of cities that charge more than is charged in the city of Washington, but it proves nothing whatever, except that they have been more exorbitant in their charges than they are here. But when we show you numbers of cities in the United States and scores of them abroad that charge a great deal less than they do in the city of Washington, then it is incumbent upon you to prove that our statements are wrong and that gas can not be furnished at a less price than it is furnished in the city of Washington. When we put before the Senate, as we have done to-day, the testimony of the best experts in the United States that gas can be produced for as low as 35 cents a thousand in the holder, as low as 46 cents to the consumer, then it becomes incumbent upon you to prove that it can not be done in the city of Washington at that price, or at certainly less than $1.25.

I listened very carefully to the evidence given by the Senator from West Virginia [Mr. FAULKNER]. I waited for his explanation of the fact that these experts before the Spooner investigation proved that gas could be furnished for 35.8 cents per thousand, and how it was that Harrisburg gas is furnished for 46 cents a thousand, and how he could explain away the statement of the president of the Washington Gas Company, who said that gas could be furnished for 85 cents a thousand and still make 15 cents a thousand upon it, I believe. These statements were within reach of the Senator from West Virginia. He turns them off in a very smooth sort of a way and says that these experts are merely theorists as to the price of gas. I should like to know how the Senate of the United States is to be informed as to the probable cost of a thousand cubic feet of gas unless it be by experts.

Mr. FAULKNER. I will tell the Senator from South Dakota, if he will permit me.

Mr. KYLE. Very well.

Mr. FAULKNER. Let him take the amount of disbursements and receipts by the company. Let him see whether he can eliminate any item of disbursement. If he can not, then he must admit they are correct and proper charges against the assets of the company. Then let him take the disbursements and divide into two the amount of the product of the gas made by the company and sold, and he will find exactly, without any expert testimony, what is the actual cost of the gas to the particular company. That is the only practical way that I know how to get at it. That will give it to a cent.

Mr. KYLE. As to the price at which gas may be furnished in particular places we have the testimony of experts. They are not theoretical men, as the Senator would seem to indicate by his remarks a little while ago, but Mr. Vanderpoel, I presume, is known to the Senator from Delaware [Mr. GRAY] before me now. Mr. Vanderpoel, the engineer, is in charge of the gas works at Newark, Del. He is one of the most distinguished experts, acknowledged to be so by the Washington Gas Light Company. They had him summoned here to the investigation ten years ago. He stated to the committee that he put into the holder gas at a cost of 35.8 cents a thousand. He is not a theoretical man, but a man who is doing the work. He knew what it was to put the gas in the holder. So with the man who testifies that he ran the gas works up here at Harrisburg, Pa. He was doing the work, and putting it into the retorts and furnishing it to the consumer at 46 cents.

Mr. SEWELL. Will the Senator from South Dakota allow me to interrupt him?

Mr. KYLE. Certainly, if I can hear on this side what the Senator says.

Mr. SEWELL. Does the Senator refer to Newark, Del., or Newark, N. J.?

Mr. KYLE. I think it is in Delaware. Did I say New Jersey?

Mr. SEWELL. There is a distinguished gentleman of that name connected with the Newark gas works in my State. If you would ask him what the charge would be for gas under those circumstances he would tell you $1.50 per thousand.

Mr. KYLE. I did not catch what the Senator from New Jersey said, but I presume——

Mr. SEWELL. I say if you ask that gentleman, Mr. Vanderpoel, what he would charge for gas he would, no doubt, say $1.50.

Mr. KYLE. It must be Newark, N. J., then, I presume. This testimony he gives in the article written for the American Gas Light Journal, where the whole question is discussed as to the cost of producing a thousand cubic feet of gas. All Senators have a copy of the report of the Spooner investigation on their desks, and I think it would be well for them to read it. This gentleman, Mr. Vanderpoel, in the American Gas Light Journal of January 2, 1880, made a complete statement, giving the items of material used in the production of gas. He gives the cost of the coal, and in order to be on the safe side he puts the coal at $5.50 a ton, when it is selling, I believe, at only about $4 a ton in the city of Washington.

Mr. ALLEN. Will the Senator read the article?

Mr. KYLE. It is a long statement. Here is the closing up: The cost per thousand is 35.8 cents placed in the holder. We must add to that, of course, in order to get the correct cost of a thousand feet of gas, the cost of distribution. The best experts in the United States testify that the cost of distribution is 40 per cent of the cost of production. That is 12 or 14 cents. When this matter was before the investigating committee in 1886 there were many experts who testified as to the cost of distribution. One man stated that the cost was 28 cents and a fraction, but the committee go on to say that Colonel McCartney testifies that the usual cost is 18 cents, and Colonel McCartney is an expert. But in order to give them the benefit of all the doubt they add the 28 cents to the original cost, which makes it 64.6 cents per thousand as the actual cost in the city of Washington.

Mr. President, after finding that 64.6 cents is the cost delivered in the burner of the consumer, we must add a small amount in order to insure just dividends to those who own the stock. That is all there is of it. Now, the question comes as to whether we are unjust to the widows and orphans the Senator from New Hampshire is talking so much about; whether we are taking bread from the mouths of the widows and orphans who are the innocent holders of this stock in the District of Columbia. If the statements are true as set forth in the newspaper editorials during the past year and as indicated in the report read by the Senator from Mississippi a short time ago, that during the year 1895 this company declared in dividends 30 per cent, we are not taking bread out of the mouths of anyone if we cut the price of gas down to $1 per thousand. As the Senator from Mississippi has well remarked, the several committees that have investigated this subject thoroughly, the investigating committee of ten years ago, of which Mr. Spooner was chairman; the one of two years ago, of which Mr. Hurd of Missouri was the chairman; the committee of last year in the Senate, of which the Senator from New Hampshire was one, all declared that there should be dollar gas in the District of Columbia.

Now, I do not know, as I said a while ago, how we are going to arrive at this conclusion unless it be by the testimony of experts, those men who have been instrumental in producing gas in the other great cities of the United States and throughout the world; and I think when you have read through the testimony carefully as given in this report, you will come to the conclusion, as I have done, that the price of gas can very easily be reduced to $1 per thousand and still leave them fully 18 or 20 per cent in the way of dividends.

Mr. THURSTON. Mr. President, I have been called upon for many years last past to examine the balance sheets of some of the largest corporations in this country, and in that way I have become accustomed to and can perhaps more readily scan the balance sheet of a great corporation than most men who have not had the same experience.

I knew nothing about this issue of the price of gas in the District of Columbia until my attention was arrested by the debate of to-day and by the reference to the items in this balance sheet for the year 1895 as referred to first by the Senator from Mississippi [Mr. GEORGE] and again by the Senator from West Virginia [Mr. FAULKNER]. But as an attorney who has had much to do with the affairs of great corporations and who has made an examination of a great number of balance sheets of great corporate transactions, I confess that I was startled this afternoon when I came to scan the balance sheet of the business operations of this gas company for the year 1895. I feel it my duty to call the attention of the Senate and of the country to some of the figures on either side of this balance sheet.

The cash receipts of that company for the year 1895 were $1,583,808.18. That was all for their charges for gas and for other items of proper receipts, except cash on hand at the beginning of the year, $58,166.53; secondly, the sale of bonds, $368,663.75. The Senator from Mississippi [Mr. GEORGE] is right in insisting that the interest receipts of nineteen thousand and some odd dollars that the company received from interest on bonds held in its sinking fund should remain upon the credit side of that ledger, because the interest account of that company on its bonded indebtedness proper, stated as it would be by any other corporation, is to take its entire bonds outstanding, $1,200,000 in amount, the interest on which is paid at 6 per cent, $72,000, and deducting from that the amount of interest it received from bonds in its treasury to the credit of that outstanding total indebtedness.

Mr. FAULKNER. If the Senator will permit me, nobody doubts where that fund ought to be in the receipts and disbursements; but that does not go to show anything at all as to the receipts of the company and the work of the company in the manufacture of gas during that year.

Mr. THURSTON. It only goes to show that the total derived from the comparisons of the two sides of this ledger will be accurate by leaving both of those items standing.

Mr. FAULKNER. Of course that would be so if you were simply getting at receipts and disbursements during the year; but I say it is not correct to put that in any more than to put in the charge of $100,000 for the purchase of property at Georgetown from the Chesapeake and Ohio Canal Company. But that would not enable us to ascertain what the cost to the company was in the manufacture of gas, taking the receipts and the disbursements of the company, during that year.

Mr. THURSTON. The interest payment of that company last year was not $72,000; it was $72,000 less $19,000. That was its real interest payment, and there is no question about it.

Mr. FAULKNER. I ask the Senator, who seems to have charge of great corporations and understands these things thoroughly, when a great corporation, such as he has been connected with, sets aside a certain amount for a sinking fund, and that amount is bearing interest, whether the amount derived from that sinking fund is not reinvested the subsequent year so as to increase the aggregate of the interest-bearing fund and increase the surplus fund to meet the obligations of the company?

Mr. THURSTON. Unquestionably; but it ought to be taken into account as a part of the earnings of the company, and the real interest payment of the company is the total interest payment, less the amount of earned interest on the bonds in the sinking fund standing against the total outstanding bonded indebtedness.

Mr. FAULKNER. I understand the Senator agrees with me that that is the way in which that is done; that the company reinvest that interest, which does not reduce the amount of $72,000 of the bonded indebtedness at all. It is paid out of the receipts of the company regardless of what they receive on the bonds which are in the sinking fund.

Mr. THURSTON. The sinking fund of this company is provided for, I presume, out of the surplus earnings, after paying whatever dividends the company may decide to pay, and therefore, if this company, instead of applying upon its $72,000 annual interest the $19,000 of interest it receives from the sinking fund, reinvests it, and adds it to its sinking fund, it is not thereby entitled to charge as against these earnings the $72,000 unless it also includes as a part of its earnings the $19,000 on the other side of the ledger.

Taking that report, Mr. President, we find the annual statement for 1895, as I think, the most remarkable corporate earnings statement which was ever presented for the examination of the American public. Fifty-eight thousand and some odd dollars was the cash on hand at the beginning of 1895; eighty-nine thousand and some odd dollars was the cash on hand at the end of the year. Therefore the cash on hand has increased thirty-one thousand and some odd dollars in the year. That company paid out $600,000 in dividends on a capital stock of $2,000,000. That is 30 per cent dividend on its entire capital stock for that year. That dividend was paid out of the earnings of 1895, with the exception of one item on the credit side of that ledger. The company received from the sale of bonds three hundred and sixty-eight thousand and some odd dollars, and the Senator says, and probably with justice, that that amount should be deducted from the $600,000 paid out as dividend in order to ascertain the real amount that was paid out as dividends on $2,000,000 of stock. I challenge the Senator to find in this entire side of the ledger another item which can fairly be offset to reduce the amount of that dividend payment for 1895, and deducting that from the $600,000 paid in dividends, there was paid as dividends out of the earnings of that year two hundred and thirty-one thousand and some odd dollars; and there was left a balance on hand at the end of the year, as I have shown, of $31,000 more than there was at the beginning of the year; and the surplus earnings, without changing any item on the debtor side of that ledger, were two hundred and sixty-two thousand and odd dollars for the year 1895, a profit at least of 13 and a fraction per cent out of the transactions of that year.

But that is not all, Mr. President. I know something about what can fairly be charged as against the earnings of the company in the way of operating expenses. The debtor side of this ledger not only charges all operating expenses, but out of the earnings of last year there has been invested in a permanent purchase—not an operating expense—$100,000 for the purchase of a wharf and other property here in the city. There has also gone to

the extension of the plant in the way of street mains and new improvements almost another $100,000—about $90,000—and that real ledger account stands this way—and no man can challenge it in my judgment—that that company earned $362,000 profit, and in addition invested in permanent betterments and improvements $190,000.

Mr. GALLINGER. Will the Senator permit me?

Mr. THURSTON. Certainly.

Mr. GALLINGER. When the gas company spends $100,000 on the extension of mains, or $50,000, as the case may be, is it not the fact that the deterioration in existing improvements equals that amount?

Mr. THURSTON. Ah, Mr. President, all the expenses of keeping up that plant, the same as in a railroad company, are found in the items on the other side of the ledger year after year.

Mr. GALLINGER. Yes; but there must be a constant deterioration.

Mr. THURSTON. There undoubtedly is; but that constant deterioration is provided for in the operating expenses of every year. These items of investment I have pointed out are extensions; they are not in the way of repairs; they are enlargements of the plant; they are increasing it for future increase of business. Not only did that company earn, according to their own ledger, a clear profit of $452,000 in addition to paying their interest on $2,000,000 capital, but what else? Where did they get the $368,000 of bonds that they sold and that I have excluded from this comparative statement of mine? I do not know, but I can hazard a guess. Whatever bonds that company had to sell are the purchases from the profits of previous years over and above the annual allotment of dividends to their shareholders, and I venture to state that the representatives of this gas company will not contend that there has been any year for the past ten or fifteen or twenty years when they failed to pay a good, liberal, profitable investment upon their capital stock. Therefore, if in addition to the payment of liberal dividends upon their capital stock they had additional surpluses to invest in interest-bearing bonds, which they in the year 1895 sell and distribute to their stockholders, it follows as a matter of course that the annual average dividend that the stockholders of this company have received on their stock is actually increased by this distribution to them of $368,000 additional in the year 1895.

From an examination of that account it seems to me that it is capable of mathematical demonstration that no loss can come to this company by putting the price of gas in the District of Columbia at $1 per thousand feet. Not only that, but I insist that you never can fairly determine by the method that this company has used what will be the result upon earnings by a reduction of the amount that it is permitted to charge. Railroads in this country, ever since the question of legislation has been presented affecting their right to charge tolls, have always met every attempt at legislative reduction of their tariffs by elaborately prepared statements, showing that if you apply the percentage of reduction proposed to the tariffs of next year on the basis of the last, great net loss would follow; but I stand here to insist that never once has that character of demonstration been proven true when the lower tariffs have been fixed and the business of the next year has gone upon the balance sheet; and I insist here to-day that no Senator on this floor can tell—human foresight can not tell from a comparison of the receipts of last year and the application of the percentage reduction proposed to the business of the next year in advance of the statement of that business—what the actual result will be.

Mr. President, there is no way to test this question except by reducing the price of gas in the District of Columbia now and taking account of the balance sheet at the end of the next year. Demonstrated facts will satisfy the people; theories never can.

I insist that there is enough of a surplus remaining in the treasury of this company or in the pockets of its stockholders out of their extravagant and unreasonable profits for the last few years so that they can well afford, if such be the result, to receive a little lower dividends on the transactions of the coming year, and when this price of $1 per thousand feet has been applied and has been tested by a year's experience, will not the Congress of the United States then be better prepared to legislate upon this question and do justice to this interest if it has been wronged than it is now to foreclose the rights of the people of this District, to take this unjustifiable charge out of their pockets and put it where the remedial legislation of Congress can never restore it to the people?

Mr. President, as a straight business proposition based on that balance sheet, which, I say, is one of the most extraordinary balance sheets that has ever been made public in the United States, I insist that this company ought to accept at once and now the one-dollar rate for gas, and let it be demonstrated by the balance sheets at the end of the next year if they have not received a fair return upon their capital.

Mr. PROCTOR. Mr. President, I do not propose to discuss this question, which has already developed more illuminating power than any gas standard with which I am familiar. I merely want to state in two or three minutes how the question presented itself to the committee.

At the last session there were one or more applications for the charter of new gas companies, the promoters promising 75-cent gas. The committee did not believe in the chartering of these companies. They questioned somewhat the possibility of so cheap a production, and they considered that an old company, with a good plant and mains, could certainly furnish gas cheaper than a new company that had all this expense to make, and that the result would be that the gas consumers finally, instead of paying a fair interest on the plant that was already in existence, would have to support two plants, for the history of these competing companies all over the country has been that they do not compete for a long time, but that they combine, and the consumer has to pay an increased price in consequence.

At that session I favored a reduction in the price of gas by the old company and proposed a reduction to one and one-eighth. At the present session I earnestly favored dollar gas; but after very full hearings—and I wish to state that I think all parties had, as they always have, a fair hearing in that committee—and considering the rights of stockholders, that many of them had invested recently and at a high price, the committee unanimously agreed upon this sliding scale, which will bring the price of gas to the consumer to a dollar within five years. I believe it was a fair compromise of conflicting interests.

I am not inclined to question the figures of the Senator from Nebraska [Mr. THURSTON]. He is experienced in sinking funds, as he has dealt with railroads, as all stockholders know to their sorrow [laughter]; but there have been great changes in the stock of the Washington Gas Light Company, and there are many stockholders who invested recently at a high price. So the committee were finally unanimous in their opinion that this was a fair arrangement; and I certainly hope the Senate will ratify it.

Mr. GALLINGER. Mr. President, a single word before this discussion closes, which I trust may be very soon. I was occupied during a portion of the time that the Senator from South Dakota [Mr. KYLE] was addressing himself to me. I therefore did not hear all he said. I did catch the statement that I at some time during my service here had advocated dollar gas in the District of Columbia.

Mr. KYLE. Last year in the report.

Mr. GALLINGER. I do not dispute that. I would simply say in reply that so far as I know there is only one animal in the world who never changes his mind, and I do not belong to that class. I have changed my mind on the subject of gas in the District of Columbia. I changed it, as I stated a moment ago, after listening to arguments from men who knew a great deal more about this matter than I do and after being persuaded that my position last year was not a correct one.

Mr. President, we have had eloquence that I have enjoyed, both from the Senator from South Dakota [Mr. KYLE] and the Senator from Nebraska [Mr. THURSTON], on the gas question, but it is a remarkable fact that, according to Brown's Directory for the year 1892, the people of South Dakota are paying an average of $2.20 per thousand feet for gas in that State. In the State of Nebraska they are paying $1.90 per thousand feet. It may be that those Senators representing States in which a much higher price is charged for gas than is being charged to-day in the District of Columbia, not taking into account the reduction we propose, are better qualified to judge of this matter than the committee which gave those patient hearings and which have conscientiously tried to reach a wise conclusion.

The committee did not confine itself to unthinking people. I do not mean to say, and I trust I did not say (the RECORD will speak for itself), that all the people of the District who were clamoring for dollar gas are unthinking people. My judgment is that there is a great deal of misinformation on this subject in the District. If there is any place on the face of God's green earth which contains a population with so large a proportion of chronic grumblers and kickers as the District of Columbia I have never come across it. We were beset in the District of Columbia, I think, three years ago to appropriate for a contagious-diseases hospital in the District, and the Commissioners of the District of Columbia have been trying from that day to the present to locate that hospital, and they have been unable to do so because of the grumblers and kickers in the District of Columbia. That it is true of everything else we have undertaken to do for the people of the District of Columbia. It is impossible to satisfy them in regard to these matters, and so in the matter of gas I say there have been a great many unthinking men who have without accurate knowledge said that the gas company can furnish gas at $1 a thousand, and who have insisted that it was true without knowing the real facts in the case.

We called before our committee some of the wisest and most qualified experts this country affords. Among those experts was Mr. William Henry White, a gas engineer of New York City, a

man who has a national and international reputation as a gas engineer, who has established gas plants, who has been educated in the business, and who has the most accurate possible information on this question. Mr. White had no interest in this matter. He has studied the Washington gas plant as he has studied every other gas plant in the United States, and here is what he says about it:

Now, gentlemen, I hold that it is impossible for the Washington Gas Light Company to make gas and sell it in the city of Washington and make a reasonable profit upon it at $1 per thousand.

Washington is a city which is peculiarly situated. It pays more than the usual prices for all its materials. It is paying very liberal wages. It is a peculiar city in many respects. Washington, after all, may be looked upon somewhat in the light of our large summer resort cities on the Eastern coast. This city does a large business while Congress is in session. A great many people are here, the hotels are filled, the boarding houses are running over, and the stores are doing more or less business incident to this crowd. They concentrate in that part of the year a great portion of their business.

But so far as the Washington Gas Light Company is concerned the rest of the city has to be cared for just the same during the remainder of the year. This 300 miles of pipe has to be laid and cared for, so that everybody around the outer edges of the city can be supplied with gas. The standard here must be kept equally good during the remainder of the year. There is no letting down in the quality of the gas during the slack period.

This expert goes on to say:

I have studied this plant of the Washington Gas Light Company for a number of years. I have seen it grow from very small proportions. I know that it has always been the ambition of the management of this company to be in the forefront, not only as regards the character of its apparatus, but also as regards the character of light furnished and the treatment of the general public.

Mr. George McIlhenny, who was for many years chief engineer, and afterwards the president and engineer of this company, was one of the most distinguished men in our profession, and a gentleman of rare ability. This company was the pride and ambition of that man's useful life. There was nothing known in our profession that was not had in this company. Nothing existed elsewhere that he did not have when we were making nothing but coal gas. When we began to make use of the oil process Mr. McIlhenny was one of the first gentlemen in the field to take up the subject and carefully study it. He met, step by step, all the advances in our profession, until when these new works were built he embodied in that last plant, as a monument to him, the very latest and best ideas of our profession. It is one of the finest plants in the United States; and when I say that I mean the world; for we are as much ahead of our foreign friends in gas plants as we are in railroads. Mr. McIlhenny left here, at the time of his death, a plant which I am frank to say is second to none.

This company can make, and does make, as fine gas as any company in the world. The fact that there is a trifling difference between the illuminating power of the gas in New York City and the gas in Washington is so trifling that it is simply not worth talking about. In other words, if you fix the illuminating power at 24, as suggested by Professor Love, this company would be making it equal to 25 or 25½, as a matter of safety.

We fix it at 26 in the bill now under consideration. Mr. White goes on to say:

Of course they can sell gas at a dollar, if this Congress says they must; but it means the immediate cutting down of the wages of employees, the cutting out of every man they can possibly do without; it means hardship all along the line. The wages of the clerks must be reduced. They must buy materials at a lower grade. When extensions are made they will be made in a more penurious way. It means the absolute crippling of this enterprise all along the line. Therefore, I, as a man skilled in this work, both in construction and in the operation of gas works, having been closely associated with their management all my life, feel that here in Washington the Washington Gas Light Company can not afford to sell gas at a dollar and maintain a high standard of everything in connection with its business, although I believe in dollar gas and in high illuminating power.

That is the kind of testimony that persuaded me. That is the kind of testimony that caused me to change my mind and to conclude that if we could not have dollar gas for the next two years we ought to have $1.15 gas in the city of Washington. I am not qualified, as is the Senator from Nebraska [Mr. THURSTON], to go into the debit and credit statement made by the company and to technically and scientifically point out the various items, but it does seem to me that some items to which the Senator has called attention are not in the nature of permanent improvements. I take it that a gas company must necessarily construct new buildings, as this company have constructed new buildings, but they are to take the place of old ones. I take it they must necessarily lay new pipes, but they take the place of old pipes. I am not quite sure that this wharf has not taken the place of an old wharf. I have no accurate information on that point. But even if it be not true I have no information that the wharf will bring a dollar of added revenue to the company during the next two years, and so it seems to me that the Senator has been very technical in his elucidation of this very interesting debit and credit statement of the Washington Gas Light Company. I believe, and all the testimony that was before the committee led the committee to believe, that under ordinary circumstances the best that could be done and the fairest thing that could be done was to agree upon the bill that the committee has reported to the Senate.

The Senator from Nebraska says, "Let us give one-dollar gas and then find out whether the company can afford to furnish it or not, and if they can not afford to furnish it at that price we will give them further legislation next year." I have had very little to do with legislation concerning corporations, but I think it would be a novel principle to incorporate into a law. I think it would be a novel principle to compel a corporation to furnish its product at a price less than it can afford to furnish it, and when that is demonstrated and dividends are taken from innocent stockholders say they may come to Congress and ask that we shall legislate further to protect them from our own folly. I do not think that is wise legislation. I think it is wisdom to give the people $1.15 gas, which everybody concedes will enable the company to pay dividends, buy good material, lay down first-class lines, as they have always done, and pay as high wages as are paid anywhere in the United States, as they are paying to-day. If in another year we find that their credit sheet is too large, we can further reduce the price by legislation of the National Congress. I think that is the wise kind of legislation, and I trust that that is what Congress will do in reference to this matter.

Mr. KYLE. I offer an amendment before the vote is taken upon the other proposition. At the end of line 24, page 5, I move to add what I send to the desk. I have submitted it to the Senator from West Virginia and I think he will accept it without debate.

Mr. FAULKNER. It is satisfactory to me. I do not see any objection to it.

Mr. KYLE. It is merely requiring a report to Congress.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. At the end of line 24, page 5, it is proposed to insert:

Provided, That the Washington Gas Light Company, through its president, shall make a full report to Congress annually on the 1st day of January, stating in detail the gross receipts and expenditures, the cost of materials used in making gas, the amount used and consumed, the dividends declared, the extensions and improvements made in the plant, the surplus and cash on hand, and how the surplus funds of the company are invested.

Mr. HARRIS. Are those reports made by the calendar year or by the fiscal year?

Mr. FAULKNER. The reports are made by the railroad companies on the 1st of January.

Mr. HARRIS. I speak of the gas company.

Mr. FAULKNER. The last report was to the 1st of January, and I suppose that is their fiscal year. I will state that we have a law now which requires a report of the coal only to the Secretary of the Interior; and as we do that in reference to other corporations in this city I see no objection to the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment submitted by the Senator from South Dakota [Mr. KYLE].

The amendment was agreed to.

Mr. BACON. Mr. President——

Mr. KYLE. I hope we may get a vote on the bill this evening.

Mr. BACON. I simply desire to say one word before the vote is taken.

Mr. President, as a member of the District Committee I was very earnestly in favor of fixing the rate at $1 for gas, and I think I can say with propriety that I was the last member of the committee to yield on that question. I did so, not because my opinion had been changed, but because I thought it was to the interest of the consumers that there should be an agreement on the part of the committee, and that something practical should come out of the matter. As I am in part responsible for that report, I feel it my duty to contribute what I can to sustain it. In view of my opinion and contemplated vote I feel it my duty to make this statement.

The PRESIDING OFFICER. The question is on the motion of the Senator from Mississippi [Mr. GEORGE] that the votes by which the amendments on pages 1 and 2 of the bill were agreed to be reconsidered.

Mr. PASCO. I should like to have the amendments reported.

Mr. FAULKNER. The amendments are very long. I will state to the Senator that one of them strikes out one-dollar gas and makes a sliding scale from $1.15 down to $1 in five years, applying to the Washington Gas Light Company, and the other makes a gradual sliding scale as to the Georgetown Company running from $1.50 down to $1.25.

Mr. KYLE. I wish we might divide the question and have the vote taken first on the motion to reconsider the first amendment. I do not care particularly about the other one.

Mr. HARRIS. It is divisible.

The PRESIDING OFFICER. The question is on agreeing to the motion to reconsider the vote by which the first amendment was agreed to.

Mr. KYLE. Let us have the yeas and nays.

The yeas and nays were ordered.

Mr. NELSON. I should like to understand the parliamentary question. Is the amendment which it is proposed to reconsider the one making the price of gas $1.15?

Mr. KYLE. The motion is to reconsider the committee amendment which has been adopted for a sliding scale, adopted a few days ago.

Mr. NELSON. What is the amendment?

Mr. FAULKNER. The amendment is to reduce the price first to $1.15, then to $1.10, then to $1.05, and finally to $1.

Mr. KYLE. It has been adopted by the Senate.

Mr. NELSON. We who want dollar gas want the vote reconsidered?

Mr. KYLE. We want to vote to reconsider it.
Mr. NELSON. That is right.
The PRESIDING OFFICER. The Secretary will call the roll.
The Secretary proceeded to call the roll.
Mr. GEORGE (when his name was called). I am paired with the Senator from Oregon [Mr. McBRIDE]. I do not see him present. If he were present, I should vote "yea."
Mr. HARRIS (when his name was called). I have a standing pair with the senior Senator from Vermont [Mr. MORRILL]. He and I agree upon these questions, however, and I will vote. I vote "nay."
Mr. KYLE (when his name was called). I was requested to pair with the Senator from Wisconsin [Mr. VILAS]. If he were present, I understand he would vote "nay" and I should vote "yea" upon this proposition.
Mr. MARTIN (when his name was called). I am paired with the Senator from Montana [Mr. MANTLE]. If he were present, I should vote "nay."
Mr. PASCO (when his name was called). I am paired with the Senator from Washington [Mr. WILSON].
Mr. PRITCHARD (when his name was called). I have a general pair with the Senator from Louisiana [Mr. BLANCHARD]. On this vote I transfer my pair to the senior Senator from Michigan [Mr. McMILLAN] and vote "nay."
Mr. PROCTOR (when his name was called). I am paired with the Senator from Florida [Mr. CALL]. If he were present, I should vote "nay."
Mr. QUAY (when his name was called). I am paired generally with the Senator from Alabama [Mr. MORGAN]. If he were present, I should vote "nay." I do not know how he would vote, and therefore withhold my vote.
Mr. THURSTON (when his name was called). I have a general pair with the Senator from South Carolina [Mr. TILLMAN], with a distinct understanding with him that the pair is not to apply in any case which can in no wise be considered political. I will therefore vote. I vote "yea."
Mr. WALTHALL (when his name was called). I am paired with the senior Senator from Pennsylvania [Mr. CAMERON].
The roll call was concluded.
Mr. BLACKBURN. I am generally paired with the senior Senator from Michigan [Mr. McMILLAN], but I am informed that my pair has been transferred to the Senator from Louisiana [Mr. BLANCHARD]. I therefore vote "nay."
Mr. GALLINGER (after having voted in the negative). I have a general pair with the senior Senator from Texas [Mr. MILLS], who has not voted. I transfer my pair to the senior Senator from Ohio [Mr. SHERMAN] and allow my vote to stand.
Mr. DUBOIS. I am paired with the senior Senator from New Jersey [Mr. SMITH].
Mr. GEAR. I have a general pair with the Senator from Georgia [Mr. GORDON]. I transfer my pair to the Senator from Connecticut [Mr. HAWLEY] and vote "nay."
Mr. HANSBROUGH (after having voted in the negative). I voted inadvertently. I am paired with the junior Senator from Illinois [Mr. PALMER]. I transfer my pair to the Senator from Utah [Mr. CANNON] and allow my vote to stand.
The result was announced—yeas 14, nays 31; as follows:

YEAS—14.

Allen,	Carter,	Pugh,	Vest,
Bate,	Chilton,	Teller,	White.
Berry,	Nelson,	Thurston,	
Butler,	Peffer,	Turpie,	

NAYS—31.

Allison,	Cockrell,	Gray,	Pritchard,
Bacon,	Cullom,	Hale,	Roach,
Baker,	Davis,	Hansbrough,	Sewell,
Blackburn,	Faulkner,	Harris,	Shoup,
Brown,	Gallinger,	Jones, Ark.	Squire,
Caffery,	Gear,	Mitchell, Wis.	Stewart,
Chandler,	Gibson,	Perkins,	Wetmore.
Clark,	Gorman,	Platt,	

NOT VOTING—44.

Aldrich,	George,	McMillan,	Proctor,
Blanchard,	Gordon,	Mantle,	Quay,
Brice,	Hawley,	Martin,	Sherman,
Burrows,	Hill,	Mills,	Smith,
Call,	Hoar,	Mitchell, Oreg.	Tillman,
Cameron,	Irby,	Morgan,	Vilas,
Cannon,	Jones, Nev.	Morrill,	Voorhees,
Daniel,	Kyle,	Murphy,	Walthall,
Dubois,	Lindsay,	Palmer,	Warren,
Elkins,	Lodge,	Pasco,	Wilson,
Frye,	McBride,	Pettigrew,	Wolcott.

So the Senate refused to reconsider the vote by which the amendment was agreed to.
The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Mississippi [Mr. GEORGE] to reconsider the vote by which the amendment on page 2 was agreed to.
Mr. GEORGE. I withdraw the motion.
The PRESIDING OFFICER. The motion is withdrawn.
Mr. KYLE. I think it is very evident that the Senate does not wish to give the city dollar gas, and I withdraw all opposition to the amendments.
Mr. GRAY. That is right.
Mr. GALLINGER. That is generous.
The bill was reported to the Senate as amended, and the amendments were concurred in.
The amendments were ordered to be engrossed and the bill to be read a third time.
The bill was read the third time, and passed.
Mr. FAULKNER. I move that the Senate request a conference with the House of Representatives on the bill and amendments.
The motion was agreed to.
By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate; and Mr. McMILLAN, Mr. FAULKNER, and Mr. GALLINGER were appointed.

ELLEN KINGSLEY.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 1215) granting a pension to Ellen Kingsley, which was, in line 4, after the word "roll," to insert "at $8 per month."
Mr. SHOUP. I move that the Senate concur in the amendment of the House of Representatives.
The motion was agreed to.

ELIZA SANFORD.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 1189) granting a pension to Eliza Sanford, which was, in line 11, to strike out "twenty-five" and insert "twelve."
Mr. GALLINGER. I move that the Senate nonconcur in the amendment of the House of Representatives and request a conference with the House on the disagreeing votes of the two Houses thereon.
The motion was agreed to.
By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate; and Mr. PRITCHARD, Mr. GALLINGER, and Mr. ROACH were appointed.

ELIZABETH J. COOK.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 125) for the relief of Elizabeth J. Cook, of Arkadelphia, Clark County, Ark., widow of Robert T. Cook, which was, in line 10, to strike out "twelve" and insert "eight."
Mr. BERRY. I move that the Senate concur in the amendment of the House of Representatives.
The motion was agreed to.

MARY NEWMAN.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 1044) granting a pension to Mary Newman, which was, in line 10, to strike out "twenty-four" and insert "twelve."
Mr. GALLINGER. I move that the Senate concur in the amendment of the House of Representatives.
The motion was agreed to.

SAMUEL GOLDWATER.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 404) granting a pension to Samuel Goldwater, which was, in line 5, to strike out "fifteen" and insert "twelve."
Mr. GALLINGER. I move that the Senate concur in the amendment of the House of Representatives.
The motion was agreed to.

MRS. ELEANOR CARROLL POE.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 804) granting a pension to Mrs. Eleanor Carroll Poe; which was, in line 5, to strike out "one hundred" and insert "fifty."
Mr. GALLINGER. I move that the Senate nonconcur in the amendment of the House of Representatives and request a conference with the House on the disagreeing votes of the two Houses thereon.
The motion was agreed to.
By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate; and Mr. GALLINGER, Mr. MITCHELL of Wisconsin, and Mr. BAKER were appointed.

HELEN M. JACOB.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 149) granting a pension to Helen M. Jacobs, which was, in line 9, to strike out "sixteen" and insert "twelve."
Mr. GALLINGER. I move that the Senate concur in the amendment made by the House of Representatives.
The motion was agreed to.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 2405) granting a pension to Maria Gibbons;

A bill (H. R. 2947) increasing the pension of Daniel D. Jennings, late of Company C, Sixty-fifth Ohio Volunteers;

A bill (H. R. 3578) granting a pension to Elmira E. Dustin; and

A bill (H. R. 5946) granting an increase of pension to Abraham H. Parker.

MESSAGES AND PAPERS OF THE PRESIDENTS.

The PRESIDING OFFICER laid before the Senate the following concurrent resolution of the House of Representatives; which was referred to the Committee on Printing:

Resolved by the House of Representatives (the Senate concurring), That there be printed 15,000 additional copies of the Messages and Papers of the Presidents, Richardson's compilation, of which there shall be 5,000 copies for the Senate and 10,000 copies for the House of Representatives, to be distributed and disposed of, including the fraction in each case, as provided in the House joint resolution numbered 170, approved on the 30th day of April, 1896.

DISTRICT APPROPRIATION BILL.

Mr. TELLER. I ask that the District appropriation bill be laid before the Senate.

Mr. GEAR. I ask leave to call up a bill.

Mr. TELLER. Let the appropriation bill be first taken up.

Mr. GEAR. Very well.

The PRESIDING OFFICER. The Chair lays before the Senate the District appropriation bill, which will be stated.

The SECRETARY. A bill (H. R. 5210) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1897, and for other purposes.

Mr. GEAR. I ask unanimous consent to call up the bill proposing to pension General Parrott.

Mr. TELLER. Let the appropriation bill be laid aside informally.

Mr. GEAR. Very well. I ask that the appropriation bill be laid aside temporarily.

The PRESIDING OFFICER. It will be so ordered, without objection.

GEN. JAMES C. PARROTT.

Mr. GEAR. I ask unanimous consent to call up from the table the bill (H. R. 5226) to give increased pension to Gen. James C. Parrott.

The bill (H. R. 5226) to give increased pension to Gen. James C. Parrott was read twice by its title.

Mr. GEAR. I wish to state that General Parrott is nearly 81 years of age. He is confined to his bed and, in my judgment, will not live ninety days. It is proposed to pension him at the rate the medical board estimated, $50 per month. The bill passed the other House unanimously, and I am certain that it will pass the Senate. Therefore, I ask that the bill be put upon its passage.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of James C. Parrott, late colonel of the Seventh Iowa Infantry, and to pay him a pension of $50 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. DAVIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twelve minutes spent in executive session the doors were reopened, and (at 6 o'clock and 10 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, May 19, 1896, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate May 18, 1896.

COMMISSIONER FOR ALASKA.

Kenneth M. Jackson, of Juneau, Alaska, to be a commissioner in and for the District of Alaska, to reside at Wrangell, vice William A. Kelly, term expired.

RECEIVER OF PUBLIC MONEYS.

Henry C. Fink, of Montrose, Colo., to be receiver of public moneys at Montrose, Colo., vice Edward H. Smith, whose term of office will expire June 30, 1896.

POSTMASTERS.

Adrian P. Jordan, to be postmaster at Leesburg, in the county of Lake and State of Florida, in the place of Asa L. Hardman, whose commission expired April 4, 1896.

Bernard Monnich, to be postmaster at Hooper, in the county of Dodge and State of Nebraska, in the place of Edward W. Renkin, resigned.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 18, 1896.

CONSUL.

Robert Lee Jenkins, of North Carolina, to be consul of the United States at Patras, Greece.

SECRETARY OF LEGATION.

Robert Ransom, of North Carolina, to be second secretary of the legation of the United States to Mexico.

DISTRICT JUDGE.

William Lochren, of Minnesota, to be United States district judge for the district of Minnesota.

POSTMASTERS.

Benjamin Steward, to be postmaster at Birdsboro, in the county of Berks and State of Pennsylvania.

James L. Lincoln, to be postmaster at East Weymouth, in the county of Norfolk and State of Massachusetts.

Charles E. Brady, to be postmaster at Sandwich, in the county of Barnstable and State of Massachusetts.

Ulysses G. Swartz, to be postmaster at Whiting, in the county of Lake and State of Indiana.

Frank W. Joplin, to be postmaster at Elizabethtown, in the county of Hardin and State of Kentucky.

Henry F. Shannon, to be postmaster at Bedford, in the county of Cuyahoga and State of Ohio.

John Q. Baker, to be postmaster at Middletown, in the county of Butler and State of Ohio.

William Rodearmel, to be postmaster at Harrisburg, in the county of Dauphin and State of Pennsylvania.

REJECTION.

Executive nomination rejected by the Senate May 18, 1896.

POSTMASTER.

R. A. Freeman, to be postmaster at Burlington, in the county of Alamance and State of North Carolina.

HOUSE OF REPRESENTATIVES.

MONDAY, *May 18, 1896.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of Friday was read and approved.

MESSAGES AND PAPERS OF THE PRESIDENTS.

Mr. PERKINS. Mr. Speaker, I desire to present a privileged report from the Committee on Printing.

The report was read, as follows:

Your committee, having had under consideration House concurrent resolution No. 47, to print 15,000 additional copies of the Messages and Papers of the Presidents, recommend that it be agreed to.

This compilation is by Hon. JAMES D. RICHARDSON, of Tennessee, and all the members of the House are familiar with the work so far as it has been published.

The Public Printer estimates the cost of these additional copies at 75 cents per volume.

Mr. DOCKERY. Mr. Speaker, this compilation, as members know, is exceedingly valuable, and I desire to congratulate the committee on having reported the resolution so promptly. The gentleman from Tennessee [Mr. RICHARDSON] is entitled to high commendation for the ability manifested in the preparation of this publication.

The concurrent resolution was agreed to.

REPORT ON THE NICARAGUA CANAL.

Mr. PERKINS. Mr. Speaker, I desire to present another privileged report.

The report was read, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed 10,000 copies of the report made by Messrs. Ludlow, Endicott, and Noble, of date October 31, 1895, upon the Nicaragua Canal, together with all the appendixes, maps, plans, and profiles accompanying the same, as submitted by them; 6,000 of which shall be for the use of the House of Representatives and 4,000 for the use of the Senate.

Your committee, having had under consideration Senate concurrent resolution No. 245, to print 10,000 copies of the report made by Messrs. Ludlow, Endicott, and Noble, of date October 31, 1895, upon the Nicaragua Canal, together with all the appendixes, maps, plans, and profiles accompanying the same, as submitted by them, recommend that the same be agreed to. The Public Printer estimates the cost at $15,325.

The concurrent resolution was agreed to.

On motion of Mr. PERKINS, a motion to reconsider the several votes by which the two concurrent resolutions were agreed to was laid on the table.

NATIONAL SOCIETY OF COLONIAL DAMES.

Mr. QUIGG. I ask unanimous consent to report from the Committee on the Library, for immediate consideration, the bill which I send to the desk—House bill 8673, to incorporate the National Society of Colonial Dames of America.

The SPEAKER. The Clerk will read the bill.

Mr. QUIGG. Before the reading proceeds I wish to say that the names of the incorporators occupy about a page and a half of print. I suggest that time may be saved by omitting the reading of the names.

The SPEAKER. If there be no objection, the names will be omitted in the reading.

There was no objection.

The Clerk proceeded with the reading of the bill, as follows:

Be it enacted, etc., That Justine Van Rensselaer Townsend (Mrs. Howard Townsend), of New York; Elizabeth Duane Gillespie (Mrs. E. D. Gillespie), of Pennsylvania; Eleanore Kinsey Gordon (Mrs. W. W. Gordon), of Georgia; Britannia Wellington Kennon (Mrs. Beverly Kennon), of Washington, D. C.; Elizabeth Banning (Mrs. Henry G. Banning), of Delaware; Emily K. Reed (Mrs. William Reed), of Baltimore, Md.; Esther Jackson (Mrs. J. J. Jackson), of Baltimore, Md.; Elizabeth Byrd Nicholas, of Washington, D. C.; Letitia Green Stevenson (Mrs. Adlai E. Stevenson), of Illinois; Ellen Sever Hale (Mrs. George S. Hale), of Boston, Mass.; Mary Adams Quincey (Mrs. H. P. Quincey), of Boston, Mass.; Sara Putnam Lowell Blake (Mrs. George Baty Blake), of Massachusetts; Grace Parkman Coffin (Mrs. C. P. Coffin), of Massachusetts; Elizabeth Rebecca Lowell Sprague (Mrs. F. P. Sprague), of Massachusetts; Mrs. Samuel G. Colt, of Connecticut; Mrs. Charles Dudley Warner, of Connecticut; Bettie Andrews Atkinson (Mrs. John Wilder Atkinson), of North Carolina; Lucy Wright Giles (Mrs. Clayton Giles), of North Carolina; Belle De Saussure, of South Carolina; Eleanore Van Rensselaer Fairfax (Mrs. Hamilton B. Fairfax), of New York; Catharine Parker Beekman (Mrs. William Bedlow Beekman), of New York; Katherine Euphemia Turnbull, of New York; Susan de Peyster Livingston (Mrs. Robert E. Livingston), of New York; Maria Duane Bleecker Miller, of New York; Alice Elizabeth Chapin Brewster (Mrs. Henry Colvin Brewster), of New York; Cornelia Jones Chadwick (Mrs. French Ensor Chadwick), of New York; Alice Claypole Vanderbilt (Mrs. Cornelius Vanderbilt), of New York; Anna Livingston Reade Street Morton (Mrs. Levi Parsons Morton), of New York; Florence Bayard, of Delaware; Elizabeth D. Knight, of Delaware; Mary Floyd Delafield Neely (Mrs. Henry Adams Neely), of Maine; Abigail Adams Johnson Seymour (Mrs. Horatio Seymour), of Michigan; Sara Cotton Smith Perry (Mrs. William Stevens Perry), of Iowa; Evelyn Byrd Cabell Robinson (Mrs. William Russell Robinson), of Virginia; Elizabeth Henry Lyons (Mrs. James Lyons), of Virginia; Lucy Carter Trent (Mrs. Peterfield Trent), of Virginia; Isabella Dixon Mays (Mrs. Peter H. Mays), of Virginia; Edith Bucklin Hartshorn Mason (Mrs. Livingston Mason), of Rhode Island; Florence Madeline Bridgham (Mrs. —— Bridgham), of Rhode Island; Jeannie Lippit Weeden, of Rhode Island; Mary Jesup Blair (Mrs. James P. Blair), of Washington, D. C.; Henrietta Greely (Mrs. Adolphus W. Greely), of Washington, D. C.; Maria Stockton Dayton (Mrs. William Clarke Dayton), of New Jersey; Mary Dickinson, of New Jersey; Florence Hill Kidder (Mrs. George Wilson Kidder), of North Carolina, and their associates and successors, are hereby created a body corporate and politic in the United States of America by the name of The National Society of Colonial Dames of America, for patriotic, historical, and educational purposes, to perpetuate the memory and spirit of the men and women who, in the colonial period, by their rectitude, courage, and self-denial, prepared the way for success in that struggle which gained for the country its liberty and Constitution, by acquisition and protection of historical spots, and the erection of monuments; by the encouragement of historical research into the colonial records, and the publication of the results; by the preservation of documents and relics, and of the records of the individual patriots, and to encourage in all who come under their influence true patriotism, built on a knowledge of the self-sacrifice and heroism of those men of the colonies who laid the foundation of this great nation.

SEC. 2. That said society is authorized to hold real and personal estate in the United States, so far only as may be necessary to its lawful ends, to an amount not exceeding $500,000, and may adopt a constitution and make bylaws not inconsistent with law, and may adopt a seal. Said society shall have its headquarters or principal office at Washington, in the District of Columbia.

SEC. 3. That said society shall report annually to the Secretary of the Smithsonian Institution concerning its proceedings, and said Secretary shall communicate to Congress such portion thereof as he may deem of national interest and importance. The Regents of the Smithsonian Institution are authorized to permit said national society to deposit its collections, manuscripts, books, pamphlets, and other material for history in the Smithsonian Institution or in the National Museum, at their discretion, upon such conditions and under such rules as they shall prescribe.

The amendment proposed by the Committee on the Library was to strike out, in lines 13 and 14, page 3, the words "United States of America" and insert in lieu thereof the words "District of Columbia"; so as to read "a body corporate and politic in the District of Columbia."

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. McMILLIN. I was not able to hear the whole of the bill as read. I wish to inquire whether it does not appropriate space in Government buildings to private uses.

Mr. QUIGG. Not at all.

Mr. McMILLIN. It struck me that it did so.

Mr. QUIGG. It permits the trustees of the Smithsonian Institution to accept such manuscripts and other collections of the society as may be offered to them.

Mr. McMILLIN. As donations?

Mr. QUIGG. As donations.

There being no objection, the House proceeded to the consideration of the bill.

The amendment of the Committee on the Library was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. QUIGG, a motion to reconsider the last vote was laid on the table.

DONATION OF CONDEMNED CANNON.

Mr. PRINCE. I ask unanimous consent for the present consideration of the bill which I send to the desk.

The Clerk read as follows:

A bill (H. R. 7171) authorizing and directing the Secretary of the Navy to donate four condemned cannon and four pyramids of condemned cannon balls to James T. Shields Post, No. 45, Grand Army of the Republic, of Galesburg, Knox County, Ill., and for other purposes.

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to donate four condemned cannon and four pyramids of condemned cannon balls to James T. Shields Post, No. 45, Grand Army of the Republic, of Galesburg, Knox County, Ill., for the soldiers' monument to be erected in said city: *Provided*, That in the judgment of the Secretary of the Navy such articles can be spared without detriment to the public interest: *And provided further*, That the United States shall not be subjected to any expense on account of such donation.

There being no objection, the House proceeded to the consideration of the bill.

Mr. CANNON. Mr. Speaker, I rise to say a word, and only a word, about this bill; I will not delay the House. I should be glad if the House would give unanimous consent to devote so much of an hour as may be necessary to the disposition of these bills making donations of condemned cannon. I will frankly state that I have one such bill myself. [Laughter.] Let me say—and I want the Speaker's ear as well as that of the House—that it is probably an important matter personally to many members here that bills of this kind from their districts should pass; that their Grand Army posts asking for these condemned cannon should receive them. Measures of this kind are the one thing, thank God, that can be passed without costing the Government a cent. We have large quantities of condemned cannon—not more valuable to the Government than scrap iron—indeed, not so valuable. Under the operation of these bills these condemned cannon are shipped away from the custody of the Government at the expense of the respective posts. The passage of these bills gives us an opportunity to gratify a great many people and to meet a sentiment existing throughout the country. It seems to me a little thing that by unanimous consent we should devote an hour to business of this kind, especially when we can authorize upon a single bill, and without debate except during thirty minutes—I am not criticising the action of the House—an expenditure of $80,000,000. I am not saying that such an expenditure is not wise. But I wish to say, if the Speaker will recognize me, I will ask unanimous consent that for an hour, or so much thereof as may be necessary, bills of this character now on the Calendar may be called up and considered.

Mr. BARTLETT of New York. Will the gentleman allow me a question?

Mr. CANNON. Yes, sir.

Mr. BARTLETT of New York. I should like to ask the distinguished gentleman from Illinois why the Committee on Rules does not bring in a special rule setting apart an hour or two hours for the consideration of these bills?

Mr. CANNON. I can not speak for the Committee on Rules. I do not know that the matter has been brought to their attention. But it is not necessary that the proposition should come here in that way. If it is in the mind of the Speaker to submit a request for unanimous consent, and if it is in the mind of the House to do this thing, which involves no expense to the Government, I should be very glad.

Mr. BARTLETT of New York. One other question.

Mr. CANNON. Certainly.

Mr. BARTLETT of New York. I wish to ask the gentleman whether he knows of any instance of these bills being objected to; and whether by taking them up in this way, singly, under unanimous consent, we may not do a good thing by preventing the consideration of other bills which might be injurious to the public interest.

Mr. CANNON. I was not looking at the question from that standpoint. This is a little matter, as gentlemen will see, which looks to meeting a patriotic sentiment in the country, while at the same time imposing no pecuniary disadvantage on the Government.

And I avail myself of the recognition, under the rules, to submit this matter to the House, and if the Speaker will recognize me when this bill is passed I will ask the House to give unanimous consent for the passage of these bills on the Calendar.

Mr. HULICK. Will the gentleman from Illinois allow me a question?

Mr. CANNON. Certainly.

Mr. HULICK. I wish to ask a question in regard to the cost of transportation of these guns.

Mr. BARTLETT of New York. I will object——

Mr. HULICK (continuing). In regard to the cost of transporting these cannon to different posts——

Mr. CANNON. That expense is paid by the different posts themselves.

Mr. HULICK. It has been stated that in some instances the cost of transportation is worth a great deal more than many of these posts can afford to pay. The evidence before the Naval Committee when this matter was under consideration, before reporting a general bill on the subject, showed that the expense

of transporting the guns would cost some of these posts ten times, perhaps fifty times, more than any post would be able to pay. In one instance it was reported, I recollect, that the cost of the transportation, as given by the Secretary in response to an inquiry, would amount to some $500 for this one post.

Mr. CANNON. That is from the Mare Island Navy-Yard. But there are a great many guns outside of the Mare Island Navy-Yard, in more accessible positions.

Mr. FAIRCHILD. I would like to suggest to the gentleman from Illinois that a bill has already been reported from the Committee on Military Affairs which authorizes the Secretary of War and the Secretary of the Navy, on request, to donate these very cannon to Grand Army posts and to municipal corporations for soldiers' monuments.

Mr. CANNON. Is that bill on the Calendar?

Mr. FAIRCHILD. It is; and I have a copy in my hand, with the report.

Mr. CANNON. Then I will ask the Speaker to recognize me at the proper time for consent to consider that bill.

Mr. FAIRCHILD. And I will state also that the Senate has already passed the bill, and it is before the House now as a Senate bill.

Mr. CANNON. Then I will ask that we take up the Senate bill for consideration.

Mr. FAIRCHILD. In addition to that, the Senate refuses, I am informed, to pass any more local bills.

Mr. CANNON. Well, when this bill is disposed of, if I can get recognition, I will ask unanimous consent to consider the Senate bill to which the gentleman from New York refers.

Mr. ERDMAN. Mr. Speaker, I desire to move an amendment to this bill. I propose to add, after the last word in the bill, the words "*Provided*, That said cannon be well spiked before delivery." This morning I understand the Pension Committee has placed a veteran on the roll at $30 a month because of an explosion of one of these very guns, and I think it is well to provide in time for any other such contingencies. [Laughter.]

Mr. HOPKINS. Is that amendment made in the interest of the life of my colleague? [Laughter.]

The SPEAKER. The gentleman not having sent the amendment to the Chair, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. PRINCE, a motion to reconsider the last vote was laid on the table.

MORTGAGES IN THE INDIAN TERRITORY.

Mr. BAILEY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 8298) relating to mortgages in the Indian Territory.

The bill was read, as follows:

Be it enacted, etc., That section 4742 of Mansfield's Digest of the Laws of Arkansas, heretofore put in force in the Indian Territory, is hereby amended by adding to said section the following:

"*Provided*, That if the mortgagor is a nonresident of the Indian Territory the mortgage shall be recorded in the judicial district in which the property is situated at the time the mortgage is executed. All mortgages of personal property in the Indian Territory heretofore executed and recorded in the judicial district thereof in which the property was situated at the time they were executed are hereby validated."

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BARTLETT of New York. I would like to have some explanation of this bill before consent is given.

Mr. BAILEY. Mr. Speaker, when Congress first established a court for the Indian Territory, it put in force certain sections of Manfield's Digest of the Laws of the State of Arkansas. Among these was a provision for the recordation of mortgages, which provided that mortgages on real estate should be recorded in the county where the real estate was situated, and mortgages on personal property should be recorded in the county where the mortgagor resided. It being obviously impossible, under that provision, to record a mortgage on personal property where the mortgagor resided outside of the State, the State of Arkansas amended that section of its code; and provided in substance for the provision incorporated in this bill.

I will state to the House frankly that I have some question about attempting to validate mortgages which have heretofore been given.

I have no interest in the matter myself, but introduced the bill at the request of a judge of one of the courts, to whose attention I had called the defect in the law. I introduced the bill by request, and call it up by request, but I think the bill ought to pass.

There being no objection, the bill was considered, and ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. BAILEY, a motion to reconsider the last vote was laid on the table.

DISPOSITION OF CONDEMNED CANNON.

Mr. CANNON. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole from the further consideration of the Senate bill which I send to the Clerk's desk, to take the bill from the Calendar, to put the same upon its passage.

The bill was read, as follows:

A bill (S. 1865) to authorize the Secretary of War and the Secretary of the Navy to make certain disposition of condemned ordnance, guns, and cannon balls in their respective Departments.

Be it enacted, etc., That the Secretary of War and the Secretary of the Navy are each hereby authorized, in their discretion, to loan or give to soldiers' monument associations, posts of the Grand Army of the Republic, and municipal corporations condemned ordnance, guns, and cannon balls which may not be needed in the service of either of said Departments. Such loan or gift shall be made subject to rules and regulations covering the same in each Department, and the Government shall be at no expense in connection with any such loan or gift.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The bill was ordered to a third reading.

Mr. HENDERSON. I should like the gentleman from Illinois to explain the bill to us before it is passed. I did not hear it read.

Mr. CANNON. It is a Senate bill authorizing the Secretary of War and the Secretary of the Navy to loan or donate condemned ordnance to Grand Army posts or municipalities without expense to the Government.

Mr. HENDERSON. That does away with the necessity for these private bills?

Mr. CANNON. Precisely.

Mr. HENDERSON. That is what I wished to know.

Mr. RICHARDSON. Is it entirely in the discretion of these two officers?

Mr. CANNON. Oh, entirely.

Mr. RICHARDSON. There is no limit on their discretion?

Mr. HENDERSON. That gives them precisely the power that these private bills give, as I understand?

Mr. CANNON. Precisely.

Mr. PICKLER. I think it is going a little further than we have heretofore gone. The bill authorizes the donation of cannon to municipal corporations.

Mr. CANNON. Very well——

Mr. BLUE. That word "municipal" should be stricken out.

Mr. PICKLER. The donating of cannon to municipalities ought not to be allowed, unless it is for the use of soldiers' organizations.

Mr. CANNON. The provision that we put upon private bills, and which is upon this bill, that the transportation charges shall be paid by the corporation or organization receiving the cannon, is quite enough of a guard. I hope the gentlemen will allow the bill to pass. It is within the discretion of these officers to donate or loan the condemned ordnance.

Mr. BLUE. Mr. Speaker, that word "municipal" ought to be stricken out, so as to leave simply the word "corporation." A cemetery corporation is not a municipal corporation, but most cemetery organizations are corporations. I think the word "municipal" is an unfortunate word.

Mr. CANNON. The Grand Army posts will take care of the cemeteries. There is no trouble about it.

Mr. PICKLER. What I fear about this is that this bill will let every little municipality in the country apply for these cannon, whether there is any Grand Army post or cemetery connected with the municipality or not. It seems to me there will be a scramble for these cannon, and there will be none left for the Grand Army posts and cemeteries.

Mr. BARTLETT of New York. Is this discussion or debate in order after the bill is on its passage?

The SPEAKER. The debate is in order.

Mr. PICKLER. Are amendments in order now?

The SPEAKER. Amendments are not in order now, unless the vote by which the bill was ordered to be read a third time is reconsidered.

Mr. CANNON. I will ask for a vote on the passage of the bill.

Mr. PICKLER. Mr. Speaker, I ask unanimous consent to put in an amendment including State or Territorial departments of the Grand Army of the Republic.

Mr. CURTIS of New York. The provisions of the bill are ample now.

Mr. CANNON. There is no trouble about it.

Mr. PICKLER. There will not be enough of these cannon to go around to nearly all of these posts, and some States will not get anything under this law.

Mr. CANNON. It costs from $300 to $500 to pay the freight on these cannon. There are plenty of them to supply the demand, and we get rid of all the private bills if we pass this one. I ask for a vote.

Mr. WILLIS. I ask unanimous consent to offer an amendment.

Mr. HILL. I ask unanimous consent to offer an amendment.

Mr. BARTLETT of New York. I object.

Mr. PICKLER. I move to reconsider the vote by which the bill was ordered to be engrossed and read a third time.

Mr. CANNON. I move to lay that motion on the table.

The motion of Mr. CANNON was agreed to.

The bill was passed.

On motion of Mr. CANNON, a motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS THE MISSISSIPPI RIVER AT ST. LOUIS.

Mr. MURPHY of Illinois. Mr. Speaker, I desire to call up the bill (H. R. 2698) authorizing the construction of a bridge over the Mississippi River to the city of St. Louis, in the State of Missouri, from some suitable point between the north line of St. Clair County, Ill., and the southwest line of said county, which has passed the Senate with amendments.

The SPEAKER. The Chair desires to say to the gentleman from Illinois that his bill will come up in the regular order very soon.

PUEBLO, DURANGO, AND LEADVILLE, COLO., PORTS OF DELIVERY.

Mr. BELL of Colorado. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 2508) to establish customs ports of delivery at Pueblo, Durango, and Leadville, Colo., and for other purposes.

The bill was read, as follows:

Be it enacted, etc., That Pueblo, Durango, and Leadville, all in the State of Colorado, be, and are hereby, made customs ports of delivery, and attached to the port of Denver, in said State, with all the rights and privileges now accorded by law to said port of Denver, the surveyor of customs of which port shall supervise the customs business at said Pueblo, Durango, and Leadville in the same manner and to the same extent as at Denver.

SEC. 2. That such other places in the State of Colorado as the Secretary of the Treasury may designate from time to time shall be ports of delivery, with all the privileges now accorded by law to the port of Denver, Colo., the surveyor of customs of which port shall supervise the customs business transacted at such places in the same manner and to the same extent as at Denver.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. DOCKERY. Has this bill been reported by a committee?

Mr. BELL of Colorado. It has been reported.

The SPEAKER. The Chairs hears no objection.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. BELL of Colorado, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. BELL of Colorado. Mr. Speaker, there was a House bill reported including the name of one of the places. I move that that bill (H. R. 7257) be laid on the table.

There was no objection, and it was so ordered.

JOHN M. DAVIS.

Mr. CLARK of Missouri. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 56) for the relief of John M. Davis.

The SPEAKER. The engrossed bill is not here.

Mr. CLARK of Missouri. It has passed the Senate.

The SPEAKER. But the engrossed bill is not here.

MRS. CLIFFORD NEFF FYFFE.

Mr. DRAPER. I ask unanimous consent for the present consideration of the bill (S. 2600) granting a pension to Mrs. Clifford Neff Fyffe.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Clifford Neff Fyffe, widow of Joseph Fyffe, late a rear-admiral, United States Navy, at the rate of $75 per month.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. TALBERT. I would like to ask the gentleman if that bill has been considered at a Friday night session?

Mr. DRAPER. It has not.

Mr. TALBERT. Then I reserve the right to object, pending the reading of the report.

Mr. DRAPER. I think the gentleman will not object when he hears the report. This agrees to the amount that the gentleman is willing to grant to the widow of a most distinguished officer.

The report (by Mr. SULLOWAY) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 2600) granting a pension to Mrs. Clifford Neff Fyffe, having carefully considered the same, respectfully submit the following report:

Mrs. Fyffe, the applicant herein, is the daughter of the late Rev. Granville Moody, one of the most distinguished volunteer colonels of the late war. Her brother, William Moody, was a soldier in the late war, and died as the result of a disease contracted in the Army.

These facts are mentioned, not as material or constituting the basis for a pension, but merely as preliminary to the consideration of the more distinguished services of her husband, the late Rear-Admiral Fyffe.

This officer's services, both in the war with Mexico and also in the late war, were of the most distinguished character, covering a period of almost half a century, commencing on the 7th of September, 1847, when, at the age of 15, he was appointed a midshipman, and ending with his death, on the 25th of February, 1896. His death resulted from a disease contracted while in the service in tropical countries.

Mrs. Fyffe is very poor, with no income, the property left by her distinguished husband having been encumbered for more than its value. She is wholly dependent and without means of support.

The circumstances of the petitioner appear, by papers submitted herewith, to be as follows:

She is about 56 years of age, being quite deaf, and is disabled by a disease of the veins which has prevented her from working or even standing for five months during the past year. She is entirely dependent upon the pension she is now asking, having no income whatever. It appears that when the Admiral was retired from the active list of the Navy he felt that, being an exceptionally strong, vigorous man, he might reasonably count upon ten or twelve years in which to carry out a long-cherished plan for opening, improving, and stocking land he owned in Nebraska, 160 acres granted him for services in the Mexican war. He began this undertaking last spring, and had he lived doubtless would have been successful in his plans. It absorbed all his reasonable means and required the mortgaging of the land itself. Much was expended on which there could be no speedy return. All farm products were phenomenally low the last year of his life, but that did not discourage him, as he expected to reap a good income, as well as a business for his son and a provision for his family.

By his sudden death the undertaking became a disaster instead of a provision to his widow and those he has left. She states that she can not carry it on for a single month, and his pay ceasing with his death prevents her from being able to carry the mortgage on the land. All must be closed to stop expenses and satisfy the mortgage. It is estimated that there will not be sufficient even to free her from the obligations of her husband, and all should have been sold.

The bill passed the Senate at $75 per month, and the foregoing is the substance of Senate Report No. 656, which contains a lengthy statement as to the Admiral's services, and to which reference is hereby made.

Your committee recommend the passage of the bill, with the following amendment:

In line 6 strike out the word "seventy-five" and insert in lieu thereof the word "fifty."

Mr. TALBERT. Mr. Speaker, the only chance we have to discuss these bills is during a Friday night session. They will not allow even an amendment; and upon these grounds I object.

The SPEAKER. Objection is made.

J. C. RUDD.

Mr. CLARDY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the desk.

The Clerk read as follows:

A bill (H. R. 1502) for the benefit of J. C. Rudd.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay James C. Rudd the sum of $3,500, out of any money in the Treasury not otherwise appropriated, being the amount due said Rudd for the rent of a post-office building in the city of Owensboro, Ky.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BARTLETT of New York. Mr. Speaker, I ask for the reading of the report.

The SPEAKER. The gentleman from New York asks that the report be read.

The report (by Mr. PUGH) was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 1502) for the relief of J. C. Rudd, submit the following report:

The proof in this case shows that J. C. Rudd, of Owensboro, Ky., was the owner of a building at said town which was used and occupied by the postmaster at Owensboro from 1861 to 1875 for the distribution of United States mail. At the time of the occupation of said property by the postmaster at Owensboro there was no definite agreement between him and said Moore, the postmaster, as to the amount of rent to be paid by the Government for the use of said property.

Your committee attach hereto letters from the Post-Office Department in relation to this claim and ask that they be printed as a part of this report.

Your committee is of the opinion that the claimant is entitled to $900 for three years' rental for his property, and recommend the passage of the bill with the following amendments:

In line 4, after the word "Rudd," insert the words "of Owensboro, Ky.," and in lines 4 and 5 strike out the words "three thousand five hundred" and insert in lieu thereof the words "six hundred."

POST-OFFICE DEPARTMENT,
OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., March 20, 1896.

SIR: I beg to acknowledge the receipt of your favor of the 10th instant relative to a claim for rent of premises occupied by the post-office at Owensboro, Ky., from 1861 to 1875, which has been presented by Mr. J. C. Rudd, and to inform you, in reply thereto, that prior to April, 1865, the said post-office belonged to the fourth class; that from that date until July 1, 1872, it belonged to the third class, and that since the latter date it has belonged to the second class.

There has never been any provision made by Congress for payment of rent by the Government for premises occupied by post-offices of the fourth class, nor was there any authority in law under which the Department could allow for rent of premises occupied by post-offices of the third class until October 1, 1888, when the act of July 24, 1888, became operative.

Upon the advancement of this post-office to the second class (July 1, 1872) an allowance of $200 per annum was made by the Department for payment of rent for premises in which the said post-office was then located. This allowance was unchanged until April 1, 1879.

Very respectfully,

WM. L. WILSON, *Postmaster-General.*

Hon. T. M. MAHON,
Chairman Committee on Claims, House of Representatives.

—

POST-OFFICE DEPARTMENT,
OFFICE FIRST ASSISTANT POSTMASTER-GENERAL,
Washington, D. C., April 3, 1896.

SIR: I send you herewith for your information a copy of a letter which I have this day addressed to the Hon. J. D. CLARDY.

Very respectfully,

F. H. JONES,
First Assistant Postmaster-General.

Hon. T. M. MAHON,
Chairman Committee on Claims, House of Representatives.

—

APRIL 3, 1896.

SIR: In reply to your letter of the 31st ultimo, I beg to inform you that I find by an examination of the records of the Auditor's office that the late postmaster at Owensboro, Ky., was not charged with any expenditure from

the allowance made by the Department for rent of premises occupied by the said post-office prior to July 1, 1875.

Very respectfully,

——— ———,
First Assistant Postmaster-General.

Hon. J. D. CLARDY,
House of Representatives.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. CANNON. I would like to ask the gentleman a question. As I understand, there was an allowance of $200 a year for rent after this became a second-class post-office?

Mr. CLARDY. Yes, sir; after it became a second-class post-office.

Mr. CANNON. When did it become a second-class post-office?

Mr. CLARDY. In 1872; and this covers up to 1875. Previous to that time he had furnished the office for years, but of course that is all shut out, because there was no allowance.

Mr. CANNON. This is after the office became a second-class office in 1872?

Mr. CLARDY. Yes; from 1872.

Mr. CANNON. How long did he pay the rent?

Mr. CLARDY. For three years, since 1875, the money has been paid, but from 1872 to 1875 the rent was allowed by the Post-Office Department, as I show by these letters here, but was not paid.

Mr. CANNON. Was it actually paid out?

Mr. CLARDY. After 1872 there was an allowance of $200 a year.

Mr. CANNON. Was the $200 per annum actually paid out from 1872 to 1875 for rent?

Mr. CLARDY. It was not paid, but it was allowed.

Mr. CANNON. Nothing was paid?

Mr. CLARDY. Nothing was paid the postmaster. At the end of that time the postmaster died and could not make any request for its payment. This bill passed last year.

Mr. CANNON. Then, this covers from 1872 to 1875, after the office was made a second-class post-office; and you say nothing has ever been received, and it is $200 a year for rent paid by the postmaster.

Mr. CLARDY. It was allowed, but has never been paid.

Mr. LOUD. Well, Mr. Speaker, it seems to me that this claim should not be allowed. There is nothing here to show what the agreements were between this postmaster and the party who owned the building. He had occupied this building from 1861 to 1875. There is no evidence as to any contract or any agreement. Possibly there was a consideration—very probably there was a consideration—if you can get at the facts in this case, and the probability is that this rent should never have been paid.

Now, this gentleman comes to Congress not for $600, but finding that an allowance of $200 a year has been made, he comes and seeks to secure $200 a year from 1861 to 1875; and while the amount of money is not very great, permit me to say that from the evidence before the House this claim has not a particle of merit. There is no evidence here to show that this man should receive anything.

Mr. CLARDY. The committee investigated this matter, and the proofs show that this gentleman did furnish the building, that it was rented from him, and that the money never was paid.

Mr. LOUD. I do not doubt that, but there is evidently a consideration somewhere. That building was not occupied in that way from 1861 to 1875 unless there was some consideration that does not appear here.

Mr. CLARDY. But he never got anything.

Mr. LOUD. I understand that; but I repeat, there was some consideration that does not appear here—perhaps the benefit of having the post-office in his building.

Mr. CLARDY. But it does appear that the Department allowed $200 a year for those three years, and also that the money never has been paid; and the evidence before the committee distinctly showed that the gentleman furnishing the house never received any rent. It seems to me that if there ever was a just claim against the Government, this is one.

Mr. HULICK. Let me ask the gentleman from Kentucky a question. I do not recall the amount of the original claim presented——

Mr. CLARDY. Of course he made a claim at first for all the time, not knowing but that the Department had made the allowance for the whole time; but when we came to investigate the matter we found that no allowance had been made previous to 1872, the time when the office was made a second-class office.

Mr. HULICK. I rose to ask why it was that when this gentleman presented so large a claim the committee allowed only about $600 instead of $2,000, as claimed?

Mr. CLARDY. I have just explained that. He was not aware that no allowance had been made for rent until 1872. That being the fact, of course the committee rejected all of the claim for the period preceding 1872, the time when the Department first made the allowance. In 1872 the office became a second-class office, and it was only then that the allowance was made. Now, we propose to pay only for the three years for which the letter of the Department shows that allowance was made, it appearing distinctly from the evidence that the money, although allowed, was never paid over.

Mr. HULICK. And I understand that but for the death of the postmaster the money would have been paid?

Mr. CLARDY. Certainly.

Mr. LOUD. That is merely an assumption.

Mr. HULICK. And the committee recommend now that that amount be paid?

Mr. CLARDY. Yes, sir.

Mr. LOUD. Mr. Speaker, I have expressed my objection to this bill to the House and to the gentleman personally, and I see no reason to change my view.

Mr. CLARDY. I understood the gentleman to acquiesce.

Mr. LOUD. Oh, no; I never told the gentleman so.

Mr. CLARDY. Do I understand the gentleman to say that he objects to the consideration of the bill?

The SPEAKER. Objection is made.

GEORGE JOHNSON.

Mr. HEPBURN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 4281) granting a pension to George Johnson, of Lenox, Iowa.

The bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. TALBERT. I would like to ask the gentleman if this bill has been considered at a Friday night session?

Mr. HEPBURN. It has not, because it has not yet been reached; but it is a case that ought to receive attention.

Mr. TALBERT. If it has not been considered at a Friday night session I object.

The SPEAKER. Objection is made.

WITNESSES IN LAND CASES.

Mr. LACEY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 3268) to facilitate the procurement of evidence and to compel the attendance of witnesses in matters before the registers and receivers of the local land offices of the United States.

The bill was read, as follows:

Be it enacted, etc., That when, in any hearing ordered to be had before the register and receiver of any local land office of the United States, it shall be stated to the register in writing by either party to such hearing that the testimony of any person is material and necessary to the conduct of the case of said party, it shall be lawful for the register of said office, and it is hereby made his duty, to issue a notice in writing, directed to such witness or person, requiring him to appear at the time and place to be in said notice specified and stated, provided the same shall not be at a greater distance than 200 miles from the place of residence of said witness, and then and there to testify, by deposition or otherwise, as a witness in the matter of said hearing. Such notice may be served by the marshal of the United States for the district in which the witness resides, or by any deputy by him thereunto authorized, or by any person designated and appointed in writing by the register by whom said notice shall have been issued. Any person who, being served with notice to appear and testify as herein provided, refuses or neglects to appear at the time and place designated in said notice, or who, after appearing, refuses to testify, he not being privileged from giving testimony, shall be guilty of a misdemeanor, and upon conviction thereof, in the district court of the United States, or the Territory, holden in the district in which such person so served with notice to appear and testify resides, shall be punished by a fine not to exceed the sum of $500, or be imprisoned not to exceed six months, or both, at the discretion of the court. The fees and mileage for witnesses notified to appear as herein provided shall be the same as those provided by law for witnesses in the courts of the United States; and no person notified to appear as a witness under this section shall be compelled to obey any such notice unless his fees for one day and mileage to and from the place where his evidence is to be taken shall have been tendered or shall have been waived by him at the time of service of such notice, nor shall the witness be required to remain in attendance at the taking of testimony longer than one day unless his per diem shall be tendered from day to day.

SEC. 2. That all officers authorized by the laws of their respective States or Territories to take deposition are hereby authorized to administer oaths to witnesses and take testimony, by way of deposition or otherwise, to be used at hearings in cases involving public lands, and any witness swearing falsely in any such case shall be deemed guilty of perjury, and shall, upon conviction thereof, be liable to punishment prescribed for that offense by the laws of the United States.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. McMILLIN. Reserving the right to object, I call for the reading of the report.

Mr. LACEY. I think I can explain the bill in less time than it will take to read the report.

Mr. McMILLIN. Very well.

Mr. LACEY. Repeatedly for a number of years the Secretary of the Interior and the Commissioner of the Land Office have requested the passage of a bill of this character. This bill provides for securing the attendance of witnesses in contests before registers and receivers of the local land offices. This bill was drafted in the Interior Department and was introduced by me, and has been unanimously reported by the Committee on Public Lands. At present there is no way by which the attendance of witnesses can be compelled in land contests, and frequently the result is the miscarriage of justice, and in some cases the bribery of witnesses, who are hired to stay away. That is all there is in the bill.

Mr. McMILLIN. Mr. Speaker, I have no objection to the passage of a bill on this subject, but I think the gentleman from Iowa will agree with me that this bill is pretty drastic. It provides for the imprisonment of a witness if he fails to attend. I think that provision ought to be stricken out. I think the fine is sufficient, especially as in many instances the amount involved is not likely to be so much as the fine. I hope the gentleman will have no objection to striking out the provision for imprisonment. We are a little "handy" with imprisonment by the Federal courts at any rate.

Mr. LACEY. The bill has simply been adapted to the method of compelling the attendance of witnesses before committees of Congress and other bodies which have no power to issue subpœnas.

Mr. McMILLIN. I think the provision for imprisonment ought to be stricken out, and I will offer an amendment to that effect. I think the fine is enough, and that there ought not to be any imprisonment unless the party is in contempt of court, in which case he can be reached by a different process.

The SPEAKER. Will the gentleman indicate his amendment?

Mr. LACEY. The amendment of the gentleman from Tennessee would be to strike out, on page 2, commencing with the matter after the word "dollars," on line 28, down to and including the word "both," on line 29.

Mr. JOHNSON of California. Mr. Speaker, I hope the amendment will not be adopted. The only way of enforcing the attendance of witnesses in these cases is by giving the officials power to imprison recalcitrant witnesses. A fine, or the threat of a fine, will receive very little attention; and the power to attach a person's property for a fine will also amount to little, because a very large number of these persons have no property. The threat of a fine to be enforced by attachment would be in most cases a mere brutum fulmen. I think the provision for imprisonment is a good thing and ought to be retained. I hope the amendment will be voted down.

Mr. McMILLIN. I understood the gentleman from Iowa [Mr. LACEY] to accept my amendment.

Mr. LACEY. Personally I have no objection whatever to the amendment. I appreciate, of course, the point made by my friend from California; and as the bill was originally drawn——

Mr. McMILLIN. If I had not thought the amendment acceptable the gentleman would have been obliged to get up his bill in a different way. I consented to the consideration of the bill on the condition that this amendment would be made.

Mr. LACEY. Then I hope my friend from California will not insist on his objection to the amendment.

Mr. McMILLIN. I do not believe that the process of these local land officers should carry with it a five-hundred-dollar fine and imprisonment, at the discretion of the court.

Mr. JOHNSON of California. At the suggestion of my friend from Iowa [Mr. LACEY], I withdraw my objection to the amendment.

The amendment was agreed to.

Mr. PICKLER. Will this bill change the rule which now obtains, where, by the consent of parties, the testimony of witnesses is taken at the county seats?

Mr. LACEY. Not at all. It provides only for the compulsory attendance of witnesses. At present there is no way by which a witness can be compelled to appear and testify.

Mr. PICKLER. I understood that the bill went only so far as to make it compulsory that the witnesses attend at the land offices.

Mr. LACEY. At the land offices or before officers authorized to take testimony. The receiver or register issues the subpœna, which, under this bill, the witness must obey or subject himself, as the bill is now amended, to fine.

Mr. PICKLER. The process may be made returnable at any point that the register or receiver designates?

Mr. LACEY. Yes, sir.

Mr. PICKLER. If that is so, it is all right.

Several MEMBERS. That is so.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. LACEY, a motion to reconsider the last vote was laid on the table.

CHARITY HOSPITAL, BILOXI, MISS.

Mr. DENNY. I ask unanimous consent for the present consideration of the bill (H. R. 7919) providing for the erection and maintenance of a charity hospital by the city of Biloxi, Miss.

The bill was read, as follows:

Be it enacted, etc., That there is hereby given, granted, and conveyed to the city of Biloxi, in the county of Harrison and State of Mississippi, those certain lots, pieces, or parcels of land lying and being in the county and State aforesaid, and described as follows, to wit: Fractional section 19, in township 7 south, range 9 west; northwest quarter of section 30, in township 7 south, range 9 west, and south half of section 24, in township 5 south, range 10 west, St. Stephens meridian; with full and complete right and authority to occupy, improve, own, and control said lands for the purpose of erecting and maintaining thereon by said city a hospital for the use and benefit of the poor and indigent sick and those with contagious and infectious diseases: *Provided*, That said city of Biloxi is hereby authorized and empowered to lease, rent, or sell any and all parts or portions of said lands not required for the buildings and grounds of said hospital, which fact shall be determined by the mayor and board of aldermen of said city of Biloxi; and the proceeds of such rents, leases, or sales shall be applied exclusively to the maintenance of said hospital.

The amendments reported by the Committee on the Public Lands were read, as follows:

In line 5, after the word "Mississippi," insert the words "a tract not exceeding 160 acres in extent, to be selected by said city from."

In line 16, after the word "*Provided*," insert the word "*however*."

Strike out all of line 16 after the word "Biloxi," and all of lines 17, 18, 19, 20, 21, and 22, and insert in lieu thereof the following words:

"Shall, within five years from and after the passage of this act, accept this grant, and that whenever said lands shall cease to be used by said city for the purposes herein mentioned, the same shall revert to the United States."

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. CANNON. I listened to the reading of the bill and amendments; but on one point I wish to ask a question. Does this measure propose merely to grant a site now owned by the Government upon which to build a hospital?

Mr. DENNY. Yes, sir.

Mr. CANNON. What is the extent of the site?

Mr. DENNY. One hundred and sixty acres.

Mr. CANNON. Where is it?

Mr. DENNY. On the Back Bay of Biloxi, about 2 miles from the city of Biloxi.

Mr. CANNON. What is its value?

Mr. DENNY. Its value, as I am informed, is merely nominal. It is valueless for agricultural and other purposes. It is suitable for this hospital, but I believe valueless for any other purpose.

Mr. CANNON. Does the bill as amended give authority to sell any portion of the site?

Mr. DENNY. No, sir. The grant is made for the express purpose named; and when the ground ceases to be used for that purpose the whole tract will revert to the Government.

Mr. CANNON. The Government has no use for this site?

Mr. DENNY. No, sir. It is a part of what was known as the "naval reservation," the whole of which I believe was by the last Congress transferred to the Interior Department for homestead purposes.

Mr. CANNON. I do not know that I have any objection to granting a bare site.

Mr. DENNY. That is all that this bill grants.

Mr. CANNON. One hundred and sixty acres make a pretty large grant. A bill looking to a grant of lands to endow a hospital I should object to, unless we went into that business generally. I have a hospital in my own town which I should be glad to have the Government endow.

Mr. DENNY. This would be a rather large tract, if it were all to be occupied; but a great deal of the land is covered with marsh and water. It is, as I have stated, on the borders of the Back Bay of Biloxi. The land is really valueless for any other purpose; and I am informed that very little of it is high land.

Mr. CANNON. Is this a House bill or a Senate bill?

Mr. DENNY. A House bill.

Mr. CANNON. If this bill, after going to the Senate, should return here in the closing hours of the session upon a conference report, I indulge the hope that full attention will be called to any provision which may look toward a grant of land in aid of the establishment of a hospital.

Mr. LACEY. I will state that the original proposition was to grant 600 acres, more or less.

Mr. DENNY. Yes, sir.

Mr. LACEY. But the committee cut down the amount to what they thought the actual necessities for hospital purposes.

Mr. DENNY. That is correct.

There being no objection, the House proceeded to the consideration of the bill.

The amendments reported by the committee were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Mr. CANNON. The bill having been amended, it seems to me the title should also be amended so as to read "A bill granting a site for the erection of a charity hospital," etc., instead of "A bill providing for the erection and maintenance of a charity hospital," etc.

The SPEAKER. Without objection, the title will be amended as proposed.

There was no objection.

On motion of Mr. DENNY, a motion to reconsider the vote by which the bill was passed was laid on the table.

SOPHIA AND JULIA C. SPARKS.

Mr. COFFIN. I ask unanimous consent for the consideration of the bill (H. R. 956) for the relief of Sophia Sparks and Julia C. Sparks, of Annapolis, Md.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed, out of any money in the Treasury not otherwise appropriated, to pay jointly to Sophia Sparks and Julia C. Sparks, of Annapolis, Md., the sole heirs and surviving children of Edward Sparks, deceased,

late of the same place, the sum of $670.58, in full payment for sundry supplies furnished by said Edward Sparks at various dates between January, 1863, and July, 1866, to the United States Naval Academy.

The SPEAKER. Is there objection?

Mr. BARTLETT of New York. I would like to hear the report.

The report (by Mr. SNOVER) was read, as follows:

The Committee on Claims, to whom was referred the bill (H. R. 956) for the relief of Sophia and Julia C. Sparks, have duly considered the same and submit the following report:

The facts out of which this bill arises are in substance as follows:

Sophia Sparks and Julia C. Sparks, the claimants named in this bill, are the sole heirs and surviving children of Edward Sparks, who died at Annapolis, Md., in 1868, and who during his lifetime was a storekeeper at the United States Naval Academy, in said city and State.

At sundry dates between January 15, 1863, and July 10, 1866, said Edward Sparks furnished to said Naval Academy sundry supplies, consisting of scientific, text, blank, and other books; histories, grammars, Bowditch tables, atlases, geographies, surveying and other instruments, scales, rulers, drawing paper, pens, towels, soap, brooms, pails, shades and fixtures for gas burners, and other miscellaneous articles for the public use of said Academy, aggregating a total value of $670.58, all duly certified in triplicate vouchers issued therefor, reciting the name and value of each article and the date when same was so furnished, said certificate reciting that said "supplies so furnished were suited to the ends in view, and charged for at reasonable rates," and on July 10, 1866, the same were duly signed by the secretary of said Academy, and on the same date were all duly approved by the superintendent in charge of said Naval Academy, and in triplicate.

Thereafter, two copies of each of said vouchers, so certified and approved, being in the possession of the Navy Department, said Sparks made frequent demands upon the United States for the payment of the sums of money so due him therefor; but he was never paid the same because of a want of appropriation of money with which to pay the same.

After the death of said Edward Sparks, his children duly brought these claims to the attention of Congress, through their then Representative, and who, on February 18, 1874, filed the petition of said children in the House, praying payment, but from then till now said petition has ever remained of record in the files of the House unacted upon.

A copy of a similar bill (H. R. 5472) was, on January 20, 1894, duly referred to the Navy Department for its examination and report, and by it was, in February, 1894, also duly referred to the superintendent of said Naval Academy at Annapolis, Md., for similar purposes.

The correspondence had in these premises is now in the record of this case, and shows that said articles were so duly furnished at the dates as recited in said vouchers; that the same were never paid for, and under date of February 16, 1894, the Secretary of the Navy reported favorably as to said claim.

The United States having received in due manner the articles furnished by said Edward Sparks and no payment having heretofore been made therefor, payment should now be made to his said surviving children in the sum of $670.58.

And we recommend that said bill do pass.

The SPEAKER. Is there objection to the consideration of this bill?

Mr. LOUD. Permit me say, Mr. Speaker, that I remember this case before the Committee on Claims, when I had the honor to be a member of that committee, and recollect opposing it very strenuously at that time. What the reasons were have now escaped my memory. But the facts in the case do not appear of record here. I know I must have had good reasons for the opposition I made.

And I wish to say now that I do object to the committee making reports favoring claims of this character, and referring to something said or written by a Department, without publishing the letter or the communication. They are as a rule short, and we ought to have the information before taking action on these matters. I would like to have the letter of the Secretary of the Navy (the report says he reported favorably February 16, 1894, in this matter)—I would like to have that letter presented to the House.

Mr. COFFIN. It is in the file room, and was in my possession. I have seen it. In addition to that, I wrote to the Secretary of the Navy myself, asking him in regard to the matter, and he replied on May 14, in which he says:

The same were considered by the Department to be just claims against the Government.

Mr. LOUD. What else does he say?

It is not desirable, Mr. Speaker, for me to object to all of these cases. I dislike to do so, because gentlemen are very apt to regard it as a personal matter. But when you investigate the majority of them, permit me to say, when you have the evidence before you, you find but little to recommend them.

Now, in this case, I know this party has furnished supplies to the Naval Academy at Annapolis; but I recollect very well that it was a disputed claim. There was some question about it which raised doubt in my mind as to its validity, and for that reason I opposed it when I was a member of that committee. Certainly there ought to be good reason shown for passing the claim at this day, so long after these supplies were furnished. My recollection is that on an investigation the supplies were either not ordered by the Department or were not accepted by the Department. There was some good reason, I am sure.

Mr. COFFIN. I have the letter here from the Secretary of the Navy, in which he says it is a just claim against the Department.

Mr. LOUD. Why was it not paid, then?

Mr. COFFIN. That I do not understand. I do not know why many just claims are not paid. In fact, a just claim against the Department is by no means a sure thing.

But I send the letter up to the desk and ask to have it read.

The letter was read, as follows:

NAVY DEPARTMENT, *May 14, 1896.*

SIR: Referring to your letter of the 11th instant, receipt of which was acknowledged on the 12th, relative to the Department's answer of the 16th of February last, to a request from the House Committee on Claims for information and an expression of opinion concerning the matters mentioned in the bill (H. R. 5472) "for the relief of Sophia and Julia C. Sparks, of Annapolis, Md.," in which you state that "the Speaker will not let it (said bill with report thereon of Committee on Claims) come before the House unless the Navy Department acknowledges that it owes the bill and that it ought to be paid," I have the honor to state that the second paragraph of the letter of the 16th of February last, above mentioned, was intended to mean that inasmuch as the claims of the heirs of Edward Sparks, late storekeeper at the United States Naval Academy, as set forth in the bills therein referred to, for books and other supplies furnished to the Naval Academy by Mr. Sparks, appeared to be certified to by the secretary of the said Academy, the same were considered by the Department to be just claims against the Government.

With regard to the claim in the sum of $272 for hair pillows and mattresses alleged to have been furnished the United States Hospital at Annapolis in 1861 for the use of certain regiments of New York and Massachusetts militia then quartered in that city, the Department had no information, and consequently made no recommendation, a fact which emphasizes the meaning of the second paragraph of its letter above referred to.

HILARY A. HERBERT,
Secretary of the Navy.

Hon. CHARLES E. COFFIN,
House of Representatives.

Mr. LOUD. Well, that is a very politic letter, Mr. Speaker; it does not say anything.

Mr. BARTLETT of New York. I would like to ask the gentleman if the second item referred to in the letter of the Secretary of the Navy is included in this bill?

Mr. COFFIN. No; it is not. It was included in the first bill, but the committee left it off of the bill, and it was not included in the bill of the last session. This bill does not include it.

Mr. LOUD. The Speaker knows, and the House knows, that it is regarded as a personal matter when objection is made to these things.

The SPEAKER. The Chair thinks it ought not to be so considered. The question is submitted with entire freedom for every individual man to object or not. If a member has reason to object, he should exercise his right without question.

Mr. LOUD. I opposed this matter in the committee. That was three or four years ago, and I do not now recollect the reason; but there must have been some lack of merit in it, for it did not commend itself to me at that time. But, as I have said, I dislike very much to interpose an objection for the reasons stated.

The SPEAKER. The gentleman, or any other gentleman, is at perfect liberty to object without it being a matter of reproach to him; and it ought to be so understood in the House.

Is there objection to the present consideration of the bill?

There was no objection.

Mr. DINGLEY. Now, Mr. Speaker, since consent has been given, I wish to make a single statement. Here were certain supplies furnished to the Naval Academy at Annapolis between 1861 and 1865, and, as it appears by the report of the committee, there were vouchers filed, but no satisfactory reason is given as to why payment was not made. Now, the Secretary of the Navy sends a communication here saying that this claim is just and proper, but without any explanation whatever as to why it was not paid at the appropriate time.

The only reason for nonpayment is that the appropriation for that purpose was exhausted. What was the duty of the Department then under the circumstances? Simply to send to Congress, when in session, an estimate of the necessary deficiency to meet the claim; not to oblige the claimant to come here and press a claim, but a legitimate, appropriate thing to be paid by the Department in the proper way, and if there was no money, to ask Congress for a deficiency. Not a single excuse is given for deferring the payment for a series of years.

Now, it seems to me that the Secretary of the Navy ought to have said something more than he did say in this communication. He ought not to simply turn it off on Congress and say that Congress has not made any appropriations. He ought to have added that the Department would at once send an estimate to Congress for a deficiency. That is what should have been done by the Secretary of the Navy. If the case is as he has stated, and there are no other facts, I see no reason why the claim should not be paid, and no reason why it should not have been paid years ago, by the action of the Navy Department in sending to Congress an estimate for a deficiency appropriation.

It seems to me that any Department which allows claims, if they are just claims, as stated in this letter, to run along from year to year and does not communicate to Congress the fact that there are certain deficiencies unpaid, and which does not ask an appropriation for their payment, is derelict in its duty, and it puts Congress in a bad position to send communications in this way, and put the responsibility upon Congress, as though Congress had been derelict, and not the Navy Department.

Mr. BARTLETT of New York. Does the distinguished gentleman from Maine arraign the present Secretary of the Navy or all his predecessors?

Mr. DINGLEY. I arraign no one. I simply say that if this was a claim that ought to have been paid, as stated in that communication, and if it was not paid simply through lack of appropriations, that the Navy Department—no matter who was at the head of it, for it makes no difference in that respect—ought to have sent an estimate to Congress for a deficiency appropriation, and then it would have been appropriated for and paid long ago.

Mr. BARTLETT of New York. I ask the gentleman if the person to blame was not the one who filled the office of Secretary of the Navy in 1864 or 1865?

Mr. DINGLEY. I should think so, from the information which we have. I think the fault was away back in 1865, if this information is correct.

Mr. CANNON. If the claim is as the gentleman says, the claimant himself might have presented this account to the accounting officers of the Treasury, and they, finding it correct, might have certified it to Congress for consideration and appropriation, it being an audited account for a public service authorized by law, where there was no appropriation.

Mr. DINGLEY. That is true. It occurs to me that there are probably some facts connected with this matter which have not yet been made public.

Mr. LOUD. There is no doubt about that.

Mr. DINGLEY. Facts that do not appear in this communication.

Mr. LOUD. And they are easy to be had, too.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. COFFIN, a motion to reconsider the last vote was laid on the table.

LIFE-SAVING STATION, MARYLAND.

Mr. MILES. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the Clerk's desk.

The bill was read, as follows:

A bill (H. R. 7255) providing for the establishment of a life-saving station on the coast of Maryland.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to establish a life-saving station on the coast of Maryland, between the Fenwick Island and the Ocean City life-saving stations, at such point as the General Superintendent of the Life-Saving Service may recommend.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. DINGLEY. Is this simply an authorization?

Mr. MILES. That is all. It has been favorably reported. I should like to have the report read.

Mr. LOUD. Has it been recommended by the Department?

Mr. MILES. It has been recommended by the Department, and the recommendation is a very strong one.

Mr. DOCKERY. As I understand, this bill only authorizes it.

Mr. MILES. That is all.

Mr. DINGLEY. It only authorizes the Secretary of the Navy, in his discretion.

Mr. MILES. That is all.

The report (by Mr. WANGER) is as follows:

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 7255) entitled "A bill for the establishment of a life-saving station on the coast of Maryland," beg leave to submit the following report, and recommend that said bill do pass without amendment:

This is a bill enacting that the Secretary of the Treasury be authorized to establish a life-saving station on the coast of Maryland, between the Fenwick Island and the Ocean City life-saving stations, at such point as the General Superintendent of the Life-Saving Service may recommend.

The bill was referred to the Treasury Department for examination and consideration, and from the letters of the Acting Secretary and of the General Superintendent of the Life-Saving Service it clearly appears that a life-saving station is necessary near the place designated in the bill. These letters are appended hereto as part of this report:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., April 6, 1896.

SIR: I have the honor to acknowledge the receipt by your reference of bill H. R. 7255, "providing for the establishment of a life-saving station on the coast of Maryland," for suggestions touching the merits of the bill and the propriety of its passage.

In reply I would state that the matter was referred to the General Superintendent of the Life-Saving Service for report, which has been received and is herewith transmitted with my concurrence.

Respectfully, yours,

S. WIKE, *Acting Secretary.*

The CHAIRMAN COMMITTEE ON
INTERSTATE AND FOREIGN COMMERCE,
House of Representatives.

—

TREASURY DEPARTMENT,
OFFICE GENERAL SUPERINTENDENT LIFE-SAVING SERVICE,
Washington, D. C., April 6, 1896.

SIR: I have the honor to acknowledge your reference for report of the letter of the Committee on Interstate and Foreign Commerce of the House of Representatives, transmitting bill H. R. 7255, "providing for the establishment of a life-saving station on the coast of Maryland," for "suggestions touching the merits of the bill and the propriety of its passage."

The stretch of coast between the Fenwick Island and the Ocean City life-saving stations, referred to in the bill, is one of the most dangerous on the entire line of the Atlantic coast. It consists of a sandy beach, outside of which, at a distance varying from 200 to 400 or 500 yards, a sand bar extends the whole length, upon which vessels frequently strand.

The two stations are 10½ miles apart, and upon the establishment of the latter of the two a patrol was established to cover the distance, a surfman from each station being required to travel to a point midway and return in four hours. The entire journey had to be made through soft, yielding sand, in which the foot sank several inches at every step. The effect upon the surfmen was soon found to be so exhausting as to tell severely upon their strength and health and the beats had to be shortened. They were so far reduced as to leave a gap of 1½ miles uncovered by the patrol. This patrol was maintained for some time, when the district officers recommended a still further reduction as indispensable. The following is an extract from a joint letter of the district superintendent and the inspector relating to the matter:

"The distance suggested will aggregate 6 miles in a watch in four hours to go and return a beat, and as it often occurs that the beach is patrolled night and day, it is, in our opinion, as great as should be exacted, from the fact that the surfmen are breaking down on account of the present length of the patrol, and will, if the distance is not shortened, materially increase the pension (disability) rolls of the service. The beaches over which the surfmen patrol are generally soft sand, and walking is very laborious, bringing undue strain upon the muscles of the lower limbs and rendering the present task practically impossible and unfitting the men, in case of wreck, for performing duty."

Accordingly the beats were shortened to 3 miles from each station, leaving a strip of coast midway between the stations (and therefore most remote from them) unguarded, whereby vessels stranding in this dangerous locality in the night or in thick weather are deprived of the advantage, often vital, of early discovery.

In view of these considerations, the establishment of the station proposed by the bill is, in my judgment, very desirable.

Respectfully, yours,

S. I. KIMBALL,
General Superintendent.

The SECRETARY OF THE TREASURY.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. DINGLEY, the title was amended so as to read: "A bill authorizing the establishment of a life-saving station on the coast of Maryland."

On motion of Mr. MILES, a motion to reconsider the vote by which the bill was passed was laid on the table.

AMERICAN REGISTRY FOR BARK VILA.

Mr. BENNETT. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 6776) to provide American registry for the bark *Vila*.

The bill was read, as follows:

Be it enacted, etc., That the Commissioner of Navigation is hereby authorized and directed to cause the foreign-built vessel owned by James McAllister, a citizen of the United States, to be registered as a vessel of the United States under the name *Vila*.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. DINGLEY. Let the report be read.

The report (by Mr. MCCORMICK) was read, as follows:

The Committee on the Merchant Marine and Fisheries, to which was referred House bill 6776, to provide an American register for the bark *Vila*, has considered the same and makes the following report:

The evidence filed with the committee shows that the *Vila* was presumably wrecked and found within American waters; that she was taken in tow by an American steamer—the *Breidablik*—and towed to the port of New York, where she was sold, by due course of law, for the sum of $450. A contract for repairs and alterations, at a cost of $3,305, was entered into, and said repairs and alterations have been made and paid for. The committee, believing that the requirements of the law have been complied with in this case, recommends the passage of the bill.

The SPEAKER. Is there objection?

Mr. DINGLEY. I should like to ask the gentleman a question. On the face of the facts stated, this vessel might have been registered by the Treasury Department. Why was it not done?

Mr. BENNETT. She could not receive registry in that way because they could not tell whether she was wrecked in American waters or not. She was found, after having drifted into American waters, by this vessel, the *Breidablik*. If she had been wrecked in American waters the Treasury Department, as I understand it, would have been privileged to register her.

Mr. DINGLEY. Are these facts sustained by affidavit?

Mr. BENNETT. By affidavits in the hands of the committee.

Mr. DINGLEY. Do you know the tonnage of this vessel?

Mr. BENNETT. The tonnage is very small.

Mr. DINGLEY. The circumstances must be very peculiar where a vessel which sells for $400 requires but $3,000 to put it in condition.

Mr. BENNETT. The evidence was all in the hands of the committee, and the report is unanimous.

Mr. MCCORMICK. It is a unanimous report from our committee. I made the report.

Mr. LOUD. Permit me to say, Mr. Speaker, that the evidence must be misleading. It ought to be easy to ascertain where the vessel was wrecked. As a rule, it is easy to ascertain.

Mr. BENNETT. The vessel had drifted into American waters, and was found by an American vessel and brought to the port of New York. For that reason she had drifted to the place where she was found, and they were unable to say that she was wrecked in American waters.

Mr. LOUD. The assumption is that she was wrecked out of American waters, but that is made a part of the report to mislead, because if she was wrecked in American waters the parties owning her could go to the Secretary of the Treasury and get a register.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. BENNETT, a motion to reconsider the vote by which the bill was passed was laid on the table.

BENJAMIN MARCH.

Mr. APSLEY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 6198, a bill authorizing the Secretary of the Treasury to issue a duplicate bond to Benjamin March, guardian of Ruth March.

The bill was read.

The report (by Mr. GRAFF) was read, as follows:

The Committee on Claims, having under consideration the bill (H. R. 5740) authorizing the Secretary of the Treasury to issue a duplicate bond to Benjamin March, as guardian of Ruth March, an insane person, find the following facts from the sworn proofs in the case:

That Ruth March lives in Ashley, a small town in Massachusetts, and has resided there for many years; that she is 84 years of age and has become insane. She owned a United States registered bond, issued under the acts of July 14, 1870, and January 20, 1871, for the sum of $1,000, and collected the interest on the said bond from time to time down to and including the interest due July 1, 1895.

Benjamin H. March, of Ashley, Mass., her nephew, was duly appointed guardian of said Ruth March on July 17, 1895. A thorough search through all her papers and effects has been made for said bond and it has not been found. It was shown that she shortly before burned some of her papers. It is not known whether or not said bond was then burned.

The affidavits by her neighbors and those with whom she came in contact rebut the presumption that the bond has been assigned, but tend to prove and proves, in the opinion of the committee, that said bond is lost or destroyed, although the evidence is circumstantial on that point. The woman is in such a condition mentally as not to be able to furnish any information on the subject.

The committee recommend that the bill be amended by striking out the words "equal to," in the thirteenth line of said bill, and inserting in lieu thereof the words "in double," and as thus amended the bill do pass.

The Comptroller of the Treasury, upon a hearing before that Department, recommended that no duplicate issue, for the reason that no one except Ruth March is known to have knowledge as to whether she assigned the bond when she was mentally competent to do so.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BARTLETT of New York. I should like to ask the gentleman if this bill has been favorably reported by a committee?

Mr. APSLEY. It has been reported favorably by a committee.

Mr. BARTLETT of New York. What committee?

Mr. APSLEY. The Committee on Claims.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. APSLEY, a motion to reconsider the vote by which the bill was passed was laid on the table.

Some time subsequently,

The SPEAKER. The gentleman from Massachusetts called up the bill H. R. 6198, but the report which was read was the report on the bill H. R. 5740. The bill 5740 as proposed to be amended by the committee is identical in terms with the bill H. R. 6198. If there be no objection, the Chair will cause to be substituted the bill H. R. 5740, which is precisely the same, so as to have a uniformity in the records. The Chair hears no objection.

The bill H. R. 5740 as amended is as follows:

A bill (H. R. 5740) authorizing the Secretary of the Treasury to issue a duplicate bond to Benjamin March, guardian of Ruth March.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and instructed to issue a duplicate in the name of Benjamin March, guardian of Ruth March, an insane person, in lieu of a United States 4 per cent registered bond issued under the acts of July 14, 1870, and January 20, 1871, No. 68830, for $1,000, inscribed in name of Ruth March, and alleged to have been lost or destroyed: *Provided*, That the said Benjamin H. March shall first file in the Treasury a bond in a penal sum in double the amount of the said missing bond and the interest which would accrue thereon until the principal thereof becomes due and payable, with two good and sufficient sureties, residents of the United States, to be approved by the Secretary of the Treasury, with condition to indemnify and save harmless the United States from any claim because of the lost or destroyed bond.

ROBERT M'GEE.

Mr. DOCKERY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 229) for the relief of Robert McGee.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to investigate the claim of Robert McGee, to be paid out of interest money due to the Sioux Nation of Indians from the Government of the United States, the sum of $10,000 in compensation for damages sustained by him by reason of having been scalped and otherwise injured by the Brule Sioux Indians while serving as a teamster with a train conveying Government supplies to Fort Union, N. Mex., July 18, 1864; and if said Secretary, after giving a hearing or an opportunity to be heard to said Sioux Nation of Indians, shall find said claim to be equitable and just, he shall pay or cause to be paid said sum of $10,000 or such part thereof as he shall decide to be justly and equitably due to the aforesaid Robert McGee.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LOUD. Mr. Speaker, I would like to have the report read.

Mr. DOCKERY. I ask that the report be read, Mr. Speaker.

The report (by Mr. CURTIS of Kansas) was read, as follows:

The Committee on Indian Affairs, to whom was referred Senate bill 229, have carefully considered the same, and report it back with the recommendation that it do pass.

The Senate report is made a part of this report.

[Senate Report No. 572, Fifty-fourth Congress, first session.]

The Committee on Indian Depredations, to whom was referred the bill (S. 229) for the relief of Robert McGee, report the same favorably to the Senate, with recommendation for its passage, and adopt as their report the statements and report made by the committee during the Fifty-second Congress.

Considering the large number of affidavits presented, there seems to be no question as to the helpless condition of the claimant, Mr. McGee, or as to the statements made that he received his injuries at the hands of roaming bands of the Sioux tribe of Indians. In the judgment of your committee the Secretary of the Interior, after hearing the arguments pro and con, can safely be trusted under the provisions of the bill to pay this man from such funds of the moneys of the Sioux Nation as may be available.

[Senate Report No. 1230, Fifty-Second Congress, second session.]

Your committee, to whom was referred Senate bill 3582, respectfully report the same favorably with amendments.

It appears that in July, 1864, a supply train started from Fort Leavenworth, Kans., for Fort Union, N. Mex., in charge of one J. L. Riggs. When they had arrived at the Great Bend of the Arkansas River, Walnut Creek Station, Kans., the party was attacked by a band of the Brule Sioux Indians under the leadership of the chief, Little Turtle. The massacre which followed was one of the most bloody, nearly all being killed or wounded. Of those wounded was one Robert McGee, now of Excelsior Springs, Mo., a boy, being then about 15 years of age, who was pierced by ten arrows, scalped, and tomahawked in a most brutal manner. He was taken to Fort Larned, where, by the skill of physicians and careful nursing, he was partially restored to health, though suffering greatly from contusions of the skull, which have made his life a struggle against suffering to the present time.

The statements here made as to his identity and present condition are supported by the affidavits of many reliable citizens who knew him then and who know him now. Among these are Hulbert H. Clark, M. D., of Santa Cruz, Cal., attending surgeon of hospital at Fort Larned, Kans., in 1864, and who cared for Mr. McGee. He says:

"In the matter of Robert McGee, I, Hulbert H. Clark, M. D., a resident of Santa Cruz, Cal., hereby certify that while in the United States service as acting assistant surgeon, being stationed at Fort Larned, Kans., as post surgeon, did, on or about the 16th day of July, 1864, receive into the United States post hospital Robert McGee, a boy about 16 years old, who had been wounded in numerous places, including the almost complete (entire) removal of the scalp, his wounds and injuries being inflicted by the Brule Sioux Indians, led by Chief Little Turtle, in their attack upon a Government supply train then en route westward, being on the day of the attack, which, I believe, was July 14, 1864, at or near the Great Bend of the Arkansas River, from which point the wounded reached Fort Larned two days later. The said Robert McGee remained in my charge about three months, during which time he was visited by General Curtis, who instructed me to give him special care; also gave McGee an order on the quartermaster for such clothing as was necessary for his comfort.

"When he left the hospital he was very weak and fully two-thirds of the surface of the skull was not healed, being covered by a very delicate coat of granulation and which bled upon the slightest friction; also a wound of the left elbow and in left groin was still open. How he survived is unaccountable. When he reached the hospital he was unconscious from shock, loss of blood, and want of food. It was several days before he could whisper so as to be understood. He was handled by raising him in the sheet; his many wounds—some 14 in number—about chest, arms, and abdomen prevented us grasping in the ordinary manner. I have not seen him since he left Fort Larned.

"I made a report of all the cases that came to my charge at that time, making McGee's special because of his youth and its severity. I have no interest in any claim he may make upon any Department of the United States Government.

"H. H. CLARK, M. D.,
"*Ex-Acting Assistant Surgeon, United States Army.*

"Subscribed and sworn to before me this 29th day of November, 1892.
"ED. MARTIN, *Clerk.*
"By D. J. MILLER, *Deputy.*"

Other affidavits of a like character are furnished by Nathan Swan, of Klova, Colo.; James L. Riggs and Martin Brown, of Pike County, Mo.; D. B. Gresham, of Meriden, Kans.; Miss Martha Sapp, of Wyandotte, Kans.; Jasper A. Hanna, of Brunswick, Mo., who was a private soldier at Fort Larned and acted as nurse to Mr. McGee during his sickness; J. R. Tunks, of Caldwell, Mo., who also acted as nurse for a short period. A letter from Mr. Belt, Acting Commissioner of Indian Affairs, under date of November 7, 1892, states that, under treaties of April 8, 1868, and agreements of February 28, 1877, and March 2, 1889, the Brule Sioux Indians, of Rosebud Agency, S. Dak., were made sharers of the beneficiary appropriations made to the Sioux Nation.

Your committee therefore recommend the passage of the bill as amended, so as to authorize the Secretary of the Interior to investigate the claim of Mr. McGee for $10,000 compensation for his injuries, and to pay the same, if just and equitable, from the interest money due the Sioux Nation.

Mr. LOUD (during the reading of the report). Mr. Speaker, I do not care to hear any more.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. JOHNSON of North Dakota. Mr. Speaker, I should like to hear some explanation of this bill. I have no doubt as to the truth of the historical facts recited, but my inquiry is as to the principle, the legal principle, involved of the right to take money that belongs to the Sioux Indians and pay for injuries that were inflicted in war really by a former generation of Indians; and I would like to know further whether the beneficiary of this fund proposes to afford them an opportunity to see whether their rights have been defended.

Mr. DOCKERY. I will simply state, Mr. Speaker, there seems to be no doubt of the fact that the beneficiary was scalped by this band of Sioux Indians.

Mr. JOHNSON of North Dakota. When did it take place?

Mr. DOCKERY. In 1864. The claim has been pending before Congress for some years. I will further say that the bill makes

no appropriation, but simply authorizes the Secretary of the Interior to investigate the claim and to award to this man, after such investigation, $10,000 or so much thereof as he in his judgment thinks the claimant justly and equitably entitled to. The claimant has resided in my district for about five years, and prior to that time was a resident, I believe, of the State of Kansas. I know him personally. His condition is absolutely pitiable.

Mr. JOHNSON of North Dakota. I have no doubt as to the accuracy of the historical facts; but this seems to me a new principle—at least it is new to me in this House—that of taking the money of a trust fund of the Indians and paying it to an individual for injuries he received in war. It is simply on that point of the law principle that I would like to hear the gentleman.

Mr. DOCKERY. I quote from the report:

A letter from Mr. Belt, Acting Commissioner of Indian Affairs, under date of November 7, 1892, states that under treaties of April 8, 1868, and agreements of February 28, 1877, and March 2, 1889, the Brule Sioux Indians of Rosebud Agency, S. Dak., were made sharers of the beneficiary appropriations made to the Sioux Nation.

Mr. Speaker, I am not familiar with the precedents. I know the matter has been thoroughly investigated at the other end of the Capitol, and that it was fully considered there. It passed the Senate unanimously after some consideration, formal and informal.

Mr. CURTIS of Kansas. I would suggest to the gentleman that nothing is to be paid until after an investigation shall have been had.

Mr. DOCKERY. That is true; nothing is to be paid until after an investigation. This bill, as heretofore stated, does not make any appropriation. The amount to be paid, if any, is to be determined by the Secretary of the Interior.

Mr. GAMBLE. As I understand, this bill simply authorizes payment to be made if it be found the party is legally entitled to it.

Mr. DOCKERY. If he is legally entitled to it he is to be paid $10,000, or so much thereof as may be found just and equitable.

Mr. GAMBLE. I am a member of the Committee on Indian Affairs, but I did not happen to be present when that bill was considered, and I do not care to object to the consideration of a bill which has been reported by the committee——

Mr. DOCKERY. It has been reported by the Committee on Indian Affairs.

Mr. GAMBLE. At the same time, the question occurs to me, as stated by the gentleman from North Dakota. Here is an occurrence thirty years ago. Trust funds have come to the Sioux Indians since that time; and to pay for a private injury, taking that amount out of the general funds of the tribe, is a matter which impresses me that the criticisms made by the gentleman from North Dakota are just; but if the question is to be determined upon a proper hearing, and upon evidence, I do not care to object.

Mr. DOCKERY. It is. One of the Senators from South Dakota, as I am informed, objected to this bill, basing his objection somewhat upon the grounds suggested by the gentleman from North Dakota [Mr. JOHNSON]; but I think the bill as prepared meets the objection he made, because it refers the whole matter to the Secretary of the Interior for investigation and allowance.

Mr. CONNOLLY. These Indians were not entitled to any part of this fund at the time the injury was inflicted, as I understand?

Mr. DOCKERY. I can not say whether or not that is true.

Mr. CONNOLLY. The report states that they were made participants in the fund of the Sioux Indians in 1887.

Mr. GAMBLE. I do not like to object to the gentleman's bill, but I will ask him to let it go over until to-morrow.

Mr. DOCKERY. I trust the gentleman will not object to the bill. It is reported from his committee, and while it is true that the Indians live in the gentleman's State, the people of the United States have a general interest in the question.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. PICKLER and Mr. JOHNSON of North Dakota objected.

ORDER OF BUSINESS.

Mr. KEM. Mr. Speaker, under what order are we now acting? Are we proceeding by unanimous consent?

The SPEAKER. By unanimous consent.

Mr. KEM. I call for the regular order.

The SPEAKER. The regular order is called for. The regular order is the pension bills upon which the previous question has been ordered to their passage.

PENSION BILLS.

Bills of the following titles, upon which, on Friday last, the previous question was ordered to their passage, and which were laid aside pending engrossment, were severally taken up, read the third time, and passed:

A bill (H. R. 1178) granting a pension to Sarah Woodon;

A bill (H. R. 4720) granting an increase of pension to Isaac H. Whetsel, of Louisville, Ky.;

A bill (H. R. 5311) granting a pension to Sarah Ann Wible;

A bill (H. R. 5710) granting a pension to Eleanor L. Curtis;

A bill (H. R. 1820) granting a pension to Neil McNeil;

A bill (H. R. 986) for the relief of Hiram P. Pauley;

A bill (H. R. 3113) granting a pension to Margaret A. Kidwell;

A bill (H. R. 5850) for the benefit of and granting a pension to Ransom A. Hazelip;

A bill (H. R. 2317) to increase the pension of Levi T. E. Johnson;

A bill (H. R. 3877) granting a pension to Henderson Marple;

A bill (H. R. 6221) granting an increase of pension to Mary E. Chamberlain;

A bill (H. R. 158) granting a pension to Mary Collins;

A bill (H. R. 3480) for the relief of Emily A. Mann;

A bill (H. R. 4193) to correct the military record of William F. Souger;

A bill (H. R. 4548) granting a pension to Mary Arnold (amendment to title agreed to);

A bill (H. R. 5393) for the relief of Lucinda Rickards, widow, and the minor children of John D. Rickards, deceased;

A bill (H. R. 6608) to remove the charge of desertion from the military record of George W. Taylor;

A bill (H. R. 5407) remove the charge of desertion now standing against Oscar A. Bulette, late private in Company E, Fifty-second Illinois Infantry Volunteers, during the late war (amendment to title agreed to);

A bill (H. R. 1508) granting a pension to the widow of Gen. John Newton;

A bill (H. R. 7212) to increase the pension of Melita E. White;

A bill (H. R. 1175) to remove the charge of desertion from the military record of Nicholas Swingle;

A bill (H. R. 4872) to correct the military record of Homer C. McCuskey;

A bill (H. R. 3933) granting a pension to Thomas S. Daugherty;

A bill (H. R. 2328) for the relief of Patrick Rainey;

A bill (H. R. 3565) to grant an honorable discharge to Ezra Abbott;

A bill (H. R. 3514) granting an honorable discharge to John J. Johnson;

A bill (H. R. 6111) granting a pension to Elizabeth A. Sargent;

A bill (H. R. 6789) granting a pension and for the relief of Dr. Harrison Wagner;

A bill (H. R. 4868) for the relief of George Hager;

A bill (H. R. 6483) granting an increase of pension to Thomas G. Walker;

A bill (H. R. 4363) to increase the pension of Joseph J. Hudson;

A bill (H. R. 4481) granting an increase of pension to Patsey E. Broaddus, of Marion, Kans.;

A bill (H. R. 2189) granting a pension to Mrs. Mary E. Freeman; and

A bill (H. R. 2969) granting a pension to Mrs. Lucy A. Allen.

The following bills, on which the previous question had not been ordered to their passage, were taken up and the previous question by unanimous consent ordered; and under the operation thereof the bills were severally read the third time, and passed:

A bill (H. R. 4904) for the relief of Mrs. Sarah Martin; and

A bill (H. R. 4724) to increase the pension of Mrs. Mary L. Aleshire.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 3013) to amend section 4131 of the Revised Statutes of the United States, to improve the merchant marine engineer service, and thereby also to increase the efficiency of the Naval Reserve.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 3105) to provide for the erection of a public building at McKeesport, Pa.;

A bill (S. 2540) to provide compensation for a bridge and for buildings and other improvements constructed by certain persons upon public lands afterwards set apart and reserved as the Yellowstone National Park;

A bill (S. 3381) to remove the charge of desertion from the military record of Patrick Larkin; and

A bill (S. 1135) for the relief of John Veeley.

The message also announced that the Senate had passed without amendment the bill (H. R. 8590) granting to the Denver, Cripple Creek and Southwestern Railroad Company a right of way for a railroad through the South Platte and Plum Creek forest reserves, in the State of Colorado.

The message also announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 1420) granting an increase of pension to Elizabeth W. Sutherland, asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. GALLINGER, Mr. HANSBROUGH, and Mr. VILAS as the conferees on the part of the Senate.

The message also announced that the Senate had passed without amendment the bill (H. R. 270) changing the time of holding terms of the circuit and district courts of the United States in the northern district of California.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to bills of the following titles:

A bill (S. 1934) granting a pension to Carrie L. Yeaton; and

A bill (S. 739) granting an increase of pension to C. E. Philbrook, widow of Alvah Philbrook, major of Twenty-fourth Regiment Wisconsin Volunteers.

The message also announced that the Senate had passed the following resolutions:

Resolved, That the Senate has heard with profound sorrow of the death of the Hon. W. H. CRAIN, late a Representative from the State of Texas.

Resolved, That the business of the Senate be now suspended, in order that fitting tribute be paid to his memory.

Resolved, That the sympathies of the members of the Senate be tendered to the family of Mr. CRAIN in this bereavement, and that the Secretary of the Senate transmit to them a copy of these resolutions.

Resolved, That as an additional mark of respect to the memory of the deceased the Senate do now adjourn.

A further message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed the bill (S. 2420) to regulate the pay of noncommissioned officers of the Army; in which the concurrence of the House of Representatives was requested.

MERCHANT MARINE ENGINEER SERVICE.

Mr. PAYNE submitted the following conference report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill H. R. 3013, "An act to amend section 4131 of the Revised Statutes of the United States, to improve the merchant marine engineer service, and thereby also to increase the efficiency of the Naval Reserve," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate and agree to the same with amendments as follows:

In the second and third lines of section 2, strike out the word "three" where it occurs in each of said lines and insert in lieu thereof the word "five."

After the word "renewal," at the end of the first paragraph in section 2, insert the following:

"And in all cases where the issue is the suspension or revocation of such licenses, whether before the local boards of inspectors as provided for in section 4450 of the Revised Statutes, or before the supervising inspector as provided for in section 4452 of the Revised Statutes, the accused shall be allowed to appear by counsel and to testify in his own behalf."

S. E. PAYNE,
A. J. HOPKINS,
C. M. COOPER,
Managers on the part of the House.

WM. P. FRYE,
WATSON C. SQUIRE,
Managers on the part of the Senate.

The following statement of the House conferees was read:

The managers of the conference on the part of the House on the amendment of the Senate to the bill amending section 4131 of the Revised Statutes, to improve the merchant-marine engineer service, etc., H. R. 3013, submit the following written statement in explanation of the effect of the action agreed upon, and recommended it in the accompanying conference report, viz., to agree to the Senate amendment with certain amendments thereto.

Although the Senate amendment is a substitute for the entire House bill, it makes but one important change. The House bill requires that all engineers and assistant engineers on American vessels shall be American citizens. The Senate substitute requires only that chief engineers and each assistant engineer in charge of a watch shall be American citizens.

The principal reason for applying this rule to all assistant engineers was because of the four ships of the American Line, which are auxiliary to the Navy. It was thought that all the assistant engineers on these vessels should, from motives of public and national policy, be citizens of the United States. But it appearing that 75 per cent of the assistant engineers are already citizens and that the balance will soon become so, the conferees on the part of the House concluded to concur in the Senate amendment.

The other amendments to the Senate amendment consist in extending the length of an engineer's license from three to five years, and to allow him the privilege of counsel and of testifying in his own behalf in cases when the issue is the suspension or revocation of licenses.

S. E. PAYNE,
A. J. HOPKINS,
C. M. COOPER,
Managers on the part of the House.

The report of the committee of conference was agreed to.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, the following Senate bills and joint resolution were taken from the Speaker's table and referred by the Speaker as follows:

A bill (S. 2119) for the relief of John Breitling—to the Committee on War Claims.

A joint resolution (S. R. 141) to carry into effect two resolutions of the Continental Congress directing monuments to be erected to the memory of Gens. Francis Nash and William Davidson, of North Carolina—to the Committee on the Library.

A bill (S. 2931) granting an increase of pension to Silas M. Stevens—to the Committee on Invalid Pensions.

A bill (S. 1091) granting a pension to Christiana C. Queen, widow of Walter W. Queen, formerly an admiral in the United States Navy—to the Committee on Pensions.

A bill (S. 2133) granting a pension to Mary E. Ely—to the Committee on Invalid Pensions.

A bill (S. 1946) granting a pension to Elijah N. Parkhurst—to the Committee on Invalid Pensions.

A bill (S. 759) granting a pension to Carrie A. Moody—to the Committee on Invalid Pensions.

A bill (S. 2556) granting an increase of pension to Lewis D. Baker—to the Committee on Invalid Pensions.

A bill (S. 202) to increase the pension of Lucretia C. Waring—to the Committee on Pensions.

A bill (S. 2844) granting a pension to Nancy Piper—to the Committee on Pensions.

A bill (S. 2983) granting a pension to Ida Emmott, daughter of the late Thomas Emmott—to the Committee on Invalid Pensions.

A bill (S. 2812) granting a pension to William T. Hill—to the Committee on Invalid Pensions.

A bill (S. 2877) granting a pension to Hiram Santas—to the Committee on Invalid Pensions.

A bill (S. 2439) granting a pension to Jackson Lucus—to the Committee on Invalid Pensions.

A bill (S. 2880) granting a pension to Charles E. Mann—to the Committee on Invalid Pensions.

A bill (S. 2879) granting a pension to Charles A. Hutchings—to the Committee on Invalid Pensions.

A bill (S. 2433) granting a pension to William F. Gowdy—to the Committee on Pensions.

A bill (S. 1300) for the relief of Hannah Newell Barrett—to the Committee on Pensions.

A bill (S. 152) granting a pension to Abel S. Chase—to the Committee on Pensions.

A bill (S. 752) to increase the pension of Capt. James B. Logan—to the Committee on Invalid Pensions.

A bill (S. 3020) granting a pension to W. L. Faxon—to the Committee on Invalid Pensions.

A bill (S. 2434) granting a pension to Simon D. Kohl—to the Committee on Invalid Pensions.

A bill (S. 1164) granting a pension to Aaron B. Page—to the Committee on Invalid Pensions.

A bill (S. 2494) restoring pension to Michael Carron—to the Committee on Invalid Pensions.

A bill (S. 3004) granting a pension to Jacob Saladin—to the Committee on Invalid Pensions.

A bill (S. 2820) granting a pension to Mary F. Hawley—to the Committee on Invalid Pensions.

A bill (S. 2535) granting a pension to Elender Herring, of Elsmore, Kans—to the Committee on Invalid Pensions.

A bill (S. 2758) granting a pension to Hiram H. Palmer—to the Committee on Invalid Pensions.

A bill (S. 2754) granting a pension to Jerusha Hayward Brown—to the Committee on Pensions.

A bill (S. 2883) granting an increase of pension to Isaac Harbaugh—to the Committee on Invalid Pensions.

A bill (S. 2802) granting a pension to Margaret Rowsell—to the Committee on Pensions.

A bill (S. 2711) granting a pension to Ira Harris—to the Committee on Invalid Pensions.

A bill (S. 2787) granting a pension to Simpson Everett Stilwell—to the Committee on Pensions.

A bill (S. 2913) granting an increase of pension to Nettie A. Checks—to the Committee on Invalid Pensions.

A bill (S. 937) granting an increase of pension to Sarah E. Comly, widow of Maj. Clifton Comly—to the Committee on Pensions.

CORRECTIONS OF REFERENCE.

The SPEAKER. The Chair will submit the following corrections of reference:

The bill S. 1974 from the Committee on Foreign Affairs to the Committee on Claims.

The bill S. 1465 from the Committee on Invalid Pensions to the Committee on Pensions.

LIFE-SAVING STATION, PORT HURON, MICH.

The SPEAKER laid before the House the amendments of the Senate to the bill (H. R. 8260) to authorize the establishment of a life-saving station at Port Huron, on the coast of Lake Huron, State of Michigan.

The bill and the Senate amendments were read at length.

The Senate amendments were concurred in.

BRIDGE ACROSS THE TALLAHATCHIE RIVER, MISSISSIPPI.

The SPEAKER also laid before the House the amendments of the Senate to the joint resolution (H. Res. 137) declaring a certain bridge across the Tallahatchie River, in Tallahatchie County, State of Mississippi, a lawful structure.

The Senate amendments were read at length, one amendment changing the joint resolution to a bill (H. R. 9030).

The Senate amendments were read and concurred in.

FORT SULLY MILITARY RESERVATION, S. DAK.

The SPEAKER also laid before the House the amendments of the Senate to the bill (H. R. 7324) to authorize and empower the State of South Dakota to select the Fort Sully Military Reservation, in said State, as a part of the lands granted to the State under the provisions of an act to provide for the admission of South Dakota

into the Union, approved February 22, 1889, and for indemnity school lands, and for other purposes.

The Senate amendments were read at length.

Mr. GAMBLE. I move that the Senate amendments be concurred in.

The motion was agreed to.

BRIDGE ACROSS THE MISSISSIPPI AT ST. LOUIS.

The SPEAKER also laid before the House the amendments of the Senate to the bill (H. R. 2698) authorizing the construction of a bridge over the Mississippi River to the city of St. Louis, in the State of Missouri, from some suitable point between the north point of St. Clair County, Ill., and the northwest line of said county.

The amendments of the Senate were read at length.

Mr. MURPHY of Illinois. Mr. Speaker, I move that the House nonconcur in the Senate amendments, and agree to a conference on the disagreeing votes of the two Houses on this bill.

The motion was agreed to.

DIVORCES.

The SPEAKER also laid before the House the amendments of the Senate to the bill (H. R. 5217) making one year's residence in a Territory a prerequisite to obtaining a divorce there.

The Senate amendments were read at length, and on motion of Mr. GILLETT of Massachusetts they were concurred in.

DRY MEASURES, DISTRICT OF COLUMBIA.

The SPEAKER also laid before the House the amendments of the Senate to the bill (H. R. 6833) defining the standard shape and size for dry measures for use in the District of Columbia, and for other purposes.

The amendments of the Senate were read at length.

Mr. BABCOCK. I move to nonconcur in the Senate amendments and agree to a conference on the disagreeing votes on this bill.

The motion was agreed to.

The SPEAKER announced the appointment of Mr. CURTIS of Iowa, Mr. MILNES, and Mr. COBB as conferees on the part of the House.

WATER-MAIN TAXES, DISTRICT OF COLUMBIA.

The SPEAKER also laid before the House the amendments of the Senate to the bill (H. R. 3279) to authorize the reassessment of water-main taxes, District of Columbia, and for other purposes.

The amendments of the Senate were read at length.

Mr. BABCOCK. I ask unanimous consent that the reading of the House bill be dispensed with. It has been considered in the House, and I move to nonconcur in the Senate amendments.

Mr. KEM. I object.

The House bill was read at length.

Mr. BABCOCK. Mr. Speaker, I move to nonconcur in the Senate amendments and agree to a conference on the disagreeing votes of the two Houses.

The motion was agreed to.

The SPEAKER announced the appointment of Mr. HULICK, Mr. BABCOCK, and Mr. RICHARDSON as conferees on the part of the House.

CAROLINA A. HOUGH.

The SPEAKER also laid before the House the amendment of the Senate to the bill (H. R. 2604) to increase the pension of Carolina A. Hough, widow of Brig. Gen. John Hough.

The amendment of the Senate was read. It proposes to strike out "thirty" and insert "fifty"; so as to read "$50 a month."

The SPEAKER. The question is on concurring in the Senate amendment.

The Senate amendment was nonconcurred in.

SAFETY OF RAILWAY TRAVEL.

The SPEAKER also laid before the House the amendments of the Senate to the bill (H. R. 5379) making it unlawful to shoot at or into any railway locomotive or car or at any person thereon or to throw any rock or other missile at or into any locomotive or car, and for other purposes.

The Senate amendments were read at length, and concurred in.

SECTION 416, REVISED STATUTES.

The SPEAKER also laid before the House the bill (H. R. 4452) to amend section 416 of the Revised Statutes of the United States relating to the District of Columbia, with a Senate amendment thereto.

Mr. BABCOCK. Mr. Speaker, this is a mere formal amendment changing the wording. It does not change the character of the bill, and I ask that the reading be dispensed with.

The SPEAKER. The gentleman asks unanimous consent that the reading of the bill be dispensed with.

Mr. KEM. I object.

The bill was read.

The Senate amendment was read, and concurred in.

BILLIARD AND POOL TABLES IN THE DISTRICT OF COLUMBIA.

The SPEAKER also laid before the House the bill (H. R. 5490) to license billiard and pool tables in the District of Columbia, and for other purposes, with a Senate amendment thereto.

The bill was read.

The section amended by the Senate originally read as follows:

SEC. 4. That it shall not be lawful for the proprietors of billiard tables, pool tables, bagatelle tables, jenny lind tables, or other tables of the kind mentioned in the first section of this act, shuffleboards, and bowling alleys, kept for public hire and gain in the District of Columbia, to sell or to allow to be sold in the same room or a room connected with and opening out of or adjacent to such room spirituous, vinous, or malt liquors; and all such places shall be closed during the entire twenty-four hours of each and every Sunday, and also during the hours that barrooms are required to be closed.

The amendment of the Senate struck out the following:

To sell or to allow to be sold in the same room or a room connected with and opening out of or adjacent to such room, spirituous, vinous, or malt liquors.

And inserted in lieu thereof the following:

To allow any person under the age of 21 years to play at any game of billiards, pool, shuffleboard, or any game that may be played on such tables or boards, or play at bowls on said alleys, or permit such person to come into or remain in their pool or billiard rooms, saloons, or bowling alleys, where spirituous, vinous, or malt liquors are sold.

Mr. DINGLEY. Mr. Speaker, this is a very important amendment to the last section of this bill, entirely changing the character of it. The House, after a thorough discussion, passed a bill containing a section forbidding the sale of intoxicating liquors in any billiard or pool room that might be licensed in this city. The Senate has stricken that provision out entirely and inserted an amendment simply forbidding persons under 21 years of age from entering a billiard or pool room where intoxicating liquors are sold. That is an entire change of the character of the bill. I think, after the House took the position which it did take, that intoxicating liquors ought not to be sold in a billiard room or a room opening out of it, that it ought to insist upon its action and not concur in the action of the Senate, striking that out entirely and leaving billiard rooms to sell intoxicating liquors. I think it is a correct principle that where there is an amusement room like a billiard room there ought not to be a rum shop connected with it. If that is to be tolerated by law let it be a separate establishment.

Mr. Speaker, I do not know but it may be desirable to have a conference upon this matter. The House has expressed itself very thoroughly, and I am unwilling to have the House recede from its action. I think it is not in the interest of good morals that it should do it.

Mr. BABCOCK. I ask that the Senate amendment be again read. I think it is very full and clear.

The Senate amendment was again read.

Mr. DINGLEY. I think the House should nonconcur and insist upon its action, or, if the gentleman desires a conference, I have no objection to that.

Mr. BABCOCK. This amendment of the Senate provides that no minor shall be allowed in any room where there is a billiard table and where liquors of any kind are sold.

Mr. MILNES. The House bill provided that no liquor should be sold in any billiard or pool room.

Mr. DINGLEY. The House voted that a billiard room should not also be a rum shop, and I think, having taken that position, it should insist upon it. A billiard room should be simply a place of amusement, and a rum shop should not be joined with it. Let each stand on its own footing.

Mr. BABCOCK. I ask for a vote on the motion that the House concur in the Senate amendment.

Mr. DINGLEY. Do you desire to concur?

Mr. BABCOCK. To concur in the Senate amendment.

Mr. DINGLEY. Which, of course, would allow a billiard room to be also a rum shop.

Mr. BABCOCK. Yes, it would allow the sale of liquors in a billiard room; but it would not allow the presence of minors.

Mr. DINGLEY. The House expressed itself fully on that, and I hope it will insist on its former action.

Mr. MORSE. Mr. Speaker, I certainly hope that the House will not concur in the Senate amendment. We recently had an exhaustive hearing before the Committee on Alcoholic Liquor Traffic, and many citizens of this District were heard upon that occasion. They made loud, long, and bitter complaints against the combination of a billiard saloon and a liquor saloon, and they said that great numbers of young men were inveigled and enticed into these places by the attraction of the billiard room. These people were very earnest in demanding that the House bill as agreed upon here should be insisted upon. In the interest of good morals and in the interest of the young men of this city, I certainly hope that the Senate amendment will not be concurred in, but that the House will insist upon the bill as it left the House.

The SPEAKER. The question is on the motion of the gentleman from Wisconsin [Mr. BABCOCK] to concur in the Senate amendment.

The question was taken; and the Speaker announced that the noes seemed to have it.

On a division (demanded by Mr. BABCOCK) there were—ayes 9, noes 72.

Mr. DINGLEY. I move that the House nonconcur and insist on its disagreement to the Senate amendment.

The SPEAKER. The vote of the House not to concur is equivalent to a vote of nonconcurrence.

Mr. BABCOCK. I ask for a conference.

A conference was ordered.

Mr. DINGLEY. Mr. Speaker, I move the adoption of the following resolution of instructions to the committee of conference.

The Clerk read as follows:

Resolved, That the House conferees on House bill 5490 are hereby instructed to insist on so much of the House bill as forbids the sale of intoxicating liquors in billiard or pool rooms, or in rooms opening out of any such billiard or pool rooms.

The resolution of instructions was agreed to.

SECTION 3719 OF THE REVISED STATUTES.

The SPEAKER laid before the House the bill (H. R. 4179) to amend section 3719 of the Revised Statutes, with Senate amendments to bill and title.

The amendments of the Senate were concurred in.

DELIVERY OF IMPORTED PARCELS AND PACKAGES.

Mr. DALZELL. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. DALZELL. I rise to move to suspend the rules and pass a bill.

The SPEAKER. By direction of a committee?

Mr. DALZELL. By direction of the Committee on Ways and Means, I move to suspend the rules and pass the following bill.

The Clerk read as follows:

A bill (H. R. 6259) to expedite the delivery of imported parcels and packages not exceeding $500 in value.

The bill was read, as follows:

Be it enacted, etc., That any articles other than precious stones, jewelry, explosives, and articles whose importation is prohibited by law, not exceeding $500 in value, imported in packages not exceeding 100 pounds in weight, in vessels of the United States, may be appraised on the wharf under such regulations as the Secretary of the Treasury may prescribe, and after such appraisement and assessment of duties by the collector may be delivered immediately under the bond provided for in this act to express companies or other duly incorporated inland carriers bonded for the transportation of appraised or unappraised merchandise between the several ports in the United States: *Provided*, That not more than one such consignment to one ultimate consignee from the same consignor shall be imported in any one vessel: *And provided*, That the original appraisement and liquidation of such importations shall be final against the owner, importer, agent, or consignee, except in the case of manifest clerical errors, as provided for in section 34 of the act of June 10, 1890, and no protest or appeal therefrom to the general appraisers shall be allowed.

SEC. 2. That such express companies or other inland carriers shall be responsible to the United States under bond for the safe delivery of such articles to the ultimate consignee and for the collection and payment to the collector of customs at the port of arrival of the duties assessed thereon: *Provided*, That if any package shall not be delivered to the consignee by the express company or other inland carrier, but shall be returned to the collector within ninety days from the date of importation, with the seals provided for in section 3 of this act intact, the collector shall take charge of such package and dispose of it as unclaimed merchandise, and the express company or other inland carrier shall be relieved of any liability therefor under its bond; and before any express company or other inland carrier shall be permitted to receive and transport any such articles they shall become bound to the United States in such bonds of such form and amount and with such conditions not inconsistent with law and such security as the Secretary of the Treasury may require.

SEC. 3. That articles transported under the provisions of this act shall be corded and sealed in such manner as shall from time to time be prescribed by the Secretary of the Treasury, and the collector of the port of first arrival shall retain in his office a permanent record of such merchandise so forwarded.

SEC. 4. That such packages may be consigned to and entered by the agents of the express company or other inland carrier or steamship company, who shall at the time of entry state the ultimate consignee, and in all cases where a certified or other invoice is now required by law such invoice may be attached to the package under such regulations as the Secretary of the Treasury may prescribe, and the delivery of such articles to the express company or other inland carrier shall not be delayed because of the nonarrival of the triplicate invoice, but the ultimate consignee shall be liable for any increased duty found due on receipt of such triplicate invoice, and the provisions of section 2857, Revised Statutes, shall not apply to importations under this act.

The SPEAKER. The motion is to suspend the rules and pass the bill. Is a second demanded?

A second was not demanded.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and the Speaker announced that in the opinion of the Chair (two-thirds voting in the affirmative) the rules were suspended and the bill was passed.

BOTTLING DISTILLED SPIRITS IN BOND.

Mr. EVANS. Mr. Speaker, I am directed by the Committee on Ways and Means to move to suspend the rules and pass the following bill with the amendments recommended by the committee.

The bill was read, as follows:

A bill (H. R. 6562) to allow the bottling of distilled spirits in bond.

Be it enacted, etc., That whenever any distilled spirits deposited in the warehouse of a distillery having a surveyed daily capacity of not less than 20 bushels of grain, which capacity, or not less than 20 bushels thereof, is commonly used by the distiller, have been duly entered for withdrawal upon payment of tax, or for export in bond, and have been gauged and the required marks, brands, and tax-paid stamps, or export stamps, as the case may be, have been affixed to the package or packages containing the same, the distiller of said distilled spirits, if he has declared his purpose so to do in the entry for withdrawal, may remove such spirits to a separate portion of said warehouse, which shall be set apart and used exclusively for that purpose, and there, under the supervision of a United States storekeeper or storekeeper and gauger, in charge of such warehouse, may immediately draw off such spirits, bottle, pack, and case the same: *Provided*, That for convenience in such process any number of packages of spirits of the same kind, differing only in proof, may be mingled together in a cistern provided for that purpose; but nothing herein shall authorize or permit any mingling of different products, or of the same products of different distilling seasons, or the addition or the subtraction of any matter or material or the application of any method or process to alter or change in any way the original condition or character of the product except as herein authorized; nor shall there be at the same time in the bottling room of any bonded warehouse any spirits entered for withdrawal upon payment of the tax and any spirits entered for export: *Provided also*, That under such regulations and limitations as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe, the provisions of this act may be made to apply to the bottling and casing of fruit brandy in special bonded warehouses.

Every bottle when filled shall have affixed thereto and passing over the mouth of the same such suitable adhesive engraved strip stamp as may be prescribed, as hereinafter provided, and shall be packed into cases to contain 6 bottles or multiples thereof, and in the aggregate not less than 2 nor more than 5 gallons in each case, which shall be immediately removed from the distillery premises. Each of such cases shall have affixed thereto a stamp denoting the number of gallons therein contained, such stamp to be affixed to the case before its removal from the warehouse; and such stamps shall have a cash value of 10 cents each, and shall be charged at that rate to the collectors to whom issued, and shall be paid for at that rate by the distiller using the same.

And there shall be plainly burned on the side of each case, to be known as the Government side, the proof of the spirits, the registered distillery number, the State and district in which the distillery is located, the real name of the actual bona fide distiller, the year and distilling season (whether spring or fall) of original inspection or entry into bond, and the date of bottling; and the same wording shall be pinced upon the adhesive engraved strip stamp over the mouth of the bottle.

And no trade-marks shall be put upon any bottle unless the real name of the actual bona fide distiller shall also be placed conspicuously on said bottle.

SEC. 2. That the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may, by regulations, prescribe the mode of separating and securing the additional warehouse or portion of the warehouse hereinbefore required to be set apart, the manner in which the business of bottling spirits in bond shall be carried on, the notices, bonds, and returns to be given and accounts and records to be kept by the persons conducting such business, the mode and time of inspection of such spirits, the accounts and records to be kept and returns made by the Government officers, and all such other matters and things as in his discretion he may deem requisite for a secure and orderly supervision of said business; and he may also, with the approval of the Secretary of the Treasury, prescribe and issue the stamps required.

The distiller may, in the presence of the United States gauger, remove by straining through cloth, felt, or other like material any charcoal, sediment, or other like substance found therein, and reduce, by the addition of pure water only, such spirits as are withdrawn for bottling purposes, below the original proof, but to not less than 80 per cent proof, under such rules and regulations as may be prescribed by the Commissioner of Internal Revenue with the approval of the Secretary of the Treasury; and no spirits shall be withdrawn for bottling under this act until after the period shall have expired within which a distiller may request a regauge of distilled spirits as provided in section 50 of the act of August 28, 1894.

SEC. 3. That all distilled spirits intended for export under the provisions of this act shall be inspected, bottled, cased, weighed, marked, labeled, stamped, or sealed in such manner and at such time as the Commissioner of Internal Revenue may prescribe; and the said Commissioner, with the approval of the Secretary of the Treasury, may provide such regulations for the transportation, entry, reinspection, and lading of such spirits for export as may from time to time be deemed necessary; and all provisions of existing law relating to the exportation of distilled spirits in bond, so far as applicable, and all penalties therein imposed, are hereby extended and made applicable to distilled spirits bottled for export under the provisions of this act, but no drawbacks shall be allowed or paid upon any spirits bottled under this act.

SEC. 4. That where, upon inspection at the bonded warehouse in which the spirits are bottled as aforesaid, the quantity so bottled and cased for export is less than the quantity actually contained in the distiller's original casks or packages at the time of withdrawal for that purpose the tax on the loss or deficiency so ascertained shall be paid before the removal of the spirits from such warehouse, and the tax so paid shall be receipted and accounted for by the collector in such manner as the Commissioner of Internal Revenue may prescribe.

SEC. 5. That where, upon reinspection at the port of entry, any case containing or purporting to contain distilled spirits for export is found to have been opened or tampered with, or where any mark, brand, stamp, label, or seal placed thereon or upon any bottle contained therein has been removed, changed, or willfully defaced, or where upon such reinspection any loss or discrepancy is found to exist as to the contents of any case so entered for export, the tax on the spirits contained in each such case at the time of its removal from warehouse shall be collected and paid.

SEC. 6. That any person who shall reuse any stamp provided under this act after the same shall have been once affixed to a bottle as provided herein, or who shall reuse a bottle for the purpose of containing distilled spirits which has once been filled and stamped under the provisions of this act without removing and destroying the stamp so previously affixed to such bottle, or who shall, contrary to the provisions of this act or of the regulations issued thereunder, remove or cause to be removed from any bonded warehouse any distilled spirits inspected or bottled under the provisions of this act, or who shall bottle or case any such spirits in violation of this act or of any regulation issued thereunder, or who shall, during the transportation and before the exportation of any such spirits, open or cause to be opened any case or bottle containing such spirits, or who shall willfully remove, change, or deface any stamp, brand, label, or seal affixed to any such case or to any bottle contained therein, shall for each such offense be fined not less than $100 nor more than $1,000, and be imprisoned not more than two years, in the discretion of the court, and such spirits shall be forfeited to the United States.

SEC. 7. That every person who, with intent to defraud, falsely makes, forges, alters, or counterfeits any stamp made or used under any provision of this act, or who uses, sells, or has in his possession any such forged, altered, or counterfeited stamp, or any plate or die used or which may be used in the

manufacture thereof, or who shall make, use, sell, or have in his possession any paper in imitation of the paper used in the manufacture of any stamp required by this act, shall on conviction be punished by a fine not exceeding $1,000 and by imprisonment at hard labor not exceeding five years.

SEC. 8. That nothing in this act shall be construed to exempt spirits bottled under the provisions of this act from the operations of chapter 728 of the public laws of the Fifty-first Congress, approved August 8, 1890.

Mr. MORSE. Mr. Speaker, I demand a second on that bill.

The SPEAKER. A second is demanded. The Chair will appoint the gentleman from Massachusetts [Mr. MORSE] and the gentleman from Kentucky [Mr. EVANS] to act as tellers.

The House divided; and the tellers reported—ayes 109, noes 10.

So a second was ordered.

The SPEAKER. There are forty minutes for debate, twenty minutes on either side, one-half under the control of the gentleman from Kentucky [Mr. EVANS], and the other half under the control of the gentleman from Massachusetts [Mr. MORSE].

Mr. MORSE. Mr. Speaker, I do not desire to debate the bill. I want an explanation from the other side.

Mr. EVANS. Mr. Speaker, I do not believe that when the House hears even a slight explanation of this bill there will be anybody who will oppose it any more than there was in the Committee on Ways and Means. The bill has been very carefully considered, not only from the standpoint of those who desired its passage, but it was also very carefully considered from the standpoint of the Government. Its provisions meet the approval of the Secretary of the Treasury and the Commissioner of Internal Revenue, with whom, under the directions of the committee, the subcommittee on internal revenue consulted upon every point in the measure. The purpose of the bill is to permit the bottling of spirits when they have reached the age of four years in such a manner as that anybody who is so unfortunate, or fortunate, as the case may be, to want a bottle of whisky or other spirits can knowto a certainty that he is getting a pure article. That is all.

The existing law requires that spirits when distilled shall be put into a bonded warehouse, and the proposed bill requires that after they shall have been in bond four years, after they have matured, after the tax has been fully paid to the Government, they may be bottled under such circumstances and under such supervision as will insure that there is no foreign substance whatever put into those spirits, so that if there are any pure spirits they can be found in bottles filled as required by this bill.

Understand, Mr. Speaker, that this does not interfere, nor is it intended to interfere, with anybody bottling spirits as he pleases outside of the distillery premises or outside of the distillery warehouse. Anybody may bottle there if he chooses. Anybody can bottle elsewhere, and put his goods on the market as he chooses; but there is a certain trade that desires some assurance, some guaranty of official supervision, that the sort of spirits they buy are pure spirits; that, in fact, there is no admixture with them of poisonous or other foreign substance.

The purpose of this bill is to permit those who make whisky to put it in bottles under Government supervision, instead of waiting until it goes out from under Government supervision, where parties can put whatever stuff they please into it. Not only is this so, but upon another ground there is a necessity for this bill, which arises largely from the fact that nearly all so-called pure spirits come from Canada. The only spirits bottled under Government supervision that are in the market are marked as "Canada Club" whisky. It comes in from Canada and is sold in large quantities. Gentlemen who travel on the cars, as perhaps all of you know, and who buy that whisky, buy it because it is supposed to be pure on account of being under a government bottling stamp. Now, by virtue of that fact, Canada has sent into this country large quantities of very inferior spirits, and they are selling them to our people and keeping the American producer out of his home market, although American producers are allowed no such privileges in Canada, they not being permitted to carry our spirits over there in quantities less than 120 of our gallons.

If you will take the trouble to read the report, you will find that one of the chief reasons given by the committee for the passage of this bill is that it tends to give to the home producer the home market instead of allowing it to the Canadians with an extremely inferior variety of spirits. These are the objects of this bill. I do not desire to take up all of my time in discussing it now, but if the gentleman from Massachusetts [Mr. MORSE] or anybody who is associated with him in objecting to the bill has anything to say, I shall be glad to hear it, reserving the remainder of my time.

Mr. HEPBURN. Mr. Speaker, I remember that a year or two ago, when an argument was being made in favor of extending the bonded period for whisky, we were told that it ought to be eight years, in order that the ripening process might go on—what was claimed to be a process of manufacture—namely, the elimination of fusel oil by evaporation while the liquor was in wood. Now I understand the gentleman to propose by this bill to arrest this ripening process, this elimination of fusel oil, by putting the liquor into bottles, where it will be impossible for the oil to escape. Will he please explain that? [Laughter].

Mr. EVANS. My genial friend from Iowa need not have any apprehension on that point. I am not a maker of whisky and I know but little about the practical operation of making it. From slight casual connection with the business, however, I do know that three years is the period required for ripening. The Wilson bill, among other incongruities, extended the bonded period to eight years, but in three or four years whisky is about as pure as it ever gets to be.

Mr. HEPBURN. I know, of course, how insolent it must appear for me to undertake to give instruction with regard to whisky to a gentleman from Kentucky [laughter], but I do remember very distinctly that when gentlemen were insisting on extending the bonded period, not only in the last Congress, but earlier, when the attempt was made to make the period five years, we were told first that five years and later that eight years was absolutely essential to the ripening of whisky, and that it would continue to undergo the ripening process—a process of manufacture, as they said—until the end of that period. Now, this bill seems to be intended to undo the work of that bill.

Mr. EVANS. No; the gentleman is mistaken. I think I know what I am talking about. At the time to which he refers they were very anxious to get some indulgence on account of the extremely depressed condition of the trade, and inasmuch as the tax was to be increased to $1.10 per gallon, they wanted some concession in the way of a lengthened bonded period, but that period was not necessary for the maturing of the whisky. Everybody knows that. Four years would do for that.

Mr. HOPKINS. Everybody but the gentleman from Iowa. [Laughter.]

Mr. EVANS. Everybody but the gentleman from Iowa.

Mr. DINGLEY. It was intended to "mature" the pockets of the distillers. [Laughter.]

Mr. EVANS. Yes. Inasmuch as you were going to increase the tax they wanted an increase of the bonded period.

Mr. COLSON. I will ask my colleague if it is not a fact that the greatest improvement in whisky occurs in the first four years?

Mr. EVANS. Undoubtedly.

Mr. TATE. Why do you put the limit at 20 bushels of grain?

Mr. EVANS. Because it was supposed that where a less amount than that was used they would not be likely to have such warehouse facilities as to enable them to bottle the spirits under such supervision and safeguards against frauds as was necessary and as contemplated by the bill.

Mr. TATE. Is not this the same old story of giving the large manufacturers the monopoly of the business?

Mr. EVANS. That limitation was fixed by the Commissioner of Internal Revenue upon the idea that the public interest could not be preserved if you gave this privilege to the very small distilleries.

I reserve the balance of my time.

Mr. MORSE. Mr. Speaker, I did not ask for a second for this bill for the purpose of debating it, but for the purpose of getting an explanation from the committee reporting the bill. I submit to my friend from Iowa [Mr. HEPBURN] that he ought not to be too hard upon the gentleman from Kentucky [Mr. EVANS] in asking an explanation from him as to the effect of whisky, because everybody knows that people drink Kentucky whisky in summer to keep them cool and drink it in the winter to keep them warm. [Laughter.] There is no explanation of this stuff in bottles or barrels. It is the devil's own drink. It is the fruitful source of taxation, pauperism, crime, insanity, disease, and death. In this country 60,000 men annually go down to a drunkard's grave; 100,000 men crowd our almshouses and swell our taxes in consequence of strong drink; 500 murders and 500 ghastly suicides look up to heaven as the result of this blasting, withering traffic. Of all the engines the devil ever invented to destroy the bodies and souls of men and the peace of families, strong drink beats them all. It is the enemy of heaven and the ally of hell. I do not think it makes much difference whether you bottle whisky or whether you barrel it, the bill is unimportant. To my mind it makes very little difference which way you ship or sell the poison. I do submit again that the gentleman from Kentucky ought not to be questioned too closely in regard to its composition or its effects. [Laughter.]

Mr. LEWIS. The gentleman has undertaken to tell us how many people die annually from the effects of Kentucky whisky; will he now tell us how many die annually from other causes?

Mr. MORSE. In answer to the gentleman from Kentucky, I want to say that the indirect effects of Kentucky whisky are probably far in excess of any statistics I have given. The indirect effects of Kentucky whisky God alone knows. It would take a large vessel to contain the tears of the orphans and widows, the men and the women that have been reduced to poverty and misery by Kentucky whisky. If I could have my say about it, I would see the whole accursed stuff in the Atlantic Ocean and

never have another drop of it made, barreled, or bottled. [Laughter and applause.] I reserve the balance of my time.

Mr. EVANS. Mr. Speaker, I yield three minutes to my colleague, Mr. COLSON.

Mr. HENDERSON. I would not attempt to shift the responsibility, Colonel EVANS. [Laughter.]

Mr. EVANS. Mr. Speaker, I wish to say that there is no export trade of any sort of whisky from Kentucky to the devil; so that if he gets it he gets it from Canada. [Laughter.] Furthermore, I am not here asking any favor for Kentucky whisky. I am here speaking seriously in behalf of a large industry in many States that certainly furnish a large amount of revenue to help pay our pensions. I am asking nothing for or against whisky. All I want is to give the distillers the privilege of bottling their whisky under the protection of the law. The existing law gives the right to produce. This bill neither enlarges nor takes away that right. It only allows their bottling after being produced. That is all.

I now yield three minutes to my colleague [Mr. COLSON].

Mr. COLSON. Mr. Speaker, the criticisms of the gentleman from Massachusetts [Mr. MORSE] on this bill do not go to its merits. The question of temperance is not directly involved in this measure. This bill simply seeks to give such protection to the public that they may know, when they do drink, whether they are drinking pure whisky or something else which may be a compound from the use of which the injurious effects follow of which the gentleman from Massachusetts [Mr. MORSE] complains.

Mr. MILES. Does the gentleman speak from experience? [Laughter.]

Mr. COLSON. Only in part, but not from any experience that has occurred within the last few years.

Mr. Speaker, men will drink whisky; and I submit it is better for them when they do so to know that they are drinking straight Kentucky whisky. [Laughter.] If this bill should become a law, a man when he takes a drink can know whether he is drinking pure Kentucky whisky. You can not now go into a saloon in this or any city or town in this country and purchase a bottle of whisky and drink it feeling assured that it is straight whisky. It may be a very injurious compound. The rectifying houses all over the country are putting upon the market goods labeled as straight whisky, but not such in fact, but an article far more injurious than straight Kentucky whisky, and a person intoxicated by it is ready to kill anybody, not excepting even his mother-in-law. [Laughter.]

I need say nothing as to the merit of Kentucky whisky; that stands without any comment. I am opposed to the use of whisky; but if we have it, make it possible for the consumer to know he is getting the pure article. And, sir, those who are opposed to the use of whisky ought to favor such legislation as will insure the consumption of the pure article, which is the least injurious of all the whiskies consumed. That is all there is of this question.

Mr. MORSE. Mr. Speaker, how much time have I remaining?

The SPEAKER. Eighteen minutes.

Mr. MORSE. I yield two minutes to the gentleman from Georgia [Mr. TATE].

Mr. TATE. I offer the amendment indicated in the bill which I send to the desk.

The SPEAKER. An amendment is not in order.

Mr. TATE. I ask that it may be read for information.

The SPEAKER. It will be read as part of the gentleman's remarks.

The Clerk read as follows:

After the word "distillery," in line 4, strike out the words "having a surveyed daily capacity of not less than 20 bushels of grain, which capacity, or not less than 20 bushels thereof, is commonly used by the distiller."

Mr. TATE. I hope the gentleman in charge of the bill will accept this amendment.

Mr. EVANS. Personally I should have no objection to it; but the bill as offered is in the shape which the officers of the Treasury Department insist is necessary as a safeguard for the interests of the Government.

Mr. TATE. Would it be in order to strike out "20 bushels of grain" and insert "5"?

Mr. EVANS. I make the point that the amendment is not in order.

The SPEAKER. It is not in order.

Mr. TATE. Mr. Speaker, I hope that if this bill be not amended in such a way as indicated in the proposition just read it will be voted down. I see no reason why this House should continue to legislate for the interest of the large distilleries, as has been done in the past.

No man unless he distills 20 bushels of grain daily is allowed the benefit of this measure. I see no reason for any such discrimination between the different distillers of the country. If a man who is legitimately engaged in distilling uses only 5 bushels of grain daily, why should he not be allowed to bottle his product in the same way as a man in Kentucky who uses 20 bushels? That is my objection to this bill, and it is one which my friend from Kentucky should readily appreciate. I do not see why he should not assent to the amendment I have proposed. It is perfectly fair. It gives the small distiller the same rights that this bill gives the large distiller. This bill is so palpably unfair that it should not pass unless the amendment suggested by me is agreed to.

Mr. MORSE. Mr. Speaker, my friend from Kentucky [Mr. EVANS] has urged as an argument in favor of drinking that large revenue is raised by the Government from this source and that this helps to pay the taxes. Mr. Speaker and gentlemen, I believe there would be as much statesmanship, and sense, and philosophy in inoculating men with smallpox and then laying a tax on coffins to raise revenue as in raising revenue by licensing men to carry on this business of making paupers, and beggars, and suicides, and murderers. [Applause.] Why, Mr. Speaker, did you read the confession of that poor, miserable wretch—Irving Ford—whose trial was entered upon to-day? Did you read his confession that on the morning of the day on which he committed the terrible deed and murdered Elsie Kreglo he says he bought a bottle of whisky and drank it? Perhaps it was Kentucky whisky. It certainly was bottled, as proposed by the pending bill.

Mr. COLSON. The trouble is that he got hold of the wrong kind. If he had got pure Kentucky——

Mr. MORSE. Now, I do not know anything about that. I do not know what State it came from. I only know the fact that before he did that awful deed he drank a bottle of this vile, damning, blasting poison that has destroyed and is destroying the bodies and souls of men. I verily believe he would not have committed the crime had his brain not been fired with this poison; and so I charge, Mr. Speaker, that that poor, miserable colored man, who is now awaiting his execution in the prison here for that crime, committed the crime in consequence of drink; and I charge that the man who sold him that bottle of whisky—I charge here and now, in the presence of God, men, and angels, that that saloon keeper was a party to that crime, and is in part responsible for that awful murder of an innocent girl and the grief and sorrow to that family.

Do you know that when John Wilkes Booth, when he was dying, kept looking at his hands and crying there was blood upon his hands. The attendant said to him, "No; Mr. Booth. We have washed your hand carefully; there is no blood on your hands." But he insisted there was blood on his hands. The blood of the martyred Lincoln was crying to heaven and the dying murderer thought he saw blood on his hands. And I charge the man who sold that bottle of whisky to this colored man that the blood of this poor girl is on his hands, and that he is in part responsible for that crime.

I notice down here on Pennsylvania avenue, in walking back and forth to the Capitol—I notice a large sign which bears in letters of fire the words "Hunter's Pure Rye." I do not know whether that means pure Kentucky whisky, or what kind of whisky it is; but, Mr. Speaker, it is a fitting emblem—those letters of fire. They stand for the fire that is never quenched, for the second death, for "eternal burnings," for the loss and the ruin and the destruction of souls caused by this blasting, withering, damning poison. The sign over every rum shop ought to be in fire, and there ought to be a skull and crossbones over the door for a trademark. [Applause.]

The gentleman from Kentucky says that strong drink is a large source of revenue to the Government. I hope the argument will never be advanced in this Congress that it is good policy and sound, wise statesmanship to raise revenues for the support of the Government by licensing men to make beggars, suicides, paupers, and murderers of their fellow-men. [Applause.] God pity the community, town, city, State, or nation that raises revenue that way. [Renewed applause.]

I reserve the remainder of my time.

Mr. EVANS. Mr. Speaker, I do not know that it is necessary to pursue the argument further——

The SPEAKER. The gentleman has eight minutes of his time remaining.

Mr. EVANS. I see no necessity for further debate, and will ask a vote.

Mr. HEPBURN. Before the gentleman yields the floor I would like to ask him a question.

Mr. EVANS. Certainly.

I only want to add this, Mr. Speaker. I have not said anything about Kentucky whisky. I speak for all the States, and all the manufacturers in the States, who are interested as well as the people of the country generally in this legislation, some from the standpoint of trade, others from the standpoint of the revenue.

Mr. HEPBURN. I wish to ask the gentleman where, or in what section of the bill, is to be found that provision to which he has alluded that secures to the purchaser a knowledge that the article he purchases from the distiller under the circumstances mentioned in this bill is pure? I do not find anything in the bill of that character.

There is no provision so far as I have been able to find either as to what the particular adhesive stamp is to be, or what its functions are, or how it is going to guarantee to a purchaser all that the gentleman from Kentucky claims for the bill.

Mr. EVANS. I wish to say that it is not my idea that the Government has anything to do with guaranteeing anything to the purchaser in any contract sense. But, in answer to the gentleman from Iowa, the bill provides that all spirits in the distillery or bonded warehouse when the tax is paid may be bottled under the supervision of a United States officer. The adhesive stamp is affixed to the bottle over the mouth of it, which shows that the distiller has complied with the law, that it is his product, the proof strength of it, its age, and the act expressly provides that the bottle can not be opened without destroying the stamp, so that it can not be used over again for a fraudulent article. A provision is also made for punishing any person who attempts to alter or counterfeit such stamp.

Mr. HEPBURN. The gentleman's answer does not meet the inquiry. I understood him to say that this would secure some kind of a guaranty for the purchaser that the article he purchases is a genuine article. Now, on the contrary, there is a provision in this bill which authorizes the mixture of different grades of whisky.

Mr. EVANS. Oh, no; I think the gentleman is mistaken in that.

Mr. HEPBURN. The provision is that they shall be of the same vintage or of the same year. But you may mix them of different proofs and there is no guaranty, there is no surety, no requirement that the stamp shall indicate anything except what the gentleman suggested, that it was the product of a certain establishment; but there is no assurance of purity, no assurance of inspection, no assurance of any kind. This only authorizes the mixing and bottling of whiskies which have been in bond for four years.

Mr. EVANS. Why, it is absolutely certain, to anybody who understands anything of the business, that what I said at the outset is perfectly correct. The object of the bill is to have the bottling done under Government supervision. It is to be in the distillery warehouse; it is to be done before the spirits are taken from the distiller's premises; it is to be done under Government supervision, and the most stringent provisions for the protection of the purchaser are inserted in the bill.

But it is true it does say that the distiller may mix the same goods. That is to say, where there are two barrels of the same product produced in the fall, say of 1892, he may mix them. You can not expect that the bottling will just exactly exhaust the barrel, and in order to complete the filling of bottles it may be necessary to begin on a new barrel of precisely the same product. It does allow the mingling of two barrels of exactly the same sort of spirits, made by the same maker, of the same age, and all to be done under Government supervision.

Mr. HEPBURN. Does it allow the mixture of two barrels of different proofs?

Mr. EVANS. Of course; there are no two barrels of the same proof, except by accident. But it all may be reduced, by the admixture of pure water only, to a proof of 80 per cent. There is not a particle of difficulty on that subject. When that is done under the supervision of the officers, and that stamp is put over the mouth of the bottle, stating all the facts that this bill requires to be stated, it is as good a guaranty as any human mind can conceive of, unless the Government makes a contract——

Mr. HEPBURN. Your bill does not even require the proof to be stated, does it?

Mr. EVANS. Undoubtedly it does. You have got to state all that on the stamp.

Mr. HEPBURN. Will you turn to it?

Mr. EVANS. It is easy enough to do that—

> And there shall be plainly burned on the side of each case, to be known as the Government side——

Mr. HEPBURN. That is on the box, not on the barrel.

Mr. EVANS (reading)—

> The proof of the spirits, the registered distillery number, the State and district in which the distillery is located, the real name of the actual bona fide distiller, of the year and distilling season thereof, whether spring or fall, of original inspection or entry into bond, and the date of bottling, and the same wording shall be placed upon the adhesive engraved strip stamp over the mouth of the bottle.

It is always intended that the evidence of proof strength shall be there. It is positively, plainly, unquestionably so. Now, the Ways and Means Committee, let me say, had no thought about this as a Kentucky bill, a Pennsylvania bill, a Maryland bill, or a Missouri bill. It is only something that it seemed to us the distillers were fairly entitled to, to enable them to bottle their goods in a pure state, under Government inspection, to give them a market as against the Canadian article. That is the whole of it. I believe that there is not a member here who, when he understands it, will disapprove of this. The temperance question has nothing to do with it. I am as good a temperance man, I suppose, as my friend from Massachusetts [Mr. MORSE]. I have been as seldom drunk as any man in this House. I have nothing to say upon that; but this is only a question of business, that is all.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and on a division (demanded by Mr. TATE) there were—ayes 113, noes 20.

Mr. TATE. No quorum, Mr. Speaker.

The SPEAKER. The gentleman makes the point of no quorum present.

Mr. CROWTHER. What gentleman makes the point of no quorum?

The SPEAKER. The gentleman from Georgia makes the point.

Mr. TATE. I make the point of no quorum present.

The SPEAKER (after counting the House). One hundred and ninety-nine gentlemen are present; a quorum. Two-thirds having voted in the affirmative, the bill is passed.

Mr. EVANS. Mr. Speaker, my motion was to pass the bill with the amendments suggested by the Committee on Ways and Means, which were largely formal.

The SPEAKER. The Chair so understood it.

MESSAGE FROM THE PRESIDENT.

A message from the President of the United States, by Mr. PRUDEN, one of his clerks, announced that the President had approved and signed bills and joint resolutions of the following titles:

On May 6, 1896:

An act (H. R. 7200) for the relief of A. T. Hensley.

On May 8, 1896:

An act (H. R. 3544) empowering and directing the Secretary of the Navy to furnish not more than four pieces of condemned cannon to the village of New Rochelle, N. Y.

On May 9, 1896:

An act (H. R. 5853) granting a pension to Arminda Stucker, of Gallatin, Mo.

On May 11, 1896:

An act (H. R. 145) for the relief of J. J. Lints;

An act (H. R. 1191) to provide for the disposal of public reservations in vacated town sites or additions to town sites in the Territory of Oklahoma;

An act (H. R. 4456) to authorize and direct the Secretary of the Navy to donate one condemned cannon and four pyramids of condemned cannon balls to the cemetery association in the city of St. Paul, Minn., to be used at or near the foot of the soldiers' monument in said cemetery;

An act (H. R. 572) for the relief of James Duke; and

An act (H. R. 1889) granting an honorable discharge to F. L. Taylor from December 2, 1864.

NOTE.—The following bill was presented to the President April 29, 1896, and, not having been returned by him to the House of Congress in which it originated within the ten days prescribed by the Constitution, has become a law without his approval:

An act (H. R. 3852) to amend the record of William H. De Freest.

On May 13, 1896:

An act (H. R. 8820) making provision for the deportation of refugee Canadian Cree Indians from the State of Montana and their delivery to the Canadian authorities;

An act (H. R. 6605) to revive and reenact an act to authorize the construction of a free bridge across Arkansas River, connecting Little Rock and Argenta; and

An act (H. R. 2735) for the relief of Enoch Davis.

On May 14, 1896:

An act (H. R. 3018) to amend the act approved March 3, 1891, granting the right of way upon the public lands for reservoir and canal purposes; and

An act (H. R. 152) granting a pension to Mary Ann Tracy.

On May 15, 1896:

An act (H. R. 4887) granting a pension to Sarah G. Ives;

An act (H. R. 4968) granting a pension to Helen A. Jackman, dependent daughter of Lieut. William Jackman, late of Company I, Fourteenth Regiment of Maine Volunteers;

An act (H. R. 491) granting an increase of pension to Francis Walsh, of Stockham, Nebr.;

An act (H. R. 6104) for the relief of Anton Gloetzner;

An act (H. R. 3046) for the relief of Frederick Van Guilder;

An act (H. R. 1743) for the relief of Thomas L. Young;

An act (H. R. 175) authorizing the Secretary of War to make certain uses of national military parks; and

An act (H. R. 6431) to pay Peter P. Ferguson $1,765.

REGISTRATION OF TRADE-MARKS.

Mr. CORLISS. Mr. Speaker, I am directed by the Committee on Interstate and Foreign Commerce to move to suspend the rules

and ask for the present consideration of the bill which I send to the Clerk's desk.

The bill was read, as follows:

A bill (H. R. 7477) to provide for the registration of trade-marks on bottles, siphons, butts, hogsheads, barrels, half barrels, casks, half casks, quarter casks, kegs, boxes, tins, and other receptacles and vessels used in commerce with foreign nations, or among the several States, or with the Indian tribes, or among or in the Territories of the United States, or with or in the District of Columbia, and to prevent the fraudulent use of the same in such commerce.

Be it enacted, etc., That any and all persons, firms, and corporations engaged in manufacturing, bottling, packing, or selling soda water, mineral or aerated waters, porter, ale, beer, cider, ginger ale, milk, cream, small beer, lager beer, weiss beer, white beer, or other beverages, or medicines, medical preparations, perfumery, compounds, mixtures, or other articles of merchandise in bottles, siphons, butts, hogsheads, barrels, half barrels, casks, half casks, quarter casks, kegs, boxes, tins, or other receptacles or vessels, with his, her, its, or their name or names or other marks or devices branded, stamped, engraved, etched, blown, impressed, or otherwise produced upon such bottles, siphons, butts, hogsheads, barrels, half barrels, casks, half casks, quarter casks, kegs, boxes, tins, or other receptacles or vessels used by him, her, it, or them in commerce with foreign nations, or among the several States, or with the Indian tribes, or among or in the Territories of the United States, or with or in the District of Columbia, may obtain registration of such name or names or other marks or devices so used, as follows: Any such person, firm, or corporation may file in the Patent Office of the United States, to be recorded, a written statement specifying the name, domicile, citizenship, place or places of business and post-office address of such person, firm, or corporation, and giving a description and a facsimile of the name or names, or other marks or devices so used by him, her, it, or them, respectively, and the usual name of the article or articles manufactured, bottled, packed, or sold by such owner in such bottles, siphons, butts, hogsheads, barrels, half barrels, casks, half casks, quarter casks, boxes, kegs, tins, other receptacles, or vessels, said statement declaring that such person, firm, or corporation is, at the time of such filing, the owner of such bottles, siphons, butts, hogsheads, barrels, half barrels, casks, half casks, quarter casks, kegs, boxes, tins, or other receptacles or vessels, and that the same are used in commerce with foreign nations, or among the several States, or with the Indian tribes, or among or in the Territories of the United States, or with or in the District of Columbia, and that such person, firm, or corporation has at the time a right to the use of such name or names, or other marks or devices, sought to be registered, and that no other person, firm, or corporation has the right to such use, either in the identical form or in any such near resemblance thereto as might be calculated to deceive; and said statement shall be sworn to by such person, or by a member of such firm, or an officer of such corporation before a notary public or other officer competent to administer oaths, who shall attach his official seal to the same: *Provided, however*, That for each such statement so filed, and at the time the same is filed, the person, firm, or corporation filing the same shall pay into the Treasury of the United States the sum of $25 as a fee for such registration, and shall comply with such regulations as may be prescribed by the Commissioner of Patents: *Provided further*, That no registration shall be allowed under this act except by persons, firms, or corporations domiciled in the United States or located in any foreign country, or tribes which, by treaty, convention, or law, afford similar privileges to citizens of the United States.

SEC. 2. That when any registration has been made as provided in section 1 of this act the Commissioner of Patents may issue a certificate in the name of the United States of America, under the seal of the Department of the Interior, and signed by said Commissioner, stating and specifying the name, place or places of business, and post-office address of the person, firm, or corporation obtaining such registration as owner, and giving a description of the registered name or names, or other marks or devices, so used on such bottles, siphons, butts, hogsheads, barrels, half barrels, casks, half casks, quarter casks, kegs, boxes, tins, or other receptacles or vessels fully as set forth in said statement filed under section 1 of this act, and such certificate shall state that such name or names, or other marks or devices, have been registered by such owner in accordance with this act, giving the title and date hereof. Such certificate of the Commissioner of Patents shall, in any prosecution under this act, be prima facie evidence of registration in accordance with this act, and also prima facie evidence that the person, firm, or corporation so registered as owner is the true owner of the bottles, siphons, butts, hogsheads, barrels, half barrels, casks, half casks, quarter casks, kegs, boxes, tins, or other receptacles or vessels, the name or names, or other marks or devices, on which have been so registered.

SEC. 3. That after the name or names, or other marks or devices, which appear on any bottles, siphons, butts, hogsheads, barrels, half barrels, casks, half casks, quarter casks, kegs, boxes, tins, or other receptacles or vessels have been registered as provided in section 1 of this act, any person, firm, or corporation who shall use in traffic any such bottles, siphons, butts, hogsheads, barrels, half barrels, casks, half casks, quarter casks, kegs, boxes, tins, or other receptacles or vessels, or make the same the subject of commerce with foreign nations, or among the several States, or with the Indian tribes, or among or in the Territories of the United States, or with or in the District of Columbia, shall be guilty of a misdemeanor, and upon conviction thereof shall pay a fine of not more than $300, or be imprisoned not more than four months, or both, at the discretion of the court.

SEC. 4. That nothing in this act contained shall prevent, lessen, impeach, or avoid any remedy at law or in equity which any party aggrieved by any wrongful use or sale of such bottles, siphons, butts, hogsheads, barrels, half barrels, casks, half casks, quarter casks, kegs, boxes, tins, or other receptacles or vessels might have had if this act had not been passed.

SEC. 5. That the Commissioner of Patents is authorized to make rules and regulations and prescribe forms for the transfer of the said certificates of registration, and for recording the said transfers in his office.

The SPEAKER. Is a second demanded?

There was no demand for a second.

Two-thirds voting in favor thereof, the rules were suspended and the bill passed.

ORDER OF BUSINESS.

Mr. HENDERSON. Mr. Speaker, I submit the following privileged report from the Committee on Rules, and move its adoption.

The Clerk read as follows:

The Committee on Rules, to whom was referred House Resolution No. 220, have had the same under consideration, and beg leave to report the following substitute therefor:

Resolved, That immediately after the adoption of this rule, and until 4 o'clock, Tuesday, May 19, the time of the House shall be given to the consideration of such bills on the House Calendar as have been reported by the Committee on Immigration and Naturalization, and that at 4 o'clock, May 19, the previous question shall be considered as ordered on the pending bill and pending amendments to the passage: *Provided, however*, That nothing in this resolution shall be construed as interfering with general appropriation bills and conference reports.

Mr. HENDERSON. Mr. Speaker, on that I demand the previous question.

Mr. BARTHOLDT. Before the previous question is ordered I should like to suggest that at the time this resolution was agreed upon by the Committee on Rules it was intended to give us to-day and to-morrow for the consideration of immigration bills. The day having been consumed by other business, I suggest that the Committee on Immigration and Naturalization be given another day (to-morrow and the day after) for the purpose of considering these bills. There are so many gentlemen who have signified to me their desire to occupy the floor that it will be impossible to get through by to-morrow at 4 o'clock. I would offer as amendment, Mr. Speaker, that to-morrow and Wednesday be devoted to the consideration of immigration bills.

Mr. HENDERSON. Mr. Speaker, I have no authority to accept that amendment. The request of the gentleman was for one day, and we give one day plus what is used this day. If to-morrow the House feels like an extension should be given, that could be done by unanimous consent, if it is the uniform judgment of the House; but we have other matters pressing from the Committee on Labor and the Committees on Elections; and inasmuch as this gives the day asked for and what is left of to-day, I think we ought to go ahead with the order.

The SPEAKER. The question is on ordering the previous question.

The question was taken; and the Speaker announced that the ayes seemed to have it.

Mr. BARTHOLDT and others. Division.

The House divided; and there were—ayes 75, noes 36.

So the previous question was ordered.

Mr. BARTHOLDT. Mr. Speaker, I now ask unanimous consent that the vote be taken on Wednesday at 4 o'clock instead of Tuesday.

Mr. HENDERSON. I want to say a word right here. We may as well be square with each other. The gentleman from Missouri is opposed to the consideration of the bill at all, and does not represent the views of his committee. He asked for one day before he went away. We have given him one day, and he can have an hour during this day, and he has been spending to-day trying to prevent us from bringing up this bill at all.

Mr. BARTHOLDT. I will say to the House, in answer to the gentleman from Iowa, that he is entirely mistaken in his statement. I stand here fathering, favoring, and advocating the passage of the educational test bill.

Mr. HENDERSON. Does the gentleman deny that he has been laboring with me not to bring up this rule?

Mr. BARTHOLDT. I deny that.

Mr. HENDERSON. That is all I claim.

Mr. BARTHOLDT. I deny it. I only stated that there were quite a number of members of this House who had come to me and told me that it might not be policy to bring up this matter, and I simply reported to the gentleman from Iowa what those gentlemen told me, reserving my own individual view upon that question.

Mr. HENDERSON. I certainly understood the gentleman to be opposed this morning to bringing up the rule to-day, and several other members told me he had spoken to them. Now, Mr. Speaker, if we are going to treat this question at all, let us treat it, and have the manhood and the courage to do so. The gentleman knows we are planning to give two days to the Committee on Labor, and then there are several election cases to be considered, and no one knows at what hour the gavel of adjournment may fall.

Mr. PICKLER. I have had a resolution before the Committee on Rules for some time for the Committee on Invalid Pensions. [Laughter.] Last Friday night we were cut out of the time.

Mr. CORLISS. I would like to ask the gentleman from Iowa if it is not true that this is one of the most important questions now pending in this country, and one in which a great mass of persons are interested? And as the representative of the committee I think he ought to yield the time, and yield it gracefully.

Mr. HENDERSON. I am very much obliged to the gentleman. I am simply attempting to represent the action taken by the committee.

Mr. JOHNSON of California. Mr. Speaker, is there any way in which we can get a vote extending the time of this debate? Is it in order to move an amendment?

Mr. HENDERSON. No, I do not see that that can be done. But I want to say this: The question is on the request for unanimous consent and I have not objected to it. I only wanted the House to understand the position of the chairman of the Committee on Immigration, because he seems to be fighting for more time.

The SPEAKER. The gentleman from Missouri asks unanimous consent that debate be extended until Wednesday at 4 o'clock.

Mr. PICKLER. Mr. Speaker, I object. [Cries of "Oh, don't!"] I want a day for pensions.

Mr. MILNES. That is not the way to get it.

Mr. BARTHOLDT. Is a motion in order?

The SPEAKER. A motion will not be in order.

Mr. JOHNSON of California. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. JOHNSON of California. Would it be in order to move to recommit this resolution to the Committee on Rules with instructions to strike out "19th" and insert "20th"?

The SPEAKER. It would.

Mr. JOHNSON of California. Then I move to recommit the resolution.

The SPEAKER. But not at this time.

Mr. HENDERSON. There are twenty minutes for debate on each side. I reserve my time.

Mr. PICKLER. Mr. Speaker, I withdraw the objection.

The SPEAKER. The gentleman from South Dakota withdraws his objection. Is there further objection?

Mr. KEM and Mr. BROWN. I object.

The SPEAKER. The question is on the motion to recommit.

Mr. DOCKERY. I hope that some agreement may be reached by which we can have more time to debate this important bill.

Mr. BARTHOLDT. Mr. Speaker, I desire to make a brief statement by unanimous consent.

The SPEAKER. The gentleman from Missouri is entitled to twenty minutes.

Mr. BARTHOLDT. Mr. Speaker, I wish the House to understand that there is not merely one bill to be discussed, but there are four or five different bills, three of which have been reported by the Committee on Immigration to the House. I understand that the authors of those several bills desire to be heard. It is also customary that each member of a committee having a measure before the House for consideration shall have time in which to discuss it, and if that custom is to be complied with it will, of course, be impossible to properly debate this important measure to-morrow between the expiration of the morning hour and 4 o'clock in the afternoon. This is a very important question, the only one, by the way, upon which a caucus has been called during this session of Congress.

Now, if we are going to have this question up for discussion, my friend from Iowa, let us have it out, and let us have time enough in which to make the discussion thorough. For these reasons I hope the motion to recommit to the Committee on Rules with instructions to insert "Wednesday" instead of "Tuesday" will be adopted by the House. I yield now to my colleague [Mr. DOCKERY].

Mr. DOCKERY. Mr. Speaker, having just come into the Hall, I learn that a rule has been reported from the Committee on Rules providing for the consideration of the immigration bill and allowing only four hours for debate. This is a very important question, and, aside from the members of the Committee on Immigration, I suppose that the members of the House generally will be disposed to discuss it thoroughly. Therefore, inasmuch as we have a good deal of time on hand, it seems to me that the gentleman from Iowa in charge of this report should consent to allow another day for this debate, and I hope he will do so.

Mr. DALZELL. Mr. Speaker, without expressing any opinion at all as to whether or not the time proposed in the rule should be extended, it seems to me that the chairman of the Committee on Immigration is putting the Committee on Rules in a false position. For the last three or four weeks I have been approached by a number of gentlemen, both inside and outside of the House, with respect to getting "a day for immigration," but until the gentleman from Missouri rose a while ago I never heard an intimation that he or anybody wanted more than one day. When the chairman of that committee was with the Committee on Rules this morning he did not intimate that he wanted more than one day.

Mr. BARTHOLDT. If the gentleman will permit a brief interruption at that point, I want to suggest to him that he, as an old member of the House, knows very well that when a question is likely to come up for discussion is the time when members seek for an opportunity of debating it, and I myself had no idea that there were so many gentlemen desirous of discussing this matter until now, when there is an immediate prospect of its coming before the House.

Mr. DALZELL. Mr. Speaker, this matter has been discussed in this House, pro and con, day in and day out, for the last two weeks, and, as I have already said, I have been approached by a great many gentlemen with reference to the subject, but until a moment ago I never heard an intimation that more time than one day was desired.

Mr. HENDERSON. If my colleague on the committee will allow me, I hold in my hand the original resolution introduced by the gentleman from Ohio [Mr. DANFORD], for which we have brought in a substitute. That original resolution reads:

Resolved, That Monday, the 18th day of May, 1896, be set apart by the Committee on Rules for the consideration of reports from the Committee on Immigration of this House.

There is the official record. Now, by this rule we give them one day, and, in addition to that, all that can be saved out of this day.

Mr. DALZELL. In addition to that, Mr. Speaker, a petition in relation to this matter has been in circulation in this House for two weeks, and no suggestion has been made by anybody that more than one day was desired. The chairman of the committee says there are four bills to be considered, but all those four bills can be considered at the same time. One of them may be presented by the chairman of the committee and each of the others may be offered as an amendment; and even if we consider that the whole four of them are to be before the House for discussion at one time, they contain propositions which require no lengthy discussion. Each bill embodies a single, solitary principle. For instance, the bill known as the McCall bill provides for an educational test. It embodies that single principle. The bill presented by the gentleman from Ohio [Mr. DANFORD], known as the Stone bill, provides for consular certification. The other bills, the one introduced by the gentleman from Michigan [Mr. CORLISS] and the one proposed by the gentleman from New York [Mr. MAHANY], provide for the keeping out of alien labor, of aliens who come here to work and then go back to their own country, carrying their money with them.

Now, those three simple principles cover the whole ground, and there is no necessity for any very lengthy discussion unless, possibly, to get into the RECORD and send out matter for the benefit of our constituents, all of which can be done by obtaining leave to print, which I have no doubt will be given. Now, I end as I began. I am not expressing any opinion as to whether the time ought to be extended, and if the House is disposed to give more time I am not saying that I will not yield; but I want it to be understood that the Committee on Rules have reported in favor of giving the gentleman from Missouri all the time that he or anybody speaking on behalf of his committee has asked.

Mr. BARTHOLDT. Mr. Speaker, I wish to say that I am certainly under obligations to the Committee on Rules because of their courtesy in not calling this matter up during my absence. I desire to go on record as saying that much. The chairman of each committee of the House, as I understand, is entitled to one hour. I have been informed by about six members of our committee that each of them desires from thirty to forty minutes. The gentleman from Michigan [Mr. CORLISS], the author of one of these bills, desires from thirty to forty minutes, and a number of other gentlemen desire to be heard; and I submit that it would be impossible for all of these gentlemen to be accommodated between the expiration of the morning hour and 4 o'clock to-morrow. One hour will be consumed by the morning hour, so that it will probably be 1 o'clock before we reach this important matter, leaving for it only three hours, one of which I shall certainly have to occupy, no matter how the rest of the House may fare. I shall insist upon it. [Laughter.]

I yield to the gentleman from California [Mr. JOHNSON].

Mr. JOHNSON of California. Mr. Speaker, I look on this as one of the most important matters that can come before Congress. I do not think we are very much rushed for time. Why, sir, it is only a week since we adjourned over Saturday so as to allow members to go to a planked shad dinner down the Potomac somewhere, and nobody objected. Only last Friday we adjourned over because there was not any business to attend to. Yet the gentleman on the other side says we are so rushed with business that we must curtail this discussion. Here are two Saturdays that we have wasted in play. Now, why not devote one or two days to the discussion of a matter of this importance? Why, sir, I remember that we devoted four or five or six days to discussing the pension question. I remember, too, that liberal time was given to the consideration of other matters, such for instance, as the bankruptcy bill, on which, as is suggested to me, five days were occupied.

It is suggested by the gentleman from Pennsylvania [Mr. DALZELL] that members can print their speeches on this subject and in that way send them to their constituents. That may be; yet, sir, members naturally want to discuss this question before the House, for it is an important question, and its discussion ought not to be limited to three hours.

Are you afraid to discuss it? Is there anything in this question that scares anybody on this floor? Is the Republican party afraid to discuss it? Is the Democratic party afraid to discuss it? Is the Populist party afraid to discuss it? Is there any individual member here afraid to discuss it? If not, why not give plenty of

time for its discussion? I repeat, it is an important question. The conventions of nearly all the States in the Union have passed resolutions in regard to it. It is a question we have got to meet. We can not suppress it; we can not put it under our feet. When a caucus was called upon this matter some of you gentlemen succeeded in suppressing it by staying away, so that there was not a quorum. Now, why not meet this matter boldly? Why not discuss it?

Three hours to discuss the immigration measure, which affects the whole United States, when we had five days to discuss the bankruptcy bill and when we have been able to adjourn over two successive Saturdays in order to have a good time! I do not object to such adjournments; I am simply urging that we have plenty of time. We are not going to adjourn within a week, or two weeks, or three weeks. Gentlemen need not worry about adjournment. We are bound to stay here for at least two weeks more, and they might as well understand it first as last. In my judgment, speaking from what I have heard to-day, we are bound to be here at least four weeks longer. We will be here three weeks at any rate; and we can not put in three or four days any better than in discussing this immigration question. [Applause.] It is a question that affects every city, every county, every State in the Union; it affects the whole country. The evils of immigration are striking a blow at the heart of the nation; they are affecting us most deeply when we attempt to deal with the different problems of citizenship and statesmanship in this land. We ought to discuss this question, and we ought to discuss it among ourselves—not merely print our speeches in the RECORD to send them to our constituents.

I am informed by the gentleman from Indiana [Mr. TRACEWELL] that more petitions have been filed in this House in favor of action on the immigration question than upon all other matters put together. That shows that the American people are waking up in reference to this subject, that they are beginning to understand that this immigration question is the question of the day. Therefore we ought to take hold of it and act upon it. If in order, therefore, I will move, unless the motion shall be made by the gentleman from Missouri [Mr. BARTHOLDT]—and I desire to give notice of the motion now—that this resolution be recommitted to the Committee on Rules with instruction to strike out "19th" and insert "20th."

Mr. BARTHOLDT. Mr. Speaker, I am getting a little scared at finding myself in the same boat with a gentleman who is entirely opposed to immigration. Therefore I submit as a compromise proposition the request that the House permit these various immigration bills to be discussed to-morrow until 5 o'clock, and that the vote be taken on Wednesday immediately after the reading of the Journal.

Mr. HENDERSON. That will be agreeable to me, and I am satisfied that my colleagues on the committee will agree to it.

Mr. JOHNSON of California. I object to it.

The SPEAKER. Is there objection to the request of the gentleman from Missouri [Mr. BARTHOLDT]?

Mr. JOHNSON of California and others objected.

Mr. PARKER rose.

Mr. HENDERSON. We will give the gentleman a chance to be heard after a while.

Mr. PARKER. I do not want to talk after a while; I want to talk now. I want to talk on this question of time.

Mr. HENDERSON. That is all right.

Mr. PARKER. Mr. Speaker, when there are three propositions, three several bills before the House——

A MEMBER. Four.

Mr. PARKER. Four different bills, involving as many different plans of settling one of the most important subjects that can come before this House for disposition, I submit that we should trust the House to discuss each measure successively and to come to a conclusion on deliberation. [Applause.] If we are to go into this question at all, I deprecate going into it in any such way as we have disposed of other measures. If we are going into the question at all, let us understand it and probe it to the bottom, and let us see and know what we are dealing with. The great throngs of honest, straightforward, earnest men and women, families striving to better their condition, whom we may keep out by any plan that is not exactly right, is a matter of serious moment. Let us take time and consider it in all of its details. [Applause.]

Mr. HEPBURN. Mr. Chairman, if the gentleman from Missouri will yield to me for a moment, I would like to say a word.

The Committee on Rules, with reference to the measures that come from one committee, have provided for ten days of debate. Neither one of the propositions was of that importance to receive the attention of any of the national conventions; yet this question that now presents itself, that has received the attention of every national convention assembled in 1892, and was declared by them to be one of the burning questions that ought to be considered, this question is to be disposed of with but three or four hours' debate. I do not believe that such a question ought to be disposed of in that time. [Applause.] It is one of the utmost consequence; and, as has been said here, there are four radically different propositions. They are reported here by four different gentleman; and if each one is given an hour to discuss his proposition, that consumes all the time the Committee on Rules propose to give for the consideration of this entire matter.

I hope the gentleman from Missouri will withdraw his compromise proposition, and that the House will insist on the matter being recommitted, with instructions to the Committee on Rules to give proper time for the consideration of a measure of such vital importance as this. [Applause.]

Mr. WILLIAM A. STONE. Will the gentleman from Iowa [Mr. HENDERSON] yield to me for a moment?

Mr. HENDERSON. I would ask how much time is remaining, Mr. Speaker, on each side?

The SPEAKER. The gentleman from Missouri has nine minutes and the gentleman from Iowa fourteen.

Mr. HENDERSON. I yield to the gentleman from Pennsylvania for a few minutes.

Mr. WILLIAM A. STONE. Mr. Speaker, I have been, perhaps, as much engaged in endeavoring to get the consideration of immigration bills as any other member of the House, and while I am perfectly willing, and would, in fact, desire more time than the rule gives, yet I feel it to be my duty to the House to say that the Committee on Rules has treated the petitioners on this subject with absolute fairness and has not intended to report any insufficient time. It has taken the requests submitted to it and accorded the time in pursuance of them.

Now, I am not opposed to extending the time, but I do not think there is the slightest room for criticism of the Committee on Rules.

Mr. BARTHOLDT. We do not mean to make any such criticism.

Mr. HENDERSON. I yield to my colleague from Iowa a few moments.

Mr. LACEY. I only wish to make a suggestion. The House has already practically agreed to extend the debate until 5 o'clock. There seems to be no objection to that. I would suggest, therefore, that unanimous consent be had that at 5 o'clock to-morrow evening a recess be taken until 8 o'clock, and the evening session be devoted to debate only. [Cries of "No!" "No!"]

A MEMBER. The weather is entirely too hot for that.

Mr. LACEY. That would give about three hours' additional time for debate.

The SPEAKER. The Chair will submit the proposition of the gentleman from Missouri [Mr. BARTHOLDT] that the time be extended under the resolution until 5 o'clock, and that a vote be taken on Wednesday immediately after the reading of the Journal. Is there objection?

Mr. BLUE and others objected.

Mr. BARTHOLDT. Mr. Speaker, if we can get unanimous consent to that, I would be willing to accept the proposition of the gentleman from Iowa [Mr. LACEY] to have an evening session. [Cries of "No!" "No!"]

Mr. HENDERSON. Mr. Speaker, now let us understand each other if we can. I have read the resolution sent to the Committee on Rules asking for one day. We had before us the chairmain of the committee this morning before acting, and Colonel STONE, the author of the Stone bill, and anybody else that we could find that was interested in the matter who was near, and concluded to give them to-morrow and what we could save of to-day. We gave all that was asked and more. A good hour could have been saved to-day if we had gone promptly to work on this bill.

I can not agree with my friend from California [Mr. JOHNSON] as to the length of the session, although I do not pretend to be anything of a prophet in that direction or any other But, from the best evidence we have, we ought to be away from the 7th to the 10th of June beyond question. In the meantime we have four election cases ready for consideration. We feel that the Committee on Labor should have two days, and we have other matters pressing upon the committee. We are trying to divide the time. Now, when we have given this committee all that it asked and more, I simply want the House to understand that your Committee on Rules, with whom it is very easy to find fault, are doing the best that we can to keep matters moving in the House, in the most prudent way that we can, after taking counsel from the membership of the House; and when we have done all that, we do not want to be put in a false light by the committee for which we have been acting, especially in this instance.

Now, Mr. Speaker, one or two requests have been made for unanimous consent——

Mr. CROWTHER. I should like to suggest to my friend——

Mr. HENDERSON. Just let me finish my remarks and see if we can not get to work. I will take the responsibility, after consultation with two other members of the Committee on Rules, the gentleman from Tennessee [Mr. MCMILLIN] and my colleague from Pennsylvania [Mr. DALZELL]—I have not had the time to

consult with the Speaker—of making the proposition that the committee have to-morrow and until 3 o'clock on the following day and take a vote at that time, under the operation of this rule.

Several MEMBERS. That is all right.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

Mr. KEM. I object.

Mr. HENDERSON. It is perfectly evident that objection will be made to any proposition of this sort. If the Speaker will recognize me, I will amend the resolution and endeavor to get it passed under suspension of the rules.

Mr. Speaker, I move to suspend the rules and to pass the resolution which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That immediately after the adoption of this rule, and until 4 o'clock, Wednesday, May 20, the time of the House shall be given to the consideration of such bills on the House Calendar as have been reported by the Committee on Immigration and Naturalization——

Mr. JOHNSON of California. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. JOHNSON of California. I want to know what that means. Does it mean that debate will cease to-morrow at 4 o'clock——

A MEMBER. The day after to-morrow.

Mr. JOHNSON of California. And then that the debate shall begin again the next day and run until 3 o'clock? As I understand, it was to be all day to-morrow.

Mr. MCMILLIN. The gentleman will see that the proposition is not to limit to-morrow's session.

Mr. PICKLER. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. PICKLER. What becomes of the resolution from the Committee on Rules on which the previous question was ordered?

The SPEAKER. The action of the House upon this, if there were no objection, would suspend it.

Mr. PICKLER. I do not want to object to the Committee on Immigration having the time, but I am very much in earnest in behalf of the Committee on Invalid Pensions that they may have some time for the consideration of pension bills, and I ask this in behalf of 300 gentlemen here on this floor.

The SPEAKER. Does the gentleman object to this proceeding?

Mr. PICKLER. No; I do not object to this.

Mr. BARTHOLDT. I ask that the rule be read.

Mr. PITNEY. I should like to have the rule again reported.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, That immediately after the adoption of this rule, and until 4 o'clock, Wednesday, May 20, the time of the House shall be given to the consideration of such bills on the House Calendar as have been reported by the Committee on Immigration and Naturalization; and that at 4 o'clock, May 20, the previous question shall be considered as ordered on the pending bill and pending amendments to the passage: *Provided, however*, That nothing in this resolution shall be construed as interfering with general appropriation bills and conference reports.

Mr. JOHNSON of California. That is all right.

Mr. PICKLER. That gives them two days.

The SPEAKER. Is a second demanded?

Mr. HENDERSON. I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Unless a second is demanded, the Chair will put the question to a vote. The question is on suspending the rules and passing the resolution.

Two-thirds voting in favor thereof, the rules were suspended and the resolution was passed.

REPRINT OF IMMIGRATION BILLS.

Mr. BARTHOLDT. Mr. Speaker, I ask a reprint of all the reports on the immigration bills reported by the committee and now upon the House Calendar.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

Mr. KEM. I object.

Mr. WILLIAM A. STONE. I ask unanimous consent for the reprint of the bill H. R. 58, and the report, which are exhausted.

The SPEAKER. The gentleman from Pennsylvania [Mr. WILLIAM A. STONE] asks unanimous consent for the reprint of House bill 58, and the report thereon. Is there objection?

Mr. KEM. I object.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, the following Senate bills were taken from the Speaker's table and referred by the Speaker as follows:

A bill (S. 3105) to provide for the erection of a public building at McKeesport, Pa.—to the Committee on Public Buildings and Grounds.

A bill (S. 2420) to regulate the pay of noncommissioned officers in the Army—to the Committee on Military Affairs.

A bill (S. 1335) for the relief of John Veeley—to the Committee on Claims.

A bill (S. 1381) to remove the charge of desertion from the military record of Patrick Larkin—to the Committee on Military Affairs.

A bill (S. 2540) to provide compensation for a bridge and for buildings and other improvements constructed by certain persons upon public lands afterwards set apart and reserved as the Yellowstone National Park—to the Committee on Claims.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 247) granting a pension to Wallace McGrath;

A bill (S. 466) granting an increase of pension to William Brown;

A bill (S. 705) granting a pension to Emily B. Muncey;

A bill (S. 746) granting a pension to Elizabeth E. Donahoe;

A bill (S. 1051) granting a pension to Elizabeth New, widow of Jethrow New;

A bill (S. 2175) granting a pension to James Loyd Young, late of Company A, Sixth Regiment Kentucky Volunteers;

A bill (S. 2936) to authorize the construction of a bridge across the Niagara River, in the town of Lewiston, in the county of Niagara, State of New York;

A bill (S. 147) granting a pension to Elvira Bachelder;

A bill (S. 2822) to increase the pension of Theodore V. Purdy;

A bill (S. 145) granting a pension to Niana Ardelle Bliss;

A bill (S. 144) granting an increase of pension to T. Clarkson Ingalls;

A bill (S. 2357) granting a pension to Elizabeth Watts Kearny, daughter of the late Philip Kearny, major-general of the United States Army;

A bill (S. 2014) granting an increase of pension to Sarah H. Bull;

A bill (S. 177) granting an increase of pension to Sophia D. Clendenin;

A bill (S. 246) granting a pension to Nancy Carson Blunt;

A bill (H. R. 5854) granting a pension to John Caster;

A bill (H. R. 3607) to increase the pension of Kate Grant;

A bill (H. R. 515) granting a pension to William Grose;

A bill (H. R. 2326) granting a pension to Thomas Holaday;

A bill (H. R. 4255) to provide for settlement of titles and disposition of public lands in the Arredondo grant, in Columbia County, Fla.;

A bill (H. R. 5140) for the relief of Michael H. J. Crouch, late of Company M, Sixth Regiment Pennsylvania Cavalry;

A bill (H. R. 8012) donating condemned cannon and cannon balls;

A bill (H. R. 6298) to correct the military record of Charles K. Jenree, etc.;

A bill (H. R. 3426) granting an increase of pension to Eugenia R. Sweeny, widow of Brig. Gen. Thomas W. Sweeny, deceased;

A bill (H. R. 483) for the relief of Mary Jane Lynn, the daughter of John R. Lynn, a Revolutionary soldier;

A bill (H. R. 2844) granting a pension to Martha McNeil;

A bill (H. R. 7671) authorizing and directing the Secretary of the Navy to donate one condemned cannon and condemned cannon balls to U. S. Grant Post, No. 72, Grand Army of the Republic, of Washington, Ind., and for other purposes;

A bill (H. R. 5814) granting a pension to Cassie A. Davis, widow of James P. Davis and mother of Mary T. Davis, an invalid daughter;

A bill (H. R. 4182) granting increase of pension to Georgianna C. Hall, dependent mother of John W. Williams, deceased, late surgeon, United States Army;

A bill (H. R. 6037) granting a pension to Amanda Woodcock;

A bill (H. R. 7161) for the relief of Benjamin F. Jones;

A bill (H. R. 4712) granting a pension to Margaret A. Luthy;

A bill (H. R. 4528) granting a pension to Katherine S. McCartney, widow of William H. McCartney;

A bill (H. R. 1181) for the relief of Maria E. Wilson;

A bill (H. R. 4526) granting a pension to Jonathan Scott; and

A bill (H. R. 900) to provide for the payment of the claim of William H. Mahony.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted:

To Mr. LATIMER, for six days, on account of important business.

To Mr. BRUMM, for three days, on account of important business.

To Mr. MEYER, for one week, on account of important business.

To Mr. OGDEN, for one week, on account of important business.

To Mr. SNOVER, for two weeks, on account of important business.

To Mr. COX, for ten days, on account of important business.

And then, on motion of Mr. DINGLEY (at 5 o'clock and 9 minutes p. m.), the House adjourned.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. MURPHY of Arizona, from the Committee on the Territories, to which was referred the bill of the House (H. R. 8676) to enable the town of Flagstaff, in the Territory of Arizona, to issue

bonds to construct a water system, reported the same without amendment, accompanied by a report (No. 1866); which said bill and report were referred to the House Calendar.

Mr. PAYNE, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the Senate (S. 1424) entitled "An act to amend an act entitled 'An act to amend section 4178, Revised Statutes, in relation to the marking of vessels' names at bow and stern, and also to provide for marking the draft,' approved February 21, 1891," reported the same without amendment, accompanied by a report (No. 1867); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 6399) to amend the laws relating to American seamen, reported the same with amendment, accompanied by a report (No. 1868); which said bill and report were referred to the House Calendar.

Mr. ELLIS, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 1683) granting to the State of Kansas the entire remaining portion of the abandoned Fort Dodge Military Reservation in said State as an addition to and for the use of the State Soldiers' Home, reported the same without amendment, accompanied by a report (No. 1869); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. QUIGG, from the Committee on the Library, to which was referred the bill of the Senate (S. 1188) entitled "An act to provide for the erection of a monument to Gen. Nathanael Greene on the battlefield of Guilford Court-House," reported the same without amendment, accompanied by a report (No. 1870); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the House (H. R. 6889) for the removal of the remains of Joel Barlow to the United States, reported the same with amendment, accompanied by a report (No. 1871); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. SNOVER, from the Committee on Claims:

The bill (H. R. 3754) for the relief of the estate of Richard Lawson. (Report No. 1852.)

The bill (S. 532) entitled "An act for the relief of H. W. Shipley." (Report No. 1855.)

The bill (H. R. 4617) to pay W. C. Gilbert $150. (Report No. 1856.)

By Mr. WATSON of Indiana, from the Committee on Claims: The bill (H. R. 3535) to reimburse the city of New Albany, Ind. (Report No. 1857.)

By Mr. DENNY, from the Committee on Claims: The bill (S. 1860) entitled "An act for the relief of John M. Guyton, late postmaster at Blacksburg, S. C." (Report No. 1853.)

By Mr. BRUMM, from the Committee on Claims: The bill (H. R. 2040) authorizing additional compensation to the assistant commissioners to the industrial exhibition at Melbourne, Australia. (Report No. 1854.)

By Mr. BAKER of Kansas, from the Committee on Invalid Pensions:

The bill (S. 2542) entitled "An act granting a pension to Stephen Maines." (Report No. 1858.)

The bill (H. R. 7128) granting a pension to Anna P. Johnson. (Report No. 1859.)

By Mr. CROWTHER, from the Committee on Invalid Pensions: The bill (H. R. 7424) granting a pension to John Deming. (Report No. 1860.)

By Mr. KERR, from the Committee on Invalid Pensions: The bill (H. R. 3581) granting an increase of pension to James Blakeman. (Report No. 1861.)

By Mr. LAYTON, from the Committee on Invalid Pensions: The bill (S. 2290) entitled "An act granting a pension to Hester A. Robinson." (Report No. 1862.)

By Mr. THOMAS, from the Committee on Invalid Pensions:

The bill (H. R. 5782) granting an increase of pension to Mrs. Anna Wedel. (Report No. 1863.)

The bill (H. R. 3844) to restore to the pension roll the name of Cyrenius Dennis. (Report No. 1864.)

The bill (S. 1883) entitled "An act to grant a pension to Charlotte O. Van Cleve, widow of Gen. Horatio P. Van Cleve." (Report No. 1865.)

By Mr. ANDREWS, from the Committee on Invalid Pensions: The bill (H. R. 7139) granting a pension to Elizabeth Pensiee. (Report No. 1872.)

By Mr. WOOD, from the Committee on Invalid Pensions: The bill (H. R. 6391) to restore to the pension roll Levi Goens. (Report No. 1873.)

By Mr. COFFIN, from the Committee on Pensions: The bill (H. R. 8483) to increase the pension of Caroline S. Baker. (Report No. 1874.)

By Mr. BISHOP, from the Committee on Military Affairs:

The bill (H. R. 1301) for relief of Julius A. Morrill. (Report No. 1875.)

The bill (H. R. 1296) to correct the military record of Henry L. Franklin. (Report No. 1876.)

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills; which were referred, as follows:

The bill (H. R. 8904) to increase the pension of Sarah Montgomery—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

The bill (H. R. 8933) for the relief of Peter C. Lawyer—Committee on Invalid Pensions discharged, and referred to the Committee on Military Affairs.

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. CURTIS of New York: A bill (H. R. 9024) to amend an act entitled "An act to promote the administration of justice in the Army," approved October 1, 1890, and for other purposes—to the Committee on Military Affairs.

By Mr. HART: A bill (H. R. 9025) granting to Colonel John Nyce Post, No. 459, Department of Pennsylvania, Grand Army of the Republic, at Milford, Pike County, Pa., 2 condemned cannon and 2 pyramids of cannon balls—to the Committee on Naval Affairs.

By Mr. WILSON of Ohio: A bill (H. R. 9026) to establish a retreat for homeless mothers, wives, and widows of ex-Union soldiers and sailors—to the Committee on Military Affairs.

By Mr. QUIGG: A bill (H. R. 9028) to prevent the importation of impure and unwholesome tea—to the Committee on Ways and Means.

By Mr. MURPHY of Arizona: A bill (H. R. 9029) to grant to the Hudson Reservoir and Canal Company the right of way through the Gila River Indian Reservation—to the Committee on Indian Affairs.

By Mr. BLUE: A bill (H. R. 9031) to pay the Seneca band of Indians at the Quapaw Agency, Ind. T., the trust funds belonging to them and remaining in the United States Treasury—to the Committee on Indian Affairs.

By Mr. BROSIUS (by request): A joint resolution (H. Res. 186) empowering the Secretary of War to purchase the bronze bust of Secretary of War Edwin M. Stanton for the War Department—to the Committee on the Library.

By Mr. CURTIS of New York: A resolution (House Res. No. 340) requesting the Secretary of War to transmit to the House of Representatives a list of publications relative to the battles, campaigns, and military movements at or near Chattanooga, Chickamauga, etc., for the use of the Military Committee—to the Committee on Military Affairs.

By Mr. ANDREWS: A resolution (House Res. No. 341) relating to private pension bills—to the Committee on Invalid Pensions.

By Mr. LITTLE: A resolution (House Res. No. 342) asking consideration of House bill No. 7083, to prohibit the sale of intoxicating liquors in the Capitol building, and for other purposes—to the Committee on Rules.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. McRAE: A bill (H. R. 9027) for the relief of Lucinda Hitchcock—to the Committee on Pensions.

By Mr. BROMWELL: A bill (H. R. 9032) for the relief of Winifred Connelly—to the Committee on Invalid Pensions.

By Mr. BUCK: A bill (H. R. 9033) for the relief of J. M. Charpentier, of St. Mary's Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 9034) for the relief of William Rose, of Iberia Parish, La.—to the Committee on War Claims.

By Mr. CANNON: A bill (H. R. 9035) for the relief of Mrs. Margaret J. Young—to the Committee on Invalid Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 9036) for the relief of Mrs. Elizabeth Dabney—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9037) for the relief of Lieut. I. L. Crow—to the Committee on Invalid Pensions.

By Mr. COLSON: A bill (H. R. 9038) granting an increase of pension to Bennett E. Huffman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9039) for the relief of George R. Lankford—to the Committee on Military Affairs.

Also, a bill (H. R. 9040) granting an increase of pension to Ida B. Harmon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9041) granting a pension to Jessie C. Lay of Meadersville, Whitley County, Ky.—to the Committee on Invalid Pensions.

By Mr. COOPER of Wisconsin: A bill (H. R. 9042) for the relief of Frank Lincoln—to the Committee on Claims.

By Mr. DOLLIVER: A bill (H. R. 9043) for the relief of the heirs of Edwin D. Breed—to the Committee on Claims.

By Mr. ELLETT of Virginia: A bill (H. R. 9044) for the relief of Mrs. Ellen H. Smith, of King William County, Va.—to the Committee on War Claims.

Also, a bill (H. R. 9045) for the relief of John Bowers, of Henrico County, Va.—to the Committee on War Claims.

Also, a bill (H. R. 9046) for the relief of R. W. Elsom—to the Committee on Claims.

By Mr. HAINER of Nebraska: A bill (H. R. 9047) granting an increase of pension to Aurelius Roberts—to the Committee on Invalid Pensions.

By Mr. HARDY: A bill (H. R. 9048) granting an increase of pension to Sawyer Sugs—to the Committee on Pensions.

Also, a bill (H. R. 9049) granting a pension to Hiram Runyan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9050) granting a pension to Elias W. Gresham, late second lieutenant, Indiana militia—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9051) for the relief of Alfred Bridwell—to the Committee on Military Affairs.

Also, a bill (H. R. 9052) granting an honorable discharge to Richard Christian—to the Committee on Military Affairs.

Also, a bill (H. R. 9053) granting a pension to Rachael McCart—to the Committee on Invalid Pensions.

By Mr. HARMER: A bill (H. R. 9054) for the relief of Frank Edwards, Philadelphia, Pa.—to the Committee on Claims.

By Mr. HOWE: A bill (H. R. 9055) granting a pension to Eliza J. Britton—to the Committee on Invalid Pensions.

By Mr. JOHNSON of California: A bill (H. R. 9056) to place the name of Mrs. Rosa G. Thompson, formerly Mrs. Rosa G. Edwards, upon the pension rolls—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9057) to restore James W. Murray, jr., to the pension roll—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9058) to place the name of Samuel J. Dunlap upon the pension roll—to the Committee on Pensions.

Also, a bill (H. R. 9059) to increase the pension of Frederick Kleiber—to the Committee on Invalid Pensions.

By Mr. LAYTON: A bill (H. R. 9060) granting a pension to Mary A. Kibele—to the Committee on Invalid Pensions.

By Mr. McCALL of Tennessee: A bill (H. R. 9061) for the relief of the estate of Charles Dumanet, late of Perry County, Tenn.—to the Committee on War Claims.

By Mr. POOLE: A bill (H. R. 9062) granting a pension to Mary M. Walrath, widow of Ezra L. Walrath, late lieutenant-colonel, One hundred and fifteenth Regiment New York Volunteer Infantry—to the Committee on Invalid Pensions.

By Mr. ROYSE: A bill (H. R. 9063) to relieve James M. Wilson, late private Company C, First Mississippi Marine Brigade, from the charge of desertion—to the Committee on Military Affairs.

By Mr. VAN HORN: A bill (H. R. 9064) granting a pension to Albert G. Stark—to the Committee on Invalid Pensions.

By Mr. WATSON of Ohio: A bill (H. R. 9065) granting a pension to Cornelius L. Leport—to the Committee on Invalid Pensions.

By Mr. CALDERHEAD: A bill (H. R. 9066) granting a pension to John Haynes, of Salina, Kans.—to the Committee on Invalid Pensions.

By Mr. CHICKERING: A bill (H. R. 9067) for the relief of De Estang Shepard—to the Committee on Military Affairs.

By Mr. LINTON: A bill (H. R. 9068) granting an increase of pension to Charles F. Coles—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9069) granting an increase of pension to Charles Robinson, alias Robbins—to the Committee on Invalid Pensions.

By Mr. PARKER: A bill (H. R. 9070) granting a pension to Florence N. Waldron, helpless daughter of Capt. Samuel F. Waldron, Company I, Thirty-third Regiment New Jersey Infantry Volunteers—to the Committee on Invalid Pensions.

By Mr. WHEELER: A bill (H. R. 9071) for the relief of William M. Underwood, of Lauderdale County, Ala.—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALLEN of Utah: Petitions of citizens of Kaysville, Kanab, and Salt Lake City, all of the State of Utah, for favorable action on House bills Nos. 4566 and 838, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. ANDREWS: Sundry petitions of citizens of Nebraska, praying for the passage of House bills Nos. 4566 and 838, relating to postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. APSLEY: Petition of Thomas McCutchins and 16 other citizens of Natick, Mass., protesting against the passage of House bill No. 4566, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. BAKER of New Hampshire: Petitions of citizens of Whitfield and Nashua, N. H., in favor of the passage of House bills Nos. 838 and 4566, for 1-cent letter postage and the amendment of the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. BARHAM: Petition of citizens of Petaluma, Cal., for the passage of House bills Nos. 4566 and 838, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. BARRETT: Resolutions of Boot and Shoe Cutters' Union, No. 3662, of Lynn, Mass., favoring the passage of House bill No. 6119, for a nonpartisan labor commission—to the Committee on Labor.

By Mr. BLACK of New York: Petition of citizens of Troy, N. Y., asking for favorable action on House bills Nos. 838 and 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. BOUTELLE: Petitions of citizens of Portland, Belfast, Dexter, Hallowell, Eastport, and Norridgewock, Me., praying for favorable action on House bill No. 838, to reduce letter postage, and bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. BOWERS: Petitions of citizens of Riverside, Hollister, San Diego, Redlands, and Tustin, for favorable action on House bills No. 4566 and 838, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. CANNON: Petitions of citizens of Danville, Ridge Farm, and Armstrong, in Vermilion County; also Juliet and Lockport, in Will County; also Buckley and Clifton, in Iroquois County; also of citizens of the counties of Kane, Grundy, Kendall, Dupage, and Dekalb, all in the State of Illinois, favoring the passage of House bills Nos. 4566 and 838, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. CLARKE of Alabama: Petition of citizens of Mobile, Ala., asking for the passage of House bills Nos. 838 and 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. COLSON: Petition of the Congregational church of Williamsburg, Ky., favoring the enactment of a Sunday-rest law for the District of Columbia—to the Committee on the District of Columbia.

By Mr. COOPER of Wisconsin: Petitions of citizens of South Wayne, Clinton, Delavan, Blanchardville, Argyle, and Racine, Wis., praying for favorable action on House bills Nos. 838 and 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. CRUMP: Petition of William D. Gordon and 58 other citizens of Midland City, Mich., asking favorable consideration of House bills Nos. 838 and 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. DOLLIVER: Papers to accompany House bill for the relief of the son of Edwin D. Breed—to the Committee on Claims.

By Mr. DOOLITTLE: Petition of citizens of Uniontown, Wash., asking for favorable action on House bills Nos. 838 and 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. ELLETT of Virginia: Petition of heirs of Sarah E. Chadwick, deceased, late of New Kent County, Va., praying reference of her war claim to the Court of Claims—to the Committee on War Claims.

By Mr. ELLIOTT of South Carolina: Petition of Thomas F. Walsh and other citizens of Beaufort, S. C., asking for favorable action on House bills Nos. 838 and 4566, amending the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. ELLIS: Petition of citizens of Portland, Oreg., asking for favorable action on House bills Nos. 838 and 4566, amending the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. FOSS: Petition of the Legal Adviser Publishing Company, favoring the passage of House bills Nos. 838, 4566, and 5560, amending the postal laws—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Farmers' Review, of Chicago, Ill., for favorable action on House bill No. 4566, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, resolution of the board of directors of the Chicago Board of Trade, opposing the passage of House bill No. 8536 and Senate

bill No. 2967, to amend the interstate-commerce law—to the Committee on Interstate and Foreign Commerce.

By Mr. GAMBLE: Petition of Burton V. Robertson and 25 others, of Custer County, S. Dak., protesting against the passage of House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. GRAFF: Petition of citizens of Peoria and Pekin, Ill., asking for favorable action on House bill No. 838, to reduce letter postage, and House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. GROUT: Petition of 72 business men of the District of Columbia, against the enactment into law of the amendment to the District appropriation bill (page 19, Senate copy of bill) for the repeal of the legislation providing a way for patrons of suburban lines of street railways to reach the business centers of the city without change of cars—to the Committee on the District of Columbia.

Also, resolutions adopted by the Trades League of Philadelphia, Pa., against the passage of House bill No. 8536 and Senate bill No. 2967, to amend the interstate-commerce law—to the Committee on Interstate and Foreign Commerce.

Also, petitions of citizens of Bethel, Hyde Park, and St. Johnsbury, all in the State of Vermont, for favorable action on House bills Nos. 4566 and 838, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. HADLEY: Petitions of citizens of Litchfield, Alton, Cowden, and Windsor, Ill., asking for favorable action on House bill No. 838, to reduce letter postage to 1 cent per half ounce, and House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. HAINER of Nebraska: Sundry petitions of citizens of Nebraska, relating to House bills Nos. 4566 and 838, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. HARTMAN: Petition of citizens of Belt, Mont., asking for favorable action on House bills Nos. 838 and 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. HILBORN: Petition of citizens of Vallejo, Cal., asking favorable action on House bill No. 838, to reduce letter postage to 1 cent per half ounce, and on House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. HILL (by request): Petitions of citizens of Bridgeport and Littlefield, Conn., for favorable action on House bills Nos. 4566 and 838, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. HITT: Preamble and resolutions unanimously adopted by the directors of the Board of Trade of Chicago, protesting against the passage of House bill No. 8536 and Senate bill No. 2967, proposing amendments to the interstate-commerce law—to the Committee on Interstate and Foreign Commerce.

By Mr. HOWE: Petition of the Trades League of Philadelphia, protesting against the passage of House bill No. 8536 and Senate bill No. 2967, to amend the interstate-commerce act—to the Committee on Interstate and Foreign Commerce.

By Mr. HUNTER: Petitions of citizens of Allensville, Covington, Glasgow, and Carrollton, Ky., asking for favorable action on House bills Nos. 838 and 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. JENKINS: Petitions of citizens of Maiden Rock, Prescott, Spring Valley, St. Croix Falls, West Superior, Washburn, Rice Lake, and Superior, State of Wisconsin, favoring the passage of House bills Nos. 4566 and 838, amending the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. JOHNSON of California: Six petitions of residents of Stockton, Cal., for additional appropriation for the post-office building at Stockton, Cal.—to the Committee on Appropriations.

Also, petition of residents of Haywards, Alameda County, State of California, recommending the passage of House bill No. 2626, for the protection of agricultural staples by an export bounty—to the Committee on Ways and Means.

Also, petitions of citizens of Sacramento and Butte, Cal., favoring the passage of House bills Nos. 4566 and 838, amending the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. KEM: Petitions of citizens of Nebraska residing in the towns of Gothenburg, Gerwig, St. Paul, Wallace, Chappell, Miller, Long Pine, Johnstown, Ansley, Broken Bow, and Butte, favoring the passage of House bills Nos. 838 and 4566, amending the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. LATIMER (by request): Petitions of citizens of Pendleton, Newberry, Greenwood, and Westminster, S. C., asking favorable action on House bills Nos. 838 and 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. LAYTON: Resolutions of the Trades League of Philadelphia; also of the Board of Trade of Chicago, protesting against the passage of House bill No. 8536 and Senate bill No. 2967, amending the interstate-commerce law—to the Committee on Interstate and Foreign Commerce.

By Mr. LEWIS: Petition of citizens of Bradenburg and Lebanon, Ky., asking favorable action on House bills Nos. 838 and 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. LOUD: Petition of citizens of Palo Alto, Redwood City, and San Francisco, asking for favorable action on House bills Nos. 4566 and 838, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. McCLEARY of Minnesota: Petition of Peter Harriar and other citizens of New Ulm, Minn., protesting against the passage of House bill No. 6668, to raise the license fee for the sale of intoxicating liquors in the District of Columbia from $400 to $800—to the Committee on the District of Columbia.

By Mr. McCREARY of Kentucky: Petition of citizens of Nicholasville, Ky., asking favorable action on House bills Nos. 838 and 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. McCULLOCH: Petitions of citizens of Augusta and Pocahontas, Ark., asking for favorable action on House bills Nos. 838 and 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. McRAE: Petition of Lucinda Hitchcock, widow of Lorenzo Hitchcock, late of the New York militia in the war of 1812, asking for an increase of pension, to accompany House bill No. 9027—to the Committee on Pensions.

Also, petitions of citizens of Center Point and Hampton, State of Arkansas, for favorable action on House bills Nos. 4566 and 838, amending the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. MINOR of Wisconsin: Petitions of citizens of Hortonville, Ahnopee, Amherst, and Waupaca, Wis., asking for favorable action on House bill No. 838, to reduce letter postage to 1 cent per half ounce, and House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. OTJEN: Petition of citizens of Milwaukee, asking for favorable action on House bills Nos. 838 and 4566, amending the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. PENDLETON: Remonstrance of citizens of Temple, Tex., against the acceptance of the Marquette statue—to the Committee on the Library.

By Mr. ROBINSON of Pennsylvania: Petition of Farmers' Council, No. 953, Junior Order United American Mechanics, of Marshallton, Pa., asking that a bill to restrict immigration be passed—to the Committee on Immigration and Naturalization.

By Mr. RUSSELL of Connecticut: Petition of citizens of Griswold, Conn., for favorable action on House bills Nos. 4566 and 838, amending the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. SAUERHERING: Petition of 78 farmers of Clyman; also of 24 citizens of Williamstown; also of 46 citizens of Dodge County; also of 138 voters of the Second Congressional district, all in the State of Wisconsin, favoring the passage of House bill No. 8315, for the manufacture of pure beer—to the Committee on Ways and Means.

By Mr. SCRANTON: Resolution of the Trades League of Philadelphia, Pa., protesting against the passage of House bill No. 8536 and Senate bill No. 2967, amending the interstate-commerce act—to the Committee on Interstate and Foreign Commerce.

By Mr. SOUTHARD: Petition of John McLain and others, of Grand Rapids, Ohio, praying for the passage of a service-pension bill—to the Committee on Invalid Pensions.

Also, resolutions of the Produce Exchange of Toledo, Ohio, opposing House bill No. 8536 and Senate bill No. 2967, proposing amendments to the interstate-commerce law—to the Committee on Interstate and Foreign Commerce.

Also, protest of the Toledo Brewing and Malting Company and others, against the passage of House bill No. 8315, relating to the use of rye and corn in the making of beer—to the Committee on Ways and Means.

Also, petition of citizens of Bowling Green, Ohio, in favor of House bills Nos. 4566 and 838, amending the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. SPERRY: Petition of citizens of East Haddam, Conn., asking for favorable consideration of House bills Nos. 838 and 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. STOKES (by request): Petition of citizens of Sumter, S. C., praying for favorable action on House bills No. 838 and 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. WILLIAM A. STONE: Resolution of union meeting of the Daughters of Liberty, held in Pittsburg, Pa., praying for the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. STRODE of Nebraska (by request): Petitions of citizens of South Auburn, Lincoln, Table Rock, University Place, and Dawson, Nebr., asking for favorable action on House bill No. 838, to reduce letter postage to 1 cent per half ounce, and House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

Also (by request), petition of members of the faculty of the Nebraska State University, of Lincoln, Nebr., in favor of the adoption of the metric system—to the Committee on Coinage, Weights, and Measures.

By Mr. SULLOWAY: Petitions of citizens of Rochester and Deery, N. H., asking favorable action on House bill No. 838, to reduce letter postage, and House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. TERRY: Petitions of citizens of Atkins, Little Rock, Russellville, Greenwood, and Hot Springs, State of Arkansas, for favorable action on House bills Nos. 4566 and 838, amending the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. TRACEWELL: Petition of the Union Veteran Legion, No. 142, of Jeffersonville, Ind., praying for the passage of the per diem pension bill (No. 8727)—to the Committee on Invalid Pensions.

Also, protest of the Board of Trade of Chicago, against the passage of House bill No. 8536 and Senate bill No. 2967, amending the interstate-commerce law—to the Committee on Interstate and Foreign Commerce.

By Mr. UNDERWOOD: Petition of citizens of the cities of Marion and Birmingham, Ala., for favorable action on House bills Nos. 4566 and 838, proposing amendments to the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. WALKER of Virginia: Petition of citizens of Floyd, Va., asking favorable action on House bills Nos. 838 and 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. WATSON of Ohio: Papers to accompany House bill granting a pension to Cornelius L. Leport—to the Committee on Invalid Pensions.

By Mr. WHEELER: Petition of Mrs. Virginia Clay Clopton, president of Alabama League for Female Suffrage; also of citizens of Madison County, Ala., in favor of a sixteenth amendment to the Constitution conferring the right of suffrage on women equally with men—to the Committee on the Judiciary.

Also, petition of citizens of Sheffield, Ala., asking for favorable action on House bills Nos. 838 and 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. WRIGHT: Petition of citizens of Adams, Mass., asking for the passage of House bills Nos. 838 and 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

SENATE.

TUESDAY, *May 19, 1896.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

ELLEN C. EWING.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 1837) granting a pension to Ellen Ewing, widow of Bvt. Maj. Gen. Thomas Ewing.

The amendments of the House of Representatives were, in line 6, after the word "Ellen," to insert the letter "C."; in line 7, before the word "dollars," to strike out "one hundred" and insert "seventy-five"; and to amend the title so as to read: "A bill granting a pension to Ellen C. Ewing, widow of Bvt. Maj. Gen. Thomas Ewing."

Mr. GALLINGER. I move that the Senate concur in the amendments made by the House of Representatives.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CHAPELL, one of its clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 3013) to amend section 4131 of the Revised Statutes of the United States, to improve the merchant marine engineer service, and thereby also to increase the efficiency of the Naval Reserve.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 3279) to authorize the reassessment of water-main taxes in the District of Columbia, and for other purposes; agreed to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HULICK, Mr. BABCOCK, and Mr. RICHARDSON managers at the conference on the part of the House.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 6833) defining the standard shape and size for dry measures in use in the District of Columbia, and for other purposes; asked a conference with the Senate on the disagreeing votes of the two House thereon, and had appointed Mr. CURTIS of Iowa, Mr. MILNES, and Mr. COBB managers at the conference on the part of the House.

The message also announced that the House had agreed to the amendments of the Senate to the following bills and joint resolution:

A bill (H. R. 4179) to amend section 3719 of the Revised Statutes;

A bill (H. R. 4452) to amend section 416 of the Revised Statutes of the United States relating to the District of Columbia;

A bill (H. R. 5217) making one year's residence in a Territory a prerequisite to obtaining a divorce there;

A bill (H. R. 5379) making it unlawful to shoot at or into any railway locomotive or car, or at any person thereon, or to throw any rock or other missile at or into any locomotive or car, and for other purposes;

A bill (H. R. 7324) to authorize and empower the State of South Dakota to select the Fort Sully Military Reservation in said State under the provisions of an act to provide for the admission of South Dakota into the Union, approved February 22, 1889, and for indemnity school lands, and for other purposes;

A bill (H. R. 8260) to authorize the establishment of a life-saving station at Port Huron, on the coast of Lake Huron, Michigan; and

A joint resolution (H. Res. 137) declaring a certain bridge across the Tallahatchie River, in Tallahatchie County, State of Mississippi, a lawful structure.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (S. 144) granting an increase of pension to T. Clarkson Ingalls;

A bill (S. 145) granting a pension to Maud Ardelle Bliss;

A bill (S. 147) granting a pension to Elvira Bachelder;

A bill (S. 177) granting an increase of pension to Sophia D. Clendenin;

A bill (S. 246) granting a pension to Nancy Carson Blunt;

A bill (S. 247) granting a pension to Wallace McGrath;

A bill (S. 466) granting an increase of pension to William Brown;

A bill (S. 705) granting a pension to Emily B. Muncey;

A bill (S. 746) granting a pension to Elizabeth E. Donahoe;

A bill (S. 1051) granting a pension to Elizabeth New, widow of Jethrow New;

A bill (S. 2014) granting an increase of pension to Sarah A. Bull;

A bill (S. 2175) granting a pension to James Lloyd Young, late of Company A, Sixth Regiment Kentucky Volunteers;

A bill (S. 2357) granting a pension to Elizabeth Watts Kearny, daughter of the late Philip Kearny, major-general, United States Army;

A bill (S. 2822) to increase the pension of Theodore V. Purdy;

A bill (S. 2936) to authorize the construction of a bridge across the Niagara River, in the town of Lewiston, in the county of Niagara, State of New York;

A bill (H. R. 483) for the relief of Mary Jane Lynn, the daughter of John R. Lynn, a Revolutionary soldier;

A bill (H. R. 515) granting a pension to William Grose;

A bill (H. R. 900) to provide for the payment of the claim of William H. Mahony;

A bill (H. R. 1181) for the relief of Maria E. Wilson;

A bill (H. R. 2326) granting a pension to Thomas Holaday;

A bill (H. R. 2844) granting a pension to Martha McNeil;

A bill (H. R. 3426) granting an increase of pension to Eugenia R. Sweeny, widow of Brig. Gen. Thomas W. Sweeny, deceased;

A bill (H. R. 3607) to increase the pension of Kate Grant;

A bill (H. R. 4182) granting increase of pension to Georgianna C. Hall, dependent mother of John W. Williams, deceased, late surgeon, United States Army;

A bill (H. R. 4255) to provide for settlement of titles and disposition of public lands in the Arredondo grant, in Columbia County, Fla.;

A bill (H. R. 4526) granting a pension to Jonathan Scott;

A bill (H. R. 4528) granting a pension to Katherine S. McCartney, widow of William H. McCartney;

A bill (H. R. 4712) granting a pension to Margaret A. Luthy;

A bill (H. R. 5140) for the relief of Michael H. J. Crouch, late of Company M, Sixth Regiment Pennsylvania Cavalry;

A bill (H. R. 5814) granting a pension to Cassie A. Davis, widow of James P. Davis and mother of Mary T. Davis, an invalid daughter;

A bill (H. R. 5854) granting a pension to John Caster;

A bill (H. R. 6037) granting a pension to Amanda Woodcock;

A bill (H. R. 6398) to correct the military record of Charles K. Jenree, etc.;

A bill (H. R. 7161) for the relief of Benjamin F. Jones;

A bill (H. R. 7671) authorizing and directing the Secretary of

the Navy to donate one condemned cannon and condemned cannon balls to U. S. Grant Post, No. 72, Grand Army of the Republic, of Washington, Ind., and for other purposes; and

A bill (H. R. 8012) donating condemned cannon and cannon balls.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of Local Assembly, No. 1239, Order of the Knights of Labor, of Circleville, Tex., praying for the passage of the so-called Phillips bill, authorizing the appointment of a nonpartisan commission to collate information, and to consider and recommend legislation to meet the problems presented by labor, agriculture, and capital; which was referred to the Committee on Education and Labor.

He also presented a petition of Local Assembly, No. 2672, Order of the Knights of Labor, of Washington, D. C., praying for the passage of Senate bill No. 3008, authorizing the employment of day laborers in the construction of public buildings and works in the District of Columbia; which was referred to the Committee on Education and Labor.

He also presented a memorial of the Board of Trade of Chicago, Ill., remonstrating against the adoption of certain proposed amendments to the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

Mr. MITCHELL of Wisconsin presented a petition of Cream City Typographical Union, No. 23, of Milwaukee, Wis., praying for the Government ownership and control of telegraph lines; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. PRITCHARD presented a memorial of the Philosophical Society of Washington, D. C., remonstrating against the enactment of legislation restricting animal experimentation in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. SHERMAN presented petitions of the Board of Trade, of the Farmers' Bank, of the J. H. McLain Company, of B. Dannemiller & Sons, of the Steel Roofing Company, of the Dueber Watch Case Manufacturing Company, of the Gilliam Manufacturing Company, of the Wrought Iron Bridge Company, of the Novelty Iron Company, of the Aultman Company, of the Bucher & Gibbs Plow Company, of the City National Bank, and of Elbel & Co., all of Canton, in the State of Ohio, praying for the enactment of legislation reducing letter postage to 1 cent per half ounce; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. ALLISON presented the petition of W. U. Waddell and sundry other citizens of Richland City, Wis., praying for the passage of the so-called filled-cheese bill; which was ordered to lie on the table.

He also presented a petition of the Grand Army of the Republic, Department of Iowa, praying for the enactment of legislation to establish a military park to commemorate the campaign, siege, and defense of Vicksburg; which was referred to the Committee on Military Affairs.

He also presented petitions of David McEwan and sundry other citizens of Traer, Iowa; of A. L. Davidson and sundry other citizens of Washington, Iowa; of Mrs. M. J. Huidman and sundry other citizens of Marion, Iowa; of John Dows and sundry other citizens of Armstrong, Iowa; and of Rev. T. G. Aten and sundry other citizens of Hillsdale, Iowa, praying for the adoption of the proposed religious amendment to the Constitution of the United States; which were referred to the Committee on the Judiciary.

CALIFORNIA STATE CLAIMS.

Mr. WHITE. I present a communication from the Secretary of the Treasury, relative to the payment of certain claims of the State of California, and transmitting the report of the Auditor for the War Department on the subject. I move that the communication be printed as a document, and referred to the Committee on Appropriations.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. TELLER, from the Committee on Claims, to whom was referred the bill (S. 19) for the relief of John L. Rhea, executor of Samuel Rhea, deceased, and John Anderson, administrator of Joseph R. Anderson, deceased, reported it without amendment, and submitted a report thereon.

Mr. MITCHELL of Wisconsin, from the Committee on Pensions, to whom was referred the bill (H. R. 1261) for the relief of John Kehl and to restore him to his former rating, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 685) granting a pension to Mrs. Alice Martin, reported it with an amendment, and submitted a report thereon.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 3133) granting an increase of pension to Betsey B. Olin;

A bill (H. R. 6293) to increase the pension of Peter Rafferty;

A bill (H. R. 5792) granting an increase of pension to Mrs. Julia A. Jameson;

A bill (H. R. 1891) granting a pension to Celestia R. Barry;

A bill (H. R. 7334) granting an increase of pension to William T. Applegate;

A bill (H. R. 3033) to increase the pension of Elizabeth T. Beall, widow of Benjamin L. Beall, late colonel First United States Cavalry;

A bill (H. R. 3007) granting an increase of pension to Michael S. Pettit; and

A bill (H. R. 8184) granting a pension to Jesse McMillan.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (H. R. 2006) to increase the pension of Harriet C. Gregg, widow of Col. John Irving Gregg, from $30 to $50 per month, reported it with amendments, and submitted a report thereon.

Mr. SHOUP, from the Committee on Pensions, to whom was referred the bill (H. R. 2042) to increase the pension of Wilbur F. Cogswell, reported it without amendment, and submitted a report thereon.

Mr. CAMERON, from the Committee on Naval Affairs, reported an amendment providing for the compensation for the appointment clerk in the Navy Department, intended to be proposed to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. BAKER, from the Committee on Pensions, to whom was referred the bill (S. 2401) granting a pension to Mrs. Hattie E. Redfield, of Omaha, Nebr., reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 3001) granting a pension to Alfred Bigelow, of Norfolk, in the State of Nebraska, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2999) granting a pension to William L. Grigsby, of Belvidere, in the county of Thayer, Nebr., reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2507) granting a pension to John N. Corgan, of McPherson, Kans., reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1689) granting a pension to John F. Hathaway, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 138) granting an increase of pension to Mary E. Hazlip, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 4753) granting an increase of pension to Lambert L. Mulford, reported it without amendment, and submitted a report thereon.

Mr. HANSBROUGH, from the Committee on Pensions, to whom was referred the bill (H. R. 5711) granting a pension to Richard P. Pilkington, reported it without amendment, and submitted a report thereon.

Mr. PRITCHARD, from the Committee on the District of Columbia, to whom was referred the bill (S. 886) to provide a home for aged and infirm colored people, reported it with an amendment in the nature of a substitute, and moved that it be referred to the Committee on Education and Labor; which was agreed to.

He also, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 2602) for the relief of Solomon Hyams;

A bill (H. R. 5225) for the relief of Mrs. Elizabeth M. Williams, of Monroe County, Tenn.;

A bill (H. R. 5175) granting a pension to Nancy Gentry; and

A bill (S. 2477) granting an increase of pension to Robert P. Wild.

Mr. CANNON, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 6132) granting an increase of pension to Thomas M. Scott; and

A bill (H. R. 6134) granting an increase of pension to Caroline E. Purdum.

Mr. BURROWS, from the Committee on Claims, to whom was referred the bill (S. 2988) for the relief of W. J. Tapp & Co., reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 315) for the relief of Thomas Antisell, reported it with amendments, and submitted a report thereon.

Mr. HAWLEY, from the Committee on Military Affairs, to whom was referred the amendment submitted by Mr. ALLEN on the 14th instant, providing for the payment to Henry T. Clark for the use of Bellevue rifle range, in the State of Nebraska, intended

to be proposed to the general deficiency appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. VEST, from the Committee on Commerce, to whom was referred the bill (H. R. 5675) authorizing the construction of a wagon and motor bridge over the Missouri River at St. Charles, Mo., reported it with amendments.

Mr. MARTIN, from the Committee on Claims, to whom was referred the bill (S. 1434) for the relief of the legal representatives of John W. Branham, late an assistant surgeon in the United States Marine-Hospital Service, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 7816) for the relief of John S. Burwell, administrator of the estate of A. L. Burwell, deceased, reported it without amendment, and submitted a report thereon.

GEORGE M'FARLAND.

Mr. SHERMAN. I am directed by the Committee on Finance, to whom was referred the bill (H. R. 7285) for the relief of George McFarland, to report it favorably without amendment. It is a House bill of but a few lines and a clear case. I ask for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to issue duplicates to George McFarland, of McArthur, Ohio, in lieu of United States 4 per cent coupon bonds issued under acts of Congress approved July 14, 1870, and January 20, 1871, No. 54972, for $50, and No. 105451, for $100, with interest coupons attached, dated January 1, 1893, and subsequently, the bonds and interest coupons having been destroyed by fire.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

KENNEBEC RIVER IMPROVEMENT.

Mr. FRYE. A recent freshet in the Kennebec River has so injured the channel of the river that the Boston boats can not go up to the city of Augusta, the capital of the State. The local officer in charge rules that he has no right to use the money which has been hitherto appropriated because it was appropriated to carry out certain projects. The Committee on Commerce authorize me to report a joint resolution and to ask that it may receive consideration now.

The joint resolution (S. R. 147) concerning the improvement of the Kennebec River, Maine, was read the first time by its title, and the second time at length, as follows:

Resolved, etc., That the Secretary of War is hereby authorized to use so much of the money heretofore appropriated for the improvement of the Kennebec River, in the State of Maine, as may be necessary for the repair of the works and the restoration of the channel damaged by the recent freshet.

The VICE-PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. ALLISON. I submit a conference report on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7664) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes. I ask that the report may be printed in the RECORD and printed as a document as well, and I give notice that to-morrow morning or as early thereafter as possible I shall ask for the consideration of the report.

The VICE-PRESIDENT. It will be so ordered, in the absence of objection.

The report is as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7664) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 20, 26, 34, 36, 40, 41, 45, 46, 47, 49, 50, 51, 52, 58, 60, 75, 80, 81, 85, 88, 104, 107, 118, 121, 130, 148, 149, 151, 152, 153, 154, 158, 159, 184, 185, 186, 188, and 189.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 5, 21, 27, 29, 30, 31, 35, 42, 43, 48, 53, 54, 55, 58, 59, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 77, 78, 79, 82, 83, 87, 88, 89, 90, 95, 99, 100, 101, 102, 105, 106, 108, 110, 113, 114, 116, 117, 119, 131, 132, 136, 137, 150, 155, 156, 157, 162, 163, 169, 176, 179, 180, 181, 182, and 183, and agree to the same.

Amendment numbered 33: That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Fire Island light vessel, New York: For constructing, equipping, and outfitting, complete for service, a first-class steam light vessel, with steam fog signal, $40,000; and the total cost of said steam light vessel, with a steam fog signal, under a contract which is hereby authorized therefor, shall not exceed $80,000."

And the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"San Francisco Harbor light vessel: For constructing, equipping, and outfitting, complete for service, a first-class steam light vessel, with steam fog signal, $40,000; and the total cost of said steam light vessel, with a steam fog signal, under a contract which is hereby authorized therefor, shall not exceed $80,000."

And the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Tender for the Second light-house district: For constructing, equipping, and outfitting, complete for service, a new steam tender for buoyage, supply, and inspection in the Second light-house district, Massachusetts, $37,500; and the total cost of said steam tender, under a contract which is hereby authorized therefor, shall not exceed $75,000."

And the Senate agree to the same.

Amendment numbered 39: That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Tender for the Seventh and Eighth light-house districts: For constructing, equipping, and outfitting, complete for service, a new steam tender for buoyage, supply, and inspection in the Seventh and Eighth light-house districts, $37,500; and the total cost of said steam tender, under a contract which is hereby authorized therefor, shall not exceed $75,000."

And the Senate agree to the same.

Amendment numbered 44: That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert:

"For constructing two revenue steamers of the first class, under the direction of the Secretary of the Treasury, for service on the Great Lakes, $200,000; and the total cost of said revenue steamers, under a contract which is hereby authorized therefor, shall not exceed $200,000 each."

And the Senate agree to the same.

Amendment numbered 57: That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment as follows: On page 27 of the bill, in line 3, strike out the following: "for extra engraving and drawing"; and the Senate agree to the same.

Amendment numbered 62: That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$67,000"; and the Senate agree to the same.

Amendment numbered 76: That the house recede from its disagreement to the amendment of the Senate numbered 76, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$110,000"; and the Senate agree to the same.

Amendment numbered 84: That the House recede from its disagreement to the amendment of the Senate numbered 84, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$131,000"; and the Senate agree to the same.

Amendment numbered 98: That the House recede from its disagreement to the amendment of the Senate numbered 98, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"That the city of Bismarck, in the State of North Dakota, by and through its regular city council, shall have authority to use, upon lease from the Government by the Secretary of the Interior, Sibley Island, an island in the Missouri River near said city of Bismarck, for a public park: *Provided*, That nothing herein contained shall be construed to authorize the felling of timber on said island for sale or consumption, nor shall any timber be cut save for the purpose of improving or beautifying the grounds."

And the Senate agree to the same.

Amendment numbered 103: That the House recede from its disagreement to the amendment of the Senate numbered 103, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$15,000"; and the Senate agree to the same.

Amendment numbered 133: That the House recede from its disagreement to the amendment of the Senate numbered 133, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$40,000"; and the Senate agree to the same.

Amendment numbered 134: That the House recede from its disagreement to the amendment of the Senate numbered 134, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$40,000"; and the Senate agree to the same.

Amendment numbered 135: That the House recede from its disagreement to the amendment of the Senate numbered 135, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$40,000"; and the Senate agree to the same.

Amendment numbered 144: That the House recede from its disagreement to the amendment of the Senate numbered 144, and agree to the same with an amendment as follows: In line 1 of the matter inserted by said amendment strike out the word "For" and insert in lieu thereof the words "In full for," and in lieu of the sum named in said amendment insert "$1,500"; and the Senate agree to the same.

Amendment numbered 160: That the House recede from its disagreement to the amendment of the Senate numbered 160, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert $2,470,478.75; and the Senate agree to the same.

Amendments numbered 164 and 165: That the House recede from its disagreement to the amendments of the Senate numbered 164 and 165, and agree to the same with an amendment as follows: Strike out all of the amended paragraph constituting lines 22 to 25, inclusive, on page 93 of the bill, and lines 1 to 4, inclusive, on page 94 of the bill, and insert in lieu thereof the following:

"For payment of salaries, fees, and expenses of United States marshals and their deputies, $1,000,000, to include payments for services rendered in behalf of the United States or otherwise."

And the Senate agree to the same.

Amendments numbered 166, 167, and 168: That the House recede from its disagreement to the amendments of the Senate numbered 166, 167, and 168, and agree to the same with an amendment as follows: Strike out the amended paragraph constituting lines 5, 6, and 7, on page 94 of the bill, and insert in lieu thereof the following:

"For salaries of United States district attorneys and expenses of United States district attorneys and their regular assistants, $275,000."

And the Senate agree to the same.

Amendment numbered 170: That the House recede from its disagreement to the amendment of the Senate numbered 170, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$85,000"; and the Senate agree to the same.

Amendment numbered 171: That the House recede from its disagreement to the amendment of the Senate numbered 171, and agree to the same with

an amendment as follows: In lieu of the sum proposed insert "$220,000"; and the Senate agree to the same.

Amendment numbered 172: That the House recede from its disagreement to the amendment of the Senate numbered 172, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$225,000"; and the Senate agree to the same.

Amendment numbered 173: That the House recede from its disagreement to the amendment of the Senate numbered 173, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$583,000"; and the Senate agree to the same.

Amendment numbered 174: That the House recede from its disagreement to the amendment of the Senate numbered 174, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,066,000"; and the Senate agree to the same.

Amendment numbered 175: That the House recede from its disagreement to the amendment of the Senate numbered 175, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$460,000"; and the Senate agree to the same.

Amendment numbered 177: That the House recede from its disagreement to the amendment of the Senate numbered 177, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: ", and such payments shall be allowed the marshal in the settlement of his accounts with the United States"; and the Senate agree to the same.

Amendment numbered 178: That the House recede from its disagreement to the amendment of the Senate numbered 178, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$150,000"; and the Senate agree to the same.

Amendment numbered 187: That the House recede from its disagreement to the amendment of the Senate numbered 187, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"*Provided*, That hereafter the reports of the Geological Survey in relation to the gauging of streams and to the methods of utilizing the water resources may be printed in octavo form, not to exceed 100 pages in length and 5,000 copies in number; 1,000 copies of which shall be for the official use of the Geological Survey, 1,500 copies shall be delivered to the Senate, and 2,500 copies shall be delivered to the House of Representatives for distribution."

And the Senate agree to the same.

Amendment numbered 191: That the House recede from its disagreement to the amendment of the Senate numbered 191, and agree to the same with an amendment as follows: In line 3 of the matter inserted by said amendment insert, after the word "company," the following: To reimburse said company for expenses incurred and paid in connection with the Government building and exhibit; and the Senate agree to the same.

The committee of conference have been unable to agree on the amendments of the Senate numbered 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 22, 23, 24, 25, 28, 32, 61, 91, 92, 93, 94, 96, 97, 109, 111, 112, 115, 120, 122, 123, 124, 125, 126, 127, 128, 129, 138, 139, 140, 141, 142, 143, 145, 146, 147, 161, and 190.

W. B. ALLISON,
EUGENE HALE,
A. P. GORMAN,
Managers on the part of the Senate.

J. G. CANNON,
E. J. HAINER,
JOSEPH D. SAYERS,
Managers on the part of the House.

DONATION OF CONDEMNED CANNON.

Mr. PETTIGREW. I ask unanimous consent for the present consideration of the bill (S. 2573) authorizing and directing the Secretary of the Navy to donate one condemned cannon to the Lake Madison Veteran Association, Grand Army of the Republic, of the State of South Dakota.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. GALLINGER. I ask unanimous consent for the present consideration of Senate bill 2384.

Mr. TELLER. I suggest to the Senator from New Hampshire that we get through with the morning business.

Mr. GALLINGER. Very well.

The VICE-PRESIDENT. Objection is interposed to the request of the Senator from New Hampshire.

BILLS INTRODUCED.

Mr. SHERMAN introduced a bill (S. 3168) to pension Frances A. Jones; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HILL introduced a bill (S. 3169) to amend sections 4488 and 4489 of the Revised Statutes of the United States, relating to lifeboats, etc., on ocean, lake, and sound steamers, and the penalty for refusing to provide such; which was read twice by its title, and referred to the Committee on Commerce.

Mr. QUAY introduced a bill (S. 3170) to authorize the Butler and Pittsburg Railroad Company to construct and maintain a bridge across the Allegheny River; which was read twice by its title, and referred to the Committee on Commerce.

Mr. DAVIS introduced a bill (S. 3171) for the relief of Dr. John Benjamin; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. COCKRELL (by request) introduced a bill (S. 3172) to authorize and empower the Secretary of the Interior to adjust and settle the accounts of the Kaskaskia, Peoria, Piankeshaw, and Wea Indians; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also (by request) introduced a bill (S. 3173) to amend an act entitled "An act to provide for allotment of land in severalty to United Peorias and Miamis in Indian Territory, and for other purposes," approved March 2, 1889; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. THURSTON introduced a bill (S. 3174) for the relief of Charles L. Wood, of North Platte, Nebr.; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3175) donating condemned cannon and condemned cannon balls to S. A. Douglas Post, No. 69, Grand Army of the Republic, Department of Nebraska; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also introduced a bill (S. 3176) granting an increase of pension to Lewis Keiser; which was read twice by its title, and referred to the Committee on Pensions.

Mr. ALLISON introduced a bill (S. 3177) granting a pension to Oscar A. Palmer, Tabor, Iowa; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3178) granting a pension to Mrs. Catharine Emory; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

AMENDMENTS TO DEFICIENCY APPROPRIATION BILL.

Mr. LINDSAY submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. HILL submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on the Library, and ordered to be printed.

BALTIMORE AND POTOMAC RAILROAD.

Mr. PRITCHARD submitted an amendment intended to be proposed by him to the bill (S. 1702) to provide for doing away with certain grade crossings on the lines of the Baltimore and Potomac Railroad in the city of Washington, D. C., and for other purposes; which was referred to the Committee on the District of Columbia, and ordered to be printed.

PROPOSED SUNDAY-REST LAW.

On motion of Mr. KYLE, it was

Ordered, That the Committee on the District of Columbia be discharged from the consideration of sundry petitions praying for the enactment of a Sunday-rest law in the District of Columbia, and that they be referred to the Committee on Education and Labor.

Ordered, That the petitions on the files of the Senate praying for the enactment of a Sunday-rest law in the District of Columbia be taken therefrom and referred to the Committee on Education and Labor.

SOUTHERN STATES EXPOSITION AT CHICAGO.

Mr. BACON submitted the following concurrent resolution; which was referred to the Select Committee on International Expositions, and ordered to be printed:

Whereas an exposition of the economic and industrial resources of the Southern States is to be held in the city of Chicago during the months of August, September, October, and November of the current year, whose purpose is to assist the development of the South by displaying the variety, extent, and distribution of its useful raw materials and their possible utility; and

Whereas various departments of the United States Government have heretofore collected and are now in possession of material adapted for the purpose named, namely, specimens of agricultural, forest, and mining products of the South, and other materials adapted to illustrate their use, value, and the conditions affecting them: And now, therefore

Be it resolved by the Senate of the United States (the House of Representatives concurring), That the Secretaries of the various Executive Departments, the Smithsonian Institute, and the Fish Commission be authorized to permit the use of suitable material, within their control, for the purpose of the Southern States Exposition at Chicago under the following conditions:

1. That permission shall not be granted for the removal of any specimens, collections, or materials whose temporary absence would impair the public service.

2. That all expenses of every sort and nature, connected with the removal and replacement of the property loaned by the Government, shall be paid by the agent of the Southern States Exposition at Chicago; and that due guaranty shall be given for the safe-keeping and return in its original condition of said property.

UNIVERSITY OF THE UNITED STATES.

Mr. FRYE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That there be printed, for the use of the Committee to Establish the University of the United States, 5,000 copies of Senate Report 429, first session Fifty-fourth Congress, including the report of the minority.

ALLOWANCE OF CLAIMS, ETC.

Mr. HALE. I ask for the adoption of the resolution which I send to the desk. It is connected with the business of the Committee on Appropriations in the consideration of the deficiency appropriation bill.

The resolution was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to transmit to the Senate a schedule of all claims allowed by the accounting officers of the Treasury under appropriations the balances of which have been exhausted or carried to the surplus fund under the provisions of section 5 of the act approved June 20, 1874, since the allowance of those embraced in House Document No. 322, of the present session, up to and including the 21st instant; also a list of judgments rendered by the Court of Claims and by United States courts not heretofore reported to Congress at its present session.

NAVAL APPROPRIATION BILL.

Mr. HALE. I submit from the Committee on Appropriations the conference report on the bill (H. R. 7543) making appropriations for the naval service for the fiscal year ending June 30, 1897, and for other purposes. I ask that it may be printed in the RECORD and also as a document. After the disposition of the

conference reports on the legislative bill and the sundry civil bill I shall ask the Senate to consider this report.

The VICE-PRESIDENT. The report will be printed as indicated by the Senator from Maine.

The report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7542) making appropriations for the naval service for the fiscal year ending June 30, 1897, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 23, 30, and 55.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 4, 5, 6, 7, 8, 9, 11, 12, 13, 14, 15, 16, 17, 19, 20, 21, 25, 26, 27, 28, 29, 31, 50, and 54, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: Add at the end of the matter inserted by said amendment the following: "And the Secretary of the Navy shall detail a clerk of class 1 to perform clerical services in the Navy Department necessary to carry on the work incident to this appropriation;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows: Strike out the comma (,) after the word "laboratory," in line 3, page 22 of the bill, and restore the matter stricken out by said Senate amendment; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: Strike out, in lines 4 and 5 of said amendment, the words "made for the same" and insert in lieu thereof the word "completed"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with amendments as follows: Strike out the words inserted by said amendment and insert in lieu thereof the following: "At $2,500 each; one of English studies, history, and law (after thirty years' service), $2,500"; and strike out, in lines 22 and 23, page 36 of the bill, the words "at $2,500 each"; and the Senate agree to the same.

On amendments numbered 2, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 51, 52, and 53 the committee of conference has been unable to agree.

EUGENE HALE,
M. S. QUAY,
A. P. GORMAN,
Managers on the part of the Senate.

C. A. BOUTELLE,
JOHN B. ROBINSON,
AMOS J. CUMMINGS,
Managers on the part of the House.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. PRUDEN, one of his secretaries, announced that the President had on the 18th instant approved and signed the following act and joint resolution:

An act (S. 137) granting an increase of pension to William W. French; and

A joint resolution (S. R. 15) authorizing the Secretary of the Navy to donate to the Mountain View Cemetery Association, at Oakland, Cal., certain cannon, etc.

DISTRICT APPROPRIATION BILL.

The VICE-PRESIDENT. The morning business has closed.

Mr. TELLER. I ask the Senate to take up the bill (H. R. 5210) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1897, and for other purposes.

The VICE-PRESIDENT. The Chair lays before the Senate the bill called up by the Senator from Colorado.

Mr. GALLINGER. I ask the Senator from Colorado if he will allow me to have passed the bill which I asked to have considered a little while ago? It will take but a moment.

Mr. TELLER. I yield to the Senator from New Hampshire.

DAVID O. BURLEIGH.

Mr. GALLINGER. I ask the Senate to proceed to the consideration of the bill (S. 2384) for the relief of David O. Burleigh. There will be no discussion upon it, I will say to the Senator from Colorado.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that David O. Burleigh shall be held and considered to have been honorably discharged from the military service of the United States as a captain of Company I, Fourth New Hampshire Infantry Volunteers, on the 4th day of June, 1864, and directs the Secretary of War to revoke the order cashiering Burleigh, and to issue to him a certificate of honorable discharge as of that date.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LEONARD L. BROWNSON.

Mr. PROCTOR. I ask unanimous consent to call up the bill (S. 2583) for the relief of Leonard I. Brownson, late first lieutenant Company K, Fifth Vermont Volunteers. It is a bill of only a few lines.

Mr. TELLER. I will yield to the Senator from Vermont if there is no discussion upon it. If there is, I must object.

Mr. PROCTOR. I ask for its consideration with that understanding. A similar bill passed the Senate in the Fifty-second Congress, and it was favorably reported in the other House.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the President of the United States to revoke and set aside so much of General Orders, No. 21, Headquarters Middle Military Division, dated September 18, 1864, as dismissed First Lieut. Leonard I. Brownson, Company K, Fifth Vermont Volunteers, for absence without leave and for conduct prejudicial to good order and military discipline, and to grant and cause to be issued to him a certificate of honorable muster out of the service as of the date of September 18, 1864.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CHAPELL, one of its clerks, announced that the House had agreed to the amendments of the Senate to the bill (H. R. 4324) authorizing the Secretary of the Navy to deliver one condemned cannon to the city of Elmwood, Peoria County, Ill.

The message also announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 5490) to license billiard and pool tables in the District of Columbia, and for other purposes; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BABCOCK, Mr. HULING, and Mr. MILNES managers at the conference on the part of the House.

The message further announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 2604) to increase the pension of Caroline A. Hough, widow of Brig. Gen. John Hough; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. WOOD, Mr. SULLOWAY, and Mr. BAKER of Kansas, managers at the conference on the part of the House.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 2698) authorizing the construction of a bridge over the Mississippi River to the city of St. Louis, in the State of Missouri, from some suitable point between the north line of St. Clair County, Ill., and the southwest line of said county; agreed to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. STEWART of New Jersey, Mr. JOY, and Mr. PATTERSON managers at the conference on the part of the House.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 158) granting a pension to Mary Collins;

A bill (H. R. 956) for the relief of Sophia Sparks and Julia C. Sparks, of Annapolis, Md.;

A bill (H. R. 986) for the relief of Hiram P. Pauley;

A bill (H. R. 1175) to remove the charge of desertion from the military record of Nicholas Swingle;

A bill (H. R. 1178) granting a pension to Sarah Weedon Jones;

A bill (H. R. 1508) granting a pension to Anna M. Newton, widow of Gen. John Newton;

A bill (H. R. 1820) granting a pension to Neil McNeil;

A bill (H. R. 2189) granting a pension to Mrs. Mary A. Freeman;

A bill (H. R. 2317) to increase the pension of Levi T. E. Johnson;

A bill (H. R. 2328) for the relief of Patrick Rainey;

A bill (H. R. 2969) granting a pension to Mrs. Lucy A. Allen;

A bill (H. R. 3113) granting a pension to Margaret A. Kidwell;

A bill (H. R. 3268) to facilitate the procurement of evidence and to compel the attendance of witnesses in matters before the registers and receivers of the local land offices of the United States.

A bill (H. R. 3333) granting a pension to Thomas S. Daugherty;

A bill (H. R. 3480) for the relief of Emily A. Mann;

A bill (H. R. 3514) granting an honorable discharge to John J. Johnson;

A bill (H. R. 3565) to grant an honorable discharge to Ezra Abbott;

A bill (H. R. 3877) granting a pension to Henderson Marple;

A bill (H. R. 4193) to correct the military record of William F. Songer;

A bill (H. R. 4431) granting an increase of pension to Patsey E. Broaddus, of Marion, Kans.;

A bill (H. R. 4543) granting a pension to Mary L. Arnold;

A bill (H. R. 4724) to increase the pension of Mrs. Mary L. Aleshire;

A bill (H. R. 4872) to correct the military record of Homer C. McCuskey;

A bill (H. R. 4988) for the relief of George Hager;

A bill (H. R. 4994) for the relief of Mrs. Sarah Martin;

A bill (H. R. 5050) granting a pension to Ransom C. Hazelip;

A bill (H. R. 5311) granting a pension to Sarah Ann Wible;

A bill (H. R. 5396) for the relief of Lucinda Rickards, widow, and the minor children of John D. Rickards, deceased;

A bill (H. R. 5407) to remove the charge of desertion now standing against Oscar A. Bulette, known in his military title as Austin Bulette, late private in Company E, Fifty-second Illinois Infantry Volunteers, during late war;

A bill (H. R. 5710) granting a pension to Eleanor L. Curtiss;

A bill (H. R. 5740) authorizing the Secretary of the Treasury to issue a duplicate bond to Benjamin March, guardian of Ruth March;

A bill (H. R. 6111) granting a pension to Elizabeth A. Sergent;
A bill (H. R. 6221) granting an increase of pension to Mary E. Chamberlin;
A bill (H. R. 6259) to expedite the delivery of imported parcels and packages not exceeding $500 in value;
A bill (H. R. 6608) to remove the charge of desertion from the military record of George W. Taylor;
A bill (H. R. 6776) to provide an American register for bark *Vila;*
A bill (H. R. 6789) granting a pension and for the relief of Dr. Harrison Wagner;
A bill (H. R. 717) authorizing and directing the Secretary of the Navy to donate four condemned cannon and four pyramids of condemned cannon balls to James T. Shields Post, No. 45, Grand Army of the Republic, of Galesburg, Knox County, Ill., and for other purposes;
A bill (H. R. 7212) to increase the pension of Melita E. White;
A bill (H. R. 7255) authorizing the establishment of a life-saving station on the coast of Maryland;
A bill (H. R. 7477) to provide for the registration of trade-marks on bottles, siphons, butts, hogsheads, barrels, half barrels, casks, half casks, quarter casks, kegs, boxes, tins, and other receptacles and vessels used in commerce with foreign nations, or among the several States, or with the Indian tribes, or among or in the Territories of the United States, or with or in the District of Columbia, and to prevent the fraudulent use of the same in such commerce;
A bill (H. R. 7919) granting a site for the erection and maintenance of a charity hospital by the city of Biloxi, Miss.;
A bill (H. R. 8298) relating to mortgages in the Indian Territory;
A bill (H. R. 8582) to allow the bottling of distilled spirits in bond; and
A bill (H. R. 8673) to incorporate the National Society of Colonial Dames of America.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:
A bill (S. 61) for the relief of Frederick Gramm;
A bill (S. 125) for the relief of Elizabeth J. Cook, of Arkadelphia, Clark County, Ark., widow of Robert T. Cook;
A bill (S. 149) granting a pension to Helen M. Jacob;
A bill (S. 404) granting a pension to Samuel Goldwater;
A bill (S. 616) granting a pension to Matilda Gresham, widow of the late Walter Q. Gresham, at the rate of $100 per month;
A bill (S. 739) granting an increase of pension to C. E. Philbrook, widow of Alvah Philbrook, major of Twenty-fourth Regiment Wisconsin Volunteers;
A bill (S. 1044) granting a pension to Mary Newman;
A bill (S. 1100) granting a pension to Russel N. Reynolds;
A bill (S. 1215) granting a pension to Ellen Kingsley;
A bill (S. 1435) granting an increase of pension to Mason Kimball;
A bill (S. 1493) granting a pension to Mary Clare Kelly;
A bill (S. 1522) granting a pension to Catherine Smith;
A bill (S. 1865) to authorize the Secretary of War and the Secretary of the Navy to make certain disposition of condemned ordnance, guns, and cannon in their respective Departments;
A bill (S. 1924) granting a pension to Carrie L. Yeaton;
A bill (S. 2508) to establish customs ports of delivery at Pueblo, Durango, and Leadville, Colo., and for other purposes; and
A bill (S. 2514) granting an increase of pension to Mrs. Annie E. Colwell.

DISTRICT APPROPRIATION BILL.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 5210) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1897, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. TELLER. I ask that the bill may be read for the purpose of acting upon the amendments of the committee, and that the amendments be acted upon as they are reached in the reading.

The VICE-PRESIDENT. Without objection it is so ordered.

The Secretary proceeded to read the bill. The first amendment of the Committee on Appropriations was, on page 2, line 13, before the words "assistant inspectors," to strike out "three" and insert "four"; in line 19, after the word "thousand," to insert "two hundred"; on page 3, line 1, before the word "assistant," to strike out "four" and insert "five"; in line 4, before the word "and," to strike out "forty-nine thousand eight hundred" and insert "fifty-two thousand"; and in line 5, after the word "dollars," to insert:

Provided, That the accounting officers of the Treasury are authorized to credit the accounts of the ex-Boards of Commissioners of the District of Columbia with all disbursements and expenditures which have heretofore been suspended or disallowed in the settlement of their accounts wherein it shall satisfactorily appear that the money was paid in good faith for goods sold and delivered, work and labor done, materials furnished, or services actually rendered for the benefit of the District: *Provided further*, That in crediting and allowing said disbursements and expenditures no money on account thereof shall be paid out of the Treasury of the United States.

So as to make the clause read:

For executive office: For two Commissioners, at $5,000 each; Engineer Commissioner, $324 (to make salary $5,000); secretary, $2,160; two assistant secretaries to Commissioners, at $1,000 each; clerk, $1,500; clerk, $1,400; three clerks, one of whom shall be a stenographer and typewriter, at $1,200 each; messenger, $900, stenographer and typewriter, $720; driver, $480; laborer, $365; inspector of buildings, $2,400; assistant inspector of buildings, $1,200; four assistant inspectors of buildings, at $1,000 each: clerk, $1,600; clerk, $900; messenger, $480; janitor, $700; steam engineer, $900; one fireman, $480; property clerk, $1,600; deputy property clerk, $1,200; clerk, $720; messenger, $600; two elevator operators, at $360 each; messenger, $480; three watchmen, at $480 each; inspector of plumbing, $2,000; five assistant inspectors of plumbing, at $1,000 each; harbor master, $1,200; two laborers, at $360 each; in all, $52,089: *Provided*, That the accounting officers of the Treasury are authorized to credit the accounts of the ex-Boards of Commissioners of the District of Columbia with all disbursements and expenditures which have heretofore been suspended or disallowed in the settlement of their accounts wherein it shall satisfactorily appear that the money was paid in good faith for goods sold and delivered, work and labor done, materials furnished, or services actually rendered for the benefit of the District: *Provided further*, That in crediting and allowing said disbursements and expenditures no money on account thereof shall be paid out of the Treasury of the United States.

The amendment was agreed to.

The next amendment was, on page 3, after line 16, to insert:

The Secretary of the Treasury is hereby authorized and directed to repay to the Protestant Episcopal Cathedral Foundation of the District of Columbia the sum of $1,223.08 paid by that corporation to the District of Columbia as a water-main tax assessed against land of the said first-named corporation unsubdivided and not used for business purposes, the assessment of the said tax being illegal under a decision of the court of appeals of the District of Columbia.

The amendment was agreed to.

The next amendment was, on page 4, line 4, after the word "each," to strike out "special assessment clerk, $1,700"; and in line 16, before the word "dollars," to strike out "thirty-five thousand" and insert "thirty-three thousand three hundred"; so as to make the clause read:

For assessor's office: For assessor, $3,500; three assistant assessors, at $3,000 each; two assistant assessors, at $1,600 each; two clerks, at $1,400 each; three clerks, at $1,200 each; draftsman, $1,200; three clerks, at $1,000 each; assistant or clerk, $900; clerk in charge of records, $1,000; clerk to board of assistant assessors, $1,200; clerk, $900; license clerk, $1,200; inspector of licenses, $1,200; messenger and driver for board of assistant assessors, $900; in all, $33,300.

The amendment was agreed to.

The next amendment was, on page 4, line 18, after the word "dollars," to insert "deputy collector, $2,000"; in line 22, after the word "each," to strike out "one clerk, $1,000"; and in line 24, before the word "thousand," to strike out "fifteen" and insert "sixteen"; so as to make the clause read:

For collector's office: For collector, $4,000; deputy collector, $2,000; cashier, $1,800; bookkeeper, $1,600; two clerks, at $1,400 each; two clerks, at $1,200 each; clerk and messenger, $1,000; messenger, $900; in all, $16,200.

The amendment was agreed to.

The next amendment was, on page 5, line 4, before the word "hundred," to strike out "five" and insert "six"; and in line 7, before the word "hundred," to strike out "seven" and insert "eight"; so as to make the clause read:

For auditor's office: For auditor, $3,000; chief clerk, $1,800; bookkeeper, $1,800; clerk, $1,600; disbursing clerk, $1,600; two clerks, at $1,400 each; three clerks, at $1,200 each; clerk, $1,000; messenger, $600; in all, $17,800.

The amendment was agreed to.

The next amendment was, on page 5, line 20, before the word "dollars," to insert "two hundred"; in line 23, before the word "dollars," to strike out "three hundred and twenty" and insert "four hundred"; in line 24, before the word "dollars," to strike out "nine hundred and sixty" and insert "one thousand two hundred"; in line 25, before the word "dollars," to strike out "three thousand eight hundred and sixty" and insert "four thousand five hundred"; so as to make the clause read:

For market masters: For two market masters, at $1,200 each; one market master, $900; for hire of laborers for cleaning markets, at rate not exceeding $400 per market, $1,200; in all, $4,500: *Provided*, That hereafter all rents, fees, and income derived from the markets herein appropriated for shall be paid to the collector of taxes, and no person employed by the District of Columbia in or about the said markets shall receive any fees or compensation of any kind in addition to the salary provided by law.

The amendment was agreed to.

The next amendment was, on page 6, line 16, before the word "dollars," to strike out "six hundred" and insert "seven hundred and twenty"; so as to make the clause read:

For engineer's office: Record division: For chief clerk, $1,900; clerk, $1,600; two clerks, at $1,400 each; three clerks, at $1,200 each; messenger clerk, $720; two messengers, at $480 each.

The amendment was agreed to.

The next amendment was, on page 8, line 2, before the word "dollars," to strike out "three hundred and thirty-two" and insert "four hundred and fifty-two"; so as to make the clause read:

Subsurface division: For inspector of asphalt and cements, $2,400; inspector of gas and meters, $2,000; assistant inspector of gas and meters, $1,000; messenger, $480; superintendent of lamps, $1,000; three inspectors of gas and electric lighting, at $900 each; inspector of sewers, $1,200; superintendent of sewers, $2,400; general inspector of sewers, $1,300; two assistant engineers,

at $1,500 each; draftsman, $1,200; leveler, $1,200; three rodmen, at $780 each; three chainmen, at $660 each; clerk, $1,200; two clerks, at $1,000 each; two inspectors of property, at $900 each; two sewer tappers, at $1,000 each; permit clerk, $1,200; one assistant permit clerk, $840; in all, $37,452.

The amendment was agreed to.

The next amendment was, on page 8, after line 2, to insert:

Special assessment office: For special assessment clerk, $1,700; seven clerks, at $1,200 each; two clerks, at $900 each; in all, $11,900.

The amendment was agreed to.

The next amendment was, on page 8, after line 7, to insert:

Street sweeping office: For superintendent, $1,800; assistant superintendent and clerk, $1,400; clerk, $900; chief inspector of streets, $1,200; three inspectors, at $1,200 each; ten inspectors, at $1,100 each; three assistant inspectors, at $900 each; foreman of public dumps, $900; messenger and driver, $900; in all, $24,000.

The amendment was agreed to.

The next amendment was, on page 9, line 17, before the word "dollars," to strike out "two hundred" and insert "eight hundred and fifty"; and in line 18, before the word "dollars," to insert "six hundred and fifty"; so as to make the clause read:

For surveyor's office: For surveyor, $3,000; assistant surveyor, $1,800; for such employees as may be required, in accordance with the provisions of the act of Congress making the surveyor of the District of Columbia a salaried officer, $5,850; in all, $10,650.

The amendment was agreed to.

The next amendment was, on page 10, line 3, before the word "inspector," to strike out "office of the" and insert "offices of the inspector of gas and meters and the"; in line 9, after the word office," to insert "sealer of weights and mensures' office"; in line 11, before the word "dollars," to strike out "twenty-two thousand five hundred" and insert "twenty-four thousand"; and in line 14, after the word "purposes," to strike out:

And provided further, That the whole cost of maintaining and keeping in good order the laboratory and apparatus in the office of the inspector of gas and meters shall hereafter be paid by the Washington Gas Light Company.

And insert:

And provided further, That the recorder of deeds shall make no charge for reporting to the assessor of the District of Columbia for entry upon the tax books transfers of real estate as required by law.

So as to make the clause read:

For contingent expenses of the government of the District of Columbia, namely: For printing, checks, books, stationery; detection of frauds on the revenue; repairs of market houses, painting; surveying instruments and implements, drawing materials; binding, rebinding, repairing, and preservation of records; maintaining and keeping in good order the laboratory and apparatus in the offices of the inspector of gas and meters and the inspector of asphalt and cement; damages; care of horses not otherwise provided for, horseshoeing; fuel, ice, gas, repairs, insurance, repairs to pound and vehicles, and other general necessary expenses of District offices, including the sinking-fund office, office of the superintendent of charities, harbor master, health department, surveyor's office, sealer of weights and measures' office, and police court, $24,000; and the Commissioners shall so apportion this sum as to prevent a deficiency therein: *Provided*, That horses and vehicles appropriated for in this act shall be used only for official purposes: *And provided further*, That the recorder of deeds shall make no charge for reporting to the assessor of the District of Columbia for entry upon the tax books transfers of real estate as required by law.

Mr. SHERMAN. I wish to call the attention of the Senator from Colorado to the last provision. It is very proper indeed, but it ought to go a little further and make it the duty of the recorder of deeds to report the transfer of property to the proper officer of the District of Columbia. This provision does not seem to make it the duty of the recorder of deeds to make such a report, and I know a good deal of difficulty has occurred by the failure to give notice of transfers.

Mr. COCKRELL. We can not hear upon this side one word the Senator from Ohio is saying.

Mr. SHERMAN. I am referring to the amendment on page 10, beginning in line 18, which provides "that the recorder of deeds shall make no charge for reporting to the assessor of the District of Columbia for entry upon the tax books transfers of real estate as required by law." I wish to inquire whether there is any law which requires the recorder of deeds to give notice of the transfer of real estate, because I know a good deal of difficulty has occurred by a failure to give proper notice. I therefore suggest to add: "And it shall be the duty of said recorder to make such report."

Mr. TELLER. I can not state whether there is any such law. The Commissioners suggested this amendment, and I supposed there was a law which required the recorder to make the report. But there can be no objection to the amendment suggested by the Senator.

Mr. SHERMAN. The recorder of deeds is mentioned. Let it read:

And it shall be his duty to report to the Commissioners of the District all transfers of real estate when made.

Mr. TELLER. If it is not exactly right it can be fixed in conference.

The VICE-PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. At the end of line 21 add:

And it shall be the duty of the recorder of deeds to report to the Commissioners of the District all transfers of real estate when made.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 11, line 6, to increase the appropriation for rent of District offices from $7,000 to $10,000.

The amendment was agreed to.

The next amendment was, on page 11, after line 20, to insert:

For purchase of site and erection of morgue, $12,000.

The amendment was agreed to.

The next amendment was, on page 11, line 25, before the word "hundred," to strike out "one thousand nine" and insert "two thousand five"; so as to make the clause read:

For general advertising, authorized and required by law, and for tax and school notices and notices of changes in regulations, $2,500.

The amendment was agreed to.

The next amendment was, on page 12, line 4, before the word "thousand," to strike out "seven" and insert "eight"; so as to make the clause read:

For advertising notice of taxes in arrear July 1, 1896, as required to be given by act of March 19, 1890, $8,000, to be reimbursed by a charge of $1.20 for each lot or piece of property advertised.

The amendment was agreed to.

The next amendment was, on page 12, line 11, before the word "thousand," to strike out "two" and insert "four"; and in line 12, after the word "available," to insert:

Provided, That the employees in the office of the assessor may be assigned to duty in the preparation of said numerical books in addition to their regular duties, and may be allowed a reasonable compensation for said additional services from said appropriation.

So as to make the clause read:

To enable the assessor to transcribe the general assessment and prepare the numerical book, $4,000, the same to be immediately available: *Provided*, That the employees in the office of the assessor may be assigned to duty in the preparation of said numerical books in addition to their regular duties, and may be allowed a reasonable compensation for said additional services from said appropriation.

The amendment was agreed to.

The next amendment was, on page 12, line 21, after the word "dollars," to insert "to be immediately available"; so as to make the clause read:

To enable the Commissioners to have plats of subdivisions of the squares in that portion of Washington formerly known as Georgetown photolithographed, $346, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 13, line 6, to increase the appropriation for plats of subdivisions outside of Washington and Georgetown from $1,500 to $2,500.

The amendment was agreed to.

The next amendment was, on page 13, after line 7, to insert:

Extension of highways: To pay the expenses of completing a plan for the extension of a permanent system of highways in conformity with the "Act to provide a permanent system of highways in that part of the District of Columbia lying outside of cities," approved March 2, 1893, $12,500, to be paid wholly out of the revenues of the District of Columbia: *Provided*, That of this sum so much as may be necessary may be expended by the Commissioners of the District of Columbia for the preparation of plans, in part, and for reports by Frederick Law Olmstead, or other eminent landscape architect, on the said extension of a permanent system of highways. And the Commissioners of the District of Columbia are authorized, in preparing such plan, to lay out parkways leading toward or connecting grand parks, and to so modify the recorded plan of the first section that the Piney Branch and Spring Road parkway may be of width not exceeding 250 feet.

Mr. CHANDLER. I ask that the words of the amendment after the word "highways," in line 20, may be reserved.

Mr. TELLER. Then let the amendment be passed over.

Mr. CHANDLER. The first part may be adopted.

Mr. TELLER. Then I will ask to have the first part adopted down to the word "highways," in line 20, and the rest will be left open.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the committee to the word "highways," in line 20.

The amendment was agreed to.

The VICE-PRESIDENT. The last clause of the amendment will be read.

The Secretary read as follows:

And the Commissioners of the District of Columbia are authorized, in preparing such plan, to lay out parkways leading toward or connecting grand parks, and to so modify the recorded plan of the first section that the Piney Branch and Spring Road parkway may be of width not exceeding 250 feet.

The VICE-PRESIDENT. This amendment will be passed over at the request of the Senator from New Hampshire [Mr. CHANDLER].

The next amendment was to insert at the top of page 14:

For advertising and court expenses necessary for the execution of the act entitled "An act to provide a permanent system of highways in that part of the District of Columbia lying outside of cities," approved March 2, 1893, $14,000.

The amendment was agreed to.

The next amendment was, on page 14, after line 5, to insert:

Payment for lots, Potomac River Flats: For payment of the owners of the lots and parts of lots referred to in the decrees passed by the supreme court of the District of Columbia, in the case of the United States *vs.* Morris and others, and located in squares 63, 89, 129, and 148, in the city of Washington, in said District, which lots and parts of lots have been included within the

limits of the improvement of the Potomac River and its flats, in charge of the Secretary of War, $26,684.09; which payment shall be made to and received by the respective owners of such lots and parts of lots in full discharge, acquittance, and release by such owners to the United States of all their right, title, interest, and claims of every description, as well in the soil of such lots and parts of lots, as of all claim of such owners on account of impairment or injury to any rights whatsoever therein claimed or suffered by such owners from the filling in of such lots and parts of lots and their inclusion within the limits of said improvement; and which payment shall be made upon orders of the said court to the persons who have already been determined by the said court to be the owners of some of the said lots and parts of lots, and also to the persons who shall hereafter be determined by said court to be the owners of the residue of said lots and parts of lots; such orders to be passed from time to time upon application to the court therefor, by the several persons so determined, or who may be hereafter determined to be such owners; the appropriation herein made to be immediately available for the purposes specified.

Mr. TELLER. By direction of the committee I offer an amendment to the amendment, to come in directly after the word "specified" in line 10.

The VICE-PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. After the word "specified," in line 10, page 15, it is proposed to insert:

That the entire area formerly known as the Potomac Flats and now being reclaimed, together with the tidal reservoirs, be, and the same are hereby, made and declared a public park, under the name of the Riverside Park, and to be forever held and used as a park for the recreation and pleasure of the people.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 15, line 13, to increase the appropriation for assessment and permit work from $125,000 to $165,000.

The amendment was agreed to.

The next amendment was, on page 15, under the head of "Improvements and repairs," in line 17, to increase the appropriation for work on streets and avenues named in Appendix X, Book of Estimates, 1897, from $100,000 to $284,000.

The amendment was agreed to.

The next amendment was, on page 15, line 22, to increase the appropriation for the Georgetown schedule from $9,000 to $22,720.

The amendment was agreed to.

The next amendment was, on page 16, line 1, to increase the appropriation for the northwest section schedule from $80,000 to $107,920.

The amendment was agreed to.

The next amendment was, on page 16, line 4, to increase the appropriation for the southwest section schedule from $15,000 to $36,920.

The amendment was agreed to.

The next amendment was, on page 16, line 6, to increase the appropriation for the southeast section schedule from $23,000 to $53,960.

The amendment was agreed to.

The next amendment was, on page 16, line 8, to increase the appropriation for the northeast section schedule from $23,000 to $62,480.

The amendment was agreed to.

The next amendment was, on page 16, after line 11, to insert:

For paving Florida avenue, south side, from Connecticut avenue to Eighteenth street, $6,000.

The amendment was agreed to.

The next amendment was, on page 16, after line 18, to insert:

For paving P street northeast, from North Capitol street to Florida avenue, $7,500.

The amendment was agreed to.

The next amendment was, on page 16, line 19, before the word "cents," to strike out "seventy-five" and insert "ninety," and on page 17, line 2, after the word "dollars," to insert "and fifteen cents"; so as to make the clause read:

That under appropriations contained in this act no contract shall be made for making or repairing concrete or asphalt pavement at a higher price than $1.90 per square yard for a quality equal to the best laid in the District of Columbia prior to July 1, 1895, and with same depth of base: *Provided*, That these conditions as to price and depth of base shall not apply to those streets on which, in the judgment of the Commissioners, by reason of heavy traffic, poor foundation, or other causes, a pavement of more than ordinary strength is required, in which case the limit of price may be increased to $2.15 per square yard.

The amendment was agreed to.

The next amendment was, on page 17, in line 16, to increase the appropriation for cleaning and repairing sewers and basins from $45,000 to $50,000.

The amendment was agreed to.

The next amendment was, on page 17, line 22, to increase the appropriation for suburban sewers from $18,520 to $121,000.

The amendment was agreed to.

The next amendment was, on page 17, after line 22, to insert:

For constructing the Fifteenth street and F street portion of the F street and Easby's Point intercepting sewer, $87,000.

The amendment was agreed to.

The next amendment was, at the top of page 18, to insert:

For sewer in Fifteenth street extended, between Columbia road and Kenesaw avenue, $1,000; and authority is hereby given the Commissioners of the District to lay a water main in said street between the points named if found necessary.

The amendment was agreed to.

The next amendment was, on page 18, line 9, to increase the appropriation for the continuation of the Rock Creek and B street intercepting sewer from $40,000 to $190,000.

The amendment was agreed to.

The next amendment was, on page 18, line 11, after the word "dollars," to insert "to be immediately available"; so as to make the clause read:

For completion of the Eckington Valley sewer, $17,000, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 18, line 14, to increase the appropriation for the completion of the Kenesaw avenue sewer from $4,000 to $5,000.

The amendment was agreed to.

The next amendment was, on page 18, line 17, to increase the appropriation for condemnation of rights of way for construction, maintenance, and repairs of public sewers from $1,000 to $2,000.

The amendment was agreed to.

The next amendment was, on page 19, line 5, after the word "collected," to insert:

Provided, That no street railroad company in the District of Columbia shall be permitted to run cars over any part of the route of any underground electric or cable road by a route or routes not specified in its charter or specifically described in amendments thereto, except by authority of Congress hereafter to be granted.

Mr. HARRIS. I ask the Senator from Colorado to allow this amendment to be passed over for the present. The District Committee may wish to express a desire to put the amendment into somewhat different form.

Mr. TELLER. We will let the amendment be passed over.

The VICE-PRESIDENT. The amendment will be passed over.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 19, line 15, to increase the appropriation for repairs to county roads from $40,000 to $60,000.

The amendment was agreed to.

The next amendment was, on page 19, line 24, under the head of "Construction of county roads," to increase the appropriation for grading and regulating Sherman avenue and Roanoke and Irving streets from $10,000 to $12,000.

The amendment was agreed to.

The reading of the bill was continued to the end of line 8, on page 20.

Mr. TELLER. After the word "that," in line 5, page 20, I move to insert what I send to the desk.

The SECRETARY. In line 5, page 20, after the word "that," it is proposed to insert:

No part of the amount hereby appropriated shall be expended on Sherman avenue until.

So as to make the proviso read:

Provided, That no part of the amount hereby appropriated shall be expended on Sherman avenue until the owners thereof dedicate to the District of Columbia the ground for widening Sherman avenue in conformity with the adopted and recorded plans of highway extensions.

Mr. SHERMAN. There ought to be some provision, if this clause is adopted, requiring the United States—because it owns a large portion of the land along Sherman avenue—to surrender a portion of its land in order to widen the street.

Mr. TELLER. The attention of the committee was not called to the necessity of anything of that kind.

Mr. SHERMAN. There is a necessity——

Mr. TELLER. The Senator from Ohio can move an amendment to cover it. I have no knowledge on the subject myself.

Mr. ALLISON. Does the Senator from Ohio allude to the particular tract which is set aside for the hospital?

Mr. SHERMAN. Yes.

Mr. ALLISON. That belongs to the District of Columbia.

Mr. SHERMAN. It belongs to the District of Columbia or the United States of America.

Mr. ALLISON. It belongs to the District of Columbia.

Mr. TELLER. The amendment I have just offered was suggested by the Commissioners. They suggested no further amendment.

Mr. SHERMAN. I have no objection to the amendment. I merely mention this difficulty. There ought to be authority in some one, the District Commissioners or the President——

Mr. TELLER. If the District owns the land, it is all right. If the United States owns it, there ought to be some such provision.

Mr. SHERMAN. My impression is that it is owned by the Garfield institution, which is a corporation.

Mr. TELLER. If it is the property of the Garfield Hospital, it will come under the provision we put in.

Mr. CHANDLER. I should like to ask the Senator from Ohio

whether the adopted and recorded plans of highway extensions described in the last line of the clause do not take in the District land which he thinks should be included? I have an impression that the adopted and recorded plats of highway extensions cover the land which the Senator from Ohio desires to see made a part of the avenue, but that this clause is necessary to compel the landowners within the recorded limits to convey their title in order that the avenue may be opened to the full width. If the recorded plats cover the District land, they take it. If they cover United States land, they take it. It is only the private owners who are required to convey.

Mr. TELLER. It appears from an examination of the last act that the hospital own this land, and it was provided that they should dedicate it. They did so, and we have gone through a building, and there is an item of $7,500 in the bill for the damage done to the building.

Mr. SHERMAN. That has been done under existing law?

Mr. TELLER. Under the law of last year.

Mr. SHERMAN. Probably that covers it.

Mr. TELLER. There does not seem to be any necessity for further action.

The VICE-PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from Colorado [Mr. TELLER].

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 20, after line 8, to insert:

For taking down brick building on the northeast corner of Garfield Memorial Hospital grounds, the removal of which has been made necessary by reason of the widening and grading of Sherman avenue at that point, and constructing another building on said premises to take its place, $7,500.

The amendment was agreed to.

The next amendment was, on page 20, after line 14, to insert:

For grading and regulating Columbia road, Sixteenth street northwest extended, Prospect street, Crescent street, Superior street, Erie street, Central street, Meridian and Ontario avenues, Meridian Hill: Continuing improvement, $5,000.

The amendment was agreed to.

The next amendment was, on page 20, after line 19, to insert:

For paving Connecticut avenue and Columbia road between Florida avenue and Wyoming street, $6,000.

The amendment was agreed to.

The next amendment was, on page 20, after line 22, to insert:

For grading Massachusetts avenue extended, $10,000.

The amendment was agreed to.

The next amendment was, on page 20, after line 24, to insert:

For grading and graveling Albemarle street and opening same by purchase or condemnation to Grant road: Continuing improvement, $9,000.

The amendment was agreed to.

The next amendment was, on page 21, after line 2, to insert:

For grading Illinois avenue, $2,500.

Mr. TELLER. I am directed by the committee to move to amend the amendment by striking out "$2,500" and inserting "$5,000"; so as to read:

For grading Illinois avenue, $5,000.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 21, after line 4, to insert:

For grading Michigan avenue, $5,000.

The amendment was agreed to.

The next amendment was, on page 21, after line 5, to insert:

For paving Harewood avenue from Maple to Spruce street, $3,000.

The amendment was agreed to.

The next amendment was, on page 21, after line 7, to insert:

For grading Twenty-second and Twenty-fourth streets, Langdon, $4,000.

The amendment was agreed to.

The next amendment was, on page 21, after line 9, to insert:

For grading and regulating Twelfth street extended from Florida avenue to Mount Olivet road, $10,000.

The amendment was agreed to.

The next amendment was, on page 21, after line 12, to insert:

For grading and graveling Pierce and High streets, Anacostia, from Jefferson to Maple, provided the land necessary to unite these streets be first dedicated, $3,000.

The amendment was agreed to.

The next amendment was, on page 21, after line 15, to insert:

For grading and graveling Pennsylvania avenue extended and Branch avenue, $10,000.

The amendment was agreed to.

The next amendment was, on page 21, after line 17, to insert:

For grading and regulating Emporia and Frankfort streets, $4,500.

The amendment was agreed to.

Mr. TELLER. After line 19, page 21, I am directed by the committee to offer the amendment which I send to the desk.

The PRESIDING OFFICER (Mr. THURSTON in the chair). The amendment will be stated.

The SECRETARY. On page 21, after line 19, it is proposed to insert:

For grading and graveling Kenesaw avenue and Park road, $5,000: *Provided*, That Park road, or Park highway, between Kenesaw avenue and Klingle road be dedicated to the District of Columbia for conformity with the adopted and recorded plans of highway extensions.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, on page 21, after line 19, to insert:

For paying court expenses and fees of commissioners and paying for ground taken and damages to property to open and extend Thirty-seventh street, between Back street and Tennallytown road, at or near Schneider lane, as per plat and proceedings already had in the supreme court of the District of Columbia and award of court commissioners made therein, $9,000, or so much thereof as may be necessary, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 22, line 6, after the word "all," to strike out "twenty-five thousand" and insert "one hundred and fifteen thousand five hundred"; so as to make the clause read:

For grading and regulating Yale, Bismark, Princeton, Harvard, and Columbia streets, between Seventh and Fourteenth streets, $15,000; in all, $115,500.

The amendment was agreed to.

The next amendment was, on page 22, line 10, to increase the appropriation for sprinkling, sweeping, and cleaning streets, etc., from $146,000 to $165,450.

The amendment was agreed to.

The next amendment was, on page 22, line 18, to increase the appropriation for contingent expenses of the parking commission from $17,000 to $22,000.

The amendment was agreed to.

The next amendment was, on page 23, line 1, before the word "thousand," to strike out "twenty-two" and insert "seventy-five"; in line 3, before the words "per annum," to strike out "$16" and insert "$30.50"; in line 5, after the word "act," to strike out:

Provided, That all of said lamps shall burn every night, on the average, from forty-five minutes after sunset to forty-five minutes before sunrise.

And insert "and said lamps shall burn not less than 3,000 hours per annum"; in line 9, after the word "*Provided*," to strike out "*further*"; and in line 15, after the word "hour," to strike out:

Provided further, That the entire service of gas lighting authorized under this appropriation shall be let, after due advertisement, to the lowest responsible bidder therefor: *Provided further*, That no contract shall be made for gas lighting at a price exceeding the rates hereinbefore specified.

So as to make the clause read:

Lighting: For illuminating material, lighting, extinguishing, repairing, and cleaning public lamps on avenues, streets, roads, and alleys; purchasing and expense of erecting new lamp-posts, street designations, lanterns, and fixtures; moving lamp-posts, painting lamp-posts and lanterns; replacing and repairing lamp-posts and lanterns damaged or unfit for service; for storage and cartage of material, $175,000: *Provided*, That no more than $30.50 per annum for each street lamp shall be paid for gas or oil, lighting, extinguishing, repairing, painting, and cleaning, under any expenditure provided for in this act, and said lamps shall burn not less than three thousand hours per annum: *Provided*, That before any expenditures are made from the appropriations herein provided for the contracting gas companies shall equip each street lamp with a self-regulating burner and tip, so combined and adjusted as to secure, under all ordinary variations of pressure and density, a consumption of 6 cubic feet of gas per hour.

The amendment was agreed to.

The next amendment was, on page 23, after line 20, to strike out:

That the Washington Gas Light Company and all other gaslight companies doing business in the District of Columbia are authorized to charge and collect, after the passage of this act, for illuminating gas furnished to and paid for by the Government of the United States and other consumers in the District of Columbia at the rate of not exceeding 75 cents per thousand cubic feet, except that gas consumed in public lamps for lighting streets, highways, and public grounds in the District of Columbia shall be paid for at such rates as Congress may from time to time prescribe: *Provided*, That if consumers other than the Government shall not pay monthly any gas bill within ten days after the same shall have been presented, said company may charge and collect from said consumer so failing to pay said bill as aforesaid $1 per thousand cubic feet for the gas furnished to said consumer during said month.

Mr. KYLE. I should like to ask the Senator from Colorado [Mr. TELLER] if an amendment is to be offered at this point by the committee. I understood that the result of yesterday's vote was to be incorporated in the pending bill.

Mr. TELLER. No; I do not suppose that, being a House bill, anything is to be done as to this bill by the committee. I do not know what individual Senators may choose to do.

Mr. KYLE. I understood the Senator from West Virginia [Mr. FAULKNER] to say so. That is all.

Mr. FAULKNER. I stated that it was necessary, before the consideration of this bill was begun, to pass upon the question as embodied in the House bill, which was then before the Senate. That bill is now in conference, and we hope to have it become a law in a very short time. But that bill does not affect the question of street lighting. That is always controlled annually by the appropriations made by Congress.

Mr. KYLE. I understand that. I refer to the latter part of the amendment on page 23.

Mr. FAULKNER. Of course we expect that the subject will be controlled by the bill which has passed both Houses as to private consumers.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the Committee on Appropriations.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 24, line 17, before the word "dollars," to strike out "forty-three thousand six hundred" and insert "fifty-nine thousand one hundred and seventy"; in line 18, before the word "cents," to strike out "28" and insert "38"; in line 19, after the word "burning," insert "on an average"; and on page 25, line 2, after the word "Washington," to strike out:

Provided further, That the entire service of electric lighting authorized under this appropriation shall be let, after due advertisement, to the lowest responsible bidder therefor: *Provided further*, That no contract shall be made for electric arc lighting at a price exceeding the rate hereinbefore specified.

So as to make the clause read:

For electric arc lighting, including necessary inspection, in those streets now lighted with electric arc lights in the city of Washington, and for necessary extensions of such service, $59,170: *Provided*, That not more than 38 cents per night shall be paid for any electric arc light burning on an average from forty-five minutes after sunset to forty-five minutes before sunrise, and operated wholly by means of underground wires; and each arc light shall be of not less that 1,000 actual candlepower, and no part of this appropriation shall be used for electric lighting by means of wires that may exist on or over any of the streets or avenues of the city of Washington.

Mr. KYLE. I should like that to be left as the House put it, 28 cents per night for each arc light. At 28 cents per night it figures out $102.20 a year for an arc light of 1,000 candlepower. At 38 cents, the price fixed by the Senate committee, the price would be $138.70 per arc light of 1,000 candlepower. I have a list of 131 cities in the United States where private companies operate, the same as they do here, and the average price is one hundred and twenty-one dollars and a fraction for lights of 2,000 candlepower.

Mr. TELLER. The representatives of the company appeared before the committee, and the committee did not think it was wise to put it down to 28 cents. They did not believe it could be done.

Mr. KYLE. If it is done in other cities it ought to be done here.

Mr. TELLER. I think it can be done at 38 cents. I should doubt whether it could be done with any profit at 28 cents.

Mr. GALLINGER. The matter will be in conference.

Mr. KYLE. What is the present figure, may I ask?

Mr. TELLER. Forty cents.

Mr. KYLE. Forty cents would be nearly $145 per year for a thousand candlepower. If the average price in 131 cities, by private companies remember, is but $121 for 2,000 candlepower, I do not understand why it can not be done here with a thousand candlepower for $102.

Mr. HARRIS. If the Senator from South Dakota will allow me, I would suggest to him that the gas bill which passed the Senate yesterday passed with various amendments which have gone to conference.

Mr. KYLE. This amendment refers to electric lighting.

Mr. HARRIS. I though it was in reference to the gas question, and I was going to suggest to the Senator that, that bill having gone to conference, this bill will necessarily go to conference, and it is to be hoped that the other matter will be disposed of before this bill is disposed of, and then this bill be made to conform, I take it for granted, to what may be the result of the legislation on the gas question. I thought we were dealing with the gas question, and not with the question of electric lighting.

Mr. TELLER. I would say that it was supposed by the committee that both the question of gas and electric lighting in the District would be disposed of by the action of the two Houses of Congress outside of the District appropriation bill. That, of course, will govern us, and we shall try to conform the appropriation bill, as far as possible, to the action taken on that bill.

Mr. FAULKNER. Let me state to the Senator from Colorado that there has never been any bill before the District Committee on the subject of electric lighting, I mean as to the price of electric lighting, or anything of that kind. In fact, I think it never heard any complaint in reference to the cost of electric lights in the city of Washington; and for that reason, I suppose, there has never been any bill before the District Committee on that subject.

Mr. GORMAN. If the Senator from South Dakota will permit me, I will state that during the last Congress this very question came up when I had charge of the District of Columbia appropriation bill, and I went through the matter very thoroughly as to the cost of electric lighting here compared with the other cities in the immediate vicinity, and I am perfectly satisfied that at 38 cents per thousand a night it will be impossible for this company, on a fair capital, with the actual capital invested, and with the cost they are obliged to incur for laying conduits, to make a profit of over 7 or 8 per cent. Judging from the price paid here compared with that paid in the adjoining city of Baltimore, this is about the same rate, taking into consideration the fact that the company here are required in all cases to put their wires under ground, which will cost $10,000 a mile in this city, which we require them to expend, as we do in the case of the gas company, not as a matter of business policy for themselves, but as directed by the Commissioners, so as to have the conduits laid in advance of the improvement of the streets.

I think this is a very low rate, and I will say to the Senator there is no human being in the District of Columbia who uses electricity who has complained of the price.

Mr. KYLE. I presume not. I merely referred to the street arc electric lighting, for which all the people of the United States are taxed; it is a matter which concerns all the taxpayers; and it occurred to me as a question of economy, if other cities were furnished this light for $121 for 2,000 candlepower, it ought to be furnished here at a similar rate.

Mr. GALLINGER. It is desirable that we should have accurate information on this subject.

Mr. KYLE. I have accurate information from 131 cities.

Mr. GALLINGER. I want to call the attention of the Senator from South Dakota to some later information than he has. The National Electric Convention was held in New York City from the 3d to the 6th day of May, 1896—only a few days ago. In that convention there were 10,000 electric light companies represented. If the Senator will go to the record he will find that it was shown that the average price for arc lights with overhead wires of those 10,000 companies is 41.7 cents per night. That is precisely what was developed in that meeting in New York City a few days ago.

Mr. KYLE. If the Senator will allow me just there, the average price, he says, given in that journal is 41 cents and a fraction.

Mr. GALLINGER. Forty-one and seven-tenths.

Mr. KYLE. That is the same sort of argument the Senator indulged in yesterday, arguing that as other cities had charged more, therefore more should be charged here.

Mr. GALLINGER. I will take care of my own argument. I do not require any supervision on the part of the Senator from South Dakota.

Mr. KYLE. Let me say that that argument amounts to nothing.

Mr. GALLINGER. The Senator said that yesterday, but it did not affect the vote.

Mr. KYLE. If we prove that in other cities the charge is less, then certainly we have a right to ask you to prove that a lower charge than is proposed shall be made here.

Mr. GALLINGER. I desire to restate my statement, and the Senator in his own time can make his own speech. I do not care to have him inject it into mine.

I want to repeat that in the electric light convention in New York City, held from the 3d to the 6th day of May, 1896, there were 10,000 electric light companies represented, and it was shown there that the average for every arc light per night for those 10,000 companies is 41.7 cents, while in Washington we have been paying 40 cents, and it is proposed by the Senate committee to reduce it to 38 cents.

The Senator from Maryland [Mr. GORMAN] has well said that in the city of Washington our electric-light wires are in conduits under ground, and that it has cost the company here some $10,000 a mile to place them there, while in the other 10,000 cities there is scarcely an instance of a single mile of electric-light wire under ground, and it seems to me extraordinary—this company doing business here, and having placed their wires under ground because Congress commanded them to do so, and having very courteously and very gracefully obeyed the mandate of Congress in this respect—that we should undertake to make them furnish electric lights for 13 cents for every arc light per night less than the average in the 10,000 cities of the country represented in that convention, where their wires are strung overhead at $10,000 a mile less than it cost to put them under ground.

Mr. KYLE. I do not intend to argue this question at length to-day, as I argued the gas question, because I know everything goes here as the companies want them to go; but here are some facts: I do not care whether 10,000 electric light companies gather together and hold a national convention or not; I do not care whether they arrange for a combination of prices all over the United States or not. I presume the greater the convention the more liability there is to be a combination to fix higher prices in the cities of the United States. I do know, though, from investigation and from authoritative sources, that in 131 cities in the United States there is an average charge of $121 per year for 2,000 candlepower, which is twice the candlepower required of this company by this bill.

I know also by investigation that in 24 cities in the United States which own their electric-light plants—municipal ownership—that the prices there, not for 1,000 candlepower, but for 2,000 candlepower, is $26 per year, as against $138 required in this bill. Making due allowance, if need be, for putting all the wires under ground in conduits at $10,000 a mile, I think the difference between $26 per year for each light and $138 per light is sufficient to cover it. That is all I care to say.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of

the Committee on Appropriations was, on page 25, after line 7, to strike out:

That hereafter the United States Electric Light Company or any other electric light company doing business in the District of Columbia shall not charge or collect from the United States or any other consumer of electric arc or incandescent lights or electricity for power prices exceeding 75 per cent of prices charged for such lights and power on the 1st day of January, 1896, in the said District of Columbia.

The amendment was agreed to.

The next amendment was, on page 25, after line 20, to strike out:

For new sponsons, new deck, and raising house on harbor boat, $900.

The amendment was agreed to.

The next amendment was, on page 25, after line 22, to insert:

For new fire, ice, and wrecking boat, $50,000.

The amendment was agreed to.

The next amendment was, on page 26, line 12, to increase the appropriation "for purchase, replacement, and repair of public pumps" from $7,000 to $10,000.

The amendment was agreed to.

The next amendment was, on page 26, after line 21, under the head of "Washington Aqueduct," to insert:

For protecting the inlet to the aqueduct at Great Falls, $5,000.

The amendment was agreed to.

The next amendment was, at the top of page 27, to insert:

Washington Aqueduct tunnel: The Secretary of War is hereby authorized and directed to resume work on the Washington Aqueduct tunnel and its accessories and the Howard University Reservoir, authorized by section 2 of the act approved July 15, 1882, entitled "An act to increase the water supply of the city of Washington, and for other purposes," and to prosecute and complete the same; the work on the said tunnel and accessories to be carried on in accordance with the plans of the board of experts as set forth in its report dated January 17, 1896, House Document No. 166, Fifty-fourth Congress, first session, which plans have been approved by the Chief of Engineers and the Secretary of War. And to carry out the provisions of said act and this paragraph the balance remaining unexpended from the appropriations made by the said act of July 15, 1882, and by subsequent acts for said purpose, amounting to $266,746.38, is hereby reappropriated, to be advanced out of the revenues of the United States, and not subject to the conditions of the capital account created by the act of July 15, 1882, and the sum of $266,746.38 is also hereby appropriated out of the surplus general revenues of the District of Columbia, to be applied to such parts of the works, and in such order as to time, as the Secretary of War may deem necessary to promote as soon as practicable the completion of the entire system of said works: *Provided*, That the sum herein set apart and appropriated shall be expended under the direction of the Secretary of War and the supervision of the Chief of Engineers; and the work shall be carried on by contract or otherwise, as the Secretary of War may deem best for the public interests.

Mr. TELLER. I desire to amend the amendment of the committee in line 20, on page 27, by striking out the word "seven," before the word "hundred," and inserting "five," that being the amount of the surplus, and there being an error in the amendment. Then, in line 25 of the amendment, on the same page, before the word "hundred," I move to strike out "seven" and insert "five"; on page 28, line 3, after the word "Columbia," to insert "said sums"; and in line 6, to change the word "sum" to "sums."

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. It is proposed to amend the amendment on page 27, line 20, before the word "hundred," by striking out "seven" and inserting "five"; in line 25, before the word "hundred," by striking out "seven" and inserting "five"; in line 3, on page 28, after the word "Columbia," by inserting "said sums"; and at the end of line 6, after the words "that the," by striking out "sum" and inserting "sums"; so as to read:

And to carry out the provisions of said act and this paragraph the balance remaining unexpended from the appropriations made by the said act of July 15, 1882, and by subsequent acts for said purpose, amounting to $266,546.38, is hereby reappropriated, to be advanced out of the revenues of the United States, and not subject to the conditions of the capital account created by the act of July 15, 1882; and the sum of $266,546.38 is also hereby appropriated out of the surplus general revenues of the District of Columbia, said sums to be applied to such parts of the works, and in such order as to time, as the Secretary of War may deem necessary to promote as soon as practicable the completion of the entire system of said works: *Provided*, That the sums herein set apart, and appropriated shall be expended under the direction of the Secretary of War and the supervision of the Chief of Engineers, etc.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the head of "Public schools," on page 28, line 17, before the word "hundred," to strike out "two" and insert "four"; and in line 22, after the word "thousand," to insert "two hundred"; so as to make the clause read:

For officers: For superintendent first six divisions, $3,300; superintendent seventh and eighth divisions, $2,250; clerk to superintendent of first six divisions and secretary to board of trustees, $1,400; clerk to superintendent of seventh and eighth divisions, $800; messenger to superintendent first six divisions, $300; messenger to superintendent seventh and eighth divisions, $200; in all, $8,250.

The amendment was agreed to.

The next amendment was, on page 29, line 6, after the word "For," to strike out "twenty" and insert "twenty-four"; so as to make the clause read:

For twenty-four, at $1,200 each.

The amendment was agreed to.

The next amendment was, on page 29, line 9, after the word "For," to strike out "sixty-one" and insert "fifty-eight"; so as to make the clause read:

For fifty-eight, at $1,000 each.

The amendment was agreed to.

The next amendment was, on page 29, line 11, after the word "For," to strike out "nineteen" and insert "eighteen"; so as to make the clause read:

For eighteen, at $900 each.

The amendment was agreed to.

The next amendment was, on page 30, line 11, to increase the total appropriation for maintenance of public schools from $734,875 to $735,775.

The amendment was agreed to.

The next amendment was, under the head of "For janitors and care of buildings and grounds," on page 30, after line 21, to insert:

For janitor, who shall be an engineer and machinist, of manual training school, Central High School, $1,200.

The amendment was agreed to.

The next amendment was, on page 32, line 4, before the word "hundred," to strike out "five" and insert "six"; so as to make the clause read:

Of the Adams, Addison, Ambush, Amidon, Anthony, Bowen, Arthur, Banneker, Bell, Blair, Blake, Bradley, Brent, Briggs, Buchanan, Carberry, Corcoran, Cranch, Fillmore, Garrison, Giddings, Harrison, Jackson, Johnson, Jones, Lenox, Logan, McCormick, Madison, Magruder, Maury, Monroe, Morse, Patterson, Phelps, Pierce, Phillips, Polk, Slater, Smallwood, Taylor, Towers, Twining, Tyler, Van Buren, Weightman, Wormley, and Wilson buildings, and the 6 new eight-room buildings, 53 in all, at $900 each.

The amendment was agreed to.

The next amendment was, on page 32, line 17, to increase the total appropriation for care of smaller buildings and rented rooms from $57,731 to $64,231.

The amendment was agreed to.

The next amendment was, on page 32, line 19, to increase the appropriation for rent of school buildings and repair shop from $12,500 to $13,100.

The amendment was agreed to.

The next amendment was, on page 32, line 21, to increase the appropriation for repairs and improvements to school buildings and grounds from $31,000 to $33,000.

The amendment was agreed to.

The next amendment was, on page 32, line 24, to increase the appropriation for the purchase of tools, machinery, material, and apparatus to be used in connection with instruction in manual training from $8,000 to $10,000.

The amendment was agreed to.

The next amendment was, on page 33, line 1, to increase the appropriation for fuel from $35,000 to $36,500.

The amendment was agreed to.

The next amendment was, on page 33, line 22, to increase the appropriation for text-books and school supplies for use of pupils of the first eight grades from $35,000 to $40,000.

The amendment was agreed to.

The next amendment was, on page 34, after line 2, to insert:

For additional ground and reconstructing Anthony Bowen School building, $82,000.

The amendment was agreed to.

The next amendment was, on page 34, after line 4, to insert:

For one four-room school building, Langdon, $10,000.

The amendment was agreed to.

The next amendment was, on page 34, after line 6, to insert:

For one four room addition to Benning School (white), $10,000.

The amendment was agreed to.

The next amendment was, on page 34, after line 8, to insert:

For one four-room school building, Hilladale, to be erected on the Binney site, $10,000.

The amendment was agreed to.

The next amendment was, on page 34, after line 10, to insert:

For additional amount for construction of school building, sixth division B, Giesboro, so as to make same an eight-room building, $14,000.

The amendment was agreed to.

The next amendment was, on page 34, after line 13, to insert:

For one new two-room building and site on or near the line of Connecticut avenue extended, $5,000.

Mr. TELLER. I am directed by the Committee on Appropriations to move an amendment to the amendment on line 15, page 34, before the word "thousand," by striking out "five" and inserting "ten"; so as to make the amount $10,000.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 34, after line 15, to insert:

The appropriation of $8,000 for one new four-room building, sixth division A, Conduit road, made by the District appropriation act approved March 2, 1895, is hereby authorized to be used for the purchase of a site and the erection of said building.

The amendment was agreed to.

Mr. HAWLEY. I ask the Senator in charge of the bill whether

the provisions in italics on page 34 are the only provisions in the bill for new school buildings?

Mr. COCKRELL. Oh, no.

Mr. TELLER. The House of Representatives inserted provisions for some new buildings in the bill as it was sent to us.

Mr. HAWLEY. I do not refer to the Western High School building just below, where the appropriation is increased from $50,000 to $100,000; but I do not see any other provisions for new buildings except those which have been added by the Senate committee.

Mr. TELLER. If the Senator will look at the bottom of page 33 he will find a provision for reconstructing and adding to the Wallach School building, $22,000.

Mr. HAWLEY. Yes; I see that provision as to the Wallach School.

Mr. TELLER. The Senator will find a provision for a building in eighth division B of $1,400 a little higher up on page 33.

Mr. COCKRELL. There is also a provision at the top of page 34 for one eight-room building, northeast, $39,000.

Mr. HAWLEY. I see, beginning at the top of page 33, these provisions:

For furniture for new school buildings and additions to buildings, as follows: Eighth division B, eight rooms, $1,400;
Tenley, Brightwood, Brookland, and Congress Heights, four rooms, at $700 each, $2,800.

I think these are all the additions—only some three or four. I wish to ask the Senator about how many scholars these additions will provide for?

Mr. TELLER. I can not say how many they will provide for; but I am sorry to say they will not provide for as many children as ought to be provided for. The superintendent of public instruction states that there are now 10,000 children in the District who can only attend school part of the time because of the lack of educational facilities.

Mr. HAWLEY. Only half time.

Mr. TELLER. Yes; only half time. I would say that they are the smaller and younger children. We have heard considerable complaint about this matter, but whether this appropriation will be sufficient to provide the additional accommodations necessary I am not quite able to say, but this seems to be about all we can get.

Mr. HAWLEY. I think it is lamentable that this goes on from year to year, and we are continually met with the complaint that there is not room in the school buildings for the children of the city. The growth of the city is great in one sense, but it is not beyond our means to provide for it. If there be anything we ought to do, everybody will acknowledge it, is to provide school accommodations for all of the children of the District.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 34, line 23, before the word "construction," to strike out "toward the"; in line 24, before the word "thousand," to strike out "fifty" and insert "one hundred"; and on page 35, line 1, after the word "site," to strike out "under a contract which is hereby authorized therefor"; so as to make the clause read:

For site for and construction of a new building for the Western High School, $100,000, and the total cost of said Western High School building, including cost of site, shall not exceed $100,000.

The amendment was agreed to.

The next amendment was, under the head of "For Metropolitan police," on page 35, line 24, before the word "lieutenants," to strike out "three" and insert "four"; on page 36, line 10, before the word "privates," to strike out "two hundred and sixty-one" and insert "three hundred and six"; in line 12, before the word "privates," to strike out "one hundred and ninety-four" and insert "two hundred and twenty-four"; in line 21, before the word "drivers," to strike out "twenty-one" and insert "twenty-three"; and in line 23, after the word "all," to strike out "$553,480" and insert "$628,840"; so as to make the clause read:

For major and superintendent, $3,300; captain, $1,800; four lieutenants, inspectors, at $1,500 each; chief clerk, who shall also be property clerk, $2,000; clerk, $1,500; clerk, $900; four surgeons of the police and fire departments, at $540 each; for additional compensation for twelve privates detailed for special service in the detection and prevention of crime, $2,880, or so much thereof as may be necessary; nine lieutenants, at $1,320 each; thirty-one sergeants, at $1,140 each; three hundred and six privates, class 1, at $900 each; two hundred and twenty-four privates, class 2, at $1,080 each; twenty station keepers, at $720 each; eight laborers, at $480 each; laborer in charge of the morgue, $360; messenger, $700; messenger, $500; major and superintendent, mounted, $900; captain, mounted, $240; forty-three lieutenants, sergeants, and privates, mounted, at $240 each; twenty-three drivers, at $480 each; and three police matrons, at $600 each; in all, $628,840.

The amendment was agreed to.

The next amendment was, on page 36, line 25, after the word "dollars," to insert the following proviso:

Provided, That for a deficiency in the police or firemen's relief fund, the Commissioners of the District of Columbia are authorized and directed to deposit with the Treasurer of the United States, out of the receipts from fines in the police court, in order to meet such deficiency, a sum not to exceed $6,000 for the police fund, and $2,000 for the firemen's relief fund.

Mr. GORMAN. I offer as a substitute for the proviso the following:

Provided, That hereafter the Commissioners of the District of Columbia are hereby authorized and directed to deposit with the Treasurer of the United States, out of the receipts from fines in the police court, a sufficient amount to meet any deficiency in the police fund or the firemen's relief fund.

It will be observed by the Senate that the provision from the committee is for a specific amount, not to exceed $6,000 for the police fund and $2,000 for the firemen's relief fund, to be paid out of the fines of the police court; and on page 39 a provision has been inserted for the firemen's relief fund by assessing the firemen $1 a month each.

Mr. PLATT. There is no provision for assessing policemen?

Mr. GORMAN. No; but there is a rule by which they do assess them. For the firemen's relief fund there is an assessment of $1 from each of these men, who get a very small compensation, much less than in any of the other cities on the Atlantic Seaboard, and much less than in cities of less population, and where the responsibility is less than in Washington. Last year the Senate inserted a provision giving them a sufficient amount from the fines in the police court to have made a fund to have provided for these brave and gallant men; but we were not permitted by a coordinate branch to continue it longer than one year.

The sad and terrible catastrophe that occurred last night in view of us all makes it absolutely necessary that the provision which I have offered should be made permanent here, as it has been made permanent in all other cities that are well governed. I trust that the amendment will not only be adopted unanimously by the Senate, but that at the risk of the loss of the pending bill the Senate will stand by the provision and give this relief to the families of the gallant men who recently lost their lives and those who were injured, and of those who may be killed or maimed hereafter.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Maryland to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 37, line 20, to increase the appropriation for miscellaneous and contingent expenses, including stationery, etc., from $18,500 to $20,750.

The amendment was agreed to.

The next amendment was, on page 37, after line 21, to insert:

For extending the patrol system and changing the location of certain boxes, $3,500.

The amendment was agreed to.

The next amendment was, on page 38, line 1, to increase the total appropriation for Metropolitan police from $23,250 to $29,000.

The amendment was agreed to.

The next amendment was, under the head of "For the fire department," on page 38, line 12, before the word "watchmen," to strike out "six" and insert "ten"; in line 14, before the word "hundred," to strike out "forty thousand nine" and insert "forty-three thousand three"; so as to make the clause read:

FOR THE FIRE DEPARTMENT.

For chief engineer, $2,000; fire marshal, $1,000; clerk, $900; two assistant chief engineers, at $1,200 each; fifteen foremen, at $1,000 each; ten engineers, at $1,000 each; ten firemen, at $840 each; four tillermen, at $840 each; sixteen hostlers, at $840 each; one hundred and one privates, at $800 each; ten watchmen, at $600 each; in all, $143,300.

The amendment was agreed to.

The next amendment was, on page 38, line 14, after the word "dollars," to insert the following proviso:

Provided, That hereafter the Commissioners of the District of Columbia shall deduct $1 per month from the pay of each fireman, which sum so deducted shall be kept as a firemen's relief fund and be invested in United States or District bonds, and held in the manner provided by existing law in respect to the policemen's fund, and shall be used for the relief of any fireman who, having served not less than twelve months, shall by reason of injuries received or disease contracted in the line of actual fire duty, going to, at, or returning from a fire, or having served not less than fifteen years, shall become so permanently disabled as to be discharged from service therefor; and in the case of the death of such fireman from such injury or disease, leaving a widow or children under 16 years of age, for their relief: *Provided*, That no fireman shall be entitled to any of the benefits of this relief fund who may by reason of his own indiscretion bring on any injury or disease which may incapacitate him from the performance of his duties as a member of the fire department, or who shall be retired for such cause or causes: *Provided further*, That such relief shall not exceed, for any one fireman or his family, the sum of $50 per month; and a sum not exceeding $75 may be allowed from such fund to defray the funeral expenses of any fireman dying in the service of the District.

The amendment was agreed to.

The next amendment was, in the items for the fire department, on page 39, line 14, to increase the appropriation for repairs to engine-houses from $3,000 to $4,000.

The amendment was agreed to.

The next amendment was, on page 39, line 16, to increase the appropriation for repairs to apparatus, and new appliances, from $3,000 to $3,500.

The amendment was agreed to.

The next amendment was, on page 39, line 17, to increase the appropriation for purchase of hose from $6,000 to $7,000.

The amendment was agreed to.

The next amendment was, on page 39, line 18, to increase the appropriation for fuel from $3,000 to $4,000.

The amendment was agreed to.

The next amendment was, on page 39, line 24, to increase the total appropriation for maintenance of the fire department from $37,000 to $40,500.

The amendment was agreed to.

The next amendment was, on page 40, after line 8, to insert:

For one aerial truck, $3,500.

The amendment was agreed to.

The next amendment was, on page 40, after line 10, to insert:

To exchange old-style straight-frame engine for modern upright, $4,000.

The amendment was agreed to.

The next amendment was, on page 40, after line 12, to insert:

For one new engine to be placed in house now occupied by chemical engine No. 2 at Mount Pleasant, $4,500.

The amendment was agreed to.

The next amendment was, on page 40, after line 15, to insert:

For house, lot, and furniture to be located in the vicinity of Brightwood to accommodate chemical engine company No. 2, now in service at Mount Pleasant, $15,000.

The amendment was agreed to.

Mr. HAWLEY. I ask whether the Commissioners of the District estimated for or requested any additional fire engines?

Mr. TELLER. They did. All these appropriations are made on estimates.

Mr. HAWLEY. I want to know whether they asked for more than are granted in the bill?

Mr. TELLER. I do not remember about that.

Mr. GORMAN. Yes; they estimated for two more, the Senator will remember, but we did not give them.

Mr. HAWLEY. It is rather late to get them for the fire that occurred yesterday, but we may have another one. I have heard complaints for years that they were not sufficient in number when you consider the extent to which the city has spread.

Mr. GORMAN. I think the Senator from Connecticut is quite right. In this city, with all the territory covered, we have only nine engines that are available. I am told that at the fire last night every engine in the city, except one or two chemical engines out at Mount Pleasant, was in use, and they were not sufficient. The Senate committee have said from time to time that the number was not sufficient, and we made provision last year for two and secured one. This year the committee have provided for one new engine to be placed in the house now occupied by the chemical engine at Mount Pleasant, and for some trucks. I think myself we ought to have at least two more. Our fire department is one of the most efficient in the country, but the Commissioners insist that two more engines are required that the service may be properly distributed in this city.

Mr. HAWLEY. I beg leave to move to insert after line 15, on page 40:

For two new engines, to be placed at the discretion of the Commissioners of the District, $9,000.

Mr. TELLER. I suggest to the Senator from Connecticut, if that is done we shall have to provide for an increase of the force somewhat.

Mr. GORMAN. Of course.

Mr. TELLER. Perhaps the Senator had better take a little time and offer the amendment later, so that the force can be increased in proportion. I do not know, myself, just what additional force would be required.

Mr. HAWLEY. Very well.

The reading of the bill was continued. The next amendment of the Committee on Appropriations was, on page 41, line 10, under the head of "Telegraph and telephone service," to increase the appropriation for general supplies, repairs, etc., from $11,000 to $13,000.

The amendment was agreed to.

The next amendment was, on page 41, line 16, after the word "dollars," to insert:

Provided, That the Commissioners of the District are hereby empowered to authorize the erection and use of poles for telephone and other purposes in the public streets, avenues, and roadways of the District of Columbia outside of the city of Washington, and the permits for this purpose heretofore granted are hereby ratified: *Provided, however*, That all such poles so erected shall be subject to use by the said District for the stringing of wires thereon to be used for fire-alarm and police purposes without any charge therefor to the said District, such privileges as may be granted hereunder to be revocable at the will of Congress without compensation: *Provided further*, That all poles so erected shall be located and constructed in such manner as the Commissioners of the District shall prescribe, but in any case the Commissioners shall require all electric-light wires or power wires to be carried in underground conduits when the same shall cross any street, avenue, or roadway.

Mr. HANSBROUGH. I make a point of order against the amendment just read. It is clearly general legislation, and gives extraordinary powers to an executive department.

Mr. HILL. It was put on by the committee, was it not? The point of order can not lie, then.

Mr. TELLER. I did not hear what the Senator from New York said.

Mr. HILL. I said that against an amendment which was put on by the Committee on Appropriations the point of order does not lie.

Mr. GALLINGER. Oh, yes; it does.

Mr. TELLER. I do not know about that.

Mr. GALLINGER. Of course it does.

Mr. TELLER. The committee can not put everything on. I suppose the committee can not put on general legislation nor a claim. I am myself inclined to think that the amendment is general legislation.

Mr. COCKRELL. There is not any doubt about it.

The PRESIDING OFFICER. Objection being made, the Chair holds that the amendment is objectionable under the rule. The proviso will be stricken out.

The Secretary resumed the reading of the bill. The next amendment of the Committee on Appropriations was, on page 42, after line 8, to strike out:

That from and after the passage of this act it shall be unlawful for any person or any telephone company doing business in the District of Columbia to charge or receive more than $50 per annum for the use of a telephone on a separate wire; $40 for each telephone, there being not more than two on a wire; $30 for each telephone, there being not more than three on a wire, and $25 for each telephone, there being four or more on the same wire.

The amendment was agreed to.

The next amendment was, on page 43, after line 17, to insert:

For incinerating all combustible waste collected in the District of Columbia and delivered at the furnaces, $15,000: *Provided*, That said Commissioners may, on and after the passage of this act, enter into contract, after due advertisement as required by law, under such regulations and specifications as they may establish, for incinerating such combustible waste for a period not exceeding four years, to terminate June 30, 1900: *Provided further*, That said Commissioners are hereby authorized to make necessary regulations for the collection, transportation, and delivery of such refuse in the District of Columbia, and to annex to said regulations such penalties as will enable them to secure the enforcement thereof.

The amendment was agreed to.

The next amendment was, on page 44, line 10, under the head of "Health office," to increase the appropriation for the prevention of the spread of scarlet fever and diphtheria in the District of Columbia from $5,000 to $8,000.

The amendment was agreed to.

The next amendment was, on page 45, line 2, after the word "dollars," to insert:

Provided, That the United States marshal shall hereafter be entitled to receive the same fees for the service of process in all matters of condemnation of land as he is allowed by law in other cases.

So as to make the clause read:

Miscellaneous: For United States marshal's fees, $1,400: *Provided*, That the United States marshal shall hereafter be entitled to receive the same fees for the service of process in all matters of condemnation of land as he is allowed by law in other cases.

Mr. HANSBROUGH. I make the point of order against this amendment also. I think Congress has passed a bill providing salaries for United States marshals. This is clearly out of order.

Mr. TELLER. I suggest to the Senator that the bill to which he refers does not include the marshal of this District. The marshal here still gets fees.

Mr. HANSBROUGH. Does it not include all United States marshals?

Mr. TELLER. No; the exception is here in this District. We made an exception because the marshal of this District performs not only the duties of United States marshal, but the duties of sheriff as well.

The PRESIDING OFFICER. Does the Senator from North Dakota insist upon his point of order?

Mr. HANSBROUGH. I was not aware of that fact. I withdraw the point of order.

The PRESIDING OFFICER. The point of order is withdrawn. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 45, line 6, under the head of "Courts," to increase the appropriation for witness fees from $6,000 to $7,000.

The amendment was agreed to.

The next amendment was, on page 45, line 8, after the word "furniture," to insert "and replacing the same"; so as to make the clause read:

For repairs to police-court furniture and replacing same, $300.

The amendment was agreed to.

The reading of the bill was continued to line 23 on page 45.

Mr. TELLER. I desire to go back to the amendment near the top of page 45. The Senator from Illinois [Mr. CULLOM] calls my attention to the fact that finally we did not leave the marshal for this District out of the bill, but put him in. We left out the district attorney of this District and we gave the marshal a salary. My recollection is that there was some controversy about it. I want to correct the statement I made. The marshal is now a salaried officer of this District.

Mr. CULLOM. The salary was fixed at $5,500.

Mr. HANSBROUGH. Then I renew the point of order.

Mr. TELLER. The proviso first agreed to was put in the bill pending the question as to what would be done with the marshal.

Mr. PLATT. It was not in the bill as it passed the Senate, I think.

Mr. CULLOM. Yes.

Mr. TELLER. The Senator from Illinois has the bill as it was finally agreed upon.

Mr. CULLOM. There was a good deal of controversy in the conference committee of the two Houses on that bill in reference to the district attorney and marshal for the District of Columbia. It was finally agreed that the district attorney should be taken out of the operation of the bill, but as to the marshal the amount of his salary was fixed at $5,500 instead of a statutory limitation as heretofore.

Mr. GORMAN. Then the proviso at the top of page 45 ought to go out.

Mr. CULLOM. Yes.

Mr. TELLER. I move to reconsider the vote by which the amendment was adopted, so that the amendment may be disagreed to.

The PRESIDING OFFICER. The Senator from Colorado moves to reconsider the vote by which the proviso at the top of page 45 was agreed to. The amendment will be read.

The Secretary read as follows:

Provided, That the United States marshal shall hereafter be entitled to receive the same fees for the service of process in all matters of condemnation of land as he is allowed by law in other cases.

The motion to reconsider was agreed to.

Mr. TELLER. Now, I ask that the amendment may be disagreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. GORMAN. It goes out on the point of order, I understand. It is new legislation.

Mr. CULLOM. If it goes out on a point of order, there is no question before the Senate.

The PRESIDING OFFICER. Does the Senator from North Dakota insist on his point of order?

Mr. HANSBROUGH. I do.

The PRESIDING OFFICER. The Chair holds that the point of order is well taken, and the proviso is stricken out.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 47, line 1, after the word "dollars," to insert "to be expended under the direction of the Attorney-General"; so as to make the clause read:

Court-house, District of Columbia: For the following force necessary for the care and protection of the court-house in the District of Columbia, under the direction of the United States marshal of the District of Columbia: One engineer, $1,200; three watchmen, at $720 each; three firemen, at $720 each; five laborers, at $480 each; and seven assistant messengers, at $720 each; in all, $12,960, to be expended under the direction of the Attorney-General.

The amendment was agreed to.

The next amendment was, on page 47, after line 2, to insert:

Jail grounds, District of Columbia: For the erection, under the direction of the Attorney-General, of a brick or stone wall to inclose the grounds upon which the jail in the District of Columbia now stands, including the purchase of material and the employment of such skilled and other labor as may be necessary for the purpose, $20,000.

The amendment was agreed to.

The next amendment was, on page 47, line 11, after the words "District of Columbia," to strike out "$1,800" and insert "$2,000, to be expended under the direction of the Attorney-General"; so as to make the clause read:

Warden of the jail: For warden of the jail of the District of Columbia, $2,000, to be expended under the direction of the Attorney-General.

Mr. PLATT. What does this amendment mean? As it read in the bill originally it was "For warden of the jail of the District of Columbia, $1,800." The amendment is to strike out "$1,800" and to insert "$2,000, to be expended under the direction of the Attorney-General." I should like to know just what that means.

Mr. TELLER. The jail and its expenditures have been under the superintendence or direction of the Department of Justice, and this is simply what the present law is, except that the salary of the warden has been raised.

Mr. PLATT. It reads as if the warden of the jail of the District of Columbia had to expend his salary for something.

Mr. TELLER. That is exactly what the present law is.

Mr. PLATT. It is not what is intended to be paid under——

Mr. TELLER. It is simply intended that he shall be paid through the Department of Justice. That is all there is to it. He has to be paid through some Department. Somebody has to get the money out of the Treasury.

Mr. PLATT. It seems to me the word "expended" is a very peculiar word to use in that connection.

Mr. TELLER. That is the present law, and under the conservatism that governs the committee we have not changed it.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the Committee on Appropriations.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 48, line 2, before the word "overseers," to strike out "five" and insert "six"; in line 4, after the word "dollars," to insert "night watchman, $548; carpenter, $600"; and in line 15, before the word "dollars," to strike out "fourteen thousand four hundred and fifteen" and insert "sixteen thousand one hundred and sixty-three"; so as to make the clause read:

For Washington Asylum: For intendant, $1,200; matron, $600; visiting physician, $1,080; resident physician, $480; clerk, $720; clerk, $600; baker, $420; overseer, $600; six overseers, at $360 each; engineer, $600; assistant engineer, $350; second assistant engineer, $300; night watchman, $548; carpenter, $600; five watchmen, at $365 each; blacksmith, $300; hostler and ambulance driver, $240; female keeper at workhouse, $300; female keeper at workhouse, $120; four cooks, at $120 each; two cooks, at $60 each; trained nurse, $420; five nurses, at $60 each; in all, $16,163.

Mr. SHERMAN. I call the attention of the Senator from Colorado to the provision fixing the salaries of five nurses at $60 each. Is it $60 monthly? Certainly it is inadequate if those are annual salaries. The others are annual salaries. It does not say that these are monthly salaries. Sixty dollars per nurse a year would be inadequate.

Mr. TELLER. These are people who are receiving training for the purpose of becoming nurses.

Mr. SHERMAN. "Two cooks at $60 each." Is that an annual salary or monthly salary?

Mr. TELLER. An annual salary.

Mr. SHERMAN. It seems to me it is totally inadequate.

Mr. TELLER. These are the people who are living in the asylum and who are allowed something for the service they render besides their board and home. The nurses are people who are being trained for some form of service. The provision comes to us from the House in that form. That is the way we understand it.

Mr. ALLISON. They can be taken from the inmates as well.

Mr. TELLER. They may be inmates.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the Committee on Appropriations.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 48, after line 21, to insert:

For painting and repairs of almshouse and workhouse, $1,500.

The amendment was agreed to.

The next amendment was, on page 49, line 8, before the word "dollars," to strike out "four thousand seven hundred" and insert "five thousand and forty"; so as to read:

For Reform School: For superintendent, $1,500; assistant superintendent, $900; teachers and assistant teachers, $5,040.

The amendment was agreed to.

The next amendment was, under the head of "Reform School," to increase the total appropriation for salaries from $15,903 to $16,240.

The amendment was agreed to.

The next amendment was, on page 50, after line 10, to insert:

For new bake oven, including brick building for same, $2,600.

The amendment was agreed to.

The next amendment was, under the head of "For charities," on page 51, after line 3, to strike out:

For the relief and care of the poor and destitute, and for such charitable and reformatory work, and such care and medical and surgical treatment of poor and destitute patients in the District of Columbia as have been heretofore usually provided for by direct appropriations to private institutions, and as the District Commissioners may deem necessary, the sum of $94,700, to be expended under the direction of said Commissioners, either under contract with responsible and competent persons or institutions or by employing for the purpose the public institutions or agencies of said District, where practicable: *Provided*, That no such contract shall extend beyond the 30th day of June, 1897, and that no payment shall be made under any such contract except for service actually rendered, for which compensation shall be provided in said contract; and that said Commissioners shall report to Congress on or before the first Monday of December in each year a detailed statement of their expenditures theretofore made under this appropriation, and of all contracts made by them hereunder, giving the names of the persons and institutions contracted with, and stating what further expenditures will be required thereunder: *And provided further*, That no part of the money herein appropriated shall be paid for the purpose of maintaining or aiding, by payment for services or expenses, or otherwise, any church or religious denomination, or any institution or society which is under sectarian or ecclesiastical control.

And insert:

For relief of the poor, $13,000.
For Temporary Home for ex-Union Soldiers and Sailors, Grand Army of the Republic, $2,500.
For the Women's Christian Association, maintenance, $4,000.
For Central Dispensary and Emergency Hospital, maintenance, $15,000.
For Children's Hospital, maintenance, $10,000.
For the National Homeopathic Hospital Association of Washington, D. C., for maintenance, $8,500.
For the Washington Hospital for Foundlings, maintenance, $6,000.
For the Church Orphanage Association of St. John's Parish, maintenance, $1,800.
For the German Orphan Asylum, maintenance, $1,800.
For the National Association for the Relief of Destitute Colored Women and Children, maintenance, including repairs, $9,900.
For St. Ann's Infant Asylum, maintenance, $5,400.
For Association for Works of Mercy, maintenance, $1,800.
For House of the Good Shepherd, maintenance, $2,700.
For the St. Rose Industrial School, maintenance, $4,500.
For St. Joseph's Asylum, maintenance, $1,800.
For Young Women's Christian Home, $1,000.
For Hope and Help Mission, maintenance, $1,000.
For Newsboys' and Children's Aid Society, maintenance, $1,000.
For Eastern Dispensary, maintenance, $1,000.
For Washington Home for Incurables, maintenance, $2,000.

Mr. PLATT. I should like to have from the committee some explanation of this amendment and of the subsequent amendment to be found on page 57, for the appointment of a joint select committee. Before the Senator from Colorado [Mr. TELLER] replies, I should like to say with regard to it that I think it would be very much better to leave this matter as the House fixed it. I do not want to go into a discussion of the subject, but I think I am permitted under the rules to say that this provision was not adopted in the other House without discussion, and that the House came to this conclusion, and it seems to have been, as the bill comes to us from the House of Representatives, a settlement of a much-discussed, not to say vexed, question. It seems to me that the amendment proposed by the committee leaves the whole question open for future discussion, and that it would have been better for the Senate committee to accept the bill as it came from the other House, which, I am permitted under the rules to say, was the deliberate conclusion of the House and made a settlement of this matter, and not to leave it open to disturb future Congresses.

The exact point to which I wish to call attention as showing that the whole subject is left open, that nothing is settled about it by the amendment as proposed by the committee of the Senate, is this: The House provided for the appropriation of a round sum of $94,700 to be expended under the direction of the Commissioners under contract with the respective competent persons or institutions or by employing for the purpose the public institutions or agencies of the District where practicable. Then it was provided—

That no part of the money herein appropriated shall be paid for the purpose of maintaining or aiding, by payment for services or expenses, or otherwise, any church or religious denomination, or any institution or society which is under sectarian or ecclesiastical control.

The Senate committee in its proviso on page 54 adopts a part of the House proviso, but it declines to adopt what may be said to be the essential part of the proviso and the one upon which all the controversy has been raised. It provides—

That no part of the money herein appropriated for charities shall be paid for the purpose of maintaining or aiding, by payment for services or expenses or otherwise, any church or religious denomination.

It does not provide that the money shall not be expended for aiding, by payment for services or expenses or otherwise, any institution or society which is under sectarian or ecclesiastical control. It leaves the whole question open and just where it was before the discussion in the House and the adoption of the House provision. The amendment for a joint select committee amounts to nothing as affecting the question with respect to what is to be the policy of Congress in this respect.

I do not wish to go into any lengthy discussion of the question of the appropriation of money in aid of sectarian or denominational charitable institutions. The matter has been very thoroughly and fully discussed not only in the other branch of Congress, but throughout the country, and I believe that the better sentiment of this country is that governments, State or national, ought not to appropriate money to be paid out of State or national treasury in aid of private charitable institutions, whether sectarian or denominational or otherwise. But the practice of aiding them has grown up in the District of Columbia and has been increasing all the while, so much so that when charitably inclined persons think there is room for another charitable institution here they immediately proceed to organize it upon the expectation that they are to come to Congress for an appropriation to aid them in carrying it on.

I think that is all wrong. These views of mine are not recently formed views. I introduced a petition, I think three Congresses ago, for the adoption of an amendment to the Constitution of the United States prohibiting the appropriation of money for any sectarian or denominational purposes or aiding any sectarian or denominational institution. I believe such a clause is to be found in the constitutions of nearly half of the States in the Union. I believe that at the present day, without any reference to religious ideas or religious tests or anything of that sort, it is the well-settled opinion of a great majority of the people of the United States.

The reason why I think the amendment of the Senate committee had better not have been proposed is that, so far as the District of Columbia is concerned, the provision of the bill as it came from the House would settle it that hereafter it was to be the policy of Congress not to make appropriations for such purposes. The amendment opens the whole question again to discussion, and I regret that it should have been proposed by the committee. I wish it to be understood that my vote is to be in opposition to the committee amendment.

Mr. TELLER. Mr. President, the committee found some difficulty in dealing with this question as it came to the Senate from the other House. The House provision was exceedingly sweeping: and it was pretty certain that, without amendment, it could not be carried out without injustice to some of the institutions which we have relied upon here for charitable work. A majority of the committee concluded that it was best to return to the system of last year, and also to provide for the commission which the Senator from Connecticut [Mr. PLATT] thinks will not amount to anything.

So far as I am concerned, I agree with the Senator that these matters should be conducted by the Government and not by private establishments. I shall myself be pleased whenever, without doing injustice to the infirm and dependent, we can adopt a system which will allow the Government to have absolute control over all the moneys that we expend for charitable purposes. I believe we might do it now, but that was not the opinion of the majority of the committee, and I think it was not the opinion of very many good people who are engaged in charitable work. They seem to think that the plan as provided for by the House would work great hardship and great injustice, and therefore the majority of the committee, as I say, resolved to take the course which has been taken.

Mr. PLATT. But some time this matter will have to be settled, and if it is settled in the way the House proposed to settle it, it will be said then that it works injustice and hardship. Very likely it may be hard upon some of these institutions which have been organized supposing, as a matter of course, that they would come to the Government and get an annual appropriation. I know just how charitably inclined people in the District of Columbia feel. They come to regard it as a settled matter that whenever a charitable institution is organized here Congress is going to appropriate for it. They are never satisfied with the amount. They think it ought to be more. So it is continually a cry of "give," "give" to charitable institutions. I think it is all wrong, and we had better leave it as the other House put it.

Mr. TELLER. I do not think the interest exhibited by the charitable people who came before the committee was so much in reference to the institutions or the organizations as it was to the beneficiaries. I think there was a very general feeling among the people who have been engaged in charitable work that without those agencies at this time there would be much want of efficiency in the expenditure of this money. It would not, perhaps, reach the beneficiaries as it is intended by Congress that it shall.

I admit that there was a great deal of embarrassment about the matter. I think it was much more embarrassing than the question of schools which we had up here some time ago. It seems to me that it rests on precisely the same principle, that the Government agencies should be conducted by Government agents, and that as soon as possible the Government should disconnect itself from the assistance of that class of people unless we should adopt a system such as is in vogue in some countries, particularly in Germany. There citizens volunteer to carry out the Government wish and to supervise the expenditure of the money. Under that system the very best people of Germany come to the assistance of the authorities in determining who are entitled to receive the benefits, looking up the proper cases for governmental charity, and assisting in a general way. That would not be objectionable. It is a beneficial system. If we should adopt such a system I think the Government might then avail itself of such agencies, but unless it does that, it seems to me we shall have eventually to say to the charitable institutions in the District: "The National Government must have control of all the money that it puts out, and the whole proceedings. The payment and direction and all must be under the control of the Government." But we were not fully agreed in the committee upon any method of doing that at this session, and hence we reported as the provision is found in the bill.

Mr. PEFFER. Mr. President, I think the amendment proposed by the committee ought not to be agreed to. The point made by the Senator from Colorado [Mr. TELLER] that injustice is or may be done to certain private institutions is an objection that is continually being raised in like cases. It has been raised from the beginning, and it will be raised until we have entirely done away with the whole business of pampering private institutions by public patronage. We have found the same trouble in my own State, and within the range of my limited observation the experience has been the same in other States. Persons of charitable disposition, but not of unlimited pecuniary resources, will organize a private charitable institution with the expectation of its ultimately being maintained out of the public treasury, and from year to year those institutions multiply, until finally they have become a weight, an incubus upon public treasuries.

We find that all over the country, in every State of the Union, the subject is being discussed, and perhaps more in the year 1896 than in any preceding year of our history; but that only goes to show the intensity and the extent of the feeling upon the subject which prevails among the people. I think it is time that the subject was dealt with heroically and that all appropriations for private institutions were cut off. To say that these people have had no notice that such a thing might be done is to state a purely imaginary case. We had the same thing to deal with in Kansas. The people have had the same thing to deal with in the State of Maine, in Vermont, indeed, I believe, in all of the New England States. They are now dealing with it in the State of New York. Persons who invested money in the manufacture and sale of intoxicating liquors believed their property was endangered by

reason of the enactment of prohibitory laws and the adoption of prohibitory amendments to constitutions, and hence appealed to the courts for remedy. But the courts very wisely hold that there is no remedy in such cases; that the people have all the time had notice from the beginning that the reserved rights of the people might some day be asserted to the injury of these particular individuals. So it is in this case. These private institutions which are now conducting charitable establishments have had notice from the beginning that the public rights might some day, at any time, be asserted; so that there is a constant, standing, perpetual notice. As I said in the beginning, I think it is time the subject was dealt with heroically; and I hope the amendment will not be agreed to.

Mr. GALLINGER. Mr. President, a single observation before the vote is taken. My attitude on this question is a matter of record. I believe the committee of the Senate have made a mistake in changing the provision that was incorporated in the bill by the House of Representatives. I understand that a Senator is naturally, perhaps properly, criticised if he objects to almost anything that relates to charitable work here or elsewhere, and yet back of all this, at the bottom of all this, is the principle which we have to meet in the Congress of the United States, as it is being met elsewhere.

I do not know how it may be in other States, but I know that if in the little State of New Hampshire a proposition should be made to the legislature of the State or should be presented to the common council or board of aldermen of any city of the State to appropriate money for a sectarian institution, whether its work was charitable or otherwise, it would get no support whatever, because such a proposition would be abhorrent to the sense of our people, and I think that is the growing sentiment in the country. It is the old doctrine which, as I have said before, was fought out in other countries a long time ago, which for some reason or other we have allowed to creep into our system, and which we have in some way or other to get rid of.

Now, Mr. President, I am not going to make a speech on this subject, nor am I going to give utterance to a single suggestion that is not kindly and that is not well intended, but I do hope that in some way, whether it be this year or next year or some other year, the Congress of the United States will get rid of this proposition to appropriate money for institutions, whether they are educational or charitable, that are directly under the control of any religious society, I care not whether it is the society that I chance to be connected with or otherwise. It is a principle that I have in some way imbibed, that I have such an intense belief in, that I would be doing myself an injustice if I did not on every occasion utter my protest against it; and that, Mr. President, is all I care to say to-day.

The VICE-PRESIDENT. The question is on the amendment proposed by the Committee on Appropriations.

Mr. GEORGE. Let the amendment be read.

The VICE-PRESIDENT. The amendment will be stated.

Mr. PLATT. May I inquire whether the striking out and inserting are all one amendment, that is, whether it is all one amendment from line 4, on page 51, to the end of line 22, on page 53?

The VICE-PRESIDENT. The Chair understands that it is all one amendment. The Secretary will read the amendment proposed.

The SECRETARY. The Committee on Appropriations report to strike out, beginning in line 4, on page 51, as follows:

For the relief and care of the poor and destitute, and for such charitable and reformatory work and such care and medical and surgical treatment of poor and destitute patients in the District of Columbia as have been heretofore usually provided for by direct appropriations to private institutions, and as the District Commissioners may deem necessary, the sum of $94,700, to be expended under the direction of said Commissioners, either under contract with responsible and competent persons or institutions or by employing for the purpose the public institutions or agencies of said District, where practicable: *Provided*, That no such contract shall extend beyond the 30th day of June, 1897, and that no payment shall be made under any such contract except for service actually rendered, for which compensation shall be provided in said contract; and that said Commissioners shall report to Congress on or before the first Monday of December in each year a detailed statement of their expenditures theretofore made under this appropriation, and of all contracts made by them hereunder, giving the names of the persons and institutions contracted with, and stating what further expenditures will be required thereunder: *And provided further*, That no part of the money herein appropriated shall be paid for the purpose of maintaining or aiding, by payment for services or expenses, or otherwise, any church or religious denomination, or any institution or society which is under sectarian or ecclesiastical control.

Mr. ALLISON. That is one amendment.

Mr. SHERMAN. Mr. President, I have taken a great deal of interest in many of the associations for charitable purposes named in the bill. Many of these institutions have been founded now for many years. I know that when I was a member of the other House, some forty years ago, I took a great deal of interest in the subject of the distribution of money for charitable purposes. There were in existence here then some admirable charitable institutions, all of them, I think, more or less under sectarian influence. Many of them were Catholic institutions, because a large proportion of the population of this District belonged to that church. We thoroughly examined the very question that is now before us and concluded, on the whole, that it was better to encourage the organization of these societies and to help them as we could with appropriations from time to time. That system has now grown so that Government aid is rendered to perhaps twenty or thirty institutions, and one or two of them have done a wonderful amount of good. One Catholic institution I know of myself has not only expended the money appropriated for charitable purposes carefully and judiciously, but has expended a vast amount of money contributed by charitable people in the city.

I believe in the principle which has been stated by the Senators who have already spoken, that it would be better to have this charity disbursed directly by the Government of the United States; but the Government, in order to do that, must have sites, must have buildings, and must have proper facilities for taking care of the sick and the disabled. Many persons who come to this city come in such a condition that they must be sent immediately to some charitable hospital, some place where they can be cared for, generally by women who are employed at very small wages to take care of them. These institutions, as a rule, are conducted with great economy.

It seems to me, before we break down this system, we ought to provide another to take its place. Neither this District nor the Government of the United States has any buildings to which persons can be sent, and the District or the General Government ought to be in possession of such buildings before we undertake to distribute these small charities, and to take care of persons who are sick or diseased or poor or needy. We are in no condition to do it. Therefore it seems to me that the proposition made by the committee of the Senate is a wise one. I think that we had better postpone the matter of organizing these charities, and not turn them over to the Commissioners of the District, who are men actively employed, with plenty to do to manage the affairs which properly come under their control. They are generally prominent citizens, and they have not the time, they have not the opportunity, nor have they the means to find shelter and support so as to care for and aid and supply with medicine and surgical assistance the poor and the feeble in this District. So it seems to me we ought not to strike down the system which has been built up for thirty or forty years until we have provided another.

I should be willing to appropriate large sums of money for buildings for the use of charitable institutions here, and we ought to have them here in this city, as nearly all cities have them, and have them under the control of the Government, but until we provide the buildings and the other necessary means of organization to distribute the money that we are willing to appropriate, we ought not to change the present system.

So far as I am concerned, I make no distinction between one branch of religion and another. Any religion is better than no religion, and I have confidence in any form of religious worship which requires of its adherents obedience to Almighty God, and any form of religious worship which recognizes the general theories of the Bible I believe to be good. When organizations of this kind have been built up by charitable and religious people, and they have contributed their funds to erect buildings and have been encouraged by the annual appropriations of Congress now for more than forty years, this aid should not be suddenly cut off from them. It should only be done after the Government has prepared itself to deal charitably and kindly and well with the poor, the sick, the feeble, and the needy.

I therefore am of opinion that the conclusion arrived at by the Committee on Appropriations on this bill is a wise one. They simply postpone this matter and direct an inquiry. It seems to me that is the best thing to be done. The provision made here is as follows:

That a joint select committee is hereby authorized, to consist of three Senators to be appointed by the presiding officer of the Senate and three Members of the House of Representatives to be appointed by the Speaker of the House, which select committee shall make investigation of the charities and reformatory institutions of the District of Columbia, and especially of those for which appropriations are made by this act, as respects their relations to the government of the District of Columbia and to the United States, whether by special charter or otherwise, their efficiency, their management and resources, etc.

Is it not better that representatives from the two Houses of Congress should take this matter up carefully and see whether or not any of these institutions can be purchased or new buildings can be erected for the purpose of taking care of the feeble and the sick who happen to be here in the city of Washington? In a population now of over 300,000 there will always be a certain proportion in trouble who ought to be cared for, and it seems to me we ought not to dispense with the provisions already made for their care until we find some better plan than is proposed in the House proposition to turn all the sick and feeble and indigent and careless, and perhaps reckless, people over to the District Commissioners—three men who have plenty of business to attend to without this. They are not in a condition to deal with, and they are not able to deal with, this question. I would rather take three, four, five, or six women to manage this matter of looking after the poor and the suffering than all the men who are likely to

be Commissioners of the District of Columbia. A matter of this kind ought to be turned over to the kindly charity of good people, and the committee here provided for might, no doubt, examine into the condition of the various institutions which are now used and aided by us by the appropriation of money, and make proper arrangements. Some of the institutions, probably, are not well prepared for this work, and they might be dropped from the list, but until the Government does provide some means of taking care of the poor people we ought not to disturb the present arrangement.

I remember, among others, that Thaddeus Stevens, who was supposed to be a stern, unyielding man, bitter in his hatreds and warm in his friendships, took the greatest possible interest in the charitable institutions here, and went around among them one after another in order to find out how they were conducted. During his lifetime he did all he could to maintain them, although he was regarded as a cynical old bachelor, and everybody, except those who knew him intimately, thought he had no heart. That is the way I would deal with this question. Let a committee be appointed; let them go and examine these institutions and see how the poor and the sick are cared for, and if they can find a better way let them report to the next session of Congress. But to stop suddenly all the appropriations made for this purpose and to turn the entire matter over to the Commissioners of the District, who are overworked, does not seem to me wise, and therefore I shall vote to support the proposition made by the Committee on Appropriations.

Mr. PEFFER. Mr. President, I think, under the provision of the bill as it came from the House of Representatives, that which the Senate committee proposes to strike out provides for all that the Senator from Ohio has in contemplation.

Mr. SHERMAN. It turns the matter over to the District Commissioners.

Mr. PEFFER. The provision reads in this way:

For the relief and care of the poor and destitute, and for such charitable and reformatory work, and such care and medical and surgical treatment of poor and destitute patients in the District of Columbia as have been heretofore usually provided for by direct appropriations to private institutions, and as the District Commissioners may deem necessary, the sum of $94,700, to be expended under the direction of said Commissioners, either under contract with responsible and competent persons or institutions or by employing for the purpose the public institutions or agencies of said District, where practicable.

I have been reading the first part of the paragraph, beginning at line 4, on page 51, which proposes to leave the entire subject under the control and subject to the discrimination and management of the Commissioners of the District of Columbia, that they may, in their discretion, provide for by contract with private institutions or with public institutions, whichever in their judgment may be necessary.

In connection with that I do not see why the commission the Senator speaks of may not be appointed, and why it is not a good suggestion; but, at the same time, I think all that is required for the present situation is provided for in the language which I have read; and I think it is an excellent way of taking the preliminary steps to get rid of this troublesome question.

Mr. SHERMAN. What the Senator has read only shows that what I said was correct, that it is proposed by the bill as it came from the House for a single year to confer this power upon the District Commissioners. They having no care now of this matter, are to be suddenly called upon to take this duty for one year, and it provides that only for one year shall they have this charge. What is to be done after that? It seems to me the District Commissioners are not the proper persons to do it. I would rather for this purpose take any one or any dozen or any thirty of the charitable institutions which are referred to in this bill as the beneficiaries of the bounty of the people of the United States. The money has been fairly distributed among these various organizations which now exist, including almost every denomination, from the largest to the smallest. I had rather leave the expenditure of the money to the judgment and kindness and good feeling of the people who manage these institutions than to turn it over to the overworked Commissioners of the District of Columbia as an experiment for one year, disturbing all the appropriations which have been made, all the arrangements, and all the precautions which have heretofore been adopted in the management of the various associations mentioned in the bill.

Mr. TELLER. Let the question be first put on striking out what the Secretary has read.

The VICE-PRESIDENT. The Chair will submit the motion to strike out the portion of the bill which has been read by the Secretary.

Mr. GORMAN. Does that embrace all the charities?

Mr. PEFFER. The question is on agreeing to the amendment, is it not?

Mr. SHERMAN. The question is to be taken on agreeing to the entire amendment.

The VICE-PRESIDENT. The Chair will submit first, as suggested by the Senator from Colorado [Mr. TELLER], the motion to strike out what has been read by the Secretary.

Mr. GORMAN. I suggest to the Senator that it is practically all one amendment.

Mr. TELLER. It is not. If we strike out what has been read, I suppose there will be no objection to the words in italics; and if we refuse to strike out, of course the words in italics must go out of the bill.

Mr. SHERMAN. The question ought to be on agreeing to the amendment proposed by the committee striking out and inserting, and it ought to be taken as one question.

Mr. TELLER. Very well.

Mr. GORMAN. I trust by unanimous consent that that may be done, because the whole scheme of charities is involved.

The VICE-PRESIDENT. The Chair will submit the entire motion to strike out and insert.

Mr. ALLISON. I understand the Chair to state that the question is to strike out what has been read and insert what is proposed on pages 52 and 53, down to line 22.

Mr. PLATT. That is it.

Mr. GORMAN. That will embrace the whole subject.

I desire to say, Mr. President, only a word in addition to what has been so well said by the distinguished Senator from Ohio [Mr. SHERMAN]. The system of charities in the District of Columbia has grown up from time to time, and appropriations have been made, until four years ago we authorized the appointment of a superintendent of charities. The work of that officer has very much simplified the system and has corrected many abuses, until the result was reached last year of making provisions somewhat similar to those contained in these amendments, making an absolutely fair distribution of the amounts appropriated by Congress, from which excellent results have been obtained. There may be, and there possibly are, improvements yet to be made, all of which can be ascertained and reported upon by the joint select committee which is proposed in this bill. I trust that the amendment recommended by the committee will be adopted.

Mr. GEORGE. Mr. President, I do not desire to argue this proposition, but for fear that the yeas and nays may not be called, so that I may not go on record as I stand, I simply desire to say that I am opposed to the amendment, and opposed to any provision of law by which public money is appropriated for sectarian purposes of any character whatever.

Mr. COCKRELL. Mr. President, I want to say that I indorse the last sentiment which the distinguished Senator from Mississippi [Mr. GEORGE] has uttered, yet that drives me irresistibly to support this amendment. I do not believe in appropriations for sectarian purposes. We have further in this amendment a clause which distinctly announces that doctrine:

Provided, That no part of the money herein appropriated for charities shall be paid for the purpose of maintaining or aiding, by payment for services or expenses or otherwise, any church or religious denomination.

Not a dollar under that provision can go to any church or religious denomination for its support. We simply put in the hands of certain charitable organizations under religious and denominational control a certain sum of money, which they may expend in relieving humanity, and not in promoting and building up their denominational principles. That is all there is about it, Mr. President. You can not make anything else out of it. It is for the relief of human suffering, of humanity, through the instrumentality of these religious organizations, and not for the purpose of building them up nor for the purpose of promoting their denominational or ecclesiastical or religious views.

Mr. JONES of Arkansas. There being no other way to do it.

Mr. COCKRELL. Why do we do this? Because the bill as it came from the House is simply impossible of execution. We have no alternative, in my judgment, left us. Let us see where Senators who insist upon this House provision would leave the charities of the national capital. What does the bill say?

The sum of $94,700—

For what?—

for the relief and care of the poor and destitute, and for such charitable and reformatory work, and such care and medical and surgical treatment of poor and destitute patients in the District of Columbia as have been heretofore usually provided for by direct appropriations to private institutions, and as the District Commissioners may deem necessary, to be expended under the direction of said Commissioners—

How?—

either under contract with responsible and competent persons or institutions or by employing for the purpose the public institutions or agencies of said District, where practicable.

Every Senator knows as well as he knows his existence that there are not in this District public institutions or agencies which can provide for the unfortunate. No Senator dare say upon this floor that there are public institutions or agencies here, created either by the District of Columbia or by the Government of the United States, sufficient to care for the suffering, the poor, the

destitute, the sick, the wounded, the disabled. No one can pretend to make that proposition. Then, how must it be done? By contract! Now, think of the ridiculous absurdity of making contracts for the distribution of charity. Contract with a hospital for the treatment of patients! How could you make such a thing as a contract with the Emergency Hospital here, where people are taken—some with a finger cut off, some with a little bruise, some with a terrible wound that will require medical and surgical aid for hours and hours at a time—how are you going to make a contract for those cases? Think of it! An absolute contract having to be made for every act of charity and mercy performed in the District of Columbia. Yet Senators want that provision retained in the bill.

Mr. GRAY. And advertise for the lowest bidder.

Mr. COCKRELL. Yes; and advertise for the lowest bidder for the dispensation of charities and mercies and blessings!

And no such contract—

Mark you—

shall extend beyond the 30th day of June, 1897—

Here is a further restriction—

and that no payment shall be made under any such contract except for service actually rendered, for which compensation shall be provided in said contract.

I should like some Senator to draw a contract which would enable the Emergency Hospital to secure compensation for every little aid that it renders. Human ingenuity could not possibly provide a contract for this kind of a surgical operation, and for this kind of a dose of medicine to a sick child who may be brought there by its poverty-stricken mother. And yet not a dollar is to be paid unless it was specifically stated in the contract in advance, and then the contract price charged. No, no, Mr. President, this House provision is utterly impracticable of execution. You had better withhold your $94,700; better keep it and not give a dollar of it, because it can not be used if this provision is to be carried out.

What have we done, Mr. President? We have done the only thing which was left us to do. What is that? We have simply restored the charities as they have been for years, and we have put in the provision that not a dollar of this money shall be used for the purpose of building up or maintaining any church or religious denomination; and, therefore, it shall only be used for charitable and beneficent purposes. Then, we have provided a joint committee of Senators and Representatives, three of whom are to be appointed by the presiding officer of the Senate and three by the Speaker of the House of Representatives. They are to investigate the whole field of charities in the District, and report at the next session of Congress the system and the means which Congress ought to adopt in order to afford the relief which our laws, our institutions, and our holy religion require at our hands.

Mr. GALLINGER. Mr. President, I think the Senator from Missouri, in his honest zeal in this matter, has somewhat overstated, to say the least, the situation. I do not suppose there is a Senator in this Chamber who desires that in dealing with the hospitals of the city of Washington the principle which the Senator says we advocate should be applied. If the Senate committee had eliminated or had individualized the hospitals and provided in the amendment that they should have a direct appropriation, and then should have allowed the House provision to stand so far as the sectarian institutions are concerned, it would have received my most cordial approbation and support.

Of course we can not make a contract with the Emergency Hospital; but I will call the attention of the Senator from Missouri to the fact that when, on a former occasion, I made the suggestion concerning Providence Hospital, in the city of Washington, I was met with the statement that we did make a contract with that hospital for the performance of a certain duty, for which they received a specified sum. I think the District Commissioners can properly make contracts, if there is no better way, for the care of the indigent poor of the city of Washington. At the same time, I should deal differently with the established hospitals of the city; and I have never yet found anybody to object to the appropriation of public funds to aid in the charitable work which is carried on in great public hospitals. It is done all over the country, and nobody objects. The hospitals are not connected with religious institutions; they are not sectarian; they are managed for the alleviation of human suffering and the good of the general public. The cities make appropriations, and I think in some instances the States, for great public hospitals, and that policy receives the support and the approval of everybody. The States make contracts with hospitals, as the Senator from Connecticut [Mr. PLATT] says, and correctly says.

Mr. President, I have not called attention to any one of these institutions. In whatever I have said in the Senate during the present Congress I have never mentioned the name of a church. Those who have, as I think, sometimes unfairly attempted to put us in what I believe would be a false position have named certain religious bodies and said that we were endeavoring to discriminate against a particular religious organization. I have no such feeling myself. Whatever my faults may be, I am not so narrow as to desire to do an injustice, to cast a vote, or to put in the way of any religious association or organization one single particle of an obstacle to operate against their carrying out their benevolent and charitable purposes. I have no such feeling as that, and I hope I may never become so warped as to cast a vote or utter a word in that direction.

But there are in this list certain institutions that are manifestly sectarian. I will not name them. Senators can read them for themselves. The Senator from Ohio says that these institutions are managed by all the religious denominations of the country. That is not true. The Senator was mistaken about that, but I am not going to discuss that feature of the case.

Mr. President, I have said more than I intended to say on this subject. I would be very glad, indeed, to have, even though it be an experiment, the proposition that the House of Representatives put in the bill tested for one year, and see if we can not dispense the funds that we vote here for charitable purposes to better advantage than we have been doing in the past. If it should fail, then we could devise some better plan than is incorporated in the provision that comes to us from the House of Representatives.

It occurs to me that the very fact that the Senate committee proposes an investigation of the subject is a concession that we have been going possibly in the wrong direction in appropriating public funds for purposes of this kind. If the amendment suggested by the Senate committee shall go in the bill, as I presume it will, then I shall certainly hope that the other amendment providing for an investigation of this matter will likewise go in the bill, because I think it will be well for us to see what a joint select committee will say to the Congress of the United States on this great question, for it is a great question.

I would be one of the last men in this body to do any harm to any poor waif or any suffering child or man or woman in the District of Columbia who needed the beneficence of individuals or of the Government to relieve human suffering. But, Mr. President, I have been brought up in an atmosphere where the churches take care of their poor; where they do not go either to the cities or to the treasury of the States; and they ought not to come to the Treasury of the National Government to ask for public funds to help them carry on their charitable work. I know of no reason why the State of New Hampshire or any other State of the American Union should be taxed for the purpose of helping religious organizations and ecclesiastical concerns to carry on work of any kind, whether it is charitable or otherwise.

The VICE-PRESIDENT. The question is on the amendment of the committee. The amendment will be stated.

The SECRETARY. It is proposed to strike out all of the bill after the word "charities," in line 3, page 51, down to and including line 5, on page 52, and insert from line 6, on page 52, to line 23, on page 53.

Mr. PLATT. I ask that the vote may be taken by yeas and nays.

The yeas and nays were ordered.

Mr. ALLISON. Mr. President, before the vote is taken, as the yeas and nays have been ordered, I think I should say one word in addition to what has already been said respecting these charities.

It was the disposition, so far as I know, of the Committee on Appropriations to meet as far as practicable the views of the House of Representatives as presented by the paragraph in the bill as it came to us, but it seemed to the committee impracticable to execute the provisions in such a way as not to cripple many of the most worthy and necessary charities in this District. For example, the first paragraph in the amendment proposed to be inserted is "For relief of the poor, $13,000." It will be remembered that the provision as it came to us from the other House came in a lump sum of $94,700, which absolutely embraces every item contained in the details of the Senate committee's amendment. It was said to us in explanation of the provision as it came to us from the other House that it was intended to provide for these charities as they now exist. It was contended by some of those who advocated the appropriation of a lump sum that in fact there was embraced in the detailed statement but one single charity that was under religious or ecclesiastical control. So it was claimed for the House provision that there would be under it no material change in the management of these charities.

The first question that confronted the Committee on Appropriations was, if that be true, how could the money be expended under the House provisions? The first item to be provided for is "For relief of the poor, $13,000." This is and has been for many years a pressing charity, or what is called an emergency appropriation, distributed usually in the late winter or spring months, in the discretion of the Commissioners, for the relief of those people of the District who are found by press of necessity at the close of winter or during the extreme cold weather to be in need of immediate relief.

The next item is "For Temporary Home for ex-Union Soldiers and Sailors, Grand Army of the Republic, $2,500." That is an

appropriation which has been made for a great many years to that worthy organization in this District, who by personal contributions of their own, by the Grand Army posts of this District, and by this little aid given to them are enabled to take care of the veterans of the Republic who, owing to one cause or another, find themselves stranded in this city.

The fourth item is "For Central Dispensary and Emergency Hospital, maintenance, $15,000." That hospital is well known to the members of the Senate to be one of the most important and necessary hospitals in the city. It is under the direction of many of our best citizens. It was erected at a cost of several thousand dollars by contributions from distinguished people of this city who had the means to contribute to it; and each year from their private resources, as I remember now, speaking without having the figures before me, they contribute from fifteen to twenty thousand dollars for the maintenance of this dispensary and Emergency Hospital. The demands upon the hospital are so great that some years ago we were appealed to by those then in control to provide from the Treasury of the United States a small appropriation for the purpose of aiding them. The first appropriation, I think, was $10,000. Later on it was increased to $15,000.

I do not need to enumerate these several items in detail further than I have gone to show the character of some of the institutions which are the recipients of these appropriations. When you turn, in the light of these facts, to the provision of the bill as it passed the House, you will find that this sum is "to be expended under the direction of said Commissioners, either under contract with responsible and competent persons or institutions, or by employing for the purpose the public institutions or agencies of said District, where practicable." That led me and the committee to inquire what are the public agencies or institutions in this District that the Commissioners could resort to in case they found it impossible to execute these provisions under a contract. We found that there are but two. One of them is the almshouse, lying in the eastern portion of the city, and which is provided for in the present bill. I was not surprised that the Senator from Ohio rose in his place and said he noticed that one of the employees of that institution, one of its nurses, was receiving $60 per annum. He thought that must be a mistake, that it must be $60 a month. Yet the almshouse takes care of from two to three hundred of the destitute people of this District at all times. The average attendance there is from two to three hundred. I should like to have some Senator who has a carriage and rides over the fine pavements of this city visit for an hour that almshouse as I have visited it and see the character of the destitute men and women who are held there and cared for by the Commissioners of the District of Columbia under appropriations that we make. The inmates are in poverty and destitution; they are as illy prepared for all the affairs of human life as you will find the destitute in any city in the United States. Now, for one I would not desire that any greater number of destitute persons in this city who could be better cared for elsewhere, at least, should be consigned to the almshouse of the District of Columbia.

The other agency of the District of Columbia is the Freedmen's Hospital, which is familiar to Senators, and which is filled to its capacity every day and every week and every hour of the year with the destitute colored and white men and women of this city. So I find it would be impossible to execute these provisions of the House in public institutions, and therefore it would be necessary, in order that the destitute here might be cared for by somebody, that we should make some provision other than that provided by the House.

I ask the Senator from Connecticut [Mr. PLATT] to tell me how it is possible to make a contract for a destitute child or a destitute man or woman who is disabled either by the cable cars or by some accident on Pennsylvania avenue and is carried to the Emergency Hospital? A leg may be broken, an arm may be broken, or there may be some still greater injury to that person.

Mr. GRAY. Half a dozen firemen were carried there last night who were injured at the fire.

Mr. ALLISON. Yes; firemen, I am told, were carried there last night. How is it possible to make a contract for such emergencies?

Mr. PLATT. Will the Senator allow me?

Mr. ALLISON. Certainly.

Mr. PLATT. I am not familiar with this subject, but I will reply by asking the Senator another question.

Mr. ALLISON. That may furnish a good answer.

Mr. PLATT. If the $94,000 which the other House proposed to appropriate had been appropriated in that way, does the Senator believe that there would have been any failure to take care of the persons and to expend the amounts which are provided in the item in taking care of them by contract?

Mr. ALLISON. Under the provisions of the paragraph as it came to us?

Mr. PLATT. Yes; would they not have been able to make some arrangement for the expenditure of $2,500 for the Temporary Home for ex-Union Soldiers and Sailors, for instance? In other words, does the Senator understand that the word "contract" means a contract for bathing the person who happens to be sick, or anything of that sort? The idea advanced by the Senator from Missouri was that every little service must be contracted for.

Mr. ALLISON. I do not go into that.

Mr. PLATT. Is there not any other way to make a contract for the care of people who go to these hospitals? Could there not be some terms or some general arrangement by which they would all be taken care of?

Mr. ALLISON. I have been trying to show that it is impossible to make a contract with the Emergency Hospital, for which there is an appropriation of $15,000 in the amendment of the committee.

Mr. HAWLEY. I think I can suggest a way to do it, and to model every paragraph upon the idea.

Mr. ALLISON. How?

Mr. HAWLEY. To make a contract with the Central Dispensary and Emergency Hospital to go on just as they have been going on at $15,000 a year. That is a contract.

Mr. ALLISON. That would be making a contract, but it would not be making a contract such as is required by the House provision, which is "that no payment shall be made under any such contract except for service actually rendered, for which compensation shall be provided in said contract."

Mr. PLATT. I will suggest, then, if that is the only difficulty, it might very easily have been arranged by striking out so much of the House paragraph.

Mr. ALLISON. Undoubtedly; and if the paragraph is to remain in the bill I hope the Senator from Connecticut will move to so amend it as to make it effectual. I am not in controversy as respects what the Senators from Connecticut and other Senators want to accomplish, but as to what the committee has done.

Mr. HAWLEY. I do not object.

Mr. ALLISON. I understand, but other Senators object to what the committee has done, and it is for them to show some other way whereby the thousands of people who are aided somewhat by these appropriations shall be provided for. We found much difficulty as respects all these questions, and as respects the sectarian or religious control. Now, I want to ask the Senator from Connecticut another question. The committee propose to insert on page 54:

Provided, That no part of the money herein appropriated for charities shall be paid for the purpose of maintaining or aiding, by payment for services or expenses or otherwise, any church or religious denomination.

We propose to retain that provision, which is a part of the House provision proposed to be stricken out.

Mr. GALLINGER. I do not think that was ever done. Was an appropriation ever made for a church or a religious denomination?

Mr. ALLISON. In aid of it. That was the claim made before our committee.

Mr. GALLINGER. I think not.

Mr. WOLCOTT. May I ask the Senator from Iowa a question? What is the sense of leaving in the provision that none of this money shall be used as an appropriation for a church when there is no pretense in the committee amendment that it is to go for that purpose? It seems as if it was likely to befog somebody. The amendment, in fact, provides a specific appropriation for certain definite hospitals and other institutions. Then the committee has put at the end of those items a proviso that none of the appropriations shall go to support a church. I should like the chairman of the committee to explain the purpose of putting in that provision.

Mr. ALLISON. I will answer the Senator. It was said before our committee by a person who is quite reputable, I have no doubt, that it was the habit of certain of these hospitals to contribute of their own funds to the erection and maintenance of churches; that although we were giving them funds for charitable purposes they were using the aggregate of their funds by making subscriptions in aid of church government, and that the employees, the people about the institution, were aiding the church by means of their employment. So we covered that ground, or we thought we did, in order that these appropriations might be applied to the proper purposes of charity, as we propose in the bill.

Mr. WOLCOTT. Will it interrupt the Senator if I call his attention to the provision for a moment?

Mr. ALLISON. Not at all.

Mr. WOLCOTT. I still fail to understand it. These appropriations are exactly as they have been made in former years?

Mr. ALLISON. Yes, sir.

Mr. WOLCOTT. So no additional safeguard is thrown around the appropriations from the safeguard that must have been thrown around them in other years?

Mr. ALLISON. Except as I have stated.

Mr. WOLCOTT. If this amendment is to have that effect, I

should like to ask the Senator how it does it. There is certainly nothing here to prevent St. Joseph's Asylum, which gets $1,800 for maintenance, appropriating a part of it to constructing a St. Joseph's Church, if there is one. Is there such a church?

Mr. ALLISON. I do not know that there is.

Mr. WOLCOTT. I am only seeking to ascertain the purpose of putting in this clause. I do not quite see where it comes in.

Mr. ALLISON. I am stating the purpose. Whether it will be effectual for the purpose I do not know. Of course, I have my own belief that no such thing has ever been done or that no such thing is likely to be done, but in order to meet the objection which appeared elsewhere and before our committee we wished to make the provision perfectly certain or as nearly certain as we could.

Mr. President, having an imperfect knowledge as respects the organization, method, resources, and receipts of these institutions, or most of them, sympathizing with the general expression of opinion here upon the subject of dealing with charities in the District of Columbia, we thought before we undertake to make an appropriation as the Senator from Connecticut and the Senator from New Hampshire propose, and ourselves providing for the care of these destitute people, we should ascertain, in the first instance, the situation and condition of these institutions now; and therefore it was that the committee proposed the appointment of a joint select committee of six, three members of the House and three members of the Senate, to deal with the question and ascertain all the facts. I was glad to hear the Senator from Kansas say that that provision ought to be retained whether we amend the text of the bill or do not amend it. I think it should be retained. I think we should investigate the question not only of the charities which are embraced here, but the numerous charities in the District which never have received, so far as I know, or, if at all, only at widely separated intervals, any portion of the public money of the United States.

Mr. TELLER. Several of them have received nothing.

Mr. ALLISON. Several of them have received nothing. There are large charitable institutions in the District, now taking care of great numbers of people, which have never been the beneficiaries of the Government of the United States unless it has been temporarily.

The Committee on Appropriations have done the best they could with the question, with a view of eliciting the fullest information respecting it, and in the meantime doing the best possible. If the Senate can do better no one will be more contented than I.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Committee on Appropriations, on which the yeas and nays have been ordered.

Mr. CHILTON. Let the amendment be stated.

The SECRETARY. It is proposed to strike out all after the word "charities," in line 3, page 51, down to and including the word "control," in line 5, page 52, and to insert what is printed in italics after line 5, on page 52, down to and including line 22, on page 53.

The VICE-PRESIDENT. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. DAVIS (when his name was called). I am paired with the Senator from Indiana [Mr. TURPIE].

Mr. GEAR (when his name was called). I have a general pair with the senior Senator from Georgia [Mr. GORDON]. I do not see him present; therefore I withhold my vote.

Mr. MARTIN (when his name was called). I am paired with the Senator from Montana [Mr. MANTLE]. If he were present, I should vote "yea." I do not know how he would vote, and therefore withhold my vote.

Mr. MITCHELL of Wisconsin (when his name was called). I am paired with the Senator from New Jersey [Mr. SEWELL]. If he were present, I should vote "yea."

Mr. MORGAN (when his name was called). I am paired with the Senator from Pennsylvania [Mr. QUAY].

Mr. PRITCHARD (when his name was called). I am paired with the Senator from Louisiana [Mr. BLANCHARD]. If he were present, I should vote "nay."

Mr. PROCTOR (when his name was called). I am paired with the Senator from Florida [Mr. CALL].

Mr. PUGH (when his name was called). I am paired with the Senator from Massachusetts [Mr. HOAR].

Mr. SHERMAN (when his name was called). I am paired on this vote with the Senator from Oregon [Mr. MITCHELL]. He would vote "nay," if present, and I should vote "yea."

Mr. THURSTON (when his name was called). I have a general pair with the junior Senator from South Carolina [Mr. TILLMAN]. If he were present, I should vote "nay."

Mr. WOLCOTT (when his name was called). I am paired with the Senator from Ohio [Mr. BRICE]. If he were present, I should vote "nay."

The roll call was concluded.

Mr. McBRIDE. My colleague [Mr. MITCHELL] is absent on account of illness. He is paired with the Senator from Wisconsin [Mr. VILAS]. If my colleague were present, he would vote "nay."

Mr. HANSBROUGH. I am paired with the Senator from Illinois [Mr. PALMER]. If he were present, I should vote "yea."

Mr. SMITH. I have a general pair with the Senator from Idaho [Mr. DUBOIS]. I do not know how he would vote. If he were here, I should vote "yea."

Mr. BLACKBURN. I am advised by the Senator who has charge of the pairs on this side of the Chamber that the senior Senator from Indiana [Mr. VOORHEES] is absent without a pair. I will transfer my pair with the senior Senator from Michigan [Mr. McMILLAN] to the Senator from Indiana [Mr. VOORHEES] and vote. I vote "yea."

Mr. HILL. I am paired with the junior Senator from Massachusetts [Mr. LODGE], but I transfer my pair to the Senator from South Carolina [Mr. IRBY], who is not otherwise paired, and vote "yea."

The result was announced—yeas 35, nays 13; as follows:

YEAS—35.

Aldrich,	Carter,	Hawley,	Shoup,
Allen,	Chandler,	Hill,	Stewart,
Allison,	Cockrell,	Jones, Ark.	Teller,
Bacon,	Cullom,	Kyle,	Vest,
Bate,	Faulkner,	McBride,	Walthall,
Berry,	Gorman,	Pasco,	Wetmore,
Blackburn,	Gray,	Perkins,	White,
Caffery,	Hale,	Pettigrew,	Wilson.
Cameron,	Harris,	Roach,	

NAYS—13.

Baker,	Chilton,	Mills,	Warren.
Brown,	Clark,	Nelson,	
Burrows,	Gallinger,	Peffer,	
Cannon,	George,	Platt,	

NOT VOTING—41.

Blanchard,	Gordon,	Mitchell, Wis.	Smith,
Brice,	Hansbrough,	Morgan,	Squire,
Butler,	Hoar,	Morrill,	Thurston,
Call,	Irby,	Murphy,	Tillman,
Daniel,	Jones, Nev.	Palmer,	Turpie,
Davis,	Lindsay,	Pritchard,	Vilas,
Dubois,	Lodge,	Proctor,	Voorhees,
Elkins,	McMillan,	Pugh,	Wolcott.
Frye,	Mantle,	Quay,	
Gear,	Martin,	Sewell,	
Gibson,	Mitchell, Oreg.	Sherman,	

So the amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 53, line 23, after the word "yard," to insert "including rent"; so as to make the clause read:

For municipal lodging house and wood and stone yard, including rent, $4,000.

The amendment was agreed to.

The next amendment was, on page 54, line 1, after the word "dollars," to insert:

For repairs to building, $5,000; in all, $25,000: *Provided*, That no part of the money herein appropriated for charities shall be paid for the purpose of maintaining or aiding, by payment for services or expenses or otherwise, any church or religious denomination.

So as to make the clause read:

For the Columbia Hospital for Women and Lying-in Asylum, maintenance, $20,000; for repairs to building, etc.

The amendment was agreed to.

Mr. TELLER. I offer an amendment to come in on page 54, after line 6.

The SECRETARY. After line 6, page 54, it is proposed to insert:

Provided, That no member or members of any board or boards of trustees or directors of any charitable institution, organization, or corporation in the District of Columbia which is supported in whole or in part by appropriations made by Congress shall engage in traffic with said institution, organization, or corporation for financial gain; and any member or members of such board of trustees or directors who shall so engage in such traffic shall be deemed now and hereafter legally disqualified for service on said board or boards.

The amendment was agreed to.

Mr. HAWLEY. I have the consent of the Senator in charge of the bill to return to page 40, and to propose again the amendment I presented concerning fire engines. I withdrew it at the time that I might get it phrased correctly and find out precisely what the Commissioners of the District recommended in their annual estimates. I have submitted the amendment to the Senator in charge of the bill. I move to add, after line 19, on page 40, the amendment I send to the desk.

The SECRETARY. After line 19, page 40, it is proposed to insert:

For two additional engines, and the lots, houses, and furniture therefor, the location thereof to be selected by the Commissioners of the District, $55,000.

Mr. HAWLEY. Perhaps I had better explain why I give that figure. The engines will cost $4,500 each, making $9,000. In the estimates of the Commissioners, careful estimates, the sum for lot, house, and furniture for an engine is fixed at $23,000. I double that, making it $46,000, and I double the cost of an engine, making $9,000, the total being $55,000, all of which is a matter of estimates governed by experience.

The VICE-PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from Connecticut [Mr. HAWLEY].

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 55, line 11, after the word "*Provided*," to strike out:

That before this appropriation shall become available the board of managers of said Industrial Home School shall transfer the control and management of said institution, with all its right, title, and interest in and to the same, to the board of children's guardians, who shall thereafter control and manage said institution as an industrial home school and for such other child-caring work as shall be approved by the Commissioners of the District of Columbia, drawing moneys for supplies and maintenance of said institution by requisition upon said Commissioners and paying over all income of said institution to the said Commissioners. Said transfer shall include a surrender of the charter and corporate franchises of said institution, and the filing of an irrevocable release and surrender of all control of the same with the said District Commissioners.

And insert:

That the board of managers of the Industrial Home School, on or before the 30th day of June, 1895, shall transfer said school to the Commissioners of the District of Columbia, and said Commissioners shall thereupon appoint a board of trustees of said school, consisting of nine members, whose terms of office shall be, for the first appointment, three members for one year, three members for two years, and three members for three years, and thereafter all appointments shall be for a term of three years, except appointments to fill out unexpired terms. The board of trustees so appointed by the Commissioners shall manage the school under such regulations as now exist or may hereafter be made by said board, subject to the approval of the Commissioners of the District of Columbia. All designations for employment in said school made by said board of trustees shall be subject to the approval of the Commissioners of the District of Columbia, and, in the event of disapproval by said Commissioners of any selection by said board of trustees, the said Commissioners shall make the appointment. All supplies for said school shall be obtained by requisition upon said Commissioners, and all moneys received at said school as income thereof from sale of products and from payments for board and instruction, or otherwise, shall be paid over to said Commissioners to be expended by them for the support of the school as herein provided: *Provided further*, That wards of the board of children's guardians committed to the Industrial Home School shall be supported by said school without charge to said board.

So as to make the clause read:

Industrial Home School: For maintenance, including repairs, $9,900: *Provided*, That the board of managers of the Industrial Home School, etc.

Mr. TELLER. I move to amend the amendment in line 3 by striking out "ninety-five" and inserting "ninety-six"; so as to read:

The 30th day of June, 1896.

The amendment to the amendment was agreed to.

Mr. TELLER. In line 25, beginning with the word "*Provided*," I move to amend the amendment down to the word "board," in line 3, on page 57.

The SECRETARY. It is proposed, after the word "*Provided*," where it first appears in line 25, to strike out the remainder of the amendment down to and including the word "board," in line 3, page 57, as follows:

Provided further, That wards of the board of children's guardians committed to the Industrial Home School shall be supported by said school without charge to said board.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 57, after line 17, to insert:

That a joint select committee is hereby authorized, to consist of three Senators, to be appointed by the presiding officer of the Senate, and three members of the House of Representatives, to be appointed by the Speaker of the House, which select committee shall make investigation of the charities and reformatory institutions of the District of Columbia, and especially of those for which appropriations are made by this act, as respects their relations to the government of the District of Columbia and to the United States, whether by special charter or otherwise, their efficiency, their management, and resources, whether by appropriations, investments, or otherwise, and also what portion, if any, of appropriations heretofore made to them have been used for the purpose of maintaining or aiding by payment for services, expenses, or otherwise any church or religious denomination; whether such charitable or reformatory institutions are effective and economical in their organization, methods, and expenditure to provide for the poor and destitute in the District of Columbia; whether it is practicable for the Commissioners or other authority in the District to make contracts for such care of the poor and destitute with any of said institutions, and if so, which of them and to what extent.

Said committee shall make report as soon as practicable after the beginning of the next session of the present Congress, including in such report any changes by them deemed advisable as respects the methods of dealing with the charities and the reformatory institutions of said District.

Said committee is authorized to sit during the recess, to employ a clerk and stenographer, and payment for such services and the necessary expenses of the committee shall be paid out of the contingent funds of the Senate and House of Representatives jointly on the certificate of the chairman of the committee.

Mr. GALLINGER. I desire to ask the Senator in charge of the bill whether he has any objection to the insertion, in line 13, after the word "contracts," of the words "or otherwise to provide." Of course they can be dropped out in conference if it is found desirable.

Mr. TELLER. No; I have no objection to the insertion of those words.

Mr. GALLINGER. I ask that the amendment be amended in that way.

Mr. TELLER. I think that is a good suggestion.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. After the word "contracts," in line 13, it is proposed to insert "or otherwise to provide"; so as to read:

Whether it is practicable for the Commissioners or other authority in the District to make contracts or otherwise to provide for such care of the poor, etc.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 59, line 20, under the head of "Militia for the District of Columbia," to increase the appropriation for expenses of rifle practice and matches, etc., from $2,500 to $3,500.

The amendment was agreed to.

The next amendment was, on page 59, line 25, after the word "dollars," to insert:

Provided, That hereafter all leases and contracts involving expenditures on account of the militia shall be made by the Commissioners of the District of Columbia; and appropriations for the militia shall be disbursed only upon vouchers duly authorized by the Commissioners, for which they shall be held strictly accountable;

So as to make the clause read:

For general incidental expenses of the service, $900: *Provided*, That hereafter all leases and contracts, etc.

The amendment was agreed to.

The next amendment was, on page 60, line 17; under the head of "Water department," before the word "inspectors," to strike out "six" and insert "seven"; so as to make the clause read:

For revenue and inspection branch: For chief clerk, $1,800; two clerks, at $1,400 each; two clerks, at $1,000 each; chief inspector, $900; seven inspectors, at $900 each; messenger, $600.

The amendment was agreed to.

The next amendment was, on page 60, line 21, before the word "hundred," where it occurs the second time, to strike out "two" and insert "four"; and on page 61, line 10, after the word "all," to strike out "thirty-seven thousand" and insert "thirty-eight thousand one hundred"; so as to make the clause read:

For distribution branch: For superintendent, $1,800; draftsman, $1,500; foreman, $1,400; two clerks, at $1,000 each; timekeeper, $900; assistant foreman, $900; tapper and machinist, $900; assistant tapper, $900; three steam engineers, at $1,100 each; blacksmith, $750; two plumbers, at $750 each; two assistant machinists, at $864 each; property keeper, $900; three firemen, at $730 each; two flushers, at $540 each; driver, $480; two watchmen, at $480 each; hostler, $480; caulker, $730; in all, $38,134.

The amendment was agreed to.

The next amendment was, on page 62, line 9, after the word "ninety-seven," to strike out:

Provided, That not exceeding $900,000 of the surplus general revenues of the District of Columbia remaining on the 1st day of July, 1896, shall be transferred to the water fund, to be applied in payment in full of the balance of the principal of the debt incurred for the 48-inch and Fourteenth street water mains, and in part of the principal of the debt incurred for increasing the water supply as provided in the act of July 15, 1882.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. COCKRELL. Let the amendment which I intended to propose on page 15, at the end of line 10, which was passed over, be read:

The VICE-PRESIDENT. The amendment will be stated.

Mr. TELLER. Will the Senator allow me to go back to pages 18 and 19, where we have passed over two committee amendments?

Mr. COCKRELL. Certainly.

Mr. TELLER. The Senator from New Hampshire [Mr. CHANDLER] has asked to have an amendment on page 13 reserved.

Mr. CHANDLER. I have no objection to the language in the part from line 20 to line 25, inclusive, with the addition of what I send to the desk and move as an amendment.

The VICE-PRESIDENT. The amendment proposed by the Senator from New Hampshire will be stated.

The SECRETARY. At the end of line 25, on page 13, it is proposed to insert:

Provided, That said Spring road parkway shall conform to the present recorded map thereof, prepared by said Commissioners.

Mr. CHANDLER. I want to say that, as I understand the case, I have no objection to the widening of Spring road parkway to 250 feet, provided it is done according to the present map prepared by the Commissioners of the District, which is in their office. I have heard that there is a purpose, if the authority is granted, to change that laying out and to widen it wholly on the south side of the present roadway.

Mr. TELLER. The Senator can strike out the whole of that provision if he desires, so far as I am concerned.

Mr. CHANDLER. I do not desire to strike it out. The committee may strike it out if they desire. I only suggest the amendment, and I have given the reasons why I want it made. I do not wish the Commissioners to have the authority to change the present map.

Mr. TELLER. I shall not object to the amendment. Let it go.

The amendment was agreed to.

Mr. TELLER. On page 19 there is a provision in relation to street railways to which the Senator from Tennessee [Mr. HARRIS] called my attention——

Mr. GORMAN. Before the Senator proceeds to that, will he permit me to offer an amendment, to come in after the word "granted"?

Mr. TELLER. Certainly.

Mr. GORMAN. I move to insert the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment proposed by the Senator from Maryland will be stated.

The SECRETARY. It is proposed to insert after the word "granted," in line 11, on page 19, the following proviso:

Provided, That this provision shall not be construed to affect rights heretofore acquired either by contract or under any order of court made under authority of law.

Mr. TELLER. I see no objection to that amendment.

The amendment was agreed to.

Mr. HARRIS. Mr. President, I shall not ask the Senator from Colorado to delay, though I had asked him to allow the amendment to which he has just referred to be passed over this morning. I had hoped to be able to have some conference with members of the District Committee, because the present form of the amendment is not satisfactory to me; but as the whole amendment will be open to consideration in conference, I shall not ask for any further delay at present. If hereafter the District Committee shall come to a conclusion, we can present it to the committee of conference, and it may then be considered according to whatever merit it may have.

Mr. TELLER. Let the committee amendment be adopted.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. After the word "collected," in line 5, on page 19, the Committee on Appropriations reported an amendment, to insert:

Provided, That no street railroad company in the District of Columbia shall be permitted to run cars over any part of the route of any underground electric or cable road by a route or routes not specified in its charter or specifically described in amendments thereto, except by authority of Congress hereafter to be granted.

The amendment was agreed to.

Mr. COCKRELL. Now let the amendment I have proposed be read.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 15, after line 10, it is proposed to insert:

For payment for the lots and parts of lots condemned in the supreme court of the District of Columbia, in case No. 419, district court, for the extension of Sixteenth street, $202,380.56.

The amendment was agreed to.

Mr. HARRIS. I offer the amendment which I send to the desk, to come in after line 15, on page 16.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. After line 15, on page 16, it is proposed to insert:

For paving with sheet asphaltum Eighteenth street extended and Cincinnati street from the intersection of Eighteenth street with Columbia road to the east entrance of the bridge crossing Rock Creek, near the Zoological Park, $15,000.

The amendment was agreed to.

Mr. STEWART. I offer three amendments, all of which are to come in after line 2, on page 22.

The VICE-PRESIDENT. The amendments will be stated.

The SECRETARY. On page 22, after line 2, it is proposed to insert:

For grading and regulating Twentieth street extended to the southeasterly entrance to the Zoological Park, $2,500: *Provided*, That the owners of the Cliffburn tract shall dedicate the ground covered by such extension through such tract.

Mr. COCKRELL. There should be inserted in the amendment the words "for public use."

Mr. HARRIS. Insert the words "to the public use" after "dedicate."

Mr. STEWART. Very well.

The VICE-PRESIDENT. The modification will be stated.

The SECRETARY. After the word "dedicate" it is proposed to insert "to the public use"; so as to read "shall dedicate to the public use the ground covered by such extension," etc.

The amendment as modified was agreed to.

Mr. STEWART. Let the next amendment, which I have sent to the desk, be read.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. After the amendment just adopted, it is proposed to insert:

For improving and protecting Connecticut avenue extended, beyond Rock Creek, $10,000.

The amendment was agreed to.

Mr. STEWART. I move to add after the amendment just adopted what I send to the desk.

The VICE-PRESIDENT. The amendment proposed by the Senator from Nevada will be stated.

The SECRETARY. After the amendment just adopted it is proposed to insert:

For continuing the macadamizing of the road extending from the Broad Branch road to Chevy Chase Circle, $5,000; and authority is given to the District Commissioners to reconvey to the original owners any portion of said road upon receiving a conveyance of an equivalent, in conformity with the new plan of highways.

The amendment was agreed to.

Mr. ALLISON. On page 20, at the end of line 22, I move to insert the proviso which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. After the word "dollars," in line 22, on page 20, it is proposed to insert:

Provided, That Connecticut avenue shall be extended straight from Leroy place to the District line, on the line of Connecticut avenue as now established in the city of Washington, and that a suitable grade on said avenue shall be established.

Mr. ALLISON. The object of that is to establish a line between those two points.

The amendment was agreed to.

Mr. ALLISON. On page 22, line 5, before the word "dollars," I move to strike out "fifteen" and insert "twenty-five." My belief is that that sum will be required for grading and regulating those streets. We can examine the subject further in conference.

The VICE-PRESIDENT. The amendment proposed by the Senator from Iowa will be stated.

The SECRETARY. In line 5, on page 22, it is proposed to strike out the word "fifteen" and insert "twenty-five"; so as to read:

For grading and regulating Yale, Bismark, Princeton, Harvard, and Columbia streets, between Seventh and Fourteenth streets, $25,000.

The amendment was agreed to.

Mr. ALLISON. I do not know whether the Senator from Colorado has called attention to the fact that the various amendments which have been made necessitate a change of the totals in the bill. The clerks should be authorized to make the change in the various provisions.

Mr. TELLER. I ask that the clerks may be authorized to make the necessary changes in the totals throughout the bill to correspond with the amendments which have been made.

The VICE-PRESIDENT. Without objection, it will be so ordered.

Mr. PEFFER. On page 36 I ask the attention of the Senator from Colorado to line 21. After the word "at," in that line, I move to strike out the words "four hundred and eighty" and insert "six hundred"; so that it will make the annual salary of the drivers $600 instead of $480.

The VICE-PRESIDENT. The amendment submitted by the Senator from Kansas will be stated.

The SECRETARY. In lines 21 and 22, on page 36, it is proposed to strike out the words "four hundred and eighty" and insert the words "six hundred"; so as to read:

Twenty-three drivers, at $600 each.

Mr. PEFFER. I desire to state to the Senator and to the Senate that on the 9th day of April I offered an amendment to be proposed to the District appropriation bill, which was referred to the Committee on the District of Columbia and reported favorably by that committee on the 25th day of April; but it seems that the Committee on Appropriations have not taken any action upon it, certainly not any affirmative action. If the Senator who has charge of the bill is willing to accept the amendment without any discussion, I shall of course be gratified.

Mr. TELLER. I will say that I do not think the Senator's amendment was presented to the committee. If it was, I have no recollection of seeing it.

The VICE-PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from Kansas.

The amendment was agreed to.

Mr. GALLINGER. I submit an amendment to the bill, which I desire to have read.

The VICE-PRESIDENT. The amendment proposed by the Senator from New Hampshire will be stated.

The SECRETARY. On page 26, after line 18, it is proposed to insert:

For the purchase of Analostan Island, in the Potomac River, $112,500, or so much thereof as may be necessary.

Mr. GALLINGER. I will not detain the Senate to discuss this amendment, Mr. President, if there is a disposition to allow it to go into the bill without discussion.

The VICE-PRESIDENT. The question is upon agreeing to the amendment submitted by the Senator from New Hampshire.

Mr. ALLEN. I should like to ask the Senator from New Hampshire where this island is, and what necessity there is for its purchase by the Government?

Mr. GALLINGER. I will read from the report. I will say that this matter was referred to the Committee on the District of Columbia, and, under date of May 16, 1896, the Senator from Vermont

[Mr. PROCTOR] made a written report in favor of the proposition, in which he says:

Analostan Island lies in the Potomac River, directly opposite the mouth of Rock Creek and opposite also the reclaimed flats which will become a part of the park system of the District of Columbia. Situated above the main portion of the city, Analostan Island might easily become the property of persons who would use it for business purposes of an offensive nature. Moreover, it is probable that at some day in the near future a memorial bridge will be constructed at the foot of New York avenue. Such bridge will pass directly over the marshes which form the lower part of Analostan Island.

The committee understand that the island can now be purchased for a moderate sum, probably for $112,500. It contains about 54 acres of solid ground above the ordinary level of the tides, and about 24 acres of swamps at about the level of low tide. Besides this, there are a number of acres partially submerged, which could easily be reclaimed. Also, the Government owns the land on the Virginia side of the river between the Arlington Cemetery and the water, so that the island really lies between two portions of Government property, and its situation makes it inevitable that some day it must become Government property. In the opinion of the committee, it would be both wiser and more economical to hasten rather than postpone that day.

Mr. President, as a question has arisen on this amendment, I will occupy just a moment in its discussion. Analostan Island lies in the Potomac River almost immediately opposite Georgetown. There are to-day 75 acres of land in sight, 54 acres that rise to a considerable height above the tide, and 24 acres that are to-day about on a level with the tide, and it is estimated by those who examined it—I have made a personal examination of the property, but on this point I am not qualified to speak—it is estimated that when the Government reclaims those flats, as the Government will have to do some day, there will be there 150 acres of good land.

My attention was called to this matter in connection with the location of the proposed hospital for contagious diseases, and I visited the island with the view of examining it as to its availability for that purpose.

Mr. COCKRELL. Let me ask just one question there.

Mr. GALLINGER. Certainly.

Mr. COCKRELL. As a matter of course, there is no means of conveyance to the island now except by water?

Mr. GALLINGER. Certainly not.

Mr. COCKRELL. And it is contemplated in the future to build a bridge there?

Mr. GALLINGER. I think not. I think that the contemplation that would be more proper would be to do what is done in Boston and in New York Harbor, where their public institutions are on islands, to have ferryboats. I think that would be the better and cheaper way. It is a very short distance from the shore.

Mr. COCKRELL. If a bridge should be constructed, resting upon that island and then extending to Arlington, could it be so constructed that access could be had to the island by vehicles, and everything of that kind?

Mr. GALLINGER. I think there is no question about that; and it is suggested that if we are to build a bridge to Arlington, one of the piers will undoubtedly rest upon Analostan Island.

Mr. COCKRELL. If a pier were resting there vehicles would not be enabled to get down on the island.

Mr. GALLINGER. That, of course, could be very readily obviated. I think there would be no engineering difficulty in the way of getting down to the island from that bridge. I should judge not. I think that will be conceded by everybody.

I visited this island with a view of determining whether it would be a desirable place for the purpose of locating the contemplated contagious diseases hospital; and I am free to say that in its present condition, in my judgment, it would not be desirable to put a hospital of that kind there on that island; but in the future, after the Government has reclaimed that land, and after the Government has added to the 74 acres now there almost as much more land as is purchased by the reclamation, which must at some time be made by the Government—and there is a clamor for it already—in my judgment it would then be an ideal place for all the public institutions of the District of Columbia, and not only could be put there the contagious diseases hospital, about which there is such a controversy to-day, but we could put there our workhouses and our penal institutions of all kinds, and eliminate from the District of Columbia all the institutions of that character which to-day are located in the District.

I will say in this connection that Dr. Busey, who stands at the head of his profession in the District of Columbia, being at the head of the Medical Association, argues that the island ought to be purchased for that purpose. He thinks the hospital for contagious diseases might now be erected there, although he is not clear as to its sanitary condition, not recently having visited it.

Dr. William W. Johnston, a very distinguished physician of Washington, says that no doubt this island ought to be bought by the Government for the purpose of putting these institutions there.

There is a very interesting article in the Washington Post of March 25, 1896, discussing this matter, in which it is said:

It is advanced that all such institutions will necessarily have to be isolated in the future, and that it would be wise, both on the part of the District and the United States governments, to buy the island before it becomes more valuable. If the property were purchased now and the swamps filled, it is said by army officers that the sanitary condition of Fort Myer would be improved 50 per cent. It is considered one of the most unhealthy army posts in the East, and if the plan suggested by the committee which examined the island were carried out the District would have about 150 acres of valuable land, which could be used to isolate any institution objectionable in the city, and the health of Fort Myer and all the surrounding country would be improved.

I notice that Mr. John McElroy, a well-known citizen of the District, and Mr. A. S. Solomons have also given their testimony; and recently Governor Shepherd, who is very highly regarded by the people of the District at the present time, whatever may have occurred in the past, and whose judgment upon this question I think would be taken by almost any Senator, when he was asked a question about the desirability of the Government purchasing Analostan Island, said:

I say, "Yes," unhesitatingly. They should own it for its connection with and partial control of the river improvements, which can not be properly brought to a conclusion save through the ownership of this island.

Furthermore, it is most desirable that the Government should own it in view of the proposed memorial bridge, of which it will form an important feature.

It is also needed for the improvement of the sanitary condition of the heights on which Fort Myer is situated, as well as the surrounding section of Washington City.

In every way it is a wise thing for the National Government to do, and it can never be done so cheaply and well as now.

Mr. President, in my judgment, if an island such as Analostan Island was in close proximity to any other large city in the American Union, it would be immediately purchased for public purposes. When you go into the harbor of Boston or New York you see what they have done there in the purchase of islands for the purpose of establishing upon them the public institutions.

Analostan Island, I will say, is to-day mortgaged in the vicinity of $70,000. I do not state the exact amount, but it is not far from $70,000. It is estimated by some people to be worth $150,000, and even more. The District Commissioners have given their opinion that $112,500 is a very reasonable price for the island, but it will certainly never be worth any less than it is to-day; and, as I before said, in the near future the Government will have to expend money to make the very improvements which, when made, will almost double the acreage of that island, and it is desirable that the Government in that view should own it so that it will come in possession of that added territory.

I am not an expert in real estate matters, and I would not want to put my opinion against that of Senators who know more about these things than I do, but, in my opinion, this is a matter that ought to engage the serious attention of Congress.

I sincerely trust that this amendment will be permitted to go in the bill to-day, and not only that, but I trust the conferees on the part of the Senate will insist upon it remaining in the bill, because it is in the line of good public policy and the economical use of the public money.

Mr. TELLER. I should like to inquire of the Senator from New Hampshire what is the price of this property?

Mr. GALLINGER. One hundred and twelve thousand five hundred dollars.

Mr. TELLER. It has been asserted that the property could be bought for $75,000.

Mr. GALLINGER. That was an entire mistake. The Senator who made that suggestion has written a letter to the Committee on the District of Columbia saying that he was laboring under a misapprehension when he made that suggestion to the committee.

Mr. FAULKNER. I will state to the Senator from Colorado that the island has a mortgage on it now of $70,000.

Mr. TELLER. I only wanted to know whether we were paying an exorbitant price for the property. I agree with the Senator from New Hampshire that the Government ought to buy it.

Mr. GALLINGER. The amendment provides that only so much shall be expended as may be necessary; so if the amount named would seem to be too large, when we come to negotiate, if we can get it for less, the whole amount will not be necessary.

Mr. PETTIGREW. I move to strike out "$112,500" and insert "$75,000" as the price for this property.

Mr. GALLINGER. If that should be seriously contemplated by the Senate the amendment had better be withdrawn, because the property can not be purchased for that money and ought not to be purchased for that money. I hope the amendment to the amendment will be voted down.

Mr. PETTIGREW. Mr. President, I had occasion to look at this island but a few days ago. It is a low island, unoccupied, yielding no revenue, and $500 an acre, it seems to me, would be an enormous price for it if a person were going to buy it as an investment. The amendment I offer proposes paying $1,000 an acre for this island. I have heard that within thirty days the property could have been purchased for $75,000, and now $37,500 has been added since the idea arose of selling it to the Government. I do not doubt but what this island can be purchased readily for $75,000, and I believe the owners will be glad to take that price, and take it very quickly. I think there is not a particle of doubt about it.

They certainly will take that sum if they are not very foolish people.

Mr. GALLINGER. I am informed, and I think by reputable parties, that $100,000 has been offered for the island. The Senator from South Dakota says it is a low island Fifty-four acres stand, I think, on an average of about 20 feet above high tide. It is not a low island, except that there are 34 acres that are now somewhat swampy, and there are 60 or 70 acres that can be reclaimed.

Mr. PEFFER. I wish to inquire of the Senator, purely for information, whether the waters surrounding the island are not Government waters, that is, waters that come in from the river, navigable waters, over which the United States has exclusive jurisdiction? Am I not right about that?

Mr. GALLINGER. I presume so.

Mr. PEFFER. Then, I inquire, where have the present owners secured their title?

Mr. GALLINGER. I will not go into that subject. If this island is sold, of course a good title will be given, and the property has been in the hands of private individuals from time immemorial.

Mr. STEWART. The question of title will be examined by the Attorney-General under the general law.

Mr. GALLINGER. I meant to say, in connection with this matter, that there is an unsanitary condition, because the flats that surround this island to-day affect Fort Myer, but, in my judgment, they affect more seriously the city of Washington than Fort Myer, because the currents of air come from the south more often than from the north. I have no doubt that many men who are suffering from malaria are suffering from it because of the conditions surrounding that island.

Mr. ALLEN. Will the Senator permit me?

Mr. GALLINGER. Certainly.

Mr. ALLEN. The question propounded by the Senator from Kansas [Mr. PEFFER] has a deeper significance than seems to have been given to it. If the waters of the Potomac are navigable waters, tide waters on both sides of that island, by what authority does any private individual obtain title to it?

Mr. GALLINGER. I think that would not hold true on both sides of the island. There is on the Virginia side of the island a stream or waterway that is called Little River, but I do not imagine that anything, unless it may be a rowboat, has ever been on that Little River. Between the island and the shore of the city it is navigable water, I think, as high up as Georgetown, and this island is directly opposite to Georgetown.

Mr. ALLEN. But we come back to this question: There must have been a time in the history of the Potomac River when the waters on the west side, or the Virginia side, were navigable in fact. They are navigable in law now, as I understand.

Mr. GALLINGER. That may be so.

Mr. ALLEN. This island has been made from the wash of the river.

Mr. STEWART. Oh, no.

Mr. GALLINGER. The island has not been made from the wash of the river. It may have been made from the descent of a glacier over the country at some time. I do not know what made it; but it was not made by the wash of the river.

Mr. ALLEN. It is in the channel of a navigable stream. Now, I should like to know by what authority or whence private individuals obtain title to that island?

Mr. GRAY. May I ask the Senator from Nebraska what difference it makes whether the stream is navigable or not?

Mr. ALLEN. It makes a great deal of difference.

Mr. GRAY. I should like to ask what difference it makes as to the question of title?

Mr. ALLEN. It makes this difference: A navigable stream and everything that belongs to that stream and is a part of it is by the public law of nations a highway, just exactly the same as the tree that grows in the highway is part of the highway; and whenever anyone claims that he has title to an island of that kind he must show some cession on the part of the sovereign to him, investing him with title to it.

Mr. GRAY. No more than the land on the banks of a stream.

Mr. ALLEN. There is all the difference that there is between daylight and darkness.

Mr. STEWART. I do not suppose it is necessary to settle that question now, because the Attorney-General will pass upon the title before the property is purchased. I was not aware that islands were any more public property than land of any other character. If there is any such theory as that, of course the Attorney-General will examine it. If the purchase is made, it will be made subject to examination by the Attorney-General as to title.

Mr. ALLEN. I guess that is true; I suppose there is no doubt about it.

Mr. STEWART. Of course the provision for the purchase will amount to nothing if the parties claiming title have no title.

I wish to make this remark: This movement resulted from an effort of certain persons to find a place for a contagious diseases hospital, and a good deal of attention was given to the subject. My attention was called to it on that account, and I have come to the same conclusion as the Senator from New Hampshire, after having examined it, that it is a very desirable purchase for the United States and that the United States ought to own the island.

The United States has got to improve the land about it, and a place is needed for such purposes, as suggested by the Senator from New Hampshire.

The Senator from Delaware [Mr. GRAY] tells me that he is ready to vote with me if I quit. I certainly do not want to lose a vote by continuing the discussion, and I will quit.

Mr. GALLINGER. By consent, I desire to amend the amendment by adding to it:

The validity of the title to be determined by the Attorney-General of the United States.

The amendment to the amendment was agreed to.

The VICE-PRESIDENT. The question is on the amendment as amended.

Mr. CARTER. Let the amendment as amended be stated.

The VICE-PRESIDENT. The Secretary will read the amendment as amended.

The SECRETARY. On page 26, after line 18, insert:

For the purchase of Analostan Island, in the Potomac River, $112,500, or so much thereof as may be necessary, the validity of the title to be determined by the Attorney-General of the United States.

Mr. CARTER. Mr. President, the proposition is here presented to purchase an island in the Potomac River for the sum of $112,500. It is suggested, and probably with much force, that the title to this property is now in the United States.

Mr. GORMAN and Mr. GALLINGER. Oh, no.

Mr. CARTER. That question has been raised on this floor in the course of this discussion. I submit that the passage of an act by Congress providing for the purchase of the island would be a recognition of the title in some other party than the United States. As has been aptly suggested by the Senator from Nebraska [Mr. ALLEN], the proposition of the United States to purchase would be equivalent to a waiver of any right or interest the United States may now have in that property.

But from no source does a suggestion come indicating any demand by the General Government for the use of the property. It is suggested that unhealthy sanitary conditions exist upon the island. If such be the fact, let the District authorities in execution of the law suppress the nuisance and compel the parties who claim title to remove the obnoxious conditions there existing. It is not needful that we purchase all the swamps adjacent to or in the river, in order to get rid of unhealthy conditions.

To pay the sum of $112,500 for an island the value of which no one has pretended to fix by appraisement or otherwise, with no proposition made here to condemn the property; with no existing need for it on the part of the Government or the District of Columbia, seems to me very much like placing a premium on the assiduous efforts of enterprising real estate agents who seek to sell to the Government a piece of property for this enormous sum, which, as has been suggested, could be purchased by private individuals for one-third of the sum named in the amendment.

In view of the fact that no necessity exists, in view of the fact that the United States may be at this time the owner of the property, and in view of the fact that we have not an overflowing Treasury, as Senators have borne testimony to on this floor from time to time during the present session, it seems to me that the real estate agents who represent this property should be politely requested to wait until the next session of Congress.

Mr. GALLINGER. If the Senator from Montana will permit me, I will say that I have no knowledge of any real estate agent who is at all interested in this matter. The only parties I know of who are interested in it are the owners of the property, and I think any suggestion that has come has come directly from them.

Mr. GRAY. I suggest to the Senator from New Hampshire that an amendment to his amendment be incorporated at some appropriate place which would make the purchase subject to the opinion of the Attorney-General as to the title.

Mr. GALLINGER. Instead of the amendment that I had incorporated just now let the Senator's amendment be substituted.

Mr. GRAY. What is the language of the provision already there?

The VICE-PRESIDENT. The Secretary will read the amendment to the amendment, which has been adopted.

The Secretary read as follows:

The validity of the title to be determined by the Attorney-General of the United States.

Mr. GRAY. That is the same thing.

Mr. GALLINGER. I think so.

Mr. BURROWS. Mr. President, as I was out of the Chamber at the time this matter came up, I should like to have the Senator from New Hampshire or some other Senator explain the pressing necessity at this time for the purchase of this island for $112,500

when the Treasury is running behind every day. What is it proposed to do with it?

Mr. GALLINGER. Mr. President, I do not care to occupy any unnecessary time upon this subject. I will endeavor to answer the Senator from Michigan in a few words. I did not argue that there was any pressing necessity for the purchase; I argued that it is good public policy to buy the island. I suggested that after the Government had done what the Government will necessarily have to do in the near future, reclaim the surroundings of that island, instead of being 74 acres of land as there are now, there will be 150 acres, and it will be an admirable place to put all the public institutions of the District of Columbia; besides which, very likely the pier of the proposed memorial bridge, if it is ever built, will rest upon that island.

Three years ago or thereabouts we made an appropriation for a contagious-disease hospital in this city and the District Commissioners have been unable to locate it up to the present time. They have tried to locate it in, I presume, forty different places, and there has been a rebellion against the proposed location. It is still in the air. It is my honest conviction, and I am glad to know that the medical profession of the District are in sympathy with my view in the matter, that this purchase will be a solution of that problem in the near future. In addition to that, all our penal institutions can be placed there, just as they are put on islands in Boston and New York harbor and some of the other great harbors of the country.

This is all I care to say upon the amendment. The Senate can do as it pleases about it. I have no interest in it either through real estate agents or anybody else.

Mr. CARTER. I desire to inquire of the Senator in charge of the bill whether any estimate was submitted in the regular estimates of the Department for the purchase of this property?

Mr. TELLER. I am not aware that there was any estimate for it.

Mr. CARTER. Then I submit that the amendment is subject to a point of order.

Mr. GALLINGER. Inasmuch as the amendment has been reported from a standing committee of the Senate, I submit that it is not obnoxious to a point of order.

Mr. WHITE. I should like to hear the amendment read again. I do not know that I understand it.

The VICE-PRESIDENT. The Secretary will again read the amendment.

The SECRETARY. After line 18, page 26, insert:

For the purchase of Analostan Island, in the Potomac River, $112,500, or so much thereof as may be necessary, the validity of the title to be determined by the Attorney-General of the United States.

Mr. WHITE. The amendment means, I presume, that if the Attorney-General finds there is any title to the property then the money is to be paid to somebody. I presume, of course, there must be a title to the property, so that the question will be answered in the affirmative. It seems to me the amendment is very peculiarly drawn.

Mr. GALLINGER. Any suggestion that the Senator from California as a lawyer will make to improve the amendment will be accepted by the Senator who submitted it. We have no disposition at all to play on words in this matter. It is a plain business proposition.

Mr. ALLEN. Why not have the amendment call for a fee simple title?

Mr. GALLINGER. If the lawyers can settle that point among themselves it will be agreeable to me. I will say that I am not a lawyer.

Mr. ALLEN. I suggest the propriety of amending the proposed amendment so that it will require a fee simple title. If we have got to purchase the island, instead of having such a title as the Attorney-General may approve of we want a fee simple title. The Attorney-General may be mistaken in the title. We would be bound by his judgment. However, we may be bound by it anyway.

Mr. GALLINGER. I suggest to the Senator that there is not much danger of the District Commissioners or any other authority of the United States or of this District making a purchase involving $112,500 or any part of that amount without getting a good title to the property. It seems to me it is a reflection upon their good sense and business judgment. But still, as I before said, I am entirely willing to have the amendment changed in any way that may be agreeable to the legal gentlemen of this body who know more about the matter than I do.

Mr. ALLEN. It is not my purpose to reflect upon the character or the ability of anyone, if I can avoid doing so. It is no pleasure for me to do so. I raised a question as to the propriety of purchasing this island. I have not been convinced by anything said by the Senator from New Hampshire that we should purchase it. The same argument that has been used by the Senator from New Hampshire can be used with reference to every piece of private property in the District of Columbia. I suppose the time never will come in the history of the city of Washington when the real estate agents will not have some desirable piece of property here that they will want to sell to the Government at an exorbitant price. It is known, and I am surprised that the Committee on the District of Columbia do not put a check upon it to some extent, that there are men here organized for the express purpose of selling to the Government pieces of property at fabulous prices.

At this time, when there is such widespread distress among the people, when the Government is going in debt from month to month and from year to year to obtain money to pay the running expenses of the Government, why should we indulge in the needless luxury of purchasing an island for which there is no present demand? It is not claimed by the Senator from New Hampshire or the Committee on the District of Columbia that there is any pressing demand for this island. Why not wait until there is a demand for the construction of a hospital for contagious diseases; and possibly in the meantime the ingenuity of the Washington real estate syndicate will find a much more desirable place than this island.

Mr. KYLE. Will the Senator from Nebraska allow me to make a suggestion at this point?

Mr. ALLEN. Certainly.

Mr. KYLE. The question was raised by the Senator from Montana [Mr. CARTER] as to whether the enactment of a law to purchase the island is not a quasi recognition of the fact that the parties claiming to own the land have a good title.

Mr. ALLEN. I do not know; I could not say that the passing of a bill of that kind would recognize their title. It would not be an estoppel, because the Government, being the sovereign power, can not be estopped. But I do submit this proposition, which seems to be treated somewhat lightly here by some of my legal brethren: An island that is situated in the channel of a navigable stream and has been formed by the wash of that stream is an incident of the public highway itself, a part of it, and it belongs to the sovereign power to which the channel itself belongs. I submit that as an elementary proposition of law.

Mr. STEWART. The Senator makes that suggestion upon a misapprehension of the fact. It is a rocky island and it has been there as long as the river has been there. It has not been formed in the way the Senator suggests.

Mr. ALLEN. I did not speak of the island in its incipiency. I do not recognize the Senator's interpretation of the law at all. I regret very much that I can not agree with him.

Mr. STEWART. It is not a question involving an interpretation of law; it is a question of fact.

Mr. ALLEN. Some time in the history of this navigable stream an island was formed in its center, when the waters were navigable in fact on both sides of the island, and are navigable in law to-day, and yet some person or persons claim to own a title to that island without showing, as I am informed, any cession on the part of the Government to them or to their grantors, immediate or remote. Now we propose to authorize the expenditure of one hundred and twelve and a half thousand dollars for the purchase of the island at this time without the specification of a solitary immediate use to which it is to be put.

Mr. President, we might as well anticipate at this moment that at some time in the history of the city of Washington it will have a million of population and the demand for public buildings will be double what it now is. I have no doubt in my own mind that that time may come if the Republic stands, and I hope it will. Yet would it not be perfectly idle now to authorize the expenditure of public money in the purchase of sites for imaginary or contemplated public improvements so far in advance of the actual demands of the Government? How many men who lie around this city get rich off of transactions of this kind? How many such things pass through Congress that smell to heaven of a job, of a transaction in which there is private gain to private individuals, and sometimes the stench reaches the garments of officials. I am opposed to the amendment.

Mr. STEWART. Mr. President, I am in favor of this proposition, and I do not want to have it understood that there is any stench about it. I believe it is a good purchase, and I believe if the Government of the United States had done a good deal of purchasing of land for public purposes when it could have got it cheap it would not have paid out the millions and tens of millions of dollars in the way of condemnation that have been paid. Look at the price paid for the site for the city post-office building and all the other sites which have been bought. There has been an effort for years to obtain a place for crematories to dispose of garbage, and for various other municipal establishments.

Mr. HAWLEY. And a Printing Office.

Mr. STEWART. And a Printing Office. We are met with high prices, with speculation and opposition every time. Here is an island situated precisely with regard to this city as islands are with regard to other cities which are always purchased as being convenient for many purposes. It can be obtained now for an extremely low price. I am credibly informed that these heirs

were offered some time ago $100,000 cash for this property. It is mortgaged for something over $70,000. There have been no real estate people connected with this transaction. It is not brought here by real estate agents at all.

Mr. PETTIGREW. I should like to ask the Senator from Nevada a question.

Mr. STEWART. Certainly.

Mr. PETTIGREW. Can the Senator state who offers the island for sale, and to whom it is mortgaged?

Mr. STEWART. I can not.

Mr. PETTIGREW. And the date of the mortgage?

Mr. STEWART. I can not tell you.

Mr. PEFFER. Will the Senator allow me a question?

Mr. STEWART. I know there are some heirs connected with it. I have not gone into the details, because the question of the title will be disposed of by the Attorney-General. I believe it is a proper purchase to make. That the United States will have to reclaim the flats about it, is certain. That is admitted on all hands. The Government has commenced this work and reclaimed the flats about the other islands below. Those were made islands. This is a high island, but it has flats about it in such a position that they affect Washington City and Georgetown. There is a clamor to have it improved. It is within the plan of improvements to improve the island and reclaim the land about it, which will belong to the mainland if that is done. It will then be private property, and the time is not far distant when, if purchased, it will have to be purchased at a much higher price. I believe the sum named is extremely low and that ultimately the Government has got to have it. It is a great deal better policy to buy those places that it is obvious the Government will want to use than to wait and pay ten prices when you have to force the sale by condemnation.

Mr. ALLEN. Would the Senator from Nevada permit an amendment to the bill providing for the purchase of this island by silver coined at a ratio of 16 to 1?

Mr. STEWART. Oh, let us have a vote.

Mr. GORMAN. Mr. President, I merely want to say, in reply to the Senator from Nebraska [Mr. ALLEN], that so far as the title to the property of all the islands in the Potomac River is concerned, that has all been adjudicated long since. The grant to Lord Baltimore included all the islands in the river from its source to the mouth and to low water on the Virginia shore. A suit involving the whole question came up and went to the Supreme Court. A commission was appointed to settle the title and the title was determined to be in the State.

Mr. HAWLEY. We can not hear the Senator at all on this side.

Mr. GORMAN. I say to the Senator from Nebraska, in reply to his suggestion, that there is no question whatever as to the title of this property. The grant to Lord Baltimore included all the islands in the Potomac River from its source to the mouth. Afterwards the question came up; there was a controversy between the two States, and it went through the examination of a commission, and finally to the Supreme Court of the United States. So as to the title there is no question whatever. The parties who hold it at present are, I think, in the third or fourth generation from the original grantee. There can not be any question as to the title. As to the propriety of the purchase of the island, that is another matter.

Mr. MILLS. Was the island ever conveyed to the United States by the District of Columbia?

Mr. GORMAN. No; it was never conveyed to the United States. No private property within the District of Columbia was conveyed to the United States except within the limits of Georgetown and the city of Washington proper, where the owners conveyed by deed to the commissioners on behalf of the United States every other square and all the streets and avenues. As I said, there is no question about the title of the island. The question as to the riparian rights on this side was recently decided by the supreme court of the District of Columbia, the case growing out of the improvement of the flats on this side. All of that title is in the United States; but there is no question in the world about the title to the island.

As to the propriety of the purchase of the island, we have been engaged for a good many years in ascertaining where it would be possible to find a place for a contagious diseases hospital, and it has been almost impossible to locate it. It was located in the northern section of the city some three or four years ago, and all the property holders in that region rebelled and said it would not do to have such a hospital with cases of scarlet fever there, and we gave way to them, and the same feeling has been manifested in every section of the city. The only contagious hospital we have located is immediately east of the present jail, and it appears that this island is actually the only place that is so isolated as to give no one any trouble. As to the property itself, I am perfectly familiar with it.

Mr. PETTIGREW. I should like to ask the Senator from Maryland if it is a suitable place for a hospital?

Mr. GORMAN. I think the testimony of all the medical fraternity and everybody connected with the location of a hospital is that it is the most desirable place for it in the District. It seems to be the ideal place for it.

In addition to that, we will be compelled to fill up the flats in front of it for the health of this city and the health of the soldiers at Fort Myer, as we have done on this side. In doing that, if we acquire the property prior to filling it up we will in addition have about 100 acres that will be utilized.

Then there is the other project of crossing the river by a great bridge, as a memorial to General Grant. A bill has passed the Senate for that purpose. One of the piers, at least, of that bridge will rest upon this property.

Mr. PETTIGREW. I should like to ask the Senator if the island will be suitable for hospital purposes previous to reclaiming the land around it?

Mr. GORMAN. Unquestionably, in my judgment.

Mr. PETTIGREW. I understood the Senator from New Hampshire to say it would not.

Mr. GORMAN. The Senator from New Hampshire made a very frank statement. There is difference among the medical fraternity as to whether it ought to be done immediately or a little later on. I think this is the cheapest piece of property that has ever been offered to the Government since I have had the honor of a seat on this floor.

Mr. PETTIGREW. I wish to state that as I understand it there are about 74 acres in the island; that 50 acres are above water; that 24 acres are partially under water and are overflowed when there is any material rise whatever in the Potomac River.

Mr. GALLINGER. How many acres?

Mr. PETTIGREW. Twenty-four acres are sometimes overflowed.

Mr. GALLINGER. Yes.

Mr. PETTIGREW. I understand that the island is of no use; it produces no revenue, and no one can buy it and make a living out of it in any way. It is an out-of-the-way piece of ground. The price, it seems to me, although I am not very familiar with the value of Washington real estate, at $500 would be so excessive that no man of judgment who wished to make an investment would touch it.

It seems that no one can tell anything about the island. Senators can not tell us who wants to sell it to the Government. They can not tell us who holds the mortgage. They say there is a mortgage of $70,000 upon it. It is very easy to mortgage a piece of miserable property like that for two or three hundred thousand dollars and then come and try to sell it to the Government above the price of the mortgage. That is no indication of value at all. They have not told us who has taken the mortgage or who has given it. There is no proof as to the value of the property at all, and I submit I do not believe any man would give $37,500 for the property.

Mr. GALLINGER. Mr. President, just a single word. I am sorry that the hearing of the Senator from South Dakota [Mr. PETTIGREW] is so defective. I said that there are 54 acres of this land which rises 20 feet above high tide. There are 24 other acres level with high tide which, when reclaimed, will be good land. It is estimated, not by myself, but by competent authorities, that there will be 150 acres in all when the improvements are made.

I do not think it important to ascertain precisely who owns the land or who took the mortgage. I have personal knowledge of the fact that some very reputable people have title to the land, just as reputable people as there are in the District of Columbia. I have no question at all as to the Government getting good title. I have every reason to believe, my own mind is satisfied, that the property has been mortgaged for the amount stated in good faith and for a proper consideration. I think it is begging the question to talk about some swindling operation going on here. Nobody but the Senator from South Dakota has discovered that, unless it should be the Senator from Montana [Mr. CARTER]. They seem to have made a discovery which certainly is unknown to those of us who have taken a little interest in this matter and have given it careful consideration.

Mr. KYLE. There is no objection to telling the name of the owner.

Mr. GALLINGER. I am very free to say to the Senator from South Dakota that I do not at this moment recall it.

Mr. FAULKNER. The Senator from Vermont [Mr. PROCTOR] can tell.

Mr. GALLINGER. The Senator from Vermont [Mr. PROCTOR] can tell the names.

Mr. KYLE. There is no need of mystification. Senators have asked who owns the land and who has the mortgage.

Mr. GALLINGER. What difference does it make who owns it?

Mr. GRAY. The Senator from Vermont can tell.

Mr. PROCTOR. I do not know the name of the male heir. I think a Mrs. Dewey, the wife of a naval officer, is interested in the matter. I have seen no one else. I have heard of no real estate agent. I am sure nobody has been before the committee. This lady, with the wife of a Senator, I think, called on one or two members of the committee, but the committee considered it entirely by themselves, without any outside influence from any party. It was stated that there was a mortgage upon the property. There is no question about the title. The Senator from Maryland [Mr. GORMAN] has made that very clear indeed.

Mr. GRAY. The title is in two persons, heirs at law?

Mr. PROCTOR. The title is in two or three persons. I am not sure whether there are one or two brothers.

Mr. FAULKNER. I think there is only one brother. I so understood from this lady, the only person I have ever met in connection with it. The brother is either in very delicate health or a cripple—I can not remember now which she said; and my recollection is that she has transferred her interest entirely to him, looking forward to the surplus over and above the mortgage indebtedness for an amount sufficient to support him during the rest of his life.

Mr. PROCTOR. It appeared to the committee that within a short time we would probably be obliged to pay for a portion of the island for the proposed bridge to Fort Myer and Arlington, and that it would be a matter of economy to purchase the whole island while we could do so for a very reasonable sum.

Mr. CARTER. I should like to ask the Senator from Vermont [Mr. PROCTOR] a question before he sits down. Upon what basis was the amendment presented by the Senator from Vermont on the 25th of April, providing for the purchase of this property for the sum of $75,000? I observe that such an amendment was presented to the Senate on that day for this purpose, and that the sum of $75,000 is named as the purchase price of the property.

Mr. PROCTOR. I had an impression (and it was because there was no hearing before the committee that I derived the impression in some way) that it might be purchased for that sum. I very soon found my mistake, and the change was made in the committee at a meeting when I was not present.

Mr. MILLS. Mr. President, it seems to me that the proper plan to pursue in reference to this island is to provide in the bill for its condemnation by regular course of law. We seem to be fixing a price on the property without knowing whether we can get it for one-half that sum or not. If it is necessary for the Government to have the island, let us get it, and get it in the proper way. Let us go into the courts, hear testimony as to the value of the property, and proceed regularly to its condemnation and the divestiture of the title out of its present owner and its investment in the District of Columbia or in the Government of the United States.

I do not think it is the proper course to pursue to make an appropriation of a lump sum, hit or miss, in the light or in the dark, without knowing anything about the proper value of the land.

Mr. GALLINGER. Will the Senator from Texas permit me?

Mr. MILLS. Certainly.

Mr. GALLINGER. That very matter was before our committee and very fully discussed, and it was stated to the committee by some of the oldest Senators in this body that the Government has fared very badly in condemnation proceedings; that it has paid three and in some instances, I think, ten times the amount that the property was considered to be worth when it started out to condemn it. I think the amount paid for the land where the new post-office building is going up is a case in point. I will not undertake to state the increased value under the condemnation proceedings, but it seems to me that it was ten times or thereabouts. The Senator from Maryland [Mr. GORMAN] nods his head. I am inclined to think it was even much higher than that, and the Government, in all its condemnation proceedings, as I have been informed and as the committee was satisfied, has fared very badly.

Mr. MILLS. It is rather a strange commentary on trial by jury if we can not get a fair assessment of the value of property, and if the Government has to be plundered every time we submit a question of that sort to a sworn jury. It is rather calculated to shake our faith in one of the most ancient of all our institutions. I remember, when we were condemning property for the new Library building, a gentleman told me that for one of the lots that was condemned the Government paid him $10,000 less than he had been offered for the property. At least that is what a gentleman told me who knew of the fact. I thought it was a very great hardship. The thing was going the other way.

Mr. HARRIS. Will the Senator from Texas allow me to remind him of the fact that the act which authorized the condemnation of property for the new Library building fixed a maximum limit and that limit of appropriation was simply apportioned between the various property holders?

Mr. MILLS. That was very unjust to the property owners.

Mr. HARRIS. So I thought at the time and so I have thought ever since.

Mr. MILLS. I do not want to do injustice to anybody. If it is necessary to have the island we want to get it in the proper way and to pay what it is worth, and nothing more.

Mr. ALLISON. I do not know but that this may be a wise purchase. I only know that it is a new matter which has been brought to the attention of the Senate within the last few months. I do not believe that the price of the land will greatly enhance before we can have an opportunity to make a thorough examination in respect to title and the value of the property.

I know the amendment comes here with the sanction of the Committee on the District of Columbia, and I have great respect for the examinations and investigations made by that committee. It came as an amendment from the Committee on the District of Columbia to the Committee on Appropriations. We gave such investigation to the matter as we could. In fact, we made considerable inquiry upon the subject. We did not find that the Commissioners of the District of Columbia were prepared to give us any accurate or exact information respecting it. The Engineer Commissioner did not seem to know the extent or area of the island and its reclaimability or the cost of it.

I submit to Senators that, with so many important amendments already in the bill beyond what is proposed by the House of Representatives, it is unwise at this late hour to propose on the pending bill an amendment involving so large a sum of money to the taxpayers of the District of Columbia and the Treasury of the United States; and unless we can have a vote immediately upon the merits of the question I shall move to lay the amendment on the table.

Mr. GALLINGER and others. Let us vote.

The VICE-PRESIDENT. The point of order is made upon the amendment by the Senator from Montana [Mr. CARTER]. The amendment, as the Chair understands, was reported from the Committee on the District of Columbia and referred to the Committee on Appropriations.

Mr. GALLINGER. That is correct.

The VICE-PRESIDENT. The Chair thinks that takes it out of the rule, and the point of order is overruled. The question is on agreeing to the amendment of the Senator from South Dakota [Mr. PETTIGREW] to the amendment.

Mr. STEWART and others (to Mr. PETTIGREW). Withdraw it.

Mr. PETTIGREW. Very well; I withdraw the amendment to the amendment.

The VICE-PRESIDENT. The amendment to the amendment is withdrawn. The question is on agreeing to the amendment submitted by the Senator from New Hampshire [Mr. GALLINGER] as amended.

Mr. MILLS and Mr. GALLINGER. Let us have the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. GEORGE (when his name was called). I am paired with the Senator from Oregon [Mr. MCBRIDE]. If he were present, I should vote "nay."

Mr. HARRIS (when his name was called). Being paired with the senior Senator from Vermont [Mr. MORRILL], and not knowing how he would vote, I will withhold my vote. I should vote "yea" if the senior Senator from Vermont were here.

Mr. MARTIN (when his name was called). I am paired with the Senator from Montana [Mr. MANTLE]. If he were present, I should vote "yea."

Mr. PRITCHARD (when his name was called). I am paired with the Senator from Louisiana [Mr. BLANCHARD].

Mr. SEWELL (when his name was called). I am paired with the Senator from Wisconsin [Mr. MITCHELL].

Mr. THURSTON (when his name was called). I have a general pair with the junior Senator from South Carolina [Mr. TILLMAN], but upon the express understanding that it is not to apply to cases having no political interest. I therefore exercise my discretion and will vote. I vote "nay."

Mr. TURPIE (when his name was called). I am paired generally with the senior Senator from Minnesota [Mr. DAVIS]. He is absent, and I withhold my vote.

Mr. WALTHALL (when his name was called). I am paired with the senior Senator from Pennsylvania [Mr. CAMERON]. I transfer my pair to the senior Senator from Indiana [Mr. VOORHEES] and will vote. I vote "nay."

The roll call was concluded.

Mr. QUAY. I have a general pair with the Senator from Alabama [Mr. MORGAN]. I am not aware how he would vote on this question, and therefore I withhold my vote. If he were present, I should vote "nay."

Mr. BLACKBURN. I am paired with the senior Senator from Michigan [Mr. MCMILLAN]. I am assured that if he were present, he would vote "yea." Therefore I will vote. I vote "yea."

Mr. HARRIS. Being informed by the junior Senator from Vermont [Mr. PROCTOR] that if the senior Senator from Vermont [Mr. MORRILL] were here, he would vote "yea," I will record my vote. I vote "yea."

The result was announced—yeas 21, nays 27; as follows:

YEAS—21.

Bacon,	Faulkner,	Hill,	Stewart,
Blackburn,	Gallinger,	Jones, Ark.	Teller,
Brown,	Gibson,	Perkins,	Vest.
Caffery,	Gorman,	Platt,	
Chandler,	Gray,	Proctor,	
Cockrell,	Harris,	Smith.	

NAYS—27.

Aldrich,	Carter,	Kyle,	Shoup,
Allen,	Chilton,	Mills,	Thurston,
Allison,	Cullom,	Nelson,	Walthall,
Baker,	Dubois,	Pasco,	Warren,
Bate,	Frye,	Peffer,	Wetmore,
Berry,	Hale,	Pettigrew,	White.
Burrows,	Hawley,	Roach,	

NOT VOTING—41.

Blanchard,	George,	Martin,	Sherman,
Brice,	Gordon,	Mitchell, Oreg.	Squire,
Butler,	Hansbrough,	Mitchell, Wis.	Tillman,
Call,	Hoar,	Morgan,	Turpie,
Cameron,	Irby,	Morrill,	Vilas,
Cannon,	Jones, Nev.	Murphy,	Voorhees,
Clark,	Lindsay,	Palmer,	Wilson,
Daniel,	Lodge,	Pritchard,	Wolcott.
Davis,	McBride,	Pugh,	
Elkins,	McMillan,	Quay,	
Gear,	Mantle,	Sewell,	

So the amendment was rejected.

Mr. CHANDLER. I have one or two amendments which I desire to offer for regulating and paving streets which were estimated for by the Commissioners, but which have been omitted from the bill. I send the amendment to the desk.

The SECRETARY. On page 20, after line 19, it is proposed to insert:

For paving Massachusetts avenue extended from Twenty-second street to Sheridan Circle, $5,000.

The amendment was agreed to.

Mr. CHANDLER. I offer another amendment to come in on page 21, after line 12.

The amendment was read and agreed to, as follows:

For grading and regulating Belmont and Kalorama streets between Eighteenth street and Columbia road, $1,000.

Mr. HAWLEY. On page 42, under the subhead of "Health department," in line 24, before the word "hundred," I move to strike out "two" and insert "eight"; so as to read:

Sanitary and food inspector, who shall also inspect dairy products, and shall be a practical chemist, $1,800.

I move this amendment because I know something of the man who was sought for as a capable chemist. He was getting $1,800 a year. He came here at $1,200, because that is all they could give him under the appropriation, with a promise that they would try to get it raised to $1,800, and every year for several years, I do not know how many, the District Commissioners have put into the estimates $1,800 for his salary. I think he deserves it.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Connecticut [Mr. HAWLEY].

The amendment was agreed to.

Mr. DUBOIS. I move the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. At the end of line 7, on page 37, it is proposed to insert:

Each of the members of the Metropolitan police force shall be entitled to twenty days' leave of absence each year, with pay, the time of leave in each instance to be determined by the District Commissioners.

Mr. TELLER. I will say that I understand the police here have now ten days' leave of absence, and all of the Government employees have thirty days. I think the amendment is reasonable, and I do not desire to object to it.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on Pensions:

A bill (H. R. 158) granting a pension to Mary Collins;

A bill (H. R. 986) for the relief of Hiram P. Pauley;

A bill (H. R. 1178) granting a pension to Sarah Weedon Jones;

A bill (H. R. 1508) granting a pension to Anna M. Newton, widow of Gen. John Newton;

A bill (H. R. 1820) granting a pension to Neil McNeil;

A bill (H. R. 2189) granting a pension to Mrs. Mary A. Freeman;

A bill (H. R. 2317) to increase the pension of Levi T. E. Johnson;

A bill (H. R. 2969) granting a pension to Mrs. Lucy A. Allen;

A bill (H. R. 3113) granting a pension to Margaret A. Kidwell;

A bill (H. R. 3333) granting a pension to Thomas S. Daugherty;

A bill (H. R. 3480) for the relief of Emily A. Mann;

A bill (H. R. 3877) granting a pension to Henderson Marple;

A bill (H. R. 4481) granting increase of pension to Patsey E. Broaddus, of Marion, Kans.;

A bill (H. R. 4548) granting a pension to Mary L. Arnold;

A bill (H. R. 4734) to increase the pension of Mrs. Mary L. Aleshire;

A bill (H. R. 4888) for the relief of George Hager;

A bill (H. R. 4994) for the relief of Mrs. Sarah Martin;

A bill (H. R. 5050) granting a pension to Ransom C. Hazelip;

A bill (H. R. 5311) granting a pension to Sarah Ann Wible;

A bill (H. R. 5393) for the relief of Lucinda Rickards, widow, and the minor children of John D. Rickards, deceased;

A bill (H. R. 5710) granting a pension to Eleanor L. Curtiss;

A bill (H. R. 6111) granting a pension to Elizabeth A. Sergent;

A bill (H. R. 6221) granting an increase of pension to Mary E. Chamberlin;

A bill (H. R. 6789) granting a pension and for the relief of Dr. Harrison Wagner; and

A bill (H. R. 7212) to increase the pension of Melita E. White.

The following bills were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (H. R. 1175) to remove the charge of desertion from the military record of Nicholas Swingle;

A bill (H. R. 2328) for the relief of Patrick Rainey;

A bill (H. R. 3514) granting an honorable discharge to John J. Johnson;

A bill (H. R. 3565) to grant an honorable discharge to Ezra Abbott;

A bill (H. R. 4193) to correct the military record of William F. Songer;

A bill (H. R. 4872) to correct the military record of Homer C. McCuskey;

A bill (H. R. 5407) to remove the charge of desertion now standing against Oscar A. Bulette, known in his military title as Austin Bulette, late private in Company E, Fifty-second Illinois Infantry Volunteers, during late war; and

A bill (H. R. 6608) to remove the charge of desertion from the military record of George W. Taylor.

The following bills were severally read twice by their titles, and referred to the Committee on Finance:

A bill (H. R. 5740) authorizing the Secretary of the Treasury to issue a duplicate bond to Benjamin March, guardian of Ruth March;

A bill (H. R. 6259) to expedite the delivery of imported parcels and packages not exceeding $500 in value; and

A bill (H. R. 8582) to allow the bottling of distilled spirits in bond.

The following bills were severally read twice by their titles, and referred to the Committee on Commerce:

A bill (H. R. 6776) to provide an American register for bark *Vila;* and

A bill (H. R. 7255) authorizing the establishment of a life-saving station on the coast of Maryland.

The following bills were severally read twice by their titles, and referred to the Committee on Public Lands:

A bill (H. R. 7919) granting a site for the erection and maintenance of a charity hospital by the city of Biloxi, Miss.; and

A bill (H. R. 3268) to facilitate the procurement of evidence and to compel the attendance of witnesses in matters before the registers and receivers of the local land offices of the United States.

The bill (H. R. 8298) relating to mortgages in the Indian Territory was read twice by its title, and referred to the Committee on Indian Affairs.

The bill (H. R. 956) for the relief of Sophia Sparks and Julia C. Sparks, of Annapolis, Md., was read twice by its title, and referred to the Committee on Claims.

The bill (H. R. 7477) to provide for the registration of trademarks on bottles, siphons, butts, hogsheads, barrels, half barrels, casks, half casks, quarter casks, kegs, boxes, tins, and other receptacles and vessels used in commerce with foreign nations, or among the several States, or with the Indian tribes, or among or in the Territories of the United States, or with or in the District of Columbia, and to prevent the fraudulent use of the same in such commerce, was read twice by its title, and referred to the Committee on Patents.

The bill (H. R. 717) authorizing and directing the Secretary of the Navy to donate four condemned cannon and four pyramids of condemned cannon balls to James T. Shields Post, No. 45, Grand Army of the Republic, of Galesburg, Knox County, Ill., and for other purposes, was read twice by its title, and referred to the Committee on Naval Affairs.

The bill (H. R. 8673) to incorporate The National Society of

Colonial Dames of America was read twice by its title, and referred to the Committee on the Library.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. CULLOM. I move that the Senate proceed to the consideration of the conference report on the legislative, executive, and judicial appropriation bill. I wish to get it before the Senate, so that it may be the unfinished business for to-morrow.

Mr. COCKRELL. I have no objection to the conference report being taken up, but I want to move an executive session.

Mr. GORMAN. It is not necessary to take up the conference report to-night, but it can be taken up in the morning as a privileged question.

Mr. CULLOM. Very well. Then I shall not ask to have it taken up to-night, but give notice that I shall call it up to-morrow morning.

Mr. COCKRELL. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty-five minutes spent in executive session the doors were reopened, and (at 6 o'clock p. m.) the Senate adjourned until to-morrow, Wednesday, May 20, 1896, at 12 o'clock meridian.

NOMINATION.

Executive nomination received by the Senate May 19, 1896.

POSTMASTER.

Harriet L. Hastings, to be postmaster at Port Gibson, in the county of Claiborne and State of Mississippi, in the place of Frank H. Foote, removed.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 19, 1896.

TERRITORIAL ASSOCIATE JUSTICE.

John C. Tarsney, of Missouri, to be associate justice of the supreme court of the Territory of Oklahoma.

POSTMASTERS.

Simon B. Guthrie, to be postmaster at Gorham, in the county of Cumberland and State of Maine.

James Hudson, to be postmaster at Guilford, in the county of Piscataquis and State of Maine.

Fred M. Noyes, to be postmaster at Gardiner, in the county of Kennebec and State of Maine.

John H. Keelin, to be postmaster at East Greenwich, in the county of Kent and State of Rhode Island.

Cheney E. Parker, to be postmaster at Phillips, in the county of Franklin and State of Maine.

HOUSE OF REPRESENTATIVES.

TUESDAY, *May 19, 1896.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of yesterday's proceedings was read and approved.

APPOINTMENT OF CONFEREES.

The SPEAKER announced as conferees on the disagreeing votes of the two Houses on the bill (H. R. 5490) to license billiard and pool tables in the District of Columbia, and for other purposes, Mr. BABCOCK, Mr. HULING, and Mr. MILNES.

The SPEAKER also announced as conferees on the disagreeing votes of the two Houses on the bill (H. R. 2698) authorizing the construction of a bridge over the Mississippi River to the city of St. Louis, in the State of Missouri, from some suitable point between the north line of St. Clair County, Ill., and the southwest line of said county, Mr. STEWART of New Jersey, Mr. JOY, and Mr. PATTERSON.

CONDEMNED CANNON.

The SPEAKER laid before the House the bill (H. R. 4324) authorizing the Secretary of the Navy to deliver one condemned cannon to the city of Elmwood, Peoria County, Ill., with Senate amendments.

The Senate amendments were concurred in.

CONTESTED ELECTION CASE—RINAKER VS. DOWNING.

Mr. DANIELS. Mr. Speaker, on behalf of the Committee on Elections No. 1, I submit a resolution which the committee desires to have passed, for the purpose of regulating the proceedings in the case of Rinaker against Downing.

The Clerk read as follows:

To the Speaker and House of Representatives of the Fifty-fourth Congress:

The Committee on Elections No. 1 hereby respectfully submit to the House for its approval in the case of the contested election in the Sixteenth Congressional district of the State of Illinois, wherein John I. Rinaker is the contestant and Finis E. Downing is contestee, the resolution approved by said committee, as follows:

"*Resolved*, That F. J. Robinson, county clerk of the county of Cass, State of Illinois; Charles Flamm, county clerk of the county of Calhoun, State of Illinois; D. J. Murphy, county clerk of the county of Jersey, State of Illinois; William A. Hubbard, county clerk of the county of Greene, State of Illinois; Fred G. Oeltgen, county clerk of the county of Macoupin, State of Illinois; F. J. Heinl, county clerk of the county of Morgan, State of Illinois; V. A. Grimes, county clerk of the county of Pike, State of Illinois, and Charles Crisp, county clerk of the county of Scott and State of Illinois, be, and they are hereby, each ordered to be and appear before Elections Committee No. 1 of this House forthwith, then and there to testify before said committee, or such commission as shall be appointed, and the truth to speak touching any matters then to be inquired of them by said committee in the contested election case of John I. Rinaker *vs.* Finis E. Downing, now before said committee for investigation and report; and that they, and each of them, respectively, as such county clerks, bring with them all the ballots and packages of ballots cast in each of said counties at the general election held in said counties on the 6th day of November, A. D. 1894, for the election, among other officers, of Representative in the Fifty-fourth Congress from the Sixteenth district of Illinois, now in their custody, respectively; and that they each also bring with them, respectively, in addition to said packages of ballots, all poll books and tally sheets, and such other books and papers as relate to said election in their respective counties now in their custody or under the control of either of them, respectively; that said ballots be brought in the packages in which the same now are; that said ballots, poll books, and tally sheets be examined, and said ballots counted by or under the authority of said Committee on Elections in said case; and to that end, that subpœnas be issued to the Sergeant-at-Arms of this House, commanding him to summon said persons to appear with said papers as witnesses in said case, and that the expenses of executing such process, including necessary subsistence and mileage of said witnesses and all other expenses of this proceeding, be paid out of the contingent fund of this House; and that said committee be, and hereby is, empowered to send for all other persons and papers as it may find necessary to the proper determination of said controversy; and also be, and it is, empowered to select one or more competent committees to take the evidence and count said ballots or votes, and report the same to this Committee on Elections, under such regulations as shall be prescribed for that purpose; and that the aforesaid expenses be paid on the requisition of the chairman of said committee after the auditing and allowance thereof by the said Elections Committee No. 1."

Mr. DANIELS. Mr. Speaker, I ask for the adoption of the resolution.

Mr. RICHARDSON. I desire to ask the gentleman a question. Is this the unanimous report of the committee?

Mr. DANIELS. Yes, sir; the resolution is the unanimous agreement of the members of the committee. I ask for the adoption of the resolution.

The resolution was agreed to.

On motion of Mr. DANIELS, a motion to reconsider the vote by which the resolution was agreed to was laid on the table.

Mr. DANIELS. Mr. Speaker, I desire to have 100 copies of the resolution printed.

The SPEAKER. The Chair understands the gentleman moved to reconsider the vote by which the resolution was agreed to.

Mr. DINGLEY. The gentleman wants to have printed 100 copies of the resolution already passed.

The SPEAKER. The gentleman from New York asks unanimous consent that 100 copies of the resolution be printed. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

FRANCIS E. HOOVER.

Mr. KIRKPATRICK, from the Committee on Invalid Pensions, submitted a report upon the bill (H. R. 1094) granting a pension to Francis E. Hoover (vetoed by the President and referred to the committee with the accompanying veto message), and asked that the report be printed and recommitted; which was ordered.

ORDER OF BUSINESS.

Mr. KEM. Mr. Speaker, I call for the regular order.

DENNY VS. OWENS.

Mr. TURNER of Virginia. Mr. Speaker, I desire to present a privileged report from the Committee on Elections No. 1. The report is in the contested-election case of George Denny, jr., *vs.* W. C. Owens, and is the unanimous report of the committee. I ask that the resolutions be read.

The resolutions were read, as follows:

Resolved, That George Denny, jr., was not elected a member of the Fifty-fourth Congress from the Seventh district of Kentucky and is not entitled to a seat therein.

Resolved, That W. C. Owens was elected a member of the Fifty-fourth Congress from the Seventh district of Kentucky and is entitled to a seat therein.

Mr. TURNER of Virginia. I move the adoption of the resolutions.

The resolutions were adopted.

On motion of Mr. TURNER of Virginia, a motion to reconsider the vote by which the resolutions were adopted was laid on the table.

ADDITIONAL EMPLOYEES OF HOUSE POST-OFFICE.

Mr. ODELL. Mr. Speaker, I desire to present a resolution on behalf of the Committee on Accounts.

The resolution was read, as follows:

Resolved, etc., That the Postmaster of the House is hereby authorized to employ two laborers at $3 per day for such time—not exceeding thirty days—as shall be necessary to distribute and deliver to the members of this House the garden and flower seeds, which are arriving in large quantities, said laborers to be paid out of the contingent fund of the House.

The SPEAKER. Is this from the Committee on Accounts?

Mr. ODELL. This is by authorization of the chairman of the committee, who requested me to offer it. I ask for its consideration.

Mr. McMILLIN. Mr. Speaker, I did not hear the gentleman's statement.

The SPEAKER. The gentleman states that the resolution is not from the Committee on Accounts, but he asks unanimous consent for its present consideration.

Mr. McMILLIN. Was not a resolution similar to this passed a short time ago?

Mr. ODELL. The resolution passed a short time ago provided for the employment of four assistants in the post-office. Only two were employed, and this is to continue those two without any extra expense beyond that provided in the first resolution. The time for which they were authorized to be employed expires to-day.

Mr. McMILLIN. The twenty days?

Mr. ODELL. The twenty days.

Mr. McMILLIN. And you want now to continue their employment for thirty days.

Mr. ODELL. This is to continue the employment of those two men.

Mr. McMILLIN. Is this reported from the Committee on Accounts?

Mr. ODELL. It has received informal consideration by the members of the Committee on Accounts.

Mr. McMILLIN. I think these matters ought to be a little more formal than that; but I shall not object.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. KEM. I object.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment bills of the following titles:

A bill (H. R. 5226) to give increased pension to Gen. James C. Parrott; and

A bill (H. R. 7285) for the relief of George McFarland.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to bills of the following titles:

A bill (S. 1215) granting a pension to Ellen Kingsley;

A bill (S. 135) for the relief of Elizabeth J. Cook, of Arkadelphia, Clark County, Ark., widow of Robert T. Cook;

A bill (S. 404) granting a pension to Samuel Goldwater;

A bill (S. 1044) granting a pension to Mary Newman;

A bill (S. 149) granting a pension to Helen M. Jacobs; and

A bill (S. 1837) granting a pension to Ellen Ewing, widow of Bvt. Maj. Gen. Thomas Ewing.

The message also announced that the Senate had passed with amendments the bill (H. R. 6994) relating to the sale of gas in the District of Columbia, asked a conference with the House on the bill and amendments, and had appointed Mr. McMILLAN, Mr. FAULKNER, and Mr. GALLINGER as the conferees on the part of the Senate.

The message also announced that the Senate had disagreed to the amendment of the House of Representatives to the bill (S. 1189) granting a pension to Eliza Sanford, asked a conference with the House on the bill and amendment, and had appointed Mr. PRITCHARD, Mr. GALLINGER, and Mr. ROACH as the conferees on the part of the Senate.

The message also announced that the Senate had disagreed to the amendment of the House of Representatives to the bill (S. 804) granting a pension to Mrs. Eleanor Carroll Poe, asked a conference with the House on the bill and amendment, and had appointed Mr. GALLINGER, Mr. MITCHELL of Wisconsin, and Mr. BAKER as the conferees on the part of the Senate.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 266) to provide for the purchase of a site and the erection of a public building thereon at Deadwood, in the State of South Dakota;

A bill (S. 3064) authorizing the purchase by the United States and the making free of the toll roads passing over the Yosemite National Park, and for other purposes;

A bill (S. 3122) for the relief of Bridget Lane;

A bill (S. 206) to provide an American register for the steamer *Kahului;* and

A bill (S. 2871) to amend "An act for the correction of the military record of Wilhelm Spiegelburg," approved July 21, 1892.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, the following bills were taken from the Speaker's table and referred by the Speaker as follows:

A bill (S. 3122) for the relief of Bridget Lane—to the Committee on Claims.

A bill (S. 3064) authorizing the purchase by the United States and the making free of the toll roads passing over the Yosemite National Park, and for other purposes—to the Committee on Public Lands.

A bill (S. 2871) to amend "An act for the correction of the military record of Wilhelm Spiegelburg," approved July 21, 1892—to the Committee on War Claims.

A bill (S. 266) to provide for the purchase of a site and the erection of a public building thereon at Deadwood, in the State of South Dakota—to the Committee on Public Buildings and Grounds.

A bill (S. 1189) granting a pension to Eliza Sandford, with House amendment—to the Committee on Pensions.

A bill (S. 804) granting a pension to Mrs. Eleanor Carroll Poe, with House amendment—to the Committee on Invalid Pensions.

A bill (S. 1420) granting an increase of pension to Elizabeth W. Sutherland, with House amendments—to the Committee on Invalid Pensions.

CAROLINE A. HOUGH.

Mr. PICKLER. Mr. Speaker, on behalf of the Committee on Invalid Pensions, I move that a conference be asked for on the bill (H. R. 2604) to increase the pension of Caroline A. Hough, widow of Brig. Gen. John Hough, the Senate amendments to which were nonconcurred in by the House yesterday.

The motion was agreed to; and the Speaker appointed as conferees on the part of the House Mr. WOOD, Mr. SULLOWAY, and Mr. BAKER of Kansas.

IMMIGRATION.

The SPEAKER. The Clerk will read the special order adopted yesterday.

The Clerk read as follows:

Resolved, That immediately after the adoption of this rule, and until 4 o'clock Wednesday, May 20, the time of the House shall be given to the consideration of such bills on the House Calendar as have been reported by the Committee on Immigration and Naturalization; and that at 4 o'clock May 20, the previous question shall be considered as ordered on the pending bill and pending amendments to the passage: *Provided, however*, That nothing in this resolution shall be construed as interfering with general appropriation bills and conference reports.

Mr. DOCKERY. Mr. Speaker, allow me again to prefer a request for a reprint of the bills and reports under consideration, as I am informed that they are all exhausted.

The SPEAKER. The gentleman from Missouri asks unanimous consent for a reprint of the various bills to be before the House under the order just read and the accompanying reports. This requires unanimous consent. Is there objection?

Mr. KEM. I object.

Mr. McMILLIN. Mr. Speaker, if the gentleman in charge of this measure will pardon me for the suggestion, I think he may obviate at this time a difficulty that he will be likely to encounter later. The order was adopted in haste yesterday afternoon, and it does not provide any time for the consideration of this bill under the five-minute rule.

Now, there is danger, I fear, if the gentleman does not make some provision of this kind, that the whole time up to the last moment may be consumed by debate, allowing no opportunity whatever for amendment. I submit to the gentleman whether it would not be well to provide that the last hour or two hours devoted to the consideration of this bill to-morrow be assigned to the consideration of the bill by sections for the purpose of amendment.

Mr. DINGLEY. As I understand, these bills are on the House Calendar, and are therefore subject to amendment at any moment as the debate progresses. They will not be considered under the five-minute rule.

Mr. McMILLIN. I did not know but that the bill carried an appropriation, and would be subject to the rule requiring the consideration of such bills in the Committee of the Whole.

Mr. DINGLEY. An amendment may be offered at any time and acted on.

The SPEAKER. The gentleman from Missouri [Mr. BARTHOLDT] will send up to be read the bill which he desires to have considered.

Mr. BARTHOLDT. I send it to the Clerk.

The Clerk read as follows:

A bill (H. R. 7864) to amend the immigration laws of the United States.

Be it enacted, etc., That section 1 of the act of March 3, 1891, in amendment of the immigration and contract-labor acts, be, and hereby is, amended by adding to the classes of aliens thereby excluded from admission to the United States the following: All male persons between 16 and 60 years of age who can not both read and write the English language or some other language. But no parent of a person now living in, or hereafter admitted to, this country shall be excluded because of his inability to read and write.

Sec. 2. That the provisions of the act of March 3, 1893, to facilitate the enforcement of the immigration and contract-labor laws, shall apply to the persons mentioned in section 1 of this act.

Sec. 3. That this act shall take effect three months after its passage.

Mr. BARTHOLDT. Mr. Speaker, a reprint of the report having been objected to by the gentleman from Nebraska, I ask that the report be now read, so that it may be incorporated in the RECORD,

and that members may thus have an opportunity to see it in print to-morrow morning.

The SPEAKER. The report may be read as part of the gentleman's remarks.

The report (by Mr. BARTHOLDT) was read, as follows:

The Committee on Immigration and Naturalization, to whom was referred the bill (H. R. 9) entitled "A bill to amend the immigration laws of the United States," beg leave to submit the following report, and recommend that in lieu of House bill No. 9 the substitute do pass without amendment.

This is a bill enacting that three months after its passage no male person unable to read and write his own language shall be admitted to the United States, excepting children under the age of 16 years and parents of persons now living in or hereafter admitted to this country.

While the committee is unanimously of the opinion that good immigration is still beneficial and necessary for the development of the vast resources of our country, a regard for public sentiment as to the undesirability of certain classes has prompted them to favor the addition of the so-called illiterates, with the restrictions indicated, to the classes excluded under existing laws. A cursory examination of the figures bearing upon the question of an educational test will demonstrate that such a test will not materially affect the immigration from Great Britain, Germany, Scandinavia, and other countries of northern Europe, which countries as a rule send us the most desirable class of immigrants, while under it the immigration from southern Europe, now looked upon as more or less undesirable, will be considerably restricted.

The following table, showing the percentage of illiterates by nationalities, will give an idea of the effect of this bill on immigration from the countries furnishing the largest quota of immigrants:

Nationalities.	Percentage of illiterates in total immigration from each country.	Nationalities.	Percentage of illiterates in total immigration from each country.
Portugal	67.35	Spain	8.71
Italy	52.93	Ireland	7.27
Galicia and Bukowina	45.68	Finland	3.58
Poland	39.82	France (including Corsica)	3.50
Hungary	37.69	England	3.49
Russia (proper)	35.42	Netherlands	3.38
Other Austria	32.70	Scotland	2.83
Greece	25.18	Germany	2.49
Roumania	17.75	Norway	1.02
Belgium	15.22	Sweden	.74
Turkey in Europe	14.79	Switzerland	.60
Wales	10.43	Denmark	.49
Bohemia and Moravia	8.98		

The original bill provided for the exclusion of male and female illiterates, but in view of the conceded scarcity of female white servants in nearly all parts of the country, the committee deemed it wise to exempt females from the illiteracy test and admit them as heretofore. The reason for the exemption of parents whose children have preceded them hither is obvious, and this provision requires no explanation further than that it was prompted by humane considerations.

Mr. CORLISS. Mr. Speaker, I rise to a parliamentary inquiry. I wish to know whether it would not be in order at the present time, with the consent of the gentleman occupying the floor, to move an amendment to the bill just reported, in order that the House may be fully informed as to the different propositions on which we desire a vote. If it is in order, I believe I have the consent of the chairman of the committee to offer the amendment now and have it read.

Mr. BARTHOLDT. I have no objection.

Mr. McMILLIN. I hope there will be general assent to this arrangement, for then the amendment will be published in the RECORD and we can have it before us in printed form when we vote upon it.

Mr. DINGLEY. I think the amendment, if offered, had better be read.

Mr. WILLIAM A. STONE. I should like, also, to offer an amendment. I suggest that probably it would be well that the bills which it is proposed to offer as amendments to the one already read be presented now, so that the House may understand them.

Mr. BARTHOLDT. There is no objection to printing all these bills and amendments if it is in order.

Mr. WILLIAM A. STONE. I wish to offer as an amendment to the pending bills what is known as House bill No. 58. I wish to offer it as a third section to the pending bill.

The SPEAKER. If the gentleman from Missouri yields for the purpose——

Mr. WILLIAM A. STONE. I understand that he does.

Mr. CORLISS. I ask that the amendment I have sent to the desk be first read.

Mr. DINGLEY. I hope the amendments will only be offered as they are in order, so that we may avoid confusion.

Mr. WILLIAM A. STONE. My proposition is to insert as section 3 of the pending bill what is known as bill No. 58.

Mr. DINGLEY. Is your proposition an amendment to the amendment?

Mr. WILLIAM A. STONE. Oh, no.

Mr. DINGLEY. Then it is an amendment to the original bill?

Mr. WILLIAM A. STONE. Yes, sir.

Mr. DINGLEY. There can be pending but one amendment to the original bill, an amendment to that amendment, then a substitute, and an amendment to the substitute.

Mr. WILLIAM A. STONE. I do not offer this as a substitute, but as an amendment to be inserted after the second section of the pending bill.

The SPEAKER. The gentleman from Michigan [Mr. CORLISS] offers the amendment which will be read.

Mr. WILLIAM A. STONE. I will offer mine as an amendment to that amendment.

The amendment of Mr. CORLISS was read, as follows:

At the end of section 2, line 4, page 1, add after the word "act" the following:

"SEC. 3. That it shall be unlawful for any alien who resides or retains his home in a foreign country to enter the United States for the purpose of engaging in any mechanical trade or manual labor within the borders thereof while residing or retaining his home in a foreign country: *Provided*, That the Secretary of the Treasury may permit aliens to come into and enter this country for the purpose of teaching new arts or industries, under such rules and regulations as he may provide.

"SEC. 4. That it shall be unlawful for any person, partnership, company, or corporation knowingly to employ in any manner whatsoever in the United States any alien who resides or retains his home in a foreign country: *Provided*, That the provisions of this act shall not apply to the employment of sailors, deck hands, or other employees of vessels navigating the Great Lakes or the rivers tributary thereto, or railroad-train hands, such as conductors, engineers, brakemen, firemen, or baggagemen, whose duties require them to pass over the frontier to reach the termini of their roads.

"SEC. 5. That it shall be unlawful for any alien to enter the United States, except subjects of the Dominion of Canada and other American countries, except at the places where the United States maintain an immigrant inspection board.

"SEC. 6. That any violation of the provisions of this act shall be deemed a misdemeanor, punishable by a fine not exceeding $500 or by imprisonment for the term of not exceeding one year, or both such fine and imprisonment, in the discretion of the court. That all persons convicted under this act shall be deported to the country from whence they came."

Mr. DINGLEY. I would like to ask the gentleman from Michigan if he has included American vessels engaged in foreign trade? I notice that he refers to vessels navigating the Great Lakes or the rivers tributary to the Great Lakes.

Mr. CORLISS. I will state that the amendment was proposed by the committee, and did not embrace all seamen, although I have no objection to the modification covering all seamen. The reason why the committee limited it to the seamen on the Great Lakes was because the lakes and rivers tributary thereto are between Canada and the United States, and are so interwoven that there might be violations which it would be impossible to reach.

Mr. DINGLEY. They are no more interwoven, I will state to the gentleman, than vessels engaged in the coastwise trade or near-by foreign trade.

Mr. CORLISS. I have no objection to striking out that provision of the bill and making it applicable to all vessels of the United States.

Mr. DINGLEY. I suggest that the gentleman modify the amendment by saying "vessels of the United States."

Mr. CORLISS. I will do so. I will so modify the amendment.

Mr. DINGLEY. Because, of course, there ought not to be such a limitation upon vessels engaged in foreign trade.

Now, do I understand that the gentleman from Pennsylvania [Mr. WILLIAM A. STONE] has offered an amendment to the amendment or simply given notice of his intention to do so?

Mr. WILLIAM A. STONE. I have offered my bill as an amendment to the amendment.

Mr. DOCKERY. It has not been read yet.

Mr. HOPKINS. It is not proper now to offer it as an amendment in that degree, is it?

Mr. CORLISS. I think an amendment to an amendment would be in order.

Mr. WILLIAM A. STONE. My motion is to amend the bill by adding three or four additional sections.

Mr. DINGLEY. The amendment of the gentleman from Pennsylvania seems to be on an entirely different subject, as I understand it. However, it ought to be read. There may be some question as to the propriety of offering it at this time.

Mr. KIEFER. I object.

Mr. WILLIAM A. STONE. I desire to offer my bill as a substitute, then, Mr. Speaker, if in order.

The SPEAKER. It can be offered as a substitute.

Mr. WILLIAM A. STONE. I offer it as a substitute for the remainder of the pending bill after the first section.

Mr. KIEFER. I have objected——

The SPEAKER. The gentleman has a right to offer it as a substitute.

Mr. WILLIAM A. STONE. Then, Mr. Speaker, I send the bill to the desk and offer it as a substitute for the entire bill of the committee, which is offered by the gentleman from Missouri [Mr. BARTHOLDT], to follow the first section of his bill.

Mr. HOPKINS. There seems to be some misunderstanding as to the proposed action of gentlemen offering the amendments. Are these bills offered as amendments to be considered now, or are they simply giving notice of their intention to offer them when the proper time comes?

The SPEAKER. The Chair understands that they are offered now.

Mr. HOPKINS. Is that proper at this time?

The SPEAKER. The Chair would like to know why it is not?

Mr. HOPKINS. I am asking for information.

The SPEAKER. The Chair misunderstood the gentleman. The Chair thought the gentleman was making a point against offering them at this time. In the opinion of the Chair they are admissible.

Mr. McCREARY of Kentucky. Mr. Speaker, there is so much confusion it is utterly impossible to hear a sound on the floor.

A MEMBER. The storm outside is the trouble.

Mr. MORSE. I suggest that the Speaker can not control the thunder.

Mr. McCREARY of Kentucky. I am not asking him to control the thunder, but to control the members of the House.

Mr. WILLIAM A. STONE. I send the substitute to the desk and ask to have it read.

The Clerk read as follows:

Strike out all after the enacting clause and insert:

SECTION 1. That section 1 of the act of March 3, 1891, in amendment of the immigration and contract labor acts, be, and hereby is, amended by adding to the classes of aliens thereby excluded from admission to the United States the following: All male persons between 16 and 60 years of age who can not both read and write the English language or some other language; but no parent of a person now living in, or hereafter admitted to, this country shall be excluded because of his inability to read and write.

SEC. 2. That no alien immigrant shall be admitted within the United States unless, in addition to other requirements and provisions of law, he or she shall exhibit to the United States inspectors of arriving immigrants at the place of admission a certificate, signed by the United States consul or other authorized representative of the United States at the place nearest where said immigrant last resided, setting forth that the said consul or other United States representative has made an investigation concerning said immigrant, and that said immigrant does not belong to the class or classes of alien immigrants excluded from admission into the United States under the provisions of the act of Congress approved March 3, 1891, entitled "An act in amendment to the various acts relative to immigration and the importation of aliens under contract or agreement to perform labor, its amendments or supplements," or by any other law of the United States that now exists or may hereafter be passed. Said immigrant shall, in addition, conform to all present requirements of law.

It shall be the duty of United States consuls and United States representatives in other countries to investigate and grant or withhold certificates, as shall be disclosed on investigation under the directions and instructions of the State Department, according to the laws of the United States, as aforesaid. Nothing herein contained shall be construed as in any wise limiting, releasing, or discharging any of the liabilities or obligations of any person, company, partnership, or corporation under laws now existing or hereafter enacted relative to immigration or importation of aliens.

SEC. 3. That it shall be unlawful for any alien who resides or retains his home in a foreign country to enter the United States for the purpose of engaging in any mechanical trade or manual labor within the borders thereof while residing or retaining his home in a foreign country: *Provided*, That the Secretary of the Treasury may permit aliens to come into and enter this country for the purpose of teaching new arts or industries, under such rules and regulations as he may provide.

That it shall be unlawful for any person, partnership, company, or corporation knowingly to employ in any manner whatsoever in the United States any alien who resides or retains his home in a foreign country: *Provided*, That the provisions of this act shall not apply to the employment of sailors, deck hands, or other employees of vessels navigating the Great Lakes or the rivers tributary thereto.

SEC. 4. That it shall be unlawful for any alien to enter the United States, except subjects of the Dominion of Canada and other American countries, except at the places where the United States maintain an immigrant inspection board.

SEC. 5. That any violation of the provisions of this act shall be deemed a misdemeanor, punishable by a fine not exceeding $500 or by imprisonment for the term of not exceeding one year, or both such fine and imprisonment, in the discretion of the court.

SEC. 6. That all persons convicted under this act shall be deported to the country whence they came.

Mr. DINGLEY. Is this offered as a substitute?

The SPEAKER. This is offered as a substitute for the original bill.

Mr. DINGLEY. And the gentleman from Pennsylvania [Mr. WILLIAM A. STONE] has included in that substitute the original McCall bill——

Mr. WILLIAM A. STONE. Yes, and the Corliss bill.

Mr. DINGLEY. The bill offered by the gentleman from Michigan [Mr. CORLISS]——

Mr. WILLIAM A. STONE. Yes.

Mr. DINGLEY. As well as his own?

Mr. WILLIAM A. STONE. Yes.

Mr. MAHANY. I offer as an amendment to the amendment the bill which I ask the Clerk to read.

The SPEAKER. The gentleman from New York [Mr. MAHANY] offers the following amendment to the amendment offered by the gentleman from Michigan [Mr. CORLISS].

The Clerk read as follows:

Be it enacted, etc., That all contracts or agreements, express or implied, to perform labor or service of any kind by an alien in the United States, made in the United States or elsewhere, by or in behalf of such alien, with any citizen or resident of the United States or other country, knowing him or her to be such alien, prior to the coming of such alien to the United States, shall be illegal, null, and void; and the parties thereto, within the jurisdiction of the courts of the United States, shall be deemed guilty of a misdemeanor and punished by a fine not exceeding $1,000 or by imprisonment not exceeding one year, or by both such fine and imprisonment: *Provided*, That nothing in this section contained shall be construed as repealing section 5 of act of February 26, 1885, as amended by section 5 of act of March 3, 1891.

SEC. 2. That it shall be a misdemeanor, punishable by fine of not less than one hundred nor more than three hundred dollars, or by imprisonment for not less than three nor more than six months for each offense, for any person to perform labor in the United States who has become a citizen of the United States and returned to a foreign country, making the same his home and retaining the same as such thirty days after the passage of this act.

SEC. 3. That it shall be a misdemeanor, punishable by fine not exceeding $100 or by imprisonment not exceeding ninety days, or by both such fine and imprisonment, for any alien who has not immigrated to the United States, and who retains his or her home in a foreign country, to labor in the United States.

SEC. 4. That section 6 of the act of March 3, 1891, be, and is hereby, amended by adding to said section 6 the words "And any person or persons encouraging or soliciting the immigration or importation of any alien or aliens not related by ties of consanguinity or affinity to said person or persons into the United States to perform labor, either for himself or any other known or certain person or persons, shall be deemed guilty of a violation of said section of the act of March 3, 1891, and the penalties prescribed by said section shall be imposed for every such offense."

SEC. 5. That section 5 of the act of February 26, 1885, be, and is hereby, amended so as to exclude from said section 5, in the first proviso, the words "nor to persons employed strictly as personal or domestic servants."

SEC. 6. That it shall be a misdemeanor, punishable by fine not exceeding $500 or by imprisonment not exceeding six months, or both, for any person to enter the United States along the borders of Canada or Mexico to perform labor or service of any kind except at the places known as the United States custom ports of entry, whether by vessel or otherwise.

SEC. 7. That it shall be unlawful for any person, partnership company, or corporation knowingly to employ in any manner whatsoever in the United States any alien who resides or retains his home in a foreign country: *Provided*, That the provisions of this act shall not apply to the employment of sailors, deck hands, or other employees of vessels navigating the Great Lakes or the rivers tributary thereto.

SEC. 8. That when any person has been deported from the United States under the provisions of act of February 26, 1885, and acts amendatory thereof, and thereafter returns thereto to perform labor for the person, company, or corporation whose contract or agreement with such alien had been the cause of his or her deportation, then such person, company, or corporation shall be deemed guilty of a misdemeanor and punished by fine of $2,000 or by imprisonment for two years, or by both such fine and imprisonment: *Provided, however*, That this section shall not apply to cases where the alien returns to the United States under the provisions of law and becomes naturalized.

SEC. 9. That all United States immigrant inspectors shall have power to take into custody any alien convicted of a crime or misdemeanor within two years after his or her arrival in the United States and cause him or her to be deported to the country whence he or she came, and should he or she again return to the United States such officers shall rearrest said alien and bring him or her before a court having jurisdiction, and said alien shall be imprisoned for a period of not less than three months and not more than six months, and at the expiration of his or her sentence he or she shall be deported to the country whence said alien came; and any woman who shall within two years after her arrival in the United States become a prostitute shall be subject to such deportation and penalties as are herein provided for said convicted aliens.

SEC. 10. That every person who assaults, resists, impedes, or interferes with any immigrant inspector in the execution of his duties shall be deemed guilty of a misdemeanor and be fined not less than $100 nor more than $1,000, or be imprisoned for a term of not less than sixty days nor more than one year.

SEC. 11. That all criminal proceedings under this act shall be had and taken before any United States commissioner; and said commissioners are hereby invested, under this act and acts supplementary thereto and amendatory thereof, with power and authority to try and determine all such criminal proceedings hereunder where the fine imposed does not exceed $300 and the imprisonment does not exceed six months; and it shall be the duty of any immigrant inspector to make complaint of any violation of this act to said commissioner, who shall thereupon issue his warrant for the arrest of such offender or offenders.

SEC. 12. That there shall be levied, collected, and paid a duty or head tax of 50 cents for each and every alien entering the United States along the borders of Canada and Mexico to perform labor, or immigrating to the United States, whether said alien comes by land carriage or otherwise. The said duty shall be paid to the collector of customs of the port to which such alien shall come, and the collector of such port shall pay the money so collected into the United States Treasury, such money to constitute a fund for the general purposes and expenses of carrying this act into effect; and the Secretary of the Treasury is hereby empowered to establish such regulations and rules, not inconsistent with law, as he shall deem best calculated for the enforcement of this act.

SEC. 13. That all acts or parts of acts in conflict with any of the provisions of this act are hereby repealed.

SEC. 14. That this act shall take effect on and after its passage.

Mr. JOHNSON of California. Mr. Speaker, I should like to offer either an amendment or a substitute.

Mr. DINGLEY. Is this proposition of the gentleman from New York [Mr. MAHANY] offered as an amendment to the amendment offered by the gentleman from Michigan [Mr. CORLISS]?

The SPEAKER. The Chair so understands it.

Mr. DINGLEY. Strictly speaking, it is not an amendment. It covers half a dozen subjects.

Mr. MAHANY. The only part that is an amendment is the part not contained in the Corliss bill, the provisions of which are similar to most of the provisions of my bill. Therefore I can not see how my proposition can fail to be germane.

Mr. BARTHOLDT. I desire to reserve all points of order.

The SPEAKER. Gentlemen must state their points of order.

Mr. BARTHOLDT. I desire to reserve points of order as to all the amendments and the substitute.

The SPEAKER. The gentleman must present his points of order.

Mr. BARTHOLDT. Can not points of order be reserved without being stated now?

Mr. JOHNSON of California. Mr. Speaker, I think I was recognized a while ago.

The SPEAKER. The gentleman can not be recognized while a point of order is suggested with regard to an amendment already pending.

Mr. BARTHOLDT. I do not propose to make a point of order now. I desire to reserve all points of order.

The SPEAKER. The gentleman can reserve a point of order by unanimous consent only.

Mr. DOCKERY. I hope that will be done, Mr. Speaker, because the amendments have been read so hurriedly that it is impossible at this time for some of us to determine whether they are subject to points of order or not.

Mr. BARTHOLDT. The bills have been read so hurriedly that I think half of the members of the House do not understand what they contain.

Mr. WILLIAM A. STONE. Will the gentleman state his point of order?

Mr. BARTHOLDT. I believe, from what I have heard during the reading, that some of the bills are not germane to the main bill. That is the point of order I should like to submit.

Mr. WILLIAM A. STONE. That is not a good point of order to a substitute. It may be a good point of order to an amendment. If the gentleman will state his points of order and let us understand what they are, that is one thing. If unanimous consent is asked to reserve points of order, I object.

Mr. HOPKINS. Then I think it would be well for us to vote on these amendments, so that we may get down to some single proposition. Various bills have been offered, and the members of the House can not understand what the parliamentary situation is.

Mr. DOCKERY. It is utterly impossible to understand it at this time.

The SPEAKER. The matter stands now in this way, that the bill is presented, and the gentleman from Michigan [Mr. CORLISS] has offered an amendment. The gentleman from Pennsylvania [Mr. WILLIAM A. STONE] has offered a substitute, and the gentleman from New York [Mr. MAHANY] offers an amendment to the amendment. That is as far as the matter has gone now.

Mr. McCREARY of Kentucky. In order to make the explanation of the Chair clear, I desire to know if the bill that is under consideration is the bill offered by the gentleman from Missouri [Mr. BARTHOLDT]?

The SPEAKER. That is the bill which he offers, and which was reported to the House.

Mr. McCREARY of Kentucky. Then there was an amendment offered by the gentleman from Michigan [Mr. CORLISS] and a substitute by the gentleman from Pennsylvania [Mr. WILLIAM A. STONE], as I understand it.

The SPEAKER. And to the amendment offered by the gentleman from Michigan [Mr. CORLISS] the present amendment is now offered by the gentleman from New York [Mr. MAHANY].

Mr. DINGLEY. Mr. Speaker, it seems to me that the amendment to the amendment is not such in reality. It is an entire bill, with 14 sections in it, with some slight reference to the amendment of the gentleman from Michigan [Mr. CORLISS]; but an amendment to an amendment should be some modification of the proposition which is contained in that amendment and not a proposition covering a dozen different things.

The SPEAKER. The Chair will hear the gentleman from New York [Mr. MAHANY] on the point, if he desires to be heard.

Mr. MAHANY. I have not time at the present moment to go into the presentation and discussion of the points wherein my bill does amend and modify the amendment of the gentleman from Michigan.

The SPEAKER. But there is a large portion of it that does not so modify and amend it.

Mr. MAHANY. There are some portions of it amplifying the principles of the Corliss measure.

The SPEAKER. That is why the point is made. If those parts are not germane, then the whole is not germane.

Mr. DINGLEY. Now, I would suggest to the gentleman from New York that he should not offer this at the present time as an amendment to the amendment of the gentleman from Michigan, but after that amendment is disposed of, or some other amendment is disposed of, then he might offer it as a substitute, perhaps, for the whole bill in some other form. While it does cover some of the points in the amendment of the gentleman from Michigan, it is not an amendment to the amendment of the gentleman from Michigan, but covers far wider ground.

The SPEAKER. That is what the Chair is inclined to think, but will hear the gentleman from New York, if he has anything to offer.

Mr. HOPKINS. Just one further word about that. If the substitute or amendment offered by the gentleman from Pennsylvania [Mr. WILLIAM A. STONE] should be adopted that would preclude the offering of this bill entirely, would it not?

Mr. DINGLEY. Oh, certainly.

Mr. HOPKINS. I wanted the gentleman from New York to understand that.

Mr. MAHANY. I want to say that this is a bill that has been favorably reported by the Committee on Immigration. This is a bill that has the united indorsement of all the labor federations of this country.

The SPEAKER. But that does not have much to do with the point of order.

Mr. MAHANY. And I wish to say that it is a modification of the bill introduced by the gentleman from Michigan [Mr. CORLISS], since it amends that bill by adding thereto subjects which are germane to the purpose and intent of his measure, and to that degree it is in the spirit of the bill, and should therefore be regarded as an amendment to the amendment of the gentleman from Michigan.

The SPEAKER. But the difficulty about regarding this as an amendment to the amendment is that the greater part of the bill does not treat of that subject at all.

Mr. MAHANY. It treats in a general way of the exclusion of alien contract labor, which is the purpose of the bill introduced by the gentleman from Michigan, whose measure aims simply to regulate Canadian immigration along the lake frontiers, while my amendment strikes at the root of the whole alien contract evil; and it seems to me, therefore, that if any bill is germane to another, this bill introduced by me is germane to the measure introduced by the gentleman from Michigan; and I sincerely trust that the gentleman from Maine [Mr. DINGLEY] will withdraw his point of order. I will ask the gentleman if he has read the Corliss bill?

Mr. DINGLEY. Oh, certainly; I have read both of them. What occurs to me on the matter of its being germane is this. Of course I do not know that I have any objection to the bill proposed by the gentleman from New York, but it seems to me that it covers so many different points that it ought to be separately treated and not included with this bill, which is simply a bill dealing with the question of immigration. I think the subjects are distinctly different in your measure.

Mr. MAHANY. It covers several points of the same subject, the subject now under consideration in this House, and the very points of this measure must in the nature of things come up during the course of this debate; and I sincerely hope, in the interest of fairness, justice, and equity to the laboring people of this country that this point of order will not be insisted upon, even if by torturing the spirit of the rule the provisions of this bill might be regarded as not in accordance with the letter.

Mr. DINGLEY. Mr. Speaker, I have simply to say, with reference to that, that this is a question of orderly parliamentary procedure, with which the merits of a bill have nothing at all to do.

Mr. MAHANY. But I am standing on the rights of the bill from the standpoint of that very procedure.

Mr. DINGLEY. I may be in favor of a protective tariff, but would hardly care to offer it as an amendment to this bill.

Mr. MAHANY. Very likely, because that subject has nothing to do with the present matter.

Mr. DINGLEY. And although that should even arise on the very subject, we should not enter or wander out into other fields because we should like to.

The SPEAKER. The gentleman reserves the point of order. The Chair sustains the point of order.

Mr. MAHANY. A parliamentary inquiry. If the substitute of the gentleman from Pennsylvania is voted down, could I then offer this in its stead?

The SPEAKER. There are circumstances under which the gentleman could and there are others under which he could not. The Chair can not anticipate at what time that would be. The gentleman from California [Mr. JOHNSON] desires to present an amendment.

Mr. JOHNSON of California. Mr. Speaker, I wish to offer the bill which I send to the desk as a substitute for all the pending bills, or as an amendment, whichever is in order.

The SPEAKER. One substitute has already been offered.

Mr. JOHNSON of California. Then I offer this as an amendment to the bill of the gentleman from Pennsylvania [Mr. WILLIAM A. STONE].

The amendment offered by Mr. JOHNSON of California was read, as follows:

Be it enacted, etc., That from and after August 1, 1896, it shall be unlawful for any foreign-born laborer to enter the United States. The words "foreign-born laborer" shall be construed to mean, wherever used in this act, skilled and unskilled laborers and laborers employed in mining.

SEC. 2. That all captains and masters of vessels entering the ports of the United States are hereby made responsible for the character of their passengers. It is hereby made the duty of all such captains and masters to file with the collector of the port of the United States into which their vessel enters an affidavit setting forth fully the character and names of the passengers by them brought in their said vessels, and also setting forth that none of them are foreign-born laborers and that they have not brought into the said port any foreign-born laborers on their said vessels. A violation of the provisions of this section shall be deemed a misdemeanor and shall be punished by fine not less than $500 or by imprisonment not less than six months, or by both such fine and imprisonment.

SEC. 3. That any foreign-born laborer coming into the United States after August 1, 1896, shall be subjected to immediate deportation, and shall in addition thereto be deemed guilty of a misdemeanor, punishable as provided by law.

SEC. 4. That it is hereby made the duty of the Secretary of the Treasury to prepare and distribute to the proper officers the necessary instructions and blanks and reports for the proper enforcement of this law, and it is hereby made the duty of all United States officers to promptly and thoroughly enforce the provisions of this statute, to the end that this law may be fully complied with and foreign-born laborers be prevented from entering the United States.

SEC. 5. That the sum of $50,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to defray the expenses of enforcing this law.

Mr. BARTHOLDT. Mr. Speaker, I make the point of order against that amendment that it is not germane to the original bill or to the substitute. I also make the point that it has not been reported by the Committee on Immigration.

Mr. JOHNSON of California. So far as the second proposition of the gentleman from Missouri is concerned, that this bill has not been reported by the Committee on Immigration, I do not suppose that committee has any control over the business of this House or over points of order, and I do not know of any rule which makes a bill amenable to a point of order simply because it has not met the approval of the Committee on Immigration. The object of the Stone bill is to prevent foreign laborers from coming into the United States except under certain conditions, and it provides for a consular inspection, and it seems to me that my amendment is germane to that, because it prohibits foreign labor from coming into the United States. If the part of the amendment which makes an appropriation renders the bill amenable to the point of order, then I ask permission to strike out that section, so as to leave simply the question whether my amendment is not germane to the proposition of the gentleman from Pennsylvania. His bill seeks to make it onerous for a certain class of persons to come to the United States, while my bill prohibits them from coming, and therefore it seems to me that my amendment is clearly germane.

Mr. BARTLETT of New York. Mr. Speaker, I was about to raise a point of order, and I do raise it, that this bill involves an appropriation, and I object to that part of it being stricken out.

Mr. JOHNSON of California. I ask that that section of the amendment be stricken out,

Mr. KIEFER. Mr. Speaker, I shall object to the proposition that that part of the gentlemen's amendment be stricken out.

The SPEAKER. The gentleman can modify his amendment until it is put to the House.

Mr. JOHNSON of California. Then I do modify it by striking out the section which makes an appropriation.

The SPEAKER. The Chair will hear the gentleman from Missouri [Mr. BARTHOLDT] on the point of order.

Mr. BARTHOLDT. Mr. Speaker, I merely wish to state that, as I understand the rule adopted by the House yesterday, only such bills were to be considered as had been reported by the Committee on Immigration and Naturalization. Now, the gentleman from California offers as an amendment a bill which has not been so reported to the House, and under the rule as adopted yesterday I claim that this House has no authority to consider that bill. My second point is that this is not germane to the main bill pending, the measure under discussion.

Mr. WILLIAM A. STONE. As to the first point, Mr. Speaker, the committee has called up only one bill, which is, of course, subject to amendment and to have a substitute for it offered. On the second point I do not care to make any remark.

The SPEAKER. To which of the bills does the gentleman from California offer this bill as an amendment?

Mr. JOHNSON of California. I offer it as an amendment to the substitute of the gentleman from Pennsylvania. I understood the Chair to say that I could not offer it as a substitute, because there was one substitute already pending, but that I could offer it as an amendment.

The SPEAKER. In what shape does the gentleman propose to offer it as an amendment?

Mr. JOHNSON of California. As an addition to the Stone bill. I offer it as an addition to the substitute offered by the gentleman from Pennsylvania.

The SPEAKER. The substitute of the gentleman from Pennsylvania, as the Chair understands it, simply provides for the method of certifying as to persons who shall be admitted into the United States.

Mr. JOHNSON of California. It also provides for a consular inspection, and it contains a provision for the exclusion of certain alien laborers. The gentleman from Pennsylvania in his bill has provided for the exclusion of certain alien laborers as well as for consular inspection. My bill provides for the exclusion of all of them.

The SPEAKER. Does the gentleman propose to add his bill to the other as an amendment?

Mr. JOHNSON of California. Yes, sir.

The SPEAKER. The Chair thinks that a bill providing that nobody shall come into the United States can hardly be germane as an addition to a bill which provides that only those who can read and write shall come in and provides for consular certificates as to those who may come in.

Mr. JOHNSON of California. All right. The Chair is the one to decide.

Mr. BARTHOLDT. Mr. Speaker, I wish some arrangement could be made as to the control of the time. I understand that the gentleman from Louisiana [Mr. BUCK], a member of the committee, desires to control the time on the part of the opponents of the measure.

Mr. JOHNSON of California. I submit that that is scarcely fair.

The SPEAKER. It requires unanimous consent.

Mr. JOHNSON of California. I object.

The SPEAKER. Objection is made. The gentleman from Missouri [Mr. BARTHOLDT] is recognized to proceed with the debate.

Mr. BARTHOLDT. Is it understood that none of the pending amendments are to be voted upon until the debate is exhausted?

The SPEAKER. The Chair knows of no such understanding.

Mr. BARTHOLDT. I should like to submit, as a request for unanimous consent, that no vote be taken on any one of the pending amendments until the debate is exhausted.

Mr. WILLIAM A. STONE and others objected.

The SPEAKER. The House will be in order.

Mr. WILLIAM A. STONE. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. WILLIAM A. STONE. I desire to ask unanimous consent to have the substitute offered by me printed.

The SPEAKER. Is there objection?

Mr. KEM. I object.

The SPEAKER. Objection is made.

Mr. BARTHOLDT. Mr. Speaker, there is no problem confronting the American people more talked about and less generally understood than the problem of immigration. In prosperous times these waves of humanity are permitted to come to our shores unmolested, but in periods of industrial depression every shipload of newcomers is regarded, more or less, in the light of a hostile invasion or a curse. Then the spirit of nativism, omnipresent, if not always active, becomes rampant, and, uniting with liberty-loving labor, asks Congress to deny the right of asylum to those who come here to cast their lot with us, and demands of us to cast away, like a worn-out garment, the traditional policy of the fathers, a pearl in the diadem of free institutions, and to adopt, under the spur of passionate impulses, plans which patriots and thinkers know can not be carried out without serious injury to the interests of our common country.

The shocking cry of infuriated Chinese mobs, "Kill the foreign devils!" is still resounding in the ears of the civilized world. No other cause can be assigned for these outbreaks than that the people of the Celestial Empire, reared in prejudice against all foreigners, were afraid of us and of our civilization and religion, which, evidently, they regard as inferior to theirs. Looking for a further explanation of these lamentable riots, we might also find a sentiment of retaliation, because we have erected the same Chinese wall against the Celestials the removal of which from their own domain compelled them to use their fists and weapons against the "foreign devils." But they are heathen Chinese, they are barbarians. They would be apt to translate the words "all men are born equal," that grandest and most fearless declaration ever made by mortal man, into "all Chinese are born equal, to the exclusion of every other human being." And what do they know of Christian love and charity and tolerance, and of the great precepts of that faith, "Love thy neighbor as thyself," or "Do unto others as you would wish others to do unto you"? And what do these barbarians know of the brotherhood of man, that beautiful dream which the annihilation of distances by modern inventions brings nearer and nearer its realization, and of the genius of an independent, free, and humane people? No, Mr. Speaker, no grosser insult could be offered to the American people than by an attempted comparison, or by the assertion that even a dozen of our citizens were animated by the same spirit that caused the Chinese riots.

Four different and distinct reasons are being advanced for the further restriction of immigration, and in a candid, dispassionate discussion of these reasons can be said all that is to be said on the subject. They are: First, nonassimilation of many immigrants and the evils resulting therefrom; second, overcrowding; third, the competition of immigrants with our own labor; and fourth, the recent increase of arrivals of less desirable elements of Europe's surplus population. After a twenty-year study of this question, extending to all its bearings and carried on here as well as on the other side of the Atlantic, during several visits to the Old World made for that purpose, I feel competent to discuss it with some degree of knowledge of detail, and while doing so I ask the kind indulgence of the House. Let me say at the outset that of all the reasons enumerated above the only valid one, in my judgment, is the fourth or last, which relates to the deterioration, so to speak, noticeable of late in the character of our immigration.

The bill under discussion and which the committee asks the House to pass is based on this point.

NONASSIMILATION.

On this phase of the question I will first quote from some remarks I made to my own constituents in the last campaign, and which, as far as I could see, had their entire approbation:

"When the plain people of all the earth, of every tongue and race and clime, were seen crowding the ocean's pathways leading to the promised land of a new dispensation, then a great problem came—how to remove the barriers which prejudice, ambition, and the tyranny of kings had erected, how to harmonize and unify where centuries of strife had nurtured only hatred? The solution of this problem was to be one of the proudest boasts of our great flag. The solution of this problem was to be worked out in the valleys of the Connecticut, the Hudson, and the Mississippi, in the shadow of the Alleghanies and the Rockies, and out upon the great and silent prairies of the West. America, true to the mission of the flag, to the genius of her people, began to grapple with the problem, and at last the light broke in. The schoolhouse was planted upon all the hillsides and in every valley of the great Republic. Education solves the problem. All our varied nationalities have been welded and blended into one mighty unit of patriotic American citizenship. We are no longer German, English, Irish, Scandinavian. Under the great flag we are nothing unless, one and all, heart and soul, we are Americans." [Applause.]

Such are the sentiments, Mr. Speaker, of a vast majority of our adopted citizens to-day. The history of the late war bears witness. Taking the Germans alone, they furnished a larger quota to the armies of the North, in proportion to their number, than did the native citizens, and if it had not been for the immigrants that fought, bled, and died for their adopted country the Union might have been rent asunder. Let us respect history. On the 10th of May, 1861, the Germans of St. Louis, by capturing Camp Jackson, frustrated the conspiracy of Governor Jackson with the rebel chiefs and saved Missouri to the Union. On the march from the city to the camp they were jeered and hooted, but these "d——d Dutch," as they were called, were inspired by love of country and devotion to the flag, and they won. And, mind you, the majority of them at that time could hardly speak the English language, which shows conclusively that patriotism is not a matter of tongue, but of heart and sentiment. It is true that these patriots and their descendants, like other immigrants and their offspring, love to speak their mother tongue to-day, but in this they are merely true to themselves; and I hold that the citizen who is not true to himself can be true neither to anybody else nor to his country. In this respect they are, unfortunately, like the only genuine Americans, the Indians, who will have to learn English before they can make themselves understood to the American people. But in this I can see no danger, for whatever tongue European immigrants may speak, they are being rapidly assimilated, and soon become thoroughly Americanized in spirit. They are almost without exception representatives of civilized nations.

They are no Chinese. Fairness will compel us to admit that they come to better their social and economic condition, or from love of liberty and to escape the despotism of the Old World, or for both purposes, but for no other. In each case they give us an equivalent for what they receive, and they certainly render us material aid in the development of the country. What these willing workers contribute to the general growth of the country by coming hither and earning their daily bread in the sweat of their brow may not be a large percentage of the grand total, but it is infinitely more than what both our own bonanza kings and the alien landowners who are living in London, Paris, and the Riviera, and are now supporting a European pauper nobility with the millions earned for them by the American people, can boast of doing for the good of the Republic. If we could stop this exodus of American dollars there would be no need of minding the influx of human beings. But perhaps we can not stop it, and in our impotent rage we turn upon the poor immigrant who comes to help us earn the money our nabobs lavishly spend abroad. And yet, Mr. Speaker, this poor immigrant in search of employment or peacefully laboring is, in my judgment, a better American from the first day than those who prefer the glitter of courts and crowns to the resplendent glory of a Government of the people, for the people, and by the people. While the latter, in drifting away from us, boast of their dissimilarity to us, the former strive to assimilate with us, and in this, as experience teaches, succeed so well that you will hardly be able to distinguish their children and grandchildren from your own. Go and see in our public schools the children of German, Irish, Bohemian, and Italian parents waving the Stars and Stripes on the glorious Fourth, and you will fully appreciate the meaning of my statement, that education is solving the problem. [Applause.]

OVERCROWDING.

There is no politics in the immigration question, and I have no hesitancy in quoting on this subject a gentleman who belongs to another party and holds political and economic views in many respects differing from my own. At a recent dinner of the Massachusetts Reform Club at Boston, Mr. William Lloyd Garrison said:

A nation of immigrants and the children of immigrants, having obtained possession of the continent, are considering the feasibility of barring out other immigrants. They assume to have the right to determine who shall be admitted hereafter and who shall not. It is pertinent to demand the evidence of their authority. The United States is a considerable fraction of the habitable globe, sparsely settled, with a population of 21 to the square mile, compared with 311 in Great Britain, 234 in Germany, and 187 in France. Its resources are as yet measureless; and, to use Mr. Atkinson's words, it contains "incalculable room for immigrants." Indeed, he figures that all the inhabitants of the nation can find standing room in the town of Brookline, the mothers holding their babes in their arms, and still have room to spare. Conclusively, it is not on the ground of overcrowding that danger arises from the incoming of foreigners. Your authority, gentlemen of the restricted persuasion, for this enormous assumption of power. Show us your title deed. If a nation has a right to keep out aliens, tell us how many people constitute a nation, and what geographical area they have a right to claim? In the United States where a thousand millions can live in peace and plenty under just conditions, who gives to 70,000,000 the right to monopolize the territory? How few can justly own the earth and deprive those who are landless of the right to life, liberty, and the pursuit of happiness? And what becomes of the rights of the excluded? Is there any justification of such assumption except the ground of might? It is the simple power of force and not of justice.

These sentiments, Mr. Speaker, uttered by an unterrified patriot, are identical with those which inspired the founders of this Republic, when in the Declaration of Independence they hurled the following indictment against a British tyrant:

He has endeavored to prevent the population of these States, for that purpose obstructing the laws for naturalization of foreigners, refusing to pass others to encourage their migration hither, and raising the conditions of new appropriations of lands.

It is true that conditions have changed since the Declaration of Independence electrified the world. In 1790, when that great instrument had become the inspiration of the French Revolution, our first census was taken, which showed a population of 3,231,930. Now we have 70,000,000, but still I deny the proposition that this free country should not be able to support as many people to the square mile as the military despotisms of the Old World. I claim that that country represents the highest type of civilization which supports decently and comfortably the largest number of people to the square mile of its territory. If we are able to rise to the European level in this respect, and I insist with every patriot that we are, then we have room in this country for more than five times the present population, or 386,000,000 people. Alarmists and pessimists who are constantly at work conjuring up the specter of overpopulation and reforming the policy of the fathers will profit by a study of the following facts and figures:

According to the census of 1890 we had a population of 62,622,250. If that whole population of the country should have moved into Texas that State would not be populated much more densely than Germany and not half as densely as Belgium is to-day. Have you ever thought of that? Figure it out yourselves by dividing the population by 265,780, the area of that State in square miles. Texas has a population of 2,235,523, or eight souls to the square mile; the whole United States has 16 inhabitants to the square mile, having an area of 3,602,250 square miles, while Germany has 235, Belgium 530, and the whole of Europe 107 heads to each square mile of territory. The United States, if populated as densely as Belgium, would have a population thirty-one times the present number, or over nineteen hundred millions of people! But in order to enable gentlemen to make their own calculation I shall insert in my remarks a table showing the area and population of these countries:

	Area in square miles.	Population.	Per square mile.
United States	3,602,990	62,622,250	16
Europe	3,555,000	380,200,000	107
Texas	265,780	2,235,523	8
Germany	211,108	49,421,064	235
Belgium	11,373	6,000,043	530

The rate of our natural increase of population is, according to the census, 1.38 per cent; in other words, about a million a year. Add thereto, if the present rate of immigration is maintained, an annual increase from that source of 250,000, and we will have, with a total annual increase of 1,250,000, about 75,000,000 people at the time of the next census and the end of the present century. At this rate not less than twenty-five generations will have gone down into their graves before this country will see a population as dense as that of Belgium is to-day.

Are we not capable, I ask again, of supporting as large a population relatively as the countries of Europe; and if not, why not?

Germany is rejoicing in her lastest census returns, because they reveal an increase of population from forty-nine to fifty-two millions in five years. France has put a premium on fecundity by granting tax exemptions to fathers who are blessed with a certain number of children. Every State, county, and city in the United

States is exultant over every census return showing an extraordinary increase of population. The reason for this is apparent. It is because the value of land and investments is fixed by population. Its decrease lessens that value and its increase augments it. Take away one-half of New York's population and each front foot on Broadway will lose half of its value, while land in Texas, which is now sold at $5 per acre, will gradually sell at $500 if you attract a sufficient number of people there. Our abnormal growth, the marvelous increase in values and national wealth, is due to abnormal causes, not to the natural surplus of births over deaths, but to immigration.

COMPETITION WITH AMERICAN LABOR.

If the arguments of those are correct who are advocating further restriction because of the competion of immigrants with American labor, then, Mr. Speaker, partial restriction would afford but partial protection. In that case nothing short of total prohibition would cure the evil, and as a friend of the wage worker I should be the first to advocate such radical legislation. It might be a violation of principle, of morals, of the spirit of liberty, and of international comity, but self-preservation, being the first law of nature with nations as well as with individuals, would justify the closing of the doors of the Republic. But how easy it is to prove the fallacy and absurdity of these arguments!

In the fifties, and more especially under Buchanan's Administration, when the Know-Nothing movement was at its height, this country witnessed the same outcry, even more furious than now, against the admission of foreigners. Then, as now, the country passed through a crisis, many factories were closed, and labor was unemployed. Congress was asked to stop immigration, which was erroneously regarded as the source of the trouble. But the appeal was unheeded, and how fortunate for us to-day that it was; because the forty years which have elapsed since, no one will deny, were destined to be the most glorious, the most prosperous period in our history, in spite of—some will even assert because of—the fact that immigration had practically remained unrestricted. This object lesson is within the memory of nearly all of us, and we also know that the change from hard to good times, then wrought in spite of continued immigration, was due to a change of our economic policy from free trade to protection. Since 1856 nearly 14,000,000 people came from foreign shores, and it is not partisanship, but a candid regard for facts, which prompts me to ask these pertinent questions: If their coming tends to a reduction of wages, and to an increase of the number of unemployed, and is generally detrimental to the country, why is it that during the last forty years, the period of the largest immigration, wages were higher than ever before, labor more universally employed, and the American people more prosperous than at any previous time? Answer these questions in your own mind, and you will be irresistibly led to the conclusion that the present depression, with its evil consequences to labor, must be due to causes other than immigration.

It is, perhaps, excusable in our free-trade friends, who are anxious to assign reasons other than their own policy for the recent industrial depression, to eagerly point to the influx of foreigners as one of the main causes; but an investigation conducted by the three highest officials of the immigration service, all Democrats, fails to bear them out. In his instructions to this commission Secretary Carlisle calls for information on this point, among others:

> What effect, if any, has immigration had upon the wages of labor or opportunities for employment in the United States, and whether or not the existing industrial condition of the country is attributable in any degree to the influx of laborers from abroad?

After an investigation, perhaps the most thorough ever made on the subject, the commission made a report covering 188 printed pages, and containing the following conclusive answer to the above query (page 10):

> The opinion is widespread that wages have fallen since the great tide of immigration has set in. The facts do not bear this out. The statistics of immigration already given show that large immigration has almost invariably been coincident with (not necessarily the cause of) prosperity, and the report of the Senate subcommittee of 1891, which was charged with the duty of ascertaining the course of prices and wages of labor, shows further that wages have been highest during these same periods of prosperity. Not only, according to this report, have wages steadily increased during the last three decades of steadily increasing immigration, but they have been the highest during those years in which immigration has been the largest. * * * The Commission does not believe immigration to have been responsible for the depression, except in so far as the arrival of immigrants just before it and during its continuance swelled the number of its victims. * * * But to say that a financial depression which started in South America several years back and gradually spread over the whole financial world was due to immigration to the United States is absurd.

This phase of the question, Mr. Speaker, can not be discussed without direct reference to the economic policy obtaining in the United States. When, under free trade, Europe manufactures to a greater extent for the American market, then the influx from abroad always decreases, because Europe itself furnishes better opportunities for employment, while under the protective system and the consequent better times Europe's idle laborers are naturally attracted hither. This is frequently forged into a weapon against the protective system. We exclude the fabrics, it is said, but let the hands that make them come in. Suppose this is so. Is it not infinitely better than if we were to admit the fabrics and leave the hands that make them in Europe to spend their money there? It must be remembered that every immigrant is not only a producer but a consumer at the same time. Every newcomer brings—as our great leader in the Speaker's chair once tersely expressed it—his job with him. In the first place, he will have to eat; then he needs clothing and shelter. Breathing the free air of this continent, he expands physically and intellectually; his eyes, dimmed by the narrow and perhaps unhappy surroundings of his mother country, and then blinded after his arrival here by the sunshine of free institutions, gradually begin to reflect self-assertion and manhood. How long before he thinks, acts, and lives like those who are already assimilated? The vast majority of the newcomers enter upon their new life here by performing menial labor. They work in the mines, dig ditches and canals, build railroads—in short, do work which the American and even German and Irish immigrant, after having undergone a certain Americanizing process, no longer engage in. And another very important observation is that the immigrant, as soon as he finds that he has to pay American prices for American goods, will demand American wages, even if he should have been temporarily willing to offer his own labor cheaper than others. So the competition with our own labor is ridiculously small, at least on the part of what are termed common laborers, and these form, as we all know, the great bulk of our immigrants.

The total immigration during the last fiscal year, including that via Canada, was 258,563, and of that number fully five-sixths were farm and common laborers and women and children, and only one-sixth mechanics, skilled laborers, and professionals, who, by the way, with the exception of the last named, are usually absorbed by the trades unions very soon after their arrival. If their coming does result in some competition with American skilled labor, is not this counterbalanced threefold by the fact that the needs and necessities of an additional quarter of a million of people are to be supplied by the American market?

There was a time when workingmen were inclined to smash the machines which temporarily threw them out of employment. To-day they ridicule the idea, because they have learned, first, that hands are required to construct the machines, and, second, because all labor-saving inventions have so increased the consumption of the articles manufactured by their aid as to leave just as much work to be done as before. It is exactly the same with immigration. The increase of productive power caused by it is practically neutralized by augmented consumption. So the machine and the immigrant bring their own salvation with them. When the time comes, however—and no doubt it will come—that labor-saving appliances will be so perfected as to bring about a continuous excess of the world's supply over the world's demand, then the only logical remedy is a reduction of the hours of labor. But never will I believe that the voice of labor—of intelligent American labor—will in seriousness be raised against the downtrodden of the Old World who knock at our doors, begging for the privilege of breathing under the sun of a free country. American labor cherishes its constitutional rights of "life, liberty, and the pursuit of happiness," and will never deny them to others. It will never kick shipwrecks, while attempting to board our well-supplied craft, back into the roaring sea. [Applause.]

CHANGE OF CHARACTER IN IMMIGRATION.

There remains, then, only one plausible reason for restriction, and this is the increase of late of what are called undesirable immigrants, and the corresponding decrease of the more desirable. This change is not as marked as many suppose, last year's returns showing an immigration of about 150,000 from northern Europe, as against 100,000 from southern Europe; yet, judging from the present springtide, this year's figures bid fair to reverse this condition. Call it race prejudice or by any other name, but there is no denying the fact that the Anglo-Saxon feels an aversion against the Latin races, and their strong influx accounts, undoubtedly, for the present anti-immigration feeling. I am willing to make a concession to that sentiment. Not from race prejudice, for whoever knows me knows that that is something entirely foreign to my nature, but for another, a better, reason. My whole argument in favor of liberal immigration laws is based upon the supposition that the newcomer will soon be one of us, will have the same needs and require as much for his existence; in short, will live as we do. It is claimed that this is not the case with the man from southern Europe. While the German, the Scandinavian, the Englishman, and Irishman not only identifies himself thoroughly with our institutions, but also, and this is the point, makes the same claims upon the comforts and even luxuries of life as the average American, a vast majority of the immigrants of other nationalities, it is claimed, maintain a wretched existence and live far below the American standard of living. This undoubtedly makes them less desirable immigrants than others are, and

accounts for the public demand that Congress throw new obstacles in the way of their coming. The question arose, how to accomplish this by legislation? We certainly can not, in making laws, discriminate against specific nationalities, and I take it for granted that there is no desire to bar the unobjectionable immigrant. In my judgment, the bill under discussion answers the purpose exactly. It provides, in simple, self-enforcing terms, for an educational test, and requires of each male immigrant between the ages of 16 and 60 years the ability to read and write his own language as a condition of his admission to the country.

The total number of arrivals at United States ports during the year ended June 30, 1895, was 245,581, while 4,761 came via Canadian ports, making the grand total 250,342. The countries of their nativity were as follows:

Austria-Hungary:		Russia (proper)	33,232
Bohemia and Moravia	1,973	Finland	2,675
Galicia and Bukowina	4,324	Poland	790
Other Austria	11,898	Spain	501
Hungary	15,206	Sweden	15,361
Belgium	1,056	Switzerland	2,230
Denmark	3,910	Turkey in Europe	245
France (including Corsica)	2,626	United Kingdom:	
Germany	32,173	England	22,443
Greece	597	Ireland	46,308
Italy	35,427	Scotland	3,736
Netherlands	1,369	Wales	1,002
Norway	7,581	Not specified	24
Portugal	1,432		
Roumania	523	Total	250,342

The following table, showing the percentage of illiterates in total immigration from each country by nationalities, will give a clear idea of the effect of this bill on immigration from the countries furnishing the largest quota of immigrants:

Nationalities.	Percentage of illiterates.	Nationalities.	Percentage of illiterates.
Portugal	67.35	Spain	8.71
Italy	62.93	Ireland	7.27
Galicia and Bukowina	45.06	Finland	5.58
Poland	39.82	France (including Corsica)	3.50
Hungary	37.60	England	3.49
Russia (proper)	36.42	Netherlands	3.38
Other Austria	32.70	Scotland	2.83
Greece	25.18	Germany	2.49
Roumania	17.75	Norway	1.02
Belgium	15.22	Sweden	.74
Turkey in Europe	14.79	Switzerland	.60
Wales	10.43	Denmark	.49
Bohemia and Moravia	8.98		

A cursory examination of these figures will demonstrate that the illiteracy test provided for in this bill will not materially affect the immigration from Great Britain, Germany, Scandinavia, and other countries of northern Europe, which countries as a rule send us the most desirable class of immigrants, while under it the immigration from southern Europe, now looked upon as more or less undesirable, will be considerably restricted. The original bill provided for the exclusion of male and female illiterates, but in view of the conceded scarcity of female white servants in nearly all parts of the country, the committee deemed it wise to exempt females from the illiteracy test and admit them as heretofore. The reason for the exemption of parents whose children have preceded them hither is obvious, and this provision requires no explanation further than that it was prompted by humane considerations.

Existing immigration laws, as is well known, prohibit the admission into the United States of Chinese laborers and the following classes of aliens:

All idiots, insane persons, paupers, or persons likely to become a public charge, persons suffering from loathsome or dangerous contagious diseases, persons who have been convicted of a felony or other infamous crime or misdemeanor involving moral turpitude, or any person whose ticket or passage is paid by the money of another, or who is assisted by others to come.

The bill under discussion adds to the excluded classes another, the illiterates. I am not unmindful of the fact that grave objections may be raised against such a provision. The illiteracy in our own country may be referred to as showing that we are trying to impose qualifications upon the immigrants which many of our own citizens do not possess; or it may be urged that education, or at least the ability to read and write, is in no wise a test of character and moral worth; but we certainly have the right to guard against the swelling of the number of our own illiterates by immigration; and as to the merits of an educational test it is fair to assume that persons who have attended school and whose parents have had sufficient regard for the requirements of civilized life to have their children educated, come from better surroundings and are more desirable immigrants than the totally illiterate.

But I sincerely trust, Mr. Speaker, that in the matter of restriction we go no further than this. Let us give this new law a fair trial before we enter upon such doubtful and objectionable experiments as consular inspection, etc. As defenders of an educational test we may face the country; but as advocates of a measure which, in its effect, will bar the bone and sinew of Scandinavia and Germany we should certainly come to grief. We are here legislating for the whole country, but what, in the matter of restriction, may suit Pennsylvania and some of the congested districts of the East will not be the fair thing and the right thing for Texas, that empire of the future, or the wide and unsettled plains of the great West and Northwest. Let us continue to adhere to the great doctrine, the genuine American doctrine, that the man who comes to us with two strong arms and a healthy mind, with a determination to better his condition in life by honest labor, and a willingness to identify himself with us and our institutions, is a valuable and welcome addition to our population. I have not the time to remind you here what we owe to immigration; how since 1840 it has changed the face of this continent; how it has turned deserts into flower gardens, forests into thriving towns; how it has removed the line of civilization from the Mississippi to the Pacific Ocean; how it has aided, by hard manual work, by energy and untiring effort, to make this nation the greatest industrial nation of the world. "The American of a hundred years from now," says Rev. De Witt Talmage, "is to be different from the American of to-day. German brain, Irish wit, French civility, Scotch firmness, English loyalty, Italian æsthetics, packed into one man, and he an American! It is this intermarriage of nationalities that is going to make the American nation the greatest nation of the ages."

Remember also that beside its brain and muscle, which represent untold amounts of capital, immigration brings millions upon millions of cash to our shores, and let no one forget that the wealth of this country in land, forest, and mountain is barely scratched; that where some now think we have room for no more will in the future be found the happy homes of hundreds of millions of people.

Just open the map of the continent—

Says the same gentleman quoted above—

and see how it is shaped for immeasurable prosperities. Navigable rivers, more in number and greater than of any other land, rolling down on all sides into the sea, prophesying large manufactories and easy commerce! Look at the great ranges of mountains, timbered with wealth on the top and sides and metaled with wealth underneath. One hundred and eighty thousand square miles of coal! One hundred and eighty thousand square miles of iron! The iron to pry out the coal. The coal to forge and smelt the iron. The land so contoured that extreme weather hardly ever lasts more than three days—extreme heat or extreme cold. Climate for the most part bracing and favorable for brawn and brain. All fruits. All minerals. All harvests. Scenery displaying autumnal pageantry that no land on earth pretends to rival. No South American earthquakes. No Scotch mists. No English fogs. No Egyptian plagues. The people of the United States are happier than any people on earth. It is the testimony of every man that has traveled abroad. For the poor more sympathy! For the industrious more opportunity!

[Great applause.]

Mr. Speaker, I reserve the remainder of my time.

Mr. BRUMM. Will the gentleman before he takes his seat permit a question?

Mr. BARTHOLDT. Yes, sir.

Mr. BRUMM. I did not hear the whole of the gentleman's remarks; but I wish to ask him why what is known as the consular system will operate especially against the Germans and Scandinavians?

Mr. BARTHOLDT. I did not explain that for this reason——

Mr. BRUMM. Will not the gentleman be kind enough to tell us why?

Mr. BARTHOLDT. I intended to wait until the gentleman from Pennsylvania [Mr. WILLIAM A. STONE] had made his argument in favor of that bill, after which I proposed to explain why the bill is objectionable and should not pass.

Mr. TRACEWELL. Mr. Speaker, I desire to preface the few impromptu remarks I shall make upon the pending questions by saying I am not a member of the order known as the American Protective Association. I know nothing concerning the order except what I see in the daily prints. I further desire to say that I am not in sympathy with the rule-or-ruin policy of some of our labor organizations, but I am the friend of the American laboring man here and elsewhere.

I have the honor to represent upon this floor a district more than one-third of whose voters are German-American citizens. In view of this constituency I wish now to declare that I heartily favor the passage (if it be possible under the rules of this House) of each of the bills reported by the Committee on Immigration and Naturalization.

The sun shines upon no better class of citizens than the German-American citizens of my district. I know that they have the same interest in the welfare of our common country that I have, and what is good for me is good for them, and what is evil for me is evil for them. They were once Germans; they are now Americans in the true sense of the word.

Being a member of the committee which reported the bills now before the House, and somewhat familiar with their provisions, I do not think I could make a better use of a few minutes of time than by briefly giving to the gentlemen who manifest their interest in this matter by remaining in the Hall to hear and take part

in the debate now in progress the salient points of the different bills upon which we will be called upon to cast our votes on to-morrow.

My distinguished friend from Missouri [Mr. BARTHOLDT], whose name is attached to the first bill reported, and who stands as a sponsor for it, the bill being known as the Bartholdt bill, and as such it will go down into the history we are now making, has, if we are allowed to judge from the argument he has just closed, experienced a change of heart since he affixed his signature to the bill, for his whole argument has been directed against the advisability of passing this or any other bill seeking to restrict undesirable immigration to this country.

The Bartholdt bill provides in substance that no male persons between the ages of 16 and 60 who can not read and write the English or some other language shall be eligible to enter our country as immigrants, with the proviso that the parents of any person now in this country or who shall hereafter come into this country as immigrants shall not be debarred from entry.

As I understand the parliamentary situation, the gentleman from Michigan [Mr. CORLISS] has introduced as an amendment to the Bartholdt bill his bill, which is known as the Corliss bill. I will not consume time by having this bill read by the Clerk, for I think I can in a few words give you its main features.

It provides that it shall be unlawful for a person maintaining his domicile in a foreign country to engage in mechanical labor in this country while so maintaining his domicile in the foreign country, and makes it also unlawful for anyone knowingly to employ him.

The provisions of this bill do not apply to persons employed on the steamers of the Great Lakes or the rivers tributary thereto or to the employees of railroads having termini outside of our country.

The gentleman from Pennsylvania [Mr. WILLIAM A. STONE] introduced as a substitute his bill, known as the consular inspection bill, and also the original McCall bill, which provides for the educational test and does not limit it to males and makes no exception as to parents.

I presume it is known—at least it ought to be known—to the members of this body that we have in this country what are called immigrant inspection stations, the principal one being situated at Ellis Island, an island situate in New York Harbor and in plain view of old Castle Garden.

It is also known to all present that a corps of Government officers are stationed at these points, and it is made their duty and business to see that no person is allowed to land as an immigrant who is forbidden by existing law.

I shall, in the discussion of these bills, direct my principal remarks to the Stone bill, or the consular inspection bill.

Its main features can be gathered from the following extract from the bill:

No alien immigrant shall be admitted within the United States unless, in addition to other requirements and provisions of law, he or she shall exhibit to the United States inspectors of arriving immigrants at the place of admission a certificate, signed by the United States consul or other authorized representative of the United States at the place nearest where said immigrant has last resided, setting forth that the said consul or other United States representative has made an investigation concerning said immigrant and that said immigrant does not belong to the class or classes of alien immigrants excluded from admission into the United States under the provisions of the act of Congress approved March 3, 1891.

Under existing law, the Chinese as a class are excluded. The maimed, crippled, paupers, idiots, contract laborers, persons suffering from loathsome diseases, and the criminal classes of all lands and climes are now debarred from admission to this country. It is made the duty of our officers of immigration to enforce this law. But under present facilities the laws are not enforced, and, moreover, they are incapable of proper enforcement. The census reports of 1890 show that nearly 50 per cent of the inmates of our almshouses are foreigners, and about the same proportion of the convicts of our penitentiaries are from the same class, and the foreign population represents only about 15 per cent of the total population. This state of affairs could not exist if the immigration laws were properly enforced.

The primary consideration of this House should then be whether the great mass of the people are demanding a law for the more rigid enforcement of the laws restricting immigration and whether this demand, if it exists, is based upon right and justice.

This Congress has been flooded with petitions from every section of the country demanding the passage of legislation of this character, and it has come from every section of the country. In fact, more petitions have been presented on this one subject than all the other matters pending before Congress.

I apprehend that no man on the floor of this House, the distinguished chairman of our committee excepted, will insist that the best interests of our common country will be subserved by the dumping of a mass of illiterates upon our shores. Mr. Speaker, if it be true that illiteracy is not a curse to any country, then our idea of government is all wrong and the millions of dollars we are annually spending to educate the youth of the land and raised by taxation is wasted.

By common consent we are agreed that this class of immigration is undesirable. If undesirable it should be restricted by laws that in fact restrict. The McCall-Bartholdt bill aims at this evil in particular. These bills are drawn upon judicious and diplomatic lines. I am not prepared to say now, nor do I think I will be prepared to say in the future, that it would be in good form for our Government to say by its laws to Italy or any other power that its citizens shall not immigrate to this country. It would be such a distinction and discrimination as would be sure to offend, and rightfully, such nation discriminated against by our laws.

In my judgment all the bills reported by this committee are diplomatic in their language, excluding the citizens of no country by name, but dealing with a class.

The bills just referred to provide that no immigrant who can not read or write the English language or some other language shall be received into this country.

The Corliss bill provides that an alien who is maintaining his domicile in a foreign country while thus maintaining his domicile shall not engage in mechanical labor in this country.

Can any man who loves his country, be he native or foreign born, and who has at heart the interest of the laboring people of his country, have any serious objection to the provisions of this bill? I ask why should a man maintaining his residence in Canada or Mexico be permitted to come for the day or the season into this country and compete with the American laborer who bears his full proportion of the expense and burden of government?

He comes here only to earn American wages; he comes into direct competition with our own wage earner, and he takes his wages earned here back to his foreign home at the end of the day or season and spends them at home, where he can buy cheap foreign-made goods.

I digress for a moment to say that I am a protectionist from the crown of my head to the sole of my foot. I have not a lingering doubt as to the justness of this doctrine. I believe protection inures to the benefit of the laborer who makes the article upon which we lay a protective duty. This duty is not laid primarily for the benefit of the manufacturer. I am perfectly willing that he should have a fair and legitimate return for his capital invested and enterprise, but the primary object of all protective duties is, as I understand the theory of protection, to enable the manufacturer to pay the men who make and produce the article such wages as represent the difference in the cost of the production of the article made here and made abroad by pauper labor.

I can not have it in my heart to go back to my people and meet them face to face and say I voted to protect the article but I did not vote to protect the man who made the article. The manufacturer will procure his labor just as cheaply as he can, and the laborer will procure just as much as he can for his labor. The price will be greatly influenced by the supply of laborers and their present necessities. If a hundred men are applying for one job we can not expect the one man who receives the job to insist on large wages or to receive them if he does insist. If a man has a hundred days' work to give and there are only 10 men to do the work we would not expect the 10 men to be content with starvation wages.

We as Republicans can not go back to our people and say we are willing to protect the article from foreign competition but are not willing to protect the man who makes the article from foreign competition.

It is insisted by some that we are on the eve of a Presidential election and it is not good politics to pass legislation of this character.

The immortal Clay said he would rather be right than President. It would be better for the Republican party to go down in honest defeat than to succeed at the cost of the American workingmen. We went down in defeat in 1892 on account of the McKinley bill, but its author is now the idol of the people.

Truth crushed to earth shall rise again;
The eternal years of God are hers.

Let the Republican party heed the great heart of the people, listen to the demands of the common people, and it has nothing to fear.

We sometimes say, and I am proud that we are in the condition to say it, that this country has been the home of the oppressed of every clime. I am and have been willing to share our prosperity with the more unfortunate of other countries. The foreigners who come to our shores are laboring men, and come to better their worldly condition. They come to share our prosperity. When times are prosperous in this country immigration largely increases. But we have no prosperity for our own people now, nor have we had for some time. I could probably assign good and sufficient reasons for this state of affairs. The people in this country know what, to a large extent, has brought about this deplorable condition. Population has congested in the large cities of the country and is every day becoming more congested. Men and women have been for more than three years walking the streets of our cities, imploring work at any price. There are more laborers than jobs.

Mr. Speaker, it has resulted in this: Shipload after shipload of paupers from southern Europe have been dumped in our cities, induced to come here by the shipowners for the profit of their carriage, and they have come into competition with our own wage earners. They had to work, starve, or be fed by our people.

Now, Mr. Speaker, the Stone bill does not provide for any additional excluded classes. It simply provides that our consular officers shall ascertain at the port nearest to where the immigrant comes from whether he is within the prohibited class.

I have practiced law, with varying success, for more than twenty years, and our present immigration laws are the most novel in their character that it has been my good fortune to see or have occasion to examine. They stand alone in this particular, that it was left to their author to devise a law which in its administration separated the court from the vicinage of the witnesses a distance of 3,000 miles and over and left the entire fact as to whether the immigrant applying for admission to our country fell under the prohibition of our laws to be determined by the statement of the immigrant alone and unsupported.

It is utterly impossible for our immigration officers at Ellis Island or our other immigrant stations to ascertain whether the applying immigrant falls within the prohibited class. You can not always tell a criminal by his looks.

Under existing law, Mr. Speaker, we institute an inquiry by our officers of inspection at these immigrant stations 3,000 miles from where the witnesses are who are in possession of the facts which we are seeking to ascertain. What is the result? Our laws as they exist at present are a farce. The paupers, criminals, and the contract labor of southern Europe have driven our native laborer from the proud position he used to occupy to the level, in a great many instances, of those with whom he has been forced to compete.

The present system is not only unfair to the American laborer, but if it were possible to enforce the law, which it is not, it is not only unfair to the immigrant but is inhuman.

If he fails to land as an immigrant, under existing law he is deported to the country from whence he came by the steamship company which brought him to our shores.

These companies for gain and greed have induced him to sell his little all and invest it in tickets to come to this, the promised land. If the law is enforced and he is within the prohibited class he is huddled like cattle in the dark hold of some ship of the company that brought him over and returned to his native country without a cent.

The officers of immigration are human. When they see the immigrant at Ellis Island, thousands of miles from whence he came, with his wife and little brood around him and not a dollar in the world, what are the natural human instincts? Violation of law or not, it is to permit him to land. I confess, Mr. Speaker, I would be tempted to say to the poor devil, "Go your way." I saw these things with my own eyes when I visited this immigrant station during this session of Congress. The remedy for this evil is plain and simple. Pass the Stone bill. It provides for the ascertainment of these facts by our consul at the nearest point to where the immigrant lives.

If I want to ascertain whether a man is a criminal, whether he is a pauper, if, in other words, he is eligible to become a citizen of the United States, I certainly would not go to Ellis Island for this information, but I would seek it where he lived, in his hamlet, village, or city. That, Mr. Speaker, is what the Stone bill will do. It will not keep out of the country a single person entitled to land under existing laws, but it will keep out those not entitled to land under our laws.

Before this debate is over you will see more stones and clubs hurled at the Stone bill by the opponents of the restriction of immigration than at all the other bills. The Stone bill, if passed, will restrict. If you go into an apple orchard and find a great number of sticks and stones under a certain tree, you ask no questions, but know at once that that tree bore fruit, and you are able to judge of the amount by the number of stones and sticks found under its branches. The advocates of this bill are not claiming it will cure our system of immigration laws of all their defects or prove perfect in its execution, but that its passage will materially restrict the undesirable immigration flocking to our shores. [Applause.]

With these desultory remarks, Mr. Speaker, I now yield the remainder of my time to the gentleman from Pennsylvania [Mr. WILLIAM A. STONE].

Mr. WILLIAM A. STONE. I regret, Mr. Speaker, that my voice will not permit me to address the House as I should like to upon this question.

Mr. LINNEY. Mr. Speaker, will the gentleman from Pennsylvania allow me to offer an amendment to his bill?

Mr. WILLIAM A. STONE. I will yield to the gentleman to let the amendment be read.

The SPEAKER pro tempore (Mr. MCCALL of Massachusetts). The Clerk will read the amendment.

The Clerk read as follows:

Insert in line 21, page 2, after the word "law," the following:

"And shall before he is admitted within the United States, to become a citizen thereof, pay the sum of $200 in gold to the Secretary of the Treasury of the United States as a tax for the privilege of becoming a citizen of the United States."

Mr. DINGLEY. Mr. Speaker, I should like to inquire whether what has just been read by the Clerk is offered as an amendment?

Mr. WILLIAM A. STONE. No; it was just read by consent, in my time.

Mr. DINGLEY. Just read for information?

Mr. WILLIAM A. STONE. As I understand, it was read in my time for information.

The SPEAKER pro tempore. Read for information.

Mr. WILLIAM A. STONE. How much time have I remaining?

The SPEAKER pro tempore. The gentleman has forty-four minutes remaining.

Mr. WILLIAM A. STONE. Mr. Speaker, I have listened to the remarks of the chairman of the committee; but when I come to consider that his speech is made in support of an immigration bill ostensibly to restrict immigration, although his speech is a very able one, I fail to see any argument in it except an argument against the restriction of immigration.

Mr. Speaker, if there is one thing in this country more than another that is burdensome to the people to-day it is unreasonable immigration. We, as a country, have been for years inviting immigrants to come here and live with us. The difficulty is that they have all accepted our invitation, and to-day there are more immigrants coming into the country than the country can assimilate. Whenever that occurs in any nation it must necessarily injure that nation. They will either assimilate us or we will assimilate them. That is the rule with all immigration movements. You can easily imagine a state of things where the number of immigrants coming into a country is larger than the natural increase of the country. In that event they would assimilate us. We would conform to their ways instead of their conforming to our ways.

Mr. Speaker, the fact is that between the years 1880 and 1890 nearly as many foreigners came to this country as there were children born within the territory of the country.

Mr. BARTHOLDT. I dislike to interrupt the gentleman. I dislike to do so very much.

Mr. WILLIAM A. STONE. Very well; what is it you want?

Mr. BARTHOLDT. Will you permit me just a word?

Mr. WILLIAM A. STONE. Yes, sir.

Mr. BARTHOLDT. The natural increase, according to our census reports, is a million a year exactly, or 1.38. That is the natural increase. That makes a million a year according to our present population. Now, immigration only amounts to 250,000, or a quarter of a million, and consequently your statement that the immigration is larger than the natural increase is not accurate.

Mr. WILLIAM A. STONE. I stated that during the years 1880 to 1890, those ten years, nearly as many foreigners came into this country as there were children born in the country.

Mr. BARTHOLDT. Why, certainly not.

Mr. WILLIAM A. STONE. I understand you have denied it.

Now, Mr. Speaker, take the gentleman's own figures. There is an increase of a million a year in population. The average immigration into this country during those ten years was nearly half a million a year instead of 250,000. So that, by the census returns for those ten years—I do not speak with absolute accuracy, but in the main—the immigration between 1880 and 1890 was nearly or quite as large as the number of births in this country, or else the census reports have stated what is not correct. During those years there was a large immigration into this country, averaging about half a million per year. Since 1890, especially beginning with 1893, the immigration largely fell off, owing to the fact of hard times in this country. The people who came here, attracted by all the advantages which the country has by the high wages which grew out of protected industries in this country, when they found the mills and workshops shut down, when they found that there were hard times in this country as well as in others, ceased to come here; therefore the immigration, beginning with 1893, fell off largely, and in the latter part of 1893. But with returning prosperity and with the prospect of better wages and better times immigration is now largely increasing to what it was during 1893 and 1894.

You will observe that the increasing immigration for the year 1895 was largely over that of 1894, and for the months of this year it is still increasing, so that this year we will have probably over 300,000 immigrants; and for next year they will approach the figures of 1891 and 1892, which was nearly or quite half a million. The question is whether, with an increase in population, counting every ten years, of a million a year, we can stand an immigration ranging from 400,000 to 500,000 annually. Why, Mr. Speaker, that question is answered in very many sections of my own State. You may go into certain sections of my State and you will find no newspapers printed in the English language;

you will find scarcely any or but few people who speak the English language. They have already assimilated the people in those sections, and in those sections we are becoming like unto and of them.

Well, now, I do not object to immigration. I welcome immigration; but I stand upon this principle, that immigration faster than we can Americanize the immigrants is unwholesome in this country. [Applause.] This country is the first object of my solicitude. As far as we can assimilate the children of other countries, in God's name let them come to us; but when they come in such large numbers that we can not assimilate them and make them American citizens, why, we can not stand it. No nation on earth can stand it. No nation ever has stood it. Talk of our prairies and the places where immigrants may go! If they would only go there, Mr. Speaker, the curse of undesirable immigration would not be felt so heavily; but nearly 70 per cent of the immigrants coming into this country stay in the already overcrowded Eastern States, and a very small percentage of them go into the far West.

I admit that the very best of them do go into the far West and that the very worst of them do stay with us. Take the State of Pennsylvania. Why, sir, that State is suffering to-day in various localities from a large, a too large, immigration. Of all the Hungarians that have come to this country during the last year 54 per cent have remained in Pennsylvania. In that State we have whole towns and villages of them, and now and then in our coke regions there occurs what is known as a Hungarian riot, when they "run amuck," and no law and no police regulation can withstand them. Men are killed, property is destroyed, and there is nothing that can prevent it.

Now, Mr. Speaker, I come to discuss the provisions of the substitute which I have had the honor to offer. I understand that my friend the chairman of the committee [Mr. BARTHOLDT] reserves his remarks in reply to what I may say upon the feasibility of this measure. I have very little to add or to offer in support of the proposition. It is not mine. It has been in this House for more than twenty years. Nearly every man who has made a study of the immigration question has presented a bill similar to this. It has been the judgment of the very best men who have investigated the question that consular inspection is almost the only remedy that can cure this evil. Of course my friend [Mr. BARTHOLDT] is opposed to it, because the difference between him and me is this: He does not recognize any evil to be corrected, and I do. There is no complaint which he wishes to cure, while I think there is one that ought to be cured.

Mr. SAYERS. Will the gentleman permit a question?

Mr. WILLIAM A. STONE. Yes, sir.

Mr. SAYERS. If I understand correctly the bill introduced by the gentleman from Pennsylvania [Mr. WILLIAM A. STONE], it contains a requirement that no alien immigrant shall be admitted in the United States unless he shall exhibit to the United States inspectors of arriving immigrants at the place of admission a certificate signed by the United States consul at the port from which he sailed. That is the substance, I understand, of the proposition. Now, let me suppose a case. Take the case of a German citizen who has not performed the required military service, or who has been engaged in a revolution like that of 1848, which swept all over Europe, and who desires to leave Germany and come to this country, does the gentleman believe that it would be practicable for such a man to go to any United States consul in Germany and secure from that consul a certificate which would entitle him to land in this country?

Now, it occurs to me, Mr. Speaker, if this bill should become law, that, under the contingencies which I have suggested, it would be practically impossible for such a man to come to this country, whatever might be his fitness in other respects, and I would like to hear from the gentleman from Pennsylvania on that point.

Mr. WILLIAM A. STONE. Mr. Speaker, I suppose that all countries, when they are engaged in war, do all within their power to prevent the emigration of their citizens who are liable to military duty.

Mr. SAYERS. But the case I have supposed may occur in the time of peace.

Mr. WILLIAM A. STONE. In times of peace the returns of the Bureau of Immigration show that the Germans do come and have been coming to this country, and that men liable to do military duty in Germany have been coming here. Now, as I understand the gentleman's question, it is this: Will this bill which I have proposed, if it should become a law, be an obstruction in the way of a German who is liable to military duty and desires to emigrate to this country?

Mr. SAYERS. Or a German who has been engaged in a revolution in that country. And I take Germany only as an instance. My proposition applies to any other country in Europe as well.

Mr. WILLIAM A. STONE. In the first place, the existing immigration laws do not exclude any person from admission to this country who has committed what is called a political crime in Europe. The bill which I offer as a substitute simply seeks to have the inspection, which is already made under our laws, made on the other side of the water instead of here. The gentleman asks whether such an enactment will not create an obstacle in the way of desirable immigrants coming into this country. Now, all countries, this country included, have laws which make their citizens liable to do military duty between certain ages. I do not understand that the investigation which is required to be made by the consul is to be conducted with a brass band. I do not understand that the consul is going to give public notice of days of hearing for intended emigrants. I do not see why any person should not be able to come to this country who was eligible to come, if this bill were law, as well as he can come now.

Mr. SAYERS. I do not wish to interrupt the gentleman, but this is a vital point in his proposition. Suppose that a person is evading the law requiring military service in his country in time of peace, or desires to evade it, or suppose that a revolution is going on in that country and a citizen desires to escape from it and come to the United States, does the gentleman believe that the Government from whom this citizen is seeking to escape would permit an American consul to remain there who should be engaged in giving certificates authorizing such persons to come to this country and live here?

Mr. WILLIAM A. STONE. Most certainly.

Mr. SAYERS. The gentleman thinks so?

Mr. WILLIAM A. STONE. I do think so, and I do not know of anybody who has thoroughly investigated the subject and the questions of international law involved who thinks to the contrary.

Mr. JOHNSON of North Dakota. Why should not the consul, as the gentleman says, "employ a brass band" just as well as have the flag flying over the consulate? Does the gentleman suppose that the consul could do this thing in secret?

Mr. WILLIAM A. STONE. I do not propose to have him do it in secret. I propose to have some system by which immigration will be restricted to those who are eligible under the law. Perhaps this system may now and then act to some extent as an obstacle to legitimate immigration, but not to the extent claimed.

Why, Mr. Speaker, there will be no difficulty in a person getting to this country if he is able to come. The trouble is now that people get here who are ineligible. This whole system, as it now exists, by which we undertake to restrict immigration by investigating immigrants as they come to this side of the water—while I admit the system may be as well carried out as it can be under existing laws—is necessarily a legal farce. Apart from immigrants who are returned or debarred from entrance on account of disabilities or on account of not being qualified under the labor laws—apart from those whose entrance into the country is debarred on account of their violating the labor-contract laws, the number of persons returned under the present system are so few that the system is absolutely a farce. At the same time our poorhouses, our jails, our penitentiaries are filling up with incapables—men unable to earn a livelihood. Why, Mr. Speaker, more than 50 per cent of the people confined in our penitentiaries, according to the census of 1890, came to this country from abroad.

Now, what are you going to do? It may be that the law proposed may operate severely on some occasions; but are we to go on feeding and supporting the criminals of the world? Forty per cent, or nearly 40 per cent, of the inmates of our poorhouses and alms asylums are born in foreign countries.

Mr. Speaker, it has been the custom of European nations for years, until the last three or four years, to devote a portion of the public funds to sending to this country their paupers. Often a criminal is condemned as a part of his sentence to leave the country. You have heard of the "ticket-of-leave man." Do you not know that when a man is ordered out of his country he is necessarily ordered into another? And the only country that will receive such a one, if it knows it, is ours. We have been receiving the criminals and the paupers of Europe for years—feeding them and clothing them. Are we to go on doing it? This country of ours, lying between the two great oceans, is the rendezvous, the objective point, of all the people in the Old World who wish to better their condition.

Mr. SAYERS. Right here the gentleman will allow me to say, we have had a great deal of foreign immigration into Texas—Germans, Bohemians, and Swedes; and these people always feed and clothe themselves; they are here only but a short time until they acquire by their industry and economy comfortable homes. The great majority of them settle in the country and make most excellent and successful farmers. They constitute a splendid citizenship.

Mr. WILLIAM A. STONE. Why, sir, no one objects to that class of people coming to Texas or any other part of this country. This bill does not prevent them. It simply proposes to keep out paupers, insane people, diseased persons, criminals; that is all. Certainly they do not want that sort of people in Texas.

Mr. SAYERS. Certainly not; but are not the classes just named by the gentleman excluded by our present laws?

Mr. WILLIAM A. STONE. Certainly our present laws aim to exclude them.

Mr. SAYERS. Do we not have all along our coasts and borders inspectors who are required to inspect every immigrant; and if any improper person presents himself, is he not excluded, and is not the ship that brought him here required to take him back at its own expense?

Mr. WILLIAM A. STONE. He is not, under the operation of the present law, excluded with any certainty. How are you going to examine a man coming to this country in order to determine whether he is a criminal or not? He may look like a criminal; but he is going to say he is not such a person. Do you suppose he will stand up and admit that he is a criminal?

Mr. BARTHOLDT. Will he admit it to the consul?

Mr. WILLIAM A. STONE. If he does not admit it to the consul, the consul has the means at hand of verifying the man's statement. Under the system proposed here there will be such means at hand.

Mr. BARTHOLDT. Let me say to the gentleman that an American consul abroad has no right to administer oaths. Consequently, when a man appears before him as an applicant for such a certificate as the gentleman contemplates, he can tell the consul absolutely what he pleases, and the consul, having no power to call witnesses or administer oaths, has no way of testing the truth of his statements.

Mr. WILLIAM A. STONE. In reply to that statement I wish to have read a letter from a member of this House, the gentleman from Illinois [Mr. HITT]. I ask members of the House not to be hasty in the passage of such a measure as this, but to hear what Mr. HITT says before taking the statement of a gentleman who stands here reporting an immigration bill and making a speech against it.

Mr. BARTHOLDT. I hope the gentleman does not mean any personal reflection.

Mr. WILLIAM A. STONE. Oh, no; I do not think the gentleman is correct; that is all. I ask that the letter of Mr. HITT be read.

The Clerk read as follows:

MOUNT MORRIS, ILL., *September 5, 1894.*

DEAR SIR: Your letter forwarded here after I left W. has been received. There is no more reason to believe that consular inspection of immigrants would lead to international complications than other functions of consuls. Every consul is required to have from the local government an exequatur or permission before he can exercise any consular function. I notice that this objection to your bill is not raised by the Secretary of State, who has charge of foreign affairs, but by Mr. Carlisle, Secretary of the Treasury. This also answers your second question, whether the duties conferred by the House bill would be recognized by international law. Third, as to dual administration of law, there is and has long been a dual administration of the revenue laws.

The consular certificates and the invoices of importations go to the Treasury Department officers often in the same mail in which they send their regular reports to the State Department. Then, too, the Treasury Department appoints special agents who go abroad on almost the same business as part of the consuls-general. It might be that at certain ports the consular employees would have to be increased, as there would be more to do. This will of course be resisted if there is no increase of pay; but if, for instance, a fee were attached to this duty, you would hear at once from Liverpool, Hamburg, etc., that it was an excellent, beneficient measure. I know we have some poor material just now in the consular service, but they are better than Mr. Carlisle implies in contrasting consular inspection with the haphazard inquiries of ticket agents for steamer lines.

How can it be "a hindrance to able-bodied men who desire to migrate" to enable such men to secure in advance of coming a certificate that will absolutely secure their free admission at our ports?

Very truly, yours,

R. R. HITT.

Hon. WILLIAM A. STONE, *Allegheny, Pa.*

Mr. HENDRICK. Will the gentleman from Pennsylvania allow a question in connection with that point, a pertinent question?

Mr. WILLIAM A. STONE. Yes.

Mr. HENDRICK. Under your bill will the visitors and tourists who come from abroad simply to visit this country be required to furnish consular certificates?

Mr. WILLIAM A. STONE. No.

Mr. HENDRICK. Then what will the consular examination of immigrants amount to? All an immigrant would have to do would be to say that he was coming to America on a visit; that is all; and how can you reach that class of people under the operation of your bill?

Mr. WILLIAM A. STONE. Well, the gentleman makes an imaginary suggestion. The immigrant is not likely, for instance, to take a first-class or even a second-class cabin passage. As a rule they have not money enough for that.

Mr. WILSON of South Carolina. And if the gentleman from Pennsylvania will allow me to make an additional suggestion, your bill does not repeal in any respect the existing conditions of law which restrict certain classes of people. The immigrant laborer can not come in under the amendment of the gentleman from Pennsylvania any more than under the existing law.

Mr. WILLIAM A. STONE. Mr. Speaker, I ask the clerk to read now the letter of Mr. Smith upon the subject. It will be remembered, perhaps, that he was minister to Russia while Mr. HITT was secretary of legation in France for many years.

The Clerk read as follows:

THE PHILADELPHIA PRESS, OFFICE OF THE EDITOR,
Philadelphia, August 28, 1894.

DEAR SIR: The imperative necessity of some more stringent measure for the inspection of immigrants has become plain within the past few years, and now commands general assent. Your bill providing for such inspection by United States consuls seems to me admirably adapted to the purpose. It has been suggested in some quarters that the inspection should be made by officers specially appointed for that purpose, but I think reflection will confirm the conviction that your proposed method is much better. Every objection as to the amount of labor involved which can be directed against the plan of consular inspection would apply with no less force to the other method, while, on the other hand, the former plan would have all the advantage of a more responsible official character. In my judgment it would be more effective and impressive. There can be no difficulty in the way of making the equipment of the consular office equal to the requirements of such an investigation; and I believe that in its moral effect and in its practical results it would be most efficacious. I earnestly hope that you will press your measure, and that it may find the general favor which it deserves.

Very truly, yours,

CHAS. EMORY SMITH.

Hon. WILLIAM A. STONE.

Mr. WILLIAM A. STONE. Mr. Speaker, I desire here to make perhaps a little correction in my statement in reference to the proportion of immigrations to births. I find by the report of the commission appointed to investigate immigration that the number of immigrants coming into this country between 1880 and 1890 (this will be found on page 8, I will say, of the report), was 5,246,613. Now, as I understand from more recent examination, the amount of increase during that decade was about twelve millions. So I was a little in error in making the statement I did. But still I think even the fact given, the corrected statement, shows too large an immigration.

Mr. HAINER of Nebraska. If the gentlemen will allow me. The increase of foreign population from 1880 to 1890, as shown on page 30 of the abstract of the Eleventh Census, is 2,569,604; while on page 3, of the same abstract, I find the increase of the total population is 12,466,467. In other words, the difference is four times as great as the gentleman from Pennsylvania first stated.

Mr. WILLIAM A. STONE. That would be entirely true if your statement was correct; but it is not a correct statement.

Mr. HAINER of Nebraska. Well, I hand the gentleman the figures. He can examine them for himself. It is the abstract of the Eleventh Census.

Mr. WILLIAM A. STONE. I have seen the figures, and have compared them with my own investigations, and also with the statement of the commission appointed to investigate this subject. I take the report of that commission, which was appointed to investigate this very subject, as decidedly more correct, and they report the number during that decade as over 5,000,000.

However, we will leave that, at least for the present. The gentleman from Nebraska may be right or I may be. I do not wish to spend time discussing figures. In any event, it is large enough to reduce, and it is growing steadily larger.

I desire now to call the attention of the House to the statement of the report of the commission to which I have just referred. This commission, which is opposed to consular inspection—and I may say that everyone connected with the Immigration Bureau under this Administration is opposed to it—this Commission fears a dual administration of the laws; and that the consuls under the State Department will in some manner interfere with them or their system. They have been cordial advocates of the present law; and the Stump law of 1893 is a fair sample of the thought which the Immigration Bureau entertains on the subject. That was a law which undertook to restrict immigration. The only restriction it has effected is in the claims of the Immigration Bureau, who claim that it has prevented many people from applying to come to this country; in other words, that it has scared away many who wanted to come. That is the only indication of any restriction which it has ever effected. This commission, composed of the head of that Bureau and two other people employed in the Bureau, report as follows:

It will be noticed that for the last decade, from 1880 to 1890, it was nearly twice as much as it had been for any previous decade, and over one-third what it was for the entire period. In fact, nearly two-thirds of the entire immigration movement of the world in 1890 was directed to the United States.

Now let us for a moment stop and consider that statement. Nobody denies it. Something has got to be done evidently in view of the fact. It may be that the bill which I have introduced will not accomplish it. It certainly will do no great harm. In my judgment it will have a tendency in that direction, which will restrict immigration to a certain extent. The bill of my friend Mr. BARTHOLDT, the educational bill, is a good one so far as it goes, but it will only keep out a few illiterate Italians. It is not the medicine for the disease. It will not restrict immigration.

Now, let us face up to this question. Are we satisfied that immigration ought to be restricted? If we are, then why should we hesitate? I will admit there are some localities which want immigration, but we are here to legislate for the greatest number—the greatest good to the greatest number. The Eastern States are overrun. There is too much immigration, and there is going to be more, increasing all the while.

Now, let me call your attention to another statement made by this commission. For the period from January 1 to September 1, 1895, there was an increase of 36,270 at the port of New York over the same period of 1894. My friend from Texas [Mr. SAYERS] does not know anything about the enormity of this evil. The people who are going to his part of the country are desirable. If we could send all these immigrants to Texas, Pennsylvania might get along nearly as well——

Mr. SAYERS. And you would not be asking the passage of this bill, I suspect.

Mr. WILLIAM A. STONE. They probably will not do as much harm in Texas as they do in Pennsylvania.

Furthermore, the returns show an increase of 51 per cent for the month of July, 1895, over July, 1894; a little over 60 per cent for August, 1895, over August, 1894, and of more than 55 per cent for September, 1895, over September, 1894. With returning good times we have an increase of immigration. In bad times immigration decreases. This bill, reported by the Commissioner of Immigration when he was a member of this House, was only efficacious during the hard times of 1893. As soon as returning prosperity begins to appear, that moment the laws which now exist are found utterly powerless to accomplish anything.

The educational test is all right. I do not object to it. I hope to be able to vote for it; but it is evident that that will only reach a very small percentage. I think the total immigration for the given period reported here, if both males and females were excluded, which this bill does not do, would be only about 7,000 of these Italians. Nearly all the immigrants from other countries read and write. So that we are not going to reach any restriction of immigration by that test. It is going to restrict some people, but it is a very harmless bread pill, and will be like all the rest of our legislation—simply throw something out to quiet the clamor of the people and allay this demand for restricted immigration. It is a bread pill, and that is all there will be of it. It will not materially restrict immigration; but in as far as it does we all welcome it. If we can only at present keep those people out of this country who are not eligible under our present laws—and that is all I seek to do now—if we can keep out the sick, the insane, the criminals, those whom the law at present intends to keep out of this country, then we shall have accomplished something. You will see at a glance that either one of two things exists. Either the laws are deficient, or else the census reports are incorrect. If the laws were efficient, and kept undesirable people out of this country, there would not be over 50 per cent of foreigners among the inmates of our penitentiaries, and there could not be 40 per cent of foreigners among the inmates of our poorhouses, because the total percentage of foreigners in this whole country is not quite 15 per cent, and there is no reason why there should be any greater percentage of foreigners in the penitentiaries and poorhouses than the percentage of foreigners in the whole country. There should not be more than 15 per cent.

Now, this is no argument against foreigners. We are all foreigners, for that matter, and there are no Americans except those fast-decreasing bands of Indians which are mostly fed at the expense of the Government. It does not make any difference whether my friend came from Germany himself, or whether his parents came from Germany seventeen or eighteen or twenty or thirty or fifty years ago. We are all foreigners. Now, the argument is this: I do not claim that the fact that there are over 50 per cent of foreigners who are inmates of our penitentiaries is any reflection on foreigners. On the contrary, it is simply an illustration of the fact that the laws of this country do not keep foreign criminals out of this country, as they are intended to do. Foreigners are not all criminals. Their moral range is as high as our own, and if the good people would come here there would be no objection to them. But here is the fact, and I see no escape from it: If you admit that the penitentiaries contain over 50 per cent of foreigners among their inmates, and that the poorhouses contain between 26 and 40 per cent of foreigners among their inmates——

Mr. BARTHOLDT. That is not admitted.

Mr. WILLIAM A. STONE. If you admit that, you must admit the further fact that these foreigners come to this country—because they are not born here; and you must admit, secondly, they come in spite of the laws of this country which pretend to keep them out. All I want is to enforce the law, and I come now to the proposition, Will this substitute which I have offered do it? Will it help to do it? I claim that it will.

Mr. SAYERS. Mr. Speaker, I understand that the gentleman does not desire to go further than to provide methods by which the present laws can be the better enforced.

Mr. WILLIAM A. STONE. That is all.

Mr. SAYERS. I understand such only to be his proposition.

Mr. WILLIAM A. STONE. That is the proposition in my bill. I start out with this suggestion: They are examined in this country when they come here, or are supposed to be, by the Inspection Bureau.

The SPEAKER. The time of the gentleman has expired.

Mr. SAYERS. I ask that the gentleman's time may be extended ten minutes, he has been interrupted so much.

The SPEAKER pro tempore (Mr. SHERMAN). The gentleman from Texas asks unanimous consent that the time of the gentleman from Pennsylvania be extended ten minutes. Is there objection?

Mr. BARNEY. I object.

Mr. HOWELL. Mr. Speaker, I yield the gentleman thirty minutes of my time.

Mr. WILLIAM A. STONE. The gentleman from New Jersey [Mr. HOWELL] is a member of the committee and yields me a part of his time.

Mr. HOWELL. Mr. Speaker, I yield thirty minutes of my time to the gentleman from Pennsylvania.

The SPEAKER pro tempore. The gentleman from New Jersey claims sixty minutes, and yields thirty minutes to the gentleman from Pennsylvania. The gentleman from Pennsylvania is recognized for thirty minutes.

Mr. WILLIAM A. STONE. Mr. Speaker, under the present laws an immigrant is inspected by the Commissioner or Superintendent of Immigration. He is inspected on Ellis Island, or supposed to be. That inspection takes place in our country. My proposition is to inspect him in the old country. I can see no reason why a man should be brought 3,000 miles before he can be inspected. My bill is for the benefit of the immigrant. If he is ineligible it is fair that he should be told that before he starts from home. It is not only impracticable, but it is a great hardship on the immigrant to encourage him or allow him to convert his little property into money and expend it all for tickets for himself and his wife, we will say, to come, perhaps, 4,000 miles, and then be told that he is ineligible.

Why, Mr. Speaker, the statement of my friend from Indiana [Mr. TRACEWELL] has just been made that Ellis Island is to-day overcrowded with people who have been ordered to be deported. This is not difficult to understand. They are crowded into the steerage of vessels. The average amount of money brought into this country by each immigrant is only $16. They are poor people. They go and sell their little property and invest it in tickets and come across the water. They come here after they have been kept down in the hold of a vessel, without light and without a proper amount of air, with food of the coarsest quality and most insufficient quantity, and then when they land at Ellis Island they are like all other people. A man who has crossed the water in the hold of a vessel can attribute any illness he may appear to have to seasickness. If the doctor who feels his pulse or looks at his tongue tells him he has got this or that disease, his ready answer is that he has been on the water and that he is seasick, and common sympathy admits him.

These men who inspect them have sympathies like all other people. They admit nearly all the immigrants. That is what is filling up our poorhouses and our jails. Now, why bring him all this distance? "Well," you say, "we did not invite him to come." I know; but he is being invited. We know that the steamship companies have thousands of agents in the old countries selling tickets and soliciting foreigners to buy tickets; that millions of dollars have been expended in the construction of these great vessels that bring from 500 to 1,000 immigrants at a load, and that they have their agents and their solicitors scattered all over Europe soliciting these poor immigrants to purchase tickets. The railroads carry them from New York City out on the Western prairies for a dollar apiece, and the men who own the stock in the railroads pretty generally own the stock in the steamship companies. And within the last few years they have built great steamers, and to-day are engaged in the business of bringing poor, helpless people into this country, people who are ineligible to come in under our laws, and that is what I want to stop. If you do not do it immediately, it is only a question of a few years.

Mr. ADAMS. Mr. Speaker, I desire to ask the gentleman a question.

The SPEAKER pro tempore. Does the gentleman yield to his colleague?

Mr. WILLIAM A. STONE. Yes; if it is only a question.

Mr. ADAMS. I want to know if you have made any provision in your bill for the extra work you propose to put upon the consuls of our country?

Mr. WILLIAM A. STONE. I simply put into my bill a provision that the Secretary of State shall form such regulations as are necessary.

Now, Mr. Speaker, I must go on. If you do not pass a restrictive measure to-day, you will do it in the next few years. It is going to come. Here we are accessible from both sides, from the Pacific and from the Atlantic. We are a raft put within reach of a wreck for drowning men to get on. In many countries emigration to this country has only been thought of in the last few years. We have got to do something. We have got to stop it or we cease to be what we have ever hoped to be and have supposed

we were—an American nation. In a few years, if immigration is not restricted, this country, of which we are so proud as Americans, will be everybody's country.

Mr. HEPBURN. Will the gentleman yield?

Mr. WILLIAM A. STONE. For a question.

Mr. HEPBURN. What reason has the gentleman to expect that the duty which his bill imposes upon the consuls will be performed in any other than the perfunctory way in which the same consuls perform the duty of certifying invoices? That certification is a mere form which amounts to nothing, and which is always made whenever the $2.50 fee is paid.

Mr. WILLIAM A. STONE. I expect, Mr. Speaker, that this bill, if it passes, will furnish a very good reason and occasion for renovating our whole consular service. There is no reason on earth why a consul of the United States in a foreign country should not perform his duty as well as any Government officer performs his duty here.

Mr. HEPBURN. Does not the gentleman know that the certification of invoices, a somewhat similar duty to that which this bill imposes, is regarded universally as merely perfunctory, and that you find the certificate in full and proper form in cases where the officer has never seen the inside of the invoice or the merchandise that he certifies to?

Mr. WILLIAM A. STONE. I do not admit that the duties are similar. They are very dissimilar.

Mr. ADAMS. Will the gentleman permit me a question?

Mr. WILLIAM A. STONE. I can not yield, Mr. Speaker, for any more questions.

Mr. ADAMS. The only way we can get at the merits of this bill is by asking questions.

Mr. WILLIAM A. STONE. Go ahead.

Mr. ADAMS. What possible knowledge can the consul at a seaport have of an emigrant who comes from a place 300 miles in the interior, and how can he possibly obtain any trustworthy information upon which to certify intelligently, truthfully, and correctly to the standing of such an emigrant? How is the consul in such a case going to know anything about the emigrant?

Mr. WILLIAM A. STONE. The conclusion from the gentleman's question is that if the emigrant lives 300 miles away from the consul the information necessary for certifying may not be accessible, but that if the emigrant comes from a place 3,000 miles away from the inspector, then the inspector can properly certify. That is how the business is done now. Immigrants come from places more than 3,000 miles away, and the inspector has no knowledge whatever of them, yet he undertakes to inspect and pass them. Surely it would be easier for the consul to obtain trustworthy information about an emigrant living even 300 miles away from his city than it is for our inspectors to obtain such information 3,000 miles away. I admit that in some instances this bill, if it were a law, might work hardship to some emigrants, in requiring them to come 300 miles to obtain their certificates; but surely it is a great deal better to have them come 300 miles than it is to have them come 3,000 miles before they are inspected, as they do under the present system.

Mr. ADAMS. In answer to that objection I will say that if a United States consul performs his duty now under the statutes of the United States he has all he can attend to, whereas the immigration agent here has this specific duty to perform and can take time to examine into any given case. I object to this extra duty being put upon consuls of the United States, because if they attend to their duties under the laws they have all they can do.

Mr. WILLIAM A. STONE. Oh, well, it is a very easy matter to increase the consular service.

Mr. ADAMS. No, it is not.

Mr. WATSON of Ohio. The gentleman, as I understand, proposes to annihilate the distance which the emigrant must travel before he is subject to examination and inspection.

Mr. WILLIAM A. STONE. It is one argument in favor of my proposition that it does lessen the distance.

Mr. WATSON of Ohio. How is the consul to ascertain intelligently and truthfully the facts? How do you expect to accomplish your object in that respect?

Mr. WILLIAM A. STONE. If the emigrant lives in the same city or town where the consul is stationed it is a very easy thing for him to ascertain the facts.

Mr. WATSON of Ohio. But suppose the emigrant lives elsewhere?

Mr. WILLIAM A. STONE. Then let him furnish the necessary evidence.

Mr. WATSON of Ohio. In other words, the consul is to do the best he can.

Mr. WILLIAM A. STONE. Yes, sir. And bear in mind that the fact that the emigrant brings a certificate does not necessarily admit him into this country. If he deceives the consul or commits a fraud upon him, the immigration inspectors, when he reaches this side, will still have the right to bar him out. This simply provides an additional protection to the country, an additional remedy against the influx of undesirable immigrants. And, Mr. Speaker, I want to call attention to the fact that the consuls of the United States do already perform this or similar service. Under the quarantine bill which we passed in 1892, we provided, in the second section, that no vessel should be permitted to leave any port when it was defective or when any disease was on board until a consul of the United States had made an inspection and had given the vessel a clearance.

Mr. SAYERS. Before the gentleman from Pennsylvania sits down I wish he would inform the House as to whether or not the Bureau of Immigration makes any objection to his bill, and if so, what the objection is. I ask merely for information.

Mr. WILLIAM A. STONE. I understand that in the last Congress, when this same bill passed the House and went to the Senate, the Bureau of Immigration did object to it, mainly on the ground that it created a dual service between the Secretary of State and the Secretary of the Treasury. As I have said, the law of 1892, which regulates quarantine service, already imposes a similar duty on our consuls. There is no use in sending out additional agents into foreign countries under direction of the Treasury Department; none whatever. This service can be performed by the consuls under the State Department, and the only real argument against this bill is that it does restrict immigration if I understand the definition of the words. It does throw obstacles in the way of immigration; it does put restrictions on immigration. That is one of the things I am trying to do.

Mr. HYDE. Is it not one of the strong arguments against the measure that it is not restrictive enough, but is only restrictive to a very small extent?

Mr. WILLIAM A. STONE. Well, it does not restrict anybody from coming to this country who is not already restricted under the law. It provides for the enforcement of the present law; it provides an additional means of enforcement. It does not repeal any part of the present law.

It is said that this measure is going to work hardship; that it is going to deny worthy foreigners the privilege of coming to this country and becoming citizens. Sir, I can see no hardship upon anybody in subjecting him to an examination on the other side of the water when under the existing law he is subjected to a similar examination on this side. If it is charged that this bill will operate to keep out any eligible person, that is another question. It does not do so. I claim that it will operate beneficially to the immigrant as well as to this country. If the man proposing to come to this country is eligible, is capable under our laws, he ought to know it before he converts his property into money and invests it in a ticket. Why, sir, these steamship agents pervade the whole extent of foreign territory, soliciting anybody to come to this country. They have solicited people to come who were excluded by law, but who succeeded in passing the examination. And such persons will always pass the examination so long as the only examination they undergo is the one on this side of the water.

Now, Mr. Speaker, I wish to reply to a challenge which will be made here. I wish to give an answer to a question of my friend from Texas [Mr. SAYERS] in reference to Germany. I have tried very hard to ascertain whether there was any real opposition to this measure among the Germans, inasmuch as it has been charged that there was. I have a large number of German-Americans in my district. There are some newspapers there published in German that have opposed this bill, one in particular, the proprietor of which—the man who furnishes the money to operate it—is and has been for many years a steamship agent, selling tickets to persons who wish to go to Europe and to the friends of those who wish to come here from Europe. I received a telegram from him dated May 7, to which I replied. His telegram and my reply were published not only in his paper, but in nearly all the principal papers of Pennsylvania. And from the time of that publication not one person has ever written to me or telegraphed me or in any manner to my knowledge raised any objection to the restriction of immigration—certainly not one German. I ask the Clerk to read that telegram and my reply.

The Clerk read as follows:

PITTSBURG, PA., *May 7, 1896.*

WILLIAM A. STONE, M. C.:

You are mistaken in believing that German-Americans favor your bill. Only recently the Turners of this section, numbering over 5,000, adopted resolutions of gratitude to Mr. BARTHOLDT, and protested against restrictive measures.

VOLKSBLATT.

HOUSE OF REPRESENTATIVES, U. S.,
Washington, May 7, 1896.

PITTSBURG VOLKSBLATT:

GENTLEMEN: I am in receipt of your telegram of the 7th instant, in which you say that I am mistaken in believing that German-Americans favor my bill restricting immigration, and that the Turners of Pittsburg have passed resolutions protesting against restrictive measures, etc.

I can well understand how one of the proprietors of the Volksblatt, as agent for several steamship companies engaged in the business of bringing immigrants into this country, is opposed to restricting immigration, and I can see how, through the columns of the Volksblatt and other papers simi-

larly interested, many honest Germans are led to oppose the restriction of immigration, but I do not believe that the majority of the intelligent German-Americans of this country desire to see the shipping of such large numbers of undesirable immigrants into this country continue. The Germans are a frugal, saving, hard-working class, and make good American citizens. The immigrant pauper laborer from southern Europe enters into direct competition with the German laborer as well as others here and gluts the labor market. This is what keeps the price of common labor down and puts it at the mercy of capital.

I, with many others who have been working to restrict immigration, am of German descent, and have a common right to speak for the German-Americans. Those engaged in the business of bringing cheap labor into this country shrewdly think that if they array the German-Americans against the movement to restrict immigration they will so frighten the two great parties in this country that they will not dare to pass a restrictive law. They have so far succeeded that if such legislation fails in this Congress it will be because the German-Americans are believed to be against it, and to that end the Volksblatt and some other German newspapers have succeeded. I do not believe that the German-Americans are against it. While there are many Germans in my district, the Volksblatt has so far made the only protest to me against such legislation, and I hereby invite the German-Americans of my district and of the State to write to me and to other members of Congress giving their views upon this question. I would like to know if they are really opposed to restricting immigration.

Very truly, yours,

WM. A. STONE.

Mr. WILLIAM A. STONE. Now, I wish the Clerk to read two letters which I have received.

The Clerk read as follows:

Yours of April 14, 1896, to hand. I am at a loss how to answer your inquiries in regard to the opinions or feelings of the Germans on the question of immigration and the pending bill. I have heard very few comments or expressions in regard to the passage of such a law. There are always different opinions; some favor and others condemn, but I believe—not saying more than I can answer for—that a great many Germans who have the welfare of our country at heart are not opposed to any bill that would restrict and more safely guard against immigration that would be a detriment to the interests of our country. I am well aware that there are many Germans who are hasty in opposing every attempt at legislation of this kind, as though there was a feeling of hatred against their nationality and a reviving of the bygone nativism. I am unable to find anything in the bill proposed that would be, as far as the German element is concerned, a hardship, preventing them from emigrating this country. In regard to the German press in our section, they have not been saying very much about the proposed legislation. The German Turnverein of the Pittsburg district, at a meeting held last Sunday, passed a resolution declaring against the Stone bill and passed a vote of thanks to Congressman BARTHOLDT for his opposition to the measure. This resolution was printed in last Monday's Pittsburg Post. The Freiheits Freund, of last Monday, giving the proceedings of the Turnvereins, makes no mention of the resolution, believing that some law should be passed that will prohibit such immigration that will not be a blessing to our country, but not closing the doors against admitting all those who will make good and faithful citizens. The bill presented to the House of Representatives by WILLIAM A. STONE appears to me to be fair. It will have the effect of notifying the countries from where the immigration comes that those who wish to come to our shores must prove themselves worthy and be such as comply with our laws.

Yours, respectfully,

HENRY GERWIG.

GREENVILLE, PA., *May 14, 1896.*

DEAR SIR: Do you remember me as pastor of the German Congregation at Warren, Pa., over twenty years ago? Well, the Pittsburg Times of May 9, 1896, contained an article, a reply to the Volksblatt. As far as I know German-Americans are in favor of restricted immigration judiciously managed. As far as I know you personally and your standpoint on this vital question, so far I would indorse your position. Educated Germans oppose the fanaticism against foreigners and so-called knownothingism, compelling a foreigner, irrespective of age or education, to wait twenty-one years before he can be naturalized. We do not want to be classed with the vilest Huns or Italians. If the law be made with good judgment, discriminating between honest and educated men and the uneducated and immoral people, then you will have the indorsement of every loyal German-American. During our civil war one-third of our Army consisted of foreigners. I, too, took part in it. We resent the tendency of the Order of the United Workmen of America. A hundred years ago and more the Government's friend sent a good-for-nothing fellow to America, which then used to be regarded as the garden spot for just such people. But this is no longer the case. Since quite a number of years the German Government has restricted immigration. Practically I believe a mistake has been and is being made. The consulates in the different foreign countries could attend to all requirements for restriction. No steamship company should be allowed to land anyone on the soil of the United States without the certificate from the consul of that district.

How much I would like to converse with you on the subject!

Another feature presents itself since about thirty years. Capitalists and corporations have sent out a host of agents inducing people to immigrate to this country, often under false pretenses. Thousands have been disappointed, but had no means to return with. This mean business of securing some of the worst population ought to be stopped at once. American greed has largely invited cheap labor.

Hoping that I may have the pleasure of seeing you some time this summer at Warren, and that these few thoughts may serve as an encouragement to you,

I am, with kindest and highest regards, sincerely, yours,

G. A. BOURGEL,
Professor, Thiel College.

Hon. WILLIAM A. STONE, M. C.

I should be glad to have what is published on the subject. Please inform Congressman Col. GEORGE HUFF, of Greensburg, of this when you see him.

Mr. BARTHOLDT. Will the gentleman allow me one minute?

Mr. WILLIAM A. STONE. I will yield for a question.

Mr. BARTHOLDT. Are you not in receipt of a letter signed by the first speaker of the district committee of the Turners of Pittsburg, and also signed by the secretary, in which they protest energetically against your bill and make arguments against it——

Mr. WILLIAM A. STONE. No; I am not.

Mr. BARTHOLDT. And in which they tell you the Germans in your district, as well as in Pittsburg, are a unit against your bill? If not, the mail has miscarried the letter, for here is a copy of it.

Mr. WILLIAM A. STONE. Has the gentleman finished his question?

Mr. BARTHOLDT. Yes, sir.

Mr. WILLIAM A. STONE. I have received no such letter. I suppose my answer settles that point. I presume that if I misrepresent the Germans in my district I am the one who will suffer by it. I will take the chances on that. I say that while some Germans may be against my bill, I have had no intimation from them, except through the Pittsburg Volksblatt, to which I have referred, which is owned by people engaged in the steamship business.

Mr. KIEFER. I have heard that statement denied.

Mr. WILLIAM A. STONE. Well, I have just heard you deny it. It does not change my conviction of its truth.

Now, Mr. Speaker, the broad statement that the Germans of this country are opposed to restricting immigration is a libel on the German citizens resident in our country. No more loyal, patriotic class of people exist within the borders of the United States than our German population. They are not opposed, in any sense of the word, to restricting immigration in a proper way. And I claim, sir, that while it may be that sympathy or public sentiment may be worked up in some localities in opposition to it, the Germans as a class are not opposed to restricting immigration to able-bodied, self-supporting foreigners. That is all I claim ought to be done. That, I think, the country will demand shall be done.

But incidentally let me mention the fact that, as will be seen by the statistics compiled by Senator HILL, which is a feature my bill does not take up—none of the bills do except the Corliss bill—under these statistics, which are not denied, but which are reported by this commission on investigation in this country, there was sent from the United States in the year 1893 to Italy alone, by men who came from Italy to our land and earned wages here, between twenty-five and thirty millions of dollars of their earnings. Every year this country and the industries of the country not only support the laboring people of our own land, but the laboring people to a large extent of the whole world. Our wages go to Italy and to all foreign countries; and if this country to-day should cease its industries, if it should suspend its manufacturing, its mining and railroad building, and all the wheels of industry be suddenly stopped, it is a serious question whether these foreign countries who receive so much money annually from the United States, of wages earned by their citizens, would not suffer from it nearly as much as we would.

Now, sir, our people are suffering. There is more competition to-day in common labor in this country than in any other business. Common labor stands right where it did twenty years ago. You put a tariff on a machine to keep it out of this country, so as to force its construction within our own borders and give the labor upon it to the laboring men of this country. But you put no tariff, no obstruction, no protection on the able-bodied worker from abroad. He may come in competition with our labor. You let him come here with his tools, set himself down, and come into direct competition with our own labor.

Mr. SMITH of Michigan. He is a consumer.

Mr. WILLIAM A. STONE. He is a consumer! Why, Mr. Speaker, nearly a hundred thousand men come annually from Canada alone into this country. They are men who are called "birds of passage." They work for a season and then go back home, taking their earnings home with them. I tell you this country is not only supporting to-day its own laborers, but to a large extent the laboring people of the world.

Now, sir, this bill does not aim at curing that condition of affairs; but I warn you that this question will never cease until you give to our laboring people that protection which you seek to give to the capital of the country. [Prolonged applause.]

Mr. BARNEY. I yield twenty minutes to the gentleman from Michigan [Mr. CORLISS], reserving the remainder of my time.

Mr. CORLISS. Mr. Speaker, I shall address myself to the amendment which I propose to the original bill, offered by the chairman of the committee.

This measure is intended as a protection to American labor.

It seeks to preserve the fruits of our labor for those who carry the burdens of American institutions and stand ready to defend the honor of the nation.

It does not affect any man, woman, or child who now lives in this country, nor does it prevent any person from seeking and securing a home on American soil and enjoying the blessings and advantages of the labor markets of this country.

It is estimated that from 50,000 to 100,000 human beings every year leave their homes and families in foreign countries and come to the United States with no intention of making this country their permanent home, and engage in competition with our laboring men during the most active business periods and building seasons in all the avenues of labor, and at the end of the season or prosperous period return to their foreign homes and there spend with their families the fruits of American labor.

Mr. Speaker, the Secretary of the Treasury appointed a commission to investigate and report what changes were deemed necessary in the rules and regulations in force with reference to immigrants, and I find on page 40 of that report the following recommendation:

Your commissioners would respectfully suggest that Congress should by appropriate legislation enact laws for the following purposes:

1. A law regulating immigration into the United States from contiguous foreign countries by water or land carriage, which will protect our workmen from the importation of transient cheap labor across the frontier.

Provision should also be made therein to exclude aliens coming year after year to perform labor in the United States with no intention to settle therein.

I desire to say that in my judgment the present administration of the Immigration Bureau is the one bright star in the unfortunate Cleveland Administration. It stands out as the one department of this Government seeking earnestly and faithfully to execute the laws with reference to immigration; and I want to congratulate my Democratic friends that they have, in this department at least, worthy and efficient men.

Now, Mr. Speaker, for the information of members of this House I will ask the Clerk to read two letters, one of them addressed to the Commissioner-General from his subordinate officer at Sault Ste. Marie and the other from the inspector at Boston, with reference to the very subject I am discussing. I want to say that every inspector of immigration in the United States has appealed to the Commissioner-General for a correction of this evil.

The Clerk read as follows:

TREASURY DEPARTMENT,
UNITED STATES IMMIGRATION SERVICE,
Sault Ste. Marie, Mich., April 29, 1896.

SIR: While we on this side of the border of Canada are praying for Congress to relieve us from the influx of alien labor, at the busy periods of the year here, the Canadians (not by any legislative action, but actuated by a hostile feeling toward United States citizens) are discharging and excluding our mechanics and laborers from their country very effectually. For example: A few days ago a Canadian steamer was fitting out at Owen Sound, Ontario. One of the firemen, engaged for the season, was discovered to be a United States citizen, and was promptly discharged, for that reason only.

Again, directly opposite this city is situated the town of Sault Ste. Marie, Ontario, where a Philadelphia syndicate are developing the water power. The syndicate built a wood-pulp mill there last year and have last week let a contract for the building of another mill. The contractors will not and do not employ any United States citizens as bricklayers, stone masons, or laborers. On the other hand, Canadian carpenters, masons, and laborers flood our home market and, as they work cheaper, take the work away from our residents. Even the United States Government public work is being done by dredges, drills, and tugs manned almost entirely by aliens. The above is a mild statement of the situation, for I have said nothing about the numberless clerks, stenographers, school-teachers, and bookkeepers, both male and female, who annually invade the United States.

If consistent and in your opinion proper, I should like this statement of the situation to be laid before the Committee on Immigration of the House of Representatives.

Respectfully, CHAS. C. WILLIAMS,
Immigration Inspector.

Hon. HERMAN STUMP,
Commissioner-General of Immigration, Washington, D. C.

OFFICE OF UNITED STATES COMMISSIONER OF IMMIGRATION,
No. 70 Long Wharf, Boston, May 13, 1896.

DEAR SIR: I beg to acknowledge the receipt of yours of the 11th instant, requesting me to write you, giving the evil effects, as observed in this section of the country, in consequence of the lack of restriction of immigration affecting what is known as "birds of passage," parties seeking admission into the United States with no intention of making it their permanent abode.

In reply, I beg to inform you that about 35,000 passengers arrive at this port from Halifax and Yarmouth, Nova Scotia, annually by water, all of whom have to pass the inspection of the immigration officers under my direction. Of this number about 25,000 are aliens, some of whom are permanent residents in this country, returning home after visiting their native country.

From February 1 to May 13, inclusive, of this year 4,792 aliens arrived at this port by these two lines, about 75 per cent of whom would come under the head "birds of passage." Their occupations, principally, are fishermen, farmers, carpenters, masons, and stonecutters, whose domicile is Nova Scotia, and who have no intention of making their abode in the United States, and who come in direct competition with our native-born citizens and those who have adopted this country as their permanent abode, and whose coming has a tendency to reduce the rate of wages, especially those employed in the building trades.

They come year after year in the spring and return in the fall when the season is over. This class of men thoroughly understand the contract-labor laws of the United States and know how to evade them upon their arrival.

A number of others who are classed as American citizens come here annually, having taken out naturalization papers for the purpose of getting employment as masters of American vessels and at other occupations which none but American citizens can occupy under our navigation laws, whose families are domiciled in Nova Scotia and who have no permanent abode in the United States. This has become a common practice, and is a menace to our citizens. In addition to the above, large numbers of these classes come to this section of the country by rail.

Respectfully, yours, THOMAS F. DELHANTY,
Commissioner.

Hon. JOHN B. CORLISS, *M. C.*,
House of Representatives, Washington, D. C.

Mr. CORLISS. Mr. Speaker, those letters indicate the opinion of men who have had experience with reference to our immigration laws. I hold in my hand copies of resolutions certified to by the president and secretary of every labor organization in my city, embracing a membership of 15,000 American citizens who have asked this Congress to adopt this particular measure for their protection. They ask it for protection to American labor. This class of competition with American labor is not confined to the subjects of Canada.

They come from Italy, Austria, Hungary, and other foreign countries. They bring with them nothing but physical force, capable of performing work upon the low standard of other countries, and prey upon the labor markets until they have accumulated a goodly sum for a laboring man in a foreign country, and return to their homes and families abroad.

While here they add nothing to the value, prosperity, progress, or genius of the people of this nation.

In advocating this measure I desire to most emphatically disclaim any intention to prevent any capable, honest, industrious, law-abiding person from seeking a home on American soil and obtaining the blessings and advantages of this country for himself and his family.

The associations of my life have been among an admixture of foreign-born and native citizens.

My affiliations in social, business, and secular life have never been determined by any test of nationality.

Many of my closest friends and companions are of foreign birth.

I believe our foreign-born citizens who have come to this country and adopted it as a home for themselves and their families are as loyal to the flag of their adoption as the man who was born beneath it. [Applause.]

The foreign born have added to the material wealth and prosperity of the nation, and, what is of far greater value, they have contributed to its moral and intellectual welfare.

In my judgment the genius of the American people, the prosperity and liberality of American institutions, and the superiority of the American nation has been achieved by the association of the best physical, moral, and intellectual men and women of all nations.

But the sad experience of our people in want, idleness, and misfortune during the past three years under the free-trade provisions of the Wilson bill has demonstrated the wisdom of the Republican principles of protection.

Protection not only to American manufacturing industries and farm products, but protection to American labor. We have always contended that the protective tariff maintained high wages and benefited the laboring man as well as the capitalist. If that be true—and I am one who believes in the principles of protection—then we should assure the laboring men of our fidelity to their interests by the adoption of this measure.

By this law we would stop the skilled mechanics and laborers from annually coming into the large cities along the Canadian border and competing with our artisans in the building and other trades.

This bill in no way affects the Canadian who has or may hereafter come to this country with the intention of making it his home.

I recognize the value and intelligence of the Canadian people, and hope that our country may be blessed with more of them.

I number among my best friends and business associates American citizens born in Canada.

In the city which I have the honor to represent, there are many thousands of noble men and women born in Canada who are loyal American citizens, and by their thrift and natural genius have become successful merchants, bankers, lawyers, doctors, and mechanics, and in recognition of their value as citizens many of them have been honored by my city and State with public office, and one of them to-day honors my State as a Senator of the United States.

Every protective barrier that is erected by this country for the welfare of the people helps to advance the spirit of freedom that is lurking in the hearts of the Canadian people.

The tariff law of 1890, embracing the most wise provisions of reciprocity incorporated therein by the plumed genius of this age, Hon. James G. Blaine, was rapidly forcing the Canadian people toward annexation and away from the influence of England.

The election of 1892 and the adoption of the free-trade Wilson law has opened our markets to the Canadian lumber and farm products, restored England's influence, and sent the lumber barons of my own and other States with their capital into the pine woods of Canada to feed the cheap labor and give prosperity to the Canadian people, to our great loss and detriment.

Mr. Speaker, it has been said by some sapient economist, "Show me the laws of a nation and I will tell you the condition of its people." How clearly this wise saying has been demonstrated during the past three years under the evil effects of the Wilson-Gorman free-trade act, repudiated and condemned by the people in the election of 1894.

The same demoralizing free-trade principles have heretofore permitted the indiscriminate immigration of the degraded classes of other nations into our fair land.

The effect upon American character may be likened to the effects upon a great river of pure water which has poured into its depths the refuse and débris that flows from the sewers of our large cities. At first its effects are not noticed; the decayed, poisonous matter naturally sinks and is scattered along the bottom of the

river unobserved; but in time the people along such streams will begin to find among the rocks and stones on the bottom and along the shores a dark, unhealthy, fungous growth containing dangerous poisons. Life will be gradually exterminated from such waters, and disease and death will at last arouse the people to action and compel a remedy for such evils. Already a measure is pending in Congress looking to the investigation and correction of these evils.

How much more important is it to preserve the human blood and manhood of the American character by the exclusion of depraved human beings.

Mr. Speaker, I believe in a pedigree not only in the animal, but in the human family, and I hope to see some day a law enacted prohibiting the marriage of any person who has been convicted of a heinous crime or who is afflicted with an incurable or hereditary blood disease or insanity.

Why is it that we find the prisons, asylums, and almshouses throughout our land filled to overflowing? Why is it that these menial institutions have been flooded with unfortunate humanity in recent years until the maintenance thereof has become a burden to the cities, counties, States, and nation? Why is it in all our large cities we find a large increase in the beggars, paupers, and criminals preying upon the people and demoralizing by their influence and association the character of American manhood? In my judgment it is because the Old World has been forcing upon us every pauper, criminal, and degraded human being that was within their power to control, and using this fair and enlightened country as a dumping ground.

Mr. Speaker, I most heartily favor the educational test proposed to be adopted by this Congress. In this country we maintain public schools and in most States compel the education of all children, and thus elevate mankind by the most powerful means known to civilization.

In my judgment the enlightenment of the people, the liberality of the public institutions, and the power and prosperity of the nation are largely due to the associations of the best blood and character of all nations under the elevating influence of the free public schools of America.

I do not believe in upholding the maintenance of foreign missions. My method is to foster, care for, educate, civilize, and Christianize the people of America, and thereby so exalt the American character and the American nation that by its enlightened people and the noble character of its citizens it shall civilize and Christianize by example and contrast the people and nations of the earth. [Applause.]

Mr. Speaker, I repeat, that I believe in the principles of protection to American industries, protection to American labor, and also protection to American character and humanity. I would not weaken the power of the Republic by the adoption of monarchical laws and customs.

I would not injure the industries of this nation by opening its commercial doors to the competition of the manufactured products of cheap labor of foreign nations.

I would not reduce the wages of our working people by longer permitting the transient birds of passage from other countries to periodically infest the labor markets, steal its fruits, and return to foreign lands with the bounty that belongs to American labor.

Mr. Speaker, I would to God that the large number of our best citizens, who yearly go to Europe and spend an average of $500,000,000 in recreation throughout European countries, thereby fostering the people of the other nations, adding to their wealth, and taking the gold that is needed to conduct the business affairs of this nation, might be prohibited from such pleasure and recreation for a period of at least three years and induced to expend the same amount of money viewing the beautiful scenery, examining the vast resources, and exploring the wonderful natural advantages of our land, and give to the people of this country the benefit of such expenditures for the prosperity and happiness of our own people. [Applause.]

Mr. Speaker, I realize that this country has vast uncultivated fields, wonderful natural resources, and boundless undeveloped wealth; that we could with proper laws for the protection of American labor double our population and thereby enjoy greater prosperity. But, sir, the barriers of protection have been torn down; the doors to immigration have been indiscriminately left open, until suffering humanity cries for relief. [Applause.]

Under the present conditions and unwise laws the laboring masses are gradually being driven into idleness, want, and misery.

The gold-bond brokers and money lenders are stealthily obtaining supremacy and silently directing measures in their interests with heartless energy, while the devil of bankruptcy is gradually absorbing the lifeblood of the business men, and driving the workingmen into idleness and want.

Some one has said: "To enjoy a good reputation give publicly and steal privately." The bond brokers of Wall street, under the present Administration, have been using this principle and proclaiming themselves philanthropists while robbing the Treasury of our nation.

Laws should be enacted for the elevation of the masses and not the classes, laws that will destroy special privileges in the hands of the favored few and level them to the plain of equity and justice to all humanity.

The people of this country love courage and action upon honest conviction, and with divine charity forgive an honest error of judgment; but, sir, they despise a coward, a straddler, or sycophant in public life.

Oh, ye representatives of the people, I beseech you to pause; hark! put your ear down to the ground and listen to the tramp of the footsteps of the army of honest, industrious people wandering through the streets earnestly seeking employment. [Applause.]

The primary cause for this idleness is not, in my judgment, the invention of new mechanical devices, labor-saving machinery, overproduction, or overpopulation, but rather the bad effects of evil legislation and want of good laws.

Mr. Speaker, the test that should be applied to every human being seeking a home upon American soil should be: Does this human being possess a character and mind sufficiently honorable and intelligent to become amalgamated with the spirit of American institutions and American manhood?

We want no half-baked characters—human beings who are seared and scorched by contact with hot, withering sin, who are blasted with blood taints, cradled in degradation, or cursed with hopeless ignorance. [Applause.]

Mr. Speaker, when the Lord commanded to "love thy neighbor as thyself" He evidently had in mind a man who had some respect for himself and love of his own character, intelligence, and manhood; otherwise the love for the neighbor would be unworthy, and in my judgment the Grand Architect of the Universe never intended that this divine doctrine should be extended by the enlightened people of this nation to the hopelessly ignorant and depraved human beings of all the world.

Mr. Speaker, the destiny of a nation must depend upon the character of its people, and our greatest duty is to preserve by wise laws not only the honor and prosperity of the nation, but the intelligence and character of American citizens and American workmen, and the adoption of this measure is a noble step in the progress of humanity. [Applause.]

Mr. BARNEY. Mr. Speaker, I yield ten minutes to the gentleman from Massachusetts [Mr. MORSE].

Mr. MORSE. Mr. Speaker, I have never seen a parliamentary tangle like the present during my service in Congress.

It seems to me as though the Committee on Immigration had made a serious error in bringing in three bills here to be voted on at the same time.

If we desire to pass any of them we must concentrate on some one of the pending bills. Undoubtedly they all have merit, but to divide between all the bills offered means the passage of none.

It seems to me as though the friends of this important measure should concentrate their votes upon one measure to save any of them. Which measure shall it be?

I am sure the McCall bill will command more votes than any other. I trust, therefore, that the House will vote down all amendments and pass that bill.

Mr. Speaker, in these closing years of the nineteenth century we are witnessing an influx of peoples, nations, and tongues such as the world never saw. Fully half a million of immigrants, enough to people a large city, are yearly coming to these shores.

Wise, thoughtful, and patriotic men are justly alarmed at this wholesale immigration, which many believe to be a menace to our free Government and free institutions. It is important to notice that the voice of the people has found expression not only on the rostrum, in the pulpit, and in the press, but political conventions as well in many parts of the country have repeatedly memorialized Congress upon this important subject.

Mr. Speaker, it is not words that the country wants upon the subject now under consideration, but it is action. I believe there is a loud, long, earnest, importunate demand throughout the country for radical legislation for the restriction of immigration.

The substitute now under consideration for the bill (H. R. 9), known by the name of my honored colleague, Representative MCCALL of Massachusetts, was introduced early in this session by Congressman MCCALL of Massachusetts and by myself December 6, 1895—H. R. 168. It originated with the Massachusetts Immigration Restriction League, and at their request we both introduced it.

The bill is the result of much careful and thoughtful consideration which that society has given the subject, after exhaustive examination and extensive correspondence, and was thought by the officers of that society to be the most feasible and practical method, and one that was likely to succeed if it should reach consideration in the House.

One has only to examine the statistics of the class of immigrants that are now coming to these shores—enough to create a large and first-class city every year—to be convinced of the necessity of the pending legislation.

The Fourth of July orators in my boyhood used to declaim

about this glorious land of liberty and asylum for the down-trodden and oppressed of every land; but in these later years it has come to be the dumping ground for the scum of all God's creation.

I submit, Mr. Speaker, that we have as many Mormons, communists, anarchists, nihilists, bomb throwers, paupers, idiots, lunatics, criminals, and illiterates as we can digest at present; and it is believed that the educational qualifications, as contemplated in what is known as the Lodge-McCall bill, added to the existing restrictions, if rigidly enforced, would exclude a large number of these undesirable immigrants.

There are grave reasons why this legislation for the further restriction of immigration should be had. A fountain will not rise higher than its source, and under our free republican form of government the citizen is the ruler, and upon the character of the citizen depends the character and stability of the government; and surely it is a question deserving the serious attention of the patriot, philanthropist, and statesman as to how much further our country can go in incorporating into its body politic the ignorant, criminal, dangerous, and hostile elements that are now being emptied upon these shores.

All history confirms the lesson that our form of government can not continue to exist except upon the basis of the education and intelligence of the people.

The experience of France, Spain, Central America, the South American Republics, and Mexico, where republics have frequently gone down in blackness, darkness, blood, and shame, and where the chronic state of many of these countries is revolution—I say these illustrations admonish us of the foes of the Republic and that our form of government can not long continue with an ignorant, criminal, vicious, and degraded populace.

The Apostle Paul said that "He who refused to provide for his own household was worse than an infidel and hath denied the faith." What is true of the family, the individual, is true of the community, the town, city, State, and nation.

And that brings me to my second argument in favor of the restriction of immigration; that is, we owe this legislation to the country for the protection of the American home, for the protection of American labor from the competition of the pauper labor of Europe as well as the Mongolian labor of China.

It is a beautiful theory that all the world is a band of brothers, and free trade and unrestricted immigration would be a good doctrine if the wants and living necessities of all peoples, nations, and tongues were alike.

But they are not. A Chinaman can live on a little rice a day; an Italian can live on a piece of dry bread without meat or butter. The American laborer has been accustomed to wholesome food, education for his children, comfortable raiment, medical attendance when sick, and ten thousand comforts and luxuries that are unknown to these degraded people who are now competing with him in the labor markets of the country.

When the wants and mode of living of these foreign immigrants has reached the American standard, then it will be time, and not till then, to throw down the bars to unrestricted immigration.

On the one hand, it is argued that the Stone bill, which proposes consular inspection and certification before the immigrant starts, would prevent his being turned back thousands of miles after reaching this country, and he would know before he started whether he was admissible or not.

On the other hand, it is claimed, and I think with a good deal of force, that the consular inspection would give notice to foreign governments of the intended immigration of the young men liable to military duty, and would prevent their leaving the country, and thus deprive us of the best and most desirable class of immigrants.

So, on the whole, I incline to favor the McCall bill, on the ground of success and expediency, as the most simple, feasible, and practical restriction upon objectionable immigrants. [Applause.]

To my mind the following are some of the advantages of the educational test as a measure to restrict undesirable immigrants:

1. It excludes the people we wish to exclude; i. e., those who are degraded, ignorant alike of their own language and of any occupation, incapable of appreciating our institutions and standards of living, and very difficult of assimilation.

2. It adds to the excluded classes.

3. In practice it would be applied at places where tickets were bought and applied by steamship companies, therefore

4. It does not imply any great change in existing machinery or any large increase in consular service and expense.

5. Inspection is not committed to persons in remote countries, where surveillance is difficult, but remains a uniform system, which is public and easily controlled.

6. It is exact and definite in its operation; easily and simply applied, and therefore

7. It diminishes the labor of the boards of special inquiry and gives the immigration officials opportunity for a more thorough inspection.

8. It secures rudimentary education on the part of all foreigners applying for naturalization papers and American citizenship.

9. It promotes education among those who desire to emigrate, and to that extent improves the social condition of Europe.

10. It saves the hardship to the immigrant of making the voyage in doubt as to his admission or exclusion, and therefore

11. It does away in large part with the separation of families and with a temptation to a lax enforcement of inspection in order to prevent such separation. Intending immigrants can tell before starting whether they are eligible or not, and can decide whether to separate or not. [Applause.]

Mr. BARNEY. I reserve the balance of my time.

The SPEAKER pro tempore (Mr. SHERMAN). The gentleman has twenty-five minutes remaining. The Chair will now recognize some gentleman in opposition to the bill.

Mr. BUCK Mr. Speaker, I have yielded fifteen minutes of my time to other gentlemen. I do not think I shall consume all of the remainder, but if I should be tempted to go beyond the limit I desire to be reminded of it by the Chair.

Mr. Speaker, when the naturalized citizen of this great Republic presumes to rise in the House of its Representatives to discuss a question of this kind, I fear that whatever he may say may perhaps lose what effect it might otherwise be entitled to by two suggestions that may naturally come to the mind of the American-born citizen. The first is that, being himself a foreigner, his sense of duty to this country may be clouded, even unwittingly, by the sympathy which he naturally may feel for those who, like himself, may wish to come and reap the benefits and enjoy the glories of this country. The other is that his natural devotion, springing from the instincts of blood, may prevent him from the performance of the fullest and most unimpaired duty to the country of his adoption. I make reference to this, because I wish to emphasize the sentiment and the fact that if there is any citizen in the United States of America who values the glory and the grandeur of our citizenship it is the foreign-born citizen, and the more so because he has it not as a matter of right, but by the grace of the laws and the humanity of the people of these United States. [Applause.]

But, Mr. Speaker, coming to the subject before the House, one would think from the expressions of alarm and dread that Pyrrhus was at the gates of Rome. The argument is presented that the Republic is in danger; that our laboring men are clamoring for protection; that our morality is about to be impaired and degraded; that our citizenship is to be lowered in its standard; all by the coming of new immigrants to this land. I will not weary this House with statistics. The history of this country furnishes statistics grander than the dome of this Capitol; and when you reflect for a moment, gentlemen, that in a period of one hundred years the original population of this country, which was 3,000,000 in 1790, has increased twenty-one fold, without detriment to our institutions, without degradation of our morality, without impairment of our standard of education and of civilization—I say there is something more than the good of the Republic behind the arguments that are now made here to exclude the poor and the labor seekers of other countries, who, like ourselves and yourselves, see across the Atlantic the rising star of the West, which bids them elevate themselves, emancipate themselves, and seek to find there a field where they can apply the energies of their hearts and the light of their intelligence. [Applause.]

There is no need for statistics. Forty millions of the 70,000,000 white people of this country have come here since 1790 and are foreigners or the descendants of foreigners. The immigration ten, twenty, thirty, or forty years ago was, in proportion to our population, greater than it is now. Where is the danger? There is no danger. Why? Because the principles upon which this American Government rests are the principles of all humanity; and every man who comes here comes to be an American, because to be an American is to be a citizen of the world—a cosmopolitan. [Applause.]

It is said that the German-American citizens are not opposed to restriction of immigration from southern Europe. I know the Germans; they are sometimes clannish and selfish, but for myself I would be untrue to my humanity as a German-American citizen if I were to utter a sentiment or make a stroke of the pen that would deny to the humblest lazaroni in the streets of Venice the privileges and the benefits that I have acquired at the hands of the people and the institutions of this country. [Applause.]

Mr. Speaker, we are told that an educational test is the panacea for the evils of immigration. Why, sir, what was it with which the serpent tempted the woman in the Garden of Paradise? "Erites sicut Deus, scientes bonum et malum"—the knowledge of good and evil. Knowledge is not a protection against immorality; it is not a "test of character." The man who knows not how to write and read—who has grown up under those ancient and oppressive institutions which forbade his development—may have the heart of a Julius Cæsar in his breast, and, coming to this country, become one of its great achievements—one of the manifestations of the civilization of the New World. [Applause.]

My friend the gentlemen from Michigan said: "We need send no missionaries abroad." True. I tell you, sir, that American Christianity enlightened by American principles of humanity—the two going together—will emancipate the world. And those poor devils that you speak of—those Italians, Hungarians, Poles, Russians, or whatever they be—may reap here the benefits of a civilization which is for them as well as for you and for me. [Applause.] "America for Americans" is all well and good; but it is a barbaric heresy. "America for the world" is what Washington and Jefferson taught. We are big enough to take in all who want to come.

Mr. Speaker, this educational test (which, by the way, Mr. William Lloyd Garrison says is "no test of character") is aimed at the races of southern Europe. My friend the gentleman from Missouri [Mr. BARTHOLDT], whose argument I admired and watched with intense interest to see how he would apply his conclusion to his reasons, said that there may be a just prejudice between the Germanic and the Latin races. No; there is no prejudice in the heart of the Germanic races against the prosperity, much less against the aspirations, of any people; and if we are to go into the ethical history of the nations of the world it would be an easy matter to prove that Italy and Hungary and Poland and any of those nations have produced specimens of the highest standard of humanity—equal in their possibilities to the greatest of the earth.

It is wrong, sir, to reason from special cases. Exceptions but intensify the rule. It is a paradox in the history of the world that the two great Republics, France and the United States, should have furnished the assassins of Presidents who were the chosen representatives of the people. Yet would it occur to any man to say that the Americans are a nation of assassins because a Lincoln and a Garfield and a Carter Harrison died by the hand of the assassin?

There is no just way to look at this question except by the rule of principle. Why should we depart from that and inaugurate this discriminating legislation of educational tests and consular inspection? Why, gentlemen, let us be candid. Let us say at once that the American people are great enough unto themselves; that they are ready to defy the providence of God and say: "This country shall belong to us alone; we want no others to feed upon our soil and clear our forests and build new railroads; we have enough of all." There is an absurdity in the very statement of the proposition.

The relations of the American laborer and the different classes of labor adjust themselves. You want the scavenger in the streets as well as the skilled secretary and the stenographer and the telegraph operator. You must have them all. They are all "logical necessities," as has been said, in the various stages of our civilization. And each man will find his place; each one will take his station according to his ability, according to his light, according to his environment and his opportunities.

There is no danger to us. Is there danger to any of you or to your wives and children? Are you not so far above any such considerations that you are bound to confess that what you talk about lives but in your imagination, that it is what you think and not what you know. The American laborer! There is one way to protect the American laborer greater than that of keeping out his brother, which he himself does not ask. The honest American laborer is a cosmopolitan; he sympathizes with his brother wherever he comes from, and history and statistics prove it. I deny the assertion made here that the laborers of the United States of America demand the restriction of immigration because it impairs their chances for livelihood, their opportunities in the race for life. [Applause.]

It has been said by the gentleman from Pennsylvania [Mr. WILLIAM A. STONE], "Give to the American laborer the same protection that you give to American capital." Yes, Mr. Speaker and gentlemen; the capital that comes from the other side is an infinitely greater menace to our liberty and to our prosperity than the labor that comes with its "toiling masses." [Applause.] What is it that drains our Treasury? Why is it that our Government issues its bonds from month to month, or from year to year, if it be not that foreign capitalists drain our Treasury by the interest they take upon our securities, by the revenue they get from our property, and from the investments which they have made in our railroads, and other great enterprises? Cure that evil, keep that money in our country, and you will build up a prosperity that will rival the beauties of a paradise of glory and peace. Educational tests!

Mr. McCALL of Tennessee. Will the gentleman allow a question?

Mr. BUCK. Certainly.

Mr. McCALL of Tennessee. I understand you oppose this measure because it restricts foreign immigration by applying an educational qualification test before the immigrant can be admitted?

Mr. BUCK. That is right.

Mr. McCALL of Tennessee. How does the gentleman reconcile that with the proposition that the several Democratic States of the South impose an educational qualification upon their own citizens, who are born and reared on the soil, before they are permitted to vote?

Mr. BUCK. The question of citizenship is one thing, and the question of immigration is quite another. And whatever sentiment may exist with reference to the question of which the gentleman speaks, or whatever political conventions may have declared, I am now stating my own sentiments before the House.

I submit, Mr. Speaker, that an educational test accomplishes no purpose. If the immigrant is educated, so much the better; if not, he still brings his labor and his honest purpose, and these have their value. However ignorant a man be, provided he be healthy, sensible, and willing to work, the statistics show that he is worth to this country $800 on an average. It has been calculated, as nearly as it is possible to calculate such things, that the 200,000 or 300,000 immigrants that came to this country in 1895, for instance, represented a value to this country of $285,000,000, and those of the half century over $6,000,000,000, twice as much as the products of the gold and silver mines of the entire country. And as to education, do these poor men who have grown up under systems of European oppression live forever?

Why, Mr. Speaker, they rapidly pass away or assimilate themselves with our population; and if not, their children do. These go into our public schools—our public schools our grandest institution—the workshop that turns out the great American citizen; and in these schools, which are great enough and big enough for everybody, they imbibe an infinite love of country and an admiration of its institutions and of its greatness which breeds in their heart a loyal patriotism that perhaps does not exist so keenly in the heart of the native citizen—for to the foreigner citizenship involves at once duty, consecration, and gratitude.

It is said our prisons and our charitable institutions are taxed for the criminal and the needy of other countries.

America is great in her material industries and in all the development that make up an advanced civilization, and she is as great in her charities as in her power. These charities are the growth of her humanity; they have made her the great civilizer of the world, the vanguard of all the nations of the earth. In doing this "charity," gentlemen, do not forget, when you cast your votes on these measures, that you are following out and realizing the logic of history.

You are but paying your obligation to mankind. It is true that the Declaration of Independence went out from American soil, but it is equally true that its spirit goes far back into the history of the world. It is equally true that the emancipation of the human race began after the light of Christianity was thrown on the world; when Ærminius defeated the Roman legions in the German forest; and it grew from the valley of Runnymede, in England; it had found its most emphatic expression when a German monk in the little village of Wittenburg posted on his church door the theses and philosophy of the liberty of human thought. [Applause.] You have it not all from yourselves. Do not forget those from whom it came.

The Congress of the United States sits twice every twelve months, and if a great wave of migration should come and threaten to engulf us—in other words, if "Pyrrhus reaches the gates of Rome"—it will be time enough for us to close them. [Applause.] If the flood comes, if we ever see cause enough to withdraw the hand we have extended to the whole world, we shall have time, right, and power to say, "Now let it stop." But to stop at this time for no urgent reason but, as the committee gently and delicately express it, in honor and "regard for a public sentiment," what kind of statesmanship is that? Public sentiment may be as wrong as it may be right. Vox populi is vox Dei only when the voice comes spontaneously from some great demand of the human heart. [Applause.] It is an evil and treacherous sophism when it comes up as an appeal to selfishness. [Renewed applause.]

I have abstained from wearying the House with statistics and figures. They prove nothing.

I have shown that the history of the nation is an argument greater than all statistics, and the facts before our eyes provide an argument which we can not ignore—which duty to our fellow-men and to humanity forbid us to ignore—that this country, with a faculty of absorption and assimilation of which the history of the world knows no parallel, and furnishes no similar example, has grown great by absorbing more than forty million of foreigners who came here after 1790—I may say after 1820—because foreign immigration up to that period was substantially insignificant.

A nation that could do this, a manhood that combines within its great heart and its brilliant intellect the faculties of the American people, is great enough to absorb more and grow in the absorption. Do not believe, as has been said, that contact with so-called inferior races will degrade the superior. They are not inferior races. They are lower in the standard of intelligence and the measure of actual achievement, but they are not lower in the

possibility of development. The very moment the light of your liberties and the philosophy of your great promises and teachings enter into their hearts, there are born upon these shores new men, new beings, with new aspirations and new hopes.

Do not cut them off. There may be failures as there are everywhere. There are failures in great families and in great nations. The laws of God are miraculous and inscrutable to us, and many who stand to-day in the pride of intelligence and achievement may mourn in their own decendants a decay which is inexplicable to us, but which for some wise providence is put there to place us upon our guard and put a check upon the pride which otherwise human nature would arrogate to itself. So it is a panorama of progress and of decay. It is a constant ascending stage, ever, toward which all in this world who have the instincts of humanity aspire. In God's economy this Western Continent was given to the world by Columbus, the compatriot of those whom you say you would exclude, as if to open not only new fields for bread and meat but the avenue of a new civilization through which the millennium must come of a regenerated and enfranchised world.

The gentleman says we need no missionaries, but you do send them abroad. You send them to Africa and to China and to Persia, and everywhere to preach the Gospel in obedience to the command to spread the Word of God "among the nations of the world." How inconsistent is it, if you do that, to do no charity and no missionary work at home by refusing to receive into the bosom of your family those whom you should help to elevate and those whom you should help, not with your own, but with that which has come to you through the efforts of centuries and the ambition of men like yourselves before you.

I know, gentlemen, that this is perhaps merely an appeal to sentiment, and it may have little effect upon the final vote; but practically an educational test is absolutely valueless. I do not think there is a man upon this floor who values more highly than I do the benefits of an education; but I am willing to enter the library and the domain of statistics and contend with any man upon this floor and prove that the great crimes of the world, the assaults upon civilization, are committed not by the ignorant, but by those whose vicious tendencies and natures are made more powerful by the light of knowledge. Not to speak of the anarchist and the socialist and those "unhinged" people who are highly educated, but who have that education which only furnishes a dangerous power, I appeal to my friend the gentleman from Missouri if it be not his experience, as it is mine, at home, there is barely a week, not to say a day, that some genteel, educated German, who has his knowledge of Latin from the gymnasia, and perhaps has been a teacher or a professor, comes and pleads that he is in poverty and want, because he finds no employment suitable to his education and condition? He is a pauper and a beggar until charity finds a place for him in some church or parochial school. Those men are the most miserable of the people who come here.

The man who expects nothing, who comes with nothing but his stout heart and his strong arm, gets work upon the streets if necessary, and makes a beginning, from which he and his descendants at once grow into American life.

Mr. Speaker, I believe that pandering to this so-called sentiment which requires the restriction of immigration will turn out a fallacy and a misfortune, because in the first place it is wrong and no wrong can ever lead to good. If it could be demonstrated that immigration is practically injurious, that it does threaten the labor or the capital or the morality or the civilization of the United States, I should not have one word to say; but how is it that when immigrants came to these shores at the rate of 400,000 and 500,000 a year, nothing was ever said or done, and there were no fears abroad that the liberty of the country or the morality of the people were in danger? It is a mere sentiment. It is a mere notion, impracticable, injurious to the interests of the country, and hostile to the spirit of our institutions and to the civilization of the age.

I wish to say but one word more. I am told that this is not a party question. True, it may not be, and I have no desire to offend the most delicate sensibilities of any man upon the floor of this House, be he upon that side or upon this; but the fact is, and I as a Democrat, and a German-American Democrat, must bear witness to the truth of history, that under Democratic administration and Democratic government the shores of this land have always been open to the foreigner, and he has come here ever since the day that Thomas Jefferson in his great and magnificent fight against the "alien and sedition laws," under the Administration of Adams, established the principle in this country that the foreigner was welcome, and after a probation of five years should be entitled to the privileges of American citizenship.

Under that privilege you have grown great, and you can not deny it. Therefore I say it is wrong in principle, and for that reason must be bad statesmanship, to legislate against the course of the movement of the history which has developed this country, made it great, and promises to make it greater—so great that nothing in the history of the human race can compare with or aspire to it. This is not a mere compliment. It is a truth taken from the logic of events. This continent, with all its resources, as shown by the chairman of the committee to be sufficient for a billion or two of people, is yet in its infancy.

When Herodotus, in the very prime of Grecian civilization, returned to Athens from his voyage among the Egyptians, the only compliment he gave to his countrymen was, "Athenians, you are yet children." Who will say that this country, with the history of but a century, is not still in its infancy? And who would cripple its possibilities and its great, enormous, and unbounded opportunity for good to the whole human race by closing the shores of this bounteous, God-gifted land to the peoples of the earth who wish to come here to benefit themselves? And let me say, too, in conclusion, of those people who do come, be they Italians, Polanders, Hungarians, Russians, the sturdy Swede or Norwegian, or the patient and industrious German, no matter who they may be, they are, as a rule, of the stuff of noble manhood. Imagine yourselves in the condition of thinking of emigrating from your homes, from the memories of your childhood and the surroundings of a lifetime, to look for your fortune and new destinies in foreign lands!

It takes a stout heart and a strong will and a faith in God and one's own ability to undertake the task. I stood some years ago on the gallery of Castle Garden in New York and saw these poor families—fathers and mothers, with their little ones huddled about them—having left the home of their birth, left the memories of their youth and childhood, coming here to this great God's land of liberty. Was it pleasure to them? Was it happiness? It was to them a tragic climax in the history of their lives that forced them, the old people, not for themselves but for love of their little ones, to come to this country. They knew that their sand was soon to run out; but they saw for their children a future and a hope which they never could realize or could expect at home.

I say, therefore, that as to criminals and beggars and paupers the laws are already sufficient, and properly so, to exclude them. But for the rest, Mr. Speaker, their work proves what immigrants have done in and for this country, and it is a testimonial and object lesson that can not be forgotten when the vote is taken on this question. What they have done shows the purpose for which they came, and the spirit which animated their souls and nerved their arms. They came to give work, and work is the highest capital of the human race. Work is the dignifying grace and crown of the efforts of mankind; work in all avenues, be they low or high, in which man happens to be cast. And he who faithfully cleans the streets of Washington and is honest and honorable is as worthy as the man who cashes bank checks or keeps the Treasury of the United States of America. [Loud applause.]

Work is what these people came for. They did not come to beg. There are unfortunates among them, but they came not to beg. They came to work, and they came to be made men, because they have heard of our manhood; they have learned of our country; they know its promises and its greatness, and they came to us and are grateful to us for having received them; and the foreign citizenship of this country has proved this from day to day and year to year as the waves of progress have rolled on and the principles of government have developed and the manhood of America has become grander and become more exalted than that of all the nations of the world; and we have the faculty and the breadth and the scope to continue, to develop, and absorb, and yet retain and build up a characteristic individuality embodying within itself the ultimate and greatest possibilities of the human race. I thank the House for its attention. [Loud and long-continued applause.]

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was communicated to the House of Representatives, by Mr. PRUDEN, one of his secretaries, who also informed the House that the President had approved and signed bills and joint resolutions of the following titles:

On May 18, 1896:

An act (H. R. 953) for the relief of William Gray;

An act (H. R. 1602) for the relief of A. P. Brown, late postmaster at Le Mars, Iowa;

Joint resolution (H. Res. 167) authorizing foreign exhibitors at the Tennessee Centennial Exposition, to be held in Nashville, Tenn., in 1897, to bring to this country foreign laborers from their respective countries for the purpose of preparing for and making their exhibits, and allowing articles imported from foreign countries for the sole purpose of exhibition at said exposition to be imported free of duty, under regulations prescribed by the Secretary of the Treasury;

An act (H. R. 7865) to allow the return free of duty of certain articles exported from the United States for exhibition purposes;

An act (H. R. 1980) to provide a life-saving station at or near Point Bonita, at the Golden Gate, in the State of California;

An act (H. R. 6) constituting Syracuse, N. Y., a port of delivery;

An act (H. R. 3462) to regulate the business of storage in District of Columbia;

An act (H. R. 3448) authorizing the county of Navajo, Territory of Arizona, to issue bonds for the construction of a courthouse and jail at the county seat thereof; and

Joint resolution (H. Res. 180) for the relief of Ex-Naval Cadet Henry T. Baker.

VETO MESSAGE.

The SPEAKER. The Chair lays before the House the following message of the President of the United States.

The Clerk read as follows:

To the House of Representatives:

I return herewith without approval House bill No. 1139, entitled "An act granting a pension to Caroline D. Mowatt."

The beneficiary mentioned in this bill was married in 1858 to Alfred B. Soule, who served as major of a Maine regiment of volunteers in the war of the rebellion from September 10, 1862, to July 15, 1863, when he was mustered out of the service. He died in February, 1864, and in 1866 a pension was granted to the beneficiary as his widow at the rate of $25 a month, dating from the time of her husband's death, two years before.

The widow continued to receive the pension allowed her until June 17, 1869, when she was married to Henry T. Mowatt, which, under the law, terminated her pensionable right. It appears, however, that a small pension was allowed two minor children of the soldier at the time of their mother's remarriage, which continued until 1870, more than seven years after such remarriage, when the youngest of said children became 16 years of age.

In 1878, nine years after he became the second husband of the beneficiary, Henry T. Mowatt died.

Though twenty-seven years have passed since the beneficiary ceased to be the widow of the deceased soldier, and though she has been the widow of Henry T. Mowatt for eighteen years, it is proposed by the bill under consideration to again place her name upon the pension roll "as widow of Alfred B. Soule, late major of the Twenty-third Regiment Maine Volunteers."

Of course the propriety of the law which terminates the pension of a soldier's widow upon her remarriage will not be questioned. I suppose no one would suggest the renewal of such pension during the lifetime of her second husband. Her pensionable relation to the Government as the widow of her deceased soldier husband, under any reasonable pension theory, absolutely terminated with her remarriage.

If she is to be again pensioned because her second husband does not survive her, the transaction has more the complexion of an adjustment of a governmental insurance on the life of the second husband than the allowance of a pension on just and reasonable grounds.

Legislation of this description is sure to establish a precedent which it will be difficult to disclaim, and which, if followed, can not fail to lead to abuse.

GROVER CLEVELAND.

EXECUTIVE MANSION, *May 19, 1896.*

Mr. PICKLER. Mr. Speaker, I ask that the message and bill be referred to the Committee on Invalid Pensions.

The SPEAKER. Without objection, the message and accompanying bill will be referred to the Committee on Invalid Pensions.

There was no objection, and it was so ordered.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 61) for the relief of Frederick Gramm;

A bill (S. 2508) to establish customs ports of delivery at Pueblo, Durango, and Leadville, Colo., and for other purposes;

A bill (S. 1865) to authorize the Secretary of War and the Secretary of the Navy to make certain disposition of condemned ordnance, guns, and cannon balls in their respective Departments;

A bill (S. 2514) granting an increase of pension to Mrs. Annie E. Colwell;

A bill (S. 1924) granting a pension to Carrie L. Yeaton;

A bill (S. 1522) granting a pension to Catherine Smith;

A bill (S. 1493) granting a pension to Mary Clare Kelly;

A bill (S. 1435) granting an increase of pension to Nathan Kimball;

A bill (S. 1215) granting a pension to Ellen Kingsley;

A bill (S. 1100) granting a pension to Russel N. Reynolds;

A bill (S. 1044) granting a pension to Mary Newman;

A bill (S. 739) granting an increase of pension to C. E. Philbrook, widow of Alvah Philbrook, major of Twenty-fourth Regiment Wisconsin Volunteers;

A bill (S. 616) granting a pension to Matilda Gresham, widow of the late Walter Q. Gresham, at the rate of $100 per month;

A bill (S. 404) granting a pension to Samuel Goldwater;

A bill (S. 149) granting a pension to Helen M. Jacob; and

A bill (S. 125) for the relief of Elizabeth J. Cook, of Arkadelphia, Cook County, Ark., widow of Robert T. Cook.

REPRINT OF IMMIGRATION BILLS.

Mr. DINGLEY. Mr. Speaker, I ask unanimous consent for a reprint of the several bills reported by the Committee on Immigration and the reports thereon, as they seem to be exhausted.

The SPEAKER. The gentleman from Maine asks unanimous consent for a reprint of the several bills reported from the Committee on Immigration and the reports thereon. Is there objection?

Mr. KEM. I object.

CHANGE OF REFERENCE.

By unanimous consent, the Committee on Public Buildings and Grounds was discharged from the further consideration of the bill H. R. 7044; and it was referred to the Committee on the Public Lands.

REPRINT OF IMMIGRATION BILLS.

Mr. DINGLEY. Mr. Speaker, I have sent a joint resolution to the Committee on Printing for a reprint of the several bills now under consideration, and have asked that committee to have a meeting, if possible, so that the matter will be privileged in the morning.

BOARD OF VISITORS TO WEST POINT.

The SPEAKER announced the appointment of Mr. STEELE, Mr. COUSINS, and Mr. MCCLELLAN as the Board of Visitors to West Point.

POST-OFFICE BUILDING, WASHINGTON, D. C.

Mr. MILLIKEN, from the Committee on Public Buildings and Grounds, presented the following report:

The Committee on Public Buildings and Grounds, having had under consideration the joint resolution (S. R. 125) requiring the roof of the new post-office building, Washington, D. C., to be fireproof, report that the roof above referred to, as now being constructed, will be practically fireproof when finished; that the expense to the Government of changing it to a metallic or noncombustible roof would be, as estimated by the Secretary of the Treasury, approximately $300,000, and that the change in the construction contemplated by said resolution would cause a delay of at least six months in the completion of the building. We therefore report that the resolution ought not to pass.

On motion of Mr. MILLIKEN, by unanimous consent, the joint resolution was laid on the table.

Mr. WILLIAM A. STONE. Mr. Speaker, I move that the House do now adjourn.

LEAVE OF ABSENCE.

Pending the motion to adjourn, leave of absence was granted as follows:

To Mr. CRISP, indefinitely.

To Mr. HILL, for two days, on account of important business.

To Mr. GOODWYN, for one week, on account of important business.

To Mr. BOWERS, indefinitely, on account of sickness.

The motion of Mr. WILLIAM A. STONE was then agreed to; and the House accordingly (at 5 o'clock and 4 minutes p. m.) adjourned.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. BARTLETT of New York, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 1722) entitled "An act to approve and ratify the construction of a bridge across the Sulphur River, in the State of Arkansas, by the Texarkana and Fort Smith Railway Company," reported the same with amendment, accompanied by a report (No. 1883); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1726) entitled "An act to approve and ratify the construction of a bridge across the Red River, between the States of Arkansas and Texas, at a point above the town of Fulton, in Arkansas, on said river, built by the Texarkana Northern Railway Company, but now owned and operated by the Texarkana and Fort Smith Railway Company, and to authorize the latter company to maintain said bridge over said waterway, subject to certain stipulations and conditions," reported the same with amendment, accompanied by a report (No. 1877); which said bill and report were referred to the House Calendar.

Mr. MCCORMICK, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the Senate (S. 2978) entitled "An act to provide an American register for the steamer *Menemsha*," reported the same without amendment, accompanied by a report (No. 1885); which said bill and report were referred to the House Calendar.

Mr. CURTIS of Kansas, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 7569) authorizing the issue of patents to the Swan Creek and Black River Chippewas and the Munsee or Christian Indians of Kansas, and for the sale of their reservation in Kansas, and for other purposes, reported the same without amendment, accompanied by a report (No. 1892); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CURTIS of New York, from the Committee on Military

Affairs, to which was referred House resolution No. 340, requesting the Secretary of War to transmit to the House a list of publications relating to the battles and campaigns near Chattanooga, Tenn., and Chickamauga, Ga., reported the same without amendment, accompanied by a report (No. 1904); which said bill and report were referred to the House Calendar.

Mr. ELLIS, from the Committee on the Public Lands, to which was referred House bill No. 791, reported in lieu thereof a bill (H. R. 9098) to amend an act entitled "An act for the relief of certain settlers on the public lands and to provide for the payment of certain fees, purchase money, and commissions paid on said entries of public lands," accompanied by a report (No. 1905); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. LACEY, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 2593) entitled "An act granting the American Invalid Aid Society of Boston, Mass., the abandoned Fort Marcy Military Reservation, in New Mexico, for the purpose of a national sanitarium for the treatment of pulmonary diseases," reported the same with amendment, accompanied by a report (No. 1907); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. MAHON, from the Committee on War Claims: The bill (S. 1590) entitled "An act for the relief of Edward H. Murrell." (Report No. 1878.)

By Mr. WILSON of Ohio, from the Committee on War Claims: A resolution (House Res. No. 347) to refer the bill (H. R. 597) for the relief of Charles Waterhouse, with all accompanying papers, to the Court of Claims, reported in lieu of House bill No. 597. (Report No. 1879.)

By Mr. LESTER, from the Committee on War Claims: A resolution (House Res. No. 348) to refer the bill (H. R. 8638) for the relief of Patrick G. Meath, with all accompanying papers, to the Court of Claims, reported in lieu of House bill No. 8638. (Report No. 1880.)

By Mr. HURLEY, from the Committee on War Claims: The bill (H. R. 2489) for the relief of William Moseley, jr., administrator of the estate of Mrs. Temperance Moseley. (Report No. 1881.)

By Mr. HALTERMAN, from the Committee on Pensions: The bill (H. R. 3398) for relief of Augusta Tuller. (Report No. 1884.)

By Mr. HILBORN, from the Committee on Naval Affairs: The bill (H. R. 3876) to correct the naval record of G. K. Knowlton, late of the United States Navy. (Report No. 1888.)

By Mr. ANDREWS, from the Committee on Invalid Pensions: The bill (S. 1611) entitled "An act granting a pension to Clarissa E. Hobbs." (Report No. 1889.)

The bill (S. 2341) entitled "An act granting a pension to George E. Tuttle." (Report No. 1890.)

By Mr. BAKER of Kansas, from the Committee on Invalid Pensions: The bill (H. R. 6765) to increase the pension of David N. Thompson. (Report No. 1891.)

By Mr. LAYTON, from the Committee on Invalid Pensions: The bill (H. R. 763) granting additional pension to James W. Carmody. (Report No. 1893.)

By Mr. McCLELLAN, from the Committee on Invalid Pensions: The bill (H. R. 4313) to increase the pension of Mrs. Charlotte B. Comeos. (Report No. 1894.)

By Mr. MILES, from the Committee on Invalid Pensions: A bill (H. R. 9075) granting a pension to William H. Keating, reported in lieu of House bill No. 7296. (Report No. 1895.)

By Mr. POOLE, from the Committee on Invalid Pensions: The bill (H. R. 6418) pensioning H. C. Bedell, Company A, One hundred and ninety-first New York Volunters. (Report No. 1896.)

By Mr. PICKLER, from the Committee on Invalid Pensions: The bill (H. R. 94) increasing the pension of Melancthon McCoy, of Company K, One hundred and forty-eighth Illinois Infantry. (Report No. 1897.)

By Mr. FENTON, from the Committee on Military Affairs: The bill (H. R. 1317) to correct the military record of Collin P. Leiter. (Report No. 1898.)

By Mr. ANDERSON, from the Committee on Invalid Pensions: The bill (S. 2913) granting an increase of pension to Nettie A. Cheeks. (Report No. 1899.)

The bill (H. R. 5857) to increase the pension of Caroline V. English. (Report No. 1900.)

By Mr. KIRKPATRICK, from the Committee on Invalid Pensions: The bill (H. R. 4287) granting a pension to Edward Stanley. (Report No. 1901.)

By Mr. SULLOWAY, from the Committee on Invalid Pensions: The bill (S. 2931) granting an increase of pension to Silas M. Stevens. (Report No. 1902.)

By Mr. WOOD, from the Committee on Invalid Pensions: The bill (H. R. 6877) granting a pension to Grace Gudgell. (Report No. 1903.)

ADVERSE REPORT.

Under clause 2, Rule XIII, Mr. BISHOP, from the Committee on Military Affairs, reported adversely (Report No. 1886) the bill (S. 541) entitled "An act for the relief of Orin R. McDaniel"; which said bill and report were laid on the table.

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced, and severally referred as follows:

By Mr. WILLIAM A. STONE: A bill (H. R. 9072) to authorize the Butler and Pittsburg Railroad Company to construct a bridge across the Alleghany River—to the Committee on Interstate and Foreign Commerce.

By Mr. HENDERSON: A bill (H. R. 9073) providing for the erection of an addition to the United States custom-house and post-office building in the city of Dubuque, Iowa—to the Committee on Public Buildings and Grounds.

By Mr. KULP: A bill (H. R. 9074) donating 4 condemned cannon and 4 pyramids of condemned cannon balls to General W. H. Ent Post, Grand Army of the Republic, Bloomsburg (Pa.) Monumental Association—to the Committee on Naval Affairs.

By Mr. FENTON: A bill (H. R. 9097) for the relief of telegraph operators who served during the war of the rebellion—to the Committee on Invalid Pensions.

By Mr. GRISWOLD: A joint resolution (H. Res. 187) relating to lake levels—to the Committee on Rivers and Harbors.

By Mr. ODELL: A resolution (House Res. No. 346) authorizing the Postmaster of the House of Representatives to employ two additional laborers in that department for the distribution of seeds—to the Committee on Accounts.

By Mr. CHARLES W. STONE: A resolution (House Res. No. 349) requesting of the Secretary of the Treasury certain information as to material for our minor coins—to the Committee on Coinage, Weights, and Measures.

By Mr. MONEY: A resolution (House Res. No. 350) to allow the several Executive Departments to lend material in their control to the Southern States exposition at Chicago for a short time without expense to the Government—to the Committee on Ways and Means.

By Mr. LINTON: A resolution (House Res. No. 351) to compensate W. W. Blackmar for services on the Committee on Ventilation and Acoustics—to the Committee on Accounts.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. ALLEN of Mississippi: A bill (H. R. 9076) for the relief of the estate of Richard D. Fielder of Tishomingo County, Miss.—to the Committee on War Claims.

By Mr. ARNOLD of Pennsylvania: A bill (H. R. 9077) granting an honorable discharge to James Garrabrant, late of Company I, One hundred and forty-eighth Pennsylvania Volunteers—to the Committee on Military Affairs.

By Mr. CURTIS of Kansas: A bill (H. R. 9078) for the relief of Thomas J. Cockrell—to the Committee on Military Affairs.

By Mr. DOOLITTLE: A bill (H. R. 9079) to place the name of Emma H. Wood on the pension roll at the rate of $75 per month—to the Committee on Invalid Pensions.

By Mr. FARIS: A bill (H. R. 9080) for the relief of William H. Wood—to the Committee on Military Affairs.

By Mr. HUNTER: A bill (H. R. 9081) to correct the military record of James Westbrook—to the Committee on Military Affairs.

Also, a bill (H. R. 9082) granting a pension to John Stilts—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9083) for the relief of R. G. Potter—to the Committee on War Claims.

By Mr. McCALL of Tennessee: A bill (H. R. 9084) to muster in certain members of Col. Frank W. Harrison's regiment of West Tennessee recruits and to grant them an honorable discharge—to the Committee on Military Affairs.

Also, a bill (H. R. 9085) to increase the pension of Elisha Tate—to the Committee on Invalid Pensions.

By Mr. MEREDITH: A bill (H. R. 9086) for the relief of the

estate of Maria Gibson, deceased, late of Culpeper County, Va.—to the Committee on War Claims.

By Mr. MILLIKEN: A bill (H. R. 9087) granting a pension to Susan W. Newell—to the Committee on Invalid Pensions.

By Mr. PICKLER: A bill (H. R. 9088) granting a pension to Patrick H. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9089) granting a pension to Benjamin F. Whitehouse—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9090) granting an increase of pension to Jacob Stebler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9091) granting an increase of pension to Joshua B. Harris—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9092) granting a pension to Adra A. Spaulding—to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 9093) granting a pension to Andrew R. Hayes—to the Committee on Invalid Pensions.

By Mr. WATSON of Ohio: A bill (H. R. 9094) for the relief of Peter Kramer—to the Committee on Military Affairs.

By Mr. WHEELER: A bill (H. R. 9095) for the relief of Mrs. Lelia Seaton Welder—to the Committee on Invalid Pensions.

By Mr. WRIGHT: A bill (H. R. 9096) to remove the charge of desertion against the military record of James Sullivan, late of Company H, Twenty-first Regiment Massachusetts Volunteer Infantry, and Troop K, Second United States Cavalry—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALDRICH of Alabama: Petition of citizens of Piedmont and Montevallo, Ala., asking for favorable action on House bill No. 838, to reduce letter postage, and House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. ALDRICH of Illinois: Petition of residents of Chicago, Ill., praying for favorable action on bill to amend the postal laws relating to second-class matter and bill to reduce letter postage to 1 cent per half ounce—to the Committee on the Post-Office and Post-Roads.

By Mr. BABCOCK: Petition of citizens of Dodgeville, Montfort, Hillsboro, and Prairie du Sac, Wis., for favorable action on House bills Nos. 4566 and 838, proposing amendments to the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. BISHOP: Petition of citizens of Ludington and Bengonia, Mich., asking favorable action on House bills Nos. 838 and 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. BLUE: Sundry petitions containing a total of 1,048 names of citizens of the State of Kansas, asking for favorable action on House bill No. 838, to reduce letter postage to 1 cent per half ounce, and House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. CANNON: Petition of citizens of Lasalle and Woodford counties, Ill., praying for favorable action on House bills Nos. 838 and 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. CLARK of Missouri: Sundry petitions of citizens of the First Congressional district of Missouri, praying for favorable action on House bill No. 838, to reduce letter postage, and bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. COBB: Petition of citizens of St. Louis, Mo., for the passage of House bills Nos. 4566 and 838, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. CONNOLLY: Petitions of citizens of Emden, Pawnee, Maroa, and Pleasant Plains, Ill., asking favorable action on House bill No. 838, to reduce letter postage, and House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. CURTIS of Iowa: Petition of citizens of Delmar, Lone Tree, and Davenport, Iowa, asking for favorable consideration of House bills Nos. 838 and 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. DALZELL: Resolutions of the Trades League of Philadelphia, Pa., opposing House bill No. 8536 and Senate bill No. 2967, proposing amendments to the interstate-commerce law—to the Committee on Interstate and Foreign Commerce.

By Mr. DOCKERY: Petition of citizens of Holt, Cowgill, Maysville, and Grant City, Mo., asking for favorable action on House bills Nos. 838 and 4566, amending the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. DOOLITTLE: Remonstrance of citizens of Hockinson, Wash., against the acceptance of the Marquette statue—to the Committee on the Library.

Also, petition of citizens of Pullman, Spokane, and Ritzville, Wash., asking for favorable action on House bills Nos. 838 and 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. FENTON: Petition of R. G. Shaw Post, No. 580, Grand Army of the Republic (colored), of Cincinnati, Ohio, in favor of House bill No. 6851, to aid Wilberforce University, located in Greene County, Ohio—to the Committee on Military Affairs.

By Mr. FLYNN: Petitions of citizens of Alva, Kildare, Newkirk, Okardel, Oklahoma City, Pawnee, Perry, Shawnee, and Ponca City, Okla., asking for favorable action on House bills Nos. 838 and 4566, amending the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. FOSS: Petition of certain residents of Evanston, Ill., praying for favorable action on bill to amend the postal laws relating to second-class matter and bill to reduce letter postage to 1 cent per half ounce—to the Committee on the Post-Office and Post-Roads.

By Mr. GAMBLE: Petition of J. R. Sovereign and others, in favor of House bill No. 6119, relating to the limitations of the hours of daily service of laborers and mechanics employed upon the public works of the United States and the District of Columbia—to the Committee on Labor.

By Mr. GILLETT of Massachusetts: Petition of citizens of Athol and Orange, Mass., asking for the passage of House bills Nos. 838 and 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. GRIFFIN: Petitions of citizens of Whitehall, Gale, and Arcadia, of the State of Wisconsin, in favor of the passage of House bills Nos. 838 and 4566, for 1-cent letter postage and the amendment of the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. HENDERSON: Petition of citizens of Greeley, Greene, Janesville, Fairbank, Waterloo, Cedar Falls, New Hartford, and Union, State of Iowa, asking for favorable action on House bills Nos. 838 and 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. HEPBURN: Petition of citizens of Davis City, Mount Ayr, Moravia, Lamoni, Hamburg, and New Market, Iowa, asking favorable action on House bills Nos. 838 and 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. HILBORN: Memorial of the Board of Trade of Oakland, Cal., recommending the passage of a uniform law on the subject of bankruptcy throughout the United States—to the Committee on the Judiciary.

Also, memorial of the Pacific Coast Marine Firemen's Union, composed of over 1,800 men, praying for the passage of House bill No. 3618, to organize and increase the efficiency of the personnel of the Navy, etc.—to the Committee on Naval Affairs.

By Mr. HURLEY: Petition of Knights of Labor of Washington, D. C., favoring the passage of House bill No. 6119, for a non-partisan labor commission—to the Committee on Labor.

By Mr. HUBBARD: Petition of citizens of Long Lane, Mo., favoring a service pension—to the Committee on Invalid Pensions.

Also (by request), sundry petitions of citizens of the State of Missouri, asking for favorable action on House bills Nos. 838 and 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. KIEFER: Petition of Cigar Makers' Union, No. 98, of St. Paul, Minn., favoring the nationalization of telegraph lines—to the Committee on Interstate and Foreign Commerce.

By Mr. LAYTON: Protest of the Toledo Produce Exchange, against the passage of House bill No. 8536 and Senate bill No. 2967, amending the interstate-commerce law—to the Committee on Interstate and Foreign Commerce.

By Mr. LEISENRING (by request): Remonstrance and petition of 61 citizens of Luzerne County, Pa., urging the immediate removal of the Père Marquette statue from Statuary Hall—to the Committee on the Library.

By Mr. LINTON: Remonstrances and petitions of citizens of Temple, Tex.; also of citizens of Perry, Mich.; also of citizens of Syracuse, N. Y.; also of citizens of Fort Worth, Tex., against the continuance of the Père Marquette statue in the Capitol—to the Committee on the Library.

Also, petitions of citizens of St. Charles, Unionville, Waconsta, and Vernon, of the State of Michigan, praying for the passage of House bills Nos. 4566 and 838, relating to postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. McCLEARY of Minnesota: Petition of B. A Campbell and other citizens of the State of Minnesota, for the prohibition of the manufacture and sale of intoxicating liquor in the District of Columbia—to the Committee on the District of Columbia.

By Mr. McRAE: Petition of J. W. Baker and 16 other citizens of Columbia County, Ark., protesting against the passage of House

bill No. 4566, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. MERCER: Resolutions of the Democratic State convention at Lincoln, Nebr., favoring an exposition to be held at Omaha, Nebr., during 1898—to the Committee on Ways and Means.

By Mr. PICKLER: Petition of George L. Houghton, of Aberdeen, S. Dak., praying that he may be allowed an investigation by Congress for a redress of grievances—to the Committee on the Judiciary.

Also, petition of citizens of Wakonda, S. Dak., for favorable action on House bill No. 5213, to amend the laws relating to taxing and regulating the sale and manufacture of filled cheese—to the Committee on Ways and Means.

Also, petitions of citizens of Bridgewater, Sioux Falls, Brooking, Aberdeen, Wilmot, Madison, Volga, Chamberlain, De Smet, Esteltine, Gettysburg, Groton, Hurley, Irene, Meiller, and Rapid City, S. Dak., for favorable action on House bills Nos. 4566 and 838, amending the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. SAUERHERING: Petition of citizens of Madison, Sun Prairie, and Portage, Wis., in favor of House bills Nos. 4566 and 838, amending the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. SCRANTON: Petition of Moses Taylor Council, No. 151, Junior Order United American Mechanics, of Scranton, Pa., unanimously indorsing the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. SMITH of Illinois: Petition of citizens of Carrier Mills and Cairo, Ill., asking favorable consideration of House bills Nos. 838 and 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. SNOVER: Petition of citizens of Ubly, Pigeon, Sand Beach, Elkton, and Minden City, Mich., for favorable action on House bills Nos. 4566 and 838, amending the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. CHARLES W. STONE: Memorial of the United Presbyterian church of Utica, Pa.; also of the Presbyterian church of Utica, Pa.; also of the Methodist Episcopal church of Utica, Pa.; also of the Methodist Episcopal church of Rockland, Pa., favoring the enactment of a Sunday-rest law for the District of Columbia—to the Committee on the District of Columbia.

By Mr. TAWNEY: Petitions of citizens of Dexter, Hayfield, Eyota, and Kasson, Minn., favoring the passage of House bills Nos. 4566 and 838, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. THOMAS: Petitions of citizens of Nashville, Hastings, Constantine, Centerville, Bangor, Pow-Pow, and Otsego, Mich., asking for favorable action on House bills Nos. 838 and 4566, amending the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. TRACEY: Petitions of citizens of Arrow Rock, Sedalia, Springfield, New Franklin, and Nelson, State of Missouri, for favorable action on House bills Nos. 4566 and 838, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. VAN HORN: Petitions of citizens of Concordia and Kansas City, Mo., favoring the passage of House bills Nos. 838 and 4566, amending the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. WATSON of Ohio: Papers to accompany House bill for the relief of Peter Kramer—to the Committee on Military Affairs.

By Mr. WHEELER: Papers relating to the claim of Eli Compton, of Cherokee County, Ala.—to the Committee on War Claims.

By Mr. WILSON of Idaho: Petition of Knights of Labor of Wallace, Idaho, in favor of House bill No. 6119, for the appointment of an impartial committee to investigate the labor problem and suggest remedy—to the Committee on Labor.

Also, petition of Boise Typographical Union, No. 271, of Boise, Idaho, praying for Government ownership of telegraph lines—to the Committee on Interstate and Foreign Commerce.

Also (by request), resolution of the board of directors of the Manufacturers and Producers' Association of California, relating to the importation of convict-made goods, and favoring the protection of free labor from competition with convict labor—to the Committee on Labor.

Also, resolution of the Trades League of Philadelphia, opposing the passage of House bill No. 8536 and Senate bill No. 2967, to amend the interstate-commerce law—to the Committee on Interstate and Foreign Commerce.

Also, petition of Wardner Assembly, Knights of Labor, for the passage of a bill to provide for the better manning and equipment of vessels on the Northwestern Lakes—to the Committee on Interstate and Foreign Commerce.

By Mr. WOOD: Petitions of citizens of Marshall, Casey, and Sumner, Ill., for favorable action on House bills Nos. 4566 and 838, amending the postal laws—to the Committee on the Post-Office and Post-Roads.

SENATE.

WEDNESDAY, *May 20, 1896.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

On motion of Mr. DAVIS, and by unanimous consent, the reading of the Journal of yesterday's proceedings was dispensed with.

VISITORS TO ANNAPOLIS.

Mr. BLACKBURN. Mr. President, public duties that I can not control make it impossible for me to discharge the duty assigned me as a member of the Board of Visitors on the part of the Senate to the Naval Academy at Annapolis. Whilst I very much regret this, I feel impelled to ask the Senate to excuse me from service on that Board, in order that the Vice-President may indicate some other Senator to take the place.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and the Senator from Kentucky is excused.

CAROLINE A. HOUGH.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 2604) to increase the pension of Caroline A. Hough, widow of Brig. Gen. John Hough, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. GALLINGER. I move that the Senate insist upon its amendment and accede to the conference asked for by the House of Representatives.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate, and Mr. GALLINGER, Mr. VILAS, and Mr. CANNON were appointed.

STANDARD FOR DRY MEASURES IN THE DISTRICT.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 6833) defining the standard shape and size for dry measures in use in the District of Columbia, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. PRITCHARD. I move that the Senate insist upon its amendments and accede to the request of the House for a conference.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate, and Mr. MCMILLAN, Mr. BACON, and Mr. PRITCHARD were appointed.

LICENSING OF BILLIARD AND POOL TABLES.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 5490) to license billiard and pool tables in the District of Columbia, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. PROCTOR. I move that the Senate insist upon its amendment and agree to the conference asked by the House of Representatives.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate, and Mr. PROCTOR, Mr. HARRIS, and Mr. WETMORE were appointed.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the Union Congregational Church, of Jacksonville, Fla., praying for the speedy recognition as belligerents of the Cuban patriots in their struggle for freedom; which was ordered to lie on the table.

Mr. GORMAN presented a petition of the Baltimore (Md.) Annual Conference of the Methodist Episcopal Church, praying for the enactment of a Sunday-rest law for the District of Columbia; which was referred to the Committee on Education and Labor.

He also presented a petition of the Baltimore (Md.) Annual Conference of the Methodist Episcopal Church, praying for the enactment of legislation raising the age of consent from 16 to 18 in the District of Columbia and the Territories; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Baltimore (Md.) Annual Conference of the Methodist Episcopal Church, praying for the enactment of legislation to prevent nullification of State anti-gambling laws by extending to interstate gambling by telegraph the penalties provided for interstate gambling by mail and express; which was referred to the Committee on Education and Labor.

He also presented a memorial of the Baltimore (Md.) Annual Conference of the Methodist Episcopal Church, remonstrating

against the appropriation of money for sectarian institutions; which was ordered to lie on the table.

Mr. FAULKNER presented a petition of Local Union, No. 59, of Wheeling, W. Va., praying for the Government ownership and control of the telegraph lines; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Bridgeport Council, No. 30, Junior Order United American Mechanics, of Bridgeport, W. Va., praying for the passage of the so-called Stone immigration bill; which was referred to the Committee on Immigration.

Mr. TURPIE presented a petition of the Central Labor Union of Indianapolis, Ind., praying for the Government control and ownership of the telegraph lines; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. CANNON presented a memorial of sundry citizens of Utah, remonstrating against the passage of the bill (H. R. 4566) to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. HAWLEY presented a memorial of the Anthropological Society of Washington, D. C., remonstrating against the passage of Senate bill No. 1552, relating to vivisection; which was referred to the Committee on the District of Columbia.

Mr. PROCTOR presented a memorial of the Medical Society of Pennsylvania, remonstrating against the passage of Senate bill No. 1552, for the further prevention of cruelty to animals in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a memorial of the Columbia Heights Citizens' Association of the District of Columbia, relative to the price of gas in the District of Columbia; which was ordered to lie on the table.

He also presented a petition of the Columbia Heights Citizens' Association of the District of Columbia, relative to party walls in the District of Columbia; which was ordered to lie on the table.

He also presented the memorial of Dr. Walter Wyman, Supervising Surgeon-General Marine-Hospital Service, relative to Senate bill No. 1552, for the further prevention of cruelty to animals in the District of Columbia; which was referred to the Committee on the District of Columbia.

PREVENTION OF CRUELTY TO ANIMALS.

Mr. PROCTOR. I present a communication from Charles W. Dabney, jr., Acting Secretary of Agriculture, calling attention to certain provisions of the bill (S. 1552) for the further prevention of cruelty to animals in the District of Columbia. I move that the communication lie on the table and that it be printed as a document.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. PERKINS, from the Committee on Naval Affairs, to whom was referred the bill (H. R. 2777) authorizing and directing the Secretary of the Navy to donate condemned cannon and condemned cannon balls to certain posts of the Grand Army of the Republic, reported it without amendment.

Mr. JONES of Arkansas, from the Committee on Indian Affairs, to whom was referred the bill (S. 1529) for the payment of arrears of interest on Chickasaw trust funds, reported it without amendment, and submitted a report thereon.

Mr. HAWLEY, from the Committee on Military Affairs, to whom was referred the bill (S. 423) to amend section 7 of the act entitled "An act to regulate the civil service of the United States," approved January 16, 1883, asked to be discharged from its further consideration, and that it be referred to the Committee on Civil Service and Retrenchment; which was agreed to.

Mr. BURROWS, from the Committee on Post-Offices and Post-Roads, reported an amendment intended to be proposed to the general deficiency appropriation bill, the amendment authorizing the Auditor for the Post-Office Department to credit the account of John W. Ross, late postmaster at Washington, D. C., with the sum of $141, and moved that it be printed, and, with the accompanying papers, referred to the Committee on Appropriations; which was agreed to.

Mr. GALLINGER. On the 3d day of December, 1895, a resolution was referred to the Committee on the District of Columbia in reference to farmers and truckmen in the city of Washington. The committee have given consideration to the matter, and submit a written report with an accompanying joint resolution, which they recommend for adoption.

The joint resolution (S. R. 148) for the relief of farmers and truckmen in the city of Washington, D. C., was read twice by its title.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (H. R. 4910) granting a pension to Cyrus Thomas, reported it without amendment, and submitted a report thereon.

Mr. VILAS, from the Committee on Public Lands, to whom was referred the bill (H. R. 1436) to quiet title to lands in persons who purchased the same in good faith without notice and for a valuable consideration, and to enable the Government to issue patents on such lands, and that commutations of homestead entries shall take effect from date of settlement, and not from date of entry, reported it with amendments, and submitted a report thereon.

Mr. BERRY, from the Committee on Public Lands, to whom was referred the bill (H. R. 7919) granting a site for the erection and maintenance of a charity hospital by the city of Biloxi, Miss., reported it without amendment.

Mr. BACON, from the Committee on Naval Affairs, to whom was referred the bill (H. R. 2054) to correct the military record of Charles W. Reinhardt and to grant him an honorable discharge, reported it with an amendment, and submitted a report thereon.

VICTOR HUGO M'CORD.

Mr. DAVIS, from the Committee on Foreign Relations, to whom was referred the message of the President of the United States, transmitting in response to a resolution of December 18, 1895, a report of the Secretary of State, with the accompanying correspondence, in relation to the arrest and imprisonment of Victor Hugo McCord at Arequipa, Peru, reported the following resolution; and it was considered by unanimous consent, and agreed to:

Be it resolved, That the President is hereby requested to continue the investigation and efforts heretofore made by the United States in the matter of the claim of Victor Hugo McCord, a citizen of the United States, against the Government of Peru, to the end that such an adjustment of said claim may be made as may be warranted by the facts in the case and by the law applicable thereto.

BILLS INTRODUCED.

Mr. ALLEN. I introduce a bill which I ask to have read at length and referred to the Committee on the Judiciary.

The bill (S. 3179) defining the jurisdiction of the Supreme Court in the determination of constitutional questions was read the first time by its title and the second time at length, and referred to the Committee on the Judiciary, as follows:

Be it enacted, etc., That from and after the passage of this act no bill or joint resolution that has passed Congress and received the approval of the President and become a law, or that has become a law by not being returned by the President with his approval to the House of Congress in which it originated, within the time prescribed by the Constitution, or that has become a law by Congressional action, notwithstanding the President's veto thereof, shall be held or adjudged to be unconstitutional by the Supreme Court except where all the judges concur in an opinion to that effect.

Mr. BURROWS introduced a bill (S. 3180) relating to the jurisdiction of the Court of Claims in certain cases; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. MORRILL (by request) introduced a bill (S. 3181) granting an increase of pension to Annie J. Bassett, widow of Lieut. Commander Wesley W. Bassett; which was read twice by its title, and referred to the Committee on Pensions.

AMENDMENTS TO DEFICIENCY APPROPRIATION BILL.

Mr. GORMAN submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. BUTLER submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Appropriations.

Mr. STEWART submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. NELSON (for Mr. HANSBROUGH) submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

BIOGRAPHY OF CONGRESS.

Mr. MORRILL. I submit a resolution and ask for its present consideration.

The resolution was read, as follows:

Resolved, That Benjamin Durfee be, and he is hereby, directed (in addition to his other duties and without extra compensation) to prepare an alphabetical biography of Congress from the foundation of the Government to the present time.

Mr. MORRILL. The dictionary of Lanman was brought down to 1876. Since that time some person in New York, I think, has published a later edition, a copyrighted edition, but there is no necessity to have a copyrighted edition, as all or nearly all the biographies have been published in the Congressional Directory from year to year. The resolution proposes to authorize a clerk now in the employ of the Senate to compile this work with no addition to his salary, and when it is completed all the cost will be merely that of having it printed at the Government Printing Office.

Mr. HILL. I ask that the resolution may lie over for the present.

The VICE-PRESIDENT. The resolution will go over under the rule.

UNITED STATES NAVAL ACADEMY.

Mr. GORMAN submitted the following resolution; which was considered by unanimous consent, and agreed to.

Resolved, That the Secretary of the Navy be, and hereby is, requested to transmit to the Senate the report of the commission appointed under the resolution unanimously adopted by the Board of Visitors of the United States Naval Academy, 1895, "to examine and report upon the condition of the grounds and buildings and sanitary condition of said Academy," and that said report, when received, together with the report of the Board of Visitors to the United States Naval Academy for 1895, and appendix thereto (pages 61 to 74, House Document No. 3, Fifty-fourth Congress, first session), be printed as a Senate document.

ADDITIONAL MEN FOR THE NAVY.

Mr. GORMAN. Some weeks ago I entered a motion to reconsider the vote by which the Senate passed the bill (S. 1404) authorizing the Secretary of the Navy to enlist additional men for service in the United States Navy, and for other purposes. I desire to have that motion now taken up and agreed to so that the bill may go upon the Calendar.

The VICE-PRESIDENT. The question is on agreeing to the motion to reconsider the vote by which the bill was passed.

Mr. SHERMAN. What is the object?

Mr. GORMAN. The Senate passed the bill authorizing an increase in the number of the enlisted men in the Navy. Since then the naval appropriation bill provided for an increase of 1,000 enlisted men and 500 marines. I desire to have the bill reconsidered, that it may go on the Calendar to be taken up later. If it ever does come up for consideration I want to discuss it and to offer some amendments to it.

Mr. CHANDLER. I shall not object to the motion, but the Senator well knows that there are other provisions in the bill which were not incorporated in the appropriation bill. I supposed the Senator had been able to make upon bills that have already been considered by the Senate the remarks which he so long intended to make upon this bill. This is a very important measure. I believe it ought to be made a law and go upon the statutes.

Mr. GRAY. The bill has passed the Senate?

Mr. CHANDLER. It has passed the Senate. If it is reconsidered the Senator knows very well how little opportunity there will be to give it consideration at this hour in the session. It seems to me the Senator ought to have pressed his motion earlier.

Mr. GORMAN. I did not press it because the main features providing for an increase of enlisted men in the Navy had already been disposed of. There are other features in the bill that I desire to discuss, and I wish to offer some amendments to it. I trust there will be no opposition to having it reconsidered and placed on the Calendar.

Mr. CHANDLER. I shall not object to a reconsideration. Let the bill go upon the Calendar.

The VICE-PRESIDENT. Without objection, the vote by which the bill was passed will be reconsidered, and the bill will be placed on the Calendar.

PROPOSED SUNDAY-REST LAW.

Mr. KYLE. I ask for a reconsideration of the vote by which the petitions on the Sunday-rest bill before the Committee on the District of Columbia were transferred to the Committee on Education and Labor. I have since understood from the Senator from West Virginia [Mr. FAULKNER] that those petitions refer to a different bill. There were two orders adopted yesterday. The latter order may stand. I move a reconsideration of both orders, and that the first order relating to the petitions before the Committee on the District of Columbia be stricken out.

Mr. FAULKNER. We have two bills on the subject before the Committee on the District of Columbia, and there has been considerable investigation already and a report from the Commissioners of the District as to the propriety of passing such a bill. I hope the motion to reconsider will be passed.

The VICE-PRESIDENT. Without objection, the motion to reconsider is agreed to.

Mr. KYLE. I move, then, the adoption of the second order as printed in the RECORD.

Mr. MILLS. What is the order?

Mr. KYLE. To transfer all the petitions relating to a Sunday-rest bill that are now in the office of the Secretary of the Senate to the Committee on Education and Labor.

Mr. MILLS. I wish to ask whether anybody has ever petitioned for a Monday-rest bill or a Tuesday-rest bill or a Thursday-rest bill?

Mr. KYLE. The bill is before the Committee on Education and Labor.

Mr. MILLS. I just wanted to know why it is that Sunday has been set apart as a day for a rest bill.

The VICE-PRESIDENT. The Chair will request the Senator from South Dakota to state again his motion, so that it may be understood.

Mr. KYLE. I merely request that the petitions relating to a general Sunday-rest bill which have been filed during the past two or three years in the office of the Secretary of the Senate be now transferred to the Committee on Education and Labor, where the bill is under consideration.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

COURT ROOM AT HARRISONBURG, VA.

Mr. DANIEL. I move that the Committee on Public Buildings and Grounds be discharged from the further consideration of the joint resolution (H. Res. 174) granting permission to the circuit and county courts in Rockingham County, Va., to occupy the Federal court room in Harrisonburg, Va., and that it be referred to the Committee on the Judiciary.

The motion was agreed to.

W. R. AUSTIN & CO.

Mr. BURROWS. I ask unanimous consent to call up the bill (S. 1822) for the relief of W. A. Austin & Co.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Claims with amendments, in line 4 to strike out the initial "A" and insert the initial "R"; in line 5, before the word "thousand," to strike out "fifty" and insert "thirty-five"; and in line 7 to strike out the initial "A" and insert the initial "R"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to W. R. Austin & Co. the sum of $35,000, out of any money in the Treasury not otherwise appropriated, for materials furnished to the Interior Department by said W. R. Austin & Co. for use in the Eleventh Census of the United States, the same to be in full for all said materials and all vested rights.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of W. R. Austin & Co."

MOBILE AND OHIO RAILROAD BRIDGES.

Mr. BACON. There are three little bills on the Calendar which have been reported favorably from the Committee on Commerce, authorizing the Mobile and Ohio Railroad to build bridges across certain rivers in Alabama. There is no objection to the bills, and there will be no debate upon them. I ask that they may be taken up. They should be acted upon, because it is important that the work should be done without delay.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Georgia? The Chair hears none, and the bills will be proceeded with in their order.

The bill (S. 2943) to authorize the construction of a bridge across the Warrior River by the Mobile and Ohio Railroad Company was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with an amendment, to add at the end of the bill the following additional section:

SEC. 13. That the act approved February 9, 1893, entitled "An act to authorize the construction of a bridge across the Warrior River by the Montgomery, Tuscaloosa and Memphis Railway Company," is hereby repealed.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The bill (S. 2944) to authorize the construction of a bridge across the Cahaba River, in Bibb County, Ala., by the Mobile and Ohio Railroad Company was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with an amendment, to add as an additional section:

SEC. 13. That the act approved February 11, 1893, entitled "An act to authorize the construction of a bridge across Cahaba River, in Bibb County, Ala., by the Montgomery, Tuscaloosa and Memphis Railway," is hereby repealed.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The bill (S. 2945) to amend an act approved August 6, 1888, entitled "An act to authorize the construction of a bridge across the Alabama River," was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with amendments.

The first amendment was, in section 1, line 7, after the words "eighteen hundred and eighty-eight," to insert "together with all the duties and conditions thereby imposed"; in line 9, after the word "hereby," to insert "taken from the said railway company and"; in line 10, after the word "to," to strike out "and"; and after the word "in," in the same line, to insert "and imposed upon"; so as to make the section read:

That the rights, powers, and privileges granted to the Alabama Great Northwestern Railway Company by the act of Congress entitled "An act to authorize the construction of a bridge across the Alabama River," and approved August 6, 1888, together with all the duties and conditions thereby imposed, be, and the same are hereby, taken from the said railway company and in all respects extended to, vested in, and imposed upon the Mobile and Ohio Railroad Company.

The amendment was agreed to.

The next amendment was, in section 2, line 1, after the word "time," to strike out "within which said railway company was authorized to complete" and insert "for completing"; in line 3, after the word "of," to strike out "said" and insert "the"; after the word "bridge," in the same line, to insert "authorized by said act"; and in line 4, after the word "begun," to strike out "in accordance with the provisions of said act"; so as to make the section read:

SEC. 2. That the time for completing the construction of the bridge authorized by said act, which construction has already been begun, be, and the same is hereby, extended for three years from the date of the passage of this act.

The amendment was agreed to.

The next amendment was to insert, as an additional section, the following:

SEC. 3. That section 3 of the said act is hereby amended so as to read as follows:

"SEC. 3. That the Secretary of War is hereby authorized and directed, upon receiving any such plans and map and other information, and upon being satisfied that a bridge built on such plan and with such accessory works and at such locality will conform to the prescribed conditions of this act, to notify the company that he approves the same; and upon receiving such notification the said company may proceed to an erection of said bridge, conforming strictly to the approved plan and location, but until such notification has been received the bridge shall not be commenced or built; should any material change be made in the plan of the bridge or said accessory works during the progress of the work thereon, such change shall be likewise subject to the approval of the Secretary of War. The Secretary may at any time, when, in his judgment, necessary, require the company owning or controlling said bridge to change the same in any respect, or to entirely remove the structure, all such changes or the entire removal to be at the expense of said company."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to authorize the construction of a bridge across the Alabama River by the Mobile and Ohio Railroad Company."

WASHINGTON AND GREAT FALLS ELECTRIC RAILWAY.

Mr. PERKINS. I am directed by the Committee on Appropriations to call up the fortifications appropriation bill, but at the request of the Senator from Tennessee [Mr. HARRIS], I yield to him to call up a bill which I am assured will give rise to no debate.

Mr. HARRIS. I am greatly obliged to the Senator from California. I had risen to ask the unanimous consent of the Senate that the bill (S. 2499) to amend an act entitled "An act to incorporate the Washington and Great Falls Electric Railway Company" be now considered. I do not think it will lead to any debate. I think a statement I can make in two minutes will satisfy the Senate as to the propriety of the passage of the bill.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Tennessee? The Chair hears none, and the bill will be read as in Committee of the Whole.

Mr. HARRIS. Before the reading of the bill, I will make a brief statement.

The bill proposes to amend the charter heretofore granted to what is known as the Washington and Great Falls Electric Railway Company. That company has an act of incorporation within the limits of the District of Columbia from Congress. The railroad is already constructed some miles beyond the limits of the District and the only interest the District has in this bill is that it provides for granting the company a little short branch running from a point opposite the Chain Bridge, some 2 or 3 miles west of Georgetown, to a junction with the Tennallytown road. But as this road parallels the Conduit road clear to Great Falls, the Government is interested only to take care of the conduit that is owned by the Government.

The bill was referred to the War Department and amended in many respects by the engineers of that Department looking to the care of the Conduit road. The bill is reported in the exact form in which the engineers of the War Department returned it to the committee.

That much I deemed it proper to state.

The Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the District of Columbia with amendments.

Mr. HARRIS. I suggest that the amendments reported by the Committee on the District of Columbia may be acted upon as they are reached in the reading of the bill.

The VICE-PRESIDENT. It will be so ordered, in the absence of objection.

The Secretary proceeded to read the bill.

The first amendment reported by the Committee on the District of Columbia was, in section 1, line 18, after the word "route," to insert "exterior to and"; in line 19, after the word "road," to insert "except in the vicinity of Washington Aqueduct boundary stone No. 31, as hereinafter described"; in line 4, on page 3, after the word "road," to strike out "on grade" and insert "at right angles and on the grade of this road"; so as to read:

Section 1 shall be amended to read as follows, commencing with the word "beginning," in line 17:

"Beginning at a passenger station to be erected and maintained on the square bounded by Prospect, Thirty-fifth, M, and Thirty-sixth streets northwest, as hereinafter provided for; thence westerly along Prospect street to or near Thirty-eighth street northwest; thence westerly and northerly on land to be acquired, except at street crossings, by said company, to and across the Foxhall road; thence westerly along the top of the bluff on the north side of the Canal road, and outside and south of the southern boundary of the land of the Washington Aqueduct pertaining to the distributing reservoir, to a point on said boundary not more than 600 feet from the western boundary of said land; thence across said land, but at no point less than 200 feet from the outer crest of the dam of said reservoir, to said western boundary; thence westwardly on a route exterior to and on the south side of the land of the United States pertaining to the Conduit road to the land of the said aqueduct pertaining to the receiving reservoir; thence through said land to a point on the land of said aqueduct near the westerly foot of Dalecarlia Hill; thence westwardly on a route exterior to and on the south side of the land of the United States pertaining to the Conduit road, except in the vicinity of Washington Aqueduct boundary stone No. 31, as hereinafter described, to Cabin John Creek, returning thence along the same line by return tracks to the place of beginning, with the privilege of constructing a branch line, with a single or double track, from the Conduit road lands south to Chain Bridge, and a branch line north, beginning and connecting at a point on its main line, about opposite said Chain Bridge; thence running northerly on land to be acquired by said corporation to the Conduit road; thence across the Conduit road at right angles and on the grade of this road."

The amendment was agreed to.

The next amendment was, on page 4, line 13, after the word "and," to strike out:

For that purpose said railroad may run over and across any of the lands of the United States, or any accessory works of the Washington Aqueduct, upon such conditions as shall be approved by the Secretary of War and accepted by said company.

And insert:

The said railroad may cross, under such conditions as the Secretary of War may impose, the lands of the United States at Chautauqua, between Washington Aqueduct boundary stone No. 31 and a planted stone south 36° 43' west, and distant 206.5 feet from Washington Aqueduct boundary stone No. 67, at which place the inner rail of the tracks shall be not less than 65 feet from the middle of the paved portion of the Conduit road.

So as to read:

The inner rail of said Washington and Great Falls Railway shall not, at any place on the line of said railway, be less than 100 feet from the middle of the paved portion of the Conduit road, except in the county of Montgomery, in the State of Maryland, in which county said inner rail shall not be less than 50 feet from the middle of the paved portion of the Conduit road; and the said railroad may cross, under such conditions as the Secretary of War may impose, the lands of the United States at Chautauqua, between Washington Aqueduct boundary stone No. 31 and a planted stone south 36° 43' west, and distant 206.5 feet from Washington Aqueduct boundary stone No. 67, at which place the inner rail of the tracks shall be not less than 65 feet from the middle of the paved portion of the Conduit road.

The amendment was agreed to.

The next amendment was, on page 6, line 13, after the word "dollars," to insert "or such other sum as the Secretary of War may deem proper"; so as to read:

Said company shall, before commencing work on said railway, deposit with the Treasurer of the United States to the credit of the Washington Aqueduct the sum of $5,000, or such other sum as the Secretary of War may deem proper, to defray all the expenses that may be incurred by the United States in connection with the inspection of the company's work on the lands of the United States, etc.

The amendment was agreed to.

The next amendment was, on page 7, line 18, after the word "State," to strike out:

And the said Washington and Great Falls Railway may cross the projection of the United States land at a point on the south side of the Conduit road just west of the distributing reservoir.

So as to read:

The provisions of this act, as far as applicable, shall apply to any extension of this railway in the State of Maryland that may be granted by said State; and the provisions of section 15 of the act of Congress approved February 28, 1891, entitled "An act to incorporate the Washington and Arlington Railway

Company, of the District of Columbia," shall control and govern all the privileges granted by this act to the Washington and Great Falls Electric Railway Company, etc.

The amendment was agreed to.

The next amendment was, on page 8, line 18, after the word "across," to insert "the Conduit road or"; and in line 19, before the word "road," to strike out "other"; so as to read:

And the said Washington and Great Falls Railway Company shall, where its tracks run on or across any street or road which is under the jurisdiction of the Commissioners of the District of Columbia, or across the Conduit road or any road outside of the District of Columbia, pave the same between the rails and sets of rails and 2 feet outside thereof, with such material and in such manner as shall be approved by such proper authorities, etc.

The amendment was agreed to.

The next amendment was, on page 9, line 23, after the words "United States," to insert "and also at such places along the Conduit road as the Secretary of War may deem necessary"; and on page 10, line 1, after the word "suitable," to insert "cattle guards"; so as to read:

The said corporation shall erect and maintain, subject to the approval of the Secretary of War, at its own expense, a neat, well-painted, and substantial fence, 4 feet in height, on each side of its tracks, through the lands of the United States, and also at such places along the Conduit road as the Secretary of War may deem necessary, with suitable cattle guards, openings, and crossings for roadways, and at such places as the Secretary of War shall consider to be required for the safety of the use of said roadways.

The amendment was agreed to.

The next amendment was, on page 10, line 9, after the word "which," to strike out "it shall pass" and insert "the railway shall pass and such other points along the proposed route as the Secretary of War shall direct"; so as to read:

That the said corporation shall, at its own expense, maintain electric lights during the hours after nightfall that its cars shall run, and at least until 12 o'clock a. m., which lights shall be located so as to light all roads on and across which the railway shall pass and such other points along the proposed route as the Secretary of War shall direct.

The amendment was agreed to.

The next amendment was, on page 10, line 13, after the word "act," to insert:

The crossings over the Conduit road shall be made to conform to all changes of grade of this road.

The amendment was agreed to.

The next amendment was, on page 11, line 3, after the word "apparatus," to insert:

Efficient signals, by gong or bell, shall be made by every car before and during the crossing of the Conduit road, and, if the Secretary of War shall deem necessary and shall so direct, every car shall, before crossing this road, be brought to a full stop.

The amendment was agreed to.

The next amendment was, on page 12, line 7, after the word "Foxhall," to strike out "road" and insert "and Conduit roads"; so as to read:

The said Commissioners shall also have the power to make such regulations as to the rate of speed, the use of tracks, the removal of ice and snow from off the tracks, as the public interests may require; failure to comply with any such requirement or regulation, or failure to stop cars before crossing the Foxhall and Conduit roads, shall subject the company to a fine of $50 for each such failure, which fine may be recovered in any court of competent jurisdiction.

The amendment was agreed to.

Mr. HARRIS. I move to amend by the addition of a new section, as follows:

That the right to alter, amend, or repeal this act is hereby reserved.

The VICE-PRESIDENT. The amendment submitted by the Senator from Tennessee will be stated.

The SECRETARY. It is proposed to add as a new section:

SEC. 3. That Congress reserves the right to alter, amend, or repeal this act.

The amendment was agreed to.

Mr. GORMAN. I wish to call the attention of the Senator from Tennessee to the provision of the bill on page 4, where it is provided that "matters in dispute between the companies respecting railways on the Canal road shall be determined upon the application of either road to any court in the District of Columbia having competent jurisdiction." The road runs into Maryland. Is the Secretary of War to have authority to determine questions arising in Maryland?

Mr. HARRIS. This road is to be constructed under a charter granted by Congress out to the District line, and the remainder of it is to be constructed under a charter granted by the State of Maryland. I have no objection to an amendment that questions in dispute may be referred to any court in Maryland upon that part of the road in Maryland, and think such an amendment would be proper; but if any controversy arises between the companies occupying the same line of road within the District, of course it would be referred to the District court. If the Senator will suggest some amendment which will refer to a court in Maryland any question that occurs in that State, I shall consent to it.

Mr. GORMAN. I would suggest to simply strike out the word "whether," on page 3, line 25; and also the words "or in Maryland," in line 1, on page 4.

Mr. HARRIS. Let those words be stricken out.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 3, line 25, after the word "same," it is proposed to strike out "whether"; and on page 4, line 1, after the words "District of Columbia," to strike out "or in Maryland."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. FRYE. Mr. President——

The VICE-PRESIDENT. The Senator from California [Mr. PERKINS] is entitled to the floor.

Mr. PERKINS. I will state that I will yield the floor for a time, but I want to premise that by saying that the senior Senator from Maryland [Mr. GORMAN], who has taken a deep interest in the fortifications appropriation bill, will be obliged to leave the city this afternoon, and we wish to consider the bill before he leaves. Therefore I trust Senators will not call up other bills until we dispose of the appropriation bill.

Mr. FRYE. I submit the conference report on the river and harbor bill, and ask for its present consideration.

The VICE-PRESIDENT. The report will be read.

Mr. GORMAN. I suggest to the Senator from Maine, to save time, that the report be printed.

Mr. FRYE. There is no necessity of that. I think I can explain to any Senator who desires to make an inquiry about any particular item in the report, and I do not wish the delay of printing.

Mr. GORMAN. The only reason I have in making the suggestion is that the fortifications appropriation bill is now before the Senate, and for reasons which the Senator from California [Mr. PERKINS] gave, but which perhaps the Senator from Maine did not hear, I should like very much to have that bill disposed of to-day. I suggest, therefore, that the conference report on the river and harbor bill be printed, as its consideration may consume considerable time.

Mr. SHERMAN. We can not hear what is said on the other side of the Chamber, but I suggest that the conference report had better be printed.

Mr. FRYE. There is no need, let me state to the Senator from Ohio, for printing the report. Two-thirds of the amendments are mere amendments of form, and I can explain to any Senator if he desires to make any inquiry as to a particular improvement. It is very important that this conference report should be promptly disposed of.

Mr. SHERMAN. I do not want to delay, but only wish to expedite it. I think the report should be printed.

Mr. FRYE. The conference committee has disagreed and there has to be a further conference, and I want to dispose of the amendments as to which we have agreed.

Mr. CHANDLER. I ask the Senator to make an explanation.

Mr. SHERMAN. As I understand, there is a necessity for a further conference.

Mr. FRYE. There will be a necessity for a further conference, because we have disagreed as to some items.

Mr. CHANDLER. I ask the Senator from Maine to make an explanation as to how far the conferees have agreed.

Mr. FRYE. The conferees have agreed as to everything except the San Pedro continuing contract, the Senate amendment in relation to Santa Monica, and the item for a further survey of Wilmington Harbor. Everything is agreed to with the exception of those three items.

Mr. GRAY. Those in California?

Mr. FRYE. Those in California. It is all really the Santa Monica question.

Mr. WHITE. As I understand, it is a disagreement as to the matter of the inner harbor at San Pedro?

Mr. FRYE. A disagreement as to that.

Mr. WHITE. And even as to the proposed survey there is a disagreement?

Mr. FRYE. Yes.

Mr. WHITE. I have nothing to say at present.

Mr. BACON. Mr. President, I do not know what time would best suit the convenience of the Senate and the distinguished chairman of the Committee on Commerce, but if my information is correct as to one item upon which the conference committee has agreed, I shall certainly ask the Senate that I may be heard in opposition to that agreement. I simply make that statement as the chairman speaks of it as a mere matter of form.

Mr. FRYE. No; what I said was that there was no necessity for printing the report, because whatever any Senator desired to know in relation to any particular amendment, in my opinion, I could

inform him. As to the amendment of which the Senator speaks, I can inform him in relation to that. So there is no need of printing the report. I do not want the delay of printing, because it is very important that this bill shall be finally passed, if it is going to pass at all, before a great while.

Mr. BACON. I should very much prefer not to have the report taken up to-day, if I can avoid it. I had no anticipation that such would be the direction given by the Commerce Committee. I supposed from the action taken by the Senate Committee on Commerce and by the action of the Senate that the provision made for Brunswick Harbor would be very strenuously maintained on the part of the conferees representing the Senate. As it is a matter of extreme importance to my State, not only to the immediate harbor of Brunswick, but to the State at large, I shall ask to be heard at length on it. I have not had the opportunity to gather the data which I wish to present to the Senate on that subject. I regard it as something very much more than a matter of form. Of course, if the Senator from Maine insists upon going on with the report to-day, I shall ask to be heard; if he does not, I shall ask to be heard at such time as the report is taken up.

Mr. FRYE. It seems to me to be my duty to insist on going on. Every Senator here knows why this bill ought to be disposed of, without my saying it.

Mr. BACON. I presume that the same reasons which relate to this bill relate to all others on the question of expedition.

Mr. FRYE. No; I think not.

Mr. BACON. There are other important bills beside this one, and it ought not at any time, if the Senator from Maine will pardon me, to be disposed of improperly. Why ought the Senate be called upon to dispose of it until it shall have opportunity to judge of what is proper to be done in the matter? I do not understand that there is any such great public exigency, or private interest, as demands the immediate and hurried adjournment of this session of Congress before it shall have properly discharged the grave duties which devolve upon it. I understand, of course, that we all have private interests, which make it important that we should adjourn, and we also have some public interests which make it desirable that this session should not be unnecessarily prolonged, and they vary in degree in the cases of different individuals. But at the same time, I do think that in a matter which relates to the second harbor in my State and to one of the best harbors on the whole Atlantic coast, one which has commercial relations with every important commercial harbor or city upon the Atlantic Coast—I do think that it ought not to be disposed of hastily nor as a mere matter of form, and I think I ought to have the opportunity to be heard.

Mr. FRYE. The Senator is misquoting me. I said two-thirds of the amendments made to the bill were mere matters of form, and that as to the remainder I could inform Senators if they desired to know what disposition had been made of them. I never said all the amendments were matters of form. I do not understand that the amendment to which the Senator from Georgia refers is a matter of form.

Mr. BACON. I do not recall the Senator's language, but that was the impression made upon my mind. I do not know that this bill is any more important than the fortifications appropriation bill, especially in view of the notice which has been given by the distinguished Senator from Maryland [Mr. GORMAN] as to amendments which he intends to offer to it. I simply ask, as this is a matter which I understand the conference committee have agreed upon adverse to the interests which I have the honor to represent here, that I may have a reasonable opportunity to present it to the Senate. I can not very well do that to-day. I shall do it, however, if required.

Mr. FRYE. I move that the Senate proceed to the consideration of the conference report.

The VICE-PRESIDENT. The Chair submits to the Senate the motion of the Senator from Maine that the Senate proceed to the consideration of the conference report on the river and harbor bill.

The question being put, there were on a division—ayes 24, noes 13; no quorum voting.

The VICE-PRESIDENT. No quorum having voted, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allen,	Cullom,	Lindsay,	Roach,
Bacon,	Davis,	Lodge,	Sewell,
Baker,	Dubois,	McBride,	Sherman,
Bate,	Elkins,	Martin,	Shoup,
Berry,	Faulkner,	Mills,	Smith,
Brown,	Frye,	Mitchell, Wis.	Stewart,
Burrows,	Gallinger,	Morgan,	Teller,
Butler,	Gear,	Morrill,	Thurston,
Caffery,	George,	Nelson,	Vest,
Cameron,	Gorman,	Pasco,	Vilas,
Cannon,	Gray,	Peffer,	Walthall,
Carter,	Hale,	Perkins,	Warren,
Chandler,	Hawley,	Platt,	Wetmore,
Chilton,	Hill,	Pritchard,	White,
Cockrell,	Jones, Ark.	Proctor,	Wolcott.

The VICE-PRESIDENT. Sixty Senators have answered to their names. A quorum is present. The question recurs upon the motion of the Senator from Maine to proceed to the consideration of the conference report indicated by him.

Mr. BACON. Mr. President, as a number of Senators are now present who were not present when this matter came before the Senate at the time the previous vote was taken, I beg leave to again state briefly my reasons for asking that this conference report be not taken up to-day.

Mr. FRYE. My impression is that this question is not debatable. I do not care to intervene, however.

The VICE-PRESIDENT. The Chair will state the motion is not debatable except by unanimous consent. Is there objection to the Senator from Georgia proceeding?

Mr. FRYE. I shall not object to the Senator making his remarks, but I do not want a general debate on this matter.

The VICE-PRESIDENT. The Senator from Georgia will proceed.

Mr. BACON. When this conference report was presented several distinguished Senators, those who are recognized as having as much experience as any other Senators present, suggested that the report be printed. The Senator from Maine objected and asked the Senate to proceed to its immediate consideration. The fact is, as I understand it, that the usual course is to print these reports, and there now lie upon our tables two or three reports of other conference committees which have been printed.

The purpose I have in asking that we do not proceed with the immediate consideration of the report is that the conference committee have agreed to strike out that portion of the bill which relates to the harbor of Brunswick. It is a most important matter, not only to that immediate locality, but to all of the commercial interests of my State. It is a matter of considerable complication; it is a matter which I wish to have the opportunity to present to the Senate; it is a matter which, if improperly determined now, is going to very injuriously affect not only that particular community, but a very large part of the State of Georgia. I do think that it is not an unreasonable request which I make. I had no anticipation up to within a few hours that such would be the case; certainly not until late yesterday afternoon. There is a great deal of matter which I wish to present to the Senate to show the importance of this work. I want to show its feasibility and its practicability, and I want to show that it is to the interest of the country at large that the work should be done. I can not properly do it to-day. If forced to proceed, I must do the best I can.

I have not the papers, I have not anything with which to go before the Senate on this question and contest with the distinguished gentlemen who have had it under consideration and who are entirely familiar with everything upon their side. I have nothing here except such as I can use in the way of recollection of what I have seen and heard and read and know.

Why should this thing be rushed, I want to know? What is the great controlling reason why this bill should have precedence of all other bills? What is the great controlling reason why this Congress has the urgent necessity to break up and rush away from here before it has discharged its duties? Is there any reason? I ask is there anything in the way of emergency which stands above the obligation to properly discharge the duties of this session and to properly dispose of important questions which are before us?

I do think that with this great bill, which we are told has dealt so liberally with all commercial ports and rivers, there should certainly be no haste. It is as important that proper consideration should be given to one interest as to another, and I hope that Senators will extend this courtesy to me personally in order that I may properly present to the Senate the interests which I have the honor here to represent. I can not do it properly to-day.

Mr. FRYE. If the Senate is willing, I will consent that the report shall go over until to-morrow morning, immediately after the reading of the Journal.

Mr. BACON. Meanwhile to be printed?

Mr. FRYE. If Senators desire it to be printed. There is no need of printing it, however, not the slightest.

Mr. BACON. So far as I am personally concerned I care nothing about that part of it, but there are other Senators who do.

Mr. FRYE. I am entirely willing that it shall be printed, only it is a waste of money.

The VICE-PRESIDENT. Will the Senator from Maine indicate his request?

Mr. FRYE. I ask that the conference report on the river and harbor bill may be taken up to-morrow morning, immediately after the reading of the Journal.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. BUTLER subsequently said: Do I understand that the conference report on the river and harbor bill has gone over and is to be printed?

The VICE-PRESIDENT. The conference report will be printed in the RECORD, the Chair will state.

Mr. BUTLER. It is to be printed in the RECORD to-morrow morning?

The VICE-PRESIDENT. It will be so ordered.

Mr. BUTLER. I should like to ask, as it will not delay the matter, that the report shall also be printed in pamphlet form, so that Senators may see exactly what has been done. Nearly every Senator is interested in the bill.

The VICE-PRESIDENT. Does the Senator from North Carolina make that request?

Mr. BUTLER. I make that request.

The VICE-PRESIDENT. Is there objection?

Mr. GORMAN. What is the request?

The VICE-PRESIDENT. That the conference report upon the river and harbor bill be printed as a separate document.

Mr. GORMAN. And in the RECORD also?

The VICE-PRESIDENT. And in the RECORD also. Is there objection? The Chair hears none, and it is so ordered.

The report is as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7077) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 20, 36, 38, 43, 49, 67, 69, 73, 74, 75, 80, 93, 104, 118, 126, 138, 140, 142, 157, 158, 160, 172, 207, 208, 222, 223, 250, 251, 333, 385.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 39, 40, 41, 42, 43, 44, 46, 47, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 68, 70, 72, 78, 79, 81, 82, 84, 85, 88, 89, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 139, 105, 106, 112, 113, 114, 115, 116, 117, 119, 120, 121, 122, 123, 124, 125, 127, 129, 131, 133, 134, 135, 140, 141, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 159, 161, 162, 163, 164, 165, 166, 168, 169, 170, 171, 173 (but to be inserted at the end of the item for the Potomac River, instead of that for the Appomattox River, as erroneously printed), 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 200, 201, 202, 203, 205, 206, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 246, 247, 248, 252, 253, 254, 255, 256, 257, 258, 261, 262, 263, 264, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 325, 326, 327, 328, 329, 330, 331, 332, 334, 335, 336, 337, 338, 339, 340, 341, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 377, 378, 379, 380, 381, 382, 384, 387, 388, 389, 390, 391, 392, and agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In lieu of the language proposed to be inserted insert the following: "*And provided further*, That in making such contracts the Secretary of War shall not obligate the Government to pay in any one fiscal year, beginning July 1, 1897, more than 25 per cent of the whole amount authorized to be expended"; and the Senate agree to the same.

Amendment numbered 45: That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: In lieu of the language stricken out insert the two following paragraphs:

"For the purpose of strengthening and improving the bulkheads and pier along the property belonging to the estate of J. P. Robinson, which abuts on the channel known as Gowanus Creek Channel, the said estate of J. P. Robinson, its heirs, their successors, or assigns, are hereby authorized to construct and maintain the bulkhead distant 30 feet southerly from the present bulkhead line, beginning 470 feet from the southerly side of Bryant street and the easterly side of Court street, and said bulkhead shall then continue westerly parallel with the present bulkhead to a point distant 45 feet from the present easterly line of the pier at present owned by the estate of J. P. Robinson, and extending thence southerly in a straight line distant 45 feet from said pier line to the present bulkhead line continued, a distance of about 393 feet.

"Improving Gowanus Creek Channel, New York, by deepening the same to 20 feet at mean low water, from the foot of Percival street to its junction with the Red Hook Channel, $25,000."

And the Senate agree to the same.

Amendment numbered 50: That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows: In lieu of the language stricken out insert the following paragraph:

"Improving harbor at Mamaroneck, N. Y.: Continuing improvement, in accordance with report of Chief of Engineers, 1897, $10,000."

And the Senate agree to the same.

Amendment numbered 71: That the House recede from its disagreement to the amendment of the Senate numbered 71, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$20,000"; and the Senate agree to the same.

Amendment numbered 76: That the House recede from its disagreement to the amendment of the Senate numbered 76, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,000,000"; and strike out the words "recommended in said"; and the Senate agree to the same.

Amendment numbered 77: That the House recede from its disagreement to the amendment of the Senate numbered 77, and agree to the same with an amendment as follows: Strike out the word "report," proposed to be inserted; and the Senate agree to the same.

Amendments numbered 86 and 87: That the House recede from its disagreement to the amendments of the Senate numbered 86 and 87, and agree to the same with an amendment as follows: In lieu of the sum proposed insert $80,000; and strike out all the remainder of the paragraph, being the proviso, including amendment numbered 87; and the Senate agree to the same.

Amendment numbered 90: That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with an amendment as follows: After the word "improvement," in the second line of the paragraph, strike out the word "fifty" and insert seventy-five; and after the word "million," in the seventh line of the paragraph, insert the words "and fifty thousand"; and the Senate agree to the same.

Amendments numbered 107, 108, 109, 110, and 111: That the House recede from its disagreement to the amendments of the Senate numbered 107, 108, 109, 110, and 111, and agree to the same with an amendment as follows: Strike out the entire paragraph and insert in lieu thereof the following paragraph:

"Improving harbor at Manistee, Mich.: Continuing improvement and dredging the interior channel, $15,000; and all moneys heretofore appropriated and now unexpended may be used for dredging such interior channel at the discretion of the Secretary of War. Any limitations on such former appropriations are hereby repealed."

And the Senate agree to the same.

Amendment numbered 128: That the House recede from its disagreement to the amendment of the Senate numbered 128, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$20,000,"; and the Senate agree to the same.

Amendment numbered 136: That the House recede from its disagreement to the amendment of the Senate numbered 136, and agree to the same with an amendment as follows: Restore the language proposed to be stricken out, and at the end of it insert the following: "If in the opinion of the Secretary of War the interests of commerce demand such expenditure"; and the Senate agree to the same.

Amendment numbered 137: That the House recede from its disagreement to the amendment of the Senate numbered 137, and agree to the same with an amendment as follows: From the language proposed to be stricken out except the words "ten thousand dollars"; and the Senate agree to the same.

Amendment numbered 167: That the House recede from its disagreement to the amendment of the Senate numbered 167, and agree to the same with an amendment as follows: In the twelfth line of the language proposed to be inserted strike out the word "but," after the word "Point," and insert in lieu thereof the word "until"; and in the fourteenth line of said proposed language strike out the words "through the Secretary to the next Congress," and insert in lieu thereof the words "to the Secretary of War on the first Monday in December of the current year"; and at the end of the language proposed insert the following:

"And the Secretary of War is hereby authorized to carry out the recommendations of said board, and to modify the present contract, if necessary, and adjust any loss with the contractor occasioned by the provisions of this act, and to pay the same out of the appropriation under which the said contract was made; also to expend the additional sum of $25,000, in his discretion, for such dredging as may be necessary for the maintenance of channels from the mouths of the Appoquinimink River and Blackbird Creek to the channel of the Delaware River through the dike now being constructed from Reedy Island to Liston Point for the improvement of the Delaware."

And the Senate agree to the same.

Amendment numbered 185: That the House recede from its disagreement to the amendment of the Senate numbered 185, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$10,000"; and the Senate agree to the same.

Amendment numbered 199: That the House recede from its disagreement to the amendment of the Senate numbered 199, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$20,000"; and the Senate agree to the same.

Amendment numbered 204: That the House recede from its disagreement to the amendment of the Senate numbered 204, and agree to the same with an amendment as follows: Restore the language proposed to be stricken out, and in the next to the last line of the same strike out the word "dams" and insert in lieu thereof the word "locks"; and the Senate agree to the same.

Amendment numbered 245: That the House recede from its disagreement to the amendment of the Senate numbered 245, and agree to the same with an amendment as follows: After the word "war," in the fourth line of the language proposed to be inserted, insert the following: "not exceeding $50,000, or so much thereof as maybe necessary"; and after the word "river," in the following line, strike out the words "such amounts as may be necessary" and insert in lieu thereof the word "and"; and the Senate agree to the same.

Amendment numbered 248: That the House recede from its disagreement to the amendment of the Senate numbered 248, and agree to the same with an amendment as follows: After the word "otherwise," proposed to be inserted, insert the words "not exceeding $50,000, or so much thereof as may be necessary"; and the Senate agree to the same.

Amendment numbered 249: That the House recede from its disagreement to the amendment of the Senate numbered 249, and agree to the same with an amendment as follows: In the language proposed to be inserted strike out the words "such amounts as may be necessary"; and the Senate agree to the same.

Amendment numbered 259: That the House recede from its disagreement to the amendment of the Senate numbered 259, and agree to the same with an amendment as follows: After the word "dollars," at the end of the first proviso, insert the words "exclusive of the amount herein appropriated"; and the Senate agree to the same.

Amendment numbered 260: That the House recede from its disagreement to the amendment of the Senate numbered 260, and agree to the same with an amendment as follows: Before the word "obtaining," next preceding the words proposed to be inserted, insert the word "ultimately"; and the Senate agree to the same.

Amendment numbered 265: That the House recede from its disagreement to the amendment of the Senate numbered 265, and agree to the same with an amendment as follows: Strike out of the language proposed to be inserted all after the word "Commission" and insert in lieu thereof the following:

"For the purpose of improving the channel by preventing erosion of the banks, not exceeding $70,000 at Omaha and Council Bluffs, or so much thereof as may be necessary; at Rocheport, not exceeding $50,000, or so much thereof as may be necessary; at Glasgow, and for protecting the shore line above Glasgow from the foot of Bowling Green Bend to the head of Harrisons Island, not exceeding $80,000, or so much thereof as may be necessary; at Miami, not exceeding $65,000, or so much thereof as may be necessary; at St. Charles, not exceeding $50,000, or so much thereof as may be necessary; at and near the mouth of the Little Blue, in Jackson County, Mo., not exceeding $20,000, or so much thereof as may be necessary; on the banks of the river opposite Leavenworth and Atchison, not exceeding $15,000 at each of said localities, or so much thereof as may be necessary; at Nebraska City, not exceeding $25,000, or so much thereof as may be necessary: *Provided*, That the Commission may also expend such amounts as may be absolutely necessary at any time in the improvement of the channel by preventing erosion of the banks at other harbors and localities on the river."

And the Senate agree to the same.

Amendment numbered 280: That the House recede from its disagreement to the amendment of the Senate numbered 280, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$150,000"; and strike out all of the proposed language following said sum, being the proviso; and the Senate agree to the same.

Amendment numbered 297: That the House recede from its disagreement to the amendment of the Senate numbered 297, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$150,000"; strike out all of the first proviso proposed, and strike out the word "further," after the word "*Provided*," in the second proviso; and the Senate agree to the same.

Amendment numbered 308: That the House recede from its disagreement to the amendment of the Senate numbered 308, and agree to the same with an amendment as follows: In lieu of the section proposed to be inserted insert the following:

"SEC. 6. That the Secretary of War is hereby authorized and directed to cause to be made and transmitted to the first session of the Fifty-fifth Congress a compilation giving a complete list of all the preliminary examinations that have heretofore been made, date of report, with a statement as to each, whether favorable or unfavorable for survey; also a complete list of all surveys that have heretofore been made, with a statement as to each, whether favorable for adoption or unfavorable, and date of report, amount recommended for completion and amount recommended for each, to be expended during the fiscal year beginning July 1, 1896, by both the Chief of Engineers and the engineer in charge; also a complete list of all projects now under construction or maintenance, together with the year when adopted, and if modified, when; the total amount expended on each project and estimate of amount required to complete the same, and amount recommended by the Chief of Engineers and by the engineer in charge to be expended during the fiscal year beginning July 1, 1896, the amount appropriated for each project by this act, making reference to the report of the Chief of Engineers, where report of each project is given, together with a statement containing the amount of the unexpended balance to the credit of each project July 1, 1897, whether under construction, work suspended, or appropriation made and work not commenced; also the total amounts appropriated heretofore for the improvement and maintenance of the rivers, and the total amounts heretofore appropriated for the improvement and maintenance of harbors in each river and harbor act; also the total amount of appropriation, by States, for the improvement of rivers and harbors."

And the Senate agree to the same.

Amendment numbered 324: That the House recede from its disagreement to the amendment of the Senate numbered 324, and agree to the same with an amendment as follows: In lieu of the language stricken out insert the following:

"The Secretary of War is hereby directed to cause to be made accurate examinations and estimates of cost of construction of a ship canal, by the most practicable route, wholly within the United States, from the Great Lakes to the navigable waters of the Hudson River, of sufficient capacity to transport the tonnage of the lakes to the sea."

And the Senate agree to the same.

Amendment numbered 360: That the House recede from its disagreement to the amendment of the Senate numbered 360, and agree to the same with an amendment as follows: In lieu of the language proposed to be inserted insert the following:

"Delaware River, with a view to obtaining a channel 600 feet wide and 30 feet deep from a point at or near the city of Philadelphia to the deep water of Delaware Bay."

And the Senate agree to the same.

Amendment numbered 375: That the House recede from its disagreement to the amendment of the Senate numbered 375, and agree to the same with an amendment as follows: In addition to the language proposed insert the following new paragraph:

"Removal of dam in upper Allegheny, near Corydon, and all the dams on the Conewango Creek, and the rapids at or near Waterboro, in the Conewango Creek, a tributary of the Allegheny River."

And the Senate agree to the same.

Amendment numbered 376: That the House recede from its disagreement to the amendment of the Senate numbered 376, and agree to the same with an amendment as follows: After the language proposed to be inserted insert the following paragraph:

"Gowanus Creek, with a view of obtaining a depth of 30 feet at mean low water."

And the Senate agree to the same.

Amendment numbered 383: That the House recede from its disagreement to the amendment of the Senate numbered 383, and agree to the same with an amendment as follows: In the line after the language proposed to be inserted strike out the word "from," before the word "modified," and insert in lieu thereof the word "for"; and the Senate agree to the same.

Amendment numbered 386: That the House recede from its disagreement to the amendment of the Senate numbered 386, and agree to the same with an amendment as follows: After the word "refuge," in the next paragraph but one preceding, insert a new paragraph, as follows:

"Inner harbor at Point Judith Pond."

And the Senate agree to the same.

Amendments numbered 130, 132, and 342: The committee of conference have been unable to agree on the amendments of the Senate numbered 130, 132, and 342.

WM. P. FRYE,
M. S. QUAY,
G. G. VEST,
Managers on the part of the Senate.

W. B. HOOKER,
BINGER HERMANN,
T. C. CATCHINGS,
Managers on the part of the House.

FORTIFICATIONS APPROPRIATION BILL.

Mr. PERKINS. I move that the Senate proceed to the consideration of the bill (H. R. 8109) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

The motion was agreed to.

Mr. BUTLER. Will the Senator from California yield to me to give a notice?

Mr. PERKINS. Certainly.

REGULATION OF BOND ISSUES.

Mr. BUTLER. The fortifications appropriation bill is now before the Senate. I gave notice several times that I should call up the bill (S. 1341) to prohibit the further issuance of interest-bearing bonds without the consent of Congress. I have given way on account of privileged questions before the body, the Du Pont case and various appropriation bills. The other day I gave another notice that immediately after the conclusion of the appropriation bill for the District of Columbia I should call up this bill for consideration and final action.

Mr. ALDRICH. What is the bill?

Mr. BUTLER. To prevent the further issue of bonds without the consent of Congress, in about those words. The bill is two lines long, but very important.

I intended under that notice to call up the bill this morning. The Chair has recognized the Senator from California [Mr. PERKINS], and he has called up the appropriation bill. I dislike to move to displace it, because I understand there are several Senators who are interested in the fortifications bill who agree with me; but I feel that I have given way in this matter, which is very important, long enough. I certainly consider that the fortification of the Treasury of the country is more important than the fortifications referred to in the fortifications bill. We certainly should stop the drain upon our Treasury, with nothing to show for it, before we make defenses against a foreign enemy when there is no enemy in sight.

The newspapers tell us that over a million dollars in gold went out yesterday. We all know that another issue of bonds is just ahead of us if we do not stop this proceeding, and not only an issue of bonds, but an issue of bonds without the consent of Congress—without Congress being consulted as to how they shall be issued, to whom they shall issue, at what price, and for what purpose. There is nothing before the people more important than this question. It is the duty of Congress to take up the constitutional right which, without any constitutional warrant, it has surrendered. I feel it is more important than the fortifications bill, but I will give way now and give another notice. Immediately after the conclusion of the fortifications bill I will ask the Senate to take up the bill I refer to. I suppose the appropriation bill will be disposed of to-day. I ask the Senator from California whether it will not be?

Mr. PERKINS. Probably. It ought not to take more than two hours, but of course I do not speak advisedly in that respect.

Mr. BUTLER. Then, at the conclusion of the fortifications bill I shall move and insist, and I will not give way if an appropriation bill comes up unless the Senate by a vote so decides (and there is no appropriation bill before the Senate except this one, because the next bill is still before the committee and has not been reported), that the Senate take up the bill (S. 1341) to prevent the further issuance of interest-bearing bonds without the consent of Congress.

TRIAL FOR CONTEMPT OF COURT.

Mr. HILL. I give notice that at the first lull in the consideration of appropriation bills I shall move to take up the bill (S. 2984) in relation to contempts of court.

MANUFACTURE AND SALE OF FILLED CHEESE.

Mr. SHERMAN. I take this opportunity to give notice that after the fortifications bill is disposed of I will ask the attention of the Senate, if possible, to what is called the filled-cheese bill.

Mr. VEST. The minority of the committee had leave the other day to file a minority report in the case, and I have been endeavoring to get time to prepare it, but I have been a conferee on the river and harbor bill all the time, and I have actually not had the time or the strength to do the work.

Mr. SHERMAN. I will state to the Senator from Missouri that the majority of the committee did not write out a report. They have taken the report of the House committee and will no doubt use it as their own report.

Mr. VEST. I so understand.

Mr. SHERMAN. But if the Senator from Missouri wants any reasonable time there is no objection to granting it. I think it is important, however, to have the matter disposed of as soon as possible—in a day or two—and I will postpone the notice. I do not want to take advantage of anybody.

Mr. VEST. I shall not be prepared to have the bill taken up to-morrow, I will tell the Senator from Ohio, for I have not had time to examine the papers that came from the other House, which are quite voluminous—the testimony taken there and the report of the committee of the House. It is an important question.

Mr. SHERMAN. The Senator has no desire to object to the bill being taken up?

Mr. VEST. Not at all. I merely want time to look into it. I have been so engaged that I could not do it. One or two of my colleagues have spoken to me about the report and have asked me to prepare it, and I have had to say to them, as I now state publicly, that I have actually not had the time to do so.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 888) to amend an act entitled "An act to incorporate the Capital Railway Company," approved March 2, 1895.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 4363) to increase the pension of Joseph J. Hudson;

A bill (H. R. 4720) granting an increase of pension to Isaac H. Whetsel, of Louisville, Ky.; and

A bill (H. R. 6483) granting increase of pension to Thomas D. Walker.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (S. 1837) granting a pension to Ellen C. Ewing, widow of Bvt. Maj. Gen. Thomas Ewing;

A bill (H. R. 270) changing the time of holding terms of the circuit and district courts of the United States in the northern district of California;

A bill (H. R. 3013) to amend section 4131 of the Revised Statutes of the United States, to improve the merchant marine engineer service and thereby also to increase the efficiency of the Naval Reserve, and for other purposes;

A bill (H. R. 4179) to amend section 3719 of the Revised Statutes, relative to guaranties on proposals for naval supplies;

A bill (H. R. 4324) authorizing the Secretary of the Navy to deliver one condemned cannon to the city of Elmwood, Peoria County, Ill., and for other purposes;

A bill (H. R. 4452) to amend section 416 of the Revised Statutes of the United States relating to the District of Columbia;

A bill (H. R. 5217) making one year's residence in a Territory a prerequisite to obtaining a divorce there;

A bill (H. R. 5226) to give increased pension to Gen. James C. Parrott;

A bill (H. R. 5379) making it unlawful to shoot at or into any locomotive or car, or at any person thereon, or to throw any rock or other missile at or into any locomotive or car in the Indian Territory, and for other purposes;

A bill (H. R. 7285) for the relief of George McFarland;

A bill (H. R. 7324) to authorize and empower the State of South Dakota to select the Fort Sully Military Reservation, in said State, as a part of the lands granted to the State under the provisions of an act to provide for the admission of South Dakota into the Union, approved February 22, 1889, and for indemnity school lands, and for other purposes;

A bill (H. R. 8260) to authorize the establishment of a life-saving station at Port Huron, on the coast of Lake Huron, Michigan;

A bill (H. R. 8590) granting to the Denver, Cripple Creek and Southwestern Railroad Company a right of way through the South Platte and Plum Creek forest reserves, in the State of Colorado; and

A bill (H. R. 9030) declaring a certain bridge across the Tallahatchie River, in Tallahatchie County, State of Mississippi, a lawful structure, and for other purposes.

FORTIFICATIONS APPROPRIATION BILL.

Mr. PERKINS. Now let the appropriation bill be proceeded with.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 8100) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. PERKINS. I ask that the formal reading of the bill be dispensed with, and that the committee amendments be acted upon as they are reached in the reading of the bill.

The VICE-PRESIDENT. Without objection, it will be so ordered.

The Secretary proceeded to read the bill. The first amendment of the Committee on Appropriations was, under the head of "Gun and mortar batteries," on page 1, line 9, before the word "dollars," to strike out "$1,885,000" and insert "$5,000,000"; and in the same line, after the word "dollars," to strike out:

Provided, That contracts may be entered into, under the direction of the Secretary of War, for materials for construction of fortifications, to be paid for as appropriations may from time to time be made by law, to an additional sum, in the aggregate not to exceed $3,375,000.

So as to make the clause read:

Gun and mortar batteries: For construction of fortifications, $5,000,000.

Mr. GORMAN. I wish to call the attention of the Senate, so that it may understand precisely what we are doing with this provision, to the fact that as the bill came from the other House it appropriated $1,885,000 for the construction of gun and mortar batteries, and authorized contracts to be made for a sum aggregating not to exceed $3,375,000. The committee recommend striking out the provision for contracts and appropriating a round sum of $5,000,000 on this account. It will unquestionably be a saving to the Government to have a direct appropriation made, and it will greatly facilitate the work. At the same time it will not embarrass the Treasury to any greater extent than the provision as it came from the other House, and because of that fact I for one have agreed to the amendment.

The PRESIDING OFFICER (Mr. CHANDLER in the chair). The question is on agreeing to the amendment reported by the Committee on Appropriations.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 2, to increase the appropriation for sites for fortifications and seacoast defenses from $250,000 to $500,000.

The amendment was agreed to.

The next amendment was, under the head of "Armament of fortifications," on page 3, line 4, after the word "caliber," to strike out "and forgings for one type 16-inch gun"; and in line 8, before the word "thousand," to strike out "three hundred and thirty-two" and insert "ninety"; so as to make the clause read:

Oil-tempered and annealed steel for high-power coast-defense guns of 8-inch, 10-inch, and 12-inch caliber, in quality and dimensions conforming to specifications, subject to inspection at each stage of manufacture, and including all parts of each caliber, $1,090,038:

Mr. PERKINS. I will state, in explanation of the amendment proposed in this clause, that the committee, after hearing the testimony of the Chief of Ordnance and the Chief of Engineers, United States Army, decided that it would be expedient to defer the building of the 16-inch gun until some later period. The estimated cost of the forging is $115,000. The Chief of Ordnance, after reviewing the estimates for the forgings which are necessary for the construction of these guns of various caliber, decided that he could reduce the figure $127,000, which he did, making the total reduction $242,000, reducing the amount from $1,332,038 to $1,090,038.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the Committee on Appropriations.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 3, line 9, after the word "dollars," to insert the following proviso:

Provided, That no contract for oil-tempered and annealed steel for high-power coast-defense guns and mortars shall be made at a price exceeding 24 cents per pound.

Mr. GORMAN. I wish to call attention to this proviso. It is a very important one. Heretofore the Secretary of War and the Secretary of the Navy have been authorized to make contracts for the purchase of tempered annealed steel for all purposes, for the purpose of manufacturing guns as well as for armor and ships and so on. To the naval appropriation bill the Naval Affairs Committee reported an amendment limiting the amount which was to be paid for armor, and limiting it, I think, to a point where possibly we will not be able to procure any first-class armor.

In this case it appears, as Senators will find in the copy of the hearing, that we have paid heretofore for steel for the manufacture of these guns, beginning in 1889, 30½ cents a pound. In 1895 the price went down to 27.3 cents. Now, the committee propose an amendment prohibiting a contract being made for a price exceeding 24 cents a pound, which I think is very liberal. So far as I am concerned, with the best information I could get, I would have limited the cost of it to 22 cents a pound. But strange to say, we could not get any information from the Department which showed the cost of the like character of steel in any other country during last year. It is due to the officers to say that they were somewhat disinclined to have any limitation whatever upon the price.

I merely wish to call the attention of the Senate to what is being done in this matter. I think it is a liberal provision. As I said a moment ago, I should be prepared to reduce the amount to 22 cents a pound.

Mr. PERKINS. I simply desire to supplement that which has been so well stated by the Senator from Maryland [Mr. GORMAN] that we absolutely had no official data whereby we might limit the cost of producing the forgings of these guns. It is a secret, so to speak, which the manufacturers do not give to the public. But we ascertained the fact that when the guns were manufactured in years gone by at a cost of 30 cents per pound for the steel forgings delivered to our Government, and later at 27.3 cents average cost, the steel billets or steel ingots were worth from thirty to thirty-five dollars per ton. At the present time ingot steel is selling as low as $17 a ton. Labor is from 10 to 15 per cent less. Therefore the reduction which we have made, from 27.3 to 24 cents per pound, is about 12½ per cent, while the reduction in the cost of the raw material, in pig iron and Bessemer steel and also in labor, has averaged fully 17½ per cent.

The committee believed that in making this reduction the Department would be able to secure the guns forged at this price or even perhaps at a lower figure. We therefore trust that the amendment proposed by the committee will meet the approval of the Senate.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the Committee on Appropriations.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of

the Committee on Appropriations was, on page 4, line 1, after the word "million," to strike out "eight hundred and ninety-six thousand two hundred" and insert "six hundred and fifty-five thousand"; and in line 5, after the word "fortifications," to strike out "up to March 1" and insert "for the fiscal year"; so as to make the clause read:

In all, $3,655,076: *Provided*, That the following sums, which are estimated to meet the necessary expenditures for the aforementioned objects under armament of fortifications for the fiscal year 1897, are hereby appropriated, namely:

Mr. PERKINS. I will state, in explanation of the amendment, that the bill as it came from the other House only provided for an expenditure of money up to the 1st of March. It has been the custom of Congress heretofore to make appropriations for the fiscal year ending June 30. The committee believed we should not depart from that well-established custom and usage of Congress. They therefore asked the Chief of Engineers and the Chief of Ordnance to make an estimate of the amount required for the four months from March 1 to July 1. This is an increase for that period of time. Had we not done this, when Congress shall convene next December it would be necessary for us to supply the deficiency. We believed it better to dispose of it at this time. The committee were unanimous, and we trust their views will meet the approval of the Senate.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the Committee on Appropriations.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 4, line 9, after the word "10-inch," to insert "and"; in the same line, after the word "12-inch," to strike out "and 16-inch"; and in line 13, before the word "thousand," to strike out "four hundred and ninety" and insert "eight hundred and fifty"; so as to make the clause read:

For oil-tempered and annealed steel for high-power coast-defense guns of 8-inch, 10-inch, and 12-inch caliber, in quality and dimensions conforming to specifications, subject to inspection at each stage of manufacture, and including all parts of each caliber, $850,000.

The amendment was agreed to.

The next amendment was, on page 4, line 15, to increase the appropriation for carriages for mounting seacoast guns of 8-inch, 10-inch, and 12-inch caliber from $680,000 to $875,000.

The amendment was agreed to.

The next amendment was, on page 4, line 18, to increase the appropriation for steel breech-loading mortars of 12-inch caliber from $216,000 to $426,000.

The amendment was agreed to.

The next amendment was, on page 4, line 21, to increase the appropriation for carriages for mounting steel mortars of 12-inch caliber from $168,000 to $250,000.

The amendment was agreed to.

The next amendment was, on page 5, line 2, to increase the total appropriation for necessary expenditures in armament of fortifications from $1,729,000 to $2,576,000.

The amendment was agreed to.

The next amendment was, on page 5, line 14, to increase the appropriation for 8, 10, and 12 inch guns manufactured by contract under the provisions of the fortifications acts approved August 18, 1890, and February 24, 1891, from $497,449 to $1,000,000.

The amendment was agreed to.

The next amendment was, on page 5, after line 24, to insert:

For machine guns, including $15,000 for purchase of machine guns of approved musket caliber, of American manufacture, $35,000.

The amendment was agreed to.

The next amendment was, on page 7, line 11, before the word "dollars," to strike out "sixty-six thousand five hundred" and insert "fifty thousand"; so as to make the clause read:

For projectiles, including shrapnel, for issue to the service, $50,000.

The amendment was agreed to.

The next amendment was, on page 7, line 20, after the word "dollars," to insert:

And the ordnance storekeeper now on duty in Washington as disbursing officer and assistant to the Chief of Ordnance, United States Army, shall hereafter have the rank of major.

The amendment was agreed to.

The next amendment was, on page 10, line 10, to increase the appropriation to enable the Board of Ordnance and Fortification to make all needful and proper purchases, experiments, and tests, etc., from $100,000 to $150,000.

The amendment was agreed to.

The next amendment was, at the top of page 11, to insert:

To enable the Board of Ordnance and Fortification to procure and test one 10-inch counterpoise carriage of the type patented by Commodore J. A. Howell, United States Navy, the Secretary of War is hereby authorized and directed to contract with the licensee of said Howell patents for said carriage, without advertising, which shall be constructed according to the plans and specifications prepared by said J. A. Howell, and said carriage shall be capable of an all-round fire, and the details of said plan may be modified, changed, and improved in the discretion of the contractors: *Provided*, That the 10-inch carriage herein authorized to be contracted for shall be subjected to the same tests that the Buffington-Crozier 10-inch carriage will be subjected to with respect to ease of maneuvering, rapidity of firing, of traversing, and raising to the firing position, and that it shall operate to the satisfaction of the Board of Ordnance and Fortification before payment is made therefor; and the sum of $50,000, or so much thereof as may be necessary, is hereby appropriated for the purchase of said Howell 10-inch carriage, including the erection of foundations and platform, the expense incident to its mounting, and the ammunition for its test.

Mr. PERKINS. I offer in behalf of the committee an amendment to the amendment. I move to strike out, in lines 15, 16, and 17, "and that it shall operate to the satisfaction of the Board of Ordnance and Fortification before payment is made therefor" and insert after the words "for its test," at the end of the paragraph, the words:

Eighty-five per cent of the amount herein appropriated shall be paid in partial payments as the work progresses, and the remainder upon the completion and test of said carriage by the Board of Ordnance and Fortification and the work found to be done according to contract.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 11, after line 22, to insert:

That in the act making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, approved February 18, 1893, the paragraph beginning with the words "Of the $110,000" and providing for terms of payment for the 12-inch elevating gun carriage to be contracted for with A. H. Emery under the provisions of said act be, and is hereby, amended to read as follows:

"Of the $110,000 to be paid for the carriage and its foundation, 85 per cent shall be paid in partial payments as the work progresses, in accordance with the proposals submitted by A. H. Emery to the Board in his letter of January 21, 1893; and no bond shall be required for the return of this money if the carriage is not accepted, nor shall the said Emery be required to return the money paid, and the carriage shall belong to the United States when the tests are completed. The balance of the $110,000 shall be paid as soon as the test is completed and the work found to be done according to contract. Of the $20,000 to be paid for the testing of the carriage, three-eighths shall be paid the contractor when the preliminary tests are completed, and the other five-eighths shall be paid to him proportionally as the 50 rounds for proof are furnished. And the Secretary of War is hereby authorized and directed to enter into a supplemental contract with the contractor for this carriage for the supply by him of a loading apparatus to go with and belong to the carriage and to be furnished therewith as a part thereof; and the carriage shall be so constructed that a part of the work of recoil can be used for the horizontal traverse of the carriage and the working of the loading apparatus; and the payment for the work so furnished under this supplementary contract shall be $20,000, which sum shall be due and payable when the carriage is erected, to make which payment the sum of $20,000 is hereby appropriated."

The amendment was agreed to.

The next amendment was, on page 13, after line 11, to insert:

To enable the Board of Ordnance and Fortification to procure and test one 8-inch caliber high-power gun and one sample 12-inch steel mortar, cast in one piece, on the plan of R. J. Gatling; and the Secretary of War is hereby authorized and directed to contract with said Gatling for said gun and mortar without advertising, which gun and mortar shall be constructed according to the plans and specifications prepared by said Gatling and under his supervision, and to be subjected to the same test now applied to the built-up gun and mortar of the same caliber, and the sum of $65,000 is hereby appropriated to pay for said gun and mortar, and in the following proportions: Fifty thousand dollars for said gun and $15,000 for said mortar, of which sums 85 per cent shall be paid in partial payments as the work progresses, in accordance with the contract to be entered into between the Secretary of War and the said Gatling, and the remainder upon the completion and test of said gun and mortar: *Provided*, That before said contract is entered into the plans and specifications for said gun and mortar shall be deposited with the Secretary of War, which plans and specifications may be modified, in the discretion of said Gatling, from time to time as the work progresses.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. GORMAN. I gave notice when we had the naval appropriation bill under consideration that in view of the condition of the Treasury I should propose an amendment to this bill providing for the issue of 3 per cent certificates to pay the indebtedness of the Government as it may be due from time to time. I desire to have now read an amendment which I propose as an additional section to the bill.

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. Add as an additional section the following:

SEC. —. That in order to provide the moneys not supplied from current revenues and miscellaneous receipts, and necessary for the execution of this act and necessary for the execution of any act, or all the other acts passed or to be passed during the present Congress appropriating money to be paid out of the Treasury for the fiscal year ending June 30, 1897, and also in order to provide the moneys necessary to be paid out of the Treasury on account of appropriations heretofore made for the fiscal years ending June 30, 1894, June 30, 1895, and June 30, 1896, and not covered into the Treasury, the Secretary of the Treasury, with the approval of the President, be, and is hereby, authorized to, from time to time, borrow on the credit of the United States such sums of money as may be necessary to meet said expenditures, and to issue, sell, and dispose of, at not less than par, for lawful money of the United States, such an amount of certificates of indebtedness, payable to the bearer, of the denominations of twenty, fifty, and one hundred dollars, or any multiple of $100 not exceeding $1,000, as may be needed for said purposes, bearing interest at the rate of not exceeding 3 per cent per annum, payable semiannually, and redeemable at the pleasure of the United States after three years from their date; and the Secretary of the Treasury is hereby authorized, with the approbation of the President, to cause such portion of said certificates as may be deemed expedient to be issued by the Treasurer in payment of warrants in favor of public creditors, or other persons lawfully entitled to payment, who may choose to receive such certificates in payment at par.

And the Secretary of the Treasury may, in his discretion, under rules and regulations to be prescribed by him, sell and dispose of the certificates herein

authorized at designated depositories of the United States and at such post-offices as he may select; and the Secretary shall use the moneys received for such certificates for the purposes herein prescribed, and for none other: *Provided*, That the total amount of such certificates shall not exceed $100,000,000.

The PRESIDING OFFICER. The question is on the adoption of the amendment submitted by the Senator from Maryland.

Mr. ALLEN. Mr. President——

Mr. MILLS. I raise the point of order on the amendment.

Mr. GORMAN. I wish to say a few words. I have not yielded the floor. Senators will have ample time to make all the points against the amendment that they desire.

Mr. MILLS. Very well.

Mr. GORMAN. Mr. President, I do not intend to detain the Senate five minutes in this matter. I have heretofore stated very fully my views upon the condition of the Treasury. I have called the attention of the Senate to the recommendation of the Secretary of the Treasury asking that this identical provision might be made to enable him to provide for any deficiency. I have attempted to show, and I think I have shown, that with the appropriations which we have made and which we are making, with the bills pending before Congress which are likely to become laws, if the executive department carries out the will of Congress and disburses the amounts appropriated there will be a shortage in the Treasury before July, 1897.

I feel that I have discharged my full duty, Mr. President, as a Senator in calling the attention of the Senate to these facts. I am perfectly well aware that we on this side of the Chamber are not responsible for the result of the legislation. I have submitted the amendment to the committee of this body in charge of the appropriations. The majority of that committee did not vote for the amendment. Therefore it comes before the Senate now simply as my individual proposition. A single objection or a point of order, which three or four of my friends are ready to make at once, will, of course, exclude it from consideration. The Senate may determine this question as it sees proper, and each of us must take our responsibility for the result that in my judgment is bound to follow.

Mr. MILLS. Mr. President——

Mr. ALLEN. I make the point of order against the amendment.

The PRESIDING OFFICER. The Chair recognizes the Senator from Texas.

Mr. MILLS. I made the point of order against the amendment. I only wish to submit a few remarks. It is very true, as the Senator from Maryland [Mr. GORMAN] has stated, that our deficiency is growing, and that we shall not be able to meet the necessary expenditures of the Government unless some measures are adopted by which to get more money into the Treasury.

But, Mr. President, the measures contemplated by the Constitution, and the only legitimate ones, are measures of taxation. Congress is still in session, and it is the duty of Congress before it adjourns to provide for the raising of sufficient revenues to support the administration of the Government. It was never contemplated by its founders or by any of those who have followed its founders in the administration of the Government that it was to be supported by borrowing money and paying interest on it. If an exigency should arise when it is not possible to have Congress in session, there might be a law authorizing the issue of noninterest-bearing Treasury notes to tide over a contingency of that kind, but no excuse of that sort now exists. We are here, both branches of Congress, with the power of taxation in our hands, and we ought not to leave the capital of the nation with a Treasury in the condition it is in without making provision to raise a sufficient revenue to support its administration. But I am unalterably opposed to borrowing money and paying interest on it in order that it may be expended in carrying out the necessary measures of administration.

Mr. SHERMAN. Mr. President, the proposition now made is an extremely important one, suddenly brought to the attention of the Senate. I think we ought to have a quorum. I wish to say something upon it. I do not think that any Senator ought to be absent when a proposition is made to increase the public debt a hundred million dollars. I therefore suggest the want of a quorum.

The PRESIDING OFFICER. The want of a quorum being suggested, the Secretary will call the roll of the Senate.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,	Chandler,	Hawley,	Sherman,
Allen,	Chilton,	Kyle,	Shoup,
Allison,	Clark,	Lodge,	Smith,
Bacon,	Cockrell,	Martin,	Stewart,
Baker,	Daniel,	Mills,	Teller,
Bate,	Dubois,	Pasco,	Thurston,
Berry,	Faulkner,	Peffer,	Vest,
Blackburn,	Frye,	Perkins,	Vilas,
Brown,	Gallinger,	Pettigrew,	Walthall,
Butler,	Gear,	Platt,	Warren,
Caffery,	George,	Pritchard,	Wetmore,
Cameron,	Gorman,	Proctor,	White,
Cannon,	Gray,	Pugh,	Wilson,
Carter,	Harris,	Quay,	Wolcott.

The PRESIDING OFFICER. Fifty-six Senators having responded to their names, a quorum of the Senate is present. The question is on the adoption of the amendment proposed by the Senator from Maryland [Mr. GORMAN], upon which a point of order has been made by the Senator from Texas [Mr. MILLS]. The Chair is ready to rule upon the point of order. Does the Senator from Ohio desire to speak to the point of order?

Mr. SHERMAN. I will waive what I have to say until after the point of order has been settled.

The PRESIDING OFFICER. The amendment being a proposition to provide money to carry out the appropriations contained in the bill, it is the opinion of the Chair that the amendment is in order.

Mr. MILLS. I appeal from the decision of the Chair.

The PRESIDING OFFICER. The Senator from Texas appeals from the decision of the Chair. The question before the Senate is, Shall the decision of the Chair stand as the judgment of the Senate? Upon that question the Chair recognizes the Senator from Ohio.

Mr. SHERMAN. Mr. President, I doubt whether in the history of the United States such a proposition as this has ever been made to meet current deficiencies in a time of profound peace. Here is a proposition to issue not exceeding $100,000,000 of 3 per cent certificates to be issued merely to meet current expenditures made by the two Houses of Congress at a time when the Government of the United States is amply able to pay enough money collected by taxes to meet the current expenses. There is no question about that. I could name, and so could any Senator here name, items upon which a reasonable tax could be levied that would cover all the manifold appropriations made by the present Congress. The idea of issuing $100,000,000 of certificates to be paid within three years to meet these deficiencies is, as I said, unexampled in the history of our country.

It seems to me that we have arrived at a time and that we are in a position when Senators, laying aside all party influences or all party divisions, should make provision in the ordinary way by an increase of taxation for the expenses of the Government. The condition of affairs which now confronts us comes from the absolute want of sufficient revenue to carry on the Government under the existing law, under the law which was only recently passed, and which has been tried, and under which there have been accruing deficiencies occurring every hour, every day, and every year since its passage.

The failure of Congress to furnish sufficient revenue to carry on the Government led to a political revolution in this country only a year or two ago, which brought into the House of Representatives a two-thirds majority of a party opposed to the existing law, which was a warning from the people of the United States that they would not be content to support and live under a law the operations of which would every year increase the public debt.

When the House of Representatives convened it passed a bill the terms of which I do not care to discuss, for I do not approve of that bill in many of its details nor in the general proposition on which it is founded, and yet the House of Representatives did feel it to be its duty among the first acts of the present Congress to pass a bill which, in my judgment, would supply sufficient money to prevent the deficiencies which have accrued and are accruing day by day. Perhaps that bill does not go far enough; it does not go so far as I should like to have it go. According to the statement of the Treasury Department, if that bill had become a law it would have yielded additional revenue to the amount of forty or fifty million dollars, and the appropriations already made by Congress show very clearly that the present law will create a deficiency of at least $50,000,000 a year, and even the measure sent to us by the House of Representatives would probably not create revenue enough to fill that vacuum.

That bill was sent to the Committee on Finance of the Senate, where both political parties were fairly represented. By the Constitution the House of Representatives is the proper forum in which should be originated all measures of taxation. The Senate of the United States has no right to originate a bill creating taxes, but such bills must originate with the representatives of the people. All we can do with such a bill is to amend it according to our judgment to meet the exigencies of the occasion.

Sir, there is no remedy for insufficient revenue except to levy taxes sufficient to meet the expenses of the Government, and a Congress would be cowardly that would neglect this duty. But instead of providing for taxation and providing for the payment of debts, the Senate neglected to act. No such occasion as that had ever before arisen in the history of our country. The House of Representatives have sent us a bill which has met a harsh and decisive refusal in this Senate Chamber. Instead of taking up that bill and amending it, either by increasing taxes or diminishing or changing them in some way, a political measure was proposed, a measure which had no connection whatever with the question of taxation—that is, a measure for the free coinage of silver was thrust upon that bill, the whole of the bill was stricken

out, and provision made for the free coinage of silver as a substitute. That would not have provided additional revenue. The silver on hand could not have been paid out for that purpose, because every silver dollar in the Treasury is now represented by an outstanding debt of the Government of the United States, and the public faith is pledged on every silver certificate that there shall be a dollar in the Treasury of the United States to cover it and provide for the payment of that silver certificate, and yet the proposition which was adopted here hastily in the Senate would have violated the express obligation of the Government of the United States, which is printed on every silver certificate now outstanding. We have no more right to take that money pledged for the redemption of the silver certificates to pay the current liabilities of our Government than we have to take any other fund which is sacredly pledged for another purpose, and yet that was proposed to be done.

It seems to me in the Senate of the United States we have come to that condition where the two great parties in this country should solve this question without regard to any minor considerations. It does seem to me now that the House bill is still pending in the Senate. True, it has been practically defeated for the time being by a rider providing for the free coinage of silver, but there is no difficulty whatever in our taking up that bill, going over its details, withdrawing the amendment which has been proposed, which defeats the whole bill, and then making provision in that bill for sufficient revenues to carry on the Government.

I am willing to take that bill as it came to us from the House, and if it is not sufficient to supply the necessary revenues, let us add a tax on tea, a tax on coffee, or a tax on anything; for, as I said on a former occasion, I would vote for a tax on anything; I would take the last shirt off the backs of the people of the United States rather than to violate the public faith of the Government.

We have ample resources. Our country is rich beyond expression. Every member of this body knows that a bill can be framed which will supply all the deficiencies produced by enormous appropriations. The condition in which we are now placed ought to teach the Senate a lesson that they can not increase appropriations without providing money to meet them. When appropriation bills come to us from the House of Representatives they are uniformly increased here and large additions are made to all of them in many details. We have no right to do this. We have no right to impose obligations upon the people of the United States unless we also impose upon them the burden of taxation so as to meet those obligations.

It seems to me that it is simple and clear that the Senate, freed from all party bias or party feeling, should take up the bill sent to us by the House of Representatives, a bill which comes from the proper authority to create taxation, and enlarge the sphere of the taxation proposed by that bill, and, if you please, add to it other items. If there are any provisions in that bill which are so obnoxious to a majority of this body that they will not consent to them, let them be stricken out, and if the other House has not taken the proper subjects of taxation, let us take the proper subjects of taxation.

We have only the right to propose amendments to prevent the House of Representatives from passing unreasonable bills or imposing unreasonable taxation. We have no right to originate tax bills, as I have said before. If every Senator here will discard his sense of party obligation and will meet the duty of the hour to provide revenue to meet these various expenses, such a bill can be passed in two or three days. There can be no difficulty about it. The appropriations that we are now making do not commence until the 1st of July. Before the 1st of July, and even before the 1st of June, we could pass legislation which would relieve us from all the danger of deficiencies hereafter.

Sir, that should be done; the Congress of the United States should perform its duty in this respect. I have faith in the President of the United States, although he belongs to a party very different from my own. Although I do not sympathize with him in his political opinions, if I were in his place I would do as I think he will do, namely, refuse to spend one dollar of these sums which are appropriated here if there is not sufficient money in the Treasury for the purpose. The appropriations are merely permissive. They are merely authority to the executive department to use so much money for such and such objects, and the President is not bound to expend the money if he has it not, nor ought we to undertake to issue notes, certificates of deposit, of credit, certifying to our inability to pay the current expenses of the Government.

Sir, we are not so poor as that. The people of the United States were never so rich as they are now; they were never better able to bear taxation; and the public voice of our countrymen will be in favor of paying as we go; not borrowing money to meet ordinary current liabilities, but raising the money by taxation, which may be easily levied in the form of tariff duties.

I, therefore, am perfectly willing to take up that bill as it was referred to the Committee on Finance of this body as it stood before the riders had been put upon it, and then make ample provision to meet all the expenses authorized by the laws of Congress.

Unless you do that, our country will be practically embarrassed, will be practically bankrupt by expending more money than its income, and borrowing money to meet the ordinary current expenses of the Government, a position of shame and degradation which I believe that no country in Europe, not even the feeblest, would allow itself to be placed in. In the Parliament of Great Britain they would not allow a single increase of expenditures without providing some necessary taxation to meet them; and they would know precisely the amount of the expenditure over or under the taxation provided for by the proposed law.

Therefore it seems to me that not only this point of order should be sustained, but from the very fact that the question is presented in this form of no appropriation or no taxation, or the issue of more paper money, more certificates, I think it is far better for us at once to go back to the proper position and make provision for these accruing appropriations. I should myself like it to be understood that the bill which is still pending before the Senate may be taken up, and then that we shall proceed in the ordinary way to make such additional provisions as are necessary, beyond the possibility of doubt, to cover all expenditures.

Why, sir, from the close of the war until the beginning of this Administration there never was an hour or a day or a year when the revenues did not exceed the expenditures. Only at the end of one year during that time did that amount fall to $2,000,000; but during every other year from 1865 to 1893 there was a surplus of revenue, the surplus during that period exceeding the sum of $1,700,000,000, and the lowest during any one year was $2,000,000; and now, at a time when the people of the United States are as flourishing as ever they were, when we have untold riches piling up around us and our country is growing with marvelous rapidity—more rapidly than any country in the world has ever grown before—for us to propose to expend large sums of money, and to issue in a single year certificates of $100,000,000 indebtedness, it seems to me is a shame and a reproach, not so much to those who offer such propositions as to those who have made it necessary to apply such remedies.

I do not wish to say anything more about this matter, but I say I would tear up every appropriation bill pending in this Senate and refuse to appropriate the money rather than issue $100,000,000 of certificates of indebtedness in a single year.

Mr. GORMAN. Mr. President, I am somewhat surprised at the opening statement of the distinguished Senator from Ohio [Mr. SHERMAN], "that this is a most extraordinary provision" which I have offered, "one never before heard of in legislation." The memory of the Senator from Ohio is defective. Less than four years ago, when the party to which the distinguished Senator belongs was in power, during the last year of President Harrison's Administration, the Senator from Ohio, speaking for the great Committee on Finance, of which he is a prominent member, reported to this Senate, and actually obtained its adoption on an appropriation bill, a provision almost identical with the one which I have offered except as to the amount. His proposition provided for the issue of $50,000,000 of short-term bonds, to meet a deficiency in the Treasury under that Administration.

Mr. SHERMAN. The Senator is entirely mistaken. At the very time of which he speaks, at the close of President Harrison's Administration, there was a surplus in the Treasury. The 3 per cent bonds then proposed by the Committee on Finance were not to meet deficiencies. There were no deficiencies up to the close of that Administration. That provision was for the purpose of reducing the rate of interest on bonds which were issued for the protection of the resumption fund, and for nothing else.

Mr. GORMAN. Mr. President, again the Senator is at fault. The then Secretary of the Treasury, Mr. Foster, a distinguished resident of the State of Ohio, came before a committee of Congress and said that it was necessary for him to have an increased amount of money to meet the current expenses of the Government. On the face of the reports made then, as now, there was an insignificant balance in that year of about $2,000,000; but the fact confronted the Secretary of the Treasury then, as it does now, that after the passage of the McKinley law, the law which the party of the Senator from Ohio threatens the country with again, that law did not furnish enough revenue to pay the current expenses of the Government, and the only way in which a balance could be shown was by the Treasury Department refusing to expend the amount appropriated by Congress in 1891, 1892, 1893, and 1894, to the extent of $296,868,547.41. This amount included the sinking fund; but after deducting the amount due the sinking fund for those years there still remained unexpended balances of about $189,000,000. It was before the Presidential election of 1892, before the country knew that the Democratic party was to succeed, that that shortage occurred. It was not officially presented to Congress, because the executive branch did not believe it was wise to present it to the country pending that Presidential election. The accounts then, as now, did not show the entire indebtedness of the Government. I say there can be no question

about this fact. I have before me the statement made by Mr. Foster himself before a committee of the other House, where he appealed to them for aid. The following inquiry was put to him by a member of the Committee on Ways and Means, Mr. TURNER:

Taking into consideration all these conditions which you anticipate, what in your judgment would be a fair conjecture of the condition of the Treasury at the end of the next fiscal year?

Mr. GEORGE. What is the date of that?

Mr. GORMAN. I will give it to the Senator. It was February 25, 1893, before the inauguration of Mr. Cleveland. The Democratic party had not touched this question at that time.

This was the reply of Mr. Foster:

Secretary FOSTER. I should say the next fiscal year would show a deficit.

Mr. SHERMAN. That was the next fiscal year, which commenced on the 1st of July, 1893?

Mr. GORMAN. Yes, Mr. President; but that was under the McKinley law and under the operations of the Treasury Department when it was in the hands of the Republican party, the President and the Senate being under their control. The Democratic party had nothing whatever to do with it. Here is more of Mr. Foster's testimony:

Mr. TURNER. Can you give an approximate estimate according to all the data accessible to you?

Secretary FOSTER. I will only say this, that if I was to have the management of the Treasury I should insist upon an increase of revenue to the extent of $50,000,000.

Mr. TURNER. In order to meet those conditions which you anticipate?

Secretary FOSTER. Not only those conditions, but the gold conditions as well.

* * * * * * *

Secretary Foster was asked by Mr. Wilson:

Did I understand you to express a general opinion awhile ago that in addition to the present sources of revenue the revenues of the Treasury Department ought to be advanced $50,000,000 more a year?

Secretary FOSTER. Yes, sir.

Mr. MCMILLIN. Would you make that for one year or a permanent increase of revenue?

Secretary FOSTER. As things are going now a permanent revenue, for two reasons. I would increase the gold reserve at least $25,000,000 if I had the money to do it with.

Mr. TURNER. But your answer just now seemed to contemplate an annual increase?

Secretary FOSTER. I think an annual increase of $50,000,000 would make the Treasury easy, and if I were going to manage it I would want to have it.

The response to that request from the then Secretary of the Treasury was the action of the Senator from Ohio placing upon an appropriation bill, as I now propose to do, $50,000,000—to do what? To pay the current expenses of the Treasury; to pay amounts which the Government owed, and only incidentally to protect the gold reserve. Mr. President, there can be no question as to this fact.

Mr. SHERMAN. Will the Senator allow me to interrupt him?

The PRESIDING OFFICER (Mr. BACON in the chair). Does the Senator from Maryland yield to the Senator from Ohio?

Mr. GORMAN. Certainly.

Mr. SHERMAN. What Secretary Foster said was absolutely true.

Mr. GORMAN. Yes.

Mr. SHERMAN. But it was not to meet deficiencies in the current expenses; it was to maintain the sinking fund and also to maintain the fund for the resumption of specie payment. The sinking fund is expressly stipulated for, and the $50,000,000 alluded to by Mr. Foster, as shown over and over again by his statement, is to cover the sinking fund. The sinking fund had fallen until the surplus, in July following the incoming of Mr. Cleveland, was still in excess of our expenditures $2,000,000, but the sinking-fund provision had not been complied with.

Mr. GORMAN. Mr. President, the sinking fund had never been taken into account at all by Mr. Foster in this matter. He paid on the sinking fund in 1891 $44,006,111.37, and in 1892 he paid $37,574,179.98.

Mr. SHERMAN. Yes.

Mr. GORMAN. Leaving a balance of $5,071,190 in 1891 and $11,488,934.34 in 1892; and from that day to this there has been scarcely anything paid upon the sinking fund. It was not the sinking fund for which he wanted the money, but he wanted the money to pay the appropriations which had been made by Congress.

I will insert at this point the following table as to the sinking fund:

SINKING FUND.

Fiscal year—	Annual requirement.	Annual application.	Balance.
1885	$47,393,186.83	$45,604,035.43	$1,789,151.40
1886	44,872,710.64	44,551,043.36	321,667.28
1887	46,537,829.60	47,903,248.15	*1,365,398.55
1888	46,818,149.18	43,732,550.00	3,085,599.18
1889	47,804,172.99	39,066,173.35	8,737,999.64
1890	48,321,127.76	39,847,839.50	8,473,288.26
1891	49,077,301.37	44,006,111.37	5,071,190.00
1892	49,063,114.32	37,574,179.98	11,488,934.34
1893	48,712,686.86	6,708,744.50	42,003,942.36
1894	48,704,283.02	221,587.20	48,482,695.82
1895	49,571,338.15	1,136,366.43	48,434,971.72

* In excess of requirement.

Mr. President, during the Administration of President Harrison we appropriated nearly $300,000,000 more than the whole revenues of the Government derived from the McKinley law. The fact remains that the deficit goes back, and during President Harrison's Administration your McKinley law cut the revenue down $50,000,000 a year, and your appropriations increased nearly $75,000,000. The actual payments by the Treasury during 1891, 1892, 1893, and 1894 were in excess of receipts $119,219,213.72.

Mr. SHERMAN. Still we had a surplus of $2,341,000 on the 1st of July, 1893.

Mr. GORMAN. Yes, and you left unpaid when President Harrison went out of office $189,000,000, the greater part of which had to be paid under this Administration.

I desire to be entirely fair about this matter, and I will say that, following the advice of the Senator from Ohio, Secretary Foster and his predecessor and Secretary Carlisle have acted as the Senator from Ohio says they ought to act, as patriotic men, and when they have not money to pay the debts of the Government they should refuse to expend money appropriated. That is what has been done under your Administration, and it is precisely what is occurring under this Administration.

Now, in order to meet the obligations of the Government and no longer to make its creditors wait for their money, I propose that they shall have 3 per cent certificates, so that they may pay current expenses and avoid in future, if we can, the use of long-term bonds bearing a high rate of interest.

Mr. SHERMAN. I have before me a table taken from the last statement of Secretary Carlisle, which shows that in 1893 the receipts of the Government were $385,000,000—I leave the odd numbers out—and the total expenditures were $383,000,000, leaving a surplus on hand of $2,341,000, which goes to show that at that time the expenditures of the Government were paid and there was still left this balance of $2,000,000 after the McKinley law went into operation.

Mr. GORMAN. To what year does the Senator refer?

Mr. SHERMAN. The year 1893.

Mr. GORMAN. Ending in 1893?

Mr. SHERMAN. The fiscal year ending June 30.

Mr. GORMAN. June 30, 1893.

Mr. SHERMAN. Yes. At the end of that year, which was four months after Mr. Cleveland became President of the United States, the excess of revenue over expenditures was $2,341,674.

Mr. GORMAN. That was a book account.

Mr. SHERMAN. Another remark which the Senator makes is that this amount did not cover outstanding liabilities. It did more than cover all outstanding liabilities, for in the next year, when the Senator says they paid $100,000,000, the expenditures were only $356,000,000.

Mr. GORMAN. At the end of the year 1893, to which the Senator refers, in which he says there was a balance of $3,000,000——

Mr. SHERMAN. Two million dollars.

Mr. GORMAN. There was due the sinking fund that year $42,003,942.36. In addition to the great amounts which had been appropriated by Congress during the whole of Mr. Harrison's Administration, besides the sinking fund, there were unadjusted claims against the Treasury which, if they had been paid, would have required nearly $200,000,000.

Mr. TELLER. Will the Senator from Maryland allow me to make a suggestion to him?

Mr. GORMAN. Yes.

Mr. TELLER. I suggest that in the month of October, 1892, there was a deficiency. The expenditures for that month were more than the revenues. The same was true of the months of November, December, and February following. For the four months preceding the 1st day of March, 1893, there was a deficiency of over $4,000,000, commencing with October.

Mr. SHERMAN. In other words, the moment Mr. Cleveland was elected the deficiencies commenced.

Mr. TELLER. I would suggest that they began before Mr. Cleveland was elected. They began in October, and he was not elected until November.

Mr. GORMAN. Mr. President, let us see what further Mr. Foster says about this matter. Mr. Cleveland was not then President. This was in February, 1893. Mr. Wilson asked Mr. Foster this question:

Mr. WILSON. Did I understand you to express a general opinion awhile ago that in addition to the present sources of revenue the revenues of the Treasury Department ought to be advanced $50,000,000 more a year?

This was under the McKinley law.

Secretary FOSTER. Yes, sir.

Mr. MCMILLIN. Would you make that for one year or a permanent increase of revenue?

Secretary FOSTER. As things are going now a permanent revenue, for two reasons. I would increase the gold reserve at least $25,000,000 if I had the money to do it with.

Mr. TURNER. But your answer just now seemed to contemplate an annual increase?

Secretary FOSTER. I think an annual increase of $50,000,000 would make the Treasury easy, and if I were going to manage it I would want to have it.

There is no sinking fund referred to here, and yet Secretary Foster wanted $50,000,000 of revenue more than he had; and the Senator from Ohio and the Republican Finance Committee of this body and this Senate voted to give $50,000,000 of short-term low-interest bonds to meet this deficiency, because it was impossible at that time to pass a revenue bill increasing taxation.

The Senator from Ohio and the Senator from Iowa [Mr. ALLISON] and all those in charge on the other side of the Chamber held at that time that it was improper, that is to say, it was outside of the intention of Congress in the passage of the act of 1875, authorizing the issue of those bonds to keep up the gold reserve, to use the proceeds of the bonds for current expenses of the Treasury. Everybody on both sides of the Chamber desired to avoid that, and it was because of the shortage of revenue, stated by the Secretary of the Treasury at $50,000,000, and to prevent the use of the proceeds of the sales of 4 and 5 percents, that we placed that provision in the bill.

I append a table showing the unexpended balances of appropriations, exclusive of the sinking fund and Indian trust funds, from 1885 to 1895, inclusive:

Unexpended balances of appropriations, exclusive of sinking fund and Indian trust funds, at close of years 1885 to 1895.

Fiscal year—	Civil establishment.	Military establishment.	Naval establishment.	Indians.	Pensions.	Total.
1885	$22,725,925.28	$10,248,855.65	$4,602,270.73	$1,573,564.64	$21,787,167.17	$60,937,783.47
1886	20,726,016.11	6,793,214.49	6,495,358.54	1,600,095.96	23,954,659.69	59,659,314.79
1887	28,416,191.85	15,714,848.36	20,916,771.55	1,848,164.87	4,088,915.54	68,984,892.17
1888	22,591,707.83	9,024,377.90	17,876,717.80	2,005,937.68	6,800,832.09	59,259,543.30
1889	32,020,109.14	27,479,872.42	27,190,202.24	5,618,950.00	7,401,863.96	99,711,087.76
1890	29,022,850.01	16,242,476.64	18,760,979.27	2,185,923.45	896,614.44	67,708,843.81
1891	38,818,366.67	40,406,305.60	19,574,603.53	9,320,808.27	3,924,627.48	112,043,711.64
1892	28,096,207.45	26,491,821.05	22,760,731.74	7,261,324.88	11,596,316.84	96,208,401.96
1893	30,429,419.56	47,835,964.49	16,981,222.48	4,368,213.56	4,459,261.98	104,074,082.07
1894	24,020,909.74	26,260,678.90	7,253,161.21	4,027,054.90	28,067,409.97	89,629,274.72
1895	26,655,142.12	39,208,700.22	9,123,145.89	5,311,618.29	35,986,519.71	116,285,126.23

Now it comes, in the course of time, when the Democratic party is in power; and I frankly admit, as I have before, and I think as the Senator from Ohio and those who agree with him on the other side should admit, that neither the McKinley Act nor the bill we recently passed produces revenue enough to meet the expenditures that Congress has directed the Executive to make. Both sides should admit these stubborn facts. It is the manly way, in my judgment, to meet this case. It is a deficiency. It occurred with you because you placed your rates so high as to prohibit the importation to a great extent. It has occurred with us because we have placed the duties possibly too low or placed too many items upon the free list. It has occurred with us because of a most extraordinary decision of the Supreme Court of the United States eliminating from our revenues from thirty to fifty million dollars that would have accrued under the income-tax provisions.

Mr. SHERMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Ohio?

Mr. GORMAN. I do.

Mr. SHERMAN. The Senator from Maryland charges a deficiency of revenue to the McKinley Act, and yet the Democratic party, the moment it came into power, reduced largely the revenue derived from imported goods by an act I believe they would be very glad to get rid of.

Mr. MILLS. Does the Senator from Ohio mean it reduced revenue or reduced duties?

Mr. SHERMAN. If we were responsible for passing a bill which left a surplus of only $2,000,000 a year, they have passed a bill which creates a deficiency of from thirty to fifty million dollars a year. That is the difference.

Mr. GORMAN. I am trying to deal with this question from the present condition. Therefore I was amazed at the distinguished Senator from Ohio opposing any proposition looking to the relief of the Treasury. The Republican party, as I have tried to show, by the McKinley Act and by the appropriations made when you were in power in another branch of Congress, aided to bring about this condition of affairs. The present law is inefficient, I admit. We want to meet the condition and apply the remedy. The Senator from Ohio talks of the McKinley Act and what it produced. During the first twelve months of its existence it produced $371,932,536.81. The present act during the last twelve months produced $320,379,654.66. I submit a statement giving the details of the receipts under the two acts for certain specified periods:

Receipts under the McKinley and the Wilson tariff acts.

Under the McKinley tariff act:		
During the first twelve months		$371,932,536.81
During the last twelve months		316,661,090.01
Under the Wilson tariff act:		
Receipts from Sept. 1, 1894, to June 30, 1895	$237,008,627.57	
Receipts for July, 1895	29,069,697.89	
Receipts for August, 1895	28,982,696.70	
Total during first twelve months		295,061,022.16
Receipts during last twelve months		320,379,654.66

If there had not been stricken from the Wilson Act the provision known as the income-tax law, that act with its present rates would have produced more revenue than the McKinley Act. No man will question that who will look at the Treasury figures. That was a matter which Congress could not control. But now the condition confronts us. What shall we do? You will have appropriated at the present Congress, when we shall have finished, $520,000,000 for the next fiscal year, besides your contracts of from seventy to eighty million dollars. I have not the exact figures now, because the bills are in process of passage through both Houses of Congress, but it is safe to say the direct appropriations and the obligations will be $600,000,000.

What is to be done? Can you by any method of taxation meet that deficit? It seems impossible. What do you desire to do? To spend the money that is in the Treasury which came from the sale of 4 and 5 per cent bonds? That will follow unless the executive branch of the Government will go to a greater extent than ever heretofore by simply thwarting the will of Congress and refusing to expend the money you have directed them to spend.

I propose by the amendment not to use a dollar of 4 per cent or 5 per cent long-term bonds, but to issue short-term certificates in 20s, 50s, and 100s, and to put them on sale at post-offices designated by the Secretary of the Treasury, or to pay them out for the current expenses. They would not be legal tenders, but any creditor of the Government would be glad to have them. The taxpayers would be delighted, in my judgment, to see such short-term certificates issued, redeemable in one or two or three years, as Congress may provide, so that when we shall have revenue enough they may be taken up and not remain a mortgage upon their industries for the next twenty years.

The Senator from Ohio says meet it by taxation. I once before suggested to the Senator and to the Senate that the bill that came here to increase taxation satisfied nobody; that it never was intended to pass. The authors of it, its sponsors and supporters, knew that it never could become a law.

Mr. GRAY. It would not have produced the revenue if it had become a law.

Mr. GORMAN. And if it had become a law I do not believe it would have produced revenue enough to meet the requirements of the Government.

The Senator from Ohio and his friends on the other side of the Chamber know perfectly well that a bill which comes here to increase the prohibitory rates in the McKinley Act never can have the support of any Democrat. It can not now, but I suggest to the Senator from Ohio that if he and his party are in earnest to relieve the Treasury let us agree to do three things. Let us repeal that provision of the present revenue law which piles up claims on account of alcohol to the extent of a million or a million and a half a month; that nobody defends; that got in by an accident by way of an amendment offered from the other side of the Chamber that is incapable of being executed. It only embarrasses the Government. Let us save the Government $15,000,000 a year by repealing that provision. Then let us put a tax upon tea, which everybody should agree to; a revenue duty of 10 cents a pound, which will bring in $20,000,000 a year without adding to taxation a single cent. Let us place a duty upon coffee, which will not increase the cost to the consumer anything. With those three items we would give the Treasury from thirty to forty million dollars a year and save these claims of twelve or fifteen million dollars a year.

Now, if the Senator from Ohio will agree to a nonpartisan proposition as this is, one that does not trench upon the Republican idea of high protection or interfere with the Democratic idea of low taxation, we can unite, in my judgment, or at least I will be glad to unite with him to relieve the Treasury. If you will do that, with this provision which I propose, to be used only in case of emergency, used as the Secretary of the Treasury in his annual report says he ought to have the power in case of emergency, the Treasury will be in condition to meet any ordinary demands.

Look at it, Mr. President. From the day the McKinley Act went into operation and the bill known as the Sherman silver law was put upon the statute book down to this gold has ceased coming in from customs duties, the revenues have run down, the expenditures have increased, and whenever the balances have been at a low ebb there have been raids on the Treasury for its gold, and more bonds have been sold. When the Treasury has been strong, as it is now, the gold reserve is apparently safe, and there is no demand for the redemption of greenbacks.

I call upon Senators on the other side of the Chamber to pass some act for the relief of the Treasury. The distinguished Senator from Ohio, if we are to believe newspaper reports, is soon to be the great premier leading another Administration which is pledged to prohibitory duties, which is pledged to protection until it excludes; whose party in this Congress seems to be pledged to vote all the money that can be put into appropriation bills, a party of high protection, of extravagance in expenditures. I call upon Senators on the other side to make some effective provision that will make it unnecessary to sell more long-term bonds.

Mr. President, I have no more interest in these matters than any other Senator upon this floor; but I have had only one view of my duty, and that is to vote for sufficient revenue to pay the current expenses of the Government. When we have found a deficiency in that regard I have advocated a reduction in the expenditures. I have been unalterably opposed to the issue of bonds to pay the current expenses in time of peace. I have labored to the best of my ability in that direction. But so far as cutting down expenditures is concerned I admit I have failed.

The appropriations stand to-day greater than ever before. If the present Congress adjourns without making provision for the Treasury, whether by taxation or by some such provision, the responsibility must be with those who control legislation in both branches of Congress. If you attempt to escape by telling us that we voted against the revenue bill as it came here from the House of Representatives, I say, "Yes; we voted against it." We are prepared to go to the country upon that vote. It is a bill which does not satisfy Senators on the other side of the Chamber. The distinguished Senator from Montana [Mr. CARTER] has rendered the country a service by the manly speech he made exposing the bill. It is unfair in its structure. It would not produce revenue. It was drawn to antagonize the Democratic thought, and I am delighted to know that it antagonized the liberal Republicans who want fair dealing in the matter of taxation.

Mr. STEWART. Mr. President, I like the amendment of the Senator from Maryland [Mr. GORMAN] with a slight modification. We have in the Treasury impounded something over $100,000,000 of current money, mostly greenbacks, which is doing the world no good. It is a surplus. The country is suffering for the use of that surplus, and I wish the Senator from Maryland would modify his amendment so as to issue $100,000,000 of greenbacks to take the place of the $100,000,000 of greenbacks that are impounded, unlawfully as I contend. That would do something toward relieving the country. But I am opposed to borrowing money and paying interest on it for the purpose of producing contraction and hard times.

I am totally at variance with the Senator from Ohio [Mr. SHERMAN] in his assertion that this country is rich and better able to pay taxes than ever before. Never in the history of this country has it been so difficult for the people to pay taxes as it is to-day. Never in the history of this country were bankruptcies increasing as they are now. Read Bradstreet's report for the last three months, and it presents an alarming situation as to bankrupts, suicides, insane people, criminals, tramps—everything indicating distress in the country.

That we are on the road to bankruptcy is to me as clear as day. We are traveling the road that Turkey traveled before she reached the goal of insolvency. We are in the tracks of Spain while she was spending her patrimony. We are following the example of bankrupt Italy. We are agreeing to deliver gold when we have not the gold to deliver. We are borrowing gold to pay interest on obligations as those nations did. It will be but a short time before we are in the same situation. We are issuing bonds not, they say, to carry on the Government, not for the purpose of raising revenue, but there are two things to be accomplished by the issuance of bonds. One is more debt, more taxation, more inability to pay. The other is less circulation, more hoarding. There ought to be some way to get that money out of the Treasury. I know of no way except by liberal appropriations. Now is the time to pass your appropriation bills to relieve the country, and put $150,000,000 of idle money into circulation. We have no other way of doing it.

But to those who think that we are not on the road to bankruptcy let me point to the situation. Our fixed annual foreign obligations are estimated, at the lowest figure, at $400,000,000. We are not selling enough of our commodities all told to pay for what we buy abroad. We did not do so during the last year. How are we to meet the fixed obligations annually? By more debt. The Government is borrowing money to pay its portion of these obligations and to supply gold to the gold gamblers. Private corporations are borrowing money. We are piling up this debt annually, and no man points out any legislation whereby the people of the United States can get out of this difficulty. The Senator from Ohio says more taxation. Will putting more money in the Treasury relieve us of our foreign obligations? On the contrary, it will make it more difficult to pay existing obligations, because there will be less money in circulation with which to do business. If you retire the greenbacks and Treasury notes as suggested, if you buy them with interest-bearing bonds, it will increase your gold obligations, if you pay in gold. It will not diminish them. If the gold standard is to be maintained there will be $15,000,000 more a year. The Government has no means of obtaining gold unless it legislates to send gold to a premium, for whenever the Government of the United States demands gold in payment of taxes instead of other money, gold will be at a premium. When you demand gold for customs duties gold will go to a premium. When you did it once before you sent gold to a premium the very next day. You will do it now if you make the discrimination. Everybody knows it.

The Government has no means of getting gold except by borrowing it. If the Government is relieved of redeeming greenbacks by converting them into gold obligations, into bonds, it will have to borrow money to pay interest on the gold obligations which are out. Then how are individuals to get gold if they can not get it from the Treasury? How are the corporations, who have unfortunately entered into gold obligations, to get gold? They have foreign obligations. The Government of the United States has none. But they have entered into those obligations. The gold can not be got out of the Treasury. Individuals must raise it, and they will have to pay a premium on it. The only way to maintain the gold standard is to refuse to pay. Bankruptcy is the only way to maintain it, for whenever you struggle to get it you will send gold to a premium.

When the Government of the United States ceases to sell bonds, when it can do that no longer, gold will go to a premium. If it shifts the responsibility on the people, if it sells no more bonds, it will be compelled to demand its revenue in gold, and gold will go to a premium. If there is no means of going to the Treasury for gold, if the credit of the Government can no longer be pledged for that, individuals who owe gold must have it. How will they get it? By buying it at a premium or they will repudiate their obligations. The only way that the gold standard can be maintained is by universal bankruptcy. You must refuse to pay. When the Government ceases to sell bonds to buy gold, and if citizens buy gold to pay gold obligations, gold will then go to a premium. The gold standard means bankruptcy. Bankruptcy is the only way it can be maintained. The struggle to keep up the gold standard will send gold to a premium. If that struggle ceases, then we have bankruptcy. That is what the gold standard means. That is what it meant in all other countries. That is what it meant in Italy, in Spain, in Austria, in the Turkish Empire. Gold standard means repudiation. There is no doubt about that, and here we are higgling about getting the money out of the Treasury in order to give the people some relief.

If my friend the Senator from Maryland would put out greenbacks to take the place of the greenbacks retired, so as to let business revive in this country, he would do a great deal of good. I hope he will modify his amendment to that extent. But I wish to reiterate my remark that the gold standard can not be maintained in this country without bankruptcy, for the attempt to get gold to pay our gold obligations will send gold to a premium. There is not gold enough to go around. It is impossible for us to get it. Where is it? It is pooled.

They say there are four thousand million dollars of gold in the world; that seven or eight hundred million dollars of it are in Asia; that $500,000,000 of it are in Russia's war chest; that $150,000,000 of it are in the reserves of Austria, and that $900,000,000 of it are in France. You can not get it from France, because France takes care of her people by paying in silver as well as gold, and gives them an ample circulating medium to do business. She secures the balance of trade and accumulates gold. You can not get it from her for that reason and for another. If you attempt to export it, France will pay in silver. You can not get it away from Germany, because she will pay in silver. You can not get it from England, because she is paying a bounty for gold.

Where, then, will you get the gold? They say there is $600,000,000 in this country. There is probably $400,000,000. The $100,000,000 you have in the Treasury is the result of your borrowing, and it will stay there until somebody wants it. We are the only country in the world that borrows money for the benefit of all the world, for the benefit of gold gamblers. We do that and pay interest on borrowed money. To maintain the gold standard for a debtor nation, in debt as we are now and going in debt year after year at a geometrical ratio, is impossible.

The fact that the money of the world is pooled is recognized by all. We daily see in the newspapers threats. They say if

William McKinley will not declare himself for the gold standard they will make times tight; that the banks will make times tight during the Republican convention. They will break some more of our fellows. They talk about making times hard and easy with as much flippancy as anybody ever did. It is common talk that they will squeeze the community. They have the gold pooled, and they laugh and talk about the calamity to the country. Your real estate in this country is not worth 33⅓ cents on the dollar at sheriff's sale of what it was worth thirty years ago. Your farmers are living on closer rations, scrimping and eking out a miserable existence as never before in this country. Business is paralyzed. The country is full of tramps, and the money is being hoarded in the Treasury, and there is objection to making appropriations to get out the money and let the people have the use of it.

I am for appropriations. I am for this appropriation, and much perhaps for the same purpose, to get the money out of the Treasury; but if my friend the Senator from Maryland will rise to the occasion and say that the people of this country shall not be strangled in their business, but we will put out $100,000,000 of greenbacks to take the place of the greenbacks unlawfully impounded, we will relieve the country. It would not be so aggravating if there were any law for impounding the greenbacks. There is no law for it. It is done without authority of law. We owe no gold obligations except the gold certificates for which the money is in the Treasury. Every dollar the Government owes is payable in either gold or silver. Still the present Administration and the Republican party declare that silver shall not be used as money. They say it is not good money for the creditor, that he shall have his option.

The silver in the Treasury is doing no duty, it is paying no debts. It might as well be lead; it might as well be iron; it is not money. You have $1,100,000,000 of paper and silver out and no gold with which to redeem it except to rely upon the precarious business of borrowing it from foreigners, and loading up the debt. You will not pay out the silver that is in the Treasury. Let the Administration declare that the silver in the Treasury is money by law and it will be paid for all coming obligations; that the silver bullion will be coined that is there. Then $50,000,000 will be covered into the Treasury. Let them declare that they will comply with the law and there will be no more raids on the Treasury. Then the gold gamblers would not come to us any more than they go to France or Germany. They would not come to the Treasury now if the Administration did not connive with them and give to them the option reserved by the Government for the benefit of the people.

Never in all history was a people ever so robbed and wronged as by the raids on the Treasury for gold when there was an ample supply of silver, which these raiders would not take and which, if they would take, there would be no disturbance at all. If the Treasury Department had executed the laws there would not have been a word said and the country would now be prosperous. But the Administration says that the silver in the Treasury is not fit to pay debts with, that the only basis we have for our circulation is what gold we can borrow, and it continues to borrow money for the benefit of gold gamblers and to tie up the money in the Treasury and keep it from the people. While this policy is pursued times will grow worse and worse. It seems to me that it is the object of the ruling classes to make times worse and worse, the people poorer and poorer, hoping that the time will soon arrive when resistance to tyranny will be impossible and the people will be reduced to serfdom. I do not believe that that can be done in this country. It has been done in other countries, I know, but the transition from prosperity to degradation is too rapid, and I believe the people of our country will arouse themselves before it is too late.

The PRESIDING OFFICER. The question is, Shall the decision of the Chair stand as the decision of the Senate?

Mr. MILLS. Mr. President, I withdraw the appeal from the decision of the Chair and move to lay the amendment on the table.

The PRESIDING OFFICER. The appeal is withdrawn. It is moved by the Senator from Texas to lay the pending amendment on the table.

Mr. MILLS. On that question I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. GEAR (when his name was called). I am paired with the senior Senator from Georgia [Mr. GORDON]. If he were present, I should vote "yea."

Mr. GEORGE (when his name was called). I am paired with the Senator from Oregon [Mr. MCBRIDE].

Mr. MARTIN (when his name was called). I am paired with the Senator from Montana [Mr. MANTLE]. If he were present, I should vote "yea."

Mr. PRITCHARD (when his name was called). I am paired with the Senator from Louisiana [Mr. BLANCHARD]. If he were present, I should vote "yea."

Mr. GALLINGER (when Mr. PROCTOR'S name was called). I have been requested by the Senator from Vermont [Mr. PROCTOR] to announce that he is paired with the Senator from Florida [Mr. CALL].

While I am on my feet I will announce a pair between the Senator from North Dakota [Mr. HANSBROUGH] and the Senator from Illinois [Mr. PALMER], both of whom are absent from the city.

Mr. QUAY (when his name was called). I have a general pair with the Senator from Alabama [Mr. MORGAN]. If he were present, I should vote "yea."

Mr. PUGH. So would he.

Mr. QUAY. Then I will vote. I vote "yea."

Mr. SHOUP (when his name was called). I have a general pair with the Senator from California [Mr. WHITE].

Mr. THURSTON (when his name was called). I have a general pair with the junior Senator from South Carolina [Mr. TILLMAN]. If he were present, I should vote "yea."

Mr. WOLCOTT (when his name was called). I am paired with the Senator from Ohio [Mr. BRICE]. If he were present, I should vote "yea."

The roll call was concluded.

Mr. PASCO. I am paired with the Senator from Washington [Mr. WILSON]. I transfer that pair to the Senator from South Carolina [Mr. IRBY] and vote "yea."

Mr. BLACKBURN. I am paired with the senior Senator from Michigan [Mr. MCMILLAN]. I am not advised as to how he would vote. I withhold my vote.

Mr. FAULKNER. I am paired with the Senator from West Virginia [Mr. ELKINS]. I transfer my pair to the Senator from Indiana [Mr. VOORHEES] and vote "yea."

Mr. TURPIE. I inquire whether the senior Senator from Minnesota [Mr. DAVIS] has voted?

The PRESIDING OFFICER. He has not voted.

Mr. TURPIE. I withhold my vote, being paired with that Senator.

Mr. SHOUP. I observe that the Senator from California [Mr. WHITE] is present, and I wish to record my vote. I vote "yea."

Mr. WETMORE (after having voted in the affirmative). I inquire if the Senator from Georgia [Mr. BACON] has voted?

The PRESIDING OEFICER. He has not voted.

Mr. WETMORE. I withdraw my vote. If he were present, I should vote "yea."

Mr. VILAS (after having voted in the negative). I voted inadvertently. I am paired generally with the Senator from Oregon [Mr. MITCHELL]. I suggest to the Senator from Rhode Island [Mr. WETMORE] that we might exchange our pairs, in which case I can let my vote stand and he will have an opportunity to vote.

Mr. WETMORE. Very well. I vote "yea."

Mr. MCBRIDE. My colleague [Mr. MITCHELL] is absent from the Chamber on account of illness in his family. He is paired, as has been announced, with the senior Senator from Wisconsin [Mr. VILAS]. If present, my colleague would vote "yea."

The result was announced—yeas 42, nays 9; as follows:

YEAS—42.

Allen,	Chandler,	Lodge,	Sewell,
Allison,	Chilton,	McBride,	Sherman,
Baker,	Clark,	Mills,	Shoup,
Bate,	Cullom,	Nelson,	Squire,
Berry,	Dubois,	Pasco,	Stewart,
Burrows,	Faulkner,	Peffer,	Teller,
Butler,	Gallinger,	Perkins,	Vest,
Caffery,	Hawley,	Pettigrew,	Walthall,
Cameron,	Jones, Ark.	Platt,	Wetmore.
Cannon,	Kyle,	Pugh,	
Carter,	Lindsay,	Quay,	

NAYS—9.

Cockrell,	Gorman,	Hill,	Smith,
Daniel,	Gray,	Mitchell, Wis.	Vilas.
Frye,			

NOT VOTING—38.

Aldrich,	George,	Mantle,	Thurston,
Bacon,	Gibson,	Martin,	Tillman,
Blackburn,	Gordon,	Mitchell, Oreg.	Turpie,
Blanchard,	Hale,	Morgan,	Voorhees,
Brice,	Hansbrough,	Morrill,	Warren,
Brown,	Harris,	Murphy,	White,
Call,	Hoar,	Palmer,	Wilson,
Davis,	Irby,	Pritchard,	Wolcott.
Elkins,	Jones, Nev.	Proctor,	
Gear,	McMillan,	Roach,	

So the amendment was laid on the table.

The PRESIDING OFFICER. The bill is still as in Committee of the Whole and open to amendment.

Mr. PEFFER. Mr. President, I desire to offer an amendment. I voted to lay the last amendment upon the table for the reason that I am opposed to increasing our interest-bearing debt. But inasmuch as nearly three years ago we stopped the coinage of silver, and also stopped the manufacture of all new money by that legislative action, and therefore, by reason of an increase in population and business, we are constantly having a relative contraction of currency, I think we ought to make the debt created by this bill

payable in Treasury notes. It would have two good effects. One is that it would certainly effect the payment of the debt, and the other is that it would give the people that much more currency. I move that the amendment I offer be inserted at the proper place. I have not a copy of the bill by me, but let the amendment follow the amount of money appropriated, whatever it is.

The PRESIDING OFFICER. The amendment proposed by the Senator from Kansas will be read.

The SECRETARY. It is proposed to add to the bill:

Payable in Treasury notes to be issued by the Secretary of the Treasury from time to time as they shall be required.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Kansas.

Mr. PEFFER. I do not care to discuss the amendment at all, and so far as I know no friend of the amendment does propose to discuss it, but I am anxious to see how the Senate feels about it.

The PRESIDING OFFICER. The Chair inquires of the Senator from Kansas to what particular appropriation in the bill he desires his amendment applied?

Mr. PEFFER. Where the Senator from Maryland proposed to insert his amendment.

The PRESIDING OFFICER. On page 16, at the end of the bill, the clause reads as follows:

For one-half of said sum, to be supplied by the United States, $3,425.

Mr. PEFFER. No; there is a specific sum appropriated somewhere.

The PRESIDING OFFICER. The last appropriation in the bill, the Senator will notice, is a specific sum of one-half of $3,425.

Mr. GORMAN. Let the amendment be read again.

The SECRETARY. It is proposed to insert the following:

Payable in Treasury notes to be issued by the Secretary of the Treasury from time to time as they shall be required.

Mr. ALLEN. I desire the attention of the Senator from Kansas a moment. I suggest the propriety of modifying the amendment so that it shall read "that all appropriations made under this bill" or "by virtue of this bill" shall be payable in legal-tender notes.

Mr. PEFFER. I will accept the suggestion of the Senator from Nebraska.

The PRESIDING OFFICER. The amendment as modified will be read.

Mr. GORMAN. I suggest that the amendment be inserted at the end of the bill.

Mr. ALLEN. Let it be inserted at the end of the bill.

Mr. BLACKBURN. Let the amendment be read.

Mr. PEFFER. That will do. I thought there was a specific sum appropriated by the bill, and I desired my amendment to be inserted immediately after the amount stated.

The PRESIDING OFFICER. The question is on agreeing to the amendment as modified.

Mr. ALLEN. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. KYLE. I have not heard the amendment read yet.

The PRESIDING OFFICER. The amendment will be again read.

The SECRETARY. Add to the bill the following proviso:

Provided, That all appropriations made in this bill shall be payable in Treasury notes to be issued by the Secretary of the Treasury from time to time as they shall be required.

The PRESIDING OFFICER. The Secretary will call the roll on agreeing to the amendment of the Senator from Kansas [Mr. PEFFER].

The Secretary proceeded to call the roll; and Mr. ALDRICH answered "nay."

Mr. TURPIE. Mr. President, I call for the reading of the amendment.

Mr. ALDRICH. It is too late.

The PRESIDING OFFICER. The Chair informs the Senator from Indiana that a name has been called and a response has been recorded at the desk.

Mr. GEORGE. I should like to hear the proposition read which we are to vote upon.

Mr. GORMAN. I ask unanimous consent that the amendment may be again read.

The PRESIDING OFFICER. By unanimous consent, the roll call will be discontinued. The amendment will be again read.

The SECRETARY. At the end of the bill insert the following proviso:

Provided, That all appropriations made in this bill shall be payable in Treasury notes to be issued by the Secretary of the Treasury from time to time as shall be required.

Mr. HILL. Mr. President——

Mr. ALLEN. The question is not debatable pending the roll call. I rise to a point of order.

The PRESIDING OFFICER. The Senator from Nebraska will state his point of order.

Mr. ALLEN. The roll call had been begun and one response had been made.

The PRESIDING OFFICER. By unanimous consent the roll call was discontinued.

Mr. ALLEN. By unanimous consent the roll call was discontinued at the request of the Senator from Indiana [Mr. TURPIE] to permit the reading of the amendment, and no further.

The PRESIDING OFFICER. The Senator from Nebraska is mistaken. The Chair understood the Senator from Indiana to request that the question be divided. It is in order to call for a division of the question, if the Senator from Indiana desires to do so. Will the Senator from Indiana indicate how he desires to have the amendment divided?

Mr. TURPIE. I did not ask for a division of the question; I simply asked to have the amendment read.

Mr. LINDSAY. Mr. President, I desire to make the point of order that the amendment is new legislation.

Mr. PEFFER. I submit that it is too late to raise a point of order.

The PRESIDING OFFICER. The Chair thinks that the point of order is made too late. The roll call will be resumed.

The Secretary resumed the calling of the roll.

Mr. BLACKBURN (when his name was called). I am paired with the senior Senator from Michigan [Mr. MCMILLAN]. I do not know how he would vote if present.

Mr. BURROWS. I think my colleague would vote "nay."

Mr. BLACKBURN. Then I will withhold my vote. If he were present, I should vote "yea."

Mr. GEAR (when his name was called). I am paired with the senior Senator from Georgia [Mr. GORDON]. If he were present, I should vote "nay."

Mr. GALLINGER (when Mr. HANSBROUGH's name was called). I again announce the pair of the Senator from North Dakota [Mr. HANSBROUGH] with the Senator from Illinois [Mr. PALMER].

Mr. MARTIN (when his name was called). I am paired with the Senator from Montana [Mr. MANTLE]. If he were present, I should vote "nay."

Mr. PASCO (when his name was called). I make the same transfer of my pair as before and vote "nay."

Mr. PRITCHARD (when his name was called). I am paired with the Senator from Louisiana [Mr. BLANCHARD]. If he were present, I should vote "nay."

Mr. GALLINGER (when Mr. PROCTOR's name was called). I desire to again announce the pair of the Senator from Vermont [Mr. PROCTOR] with the Senator from Florida [Mr. CALL].

Mr. PUGH (when his name was called). I am paired with the senior Senator from Massachusetts [Mr. HOAR]. If he were present, he would vote "nay" and I should vote "yea."

Mr. QUAY (when his name was called). I am paired with the Senator from Alabama [Mr. MORGAN]. If he were present, I should vote "nay."

Mr. THURSTON (when his name was called). I have a general pair with the junior Senator from South Carolina [Mr. TILLMAN]. If he were present, I should vote "nay."

Mr. TURPIE (when his name was called). I am paired generally with the senior Senator from Minnesota [Mr. DAVIS]. As he is absent, I withhold my vote.

Mr. WOLCOTT (when his name was called). I am paired with the Senator from Ohio [Mr. BRICE].

The roll call was concluded.

Mr. FAULKNER (after having voted in the negative). I have already voted. I desire to announce the transfer of my pair with the Senator from West Virginia [Mr. ELKINS] to the Senator from Indiana [Mr. VOORHEES].

The result was announced—yeas 12, nays 43; as follows:

YEAS—12.

Allen,	Daniel,	Mills,	Roach,
Butler,	George,	Peffer,	Stewart,
Cameron,	Kyle,	Pettigrew,	Vest.

NAYS—43.

Aldrich,	Chandler,	Gray,	Sewell,
Allison,	Chilton,	Hawley,	Sherman,
Bacon,	Clark,	Hill,	Shoup,
Baker,	Cockrell,	Jones, Ark.	Smith,
Bate,	Cullom,	Lindsay,	Squire,
Berry,	Dubois,	Lodge,	Teller,
Brown,	Faulkner,	McBride,	Vilas,
Burrows,	Frye,	Nelson,	Walthall,
Caffery,	Gallinger,	Pasco,	Wetmore,
Cannon,	Gibson,	Perkins,	White.
Carter,	Gorman,	Platt,	

NOT VOTING—34.

Blackburn,	Hansbrough,	Mitchell, Wis.	Thurston,
Blanchard,	Harris,	Morgan,	Tillman,
Brice,	Hoar,	Morrill,	Turpie,
Call,	Irby,	Murphy,	Voorhees,
Davis,	Jones, Nev.	Palmer,	Warren,
Elkins,	McMillan,	Pritchard,	Wilson,
Gear,	Mantle,	Proctor,	Wolcott.
Gordon,	Martin,	Pugh,	
Hale,	Mitchell, Oreg.	Quay,	

So the amendment was rejected.

Mr. LODGE. I desire to offer an amendment to be inserted after line 9, on page 14, to come in after the amendment reported by the Committee on Appropriations.

The PRESIDING OFFICER. The amendment proposed by the Senator from Massachusetts will be stated.

The SECRETARY. After line 9, on page 14, it is proposed to insert:

To enable the Board of Ordnance and Fortification to procure and test one controllable torpedo of the type patented by Lieut. Nicholas J. Halpine, United States Navy, the Secretary of War is hereby authorized and directed to contract with the licensee of said Halpine patent for said torpedo, without advertising, which shall be constructed according to the plans and specifications prepared by said N. J. Halpine, and the details of said plans may be modified, changed, and improved, in the discretion of the contractors.

The sum of $9,500, or so much thereof as may be necessary, is hereby appropriated for the purchase and experiments of the said Halpine torpedo.

Upon the completion and tests of the Halpine torpedo herein referred to, a report shall be made to Congress by the Secretary of War at the next session of Congress after said tests, in which shall be stated in detail the performance of this type of torpedo in maneuvering and firing and the merits and defects of the same and the price for which the type can be furnished in large numbers, and time of delivery of the same, together with the price for which the United States patents may be obtained.

Mr. ALLEN. I should like to ask the Senator from Massachusetts if this proposed amendment has received the approval of any committee?

Mr. LODGE. It was referred to the Committee on Appropriations.

Mr. ALLEN. Only the Committee on Appropriations?

Mr. LODGE. It was referred to that committee.

Mr. ALLEN. I make the point of order on the amendment that it has not been reported by any committee.

The PRESIDING OFFICER. The Senator from Nebraska makes the point of order on the amendment.

Mr. LODGE. Mr. President, I only desire to say a few words in regard to the point of order. I wish to express my surprise, after so many hundreds of thousands of dollars have been appropriated for so many other torpedoes, that this amendment, which only carries an appropriation of $9,500, should have been rejected by the committee.

Of course, if the point of order is made, I do not propose to discuss the merits of the case, although I will state to the Senate that I feel perfectly able to do so. I do not, however, desire to delay the Senate.

The PRESIDING OFFICER. The Chair would like to hear from the Senator on the point of order as to whether the amendment has been reported by a committee or is otherwise in order.

Mr. ALLEN. If the Chair will permit me to interrupt him, I would state that, under the peculiar circumstances of the case, I will withdraw the point of order.

The PRESIDING OFFICER. The point of order is withdrawn; and the question is on the adoption of the amendment submitted by the Senator from Massachusetts.

Mr. LODGE. Then, Mr. President, as the Senator from Nebraska has been kind enough to withdraw the point of order, I will say a few words in regard to the amendment, which is framed in precisely the same manner as the amendment reported by the Committee on Appropriations in regard to the Howell carriage, which is in the usual form.

The amendment relates to a controllable torpedo, a most important device, if it can be obtained, for modern warfare, and it calls for a very small appropriation. The committee have appropriated $50,000 for the Howell gun carriage; $20,000 for the A. H. Emery gun carriage, and $65,000 for the test of the Gatling gun carriage; and the amount asked for in the amendment as to the Halpine torpedo is but $9,500. Some of those for which the committee has appropriated these large sums for experiment have hardly got beyond the stage of drawings—the specifications, I think, are hardly made in some cases—whilst the Halpine torpedo has been passed upon favorably by nine foreign boards, and has been already bought by one foreign Government.

I have no desire even to put the Government to the expense of this extra $9,500 if the committee will admit it by name in the general appropriation for torpedoes. I should be entirely content with that; but I think that device deserves an examination by the Government, and there is no other way of securing that examination that I am aware of except by a provision in this bill. If the Senator in charge of the bill objects to making the additional appropriation, I suggest that he allow the Halpine torpedo to come in under the general head in line 16. If he would agree to insert, after the word "torpedoes," the words "including the Halpine torpedo," that would cover the matter entirely.

Mr. HAWLEY. On what page is that?

Mr. LODGE. That is on page 9. I offered the amendment making an appropriation, but if the Senator in charge of the bill will simply admit in the general clause, after the words "explosives, torpedoes," the words "including the Halpine torpedo," that will be satisfactory. I simply want to secure for that device a proper examination, which, as I said, has been tried successfully by nine foreign boards and has been bought already in its imperfect form by the Government of Brazil; and we are putting in the bill $150,000 for schemes which have hardly got beyond paper, and yet will not allow $9,500 to go into the bill for this torpedo, which has been tested by practical experiments.

Mr. PERKINS. Lieutenant Halpine appeared before the subcommittee of the Committee on Appropriations, and made a lengthy and exhaustive statement. The committee were favorably impressed with his device. While we had some technical knowledge of electricity, and propelling vessels through the water, yet we thought that the Board of Ordnance and Fortification, which has been created by an act of Congress, far more competent to pass upon the utility of his device than a committee of the Senate.

Mr. LODGE. Then, if the Senator will allow me——

Mr. PERKINS. In one moment; but I will anticipate, I think, what the Senator is about to say.

We were favorably impressed with Mr. Halpine, who is an educated gentleman, educated by the Government at our naval school, who, with many others, appeared before the committee, and they saw only their own inventions through their own glasses, being color-blind as to the merits of all other inventions. But the committee, as I said, though favorably impressed with that and other devices which were presented to them, thought it proper to leave it to the Board of Ordnance and Fortification, which, as is well known by the Senator from Massachusetts, is composed of the Commanding General of the Army, the Chief of Engineers, an artillery officer, the Chief of Ordnance, and a distinguished civilian. The committee therefore recommended the increase of the appropriation that was placed at the disposal of this Board from $100,000 to $150,000; and the Senate to-day has concurred in the recommendation that the amount be increased $50,000. Lieutenant Halpine will appear before that Board, I assume, in due time, will there present his device to them, and if the Board believe it superior to any other device of the kind they will undoubtedly adopt it; but if we place in this bill the name of Lieutenant Halpine, we should also place in it the names of a dozen or more others who desire their inventions to be tried.

Mr. LODGE. That is precisely the point I was going to make. The committee have picked out certain persons and made appropriations for certain devices. If you will refer all these devices to the Board of Ordnance and Fortification, strike out these amendments for specific inventions that you have now put in, I should not have one word to say; that would be all right; but you pick out three inventions and you make appropriations for them, and then you exclude another. Let them all go to the Board or else direct the Board as to those which it is desired to have examined.

Mr. PERKINS. The three cases referred to by the Senator from Massachusetts are entirely different from this. As to one of them especially, that for the creation of a gun carriage, the inventor has rendered valuable service to this Government in years past; and perhaps through the testimony he gave to our committee or the committees that preceded it in other Congresses we have been enabled to save the Government a large amount of money.

The Howell gun carriage was recommended to the committee by the Chief of Ordnance, with the statement that the Board would like to try it; that they believed it had intrinsic merit; and that if provision was made in the bill they believed that they could build one carriage, and that satisfactory results would inure from that. But this is simply an invention for propelling a torpedo through the water with a man astride of it. When I asked the inventor where the man would be in an engagement he said, "Humanity does not shoot a man in the water." [Laughter.] Well, perhaps not; but experience in naval warfare refutes that statement.

I do not, however, wish to go into the details about this matter. We believe this invention has merit, and the Board of Ordnance and Fortification have the money to purchase a dozen of these devices if they desire to do so; and if the inventor can show them that it has the merit he claims for it they will undoubtedly accept the invention of the friend of my friend from Massachusetts, and it will become a part of the armament of this great Government.

Mr. LODGE. I only desire to say that the gentleman in question is not my constituent. He is the son of Halpine, who was well known as a writer some years ago under the name of Miles O'Reilly. He has been a naval officer, was educated at Annapolis, and retired on account of the failure of his health. He showed me his invention, which does not require a man to ride astride of it, as the Senator from California stated.

Mr. PERKINS. Pardon me one moment. If the chairman of the Committee on Appropriations, after the Senator from Massachusetts has traced the genealogy of this distinguished gentleman, will agree to admit the provision in the bill without any appropriation I shall not object that it be recommended for trial.

Mr. LODGE. Say "including the Halpine torpedo." That is all I desire to insert. I ask for no appropriation.

The PRESIDING OFFICER. The Senator from Massachusetts withdraws his amendment and submits another amendment, which the Secretary will state.

The SECRETARY. At the end of line 16, on page 9, after the word "torpedoes," it is proposed to insert "including the Halpine torpedo."

Mr. ALLISON. As the Senator from California [Mr. PERKINS] in charge of the bill refers to me, I think I ought to say that the committee expended as much time as they could expend upon this young lieutenant of the Navy, and we all agree that he had a most ingenious invention. Of course we knew very little about its effectiveness. We also inquired, as I remember, of the Chief of Ordnance respecting it, but he had not made such investigation as would enable him to express an opinion regarding it. I have no doubt that the Board of Ordnance and Fortification will test this torpedo. If they find on looking it over that it has merit, and certainly if it be true, as stated by the Senator from Massachusetts, that nine foreign governments have already tested and adopted it, I should think that our Board of Ordnance and Fortification would be derelict in their duty if they did not also test it. I should think, however, that this young officer, if he has such a valuable invention, could himself afford, or in some way get his friends to assist him in making a torpedo, so that it could be tested without expense to the Government. But I have no objection, I will say to the Senator from Massachusetts, to incorporating the amendment in the way he now proposes.

I want, however, to say one thing as to the criticism made by the Senator from Massachusetts in regard to three special appropriations which are made in this bill. The first is for Commodore Howell, who has invented a disappearing carriage, which he regards as of high value, and the Chief of Ordnance stated that he also regarded it as valuable, and therefore expressed a wish that it should be tested.

The next provision is one for Mr. Emery, a well-known inventor of the highest attainments, who had secured some two or three years ago an appropriation for $110,000 for the erection of a 12-inch disappearing carriage. That appropriation was made under such conditions and limitations as made it impossible for him to proceed with the construction of that carriage.

The other is an appropriation providing for the test of a gun that is proposed by Mr. Gatling, who is a well-known inventor, and who has invented many valuable guns for the Army.

Mr. PERKINS. A gun and a mortar.

Mr. ALLISON. A gun and a mortar. Our present guns and mortars are being made of steel. Mr. Gatling believes that he can make a gun of a composite character which, as to its value, will far exceed those now being manufactured, and which can be made at a much less expenditure.

Mr. PERKINS. One-half, he says.

Mr. ALLISON. At one-half the present expenditure.

These three appropriations are made for the purpose of testing the chief element in the cost of our fortifications. Two or three years ago we made appropriations for what were known as lifts to elevate high-power guns, at an expense of $225,000 each, the gun itself only costing $60,000 or $70,000. Then, there have been a number of people who have been engaged in the invention of disappearing carriages. The officers of the Ordnance Department themselves have made and tested a disappearing carriage which was satisfactory to them.

Senators will remember that we have by this bill entered actively upon an expenditure for our fortifications which will, if carried out as here proposed and as proposed by the ordnance and engineer officers, cost more than $100,000,000, and of this cost guns and gun carriages and the appliances of those guns and gun carriages will amount to fifty or sixty million dollars. Therefore it was that the committee believed that it was wise to make these expenditures specifically, especially as the expenditures were to be made for the purpose of testing gun carriages and guns of the most distinguished inventors of our country, who have hitherto demonstrated their ability as inventors by making valuable inventions.

So I trust the Senator from Massachusetts will not think that we have inserted these amendments in the bill merely for the purpose of pleasing this, that, or the other inventor.

Mr. LODGE. Mr. President, I have no objection in the world to the appropriations for the specific inventors named by the Senator from Iowa. They have received a great deal of money from the Government already, and one of them has invented a torpedo which the Government uses, and which is a very unsuccessful torpedo indeed. I have no objection to the appropriation of money for experiments in all these important implements of war; I think they are right; but here are men named in this bill, whom the Senator from Iowa has just described, who have had thousands and thousands of dollars; and when a young man comes along with an invention, which seems a reasonable one, in the most important implement of war now being considered, the controllable torpedo, it is asked why he does not pay his own expenses for its construction. I can say to the Senator from Iowa that the small savings which that young man has been able to make from the pay of a naval officer have been entirely expended by him in perfecting his invention so far as it has gone.

I did not mean to say that his invention had been adopted by foreign governments. I say it has been passed by nine different foreign boards, passed with approbation, and also the torpedo invented by him, in its first and most imperfect form, has been purchased by the Government of Brazil. It is supposed to be a controllable torpedo, not ridden by a man in the water, as the Senator from California described it, but controlled by electricity. I am not an expert in those matters; I have not the faintest idea whether it is a device that is likely to succeed or not; but I do think that there is no reason why we should not spend a few thousand dollars in experimenting with this device when we are very wisely expending $150,000 in experimenting with the devices of Commodore Howell and Mr. Gatling and Mr. Emery. It seems to me that that is the only way we shall ever get such implements of warfare as we desire.

Mr. ALLISON. I intended no reflection on this young officer of the Navy. I only meant to suggest to the Senator from Massachusetts that if this invention has the merit which he ascribes to it, the Board of Ordnance and Fortification will have sense enough to see it, and we have provided ample means to enable this young officer to test his torpedo, without naming him specifically, and if the Board of Ordnance and Fortification should realize, as we have a right to suppose they will, the merits of his invention, then it would cost but a small sum to manufacture this controllable torpedo by the inventor himself, whereas, as to these other provisions which we have put in the bill, they involve large expenditures which can only be made by the Government itself.

Now, I want to say, as I said in the beginning, that I have no objection to inserting the name of Mr. Halpine, if the Senator from Massachusetts desires to have his name inserted, but I only wanted, so far as I could, to vindicate the committee as to the charge of their failure to specifically put in this small invention, costing only $9,500; but instead of the committee proposing a general sum of $50,000, to cover this and others like it, making the amount altogether $150,000. That was the point I made. I desired only to reply to the criticisms of the Senator from Massachusetts as to the liberality of the committee in one direction and its economy in another.

Mr. LODGE. I have no desire to criticise the committee. I merely desire that this torpedo shall be tried by the Board. I have great respect for the opinion of this Board. I have no doubt that it is an excellent one. I have not any question of that whatever, and have no doubt that they are great experts; but still they are not infallible. Boards of experts in the Army and Navy are not infallible, and everyone who is familiar with the history of the *Monitor* knows that the naval experts said it would never do; and if it had not been for the civil department of the Government it would never have been tried, and yet the invention of the *Monitor* revolutionized naval warfare. Therefore expert boards are not always right, though they are right in a great majority of cases undoubtedly. But there is no reason why Congress should not recommend to them, as it has done substantially in hundreds of other cases, a device which it thinks worthy of trial.

Mr. GRAY. Let me ask the Senator from Massachusetts a question before he takes his seat.

Mr. LODGE. Certainly.

Mr. GRAY. Does the Senator's amendment make it mandatory upon the Board to make the experiment?

Mr. LODGE. It simply says they are authorized to do so.

Mr. HAWLEY. It enables the Board to make the experiment suggested.

Mr. PERKINS. Inasmuch as my friend from Massachusetts challenged the correctness of a statement which was made by me, I will read an extract from the testimony taken before the committee:

Senator PERKINS. Have you practically demonstrated the utility of your invention?

Lieutenant HALPINE. This has been in use two years.

Senator PERKINS. Have you demonstrated that you can guide it wherever you please?

Lieutenant HALPINE. Yes, sir; that is the one we sent to Brazil.

Senator CULLOM. Where is the man stationed who operates the apparatus that guides the torpedo?

Lieutenant HALPINE. He has this board in his hands.

Senator PERKINS. Is he under cover on shore?

Lieutenant HALPINE. No, sir; he moves away from the shore. Here is a picture of the man who rides it. [Produces photograph.] After the man gets out a certain distance he loads the torpedo by putting in a fresh can and gets on top of this [indicating], and when he gets within a mile range of the vessel he wishes to attack he starts the machinery by turning this little rear key, and runs it up on this speed. [Indicating.] Meantime he is riding there. [Indicating.]

Senator PERKINS. What is there to protect the man from sharpshooters on board the ship?

Lieutenant HALPINE. Humanity does not shoot a man in the water.

I only wanted to satisfy the Senator that I was correct in my former statement on this point.

The VICE-PRESIDENT. The question is on the amendment submitted by the Senator from Massachusetts.

The question being put, there were on a division—ayes 13, noes 16.

The VICE-PRESIDENT. No quorum having voted, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,	Clark,	Jones, Ark.	Quay,
Allison,	Cullom,	Kyle,	Roach,
Bacon,	Daniel,	Lindsay,	Sewell,
Baker,	Dubois,	Lodge,	Shoup,
Bate,	Elkins,	Martin,	Squire,
Berry,	Faulkner,	Mills,	Stewart,
Blackburn,	Frye,	Nelson,	Teller,
Brown,	Gallinger,	Pasco,	Thurston,
Burrows,	Gear,	Peffer,	Vest,
Butler,	George,	Perkins,	Walthall,
Cannon,	Gorman,	Pettigrew,	Wetmore,
Carter,	Gray,	Platt,	White,
Chandler,	Hawley,	Pritchard,	Wilson,
Chilton,	Hill,	Pugh,	Wolcott.

The VICE-PRESIDENT. Fifty-six Senators have answered to their names. A quorum is present. The question recurs upon the amendment submitted by the Senator from Massachusetts [Mr. LODGE].

Mr. GORMAN. On that let us have the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. BLACKBURN (when his name was called). I am paired with the senior Senator from Michigan [Mr. MCMILLAN]. I do not know how he would vote if present. If he were here, I should vote "nay."

Mr. FAULKNER (when his name was called). I make the same transfer I made on a previous roll call. I transfer my pair with the Senator from West Virginia [Mr. ELKINS] to the Senator from Indiana [Mr. VOORHEES] and vote "nay."

Mr. GEAR (when his name was called). I am paired with the Senator from Georgia [Mr. GORDON]. If he were present, I should vote "yea."

Mr. MARTIN (when his name was called). I am paired with the Senator from Montana [Mr. MANTLE]. If he were present, I should vote "nay."

Mr. PRITCHARD (when his name was called). I am paired with the Senator from Louisiana [Mr. BLANCHARD]. If he were present, I should vote "yea."

Mr. PUGH (when his name was called). I am paired with the Senator from Massachusetts [Mr. HOAR].

Mr. QUAY (when his name was called). I am paired with the Senator from Alabama [Mr. MORGAN].

Mr. THURSTON (when his name was called). I have a general pair with the junior Senator from South Carolina [Mr. TILLMAN], but with the distinct understanding that it shall not apply to questions which have no possible political significance. On this motion I vote "yea."

Mr. VILAS. I suggest to the Senator from Nebraska [Mr. THURSTON] that we exchange our pairs. I am paired generally with the Senator from Oregon [Mr. MITCHELL]. Let the Senator from Oregon [Mr. MITCHELL] stand paired with the Senator from South Carolina [Mr. TILLMAN]. Then the vote of the Senator from Nebraska [Mr. THURSTON] may stand and the pair will be observed.

Mr. THURSTON. Generally, during the absence of those Senators?

Mr. VILAS. That will relieve the question in any case.

Mr. THURSTON. Very well.

Mr. WALTHALL (when his name was called). I am paired with the senior Senator from Pennsylvania [Mr. CAMERON].

Mr. WOLCOTT (when his name was called). I am paired with the Senator from Ohio [Mr. BRICE]. If he were present, I should vote "yea."

The roll call was concluded.

Mr. TURPIE. I am paired with the Senator from Minnesota [Mr. DAVIS]. He being absent, I withhold my vote.

Mr. DUBOIS. I inquire whether the senior Senator from New Jersey [Mr. SMITH] has voted?

The VICE-PRESIDENT. He has not voted.

Mr. DUBOIS. I am paired with the senior Senator from New Jersey.

The result was announced—yeas 24, nays 27; as follows:

YEAS—24.

Aldrich,	Chandler,	Lodge,	Shoup,
Allison,	Frye,	McBride,	Squire,
Baker,	Gallinger,	Perkins,	Teller,
Brown,	Hale,	Pettigrew,	Thurston,
Burrows,	Hawley,	Platt,	Wetmore,
Cannon,	Hill,	Sewell,	Wilson.

NAYS—27.

Allen,	Clark,	Gray,	Pasco,
Bate,	Cockrell,	Jones, Ark.	Peffer,
Berry,	Cullom,	Kyle,	Roach,
Butler,	Daniel,	Lindsay,	Vest,
Caffery,	Faulkner,	Mills,	Vilas,
Carter,	George,	Mitchell, Wis.	White.
Chilton,	Gorman,	Nelson,	

NOT VOTING—38.

Bacon,	Gibson,	Mitchell, Oreg.	Smith,
Blackburn,	Gordon,	Morgan,	Stewart,
Blanchard,	Hansbrough,	Morrill,	Tillman,
Brice,	Harris,	Murphy,	Turpie,
Call,	Hoar,	Palmer,	Voorhees,
Cameron,	Irby,	Pritchard,	Walthall,
Davis,	Jones, Nev.	Proctor,	Warren,
Dubois,	McMillan,	Pugh,	Wolcott.
Elkins,	Mantle,	Quay,	
Gear,	Martin,	Sherman,	

So the amendment was rejected.

Mr. SQUIRE. I offer an amendment to come in on page 10, after line 19.

The SECRETARY. After line 10, on page 19, it is proposed to insert:

The sum of $50,000 to be appropriated for the purchase of the Lewis range and position finder: *Provided*, That the Government shall have the privilege of buying the exclusive right for the United States to this invention. And the Secretary of War is hereby authorized and directed to purchase at once said range finder to the amount of this appropriation.

Mr. SQUIRE. Mr. President, I do not care to discuss this question at any length. I wish merely to make an explanation. I have in my hand a copy of an extract from the report of the Board of Ordnance and Fortification dated February 7, 1896, in which it is stated that the Board approves the findings of the range-finder board and recommends that the Lewis depressed range finder be adopted. It also recommended that steps be taken to acquire the right to use this invention by appropriating such sum as may to the Secretary of War seem just and equitable. The report is signed by General Miles, president of the Board, and by the recorder, and it is approved by the Secretary of War.

I believe it is important that we should have a larger number of range finders than are in existence in this country. We are providing in the pending bill for the purchase of a large number of high-power, long-range guns; we are providing for a large payment to the Bethlehem Iron Company under the contract already existing, and we are providing for the manufacture by the Government of 48 additional direct-fire guns of 8-inch, 10-inch, and 12-inch calibers, besides many 12-inch steel-rifled mortars during the present year. All these great guns are to be for harbor defense.

It is well known that the range finders are essential in ascertaining the position of a ship in a harbor. It is also well known that harbors are laid out in artificial squares, charted. This plan of defense is illustrated in the report of the Chief of Ordnance, showing how the shots fired from the steel mortars in depressed pits and sent a mile or two high can be so aimed by the use of the range finder as to come down on the deck of an attacking vessel. The range finders are necessary in ascertaining the position of a ship, only a few seconds being required for that purpose. I understand that there are very few of them now on hand. I do not know the exact number, but I do not believe there are as many as six——

Mr. FAULKNER. I ask the Senator from Washington whether the Ordnance Department do not think they have as many now as they have need for?

Mr. SQUIRE. I do not understand that the Ordnance Department are indisposed to acquire a further number. I do understand that the Ordnance Department are not disposed to ask for any very large number now, but I think we ought to have at least a few more; and that is the reason I reduced the amount named in the amendment below what the Senator from Florida proposed.

Let me say by way of explanation that I introduced this amendment in the absence of the Senator from Florida [Mr. CALL], who gave notice of his intention to propose the amendment, and in his amendment the sum fixed was $250,000. He being absent to-day, I have, by request, introduced the amendment, and I have cut it down from $250,000 to $50,000, because I think we ought to have a number of these range finders provided for in the pending bill.

If you are going to spend all this money for fortifications (I believe we are right in doing it; I believe the Senate is acting just right in this respect); if we are going to spend this money for guns and projectiles, we ought to have range finders, not all that are required for the future, but let us have a reasonable number provided.

I hope the committee will be disposed to accept the amendment, but if they are not willing to make it $50,000, let us make it $30,000. I know we have some of these range finders. It is not fair to the service that it should be without a reasonable complement of the range finders that have been amply tested, and such as have been in the service for three years. It seems somewhat neglectful that, in such a liberal bill as this, we should omit to provide for the purchase of a single range finder, the range finder that has been recommended and adopted by the Board of Ordnance and Fortification.

Mr. PERKINS. In the fifth report of the Board of Ordnance and Fortification there is quite a treatise upon range finders and locators. There are some three or four different ones mentioned. The Lewis range finder is yet in its incipiency; that is, they are

trying three of them, one on a low altitude, one upon a high altitude, and one upon a medium range. They think well of them. In New York Harbor there is also another new range finder, and they are experimenting with it. We already have three Lewis range finders, for each of which the Government has paid about $2,000. If all our fortifications are constructed on the lines proposed by the Board, we would have only about 60 batteries, and there is no necessity of purchasing any more range finders at this time. Let us first construct the mortars and the cannon, get them in position, and then it will be time enough for us to experiment with more range finders. It will require but from thirty to sixty days to make one of them, and when we want them we can choose them from all the different designs. I do not want to weary the Senate at this time, but the testimony of the Chief of Ordnance was that there was no necessity at this time for making any appropriations other than those we have already provided for in the general bill.

Mr. SQUIRE. By the courteous invitation of the subcommittee on appropriations it was my privilege to be present at the hearing before the subcommittee in its consideration of the fortifications bill. I heard what the Chief of Ordnance said. I do not understand that he is actually antagonistic to any appropriation for this, but he did not think it was necessary to accumulate any large number of the range finders at the present time. That is the reason why I have reduced the number proposed to be purchased to only one-fifth. It occurs to me we ought to provide for a certain small number. I should be willing to reduce the amount, if the committee think best, and make the sum appropriated twenty-five or thirty thousand dollars instead of fifty thousand dollars. There ought to be a small number of range finders secured. It is probably an inaccurate statement that they can be prepared in thirty days. Everybody who has been in the business of manufacturing knows that it can not be done unless these machines are made by hand. Then it would probably be impracticable to supply any considerable number of them, duly tested and accepted, in less than six or eight months.

Mr. PERKINS. General Flagler's testimony is here, and I wish to read his testimony as taken by a shorthand writer. He said:

In my judgment it is not at all improbable that a better range finder may be arrived at than the one under consideration. If so, we do not want to purchase that right and be confined to that particular one. The $250,000 ought to buy at least 150 range finders.

Senator ALLISON. Where you need only 60?

General FLAGLER. It ought to buy 150, and we may not need more than 60. Do you regard it important—

The Senator from Illinois [Mr. CULLOM] asked—

that we should make an appropriation on that subject now?

General Flagler replied:

I do not.

Upon that testimony and upon the report of the Board of Ordnance and Fortification the committee declined to recommend that any sum should be appropriated for range finders.

Mr. SQUIRE. The Board of Ordnance and Fortification——

Mr. ALDRICH. I make the point of order.

Mr. SQUIRE. And I have their report here——

Mr. ALDRICH. I make the point upon the amendment that it is not in order.

The VICE-PRESIDENT. The Senator from Rhode Island will state his point of order.

Mr. ALDRICH. It is an amendment adding a new item of appropriation to the bill; it is not recommended by any committee, and it is not included in any estimate.

The VICE-PRESIDENT. The Chair sustains the point of order.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 4363) to increase the pension of Joseph J. Hudson;

A bill (H. R. 4720) granting an increase of pension to Isaac H. Whetsel, of Louisville, Ky.; and

A bill (H. R. 6488) granting increase of pension to Thomas D. Walker.

CAPITAL RAILWAY COMPANY.

Mr. FAULKNER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 888) to amend an act entitled "An act to incorporate the Capital Railway Company," approved March 2, 1895, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the first amendment of the House and agree to the same with an amendment as follows: Also, in section 1, line 7, strike out the word "for" and insert the word "have"; so that the phrase shall read, "have a common seal"; and the House agree to the same.

That the Senate recede from its disagreement to the second amendment of the House and agree to the same amended to read as follows: "Also continuing from said Eleventh and M streets north on Eleventh street to the south building line of East Capitol street"; and that the House agree to the same.

That the Senate recede from its disagreement to the third and fourth amendments of the House and agree to the same.

That the Senate recede from its disagreement to the fifth amendment of the House and agree to the same with an amendment so that section 4 shall read as follows:

"That the portions of the company's routes from Congress or Pencote Heights to Shepherds Landing and the Harrison street branch east to the District line shall be completed within two years from the passage of this act: *Provided*, That failure to complete the said portions of the routes as provided for in this section, and also failure to complete the extension on Eleventh street east, shall operate to repeal the authority to build said portions, and shall not repeal the charter of said company."

And that the House agree to the same.

CHARLES J. FAULKNER,
REDFIELD PROCTOR,
Conferees on the part of the Senate.
J. W. BABCOCK,
G. M. CURTIS,
JAMES D. RICHARDSON,
Conferees on the part of the House.

The report was concurred in.

Mr. CULLOM. I move that the Senate proceed to the consideration of the conference report on the legislative, executive, and judicial appropriation bill.

Mr. DANIEL. I ask the Senator from Illinois to yield to me for a moment.

Mr. CULLOM. I yield to the Senator from Virginia, but I hope no other Senator will call upon me to yield to him.

COURT ROOM AT HARRISONBURG, VA.

Mr. DANIEL. I am instructed by the Committee on the Judiciary, to whom was referred the joint resolution (H. Res. 174) granting permission to the circuit and county courts in Rockingham County, Va., to occupy the Federal court room in Harrisonburg, Va., to report it favorably.

I am also instructed to ask for the immediate passage of the joint resolution. I will state, in explanation, that the county of Rockingham contemplates building a new court-house and asks permission, during the time of its construction, not in any event to exceed three years, for its courts to occupy the Federal court room at that place. The cities and towns in our State have always granted like comity to the Federal Government.

Mr. CULLOM. If there is no debate upon the joint resolution, I shall not object to its present consideration.

Mr. DANIEL. There will be no debate upon it and I think no objection.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. PLATT. I ask the Senator from Illinois to yield to me for a moment.

Mr. CULLOM. I yield to the Senator from Connecticut, and in view of the lateness of the hour and the disposition on the part of many Senators to call up unobjected bills, I am inclined to let the report go over until to-morrow morning, if it is agreeable to the Senate, but otherwise I should like to go on with it at once.

The VICE-PRESIDENT. Without objection, it will be so ordered.

KATE EBERLE.

Mr. PLATT. I wish to call up the bill (H. R. 485) for the relief of Kate Eberle, an Indian woman.

I desire to state that a similar bill passed the Senate and the House at the last session, but it did not get to the President in time to receive his signature. I think there will be no objection to it.

Mr. COCKRELL. Why can we not proceed——

Mr. PLATT. Let me dispose of this bill, please.

Mr. COCKRELL. I was just going to state, before anybody else should ask unanimous consent, that we might have some understanding that as soon as this bill is disposed of we should take up the Calendar of unobjected cases and dispose of them.

Mr. CULLOM. I hope this case will not be interfered with.

Mr. COCKRELL. I do not propose to do that.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. COCKRELL. I should like to hear a concise statement of the facts in that case. It is a very remarkable case.

Mr. PLATT. The statement is contained in the preamble. This is an aged lady, who is now both aged and poor. When 6 or 7 years of age——

Mr. COCKRELL. Is she still living?

Mr. PLATT. She is still living.

Mr. COCKRELL. Where?

Mr. CULLOM. She is a poor washerwoman living in East Dubuque, in the northern part of Illinois. It is a case that has passed the Senate and House both once or twice. It passed the Senate, at least, the year before last; and the last time it passed both Houses of Congress it passed within an hour of final adjournment and did not reach the President.

Mr. PLATT. When this Indian woman was a child she was

separated from the tribe, and therefore was prevented from receiving her pro rata share, to which she would have been entitled under the provisions of the treaty if she had remained with the tribe. She was ignorant of her rights and did not rejoin her tribe. She is now old and poor, and the committees of the two Houses of Congress have formerly thought it no more than right that she should receive from the funds of the tribe her fair share as an Indian and as a member of the tribe.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

NORTHERN PACIFIC RAILROAD INDEMNITY LANDS.

Mr. CARTER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2221) for the relief of settlers on the Northern Pacific Railroad indemnity lands having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That in lieu of the Senate bill and the House amendment thereto the following substitute be passed:

"An act for the relief of settlers on the Northern Pacific Railroad indemnity lands.

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That those persons, their heirs, or legal representatives, who, between the 15th day of August, A. D. 1887, and the 1st day of January, A. D. 1889, settled upon and made final proof and entry, under the homestead or preemption laws, of lands within the so-called second indemnity belt of the Northern Pacific Railway Company's grant in the State of Minnesota, which entries were afterwards, without their fault, canceled, upon establishing these facts before the register and receiver of the local land office, in such mode and under such rules as may be prescribed by the Secretary of the Interior, shall be allowed to make final homestead entry, and receive a patent therefor of a quantity of land of any of the unappropriated public lands of the United States subject to homestead entry equal in acreage to the land proved up and entered in the said second indemnity belt as aforesaid, without being required to make any settlement or improvement upon or cultivation of such land so entered prior to such entry; and those persons, their heirs or legal representatives, who, within the period aforesaid for the space of six months settled upon, improved, and cultivated any of said indemnity lands with a view of entering the same under the homestead or preemption laws, being competent to make such entries, and who were not permitted to make such entries, upon establishing these facts before the register and receiver of the local land office, in such mode and under such rules as the Secretary of the Interior may prescribe, shall be allowed to enter, under the homestead laws of the United States, a quantity of land of the unappropriated public lands of the United States subject to homestead entry equal in amount to the land settled upon, improved, and cultivated, as aforesaid, and under the homestead entry so made shall, when making proof and final entry, receive credit for the settlement, improvement, and cultivation made upon the said indemnity land as aforesaid: *Provided*, That the law in force in 1889 governing the commutation of homestead entries shall apply to the commutation of entries under this section."

"SEC. 2. That those who are entitled to make the homestead entries prescribed in the preceding section may make such entries of any of the agricultural lands embraced in the provisions of an act entitled 'An act for the relief and civilization of the Chippewa Indians in the State of Minnesota,' approved January 14, 1889, upon condition of paying for such lands the price prescribed in said act.

"SEC. 3. That the right of homestead entry conferred by the provisions of this act shall not be assignable, and no conveyance, sale, or transfer of the land so entered shall be valid or of any effect if made before patent has issued."

THOMAS H. CARTER,
FRED. T. DUBOIS,
J. H. BERRY,
Conferees on the part of the Senate.

JOHN F. LACEY,
EDGAR WILSON,
O. W. UNDERWOOD,
Conferees on the part of the House.

The report was concurred in.

PUBLIC BUILDING AT DURHAM, N. C.

Mr. BUTLER. I wish to call up the bill (S. 1338) to provide for the purchase of a site and the erection of a public building thereon at Durham, in the State of North Carolina.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Buildings and Grounds with an amendment, on page 2, line 13, before the word "thousand," to strike out "fifty" and insert "twenty-five"; so as to read:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site, and to cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, elevators, and approaches, for the use and accommodation of the United States post-office and other Government offices in the city of Durham and State of North Carolina, the cost of said site and building, including said vaults, heating and ventilating apparatus, elevators, and approaches, complete, not to exceed the sum of $125,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT ABERDEEN, S. DAK.

Mr. KYLE. I ask leave to call up the bill (S. 105) for the erection of a public building at Aberdeen, S. Dak.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to purchase or acquire, by condemnation proceedings or otherwise, a site for, and cause to be erected thereon, a suitable building, with fireproof vaults therein, for the accommodation of the post-office and other Government offices at the city of Aberdeen, S. Dak., the plans, specifications, and full estimates for the building to be previously made and approved according to law, and the cost for the site and building complete not to exceed $100,000.

Mr. COCKRELL. Is there a report in that case? If so, let it be read.

The VICE-PRESIDENT. The report will be read.

The Secretary read the report submitted by Mr. SQUIRE on the 11th instant, as follows:

The Committee on Public Buildings and Grounds, to whom was referred the bill (S. 105) for the erection of a public building at Aberdeen, S. Dak., have considered the same and recommend its passage.

Appended hereto is the report from the Secretary of the Treasury, which is adopted by this committee and made a part of this report:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., February 8, 1896.

SIR: In compliance with the request contained in letter dated December 7, 1895, from your committee, I have the honor to submit the following report upon Senate bill No. 105, introduced December 3, 1895, by Hon. JAMES H. KYLE, to provide for the acquisition of a site and the erection thereon of a suitable building, with fireproof vaults therein, for the accommodation of the post-office and other Government offices at Aberdeen, S. Dak., at a cost not to exceed $100,000.

Upon receipt at this Department of a copy of said bill, letters were written to certain Federal officials for information in regard to the past, present, and probable future needs of the different branches of the public service at Aberdeen, the estimated value of land for site, rents paid, population of city, etc.

The Postmaster-General states:

"Gross postal receipts, year ended June 30, 1885, $6,451; net receipts, year ended June 30, 1885, $3,851; number of persons employed, including postmaster, 1; gross receipts, year ended June 30, 1895, $13,279; net receipts, year ended June 30, 1895, $5,610; number of persons employed, including postmaster, 7; present allowance for rent, per annum, $900."

The postmaster states:

"Receipts for 1885, $6,435; for 1895, $13,279; estimated increase for the next ten years, at 25 per cent; number of employees in 1885, 2; in 1895, 4; number of boxes and drawers in use, 931; floor area now occupied, 1,500 square feet; annual rental paid, $900; population in 1885, 3,000; in 1895, 4,500; price of land, $1,500 to $3,000 for lots 25 by 145 feet."

From computations made, based upon the data received, it is estimated that a suitable site, 134 by 140 feet in size, and which would allow for the 40-foot fire limit required by the bill, and also allow for a 30-foot extension to the building in the future, can be secured for about $13,000, and that a building two stories high, with basement, about 84 by 60 feet in size, with a total floor area of 10,080 square feet, which will allow 3,000 square feet for post-office purposes, 5,000 square feet for United States courts, and 2,000 square feet for the United States land office, built of brick, with stone trimmings, fireproof or nonfireproof construction, as may be determined, and including heating apparatus, vaults, and approaches, can be erected for—

Estimated cost of site (six lots, at average price, $2,250)	$13,000
Estimated cost of building (fireproof)	96,000
Total	109,000
or—	
Estimated cost of site	13,000
Estimated cost of building (nonfireproof)	74,000
Total	87,000

Respectfully, yours,

S. WIKE, *Acting Secretary.*

The CHAIRMAN COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS,
United States Senate.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

TAXATION OF ALLOTTED INDIAN LANDS.

Mr. PETTIGREW. I ask unanimous consent for the present consideration of the bill (S. 265) extending relief to Indian citizens, and for other purposes.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Indian Affairs with an amendment, to add at the end of the bill the following as an additional section:

SEC. 3. That all agreements hereafter made for the purchase of the unallotted lands in any Indian reservation shall provide a fund for the payment of taxes upon inalienable allotments in the manner provided by this act.

Mr. COCKRELL. There is a report in that case. Please let it be read.

The PRESIDING OFFICER (Mr. FAULKNER in the chair). The report will be read.

The Secretary proceeded to read the report submitted by Mr. PETTIGREW, from the Committee on Indian Affairs, February 10, 1896, and read as follows:

The Committee on Indian Affairs report the bill (S. 265) extending relief to Indian citizens, and for other purposes, with an amendment adding a section to the bill, as follows:

"SEC. 3. That all agreements hereafter made for the purchase of the unallotted land in any Indian reservation shall provide a fund for the payment of taxes upon the inalienable allotments in the manner provided by this act."

And with the recommendation that as amended the bill do pass.

This bill has been twice reported to the Senate from this committee, and there is every reason of justice and equity why it should become a law.

The attached papers are made a part of this report, including the report made by this committee to the Senate in 1892:

DEPARTMENT OF THE INTERIOR,
Washington, February 5, 1896.

SIR: Senate bill 265, entitled "A bill extending relief to Indian citizens, and for other purposes," submitted with your letter of the 24th ultimo, with

request for a statement of the number of acres allotted in each State, and my opinion as to the expediency of passing the bill, was referred to the Commissioner of Indian Affairs, and a copy of his report with its inclosures, is transmitted herewith.

Mr. HALE. I am informed that the bill will give rise to debate. So I must ask that it go over.

Mr. PETTIGREW. I want to say with regard to the bill that I shall make an effort to get it up regularly and have it discussed and passed before the present session closes. I shall undertake to do it to-morrow.

Mr. HALE. I have no objection to such a course, but I was told that it would give rise to debate.

The PRESIDING OFFICER. The bill is objected to, and will go over, retaining its place on the Calendar.

JUDGE-ADVOCATE-GENERAL OF THE NAVY.

Mr. HALE. I ask the Senate to take up from the table House bill 3337, in reference to the duties of Solicitor and Judge-Advocate-General of the Navy. There is no objection to it.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 3337) amending the act of June 8, 1880, entitled "An act to authorize the President to appoint an officer of the Navy or the Marine Corps to perform the duties of Solicitor and Judge-Advocate-General, etc., and to fix the rank and pay of such officer," and for other purposes.

Mr. HALE. The bill has been already read.

The PRESIDING OFFICER. The question is on the amendment submitted by the Senator from Montana [Mr. CARTER].

Mr. COCKRELL. There was a bill of that kind to which some Senator objected who is not now present and whom I can not recall.

Mr. HALE. All objections have been withdrawn to the bill.

Mr. COCKRELL. Let the bill be read again, so that we may know what it is.

The Secretary read the bill.

The PRESIDING OFFICER. The amendment submitted by the Senator from Montana [Mr. CARTER] will be stated.

The SECRETARY. Strike out the proviso at the end of the bill in the following words:

Provided, That this amendment shall take effect from July 19, 1892, the date on which the present incumbent entered on duty, and that the amount herein appropriated shall be payable from the appropriation "Pay of the Navy."

Mr. HALE. That amendment is not insisted upon, and I ask to have it voted down.

The PRESIDING OFFICER. If there be no objection, the amendment will be disagreed to. It is disagreed to.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. Order of Business 520 on the Calendar, being the bill (S. 1996) amending the act of June 8, 1880, entitled "An act to authorize the President to appoint an officer of the Navy or the Marine Corps to perform the duties of Solicitor and Judge-Advocate-General, etc., and to fix the rank and pay of such officer," and for other purposes, will be indefinitely postponed.

LEGAL REPRESENTATIVES OF JOHN W. BRANHAM.

Mr. GORMAN. I ask for the present consideration of the bill (S. 1434) for the relief of the legal representatives of John W. Branham, late an assistant surgeon in the United States Marine-Hospital Service.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to the legal representatives of John W. Branham, late an assistant surgeon in the United States Marine-Hospital Service, who died of yellow fever at his post of duty August 20, 1893, the sum of $4,160, being the amount of salary and allowances for two years.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

MUSTER AND PAY OF VOLUNTEER FORCES.

Mr. HAWLEY. I ask unanimous consent for the present consideration of the bill (S. 2101) to extend the provisions of an act to provide for the muster and pay of certain officers and enlisted men of the volunteer forces.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with an amendment, to strike out all after the enacting clause and insert:

That any person who was duly appointed or commissioned to be an officer of the volunteer service during the war of the rebellion, and who was subject to the mustering regulations at the time applied to members of the volunteer service, shall be held and considered to have been mustered into the service of the United States in the grade named in his appointment or commission from the date from which he was to take rank under and by the terms of his said appointment or commission, whether the same was actually received by him or not, and shall be entitled to pay, emoluments, and pension as if actually mustered at that date: *Provided*, That at the date from which he was to take rank by the terms of his said appointment or commission there was a vacancy to which he could be so appointed or commissioned, and his command had either been recruited to the minimum number required by law and the regulations of the War Department, or had been assigned to duty in the field, and that he was actually performing the duties of the grade to which he was so appointed or commissioned; or if not so performing such duties, then he shall be held and considered to have been mustered into service and to be entitled to the benefits of such muster from such time after the date of rank given in his commission as he may have actually entered upon such duties: *Provided further*, That any person held as a prisoner of war, or who may have been absent by reason of wounds, or in hospital by reason of disability received in the service in the line of duty, at the date of issue of his appointment or commission, if a vacancy existed for him in the grade to which so appointed or commissioned, shall be entitled to all the benefits to which he would have been entitled under this act if he had been actually performing the duties of the grade to which he was appointed or commissioned at said date: *Provided further*, That this act shall be construed to apply only in those cases where the commission bears date prior to June 20, 1863, or after that date when the commands of the persons appointed or commissioned were not below the minimum number required by then existing laws and regulations: *And provided further*, That the pay and allowances actually received for the period covered by the recognition extended under this act shall be deducted from the sums otherwise to be paid thereunder.

SEC. 2. That the heirs or legal representatives of any person whose muster into service shall be recognized and established under the terms of this act shall be entitled to receive the arrears of pay and emoluments due and the pension, if any, authorized by law, for the grade to which recognition shall be so extended.

SEC. 3. That the pay and allowances of any rank or grade paid to and received by any military or naval officer in good faith for services actually performed by such officer in such rank or grade during the war of the rebellion, other than as directed in the fourth proviso of the first section of this act, shall not be charged to or recovered back from such officer because of any defect in the title of such officer to the office, rank, or grade in which such services were so actually performed.

SEC. 4. That all acts and parts of acts inconsistent with the provisions of this act be, and the same are hereby, repealed.

Mr. GRAY. Will the Senator from Connecticut state the object of that bill?

Mr. HAWLEY. I will. I will illustrate it by taking the case of A B, an officer of the New York State Volunteers, who was down with his regiment somewhere in the South during the war. The governor did not know where he was. There was a vacancy in the command of his company, his company was up to the limit, and he was on duty with it. A commission started from Albany to find him, but he was moving about. The mails were irregular. Perhaps he had been taken prisoner; perhaps he was in a hospital and did not get his commission into his hands, and the mustering officer could not find him to muster him for two or three or four months. In the meantime he was a captain in all respects except that he had not been mustered. This simply gives him his pay as captain during the time he was actually captain, though he had not received his commission.

A law to provide for such cases was first passed in 1884, which was amended and extended by subsequent acts, which finally expired by limitation on the 3d day of June, 1895. It was supposed that all entitled to the benefits of these acts would have presented their claims by that time. Through ignorance of the law and from other causes they did not, however, and a number have since applied for this equitable adjustment, and now we propose to extend the law for that purpose. Colonel Ainsworth has gone very carefully over the subject in an elaborate report and drawn this substitute, which puts no limit upon the time. If we put a limit of five years on it, somebody will come along after a while with a special bill. The number to be provided for is not large now. There are but few left. The bill has been carefully drawn, and I do not think any one man can get this pay who is not fairly entitled to it.

The PRESIDING OFFICER. The question is on the amendment reported by the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to provide for the relief of certain officers and enlisted men of the volunteer forces."

PUBLIC BUILDING AT SALEM, OREG.

Mr. McBRIDE. I ask unanimous consent for the present consideration of the bill (S. 2394) to provide for the construction of a public building at Salem, Oreg.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to appropriate not exceeding $100,000 for the purchase of a site and the erection thereon of a suitable building for the accommodation of the post-office and other Government offices at the city of Salem, in the State of Oregon.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ADMINISTRATOR OF THE ESTATE OF A. L. BURWELL.

Mr. MARTIN. I ask unanimous consent for the present consideration of the bill (H. R. 7816) for the relief of John S. Burwell, administrator of the estate of A. L. Burwell, deceased.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to John S. Burwell, administrator of the estate of A. L. Burwell, deceased,

such sum of money, not exceeding $1,499.56, as shall be shown to the satisfaction of the Commissioner of Internal Revenue to have been expended by him, or by Thomas and John Peale as agents for him, in the purchase of tobacco stamps used to stamp tobacco held by said agents for him and inventoried according to law; but the Commissioner is to be satisfied that the tobacco was manufactured prior to July 20, 1868, and that the internal-revenue tax imposed by law prior to that date had actually been paid thereon.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM M. MASI AND OTHERS.

Mr. WARREN. I desire to call up for present consideration the bill (S. 1500) for the relief of William M. Masi, ex-postmaster, and Benjamin Hellman, Lawrence R. Bresnahen, John W. Griffin, George W. Hoyt, and Charles W. Riner as sureties upon his official bond as postmaster at Cheyenne.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported by the Committee on Post-Offices and Post-Roads with an amendment to strike out all after the enacting clause and insert:

That upon the receipt by the Secretary of the Treasury of the full amount of all dividends heretofore paid or hereafter to be paid by the receiver of the Cheyenne National Bank, in the administration of the assets of said bank, upon the claim of William M. Masi all further liability of said William M. Masi and of his sureties to the United States of America, upon his official bond as postmaster at Cheyenne, Wyo., shall cease and determine as to and to the extent of certain funds belonging to the United States which were deposited and upon deposit by the said Masi in said Cheyenne National Bank at the time it closed its doors and ceased to do business and went into the hands of the receiver: *Provided, however*, That nothing in this act contained shall operate as a release to the said Masi and his sureties on his official bond of any liabilities to the United States which may have been incurred by said Masi while acting as postmaster at Cheyenne, other than as to the amount so deposited and on deposit in said bank as aforesaid.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BRIDGE ACROSS RED RIVER OF THE NORTH.

Mr. NELSON. I ask unanimous consent to call up for present consideration the bill (H. R. 8167) to authorize the construction of a bridge across the Red River of the North.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DISTRICT COURT IN MONTANA.

Mr. CLARK. I ask unanimous consent to call up the bill (S. 2473) to amend an act entitled "An act to provide for holding terms of court in the district of Montana," approved July 20, 1892.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the Judiciary with amendments, in section 1, line 6, after the words "Gallatin County," to insert "and"; and in the same line, after the words "Deerlodge County," to strike out "and Jefferson County"; so as to make the section read:

That the territory embraced within the following counties in the district of Montana, to wit, Beaverhead County, Madison County, Silverbow County, Granite County, Ravalli County, Gallatin County, and Deerlodge County, shall hereafter constitute and be known as the southern division of the district of Montana, and regular terms of the circuit and district courts of the United States for said district may be held at Butte, Mont., on the first Tuesday in February and the first Tuesday in September of each year; and the said courts so sitting at Butte shall have and exercise the same jurisdiction and authority in all civil actions, pleas, or proceedings and in all prosecutions, informations, indictments, or other criminal or penal proceedings conferred by the general laws on the district and circuit courts of the United States; and where one or more defendants in any civil cause shall reside in said division, and one or more defendants to such cause shall reside out of said division, but in said district, then the plaintiff may institute his action either in the court having jurisdiction over the latter or in the said division.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. CHANDLER. I move that the Senate do now adjourn.

["Oh, no!"]

Mr. STEWART. I hope the Senator will not press that motion. Let us pass a few more bills.

Mr. CHANDLER. I feel compelled to withdraw the motion, Mr. President.

The PRESIDING OFFICER. The motion is withdrawn.

PUBLIC BUILDING AT TACOMA, WASH.

Mr. SQUIRE. I ask unanimous consent to call up the bill (S. 163) providing for the erection of a public building at the city of Tacoma, in the State of Washington.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to appropriate $400,000 for the purchase of a site and the completion of a building at the city of Tacoma, in the State of Washington, for the use and accommodation of the United States courts, the post-office, and other Government offices, with fireproof vaults extending to each story; the building to be completed according to plans and specifications previously made and approved by the Secretary of the Treasury.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM J. BRYAN.

Mr. STEWART. I ask unanimous consent for the present consideration of the bill (S. 1831) for the relief of William J. Bryan.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to allow William J. Bryan, late postmaster of the post-office of San Francisco, State of California, in settlement of his postal money order fund account, a credit for $9,601.73, being the sum now charged to him as postmaster for moneys received for the sale of foreign money orders between the 30th day of September, 1889, and the 22d day of March, 1890, by one James S. Kennedy, late a clerk at the international desk in the money-order division of said post-office, whose duty it was to receive, safely keep, and account for the proceeds of the sale of foreign money orders, but who embezzled and appropriated the same to his own use, and has wholly failed to account for the same; the defalcation and misappropriation having been committed without the fault or negligence of William J. Bryan, late postmaster.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

NICOLAI BROS.

Mr. BAKER. I ask unanimous consent for the present consideration of the bill (S. 3011) for the relief of Nicolai Bros.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the Commissioners of the District of Columbia to grant permission to Nicolai Bros. to use the pipes heretofore laid by them under a permit dated December 22, 1893, along I street southeast from Half street to South Capitol street, South Capitol street from I street to K street, K street from South Capitol street to corner of K and Half streets southwest, under such regulations and rental as may be made by the Commissioners with regard thereto.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AUGUSTUS BOYD.

Mr. QUAY. I ask the Senate to take up the bill (S. 594) for the relief of Augustus Boyd.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with amendments, in line 10, to insert "and all laws and parts of laws in conflict herewith are suspended for this purpose only"; and after the word "confirmation," in line 14, to insert "and that thereafter no pension shall accrue or be paid to him"; so as to make the bill read:

Be it enacted, etc., That the President be, and hereby is, authorized to nominate and, by and with the advice and consent of the Senate, to appoint and place on the list of retired officers of the United States Army the name of Augustus Boyd, with the rank of captain of staff, this being the actual rank in the Regular Army held by him when, in the service, he received the injury from which he suffers permanent disability; and the retired list is hereby increased in number to that extent, and all laws and parts of laws in conflict herewith are suspended for this purpose only: *Provided*, That no pay or allowances shall accrue or be paid to said Augustus Boyd under this act prior to his confirmation, and that thereafter no pension shall accrue or be paid to him.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the time, and passed.

DAY LABOR ON MUNICIPAL WORKS.

Mr. GALLINGER. I ask unanimous consent for the consideration of the bill (S. 3008) authorizing the employment of day labor in the construction of certain municipal buildings or works in the District of Columbia.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ALFRED BIGELOW.

Mr. ALLEN. I ask unanimous consent to call up the bill (S. 3001) granting a pension to Alfred Bigelow, of Norfolk, in the State of Nebraska.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place the name of Alfred Bigelow, late of Company A, Nineteenth New York Cavalry, on the pension roll at the rate of $18 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FORT OMAHA MILITARY RESERVATION.

Mr. THURSTON. I ask unanimous consent for the present consideration of the bill (H. R. 225) to provide for the transfer of the Fort Omaha Military Reservation to the State of Nebraska.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with amendments, in section 1, line 6, after the word "to," to strike out "transfer and turn over" and insert "lease at a nominal rent"; and in line 12, after the word "said," to strike out "transfer" and insert "lease"; so as to make the section read:

That the Secretary of War is hereby authorized and directed, when Fort Crook, near the city of Omaha, Nebr., is ready for occupancy by the troops of the Army of the United States, to lease at a nominal rent to the State of Nebraska the possession of Fort Omaha Military Reservation, containing about 80 acres, with all the buildings, appurtenances, and improvements thereof; the said reservation being the same tracts and parcels of land heretofore donated to the United States by the citizens of Omaha, Nebr. The purpose of said lease is that the said Fort Omaha Military Reservation shall be used by the State of Nebraska as a place of rendezvous and school of instruction for the National Guard of said State of Nebraska and is made conditional upon its use for that purpose, and that the adjutant-general of said State shall annually report to the Secretary of War in detail the uses of said reservation. The said State of Nebraska is privileged to establish on said reservation a State military school, with not less than two military instructors.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

On motion of Mr. SEWELL, the title was amended so as to read: "A bill to provide for the lease of Fort Omaha Military Reservation to the State of Nebraska."

Mr. THURSTON. I move that the Senate request a conference with the House of Representatives on the bill and amendments.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate; and Mr. WARREN, Mr. SEWELL, and Mr. WALTHALL were appointed.

PROTECTION OF DRAMATIC COPYRIGHTS.

Mr. HILL. I ask the Senate to take up the bill (S. 2306) to amend Title LX, chapter 3, of the Revised Statutes, relating to copyrights.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Patents with amendments.

The first amendment was, in line 7, before the word "composition," to strike out "operatic" and insert "musical"; in line 9, before the word "composition," to strike out "operatic" and insert "musical"; in line 14, to strike out "and if it be determined that such unlawful performing and representation was willful and for profit, in addition thereto" and insert "if the unlawful performance and representation be willful and for profit"; and in line 18, after the word "and," to strike out "liable to imprisonment" and insert "upon conviction be imprisoned"; so as to read:

That section 4966 of the Revised Statutes be, and the same is hereby, amended so as to read as follows:

"SEC. 4966. Any person publicly performing or representing any dramatic or musical composition for which a copyright has been obtained, without the consent of the proprietor of said dramatic or musical composition or his heirs or assigns, shall be liable for damages therefor, such damages in all cases to be assessed at such sum, not less than $100 for the first and $50 for every subsequent performance, as to the court shall appear to be just. If the unlawful performance and representation be willful and for profit, such person or persons shall be guilty of a misdemeanor and upon conviction be imprisoned for a period not exceeding one year."

The amendment was agreed to.

The next amendment was, in line 21, before the word "judge," to strike out "any" and insert "a"; and in line 23, before the word "composition," to strike out "operatic" and insert "musical"; so as to read:

Any injunction that may be granted by any circuit court of the United States, or by a judge thereof, restraining and enjoining the performance or representation of any such dramatic or musical composition may be served on the parties against whom such injunction may be granted anywhere in the United States."

The amendment was agreed to.

The next amendment was, in line 31, before the word "composition," to strike out "operatic" and insert "musical"; and in line 32, before the word "such," to insert "upon"; so as to read:

But the defendants in said action, or any or either of them, may make a motion in any other circuit in which he or they may be engaged in performing or representing said dramatic or musical composition to dissolve or set aside the said injunction upon such reasonable notice to the plaintiff as the circuit court or the judge before whom said motion shall be made shall deem proper.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BRIDGE OVER MISSOURI RIVER AT ST. CHARLES, MO.

Mr. COCKRELL. I ask for the present consideration of the bill (H. R. 5675) authorizing the construction of a wagon and motor bridge over the Missouri River at St. Charles, Mo.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Commerce with amendments.

The first amendment was, in section 1, line 3, after the word "That," to strike out "Theodore Bruere, Henry B. Denker, A. F. Mispagel, O. J. Marten, C. W. Prosser, W. F. Bloebaum, B. L. Emmons, L. Ringe, A. Runge, J. F. Rauch, and Henry F. Pieper" and insert "the St. Charles and St. Louis County Bridge Company, a corporation duly created under the laws of the State of Missouri, its successors and assigns"; in line 17, after the word "said," to strike out "parties" and insert "corporation, its successors or assigns"; in line 18, before the word "approved," to strike out the words "to be"; in line 20, after the word "said," to strike out "parties" and insert "corporation"; in the same line, before the word "successors," to strike out "their" and insert "its"; and in line 28, before the word "successors," to strike out "parties, or their" and insert "corporation, its"; so as to make the section read:

That the St. Charles and St. Louis County Bridge Company, a corporation duly created under the laws of the State of Missouri, its successors and assigns, are hereby authorized to construct and maintain a bridge and approaches thereto across the Missouri River, between the city of St. Charles, Mo., and St. Louis County, Mo., at a point to be selected consistent with the interests of river navigation. Said bridge shall be constructed to provide for the passage of wagons and vehicles of all kinds, street-railway cars, motor cars, animals, foot passengers, and for all road travel, for such reasonable rates of toll and under such reasonable rules and regulations as may be prescribed by the said corporation, its successors or assigns, and approved from time to time by the Secretary of War: *Provided*, That the said corporation, or its successors and assigns, shall build and maintain at all times, as accessory works to said bridge, such booms, piers, dikes, guard fences, and similar devices as may be necessary, in the judgment of the Secretary of War, to insure at all times a permanent channel for a sufficient distance above and below the bridge site, and for the guiding of rafts, steamboats, and other water craft safely under said bridge: *Provided further*, That the said corporation, its successors and assigns, shall maintain on said bridge, from sunset to sunrise, such lights and other signals as the Light-House Board shall prescribe.

The amendment was agreed to.

The next amendment was, in section 2, line 7, before the word "successors," to strike out "parties or their" and insert "corporation, its"; and in line 11, before the word "successors" to strike out "parties, or their" and insert "corporation, its"; so as to read:

That said bridge shall not be built or commenced until the location and plans have been approved by the Secretary of War as hereinafter provided for; and any change in the construction or any alteration of said bridge and accessory works that may be directed at any time by Congress or the Secretary of War shall be made at the cost and expense of the said corporation, its successors and assigns; that the said bridge shall be constructed without interference with the security and convenience of navigation of said river, and in order to secure that object the said corporation, its successors and assigns, shall submit to the Secretary of War, for his examination and approval, a design and drawings of said bridge.

The amendment was agreed to.

The next amendment was, in section 3, line 1, after the word "built," to insert "either"; in line 2, before the word "bridge," to insert "or low," and after the word "bridge" to insert "and if built as a high bridge it shall be"; so as to read:

That said bridge shall be built either as a high or low bridge, and if built as a high bridge it shall be with unbroken and continuous spans.

The amendment was agreed to.

The next amendment was, in section 3, line 8, after the word "river," to insert:

If built with pivot drawspan, it shall have one drawspan, affording two clear openings of not less than 200 feet each, which drawspan shall be maintained over the main channel of the river at an accessible and navigable point, and if with fixed span or spans, they shall be not less than 300 feet in length in the clear, and the headroom under each span shall not be less than 10 feet above the standard high-water grade line, and the piers of said bridge shall be parallel with and the bridge itself at right angles with the river: *Provided also*, That said drawspan shall be opened promptly by said corporation, its successors and assigns, upon reasonable signal for the passage of boats and rafts: *And provided further*, That the said corporation, its successors and assigns, shall, at their own expense, build and maintain, under the direction and supervision of the Secretary of War, when so required, such wing dams, booms, and other necessary work to maintain the channel within the drawspan of said bridge, and shall, at their own expense, maintain a depth of water through said drawspan not less than now existing, as shown by the records of the War Department, at the point where said bridge may be located: *And provided further*, That said corporation, its successors and assigns, shall maintain, at their own expense, from sunset to sunrise, such lights or other signals on said bridge as the Light-House Board shall prescribe.

The amendment was agreed to.

The next amendment was, in section 4, line 6, after the word "said," to strike out "parties" and insert "corporation, its successors or assigns"; so as to read:

That the Secretary of War is hereby authorized and directed, upon receiving the report of the Board of Engineers, and upon being satisfied that the bridge to be built will conform to the requirements of this act, to notify the parties authorized to build the same that he approves of the same; and upon receiving such notification the said corporation, its successors or assigns, may proceed to erect said bridge, etc.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. COCKRELL. I move that the Senate request a conference with the House of Representatives on the bill and amendments.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate; and Mr. VEST, Mr. QUAY, and Mr. NELSON were appointed.

SALLY HARDMOND.

Mr. BURROWS. I ask the Senate to proceed to the consideration of the bill (S. 1122) for the relief of Sally Hardmond.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Claims with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Martha A. Boywell, executrix of Sally Hardmond, deceased, the sum of $4,850, being the balance due said Sally Hardmond on account of her personal services as a nurse in the Bureau of Freedmen, Refugees, and Abandoned Lands, district of Virginia, and for rent of a dwelling house in the city of Richmond, in the State of Virginia, and for one house hired by and used for the purposes of said Bureau, and for money expended by her in and for said Bureau.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

REMOVAL OF PENSION DISABILITIES.

Mr. PRITCHARD. I ask unanimous consent for the present consideration of the bill (S. 901) amending section 4716 of the Revised Statutes.

Mr. HILL. What is the effect of the bill?

Mr. HAWLEY. What is the bill?

Mr. HILL. Will the Senator from North Carolina explain what the bill proposes to do? I am not familiar with existing law and can not tell exactly what the amendment proposed is.

Mr. PRITCHARD. I will state for the information of the Senate that under the act of June, 1890, the Commissioner holds that any person who served in the Confederate army and subsequently joined the Union Army is not entitled to a pension. The bill simply amends the act so as to enable any party who served in the Confederate army and subsequently joined the Union Army prior to the 1st day of September, 1864, and was honorably discharged, to receive a pension. That is all there is in it.

Mr. CHANDLER. Provided he served in the Union Army for what length of time?

Mr. PRITCHARD. Provided he served in the Union Army for ninety days.

Mr. HAWLEY. I hope the Senator from North Carolina will forgive me, but I wish that the bill might lie over a day, as I would like to look at it a little.

Mr. PRITCHARD. I will state that the matter was before the Committee on Pensions and was thoroughly considered there. I first offered the bill so as to repeal the section entirely. I believed it ought to be repealed. I now believe it ought to be repealed, but at the suggestion of the Senator from Illinois [Mr. PALMER] the bill was amended so as to entitle only those who joined the Federal Army prior to the 1st day of September, 1864, to participate in its benefits. I trust the Senate will let the bill pass, because great injustice has been done to the people of the South—those who first were compelled to go into the Confederate army and afterwards at the first opportunity joined the Federal Army. I take it that if the Government accepted the service of these people, as it did, and they made good soldiers—as they did in every instance—it is nothing but right that Congress should pay them a pension as well as every other individual who served in the Army. I trust the Senator from Connecticut will withdraw his opposition.

Mr. HAWLEY. I should like to have it lie over for a day. I will assist in getting it up after a day.

Mr. PRITCHARD. If the Senator from Connecticut will permit me, I will state that the House has already passed a bill during this session (the Pickler bill), which absolutely repeals this section without any qualification whatever. The only objection that was urged before the Pension Committee was that these men went into the Union Army after they saw that the South had lost the day. But this provision guards against that class of persons. This provision does not put in the man who joined the last day. It only includes those who went into the Confederate army under force of circumstances and at the first opportunity went through the lines and fought in behalf of the Union.

It seems to me if there is a class of people on earth who ought to have a pension it is those men who had the nerve and the manhood at the first opportunity, having been coerced into the Confederate army, to risk their lives and go and fight in defense of the Union.

Mr. HAWLEY. What is the limitation? The 1st of September, 1864?

Mr. PRITCHARD. The 1st of September, 1864.

Mr. CHANDLER. I should like to ask the Senator from Connecticut whether we could fairly have accepted the services of those men, enlisting them in the Union Army, without condoning any prior service in the Confederate army. Could we make any distinction? Can we to-day make any distinction between the men who were enlisted?

Mr. HAWLEY. There is very great force in that view. I remember very well, not to say much about my own personal experience, that men came over with a considerable degree of rapidity in the latter part of 1864. A number of them asked leave to go into the United States Army provided they could go off west of the Mississippi, so that they might not be caught by their old comrades. I think the date is hardly early enough, but I shall not fight against the bill. I would rather have the date earlier.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That section 4716 of the Revised Statutes be amended so as to read as follows:

"SEC. 4716. No money on account of pension shall be paid to any person or to the widow, children, or heirs of any deceased person who in any manner voluntarily engaged in or aided or abetted the late rebellion against the authority of the United States, except to such persons and the widows of such persons as before the 1st day of September, 1864, voluntarily, or as a substitute for any other person, and without a bounty or the promise of a bounty for so doing, enlisted in the service of the United States and actually served for ninety days."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The PRESIDING OFFICER. The Committee on Pensions report to strike out the preamble. The question is on agreeing to the amendment striking out the preamble.

The amendment was agreed to.

SETTLERS UPON UNSURVEYED PUBLIC LAND.

Mr. CARTER. I call up the bill (S. 2284) for the relief of homestead settlers in Gregory County, S. Dak. The bill is on the Calendar under Rule VIII. It has been read.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill, which had been reported from the Committee on Public Lands with an amendment, to strike out all after the enacting clause and insert:

That in all cases, including those arising on ceded portions of Indian reservations, where persons duly qualified to enter land under the homestead laws have heretofore or may hereafter settle, improve, and continuously reside upon unsurveyed public land with the bona fide intention of entering the same under the homestead laws when surveyed and opened to entry shall, upon presenting final proof as required by law, be entitled to credit for residence, improvement, and cultivation made prior to the approval of such survey and the acceptance of filings. All acts and parts of acts in conflict herewith are hereby repealed.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of homestead settlers on unsurveyed public land."

Mr. CHANDLER. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 58 minutes p. m.) the Senate adjourned until to-morrow, Thursday, May 21, 1896, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *May 20, 1896.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read and approved.

REPRINT OF IMMIGRATION BILLS.

Mr. RICHARDSON. Mr. Speaker, I desire to submit a privileged report.

The SPEAKER. The Clerk will read the report.

The Clerk read as follows:

The Committee on Printing having had under consideration resolutions providing for the reprinting of 500 copies each of House bills 58, 7864, 7415, and 8474, with the reports thereon, for the use of the House of Representatives, having considered the same, recommend that the same do pass.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, That there be printed for the use of the House of Representatives 500 copies each of the bills H. R. 58, 7864, 7415, and 8474, with the accompanying reports thereon.

The resolution was agreed to.

On motion of Mr. RICHARDSON, a motion to reconsider the last vote was laid on the table.

CONSIDERATION OF BILLS FROM THE COMMITTEE ON LABOR.

Mr. HENDERSON. Mr. Speaker, I offer the following privileged report from the Committee on Rules.

The SPEAKER. The Clerk will read the report.

The Clerk read as follows:

The Committee on Rules, to whom was referred resolution No. 318, having had the same under consideration, beg leave to report the following substitute therefor:

Resolved, That Thursday and Friday next shall be allotted to bills from the Committee on Labor, as follows:

Thursday, May 21, 1908, the House shall, immediately after the reading of the Journal, resolve itself into Committee of the Whole on the state of the Union for the consideration of House bill 6119, entitled "A bill authorizing the appointment of a nonpartisan commission to collate information and to consider and recommend legislation to meet the problems presented by labor, agriculture, and capital," and that at 4 o'clock p. m. on the same day the committee shall rise and report the bill, with such amendments as may have been adopted, to the House, whereupon the previous question shall be considered as ordered upon the amendments to the bill to its passage.

And, further, that on Friday, May 22, after the disposal of unfinished business, the House shall resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 20355) entitled "A bill concerning carriers engaged in interstate commerce and their employees," and at 4 o'clock p. m. on that day the committee shall rise and report the bill to the House with such amendments as shall have been adopted, and thereupon the previous question shall be considered as ordered upon the amendments and bill to the passage: *Provided, however*, That nothing in this resolution shall be construed as interfering with general appropriation bills and conference reports.

Mr. HENDERSON. I ask the previous question on the adoption of the order.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

Mr. RICHARDSON. I desire to ask the gentleman——

Mr. HENDERSON. I will explain briefly to the House the purpose of the order, as all present may not have observed its reading. It gives two days to the Committee on Labor for the consideration of the two bills named in the order, Thursday for the consideration of what is known as the commission or Phillips bill, and Friday, after the disposal of the unfinished business, to the consideration of the arbitration bill, known as the Erdman bill; to-morrow to be devoted to the disposition of the commission bill and Friday to the arbitration bill.

Mr. RICHARDSON. What I desired to ask the gentleman was, if he will permit me, whether the adoption of this rule setting apart Friday will not, in his opinion, do away with any consideration of bills on the Private Calendar?

Mr. HENDERSON. It will do away with the consideration of bills on the Private Calendar, except the unfinished business. There are about 21 bills——

Mr. RICHARDSON. Pension bills?

Mr. HENDERSON (continuing). Pension bills, reported from the Committee of the Whole, which will be first disposed of.

Mr. RICHARDSON. The gentleman does not think, then, that the war claims would have any chance whatever on Friday if the rule is adopted?

Mr. HENDERSON. I think not.

Mr. RICHARDSON. I only wanted the House to understand that.

Mr. CANNON. Do I understand the gentleman has reported a special rule?

Mr. HENDERSON. Yes.

Mr. CANNON. I will ask the gentleman if election cases are to be taken into consideration? I am not on any one of the committees, and have no authority to speak for them, but I understand that there are a number of cases ready for disposition by the House.

Mr. HENDERSON. We do not make provision for them this week, I will say to the gentleman, but they will be given the right of way at the proper time.

Mr. MAHON. Mr. Speaker——

Mr. HENDERSON. We felt that labor ought to be heard before this House, and at once.

Mr. DOCKERY. I hope the gentleman from Pennsylvania, the chairman of the Committee on War Claims, will be allowed to present his views in opposition to this rule.

Mr. MAHON. Mr. Speaker, I have no objection to the consideration of the bills to which the gentleman refers. It does seem to me, however, that during the six months that this Congress has been in session the Committees on Claims and War Claims ought to have had some consideration at the hands of the House. Now, you may decry war claims, but as chairman of that committee let me say we have scanned carefully the bills reported to the House, and out of some 1,800 sent to the committee about 200 are reported favorably and are on the Calendar. Many of these are meritorious bills, claims honestly due from the Government to its citizens, and ought to be paid.

Now, Mr. Speaker, I can not see why Friday should not be excluded from this order.

Mr. RICHARDSON. Will the gentleman allow me to ask him a question? I believe he is chairman of the Committee on War Claims. I want to ask him if that committee have had for consideration of bills reported by them more than one day during this Congress?

Mr. MAHON. We have had about an hour and a half.

Mr. RICHARDSON. Is that all the Committee on War Claims have had accorded to them during this Congress?

Mr. MAHON. About an hour and a half.

Mr. DALZELL. I should like to ask my friend a question. Does he believe that if all of to-morrow were devoted to the consideration of bills relating to war claims there would be a single one passed?

Mr. MAHON. That is not the question, Mr. Speaker. This House ought to have an opportunity to either pass these bills or reject them.

Mr. STEELE. That is true as to every bill.

Mr. MAHON. I appeal to all the members of this House who have bills upon this Private Calendar for claims due to their constituents. This is nothing to me personally. If you do not want to have a hearing in this House, why, pass this order. If you have bills on the Private Calendar, and you want to have a hearing on them, then vote it down.

Mr. RICHARDSON. Will the gentleman allow me to ask him a further question?

Mr. MAHON. Yes.

Mr. RICHARDSON. I do not want to interrupt the gentleman in his argument, but I should like to ask him a further question. How much time has the Committee on War Claims devoted to the consideration of measures reported from that committee and now on the Calendar? Have you had any meetings of your committee?

Mr. MAHON. We have had two meetings every week during the whole session.

Mr. RICHARDSON. Have you reported measures that are on the Calendar?

Mr. MAHON. Yes; a great many. Now, Mr. Speaker, I have no reflections to make on the Committee on Rules. I know the great pressure that has been brought upon that committee to consider various bills; but I want to serve notice on this House that at the next session of this Congress, and perhaps in the following Congress, three or four committees of this House intend to relieve the Speaker of that constant annoyance to which he is put every morning by requests for unanimous consent. We propose to force this House to consider bills on the Calendars of the House, under the rules of the House. [Applause.]

Now, I say that I have no reflection to make personally. I know that to the Speaker of this House it is one of the greatest annoyances to which he is put. We have passed three or four hundred private bills here, and have never touched the Calendars of the House, either the Calendar of the Whole House on the state of the Union or the Calendar of the House. We have ignored them altogether. I want to serve notice on the members of this House who want to get their bills through by unanimous consent to get them through within the next fifteen days; for you will not get them through in the next session, because we intend that after the reading of the Journal the regular order shall be called. There will be a committee appointed from these committees to call for the regular order every morning after the reading of the Journal; and if any private bills are passed by this House, they must be passed on the Calendar and not by unanimous consent. [Applause.]

Mr. RICHARDSON. In view of the applause that is manifested at this statement, I want to ask why this rule was not put in force some three or four months ago?

Mr. MAHON. We have been trying some other method. We can not expect the presiding officer of this House to recognize 356 members here upon private bills. It creates a feeling of injustice, a feeling perhaps against him; but hereafter, in the next session and in the next Congress, private bills will be passed through this House when the regular Calendars are before the House, and not in any other way. I want to serve notice now, so that gentlemen will remember that there is nothing personal in it. Now, if you want to pass these bills or consider them on the Private Calendar on Friday, vote this order down. If you do not want to go to the Private Calendar, pass this rule.

Mr. MILES. I wish to ask the gentleman from Pennsylvania whether that notice applies to the remainder of this session?

Mr. MAHON. No.

Mr. WALKER of Massachusetts. Mr. Speaker, I move to strike out so much of the order as relates to Friday.

Mr. HENDERSON. Mr. Speaker, the previous question has been ordered, and that motion is not in order.

Mr. HOPKINS. Can we have the order read again?

Mr. WALKER of Massachusetts. Mr. Speaker, I believe I have the floor?

The SPEAKER. The gentleman from Massachusetts has the floor, but as to the motion which he makes, the point of order has been raised against him.

Mr. WALKER of Massachusetts. I am informed that it is not in order to move to strike out so much of this rule as refers to

Friday; but I want to call the attention of this House to the sneers of contempt that are visited upon the chairman of the Committee on War Claims by the leaders of this House when that committee seeks to have the debts of this Government honestly paid, or at least considered in this House.

This House has been growing worse and worse for years in refusing to consider claims conceded to be due to citizens of this country. We can sympathize with Cuba, we can sympathize with Venezuela, but we can rob citizens of this country; and when some of us who have constituents robbed by this Government seek a day for consideration, the gentleman from Pennsylvania [Mr. DALZELL], the gentleman from Missouri [Mr. DOCKERY], and the gentleman from Maine [Mr. DINGLEY] can move to adjourn over from Friday until Monday. They can throw away the time of this House, instead of treating private citizens decently. I want to say that if God spares my life and my constituents return me to the Fifty-fifth Congress, this thing will end. [Applause.]

Mr. RICHARDSON. Will the gentleman allow me to ask him a question?

Mr. WALKER of Massachusetts. I will yield to a question.

Mr. RICHARDSON. The gentleman from Massachusetts has the honor of being chairman of the Committee on Banking and Currency. I will ask him if any measure reported from that committee has had consideration in the morning hour or on any special day?

Mr. WALKER of Massachusetts. I want to say, in answer to that, in view of the Presidential election, there is a disinclination upon both sides of this House to consider a question so serious as finance or banking. [Laughter and applause.]

Mr. RICHARDSON. I hope the gentleman will not include this side of the House in that suggestion.

Mr. WALKER of Massachusetts. That is the feeling which pervades both sides of this House and the leading citizens of this country who are interested in these questions. And let me say here that the contempt and contumely that is visited upon men because they take some interest in public affairs, because they happen to be known as politicians, is miserable and contemptible on the part of those who visit upon them such characterization.

Mr. MCMILLIN. Will the gentleman allow me?

Mr. WALKER of Massachusetts. I must have a few minutes of my time. [Laughter.] We may condemn politicians as much as we like, but they are the only men who have any interest in public affairs of any value to the country. The bankers are not politicians. Bankers will not do anything in the matter unless they are at the same time politicians; and they are not going to do anything in the matter in view of a Presidential election. But let me tell you and the country that the Committee on Banking and Currency will be heard from in this Congress yet.

In the second session of this Congress and in the next Congress the rules of this House will either permit us to do the business of the private citizens, or there will be no business done. We have got to a place where reform in our rules is necessary; and there are some members in this House who are going to have it. I want to say to the three or four men who are ruling this House with a rod of iron that their peculiar rule will end at the end of this Congress; at any rate, if a dozen or twenty of us shall be returned to the next Congress, better rules must be had. Members who have been eight and ten years here have been unable to get honest claims considered by this House. It is very easy to sneer at these private citizens who are being robbed by the General Government, men whose robbery is perpetuated and smiled upon, and we are treated with contempt by the leaders of this House when we try to get a day to consider their bills. As long as I have been cut off from making this motion, I have made my protest; and there are fifty men in the House of the same opinion, not cheap men, not cheap-johns, seeking to make speeches here for buncombe to be consumed at their homes, but men striving strenuously to honestly do the public business.

Mr. MAHON. I move to recommit.

Mr. HENDERSON. I want to say to the House that this rule simply gives two days to the Committee on Labor, with the exception of such time as will be needed on Friday to dispose of the unfinished business on the Private Calendar. That will embrace the pension bills that have been reported from the Committee of the Whole. I hope that no one will question the propriety of giving the Committee on Labor a day or two in this House. The commission bill is supported by the united voice of labor in this country——

Mr. WALKER of Massachusetts. Will you allow me a question?

Mr. HENDERSON. And the arbitration bill—excuse me a moment—has also the support of the labor interests and the railroad interests of this country; substantially on the part of the railroads, but not entirely so. Both are bills that have received the almost unanimous approval of the country. The Committee on Labor have been pressing us to give them a day or two, and we have given them two. I hope the propriety of letting the Committee on Immigration have the time that has been allotted it will not be questioned.

Mr. WALKER of Massachusetts. Will the gentleman permit a question?

Mr. HENDERSON. In a moment. Now, we of the Committee on Rules are not here as dictators. We are assigned to committees, as the gentleman from Massachusetts is assigned to a committee, and our obligation is to discharge our duty to this House as best we know how.

Everybody knows the situation of this country in respect to payment of claims. Even before the present business condition came upon the country, the other side, when in control of this House, did not dare to allow claims to be passed and sent to the Treasury for payment.

Mr. MAHON. The Republicans always did.

Mr. HENDERSON. When you know, gentlemen, that the money is not in the Treasury to pay these claims, and when we have work to do which will tell in benefit to the country, why spend the time of this House in considering claims that you have not the money to pay? It is not a theory, it is an absolute condition, that confronts us, and I believe, with all due respect to every gentleman—and there is no sneer or taunt in anything that I say—I believe that the judgment of this House on both sides is against spending our time in the consideration of private claims or war claims in this period in the history of the country.

Mr. RICHARDSON. Will the gentleman allow me to ask him a question?

Mr. HENDERSON. If I am going to yield at all, I will yield to the gentleman from Massachusetts, who first made the request.

Mr. WALKER of Massachusetts. I would like to ask the gentleman why the leaders of this House can adjourn over day after day and day after day, and thus consume time, and then tell us that we have not time to consider these claims? And I want to ask another question on top of that.

Mr. HENDERSON. One at a time, please.

Mr. WALKER of Massachusetts. This country has all the money that there is in the country to pay its honest debts [applause], and this Congress is culpable, and both parties are running neck and neck in the meanest business ever engaged in by legislators, cheating citizens who have just claims against the Government. [Applause.]

Mr. HENDERSON. I did not yield for a speech. The gentleman from Massachusetts refers to the adjournment over Saturday. The leaders of this House can not adjourn the House.

Mr. WALKER of Massachusetts. They can, and they have done it. [Laughter.]

Mr. HENDERSON. I do not know what the gentleman means by "leaders." He is chairman of a great committee of this House and one of the leaders of the House on questions of banking and currency, but the leaders can not adjourn this House. One man can make a motion to adjourn on Saturday, but it takes the "leadership" of 356 members to adjourn this House.

Mr. WALKER of Massachusetts. That is nonsense. [Laughter.]

Mr. HENDERSON. Do not plead the baby act, gentlemen. If you are in your seats, this House can not be adjourned without the consent of a majority of you. But why have the majority adjourned over Saturday? You all know perfectly well that toward the end of a session it is difficult to get a quorum to do business on Saturday. Frequently that day is devoted by members to bringing up their Department work, which the business of the week has forced them to neglect. Frequently members go home and stay over Sunday.

Mr. WALKER of Massachusetts. "Do not plead the baby act." [Laughter.]

Mr. HENDERSON. I am not pleading the baby act. I never plead the baby act.

Mr. WALKER of Massachusetts. Well, I do not plead the baby act either.

Mr. HENDERSON. But, Mr. Speaker, I want to say that I am tired of this talk about "leaders." I for one am willing to become a bumper, if you please, for people to hit and sneer at, but I will continue to do my duty the best I know how, and if the chairman of the Committee on Banking and Currency will do the same he will retain his own self-respect, even if other people do sneer at him, which I do not know of their doing.

Mr. WALKER of Massachusetts. That is exactly the business you are engaged in now. [Laughter.]

Mr. HENDERSON. Now, it is true that this country is rich. We have money, but we know perfectly well that we are mortgaging the country and that the absolutely necessary appropriations of this Government, which are being given with courage and with wisdom, great as the portfolios from the Committee on Appropriations are—we know, I say, that the absolutely necessary appropriations to carry on the Government tax us, under present conditions, as far as we ought to be taxed in the judgment of the people of the country.

Now, Mr. Speaker, I yield to the gentleman from Illinois [Mr. CANNON], if he desires to be heard.

Mr. CANNON. Mr. Speaker, I only want to say a word or two. I think that when the record of this session of Congress comes to be made up, taking into consideration all the surroundings, it will be found in efficiency and wisdom second to that of none other of recent years. With a great membership of 356, it is impossible to do all the business that ought to be done. We have had much of pension business this session, yet with all the time that has been devoted to it the Pension Office, when under proper administration, could in three days have done the same business; could do and ought to do in that time more business than this Congress—both House and Senate—will have done at this session. So with claims. If we should undertake to consider and dispose of all the claims that are pending there would be no time for the public business. Now, I want to say again that the matters of complaint from time to time among ourselves—and I do my full share of complaining and "kicking"—arise out of the system. The country has grown to be so great, that it is practically impossible to do the public business in the time of a session of Congress, let alone the business that individuals are interested in, and it taxes and it will tax the best wisdom of Congress to devise some means to dispose of claims and all that class of business with justice to the claimant and to the Government other than the methods which have been heretofore applied.

Mr. DANIELS. In view of the gentleman's statement, and in view of the large number of private claims before the House, does he not think it would be wise to assign an evening every week, as we do to pensions, to consider and dispose of those claims?

Mr. CANNON. Possibly so; yet even by that method you would not make any great impression upon that class of business. Private claims, depending upon the action of Congress, I take it, can not in the future receive due attention under existing conditions, and while gentlemen may chafe at it, as we all do chafe at it, there is the fact, and the best way is to keep our temper and devise some proper general legislation by which this business can be done outside of Congress, with justice to the claimant and safety to the Government. [Applause.]

Mr. MAHON. Will the gentleman permit a question?

Mr. CANNON. If I have time; I have but a minute.

Mr. MAHON. I wish to ask you this question: Whether we can pass many private claim bills or not, do not you think the proper way is to go to the Private Calendar instead of proceeding by unanimous consent?

Mr. CANNON. I am perfectly content; but unanimous consent means the consent of every one of 356 members, and the necessity for resorting to it in some cases is obvious in view of the crowded condition of the Calendar.

Mr. BAKER of New Hampshire. The gentleman has referred to the necessity of a tribunal outside of Congress for the adjustment of these claims. When that has heretofore been done, has the Committee on Appropriations appropriated the money to pay them?

Mr. CANNON. Oh, such findings under the law were referred for the further consideration of Congress, and under the rules of the House the Committee on Appropriations has no jurisdiction. The Appropriations Committee, I will say, have done their work to the best of their ability in reporting measures for the consideration of Congress under the rules of the House.

Mr. BAKER of New Hampshire. But they have given no opportunity for the consideration of those claims when reported back.

Mr. CANNON. The Appropriations Committee are the servants of the House under the rules made by the House. Let us keep our heads, gentlemen, and go ahead and perform our business under present conditions. With a House that is Republican, with a Senate that is not Republican but worse than Democratic [laughter], and with a President whom the Democrats in part repudiate, it is impossible to enact proper economic and financial legislation. Let us keep our heads and do the public business as best we can—and we are doing it, so far as the House is concerned, pretty well [laughter]—and let us appeal to the people for complete power, House, Senate, and President; and with power, let us bring to our duties clear and wise heads, and adopt proper legislation to cure existing ills. That is all I want to say.

Mr. HENDERSON. Mr. Speaker, let us understand about the time. The gentleman from Illinois [Mr. CANNON] and myself have spoken in the time in favor of this resolution; the other gentlemen in opposition to it. How much time have I remaining?

The SPEAKER. Seven minutes.

Mr. HENDERSON. How much time is there on the other side?

The SPEAKER. Ten minutes.

Mr. HENDERSON. I reserve the residue of my time for the present.

The SPEAKER. The Chair recognizes the gentleman from Massachusetts [Mr. WALKER].

Mr. WALKER of Massachusetts. Mr. Speaker, I am not complaining of the record of this Congress as it is made up; I do not say it will not compare favorably with the record of other Congresses. I am complaining that there is a design upon the part of the leaders that has been executed with an unrelenting hand in the four Congresses of which I have been a member to hinder and prevent the consideration of the honest claims of private citizens to whom this Government is justly indebted, and the postponement of whose claims is bringing embarrassment and injury to those citizens. The leaders of this House on the Republican side and on the Democratic side, whichever party may be in the majority, have been determined that those claims should not be considered and should not be paid. Whenever under the rules even there have been days assigned for the consideration of such claims, means have been taken to continue useless and frivolous debates, with the distinct purpose of defeating consideration and action upon those claims.

It is conceded that our system is a bad one. Certainly it is; but it is continued Congress after Congress by the leaders of whichever party may be in the majority, to their discredit. Shall it never end? Shall men be answered by saying they are losing their heads because they demand that this villainous system shall end? We are here giving notice now that in the next Congress rules shall be devised that will give fair consideration to bills of this character. We know that bills which have passed this House at one session and then passed the Senate, and for want of time failed to receive the President's signature—bills which have passed committees of the two Houses unanimously session after session—receive no more consideration, have no more chance of passage, than bills that are brought into this House for the first time and by a divided committee—by the vote of a bare majority. Bills that every committee of this House, every committee of the Senate, every member of Congress whose attention is called to them, session after session, say ought in justice to be passed, have no precedence, have no standing, have no consideration. And the leaders of both parties connive against passing them to keep down appropriations. Why? Because they say we have not money enough in the Treasury. When we have been paying off our public debts by hundreds of millions, we have no money for the honest private citizen of this country who is the creditor of this Government.

I want to say, as I have said before on this floor, with as cool a head as any man ever had, that it is a burning shame that this Government should present to the world a spectacle such as no other government presents of abusing and robbing her own citizens. And Representatives on this floor can get no chance for the consideration of honest claims due their constituents. If there is any love of justice in this House, if there is any genius for legislative business, why not so fix our rules that these claims can be considered and paid? No money in the Treasury! There is always money in an honest man's hands to pay an honest debt, or else he is willing to compromise like an honest man, and not deny the existence of the debt and put off his creditors, saying, "Go, and come again, and to-morrow I will pay, when thou hast it by thee," which is damned by every honest man and condemned by every principle of honesty. [Applause.]

Mr. HENDERSON. I yield the residue of my time to the gentleman from Pennsylvania [Mr. DALZELL], my colleague on the Committee on Rules.

Mr. MAHON. How much time remains to the other side?

The SPEAKER. Five minutes.

Mr. DALZELL. I reserve my time.

Mr. MAHON. Mr. Speaker, I will make no complaint. I am standing here simply as the chairman of a committee demanding the rights of that committee. That is what I am asking at the hands of this House and its leaders; and when the time comes I will make a motion to recommit this resolution with instructions to strike out the word "Friday" and insert "Monday." I have no inclination to deprive the Labor Committee of the right to consider important measures which it has reported; but I want to emphasize the fact that there are upon the Private Calendar bills for the payment of money honestly due by this Government to its citizens, for property taken by the officers of the Army of the United States, to feed your soldiers on the field or in camp; for property, too, taken since the war closed, which has gone to supply the Army and other departments of the Government.

I stand with the gentleman from Massachusetts [Mr. WALKER] when I say that up to the Fifty-first Congress, a Republican Congress, which passed bills of over $600,000 for the payment of these honest claims—prior to that no Republican Congress ever repudiated honest and just claims of private citizens. The Fifty-second and Fifty-third Congresses for some reason did refuse to make provision for these claims.

Now, I appeal to this House to give us Friday for the consideration of these measures, the only day fixed by the rules on which bills on the Private Calendar can be considered. I repeat, and I say it without any reflection upon any member of the House, that this way of picking out this or that private claim and passing

it by unanimous consent is an outrage upon two-thirds of the members of this House, whose constituents are absolutely denied a hearing because we can not reach the Calendar.

I make no complaint of anyone. I have been treated with as much kindness as any other member of the House by the presiding officer. But I want to say as a member of Congress that this method of securing consideration for private claims is distasteful to me; I do not like it. I feel in such a case that I am trespassing on time that belongs to others, and that I am making myself an annoyance, and possibly a nuisance, to the presiding officer of the House. I believe that we ought to insist that the rules of the House should be enforced and that all bills on the Private Calendar should be considered and passed in the regular way and not as individual bills singled out and passed by unanimous consent. I give notice now to you gentlemen who want Friday appropriated for the consideration of these private bills that I shall make a motion to recommit this resolution with instructions to strike out "Friday" and insert "Monday"; and if you want your bills considered, vote for this motion; if not, vote against it.

Mr. RICHARDSON. Why not name Tuesday instead of Monday? Monday is set apart by the rules for other purposes; it is District day.

Mr. MAHON. I should have no objection to naming Tuesday instead of Monday. Personally, I have no interest in this matter; but I say we should do justice to these people to whom the Government is indebted. We can pass bills here appropriating $70,000,000 for rivers and harbors; we can pass other bills running into the millions. Why not do justice to private claimants? If it is said we have not money to pay these private citizens, then let the Government borrow money from people who are glad to lend it, and with the proceeds pay the honest debts due these claimants, who have already been kept waiting far too long. [Applause.] We may as well issue bonds to pay honest indebtedness of the Government due to private citizens as provide in that way for general expenses.

Mr. DALZELL. Mr. Speaker, it must be apparent to every fair-minded man in this House who is not carried away by his temper——

Mr. WALKER of Massachusetts. To whom do you allude? [Laughter.]

Mr. DALZELL (continuing). That the Committee on Rules can by no possibility have any personal interest in this matter. The members of that committee are not the leaders of the House in the sense in which that term has been used here to-day, but the servants of the House.

Mr. PICKLER. They are the controllers so far as legislation is concerned.

Mr. DALZELL. They are the servants of the House, to see that its business is carried on in an orderly manner, and the controversy here to-day, if there be a controversy between any two parties, is a controversy between the Committee on Labor seeking to pass legislation demanded by the interest of both capital and labor in this country upon the one hand and the gentlemen who seek consideration of private claims on the other hand.

Mr. WALKER of Massachusetts. That demagogy will not go.

Mr. DALZELL. Mr. Speaker, I will not suffer myself to be interrupted by the impudence of the gentleman from Massachusetts.

I say that the controversy that you gentlemen are to settle, if there be a controversy, is between the Committee on Labor and those who desire the consideration of private claims. Now, what does that controversy amount to? How much is involved in this question about which we are having a tempest in a teapot? Two hours, and only two hours. All that it is proposed to give to this committee on Friday is what may remain of that day after the unfinished business shall have been disposed of. I venture the assertion that it will not amount to two hours. And what would you do in those two hours if this resolution be not adopted?

I appeal to members of this House who have had experience here, do you mean to say that in those two hours of Friday you would accomplish anything with the Private Calendar? Do you mean to say there is any possibility of passing a single bill upon it? You know there is no possibility of any such thing. Those two hours that you gentlemen propose to waste we propose to utilize in the interest of the laboring men of this country.

Now, suppose we yield this matter; suppose the House, instead of the Committee on Rules, in these the closing days of the session, shall undertake to arrange a programme; then what are you to do with the business of importance that yet remains undisposed of? The Judiciary Committee will require at least one day, perhaps two, for the transaction of very important business pending before it. There are four election cases ready to be argued, involving questions of the highest possible privilege, the right to a seat in this House; and it would be a disgrace, Mr. Speaker, to Congress if it should adjourn with these election cases on the Calendar undisposed of. There are other important committees clamoring for time.

So I end, as I began, with the statement that the controversy is one over only two hours that we propose to utilize and you propose to waste. It is a controversy which, if carried against the Committee on Rules, means simply that you and not they must arrange the programme of business for the balance of the session.

Mr. PICKLER. Will the gentleman yield for a question?

Mr. DALZELL. Certainly.

Mr. PICKLER. I understand that this order gives to-morrow and what is left of Friday to the consideration of bills from the Committee on Labor. That precludes the Committee on Invalid Pensions from having any more time this session, does it not?

Mr. DALZELL. Why, the committee will have Friday nights, I suppose.

Mr. PICKLER. Oh, well; Friday night! There are 300 bills and 300 members clamoring for them——

Mr. WILLIAMS. Why not substitute Saturday for Friday in this order?

Mr. DALZELL. Because another bill has been provided for consideration on that day.

Mr. MILLIKEN. What is that?

Mr. DALZELL. To repeal section 61 of the Wilson bill.

Mr. PICKLER. Well, we generally find ourselves on Saturday without enough members to transact business.

Mr. MILLIKEN. If you repeal the whole of that bill we will be glad to give all the time necessary.

Mr. DALZELL. And we would be very glad to do so if we could. I can assure the gentleman, though, that when the next Congress convenes we will proceed—in special session—to do so.

Mr. WALKER of Massachusetts. Do you suppose the Senate would pass that bill if you did?

Mr. DALZELL. Now, Mr. Speaker, I ask a vote.

Mr. MAHON. Mr. Speaker, I move to recommit the resolution to the Committee on Rules, with instruction to substitute Tuesday of next week for Friday, so that it will read Thursday of this week and Tuesday of next week.

Mr. DALZELL. Mr. Speaker, I rise to a parliamentary inquiry. Is the rule subject to such a motion?

The SPEAKER. The Chair thinks so.

Mr. MAHON. That will have the same effect; it will give the committee two days.

Mr. PICKLER. I desire to offer an amendment to the amendment. I move to substitute whatever days the gentleman wants next week—Tuesday and Wednesday—for the Committee on Labor, and that Thursday of this week be assigned to the Committee on Invalid Pensions.

The SPEAKER. That motion will not be in order.

Mr. PICKLER. Why?

The SPEAKER. Because you can not accomplish by a motion to reconsider what could not be accomplished by an amendment. The question is on the motion of the gentleman from Pennsylvania to recommit, with instructions to substitute Tuesday next for Friday in the order.

Mr. DALZELL. That will cut out the consideration of an election case if adopted.

The question being taken on the motion of Mr. MAHON, the House divided; and there were—ayes 65, noes 128.

So the motion to recommit with instructions was rejected.

Mr. WATSON of Ohio. Mr. Speaker, I desire to submit a question for information. If this rule is adopted, will it prevent another day from being given to the consideration of private pension cases?

Mr. PICKLER. Yes; undoubtedly.

The SPEAKER. The gentleman from South Dakota says "yes," and the Chair says "no." [Laughter and applause.]

Mr. HENDERSON. I demand the regular order.

The SPEAKER. It will not prevent the committee from having another day, provided the House under proper circumstances shall choose that way. Otherwise it will.

Mr. PICKLER. I desire to offer an amendment.

The SPEAKER. An amendment is not in order at this time.

Mr. PICKLER. My amendment is similar to that offered by the gentleman from Pennsylvania.

The SPEAKER. It is not in order. But one motion to recommit can be entertained.

The question being taken on the adoption of the resolution, the Speaker announced that it was agreed to.

On motion of Mr. HENDERSON, a motion to reconsider the last vote was laid on the table.

Mr. WILLIAM A. STONE. I demand the regular order.

Mr. BARTHOLDT. Mr. Speaker, I call for the regular order.

CHANGE OF CONFEREES.

The SPEAKER. The Chair desires, in the first place, to submit to the House some changes in regard to conferees. The gentleman from Wisconsin [Mr. BABCOCK], one of the conferees on the pool-table bill, desires to be excused from serving, and if there be no objection his request will be complied with, and the Chair will appoint the gentleman from Iowa [Mr. CURTIS] as a substitute.

On the bill H. R. 2648, the gentleman from Missouri [Mr. JOY] desires to be excused. Without objection, the request will be granted, and the gentleman from Illinois [Mr. MURPHY] will be appointed in his stead.

There was no objection.

ORDER OF BUSINESS.

Mr. GROSVENOR. Mr. Speaker, I ask unanimous consent for the present consideration of a resolution which I send to the Clerk's desk.

The SPEAKER. The gentleman from Ohio [Mr. GROSVENOR] asks unanimous consent for the present consideration of a resolution which will be read.

Mr. KEM. I call for the regular order.

The SPEAKER. The gentleman from Nebraska demands the regular order.

Mr. GROSVENOR. This will only take a moment.

Mr. KEM. Regular order.

The SPEAKER. The gentleman from Nebraska [Mr. KEM] insists upon the regular order. The Chair understands that there is a conference report to be submitted.

CAPITAL RAILWAY COMPANY, DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker, I desire to present the conference report which I send to the Clerk's desk.

The conference report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 888) to amend an act entitled "An act to incorporate the Capital Railway Company," approved March 2, 1895, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the first amendment of the House, and agree to the same with an amendment as follows: Also, in section 1, line 7, strike out the word "for" and insert the word "have," so that the phrase shall read, "have a common seal"; and that the House agree to the same.

That the Senate recede from its disagreement to the second amendment of the House, and agree to the same amended to read as follows: "Also continuing from said Eleventh and M streets, north on Eleventh street to the south building line of East Capitol street"; and that the House agree to the same.

That the Senate recede from its disagreement to the third and fourth amendments of the House, and agree to the same.

That the Senate recede from its disagreement to the fifth amendment of the House, and agree to the same, with an amendment, so that section 4 shall read as follows:

"That the portions of the company's routes from Congress or Pencote Heights to Shepherd's Landing and the Harrison street branch east to the District line shall be completed within two years from the passage of this act: *Provided*, That failure to complete the said portions of the routes as provided for in this section, and also failure to complete the extension on Eleventh street east, shall operate to repeal the authority to build said portions, and shall not repeal the charter of said company."

And that the House agree to the same.

J. W. BABCOCK,
G. M. CURTIS,
JAMES D. RICHARDSON,
Managers on the part of the House.

CHARLES J. FAULKNER,
REDFIELD PROCTOR,
Managers on the part of the Senate.

The conference report was agreed to.

On motion of Mr. BABCOCK, a motion to reconsider the vote by which the conference report was agreed to was laid on the table.

IMMIGRATION.

Mr. BARTHOLDT. I call for the regular order, the consideration of the immigration bill.

The SPEAKER. The question before the House is the bill relating to immigration. The gentleman from South Carolina [Mr. WILSON] is recognized.

Mr. WILSON of South Carolina. Mr. Speaker, neither of the great political parties of this country can claim as its own peculiar product the laws upon our statute books in restriction of immigration. They are the result of the combined wisdom and patriotism of both parties, extending over a period of more than fourteen years.

The subject is wholly nonpolitical. It is national in its scope, in its bearings, and in its effects, as much so as the Monroe doctrine or the cause of Cuba. It is too high and too broad to be made the hobby of the politicians. Its necessity and its justification is in the maintenance of the standard of American citizenship and the protection of American labor.

In the beautiful and eloquent speech to which we listened yesterday afternoon I was surprised to hear that the record, the traditions, and history of the great Democratic party in this country should be stated to be in opposition to bills of this character. Why, Mr. Speaker, from the beginning of our history, from the days of Jefferson, the great slogan of that party has been "America for Americans," the protection of this isolated land for the benefit of its own citizens; and only in our last national convention, in 1892, we find a plank in the platform upon which every Democrat can stand, one upon which I stand, and against which I believe no Democrat in this building raises objection, in these words:

SEC. 12. We heartily approve all legitimate efforts to prevent the United States from being used as the dumping ground for the known criminals and professional paupers of Europe, and we demand the rigid enforcement of the laws against Chinese immigration, or the importation of foreign workmen under contract to degrade American labor and lessen its wages, but we condemn and denounce any and all attempts to restrict the immigration of the industrious and worthy of foreign lands.

There is nothing in any of these bills now pending before this body that is in contravention of that principle of the platform adopted in 1892. Nor, Mr. Speaker, is this question to be solved by appeals to sentiment. It is sweet to talk of liberty. The very name of it is music to the ears of every child on our soil; but when it attempts to lure us from the true path that we should take in legislation it loses its melody, and becomes the voice of the siren.

Why, Mr. Speaker, I should like to read here in this connection, as bearing appropriately upon the sentiment, an extract from the article of Mr. Rood, in the Forum, volume 14, page 114:

When a stranger visits the anthracite regions [of Pennsylvania], he is filled with sympathy for the poor Italian and Slav. He considers the American residents heartless in the extreme. He is amazed at the way the foreigners are regarded. But a single year spent in that land will show him the truth, no matter how tender-hearted he is. He will then know that disgust should take the place of surprise. He sees a thousand idle Americans and a like number of foreigners slaving for 80 or 90 cents per day. He sees the Americans sending their children to school, supporting churches, living in decent houses, trying to be cleanly and to wear presentable clothing. He also sees the scum of Europe taking the place of the former, content to swarm in shanties like hogs, to contract scurvy by a steady diet of the cheapest salt pork, to suffer sore eyes and bodies rather than buy a towel and washtub, to endure typhoid fever rather than undergo the expense of the most primitive sanitary apparatus.

Now, that is the class in whose behalf liberty is apotheosized! Why, Mr. Speaker, if we are all sensitive to appeals made in the name of humanity, every high impulse in us prompts us to sympathize with the poor and oppressed and to pity the fallen, the degraded, and the criminal, but that is all we can do. We might indulge in the innocent pastime of happy children chasing shadows and pursuing the flitting butterfly by thinking that on this great earth there should be some sacred spot where the weak, the heavy laden, and the oppressed might find an asylum; where the decrepit, the worthless, the thriftless, the degraded, the outcast, the discharged from prisons should find a refuge or a reformatory; but I do not believe there is any man on this broad continent who would ask us to constitute this country such an asylum. There is a liberty that belongs to our own people, a liberty to earn an honest livelihood here.

Now, Mr. Speaker, there are times when it is appropriate to appeal to liberty, beneath the folds of the Star Spangled Banner, fanned by the breezes that sweep "from the ocean that roars to the ocean that sleeps," while the band plays "Sweet Marie"; but here, in this body, assembled for the purpose of enacting legislation for the benefit, the advantage, and the preservation of the rights of American labor, I say it is not the place for sentiment. We must deal, and are dealing, with actual reality. We have the facts facing us. We have a condition presented to us that demands action on the part of this body. In the closing scenes of this session, within the last two weeks, we are at last accorded the privilege of placing before the country a bill which, if adopted by the Senate, will be a source of gratification, a source of untold joy to thousands of laborers now waiting for employment, and to whose hearts every gale that sweeps from Ellis Island brings the sad tidings that their lives are to be made more miserable, their chances of employment lessened, and their wages reduced by the great tide of this worthless immigration that is flowing from the shores of Europe.

And what do they tell us? Why do they say that this bill should not pass? They assert that this country is big enough and grand enough to welcome the refugees of all lands. I say it is not true, Mr. Speaker. I say that while we have countless thousands of acres of uncultivated land, while throughout the great West there is a domain sufficient to accommodate hundreds of thousands of the unfortunates of Europe, yet, as a practical matter of fact, they do not go there. They do not want to go there. They come across the ocean in ships by thousands and hundreds of thousands. They reach our Atlantic Coast and they stop there.

Now, in view of the shortness of the time remaining for this debate, I shall have to hurry through my remarks in order to give other gentlemen an opportunity to be heard, but before I take my seat I wish to read a few figures for the information of the House. I have culled them from reliable sources. Fifty-eight per cent of the objectionable races of immigrants live in the cities. The North Atlantic and North Central States contain nearly five-sixths of the city population of this country. That section also contains 40 per cent of the total foreign population of the Union.

In 124 of the principal cities of the United States 29 per cent of the total population is foreign born. In the rest of the country it is only 10½ per cent. Very little immigration has gone south of the Ohio and the Potomac, or in the transmississippi country south of the thirty-seventh degree of latitude. Three-fourths of the Poles are in the cities of New York, Pennsylvania, Illinois, Michigan, and Wisconsin. Two-thirds of the Italians are in the North Atlantic States. Two-thirds of the Russians are in New York, Pennsylvania, Connecticut, North Dakota, Michigan, Illinois, and Kansas. Two-thirds of the Austro-Hungarians are in the

North Atlantic States. Of 1,000 immigrants landing at the port of New York during three days of last December, 90 per cent of the illiterates remained on the North Atlantic Seaboard, and during this year since the 1st of January, 95 per cent of those immigrants have remained in the same section of the country. And yet, Mr. Speaker, we are told not to put up the bars against this immigration because there is plenty of room in the great West! That is literally true, but, for all practical purposes in the consideration of this question, the great West might as well be in the same crowded condition as our Northeast, because these immigrants never seek that section.

Mr. Speaker, there is another thought which ought to be brought to the attention of this body. It is that if there is a country anywhere on the face of this globe that should deliberately guard the admission of foreign elements into its citizenship, into the citizenship that goes to make the character of its people, it is these United States, because this beyond all other countries is most wholly dependent upon the character of its citizenship for the character of its Government. It is not a little thing that every year and every week and every day we are admitting into our ports this scum of Europe which is pouring, like numberless rivulets, into the stream of our national life and polluting it from its source to its mouth. And the effect has been already seen, Mr. Speaker.

This is not an idle fancy. It is not theorizing. I am dealing in facts. The records here show that our prisons and our poorhouses and our asylums are largely monopolized by this class, imposing an additional tax upon our people and giving an idea of how the life of the great body politic is being poisoned by their admission. One-third of the insane are foreign-born immigrants. One-half of our criminals and our paupers are foreign born. And yet we are told, in the name of Liberty, that we must admit these classes. Gentlemen say, "Let not this great country raise the flag of proscription against any of the poor sons and daughters of Eve." Why, Mr. Speaker, it is an almost criminal enlargement and perversion of the idea of liberty to say that the laborers of this country should be deprived of the opportunity to earn an honest livelihood simply because, in the name of Liberty, we are invoked to allow every son and daughter of Eve upon this earth to come in.

If this country wanted immigration we would hear a demand for it. The commission appointed to investigate that question have made the investigation and submitted their report. Twenty-seven States have made answer to the inquiry whether they wanted immigration, such as this bill proposes to exclude. Of those 27 States, these 11 want no labor immigration at all: California, Idaho, Illinois, Iowa, Massachusetts, Mississippi, Nebraska, New York, North Dakota, Pennsylvania, Rhode Island. Of the remaining 14 States there is only 1 that wishes the undesirable immigration that I have mentioned, consisting of Italians, Poles, Austro-Hungarians, and Russian Jews. Of all the States of this Union that have made response to the inquiry addressed to them, Oregon alone desires laborers of that kind.

Mr. JOHNSON of North Dakota. Will the gentleman state who answered for the State of North Dakota?

Mr. WILSON of South Carolina. I will tell the gentleman later on, or he can take the book and ascertain for himself. He will find it in the commissioners' report.

Therefore I say, Mr. Speaker, that there is no demand anywhere in this country for this class of laborers. Now, I am not inveighing against the admission of immigrants into this country. I know that immigrants, as was said here yesterday, have made this country. We are all immigrants or the descendants of immigrants. We have no objection to the introduction or the admission of producers, of farmers, of those who do not come in competition with our American labor, or of those who do not constitute themselves a tax upon the resources of this country by filling its asylums and its prisons.

Why, Mr. Speaker, I do not know what we should do in the absence of our German and Irish friends; we should have no one then to run our politics. Our best citizens, many of them, are immigrants who have landed here and made their homes among us, who have recognized that their destiny is to be linked with ours. But who is talking about the restriction of that kind of immigration? Where is the objection to it? To suppose such an objection is putting up a man of straw.

My distinguished friend from Louisiana asked yesterday why not at once make an iron wall and declare that henceforth no foreigner shall enter upon American soil. I say no one ever dreamed of such a thing. There is nothing in these bills to warrant such a proposition. As I shall show when I come to the consideration of these several bills, they are only directed to that class of laborers who are undesirable, according to the consensus of opinion as expressed from all sections of the country where the subject has been thoughtfully considered. If we admit citizens of this objectionable class, what are we going to do with them? Where are we going to send them? There is already a surplus of labor in this country. I take it no man on this floor will controvert that fact. It is impossible to get statistics, because the census does not touch upon that topic. What we have been able to do is to take the statistics from one or two States. Massachusetts in 1893 took a census on this subject, and the result showed that 29 per cent of the males in that State were unemployed. We all know that in every State of this Union, in every city, perhaps, there are numbers of persons unemployed.

As long as that state of affairs continues how is it to be relieved, what remedy is to be applied under the present condition of financial depression and distress throughout the country if we are to continue to admit without limit this stream of pauper labor from Europe? Every industry that we can think of—mining, manufacturing, and all the avenues of life where labor finds its employment and makes its living—is filled to overflowing now. Yet every day, as the newspapers show us, as the reports authoritatively tell us—every day is bringing thousands of Italian, Polish, Hungarian, and Austrian laborers to this country to come into competition with the labor already out of employment.

Mr. Speaker, the one danger to this country, in the judgment of every writer who has given his forebodings as to the life of the Republic, consists in the surplus of labor, which, when it can find no other avenue by which it can support itself, will resort to violence. And we are admitting this turbulent, lawless, violent, dangerous class of people, reckless of the future, and the attempt that is now made to put a bar against it is characterized as a deprivation of liberty to those who are entitled to it wherever living.

We are told that immigration does not decrease wages. We were told yesterday by the distinguished chairman of the committee that the Commissioner's report so states. Well, sir, I have seen the Commissioner's report, and it distinctly states that wages have been lowered in those localities where there has been congestion of Italians, Hungarians, Slavs, and Canadians—the very class of people against whom this bill is directed.

Now, the inquiry has doubtless occurred to some members on this floor, why am I interested in this matter? Well, sir, aside from my general interest in the country at large, because whatever affects any section of the country affects the South and affects me, I am particularly interested that that fair land, with its boundless possibilities, should not be made the dumping ground of this class of labor which has proven so injurious and destructive to the labor interests of the North and the Northwest. Thus far we have been free from it. We have a contented class of agricultural labor, perhaps as good as the world has ever seen. We do not wish that labor to be brought in contact with this lawless, violent, anarchistic element of Europe. Our factories, which are growing to be such a marvelous development of industry in our Southland, and other labor-employing institutions, are operated by a class of people who are our bone and sinew, who come from our midst, whose lives are linked with ours, who make an excellent class of labor, and who are entitled to the protection of the laws of the country. We do not want that labor brought in competition with the pauper labor of Europe.

I have no hesitation in saying, Mr. Speaker, that while we have stood the devastation of war, while we endured eight years of negro domination, misrule, and corruption, while we have survived the cyclone and the pestilence and the earthquake, yet we do not wish to be subjected to the trial of having this mass of European corruption dumped upon the land and into the factories and workshops of our Southland. If for no other reason, I would ask those of the members of this House whose interests are similar to ours to see to it that the wall is erected against such a calamity. This is the only protection we shall have, because in a few years this mass of labor that is now surcharging the cities of the North and the Northwest will turn its way southward, and then will come the avalanche from which there will be no protection, unless there be some restrictive legislation adopted by Congress.

Now, Mr. Speaker, has the time come for us to adopt restrictive legislation? I want to give the House some figures to show how rapidly this evil is growing and with what fearful strides it is increasing. I want to show you that the deluge is almost upon us. In 1892, 2,801 immigrants were debarred out of a total of 579,663; in 1893, 1,630 out of 440,739; in 1894, 2,389 out of 288,020.

Under the present laws only 2,211 were debarred or returned, as follows:

Debarred as likely to become paupers	1,833
Debarred as insane	4
Debarred as contract laborers	765
Returned within one year after landing	109
Making a total of	2,211

Now, of this number, 2,211, debarred or returned last year as inadmissible under the immigration laws of the country, Austria-Hungary, Italy, and Russia contributed, as likely to become paupers, 1,087; insane, 2; contract laborers, 626; returned within one

year, 27; or 1,742 in all from these countries—making from all the other nations of the world combined only 469 who were inadmissible to land in this country under the laws now in existence, showing the class of labor that now comes in and is so objectionable under the existing laws of the country, and showing how utterly impossible it is to prevent the influx of these people under our existing laws.

We admit the families of immigrants already here, and of the 229,304 steerage passengers arriving during the last year 84,339 were admitted as going to join their immediate families. From July 1, 1894, to June 30, 1895, Austria-Hungary, Italy, and Russia contributed 35,934, who were admitted as going to join their immediate families.

From 1821 to 1890 the total immigration to this country was 15,427,667. Of this number 5,246,613 came between 1881 to 1890, or over one-third of the total number. From 1890 to June, 1895, 2,658,797 more have come; and of this last number nearly one-half, or 1,002,183, came from Russia, Austria-Hungary, Italy, Poland, and Turkey in Europe.

Prior to that the immigration was as follows: From 1861 to 1870, 24,064 only; from 1871 to 1880, 180,082; from 1881 to 1889, 926,116; or for these three decades, 1,131,162. The last five years have introduced nearly as many of this class as the thirty preceding years. In 1861 they were 0.51 per cent of the total population; in 1870 it numbered 1.44 per cent of the population; in 1880 it reached 3.38 per cent of the population, and in 1890 it had increased to 7.5 per cent, which shows the rapidity, the tremendous increase of immigration of this very undesirable class of people, and I believe, Mr. Speaker, that my friend from Louisiana [Mr. BUCK] and my friend from Missouri [Mr. BARTHOLDT], in their opposition to the bill in behalf of their German friends, are unwittingly speaking against the best interest of their own friends, because the German element of the country is just as much interested as anyone else—as any other class of the laboring people of the country—in the exclusion of the worthless class of pauper labor with which they must come in competition. Anything that affects the laboring element anywhere in the United States affects the German element as well as any other; and this legislation is directed against that element which is obnoxious only.

How do they get here? In the steerage. Now, if any gentleman here could see one of these great ships, with 800, 900, or 1,000 people packed away in the hold of the vessel like so many cattle; if he could see some of these miserable specimens of humanity, which by reasonable calculation it will take sixteen generations of American civilization to develop into reasonably fair specimens of humanity, and would consider that every ship that comes into this country unloads hundreds of these creatures on our shores, he would realize the tremendous strain that is being brought to bear on our body politic, and the outrageous imposition that is being practiced on the labor of the country in being forced to compete with this foreign element.

Who bring them here? The ships. Are the shipowners interested in the liberties of this country? Why, Mr. Speaker, the only liberty they worship is that which is engraven upon the almighty dollar. They are not concerned in the character of American citizenship so long as they can pack these people away in the holds of their vessels and get $20 a head for bringing them over here. They are those who are interested in opposing this legislation, as explained by the gentleman from Pennsylvania [Mr. WILLIAM A. STONE] yesterday.

I believe, Mr. Speaker, that the commission appointed to investigate this matter should have an opinion worth something, and I find in their report the following statements:

> Through the United States consul at the latter place (Libau) Mr. Stump obtained valuable confirmatory information, and learned that the principal steamship lines landing immigrants at our ports have agents engaged in soliciting business there. He also learned that a firm in Hamburg controlled the letting of contracts for transporting these immigrants in numbers to the steamship lines offering the most reasonable terms per capita.
>
> From Libau the United States has received the most undesirable immigration landed here during the present Administration. All were most carefully inspected upon arrival, and many were ordered deported and returned. A large proportion of them, however, were landed, it appearing that they were coming to fathers, husbands, children, or well-to-do relatives already here, who were able and willing to assist and give them employment.
>
> Numbers came on prepaid tickets which were procured in the United States and paid for on the installment plan. A man sending for his wife and children would contract with an agent here to pay a few dollars each week until the ticket was paid for. In the meantime word would be sent to the agent in Hamburg or Libau to procure transportation, and upon payment of the last installment they would be embarked, arriving here destitute and penniless.
>
> Innumerable frauds were practiced upon the inspectors by persons pretending to be relatives, and some not entitled to land escaped detection, while a few, probably, were returned who should have been landed, but were unable to establish their right to do so to the satisfaction of the United States immigration officials.
>
> * * * * * * *
>
> In the investigation of this subject by the Senate Committee on Immigration (Senator HILL, chairman) in May, 1893, it was developed that in an average year the Italian bankers of New York City alone send to Italy $25,000,000 to $30,000,000. All this money can not be regarded as a loss to this country, inasmuch as the work done by those who have earned it has added in some measure to its wealth. Nevertheless, the net result would be very different were the same work done by persons permanently residing in this country and spending their money here.
>
> * * * * * * *
>
> The Italian laborer comes now, not under direct contract, perhaps, but with the knowledge that he need only go to the Italian quarter in the port of his arrival to get work, as his countrymen have done before him. Once in this quarter he falls under the influence of the padrone, and thereafter is at his disposition. The padroni still manipulate immigrant labor very much as they please, and it is thus still possible for a contractor to secure within a few hours any number of Italian laborers, skilled or unskilled, at wages 33 to 50 per cent below the American standard. This is an injury as serious, perhaps even more serious, to the latter than direct importation, because of the greater ease and quickness with which their labor can be supplanted.
>
> * * * * * * *
>
> The constant influx of foreign labor is naturally and undeniably one of the chief causes of labor depression in this country at present. It is a well-known fact that this importation of the lower classes of Huns, Slavs, and Italians has been the principal cause of violence and dissatisfaction, as every 100 immigrants necessarily force a corresponding number of United States citizens to either accept lower wages or go on a strike and join the already too large army of unemployed.

While other countries have their Discharged Prisoners' Associations for the purpose of unloading this class of criminal and pauper laborers upon other countries, we, through these steamship companies, have agents soliciting the immigration of these people into our country. No wonder that labor all over this country is rising in outraged indignation and calling upon Congress to come to its rescue. Why, Mr. Speaker, I believe that even thus late in the session, when perhaps it is too late to get a bill enacted, this Congress should heed that cry of labor; because they of all the people of this country are most dependent upon the laws for their protection. They are entirely dependent upon us to establish the bar that no other power can establish for their protection.

How does this bill propose to do it? I intended to present to the House the immigration legislation of the country as it now stands. It would be trespassing too much upon the time of the House, and I will incorporate it in my remarks.

The excluded classes now are dissolute women, contract laborers, persons morally, mentally, or physically diseased, paupers, polygamists, and assisted immigrants.

Now, what does the bill of the gentleman from Massachusetts [Mr. MCCALL], reported by the chairman of the committee [Mr. BARTHOLDT], propose to do? It has been found that this class of immigration to which there is such objection, lower Europe, as it is called, has a percentage of illiteracy ranging from 57 to 30 per cent, as will be shown by tables which I will insert in my remarks.

Of the classes that make good citizens in this country, the north of Europe, the Irish, the Spanish, in those countries the illiteracy does not amount to over 3 per cent. So this test will be a practical application of a bar to the very races that it is our desire and our interest to keep from our shores. We can not mention them by name, by statute, on grounds of public policy and of comity between nations, but we can establish the bar provided in this act, which will accomplish the same purpose.

Now, the bill of the gentleman from Pennsylvania [Mr. WILLIAM A. STONE] does not add any other class to those who are already barred. It simply provides for the enforcement of the laws we now have—to provide for the inspection in Europe instead of inspection in our ports. If a man is a worthy immigrant, if he is an immigrant who does not come under any of the debarred classes, why, then, this inspection can not injure him. No damage can be done to the friends of my friend from Louisiana [Mr. BUCK] or of the gentleman from Missouri [Mr. BARTHOLDT]. Those men are not barred by the Stone bill provision. Provision is simply made whereby, if it had been in force during the past four months, 2,147 Italian immigrants would have been denied entrance at the port of New York.

I do not see how anyone can object to the McCall bill, because when my friend from Missouri [Mr. BARTHOLDT], the chairman of this committee, comes in and reports it as his bill, I think everyone else ought to be satisfied with it. He vouches for it, and the remarks which he has submitted in his very careful and able presentment show that he is opposed to unreasonable restrictions upon immigration. So I take it there will be no serious objection to the McCall bill.

I can not see how any serious objection can be made to the Stone bill, for it simply provides for the enforcement of laws we already have on the statute books, and we certainly all wish that to be done.

Now, as to the Corliss bill, that affects only the Canadian line. It is simply designed to protect the American laborer from competition with the Canadian laborer who resides in cheap Canada, who comes over here and works at reduced wages and takes his wages across the line with him. So I think this House can very safely pass all of these bills. I do not see how, in justice to American labor or to the citizenship of this country at large, it can do less. [Applause.]

Mr. Speaker, I reserve the balance of my time.

APPENDIX.

[Containing documents and tables referred to in Mr. WILSON'S remarks.]

IMMIGRATION LEGISLATION.

First act, August 3, 1882. Imposes a head tax of 50 cents upon each immigrant, to be collected from the vessel bringing him or her. This was increased to $1 by act of 1894, August 8. Empowers Secretary of Treasury with making arrangements with State commissioners to prevent the landing of and to deport foreign convicts (nonpolitical), lunatics, idiots, and persons liable to become public charges.

Authorizes Secretary of Treasury to make rules and regulations to carry act into effect.

Second act, June 26, 1884. Exempt passengers on vessels exclusively employed in the trade between the ports of the United States and of Canada and Mexico, until immigration laws are extended to land carriage.

Third act, February 26, 1885. Prohibits prepayment of transportation, or the assistance or encouragement to immigrate, of any alien under any kind of contract or agreement, declares the contract void, provides a penalty against contracting parties and against the transporter having knowledge of the contract. Exempts professional persons, and personal and domestic servants, and any member of the family or any relative or personal friend.

Fourth act, February 23, 1887. Empowers Secretary of Treasury to secure the deportation of aliens coming in violation of the contract labor law of 1885.

Fifth act, October 19, 1888. Authorizes such deportation within one year after arrival.

Sixth act, March 3, 1891. Declares the classes excluded (in addition to the Chinese) to be: Idiots, insane persons, paupers, or persons likely to become a public charge, persons suffering from a loathsome or a dangerous contagious disease, those convicted of a felony, or other infamous crime or misdemeanor involving moral turpitude (but not political offenses), polygamists, and anyone who is assisted to come with the money of another, unless such person shows that he does not belong to one of the above classes and is not a contract laborer excluded under the act of 1885; but persons living in the United States are not prohibited from sending for a relative or friend who is not of the excluded classes, under rules and regulations to be prescribed by the Secretary of the Treasury.

Amends the act of 1885 (contract-labor act) by removing the exemption in favor of "any relative or personal friend," and by extending the exemption to "ministers, professional men, and professors." Prohibits the assistance or encouragement of the importation or migration of any alien by any promise of employment either orally or by advertisements, except by State and immigration bureau advertisement, and any alien coming in consequence of such advertisement is to be treated as coming under a contract.

Prohibits vessels from seeking immigrants except in the usual commercial letters, advertisements, etc., stating the sailings of the vessels, the terms, and kind of transportation.

Punishes by fine of not more than $1,000, or imprisonment not more than one year, persons or vessels bringing or aiding in bringing into the United States an inadmissible alien.

Provides for deportation of an alien coming in violation of law, or likely to become a public charge, within one year after arrival.

Seventh act, March 3, 1893. Requires each commander of vessels to make out lists in groups of 30, sworn to by himself and surgeon, giving name, age, sex, married or single, occupation, ability to read or write, nationality, last residence, seaport of landing in United States, destination, whether having a ticket to such destination, whether passage paid by himself or by others, amount of money on hand if under $30, if going to join relative, name and address; whether ever before in United States, if so when and where; whether ever in prison or almshouse or supported by charity; whether a polygamist; whether under labor contract, express or implied; condition mentally and physically.

WHAT OUR IMMIGRANTS ARE DOING FOR US.

Prisoners.

The Census of 1890, Part II, page 169, says: "Taking into account only the 105,885 parents whose nationality is known, 43.19 per cent of crime committed by white persons in the United States is chargeable to native white; 56.81 per cent to foreign element."

	Census of 1880.	Census of 1890.
Total prisoners in United States	50,255	82,329
Total white prisoners	42,294	57,310
Native white prisoners	29,377	40,471
Foreign-born prisoners	12,917	15,932

By Census of 1890, Part II, page 182, number of native-born white convicts in penitentiaries was 12,842; number of foreign born or with foreign parentage was 15,598, or 54 per cent of the total. Thus a foreign-born and foreign-parent population which is 38 per cent of the total white population, furnishes over one-half of the white convicts of the United States.

Insane.

[Not including feeble minded and idiots.]

	1880.	1890.
Total insane in United States	91,997	106,254
Total native white	50,494	64,419
Total foreign born	26,346	35,300

Thus, in 1880, 28.8 per cent of total insane persons were foreign born. In 1890, 33.2 per cent were foreign born. So that a foreign-born population, which is only 14.77 per cent of the total population, furnishes one-third of all the insane in the United States.

Paupers.

The census of 1890, Part II, page 174, says: "Taking into account only 108,802 parents whose nationality is known, 41.56 per cent of white inmates in the almshouses of the United States is native white; 58.44 per cent is of foreign element."

	Census of 1880.	Census of 1890.
Total paupers in United States	67,067	73,045
Total white paupers	61,316	66,578
Total native white	38,349	36,646
Total foreign born	22,961	27,648

Thus in 1880 37.4 per cent of total white paupers were foreign born. In 1890, 41.5 per cent were foreign born.

Thus a foreign population which is 17 per cent of the total white population furnishes nearly one-half of the white paupers in the United States.

Year.	Immigrants from Austria-Hungary, Italy, Poland, and Russia.		Immigrants from United Kingdom, France, Germany, and Scandinavia.	
	Number.	Per cent of total.	Number.	Per cent of total.
1869	3,515	0.9	260,083	73.8
1880	26,812	8.5	292,903	64.5
1886	71,734	----------	240,770	----------
1887	124,781	----------	332,748	----------
1890	154,873	34	262,749	57.7
1891	222,030	39.6	292,059	52.1
1892	259,967	44.8	312,502	53.9
1893 *	188,149	42.7	212,169	48.2
1894 †	122,854	42.6	137,217	47.9

* Cholera year. † Panic year.

In 1869 the immigrants from Austria-Hungary, Italy, Russia, and Poland were about one one-hundredth of the number from the United Kingdom, France, Germany, and Scandinavia; in 1880, about one-tenth; in 1894, nearly equal to it. In 1869–1894 the former class amounted to 1,067,229, or 38.8 per cent of the total immigration.

Percentages of illiterates, by nationalities, arranged in order of percentages.

Nationalities.	Percentage of illiterates in total immigration from each country.	Nationalities.	Percentage of illiterates in total immigration from each country.
Portugal	67.35	Spain	8.71
Italy	52.93	Ireland	7.27
Galicia and Bukowina	45.08	Finland	3.58
Poland	39.82	France (including Corsica)	3.50
Hungary	37.09		
Russia (proper)	36.42	England	3.49
Other Austria	32.70	Netherlands	3.38
Greece	25.18	Scotland	2.83
Roumania	17.75	Germany	2.49
Belgium	15.22	Norway	1.02
Turkey in Europe	14.79	Sweden	.74
Wales	10.43	Switzerland	.60
Bohemia and Moravia	8.98	Denmark	.40

Number of illiterate persons among those excluded in 1895 under the present law by reason of their being public charges, contract laborers, convicts, and diseased persons.

Country.	Public charge.	Contract laborers.	Country.	Public charge.	Contract laborers.
Austria-Hungary	----------	----------	Spain	1	----------
Other Austria	104	190	Turkey in Europe	2	----------
Hungary	32	13	England	2	----------
Belgium	1	4	Ireland	8	----------
Greece	13	3	Turkey in Asia (Arabia and Syria)	28	1
Italy	349	190			
Roumania	1	----------			
Russia proper	216	98	Total	758	505
Finland	2	----------			
Poland	1	----------			

Of the 32,557 illiterates who arrived during the year ended June 30, 1895, at the port of New York, there were from—

Galicia and Bukowina	1,440
Other Austrian countries (except Bohemia and Moravia)	2,526
Hungary	4,159
Total	8,125
Italy	14,742
Russia	6,398
Turkey (Asia)	1,445
Total	30,710

PRACTICAL ILLUSTRATION TO DATE.

Total arrivals of Italian immigrants at the port of New York.

[From figures furnished by Assistant Commissioner of Immigration.]

Total immigration, January 1 to April 30, 1895	52,565
Italian immigration, January 1 to April 30, 1895	11,896
Per cent which Italian was of total immigration	22.6
Total immigration, January 1 to April 17, 1896	66,290
Italian immigration, January 1 to April 17, 1896	*19,946
Per cent which Italian was of total immigration	30.0
Italian immigration, January 1 to March 31, 1896	13,946
Illiterate Italians, January 1 to March 31, 1896	7,001
Per cent of illiteracy among Italians	50.2
Approximate number of Italians who were already on the way or about to embark for the port of New York on April 18, 1896	7,797
Approximate number of Italians who will have arrived at New York, January 1 to April 30, 1896	27,000

* The number from April 1 to April 17 was approximately 6,000.

Illiteracy of Italian immigrants.

[From manifests of 3,174 immigrants over 14 years of age arriving at the port of New York during April, 1895, on four steamers from Genoa and Naples. This is not the total number so arriving during the month, but is believed to present a fair average of the entire Italian immigration.]

Total immigrants examined	3,174
Percentage of males	89.2
Percentage of females	10.8
Total illiterates	2,147
Per cent of total immigrants who were illiterate	67.6
Percentage of male illiteracy	66.5
Percentage of female illiteracy	75.7
Number debarred under existing laws	197
Percentage debarred of total immigrants	6.2
Number which would have been debarred by the League's bill	*2,147
Or a percentage of	*67.6
Percentage of those who have been in the United States before	27.7
Percentage of total immigrants who were laborers	†85.8

Destination of Italian immigrants.

Boston	150	
Other Massachusetts	34	
Total Massachusetts		184
Maine		7
Rhode Island		88
Connecticut		85
Total New England		364
New York State and city		2,276
New Jersey		79
Philadelphia	127	
Other Pennsylvania	176	
Total Pennsylvania		313
Ohio		45
Chicago	34	
Other Illinois	10	
Total Illinois		44
Other States and Canada		02
Total		3,174

With but few exceptions these immigrants were bound either to the large cities or to manufacturing and mining centers. Thus, those destined for New York State were going to New York City, Brooklyn, Buffalo, Syracuse, etc. It is probable that a small number of those giving New York City as their destination are ultimately distributed to other places.

From the above table it appears that 95.3 per cent were destined for New England, New York, New Jersey, and Pennsylvania.

Of those destined for "other States," 31—or less than 1 per cent—were bound to States west of the Mississippi River, and only 11 to States south of Pennsylvania and the Ohio River, while only 3 were going to the Southern States proper.

The padroni.

JANUARY 11, 1895.

SIR: Complying with your instructions of January 10, 1895, we proceeded to the Astor House, where, by appointment, we met Joseph Desabadia, an Italian padrone principal, who has recently been engaged, with 86 Italians, in cutting sugar cane for a Mr. Addison, of St. Cloud, Fla. In the course of the conversation with Mr. Desabadia we learned that he had returned from St. Cloud, Fla., via the Mallory Line steamship *Rio Grande*, arriving in New York on Monday, January 7. At that time he was accompanied by 47 Italians, all of whom had been engaged under his direction in cutting sugar cane at the aforementioned place for the said Mr. Addison. Mr. Desabadia informed us that he was regularly engaged in supplying Italian laborers in any numbers to contractors or others desiring labor done; that he was prepared now to furnish from 200 to 600 men, Italians, for work of any nature; that he could furnish stone masons, carpenters, or men of almost any of the building occupations.

Asked as to recent importations of this labor from Italy, he said that the men had principally been here for some time; that he did not send, nor did he know of any case in which Italian principals or bosses here had sent, to Italy for laborers. The customary proceeding was, upon the arrival of a vessel, for the boss to approach the Italian immigrant passengers and offer to secure them work. In this way they attached to themselves large bodies of Italians, who regarded this man as principal in securing them employment. He stated that there were numbers of these persons in New York, each one having a large following of Italian laborers whom they in a measure controlled.

In the employment of these men in sugar-cane cutting, Mr. Desabadia stated that the before-mentioned Addison had telegraphed to an Italian banker named Liccione, of 113 Mulberry street, New York, to secure for him a large body of Italians and send them to Florida. This request was turned over to Desabadia, who proceeded, with 86 men, to St. Cloud. As the agent, Desabadia received a commission of $25 from the Mallory Steamship Line for the sale of the transportation tickets each way, and as a compensation from Addison a salary of $2 per day as foreman. At the conclusion of the work these men all returned to New York. At White Plains, N. Y., with a large body of Italians, Mr. Desabadia had previously performed a considerable amount of street and road grading for a New York firm.

Respectfully submitted.

STIRLING BIRMINGHAM,
CHAS. M. HINKLE,
Immigrant Inspectors.

Mr. EDWARD F. MCSWEENEY,
Secretary Immigration Investigating Commission.

A typical instance of the workings of the padrone system has been thoroughly investigated by the Commission.

In the fall of 1893 work was begun on a sewerage contract at Brunswick, Ga. Local labor was employed at $1 per day, and 7 miles of sewerage had been completed by the spring of 1894, when work was discontinued in obedience to a local ordinance forbidding the turning up of earth during the warm season. When the contractor was ready to resume operations the following October he offered the local laborers only 90 cents per day, payment to be made in cash every two week or in scrip on demand. The laborers were mostly obliged to take the scrip, which, on being presented to the local traders, was found to be worth but 80 to 90 per cent of its face; that is, the wages of those paid in scrip amounted to no more than 80 cents per day. One of these scrip orders, redeemable at 10 per cent discount, was purchased by a representative of this Commission, and a facsimile is attached hereto:

No. 0906. BRUNSWICK, GA., *December 19, 1894.*

Pay to 255

$3 in merchandise.

Subject to agreement between party accepting this order and the undersigned.

HERBERT TATE.

This scrip system naturally caused dissatisfaction, and, although no strike was declared, many stopped work. Notwithstanding the fact that the current rate of wages for sewer work in that section was $1 to $1.25 per day, the contractor refused to consider any compromise, claiming that he could get plenty of Italian laborers at the same or even a cheaper rate than he was paying. And he proceeded to make good his claim.

The last of October the Commission learned that a large number of Italian laborers were about to be sent to Brunswick by an Italian banker of New York City, and a representative of the Commission was on the wharf the 2d of November, when the first load of laborers was shipped. They were 215 in number, and each of them paid the banker $1 for finding the employment. They were stowed away in the hold, which had been fitted with temporary bunks of rough pine boards for this purpose. Their passage money, $7 per head, was paid by the banker, with the understanding that the sums thus advanced were to be deducted from their wages. Whether the steamship company allowed the banker a commission on the passage tickets was not ascertained.

November 5 the men were landed at Brunswick by the banker's agent and installed in nine negro huts of three rooms each on the outskirts of the city. A tenth hut was used as a dwelling and provision store by the agent. For the ten houses the agent paid only $25 a month, but each laborer paid the agent for his quarters in them $1 a month, $215 in all, a clear profit of $190. All supplies had to be bought at the agent's store, the penalty for disobedience being a fine of $5.

The following tables show the food prices current in Brunswick and the prices paid the agent:

Article.	Prevailing prices in the city of Brunswick.	Prices paid by Italians for supplies.
	Cents.	*Cents.*
Bread ..... per loaf	5	10
Meat ..... per pound	8 to 10	*10 to 12
Lard, 3 pounds for	25	30
Macaroni ..... per pound	8	9
Cheese (the best) ..... do	20	22
Beer ..... per bottle	5	7

*The price paid for this meat at wholesale in the city was 4½ cents per pound.

Tea, coffee, and sugar were not bought at all, as being too expensive. Purchases were entered in a pass book by the storekeeper, and at the end of each month the total was deducted from the wages. Purchases for this period averaged $8 per man. The banker made still further profit by sending money to Italy for the men.

The native laborers suffered many hardships by this displacement of their labor. Some had come to Brunswick from the adjacent country especially for this work, and not only these but many Brunswick citizens were obliged to go to Savannah and elsewhere to find employment for the winter. The feeling against the hiring of the Italians was very bitter among all classes in the city, but particularly among the business men. (For further facts regarding the padrone system, see Appendix E.)

There is little doubt that a similar padrone system exists among Poles, Hungarians, Greeks, Armenians, and Syrians, and that many hardships have come to native laborers in several localities by the transportation thither of gangs of laborers of these nationalities. This subject demands a far more thorough investigation than the Commission has yet been able to make, but, if continued, the Commission hopes to give it the attention it deserves.

Mr. MAHANY. Mr. Speaker, I have yielded half of my time to the gentleman from Massachusetts [Mr. MCCALL] and I desire to be notified if, in the course of my remarks, I should trespass beyond the limits of half an hour.

While listening yesterday to the eloquent and inspiring address of the gentleman from Louisiana [Mr. BUCK], the distinguished chairman of the Committee on Ways and Means [Mr. DINGLEY] remarked to me: "If the principles involved in the speech of the gentleman from Louisiana are correct, why should we not throw open our doors also to Chinese immigration? If our citizenship is for the people of the world, why should the Chinese be excluded?" That query from the distinguished Representative from Maine brought up the whole question of the emigration history of humanity. It is no reproach to either species that the tiger does not mate with the lion. The reason why we exclude the Chinese from the ports of the United States is that by the very nature of their blood and instincts, they are unfitted to assimilate with our civilization.

I apprehend I am saying nothing new or strange to the members of this House when I recall the fact that human kind is divided into three great families, the Aryan, the Mongolian, and the Turanian. The Aryan family is comprised of those five great branches of the human race—the Grecian, the Italian, the Germanic, the Slavic, and the Celtic. I say, with some pride in the race from which my forefathers sprang, that it was the Celtic race which first pushed its way westward in the march of civilization beyond the tablelands of central Asia. Following the banners of human advancement and human progress came the Italian or Romanic race,

*Very few arriving were over 60 years of age, and this small number is included in the above figures.

†A very large proportion of those not laborers were sailors, and the balance chiefly stonecutters, shoemakers, and barbers.

against which we have heard so many accusations and criticisms in the course of this debate; a race that produced the foremost man that ever walked this earth, the great democratic soldier of antiquity, Julius Cæsar; a race that gave us the Renaissance when humanity seemed to have fallen into utter wreck and ruin; that gave us a Michael Angelo, a Raphael, and a Dante. I wish to say, in passing, that the Celtic race, although it needs no eulogy from me or any other source, has, in the first or second generation, given five Presidents to the United States, and seems now upon the point of giving us another.

Following in the track of the Italic or Romanic wave of emigration, came the Grecian or Hellenic wave, which gave us—and let me say to the gentlemen who object to immigration from the southern shores of Europe that those people and their kindred who colonized southern Italy and Sicily belonged to the Hellenic race—gave, I say, to art the sculptures of Phidias; to government the statesmanship of Pericles; to pure reason the philosophy of Socrates, and transmitted to us in the best sense the noblest elements of modern civilization.

From the standpoint of popular development we owe an equal obligation to the Germanic race, which formed the fourth wave of emigration in the great western march of the Aryan family. From the early village communities of that race we draw, from the principles of their town councils, those democratic ideas which are the historic foundation of this very House now deliberating on this question. We are indebted to the gentleman from Louisiana [Mr. BUCK] for having raised this discussion above the domain of petty individual selfishness into its proper sphere as a great national consideration. We are not here as aldermen of a city or supervisors of a ward. We are here legislating for the foremost government of history, a government not for Americans merely, but, according to the very principles established by the fathers of that Government, the trustee of liberty for all humanity.

I have no patience with that kind of statesmanship which regards a point of order in the procedure of this House as superior to a great and ever-living principle. The Committee on Immigration reported for the consideration of the Representatives upon this floor four bills, but, by an injustice upon which I will not elaborate at the present time, one bill was excluded. We have three bills now in discussion, all of which restrict, in one direction or another, the immigration that is seeking larger possibilities and nobler opportunities in this land of promise.

The McCall bill provides an educational test. I would like to ask how many men there are upon the floor of this House whose ancestors would have been admitted to this Republic if that bill had been in operation at the time of their advent upon these shores? There is not a Representative in this Chamber but in his district has numbers and numbers of constituents unable to read or write, yet grounded in the great principles of human liberty, loyal to the flag, firm in the faith of this Republic, substantial, admirable, and prosperous citizens of the United States. Yet there is not an anarchist that comes to our ports with his hand raised against all civilization who would not be able to pass the civil-service examination of the McCall bill. It is a little late for Massachusetts to attempt to monopolize the patriotism and direct the possibilities of this country. It is futile for a few people in a self-constituted center of American culture to imagine that they can bind with the Lilliputian threads of their theories the forward march of this Republic. I speak within my knowledge, because I spent four years in the academic halls of Harvard University, and I am familiar with Massachusetts conditions. I have stood within the shadow of Bunker Hill Monument, amid the glorious memories of the Revolution, and wondered how, among such associations, the people of Massachusetts should prefer to be New English rather than old American. [Applause.] The assumption that the Immigration League of Boston has a monopoly of correct ideas on this subject is like the attempt to corner the Presidency of the United States. It must necessarily fail, because the spirit and the instinct of this people are against that which would bind their free will or impede their destined development.

I wish to say in regard to the Stone bill that every man who has had any experience in consular or diplomatic affairs must know the absolute absurdity of that measure. It provides for the establishment of an Ellis Island at every consulate of the United States. The great value of consular and diplomatic officers is their agreeability to the people to whom they are accredited; but if you place upon a consul or a diplomatic officer the necessity of discriminating between the applicants from the region in which his consular or diplomatic post is established, you immediately destroy his popularity, and consequently his usefulness. I have before me the letter of the distinguished chairman of the Foreign Affairs Committee [Mr. HITT] to the gentleman from Pennsylvania [Mr. WILLIAM A. STONE], in which the chairman says:

If a fee were attached to this duty, you would hear at once from Liverpool, Hamburg, etc., that it was an excellent, beneficent measure.

Mr. Speaker, I think no more sweeping condemnation of the Stone bill was ever penned than is found in that sentence of Chairman HITT, because a consular or diplomatic officer who would permit a mercenary advantage to influence his public action would be, by the essential theory of the State Department, a useless and a discreditable official. This bill would open the door to all sorts of corruption among dishonest consular officers. It would place a pecuniary premium upon evasions of the laws. On the other hand, if you do not establish some compensation for the consular or diplomatic officer so empowered to give certificates, you heap upon the already overworked and underpaid consular and diplomatic corps a new and onerous burden utterly out of proportion to the compensation they receive. I do not believe it necessary to speak further upon the Stone bill. I think the simple statement of these propositions, aside from the consideration of the enormous expense involved for the establishment of the necessary machinery to carry out the provisions of that bill, sufficiently proves its futility and absurdity.

The Corliss bill in its inception was a valuable measure. But under the action of the Committee on Immigration and Naturalization a section was incorporated which seems to me to destroy the usefulness of that bill. I will say here, in order that I may not seem to be inconsistent in opposing a measure which originally had my support, that the committee, contrary to my vote, incorporated also in the bill introduced by me and favorably reported by that committee a similar provision permitting the lake shipowners by a kind of special license to hire foreign seamen to man American vessels. The plea for this proposition is that, owing to the alleged scarcity of American sailors, it would be a serious disadvantage to the merchant marine of the Great Lakes to insist upon the exclusive employment of American citizens on American ships. In regard to that let me say that the demand and the necessity will produce the service. If we insist upon Americans manning American vessels, we shall soon have a seafaring class which in time of war might be of the same value as those who in 1812 upheld the supremacy of the United States upon the seas. In the present condition of the Corliss bill, it is brutum fulmen. Its purpose is good, but its provisions weak.

It is a pity that these bills have been jumbled together in what seems to be a hopeless confusion. Had deliberation commensurate with the importance of this subject guided their presentation, I believe we could have evolved out of this tangle of immigration theories some measure that would have been of benefit and utility to the American people.

Let me say briefly in regard to the bill which I introduced that it had and has the united indorsement of all the American associations and federations of labor. It does not create any new class of excluded immigrants. It simply aims to enforce existing laws by the imposition of penalties for violations of those statutes.

At this point I desire to observe in regard to the immigration bureaus at the various ports of this country, and especially in New York City, that I agree with the statement made yesterday by the gentleman from Michigan [Mr. CORLISS] that if there is one bright spot in the dark gloom of present Democratic misrule it is the administration of the immigration laws. But, under the wording of the present statutes, United States district attorneys refuse to arraign violators of these enactments, and the bill which I presented for consideration provides a remedy for that condition of affairs and enables the district attorney to carry out in spirit and letter those provisions of immigration statutes which protect American labor. And, Mr. Speaker, I say to the Republican party, as a loyal member of that party, that these laboring people of the United States do not ask for the exclusion of any new classes of immigrants. They simply ask for the better enforcement of the existing laws. They came to a Democratic Congress and asked for bread but received a stone. It remains for the Republicans of this House to say whether this Republican Congress shall treat them with the same indifference and neglect.

We have before us the most important subject that has been presented at this session of the Fifty-fourth Congress. As the gentleman from Iowa [Mr. HEPBURN] said, it is the only question that has assumed the dignity of a plank in two Presidential platforms. It remains for you, gentlemen of the House, to determine whether we shall go before the people in November next and say to them, "We have done nothing for your interests; we have passed the McCall bill to exclude your friends and relatives, because under the tyranny of European governments they have been beaten down into ignorance, from which they are struggling to emerge"; or whether we shall tell them that "under the provisions of the Stone bill fantastic requirements will impede the path of those whose steps are toward the morning"; or whether we shall take up this labor measure, presented here by the united indorsement of labor in the United States, and pass a bill which, while it excludes the unworthy and unfit, throws wide the doors of our Republic to every immigrant honestly desiring to cast in his lot with the great forward march of human liberty as exemplified in our national progress.

Gentlemen, this is a question which you can not decide upon the basis of pleasing this or that vote. It must be settled on the broad plane of highest American thought, which, while conserving our interests, recognizes our strength, understands our possibilities, and is true to our mission and our destiny. A measure framed in this spirit will exclude none who are worthy to share in the unequaled benefits, the glory, and the grandeur of this Republic. [Applause.]

Mr. McCALL of Massachusetts. Mr. Speaker, I understood that the gentleman from New York [Mr. MAHANY] was to yield to me half an hour.

Mr. MAHANY. I yield half an hour to the gentleman.

Mr. McCALL of Massachusetts. Mr. Speaker, I do not stand here to claim that the bill which I had the honor to introduce will exclude all bad men from this country; I do not claim that occasionally a good man will not be kept out and a bad one let in; but I think it is a rational and on the whole the best test that we can apply to the conditions that exist to-day.

I am perfectly well aware that there are some people in this country who do not believe that we should have any restrictions whatever upon immigration. They would be entirely willing that this country should be made even a penal colony, which is the obvious and one of the first uses to which newly discovered countries have been put in the past. I shall not attempt to convince such persons. I shall assume that when a people have conquered a new country, have reclaimed it from the wilderness, and have set up therein their institutions and their laws, they are under some obligation to the body politic into which they are organized. I shall assume that it is their right to protect themselves against the intrusion of hostile or alien or inferior races and to prevent their entrance to an extent which may degrade their citizenship and impair their civilization. Otherwise the destruction of the savage men and the savage beasts which they supplanted would be absolutely inexcusable, if they were to permit their civilization and their country to be tamely given over to the first race that came along, however degraded it might be. So I say, Mr. Speaker, that I shall take that for a starting point in what I have to say.

On the broad principles laid down in this debate, we should admit every immigrant, no matter what his character might be or how our own power of assimilation might be overtaxed. On these principles the exclusion of the Chinese was a wanton outrage. I, however, believe that even if our ancestors did come from abroad, yet, having set up a government for ourselves, it is our duty to look out for its welfare just as much as if we had spontaneously sprung from this soil. To say that because we are a nation of immigrants, as nearly all other nations have been, we should place no restriction on immigration, is a good deal like saying that because Rome was founded by bandits it should therefore forever have been an asylum for the criminals of every nation. We are to do all those things which are necessary to preserve our liberties and our civilization. Even if we are, as might be inferred from some of the broad principles laid down here, a great charitable organization, an international soup kitchen, for the benefit, primarily, of the rest of the world, we should yet do what is necessary to keep our charity shop running to the best advantage and not adopt such utterly loose and unbusinesslike methods as would speedily make us the objects and not the dispensers of charity. [Applause.] But while I believe, Mr. Speaker, that what is best for this nation will broadly, and in the long run, be the best for the world, I shall not waste time to vindicate my action from an international standpoint. It is enough for me that I sit in this American assembly, representing with you the interests of the American people, and I am willing to leave to others those lofty flights into the affairs of the universe, excepting the United States. I think we should try to keep our feet firmly planted on American soil.

Now, Mr. Speaker, one word as to this educational bill, which, whatever it may be christened, I had the honor to introduce here. It was principally prepared and has been especially advocated by the Immigration Restriction League of Boston. As some preposterous statements have been made in this Capitol concerning this league, perhaps I should say a word about its composition. Its president is John Fiske, of Harvard University, whose name is known and honored among scholars the world over. Among its other officers are Samuel B. Capen, Hon. James R. Dunbar, Hon. George F. Edmunds, George S. Hale, Henry Lee, Richmond Mayo-Smith, Robert Treat Paine, Robert Treat Paine, jr., Hon. Henry Parkman, Thomas F. Ring, Nathaniel S. Shaler, Robert De C. Ward, and Prescott F. Hall. A more reputable set of gentlemen were never associated together for the promotion of a great public end. In this list of names both of the great political parties and the Protestant and Catholic churches are represented. These men freely have given their time and money to secure the most careful and scholarly investigation that could be made of the immigration question, and as a result of their labors they have adopted as the most rational and effective measure the educational bill which I had the honor to introduce. I come now, Mr. Speaker, to the reasons for the bill.

During the first century of our existence our immigration was almost entirely made up of the races kindred with ours and kindred with the men who established the independence of this country. And at the end of that century we formed a compact and homogeneous people admirably adapted to our institutions. But at that particular time a great change was seen to take place in our immigration. In 1869 substantially three-fourths of our immigrants came from Great Britain, France, Germany, and Scandinavia, while less than one one-hundredth of them came from Austria-Hungary, Italy, Russia, and Poland. But in 1880—between 1869 and 1880—a space of ten years, this immigration had grown from less than 1 per cent to nearly 9 per cent, while in the same time the immigration from the other group of countries to which I have referred had diminished and gone down from 73 to 64 per cent. In 1890 the Hungarian, Italian, Polish, and the Russian immigration had increased to 34 per cent, or 35 times as much as in 1869, while the immigration from Great Britain, Germany, and Scandinavia had declined to nearly 50 per cent. Thus from one set of countries and from one class the immigration was rapidly increasing—running up; and from the other the immigration in the same proportion was running down.

Mr. Speaker, we can see that this immigration comes in competition not merely with our own people, but these immigrants come in competition with each other. If we open our doors broadly to the Chinese, on the principle that they are a law-abiding people—which they are—or on the principle that they are skillful and cheap laborers—as they are—then the laborers from the higher civilizations, which require more to support and maintain them, can not compete with them; and in the proportion as you admit more Chinese or more of the cheap-labor races you thereby diminish the immigration of or exclude the better races. And this law is demonstrated practically and clearly in the working of the figures which I have cited, so mathematically and so scientifically that it can not be denied.

Now, the figures show that the races that are so well suited to our institutions and civilization have been in the last twenty-five years becoming less and less factors in our immigration, while the other nations, those races which are not suited to our civilization, which are so radically different from us in education, habits of life, and institutions of government, are taking their place and have been coming in more and more. Let us see how the educational test would work on these conditions. It has been believed by the people of the United States, at least until within a short time, that our republican institutions and our republican form of government rest upon the intelligence of the people as one of the main pillars which support them. I know that there has been within a few days a different doctrine promulgated in this country.

A distinguished citizen in my own State has put forth the doctrine that we are in more danger from the literate classes than from the illiterate classes. I do not think the line of illiteracy will divide the morally good from the morally bad; but if that distinguished gentleman will only make an effort to have his ideas promulgated in the platform of the party to which he has the honor to belong, and to which I do not have the honor to belong, and have it proclaimed as a doctrine of his party that we shall establish illiteracy as the sovereign test of citizenship, and that only the man who can not read and can not write shall be permitted to vote, while those who can read and write shall not be permitted to vote, then we may possibly see the spectacle of a great Republic established on ignorance and witness the result of this beautiful theory of his in actual practice. [Applause.]

So I say, Mr. Speaker, that we have been going on the assumption that intelligence was necessary to the maintenance of our free institutions. In the State of Massachusetts, in a single year, we levy taxes to the amount of more than $10,000,000 to be expended in the maintenance of the public schools. That is a per capita which is almost equal to the per capita tax on the people of this country to maintain our national expenditures. We not merely thereby provide for the education of the rich and well-to-do, but every child who desires an education has access to the schools; and in addition to that we have a compulsory system of education, and it is necessary under our system, in order that any child shall graduate into citizenship and become a voter, that he shall be able both to read and write, and I may say that this is a principle which governs largely amongst the great body of the Anglo-Saxon races. They have a system of public education in Germany, Great Britain, and the other north countries which practically banishes illiteracy, and this is clearly reflected in the statistics with regard to the immigration from those countries.

Of the total number of immigrants from Portugal 67.35 per cent were illiterates, from Italy 52.93 per cent were illiterates, from Poland 39.82 per cent, from Hungary about 38 per cent, from Russia 36 per cent, from Austria-Hungary 32 per cent, and so on down through Greece, Turkey, and other races, until we find when we reach Ireland the percentage of illiteracy is only 7 per cent, and on account of the rapid development of the school system there that percentage will every day be dwindling. In France the percentage of illiteracy is 3½ per cent, in England 3.49 per cent,

in the Netherlands 3.38, in Scotland 2.8, in Germany less than 2½ per cent, in Norway 1 per cent, in Sweden three-fourths of 1 per cent, in Switzerland six-tenths of 1 per cent, and in Denmark less than one-half of 1 per cent.

So we see a clear line of demarcation between these peoples. We see that the Anglo-Saxon races are able to read and write, and that this bill will practically not apply to them. We know that they are the people out of whose loins this nation sprang; that our institutions will be adapted to them, and that they will be supports to uphold it. On the other hand, we see that the immigration from the Mediterranean ports and from those nations which, however excellent their characteristics may be, have yet peculiarities very different from ours, is in the main illiterate, and that this bill will especially apply to them.

Mr. Speaker, as bad, as adverse as these facts are which I have been citing, an examination of statistics as to recent immigration will show that the degree of illiteracy is even greater among those races than it has been heretofore. In the first three and one-half months of the present year, according to statistics furnished by the Superintendent of Immigration, there arrived in the city of New York more than 19,000 Italians. One year ago there were 11,869 Italians who landed between the 1st of January and the 30th of April. This year, from the 1st of January to the 17th of April, there were 19,946 Italians who landed. Basing the computation upon those who had already embarked, and the probable number that would arrive by the 30th of April of this year, the total number for the four months of this year would be 27,000, as against less than 12,000 during the corresponding months of last year.

Now, let us see how these people are on the question of illiteracy, and how they would be affected by the bill which I have introduced. Three thousand one hundred and seventy-four of these immigrants were examined. The test was actually applied to them. They were not taken, a few from this ship and a few from that, but they were all of the immigrants upon four steamers that sailed from Genoa and Naples during the month of April last. Of these 3,174 immigrants there were 2,147 who were absolutely illiterate. That is 67.6 per cent, or more than two-thirds of this immigration which, as compared with last year, has more than doubled, were illiterate, and would have been kept out under the pending bill. And of those who came we find this significant fact, that 28.7 per cent had been in the United States before, showing that they do not come here to become citizens and cast their lot with us, but that they come here like birds of passage, in great flocks, to pick up whatever they may be able to get and bear it back with them again across the sea.

Mr. Speaker, this is not the worst of this class of immigration. We have gentlemen saying to us that we need people in this country, that we have vast areas of unoccupied territory in Texas and other States, and that we want those territories to be filled up with new settlers. But the great difficulty is that this particular class of immigrants do not go to Texas, do not go to our unoccupied territory, but they settle down in our large cities, in our congested districts. They add to the labor problems that are vexing them, and most of them go into the dangerous slums of our Eastern cities. The destination of these particular 3,174 immigrants of which I have been speaking to you was taken. One hundred and fifty of them were going to Boston. To other parts of Massachusetts there were 34; to the rest of New England there were 180. To New York State and New York City there were 2,276; to New Jersey, 79; to Philadelphia, 137; to Pennsylvania, 176; to Chicago, 34; to other parts of Illinois, 10. And only 62 of this whole number were destined for the other portions of the United States and for Canada. Of those that were going to New York State outside of the city of New York nearly all were destined for Buffalo, Brooklyn, Syracuse, and the other large cities, and of those destined for the other States, 31, or less than 1 per cent, were bound for States west of the Mississippi River, only 11 to States south of Pennsylvania and the Ohio River, while only 3 were going to the Southern States proper.

Now, if our friends from Texas are not particular about the character of their immigration, then I do not think I should object to having it populated, if they insisted upon it, with these races; but the difficulty is that when we admit them to New York and Boston from the decks of our immigrant ships the statistics show absolutely that they do not go to Texas, and that they have no effect whatever in settling unoccupied territories.

And this is simply illustrated, too, by the labor statistics from the special report of the United States Commissioner of Labor for 1894. That report shows that of the population of the slums of Baltimore 77 per cent were foreigners; of Chicago, 80 per cent; of New York, 95 per cent, and of Philadelphia 91 per cent were of foreign birth or parentage. This same report also shows very significantly the nationality of these populations. In the city of Baltimore less than 2 per cent of the total population came from this Austria-Hungary, Italy, Poland, and Russia group of countries. Although they constitute but two one-hundredths of the population of that city, yet 12.72 per cent of the population of these slums is composed of them. Six times as great a percentage of these people live in the slums as they bear to the population of the whole city.

In the city of Chicago this first group of nationalities contribute 6.41 per cent to the total population of the city, and they have 44.44 per cent of the slum population of the city. About seven times the proportion of them live in the slums that live in the whole city, and practically every one of them who lives in Chicago lives in the slum precincts. On the other hand, of the immigration from the United Kingdom, France, Germany, and Scandinavia 30 per cent of the total population of Chicago is made up of them, and only 10 per cent of the slum population comes from them, showing that less than one-third of the proportion of this group of immigrants live in the slums of that city. In New York about 9 per cent of the total population is from the first group of races to which I alluded, and yet 51 per cent of the slum population is their record there; while of the other group the United Kingdom, France, Germany, and Scandinavia give 31 per cent of the total population, while of the slum population they are only 8 per cent. I say that these statistics demonstrate beyond any question whatever that the immigration that this bill would keep out congregates in the slums of our great cities, where resort those dangerous, festering, and explosive elements which more than anything else threaten the destruction of our whole social fabric.

The danger of the slums was eloquently portrayed by Lord Macaulay in his speech upon "Reelection to Parliament," when he said:

> * * * In the very heart of great capitals, in the neighborhood of splendid palaces and churches and theaters and libraries and museums, vice and ignorance might produce a race of Huns fiercer than those who marched under Attila and of Vandals more bent on destruction than those who followed Genseric.

I say that the slum problem, made so formidable by the conditions to which I have referred, may yet sadly justify the prediction of Lord Macaulay that as Rome was destroyed by the Huns of the fifth century so this great Republic may be destroyed by the Huns of the twentieth century, except that the Huns of the twentieth century would come from within and be engendered by our own institutions.

Mr. Speaker, there is another very high authority upon this question of the undesirability of having alien races who do not speak our language, who do not care to become and remain a part of us, and who are not accustomed to our institutions settling down by themselves, living by themselves, and forming separate parts of our community. When this nation was established we had an immense territory and few people. We had no large cities. There was every inducement to encourage immigration, and the wisdom of that far-sighted statesman who established this Republic and who was the equal in practical statesmanship of any man ever set to watch over a state, was never more conspicuously shown than upon this very question. In his letter to John Adams of November 27, 1794, George Washington said:

> My opinion with respect to emigration (immigration) is that except of useful mechanics and some particular descriptions of men and professions, there is no need of encouragement, while the policy or advantage of its taking place in a body (I mean the settling of them in a body) may be much questioned; for by so doing they retain the language, habits, and principles, good or bad, which they bring with them.

We see here developed to its full extent precisely the very condition which George Washington saw with the eye of a prophet, and in the slums of our great cities can be found hundreds of thousands of people of alien races who settle there with no intention of becoming American citizens, who maintain separate and apart their habits of life, and as far as possible their laws and institutions, and who constitute a great menace to our civilization.

Mr. Speaker, this situation, so clearly shown by the statistics, is also attended with other great practical dangers, and it brings up for our consideration a question which is of vital importance. I can not present this point better than by this illustration in the report of a special investigating commission sent out by the Secretary of the Treasury, which was printed a few months ago:

> When a stranger visits the anthracite regions [of Pennsylvania], he is filled with sympathy for the poor Italian and Slav. He considers the American residents heartless in the extreme. He is amazed at the way the foreigners are regarded. But a single year spent in that land will show him the truth, no matter how tender-hearted he is. He will then know that disgust should take the place of surprise. He sees a thousand idle Americans, and a like number of foreigners slaving for 80 or 90 cents per day. He sees the Americans sending their children to school, supporting churches, living in decent houses, trying to be cleanly and to wear presentable clothing. He also sees the scum of Europe taking the place of the former, content to swarm in shanties like hogs, to contract scurvy by a steady diet of the cheapest salt pork, to suffer sore eyes and bodies rather than buy a towel and washtub, to endure typhoid fever rather than undergo the expense of the most primitive sanitary apparatus.

Mr. Speaker, that is something that every man in this House who has observed anything at all has noticed in the section of country in which he may happen to live. With vast numbers already out of employment, we have thousands more added by

the competition of immigrants in our overstocked labor market, and who work for wages upon which an American can not live.

I say that it is the duty of the men responsible for the government of this country to protect our civilization against any such a destructive competition, and if we shut our eyes to this condition and permit the degradation of those millions of our fellow-citizens who labor with their hands, and are to-day the pillars upon which our institutions rest, then I say we are false to our trust. We owe it to those who are here and to the millions who are to come to us in the future to maintain the high character of our civilization and to preserve this country for the institutions of America.

Mr. Speaker, this bill which I have introduced will not forever solve the problem of immigration, but I think it will meet the present situation, and if we pass it we will have taken a substantial step.

If I may be permitted just a moment more, as my time has expired, I will close what I have to say by quoting from one of the broadest-minded men who ever lived, and one who never uttered a word that was not instinct with the love of liberty and of his fellow-man, Bishop Phillips Brooks, who said only a short time before he died:

> No nation, as no man, has a right to take possession of a choice bit of God's earth, to exclude the foreigner from its territory that it may live more comfortably and be a little more at peace. But if to this particular nation there has been given the development of a certain part of God's earth for universal purposes; if the world, in the great march of centuries, is going to be richer for the development of a certain national character, built up by a larger type of manhood here, then for the world's sake, for the sake of every nation that would pour in upon us that which would disturb that development, we have a right to stand guard over it. We are to develop here in America a type of national character, we believe, for which the world is to be richer always. It may be the last great experiment for God's wandering humanity upon earth. We have a right to stand guard over the conditions of that experiment, letting nothing interfere with it, drawing into it the richness that is to come by the entrance of many men from many nations, and they in sympathy with our Constitution and laws.

[Loud applause.]

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment the bill (H. R. 7285) for the relief of George McFarland.

The message also announced that the Senate had passed with amendments the bill (H. R. 5210) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1897, and for other purposes, in which the concurrence of the House was requested.

The message also announced that the Senate had passed bills and joint resolution of the following titles; in which the concurrence of the House was requested:

A bill (S. 2384) for the relief of David O. Burleigh;

A bill (S. 2583) for the relief of Leonard I. Brownson, late first lieutenant Company K, Fifth Vermont Volunteers;

Joint resolution (S. R. 147) concerning the improvement of the Kennebec River, Maine; and

A bill (S. 2753) authorizing and directing the Secretary of the Navy to donate one condemned cannon to the Lake Madison Veteran Association, Grand Army of the Republic, of the State of South Dakota.

The message also announced that the Senate had insisted upon its amendment to the bill (H. R. 2604) to increase the pension of Caroline A. Hough, widow of Brig. Gen. John Hough, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. GALLINGER, Mr. VILAS, and Mr. CANNON as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the report of the committee of conference on the bill (H. R. 6249) making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1897, and for other purposes, and had further insisted upon its amendment, and asked a further conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. PETTIGREW, Mr. TELLER, and Mr. COCKRELL as the conferees on the part of the Senate.

A further message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had insisted upon its amendments to the bill (H. R. 6833) defining the standard shape and size for dry measures in use in the District of Columbia, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. MCMILLAN, Mr. BACON, and Mr. PRITCHARD as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendment to the bill (H. R. 5490) to license billiard and pool tables in the District of Columbia, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. PROCTOR, Mr. HARRIS, and Mr. WETMORE as the conferees on the part of the Senate.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. GROUT. Mr. Speaker, I ask unanimous consent that the House nonconcur in the Senate amendments to the bill making appropriations for the District of Columbia——

Mr. HENDRICK. I object, Mr. Speaker.

The SPEAKER pro tempore. The Chair would say to the gentleman that this is a privileged matter.

Mr. HENDRICK. I withdraw the objection.

Mr. GROUT. I ask unanimous consent that the House nonconcur in the Senate amendments to the District of Columbia appropriation bills and ask for a conference.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Vermont?

Mr. KEM objected.

Mr. GROUT. Then, Mr. Speaker, I move that the House nonconcur in the Senate amendments to the District of Columbia appropriation bill and ask for a conference.

The motion was agreed to.

Mr. GROUT. I take it for granted, Mr. Speaker, that the amendments will be printed.

INDIAN APPROPRIATION BILL.

Mr. SHERMAN. Mr. Speaker, I present the conference report on the Indian appropriation bill, and, in order to expedite the matter, I desire to say that this is the same report that was adopted by the House last week, with the exception of a single item. After the report was adopted here it went back to the Senate and was there disagreed to because of a single item. That item has now been left out, and we come back to the House with the same report that has once been adopted here, omitting that particular item.

A MEMBER. What is that?

Mr. SHERMAN. That is in relation to appointing commissioners to negotiate with the Fort Hall Indians with regard to their reservation. Mr. Speaker, I move that the report be adopted.

Mr. MOODY. Has the gentleman conferred with the gentleman from Nebraska [Mr. HAINER]?

Mr. SHERMAN. I will say to the gentleman that this has nothing whatever to do with the school question.

Mr. HERMANN. Does this include the Klamath item?

Mr. SHERMAN. It does not. This contains what the House adopted in the report last week, with the Fort Hall item left out.

Mr. HERMANN. The Klamath item was not in the report adopted last week?

Mr. SHERMAN. It was not, and it is not in this.

Mr. HERMANN. What is its status?

Mr. SHERMAN. It is still in conference. I move that the conference report be adopted, and that the House insist on its disagreement to the other amendments and a conference be agreed to.

The motion was agreed to.

On motion of Mr. SHERMAN, a motion to reconsider the vote by which the conference report was adopted was laid on the table.

The SPEAKER pro tempore appointed as conferees on the part of the House Mr. SHERMAN, Mr. CURTIS of Kansas, and Mr. PENDLETON.

IMMIGRATION.

Mr. HENDRICK. Mr. Speaker, so far as I am concerned, I shall ask the indulgence of the House but a very few moments while I attempt to discuss the measures now under consideration, and during that time I promise to confine myself to the bills which are being considered by the House. A great deal of sentimentality and declamation has been indulged in by gentlemen who have preceded me, but when we come to the sober consideration of this subject it will be agreed by everybody that we can not receive much benefit from that character of speaking.

Now, Mr. Speaker, I come to a discussion of this question unbiased and unprejudiced. There is no considerable foreign element in my community. What few we have are among our best citizens, and there has been no great interest awakened there recently on this subject, so that I think I am in an attitude to discuss the question without any bias or partiality whatever. Mr. Speaker, I believe that I can prove to every lawyer upon the floor of this House beyond a reasonable doubt that the enactment of the Stone bill would be the sheerest folly. This House is a great deliberative body, and it can not afford to indulge in empty legislation; it can not afford to indulge in legislation that would not amount to anything after it was placed upon the statute book. Let me see if I can make my declaration good. I suppose the members of this House when they come to vote upon this question desire to vote intelligently. They desire to do that which they deem best for the whole country and to act from an intelligent standpoint.

Let us see what laws we have on this subject already. We now have laws excluding (1) idiots, (2) insane persons and lunatics, (3) paupers or persons liable to become a public charge, (4) persons

who have a loathsome or dangerous contagious disease, (5) persons guilty of a felony or other infamous crime or misdemeanor involving moral turpitude, (6) bigamists, (7) assisted emigrants, unless after careful examination they are found not to fall within any of the excluded classes, (8) contract laborers, (9) women imported here for immoral purposes, (10) anarchists, (11) Chinese. These are the classes that are now excluded by the laws of the United States as they exist to-day. I think any reasonable man will agree with me in the opinion that if these laws are properly enforced they are ample to protect every American interest and American institutions generally. But whether that be true or not, I assert, without fear of successful contradiction, that the Stone bill would not assist us in the execution of these laws one iota. Let us see. His bill proposes what? It provides that we shall have consular inspection. With the indulgence of the House, I will read that section of the bill:

SEC. 2. That no alien immigrant shall be admitted within the United States unless, in addition to other requirements and provisions of law, he or she shall exhibit to the United States inspectors of arriving immigrants at the place of admission a certificate, signed by the United States consul or other authorized representative of the United States at the place nearest where said immigrant last resided, setting forth that the said consul or other United States representative has made an investigation concerning said immigrant, and that said immigrant does not belong to the class or classes of alien immigrants excluded from admission into the United States under the provisions of the act of Congress approved March 3, 1891, entitled "An act in amendment to the various acts relative to immigration and the importation of aliens under contract or agreement to perform labor, its amendments or supplements," or by any other law of the United States that now exists or may hereafter be passed. Said immigrant shall, in addition, conform to all present requirements of law.

I contend that this bill does not tend in the least to restrict immigration. It only creates thousands of foreign offices, because we know that the present force can not do the work, to go abroad under large salaries, for which the people will have to be taxed to pay. I believe it would necessitate the appointment of at least 10,000 extra consuls or assistants. Surely we have enough offices to burden the people with taxes without creating them by the wholesale.

Let us pass the Corliss bill. There is something real in its provisions. It excludes effectually, I think, that class of immigrants which has become commonly known as "birds of passage"—persons who do not desire to become citizens, but simply drop in from foreign countries during the working season, prey upon our workingmen by destroying their wages and regular employment, causing innumerable strikes, labor disturbances, bloodshed, and violence, returning after the working season is over, carrying with them millions of dollars to foreign countries, and leaving nothing but discontent and the memory of unsavory lives behind. The Stone bill does nothing of this kind; it does not even suggest a remedy, as we shall see from further analysis.

I have recited what classes are excluded from the United States. The Stone bill then proposes that the consul at the port of entry of the immigrant, or the other officer who may be designated, shall make an examination of the immigrant—for what purpose? To ascertain if the immigrant is an idiot, or an insane person, or a lunatic, or a pauper, or is liable to become a public charge upon the people of the United States, or has been convicted of a felony or other infamous crime or misdemeanor, or is a contract laborer, or is a polygamist, or an anarchist, or a Chinese. That is what the consul will be required to do.

Now, I submit this question to every lawyer in this House, and I ask its fair consideration—not with a view to pleasing anybody or pandering to any outside influence, but with a view of doing that which is right from a legal and just standpoint: If those questions are to be passed upon in a foreign country, what use is there in having an immigrant station here to pass upon the very same questions again? Do you wish to have them passed on twice? Will you accredit your consuls or other parties abroad to transact certain business, and then say they are not competent to transact that very business fully and completely, that they are not competent to give a certificate which ought to admit the immigrant into the United States without further examination? If you are prepared to so declare, do so; because it is certain that if this bill is adopted either the consul abroad or the immigration officers on this side—one or the other—must be disregarded in the event of a conflict of opinion.

The very officer upon whom this extraordinary power is to be conferred is directed to examine the immigrants with the distinct understanding that another and similar examination is to be made after the immigrant arrives in the United States; hence, I desire to ask the lawyers in this body the further question—and I would like to hear even the sanguine gentleman from Pennsylvania answer it—If these two different authorities should conflict in their opinion as to the eligibility of the immigrant desiring admission, what will the immigrant do? Whose opinion will prevail? Suppose the consul across the waters, for instance, at Liverpool, or at Naples, should declare a man fully competent to enter the United States, should pronounce him not to come within the inhibition against the excluded classes, and give him a certificate to that effect, and on the arrival of this immigrant at the port of New York the Commissioner of Immigration should make a second examination and say, "I disagree with the consul or other United States authority abroad," in such a case tell me what would become of that immigrant? And what part of your laws would be enforced in that event—that part applying to the examination in the United States, or that part applying to the examination abroad? One examination will be of as much force and dignity as the other.

When we come to consider legislation of this kind these are pertinent questions which address themselves to our intelligence and calm deliberation, unless you intend to bring about a conflict of authority between different officers.

The gentleman from Indiana and the gentleman from Pennsylvania said yesterday that they felt great sympathy for the poor immigrant; that there are many persons detained now on Ellis Island in New York waiting to be transported to the countries from which they came. Let us consider that matter for a moment. Suppose that a conflict should arise between the authorities, as I have suggested, if this bill passes. Would not your immigrant still be detained at Ellis Island or somewhere else until the question of his eligibility for admission had been adjudicated by somebody, and that somebody not known or even hinted at in the measure before us? There is no authority given in this bill for anybody to pass upon that question in the event of a disagreement between the different officers, and no appeal from either is granted.

Mr. STEWART of New Jersey. Will the gentleman allow me a question?

Mr. HENDRICK. No, sir; I can not yield. I have given away nearly all my time, and have but a few moments in which to discuss the provisions of the bill. The gentleman, therefore, will excuse me, I hope.

Gentlemen forget to tell us that great benefits are claimed from the fact that persons are detained at Ellis Island. Why, sir, when an immigrant is detained at that point or elsewhere waiting to be deported back to the country whence he came he is so detained at the expense of the steamship company which brought him here; he is not only supported during his stay at the island at the expense of that company, but when he is carried back to the home from which that company brought him his expenses are also defrayed by that company. You ask me, What of that? I say it means much. It induces the shipowners and persons interested in navigation not to bring persons here without careful examination and inspection. Gentlemen talk about consular inspection. If they will examine the law, they will see that these very shipowners to whom the gentleman from Indiana and the gentleman from Pennsylvania referred are sworn to make an inspection before bringing immigrants here or else return them at their own expense in case of a mistake. They are compelled to ascertain whether the immigrants whom they propose to land here belong to any of the prohibited or excluded classes; they are compelled to ascertain whether the person proposing to come to this country is an idiot, a lunatic, a pauper, whether he proposes to come here as a contract laborer, whether he has been assisted by anybody, whether she, if woman, is coming for immoral purposes, whether the person is a Chinese or an anarchist, etc.

Mark you, this requirement of the law makes the steamship owner personally interested in this matter. He is sworn to look after it. And if a mistake should be made there is a way of correcting it by making the company bear the expenses of the correction. There is no conflict of authority between him and somebody else, both being equally recognized by law.

Gentlemen have talked about the character of the examinations that will be made in foreign countries by our consuls, and about the value of knowledge that will be thus disseminated among foreign nations showing the great trouble of emigrating to America, and all that sort of thing. Answer me in all sincerity, Do you believe there is any character of information that could be furnished to people abroad so potent as the returned immigrants? His rejection here and return would be a perfect object lesson.

Let us see how these examinations resulted last year. We sent back from the ports of the United States to foreign countries 2,419 immigrants. Do you not know that every one of them, when they go among the people of their respective countries, their neighbors and friends, will tell them they could not remain in the United States; that the laws there were so constructed that they could not be permitted to remain? "Why," they would say, "2,419 of us have been there, have been examined, and have been returned to our homes because the laws are so strict as to exclude us." Do not gentlemen know that such deported immigrants will deter more people from coming, if that is what you want, than all the advertising you can do in years and years? It is the most efficient system of advertising that could be devised, if you simply desire to deter immigrants from coming. The gentleman from Pennsylvania says he sympathizes with the poor immigrants; that his bill is for the benefit of the immigrants.

In this connection I want to ask this very pertinent question, and I want the House to consider it well. I have heard it claimed

that the German Government, from whence comes a very large, desirable immigration to the United States, have laws requiring military service of the young men between certain ages, and that law prohibits these young men from leaving Germany when that service is due to the Government, unless they come away clandestinely. I do not know whether such is the law in Germany.

Mr. BARTHOLDT. That is a fact.

Mr. HENDRICK. The chairman of the committee, who is a German, says it is true. That being the case, then, the question I desire to submit is, Will Germany permit the United States to set up examining boards right in her own territory and select emigrants to come to the United States when the law of Germany declares that the most desirable part of her population shall not emigrate, because they owe military service to the mother country? Indeed, is not France, England, Germany, Italy, and all other civilized powers directly interested in keeping their good and desirable citizens at home, and sending the bad and undesirable ones away? And if we pass this bill and attempt to convert our consulates into examining boards, is it not a great incentive to foreign Governments to look after the best part of their population and take steps to prevent their emigrating, and at the same time to do all that can be done to force on us their criminal and undesirable classes? I think before we pass this bill that these questions should be considered well and with great deliberation.

Let us suppose that this bill has been enacted into law. It is a very violent presumption, but we will indulge in it for the present in order to ascertain if possible the exact relationship which we would occupy toward foreign countries.

Let us for the purpose of appreciating the situation consider what we would do if a foreign Government should attempt to enforce a law similar to this if the situation were reversed. If England, for instance, should attempt to give her consuls extra-territorial jurisdiction by ordering them to examine every subject within the United States when he should attempt to embark for a foreign country.

What would the United States do? Why, to ask that question is to answer it. We all know what would be done. The United States within less than twenty-four hours would send to England an unconditional demand to remove such agents and spies from among our people, and it would not be a good government or one worthy of respect if it failed to do it. And yet we are proposing here, under the provisions of the bill we are considering, to send a consular agent into every foreign port and have him inspect the citizens of other countries to determine the question of the right of admission to our shores.

How could we possibly adjust our consular service so as to work in harmony with the provisions of this bill? Last year, for example, we only had 250,000 emigrants to this country, while during previous years we have had as high as 800,000. Some years the immigration has been very light from some foreign countries, and probably the very next year exceedingly heavy from that same country. It seems to me that unless we had the power to foretell future events we would not know how to meet the demands which might be made upon us for examiners.

In some ports our consuls would have to be supplemented with hundreds of assistants, while in others a very few would suffice.

The trouble would be that we could never tell where the extra force would be needed until the rush came, and then it would be too late.

The fact of the business is that all this bill does is to force upon the people thousands of extra officials at high salaries to perform labors in foreign countries, and probably over the protests of foreign governments, that will have to be performed again by home officials, and that, too, when this double performance can only serve to promulgate a conflict of opinions between two sets of United States officials.

It has been contended during this entire discussion by gentlemen advocating the passage of the bill that the United States Government has power to confer extra territorial jurisdiction by empowering her consuls to administer oaths to the subjects of foreign countries who might contemplate emigrating to the United States. No man who has license to practice law should indulge in such wild assertions upon this floor. A good lawyer can not entertain such an opinion. Suppose the United States should pass a law providing that if anyone should be guilty of murder in England he should be incarcerated in a penitentiary in the United States for life. Does it need a legal interpreter to say that such a law would be void and without effect? Suppose we pass a law providing that if a consul of the United States swears anybody in a foreign port, and the party so sworn makes a false oath, he shall be guilty of perjury and subject to punishment. Is it possible that there is a lawyer here who does not know it would be simply an enactment without any effect whatever, not meriting the least consideration in any court? And yet that is exactly what is sought to be done by this bill.

But I want to invite your consideration to one or two other objections. I asked the distinguished gentleman from Pennsylvania [Mr. WILLIAM A. STONE] on yesterday if he proposed to have visitors and tourists, when they come to the United States, inspected or examined by the consul abroad before starting. He said no, he did not, and added that my objection was an imaginary objection. Let us see if it is. If it is an imaginary objection, then the bill is an imaginary thing. Why, if the gentleman is right, and nobody is to be examined who is coming here simply as a visitor, all that would be necessary for an emigrant who desired to avoid the effects of this bill would be to walk aboard a ship and say, "I am not an emigrant; I am going on a tour or visit." I simply point out this objection to show how frivolous the bill is and how futile it would be to attempt to execute it. We can not afford to pass a bill that does not apply to every citizen of a country alike. All must be equal before the law.

I know that the Republican party does not usually favor laws which treat everybody alike, but no Democrat can afford to pursue that course.

If the Republican party had not for thirty years dealt in such class legislation as to teach the people to rely on the Government for support instead of on their own manly, individual exertions, there would not be such a constant clamor for legislation in favor of particular classes. It will ruin our country if it is not stopped. But let us go back to the Stone bill. Does the distinguished gentleman know that during the World's Fair at Chicago we had over 70,000 visitors who came here from foreign countries, and every one of them spent money and left it here with us? That is a fact, and the records show it. How would the gentleman have examined those 70,000 people? If he admits that under his bill they could come without examination, he must admit also that the same number of immigrants could have done likewise. If not, how would he have managed them? He says no examination whatever would have been made. Very well, then, he virtually admits that the whole number could have remained here under his bill as immigrants, and could thus have avoided the bill which I have read to you.

Is not that true? Is there any possible escape from it? I think, gentlemen, that before we adopt such legislation as this, before we go in simply to gratify the caprices and the whims of some particular section, we should look into the merits of the measure and have the manhood to condemn it if it is wrong, and to stand by it if it is right. No great deliberative body like this can legislate properly and promulgate wholesome laws if it undertakes to pander to any section of the country or to any class of the people in any section. I suppose everybody on the face of the earth will agree with me in that declaration. We must treat everybody and every section alike if we wish the law to be respected.

But I want to examine a little further into this question of immigration while I am upon it. When did the gentleman from Pennsylvania [Mr. WILLIAM A. STONE] become so thoroughly aroused to the dangers of immigration? We have grown from 3,000,000 to 70,000,000 of united and happy freemen. Our territory has extended from 13 sparsely settled British colonies to 45 free, independent, and happy States. Our borders have extended from those same little colonies, across the continent—from the Atlantic Ocean on the east to the Pacific on the west, from the frozen lakes of the North to the sunny isles of the South—and during all this time we have never been threatened by this inundation from foreign countries to overwhelm, to crush, and to blot us out, as he would now have us believe is about to be done. As was said by the gentleman from Louisiana [Mr. BUCK] yesterday, there is something more behind it than what has been proclaimed on this floor. If I could, without wishing my country harm, I would wish to see you put such statutes as this upon the statute books. With all your boasted majority, you would see where that majority would go at the next election; but even for the sake of hoping to see Republicans defeated I could not wish such a calamity to my country.

It was in 1856 that the other great howl was raised by the Know-nothings and by parties opposed to immigration. Suppose we should banish from our shores the immigrants who have come in since then and their children. What would be the result? Instead of being the great and powerful civilized nation that we are we should be a mere stranded hulk on the outskirts of respectability. How much would be taken from our vaunted wealth? Why, in a little more than a hundred years our wealth has grown from five billions to over $94,000,000,000, and during all that time the immigration to our shores has been steady and continuous, year in and year out.

Some of the greatest men we have ever had have come here under the privileges accorded to immigrants. James Beck, one of the greatest Senators who ever adorned the other end of the Capitol, was an immigrant, and when he came to Kentucky he was uneducated. Lafayette came over here to help us fight our battles. Judah P. Benjamin was a foreigner. So is Carl Schurz. Take away from us the long list of those who have glorified our country and who have fought its battles, both civic and military, and I will tell you we would not have a great deal to brag about. I am not very much afraid of any immigrant getting ahead of me

in the race of progress. If he does, instead of pulling him back I want to say godspeed to him. Any other view is narrow and selfish.

Now, Mr. Speaker, this much in regard to the Stone bill. I desire to answer a few suggestions made by the gentleman from South Carolina [Mr. WILSON]. Before I do that, however, I wish to ask the gentleman from Pennsylvania [Mr. STONE] this question: Does he think it was right and proper to enfranchise the negroes of the South? Did he vote for the fourteenth and fifteenth amendments, providing that they should not only have the right of citizenship, but that they should be officeholders? Certainly he did. I am not upbraiding him for it. I am not criticising him. But will he now turn on the white race and say that he honestly believes that the immigrants who are coming to our shores from foreign countries are worse than the uneducated negroes of the South who were raised in slavery? We all know that he will not say it. We all know that he can not say it truthfully. I dislike to think that anybody is forcing on us and advocating a bill so foolish as this because of some unknown, outside pressure, some sinister power behind it, but I declare when I consider the measure I am irresistibly driven to that conclusion.

Now, let us see. The gentleman from South Carolina [Mr. WILSON] says that nobody in the South wants immigration.

Mr. WILSON of South Carolina. What I said was that nobody in the South wants immigration of the class that will be affected by these bills—these excluded classes from southern Europe.

Mr. HENDRICK. Well, I understood the gentleman to say that the South did not desire immigration. I may have been mistaken in that. I do not wish to do him any injustice. I remember that a few years ago committees were sent all over the State of Kentucky for the purpose of raising funds to send to foreign countries to induce immigrants to come to Kentucky, and I was one of those who tried to promote the movement. Many other States did the same thing, and it will not be many years before the question will again be agitated and immigration solicited.

Immigration has heretofore been regarded as very beneficial to America. Not only is that——

Mr. BRUMM. Do you discriminate as to what immigration you want? Is that done by the scheme now practiced?

Mr. HENDRICK. As a matter of fact, that was not discussed, as I now recollect, but I know English, Germans, and French would have been preferred; but I am now discussing the Stone bill. What does the Stone bill prefer? That is the thing that is under consideration.

Mr. BRUMM. It prefers the enforcement of the laws as they are, since you have asked the question.

Mr. HENDRICK. I have just made the point, if you had listened to me, that you can not enforce the law which we now have if this foolish bill should be adopted.

Mr. BRUMM. I have listened to you, but you failed to prove that.

Mr. HENDRICK. I am not responsible for your failure to understand.

Mr. BRUMM. But there are many things which you are responsible for that you have not proven.

Mr. HENDRICK (continuing). And which nobody could do to your satisfaction. That is all I intend to say to you. I do not yield for an interruption. Here is a document furnished to me by the Immigration Commissioner, and comes down as late as January, 1896. I desire to read from it what some of the governors of the States say about immigration:

Arkansas.—We prefer American, German, and English immigrants—farmers.

You will notice that nearly every one of these governors here says that there is a dearth of farm hands and that they need farm hands all over the South. Why should we not be permitted to have them through immigration? Simply because a few cities are overcrowded with undesirable immigrants?

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MAHANY. I yield the gentleman five minutes of my time.

Mr. HENDRICK. No. I have more time. I promised to yield some time to other gentlemen; but I will not detain the House much longer.

California——

The SPEAKER pro tempore. Very well.

Mr. HENDRICK. I understand, Mr. Speaker, that I have an hour.

The SPEAKER pro tempore. The gentleman is a member of the committee, the Chair understands, and has an hour. The Chair understood the gentleman only desired to speak for thirty minutes.

Mr. HENDRICK. I desired to be informed by the Speaker when I had spoken thirty minutes; but I did not think that I would be precluded from going on further if I desired.

The SPEAKER pro tempore. The Chair simply advises the gentleman that thirty minutes has expired.

Mr. HENDRICK (continuing):

California.—All desirable immigrants of the classes indicated (farmers, horticulturists, etc.) who have the capacity and determination to become good American citizens will be gladly received.

Colorado.—Colorado desires first-class immigrants in nearly every portion of the State. * * * For horticulture and agriculture we prefer Germans and Scandinavians.

Florida.—The first preference as to race is given to the English-speaking people.

Georgia.—We prefer Germans, French, Hollanders, Belgians, Scandinavians, Swiss.

Idaho.—Scandinavians or Germans are preferable.

Illinois.—Just at present the State of Illinois is not seeking to have further immigration.

Iowa.—As to the immigration of any class of foreigners to this State at the present time, I should say that it is very undesirable.

Kansas.—The preference of immigrants would be in about the following order: Germans, English, French, Swedes, and Norwegians.

Kentucky.—In Kentucky there is less disposition just now to secure immigrants direct from foreign countries than from other States.

So far as the governor of Kentucky is concerned, I happen to know better myself. I can say that there is a great desire in Kentucky to have a character of labor brought there that can be relied on, such as farm hands; not men who will work in the fall and sponge on you all the winter and desert you when working time comes in hot weather. Farm hands are needed that can be relied on to work and not to loaf. I know what Kentucky desires as to immigration, the governor to the contrary notwithstanding.

I will read the remainder of his statement:

The nationalities preferred are British, Germans, Swiss, and Scandinavians.

So, then, Mr. Speaker, in nearly all of the States in this Union answering to this inquiry the governors say that immigration is desired. Why, what is it that has made the great cities but immigration? What is it that has made the property of this capital city worth hundreds of dollars a foot but immigration? What is it that has made a foot of ground in New York City worth as much or more than a whole farm in the Western country? It is immigration. Are you willing to stop it here? Are you willing to shut it off and say that other men shall not enjoy the same privileges which were enjoyed before you by your forefathers and has been likewise enjoyed by you? Thomas Jefferson, Patrick Henry, and George Washington, all of them, encouraged immigration instead of retarding it.

I am astonished, in view of the past history of political parties in this country, to see so many gentlemen over there hugging the delusion to their bosoms that they will get any consolation from the Republican party. There you sit shivering behind its shadow, many of you foreign born, representing a foreign-born constituency in a great measure, and yet you are afraid to open your mouths. The Democratic party stands to-day right where it stood in 1856, when an effort was made by Know-Nothings to deprive our foreign-born citizens of their rights under the Constitution, and right where it stood when the alien and sedition laws were put in force. The Democratic party believes in making this the grandest and the most glorious Government beneath the sun. That is what it ought to be and will be if we do not permit the fanatics and cranks to destroy it; and while the Democratic party is saving it let our foreign population not sit back shivering behind the shadow of the Republican party, hoping that it will reform and come to their rescue and give them a chance. Let me tell you, gentlemen, you are hoping in vain.

If you depend on the Republican party you are lost. It is high time you were showing your gratitude to the Democratic party, the party which has fought your battles from the organization of the Government down to the present time.

If the pampered kings of protected monopolies had not gone to foreign countries and imported labor, "scum," if you please, into this country, there would be no such complaints as are now going on. You gentlemen upon the other side are the ones who have fostered classes in this country. You have nurtured the men who have brought this objectionable immigration upon us, if we have such, and now you ought to stand up like men and reap what you have sown and not try to cut off the development of the whole country, simply because there are a few cities overcrowded with unworthy immigrants brought here by your tariff barons. If they are criminals, enforce the laws against them. If, as some one has said here, half are in the penitentiary and the other half will not obey the laws, put the other half there also [applause]; but in God's name, where a man seeks to better his condition by coming to a new country and taking a new start in the race of human progress, do not cut him off and say that he shall not enjoy the same rights and the same privileges that you have enjoyed. [Loud applause.]

I reserve the balance of my time.

Mr. DANFORD. Mr. Speaker, I desire to say a word at the outset as to the parliamentary situation, and I do this at the suggestion of other gentlemen. There are pending in the House, reported from the Committee on Immigration, three bills, familiarly

known, respectively, one as the McCall bill, providing for an educational test of immigrants; another, known as the Corliss bill, aimed at labor coming in from Canada; and the other, the Stone bill, providing for consular inspection. Those three bills are all incorporated in the substitute offered by the gentleman from Pennsylvania [Mr. WILLIAM A. STONE] on yesterday; those three measures are all pending as a substitute for the three bills reported by the committee—the substitute, in fact, includes them all.

Now, Mr. Speaker, I do not intend to make any appeals to sentiment or to anybody's passions, but I want to call the attention of the House to a condition of things which exists in this country, and which demands of the representatives of the people immediate consideration. Much has been said here as to the progress of our country in the past and our growth from a few insignificant colonies to a great and mighty power among the nations of the earth. Prior to the civil war we were in the main a pastoral people, engaged mostly in agriculture. We had no considerable number of large cities and no congestion of population in particular districts. It is only since the close of the civil war, and, in fact, within the last two decades, that the subject of immigration and kindred subjects have begun to plague the American people.

The very next matter to be considered by this House—a matter which has been assigned for consideration immediately after the pending measure—is a bill reported from the Committee on Labor, authorizing the appointment of a nonpartisan commission "to collate information and to consider and recommend legislation to meet the problems presented by labor, agriculture, and capital," and in the report upon that bill the committee say that they report the bill "because there is a widespread dissatisfaction with the laws governing labor, as shown by discontent, strikes, and violence, causing great misery and danger to society."

That labor bill, I repeat, is the next measure that is to be taken up for consideration by the representatives of the people here. The questions that grow out of the relations of capital and labor did not trouble the American people years ago, but to-day there are no questions that press more urgently or with more persistency upon the consideration of the lawmakers of this country than the questions growing out of the relations of capital and labor. We have been in the habit of saying in the past that capital and labor would adjust themselves in this country, and until very recently there was no necessity for legislation on the subject, no necessity for any interference on the part of the State or the National Government for the purpose of keeping the peace between capital and labor. But in the last few years all this has changed and these questions have continued to grow in urgency until they have demanded consideration and are to be given consideration by this House as against other questions that seek and demand our attention during the short time that we have remaining of this session of Congress.

The conditions in this country have greatly changed even within the last twenty years. Let me call attention to a significant fact which will be found in the report of the Census Commissioner, a volume issued and distributed to members only recently. It contains the social statistics of the United States. By examining those statistics it will be found that while the population of this country increased but 24 per cent from 1880 to 1890, yet the population of our cities of 10,000 and upward increased in the same decade 60 per cent, showing the disposition of our people to gather and congest in the centers of population. And it must be remembered that the 60 per cent includes only those who live in cities having a population above 10,000, and that there is a great deal of the same kind of congestion in mining towns and manufacturing towns which are not included in these figures.

The same condition of things which grew up between 1880 and 1890 is going on in this decade. It is clear, then, that we are no longer dealing with a people who are mostly agricultural. We are brought face to face with a condition of things which demands our attention and demands it imperatively. I do not undertake to express any opinion as to the various questions of difference between capital and labor. I speak only of the fact that such differences exist. Within the last two years I have seen the guns of our State militia trained upon the camps of labor in order to keep the peace. I have seen the officers of the United States Government, the marshals and their deputies, taking possession of persons and property in the same district for the purpose of keeping the peace.

Let me say further that, whilst years ago labor was in demand in the mining regions and in the mills in the manufacturing communities, and whilst at that time the laborer could in a calendar month make from thirty to thirty-five days' work, the condition of things is so changed that now in our mines and in our mills the laborer is fortunate if he can make from twelve to fifteen days' work in the calendar month. That is the condition of things in this country to-day, with the labor question pressing not only upon State legislatures, but upon Congress. And a proposition comes from the Committee on Immigration which we think will aid very largely in the solution of this question—the solving of the problem that we are called upon to meet.

Mr. BARTHOLDT. Will the gentleman allow me a question?

Mr. DANFORD. I will yield for a question.

Mr. BARTHOLDT. Does not the gentleman think that the free-trade policy and the present Democratic Administration of the Government have something to do with the hard times?

Mr. DANFORD. I will answer the gentleman in this way: I am, as he is, a protectionist of the most pronounced character and type. About two years ago or less I met a Welshman, a man whom I had known for many years, a laborer in one of our iron mills. He was out of work; his employment was gone. I undertook to talk to him in the same direction that the chairman of the committee [Mr. BARTHOLDT] now suggests. I spoke of the tariff, of the changed legislation. But he said to me, "Oh, Mr. DANFORD, that is not the great trouble"; and, pointing across to the mill where he had worked, he said: "There is the great trouble; there is the camp of Italians that have taken my job away from me." [Applause.] He went on to say, "I am trying to raise my children and make good American citizens of them; I am sending them to school; I am trying to make out of them just as good citizens as those of the native-born population. But I can not work against those people; I can not educate my children and make good Americans of them and work against those people." That was his answer to the proposition that I made, that the trouble was the tariff.

Now, I agree with my friend the chairman of this committee, as a matter of opinion, that the change of the revenue policy of the country has done much to bring about the present conditions; but I am talking about a remedy for this condition of things, and I believe that a good way to begin is to stop to some extent, and to the full extent that these several measures go, immigration into this country.

Mr. Speaker, I am not hostile to naturalized American citizens; I am not hostile to those who come to this country to make homes here. I am speaking of a condition of things with which we are confronted and one for which we must find a remedy, and find it in the very near future. I could not be hostile—and that is one of the unfair things about the argument on the other side, that those of us who favor this measure are held up as being opposed to foreigners, as being hostile to that class of our citizens who were born across the water—I could not be hostile to these people. In the brigade in which I served in the Army there was a gallant regiment composed entirely of Germans, the Thirty-second Indiana, as good a regiment as ever carried muskets; and in the same brigade there was a regiment composed entirely of Norwegians, the Fifteenth Wisconsin, as good men as ever followed the flag anywhere. I could not be hostile to these people, and I am not. But I am speaking for my country, for a condition of things that I find existing; and I believe a remedy, a partial remedy at least, will be found in passing these bills.

I do not know what views other members may have of the various measures proposed here and incorporated in this substitute. Much has been said against the Stone bill, the bill requiring consular inspection abroad. I favor that measure along with the rest. I reported it to the House. I believe that it would be a good bill to pass; that it would restrict immigration; that it would go further to do so than any other measure now pending.

Something has been said here as to the Germans who perhaps owe military service to the German Empire. It has been urged that such persons would be unable to get away from their Government if this test were required. I do not know that we have statistics on that subject; we are perhaps without means of learning anything as to the exact facts. But I do not believe there are many men owing military service to the German Empire who embark for this country from German ports. My information is that they generally seek some other country; they cross the lines into France or countries lying north of Germany, and in that manner get away from the vigilance of the German police. It is very well known that Germany is one of the best policed nations on the face of the earth—possibly, next to Russia, the very best. I do not see how the mere matter of consular inspection or a consular certificate can in any way interfere with the passage of a German from his own country to this, especially if, as I believe is generally the case, he goes out of his own country across the line into France or some other country for the purpose of embarking. It would be but a very small matter for the surveillance of the German police to follow up persons intending to emigrate, to ascertain who were proposing to embark for this country and whether they owed military service or not.

As to the educational test, I am fully in favor of it, although I do not expect as much from it as many of our friends do.

I do not know—it is not my opinion—that men get their morals out of the spelling book or arithmetic, altogether. They are good things to know about, and they are good things to study. But I believe in that test. And it has been already said in the debate: Why not apply it to those who come here as immigrants from foreign countries between 16 and 60 years of age? We are applying it in our own country to our own people. In my State every parent must educate his child, and we have our truant officers to

enforce education. Germany does the same. She stands, so far as education is concerned, perhaps without a peer in the whole world.

Now, let me say that this educational test, as was shown clearly by the gentleman from Massachusetts [Mr. McCALL], the author of this bill, will cut off many undesirable immigrants—undesirable for other causes than simply the want of education. I believe in that test, and believe it will be something toward a solution of the troubles that confront us in this country at the present time. I believe in the American schoolhouse with the American flag waving over it, Mr. Speaker.

This cry for restrictive legislation comes to us mainly from a portion of the New England States, from New Jersey, Rhode Island, Pennsylvania, New York, and from the North Central States. The statistics that I referred to a moment ago show that of the total population of Massachusetts 66 per cent of her people are in her large cities. New York, a great broad empire as she is, has 58 per cent almost of her population living in the large cities and towns, and the cry comes to us from them to stop this immigration. And I want to say here that there has been sent to the Committee on Immigration many thousands of petitions in favor of the passage of the Stone bill. I want to say that many petitions have been received in favor of the passage of all of these measures. They have come to us from almost every section of the country; and I desire to say in this connection that while I represent many Germans, many men of foreign birth, I have not received, although I think it is well known in my district that I am a member of the Committee on Immigration—I have not received one single protest from a single citizen in my district against the passage of the bill, nor has any been received that I know of.

About the first I knew of any opposition to the measures of restriction proposed by the committee came from the great steamship lines of this country. Their representatives have been vigilant before the committee and the House, and before the country, in attempting to defeat the passage of restrictive measures. As has been already said, great steamships have been built for almost the sole and express purpose of carrying immigrants from other countries to our shores, and one of the agents of these companies in talking before our committee said, when speaking of the consular inspection system, that their steamship companies had agents in every village in Europe. They are there for the purpose of inducing immigration to this country. We had in 1890 and 1891 500,000, I believe, of these people thrown upon our shores, and that immigration has been stimulated by these great corporations. They are in Europe for this purpose. They are there for the purpose of stimulating immigration, and they dilate upon the higher and better wages paid in this country than in European countries, and one gentleman said before the committee that these men who come across with their families know as much, or more, about the organized charities of New York, Boston, Philadelphia, and the cities of the country generally—as much or more than the citizens of these cities themselves. They are informed by the agents of the great corporations—the steamship lines—of the charities of this country, as well as the labor conditions, and they come here thus stimulated and come, as the statistics report, soon to find themselves in these very charitable institutions.

I said a moment ago that the country had changed greatly since the civil war. Population has gathered largely toward the great industrial centers, and these are being largely populated by persons who come here stimulated, as I have just said, to seek labor in the mines, mills, and factories of this country everywhere.

Mr. BRUMM. If the gentleman will permit me, I would like to ask unanimous consent at this time that the time for debate be extended to 5 o'clock.

Mr. NORTHWAY. That would be too late for a vote.

The SPEAKER pro tempore (Mr. DALZELL). The Chair can hardly recognize the gentleman to make that request in the time of the gentleman from Ohio.

Mr. DANFORD. Now, Mr. Speaker——

Mr. MORSE. Will the gentleman yield for a question?

Mr. BARTHOLDT. Before the gentleman from Ohio proceeds, I will suggest that if the gentleman yields for a moment or two, the gentleman from Pennsylvania would make the motion he has suggested.

Mr. DANFORD. I must decline to yield, Mr. Speaker.

Much sentiment has been indulged in in this debate as to this country being an asylum for the oppressed of all nations. Well, when our forefathers announced that as the principle upon which the States and colonies would be built up they had reference, if you will examine history, to political offenders, to those who were driven from the old countries by religious persecutions; but our forefathers never contemplated that this country should be an asylum for the paupers, for the criminals, and for the undesirable people of the whole world. I know very well, Mr. Speaker, that sentiment sometimes strikes higher than the logic of events; but on this occasion our sentiment should be directed, if we have any, in the consideration of this case, to our own people, to those who are demanding of us some relief from the present condition of things, some relief from the clouds that gather every few months over some labor center in the country, some relief for those who are without labor in this country.

This legislation will inure to the benefit not of the native born alone but of the naturalized as well—to those who are here now, to those who have already made this country their home. Their appeal is certainly stronger than the appeal which comes to us from any other quarter.

Quoting from the same authority which the gentleman from Massachusetts [Mr. MORSE] quoted on yesterday, "He that careth not for his own household hath denied the faith and is worse than an infidel." That doctrine is as good now as it was when it was proclaimed nineteen centuries ago. It is a doctrine that the American people ought to consider as being brought home to us, and we ought to consider it in connection with this very measure.

I have already said that the great complaint comes to us from the Atlantic Seaboard cities, from that portion of the country where our mills and our factories and our mines are situated. What part of the country asks for immigration? Is it the agricultural portion? Well, Mr. Speaker, we are not getting very many agriculturists from our foreign immigrants at this time. We are getting very few in fact. There is no very great encouragement for men engaged in agriculture at this time in the United States. With 16-cent wool, with 45-cent wheat, and with other agricultural products about in the same proportion, there is no great demand for adding to our agricultural products at this time. I have already said that our mills and our mines are overcrowded; that those who are not out of employment are working on short time, and that there are threatenings from the labor conditions of the country. I believe that the questions that grow out of the differences between capital and labor should be reconciled among themselves; but if it becomes necessary to reconcile those differences in some other way, I shall very much deprecate the hour or the day when American labor is to be beaten down at the end of American guns. That is not the policy at which we should aim. If there is relief in any other direction, we should give it in that other direction and not in the direction of force.

Now, it has been said here that the time to apply the educational test is when the foreigner makes his application to become naturalized. I do not believe in that policy. I do not believe that we should have in this country, working in our mines and our mills and on our farms, any considerable number of people who have not at least declared their intention to become citizens of the United States. We should extend the time as far at least as present legislation goes, before full citizenship is acquired; but the intention to become a citizen of the United States, to take a part in this Government, to be a part of our people, the intention on the part of the alien to remain with us as one of our people, that intention should be present when he first lands upon our shores and makes his domicile among us.

Now, Mr. Speaker, in conclusion, for my time has about expired, I desire to repeat what I have already said, that it is an unfair thing to attempt to array those who are in favor of this legislation against foreigners as a class, or as against the naturalized citizen. There is no feeling of that kind here. There is nothing of that sort in the country, I think; no such feeling of exclusiveness, as is intimated, on the part of those who are pressing these bills before the House and before the country. I do not believe that there is in the Committee on Immigration a single member who has any other feeling than simply a desire to protect the people of this country against the evils that seem to be threatening us from this foreign immigration that has been pouring upon our shores during the last twenty years. I do not know how many immigrants will come into the country during this year; but whenever the burdens are lightened, whenever the fires in our factories are lighted, whenever the mines are opened, then the agents of these great steamship companies and others interested in encouraging immigration throw them by hundreds and thousands upon our shores. In the beginning of this year it was supposed that the number would reach fully 300,000, far more than in 1893 and in 1894. The number swells whenever prosperity comes.

I say, then, Mr. Speaker, that these bills that are now before the House would, if passed, shut out a great proportion of this undesirable population, and would ease up the labor question. It would save this country from a very great amount of illiteracy, save it from a great amount of pauperism and of crime, and I believe that the people of this country demand such legislation as this. As was said yesterday, if it does not come now it will come later. It is a question that will not down as long as the labor question is before the country. It is a question that will not rest as long as questions growing out of capital and labor are before the country. This question goes along with them, hand in hand; and when times are hard, when adversity presses upon the country, these questions grow closer and closer, and we shall be compelled

before very long to give relief in some direction. I know of no direction in which relief can be had more readily than by the passage of these bills.

Now, Mr. Speaker, I yield the remainder of my time to the gentleman from Delaware [Mr. WILLIS].

Mr. BARTHOLDT. Mr. Speaker, the gentleman from Ohio having concluded his remarks, as chairman of the committee I desire to call the attention of the Chair to the fact that I have nine minutes remaining to me, and I would like to close debate.

The SPEAKER. The gentleman will proceed.

Mr. GROSVENOR. Has the gentleman from Ohio, my colleague, any time to reserve?

Mr. PARKER. Mr. Speaker, I desire to ask unanimous consent that the time for this debate be extended.

Mr. MILNES. I object.

Mr. PARKER. There are four or five members of the committee who desire to participate in the debate.

Mr. GROSVENOR. My colleague reserved his time, supposing, apparently, he had time to reserve. How is the fact?

The SPEAKER. The Chair thinks he has some time to reserve; but the gentleman from Missouri is entitled to the floor to conclude debate, having reserved nine minutes.

Mr. PARKER. Mr. Speaker, I ask unanimous consent that the time of this debate be extended.

Mr. KEM. I object.

The SPEAKER. Objection is made by the gentleman from Nebraska [Mr. KEM].

Mr. BARTHOLDT. Mr. Speaker——

Mr. WILLIAM A. STONE. Mr. Speaker, I ask that gentlemen may be allowed to print remarks upon this subject.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that gentlemen may be permitted to print remarks in the RECORD on this subject. Is there objection?

Mr. KEM. I object.

The SPEAKER. The gentleman from Nebraska [Mr. KEM] objects.

Mr. BARTHOLDT. Mr. Speaker, in closing the debate on this question I do not desire to take up the time of the House and to again enter into a general discussion of the subject, but I desire to more particularly address myself to the bill proposed as an amendment by the gentleman from Pennsylvania [Mr. WILLIAM A. STONE] and to some of his statements made upon this floor yesterday. I do not think it is the intention of this House to slander the naturalized citizens of this country, and for that reason I take it upon myself to answer some of the palpable misstatements made by my friend from Pennsylvania. Among other things he said that 50 per cent of the inmates of the penitentiaries and prisons of this country were foreigners. The statement, Mr. Speaker, almost took my breath away, and even to-day I can hardly find language to express my surprise at such a statement, the accuracy or inaccuracy of which every member of this House can ascertain within ten minutes. The fact is, as the census shows, that in the prisons and in all institutions of the kind in the country—the total number being 82,329—the native-born prisoners number 40,471 and the foreign born 15,932. Percentage of natives, 71.75; of foreign born, 28.25. Then as to paupers: I find in the Compendium of the Census—and that is in the possession of every member of this House—that the percentage of purely native paupers is 82.61; paupers of purely foreign origin, 13.75 per cent, and of mixed origin, 3 per cent.

Mr. PARKER. Will the gentleman permit a question?

Mr. BARTHOLDT. No; I have not time. I have but a few minutes.

Another statement made by the gentleman from Pennsylvania was that the immigration exceeded the number of births in this country during the years from 1880 to 1890. The fact is, Mr. Speaker, that the increase of population, not the births of children, but the excess of births over deaths between 1880 and 1890, was 14,000,000, while the immigration was only 5,000,000.

Another statement made by the gentleman was that the Germans of this country were in favor of the consular inspection bill. I desire to read here from a telegram sent to me by the editor of the most high-toned, most influential, and the greatest daily Republican German newspaper of the country. The editor of the Westliche Post, Dr. Emil Preetorius, has this to say about the Stone bill:

GERMAN PRESS A UNIT AGAINST STONE BILL.

ST. LOUIS, MO., *April 11, 1896.*

Hon. RICHARD BARTHOLDT, *House of Representatives:*

German press a unit against Stone bill. Compare Tuesday's paper.

EMIL PREETORIUS.

And he follows it by a letter of his associate editor, which reads as follows:

ST. LOUIS, *April 13, 1896.*

DEAR SIR: I take it for granted that the author and the friends of the Stone bill would never advocate that measure if they were as well informed in regard to its unavoidable effect on German immigration as every intelligent German-American is. If they could be convinced that the consular inspection will only help Germany to unload its worst elements on the United States and to prevent the immigration of the most desirable class of Germans, of course the bill would be withdrawn at once. I am sure that every United States consul in Germany, as well as the United States ambassador at Berlin, agrees in this matter with the German-American press, which, if it were less American and more German, might hail with delight a bill that would bring blessings to Germany, bad immigrants to the United States, and fees to our consuls.

Yours, truly,

FERDINAND HARRSEN,
Managing Editor Post.

Hon. RICHARD BARTHOLDT, M. C., *Washington.*

Mr. Speaker, I have here reports made by the Secretary of State and the Secretary of the Treasury on the so-called Stone bill in response to a letter of Senator HILL in the last Congress. The then Secretary of State, Mr. Gresham, said:

In brief, I do not believe the State Department could execute so much of the proposed statute as would devolve upon that Department with the present consular force, or even with that force very largely increased.

The Secretary of the Treasury said:

The commission—

A commission appointed to report on the consular-inspection bill—

made its report, which is exhausted, and contains valuable information on the subject embraced in this bill, from which report it appears that the system of consular inspection was not considered with favor.

Mr. Speaker, I wish I had time to read these official documents in full, but I have not. In conclusion, permit to me to say, let us pass a clean-cut bill, let us make a plain issue, which we can explain to our people when we go out for reelection this fall—a bill which every man, woman, and child can understand in two minutes, an educational-test bill—and do not let us permit others to befog the issue and confuse the minds of the people by amendments which few will understand and will put us on the defensive in the great campaign before us.

The SPEAKER. The hour of 4 o'clock having arrived, the previous question is now ordered. The question is first on the amendment of the gentleman from Michigan [Mr. CORLISS] to the original bill presented by the gentleman from Missouri [Mr. BARTHOLDT]. After that is disposed of, a vote will be taken on the bill presented by the gentleman from Pennsylvania [Mr. WILLIAM A. STONE] as a substitute. The question is first on the amendment of the gentleman from Michigan.

Mr. CORLISS. Mr. Speaker, I ask that it be read.

The SPEAKER. It can be read, without objection.

Mr. KEM. I object.

The SPEAKER. Objection is made by the gentleman from Nebraska [Mr. KEM]. [Laughter.]

Mr. RICHARDSON. Mr. Speaker, a parliamentary inquiry. Has not the House a right to have the amendment read?

The SPEAKER. It has been read to the House.

Mr. RICHARDSON. Not to be voted upon.

The SPEAKER. It was read to be voted on. The question is on agreeing to the amendment.

The question being taken, the Speaker declared himself in doubt as to the result.

Mr. CORLISS. I ask for a division.

The House divided; and there were—ayes 121, noes 45.

Mr. MAHANY called for the yeas and nays, but almost immediately withdrew the demand.

So the amendment of Mr. CORLISS was adopted.

Mr. QUIGG. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. QUIGG. Suppose the substitute adopted; where does that leave the proposition upon which we have just voted?

The SPEAKER. It leaves it attached to the original bill.

A MEMBER. Is an amendment in order?

The SPEAKER. It is not.

Mr. WILLIAM A. STONE. Mr. Speaker, I should like to have the substitute read.

The SPEAKER. It can be read, without objection.

There was no objection; and the Clerk read the substitute at length.

The question being taken on the adoption of the substitute, the Speaker declared that the noes seemed to have it.

Mr. WILLIAM A. STONE. I ask for a division.

The House divided; and there were—ayes 75, noes 131.

Mr. WILLIAM A. STONE. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were refused, only 24 members voting in favor thereof. [Applause.]

The SPEAKER. The question is now upon the engrossment and third reading of the bill.

Mr. BRUMM. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BRUMM. The bill as it is before the House and on which we are to vote is now practically the McCall bill with the Corliss amendment attached.

The SPEAKER. The Chair thinks that perhaps describes it. [Laughter.]

Mr. POOLE. Mr. Speaker, is an amendment now in order?

The SPEAKER. It is not in order.

Mr. QUIGG. Will the Chair please state what we are voting upon?

The SPEAKER. Upon the bill presented by the gentleman from Missouri [Mr. BARTHOLDT] as amended by the House on motion of the gentleman from Michigan [Mr. CORLISS].

Mr. FITZGERALD. Mr. Speaker, I call for the reading of the bill.

The SPEAKER. The gentleman from Massachusetts asks consent that the bill be read.

Mr. KEM. I object.

The SPEAKER. Objection is made by the gentleman from Nebraska [Mr. KEM]. [Laughter.] The question is on the engrossment and third reading of the bill as amended.

The bill was ordered to be engrossed and read a third time.

Mr. LEWIS. Mr. Speaker, I understood the announcement to be that the question was on the third reading of the bill. I desire to hear the bill as amended read.

The SPEAKER. The Clerk will read the bill.

The bill as amended was read, as follows:

Be it enacted, etc., That section 1 of the act of March 3, 1891, in amendment of the immigration and contract-labor acts, be, and hereby is, amended by adding to the classes of aliens thereby excluded from admission to the United States the following: All male persons between 16 and 60 years of age who can not both read and write the English language or some other language. But no parent of a person now living in, or hereafter admitted to, this country shall be excluded because of his inability to read and write.

SEC. 2. That the provisions of the act of March 3, 1891, to facilitate the enforcement of the immigration and contract-labor laws, shall apply to the persons mentioned in section 1 of this act.

SEC. 3. That it shall be unlawful for any alien who resides or retains his home in a foreign country to enter the United States for the purpose of engaging in any mechanical trade or manual labor within the borders thereof while residing or retaining his home in a foreign country: *Provided*, That the Secretary of the Treasury may permit aliens to come into and enter this country for the purpose of teaching new arts or industries, under such rules and regulations as he may provide.

SEC. 4. That it shall be unlawful for any person, partnership, company, or corporation knowingly to employ in any mechanical trade or manual labor in the United States any alien who resides or retains his home in a foreign country: *Provided*, That the provisions of this act shall not apply to the employment of sailors, deck hands, or other employees of vessels of the United States, or railroad-train hands, such as conductors, engineers, brakemen, firemen, or baggagemen, whose duties require them to pass over the frontier to reach the termini of their roads.

SEC. 5. That it shall be unlawful for any alien to enter the United States, except subjects of the Dominion of Canada and other American countries, except at the places where the United States maintain an immigrant inspection board.

SEC. 6. That any violation of the provisions of this act shall be deemed a misdemeanor, punishable by a fine not exceeding $500 or by imprisonment for the term of not exceeding one year, or both such fine and imprisonment, in the discretion of the court. That all persons convicted under section 3 of this act shall be deported to the country from whence they came.

SEC. 7. That this act shall take effect three months after its passage.

The question being taken on the passage of the bill, the Speaker declared that the ayes seemed to have it.

Mr. FITZGERALD. Mr. Speaker, I ask for a division.

The House divided; and there were—ayes 195, noes 26.

Mr. FITZGERALD. I call for the yeas and nays.

The yeas and nays were refused, only 36 members voting therefor. [Applause.]

On motion of Mr. BARTHOLDT, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. BINGHAM. Mr. Speaker, I desire to ask a question for information. Will the McCall bill, with the Corliss amendment, as passed, be printed in the RECORD? It is impossible to respond to the requests of our constituents for that bill, and as I understand the House has refused to reprint it, I trust it will be printed in the RECORD.

The SPEAKER. The House ordered a reprint of the bill this morning, the Chair thinks. [After a pause.] The Chair understands that the bill will be printed in the RECORD.

Many MEMBERS. All right.

Mr. GROSVENOR. Is it in order to move that a larger number of copies of this bill be printed than the rules require?

The SPEAKER. It is not in order except by consent of the House.

Mr. GROSVENOR. Then I ask unanimous consent that double the number of copies required by the rules be printed in this case.

The SPEAKER. Is there objection?

Mr. KEM. I object.

The SPEAKER. Objection is made by the gentleman from Nebraska [Mr. KEM].

Mr. BARTHOLDT. I ask unanimous consent that the privilege be given to every member to either extend his remarks in the RECORD or to print what he has not spoken on the floor, this privilege to continue for ten days.

The SPEAKER. The gentleman from Missouri [Mr. BARTHOLDT] asks unanimous consent that gentlemen may be allowed within ten days to print remarks in the RECORD or to extend their remarks.

Mr. KEM. I object.

The SPEAKER. Objection is made by the gentleman from Nebraska [Mr. KEM].

Mr. BARTHOLDT. I move, then, to suspend the rules in order to grant this leave.

The SPEAKER. That motion is not in order. It would be if it were certain that we are within six days of the end of the session.

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was communicated to the House of Representatives by Mr. PRUDEN, one of his secretaries, who also announced that the President had approved and signed bills of the following titles:

An act (H. R. 7395) to authorize the Secretary of the Treasury of the United States to reconvey to the former owners a certain tract of land in Valverde County, Tex.

An act (H. R. 5481) to restore the lands embraced in the Fort Lewis Military Reservation, in the State of Colorado, to the public domain;

An act (H. R. 5105) to abolish days of grace on promissory notes, drafts, etc., in the District of Columbia;

An act (H. R. 5790) to permit the Pintsch Compressing Company to lay pipes in certain streets in the city of Washington;

An act (H. R. 8532) to establish certain harbor regulations for the District of Columbia;

An act (H. R. 7264) to provide for the drainage of lots in the District of Columbia;

An act (H. R. 6663) to authorize and regulate the sale of unclaimed freight, baggage, and other property in the District of Columbia;

An act (H. R. 6195) amending the statutes relating to the sale of printed copies of patents; and

An act (H. R. 4787) to establish the port of Conneaut, in the State of Ohio, as a subport of entry in the district of Cuyahoga, in said State of Ohio.

LYDIA A. TAFT.

The SPEAKER. The Chair lays before the House a message from the President of the United States, which will be read.

The Clerk read as follows:

To the House of Representatives:

I return herewith without approval House bill No. 577, entitled "An act granting a pension to Lydia A. Taft."

In 1858 the beneficiary named in this bill became the wife of Lowell Taft, who afterwards enlisted in the Union Army as a private in a Connecticut regiment, and served from August, 1862, until June, 1865. The records of the War Department show that he was captured by the enemy June 15, 1863, and paroled July 14, 1863.

No application for a pension was ever made by him, though he lived until 1891, when he died at a Soldiers' Home in Connecticut.

No suggestion is made that he incurred any disability in the service, or that his death was in any manner related to such service.

In 1882, nearly twenty-four years after her marriage to the soldier and seventeen years after his discharge from the Army, the beneficiary obtained a divorce from him upon the grounds of his habitual drunkenness and failure to afford her a support.

It is now proposed, five years after the soldier's death, to pension as his widow the wife who was divorced from him at her own instance fourteen years ago.

A government's generous care for widows deprived of a husband's support and companionship by the casualties or disabilities of war rests upon grounds which all must cheerfully approve; but it is difficult to place upon these grounds the case of this proposed beneficiary, who has renounced a wife's relation, with all its duties and all its rights, and who by her own act placed herself beyond the possibility of becoming the widow of her soldier husband.

If, as stated in the report of the House committee on this bill, the beneficiary, for some reason, contributed something toward the soldier's support after her divorce and paid the expense of his burial, the fact still remains that this soldier died in a Soldiers' Home wifeless and leaving no one surviving who, claiming to be his widow, should be allowed to profit by his death.

GROVER CLEVELAND.

EXECUTIVE MANSION, *May 20, 1896.*

Mr. PICKLER. I move that this veto message be referred to the Committee on Invalid Pensions.

The motion was agreed to.

HOMESTEAD ENTRIES.

Mr. LACEY submitted a conference report; which was read, as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2221) having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That in lieu of the Senate bill and the House amendment thereto, the following substitute be passed:

"An act for the relief of settlers on the Northern Pacific Railroad indemnity lands.

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That those persons, their heirs, or legal representatives, who, between the 15th day of August, A. D. 1887, and the 1st day of January, A. D. 1889, settled upon and made final proof and entry, under the homestead or preemption laws, of lands within the so-called second indemnity belt of the Northern Pacific Railway Company's grant in the State of Minnesota, which entries were afterwards, without their fault, canceled, upon establishing these facts before the register and receiver of the local land office, in such mode and under such rules as may be prescribed by the Secretary of the Interior, shall be allowed to make final homestead entry, and receive a patent therefor, of a quantity of land of any of the unappropriated public lands of the United States subject to homestead entry, equal in acreage to the land proved up and entered in the said second indemnity belt, as aforesaid, without being required to make any settlement or improvement upon or cultivation of such land so entered prior to such entry; and those

persons, their heirs or legal representatives, who, within the period aforesaid for the space of six months settled upon, improved, and cultivated any of said indemnity lands with a view of entering the same under the homestead or preemption laws, being competent to make such entries, and who were not permitted to make such entries, upon establishing these facts before the register and receiver of the local land office, in such mode and under such rules as the Secretary of the Interior may prescribe, shall be allowed to enter under the homestead laws of the United States a quantity of land of the unappropriated public lands of the United States, subject to homestead entry, equal in amount to the land settled upon, improved, and cultivated, as aforesaid, and under the homestead entry so made shall, when making proof and final entry, receive credit for the settlement, improvement, and cultivation made upon the said indemnity land as aforesaid: "*Provided*, That the law in force in 1889 governing the commutation of homestead entries shall apply to the commutation of entries under this section.

"SEC. 2. That those who are entitled to make the homestead entries prescribed in the preceding section may make such entries of any of the agricultural lands embraced in the provisions of an act entitled 'An act for the relief and civilization of the Chippewa Indians in the State of Minnesota,' approved January 14, 1889, upon condition of paying for such lands the price prescribed in said act.

"SEC. 3. That the right of homestead entry conferred by the provisions of this act shall not be assignable, and no conveyance, sale, or transfer of the land so entered shall be valid or of any effect if made before patent has issued."

THOS. H. CARTER,
FRED T. DUBOIS,
J. H. BERRY,
Managers on the part of the Senate.

JOHN F. LACEY,
EDGAR WILSON,
O. W. UNDERWOOD,
Managers on the part of the House.

Mr. LACEY. I ask that the statement of the House conferees be read.

The Clerk read as follows:

The substitute reported for the bill and the amendment thereto, while preserving the general form of the Senate bill as to administrative process, embodies the principles embraced in the House amendment in that it permits the persons for whose relief the bill provides to select lands subject to homestead entry in the State of Minnesota or anywhere else on the public domain, and it likewise gives unto said settlers the benefits of the commutation feature of the homestead law as it existed at the time they made their filings on the indemnity lands of the Northern Pacific Railroad.

Mr. LACEY. I move the adoption of the conference report.

Mr. McRAE. I should like to be heard for a few minutes on that question.

The SPEAKER. The gentleman is recognized.

Mr. McRAE. Mr. Speaker, this Senate bill was amended in the House by the adoption of a proposition in the nature of a substitute, recommended by the Committee on Public Lands. The Senate disagreed to that amendment, and the matter went into conference without any discussion. We are now asked by this conference report to vote upon a new substitute for the two other propositions. As I have not had an opportunity to examine this new proposition, I am not, of course, prepared to point out fully the objections to it; but I am to some extent familiar with the bill as passed by the Senate, and if this substitute is substantially the original Senate bill, it is a dangerous precedent and it ought not to pass.

The act of which this proposition is in the nature of an extension was passed October 1, 1890, by the Fifty-first Congress. It allowed to certain settlers within the second indemnity limits of the Northern Pacific Railroad grants, who had made final proof and entry and afterwards lost the land, to make a new entry, and fixed a time within which they should initiate and perfect these new entries. That time was permitted to lapse and some of the entries were not transferred under that law. The gentleman from Minnesota [Mr. TOWNE] introduced a bill which was perhaps too broad in its scope; but in order to reach a deserving class of people the committee saw fit to recommend it as an amendment in the nature of a substitute. As I understand it, the pending Senate bill goes very much farther than this Congress has ever gone in the direction of allowing new entries to be made upon the public lands. It requires no residence and cultivation.

As I have already stated, not having had a chance to examine carefully the changes which have been made by the amendment, I will not be able to state as clearly and concisely as I should like to do the objections to the proposition and the difference between the two; but in substance it provided that those persons, their heirs or legal representatives, who settled upon, improved, and cultivated with a view of entering, although they had initiated no claim and acquired no rights under any of the public-land laws, should be allowed the same rights as those who were permitted under the ruling of the Department to initiate such rights. This gives these squatters a legal status they never had, and I am unable to see how it can be justified.

Mr. McMILLIN. Are we to understand from the gentleman's statement that the measure upon which he is commenting allows to the squatter who has never declared any purpose to enter the land under the general entry laws the same privileges as those given to persons who comply with the law?

Mr. McRAE. That is the effect of the bill, as I understand it. Now, if the conferees are able to state just what the conference bill provides I should be glad to have it done, so as to obviate, if possible, the criticisms I make on the Senate bill.

Mr. LACEY. Will the gentleman allow me to ask him to point out the objectionable features of the bill as proposed in the substitute?

Mr. McRAE. As I have just said, I have had no opportunity to read the bill; my attention has not been called to it; and the statement made by the conferees is only six or eight lines and furnishes no explanation. It does not afford the information that I think we ought to have. I am now examining the report itself to ascertain precisely what it proposes. I have pointed out the main objection to the bill as I understand it.

Mr. McMILLIN. In view of the importance of this question and the brevity of the report—no adequate explanation having been furnished as to the changes in the two bills—would the gentleman from Iowa not allow it to be printed in the RECORD and go over until to-morrow?

Mr. LACEY. I have no objection in the world. I am satisfied my colleague would not make the remarks he has been making after he has had an opportunity of examining it.

Mr. McMILLIN. That would be the most satisfactory way.

Mr. LACEY. I ask unanimous consent that it go over until to-morrow morning.

Mr. McMILLIN. That would save time.

Mr. KEM. I object.

The SPEAKER. The gentleman from Nebraska [Mr. KEM] objects.

It can be withdrawn, however, and brought up to-morrow.

Mr. LACEY. Then I will withdraw it. Having been read, it will of course be printed in the RECORD anyhow.

The SPEAKER. The report is withdrawn temporarily.

Mr. LACEY. I am satisfied my colleague on the committee will make no objection when he examines it.

STANDARD SHAPE AND SIZE OF DRY MEASURES IN THE DISTRICT OF COLUMBIA.

Mr. CURTIS of Iowa. Mr. Speaker, I wish to submit a privileged report—a conference report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6833) defining the standard shape and size for dry measures in use in the District of Columbia, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the first and third amendments of the Senate, and agree to the same.

That the Senate recede from its second amendment.

G. M. CURTIS,
A. MILNES,
S. W. COBB,
Managers on the part of the House.

A. O. BACON,
J. A. PRITCHARD,
Managers on the part of the Senate.

The statement of the House conferees was read, as follows:

The effect of the conference report is to make it optional whether potatoes shall be sold by weight or by measure, the House having made it mandatory that potatoes shall be sold by weight.

The second amendment of the Senate provided a different standard of measure for potatoes when sold by retail from the weight when sold by wholesale, and from this amendment the Senate recedes.

The third amendment refers simply to the phraseology of the bill.

The report of the conference committee was agreed to.

On motion of Mr. CURTIS of Iowa, a motion to reconsider the last vote was laid on the table.

PRACTICE OF MEDICINE, DISTRICT OF COLUMBIA.

Mr. SHANNON. Mr. Speaker, I send a conference report to the desk for immediate action.

The SPEAKER. The report will be read.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5731) to regulate the practice of medicine and surgery, to license physicians and surgeons, and to punish persons violating the provisions thereof in the District of Columbia, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 17, 18, 19, 25, 26, 27, 29, 31, 32, 33, 34, 35, 36, and 37, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same amended to read as follows: On page 8, section 7, line 22, strike out "examination" where it occurs the second time; and that the Senate agree to the same.

That the House recede from its disagreement to the thirtieth amendment of the Senate, and agree to the same amended to read as follows: On page 11, section 12, line 9, strike out "any" where it occurs the first time; and that the Senate agree to the same.

That the House recede from its disagreement to the amendments of the Senate numbered 20, 21, 22, 23, and 24, and agree to the same with an amendment, so that section 10 shall read as follows:

"SEC. 10. That the board of medical supervisors of the District of Columbia may, by a vote of four members, refuse to grant or may revoke a license, and may cause the name of any person to be removed from the record of the supreme court of the District of Columbia and from the register of the

health office for any of the following causes, to wit: The employment of fraud or deception in passing the examinations provided for in this act, chronic inebriety, the practice of criminal abortion, conviction of crime involving moral turpitude, or unprofessional or dishonorable conduct. In complaints under this section the accused shall be furnished with a copy of the complaint and given a hearing before said board in person or by attorney, and witnesses may be heard for and on behalf of the accused, and for and on behalf of the said board. Appeal from the decision of said board may be taken to the court of appeals of the District of Columbia, and the decision of said court shall be final. Said board may at any time within two years from the refusal or revocation of a license, or the cancellation of registration under this section, by a vote of four members, issue, without examination, a new license to the person so affected, restoring to him or her all the rights and privileges of which he or she had been deprived by said board."

And that the Senate agree to the same.

That the Senate recede from its amendments numbered 4 and 28.

R. C. SHANNON,
J. W. BABCOCK,
S. W. COBB,
Managers on the part of the House.

J. H. GALLINGER,
CHAS. J. FAULKNER,
Managers on the part of the Senate.

The statement of the House conferees was read, as follows:

The House recedes from its disagreement to certain amendments of the Senate designed to correct the phraseology of the bill.

The House also recedes from its disagreement to the amendments of the Senate to section 10, and agrees to the same with an amendment, by which a physician inserting an advertisement in a newspaper would not come under the provisions of the law.

The Senate recedes from amendments delaying the time when the act shall take effect, and leaving it to take effect from its passage.

The report was adopted.

REPRINT OF A BILL.

Mr. PHILLIPS. Mr. Speaker, I ask unanimous consent for a reprint of the bill H. R. 6119 and the report thereon.

Mr. CANNON. What bill is that? Is that the labor bill?

Mr. PHILLIPS. That is the bill to be considered to-morrow.

The SPEAKER. The gentleman from Pennsylvania [Mr. PHILLIPS] asks unanimous consent for a reprint of the bill to be considered to-morrow, reported from the Committee on Labor. Is there objection?

Mr. KEM. I object.

The SPEAKER. Objection is made by the gentleman from Nebraska [Mr. KEM].

Mr. DOCKERY. The gentleman from Pennsylvania [Mr. PHILLIPS] can introduce a resolution and have it referred to the Committee on Printing.

CHANGE OF REFERENCE.

The SPEAKER. The Chair desires to make a change of reference. The bill S. 1420 should go to the Committee on Pensions instead of to the Committee on Invalid Pensions.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolutions of the following titles; when the Speaker signed the same:

A bill (H. R. 7324) to authorize and empower the State of South Dakota to select the Fort Sully Military Reservation in said State as a part of the lands granted to the State under the provisions of an act to provide for the admission of South Dakota into the Union, approved February 22, 1889, and for indemnity school lands, and for other purposes;

A bill (H. R. 4824) authorizing the Secretary of the Navy to deliver one condemned cannon to the city of Elmwood, Peoria County, Ill., and for other purposes;

A bill (H. R. 8590) granting to the Denver, Cripple Creek and Southwestern Railroad Company a right of way through the South Platte and Plum Creek forest reserves, in the State of Colorado;

A bill (H. R. 5326) to give increased pension to Gen. James C. Parrott;

A bill (H. R. 5217) making one year's residence in a Territory a prerequisite to obtaining a divorce there;

A bill (S. 1837) granting a pension to Ellen C. Ewing, widow of Bvt. Maj. Gen. Thomas Ewing;

A bill (H. R. 4452) to amend section 416 of the Revised Statutes of the United States relating to the District of Columbia;

A bill (H. R. 8260) to authorize the establishment of a life-saving station at Port Huron, on the coast of Lake Huron, Michigan;

A bill (H. R. 7285) for the relief of George McFarland;

A bill (H. R. 4179) to amend section 3719 of the Revised Statutes, relative to guaranties on proposals for naval supplies;

A bill (H. R. 9030) declaring a certain bridge across the Tallahatchie River, in Tallahatchie County, State of Mississippi, a lawful structure, and for other purposes;

A bill (H. R. 270) changing the time of holding terms of the circuit and district courts of the United States in the northern district of California;

A bill (H. R. 5379) making it unlawful to shoot at or into any locomotive or car, or at any person thereon, or to throw any rock or other missile at or into any locomotive or car in the Indian Territory, and for other purposes; and

A bill (H. R. 3013) to amend section 4131 of the Revised Statutes of the United States, to improve the merchant-marine engineer service and thereby also to increase the efficiency of the Naval Reserve, and for other purposes.

SENATE BILLS AND RESOLUTIONS REFERRED.

Under clause 2 of Rule XXIV, the following Senate bills and resolutions were taken from the Speaker's table, and referred by the Speaker as follows:

A bill (S. 2753) authorizing and directing the Secretary of the Navy to donate one condemned cannon to the Lake Madison Veteran Association, Grand Army of the Republic, of the State of South Dakota—to the Committee on Naval Affairs.

A bill (S. 2583) for the relief of Leonard I. Brownson, late first lieutenant Company K, Fifth Vermont Volunteers—to the Committee on Military Affairs.

A bill (S. 2384) for the relief of David O. Burleigh—to the Committee on Military Affairs.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. JOY, for one week, on account of important business.

To Mr. MILLER of Kansas, indefinitely, on account of important business.

To Mr. WHEELER, for four days, on account of death in his family.

CONFEREES ON THE DISTRICT OF COLUMBIA APPROPRIATION BILL.

The SPEAKER announced as conferees on the part of the House on the District of Columbia appropriation bill Mr. GROUT, Mr. PITNEY, and Mr. DOCKERY.

CONTESTED-ELECTION CASE—MITCHELL VS. WALSH.

Mr. MAGUIRE. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. MAGUIRE. I have an agreement with the Committee on Elections No. 2 that the views of the minority may be filed to-morrow in the contested-election case of Mitchell *vs.* Walsh.

The SPEAKER. The gentleman asks unanimous consent for an extension of time for filing the minority report in the contested-election case of Mitchell *vs.* Walsh, with the consent of the committee.

Mr. DINGLEY. How long an extension?

Mr. MAGUIRE. For one day.

The SPEAKER. Is there objection?

Mr. KEM. I object.

The SPEAKER. Objection is made by the gentleman from Nebraska [Mr. KEM].

Mr. MAGUIRE. I move, then, that the time in which to file the views of the minority in that case be extended one day. That request is agreed to by the committee. It is a complete surprise that there should be any objection.

The SPEAKER. The Chair thinks that is not a privileged question, the gentleman from Nebraska [Mr. KEM] having objected.

Mr. RICHARDSON. I submit that the question involves the right of a member to his seat, and that any motion in connection with that or incidental to it ought to be privileged.

The SPEAKER. The time has already been agreed upon by the House. The Chair would be glad to afford relief, but it is not possible under the circumstances.

Mr. RICHARDSON. It is a question incidental to the matter of the right of a member to his seat.

The SPEAKER. The Chair does not think it extends to that.

And then, on motion of Mr. DINGLEY (at 4 o'clock and 51 minutes p. m.), the House adjourned.

REPORTS OF COMMITTEES ON PUBLIC BILLS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. SHERMAN, from the Committee on Interstate and Foreign Commerce, to which was referred House bill No. 5356, reported in lieu thereof a bill (H. R. 9101) to authorize the Montgomery Bridge Company to construct and maintain a bridge across the Alabama River near the city of Montgomery, Ala., accompanied by a report (No. 1914); which said bill and report were referred to the House Calendar.

Mr. WILSON of New York, from the Committee on Naval Affairs, to which was referred House bill No. 4072, reported in lieu thereof a bill (H. R. 9102) to amend section 5 of an act to relieve certain appointed or enlisted men of the Navy and Marine Corps from the charge of desertion, approved August 14, 1888, accompanied by a report (No. 1915); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. LESTER, from the Committee on War Claims: A resolution (House Res. No. 334) to refer to the Court of Claims bills of the following titles: A bill (H. R. 1051) for the relief of the estate of Henry C. Toms, deceased; a bill (H. R. 1571) for the relief of the estate of Richard Higgins; a bill (H. R. 1002) for the relief of the estate of Needham Bullard, deceased; a bill (H. R. 1003) for the relief of the trustees of St. Phillip's Church, of Atlanta, Ga.; a bill (H. R. 2745) for the relief of Thomas S. Lutterloh and Cape Fear Steamboat Company; a bill (H. R. 933) for the relief of the owners of the steamer *Clara Bell;* a bill (H. R. 932) for the relief of Mrs. Catharine Barry Meeha; a bill (H. R. 1276) for the relief of the legal representatives of Ann D. Holsey, deceased; a bill (H. R. 5716) for the relief of the legal representatives of Alfred Duplantier, deceased; a bill (H. R. 5611) for the relief of the estate of Phillip W. Engs, deceased, and Enoch M. Marshall; a bill (H. R. 7025) for the relief of the estate of William I. Way, deceased; a bill (H. R. 1055) for the relief of Charles T. Hyde; a bill (H. R. 1800) for the relief of Francis Millet; a bill (H. R. 7159) for the relief of the heirs of Henry Ruby, deceased; a bill (H. R. 6935) for the relief of the personal representatives of Mitchell J. Childress; a bill (H. R. 6296) for the relief of H. W. Rookwood; a bill (H. R. 5878) for the relief of the heirs of Silas Burke, deceased; a bill (H. R. 561) for the relief of the estate of Jane Taylor, deceased; a bill (H. R. 1900) for the relief of Mary E. Hughes, heir of D. L. Pritchard, deceased; a bill (H. R. 6682) for the relief of the estate of Joshua Hill, deceased; a bill (H. R. 6912) for the relief of David Hogan; a bill (H. R. 7752) for the relief of the owners of the steamer *Leesburg;* a bill (H. R. 8335) for the relief of Jacob Cohen; a bill (H. R. 3563) for the relief of J. H. Sparks; a bill (H. R. 6943) for the relief of Sarah Friedman; a bill (H. R. 5460) for the relief of James Lindsay; a bill (H. R. ——) for the relief of Rudolphus Minton; a bill (H. R. 6596) for the relief of George S. Ayre; a bill (H. R. 7550) for the relief of Nimrod D. Kenecaster; a bill (H. R. 8142) for the relief of Gertrude A. Leftwich, widow of John W. Leftwich, deceased; a bill (H. R. 2076) for the relief of Abner D. Lewis; a bill (H. R. 3680) for the relief of the heirs of Joseph B. Seabrook, deceased; a bill (H. R. 4772) for the relief of the estates of John Flower and Thomas B. Flower, deceased; a bill (H. R. 7123) for the relief of George S. Ayre; a bill (H. R. 3781) for the relief of Jacob R. Smith; a bill (H. R. 8837) for the relief of the heirs or legal representatives of Anton Borchert; a bill (H. R. 3788) for the relief of Mrs. E. Taylor; a bill (H. R. 5900) for the relief of the administrator of Thomas K. Ball, deceased. (Report No. 1912.)

By Mr. COLSON, from the Committee on Claims: The bill (H. R. 1047) for the relief of Harriet A. Phillips. (Report No. 1913.)

By Mr. BAKER of Kansas, from the Committee on Invalid Pensions: The bill (H. R. 7627) granting an increase of pension to Michael Lochard. (Report No. 1916.)

By Mr. KIRKPATRICK, from the Committee on Invalid Pensions:

The bill (H. R. 7885) granting a pension to Evan Schriver. (Report No. 1917.)

The bill (H. R. 7883) granting a pension to Barney Schriver. (Report No. 1918.)

The bill (H. R. 6966) granting an increase of pension to William T. March. (Report No. 1919.)

By Mr. POOLE, from the Committee on Invalid Pensions: The bill (S. 1898) entitled "An act granting a pension to Mrs. Marietta Hayes." (Report No. 1920.)

By Mr. THOMAS, from the Committee on Invalid Pensions: The bill (S. 2711) entitled "An act granting a pension to Ira Harris." (Report No. 1921.)

ADVERSE REPORTS.

Under clause 2 of Rule XIII, adverse reports were delivered to the Clerk and laid on the table as follows:

By Mr. WILSON of Ohio, from the Committee on War Claims: The bill (H. R. 1789) for the relief of Daniel W. Boutwell. (Report No. 1910.)

By Mr. GIBSON, from the Committee on War Claims: The bill (H. R. 2073) for the relief of Emanuel Faust, late Company B, Forty-sixth Illinois Infantry. (Report No. 1911.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. BABCOCK: A bill (H. R. 9099) for the regulation of cemeteries and the disposal of dead bodies in the District of Columbia—to the Committee on the District of Columbia.

By Mr. STRAIT: A bill (H. R. 9100) authorizing Joseph J. Kinyoun, passed assistant surgeon of the Marine-Hospital Service, to accept a gold medal from the President of the Republic of Venezuela—to the Committee on Foreign Affairs.

By Mr. DOOLITTLE: A bill (H. R. 9103) for the reopening and improvement of the mouth of the Quillayute River, in the State of Washington—to the Committee on Rivers and Harbors.

By Mr. LOUDENSLAGER: A resolution (House Res. No. 354) to amend Rule XXVI, section 2—to the Committee on Rules.

By Mr. GROSVENOR: A resolution (House Res. No. 355) directing the Secretary of Agriculture to furnish certain information concerning the employees in his Department—to the Committee on Reform in the Civil Service.

Also, a resolution (House Res. No. 356) directing the Postmaster-General to furnish certain information concerning the employees in his Department—to the Committee on Reform in the Civil Service.

Also, a resolution (House Res. No. 357) directing the Secretary of the Treasury to furnish certain information concerning the employees in his office—to the Committee on Reform in the Civil Service.

Also, a resolution (House Res. No. 358) directing the Secretary of War to furnish certain information concerning the employees in his Department—to the Committee on Reform in the Civil Service.

Also, a resolution (House Res. No. 359) directing the Secretary of the Navy to furnish certain information concerning the employees in his Department—to the Committee on Reform in the Civil Service.

Also, a resolution (House Res. No. 360) directing the Secretary of State to furnish certain information concerning the employees in his Department—to the Committee on Reform in the Civil Service.

Also, a resolution (House Res. No. 361) directing the Secretary of the Interior to furnish certain information concerning the employees in his Department—to the Committee on Reform in the Civil Service.

Also, a resolution (House Res. No. 362) directing the Attorney-General to furnish certain information concerning the employees in his Department—to the Committee on Reform in the Civil Service.

By Mr. LOUDENSLAGER: A resolution (House Res. No. 365) to print 10,000 copies of the immigration bill—to the Committee on Printing.

By Mr. STRONG: A resolution (House Res. No. 363) to authorize the Clerk to pay E. J. Totten for services as clerk of the Clerk's document room—to the Committee on Accounts.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. BURTON of Missouri: A bill (H. R. 9104) for the relief of William L. M. Patterson—to the Committee on Military Affairs.

By Mr. CURTIS of Kansas: A bill (H. R. 9105) for the relief of J. M. Wertz—to the Committee on Military Affairs.

By Mr. DOOLITTLE: A bill (H. R. 9106) for the relief of James McGinnis—to the Committee on Pensions.

By Mr. FAIRCHILD: A bill (H. R. 9107) for the relief of James S. Logan—to the Committee on Claims.

By Mr. FOSS: A bill (H. R. 9108) for the relief of Peter Casey, late captain, Company H, Ninetieth Regiment Illinois Volunteer Infantry—to the Committee on Military Affairs.

By Mr. KIEFER: A bill (H. R. 9109) for the relief of Andrew Defiel—to the Committee on Military Affairs.

By Mr. LINTON: A bill (H. R. 9110) granting an increase of pension to Hiram Speer—to the Committee on Invalid Pensions.

By Mr. LITTLE: A bill (H. R. 9111) for the relief of Mrs. Mary L. Bryan, of Grant County, Ark.—to the Committee on War Claims.

By Mr. McEWAN: A bill (H. R. 9112) granting an additional pension to Henry Van Gelder, of Jersey City, N. J.—to the Committee on Invalid Pensions.

By Mr. POWERS: A bill (H. R. 9113) for the relief of Leonard I. Brownson, late first lieutenant Company K, Fifth Vermont Volunteers—to the Committee on Military Affairs.

By Mr. ROBINSON of Pennsylvania: A bill (H. R. 9114) to remove the charge of desertion from the military record of Patrick Barrett, Battery F, Fourth United States Artillery—to the Committee on Military Affairs.

By Mr. TAFT (by request): A bill (H. R. 9115) for the relief of Joseph Schmitt—to the Committee on Military Affairs.

By Mr. THOMAS: A bill (H. R. 9116) granting a pension to Hannah A. Gray—to the Committee on Invalid Pensions.

By Mr. WILLIAMS: A bill (H. R. 9117) for relief of the estate of John Dear, deceased, of Attala County, Miss.—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BAKER of Maryland: Petition of citizens of Westminster, Md., in favor of House bills Nos. 4566 and 838, amending the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. BANKHEAD: Papers relating to the claim of Randolph Simpson—to the Committee on War Claims.

By Mr. BURTON of Missouri: Petitions of certain residents of Sheldon, Golden City, Joplin, and Carthage, Mo., praying for favorable action on bill to amend the postal laws relating to second-class matter and bill to reduce letter postage to 1 cent per half ounce—to the Committee on the Post-Office and Post-Roads.

By Mr. CLARDY: Petition of 50 citizens of Owensboro and Hartford, Ky., asking for the passage of House bills Nos. 838 and 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. CLARK of Iowa: Petitions of citizens of Salem and Fort Madison, Iowa, in favor of the passage of House bills Nos. 838 and 4566, for 1-cent letter postage and the amendment of the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. COUSINS: Petitions of citizens of Onslow, Garrison, Gladbrook, and Conrad Grove, Iowa, asking for the passage of House bills Nos. 838 and 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. CROWTHER: Petitions of citizens of Camden Point, Easton, and Burlington Junction, Mo., for favorable action on House bills Nos. 4566 and 838, amending the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. DOOLITTLE: Memorial of the Seattle (Wash.) Chamber of Commerce, favoring legislation which will secure a 1-cent postage rate—to the Committee on the Post-Office and Post-Roads.

By Mr. FAIRCHILD: Resolutions adopted at a public meeting in Mount Vernon, N. Y., urging vigorous measures to prevent the outrages in Armenia—to the Committee on Foreign Affairs.

By Mr. FENTON: Petitions of citizens of Jackson and Gallipolis, Ohio, favoring the passage of House bills Nos. 838 and 4566, amending the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. FLYNN: Resolution of John Noble Assembly, No. 1394, Knights of Labor, of Pawnee, Okla., praying for the independence of Cuba—to the Committee on Foreign Affairs.

By Mr. GROSVENOR: Petition of citizens of Glouster, Ohio, asking for favorable action on House bill No. 838, to reduce letter postage, and House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. GROUT: Resolutions of the Board of Trade of Chicago, protesting against the passage of House bill No. 8536 and Senate bill No. 2967, amending the interstate-commerce law—to the Committee on Interstate and Foreign Commerce.

By Mr. HYDE: Petition of citizens of Spokane County, Wash., in opposition to the passage of a funding bill—to the Committee on Pacific Railroads.

By Mr. KIEFER: Petition of Knights of Labor General Assembly, in favor of House bill No. 6119, for the appointment of an impartial committee to investigate the labor problem and suggest remedy—to the Committee on Labor.

By Mr. LACEY: Petitions of citizens of New Sharon, Oskaloosa, Grinnell, Brooklyn, Kellogg, and Ottumwa, Iowa, asking favorable action on House bills Nos. 838 and 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. LAYTON: Petition of 21 citizens of Lima, Ohio, for favorable action on House bills Nos. 4566 and 838, amending the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. LINTON: Petitions of citizens of Bancroft, Cass City, Chesaning, Mayville, and Kingston, Mich., favoring the passage of House bills Nos. 4566 and 838, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. McCORMICK: Petitions of citizens of Southold, N. Y., and vicinity, favoring the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. McEWAN (by request): Petition of Alfred S. Franklin, of West Hoboken, N. J., asking consideration of his former memorial—to the Committee on Labor.

By Mr. MILLER of West Virginia (by request): Petition of citizens of Sistersville, Ronceverte, Williamson, St. Marys, and Berkeley, W. Va., asking favorable action on House bills Nos. 838 and 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. NORTHWAY: Petitions of citizens of Conneaut and Orwell, Ohio, in favor of House bills Nos. 4566 and 838, amending the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. SHAFROTH: Sundry petitions of numerous citizens of the State of Colorado, in favor of better immigration laws—to the Committee on Immigration and Naturalization.

By Mr. SMITH of Michigan: Petitions of citizens of Sparta, Grand Rapids, and Clarksville, Mich., for favorable action on House bills Nos. 4566 and 838, amending the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. STRAIT: Petitions of citizens of Union and Lancaster, S. C., asking for favorable action on House bills Nos. 4566 and 838, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

Also, papers to accompany House bill relating to Joseph J. Kinyoun—to the Committee on Foreign Affairs.

By Mr. STRONG: Petitions of citizens of Ada and Mechanicsburg, Ohio, for favorable action on House bills Nos. 4566 and 838, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. TAFT: Petition of citizens of Cincinnati, Ohio, for favorable action on House bills Nos. 4566 and 838, amending the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. TAYLER: Petitions of citizens of Youngstown, Minerva, and Canal Fulton, Ohio, asking for favorable action on House bills Nos. 838 and 4566, amending the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. TRELOAR: Papers to accompany bill to remove the charge of desertion from the military record of John Ziegler—to the Committee on Military Affairs.

By Mr. VAN VOORHIS: Petition of James Rummer and 229 other citizens of Morgan County, Ohio, asking that a bill to restrict immigration be passed—to the Committee on Immigration and Naturalization.

Also, petition of citizens of Dyson, Ohio, favoring the passage of House bills Nos. 4566 and 838, amending the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. WATSON of Ohio: Petition of citizens of Westerville, Ohio, asking favorable consideration of House bills Nos. 838 and 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. WILLIAMS: Paper to accompany House bill for the relief of John Dear—to the Committee on War Claims.

By Mr. WILSON of Ohio: Petition of citizens of Springfield and Washington, Ohio, asking for favorable action on House bills Nos. 838 and 4566, amending the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. WOOMER: Remonstrance of Daniel G. Miller and 50 citizens, of Lebanon, Pa., against the acceptance of the Marquette statue—to the Committee on the Library.

SENATE.

THURSDAY, *May 21, 1896.*

Prayer by Rev. W. L. WATKINSON, of London, England.

The Vice-President being absent, the President pro tempore took the chair.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. ALLEN, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal will, without objection, stand approved.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. PRUDEN, one of his secretaries, announced that the President had, on the 19th instant, approved and signed the act (S. 2642) to provide for the safety of passengers on excursion steamers.

RIVER AND HARBOR APPROPRIATION BILL.

The PRESIDENT pro tempore. The Chair lays before the Senate the conference report on the river and harbor bill.

Mr. CULLOM. If there is no morning business, I desire to call up the conference report on the legislative, executive, and judicial appropriation bill.

The PRESIDENT pro tempore. The Chair lays the conference report on the river and harbor bill before the Senate by virtue of the unanimous-consent agreement made yesterday.

Mr. CULLOM. I did not hear anything of such an agreement. All right, however.

Mr. SHERMAN. Let the report be read.

The Secretary read the report of the committee of conference on the bill (H. R. 7977) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, as printed in the Senate proceedings of yesterday.

The PRESIDING OFFICER (Mr. CHANDLER in the chair). The question is, Will the Senate concur in the report of the committee of conference?

Mr. PLATT. May I be permitted to put in some morning business?

The PRESIDING OFFICER. Without objection, the Chair will receive routine morning business.

PETITIONS AND MEMORIALS.

Mr. PLATT presented a petition of the Buffers and Polishers' Organization of Meriden, Conn., praying for the free and unlimited coinage of silver and gold at the ratio of 16 to 1; which was ordered to lie on the table.

Mr. McMILLAN presented a petition of the Maryland Christian Endeavor Union of Baltimore, Md., praying for the enactment of legislation raising the age of consent from 16 to 18 years in the District of Columbia; and also for the enactment of a Sunday-rest law in the District of Columbia, and remonstrating against the enactment of legislation to promote race-track gambling in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a memorial of the Woman's Christian Temperance Union of Onekama, Mich., remonstrating against the introduction of military training in the public schools of the country; which was referred to the Committee on Military Affairs.

He also presented a petition of Detroit Lodge, No. 82, International Association of Machinists, of Detroit, Mich.; a petition of Mineral King Lodge, No. 129, Brotherhood of Locomotive Firemen, of Escanaba, Mich., and a petition of the Council of Trades and Labor Unions, of Detroit, Mich., praying for the Government control and ownership of the telegraph lines; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. PRITCHARD presented the petition of J. W. Howard and 113 other members of the Sixth life-saving district, praying that their salaries be paid to them monthly; which was referred to the Committee on Commerce.

Mr. VEST presented a memorial of the Merchants' Exchange of St. Louis, Mo., remonstrating against the adoption of certain amendments to the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

Mr. BRICE presented a memorial of the Produce Exchange of Toledo, Ohio, remonstrating against the enactment of legislation to amend an act entitled "An act to regulate commerce," approved February 4, 1887; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Civil Engineers' Club of Cleveland, Ohio, praying for the enactment of legislation providing for the establishment of engineering experiment stations in connection with colleges in the several States; which was referred to the Committee on Education and Labor.

Mr. QUAY presented a memorial of the Medical Society of the State of Pennsylvania, remonstrating against the passage of Senate bill No. 1552, for the further prevention of cruelty to animals in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a memorial of Chapter II, Colonial Dames of America, of Philadelphia, Pa., remonstrating against the passage of Senate bill No. 3087, to incorporate the National Society of Colonial Dames of America; which was referred to the Committee on the Library.

The PRESIDENT pro tempore presented a memorial of the Washington Chemical Society, of Washington, D. C., remonstrating against the enactment of any legislation on the subject of vivisection; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Rhode Island Business Men's Association, of Providence, R. I., praying for the establishment of a department of commerce and manufactures; which was referred to the Committee on Commerce.

He also presented the memorial of Alice May Douglass and 44 other citizens of the United States, and the memorial of S. J. Fernald and 12 other citizens of Portland, Me., remonstrating against the introduction of military training in the public schools of the country; which were referred to the Committee on Military Affairs.

He also presented a memorial of the National Convention of Railroad Commissioners, of Washington, D. C., remonstrating against the adoption of certain proposed amendments to the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

REPORTS OF COMMITTEES.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 6111) granting a pension to Elizabeth A. Sargent;

A bill (H. R. 3857) granting a pension to Thomas Brewer; and

A bill (H. R. 4283) granting a pension to Delia A. Marsh.

Mr. McMILLAN, from the Committee on Naval Affairs, to whom were referred the following bills, reported them severally without amendment:

A bill (S. 2753) authorizing and directing the Secretary of the Navy to donate 1 condemned cannon to the Lake Madison Veteran Association, Grand Army of the Republic, of the State of South Dakota;

A bill (H. R. 8495) granting to John Hill Post, No. 86, of Boonton, N. J., 4 condemned cannon and 20 cannon balls;

A bill (H. R. 8324) authorizing and directing the Secretary of the Navy to donate 4 pieces of condemned cannon and 4 pyramids of condemned cannon balls to the Grant County Union Soldiers' Monument and Memorial Association of Wisconsin; and

A bill (H. R. 7771) authorizing and directing the Secretary of the Navy to donate condemned cannon and condemned cannon balls to certain posts of the Grand Army of the Republic.

Mr. McMILLAN, from the Committee on Naval Affairs, to whom was referred the bill (H. R. 8262) authorizing and directing the Secretary of the Navy to furnish condemned cannon to certain Grand Army posts, a monument association, and army post, reported it with amendments.

Mr. HAWLEY, from the Committee on Military Affairs, to whom was referred the amendment submitted by Mr. ALDRICH April 30, providing for the purchase of Lookout Point Park, Lookout Mountain, Tennessee, intended to be proposed to the deficiency appropriation bill, reported it favorably and submitted a report thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the same committee, to whom was referred the bill (H. R. 3582) to remove the charge of desertion now standing against Henry H. Bailey, reported it without amendment, and submitted a report thereon.

Mr. SEWELL, from the Committee on Military Affairs, to whom was referred the bill (H. R. 2) disposing of two condemned cannon, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. 5280) for the relief of George W. Freeman, reported it without amendment, and submitted a report thereon.

Mr. SHOUP, from the Committee on Military Affairs, to whom was referred the bill (H. R. 2048) for the relief of Rufus Betz, reported it without amendment, and submitted a report thereon.

Mr. MITCHELL of Wisconsin, from the Committee on Military Affairs, to whom was referred the bill (H. R. 5999) to correct the military record of Elbridge McFadden, reported it without amendment, and submitted a report thereon.

Mr. ALLEN, from the Committee on Claims, to whom was referred the bill (S. 795) for the relief of John Little and Hobart Williams, of Omaha, Nebr., reported it without amendment, and submitted a report thereon.

Mr. NELSON, from the Committee on Commerce, to whom was referred the bill (H. R. 7255) authorizing the establishment of a life-saving station on the coast of Maryland, reported it without amendment, and submitted a report thereon.

Mr. HARRIS submitted a report to accompany the bill (S. 3088) to authorize the extension of the lines of the Potomac Electric Light and Power Company, heretofore reported.

Mr. WARREN, from the Committee on Claims, to whom was referred the bill (S. 1589) in relation to refunding certain sums to port wardens, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

WILLIAM H. FOSTER.

Mr. WARREN, from the Committee on Claims, to whom was referred the bill (S. 33) for the relief of William H. Foster, of Boston, in the Commonwealth of Massachusetts, receiver of the Union Steamship Company, reported it with amendments, and submitted a report thereon, accompanied by the following resolution; which was read:

Resolved, That the bill S. 33, as amended, entitled "A bill for the relief of the legal representatives of William H. Foster, of Boston, in the Commonwealth of Massachusetts, receiver of the Union Steamship Company," together with all the papers accompanying, be, and the same is hereby, referred to the Court of Claims in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887; and the said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

Mr. WARREN. I ask for the present consideration of the resolution.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. SHERMAN. I wish to inquire whether this is the claim involving importations by ship agents?

Mr. WARREN. No; it is not.

Mr. SHERMAN. Then I have no objection to the resolution.

Mr. PASCO. I suggest to the Senator from Wyoming that it should read: "In pursuance of the fourteenth section of an act entitled," etc., instead of in pursuance of the provisions of the act generally. I think that is the usual form.

Mr. WARREN. I accept the suggestion of the Senator from Florida, and ask that the resolution be so modified.

The PRESIDING OFFICER. The resolution will be so modified. The question is on agreeing to the resolution as modified.

The resolution as modified was agreed to.

WILLIAM F. JOHNSON.

Mr. SEWELL. I move that the vote by which the bill (S. 2184) granting a pension to William F. Johnson was indefinitely postponed be reconsidered, and that the bill be placed on the Calendar.

The motion was agreed to.

BILLS INTRODUCED.

Mr. PLATT introduced a bill (S. 3182) granting a pension to Susan E. Cunningham; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McMILLAN introduced a bill (S. 3183) granting a pension to Harriet Clarissa Mercur, widow of James Mercur, late professor of civil and military engineering in the United States Military Academy at West Point, N. Y.; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PRITCHARD introduced a bill (S. 3184) granting an increase of pension to James H. Kile; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3185) granting an increase of pension to John McGrath; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3186) granting a pension to Mrs. Cornelia Grant; which was read twice by its title, and referred to the Committee on Pensions.

Mr. WARREN introduced a bill (S. 3187) for the relief of Hattie A. Phillips; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3188) to ratify an agreement with the Indians of the Shoshone or Wind River Reservation, Wyo., and making an appropriation to carry the same into effect; establishing the Wyoming Hot Springs Reservation, and making an appropriation for the survey thereof; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. ALLEN introduced a bill (S. 3189) to remove the charge of desertion from the name of Emanuel Schamp; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. BRICE introduced a bill (S. 3190) granting a pension to Amos L. Hood; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 3191) granting a pension to Milton T. Bedford; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 3192) granting a pension to Annie C. Dodd; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. QUAY (by request) introduced a bill (S. 3193) for the relief of Isaac Newton, of Washington, D. C.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. TURPIE introduced a bill (S. 3194) for the relief of William McFarland; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. CANNON introduced a bill (S. 3195) to amend the military record of Temple Short; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 3196) granting an increase of pension to George W. Walton; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BAKER introduced a bill (S. 3197) for the relief of Capt. M. J. Grealish; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 3198) granting a pension to Edward Stanley; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3199) granting a pension to Jackson Osborn; which was read twice by its title, and referred to the Committee on Pensions.

AMENDMENTS TO DEFICIENCY APPROPRIATION BILL.

Mr. TELLER submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations.

Mr. PRITCHARD (by request) submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. WARREN submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations.

Mr. LODGE submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Claims.

He also submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which, with the accompanying papers, was referred to the Committee on Appropriations.

Mr. SQUIRE submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations.

Mr. GALLINGER submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Education and Labor, and ordered to be printed.

TRADE NAMES OF LIQUORS.

Mr. GALLINGER submitted an amendment intended to be proposed by him to the bill (H. R. 4580) to amend section 3449 of the Revised Statutes; which was ordered to be printed.

EXECUTIVE COMMUNICATION.

The PRESIDING OFFICER laid before the Senate a communication from the Secretary of the Treasury, transmitting supplemental estimates of appropriations required by the various Departments of the Government to complete the service of the fiscal year ending June 30, 1896, and for prior years, amounting to $356,115.59; and for the postal service, payable from the postal revenues, amounting to $18,669.95; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

ELECTION OF SENATORS BY DIRECT VOTE.

Mr. MITCHELL of Oregon. I desire to give notice that to-morrow morning, immediately after the conclusion of the routine business, I shall move that the Senate proceed to the consideration of the joint resolution reported from the Committee on Privileges and Elections (S. R. 6) proposing an amendment to the Constitution of the United States providing for the election of Senators by the votes of the qualified electors of the States.

Mr. SHERMAN. I wish to state that I have already given notice that I shall move to take up what is called the filled-cheese bill. I hope that bill will be taken up to-morrow morning.

Mr. WHITE. We can not hear the Senator from Ohio on this side.

Mr. SHERMAN. I stated that I have already given notice (and I hope it will not be interfered with) that I shall try to call up the filled-cheese bill to-morrow. The Senator knows the bill by that name. There is a great mass of people who take an interest in that measure.

Mr. MITCHELL of Oregon. Of course, if notice has been previously given by the Senator from Ohio, I do not wish to interfere with his notice. I was not aware that such a notice had been given. I will change my notice, then, to Saturday morning, immediately after the conclusion of the morning business. I give notice that I shall move at that time that the Senate shall proceed to the consideration of the joint resolution which I have indicated.

Mr. FAULKNER. I suppose that is with the implied understanding, of course, not to interfere with appropriation bills.

Mr. MITCHELL of Oregon. I gave notice some time ago of my intention to move the consideration of the joint resolution. I take it there will be no appropriation bill for that time.

Mr. FAULKNER. I think there will be one here for that time, unquestionably.

Mr. CULLOM. I should think the Senator from Oregon had better except appropriation bills. The conference report on the legislative, executive, and judicial appropriation bill will perhaps be up for consideration by the Senate. I suggest to the Senator that he except conference reports and the deficiency appropriation bill.

Mr. ALDRICH. I suppose there is nothing in the rules to prevent a Senator from giving a notice as to what he intends to do in the future?

Mr. CULLOM. Of course not.

Mr. FAULKNER. I thought it better to have a proper understanding of the matter.

Mr. MITCHELL of Oregon. I have given the notice, and I shall be governed by circumstances when the time comes.

Mr. FRYE. I call for the regular order.

The PRESIDING OFFICER. The Chair has been recognizing Senators to present morning business.

Mr. FRYE. I call the attention of the Chair to the fact that morning business is not the regular order.

The PRESIDING OFFICER. The morning business had not been declared closed, but a conference report is privileged at all times according to the rule.

Mr. FRYE. Unanimous consent was given that the conference report should be taken up immediately after the reading of the Journal, and now half an hour is gone and it is hardly up.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5731) to regulate the practice of medicine and surgery, to license physicians and surgeons, and to punish persons violating the provisions thereof in the District of Columbia.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6833) defining the standard shape and size for dry measures in use in the District of Columbia, and for other purposes.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 5210) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1897, and for other purposes, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. GROUT, Mr. PITNEY, and Mr. DOCKERY managers at the conference on the part of the House.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 6249) making appropriations for current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1897, and for other purposes, further insisted upon its disagreement to the amendments of the Senate numbered 33, 37, 46, 47, 48, 49, 51, 52, 55, 64, 66, 69, 70, 71, 76, 77, 78, 83, 84, 85, 86, 87, and 94 to the said bill, asked a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SHERMAN, Mr. CURTIS of Kansas, and Mr. PENDLETON managers at the further conference on the part of the House.

RIVER AND HARBOR APPROPRIATION BILL.

The Senate resumed the consideration of the report of the committee of conference on the bill (H. R. 7977) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. BACON. Mr. President, as stated by me to the Senate yesterday, I shall ask the Senate to disagree to so much of the conference report on the river and harbor bill as relates to the harbor of Brunswick, Ga. I recognize, of course, the rule that the motion can only be made as to the entire report; in other words, the disagreement has to be made as to the whole report in order that the particular item to which I refer may be remitted to the conference committee.

Since I had the opportunity to address the Senate on the subject yesterday I have had conference with some of the members of the conference committee and have agreed to some very liberal concessions, or, rather, I have made some very liberal concessions, which, I think, will put the matter in a condition where the conference committee will deal with it satisfactorily both to themselves and to those whom I represent. If, however, this is to be accomplished, it can only be done by a disagreement on the part of the Senate, in order that the whole matter may be returned to the conference committee. In view of that fact, I shall not make the detailed speech which I expected to make in the presentation of this question to the Senate, and I shall give only such an outline of it as will put the Senate in possession of the facts necessary to enable them to act advisedly upon the question whether the report should be recommitted to the conference committee.

The harbor of Brunswick is one which is recognized as among the best upon the whole Atlantic coast. The water within it is deep and it is very extensive. The commerce from this harbor is one in which all of the prominent Atlantic seaports are very much interested. In other words, ships from all the other seaports find at Brunswick cargoes which they are anxious to get if they can find sufficient water to enable them to enter the harbor.

Up to the year 1890 there had been a continuous shoaling of the water upon the bar, which is situated some 5 miles out of the harbor, so that it had been reduced to a depth of about 18 feet at mean high tide. The consequence was that with the constantly increasing size of ships the harbor was becoming practically closed to those vessels which would naturally engage in the trade of that port. The result was that the commerce of that city ran down to an insignificant figure, and it was evident that as a port it was to be permanently closed to the ordinary commerce of the country.

There being no appropriation by Congress for the opening of the harbor, some public-spirited citizens, in the hope to save their town from what would be equivalent to its destruction, conceived the plan of removing the obstructions from the bar by dynamite. At the head of those was the gentleman who afterwards made a contract with the Government under an act of Congress, Mr. Goodyear. In the absence of any appropriation by Congress these gentlemen went forward and spent some six or seven thousand dollars of their private means in the necessary expenses in making a test as to whether the explosion of dynamite upon the bar would remove the obstructions. The test made, although a very partial one, was so successful that they came to Congress, and under an act of Congress made a contingent contract. A certain amount was to be paid if a certain depth of water was obtained.

The first contract made by the Government with Mr. Goodyear was for a certain depth, 21 feet, I think, for which when obtained the United States would pay to him as contractor the sum of $10,000. That contract was made in utter inexperience as to what would be the cost of it, and he was guided in making it by the large success which he had had in the expenditure of the $6,000, which, of course, related to work which was much cheaper than the work subsequently performed, because it was on the surface. Mr. Goodyear went forward and got some 20 or 21 feet (I have forgotten which) and came to Congress and showed the amount of money which had been expended and the results which had been accomplished; and although the contract was for $10,000, Congress paid him $30,000 on a quantum meruit. Congress also entered into an additional contract by which upon the procurement of the depth of 23 feet there would be $30,000 additional paid.

The contractor under this act of Congress has gone forward and it is in controversy whether or not the 23 feet have been obtained. The engineers of the Government claim that the amount obtained has been over 22 feet and less than 23 feet. The engineers for the contractor presented evidence to the effect that they have procured the entire 23 feet. In addition to the measurements of the contractors, there is the evidence of all the pilots at that port and all of those who are engaged in commerce that ships drawing 23 feet have repeatedly passed over the bar and through the channel thus made.

I have a list here which has been before the committee, but it is not necessary that I should detain the Senate with a discussion of the question whether the 23 feet have or have not been obtained. The matter was before the other House, and upon a full examination by the committee of the House and by the House itself, the bill was sent to the Senate with a provision in the nature of a compromise as to the particular question whether the contractor was entitled to be paid the $30,000 which would be due when 23 feet were obtained. The bill provided that the contractor should go on and continue to deepen the harbor, and that when he had procured 24 feet he should then be paid not only for the 23 feet the $30,000 which had been provided by the previous act, but that he should be paid a certain additional amount for making the 24 feet.

In that shape the bill came from the other House. When it came to the Senate the representation was made, which I think is a very reasonable one, that a 100-foot channel is entirely inadequate to the proper safety of vessels passing in and out of that harbor. It was shown that a vessel in attempting to go through the narrow channel by reason of its failure to obey its rudder had at one time run outside of the channel and had run aground, although there was plenty of water there inside of the narrow channel. For that reason it was sought to get authority to extend, or rather to widen, the channel to the extent of 300 feet, and that was the amendment put on by the Senate making payment at the same rate for the extra 200 feet that was given for the first 100 feet. That was the amendment put upon the bill by the Senate, and it was that amendment upon which the conference committee was engaged, and which they finally reported as one from which the Senate ought to recede.

There are two aspects in which I think this matter is entitled to the very serious consideration of the Senate. In the first place, that of the public interest; that this is a bar which should be removed from one of the most important harbors upon the South Atlantic coast. If the legislation stands as it would stand with a simple consent on the part of the Senate to recede from this amendment there would be no appropriation whatever for the Brunswick Harbor; it would have to go without any work whatever except upon the original 100-foot channel. That is a consideration which affects the public. The other consideration—and I will state that I am not going to detain the Senate with any lengthy discussion; I simply desire to present the facts——

Mr. PLATT. May I make an inquiry?

Mr. BACON. Certainly.

Mr. PLATT. How is this matter to get back to the consideration of the conference committee? I was not present when the Senator began his remarks.

Mr. BACON. I recognize the fact, I will state in reply to the distinguished Senator from Connecticut, that the only way in which it can get back is by a disagreement to the entire report, and in that way send it back in order that the conferees may again act upon it.

Mr. PLATT. Then, as to the other items with respect to which the conferees have agreed, the disagreement is considered as being merely formal for the purpose of allowing them to consider this item?

Mr. BACON. That is all, so far as I understand.

Mr. DUBOIS. If the Senator from Georgia will allow me, I will state to the Senator from Connecticut that an exactly similar proceeding was had in regard to the Indian appropriation bill a few days ago; precisely the same. The entire report was disagreed to in order to correct an error.

Mr. PLATT. I am very much interested in it, and I want to get the item before the conferees again.

Mr. BACON. I am obliged to the Senator. I have alluded to the public interest in this matter, which I think is really an important one. There is not a port on the Atlantic coast that is not interested in having the Brunswick Harbor in a condition where ships from those ports can go in. There is one single article of commerce from that port in which the entire country is interested. It is one of the largest ports, if not the largest port, from which yellow pine lumber and timber are shipped, which are used all through the country; and unless the Government does properly attend to this bar the port will be practically closed for the entrance of ships of the size which it is now profitable to use in that commerce.

But to return to the question of the private interest of the contractor, I think his action in this matter is one which should appeal to the careful consideration of Congress. As I said, he has not only put in his private money and has spent all the money which he has obtained from Congress, $30,000, but in addition he has spent all the money he could borrow and he has mortgaged every particle of property he could lay his hands on that he could not sell. He has expended, as I am informed, about $100,000 in this improvement. If the Government drops it where it is he is absolutely a bankrupted man. There is no doubt about it in the world. Not only that, but this important work must stop. He can not even get the credit which will be necessary for him to complete the hundred-foot channel he is on, because he has exhausted all resources and all credit. He has certainly done that which I think should commend him to the generous treatment of the Congress of the United States in this matter.

Mr. FRYE. Of course the Senate understands that in order to have any correction made in the report there must be a disagreement to the entire report. It must go back to the conferees. As a matter of course the conferees can in a very few moments report again.

The trouble, and the principal trouble, with the amendment referred to by the Senator from Georgia [Mr. BACON] was that there was a provision in it which authorized a departure from the experiment which is being tried and the obtaining of this channel by the old methods of dredging. The committee of conference never could agree to that proposition under any circumstances. The whole thing was entered into as an experiment. If it was a successful experiment, it was important for the Government. If it was an unsuccessful one, as a matter of course it was a misfortune of the man who was making the experiment.

Mr. BACON. Will the Senator from Maine permit me to make one statement which I have made to him in private; and that is, I did not even know that that feature was in the amendment. I had not charge of the details of it, and as soon as the distinguished Senator from Maine called my attention to it in private conversation I said to him that I would yield it, and without hesitation.

Mr. FRYE. All I have to say about it is simply that if the Senate thinks the Senator from Georgia is entitled to a change in this matter all it has to do is to disagree to the report, and the conferees will immediately meet and make another report.

Mr. SHERMAN. Is it not a quicker way to disagree to that item of the report?

Mr. FRYE. That can not be done. There must be a disagreement to the whole report or none.

Mr. SHERMAN. If the Senator from Maine thinks this particular item ought to go back, we had better send the whole report back.

Mr. FRYE. The Senator from Maine was persuaded by the Senator from Georgia, after he had made the great concessions in the amendment which he did, to favor the proposition of the Senator from Georgia.

Mr. WHITE. Mr. President, I think the Senator from Georgia [Mr. BACON] ought to have another opportunity in this matter, but I wish more particularly to say that I observe in the report of the conferees that there is a disagreement as to three items affecting the Santa Monica-San Pedro matter in California. One of those items as it came to the Senate was for the improvement of Wilmington Harbor, in accordance with the proposition of Colonel Benyaurd, $50,000. That item was in the bill as it came from the other House. To that proposition the Senate merely added a continuing contract, the House having adopted the Benyaurd project. The conferees on the part of the House object, as I understand, to that item.

The other provision, regarding which there was extended debate in this body, with reference to a deep-sea harbor, is also the subject of a disagreement, and then a third provision inserted in the survey portion of the bill, providing for an examination with a view to ascertaining whether a depth of 25 feet could be obtained in the Wilmington or San Pedro inner harbor is also included in the disagreement.

I presume that at this time it is unnecessary to make any motion with reference to this matter, since the whole report is to be disagreed to. I desire, however, to state that I will request the Senate to insist upon its amendments and make the matter the subject of further conference, if I am right in my view of the parliamentary situation.

Mr. FRYE. That will have to be done when the committee reports again, providing it reports to the same effect.

Mr. WHITE. I so understand it, and desiring to have no trouble hereafter I make this statement now.

The PRESIDING OFFICER. The question is on concurring in the report of the committee of conference.

The report was nonconcurred in.

Mr. FRYE. I move that the Senate request a further conference with the House of Representatives on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate at the further conference; and Mr. FRYE, Mr. QUAY, and Mr. VEST were appointed.

BRIDGE ACROSS ALLEGHENY RIVER.

Mr. CULLOM. I desire to call up the conference report on the legislative, executive, and judicial appropriation bill, which is now upon the table.

Mr. VEST. I am authorized by the Committee on Commerce, to whom was referred the bill (S. 3170) to authorize the Butler and Pittsburg Railroad Company to construct and maintain a bridge across the Allegheny River, to report it with an amendment, and to ask for its immediate consideration. It is a formal matter, and I ask the Senator from Illinois to yield for the consideration of the bill.

Mr. CULLOM. Is it a long bill?

Mr. VEST. It is an ordinary bridge bill and is not very long.

Mr. CULLOM. As the Senator from Pennsylvania [Mr. QUAY] has appealed to me and says it is an important bill, which should be passed at once, I yield for that purpose, if there will be no debate.

Mr. QUAY. If there is any debate it can go over.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment of the Committee on Commerce was, at the end of section 4, to insert the following proviso:

Provided, That all railroad companies desiring the use of the bridge authorized by this act shall have and be entitled to equal rights and privilege relative to the passage of trains or cars over the same and over the approaches thereto upon the payment of a reasonable compensation for such use, and in case the owner or owners of such bridge and the several companies, or any one of them, desiring such use shall fail to agree upon the sum or sums to be paid and upon the rules and conditions to which each shall conform in using said bridge, all matters at issue between them shall be decided by the Secretary of War upon a hearing of the allegations and proofs of the parties. And equal privileges in the use of said bridge shall be granted to all telegraph and telephone companies.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. CULLOM. I hope we may now proceed with the consideration of the conference report on the legislative, executive, and judicial appropriation bill.

Mr. SHERMAN. Will the Senator from Illinois allow the filled-cheese bill to be taken up?

Mr. CULLOM. I can not afford to do that. The conference report has been laid aside two or three times to accommodate other appropriation bills. The filled-cheese bill will be discussed and opposed.

Mr. SHERMAN. To some extent, but not much.

Mr. CULLOM. I think the Senator ought not to ask me to

yield for a general bill of this sort which will delay a very large appropriation bill.

Mr. SHERMAN. I give notice that after the report is disposed of I will ask the Senate to take up the filled-cheese bill.

Mr. CULLOM. The report, which is the third one on this bill, was read some days ago and laid on the table and printed, so that everybody in the Senate, I suppose, has seen it. All that I desire is that the report shall be acted upon.

The PRESIDING OFFICER. The Chair lays before the Senate the conference report indicated, which will be stated by title.

The SECRETARY. Report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6248) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes.

Mr. PLATT. Mr. President, there are two matters in the conference report to which I think the attention of the Senate ought to be called, and, as it seems to me, the Senate ought not to agree to the conference report, basing its objection to an agreement upon two grounds. In the bill as it came from the House originally there was a provision similar to what has been agreed to here—and I do not know but that it was precisely the same—relating to the matter of commissioners of the circuit courts. That matter was considered in the Judiciary Committee in connection with the matter of providing fees for district attorneys and marshals of the United States courts, and the opinion of the Judiciary Committee was unanimous against the provision of the House with reference to the appointment of commissioners.

Then the Appropriations Committee refused to consider favorably the proposition which the House had made with reference to commissioners. My recollection is that when the matter came up on the passage of the bill in the Senate the Senator from New York [Mr. HILL] practically asked whether the Senate conferees intended to give away the amendment by which the provision relating to commissioners was stricken out. Perhaps I do not state it exactly as it was put in the Senate, but substantially I think that was the effect of what the Senator from New York said.

Mr. HILL. The Senator from Connecticut will permit me. While the question was being discussed, I called attention to the fact of the impropriety of legislating upon an appropriation bill, and instanced the fact that the Judiciary Committee had recommended that the whole matter relating to United States commissioners should be stricken out. The Committee on Appropriations struck it out. Therefore it was not discussed at all in the Senate.

I then called attention to the fact that if the conference committee should agree to the amendment of the House, it would be done without ever having been discussed in the Senate at all. I was then assured in the most positive language, and it can be found in the RECORD, that there would not be an agreement to that effect.

Mr. PLATT. That is my recollection.

Mr. CULLOM. I perhaps ought to say a word in reference to this point, as there seems to be an effort to put the committee in the attitude of going back upon its word.

Mr. PLATT. Not that I know of.

Mr. CULLOM. The truth about it, if the Senator from Connecticut will allow me to interrupt him, is that the whole subject involving attorneys, marshals, and commissioners came before the Senate in the consideration of the bill. The question as to what should be done with them was discussed at some length in the Senate before the bill was taken up for consideration by the Committee on Appropriations at all, as I remember it. It then went to the Committee on Appropriations. That committee referred the whole subject to the Committee on the Judiciary of the Senate. They made their report, leaving out as a matter of fact the commissioners, and the Committee on Appropriations proceeded with the consideration of the bill and reported it, leaving out the commissioners, but reporting finally in favor of an arrangement with reference to attorneys and marshals.

It then got into conference, after the bill had passed the Senate and gone back to the other House, and action was taken by the conferees of the two Houses, a disagreement resulting at first, as I remember, by the conferees of the two Houses in reference thereto. But finally an agreement was had between the conferees of the two Houses as to attorneys and marshals, the conferees of the Senate still disagreeing to any provision in reference to commissioners.

The House conferees insisted upon the regulation of commissioners as well, and in the third conference which has been had upon the bill there was an agreement on the part of the conferees. In every report before this the Senate has known very well exactly the state of the case as it progressed before the conferees of the two bodies.

Mr. PLATT. I wish to state that I am not finding fault with the conference committee. I trust the Senator from Illinois will not think I am.

Mr. CULLOM. I only felt that it was probably due from me to state exactly the history of the matter, so that the Senate might not feel that we have not been strongly disposed to stand by the action of the Senate so long as it seemed at all proper that we should do so with regard to this item.

Mr. PLATT. In reference to that, it seems to me that if the action of the Senate now taken is such as to show that the Senate had decided opinions upon this subject it may not be impossible that the conferees may not agree with the House in accordance with the views of the Senate.

I wish to say that it is hardly the proper way to determine the question of even the salaries of marshals and district attorneys and of the law relating to the commissioners of the United States by disposing of it on an appropriation bill. The effect of it is, and has been so far, that the House has had its own sweet way and will upon the whole matter. I do not mean to say that in every instance the Senate conferees have given up to the House conferees as to salaries of attorneys and marshals, but I do mean to say that with very few exceptions in the matter of marshals' salaries the conferees receded from the position taken by the Senate as to those salaries. Looking at the former report, Senators will see a hundred items from which the Senate receded and agreed to the House bill. I speak now of marshals, and although that matter is passed, I can not help saying that I think very great injustice has been done in some of the districts, my own district especially, in reference to this matter. The truth is that the conferees simply had to take the sums fixed by the House or they could not have an appropriation bill, or thought so. It comes to that again. Practically, the Senator from Illinois [Mr. CULLOM] tells us that the Senate conferees had to recede; they must recede. The House insisted upon this provision with regard to commissioners.

Mr. CULLOM. The Senator is making another statement a little strong. Neither the Senate conferees nor the Senate have to do anything because the House asks them to do it, but it is a question of practicability, of what is right and proper, under all the circumstances. These items in the hands of the conferees of the two Houses must be settled in some way, and if we are to agree to the passage of a bill at all somebody must yield. We must give and take, to use a common expression. That is the usual rule. We have simply tried to do the best we could, and we thought that under the circumstances perhaps what we had done was the best that could be done in reporting the result of the conference.

Mr. PLATT. I beg again to assure the Senator from Illinois that I am not criticising the conference committee. I am criticising the result which is reached when we undertake to deal with questions of this sort upon appropriation bills. The very language which the Senator uses—and he uses it because it is absolutely true—that when you go into conference you have to settle things by giving and taking, shows the impropriety and the difficulty of legislating upon subjects of this sort in that way, because all the while the House has the advantage of saying to the Senate conferees, "If you do not do this, you simply get no appropriation bill." The Senate conferees are therefore under coercion to give up things which they know, or ought to know, the Senate does not want them to give up, because the House conferees are in a position to say, "Take this or you do not have any appropriation bill." That is the real truth of the matter plainly stated, without exaggeration and without prevarication.

The Senator says they have had to give and take on this matter of marshals, attorneys, and commissioners. Mr. President, they may have taken a little, but they have given a great deal. I do not think that in relation to the marshals' salaries the House provision has been changed in more than ten or twelve cases; in all the others they remain precisely as the House fixed them in the first place, and in many cases are manifestly unjust. That is so also with reference to the attorneys' salaries. When it comes to the matter of commissioners, it is all given up to the House to fix it just as they had it in the first place. That may be giving and taking, but it is receiving very little, and giving away the lion's share.

With reference to this matter of changing the law as to commissioners, I see no reason for it as proposed in the bill as it came from the House and agreed to by the committee of conference. It has been rejected by two committees of the Senate upon deliberation and investigation, and yet it is given away. What we take is altogether more shadowy than what is given in this legislative game of give and take.

What does this propose to do? I want to call attention to it for a moment, though first I want to call attention to the fact that there is a technical objection to it, which, I suppose, was overlooked by the conferees.

In the Indian Territory we have officers who are called United States commissioners. We have a great many of them, necessarily, for the administration of justice in that Territory. They are clothed with the powers of circuit court commissioners. This bill proposes to legislate all circuit court commissioners out of office, and to confer upon commissioners who are to be appointed by the district courts the powers which are now conferred upon United States circuit court commissioners; but it will leave the

commissioners in the Indian Territory without any powers whatever, because the office of circuit court commissioner is abolished, all power is taken away from them, and no power is, by this act, conferred upon the United States commissioners in the Indian Territory. So, if this becomes a law and there is no further legislation—and it is highly improbable that we can get any further legislation at this session—on the 1st day of January next, or whenever it is, all the powers of the United States commissioners in the Indian Territory to have any preliminary examination and to hold for bail in cases of offenses against the United States law will be entirely swept away. But that, I say, is a formal objection, perhaps, to the provision.

This is remarkable legislation, Mr. President. It proposes to legislate out of office every circuit court commissioner in the United States. I do not think any such sweeping provision was ever enacted by Congress, legislating out of office, I do not know how many, but probably four, five, or six hundred court officers in the United States.

Mr. GRAY. What necessity is alleged for that provision of the bill?

Mr. PLATT. Nobody has advocated it; there has not been even one word of discussion of it on this floor.

Mr. GRAY. Does the Senator know what reason is alleged for such action?

Mr. PLATT. I have heard that there are some United States commissioners somewhere in some of the States who are supposed to be using their offices to make too much money out of them; but that is all that I have ever heard suggested anywhere. I want to say, if that is true, it is local and not general. I want to say that in the older settled States in the country that does not apply at all.

Mr. TELLER. Will the Senator allow me to interrupt him?

Mr. PLATT. Certainly.

Mr. TELLER. I understand that the complaint is that a large number of these commissioners were appointed some time since, and that the authority which appointed them—the judges—are very loath to remove them, although the Attorney-General has complained in some instances that they were not discharging their duties properly; that they were attempting to make too much money out of their offices, and in that way were annoying and robbing the citizens; yet the judges have declined to make any changes. The feeling is, unless we legislate upon the subject, some of them will remain in office and continue such practices.

Mr. PLATT. That is a reflection upon the judges of the United States courts.

Mr. HILL. If the Senator will allow me to interrupt him, the power to remove exists for any good cause, does it not?

Mr. PLATT. It certainly does.

Mr. HILL. It is purely within the discretion of the circuit court judges, if they desire to make removals.

Mr. PLATT. It seems to me an astonishing argument that the judges of the circuit court will not remove a man who is improperly exercising the duties of his office when their attention is called to it by the Attorney-General. I am not going to speak to the question of fact, but it is a very remarkable statement to make in support of this legislation. But however that may be——

Mr. TELLER. I do not make the charge. I say that is the complaint made, and that is the ground upon which this legislation was proposed in another body.

Mr. PLATT. I think it is an insufficient ground, because I take it that it can not exist to any considerable extent that a United States commissioner anywhere is discharging the duties of his office in such a reckless manner as would justify and make proper his removal, and that the judges of the circuit court will not remove him when their attention is called to it by the Attorney-General.

Now, I want to look at the matter once more with regard to the arbitrary character of this legislation. It is a pretty dangerous thing to commence, Mr. President. I suppose we have in Congress in particular instances legislated one or two men out of office somewhere; but here we propose a wholesale legislation of incumbents out of office because there are two or three or half a dozen people somewhere in the United States who are improperly discharging the duties of their offices, as it is claimed, though it has never been alleged on the floor of the Senate, because we have had no discussion of it. That of itself is enough to condemn this legislation, and it is enough to make the Senate take a firm stand that it will not submit at the dictation of the House conferees that such an arbitrary, unjust, and uncalled-for act as the legislating out of office of all the commissioners of the circuit courts in the United States, good and bad.

What is proposed to be done? Having legislated them out of office, we must provide such officers in some way. So it is proposed that the district courts shall appoint district commissioners, who shall perform the same duties which are now performed by the United States circuit court commissioners by law; that is to say, they take away the appointing power from the circuit courts and confer it upon the district courts, whose judges are inferior in rank. It is not only a reflection upon all the United States commissioners in the country but a reflection on all the circuit judges in the country. I do not want to use harsh language about it, though I am tempted to do so. I say it is an utterly unjustifiable method of legislation.

Then, again, it creates a new term of office of United States commissioners. I think that is all wrong. Mr. President, from the foundation of the Government, from the enactment of the judiciary act, it has been the settled practice of this country that these commissioners should be appointed by the circuit judges, and to remain commissioners until the circuit judges found reason to remove them. Now it is proposed to revolutionize the whole system and have these men appointed no longer by the circuit courts, but by the district courts, which is synonymous with saying the district judges, and gives them a term of four years. What does that do? It makes the office a political office, an office to be scrambled for, an office which a man will have to leave on account of his political standing every time there is a change made in the office of district judge and a judge of another political faith takes the place of the person who for any reason goes out.

Mr. HILL. Will the Senator allow me a moment?

Mr. PLATT. Certainly.

Mr. HILL. The Senator has given considerable attention to this subject, and I should like to ask him whether there is any provision whatever for those United States commissioners holding over after the expiration of their terms until their successors are appointed or whether their terms absolutely expire? I do not discover, upon a hasty examination, any provision for their holding over at all.

Mr. PLATT. Unless there is something in the general law or the common law which permits them to hold over; there is certainly no provision for it in this proposed legislation.

That is all unnecessary; it is arbitrary; it can not be justified. It turns the office of clerk of the courts, district and circuit, into an office to be scrambled for as the political situation in the country changes. It does away with men of experience, and, except upon the idea that the persons who now occupy the positions and who are legislated out of office, are to be reappointed, it will induct into these very important offices a lot of men who have had no experience whatever. Is there any ground upon which this can be justified? Has there been any such complaint, or is there any such evil as requires it, or even excuses it?

I remember something in Blackstone that in the construction of laws we should consider the old law, the mischief, and the remedy. This is not the construction of a law, but it is quite well to consider the old law, the mischief, and the remedy. In this matter the old law is all right, the mischief is but a minimized mischief, if at all, and the remedy is tenfold worse than the disease. So I say that it seems to me upon this matter the Senate ought to take a firm stand.

It might be supposed there was a great reform here in the matter of fees, but there is no reform in the matter of fees of the commissioners which justifies this extreme and arbitrary legislation. There is a provision here to which I should like to call attention.

> And no person shall at any time be a clerk of a United States court and a United States commissioner without the approval of the Attorney-General.

It may be said that the Attorney-General, when it is quite proper that the clerk of the court should be a commissioner, will approve. Perhaps he will and perhaps he will not. I do not think Congress ought to commit any such authority as that to the discretion of the Attorney-General, which may be exercised even according to his whim or according to any misinformation he may have as to the character of the clerk.

Mr. President, in all the Eastern States, in the State of New York, the State of Pennsylvania, and in all the older States of the country, the acting commissioner, the commissioner who does the business, almost always is the clerk of the court. Ever since I have known anything about the practice of law, in the State of Connecticut the clerk of the United States district and circuit courts has been the acting commissioner there; and I venture to say that during that whole time there has not been a complaint of his action. He is the most proper man in the State to perform that duty. I might refer to the clerk and commissioner in the southern district of New York, Mr. Shields, who has achieved a national reputation as clerk and commissioner, who, I might say, is almost as well qualified to judge of offenses arising under our treaties with foreign countries as the Secretary of State himself, yet he can not be a commissioner unless he comes down and begs the Attorney-General to continue him as commissioner, if indeed he should happen to be appointed as commissioner.

I did not intend to spend half so much time on this subject as I have, but it is a matter of too much importance to pass the Senate simply because the conference committee says so, and without any investigation and discussion.

There is one other thing in the report of which I do not speak so earnestly, but to which I wish to call attention. This report provides for the appointment of a register of copyrights, and I wish to call attention to the method of appointment provided for by the report.

Prior to 1870, I think, copyrights were obtained by entering the thing for which a copyright was required in the office of the district court of the United States in the respective districts. You take up an old copyrighted book, and you will find "Entered according to act of Congress in the district court of the district of Delaware," for instance, and signed by the clerk. In 1870, upon the revision of the patent and copyright laws, the duty of receiving and registering copyrights was transferred to the Librarian of Congress, with whom it still remains; and the copyright law requires that the person desiring to procure a copyright shall deposit two copies of the work to be copyrighted with the Librarian of Congress, and he is then entitled to receive from him an official certificate, which is prescribed in the statute.

Now it is proposed to take that duty away from the Librarian of Congress and give it to a register of copyrights. That register of copyrights is to be appointed, I think, in a method unknown to the Constitution. He is to be appointed—no, it does not say appointed—but he is to be "selected * * * by the Joint Committee upon the Library of Congress, consisting of the Committee on the Library of the Senate and the Committee on the Library of the House of Representatives." They are to select him. There is no provision that he shall be appointed at all. It is of the highest importance that the person who has charge of copyright matters shall be an officer of the Government.

Mr. GRAY. A legal officer?

Mr. PLATT. Yes, a legal officer, because the title to every copyright in the country depends upon his official act.

Mr. GRAY. I will ask the Senator from Connecticut if that method has been decided upon, that the register of copyrights is to be selected by a joint committee?

Mr. PLATT. It is so stated in this report.

Mr. GRAY. In the conference report?

Mr. PLATT. Yes; it is in the conference report, and I will call attention to it.

Mr. GRAY. That seems to be a most amazing provision.

Mr. PLATT. I call attention to it. Here is the provision:

> For register of copyrights, $2,500, who shall be selected on or after June 1, 1896, by the Joint Committee upon the Library of Congress, consisting of the Committee on the Library of the Senate and the Committee on the Library of the House of Representatives, and who shall give good and sufficient bond to the United States in such sum, not less than $20,000, as the Secretary of the Treasury may direct, and to be approved by him, faithfully to account for all public moneys and property which he may receive.

Here is something from which it will appear that if these powers are conferred upon him they are conferred very crudely:

> He shall have and exercise all the rights and duties touching copyrights now devolved upon the Librarian of Congress.

It will be observed that this takes him away from the Library. He is not an officer of the Library except as he gets connected with it by this clause:

> He shall, without additional compensation, disburse the sums appropriated for the salaries and expenses of his office and also the salaries and expenses appropriated for the Library of Congress.

That is all that connects him with the Library. Now, it is claimed, as I understand it, that he can be appointed in this way because the Library of Congress is an institution of Congress, solely within the charge of Congress. It might be interesting to go into the history of how the Library has been built up.

Mr. GRAY. The Houses of Congress, if I may interrupt the Senator, do not undertake to appoint the Librarian of Congress, but he is appointed by the President.

Mr. PLATT. Congress does not appoint him. I was coming to that in a moment. The Librarian is appointed by the President. That was ordered by a statute away back in 1802, I think, before we had very much of a library. The Library started when Congress was coming from Philadelphia to Washington by an appropriation to purchase $5,000 worth of books for the use of Congress, and when Congress came here they provided for the appointment of a Librarian; that he should be appointed solely by the President, and the President for the first few years appointed the Clerk of the House as Librarian ex officio. Then President Monroe appointed a Librarian of Congress as the Library grew, and that is the way it comes about; that is the way the appointment has been continued up to the present time.

How can Congress appoint an officer under the Constitution? I do not say that it may not appoint agents under the Constitution to perform certain duties, and, if money is appropriated for the purpose, to pay them legally. I do not say a Capitol policeman can not be appointed by the joint action of the Architect of the Capitol and the Sergeant-at-Arms, but when you are talking about a legal and constitutional officer, I doubt very much—I will not put it any stronger than that—whether Congress can appoint, or, if they can appoint, whether they can delegate the appointment to a joint committee of the two Houses. The Constitution is familiar to everyone.

Mr. GRAY. Congress is not the head of a Department.

Mr. PLATT. Section 2 of Article II of the Constitution provides that the President—

> Shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of Departments.

Under that provision of the Constitution there was vested, as it might constitutionally have been, the appointment of the Librarian in the President alone. I do not know of the case of any other officer where the appointment has been vested in the President alone. But Congress can not appoint a legal officer of itself. You will find here under the head of the Senate and the House of Representatives——

Mr. TELLER. I should like to ask the Senator if he thinks that that is an unconstitutional provision?

Mr. PLATT. What is an unconstitutional provision?

Mr. TELLER. The one providing for the appointment of a register of copyrights by a joint committee, as provided in the conference report.

Mr. PLATT. That is just the argument I am trying to make.

Mr. TELLER. I should like to have the Senator answer the question categorically. I am not expressing any opinion about it myself, but I want to get his view of it.

Mr. PLATT. I think there is no power under the Constitution giving Congress the right to appoint a legal and constitutional officer of this Government.

Mr. GRAY. I should like to ask the Senator from Connecticut this interesting question in the hearing of the Senator from Colorado [Mr. TELLER]: I ask, if Congress may appoint this officer, who is to be clothed with these important and responsible duties, what limit is there on the power of Congress to appoint officers in every Department of the Government?

Mr. PLATT. I do not find any power in this Constitution giving to Congress the right to appoint an officer. That is what I was trying to argue.

Mr. TELLER. Then I will put the question, does the Senator from Connecticut think the register of copyrights is an officer?

Mr. PLATT. No.

Mr. TELLER. He is not an officer?

Mr. PLATT. I think I said some time ago that I supposed Congress might appoint an agent to attend to any of the duties of Congress, but he does not become a constitutional and legal officer. It will be observed, the Constitution having provided that the Vice-President shall be President of the Senate, that—

> The Senate shall choose their other officers, and also a President pro tempore in the absence of the Vice-President, or when he shall exercise the office of President of the United States.

Mr. GRAY. Its officers.

Mr. PLATT. Its officers, but they are constitutional and legal officers of the Senate, and the same thing is true with regard to the House of Representatives. The provision of the Constitution as to the House of Representatives is:

> The House of Representatives shall choose their Speaker and other officers.

So they become officers of the Senate and of the House, but you might just as well commit to the janitor of Congress—whom I agree that the two Houses can appoint—you might just as well commit to the janitor of Congress the power to act in this copyright matter as to the person whom it is proposed to call register of copyrights.

I am not going to say that it will invalidate the copyrights of the United States not to have a constitutional and legal officer who shall discharge the duties of the copyright law, but I am going to say that it is not seemly, and it is not proper, and we had better not begin this matter. It will be observed that this man is taken thoroughly out from the Library, the only ground for this appointment being that Congress, having charge of the Library, can make appointments of persons to take charge of matters in the Library of itself, without authorizing it to be done by the President; but Congress never yet has done it, though it is said it can do it.

This man, too, is pretty far removed from the Library. It is only by a very thin, elastic, and well-stretched cord that he is connected with the Library at all. The duties of this person regarding copyrights are taken entirely away from the Librarian, and so far as he is a register of copyrights he has no connection with the

Library; he is only connected with the Library because he is made disbursing officer for the Library.

I submit that he is not and can not be, under this appointment, a constitutional and legal officer, and that we ought to have one to attend to this copyright business, and that we ought not to commit the important matters which have heretofore devolved upon the Librarian to a mere agent or employee of Congress.

Having said this much, I have said all I desire to say about this report. I think I have said enough to show that the Senate ought to send it back to the committee and insist upon its action in regard to the appointment of commissioners and for some other method of appointment of the register of copyrights.

Mr. MILLS. Mr. President, I wish to submit a few remarks in continuation of the argument made by the Senator from Connecticut [Mr. PLATT] in closing. The conference report provides, as he says, for the appointment of a register of copyrights by the joint action of the Committees on the Library of the Senate and House of Representatives. I maintain that the Constitution confers upon the Executive alone the power to appoint every officer in this Government except as to those which are given to the heads of Departments and to the courts.

Mr. GRAY. By law.

Mr. MILLS. By the Constitution, the supreme law.

Mr. GRAY. The Constitution says Congress may invest that duty.

Mr. MILLS. When Congress makes a law it passes through both branches of Congress and is submitted to and receives the approval of the President of the United States, or it is passed over his veto and then becomes a law. The law creates the office, but the Constitution has placed the appointment alone either in the President of the United States or in the head of one of the Executive Departments or in the courts of the country.

Now, this is no Congressional Library. It has the name of Congressional Library, but the property belongs to the nation. It is the United States Library, created by the law of the United States, and its officers must be appointed by the President. There are no heads of Departments who can have jurisdiction of this appointment. Courts can not have it. I suppose that under the Constitution, calling this an inferior office, we might confer upon the head of a Department the power to make this appointment.

Mr. President, I find in one provision of the Constitution the power given to Congress "to promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries." In this one single paragraph of the Constitution provision is made for patents and copyrights.

When the Congress established a Patent Office Bureau they provided for the appointment of a Commissioner of Patents. Will anyone contend that Congress could have conferred that appointment upon the Joint Committee on Patents of the Senate and House of Representatives? If they can do that, they can create ambassadors, and they can confer upon the Joint Committee on Foreign Relations of the two Houses the appointment of those ambassadors.

Mr. President, if Congress can do this thing, they can emasculate the Executive of all the appointing power. It is his duty under the Constitution to see that Congress shall not so encroach upon the Executive as to destroy the Constitution. All officers of the Government are required to support the Constitution and to take an oath to that effect. Every one of us has taken it. Every State officer from governor to constable has taken that oath by the command of the Constitution of the United States and of every State in the Union. Why is that? Why were the founders of republican government so anxious about the Constitution as to require every officer in the national and State governments to take an oath to support it? Such a thing is a novelty in governments. No other government upon earth that I know anything about ever required of its officers, executive, legislative, and judicial, an oath to support the constitution of its government. It was the jealousy for liberty and free government that laid that down and required the officers in all the departments of the Government to observe a limitation and not cross it.

Mr. President, we ought to observe the distinction drawn by our fathers in the Constitution where they required each officer to swear to support the Constitution. But when the President is inducted into that high office he is charged not only to see that the laws are faithfully executed, but to take care—that is a strong expression—to take care that the laws are faithfully executed. What law? The Constitution is the highest law; the laws of Congress and treaties after it. But he is sworn not to support, he is sworn to protect, to preserve, and defend the Constitution. When we are sworn to support the Constitution we are confined to our own action; we are to govern our own action; but the President is sworn to see that we do not transcend that action, and he is invested with the power to prevent it as far as the Executive veto can accomplish it.

Mr. President, if this office is created by the proposed act of Congress it will be a nullity. If the officer is inducted by the appointment of the committees of the two Houses, I say his appointment will be a nullity. He is a disbursing officer, charged with the disbursement of all the moneys both in the copyright and in the library department, and is not responsible for a single, solitary dollar of it. If I were Comptroller of the Treasury and had to pass upon the moneys to be placed in this officer's hands under this appointment, having sworn to support the Constitution by my own action, and that obligation appearing to me as it does now, I would never pass one of his accounts. I never would put a dollar into his hands until by the mandamus of a court I was compelled to do it.

This is all I desire to say on the constitutional argument. But this same provision, to which the Senator from Connecticut [Mr. PLATT] referred a while ago, has a remarkable conclusion:

> The assistants in the Library of Congress now employed on work relating to the execution of the copyright law shall continue to be so employed, in the discretion and under the direction of the register of copyrights, until the close of the fiscal year 1897.

Mr. President, why are these people to be turned out at the end of the fiscal year 1897? Why is there a provision of law that invests this officer, even though he be appointed by the President, with the power to sweep without cause every officer under him out of existence and appoint his own friends and favorites or the friends and favorites of some other person after the 30th day of June, 1897? I am opposed to such a sweeping provision. I am opposed to giving power to any officer of the Government to turn everybody out of his department at his pleasure without giving some good cause.

Subordinate officers in all departments of our Government are secure in their places as long as they discharge their duties faithfully and are efficient and faithful officers; but these people are not secure even though they perform all their official duties correctly. Though no cause whatever can be assigned for their removal, it is in the discretion of this newly appointed officer under the control of the two Houses of Congress to sweep all these people out of existence and appoint his own favorites at his pleasure.

For these reasons, Mr. President, I am opposed to agreeing to the conference report.

Mr. CHANDLER. Mr. President, I agree in a general way with the proposition made by the Senators from Connecticut and Texas that Congress can not appoint an officer of the United States. I have been a great advocate of the proposition and I do not consider my devotion to that correct principle of constitutional law as less than that of the Senators from Connecticut, and Texas. But I submit that the argument does not apply in this case. This is not such a question, in my belief, as they have stated. The register of copyrights is not to be an officer of the United States in the constitutional sense. He is only an appointee in the Library of Congress.

The whole question resolves itself into this, whether Congress can constitutionally have a Congressional Library and appoint all the officers in that library. If it can not, then the argument of the Senators is sound. But if it can have a Library of Congress, belonging solely to Congress, and can provide that copyright publications shall be deposited in that library, with the legal effect of giving the owners of the publications the protection which the law intends to give them, then the whole argument of the Senators is gone.

Can Congress have a Library of Congress, and can it require copyrights to be registered there and nowhere else? One fact is certain. We in fact have a Library of Congress. To be sure, there is a provision that the President shall appoint the Librarian; but I hold and I think the correct position is that Congress can appoint its own Librarian. Why not? No other branch of the Government has any control over this Library. It was the intention of the two Houses in creating a library that it should be absolutely within the control of the two Houses and not in the control of the Executive, and not even in the control of the Supreme Court. The law provides distinctly for a Congressional Library under the sole management and control of Congress.

How is it controlled by Congress? By the two Committees on the Library in the two Houses of Congress? The Library is carried on under the management of those committees. I do not propose to argue at any length the proposition that this is the Library of the two Houses, because here it is established in chapter 6 of the Revised Statutes, and every provision in this chapter shows the intention of Congress to keep the Library of Congress as an institution belonging to Congress in a special sense, and not belonging in any sense to any other branch of the Government.

Now, Mr. President, what is the copyright law? It is found on page 957 of the statutes. The first section is headed "Copyrights to be under charge of Librarian of Congress."

> SEC. 4948. All records and other things relating to copyrights and required by law to be preserved shall be under the control of the Librarian of Congress and kept and preserved in the Library of Congress, and the Librarian

of Congress shall have the immediate care and supervision thereof, and, under the supervision of the Joint Committee of Congress on the Library, shall perform all acts and duties required by law touching copyrights.

Then follow all the other provisions as to copyright, requiring the deposit of books and everything for which a copyright is desired with the Librarian of Congress, and there is no other officer of the Government who has anything to do with copyrighting except the Librarian of Congress and his assistants.

Mr. GRAY. And he was appointed by the President.

Mr. CHANDLER. And he was appointed by the President; but if my argument is good for anything, it is that the Librarian of Congress by law may be appointed by the two Houses of Congress.

Mr. GRAY. May I ask the Senator, under his view of the power of Congress to invest this appointee of the two Houses with this function, what limit is there upon the power of Congress to invest any of the employees of the House or the Senate with any function entirely outside of their duties to the House or to the Senate? Why can not we invest the assistant doorkeeper of the Senate with the functions of a United States commissioner?

Mr. CHANDLER. Any extreme case can be supposed. I am not arguing that Congress might take the functions of the Government for collecting revenue or connected with the Army or the Navy into the Library of Congress. I am only arguing that it is within the fair discretion of Congress to make the Librarian of Congress the keeper of the copyright publications; that it is competent for Congress to require copyrighted books to be deposited in the Library of Congress. The desire to do this was one of the causes of the transfer of the depositing of copyrighted books from the circuit courts, where the books were of no use, to the Library of Congress, where the publisher is not only obliged to register the title of the book, but is also obliged to deposit a copy of the book itself. Whatever may be said as to an extreme case, no one can read this statute without seeing the absolute intention of Congress to connect the copyrighting of books and publications with the Library of Congress. It seems to me that it is impossible to contend that it is the exercise of an unconstitutional power for Congress to make the Librarian of Congress or a subordinate of the Librarian of Congress a register of copyrights.

Mr. GRAY. I ask the Senator from New Hampshire whether he would consider it an extreme case if I suggested that under the same contention we might appoint the Commissioner of Patents, for instance, who is the officer invested by law with the judicial power of deciding upon a patent and issuing that privilege under the Constitution to the person who has made a valuable invention.

Mr. CHANDLER. I am not certain that we could not. I do not argue that we could. I say an extreme case may be supposed where a constitutional line ought to be drawn. I do not think the governor of a State can vote for a United States Senator under any circumstances. The Senator from Delaware thinks he can. That is a very extreme case. But I say here, first, that it is a very weak argument to say that we can not have a Library of Congress solely under our control, and to say further that having such a library, we can not make it the copyright office of the United States.

Mr. PLATT. May I ask the Senator a question? Whoever has charge of the copyrights, whether it be the Librarian of Congress or some man who shall be appointed for that purpose, has to exercise judical functions with regard to determining who is entitled to a copyright. If he issues a certificate it gives a man a copyright. If he refuses to do it the man gets no copyright. Does not the Senator think that a man charged with that duty ought to be something more than an employee of Congress?

Mr. CHANDLER. The Senator does not argue that the register of copyrights is a judicial officer?

Mr. PLATT. In one sense.

Mr. CHANDLER. It is not necessary that he shall be even an executive officer.

Mr. PLATT. He is.

Mr. CHANDLER. He is not, I think.

Mr. PLATT. The Librarian of Congress is made an executive officer of the United States, exercising judicial functions.

Mr. CHANDLER. Congress, through some notion such as the Senator from Connecticut has been arguing in favor of, after it had made a Library of Congress, which it was perfectly competent for it to keep under its sole control, did say that the President should appoint the Librarian of Congress, but it was an unnecessary concession, as it seems to me, to an unsound opinion. Read the whole statute as to the Library of Congress, and no man can doubt that it is perfectly competent for Congress to establish that Library. Then read the whole statute as to copyrights, and no one can doubt that it is competent for Congress to place the copyright office of the United States in the Office of the Librarian of Congress. If you concede these two things, then the whole constitutional argument falls to the ground, because the register of copyrights is not an officer of the United States within the provision of the Constitution, which says that the appointing power shall be given the President. He is an officer of Congress, performing his duty, as the Librarian of Congress now does, under the direction of the Joint Committee on the Library, and he may be appointed just as Congress chooses to provide for his appointment.

Mr. PLATT. If the Senator will permit me right here, conceding all that he says, that Congress may establish a Library and Congress may make that Library the depository of copyrights, I insist that what he says follows does not follow and we do not give away our case. When the Library was established there was no copyright business committed to it; but in 1870 Congress found a Librarian of Congress appointed by the President who was an officer of the Government, and then they committed the issuing of copyrights to that officer of the Government. I insist that whether it be the Librarian or whether it be a register of copyrights, he exercises both judicial functions and executive functions with relation to the issue of copyrights, and he must under the statute.

Mr. CHANDLER. He has not any discretion about anything.

Mr. PLATT. Certainly he has.

Mr. CHANDLER. What is it?

Mr. PLATT. He rejects applications over and over again.

Mr. CHANDLER. He has no power to do it.

Mr. PLATT. He certainly has; and he does.

Mr. CHANDLER. He has no power, whatever, except to take a document and file it.

Mr. PLATT. How does a man get a copyright? Can a man get a copyright which is valid under the law simply by sending something to the office which he is not entitled to copyright?

Mr. CHANDLER. Most certainly he can get into the court with the copyright. He is obliged to do nothing but make his deposit with the Librarian.

Mr. PLATT. Most certainly he can not. He can not get into court unless he has upon the article which he says is copyrighted these words: "Entered according to the act of Congress in the year ——, by A B, in the Office of the Librarian of Congress at Washington"; or at his option the word "copyrighted," together with the year when the copyright was entered.

Mr. CHANDLER. He can put that on himself.

Mr. PLATT. He would be thrown out of court very quickly if he had not a certificate of the Librarian.

Mr. CHANDLER. I think the Senator is mistaken about that.

Mr. PLATT. The Librarian rejects applications for copyright over and over again.

Mr. CHANDLER. He has no right whatever to do it. Is it possible that the Senator seriously thinks the provision for the appointment of the register of copyrights by Congress is contrary to the Constitution? He argues that, does he not?

Mr. PLATT. I have not said that we can not appoint any person in connection with the Library. What I say is that in appointing a person to have charge of the copyright system and the registration of copyrights, and the decision whether a thing is entitled to a copyright, we should have a legal and constitutional officer of this Government, and that we can not appoint such an officer.

Mr. CHANDLER. I again reply that the register of copyrights, the Librarian of Congress, has nothing whatever to do with deciding whether anyone is entitled to a copyright or not. But I am opposing the argument that it is unconstitutional for Congress to provide for the appointment of a register of copyrights. If that is so, then I ask the Senator whether a certain clause that I am about to read is not also unconstitutional:

All records and other things relating to copyrights and required by law to be preserved shall be under the control of the Librarian of Congress, and kept and preserved in the Library of Congress; and the Librarian of Congress shall have the immediate care and supervision thereof, and, under the supervision of the Joint Committee of Congress on the Library, shall perform all acts and duties required by law touching copyrights.

Now, is it an unconstitutional law which provides that the copyright business shall be done under the supervision of a joint committee of Congress on the Library?

Mr. GRAY. I think it is.

Mr. PLATT. It may not be, for the reason that the Librarian of Congress was a constitutional officer when the law was enacted.

Mr. CHANDLER. But if as an appointee of the President he belongs to the executive and not to the legislative department of the Government, then it is unconstitutional to put such an appointee of the President in the performance of his duties under the supervision of a joint committee on the Library of Congress.

Mr. GRAY. I do not see how the constitutionality of that can be defended. I accept the logic of the situation.

Mr. CHANDLER. The Senator from Delaware always follows his constitutional theories to the uttermost limit; the Senator from Connecticut wants to run away from his, whereas I take the Library of Congress as I find it on the statute book, and I take the copyright law as I find it on the statute book, and

I say it was a solecism to authorize the President of the United States to appoint the Librarian of Congress. I think the provision for his appointment grew out of a notion that had no foundation in correct constitutional law, and that the provision might be repealed to-morrow, and I say that it ought to be repealed to-morrow, and the Librarian of Congress ought to be appointed by Congress itself, because if it is the Library of Congress, if it is our Library, the President has nothing to do with it, and we should appoint the Librarian and all other subordinate officers. I have no doubt about it as a matter of constitutional law.

I have no doubt, further, that Congress can impose the functions of register of copyrights upon the Librarian of Congress. It is a constitutional statute. It is a very natural and judicious and proper procedure. Congress can, moreover, provide not only for the appointment of the Librarian of Congress, but for every subordinate of his, and necessarily, therefore, it can provide that the register of copyrights shall be appointed by the joint committees.

On this point I end, as I began, by saying that I have very strict notions myself as to the interference of one branch of the Government with another branch of the Government. I remember that Congress once sent a committee of the two Houses to the State, War, and Navy Department building to divide the rooms in that great building equitably between the War Department, the State Department, and the Navy Department. I had the honor then to be the Secretary of the Navy. I welcomed the committee with courtesy, but I took occasion to protest all the time that they were in the performance of an unconstitutional function; that they could not be sent there for that purpose. Congress might have divided the building as it chose by explicit law, but it had no business to send a committee of the two Houses to survey the building and make an adjudication how it should be divided. That was an unconstitutional act, and this would be an unconstitutional act if Congress had no power to establish a Library of Congress under the sole control of Congress. Congress has done that very thing, and the total control of the Library and of the copyright office is with Congress.

Having argued against my friend the Senator from Connecticut on this point, I take occasion to say, before finishing, that I concur entirely with him on the other branch of the case which he argues. I hope that the conference report will be disagreed to, for it is one of the most astonishing pieces of legislation that I ever heard of to provide by a rider on an appropriation bill for the removal of all the district and circuit court commissioners at one fell swoop.

Mr. THURSTON. Mr. President, I have very high respect for the Constitution of the United States, and I have not yet been long enough in the Senate to have it blunted or dulled by my greater respect for the powers of this body or of Congress. The report of the committee provides an appropriation for a "register of copyrights," and I call the attention of the Senate to some of the provisions with respect to the character and duties and actions of this officer. In the first place, he is to give "good and sufficient bond to the United States in such sum, not less than $20,000, as the Secretary of the Treasury may direct, and to be approved by him, faithfully to account for all public moneys and property which he may receive."

What are the public moneys and property that he may receive? If he is a mere employee of the Congress of the United States, why require him to give bond to the United States to account for the moneys of the United States to be received officially by him? The moneys he is to receive are not the moneys of Congress. They are not received by him for Congress, but under the proposed act he is vested with the power to demand from the citizens of the United States money for acts performed as register, for the registry of copyrights by the United States, and the moneys he receives become the moneys of the United States, and he must account for them as such.

Not only that, but he shall have an official seal containing the words "Register of Copyright, United States of America," and there in the proposed act is an official designation of his title. For it will not be contended by the Senator from New Hampshire [Mr. CHANDLER] that a mere employee of the Congress of the United States is to use a seal with any other than his official designation and character, and if upon that seal he is authorized to have inscribed, and to record upon every certificate, "Register of Copyright, United States of America," it seems to me it puts beyond all question the proposition that under the proposed act Congress is creating an officer of the United States.

I do not pretend to say that Congress may not employ a Librarian to take charge of its Congressional Library, to look after all the property that is within the possession of or designed for the use of the Congress of the United States, but even if Congress provides a Librarian I do not believe that he becomes an officer of Congress, for in my judgment there is no such thing under the Constitution of the United States as an officer of Congress. The Constitution expressly provides that the Senate may choose its officers; it expressly provides that the House may choose its officers, and it expressly provides that all officers of the United States must be appointed by the President of the United States by and with the consent of the Senate.

Mr. PLATT. The President has to commission them.

Mr. THURSTON. Yes; there is another provision in the Constitution which requires that the President must commission all officers of the United States, and we are driven to the irresistible conclusion, it seems to me, that if the two Houses of Congress, acting jointly, for the care and preservation of its property, for the custody and safe-keeping of the buildings and institutions which are provided for its use, selects a man to perform a service for it, he is not an officer of the Senate nor an officer of the House. He is not and can not be an officer, but he must remain a mere employee of Congress.

I do not believe it is contemplated under the Constitution of the United States that there shall be conferred upon a mere employee, who is not a constitutional officer under any section or provision of the Constitution, the performance of those public duties and of those acts which ought to be and must be in the truest sense of the word official with respect to matters and things not in any wise connected with the Senate of the United States. I do not believe there should be given to such an employee these official duties which have been reserved under the Constitution for those officers and those alone who are commissioned and created officers under its provisions.

Mr. CHANDLER. Will the Senator from Nebraska allow me?

Mr. THURSTON. Certainly.

Mr. CHANDLER. The Senator admits that the Senate might have a library and might appoint a librarian who would not be an officer of the United States within the meaning of the clause relative to the appointing power; and of course he admits that the House of Representatives may have a library of the House which would be its own.

Mr. GRAY. Allow me to interrupt the Senator from New Hampshire, and to say we have such a Librarian.

Mr. CHANDLER. Very good. Does the Senator from Nebraska contend that when Congress proposes to have a library belonging to the two bodies jointly it thereupon becomes necessary that the appointees to take charge of such joint library shall be appointed by the President of the United States because they become officers of the United States?

Mr. THURSTON. Not at all; I have just stated the contrary. But even if we concede that a Librarian can be appointed by Congress and is an employee of Congress, the Constitution does not permit Congress to give him any of those official or executive powers which the Constitution intends shall be exercised alone by an officer of the United States. I say you are proposing to confer upon this mere employee of Congress executive and official powers with relation to the performance of duties that in no wise pertain to the business of Congress or to its affairs, but pertain solely to the business and affairs of the American people.

Mr. CHANDLER. Then I conclude that the Senator from Nebraska thinks that the provision of the copyright statute that the Librarian of Congress shall do his work in reference to copyrights under the direction of the Joint Committee on the Library is unconstitutional?

Mr. THURSTON. I do not understand that that provision is of the character stated. I see nothing extraordinary in providing by act of Congress, approved by the President of the United States, that a committee of this body or of the other House or a joint committee may make rules and regulations for the administration of some certain office. But however that may be——

Mr. CHANDLER. Will the Senator allow me for a moment?

Mr. THURSTON. Certainly.

Mr. CHANDLER. The Senator certainly does not contend that a mere act of Congress can authorize a committee of this body to perform an executive act or to supervise the performance of an executive act which he argues is exclusively within the function of the Executive?

Mr. THURSTON. No; but I do hold that Congress may by act authorize any individual to make mere rules and regulations for the administration of one of the offices of the Government.

Mr. CHANDLER. If the Senator will allow me, he does not quite meet the case.

Mr. THURSTON. If the Senator will pardon me, for instance, Congress can by act authorize a judge of the circuit court of the United States to make rules and regulations governing the performance of the duties of a commissioner of the United States. It can not be contended that by mere delegation of authority to prescribe regulations there has been vested any of the powers of Congress.

Mr. CHANDLER. I wish to keep the Senator to the exact case

which is contained in section 4948. It is not a provision that regulations may be made, but it says:

The Librarian of Congress, * * * under the supervision of the Joint Committee of Congress on the Library, shall perform all acts and duties required by law touching copyrights.

Now, the word "supervision," as the Senator from Nebraska knows, is one of the broadest words. It gives control and it gives direction; it authorizes participation, and it creates superiority. If the Senator's argument is good for anything it must be unconstitutional.

Mr. THURSTON. If it is intended by the act that the committee of Congress shall arrogate to itself any of the powers or functions of that office, then it is unconstitutional.

Mr. CHANDLER. I ask the Senator whether it does not?

Mr. THURSTON. I do not so believe.

Mr. CHANDLER. What power has the Joint Committee of Congress on the Library over the operations of the copyright law under section 4948?

Mr. THURSTON. I can conceive of many mere directory rules and regulations which the committee of Congress might prescribe for the orderly and proper transaction of the business of that office——

Mr. CHANDLER. Does the Senator contend——

Mr. THURSTON. But I will go to the extent——

Mr. CHANDLER. Will the Senator allow me?

Mr. THURSTON. But I will go to the extent the Senator asks me to go, and I say if that provision requires that the committee of Congress shall perform as a directing force or otherwise any of those duties, then I believe it is unconstitutional.

Mr. CHANDLER. The Senator must admit that it is, then, because he says that if the power to direct is given to the committee it is unconstitutional.

Mr. GRAY. I suppose, if the Senator will allow me, he means that if the word "supervision" means control it is unconstitutional.

Mr. THURSTON. Unquestionably. I do not concede and I have not conceded and I expressly refused to concede the proposition made by the Senator from New Hampshire that under that provision there is any absolute power of control given to the committee of Congress.

Mr. CHANDLER. Then the Senator contends that when an officer is to perform his duties under the supervision of another body, there is no power of direction or control given under the power to supervise. Does the Senator say that?

Mr. THURSTON. I do contend that the power of supervision given is not a power of control with reference to the discretionary exercise of any function given to that officer by the law of the land.

Mr. CHANDLER. Then the power to supervise is not the power to supervise.

Mr. THURSTON. I say it is entirely unnecessary for us to determine the constitutional construction of that section, but if that power is given under that language then I do insist it is clearly unconstitutional.

Mr. CHANDLER. I do not want to be unreasonable with the Senator, but I should like him to give me an opinion without an "if" as to whether the power reserved to the joint committee of Congress in section 4948 is or is not unconstitutional.

Mr. THURSTON. I do not care to act judicially here upon the construction of an act of Congress which is in no wise necessary to the proper determination of the matter before the Senate.

All I say, and all I care to say, is that if Congress, in some previous act, has given to a committee of this body the performance of official duties entirely outside of the line of Congressional action, that provision is unconstitutional.

Mr. President, on the other matter involved in this report, our judicial system is composed of judicial circuits and districts, the circuit comprising several districts. There are the circuit courts of the United States, having jurisdiction throughout the circuits, and the district courts, limited to jurisdiction in the several districts. All district judges are also judges of circuit courts within their districts. The old law providing for the appointment of commissioners of those circuit courts therefore gave the authority to all the district judges acting as circuit judges, and also to circuit judges, to participate in the selection of those commissioners. In other words, heretofore the commissioners have been officers of the circuit courts of the United States, to be appointed by those courts.

The judges of the circuit court of the district in which I reside are the justice of the Supreme Court of the United States assigned to that circuit, the three circuit judges, who now constitute the circuit court of appeals therein, and the district judge for the district of Nebraska. All of them are judges of the circuit court of that district of Nebraska, and in the selection of the present commissioners for that district the action has been by the court, and the joint judgment and the joint wish of all those judges could be exercised in the selection of those commissioners. They have been chosen by these distinguished judges of ours and are in office. No complaint is made against them. They are honorable, capable, distinguished men.

Now, why is it that it is proposed to take away from one of the supreme judges of the United States and from each of the circuit judges the power to participate in the selection of commissioners of the courts of the United States? I think, sir, it is a reflection on the highest judicial officers in the land. No wrong is pointed out in the present system except that it is suggested that some of the men now in office are unduly exercising the power of their office to secure too much emolument for themselves. If that be true, then the same practice will grow up under whatever individuals are selected to become their successors by the proposed act.

Without entering into any extended argument upon the subject, as a practicing attorney of one section of this country, acquainted with the men who are now in office in that part of the country in these important positions, who have been selected as the choice of the highest judges of the highest court, I protest against this unwarranted, unreasonable, unexplained, and unnecessary attempt to legislate out of office a whole class of men against whose actions, characters, standing, and manner of selection there has as yet been no official complaint.

Mr. WHITE. Mr. President, I desire to state that I heartily concur in the last portion of the remarks of the Senator from Nebraska [Mr. THURSTON]. I think the legislation of the character last criticised by him is wholly uncalled for. If there are certain incompetent commissioners of the United States, it is little less than an outrage to remove all the commissioners in the country in order to get at two or three men who are supposed to be incompetent and whose names, as far as I know, are still sub rosa.

As far as the proposition is concerned regarding the appointment of a register of copyrights, I think the legislation is, to say the least, ill advised. It will be remembered that during the latter part, in fact about the close of the Administration of President Harrison, a bill passed both Houses of Congress providing for the Record and Pension Office of the War Department, and for other purposes, and in that bill there was contained this clause:

The President is hereby authorized to nominate and, by and with advice and consent of the Senate, to appoint the officer now in charge of said Record and Pension Division to be a colonel in the Army and chief of said office.

When the bill was presented to the President he returned it with his objections, and among other things he said as follows:

It is fairly to be implied from the bill that in the opinion of Congress the public interest would be promoted by making the contemplated change in the grade of this office and by giving the rank and pay of a colonel in the Army to the chief. A new and rather anomalous office is therefore created, that of "colonel in the Army and Chief of the Record and Pension Office of the War Department," but upon the condition that the President shall nominate a particular person to fill it. I do not think it is competent for Congress to designate the person who shall fill an office created by law, and practically nothing remains of the bill under consideration if this person is not to be appointed. The office is an important one, connected with the active civil administration of the War Department. I can not agree that the selection of the officer shall be taken out of the discretion of the Executive, where the responsibility for good administration necessarily rests.

There are other arguments contained in the veto message. So far as the record discloses, there was no action taken upon this message, but a bill was passed authorizing the President to appoint, and an appointment was afterwards made, by and with the advice and consent of the Senate. It is needless, I think, to indulge in refined argument and close distinction for the purpose of ascertaining whether or not the provision in the present bill is or is not constitutional. It is sufficient for me to know that it approaches so near the brink as to be, in my judgment, dangerous.

Mr. COCKRELL. Mr. President, I am very sorry that my distinguished friend the Senator from California [Mr. WHITE] gets so scared when he approaches the Constitution. I say, and I think I can show conclusively, that this is no infringement of the Constitution. The Constitution gives to the President this power:

He * * * shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of Departments.

This is not a United States officer. Therefore the President has no exclusive right to his appointment. The Library of Congress is not a library of the United States. No one connected with it is an officer of the United States. It was established by the act of April 24, 1800. That act reads as follows:

That for the purchase of such books as may be necessary for the use of Congress at the said city of Washington, and for fitting up a suitable apartment for containing them and for placing them therein, the sum of $5,000 shall be, and hereby is, appropriated; and that the said purchase shall be made by the Secretary of the Senate and the Clerk of the House of Representatives, pursuant to such directions as shall be given, and such catalogue as shall be furnished by a joint committee of both Houses of Congress to be appointed for that purpose; and that the said books shall be placed in one suitable apartment in the Capitol in the said city, for the use of both Houses of Congress and the members thereof, according to such regulations as the committee aforesaid shall devise and establish.

The Library remained in charge of the Congress of the United States, and no constitutional lawyer will dare to say that it was not under the exclusive control of Congress and that the President had the right to appoint a Librarian or any other person connected with it.

Mr. GRAY. Unless Congress clothed him with that power.

Mr. COCKRELL. I mean under this language, as a Library of Congress, the President had no authority under the Constitution, pure and simple. That is the point.

Mr. GRAY. I will say to the Senator, although I differ with him there, that undoubtedly Congress or either House may appoint a librarian for itself.

Mr. COCKRELL. It can establish a library, and the establishment of a library does not vest in the President any executive authority to make an appointment.

Mr. GRAY. The Senator from Missouri is right.

Mr. COCKRELL. I knew the distinguished Senator from Delaware would admit that proposition.

Now, then, the Library was established, a Congressional Library, with full power in Congress to appoint, to select, to designate, to elect a librarian, and every subordinate officer. Congress in 1802 (I have not been able to hunt up the history as it occurred just at the time, but it is represented to me that it was in consequence of a difference between the Senate and House with regard to who should be librarian)—Congress passed the following law:

That the books and maps purchased by direction of the act of Congress passed the 24th of April, 1800, together with the books or libraries which have heretofore been kept separately by each House, shall be placed in the Capitol, in the room which was occupied by the House of Representatives during the last session of the Sixth Congress.

SEC. 2. *And be it further enacted*, That the President of the Senate and Speaker of the House of Representatives for the time being be, and they hereby are, empowered to establish such regulations and restrictions in relation to the said library as to them shall seem proper, and from time to time to alter or amend the same: *Provided*, That no regulation shall be made repugnant to any provision contained in this act.

SEC. 3. *And be it further enacted*, That a librarian, to be appointed by the President of the United States solely—

Why solely by the President? That the Senate should have no more power in the selection than the House, and because between them they had not adjusted the method of selecting the Librarian—

shall take charge of the said Library, who, previous to his entering upon the duties of his office, shall give bond, payable to the United States.

Here is a Congressional Library, the creature of Congress, with full legal and constitutional right and power in Congress to control it as they choose. Here is the Librarian whom Congress have a right to select, and they delegate that right to the President solely, without the advice and consent of the Senate. That power Congress can resume at any time it chooses. It is not a power parted with never to be regained or recalled. To-day we have the absolute power and authority to displace the incumbent, to create a vacancy, and to select another Librarian.

Mr. WHITE. Will the Senator from Missouri permit me to ask him a question?

Mr. COCKRELL. Certainly.

Mr. WHITE. Do I understand the Senator from Missouri to claim that the officer to be selected by the joint committee is one of the inferior officers referred to in the Constitution in section 2, Article II?

Mr. COCKRELL. Not at all. He is an officer of Congress, not of the United States; a member of the library staff, an employee of Congress, just as much so as any other employee, just as much so as the employee who is in charge of the Senate library. You can not make any distinction between them. He is not a United States officer.

Mr. THURSTON. May I ask the Senator a question?

Mr. COCKRELL. Certainly.

Mr. THURSTON. Under this proposed provision, what is it that this officer or his employees are to do for the business of Congress, and how are they connected with the affairs of Congress, except that they are given a side room in its Library? Are not all the powers and all the duties imposed upon them under this provision those of a public character with respect to the general public, concerning which Congress has no exclusive right?

Mr. COCKRELL. That makes no difference. I want to bring to the attention of the Senator a recent resolution of Congress, which was passed without these distinguished constitutional lawyers having discovered it, and that was the appointment of the superintendent of the Congressional Library here by its own act, without any reference to the President. If we can appoint a superintendent for the construction of a building costing millions of dollars, who is to supervise the entire construction, can we not select a subordinate to go into that Library and perform the duties which Congress may impose upon him? It is hairsplitting, it is worse than hairsplitting, it is hairsplitting improperly, and drawing distinctions where they do not exist. No, sir; this is not a violation of the spirit nor the letter of the Constitution. If we have not the power to maintain this Library, if we have not the power to cause that building to be erected, and if we have not the power when we have done that, to say who shall be the Librarian and who shall be his subordinates, then let us abjectly surrender every particle of power in the Senate and in the House of Representatives to the President and ask him to appoint our officers, our Sergeant-at-Arms, our Librarian, our clerks, and all our subordinates. Let us simply give up all our power and be done with it, or, upon the other hand, let us assert and exercise the power which belongs to us as a coordinate and coequal branch of this Government.

Mr. FAULKNER. Will the gentleman permit me to ask him a question?

Mr. COCKRELL. Certainly.

Mr. FAULKNER. I wish to ask the Senator whether there would not be a distinction which would be very clear to his mind in such a case as this: If, for instance, it be conceded that we can impose upon subordinates in the Library the duty of taking care of copyrights deposited there as we impose upon them the duty of caring for the books, still, if we should authorize a subordinate official to grant certificates in behalf of the United States as to the fact of registration of copyrights in accordance with the provisions of the law and of the Constitution, would not the imposition of that particular duty upon that official create and give him the powers of an officer of this Government?

Mr. COCKRELL. He issues a certificate. This simply devolves upon him the duties of registering copyrights. Why were copyright duties imposed upon the Librarian of Congress? It was because this was a library within the jurisdiction and control of Congress. We permit other branches of the Government to reap the benefit of the Library by reference to it; we determined to make every author or publisher of every book furnish two copies of that book; we made the issuing of copyrights a part and parcel of our Congressional Library institution partly for the purpose of supplying it with books. We provided that to every book published which it was desired to copyright that copyright should be issued by the Librarian, and the law requires two copies of every such publication to be placed in the Library. We have a right to impose by law upon our officers duties not directly connected with either the Senate or the House of Representatives. As we appoint this officer, we have a right to impose upon him the discharge of the duties of Librarian or assistant librarian or register of copyrights in the Library of Congress, and we place the office under the control of the Joint Committee on the Library of the Senate and House of Representatives.

Mr. GRAY. May I ask the Senator a question?

Mr. COCKRELL. Certainly.

Mr. GRAY. If I understand the Senator's contention, then, it is that, having the authority to provide for a library for the use of Congress, and of course to provide for a librarian, therefore we have the right to impose the duty specified by this provision of law of issuing copyrights upon the Librarian or upon any other officer whom he chooses to appoint and give accommodations to in the library building.

Mr. COCKRELL. We have the right to impose it upon any officer of the Library in connection with the functions of the Library. We have joined the two together.

Mr. GRAY. Does the Senator think that under that contention we should have the right to impose the duties of Commissioner of Patents upon the Librarian of Congress?

Mr. COCKRELL. Not at all.

Mr. GRAY. Or upon any employee of the Senate?

Mr. COCKRELL. No.

Mr. GRAY. And yet a certificate to an inventor of a useful invention is provided for by law under the same constitutional provision by which copyright is issued to an author. They both derive their authority from the same section and clause of the Constitution, and the laws providing for the issuance of patents and the laws proving for the issuance of copyrights derive their constitutional authority from precisely the same source.

Mr. COCKRELL. I understand the proposition of the Senator. I am speaking with reference to existing conditions. The laws now would not permit us to devolve those duties upon the Librarian. We have chosen to devolve them upon a Commissioner of Patents. This is the Library of Congress; and we have the right to replenish it with books. We have the right to appropriate directly or indirectly for securing books; but the issuing of patents has nothing to do with the Library.

Mr. GRAY. We might provide, might we not, if I may ask the Senator, that a copy of every diagram of a useful invention be deposited in the Library?

Mr. COCKRELL. Yes; we could do that.

Mr. GRAY. And that would give a certain connection with the Library?

Mr. COCKRELL. Not at all.

Mr. GRAY. That would not give us the right to appoint a Commissioner of Patents, would it?

Mr. COCKRELL. Not at all; and yet we could require the deposit of such diagrams in the Library. Here we have placed in that Library for the purpose of adding to its volumes the control of copyrights, and we designate the officer who shall have charge of them; and I say he is an officer of the Library and not an officer of the United States—that the Senate and House have a perfect right to have him appointed or selected in the manner indicated by this provision.

In addition to that, we can require our own officers to give a bond to the United States. The fact of a man having to give a bond to the United States does not make him a United States officer.

Mr. CHANDLER. Will the Senator allow me right there to ask him a question?

Mr. COCKRELL. Certainly.

Mr. CHANDLER. The argument was that the register of copyrights had to do something. I have examined the copyright law carefully, and I find that all he has to do is, after the title of a book has been deposited with him, to give a copy to the person depositing it. This is the language:

And he shall give a copy of the title or description, under the seal of the Librarian of Congress, to the proprietor whenever he shall require it.

The person taking out a copyright gets his rights, whatever they are, by the mere deposit of the title, and the Librarian of Congress does nothing whatever about it, except to give him a certificate.

Mr. COCKRELL. There is no doubt about that.

Mr. CHANDLER. There is no judicial function whatever, and hardly any executive function.

Mr. COCKRELL. None in the world.

Mr. CHANDLER. If the Senator will allow me, I will read what is now the method of procedure.

Mr. COCKRELL. I am through, Mr. President.

Mr. CHANDLER. I read from a copy of the certificate of copyright issued by the Librarian:

No. —— AA. LIBRARY OF CONGRESS,
Copyright Office, Washington.

To wit: Be it remembered that on the —— day of ——, 1895, —— ——, of ——, has deposited in this office the title of a ——, the title or description of which is in the following words, to wit: —— —— ——, the right whereof —— claim as —— in conformity with the laws of the United States respecting copyrights.

—— ——,
Librarian of Congress.

The Librarian does not do anything except certify that the book has been deposited there. He performs no function whatever, except as the receiver of the claim of the man who wants a copyright.

Mr. GRAY. Mr. President, I do not think there ought to be much embarrassment about determining this question. Certainly I have none in determining it for myself. The power to appoint officers to fill offices created by law is lodged by the Constitution in the President of the United States—

But the Congress may by law vest the appointment of such inferior officers as they think proper in the President alone, in the courts of law, or in the heads of Departments.

So all the officers contemplated by the Constitution, absolutely all, are included within these three categories: Those whom the President may appoint by and with the advice and consent of the Senate; those he may appoint solely under authority of Congress, and those that by authority of law may be appointed by the heads of Departments or by the courts of law. There are no other officers in a legal constitutional sense known to our scheme of government.

The executive function thus described in the Constitution does not belong in any wise or in any fashion to Congress, and Congress can not assume it without a usurpation, which I think we all would condemn, or ought to condemn. If this office is an office within the meaning of the clause to which I have just referred, then clearly it is not within the competence of Congress to appoint to it, unless Congress can derive its power and authority to create, and not only create this office, but to fill it, from that provision of the Constitution which confers upon each House of Congress the right and power to choose its presiding officer and appoint all their other officers respectively. Unquestionably each House may appoint its own officers, but those officers must be confined to perform duties which are owing to the House by which they are appointed, and certainly it could not be contended that they can be compelled to perform duties, or invested with power to perform duties, as officers which do not belong in any wise to the functions of Congress or to the due administration of the business of each House.

I quite agree with the Senator from Missouri [Mr. COCKRELL] that either House of Congress can provide a library for its own use, and can provide for a custodian of that library as one of its officers; and perhaps the two Houses jointly, by law or otherwise, may provide for a Congressional Library and provide for an officer to take charge of it. If they can do it, it is by virtue of this power conferred on the Houses separately to appoint each its own officers; but that certainly does not confer upon Congress the right to invest any of those officers so appointed for the convenience of the two Houses with powers and authorities that are not germane or in any way related to those special functions; for, if it were so, then there would be no limit to the power of Congress to invest officers of the two Houses with the powers which belong to the administration of government in any of its multiform phases. They could invest the Sergeant-at-Arms with the duties of a United States commissioner; they could invest the assistant doorkeeper with the power and responsibility that belongs to some executive officer; and I do not care whether the office is executive or judicial for the purpose of my argument now. But, if it be not an office with functions that relate to the convenience and to the due administration of the duties of each House, then it is not an office which the House can, under the Constitution, fill.

So, Mr. President, I can quite readily admit, as I do and did, that while Congress has the right and either House has the right to provide for a librarian, it has no more right to invest that librarian or any of his subordinates with powers which concern the administration of governmental functions than it has the right to invest any other of its employees with such; and yet the contention of the Senator from Missouri [Mr. COCKRELL], it seems to me, and of the Senator from New Hampshire [Mr. CHANDLER], must go to the logical extreme of declaring that when officers are appointed for the convenience of either House we can invest them with any governmental function whatever. That, of course, would be absurd, and would overthrow all the distinction between Executive and Congressional functions which was intended to be so clearly demonstrated in the Constitution.

This officer which this provision of law seeks to create and appoint is an officer who has nothing to do, so far as this function is concerned, with the administration of the duties of either House or of both Houses jointly. He does not perform any functions necessary to the organization of the House, to its convenience, or to its proper duties. We have created an office here in order to fulfill an intent of the Constitution, to provide for the protection of authors and inventors. The same clause provides for both. That is a public function which concerns the grant of legislative power to Congress; that is a function which concerns the whole country, not Congress, and unless we shall contend, as I said a while ago, that we can invest any of these wide governmental functions in the mere employees of either House, then, it seems to me, we must give up the claim that we have a right to invest this Librarian of Congress, or to create a man, call him what you will, and give him accommodations in the Library building, and thereby attach a jurisdiction to make him a complete officer in the constitutional sense. That I do not think can be done. What is he to do? I do not care whether he has a judicial function or merely a ministerial function. It is provided:

For register of copyrights, $2,500, who shall be selected on or after June 1, 1896, by the Joint Committee upon the Library of Congress, consisting of the Committee on the Library of the Senate and the Committee on the Library of the House of Representatives.

What right have we to confer upon one of our committees the power to appoint to an office? The committee is nowhere recognized in the Constitution. It is one of the instrumentalities of legislation, to be used for our own convenience. How can we erect a committee into a governmental agency? We can not do it. Much less can we confer upon it the executive power of appointment.

And who shall give good and sufficient bond to the United States in such sum, not less than $20,000, as the Secretary of the Treasury may direct, and to be approved by him, faithfully to account for all public moneys and property which he may receive. He shall have and exercise all the rights and duties touching copyrights now devolved upon the Librarian of Congress.

He is not the Librarian of Congress, even according to the contention of the Senator from Missouri, who seems to think the question is solved when we have created a library, and that we can then confer upon this officer any duties we choose, or only confer upon him duties in reference to copyrights, which heretofore have been performed by the Librarian of Congress, appointed by the President.

He shall, without additional compensation, disburse the sums appropriated for the salaries and expenses of his office and also the salaries and expenses appropriated for the Library of Congress.

That is the only connection that he has with the Library.

He shall have an official seal of such pattern and design as he shall designate, and it shall contain the words "Register of Copyrights, United States of America"; and by this seal all records and papers issued from the office of the register of copyrights shall be authenticated. He shall be provided with suitable rooms in the building for the Library of Congress.

The issuance of a copyright has no more to do with the establishment of a library or the convenience of either House of Congress than the issuance of a patent—not a particle. The mere fact that the copyright law requires two copies of each copyrighted publication to be deposited with the Librarian can not

confer the appointing power. We might require, as I said in interrogation of the Senator from Missouri, that two copies of each model from the Patent Office, or each drawing, or each publication of the Patent Office report, should be deposited there. That would not confer jurisdiction to appoint a Commissioner of Patents, nor is the deposit of two volumes or two copies of each publication meant or intended in any wise to build up a library, for, if it did, it would be a taking of private property without just compensation.

What right have we to require for the establishment of a library that authors shall contribute? Now, think of it for a moment. The Senator from Missouri gravely contended that authors should contribute copies of their publications, for what purpose? To build up a library. That may commend itself on the score of economy to Congress, but it can not commend itself in any other wise that I know of. We have no more right to levy upon the authors of publications in order to build up a library than we have a right to take the books out of the library of the Senator from New Hampshire [Mr. CHANDLER] to fill our shelves. If that provision of law has any justifiable purpose at all, it is to file there as an exhibit, precisely on the same ground that a diagram of an invention is filed with the Commissioner of Patents.

Mr. CHANDLER. As a matter of fact, we do require it.

Mr. GRAY. We do require it.

Mr. CHANDLER. But the Senator says we do not require it from a particular motive, because if we did that motive would be unconstitutional. That may be so; but does the Senator dispute the constitutionality of the present copyright law of Congress, which makes the place for making an entry for copyrights the Library of Congress?

Mr. GRAY. Mr. President, I am not disputing it now. I only say that if the Senator from Missouri were right, then he would be taking private property without just compensation, put it upon what grounds you please, either as a part of the fee charged for a copyright or as an exhibit to be filed there for all time for identification. As to what is copyrighted, that is quite another question. So that all I want to say about that is that the mere requirement of the law that two copies of each publication shall be filed in the Library of Congress has no relation to the question that we are now discussing as to the power sought to be conferred upon committees of Congress to appoint to an office to which are attached wide and important and constitutional governmental functions.

Mr. MILLS. Mr. President, a few moments ago the Senator from Missouri [Mr. COCKRELL] contended that the register of copyrights was not a United States officer. There are two kinds of officers known to this Constitution—the State officer and the United States officer. This Constitution requires all United States officers and all State officers to take an oath to support this Constitution.

Mr. CHANDLER. If the Senator will excuse me, he forgets that there is another class of officers, and that is, officers of the Senate and of the House of Representatives.

Mr. MILLS. They are officers of the United States also, and required to take an oath of office.

Mr. CHANDLER. They are not officers of the United States.

Mr. MILLS. Will the Senator tell me whether they are required to take an oath to support the Constitution of the United States?

Mr. CHANDLER. The Senator did not let me finish my sentence. I say these are not officers of the United States within the clause of the Constitution which provides that the appointing power shall be in the President alone. They are officers of the United States who may be appointed by the two Houses of Congress.

Mr. MILLS. I never disputed that.

Mr. CHANDLER. The only question is whether Congress can run a library and appoint that class of officers.

Mr. MILLS. I never disputed that these officers were not provided for by the Constitution and that their appointment is given to the Houses of Congress under the power to regulate their rules of procedure. That is a very different proposition; but, at the same time, they are officers of the United States, and required to take an oath to support the Constitution.

Mr. CHANDLER. Will the Senator state again what his two classes of officers are? He stated there were only two classes.

Mr. MILLS. State officers and United States officers.

Mr. CHANDLER. Then everyone who serves the United States, whether in the executive, legislative, or judicial branch of the Government, is an officer of the United States? That may be true, but that does not help us along in this discussion at all.

Mr. MILLS. Mr. President, the last clause of the sixth article of the Constitution says:

> The Senators and Representatives before mentioned, and the members of the several State legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation to support this Constitution.

Then, if this register of copyrights is not an officer of the United States, we know that he is not an officer of a State government, and he is not required to take an oath to support the Constitution of the United States. Every one of the officers at the desk of the Senate, every officer at the desk of the House of Representatives, and all the other officers created by the Houses of Congress in pursuance of the special provision of the Constitution giving them power to make rules to govern their own procedure, are all officers of this Government of the United States; and every one of them has taken the oath to support the Constitution in accordance with its prescription.

Mr. CHANDLER. Are Senators and Members of the House of Representatives officers of the United States in the same sense?

Mr. MILLS. They are either officers of the State or of the United States, and they are required to take an oath to support the Constitution.

Mr. CHANDLER. I am glad the Senator is making progress in that direction.

Mr. MILLS. Mr. President, the Senator from Missouri [Mr. COCKRELL] contended that the Congressional Library belonged to the Congress of the United States—the Senate and House of Representatives. I want to know by what provision of the Constitution these two Houses of the legislative branch are empowered to purchase and own property? They can not hold a nickel's worth of property. This Hall in which we meet is under the jurisdiction and power and regulation of this body, but it belongs to the United States, and can be sold, or torn down, or dealt with as the United States pleases to deal with it.

Mr. GRAY. It is provided for by law.

Mr. MILLS. It is provided for by law, and it takes both Houses of Congress to make a law.

Mr. GRAY. And the President.

Mr. MILLS. And with the approval of the President, or, in case of his disapproval, by a two-thirds majority of the two legislative branches. The United States can own property; the United States can own a library; but the Senate can not own a library beyond the jurisdiction and control of the lawmaking power of the United States. We have a library that we call the Senate library; we have some books, but they have been bought by virtue of appropriations made in an appropriation bill of the United States. She gave us the money—or they gave us the money, to speak correctly, for the United States are plural and not singular—the United States gave to this body the money to buy these books. They are called the Senate's books, but they belong to the United States. The policemen who are appointed to keep order around this body, in the galleries, or anywhere else around here, are appointed in accordance with the rules of the Senate, under the power given to it to protect itself in its deliberations. But the Senate itself is a part of the United States, and is not an independent power. There is no imperium in imperio here. Both branches together are limited in the exercise of their power and both of them constitute the two legislative arms of the United States. The United States own the Library of Congress, and the United States, in pursuance of its Constitution, which its people made, says that the Executive shall appoint these officers and not the two branches of Congress.

The PRESIDENT pro tempore. Is the Senate ready for the question on concurring in the report of the committee of conference? [Putting the question.] By the sound the noes have it.

Mr. CULLOM. I supposed the Senator from New York [Mr. HILL] desired to make some remarks.

Mr. HILL. I do not care to say anything if the decision of the Chair stands.

Mr. CULLOM. I should like to make a few remarks myself before the final vote is taken.

Mr. HILL. Then I prefer to hear the Senator from Illinois first.

Mr. CHANDLER. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The absence of a quorum is suggested, and the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allen,	Cockrell,	Hill,	Platt,
Bacon,	Cullom,	Kyle,	Pritchard,
Baker,	Daniel,	Lodge,	Quay,
Bate,	Davis,	McBride,	Roach,
Berry,	Dubois,	McMillan,	Stewart,
Brice,	Faulkner,	Martin,	Thurston,
Brown,	Frye,	Mills,	Tillman,
Burrows,	Gallinger,	Mitchell, Oreg.	Vilas,
Butler,	George,	Mitchell, Wis	Walthall,
Caffery,	Gray,	Nelson,	Warren.
Chandler,	Hale,	Peffer,	
Clark,	Hawley,	Perkins,	

The PRESIDENT pro tempore. Forty-six Senators having answered to their names, there is a quorum present.

Mr. CULLOM. Mr. President, I did not expect to detain the Senate for more than a very few minutes, and I do not propose to do so now. I supposed that the chief opposition to this report would come from the Senator from New York [Mr. HILL], and therefore when the question was put to a vote I was not observing

particularly, supposing that that Senator would follow the Senator who had just spoken.

I merely desire to refer to the action of the Senate and of its conferees in the disposition of the bill so far as it has gone. I desire to say in the outset, in referring to the remark of the Senator from Connecticut [Mr. PLATT] in reference to this kind of legislation, that it is extraneous to an ordinary appropriation bill. I do not believe in it myself; and I would have much preferred, when the bill came from the other body to the Senate and was under consideration before it went to the conferees at all, that the Senate had taken positive ground against entertaining any such legislation as was proposed in the bill. But Senators will remember that there was a very strong feeling on the part of Senators and members of the other body in favor of some reforms touching attorneys and marshals especially, and on the part of the other body in favor of changing the law with reference to commissioners.

The conferees practically were ordered to do the best they could with reference to these three different classes of officials. There were but two classes at first, but subsequently the other came up. While the Senator from Connecticut has intimated that the Senate conferees have given up almost everything which was in controversy in relation especially to these Government officials, the truth is that we did not. I may say that there was a disposition on the part of the conferees of the Senate (and I want to be absolutely truthful about it) to feel that the Senate itself had perhaps put up the salaries of district attorneys and marshals a little above what the people of the country expected we would do; and I am inclined to think that many Senators themselves felt that we had increased the salaries of those officers too much above the amounts fixed by the House. But, however that may be, when we got into conference about these items we were disposed to meet the members of the House generally about halfway upon the question of salaries of marshals and district attorneys, and the salaries relating to those officers have passed out of the present consideration, because they were disposed of by the Senate in the adoption of the second conference report upon the bill. So I do not need to refer to those items now except to state the historical fact as I remember it. While there are some Senators who are disposed to feel that the salaries of marshals and district attorneys of their States or districts were a little too low, it was the best that the Senate conferees could do. The report has been ratified by the Senate and House, and it will be very easy, as we have felt, where there were mistakes made (and it is a pretty extensive and important subject to deal with in conference) to have it righted by legislation at a future session of Congress, when we can see definitely how the operation of the law affects the interests of the people in different districts and States and the interests of the officers holding these positions. So the consideration of those officials has passed.

During the last conference, the third conference upon the bill, after we had refused to consider the commissioners in the first conferences, we found that it seemed to be the proper thing for us to do. I do not wish it to be understood that the Senate or the Senate conferees are under duress in any sense, but we and the representatives of the other body find ourselves in dealing with this question compelled to do what seems to be right in the premises when we get to the point where a decision is necessary to be made.

I desire to say that so far as the commissioners are concerned we had the approbation of the Attorney-General. I am not sure that it is the fact, but I am inclined to think that the provision incorporated in the proposed law is the production of the Attorney-General's Office. However, I am not certain that I am stating the exact fact in reference to that point.

Mr. CHANDLER. I should like to ask the Senator whether that may not account for the fact that a district judge can not appoint a commissioner in any place unless the Attorney-General first names the place? It is one of the most extraordinary provisions I ever heard of in any law.

Mr. CULLOM. I do not know as to that. I am inclined to think that I ought not to state that the Attorney-General is responsible for the exact provisions of the proposed law touching the commissioners; but I desire to call the attention of the Senate to that point. In the first place, as everybody knows, the court commissioners are appointed by the circuit courts of the United States, and everyone who has anything to do with courts knows substantially as well that the circuit judges of the United States practically do not hold trial courts at all any more in the different circuits of the country. In other words, the district judge of a district substantially holds all the time both the district court and the circuit court as well. Therefore it is that these commissioners, who are to be appointed as heretofore by the circuit judge, are substantially under the supervision and control of the district judge, because the district judge holds the court, and it is seldom that anyone sees a circuit judge at a place where a district court is being held.

So it was the judgment of the other body, as I take it, and it was the judgment of the conferees, so far as they have had anything to do with it, such being the state of facts, that it was better perhaps that the district judge should appoint the commissioner than that it should be left to the control of the circuit judge, who seldom comes to the place where the court is held. So the terms of office of the commissioners of circuit courts heretofore appointed was made to expire on the 31st day of December, 1896, under the provision as reported by the conferees. When the provision came to the Senate it provided that those terms should expire, I think, on the 1st of July, 1896.

Mr. GEORGE. Will the Senator from Illinois allow me to ask him a question?

Mr. CULLOM. Certainly.

Mr. GEORGE. What is the tenure of office of the commissioners as now fixed? Is it during good behavior, for life, or what is the term?

Mr. CULLOM. Under the present law, under which they have all been appointed, they have no term of office. They are appointed subject to removal simply by the circuit court under the present law.

Mr. GEORGE. Unless removed they hold for life?

Mr. CULLOM. Unless they are removed they do not go out of office until they resign or die, as I understand it. The conferees of the two Houses thought it was proper that the term of office should be limited to four years. That is the ordinary term of an officer nowadays who is not appointed for life. In view of the fact that they are subordinate to and supervised by the district judge more especially than any other, the conferees thought it was wise legislation that the district judge should have the appointment of the new commissioners after the terms of the old ones should expire.

Now, it seems to me that there is nothing wrong in that provision. It appears to me that it is a fair one. Some Senators have indicated that it is a great wrong to make a term for an officer of the United States circuit or district court, and that it brings the office into politics. I do not see that at all. Take, for instance, the district in which I live, where the court is held in my own little city. The United States judge under this proposed law would appoint all the commissioners in that district when the term of the present incumbents expire. I am perfectly certain that that district judge will reappoint every man there who has performed his duty as the judge may deem he ought to perform it. When he is appointed once he has the same judge over him as when he receives his first appointment, and of course the same judge will keep his own appointee so long as he performs his duty. So practically the point made that it makes a partisan office of the commissioner of the court is entirely, it seems to me, without foundation.

Now, referring to the provision which authorizes the Attorney-General to pass upon the question of the appointment of these men, or at least that he shall be notified—I forget the exact terms of the provision—when the appointments are made, I think there is force in that proposition, because the Attorney-General is the law officer of the whole United States, and all the clerks, marshals, district attorneys, and commissioners are in a degree under the surveillance and control and are to be called to account by the Attorney-General of the United States. It seems to me proper that it should be so. Otherwise nobody knows when he would get the accounts of the marshals and attorneys or of the commissioners settled, if they have any accounts to render, as I understand they have.

I would have much preferred myself if the commissioners had been left out of the bill and that we should not have been required to legislate about them. But it seemed to be the judgment that we were called upon to do something in regard to the commissioners. In the first place, as the Senate will remember, we had a provision, a portion of which is in the conference report made, requiring the Attorney-General to report at the meeting of the next Congress, after an investigation, as respects the compensation to be paid, by salary or otherwise, to clerks of the United States circuit and district courts and to the commissioners of the circuit courts. I preferred the provision the Senate in the first place inserted in the bill, but it seemed that that could not be agreed upon, and subsequently, after changing the fees to an extent in the provisions of the bill as it came from the House, the conferees on the part of the Senate agreed to it.

I do not care to take up any more time in referring to that, but I desire to say a word in reference to the copyright provision, which has claimed the attention of the Senate so much, and upon the question of the constitutionality or unconstitutionality of the provision as inserted in the bill. I desire to be perfectly frank. I will say that personally I had some doubt as to the constitutionality of that provision, but my colleagues on the conference believed that it was sound; that it was within the purview of the Constitution, and we agreed to the provision. When Senators refer to the statute, as has been done by my colleague on the conference, the Senator from Missouri [Mr. COCKRELL], it seems to

me that all through the statute referring to the appointment of a Librarian, if you please, who is given the power to act as register of copyrights, the distinction was kept up by Congress in the enactment of that law different from the ordinary provision for the appointment of an officer of the Government to perform any particular line of duty. The provision of the law relating to the appointment reads as follows:

The President solely shall appoint from time to time a Librarian to take charge of the Library of Congress.

Why did Congress put that provision in as it reads in the law that is now in force? In my judgment it was because Congress was seeking to keep within its own control, its own power, the Librarian of Congress, and as a matter of convenience they delegated the power to the President to name the Librarian, and the gentleman occupying that position was in that way appointed. Now, why should Congress have used the word "solely"? I do not remember seeing it in any statute creating any other office.

Mr. GEORGE. Will the Senator allow me to interrupt him?

Mr. CULLOM. Certainly.

Mr. GEORGE. The Constitution of the United States permits expressly that Congress may vest the appointment of officers in the President alone or in the heads of Departments and in the courts.

Mr. CULLOM. I am perfectly well aware of that provision of the Constitution, but have never had my attention called to any other statute on the books providing that Congress alone or solely should have the appointment of anybody.

Mr. GEORGE. Was not the Venezuelan Commission appointed in that way, by the President alone? The names were not submitted to the Senate.

Mr. CULLOM. That is true, I believe. They were not required to be confirmed; but I do not think those Commissioners were regarded as officers in any proper sense. A law was passed placing the duty upon the President to appoint a set of men to perform a particular duty of investigation as to a line, and I do not think that anybody regarded them as officers in the constitutional sense of the term.

I do not believe another law can be found in the statute book where, when a man was to be appointed and called an officer, the Congress of the United States said that the President alone or solely should make the appointment; and I reason from that and from other provisions of the same statute that Congress was attempting to give the President the power to do this merely as a matter of convenience and to accommodate Congress in the selection of a Librarian, being in the proper sense under the control of the Congress of the United States.

Now, let us go a little further to show that the Joint Library Committee of Congress has much to do with the subject. In the same act where the President solely is to make the appointment it is provided:

The Joint Committee upon the Library may from time to time appoint such agents as they deem requisite, to carry into effect the donation and exchange of documents and other publications placed at their disposal for the purpose.

And so along all through the statute. Again:

The Joint Committee upon the Library is authorized to establish regulations, not inconsistent with law, in relation to the Library of Congress or either department thereof, and from time to time to alter, amend, or repeal the same.

Then it says:

And until they impose new regulations or restrictions, the care and business of the Library shall continue to be regulated by such rules as may have been heretofore imposed by any lawful authority.

So the whole theory of the law, it seems to me, is that the Congress of the United States is the sole controller of the Library of Congress, and they give the President power, simply as a matter of convenience to themselves, to designate the man who shall be Librarian of Congress.

Upon the question of giving bond and all that, of course the language of the provision raises a sort of impression that it is an office, because the word "office" is used; but, if Senators will observe, the provision reads:

For register of copyrights, $2,500, who shall be selected—

We do not use the word "appointed"—

on or after June 1, 1896, by the Joint Committee upon the Library of Congress, consisting of the Committee on the Library of the Senate and the Committee on the Library of the House of Representatives, and who shall give good and sufficient bond, etc.

I do not care to take up the time of the Senate in discussing this matter. I am very anxious to get a vote upon it. I wish to say in perfect candor that the conferees on the part of the Senate are not undertaking to be, and do not desire to be understood as assuming to be, above the men who appointed them. We are simply trying to carry out the will and the wishes of the Senate as nearly as we can do so, and if we have agreed to any provisions which in the judgment of the Senate are not right or are not satisfactory, the Senate has a right to say so, and either to appoint the same or a new set of conferees to deal with the subject further. But we have had a good deal of trouble over the bill, growing out of the numerous provisions in it that are extraneous, I may say, to the ordinary legislation which ought to be upon an appropriation bill. The conferees have dealt with the subject as fairly and as seriously and as assiduously as we could in an endeavor to arrive at correct conclusions and as nearly in harmony with the Senate to which we belong and to which we account as we were able to do.

If the Senate does not believe that this report is right, I am perfectly willing that it shall dispose of it in that way. If it believes it is right, in view of all the facts, after a third conference has been held—the first agreeing to a large number of items about which there was not any great dispute, the second agreeing to a large number about which there was very serious controversy between the conferees on the part of the two Houses, including the provisions as to attorneys and marshals, and the last conference agreeing upon the few provisions that remained in the bill—I shall be glad to have the report sustained.

It might be well enough for me to call attention, before I sit down, as I do not care to occupy the attention of the Senate again, to what we have agreed to. The House conferees agreed to the amendments of the Senate in relation to clerks to committees and also as to clerks to Senators; also as to the item providing for messengers and skilled common laborers; also as to the police and watchmen force of the Capitol, with an amendment providing that hereafter the Capitol police force shall consist of 30 policemen at $1,100 each and 7 at $960 each (8 watchmen were provided for in the original bill), and dispensing with 7 watchmen who were substantially under the control of the Architect of the Capitol; also providing that the police force as herein provided shall be under the direction of the Sergeants-at-Arms of the Senate and of the House and of the Architect of the Capitol.

There were, I may say, seven watchmen under the present law especially under the control of the Architect of the Capitol. His testimony was that they could be dispensed with if these other provisions could be enacted, and those were agreed to by the conferees of the two Houses. They are in the conference report which is to be acted upon by the Senate. The conferees also agreed to the provision with respect to the register of copyrights, about which I have been talking, and I shall not detain the Senate longer upon that question. The New Mexico provision I shall not take any time to discuss. The salary of the marshal for the District of Columbia, which was in dispute in the two former conferences, was finally fixed at $5,500, and it was agreed to by the conferees of the two Houses.

The item as to commissioners of the circuit courts is the only other one involved in this controversy, and I suppose the only matters which will involve any controversy hereafter, if the Senate should not agree to the report, will be the provision as to copyrights and the question as to the particular form to be adopted in reference to the commissioners of the circuit courts. I hope we shall have the report agreed to. There are now three or four other conference reports waiting for the disposition of this one besides an additional appropriation bill.

Mr. PLATT. I desire to state that in all I have said in regard to the register of copyrights I must not be understood as in any way criticising the committee, because there was an amendment inserted in the bill by the Senate itself——

Mr. CULLOM. Certainly.

Mr. PLATT. In relation to this matter, which I think was worse even than the one under consideration.

Mr. CULLOM. I do not think it was worse, but it involved exactly the same question, whether Congress by its committees could appoint the man, and the Senate passed upon it favorably.

Mr. HILL. Mr. President, I intend to detain the Senate only a few moments. There are three principal questions involved in the report, two of which have been very fully and ably discussed. I intend simply to allude to the first question involved, which is the authority to create the office and substantially to appoint an officer known as register of copyrights in the form provided for by the bill. At the most it is a very doubtful power. It presents a very difficult constitutional question, and Senators seem to differ in regard to it. I think it is unwise in the report of a conference committee to go to the extent of creating a new officer where the authority is of doubtful constitutionality. That ground alone would justify the Senate in rejecting the report.

The next point is the unprecedented legislation, legislating out of office all the United States circuit court commissioners throughout the land without charges, without trial, without petition, without any public demonstration in regard to it. I called attention to this fact when the bill was under consideration. The subject has not been debated in the Senate. I wish to suggest to the conference committee, if the report shall be rejected, certain amendments which the people of my city, its judges and its officials, desire to have incorporated in the provision. We had no time to discuss it in the Senate. It is a serious question, affecting officials in New York City and throughout our State. I have before me letters from the

United States commissioners, letters from judges of our United States courts, protesting against the change.

I do not think it is wise to change the life tenure, which has characterized those holding offices of this class in the past, to a term of four years. Every four years these judicial or semi-judicial officers are to have a scramble for reappointment. I do not think it is a reform. I think it is going in the wrong direction. These offices are much sought for, and applicants will be appealing every four years to our district judges. Men of both parties will apply. There will be a scramble for the offices. I do not think it is a wise provision. Whether I would be justified absolutely in rejecting an appropriation bill upon that ground alone I do not know. I think the subject ought to have further consideration than it has had.

They have provided that a clerk of a court may be appointed United States commissioner, provided the Attorney-General approves. That is an important provision so far as New York City is concerned. If he approves in the first instance, must you get the approval of the Attorney-General four years from that time and every four years thereafter? I have letters from judges, some of them in Pennsylvania, protesting against it. They think it unwise. If it is thought proper in the first instance that the same person shall hold the office of United States commissioner and clerk, should not one approval of the same man be sufficient? Should this officer be required every four years to apply to the Attorney-General for his approval?

In the second place, there are some places where a deputy clerk is United States commissioner, and very properly so. It is a great convenience to suitors at the court. This proposed act forbids it, even with the approval of the Attorney-General. I should like to have the conference committee, in whom I have great confidence, to consider again this question and to see if they can not provide some modification of the sweeping provisions which will be more satisfactory to the country. I am satisfied that the report will be rejected. The good sense of the Senate will prevail. There is another provision to which I will simply allude. I do not intend to discuss it.

On the 27th day of March last the Senate by a decisive vote, after two days' debate, resolved to strike out the provision changing the date of the meeting of the legislature in the Territory of New Mexico. The question was gone over in all its various phases, political and otherwise, and the Senate carefully considered the question and expressed its deliberate voice. I do not think the Senate desires to retract or to change it. A mere change of the date from May to February does not cure the point. There is no good reason, unless it be a political one, why the change should be made; and I think that upon further consideration of the subject an agreement can possibly be arrived at. It is very objectionable in its present condition. A political or semipolitical provision of this character ought not to be inserted in an appropriation bill. If the matter shall again be submitted to the consideration of the conferees I think a better provision can be arrived at which will be satisfactory.

Having said this much, I desire to say that the rejection of this report——

Mr. CULLOM. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Illinois?

Mr. HILL. Certainly.

Mr. CULLOM. I simply desire to state that so far as I am concerned there has never been a particle of politics involved in any controversy between the two Houses in connection with this bill. I supposed when the last report was made upon the question just referred to by the Senator from New York the subject was settled to the entire satisfaction of everybody concerned. The honorable Senator from Missouri [Mr. COCKRELL], one of the conferees who joined in the report, supposed the same thing.

Mr. HILL. Undoubtedly; and he simply labors under a misapprehension. That is all. I do not care about discussing it. The Senator labored under a misapprehension. It is not satisfactory to Democrats of New Mexico. I do not think it is satisfactory to the Democrats of the Senate. We ought not be quarreling over such a question at this stage of the session on an appropriation bill, and I am satisfied that the patience and courtesy which have thus far been displayed by the conference committee can adjust this matter satisfactorily if it can be recommitted to them. I desire to bear testimony to the patience with which they have considered these difficult questions. Further consideration, I am sure, will provide a better result than this and one much more satisfactory.

That is all I have to say.

The PRESIDENT pro tempore. The question is on concurring in the report of the committee of conference.

Mr. CULLOM. On that I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. FAULKNER (when his name was called). I am paired with the Senator from West Virginia [Mr. ELKINS]. I transfer my pair to the senior Senator from Indiana [Mr. VOORHEES] and vote "nay."

The PRESIDENT pro tempore (when Mr. FRYE's name was called). The present occupant of the chair is paired with the senior Senator from Maryland [Mr. GORMAN].

Mr. GALLINGER (when Mr. HANSBROUGH's name was called). I rise to announce a pair between the Senator from North Dakota [Mr. HANSBROUGH] and the Senator from Illinois [Mr. PALMER]. They are both absent from the city.

Mr. BERRY (when the name of Mr. JONES of Arkansas was called). My colleague [Mr. JONES] is paired with the Senator from Maine [Mr. HALE]. If my colleague were present, he would vote "nay."

Mr. MITCHELL of Wisconsin (when his name was called). I am paired with the Senator from New Jersey [Mr. SEWELL]. If he were present, I should vote "nay."

Mr. BERRY (when Mr. MORGAN's name was called). I wish to announce that the senior Senator from Alabama [Mr. MORGAN] is paired with the Senator from Pennsylvania [Mr. QUAY]. The senior Senator from Alabama would vote "nay" if present.

Mr. PRITCHARD (when his name was called). I am paired with the Senator from Louisiana [Mr. BLANCHARD]. If he were present, I should vote "yea."

Mr. PUGH (when his name was called). I am paired with the Senator from Massachusetts [Mr. HOAR].

Mr. QUAY (when his name was called). I am paired with the Senator from Alabama [Mr. MORGAN].

Mr. THURSTON (when his name was called). I have a general pair with the junior Senator from South Carolina [Mr. TILLMAN]. If he were present, I should vote "nay."

Mr. WALTHALL (when his name was called). I am paired with the senior Senator from Pennsylvania [Mr. CAMERON].

The roll call was concluded.

Mr. MARTIN (after having voted in the negative). I voted without observing that the Senator from Montana [Mr. MANTLE] is absent. I am paired with that Senator, and therefore withdraw my vote.

Mr. WALTHALL. I transfer my pair with the Senator from Pennsylvania [Mr. CAMERON] to the Senator from South Carolina [Mr. IRBY] and vote "nay."

Mr. MITCHELL of Wisconsin. I transfer my pair with the Senator from New Jersey [Mr. SEWELL] to the Senator from New York [Mr. MURPHY], and vote "nay."

Mr. MITCHELL of Oregon. I am paired with the Senator from Rhode Island [Mr. ALDRICH] on this vote. If he were here, he would vote "nay" and I should vote "yea."

Mr. GEAR. I am paired with the Senator from Georgia [Mr. GORDON]. I transfer my pair to the Senator from Rhode Island [Mr. ALDRICH] and vote "yea."

Mr. DUBOIS (after having voted in the affirmative). I desire to inquire if the senior Senator from New Jersey [Mr. SMITH] has voted?

The PRESIDENT pro tempore. He has not voted.

Mr. DUBOIS. I am paired with the senior Senator from New Jersey, and therefore withdraw my vote.

Mr. CARTER (after having voted in the affirmative). Being paired with the Senator from Maryland [Mr. GIBSON], I withdraw my vote.

Mr. MITCHELL of Oregon. I understand another pair has been arranged with the Senator from Rhode Island [Mr. ALDRICH], and I will therefore vote. I vote "yea."

Mr. HALE (after having voted in the affirmative). I am informed that a pair has been announced for me with the Senator from Arkansas [Mr. JONES], and I therefore withdraw my vote. Has the Senator from Alabama [Mr. PUGH] voted?

Mr. PUGH. No; I have not.

Mr. HALE. Then I transfer my pair with the Senator from Arkansas [Mr. JONES] to the Senator from Massachusetts [Mr. HOAR], and that will enable the Senator from Alabama and myself to vote.

Mr. PUGH. Very well. I vote "nay."

Mr. HALE. I vote "yea."

The result was announced—yeas 26, nays 33; as follows:

YEAS—26.

Allen,	Davis,	Mitchell, Oreg.	Stewart,
Allison,	Gallinger,	Nelson,	Teller,
Burrows,	Gear,	Perkins,	Warren,
Butler,	Hale,	Pettigrew,	Wetmore,
Cannon,	Hawley,	Sherman,	Wilson.
Cockrell,	Lodge,	Shoup,	
Cullom,	McMillan,	Squire,	

NAYS—33.

Bacon,	Clark,	McBride,	Turpie,
Bate,	Daniel,	Mills,	Vest,
Berry,	Faulkner,	Mitchell, Wis.	Vilas,
Blackburn,	George,	Pasco,	Walthall,
Brice,	Gray,	Peffer,	White,
Brown,	Harris,	Platt,	Wolcott.
Caffery,	Hill,	Proctor,	
Chandler,	Kyle,	Pugh,	
Chilton,	Lindsay,	Roach,	

NOT VOTING—30.

Aldrich,	Frye,	Jones, Nev.	Quay,
Baker,	Gibson,	Mantle,	Sewell,
Blanchard,	Gordon,	Martin,	Smith,
Call,	Gorman,	Morgan,	Thurston,
Cameron,	Hansbrough,	Morrill,	Tillman,
Carter,	Hoar,	Murphy,	Voorhees.
Dubois,	Irby,	Palmer,	
Elkins,	Jones, Ark.	Pritchard,	

So the report was nonconcurred in.

Mr. CULLOM. I move that the Senate insist upon its amendments and ask for a further conference on the disagreeing votes of the two Houses thereon.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate at the further conference, and Mr. CULLOM, Mr. TELLER, and Mr. COCKRELL were appointed.

INDIAN APPROPRIATION BILL.

Mr. BUTLER. I move that the Senate proceed to the consideration of the bill (S. 1341) to prohibit the further issuance of interest-bearing bonds without the consent of Congress.

Mr. PETTIGREW. I rise for the purpose of submitting a conference report.

The PRESIDENT pro tempore. The report is privileged, and the Chair recognizes the Senator from South Dakota.

Mr. PETTIGREW. I submit the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6249) making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1897, and for other purposes.

I will state that the report has been read and printed in the RECORD. It was afterwards withdrawn, and an item stricken from it, and it is now returned to the Senate without any other change whatever. It is not necessary to read it. I move its adoption.

The PRESIDENT pro tempore. The Senator from South Dakota asks unanimous consent that the reading of the report may be dispensed with. Is there objection? The Chair hears none.

The report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6249) making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1897, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 4, 6, 7, 11, 21, 22, 29, 30, 34, 35, 43, 62, and 90.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 5, 8, 9, 10, 12, 13, 15, 17, 18, 19, 23, 24, 26, 27, 28, 32, 36, 38, 39, 40, 41, 42, 44, 50, 53, 54, 55, 58, 59, 60, 61, 63, 65, 72, 73, 74, 75, 79, 80, 81, 82, 88, and 89; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with amendments as follows: Strike out, in line 19, page 20, of the bill, the word "Kickapoos" and insert in lieu thereof the words "Kickapoos in Kansas"; and in lieu of the matter inserted by said amendment insert the following:

"KICKAPOOS IN OKLAHOMA.

"To enable the Secretary of the Interior to assist the Kickapoo Indians of Oklahoma Territory who have not accepted their allotments to make improvements upon said allotments as fast as accepted, and to purchase seed, grain, and subsistence for said Indians, $5,000, to be immediately available. The sum of money now in the Treasury of the United States belonging to said Indians shall be retained as a permanent fund, upon which the Treasurer shall pay to said Indians annually interest at the rate of 5 per cent per annum from July 1, 1895."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: Add at the end of said amendment the following: "And sections 669, 670, and 671, of chapter 27 of Mansfield's Digest of the laws of Arkansas covering deeds, mortgages, liens, and instruments of writing pertaining to real estate are hereby extended over and put in force in said Quapaw Agency, Indian Territory. That the allottees of land within the limits of said Quapaw Agency are authorized to lease the same for a term not exceeding three years for farming purposes or five years for mining or business purposes"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with amendments as follows: Strike out from said amendment the word "Santee," and add at the end of said amendment the following: "And North and South Dakota"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: Add at the end of said amendment the following: "And charge against any funds belonging to said Lower Brule Indians now in the Treasury of the United States"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: Strike out, in line 12, page 39 of the bill, the word "divided" and insert in lieu thereof the word "expended"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with amendments as follows: Add at the end of said amendment the following:

"And not exceeding $1,500 for necessary traveling and incidental expenses of such persons.

"For completing the work of the Puyallup Indian Commission appointed under the act of March 3, 1893, to select and appraise such portions of the allotted lands within the Puyallup Indian Reservation, Wash., as are not required for homes for the Indian allottees, and also that part of the agency tract exclusive of the burying ground not needed for school purposes, and for the purpose of defraying the expenses of said Commission, $4,000, to be reimbursed to the United States out of the proceeds of the sale of the agency tract and allotted lands as provided in said act, to be immediately available; and said Commission shall conclude its work and terminate on or before the 1st day of December, 1896."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with amendments as follows: Strike out, in line 3 of said amendment, the word "three" and insert in lieu thereof the word "two"; and strike out, in line 42 of said amendment, the words "sufficient proof" and insert in lieu thereof the word "conviction"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 67, and agree to the same with an amendment as follows: Add at the end of said amendment the following: "And said sum shall be in full payment and satisfaction of all claims of the said Campbell or his representatives for said money and lands and interest therein, and the receipt of said Campbell for said sum shall so specify"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 91, and agree to the same with amendments as follows: Strike out, in line 4 of the last paragraph of the amendment, the words "section 2 of this act" and insert in lieu thereof the words "this section"; and add at the end of said paragraph the following:

"*Provided, however*, That any person who in good faith prior to the passage of this act has discovered or opened or located a mine of coal or other mineral shall have a preference right of purchase for ninety days from and after the official filing in the local land office of the approved plat of survey provided for by this section."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 92, and agree to the same with amendments as follows: Strike out, in line 4 of the last paragraph of the amendment, the words "section 2 of this act" and insert in lieu thereof the words "this section"; and add at the end of said paragraph the following:

"*Provided, however*, That any person who in good faith prior to the passage of this act had discovered and opened or located a mine of coal or other mineral shall have a preference right of purchase for ninety days from and after the official filing in the local land office of the approved plat of survey provided for by this section."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 93, and agree to the same with amendments as follows: Strike out, in line 4 of the last paragraph of the amendment, the words "section 2 of this act" and insert in lieu thereof the words "this section"; and in line 12 of said paragraph, after the word "opened," insert the words "or located"; and strike out, in the last line of said paragraph, the words "section 2 of this act" and insert in lieu thereof the words "this section"; and the Senate agree to the same.

On amendments numbered 33, 37, 46, 47, 48, 49, 51, 52, 56, 64, 66, 68, 69, 70, 71, 76, 77, 78, 83, 84, 85, 86, 87, and 94 the committee of conference has been unable to agree.

R. F. PETTIGREW,
H. M. TELLER,
F. M. COCKRELL,
Managers on the part of the Senate.

J. S. SHERMAN,
CHARLES CURTIS,
GEORGE C. PENDLETON,
Managers on the part of the House.

Mr. LODGE. I should like to know what became of amendment numbered 69.

Mr. PETTIGREW. This is a partial report.

The PRESIDENT pro tempore. The Chair is informed that the amendment referred to by the Senator from Massachusetts is among the amendments upon which the conferees of the two Houses have been unable to agree.

The question is on concurring in the report of the committee of conference.

The report was concurred in.

Mr. PETTIGREW. I move that the Senate still further insist upon its amendments disagreed to by the House of Representatives, and ask for a further conference with the House.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate, and Mr. PETTIGREW, Mr. TELLER, and Mr. COCKRELL were appointed.

PRACTICE OF MEDICINE AND SURGERY.

Mr. GALLINGER. I rise to present a privileged report, being the conference report on House bill 3731, to regulate the practice of medicine, surgery, etc.

The PRESIDENT pro tempore. The report will be read.

The Secretary read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 5731) to regulate the practice of medicine and surgery, to license physicians and surgeons, and to punish persons violating the provisions thereof in the District of Columbia, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 17, 18, 19, 25, 26, 27, 29, 31, 32, 33, 34, 35, 36, and 37, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same amended to read as follows: "On page 8, section 7, line 22, strike out 'examination' where it occurs the second time"; and that the Senate agree to the same.

That the House recede from its disagreement to the thirtieth amendment of the Senate, and agree to the same amended to read as follows: "On page 11, section 12, line 9, strike out 'any' where it occurs the first time"; and that the Senate agree to the same.

That the House recede from its disagreement to the amendments of the Senate numbered 20, 21, 22, 23, and 24, and agree to the same with an amendment, so that section 10 shall read as follows:

"SEC. 10. That the board of medical supervisors of the District of Columbia may, by a vote of four members, refuse to grant or may revoke a license, and

may cause the name of any person to be removed from the record of the supreme court of the District of Columbia, and from the register of the health office for any of the following causes, to wit: The employment of fraud or deception in passing the examinations provided for in this act, chronic inebriety, the practice of criminal abortion, conviction of crime involving moral turpitude, or unprofessional or dishonorable conduct. In complaints under this section the accused shall be furnished with a copy of the complaint and given a hearing before said board in person or by attorney, and witnesses may be heard for and on behalf of the accused, and for and on behalf of the said board. Appeal from the decision of said board may be taken to the court of appeals of the District of Columbia, and the decision of said court shall be final. Said board may at any time within two years from the refusal or revocation of a license or the cancellation of registration under this section, by a vote of four members, issue, without examination, a new license to the person so affected restoring to him or her all the rights and privileges of which he or she had been deprived by said board."

And that the Senate agree to the same.

That the Senate recede from its amendments numbered 4 and 28.

J. H. GALLINGER,
CHAS. J. FAULKNER,
Managers on the part of the Senate.

R. C. SHANNON,
J. W. BABCOCK,
S. W. COBB,
Managers on the part of the House.

The PRESIDENT pro tempore. The question is on concurring in the report.

The report was concurred in.

STANDARD FOR DRY MEASURES IN THE DISTRICT OF COLUMBIA.

Mr. McMILLAN. I present a conference report, which I ask may be considered at this time.

The PRESIDENT pro tempore. The report will be read.

The Secretary read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6833) defining the standard shape and size for dry measures in use in the District of Columbia, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the first and third amendments of the Senate and agree to the same.

That the Senate recede from its second amendment.

A. O. BACON,
J. C. PRITCHARD,
Managers on the part of the Senate.

G. M. CURTIS,
A. MILNES,
S. W. COBB,
Managers on the part of the House.

The PRESIDENT pro tempore. The question is on concurring in the report.

The report was concurred in.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. ALLISON. I now ask that the conference report on the sundry civil appropriation bill may be laid before the Senate.

The PRESIDENT pro tempore. The Chair lays before the Senate the report referred to by the Senator from Iowa; which will be read.

The Secretary read the report; which was printed in the RECORD of the 19th instant.

The PRESIDING OFFICER (Mr. FAULKNER in the chair). The question is on concurring in the report.

Mr. PASCO. Mr. President, there is an amendment made by the Senate, No. 144, which I should like to have read at the desk.

The PRESIDING OFFICER. The amendment referred to by the Senator from Florida will be read.

The Secretary read Senate amendment No. 144, as follows:

Military Cemetery at Key West, Fla.: For the purchase and use of land included in the military cemetery adjacent to the reservation of Key West Barracks, Fla., as recommended in a letter from the Secretary of War, dated February 7, 1896 (House Document No. 221, Fifty-fourth Congress, first session), $2,058.

Mr. PASCO. Mr. President, I see by the report that the amount inserted in the bill, which was the amount contained in the report of the Secretary of War, has been stricken out, and $1,500 inserted in lieu thereof. I do not know any reason why this reduction has been made. It will prevent any settlement of this matter, which has been standing for a long time.

This piece of land in Key West referred to in the amendment was taken by the United States military authorities for cemetery purposes during the war, and more than 200 soldiers were buried there. The property belonged and still belongs to a Mrs. Maloney. Through her husband she endeavored for years to get a settlement by a sale of the land or a recovery of its possession. The United States held and used it for cemetery purposes and the Government failed to make any arrangement to purchase it or to pay for its use. Subsequently a part of it upon which no interments had been made was returned to her, and it was proposed that the Government should pay the amount specified in the amendment as it stood in the bill. Mr. Maloney was always unwilling to accept that amount, because it was claimed that the property was worth three or four times as much, and it was claimed also that Mrs. Maloney should receive a fair compensation for the use of the property which was at first taken and held by the military authorities. A little less than an acre is still retained by the Government, and it was for the purchase of this piece that the amendment provided.

I have made many efforts to get the matter settled under different Secretaries of War since I came to the Senate, and my colleague had made similar efforts before that time. The Secretaries, one after another, had proposed this same settlement, but Mr. Maloney was always unwilling to take it, and refused to take it, and said that it was no use to propose any settlement for the land and its use upon those terms.

During the last year, or perhaps a little more than a year ago, Mr. Maloney died, and his widow, feeling unable to cope any longer with the Government and to continue the contention for a larger amount, agreed that she would take the sum named in the bill. She is needy, and the amount would be a great help to her in her present situation. The Secretary of War, upon being notified that the proposed settlement would be accepted, prepared the letter upon which I offered the amendment read at the desk and sent it to the House of Representatives. The amendment was adopted by the Senate, but for some reason which I do not understand the amount has been reduced to $1,500 by the committee of conference of the two Houses. It will not lead to a settlement, because the amount proposed is less than the actual value of the land, according to the opinion of the owner; and it is not right that the Government should continue in possession of this little piece of land without paying for it.

It is not possible to remove the bodies of the men who have been buried there, for the city authorities, for sanitary reasons, have always refused to allow that to be done when the proposition has been made. Even if such removal were practicable, the estimated cost of removing the remains and restoring the boundary wall would, according to the statements accompanying the Secretary's letter, be more than the amount to be paid for the land according to the terms of the amendment.

On the last page of the report which I hold in my hand it is stated that—

The estimated cost of removing the remains and restoring the boundary wall, made by several parties in Key West, is as follows:	
Removing and reinterring 214 bodies, at $10 each	$2,140.00
Removing old wall and rebuilding 130 feet new wall	195.00
Moving picket fence and building 30 feet new fencing	100.00
Total	2,435.00

So, if the United States should pursue that remedy and turn the property back to this lady, it will cost more than the amount named in the report of the Secretary of War, which is $2,058, besides leaving her without compensation for the use of the land.

It would perhaps be asking too much to move that this conference report be rejected on account of this single item; but I think the matter ought to be brought to the attention of the Senate, and perhaps the Senator having charge of the conference on this side may be able to suggest some remedy. It does seem to me that there can not have been proper consideration of the matter, and it looks like a very small piece of economy to deprive this lady of five or six hundred dollars of the amount recommended in the report submitted by the Secretary of War.

Mr. ALLISON. Mr. President, only a word in response. The Senator from Florida was kind enough to hand the papers from which he has taken extracts to me and to the Committee on Appropriations, with a view of having the item referred to inserted in the sundry civil bill. It had such merit in the mind of the committee that we agreed to its insertion, and the amount named in the bill was provided for. When we came in contact with the conferees on the part of the House of Representatives, they insisted that it had no place upon the sundry civil bill, it being a claim; and when I endeavored to impress upon the conferees the nature and character of the case they insisted that the amount suggested by the Senate was entirely too large; that the tract in question embraced a small area of land in rather a remote region, which was not worth one-tenth of what we had appropriated. Finally, however, with the view of getting rid of the whole question, they were willing to allow $1,500, and said there would be no difficulty in closing it up for that sum. Of course, if the owner of this property is not willing to take the $1,500, then it will be a matter of consideration at the next session of Congress or by the Committee on Claims. So I concur with the Senator from Florida that it is not wise to delay the progress of this bill on account of this amendment.

Mr. HILL. I desire to ask the chairman of the committee if anything was done with the item of appropriation for changes in the New York post-office for the accommodation of the Federal courts?

Mr. ALLISON. Nothing was done with that. That is still in disagreement. The conferees of the House of Representatives believed that that matter could very well lie over until next winter. We endeavored to impress upon them the importance of the immediate expenditure which we had provided for in the bill; but we could not agree, and the matter is still in conference.

Mr. HILL. I trust the conferees on the part of the Senate will

continue their good efforts in the direction of having an immediate appropriation.

Mr. ALLISON. I assure the Senator we shall do the best we possibly can in that regard.

I might say one word as respects the public-building appropriations generally. The House of Representatives would not agree to any of the appropriations and increases which we had proposed in the Senate as to public buildings, and especially they would not agree to the suggestion of any increase of limit in appropriations made for various public buildings.

Mr. MITCHELL of Oregon. I desire to ask the chairman of the committee what, if anything, has been done with regard to the Senate amendment making an appropriation for the improvement of the Cascades of the Columbia?

Mr. ALLISON. That also is still in disagreement, the House conferees insisting that the provision was also found in substance in the bill known as the river and harbor bill, and the Senate conferees, of course, insisting that we should make the provision a part of the sundry civil bill, leaving the matter open for the present.

Mr. MITCHELL of Oregon. Then, Mr. President, I hope that the Senate conferees will insist on maintaining that provision in the sundry civil bill. As has been said in the Senate more than once, that appropriation is absolutely essential to the early opening of the great work on the Cascades of the Columbia, and if anything should happen to the river and harbor bill, which I hope will not, we shall be left then in the unfortunate condition of having a work upon which there has been nearly $2,000,000 expended tied up for another year for lack of a few thousand dollars to enable the work to be opened to shipping. It can do no possible harm to have the provision, as the chairman of the committee will agree, in both bills, though it would not look very well, I admit, and would be bad legislation; but in view of the conditions and all the circumstances surrounding us, I hope the provision will be retained in the sundry civil bill, which we all know will become a law, and not take the chance of having it in a bill which may or may not eventually become a law.

Mr. PASCO. I think the conferees on the part of the Senate were entirely correct in insisting that this was not a mere claim, and that it did have a proper place upon this bill. It is among the items for national cemeteries, and is as much in place as any of those other items, in my judgment. It is necessary to extend the cemetery in order to protect the remains of the soldiers buried there. It is not right that they should be disturbed, and the Government certainly ought to enlarge the cemetery and make this purchase so that these remains may not be disturbed. I do not think there can be any doubt that the item properly belongs upon the sundry civil bill, particularly when it is accompanied by the reference to the letter of the Secretary of War, and it does seem to me that the conferees should have felt safe in accepting the report which came from the War Department with reference to the actual value of the land.

But, as I said before, I do not feel justified in asking that the entire report containing these numerous items should all be thrown back into conference on account of this unfavorable action on the part of the conferees. I shall hope if the Secretary of War finds, as I feel sure that he will, that he can not carry out this instruction of Congress to settle this matter with the amount placed at his disposal, that he will come back and ask for the additional amount at the next session of Congress, and then I shall endeavor to have it included in one of the great appropriation bills.

With these remarks I shall leave the subject, hoping that the views suggested by the chairman of the committee will cause the matter to receive proper attention when it next comes before the Senate.

Mr. WHITE. I desire to call the attention of the Senate conferees to an item which is still in conference under this report, providing for an appropriation of $12,000 for the improvement of the post-office at Los Angeles, Cal. The circumstances which induced me to offer that amendment here were the following: The building is quite small; it is a Government building. The business of the office has increased so much that it is impossible to transact it any longer in this building unless the cellar is improved and certain other improvements are made, which the Treasury Department estimate will cost about $12,000. If the appropriation is not made at once, the building, so far as the post-office is concerned, will have to be abandoned. It was with difficulty that I induced the Department to refrain from advertising for and receiving bids for a new site.

The revenue of the office is very large. Last year the Government netted from it $90,000, the gross revenue being $164,000; and the postmaster there informs me that the revenue for the first quarter of this year has increased $5,000, which would indicate something in the neighborhood of one hundred and eighty-odd thousand dollars gross revenue during the year. The matter can not wait, as I have said, the action of future Congresses, because of the crowded condition of the edifice now. I introduced a bill for an additional public building at that place, but recognizing the condition of the Treasury, I did not press it. I hope the conferees will bear in mind that there is on record a letter from the Department showing the necessity for this improvement, and the urgency of it will be manifest from what I have said.

Mr. PERKINS. I should like to ask the chairman of the committee in relation to the revenue cutters for the Pacific coast. Is there a disposition to eliminate the revenue cutters from the appropriations?

Mr. ALLISON. I will say to the Senator from California that the appropriation for a revenue cutter on the Pacific coast is eliminated from the bill by the conference report. The House conferees would not consent to the construction of another revenue cutter on the Pacific coast this year, one being now under construction. They asked us to state what we regarded as the most important, the light vessel at San Francisco Harbor or a revenue cutter; and believing that we would have the sanction and approval of the Senator from California, we claimed that the light-ship is the most important, and the light-ship is retained in the report.

Mr. PERKINS. Mr. President, we are very grateful for the retention of the light-ship to guide mariners into the great port of San Francisco, and I felt assured that the conferees on the part of the Senate would insist upon that amendment.

The revenue cutters, however, are not for California. They are for Oregon, Washington, and Alaska. They are a necessity to the Government for the protection of its revenues. Two cutters were recommended by the Secretary of the Treasury, and the Superintendent of that Service says it is most important that the additional one which the Senate put in should be provided for at the present session of Congress. I hope the Senate conferees will not recede from their demand for the additional revenue cutter. While California is grateful for the favors that it has received, the cutter which the Senate provided for is not for California, as I have said, but for the whole Pacific coast; and I earnestly hope that the chairman of the committee with his persuasive logic will convince our friends on the conference committee from the other House that the construction of this cutter is an absolute necessity for the protection of the revenues of our country.

Mr. SQUIRE. Mr. President, I wish to add a few words in favor of an additional revenue cutter for the Pacific coast. I looked into the question very carefully and conferred with the officials of the Treasury Department. I know they are very earnestly in favor of it. I know the condition of the Revenue-Marine Service on the Pacific coast. We have a few old, antiquated vessels there that are really unfit for service. All of them put together to-day are not worth $150,000; probably they are not worth $100,000. The service there is very exacting. There is a great deal to be done in connection with the Bering Sea fisheries, as we all know, and we are absolutely without a single revenue cutter that is fit for service.

When one of the vessels was supposed to be lost in a storm, and it was found eventually to have been lost, there was an attempt made to rescue it, and the revenue cutter was ordered out by the Secretary of the Treasury. It made the attempt, but remained out only a few hours. The condition of the vessel was such that it had to put back into port and allow the vessel to be lost. There is absolutely not a single vessel there capable of going out to the relief of a vessel in distress. The Department is very emphatic in its views on the subject. I had the honor to introduce a bill providing for this additional revenue cutter, and it was favorably recommended, and in very strong terms, by the Department. It seems to me this item ought to be included in the bill.

I could talk at length on the subject, but I wish only to emphasize at this time what the Senator from California has stated. To deny this appropriation would be a very great injustice to the customs service and to all that relates to the service on the Pacific Coast. We have no patrolling vessel. There are half a dozen vessels patrolling from Hatteras to Maine on the Atlantic coast. Not a single vessel patrols the Pacific shore. We ought to have a vessel of such a character as will endure the weather in those seas.

Mr. CHANDLER. Mr. President, I can understand that the Senator from Washington [Mr. SQUIRE] and the Senator from California [Mr. PERKINS] feel disturbed that the committee of conference has reduced somewhat the appropriations for the Pacific Coast. They should, however, be somewhat reconciled from the fact that other appropriations have been cut down by the conference committee in its desire to promote economy. The Senator from Florida [Mr. PASCO] has called our attention to one of the cases where the committee has acted with great zeal and fidelity. That is the case of Mrs. Maloney's graveyard. It seems that the Government has taken a woman's land at Key West for a graveyard. An estimate was put upon the value of it and the amount was agreed upon—some few hundred dollars; I could not distinctly hear the statement of the Senator from Florida as to the amount—but the conference committee felt so pressed by considerations of economy that it cut in two the price of this poor

woman's graveyard and reduced the amount some hundreds of dollars. If the Senator from Florida will kindly tell me how much has been saved by the reduction made by the committee of conference I shall be obliged to him.

Mr. PASCO. About $500.

Mr. CHANDLER. Under those circumstances, when the price of a graveyard is reduced in the case of a poor Southern widow, I should not suppose that the Senators from California and Washington would expect that they could possibly retain both a revenue cutter and a light-ship. The committee could not cut the price for the light-ship in two or cut the price for the revenue cutter in two. So it left out one and retained the other. But in the case of the cemetery at Key West it cut the amount in two and made a saving of some $500, which is not much, but it is so much, Mr. President, in these Democratic times, when the Treasury is empty and the public welfare languishes on account of the kind of government we have in the White House and at the Treasury Department.

It seems to me that there should be no hurry, and that it would be well for the Senators from the Pacific Coast and the Senator from Florida to make a motion to vote down this conference report and see whether we can not get full pay for the cemetery, and perhaps get additional provision made for the public good on the Pacific Coast. We have already voted down one conference report. There is time. We are likely to remain here some days before the river and harbor bill is signed by the President, and the time might as well be devoted to discussing somewhat fully these details. If the Senator from Florida, instead of retiring in the face of the conference committee, had insisted upon voting down the conference report, or if the Senator from Washington had spoken at length on the subject, as he might have done, and appealed to the Senate for an adverse vote, I am sure that the report might have been voted down and we might have got an appropriation for these necessary and important objects at the present session, instead of waiting a year or two longer in order to get justice done to the Pacific Coast and to Mrs. Maloney.

The PRESIDING OFFICER. The question is on concurring in the report of the conference committee.

The report was concurred in.

Mr. ALLISON. I move that the Senate still further insist upon its amendments disagreed to by the House and ask for a further conference on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate at the further conference, and Mr. ALLISON, Mr. HALE, and Mr. GORMAN were appointed.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 5210) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1897, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. TELLER. I move that the Senate insist upon its amendments and agree to the conference asked by the House of Representatives.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate, and Mr. TELLER, Mr. ALLISON, and Mr. COCKRELL were appointed.

REGULATION OF BOND ISSUES.

Mr. BUTLER. I move that the Senate now proceed to the consideration of the bill (S. 1341) to prohibit the further issuance of interest-bearing bonds without the consent of Congress.

The PRESIDING OFFICER. The bill will be read for information.

The Secretary read the bill, as follows:

Be it enacted, etc., That the issuance of interest-bearing bonds of the United States for any purpose whatever without further authority of Congress is hereby prohibited.

Mr. HILL. Does the Senator from North Carolina desire to make some remarks upon the bill?

Mr. STEWART. I object to any remarks pending the motion to take up the bill.

Mr. BUTLER. After the bill is taken up I intend to submit some remarks. I have some very interesting remarks to submit with reference to the question.

Mr. HILL. That may be, Mr. President.

Mr. BUTLER. I wish now to have the Senate take up the bill and make it the unfinished business.

Mr. HILL. Not to debate the question at all, I was simply going to suggest to the Senate whether it was worth while to enter upon a discussion——

Mr. STEWART. I rise to a point of order. I object to debate upon the motion to take up the bill.

The PRESIDING OFFICER. The Senator from Nevada rises to a point of order.

Mr. HILL. I trust the Senator does not object to unanimous consent that I may make a statement.

Mr. STEWART. I object to any kind of debate on the motion to take up the bill.

Mr. HILL (at 4 o'clock and 55 minutes p. m.). I move that the Senate adjourn.

The PRESIDING OFFICER. Pending the motion of the Senator from North Carolina [Mr. BUTLER], to proceed to the consideration of the bill which has been read, the Senator from New York moves that the Senate adjourn.

Mr. STEWART. On that I ask for the yeas and nays.

The yeas and nays were not ordered.

The PRESIDING OFFICER. The question is on the motion of the Senator from New York that the Senate adjourn.

Mr. HILL. Let us have the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Secretary will call the roll on the motion that the Senate do now adjourn.

The Secretary proceeded to call the roll.

Mr. BURROWS (when his name was called). I am paired with the senior Senator from Louisiana [Mr. CAFFERY]. I do not see him in his seat, and I withhold my vote.

Mr. CARTER (when his name was called). I am paired with the junior Senator from Maryland [Mr. GIBSON]. Not knowing how he would vote on this question, I withhold my vote.

Mr. DUBOIS (when his name was called). I am paired with the senior Senator from New Jersey [Mr. SMITH].

The PRESIDING OFFICER (when Mr. FAULKNER's name was called). The present occupant of the chair is paired with the Senator from West Virginia [Mr. ELKINS].

Mr. GEAR (when his name was called). I am paired with the senior Senator from Georgia [Mr. GORDON].

Mr. HARRIS (when his name was called). I am paired with the Senator from Vermont [Mr. MORRILL].

Mr. GALLINGER (when Mr. HANSBROUGH's name was called). I announce the pair between the Senator from North Dakota [Mr. HANSBROUGH] and the Senator from Illinois [Mr. PALMER].

Mr. MITCHELL of Wisconsin (when his name was called). I am paired with the Senator from New Jersey [Mr. SEWELL].

Mr. PASCO (when his name was called). I am paired with the Senator from Washington [Mr. WILSON].

Mr. PRITCHARD (when his name was called). I am paired with the Senator from Louisiana [Mr. BLANCHARD]. If he were present, I should vote "nay."

Mr. THURSTON (when his name was called). I have a general pair with the junior Senator from South Carolina [Mr. TILLMAN]. If he were present, I should vote "nay."

Mr. WOLCOTT (when his name was called). I announce my pair with the Senator from Ohio [Mr. BRICE].

The roll call having been concluded, the result was announced—yeas 13, nays 35; as follows:

YEAS—13.

Allison,	Hale,	McMillan,	Wetmore.
Baker,	Hawley,	Platt,	
Davis,	Hill,	Proctor,	
Gray,	Lodge,	Vilas,	

NAYS—35.

Allen,	Chilton,	Lindsay,	Roach,
Bacon,	Clark,	Martin,	Shoup,
Bate,	Cockrell,	Mills,	Stewart,
Berry,	Cullom,	Mitchell, Oreg.	Teller,
Blackburn,	Daniel,	Nelson,	Turpie,
Brown,	Gallinger,	Peffer,	Walthall,
Butler,	George,	Perkins,	Warren,
Cannon,	Jones, Ark.	Pettigrew,	White.
Chandler,	Kyle,	Pugh,	

NOT VOTING—41.

Aldrich,	Frye,	Mantle,	Smith,
Blanchard,	Gear,	Mitchell, Wis.	Squire,
Brice,	Gibson,	Morgan,	Thurston,
Burrows,	Gordon,	Morrill,	Tillman,
Caffery,	Gorman,	Murphy,	Vest.
Call,	Hansbrough,	Palmer,	Voorhees,
Cameron,	Harris,	Pasco,	Wilson,
Carter,	Hoar,	Pritchard,	Wolcott.
Dubois,	Irby,	Quay,	
Elkins,	Jones, Nev.	Sewell,	
Faulkner,	McBride,	Sherman,	

So the Senate refused to adjourn.

The PRESIDING OFFICER. The question recurs on the motion of the Senator from North Carolina [Mr. BUTLER], that the Senate proceed to the consideration of Senate bill 1341, which has been read.

Mr. BUTLER. On that I ask for the yeas and nays.

Mr. HILL. Let us have the yeas and nays on that question.

The yeas and nays were ordered.

Mr. CHANDLER. I move that the Senate proceed to the consideration of executive business.

The PRESIDING OFFICER. Pending the motion of the Senator from North Carolina, the Senator from New Hampshire moves that the Senate proceed to the consideration of executive business.

Mr. BUTLER and Mr. HILL. I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. CARTER (when his name was called). I again announce my pair with the junior Senator from Maryland [Mr. GIBSON].

Mr. DUBOIS (when his name was called). I am paired with the senior Senator from New Jersey [Mr. SMITH]. I will transfer that pair to the Senator from Nevada [Mr. JONES] and vote "nay."

The PRESIDING OFFICER (when Mr. FAULKNER'S name was called). The present occupant of the chair is paired with the Senator from West Virginia [Mr. ELKINS]. The pair will be transferred to the Senator from Indiana [Mr. VOORHEES], and the present occupant of the chair votes "yea."

Mr. GEAR (when his name was called). I am paired with the senior Senator from Georgia [Mr. GORDON].

Mr. HARRIS (when his name was called). I am paired with the Senator from Vermont [Mr. MORRILL].

Mr. HILL (when his name was called). I am paired with the junior Senator from Massachusetts [Mr. LODGE], and I withhold my vote.

Mr. PASCO (when his name was called). I again announce, and for the day, my pair with the Senator from Washington [Mr. WILSON].

Mr. PRITCHARD (when his name was called). I am paired with the Senator from Louisiana [Mr. BLANCHARD]. If he were present, I should vote "nay."

Mr. THURSTON (when his name was called). I have a general pair with the junior Senator from South Carolina [Mr. TILLMAN]. If he were present, I should vote "nay."

The roll call was concluded.

Mr. CARTER. I desire to announce the transfer of my pair with the junior Senator from Maryland [Mr. GIBSON] to my colleague [Mr. MANTLE], and I vote "nay."

Mr. MITCHELL of Oregon. I wish to inquire whether the senior Senator from Wisconsin [Mr. VILAS] has voted?

The PRESIDING OFFICER. He has not voted.

Mr. MITCHELL of Oregon. Then I transfer my pair with that Senator to the senior Senator from Rhode Island [Mr. ALDRICH], who is absent. I vote "nay."

The result was announced—yeas 10, nays 32; as follows:

YEAS—10.

Baker,	Cullom,	Frye,	Wetmore.
Brown,	Davis,	Gallinger,	
Chandler,	Faulkner,	McMillan,	

NAYS—32.

Allen,	Chilton,	Mills,	Shoup,
Bacon,	Clark,	Mitchell, Oreg.	Stewart,
Bate,	Daniel,	Nelson,	Teller,
Berry,	Dubois,	Peffer,	Turpie,
Blackburn,	George,	Perkins,	Vest,
Butler,	Jones, Ark.	Pettigrew,	Walthall,
Cannon,	Kyle,	Pugh,	Warren,
Carter,	Martin,	Roach,	White.

NOT VOTING—47.

Aldrich,	Gordon,	Lodge,	Quay,
Allison,	Gorman,	McBride,	Sewell,
Blanchard,	Gray,	Mantle,	Sherman,
Brice,	Hale,	Mitchell, Wis.	Smith,
Burrows,	Hansbrough,	Morgan,	Squire,
Caffery,	Harris,	Morrill,	Thurston,
Call,	Hawley,	Murphy,	Tillman,
Cameron,	Hill,	Palmer,	Vilas,
Cockrell,	Hoar,	Pasco,	Voorhees,
Elkins,	Irby,	Platt,	Wilson,
Gear,	Jones, Nev.	Pritchard,	Wolcott.
Gibson,	Lindsay,	Proctor,	

The PRESIDING OFFICER. Not a quorum of the Senate having voted, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allen,	Cullom,	Lindsay,	Pugh,
Bacon,	Daniel,	McBride,	Roach,
Baker,	Davis,	McMillan,	Shoup,
Berry,	Dubois,	Martin,	Squire,
Blackburn,	Elkins,	Mills,	Stewart,
Brown,	Faulkner,	Mitchell, Oreg.	Teller,
Burrows,	Frye,	Mitchell, Wis.	Thurston,
Butler,	Gallinger,	Nelson,	Turpie,
Cannon,	Gear,	Pasco,	Vest,
Carter,	George,	Peffer,	Vilas,
Chandler,	Harris,	Perkins,	Walthall,
Chilton,	Hawley,	Pettigrew,	Warren,
Clark,	Jones, Ark.	Pritchard,	White.
Cockrell,	Kyle,	Proctor,	

The PRESIDING OFFICER. Fifty-five Senators have responded to their names. A quorum of the Senate is present. The question recurs upon the motion of the Senator from New Hampshire [Mr. CHANDLER], to proceed to the consideration of executive business.

Mr. PETTIGREW. I rise to submit a report from the committee of conference on the Indian appropriation bill. I ask that it be printed and lie over until to-morrow.

The PRESIDING OFFICER. The Chair rules that the Senator from South Dakota can not ask for the reception of the conference report while a motion is pending to proceed to the consideration of executive business.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the President of the United States having returned to the House of Representatives in which it originated the bill (H. R. 1094) granting a pension to Francis E. Hoover, with his objections thereto, the House proceeded, in pursuance of the Constitution, to reconsider the same; and it was

Resolved, That the bill pass, two-thirds of the House of Representatives agreeing to the same.

The message also announced that the House had passed a bill (H. R. 7864) to amend the immigration laws of the United States; in which it requested the concurrence of the Senate.

The message further announced that the House further insisted upon its disagreement to the amendments numbered 11, 12, 13, 14, 16, 19, 22, 23, 36, 37, 38, 83, 108, 109, 142, 144, 233, 305, 306, 307, 308, 309, 310, 313, and 314 to the bill (H. R. 6248) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes; agreed to the further conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BINGHAM, Mr. MCCALL of Tennessee, and Mr. DOCKERY managers at the conference on the part of the House.

The message also announced that the House insisted upon its disagreement to the amendments of the Senate to the bill (H. R. 7977) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, agreed to the further conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HOOKER, Mr. HERMANN, and Mr. CATCHINGS managers at the conference on the part of the House.

INDIAN APPROPRIATION BILL.

Mr. PETTIGREW. I ask unanimous consent at this time to present a conference report on the Indian appropriation bill and to ask that it be printed, to be considered to-morrow.

The PRESIDING OFFICER. The Senator from South Dakota asks unanimous consent to submit a conference report upon the Indian appropriation bill. Is there objection? The Chair hears none, and the same will be printed in the RECORD and also as a document.

Mr. HILL. Unanimous consent has been given to present the report. That is all right. I am entitled to have it read.

Mr. GALLINGER. It is not required.

Mr. HILL. It does not make any difference. I want it read.

Mr. STEWART. I object.

Mr. HILL. The Senator can not object.

Mr. BUTLER. I object.

Mr. HILL. I am entitled to have it read. It has been presented, and I am entitled to have it read.

The PRESIDING OFFICER. The Chair rules that the Senate having given unanimous consent that the report should be presented, any Senator has a right to have the report read. The reading can only be dispensed with by the action of the Senate.

Mr. PETTIGREW. I will state that the request for unanimous consent embraced also a request that the report shall be printed in the RECORD and considered to-morrow.

The PRESIDING OFFICER. The Chair so stated.

Mr. HILL. No such request was made when you last put it.

Mr. PETTIGREW. Let the notes be read.

The PRESIDING OFFICER. The Chair will state that the Senator from South Dakota made the request, and the Chair did not put in the part in reference to its being considered to-morrow.

Mr. HILL. They are separate propositions.

Mr. STEWART (to Mr. PETTIGREW). Then withdraw the report.

Mr. HILL. The Senator from South Dakota can not withdraw it now. He has presented it, and the Senate has given unanimous consent.

The PRESIDING OFFICER. Does the Senator from New York insist upon the reading of the report?

Mr. HILL. Yes; I do.

The PRESIDING OFFICER. The Secretary will proceed to read the report.

Mr. BUTLER. Mr. President——

Mr. HILL. I object to debate.

Mr. BUTLER. I rise to a parliamentary inquiry.

Mr. HILL. I wanted to make a simple statement, and I was ruled out.

The PRESIDING OFFICER. The Chair understands that the Senator from North Carolina [Mr. BUTLER] rises to a parliamentary inquiry.

Mr. BUTLER. I rise to a parliamentary inquiry, and that is, that the matter not being disposed of, objection can be interposed at any time before it is finally disposed of. I therefore object to the acceptance or consideration of the report.

Mr. GALLINGER. Another parliamentary inquiry, Mr. President, for the guidance of the Senate. I desire to ask the Chair if unanimous consent is necessary to present a conference report? Is not a conference report a privileged matter?

The PRESIDING OFFICER. The Chair will state that unanimous consent is necessary during the pendency of a motion to proceed to the consideration of executive business. That motion is now pending, and it requires unanimous consent in order to present a conference report.

Mr. GALLINGER. I supposed that the motion had been disposed of.

The PRESIDING OFFICER. The Senate was dividing at the time, and the report could only be received by unanimous consent.

Mr. BUTLER. I call attention to the fact that the Senator from South Dakota [Mr. PETTIGREW] stated distinctly that he simply asked unanimous consent to present the report and would ask for its consideration to-morrow. It was on that understanding and that statement that unanimous consent was given. Otherwise I should have objected. I claim that that statement having been made, I have the right now to object to the acceptance of the report.

Mr. HILL. I must take the request as it was presented through the Chair. The Chair simply asked, "Is there objection to the present presentation of the report?" There was no objection, and the report was presented. Then I have a right, as the Chair has already ruled, to have the report read. The Senator can not now, after intervening matters have come up, object to its presentation or reading. I am strictly in order.

Mr. STEWART. At all times in considering the effect of unanimous-consent agreements we refer to the RECORD to inquire what the request was. It is always determined by the request. The request was distinct. The consent was given on the request. The request was not for anything more than the printing of the report, and consent was not given for anything further than that. I object to the consideration of the report. It is contrary to the request and contrary to the consent.

The PRESIDING OFFICER. The Chair would have to rule, even under the statement of the Senator from South Dakota, as understood by the Senate, that the report be received and printed in the RECORD, that any Senator has a right, when the report is once received, to call for the reading of it.

Mr. ALLEN. I ask that the unanimous-consent agreement be read, if there is to be a violation of it.

Mr. PETTIGREW. I ask to have my request read.

Mr. STEWART. I should like to have the rule relating to unanimous-consent agreements read. Before it is accepted any Senator can object.

The PRESIDING OFFICER. The Chair will state that there is no rule of the Senate in reference to unanimous-consent agreements. The Chair only ruled that the request of the Senator from New York [Mr. HILL] for the reading of the report must be complied with.

Mr. ALLEN. I call for the reading of the unanimous-consent agreement.

Mr. CULLOM. Mr. President——

Mr. ALLEN. Let the stenographer read.

Mr. CULLOM. I simply wanted to suggest to the Senator from Nebraska that the stenographer can not take what is being said and read his notes at the same time.

Mr. ALLEN. I understand that; and I do not expect him to do it. I do not expect him to accomplish impossible things unless he has more ability than I suppose he has. Before the Chair directed the reading of the report I called for the reading of the language of the unanimous-consent agreement.

The PRESIDING OFFICER. If the Senator from Nebraska will yield the floor, the Chair will direct that the words be read. The stenographer will read to the Senate the request of the Senator from South Dakota [Mr. PETTIGREW] and the statement of the Chair.

The Reporter read as follows:

Mr. PETTIGREW. I ask unanimous consent at this time to present a conference report on the Indian appropriation bill, and to ask that it be printed, to be considered to-morrow.

The PRESIDING OFFICER. The Senator from South Dakota asks unanimous consent to submit a conference report upon the Indian appropriation bill. Is there objection? The Chair hears none, and the same will be printed in the RECORD and also as a document.

Mr. ALLEN. Mr. President, I do not expect to be able to say anything or to do anything that will put an end to the filibustering that is going on at this time and the evident desire not to take up the bill of the Senator from North Carolina [Mr. BUTLER], but I wish to call attention to the fact that with one exception, a single exception during the present Congress, since I have been here there has never been a violation of a unanimous-consent agreement. Certainly the Populists in this Chamber have never violated one, and I have never known such an agreement to be violated except in one instance. I hope the Senate will not feel itself at liberty to violate this unanimous-consent agreement and to abandon the principles and honor of manhood in failing to observe it.

Mr. HILL. What is the question before the Senate that gives——

Mr. ALLEN. I do not yield.

Mr. HILL. What is the question before the Senate that gives the right to one Senator beyond what other Senators have?

Mr. ALLEN. I do not yield to the Senator.

Mr. HILL. I rise to a point of order. The Senator from Nebraska has no right to speak.

Mr. ALLEN. I have a right to speak.

Mr. HILL. What gives the Senator the right more than anyone else, I should like to know?

Mr. ALLEN. I think I shall speak, too.

Mr. HILL. That may be.

The PRESIDING OFFICER. The Senator from Nebraska will suspend until the Chair can pass upon the point of order raised by the Senator from New York [Mr. HILL].

Mr. HILL. Others have rights here as well as the Senator.

The PRESIDING OFFICER. The Chair will state very frankly that having ruled upon the question which was submitted, there is now nothing before the Senate except the motion of the Senator from New Hampshire [Mr. CHANDLER] to proceed to the consideration of executive business. The Senator from Nebraska [Mr. ALLEN] has the floor, as the Chair understood, by the unanimous consent of the Senate.

Mr. HILL. Did he request it?

The PRESIDING OFFICER. He did not.

Mr. ALLEN. I raised a point of order, and I am still standing on the point of order.

Mr. HILL. It is pretty light standing.

The PRESIDING OFFICER. The Chair having understood that no objection was made, recognized the Senator from Nebraska.

Mr. ALLEN. Does the Senator from New York object?

Mr. HILL. I raise the point, When did he request unanimous consent to speak?

The PRESIDING OFFICER. The Senator from Nebraska did not make a request, but neither the Chair nor any Senator having called him to order for proceeding, the Chair assumed he was speaking by the unanimous consent of the Senate, and he will so hold until the Senator from Nebraska surrenders the floor.

Mr. HILL. And a point of order will not lie?

The PRESIDING OFFICER. Not after unanimous consent, either indirectly or directly, has been given.

Mr. ALLEN. When I was interrupted by the Senator from New York, who, of course, is a great parliamentarian and is now manifesting his great knowledge of parliamentary tactics, I was proceeding simply to make the observation that unanimous-consent agreements not having been violated, having been observed on both sides, with a single notable exception, which I think we all remember, during this session of Congress, I hope the Democrats and Republicans will not feel themselves at liberty to violate the unanimous-consent agreement that has been obtained, because the Senator from North Carolina [Mr. BUTLER] happens to be a member of the Populist party and because this can be said to be in some degree a Populist measure.

Mr. HILL. I am glad to hear it announced as a Populist measure.

Mr. ALLEN. Yes, sir.

Mr. BUTLER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from North Carolina?

Mr. ALLEN. I yield to the Senator from North Carolina.

The PRESIDING OFFICER. Is there objection to the Senator from North Carolina taking the floor?

Mr. HILL. Now, Mr. President——

The PRESIDING OFFICER. The question before the Senate is the reading of the report submitted by the Senator from South Dakota [Mr. PETTIGREW].

Mr. HILL. I so understand.

Mr. GEORGE. Let us have it read. We would have been through with it by this time.

Mr. HILL. I have no objection to the Senator from Nebraska talking, but I do not believe in both Senators having the floor.

Mr. BUTLER. I wish to make a correction.

Mr. ALLEN. I yield simply for a correction or a statement. I do not yield the floor entirely.

Mr. BUTLER. This filibustering is not due to the Populist party. It would take place if a Democrat or Republican had

taken it up. The filibustering takes place because the bill is right, because some Senators here do not want it to pass——

Mr. ALLEN. I think that is true.

Mr. BUTLER. Because the country wants it. It is because it is a just measure. That is why the filibustering is indulged in.

Mr. HILL. Let them have all the rope between them.

The PRESIDING OFFICER. The Senator from Nebraska has the floor.

Mr. ALLEN. I think what the Senator from North Carolina says is true. I understand quite well that my talking here assists the Senator from New York. I am his assistant in helping to kill time. I realize that fully; but I can not understand and I do not understand, and I never expect to live to be old enough to understand, how a distinguished Senator who occupies a seat in this Chamber can feel himself at liberty in a public manner and openly to violate the courtesies of a unanimous-consent agreement because it does not happen to originate with the party of which he is a member.

Mr. HILL. I desire to know whether the Senator from Nebraska intends to refer to me in stating that a Senator has violated a unanimous-consent agreement?

Mr. ALLEN. What does the Senator want to know for?

Mr. HILL. Simply for curiosity.

Mr. ALLEN. Mr. President, I meant the Senator from New York.

Mr. HILL. Mr. President, I desire to state right now that the statement is false. I have violated no agreement of the Senate; none whatever. I simply insisted upon my rights, and I have been sustained by the Chair.

Mr. ALLEN. I do not propose to say that it is false or anything of that kind, but the Senator from New York will never live long enough to convince me that his conduct was honest in making the objection.

Mr. HILL. That may be. I never care to live long enough to convince the Senator from Nebraska. I stand upon my parliamentary rights. I have violated no unanimous-consent agreement. I have always maintained them where I could, and I maintain this one now. The Senator from South Dakota made the request, presented the report, and I simply asked to have it read, just as has been done hundreds of times.

The PRESIDING OFFICER. The Senator from New York is occupying the floor by unanimous consent.

Mr. GRAY. What is the question before the Senate?

The PRESIDING OFFICER. The reading of the conference report.

Mr. HILL. I demand that it be proceeded with.

The PRESIDING OFFICER. The Secretary will read the report.

The Secretary read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 6249) making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1897, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 46, 51, and 56.

That the House recede from its disagreement to the amendments of the Senate numbered 71, 76, 86, 87, and 94; and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For purchase of seed and grain and for subsistence for the Ponca Indians in Nebraska, under the direction of the Secretary of the Interior, and for payment for such supplies heretofore purchased during the current fiscal year, $5,000, to be immediately available."

And the Senate agree to the same.

That the House recede from its disagreement to the amendments of the Senate numbered 47, 48, and 49, and agree to the same with amendments as follows: Strike out the matter inserted by said amendments and strike out the amended paragraph and insert in lieu thereof the following:

"The Secretary of the Interior is hereby authorized to appoint a commission to consist of three persons, not more than two of whom shall be of the same political party, and not more than one of whom shall be resident of any one State, to negotiate with the following Indians, namely: With the Crow and Flathead Indians, in the State of Montana, for the cession of portions of their respective reservations; with the Northern Cheyenne and Crow Indians, for the removal of said Northern Cheyenne Indians from their present reservation on the Rosebud River at Lame Deer Agency to the southern portion of the Crow Reservation; with the Indians residing on the Fort Hall Indian Reservation, in the State of Idaho, and with the Indians residing upon the Uintah Reservation, in the State of Utah, for the surrender of any portion of their respective reservations, or for such modification of existing treaties as may be deemed desirable by said Indians and the Secretary of the Interior; and with the Yakima Indians, in the State of Washington, for the surrender of a portion of their reservation lands, and for such modification of existing treaties as may be deemed desirable by said Indians and the Secretary of the Interior, any agreement thus negotiated being subject to subsequent ratification by Congress; and for the expenses of such commission and negotiations hereunder the sum of $10,000 is appropriated: *Provided*, That the time for the completion of the canal, or any part thereof, authorized by an act entitled 'An act granting to the Columbia Irrigation Company a right of way through the Yakima Indian Reservation in Washington,' be, and is hereby, extended two years from July 24, 1896."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with amendments as follows: Insert after the word "persons," in lines 2 and 3 of said amendment, the following: "two of whom shall be practical surveyors"; and insert after said amendment the following: "To enable the Attorney-General to employ a special attorney for the Mission Indians of southern California, upon the recommendation of the Secretary of the Interior, $1,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,235,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 77, and agree to the same with an amendment as follows: Insert after the word "Dakota," in line 2 of said amendment, the words "in full of all demands and claims upon the Government"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with an amendment as follows: Insert after the word "Company," in line 1 of said amendment, the words "in full of all demands and claims upon the Government"; and the Senate agree to the same.

That the House recede from its disagreement to the amendments of the Senate numbered 83, 84, and 85, and agree to the same with amendments as follows: Strike out the matter inserted by said amendments, and strike out the amended paragraph and insert in lieu thereof the following:

"For support of Indian industrial school at Pierre, S. Dak., at not to exceed $167 per annum for each pupil, and for general repairs and improvements, $27,050; for pay of superintendent of said school, $1,500; in all, $28,550: *Provided*, That hereafter no Indian child shall be taken from any school in any State or Territory to a school in any other State against its will or without the written consent of its parents."

And the Senate agree to the same.

On amendments numbered 37, 64, 66, 69, and 70 the committee of conference has been unable to agree.

R. F. PETTIGREW,
H. M. TELLER,
F. M. COCKRELL,
Managers on the part of the Senate.

J. S. SHERMAN,
CHARLES CURTIS,
GEORGE C. PENDLETON,
Managers on the part of the House.

The PRESIDING OFFICER. The report will go over and be printed.

ORDER OF BUSINESS.

Mr. CHANDLER. Mr. President——

The PRESIDING OFFICER. The question before the Senate is on the motion of the Senator from New Hampshire [Mr. CHANDLER] to proceed to the consideration of executive business.

Mr. CHANDLER. Mr. President, I rise to a privileged question. I ask the Chair to lay before the Senate the message recently received from the House of Representatives.

Mr. BUTLER. I object, Mr. President.

The PRESIDING OFFICER. The Chair will rule that that is not a privileged question, and can not be laid before the Senate as a matter of right at this time.

Mr. CHANDLER. Then I move that it be laid before the Senate.

The PRESIDING OFFICER. The Senator can not now do that, as there is a question pending before the Senate.

Mr. CHANDLER. I ask the Presiding Officer——

The PRESIDING OFFICER. The Senator from New Hampshire has moved that the Senate proceed to the consideration of executive business, which motion is pending.

Mr. CHANDLER. I wish to call the attention of the Chair to paragraph 5 of Rule VII, and ask the Chair to read it. If I am wrong I will withdraw my motion.

The PRESIDING OFFICER. The Chair will state to the Senator from New Hampshire that the Senate is now dividing upon the motion made by the Senator to proceed to the consideration of executive business; and consequently during the pendency of that question nothing can intervene except by unanimous consent.

Mr. CHANDLER. Does the Chair hold that any question pending at the time can not be suspended for the purpose of having a message laid before the Senate?

The PRESIDING OFFICER. When the Senate is dividing nothing can be received by the Senate except by unanimous consent; and the Chair will so hold.

Mr. CHANDLER. Does the Chair hold that all the recent transactions were by unanimous consent?

The PRESIDING OFFICER. The Chair so stated as each question was submitted to the Senate.

Mr. HILL. Mr. President, I suggest the lack of a quorum.

The PRESIDING OFFICER. The Chair will state that the Senate is now dividing. The question is on the motion submitted by the Senator from New Hampshire, which will decide the question as to whether there is a quorum or not.

Mr. HILL. That may be, Mr. President, but since the conference report has been read, intervening business having taken place, I have the right at any time to suggest the absence of a quorum, and I appeal to the good sense of the Presiding Officer and to the rules to sustain me.

The PRESIDING OFFICER. The Chair differs in opinion with the Senator from New York. The Senate is now dividing, and the vote upon that division will test the question as to whether there is a quorum present or not; and during that time no suggestion whatever is proper.

Mr. BUTLER and Mr. STEWART called for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have already been ordered. The Secretary will call the roll.

Mr. SHOUP. What is the question?

The PRESIDING OFFICER. The question is on the motion of the Senator from New Hampshire that the Senate proceed to the consideration of executive business.

The Secretary proceeded to call the roll.

Mr. BURROWS (when his name was called). I am paired with the senior Senator from Louisiana [Mr. CAFFERY].

Mr. CARTER (when his name was called). My pair with the junior Senator from Maryland [Mr. GIBSON] has been transferred to the Senator from Montana [Mr. MANTLE] for the day only, and I vote "nay."

Mr. DUBOIS (when his name was called). I announce that my pair with the senior Senator from New Jersey [Mr. SMITH] has been transferred to the Senator from Nevada [Mr. JONES], and I vote "nay."

The PRESIDING OFFICER (when Mr. FAULKNER'S name was called). The present occupant of the chair is paired with the Senator from West Virginia [Mr. ELKINS].

Mr. HARRIS (when his name was called). I am paired with the Senator from Vermont [Mr. MORRILL].

Mr. HILL (when his name was called). I am paired with the junior Senator from Massachusetts [Mr. LODGE], who is temporarily absent.

Mr. NELSON (when his name was called). I am paired with the Senator from Missouri [Mr. VEST].

Mr. PRITCHARD (when his name was called). I am paired with the Senator from Louisiana [Mr. BLANCHARD]. If he were present, I should vote "nay."

Mr. THURSTON (when his name was called). I am advised that the junior Senator from South Carolina [Mr. TILLMAN], with whom I have a general pair, would, if present, favor the present consideration of the bond bill; and I therefore exercise my discretionary right, and vote. I vote "nay."

The roll call was concluded.

Mr. MITCHELL of Wisconsin. I announce for the rest of the day that I am paired with the Senator from New Jersey [Mr. SEWELL].

The result was announced—yeas 12, nays 34; as follows:

YEAS—12.

Baker,	Davis,	Hawley,	McMillan,
Chandler,	Gallinger,	Lindsay,	Vilas,
Cullom,	Gray,	Lodge,	Wetmore.

NAYS—34.

Allen,	Chilton,	Mills,	Stewart,
Bacon,	Clark,	Mitchell, Oreg.	Teller,
Bate,	Daniel,	Peffer,	Thurston,
Berry,	Dubois,	Perkins,	Turpie,
Blackburn,	George,	Pettigrew,	Walthall,
Brown,	Jones, Ark.	Pugh,	Warren,
Butler,	Kyle,	Roach,	White.
Cannon,	McBride,	Shoup,	
Carter,	Martin,	Squire,	

NOT VOTING—43.

Aldrich,	Frye,	Jones, Nev.	Proctor,
Allison,	Gear,	Mantle,	Quay,
Blanchard,	Gibson,	Mitchell, Wis.	Sewell,
Brice,	Gordon,	Morgan,	Sherman,
Burrows,	Gorman,	Morrill,	Smith,
Caffery,	Hale,	Murphy,	Tillman,
Call,	Hansbrough,	Nelson,	Vest,
Cameron,	Harris,	Palmer,	Voorhees,
Cockrell,	Hill,	Pasco,	Wilson,
Elkins,	Hoar,	Platt,	Wolcott.
Faulkner,	Irby,	Pritchard,	

So the Senate refused to proceed to the consideration of executive business.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. FRYE. I submit a conference report.

Mr. BUTLER. I object.

Mr. STEWART. That can not be done pending another motion.

Mr. BUTLER. There is a motion pending, Mr. President.

Mr. FRYE. The rule says "pending a vote," I believe.

Mr. HILL. There is no vote pending; and the Senator from Maine has the right to present his report.

Mr. FRYE. I ask to have the rule read in reference to conference reports. I think the rule says "pending a vote."

The PRESIDING OFFICER. The Secretary will read Rule XXVII.

The Secretary read as follows:

RULE XXVII.

REPORTS OF CONFERENCE COMMITTEES.

The presentation of reports of committees of conference shall always be in order, except when the Journal is being read or a question of order or a motion to adjourn is pending, or while the Senate is dividing; and when received, the question of proceeding to the consideration of the report, if raised, shall be immediately put, and shall be determined without debate.

The PRESIDING OFFICER. Under that rule the Chair will be compelled to decide that the motion having been made by the Senator from North Carolina simply to proceed to the consideration of a particular bill, and the Senate not having yet divided upon that question by proceeding to vote, the reception, not the consideration, of a conference report would be in order.

Mr. BUTLER. Then, Mr. President, under that rule I object to the consideration of the report. I raise the point of consideration.

Mr. FRYE. I do not think the Senator will do that, for I do not think the report will take any time. I am very anxious to get the report before the Senate, and I wish to have it agreed to to-night, because the committee will have to meet to-morrow. The report has been read.

Mr. BUTLER. I do not like to be disobliging, but after all the trouble we have had here this evening I think I am justified in insisting on my motion.

Mr. STEWART. Let the bond bill be taken up, and then the Senator from Maine can make his report.

Mr. FRYE. I do not think the report will take a moment.

Mr. BUTLER. Let us first take up the bond bill.

Mr. STEWART. Let the motion be put to take up the bond bill.

Mr. BUTLER. It will only take a moment to have the motion put to take up the bond bill.

I want to state for the information of the Senate that all I desire is a vote. I am not going to make a speech on the bill, though I had prepared some matter regarding it, but I do not desire to speak, and if no other Senator desires to speak there will be no time consumed except the time consumed in voting. A vote is all I ask for. I hope everybody understands that.

Mr. HILL. The bill will lead to debate, Mr. President.

The PRESIDING OFFICER. The Chair will ask Senators to be in order until the Chair calls attention to the latter part of the rule in relation to conference reports:

And when received, the question of proceeding to the consideration of the report, if raised—

Which question is raised by the objection of the Senator from North Carolina [Mr. BUTLER]—

shall be immediately put, and shall be determined without debate.

So the question before the Senate under that rule is, Will the Senate proceed to the consideration of the conference report submitted by the Senator from Maine? [Putting the question.] The ayes have it, and the conference report is before the Senate for consideration.

The report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7977) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 20, 36, 38, 48, 49, 67, 69, 73, 74, 75, 83, 104, 142, 157, 158, 160, 172, 207, 208, 223, 250, 251, 333.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 39, 40, 41, 42, 43, 44, 46, 47, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 68, 70, 72, 78, 79, 81, 82, 84, 85, 88, 89, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 127, 129, 131, 133, 134, 135, 137, 138, 139, 140, 141, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 159, 161, 162, 163, 164, 165, 166, 168, 169, 170, 171, 173 (but to be inserted at the end of the item for the Potomac River, instead of that for the Appomattox River, as erroneously printed), 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 200, 201, 202, 203, 205, 206, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 246, 247, 252, 253, 254, 255, 256, 257, 258, 261, 262, 263, 264, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 325, 326, 327, 328, 329, 330, 331, 332, 334, 335, 336, 337, 338, 339, 340, 341, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 377, 378, 379, 380, 381, 382, 384, 385, 387, 388, 389, 390, 391, 392, and agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In lieu of the language proposed to be inserted insert the following: "*And provided further*, That in making such contracts the Secretary of War shall not obligate the Government to pay in any one fiscal year, beginning July 1, 1897, more than 25 per cent of the whole amount authorized to be expended"; and the Senate agree to the same.

Amendment numbered 45: That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: In lieu of the language stricken out insert the two following paragraphs:

"For the purpose of strengthening and improving the bulkheads and pier along the property belonging to the estate of J. P. Robinson, which abuts on the channel known as Gowanus Creek Channel, the said estate of J. P. Robinson, its heirs, their successors, or assigns, are hereby authorized to construct and maintain the bulkhead distant 30 feet southerly from the present bulkhead line, beginning 470 feet from the southerly side of Bryant street and the easterly side of Court street, and said bulkhead shall then continue westerly parallel with the present bulkhead to a point distant 45 feet from the present easterly line of the pier at present owned by the estate of J. P. Robinson, and extending thence southerly in a straight line distant 45 feet from said pier line to the present bulkhead line continued, a distance of about 393 feet.

"Improving Gowanus Creek Channel, New York, by deepening the same to 26 feet at mean low water, from the foot of Percival street to its junction with the Red Hook Channel, $25,000."

And the Senate agree to the same.

Amendment numbered 50: That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows: In lieu of the language stricken out insert the following paragraph:

"Improving harbor at Mamaroneck, N. Y.: Continuing improvement, in accordance with report of Chief of Engineers, 1887, $10,000."

And the Senate agree to the same.

Amendment numbered 71: That the House recede from its disagreement to the amendment of the Senate numbered 71, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$30,000"; and the Senate agree to the same.

Amendment numbered 76: That the House recede from its disagreement to the amendment of the Senate numbered 76, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,000,000"; and strike out the words "recommended in said"; and the Senate agree to the same.

Amendment numbered 77: That the House recede from its disagreement to the amendment of the Senate numbered 77, and agree to the same with an amendment as follows: Strike out the word "report," proposed to be inserted; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 80, and agree to the same with an amendment as follows: In lieu of the language proposed to be inserted insert the following:

"And that when said C. P. Goodyear, his heirs and assigns, have procured a 200-foot channel of a minimum depth of 25 feet at mean high tide, $30,000 shall be paid therefor; and when he has secured a channel 200 feet wide, 24 feet deep at mean high tide, an additional $40,000 shall be paid therefor; and that all of said deepening of said bar shall be completed within three years from the date of the passage of this act: *Provided*, That no payment shall be made to said Goodyear or his legal representatives except upon a certificate of the Secretary of War, made after personal survey by an experienced officer of the Coast and Geodetic Survey, selected by him for that purpose, that such depths and widths have severally been obtained by him or them; and said officer shall make to Congress a report in detail of the amount of work done, its cost, and its value to the Government."

And the Senate agree to the same.

Amendments numbered 86 and 87: That the House recede from its disagreement to the amendments of the Senate numbered 86 and 87, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$80,000"; and strike out all the remainder of the paragraph, being the proviso, including amendment numbered 87; and the Senate agree to the same.

Amendment numbered 90: That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with an amendment as follows: After the word "improvement," in the second line of the paragraph, strike out the word "fifty" and insert "seventy-five"; and after the word "million," in the seventh line of the paragraph, insert the words "and fifty thousand"; and the Senate agree to the same.

Amendments numbered 107, 108, 109, 110, and 111: That the House recede from its disagreement to the amendments of the Senate numbered 107, 108, 109, 110, and 111, and agree to the same with an amendment as follows: Strike out the entire paragraph and insert in lieu thereof the following paragraph:

"Improving harbor at Manistee, Mich.: Continuing improvement and dredging the interior channel, $15,000; and all moneys heretofore appropriated and now unexpended may be used for dredging such interior channel at the discretion of the Secretary of War. Any limitations on such former appropriations are hereby repealed."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 126, and agree to the same with an amendment as follows: Restore the language proposed to be stricken out, and after the word "*Provided*" in the first line of the language proposed to be inserted, insert the word "further"; and the Senate agree to the same.

Amendment numbered 128: That the House recede from its disagreement to the amendment of the Senate numbered 128, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$20,000"; and the Senate agree to the same.

Amendment numbered 136: That the House recede from its disagreement to the amendment of the Senate numbered 136, and agree to the same with an amendment as follows: Restore the language proposed to be stricken out, and at the end of it insert the following: "If in the opinion of the Secretary of War the interests of commerce demand such expenditure"; and the Senate agree to the same.

Amendment numbered 167: That the House recede from its disagreement to the amendment of the Senate numbered 167, and agree to the same with an amendment as follows: In the twelfth line of the language proposed to be inserted strike out the word "but," after the word "Point," and insert in lieu thereof the word "until"; and in the fourteenth line of said proposed language strike out the words "through the Secretary to the next Congress," and insert in lieu thereof the words "to the Secretary of War on the first Monday in December of the current year"; and at the end of the language proposed insert the following:

"And the Secretary of War is hereby authorized to carry out the recommendations of said board, and to modify the present contract, if necessary, and adjust any loss with the contractor occasioned by the provisions of this act, and to pay the same out of the appropriation under which the said contract was made; also to expend the additional sum of $25,000, in his discretion, for such dredging as may be necessary for the maintenance of channels from the mouths of the Appoquinimink River and Blackbird Creek in the channel of the Delaware River through the dike now being constructed from Reedy Island to Liston Point for the improvement of the Delaware."

And the Senate agree to the same.

Amendment numbered 185: That the House recede from its disagreement to the amendment of the Senate numbered 185, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$10,000"; and the Senate agree to the same.

Amendment numbered 199: That the House recede from its disagreement to the amendment of the Senate numbered 199, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$30,000"; and the Senate agree to the same.

Amendment numbered 204: That the House recede from its disagreement to the amendment of the Senate numbered 204, and agree to the same with an amendment as follows: Restore the language proposed to be stricken out, and in the next to the last line of the same strike out the word "dams" and insert in lieu thereof the word "locks"; and the Senate agree to the same.

Amendment numbered 245: That the House recede from its disagreement to the amendment of the Senate numbered 245, and agree to the same with an amendment as follows: After the word "war," in the fourth line of the language proposed to be inserted, insert the following: "not exceeding $50,000, or so much thereof as may be necessary"; and after the word "river," in the following line, strike out the words "such amounts as may be necessary" and insert in lieu thereof the word "and"; and the Senate agree to the same.

Amendment numbered 248: That the House recede from its disagreement to the amendment of the Senate numbered 248, and agree to the same with an amendment as follows: After the word "otherwise," proposed to be inserted, insert the words "not exceeding $50,000, or so much thereof as may be necessary"; and the Senate agree to the same.

Amendment numbered 249: That the House recede from its disagreement to the amendment of the Senate numbered 249, and agree to the same with an amendment as follows: In the language proposed to be inserted strike out the words "such amounts as may be necessary"; and the Senate agree to the same.

Amendment numbered 259: That the House recede from its disagreement to the amendment of the Senate numbered 259, and agree to the same with an amendment as follows: After the word "dollars," at the end of the first proviso, insert the words "exclusive of the amount herein appropriated"; and the Senate agree to the same.

Amendment numbered 260: That the House recede from its disagreement to the amendment of the Senate numbered 260, and agree to the same with an amendment as follows: Before the word "obtaining," next preceding the words proposed to be inserted, insert the word "ultimately"; and the Senate agree to the same.

Amendment numbered 265: That the House recede from its disagreement to the amendment of the Senate numbered 265, and agree to the same with an amendment as follows: Strike out of the language proposed to be inserted all after the word "Commission" and insert in lieu thereof the following:

"For the purpose of improving the channel by preventing erosion of the banks, not exceeding $70,000 at Omaha and Council Bluffs, or so much thereof as may be necessary; at Rocheport, not exceeding $50,000, or so much thereof as may be necessary; at Glasgow, and for protecting the shore line above Glasgow from the foot of Bowling Green Bend to the head of Harrisons Island, not exceeding $80,000, or so much thereof as may be necessary; at Miami, not exceeding $35,000, or so much thereof as may be necessary; at St. Charles, not exceeding $50,000, or so much thereof as may be necessary; at and near the mouth of the Little Blue, in Jackson County, Mo., not exceeding $20,000, or so much thereof as may be necessary; on the banks of the river opposite Leavenworth and Atchison, not exceeding $15,000 at each of said localities, or so much thereof as may be necessary; at Nebraska City, not exceeding $25,000, or so much thereof as may be necessary: *Provided*, That the Commission may also expend such amounts as may be absolutely necessary at any time in the improvement of the channel by preventing erosion of the banks at other harbors and localities on the river."

And the Senate agree to the same.

Amendment numbered 280: That the House recede from its disagreement to the amendment of the Senate numbered 280, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$150,000"; and strike out all of the proposed language following said sum, being the proviso; and the Senate agree to the same.

Amendment numbered 297: That the House recede from its disagreement to the amendment of the Senate numbered 297, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$150,000"; strike out all of the first proviso proposed, and strike out the word "further," after the word "*Provided*," in the second proviso; and at the end of the language proposed to be inserted insert the following: "Said canal to be constructed either by the Smiths Cove route or by the Shilshole Bay route, in the discretion of the Secretary of War"; and the Senate agree to the same.

Amendment numbered 308: That the House recede from its disagreement to the amendment of the Senate numbered 308, and agree to the same with an amendment as follows: In lieu of the section proposed to be inserted insert the following:

"SEC. 6. That the Secretary of War is hereby authorized and directed to cause to be made and transmitted to the first session of the Fifty-fifth Congress a compilation giving a complete list of all the preliminary examinations that have heretofore been made, date of report, with a statement as to each, whether favorable or unfavorable for survey; also a complete list of all surveys that have heretofore been made, with a statement as to each, whether favorable for adoption or unfavorable, and date of report, amount recommended for completion and amount recommended for each, to be expended during the fiscal year beginning July 1, 1896, by both the Chief of Engineers and the engineer in charge; also a complete list of all projects now under construction or maintenance, together with the year when adopted, and if modified, when; the total amount expended on each project and estimate of amount required to complete the same, and amount recommended by the Chief of Engineers and by the engineer in charge to be expended during the fiscal year beginning July 1, 1896, the amount appropriated for each project by this act, making reference to the report of the Chief of Engineers, where report of each project is given, together with a statement containing the amount of the unexpended balance to the credit of each project July 1, 1897, whether under construction, work suspended, or appropriation made and work not commenced; also the total amounts appropriated heretofore for the improvement and maintenance of the rivers, and the total amounts heretofore appropriated for the improvement and maintenance of harbors in each river and harbor act; also the total amount of appropriation, by States, for the improvement of rivers and harbors."

And the Senate agree to the same.

Amendment numbered 324: That the House recede from its disagreement to the amendment of the Senate numbered 324, and agree to the same with an amendment as follows: In lieu of the language stricken out insert the following:

"The Secretary of War is hereby directed to cause to be made accurate examinations and estimates of cost of construction of a ship canal, by the most practicable route, wholly within the United States, from the Great Lakes to the navigable waters of the Hudson River, of sufficient capacity to transport the tonnage of the lakes to the sea."

And the Senate agree to the same.

Amendment numbered 360: That the House recede from its disagreement to the amendment of the Senate numbered 360, and agree to the same with an amendment as follows: In lieu of the language proposed to be inserted insert the following:

"Delaware River, with a view to obtaining a channel 600 feet wide and 30 feet deep from a point at or near the city of Philadelphia to the deep water of Delaware Bay."

And the Senate agree to the same.

Amendment numbered 375: That the House recede from its disagreement to the amendment of the Senate numbered 375, and agree to the same with an amendment as follows: In addition to the language proposed insert the following new paragraph:

"Removal of dam in upper Allegheny, near Corydon, and all the dams on the Conewango Creek, and the rapids at or near Waterboro, in the Conewango Creek, a tributary of the Allegheny River."

And the Senate agree to the same.

Amendment numbered 376: That the House recede from its disagreement to the amendment of the Senate numbered 376, and agree to the same with an amendment as follows: After the language proposed to be inserted insert the following paragraph:

"Gowanus Creek, with a view of obtaining a depth of 30 feet at mean low water."

And the Senate agree to the same.

Amendment numbered 383: That the House recede from its disagreement to the amendment of the Senate numbered 383, and agree to the same with an amendment as follows: In the line after the language proposed to be inserted strike out the word "from," before the word "modified," and insert in lieu thereof the word "for"; and the Senate agree to the same.

Amendment numbered 386: That the House recede from its disagreement to the amendment of the Senate numbered 386, and agree to the same with an amendment as follows: After the word "refuge," in the next paragraph but one preceding, insert a new paragraph, as follows:

"Inner harbor at Point Judith Pond."

And the Senate agree to the same.

Amendments numbered 130, 132, and 342: The committee of conference have been unable to agree on the amendments of the Senate numbered 130, 132, and 342.

WM. P. FRYE,
G. G. VEST,
Managers on the part of the Senate.

W. B. HOOKER,
BINGER HERMANN,
T. C. CATCHINGS,
Managers on the part of the House.

Mr. FRYE. Now, I desire to say a single word. The report of the conference committee has been entirely read.

Mr. HILL. This report?

Mr. FRYE. This report, which was simply sent back to the committee on account of a disagreement, in order that the matter to which the Senator from Georgia [Mr. BACON] called attention might be adjusted to his satisfaction, which has been done, and in order to correct one or two errors which were discovered in the report, so that the Senate has the entire report.

Mr. MILLS. How about the survey of Sabine Lake?

Mr. FRYE. That survey was restored. Everything that has been called to the attention of the chairman of the committee by Senators has been agreed to, and has been restored to its place.

Mr. WHITE. I presume there is still a disagreement as to the items I referred to this morning.

Mr. FRYE. We have not disposed of California at all; the same items are there now. I hope the Senate will agree to the report.

The PRESIDING OFFICER. The question is on concurring in the report of the conference committee, which has been submitted by the Senator from Maine.

The report was concurred in.

Mr. FRYE. I move that the Senate further insist upon its amendments disagreed to by the House of Representatives, and ask for a further conference on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate at the further conference, and Mr. FRYE, Mr. QUAY, and Mr. VEST were appointed.

REGULATION OF BOND ISSUES.

Mr. BUTLER. Mr. President, what is now before the Senate?

The PRESIDING OFFICER. The question before the Senate is on the motion submitted by the Senator from North Carolina [Mr. BUTLER] to proceed to the consideration of the bill in relation to the regulation of bond issues.

Mr. HILL. I suggest the absence of a quorum.

Mr. STEWART. On the motion to take up the bill I call for the yeas and nays.

The PRESIDING OFFICER. The Chair did not hear the suggtion of the Senator from New York.

Mr. HILL. I suggested the lack of a quorum.

The PRESIDING OFFICER. The Senator from New York suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allen,	Davis,	McMillan,	Squire,
Bacon,	Dubois,	Martin,	Stewart,
Bate,	Faulkner,	Mills,	Teller,
Berry,	Frye,	Mitchell, Oreg.	Thurston,
Blackburn,	Gallinger,	Nelson,	Turpie,
Brown,	George,	Pasco,	Vest,
Burrows,	Gray,	Peffer,	Vilas,
Butler,	Harris,	Perkins,	Walthall,
Cannon,	Jones, Ark.	Pettigrew,	Warren,
Carter,	Kyle,	Pritchard,	White.
Clark,	Lindsay,	Pugh,	
Cockrell,	Lodge,	Roach,	
Cullom,	McBride,	Shoup,	

The PRESIDING OFFICER. Forty-nine Senators have answered to their names. A quorum of the Senate is present.

Mr. HILL. I move that the Senate do now adjourn.

The PRESIDING OFFICER. The question is on the motion of the Senator from New York.

Mr. HILL. On that I ask for the yeas and nays.

The yeas and nays were not ordered.

Mr. CHANDLER. I call for a division.

Mr. BUTLER, Mr. STEWART, and others. Question! Question!

The PRESIDING OFFICER. The question is on the motion of the Senator from New York that the Senate adjourn. [Putting the question.] The noes appear to have it.

Mr. CHANDLER. I ask for a division.

Mr. STEWART. Let us have the yeas and nays first.

Mr. GEORGE. Oh, no; do not let us have the yeas and nays. It will be a waste of time.

The PRESIDING OFFICER. Is there a second to the demand for the yeas and nays?

Mr. STEWART. I withdraw the demand.

Mr. HILL. I ask for a division.

The Senate refused to adjourn; there being on a division—ayes 10, noes 36.

FRANCIS E. HOOVER—VETO MESSAGE.

Mr. CHANDLER. I move that the Chair lay before the Senate the message received from the House of Representatives.

Mr. BUTLER. I raise the point of order that it is out of order. I am entitled to the floor on the pending question.

Mr. CHANDLER. I wish to say to the Senator from North Carolina, with all due respect, that he is not entitled to the floor. He made a motion. Various other subjects have been considered. He is not holding the floor to speak. I make a privileged motion, which takes the place of his motion.

Mr. TELLER. It is not a privileged motion.

Mr. CHANDLER. If the Senator will look on page 7 of the rules he will see. The Senator should be more gentle when he contradicts me.

Mr. HARRIS. What is the motion of the Senator from New Hampshire?

Mr. STEWART. I understand that when a motion is made to take up a bill, and when a privileged motion intervenes and fails, the original motion is in order and is pending.

Mr. GEORGE. That is right.

The PRESIDING OFFICER. The Chair will have section 5 of Rule VII read.

The Secretary read as follows:

5. The presiding officer may at any time lay, and it shall be in order at any time for a Senator to move to lay, before the Senate any bill or other matter sent to the Senate by the President or the House of Representatives, and any question pending at that time shall be suspended for this purpose. Any motion so made shall be determined without debate.

The PRESIDING OFFICER. Under this rule the Chair feels under obligation to lay before the Senate the message from the House of Representatives.

Mr. BUTLER. I object to its present consideration.

Mr. HILL. It has not been laid before the Senate.

The PRESIDING OFFICER. The question is not up for consideration at this time. It is simply the laying of the message before the Senate. That is as far as the Chair has ruled is in order.

Mr. CULLOM. Let us hear what it is.

The Secretary read the message of the House of Representatives, as follows:

IN THE HOUSE OF REPRESENTATIVES, *May 21, 1896.*

The President of the United States having returned to the House of Representatives in which it originated the bill (H. R. 1094) granting a pension to Francis E. Hoover, with his objections thereto, the House proceeded in pursuance of the Constitution to reconsider the same; and

Resolved, That the said bill pass, two-thirds of the House of Representatives agreeing to pass the same.

Mr. HILL. I ask to have the whole proceedings laid before the Senate. I ask to have the bill and message read through.

Mr. GEORGE. I object.

Mr. TELLER. That can not be done.

Mr. HILL. I have a right to have the President's message considered.

Mr. GEORGE. We can not do that.

Mr. BERRY. It requires a motion.

Mr. HILL. It can be done.

Mr. BUTLER. I object to its consideration.

Mr. HILL. I submit that we must proceed with the President's veto message unless the Senate otherwise orders.

Mr. CULLOM. That is right.

Mr. HILL. We have a right to proceed with the consideration of that message unless the Senate otherwise orders.

Mr. STEWART. We will otherwise order when we can vote on the motion to take up Senate bill 1341.

Mr. HILL. That may be. You may otherwise order, but you will do it in accordance with the rules.

Mr. CHANDLER. I suggest to the Senator from New York that two or three other measures have come over from the House, one of which I am very anxious to reach, and that is the immigration bill. I desire to have that bill read and referred to the Committee on Immigration to-night.

Mr. CULLOM. The veto message is first to be disposed of.

Mr. HILL. The veto message is the first thing. We have a right to have it considered, unless the Senate by a vote postpones it.

Mr. CULLOM. Or refers it to a committee.

Mr. STEWART. Or takes up some other bill. That is always in order.

Mr. COCKRELL. Let the bill and message be referred to the Committee on Pensions.

Mr. GALLINGER. I trust that the bill will be referred to the Committee on Pensions. It is an important matter, and I trust it may go there by consent.

The PRESIDING OFFICER. If there be no objection, the bill will be referred, with the accompanying message, to the Committee on Pensions. It is so referred.

RESTRICTION OF IMMIGRATION.

Mr. CHANDLER. I ask that the bill from the House of Representatives concerning immigration may be laid before the Senate.

The PRESIDING OFFICER. The Chair lays before the Senate a bill from the House of Representatives.

The SECRETARY. A bill (H. R. 7864) to amend the immigration laws of the United States.

Mr. CHANDLER. I ask that the bill may be read in full.

Mr. STEWART. I object.

The PRESIDING OFFICER. The Secretary will read the bill in full.

Mr. STEWART. Read it in full! That is the consideration of the bill.

The PRESIDING OFFICER. No; the reading of the bill does not involve its consideration.

Mr. COCKRELL. It is the first reading of the bill.

The PRESIDING OFFICER. When a bill is presented to the Senate any Senator has a right to require it to be read in full. It is the first reading of the bill.

Mr. CHANDLER. It is not very long.

The bill was read the first time at length, as follows:

Be it enacted, etc., That section 1 of the act of March 3, 1891, in amendment of the immigration and contract-labor acts, be, and hereby is, amended by adding to the classes of aliens thereby excluded from admission to the United States the following: All male persons between 16 and 60 years of age who can not both read and write the English language or some other language. But no parent of a person now living in, or hereafter admitted to, this country shall be excluded because of his inability to read and write.

SEC. 2. That the provisions of the act of March 3, 1893, to facilitate the enforcement of the immigration and contract-labor laws, shall apply to the persons mentioned in section 1 of this act.

SEC. 3. That it shall be unlawful for any alien who resides or retains his home in a foreign country to enter the United States for the purpose of engaging in any mechanical trade or manual labor within the borders thereof while residing or retaining his home in a foreign country: *Provided*, That the Secretary of the Treasury may permit aliens to come into and enter this country for the purpose of teaching new arts or industries, under such rules and regulations as he may provide.

SEC. 4. That it shall be unlawful for any person, partnership, company, or corporation knowingly to employ in any mechanical trade or manual labor in the United States any alien who resides or retains his home in a foreign country: *Provided*, That the provisions of this act shall not apply to the employment of sailors, deck hands, or other employees of vessels of the United States, or railroad train hands, such as conductors, engineers, brakemen, firemen, or baggagemen, whose duties require them to pass over the frontier to reach the termini of their runs.

SEC. 5. That it shall be unlawful for any alien to enter the United States, except subjects of the Dominion of Canada and other American countries, except at the places where the United States maintain an immigrant inspection board.

SEC. 6. That any violation of the provisions of this act shall be deemed a misdemeanor, punishable by a fine not exceeding $500 or by imprisonment for the term of not exceeding one year, or both such fine and imprisonment, in the discretion of the court. That all persons convicted under section 3 of this act shall be deported to the country from whence they came.

SEC. 7. That this act shall take effect three months after its passage.

Mr. LODGE. I ask that the bill may be referred to the Committee on Immigration.

The PRESIDING OFFICER. Does the Senator from Massachusetts ask unanimous consent?

Mr. STEWART. I object to any unanimous consent.

Mr. CHANDLER. I move that the bill be read the second time and referred to the Committee on Immigration.

Mr. STEWART. I object to any motion.

The PRESIDING OFFICER. The Chair will state that there is a motion now pending before the Senate to proceed to the consideration of Senate bill 1341.

Mr. CHANDLER. The bill now before the Senate must be disposed of before——

Mr. STEWART. I object to discussion.

Mr. CHANDLER. The bill is before the Senate and it must be disposed of.

The PRESIDING OFFICER. Does the Chair understand the Senator from Nevada to object to the second reading of the bill?

Mr. STEWART. I do.

The PRESIDING OFFICER. The bill will lie on the table.

ORDER OF BUSINESS.

Mr. GRAY (at 6 o'clock and 4 minutes p. m.). I move that the Senate adjourn.

Mr. HILL. On that I demand the yeas and nays.

The yeas and nays were not ordered.

Mr. CHANDLER. I ask for a division.

The PRESIDING OFFICER. A division is demanded upon the motion to adjourn.

The Senate refused to adjourn, there being on a division—ayes 8, noes 35.

The PRESIDING OFFICER. A quorum of the Senate not having voted on the division, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names.

Allen,	Cullom,	Lindsay,	Pugh,
Bacon,	Daniel,	McBride,	Roach,
Bate,	Dubois,	Martin,	Shoup,
Berry,	Faulkner,	Mills,	Stewart,
Blackburn,	Gallinger,	Mitchell, Oreg.	Teller,
Brown,	George,	Nelson,	Vilas,
Butler,	Gray,	Pasco,	Walthall,
Carter,	Harris,	Peffer,	Warren,
Chilton,	Hawley,	Perkins,	White.
Clark,	Jones, Ark.	Pettigrew,	
Cockrell,	Kyle,	Pritchard,	

The PRESIDING OFFICER. Forty-two Senators have answered to their names. There is not a quorum present.

Mr. STEWART. I move that the Sergeant-at-Arms be directed to request the attendance of absent Senators.

Mr. HILL. Is that motion debatable?

Mr. STEWART. It is not.

Mr. HILL. I asked the Chair.

The PRESIDING OFFICER. The Chair is of opinion that the motion is not debatable.

Mr. HILL. I ask for the yeas and nays. We should like to have a vote on that question.

The PRESIDING OFFICER. Of course the Senator from New York has a right to the yeas and nays, but the motion does not involve the question of a quorum. The Senator from Nevada moves that the Sergeant-at-Arms be directed to request the attendance of absent Senators.

Mr. HILL. Upon that motion I ask for the yeas and nays.

The yeas and nays were not ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Nevada, that the Sergeant-at-Arms be directed to request the attendance of absent Senators.

Mr. HILL. I ask for a division on that question.

The motion was agreed to; there being on a division—ayes 29, noes 4.

The PRESIDING OFFICER. The Sergeant-at-Arms will execute the order of the Senate.

Mr. PEFFER. Mr. President, I rise for the purpose of making an effort to ascertain——

Mr. HILL. I ask that the Senator from Kansas be permitted to make an effort. [Laughter.]

Mr. CHANDLER. I ask to have the rules of the Senate enforced pending the execution of the order.

The PRESIDING OFFICER. Pending the execution of the order, no quorum being present, nothing can be done except by unanimous consent.

Mr. PEFFER. I ask unanimous consent.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Kansas?

Mr. STEWART. What does the Senator propose?

Mr. PEFFER. I propose to ascertain whether we can not agree by unanimous consent upon some particular time when we shall take up Senate bill 1341 and dispose of all this trouble.

Mr. CHANDLER. I object to debate while the Senate is endeavoring to get a quorum. The rule is imperative.

The PRESIDING OFFICER. The Senator from New Hampshire objects to debate.

Mr. CHANDLER (at 6 o'clock and 10 minutes p. m.). I request to have my name called.

The PRESIDING OFFICER. The Secretary will call the name of the Senator from New Hampshire.

Mr. CHANDLER answered to his name.

Mr. BURROWS answered to his name.

Mr. GALLINGER (at 6 o'clock and 21 minutes p. m.). I move that the Senate adjourn.

Mr. BUTLER. Mr. President——

Mr. GALLINGER. I withdraw my motion, Mr. President.

Mr. BUTLER. I do not desire to put Senators to inconvenience so late in the evening. It will probably take some time for the Sergeant-at-Arms to secure the attendance of absent Senators. Therefore I give notice——

Mr. CHANDLER. I object to notice.

Mr. HILL. Let the Senator give his notice; that is right.

Mr. CHANDLER. I should like the Senator to make a motion; but he can not make a speech.

Mr. WHITE. He can give a notice, I presume.

Mr. BUTLER. I will make a statement, then, if the Senator from New Hampshire objects to a notice being given. I will make a statement that I shall call up Senate bill 1341 early to-morrow morning; and therefore I will move that the Senate take a recess until——

Mr. HAWLEY. A motion for a recess is not in order.

Mr. CHANDLER. Such a motion is not in order.

The PRESIDING OFFICER. The Chair will state to the Senator from North Carolina that until a quorum appears it is impossible to entertain any motion except a motion to adjourn.

Mr. BUTLER. I move that the Senate adjourn.

The motion was agreed to; and (at 6 o'clock and 24 minutes p. m.) the Senate adjourned until to-morrow, Friday, May 22, 1896, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

THURSDAY, *May 21, 1896.*

The House met at 12 o'clock m. The following prayer was offered by the Chaplain, Rev. HENRY N. COUDEN:

We invoke Thy blessing, Almighty God, our Heavenly Father, upon all the proceedings of this House to-day; that everything may be done decently and in order; that the interests of the people of this great nation may be faithfully and efficiently served by these their chosen representatives.

Especially do we ask Thy blessing upon the member of this Congressional household who has been called upon to give up his companion to the Angel of Death. Comfort him in the thought of a happy reunion in a land where there shall be no parting. This we ask in the name of Christ. Amen.

The Journal of yesterday's proceedings was read and approved.

QUESTION OF PRIVILEGE.

Mr. HOPKINS. Mr. Speaker——

Mr. GROSVENOR. Mr. Speaker, I rise to a question of privilege. I send to the Clerk's desk and ask to have read the following special publication made in the Cincinnati Tribune of last Tuesday.

The Clerk read as follows:

SURPRISED AT GENERAL GROSVENOR—HE VOTES AGAINST REPORTING A RECIPROCITY BILL AND SIDES WITH REED MEN—MUCH COMMENT CAUSED BY HIS UNEXPLAINED ACTION.

[Special to the Tribune.]

WASHINGTON, *May 18.*

The House is willing to abide by the decision of the Ways and Means Committee on the subject of reciprocity.

Speaker REED, Chairman DINGLEY, and the committee are in favor of shelving all bills of this character, and the protectionists of the House do not see it that way.

At the last meeting of the Ways and Means Committee the question of reporting any kind of a reciprocity bill this session was quickly disposed of.

By a vote of 6 to 4—all Republicans—the matter was laid over. HOPKINS, chairman of the subcommittee, refused to vote for any kind of a report unless upon his bill. When the final question was put, TAWNEY of Minnesota, STEELE of Indiana, EVANS of Kentucky, and RUSSELL of Connecticut voted to report some kind of a bill without delay.

They were opposed by Chairman DINGLEY, General GROSVENOR, PAYNE, DALZELL, DOLLIVER, and HOPKINS, with JOHNSON, who favored a report, absent.

SURPRISED AT GROSVENOR.

General GROSVENOR'S vote was depended upon for a support, and it would have been sufficient. Last week he informed Representative KERR, of the Mansfield district, that he would cheerfully support his bill.

But to the surprise of all, General GROSVENOR at the last moment lined up with the Reed faction.

[Laughter and applause.]

His action has occasioned a vast deal of comment, for it is yet unexplained. As the manager of the McKinley movement in Washington he was thought to be the last man who would vote to prevent legislation along McKinley lines.

[Laughter.]

True, there is grave doubt whether any kind of a reciprocity measure could be put through in the few remaining days of this session, and it is possible, as REED contends, that business might be unsettled somewhat.

But the friends of McKinley are disappointed in the action of the committee, because they desired to show the people that they were willing to enact legislation that would promote better trade relations with foreign countries.

ASKING A REPORT.

Representative KERR refused to accept the action of the committee as final. To-day he passed a petition through the House asking that some kind of a report, not necessarily on his bill, be made on reciprocity. It was readily signed. Perhaps to-morrow he will present it to the Ways and Means Committee.

Under the Reed system it has become necessary to petition committees for reports, but despite the prejudicial action of the Ways and Means Committee, the Ohio members remain undaunted, and hope to get the Kerr bill, or one similar, up for consideration before adjournment.

Mr. GROSVENOR. Mr. Speaker, I do not very often weary this House with comments upon matters of this character; and if there was no charge here other than that I had "lined up with the Reed men"—— [Laughter.]

Mr. HENDERSON. That is so serious that you must explain.

Mr. GROSVENOR (continuing). I would try to stand that; and now I do not know that I could be found in any better company [loud applause]; but left to my own choice I would select a different location for myself just at this time.

But this is a matter of some serious importance, Mr. Speaker, and I propose to refer to it. The gentleman who made this report has doubtless been grossly imposed upon by somebody; and it is not the first time that publications of this character, from various sources, have found their way into public prints, for the purpose, apparently, of disparaging the Ways and Means Committee and impressing upon the country that somehow or other there was a great contest going on here between various and different factions of the Republican party. Now, in the first place, as to how much of truth there is in this article: This special was written, apparently, on the 18th day of May, which was Monday, and a reference was made to a meeting of the Ways and Means Committee at which this subject was discussed.

In the first place, there has been no meeting of the Ways and Means Committee of the character spoken of here. There was no meeting of the Ways and Means Committee, and the statement, therefore, is without foundation in fact, or any justification in the records of the committee itself. There was a conference of the Republican members of the Ways and Means Committee for a proper and special purpose, and I may as well state, and I am sure that the gentlemen on the committee will not criticise it, that it was for the purpose of hearing the report which was to be presented from the subcommittee on reciprocity, of which the distinguished gentleman from Illinois [Mr. HOPKINS] is chairman. That report was submitted and gone over with great care, and approved with absolute unanimity by every Republican member of the committee.

Mr. FARIS. Mr. Speaker, I rise to a question of order. There is so much confusion behind us that we can not hear.

The SPEAKER. The House will be in order.

Mr. GROSVENOR. The whole history of the subject and the development of reciprocity was discussed in the report; and, at the end of the reading and practical adoption of the report, there was some discussion about whether it was wise to report some measure other than the report itself and of the feasibility or probability of a resolution declaring the unalterable purpose of the Republican party to carry to ultimate triumph the great doctrine of reciprocity, which is a doctrine of the Republican party. [Applause.] There was no difference of opinion among the gentlemen present——

Mr. RICHARDSON. Mr. Speaker, I rise to a question of order. I raise the point that this is not a question of privilege. I do not think the gentleman has stated a question of privilege.

Mr. GROSVENOR. I think if the gentleman had read the paragraph he would not have made that point. There is a charge here that a member of this House pledged his vote for a certain matter and was relied upon for the passage of it, and then changed his vote to the other side and defeated it. That is a charge of dishonor in the conduct of a member of Congress.

Mr. RICHARDSON. I withdraw the point, if that is the point.

Mr. GROSVENOR. I will address myself right along that line. There was a discussion—I have been thrown off the exact language I was using—as to whether it was wise to bring in more than a report or a resolution. I heard no word of Mr. KERR'S bill, and no word was said. If there was anything said it was in general terms in regard to all the bills relating to reciprocity. Then a proposition was made to report the third section of the McKinley law and present it here in the House, and a very distinguished member of that committee, to whose opinion I always give very great weight, suggested that under the circumstances, and in view of the present tariff law, the third section of the McKinley Act would not be applicable, could not be made to fit, as it were, and the reason suggested was a very simple one.

At the time of the enactment of the McKinley law sugar was put on the free list, as were all the articles that were included in the reciprocal terms of that act. Sugar is now on the dutiable list, and the suggestion was that there would have to be a reconstruction of the tariff law in order to make that section applicable. Then the question came up whether at this time, near the close of the session, we would undertake to pass a tariff law. There was some talk upon that line, and possibly some expression of opinion, and I do not hesitate to say that I expressed my opinion in opposition to the attempt to pass the third section of the McKinley Act at this time, and I take the responsibility for that without any regard to where I am "lining up"—whether I am lining up with one faction or with another faction, if there are any factions. It was my deliberate judgment that the announcement which we are going to make of the policy of the Republican party was the ultimate result that could grow out of the legislation of this Congress at this time. I do not know how other gentlemen expressed their opinions. I do not remember that there was a formal vote. There may have been a formal expression of opinion, but if there was it related to the third section of the McKinley law, and did not relate to the milling act embodied in Mr. KERR'S bill or any other bill.

Pending that, this same insidious course has been pursued, and at the convention of millers on yesterday in the city of Cleveland this same misinformation was sent to them, that one faction of the Republican Ways and Means Committee had opposed reciprocity in the interest of the millers. Therefore it is that I stand here to state more explicitly than I ordinarily would the inside history (as we sometimes say) of the conference that was had at that informal meeting of members of the Ways and Means Committee. Nothing final was concluded. The report had to be rewritten in some particulars, revised in some respects, and then it was to be submitted to the full committee in the usual way, and every question of reporting a bill—either the Hopkins bill, which is the most comprehensive and far-reaching of the reciprocity bills, and which would embody and carry with it the Kerr bill and all the other bills—every question of that kind was left open, to be decided hereafter when the ultimate action of the committee upon this report should be had; and so it stands now.

Now, Mr. Speaker, if I can have permission, if the gentleman

from Nebraska [Mr. KEM] will permit me, to save the time of the House, I desire unanimous consent to print with my remarks a statement sent out a few days ago by the distinguished chairman of the Ways and Means Committee, Mr. DINGLEY, relating to this very question, making plain to the country the action of the Ways and Means Committee, making plain to the country the reasons why we have done what we have done and why we have not done some things that it was thought in some quarters we ought to have done. I ask consent to embody the statement of the chairman of the Ways and Means Committee in my remarks.

The SPEAKER. If there be no objection, the gentleman will be permitted to print the statement to which he refers in connection with his remarks.

Mr. KEM. I object, Mr. Speaker. [Laughter.]

The SPEAKER. Objection is made by the gentleman from Nebraska [Mr. KEM].

Mr. GROSVENOR. A man ought to know what is futile and what is not futile. I send the statement to the desk and ask to have it read in my time.

The statement was read, as follows:

Chairman DINGLEY of the Ways and Means Committee, in reply to an inquiry as to whether the committee has not been in receipt of many requests from Western millers for legislation looking to an immediate renewal of the reciprocity agreements with countries of this continent which were ended by the tariff act of 1894, said:

"We have had many such requests, just as we have had urgent requests from those interested in almost every industry in the United States for legislation to restore the protective duties repealed by the same act. Those requests show how seriously the industries of this country were injured by the tariff act of 1894, and how urgent the people are to undo the great mistake they made in 1892 in voting to place the Democratic party in complete power under their pledge to overthrow protection in order (as they claimed) to benefit the country.

"But, of course, everyone familiar with legislative work understands that there can be no repeal of the tariff act of 1894 until both the Senate and the President shall become Republican, so as to act in unison with the Republican House.

"Conscious of this fact, the Republican members of the Ways and Means Committee, as soon as they were appointed late in December last, unanimously concurred in the view that it would be useless for the Republicans to attempt to frame and pass through the House at this session a general tariff bill, including the reciprocity provisions, which are necessarily part of a tariff bill or any tariff legislation looking mainly to a restoration of protective conditions on anything, because the Democrats and the Populists, who have 1 majority in the Senate, would not vote for a general tariff bill or tariff legislation framed on thorough protective lines, and the Democratic President would not approve it. Moreover, any bill restoring full protection as to one industry, whether reciprocal or not, would be open to tariff amendments in behalf of other interests.

"In view of the immediate and pressing necessity of more revenue to meet current expenses and maturing liabilities, instead of occupying months in making an attempt to pass through the House a bill to generally revise the tariff as a mere indication of Republican purposes, the Republican majority of the Ways and Means Committee promptly framed a simple exigency tariff measure to continue only for two years and a half on a basis looking principally to obtaining at once forty million more revenue, in the hope that, notwithstanding the effect of the bill would be to materially aid the farmers by placing some duties on wool and all other industries to some extent by increasing temporarily the duties on competing imports 15 per cent, yet that it would be patriotically accepted by the Senate and the President in order to avoid the necessity of issuing bonds in time of peace to pay current expenses.

"We were disappointed in this hope, as every Democrat and Populist Senator, comprising 1 majority of the Senate, refused even to consider the measure. Five so-called silver Republican Senators joined the Democrats and Populists in refusing to consider the bill, giving notice that they would support no bill looking in any way to protection unless it should be accompanied with free-silver legislation.

"In this situation it was obviously useless to talk of any tariff and reciprocity legislation at this session. Hundreds of interests each asked that the Committee on Ways and Means would report and pass through the House some tariff bill to relieve its distress, but of course such an action was impracticable. Indeed, if one such bill had been reported every other industry would have had friends to offer amendments on the ground that no one industry was entitled to preference.

"Of course it is impossible to legislate for reciprocity arrangements except as a part of tariff legislation, because the articles to be used in such arrangements and the duties to be imposed should be indicated by Congress, even if we had a Republican President, and much more so when Mr. Cleveland is President. With the Senate and President hostile to protective legislation any action by the House in that direction would be useless and probably troublesome in the future.

"There have been some suggestions that a bill might be passed clothing the President with power to meet what is regarded as discriminating legislation by foreign countries against American flour. The authority the President now has under the act of August 30, 1890, goes as far as any one would care to place discretion in the hands of President Cleveland. That act authorizes the President to prohibit the importation of such articles as he thinks proper when coming from a country which in his judgment unjustly discriminates against any American product.

"The Committee on Ways and Means has investigated the workings of reciprocity agreements made under the tariff act of 1890, and will present a report showing the benefits of such reciprocity, and declaring (unanimously, as far as the Republicans are concerned) for a return to reciprocity and protection as soon as the people shall elect a Republican Senate and President to cooperate with a Republican House. This seems to be all that is practicable until the Republicans secure the President, as well as the Senate."

Mr. GROSVENOR. Now, so far as my own position in this matter is concerned, I have no fear. I have been recognized, ever since I was old enough to vote, as a Republican and in favor of the protective-tariff system. I have not felt that it was my duty to constantly rise in my place and shout that I was a protectionist, because everybody knew I was a protectionist. And now a single additional proposition and I am through. I have not been informed, so as to make any impression upon my mind, that there have been factions in the Ways and Means Committee, or in the general Republican membership of the House of Representatives, upon any of these questions. In the very earliest days of this session it was decided without dissent in the Ways and Means Committee that the Dingley bill should be passed and sent to the Senate as a tentative measure in the interest of upholding the Treasury and protecting the credit of the Government.

Mr. DINGLEY. So far as the Republican members were concerned.

Mr. GROSVENOR. So far as the Republican members were concerned; and, so far as the Republican members were concerned, there were no two opinions in the Ways and Means Committee upon that question. Whatever was right about it, or whatever was wrong about it, I take my share of the responsibility irrespective of the action of any other man or any other set of men, and I stand by it now.

Mr. DINGLEY. Neither was there any difference of opinion among the Republicans of the House. Every Republican member voted solidly in favor of it.

Mr. GROSVENOR. I was just going to say that when it came into the House it was passed without dissent. Nobody waived his views upon the subject of the protective tariff in voting for that bill; nobody undertook to modify the platforms or the declarations of the Republican party; but in a spirit of patriotism we passed the act and inaugurated an effort to secure relief to the bankrupt Treasury of the country. Since that time, if there have been any factions I have not heard of them. I have differed upon questions of policy with some of the members of the committee and of the House, but there have been no lines drawn; the points of difference, if any existed, are immaterial, and I would not, if it had not been put in plain print, have even referred to it.

I have never understood that the Speaker of this House has attempted in any manner to influence the Ways and Means Committee upon any one of these questions, nor have I understood that he has attempted to invade the independence of any other man; and I would scorn to admit that I belonged to the American Congress if it was composed of a body of men without manhood enough to assert their personal independence on this floor, but would be compelled to follow the dictates of anybody or any set of men on the floor or elsewhere. [Applause.]

Mr. Speaker, I do not believe in factions in politics. There should be no factions in politics. The Republican party of the country is charged with the duty of rising above factions, of rising above partisanship, in an effort to improve the condition of affairs and to save the country from bankruptcy and a ruined Treasury, from a debased currency and overthrown credit, and to restore confidence and prosperity to the country in every feature. [Applause.]

I therefore condemn this article as having misrepresented myself in particular, as having misrepresented the Ways and Means Committee wholly and absolutely, and as having sent out to the country the idea that the Speaker of this House had formed factions within this body and was undertaking to dictate the legislation of the House of Representatives. When you believe that, you believe in the degradation, the absolute degradation, of every member of the Ways and Means Committee. When you publish such a statement as that, you publish to the world the assertion that the gentlemen composing that committee have not the manhood demanded of an American Congressman or of an American statesman. And I denounce the publication from that standpoint.

Now a word as to the young man who made the publication. He has doubtless been misled by somebody, or has misinterpreted the statement he got. And doubtless with zeal overstepping the bounds of discretion he made the publication that he ought not to have made. And I have said what I have said, first, for my own protection; second, in defense of the gentlemen with whom I am associated; third, in defense of the honor and the integrity of the House of Representatives, and fourth, in order that the country may not believe that there are such things as factions here, which for personal ends or for the purpose of rewarding friends or otherwise undertake to control legislation on the floor of the House of Representatives. [Applause.]

VETOED BILL—FRANCIS E. HOOVER.

Mr. KIRKPATRICK. Mr. Speaker, I desire to call up for present consideration the veto message of the President on the bill (H. R. 1094) granting a pension to Francis E. Hoover. I desire that the bill shall be read first and then the veto message of the President accompanying it.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension rolls, at the rate of $50 per month, the name of Francis E. Hoover, late a private of Company I of the Sixty-fourth Regiment of Ohio Infantry Volunteers, in lieu of the pension now being drawn by him.

The veto message was read at length.

Mr. KIRKPATRICK. Now I desire to have read the report of the Committee on Invalid Pensions on this message.

Mr. DOCKERY. Will the gentleman have the original report also read?

Mr. KIRKPATRICK. I have no objection to its being read.

Mr. DOCKERY. I hope it will be read, inasmuch as it has been referred to in the veto message.

Mr. KIRKPATRICK. I ask first the reading of the report on the message.

Mr. DOCKERY. If the gentleman will permit me, I would suggest that he have the original report read first and then the report on the message, so that we can have the case stated in consecutive order.

Mr. KIRKPATRICK. I have not in my possession the original report, but I have no objection to its reading. I ask the reading of the final report by the committee.

The Clerk read as follows:

The Committee on Invalid Pensions, to whom was referred the message of the President of the United States vetoing House bill No. 1094, entitled "An act granting a pension to Francis E. Hoover," submit the following as a result of its investigation:

The President justifies his veto of this measure upon the ground that the present unfortunate condition of this soldier is not due to his army service, and that such legislation is an unfair discrimination against many thousand worthy soldiers similarly situated.

Your committee, after a most patient and thorough consideration of the reasons urged by the President for withholding his signature to this bill, are clearly of the opinion that the justification urged is wholly untenable.

Legislation of this character is by no means new. It is found in the records of every Congress from the organization of the Government to the present time, and since the close of the war similar acts are quite frequent.

There is no constitutional inhibition on the power of Congress to grant pensions by special bills, nor is it essential that the disability for which the pension is granted should be of service origin. We could cite many precedents where special pensions have been granted and approved by the Executive without reference to the origin of the disability.

The pensions granted to our distinguished generals and their widows by special acts of Congress are not always based upon disabilities directly traceable to the military service of the soldier. In many of these cases the disability or death of the soldier can not be shown to have resulted from his army service, yet none of these measures have encountered the Executive veto.

Under these circumstances we can not conclude that the passage of this bill is an unjust discrimination against thousands of deserving soldiers, but to refuse to grant relief in this case, in our opinion, would be an unwarranted discrimination against the private.

If we are to follow the rule laid down in this case by the President, Congress must turn a deaf ear to the appeal of every soldier, however pitiable and distressing his condition may be, regardless of the merit of his service or the privations he endured, unless he can show that his helpless and distressed condition is due to his army service. We can not yield our assent to this proposition. It is manifestly unjust to thousands of the truest and bravest soldiers in our Army.

The writer of this report has in mind one of these cases. The soldier was a strong, healthy, and robust young man, full 6 feet tall, and with an iron constitution in 1861. The firing upon Fort Sumter filled his young heart with patriotism, and he entered the service with five of his companions and continued therein until the surrender of Lee at Appomattox. During all that time he was in the front rank and participated in every battle in which his command was engaged. He never shirked a duty nor sought refuge in time of danger. He was always first to respond to a call for volunteers to perform some deed of daring or heroism. He was never in a hospital except to visit some sick or wounded comrade during all of his service. He walked every step from Atlanta to the sea, and from the sea back through the Carolinas to Washington. He was first in line at the bugle's call, ready to march when the command was given. In sunshine and storm he kept his place and followed where duty led; whether wading swamps or climbing mountains it was all the same to him. He slept in the mud and rain, and, in fact, endured all the hardships and privations of a soldier's life without a murmur.

When the war was over he returned to his home apparently free from disease and disabilities. Fifteen years later the hardships and exposures to which he had been subjected commenced to manifest themselves, and were evidenced by his bent form and feeble step. When exposed to damp or cold weather, excruciating pains coursed down his back and spine. He was at a loss to account for these unless they were due to an injury received while assisting to recapture a cannon at Lookout Mountain, where he was thrown violently upon the ground and the wheel of the caisson passed over the small of his back. He remembered that his injury caused him much pain in his back and spine for many days after receiving it, and that these pains would occasionally return when exposed to the wet and cold, but never supposed that the injury was serious or that it was calculated to follow him through life.

As time passed on these pains became more frequent and persistent, rendering it difficult at times to perform manual labor on his farm. Finally, in 1887, he was visited with a slight stroke of paralysis, rendering further manual labor impossible and confining him to his bed for weeks at a time.

In his distressed condition he applied for a pension and sought to show that his spinal affection was due to the injury received at Lookout Mountain; but where was he to obtain the proofs? One of his five companions was killed at Atlanta, another died in Andersonville, the third was reported missing at Resaca and never returned. The remaining two returned home with him. One of these soon died of a wound received while on the march to the sea, while the most diligent search failed to reveal the whereabouts of the other, and it is possible he also is dead. After endeavoring for years to furnish the required testimony he was at last forced to make his application under the act of 1890, and was soon granted a pension at $12 per month.

His diseases progressed until now he is as helpless as a babe, and requires a constant attendant day and night; his means are all exhausted, and this small pension and the charity of neighbors is all that stands between him and starvation. In his wretched condition he confesses his inability to show that his disability is due to his long and arduous service in the Army, while he knows that it can be traced to no other source, and he also appeals to that Government he offered his life to save to protect him and his family from the poorhouse, and your committee, on behalf of that Government, answers "It will," while the President, if he adheres to the rule enunciated, must answer "No."

We can not but express the hope that the President, on a more thorough consideration of this matter, will reach the conclusion irresistibly forced upon your committee, that it is not always essential to trace the disability to army service as a prerequisite to granting a pension. We also find ourselves unable to agree with the President that the granting of a pension of $50 a month to Mr. Hoover is an unjust discrimination against many thousand deserving soldiers similarly situated. Cases of this character must be rare, indeed, and we doubt very much if one can be found equaling it in all of its distressing details.

With our knowledge of and intimate relations with the old soldiers of this country and their sense of justice, we feel warranted in saying that when made familiar with the conditions and circumstances surrounding this unfortunate comrade that not one of them can be found that will feel that the granting of this pension is any discrimination against him. When this bill was presented to us in the first instance, the testimony offered was directed in the main to the distressed condition of the soldier and his honorable service, and we did not deem it essential that the proof should show his disability due to his army service to justify us in granting relief, nor do we think so now; but inasmuch as the evidence then offered did not establish to a certainty the connection between the soldier's service and his disability, we concluded that we were fully warranted by many precedents in recommending the passage of the bill at $50 per month under the circumstances of his case. Had this connection been shown to our satisfaction our recommendation would have been $72 a month.

Since filing our first report much additional testimony has been submitted, and a reexamination of the case convinces us that the soldier's disability is fairly traceable to his army service, and that he is therefore justly entitled to $72 per month.

Francis E. Hoover, the claimant, enlisted in Company I, Sixty-fourth Regiment of Ohio Volunteers, in February, 1864, when he was but 16 years of age. Without being acclimated or in any way inured to the hardships of a soldier's life, he was at once put into active service with General Sherman, and participated in the battles and skirmishes of that vigorous campaign resulting in the capture of Atlanta. After General Sherman had started on his march to the sea the claimant's regiment was ordered to support General Thomas; Mr. Hoover was with his regiment on that tiresome and perilous march back to Nashville. He participated in the battles of Spring Hill and Franklin, and then in the two days' struggle with Hood at Nashville. He joined in that active pursuit of the remnant of Hood's army, and as a result of his extreme hardships and exertion varicose veins appeared in both of his legs. This condition gave rise to distressing ulcerations. After these ulcers were healed they would remain in that condition but a short time, when they would again break out in festering sores. This has continued at intervals ever since his army service. How much of the poison from these festering sores passed into the circulation and was absorbed into the system it is quite difficult to tell; but that much of this did take place is evident from the fact that the ulcers when once healed would not remain so, but would break out again, with equal, if not greater, violence.

It also appears from the statements of the physicians who have examined him that the legs are badly swollen and discolored. They also tell us that structural changes have taken place in the articulation of the joints. This would hardly have been looked for if the blood current had been pure. Had there been no other complications it is quite evident that this disease alone would have ultimately rendered the soldier helpless, and perhaps ere this. But in 1886 he was attacked with rheumatism, from which he never recovered. There were periods of partial relief from the effects of this disease, but there were recurrences of the attack, and each time with greater severity. About four years ago this disease assumed a permanent and most distressing form. Every joint in the body became ankylosed. He can not now move hand or foot. He has no use of any of the joints of the body. The spinal column has become perfectly rigid, and there is no power of rotation of the head—it is permanently fixed in one position. He can not turn himself in his bed, and would perish with hunger with victuals all around him. A more distressing condition can not be imagined. How much of this rheumatic condition is due to the ulceration of his legs we are not fully prepared to say; but should it be assumed that his rheumatism is an independent disease, having no connection with the ulcerations, still we are thoroughly convinced that a system so weakened and debilitated by ulcerations, and whose blood current had been contaminated by poisons absorbed from these festering sores, was in a poor condition to resist the attacks of disease, especially one of such prostrating persistence as rheumatism. Dr. Hoopingarner, a reputable and eminent physician of Elkhart, Ind., who, after examining the soldier and making himself acquainted with the history of his case, makes the following statement under oath:

"There can be no doubt, at least to my mind, that the causative factor to this diseased condition, heumatoid arthritis, is to be traced and placed to the exposure incident to military life; the damp ground upon which he slept, the poor food, the mental strain and excitement produced a poor condition of body, which in after years was unable to resist the ravages of disease, and in this broken-down condition of body this essentially chronic disease found an easy victim."

This statement is corroborated by four other physicians residing in Elkhart. The proof abundantly shows that the soldier has always been an upright man and addicted to no vicious habits. Neither has he exposed himself to any influences calculated to produce these diseases, and we are at a loss to account for them unless they resulted from the fatigues and exposures incident to a soldier's life.

With the evidence now before us we think, as we have before stated, that the present disabilities of this soldier are fairly attributable to his army service. We find him in a most pitiable condition, utterly helpless, requiring the attendance of a strong man. He is entirely destitute of all worldly means, and has no income aside from the small pittance of $12 per month. This will not support him, much less pay his necessary attendant. All hope of recovery is gone. He has suffered and must continue to suffer untold tortures until death relieves him. He gave the best days of his vigorous youth to his country, and out of his helplessness he asks us for bread and support. If Congress does not give relief he must go to the poorhouse and there end his days. Your committee can never assent to this, so long as there is a dollar in the Treasury. We feel that this unfortunate soldier has claims upon his country to which Congress ought not to turn a deaf ear. We therefore earnestly recommend that the bill do pass, the President's veto to the contrary notwithstanding.

Mr. DOCKERY. Mr. Speaker, I understand that the gentleman from Kansas [Mr. KIRKPATRICK] kindly yields that the original report of the Committee on Invalid Pensions may be read, so that the whole case may be before the House.

Mr. KIRKPATRICK. I have no objection to that.

Mr. DOCKERY. I understand this to be the report on which the President rested his veto.

Mr. KIRKPATRICK. Yes, sir.

Mr. STEELE. The President had before him the other papers in the case, in addition to the report.

The Clerk read as follows:

The soldier served one year, nine months, and nine days in Company I, Sixty-fourth Regiment Ohio Volunteer Infantry, and was honorably discharged from the service. Nothing appears of record derogatory to his character as a soldier. He was pensioned at the rate of $8 per month for rheumatism from August 25, 1890. This pension was increased to $12 in 1893. The testimony does not show the disease of the soldier to be of service origin. During the past two years this soldier has been bedridden, absolutely unable to assist himself, requiring the constant assistance of an attendant. He can not be moved without suffering the most excruciating pain from head to foot, with no hope of recovery.

On account of the terrible suffering of this soldier and the necessity for constant assistance, taken in connection with his poverty, your committee believe the case is one calling for the special intervention of Congress. If the soldier's disease was of service origin he would undoubtedly be entitled to $72 per month under the law, and his case is so extraordinary your committee believe that he should receive said sum. It therefore reports the bill back with the recommendation that it do pass, with the following amendment: Strike out the word "seventy-two," in line 5, and insert in lieu thereof the word "fifty."

Mr. KIRKPATRICK. Mr. Speaker, when this bill was first presented to the Committee on Invalid Pensions it was proposed to pay a pension of $72 per month to Mr. Hoover. The testimony offered at that time in support of the measure was confined in the main to the helpless and pitiable condition of the soldier and his honorable service. With reference to the origin of the disease the testimony was quite meager; and the committee, following many precedents and concluding that the testimony failed to show conclusively that the disability of the soldier was directly due to his army service, recommended the passage of the bill with an amendment fixing the pension at $50 a month. In that form the bill was recommended by our committee and subsequently passed. The President bases his veto upon the ground that the disability of the soldier was not due to his army service, and that its passage would be an unjust discrimination against hundreds and thousands of deserving soldiers similarly situated. Now, I apprehend that there is not to be found in the United States a case parallel to this—not one; and therefore I am not persuaded that the granting of this pension would be an unjust discrimination against any other soldier.

Then, again, the records of every Congress from the organization of this Government to this day contain precedents for legislation of this character. There is no constitutional or other limitation, so far as I know, upon the power of Congress to grant pensions. Nor is it essential in such cases that the disability be directly traced to the army service of the soldier. In cases of this kind the whole matter is left to the good judgment and sound sense of Congress itself. The power thus confided to Congress has been exercised, as I have just remarked, all along the line from the organization of this Government to the present day, and was never called in question until this message of the President was sent to the House—never.

Let me invite your attention, Mr. Speaker, to a few cases, not with the view of criticising Congress or anyone else for the passage of the measures to which I am about to refer, but as sustaining my contention. Who will contend for a moment that the death of Ulysses S. Grant was directly traceable to his army service? Was any claim of that kind made? A similar question might be asked with reference to General Logan and numbers of other distinguished generals of the late war. In nine cases out of ten when pension bills on behalf of our distinguished generals or their widows were passed no claim was made that the soldier had died of diseases contracted in the service or that his disability was traceable to service origin. The matter was left to the sound judgment of Congress; and those pensions were granted because of the patriotic services of those distinguished officers, not because they had contracted disabilities in the service of the United States.

This message presents an important question to this Congress; and if it should be sustained it places upon the power of Congress a limitation that has never existed prior to this time. The limitation sought to be applied here is a direct thrust at the private soldier, and imposes upon him burdens not imposed upon the officer. If the private soldier must trace his disability to his army service, why not the general or his widow? Need I say, Mr. Speaker, that a precedent of this kind is manifestly unjust to some of the bravest and best soldiers this country ever saw? It not unfrequently happens that such a soldier is unable to prove that his disability is directly traceable to his army service. It most frequently happens that the man who has a good hospital record is able to trace his disability to the service rather than the man who was every day upon the field in the performance of his duty.

Is it to be said that Congress shall be limited in its power to grant pensions to deserving soldiers because, through the peculiar circumstances of the case perhaps, the soldier may be unable to prove that his disability originated in the service? If that is to be the rule, I repeat, it is a limitation that has never existed heretofore. So far as this case is concerned, it matters but little; but as a precedent it is of the highest importance to the soldiers of the United States.

When this message of the President pointing out his objections to this bill reached our committee, we concluded that we would reexamine the case for the purpose of ascertaining, if possible, whether this soldier's disability was traceable directly to his army service. We secured a large amount of testimony that had not previously been filed before us——

A MEMBER. Some of it had been filed with the Senate.

Mr. KIRKPATRICK. Yes; a large amount of testimony that was filed in the Senate had not been placed before us. There was also testimony in the Pension Office that had been accessible to us all the while, but we had not deemed it necessary to go into its examination. But on receipt of this message and on reexamining the case we went over all this testimony. We took that on file in the Pension Office and that on file with the Senate Committee on Pensions, and also the additional testimony which had reached our committee by that time. As a result of this reexamination we are able to say beyond any sort of controversy that this soldier's deplorable condition is directly traceable to his army service.

But I want to be distinctly understood that we are not conceding for one moment that it is necessary as a prerequisite to granting a pension to this man that this fact should be shown. It is a matter within the sound discretion of Congress and does not depend upon proof showing the disability due to the soldier's army service. And although we have reexamined this case for the purpose of satisfying ourselves and the country that this man's disability is directly due to his army service, we are here protesting that that is not essential to the power of Congress to grant a pension.

Why, Mr. Speaker, we passed a general act in 1890, perhaps one of the most liberal pension bills to be found upon the statute books of any country in the civilized world. That bill does not equalize the services of all of the soldiers, but it simply permits each man to draw $12 a month under certain conditions. One man under that bill may be able to receive $12 per month whose disabilities are insignificant in proportion to the disabilities of another soldier. Is it to be said that because we passed this bill we thereby placed a limitation on the power of Congress to take up a deserving case of extreme hardship and treat it specially? That would seem to be true if the precedent established by this message is to be enforced in the future. We contend that the Congress of the United States in its power may take up any individual case of any soldier, whether a general or a private, or of the widow of a general or a private, look into the hardships of the case, into the military service of the soldier, and grant such relief as we, in our judgment, think proper. It is not the province of the President of the United States to place a limitation upon that power. It is not an injustice to hundreds and thousands of other soldiers. Why, take this pitiable case, if you please. Here is a man on his back, with his hand in a sling the principal part of the time. He is absolutely unable to move hand or foot or finger, and would starve to death with victuals all around his bed. He served but a year and nine months, and yet there are men who served three, four, and five years. Is it to be said under these circumstances that Congress can not step in and administer relief in this extraordinary case simply because it will not or can not place every man upon the rolls at the same identical rate? I do not believe that proposition at all. It is always in the power of Congress itself, and I do not believe that the Congress of the United States will sit idly by and tamely submit to the limitation upon its power that must follow if this message becomes a precedent in the future. I believe that Congress should exert its power, and that its members should exert that power conferred upon them, and determine by their vote to-day in passing upon this message whether or not an extra constitutional limitation shall be placed upon the power of Congress.

I appeal to the members of this House to stand up and insist upon the principle that Congress has the power to determine the amount that shall be paid to any poor, unfortunate soldier, and they may do that regardless of whether they make the bill general or special. [Applause.] One man may serve in the army three years and suffer no serious disability. Another man may serve two days and two nights and receive a disability that must follow him all through life. Consequently, are you able to even this matter up in a general bill? It is utterly and absolutely impossible. We should meet all of these general cases by a general bill, but the extraordinary cases must be met by special legislation; and I am unable to understand upon what principle the President of the United States can approve of a pension to a widow of a general, where it is not contended that the soldier's death is due or attributable to his army service, and at the same time deny us the right to give this poor Indiana private $50 a month. The truth is that this man should have $72 a month under the general law. There is no doubt about it, under the testimony that is submitted to our committee.

Under the testimony submitted when we made our first report he would not have received that sum under the general law, but the committee, exercising that power heretofore always exercised, recommended the passage of the bill at $50 a month, $22 less than the rate which the soldier would be entitled to receive in case he could have established that fact.

But the strong point I wish to urge here upon this House is that there is no limitation on the power of Congress in granting pensions, and that this message, if it becomes a precedent, will fix a limitation not known to the Constitution or to the law, and will deprive Congress of the power to administer relief and justice in hundreds, yea, thousands, of deserving cases that can not be reached in any other way. I therefore hope that this House will vote solidly to pass this bill for this poor soldier, the veto of the President to the contrary notwithstanding. [Applause.]

Mr. Speaker, I reserve the balance of my time.

Mr. ERDMAN. Mr. Speaker, the only information accessible to the President when he received this bill was the report of the Committee on Invalid Pensions and such evidence as was on file in the Pension Bureau. I have caused an abstract to be made of the evidence there, and I send that to the Clerk's desk to be read.

The Clerk read as follows:

[Francis E. Hoover, Company I, Sixty-fourth Ohio Infantry. Certificate No. 668808.]

STATEMENT OF FACTS.

This claimant filed a declaration under the act of June 27, 1890, on the 25th of August, 1890, alleging chronic rheumatism and disease of kidneys. The War Department reports that he enlisted in the above-named organization February 24, 1864, and was discharged December 3, 1865.

He was examined by the board of surgeons of Salem, Oreg., May 13, 1891, which reported a rating of five-eighteenths (5/18) for "rheumatic disability." It will be observed that the rate recommended by the board was less than the minimum rate allowed under the act of June 27, 1890, yet the claim was allowed and certificate issued October 7, 1891, at the rate of $8 per month from August 25, 1890, date of filing application.

He filed a claim, under the same act, for increase September 24, 1892, in which he alleged chronic rheumatism and varicose ulcers due to varicose veins.

In an affidavit filed November 13, 1893, he states: "I became aware that I had varicose veins in 1891, and that these ulcers were caused from them, but the ulcers date back to December, 1864. When the first one appeared I was not then aware that it was caused from varicose veins, as physicians now inform me."

He was examined under this application February 27, 1893, by the board of surgeons at Goshen, Ind., which reported a rate of eight-eighteenths for rheumatism and seventeen-eighteenths for varicose veins and results, yet the board states in that report that the claimant "is three-fourths disabled from manual labor." Notwithstanding this the claim for increase was allowed and certificate issued January 23, 1894, at the liberal rate of $12 per month (maximum under the act of June 27, 1890, for total disability) from February 22, 1893, the date of the examination, for rheumatism and varicose veins and resulting ulcers.

The claimant never filed an application under the general law, and has never stated whether the disabilities for which he is pensioned are due to and caused by his military service.

Mr. ERDMAN. Now, Mr. Speaker, in the report filed by the committee it is expressly stated that the disease is not of service origin. The testimony on file in the Pension Bureau corroborates that, and the applicant never believed that he had any just cause and never made any application for a pension under the general law. It is simply idle and silly to attempt to do what is attempted in the second report filed by the Committee on Invalid Pensions, viz, to set up the plea that the disease is owing to service origin, or that his present condition is attributable to it in any way.

There are more than the usual absurdities of a plea of confession and avoidance in the second report of the committee.

I yield such time as he may want to the gentleman from California [Mr. LOUD].

Mr. LOUD. Mr. Speaker, I opposed this case in Committee of the Whole when it was up for consideration, and did so upon the report presented by the committee; assuming, of course, that the committee when it takes nothing but ex parte testimony would present to the body that has to pass upon their labors at least as good a case as they could make out. Now, the committee at that time stated emphatically in their report:

The testimony does not show the disease of the soldier to be of service origin.

Upon that testimony this House acted. Now, then, if this House is to assume the position that was assumed by the adoption of this report in the granting of this pension, permit me to say to you in all candor that it is a species of special legislation that will not receive the commendation, in my mind, of the sober second thought of the American people. There are in this country hundreds and thousands of men who were in the service who are to-day totally incapacitated from performing any species of labor. If one man who is now disabled is entitled to a pension of $50 or $72 a month, then they all are. Let me show you what a special system you are here seeking to promote. It has been stated upon the floor of this House that there have been introduced so far something over 3,000 pension bills, during this session of six months; thirty or forty of them have become law, and at the time this Congress shall close possibly a hundred will have become law. At that time I assume there will have been introduced at least 10,000 cases for special pensions; and I base that estimate on the rate they are coming into the Halls of Congress to-day; because the action of this body has invited every man in the country who was in the service to come to Congress and apply for a special pension. You pension some because there is an imaginary connection between their disability and their service; you pension others because of special meritorious services, and there is not a case presented here that some special argument is not urged in its behalf.

I do not appear here as the special advocate of the President. There are very few questions upon which we agree; and I regret, with the gentleman from Kansas [Mr. KIRKPATRICK], that the President has seen fit in all cases so far presented to veto only the pensions of private soldiers. I believe that every case that has passed Congress giving an increase of pension to the widow of an officer, or an increased pension to an officer himself, should have received the veto of the President; but we are urged in the case of officers, and it is urged upon all sides, that we must recognize the extraordinarily meritorious services they have rendered the country, because they occupied positions as general officers.

I differ with the House in that position, because a general officer was paid a salary commensurate with the extraordinary services he rendered his country—from $5,000 to $7,500 a year. They gave their talent, they gave their time, they gave all they had; and so did you and I, sir, who served in the ranks and received but $16 a month. [Applause.] We gave all we had to give to this country; and there should be no distinction.

Perhaps if the facts presented by the committee in this subsequent report were true this case might receive my approval; but the gentleman in drawing this report has shown that he has an imaginative mind that would surpass that of Don Quixote. On the top of page 2 the gentleman says:

The writer of this report has in mind one of these cases. The soldier was a strong, healthy, and robust young man, full 6 feet tall, and with an iron constitution in 1861. The firing upon Fort Sumter filled his young heart with patriotism, and he entered the service with five of his companions.

[Applause.]

Subsequently he talks about "marching through the mud from Atlanta to the sea, and from there up through the Carolinas." I thought when I read this report the gentleman was talking about Francis E. Hoover, but when I got down to Francis E. Hoover, at the bottom of page 3, I found that he enlisted in February, 1864, and never could have marched through this mud from Atlanta to the sea, because the gentleman says that he went back to Nashville; and false in part might perhaps be assumed to be false in whole. But I will say here, Mr. Speaker, that if the report now presented had been made when the case was first presented to this House I should, perhaps, have given it my approval; but the President acted upon the report of the committee, and could not have gotten information beyond the evidence in the Pension Office.

There is not a line or a scrap that goes to show that this soldier's present disability is the result of his service. To illustrate that point, this man never applied for a pension under any of the prior acts. He never applied for a pension until after the act of 1890, which is prima facie evidence that his present condition is not the result of his service. The President took the evidence before him. He said, as I would say and as others would say even on the eve of a great political campaign, that it is not right, that it is not proper, that it is not becoming the representatives of the great American people to pick out a particular case, present ex parte testimony, and give the soldier a pension of $50 a month. If the position which the gentleman assumes in his subsequent report is correct; if he has abundance of testimony to show that the present disability of this man is the result of his service, then I say it is unbecoming for him to try to pass this bill over the President's veto. What he ought to do is to bring before this Congress a bill pensioning this soldier at $72 a month, the amount to which, in his present condition, he would be entitled if the gentleman's position is correct.

Of course, Mr. Speaker, I know how members of Congress feel on pension cases. I know that in 1888 we made all that could be made out of the poor soldier. I know that we vilified, and I might say falsified, and made all we could out of the pension record of Grover Cleveland, but in 1892 evidently the sober second thought of the American people did not condemn that record, at least not to a sufficient extent to defeat him in his campaign for reelection. I believe, Mr. Speaker and gentlemen of the House, that the sober second thought of every man here will conclude that the position of the President in this case is right, whatever it may be or may have been in some other cases. He reviewed the testimony before him and came to the conclusion, as I believe, as any fair-minded man must do, that this was a case of special pernicious legislation; and let me add, as I have already said, our pension legislation here has done more to debauch the sentiment of the American people than the action taken upon any other questions that have come before Congress.

Mr. KIRKPATRICK. Mr. Speaker, I yield ten minutes to the gentleman from Illinois [Mr. WOOD].

Mr. WOOD. Mr. Speaker, the question in regard to this veto message presents very fairly the issue that is made by the President with the Congress. The question is, Whether we shall apply one rule of evidence to a private soldier and to his widow, and another to an officer of high rank and to the widow of such an officer; whether in the one case we shall require proof of disability from army service, and in the other case shall exempt the applicant from that requirement. That is the question, and it is upon that which I desire the attention of the House for a few moments.

Let me say in the outset that I do not agree entirely with the report of the committee that has been filed in the case of this veto. I think the President was entitled to have the case as it was made up in Congress and to pass upon it as it was presented to him. I think that any subsequent evidence which went before the committee ought not to have any weight with the House on this occasion, and I therefore address myself to the condition as it existed when the bill was reported by the committee and as it was when passed by this House. It has been said that an officer is entitled

to a pension of larger amount than the private soldier, and is entitled to have that pension upon less proof, on account of his distinguished service. That is the issue which is made here. The President so far has vetoed no bill granting or increasing pensions to officers of high rank or to their widows, although the evidence failed to show death or disease as results of army service. Pension vetoes seem only to be the portion of the soldiers and officers of the line.

This soldier, Francis E. Hoover, enlisted at the age of 16 years. Something has been said to the effect that he did not enter the service early in the war, but evidently he got into the Army as early as he could be admitted. He was in the memorable campaign in middle Tennessee in 1864, which resulted—the only instance in the history of the struggle from 1861 to 1865—in the destruction of a Confederate army in a pitched battle. There have been a great many criticisms upon the generalship of that campaign. On the eve of the battle of Franklin there was crimination and recrimination between the Confederate commander and his lieutenants, Pat Cleburne, the Stonewall of the Western Confederate army, went out of that stormy council into the fiery charge and to his death; but I ask you who has ever criticised the soldierly conduct of either the Union or the Confederate private soldiers on that bloody field?

There has been criticism of the whole campaign that led up to the siege and battle of Nashville. The Confederate commander has been criticised. The Union commander—that sturdy Virginia patriot and incomparable soldier, George H. Thomas—was on the point of being relieved. He was criticised and misunderstood by the country; misunderstood by the silent commander of the Army; misunderstood by the President—understood only by the privates of the Army of the Cumberland, who always trusted in him. There has been much military criticism upon that entire campaign. It has been claimed that the stand should have been made at Pulaski, or at Columbia, or at Franklin, rather than at Nashville. But who has ever criticised the soldierly conduct of the privates of that army; of the cavalrymen who charged and carried breastworks and forts, or even of that black line—men with black faces, but white souls—who charged up Overton's Hill and left their dead and wounded thickly strewn along the slope?

There has been criticism as to the following up of the Confederate army after that battle. One officer of considerable rank made a mistake and sent the pontoons on another road; but who has ever criticised the energy or persistence of the private soldiers who bore a part in that relentless pursuit? In that campaign and in those battles was Francis E. Hoover. He fought by day and he marched by night. At Pulaski, at Columbia, at Spring Hill, at Franklin, at Nashville, he was in the fight, he was in the pursuit. Through mud and rain and sleet and storm he marched and did his duty. There is not a record of dishonorable conduct against him. What is his condition to-day? Helpless—more helpless than an infant. If water were within arm's length of him he might perish from thirst, because he could not carry the goblet to his lips. If food were placed in his hands he might die of starvation, because the arms that once supported his country's flag and carried the musket in its defense are no longer under the control of his will and could not carry the food to his mouth.

I can think of nothing more helpless than the condition of this soldier as disclosed by the evidence which came before the committee, unless it was the condition of his own country early in 1861, when there were foes without the capital and foes within. The country was affected then with a more deadly disease than paralysis. Our Navy—where was it? Our Treasury—where was the money that ought to have been there? What was the condition of our Army then? Loyalty among the privates; treason among the officers of high rank. And then the country in its weakness, its utter helplessness, reached out and leaned upon such men as Francis E. Hoover. It leaned upon their strength, and they gathered to its support. They saved its life. But now that country is strong and vigorous and powerful; and Francis E. Hoover turns his heart and his eyes toward it—he can not turn his helpless body—and asks for relief in his utter want and destitution. He asks the President of the United States—shall I say it?—he asks the Commander-in-Chief of the Army in which he once valiantly and honorably served, for relief; and he is told that while the officer who made mistakes shall be exempted from proving disabilities of service origin, a private of honorable record, who made no mistakes, shall be required to prove the pathological connection between the disease of his army service and his present condition, and that he shall make out his case beyond the possibility of a doubt and to a moral certainty.

Mr. Speaker, something has been said about other similar cases, and it has been urged that to grant relief to this soldier would be an unjust discrimination against others. Sir, so far as the duty of this House in the present hour is concerned there is only one case, and that is the case of Francis E. Hoover. We ought to pension him for the same reason that we have pensioned generals and the widows of generals—on the ground of previous honorable service and present absolute helplessness, destitution, and want.

It may not be very long, Mr. Speaker, before the Republic will have occasion to summon again its young men into the ranks of its armies. It is a good thing at this time to show that the nation is not ungrateful to its private soldiers. If there were but $50 in the Treasury the best investment that could be made of that money would be to draw it out and pay the first month's pension to Francis E. Hoover under this act, which I hope will soon become a law, "the objections of the President to the contrary notwithstanding." [Loud applause.]

Mr. KIRKPATRICK. Mr. Speaker, I hope now that gentlemen on the other side will use some time.

Mr. BARTLETT of New York obtained the floor.

Mr. KIRKPATRICK. Well, Mr. Speaker, as there seems to be nobody desiring to talk further, I will move the previous question.

The SPEAKER pro tempore. The gentleman from New York [Mr. BARTLETT] has been recognized.

Mr. KIRKPATRICK. The gentleman will excuse me; I did not observe it.

Mr. BARTLETT of New York. Mr. Speaker, I have learned for the first time that I am a negative quantity in this body, for the gentleman from Kansas has just told us, upon my rising, that he had noticed that no one else wished to be heard on this bill.

Mr. HARDY. He did not know that you wanted to be heard.

Mr. BARTLETT of New York. It seems to me, Mr. Speaker and gentlemen, that the question before the House is whether this veto message of the President of the United States in reference to this particular measure is proper or not. There is no question as to our sympathy with the men who fought and won in the late civil war. There would seem to me to be no occasion for eloquent or patriotic addresses such as that to which we have just listened from the gentleman from Illinois [Mr. WOOD]. There would seem to me to be no occasion for the reading of a report such as that which was framed by the gentleman from Kansas [Mr. KIRKPATRICK]. That report in favor of this bill contains two or three pages referring to some hypothetical case, some case radically different from the case now under consideration.

This bill, providing for the granting of pension or additional pension to Francis E. Hoover, was passed on one of those Fridays in April last when the distinguished gentleman from South Dakota [Mr. PICKLER] obtained control of this body, when all debate was silenced, when the gag rule was applied, and pension bill after pension bill was forced through this House without any consideration. If gentlemen will look at the RECORD of April 3, 1896, they will find that no debate was allowed on this bill and that it was passed under the operation of the previous question.

Now, let that be the general rule which obtains in reference to pension bills. You of the majority here are all-powerful; and if the distinguished Committee on Rules—for the ability of whose members I have the highest respect and esteem—if that distinguished committee sees fit at any time to grant the prayer of the gentleman from South Dakota you can have one day or two days or three days devoted entirely to the consideration of these pension bills. But the next time that you bring in a rule do not give us ten minutes for debate; do not give us five minutes for debate; do not give us one minute for the consideration of any pension bill, but let the previous question be considered as ordered at once, and let each and every pension bill be passed without regard to its merit.

Let me for a moment or two call your attention to the existing legislation, or the present system of legislation, which obtains with reference to pensions. We have the general pension law, which is all right, under which some eighty-one or eighty-two millions of dollars a year are paid out of the national Treasury; we have the dependent pension act of 1890, under which some sixty-one millions are paid annually; and in addition to these general laws we have passed during the present session a law for the benefit of the bounty jumpers, the deserters, and for the benefit of the ex-confederates—a general law which requires some six or seven millions more per annum for its payment.

Now, Mr. Speaker, let the House understand exactly your pension legislation. While you may gain in the main a few votes from the soldiers, the ex-soldiers, or the veterans, you will find if you persist in the enactment of this extravagant legislation united against you all the toilers and wage earners of this nation. The people at large are perfectly willing that you should pay full and adequate pensions. They have never objected to that. They are perfectly willing that a sum such as that advocated by General Garfield in the years past should be paid to the veterans of the war; and you will remember that General Garfield said, if I mistake not away back in 1872 or 1874, that he thought we had then reached the high-water mark of pension appropriations; and unless in the future there were wanton and extravagant pension legislation there would be no greater sum appropriated than the sum appropriated at that time.

But, in addition to the general pension law to which I have already referred, we have the act of June 27, 1890, known as the dependent pension act, and the iniquitous act of the present session, which is known as the Pickler bill. We have thousands of

private pension bills to which the attention of the House is drawn from day to day. The minority is powerless to check the passage of any one of these private pension bills, however iniquitous it may be in scope, in intent, or in operation; and it is only at long intervals that our attention is called to some particularly objectionable measure by the fact that the Chief Magistrate of this nation has exercised his veto power in reference to it.

Now, gentlemen, I say that I believe the veto of this particular bill, granting a pension to Francis E. Hoover, is an admirable act. I believe it to be a most praiseworthy act on the part of the President of the United States, and I, gentlemen, have failed ever to read any message of Grover Cleveland on a pension bill which has not been able and honest and praiseworthy, and in the best interests of the people of this country—the veterans or the non-veterans—and for the due and proper administration of the pension laws.

There is no question, gentlemen, before you to-day as to the power of the President to veto a bill, or as to the power of Congress to pass a special pension bill. The gentleman from Kansas [Mr. KIRKPATRICK] misapprehends in toto the situation. It is conceded that Congress has the power to pass these pension bills, however pernicious they may be. It is conceded, on the other hand, that the President of the United States has, under the Federal Constitution, the power to veto a bill not only in cases where he thinks the Congress of the United States has proceeded ultra vires, or has transcended its powers, but in other cases where he considers the legislation, for any cause whatever, to be unwise or improper; and in the case under consideration the question is, Is the legislation wise? Is this a proper bill for you, all-powerful gentlemen of the majority, to impose on the people of the United States? No matter to what extent you may go in your approval of existing law in reference to pensions, I ask you to pause and hesitate before you vote to override the veto of the President of the United States in reference to this particular measure.

In June, 1890, when the dependent pension act was passed, what was said virtually to the people of this country at that time? "Give us this dependent pension act with a limit fixed at a certain amount," and you know that the greatest limit of pension that can be granted under that act is $12 per month. If a man is suffering to such an extent as to be incapacitated from earning a livelihood either by mental or physical disease, under the act of June 27, 1890, he can receive a pension of $12 per month and no more. Now, if you pass this bill over the veto you will virtually enlarge the scope—the entire scope—of the dependent pension act of June 27, 1890.

If you give this soldier $50 or $72 a month—and you might just as well vote him $72 as $50 a month—on the theory that he is incapacitated to such a degree as would entitle him to $50 a month had the disease been of service origin, you will open the door so that every man in the like situation, so that every man suffering from disease admitted not to be of service origin, can come in and demand a pension of $50 or $72 a month.

Mr. NORTHWAY. Will the gentleman permit me a question?

Mr. BARTLETT of New York. Certainly.

Mr. NORTHWAY. Will not every solitary special act pensioning a soldier set a precedent, to be followed by everybody, just as much as this, and hence will not your argument apply to every special act just as well as to this?

Mr. BARTLETT of New York. Mr. Speaker, that is a question somewhat broad, and I shall endeavor to answer the gentleman on some future occasion; but I do not think it does apply to other special bills to the same extent that it applies to this particular measure.

Mr. PICKLER. Will the gentleman yield to me for a question?

Mr. BARTLETT of New York. Yes.

Mr. PICKLER. How can you defend the President's veto on principle when his position is directly contrary to the act of 1890, by which we pension soldiers not for disability incurred in the service, but for disability wherever incurred? All that we have done in this case and all that we claim is that instead of this man getting $12 a month he should have more. Now, how can you sustain the veto when we are acting on that very line and upholding every principle of the law of 1890?

Mr. BARTLETT of New York. Mr. Speaker, I consider that this is in contravention of the spirit and of the language of the law of 1890.

Mr. PICKLER. The law of 1890 is for disabilities, no difference where incurred. Now, even if it should be conceded that this man did not get these disabilities in the Army, still he has the disability and he is helpless. Now, how does it violate the principle of the law of 1890?

Mr. BARTLETT of New York. The law of 1890 fixes a certain limit. The idea is that the pension system under the act of 1890 has been extended further, by the Congress of the United States, than in any other country in the world at any period of history. The principle established in the act of 1890, the promise held out to the people of this country on June 27, 1890, was, "If you will give these men who fought in the war a certain sum when the disability was not incurred in the line of duty, we shall be content with that. If you will give us $8 or $12 as the maximum, we pledge ourselves to ask no more of the Congress of the United States." And Senator DAVIS, who had that bill in charge in the Senate, stated that the maximum expense or cost to be imposed upon the taxpayers of the United States would be only $35,000,000 per annum. Was that promise kept? It is true that in the debate it was enlarged to forty-one or forty-two million dollars. Has that promise been kept? Do you not all know that to-day it costs the people of this country some sixty-one or sixty-two million dollars per annum to pay the pensions under the act of June 27, 1890?

Mr. PICKLER. Now, I know the gentleman is a humanitarian. I put it to him now, what would he do in a case of this kind, with this old soldier in this helpless condition, when the question is before us as to whether we shall give him more than $12 a month or send him to the poorhouse? The gentleman is certainly not in favor of sending this old soldier to the poorhouse, is he?

Mr. BARTLETT of New York. Mr. Speaker, I am always very glad to listen to the gentleman from South Dakota, and I shall always endeavor to treat him with the courtesy and amenity which sometimes is absent from his treatment of me.

Mr. PICKLER. Not intentionally.

Mr. BARTLETT of New York. I am never in favor of sending any soldier to the poorhouse; but I say that, in these exceptional circumstances, let the man's own State provide for him. Do not call upon the Federal Congress, not to make law, but to break law, in favor of one individual.

Mr. PICKLER. He came to this condition by defending and upholding the Federal Government. Why should it not sustain him, when he helped to save it?

Mr. BARTLETT of New York. I am perfectly willing to yield to the gentleman from South Dakota for five or six questions, provided they are all strung together, but it is impossible for me to address this House and to have these constant interruptions.

Mr. Speaker, the gentleman from South Dakota has said that this disability was occasioned because this man fought in the war. Now, if that be so, the report of the Committee on Invalid Pensions is incorrect; because in their first report they say that the disability was not of service origin. You are all well aware that if the wound had been received or the disease incurred in the service, in the line of duty, then, if all these facts stated as to the disease and the condition of the man be true, all that he would be required to do in order to receive $72 a month would be to file his application with the Commissioner of Pensions.

It must be taken as a conceded or admitted fact that the disease under which this man is now alleged to be suffering is due entirely to something outside and apart from his service in the civil war, and it is for that reason that I say that the veto message of the President of the United States should be upheld by all fair-minded men on either side of this House. I am very sorry that any man should be in the condition in which it is alleged that Francis E. Hoover is in to-day, but because a man is suffering from illness is it any part of the duty of the Congress of the United States to vote away, not your money, gentlemen, or my money, but the money which is wrung from the people at large by taxation? And unless you use your power properly and justly, unless you are wise in your disposition of these pension bills, the time will shortly come when the people of the United States will rise in their power and express their disapproval of careless or negligent or wanton pension legislation.

What does the President of the United States say to us in reference to this particular measure? He says:

> The value of pension legislation depends as much upon fairness and justice in its administration as it does upon its liberality and generosity.

Now, I am in favor of being liberal and generous only in the cases where we should be liberal and generous, and I do not believe in unjust discriminations. I do not believe in passing such a bill as this which has been vetoed by the President of the United States and in establishing dangerous precedents for all time to come. You will have not this one applicant coming in here on ex parte affidavits and hastily conceived evidence and asking for a pension of $50 a month, but you will have hundreds and thousands of men who served ninety days coming in and asking for, say, $50 to $72 a month, on the theory that they would be entitled to such an amount if they had incurred the disability in the service in the line of duty. There must be, gentlemen, some logical distinction. There must be some distinction, in common fairness, between the man who was wounded on the field of battle or incurred disease in the active service of his country in the line of duty and the man who served but ninety days and never left his native town, and came out of the war unharmed and uninjured. Consider for one moment the dangerous practical operation of the act of 1890. Reflect on the fact that in one Ohio regiment 495 pensions are now being drawn under the dependent act of 1890, while that regiment never left the town in which it was recruited, and was in the service but a few months; and there are many other cases like the cases of the members of that Ohio regiment.

So it would seem to me, gentlemen, that whatever your views

may be of general pension legislation and of special pension legislation, in this particular case the veto of the President of the United States should be sustained. He gives us his reasons in terse and happily selected language. He says:

It seems to me [it] would result in an unfair discrimination as against many thousand worthy soldiers similarly situated, and would invite applications which, while difficult to refuse in the face of such a precedent, must certainly lead to the breaking down of all the limitations and restrictions provided by our laws regulating pensions.

Mr. MORSE. Will the gentleman permit me to ask him a question?

Mr. BARTLETT of New York. Yes, sir.

Mr. MORSE. I would like to ask my friend from New York a question. He argues against this case, as I understand him, on the ground that it is favoritism and special legislation?

Mr. BARTLETT of New York. Yes, sir.

Mr. MORSE. Now, would the gentleman vote for a general law to cover cases like this, of total disability—would he vote for a general law to cover all such cases throughout the country giving a substantial increase under the act of 1890?

Mr. BARTLETT of New York. Mr. Speaker, I will answer the question propounded by the distinguished gentleman from Massachusetts. If a man were totally disabled by a wound which had been received in the service in line of duty, I should be willing to vote to increase the sum of $72 now allowed to $100, or a sum larger than $100. If a man has lost an arm, or a leg, or an eye in the service, or has been in any way wounded or maimed, I should gladly vote for an amendment to the general law increasing the amount which should be allowed to the soldier; and I know no one who will go further than I in according the meed of praise and the amount of justice or bounty, whichever you may please to term it, to the men who were wounded or incurred disease or disability in the service in the line of duty. I do not think you can do too much for those men. But here we have another line of cases. Here we have a class of men in reference to whom it is admitted that their disabilities were not incurred in the service in line of duty, but that, as in this case, they arose at some subsequent period in the man's life, probably ten, or fifteen, or twenty years after the close of the civil war.

Now, in reference to these men, the soldiers who served for ninety days and who have filed, or are entitled to file, applications under the act of June 27, 1890, they have received, in the sixty-one million or sixty-two million dollars which we now pay them, all that we ought to pay them in view of our duty to the people of this country at large, the taxpayers, the wage earners, the toilers of this land. But if you wish to enlarge the scope and operation of the dependent pension act of 1890, bring in an amendment to that act, bring in a general bill and let us debate it here. Perchance you will pass it. You have the power, and I dare say that you would all vote for it, and pass it; but in that case you would not be subject to the same criticism to which you will be subjected if you pass this bill over the President's veto, because this is special legislation, because this is discriminating in favor of one individual by passing a measure which can apply to no other man in the same class.

Mr. Speaker, should our views of general legislation be hampered or controlled by the fact that we have passed one bill which might be cited against us as a dangerous precedent? I have the greatest sympathy for this soldier, but I say that, in view of all the facts of the case—and I say it in all temperance and in a spirit of moderation—in view of all the facts of the case it seems to me that we ought not to override the veto of the President of the United States.

Mr. MORSE. Then, Mr. Speaker, if I understand the distinguished gentleman from New York, his position is——

Mr. KIRKPATRICK. Mr. Speaker, I yield ten minutes to the gentleman from Delaware [Mr. WILLIS], and after that I will ask for a vote.

Mr. MORSE. The gentleman from New York yielded to me for a question. If I understand the position of the gentleman, he is willing to vote to increase the pensions of soldiers who were wounded in the service in the line of duty, but he is not willing to increase the pension of any soldier who incurred a disability, even though it be as great as the disability in this case, if it was not incurred in the Army in the line of duty. That I understand to be the gentleman's position.

Mr. BARTLETT of New York. Mr. Speaker, I do not know that it is necessary for me to issue a manifesto to-day as to what I propose to do in reference to pension legislation in the future. I state with perfect frankness that I am opposed to the passage of any such bill as this, and that I am against overriding the veto of the President of the United States by passing this bill granting a pension to Francis E. Hoover.

Mr. PICKLER. If this House sustains the President's veto, then it lays down the principle that the House of Representatives can not increase any soldier's pension above the amount allowed by the general law. Now, we can not afford to take that position.

Mr. BARTLETT of New York. Mr. Speaker, it pains me to differ with the gentleman from South Dakota, who always couches his statements in such moderate and modest language. The mere statement of a proposition by the gentleman from South Dakota carries conviction. [Laughter.]

Mr. PICKLER. Not with the gentleman from New York. I am an utter failure in that quarter. [Laughter.]

Mr. BARTLETT of New York. Now, Mr. Speaker, I do not concede that the position taken by the gentleman from South Dakota is sound. If we sustain the veto of the President with reference to this particular case, we do not lay down any rule as to what we shall do in future when a general proposition on this subject is brought before us. We do not commit ourselves at all as to that. We simply say that this special discrimination is improper. We say that we ought not to pass this particular bill and that this bill having been vetoed for proper reasons, we ought not to override the veto of the President of the United States.

Mr. DINGLEY. Mr. Speaker, I hope that the gentleman in charge of this bill will move the previous question. The Labor Committee has had this day assigned for the consideration of its business and this is delaying that business.

Mr. KIRKPATRICK. I am under a promise to the gentleman from Delaware to yield him ten minutes before I move the previous question.

Mr. WILLIS. Mr. Speaker, I shall probably occupy eight minutes of that time, and the other two minutes I will yield to the gentleman from New York [Mr. FAIRCHILD] to present to this House the opinion of ex-Governor Chauncey F. Black with regard to the veto power. I must say that I join hands with the distinguished gentleman from New York [Mr. BARTLETT] with regard to the immortality which the distinguished gentleman who occupies the Executive Mansion seems to be earning for himself as he sits in the quiet and splendid seclusion which he so much enjoys and vetoes these little pension bills in which are involved the peace and the comfort and the lives of men who risked all that they had and all that they knew in defense of their country in the hour of its peril. Here is the case of a boy who, before his beard had time to grow, enlisted in the army and followed Sherman from Nashville to Atlanta and fought in every battle throughout that memorable campaign for the upholding of that flag and the preservation of the principles of this Government to which the gentleman from New York so felicitously refers in many instances.

Now, at the very meridian of his life—poor and sick and helpless—he comes here and asks us to overstep the rigid limitations of the pension laws and allow him enough to make him comfortable through the few remaining months that he may have on these sublunary shores. And lo and behold! the great man who occupies the chief office at the head of the nation has found out—digging down through a great mountain of business, perhaps—has found out that in connection with this particular bill no special evidence has presented itself that the disability with which this man is dying can be definitely and circumstantially traced as having originated in the military service.

I say, sir, with what little knowledge I have of the Constitution and the history of its adoption, that the veto power was never intended to be applied to a case like that; that it is an abuse and degradation of the veto power to apply it to a case of this sort. [Applause.] It is something like a reassertion of that idea that came from the President of the United States when he said he had "Congress on his hands," to come here and in the face of the overwhelming majority by which this bill was passed send us this veto. I congratulate him on having so noble a defender and so successful an advocate as the gentleman from New York. It occurs to me that their minds are cast somewhat in the same mold, and I do not want the gentleman from New York to consider himself in a great degree complimented by that remark either. [Laughter.] But in considering the various subterfuges that have been resorted to under the name of "arguments" and the excuses that have been made for opposing these pension bills, I was especially struck with the remarks of the gentleman from New York in his speech against the pension bill which was before the House a week or two ago. After mauling this House for a good solemn hour with his platitudes on that subject, he treated us to a little extract from the immortal words of Fitz-Greene Halleck. He quoted for us Marco Bozzaris, and this was the excuse he made for not helping these men in the last hours of their earthly strife. He said they had their compensation, and he recited the lines—

> But to the hero, when his sword
> Has won the battle for the free,
> Thy voice sounds like a prophet's word;
> And in its hollow tones are heard
> The thanks of millions yet to be.

That was the gentleman's excuse for not supporting pension legislation. He intended to comfort these poor fellows with "the thanks of millions yet to be." [Laughter and applause.]

Mr. MORSE. They could not get any bread and butter in that way.

Mr. WILLIS. I wish he had commenced with that beautiful stanza preceding the one which he quoted:

Come to the bridal chamber, Death!
Come to the mother, when she feels,
For the first time, her firstborn's breath;
Come when the blessed seals
That close the pestilence are broke,
And crowded cities wail its stroke;
Come in consumption's ghastly form,
The earthquake shock, the ocean storm;
Come when the heart beats high and warm,
With banquet song, and dance, and wine;
And thou art terrible—the tear,
The groan, the knell, the pall, the bier,
And all we know, or dream, or fear
Of agony are thine.

Yes, sir; here is a woman in the loneliness of her widowhood, facing death in its most solemn and aggravated form, her hungry children around her. What would the gentleman do, as indicated in the very apt and beautiful quotation that he used on that occasion? He would clothe the orphan with "the thanks of millions yet to be"! He would comfort the broken-hearted widow with "the thanks of millions yet to be"! He would shed a light in that deserted household with "the thanks of millions yet to be"! He would stand by the bedside of this poor fellow who is ready to go to the poorhouse, sick and hungry, and he would tell him that the soldier has something else to console him, for in the "hollow tones" of death are heard "the thanks of millions yet to be"! [Loud laughter and applause.]

Now, sir, I congratulate Grover Cleveland and the honorable gentleman from New York [Mr. BARTLETT] on the unity of spirit which they manifest in a case like this. [Renewed applause.]

Mr. KIRKPATRICK. I now call for the previous question.

The previous question was ordered.

The SPEAKER pro tempore. The question is, "Will the House on reconsideration agree to pass this bill?" on which, as required by the Constitution, the yeas and nays will be taken.

The question was taken; and there were—yeas 196, nays 47, not voting 112; as follows:

YEAS—196.

Acheson,	Curtis, Iowa	Huff,	Reeves,
Adams,	Curtis, Kans.	Hunter,	Royse,
Aldrich, Ala.	Danford,	Hyde,	Sauerhering,
Aldrich, Ill.	Daniels,	Jenkins,	Shafroth,
Allen, Utah	Dayton,	Johnson, Cal.	Shannon,
Anderson,	De Witt,	Johnson, N. Dak.	Sherman,
Andrews,	Dingley,	Kem,	Shuford,
Arnold, R. I.	Dolliver,	Kiefer,	Simpkins,
Atwood,	Doolittle,	Kirkpatrick,	Skinner,
Avery,	Dovener,	Lacey,	Smith, Ill.
Babcock,	Eddy,	Layton,	Smith, Mich.
Baker, Kans.	Ellis,	Lefever,	Sorg,
Baker, Md.	Evans,	Leighty,	Southard,
Baker, N. H.	Fairchild,	Leonard,	Spalding,
Barham,	Faris,	Lewis,	Sperry,
Barney,	Fenton,	Linney,	Stahle,
Barrett,	Fischer,	Linton,	Steele,
Belknap,	Foss,	Long,	Stewart, N. J.
Bell, Colo.	Fowler,	Low,	Stokes,
Bingham,	Gamble,	Mahany,	Stone, C. W.
Bishop,	Gardner,	Mahon,	Strait,
Blue,	Gibson,	Marsh,	Strong,
Brewster,	Gillett, Mass.	McCall, Mass.	Strowd, N. C.
Broderick,	Graff,	McCall, Tenn.	Sulloway,
Bromwell,	Griffin,	McClure,	Taft,
Brosius,	Griswold,	McCormick,	Talbert,
Brown,	Grosvenor,	McEwan,	Tawney,
Brumm,	Grout,	McLachlan,	Tayler,
Bull,	Grow,	Mercer,	Thomas,
Burrell,	Hadley,	Milliken,	Towne,
Burton, Mo.	Hager,	Milnes,	Tracewell,
Burton, Ohio	Hainer, Nebr.	Minor, Wis.	Tracey,
Calderhead,	Halterman,	Mondell,	Treloar,
Cannon,	Hardy,	Moody,	Updegraff,
Chickering,	Harmer,	Morse,	Van Horn,
Clark, Iowa	Harris,	Murphy,	Van Voorhis,
Clark, Mo.	Hartman,	Newlands,	Walker, Mass.
Cockrell,	Hatch,	Northway,	Walker, Va.
Codding,	Heatwole,	Odell,	Wanger,
Colson,	Hemenway,	Otjen,	Warner,
Connolly,	Henderson,	Overstreet,	Watson, Ind.
Cook, Wis.	Henry, Conn.	Parker,	Watson, Ohio
Cooke, Ill.	Hermann,	Payne,	Willis,
Cooper, Wis.	Hicks,	Pearson,	Wilson, Idaho
Corliss,	Hilborn,	Phillips,	Wilson, N. Y.
Cousins,	Hitt,	Pickler,	Wilson, Ohio
Crowther,	Hooker,	Poole,	Wood,
Crump,	Hopkins,	Powers,	Woodman,
Cummings,	Howell,	Prince,	Wright.

NAYS—47.

Abbott,	Denny,	McCreary, Ky.	Richardson,
Allen, Miss.	Dockery,	McCulloch,	Sayers,
Bankhead,	Elliott, S. C.	McDearmon,	Spencer,
Bartlett, N. Y.	Erdman,	McMillin,	Sulzer,
Bell, Tex.	Harrison,	McRae,	Swanson.
Berry,	Hart,	Money,	Tate,
Buck,	Hendrick,	Neill,	Terry,
Clardy,	Lester,	Otey,	Tyler,
Cobb,	Little,	Owens,	Wadsworth,
Cooper, Tex.	Loud,	Pendleton,	Williams,
Culberson,	Maguire,	Quigg,	Yoakum.
De Armond,	McClellan,	Raney,	

NOT VOTING—112.

Aitken,	Foote,	Leisenring,	Rusk,
Apsley,	Gillet, N. Y.	Livingston,	Russell, Conn.
Arnold, Pa.	Goodwyn,	Lockhart,	Russell, Ga.
Bailey,	Hall,	Lorimer,	Scranton,
Bartholdt,	Hanly,	Loudenslager,	Settle,
Bartlett, Ga.	Heiner, Pa.	Maddox,	Shaw,
Beach,	Henry, Ind.	McCleary, Minn.	Snover,
Bennett,	Hepburn,	McLaurin,	Southwick,
Black, Ga.	Hill,	Meiklejohn,	Sparkman,
Black, N. Y.	Howard,	Meredith,	Stallings,
Boutelle,	Howe,	Meyer,	Stephenson,
Bowers,	Hubbard,	Miles,	Stewart, Wis.
Catchings,	Hulick,	Miller, Kans.	Stone, W. A.
Clarke, Ala.	Huling,	Miller, W. Va.	Strode, Nebr.
Coffin,	Hull,	Miner, N. Y.	Thorp,
Cooper, Fla.	Hurley,	Moses,	Tucker,
Cowen,	Hutcheson,	Mozley,	Turner, Ga.
Cox,	Johnson, Ind.	Noonan,	Turner, Va.
Crisp,	Jones,	Ogden,	Underwood,
Crowley,	Joy,	Patterson,	Walsh,
Curtis, N. Y.	Kendall,	Perkins,	Washington,
Dalzell,	Kerr,	Pitney,	Wellington,
Dinsmore,	Kleberg,	Price,	Wheeler,
Downing,	Knox,	Pugh,	White,
Draper,	Kulp,	Ray,	Wilber,
Ellett, Va.	Kyle,	Reyburn,	Wilson, S. C.
Fitzgerald,	Latimer,	Robertson, La.	Woodard,
Fletcher,	Lawson,	Robinson, Pa.	Woomer.

So (two-thirds having voted in favor thereof) the bill was passed.

The following pairs were announced:

Until further notice:

Mr. DALZELL with Mr. CRISP.

Mr. JOY with Mr. COWEN.

Mr. ROBINSON of Pennsylvania with Mr. TURNER of Georgia.

Mr. DRAPER with Mr. BAILEY.

Mr. WOOMER with Mr. BARTLETT of Georgia.

Mr. STEPHENSON with Mr. DINSMORE.

Mr. ARNOLD of Pennsylvania with Mr. LIVINGSTON.

Mr. MOZLEY with Mr. MOSES.

Mr. MEIKLEJOHN with Mr. ROBERTSON of Louisiana.

Mr. JOHNSON of Indiana with Mr. COX.

Mr. SNOVER with Mr. MADDOX.

Mr. WILBER with Mr. JONES.

Mr. BOWERS with Mr. MINER of New York.

Mr. HULL with Mr. OGDEN.

Mr. WILLIAM A. STONE with Mr. BLACK of Georgia.

Mr. APSLEY with Mr. MILES.

Mr. COFFIN with Mr. LAWSON.

Mr. MILLER of West Virginia with Mr. WOODARD.

Mr. HULICK with Mr. PRICE.

For this day:

Mr. HEINER of Pennsylvania with Mr. CATCHINGS.

Mr. KULP with Mr. CLARKE of Alabama.

Mr. CURTIS of New York with Mr. RUSK.

Mr. LEISENRING with Mr. KENDALL.

Mr. MILLER of Kansas with Mr. CROWLEY.

Mr. PERKINS with Mr. HALL.

Mr. RUSSELL of Connecticut with Mr. MEREDITH.

Mr. WOODMAN with Mr. WILSON of South Carolina.

Mr. HILL with Mr. PATTERSON.

Mr. BEACH with Mr. WASHINGTON.

Mr. BOUTELLE with Mr. TUCKER.

Mr. BENNETT with Mr. LOCKHART.

Mr. GILLET of New York with Mr. MCLAURIN.

Mr. BARTHOLDT with Mr. MEYER.

The result of the vote was then announced as above recorded. [Applause.]

LABOR COMMISSION.

Mr. HENDERSON. Mr. Speaker, I demand the regular order.

The SPEAKER. The regular order is the special order assigning this day for the consideration of a bill the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 6119) authorizing the appointment of a nonpartisan commission to collect information and to consider and recommend legislation to meet the problems presented by labor, agriculture, and capital.

The SPEAKER. Under the order of the House, the House will now resolve itself into Committee of the Whole.

The House accordingly resolved itself into Committee of the Whole, Mr. PAYNE in the chair.

The CHAIRMAN. The Clerk will report the bill H. R. 6119.

The bill was read at length.

Mr. PHILLIPS. Mr. Chairman——

Mr. MCMILLIN. Before the gentleman from Pennsylvania begins I would suggest if it is not possible that we might be able to make some arrangement by which there would be an extension of time allowed for debate. Under the rule the debate must terminate on the bill at 4 o'clock. An unexpected debate on a veto message has consumed all of the time allowed for the consideration of this bill excepting one hour and seven minutes.

This is one of the most important matters; it is a very expensive commission, one of the most expensive that has been authorized

for years past, the salaries for which alone amount to over a hundred thousand dollars, and we ought to be able to make some arrangement to have adequate time for the discussion of the matter.

The CHAIRMAN. The Chair would suggest to the gentleman that that could not be done in Committee of the Whole. We are now acting under an order of the House.

Mr. McMILLIN. I beg pardon. I had not observed that the House had resolved itself into Committee of the Whole.

Mr. HENDERSON. I desire to state for the information of the gentleman, and for the House, that every effort has been tried to induce a member of the House to waive objection to unanimous consent in this matter, but he declines to do so. There is no hope, therefore, in the direction of unanimous consent. It is the intention of the gentleman from Pennsylvania to consume a few minutes only in explaining the bill, then ask the committee to rise and go back into the House for the purpose of securing an order to limit the debate to a very short time so that we may have the consideration of amendments and a vote upon them with as little delay as possible, and I hope that arrangement will be accepted by the members of the House.

Mr. McMILLIN. Anything looking to an adequate consideration of the matter I will heartily concur in. I have no desire to consume any time, but it is a question of so much importance that there ought to be some method by which we could secure an adequate extension of the time allowed for debate.

Mr. PHILLIPS. Mr. Chairman, the bill now before the House is designed to better our industrial system. No demand of the people in any age has met with such general response as the demand for a better industrial and social organization of society.

No sentiment has attracted such widespread attention or has had such rapid growth. Our Government is republican; and to be effectual and durable it must have proper regard for all departments of human activity. Legislation must have just respect for the wage earner and for the wage payer, for the producer and consumer. This Government can not endure if more than one-half of its people are discontented, distressed, and suffering, for it is a Government of all and by all.

Mr. Chairman, this bill calls attention to the fundamental principle of our Government—the equality of man—and seeks a more equitable distribution of the burdens and benefits of our free Government. While it is not the function of the State to guarantee individual happiness, it is its function to guarantee each individual the right to pursue happiness, and so enact laws that one class may not be compelled of necessity to work solely for another class, regardless of their personal comfort and improvement. Rights do not belong to one class and duties to another. Physical, intellectual, and moral ability can not be made equal, but each capacity may be met; each cup, be it large or small, may be filled. Circumstances can not be made equal, but law can be adapted to circumstances.

Mr. Chairman, the danger to this Government is not external, but internal. In the progress of human society the battles of the world are shifting from conflict with nations to a conflict within nations for better government and more equitable laws. We must recognize the fact that more are now peacefully organized and enlisted in the cause of industrial equity than in all the armies of the world. The people of civilized nations will not always continue to fight for national honor and supremacy while their individual rights are not protected within the nation. National glory must henceforth be based more and more upon the prosperity and happiness of the individual citizen. After more than six thousand years of experience the people are beginning to learn that government belongs to them; that they are not owned by the government, but that they own the government, and that it must respect their rights by meeting their just demands.

If laws are derived from the governed, they should meet the just demands of all the governed. This nation took the most advanced stand in civilization, and is the best prepared to meet the industrial issues of to-day by building on the foundation it laid more than one hundred years ago by conforming law to its declared principles of right, freedom, and equality, and thus organize our social and industrial system upon a more just and equitable basis than has yet obtained in the world.

Mr. Chairman, in entering upon the discussion of the subject-matter of this bill I wish to make three observations in regard to man, which are stated in the first chapters of Genesis.

First, the unity of the race and equality of man was shown in creation; God created man and gave him dominion as man. He was to "subdue the earth," and "have dominion over the fish of the sea, over the fowls of the air, and over every living thing that moveth upon the earth." But he was not given dominion over his fellow-man.

Second, before God created man it was said: "And there was not a man to till the ground."

In the third place, man was told by the Creator: "In the sweat of thy face shalt thou eat bread till thou return unto the ground." To all, therefore, who believe in the Bible account of creation, which I believe is also in strict accord with science, fact, and history, these three things are indisputable:

First. That when God created man, he gave him dominion as man, not over his fellow-man, but over beast and bird and fish; over all animate nature below him.

Second. That he was to till the soil as his chief occupation.

Third. That his life was to be sustained by labor.

All this agrees with reason; shows equality in creation; that sustenance comes from the ground; that labor is the normal condition of man; and it is a fact that no man enters into rest unless it is upon his own labor or the labor of others. The government, therefore, that does not strive to meet these three great cardinal principles of reason and revelation in the highest possible degree will perish from the earth.

Mr. Chairman, this bill provides for the appointment of a non-partisan commission, to be composed of five members representatives of labor, five representatives of agriculture, five of manufacturing, and five of business and professions. The importance of labor to our being and well-being can not be overstated. Labor is one of the foundation principles upon which organized society rests. All kinds of labor is necessary, from digging in the ditch to measuring space and counting the stars, yet the lower forms of labor are more intimately connected with our existence and needs. The most despised is often the most useful. The man who digs the foundation is more important to the structure than he who frescoes its walls. Without the grading of the roadbed there would be no stockholders, no locomotive, or railroad president. If all manual labor were to stop, if all wage earners were to cease work, there would be no value in property and a large part of the race would perish.

That our relations are most intimately bound up with the wage earner is shown by the many strikes and lockouts in recent years which have entailed great suffering and loss of property, as well as the sacrifice of life.

I submit a summary from Hon. Carroll D. Wright, Commissioner of Labor, on the subject of strikes and lockouts from January 1, 1881, to June 30, 1894, being a period of thirteen and a half years. For this period it will be seen that there were 14,390 strikes; that there were 69,167 establishments involved; that there were 3,794,406 employees thrown out of employment.

It will be also seen that the loss to strikers was	$163,807,866
For the same period in lockouts the loss to employees was	26,685,516
Assistance to strikers by labor organizations	10,914,406
Assistance in lockouts	2,524,298
Total loss to employees	203,932,076
Loss to employers for the same period by reason of strikes	82,590,386
Loss to employers for the same period by reason of lockouts	12,235,451
Total loss to employers	94,825,837
Total loss to both employees and employers	298,757,913

These figures represent the actual loss to the parties engaged, and do not represent the enormous loss which incidentally came to the community by reason of such disturbances; but the injury to society, the demoralization, suffering, and death, can not be estimated. All admit that something must be done, and a commission composed of those directly interested in this great labor problem, in my judgment, is the proper means through which to seek the cause of this violent disturbance and propose a remedy, as our legislative bodies are not meeting the issue. Again, Mr. Chairman, the agricultural industry is the most important of all industries. All civilized life depends upon the products of the soil. All food and clothing come from the soil; yet this most important industry is greatly depressed. The constant settling in the value of farm products and farm lands in recent years in a large portion of the United States has made great discontent and unrest among farmers. Many of them can not hope to have their children succeed them in husbandry, and they are exhausting their limited means to fit them for pursuits in the crowded town or city.

In 1870 the value of farm lands in the United States was	$9,262,803,861
In the same year the total value of all property in the United States was	30,068,000,000

The value of farm lands was, therefore, about 33 per cent of the value of all property.

In 1890 the value of farm lands in the United States was	$10,197,096,776
In the same year the total value of all property in the United States was	43,600,000,000

The value of farm lands was, therefore, only about 24 per cent of the value of property in 1880.

In 1890 the value of farm lands in the United States was	$13,279,252,649
In the same year the total value of all property in the United States was	65,000,000,000

The value of farm lands was, therefore, only about 19 per cent of the value of property in this later period. Thus in twenty years the farm lands settled from 33 to 19 per cent as compared with the total value of all property, and this notwithstanding the opening up of millions of acres rich in soil.

These are startling figures when we consider that the value of farm lands is not increasing in due proportion to all other property; that agriculture is the foundation of all other industries, and that 40 per cent of the toiling people are engaged in tilling the soil.

No country can prosper when the agricultural interest is suffering. This commission is needed by the farmers not only because of these facts, but on account of their growing discontent as shown by their various organizations and protests against unequal burdens and discriminating laws. Even if the agriculturists had nothing of which to complain or to adjust, they are needed in such a conference as this to aid in seeking a way out of the manifold labor troubles which so vitally affect their interests as well as those of the whole population.

In regard to the importance of the manufacturing industry, I will state that in 1890 the number of persons 10 years of age and upward engaged in all occupations was	22,735,661
Of this number there were engaged in manufacturing	4,712,622
Of this number there were engaged in agriculture	8,303,000
The total wage receivers of all classes were	14,920,525
The number of manufacturing establishments in 1890 was	355,415
Capital employed was	$6,139,397,785
Total number of employees was	4,476,884
Total wages paid was	$2,283,516,529
Cost of materials used was	$5,162,044,076
Total value of manufactured products was	$9,372,437,283

It will be seen from this statement that of the 22,735,661 of all occupations 4,712,622 were engaged in manufacturing and mechanical industries. More people are engaged in this industry than in any other, with the exception of farming. The greatest per cent of actual loss by reason of strikes and lockouts comes to those engaged in manufacturing and their employees. Great good should ultimate to those engaged in this industry by wise consideration of the violent disturbances which so vitally affect all concerned.

This commission is designed also to benefit all other business pursuits and the professions. The disturbed condition of affairs has entailed great loss upon the business community. The loss of $298,757,913, as shown in table quoted, in thirteen and one-half years to the laborers and the employers of labor is but a fractional part of the loss sustained by transporters, merchants, and others engaged in business pursuits. Business men have and will continue to suffer great depreciations in value and increasing losses unless a better adjustment is made. Business men need and business interests require a just and more satisfactory settlement of differences with those with whom they deal and upon whose labor and products successful business must depend. The better labor is protected in all its rights the greater will be the security for earnings. No intelligent business man can oppose any just and fair effort to harmonize conflicting interests in a legal and peaceable way, for all such must know and see from the history of the recent past that the great industrial problem may shortly be met by violence if not worked out in peace by law.

Mr. Chairman, this bill is designed to give an impartial hearing to those who complain of discriminating laws and unequal burdens. It is expected that it will be composed of the ablest and best of each class named. It will bring into conference representative men of labor, agriculture, manufacturing, and business, thus bringing together the aggrieved and those against whom the grievance is made, whose duty it will be to consider the disturbing causes and recommend laws looking toward a more just distribution of the burdens and benefits of our free Government. It is designed to be impartial, nonpartisan, seeking exact facts and conditions, and to conform legislation to the foundation principles of our Government—to place all men on an equal footing before the law.

I believe such a commission the most practical way to meet the issue. Our national and State legislative bodies are not so constituted as to give proper time to the consideration of the industrial questions presented in this bill. They have not met and are not meeting them, as discord, strikes, and violence are constantly increasing. These bodies are not made up equally of representative men, such as are proposed by this bill; they are besieged by men lobbying for special privileges, while none are lobbying for the good of all. If, therefore, such representative men as are proposed—men who suffer most from the great conflict of interest—can not agree in recommending more equitable laws looking to a peaceful solution of the question involved, it can not be solved by a free government in a peaceful way.

Mr. Chairman, I believe Congress is the proper body to authorize the appointment of such a commission, as it is composed of members coming from all parts of every State. However jealous we may be of the rights of the States, no one can object to such a commission making recommendations to Congress and furnishing information to the States which may be of the greatest value.

Again, the commission could utilize a large amount of statistical information gathered at great cost by various agricultural and labor organizations, and especially could use to great advantage the information collected by the various labor committees appointed in recent years, both State and national, in our own country, and by other nations most advanced in civilization. The facts so ably compiled by the Hon. Carroll D. Wright, Commissioner of Labor for the United States, would be of incalculable value. This, together with the findings of similar commissions appointed by 33 of our different States, could be utilized. It would also have the benefit of the completed work of the English royal commission of labor, and also the progressing work of the higher council of labor established in France, and the higher council of labor appointed in Belgium. Not only would it have the benefit of all such recently accumulated facts, but it would be in position to study the best laws of civilization and the best thoughts of the age, and thus be able to recommend more equitable laws than now exist, looking to the solution of the most vital and pressing political and economic questions of the age.

Labor statistical bureaus are of recent origin, and were first established in the United States—the first one in Massachusetts in 1869. They have since been established in 32 of our States, The first Commissioner of Labor, the Hon. Carroll D. Wright, was appointed under the General Government in 1885. The English royal labor commission was appointed by royal warrant dated April 2, 1891, and was composed of 27 members. The fifth and final report of this commission was made to both Houses of Parliament in June, 1894. The German commission of labor statistics was appointed in 1891, and it consists of 14 members, 168 civil servants, and 84 assistants. The higher council of labor was established in France in 1891. It consists of 50 members, chosen from among manufacturers, workingmen, and persons well informed upon economics and social questions. The Belgians' higher council of labor was appointed in 1892. It consists of 48 members, chosen in equal numbers from workingmen, employers, and specialists in economic science. Both these latter are authorized to examine into and recommend legislation. These foreign commissions are cited as precedents and to show that civilized nations are progressing along the line of our declared principles of equality which are recalled by this bill.

Mr. Chairman, after referring to these foreign commissions I wish to state that some of the most important results in our own history have been accomplished through the instrumentality of commissions, notably among which was the production of the Constitution of the United States. On the 28th day of March, 1785, the joint commissioners of the States of Virginia and Maryland met at Mount Vernon, under the auspices of Washington. These commissioners prepared the terms of a compact between the two States for the jurisdiction over the waters of Chesapeake Bay and the rivers that were common to both States, and, conforming to the wishes of Washington, they requested Pennsylvania to grant the free use of the branches of the Ohio River within its limits for establishing the connection between that river and the Potomac. The preliminary object of the commission being fulfilled, they took up matters of general policy and recommended to the two States uniform duties on imports, a uniformity of commercial regulations, and a uniformity of currency. George Mason was charged with a report of their doings to the legislature of his State—Virginia.

In pursuance with this, the legislature of Virginia invited all the States to appoint commissioners to meet at Annapolis on the first Monday in September, 1786. This convention became the ground of hope of the nation. No State north of New York was represented or south of Delaware, save Virginia. It was a meeting of central States, and it resulted in calling a convention of all the States to meet at Philadelphia on the second Monday of May, 1787. The result of this convention of commissioners was the forming of the Constitution of the United States which saved and perpetuated the Union.

There was great disturbance and distress then, and Congress and the States were powerless to meet the situation. It should not, therefore, be forgotten that it was a commission, an advisory body and not a legislative one, that wrought this great change and perpetuated this Government.

Now, under the Constitution, as then, under the Articles of Confederation, neither Congress nor the State governments are meeting the disturbed condition of our new industrial environments,

and the only road open to us now, as then, is through a commission, an advisory body.

Mr. Chairman, the Committee on Labor did not consider the commission too large to represent a continent such as ours, with its vast and varied industries. The difference in climate, the difference between plain and mountain, the difference between North and South, East and West, give rise to great industries in one section that are not well understood in another; all of which should have representative men serve on the commission. Even the number provided for will not represent all, but it is believed that it will have reasonable knowledge of all the great pursuits of our country, and will be in full sympathy with all, so as to hear and recommend for the greatest good of the greatest number. [Applause.]

Again, the Committee on Labor do not think the appropriation required by this bill too large to secure and compensate such representative men as it requires. While the Government is appropriating millions of dollars for internal improvements, for material development, for defense on land and sea, it should not hesitate to grant such a comparatively small sum to investigate the industrial questions and recommend some remedial legislation for its industrial classes to prevent violent disturbances which cause so many million dollars of loss to the people.

Mr. Chairman, the question is one of equality. The equality of man was shown in creation, affirmed in redemption, and first declared as the foundation of human government in this new world one hundred and twenty years ago. This is the greatest political question of the nation and of the world. The barbarous ages are passed, feudalism is gone, serfdom has been destroyed, and slavery has perished from the earth, but the question of equality has come to the front, and is pressing for solution with irresistible power.

The history of the world teaches that God holds nations responsible to the standard they set up. Our standard was the highest erected since the dawn of time, yet it must now be apparent that this nation has been as false to its declared principle of equality as it was to its declared principle of freedom. [Applause.]

Mr. Chairman, when this nation was founded and equality declared there were only 3,000,000 of inhabitants who owned this continent, capable of sustaining in comfort one-half of the inhabitants of the civilized globe; yet in a hundred years we have exploited it and distributed its land and wealth most unequally. We have wantonly destroyed many of its forests, its animals, fish, and birds, instead of utilizing them for the benefit of man, and are now trying to replace them. We have unequally divided the public domain; have been prodigal of land, giving it by the millions of acres for development. This waste fitly ended in a great scramble for the last public lands in Oklahoma, where the strong bore down the weak and the man with the swiftest horse took possession not in right, justice, or mercy, but by physical force and endurance.

Mr. Chairman, with a continent vast in extent, incomparably rich in soil and mineral, teeming with vegetable and animal life; with its mechanically multiplied labor forces, capable of sustaining hundreds of millions of inhabitants; and yet with only 65,000,000 there have been and are yet large numbers out of work, seeking employment and finding none; many needy, hungry, and poor; all this with granaries and storehouses full of all the commodities of life; yet millions of laborers can not earn and have no money to buy. We have thus recently presented the anomalous condition that in the time of the greatest abundance we have had the greatest want. This can only be accounted for upon the ground of unequal opportunities, unequal privileges, and unequal distribution.

We have been as brave and patriotic as any people; we have fought three foreign wars and the greatest civil war in recorded time; we have been as generous to forgive as we were brave in battle; yet in business we have been prodigal of our inheritance and unjust in its distribution.

Mr. Chairman, the massing of capital and labor which has been caused by the discovery and use of steam and electric power and invention of modern machinery has brought us to face a new industrial problem of the greatest magnitude. History furnishes us with no precedent or example for its solution. This age is one of concentration, corporation, and centralization. It is an age of organization; and if organized capital deals with labor it must expect to deal with organized labor. Organization on the one hand implies organization on the other, so that there may be two equal parties to the agreement, otherwise the first party would dictate and the other submit. Ours is the contract system. While this is the best order of society that has yet obtained in the world yet men will not continue to contract as freemen while believing that they must submit as slaves.

There must be two parties to the contract.

Industrial corporations largely control the production and exchange of this continent. Massed capital and massed labor are largely controlling production, manufactures, and transportation, the very sources of supply and demand upon which all depend. These are now so frequently in conflict that all the relations of life are being disturbed. Society has rights which must be respected by both these contending forces, and its good order and peace demand a settlement which should be equitable, just, and durable. [Applause.]

Again, this centralization of capital and labor has produced a world-wide war of competition in which labor suffers, fortunes are wrecked, and homes are destroyed. Honorable competition is considered the life of trade, but the weapons which are more and more being used are cruel; they are reduction of wages and adulteration and counterfeiting. Low bids are made to secure large contracts, with no other hope to meet them than by the reduction in wages, and labor has lost in all these battles. Another weapon in this competitive battle is adulteration. This occurs in medicine, food, and raiment. There are adulterations and counterfeiting in all we eat, drink, and wear, thus endangering health, comfort, and life. While we have adequate laws to punish the counterfeiting of money, the more dangerous and damaging counterfeiting of the commodities of life goes unpunished. If passing pewter for silver or brass for gold is punished, the other should be more severely punished. The first means only loss in value, the latter means loss in value and endangers health and life. Dishonest men engaged in the war for gain grow rich in selling counterfeit commodities, while many honest competitors fail and their fortunes are wrecked.

Mr. Chairman, the war of competition, as now waged, instead of being the life of trade, too frequently means the death of one of the contending parties or a combination in which the people lose. Property won by fair competition or honest toil will be respected; but won by special privileges, unjust competition, or fraud in adulteration can not be respected, and the time is fast approaching when such methods of acquisition will not be tolerated. The holder of such property can not atone in acts of charity, returning in part to the few that which he has wrongfully taken from the many. [Applause.] Philanthropy is one of the noblest traits of man; but it should be expended in teaching, in lifting up the race, in caring for the disabled, the suffering, and the helpless. All that others require is an equal chance in the race of life, with none to hinder and none to handicap. They require justice, not charity. [Applause.]

Mr. Chairman, it is most apparent that our laws have in no sense kept pace with the new discoveries, inventions, and developments of the age. The world has made more advancement in physical development and scientific discovery in the last one hundred years than it did in the preceding six thousand. While the founders of this Republic declared new principles, yet the laws they adopted were largely taken from a monarchy, and belonged to a darker age, when labor was oppressed, had no voice in the Government, and had not even the right of organization. We thus put our "new wine into old bottles," and they are bursting.

We say, "Government exists for the people," yet we adopted the laws of those who say that "the people exist for the government." New conditions confront us on every hand, in the concentration of capital and organized labor, in new improvements, in the instruments of husbandry, in the mode of manufacturing, transportation, travel, and communication. All these have been revolutionized within a generation. We have been offering premiums for inventions, discovery, and development, for labor-saving machines and devices of all kinds, until we have changed the whole order of industrial pursuits, of production and distribution. While we have had thousands inventing and discovering, we have offered no premiums for talent or energy; have had no men studying these new conditions and adjusting laws to our new environments; hence there is friction, discontent, and violence, destroying peace, property, and life.

Max Müller has stated that the word mankind is not found in human language before Christ. There was nothing in language to express the kinship of the race. It was Mede, Persian, Grecian, Roman, bond and free. But since the human race has learned its kinship and the word mankind has expressed this relation—this brotherhood—the laws of society must more and more recognize the obligations and rights growing out of this relation. Our Government is one government, our body politic being one body; when, therefore, any "one member suffers, all members suffer with it." When a number of the members of the human body suffer, and are not speedily healed, the body dies; so eventually will the body politic die if many members suffer. By not caring for others, we injure ourselves, as, for example, poverty and the want of sanitary conditions breed physical disease. This is true in a community, in a nation, and in the world. Even the world is bound together by ties of humanity which may not be disregarded without injury. Pestilence follows famine. This was recently demonstrated by the outbreak of cholera in Russia, which caused many deaths in other nations, and for a time affected the commerce of the world. If a small portion of the loss sustained by other nations had been spent in promptly relieving want, and caring for the afflicted in Russia, millions of money

would have been saved, and the angel of death would not have spread its wings over the world. It must not be forgotten that in our body politic when one member suffers all the members suffer.

In the last analysis of human government it will be found that it must be based upon principles which meet the highest wants and guarantees the best good of all in view of our common origin, common interests, and common destiny. No self-government can exist without a community of interests. Equality can not be denied nor favors granted. Every man according to his ability must contribute part, otherwise he becomes a privileged person. No man can obtain true success who lives and acts solely for self. A purely selfish existence is worse than no existence. The highest happiness is to be and do for others, and no government of the people and for the people can fulfill its mission unless it has constantly in view the highest good of all. We in this self-government have plighted faith to each other. Every loyal citizen must be protected in all his rights, because he is a citizen and a part of this Government. No discrimination in favor of any individual, company, or class can be tolerated in such a Government, yet the cry of discrimination comes to us from every State and district over the whole continent, and it demands prompt consideration and just action. [Applause.]

Mr. Chairman, the Fifty-third Congress spent the larger part of two sessions discussing the silver question and the tariff issue, and a considerable portion of this session has been spent discussing the same subjects. These two questions, important as they are, constitute only a part of the great industrial issues; yet upon this fractional part Congress has consumed all this time, leaving the greater needs of the people unanswered. It will be found that when this labor question—the industrial issue—equality, which is the final problem of the world—is understood, that tariff and the coinage of silver are only a small part of it. In fact, we have been doing like the Pharisees of old, "Tithing mint, anise, and cummin," and have omitted the weightier matter of the law, "judgment, mercy, and faith." "These we ought to have done, and not left the others undone." As important as tithes, tariff, or silver may be, they are not all-important. The laborer and agriculturist are not organizing and protesting on account of the coinage of silver or the tariff issue, but on a question of right; and right, like truth, is eternal and will prevail. The levying of tariff will not settle it.

Protection against the product of the underpaid labor of Europe can never settle the question of equality and just distribution among our people. This has been demonstrated in both tariff and free-trade countries. In European countries, which are not disturbed by tariff agitation or the free coinage of silver, we find the industrial question to the front and threatening the very existence of nations. In all our discussions how often have we heard the rights of the laborer, the farmer, the manufacturer, and business man spoken of except in connection with tariff and free trade or the free coinage of silver? Yet their rights are superior to both, and the disturbed condition of the country can not be settled by the adjustment of these questions. I believe in protection, and have advocated it in this House upon both moral and economic grounds. I believe in bimetallism; in the widest possible use of silver with safety to our business interests, and that all dollars should be equal in value, but do not believe in either one or both of these measures as a cure for all the ills of society. I do not, therefore, believe in "cure-alls," but do believe in "all cures." [Applause.]

Again, too much of our law is made up of compromise measures. All compromise laws, from the Missouri Compromise to the present time, if not in all time and in all nations, have been disappointing if not disastrous. If there be any great compromise law in nature scientists have not yet discovered it. If there be any great compromise law in the Bible theologians have not yet expounded it. We can not compromise truth or principle, facts or figures. If there be no great compromise principle in nature, reason, mathematics, or revelation, compromises should not enter so largely into our law.

I believe that in the last analysis of this industrial problem, in view of our common origin, interests, and destiny, the golden rule will be its solution, and that a large per cent of existing laws will be stricken from the records by inserting, "All things whatsoever ye would that men should do to you, do ye even so to them." This is in strict accord with our declared principles of freedom and equality, and we must return and build again upon this everlasting foundation of justice, mercy, and right.

Mr. Chairman, the rights of woman must be more fully recognized in the future than they have been in the past. She is constantly entering new industrial fields and meeting their requirements with fidelity and ability. Her advancement in intellectual and moral pursuits is without a parallel in history. She is beginning to dominate along all the lines that lead to the betterment of the race. She has built and endowed more institutions of benevolence and charity for the relief of want and suffering in the past fifty years than were established by both sexes in all preceding time. Yet, notwithstanding all this, many of her sex still toil in sweat-shops, fighting an uneven battle for child and home with avarice and greed. This blot upon civilization must be removed, and woman's rights and influence be recognized in any future movement for the betterment of our industrial system. [Applause.]

The requirements of this enlightened age for a better industrial and social system must be met. Too many of the toiling millions are not properly housed, fed, clothed, and educated.

They must have homes, not hovels; must have proper food, clothing, education; must, in our unlimited fields of industry, have a chance to sow and reap and rest after toil; must share in the comforts of life, if they endure its burdens.

Mr. Chairman, it is painful to live in a land of such bounty and see so much suffering. It is distressing to feast while so many are hungry; to be clothed in comfort while many are clad in scanty garments or rags; to be sheltered in pleasant homes while so many live in hovels; to meet distress on every hand and be unable to relieve it. Individual effort can accomplish but little; only by united effort, upon principles of humanity and by doing unto others as we would have them do unto us, can our Government be established upon a foundation which no storm can move?

Mr. Chairman, all this can be done and more; not out of our abundance, but out of our superabundance. This is sufficient to meet every physical want and relieve all distress that comes from man's inhumanity to man.

Mr. Chairman, while this bill seeks to meet the just demands of all classes, it must, however, be borne in mind that this is not a class government, not a government of laborers, farmers, manufacturers, transporters, or business men, but is a government of the people.

No one class established this government in eight years of war; no one class saved it in four years of rebellion, and no one class can ever govern it unless it be by despotic rule.

Mr. Chairman, as this nation was the first on earth to declare the true principles of government, my greatest desire is that it shall be true to these principles and go on winning new fame and glory, living through the ages, and that wherever its flag floats on sea or land it may be the symbol not only of freedom but of equality. [Loud applause.]

I wish to call attention to the general wish of the people, especially of the labor and farm interest of our country, in favor of this measure, as shown by petitions, resolutions, and letters addressed to the Labor Committee of the last Congress, and also to the Labor Committee of this Congress, some of which I append:

NEW YORK, *January 7, 1895.*

MY DEAR SIR: It is with more than ordinary pleasure I note that House bill 7756 has been referred to the Committee on Labor, of which you are the honored chairman, and that the prospects are good for a favorable report from the committee to the House.

In my report as president of the American Federation of Labor, to the fourteenth annual convention, recently held at Denver, Colo., I took occasion to say the following in reference to the bill:

"A bill was introduced by the Hon. THOMAS W. PHILLIPS in the House for the purpose of creating a commission, to be appointed by the President, for the purpose of inquiring into the condition of industry, and to what extent the people have been deprived of the rights guaranteed by the Constitution of the United States and the Declaration of Independence. The bill prescribes that representatives from organized labor, business men, and farmers shall be appointed.

"The executive council indorsed the bill and organized labor generally approved it, forwarding resolutions to their respective Congressmen and Senators certifying to that effect. It is desirable that the bill before its final passage should receive the consideration of this convention to say whether any amendments may be required.

"Copies of the bill will be laid before the appropriate committee to which this subject may be referred."

The subject-matter was referred to the committee on president's report, which subsequently requested that a special committee be appointed for the purpose of expressing the sentiments of the convention thereon. The special committee reported in favor of the bill and recommended its indorsement by the convention. It also made the following recommendations:

"We would also recommend that, in case the said bill becomes a law, all matters indorsed by this body requiring Congressional action shall be submitted to the representatives of labor provided for in the bill, and that efforts be put forth by the executive council to secure the appointment of union men as such representatives.

"We would further recommend that all bodies affiliated with the American Federation of Labor petition their respective Senators and Representatives in Congress to vote for the passage of the above-named measure."

The report of the committee, I take pleasure in saying, was adopted by the convention by an overwhelming majority.

In all likelihood I may be in Washington during the coming week, and if I am I shall deem it both a pleasure as well as a duty to call upon you in connection with this bill and other measures in which the organized wage workers of our country are interested.

Truly, yours, SAML. GOMPERS.

Hon. LAWRENCE E. MCGANN,
Chairman Committee on Labor,
House of Representatives, Washington, D. C.

—

PHILADELPHIA, PA., *December 14, 1894.*

SIR: Understanding that your committee have now under consideration H. R. 7756, introduced by Congressman PHILLIPS of Pennsylvania, being "A bill authorizing the appointment of a nonpartisan commission to collate information and to consider and recommend legislation to meet the problem presented by labor, agriculture, and capital," I beg leave to offer my personal and official indorsement of the propositions therein contained. It is not possible within the prescribed limits of a letter to give all my reasons therefor,

but suffice to say for the present that it seems to me this would be a practicable way, not only of securing the best information as a basis for the making of laws conserving the interests of all classes, but would, to a considerable extent, do away with the necessity for various organizations of labor, capital, and agriculture sending committees to Washington to influence legislation and lobbying in the interest thereof. The prosperity of the urban working classes is so closely interwoven with that of the agriculturist and the manufacturer that I doubt very much if any of us know where the interests of each begin or end. Such a commission as proposed by the bill would have the combined advantage of being representative of all classes, and securing information hardly accessible under other conditions.

The weight of recommendations from such a commission to the lawmaking power of States and nation would certainly be much greater than similar recommendations coming from any other source, inasmuch as it would be nonpartisan and representative of all classes.

Believing I voice the hearty concurrence of the large constituency I have the honor to be affiliated with and represent in the above indorsement, I am,

Very truly, yours,

JNO. W. HAYES,
General Secretary-Treasurer.

Hon. LAWRENCE MCGANN,
Chairman Committee on Labor, Washington, D. C.

—

HARRISBURG, PA., *December 22, 1894.*

DEAR SIR: My attention having been called to House bill No. 7756, Fifty-third Congress, second session, entitled "A bill authorizing the appointment of a nonpartisan commission to collate information and to consider and recommend legislation to meet the problems presented by labor, agriculture, and capital," and having examined the said bill with much care, I had it laid before the Farmers' Alliance council of this country, where it met, after discussion, with unanimous approval.

This week it was laid before the council of the Pennsylvania State Farmers' Alliance and Industrial Union, its provisions discussed, and the measure was practically unanimously approved.

The bill has been laid before a majority of the members of the executive committee of the National Farmers' Alliance and Industrial Union, and has their approval.

Personally, I hope it will become a law at a very early day, as the agricultural element of the United States, I am sure, will be greatly benefited by the labors of a commission appointed in the manner proposed by the bill referred to.

Very respectfully,

H. C. DEMMING,
Secretary Executive Committee
National Farmers' Alliance and Industrial Union.

Hon. LAWRENCE E. MCGANN, M. C.,
Chairman of the Congressional Committee on Labor.

—

DES MOINES, IOWA, *December 18, 1894.*

DEAR SIR: H. R. 7756 having been called to my attention, I take great pleasure in informing you that it meets my most hearty approval.

It seems to me that the bill promises more for the harmony of conflicting interests at this time than any other measure now pending in Congress.

Thanking you for the introduction of so just and timely a measure, and trusting for its immediate passage, I am,

Respectfully, yours,

J. R. SOVEREIGN,
Grand Master Workman.

Hon. T. W. PHILLIPS, M. C.,
Washington, D. C.

—

WASHINGTON, D. C., *February 7, 1896.*

A bill, known as the "industrial commission bill" (H. R. 21), has been introduced in the first session of the Fifty-fourth Congress. The position of the National Farmers' Alliance and Industrial Union on the proposition is as follows:

We favor the appointment of a nonpartisan commission to collate information and to consider and recommend legislation to meet the problems presented by labor, agriculture, and capital. Inasmuch as it is to be preliminary to proposed wholesome national legislation, and as the work of such a commission will gather many facts and figures into official form, all at the expense of the General Government, we indorse such legislative action.

In indorsing such a commission, however, we are firmly of the opinion that the appointment of the commission should be surrounded by such safeguards as to insure the appointment of members favorable to the industrial classes. The expenses of such a commission should be kept within the limits of strict economy.

J. W. BOWDEN, *Chairman.*
C. R. WHITE.
E. M. WARDALL,
Conference Committee N. F. A. and I. U.

Certified copy.

J. W. BOWDEN, *Chairman.*

—

OFFICE OF GENERAL ASSEMBLY, ORDER OF KNIGHTS OF LABOR,
Washington, D. C., January 20, 1896.

GENTLEMEN: We, the undersigned general officers of the Knights of Labor, acting on behalf of the entire organization, cordially commend to your favorable and prompt consideration the bill H. R. 21, introduced by Hon. T. W. PHILLIPS, of Pennsylvania, which is entirely acceptable to our members.

Most respectfully,

J. R. SOVEREIGN, G. M. W.,
M. J. BISHOP, G. W. F.,
JNO. W. HAYES, G. S. T.,
C. A. FRENCH,
T. B. MCGUIRE,
J. M. KENNEY,
H. B. MARTIN,
Members of General Executive Board.

The COMMITTEE ON LABOR,
House of Representatives, Fifty-fourth Congress.

From the report of the committee on the president's report, made to the fifteenth annual convention of the American Federation of Labor, held at New York, N. Y., December 9 to 17, inclusive, 1895, the following extract is taken:

"Renewed efforts should be made to secure the passage of the Phillips bill, which was defeated at the last session of Congress, and a committee should be appointed by this convention to urge the passage of this bill."

—

WASHINGTON, D. C., *March 18, 1896.*

DEAR SIR: We have carefully considered the bill H. R. 21, commonly known as the bill creating a commission to inquire as to what legislation is necessary to the best interests of the people, and as it goes to the House from your committee we gladly lend it our indorsement.

It appears to us as a strictly nonpartisan and impartial measure, and we commend it because it singles out no class, creed, or party to conduct said investigation and proposes no legislation in favor of any class, creed, or party. Were it otherwise we would not feel that we could lend it our indorsement or approval.

Very truly, yours,

E. E. CLARK,
Order of Railway Conductors.
F. P. SARGENT,
Brotherhood of Locomotive Firemen.
P. H. MORRISSEY,
Brotherhood of Railroad Trainmen.
P. M. ARTHUR,
Brotherhood of Locomotive Engineers.
W. V. POWELL,
Order of Railroad Telegraphers.

Hon. THOMAS W. PHILLIPS,
Chairman Committee on Labor,
House of Representatives, Washington, D. C.

[Mr. PHILLIPS having yielded the floor temporarily, the following proceedings took place:]

Mr. HENDERSON. Mr. Chairman, I move that the committee now rise.

The motion was agreed to.

The committee accordingly rose, and the Speaker resumed the chair.

Mr. HENDERSON. Mr. Speaker, I am directed by the Committee on Rules to present a privileged report, and move its adoption.

The SPEAKER. The report will be read.

The Clerk read as follows:

Resolved, That the order of the House adopted on May 20 be so modified as to allow the consideration of House bill No. 6119 to continue until Friday, May 22, at 4 o'clock. General leave to print remarks on said bill is hereby given for ten days.

The resolution was agreed to.

On motion of Mr. HENDERSON, a motion to reconsider the last vote was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House was requested:

A bill (S. 1822) for the relief of W. A. Austin & Co.;

A bill (S. 1338) to provide for the purchase of a site and the erection of a public building thereon at Durham, in the State of North Carolina;

A bill (S. 105) for the erection of a public building at Aberdeen, S. Dak.;

A bill (S. 1434) for the relief of the legal representatives of John W. Branham, late an assistant surgeon in the United States Marine-Hospital Service;

A bill (S. 2101) to extend the provisions of an act to provide for the muster and pay of certain officers and enlisted men of the volunteer forces;

A bill (S. 1500) for the relief of William M. Masi, ex-postmaster, and Benjamin Hellman, Lawrence R. Bresnahen, John W. Griffin, George W. Hoyt, and Charles W. Riner, as sureties upon his official bond as postmaster at Cheyenne;

A bill (S. 163) providing for the erection of a public building at the city of Tacoma, in the State of Washington;

A bill (S. 1831) for the relief of William J. Bryan;

A bill (S. 594) for the relief of Augustus Boyd;

A bill (S. 1122) for the relief of Sally Hardmond; and

A bill (S. 901) amending section 4716 of the Revised Statutes.

The message also announced that the Senate had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses thereon to bills of the following titles:

A bill (S. 888) to amend an act entitled "An act to incorporate the Capital Railway Company," approved March 2, 1895; and

A bill (S. 2221) for the relief of settlers on the Northern Pacific Railroad indemnity lands.

The message also announced that the Senate had passed with amendments the bill (H. R. 225) to provide for the transfer of the Fort Omaha Military Reservation to the State of Nebraska, asked a conference with the House on the bill and amendments, and had appointed Mr. WARREN, Mr. SEWELL, and Mr. WALTHALL as the conferees on the part of the Senate.

The message also announced that the Senate had passed with amendments the bill (H. R. 5675) authorizing the construction of a wagon and motor bridge over the Missouri River at St. Charles, Mo., asked a conference with the House on the bill and amendments, and had appointed Mr. VEST, Mr. QUAY, and Mr. NELSON as the conferees on the part of the Senate.

The message also announced that the Senate had passed without amendment bills and joint resolution of the following titles:

A bill (H. R. 485) for the relief of Kate Eberle, an Indian woman;

A bill (H. R. 3337) amending the act of June 8, 1890, entitled "An act to authorize the President to appoint an officer of the Navy or the Marine Corps to perform the duties of Solicitor and Judge-Advocate-General, etc., and to fix the rank and pay of such officer," and for other purposes;

A bill (H. R. 7816) for the relief of John S. Burwell, administrator of the estate of A. L. Burwell, deceased;

A bill (H. R. 8167) to authorize the construction of a bridge across the Red River of the North; and

Joint resolution (H. Res. 174) granting permission to the circuit and county courts in Rockingham County, Va., to occupy the Federal court room in Harrisonburg, Va.

The message also announced that the Senate had passed with amendments the bill (H. R. 8109) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes; in which the concurrence of the House was requested.

The message also announced that the Senate had disagreed to the report of the committee of conference, and had further insisted upon its amendments to the bill (H. R. 7977) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, disagreed to by the House of Representatives, asked a further conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. FRYE, Mr. QUAY, and Mr. VEST as the conferees on the part of the Senate.

FORTIFICATIONS APPROPRIATION BILL.

Mr. HAINER of Nebraska. Mr. Speaker, I ask unanimous consent that the House nonconcur in the amendments of the Senate to the bill H. R. 8109—the fortifications appropriation bill—and agree to a conference on the disagreeing vote thereon.

The SPEAKER pro tempore (Mr. DALZELL in the chair). Is there objection to the request of the gentleman from Nebraska?

There was no objection, and it was so ordered.

CONFERENCE REPORT ON RIVER AND HARBOR BILL.

Mr. HOOKER. Mr. Speaker, I desire to present at this time a conference report on the river and harbor bill, which will take very little time to dispose of. I will not ask the reading of the report. The situation is this: There are two amendments about which there was some mistake, and in order to correct them the Senate disagreed to the report of the conference committee. I desire for the present, therefore, to disagree to the entire report.

The SPEAKER. The report will be read.

Mr. HEPBURN. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HEPBURN. The gentleman, I understand, reports an entire disagreement on the part of the conferees of the two Houses.

Mr. HOOKER. Not an entire disagreement.

Mr. HEPBURN (continuing). The question I wish to ask is this: That places the bill, as I understand it, in the position that it was in prior to the appointment of the conferees on the part of the House. If that be true, I desire to raise the point of order upon the amendments of the Senate, under Rule XX——

The SPEAKER. The Chair does not think it does place it in that position.

The Chair ought to state in regard to the question brought up in connection with this matter a few days ago, that so far as the Chair has been able to find there is no objection, in point of parliamentary law, to asking unanimous consent that the action that was taken should be taken under the circumstances. The Chair thought also that the question of reconsideration could not be raised because at the time it was presented the order was partially executed.

Mr. HEPBURN. Well, now, Mr. Speaker, that order having entirely failed, as I understand the situation, it requires some further action of the House to continue the conferees of the House in their position. In other words, the river and harbor bill, after the report made by the gentleman [Mr. HOOKER], is precisely in the situation which it was when it lay upon the Speaker's table as a message from the Senate, and in that view of the matter I now raise the point of order that under Rule XX all of the amendments of the Senate must be considered in the Committee of the Whole on the state of the Union.

Mr. DINGLEY. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DINGLEY. I understand that a conference report is presented on which there is an agreement reported as to all the items but six?

The SPEAKER. So the Chair understands.

Mr. HEPBURN. I understood the gentleman to say that there was an entire disagreement between the two Houses?

Mr. HOOKER. Oh, no; that is not so.

Mr. HEPBURN. That is what the gentleman stated.

Mr. HOOKER. Oh, no.

The SPEAKER. The Chair did not so understand it.

Mr. HEPBURN. And it was upon that statement that I based what I have said.

Mr. HOOKER. Mr. Speaker, there has been an entire agreement on the part of the committee of conference on all the amendments proposed by the Senate to the House bill except six.

Mr. HEPBURN. I did not so understand the gentleman.

Mr. HOOKER. Now, I stated that there were two items in the bill about which an error had been made, and the Senate, for the purpose of correcting that error, asked a disagreement as to the entire report; and they having made that disposition of it, I thought proper to take the same course here, and to move a conference for the purpose of correcting those two items.

Mr. HEPBURN. That is as I understood the gentleman. He reported an entire disagreement between the two committees, and if that is the case I want to make and insist upon my point of order.

Mr. CANNON. I understand the gentleman reports an agreement.

Mr. HEPBURN. He has not yet officially reported an agreement. He has reported a total disagreement.

The SPEAKER. The report will be read.

Mr. HEPBURN. Mr. Speaker, I desire to call the attention of the Chair to Rule XX——

The SPEAKER. The Clerk will read.

The Clerk began reading the conference report.

Mr. HOOKER (interrupting the reading). Mr. Speaker, that has all been printed in the RECORD.

Mr. HEPBURN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HEPBURN. I want to know whether we are acting on the verbal report made by the chairman of the committee or upon some document?

The SPEAKER. The gentleman presented a conference report. Is the Chair correct? The Chair asks the gentleman from New York.

Mr. HOOKER. Yes; a conference report.

Mr. HEPBURN. There was no statement of that kind.

The SPEAKER. And the Chair had ordered the Clerk to read the conference report. It is impossible for the House to know what is before it until it is read at the Clerk's desk.

Mr. HEPBURN. But I want to call the attention of the Chair to this matter and ask that the notes of the reporter be read, if necessary. The gentleman made his report as a verbal one, and he made the statement that there was an entire disagreement between the two committees. That made a different parliamentary situation of his bill from the one that he is now seeking to make.

Mr. PAYNE. Mr. Speaker, it seems to me that we ought to have the regular order.

Mr. HEPBURN. If he in fact made a verbal report, if he reported an entire disagreement between these two committees, then this bill occupies the parliamentary status which it had prior to the appointment of the conferees.

Mr. HOOKER. I think we had better have the report read.

The SPEAKER. The Clerk will read the report. The gentleman sends up a report which the Clerk will read.

The Clerk resumed the reading of the report.

Mr. CANNON (interrupting the reading). Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. CANNON. As this takes time from the special order, and as I understand from the gentleman's statement that he is going to ask the House to disagree to the conference report, I rise for the purpose of asking unanimous consent that the further reading of the report may be dispensed with, and the gentleman then can make his motion.

Mr. HOOKER. I have no objection to that.

The SPEAKER. If there be no objection, the reading of the conference report will be dispensed with.

Mr. KEM. I object, Mr. Speaker.

The SPEAKER. The gentleman from Nebraska [Mr. KEM] objects.

The Clerk resumed and concluded the reading of the conference report.

[For text of conference report, see Senate proceedings of May 20.]

Mr. HEPBURN. Mr. Speaker, I desire to call the attention of the House to the recent message from the Senate, showing that this conference report has been disagreed to by the Senate. Then I want to call the attention of the Chair to the report made by the gentleman—the verbal report. I want further to call the attention of the Chair to the fact that any report from a conference committee dissolves the committee of conference, and that there is no conference committee after the report has been made. Now, in view of these propositions, I submit to the Chair that the parliamentary status of this bill is precisely the same as it was when it came here from the Senate as a message from the Senate, and that the amendments made by the Senate are in precisely the same condition as they were before action of any kind was taken by the House.

Mr. DINGLEY. Mr. Speaker, if the gentleman will pardon me at this point——

Mr. HEPBURN. Let me make my point a little further.

The SPEAKER. The gentleman declines to be interrupted.

Mr. HEPBURN. Then let me further suggest that these amendments of the Senate, being appropriations of money, must, under Rule XX of this House, be first considered in Committee of the Whole House on the state of the Union. I make that point now, that this bill, being in the situation that it was when it was returned with the Senate amendments, when it first came from the Senate, that those amendments, under our rule, must first be considered in Committee of the Whole House on the state of the Union.

The SPEAKER. What does the gentleman do with the action of the House in nonconcurring in the Senate amendments?

Mr. DINGLEY. That is what I desired to call attention to.

Mr. HEPBURN. I take it, Mr. Speaker, that that action, so far as it can be removed——

The SPEAKER. So far as it can be removed; but can it be?

Mr. HEPBURN. It seems to me by subsequent action it can.

The SPEAKER. How about the action the House has taken when it refused to concur in the Senate amendments? That is the action of the House of Representatives, and it can not be overruled by the Speaker.

Mr. HEPBURN. Now——

The SPEAKER. The Chair will hear the gentleman from Iowa on that point.

Mr. HEPBURN. I suppose, Mr. Speaker, if the Chair has already reached a conclusion, it is not worth while for "the gentleman from Iowa" to try to move it. [Laughter.]

The SPEAKER. Perhaps not, after the statement the Chair has made.

Mr. HOOKER. Mr. Speaker, I move to disagree to the conference report and agree to the conference asked by the Senate.

The SPEAKER. The Chair suggests that the gentleman's motion be to insist on the disagreement of the House to the Senate amendments and agree to the conference.

The gentleman from New York moves that the House insist on its disagreement to the amendments of the Senate and agree to the conference asked.

The motion was agreed to.

The SPEAKER. The Chair will appoint the same gentlemen as conferees.

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was communicated to the House of Representatives by Mr. PRUDEN, one of his secretaries, who also announced that the President had approved and signed acts of the following titles:

On May 20, 1896:

An act (H. R. 708) to increase the pension of Albert Ellis; and

An act (H. R. 3189) to increase the pension of John S. Cochenour.

NOTE.—The following bill was presented to the President on May 8, 1896, and not having been returned by him to the House of Congress in which it originated within the ten days prescribed by the Constitution, has become a law without approval:

An act (H. R. 5254) granting an increase of pension to Ebenezer G. Howell, late a private Company F, One hundred and sixtieth New York Volunteers.

LABOR COMMISSION.

Mr. PAYNE. Mr. Speaker, the Committee of the Whole House on the state of the Union has had under consideration the bill H. R. 6119, and has come to no resolution thereon. [Laughter.]

Mr. HENDERSON. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the special order.

The SPEAKER. Does the gentleman desire to limit the debate?

Mr. HENDERSON. Not at this stage.

The motion to go into Committee of the Whole House was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. PAYNE in the chair.

Mr. PHILLIPS resumed and concluded his remarks as printed above.

The CHAIRMAN. If no other gentleman desires to address the committee, the Clerk will read the bill by sections.

The Clerk proceeded to read the preamble.

Mr. LOW. Mr. Chairman, I ask the status of this bill at the present time and the condition of the debate? I understood that there were two or three gentlemen on the other side who intended to speak on this subject.

The CHAIRMAN. The Clerk is now reading the bill by paragraphs for amendments. The Chair waited for gentlemen to speak in general debate, and no one seemed to claim the floor.

Mr. LOW. We can have the same privilege to-morrow, as I understand it.

The CHAIRMAN. No.

Mr. HEPBURN. Certainly that must not have been understood by gentlemen. There are a number of gentlemen who propose to indulge in the general discussion.

The CHAIRMAN. Does the gentleman from New York desire to take the floor?

Mr. LOW. Not to-day. I propose to take it to-morrow. I yielded to gentlemen on the other side.

The CHAIRMAN. If no gentleman desires to take the floor all general debate so far as the bill is concerned will be closed, and the bill will be read by paragraphs for amendments. [After a pause.] The Clerk will read.

Mr. LOW. Mr. Chairman, I will take the floor.

The CHAIRMAN. The gentleman from New York.

Mr. LOW. This Congress since convening has considered revenue bills, bond bills, appropriation bills; it has discussed international questions and other important business, all of which were national in character and of vital importance to our country. Now we have been presented with a question of great importance—one that touches the relation between capital and labor.

It is not my purpose, Mr. Chairman, in advocating the passage of the bill, to portray distressing scenes nor oppressions which the toilers have had to endure while battling in the field of labor for the necessities of life; neither do I propose to call your attention to the imposition capitalists have had to suffer and put up with by and through the despotic rules of labor unions.

Capital and labor have been in conflict time and time again for many decades, disturbing the peace and prosperity of our business centers. It does seem to me with all the intelligence that the people of these United States possess, remedial legislation ought to be secured with a view of harmonizing these two great interests which have made the world what it is to-day. It is a fact, and it can not be controverted, that the human race, whether it is in this or any other country, is composed of classes ranked according to their training, education, and peculiar fitness for the sphere in which they live, and no law, no legislation, or sentiment can change these conditions while the world exists. There must be leaders, there must be hewers of wood and carriers of water, and there will always be the rich and the poor, but happiness and contentment ought to be within the reach of every person living, without regard to class. In this great Government of ours legislation is a potent factor in guarding the people's interest; therefore it seems wise and proper that we should take into consideration one of the greatest questions that confronts the people of the United States, and that question is the labor question. It is one that has been growing in importance, spreading in influence, until its agitation is felt in every section of the country; it slumbers at times, only to awaken with renewed vigor. Any time spent by this House in considering this bill will be devoted to a measure in which every American citizen is interested.

The many disturbances in the labor field, such as discontent and strikes, which often culminate in violence, bloodshed, and loss of life, evince that there is a demand for something more than a superficial investigation of these twin interests—labor and capital.

The agitation between employer and employee has been going on throughout the world for years, entailing loss of time and money to both. The very fact that there has been so much trouble between the two shows a power and strength on the part of both that can not be overlooked or ignored.

Unsettled public questions will ever be present and continue to vex us until changes of a proper character take place. This requires reasoning from an unselfish standpoint.

There has been a growing disposition on the part of the employer and employee to adjust their differences amicably. The subject is a deep one for legislation, requiring much thought and study and consideration at the outset. It is not expected that members can do more than consider the bill; after that turn the matter over to a committee as suggested in the measure, and leave it to them to analyze. They will have the power to examine men in every grade and condition in life. They will follow business of all kinds from the laborer's work up to the employer and capitalist. When the masses see that the Government is interesting itself in the importance of contentment among all classes, then there will be no need of a labor candidate in the field of politics, for he who is chosen by the people will represent all classes.

If you have a chance sit down and talk with the workingman. With few exceptions you will find him interesting; experience in life has given him many ideas. Severe trials may have warped his opinions on some questions, for his is a nature more to be touched by things seen than things told. He knows that his capital is labor and that it can not draw interest unless employed; an idle day means no income for that day; for unlike other capital it can not be hoarded, hence idleness at any time can not be made up, and the toiler is the loser. When you talk over the situation with him you find that his demands are not extravagant. He does not want to usurp the position of the capitalist; he has no desire to live in the same luxurious manner as that of his employer, but he does want to be able at all times to pay the rent of his humble home and provide for himself and family the necessities and ordinary comforts of life and have a dollar left in his pocket when Monday morning comes around.

With an intelligent, active, and determined board of commissioners, I firmly believe that excellent results will reward their labors, productive of great benefit to the masses, and go a long way toward formulating some remedy for existing evils in the labor field, at the same time giving full protection to capital.

We want contentment among all classes, and in order to obtain that people must broaden their views. This bill suggests an open field to enter upon, where candid men can have an opportunity, free from politics, to discuss questions and theories which sooner or later we must meet. In considering this bill we must not lose sight of the fact that the remedial legislation suggested is for our own people—citizens of the country, the masses who support and maintain our form of government. Among the masses is the wealthy capitalist, one who employs labor in carrying out his plans. Who is he? An American citizen, an upholder of our laws. We have also among the masses the laborer, toiling to complete the plans of the former. Who is he? An American citizen, ever ready, too, to uphold the laws of our land. Both American citizens, both in the busy arena of life, both have their missions to fulfill, and both want their country to prosper. The nation depends upon them both, not only in time of peace but in time of war. Thus far the disadvantage has been with the toiler, whose opportunities for employment have not always been within his reach. Wages are often so small that when he is forced into idleness he has nothing saved with which to bridge over a dull time. He looks around his humble home and sees want and poverty; then he compares it with that of his employer near him, who enjoys not only the comforts of life but the luxuries; then he thinks and thinks, and while he knows that he lacks the training and the executive ability to plan, to carry out industries as a leader, yet he feels that the gap between himself and employer is too great. Busy times come around again and we find him employed. He sees busy times ahead, and with the remembrance of his deprivations of the past his inclination is to get higher wages, sometimes more than his employer can pay.

On the other hand, the employer is striving to make all he can out of his employees; hence there exists a conflicting element within an industry, and prosperity can not thrive under those circumstances. Harmony and success can be reached only through the avenue of reciprocity which ought to exist between capital and labor. Withdraw capital from an industry for any length of time and it will suffer. Without labor supplies of all kinds would stop, and absolute want would follow, affecting rich and poor alike; hence capital and labor are coordinate interests. Neither can live any length of time without the other.

Capital is a purchasing power. There its function ceases, for it has neither brain nor thought, but both are requisite in preserving and keeping it safe. Labor has both brain and thought, and through their agencies capital is produced. The prosperity of any nation depends upon rich men, the skilled workman, and the toiler.

What workingmen want is not charity; they do not ask for gratuities, but merely an opportunity to fairly fight the battle of life. They do not want aggregation of wealth on one side without some consideration on the other, for that is the side that aids in the production of wealth.

History has proven that in countries where the common people are doing well the nation is prosperous, and that nation is most great and powerful. [Applause.]

With all due respect to capital, and giving it the fullest measure of consideration, let me say that it is to the toiler that we are indebted for many of the comforts and luxuries of life; hence his wants merit our earnest consideration.

Capital can seek unlimited fields for investment, but labor has its special sphere, divided among the masses. The bricklayer can not take up any other calling, neither can the carpenter, painter, or blacksmith.

The CHAIRMAN. If no other gentleman desires to address the committee the Clerk will read the bill for amendment.

The Clerk read as follows:

SEC. 1. *Be it enacted, etc.*, That the President of the United States is hereby authorized and directed to appoint a commission, to be called the industrial commission, composed as follows: Five men representative of labor, five men representative of agriculture, and five men representative of business; but a majority of this commission shall not belong to any one of the political parties which took part in the last Presidential election.

Mr. PHILLIPS. On behalf of the committee I desire to offer an amendment to this section.

The Clerk read as follows:

Strike out, in lines 5, 6, and 7 of section 1, the words "five men representative of labor, five men representative of agriculture, and five men representative of business"; and insert instead thereof, "three men representative of labor, three men representative of agriculture, three men representative of manufacturing, and three men representative of business and the professions."

Mr. TRACEY. I move to amend the amendment by striking out the word "three" wherever it occurs and inserting "two."

Mr. PHILLIPS. I object to that amendment. The amendment which I have offered has been submitted by the authority of the committte, who have given the bill very careful consideration. In view of the vast and varied industries of our country a commission of smaller number than that which the committee propose would not meet the requirements of the case. I trust that the amendment which I have offered will be adopted.

Mr. BARTLETT of New York. Mr. Chairman, I rise to a parliamentary inquiry. Is another amendment in order?

The CHAIRMAN. Two amendments to this section are already pending. A substitute would be in order.

Mr. BARTLETT of New York. I desire, then, to offer the following as a substitute: After the words "President of the United States," in line 3, insert the words "by and with the advice and consent of the Senate," and let the following part of the section provide as at present for 5 men representative of labor, 5 men representative of agriculture, 5 men representative of manufactures, and 5 men representative of business, so that the section will provide for a body of 20 men in all.

Mr. PHILLIPS. Mr. Chairman, this commission as originally proposed was to consist of 7 representatives of labor, 7 representatives of agriculture, and 7 representatives of business, making 21 in all. As now proposed to be amended by the committee, it will be composed of 5 men representative of labor, 5 representative of agriculture, 5 representative of manufacturing, and 5 representative of business and the professions. Thus we shall have 4 divisions of 5 members each instead of 3 divisions of 7 members each. As amended, the commission will consist of 20, instead of 21 members, and there will be a new division, that of manufactures. It was thought that in view of the vastness and importance of our manufacturing industries they should be distinctly and separately represented.

This amendment was adopted after correspondence with gentlemen representing that branch of industry. The gentleman from Maine [Mr. DINGLEY] also suggested this amendment. I hope, therefore, that the amendments will remain as they are recommended by the committee; that is to say, five in each group, three of whom are to be appointed by the President, and two to be selected by each division after it is appointed. The reason for requiring these subsequent appointments was for the purpose of supplementing any talent that might be lacking.

The bill provided originally for seven representatives of labor, five of them to be appointed by the President and two by each division of the commission after their appointment. We have reduced the number to three who are be appointed by the President and two in each group to be selected by the commission, in order, as I have said, to supplement any talent that might be lacking.

Mr. BINGHAM. Are they to be confirmed by the Senate?

Mr. PHILLIPS. No, sir; the bill does not require confirmation by the Senate.

I hope the gentleman will yield, therefore, and not press the amendment. We have made a careful investigation of the subject, and we are satisfied that the great interest of agriculture could not be properly represented on this commission with three men.

Mr. BRUMM. Will you permit a question? Has the committee made an estimate of the probable cost of the whole business?

Mr. TRACEY. It will cost $252,000 for salaries for the two years alone.

Mr. PHILLIPS. We have not made any exact estimate.

Mr. BRUMM. Well, have you any estimate—an approximate estimate?

Mr. PHILLIPS. It will be about $300,000 for the whole commission for its full term of two years.

Mr. BRUMM. That I understand only includes salaries?

Mr. PHILLIPS. No; that includes the whole expense.

Mr. BRUMM. Does that include the cost of acquiring information outside, sending for persons, papers, and so on?

Mr. PHILLIPS. Yes; $50,000 is set apart for that purpose.

Mr. BRUMM. Why not allow the President to appoint two, and these two another, thus making in all 12 rather than 20 men?

Mr. PHILLIPS. I will explain that again. You take, for instance, the agricultural industries of the country—the Pacific Coast, the great West, the Northwest, the South, and the East, and the Middle States. How can three representatives of the agricultural interest represent such a diversity of interest and such a vast continent as this? Take, if you please, all of the varied industries—the mining, the manufacturing, the iron, the coal, the shipping, and the railroad interests. We want these industries fairly represented, and we do not think the commission is too large to represent a continent so vast as this, with interests so vast and varied. And while we are spending millions of dollars for defenses on land and sea, we should not hesitate to spend such a small sum to investigate and recommend remedial legislation for the benefit of our industrial interests. It should be remembered, also, that the expense and loss involved in one great strike would pay the cost of such a commission a dozen times over. [Applause.]

I move that the committee now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. PAYNE reported that the Committee of the

Whole House on the state of the Union, having had under consideration the bill H. R. 6119, had come to no resolution thereon.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate still further insisted upon its amendments to the bill (H. R. 6248) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes, numbered 11, 12, 13, 14, 16, 19, 22, 23, 36, 37, 38, 83, 108, 109, 142, 144, 233, 305, 306, 307, 308, 309, 310, 313, 314, disagreed to by the House of Representatives, had asked a further conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. CULLOM, Mr. TELLER, and Mr. COCKRELL as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6249) making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various tribes of Indians for the fiscal year ending June 30, 1897, and for other purposes.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 3011) for the relief of Nicolai Bros.;

A bill (S. 3008) authorizing the employment of day labor in the construction of certain municipal buildings and works in the District of Columbia;

A bill (S. 3001) granting a pension to Alfred Bigelow, of Norfolk, in the State of Nebraska;

A bill (S. 2945) to authorize the construction of a bridge across the Alabama River by the Mobile and Ohio Railroad Company;

A bill (S. 2944) to authorize the construction of a bridge across the Cahaba River, in Bibb County, Ala., by the Mobile and Ohio Railroad Company;

A bill (S. 2943) to authorize the construction of a bridge across the Warrior River by the Mobile and Ohio Railroad Company;

A bill (S. 2499) to amend an act entitled "An act to incorporate the Washington and Great Falls Electric Railway Company";

A bill (S. 2473) to amend an act entitled "An act to provide for holding terms of court in the district of Montana," approved July 20, 1892;

A bill (S. 2394) to provide for the construction of a public building at Salem, Oreg.;

A bill (S. 2306) to amend Title LX, chapter 3, of the Revised Statutes, relating to copyrights; and

A bill (S. 2284) for the relief of actual settlers on unsurveyed public lands.

LEGISLATIVE APPROPRIATION BILL.

Mr. BINGHAM. Mr. Speaker, I see that the Senate has disagreed to the conference report; and I move that the House further insist on its disagreement and agree to the request for further conference on the part of the Senate on the bill H. R. 6248, the legislative, executive, and judicial appropriation bill.

The motion was agreed to.

The SPEAKER announced as conferees Mr. BINGHAM, Mr. MCCALL of Tennessee, and Mr. DOCKERY.

RACHEL PATTON.

The SPEAKER. The Chair lays before the House a veto message from the President of the United States, which the Clerk will read.

The Clerk read as follows:

To the House of Representatives:

I herewith return without approval House bill No. 1185, entitled "An act granting a pension to Rachel Patton."

John H. Patton, the husband of the beneficiary, was a captain in an Illinois regiment, and was killed in action June 25, 1863.

In December, 1863, the beneficiary was pensioned as his widow at the rate of $20 a month.

She received this pension for thirteen years and until 1876, when she married one William G. Culbertson. Thereupon, because of such marriage, her name was dropped from the pension rolls pursuant to law.

In 1889, thirteen years after her remarriage and the termination of her pension, she procured a decree of divorce against her second husband on the ground of desertion.

She has a small income, but it does not appear that alimony was allowed her in the divorce proceedings.

It is proposed by this bill to pension her at the same rate which was allowed her while she remained the widow of the deceased soldier.

It can not be denied that the remarriage of this beneficiary terminated her pensionable relation to the Government as completely as if it never existed. The statute which so provides simply declares what is approved by a fair and sensible consideration of pension principles. As a legal proposition the pensionable status of a soldier's widow, lost by her remarriage, can not be recovered by the dissolution of the second marriage. Waiving, however, the application of strictly legal principles to the subject, there does not appear to be any sentiment which should restore to the pension rolls as the widow of a deceased soldier a divorced wife who has relinquished the title of soldier's widow to again become a wife, and who, to secure the expected advantages and comforts of a second marriage, has been quite willing to forego the provision which was made for her by the Government solely on the grounds of her soldier widowhood.

GROVER CLEVELAND.

EXECUTIVE MANSION, *May 21, 1896.*

Mr. PICKLER. Mr. Speaker, I move to refer the bill, with the message, to the Committee on Invalid Pensions.

The motion was agreed to.

PRINTING OF IMMIGRATION BILL.

Mr. RICHARDSON. Mr. Speaker, I desire to submit a privileged report from the Committee on Printing.

The Clerk read as follows:

Your committee, having had under consideration House resolution No. 365, providing for the printing of 10,000 copies of the immigration bill which passed the House May 20, 1896, for the use of the House of Representatives, recommend that the same do pass.

Resolved, That 10,000 copies of the immigration bill passed this day be printed for the use of the House.

Mr. RICHARDSON. I ask a vote upon the resolution.

The resolution was agreed to.

On motion of Mr. RICHARDSON, a motion to reconsider the last vote was laid on the table.

Mr. ODELL. Mr. Speaker, I wish to present a report from the Committee on Accounts.

The Clerk read as follows:

The Committee on Accounts, having had under consideration House resolution No. 346, authorizing the employment of two additional laborers by the Postmaster for a period not exceeding thirty days, at a salary of $3 per day, respectfully report in favor of the resolution.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, That the Postmaster of the House is hereby authorized to employ two laborers, at $3 per day, for such time, not exceeding thirty days, as shall be necessary to distribute and deliver to the members of this House the garden and flower seeds which are arriving in large quantities, said laborers to be paid out of the contingent fund of the House.

The resolution was agreed to.

CONTESTED-ELECTION CASE—MITCHELL VS. WALSH.

Mr. MAGUIRE. Mr. Speaker, I have prepared the views of the minority in the contested-election case of Mitchell *vs.* Walsh. The report is now presented within the time agreed upon between the members of the minority and the majority of the committee. I ask leave now, by unanimous consent, to file the views of the minority.

The SPEAKER. The gentleman from California [Mr. MAGUIRE] asks unanimous consent to file the views of the minority in the contested-election case of Mitchell *vs.* Walsh.

Mr. KEM. Regular order, Mr. Speaker.

The SPEAKER. Objection is made by the gentleman from Nebraska [Mr. KEM].

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, the following Senate bills were taken from the Speaker's table and referred by the Speaker as follows:

A bill (S. 1434) for the relief of the legal representatives of John W. Branham, late an assistant surgeon in the United States Marine-Hospital Service—to the Committee on Claims.

A bill (S. 1338) to provide for the purchase of a site and the erection of a public building thereon at Durham, in the State of North Carolina—to the Committee on Public Buildings and Grounds.

A bill (S. 1122) for the relief of Sally Hardmond—to the Committee on Claims.

A bill (S. 901) amending section 4716 of the Revised Statutes—to the Committee on Invalid Pensions.

A bill (S. 594) for the relief of Augustus Boyd—to the Committee on Military Affairs.

A bill (S. 163) providing for the erection of a public building at the city of Tacoma, in the State of Washington—to the Committee on Public Buildings and Grounds.

A bill (S. 105) for the erection of a public building at Aberdeen, S. Dak.—to the Committee on Public Buildings and Grounds.

A bill (S. 1831) for the relief of William J. Bryan—to the Committee on Claims.

A bill (S. 1822) for the relief of W. A. Austin & Co.—to the Committee on Claims.

A bill (S. 1500) for the relief of William M. Masi, ex-postmaster, and Benjamin Hellman, Lawrence R. Bresnahen, John W. Griffin, George W. Hoyt, and Charles W. Riner, as sureties upon his official bond as postmaster at Cheyenne—to the Committee on Claims.

A bill (S. 2101) to provide for the relief of certain officers and enlisted men of the volunteer forces—to the Committee on Military Affairs.

ELEANOR CARROLL POE.

Mr. PICKLER. I desire to present a privileged report from the Committee on Invalid Pensions on the bill S. 804, and move that the House agree to the conference asked by the Senate.

The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES, *May 18, 1896.*

Resolved, That the Senate disagrees to the amendment of the House of Representatives to the bill (S. 804) granting a pension to Mrs. Eleanor Carroll Poe, and asks a conference with the House on the disagreeing votes of the two Houses thereon.

Ordered, That Mr. GALLINGER, Mr. MITCHELL of Wisconsin, and Mr. BAKER be the conferees on the part of the Senate.

The SPEAKER. The gentleman from South Dakota moves to nonconcur in the amendments of the Senate, to insist on the disagreement of the House, and to agree to the committee of conference asked by the Senate.

The motion was agreed to; and the Speaker appointed as conferees on the part of the House Mr. THOMAS, Mr. CROWTHER, and Mr. LAYTON.

Mr. DINGLEY. I move that the House do now adjourn.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. FAIRCHILD, for two days, on account of important business.

To Mr. BLACK of Georgia, indefinitely, on account of sickness.

To Mr. TURNER of Georgia, indefinitely, on account of sickness.

To Mr. DRAPER, indefinitely, on account of sickness in his family.

To Mr. MILES, for the rest of the week, on account of sickness.

To Mr. BARTLETT of Georgia, for ten days, on account of important business.

Mr. DINGLEY. I withdraw the motion to adjourn.

FORT OMAHA MILITARY RESERVATION.

Mr. MERCER. Mr. Speaker, I desire to move that the House agree to the conference asked by the Senate on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 225) to provide for the transfer of the Fort Omaha Military Reservation to the State of Nebraska.

The bill and amendments were read.

The SPEAKER. The gentleman moves that the House agree to the conference requested by the Senate.

Mr. DINGLEY. Before that is done, I should like to understand the amendments of the Senate. Are there any changes of importance?

Mr. MERCER. Oh, no; the amendments only consist of changes in four or five words.

Mr. DINGLEY. Is there anything in the bill that makes the United States liable?

Mr. MERCER. Oh, no; the general tenor of the bill is as it passed the House.

Mr. DOCKERY. This bill transfers the reservation to the State of Nebraska, does it not?

Mr. MERCER. It did that when it passed the House.

Mr. CROWTHER. By a lease simply.

Mr. DOCKERY. How much land is involved?

Mr. CROWTHER. Eighty acres.

Mr. DOCKERY. What is the value?

Mr. MERCER. The report says forty thousand or fifty thousand dollars.

Mr. DOCKERY. Has the United States reserved the right to resume possession and control at any time?

Mr. MERCER. Oh, yes; at any time the Secretary of War desires.

The motion of Mr. MERCER was agreed to; and the Speaker appointed as conferees on the part of the House Mr. BISHOP, Mr. TRACEY, and Mr. MCCLELLAN.

And then, on motion of Mr. DINGLEY (at 5 o'clock and 12 minutes p. m.), the House adjourned.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. MILNES, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 8726) to provide for the payment of certain claims against the District of Columbia by drawback certificates, reported the same with amendment, accompanied by a report (No. 1923); which said bill and report were referred to the House Calendar.

Mr. HARRIS, from the Committee on the Territories, to which was referred the bill of the House (H. R. 8885) amending and extending the provisions of an act of Congress entitled "An act approving with amendments the funding act of Arizona," approved June 25, 1890, and the act amendatory thereof and supplemental thereto, approved August 3, 1894, reported the same without amendment, accompanied by a report (No. 1931); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. FISCHER, from the Committee on Indian Affairs, to which was referred House bill No. 8893, reported in lieu thereof a bill (H. R. 9118) to ratify an agreement with the Indians of the Shoshone or Wind River Reservation, Wyo., and making an appropriation to carry the same into effect, establishing the Wyoming Hot Springs Reservation and making an appropriation for the survey thereof, accompanied by a report (No. 1932); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HILBORN, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 2971) to authorize a retired list for enlisted men and appointed petty officers of the United States Navy, reported the same with amendment, accompanied by a report (No. 1934); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SHAFROTH, from the Committee on the Public Lands, to which was referred the concurrent resolution of the Senate (Senate Con. Res. No. 38) relating to patents to lands sold by the Union Pacific Railroad Company to bona fide purchasers, reported the same with amendment, accompanied by a report (No. 1949); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. STEWART of Wisconsin, from the Committee on Indian Affairs: The bill (H. R. 3470) for the relief of Arra M. Farnsworth. (Report No. 1922.)

By Mr. POOLE, from the Committee on Invalid Pensions: The bill (H. R. 7460) to increase the pension of Sarah E. Jackson, widow of Richard H. Jackson, late brigadier-general of United States Volunteers, to $50 per month. (Report No. 1924.)

By Mr. KIRKPATRICK, from the Committee on Invalid Pensions: The bill (H. R. 6968) granting a pension to John Carr. (Report No. 1925.)

By Mr. COLSON, from the Committee on Claims:

The bill (H. R. 2610) for the relief of A. H. Sympson. (Report No. 1926.)

The bill (H. R. 6595) for the relief of Smith R. Mershon. (Report No. 1948.)

The bill (H. R. 464) for the relief of W. J. Tapp & Co. (Report No. 1927.)

By Mr. DE WITT, from the Committee on Claims: The bill (H. R. 8252) for the relief of Lizzie Hagny, as administratrix of the estate of Frank B. Smith, deceased. (Report No. 1928.)

By Mr. GRAFF, from the Committee on Claims:

The bill (S. 3122) entitled "An act for the relief of Bridget Lane." (Report No. 1929.)

The bill (S. 308) entitled "An act for the relief of Daniel W. Perkins." (Report No. 1935.)

By Mr. COUSINS, from the Committee on Foreign Affairs: The bill (H. R. 8966) to authorize Commander E. S. Houston, United States Navy, to accept a portrait from His Majesty the Emperor of Germany. (Report No. 1930.)

By Mr. MAHON, from the Committee on War Claims: The bill (S. 34) entitled "An act for the relief of Clara A. Graves, Lewis Smith Lee, Florence P. Lee, Mary S. Sheldon, and Florence P. Lee, legal representative of Elizabeth Smith, deceased, heirs of Lewis Smith, deceased." (Report No. 1936.)

By Mr. LOUDENSLAGER, from the Committee on Pensions:

The bill (S. 1857) entitled "An act granting a pension to Nathan Mitchell." (Report No. 1937.)

The bill (S. 996) entitled "An act to increase the pension of Capt. Isaac D. Toll." (Report No. 1938.)

The bill (S. 341) entitled "An act granting an increase of pension to Napoleon B. Breedlove." (Report No. 1939.)

The bill (S. 760) entitled "An act granting a pension to Rhoda Chick." (Report No. 1940.)

By Mr. BAKER of Kansas, from the Committee on Invalid Pensions: The bill (S. 1946) entitled "An act granting an increase of pension to Elijah N. Parkhurst." (Report No. 1942.)

By Mr. LAYTON, from the Committee on Invalid Pensions: The bill (H. R. 1944) to pension Catharine C. Goodrich according to the military rank of her husband. (Report No. 1943.)

By Mr. PICKLER, from the Committee on Invalid Pensions:

The bill (H. R. 9139) granting a pension to Margaret J. Young, reported in lieu of House bill No. 9035. (Report No. 1944.)

The bill (H. R. 9138) granting an increase of pension to Maria Kelly, reported in lieu of House bill No. 8789. (Report No. 1945.)

By Mr. SULLOWAY, from the Committee on Invalid Pensions: The bill (S. 1148) entitled "An act granting a pension to Celesthia A. Whitney." (Report No. 1946.)

By Mr. THOMAS, from the Committee on Invalid Pensions: The bill (S. 2133) entitled "An act granting a pension to Mary E. Ely." (Report No. 1947.)

ADVERSE REPORT.

Under clause 2 of Rule XIII, Mr. MINOR of Wisconsin, from the Committee on the Merchant Marine and Fisheries, reported adversely (Report No. 1941) the bills (H. R. 6058 and H. R. 6126) for the purchase of letters patent of the Dickenson self-righting and self-bailing lifeboat; which said bills and report were laid on the table.

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. WOODMAN: A bill (H. R. 9119) to provide an elastic currency—to the Committee on Banking and Currency.

By Mr. EVANS: A bill (H. R. 9120) to amend an act entitled "An act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their cars with automatic couplers and continuous brakes and their locomotives with driving-wheel brakes, and for other purposes," approved March 2, 1893—to the Committee on Interstate and Foreign Commerce.

By Mr. CURTIS of Iowa: A bill (H. R. 9121) to extend North Capitol street to the Soldiers' Home—to the Committee on the District of Columbia.

By Mr. BULL: A bill (H. R. 9122) granting condemned guns and cannon balls to the Soldiers' Home at Bristol, R. I.—to the Committee on Military Affairs.

By Mr. SHAFROTH: A bill (H. R. 9123) to prevent forest fires on the public domain—to the Committee on the Public Lands.

Also, a bill (H. R. 9124) to protect the forests on the public domain from destruction by fire—to the Committee on the Public Lands.

By Mr. PAYNE: A resolution (House Res. No. 366) providing that Wednesday, May 27, 1896, be allotted to bills reported from the Committee on the Merchant Marine and Fisheries—to the Committee on Rules.

By Mr. TAWNEY: A resolution (House Res. No. 368) for the relief of Lauretz Olson—to the Committee on Accounts.

By Mr. MAGUIRE: A resolution (House Res. No. 369) to print the views of the minority in the contested-election case of J. Murray Mitchell *vs.* James J. Walsh—to the Committee on Printing.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. ANDERSON: A bill (H. R. 9125) for the relief of Edmond B. Miller, of Tennessee—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9126) for the relief of Nelson McLaughlin, of Tennessee—to the Committee on Claims.

By Mr. BELL of Colorado: A bill (H. R. 9127) for the relief of W. A. Procter—to the Committee on Claims.

By Mr. DAYTON: A bill (H. R. 9128) for the relief of George Koonce, of Jefferson County, W. Va.—to the Committee on War Claims.

By Mr. HADLEY: A bill (H. R. 9129) granting a pension to Emma T. Martin—to the Committee on Invalid Pensions.

By Mr. HARDY: A bill (H. R. 9130) for the relief of William R. Davidson, alias Harmon Davidson—to the Committee on Military Affairs.

By Mr. JOHNSON of North Dakota: A bill (H. R. 9131) to have George Itzkine honorably discharged from the United States service—to the Committee on Military Affairs.

By Mr. JOHNSON of California: A bill (H. R. 9132) for the relief of W. D. Catlett, of West Virginia—to the Committee on Claims.

By Mr. MERCER: A bill (H. R. 9133) granting a pension to Capt. J. Francis Hopper—to the Committee on Invalid Pensions.

By Mr. OTEY: A bill (H. R. 9134) for the relief of Charles T. Plunkett, of Lynchburg, Va.—to the Committee on Claims.

By Mr. SHERMAN: A bill (H. R. 9135) to pension Napoleon B. Marsh—to the Committee on Invalid Pensions.

By Mr. SKINNER (by request): A bill (H. R. 9136) to reimburse the depositors of the Freedman's Bank—to the Committee on Claims.

By Mr. WATSON of Ohio: A bill (H. R. 9137) granting an increase of pension to George F. Davenport—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BARRETT: Petition of certain residents of Melrose, Mass., praying for favorable action on bill to amend the postal laws relating to second-class matter and bill to reduce letter postage to 1 cent per half ounce—to the Committee on the Post-Office and Post-Roads.

By Mr. CRUMP: Petitions of citizens of Bay City, West Branch, Cheboygan, Standish, and Rogers City, Mich., for favorable action on House bills Nos. 4566 and 838, amending the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. DANFORD: Petitions of citizens of Bellaire, Bridgeport, and Toronto, Ohio, favoring the passage of House bills Nos. 4566 and 838, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. DANIELS: Petitions of citizens of Colden and Buffalo, N. Y., for favorable action on House bills Nos. 4566 and 838, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. DAYTON: Petition of George S. Harness and 20 other citizens of West Virginia, praying for relief for the Presbyterian Church at Petersburg, W. Va.—to the Committee on War Claims.

By Mr. FENTON: Petition of citizens of West Union, Ohio, asking for favorable action on House bills Nos. 838 and 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. FOOTE: Petition of citizens of Franklin, N. Y., asking for favorable action on House bills Nos. 838 and 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. HALL: Petitions of citizens of Salisbury, Brunswick, Green City, and Bucklin, Mo., asking favorable consideration of House bills Nos. 838 and 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. HOOKER: Petitions of citizens of Salamanca, Franklinville, and Gowanda, N. Y., for favorable action on House bills Nos. 4566 and 838, amending the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. HULICK: Petition of citizens of Mason, Ohio, asking favorable action on House bills Nos. 838 and 4566, amending the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. HULL: Petitions of citizens of Des Moines, Pella, Swan, Knoxville, Nevada, and Milo, Iowa, asking for favorable action on House bills Nos. 838 and 4566, amending the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. JOHNSON of North Dakota: Petitions of citizens of Reynolds, Lisbon, St. Thomas, Dickinson, Ardoch, Buffalo, Pembina, and Churchs Ferry, N. Dak., for favorable action on House bills Nos. 4566 and 838, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. KYLE: Petitions of citizens of Charleston and Oxford, Miss., in favor of House bills Nos. 4566 and 838, amending the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. LAYTON: Petition of Knights of Labor of Washington, D. C., in favor of House bill No 6119, for the appointment of an impartial committee to investigate the labor problem and suggest remedy—to the Committee on Labor.

By Mr. McCORMICK: Petitions of citizens of Riverhead and Glen Cove, N. Y., asking favorable action on House bill No. 838, to reduce letter postage, and House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. PAYNE: Petition of citizens of Williamson, N. Y., favoring the passage of House bills Nos. 4566 and 838, amending the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. RAY: Petition of George E. Green and 46 other citizens of Binghamton, N. Y., urging the passage of House bill No. 260, to increase the pay of letter carriers—to the Committee on Rules.

By Mr. REED: Resolution of the national convention of railroad commissioners, held at Washington, D. C., May 19 and 20, 1896, protesting against the passage of House bill No. 8536 and Senate bill No. 2967, to amend the interstate-commerce act—to the Committee on Interstate and Foreign Commerce.

By Mr. STRONG: Petition of citizens of Delaware, Ohio, asking for favorable action on House bills Nos. 838 and 4566, amending the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. TRELOAR: Petition of citizens of Vandalia, Mo., asking for favorable consideration of House bills Nos. 838 and 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. WADSWORTH: Petitions of citizens of Oakfield and city of Niagara Falls, N. Y., favoring the passage of House bills Nos. 838 and 4566, amending the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. WALKER of Massachusetts: Petitions of citizens of Spencer and Southbridge, Mass., asking for favorable action on House bills Nos. 838 and 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. WATSON of Ohio: Paper to accompany House bill to increase the pension of George F. Davenport—to the Committee on Invalid Pensions.

By Mr. WILBER: Petition of Schenectady Technical Association, of Schenectady, N. Y., in regard to House bill No. 7251, relating to the metric system—to the Committee on Coinage, Weights, and Measures.

Also, petition of citizens of Schenectady, N. Y., in favor of House bills Nos. 4556 and 838, amending the postal laws—to the Committee on the Post-Office and Post-Roads.

SENATE.

FRIDAY, *May 22, 1896.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The VICE-PRESIDENT resumed the chair.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Attorney-General, transmitting, in response to a resolution of the 18th instant, a list of all judgments rendered by the Court of Claims in favor of claimants since the 6th day of April, 1896, in Indian depredation cases, including the names of claimants, the amount claimed, and the amount of judgment recovered in each case; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 19th instant, a schedule of all claims allowed by the accounting officers of the Treasury under appropriations the balances of which have been exhausted or carried to the surplus fund under the provisions of section 5 of the act approved June 20, 1874, since the allowance of those embraced in House Document No. 322 of the present session, up to and including the 21st instant, amounting to $63,214.89; which was read.

Mr. COCKRELL. I move that that communication and accompanying papers be printed and referred to the Committee on Appropriations, and that a special order be made that it be printed forthwith and returned from the Printer. It ought to be done in the course of two hours.

The motion was agreed to.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Navy, transmitting, in response to a resolution of the 9th instant, a statement showing the number of aliens employed in the Navy Department; which was ordered to lie on the table, and to be printed.

Mr. GALLINGER. I wish to submit a conference report.

Mr. CHANDLER. My colleague will allow the immigration bill to be referred?

Mr. GALLINGER. Certainly.

HOUSE BILL REFERRED.

The bill (H. R. 7864) to amend the immigration laws of the United States was read the second time by its title, and referred to the Committee on Immigration.

JOSEPH R. WEST.

Mr. GALLINGER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 673) granting a pension to Joseph R. West, brigadier and brevet major-general, United States Army Volunteers, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with an amendment as follows: In lieu of the amount proposed to be inserted insert "seventy-five"; and the House agree to the same.

J. H. GALLINGER,
W. N. ROACH,
GEORGE L. SHOUP,
Managers on the part of the Senate.

J. A. PICKLER,
HENRY F. THOMAS,
C. J. ERDMAN,
Managers on the part of the House.

The report was concurred in.

REGULATION OF BOND ISSUES.

Mr. BUTLER. I move that the Senate proceed to the consideration of the bill (S. 1341) to prohibit the further issuance of interest-bearing bonds without the consent of Congress.

Mr. GALLINGER. I trust the Senator from North Carolina will permit us to go through with the morning business.

The VICE-PRESIDENT. The Chair will recognize the Senator from North Carolina after the morning business is concluded.

Mr. BUTLER. Very well; I do not want to interfere with routine business.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial of the General Conference of the Methodist Episcopal Church of Cleveland, Ohio, remonstrating against the sale of spirituous liquors in the Capitol building at Washington, D. C.; which was referred to the Committee on Public Buildings and Grounds.

He also presented a memorial of the General Conference of the Methodist Episcopal Church of Cleveland, Ohio, remonstrating against the manufacture or sale of liquor in any building under Government control; which was referred to the Committee on Public Buildings and Grounds.

Mr. McMILLAN presented a petition of the Mount Pleasant Citizens' Association, of Washington, D. C., praying for the passage of Senate bill No. 3123, relative to highways in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. GEAR presented the petition of W. F. Merrick and 69 other citizens of Iowa, praying for the enactment of a Sunday-rest law for the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. HARRIS presented a petition of sundry citizens of Nashville, Tenn., praying for the enactment of legislation giving relief to the suffering Armenians in Turkey; which was referred to the Committee on Foreign Relations.

REPORTS OF COMMITTEES.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (H. R. 3395) granting a pension to Carrie H. Greene, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 4724) to increase the pension of Mrs. Mary L. Aleshire, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 2373) granting a pension to Elvin J. Brown, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 3182) granting a pension to Susan E. Cunningham, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 3229) for the relief of Hannah Newell Barrett, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 2143) granting a pension to Mrs. Emily M. Van Derveer, widow of the late Brig. Gen. Ferdinand Van Derveer, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 4354) granting a pension to Mrs. Mary Gould Carr, widow of the late Brig. and Bvt. Maj. Gen. Joseph B. Carr, United States Volunteers, deceased, reported it with an amendment, and submitted a report thereon.

Mr. DAVIS, from the Committee on Territories, to whom was referred the bill (S. 3161) amending and extending the provisions of an act of Congress entitled "An act approving, with amendments, the funding act of Arizona," approved June 25, 1890, and the act amendatory thereof and supplemental thereto, approved August 3, 1894, reported it without amendment, and submitted a report thereon.

Mr. VEST, from the Committee on Commerce, to whom was referred the bill (S. 3071) to authorize the construction of a bridge over the Monongahela River from the borough of Braddock to the township of Mifflin, Pa., reported it with amendments.

Mr. KYLE, from the Committee on Education and Labor, to whom was referred the amendment submitted by Mr. GALLINGER on the 21st instant, intended to be proposed to the general deficiency appropriation bill, the amendment providing that hereafter all printers and bookbinders and all skilled mechanics, such as carpenters, machinists, etc., employed in the Government Printing Office shall be paid at the rate of 50 cents per hour for time actually employed, reported favorably thereon, and moved that it be referred to the Committee on Appropriations; which was agreed to.

Mr. HAWLEY, from the Committee on Military Affairs, to whom was referred the bill (H. R. 5258) granting an honorable discharge to John B. Besler, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the joint resolution (S. R. 138) for the relief of James P. Veach, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the joint resolution (S. R. 68) for the relief of James P. Veach, reported adversely thereon, and the joint resolution was postponed indefinitely.

Mr. NELSON, from the Committee on Commerce, to whom was referred the joint resolution (S. R. 137) granting a life-saving medal to Henry Adsit Woodruff, of New York City, N. Y., reported adversely thereon, and the bill was postponed indefinitely.

Mr. CULLOM, from the Committee on Interstate Commerce, to whom the subject was referred, reported a bill (S. 3205) directing the Interstate Commerce Commission to prepare a uniform freight classification; which was read twice by its title.

MESSAGES AND PAPERS OF THE PRESIDENTS.

Mr. HALE, from the Committee on Printing, to whom was referred the following concurrent resolution of the House of Representatives, reported it without amendment, and it was considered by unanimous consent, and agreed to:

Resolved by the House of Representatives (the Senate concurring), That there be printed 15,000 additional copies of the Messages and Papers of the Presidents, Richardson's compilation, of which there shall be 5,000 copies for the

Senate and 10,000 copies for the House of Representatives, to be distributed and disposed of, including the fraction in each case, as provided in the House joint resolution numbered 170, approved on the 30th day of April, 1896.

BILLS INTRODUCED.

Mr. SHERMAN introduced a bill (S. 3200) to enable the personal representative of E. M. Shield to bring suit against the United States; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3201) to remove the charge of desertion from William Repp; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. McMILLAN introduced a bill (S. 3202) for the regulation of cemeteries and the disposal of dead bodies in the District of Columbia; which was read twice by its title, and, with the accompanying papers, referred to the Committee on the District of Columbia.

Mr. THURSTON introduced a bill (S. 3203) granting an increase of pension to Aurelius Roberts; which was read twice by its title, and referred to the Committee on Pensions.

Mr. ALLISON introduced a bill (S. 3204) granting an increase of pension to Sylvester Walters; which was read twice by its title, and referred to the Committee on Pensions.

REGULATIONS CONCERNING FILLED CHEESE.

Mr. SHERMAN. I move that the Senate proceed to the consideration of what is commonly called the filled-cheese bill. I hope it will be acted upon promptly, without further delay.

The VICE-PRESIDENT. The morning business has not been concluded, the Chair will state.

Mr. SHERMAN. I will ask the unanimous consent of the Senate after the morning business is over that the Senate proceed to the consideration of the bill.

The VICE-PRESIDENT. The Chair will state that the Senator from North Carolina [Mr. BUTLER] addressed the Chair to submit a motion to proceed to the consideration of Senate bill 1341, and the Chair stated to that Senator that he would be recognized for that purpose at the conclusion of the morning business. The Senator from Ohio asks unanimous consent, as the Chair understands, that the Senate proceed to the consideration of a bill which will be read by title.

Mr. BUTLER. What is the bill?

Mr. SHERMAN. It is the bill commonly known as the filled-cheese bill.

The SECRETARY. A bill (H. R. 8008) defining cheese, and also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of filled cheese.

Mr. BUTLER. That bill will lead to discussion, and I feel compelled to object.

The VICE-PRESIDENT. Objection is interposed to the request of the Senator from Ohio.

AMENDMENTS TO DEFICIENCY APPROPRIATION BILL.

Mr. McMILLAN submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. MORGAN submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations.

Mr. TELLER submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations.

Mr. GALLINGER submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

BIOGRAPHY OF CONGRESS.

Mr. MORRILL. I move that the resolution which I submitted day before yesterday be referred to the Committee on Printing.

The motion was agreed to; and the resolution was referred to the Committee on Printing, as follows:

Resolved, That Benjamin Durfee be, and he is hereby, directed (in addition to his other duties and without extra compensation) to prepare an alphabetical biography of Congress from the foundation of the Government to the present time.

REGULATION OF BOND ISSUES.

The VICE-PRESIDENT. Morning business has closed.

Mr. BUTLER. I move that the Senate proceed to the consideration of Senate bill 1341.

Mr. TURPIE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Indiana rise to present morning business?

Mr. TURPIE. I appeal to the Senator from North Carolina to permit me to call up a bill to relieve Charles W. Rinehardt from the charge of desertion. It is a House bill, that has been pending during the whole session, and I should like to have it considered. It will not be a subject of discussion.

Mr. SHERMAN. I can not hear a word the Senator says.

The VICE-PRESIDENT. The Senator from Indiana will repeat his request.

Mr. TURPIE. I appeal to the Senator from North Carolina to allow me to call up the bill (H. R. 2054) to correct the military record of Charles W. Rinehardt and to grant him an honorable discharge. It is a House bill, and all that is lacking is action on the part of this body. It will not lead to any discussion.

Mr. BUTLER. I will state to the Senator from Indiana that as soon as Senate bill 1341 is taken up I will give way for that purpose.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Indiana?

Mr. BUTLER. I object now. I shall not object when Senate bill 1341 is taken up.

The VICE-PRESIDENT. Objection is interposed. The question is on the motion of the Senator from North Carolina to proceed to the consideration of the bill (S. 1341) to prohibit the further issue of interest-bearing bonds without the consent of Congress.

Mr. HILL. This being an important question, I desire a full Senate. I suggest the want of a quorum.

The VICE-PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allen,	Davis,	McBride,	Sewell,
Allison,	Dubois,	McMillan,	Sherman,
Bacon,	Faulkner,	Martin,	Stewart,
Baker,	Gallinger,	Mills,	Teller,
Bate,	Gear,	Mitchell, Oreg.	Thurston,
Berry,	Gray,	Morrill,	Turpie,
Blackburn,	Hale,	Nelson,	Vest,
Brown,	Hansbrough,	Pasco,	Vilas,
Burrows,	Harris,	Peffer,	Walthall,
Butler,	Hawley,	Perkins,	Warren,
Chilton,	Jones, Ark.	Pettigrew,	Wetmore,
Cockrell,	Kyle,	Pritchard,	Wilson.
Daniel,	Lindsay,	Pugh,	

The VICE-PRESIDENT. Fifty-one Senators have answered to their names. A quorum is present. The question is on the motion of the Senator from North Carolina to proceed to the consideration of Senate bill 1341.

Mr. HILL. On that question I call for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. DUBOIS (when his name was called). I am paired with the senior Senator from New Jersey [Mr. SMITH], but I will transfer that pair to the Senator from Utah [Mr. CANNON] and vote. I vote "yea."

Mr. FAULKNER (when his name was called). I am paired with the Senator from West Virginia [Mr. ELKINS].

Mr. HANSBROUGH (when his name was called). I am paired with the Senator from Illinois [Mr. PALMER], but I will transfer that pair to the Senator from Montana [Mr. MANTLE] and vote. I vote "yea."

Mr. PRITCHARD (when his name was called). I am paired with the Senator from Louisiana [Mr. BLANCHARD], but I am informed that he is in favor of this measure. I therefore exercise my discretion and vote "yea."

Mr. THURSTON (when his name was called). I have a general pair with the junior Senator from South Carolina [Mr. TILLMAN], but as I am advised that he is in favor of the present consideration and passage of the measure now sought to be brought before the Senate, and with that understanding, upon all matters affecting its consideration I shall exercise my discretion and vote. I vote "yea."

Mr. WALTHALL (when his name was called). I am paired with the senior Senator from Pennsylvania [Mr. CAMERON].

The roll call was concluded.

Mr. GEAR. I am paired with the senior Senator from Georgia [Mr. GORDON]. If he were present, I should vote "nay."

Mr. SEWELL. On this question I am paired with the Senator from Wisconsin [Mr. MITCHELL]. If he were present, I should vote "nay."

Mr. TELLER. My colleague [Mr. WOLCOTT] is paired with the junior Senator from Ohio [Mr. BRICE]. If my colleague were present, he would vote "yea."

The result was announced—yeas 34, nays 20; as follows:

YEAS—34.

Allen,	Daniel,	Mitchell, Oreg.	Teller,
Bacon,	Dubois,	Pasco,	Thurston,
Bate,	George,	Peffer,	Turpie,
Berry,	Hansbrough,	Perkins,	Vest,
Blackburn,	Harris,	Pettigrew,	Warren,
Brown,	Jones, Ark.	Pritchard,	White,
Butler,	Kyle,	Pugh,	Wilson.
Chilton,	Martin,	Shoup,	
Cockrell,	Mills,	Stewart,	

NAYS—20.

Allison,	Davis,	Hawley,	Morrill,
Baker,	Frye,	Hill,	Nelson,
Burrows,	Gallinger,	Lindsay,	Sherman,
Caffery,	Gray,	McBride,	Vilas,
Chandler,	Hale,	McMillan,	Wetmore.

NOT VOTING—35.

Aldrich,	Elkins,	Lodge,	Roach,
Blanchard,	Faulkner,	Mantle,	Sewell,
Brice,	Gear,	Mitchell, Wis.	Smith,
Call,	Gibson,	Morgan,	Squire,
Cameron,	Gordon,	Murphy,	Tillman,
Cannon,	Gorman,	Palmer,	Voorhees,
Carter,	Hoar,	Platt,	Walthall,
Clark,	Irby,	Proctor,	Wolcott.
Cullom,	Jones, Nev.	Quay,	

So the motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1341) to prohibit the further issuance of interest-bearing bonds without the consent of Congress.

Mr. HILL. Mr. President——

Mr. TURPIE. I ask the Senator from New York to yield to me for the purpose of asking unanimous consent to call up House bill 2054.

The VICE-PRESIDENT. The Senator from Indiana asks unanimous consent for the present consideration of a bill, which will be read for information.

Mr. PEFFER. Would it not be better to lay the pending bill temporarily aside for the purpose of considering the bill? I ask that that may be done.

Mr. BUTLER. Will the Senator from Kansas pardon me a moment?

Mr. PEFFER. Yes, sir.

Mr. BUTLER. I should like to ask the Chair whether that would prejudice in any way the bill the Senate has just voted to take up?

The VICE-PRESIDENT. The Senator from Kansas asks unanimous consent that the pending bill be temporarily laid aside for the purpose of considering the bill indicated by the Senator from Indiana.

Mr. BUTLER. Such consent will retain the pending bill in its proper place as soon as that bill is disposed of?

The VICE-PRESIDENT. It will. Is there objection? The Chair hears none.

CHARLES W. RINEHARDT.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 2054) to correct the military record of Charles W. Rinehardt and to grant him an honorable discharge, which had been reported from the Committee on Naval Affairs with an amendment, in line 3, to strike out the word "War" and insert the words "the Navy"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Navy be, and is hereby, authorized and directed to correct the military record of Charles W. Rinehardt, late third-class musician in the United States Marine Corps band, by removing the charge of desertion against him therefrom and granting him an honorable discharge as of date August 15, 1882.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

COMMUTATION OF HOMESTEAD ENTRIES.

Mr. VILAS. I should like to ask the Senate to consider, without prejudice to the bill which has just been taken up, House bill No. 1436, which the Committee on Public Lands have reported, and it is desirable to have it passed soon in order to effect its object.

The VICE-PRESIDENT. The Senator from Wisconsin asks unanimous consent that the pending bill be laid aside temporarily for the purpose of considering the bill indicated by him. Is there objection?

Mr. BUTLER. Will it lead to debate?

Mr. VILAS. It will take but a few moments, and it can be passed without the least interference with the pending bill.

Mr. BUTLER. Will it lead to any discussion?

Mr. VILAS. I think not.

Mr. BUTLER. If it leads to any discussion the Senator will not press it?

Mr. VILAS. Oh, no; I shall not press it; I will give way.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 1436) to quiet title to lands in persons who purchased the same in good faith without notice and for a valuable consideration, and to enable the Government to issue patents on such lands, and that commutations of homestead entries shall take effect from date of settlement and not from date of entry, which had been reported from the Committee on Public Lands with amendments, in section 1, line 12, after the word "proofs," to insert "and that no other reason why the title should not vest in the entryman exists except that the commutation was made less than fourteen months from the date of the homestead settlement, and that there was at least six months' actual residence in good faith by the homestead entryman on the land prior to such commutation"; in line 18, after the word "heirs," to insert "and"; in line 19, after the word "representatives," to strike out "assigns, grantees, mortgagees" and insert "as of the date of such final certificate of entry"; and in line 21, after the word "thereon," to insert "and the title so patented shall inure to the benefit of any grantee or transferee in good faith of such entryman subsequent to the date of such final certificate"; so as to make the section read:

That whenever it shall appear to the Commissioner of the General Land Office that an error has heretofore been made by the officers of any local land office in receiving premature commutation proofs under the homestead laws, and that there was no fraud practiced by the entryman in making such proofs, and final payment has been made and a final certificate of entry has been issued to the entryman, and that there are no adverse claimants to the land described in the certificates of entry whose rights originated prior to making such final proofs, and that no other reason why the title should not vest in the entryman exists except that the commutation was made less than fourteen months from the date of the homestead settlement, and that there was at least six months' actual residence in good faith by the homestead entryman on the land prior to such commutation, such certificates of entry shall be in all things confirmed to the entryman, his heirs, and legal representatives, as of the date of such final certificate of entry and a patent issue thereon; and the title so patented shall inure to the benefit of any grantee or transferee in good faith of such entryman subsequent to the date of such final certificate: *Provided*, That this act shall not apply to commutation and homestead entries on which final certificates have been issued, and which have heretofore been canceled when the lands made vacant by such cancellation have been reentered under the homestead act.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill relating to commutation of homestead entries, and to confirm such entries where commutation proofs were received by local land officers prematurely."

WILBUR F. COGSWELL.

Mr. MITCHELL of Oregon. I ask the Senator from North Carolina to yield to me a moment that I may call up House bill 2042, a pension bill. The beneficiary is a resident of my town, and it is a very meritorious case.

Mr. BUTLER. Let the Senator couple with that a request that the pending bill be temporarily laid aside, so that it will not be prejudiced.

Mr. MITCHELL of Oregon. I ask that the pending bill be temporarily laid aside for that purpose.

The VICE-PRESIDENT. The Senator from Oregon asks unanimous consent that the pending bill be laid aside temporarily for the purpose of considering a bill, which will be read for information.

The Secretary read the bill (H. R. 2042) to increase the pension of Wilbur F. Cogswell; and by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to place on the pension roll the name of Wilbur F. Cogswell, late an assistant engineer in the United States Navy, at the rate of $50 per month.

Mr. MILLS. I give notice that I shall object to any further unanimous consent after this bill is disposed of.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

INDIAN APPROPRIATION BILL.

Mr. PETTIGREW. I ask leave to call up the conference report on the Indian appropriation bill. I move the adoption of the report.

Mr. BUTLER. In order that there may be no misunderstanding, I ask unanimous consent that the pending bill be temporarily laid aside in order that the conference report may be considered.

The VICE-PRESIDENT. The Chair was unable to hear the Senator from North Carolina.

Mr. BUTLER. I should like to inquire of the Chair whether the consideration of the conference report will affect in any way or displace the bill before the Senate?

The VICE-PRESIDENT. It will not displace the pending bill, the Chair thinks.

The Senate proceeded to consider the report of the committee of conference on the bill (H. R. 6249) making appropriations for current and contingent expenses of the Indian Department, and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1897, and for other purposes, as printed in the Senate proceedings of yesterday.

Mr. PETTIGREW. The report has been read. I ask that it be concurred in.

The report was concurred in.

Mr. PETTIGREW. I move that the Senate insist upon its

amendments and ask for a further conference with the House on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate at the further conference; and Mr. PETTIGREW, Mr. TELLER, and Mr. COCKRELL were appointed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 673) granting a pension to Joseph R. West, brigadier and brevet major-general, United States Army Volunteers.

The message also announced that the House insisted upon its amendment to the bill (S. 804) granting a pension to Mrs. Eleanor Carroll Poe; agreed to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. THOMAS, Mr. CROWTHER, and Mr. LAYTON managers at the conference on the part of the House.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 225) to provide for the transfer of the Fort Omaha Military Reservation to the State of Nebraska; agreed to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BISHOP, Mr. TRACEY, and Mr. MCCLELLAN managers at the conference on the part of the House.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7977) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes; further insisted upon its disagreement to the amendments of the Senate numbered 130, 132, and 342 to the said bill; agreed to the further conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HOOKER, Mr. HERMANN, and Mr. CATCHINGS managers at the conference on the part of the House.

REGULATION OF BOND ISSUES.

Mr. MILLS. I demand the regular order.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1341) to prohibit the further issuance of interest-bearing bonds without the consent of Congress.

Mr. HILL. Mr. President, I appreciate the anxiety of my friend from Texas [Mr. MILLS] to hear my remarks upon the pending measure. Perhaps there are some other Senators who do not feel that interest in what I may say on this subject.

Mr. President, the crime, the alleged "crime of 1873," is nothing compared with the crime that will be perpetrated if this bill shall pass the present Congress and become a law. Stripped of all its unnecessary verbiage, condensed as it is, it is a bold proposition for the repeal of the resumption act of 1875, a repeal of the only provision of law that exists for the successful maintenance or redemption of the paper currency of the country. It does not in so many words or express terms repeal the law of 1875, but by declaring that for no purpose whatever, no matter what necessity may exist therefor, shall there be moneys provided by the issuing of bonds for the redemption of the greenback currency of the country, it is in effect a repeal of the resumption act of 1875.

Mr. President, it is a startling proposition. Such repeal will not solve the silver question. It will not solve the financial question. That will still confront the Senate and confront the country. It will simply embarrass the Government. It simply puts in peril the finances of the country. It is a measure leading in the wrong direction.

Of those who in the days of 1875 opposed the resumption of specie payments I have nothing to say. There were those who opposed such resumption in 1875. There are those in the Senate to-day who think any resumption act whatever is unnecessary. There are those in the Senate to-day who seem to think that the Government can maintain a paper currency without anything provided for its redemption. There are those who vote for the issue of Treasury notes without providing anything with which to redeem them. There are those who think it is the province of this Government simply to issue its promises to pay without providing any fund whatever for redemption. To these paper-money men I have no appeal whatever to make. To the men who want to establish a paper currency without any redemption fund with which to maintain it I have nothing to say. It is a part of their creed; it is a part of their theory; it is a part of the system of finance which they want inaugurated in this country. They are fiat-money men.

Mr. President, it was appropriately announced by the sponsor of this bill and by the leader of the Populist party upon this floor yesterday that it is a Populist measure. So be it. So it is. Let there be no misunderstanding of it. It is boldly avowed to be a Populist measure.

What is the effect of this proposed act? What is the act of 1875? The act of 1875 simply provided the method and manner of redeeming the paper currency known as the United States notes. There were greenbackers in those days as now who thought that no redemption fund was necessary, who wanted an irredeemable paper currency, who said that the simple fiat of the Government is sufficient for its money and nothing else is needed, that there shall be no hard money back of it, nothing that requires labor and wealth to produce. That is their theory. They can consistently, of course, support this measure. It is part of their principles, a part of their creed, a part of their policy.

Mr. President, I am not one of those who believe that it is either good policy or that it is right for this Government to put afloat its promises to pay without something substantial back of them, something that is money in fact, something of intrinsic value, something that will take labor to produce, something that possesses all the ingredients of money, of hard money.

Mr. President, I do not now propose to review any of the decisions of the courts of our country as to what constitutes money. The subject is an old story. I know not what the courts might decide now if the question were presented anew. I am opposed to the issuing of greenback currency or paper money to circulate as money, especially in the absence of a proper and complete and full redemption fund always ready to redeem such paper money upon presentation at the Treasury.

As I said a few moments ago, there were those who thought and who still think that no redemption fund is necessary for paper money. They prefer the "battle-scarred greenbacks," and want nothing back of them. They want no fund provided with which to redeem paper money; they want to compel by decree of law that the people shall take it as a legal tender for the payment of debts. They do not want any redemption now or hereafter. This is the theory of finance upon which this bill is based. This is the theory of those who clamor and have recently clamored for the repeal of the resumption act of 1875.

Of course the Senate may pass this bill. I do not believe there is a Senator here who thinks it will pass the other House. I do not believe there is a Senator here who thinks that the President can consistently approve of the measure. It is not because I am anticipating that the bill is to become a law, but because I dislike to see good friends, with whom I agree upon many financial problems, place themselves upon record as they do by this vote in favor of an irredeemable paper currency, for that is what this scheme is, that I am opposing this unwise and dangerous measure. In substance and in effect it repeals the only act upon the statute books of the United States that provides securely and safely for a redemption fund.

What is the argument? The friends of the bill assert that we need no redemption fund; we want none. The fact that it will cripple the Government does not concern them in the least.

What is the effect of this proposed repeal? The revenues of the Government are now insufficient even to meet its ordinary expenses. We keep constantly making appropriations from the Treasury, extraordinary appropriations as well as ordinary appropriations, which will soon exhaust its funds. Senators upon this floor have justified their votes in favor of large appropriations by pointing to the funds in the Treasury, placed there by the sale of bonds. We can not refuse to look at the situation that confronts us. A tariff bill has been passed—no matter how or why passed—which does not realize sufficient moneys for the support of the Government. When you exhaust your reserve fund as well as your annual revenues, in the end there will come a time when there is nothing left for the floating of your paper currency—nothing for redemption purposes. What is then to be done?

If your revenues do not bring you sufficient moneys, how are you to provide a fund with which to keep your paper currency afloat except by borrowing, when your revenues will not even support the ordinary expenses of Government? This bill is nothing more nor less than plain, open, bald repudiation. Repudiation is what this bill means. Dishonor is what this bill means. Degradation of your currency is what this bill means. The "crime of 1873," so called, pales into insignificance compared with the enormity of this contemplated measure.

We have now over $100,000,000 in gold in the Treasury, and about $168,000,000 of other funds. The presentation of greenbacks, which can be made under existing laws, will, of course, if they are redeemed, reduce either the gold reserve or silver funds in the Treasury. The payment of the appropriations made at this session of Congress will largely reduce the amount of money on hand. The contracts entered into for the future, authorized by legislation here enacted, will draw largely upon these funds and in the near future exhaust them.

It may be said that this is a safe measure to pass, because in the future there will be provided sufficient revenues to meet all these required expenditures. When the reserve funds are drawn it will

be said, "We shall provide a tariff which will furnish ample revenues for the expenses of the Government, and also for the redemption fund." Let Senators be not deceived. You know the political complexion of this Senate; you know how it is divided upon the financial question, and divided in reference to other questions. The man who expects any tariff legislation of any consequence in the next year or two will be disappointed. The very make-up of this Senate, the very lines upon which it is divided, and upon which it is likely to be based for the next two years, will prevent any sufficient revenue legislation to adequately replenish the Treasury.

Assuming, then, for the purposes of this argument, that the Wilson bill, so called, will not do better in producing revenue than it has done during the past two years, the question is presented, What is to be done? How is the situation to be met? By repealing all laws for the issue of bonds. Is that the answer? Is it then expected that Congress is to provide some other mode or method of redemption? Is that the theory; is that the idea? Every time during an interval of Congress when the reserves are so low that redemption must stop is there to be an extra session of Congress called? What are we to do during next September or next October? Is Congress to be convened to pass a revenue bill—a revenue bill which will take weeks and months to pass? Is that an adequate remedy? No; this measure, this infamous scheme, takes the Government by the throat; it "holds up" the Government; it substantially paralyzes the Treasury, makes your greenbacks irredeemable, and it destroys the only fund and means provided by which your greenbacks can be redeemed.

I need not enter into any discussion of the question of the authority to issue bonds under the act of 1875. Those who have zealously favored this bill have doubted the legality of the issue of bonds for the purposes of redemption. I might say, if there is no authority now existing, why expressly prohibit such issue? Why do an unnecessary thing? Mr. President, it is because they believe and are convinced that the authority exists now under the act of 1875 that they want to further embarrass and strangle the Government. If there shall be no tariff legislation enacted in the next year and this bill should be passed, how are you to redeem your paper currency that will be presented? It is not the silver question which is here involved; it is more than that. It is the integrity of your Government; it is the honor of the Government. The question involved here is the preservation of the good faith of the Government, which demands that our paper currency shall always be redeemable in the coin of the Government.

I hear some good friends say, "Oh, pay in silver. That is the solution of the difficulty." Is it? Let us see. Suppose to-day that the Secretary of the Treasury should proceed to coin the seigniorage—that is, all that is available, for against the remainder of the bullion in the Treasury notes have been issued, and they are outstanding among the people. You have therefore pledged, you have mortgaged that bullion fund, and you can not reissue or use it without taking up your Treasury notes.

There seems to be a prevalent idea in the minds of some that there is a fund of two or three hundred million dollars of bullion which the Government has which can be coined and the coined money put right back into the Treasury for the uses of the Government. That is not true. That is a false notion, a false idea. If every particle of the bullion in the Treasury was coined, the most that could be realized for the uses of the Government for the payment of its expenses, or for redemption purposes, would be about $55,000,000 additional, and that is all; and that is the seigniorage, so called. That whole sum, if coined, would pay but a small portion of the appropriations already made and to be made by the present Congress. It would be but a "drop in the bucket" toward an adequate redemption fund. This is an important fact which is not generally understood.

Mr. GEORGE. Will the Senator allow me to ask him a question?

The PRESIDING OFFICER (Mr. BACON in the chair). Does the Senator from New York yield to the Senator from Mississippi?

Mr. HILL. Yes, sir.

Mr. GEORGE. I ask the Senator from New York if he believes, under the act of 1875, or under any other act now in force, money can be raised for the purpose of paying the ordinary expenses of the Government or for any purpose other than the redemption of greenbacks?

Mr. HILL. Mr. President, I have answered that a dozen times before. Money can be raised for the purpose simply of redeeming the greenbacks, of course, and for no other express specific purpose. But need I again elucidate the point? When your greenbacks are presented for redemption and they are redeemed in gold, need I tell the Senator from Mississippi that then those greenbacks are funds of the Government? A law has been passed, to which I propose to call the attention of the Senate before I am through, which compels the Secretary of the Treasury to reissue those very greenbacks again to pay the appropriations which you have made.

Mr. GEORGE. Mr. President, that may be true.

Mr. HILL. It is true.

Mr. GEORGE. That may be true, yet it is no justification to retain upon the statute books a law authorizing the issuance of bonds for the purpose and intent of securing money to run the Government upon.

Mr. HILL. Mr. President, nobody is proposing to issue bonds with which to pay the expenses of the Government. I said it before, and I repeat it. Senators, it seems to me, must be able to comprehend the distinction which I make. The act of 1878, passed after the act of 1875, defined this question, defined the status of redeemed greenbacks, and I should have supposed, when the law of 1875 said that money should be provided with which to redeem greenbacks, that of course it meant their subsequent cancellation. I should have supposed that one redemption would have ended the question; that it of course would have ended it; that when they were redeemed they were paid; they were no longer obligations of the Government; as when a man pays a note, ordinarily that would be a cancellation of it; he would not keep that same note in his possession to reissue it to the next man who came along. But you passed a law in 1878 which said that when the greenbacks were paid it should be the duty of the Secretary of the Treasury to reissue them; that he should not cancel them, he should not retire them, but should reissue them to pay the expenses of the Government.

Mr. LINDSAY. That is good Democratic doctrine.

Mr. GRAY. Mr. President, will the Senator from New York allow me to interrupt him?

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Delaware?

Mr. HILL. Certainly.

Mr. GRAY. The act of 1878, taken in connection with this provision of the act of 1875, imposed upon the Government and upon the Treasury a continuing duty from time to time to pay in coin the greenbacks as they should be presented, even those that were reissued and were coming back in this endless chain which has been so often spoken of.

Mr. HILL. Between 1875 and 1878 there was a considerable amount of greenbacks redeemed, and the question arose what was the legal status of those greenbacks; a very interesting and novel question. The strict constructionists claimed, and I think properly so, that the United States notes were in effect canceled; that they were paid; they were virtually exhausted; that they were done away with; that there ought not to have been anything afterwards done with them except that the Secretary of the Treasury might properly destroy them. That was the contention. While that question was being discussed, about which there were conflicting opinions, the old Greenbackers, of whom there are still remnants in the Democratic party, were clamoring for the reissue of these greenbacks. They wanted an irredeemable currency; they wanted a paper currency that was circulating; they did not want any true redemption, and finally the act of 1878 was passed, a most unfortunate measure, because it perpetuated the existence of paper money in this country and has led to the difficulties which confront us to-day.

I will tell the Senator from Mississippi how you can absolutely prevent the Secretary of the Treasury from using any of these greenbacks thus redeemed for the expenses of the Government. All you have to do is to add a little amendment to the pending bill, which I intend to propose, in order to carry out your scheme in full and reach the alleged difficulty of which you complain:

It is further provided that upon the redemption of any United States notes the Secretary of the Treasury shall not reissue the same.

Mr. GRAY. They ought to be destroyed.

Mr. HILL. I do not care very much what becomes of them.

Mr. President, what is the complaint of those who now wish to repeal the last vestige of legislation for the protection of the Treasury in the redemption of greenbacks? When I ask them, Do you want to keep up an irredeemable paper currency? some say they do, and some do not know whether they do or not. The law of 1878 says that United States notes must be reissued. That is a duty imposed upon the Secretary of the Treasury, a duty which he can not escape, which no—if I may use that expression—silver Secretary of the Treasury could escape. If Congress makes an appropriation, and the Secretary of the Treasury has not other funds, he, of course, takes any funds which may be in the Treasury to meet the appropriation.

The complaint is further made that after the greenbacks are redeemed and are placed back in the Treasury, subject to all appropriations and all expenses of the Government, the Secretary of the Treasury does use these redeemed greenbacks for the payment of appropriations for the expenses of the Government. Mr. President, there is no law to prevent it. On the contrary, there

is a law absolutely requiring it to be done. Yet, instead of bringing in a bill proposing to repeal the law of 1878, which would keep this fund of redeemed greenbacks intact and prevent the use of these redeemed greenbacks in the future, they bring in this measure, which absolutely stops the accumulation of any redemption fund. If my friends here with whom I differ upon this question want to stop what they call the use of the redemption fund for the payment of the expenses of the Government, if that is the complaint, if that is the wrong which is being done, then let them accept the amendment which I may suggest, which will absolutely prevent the use of these greenbacks for any such purpose.

Mr. GEORGE. I ask the Senator from New York would it not be better for Senators on both sides of the Chamber, seeing the trouble in which the Treasury is placed, to lay aside partisan views and pass, as suggested by the Senator from Ohio [Mr. SHERMAN], a revenue bill for the purpose of raising the necessary funds? I think that would be the way to meet this difficulty, rather than using funds raised by the sale of bonds for an entirely distinct and separate purpose.

Mr. HILL. Those will be welcome words to the ears of the Senator from Ohio.

Mr. SHERMAN. I did not hear a word the Senator from Mississippi uttered. [Laughter.]

Mr. HILL. I will inform the Senator from Ohio, in behalf of my friend from Mississippi, that he suggests whether, in the interests of pure, unadulterated patriotism, we should not on both sides accept the suggestion of the Senator from Ohio to proceed immediately to prepare a revenue bill which will provide ample revenues for the support of the Government, and I say——

Mr. GEORGE. Will the Senator from New York allow me?

The PRESIDING OFFICER. Does the Senator from New York yield?

Mr. HILL. Yes, sir.

Mr. GEORGE. I prefer to be the organ to express my own opinions rather than to have even the distinguished Senator from New York do so for me.

It was stated by the leader—I believe he is called the leader—of the Democratic side of this body that the Secretary of the Treasury laid great stress upon the fact that there was a large deficit. The Senator from Ohio agreed with that—and he is the leader on the other side—and suggested a mode which was very agreeable to me, that the Senate on both sides agree on some nonpartisan, fair revenue bill for the purpose of meeting the necessary expenses of the Government. If those words from me are welcome to the Senator from Ohio, as suggested by the Senator from New York, then I am very glad to have so distinguished an authority to be in consonance with my views upon that subject.

Whilst I am up, if the Senator will allow me, I will repeat in public what I have said privately—and what I believe has been said by some members of this body—that it appears to me to be an absolute shame, when it is acknowledged on all hands that there is a deficit, and a very large deficit, in the revenues of the Government as compared with the expenditures, that we should sit idly here and quarrel with each other as to who is responsible for this unfortunate state of affairs rather than devote our time and attention for the purpose of formulating a measure which will produce the necessary revenue.

Mr. SHERMAN. Will the Senator from New York allow me to say a few words, if it will not interfere with what the Senator is about to say now?

Mr. HILL. Does the Senator want to ask me a question?

Mr. SHERMAN. No; I wanted to answer very briefly the remarks made by the Senator from Mississippi [Mr. GEORGE].

Mr. HILL. I yield.

Mr. SHERMAN. I said yesterday and I say to-day in all seriousness that I think for the Congress of the United States to adjourn without some provision being made to meet the current expenses of the Government would be an outrage, a shame, and a disgrace that would fall upon both branches of Congress, but more especially upon the Senate.

We have gone on in the most affluent way, like a spendthrift who has just come into the possession of a fortune, and we have made appropriations to the extent, as near as I can gather from the Committee on Appropriations, of somewhere from fifty to one hundred million dollars more than the current revenues of the Government that will accrue during the next fiscal year. The President of the United States has no power to borrow money except for a single purpose, and undoubtedly he will not do it except for that purpose. This Senate has refused to give him the power to borrow money at a lower rate of interest, and it refuses in this bill, in the most ignominious manner, to provide any measure whatever to redeem United States notes. It is the act of a bankrupt, and of a dishonest bankrupt at that. What I have suggested ought to be done, and everybody knows it ought to be done.

This bill proposes to repeal the only provision by which is maintained the parity of silver and gold, and that is the purpose of it. Those who advocate the measure know there is no other way of doing it. This measure is now mere moot-court talk in the Senate, because the House of Representatives will not pass such a law, thank God, and therefore we are wasting our time and exposing ourselves badly before the people of the United States, because everybody knows this bill can not pass the House of Representatives. We are taking it up at this inopportune time merely to debate old questions over again.

Mr. President, I think it would be wise if the Democratic party—I would leave out our Populist friends, who have notions that I do not believe they will advocate in a year or two—I think it would be wise if the Democratic party, one of the great political organizations of this country which has existed for a long period of years and was in power almost from the time of Jefferson down, except during and since the war, could demonstrate that it was strong enough and powerful enough to free itself from the popular whims and passions of the moment and take up and consider measures for the relief of the Treasury.

The Republicans of the House of Representatives have sent you a bill. It may not please you; it does not please us; but it was a bill intended to meet the very difficulty that we shall encounter on the 1st day of July next, a temporary bill, made so purposely, and not a bill framed upon the theories and arguments of the Republican party nor upon the theories and arguments of the Democratic party. It may not be a good bill; but the Democratic members, joining with the Populists without even a hearing, laid it on the table by striking out all of it after the enacting clause and substituting a provision for the free coinage of silver.

The Democratic party can not escape the responsibility in this matter, and the people of the United States will remind them of it over and over again. The conservative element, especially in the Eastern States, will know that whatever difficulties occur by a deficiency of revenue must rest upon the Senators here who destroy this bill when they might have taken it up, removed its errors, and made provision, and ample provision, for various sources of income to supply the deficiency.

I said before, and I say now, that in order to supplement and add to the provisions contained in the House bill which was sent to us I would vote for a moderate tax on tea and a moderate tax on coffee, and I would increase the tax on sugar if it was thought to be necessary. That would depend entirely upon the figures. Suppose you should get the figures from the Committee on Appropriations, and they should tell us that it would be necessary to raise fifty, or sixty, or seventy million dollars more than the existing revenue law provides for, it would be our duty to provide increased revenue. The House bill would raise about thirty or forty million dollars, and the Senate should take up that bill and add to it increased taxes.

That is the business of the Senate. It is their constitutional prerogative to make amendments to revenue bills and change them as they may deem necessary. If we do not do that, it seems to me that the Senate of the United States will fall below the high standard it has so long held in the history of the country, and that it will grossly neglect the duties which we are sworn to perform. If we do not do that, we can not help but feel that on the 1st day of July next the President of the United States will be justified in calling us back here to do what we ought to have done in the past. That is my position.

In expressing these opinions I have no party feeling whatever. I think on this side we have done the best we could. We have attempted to change the revenue bill sent to us by the House of Representatives. We sent it to the Committee on Finance, where it could be considered fairly; but that bill was summarily disposed of, first in the Committee of Finance and then in the Senate. Now, we have no jurisdiction in the way of securing additional revenue unless we take up that rejected bill and act upon it, because we have no other bill upon which we can formulate a tariff. The House of Representatives must originate such bills, and we have not the power to do it. The only bill which we could utilize for that purpose is the bill which has been ignominiously rejected and laid upon the table and is there to-day.

That is all I desire to say.

Mr. GRAY. Will the Senator from New York pardon me a moment?

Mr. HILL. Certainly.

Mr. GRAY. Mr. President, I agree with the Senator from Ohio [Mr. SHERMAN] in regarding this as a crisis in the history of this country and in the history of the Senate of the United States. I believe with him that to adjourn without some remedial legislation for the evils with which we are threatened and the evils which we are now suffering would be, in his language, an outrage and a shame.

Mr. MITCHELL of Oregon. May I ask the Senator a question?

Mr. GRAY. In one moment. I shall be through in a moment.

Mr. President, I want to say to the Senator from Ohio that if his committee, or if he will give the assurance that it is supported on his side of the Chamber sufficiently, will propose a measure for

increasing the revenue, a measure to reasonably increase the revenue, such as he last indicated, of which there can be no doubt at all as to its effect—I mean a small duty on tea and a small duty on coffee and an increased duty, to use the words of the Senator, if necessary, upon sugar—he will find enough votes on this side, I believe, to pass such a measure, and I make that offer now with that belief.

Mr. SHERMAN. Mr. President, the Democratic party is in the minority compared with the Republicans of the Senate.

Mr. GRAY. Of course we are. We are not responsible for legislation.

Mr. SHERMAN. The House of Representatives is nearly three-fourths Republican, and I do not know but more. There is in that House a majority so large that you can hardly measure it. The Senator's proposition is that on the only measure of relief upon which we can act we will disregard the action of the House of Representatives, the only body that has the power to originate taxes, that we will tear their manuscript bill into pieces and disregard it, in order to take up the idea of purely a revenue tariff. A great majority of the other House believe as I do that every tax ought to be levied with a view if possible to promote an American industry while it produces revenue.

Mr. GRAY. Ah!

Mr. SHERMAN. Yet the proposition now made by a minority of this body is that we, who at least constitute a plurality in the Senate and a great majority in the House of Representatives, shall entirely ignore the action of the House and select three or four items of taxation on the food of the poor. They would have us confine the taxes to tea, coffee, and sugar. I say that a more liberal spirit and a broader spirit must prevail. We must take into consideration the views of the House of Representatives, and if they have not provided enough means, I will join with the Senator in any tax—yes, I would levy a tax on your coat or your clothes or anything you have to secure adequate revenues.

Mr. GRAY. All right.

Mr. DANIEL. Will the Senator from Delaware permit me?

Mr. GRAY. In just one moment. I was afraid that the Senator from Ohio did not thoroughly understand himself when he made the offer. He spoke of a patriotic nonpartisan offer, and in that regard I desired to cooperate with him; but now he modifies his proposition, and says we must accept in addition the measure that came from the House, which, in my opinion, is demonstrably a purely protective measure that would produce no increased revenue, but would be much more likely to decrease, as the McKinley Act, its prototype, did decrease, the revenues received from customs taxation.

Mr. SHERMAN. Why could not the Senator, then, propose amendments? Let us take up the bill in the Senate; you can propose your amendments, and if you have a majority——

Mr. GRAY. I want a revenue measure proposed on a nonpartisan basis; a measure that will produce revenue and not one in which we are compelled, in order to get revenue, to pay toll for the benefit of interested classes who wish to use this exigency of the Government in order to benefit their own pockets.

Mr. DANIEL. Will the Senator from Delaware allow me?

The PRESIDING OFFICER. The Chair calls attention to the fact that the Senator from New York [Mr. HILL] is entitled to the floor.

Mr. HILL. I was simply going to suggest that the tariff bill which is on the table had better be laid before the Senate.

The PRESIDING OFFICER. The Senator from New York has the floor, and unless he yields to some other Senator he is entitled to proceed.

Mr. DANIEL. I only rose for the purpose of asking the Senator from Delaware a question.

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Virginia?

Mr. HILL. Certainly.

Mr. DANIEL. I merely rose to ask the Senator from Delaware, who was upon his feet tendering the good offices of the Democratic side to the Republican leader to support one of their measures, if he would vote for a Democratic proposition to coin the seigniorage in order to furnish the depleted and broken-down Treasury with a little money?

Mr. GRAY. I did not stand here and make a tender of the Democratic side. I said there would be cooperation on this side in the direction indicated by the Senator from Ohio, for the Senator from Mississippi [Mr. GEORGE] has just asserted the same thing. I undertake to assert that there will be support enough on this side of the Chamber for such a measure, if it should be introduced, to enact it into a law.

Mr. DANIEL. Will the Senator vote for a proposition to coin the seigniorage and give a little money to the Government?

Mr. GRAY. That is not the way to get money.

Mr. CHANDLER. Will the Senator from New York allow me for a moment?

Mr. HILL. I yield to my good friend the Senator from New Hampshire.

Mr. CHANDLER. I wish to make a suggestion to the Senator from Delaware. The motion has been made once or twice to take up in the Senate the House bill upon the Calendar, and it has failed. I now suggest to the Senator, in view of the tender he has made of his own assistance—we know not whose else as yet—that he now move to take up the bill (H. R. 2749) to temporarily increase revenue to meet the expenses of the Government and provide against a deficiency.

Mr. GRAY. No; I will move to take up an honest measure, but I never will agree to take up a fraud.

Mr. CHANDLER. It has been reported to the Committee on Finance with an amendment. This business must come down to some specific proposition at some time, and the conversations between the Senator from Ohio [Mr. SHERMAN] and the Senator from Delaware [Mr. GRAY] will not bring us to anything specific. If we can get this bill up and can reject the free-coinage amendment which is proposed by the majority of the Finance Committee, we can arrange all these other details with the aid of the Senator from Virginia [Mr. DANIEL] and the Senator from New York [Mr. HILL] and other Senators, and make actual progress in the business of getting the country out of the crisis which the Senator from Delaware appreciates so fully, but does not seem to be ready to help to dissipate.

Mr. GRAY. The difficulty with the proposition of the Senator from New Hampshire——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Delaware?

Mr. GRAY. I will be through in one moment.

Mr. HILL. I yield.

Mr. GRAY. The difficulty with the proposition of the Senator from New Hampshire is that the bill to which he refers is a bill to increase the revenue of the protected classes of this country and not a bill to increase revenue to the Treasury of the United States.

Mr. CHANDLER. It is a bill which we can amend, if the Senator from New York will allow me.

Mr. GRAY. If the Senator from New Hampshire will agree to amend it in a way different from that I will join with him.

Mr. CHANDLER. I will agree to vote to amend it. I will make a tender—I think I will have about as many Republicans with me as the Senator from Delaware has Democrats when he makes an offer on the floor—I make a tender to the Senator of my own support and the support of many Senators upon this side of the Chamber in the direction of amending the bill in the interest of patriotism.

Mr. GRAY. I will be glad to cooperate with the Senator from New Hampshire in that direction.

Mr. HILL. The Senator from New Hampshire says he makes a tender. The trouble is, it is not a legal tender, and it can not be accepted on this side.

Mr. GEORGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Mississippi?

Mr. HILL. I hope the Senator from Mississippi will not forget the main proposition involved here.

Mr. GEORGE. Mr. President, I desire to say a word or two in relation to the condition of the Treasury. I represent nobody in what I say but myself. I am the humblest member of this body, and I do not pretend to control its proceedings. I have been profoundly impressed by what has been said by the Senator from Ohio [Mr. SHERMAN], as well as by what has been said heretofore by the Senator from Maryland [Mr. GORMAN], as to the unfortunate condition of the Treasury. I believe we have reached a point where, to appropriate an idea expressed by the Senator from Ohio, we ought to lay aside partisan motives and undertake the patriotic duty of furnishing the necessary money to pay the expenses of the Government.

I desire to say to him, and to Senators on the other side of the Chamber, who only lack one of having a majority in this body, that if they will propose any measure along the lines I shall indicate they will have one accession on that question, which will give them a majority, whether anybody else goes that way or not. I do not think they ought to present us with a protective measure now. That will not do. I do not think they ought to undertake to pass a measure here which will excite partisan debate. I think we ought to pass a temporary measure for the purpose of raising revenue, and in order to do that I will indicate some of the measures for which I am willing to vote.

I am willing to vote for a tax on beer. I am willing to vote for a revenue tax on wool. I think that ought to have been put in the bill that we passed in 1894. I am willing to vote for a revenue tax, the very same tax that was incorporated in the act of 1883, on lumber. I am willing to vote for a tax, a fair revenue tax, on tea and on coffee. I am willing, also, to increase the tax on certain species of tobacco, on cigars, manufactured and imported, and on cigarettes. I am willing, also, to vote for a revenue duty on any agricultural product that is imported from Canada into the United States.

Mr. MITCHELL of Oregon. May I ask the Senator from Mississippi what he would figure a revenue duty on wool?

Mr. GEORGE. I should say about 30 or 40 per cent ad valorem. I would not be particular about it, however, so it was not protective.

I am willing, also, to go to the free list and put a tax on statuary. I am willing to put a tax on the fine paintings which are introduced here, and if there be any other article upon the free list which is used generally by the people of this country, not confined to consumption by the poor alone, I am willing to vote for a tax upon it. I will do that upon my own responsibility without reference to what action is taken by any other Senator on this side of the Chamber. I believe we ought to raise revenue.

I voted to amend the tax bill from the House in a way which, if we had so amended it, I believe we would have had plenty of revenue. I believe that if we had substituted the free and unlimited coinage of silver for the bill which came from the other House there would have been such an advance in the prosperity and business of the country as would have resulted in bringing us an increased revenue—sufficient revenue. But as it is certain that such a bill can not pass, I will vote to reconsider that, and to take it away from the tariff bill, provided only we can get a fair, nonpartisan, and reasonable revenue measure which will yield sufficient money to pay the expenses of the Government. I think it is our duty to do that.

Mr. MITCHELL of Oregon. Will the Senator from Mississippi, then, join with the Republicans on this side, or as many of them as will vote that way, to take up the House tariff bill and see if we can not amend it in such a way that we can agree to it and pass it?

Mr. GEORGE. I hesitate to answer in that way for the reason that I think there ought to be some understanding before that question is mooted as to what is to be done.

Mr. STEWART. I should like to make an inquiry of the Senator from Mississippi. He speaks of additional taxes to raise revenue. I can not comprehend what is the immediate necessity for revenue. There is $270,000,000 cash balance in the Treasury, and it seems to me what afflicts the country now is a surplus and not a want of revenue. With the present deficit going as high as thirty to thirty-five million dollars a year, it will take several years to draw down the surplus to a healthy amount. I do not see any immediate necessity for revenue. The difficulty is that we have impounded our money and we get too much revenue into the Treasury.

Mr. GRAY. It got there by issuing bonds.

Mr. HAWLEY. By borrowing.

Mr. STEWART. Stop issuing bonds and then there will be enough for two or three years.

Mr. GEORGE. I had assumed that it was the general understanding, both on this side of the Chamber and on the other side, that there was a large deficit in the revenues. I am willing to make that deficit good along nonpartisan lines, so that there will be no necessity to borrow money to pay the appropriations of Congress. I have said all I desire to say upon that question.

Mr. LINDSAY. I should like to ask the Senator from Mississippi a question.

The PRESIDING OFFICER. The Senator from Kentucky will suspend. The Senator from New York [Mr. HILL] is entitled to the floor. Permission must be asked from him.

Mr. HILL. I yield.

Mr. LINDSAY. I should like to ask the Senator from Mississippi if he does not think it would be a simpler line of procedure to reduce the appropriations rather than to increase taxation under existing circumstances?

Mr. GEORGE. I have been on that line all the time. I always thought that when a man got into financial difficulties there were but two ways to get out of them—one to reduce expenses and the other to increase profits. I do not see any chance to reduce expenses. On the contrary, as far as I see the tendency is to increase them.

Mr. DUBOIS. Will the Senator from New York yield to me for a moment?

Mr. HILL. Certainly.

Mr. DUBOIS. Mr. President, it seems to me there will not be much trouble for Senators to come together by making just a few concessions here and there. I do not profess to speak for anyone but myself, but I will state that I will vote for any reasonable revenue bill which is designed to raise revenue to conduct the Government, provided it is coupled with the free coinage of silver.

Senators will recollect that five Senators voted here not long ago against taking up the Dingley tariff bill, so called. Those Senators have been indorsed almost unanimously by their people on that issue. Every one of them will be a delegate to the national convention. I myself, for instance, received every vote but five in our State convention, with the distinct understanding on the part of the delegates, as I read the instructions, that I shall not vote for any tariff bill now or hereafter unless it is coupled with the free coinage of silver. Now, with this condition confronting us here, just these few and trifling differences of opinion among Senators around the Chamber, I see no reason why we should not go ahead and adjust the tariff bill in accordance with the convictions of each of us, raise revenue for the Government, and adjourn and go home.

Mr. HILL. The proposition to go home will meet with the entire approval of the American people. [Laughter.] In the language of a distinguished gentleman from Alabama in the other House, "Where were we at," Mr. President, when I submitted to an interruption in regard to the tariff?

The side discussion which has been had—and I was very glad to permit it, even to the extent of hearing the views of the Senator from Nevada [Mr. STEWART], who was not so kind to me last evening when I wanted to make a few brief observations—has illustrated the difficulty which confronts us. The very discussion which has been had, the tenders upon each side of votes which nobody can control, show the difficulties that are in the way of agreeing upon a tariff bill.

First came the startling proposition of my rash friend the Senator from Mississippi [Mr. GEORGE], who rushed pellmell into the arena with the declaration that he is anxious, earnestly desirous, of cooperating with the great Republican leader upon the other side. I was rebuked the other day by the distinguished Senator from South Carolina [Mr. TILLMAN], whose State stands by him as well as the State of Idaho stands by the Senator from that State [Mr. DUBOIS], because I spoke a few words of commendation of the distinguished Senator from Ohio [Mr. SHERMAN], and I was substantially sought to be read out of the pure old Jacksonian-Calhoun party.

Here comes my friend the Senator from Mississippi, who tenders his vote, his voice, and his influence in this Chamber for the purpose of enacting a nonpartisan tariff bill, and immediately the distinguished Senator from Ohio nibbles at the bait, and he welcomes him with open arms. He says, "Of course, we want to have a tariff bill," and then he gets into a discussion with my friend the Senator from Delaware [Mr. GRAY], who rather "calls" him. Then the Senator from Ohio retracts and says, "Of course, I mean a bill satisfactory to the great Republican House, which must be largely consulted." So, immediately, all their nonpartisan professions go to the wind, and after all each stands upon his fundamental party principles.

The Senate as it is at present constituted contains an element, a bold, vigorous, I will not say unscrupulous minority of silver Republicans, ready to take a great tariff measure by the throat in order to procure the free coinage of silver. They are true to their convictions. They seem to think that the free coinage of silver is just as important to the great Republic and to the Republican party as is the tariff. They are acting consistently from their standpoint in taking the position they do. There are four or five of those Senators, and I think upon a muster they could get several more who sympathize with them, but do not have quite the courage they have. In the light of all those Senators being sustained at home, I think in the near future, next December, when the next Congress meets, they will rally more upon that side than now. This side is divided upon the financial question to some extent. The other side is divided, both sides differing as to what should constitute a nonpartisan tariff bill. How is a tariff bill to be formed, then?

Mr. President, the experience of the past is that tariff bills are framed by political parties. They are not perfect; necessarily they are imperfect; but in the main there has been no such thing in the history of this country from an early day as a patriotic nonpartisan tariff bill. We are governed by parties, and we will continue to be governed by political parties as time rolls on. These proffers of Senators are all right enough for political effect. I am sorry the distinguished Senator from Ohio is not here. I think I recollect an interview with him after the election last fall, when he was flushed with the victory that resulted from the efforts of his party. He said, "Yes; there must be tariff legislation; but I shall insist that in any tariff bill that is enacted by the next Congress there shall be a duty upon wool."

He knew that the Democratic party had in the main championed the idea of free raw materials. He knew that the Democratic party were unanimous upon this side of the Chamber in favor of free wool. He knew that it was utterly impossible for us to agree upon any such tariff, and it was very easy, therefore, for him to tender to Democrats upon this side a tariff bill which he knew they could not consistently accept. Had they not just passed (I do not refer to myself, because my own personal record upon the subject is of no special consequence) the Wilson tariff bill after great deliberation, putting wool upon the free list? If the party was committed to anything upon that subject it was committed to that. It could not retreat in less than a year and a half—before the experiment had been fully tried. Therefore I do not take much stock in these nonpartisan professions of willingness to prepare and agree upon a nonpartisan bill.

No, no, Mr. President; be not deceived. There will be no tariff bill passed at this session. If the President calls an extra session, there will be no tariff bill passed. Next session there will be no tariff bill passed, and a year from now there will be no tariff bill passed. Do not these very differences of opinion which we have here disclosed prove it? Need I call other witnesses here? I might imitate the course pursued once by a distinguished Senator when he called Senators as witnesses here and there to give their testimony. What kind of a hotchpotch tariff bill would we have here if every Senator got up and stated what he wanted? Tariffs can not be constructed that way.

Therefore the point I make is that with the Senate constituted as it is, with no prospect of any material change in the future upon this subject, with this Senate divided among Republicans, Populists, and Democrats, they also in turn divided—a faction of the Republican party divided upon the propriety of passing any tariff bill at all unless coupled with the free coinage of silver—how can any man outside of an insane asylum think there is any prospect of agreeing upon a tariff bill to produce revenue? Yet with that situation staring us in the face, and in the meantime with the country pledged to the maintenance and redemption of your greenback paper currency, when you have not adequate revenue, when you can not practically provide means except by borrowing to redeem the pledges which you have given out to the people, you propose to take the Government by the throat and repeal the only safeguard there is for the protection of the honor and the credit of the Government.

That is the situation. It can not be disguised. The Senator from Virginia [Mr. DANIEL] made a suggestion and said, "Coin the seigniorage." If coined it would not last a month, and you could not coin it in a whole year. The coinage of the seigniorage would afford but little relief—a mere trifle. But it is said, "Open your mints to the free coinage of silver, and there will be money enough." You can not get any money into the Treasury in that way. As I said before, some people think there is a bullion fund of two or three hundred million dollars, and that all you have to do is to coin it and put it right into the Treasury to the credit of the Government. It is not true. Suppose to-morrow a bill for the free coinage of silver should pass. What would be the effect of it?

Mr. GEORGE. Will the Senator from New York allow me to ask him a question?

Mr. HILL. Not now. What would be the effect of it? Everybody who has silver bullion would take it to the Treasury and have it coined into silver dollars, and take his dollars away with him. Where does the Treasury get any benefit? How does that replenish the Treasury? Some gentleman suggested that it would improve to some extent the general prosperity of the country. That may be. I will not discuss that question now. That is an indirect benefit. It might, or it might not. Free coinage does not specifically put any money into the Treasury, and you have to have either gold or silver, and you have not enough of either to redeem the paper currency. You have to earn it. You have to receive it from revenue, and you can not get revenue if you do not have taxation. Yet, with this situation confronting us, you propose to take the Government by the throat and stop redemption. When there is a deadlock here, by men adhering to their convictions, it is proposed to refuse to allow the President to borrow the money necessary to keep your greenbacks afloat. That is the situation.

Mr. GEORGE. Will the Senator from New York allow me?

Mr. HILL. Certainly.

Mr. GEORGE. I understand the Senator from New York to assert with some confidence that there will be no such change in the political personnel of the Senate at the next session, even as will enable the Senate to pass or agree upon a tax bill.

Mr. HILL. That is my view.

Mr. GEORGE. With the acknowledged inability on the part of the present Senate and on the part of the next Senate to pass any revenue bill to increase our receipts, does the Senator propose that we must get in the condition and remain in the condition during all the next Congress, two years beyond this, of relying upon the act of 1875 as the means of procuring revenue to pay the expenses of the Government?

Mr. HILL. Mr. President, the situation is indeed a grave one. If we are running behind at a rate of $30,000,000 for annual expenses, which is about the figure, and with the large appropriations made by this Congress in pending bills in addition, and you can not agree upon a tariff measure necessary to produce it, and I think you can not, notwithstanding the offers and professions which have been made here, then I say, sir, that it is prudent—it is, in fact, the height of wisdom—to leave upon the statute book the measure which gives you authority to redeem the greenbacks which may be presented, and after they are redeemed gives you funds with which you can legitimately pay the expenses of the Government. In other words, if you can not agree upon a tariff bill to get your revenues, shall you stop the Government or shall you borrow? It is honorable to borrow, and notwithstanding the stabs that have been made at the credit and honor of the Government it can borrow and borrow cheaply even now. Therefore I say there are but two courses to pursue. Either provide your revenues upon the one hand, or if you are so situated politically that it can not be done, then borrow your money. But I would not strike off from the statute book the only authority you have got to keep your Government afloat.

Mr. PEFFER. Will the Senator from New York allow me a question at that point?

Mr. HILL. Yes.

Mr. PEFFER. Does the Senator from New York pretend to represent the views of the Administration in the remarks he has just made?

Mr. HILL. Mr. President, I supposed that even the Senator from Kansas comprehended my position upon this floor. I have repeatedly said that I do not assume to represent the present Administration. I sustain that Administration when I think it is right; I oppose it when I think it is wrong. I am not identified with its interests. I am not even consulted by it.

Mr. President, I fail to see the significance of the question "whether I represent the Administration." Sir, Senators upon this side of the Chamber, with whom my personal relations are the most pleasant, and I hope they will continue to be, although we differ upon this subject, I have seen vote for appropriation after appropriation for which I could not conscientiously vote, piling up enormous appropriations and pointing to the very fund in the Treasury realized from the sale of bonds as the place where they are going to get the money to meet the appropriations.

Sir, if I represented this Administration, if I were the President of the United States, which I suppose, Mr. President, from the present outlook, I never will be [laughter], I would tell my party friends, "If you do not give the Treasury some relief I will stop paying out the moneys to meet these appropriations." I would exercise the discretionary power vested in the Chief Magistrate in regard to these appropriations for great public works, and I would stop them until Congress should provide moneys necessary for them and necessary for redemption also. I would not let the paper currency which was provided by my predecessors in office, and for the existence of which I was not responsible, go to protest. I would take the last dollar in the Treasury—I was almost going to say rightfully or wrongfully—to redeem such currency. I would maintain the honor and credit of the Government at all hazards, and I should expect the people to sustain me.

Sir, I misjudge the character and the courage and the firmness of the present President of the United States if he does not take substantially that position. I believe, sir, that he will insist at all hazards, at all risks, at all times, that our paper currency of the country shall be redeemed in coin, in something of value, in something that labor and wealth will produce; and he will see that when we declared away back in 1869 that the Government would redeem its paper money in coin such pledge shall be kept. Mr. President, I would not sanction the programme of refusing to raise adequate revenue, of refusing to strengthen our necessary reserve, and then tolerate extravagant appropriations and spend them for the benefit of particular localities. I would stop these appropriations, as he has a right to do, although undoubtedly, sir, reluctant to do it.

Mr. BUTLER. Will the Senator from New York yield to me for a moment?

Mr. HILL. Yes.

Mr. BUTLER. Will the Senator from New York tell me that if he were President of the United States he would stand by the doctrine expressed by him in his speech at Elmira, N. Y., December 4, 1892, to pay out silver coin to bring it to a parity, or favor the free coinage of silver to bring it there, as he said in that speech it would do, and that nothing else would do it but that?

Mr. HILL. Is that your question?

Mr. BUTLER. That is the question.

Mr. HILL. Mr. President, all the information the Senator has upon the silver question he seems to have derived from that Elmira speech. I will simply say to the Senator——

Mr. BUTLER. I want to say to the Senator from New York that it is very good doctrine and I am sorry that the Senator will not stand by it. He was a candidate for President then. He said a few days ago that the South had declared for Grover Cleveland and the free coinage of silver; that they did not get the free coinage of silver, but they got Grover Cleveland.

Mr. HILL. That is ancient history.

Mr. BUTLER. It seems if they had gotten DAVID BENNETT HILL they would not have gotten free coinage.

Mr. HILL. Mr. President, a word about that Elmira speech. Every time I rise to speak, or somebody else does, my friend from North Carolina grabs that Elmira speech. "Did the Senator from New York say this?" "Did the Senator from New York say that?" He absolutely threatened the other day to put that Elmira

speech in the RECORD. Let me tell my dear, good friend from North Carolina I myself put that Elmira speech in the RECORD a year or two ago, and it is there now.

Mr. BUTLER. Then you are right on the record.

Mr. HILL. It will stand. It has nothing inconsistent in it with any position that I have taken here to-day. Study it, my good friend, and you will understand the silver question a great deal better than you do now. [Laughter on the floor and in the galleries.]

The PRESIDING OFFICER. There must be order in the galleries.

Mr. HILL. Now, Mr. President, here is the situation: Last evening when this bill was moved I recognized the fact that probably a majority of the Senate desired to pass it, probably at this session. I thought it would be unwise to take it up. The moot discussion which has been spoken of by the Senator from Ohio [Mr. SHERMAN] I presumed would be inaugurated; perhaps nothing new could be said upon the subject; and I was going to suggest that possibly some arrangement might be made by which a vote might be had upon it. But the moment I proceeded to make a single suggestion the impetuous Senator from Nevada [Mr. STEWART] jumped to the front and would not let me say a single word, and I concluded that I would take a course whereby I would be enabled to say something, if not last night, at least to-day.

Now, if the Senate desires to pass this measure, well and good; it has the power to do so. We all know the complexion of the other body; we all know the views of the President of the United States. It can not become a law. I do not think it is a wise measure, my Democratic friends, and I speak to you in all candor. I do not think it is a good measure on which to go before the people. It actually injures the silver cause. It has nothing to do specially with the silver cause. With the free coinage of silver to-morrow secured, as I have explained, you will still have to get the money with which to redeem your paper currency, and you have got to get that money, not by the free coinage of silver, because the silver belongs to the men who own the bullion—you have got to get that silver or you have got to get that gold from taxation, and if you can not agree upon a tariff bill, you have got to get it under the law of 1875.

Now, shall we go to the country upon this proposition? A majority of the Democrats upon this side of the Chamber, I regret to say, want us to go to the country on a proposition upon which we can not get a solitary vote in the Northern States. The old Democratic State of New York, which was Democratic and I hope it will be Democratic again, stood by our good friends in the South and West in all the fights they made in the past for their rights and endeavored to sustain the Democratic cause. We are asked now to go to the country with a majority of Democrats sustaining such a measure as this to repeal the last piece of legislation left with which to sustain the honor and credit of the Government. Do you expect us, with such a measure, to keep up our party in the Northern States? It is clearly unwise legislation. It is foolish legislation. It is unnecessary legislation. It is a Populist measure, and you have espoused it.

Mr. President, it is the height of folly. It is 1860 and 1861 over again. It will surely divide the old Democratic party as it was divided in the past. I am not now in this part of my argument complaining of your advocacy of the free coinage of silver. It is a question which, I have frankly stated over and over again, is a matter about which good men may honestly differ, but I do think and feel that it is a mistake to plant ourselves upon the issuance of an irredeemable paper currency and call ourselves hard-money Democrats. No, no, Mr. President, we have enough to contend against in the North now, with a tariff bill which cuts down the revenues of your Government greater than was ever anticipated. We have hard enough work to keep up the old Democratic party in the North without having this legislation imposed upon us. It makes my friend from Kansas [Mr. PEFFER] smile. Usually, with that sober countenance of his, he listens to all we have to say, but when I picture the fact that the old Democratic party can not stand this strain he even indulges in a smile. Of course it suits the Populists. Just such measures suit those who want to destroy the Democratic party.

Now, Mr. President, what good will it do? Why, it is said we are making a record. Yes, that is true. We are making a record, such as it is. It is a record which will bring dishonor and defeat. Our friends would have us pass this bill and go into the fall campaign in the months of August, September, and October with the greenbacks presented at your Treasury repudiated. With such a result we could not carry a single State in this Union. Talk about previous follies of the party; talk about our tendencies toward greenbackism; this would be the worst step ever taken, Mr. President. The Democratic party can stand a good deal, but it can not stand this. We must see to it that when the notes of the Government, for which its honor is pledged, are presented for payment they shall be met—met in the coin of the Government; met in hard money, and redeemed. That is the Democratic theory. That is the true theory of our Government. That is the honest policy. It is the only policy we can pursue.

Mr. BAKER. Will the Senator from New York yield to me a moment to make a brief statement with reference to the bill?

Mr. HILL. Yes, I yield for a few moments.

Mr. BAKER. Mr. President, this bill appears to be harmless upon its face; but at the present time and under existing circumstances I regard it as one of the most dangerous bills ever presented to any legislative body.

It is quite evident that on the 4th day of March, 1897, we shall have a Republican President, Major McKinley, or some other equally good, honored, and trusted Republican. And in order to maintain the honor and credit of the country it is essential that we have sufficient revenue to pay the current expenses of the Government. It is admitted by all parties represented in this body that the Gorman-Wilson bill does not produce revenues sufficient to pay ordinary current expenses; that under such bill there is, and will be so long as it remains on the statute book, a deficiency of from fifty million to one hundred million of dollars annually in the national revenues. And no method is provided with which to raise money to supply this deficiency. The Senate of the United States, by its action at this session, has refused to place upon the statute book any law increasing the revenues, although Democrats, Populists, and Republicans alike admit that we need more revenue.

The Democratic Senators, the Populist Senators, and five silver Republican Senators have gone into the RECORD as opposed to any tariff legislation. Thirty-nine Democrats, six Populists, and five free-coinage silver men have voted against tariff legislation. These Senators combined constitute a large majority of this body and dominate all legislation, and that they will continue so to conduct themselves I have no doubt; and if they do, and the President is shorn of all power to sell bonds to raise money to protect the credit of the nation, then bankruptcy and repudiation are inevitable.

Under existing conditions and circumstances this bill, if enacted into a law, will be, in my judgment, the greatest crime of the nineteenth century. The years of sorrow and trouble through which we have and are now passing will be nothing in comparison to the evils the legislation proposed by this bill will produce.

A government long without revenue can not exist; a free people will not long submit to such condition. Revolution will come, peaceably, I hope—forcibly, if necessary—to maintain the honesty and integrity of the nation. This bill attacks the financial honesty and integrity of the Government; it foreshadows panic, disturbance, and repudiation.

It at once seeks to unsettle the finances of this country and to destroy the equality of our circulating medium, composed of gold, silver, and paper money, all as good as gold.

We need money to maintain the credit of the nation. This bill seeks to destroy the only method left to maintain the credit of the nation.

That Congress, as now constituted, will not cooperate in raising sufficient revenue to pay the expenses of the Government has been established by the deliberate act of the Senate; and that it will not maintain the present monetary system is apparent by the advocacy of the present bill by free-silver Democrats, free-silver Republicans, and paper-money Populists.

For the reasons herein given I shall cast my vote against this bill.

Mr. TELLER. I should like to ask the Senator from Kansas a question before he closes. Does the Senator from Kansas approve of the issue of bonds by the Government under the present Administration?

Mr. BAKER. I will answer that question in this way: When I first came to the Senate of the United States at the present session I would have voted for this measure, because I then was under the impression and thoroughly believed that the Republican party, aided and assisted by a sufficient number of patriotic men from the other side, would place upon the statute book a revenue law that would give us the money requisite to pay the current expenses of the Government. When I saw that effort defeated, when I saw the Senator from Colorado and four other Republicans joining their forces with the free-silver Democracy and refusing to take up any tariff legislation, then I changed my mind upon the subject. As I believe that there will be a Republican President in 1897, and that we must have revenue in order to carry on the expenses of the Government or else go into shame, disgrace, and bankruptcy, I changed my mind, and I am now in favor of leaving this little vestige of power where it exists, because when that time comes the Democratic party and the ardent free-silver men will combine again and hold up this great Government and say it shall have no legislation at all. For these reasons I am in favor of leaving this little vestige of power right where it is now.

Mr. TELLER. I should like to ask the Senator from Kansas one more question.

The PRESIDING OFFICER. The Senator from Colorado will

suspend for a moment. The Chair is compelled to call attention, under the rule, to the order of business. The hour of 2 o'clock having arrived, and there being no unfinished business and no special order, under the ninth rule the consideration of the Calendar is in order.

Mr. BUTLER. I ask unanimous consent that the Senate shall proceed with the consideration of the bill that is now before the Senate.

The PRESIDING OFFICER. Is there objection?

Mr. WILSON. I object.

Mr. BUTLER. I move to take up Senate bill 1341, the bond bill, which has been under consideration.

The PRESIDING OFFICER. The Senator from North Carolina moves that the Senate proceed to the consideration of Senate bill 1341.

Mr. HILL. Is it proper to take me off the floor in the midst of my speech?

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, it certainly was the duty of the Chair, under the rule, so to do.

Mr. HILL. The clock is to blame, not the rule.

The PRESIDING OFFICER. No, sir; the clock was right. So was the Chair. The question is on agreeing to the motion of the Senator from North Carolina [Mr. BUTLER].

Mr. SHERMAN. I call for the yeas and nays on the motion.

Mr. WILSON. Let us have the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. DUBOIS (when his name was called). I am paired with the senior Senator from New Jersey [Mr. SMITH], but will transfer that pair to the Senator from Utah [Mr. CANNON]. If the Senator from Utah were present, he would vote "yea." I vote "yea."

Mr. FAULKNER (when his name was called). I am paired with the Senator from West Virginia [Mr. ELKINS], but I transfer my pair to the Senator from Indiana [Mr. VOORHEES] and vote "nay."

Mr. GEAR (when his name was called). I am paired with the senior Senator from Georgia [Mr. GORDON]. If he were present, I should vote "nay."

Mr. HANSBROUGH (when his name was called). I will transfer my pair with the Senator from Illinois [Mr. PALMER] to the Senator from Montana [Mr. MANTLE]. I vote "yea."

Mr. MCMILLAN (when his name was called). I announce my pair with the Senator from Kentucky [Mr. BLACKBURN].

Mr. NELSON (when his name was called). I am paired with the junior Senator from Missouri [Mr. VEST]. If he were present, I should vote "nay."

Mr. PRITCHARD (when his name was called). I am paired with the Senator from Louisiana [Mr. BLANCHARD], but I am informed that he is in favor of this measure, and I therefore exercise my discretion and vote. I vote "yea."

Mr. PUGH (when his name was called). I have a general pair with the senior Senator from Massachusetts [Mr. HOAR], which I transfer to the senior Senator from South Carolina [Mr. IRBY] and vote "yea."

The roll call was concluded.

Mr. GEAR. I transfer my pair to the senior Senator from Rhode Island [Mr. ALDRICH] and vote "nay."

Mr. BRICE. I have a general pair with the junior Senator from Colorado [Mr. WOLCOTT]. I do not know how he would vote on this question. I presume he would vote "yea."

Mr. TELLER. I will state that my colleague [Mr. WOLCOTT] would vote "yea," if he were here.

Mr. BRICE. I am informed that the junior Senator from New York [Mr. MURPHY] is not paired, and I will transfer my pair to that Senator and vote "nay."

Mr. MORGAN. I am paired with the Senator from Pennsylvania [Mr. QUAY]. I will transfer that pair to the Senator from Indiana [Mr. TURPIE], who is not in the Chamber, and vote "yea."

Mr. DANIEL (after having voted in the affirmative). I have recorded my vote, but I inquire if the Senator from Washington [Mr. SQUIRE] has voted?

The PRESIDING OFFICER. The Chair is informed that he has not voted.

Mr. DANIEL. Then I will withdraw my vote.

Mr. TELLER. The Senator from Washington voted "yea" on the former vote.

Mr. STEWART. He voted "yea."

Mr. DANIEL. Very well; I will let my vote stand.

Mr. BATE (after having voted in the affirmative). Is the vote of the Senator from Utah [Mr. BROWN] recorded?

The PRESIDING OFFICER. The Chair is informed that his name is not recorded.

Mr. BATE. Then I will withdraw my vote. I am paired with that Senator.

Mr. BUTLER. I call the attention of the Senator from Tennessee to the fact that the Senator from Utah [Mr. BROWN] voted "yea" on the former vote.

Mr. BATE. I am informed that the Senator from Utah voted "yea." I will then let my vote stand.

The result was announced—yeas 29, nays 27; as follows:

YEAS—29.

Allen,	Daniel,	Mitchell, Oreg.	Roach,
Bacon,	Dubois,	Morgan,	Stewart,
Bate,	George,	Paseo,	Teller,
Berry,	Hansbrough,	Peffer,	Thurston,
Butler,	Jones, Ark.	Perkins,	White.
Chilton,	Kyle,	Pettigrew,	
Clark,	Martin,	Pritchard,	
Cockrell,	Mills,	Pugh,	

NAYS—27.

Allison,	Davis,	Hawley,	Platt,
Baker,	Faulkner,	Hill,	Sewell,
Brice,	Frye,	Lindsay,	Sherman,
Burrows,	Gallinger,	Lodge,	Vilas,
Caffery,	Gear,	McBride,	Wetmore,
Chandler,	Gray,	Mitchell, Wis.	Wilson.
Cullom,	Hale,	Morrill,	

NOT VOTING—33.

Aldrich,	Gibson,	Murphy,	Turpie,
Blackburn,	Gordon,	Nelson,	Vest,
Blanchard,	Gorman,	Palmer,	Voorhees,
Brown,	Harris,	Proctor,	Walthall,
Call,	Hoar,	Quay,	Warren,
Cameron,	Irby,	Shoup,	Wolcott.
Cannon,	Jones, Nev.	Smith,	
Carter,	McMillan,	Squire,	
Elkins,	Mantle,	Tillman,	

So the motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1341) to prohibit the further issuance of interest-bearing bonds without the consent of Congress.

The PRESIDING OFFICER. The Senator from New York will proceed.

Mr. HILL. Mr. President, before this pleasant interruption which we have had, we were discussing the question as to the probability of agreeing upon a patriotic, nonpartisan tariff bill, and I expressed some apprehension that possibly we might not be able to agree. The question then occurs, if we shall be unable to agree upon any increase of revenue in the immediate future, and this bill should become a law, what would be done in regard to the redemption of United States notes? Mr. President, I pause for a reply from any friend of this bill who wants to explain the situation in which the Government would be, and what course would then be pursued.

Mr. PLATT. I am not a friend of the bill, but does not the Senator understand that the object of this bill is to prevent the possibility of the redemption of United States notes in gold?

Mr. LINDSAY. Or at all.

Mr. HILL. Mr. President, the same difficulty will exist of redeeming them in silver. It is not a question of redeeming them in gold or silver; it is a question of redeeming them at all.

Mr. PLATT. That is very true.

Mr. HILL. It is the question where you would get the silver, let alone where you would get the gold. The President of the United States could not issue silver bonds if this bill should pass. Assuming, then, that this bill is to pass Congress and become a law; assuming, as it has been clearly demonstrated, that you are to have no change in your revenue system for the next two years, which is clearly shown by the attitude of this Senate, what is to be done with the Treasury notes when they are presented for redemption?

Mr. PEFFER. Will the Senator allow me a question at that point?

Mr. HILL. Yes, sir.

Mr. PEFFER. I submit to the Senator, in case the Secretary of the Treasury changes his present policy to one which is strictly legal, and proposes to redeem the greenbacks and Treasury notes with silver coin, in my judgment that would immediately stop all application for further redemption.

Mr. STEWART. We have $50,000,000 for that purpose.

Mr. HILL. The $50,000,000, I have already explained, will last but a short time. The difficulty with the explanation of the Senator from Kansas is that it does not explain. For whom does he speak? Does he speak for the holders of greenbacks?

Mr. PEFFER. No.

Mr. HILL. I think not. He has heretofore in this Chamber disclaimed the idea that he represented the holders of greenbacks, and now is he to step forward and say that they will not be presented for redemption? If they are presented, is the question I put to the Senator. The right to present them is an option which exists not with the Senator from Kansas; it exists with the owners of the greenbacks, and when they present them for redemption with your Treasury exhausted, and with neither silver nor gold, and no means to provide revenue, pray tell me what kind of a

spectacle would then be presented? In what dilemma would the Government then be placed?

Mr. PEFFER. Mr. President——

Mr. SHERMAN. If the Senator will allow me to read him a statement——

Mr. PEFFER. I ask permission to be heard for a moment.

Mr. HILL. The Senator from Kansas seems to have the right of way.

Mr. PEFFER. I will yield to the Senator from Ohio in a moment, but what I wish to say comes in properly at this point.

The Senator from New York speaks about discretion and states that the discretion in this matter of redemption in one coin or the other belongs to the creditor. I insist, in the presence of the Senator from New York and in the presence of our history, that there is no such discretion allowed, and there never has been any such discretion allowed; that the discretion is upon the part of the Government and not upon the part of the holders of these notes. If I made a mistake in the use of the words before I beg pardon, but what I wish to say is this, that the debtor, when he has several different kinds of legal-tender money, has always had in banking history, in business history, in Government history, the right to determine for himself which he will offer in payment; that he may make his own selection and choose the money with which to pay. If that policy were adopted and the interests of the Government would prevail instead of the interests of the speculators and the gold gamblers, then this business of redeeming Treasury notes in gold would stop immediately, and the country would have no further trouble on this subject.

Mr. SHERMAN. I want to read to the Senator from New York a statement in regard to the silver certificates.

The silver dollars in the Treasury are pledged specifically by law for the redemption of the silver certificates. The amount of standard silver dollars to-day in the Treasury is $363,590,000; the amount of standard silver dollars outstanding and in circulation among the people is $348,322,504, leaving only a margin of about $15,000,000. Those silver dollars are all pledged for the redemption of silver certificates alone, silver certificates being payable expressly in silver.

Mr. TELLER. I should like to suggest to the Senator from Ohio, if he will allow me, that we have bullion to the amount of $178,000,000 and more.

Mr. SHERMAN. Bullion purchased by the Treasury notes, which are outstanding.

Mr. TELLER. We have $55,000,000 of silver bullion, which does not represent notes or anything else; and under the system of redeeming the notes in gold there is no sense in maintaining that silver; but there is $55,000,000 of free silver bullion in the Treasury.

Mr. HILL. Mr. President, a portion of the statement of the Senator from Colorado [Mr. TELLER] is a very fair one. All that the Government has——

Mr. TELLER. I would inquire what is not fair in it? The statement is absolutely true.

Mr. HILL. I was referring to the statement in reference to the seigniorage, so called; I mean that it is fair to this question involved. I did not mean to accuse the Senator of any unfairness. Of course he does not suppose I would. The proposition is this: For the purpose of redemption of any kind we have only, first, what we realize from revenue and, second, what we have on hand. That is a very clear proposition. From only two sources have we any redemption fund. First, what we have on hand, realized from revenues and from the sale of bonds, which will in the near future be exhausted by appropriations of the Government. No one denies that. In the second place, you can realize about $55,000,000 seigniorage, which, when coined, belongs to the Government. That is your capital, and that is all. When you use the seigniorage you have nothing left with which to redeem your Government obligations when your gold reserve and other moneys have been exhausted. Now, the question—and I state it again—is not a question of redeeming in gold or silver; it is a question of redeeming at all in either metal.

Mr. STEWART. Will the Senator allow me?

Mr. HILL. I will be more kind to the Senator than he was to me last evening. Yes; I will yield to him.

Mr. STEWART. Mr. President, we have in circulation nearly $350,000,000 now of silver certificates.

Mr. HILL. I would suggest to the Senator not to go clear back to the A B C of the question.

Mr. STEWART. I shall be brief. Those silver certificates remain in circulation and constitute the only good money we have out in circulation.

Mr. HILL. What is the amount?

Mr. STEWART. Nearly $350,000,000 of silver certificates now, which, as I say, is the only good money. It does not come back; it is not necessary to redeem it; it stays out among the people, and does, I think, three-fourths of the entire business of the country.

What would be the condition if we took away the royal prerogative of the Executive to carry on the Government by raising revenue through the issuance of bonds? What would be the situation? That is the question. In the first place, we know very well that silver certificates stay out; that they do not come in for redemption, because they are redeemable in silver. Greenbacks and Treasury notes are also redeemable in silver, and we could convert them into good money if we redeem in silver according to law.

We have now in the Treasury, I believe, about $114,000,000 of gold. We have in the Treasury, which it is the duty of the Secretary to coin, $55,000,000 worth of silver bullion. That would be a pretty good fund to start on and to pay out the silver first. The gold we have got there will last as long as the present law remains if it be kept there. But that is not all. Those silver certificates being such good money that when they come into the Treasury they can be converted by the Treasury, they can be exchanged for the silver itself, and the Government can take the current revenues ad libitum, as they come into the Treasury constantly, and pay out silver certificates, which are coming in daily. They can be exchanged by the Secretary for silver and the silver which is in the Treasury can be used in that way for the redemption of Treasury notes and greenbacks.

The resumption act provides, in the first instance, that the Secretary of the Treasury shall redeem these greenbacks with any money in the Treasury which comes in by way of revenue and is applicable to the redemption of greenbacks. Having in the Treasury one hundred and ten or one hundred and fourteen millions of gold, having a surplus of $55,000,000 of silver bullion, and $35,000,000 more, making $90,000,000, we have over $200,000,000 of available coin for the redemption of outstanding greenbacks and Treasury notes. Inasmuch as a large portion of our revenue is paid in silver certificates, as they come in they are exchangeable at the counter for silver coin, and an abundance of silver coin is constantly coming into the Treasury in that way; and so you have got an endless chain of supply, an unlimited supply, as the revenues come in with which to redeem your greenbacks.

All this act proposes to do is to resume the function of Congress, which has been usurped by the Executive, to provide for the current revenues of the Government. How ridiculous the idea that it is unusual or prejudicial to the credit of this Government that the function provided in the Constitution shall be maintained, that the independence of the coordinate branches of the Government shall be observed, that Congress shall provide revenue; and the idea that Congress is not as patriotic as the Executive and will not attend to it, or that the credit and honor of the Government will not be preserved, is absurd. There can be no question about the duty of taking from the Executive this power, this dangerous power, the exercise of which by Charles I was the principal cause of his overthrow. The raising of revenue by the Secretary of the Treasury without the sanction of Congress was unheard of in a republican form of government until the recent usurpation.

Mr. HILL. Mr. President, I always like to listen to my friend from Nevada. He seems to believe what he says, while some of those, I think, who argue upon the other side hardly can be charged with that. I want to ask my friend from Nevada a question or two.

Mr. STEWART. Then I stand up.

Mr. HILL. Does the Senator see any reasonable prospect of any new revenue legislation?

Mr. STEWART. At this session of Congress, to increase taxes?

Mr. HILL. At this or the next session.

Mr. STEWART. To increase taxes?

Mr. HILL. Yes.

Mr. STEWART. We already have a surplus in the Treasury.

Mr. HILL. About what time will it be, does the Senator think, before we shall have any revenue legislation?

Mr. STEWART. We ought to go on for two or three years; but if it be necessary, before there is any more revenue legislation, with the present law we ought to draw out the $150,000,000 of surplus in the Treasury before we put any more in and take it away from the people. The Constitution has trusted Congress by providing that Congress shall have power over this matter.

Mr. HILL. I did not know but the Senator would be willing to fix some date, say two or three years hence, when there will be a likelihood of some additional tariff legislation.

Mr. STEWART. There will not be any necessity to raise more revenue during this century under the existing law. It will take the balance of the century to draw down the surplus to reasonable proportions. That is settled; and I think we can trust the Congress of the United States in the next century as well as we can trust ourselves.

Mr. HILL. Mr. President, exactly how the Senator from Nevada is going to figure, with no increase of revenue for the next three or four years, with simply the amount of money we have on hand, and with the ordinary present revenues coming in from the sources which the Government has, that we are going to survive,

I can not see, because the amount of money in your Treasury will be substantially exhausted within the next year. That has already been demonstrated over and over again. Bear in mind that if this bill passes we can secure no borrowed money. All the money received by the Government must be from revenues; and I say within the next year your revenues will be exhausted.

Mr. STEWART. Does the Senator anticipate that the deficiency during the next year will be $170,000,000?

Mr. HILL. All the appropriations have not been yet made by this Congress, but the deficiency will be very large. I ask the Senator within what period does he himself think this fund will be exhausted?

Mr. STEWART. I think it will be about four or five years.

Mr. HILL. Mr. President, my friend is very confident; but it will be but a very short period, under existing conditions, when, if greenbacks are presented, the gold reserve will be drawn down. My friend sees no difficulties or dangers to the country in that. Be that as it may, the point I am making is, that while the present deadlock continues, and it is likely to continue for the next year or so, and the Treasury funds become substantially exhausted, what will you do with the greenbacks which are presented? It is not a question of paying in silver. You will not have the silver with which to pay, because, as the Senator from Colorado [Mr. TELLER] says, all the silver that you can possible procure, aside from taxation, is the $55,000,000 of seigniorage in the Treasury.

Mr. STEWART. Oh no.

Mr. HILL. What would you have on hand, then?

Mr. STEWART. We should have the silver certificates coming into the Treasury every day.

Mr. HILL. The silver certificates come in simply as part of your revenue that is all.

Mr. STEWART. Certainly.

Mr. HILL. Precisely. That does not change the situation. The silver certificates must be redeemed in something, and the bullion in the Treasury, other than the seigniorage, is mortgaged for your silver certificates. It does not really belong to the Government. In other words, it is an even thing. They both represent the same thing. The bullion must meet the silver certificate and the silver certificate the bullion. It is not an available fund for the Government for purposes of redemption.

That, Mr. President, is the situation; and there is no Senator who will rise in his place and tell us what is to be done if this bill is passed when the present redemption moneys are exhausted and you have no new revenues coming into the Treasury.

Mr. PEFFER. I asked the Senator a question a moment ago—which I have no doubt he overlooked in the tumult we had here—whether or not in his opinion, if the Secretary of the Treasury should exercise his lawful discretion and say to the people, "We will redeem your greenbacks in silver when we have more silver than we have gold"—if the Secretary of the Treasury would exercise that discretion, if he were to pursue that course, does the Senator believe that there would be any drain upon the Treasury?

Mr. HILL. The difficulty is not as to the question of redemption in gold or silver; the difficulty is that when the Government is constantly running behind it becomes a mere question of time when all the redemption funds will be exhausted.

Mr. PEFFER. The Senator either does not get my meaning or else he is evading an answer. I do not know which. The Senator himself can tell.

I put this proposition first, that the Secretary of the Treasury has the lawful discretion to redeem greenbacks and Treasury notes in silver whenever he wishes to do so in the interest of the Government. Now, I put the question directly to the Senator whether, in his opinion, if the Secretary were to pursue that policy and proposed to redeem these Government notes in silver, would not that course immediately have the effect to stop all runs upon the Treasury? If the Senator answers that question "Yea," then I ask whether or not the revenues which are now being received from year to year would not be sufficient for the next four or five years, at any rate, without a change of the tariff law?

Mr. HILL. The mere fact that the Secretary of the Treasury would announce that he was going to pay the greenbacks in silver would not affect the question one way or another. It is a question of funds, and not a question as to what particular coinage he shall pay in.

Mr. PEFFER. But, again, if this policy is pursued the greenbacks and the Treasury notes——

Mr. HILL. Will the Senator allow me to put to him a question?

Mr. PEFFER. Undoubtedly.

Mr. HILL. About how much are we annually running behind now?

Mr. PEFFER. I do not think we are running behind now. I think we are catching up, to use a schoolboy's expression—that our deficits from year to year are less than they have been in the past two or three years.

Mr. HILL. I will commend that statement to my friends on this side of the Chamber, who would be very glad to have that statement established as a fact. I have heard it disputed upon the other side.

Mr. PEFFER. The best authority in the world that we can have is the President of the United States, who has told us several times within the last year that it is not a question of revenue with the Treasury. The language in one of his messages, if I remember correctly, was this, that we have a comfortable surplus of some sixty-three millions on hand, but it is not gold, and the difficulty is as to gold. The President wants to pay greenbacks in gold.

Mr. HILL. The difficulty will not be with payments in gold or silver in the future. It is a question whether we shall have any adequate fund of either gold or silver. So long as we are running behind our ordinary expenses at the rate of $30,000,000 a year, and with appropriations that are being made here in excess of our revenues far beyond that sum, if we do not have more revenue it is a question of bankruptcy in the end, unless the President calls a halt and refuses to recognize these large appropriations as available at present.

Mr. PEFFER. Again, if the Senator from New York will allow me, the Senator from Ohio [Mr. SHERMAN] has repeatedly expressed the idea that the Secretary of the Treasury has the power, and has frequently exercised the power, and is doing it now, and some of his subordinates are doing the same thing, of refusing to make contracts where there is not sufficient revenue in the Treasury or in process of coming in with which to pay the indebtedness that would be incurred thereby.

Mr. HILL. I am very glad my friend has spoken about that. This, then, is his expectation, that if there is no new tariff legislation, if the revenue law does not produce more than it seems likely to produce now, and if there are no new receipts coming into the Treasury, the public works are to be suspended. That is the way you are going to get money with which to redeem your paper currency. That does it; that solves the difficulty, it is true. Is that the spectacle to which we are invited? Is that the feast to which we are asked to sit down? Is that the way this Government is to be continued, by cutting off the expenditures on account of appropriations which have been made?

Of course that is a remedy. All the President has to do is to stop all the works, to stop every appropriation, to absolutely dispense with them, although Congress has solemnly voted these moneys. What will the Senator's constituents say to that course? That may be the only course left for the Administration of this Government to pursue. That, Mr. President, of course can be done, and all these appropriations cut off. Then of course you will have moneys with which to redeem; but who expects to do that, Mr. President?

Mr. PEFFER. That would be better than selling bonds.

Mr. HILL. Mr. President, it is not better than selling bonds. There is not a dollar of your bond money wasted. If there are public works to be constructed, and you have not got the revenue with which to construct them, you must borrow the money. Of course you must pay some interest upon it. You can not issue your irredeemable Treasury notes, as the Senator voted to do the other day. Of course it is an easy way when you want money to simply issue Treasury notes. That proposition was voted for by several Senators the other day, as though that was a remedy, as though those notes did not represent a debt, as though they had not to be met at some time in the future and be redeemed.

No, no, Mr. President; the stoppage of all the public works in this country will give you adequate moneys to redeem when the source of revenue from bonds shall be cut off. But is that the kind of administration you want? No, Mr. President. An Administration that would voluntarily follow that course must be driven from power.

Now, I appeal to my Democratic friends to observe what the Senator from Kansas, one of the leaders of the Populist party on this floor, wants us to do. He wants to crowd the Democratic party into the condition of cutting off the possibility of raising money by the issuance of bonds, and cutting off the revenues. Then he wants to stop the public works of the country. What show would we then stand against the Populist party or any other party in the Government? And yet some Democrats seem bent upon following just such a course as that, and think they are going to preserve and strengthen the Democratic party. It is folly. It is madness. It is political suicide.

Mr. PEFFER. If the Senator will allow me, he undertakes to state my view, and I have no object in view——

Mr. HILL. You have undoubtedly some patriotic policy in view.

Mr. PEFFER. The Senator is in the habit of coming in between my sentences at such a point as to make them ridiculous.

Mr. HILL. I do not know anybody more to blame for that than the Senator himself. [Laughter.]

Mr. PEFFER. If the Senator will allow me for a moment, he

assumes that my object is to destroy the Democratic party by dishonorable means. I do not want to destroy the Democratic party by such means.

Mr. HILL. I do not accuse the Senator of using dishonorable means.

Mr. PEFFER. I do desire to destroy the Democratic party, and I also desire to destroy the Republican party, but I want it to be done on high grounds, honorable grounds. I want the people themselves to take care of this thing. The old parties will in a very short time disintegrate. The Democratic party now is disintegrating on the money question. It is simply a question of time.

If the Senators who are represented in this matter by the distinguished Senator from New York and their friends would take the course laid down and advised by the Populist party, it would eventually redeem both the Democratic party and the Republican party and bring all the governing forces of the country back to where the fathers used them.

Mr. HILL. And then the millennium will come. [Laughter.] No, no, Mr. President, I do not accuse the Senator of endeavoring to destroy the Democratic party by any dishonorable means on his part; not at all. But he is not doing all this for fun. He has not that intense desire to serve the public that he wants us to believe. He is a shrewd Kansas politician, and a good one at that, and he thinks he can drive the Democratic party into a false and wrong position, that is all, and he is trying to do that; and therefore day after day he is speaking against bonds, bonds, bonds, and not a word about preserving the honor of the Government.

Not a word about insufficient revenue; not a word about the difficulties that confront this Administration. He asserts that this Administration is dishonoring the Government by its course, ruining the people, overtaxing them. Then he says that "we will not agree upon any revenue bill; we will prevent the issue of bonds, and then if you can not run the Government successfully, why, stop all your public works"; and then he expects us to appeal to the people for support. That is a fine scheme mapped out by the Populist Senators. Democratic Senators seem to be following in their lead and apparently expect to be sustained by the Democratic party. No, Mr. President, an unwise policy is sought to be pursued here by those who support this measure.

The other day the argument was made that it was wrong for the President to use the proceeds of the bond sales—that is, the redeemed greenbacks—to pay the current expenses of the Government. After you have used up the $50,000,000 seigniorage coined what would you do then to pay the expenses of your Government? There is no answer to that. There can not be any answer to it. I have suggested a way by which gentleman, if they want to, can stop the use, directly or indirectly, of any of the proceeds of the sales of bonds to pay the current expenses of the Government; and yet you will not adopt that course. You want to keep these greenbacks afloat. You want them issued and reissued. You want an irredeemable paper currency.

I suggested an amendment providing further that upon the redemption of any United States notes the Secretary of the Treasury shall not reissue the same. That settles it. If you object to the President using directly or indirectly the proceeds of bonds with which to pay the current ordinary expenses of the Government, then amend this bill by stopping the reissue of greenbacks, and that settles the question. No, no, Mr. President, they want the greenbacks to be reissued, Under existing law they compel the President to reissue them, and then they cut off the only means, except a limited and insufficient revenue, that he has to properly redeem them. The free coinage of silver does not settle this question of redemption at all, as I have repeatedly explained. It will not fill the coffers of the Treasury. It will simply enable the owners of silver bullion to take the bullion to the Treasury and get money therefor. It does not help the Government one penny. You can coin your seigniorage, and that is all.

Mr. President, as I have said before, there is not any prospect of tariff legislation being enacted—none whatever—now or in the near future. The same combination that prevents it or the same influences that have prevented it in the past will prevent it in the future. Therefore we must meet this question and meet it squarely. This is simply a scheme whereby the President of the United States shall be prevented from redeeming greenbacks as they are presented. That is all there is of it. It is repudiation, pure and simple and undisguised. It can not be evaded. Of course if you had revenues and plenty of them, then it could be done; but when your revenues are exhausted, your money on hand is exhausted, and you can not borrow money, your greenbacks must go unredeemed.

From a party point of view I object to this course. I do not wish to detain the Senate after I have expressed my views fully upon this question. If the Senate wants to pass the bill, it has a right to pass it, and I would not have objected last evening to a vote being had after I had made a few remarks if I had not been suddenly cut off by my impetuous friend the Senator from Nevada [Mr. STEWART], who seems to think he is in league with this side of the Chamber, and he has actually taken a seat here on the Democratic side. My Populist friend the Senator from Nebraska [Mr. ALLEN] announced that this is a Populist measure. My friend from Colorado is over here getting Democratic votes to sustain a Populist measure.

Mr. PEFFER. We always have pickets in a fight.

Mr. HILL. They are trying to pick off the Democrats in the fight. That is the business of the Populists. I do not blame them for being over here trying to disorganize our party, trying to make them follow false gods and false teachers, but I object to Democrats going off and following these men, crazy as they are upon the subject of finance. A man may sincerely believe in the free and unlimited coinage of silver and not believe in this bill. He is not obliged to believe in the pending bill. The most earnest friends of silver can consistently oppose the bill. A sincere friend of silver can well say, "These obligations of the Government must be redeemed in something."

If the revenues are insufficient and there is no prospect of tariff legislation, why forbid the President from borrowing? What will be the result? He can well say from his standpoint that at every opportunity he will vote for the free and unlimited coinage of silver. That is a different thing. That relates to establishing a new system of finances for the country. That affects the volume of money. That affects our general business relations. It may directly or indirectly aid business. That may be true. I am not now going to discuss the silver question proper. But free coinage will not bring you revenues with which to take care of this large volume of paper currency which is afloat.

As I said at the outset, there are those who think that paper money should not be redeemed. There are those who opposed any specie resumption in 1875. There are those who think that bonds are an invention of Wall street. There are those who think that all the money in the country is owned by Wall street instead of by the people. It is useless to address argument to such men. But this bill presents an entirely different question from the gold and silver question proper. It is a question of paper money. It is a question of taking care of that paper money. It is a question of keeping the paper money at a parity with your gold and your silver. You must always keep a fund sufficient to redeem those notes whenever they are presented, and when you cut off these sources of redemption it is repudiation, unless at any time when a man presents one of these notes you are prepared to give him coin in place of it. That is the true position; that is the right position; that is the correct position; that is the true Democratic doctrine.

I have detained the Senate longer than I expected upon this question. If Senators think this is a proper bill, they will exercise their own judgment in voting for it. I wash my hands of the whole business. I think it was unwise to inject it at this session. I think it was unwise for the Democrats to support it in view of the present delicate situation of the party upon the financial question. I have avoided as far as I could any discussion of the gold-and-silver question proper, which I say is not involved in this matter. We have difficulties enough to contend with without adding this.

Mr. President, let it once be understood that the party to which we belong is attempting to cripple the business of the country by not maintaining a sufficient fund with which to redeem the paper currency, and there is an end to our prospect of success. We may as well count the days until we shall retire permanently from power. Sir, all my ambitions and all my hopes are involved in the success of that party to whose support I have given the best days of my life. It is said I represent in part a great financial center of the country. I beg to remind my Democratic friends that the city of New York but once in its recent history has given a Republican majority, and that was upon a local issue. In the days of our distress, when other localities disappointed our expectations, the great stronghold of Democracy has been the city of New York. It has saved the country by its immense majorities on many an occasion. Thousands and thousands of business men, its bankers and its merchants, have maintained their fidelity to the Democratic cause. They differ with you upon the details of the financial question, but they are loath to believe that you are in favor of irredeemable money. Do not attempt to convince them that they are wrong.

Mr. President, we can not maintain our party in the North—in the Middle or Eastern States—upon any such theory. Let it be understood that we shall provide ample funds at all times with which to redeem our paper currency, and then we will solve the gold and silver question satisfactorily thereafter, and we can maintain the grand old Democratic party, which in the history of the country has done so much for its glory and its honor.

Mr. HAWLEY. Mr. President, we should consider this question as if we were the only legislative body, the supreme and final authority, in the United States. It is altogether wrong and quite useless to be thinking of some cooperative body or of some executive

officer who shall remedy the wrong we do. We are responsible, and shall be held to be responsible. We shall deserve just as much of glory or of infamy as if we alone had passed and executed such a law.

Now, what is this great deliberative body, which has managed to keep the respect of the country for a hundred years, about to do by the coming vote? What is the situation? This is the bill:

That the issuance of interest-bearing bonds of the United States for any purpose whatever without further authority of Congress is hereby prohibited.

It is a short, absolute, sweeping, thorough bill. What are the obvious facts, that need not be dwelt upon? Everybody, every intelligent boy, knows that the revenue is largely insufficient, and that it has been for some years. In the next place, the Senate refuses even to consider a revenue bill. I am disregarding party lines. I am talking about the Senate and not the Democratic party or the Populist party or the Republican party. The Senate refuses to consider even for a moment a revenue bill.

In the third place, the Senate is about to forbid the Government from borrowing money for any purpose whatever. Does anybody need to be told what these things mean? Now, the Senate, I say, can not avoid the responsibility which will remain upon us; and, in my judgment, if we carry this bill through, whether it becomes a law or not, it will be one of the foul spots—the foul spot, the only foul spot, I may say—on the record of this great body, that in the opinion of the Senate it is for the good of the country that the bill shall become a law.

I positively, with all respect for my honored colleagues, can not believe that that is the real belief of the Senate. It is horrible; it is altogether impossible. I would resent the charge if I were on the other side of the globe and heard somebody say the Senate was about to do such a thing. We might just as well say that we will not pay bonds as to say we will not issue bonds; for we can not redeem existing bonds; we can not pay them without issuing others, for our revenue is deficient.

Now, Mr. President, this is repudiation—and nobody has shown it better than has the distinguished Senator from New York [Mr. HILL]—this is bankruptcy; this is anarchy; it would be infamy.

I have nothing to add, desiring only to place on record my total and earnest disapproval of the measure.

Mr. MILLS. Mr. President, I have listened to-day to two of the most extraordinary addresses I have ever heard in my life. I have heard a three hours' argument made by the Senator from New York [Mr. HILL] to the effect that it is the duty of the Government to borrow money to carry on its ordinary expenditures. I have heard a plea from him and an impassioned exhortation by the Senator from Connecticut [Mr. HAWLEY] denouncing the effort to take out of the hands of one man in this country the extraordinary power to enslave its whole population, that the greed of foreign and domestic money changers may be satisfied.

It has been seriously maintained in this body that the American people are incapable of sending representatives to their Legislature who will have the integrity and the capacity and the patriotism to levy taxation to obtain revenue to carry on the Government. It is assumed and gravely assumed by the distinguished Senator from New York that the present Congress, the Congress to come, and the one to come after that, and all the other Congresses, I suppose, will pass no law for the raising of revenue by taxation to meet the current expenses of the Government, and it is argued that this extraordinary power must remain upon the statute book, allowing the Secretary of the Treasury to sell a thousand or two thousand millions of bonds, or three or five thousand million dollars of bonds, the limit only to be defined by the measure of the greed of those who wish to have investments in the blood and sweat of the American people.

Mr. President, if such a scheme had been proposed a hundred years ago to our fathers, they would have denounced it in the Senate of the United States.

Mr. HILL. Will the Senator from Texas allow me?

Mr. MILLS. Certainly.

Mr. HILL. Does the Senator think that the present Congress is likely to agree upon some revenue bill?

Mr. MILLS. It does not make any difference about what the present Congress is going to do. If the present Congress does not do its duty to the people of the United States, the people are still sovereign and every element of their power is unwasted, and they will send to Congress those who will do it.

Mr. President, when the Constitution was formed it placed the power in the Congress to lay and collect revenues for what purpose? To pay the debts, to provide for the common defense and general welfare of the Union. One of the grandest of all the statesmen this country ever produced said he would make but one amendment after the Constitution was formed, and that was to take from the Government of the United States altogether the power to borrow money. Why is it that the Senator from New York and the Senator from Connecticut do not help us to lay and collect some duties, some excises, in order to pay the debts and provide for the common defense and general welfare of the United States? Why do they not support propositions to raise revenue by taxation to carry on the Government, and why have both of them and the forces behind them opposed at all times all efforts to lay just and equitable duties and excises upon the property-owning people of the United States to help to support the burdens of this Government?

The Senator from New York has been a conspicuous advocate and defender of the moneyed interests of this country. He refused to vote for the tariff bill which is now upon the statute books. He would not vote for an income tax. The Senator from Connecticut would not vote for an income tax. He would not vote to put an internal-revenue tax on manufactured articles which brought in a hundred and thirty-odd million dollars a year during the last years of the war and just after it was over; but it was swept away. It was said that it was an inquisitorial tax, because it struck the wealth of this country. I will vote with him to-day and every day that I stay here, and I will vote with the Senator from Connecticut every day to put a direct tax on these protected manufactures and take a part of the protected price from those goods and put it into the public Treasury. But I will not get any support from the Senator from Connecticut, nor will I get the vote of my distinguished friend the Senator from New York. They will not vote for any tax on wealth. They will pile the tax to exhaustion on consumption, which falls on the poor people of this country, which falls by indirection, so that they do not see it when it comes. They only know there are hard times. They only know there is a want of employment for labor. They can not see how the blow is coming, but it comes because this is the only Government on earth which excuses all wealth from taxation and puts the whole burden upon the backs and shoulders of the laboring people of the country.

Mr. HILL. I understood the Senator from Texas to say that I would not second his efforts to pass a proper revenue bill. I think that is the charge, is it not?

Mr. MILLS. Let the Senator make his charge.

Mr. HILL. Is not that it in substance?

Mr. MILLS. Let the Senator make his charge, whatever it is, and I will answer it.

Mr. HILL. I am asking if that is not the charge.

Mr. MILLS. I do not know what the charge is. Let the Senator himself make it.

Mr. HILL. I suggest to the Senator whether in his patriotism he would be willing to vote for a duty on wool, as the Senator from Mississippi [Mr. GEORGE] said he would?

Mr. MILLS. I do not want to vote for a duty on wool, and I do not want to vote for a duty on woolen goods.

Mr. HILL. That shows the difficulty there is in agreeing upon our own side.

Mr. MILLS. No, the Senator is not talking about me. He is talking about the Senator from Mississippi. He is avoiding the issue.

Mr. HILL. I am simply showing the difficulty of agreeing upon a tariff bill and the unlikelihood of any bill being passed at this session or the next session of Congress.

Mr. MILLS. Very well. There is just as much difference between the Senator from New York and the Senator from Mississippi as there is between him and myself. We differ about those things. The Senator from Mississippi feels that wool ought to be taxed. I do not, and I have my reasons for it. I know very well that if you put a tax on wool, you have to put what is called a compensatory duty on woolen goods; and I know the whole of it goes to the manufacturer and that the woolgrower does not get a cent of it, and he never has.

The Senator from Mississippi perhaps does not think so. He has not investigated the question as much as I have. It does not occur to him that if we put a tax on wool we have to raise woolen goods in the same proportion. If you do not do it, and permit wool to come in untaxed and woolen goods to come in untaxed, you destroy all the woolen manufactures in this country, and our wool will have to be exported to a foreign market to be manufactured, and instead of having the advantage over the foreign woolgrower that he has to pay the cost of transportation to the United States in order to compete with us, we shall have to pay the cost of transportation to the foreign market to compete with him there.

Mr. GRAY. It all falls on the consumer.

Mr. MILLS. I do not want to be drawn off to these side questions.

All this most remarkable plea, all this most revolutionary and un-American plea, for bond sales are based upon the assumed proposition that you can not pay the Treasury notes of the United States in anything but gold, notwithstanding they are made payable in coin by the declaration of law. It is said if we pay in silver the silver will soon be exhausted. We have had day by day for months, for a year, a surplus of some twenty-five or thirty million standard silver dollars in the Treasury, over and above all the outstanding silver certificates, which may be applied in the

redemption of these notes; and, as I said once before, $1,000,000 is enough.

Do you suppose, Mr. President, or does any other sensible man suppose, that the holders of the greenback notes will present them for redemption in silver? The greenback is every bit as good in the whole circulation of this country as the silver dollar. What object could there be in the exchange? There would be an object in asking for gold. Paper is more convenient than silver, and that is one of the first requisites of circulation. Nobody will come to the Treasury to exchange a Treasury note, which a man can put in his vest pocket, for a thousand dollars in silver that he will have to hire a conveyance to transport. No, sir; that is not in the play. What he wants is gold, and he wants the gold because the Government has not got it. He wants the gold because he can compel the Government to sell him bonds. He wants the gold because if he can get the Government to agree that he shall be paid in gold alone he can compel the Government to pay him interest, and he can secure a profitable investment for his idle money; and for large capital there is no such investment as the bonds of an honest government, a rich government, and a powerful and prosperous people like ours.

Mr. President, does it not seem a most absurd contention on the part of the Senator from New York and those who agree with him that these notes must be redeemed in gold and gold alone, and the power to sell bonds for gold shall remain upon the statute books in order to provide the country with revenue for its current administration, when it has been denounced to us by high authority as an endless chain; that it takes the gold out of the Treasury; that it puts back the gold again when the bonds are sold, and the endless chain puts out the gold again, and day by day and month by month and year by year this monumental pile is heaped upon the shoulders of the American people and upon their children, born and unborn, in order to constitute an investment to the bondholders, foreign and domestic? It does not serve the purpose for which it is contended here. The President has said to us that he does not need any money for current expenditures. He has said that he had a comfortable surplus. I do not agree with him. I agree that money is needed. At one time it seemed as if the deficit was falling away and that we would come to a par between expenditures and receipts by the 30th of June, 1895. But that has been dissipated, and we do need more revenue to meet the current expenditures of the Government. If this Congress does not afford it the next one will. The people will speak, and speak so as to be heard, and speak so as to be obeyed. If they do not, then all of our theories about the capacity of the people for self-government will have been exploded, when they permit their Government to fall because it has not energy enough in its legislative branch and has not power and virtue enough in the constituency to send men to Congress who will make the proper levies of taxation and appropriation to run the Government.

But, Mr. President, it is a strange sort of contention for a Democrat on this floor to become the enthusiastic advocate of bonds. I was prepared to see the Senator from Connecticut [Mr. HAWLEY] get up and denounce as repudiation the effort to repeal this most extraordinary war power placed upon our statute books, that gives to one man the power at his pleasure to enslave the whole nation, because by the sale of bonds for thirty years, as he has been doing, he can sell a thousand million or ten thousand million dollars' worth; and there would be a cry of repudiation, indeed, if the people could not pay the interest and pay the principal of that debt. But the Democratic people who originated the party to which the Senator from New York and myself belong began early in this century to teach to their children and to teach to the people of the United States the great evil of a bonded debt. They have told us that one generation has no right or power to bind another; that each generation comes upon the earth and is entitled to its enjoyment as long as it lasts, but that it must leave the earth to its successors unencumbered.

They have told us of the facility and warned us against the evil of increasing the bonded indebtedness. The bonded indebtedness of this country in the earlier stages of the Republic was paid rapidly. The bonds ran for only short periods, and it was made the duty of the legislature to lay and impose a tax consecrated to the extinguishment of that debt within a reasonable time and emancipate the American people. But, strange to say, when one century has gone, we see rising in the Senate of the United States a great leader of the Democratic party, who tells us it is one of the main features of the Democracy that we must obtain the money to support the current Administration of the Government by selling interest-bearing bonds, and argues to say that we can not pass a tariff-tax measure; that we can not pass an internal-revenue-tax measure; that we can not pass any measure of taxation that raises revenue of any kind at all; that we are utterly incapable; and assuming that as a fact, he labors for three mortal hours to impress upon the Senate of the United States the importance of selling bonds to meet the current Administration of the Government and continue to do it. If we should adopt that policy, the fool killer ought to be turned loose on the Senate; we are unworthy of the position we occupy here; we are unworthy to be called Senators by a free American people; and the American people will not be long in discovering that we are unworthy to hold the position to which they have accredited us.

I am not to be alarmed, Mr. President, by the denunciations of the Senator that this is Populist doctrine. This was the doctrine of the Democratic party before the Populist party was in the eggshell, before it was ever dreamed of. It was advocated by Democrats eighty years ago—sixty, fifty, forty, thirty, twenty years ago; and it has come down to us as good American doctrine, the doctrine of the people. I am not to be driven away from the cardinal doctrines of free government and just government by the characterization of the Senator from New York that I am following the leadership of the Populists. The Populist people I do not think are entirely beyond the hope of recovery. They do some things and they advocate some things, and many things, to which I disagree, but they do occasionally fall in line with some good old-fashioned Democratic doctrine, and whenever they do I am willing to meet them and to share with them the honors of carrying into effect the Democratic policies of our fathers. The Populist people do not believe in irredeemable national-bank notes; they do not believe in a currency issued by corporations for the benefit of corporations; they do not believe in giving to corporations the power to contract and expand the currency. They sat at the feet of Democracy and learned in those lessons the doctrine of the fathers of Democracy. It was the doctrine of Andrew Jackson, and it was the doctrine before Andrew Jackson. Yet, with all the strong denunciation and the long denunciation of irredeemable paper money by the Senator from New York, he confined himself to the Treasury notes and never once spoke about the irredeemability of national-bank circulation. Is not that as irredeemable as the Treasury notes? It is redeemable by law in the Treasury note, and if the Treasury note is irredeemable, the bank note that is redeemable in an irredeemable note must be irredeemable, too.

Yet the Senator did not give us the benefit of his opinion upon the subject of national-bank notes. The Senator wants a monumental national debt. He wants it as a pedestal, as a foundation, upon which to erect a mammoth and monumental system of national banking in this country and turn the whole circulation of the country into the hands of corporations with the power to contract and expand as much as they please and when they please, and they always will please whenever it is to the interest of their pockets either to expand or contract, to expand and put prices up and contract and tear them down, and sell out the country and pocket the profits of the transaction. Yet there is no condemnation of that. He was as "gentle as any sucking dove" when he was talking about irredeemable paper money.

Now, the great value of the Treasury note is that the power to contract and expand is in grasp of the representatives of the people. It is a power that can not be exerted without the representative feeling the strong cord of responsibility that ties him back to his constituency. He has got to be called to account for his action in that respect. But the national bank corporations are responsible to nobody but to the stockholders. They want to drive the silver out of circulation; they want to drive the greenbacks out of circulation; and then they will occupy the whole field with gold as the only basis. But tell me when in the history of this country the banks did not drive the gold out too? When, in the history of this country, since banks have been created with a power to contract and expand the currency at their will, did it not drive both metals out of circulation and give the people wildcat currency worth 10, 15, 20, 30 cents, sometimes nothing, in the dollar? Prices go away yonder and then they commence contracting. They hold their annual association. They agree about what they are going to do. They understand their business thoroughly. It is a very intelligent corps of people. They do not fight upon that question because they know that they are very vulnerable upon it, and they direct all their shots on the credit of the country, pleading for the maintenance of the national credit; demanding bonds in order to keep up the credit of the country.

Suppose you carry on the business of selling bonds until you can not pay what you owe; you can not pay your principal, and your bonds go to protest. Your people are too poor because the whole wealth of the country is excused from taxation. Not a dollar rests upon land, not a dollar upon personal property, not a dollar upon railroad and bank stocks, and all those things, in order to support an Administration that requires from five to six hundred million dollars a year. It all falls upon consumption, on food, on raiment, on shelter. This whole burden falls on the strong arm of the laborer, the mechanic, the cabinetmaker, the blacksmith, and the farmer at his plow.

It is a very easy thing to get up in the Senate of the United States and talk in great, round, eloquent numbers about public credit while you are enslaving the people. What is all this aggregation of wealth in the East, from whence the Senator from

Connecticut comes, who denounces our action here as repudiation? His face was almost swollen with rage while he denounced the effort to emancipate ourselves from this most extraordinary power as an act of repudiation. How is it that that is the money-lending section of the country? Is it as rich as your delta of the Mississippi? Is it as rich as your fertile lands in Alabama? Texas raises about one-third of the cotton of the whole United States and one-fourth of the whole world, and yet with all of these advantages she can not accumulate wealth; but New England, New York, the great manufacturing centers, are the money-lending and the banking sections of the country.

They have got the money. It is through legislation, it is by the infamous system of taxation that excuses the wealth and property of the country and puts all the burden upon labor, that destroys our markets and grants them a monopoly to sell at exorbitant prices. How sickened we are occasionally when we see an account in our newspapers of some American girl being sent to Europe to be sold for a title, despising the institutions of the country where she was reared, despising the people from whose pockets she has been enriched, so that she becomes an object of sale, her father and mother exposing her to the highest bidder all over Europe to be bid for by dukes and counts and earls and nobodies, whoever they may be, who have a title. All this business of piling up great bonds and concentrating great wealth and establishing a system here by which the poor are made poorer and the few are made richer is tending all the time to undermine the institutions of the country. It is tending to let down the whole great democratic fabric of this Government, and it is one that as long as I stay in public life I shall oppose with all my might.

Mr. President, all this extraordinary devotion to the enslavement of the American people by piling upon them interest bonds I would have expected from the other side of the Chamber—the men who come here to represent the great corporations, manufacturing and banking and others; but of the men who come here confessing the creed of equal and exact justice to all as the first and fundamental element of a Democrat, I am a little surprised that my distinguished friend from New York should be the advocate and defender of the system. It is the duty of the American people, through their representatives in the Senate and House, to pay their bonded debt and stop the interest as rapidly as possible. When my friend from Ohio gets up his filled-cheese bill, I give him notice now that I am going to test the sincerity of some of our people on this floor by offering to fill in a little more of that bill, and to put an internal-revenue tax on the manufactures of iron, and steel, and copper, and lead, and zinc, and all the metals, and cotton, and wool, and flax, and hemp, and jute. All these are protected. You have enormous duties levied upon the people that places an enormous amount of revenue in the pockets of these protected classes. I want you to pay some of them into the public Treasury, and there I want it to remain, pledged as a fund for the purchase and redemption of the bonded debt of the United States. We shall then see who is in favor of equal and exact justice to all; who is in favor of emancipating the people from this cancer (Jefferson called it a cancer) which is eating at the vitals of the people. The people want that debt paid. They want the interest stopped. They want the requirements of the sinking fund religiously observed until that debt is extinguished. They want to see the expenditures of this Government on account of its debt lessened, and all its expenditures lessened, and they want to see it come down to an honest, economical administration of public affairs, and the money to support it taken by a just system of taxation.

Mr. STEWART. Mr. President, in discussing this question it may be well to understand what the law and the facts are. That will have something to do with this question as well as rhetoric. By the law certain duties are imposed upon the Secretary of the Treasury in the redemption of United States notes. I read now from the resumption act. After providing for resumption, or making it the duty of the Secretary of the Treasury to redeem Treasury notes on the 1st day of January, 1879, the resumption act provides:

> And to enable the Secretary of the Treasury to prepare and provide for the redemption in this act authorized or required, he is authorized to use any surplus revenues, from time to time, in the Treasury not otherwise appropriated, and to issue, sell, and dispose of at not less than par, in coin, either of the descriptions of bonds of the United States described in the act of Congress approved July 14, 1870, entitled "An act to authorize the refunding of the national debt," with like qualities, privileges, and exemptions, to the extent necessary to carry this act into full effect, and to use the proceeds thereof for the purposes aforesaid.

The act of 1890, under which the Sherman notes were issued, makes those notes redeemable in gold or silver coin at the option of the Secretary of the Treasury, but the third section of the act declares that the Secretary of the Treasury shall coin sufficient of the bullion purchased under the act to provide for the redemption of the notes issued thereunder. So all the obligations of the United States are redeemable in coin.

The bonds are expressly payable in coin, principal and interest. It was so declared, ex industria, in the act of July 14, 1870. It was provided in that act that the bonds authorized therein to be issued should be paid in coin of the then standard value. The coin at that time consisted of silver dollars containing 412½ grains of standard silver, and the silver dollar was the unit of account at that time. The gold coin was of a larger denomination. That was the law, and that is printed on every one of the bonds of the United States now outstanding. There is no mistake about what the law is. Then the Secretary is authorized to sell bonds to buy coin when there is not sufficient coin in the Treasury coming from the ordinary revenue with which to redeem these greenbacks.

There never has been any authority to issue bonds to redeem Treasury notes of the act of 1890. On the contrary, there is a prohibition against selling bonds for that purpose, because the act provides how coin shall be obtained. It is to be obtained by the coinage of the silver in the Treasury, and that by implication excludes any other mode of obtaining coin for that purpose. That he may sell bonds to buy coin to redeem the greenbacks when there is not enough in the Treasury there can be no doubt.

Now, what is the condition of the coin in the Treasury? In the first place, the cash balance in the Treasury, in round numbers, is $270,000,000. Of that $270,000,000 there is about $114,000,000 of gold coin. I can not state the exact amount, because gold is going out every day. There is about $114,000,000 of gold coin. The Treasury statements show that there has been issued $350,000,000 of silver certificates—I speak only in round numbers—that there is in the Treasury some 374,000,000 silver dollars, leaving 24,000,000 silver dollars in the Treasury for which no certificates have been issued. There is also in the Treasury, say, $11,000,000, speaking in round numbers, of silver certificates. These silver certificates may be exchanged by the holders for silver dollars. The Government can exchange them for silver dollars whenever it is convenient to do so. That makes 35,000,000 silver dollars available for redemption. In addition to that, there is $55,000,000 of uncoined silver in the Treasury, which it is the duty of the Secretary to coin, making, in round numbers, $90,000,000 of available silver and about $114,000,000 of available gold for redemption purposes.

The President of the United States informs us that there is abundant revenue; that there is no necessity to sell bonds except to get gold. We say that there is no necessity for that purpose, because the law expressly provides that these obligations may be paid in silver. That question was solemnly decided by nearly a three-fourths vote of the two Houses of Congress in 1878. It is plainly written in the law. No man can mistake the law in that regard.

Then we find ourselves with $270,000,000 cash balance, nearly $100,000,000 of which is silver and over $100,000,000 gold. Can anybody suggest a possible reason for the sale of more bonds? There was no necessity for the last sale of bonds, or the one before it. There was a surplus then in the Treasury, as the President of the United States informs us. The reason for selling bonds is to discriminate between the two coins and violate the platforms of both parties. Both parties have declared over and over again in their national platforms that they were in favor of the use of both gold and silver as money, without discrimination; and the only reason for selling bonds now is to enable the Secretary of the Treasury to violate the law. He is only authorized to sell bonds to the extent necessary to buy coin when there is a deficiency in the Treasury. There being no deficiency in the Treasury, it is a bald violation of law, and he has been violating the law.

The other reason I have given for selling bonds is to discriminate between gold and silver and to degrade silver. If the law on the statute book had been observed there would have been no panic in 1893; there would have been no raid on the Treasury to get gold for the gold gamblers, because there has been at all times ample provision for silver to meet all the Government obligations. We know very well that if the law had been executed there would not have been a word said; nobody would have made or pretended to have made a raid upon the Treasury, any more than they did upon the French treasury or the German treasury, which were situated precisely as our Treasury. There they have the option to pay in either gold or silver. They tell all comers, "If you demand gold for export we will pay you in silver." Their credit was not injured. If this law had been executed, the credit of the United States would have been preserved. It is the repeated violations of law, after the Secretary has piled up the money of the country to lie idle in the Treasury, thus ruining business, and the scandals which have been created by the sale of bonds, which have affected the credit of the country more than anything else. The scandals with regard to the mode of disposing of these bonds have gone on from year to year.

After all this, Senators say it would be repudiation to stop this Executive usurpation; it would be repudiation for Congress to assert its power under the Constitution. Nobody believes that Congress does not have the credit of the nation at heart as much as the Executive. Besides that, legislation is delegated to Congress as a coordinate department of the Government, and it is its duty, from which it can not shirk. The idea, the pretext here,

that Congress will not do its duty, and therefore we must abdicate our duty and let usurpation go on in the land, is not to be entertained.

I have heard statements here this morning about the revenue and the passage of bills for its increase. It was said that parties in this Chamber could not agree upon particular methods, and therefore we should allow the President of the United States to exercise the same powers which Charles I and other usurpers have exercised—to raise revenue without authority of law. I say that no Senator can maintain for a moment that there is not sufficient revenue in the Treasury; and if the Secretary of the Treasury has any power to issue bonds, either for gold or silver, it is only to the extent necessary to get coin. Does anybody say that with $270,000,000 in the Treasury—$200,000,000 of coin or bullion convertible into coin—there is any necessity to issue bonds to buy coin to redeem those notes? Everybody knows there is no such necessity; and when it is admitted that there is no such necessity then it follows that there is no such power.

We have allowed this to go on without rebuke. At whose behest has it been done? It is not the people who are suffering for coin, not the people who are suffering for a circulating medium, not the people who are ground to powder by the gold gamblers and the money changers who manage the affairs of this country, who want these bonds sold. It is those who speculate in them, those who make their $10,000,000 out of them, who want bonds sold. They control the banking fraternity on the other side of the Atlantic, and the banking fraternity on this side of the Atlantic controls this Government and compels it to violate the most sacred laws, compels it to issue bonds when we have a surplus in the Treasury, compels it to issue bonds for speculative purposes contrary to the plain provisions of the law.

This is a dangerous power. It never was intrusted by the Constitution to the Executive; it never can be intrusted in any free government to an executive. It is the highest legislative function to raise revenue either by taxation or by borrowing money. Place in the Executive the power to borrow money, and your liberties are gone. Liberty can not exist where that power exists, because it makes the Executive supreme. He is the Commander-in-Chief of the armies and navies. Give him command of the revenues of the Government by the unlimited power to borrow money and you have a despotism as rank and as extensive as any other ever created on the earth. There never was a more bold defiance of law and usurpation of power than the issue of bonds to buy coin and to redeem the greenbacks when there was ample coin in the Treasury and when there was no authority to issue the bonds, because they can only be issued to the extent necessary to provide coin.

Now, the plain proposition is, Will Congress assert its legislative function, or will it go on and let the Executive issue more and more bonds and have more scandals?

Talk about the credit of the Government! The credit of the Government has been more injured by violation of law than by any other cause. All that has injured the credit of this Government for the last five years has been the violation of law and the declaration that we were insolvent. The Governments of France and Germany were not injured by executing the law. If we had executed the law there would have been no raids on the Treasury.

These bond dealings are bringing the Government into disrepute. See how the bankers of Europe distrust this country, distrust our finances, distrust our solvency, because we proclaim ourselves insolvent—with a Government like ours, with $1,100,000,000 of circulating medium in silver and in paper, dependent upon what gold we can borrow. Of course we have no credit. Our credit has been destroyed by the administration of the Government, and our credit will never be restored until Congress makes laws and sees that they are executed—sees that they are not violated. There is power in the two Houses of Congress to require the Executive to obey the law. The machinery is provided when usurpation occurs; and to stand idly by and give up these powers to the Executive is entirely wrong.

I tell you, Senators, there is nothing which shocks the people of the United States so much as the issue of bonds by the Executive without Congressional sanction. There is nothing which alarms patriotic men so much as this. Can anybody believe that Congress will not make proper preparation and provision for emergencies? I claim the provisions of law are sufficient, are ample, that the revenues of the Government will be sufficient for years, according to the present rate of deficiency, and that this surplus ought to be drawn out of the Treasury. I say that the suggestion which has been made in the Senate that we tax the shirts off the backs of the American people so as to make them pay something they did not agree to pay in order to maintain the credit of this Government is an outrage, when the Executive declares that we have no credit, when the Executive makes his own laws, and when we lie supinely by and do not resist his usurpations.

It would be hailed with delight if Congress should pass this bill and put an end to these scandals and to these usurpations. Let the legislative department of this Government assert its independence. We must have three departments or we have no free Government. Everything now is done at the other end of the Avenue; nobody dares speak out against this usurpation. I am glad this question is before the Senate face to face, and I believe it will be answered manfully and independently.

Mr. LODGE. Mr. President, I have no desire to protract this debate; but on a bill which seems to me as dangerous as this bill, I desire to state my own position very clearly. I do not think the question is one that lends itself to much debate. The use of gold or silver, the question of money standards is not involved, still less is the question of the proper policy to be pursued in regard to the tariff. It is a plain question here of honesty and good faith. We know, as a matter of fact, that the Government revenues are short and show a monthly and annual deficit; we know that the Senate is unable and unwilling to pass a bill to give the Government additional revenues. If this bill passes it means that we shall not only be placed in a position where we can not redeem our coin obligations, but that we shall be unable to meet the just debts incurred in the ordinary running of the Government. This bill means the practical repeal of the resumption act, for it takes away the power to sustain the reserves of the Treasury given by that act. It will amount in six months to a virtual repudiation.

Mr. President, I am well aware that this bill, if it passes the Senate, will not pass the House of Representatives. It is true that a Republican House would kill this bill if it ever allowed it to come to a vote. It is equally true that a President, at least nominally Democratic, would veto it if it ever reached him. It is also true that the performances of the United States Senate in regard to the great question of revenue and the great question of the public obligations have been such as to prevent people from giving much weight to what the Senate does. But when business is in the condition that it is now men do not stop to reason too carefully; and it will go out to the world, if this bill passes, that the United States Senate has deliberately voted to put the Government in such a position that it can by no means whatever meet its current obligations or pay its coin notes. That is what this bill means.

Mr. BUTLER. I should like to ask the Senator a question at that point.

Mr. LODGE. I decline to be interrupted. I should like to finish what I have to say.

The VICE-PRESIDENT. The Senator from Massachusetts declines to yield.

Mr. LODGE. It amounts to a direct repudiation. That will be the effect. Business is very bad, it has been very bad; men are very sensitive; business is very sensitive. The action of passing this bill will be another blow to the business of this country. If it passes here to-day or to-morrow you will see a repetition of the alarm, the fear, the panic, which have beset business at different times during the last two or three years.

The only plea I desire to make at this moment is that the Senate should spare this blow to the business of the country. We know here, if it is not understood elsewhere, that this bill can never become law; that it can not pass the House of Representatives; that it can not, if it passes that House, get by the President's veto. We know that it is merely an exhibition of a certain power in this Senate; and although it is a miscellaneous Senate, without party cohesion or party responsibility anywhere on these questions, nevertheless this action will be disastrous and injurious to the already stricken business of the country.

I hope, Mr. President, that the Senate will at least spare the country this last blow to its business. Why should we alarm business further by taking this perfectly useless and yet menacing and dangerous action?

I have nothing further to say, Mr. President. I only wished to make my earnest plea that the Senate would not pass this dangerous and dishonest bill, which can do infinite harm by its passage here, although it can by no possibility become law.

Mr. CLARK. Mr. President, I rise for information only. I am impressed by the speeches that I have heard with the importance of this vote. I do not desire to give my vote to any bill or any policy that means repudiation; I do not desire to give my vote for anything that means dishonor to the credit of this nation; I do not desire to give my vote to anything that savors of anarchy. I care nothing for prophecies of evil to come. I am impressed by the reasons which have been given against this bill; and if they have their foundations in fact, I desire to vote against the bill, and I should be glad to ask the Senator from Connecticut [Mr. HAWLEY] if he were in his seat; but, as he is not, I take the liberty of asking the Senator from New York in good faith if there is anything in this bill, from the Calendar number at the top of it until the bill closes with the word "prohibited," that prevents the Government of the United States from borrowing every dollar that is necessary not only to redeem the greenbacks, but to pay the current obligations of the Government?

Mr. HILL. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from New York?

Mr. CLARK. I asked a question for information, hoping that it might be answered.

Mr. HILL. The act of 1875 is the only authority upon the statute book which gives to the Secretary of the Treasury the right to issue bonds for any purpose whatever; and if that act shall be wiped out, no bonds can be issued for any purpose. I state that upon my investigation of this subject. The Secretary of the Treasury a year ago suggested to Congress, and the House passed, a measure which provided that there should be authority in the Secretary of the Treasury at all times to issue certificates of indebtedness for the purpose of meeting temporary deficiencies in revenue. The recommendation of the Secretary of the Treasury was not complied with. A bill did pass the House of Representatives in reference to that subject, but it did not pass the Senate, and therefore there is no authority whatever for the purpose of raising money to supply temporary deficiencies.

Mr. CLARK. I am obliged to the Senator for the candor of his answer, because it convinces me of my own opinion as to the necessity of the passage of this bill and as to its passage at this time. In voting for this bill I shall vote as though the Senate of the United States were the final arbiter of this question. I will not assume to say that the Republican House of Representatives will not stop an Administration in its mad career of selling bonds upon every provocation without the consent of Congress.

I understand that this bill means to cut off from the Chief Executive and from the Secretary of the Treasury the right, at their own will and at their own pleasure, whenever they shall see fit, to sell interest-bearing bonds of the United States for the purposes of resumption, or for any other purposes whatever. To that I have been unalterably opposed, and I am now unalterably opposed to it. I believe, if it has never been a bad policy for this Government before, that the circumstances, that the scandal, that the infamy, if I may say so, of selling bonds within the last twelve months should appeal to the Congress of the United States to take that power from the Executive here and now and forever.

The Congress of the United States has patriotism enough, Mr. President, in my judgment, to see that no repudiation shall come upon this Government. Our obligations having been issued by the authority of Congress, Congress will see to it that they are not repudiated.

Mr. HILL. Will the Senator permit me a moment?

Mr. CLARK. Certainly.

Mr. HILL. Does the Senator have that confidence in the judgment and ability of this Congress to agree, that if to-morrow there should be a raid made upon the Treasury for the redemption of greenbacks, and there should not be sufficient money in the Treasury to meet it, this Congress would give authority to the President to issue bonds?

Mr. CLARK. I am not prepared to answer for Congress.

Mr. HILL. Then what would be done?

Mr. CLARK. I am prepared to answer for myself; and while the silver question, in my judgment, enters not into the consideration of this matter, and while I bow to no man in my allegiance to silver, I will say to the Senator from New York that, so far as I am concerned, if the exigency should arise that we were on the brink of bankruptcy, as he says—and it can not arise with that suddenness—my voice and my vote would be given to save the country by any reasonable measure that might be presented to Congress; and I have no reason to believe and I have no reason to intimate that any other member of either House of Congress would fail in his duty to his country on an occasion of that kind.

Mr. HILL. Has not the Senator heard here repeatedly from the lips of almost a majority of the members of this Senate that under no circumstances would they vote to issue bonds in time of peace?

Mr. CLARK. I have not.

Mr. HILL. And yet, how do you expect this Congress to give relief, if the President should send in a message asking for it?

Mr. CLARK. Mr. President, I have never heard the statement; I have never seen the vote recorded to which the Senator alludes. I believe in the patriotism of Congress to meet any great emergency, because the history of my country teaches me that Congress always has been patriotic in emergencies. The country never has been bankrupt, although it has often been threatened worse than it is threatened at this moment. There never has been a time in the history of this nation, Mr. President, when our country has been so threatened by usurpation of the Executive power as it is threatened now.

Mr. HILL. What is the usurpation of which the Senator complains?

Mr. CLARK. I complain of many things, not in a querulous manner, as the Senator intimates in his question, but I say, Mr. President, that there never has been a time in the history of this nation when the executive power of this Government so overshadowed the legislative power, to the great danger of the country, in my judgment, as at the present time.

Take any of the constituted committees of this body; take the Committee on Public Lands, of which the distinguished Senator from Idaho [Mr. DUBOIS] is chairman, take the committees of which any of the Senators may have cognizance. If a matter of legislation affecting certain States comes before the Committee on Public Lands, what is the first question that is asked by that committee? Is it the question that this bill ought to become a law? Is it a question as to the policy which should be pursued in relation to the public lands? Not at all. The question is: Had we not better, and must we not, send this bill to the Secretary of the Interior or to the Commissioner of the General Land Office to get his opinion as to whether it ought to become a law or not?

Mr. HILL. Does not the Senator know that the custom of asking the opinion of the Departments of the Government in relation to measures affecting the particular Departments has existed for a great number of years?

Mr. HAWLEY. Permit me to say that it is more for the sake of getting facts on record than for the sake of getting opinions.

Mr. HILL. Of course.

Mr. CLARK. Yes, it is for the purpose of getting the facts. For the purpose of getting facts inquiry is permissible; but show me the report that comes from one of the Executive Departments of this Government. It is not the facts that are given; it is an opinion as to how the law will operate if the bill should be passed into law.

Mr. President, I intended to make no extended remarks. I can only say that, believing as I do that the object and intent and purpose of this bill is to curtail the powers of the Executive of the Government in the control of our financial affairs, and believing that Congress alone, under the present conditions and circumstances, should have the right and the power and the authority to say when and where and what kind of bonds and paper of this Government shall be issued, I am in favor of the bill.

Mr. GRAY. Mr. President, if there was ever any necessity on the part of the Government of the United States for adopting a measure to resume specie payments and enacting into law the provisions of the act of 1875, commonly called the resumption act, that necessity exists to-day and now. Under the provisions of that act we did resume specie payments, and this country was extricated under the Administration then in power from all the disasters and troubles that menaced the country from an irredeemable paper currency.

It is true, sir, that there was a provision in a subsequent act, the act of 1878, which was utterly at variance with the theory and principle of the act of 1875, which was not entitled to be called wise finance, making it obligatory upon the Treasury of the United States, after the demand obligations of the Government had been redeemed in coin, to reissue them. After that law was put in force there grew up a practice in the Treasury of the United States, afterwards recognized by law, of providing and setting aside a sum in gold coin, established at $100,000,000, in order to secure the speedy redemption of all the demand obligations of the United States and to give confidence to the business of the country. That policy has been pursued from that time to this by all Administrations, and this Administration, in its management of the fisc of this country, has thought it obligatory upon it to maintain that policy and to keep in the Treasury of the United States a sum in gold coin that should not be less than the $100,000,000 recognized by law as necessary to the stability of the constantly reissued greenbacks and the paper currency payable in coin that was accumulating from time to time by virtue of enactments of Congress.

But, Mr. President, that is not all. That is not the full measure of the duty imposed by law upon the Administration. In 1890, by the law known as the Sherman law, which provided for the purchase of 4,500,000 ounces of silver bullion every month, and the issuance and payment therefor of Treasury notes to be redeemed in coin, these demand obligations of the United States were enormously increased, and yet the gold reserve remained at the old figure of $100,000,000. Still more, that law made it the duty of the United States and of the Executive Department to maintain the "two metals on a parity with each other upon the present legal ratio or such ratio as may be provided by law." That was a duty imposed by Congress after due consideration, after exhaustive debate, and it has been lived up to from the time it was enacted until this day; and because of those obligations imposed upon the Treasury of the United States, because of this unwise financial method, of paying obligations and then reissuing them, thereby putting the Treasury of the country in a position anomalous, I will venture to say, among all the treasuries of the civilized world, we find the Government now struggling under conditions that have never been paralleled in the history of civilized government on the face of the earth.

I admit, sir, that the machinery of the law of 1875 for the maintenance of the gold reserve is awkward, expensive, extravagant,

and that it imposed undue burdens upon the American people; but the law is there, and Congress has refused with one of its little fingers to touch the burden which it placed upon the Treasury of the United States. When the law of 1890 was repealed, what did we do? Did we reform in any respect this anomalous, this unfortunate condition? Not at all. We repealed the purchase clauses of the act of 1890, it is true, but we again declared in a form of law that—

The efforts of the Government should be steadily directed to the establishment of such a safe system of bimetallism as will maintain at all times the equal power of every dollar coined or issued by the United States.

Where? At the Treasury, as the Senator from Mississippi [Mr. GEORGE] said the other day when I was speaking on this subject in an interlocution with some one who had the floor? No, No, but "in the markets" of the world. How is that to be done? Senators say here it must be done by paying out silver to a creditor who demands gold and paying out gold to one who demands silver. Instead of pursuing the only course that a wise man would pursue under this obligation of duty to maintain the parity of the two coins in the markets of the world by indifferently paying either at the demand of the creditor, Senators say it was the duty of the Secretary of the Treasury to pay in the coin that was not demanded, to discriminate against the creditor, and thereby maintain the parity of the coins.

I can not believe that Senators are sincere when they say they have confidence that that plan and that practice would have maintained the parity which to-day, and up to this hour, happily exists throughout all the borders of the United States. Why is it that this boasted parity which our silver friends on both sides of the Senate sometimes speak of is maintained to-day? Why is that 50 cents or thereabouts of silver, measured in gold, when coined is maintained at a parity with a gold dollar of 100 cents? It is because the Treasury of the United States up to this time has held itself out as willing to pay indifferently either coin as it may be demanded in order that the parity may be preserved, not as an equality at the counters of the Treasury, but in the markets of the world.

Mr. GEORGE. Will the Senator from Delaware allow me?

Mr. GRAY. I will hear the Senator from Mississippi.

Mr. GEORGE. I ask the Senator, if a silver dollar is on a parity with a gold dollar and just as good as a gold dollar, why the creditor of the Government should demand gold instead of silver?

Mr. GRAY. The very fact that that duty was enjoined by Congress upon the Administration testifies to the anomalous condition existing at the time when those laws were enacted. Never before in the history of this country, or in any other that I know of, was such a duty imposed upon an executive. And why was it? It was because the commercial ratio between the silver dollar and the gold dollar was not what the mint ratio was. It was because an ounce of silver was not worth in the markets of the world and commercially 129 cents. It was not worth more than 70 or 80 cents, as the market might happen to be at the time.

Mr. MILLS. Does my friend the Senator from Delaware think that the parity of the two dollars is kept and preserved alone by the action of the Secretary of the Treasury?

Mr. GRAY. I do.

Mr. MILLS. Then the Senator has no objection to the unlimited coinage of silver? It would not disturb the parity, would it?

Mr. GRAY. I do not understand the Senator. I have objections to the unlimited coinage of silver.

Mr. MILLS. Why?

Mr. GRAY. Because it would put us upon a monometallic silver basis, in my belief.

Mr. MILLS. Would that disturb the parity?

Mr. GRAY. Of course.

Mr. MILLS. Then the Secretary of the Treasury has nothing to do with the parity?

Mr. GRAY. He could not maintain it with free coinage. I hope I do not have to teach such a distinguished leader of my party as the Senator from Texas what, it seems to me, with all deference to him, are the A B C's of monetary science, that when a metal is coined at a ratio not corresponding with its commercial ratio, nothing but the limitation of that coinage and the discretion given to the Secretary of the Treasury can maintain the parity.

Mr. MILLS. I agree with the Senator from Delaware, but that is not the question. The Senator says the Secretary of the Treasury may either maintain or disregard the parity of the two metals by the manipulation of the two dollars, gold and silver. I deny his power to disturb the parity by any manner of payment.

Mr. GRAY. Suppose a silver half dollar or two quarters containing less silver together than is contained in the half of a silver dollar should be brought to the Treasury and other money demanded for them, and the Secretary of the Treasury should announce the policy that hereafter he would only exchange for those silver coins weight for weight, instead of money exchangeable with all the current coins of the United States, what would those coins be worth in the market? You could not buy a bag of peanuts with them without a discount.

Mr. MILLS. Suppose Congress should make two half dollars legal tender in payment of every gold obligation for a dollar of the United States; then they would be just as good as gold.

Mr. GRAY. Very well. I acknowledge the tyrannical force that is contained in a legal-tender act. You can force me to scale my debt by compelling me to take a depreciated coin for a debt that I contracted when that coin perhaps was at par with the most valuable coin current in the country. When you come to the execution of legal-tender laws, it is one thing, but I am talking about men upon whom the shackles of such a law do not rest, and when we are free to accept or decline, then there is another condition and there is another question as to the currency of the common coin of the country.

Mr. BUTLER. If the Senator admits that the law can force him to scale down his debts and take one half dollar on payment for a dollar, he admits at the same time that the law can force the debtor to pay two dollars for every one that he agreed to pay, by laws that have appreciated the standard of value.

Mr. GRAY. I have already, in such fashion as I was able, discussed the matter of the depreciation of silver and the appreciation of gold. It is a question of monetary economics, and I do not care to discuss it now.

All I want to say in regard to the proposition of the Senator from North Carolina [Mr. BUTLER] is, that we are to repeal the resumption act of 1875 and put nothing in its place. It seems to me to be an act of political suicide and that we ourselves are bankrupting our own Treasury, stabbing and destroying the life of our own Government, and repudiating the faith that the Government has pledged to the people of the country and to the creditors of the Government.

Mr. BUTLER. May I tell the Senator from Delaware what I propose to put in the place of it? This puts in the place——

Mr. GRAY. I do not see anything in the place of it in the Senator's bill.

Mr. BUTLER. The Senator can interpret the plain reading of the English language. It puts the power and responsibility upon Congress, upon the two Houses, in place of the will of one man. Does the Senator think that the President of the United States is more patriotic than Congress, and that Congress can not be trusted to represent the wishes of the people?

Mr. GRAY. I think he is quite as patriotic.

Mr. BUTLER. Quite as patriotic. Then let us have Congress consulted before the debt of this country is increased for any purpose. This is a constitutional duty of Congress, and Congress never has had the power to delegate it to the Executive or to anyone else.

Mr. GRAY. Since these bond issues have commenced for the purpose of maintaining the parity of the two coins in the markets of this country, nearly two years have elapsed; Congress has been in two sessions in this city, and it has failed to withdraw that power from the Executive. If it had chosen, or if it had been willing, it could have passed a law similar to the one proposed by the Senator from North Carolina at any moment of its existence.

Mr. BUTLER. It is a pity it did not do it.

Mr. GRAY. It never has done so, and the Executive of this country was authorized to accept that nonaction as the will of Congress; that they did not intend to restrain him from acting upon the will of Congress as expressed in the act of 1875.

Mr. BUTLER. So much the greater reason for acting now.

Mr. GRAY. Very well. It is perfectly within the competence of Congress to repeal the act now. The Senator had a right to introduce his measure, and we are now debating it, and when Congress expresses its will in accordance with the bill of the Senator from North Carolina that power will cease to be exercised by the President, and all the consequences that I and many on this floor who agree with me believe will happen will fall upon the people of this country. Panic, business stagnation, wretchedness, and want will stalk like specters all over this broad land of ours. If it had not been for the agitation of the unwise, uneconomic, unphilosophical free coinage of silver we would have been to-day, in my belief, on the highway to that prosperity of which we hear now that the advance agent has started from the banks of the Ohio River. No, sir; it will not come with that or any other advance agent. It will not come until the people of this country, through their representatives, bring about——

Mr. ALLEN. Mr. President——

Mr. GRAY. One moment. It will not come about until the people of the country, through their representatives, bring about that repose, that confidence in the stability of the great measure of value in all the markets of the world which can only be brought about by a standard that is stable and fixed, and not liable to be attacked by parties either in or out of this Chamber.

Mr. ALLEN. The Senator predicts disaster if this act is repealed. I should like to ask the Senator from Delaware what

there has been in the history of this country, from its formation down to this time, that leads him to believe there would be any disparity between gold and silver if they were both admitted upon terms of equality to the mint?

Mr. GRAY. I do not intend to be led aside into all the excursions that questions of that kind might lead to, but I will say to the Senator from Nebraska that there is this in the history of the country, there is this in the monetary experience of the world, that the one essential to business prosperity, to the prosperity of a country civilized as is ours, is a monetary stability, stability in the measure of value——

Mr. ALLEN. I agree with the Senator from Delaware.

Mr. GRAY. And confidence that when a dollar is put into a business enterprise a dollar of similar standard value will be returned, and not a depreciated one.

Mr. ALLEN. I agree to that; but I call the attention of the Senator—I do not want to interrupt him unnecessarily—to the fact that there never was a disparity between gold and silver as coins in this country until that disparity was made by legislation, and even under the partial disparity made by the legislation of 1873 we accumulated from 1878 to 1890 about $236,000,000 of gold, notwithstanding we were coining silver under the Bland-Allison Act and the Sherman Act.

Mr. GRAY. We went on coining silver; and because the disparity did not come at once, or because the difficulty of maintaining the parity was not immediately apparent, does not argue that it would not have come under the Bland-Allison Act, a conservative act in comparison with anything that came afterwards. But $2,000,000 a month was coined, and there was no accumulation of silver at that time upon which to pile those dollars.

So we went on, until the act of 1890 more than doubled the coinage of silver and in addition to that provided for the increase of the legal-tender demand obligations of the United States, dollar for dollar, for every dollar's worth of silver that was bought. Because a reservoir of water into which a pipe or stream is leading does not overflow its banks in a single hour or a single week or a single month does not argue that it will not go on until it does overflow, when the disastrous flood will come.

Mr. ALLEN. It never has come.

Mr. GRAY. It came, I think, in 1893, when we were called here to repeal the Sherman Act providing for the purchase of the silver and the issuance of the Treasury notes, which then had displaced gold to such an extent that it was leaving the country and depleting the reserve that had always been held in the Treasury to maintain the paper issues of the country.

Mr. ALLEN. Will the Senator from Delaware allow me to call his attention to a fact?

Mr. GRAY. Certainly.

Mr. ALLEN. I call the attention of the Senator to the fact that from colonial days down to early in 1893 there had been no disparity between gold and silver in this country until Mr. Harrison announced to the world that he would redeem all forms of paper money in gold. Thereupon began the panic which has continued from that time ever since.

Mr. GRAY. The time is too short for me to undertake to answer——

Mr. ALLEN. It is a historical fact.

Mr. GRAY. I do not agree with the Senator's statement of what is a historical fact. I have no doubt he thoroughly believes it is a historical fact.

Mr. ALLEN. I think I can prove it.

Mr. GRAY. I certainly do not believe—for that is not a historical fact, it is a matter of opinion—that the consequences of those transactions were such as he states.

Mr. ALLEN. When did our gold begin to leave us? The Senator must confine himself to facts.

Mr. GRAY. It began to leave us shortly after the passage of the act of 1890. I have not the figures now.

Mr. ALLEN. It never started to leave us in the world——

Mr. GRAY. Oh, yes, it did.

Mr. ALLEN. Until Mr. Harrison declared it his policy to make every dollar as good as every other dollar, meaning that he would redeem all forms of money in gold.

Mr. GRAY. The argument post hoc, propter hoc can be made by anybody. I do not believe in cause and effect such as stated by the Senator from Nebraska, and I have not the time now, for it would only be consuming time unnecessarily, and be a diversion from my purpose when I rose, to answer him. My purpose was to point out that the proposition of the Senator from North Carolina [Mr. BUTLER] to repeal the resumption act leaves the Government stripped stark naked and helpless before the money sharks and gold gamblers of New York, about whom the Senator from Nebraska has so much to say.

As long as we have these anomalous conditions confronting the administration of our fiscal system, as long as we have the demand notes, not only greenbacks but Treasury notes, outstanding, all of them authorizing the holders to draw upon the pile of gold in the Treasury, it seems to me it is madness, it is folly on the part of the Senate of the United States to attempt to take away from the Executive the only power he has to meet and defend the Treasury against such attacks. Repeal, then, if you will, but take away from the President and the Administration the command of law that now exists on the statute books that he shall maintain the parity. Take off from him the burden which you have placed upon him if you are going to disable him from maintaining that burden, paralyzing his arm, defeating every purpose he has to carry out the will of Congress as enacted into law in 1890 and again in 1893.

Mr. SHERMAN. Mr. President, I do not intend to detain the Senate long this evening or to engage at any length in this debate. I merely wish to express my conclusion.

I am very sorry that this bill has been introduced, not that it will do any harm in the one sense of the word, for it is a harmless project. It will fall dead as soon as it passes the Senate. It will not be acted upon by either the House of Representatives or the President of the United States, in my judgment. The evil which will be done by the bill will be that it will excite agitation, create alarm among the most timid of all people in the world, those who are conducting the business of banking and those who engage largely in other business where they are either compelled to borrow or where they are enabled to lend money. This little bill, which seems to some of you so harmless and so plain, will create a great deal of trouble, a great deal more distress than we are aware of, and will probably lead to grave doubts as to our ability to maintain specie payments.

Now, there is another thing. The law of 1875 is just as much a contract between the United States and the holders of its bonds as a contract between two individuals by which one individual borrows money and agrees to give a mortgage to secure the repayment of the money. This was done in the act of 1875. It must be remembered that the act of 1875 was the beginning of the process of resumption. It did not accrue until four years afterwards, but the details and the mode and the manner of resumption were pointed out by the resumption act. That act is a contract made between the people of the United States and every holder of a United States note—just as much a contract as one between two individuals for the loaning or borrowing of money.

That contract contained the stipulation that the United States would after a fixed period redeem those notes in coin at the will of the holder of the note. It is a stipulation which is expressed on every note of the United States. It is an obligation of the United States expressed fully in a law defining the form of the contract and printed on the face of every note issued. It is just as much the obligation of the United States as if the law were written over and over again on paper and signed and re-signed as the most formal business paper that could be drawn up. It is the law. It is the contract, and that contract is between every individual holder of a note and the United States of America.

The United States can not violate that contract in any of its terms. If it does, it stands in the position of a person perfectly able to pay, but seeking to avoid the obligations of his contract. That is the position of the United States. By the terms of that contract it was the agreement of Congress that the Secretary of the Treasury, an officer always at his post, an officer who is charged with these financial duties and not Congress, should pay the notes when presented, and in order to enable him to do so, it authorized him to sell certain classes of bonds to pay them, and he was authorized to say which of those classes of bonds should be sold in order to provide the money. That is a contract, an obligation with terms and details, and we are bound by it. The means of paying the notes and the authority to issue bonds of a particular description to secure their payment is as much a part of the contract as if it was printed on the face of the note.

The people of the United States are bound by contract, and for more than fifteen years that contract has subsisted. It was passed in 1875. It went into operation the 1st of January, 1879. From that day to this that contract has been preserved inviolate, and this is the first time, I believe, in the history of our country when it is proposed to violate such an obligation.

Now, sir, you repeal this authority conferred upon the Secretary of the Treasury to issue bonds. Who else can issue them? Congress, it is said, may authorize their issue. The Secretary of the Treasury is a public officer who is always at his post. The character of the bonds is defined by law. Every man when that law took effect knew that a 4½ per cent bond, or a 4 per cent bond, or a 5 per cent bond, either of which might be sold, should be used, and those particular classes of securities were set aside and mortgaged to the holder of these notes. You have no right to change them. You have no right to take away the power from the Secretary of the Treasury—I mean in the broad, moral sense. It is the duty of every man to fulfill his obligations; especially is it the duty of every government to fulfill its obligations. There the

stipulations are made. You propose to repeal all authority to issue any of this character of bonds and leave it for Congress.

Suppose, sir, no such law as that had been upon the statute books when the bonds were sold here in the spring of 1895. Suppose it had occurred then, in the midst of excitement, when people were alarmed. It was believed that we were going down to the silver standard and that everything would be in chaos. Why, sir, it was with great difficulty and only at a sacrifice that even the Secretary of the Treasury and the President were able to arrest the torrent. If Congress had been in session it would have taken them six months to decide what should be done. Congress is not an executive power; it has no executive duties. It is a legislative power. It passes laws, and those laws must be obeyed literally and strictly by the executive officer, but Congress is totally incompetent to execute any law except that which relates to its own rules and regulations.

The executive and legislative powers are necessarily dissevered and entirely inconsistent with each other. Is it the idea that these notes should not be paid until Congress is in session and then that a bill should be introduced to say what kind of security shall be given, whether it would be paid in silver or gold, whether the Democratic party is in power, or the Republican party is in power, or the Populists are sufficiently strong to make the two great parties utterly unable to do anything? Is that the condition you desire?

Why, Mr. President, the more I think of this proposed measure the more it seems to me indefensible and wrong, as violating the public faith, as in every respect undesirable. Now, we must redeem our notes. We must maintain our contracts. We can not do otherwise. If the Government of Great Britain would violate one of its contracts with its people we would denounce them in unmeasured terms. We have from the foundation of our Government preserved the public credit with untarnished faith. From the time of Alexander Hamilton and Thomas Jefferson, when they first provided for the coinage laws, and from the time they provided for the funding of the public debt up to this hour, the public debts of the United States and the public contracts made by Congress have been religiously observed.

This is a gross violation of the public faith, pledged to creditors at home and abroad. I do not say that the notes will not be paid, that Congress will not be compelled by public opinion to sell bonds to pay them, but the difficulties of convening Congress, the uncertainty of their action, their effort to pay in silver, the disregard of express provision for their payment—all these and many other causes will impair the credit of our securities, and is apparent to everyone. Therefore, I say this is a repudiation of a public debt. I denounce it as a repudiation. It is as bad as if we should pass an act that we will not pay the public debt. It is just as bad to violate any one of the stipulations made in that contract as to violate the main one, that we will pay these notes in coin whenever presented. So the public mind will be disturbed by even the fact that the Senate of the United States has taken this action, the place where, of all others, the obligations of contracts ought to be preserved, that serene body of old men, as it was supposed the Senate would be when this Government was formed.

It was supposed that this Senate would be the conservative check upon a numerous and tempestuous body of Representatives, and prevent unwise and hasty legislation, and yet we here, the part of the Government of the United States which it was thought could be most safely relied upon, violate the most sacred contracts made by the people of the United States. You strike out the resumption law; you leave these outstanding notes without defense or protection; then you will have your silver certificates, which are paid in silver dollars, and there are but little more silver dollars here than enough to pay the silver certificates. You will then have forced upon the people, to the extent of the amount now coined and in the Treasury, 370,000,000 silver dollars, when we have been unable, with all the efforts that have been made by the executive department, to hold in circulation more than $60,000,000 at any time. Now about $50,000,000 are outstanding in circulation.

So with your Treasury notes issued for the purchase of silver bullion. They are being gradually paid off, as they ought to be; but do you say that no provision shall be made for the United States notes, the most sacred obligations of all, that they shall be dishonored? Do you say that they shall travel all over the world with only the promise to pay? Sir, during the war we had to issue those notes. The United States promised to pay $1, but did not say when or where, and the result was that our notes went down, down, until they were worth only 40 cents on the dollar. The pride and honor of the people of the United States, the general sentiment of the country, gradually raised those notes up to the par of gold by the promise to pay them on demand when presented at the Treasury of the United States. And when power was given to a Chief Executive officer to sell bonds, to sell the credit of the United States and to pay these notes in that way, in coin, at that time in 1875 there was no controversy between silver and gold. Silver had been dropped out by the act of 1873, and in 1875 it began to be perceived that silver was falling below the margin of gold.

In 1878 what is called the Bland-Allison Act was passed. But this contract was made at a time when both silver and gold were at par with each other, and now it is proposed to violate the faith by which we pledged to redeem those in coin. The United States exacted for their bonds gold coin, and now it is proposed to pay both bonds and notes in silver worth but 50 per cent in gold.

It is proposed to repeal this law; it is a direct, open, papable violation of the law. It is a crime to be denounced, and not a measure to be voted on. It may pass the Senate here in the hurry of the closing days of its session, but I believe every man who votes for it will feel the injury that he has done to his standing and to his character. I say now that it is as much a crime for any agent of the United States to violate a public engagement as it is for him to violate his own obligation, whatever may be its terms. I regard this simply then as a violation of public faith, a thing that ought not to pass. It will only injure the Senate of the United States. Thank God the House of Representatives still stands on the right side, and the President of the United States will aid that House in preventing any such action. [Applause in the galleries.]

Mr. TELLER. Mr. President, the Senator from Ohio [Mr. SHERMAN] dwells at some length upon a contract which he says we made with the bill holders, but the Senator does not state truthfully what that contract is. He knows, and everybody here knows, that we never made a contract to pay in gold.

Mr. SHERMAN. I said in coin.

Mr. TELLER. Certainly, but the Senator assumes that it was gold. That misrepresents this question to the American people, as it has been done by the Senator from Ohio for many days and many years. He knows very well that the letter and the spirit of that law is preserved when we pay in silver coin, and he knows, as every other man knows, that every dollar of silver coin in this country in circulation is the equal of every gold dollar. Now, upon what theory, upon what ground, that is not an insult to the intelligence of the American people, can the Senator stand here and say that we are violating the pledged faith of the Government? That is arrant nonsense, and it is untruthful. The Senator knows that we violate no moral or legal obligation when we pay according to the letter of the contract.

Mr. President, I do not intend to discuss this question now, but I can not allow statements of that kind to go unreproved and unrebuked. The whole argument of the Senator is that the people of this country can not trust the legislative department, but can trust the executive. It is the argument of the Senator from Delaware [Mr. GRAY] in extenso that the people can not leave the question of raising money to meet the obligations, whether they are the current obligations or the plighted obligations with reference to the redemption of paper, to the legislative department, but must leave it to the executive.

It has been a fundamental principle of English law for hundreds of years, which we incorporated into our Constitution, that the appropriations for current expenses and to meet Government obligations were to be provided by the legislative department. It is an abandonment of the legislative function when we turn it over to the executive. That a Democrat from the Democratic State of Delaware should present such a doctrine is most astonishing, except upon the fact that the craze to maintain the gold standard has destroyed all sorts of honest politics and all sorts of honest opinions, and is, I think, rapidly destroying the Democratic party, as it will undoubtedly destroy the Republican party before the craze ends.

Mr. President, the Congress of the United States is bound by the Constitution, it is bound by the demands that the people will make upon it to meet every obligation. If there is an obligation to meet the greenbacks with coin, the people of the United States will see to it that Congress meets it. There is no attempt to repudiate on the part of the silver men.

The Senator from Ohio talks about the sacredness of contracts. I remember when the Senator from Ohio declared that the person who would not take a 40-cent greenback in exchange for any debt that the Government owed him was a robber and a thief. Mr. President, he changed his mind very soon after that.

Mr. SHERMAN. I do not think I used those words.

Mr. TELLER. He used the words "robber" and "extortioner"; that it was extortion.

Mr. SHERMAN. Not "thief."

Mr. TELLER. He was a robber. He could hardly be a robber without being a thief.

Mr. President, I am entirely willing, so far as I am concerned, to trust the legislative department of the Government. The Senator from Ohio knows, however, that there would be no necessity

whatever for legislative interference if the letter and spirit of the act of 1875 had been carried out. He knows, as I said before, that that act meant silver coin as well as gold coin, and he knows that to-day the Government has $55,000,000 of seigniorage coin that can be made into silver dollars which every holder of a greenback will take, unless he be an exporter of coin. There is not a business man in this whole country who wants a gold dollar in exchange for a greenback except for export. The Senator is speaking in the interest of the exporter of coin, and not in the interest of the honest holder of the greenback. No one pretends that that $55,000,000 of seigniorage is pledged for any purpose; we have that in addition to the silver certificates and silver dollars in the Treasury.

We have enough to make up the amount of $178,000,000 that lies idle in our Treasury. The Senator says it is pledged for the support of the Treasury notes. The Senator knows that under the present system, as conducted by the late Administration, and conducted by this Administration, and as he will insist shall be conducted by the next, that $178,000,000 will perform no more money function and be no more valuable to the American people than if it had been dumped into the sea. Yet with a people to-day staggering under burdens such as no free people ever did stagger under, with our industries depressed and destroyed as had never been the case since our flag floated, he is willing to borrow $178,000,000 more of money, and put the cost of that borrowed money upon the American people, that he may accommodate the exporters of gold to European markets.

Mr. President, I shall not go into a discussion of this measure. I want to vote on it. I want to cast my vote in favor of saying, in the first place, that I will trust the American Congress to maintain the credit of the American Government, and in the second place, that I will trust no Executive, whatever may be his name or character or to whatever party he belongs, to perform the disgraceful acts which have been performed within two years with reference to the issue and sale of American bonds.

The Senator from Delaware talks about what will happen. He talks about the alarm. So does the Senator from Ohio. That is their stock in trade. That is the black beast that is held up to frighten the American people from having a fair and decent monetary system established in this country. Whom are you going to frighten? The bankers in New York City, he says. In 1893 they created a panic to compel the Congress of the United States to accede to their demands, and they have indicated very plainly within a few days in the public press, the great public press of New York City, that they intend to repeat that thing again.

Mr. President, let them do it; and if we should ever get a man at the head of the Treasury Department who has the nerve of a Jackson, and the honesty of his predecessors as a general thing, he will put every one of those banks in liquidation, as might have been done in 1893, to pay them for the dastardly act by which they brought upon the country the panic of that year, uncalled for and unnecessary, that is still following the American people with its dire results and the effect of which is likely to be felt for years to come.

Mr. President, I repudiate the suggestion of the Senator from Ohio that I am any less honest than he. No act of mine upon this floor or anywhere else justifies him in saying that I have less regard for the integrity of our credit than he has; nor can this be said of the men who voted with me for a decent monetary system that would bring back to this country prosperity and with it maintain the credit of the American Government.

Mr. BUTLER. Mr. President, I think that the Senate and the country would be at a loss to understand the very great excitement of the Senator from Ohio [Mr. SHERMAN] upon this question without some information that I hold in my hand, and which will, I think, explain his great concern. This is a circular [exhibiting] sent out by a syndicate of the national banks. This is the first copy that has gotten to the public. It explains why they want to keep this power to burden the country with debt in the hands of the Executive. It shows a conspiracy on the part of these bankers and bondholders to capture the national conventions of the two old parties and nominate men for President whom they can control. Here are their instructions sent out to the banks over the country calling upon them to control the two old party conventions and put up men who will stand for their infamous and thieving processes and methods.

Mr. President, I am going to have this circular read and put in the RECORD, but before doing it I want to reply to something said by the Senator from Ohio [Mr. SHERMAN]. He said that he denounced this bill of mine as an attempt at repudiation, and to tarnish the honor and credit of the country. It is astonishing how a man who has been one of the chief actors in committing so many financial crimes against our people, a man who has gone into a conspiracy to rob his own people for the benefit of foreign shylocks, can have the face to stand up here and attempt to defend his actions. He knows that this bill is right and honest. He knows that the present policy of the Treasury Department is not. Mr. President, I denounce the action of the present Secretary of the Treasury as dishonest in trying to maintain the parity by discriminating against silver coin and paying out the other exclusively. He is trying to create a disparity. I denounce it, and I denounce equally the action of those who support it, as being detrimental to the best interests of the American people. I ask that this bank circular sent out, which was handed to me by a bank official, may be read, and that it be put in the RECORD in full, heading, signature, and all. Thank God, there are a few bank officers who will not become tools and agents of the gold trust to oppress and damn their own people.

The VICE-PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

THE AMERICAN BANKERS' ASSOCIATION,
2 WALL STREET AND 90-94 BROADWAY,
New York, March 23, 1896.

[President, Eugene H. Pullen, vice-president National Bank of the Republic, New York; first vice-president, Robert J. Lowry, Lowry Banking Company, Atlanta, Ga.; chairman executive council, Joseph C. Hendrix, president National Union Bank, New York; treasurer, William H. Porter, vice-president Chase National Bank, New York; secretary, James R. Branch, 2 Wall street, New York.]

To the Bankers of the United States:

At a meeting of the executive council of the American Bankers' Association, held in this city on March 11, 1896, the following declaration was made by unanimous vote:

THE EXISTING STANDARD OF VALUE.

"THE EXECUTIVE COUNCIL OF THE AMERICAN BANKERS' ASSOCIATION DECLARE UNEQUIVOCALLY IN FAVOR OF THE MAINTENANCE OF THE EXISTING GOLD STANDARD OF VALUE AND RECOMMEND TO ALL BANKERS AND TO THE CUSTOMERS OF ALL BANKS THE EXERCISE OF ALL OF THEIR INFLUENCE AS CITIZENS IN THEIR VARIOUS STATES TO SELECT DELEGATES TO THE POLITICAL CONVENTIONS OF BOTH THE GREAT PARTIES WHO WILL DECLARE UNEQUIVOCALLY IN FAVOR OF THE MAINTENANCE OF THE EXISTING GOLD STANDARD OF VALUE."

Your influence is earnestly requested to give practical effect to this action.

THE NEXT CONVENTION.

The next annual convention of the association is to be held in St. Louis, Mo., on September 22, 23, and 24, 1896, and it is intended to make the convention of unusual interest to bankers, and to devote the programme chiefly to the discussion of banking questions by members. To this end short, compact questions involving banking practice or problems are solicited from all parts of the country.

ARE YOU A MEMBER?

The association seeks to unite all banks and bankers in one efficient national organization, and it solicits all national and State banks, savings banks, and banking firms to become members. For the current year ending September 1, 1896, the dues are $10 for banks with a capital of $100,000 and more, and $5 for banks having less than $100,000 capital and for private bankers. The advertisement in the association's proceedings, sent to all banks and bankers, is alone worth the cost of membership. If you desire to join, kindly sign and return inclosed blank.

WAR UPON BANK CRIMINALS.

Special attention is called to the protective feature of the association, which is developing into great practical benefit. Through it the association becomes the aggressive agent of its members against professional bank criminals.

Every bank in the United States should cooperate in this important work. This association recently captured the forgers who swindled a bank in San Francisco out of $20,000 in gold. It has ample evidence to show that criminals know who are members of the association, and are selecting nonmembers for attack. Ten burglaries, yielding over $50,000, were recently committed against nonmembers, and in one instance a burglary was abandoned because of the discovery that the bank involved was a member of the association.

EUGENE H. PULLEN, *President.*
JAMES R. BRANCH, *Secretary.*
JOSEPH C. HENDRIX,
Chairman Executive Council.

Mr. GRAY. May I ask the Senator from North Carolina a question about that circular?

Mr. BUTLER. You may.

Mr. GRAY. Where did the Senator discover that secret and criminal missive?

Mr. BUTLER. It speaks for itself.

Mr. GRAY. I say where did the Senator discover it?

Mr. BUTLER. Where did I discover it?

Mr. GRAY. Yes, sir.

Mr. BUTLER. I do not think it is my duty to tell the Senator who furnished it to me; but I challenge him or any other man who stands for the bankers on this floor to say that that is not a true copy of the resolution passed, a copy of which was sent to every banker in America.

Mr. GRAY. I hope it is a true copy, but I do not understand, and I want to understand, about this conspiracy, among other things, to punish forgers, bank thieves, and other criminals against the public.

Mr. BUTLER. I simply had it read in full to show that it was genuine and referred to bank matters as well as to other matters; but if the Senator from Delaware will look at it, he will see that the resolution directing the bankers of the country to use their efforts to capture the two old parties is put in black type and in big letters at the head of the circular, and everything else is in small type as to the matter of details.

Mr. GRAY. Is this meeting to be held at night and in secret?

Do they propose to meet in darkness, or is it to be a meeting in open daylight, as American citizens are entitled to meet?

Mr. BUTLER. I do not know whether in the night or in the day; but these actions are so damnable that they ought to meet in midnight darkness; and I can not see how any honest man in the day or in the night can indorse it.

Mr. GRAY. I am not indorsing it yet until I can find out what are the special matters the Senator from North Carolina finds fault with. If it is not a dark-lantern and secret organization, not one that indicates a conspiracy against somebody, but is to meet in open daylight, in the presence of their fellow-citizens, exercising the right of American citizens, as manufacturers, for instance, get together and devise means of electing Mr. McKinley or somebody who represents the protective idea, I am at a loss to know what it is the Senator condemns in these American citizens exercising the right of association and combination. And I wish to know whether we live under a tyranny that is to be created by the Senator from North Carolina, and a junta of such as he who are to sit in judgment upon what American citizens may or may not do?

Mr. BUTLER. It is under the tyranny of a majority of the American voters.

Mr. GRAY. You have not got that majority yet.

Mr. BUTLER. And under the tyranny of common justice, which is a terror to all evil doers.

Mr. President, I want to say in this connection that the more I study the question of the demonetization of silver and every act which has been passed on finance by this Government from 1869 to 1870 and 1875 and since, the more I believe that every one of those acts was inspired by the bondholders. I believe that free silver was struck down to increase the value of their bonds, to increase the purchasing power of the money in which the bonds will be paid. I believe that silver was struck down in the interest of the bondholder. There have been many other effects to follow it, but it was done with one purpose, and it was backed by one set of men and one focalized influence, and that was the holders of wealth, who conspired to rob the American people to make themselves richer.

Mr. President, I call that a conspiracy, because it is a united effort of the gold power of this country to control both the old party conventions and to nominate a man who will do their bidding. If the Republican party should elect their candidate for President (Mr. McKinley, or whoever he may be), and he should call to be Secretary of the Treasury the Senator from Ohio [Mr. SHERMAN], as he probably would, then I suppose that the next Secretary of the Treasury would pursue the same policy which the present Secretary pursues in defiance of law and the spirit of law, and pay coin obligations in gold alone, when he knows and the present Secretary of the Treasury knows, that that appreciates gold and depreciates the other coin, silver. It not only appreciates gold, but it puts down the price of products, puts down the price of American labor, and makes the standard which measures values grow shorter, causes money to get scarcer, debts to get bigger, while the people suffer and the bondholder grows fat and rich.

Can it be possible that we are to have the next Secretary of the Treasury carrying out that criminal and infamous policy as the present one is? I fear from the speeches that we have heard from him to-day, and the great concern that he shows that this power shall be left in the hands of the President, that if the Republican party should elect the next President we shall have Mr. SHERMAN for Secretary of the Treasury and that the Carlisle policy will continue.

This endless-chain robbery was first started by the Republican party under Secretary Sherman; it has been indorsed and continued by the Democrats under Mr. Carlisle, and now we are threatened (with the help of the banks) with a return of Mr. SHERMAN to the Treasury Department to continue and consummate this evil and direful wrong.

The gold power may not be able to capture both Houses of the next Congress, but they are determined to own the President, and therefore the Senators from New York and Ohio are anxious to keep this power to issue bonds in the hands of the President.

Mr. ALLEN. Mr. President, I think it is entirely proper before this imporant bill shall pass——

Mr. HILL. I call the attention of the Senator from Nebraska, with his permission, of course——

Mr. ALLEN. Certainly.

Mr. HILL. To the assurance made by the distinguished Senator from North Carolina [Mr. BUTLER] that the friends of the measure were not intending to participate in the debate.

Mr. ALLEN. I do not think we will participate to any very great extent, and yet I do not think I shall be prevented from saying what I desire to say by the remark of the Senator from New York.

Mr. HILL. I have no objection to the Senator's doing so; on the contrary, I welcome the Senator into the debate. I merely called his attention to the fact.

Mr. ALLEN. Mr. President, I think this is a good time to begin to tell the truth respecting this important bill, and I want to review very briefly some of the arguments that have been made by the Senator from Ohio [Mr. SHERMAN] and the Senator from Delaware [Mr. GRAY].

The Senator from Ohio became quite indignant and characterized this bill as a measure of repudiation and those who advocate it as repudiators, because it was intended to take from the Chief Executive the power to issue the bonds of the Government ad libitum. The Senator from Ohio said, with his peculiar kind of logic, that seems to be made to fit every occasion, that it was a part of the contract when the resumption act of 1875 was passed that the notes that had been issued by this Government, the greenbacks, should be redeemed in coin. I agree entirely with the Senator from Ohio that that statement is true. When the Congress passed the act of 1875, the resumption act, it did pledge the faith of the Government and the revenues to the redemption of all forms of paper money that had been issued; and while it can not be said in a strict legal sense to be a part of the contract, because the notes had been issued before the resumption act became a law, yet the Government by the passage of that act became morally bound to redeem the outstanding notes in coin.

The Senator from Ohio also characterized any person who disputes his statement as a repudiationist. He visits all such persons with the full weight and power of his wrath, and yet I say the Senator from Ohio has himself given more aid and comfort to repudiation and has been a greater repudiationist than any Senator in this Chamber for a quarter of a century. He has encouraged the policy which converted the coin-resumption act of 1875 into a gold-resumption act and has helped wrest it from its original purpose and meaning. His aid was given to this work as Secretary of the Treasury a few years ago; his voice and his vote have been given to it in this Chamber; and I have been told that the Senator has been the chief adviser of the present Administration respecting the financial policy it has pursued. At any rate, he has been a visitor at the White House and was a visitor there in 1893 more times as an adviser than the distinguished chairman of the Finance Committee of the Senate.

Mr. President, if it is important to observe the provisions of the resumption act of 1875 and redeem our outstanding notes in coin, was not the Senator from Ohio a repudiationist when he advised the President to refuse to redeem them in both gold and silver coin? Of course, redemption in gold and silver coin does not answer the purpose of the power which moves the Senator from Ohio and the Senator from New York.

Then the Senator from Delaware [Mr. GRAY] sings the old song that has been sung here for three years to my knowledge, with that peculiar air of superiority of knowledge that characterizes the gold advocates, that the two coins are kept at a parity now by the construction given the law by the Secretary of the Treasury. The Senator from Delaware tells us that the parity is maintained between gold and silver now by the construction placed on the Sherman Act of 1890 and the previous coinage acts. There is not a school child 10 years of age who does not know that the parity has been stricken down and does not exist to-day. There is no parity. Why stand in the presence of the American people, then, and say to them that a parity exists between gold and silver when one has been made the chief and the other subsidiary metal? Silver was stricken down by the criminal action of Congress in 1873, the chief mover in which event was the senior Senator from Ohio. There never has been a parity between the two metals from that time to this, and yet the Senator from Delaware tells us that if we resume the redemption of our notes in silver we shall go to a condition of silver monometallism and destroy the parity between gold and silver.

Mr. President, that statement is a mere dream of the Senator, and it is a bad dream at that. There is not the slightest thing in our history to prove or to support the assertion. We coined silver in our colonial days, and that silver stood at a parity with gold until the crime of 1873. There had never been a disparity between the two coins until that time. In 1873, when the crime—for that is what it was, a crime against civilization and the happiness and prosperity of our country—was committed by the demonetization of silver, silver was at a premium over gold almost 4 per cent. Of course it was a nice thing to do to demonetize silver. It was an honest thing to do to strike down one-half of the money of the country and increase the indebtedness of the people one-half and correspondingly depreciate the prices of labor and products. Having obtained advantage by this criminal act, it is proposed to hold it, to the detriment of the country.

Then the honorable Senator from Delaware fails to note that after the partial remonetization of silver in 1878 by the Bland-Allison Act, instead of gold coin taking to its heels and fleeing the country, as he assumes it would now under free coinage, we actually accumulated $236,000,000 in gold more than we had from 1878 until 1893, at the time of the unconditional repeal of

the purchase clause of the Sherman Act. The history of the country is against the assumption and the assertion of the Senator from Delaware.

Have we any right to suppose that under a system of free coinage, if inaugurated now, the condition of the country would be different from what it was in the past? A distinguished colonial statesman, I think it was Patrick Henry, said that the only way to judge the future is by the past; and judging the future by the past under a system of absolute and unrestricted free coinage as well as under partial coinage, gold coin, instead of disappearing, has been increasing. No, sir; gold monometallists are not afraid that gold will be driven away by free coinage. Shylock has the contract that calls for the pound of flesh, and he proposes to enforce it in dollars that have swollen from 100 to 200 cents under gold appreciation, and to take from the debtor $2 of his produce and in the products of his labor and his field where $1 was in the first instance contracted.

Then the Senator from Delaware grows indignant again as respects maintaining the parity. Mr. President, how can the parity be maintained between gold and silver when one is demonetized and the other is coined without restriction? When the two metals are placed on an equality before the mints, when you give them equal monetary functions, when you permit silver to do that which gold is permitted to do alone, you will put the two metals on a parity, and until you do that a disparity between the coins will exist and be maintained as a result of legislation.

Mr. President, for the purpose of deceiving—for it could have been for no other purpose, I think—in 1893, when we repealed the purchase clause of the Sherman Act, there was inserted in the repeal bill a part of the Democratic platform. I presume that is the only way in which it will ever be transmitted to posterity as a part of the permanent history of this country. Here is the plank:

SEC. 7. We denounce the Republican legislation known as the Sherman Act of 1890 as a cowardly makeshift, fraught with possibilities of danger in the future which should make all of its supporters, as well as its author, anxious for its speedy repeal. We hold to the use of both gold and silver as the standard money of the country—

If any Senator will refer to the repealing act of 1893 he will find this language—

and to the coinage of both gold and silver without discriminating against either metal or charge for mintage, but the dollar unit of coinage of both metals must be of equal intrinsic and exchangeable value, or be adjusted through international agreement or by such safeguards of legislation as shall insure the maintenance of the parity of the two metals and the equal power of every dollar at all times in the markets and in the payment of debts; and we demand that all paper currency shall be kept at par with and redeemable in such coin. We insist upon this policy as especially necessary for the protection of the farmers and laboring classes, the first and most defenseless victims of unstable money and a fluctuating currency.

It was thought necessary to put a part of that plank of the Democratic platform of 1892 in the act of 1893. But was there any attempt after we passed the repeal bill of 1893 to supplement it by free coinage? We were told at the time by the Democratic party that immediately on the passage of the repealing act of 1893 a bill would be introduced here and into the other branch of Congress for the free and unlimited coinage of silver. That bill has not been introduced. The honorable chairman of the Finance Committee at that time, who is unfortunately absent from the Chamber as a result of ill health, told us in repeated speeches that the Democratic party was pledged to the free and unlimited coinage of silver, and that as soon as the repeal bill of 1893 should become a law a measure looking to free coinage would be introduced and would be passed speedily through both Houses of Congress, and would receive the approval of the President. That is the last we have heard of it.

Mr. BUTLER. It has been suggested to me that we can not get a vote to-night, as several Senators desire to speak. Therefore I should like now, while the Senate is fairly full, to ask unanimous consent to vote on this question on Monday next at 4 o'clock. That seems to be to those with whom I have conferred a satisfactory hour, and I hope it will be satisfactory to the Senate.

Mr. HILL. What hour does the Senator say?

Mr. BUTLER. At 4 o'clock on Monday afternoon.

Mr. HILL. I have no doubt there will be ample time between now and then to make all the speeches desired.

Mr. ALLISON. I will suggest to the Senator to make the hour 5 o'clock.

Mr. HILL. I do not think there is any objection to that.

Mr. ALLISON. It may be necessary to act upon some conference reports, and if the time is fixed at 5 o'clock that may be done.

The VICE-PRESIDENT. The Chair will submit to the Senate the request of the Senator from North Carolina.

Mr. BUTLER. At the suggestion of the Senator from Iowa [Mr. ALLISON] I will change the hour to 5 o'clock, and ask that the vote be taken on this question at 5 o'clock on next Monday.

Mr. CHANDLER. I do not object, with the understanding that the right is reserved to all Senators to move amendments at that time, before the vote is taken.

Mr. PLATT. That is right.

Mr. HAWLEY. Without debate.

Mr. CHANDLER. Without debate.

Mr. PLATT. That is right.

The VICE-PRESIDENT. The Senator from North Carolina asks unanimous consent that the vote upon the pending bill be taken at 5 o'clock on Monday next. Is there objection?

Mr. CHANDLER. Reserving the right to all Senators to move amendments at that time.

Mr. ALLEN. The amendments to be considered under the five-minute rule?

Mr. CHANDLER and Mr. PLATT. Without debate.

Mr. PUGH. We do not want debate.

Mr. ALLISON. If there is to be no debate on the amendments, I will withdraw my suggestion as to 5 o'clock, and will say 4 o'clock.

Mr. HARRIS. In order that we may have no misunderstanding about the consent agreement, do I understand the suggestion of the Senator from New Hampshire to be that after 5 o'clock every Senator shall have the right to offer amendments which shall be voted upon without debate?

Mr. CHANDLER. The Senator from Tennessee precisely comprehended my meaning.

Mr. PLATT. Perhaps the hour had better be made 4 o'clock, if that is to be part of the agreement.

Mr. LINDSAY. Let the agreement stand at 5 o'clock.

Mr. BUTLER. I now desire, on the suggestion of several Senators, to change the request that the debate on this question shall cease at 4 o'clock on Monday, and that at 5 o'clock the final vote shall be taken—not later than 5 o'clock—that the time between 4 and 5 be devoted to the purpose named by the Senator from New Hampshire [Mr. CHANDLER] to offer amendments to be voted upon without debate.

Mr. HILL. Do I understand that amendments can be presented at 5 o'clock?

Mr. BUTLER. No; at 4 o'clock—the final vote to be taken not later than 5 o'clock.

Mr. CHANDLER. The objection to that is that we might not get through. What I meant to suggest to the Senator was that at 4 o'clock debate should cease and we should then proceed to vote upon all amendments without debate, and when the amendments have been completed that the final vote be taken.

Mr. BUTLER. The final vote, however, upon the amendments and the bill to be taken not later than 5 o'clock.

Mr. CHANDLER. We may not get through by that time.

Mr. TELLER. It seems to me the Senator wants to reserve more time than is necessary. If we are to do nothing but offer amendments we ought to vote by 5 o'clock. We ought to get through with the amendments by that time if we do not debate them.

Mr. CHANDLER. I do not want to have two different hours agreed upon. At 4 o'clock we cease debate; amendments are then in order; all amendments offered are to be voted upon, and then the bill is to be voted upon before we adjourn.

Mr. TELLER. Amendments are in order from this time on. Senators can commence offering amendments now if they choose.

Mr. ALLEN. I suggest to the Senator from New Hampshire, if he will permit me, that to start at 5 o'clock——

Mr. PLATT and Mr. STEWART. Four o'clock.

Mr. ALLEN. Will result in a half hour or an hour when the Senate will not have a quorum present, and there will be inability to obtain a vote.

Mr. CHANDLER. Therefore I understand 4 o'clock is to be the hour according to the present request of the Senator from North Carolina.

Mr. ALLEN. Four o'clock is the hour when the amendments are to be put in.

Mr. BUTLER. Senators are to begin to put in amendments at 4 o'clock, and they are to be voted upon without debate. Now, it is clear that unless there is a string of 100 amendments or more, amendments without limit, they certainly can be disposed of without debate in an hour.

Mr. ALLEN. Do I understand the proposed unanimous-consent agreement to mean that a vote shall absolutely be taken at 5 o'clock?

Mr. CHANDLER. I do not anticipate any delay, and I do not understand the anxiety of the Senator from North Carolina to have the voting on amendments to end in an hour. I might want to offer an amendment, and the Senator from North Carolina might, at 4 o'clock, offer the McKinley Act itself as an amendment, which would take more than an hour to read it.

Mr. BUTLER. Hardly.

Mr. CHANDLER. The Senator is likely to do so.

Mr. CLARK. I should like to know if, as a matter of fact, the Senator contemplates doing it.

Mr. CHANDLER. I submit the separate proposition, that at 4 o'clock debate shall end and we shall go on and finish the bill, reserving the right to every Senator to offer amendments.

Mr. HAWLEY. And positively to stop at 5 o'clock, when a vote shall be taken on the main question.

Mr. HILL. Five o'clock.

Mr. CHANDLER. I do not agree to that.

Mr. HAWLEY. That is what I was afraid of.

Mr. CHANDLER. Suppose Senators do not cease offering amendments by 5 o'clock?

Mr. HAWLEY. What is the use of an agreement at all if you are going to make that kind of an agreement?

Mr. CHANDLER. That we shall finish the bill before we adjourn.

Mr. DUBOIS. I shall have to object. I think to-morrow some time we can better arrive at an agreement, after the debate has gone on a little further.

The VICE-PRESIDENT. Objection is interposed.

Mr. HILL. I ask the Senator from Nebraska [Mr. ALLEN] if he will yield for a motion to adjourn?

Mr. ALLEN. If I can go on in the morning, the bill retaining its place——

Mr. HILL. It is the unfinished business.

The VICE-PRESIDENT. It is the unfinished business, and the Senator from Nebraska has the floor.

Mr. ALLEN. My speech is not yet through. I wish to conclude it in the morning, when the bill is laid before the Senate, and now, as there is routine business to be transacted, I yield the floor for to-day.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 8109) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HAINER of Nebraska, Mr. GROUT, and Mr. BOUTELLE managers at the conference on the part of the House.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. FRYE. I ask the Senator from New York to withhold the motion to adjourn which he proposed to make.

Mr. HILL. Very well; I shall not press the motion.

Mr. FRYE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7977) "making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 342 and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 130, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following:

"For a deep-water harbor for commerce and of refuge at Port Los Angeles, in Santa Monica Bay, California, or at San Pedro, in said State, the location of said harbor to be determined by an officer of the Navy, to be detailed by the Secretary of the Navy, an officer of the Coast and Geodetic Survey, to be detailed by the Superintendent of said Survey, and three experienced civil engineers, skilled in riparian work, to be appointed by the President, who shall constitute a board, and who shall personally examine said harbors, the decision of a majority of which shall be final as to the location of said harbor. It shall be the duty of said board to make plans, specifications, and estimates for said improvement. Whenever said board shall have settled the location and made report to the Secretary of War of the same, with said plans, specifications, and estimates, then the Secretary of War may make contracts for the completion of the improvement of the harbor so selected by said board, according to the project reported by them, at a cost not exceeding in the aggregate $2,900,000, and $50,000 is hereby appropriated, so much thereof as may be necessary to be used for the expenses of the board and payment of the civil engineers for their services, the amount to be determined by the Secretary of War: *Provided, however*, That if the board hereby constituted, as in this section provided, shall determine in favor of the construction of a breakwater at Port Los Angeles, no expenditure of any part of the money hereby appropriated shall be made, nor shall any contract for the construction of such breakwater be entered into until the Southern Pacific Company, or the owner or owners thereof, shall execute an agreement and file the same with the Secretary of War that any railroad company, or any corporation engaged in the business of transportation, may share in the use of the pier now constructed at Port Los Angeles and the approaches and tracks leading thereto, situate westerly of the easterly entrance to the Santa Monica tunnel, upon such just and equitable terms as may be agreed upon between the parties, and if they fail to agree, then to be determined by the Secretary of War; and before any expenditure of the money hereby appropriated is made for the construction of a breakwater at Port Los Angeles said Southern Pacific Company, or the owner of the tracks and approaches leading to said pier, shall execute an agreement and file the same with the Secretary of War, that any railroad or transportation company or corporation desiring to construct a wharf or pier in Santa Monica Bay may, for the purpose of approaching such wharf or pier, and for the purpose of constructing and operating the same, cross the track or tracks, approaches, and right of way now used by the Southern Pacific Company under such regulations as may be prescribed by the Secretary of War and upon the payment of such compensation as that officer may find to be reasonable: *Provided further*, That in event said harbor is located at Port Los Angeles no greater royalty on the rock used for the construction of the breakwater than 12½ cents a cubic yard shall be charged, and the Southern Pacific Company shall charge no more than one-half a cent a ton-mile for freight on rock transported over its road."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 132, and agree to the same with an amendment as follows: At the end of the language proposed insert the following: "but no such contract shall be entered into until the board provided for in this act to determine the location of a deep-water harbor for commerce and of refuge, as between Port Los Angeles, in Santa Monica Bay, and San Pedro, in the State of California, has made its report to the Secretary of War, and not at all if said report shall be in favor of San Pedro as the location of said harbor"; and the Senate agree to the same.

WILLIAM P. FRYE,
M. S. QUAY,
G. G. VEST,
Managers on the part of the Senate.

W. B. HOOKER,
BINGER HERMANN,
T. C. CATCHINGS,
Managers on the part of the House.

The report was concurred in.

FORTIFICATIONS APPROPRIATION BILL.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 8109) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. PERKINS. I move that the Senate insist upon its amendments disagreed to by the House of Representatives and agree to the conference asked by the other House.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate, and Mr. PERKINS, Mr. ALLISON, and Mr. GORMAN were appointed.

CYRUS THOMAS.

Mr. CULLOM. I ask the Senate to take up the bill (H. R. 4910) granting a pension to Cyrus Thomas.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to Cyrus Thomas, late second lieutenant Battery B, First Vermont Heavy Artillery, and sergeant Company B, Eleventh Vermont Infantry, a pension of $50 per month, in lieu of the pension which he now receives.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARKET PRIVILEGES FOR FARMERS.

Mr. GALLINGER. I ask unanimous consent for the consideration of the joint resolution (S. R. 148) for the relief of farmers and truck men in the city of Washington, D. C.

Mr. BUTLER. The requests for unanimous consent are granted with the understanding that they do not displace the present bill and can not do so, of course.

Mr. GALLINGER. Of course.

The VICE-PRESIDENT. Certainly not.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

STATEN ISLAND RAPID TRANSIT COMPANY.

Mr. HILL. I ask unanimous consent to call up a local measure, the bill (S. 2628) to amend the act approved February 9, 1881, to grant the right of way for railroad purposes through certain lands of the United States in Richmond County, N. Y.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN LITTLE AND HOBART WILLIAMS.

Mr. THURSTON. I ask for the present consideration of the bill (S. 795) for the relief of John Little and Hobart Williams, of Omaha, Nebr.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to John Little and Hobart Williams $1,423.75, being the amount due them as reported by the Court of Claims.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. NELSON. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 50 minutes p. m.) the Senate adjourned until to-morrow, Saturday, May 23, 1896, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

FRIDAY, *May 22, 1896.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of yesterday's proceedings was read and approved.

Mr. FOWLER. Mr. Speaker, in the vote on the pension of Mr. Hoover I voted "yea" yesterday, under the apprehension——

Mr. KEM. Mr. Speaker, I call for the regular order.

Mr. FOWLER. Mr. Speaker——

The SPEAKER. The gentleman from New Jersey desires to make a personal statement.

Mr. FOWLER. Mr. Speaker, I entered into an arrangement with the gentleman from Georgia [Mr. BARTLETT] for a pair, and received a letter from him stating certain cases that we agreed upon and others upon which he desired to vote, which were particularly the election cases, and from that I understood our pair was limited. But upon reading the letter I am under the impression that I should not have voted on the Hoover matter. I therefore desire to make this explanation.

The SPEAKER. The gentleman from Nebraska demands the regular order, which is private business.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to bills of the following titles:

A bill (H. R. 5731) to regulate the practice of medicine and surgery and to punish persons violating the provisions thereof in the District of Columbia; and

A bill (H. R. 6833) defining the standard shape and size for dry measures in use in the District of Columbia, and for other purposes.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 673) granting a pension to Joseph R. West, brigadier and brevet major general, United States Army Volunteers.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 5210) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1897, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. TELLER, Mr. ALLISON, and Mr. COCKRELL as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7664) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes, had further insisted upon its amendments numbered 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 22, 23, 24, 25, 28, 32, 61, 91, 92, 93, 94, 96, 97, 109, 111, 112, 115, 120, 122, 123, 124, 126, 127, 128, 129, 138, 139, 140, 141, 142, 143, 145, 146, 147, 161, and 190, disagreed to by the House of Representatives, had asked a further conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. ALLISON, Mr. HALE, and Mr. GORMAN as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7977) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, had still further insisted upon its amendments numbered 130, 132, and 342, disagreed to by the House of Representatives, had asked a further conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. FRYE, Mr. QUAY, and Mr. VEST as the conferees on the part of the Senate.

A further message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6249) making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1897, and for other purposes, had still further insisted upon its amendments numbered 37, 64, 66, 69, and 70, disagreed to by the House of Representatives, had asked a further conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. PETTIGREW, Mr. TELLER, and Mr. COCKRELL as the conferees on the part of the Senate.

The message also announced that the Senate had passed without amendment the bill (H. R. 2042) to increase the pension of Wilbur F. Cogswell.

The message also announced that the Senate had passed without amendment the following resolution:

Resolved by the House of Representatives (the Senate concurring), That there be printed 15,000 additional copies of the Messages and Papers of the Presidents, Richardson's compilation, of which there shall be 5,000 copies for the Senate and 10,000 copies for the House of Representatives, to be distributed and disposed of, including the fraction in each case, as provided in the House joint resolution No. 170, approved on the 30th day of April, 1896.

The message also announced that the Senate had passed the bill (S. 3170) to authorize the Butler and Pittsburg Railroad Company to construct and maintain a bridge across the Allegheny River; in which the concurrence of the House was requested.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, the following Senate bills were taken from the Speaker's table and referred by the Speaker as follows:

A bill (S. 3011) for the relief of Nicolai Bros.—to the Committee on the District of Columbia.

A bill (S. 3008) authorizing the employment of day labor in the construction of certain municipal buildings and works in the District of Columbia—to the Committee on the District of Columbia.

A bill (S. 3001) granting a pension to Alfred Bigelow, of Norfolk, in the State of Nebraska—to the Committee on Invalid Pensions.

A bill (S. 2945) to authorize the construction of a bridge across the Alabama River by the Mobile and Ohio Railroad Company—to the Committee on Interstate and Foreign Commerce.

A bill (S. 2944) to authorize the construction of a bridge across the Cahaba River, in Bibb County, Ala., by the Mobile and Ohio Railroad Company—to the Committee on Interstate and Foreign Commerce.

A bill (S. 2943) to authorize the construction of a bridge across the Warrior River by the Mobile and Ohio Railroad Company—to the Committee on Interstate and Foreign Commerce.

A bill (S. 2499) to amend an act entitled "An act to incorporate the Washington and Great Falls Electric Railway Company"—to the Committee on the District of Columbia.

A bill (S. 2473) to amend an act entitled "An act to provide for holding terms of court in the district of Montana," approved July 20, 1892—to the Committee on the Judiciary.

A bill (S. 2394) to provide for the construction of a public building at Salem, Oreg.—to the Committee on Public Buildings and Grounds.

A bill (S. 2306) to amend Title LX, chapter 3, of the Revised Statutes, relating to copyrights—to the Committee on Patents.

A bill (S. 2284) for the relief of actual settlers on unsurveyed public lands—to the Committee on the Public Lands.

A bill (S. 3170) to authorize the Butler and Pittsburg Railroad Company to construct and maintain a bridge across the Allegheny River—to the Committee on Interstate and Foreign Commerce.

JOSEPH R. WEST.

Mr. PICKLER. Mr. Speaker, I desire to submit a conference report.

The report of the committee of conference was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 673) granting a pension to Joseph R. West, brigadier and brevet major-general, United States Army Volunteers, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with an amendment as follows: In lieu of the amount proposed to be inserted insert "seventy-five"; and the House agree to the same.

J. A. PICKLER,
HENRY F. THOMAS,
C. J. ERDMAN,
Managers on the part of the House.

J. H. GALLINGER,
W. N. ROACH,
GEO. L. SHOUP,
Managers on the part of the Senate.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

On motion of Mr. PICKLER, a motion to reconsider the vote by which the conference report was agreed to was laid on the table.

EXAMINATION AND CLASSIFICATION OF CERTAIN LANDS IN THE STATE OF CALIFORNIA.

Mr. ELLIS. Mr. Speaker, I desire to submit a privileged report from the Committee on Public Lands on the bill (H. R. 5819) to provide for the examination and classification of certain lands in the State of California, and I desire to call it up.

The SPEAKER. The report does not have to be made in open House. It is not in order to make it in the House.

Mr. ELLIS. The Senate has submitted certain amendments to

the House bill, which previously passed the House, and they asked for a conference. The bill was referred to the Committee on Public Lands, and the committee report it back with the recommendation that the House agree to the Senate amendments.

The SPEAKER. But the Senate amendments require consideration in Committee of the Whole, do they not?

Mr. ELLIS. I am not sure about that. I think perhaps they do.

The SPEAKER. The Chair has examined them, and finds they do. In that case the bill goes to the Committee of the Whole.

Mr. LOUD. Mr. Speaker, I would like to submit a parliamentary inquiry as to this case.

The SPEAKER. The gentleman will state it.

Mr. LOUD. Here is a House bill.

The SPEAKER. It is a public bill, and therefore not in order to-day against unfinished private business.

Mr. LOUD. It is a privileged matter.

The SPEAKER. It is not a privileged matter except on the days of public business.

Mr. ELLIS. Then I withdraw it for the present, and will call it up at some subsequent time.

The SPEAKER. The Chair thinks the matter should go to the Committee of the Whole, under the rules of the House.

Mr. LOUD. If the Chair will allow me one moment. If this report be made and it then go to Committee of the Whole it then will lose its privileged character.

The SPEAKER. It can not lose any privileged character by going where the rules require it to go.

Mr. LOUD. It seems to me strange how this, being privileged, got to the committee.

The SPEAKER. The Chair will state precisely how it went to the committee. Being a House bill with Senate amendments, with a request for a conference, it went to the committee. That committee had the right to report, because the Senate requested a conference. Being reported, it goes to Committee of the Whole because that is the rule of the House.

Mr. LOUD. Well, but, Mr. Speaker, I see matters of a similar character every day presented to the House and the House privileged to take some action on the matter.

The SPEAKER. Will the gentleman state any case?

Mr. LOUD. Why, appropriation bills and pension bills with Senate amendments on them.

The SPEAKER. Appropriation bills can not be considered under those circumstances except by unanimous consent. Pension bills for increases of pensions, with Senate amendments, or Senate amendments representing increases by the Senate are not within the rule of measures like this, where a new item is presented involving a new appropriation, which Rule XX of the House sends to the Committee of the Whole. The matter is very clear. That bill was submitted to the Chair, and the Chair was not aware that there was a new appropriation in it on a cursory examination; but on a careful examination it is quite evident there are expenditures not in the original bill, and relating to a new or cognate subject—that is, including another State.

Mr. LOUD. It is the same subject-matter, though relating to another State.

The SPEAKER. Relating to another State and making other expenditures.

NORTHERN PACIFIC INDEMNITY LAND SETTLERS.

Mr. LACEY. Mr. Speaker, I desire to present a conference report. It is the one which we had up the other day. It was then read and laid over until yesterday morning, but I let it go over until this morning so as to give gentlemen an opportunity to examine it. The report was read and also the statement, but an objection was made by the gentleman from Arkansas [Mr. McRAE] to one feature of the substitute bill presented by the conference committee. I would like to dispose of the bill now, and if the gentleman from Arkansas desires, I will yield him time to explain his objection, retaining the floor. If, however, the other business of the House is in such a situation that this will interfere, I do not care to press it at this time.

The SPEAKER. There is other business pressing.

Mr. LACEY. Then I will withdraw the report for the present.

RIVER AND HARBOR BILL.

Mr. HOOKER. Mr. Speaker, I desire to present a conference report on the river and harbor bill.

The conference report was read.

The report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7977) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 20, 36, 38, 48, 49, 67, 69, 73, 74, 75, 83, 104, 142, 157, 158, 160, 172, 207, 208, 223, 250, 251, 333.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 39, 40, 41, 42, 43, 44, 46, 47, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 68, 70, 72, 78, 79, 81, 82, 84, 85, 88, 89, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 127, 129, 131, 133, 134, 135, 137, 138, 139, 140, 141, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 159, 161, 162, 163, 164, 165, 166, 168, 169, 170, 171, 173 (but to be inserted at the end of the item for the Potomac River, instead of that for the Appomattox River, as erroneously printed), 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 200, 201, 202, 203, 205, 206, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 246, 247, 252, 253, 254, 255, 256, 257, 258, 261, 262, 263, 264, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 325, 326, 327, 328, 329, 330, 331, 332, 334, 335, 336, 337, 338, 339, 340, 341, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 377, 378, 379, 380, 381, 382, 384, 385, 387, 388, 389, 390, 391, 392, and agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In lieu of the language proposed to be inserted insert the following: "*And provided further*, That in making such contracts the Secretary of War shall not obligate the Government to pay in any one fiscal year, beginning July 1, 1897, more than 25 per cent of the whole amount authorized to be expended"; and the Senate agree to the same.

Amendment numbered 45: That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: In lieu of the language stricken out insert the two following paragraphs:

"For the purpose of strengthening and improving the bulkheads and pier along the property belonging to the estate of J. P. Robinson, which abuts on the channel known as Gowanus Creek Channel, the said estate of J. P. Robinson, its heirs, their successors, or assigns, are hereby authorized to construct and maintain the bulkhead distant 30 feet southerly from the present bulkhead line, beginning 470 feet from the southerly side of Bryant street and the easterly side of Court street, and said bulkhead shall then continue westerly parallel with the present bulkhead to a point distant 45 feet from the present easterly line of the pier at present owned by the estate of J. P. Robinson, and extending thence southerly in a straight line distant 45 feet from said pier line to the present bulkhead line continued, a distance of about 393 feet.

"Improving Gowanus Creek Channel, New York, by deepening the same to 26 feet at mean low water, from the foot of Percival street to its junction with the Red Hook Channel, $25,000."

And the Senate agree to the same.

Amendment numbered 50: That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows: In lieu of the language stricken out insert the following paragraph:

"Improving harbor at Mamaroneck, N. Y.: Continuing improvement, in accordance with report of Chief of Engineers, 1897, $10,000."

And the Senate agree to the same.

Amendment numbered 71: That the House recede from its disagreement to the amendment of the Senate numbered 71, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$20,000"; and the Senate agree to the same.

Amendment numbered 76: That the House recede from its disagreement to the amendment of the Senate numbered 76, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,000,000"; and strike out the words "recommended in said"; and the Senate agree to the same.

Amendment numbered 77: That the House recede from its disagreement to the amendment of the Senate numbered 77, and agree to the same with an amendment as follows: Strike out the word "report," proposed to be inserted; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 80, and agree to the same with an amendment as follows: In lieu of the language proposed to be inserted insert the following:

"And that when said C. P. Goodyear, his heirs and assigns, have procured a 200-foot channel of a minimum depth of 23 feet at mean high tide, $30,000 shall be paid therefor; and when he has secured a channel 200 feet wide, 24 feet deep at mean high tide, an additional $40,000 shall be paid therefor; and that all of said deepening of said bar shall be completed within three years from the date of the passage of this act: *Provided*, That no payment shall be made to said Goodyear or his legal representatives except upon a certificate of the Secretary of War, made after personal survey by an experienced officer of the Coast and Geodetic Survey, selected by him for that purpose, that such depths and widths have severally been obtained by him or them; and said officer shall make to Congress a report in detail of the amount of work done, its cost, and its value to the Government."

And the Senate agree to the same.

Amendments numbered 86 and 87: That the House recede from its disagreement to the amendments of the Senate numbered 86 and 87, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$80,000"; and strike out all the remainder of the paragraph, being the proviso, including amendment numbered 87; and the Senate agree to the same.

Amendment numbered 90: That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with an amendment as follows: After the word "improvement," in the second line of the paragraph, strike out the word "fifty" and insert "seventy-five"; and after the word "million," in the seventh line of the paragraph, insert the words "and fifty thousand"; and the Senate agree to the same.

Amendments numbered 107, 108, 109, 110, and 111: That the House recede from its disagreement to the amendments of the Senate numbered 107, 108, 109, 110, and 111, and agree to the same with an amendment as follows: Strike out the entire paragraph and insert in lieu thereof the following paragraph:

"Improving harbor at Manistee, Mich.: Continuing improvement and dredging the interior channel, $15,000; and all moneys heretofore appropriated and now unexpended may be used for dredging such interior channel at the discretion of the Secretary of War. Any limitations on such former appropriations are hereby repealed."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 126, and agree to the same with an amendment as follows: Restore the language proposed to be stricken out, and after the word "*Provided*" in the first line of the language proposed to be inserted, insert the word "*further*"; and the Senate agree to the same.

Amendment numbered 128: That the House recede from its disagreement to the amendment of the Senate numbered 128, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$20,000"; and the Senate agree to the same.

Amendment numbered 136: That the House recede from its disagreement to the amendment of the Senate numbered 136, and agree to the same with an amendment as follows: Restore the language proposed to be stricken out, and at the end of it insert the following: "If in the opinion of the Secretary

of War the interests of commerce demand such expenditure"; and the Senate agree to the same.

Amendment numbered 167: That the House recede from its disagreement to the amendment of the Senate numbered 167, and agree to the same with an amendment as follows: In the twelfth line of the language proposed to be inserted strike out the word "but," after the word "Point," and insert in lieu thereof the word "until"; and in the fourteenth line of said proposed language strike out the words "through the Secretary to the next Congress" and insert in lieu thereof the words "to the Secretary of War on the first Monday in December of the current year"; and at the end of the language proposed insert the following:

"And the Secretary of War is hereby authorized to carry out the recommendations of said board, and to modify the present contract, if necessary, and adjust any loss with the contractor occasioned by the provisions of this act, and to pay the same out of the appropriation under which the said contract was made; also to expend the additional sum of $25,000, in his discretion, for such dredging as may be necessary for the maintenance of channels from the mouths of the Appoquinimink River and Blackbird Creek in the channel of the Delaware River through the dike now being constructed from Reedy Island to Liston Point for the improvement of the Delaware."

And the Senate agree to the same.

Amendment numbered 185: That the House recede from its disagreement to the amendment of the Senate numbered 185, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$10,000"; and the Senate agree to the same.

Amendment numbered 199: That the House recede from its disagreement to the amendment of the Senate numbered 199, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$20,000"; and the Senate agree to the same.

Amendment numbered 204: That the House recede from its disagreement to the amendment of the Senate numbered 204, and agree to the same with an amendment as follows: Restore the language proposed to be stricken out, and in the next to the last line of the same strike out the word "dams" and insert in lieu thereof the word "locks"; and the Senate agree to the same.

Amendment numbered 245: That the House recede from its disagreement to the amendment of the Senate numbered 245, and agree to the same with an amendment as follows: After the word "war," in the fourth line of the language proposed to be inserted, insert the following: "not exceeding $50,000, or so much thereof as may be necessary"; and after the word "river," in the following line, strike out the words "such amounts as may be necessary" and insert in lieu thereof the word "and"; and the Senate agree to the same.

Amendment numbered 248: That the House recede from its disagreement to the amendment of the Senate numbered 248, and agree to the same with an amendment as follows: After the word "otherwise," proposed to be inserted, insert the words "not exceeding $50,000, or so much thereof as may be necessary"; and the Senate agree to the same.

Amendment numbered 249: That the House recede from its disagreement to the amendment of the Senate numbered 249, and agree to the same with an amendment as follows: In the language proposed to be inserted strike out the words "such amounts as may be necessary"; and the Senate agree to the same.

Amendment numbered 259: That the House recede from its disagreement to the amendment of the Senate numbered 259, and agree to the same with an amendment as follows: After the word "dollars," at the end of the first proviso, insert the words "exclusive of the amount herein appropriated"; and the Senate agree to the same.

Amendment numbered 260: That the House recede from its disagreement to the amendment of the Senate numbered 260, and agree to the same with an amendment as follows: Before the word "obtaining," next preceding the words proposed to be inserted, insert the word "ultimately"; and the Senate agree to the same.

Amendment numbered 265: That the House recede from its disagreement to the amendment of the Senate numbered 265, and agree to the same with an amendment as follows: Strike out of the language proposed to be inserted all after the word "Commission" and insert in lieu thereof the following:

"For the purpose of improving the channel by preventing erosion of the banks, not exceeding $70,000 at Omaha and Council Bluffs, or so much thereof as may be necessary; at Rocheport, not exceeding $50,000, or so much thereof as may be necessary; at Glasgow, and for protecting the shore line above Glasgow from the foot of Bowling Green Bend to the head of Harrisons Island, not exceeding $80,000, or so much thereof as may be necessary; at Miami, not exceeding $65,000, or so much thereof as may be necessary; at St. Charles, not exceeding $50,000, or so much thereof as may be necessary; at and near the mouth of the Little Blue, in Jackson County, Mo., not exceeding $20,000, or so much thereof as may be necessary; on the banks of the river opposite Leavenworth and Atchison, not exceeding $15,000 at each of said localities, or so much thereof as may be necessary; at Nebraska City, not exceeding $25,000, or so much thereof as may be necessary: *Provided*, That the Commission may also expend such amounts as may be absolutely necessary at any time in the improvement of the channel by preventing erosion of the banks at other harbors and localities on the river."

And the Senate agree to the same.

Amendment numbered 280: That the House recede from its disagreement to the amendment of the Senate numbered 280, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$150,000"; and strike out all of the proposed language following said sum, being the proviso; and the Senate agree to the same.

Amendment numbered 297: That the House recede from its disagreement to the amendment of the Senate numbered 297, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$150,000"; strike out all of the first proviso proposed, and strike out the word "further," after the word "*Provided*," in the second proviso; and at the end of the language proposed to be inserted insert the following: "Said canal to be constructed either by the Smiths Cove route or by the Shilshole Bay route, in the discretion of the Secretary of War"; and the Senate agree to the same.

Amendment numbered 308: That the House recede from its disagreement to the amendment of the Senate numbered 308, and agree to the same with an amendment as follows: In lieu of the section proposed to be inserted insert the following:

"SEC. 6. That the Secretary of War is hereby authorized and directed to cause to be made and transmitted to the first session of the Fifty-fifth Congress a compilation giving a complete list of all the preliminary examinations that have heretofore been made, date of report, with a statement as to each, whether favorable or unfavorable for survey; also a complete list of all surveys that have heretofore been made, with a statement as to each, whether favorable for adoption or unfavorable, and date of report, amount recommended for completion and amount recommended for each, to be expended during the fiscal year beginning July 1, 1896, by both the Chief of Engineers and the engineer in charge; also a complete list of all projects now under construction or maintenance, together with the year when adopted, and if modified, when; the total amount expended on each project and estimate of amount required to complete the same, and amount recommended by the Chief of Engineers and by the engineer in charge to be expended during the fiscal year beginning July 1, 1898, the amount appropriated for each project by this act, making reference to the report of the Chief of Engineers, where report of each project is given, together with a statement containing the amount of the unexpended balance to the credit of each project July 1, 1897, whether under construction, work suspended, or appropriation made and work not commenced; also the total amounts appropriated heretofore for the improvement and maintenance of the rivers, and the total amounts heretofore appropriated for the improvement and maintenance of harbors in each river and harbor act; also the total amount of appropriation, by States, for the improvement of rivers and harbors."

And the Senate agree to the same.

Amendment numbered 324: That the House recede from its disagreement to the amendment of the Senate numbered 324, and agree to the same with an amendment as follows: In lieu of the language stricken out insert the following:

"The Secretary of War is hereby directed to cause to be made accurate examinations and estimates of cost of construction of a ship canal, by the most practicable route, wholly within the United States, from the Great Lakes to the navigable waters of the Hudson River, of sufficient capacity to transport the tonnage of the lakes to the sea."

And the Senate agree to the same.

Amendment numbered 360: That the House recede from its disagreement to the amendment of the Senate numbered 360, and agree to the same with an amendment as follows: In lieu of the language proposed to be inserted insert the following:

"Delaware River, with a view to obtaining a channel 600 feet wide and 30 feet deep from a point at or near the city of Philadelphia to the deep water of Delaware Bay."

And the Senate agree to the same.

Amendment numbered 375: That the House recede from its disagreement to the amendment of the Senate numbered 375, and agree to the same with an amendment as follows: In addition to the language proposed insert the following new paragraph:

"Removal of dam in upper Allegheny, near Corydon, and all the dams on the Conewango Creek, and the rapids at or near Waterboro, in the Conewango Creek, a tributary of the Allegheny River."

And the Senate agree to the same.

Amendment numbered 376: That the House recede from its disagreement to the amendment of the Senate numbered 376, and agree to the same with an amendment as follows: After the language proposed to be inserted insert the following paragraph:

"Gowanus Creek, with a view of obtaining a depth of 30 feet at mean low water."

And the Senate agree to the same.

Amendment numbered 383: That the House recede from its disagreement to the amendment of the Senate numbered 383, and agree to the same with an amendment as follows: In the line after the language proposed to be inserted strike out the word "from," before the word "modified," and insert in lieu thereof the word "for"; and the Senate agree to the same.

Amendment numbered 386: That the House recede from its disagreement to the amendment of the Senate numbered 386, and agree to the same with an amendment as follows: After the word "refuge," in the next paragraph but one preceding, insert a new paragraph, as follows:

"Inner harbor at Point Judith Pond."

And the Senate agree to the same.

Amendments numbered 130, 132, and 342: The committee of conference have been unable to agree on the amendments of the Senate numbered 130, 132, and 342.

W. B. HOOKER,
BINGER HERMANN,
T. C. CATCHINGS,
Managers on the part of the House.

WM. P. FRYE,
G. G. VEST,
Managers on the part of the Senate.

Mr. HOOKER. Mr. Speaker, I move that the House agree to the conference report, insist upon its disagreement to the Senate amendments numbered 130, 132, and 342, and agree to the conference asked for by the Senate. I send to the Clerk's desk the statement which accompanies the report.

The statement of the House conferees was read, as follows:

The bill as it passed the House carried appropriations amounting to	$10,453,860.00
And contracts amounting to	51,721,210.91
As the bill passed the Senate it carried	12,752,350.00
And contracts amounting to	60,473,121.91
The cash items have been reduced in conference	$201,000.00
And the reduction in the amount of projects placed under contract is	4,110,823.00
The Senate amendments upon which no agreements have been reached involve appropriations amounting to	100,000.00
And contracts amounting to	3,341,000.00

W. B. HOOKER.
BINGER HERMANN.
T. C. CATCHINGS.

Mr. DOCKERY. Mr. Speaker, is that statement signed by the House conferees? The rules require an official statement, signed by the conferees. I will, however, waive that point so far as I am concerned.

Mr. HOOKER. Now, Mr. Speaker, if there is any gentleman who desires to debate this matter, I am willing to yield time for that purpose.

Mr. DOCKERY. I desire to be heard; but I suppose the gentleman himself desires to make a statement.

Mr. HOOKER. I will make mine after you get through. How much time do you desire?

Mr. DOCKERY. Fifteen minutes.

Mr. HOOKER. I will yield ten minutes to the gentleman from Missouri.

Mr. DOCKERY. I suppose the gentleman will yield me five minutes additional if I require it.

Mr. HOOKER. If necessary.

Mr. DOCKERY. Mr. Speaker, I ask the attention of the House

for a very few moments, but even if I desired longer time I would be unable to secure it. I am in favor of proper appropriations for the improvement of the facilities for water transportation, but I am opposed to this bill because it carries riotous appropriations not warranted by the condition of the Treasury or the condition of business of the country. I know, Mr. Speaker, that what I may say will not be punctuated by applause. I realize that fact as well as any Representative on this floor. As my friend from California [Mr. LOUD] aptly suggests, "We are all in it." That expresses the whole situation. [Laughter.] When this bill left the House it carried, including the indefinite appropriation for the Monongahela River, appropriations and liabilities aggregating $65,148,770.91, having received the affluent consideration in debate of forty minutes all told, without the right of amendment. As reported to the Senate by the Senate Committee on Commerce it carried in direct appropriations $12,690,550, the indefinite appropriation of $3,000,000 for the Monongahela River, and authorized contracts of $63,353,121, making a grand total of $79,043,671.

Mr. Speaker, in this connection I desire to call attention to the rapidly increasing totals of the river and harbor bills, altogether out of proportion to the progress of the country. Since 1878 the appropriations have been as follows:

	APPROPRIATIONS.	
1878		$8,201,700.00
1879		7,846,600.00
1880		8,951,500.00
1881		11,441,300.00
1882		18,738,875.00
1884		13,949,200.00
1886		14,473,900.00
1888		22,397,616.90
1890	$25,136,295.00	
Contracts authorized	13,282,979.00	38,419,274.00

Mr. HOOKER. If the gentleman will pardon me a moment, I wish to say that he has not correctly stated the amount for 1890. As I understand, it was $13,282,979.

Mr. DOCKERY. But the contracts were additional to the direct appropriations of that bill. The statement to which I am referring was prepared by the accomplished clerk of the House Committee on Appropriations; and I venture to say it is correct.

In 1892 the appropriations were $21,154,218; contracts authorized, $31,760,521; total, $52,914,739. In 1894 the appropriations were $11,473,180, and no contracts authorized. In 1896, in the pending bill as passed by the Senate and sent to conference, the aggregate of specific appropriations was $12,690,550; Monongahela River, indefinite, $3,000,000; contracts authorized, $63,353,121; aggregate, $79,043,671.

Mr. HOPKINS. If the gentleman will allow me——

Mr. DOCKERY. I can not yield. I have only ten minutes.

Mr. HOPKINS. I will give the gentleman some of my time.

Mr. DOCKERY. I decline to be interrupted.

The SPEAKER pro tempore (Mr. PAYNE). The gentleman from Missouri is entitled to the floor and declines to yield.

Mr. DOCKERY. Mr. Speaker, it is obvious that the liabilities under the contract system are rapidly increasing. The contract system was recognized for the first time in the river and harbor bill of 1890, the amount of contracts then authorized being $13,282,979. In 1892 the amount leaped to $31,760,521; and this bill as reported to the Senate authorized contracts amounting to $63,353,121; and the gentleman from Oregon [Mr. HERMANN] suggests that the amount should be $100,000,000. I regret that the efforts of the gentleman from Oregon, in behalf of that State, were not recognized by the people of his district in the recent convention which nominated someone else as Representative in Congress; because by his diligence and ability he has furnished through river and harbor bills the greatest source of revenue to the State of Oregon that it has ever enjoyed.

Mr. HERMANN. My friend from Missouri [Mr. DOCKERY] will allow me to say that the issue to which he refers was not raised before the people of Oregon; and if the people of Oregon had had the decision of the matter it would, I believe, have been decided very differently, so far as I am concerned, and by a very large majority. The people of Oregon favor the most liberal waterway improvements, and have indorsed my action in Congress many times, for which I feel grateful to them.

Mr. DOCKERY. I agree with the gentleman——

Mr. HERMANN. They believe in public appropriations for purposes of this kind.

Mr. DOCKERY. I do not know the ability of the gentleman nominated as successor to my friend, but if I had resided in Oregon and been called upon to name a Republican for the position, I should have supported the gentleman from Oregon [Mr. HERMANN].

Mr. Speaker, I now desire to call the attention of the House to the views of a distinguished citizen of New York; and I commend them to the brilliant young New Yorker [Mr. HOOKER] in charge of this bill. They are the views of Chester A. Arthur, submitted to this body when President of the United States, in the celebrated veto of the river and harbor bill of August 1, 1882. They seem appropriate to this occasion. I quote the message:

To the House of Representatives:

Having watched with much interest the progress of House bill No. 6242, entitled "An act making appropriations for the construction, repair, and preservation of certain works on rivers and harbors, and for other purposes," and having since it was received carefully examined it, after mature consideration I am constrained to return it herewith to the House of Representatives, in which it originated, without my signature and with my objections to its passage.

Many of the appropriations in the bill are clearly for the general welfare and most beneficent in their character. Two of the objects for which provision is made were by me considered so important that I felt it my duty to direct to them the attention of Congress. In my annual message in December last I urged the vital importance of legislation for the reclamation of the marshes and for the establishment of the harbor lines along the Potomac front. In April last, by special message, I recommended an appropriation for the improvement of the Mississippi River. It is not necessary that I say that when my signature would make the bill appropriating for these and other valuable national objects a law, it is with great reluctance and only under a sense of duty that I withhold it.

My principal objection to the bill is that it contains appropriations for purposes not for the common defense or general welfare, and which do not promote commerce among the States. These provisions, on the contrary, are entirely for the benefit of the particular localities in which it is proposed to make the improvements. I regard such appropriation of the public money as beyond the powers given by the Constitution to Congress and the President.

I feel the more bound to withhold my signature from the bill because of the peculiar evils which manifestly result from this infraction of the Constitution. Appropriations of this nature, to be devoted purely to local objects, tend to an increase in number and in amount. As the citizens of one State find that money, to raise which they in common with the whole country are taxed, is to be expended for local improvements in another State, they demand similar benefits for themselves, and it is not unnatural that they should seek to indemnify themselves for such use of the public funds by securing appropriations for similar improvements in their own neighborhood.

I invite especial attention, Mr. Speaker, to the following sentence, inasmuch as it emphasizes the appropriate suggestion just made by the gentleman from California [Mr. LOUD]:

Thus as the bill becomes more objectionable it secures more support.

Again, President Arthur says:

This result is invariable and necessarily follows a neglect to observe the constitutional limitations imposed upon the lawmaking powers.

The appropriations for river and harbor improvements have, under the influences to which I have alluded, increased year by year out of proportion to the progress of the country, great as that has been. In 1870 the aggregate appropriation was $3,975,900; in 1875, $6,648,517.50; in 1880, $8,976,500, and in 1881, $11,451,000, while by the present act there is appropriated $18,743,875.

While feeling every disposition to leave to the Legislature the responsibility of determining what amount should be appropriated for the purposes of the bill, so long as the appropriations are confined to objects indicated by the grant of power, I can not escape the conclusion that, as a part of the lawmaking power of the Government, the duty devolves upon me to withhold my signature from a bill containing appropriations which in my opinion greatly exceed in amount the needs of the country for the present fiscal year. It being the usage to provide money for these purposes by annual appropriation bills, the President is in effect directed to expend so large an amount of money within so brief a period that the expenditure can not be made economically and advantageously.

The extravagant expenditure of public money is an evil not to be measured by the value of that money to the people who are taxed for it. They sustain a greater injury in the demoralizing effect produced upon those who are intrusted with official duty through all the ramifications of Government.

These objections could be removed and every constitutional purpose readily attained should Congress enact that one-half only of the aggregate amount provided for in the bill be appropriated for expenditure during the fiscal year, and that the sum so appropriated be expended only for such objects named in the bill as the Secretary of War, under the direction of the President, shall determine; provided that in no case shall the expenditure for any one purpose exceed the sum now designated by the bill for that purpose.

I feel authorized to make this suggestion because of the duty imposed upon the President by the Constitution "to recommend to the consideration of Congress such measures as he shall judge necessary and expedient"; and because it is my earnest desire that the public works which are in progress shall suffer no injury. Congress will also convene again in four months, when this whole subject will be open for their consideration.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *August 1, 1882.*

Mr. Speaker, I have read the veto message of that prince among gentlemen, that splendid American President, who, called to the Presidency under circumstances peculiarly embarrassing, so acquitted himself in the discharge of the duties of that great office that in his retirement to private life he carried with him the grateful benedictions of the whole people.

Mr. Speaker, this bill to me is more suggestive of the profligate expenditures of the kings of France in the years immediately preceding the Revolution than any bill called to my attention during my Congressional service.

The SPEAKER pro tempore. The time of the gentleman from Missouri has expired.

Mr. DOCKERY. I should like a few minutes more.

Mr. HOOKER. I yield the gentleman two minutes additional.

Mr. HOPKINS. Now, Mr. Speaker, will the gentleman allow me——

Mr. DOCKERY. The gentleman must excuse me. If I had more time I would gladly yield.

Mr. HOOKER. I will yield the gentleman so much additional time as he may require to answer the question of the gentleman from Illinois [Mr. HOPKINS].

Mr. DOCKERY. Very well.

Mr. HOOKER. I yield five minutes more to the gentleman.

Mr. HOPKINS. Now, in the first place, I want to ask the

gentleman this question: Whether he can see any parallel between the expenditures of France, to which he has referred, under the kings there, and the expenditures under this bill, which are for the benefit of the whole people? And, in the second place, is there an item in the bill—and if there is I wish he would point it out—which is objectionable and which can not be advocated and supported on the ground of public good?

Mr. DOCKERY. Why, Mr. Speaker, there was not a King of France who ever laid the heavy hand of the taxgatherer upon the people who did not claim to do it in the interest of the people.

Mr. HOPKINS. Oh, no!

Mr. DOCKERY. And there is not a single item in this bill that does not come here challenging our approval in the name of the people. [Applause.] And I say further that you know, and I know—but I have not the time to analyze the items of this bill in the limited time accorded me—you know that while the bill has many meritorious features, yet it is honeycombed with local projects for private purposes.

Mr. HOPKINS. Name one of them.

Mr. HOOKER. Point them out.

Mr. DOCKERY (continuing). And, Mr. Speaker——

Mr. TOWNE. Let me interrupt the gentleman from Missouri to ask if it would not be better for him, instead of reading criticisms upon a bill 14 years of age, to point out the items in the present bill which he regards as worthy of reproach, or which are unjustifiable?

Mr. DOCKERY. Mr. Speaker, I was about to say that I have not gone into the details of this bill because I was assured by the gentleman in charge of the bill that I could not secure more than ten minutes' time for discussion.

Mr. HOOKER. I will yield you time to point them out.

Mr. DOCKERY (continuing). And I have to indulge, perhaps, in generalities, because the time is so limited.

I know, Mr. Speaker, that my protest will be unheeded. I know that my voice will fall on dull ears; I know the claim will be made here and throughout the country that the enormous total of this bill, covering as it does about eighty millions of liabilities, is for the public weal. But I desire to say——

Mr. HOOKER. Will the gentleman yield for a question?

Mr. DOCKERY (continuing). But I appeal from this tribunal to the great body of the American people. [Laughter on the Republican side.] I appeal from the Representatives here who intend to support this bill to the farmers of the country, to men who follow the plow and toil for their daily subsistence; I appeal to the men who work in the fields and in the factories and in the mines, and to the men who are engaged in the various business avocations of the country——

Mr. HOPKINS. And they will all repudiate you. [Laughter.]

Mr. DOCKERY (continuing). I appeal to the vast army of men who earn their bread by their daily toil. I appeal, Mr. Speaker, to them to condemn this riotous, this enormous, this unjustifiable, this profligate appropriation of public money. [Applause.]

Mr. HOOKER. Now will you yield for a question?

Mr. DOCKERY. If time were conceded I would be glad to yield to any gentleman. But the gentleman from New York will have his own time.

Mr. HOOKER. I will yield you abundance of time.

Mr. DOCKERY (continuing). If it were conceded by everybody that the incoming Administration is to be Democratic, then it might be claimed by some of us that these stupendous liabilities you are imposing on the people and upon the Treasury are intended to embarrass such an Administration.

Mr. HULICK. Nobody thinks that.

Mr. DOCKERY. But with the confident assurance which you make, with the claim that the incoming Administration is to be Republican, I am at a loss to understand the policy which piles up appropriations and liabilities to more than $600,000,000.

Sir, I do not know who will be the next President——

A MEMBER. McKinley.

Mr. DOCKERY (continuing). It is alleged by our Republican friends that their party will triumph, and that the gentleman from Ohio will be the next President of the United States; but I hope——

Mr. COLSON. If he is, one thing is certain—you will never praise him until after he is dead.

Mr. DOCKERY (continuing). I hope his friends on this floor will protest against the further ravishing of the Treasury [derisive laughter on the Republican side], that will result in its impoverishment and the embarrassment of the Administration.

In conclusion, Mr. Speaker, let me say again that I invoke the aid of all the people in denunciation of this bill, which will still further deplete the Treasury, already embarrassed in so far as current revenues and expenditures are concerned [applause and laughter on the Republican side], and intimidate the business interests of the country, now suffering from ocean to ocean.

Mr. HOOKER. Will the gentleman yield to me now for a question?

Mr. DOCKERY. I yield the floor to the gentleman.

Mr. HOOKER. It is unfair in the gentleman, after conceding him the time, not to answer a question which I wish to ask in good faith.

Mr. DOCKERY. Certainly, I will answer it.

Mr. HOOKER. And it is this: You supported the fortification bill, I believe, which provided for an appropriation of about $80,000,000, did you not?

Mr. DOCKERY. I was not in this city when that bill was considered by the Committee on Appropriations. I was called away on a mission unnecessary to refer to——

Mr. HOOKER. Then by your absence the Treasury must have suffered greatly.

Mr. DOCKERY. And I do not think I was present when it was considered on the floor of this House.

Mr. HOOKER. Just another question. I will yield to you five, ten, or fifteen minutes' time if you will point out a single item in this river and harbor bill which is not justified by the report of the engineer. [Applause.]

Mr. DOCKERY. Mr. Speaker, it is known and has been known for years that the estimates of the Departments for appropriations——

The SPEAKER pro tempore. Does the gentleman from New York yield to the gentleman from Missouri?

Mr. HOOKER. No; I do not yield.

Mr. DOCKERY. Very well; I am cut off from the answer I should like to make.

Mr. HOOKER. I yield ten minutes to the gentleman from Iowa [Mr. HEPBURN].

Mr. HEPBURN. Mr. Speaker, I assure you that I have no expectation of in any manner disturbing the convictions of the House with regard to the immediate necessity of passing this bill. I know that there are a large number of gentlemen who, on various occasions, notably this morning, have made it manifest that they regard it as imperative that the bill should pass; and I can always tell approximately, Mr. Speaker, how much of an appropriation is in a particular district by the vociferous manner in which members of the House always resent adverse criticism. The gentlemen who are most intent on showing their disapprobation of everything that is said in opposition to this measure are almost always those who have succeeded in securing the greatest possible amount.

But, Mr. Speaker, gentlemen have been very anxious to have some one point out the iniquities in this bill, while the gentleman from Missouri [Mr. DOCKERY] was using the first ten minutes allotted to him. Did you want anything of that kind, gentlemen? You passed this bill without debate, and I make the affirmation here now that not one section has been considered in this House. Why, Mr. Speaker, was there ever anything known in all the history of villainous legislation like this? Seventy-five million dollars in round numbers taken out of the Treasury of the United States, and not one section of the bill has yet been read for amendment. Not one paragraph had a moment's deliberate consideration. There was not an opportunity to say a word in opposition to the multiplied iniquities of the measure.

And now gentlemen have the insolence to get up on this floor and demand that the opponents of this bill shall point out wherein its iniquities lurk. Shame on such false pretense! Shame on it, I say! It is unworthy of the American Congress. If this bill is what you claim, if from every line of it there is to come blessing, why did you, coward-like, get away from investigation? [Applause on the Democratic side.] Why did you do it? Mr. Speaker, I have no time in ten minutes to address myself to the provisions of this bill further than to call attention to one of the amendments proposed now. As the bill left this body fifty-odd millions were provided for in the nature of contracts. The gentleman from Illinois [Mr. CANNON] succeeded in getting an amendment on the bill, by consent, that 25 per cent only should be available in any one year. I say that practically the conferees have taken out that wholesome provision from this bill and that practically the whole sum of $74,000,000 may be saddled upon the Government in a single year——

Mr. HOOKER. Will the gentleman permit me?

Mr. HEPBURN (continuing). Not in the way of payments, but in the way of deferred payments upon which the contractor will secure his interest in the increased demand that he will make for the work.

Mr. HOOKER. Will you permit me a question? You do not desire to be otherwise than fair?

Mr. HEPBURN. I do not. Will you read the fifth section in your time? Do not take it out of my time.

Mr. HOOKER. I will give you abundant time. The modifications made by the conference committee, so far as these continuous contracts are concerned, will not change the appropriations for any one fiscal year under these contracts to exceed $2,000,000.

Mr. HEPBURN. I have not said that they would.

Mr. HOOKER. You say it would all become available in one year?

Mr. HEPBURN. No; I did not say that.

Mr. HOOKER. What I say to you to correct you is this: That if all these contracts entered into are made by the Secretary of War immediately when he is authorized to do so, and all the money provided for under the bill, he can not expend in any one fiscal year, under the bill as it stands now, to exceed $16,612,873. Now, under the bill as it passed the House the amount that could be expended by the Secretary of War in any one year under the continuous contracts was $14,307,000, so the difference which you say the conferees have made is simply $2,000,000.

Mr. HEPBURN. The gentleman has entirely misunderstood what I said. I said that under the provisions of your recommendation the Secretary of War can burden the Government of the United States with an amount equal to every dollar, in debts, of this seventy-odd millions, and you make it worse because we all know that when a contract is to be made covering a period of four years and there are deferred payments, the contractor will insist upon such an increased sum for his work as will cover the interest on the deferred payment. That is the point I made.

Mr. HOOKER. Your statement was that the Secretary of War could pile up on the Government an indebtedness of $75,000,000 in a year. I want to say to you that under the bill it is not true.

Mr. HEPBURN. It is untrue to this extent—that he has $12,000,000 or $13,000,000 to pay out, and the residue he could pile up on the Government of the United States through contracts.

Mr. HOOKER. My dear sir, he can only expend $12,000,000 and some odd hundred thousand dollars, which is provided in the annual appropriation, and not exceeding $16,000,000 in any year under contract.

Mr. HEPBURN. He will expend this sum of $12,000,000 and then the additional sum of $16,000,000, and all between these sums and the gross sum covered by this bill he may saddle upon the Government as debt under the contracts. He can make the Government of the United States responsible in the nature of contracts, and for the deferred payments made the contractor will recoup himself in additional sums he will demand for his work. Is not that true?

Mr. HOOKER. No, sir; because it is stated in the bill precisely how much can be expended in any one fiscal year.

Mr. HEPBURN. That is as to the first payment. Now, let me confound the gentleman with half a dozen sentences from his own bill:

SEC. 5. That under the authority to make contracts for materials and work, under the provisions of this act, in addition to the sums appropriated herein, the Secretary of War shall not obligate the Government to pay, in any one fiscal year, beginning July 1, 1897, more than $400,000 upon the said contracts for any one of the works herein placed under the contract system, except as herein otherwise specifically authorized to do: *Provided*, Any part of the annual allotment herein provided for, not earned and paid for, material furnished, or work done in one fiscal year, may be paid for material furnished and work done under the contracts in any subsequent fiscal year: *Provided further*, That nothing herein contained shall be so constructed as to prevent the Secretary of War from making contracts for the whole or any part of the works placed under the contract system in such manner as may be deemed best, payments, however, to be made as stated in this section.

Mr. HOOKER. Yes, sir; and that is just what I say here. Here is the limitation; and notwithstanding the $60,000,000 in contracts authorized here, the Secretary of War can not obligate this Government to pay more than $16,000,000 in any one fiscal year.

Mr. HEPBURN. That is true; but here is an indebtedness to the other amount, and here is interest in the form of a larger demand that will be made because of the deferred payments. Now, Mr. Speaker, I think that is plain.

Mr. HERMANN. Will the gentleman allow me to ask him a question? I desire to ask the gentleman if he is familiar with this experience under the contract system—that in almost every case there has been a saving of from 25 to 33 and even 50 per cent under contract system; and that this $76,000,000 to which he refers is merely a possible approximation of the cost, but does not represent the actual ultimate expense.

Mr. HEPBURN. Mr. Speaker, I am free to admit that the contract system is the better system if you will make the payments promptly. There is no question about that. Heretofore, under the old system, we have been in the habit of appropriating 25 per cent, about, of the estimated cost of the work, and the contractor could only get a contract for the amount appropriated that year. There would be a necessity for assembling four different plants.

The SPEAKER. The time of the gentleman has expired.

Mr. HEPBURN. My time was largely occupied by the gentleman from New York.

Mr. HOOKER. Do you desire further time?

Mr. HEPBURN. Yes, sir.

Mr. HOOKER. How much time would you like?

Mr. HEPBURN. Just about as much as you had.

Mr. HOOKER. About five minutes?

Mr. HEPBURN. I was thinking about eight minutes. [Laughter.]

Mr. HOOKER. All right.

Mr. HEPBURN. So that, Mr. Speaker, there would be four contracts always to complete a work, and in the payment of each contractor he must have compensation for the assembling of his plants, the assembling of his hands, and the deterioration of the work during the suspended period of work. Under this system, to some extent, that difficulty will be obviated; but where you make deferred payments you have got to do as every debtor does; you have got to pay interest in some form or other upon these millions; and in addition to that, the difficulties of getting appropriations out of the Congress of the United States, where a debt is due, is something that all the people of the United States know of, and we will have to pay, in all of these contracts, for the reputation that we have upon matters of that kind.

Mr. HERMANN. If the gentleman will permit me to interrupt him, I will say that admitting all that the gentleman has said, the gentleman will still see that there will be very great saving, amounting to from 25 to 30 per cent; and inasmuch as the gentleman is one who is in favor of economy in public expenditures, surely he would not prefer the old system to this, when there has been such a large saving in the amount that has been expended under this system.

Mr. HEPBURN. Does the gentleman understand he was asking me a question?

Mr. HERMANN. I am asking whether you do not believe that the present system is far better, even assuming that it is necessary to pay a considerable sum in the form of interest on the deferred payments?

Mr. HEPBURN. Well, I will not ask you another question. [Laughter.] Mr. Speaker, if I had had the time I would have tried to point out some of the expenditures carried in this bill that I think are not for the public interest. Some are good, but many items are bad, very bad. I would have referred again, as I have often referred in times past, to the pretended improvement of the Mississippi River, especially for the purpose of emphasizing the reasons which possibly inspire the eloquence of the gentleman from Mississippi [Mr. CATCHINGS] on these occasions. I remember seeing a few days ago, in one of the public prints, resolutions adopted in the county convention of a county within the gentleman's district. One of those resolutions went on to recite that the Democrats there assembled did not agree with that distinguished gentleman upon national questions; that upon those questions he was all wrong and did not represent his people; but that he had been so useful to the people of that district in securing appropriations to build levees along the Mississippi River to protect their plantations from inundation that, notwithstanding the fact that they were not en rapport with him upon political matters generally, they instructed their delegates to vote to continue him in Congress.

I do not hestitate to say, Mr. Speaker, that all the good that has been accomplished by the appropriations which have been made in river and harbor bills for that section is found in the reclamation of swamp and overflowed lands from the incursions of the waters of the Mississippi River. We had here, and the committee had before them, the report of the Secretary of War in relation to the so-called Mississippi improvement, in which he stated that $27,000,000 had been expended upon that river since the organization of the Mississippi River Commission, and that the only result as to the improvement in navigation was that there had been an increase of 18 inches in the channel depth of the river in two places! That is the testimony of the Secretary of War upon that subject, and I call attention to the fact that after an expenditure of $27,000,000 there were last year twenty-three points on the Mississippi River right in the region of the "improvement" where there was a channel depth not exceeding 4½ feet. Twenty-seven million dollars expended, and the navigation of the river still in the same condition substantially in which it was when the first dollar was expended! And yet, because there are voters along that river, and because the aid of their Representatives here is necessary in order to pass the river and harbor bill, that work is continued year after year and that Commission has a renewed lease of its power, and the work of building now goes on.

Mr. Speaker, I was glad when the gentleman from Missouri [Mr. DOCKERY] read the message of President Arthur of less than fourteen years ago, in which he called attention to the wonderful rapidity of the growth of the river and harbor bill through means which he mildly criticised. At that time the bill had reached only $18,000,000, but in fourteen years, by progressive steps, we have gone on and on in these raids upon the Treasury until to-day there is the enormous sum of $74,000,000 carried and provided for in the bill under consideration and no remonstrance against it.

Mr. HERMANN. We are becoming wiser in our legislation.

Mr. HEPBURN. If we go on at this rate—and there is every reason to believe that we shall, for I have no expectation that the

next House of Representatives will be more virtuous than this, or the succeeding one more virtuous than the next—if we go on at this rate, I leave the probable enormous increase of future river and harbor bills to the prophetic wisdom of some of the friends of this measure.

Mr. HOOKER. Mr. Speaker, I will detain the House only a few moments with reference to this report. In explaining what has been done I desire to say simply this: The bill as it passed the House carried an appropriation in cash of $10,453,860. It carried continuing contracts aggregating $51,721,210.91. The cash appropriation was increased by the Senate to $12,752,350——

Mr. HEPBURN. Will the gentleman allow me a question?

Mr. HOOKER. I will.

Mr. HEPBURN. Suppose that the gentleman should be continued in the next Congress as chairman of the Committee on Rivers and Harbors——

Mr. HOOKER. You are supposing something that may not occur.

Mr. HEPBURN. I hope it will.

Mr. HOOKER. Thank you.

Mr. HEPBURN. Suppose that should be so, and that there should be the same class of "meritorious appropriations" presented to that Congress that have been presented to this, would not the gentleman favor a like bill to this for the next Congress?

Mr. HOOKER. If I were honored with the position which the gentleman suggests, I would favor a bill which I thought would meet the demands of the people [applause]; and I will say to the gentleman that I think this bill meets the demands of the people to a greater extent than any river and harbor bill that has ever been passed by the Congress of the United States. [Applause.]

Mr. HEPBURN. Then would not the gentleman give us another bill of the same character next year?

Mr. HOOKER. The gentleman is going further into the future than I can see.

Mr. HEPBURN. Well, in view of the probability of that, is it not unfair for the gentleman to lay such stress on the comparative smallness of the mere cash appropriation in this bill?

Mr. HOOKER. I think not. I think that, as I go on, I will demonstrate to the House that I am correct. To continue, Mr. Speaker, I was about to say that the cash appropriation was increased by the Senate to $12,752,350. The Senate increased the contracts to $60,000,473.91. In conference the cash appropriation has been reduced to $12,551,350. The contracts authorized by the bill as it passed the Senate have been reduced in conference $4,110,823, so that they now stand, as agreed upon in conference, at $56,357,308.91.

The Senate in its amendment provided for eight additional continuing contracts—one at Winyaw Bay, South Carolina, carrying an appropriation of $1,996,250; one at Oakland Harbor, California, carrying an appropriation of $666,000; one at Santa Monica, Cal., $2,998,000; one at Wilmington Harbor, California, $342,000; one at Providence River and Narragansett Bay, Rhode Island, $707,000; one at Bayou Plaquemine, Louisiana, $1,173,250; one at Columbia River Boat Railway, Oregon and Washington, $2,064,477, and Lake Washington Canal, Washington, $1,400,000. That has been reduced, as I stated a moment ago, $4,000,000, with two projects yet in dispute between the conferees, the one at Wilmington, Cal., and the other at Santa Monica, aggregating about $3,500,000.

Now, Mr. Speaker, the bill as it passed the House placed a limitation upon these contracts; in other words, the House bill provided that in any one fiscal year the Secretary of War should not expend under these continuous contracts more than 25 per cent of the amount estimated for the completion of the project. That has been amended in the Senate by a provision which states that not to exceed $400,000 shall be expended on any one project in any single year. That is the general provision in the bill applying in all cases except four projects, if I remember correctly—one the Hennepin Canal——

Mr. HEPBURN. May I ask the gentleman a question?

Mr. HOOKER. Certainly.

Mr. HEPBURN. Do I understand the gentleman to say that as to all the cases in this bill where the amount of the contract authorized is less than $400,000 the whole amount may be paid in any one year?

Mr. HOOKER. That is correct.

Mr. HEPBURN. Now, will the gentleman tell us what amount of payment may be required under that provision, together with the other percentage, during the fiscal year ending in 1897?

Mr. HOOKER. I shall endeavor to do so before I get through. The Senate provision, as I was saying, modified the House provision. There are four projects in the country as to which there is a limitation that not to exceed 25 per cent of the amount estimated to complete the work shall be expended in any one fiscal year. One of these is the Hennepin Canal; another the project at Duluth; another the improvement at Buffalo; and a fourth the harbor of refuge in Delaware Bay. I have had a computation made of the amount which would be expended under these contracts by both the House provision and the Senate provision, provided the Secretary of War should let the contract for the entire amount estimated for the completion of the work. If he should let all those contracts provided for in the bill, for the full amount estimated, there would be expended under the continuous contracts in one fiscal year $16,000,000 under the Senate provision and $14,000,000 under the House provision.

Now I wish to say further that experience has demonstrated that there has been saved on the part of the Government by this system of continuous contracts all the way from 10 to 50 per cent in the different projects throughout the country. We have completed and paid all the continuous contracts heretofore authorized except an expenditure of about $4,000,000. Therefore I say I am justified in the statement that while this provision as it now stands in the form adopted by the Senate authorizes the expenditure of $56,000,000 for continuous contracts, according to the figures that have been furnished us by the Chief of Engineers, these contracts will be let for from ten to fifteen million dollars less than the amount authorized; in other words, there will be a reduction of from ten to fifteen million dollars at least from the $56,000,000.

Now, if the Secretary of War be prohibited from obligating the Government to pay upward of $400,000 on any one of these contracts in any one fiscal year there can not be in any event, after the cash appropriations have been exhausted, more than $16,000,000 which the Government will have to pay.

I wish to say further that it is not at all likely that all these projects will be in such a condition that the contracts can be let immediately after the passage of this bill. It may be some little time before they are all contracted for.

Mr. HEPBURN. Will the gentleman permit me a question?

Mr. HOOKER. Yes, sir.

Mr. HEPBURN. If there are $60,000,000——

Mr. HOOKER. Fifty-six million dollars I said.

Mr. HEPBURN. Well, for convenience I will say $60,000,000. If the amount in the aggregate may be $60,000,000, may not $15,000,000 mature during the next fiscal year on the continuing contracts——

Mr. HOOKER. No, sir.

Mr. HEPBURN. Then you will have to add that to the $12,000,000 carried outright by the bill. Now I wish to know what portion of these contracts will fall under $400,000; because all of them may mature in the first year.

Mr. HOOKER. There are, I will say to the gentleman, very few—only two or three—less than $400,000.

Mr. HEPBURN. So that you have there $27,000,000 or $28,000,000 that may possibly be expended.

Mr. HOOKER. No, sir; there are no circumstances under which this Government can be obligated to pay under these continuous contracts more than $16,000,000 in one year if every one of these contracts be let.

Mr. HEPBURN. But the bill itself carries $12,000,000 in addition to the contracts. Add that amount to the $16,000,000 and you have $28,000,000.

Mr. HOOKER. I am not including the $12,000,000 in the continuous contracts. They are two separate and distinct propositions.

Mr. DOCKERY. We shall have in addition the usual bill next year.

Mr. HOOKER. The gentleman is making a prophecy for next year. If we come back here—and I hope you will all come back in the Fifty-fifth Congress—and a river and harbor bill is prepared, I hope, as I said a moment ago, that the Committee on Rivers and Harbors will prepare a bill which will meet the urgent demands of the commerce of the country, and that they will have the courage to urge such a bill, even if it does take a few million dollars to make the appropriations.

Mr. HENDERSON. I would like, with the gentleman's permission, to ask him one or two questions.

Mr. HOOKER. Certainly.

Mr. HENDERSON. I want to know, first, whether these continuing contracts, in the main, involve the completion of the works which embrace them and for which the appropriations are made by this bill?

Mr. HOOKER. Yes, sir; they are to complete the contracts.

Mr. HENDERSON. So that you will in the future eliminate them from the necessity of further appropriations?

Mr. HOOKER. They will be eliminated; all of them.

Mr. HENDERSON. Now, if I understand you correctly, under the provisions of this bill, which we are now considering, $12,000,000 is the minimum and $16,000,000 is the maximum that can possibly be expended or called for by the Secretary of War, under the operations of the bill, from the Treasury during the next fiscal year?

Mr. HOOKER. No; not quite that. Twelve millions, I will

state to the gentleman, of cash appropriations are made by the bill for the two years.

Mr. DINGLEY. Or at the rate of $6,000,000 a year.

Mr. HOOKER. Yes, sir. Now, there may be, if the contracts are all let by the Secretary of War, and are entered into by the contractors when he has the authority under the bill to let them, and at the estimated cost they are supposed to involve—the maximum amount that the Government would be obliged to pay is about $16,000,000 by reason of them.

Mr. HENDERSON. Then, do I understand that four millions may be added to the twelve millions, making sixteen millions; or is it an additional sum of sixteen millions to be added to the twelve millions?

Mr. HOOKER. The cash appropriations and the continuing appropriations are two separate items.

Mr. HENDERSON. At all events, you are sure that twelve millions will be expended during the year?

Mr. HOOKER. No; during the two years that the bill runs.

Mr. HENDERSON. Very well. Then there may be sixteen millions more, in addition, within the two years?

Mr. HOOKER. Whenever the Secretary of War enters into the contracts, if he enters into all of them that he is authorized to enter into by the bill, he may obligate the Government to pay the amount of $16,000,000 under them.

Mr. HENDERSON. And in addition to that you have what you call the "cash appropriations," amounting to six millions a year for the two years?

Mr. HOOKER. Yes; that is correct.

Mr. HENDERSON. That is to say, you expect the twelve millions to run over a period of two years?

Mr. HOOKER. Yes, sir.

Mr. HENDERSON. And so, with the sixteen millions added, you make a total which may be called for during the year of $22,000,000?

Mr. HOOKER. That is correct.

Mr. HENDERSON. And that is the maximum that the Government can be called upon to pay during the next year under the operation of this bill?

Mr. HOOKER. Yes, sir.

Mr. DOCKERY. But my friend from New York does not include the three millions of indefinite appropriations——

Mr. HOOKER. I have included all of the appropriations that the bill carries.

Mr. DOCKERY. But I mean the indefinite appropriation for the improvement of the Monongahela River.

Mr. HOOKER. Oh, well, I do not know that we will go into that this year. That is a very indefinite subject. We will leave that to succeeding Congresses.

Mr. DALZELL. Nobody knows anything about it yet.

Mr. HOOKER. And it is not fair to charge it up as an appropriation in this bill, because it is impossible to state when the matter will be called to the attention of Congress.

Mr. HEPBURN. Well, it may not be definitely fixed, but the gentleman from Pittsburg is on the trail. [Laughter.]

Mr. DALZELL. And hopes to get there some time.

Mr. HENDERSON. Then, if I understand the gentleman from New York, if the Secretary of War exercises the authority given to him under the bill and provides for all of this work it will involve the Government in an expenditure of not exceeding $22,000,000 for the next year.

Mr. HOOKER. That is correct.

Mr. GROSVENOR. In the light of the comparative statement made by the gentleman from Iowa [Mr. HEPBURN] of the vetoed bill of fourteen years ago, I would like to ask the gentleman from Iowa if he can give us a comparison in the matter of the depth of water sufficient to accommodate the coastwise and internal trade of the United States at that time as compared with the present time, and the amount of water transportation in use to-day as compared with fourteen years ago, for the purpose of showing whether it is or is not true that the increased expenditures for rivers and harbors have not kept pace with the increased commerce and depth of water required to float it?

Mr. HEPBURN. I see the gentleman from New York is properly overwhelmed with the magnitude of the expected answer. It would take volumes to tell it all. [Laughter.]

Mr. HOOKER. Well, I hope the gentleman will give us the information as speedily as possible.

Mr. HEPBURN. Why does the gentleman juggle with the idea of $6,000,000 a year? Does not the gentleman know that every dollar of the $12,000,000 may be appropriated and expended within one month after the 30th day of June next?

Mr. HOOKER. I do not, and it is not even fair to insinuate that it could be done.

Mr. HEPBURN. We are speaking now of the appropriations that are authorized by the bill. The gentleman from New York is talking about spreading them over two years' time.

Mr. HOOKER. Does not the gentleman know that it frequently occurs that appropriations are made for projects throughout the country and they are not expended in two, three, and four years?

Mr. HEPBURN. The most of them go back into the Treasury, however, if they are not expended within two years.

Mr. HOOKER. There are millions of dollars to the credit of various projects that have not been expended.

Mr. Speaker, I demand the previous question.

Mr. WILSON of Ohio. Will the gentleman answer one question?

Mr. HOOKER. I demand the previous question.

Mr. WILSON of Ohio. I believe I was recognized, and I think the gentleman should answer my question.

The previous question was ordered.

The SPEAKER pro tempore. The question is on agreeing to the conference report and insisting on the disagreement to the Senate amendments which are not included in the conference report.

Mr. HEPBURN. Mr. Speaker, I ask for the yeas and nays.

Mr. DOCKERY. Yes, let us have the yeas and nays. Give us a record.

The question was taken on ordering the yeas and nays, and there were 33 in favor of the demand and 128 against.

Mr. HOOKER. Let us have tellers on the yeas and nays.

Tellers were ordered; and the Speaker pro tempore appointed Mr. HEPBURN and Mr. HOOKER.

The House divided; and the tellers reported on the demand for the yeas and nays—ayes 48, noes 141.

Accordingly (more than one-fifth voting in favor thereof) the yeas and nays were ordered.

Mr. DOCKERY. A parliamentary inquiry. As I understand, the question is on agreeing to the conference report?

The SPEAKER pro tempore. The question is on agreeing to the conference report and on insisting to the disagreement to the Senate amendments not included in the conference report, and agreeing to the further conference asked by the Senate.

The question was taken; and there were—yeas 189, nays 56, not voting 110; as follows:

YEAS—189.

Acheson,	Doolittle,	Kiefer,	Robinson, Pa.
Adams,	Dovener,	Kirkpatrick,	Russell, Conn.
Aldrich, Ala.	Ellett, Va.	Knox,	Sauerhering,
Arnold, R. I.	Elliott, S. C.	Kyle,	Sherman,
Atwood,	Ellis,	Lacey,	Simpkins,
Avery,	Evans,	Latimer,	Smith, Ill.
Babcock,	Faris,	Lefever,	Smith, Mich.
Baker, Md.	Fenton,	Leisenring,	Southard,
Bankhead,	Fischer,	Lester,	Spalding,
Barham,	Fitzgerald,	Lewis,	Sparkman,
Barney,	Fowler,	Linton,	Spencer,
Bartholdt,	Gardner,	Little,	Sperry,
Bartlett, N. Y.	Gibson,	Loud.	Stahle,
Belknap,	Gillet, N. Y.	Loudenslager,	Steele,
Bennett,	Gillett, Mass.	Low,	Stewart, N. J.
Berry,	Graff,	Mahany,	Stewart, Wis.
Bingham,	Griffin,	Mahon,	Stokes,
Bishop,	Griswold,	Marsh,	Stone, C. W.
Blue,	Grosvenor,	McCall, Mass.	Strait,
Broderick,	Grow,	McCleary, Minn.	Sulzer,
Bromwell,	Hadley,	McClellan,	Taft,
Brosius,	Halterman,	McCormick,	Talbert,
Brown,	Hardy,	McCulloch,	Tawney,
Buck,	Harmer,	McLachlan,	Tayler,
Bull,	Harris,	McMillin,	Terry,
Burrell,	Hart,	McRae,	Thomas,
Burton, Ohio	Hartman,	Mercer,	Towne,
Cannon,	Hatch,	Meredith,	Tracey,
Clark, Iowa	Hemenway,	Miller, W. Va.	Treloar,
Clark, Mo.	Henderson,	Milliken,	Van Horn,
Clarke, Ala.	Hendrick,	Minor, Wis.	Van Voorhis,
Cobb,	Henry, Conn.	Money,	Walker, Mass.
Colson,	Hermann,	Moody,	Walker, Va.
Cook, Wis.	Hicks,	Morse,	Walsh,
Cooke, Ill.	Hilborn,	Murphy,	Wanger,
Cooper, Fla.	Hill,	Neill,	Warner,
Cooper, Tex.	Hooker,	Northway,	Washington,
Cooper, Wis.	Hopkins,	Odell,	Watson, Ohio
Crump,	Howe,	Otjen,	Wellington,
Culberson,	Hubbard,	Owens,	Williams,
Cummings,	Hulick,	Parker,	Willis,
Danford,	Huling,	Payne,	Wilson, Idaho
Daniels,	Hunter,	Phillips,	Wilson, N. Y.
Dayton,	Hurley,	Pickler,	Wilson, S. C.
Denny,	Jenkins,	Poole,	Wright.
De Witt,	Johnson, Cal.	Powers,	
Dingley,	Johnson, N. Dak.	Prince,	
Dolliver,	Kendall,	Reyburn,	

NAYS—56.

Abbott,	De Armond,	Maguire,	Shuford,
Allen, Utah	Dockery,	McCall, Tenn.	Skinner,
Anderson,	Erdman,	McDearmon,	Sorg,
Andrews,	Grout,	Milnes,	Stallings,
Baker, Kans.	Hager,	Mondell,	Strong,
Baker, N. H.	Hainer, Nebr.	Otey,	Strowd, N. C.
Bell, Colo.	Harrison,	Overstreet,	Swanson,
Bell, Tex.	Hepburn,	Pendleton,	Tate,
Burton, Mo.	Kem,	Pitney,	Tracewell,
Clardy,	Kleberg,	Raney,	Updegraff,
Cockrell,	Layton,	Royse,	Wilson, Ohio
Connolly,	Leighty,	Sayers,	Wood.
Crowther,	Linney,	Shafroth,	Woodard,
Curtis, Kans.	Lockhart,	Shaw,	Yoakum.

NOT VOTING—110.

Aitken,	Dalzell,	Lawson,	Richardson,
Aldrich, Ill.	Dinsmore,	Leonard,	Robertson, La.
Allen, Miss.	Downing,	Livingston,	Rusk,
Apsley,	Draper,	Long,	Russell, Ga.
Arnold, Pa.	Eddy,	Lorimer,	Scranton,
Bailey,	Fairchild,	Maddox,	Settle,
Barrett,	Fletcher,	McClure,	Shannon,
Bartlett, Ga.	Foote,	McCreary, Ky.	Snover,
Beach,	Foss,	McEwan,	Southwick,
Black, Ga.	Gamble,	McLaurin,	Stephenson,
Black, N. Y.	Goodwyn,	Meiklejohn,	Stone, W. A.
Boutelle,	Hall,	Meyer,	Strode, Nebr.
Bowers,	Hanly,	Miles,	Sulloway,
Brewster,	Heatwole,	Miller, Kans.	Thorp,
Brumm,	Heiner, Pa.	Miner, N. Y.	Tucker,
Calderhead,	Henry, Ind.	Moses,	Turner, Ga.
Catchings,	Hitt,	Mozley,	Turner, Va.
Chickering,	Howard	Newlands,	Tyler,
Codding,	Howell,	Noonan,	Underwood,
Coffin,	Huff,	Ogden,	Wadsworth,
Corliss,	Hull,	Patterson,	Watson, Ind.
Cousins,	Hutcheson,	Pearson,	Wheeler,
Cowen,	Hyde,	Perkins,	White,
Cox,	Johnson, Ind.	Price,	Wilber,
Crisp,	Jones,	Pugh,	Woodman,
Crowley,	Joy,	Quigg,	Woomer.
Curtis, Iowa	Kerr,	Ray,	
Curtis, N. Y.	Kulp,	Reeves,	

So the motion of Mr. HOOKER was agreed to.

The Clerk announced the following pairs:

Until further notice:

Mr. DALZELL with Mr. CRISP.

Mr. JOY with Mr. COWEN.

Mr. BOUTELLE with Mr. TURNER of Georgia.

Mr. MEIKLEJOHN with Mr. ROBERTSON of Louisiana.

Mr. STEPHENSON with Mr. DINSMORE.

Mr. DRAPER with Mr. BAILEY.

Mr. MILLER of West Virginia with Mr. WOODARD.

Mr. HULICK with Mr. PRICE.

Mr. KULP with Mr. RUSK.

Mr. APSLEY with Mr. MILES.

Mr. COFFIN with Mr. LAWSON.

Mr. WILLIAM A. STONE with Mr. BLACK of Georgia.

Mr. HULL with Mr. OGDEN.

Mr. BOWERS with Mr. MINER of New York.

Mr. ADAMS with Mr. MCLAURIN.

Mr. WILBER with Mr. JONES.

Mr. SNOVER with Mr. MADDOX.

Mr. JOHNSON of Indiana with Mr. COX.

Mr. MOZLEY with Mr. MOSES.

Mr. ARNOLD of Pennsylvania with Mr. LIVINGSTON.

Mr. WOOMER with Mr. BARTLETT of Georgia.

Mr. LEFEVER with Mr. TURNER of Virginia.

For this day:

Mr. HEATWOLE with Mr. HUTCHESON.

Mr. CODDING with Mr. HALL.

Mr. CORLISS with Mr. MEYER.

Mr. ROBINSON of Pennsylvania with Mr. ALLEN of Mississippi.

Mr. HENRY of Indiana with Mr. TUCKER.

Mr. GOODWYN with Mr. RUSSELL of Georgia.

Mr. FOSS with Mr. UNDERWOOD.

Mr. BARRETT with Mr. TYLER.

On this question:

Mr. RICHARDSON with Mr. CATCHINGS.

On this vote:

Mr. FAIRCHILD with Mr. MCCREARY of Kentucky.

Mr. COUSINS with Mr. WHEELER.

Mr. FOWLER. Mr. Speaker, I see that the gentleman from Georgia [Mr. BARTLETT] is announced as being paired with the gentleman from Pennsylvania [Mr. WOOMER].

Mr. RICHARDSON. Mr. Speaker, I voted on this conference report. I find I am paired with the gentleman from Mississippi [Mr. CATCHINGS]. I therefore withdraw my vote. If he were present, he would vote "yea" and I would vote "nay."

Mr. DALZELL. Mr. Speaker, I am paired with the gentleman from Georgia [Mr. CRISP]. I desire to withdraw my vote, as I do not know how he would vote.

The result was then announced as above recorded.

On motion of Mr. HOOKER, a motion to reconsider the vote by which the conference report was agreed to was laid on the table.

The SPEAKER. The Chair will appoint the same conferees.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. CANNON. Mr. Speaker, I rise to a privileged report—the conference report on the part of the House conferees touching the sundry civil appropriation bill.

The Clerk proceeded to read the conference report.

[For text of conference report, see Senate proceedings of May 19.]

Mr. CANNON (during the reading). Mr. Speaker, as the report is quite lengthy, I ask to dispense with its reading. There is a statement signed by the conferees on the part of the House stating the effect of the agreement. I suppose it is in order to ask to dispense with the reading of the conference report.

The SPEAKER. If there be no objection, the Clerk will omit the reading of the conference report. [After a pause.] The Chair hears none.

The statement of the House conferees was read, as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7664), making appropriations for sundry civil expenses of the Government for the fiscal year 1897, submit the following written statement in explanation of the effect of the action recommended and agreed to by the conference committee in the accompanying conference report on each of the Senate amendments, namely:

On amendment numbered 1: Makes immediately available the appropriation for repairing the wharf at Sitka, Alaska.

On amendment numbered 5: Appropriates $15,000, as proposed by the Senate, for establishing an assay office at Deadwood, S. Dak.

On amendment numbered 20: Appropriates $8,000, as proposed by the House, instead of $12,000, as proposed by the Senate, for repairs to the Treasury, Butler, and Winder buildings.

On amendment numbered 21: Requires the Secretary of the Treasury to submit a plan for a hall of records in Washington, and to report upon the suitableness of a site for such building, as proposed by the Senate.

On amendment numbered 26: Strikes out the appropriation of $8,000 proposed by the Senate for wharf at quarantine station, Key West, Fla.

On amendments numbered 27, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, and 39, relating to light-houses, beacons, and fog signals: Appropriates, as proposed by the Senate, as follows: $2,000 for lighted beacons in Lynn Harbor, Massachusetts, $4,500 for range lights at or near entrance of Maurice River, New Jersey, $5,000 for a fog signal at Menominee light station, Michigan, and $500 for post and range lights at Coos Bay, Oregon; strikes out the appropriations of $70,000 each, proposed by the Senate, for the Overfalls Shoal light vessel, New Jersey, and the relief light vessel for the Atlantic coast; authorizes the construction of a steam light vessel for Diamond Shoal, North Carolina, to cost not exceeding $80,000, to be paid for out of the unexpended balance of the appropriation for the establishment of a light-house on said Diamond Shoal; authorizes the construction of steam light vessels for Fire Island, New York, and San Francisco Harbor, to cost under contract not exceeding $80,000 each, and appropriates $40,000 toward each; and authorizes the construction of two steam tenders for the Second and for the Seventh and Eighth light-house districts, to cost under contract $75,000 each, and appropriates $37,500 toward the construction of each.

On amendments numbered 40, 41, and 42, relating to the Light-House Establishment: Appropriates $300,000, as proposed by the House, instead of $320,000, as proposed by the Senate, for expenses of light vessels; $430,000, as proposed by the House, instead of $460,000, as proposed by the Senate, for expenses of buoyage, and $4,000, as proposed by the Senate, to establish gas buoys at certain points on the St. Lawrence River.

On amendments numbered 43, 44, 45, 46, and 47, relating to the Revenue-Cutter Service: Inserts the provision proposed by the Senate, permitting officers and others of the Revenue-Cutter Service to make allotments of their pay; authorizes the construction of two revenue steamers for service on the Great Lakes, to cost $200,000 each, and appropriates $100,000 toward the construction of each; and strikes out the appropriations proposed by the Senate for a new revenue cutter each for the Gulf of Mexico, the Atlantic coast, and the Pacific coast.

On amendment numbered 48: Strikes out, as proposed by the Senate, the appropriation for $900 for rent of office for agent for the Post-Office Department to supervise the distribution of stamps.

On amendments numbered 49, 50, 51, 52, 53, 54, 55, 56, and 57, relating to the Coast and Geodetic Survey: Appropriates $20,000, as proposed by the House, instead of $15,000, as proposed by the Senate, for triangulation, topography, and hydrography of the coasts of California, Oregon, and Washington, and the resurvey of San Francisco Harbor; strikes out the increase proposed by the Senate in the salary of the Superintendent; and makes a transfer of $2,500 from a general item of office expenses to the salary roll.

On amendments numbered 58, 59, and 60, relating to the National Museum: Appropriates $15,000, as proposed by the House, instead of $20,000, as proposed by the Senate, for cases, furniture, fixtures, etc.; $153,225, as proposed by the Senate, instead of $143,225, as proposed by the House, for preservation, exhibition, and increase of collections; and $4,000, as proposed by the House, instead of $8,000, as proposed by the Senate, for repairs to buildings, etc.

On amendment numbered 62: Appropriates $67,000, instead of $65,000, as proposed by the House, and $70,000, as proposed by the Senate, for the National Zoological Park.

On amendments numbered 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, and 77, relating to the Fish Commission: Increases the amount for employees of the Commission $3,020, as proposed by the Senate; appropriates $9,000, as proposed by the House, instead of $10,000, as proposed by the Senate, for expenses of administration; $110,000, instead of $105,000, as proposed by the House, and $112,000, as proposed by the Senate, for propagation of food fishes; and $10,000, as proposed by the Senate, for a fish hatchery in South Dakota.

On amendments numbered 78 and 79: Makes the text of the appropriation for the Interstate Commerce Commission read as proposed by the Senate and to conform to the language of the current appropriation.

On amendment numbered 80: Appropriates $75,000, as proposed by the House, instead of $100,000, as proposed by the Senate, for contingent expenses, independent treasury.

On amendment numbered 81: Appropriates $55,000, as proposed by the House, instead of $70,000, as proposed by the Senate, for the transportation of silver coin.

On amendment numbered 82: Makes the appropriation for recoinage of silver coins applicable only to uncurrent fractional silver coins, as proposed by the Senate.

On amendment numbered 83: Appropriates $150, as proposed by the Senate, to pay John Lampman as a reward for arresting a post-office burglar.

On amendment numbered 84: Appropriates $131,000, instead of $125,000, as proposed by the House, and $137,000, as proposed by the Senate, for expenses of the quarantine service.

On amendment numbered 85: Strikes out the appropriation of $1,000 proposed by the Senate for collecting statistics in relation to criminals and paupers.

On amendment numbered 86: Strikes out the appropriation of $12,000 proposed by the Senate for engraving on copper the map of the United States.

On amendments numbered 87, 88, 89, and 90, relating to the Capitol building, appropriates as follows: Thirty thousand dollars, as proposed by the Senate, instead of $25,000, as proposed by the House, for work at the Capitol; $100 for flags for the Capitol; $1,500 for cleaning and repairing works of art in the Capitol, and $4,600 for repairs and improvements to the steam heating and ventilating apparatus of the Senate.

On amendment numbered 95: Appropriates $10,000, as proposed by the Senate, instead of $2,000, as proposed by the House, for reproducing plats of surveys.

On amendment numbered 98: Authorizes, as proposed by the Senate, the

city of Bismarck, N. Dak., to use Sibley Island, in the Missouri River, for a public park.

On amendments numbered 99, 100, 101, and 102, relating to the Geological Survey: Increases the amount, as proposed by the Senate, for topographical surveys from $150,000 to $175,000, and the amount for gauging streams from $35,000 to $50,000.

On amendments numbered 103, 104, 105, and 106, relating to the Hospital for the Insane: Appropriates $15,000, instead of $13,000, as proposed by the House, and $16,000, as proposed by the Senate, for general repairs and improvements; $1,500 for laboratory extension, and $6,000 for electric fans and resistance coils, as proposed by the Senate, and strikes out the appropriation of $7,000 proposed by the Senate for rebuilding shops.

On amendment numbered 107: Strikes out the appropriation of $1,500 proposed by the Senate for a school at Circle City, Alaska.

On amendment numbered 108: Appropriates $12,000, as proposed by the Senate, instead of $5,000, as proposed by the House, for reindeer for Alaska.

On amendment numbered 110: Appropriates $1,500, as proposed by the Senate, for salary of consul at Alexandretta, Turkish dominions.

On amendments numbered 114, 116, 117, and 118, relating to armories and arsenals: Appropriates $10,200, as proposed by the Senate, for reconstruction of Rock Island Bridge; strikes out the appropriation of $1,000 proposed by the House for macadamizing Beyers street, in Springfield, Mass.; requires that no patented machine for testing purposes shall be erected at the Watertown Arsenal unless patentee shall first authorize its use by the Government without compensation; and strikes out the appropriation of $15,000 proposed by the Senate for machine guns.

On amendment numbered 119: Limits the price for concrete or asphalt pavements in the public parks of Washington to $2.15 per square yard instead of $1.75, as proposed by the House.

On amendment numbered 121: Strikes out the appropriation of $15,000 proposed by the Senate for paving roadways on the east and south sides of the State, War, and Navy building.

On amendments numbered 130, 131, 132, 133, 134, 135, and 136, relating to military posts: Appropriates $300,000, as proposed by the House, instead of $400,000, as proposed by the Senate, for construction of buildings at and enlargement of military posts; $100,000, as proposed by the Senate, instead of $50,000, as proposed by the House, for the military post at Spokane, Wash.; $75,000, as proposed by the Senate, instead of $50,000, as proposed by the House, for Fort Riley, Kans.; $40,000, instead of $80,000, as proposed by the Senate, for Fort Harrison, Mont.; $40,000, instead of $50,000, as proposed by the Senate, for Fort D. A. Russell, Wyo.; and $40,000, instead of $50,000, as proposed by the Senate, for the military post at Bismarck, N. Dak.; and makes immediately available the appropriation for improving Fort Wayne Military Reservation.

On amendment numbered 137: Makes a verbal correction in the text of the appropriation for the improvement of the Yellowstone National Park.

On amendment numbered 144: Appropriates $1,500, instead of $2,058, as proposed by the Senate, for purchase and use of land included in the military cemetery at Key West, Fla.

On amendment numbered 148: Strikes out the appropriation of $6,000 proposed by the Senate for a cable to Alcatraz Island, California.

On amendment numbered 149: Strikes out the appropriation of $800 proposed by the Senate for a military telegraph line in Colorado.

On amendment numbered 150: Appropriates $15,000, as proposed by the Senate, for the California Débris Commission.

On amendment numbered 151: Strikes out the appropriation of $650 proposed by the Senate for the Army and Navy Hospital at Hot Springs, Ark.

On amendments numbered 152, 153, 154, 155, 156, 157, 158, 159, and 160, relating to the National Home for Disabled Volunteer Soldiers: Strikes out the appropriation of $4,000 proposed by the Senate for a new coal shed at the Eastern Branch, Togus, Me.; appropriates $4,200, as proposed by the Senate, instead of $3,500, as proposed by the House, for additional boilers at the Southern Branch, Hampton, Va.; and strikes out the proposed increase by the Senate of the salary of the general treasurer of the Board of Managers from $3,000 to $3,500.

On amendment numbered 162: Appropriates $40,000, as proposed by the Senate, instead of $25,000, as proposed by the House, for defending suits in claims against the United States.

On amendment numbered 163: Appropriates $1,500, as proposed by the Senate, for repairs and preservation of buildings in Alaska.

On amendments numbered 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, and 178, relating to expenses of United States courts: Appropriates in the aggregate for such expenses $4,360,212, instead of $3,308,212 as proposed by the House and $5,921,212 as proposed by the Senate.

On amendments numbered 179, 180, 181, and 182, relating to the Senate: Authorizes payment to be made to the Official Reporters of that body; appropriates $3,500 for repairs to the Maltby Building, $1,800 for rent of warehouse for storage of public documents, and $2,000 for repairs and improvements to the Senate stables and grounds.

On amendment numbered 183: Appropriates $12,500, as proposed by the Senate, for the purchase of historical publications of James D. McBride.

On amendments numbered 184, 185, 186, 187, and 188: Strikes out the increase proposed by the Senate in the allotments of appropriations for printing and binding for the Geological Survey and the Library of Congress, and authorizes the printing of 5,000 copies of reports of the Geological Survey relating to the gauging of streams for distribution by the Geological Survey and Congress.

On amendment numbered 189: Restores to the bill the provision proposed by the House, giving to each member of the House for distribution the eight copies of the CONGRESSIONAL RECORD heretofore required to be sent by the Superintendent of Documents to public or school libraries.

On amendment numbered 191: Authorizes the payment to the Cotton States and International Exposition Company the unexpended balance of the appropriation for the Government building and exhibit at the Atlanta Exposition for expenses incurred and paid by said company in connection with said building and exhibit.

The committee of conference have been unable to agree on the following amendments, namely:

On amendments numbered 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 22: Making appropriations for and extending the limit of cost of certain public buildings.

On amendments numbered 23, 24, and 25, relating to the marine hospital at Chicago, Ill.

On amendments numbered 28 and 32: Appropriating $30,000 for range lights in Sandusky Bay, Ohio, and $15,000 for a light-house on Swan Island, in the Caribbean Sea.

On amendment numbered 61: Appropriating $250,000 for an additional fireproof building for the use of the National Museum.

On amendments numbered 91, 92, and 93, relating to the lighting of the Capitol Grounds by electricity.

On amendment numbered 94: Appropriating $55,000 for ventilation of the Senate wing of the Capitol.

On amendment numbered 96: Increasing the appropriation for surveys and resurveys of public lands from $250,000 to $400,000.

On amendment numbered 97, relating to the reclamation of arid lands.

On amendment numbered 109: Appropriating $35,000 to enable the Government to take part in the International Exposition at Brussels, Belgium.

On amendments numbered 111 and 112, relating to the editing of papers and archives of the Revolution.

On amendment numbered 115: Appropriating $500 for the arsenal at Columbia, Tenn.

On amendment numbered 120: Appropriating $1,500 for a children's playground in East Washington.

On amendments numbered 122, 123, 124, 125, 126, 127, 128, and 129, relating to the price to be paid for gas and electric lamps in the public grounds.

On amendments numbered 138, 139, 140, 141, 142, and 143, relating to the improvements of certain rivers and harbors under the contract system.

On amendment numbered 145: Appropriating $1,000 for keeping in repair the Guilford battle ground.

On amendments numbered 146 and 147, relating to the support and medical treatment of destitute patients and to the Providence and Garfield hospitals.

On amendment numbered 161, relating to the disbursement of appropriations for the National Home for Disabled Volunteer Soldiers.

On amendment numbered 190: Appropriating $100,000 for additional ground for the Government Printing Office, for the purchase of boilers, and the erection of a boiler house.

The Senate, by its amendments, added to the bill $6,577,257.10. Of this sum, under the terms of the conference agreement, the Senate recedes from $2,990,008, the House agrees to $1,810,070, and there remains in dispute $1,777,179.10.

J. G. CANNON,
E. J. HAINER,
JOSEPH D. SAYERS,
Managers on the part of the House.

Mr. CANNON. Mr. Speaker, a word or two in explanation of this report.

Mr. BARTLETT of New York. I should like to ask the gentleman——

Mr. CANNON. I will make my statement, and then the matter of debate will be arranged.

Mr. BARTLETT of New York. I merely wanted to ask what arrangement will be made for the discussion of the conference report?

Mr. CANNON. I propose to hold the floor if I can and yield to gentlemen for remarks directly upon the conference report, such as are fair and businesslike and lead to a speedy conclusion.

Mr. Speaker, the Senate by its amendments added to this bill $6,500,000. Of this sum, in the report just read the Senate recedes in round numbers from $3,000,000—the sum of $2,990,000, to be exact; the House agrees to Senate amendments aggregating $1,810,000, and there remain in dispute between the House and the Senate, as by the report, items aggregating $1,777,000.

Now, Mr. Speaker, I want to call the attention of the House very briefly to the matters in real difference between the House and the Senate, and if they were out of the bill we could come, I think, as to most of the other items, to a desirable and early agreement. If gentlemen will take the bill as it passed the Senate (House print), they will find these items that are most annoying in the first 21 amendments.

Mr. MORSE. Seventeen public-building bills.

Mr. CANNON. In the main public-building bills. Gentlemen are aware that the policy of the House has been and is not to enact legislation authorizing a public building, and to the grief of many of us, that the condition of the Treasury and the country is such that this can not be done, or at least it is not being done. Now, under the rules of the House, authorizing public buildings is not in order upon a general appropriation bill, nor is it in order to break the limit of the public buildings. For instance, a limit is fixed when a public building is authorized by legislation, and frequently for one reason or another legislation is subsequently had increasing the cost. That is the practice of the House in its legislation.

This bill was a clean bill in that respect when it passed the House. In the Senate they added these 20 or 21 amendments. A year ago, as to one amendment, numbered 2 in the bill, a public building at Boise City, Idaho, was authorized and $50,000 appropriated. Since then the site has been obtained, but no plans, and there will be none until next winter. The Senate amendment appropriates $50,000 and enlarges the limit of cost to $200,000. There is a similar amendment as to a public building at Camden, N. J., also at Cheyenne, Wyo.; and there is an absolutely new authorization made for a public building at Fortress Monroe, Va., upon this bill, one that never has been authorized otherwise. There is also the enlargement of the limit for a building at Helena, Mont., and also an enlargement of the limit of cost of a public building at Kansas City, Mo., from $1,200,000 to $1,316,000. Now, we kept items of this kind off this bill by points of order in the House, because they were not in order. The House conferees declined to agree to these Senate provisions; and unless the House recedes from its disagreement to those Senate amendments, or instructs its conferees to recede, I do not see any prospect of agreement, unless the Senate recedes. I want to state the matter very frankly to gentlemen, so that the House, if it sees proper, can take action in the premises, either along the line of further disagreement or along the line of receding from the disagreement to the Senate amendments.

Now I come to three or four matters that for the good of the

public service ought to be provided for, and I ask the attention of the House to them:

Amendment numbered 11: For court-house and post-office at Los Angeles, Cal.: For additions to and alterations in the court-house and post-office building, $12,000.

It is the alterations that made this appropriation necessary. But for them this money could be paid out of the ordinary general appropriation for the repair of public buildings. The facts are that at Los Angeles last year the postal revenues were in round numbers $150,000, and the net revenues $90,000. They want this appropriation to finish the cellar or basement of that little public building, and the work must be done or else they will have to move into a rented building. Nevertheless, your conferees did not feel at liberty to agree even to that provision, although it could not be classed as the construction of a public building, or the breaking of the limit of cost of a public building, because the building is already up. It is for the House to take such action as it may desire touching the matter.

Then there is an item:

For making certain proposed alterations in the post-office building in New York City, arranging and furnishing certain rooms in accordance with plans prepared by the Supervising Architect of the Treasury, $60,000.

I am frank to say that upon reading the report of the Supervising Architect and upon full inquiry I am satisfied that these alterations ought to be made, that the partitions ought to be taken down, the rooms changed somewhat, and some of the stairways altered—all for the good of the public service. But for the alterations this work also could be paid for out of the general appropriation for repair of public buildings; but technically it comes within the rule, and therefore it is for the House to either insist further on its disagreement or to take such action as it may deem proper in the premises.

Mr. DANIELS. These alterations will double the room.

Mr. CANNON. Yes, I understand that, as the gentleman from New York [Mr. DANIELS] says, the room would be doubled by these alterations.

I want to call the attention of the House now to amendments numbered 18 and 19, found on page 6. Gentlemen know the new post-office building in this city, on Pennsylvania avenue, near Eleventh street. That is a great building, eight stories in height——

Mr. SAYERS. Mr. Speaker, I desire to suggest to the gentleman in charge of the bill, if he will permit me, that he should call attention to the fact that the difference between the House and the Senate is not so much on amendment No. 18 as on No. 19.

Mr. CANNON. I thank the gentleman. I will explain that in a moment. The first floor of this great building is to be occupied by the city post-office. The other seven floors are to be occupied by a clerical force that is now occupying rented quarters. That will be the greatest Government office building in this city or in this country.

There is a desire to change the plan of the two upper stories, making certain alterations so as to accommodate a greater number of clerks. Then the Supervising Architect has made some change in the finish, so that the building can not be completed within the limit, and if it is to be finished as it ought to be—I am not now justifying the changes in plan which the Supervising Architect has made—if the building is to be finished as it ought to be, the limit will have to be broken to the amount of $410,000.

Mr. SAYERS. With the gentleman's permission, I will say that the effect of breaking the limit—that is, of agreeing to amendment No. 19 as proposed by the Senate—would be that in eighteen months from to-day nearly 3,000 clerks of the Government who are now occupying rented buildings would be transferred to this new post-office building, and the rent of the quarters now occupied would be saved, as well as the rent of the building in which the city post-office now is. All that is involved in amendment No. 19.

Mr. DINGLEY. What would be the saving in rent?

Mr. SAYERS. I should suppose about $100,000 a year.

Mr. PAYNE. When could the building be occupied if we did not break the limit?

Mr. CANNON. The gentleman from Texas has stated the facts better than I could have done it. The gentleman from New York [Mr. PAYNE] asks, if the limit is not broken and this appropriation is not made, when can this building be occupied by the Government? I suppose that it can not be occupied in full at all until the limit is broken, but it will make a difference of six months whether this appropriation is made now or made next winter.

Mr. MILLIKEN. Do I understand the gentleman to say that the building can not be covered in and the lower parts of it occupied without the limit being broken?

Mr. CANNON. I think it can be covered in and the lower part occupied, but not the two upper stories. The changes in the plan are such that if they are to be made economically this appropriation ought not to be postponed.

Mr. MILLIKEN. This appropriation, as I understand, does not contemplate the change in the roof which was proposed some time ago?

Mr. CANNON. Oh, no; this Senate amendment does not touch the question of the roof at all.

Mr. MILLIKEN. That proposition has been adversely reported in the House.

Mr. CANNON. Well, there is nothing in this about the roof.

Mr. PAYNE. I understand that this change in plan has been already made, and that the building can not be completed until the necessary appropriation is made.

Mr. CANNON. The gentleman is correct. On the merits I am frank to say that from every standpoint I think this appropriation ought to be made; but as it involves legislation, and as this is a Senate amendment, the committee of conference thought proper to report it with the other amendments and make a frank statement about them, so that the House could take such action as it deemed proper.

There are several public buildings authorized outright by Senate amendments. For instance, a court-house and post-office at Salt Lake City, for purchase of site and commencement of construction, $75,000. There is also one at Fortress Monroe, and there are several other cases in which the limit is broken. Great effort was made to break the limit also, I believe, on the post-office building at Omaha.

Mr. DINGLEY. These are new buildings for which there is now no authority of law?

Mr. CANNON. There is authority of law for that building; but they want to break the limit.

Mr. DINGLEY. But as to the one at Salt Lake City?

Mr. CANNON. That is entirely new. The Senate did not put on the Omaha building and many others. It did put on the Kansas City building. Now, it is for the House, with full knowledge, to deal with the question as suits its judgment, waiving, if the House chooses, its objection to legislation in connection with the Senate amendments, or insisting, if it desires, that the amendment shall not be agreed to. And let us understand that, if the House so insists, then, according to the courtesy and the rule between the House and the Senate, where one body insists on legislation upon an appropriation bill and the other will not yield, the provision should go out of the bill.

Mr. WILSON of Idaho. Will the chairman of the Committee on Appropriations allow me a question?

Mr. CANNON. Certainly.

Mr. WILSON of Idaho. Will the gentleman kindly explain to the House the status of the Senate amendments so far as they affect the public buildings at Boise City, Idaho; Helena, Mont., and Cheyenne, Wyo.?

Mr. CANNON. The House disagrees to those amendments. A year ago, as I understand, public buildings were authorized at those three places, at a cost of $150,000 each, and $50,000 was appropriated lately, within the last month or two, and sites, I believe, have been acquired at those three places.

Mr. WILSON of Idaho. Sites have been selected, but not acquired.

Mr. CANNON. Well, selected, but not yet acquired. We inquired fully of the Supervising Architect about those three buildings; and he informed us that in no event would pen be put to paper on the plans in less than twelve months from the time when he spoke, which was February last, when we were making the examination. The Senate amendment provides for breaking the limit at each one of those points; that is, legislating so as to make the cost of the building in one case $200,000, in another $250,000, and in another $300,000. That is legislation; and it is for the House to say whether it will concur.

Mr. WILSON of Idaho. I understand the chairman of the Committee on Appropriations to say the information coming from the Supervising Architect is that under no circumstances can these buildings be provided for within twelve months.

Mr. CANNON. They can not even commence on the plans.

Mr. WILSON of Idaho. Now, appropriations having been on the statute book for two years, does not the fact which the gentleman mentions show a woeful condition of affairs in the Supervising Architect's Office? Does it not show neglect, or at least a deficiency in the matter of clerks, or something wrong in some respect?

Mr. SAYERS. These appropriations, as I recollect, were not made two years ago.

Mr. WILSON of Idaho. They were made in the last sundry civil bill.

Mr. CANNON. One year ago.

Mr. SAYERS. Yes, one year ago.

Mr. CANNON. We know how the public service stands. It takes time to acquire these sites. Of course there is much about the public service on which I am willing to "swap horses" with my friend from Idaho during the coming campaign, he telling my constituents and I telling his how bad the Administration has been and what a wonderfully poor condition the Treasury is in.

Mr. SAYERS. I hope you will tell the whole truth while you are about it. [Laughter.]

Mr. CANNON. Now, having said that much——

Mr. STEWART of New Jersey. Has it not been the policy of the Appropriations Committee of this House to prevent the breaking of the limit in respect to any of these public buildings?

Mr. CANNON. Oh, yes.

Mr. STEWART of New Jersey. Does the gentleman, then, concur in the action of the Senate increasing the limit on these public buildings?

Mr. CANNON. Well, I am submitting the matter to the House.

Mr. STEWART of New Jersey. Why not either condemn or approve the action of the Senate?

Mr. CANNON. Well, I can say to my friend that the House conferees will not agree to these public-building matters involving legislation without some indication of the sentiment of the House, and it is entirely within the power of any member of the House to get a vote on any of these questions as to whether the House should recede or not.

Mr. STEWART of New Jersey. In view of the action of the distinguished chairman of the Committee on Appropriations in shutting out propositions of members of the House to break the limit in any of these cases, should not the gentleman, in order to be entirely consistent, condemn the action of the Senate in breaking the limit?

Mr. CANNON. Well, I disagree with the action of the Senate. But I want to be entirely candid. The wants of the public service are such that if you ask me for my individual opinion I will say that if I had the power I would break the limit of the appropriation of $400,000 to finish the post-office building down here on the Avenue, so that we could six months earlier house those clerks who are now in rented buildings. If I had the power I would do another thing. I would make such repairs and enlargement in the public building in New York City as to double the court-room accommodations. If I had power I would do another thing. I would allow repairs to be made in the basement of the public building at Los Angeles to accommodate the rapidly growing business at that point, instead of forcing them out into the street to rent buildings to accommodate the public service.

Now, having said that much, perhaps I may say further that I sympathize with what I hear sub rosa—no, perhaps not sub rosa, but hear quietly and have heard to-day and yesterday and several days before on the floor of the House. Gentlemen are naturally desirous of securing public buildings in their various districts.

Mr. HOPKINS. We ought to have one in Elgin. Put that in and I am with you. [Laughter.]

Mr. CANNON. The gentleman says put in a building for Elgin and he is with me. Well, if the Senate had put in one at Joliet I would be very grateful. [Laughter.] It is a most interesting town, a growing town, an important place, and ought to have a public building; and many of the people there are saying: "CANNON is chairman of the Committee on Appropriations; he can get us a public building at Joliet if he wants to, and we ought to have it." Well, you all know what that amounts to. They are suggestions I can not meet. I would be glad to see a proper public building put there.

Mr. DALZELL. You have already, I believe, quite a considerable public building at Joliet. [Laughter.]

Mr. CANNON. Yes; and a good many Pennsylvanians are occupying it. [Laughter and applause.]

So it is, gentlemen, I realize the embarrassment, that as this is not a public-building session of Congress, we all will have to face the embarrassment of explaining when we get home, "Why did not you get us a public building?" You can say the revenues of the Government did not allow it at this time. Ah, but they will say, "Why did not you get it if other people could? So and So got a public building and So and So got another one." That is the way gentlemen argue with me, and I am simply stating the facts to you as they appear. I would be very glad indeed if it was possible to supply many of these places that ought to have public buildings. There is no doubt about that. But I think I have stated candidly the difference between the two Houses on these points.

Mr. HICKS. Before the gentleman leaves that, I would be glad if he would explain a little more fully the action with reference to the appropriation of $60,000 for the post-office at New York, and what action has been taken in reference to additional site for the Public Printing Office.

Mr. CANNON. I will come to that a little later on. I have already referred to it in part.

Mr. HARTMAN. Let me ask the gentleman from Illinois what is the aggregate of increase in public buildings made by the Senate amendments over the House appropriations?

Mr. CANNON. The increase of the appropriations by the Senate amendments for public buildings is $702,300, and the Senate legislation authorizes the further expenditure of $1,000,087 for public buildings on amendments.

Mr. HARTMAN. Another question, if you please: Have you any objection to the public-land survey increase made by the Senate remaining in?

Mr. CANNON. I will say to my friend that I hope we can make an adjustment of that matter in the next conference. It was canvassed fully and a call for additional information made upon the Commissioner of the Land Office. In my judgment, the House provision is all that can be expended. But it is fairly open for consideration.

Mr. PICKLER. How much is the difference?

Mr. CANNON. The difference is between $250,000, appropriated by the House, and $400,000, as the Senate proposes.

Mr. HARTMAN. In order to test the sense of the House on the Senate amendments, unless some other gentleman wishes to make the motion, I will make a motion at the proper time to instruct the conferees to recede from their disagreement to the Senate amendments.

Mr. CANNON. It is competent, of course, for the gentleman to move to recede.

Mr. HARTMAN. I will do that.

Mr. SAYERS. Before such motion is made, the House should be asked to concur in the conference report, so as to eliminate from a further conference all of the items upon which we have agreed.

Mr. CANNON. Oh, yes; there will be an opportunity to make that motion, I will state to the gentleman from Montana, after we have acted upon the report.

Now, there is a matter of very considerable interest and importance to which I wish to direct the attention of the House for a few moments. I refer to amendment numbered 190, on page 126 of the bill. This is a provision to enable the Public Printer, with the approval of the Secretary of the Treasury, to purchase two lots of land immediately adjoining the present site of the Government Printing Office, containing in all about 16,000 square feet, for the purpose of erecting a boiler house and coal shed in connection with the Government Printing Office, and also to give light and ventilation to the new building belonging to that office now approaching completion. The provision is also made in the amendment for condemnation proceedings in the event that a satisfactory arrangement can not be made for the purchase.

I will place in the RECORD, with the consent of the House, a letter from the Public Printer touching this matter. I think I can state the substance of it perhaps more quickly than it can be read. Gentlemen know that last year we made an appropriation for the purpose of constructing a new addition adjacent to the present Public Printing Office, and it will be completed within a month or two—the 1st of July, I am informed, to be accurate.

Now, the heating plant is so situated in connection with the old office that there is constant danger of fire, and it is insufficient to heat this new building. It is absolutely necessary, if that building is occupied beyond November next, that there should be an additional plant for heating and for power. It is estimated that this will cost about $100,000 to purchase the lot of ground and the requisite power house and fixtures. Now, it seems to me that this ought to be done. It can not be done unless the House does it. This is a Senate amendment. It would have been subject to a point of order if it had been offered in the House. I think it ought to be done without reference to what eventually may be done touching the Printing Office. You know that has been an old matter of contention between the House and the Senate, and it ought to be solved, but in the meantime——

Mr. HICKS. May I ask my friend a question?

Mr. CANNON. In a moment. In the meantime the Printing Office is down there, and from sheer necessity an appropriation was made to put up a new additional building. Now, even if we commence, as I think we ought to commence in the near future, to construct an entire new Printing Office that will meet the demands of the public service, yet I regard it as an absolute necessity that this ground should be purchased or condemned, and that the heating plant should be erected so as to utilize, with safety to life and limb and efficiency to the public service, the buildings that we now have there and must occupy, pending the time that provision is made for a new office.

Mr. LOUDENSLAGER. This is new legislation, is it not?

Mr. CANNON. Yes; I will state it fairly. We have not agreed to it. It is for the House to further insist on its disagreement or to recede; but I am stating what the facts are, so that the House may act according to its best judgment, with such information as I can give it.

Mr. HICKS. Does not the chairman of the committee think that if we should make this large appropriation now it will practically settle the Printing Office question?

Mr. CANNON. I do not think so. It is not a large appropriation. It is $100,000, and I regard it as an absolute necessity, even if we get a new Printing Office within the next four years. I think this is absolutely necessary in the meantime. I do not regard it as settling the matter of a Printing Office permanently.

Mr. HICKS. Is it not a fact that the Public Printing Office where it is now is considered unsafe and in a very dangerous condition?

Mr. CANNON. And very largely unsafe because of the location of the heating plant and the boilers, which are absolutely insufficient to heat the new building which has just been erected as an addition.

Mr. WALKER of Massachusetts. What will the cost of the new building be?

Mr. CANNON. One hundred and twenty-one thousand dollars.

Mr. WALKER of Massachusetts. And the heating plant is to cost $100,000?

Mr. CANNON. You have to buy land on which to erect the building for the heating plant, and it is proposed to buy 16,000 feet of ground adjacent to the present building, and then to erect the boiler plant. The estimate for the whole thing is $100,000.

Mr. HICKS. Would it not be sufficient to buy a small piece of ground, just enough for the heating plant?

Mr. CANNON. Oh, well, ground is quite cheap now, and my judgment is that the proposed plan is better. However, that is a matter of administration that could be considered hereafter. I do not want to go into the merits of the Public Printing Office question. I am only giving the House such information as I have, and my opinion in this matter, after investigation. Now, having said this much, I should like to take as little time as possible, and to get to direct action upon these various provisions. In order that we may progress, I will move the adoption of the conference report. Then these other amendments will be open.

Mr. HICKS. There is one item, No. 22, which my friend has missed. Will he kindly explain the necessity of it?

Mr. CANNON. That relates to the repairs on the public building at New York.

Mr. LOUDENSLAGER. It is not agreed to.

Mr. HICKS. It will be objected to.

Mr. BARTLETT of New York. I should like to be heard.

Mr. CANNON. Let us adopt the conference report. Does the gentleman oppose any item in the conference report?

Mr. BARTLETT of New York. I wish to oppose an item that has been agreed upon by the conferees.

Mr. CANNON. Will five minutes answer the gentleman?

Mr. BARTLETT of New York. I have been cut off on five minutes too often. I want about fifteen minutes.

Mr. CANNON. I can not yield fifteen minutes on a single item in the conference report.

Mr. BARTLETT of New York. The gentleman told me when he first brought the matter up that I should have a reasonable amount of time.

Mr. CANNON. Well, I must be consulted as to what that is if it comes out of my time. I can not yield fifteen minutes on a single item of the conference report.

Mr. BARTLETT of New York. After the conference report is adopted I can not get a hearing on this question at all.

Mr. CANNON. Will five minutes be enough for the gentleman?

Mr. BARTLETT of New York. I ask for ten minutes. I am a member of the Committee on Appropriations, Mr. Speaker.

Mr. CANNON. I will yield five minutes to the gentleman and then see whether he wants any more time or not. I will do the best I can for the gentleman.

Mr. Speaker, before I yield to the gentleman from New York I will insert in my remarks memoranda and letter from the Public Printer before referred to:

PRESENT DEMANDS.

The battery of three steam boilers now constituting the power and heating plant of the Government Printing Office is located in the center of the group of buildings. They are now the most serious menace to life which threatens the employees, and the same danger threatens the safety of the whole Printing Office property.

The capacity of the three boilers in use for power purposes is 630 horsepower. The requirements of the present power service is 581 horsepower, leaving but 49 horsepower for contingencies, a power margin far too narrow for safety in average service.

The ability of the steam plant in furnishing an average power and heating service the past winter was only met by the addition of a steam economizer to one of the boilers, and by the utilization for the first of exhaust steam for heating purposes. The economizer is but an extension by the addition of another boiler erected above the old boiler, thus gaining 1,000 square feet of steam-heating surface.

During cold weather, when accompanied by dark days, the requirements of the power and lighting plant are beyond the safe capacity of the boilers, and consequently the full requirements of the office are not met at such times.

Should an emergency arise, withdrawing one of the boilers from service for repairs or cleaning during any day other than Sunday or a holiday, it would be impossible to meet the wants of the office at a period when the maximum steam service is required.

NEW DEMANDS.

The new west building, which will be turned over to the Public Printer in June next, can not be heated next winter or furnished power from the present steam plant. Its requirements in steam must be met from a new plant, which can not be erected except by the purchase of land. The proposed new boiler house and two 300-horsepower boilers will not only meet the requirements of the new building in heat and power, but will afford a margin in steam service for the whole office, insuring greater safety, and meet in part the imperative demand for a duplicate steam equipment, thus making it possible to continue work in the office without interruption in case of an accident to any one of the boilers.

In no other respect is there a more urgent demand for immediate legislative authority in regard to the work of public printing than in this particular matter of additional steam facilities.

—

OFFICE OF THE PUBLIC PRINTER,
Washington, D. C., April 20, 1896.

DEAR SIR: I esteem it my duty to write you in connection with the item inserted in the sundry civil bill in the Senate, providing for the erection of additional boiler plant at this office and for the purchase of land, which item is now under consideration in conference with your committee.

This work is the outgrowth of work undertaken a year ago, at the instance of the Joint Committee on Printing, in securing the erection of the new west building, now nearing completion at this office; in fact, this plant is a part of the work contemplated in such erection, inasmuch as it was intended, in connection with the erection of the new building on the lot line of adjoining owners, that the purchase of the adjoining land was to be made and the buildings removed, that light might be admitted into the two lower stories of the new building. As it is now many of the windows are completely darkened by the adjoining building.

It was also understood and stated by me that the present boiler plant would not be sufficient and could not be enlarged to furnish heat for the winter for the new west building. The erection of five additional rooms to the office, under the appropriation of $75,000 in 1894, caused me to utilize every resource of the present boiler plant, that the present power and heating demands of the office might be met, and which is inadequately met during the severity of winter.

There is no margin either in power or heat in our present plant to furnish heating facilities for the new building to be occupied in June. Such occupancy will be followed by vacating the building in November next unless heat is provided. No addition can be made to the present steam plant of the office except by purchase of land for the erection of the new plant.

All other dangers attending life and property in this office lessen before the danger incident to the tremendous steam energy concentrated within the group of buildings here, and which must be operated days, nights, and Sundays, with scarcely ordinary opportunities for withdrawing the fire and cleaning the boilers.

The demands on the steam service are now greater than ever, and the danger greater. I have mentioned this danger in public reports and verbal statements. If the new boiler plant is erected, I will use it entirely for power purposes, and use the old boilers within the office exclusively for heating purposes, removing in a larger degree the great pressure of steam, thus lessening the danger to life and property.

The presentation of this matter to the Senate Appropriation Committee was in line of suggestions as made by members of the Committee on Printing, and not with a view of leaving your committee uninformed in the matter on my part.

Most truly, yours,

TH. E. BENEDICT,
Public Printer.

Hon. J. G. CANNON,
Chairman Committee on Appropriations,
House of Representatives.

Mr. BARTLETT of New York. Mr. Speaker and gentlemen of the House, I desire to call the attention of the House to one item which has been inserted in the Senate, and which I say is improper and in my opinion is a fraud. I am conversant with the use of the English language; I am generally moderate in tone and in statement; and when I make the statement that a particular item is a fraud, I think I shall be able to sustain it in the course of my remarks, even if I have but five minutes. You will find on page 119 an item in these words: "To purchase from Gen. James D. McBride." Of course I may remark in passing that there is no such rank as "general" in this country. He might be a major-general or a brigadier-general; but I am informed that this gentleman was never either.

But it matters not what title he is found to have; here is an appropriation of $12,500 improperly inserted by the Senate and which successfully escaped the animadversions of the watchdogs of the Treasury in either body represented on this conference committee. What is this appropriation? It is to pay to Gen. James D. McBride the sum of $12,500 for a series of what? For what they are pleased to term "historical publications," whereas they are mere diagrams. They are six in number. The largest is subdivided into three segments. In this [exhibiting] is a facsimile of the Declaration of Independence; next we have the officers of Government in the year 1876, because that was the one hundredth anniversary of the Declaration of Independence—that is, the members of one special Congress. Then we have in this set [exhibiting], 1892, the officers of Government, because, forsooth, that was the four hundredth anniversary of the discovery of this country. Then we have three little tablets, representing each segment of the larger diagram, making four in all. Then we have the seals of the United States, taken from books in our libraries, taken from Benson J. Lossing's encyclopedia, only the seal of the United States being reproduced in an enlarged and improper form. We have all of these seals reproduced from books in our libraries, and then we have these poor vignettes of the Presidents of the United States—cheap and poor, imperfect and faulty in execution beyond all conception or description.

Mr. LACEY. Do you say that $12,500 is appropriated for those things?

Mr. CUMMINGS. That is what it is.

Mr. BARTLETT of New York. What was the gentleman's question?

Mr. LACEY. Is $12,500 appropriated for these three things?

Mr. BARTLETT of New York. The sum of $12,500 is appropriated for the purpose of giving members of Congress three sets

of these worthless diagrams. The larger diagram I have already described. The next three are segments of the larger, and the other two I have here, the vignettes of the Presidents, and the other, the alleged seals of the Departments of the Government. And for his valuable biographies of the signers of the Declaration, whatever word of truth be therein, gentlemen, is obtained from this book which I now hold in my hand. [Lossing's Lives of the Signers.]

I will only call the attention of the House to one or two biographies. He tells us that John Adams was a teacher. I am unable to find that statement in the Life of Mr. Adams. In reference to Samuel Adams, he tells us that he was educated for the ministry. I am unable to find that statement in Lossing. In reference to the other signers, he tells us that some of them were elected delegates to the Provincial Congress, and of others who were equally delegates, as to that fact he is silent. But I will call attention to one or two biographies. For instance, beginning with Button Gwinnett, of Georgia, he says:

He offered himself as a candidate for the office of brigadier-general; his competitor was Colonel McIntosh. Mr. Gwinnett was defeated, and, with mistaken views, he looked upon his rival as a personal enemy and challenged General McIntosh. They met with pistols, and at the first fire both were wounded, Mr. Gwinnett mortally. He could well have said, in the language of Hamilton when fatally wounded in a duel by Aaron Burr: "I have lived like a man, but I die like a fool."

Mr. Lossing tells us:

He offered himself as a candidate for the office of brigadier-general, and his competitor was Colonel McIntosh, a man highly esteemed for his manly bearing and courageous disposition. Mr. Gwinnett was defeated, and, with mistaken views, he looked upon his rival as a personal enemy. * * * They met with pistols, and at the first fire both were wounded, Mr. Gwinnett mortally; and in the prime of life, at the early age of 45, his life terminated. He could well have said, in the language of the lamented Hamilton, when fatally wounded in a duel by Aaron Burr: "I have lived like a man, but I die like a fool."

Of course there is no plagiarism there!

I desire now to call attention to the biography of Charles Carroll, of Maryland.

The SPEAKER. The time of the gentleman has expired.

Mr. BARTLETT of New York. I ask five minutes more.

Mr. CANNON. Does the gentleman really want five minutes longer? [Laughter.]

Mr. BARTLETT of New York. Yes, sir.

Mr. CANNON. I yield it to him.

Mr. BARTLETT of New York. This gentleman tells us that Charles Carroll was the last vestige that remained on earth of those who stood sponsors of our infant Republic and was regarded by the people of the country with the greatest veneration.

Mr. Lossing says:

For a long term of years Mr. Carroll was regarded by the people of this country with the greatest veneration, for when Jefferson and Adams died he was the last vestige that remained upon earth of that holy brotherhood who stood sponsor at the baptism in blood of our infant Republic.

Now, gentlemen, do you propose to agree to a report which gives $12,500 to a man for making up these diagrams—a man utterly unknown in the realm of scholarship, a man utterly unknown to the students of this country? Why, Mr. Speaker, men like McMaster, or any of our great historians, would never have the hardihood to ask the Congress of the United States to make such a shameless appropriation as this. These diagrams cost, as I am credibly informed, something like a cent apiece, and we are to make an appropriation of $12,500, not to benefit the people in any way whatever, but merely because Mr. James D. McBride has influence enough to secure an appropriation of this kind in the sundry civil appropriation bill. I tell you, gentlemen, this is a most dangerous appropriation. Think for a moment. When I begged the House to allow the sum of $10,000 to be appropriated for the publication of our Revolutionary archives and of the papers of the Continental Congress, one of the watchdogs of the Treasury, whose cunning attention this item has escaped, interposed an objection, and I was prevented from securing that appropriation for that proper and laudable object. Now, will this House allow an appropriation of $12,500 for such a purpose as this—a purpose which I venture to assert can obtain no advocacy whatever on the floor of this House?

Mr. CANNON. Just a word, Mr. Speaker, in reply to the gentleman from New York, and then I will ask a vote on the adoption of the conference report. I do not know whether this is a particularly meritorious item or not. The House conferees came to an agreement with the Senate conferees upon this Senate amendment—for it is a Senate amendment—and it may be well to turn to page 119 of the bill and see what it is:

Purchase of historical publications: That the Secretary of the Senate be, and he is hereby, authorized and directed to purchase from Gen. James D. McBride 2,500 complete sets of his historical publications, entitled "Important periods in the History of the United States, portraits of the Presidents of the United States, and the seal of the United States and seals of the executive, judicial, and legislative departments of the Government"; and that said publications be distributed by the Secretary of the Senate as follows: 2 sets for the use of the Senate of the United States, 2 sets for the use of the House of Representatives, 3 sets to each Senator, Representative, and Delegate in Congress; 1 set to the President, 1 set to the Vice-President, 1 set to the Chief Justice of the United States, 1 set to each associate justice, 1 set to each member of the Cabinet, 1 set to the Executive Mansion, and 1 set to each of the Executive Departments, 1 set to the Supreme Court of the United States, 1 set to the Congressional Library; 42 sets to the Department of State for distribution among the various United States embassies and legations; 88 sets to the War Department for distribution among the various military post schools, including 1 set to the Military Academy at West Point and 5 sets to the National Homes for Disabled Volunteer Soldiers; 2 sets to the Department of Justice for the use of the United States prison; 78 sets to the Navy Department for distribution among the various vessels of the United States having libraries, including 1 set to the Naval Academy at Annapolis; 48 sets to the Department of Agriculture for distribution among the various agricultural colleges in the United States and Territories, and 360 sets to the Commissioner of Education for distribution among the various public libraries and educational institutions in the United States. And the sum of $12,500 is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, to enable the said Secretary of the Senate to carry into effect the provisions of this act.

The cost of the 2,500 complete sets is put by the amendment at $12,500. Now, it is very easy to ridicule this work. It is easy to hold up some minor part of it and say, "Behold," and it is especially easy for the gentleman from New York [Mr. BARTLETT], because there are very few men who have his complete and universal knowledge, who, like him, have ransacked all history and all literature so as to be able to detect all errors. I looked, in common with others, at these historical sketches and illustrations, and to my poor inartistic eyes they looked very well, and conveyed much of useful information which, it seemed to me, as it seemed to the Senate committee and to the Senate itself, was fit and apt for distribution to the various public libraries and the various Departments of the Government. And in saying that I think the work is apt for distribution, I do not rely on my own judgment, but do take the opinion of the Bureau of Education of the United States, which has warmly recommended it, and has recommended the purchase of many times the number of copies covered by this amendment.

That is not all. The Senate Committee on Education earnestly recommended it, as I am informed, and, according to my understanding, prepared the amendment which was adopted by the Senate. It may be that the item is a very improper one. If so, and the gentlemen of this House think it is so improper that this conference report, which settles differences between the two Houses to the extent of $5,000,000 on a multitude of items, should be voted down and sent back, well and good; they will take that action. We found the amendment on the bill, and, after inquiry and examination, the conferees on the part of the House agreed with the Senate conferees to submit the item to the House in the conference report. Of course, if we had had the benefit of the advice of experts like the gentleman from New York, possibly we might have been saved from making the mistake, if it is a mistake. I now move the adoption of the report.

Mr. POWERS. Mr. Speaker, I rise to a parliamentary inquiry. I wish to ask whether the adoption of the conference report will preclude a motion to recede from any action taken in it.

The SPEAKER. It will.

Mr. LACEY. Mr. Speaker, is there not some way by which we can vote against this item without voting against the whole conference report?

Mr. CANNON. You can vote it out by voting down the conference report.

Mr. DALZELL. Then I hope we shall do that.

Mr. LACEY. It ought to be done.

Mr. CANNON. The gentleman says it ought to be done. I will ask him if he has examined this work?

Mr. LACEY. I have heard your statement, and you have not answered the gentleman from New York. I think there ought to be some way to vote out an appropriation so frivolous as this.

Mr. CANNON. I will say to the gentleman that, in my judgment, it is not a frivolous appropriation. The House did not put it on the bill. The Senate inserted it, and they did so on the recommendation of the Bureau of Education and of the Senate Committee on Education, and the amendment seemed to be insisted upon to such an extent that the House conferees agreed to it. I want to say, however, that in assenting to the Senate amendment, I did so because, in my judgment, it appeared to be an apt expenditure of the public money, and was supported by the opinion of those who are my peers and superiors touching such subjects or objects of appropriation. I am quite content, without personal feeling, that the House take such action as it may see proper touching the adoption of this report.

Mr. BARTLETT of New York. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BARTLETT of New York. Would a motion be in order to instruct the conferees to recede from their agreement to amendment numbered 183?

The SPEAKER. The conference report must be accepted or rejected as a whole.

Mr. CANNON. I move the previous question.

Mr. HARDY. I rise to a parliamentary inquiry. Would it be in order for me to make a motion to strike out the provision for

purchasing 2,500 sets of Gen. James D. McBride's historical publications and insert in lieu thereof a provision for the purchase of "horse books"? I think they would be more beneficial to us and our constituents.

Mr. CANNON. That is a very good inquiry to be addressed to the gentleman from New York.

The SPEAKER. The gentleman from Indiana [Mr. HARDY] can answer that question for himself.

Mr. CANNON. I move the previous question.

Mr. POWERS. I rise to a parliamentary inquiry. I wish to make at some stage of the proceedings a motion to recede from the disagreement of the House to a Senate amendment—not the one now in question. Will that be in order after the vote on the adoption of this report?

The SPEAKER. Is it a matter included in the report?

Mr. CANNON. Oh, no; it is a matter on which there has been no agreement, and the motion of the gentleman can come in after the report is adopted.

The SPEAKER. The motion of the gentleman from Vermont [Mr. POWERS] will be in order after the vote upon the adoption of the report if it refers to any amendment not embraced in the report.

The question being taken on ordering the previous question, it was ordered.

Mr. DALZELL. I rise to a parliamentary inquiry. Will the adoption of this report commit the House to the purchase of these 2,500 sets of historical publications?

The SPEAKER. It will.

Mr. DALZELL. Then I hope the report will not be adopted.

The question being taken on agreeing to the conference report, there were, on a division (called for by Mr. CANNON)—ayes 59, noes 80.

Mr. CANNON. I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 59, nays 151, not voting 145; as follows:

YEAS—59.

Abbott,	Doolittle,	Loudenslager,	Sayers,
Aldrich, Ill.	Fischer,	Marsh,	Smith, Ill.
Andrews,	Gamble,	McCreary, Ky.	Smith, Mich.
Arnold, R. I.	Gardner,	McLachlan,	Steele,
Avery,	Griffin,	Milliken,	Stewart, N. J.
Bartholdt,	Grout,	Minor, Wis.	Stewart, Wis.
Berry,	Hainer, Nebr.	Mondell,	Tawney,
Blue,	Halterman,	Murphy,	Towne,
Brumm,	Harmer,	Northway,	Updegraff,
Burrell,	Hartman,	Parker,	Van Horn,
Burton, Mo.	Hilborn,	Pickler,	Van Voorhis,
Cannon,	Hurley,	Pitney,	Warner,
Clark, Mo.	Leisenring,	Powers,	Wilson, Idaho
Daniels,	Long,	Robinson, Pa.	Wood.
Dolliver,	Loud,	Sauerhering,	

NAYS—151.

Acheson,	Ellett, Va.	Leonard,	Sorg,
Aldrich, Ala.	Elliott, S. C.	Lester,	Southard,
Allen, Utah	Erdman,	Lewis,	Spalding,
Anderson,	Faris,	Linney,	Sparkman,
Atwood,	Fenton,	Linton,	Spencer,
Baker, Kans.	Fitzgerald,	Little,	Sperry,
Baker, Md.	Gibson,	Lockhart,	Stahle,
Baker, N. H.	Gillet, N. Y.	Maguire,	Stallings,
Bankhead,	Gillett, Mass.	Mahany,	Stokes,
Barham,	Graff,	McCall, Mass.	Stone, C. W.
Barney,	Griswold,	McCleary, Minn.	Strait,
Bartlett, N. Y.	Grosvenor,	McClellan,	Strong,
Beach,	Grow,	McClure,	Strowd, N. C
Bell, Colo.	Hager,	McCormick,	Sulloway,
Bell, Tex.	Hardy,	McCulloch,	Taft,
Broderick,	Harris,	McDearmon,	Talbert,
Bromwell,	Harrison,	McMillin,	Tate,
Brown,	Hart,	McRae,	Tayler,
Bull,	Hatch,	Milnes,	Terry,
Burton, Ohio	Heatwole,	Moody,	Tracewell,
Clardy,	Hendrick,	Morse,	Tracey,
Clark, Iowa	Henry, Conn.	Neill,	Treloar,
Clarke, Ala.	Hicks,	Odell,	Underwood,
Codding,	Hill,	Otey,	Walker, Mass.
Cook, Wis.	Hubbard,	Otjen,	Walker, Va.
Cooper, Wis.	Hunter,	Owens,	Walsh,
Corliss,	Jenkins,	Pearson,	Wanger,
Cousins,	Johnson, Cal.	Phillips,	Watson, Ind.
Crowther,	Kem,	Poole,	Watson, Ohio
Crump,	Kendall,	Prince,	Wellington,
Culberson,	Kiefer,	Richardson,	Williams,
Curtis, Iowa	Kirkpatrick,	Royse,	Willis,
Dalzell,	Kleberg,	Russell, Conn.	Wilson, S. C.
Danford,	Knox,	Scranton,	Woodard,
Dayton,	Kyle,	Shafroth,	Woodman,
De Armond,	Lacey,	Shuford,	Wright,
De Witt,	Latimer,	Simpkins,	Yoakum.
Eddy,	Leighty,	Skinner,	

NOT VOTING—145.

Adams,	Belknap,	Brosius,	Connolly,
Aitken,	Bennett,	Buck,	Cooke, Ill.
Allen, Miss.	Bingham,	Calderhead,	Cooper, Fla.
Apsley,	Bishop,	Catchings,	Cooper, Tex.
Arnold, Pa.	Black, Ga.	Chickering,	Cowen,
Babcock,	Black, N. Y.	Cobb,	Cox,
Bailey,	Boutelle,	Cockrell,	Crisp,
Barrett,	Bowers,	Coffin,	Crowley,
Bartlett, Ga.	Brewster,	Colson,	Cummings,
Curtis, Kans.	Hopkins,	Mercer,	Settle,
Curtis, N. Y.	Howard,	Meredith,	Shannon,
Denny,	Howe,	Meyer,	Shaw,
Dingley,	Howell,	Miles,	Sherman,
Dinsmore,	Huff,	Miller, Kans.	Snover,
Dockery,	Hulick,	Miller, W. Va.	Southwick,
Dovener,	Huling,	Miner, N. Y.	Stephenson,
Downing,	Hull,	Money,	Stone, W. A.
Draper,	Hutcheson,	Moses,	Strode, Nebr.
Ellis,	Hyde,	Mozley,	Sulzer,
Evans,	Johnson, Ind.	Newlands,	Swanson,
Fairchild,	Johnson, N. Dak.	Noonan,	Thomas,
Fletcher,	Jones,	Ogden,	Thorp,
Foote,	Joy,	Overstreet,	Tucker,
Foss,	Kerr,	Patterson,	Turner, Ga.
Fowler,	Kulp,	Payne,	Turner, Va.
Goodwyn,	Lawson,	Pendleton,	Tyler,
Hadley,	Layton,	Perkins,	Wadsworth,
Hall,	Lefever,	Price,	Washington,
Hanly,	Livingston,	Pugh,	Wheeler,
Heiner, Pa.	Lorimer,	Quigg,	White,
Hemenway,	Low,	Raney,	Wilber,
Henderson,	Maddox,	Ray,	Wilson, N. Y.
Henry, Ind.	Mahon,	Reeves,	Wilson, Ohio
Hepburn,	McCall, Tenn.	Reyburn,	Woomer.
Hermann,	McEwan,	Robertson, La.	
Hitt,	McLaurin,	Rusk,	
Hooker,	Meiklejohn,	Russell, Ga.	

So the report of the committee of conference was rejected.

During the roll call,

Mr. CANNON. Mr. Speaker, I ask unanimous consent to make a statement for one minute, accompanied with an inquiry touching the parliamentary effect of this vote.

Mr. KEM. I demand the regular order.

Mr. CANNON. Then I will ask the Speaker to state——

Mr. KEM and others. Regular order.

Mr. WATSON of Ohio. Mr. Speaker, I demand that we have order on the floor.

The SPEAKER pro tempore (Mr. WILLIS). The regular order is called for, and order is demanded on the floor. Now, gentlemen, you have a "greenhorn" in the chair; do me the respect to keep quiet while the roll is being called. [Laughter and applause.]

The Clerk resumed and concluded the call of the roll, when

The following additional pairs were announced:

On this vote:

Mr. MILLER of Kansas with Mr. DOCKERY.

Mr. MERCER with Mr. ALLEN of Mississippi.

Mr. BINGHAM with Mr. CATCHINGS.

Mr. FOOTE with Mr. ELLETT of Virginia.

Mr. HADLEY with Mr. MONEY.

Mr. EVANS with Mr. LAYTON.

Mr. HOPKINS with Mr. MCMILLIN.

Mr. PAYNE with Mr. COBB.

For this day:

Mr. FAIRCHILD with Mr. MEYER.

Mr. SOUTHWICK with Mr. COOPER of Texas.

Mr. HENDERSON with Mr. WHEELER.

Mr. BLUE. Mr. Speaker, when I voted I was under the impression that we were voting simply on the single amendment providing the $12,500 to pay for a certain publication. I have since learned that the effect of my vote would be to reach the entire conference report, and I desire therefore to change my vote from "no" to "aye."

The SPEAKER. The change will be made.

Mr. DOCKERY. Mr. Speaker, I was absent in conference committee, but believe I am paired on this question.

Mr. MCCALL of Tennessee. I was absent, Mr. Speaker, in conference. If present, I should have voted "no" on this proposition.

The result of the vote was then announced as above recorded.

Mr. CANNON. Now, Mr. Speaker, I move that the House further insist on its disagreement to all the amendments of the Senate on this bill, and ask a conference—the report having been rejected—on the disagreeing votes of the two Houses.

Mr. LESTER. I think, Mr. Speaker, that a motion to recede from the disagreement of the House to the Senate amendments would have precedence of the motion of the gentleman. I move that the House recede from its disagreement to the amendments to this bill.

The SPEAKER. That would embrace the entire report.

Mr. LESTER. I had reference to the amendments relating to public buildings.

Mr. SAYERS. I suggest to the gentleman from Illinois, inasmuch as the question respecting the public buildings has been submitted to the House, whether it would not be well to take a vote on them this afternoon. It will obviate coming back to the House again with a disagreement as to that part of the report and then asking for a vote.

Mr. CANNON. As I understand it, my motion that the House do further insist on the disagreement as to the Senate amendments leaves it in order for any gentleman who desires to do so to move that the House recede from its disagreement to any one of the amendments and agree to the same. Am I correct?

The SPEAKER. The gentleman is correct.

Mr. CANNON. Now, then, I am quite content that such motion shall be made, especially as to those public buildings provided for in the Senate amendments. There is not much trouble, I will say, as I understand it, about an agreement with the Senate if the question of public buildings that the Senate has put onto the bill could be eliminated.

Mr. MILLIKEN. If that question is to be taken up, Mr. Speaker, I would like to have a few minutes to be heard upon it myself.

Mr. LESTER. Mr. Speaker, I will modify my motion, which was to recede from the House disagreement to the Senate amendments indicated by the gentleman from Illinois. Do I understand that his motion would cover all of the amendments, public buildings and all?

The SPEAKER. Which is the amendment the gentleman desires to move to recede from?

Mr. LESTER. With reference to the public buildings.

Mr. CANNON. All of them? I would have to ask for a separate vote on that question.

Mr. TERRY. I desire to make a motion with reference to one of the Senate amendments. I move, sir, that the House recede from its disagreement to its amendment of the Senate numbered 9.

Mr. LESTER. I move to recede from its disagreement to all of the amendments relating to the public buildings.

The SPEAKER. Can the gentleman give the numbers of the amendments?

Mr. LESTER. I think they are numbered 2 to 22, inclusive.

Mr. SAYERS. I desire to ask a separate vote on amendment 190 also.

Mr. TERRY. I move to recede from the disagreement to the amendment I have suggested, which I will read. It is in the following words:

(9) For court-house and post-office at Little Rock, Ark.: For additional amount to construct an addition to the United States court-house and post-office and enlarging judge's chamber and the offices of the marshal and clerk of the circuit and district courts, and for an elevator, $43,000.

Now, I desire briefly, if in order, to support my motion.

The SPEAKER. The gentleman from Illinois has charge of the matter.

Mr. CANNON. I ask for a vote.

Mr. HARTMAN. I wish to submit a parliamentary inquiry. Mr. Speaker, is it in order to move, as a substitute for the amendment of the gentleman from Arkansas, to recede from the House disagreement to all of the Senate amendments mentioned in the report as having been disagreed to? The list is found on page 5, in the last five lines of the report.

The SPEAKER. The Chair thinks that the more orderly course would be to vote upon the question of insistence on the disagreement as to such matters on which a separate vote is not demanded, then if there be separate votes demanded upon other amendments they should be taken separately.

Mr. CANNON. That is right.

Mr. TERRY. I ask for a division, then, in regard to the public buildings.

Mr. CANNON. I will indicate the amendments, Mr. Speaker, on which separate votes will be asked.

The SPEAKER. There are other matters about which there is no dispute, and the Chair suggests that they may as well be disposed of, and then the amendments be taken up in their order.

Mr. CANNON. Certainly. I will ask a vote on amendments numbered 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 22. This will cover the public buildings.

Mr. SAYERS. I suggest that you also include the amendment numbered 190, on page 126.

Mr. McMILLIN. I suggest to the gentleman that probably it would be better to first vote upon all matters outside of the amendments to which he has referred, and then have such separate votes as may be necessary on the remaining amendments.

The SPEAKER. The gentleman from Illinois will send the list to the desk.

Mr. SAYERS. Amendment 190, on page 126 of the printed bill, is the amendment to which I call the gentleman's attention.

Mr. CANNON. Yes; I ask a separate vote on that, too.

The SPEAKER. The Clerk will read the amendments on which a separate vote is demanded.

The Clerk read as follows:

On amendments numbered 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 22, and 190.

The SPEAKER. Now, the gentleman from Illinois moves that the House insist on its disagreement to all the other amendments except those named, and ask a committee of conference on the disagreeing votes thereon.

The motion was agreed to.

The SPEAKER. The Clerk will report the first of the excepted amendments, which is amendment numbered 2.

Mr. ATWOOD. Mr. Speaker, a parliamentary inquiry. Do I understand that these excepted amendments are now passed by the House?

The SPEAKER. They are not passed. All except those are passed.

Mr. TERRY. Mr. Speaker, I ask if we can not have a vote on all of these public buildings in one proposition?

Mr. DINGLEY. No, sir; not to-day.

The SPEAKER. Objection is made. Consequently the amendments must be taken up separately. The Clerk will report the second amendment.

The Clerk read as follows:

(2) For public building at Boise City, Idaho: For continuation of building, $50,000; and the limit of cost of said building and site is increased from $150,000 to $200,000.

Mr. CANNON. Now, Mr. Speaker, pending the vote, if I have the power to do it, I will yield five minutes to the chairman of the Committee on Public Buildings and Grounds [Mr. MILLIKEN].

Mr. MILLIKEN. Give me ten minutes.

Mr. CANNON. I will give you five minutes, and see if you need ten.

Mr. MILLIKEN. Possibly I can say all I know in five minutes. I hope that these amendments providing for increased limit of cost and for the establishment of new public buildings, proposed in these Senate amendments, will be disagreed to, and that the committee of conference will be instructed to insist upon their disagreement to the amendments of the Senate. This is the most vicious way of legislating that is known to Congress.

Now, we have a committee in this House—perhaps some of you have heard of it—a Committee on Public Buildings and Grounds. Before that committee have been pending a great number of bills for the establishment of public buildings, for the increase of the limit of cost, and similar matters. The committee have acted upon them. They have made reports upon between thirty and forty of them, but those reports have not been filed in the House because the committee have been informed, from a source which they consider entirely authoritative, that the bills could not be considered in this House in this session. As somebody has said here to-day, this is not a public-building session. Many of those bills are quite as important as, and some more important than, any that are found in this list. For instance, there is a bill for the purpose of strengthening the ironwork in the first story of the appraisers' stores building in New York. That building has been put up one story. Experts have examined it and decided, and this decision is indorsed by the Supervising Architect's Office, that it is utterly useless to go any further in the erection of that building until an appropriation is made for strengthening the ironwork, because it is not sufficiently strong to hold up what will be stored in there after the building is completed. That work must stop unless this appropriation is made. Is there a stronger case than that in this bill?

Mr. HOPKINS. Is that in this bill?

Mr. MILLIKEN. No; that is not in this bill.

Mr. HOPKINS. I ask the gentleman where that bill is?

Mr. MILLIKEN. It is in the Committee on Public Buildings and Grounds.

Mr. HOPKINS. It has not been reported?

Mr. MILLIKEN. No report has been made from the Committee on Public Buildings and Grounds to this House, for the reason that the Committee on Public Buildings and Grounds have been distinctly given to understand that no bills from that committee would be considered in the House if they were reported.

Mr. WILSON of Idaho. Given to understand that by whom?

Mr. MILLIKEN. Well, in the first place, I know it from my own judgment. In the second place, I have it from so many people in this House that it is not necessary for me to spend any part of my five minutes in giving the gentleman that unnecessary information.

Mr. WILSON of Idaho. It is information that is very necessary to the House.

Mr. MILLIKEN. There are between thirty and forty public-building bills before the Committee on Public Buildings and Grounds, every one of which is as important as these projects that are included in these Senate amendments to the sundry civil bill. Gentlemen who have those bills can not get consideration of them in the House. If nothing is done here they may go home to their districts and say, "We have fared as well as anybody else. It has not been the policy of this Congress to pass public-building bills because the state of the Treasury is such that it will not bear the appropriation. We have not the money in the Treasury to pay for the erection of these buildings."

But suppose you put into the bill now under consideration the few that are no more worthy than the others. Then when a gentleman goes home to his district and his constituents say, "Why did you not get our public-building bill through?" what can he say? They will say to him, "Why, other fellows got theirs through." Here are 17 public-building bills in this sundry civil appropriation bill, carrying almost a million and half of dollars.

I have gone through the list. Here is a building in Boise City, Idaho, $50,000. Another in Camden, N. J., $125,000.

Mr. LOUDENSLAGER. But is there any appropriation?

Mr. MILLIKEN. Another for the extension of the limit at Cheyenne, Wyo., $100,000, and so on. Now, here in this bill is an appropriation for a hall of records. I ask if any gentleman of this House has examined that bill? Does any gentleman in this House know where that hall of records is to be located? Does any gentleman in this House know how much is going to be the cost of that building? I know something about it. I have reason to say that I know nobody has asked for that particular hall of records except a gentleman who wants to sell his land and some other gentlemen who do not want it occupied by something that will not be as good as a hall of records. [Loud applause.] That is one thing you have got in this bill. I say, Mr. Speaker, that when a gentleman proposes a bill that will not bear the investigation of a committee, a bill that comes into this House without investigation in regard to its merits, a bill that will not bear investigation by a committee of this House, and that can not get a report from a committee of this House, it should never be considered here because it is put on as an amendment in the Senate. [Loud applause.]

Some of the most vicious legislation has been carried through in that way. How was it when the appropriation was made and this penitentiary wall was built up around this Capitol at a cost of more than a million dollars, defacing the Capitol and making it worse than before? Did that come from the Committee on Public Buildings and Grounds? No; it was stuck on an appropriation bill in the Senate and went through without anybody knowing anything about it. That has been done over and over again. It was done in the last Congress and before the last Congress. I think the older members of the House will remember there was an effort to pass through Congress a certain bill to buy a place for a Public Printing Office.

The Senate insisted upon that from Congress to Congress. I opposed it, and so did many others. I opposed it in the last House, and we defeated it here. What is the result? That proposition on the part of the Senate was that we should buy the land of a certain gentleman who had friends over there and pay $1.17 a foot for it. It has been sold since for 30 cents a foot. The man who owns it to-day only paid that for it, and told me so himself. [Applause.] I think we have been justified by the facts in opposing that measure. While I know that many of these buildings in here are meritorious, I hope the House will vote to instruct the committee to insist upon its disagreement to all these amendments; and if the gentlemen who have bills in here want to have them passed, and of course they do, let them go through in a legitimate way. [Applause.] Let them be examined by a committee of the House and a committee of the Senate, and when they come into this House let them come in here with a report which shall state what the merits are, and what the cost is going to be, so that the House can act intelligently upon them. If you pass these bills to-day you establish a precedent which you can not afford.

Why, gentlemen, what use have you for your Committee on Public Buildings and Grounds if it is to sit here and report its bills and not have them considered in the House, and the Committee on Appropriations are going to fix the locations, are going to authorize public buildings, are going to pass on the cost and limit the cost of public buildings, and all that? Why do you not let the river and harbor bill go to the Committee on Appropriations in the same way? There is just as much sense in that. It is true that comes in an omnibus bill and public buildings do not. There will be just as much sense——

Mr. LOUDENSLAGER. Will the gentleman allow me to ask him a question now?

Mr. MILLIKEN. Yes.

The SPEAKER. The time of the gentleman has expired.

Mr. MILLIKEN. Give me a little more time, will you?

Mr. CANNON. How much?

Mr. MILLIKEN. Five minutes.

Mr. CANNON. I will give the gentleman a couple of minutes.

Mr. MILLIKEN. Give me five.

Mr. CANNON. I think the House understands the matter, and I have to yield to the gentleman who makes the motion.

Mr. MILLIKEN. I say there is just as much sense in this House refusing to pass the river and harbor bill and let the Senate put all those projects upon an appropriation bill as an amendment and send them over here as it is for them to put on appropriations for public-building bills.

Mr. LOUDENSLAGER. Will the gentleman now permit a question?

Mr. MILLIKEN. Yes, sir.

Mr. LOUDENSLAGER. The Committee on Rivers and Harbors have made a report to this House, have they not?

Mr. MILLIKEN. They have.

Mr. LOUDENSLAGER. We have considered that report?

Mr. MILLIKEN. We have.

Mr. LOUDENSLAGER. Your committee has not made a report that we can consider.

Mr. MILLIKEN. It is not our fault; it was not intended by the House to pass bills of that kind.

Mr. DOOLITTLE. How many of these are new buildings provided for in this bill?

Mr. MILLIKEN. I have not looked them all up. Some of them are new buildings, and some are increases of the limitation.

Now, I want to say——

The SPEAKER. The time of the gentleman has expired.

Mr. MILLIKEN. One minute more.

Mr. CANNON. I yield one minute more.

Mr. MILLIKEN. So far as the appropriation for the purchase of land connected with the present Public Printing Office is concerned, I have only this to say: I am always willing to make the appropriations necessary to carry on that concern at present, but it was only to-day that I met a gentleman who is attorney for a very good citizen of Washington, a man whom I very much admire personally, who has been for the last three or four Congresses endeavoring to get the Government to buy his land and fix the Public Printing Office upon it, and the attorney said, "Well, if this thing goes, it will fix it so we can sell good old Andy's land." [Laughter.]

Mr. CANNON. And who is good old Andy?

Mr. MILLIKEN. A better man than you or I, and that means that he is good enough for anybody. [Laughter.]

Mr. CANNON. I do not know him, but I suppose the gentleman from Maine, judging from his reference, must know him.

Mr. MILLIKEN. Well, as he is a good man probably the gentleman from Illinois does not know him. [Laughter.] Now, Mr. Speaker, I repeat that I hope these bills will all be voted down on general principles, so that our friends who are not fortunate enough to get in their bills at present may go in at the next session and have their bills considered and passed in a legitimate way. [Loud applause.]

Mr. CANNON. I yield now to my colleague on the committee [Mr. SAYERS], and afterwards I will yield to the gentleman from Idaho.

Mr. SAYERS. Mr. Speaker, I have listened to the speech of the gentleman from Maine [Mr. MILLIKEN] and I do not concur in all that he has said. I do not think this House will act wisely if it does not make the appropriation contained in the Senate amendment for the continuance of the construction of the new post-office building in this city. That building ought to be completed as soon as possible and the limit ought to be broken for this reason——

Mr. MILLIKEN (interposing). If the gentleman will pardon me, I will say that I forgot to refer to that. So far as that work is concerned, it is the finishing up of the building, and I would make it an exception.

Mr. SAYERS. There are several other items to which the gentleman forgot to refer. Now, Mr. Speaker, in reference to the new post-office building in this city, if it be completed in accordance with the terms of the Senate amendment, within twelve or eighteen months of this time, there will be room provided not only for the city post-office, but for 3,000 clerks or thereabouts for whose accommodation the Government is paying to-day about $100,000 a year in rent of private buildings in this city. If the Senate amendment in reference to this building be agreed to—I shall move to recede from our disagreement to that item—gentlemen can rest assured that in eighteen months at the furthest the city post-office will be moved into the building, and 3,000 Government employees or more will also find offices there, and there will be a clear saving to the Government every year of fully $100,000.

Mr. MILLIKEN. Mr. Speaker, I simply desire to repeat that I agree with the gentleman from Texas [Mr. SAYERS] about the new post-office building here and that I regard it as an exceptional case.

The SPEAKER. The question is on the motion of the gentleman from Idaho.

Mr. CANNON. I yield five minutes to the gentleman from Idaho.

Mr. WILSON of Idaho. Mr. Speaker, the amendment that I want to call the attention of the House to is No. 2, which reads:

For public building at Boise City, Idaho: For continuation of building, $50,000; and the limit of cost of said building and site is increased from $150,000 to $200,000.

I want to say, Mr. Speaker, that I can admit all of the criticisms of the chairman of the Committee on Public Buildings and Grounds, and avoid the effect of them so far as this item is concerned. There are, so far as I know—and I think I am correct in the statement—three States in this Union which have no public Federal buildings whatever in them. The State which I have the honor

to represent upon this floor—Idaho—is one that has no public building in it. A public building there was provided for in the last sundry civil bill which passed Congress. There was an allowance of $150,000 in that bill for a public building at Boise City. An appropriation was made for the purchase of a site. That site has been selected, and the title thereto will soon vest in the United States.

Now, this bill provides an appropriation of $50,000 to commence the building. So far as the question of the advisability of erecting a building there is concerned, it is not open to discussion. It has been decided by the Congress of the United States. The building ought to be erected there. That question has been submitted to the Senate Committee on Public Buildings and Grounds, and they have unanimously recommended it. The Senate has passed it. It has been submitted to the House Committee on Public Buildings and Grounds, and their subcommittee has reported it favorably.

The last sundry civil bill provided for this public building. I want to remind gentlemen of what they all know on reflection, that in every State in this Union there is need for at least one public building. We need a public building in Idaho. We have the United States courts there; we have the surveyor-general's office there; we have the United States land offices there; we have the deputy collector of internal revenue there; we have several other United States officials there; the records of the United States courts are there. Therefore, as a bald business proposition, if any business man on the floor of this House had occasion to rent for the transaction of his business the room which it is necessary to rent for the United States officials in Idaho in order to transact the public business, he would certainly, as a matter of economy, erect a building of his own. From that point of view alone, for the mere saving of rent, a public building should be erected there costing at least $200,000, as provided for in this bill.

Now, I say again, that the criticism which the chairman of the Committee on Public Buildings and Grounds has made here is without force as against this item, and I submit in all fairness that this appropriation ought to be made.

Mr. CANNON. I ask for a vote.

The SPEAKER. The Chair understands that separate votes are to be taken on each of the amendments, and that the previous question is considered as ordered.

Mr. LESTER. Mr. Speaker, I do not understand that the previous question has been ordered.

The SPEAKER. The gentleman from Georgia does not understand that the previous question has been ordered.

Mr. CANNON. Then I move the previous question on these various amendments.

Mr. TERRY. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. TERRY. Does the previous question which the gentleman asks for apply to the amendment which has just been considered or to all of them?

The SPEAKER. It applies to all of them.

Mr. TERRY. Now, Mr. Speaker, I submit that as a matter of fairness and common justice each man here is entitled to be heard on these amendments—— [Cries of "Order!"]

And I hope the House will not perpetrate the glaring injustice of refusing members the chance to advocate the merits of propositions in which they are interested. [Renewed cries of "Order!"]

The SPEAKER. The House will please be in order.

Mr. CANNON. I ask unanimous consent that the previous question may be considered as ordered upon all these amendments severally; that five minutes be given for debate on each side upon each amendment, and that the vote be taken separately on each amendment.

The SPEAKER. Is there objection? The Chair hears none.

Mr. KEM. I object.

The SPEAKER. Objection is made by the gentleman from Nebraska [Mr. KEM]. [Laughter.]

Mr. TERRY. I hope the gentleman from Illinois [Mr. CANNON] will withdraw the demand for the previous question, and give us an opportunity to discuss these propositions.

Mr. CANNON. Mr. Speaker, is it in order for me on this first amendment to move the previous question?

The SPEAKER. It is.

Mr. CANNON. Then I move the previous question on the amendment just read, relating to the public building at Boise City.

The previous question was ordered.

Mr. MILLIKEN. Will the Chair state the question?

The SPEAKER. The question is on receding from the disagreement of the House and concurring in the Senate amendment with relation to the public building at Boise City.

The question was decided in the negative; there being on a division (called for by Mr. WILSON of Idaho)—ayes 39, noes 127.

The SPEAKER. The noes have it; and the House insists on its nonconcurrence in the amendment.

Mr. CANNON. I now ask that amendment numbered 3 be read.

The Clerk read as follows:

For public building at Camden, N. J.: For construction of building, $25,000; and the limit of cost of said building is increased $125,000.

Mr. CANNON. I believe I have the floor. I will ask the gentleman from New Jersey [Mr. LOUDENSLAGER] whether he wishes to occupy five minutes?

Mr. LOUDENSLAGER. If I can not convince the House in less than five minutes I do not think I shall be able to do so at all.

Mr. CANNON. I yield to the gentleman for five minutes.

Mr. LOUDENSLAGER. Mr. Speaker, this amendment, I am glad to say, does not come under the criticism of the gentleman from Maine [Mr. MILLIKEN]. It is peculiar in that respect. The act authorizing the construction of this building was passed in 1884. In securing the land upon which to erect the building there was some delay; and when the title to the site had been perfected, the Secretary of the Treasury, under the advice of the Supervising Architect, refused to authorize the construction of the building on account of the insufficiency of the amount appropriated.

The city of Camden had grown wonderfully in population during the short period which had elapsed since this building was authorized. In 1884 the postal receipts were only $20,000; at this time they are $70,000. Besides, sir, the Government, after obtaining possession of the site in the heart of that city constructed an unseemly board fence around it, which at the present time is in some places partly torn down and in others altogether destroyed. In this condition it makes a constant rendezvous at night and even in the daytime for disorderly boys and tramps, so that it is a nuisance to the city.

Only $25,000 is asked at this time. The importance of the structure and its necessity have been passed upon by the Committee on Public Buildings and Grounds in previous Congresses. The business of the post-office alone warrants the construction of this building. Besides the post-office there is located in the city of Camden an office for the internal-revenue collector of that district. The collector of the port is also located there. The number of post-office employees in the city of Camden has increased from 21 in 1884 to 63 at this time.

It seems to me that the House, when it has presented to it a meritorious matter like this, ought to give it fair consideration. It may be impossible for us to bring all these matters before the House at one time. We must take them up singly. I ask, therefore, that fair consideration be given to this amendment. The appropriation proposed is one necessary to be made. The present attitude of the Treasury Department practically permits a nuisance in the city of Camden. This amendment of the Senate ought to be adopted. That is all I have to say. [Applause.]

Mr. CANNON. I ask a vote on the amendment.

The SPEAKER. The question is on the motion to recede and concur in the Senate amendment.

The motion was rejected.

Mr. CANNON. I ask unanimous consent that this session be extended after 5 o'clock until this bill is disposed of.

Mr. KEM. I object.

The SPEAKER. Objection is made by the gentleman from Nebraska [Mr. KEM]. [Laughter.]

Mr. CANNON. Let the next amendment be reported.

The Clerk read as follows:

(4) For public building at Cheyenne, Wyo.: For continuation of building, $50,000; and the limit of cost of said building and site is increased from $150,000 to $250,000.

Mr. CANNON. I yield a few minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Speaker, the amendment now under consideration is one of those amendments that was objected to by the gentleman from Maine [Mr. MILLIKEN], but I submit if there are to be no public buildings erected in the far West until we get a report from the present committee of this House on Public Buildings and Grounds, this session will pass without even beginning the construction of any one of the public buildings so much needed.

Mr. MILLIKEN. Well, you will get a report as soon as the bill can be got through if it has merit.

Mr. MONDELL. Further, the Committee on Public Buildings and Grounds of this House has had under consideration this proposition and I understand that they have gone this far, that they have determined whenever in their wisdom they see fit to report to the House a provision for any public building, that this public building shall be one of them.

Mr. MILLIKEN. The gentleman ought to be grateful to us for that.

Mr. MONDELL. The conditions existing at Boise City and Helena are similar to those existing at Cheyenne, and it is one of three capitals of sovereign States of this Union that have no public buildings.

We have a beautiful city, situated at the very summit of the continent, a magnificent city; we have an excellent statehouse, and beside it we wish to place a splendid public building, one that is appropriate to a city of that character, and that will be an ornament to the nation. We have the full complement of Federal officers necessary and usual in a capital city, and we wish to have the proper appropriation made to supply what we so much need there in the way of a public building. We want a building well enough constructed to reflect credit upon the nation in the capital of our State; and we ask you, therefore, to support this amendment. [Applause.]

The SPEAKER. The question is on the motion to recede from a disagreement and concur in the Senate amendment.

The motion was rejected.

The SPEAKER. The Clerk will read the next amendment.

The Clerk read as follows:

(6) For post-office at Fortress Monroe, Va.: That the sum of $15,000 be, and the same is hereby, appropriated, out of any moneys in the Treasury not otherwise appropriated, for the erection of a post-office building at Fortress Monroe, Va., upon the Government reservation. The said building shall be erected upon plans, specifications, and contracts to be approved, in the manner provided by law, by the Secretary of War, and to cover quarters for the postmaster and office accommodations for customs officer and United States commissioner. Nor shall any plan for the erection of said building be approved by the Secretary of War involving an expenditure exceeding the said sum of $15,000.

Mr. CANNON. I ask a vote.

The question was taken; and the House refused to recede from its disagreement.

So the motion was rejected.

The Clerk read the next amendment, as follows:

(7) For public building at Helena, Mont.: For continuation of building, $50,000; and the limit of cost of said building and site is increased from $150,000 to $300,000.

The SPEAKER. The question is on the motion to recede and concur.

The motion was rejected.

The Clerk read as follows:

(8) Strike out:

"For post-office and court-house at Kansas City., Mo.: For continuation of building under present limit, $50,000."

And insert:

"For post-office and court-house at Kansas City, Mo.: For continuation of building, $50,000; and the limit of cost of said building and site is increased from $1,200,000 to $1,316,000."

Mr. CANNON. In fairness to the gentleman representing the Kansas City district I promised to yield to him for a few moments.

Mr. VAN HORN. I only wish a minute or two.

Mr. Speaker, it is necessary to state that the bill as originally prepared, appropriating money for this work, required the ground to embrace an entire square. The simple fact is that in the procuring of the ground and the grading necessary, which could not be foreseen by anyone—nothing except experience could demonstrate it—it is found that the building can not be completed within the present limit. That is all there is of the matter, and I hope the House will recede from its disagreement to the Senate amendment.

The question was taken; and the motion to recede and concur was rejected.

The Clerk reported the next amendment of the Senate, as follows:

(9) For court-house and post-office at Little Rock, Ark.: For additional amount to construct an addition to the United States court-house and post-office and enlarging judge's chamber and the offices of the marshal and clerk of the circuit and district courts, and for an elevator, $43,000.

Mr. TERRY. Mr. Speaker——

Mr. CANNON. I yield five minutes to the gentleman from Arkansas [Mr. TERRY].

Mr. TERRY. I ask the kind attention of the House while I endeavor to show the merits of this proposition, and I ask only fair treatment upon the merits of the case. I desire to say, gentlemen, that this proposition stands upon stronger grounds than any proposition which you have considered, as I will undertake to show.

In the first place, I will say that the necessity for the improvement of the public building at the city of Little Rock has already been passed upon by Congress at a preceding session. We appropriated $58,000 for this purpose. The Secretary of the Treasury sent down there to inaugurate that work, and found that on account of the peculiar architecture of the building and on account of the kind of stone that was used in its construction, namely, Ohio stone, that it would cost more to carry out the project than Congress had allowed. Therefore he sent to the Speaker of this House a recommendation and estimate for $43,000 more. Now, this is not one of the cases spoken of by the gentleman from Maine [Mr. MILLIKEN] in which there has been no estimate. There has been a careful estimate upon this proposition, and the amount that will be required is definitely ascertained. Further, I will say that this is urgently needed, as I will show you, by a letter from the United States circuit judge of that district, Judge Caldwell, with whom many of you are acquainted. He wrote me the following letter:

DEPARTMENT OF JUSTICE, EIGHTH CIRCUIT,
Little Rock, March 28, 1892.

MY DEAR SIR: I have just seen a copy of your bill relating to the United States building in this city.

I have said and written so much about this building in the past that I have grown weary of the subject. My letters are on file in Washington protesting against laying the foundations of the building under the limitations and restrictions of the act making the first appropriation.

I said then, and time has verified the correctness of my judgment, that the building which it was proposed to erect would be found totally inadequate to accommodate the public officers and business expected to be provided for within its walls. I knew this was so so far as it related to the United States courts.

I pleaded for two court rooms, or a judge's chambers large enough for a chambers court room, but all in vain. There is but one court room and the judge's chambers is barely large enough to contain my bookcases, a table, and two or three chairs.

The result is that when there are two judges here and it is desirable to hold two courts at the same time, as it frequently is, we are unable to do so except when the county court-house is not in use and is loaned to us, or we can get in the State house.

The want of another court room is a source of expense to the Government and of delay and cost to parties and witnesses.

The circuit court of appeals ought to hold its winter sessions at this place, and doubtless would do so if we had a court room, but under existing conditions it is out of the question.

I know nothing about the wants of the other departments. I only know that the present building does not furnish adequate accommodations for the United States courts.

Yours, truly, HENRY C. CALDWELL,
Circuit Judge.

Hon. W. L. TERRY, M. C.,
Washington, D. C.

Now, gentlemen, as you have it there, the Government of the United States has to depend upon the courtesy of the county of Pulaski for the privilege of holding one of its courts. Only a small sum is asked. The Secretary of the Treasury says it is necessary. He has sent in an estimate. It has all been determined, and you have here the letter of a Federal judge who stands as high as any man in the United States showing you the deplorable condition of affairs at Little Rock for the want of this improvement. I appeal to the sense of fairness of the House, that upon so meritorious a matter as this you permit the amendment of the Senate to stand.

The SPEAKER. The question is on receding and concurring.

The question was taken; and on a division (demanded by Mr. TERRY) there were—ayes 52, noes 116.

Accordingly, the House refused to recede and concur, and insisted upon its disagreement to the amendment of the Senate.

CONFEREES ON THE FORTIFICATIONS APPROPRIATION BILL.

The SPEAKER appointed as conferees upon the bill H. R. 8109, the fortifications appropriation bill, Mr. HAINER of Nebraska, Mr. GROUT, and Mr. BARTLETT of New York.

The SPEAKER. The hour of 5 o'clock having arrived, the House will now take a recess until 8 o'clock this evening, when the gentleman from New York, Mr. PAYNE, will act as Speaker pro tempore.

EVENING SESSION.

The recess having expired, the House reassembled at 8 p. m. Mr. PAYNE took the chair as Speaker pro tempore, and directed the reading of paragraph 2 of Rule XXVI; which was read by the Clerk, as follows:

The House shall on each Friday at 5 o'clock p. m. take a recess until 8 o'clock, at which evening session private pension bills, bills for the removal of political disabilities, and bills removing charges of desertion only shall be considered; said evening session not to extend beyond 10 o'clock and 30 minutes.

Mr. WOOD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole on the Private Calendar for the consideration of bills under the special order.

The question was taken; and on a division (demanded by Mr. TALBERT) there were—ayes 35, noes none.

Mr. TALBERT. No quorum, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from South Carolina raises the point of no quorum.

Mr. TALBERT. I desire, Mr. Speaker——

The SPEAKER pro tempore. No debate is in order.

Mr. TALBERT. I desire unanimous consent to make a statement.

Mr. KEM. I object, Mr. Speaker.

Mr. TALBERT. I withdraw the point of no quorum.

Accordingly the motion of Mr. WOOD was agreed to; and the House resolved itself into the Committee of the Whole on the Private Calendar, with Mr. HEPBURN in the chair.

ELLA D. CROSS.

The first business on the Private Calendar was the bill (S. 997) granting a pension to Ella D. Cross.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension rolls, subject to the provisions and limitations of the general pension laws, the name of Ella D. Cross, widow of Richard D. Cross, late lieutenant-colonel of the Fifth Regiment New Hampshire Volunteers.

Mr. WOOD. I suggest that the gentleman from New Hampshire [Mr. SULLOWAY], who prepared the report in this case, can make a statement which will satisfy the House quite as well as the reading of the long report.

Mr. ERDMAN. Mr. Chairman, we are apparently on the eve of this session, so that it might be a proper time to review the work that the Committee on Invalid Pensions and the Committee on Pensions have performed and laid before the House. I have caused to be prepared a list of all the bills passed by the Committee on Invalid Pensions and the Committee on Pensions, together with the amounts, rank, etc., which I ask unanimous consent to print. I do not desire to take up the time of the House to read it; and yet the House ought to know what it contains. I therefore, Mr. Chairman, ask unanimous consent to print this, instead of reading it to the House at this time.

Mr. KEM. Regular order, Mr. Chairman.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to print the document in his hand. Is there objection?

Mr. KEM. I object.

Mr. PICKLER. I hope the gentleman will withdraw his objection. This report has been prepared from the committee records.

Mr. KEM. I object.

Mr. LACEY. I move that the gentleman be permitted to print the document.

Mr. ERDMAN. I will read it.

The CHAIRMAN. The gentleman from Iowa moves that leave be granted to the gentleman from Pennsylvania to print the document in his hand.

The question was taken; and the motion was agreed to.

The document is as follows:

COMMITTEE ON INVALID PENSIONS.

No.	Name.	Date.	Favorable.	Unfavorable.	Amount.	Rank.
S. 894	Allaback, Nancy G.	Feb. 13, 1896	336		$30	Colonel.
H. R. 4724	Aleshire, Mary L.	Mar. 3, 1896	620		20	Captain.
H. R. 4841	Adams, Silas	Mar. 6, 1896	1195		30	Colonel.
H. R. 2969	Allen, Lucy A.	Mar. 9, 1896	681		20	Captain.
H. R. 4548	Arnold, Mary	Mar. 10, 1896	760		12	Private.
H. R. 1948	Andricks, Uriah	Mar. 19, 1896	861		14	Do.
H. R. 1505	Aspold, Sarah A.	Mar. 26, 1896	953		15	First asst. eng., M. S.
S. 350	Abbey, Geo. A.	Mar. 31, 1896	1059		20	Private.
H. R. 2035	Anderson, Peter	Apr. 6, 1896	1186		30	Do.
H. R. 7324	Applegate, Wm. T.	Apr. 20, 1896			30	
H. R. 7067	Arbaugh, Jos. B.	do	1425		50	Do.
S. 830	Allard, Mary	do	1389		8	Do.
S. 1343	Adams, Enoch G.	May 7, 1896			50	
H. R. 2800	Brooks, Martha	Jan. 16, 1896	62		12	Do.
H. R. 2151	Blackman, Agnes A.	Feb. 10, 1896	331		8	Brigade surgeon.
H. R. 1616	Bricker, Michael	Jan. 16, 1896	60		12	Private.
H. R. 4903	Beach, Hattie A.	Feb. 24, 1896	513		12	Do.
H. R. 3857	Brewer, Thomas	Feb. 27, 1896	539		17	Do.
H. R. 5067	Brinton, Maria B.	do	536		8	Do.
H. R. 2410	Box, Marcus D.	do	616		25	Do.
H. R. 1500	Bagley, Geo. W.	Mar. 2, 1896	642		12	Carpenter.
H. R. 6466	Barnard, Geo. V.	Mar. 3, 1896	661		30	Private.
S. 466	Brown, William	do	609		20	Do.
S. 246	Blunt, Nancy Carson	do	612		75	Major-general.
H. R. 6808	Boyd, Sarah A.	Mar. 5, 1896	659		17	Captain.
S. 145	Bliss, Maud Adelle	do	647		12	Private.
S. 147	Bachelder, Elvira	Mar. 10, 1896	710		12	Do.
S. 2014	Bull, Sarah A.	do	709		25	Major and paymaster.
H. R. 6319	Buss, Alfred P.	Mar. 12, 1896	746		30	Private.
H. R. 3389	Buck, Albert	do	747		30	Do.
H. R. 6556	Brown, Jacob	do	756		30	Do.
H. R. 5938	Burns, Priscilla R.	Mar. 16, 1896	825		50	Brigadier-general.
H. R. 5852	Bradbury, Josiah P.	Mar. 16, 1896	831		30	Private.
S. 1072	Brown, Lue R.	Mar. 17, 1896	837		25	First lieutenant.
H. R. 4410	Blinker, Elise	do	838		50	Brigadier-general.
H. R. 1646	Brown, Dolly S.	do	847		12	Private.
S. 1291	Boughton, Celeste A.	Mar. 19, 1896	859		75	Brigadier-general.
S. 1276	Britton, John L.	Mar. 23, 1896	932		30	Private.
H. R. 3884	Brewster, Jno. T.	Mar. 26, 1896	956		50	Sergeant.
H. R. 6233	Boatwright, Jno. J.	do	981		30	Private.
H. R. 7240	Bruner, J. W.	do	944		12	Do.
S. 637	Brooks, Geo. M.	do	980		15	Do.
H. R. 6841	Benner, Geo. L.	do	1007		(*)	Teamster.
S. 646	Brown, Francis	Mar. 31, 1896	1046		12	Private.
H. R. 4941	Bostwick, Hester A.	Mar. 30, 1896	1006		20	Captain.
H. R. 6015	Beebe, Julia D.	Apr. 2, 1896	1101		17	Assistant surgeon.
H. R. 4517	Baker, Washington	Apr. 6, 1896	1187		72	Private.
S. 1311	Brown, Dudley F.	Apr. 7, 1896	1160		20	Do.
H. R. 7457	Beaird, John	do	1156		30	Sergeant.
H. R. 7647	Brown, Albert	Apr. 9, 1896	1221		30	Private.

*Not rated.

COMMITTEE ON INVALID PENSIONS—continued.

No.	Name.	Date.	Favorable.	Unfavorable.	Amount.	Rank.
S. 1323	Bell, Benj. F.	Apr. 16, 1896	1324		$17	Second lieutenant.
H. R. 7548	Bigelow, Eunice P.	do	1316		17	Sergeant.
S. 651	Buckingham, Jane L.	Apr. 27, 1896	1516		30	Lieutenant-colonel.
H. R. 4500	Brock, Strather	do	1548		30	Private.
S. 1902	Burch, Jennie E.	May 4, 1896	1602		12	Nurse.
H. R. 1295	Bailey, Sophronia	do	1604		20	Private.
H. R. 6489	Busick, Sam'l L.	May 5, 1896			12	Do.
S. 2594	Beckford, Wm. A.	May 7, 1896	1671		50	First lieutenant
H. R. 3040	Barker, Mary F.	do	1665		8	Private.
H. R. 3363	Bombard, Carlos	do	1736		30	Do.
S. 1	Cogswell, Eva Davis	Jan. 29, 1896	127		75	Brigadier-general.
H. R. 147	Case, Geo. W.	Jan. 13, 1896	53		50	Private.
H. R. 711	Church, Uzziel B.	Jan. 16, 1896	58		20	Do.
H. R. 925	Corbett, Annie J.	Feb. 6, 1896	44		8	Do.
H. R. 2234	Casper, Jos. A.	do	280		100	Brevet maj. gen.
H. R. 5140	Cronch, Michael H. J	do	27		12	Private.
S. 507	Crandall, Mollie	do	282		20	Captain.
H. R. 1838	Corrigan, Thomas	Feb. 10, 1896	329		50	Private.
S. 730	Carroll, Helen Morrell.	Feb. 13, 1896	353		75	Major-general.
H. R. 1022	Cotton, Byron	Feb. 17, 1896	463		30	Private.
H. R. 4598	Craig, Mary	Feb. 20, 1896	474		12	Do.
H. R. 950	Coombs, John	do	460		30	Do.
H. R. 1931	Colwell, Annie E.	Mar. 3, 1896	619		20	Sergeant.
H. R. 1894	Clendenin, S. D.	Mar. 2, 1896	604		50	Brevet brig. gen.
H. R. 4354	Carr, May Gould	Mar. 6, 1896	667		75	Brevet maj. gen.
H. R. 2042	Cogswell, Wm. F.	do	745		50	Asst. eng., Navy.
H. R. 6217	Chamberlin, Mary E.	do	687		30	Captain.
H. R. 158	Collins, Mary	Mar. 10, 1896	711		12	Private.
H. R. 4405	Cary, Augustus G.	Mar. 12, 1896	784		30	First lieut., Revenue Marine.
S. 907	Cross, Ella D.	Mar. 17, 1896	844		30	Lieutenant-colonel.
H. R. 4606	Chapman, Lydia	Mar. 23, 1896	900		12	Steersman.
S. 878	Chamberlain, Jared S.	Mar. 30, 1896	1010		30	Private.
H. R. 5068	Cunningham, Jane	Mar. 31, 1896	1044		12	Do.
S. 1806	Custer, Geo. B.	Apr. 2, 1896	1106		20	Sergeant.
H. R. 2221	Claassen, Peter J.	do	1109		30	Colonel.
H. R. 3189	Cochenour, Jno. S.	Apr. 6, 1896	1131		50	Captain.
H. R. 5710	Curtiss, Eleanor L.	Mar. 3, 1896	598		12	Captain and provost-marshal.
S. 2514	Colwell, Annie E.	Apr. 16, 1896	1329		20	Sergeant.
H. R. 7928	Cook, John	do			30	Do.
H. R. 5854	Caster, John	Apr. 23, 1896	1455		12	Private.
S. 2378	Callahan, Andrew M.	do			50	
H. R. 479	Cardier, Malachi	do	1478		8	Private.
H. R. 6829	Calloway, Wm.	Apr. 27, 1896			12	Do.
H. R. 3221	Dalton, John	Jan. 3, 1896	186		12	Teamster.
H. R. 3698	Dulaney, Jane	Jan. 16, 1896	61		72	Colonel.
H. R. 5814	Davis, Cassie A.	Feb. 13, 1896	364		42	Private.
S. 1203	Doubleday, Mary	do	354		100	Major-general.
H. R. 75	Davenport, Mary F.	Feb. 17, 1896	437		25	First lieut., Navy.
S. 746	Donohoe, Elizabeth E.	Feb. 27, 1896	541		50	Colonel.
H. R. 3496	Dodge, Oliver	Mar. 2, 1896	602		12	Private.
H. R. 1892	Darragh, Catharine	Mar. 6, 1896	713		12	Do.
H. R. 4744	Dennis, Adam	Mar. 9, 1896	899		45	Do.
H. R. 4655	Driscoe, Fred A.	Mar. 10, 1896	887		12	Sergeant.
H. R. 3353	Daugherty, Thos. S.	do	720		30	Private.
H. R. 4494	Dawson, Barton S.	Mar. 17, 1896	846		30	Do.
S. 148	Dillon, Catharine	do	833		12	Do.
H. R. 6863	Day, Ellen	Apr. 6, 1896	1129		12	Do.
H. R. 7205	Drake, Alphonso	do	1157		12	Do.
S. 1787	Duncklee, Nancy T.	Apr. 7, 1896	1159		12	Do.
H. R. 6159	De Russy, Helen A.	Apr. 9, 1896	1222		50	Brevet brig. gen.
S. 1975	Duncan, Julia Jones	do	1219		50	Brevet maj. gen.
H. R. 3316	Dodge, Cora L.	Apr. 16, 1896	1367		25	Colonel.
S. 321	Dunn, James W.	do	1314		60	Private.
H. R. 4376	Daniels, Christiana	Apr. 20, 1896			12	
H. R. 3108	Durnell, Jesse	do	1433		24	Second-class pilot, Navy.
H. R. 3798	Davenport, Laura E.	Apr. 27, 1896	1515		12	Private.
H. R. 6830	Davidson, William F.	May 4, 1896	1608		30	Do.
H. R. 8427	Doebler, John	do	1630		30	Captain.
H. R. 6091	Dixon, Joseph S.	do	1603		100	Private.
H. R. 357	Dustin, Elmira E.	Mar. 4, 1896	622		50	Colonel.
H. R. 7424	Deming, John	May 7, 1896	1699		30	Captain.
H. R. 708	Ellis, Albert	Jan. 30, 1896	769		24	Private.
H. R. 708	Ellis, Albert	Jan. 30, 1896	193		24	Do.
S. 3432	Evans, Jno. E.	Jan. 23, 1896	125		30	Sergeant Marine Corps.
S. 1271	English, Elizabeth M.	Feb. 14, 1896	328		50	Rear-admiral.
H. R. 4275	Enochs, Annis H.	Feb. 20, 1896	462		50	Brevet brig. general.

COMMITTEE ON INVALID PENSIONS—continued.

No.	Name.	Date.	Favorable.	Unfavorable.	Amount.	Rank.
S. 1837	Erving, Ellen C	Mar. 9, 1896	683		$75	Brevet major-general.
H. R. 2985	Estex, Lemuel J	Mar. 10, 1896	748		24	Private.
H. R. 5855	Elliott, Emily	Mar. 23, 1896	930		12	Do.
H. R. 1095	Ermer, Annie M	Mar. 30, 1896	1091		8	Do.
H. R. 6539	Enright, Richard C	Mar. 31, 1896	1052		30	Colonel.
H. R. 7333	Edwards, Wm. C	Apr. 7, 1896	1495		12	Private.
H. R. 6497	Estill, Wm. C	Apr. 9, 1896	1192		12	Do.
H. R. 487	Early, Jno. F	Apr. 20, 1896	1422		30	Sergeant.
H. R. 3689	Fruston, Jefferson	Jan. 27, 1896	169		24	Private.
H. R. 4220	Foster, Chas. A	Jan. 23, 1896	124		12	Assistant surgeon.
S. 640	Fisher, Jos. W	Feb. 10, 1896	330		72	Colonel.
S. 3112	Fairfax, Josephine F	Feb. 13, 1896	357		50	Rear-admiral.
S. 137	French, Wm. W	Feb. 24, 1896	510		50	Private.
S. 6236	Funkhouser, Helen A.	Mar. 6, 1896	712		30	Colonel.
S. 4604	Fisher, Jane	Mar. 9, 1896	714		8	Private.
S. 3499	Foss, Eliza A	Mar. 23, 1896	896		12	Corporal.
S. 4930	Forward, Mary	Mar. 31, 1896	1110		12	Private.
S. 7736	Tyffe, Clifford Neff	Apr. 9, 1896	1430		50	Rear-admiral.
S. 5077	Fitzpatrick, Elizabeth.	Apr. 16, 1896	1350		12	Private.
S. 1113	Foster, Geo. W	Apr. 20, 1896			12	Do.
H. R. 906	Greene, Annie M	Jan. 7, 1896	16		12	Do.
H. R. 4475	Gaffney, Catherine	Feb. 13, 1896	361		12	Do.
H. R. 1634	Good, William F	Feb. 6, 1896	279		6	Do.
H. R. 2006	Gregg, Harriet C	Feb. 24, 1896	534		50	Colonel.
S. 404	Goldwater, Samuel	Mar. 3, 1896	608		12	Private.
H. R. 2962	Greig, Carrie L	Mar. 5, 1896	684		20	Brevet major.
S. 616	Gresham, Matilda	do	632		100	General.
H. R. 2405	Gibbons, Maria	Mar. 9, 1896	682		20	Captain.
H. R. 6294	Gilman, Samuel D	Mar. 10, 1896	783		50	Private.
H. R. 515	Grose, William	Mar. 16, 1896	836		75	Brigadier-general.
H. R. 6590	Greer, William	Mar. 17, 1896	823		50	Private.
S. 1310	Gould, Shubael	Apr. 2, 1896	1140		50	Do.
H. R. 5532	Glover, Josephine	do	1087		30	Brevet lieutenant.
H. R. 6845	Gearkee, John H	Apr. 6, 1896	1666		30	Major.
S. 2008	Gibbons, Fanny Moale.	Apr. 7, 1896	1158		100	Major-general.
H. R. 3607	Grant, Kate	Apr. 13, 1896	1237		20	Captain.
H. R. 4201	Gardner, Nicholas	Apr. 17, 1896	1468		50	Private.
S. 1414	Gerard, Emma Brough.	do	1328		16	Do.
H. R. 8053	Gard, Alice	Apr. 20, 1896	1466		20	Do.
S. 625	Groshon, Nellie L	Apr. 23, 1896	1479			Captain.
S. 2353	Gilman, Delia	Apr. 27, 1896	1517		12	Private.
H. R. 8159	Gibson, Martha M	May 7, 1896	1734		50	Colonel.
H. R. 6845	Gearkee, John H	do	1666		50	Major.
H. R. 1094	Hoover, Francis E	Jan. 27, 1896	167		50	Private.
S. 344	Hall, Mary A	Feb. 6, 1896	283		12	Do.
H. R. 4906	Houk, Mary B	do	275		30	Colonel.
H. R. 2904	Hough, Caroline A	Feb. 10, 1896	333		30	Brigadier-general.
H. R. 5254	Howell, Ebenezer G	do	332		30	Private.
H. R. 138	Hazlip, Mary E	Feb. 13, 1896	461		12	Do.
H. R. 1141	Hull, Mary E	Jan. 13, 1896	49		12	Do.
H. R. 995	Holaday, Thomas	Jan. 16, 1896	118		24	Do.
S. 141	Hill, Julia A	Dec. 24, 1895	128		30	Colonel.
H. R. 1094	Hoover, Francis E	Jan. 27, 1896	167		50	
H. R. 3216	Hurley, James P	Jan. 30, 1896	263		30	Private.
H. R. 569	Hamilton, Sophia J	Feb. 6, 1896	305		50	Major-general.
H. R. 1734	Hull, Ann Catharine	Feb. 17, 1896	434		50	Commodore.
H. R. 5580	Hunley, Archibald	Feb. 20, 1896	458		16	Private.
H. R. 5712	Hines, John W	do	459		30	First lieutenant.
H. R. 979	Helfenstine, Frances E.	Feb. 27, 1896	563		17	Do.
H. R. 4888	Hager, George	Mar. 2, 1896	596		8	Private.
H. R. 4363	Hudson, Joseph J	do	603		72	Do.
H. R. 3890	Hodgdon, Geo. Wm	Mar. 5, 1896	658		12	Do.
H. R. 5060	Hazelip, Ransom C	Mar. 5, 1896	646		30	First lieutenant.
H. R. 6546	Holliday, Samuel	Mar. 10, 1896	744		24	Sergeant.
H. R. 519	Harris, Ira	Mar. 16, 1896	889		30	Lieut.-commander, Navy.
H. R. 7422	Holliday, Lydia W	Mar. 24, 1896	1194		30	Nurse.
H. R. 1066	Hatfield, Ella	Mar. 30, 1896	1092		25	Major.
H. R. 4629	Harless, Wm. R	Mar. 31, 1896	1048		12	Private.
H. R. 7660	Howard, Samuel M	Apr. 7, 1896	1427		24	Do.
H. R. 7490	Heiskell, Mary Eliz	do	1326		30	Pay director, Navy.
H. R. 7079	Hyre, Henry O	Apr. 9, 1896	1190		12	Private.
H. R. 7982	Head, Albert	Apr. 13, 1896	1317		20	Captain.
S. 1816	Heckman, Eliza Craig	do	1235		50	Brigadier-general.
H. R. 6922	Harris, Catharine	do	1238		12	Private.
S. 1303	Holly, Charles T	Apr. 16, 1896	1323		50	Captain.
H. R. 7648	Harrington, Charles	do	1331		50	Sergeant.
H. R. 1168	Hill, Josiah P	Apr. 16, 1896	1335		50	Private.
S. 400	Hays, Johnson	Apr. 20, 1896	1465			Do.
S. 1949	Hight, Bradbury W	do	1392		72	Captain.
H. R. 8408	Howard, Hannah	Apr. 23, 1896	1471		12	Private.
H. R. 5846	Herrington, James M	do			30	Navy.

COMMITTEE ON INVALID PENSIONS—continued.

No.	Name.	Date.	Favorable.	Unfavorable.	Amount.	Rank.
S. 1880	Haughey, Thomas J	Apr. 27, 1896	1519		$20	Private.
H. R. 4184	Hollenbank, Nancy	May 4, 1896	1605		12	Nurse.
S. 893	Hulings, Mary B	May 5, 1896	1655		30	Colonel.
S. 1737	Hartzell, James G	do	1640		12	Private.
H. R. 2859	Herrick, Harriet F	do	1641		12	Do.
H. R. 4099	Higgins, Mary S	May 7, 1896			30	Colonel.
H. R. 2396	Holbrook, Isaac	Apr. 2, 1896	1089		12	Private.
S. 144	Ingalls, T. Clarkson	Mar. 12, 1896	757		50	Do.
H. R. 909 / S. 249	Jones, Chas. E	Jan. 27, 1896	303		30	Photographer.
H. R. 4756	Jardine, Catherine R	Feb. 6, 1896	337		50	Brigadier-general.
H. R. 4968	Jackman, Helen A	do	273		12	Lieutenant.
H. R. 2317	Johnson, Levi T. E	Mar. 5, 1896	648		30	Private.
H. R. 2947	Jennings, Daniel D	Mar. 10, 1896	708		30	Do.
H. R. 5702	Jameson, Julia A	do	762		50	Brigadier-general.
H. R. 4281	Johnson, George	Apr. 2, 1896	1123		50	Private.
S. 1495	Johnson, Hans	Apr. 6, 1896	1127		50	Corporal.
H. R. 5981	Jones, Elihu	Apr. 20, 1896	1467		50	Captain.
H. R. 8102	Jones, Dora	do	1424		30	Private.
H. R. 3187	Jones, Frances	Apr. 27, 1896			30	
H. R. 994	Keith, Andrew B	Jan. 13, 1896	47		30	Private.
H. R. 1605	Kelley, Anna	do	45		12	Seaman.
H. R. 468	Kiernan, Mrs. H. J	do	360		50	General.
H. R. 1261	Kehl, John	Jan. 17, 1896	435		30	Private.
H. R. 3937	Kenney, Mariam V	do	430		25	Spy.
H. R. 3113	Kidwell, Margaret A	Mar. 2, 1896	644		12	Private.
H. R. 6283	Kearney, Eliz. Watts	do	597		25	Major-general.
S. 1435	Kimball, Nathan	do	643		100	Brigadier-general.
S. 1215	Kingsley, Ellen	Mar. 3, 1896	607		8	Private.
S. 1493	Kelly, Mary Clare	Mar. 5, 1896	641		50	Brevet maj. gen.
S. 905	Keefe, Mary W	Mar. 23, 1896	929		30	Captain.
H. R. 5895	Kendall, Anna N	do	931		8	Private.
H. R. 7349	King, Lewellyn D	Mar. 30, 1896	1045		30	Do.
H. R. 6099	Kirkpatrick, Margaret.	Mar. 31, 1896	1090		12	Nurse.
S. 1017	Kiracofe, Robert	Apr. 6, 1896	1128		12	Private.
H. R. 7740	Keiser, Lewis	do	1154		72	Do.
H. R. 7073	Kline, Solomon	Apr. 9, 1896	1191		50	Do.
S. 719	Knowlton, Harriet M	do	1185		25	Major.
S. 1036	Kutz, Rebecca E	Apr. 16, 1896	1327		12	Private.
H. R. 6844	Kempster, Paul	Apr. 27, 1896			12	Do.
H. R. 6090	Kidd, Fletcher S	May 7, 1896			100	
H. R. 3001	Lapham, Cynthia A	Feb. 13, 1896	305		17	First lieutenant.
H. R. 126	Lindsay, Martin	Feb. 27, 1896	537		12	Private.
S. 819	Leary, Catherine	Mar. 10, 1896	782		12	Nurse.
H. R. 6468	Ladd, Andrew R	do	742		12	Private.
H. R. 6472	Lewis, Olive M	Mar. 16, 1896	830		12	Seaman.
H. R. 5402	Leet, Sarah B	Mar. 31, 1896	1040		25	Bvt. lieut. col.
H. R. 7688	Laughlin, John M	Apr. 7, 1896	1189			Private.
S. 2194	Leggett, Weltha Post	Apr. 27, 1896	1514		50	Major-general.
H. R. 1186	Lister, Jane	do	1522		20	Private.
H. R. 6973	Lyon, Sarah A	do	1550		12	Do.
S. 1139	Loudermilk, A. S	May 4, 1896	1607		40	Do.
H. R. 6872	Lewis, Elfrida C	May 7, 1896	1669		30	Colonel.
S. 1356	Larrabee, Elizabeth L.	do			30	
H. R. 3331	Lindsay, James	do	1730		30	Colonel Mo. Militia.
H. R. 1139	Mowatt, Caroline D	Jan. 13, 1896	170		12	Major.
H. R. 1109	Marshall, Elizabeth	Feb. 10, 1896	327		12	Private.
H. R. 4383	Morris, Wm. H	Feb. 17, 1896	444		100	Brevet maj. gen.
H. R. 4994	Martin, Sarah	do	621		8	Private.
H. R. 2844	McNeil, Martha	do	433		100	Brigadier-general.
H. R. 4753	Mulford, Lambert L	Feb. 24, 1896	514		30	First lieutenant.
S. 705	Muncey, Emily B	Feb. 27, 1896	598		12	Private.
H. R. 3480	Mann, Emily A	Mar. 2, 1896	715		12	Do.
S. 247	McGrath, Wallace	Mar. 3, 1896	618		50	Lieutenant.
H. R. 4283	Marsh, Delia A	Mar. 5, 1896	608		12	Corporal, sergeant.
H. R. 3877	Marple, Henderson	do	602		12	Private.
H. R. 1890	Martin, Mary	do	630		12	Do.
S. 684	McKibben, Marion	Mar. 10, 1896	950		50	Colonel.
H. R. 6247	Moore, Jennie E	Mar. 16, 1896	833		30	Private.
H. R. 6552	Morrison, Alex. C	do	827		30	Corporal.
S. 724	Mallery, Helen M	Mar. 17, 1896	824		50	Brevet colonel.
H. R. 6549	McGinnis, Gideon	do	828		30	Private.
S. 757	Morris, Adelaide	Mar. 19, 1896	869		25	Captain.
S. 1128	Morrow, Isabella	do	1012		50	Brevet maj.
H. R. 4528	McCartney, Kath. S	Mar. 30, 1896	1050		20	Captain.
H. R. 3166	Merchant, Geo. B	Apr. 2, 1896	1085		72	Sergeant.
H. R. 3690	Mackrill, Henry	do	1108		12	Landsman.
H. R. 7332	Mitchell, Eugenia	Apr. 13, 1896			12	Do.
H. R. 5949	Miller, Emily J	Apr. 16, 1896	1332		20	Private.
H. R. 5703	Macauley, Mary M	do	1366		30	Brigadier-general.
H. R. 7071	Mansfield, Alma	Apr. 20, 1896			20	
H. R. 1820	McNeil, Neil	Mar. 3, 1896	601		12	Not enlisted.
S. 2200	Morgan, Wm. H	Apr. 20, 1896	1330		30	Private.
S. 836	Murray, Wm. J	Apr. 23, 1896	1584		12	Telegraph dept.

COMMITTEE ON INVALID PENSIONS—continued.

No.	Name.	Date.	Favorable.	Unfavorable.	Amount.	Rank.
S. 1636	Masters, John G. B	Apr. 27, 1893	1512		$8	Private.
S. 2045	Mattack, Harriet R	Apr. 20, 1896	1583		12	Sergeant.
S. 2255	Meserth, Lorenzo	May 4, 1895	1656		12	Private.
H. R. 8184	McMillan, Jesse	May 5, 1896	1657		12	Do.
H. R. 7040	McGaughey, James A	May 7, 1896	1674		24	Do.
H. R. 4620	McKinsey, Samuel	Mar. 27, 1896	979		72	Do.
S. 1051	New, Elizabeth	Mar. 3, 1896	617		20	Captain.
S. 1044	Newman, Mary	do	610		12	Private.
H. R. 4361	Nesbitt, Wm. H	Mar. 9, 1896	680		30	Do.
H. R. 1508	Newton, Anna M	Mar. 12, 1896	781		75	Brigadier-general.
H. R. 6528	Nichols, Clara L	Mar. 19, 1896	969		75	Brevet maj. gen.
S. 2129	Nolan, Annie E	Mar. 26, 1896	1008		50	Major.
S. 638	Nichols, John	Apr. 2, 1896	1105		36	Sergeant.
S. 138	Osgood, James H	Jan. 6, 1896	15		50	Seaman.
H. R. 4823	O'Donnell, Margaret	Mar. 30, 1896	1011		12	Nurse.
H. R. 995	Pitman, Kate A	Jan. 16, 1896	64		12	Private.
H. R. 1185	Patton, Rachel	Jan. 20, 1896	121		20	Captain.
H. R. 2340	Parker, Caroline	Jan. 16, 1896	59		12	Private.
H. R. 2797	Palmanteer, Peter B	Jan. 20, 1896	122		12	Do.
H. R. 3993	Porter, Joseph	Jan. 27, 1896	171		30	Do.
H. R. 5711	Pilkington, Rich'd P	Feb. 17, 1896	685		50	Captain.
H. R. 5226	Parrott, James C	Feb. 24, 1896	560		50	Colonel.
H. R. 6134	Purdum, Caroline E	do	562		12	Private.
H. R. 986	Pauley, Hiram P	do	512		10	Do.
H. R. 5946	Parker, Abram H	Feb. 27, 1896	564		50	Do.
H. R. 3306	Purdy, Theodore V	Mar. 3, 1896	660		50	Do.
S. 739	Philbrook, Caroline E	Mar. 3, 1896	611		25	Major.
S. 804	Poe, Eleanor Caroli	Mar. 6, 1896	740		50	Colonel.
H. R. 4264	Pelham, Mary	Mar. 9, 1896	955		12	Private.
H. R. 6100	Parker, Minnie	do	725		30	Brevet brig. gen.
H. R. 5880	Pucket, Greenville	Mar. 17, 1896	842		72	Corporal.
H. R. 3990	Pyne, Eliza G	Mar. 19, 1896	860		20	Captain.
S. 1945	Porter, Joseph	Mar. 23, 1896	897		30	Private.
H. R. 4875	Pogue, John W	do	943		24	Do.
H. R. 2630	Prince, Lauretta S	do	895		20	Do.
S. 1505	Paine, Rufus H	Mar. 30, 1896	1009		12	Do.
H. R. 5061	Powers, Ira	do	1005		12	Do.
H. R. 6234	Pack, James R	do	1049		12	Do.
H. R. 6183	Pletcher, Wesley A	Apr. 9, 1896	1220		30	Do.
H. R. 7062	Perry, Horace	Apr. 13, 1896	1233		30	Do.
H. R. 6670	Phillips, Richard D	Mar. 26, 1896	954		50	Corporal.
H. R. 6792	Quint, Hannah R	Mar. 17, 1893	858		12	Private.
H. R. 3062	Richardson, Elizabeth.	Feb. 13, 1896	358		12	Do.
S. 1100	Reynolds, Russell N	Mar. 5, 1896	640		20	Do.
H. R. 6003	Reynolds, Patrick F	Mar. 9, 1896	686		14	Do.
H. R. 5393	Richards, Lucinda	Mar. 12, 1896	763		12	Do.
H. R. 5620	Reid, George E	Mar. 30, 1896	1033		6	Do.
H. R. 5086	Ross, Francis M	Apr. 7, 1896	1155		12	Do.
S. 601	Rodgers, Clara R	Apr. 16, 1896	1470		25	Major.
H. R. 6266	Rafferty, Peter	do	1330		45	Private.
S. 737	Richardson, James	do	1325			Do.
H. R. 6989	Roberts, Robert A	Apr. 20, 1896	1432		30	Do.
H. R. 5065	Rice, Henry F	Apr. 23, 1896	1481		30	First lieutenant.
H. R. 8653	Roberts, Nancy	May 7, 1896			20	
H. R. 2224	Schilling, Lewis C	Jan. 16, 1896	123		50	Private.
H. R. 4526	Scott, Jonathan	Feb. 6, 1896	304		72	Do.
H. R. 6132	Scott, Thomas M	Feb. 20, 1896	511		20	Do.
H. R. 5986	Stowell, Sophronia S	do	464		25	Major.
H. R. 3421	Sadler, Elizabeth	Feb. 24, 1896	515		12	Private.
H. R. 2813	Stine, Rita	do	508		17	Lieutenant.
H. R. 4020	Spencer, Wm. Loring.	Feb. 27, 1896	527		30	Colonel.
H. R. 6111	Sargent, Elizabeth A	Mar. 3, 1896	613		17	Private.
S. 1522	Smith, Catherine	Mar. 5, 1896	645		12	Do.
H. R. 6046	Stacey, Mary A	Mar. 17, 1896	829		12	Do.
S. 1699	Spencer, Wm. Loring.	Mar. 16, 1896	826		30	Colonel.
S. 1342	Smith, Lena D	Mar. 17, 1896	843		50	Brigadier-general.
H. R. 1311	Sentman, Chas. W	Mar. 23, 1896	982		30	Private.
H. R. 1323	Sweatt, Ira H	Mar. 31, 1896	1047		12	Do.
H. R. 6730	Spofford, Edward C	do	1093		50	Sergeant.
H. R. 2725	Slaughter, Henry	do	1043		24	Private.
H. R. 4496	Schiirli, Annie	do	1041		20	Do.
H. R. 5853	Stucker, Arminda	Apr. 2, 1896			12	
H. R. 4534	Stahel, Julius H	do	1130		100	Major-general.
H. R. 3165	Schroder, Henry W	do			30	
S. 1323	Somerlat, Maria	Apr. 7, 1896	1161		12	Private.
H. R. 3402	Sheppard, Wm	Apr. 9, 1896	1193		50	Do.
S. 1510	Sessford, Susan M	Apr. 16, 1896	1431		12	Do.
H. R. 7808	Seamans, Wm. D	Apr. 20, 1896	1429		50	Do.
H. R. 7105	Shulz, Augustus	do			24	
H. R. 4191	Schamberger, Geo	Apr. 23, 1896	1483		12	Do.
S. 2238	Stevens, Simeon	do	1480		20	Do.
S. 1105	Sessions, Mary E	do	1482		12	Do.
H. R. 1874	Smalls, Robert	Apr. 28, 1896			30	
H. R. 7421	Skinner, James B	May 4, 1896			100	
H. R. 4490	Sellman, Ethan A	May 5, 1896			30	
H. R. 8173	Sampsell, Lydia	May 7, 1896	1667		20	Captain.
H. R. 7883	Schriver, Barney	do			12	Private.
H. R. 7885	Schriver, Evan	do			12	Do.
H. R. 577	Taft, Lydia A	Jan. 30, 1896	191		8	Do.
H. R. 4298	Thompson, Annie	Feb. 13, 1896	363		20	Captain.
S. 136	Townsend, Horace	Jan. 27, 1896	192		50	Private.
H. R. 3606	Thornhill, French W	Feb. 27, 1896	535		30	(*)

* Assisted father, surgeon Eighth Wisconsin Infantry, not mustered into service.

COMMITTEE ON INVALID PENSIONS—continued.

No.	Name.	Date.	Favorable.	Unfavorable.	Amount.	Rank.
H. R. 4910	Thomas, Cyrus	do	540		$50	Second lieut. and sergt.
H. R. 3755	Thompson, Mary C	Mar. 10, 1896	743		20	Captain engineers.
H. R. 6644	Thayer, John M	Mar. 12, 1896			100	General.
H. R. 3945	Thorp, Thomas J	Mar. 26, 1896	952		50	Private.
H. R. 2257	Twomey, Chas. H	Mar. 30, 1896	1042		30	Do.
H. R. 6560	Tyler, Emily M	do	1088		75	Brevet maj. gen.
H. R. 5793	Tweddle, Mary L	Apr. 2, 1896	1086		20	Captain.
H. R. 5435	Trumbull, Frances P	Apr. 7, 1896	1162		50	Brevet brig. gen.
H. R. 7890	Trine, Samuel G	Apr. 9, 1896	1223		30	First lieut.
H. R. 4539	Tyrrell, Zolman	Apr. 13, 1896	1240		30	Private.
S. 146	Towne, Samuel C	Apr. 16, 1896	1334		30	Do.
H. R. 5193	Thurston, Emma	do	1426		20	Captain.
H. R. 3605	Udell, Grotius N	Apr. 13, 1896	1234		50	Private.
H. R. 2143	Van Deveer, Emily M.	Feb. 13, 1896	362		75	Brigadier-general.
H. R. 5425	VanCleve, Charlotte O.	Mar. 16, 1896	942		50	Brevet maj. gen.
H. R. 3842	Vunk, Edward	Apr. 13, 1896	1239		45	Private.
H. R. 7969	Vantine, Joseph E	Apr. 20, 1896	1496		72	First-class fireman.
H. R. 7653	Vanarsdel, Ambrosr J.	May 4, 1896	1637		12	Private.
H. R. 481	Walsh, Francis	Jan. 27, 1896	168		72	Do.
H. R. 952	Wright, Susan D	Jan. 16, 1896	63		12	Do.
H. R. 1020	Williams, Gilman	Jan. 13, 1896	46		30	Do.
H. R. 1104	Williams, Isaac N	Jan. 30, 1896	194		12	Do.
H. R. 1181	Wilson, Maria E	Feb. 6, 1896	277		20	Captain.
H. R. 2621	Webster, Jane	do	278		12	Wagon master.
H. R. 4265	Wilson, Eliza	do	276		12	Private.
H. R. 2689	Weirer, Charlotte	Feb. 13, 1896	359		12	Do.
H. R. 1290	Woodbury, Harriet	Feb. 17, 1896	438		12	Do.
H. R. 2358	White, Arminda	Feb. 24, 1896	516		20	Captain.
H. R. 4547	White, Silas S	Feb. 27, 1896	533		30	Private.
H. R. 5311	Wible, Sarah Ann	Mar. 2, 1896	594		12	Do.
H. R. 4720	Whetsel, Isaac H	do	593		16	Do.
H. R. 6483	Walker, Thomas D	do	569		12	Do.
H. R. 4001	Waldrup, William	Mar. 3, 1896	592		12	Do.
H. R. 3409	Wagner, Harrison	do	595		40	Assistant surgeon.
H. R. 3152	Welton, Charlotte L	Mar. 5, 1896	657		17	Lieutenant.
H. R. 5338	White, Ann Eliza	Mar. 9, 1896			12	Private.
S. 807	Williamson, Charles	Mar. 16, 1896	822		17	Assistant surgeon.
H. R. 4267	Widmer, Gabriel	do	857		30	Private.
S. 1511	Whiting, Jane Stewart.	Mar. 17, 1896	845		50	Commod're, Navy.
H. R. 3481	Wing, James L	Mar. 19, 1896	868		30	Private.
S. 673	West, Joseph R	Mar. 23, 1896	898		50	Brevet maj. gen.
S. 1888	Walker, Wm. T	Mar. 31, 1896	1060		25	Private.
H. R. 7346	Worswick, John A	do	1428		30	Do.
H. R. 7115	Warbrook, James	do	1051		12	Do.
S. 178	Webber, Betsy J	Apr. 6, 1896	1132		12	Do.
H. R. 4901	Wilcoxton, Richard	do	1133		12	Do.
H. R. 6268	Wells, Wm. N	Apr. 16, 1896	1333		30	Acting master, Navy.
S. 504	Woog, Edmund	Apr. 20, 1896	1423		50	Sergeant.
H. R. 7983	Wickware, Frances E	do	1464		15	Lieutenant.
S. 706	Wood, Eugenia	do	1391		8	Private.
H. R. 5787	Worth, Henry A. F	Apr. 23, 1896	1469		72	Captain.
H. R. 6827	Wallick, Mary E	do	1477		20	Do.
S. 140	Wise, Mary A	May 4, 1896	S. 140		20	Do.
H. R. 8242	Warner, L. F	May 5, 1896			25	Major.
H. R. 8522	Wells, Mark	May 7, 1896	1653		12	Private.
H. R. 3690	Wheeler, Belinda	do	1673		12	Do.
H. R. 7212	White, Melita E	Mar. 13, 1893	759		42	Colonel.
H. R. 1171	Yazell, Hannah	Feb. 24, 1896	509		12	Private.
H. R. 358	Young, James Loyd	Feb. 27, 1896	532		17	Do.
S. 1924	Yeaton, Carrie L	Mar. 2, 1896	600		12	Do.
H. R. 2395	Young, Benj. F	Apr. 13, 1896	1236		30	Do.
S. 2175	Young, James Loyd	Apr. 27, 1896	1510		17	Do.
H. R. 4519	Zellers, John	Mar. 17, 1896	852		30	Do.

Total per month for privates	$7,022
Total per month for officers	6,162
Excess for privates over officers	860
Total per annum for privates	84,264
Total per annum for officers	73,944
Excess for privates over officers	10,320
Total per month	13,184
Total per annum	158,208

No.	Name.	Date.	Favorable.	Unfavorable.	Amount.	Rank.
H. R. 7582	Avery, Martha A	May 14, 1896			$25	Sergeant.
H. R. 7827	Buckle, Joseph	do	1783		50	Do.
H. R. 5235	Blair, Russian	do	1779		30	Private.

COMMITTEE ON INVALID PENSIONS—continued.

No.	Name.	Date.	Favorable.	Unfavorable.	Amount.	Rank.
H. R. 4484	Chamberlain, Sarah E.	May 11, 1896	1731		$12	Captain.
H. R. 7154	Chase, Irene M	May 12, 1896	1787		12	Private.
S. 1149	Chilcott, Sophia J	do	1775		12	Sergeant.
S. 1119	Dailey, Peter	May 11, 1896	1776		12	Private.
H. R. 8162	Dyar, William H	May 12, 1896			30	Do.
H. R. 3844	Dennis, Cyrenius	May 14, 1896			12	Do.
H. R. 7811	Graves, Henry	May 11, 1896			12	Do.
H. R. 8848	Hughes, John A	do	1734		30	Captain.
H. R. 8639	Higgins, Matilda	May 12, 1896	1785		12	Private.
H. R. 5846	Holland, Catherine	do			12	Do.
H. R. 4967	Harmon, Joseph P	May 14, 1896			30	Do.
H. R. 3705	Jordan, Elizabeth	May 12, 1896	1784		12	Do.
H. R. 7128	Johnson, Anna P	May 14, 1896			12	Do.
H. R. 7460	Jackson, Sarah E	do			50	
H. R. 3691	Kelley, Catharine	do			8	Do.
H. R. 7160	Kitchen, Francis A	May 12, 1896	1772		12	Asst. surgeon.
S. 2187	Leahy, Thomas F	May 11, 1896	1739		12	Unsigned conscript, Vt. Vols.
H. R. 7299	Lykins, Jackson	May 12, 1896			12	
H. R. 6328	Martin, Joseph R	May 11, 1896	1765		20	Private.
H. R. 8451	McConaughey, Samuel.	do			12	Do.
S. 2542	Maines, Stephen	May 12, 1896			8	Do.
H. R. 2018	Norris, Aretus	do	1773		72	Do.
S. 2441	Noble, George D	do	1784		8	Do.
H. R. 2403	Osborn, Jackson	May 11, 1896	1734		30	Do.
H. R. 7132	Peaslee, Elizabeth	May 12, 1896			12	Do.
H. R. 5697	Peterson, Bowman H	do			25	Sergeant.
H. R. 5670	Phillips, Richard S	Mar. 26, 1896	954		50	Corporal.
H. R. 6335	Patterson, Loozilah L.	May 14, 1896			25	Sergeant.
H. R. 7153	Peters, George W	do			17	Private.
H. R. 153	Shaw, Clara V	May 12, 1896	1790		12	Do.
H. R. 1052	Summers, Luvicey J	May 11, 1896			17	Do.
S. 2790	Stowall, Sophronia S	do			25	Major.
H. R. 6007	Sandborn, Jane H	May 12, 1896	1777		12	Private.
S. 574	Slocum, Caroline A	do	1770		50	Lieut. col.
H. R. 6902	Viel, Mary A	do	1778		25	Major.
H. R. 7055	Valk, Anna G	do			40	Surgeon.
H. R. 1534	Weiderbold, Ida	May 11, 1896	1786		12	Private.
H. R. 8788	Widdores, Mary A	May 14, 1896			20	Do.

No.	Name.	Report.	Amount.	Rank.
H. R. 3581	Blakeman, Jas. H	1861	$30	Private.
H. R. 6418	Bedell, H. C		12	Do.
H. R. 4313	Cozzens, Charlotte B		50	First lieutenant.
H. R. 6391	Goens, Levi	1873	30	Private.
S. 1611	Hobbs, Clarissa E		12	Nurse.
H. R. 7206	Keating, William		12	Private.
H. R. 94	McCoy, Melancthon		25	Do.
H. R. 7585	Phillips, Anna B. S		100	Colonel.
S. 2631	Stevens, Silas M		50	Seaman.
H. R. 6765	Thompson, David N		72	Private.
H. R. 5782	Wedel, Anna	1863	20	Surgeon.

No.	Name.	Date.	Report.	Amt.	Rank.
H. R. 6968	Carr, John	May 19, 1896		$12	Private.
S. 2913	Cheeko, Nettie A	do	1894	20	Do.
H. R. 763	Carmody, J. W	do	1893	50	Seaman, U. S. S. Wabash.
H. R. 5837	English, Caroline V	do	1900	50	Lieut.-colonel.
H. R. 6877	Gudgell, Grace	do	1903	12	Captain.
S. 1898	Hayes, Maretta	do		(*)	Private.
H. R. 7027	Lachard, Michael	do		12	Do.
H. R. 6966	March, Wm. T	do		50	Do.
H. R. 7585	Phillips, Anna B. S	do		100	Colonel, brevet brig. gen.
H. R. 4287	Stanley, Edward	do	1901	24	Private.
S. 2341	Tuttle, George E	do	1890	8	Do.
S. 248	Allen, Martha	May 21, 1896		(†)	Do.
S. 2133	Ely, Mary E	do	1947	30	Lieutenant colonel.
H. R. 2363	Gein, Louis H	do		30	Second lieutenant.
H. R. 1944	Goodrich, Catharine C.	do	1943	17	First lieutenant.
H. R. 9091	Harris, Joshua B	do		30	Corporal.
H. R. 8789	Kelly, Nettie M	do		20	Private.
H. R. 8138	Oliver, Wm. H	do		72	Do.
S. 1946	Parkhurst, Elijah N	do	1942	72	
S. 9095	Wilder, Lelia Seaton.	do		(‡)	Do.
S. 1148	Whitney, Celesthia A.	do	1946	(†)	Do.

*Pension law.
†Not rated.
‡To pay back pension due husband from date of his application.

COMMITTEE ON PENSIONS.

No.	Name.	Report.	Amount.	Rank.
H. R. 2605	Andrews, Henry V	887	$8	Black Hawk war.
H. R. 6954	Andrews, Lucinda	1306	12	Revolutionary war.
H. R. 4076	Abercrombia, Abner	1232	8	Private, Indian war.
S. 2055	Barnard, Christine C.	1321	30	Major, Mexican war.
H. R. 7849	Brown, Electa L	1697	8	Private, war 1812.
H. R. 8048	Bostwick, Bethany	1374	12	Private, Revolutionary war.
H. R. 649	Bunker, Joseph S	1244	8	Sabine war, 1836.
H. R. 1793	Bassett, Michael	1591	12	Mexican war.
H. R. 1891	Barry, Celestea R	555	8	Widow of private, Mexican war.
H. R. 7317	Bethea, Levey M	1900	25	Mexican war.
H. R. 7192	Brasie, Ron	1409	20	Private, Regular Army.
H. R. 5279	Brown, Jerusha H	733	12	Daughter, Revolutionary war.
H. R. 4481	Brooddus, Patsy E	629	30	Lieutenant, Mexican war.
H. R. 3229	Barrett, Hannah N	542	12	Daughter, Revolutionary war.
H. R. 3033	Beall, Elizabeth T	484	50	Widow of colonel, U. S. A.
H. R. 2373	Brown, Elvin J	631	20	Private, U. S. Dragoons.
H. R. 5400	Bacon, Mary L		40	Widow, lieutenant-commander, U. S. N.
H. R. 4395	Bitts, Juliette	473	12	Daughter, Revolutionary war.
H. R. 6561	Carter, Martha C	1320	50	Rear-admiral, Navy.
H. R. 446	Crosby, Julia H. H	471	35	Lieutenant, U. S. N.
H. R. 1810	Cowsly, Sarah E	992	35	Widow, major.
H. R. 2141	Claire, Joseph	1373	30	Private, N. Y. war.
H. R. 1474	Copley, Jno. J		12	Private, U. S. Infantry.
S. 125	Cook, Elizabeth J	1303	8	Widow, Mexican war.
S. 511	Castleman, P. F	1338	15	Indian war, 1856.
H. R. 4721	Clark, Orleina J	669	8	Widow, Mexican war.
S. 2347	Dodge, Lanon C	1521	30	Captain, U. S. A.
H. R. 2742	Davis, J. J	908	8	Private, Mexican war.
H. R. 5224	Durley, Williamson	135	8	Black Hawk war.
H. R. 7451	Eganson, James	1150	12	Seaman, U. S. N.
H. R. 5345	English, Elizabeth		100	Rear-admiral, Navy.
H. R. 1511	Ferris, Lydia B	556	12	Daughter, war 1812.
H. R. 2189	Freeman, Mary A	633	12	Private, Mexican war.
H. R. 1602	Fagg, Jane L	1555	20	Colonel, Mexican war.
H. R. 5175	Gentry, Nancy		8	Mexican war.
H. R. 5395	Greene, Carrie H	752	8	Indian war.
H. R. 3862	Greene, John	1645	(*)	Private, U. S. A.
H. R. 2939	Giles, Daniel	1084	8	Indian war.
H. R. 4268	Graham, Christiana	785	12	Daughter, Revolutionary war.
H. R. 4359	Gunn, Calvin		24	Indian war.
H. R. 7314	Gullett, John E	1782	12	Do.
H. R. 4182	Hull, Georgiana C	807	12	Mexican war.
H. R. 2902	Hyams, Solomon		20	Indian war.
H. R. 6378	Holman, Eliza J	907	8	Do.
S. 1565	Howland, Benj. F		8	Mexican war.
H. R. 4887	Ives, Sarah G	742	8	Do.
H. R. 4122	Jones, James H	862	20	Indian war.
S. 149	Jacob, Helen M	518	12	Mexican war.
H. R. 3898	Leach, Hester W	1587	12	Seaman, U. S. N.
H. R. 6907	Larned, Helen	755	25	Major, U. S. A.
H. R. 7743	Lyons, Emily J	1523	8	Private, Mexican war.
H. R. 483	Lynn, Jane	814	12	Daughter, Revolutionary war.
H. R. 717	Lafferty, Mary Anne	754	8	Indian war.
H. R. 4090	Marshall, F. E	569	30	Widow, general, Mexican war.
H. R. 5764	Marthon, Elizab'th A	1124	50	Lieutenant in U. S. N.
H. R. 5002	Marge, Jane Christian.	879	12	Daughter, Revolutionary war.
H. R. 6282	McBride, Alexander	937	30	Mexican war.
S. 823	Meigs, John B	1564	12	Do.
H. R. 5612	Mitchell, Nathan	1213	8	Do.
H. R. 3688	McKinney, James L	1083	8	Indian war.
H. R. 4955	Plebus, Theresa	485	18	War 1812.
H. R. 1825	Prince, Ellis	567	8	Indian war.
H. R. 1826	Prince, Henry	559	8	Do.
H. R. 1827	Prince, Nancy B	558	8	Widow, Indian war.
H. R. 3007	Pettes, Michael	349	20	Mexican war.
H. R. 7080	Quinn, W. L	1319	12	Indian war.
H. R. 3494	Roberts, F. M	1245	8	War 1812.
H. R. 91	Russell, William	1524	12	Indian war.
H. R. 1832	Rodgers, Hannah E	1095	12	Revolutionary war.
H. R. 2231	Reeder, Bluford	936	8	Mexican war.
H. R. 1062	Rawlings, A. M		8	Indian war.
H. R. 3386	Raw, John R	800	30	Mexican war.
H. R. 3749	Rhoades, E. J		50	Lieutenant, United States war.
H. R. 3426	Sweeney, E. R		50	Brigadier-general, U. S. A.
H. R. 6634	Spyker, S. M	1534	8	Indian war.
H. R. 1018	Shang, B. S	964	30	Mexican war.
H. R. 710	Schwatka, Fred	486	17	Lieutenant, U. S. A.
H. R. 1189	Stanford, Eliza	522	12	Revolutionary war.
H. R. 1420	Sutherland, E. W		75	Surgeon-general, U. S. A.
H. R. 3264	Turtle, V. E	523	40	Widow, major, U. S. A.
H. R. 5453	Triplett, Taylor	1488	12	Seaman.
H. R. 6826	Thompson, R. A	780	12	Revolutionary war.
H. R. 7501	Tallett, D. T	1574	8	Indian war.
H. R. 7584	Thurber, Phebe A	1500	12	Revolutionary war.
H. R. 152	Tracy, Mary Ann		12	Lieutenant, U. S. A.
H. R. 1084	Thornton, H. F	1152	15	Mexican war.
H. R. 298	Tumblin, W. W	1554	20	Indian war.
H. R. 1178	Weedon, Sarah	570	8	Mexican war.
H. R. 1050	Whiting, E. D	640	25	Lieutenant, U. S. M. C.
H. R. 1513	Wilkinson, Caroline	1487	12	Revolutionary war.
H. R. 6007	Woodcock, Amanda	869	12	Mexican war.
H. R. 5225	William, E. M		8	Indian war.
H. R. 6909	Young, Mary T	941	12	War of 1812.
H. R. 2359	Zeigenheim, Catharine.	557	8	Mexican war.

*Rated by Pension Office.

	Number.	Per month.	Average per month.	Per annum.	Average per annum.
Major-generals (including 4 rear-admirals) and widows	25	$1,725	$69.00	$20,700	$828.00
Brigadier-generals (including 2 commodores) and widows	26	1,245	47.88	14,940	574.56
Colonels and widows	25	991	39.64	11,892	475.68
Lieutenant-colonels and widows	4	135	33.75	1,620	405.00
Majors and widows	19	544	28.63	6,528	343.56
Captains and widows	42	1,106	26.33	13,272	315.96
First lieutenants and widows	19	494	26.00	5,928	312.00
Second lieutenants and widows	2	67	33.50	804	402.00
Total commissioned officers	162	6,307	38.93	75,684	467.16
Noncommissioned officers	35	1,048	31.75	12,576	381.00
Teamsters (1 not rated)	3	24	12.00	288	144.00
Photographer	1	30		360	
Nonenlisted	6	102	17.00	1,224	204.00
Nurses	6	90	15.00	1,080	180.00
Spy	1	25		300	
Total nonprivates	212	7,626	35.97	91,512	431.68
Privates	271	6,459	23.83	77,508	285.96
Total	483	14,085		169,020	
Difference between privates and nonprivates	59	1,167		14,004	
Total all but commissioned officers	321	7,778	23.38	93,336	290.56
Total privates and noncommissioned officers	304	7,507	24.69	90,084	296.28

Mr. ERDMAN. This shows that it will take several million dollars every year to earn the sum that will be required to pay the amounts that you have appropriated. I want the real soldiers—nearly a million of them—who are on the rolls to-day at $6, $8, $10, and $12 a month, to look at this list, to examine it, to see who are the favorites of the Republican party, who are getting $100, $75, $50, and $30 a month, and let them wonder why they are not selected as the favorites.

I admire the courage of a few of you who, knowing what was right, have dared to stand up and assert it.

Unfortunately, the Republican party arrogates to itself the proud title of the sole conservator of the entire stock of patriotism in the land. Unfortunately, I say, inasmuch as the tendency of its teachings and its doctrines in this respect is to make patriotism a mere commercial contract and to render the future Grand Armies of the Republic mere aggregations of mercenaries, hirelings, Hessians or Janizaries. If I may be guilty of an alliteration, let me say, "Stop your unholy traffic in patriotism, pensions, and politics, and make the pension roll a roll of honor." Your purpose has been and is now, instead, to make it a political polling list. How far from honorable that is you may judge for yourselves when I tell you that in the good city of Philadelphia, the city of phenomenal Republican majorities and of phenomenal political fraud and corruption—in the good City of Brotherly Love, they place upon that list the names of dogs. In the fall elections of 1894, when you proudly boasted of your enormous majorities there, you had upon that list the name of the dog William Rifle—so determined by a Republican judge. If you care to have his picture on the pages of the RECORD I will lend you the cut. Let me hear no more about voting the unfortunate colored people of the South until you yourselves stop voting dogs. Go and proclaim to the country that all that the Fifty-fourth Congress will do for the old veterans is to place on the pension roll galvanized rebels, bums, bounty jumpers, and deserters, and then emphasize your illegal misconstruction of the act of 1890 by enacting it the law.

Mr. CUMMINGS. Mr. Chairman, I have the greatest respect for my friend from Pennsylvania [Mr. ERDMAN]. He evidently is conscientious in his course with regard to pension bills in this House. But as he deliberately makes the statement that Republican members here are politically partial in their votes regarding pensions, I say that the facts confute him. I have been a member of this House for nine years. I have never seen politics injected one way or another where a pension was honestly due to a soldier, the widow of a soldier, or the orphan of a soldier. [Loud applause.] And I call the gentleman's attention to the fact that only the other day this House, with 150 Republican majority, reduced a pension sent here from its own Committee on Invalid Pensions from $75 to $50 a month. That was the pension of the widow of Gen. Joseph B. Carr, a gallant soldier, once secretary of state of New York; and the only Republican elected upon the State ticket in that year. Her pension was reduced from $75 a month to $50 a month, although she was entirely destitute, and within ten minutes this same Republican House voted to retain the pension of Mrs. John Newton, the widow of a gallant general who never voted a Republican ticket in his life.

I have not forgotten that a Republican House of Representatives pensioned the widows of Maj. Gen. George B. McClellan and Maj. Gen. John C. Fremont side by side, in one vote. I do hope, Mr. Chairman, as one who did some service in the Army, however little, that my friends upon the Democratic side of the House who never served in the Army will at least be sure of their facts before they attack propositions for pensions for soldiers or soldiers' widows, who are honestly entitled to them. [Loud applause.]

Mr. BAKER of New Hampshire. Just a word, Mr. Chairman. This widow, whom it is presumed we shall pension by this bill, is the widow of a man who was always a Democrat, and who never voted anything but the Democratic ticket in his life. He was a brother of Colonel Cross, who lost his life at Gettysburg, and he was himself a lieutenant-colonel in the fighting Fifth New Hampshire.

Mr. ERDMAN. Did the gentleman understand me to say that political favor was shown on the floor of the House in pension matters?

Mr. BAKER of New Hampshire. I understood from the remarks of the gentleman who has just concluded [Mr. CUMMINGS] that the gentleman from Pennsylvania had said so.

Mr. ERDMAN. I admit that the inference was a fair one from the very incorrect and erroneous statement of the gentleman from New York.

Mr. BAKER of New Hampshire. I am very glad to hear the gentleman from Pennsylvania make that statement, and as I rose only to confute his supposed assertion I have nothing more to say, and I ask for a vote in this case.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MRS. JANE STEWART WHITING.

The next business on the Private Calendar was the bill (S. 1511) granting a pension to Mrs. Jane Stewart Whiting.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, at the rate of $75 per month, the name of Jane Stewart Whiting, widow of the late Commodore William Danforth Whiting, of the United States Navy.

Mr. MILNES. Let us have the report read.

The report (by Mr. THOMAS) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 1511) granting a pension to Mrs. Jane Stewart Whiting, adopt as their own the following quotation from the Senate report, and recommend the passage of the bill with an amendment striking out the word "seventy-five," in line 5, and inserting in lieu thereof the word "fifty":

"Mrs. Whiting is the widow of the late Commodore William Danforth Whiting, who entered the naval service of the United States in March, 1841, and was retired April 13, 1882.

"Commodore Whiting belonged to an old American family. He was born in Lancaster, Mass., May 17, 1823. His father was Gen. Henry Whiting, who served in the Indian wars and in the war of 1812; his mother was Eliza Macomb Whiting. In 1841 Commodore Whiting was appointed a midshipman from Massachusetts, and he was attached to the sloop *Cyane*, of the Pacific Squadron, from 1841 to 1844; from that year to 1846 he served on the frigate *Columbus*, of the East Indian Squadron; he then went to the Naval School, and on August 10, 1847, was promoted to passed midshipman; in 1846–47 Midshipman Whiting served in the sloop *Levant* at the capture of Monterey, Cal., when the American flag was hoisted at that place, on July 7, 1846.

"In 1849 Midshipman Whiting was attached to the sloop *Marion*, of the East Indian Squadron, and in 1853 he was at the Naval Observatory at Washington, and in the Coast Survey from 1854 to 1857, being on the steam frigate *Niagara* when that vessel laid the Atlantic cable in 1857. On May 1, 1855, he was promoted to master, and was commissioned as a lieutenant on September 14 of the same year. From 1858 to 1860 Lieutenant Whiting was on the sloop *Marion*, off the coast of Africa, and on the *Macedonia* in the following year.

"He was executive officer of the sloop *Vandalia* at the capture of Port Royal in 1861, and afterwards commanded the steamer *Wyandotte* in the South Atlantic blockade and in the Potomac flotilla. On July 16, 1862, he was commissioned lieutenant-commander, and on the gunboat *Ottawa* took part in the attacks of the defenses of Charleston. In 1864 and 1865 he commanded the school-ship *Savannah*, and in the following year the steamer *Tioga*, of the Gulf Squadron; he was commissioned as commander on July 25, 1866, and did land duty at the Brooklyn Navy-Yard in 1867–1869 and 1871–72, being in command of the *Saratoga*, of the North Atlantic Squadron, in 1870.

"Commander Whiting was promoted to a captaincy on August 19, 1872, and was ordered to the command of the flagship *Worcester*, of the North Atlantic Station, under Admiral Scott, where he remained from 1871 to 1875. In the first year of his cruise Captain Whiting took out contributions of food and clothing from the American people to the French sufferers of the Franco-Prussian war.

"After serving for some time at the Naval Asylum at Philadelphia, he was appointed, in 1877, Chief of the Bureau of Navigation at Washington. In 1881 failing health and almost total blindness, the result of a stroke of lightning which knocked him down while in active service, caused him to retire from the service. On October 12, 1881, by act of Congress, he was retired with the rank of commodore. After his retirement Commodore Whiting lived in New York. He was an hereditary member of the Society of the Cincinnati, being a direct descendant of Timothy Whiting, who fought in the battles of Lexington and Concord.

"When the U. S. S. *Marion* was ordered from the west coast of Africa at the beginning of the civil war, Commodore Whiting and Admiral Stanton, it is said, were the only wardroom officers who remained loyal to the United States.

"In 1849 Commodore Whiting was married to Jane Stewart, who was born in Cork. The marriage took place in Boston. Mrs. Whiting and four children survive.

"Testimony submitted to your committee shows that Mrs. Whiting is in

very straitened financial circumstances, and in view of that fact and of the long and valuable services of Commodore Whiting your committee recommend the passage of the bill."

The amendment recommended in the first paragraph of the report was adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

BARTON S. DAWSON.

The next business on the Private Calendar was the bill (H. R. 4494) granting a pension to Barton S. Dawson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Barton S. Dawson, late private in Company L, Second Regiment Illinois Volunteer Cavalry, at the rate provided for total blindness, and requiring the regular and personal attendance of another person, said pension to be in lieu of the pension he now receives.

The Committee on Invalid Pensions recommended an amendment, striking out all after the word "rate," in line 6, down to the end of the bill and inserting the words "$30 per month in lieu of his present pension."

The amendment was agreed to.

Mr. PICKLER. Mr. Chairman, I desire to call attention to this case as one where a private soldier is given $30 a month.

Mr. MILNES. You ought to have given him $50.

Mr. PICKLER. The gentleman on my left says we ought to have given him $50.

Mr. Chairman, I desire, in connection with what has been asserted here this evening, to say that in my opinion there never has been a Congress which, within so short a time, has advanced the pensions of as many private soldiers and noncommissioned officers and of the widows of such soldiers and officers, as the present one. [Applause.] Further, Mr. Chairman, without undertaking to be exact, I venture the assertion that there have been five cases of the pensions of private soldiers or of their widows raised during this Congress, for every one where we have raised the pension of officers or of their widows. There has not been a deserter, there has not been a bounty jumper, there has not been a man dishonorably discharged, pensioned during this Congress. No such persons have been put on the roll.

As to the statement which some gentlemen are so industriously trying to send out over the country that we are seeking to pension officers and officers' widows to the neglect or the detriment of private soldiers or their widows, I want to say that it is not true. It is true that in some few cases that have come up here, while I individually may have believed that a less pension would have been sufficient, yet I have honored the judgment of my colleagues on the Committee on Invalid Pensions and the judgment of the Committee of the Whole in passing upon those cases, and where they have found a destitute old widow of some gallant officer, or where they have found an old officer himself in distress, as in the case we disposed of to-day on a conference report, the case of a man 75 years old, a paralytic, who has had an invalid wife for seven years, whom only ten days ago he buried—in such cases and in the cases of the destitute widows of these old officers, where, to keep them out of the poorhouse, the Committee of the Whole have advanced their pensions beyond what the general law would allow, I have honored the judgment of my colleagues and of the Committee of the Whole, and have not hesitated with them, under such circumstances, to vote to advance the pensions.

It is a very easy matter, Mr. Chairman, to arraign the Committee on Invalid Pensions and the party in power for having pensioned a few of these old officers and their widows at a higher rate than the general law allows. It is a very easy matter to go out among the private soldiers and make such representations to them. But I do hope that the private soldiers and the noncommissioned officers of this country—and I served in the ranks for more than two years—I do hope, I say, that they will not be deceived by this cry that a few old officers and the widows of a few old officers have had their pensions advanced, because it is simply the old cry in another form and is intended to discredit the pension roll by seeking to array the country against pensions of all kinds by working up a prejudice against the persons who receive these pensions.

Now, in conclusion, as to the policy of this Congress and the policy of the Committee on Invalid Pensions, as evidence of what the Committee on Invalid Pensions have held and intend to hold, and what I believe the Committee of the Whole will sustain them in, I send to the Clerk's desk a resolution which was unanimously adopted by the committee, which shows that we intend in no case to make any advance for officers or their widows except where there is destitution, and which further shows that for every case where we have raised the pension of an officer or the widow of an officer we have raised the pensions of at least five privates or noncommissioned officers.

The Clerk read as follows:

Whereas marked confusion and delay have resulted from the want of some uniform rule in the consideration of private pension bills: Therefore,

Be it resolved, That it is the sense of the House that all private pension bills should be drawn according to the rates of pension indicated by the general pension laws unless the evidence should clearly show that a higher rate is justly required to relieve actual distress, the question of the soldier's rank being considered wholly immaterial in determining an exceptional rating.

Resolved, That all recommendations from committees should be in harmony with the sentiment of the foregoing resolution.

The CHAIRMAN. The question is on laying this bill aside to be reported favorably.

Mr. ERDMAN. In the statement which I incorporated in my remarks of a few moments ago will appear the name and rank of every man for whom our committee has provided a pension, together with the amount of the pension. I have also had computed and abstracted up to within ten days ago the result of the work of the committee, and that will show practically as many officers pensioned as privates; and in the monthly and annual amount of pension the preponderance is largely in favor of the officers.

Mr. PICKLER. Not one-fifth as many officers as privates have been pensioned.

Mr. ERDMAN. I refer the gentleman to the statement of the actual number. The count can be made by any member who doubts my word.

Mr. MILNES. Will the gentleman allow me a question?

Mr. ERDMAN. Yes, sir.

Mr. MILNES. I should like to ask the gentleman whether he has not voted for almost every one of these pensions to generals and other officers, and to the widows of officers?

Mr. ERDMAN. Probably I have voted for a number.

Mr. MILNES. And for pensions ranging from $50 to $75 a month?

Mr. ERDMAN. Whatever I regarded as meritorious cases I have sustained.

Mr. MILNES. I have several times called the gentleman's attention to the fact that he has voted for every one of these bills.

Mr. ERDMAN. I have voted for a good many; I have not voted for all of them.

Mr. Chairman, the other side takes pride in claiming credit for all that is done by this House. Gentlemen on that side are welcome to the credit of what my statement shows. What any individual member here or there may have done will count for little. It is what you do as a whole, as a party, that you have to be responsible for.

Mr. WANGER. I wish to occupy but a moment to call attention to the fact that all cases of the character of the one embraced in this bill ought to be promptly relieved, and there ought to be a method of relief when Congress is not in session as well as when we are sitting. A soldier who is so stricken by disease as to require the constant assistance of another person ought certainly to have a pension of $30 a month. I hope this bill will pass, and I trust the Committee on Invalid Pensions will very shortly report a measure which will enable every man who is thus disabled to present a petition to the Pension Bureau in order that relief may be granted whenever necessary.

The question being taken on the amendment reported by the committee, it was agreed to.

The bill as amended was laid aside to be reported favorably.

ORDER OF BUSINESS.

Mr. TALBERT. I ask unanimous consent to take up House bill No. 4281. I do this at the request of a friend. The beneficiary in the bill is an old soldier now in distress. Under a misapprehension I objected to the consideration of the bill the other day. I ask unanimous consent for its consideration now.

Mr. BROMWELL. I object.

DOLLY S. BROWN.

The next business was the bill (H. R. 1646) for the relief of Dolly S. Brown.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Dolly S. Brown, dependent mother of Irving Stevenson, late of Company D, Third Regiment New York Cavalry Volunteers; and that said Dolly S. Brown be granted a pension of $12 per month, subject to the provisions of the pension laws; this pension to date from the date of the above-named soldier's death, namely, September 29, A. D. 1879.

Mr. SPALDING. Let us hear the report.

The report (by Mr. POOLE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1646) for the relief of Dolly S. Brown, after duly considering the same, submit the following report:

Irving Stevenson, the son of Dolly S. Brown, was one of three brothers who enlisted in Company D, Third New York Cavalry, August 12, 1861. Irving Stevenson served honorably until August 11, 1864, when he was discharged with his regiment. He applied for and received a pension at the rate of $4 per month from the date of his discharge until April 30, 1879, when he died, never having married.

His mother, Dolly S. Brown, formerly Stevenson, filed a claim for a pension under act of June 27, 1890, alleging that the soldier's death was due to army service. This she was unable to establish, and the claim was rejected. The evidence before your committee shows that the soldier suffered from rheumatism and resulting disease of the heart while in the Army, and that he was treated for those diseases after the war, and that he was found dead in his bed, the evidence being, as stated by physicians, that his death was due to heart disease.

The claimant, Dolly S. Brown, the mother of Irving Stevenson, always cared for the son after her remarriage, and until his death. She is now 84 years of age, is very feeble, has a small piece of property, the rental value of which would be, if rented, but $120 per year, has no children capable of supporting her, is beyond work, and in all human probability can not live long to enjoy any pension, and in view of these facts and the strong probability that the death of the soldier was due to army service, your committee recommend the passage of the bill with an amendment, striking out all after the word "laws," in line 9.

The question being taken on the amendment reported by the committee, to strike out, at the end of the bill, all after the word "laws," in line 9, it was agreed to.

The bill as amended was laid aside to be reported favorably.

SILAS ADAMS.

Mr. COLSON. There is a bill on the Calendar (H. R. 4841) granting a pension to Col. Silas Adams, who was a member of the last Congress. Colonel Adams died a few days ago, leaving a widow who is now without the means of support. I ask unanimous consent that this bill be now taken up and passed with an amendment.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent to take up out of its order House bill No. 4841. Is there objection?

Mr. KEM. I object.

GEORGE JOHNSON.

Mr. BROMWELL. The objection I made a few moments ago to the request of the gentleman from South Carolina [Mr. TALBERT] was made under a misapprehension. I therefore withdraw my objection.

Mr. TALBERT. I then renew the request.

The CHAIRMAN. It is competent as a motion.

Mr. TALBERT. I move, then, that the Committee of the Whole take up the bill (H. R. 4281) granting a pension to George Johnson, of Lenox, Iowa.

The motion was agreed to.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, at the rate of $72 per month, subject to the provisions and limitations of the general pension laws, the name of George Johnson, late a soldier in Company C, Nineteenth Regiment Wisconsin Volunteer Infantry, and now a resident of Lenox, Iowa.

The amendments reported by the committee were read, as follows:

Amend by striking out "seventy-two," in line 5, and inserting "fifty" in lieu thereof; by striking out "soldier," in line 7, and inserting "private" in lieu thereof, and by striking out all after the word "Infantry," in line 8.

Also amend title by striking out all after the word "Johnson."

Mr. HEPBURN. Mr. Chairman, I move to concur in the second, third, and fourth amendments proposed by the committee. I think the Committee of the Whole ought not to concur in the amendment proposing to reduce the amount of the pension from $72 to $50 a month. I have a personal acquaintance with this soldier. I have known him for a number of years. I know him to be absolutely helpless. He is paralyzed. For years he has been unable to turn himself in his bed. He requires the constant attendance of another person. Even the smallest offices necessary to himself he is entirely incapable of performing. He can neither dress nor undress himself, and if there is anywhere in the history of pensions in this country a case where a soldier is entitled to the fullest and the largest pension allowed by the law—the pension of $72 a month—this is such a case.

The trouble about it is in the Department. This soldier was shot through the hip, the ball passing clear through his body. He is absolutely paralyzed on the left side. The paralysis is gradual and progressive. He is paralyzed just as completely on the right side; but the surgeons in charge, who did the scientific examination, said that, while the paralysis of the left side was due to the shot he received, there was no satisfactory evidence to show the paralysis of the other side as arising from that cause. While two boards who examined him agree with unanimity that the paralysis is due to the same cause, yet the Department has held otherwise in view of the statement to which I have just referred. At least a half dozen physicians testify that it is a case of entire paralysis; but I have never been able to satisfy the officer in charge that this was the truth.

I know all about the case myself. I took an appeal years ago and argued the case before the then Assistant Secretary of the Interior, but he chose (while he increased the pension $6 a month at that time) to follow the direction of the officers of the Department rather than the decision of the eight or ten medical officers who were testifying under the solemnity of an oath, and some of them on official duty, that the disability was total and was contracted in the service.

I hope, therefore, Mr. Chairman, without detaining the committee, that the committee will not agree to the amendment to reduce this amount as proposed, but leave it at $72 per month.

Mr. TALBERT. Mr. Chairman, I just desire to state the reason why I asked that this bill should be taken up out of its regular order. I objected to unanimous consent the other morning for its consideration, but afterwards I had a conversation with my friend from Iowa, and he told me the facts in regard to the case and the condition of this old soldier, showing him to be brave, true, and loyal. I ascertained from him that he was totally incapacitated and unable to do anything, and I thought in justice to him that I would ask unanimous consent to consider it among the very first cases to-night to be taken up. I hope there will be no objection to that course, as a matter of justice to him.

I have nothing more to say. [Applause.]

Mr. HEPBURN. I ask a vote first on the three amendments and afterwards on the fourth amendment of the committee.

The question was taken on the three amendments in gross.

The said amendments of the committee were agreed to.

The CHAIRMAN (Mr. BLUE in the chair). The Clerk will now report the amendment on which the gentleman from Iowa asks a separate vote.

The Clerk read as follows:

In line 5, strike out "seventy-two" and insert "fifty."

Mr. PICKLER. I shall not resist the raising of this pension to $72 a month.

The question being taken, the amendment was rejected.

The bill as amended was laid aside to be reported to the House with a favorable recommendation.

SILAS ADAMS.

Mr. COLSON. Mr. Chairman, I move that the committee take up, out of its order, the bill (H. R. 4841) granting a pension to Silas Adams.

The Chairman, having submitted the motion, decided that the ayes seemed to have it.

Mr. STRONG. I rise to make a point of order, Mr. Chairman, that that bill can not be taken up out of its order without unanimous consent.

The CHAIRMAN. It has been held to be in order. The Chair will again submit the motion.

The question being again submitted, the motion was agreed to.

Mr. STRONG. That was not the point of order I made.

The CHAIRMAN. The Clerk will report the bill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension roll the name of Col. Silas Adams, of Liberty, Casey County, Ky., and pay him a pension of $50 per month.

The committee recommend the adoption of the following amendment: In line 6, strike out "fifty" and insert "thirty"; so that it will read $30 per month.

Mr. COLSON. Mr. Chairman, I move to strike out the words "Colonel Silas," in line 5, and insert "Melissa"; also after the word "Kentucky," where it appears in the bill, insert the words "widow of Silas Adams, deceased, late colonel of the First Kentucky Cavalry"; and strike out "him," in line 6, and insert "her."

Colonel Adams died a few days ago, and I wish to amend the bill to give the pension to the widow.

Mr. HICKS. I am inclined to think that the gentleman had better offer a substitute rather than undertake to amend the bill, as the amendment is entirely new matter. This is a bill granting a pension to Col. Silas Adams.

Mr. COLSON. I have offered an amendment to correct the name.

Mr. HICKS. I was saying you had better offer a substitute. I raise the point of order. I do not think that the bill can be amended to meet the point the gentleman has in view. However, if he is willing to take the chance, I do not propose to press the matter, as I do not desire to obstruct the business of the committee.

The CHAIRMAN (Mr. HEPBURN). The Chair thinks the amendment is competent. But the first question is on the committee amendment, to strike out "fifty" and insert "thirty."

Mr. POOLE. I understand that this is a proposition to pension the widow of the beneficiary named in the bill, who since the bill was drawn has died.

Mr. PAYNE. The House seems to be dividing?

The CHAIRMAN. The gentleman from Kentucky [Mr. COLSON] has offered an amendment with reference to the name. The question will first be taken on the amendment proposed by the committee. As many as favor the committee amendment will say "aye"——

Mr. LEWIS. Mr. Chairman, before the vote is taken, I desire to say a word. This House has passed a number of pension bills for the widows of majors and captains, and men below the rank of Colonel Adams, granting them pensions at $50 and larger sums, and I want to say to this committee that it is a matter of simple justice that this pension should be allowed at $50.

Among all the thousands of brave men who followed the flag of this country through the civil war there was no braver, no more chivalrous soldier than Silas Adams; and if the services of any man ever entitled his widow to $50 per month the widow of Silas

Adams is entitled to that pension on account of his brilliant and noble services to the Union. I protest against any reduction of the pension. It is due her and just to her. I knew Colonel Adams personally. I knew him during the war; and his superiors, since his death, the men that he served under, have borne willing testimony and published to the world their tribute to the character of this soldier.

They have spoken of him in the highest terms of eulogium and panegyric. High as that eulogy was, and brilliant as it was, it was no more brilliant than the character and services of this soldier. No terms of praise can be too strong, now that he sleeps in the grave of a hero, a patriot, and an American soldier. Splendid as are the words uttered of him, they are nothing but the simple, plain, honest truth. He was a soldier, a gentleman, a patriot, in the broadest sense of the term. Besides that, Mr. Chairman, he was a member of this House, serving with distinction during the Fifty-third Congress. His widow is entitled to this pension. Speaking on her behalf in the poor, feeble manner that I am able to to-night, remembering his illustrious record, proud of it as I am, in the name of old Kentucky, with every drop of blood in my veins tingling with admiration for that grand old soldier and patriot, I beg of this committee to perform an act of simple justice to his poor, forlorn, and desolate widow, and give her the pittance of $50 a month. [Applause.]

Mr. PICKLER. Has Silas Adams died since this bill was reported?

Mr. LEWIS. Yes, he died a few days ago.

Mr. PICKLER. What do you want to do?

Mr. COLSON. To substitute the name of his widow.

Mr. LEWIS. To substitute his widow's name.

Mr. PICKLER. Do that first, and then we will determine what pension we will give her.

Mr. COLSON. I have made that motion.

Mr. HOPKINS. What is the committee amendment?

Mr. PICKLER. To strike out "fifty" and insert "thirty."

Mr. MILNES. That has been agreed to.

Mr. PAYNE. No; it was not announced.

A MEMBER. The negative vote was not taken.

Mr. HOPKINS. I trust that amendment will be voted down.

Mr. HICKS. I desire to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HICKS. The inquiry I desire to make is this: How can this be a committee amendment to the bill, when the beneficiary named in the bill has died since the bill was reported——

The CHAIRMAN. The Chair can not answer that question.

Mr. HICKS. And the name of the beneficiary in the bill has been changed without the consent of the committee. How can the committee amendment apply?

The CHAIRMAN. No change has yet been made. This is a bill to pension Col. Silas Adams.

Mr. HICKS. Yes; but he has died.

Mr. HOPKINS. If I understand the parliamentary position correctly, the gentleman from Kentucky in charge of the bill proposes to amend the bill so that the pension to be voted here will go to the widow. That can be done without sending it back to the committee, and I trust it will be done. Now, as to whether the pension shall be $30 or $50 a month, I desire simply to say a word. Colonel Adams was a distinguished member of this House.

Mr. CROWTHER. Should a pension be granted for that?

Mr. HOPKINS. His services throughout the war were as eminent as those of General Cogswell, whose widow has received $75 a month; as eminent as those of General Ewing, whose widow has received $75 a month; as eminent as those of Colonel Dustin, from my own district, whose widow has received, at the hands of this committee, $50 per month. He came from the border section, where it required courage and love of country to do what he did. His services make some of the brightest pages not only in the history of the State of Kentucky, but in the history of the United States, and if this committee proposes to do absolute and fair justice they will vote down the amendment proposed by the committee, and give the widow of this grand soldier of the late war $50 a month. [Loud applause.]

Mr. CROWTHER. Mr. Chairman, I would like to ask the gentleman from Illinois who has just taken his seat whether the fact that Colonel Adams was a member of this House is any reason why he should be pensioned, or his widow?

Mr. HOPKINS. I referred to that simply to identify him as the colonel who served his country during the war in the manner I have so feebly expressed.

Mr. CROWTHER. Mr. Chairman, this bill has been carefully considered by the Committee on Invalid Pensions. After mature and careful consideration of all the facts which came before that committee, we determined to give Colonel Adams, the beneficiary of this bill, the full sum which would be allowed to him had he died or been injured in the service and in line of duty; and now it would be an outrage upon thousands of soldiers of this land, and the widows of thousands of soldiers in this country who get not to exceed $8 and $12 a month, to give this lady more than she could receive if she could prove her husband's death was traceable to his service. We have given the beneficiary exact and equal justice in this bill. We give all that the law would allow, and now to raise the widow, after he is dead, $20 per month more than she could receive under the law would simply be doing an injustice to thousands of widows of private soldiers in this land, and thousands of soldiers who themselves can not receive a pension. We are trying to give exact justice; and I ask the House to stand by the action of the Committee on Invalid Pensions. [Cries of "Vote!" "Vote!"]

Mr. MILNES. Mr. Chairman, a few moments ago we passed a bill to pension a soldier who was totally blind. In the report of the Committee on Invalid Pensions it was stated that that soldier required the attendance of another person all the time, and we gave to that soldier but $30 a month. Now, I desire to say that in my judgment this bill is subject to the point of order that you can not substitute the name of another person for the one in the bill in a private pension bill. If it is insisted on giving this widow $50 a month I shall raise that point of order; but if it is agreed that you will let it remain at $30 per month, all that she would be entitled to if her husband had been killed in battle, then I have no desire to raise such point of order; but I do insist that to give this widow $50 a month, where there is no claim whatever of disability, is an outrage upon the soldiers of this country; and the people of this country do not want that kind of pension legislation. Therefore, if gentlemen interested in the bill will agree to allow the pension at $30 a month I will not raise the point of order. I reserve the point of order.

Mr. MCMILLIN. Mr. Chairman, my friend from Illinois [Mr. HOPKINS] made an eloquent and patriotic speech on this question. I want to ask him a question in connection with it. It was proposed by the bill originally introduced to give to Colonel Adams only $30 a month. I want to know upon what principle of equity or law he proposed to give $20 more to the widow than to the man who earned the pension?

Mr. HOPKINS. I can say to the gentleman that if that bill had come in here to grant a pension to Colonel Adams at $30 a month, I should have voted in favor of giving him $50 a month. I think his services to the country warrant that figure, and that the committee did not do him justice.

Mr. MCMILLIN. We are very charitable with other people's money.

Mr. COLSON. Mr. Chairman, to put the matter at rest, rather than have a point of order raised, I am willing that the bill should pass at $30 a month.

Mr. PICKLER. What is the widow's name?

Mr. COLSON. That is inserted in the bill.

Mr. PICKLER. I ask that the Clerk read the bill as the names are now substituted.

Mr. STRONG. Mr. Chairman, this was a proposition to take this bill up out of the regular order. I made the point of order at that time. I did not know that it was to pension the widow of Colonel Adams. I knew nothing about the bill. But I want to make this statement: I was not objecting to the passage of the bill, but I was objecting to taking bills up out of their order. Some of us have come here night after night to attend these sessions. We have been careful to take up no time by useless discussion, if we could help it. I do not propose now that others shall come in and have their bills taken up out of the regular order just at the time when we have reached our bills. That is the only point I want to make. I believe the point is well taken, and I will make it again if it becomes necessary.

The CHAIRMAN. The question is on the adoption of the amendment recommended by the committee.

Several MEMBERS. What is the amendment?

The CHAIRMAN. To strike out "fifty" and insert "thirty."

The amendment was agreed to.

Mr. COLSON offered an amendment; which was read, as follows:

Amend by striking out the word "Colonel," in line 5, and inserting "Melisha Adams, widow of"; and also inserting the words "colonel First Kentucky Cavalry, deceased."

The amendment was agreed to.

Mr. ERDMAN. I suggest to the gentleman that he offer a substitute for the bill. If, when this matter comes up in the House, the Speaker shall hold the same as he held when the gentleman from Tennessee [Mr. RICHARDSON] raised the point upon bills donating condemned cannon, the gentleman certainly can not get this bill through.

Mr. PICKLER. No point of order is raised yet.

Mr. HICKS. I withdraw the point of order.

Mr. ERDMAN. But the point can be raised when the bill comes up in the House.

Mr. PICKLER. Well, it has not been raised yet.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

The title of the bill was amended so as to conform to the amendment in the body of the bill.

ORDER OF BUSINESS.

Mr. PICKLER. Mr. Chairman, I demand the regular order. Let the bills be taken up in their order on the Calendar.

HARRIET R. MATLOCK.

Mr. LOUDENSLAGER. Mr. Chairman, I move to take up for present consideration the bill (S. 2045) granting a pension to Harriet R. Matlock.

Mr. MILNES. I object.

Mr. LOUDENSLAGER. I do not ask unanimous consent. I move that the bill be taken up.

Mr. MILNES. I raise the point of order that that motion is not in order.

The CHAIRMAN. It is in order.

Mr. PICKLER. Mr. Chairman, I move as a substitute that we take up the bills on the Calendar in their order.

The CHAIRMAN. That is not necessary, because if the motion of the gentleman from New Jersey should be voted down, the regular order would be a matter of course.

Mr. PAYNE. Somebody else may make a motion to take up some bill out of its order.

The CHAIRMAN. The Chair submits that if the motion of the gentleman from South Dakota should be adopted we would be in precisely the same condition that we are in now, because any gentleman could still move to call up any particular bill. The rule is clear.

Mr. PAYNE. The rule is that the Committee of the Whole shall determine the order in which business shall be considered, and if the committee make an order to consider the bills in their order on the Calendar, that is the end of it.

The CHAIRMAN. The Clerk will read clause 4 of Rule XXIII.

The Clerk read as follows:

In Committees of the Whole House business on their calendars may be taken up in regular order, or in such order as the committee may determine, unless the bill to be considered was determined by the House at the time of going into committee; but bills for raising revenue, general appropriation bills, and bills for the improvement of rivers and harbors shall have precedence.

The CHAIRMAN. The gentleman from New Jersey [Mr. LOUDENSLAGER] moves to take up for consideration the bill indicated by him.

Mr. PICKLER. I desire to say to gentlemen that they have every morning to ask unanimous consent for the consideration of their special bills, and it is not fair to take up Friday night in this way.

The question was taken on the motion of Mr. LOUDENSLAGER, and it was rejected.

CALEB L. JACKSON.

The next business on the Private Calendar was the bill (H. R. 6417) to complete the military record of Caleb L. Jackson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion standing against Caleb L. Jackson as a member of Company D, One hundred and forty-sixth Regiment of New York Volunteers, and it shall be held and considered that the said Jackson died on or about the 4th day of June, 1863, while in the military service of the United States and on account of disability incurred in such service and in line of duty.

Mr. MILNES. Let us have the report read.

The report (by Mr. PARKER) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 6417) entitled "A bill to complete the military record of Caleb L. Jackson," beg leave to submit the following report, and recommend that said bill do pass without amendment.

This is a bill enacting that the charge of desertion be removed and that it be held that he died about June 4, 1863, while in service.

On the march from Manassas to Gettysburg he fell sick and was never seen again. Comrades prove the fact. Letters to his wife of January 1, February 28, March 18 and 24, and April 14, 1863, prove him a patriotic, earnest soldier, and a loving husband and father, whose character is a guaranty against any idea but that of death in service.

The military record, a copy of the last letter, and a memorandum copy of an affidavit made by his captain are annexed.

—

Case of Caleb L. Jackson, late of Company D, One hundred and forty-sixth New York Infantry Volunteers.

It is shown by the records that Caleb L. Jackson was enrolled August 30, 1862, as a private of Company D, One hundred and forty-sixth New York Infantry Volunteers, to serve three years. He appears to have served faithfully until June 4, 1863, when he is reported as being absent without leave. As he did not return to his company, which remained in service until July 16, 1865, he was regarded as a deserter, and his name was dropped from the company muster rolls.

In an application for removal of the charge of desertion, Mrs. Lovina Woodcock, of Lewis County, N. Y., declared, September 20, 1891, that she was Jackson's widow, and that about five years ago one Cook, a comrade of Jackson, stated to her that while the company was on the march from Manassas to Gettysburg Jackson was taken sick and tried to get excused from duty; that failing to get excused, he marched until he could not go any farther, when he fell down and out of the ranks, and that that was the last seen or heard of him.

Sylvester O. Cook and Andrew Dorn, comrades, in affidavits dated July 31, 1891, testified that at the time Jackson became separated from his command, on the march near Manassas, in June, 1863, he was sick and unable to keep up with the column, and therefore fell out of the ranks.

The affiant Cook, who was the first sergeant of the company, added that he was instructed to report Jackson as absent without leave.

A number of relatives and neighbors have testified that nothing has been seen or heard of Jackson since June, 1863, and that it was the general belief of the soldier's relatives and intimate friends that he died about June, 1863. A search of all records of this Department fails to disclose any evidence of this man's death or burial, or any clue to his whereabouts subsequent to his reported unauthorized separation from his company on June 4, 1863, at which date the command was on the march to Gettysburg, Pa.

Upon this presentation of the case the Department was constrained to deny the application for removal of the charge of desertion, the evidence submitted not being deemed sufficient to establish that the soldier died in the service, and because the case did not come within any of the provisions of the act approved March 2, 1889, which was at the date of denial and which is now the only law in force governing the subject of removal of charges of desertion.

Respectfully submitted.

F. C. AINSWORTH,
Colonel, United States Army, Chief Record and Pension Office.

RECORD AND PENSION OFFICE,
War Department, March 5, 1896.

The SECRETARY OF WAR.

—

CAMP NEAR FALMOUTH, *April 15 [1863].*

MY DEAR COMPANION AND CHILDREN: I set down this evening to write a fieu lines to you to let you know how I am. I am well at preasant and I hope thoes fieu lines will find you all the same. Henry is as well as useual. I would have written to you before this but as our regiment was out on picket for the last four days that I have not had eny opertunity to write to you the boys Norman and Chester are a gaining very fast so that they are a going to move all of our sick ones from our Division to Washington or Philidelfia I do not know which so that Chester and Norman are a going away from us to Morrow and as we are under marching orders to start to morrow moruing at 8 o'clock for the Battlefield some whare but I know not whare as yet, so I thought I would write a fieu lines to you this evening perhaps it may be for the last time but whether it is or not if it is my lot to fall a victim on the field of Battle I mean it shall be sayed that I fell at my post in defending my Countryes wright.

I know not when I shall have a opertunity of writing to you again as our Mail has stoped a coming or going from us I had a chance to send this by one of our men that has got his discharge and is a going home to morrow morning and I shall write to you again if God Spairs my life at the first chance I can get again you may write to me just when you have a mind thare may be some chance of mail coming to us but I cant tell but I dont want you should fret or worey yourself about me for I stand just as good a chance of my life as eny other man and my prair is to God that my unprofitable life that I may again see you all again but if I never more meat with you here on Earth my prair is that we may prove faithful to God that we may all meat again in heaven.

Tell the children all to strive to be good and to give thare harts to God while in thare youthfull days that if they never more see thare father here on earth that they meat him in Heaven tell Genettey for me that I want she should try to love the Lord with all her hart so when I hear from you all again that I may here that you are all enjoying the love of God in your harts. Chester promised me to day that when he go to the General Hospital he would write to you and let you know whare he was so that you can write to him so that you will know how they are getting along I had a letter from Orian to day he write that they are all well.

I expect if we dont martch to morrow that the Paymaster will be here to morrow morning and if he does I will send you my Money home as quick as I can do so. So I must close by biding you all Good Night Pray for me this is from your Husband

C. L. JACKSON.

TO LAVINA JACKSON AND CHILDREN.

Direct the same as useual

This letter is addressed to "Mrs Lavina Jackson Poart Leyden Lewis Co N. Y. St." and post-marked "Washington D. C. Apr. 18 1863"

—

MARCH 6, 1893.

Affidavit of James G. Brindley, late corporal, Company D, One hundred and forty-sixth New York Volunteers, made before Willis E. Merriman, Albany, N. Y., notary, on March 3, 1893, 52 years old.

I well remember Caleb L. Jackson, who enlisted sometime August, 1862, for three years or the war in a company which was afterwards Company D, One hundred and forty-sixth New York Volunteers, of which I was captain. I had known said Jackson, having resided in the same town. Until June, 1863, he was a faithful and good soldier. On the forced march from camp near Fredericksburg to Gettysburg, he being then a man of middle age, with many others fell out of the ranks, as I now believe, from exhaustion and not from a desire to avoid doing duty. I know that he has not been heard from since that time. There being no other alternative, he was reported absent without leave and eventually dropped from the rolls as a deserter.

I now firmly believe that he was either captured and died in prison or was killed in a skirmish with the enemy. He was an honest citizen and enlisted from patriotic motives, as did also his son, and I believe that the charge of desertion made by me at the time ought to be removed.

Supposed to be in comptroller's office, Albany, N. Y. Filed March 3, 1893.

Mr. TALBERT. Mr. Chairman, on last Friday night, when I asked consent to lay aside such bills as this, some gentleman, I forget who it was, stated, as I understood, that this particular man had been shot down on the field of battle. Am I correct? I ask for information.

Mr. PARKER. No, sir; this is the first time that this bill has been called up. This man fell out of the ranks on the march to Gettysburg and was never heard of again. The letter which the gentleman has heard read in the report, if he has listened to it, shows that this man did not go away; that his controlling idea was that of duty, first to his country and afterwards to his family, and that the charge of desertion against him is one that ought to be removed on the highest grounds.

Mr. TALBERT. I am not objecting. I am just asking for information.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

JOHN ZELLERS.

The next business on the Private Calendar was the bill (H. R. 4519) granting a pension to John Zellers.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, at the rate of $50 per month, subject to the provisions and limitations of the pension laws, the name of John Zellers, of Coffeyville, Kans., late of Company K, Sixth-eighth Regiment Illinois Volunteer Infantry, and Company B, One hundred and forty-fourth Regiment of Illinois Volunteer Infantry.

The report (by Mr. KIRKPATRICK) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4519) granting a pension to John Zellers, having had the same under consideration, beg to report as follows:

John Zellers was a private in Company K, Sixty-eighth Regiment Illinois Volunteer Infantry, and Company B, One hundred and forty fourth Regiment Illinois Infantry. He is now drawing a pension at the rate of $12 per month under the act of June 27, 1890. This soldier prosecuted a claim under the act of July 14, 1862, but for want of a hospital record was unable to show his injury to be of service origin. He received an injury to his right leg in the line of duty at or near Alexandria, Va., and was sent to the hospital, but declined to stay, notwithstanding his injury, and went forward with his regiment.

He did not consider the injury serious, but it continued and grew worse, until he was finally discharged at the expiration of his term of service. This injury to the leg resulted in varicose veins and has gradually progressed until the use of the limb is entirely destroyed, and he is required to use crutches a great part of the time. His limb is covered with running sores, requiring constant treatment. And the disease is progressing with no hope of recovery, and it is only a question of a year or so at most when death must relieve him of his suffering, from which he has seldom ever been free since the close of the war. He is now in destitute circumstances, without means of support, and is wholly incapable of performing any kind of labor, either manual or otherwise.

Your committee therefore recommend that the bill be amended by striking out the word "fifty," in the fifth line, and inserting in lieu thereof the word "thirty," and by adding to the end of the bill the words "in lieu of the pension now being received," and that the bill as amended do pass.

The amendments recommended in the last paragraph of the report were agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

GABRIEL WIDMER.

The next business on the Private Calendar was the bill (H. R. 4967) granting an increase of pension to Gabriel Widmer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to grant to Gabriel Widmer, late of Company K, Twenty-third Michigan Infantry, an increase of pension at the rate $50 per month on account of total disability.

The committee recommended an amendment striking out the word "fifty," before "dollars," and inserting "thirty." Also an amendment striking out the words "on account of total disability."

The amendments were agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

HANNAH R. QUINT.

The next business on the Private Calendar was the bill (H. R, 6792) granting a pension to Hannah R. Quint.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Hannah R. Quint, widow of Brian W. Fletcher, late of Company B, Fourth Maine Infantry, and pay her a pension of $12 per month.

Mr. MILNES. Let us have the report.

The report (by Mr. THOMAS) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6792) granting a pension to Hannah R. Quint, having given the matter careful consideration, respectfully report:

Brian W. Fletcher, to whom the claimant in this case was married December 12, 1850, served from June 15, 1861, until July 21, 1861, when he was killed in battle at Bull Run, Va.

Mrs. Fletcher was subsequently married to one Daniel Morrison, who deserted her, and she secured a divorce from him on that ground.

Again she married, this time a man by the name of Orin Quint, from whom also she was divorced on account of cruelty and nonsupport. She is now over 66 years of age, is unable to work on account of age and loss of health, and is in destitute circumstances.

In view of the fact that she was the wife of the soldier from 1850 until he was killed in battle, and is now in need, the committee recommend the passage of the bill.

The question being taken on laying the bill aside to be reported favorably to the House, the Chairman declared that the noes seemed to have it.

Mr. BABCOCK. I ask for a division, Mr. Chairman, and pending that, I ask unanimous consent to make a brief statement in reference to this case. This widow, whose husband was killed in the first battle of Bull Run, is now over 66 years old, entirely helpless, and without means of any kind. She has been supported by a distant relative, a gentleman named F. S. Bestow, who lives at Elroy, Wis. He has been employed by the Northwestern Railroad Company as a tie and timber inspector. During the past week he has met with a serious railroad accident, from the effects of which he may die at any hour. He has been entirely dependent upon his salary, and this widow has been dependent upon him for her support. She is now absolutely without means, and, as I have just stated, the gentleman who has supported her is now on his back expecting death at any moment. If this is not a case appealing to the sympathy of this committee, I know of none such on the Calendar.

A MEMBER. What amount of pension does she ask?

Mr. BABCOCK. Twelve dollars a month only.

Mr. BAKER of New Hampshire. Will the gentleman state how many times this lady has been married since the death of the soldier?

Mr. BABCOCK. Twice.

Mr. MILNES. And twice divorced.

The question being taken, the bill was laid aside to be reported favorably to the House; there being on a division—ayes 50, noes 23.

CELESTE A. BOUGHTON.

The next business was the bill (S. 1291) granting an increase of pension to Celeste A. Boughton, widow of Bvt. Brig. Gen. Horace Boughton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Celeste A. Boughton, widow of Bvt. Brig. Gen. Horace Boughton, late of the United States Army, retired, and to pay her a pension of $100 per month, in lieu of the pension she is now receiving.

The amendment reported by the committee was read, as follows:

In line 8 strike out "one hundred" and insert "seventy-five"; so as to make the pension $75 a month.

Mr. CROWTHER. I ask for the reading of the report.

The report (by Mr. POOLE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 1291) granting an increase of pension to Celeste A. Boughton, widow of Bvt. Brig. Gen. Horace Boughton, having considered the same carefully, believe the bill is meritorious and recommend its passage as substitute for H. R. 1262.

The report of the Senate Committee on Pensions embraces all the salient points, and it is respectfully adopted as the views of this committee and appended hereto as a part of this report.

[Senate Report No. 120, Fifty-fourth Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 1291) granting a pension to Celeste A. Boughton, widow of Bvt. Brig. Gen. Horace Boughton, have examined the same, and report:

General Boughton was born at Rust, N. Y., March 23, 1833, and was educated at Genesee Wesleyan Seminary and Genesee College. He studied law in Rochester, at which place he entered the Army as first lieutenant of the Thirteenth New York Volunteers in April, 1861. Later he was made captain and was promoted to lieutenant-colonel of the One hundred and forty-third New York Volunteers and brevet brigadier-general of the United States Volunteers for gallant and meritorious services during the war. Throughout the entire war he served with ability and distinction, participating in all the battles in which his command was engaged. From 1866 to 1870 he was United States assessor for internal revenue for the Fourth district of Texas, and was a delegate to the national Democratic convention at New York in 1868. In 1870 he was the Democratic nominee for United States Senator from Texas, but was defeated by M. C. Hamilton. After a long and painful illness of twenty years General Boughton died in the city of Washington in November, 1894, at which time he was pensioned at the rate of $100 per month.

In 1890, when an applicant for increase of pension by special act, General Boughton made the following statement to the Pension Committee:

"At the breaking out of the war in 1861 I was engaged in the study of law in Rochester, N. Y. I was young, strong, and in perfect health, with a decidedly promising future.

"On the 17th day of April, within forty-eight hours of the issuing of the first proclamation of the President calling for volunteers, I laid aside all personal matters and commenced raising a company of men to meet the call. I met with such success that I was mustered into the State service with my company, as first lieutenant, on Sunday, April 21. The company was directly ordered to rendezvous at Elmira for regimental organization, and constituted a part of the New York Volunteers, which, after organization was completed, was dispatched for Washington, D. C., and was the first volunteer regiment to reach there, and was among the first volunteer regiments to cross the Potomac River, at Georgetown.

"I commanded the company during the battles of Blackburns Ford, Bull Run, and the operations of 1861, and was promoted to captain in January, 1862; engaged in the Peninsula campaign of 1862, participating in all the numerous battles in which the command was engaged until after the battle of Antietam. In October, 1862, was promoted to the rank of lieutenant-colonel and assigned to the One hundred and forty-third New York Volunteers. I was shortly after promoted to be colonel, and with that regiment served until after the close of the war, when I was mustered out with the rank of brigadier-general by brevet. I was in command of a brigade during a considerable portion of the time of the Chattanooga and Atlanta campaign, and during the war participated in upward of twenty-five battles, never missing one in which the forces with which I was connected were engaged.

"I was continuously in active service from the beginning to the end of the war, and, as the records of the Pension Office will show, acquired the foundation of a disability which has rendered me a permanent and comparatively helpless invalid. I am unable to dress myself or prepare any food, and it is unsafe for me to be without a constant attendant. I am unable to earn a dollar, and the pension I am now receiving is entirely inadequate to the support of myself and family.

"I therefore most respectfully and urgently ask that I may be allowed a pension of $100 per month. My disabilities have greatly increased since the granting of my present pension. I am now suffering from three incurable infirmities, viz, paralysis, epilepsy, and hernia, which render me as nearly a physical wreck as it is possible for a man to be.

"Since the stroke of paralysis, which disabled me, I have been discharged by the court in bankruptcy, and have not since been able to accumulate a dollar.

"HORACE BOUGHTON."

The claimant is now in receipt of a pension of $30 per month, which the present bill proposes to increase to $100. In support of her claim Mrs. Boughton submits the following:

"WASHINGTON, D. C., *January 17, 1896.*

"SIR: I have before your committee a pension bill asking for an increase of pension. I wish to enlist your attention and consideration to its merits as they are presented. I inclose the statement made by my husband, General Boughton, as to his condition at the time his pension of $100 per month was granted to him. You will see by the doctor's certificate, which I inclose, his helpless condition for sixteen years—he was an invalid for twenty years. All but two years of that time I was his constant nurse. His sufferings were so great he became insane, and was treated at St. Elizabeth's for about one year. I cared for him through those terrible attacks of epilepsy from 1877 to 1891, the time of his death. I cared for him as a mother does for her helpless child.

"The cause of this terrible condition which blighted my life, as well as his, was his service during the war. The pension records will show that the first cause of paralysis was for signal and valuable services rendered while going to the relief of Burnside at Knoxville. If I remember the details, General Burnside's command was being starved out and Lee's forces marching down on them. General Sherman, knowing Colonel Boughton's command, One hundred and forty-third Regiment of New York Volunteers, had good engineers among them, came to him to see if General Boughton could get his forces across by daylight. This was 5 o'clock in the evening, and by daylight the next morning the troops and artillery were across. The current at this point was very strong. The structure would be swept away. The difficulty of doing this only a soldier can know. General Boughton was in the water all night. He had accomplished the work, but at what a cost to his future life and those belonging to him!

"My husband was in good financial condition before the war and after the war, but his shattered health prevented him from looking after his business affairs or ever engaging in business afterwards. From time to time I disposed of my property, sold my diamonds and other personal property, trying every means to restore my husband's health. I have even sold my rings to buy medicine. We mortgaged our home for the necessities that seventeen years of helpless sickness entails. I am now in middle age, my nervous constitution broken, without means of support or anyone to care for me in sickness. The pension I now receive, $30 per month, just pays the interest and taxes on my home. It seems to me that I ought to receive the same consideration that the widows of officers of equal rank and service. If my husband had come out of the service minus an arm or leg or an eye, he would not have been incapacitated from engaging in his profession, the law, and given me the comfort and support that a wife has a right to expect from her husband, and which is the pride and pleasure of the husband to give.

"I do not ask for the pension for political services nor from sentiment, but upon the fact submitted and in recognition of the services of my husband to his country, in rendering which he was deprived of health and the means of support for himself and family, and for the long years of patient service that I bestowed upon him. I see no reason why his life and mine would not have been prosperous had it not been for disease contracted in the service. In contrast with such a prospect, as appears by the statement of his physician, he was rendered a physical wreck until death claimed him, leaving me almost as great a wreck and alone without means of support. His anxiety as to my future was quieted by the assurance of friends in both branches of Congress that his pension would be continued to me. I most earnestly hope that this assurance will be ratified by the action of the present committee.

"Very respectfully,

"CELESTE A. BOUGHTON.

"Hon. J. H. GALLINGER,
"*United States Senate.*"

As bearing on the question of Mrs. Boughton's devotion to her husband during his long and painful illness, and the valuable services she rendered him in the capacity of a nurse, attention is directed to the following letters from Judge MacArthur and ex-Congressman Hare, of Texas:

"WASHINGTON, D. C., *January 20, 1896.*

"SIR: It gives me great pleasure to say that I have been acquainted with Mrs. Gen. Horace Boughton since 1872, and have been familiar with the circumstances of her family, and especially with the protracted and painful illness of her husband. Such was the character of his sickness that for all the years it continued he required constant attendance and nursing, both by day and by night. There were short intervals when he was not so ill, but the symptoms of his disease were constant, and it often appeared as if they would prove fatal. Perhaps the most distressing periods were attacks of epilepsy, during which he became quite unmanageable and required peculiar treatment, which it would have been impossible to anyone to have rendered except Mrs. Boughton, who had been accustomed to them.

"I desire also to say that in 1872 Mrs. Boughton was in the bloom of youth and strength and the enjoyments of social life of Washington. Very soon after that time General Boughton's condition of health became very much impaired by paralysis, which rendered him entirely helpless for years, and, of course, made requisite constant watching and nursing and expenditure of their means, which has left Mrs. Boughton dependent upon her pension of $30 per month. I have never witnessed such self-sacrificing devotion of a wife to her husband for so many years, which taxed every moment with anxiety; and I have often been astounded with her endurance under the severe strain to which she was subjected.

"I respectfully refer with confidence to the honorable record of General Boughton during the war, and trust that the circumstances of the case will induce the committee to report favorably upon the application for increase of pension, and will recommend the amount asked for.

"Very respectfully,

"ARTHUR MACARTHUR.

"Hon. JACOB H. GALLINGER,
"*United States Senate.*"

—

"WASHINGTON, D. C., *January 20, 1896.*

"SIR: At the request of the widow of Gen. Horace Boughton, I take the liberty of writing what I know about the condition of her husband during the last four years of his life, and the attendance she gave him in his sickness.

"I first became acquainted with General Boughton in 1866; knew him about five years in Texas. I was a member of Congress when his pension was raised to $100, and I believe his is the only case in which I gave active aid to increase any pension. For four years preceding his death I visited him as many as two or three times a week while I was in attendance in Congress. The records will fully disclose his physical and mental condition, but I presume will not state the ceaseless and unremitting care his wife, now his widow, always and under all circumstances gave him.

"I have often wondered how she could endure it. The general was subject to attacks of epilepsy, which I have witnessed, that were simply terrible, and at such times every moment and sound was noted and promptly met. Her attentions were something more than the care of a mother for her child, because a child will instinctively protect itself, when at times the general could not even do this. I have often wondered how she could have the physical and mental endurance to stand this ever-recurring, terrible trouble. Nothing but an extraordinary will power could have sustained her; but I will not dwell on this. I simply say, to my knowledge, during the last four years of the General's life he was cared for and all his wants attended to by his wife, whose devotion has never, in my observation, been excelled, and who, without this, would undoubtedly have attained a high standing in social life.

"I say to this committee that Mrs. Boughton is the peer of any lady in refined social life; that she has doubtless had ambition to excel; that she abandoned all those glittering allurements, so attractive to most women, and faithfully and fearlessly, and at all times, stood by and cared for him more than an invalid husband, and if there is a widow in this land who deserves the highest pension that can in the line of precedent be awarded, Mrs. Boughton is one, and has earned and merits it.

"Her husband was naturally one of the most elegant and accomplished men I ever met. He was of a social nature, and his home was visited by the most intelligent class of our people. That she was deprived of the association and companionship of such a husband by the requirements and demands of his country seems to call for more than ordinary recognition for her.

"Very respectfully,

"SILAS HARE,
"*Ex-Member Congress, Texas.*

"Hon. JACOB H. GALLINGER,
"*United States Senate.*"

As showing the amount of property owned by claimant, her affidavit is here inserted, and also an affidavit from M. A. Ballinger, a real-estate broker of this city:

"On this day personally came before me, the undersigned authority, Celeste A. Boughton, and, being first duly sworn according to law, upon her oath deposes and says:

"'That she is the widow of Gen. Horace Boughton; that between the years 1873 and 1875 her husband lost all his property; that she owned some real estate in her own right, which she sold; she also owned some valuable personal property, which she also sold, and the proceeds of these sales were used as the means of support for herself and her husband until her husband was awarded a pension and arrearages of pension amounting to $3,000. With this arrearages money her husband bought a small home on Second street, this city, where they lived ten years, their means of support being her husband's pension.

"'About 1890 they sold this home on Second street at a small advance on the cost and invested the proceeds in the property on Nineteenth street, in which she now resides, at the purchase price of $7,600, paying in cash on such purchase the sum of $3,600, and assuming the payment of a mortage of $4,000 on the property. This mortgage has not been paid. The interest on this mortgage and taxes amount to $308 per annum; my pension, $360 per annum, leaving a balance to me annually of $52. With this $52 and the uncertain income of renting a few rooms furnish my sole and only support, so that my net income for support will hardly exceed $100 per annum.

"'CELESTE A. BOUGHTON.'

"Subscribed and sworn to before me this 20th day of January, A. D. 1896.
"[SEAL.] BENJAMIN MARTIN, JR.,
"*Notary Public, District of Columbia.*"

—

"JANUARY 20, 1896.

"I, M. A. Ballinger, a real-estate broker, on my oath say that I sold the property numbered 619 Nineteenth street NW., Washington City, on or about September, A. D. 1890, to Celeste A. Boughton, at and for the price of $7,600, subject to a mortgage of $4,000, which is still unpaid.

"I do not believe that property in this neighborhood is worth one dollar more than it was in September, 1890.

"M. A. BALLINGER.

"Subscribed and sworn to before me this January 20, 1896.
"[SEAL.] ROBT. V. HUGHES, *Notary Public.*"

The above facts conclusively show that General Boughton had an exceptionally honorable military record; that he suffered extremely in consequence of his military service for nearly a quarter of a century; that his wife nursed him tenderly during all that time, and even disposed of her personal property to procure for him the comforts and medical treatment that he so much needed. It is also shown that she is now in straitened financial circumstances.

Your committee recommend the passage of the bill, after being amended by striking out, in line 8, the words "one hundred" and inserting in lieu thereof the word "seventy-five."

Mr. PICKLER (interrupting the reading of the report). Mr. Chairman, I think that enough of this report has been read. The residue consists simply of letters.

The CHAIRMAN. The gentleman from South Dakota [Mr. PICKLER] asks that the further reading of the report be dispensed with.

Mr. KEM. I object.

The Clerk resumed and concluded the reading of the report.

Mr. KEM. Mr. Chairman, a few moments ago the gentleman from South Dakota [Mr. PICKLER], in making a speech to his constituents, mixed with it a little campaign medicine by trying to make it appear that there had been no discriminating legislation in favor of officers and the widows of officers as against private soldiers and the widows of privates. I desire to call the attention of the gentleman to the bill now under consideration and to compare it with the bill which we passed a moment ago. While the bill just passed gave to the widow of a private soldier a pension of $12 a month, this bill proposes to give to the widow of an officer $75 a month. If that is not discriminating legislation, I should like the gentleman from South Dakota to explain why it is not. And if this coincides with the statement he made a while ago on the floor of this House, I should like to hear him explain how it does.

Mr. PICKLER. I hope the gentleman will tell his constituents that by his frivolous objections this evening he has prevented a good many soldiers from getting pensions. I will say that I did not vote in committee for this pension of $75 a month.

Mr. KEM. Mr. Chairman, I was not through.

Mr. PICKLER. I have the floor, I believe.

The CHAIRMAN. The Chair understood the gentleman from Nebraska [Mr. KEM] to yield the floor.

Mr. KEM. I had not yielded the floor.

The CHAIRMAN. Then the Chair will recognize the gentleman again.

Mr. HARDY. Well, I object, Mr. Chairman. [Laughter.]

Mr. PICKLER. I rise to a point of order—that the gentleman from Nebraska [Mr. KEM] has spoken to this bill once, and is not entitled to speak again.

The CHAIRMAN. The Chair, it seems, was under a misapprehension, supposing that the gentleman from Nebraska had yielded the floor.

Mr. PICKLER. He did.

The CHAIRMAN. The gentleman from Nebraska states that he did not, and therefore the Chair recognizes him to continue his remarks.

Mr. KEM. Mr. Chairman, the gentleman from South Dakota, in reply to my request for him to explain the discrepancies existing here, started out with a campaign speech, and he proposes to palm that off on the people of this country as an answer to my request for him to explain the discrepancies that stand out so plain that the wayfaring man, though a fool, can not fail to recognize them. The gentleman from South Dakota may go into the RECORD here from time to time with his campaign speeches and with his oratory in favor of "the old soldier," and he may succeed in fooling his constituents, but he could not fool mine, nor the intelligent constituents of any gentleman on this floor, either of others' or himself even by any such claptrap sort of argument as that. It is an argument, Mr. Chairman, not worthy of a member on this floor.

This kind of legislation has been going on here all through the session of Congress, and every gentleman here, whether he acknowledges it or not, knows it to be true that the pension legislation of this session of Congress has been entirely discriminating in favor of the officers, and the pensions to officers and widows of officers, as against pensions to privates and their widows. The RECORD is full of such discriminations.

I challenge the statement of the gentleman also as to the fact that you have pensioned a greater number of privates and their widows in proportion than you have granted pensions to officers and the widows of officers. I venture to say that it is not true in any sense of the word. I venture to assert, and the RECORD will disclose the fact, that the statement is not worthy of consideration, and it does not bear any semblance of truth. We have not been pensioning in any like proportion the widows of privates and the privates themselves, as compared to the widows of officers and of officers who have received consideration at the hands of this committee.

I protest, therefore, against the gentleman from South Dakota going into the RECORD with such misleading statements, for the purpose, and the sole purpose, in my opinion, of deceiving the people of this country as to the attitude of the Republican party in reference to pension matters.

Mr. PICKLER. Mr. Chairman——

Mr. KEM. I make the point of order that the gentleman has already spoken on this question. [Laughter.]

Mr. PICKLER. I did not have a chance to do so.

Mr. KEM. Will the Chair rule on the point of order?

Mr. PICKLER. Mr. Chairman, I believe that I have the floor.

Mr. KEM. I make the point of order that the gentleman has already made a speech on this bill and can not be heard under the rule.

Mr. PICKLER. I could not have had the floor, for the gentleman himself said I did not have it, and claimed it——

The CHAIRMAN. The gentleman from Nebraska claimed that he had the floor, and the gentleman from South Dakota had no opportunity to be heard.

Mr. KEM. Well, he was heard anyhow. [Laughter.]

Mr. PICKLER. Mr. Chairman, I want to say to the gentleman from Nebraska that when he says I am trying to deceive the people upon the subject of granting pensions he is not talking in ignorance, but he knows that the statement is a false one.

I want to say that he is the very man who prates about being the friend of the people, of the laboring man, on this floor, who claims to represent "the people"; and yet on yesterday he objected to the discussion of the labor bill, recommended and petitioned for by all of the labor organizations of this country. [Applause.] Yes, you are the man who objected to the consideration of a bill that the laboring people all over this country want, and by your sole objection that bill was refused the consideration to which it was justly entitled. You refused them a standing here that is given to anything that is for the benefit of monopoly and that will aid monopolistic tendencies in this country. You have never been found standing in opposition to monopoly; but yesterday, when the laboring element of this country appealed to this House for justice, you were on your feet, ready to object.

Now, again, to-night I want to say to the gentleman from Nebraska that I have ever, as I have to-night, opposed the granting of large pensions to the officers of the Army or to the widows of officers, excepting where there are extraordinary and unusual exceptions. I think the House will bear me witness to that fact. I have done as much as any man on this floor to prevent the granting of large pensions where it was possible that justice could be done in any other way.

But here is a case where a woman's husband, a most distinguished officer, as the report shows, was receiving a hundred dollars a month pension during his own lifetime, and although I opposed granting the amount of the pension fixed in the bill in the committee—I may be permitted to say that much—yet if there is any case that has merit in it, that goes beyond the general law, this seems to be one. She is shown to be in poverty, has no property, and while I voted against the bill in committee, as I have said, and I refer to this because the gentleman has attacked me personally, for this is a larger pension than is granted in many other bills heretofore passed by the House, but I am not attacking the judgment of the committee which reported in favor of $75; it is still less than this soldier received during his lifetime. And I assert again, the assertion of the gentleman from Nebraska to the contrary notwithstanding, that we have passed no more percentage of bills for general officers and the widows of general officers in this Congress than in any other Congress as compared with the pensions to privates, but at the same time let me say we have reported a much larger percentage of pensions for privates and the widows of privates than has ever before been presented from any committee to this House.

Now, you can pass on this bill as you like. I did not vote for the bill in committee, and would not vote for any bill in committee granting so large a pension unless it was a very exceptional case. I do not believe that you should give the widow of any general officer more than she would receive under the general law; but, as I have said, there have been exceptional cases, where the widow was destitute and in want, where the soldier had a most distinguished military record, and where the question was one of giving her an opportunity of living by an advance of ten or twenty dollars a month rather than going to the poorhouse. And I am not going, by the demagogy of the gentleman from Nebraska or any other man in this country who cries out against the Republican party, to be driven into a position which is unworthy of any man who occupies a seat on this floor. I will not be driven into doing an act of injustice to the widow of a general officer any more than I would to the widow of a private soldier. [Applause.]

Mr. BAKER of New Hampshire. Mr. Chairman, it appears by the record that the highest rank this officer attained was that of colonel.

Mr. MILNES. Lieutenant-colonel.

Mr. PAYNE. No; colonel.

Mr. BAKER of New Hampshire. He had the full rank of colonel as it appears by the report. In accordance with the action of the House in like cases, therefore, I move to strike out "seventy-five" and insert "fifty."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

In line 8, strike out "seventy-five" and insert "fifty"; so as to read "$50 a month."

Mr. PAYNE. Mr. Chairman, before that I wish to read a half dozen lines from the report. I do not wish to detain the committee and will not add another word:

The above facts conclusively show that General Boughton had an exceptionally honorable military record; that he suffered extremely in consequence of his military service for nearly a quarter of a century—

The record shows that he laid out all night in the water during his military service, which was the cause of his trouble.

that his wife nursed him tenderly during all that time, and even disposed of her personal property to procure for him the comforts and medical treatment that he so much needed. It is also shown that she is now in straitened financial circumstances.

The CHAIRMAN. The question is on agreeing to the amendment proposed by the gentleman from New Hampshire [Mr. BAKER].

Mr. CROWTHER. I desire to call the attention of the distinguished gentleman from New York to the fact that thousands upon thousands of private soldiers of this nation who are even now unable to obtain pensions of eight or twelve dollars per month under the law also lay in the morasses of the South, in the swamps, in the water, and that this gentleman, General Boughton, a brevet brigadier-general who obtained only the actual rank of a lieutenant-colonel, was receiving $100 a month pension.

Mr. PAYNE. It appears in the report that he was a colonel.

Mr. CROWTHER. Very well. It is now proposed to pension his widow at $75 per month. The committee, after considering the question, voted $75 a month, and now we propose to reduce it to that amount of money which we consider and believe right

and just in such cases. Fifty dollars a month is sufficient. It is but just to the other soldiers of this nation. This is one of those discriminating bills that enable the statesman from Nebraska to talk to his constituents and the patriot from Pennsylvania to talk to his, and it is time that this committee should come down to a line that will meet with the approbation not only of the old soldiers of this nation, but of the people of the nation.

The CHAIRMAN. The question is on the amendment proposed by the gentleman from New Hampshire [Mr. BAKER].

Mr. MILNES. Mr. Chairman, I submit that this report does not show that this soldier attained a higher actual rank than that of lieutenant-colonel. It is true that he was afterwards brevetted as a brigadier-general. Now, there were hundreds, and I do not know but what there were thousands, of men who were brevetted after the close of the war, until to-day we find that they are almost all colonels or brigadier-generals. I believe that I am the only private who is left.

Mr. HICKS. Oh, no; there are several of us here.

Mr. MILNES. It is claimed that this man rendered particularly meritorious services for the Union. I have not the slightest doubt that he did. It is claimed that he lay out in the water all one night. Why, my dear friend from New York, there were thousands of private soldiers, yea, hundreds of thousands of private soldiers, who did that.

Mr. PAYNE. Yes; and every one of them who was totally disabled, as this man was for sixteen years—every one of them who requires the constant attention of a nurse, as this man did, receives $72 a month pension.

Mr. MILNES. No, they do not. We pensioned one to-night for only $30 a month who was totally blind.

Mr. PAYNE. They receive $72 a month under the law.

Mr. MILNES. You pensioned one to-night for only $30 who was totally blind, and who needed the constant attendance of another person. This is not the case of the soldier himself. This is his widow. Brave and gallant as he may have been, I say $50 a month is all we ought to pay to this widow, and the country will not support you in paying these extravagant pensions. Let us scatter them around a little more. Let us give them to the men who fought the battles. The lieutenant-colonels and the major-generals were not the men who suffered the hardships during the war. They received large pay. They carried no knapsacks; they carried no muskets. They did not stand out on the picket line. They rode horses and had servants to attend to them, and had soft snaps during the war. And I want to say further that in the great charge at Gettysburg it was the private soldier who fell nearest to the rifle pits of the enemy. In the charge upon Vicksburg it was the private soldier who fell in the trenches in nine cases out of ten.

Now, I am willing to make distinctions, and I do make distinctions, between the man of high rank and the private soldier, but I say that no such distinction as this should prevail. I say that $50 a month is enough. Let us give the rest to some other gallant, brave soldier who deserves it.

Mr. HOPKINS. I want to ask the gentleman a question?

The CHAIRMAN. Does the gentleman from Michigan [Mr. MILNES] yield to the gentleman from Illinois [Mr. HOPKINS]?

Mr. MILNES. Yes, I do.

Mr. HOPKINS. A little while ago the pension claim of the widow of Colonel Adams, of Kentucky, was before this committee, and I made and supported a motion to give that widow $50 a month. Colonel Adams was a full colonel and commanded a brigade during a large portion of the war. The gentleman who now has the floor [Mr. MILNES] insisted that his widow should receive but $30 a month. I want to ask him and I want to ask the members of this committee how they can reconcile the two cases, where they propose to allow $75 per month to the widow of a lieutenant-colonel and only $30 a month to the widow of a full colonel who commanded a brigade?

Mr. CUMMINGS. Colonel Boughton was a full colonel.

Mr. MILNES. The record shows that this man was brevetted a brigadier-general. It does not show that he ever served in that capacity. I think $30 a month is enough in either case, but I am willing under the circumstances of this case to vote for $50.

Mr. PAYNE. Will the gentleman allow me to read two lines from the report?

Mr. MILNES. Certainly.

Mr. PAYNE. I read from the second page of the report:

> In October, 1862, was promoted to the rank of lieutenant-colonel and assigned to the One hundred and forty-third New York Volunteers. I was shortly after promoted to be colonel, and with that regiment served until after the close of the war, when I was mustered out with the rank of brigadier-general by brevet. I was in command of a brigade during a considerable portion of the time of the Chattanooga and Atlanta campaign, and during the war participated in upward of twenty-five battles, never missing one in which the forces with which I was connected was engaged.

Mr. MILNES. I simply say in reply to that that this officer does not say himself that he was mustered as a colonel. He was promoted and brevetted a brigadier-general.

Mr. POOLE. Mr. Chairman, I have had in my possession the official records, showing that this man was mustered in as a colonel, and that he did serve as a commander of a brigade.

Mr. MILNES. The report does not show it.

Mr. POOLE. The report that is there is a part of the Senate report, and we made it our report.

Mr. TRACEY. I move to strike out "fifty" and insert "thirty." [Cries of "Vote!" "Vote!"]

The CHAIRMAN. The question is on the amendment to the amendment of the gentleman from New Hampshire [Mr. BAKER] to strike out "fifty" and insert "thirty."

Mr. BLUE. Mr. Chairman, upon what theory does any member of this committee propose to vote $75 to this widow after having voted $30 to Colonel Adams's widow?

Mr. PAYNE. May I answer you?

Mr. BLUE. Yes, sir.

Mr. PAYNE. The committee was compelled to vote $30 to Colonel Adams's widow because of a threat made by the gentleman from Michigan [Mr. MILNES] that unless the friends of the bill consented to that he would make a point of order against changing the bill so as to apply to the widow.

Mr. SULLOWAY. And in that case there is no evidence that he died of disease contracted in service at all.

Mr. PAYNE. I know.

Mr. BLUE. Mr. Chairman, on what theory is this to be made an exception to the general law? The fact that the husband slept out or was out one or two nights in inclement weather is not sufficient. The fact that he was brevetted a brigadier-general makes no difference, because he would take rank only when he served by orders in the rank of brigadier-general. That has nothing to do with the pension that should go to him or to his widow. In reply to the gentleman from New York, I will say the common soldier who is in a helpless condition receives $72 a month. If I understand the facts in this case correctly, this comrade during his lifetime received $100 a month. There is no principle of equity, there is no basis upon which this law can be enacted, by which you will give this widow $75 per month while you give the widow of another colonel only $30 per month. There ought to be some equity in this; there ought to be some fixed limit adopted here. Let us be equitable and fair about it, and strive to have some rule of action by which we shall be governed.

Mr. PICKLER. It is very hard to put all the facts in the report that come before the Committee on Invalid Pensions. The report shows that this lady broke down her health in waiting upon her husband.

Mr. HICKS. And spent her fortune in caring for him.

Mr. PICKLER. I think $50 is sufficient in this case.

Mr. BLUE. Now, Mr. Chairman, so far as that is concerned, the fact that this widow spent her fortune upon her husband is no good reason why she should be granted a large pension. How are you to establish a rule governing pension legislation as to how many dollars of the widow's money shall be devoted to the care of the husband? If you do such a thing you will have to go into an examination to ascertain how much money has been spent in that way in each case.

Mr. WATSON of Ohio. Does not the gentleman think the granting of a pension of $30 a month to Colonel Adams's widow was too low, rather than that this is too high at $50?

Mr. BLUE. No, sir. I wish to say, Mr. Chairman, here and now, that when the widow of an officer is pensioned above the general law it ought to be in some extreme case.

Mr. PICKLER. That is right. I believe in that.

Mr. BLUE. And I think that to go on shouting "Vote!" "Vote!" "Vote!" when a matter of such consequence and absolute importance as this is being considered is unworthy of this committee and this House of Representatives. This matter should be dealt with fairly and justly. We have had too much of this business of giving widows of general officers large pensions. Let us establish a rule that the people will approve. There are hundreds, aye, thousands, of women in the State of Kansas just as good as this widow, just as good as the widow of Colonel Adams, just as deserving as either of them, who are glad to get $12 a month.

Mr. POOLE. Did not the gentleman a few weeks ago advocate and vote for a bill granting $75 a month to the widow of General Blunt of Kansas?

Mr. BLUE. Oh, yes; I voted to give $75 a month to the widow of a man who was the hero of a hundred battles and who rose from the ranks to be major-general; but here you are seeking to give this pension to the widow of a lieutenant-colonel.

Mr. PICKLER. The record of this officer is as distinguished as the one the gentleman from Kansas talks about.

Mr. BLUE. The gentleman is mistaken. The record of no man who served in the volunteers west of the Mississippi is superior to that of General Blunt.

A MEMBER. He was a Kansas man.

Mr. BLUE. Yes; he was a Kansas man; and you made the pension exceptional in that case because it was an exceptionally

meritorious case, and I did advocate and vote for it. But, Mr. Chairman, at the same time I sought to cut down the pension of the widow of Brigadier-General Gresham from $100 to $75 a month. General Blunt rose to the rank of major-general, and you gave his widow $75 per month, while the widow of General Gresham, who rose only to the rank of brigadier-general, was given $100 a month. What equity was there in that?

Mr. TALBERT. Mr. Chairman, I trust that gentlemen on the other side will not waste time in talking. Let us proceed with this pension business. [Laughter.]

Mr. BLUE (continuing). It was said of the old man, General Blunt, that he never lost a battle, and he never permitted the enemy to hunt him; he found them.

Mr. KEM. Does the gentleman from Kansas believe that a soldier ought to be pensioned because of rank alone?

Mr. BLUE. No, sir.

Mr. KEM. I so understood the gentleman from what he said a moment ago.

Mr. BLUE. No, sir. Rank should count as a factor in determining the question, but the fact that a man held the rank of brigadier-general, if he performed no service, ought not to induce us to give him a pension rated according to that grade. That is why I spoke of the brilliant services of General Blunt.

Mr. HARDY—

> The rank is but the guinea's stamp,
> The man's the gowd for a' that.

Mr. BLUE. I am always enamored of the voice of my friend from Indiana, Mr. Chairman, but I trust he will be parliamentary. I have nothing more to say as to this case. Thirty dollars a month is a fair pension, I think, to give to this widow, and I am willing she should have that amount.

A MEMBER. She is drawing that now under the law.

Mr. BLUE. Well, she ought to be content with that.

Mr. ANDREWS. Mr. Chairman, I simply desire to call attention to this fact, which must surely be plain to every member. Unless we place ourselves upon the provisions of general law as to the rating of these pensions, it becomes an endless scramble for the largest amount possible in each individual case as it comes before us, and the time of the House and of this Committee of the Whole will be consumed uselessly unless we come to the plain, businesslike proposition of holding to the general rules laid down under existing law in the rating of these pensions as we pass upon them from time to time.

If a resolution should be adopted by this committee which will bring us to that course of action we can economize time and labor and reach deserving cases that we shall not be able to reach if we continue our present course during the remaining days of this session and of this Congress. If the laws to-day are not adequate with respect to the pensioning of officers of rank and their widows, I submit that the plain, businesslike course to pursue would be to introduce a bill which would give just and fair consideration to those claims, pass that bill into law, and stand upon it. [Applause.]

We should come to that line of action at once. Then the Committee on Invalid Pensions will have a definite rule to stand upon. It has been demonstrated here time after time that when that committee does observe the law as to rating and presents a case with clear evidence to support it, the House, or this Committee of the Whole, frequently reverses that recommendation. Hence the committee has no means of knowing what rule this House would have it follow in submitting bills for consideration here.

Some such rule of action must be adopted before we can even hope to avoid this fruitless waste of time.

Mr. LOUDENSLAGER. Mr. Chairman, much has been said about the inconsistency of the Committee on Invalid Pensions, but I desire to call the attention of the Committee of the Whole to what I consider their inconsistency upon many occasions, and I desire especially to call attention to the inconsistency of the gentleman from Kansas. This Committee of the Whole had under consideration three or four weeks ago a bill to pension the widow of a man who in early life graduated at Annapolis and at the breaking out of the war occupied the position of a cadet. He asked leave of absence from the Navy Department that he might recruit soldiers for the war. He recruited a regiment, and, accepting the position of colonel, rose to the position of major-general, which he earned by gallant and meritorious services during the war. Resigning that position at the close of the war, he went back to the humble rank of a cadet, and rose in the Navy step by step until he reached the position of rear-admiral. This Committee of the Whole denied to that man's widow any greater pension than $50 a month.

The gentleman from Kansas [Mr. BLUE] speaks of the gallant services of a soldier from his State. I find that it is the interest of each member of this House to speak in high terms of any soldier coming from his State, regardless of the services of those who come from distant States. [Applause.] I want to say to you, gentlemen, that the consistency of this Committee of the Whole ought to be maintained; and in view of the fact that the widow of Rear-Admiral Samuel F. Carter (and I did not know him except from his record) was granted only $50 a month, no officer of the Army or Navy and no widow of any such officer should be regarded as worthy of a higher rate of pension. [Applause.]

Mr. BLUE. I should like to ask the gentleman from New Jersey [Mr. LOUDENSLAGER] one question.

Mr. LOUDENSLAGER. Certainly.

Mr. BLUE. Did I not vote to cut down the pension of General Ewing's widow from $75 to $50; and was not he a Kansas man?

Mr. LOUDENSLAGER. I believe you did. But I wish to say to the gentleman from Kansas that he was not so earnest in asking for the pension of the widow of Samuel F. Carter as he should have been if he had been consistent.

Mr. BLUE. You are mistaken about that.

Mr. POOLE. Mr. Chairman, as I voted for this bill in the committee, I wish to say a word in behalf of the pension for this widow. The fact is, General Boughton's services were simply heroic. He rose from the rank of first lieutenant to that of colonel, and afterwards commanded a brigade. While performing services of great value to the Government he contracted a disease from which he afterwards suffered paralysis, resulting in insanity, so that the last twenty years of his life were a blank. During that period of helplessness this poor woman took care of him, and in doing so sacrificed everything she had in the world. As the result of her self-sacrificing care of her gallant husband she is now broken in health, and it is no more than fair she should receive this pension of $75 a month, which I hope will be granted.

Mr. BAKER of New Hampshire. Is she not possessed to-day of real estate in this city?

Mr. POOLE. She is the owner of a piece of property in this city; and I will tell you how she got it. There was a small insurance on the life of her husband, with the proceeds of which she bought this place. There is now a mortgage upon the property for all it will bring. I have the assurance of good real estate men of this city that the property in not worth a dollar more than the incumbrance upon it.

The question being taken on agreeing to the amendment to the amendment fixing the pension at $30 a month) there were—ayes 61, noes 33.

Mr. HICKS. I ask for tellers, Mr. Chairman. Certainly a measure of such merit as this is not going to be defeated.

Tellers were not ordered.

Mr. HICKS. I very much regret the action of the committee on this meritorious measure, and if insisted upon I must, as an act of justice, demand the presence of a quorum.

Several MEMBERS. Too late.

The CHAIRMAN. On this question the ayes are 61, the noes 33. Does the gentleman from Pennsylvania raise the point of no quorum? [Applause.] The ayes have it; and the amendment to the amendment is agreed to.

The question being taken on the amendment as amended, there were on a division (called for by Mr. HICKS)—ayes 70, noes 36.

Mr. HICKS. I must insist upon my point of no quorum.

The CHAIRMAN (having counted the committee). There are 130 members present. The amendment as amended is agreed to. The question is now, Shall the bill as amended be laid aside to be reported favorably?

Mr. POOLE. I move to amend by inserting "$50" in place of "$30."

Mr. PICKLER. It is too late to make that motion.

The CHAIRMAN. The Chair thinks the motion is not in order. The bill as amended was laid aside to be reported favorably.

ELIZA G. PYNE.

Mr. SMITH of Illinois. I ask unanimous consent for the present consideration of a bill—— [Cries of "Regular order!"] Gentlemen, I have been here for the last seven years, attending all your sessions——

Several MEMBERS. Regular order!

The CHAIRMAN. The Clerk will read the next bill.

The next business was the bill (H. R. 3990) granting a pension to Mrs. Eliza G. Pyne.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Eliza G. Pyne, widow of Charles M. Pyne, who was captain of unassigned company of the Forty-second Regiment United States Infantry, at the rate of $20 per month.

The report (by Mr. MCCLELLAN) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3990) granting a pension to Eliza G. Pyne, widow of Charles M. Pyne, late captain (unassigned) of Forty-second United States Infantry, having carefully examined and considered the facts and circumstances presented, respectfully report as follows:

Capt. Charles M. Pyne enlisted April 15, 1861, and served as corporal, Company A, Third District of Columbia Infantry, in General Stone's brigade, to July 15, 1861; appointed second lieutenant Sixth United States Infantry August 5, 1861; made brevet first lieutenant August 30, 1862, for "gallant and

meritorious services in the second battle of Bull Run," being there wounded in left leg. He was taken prisoner and exchanged in October, 1862; appointed first lieutenant August 8, 1863; appointed captain to rank from July 28, 1866; was retired from active service December 15, 1870, for "disability resulting from wounds received in line of duty."

He participated in the battles near Edwards Ferry, siege of Yorktown, skirmish at Chickahominy River, battles of Mechanicsville, James Mill, White Oak Swamp, Malvern Hill, Harrisons Landing, Sadly Chapel, and second battle of Bull Run.

He died in service February 4, 1892, from heart disease, brought on by exposure, resulting in severe attacks of inflammatory rheumatism, and the heart being much weakened by anesthetics administered for five amputations of his left leg, the bone being so shattered by the wound as to render the five amputations necessary.

Widow filed application for pension under general law March 28, 1892, and under acts of June 27, 1890, and March 26, 1892, both of which were rejected, the medical referee holding (September 12, 1894) that—

"The evidence filed does not satisfactorily show the real cause of soldier's fatal malady; that a full and complete medical history of his condition from rheumatism during last ten or twelve years of his life and also disease of heart since its manifest development should be furnished. The condition of amputated stump during last illness and previously, prominent symptoms present during said illness, and mode of death should be fully shown."

Dr. G. B. Bailey, Elizabeth, N. J., filed affidavit April 29, 1893, that he treated soldier past twelve years for rheumatism, and during the month preceding his death for valvular disease of heart. During these twelve years he was unable to perform any manual labor, and died February 4, 1892, from valvular disease of heart.

Dr. I. Heger, colonel, United States Army, retired, filed affidavit April 29, 1893, that while on duty in Washington, D. C., as attending surgeon, soldier frequently reported to him for treatment for rheumatism and valvular disease of heart. This was during latter part of 1889 to time he left the city.

Dr. D. R. Hagner filed affidavit February 17, 1892, that he had known soldier forty years. Sound man prior to enlistment. Shortly after receiving his wound was called to attend him with Drs. Barnes and Coolidge. Everything done to save limb, but as ball had produced compound comminuted fracture (of both tibia and fibula, I believe) amputation became necessary. Since that time have never attended him. Within few years before his death was compelled to reject him for life insurance on account of heart trouble and Bright's disease of kidneys, which diseases were due, no doubt, to his army service and wound received and various operations performed.

November 7, 1894, Dr. Bailey filed supplemental affidavit. During last twelve years soldier suffered frequently from rheumatism and valvular disease of heart. During last few months of life heart disease became gradually worse, general dropsy taking place, and was unable to lie down. During last few weeks of life the stump of his left leg, which had been amputated below the knee, became swollen and inflamed.

Widow's claim under act June 27, 1890, rejected December 6, 1894, on ground of nondependence, she having an income of $400 or $500 a year. Widow was married to Captain Pyne November 12, 1873.

In view of the testimony presented, your committee believe that soldier's death was due to service origin, and therefore recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ORDER OF BUSINESS.

Mr. LOUDENSLAGER. Mr. Chairman, I want to make a single request. I want to ask consideration of a bill that will take but a minute to dispose of. I refer to Senate bill No. 2045, granting a pension to Harriet R. Matlack. I have never asked the indulgence of this committee before.

This is a poor widow, very old, and I ask consent to take up the bill and have it considered now.

Mr. SMITH of Illinois. I object.

The CHAIRMAN. The Chair will submit the request of the gentleman in the form of a motion.

The question was submitted, and the motion was rejected.

AUGUSTA TULLER.

Mr. HILL. Mr. Chairman, I have not taken five minutes of the time of the committee since we first met here in December. I rise now to ask unanimous consent, if it be necessary, to consider a bill——

Mr. WOOD. Mr. Chairman, I rise to a point of order. I ask that the regular order be proceeded with.

Mr. HILL (continuing). This is a bill for the relief of Augusta Tuller, a woman who is over 90 years old, partly blind, without any property of any kind——

Mr. PICKLER. Let us pass the bill.

Mr. HILL (continuing). She is wholly dependent upon her stepdaughter for support. Can I have two minutes to pass the bill?

Mr. PICKLER. Let us pass it.

Mr. HICKS. I move that the bill be taken up for present consideration.

The motion was agreed to.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place upon the pension roll of the United States, subject to the provisions of the pension laws the name of Augusta Tuller, the daughter of Isaac Way, a Revolutionary soldier, said woman being now 90 years of age and dependent.

The Committee on Invalid Pensions recommend the adoption of the following amendment: In line 5 strike out the words "subject to the provision of the pension laws" and substitute therefor the words "at the rate of $12 per month."

The amendment recommended by the Committee was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

MARGARET J. YOUNG.

Mr. CANNON. Mr. Chairman, I ask consent to make a brief statement not exceeding two minutes. That is all I ask.

Mr. LOUDENSLAGER. I ask for the regular order.

Mr. HULICK. Let us proceed with the Calendar.

Mr. CANNON. If it be necessary, I will make a motion, Mr. Chairman, which I think the House will not object to when they hear what it is. I move to take up for present consideration the bill H. R. 9130, Calendar number 1209. It is far down, as you will see, on the Calendar. This is a very deserving case.

I want to say a word in reference to it, and I am sure there can be no objection to taking it up. In 1844 Margaret Young, the beneficiary of the bill, took an 8-year-old orphan, an illegitimate child, from the poorhouse—a child that was being mistreated and abused there—and raised the boy to manhood. In 1861 this boy volunteered in the Union Army, and lost his life in the war. He was a good soldier in the Army; he served as a private. The woman is now nearly 80 years old, without any means of support, receiving aid from the public, and I ask the House, in just a minute, to pass this bill giving her a little pension of $12 a month, to keep her out of the poorhouse as she kept this foster child from going there, a boy that lost his life in the service of his country. [Applause.]

The question being submitted, on the motion of Mr. CANNON, it was agreed to.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Margaret J. Young, dependent foster mother of John H. Jones, late a private in Company F, Twenty-fifth Illinois Volunteer Infantry, and pay her a pension of $12 per month.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ETHAN A. SELLMAN.

Mr. FENTON. Mr. Chairman, I do not think that I have ever taken two minutes' time of this committee, and therefore I feel warranted in moving to take up House bill numbered 4490, a bill to restore the name of Ethan A. Sellman to the pension rolls. It is 1023 on the Calendar. I think when the committee, if they will permit me to do so, are informed as to the character of this bill there will be no possible objection to it. This man is more than 70 years old, almost blind, and his name was stricken from the rolls eighteen years ago on an affidavit made by an enemy. The evidence is forty-nine to one in his favor.

The bill is reported favorably from the Committee on Invalid Pensions, and I can assure members that no more meritorious bill has ever been before the House at any session of Congress in favor of any man. I ask the consideration of that bill. I move that it be taken up for present consideration.

The question was taken; and on a division there were—ayes 49, noes 14.

Mr. SMITH of Illinois. No quorum.

Mr. PICKLER. I move that the committee now rise.

Several MEMBERS. Oh, no!

Mr. SMITH of Illinois. Mr. Chairman, no quorum.

Mr. PICKLER. I withdraw the motion if the point of order is withdrawn. I think gentlemen begin to see now that perhaps I have had some justification for my contention with the Committee on Rules so that I could get time to pass some of these bills.

Mr. FENTON. Have you seen a more meritorious bill than this?

Mr. PICKLER (continuing). I have been complained about——

The CHAIRMAN. The gentleman is out of order.

Mr. PICKLER. I am not out of order, with all due deference to the Chair. [Laughter.]

The CHAIRMAN. The point of no quorum has been made.

Mr. FENTON. I wish to say, Mr. Chairman, that there is no more worthy bill than this on the Calendar.

The CHAIRMAN. The point of no quorum is made. The committee will be in order. [After counting the House.] One hundred and seven gentlemen—a quorum—present. Upon this question the ayes are 49 and the nays are 14. The ayes have it, and the bill is ordered to be taken up.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to restore to the pension roll the name of Ethan A. Sellman, late of Company E, Fiftieth Regiment Ohio Volunteer Infantry, at the rate of $7 per month from September 4, 1878, until the passage of this act, and at the rate of $12 per month from and after the passage of this act.

The Committee on Invalid Pensions recommended an amendment striking out all after the enacting clause and inserting in lieu thereof the following:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Ethan A. Sellman, late a private in Company E, Fiftieth Regiment Ohio Volunteer Infantry, and to pay him a pension of $30 per month, without any deduction or retention on account of pension heretofore paid to him.

The CHAIRMAN. The question is upon the amendment recommended by the committee.

The amendment was agreed to.

The bill as amended was ordered to be laid aside, to be reported to the House with a favorable recommendation.

GRAY'S BATTALION OF ARKANSAS VOLUNTEERS.

Mr. STEWART of New Jersey. Mr. Chairman——

Mr. PICKLER. I move that the committee do now rise; and pending that, I yield to the gentleman from Arkansas [Mr. NEILL] to make a request.

Mr. NEILL. I move to take up the bill (H. R. 1061) granting a pension to Gray's Battalion of Arkansas Volunteers.

The motion was agreed to.

Mr. STEWART of New Jersey. Mr. Chairman——

The CHAIRMAN. The clerk will read the bill sent up by the gentleman from Arkansas [Mr. NEILL].

Mr. PICKLER. Is not this a general pension bill? It is a bill to pension a battalion.

Mr. NEILL. It is a private bill, just the same as the bill to pension the Missouri battalion, which has been considered here.

Mr. PICKLER. I do not think we have jurisdiction of this bill at this session.

The CHAIRMAN. The Chair can not determine until the bill is read.

Mr. McRAE. The House has already decided to consider the bill, Mr. Chairman.

The CHAIRMAN. The clerk will report the bill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby authorized and directed to place on the pension roll the names of all of the honorably discharged surviving officers and enlisted men of Gray's battalion of Arkansas Volunteers raised under the act of Congress of May 13, 1846, for service during the war with Mexico; and the names of surviving widows of such officers and enlisted men, subject to the limitations and regulations of the pension laws of the United States for pensioning the survivors of the war with Mexico.

Mr. PAYNE. I raise the point of order that that bill can not be considered to-night.

The CHAIRMAN. The point of order is well taken. The bill can not be considered at this session.

Mr. McRAE. The point of order is too late. The House has already determined to consider the bill.

Mr. PAYNE. The House has not the power under the rules to consider it.

Mr. McRAE. It is in order. It is a private bill, and not a public bill.

Mr. PAYNE. You can not get the bill considered in this way.

Mr. NEILL. It is a private bill.

Mr. PAYNE. It is not a private bill.

The CHAIRMAN. The Chair has held that the point of order is well taken.

Mr. PICKLER. I move that the committee do now rise.

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. McRAE. I call for a division.

The CHAIRMAN. The ayes appear to have it. The ayes have it, and the committee determines to rise.

The committee accordingly rose; and Mr. PAYNE having resumed the chair as Speaker pro tempore, Mr. HEPBURN, Chairman of the Committee of the Whole House on the Private Calendar, reported that that committee had had under consideration the bills S. 1511, H. R. 4494, H. R. 1646, H. R. 4281, H. R. 4881, H. R. 4841, H. R. 4519, H. R. 4267, S. 1291, S. 3398, H. R. 4490, and had directed him to report the same to the House with sundry amendments, and with the recommendation that as amended the bills do pass; also that the committee had had under consideration the bills S. 997, H. R. 6417, H. R. 6792, H. R. 3990, H. R. 9139, and had directed him to report the same to the House without amendments and with the recommendation that the same do pass.

ORDER OF BUSINESS.

Mr. PICKLER. I ask unanimous consent that on all these bills the previous question be considered as ordered to their passage, with ten minutes' debate in the House on either side.

Mr. McRAE. I object, and I make the point that the hour of 10 o'clock and 30 minutes has arrived.

The SPEAKER pro tempore. The hour of 10 o'clock and 30 minutes having arrived, the House, under the rule, stands adjourned until to-morrow at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. WANGER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 8356) to establish a life-saving station at or near Great Boars Head, on the coast of New Hampshire, reported the same with amendment, accompanied by a report (No. 1952); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the House (H. R. 4782) to establish a life-saving station at or near Charlevoix, Mich., reported the same with amendment, accompanied by a report (No. 1954); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the Senate (S. 3783) entitled "An act to establish a life-saving station on the coast of New Hampshire or Massachusetts, between the Hampton and the Merrimac rivers," reported the same without amendment, accompanied by a report (No. 1955); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. WILSON of Idaho, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 8823) to apply a portion of the proceeds of the public lands to the endowment and support of mining schools in the several States and Territories, for the purpose of extending similar aid in the development of the mining industries of the nation as already provided for the agricultural and mechanical arts, reported the same without amendment, accompanied by a report (No. 1953); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. DOOLITTLE, from the Committee on Interstate and Foreign Commerce, to which was referred House bill No. 8560, reported in lieu thereof a bill (H. R. 9149) to regulate the establishment of submarine telegraphic cable lines or systems in the United States, accompanied by a report (No. 1956); which said bill and report were referred to the House Calendar.

Mr. PENDLETON, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 8850) to amend an act passed at the first session of the Fifty-fourth Congress, entitled "An act to grant to railroad companies in Indian Territory additional power to secure depot grounds," reported the same with amendment, accompanied by a report (No. 1965); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SHAFROTH, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 9123) to prevent forest fires on the public domain, reported the same without amendment, accompanied by a report (No. 1975); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 9124) to protect the forests on the public domain from destruction by fire, reported the same without amendment, accompanied by a report (No. 1976), which said bill and report were referred to the House Calendar.

Mr. BROSIUS, from the Committee on Reform in the Civil Service, to which was referred House resolutions Nos. 355, 356, 357, 358, 359, 360, 361, and 362, reported in lieu thereof a resolution (House Res. No. 370) directing the Secretary of State, the Secretary of the Treasury, the Secretary of War, the Attorney-General, the Postmaster-General, the Secretary of the Navy, the Secretary of the Interior, and the Secretary of Agriculture to furnish to the House certain information relative to employees in their respective Departments, accompanied by a report (No. 1979); which said resolution and report were referred to the House Calendar.

Mr. NOONAN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 5378) to amend the law establishing a port of delivery at Des Moines, Iowa, reported the same without amendment, accompanied by a report (No. 1980) which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. TRACEY, from the Committee on Military Affairs:

The bill (H. R. 7727) granting an honorable discharge, with back pay and bounty, to John Courtney, late private Company D, Sixth Regiment Kansas Cavalry Vounteers. (Report No. 1957.)

The bill (S. 1381) entitled "An act to remove the charge of desertion from the military record of Patrick Larkin." (Report No. 1958.)

By Mr. COLSON, from the Committee on Claims: The bill (H. R. 5133) for the relief of William J. Landram's estate. (Report No. 1959.)

By Mr. LOUDENSLAGER, from the Committee on Pensions:

The bill (S. 2787) entitled "An act granting a pension to Simpson Everett Stilwell." (Report No. 1960.)

The bill (S. 2829) entitled "An act granting a pension to Plumy E. Marden." (Report No. 1961.)

The bill (S. 1300) entitled "An act for the relief of Hannah Newell Barrett." (Report No. 1962.)

The bill (S. 2754) entitled "An act granting a pension to Jerusha Hayward Brown." (Report No. 1963.)

The bill (S. 937) entitled "An act granting an increase of pension to Sarah E. Comly, widow of Maj. Clifton Comly." (Report No. 1964.)

The bill (S. 1969) entitled "An act granting an increase of pension to Lucy Ord Mason." (Report No. 1966.)

The bill (S. 522) entitled "An act for the relief of George Hughes, of Portland, Oreg." (Report No. 1967.)

The bill (H. R. 8689) granting a pension to Hannah Dowd Vanderford. (Report No. 1968.)

The bill (H. R. 8542) granting an increase of pension to Elisha M. Luckett. (Report No. 1969.)

By Mr. BAKER of Kansas, from the Committee on Invalid Pensions: The bill (H. R. 8342) granting an increase of pension to Maj. L. F. Warner. (Report No. 1970.)

By Mr. McCLELLAN, from the Committee on Invalid Pensions: The bill (H. R. 2363) to grant increase of pension to Louis H. Gein, Company F, Fifty-fifth New York Volunteers. (Report No. 1971.)

By Mr. PICKLER, from the Committee on Invalid Pensions: The bill (H. R. 7928) granting a pension to John Cook. (Report No. 1972.)

The bill (H. R. 9091) granting an increase of pension to Joshua B. Harris. (Report No. 1973.)

By Mr. PARKER, from the Committee on Military Affairs: The bill (S. 347) entitled "An act to remove the charge of desertion and grant an honorable discharge to Helmuth F. Sceckel." (Report No. 1974.)

By Mr. BABCOCK, from the Committee on the District of Columbia: The bill (H. R. 8346) for the relief of Nicolai Bros. (Report No. 1977.)

ADVERSE REPORT.

Mr. BABCOCK, from the Committee on the District of Columbia, under clause 2 of Rule XIII, reported adversely (Report No. 1978) the bill (H. R. 4448) to repeal all provisions of the law for the payment by the United States of one-half of the appropriations for the District of Columbia; which said bill and report were laid on the table.

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. SPARKMAN: A bill (H. R. 9140) to donate certain condemned cannon to the city of Pensacola, Fla., for ornamental purposes—to the Committee on Military Affairs.

By Mr. BELL of Colorado: A bill (H. R. 9141) to provide for the purchase of a site and the erection of a public building thereon at Glenwood Springs, in the State of Colorado—to the Committee on Public Buildings and Grounds.

By Mr. BABCOCK: A bill (H. R. 9142) to regulate privies in the District of Columbia—to the Committee on the District of Columbia.

By Mr. JOHNSON of California: A bill (H. R. 9143) to protect public forest reservations—to the Committee on the Public Lands.

By Mr. KIRKPATRICK: A bill (H. R. 9144) to amend an act entitled "An act to provide for allotment of land in severalty to United Peorias and Miamis in Indian Territory, and for other purposes," approved March 2, 1889—to the Committee on Indian Affairs.

Also, a bill (H. R. 9145) to authorize and empower the Secretary of the Interior to adjust and settle the accounts of the Kaskaskia, Peoria, Piankeshaw, and Wea Indians—to the Committee on Indian Affairs.

By Mr. HAINER of Nebraska: A bill (H. R. 9146) to provide for the revision and adjustment of the sales of the Otoe and Missouria Reservation lands in the States of Kansas and Nebraska, and to confirm the titles under said sales—to the Committee on Indian Affairs.

By Mr. KIRKPATRICK: A bill (H. R. 9147) to grant right of way over public domain for pipe lines in the State of Kansas and the Indian Territory—to the Committee on the Public Lands.

By Mr. WILLIAMS: A bill (H. R. 9148) to confirm the title to certain public lands in the State of Mississippi, and for other purposes—to the Committee on the Public Lands.

By Mr. PICKLER: A bill (H. R. 9150) granting a service pension to all honorably discharged officers, soldiers, and sailors of the war of the rebellion—to the Committee on Invalid Pensions.

By Mr. BARRETT: A bill (H. R. 9151) to authorize the Secretary of War and the Secretary of the Navy to make certain disposition of condemned ordnance, guns, and cannon balls in their respective Departments—to the Committee on Military Affairs.

By Mr. ACHESON: A bill (H. R. 9168) to authorize the construction of a bridge over the Monongahela River from the city of McKeesport to the township of Mifflin, Allegheny County, Pa.—to the Committee on Interstate and Foreign Commerce.

By Mr. TRACEY: A joint resolution (H. Res. 188) in favor of international bimetallism—to the Committee on Coinage, Weights, and Measures.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. BULL: A bill (H. R. 9152) authorizing the Secretary of War to grant an honorable discharge to Mathew Logan, late a member of Battery H, First Regiment Rhode Island Light Artillery—to the Committee on Military Affairs.

By Mr. DENNY: A bill (H. R. 9153) for the relief of the executors of the late John Grant, late a mail contractor with the United States—to the Committee on Claims.

By Mr. DOVENER: A bill (H. R. 9154) to pension Robert Sanders Northcott at an increased rate—to the Committee on Invalid Pensions.

By Mr. GILLETT of Massachusetts: A bill (H. R. 9155) granting a pension to John Feaghey—to the Committee on Invalid Pensions.

By Mr. GRIFFIN: A bill (H. R. 9156) granting an increase of pension to M. F. Whitney—to the Committee on Invalid Pensions.

By Mr. KIRKPATRICK: A bill (H. R. 9157) granting a pension to Blanche E. Barlow—to the Committee on Invalid Pensions.

By Mr. LINTON: A bill (H. R. 9158) granting an increase of pension to one Mary J. Hill—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9159) for the relief of Capt. William E. Cummin—to the Committee on Invalid Pensions.

By Mr. McCALL of Tennessee: A bill (H. R. 9160) for the relief of James D. R. Green—to the Committee on Military Affairs.

By Mr. McRAE: A bill (H. R. 9161) for the relief of Thomas Muller—to the Committee on Military Affairs.

By Mr. MURPHY of Arizona: A bill (H. R. 9162) for the relief of the heirs of John W. Johnson—to the Committee on the Public Lands.

By Mr. PICKLER: A bill (H. R. 9163) granting an increase of pension to W. H. Williams—to the Committee on Invalid Pensions.

By Mr. SPALDING: A bill (H. R. 9164) to remove the charge of desertion from record of Robert Mallion—to the Committee on Military Affairs.

Also, a bill (H. R. 9165) to pension Benjamin F. Bates, late a corporal of Company K, Fifth Michigan Volunteer Infantry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9166) to pension Milo Osterhout, Company H, First Regiment Michigan Sharpshooters—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9167) to pension Samuel Glascow, late a member of what was known as the Squirrel Hunter's Regiment of Ohio Infantry—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Resolutions of the Pennsylvania Medical Society, against the passage of Senate bill No. 1552, for the further prevention of cruelty to animals in the District of Columbia—to the Committee on the District of Columbia.

By Mr. BARRETT: Petition of Horace F. Burr, of Walden, Mass., for an amendment to the Constitution of the United States—to the Committee on the Judiciary.

By Mr. BROSIUS: Remonstrance of 206 members and delegates of the Medical Society of the State of Pennsylvania, against the passage of Senate bill No. 1552, entitled "A bill for the further prevention of cruelty to animals in the District of Columbia," or of any similar measure—to the Committee on the District of Columbia.

By Mr. BULL: Petition of members of Battery H, First Regiment Rhode Island Light Artillery, for the passage of a bill granting an honorable discharge to Mathew Logan, to accompany House bill 9152—to the Committee on Military Affairs.

By Mr. CRUMP: Petition and remonstrance of Andrew Wright and 47 others, of Fairview, Mich., against the continuance of the Père Marquette statue in the Capitol—to the Committee on the Library.

By Mr. DENNY: Petition of citizens of Natchez and Woodville, Miss., for the passage of House bills Nos. 4566 and 838, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. HICKS: Sundry petitions of citizens of Lansdale, Littlestown, Emlenton, Reading, Philadelphia, Quakerstown,

Parkers Landing, New Wilmington, Scranton, Reynoldsville, Titusville, Erie, Ligonier, Gibsonton, Canton, Brookville, Allentown, Dunbar, New Kensington, Martinsburg, Lancaster, Waterford, Pittsburg, Watsontown, Waynesburg, West Chester, Westmoreland, Bloomsburg, Edinboro, Wilkesbarre, Hanover, Indiana, Johnsonburg, Kittanning, and Spartansburg, in the State of Pennsylvania, and citizens of Providence, R. I., praying for favorable action on House bill No. 838, to reduce letter postage, and bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

Also, resolution of the Trades League of Philadelphia, opposing the passage of House bill No. 8536 and Senate bill No. 2967, to amend the interstate-commerce law—to the Committee on Interstate and Foreign Commerce.

Also, protest of Knights of Labor of Spangler, Pa., against the enactment of House bill No. 6119, for the appointment of an impartial committee to investigate the labor problem and suggest remedy—to the Committee on Labor.

By Mr. HITT: Petitions of citizens of Lanark, Leaf River, Mount Carroll, Belvidere, Cedarville, and Polo, Ill., asking favorable action on House bills Nos. 838 and 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. JOHNSON of California: Petition of 45 citizens of Galt, Sacramento County, Cal., against the acceptance of the Marquette statue and praying for its removal from the Capitol building—to the Committee on the Library.

By Mr. KIRKPATRICK: Petition of W. S. Edwards and 157 other citizens of Caney, Kans., and vicinity, praying for the passage of a bill permitting citizens of Kansas and others to go to Indian reservations for the purpose of collecting debts contracted off of reservations—to the Committee on the Judiciary.

By Mr. LINTON: Petition of citizens of Tecumseh and Clinton, Mich., asking favorable action on House bills Nos. 838 and 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

Also, remonstrances and petitions of citizens of Columbus and Galt, Cal., in relation to the Marquette statue—to the Committee on the Library.

By Mr. McCALL of Tennessee: Papers to accompany House bill for the relief of James D. R. Green—to the Committee on Military Affairs.

By Mr. McCLEARY of Minnesota: Resolutions of Philip Cutland Post, No. 109, Grand Army of the Republic, of the State of Minnesota, favoring a service-pension bill—to the Committee on Invalid Pensions.

By Mr. McRAE: Papers to accompany House bill No. 9161, for the relief of Thomas Mullen—to the Committee on Military Affairs.

By Mr. PERKINS: Sundry petitions of citizens of Kingsley, George, Cushing, Pringar, Remsen, Schaller, Sioux City, Ashton, Superior, Granville, Ida Grove, Mapleton, and Paullina, Iowa, relating to House bills Nos. 4566 and 838, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. SPALDING: Papers to accompany House bill to pension Milo Osterhout—to the Committee on Invalid Pensions.

Also, papers to accompany House bill to pension Samuel Glascow—to the Committee on Invalid Pensions.

Also, papers to accompany House bill to remove the charge of desertion from the record of Robert Mallion—to the Committee on Military Affairs.

By Mr. STEWART of Wisconsin: Resolutions of the Board of Trade of Chicago, protesting against the passage of House bill No. 8536 and Senate bill No. 2967, amending the interstate-commerce law—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the board of directors of the Manufacturers and Producers' Association of California, relating to the importation of convict-made goods, and favoring the protection of free labor from competition with convict labor—to the Committee on Labor.

Also, petitions of citizens of Antigo and Thorp, Wis., asking for the passage of House bills Nos. 838 and 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. THOMAS: Petition of E. A. Corning, J. T. Smith, and 31 other citizens of Wayland, Mich., favoring the passage of House bill No. 2626, for the protection of agricultural staples by an export bounty—to the Committee on Ways and Means.

Also, petition of Ansel Lamport and other citizens of Colvin, Mich., to accompany House bill No. 1103, granting a pension to James V. Burch—to the Committee on Invalid Pensions.

By Mr. WELLINGTON: Petition of citizens of Oakland, Md., praying for favorable action on House bills Nos. 838 and 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. WILLIAMS: Petition of citizens of Durant, Miss., for favorable action on House bills Nos. 4566 and 838, proposing amendments to the postal laws—to the Committee on the Post-Office and Post-Roads.

SENATE.

SATURDAY, *May 23, 1896.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The VICE-PRESIDENT. The Journal of yesterday's proceedings will be read by the Secretary.

Mr. CHANDLER. I suggest the lack of a quorum.

The VICE-PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allen,	Chilton,	McMillan,	Pritchard,
Allison,	Cullom,	Mills,	Pugh,
Baker,	Davis,	Mitchell, Oreg.	Sherman,
Bate,	Frye,	Mitchell, Wis.	Teller,
Berry,	Gallinger,	Morrill,	Turpie,
Blackburn,	Gear,	Nelson,	Vest,
Brown,	George,	Pasco,	Walthall,
Burrows,	Hale,	Peffer,	Warren,
Cameron,	Hill,	Perkins,	White,
Carter,	Kyle,	Pettigrew,	Wilson.
Chandler,	Lodge,	Platt,	

The VICE-PRESIDENT. Forty-three Senators have answered to their names. No quorum is present. What is the pleasure of the Senate?

Mr. SHERMAN. I move that the names of the absentees be called.

The VICE-PRESIDENT. The question is on the motion of the Senator from Ohio.

The motion was agreed to.

The VICE-PRESIDENT. The Secretary will call the names of the absentees.

The Secretary called the names of the absent Senators, as follows:

Aldrich,	Elkins,	Jones, Nev.	Shoup,
Bacon,	Faulkner,	Lindsay,	Smith,
Blanchard,	Gibson,	McBride,	Squire,
Brice,	Gordon,	Mantle,	Stewart,
Butler,	Gorman,	Martin,	Thurston,
Caffery,	Gray,	Morgan,	Tillman,
Call,	Hansbrough,	Murphy,	Vilas,
Cannon,	Harris,	Palmer,	Voorhees,
Clark,	Hawley,	Proctor,	Wetmore,
Cockrell,	Hoar,	Quay,	Wolcott.
Daniel,	Irby,	Roach,	
Dubois,	Jones, Ark.	Sewell,	

Mr. CHILTON. I take occasion to state that the Senator from Virginia [Mr. MARTIN] is necessarily absent. He is paired on the pending bond bill with the Senator from West Virginia [Mr. FAULKNER].

Mr. COCKRELL, Mr. HARRIS, Mr. VILAS, and Mr. ROACH entered the Chamber and answered to their names.

The VICE-PRESIDENT (at 12 o'clock and 10 minutes p. m.). Forty-seven Senators have answered to their names. A quorum is present. The Journal of yesterday's proceedings will be read by the Secretary.

Mr. MILLS. I ask unanimous consent that the reading of the Journal be dispensed with.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Texas?

Mr. CHANDLER. I object to dispensing with the reading of the Journal.

The VICE-PRESIDENT. Objection is made. The Journal will be read.

The Secretary proceeded to read the Journal of yesterday's proceedings.

Mr. NELSON. I ask unanimous consent that the further reading of the Journal be dispensed with.

Mr. CHANDLER. I object, Mr. President.

The VICE-PRESIDENT. The Senator from New Hampshire objects. The Journal will be read.

The Secretary resumed and concluded the reading of the Journal of yesterday's proceedings.

The VICE-PRESIDENT. The Journal stands approved.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. PRUDEN, one of his secretaries, announced that the President had on the 21st instant approved and signed the following acts:

An act (S. 2488) to amend an act entitled "An act to authorize the Denison and Northern Railway Company to construct and operate a railway through the Indian Territory, and for other purposes"; and

An act (S. 2032) to grant right of way over the public domain for pipe lines in the States of Colorado and Wyoming.

The message also announced that the President of the United States had, on the 22d instant, approved and signed the following acts:

An act (S. 2936) to authorize the construction of a bridge across the Niagara River in the town of Lewiston, in the county of Niagara, State of New York;

An act (S. 2508) to establish customs ports of delivery at Pueblo, Durango, and Leadville, Colo., and for other purposes;

An act (S. 1865) to authorize the Secretary of War and the Secretary of the Navy to make certain disposition of condemned ordnance, guns, and cannon balls in their respective Departments; and

An act (S. 61) for the relief of Frederick Gramm.

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 19th instant, a supplemental list of judgments rendered by the Court of Claims amounting to $1,015,131.64, which have been presented to that Department and require an appropriation for their payment; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of Agriculture, transmitting, in response to a resolution of the 9th instant, a statement showing the number of aliens employed in the Department of Agriculture; which was ordered to lie on the table, and be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the 18th instant, a report of the Chief of Ordnance of the record of the action of the range-finder board and the Board of Ordnance and Fortification in relation to the Lewis range and position finder; which, with the accompanying papers, was referred to the Committee on Military Affairs, and ordered to be printed.

He also laid before the Senate a communication from the Attorney-General, transmitting a list of judgments rendered against the Government by the circuit and district courts of the United States under the provisions of the act of March 3, 1887, to provide for bringing suits against the Government of the United States; which was referred to the Committee on Appropriations, and ordered to be printed.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial of the Buffalo Marine Firemen's Benevolent Association, of Buffalo, N. Y., remonstrating against the enactment of legislation allowing Canadian seamen and firemen to man American vessels on the Great Lakes, etc.; which was referred to the Committee on Commerce.

Mr. CAMERON presented a petition of Iron Molders' Union, No. 150, of New Castle, Pa., praying for Government ownership and control of the telegraph lines; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the Trades League of Philadelphia, Pa., remonstrating against the adoption of certain proposed amendments to the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

He also presented a memorial of sundry citizens of Butler, Pa., remonstrating against the sale of beer on Ellis Island; which was referred to the Committee on Immigration.

He also presented a petition of Swatara Council, No. 858, Junior Order United American Mechanics, of Middletown, Pa., praying for the passage of the so-called Stone and McCall immigration bills; which was referred to the Committee on Immigration.

He also presented a petition of Encampment No. 45, Union Veteran Legion, of Butler, Pa., praying for the passage of a service-pension law; which was ordered to lie on the table.

He also presented sundry papers to accompany the bill (S. 3140) restoring to the pension roll the name of John E. Watson, heretofore introduced by him; which were referred to the Committee on Pensions.

Mr. NELSON presented a petition of Typographical Union, No. 30, of St. Paul, Minn., praying for Government ownership and control of the telegraph lines; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. McMILLAN presented a petition of Printers' Union, No. 329, of Coldwater, Mich., praying for Government ownership and control of the telegraph lines; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Woman's Christian Temperance Union of Macomb County, Mich., and a petition of the Methodist Church of Mount Clemens, Mich., praying for the enactment of a Sunday-rest law for the District of Columbia; which were referred to the Committee on the District of Columbia.

He also presented a petition of the Society of Friends of the District of Columbia, praying that the age of protection for girls in the District of Columbia be raised to 18 years; which was referred to the Committee on the District of Columbia.

Mr. BATE presented a petition of sundry citizens of Nashville, Tenn., praying for the enactment of legislation giving relief to the suffering Armenians in Turkey; which was referred to the Committee on Foreign Relations.

Mr. ALLEN presented the affidavit of James B. Edgerly, of Farmington, N. H., in support of Senate bill No. 3096, granting an increase of pension to Stephen D. Avery, of Petersburg, in the county of Boone, Nebr.; which was referred to the Committee on Pensions.

REPORTS OF COMMITTEES.

Mr. HALE. I report back from the Committee on Appropriations, with sundry amendments and a report, the bill (H. R. 8293) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1896, and for prior years, and for other purposes. I ask that it be printed with the report, and give notice that I shall request the Senate on Monday morning, after the routine morning business, to take up the bill for consideration.

The VICE-PRESIDENT. The bill and report will be printed, and the bill placed on the Calendar.

Mr. SHOUP, from the Committee on Education and Labor, to whom was referred the petition of the members of the Baltimore Annual Conference of the Methodist Episcopal Church, praying that a law be enacted to prevent the nullification of State anti-gambling laws by extending to interstate gambling by telegraph the penalties provided for interstate gambling by mail and express, asked to be discharged from its further consideration, and that it be referred to the Committee on Interstate Commerce; which was agreed to.

Mr. HANSBROUGH, from the Committee on Pensions, to whom was referred the bill (H. R. 5279) granting a pension to Jerusha H. Brown, reported it without amendment, and submitted a report thereon.

Mr. WARREN, from the Committee on Military Affairs, to whom was referred the bill (H. R. 4921) to relieve the North Georgia Agricultural College from the payment of $450 for damaged gun, reported it without amendment.

Mr. ROACH, from the Committee on Pensions, to whom was referred the bill (S. 1501) for the relief of Mrs. Lucy Alexander Payne, widow of Capt. J. Scott Payne, Fifth United States Cavalry, reported it with amendments, and submitted a report thereon.

Mr. PASCO. I am directed by the Committee on Claims, to whom was referred the bill (S. 741) for the relief of the Baptist Church at Corinth, Alcorn County, Miss., to submit an adverse report thereon. I ask that the bill be placed upon the Calendar.

The VICE-PRESIDENT. The bill will be placed upon the Calendar with the adverse report of the committee.

Mr. LODGE, from the Committee on Immigration, to whom was referred the bill (H. R. 7864) to amend the immigration laws of the United States, reported it with amendments.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (H. R. 1178) granting a pension to Sarah Weedon Jones, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 2969) to grant a pension to Mrs. Lucy A. Allen, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 6826) granting a pension to Rhoda Augusta Thompson, daughter of the late Thaddeus Thompson, a private in the Revolutionary war, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 6603) to pension the minor children of Patrick F. Reynolds, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 1826) granting a pension to Henry Prince, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 1827) granting a pension to Nancy B. Prince, widow of Elbert Prince, reported it without amendment, and submitted a report thereon.

ENLISTMENT OF STEWARDS IN THE NAVY.

Mr. HALE. I am directed by the Committee on Naval Affairs to report a joint resolution to meet a decision of the Comptroller which shuts out men from the privilege of reenlisting in the Navy. I ask that the joint resolution be put upon its passage.

The joint resolution (S. R. 149) extending the benefits of sections 1426 and 1573 of the Revised Statutes to all enlisted persons of the Navy was read the first time by its title and the second time at length, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the benefits of honorable discharge, as conferred by section 1426 of the Revised Statutes, and of three months' pay upon reenlistment after honorable discharge, as conferred by section 1573 upon seamen, ordinary seamen, landsmen, firemen, coal heavers, and boys, be, and the same are hereby, extended and made applicable to all enlisted persons in the Navy.

Mr. HALE. The Comptroller has decided, against all precedent, that stewards are not included as enlisted men. The joint resolution is intended to cure such a case.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. HALE. I submit a letter of the Secretary of the Navy on the subject, and ask that it be printed.

The VICE-PRESIDENT. It will be so ordered.

COLONIAL CHARTERS AND STATE CONSTITUTIONS.

Mr. GALLINGER. On the 7th day of February last a resolution submitted by the Senator from Pennsylvania [Mr. QUAY] was referred to the Committee on the Library. It was reported back with a favorable recommendation and referred to the Committee to Audit and Control the Contingent Expenses of the Senate. I am now directed by the Committee to Audit and Control the Contingent Expenses of the Senate to report back the resolution favorably. Let it be read.

Mr. CHANDLER. I ask that the resolution be read, and I call the attention of the Senator from Maine [Mr. HALE], the chairman of the Committee on Printing, to it.

The VICE-PRESIDENT. The resolution will be read.

The Secretary read the resolution submitted by Mr. QUAY February 7, 1896, as follows:

Resolved, That the Committee on the Library cause to be prepared a compilation of the colonial charters and constitutions of each State of the United States, together with all amendments thereto at any time in force, arranging the same in chronological order for each State, with suitable explanatory matter and indexes, and that the expense of said compilation be paid from the contingent fund of the Senate.

Mr. HALE. I do not know what will be the cost of the publication. The rules are very clear as to a certain limit. Such a matter should go to the Committee on Printing. If the cost is below the limit, I do not object to the adoption of the resolution; otherwise let it be referred.

Mr. CHANDLER. If the Senator will allow me, I will state that there is no provision made in the resolution for printing. It is to be a compilation, which of course will be of no use unless it is printed; and, exactly like the proposition yesterday to have Mr. Durfee make a certain compilation, it should be referred to the Committee on Printing before it is finally acted upon, because printing will necessarily follow the compilation.

Mr. HALE. It is to be supposed that the cost of printing such a document will be much more than $500.

Mr. CHANDLER. Much more. I therefore move that the resolution be referred to the Committee on Printing.

Mr. GALLINGER. Mr. President, a single word. My individual judgment is that it will cost a much larger amount than $500. The cost ought not to be taken from the contingent fund in any event, it occurs to me. I quite agree that the resolution should go to the Committee on Printing.

In this connection I submit a paper somewhat explanatory of the scope of the resolution.

The VICE-PRESIDENT. The resolution and accompanying paper will be referred to the Committee on Printing.

ORDER OF BUSINESS.

Mr. SHERMAN. If the morning business is through, I move to proceed to the consideration of what is considered a privileged bill.

Mr. MITCHELL of Oregon. If the morning business is through——

Mr. MILLS. The morning business is not through. I wish to introduce a bill.

The VICE-PRESIDENT. The morning business has not been concluded.

Mr. SHERMAN. I hope that I may be allowed one moment. Heretofore bills reported from the Committee on Finance in relation to taxes have been privileged bills. I have been every day for a week trying to get up a bill that has been reported from the Committee on Finance, the bill in respect to filled cheese. It is a bill in which the people of the United States, especially farmers, are deeply interested. I hope the Senate will allow that bill to be taken up. I believe it can be disposed of in a short time.

Mr. KYLE. I trust that the bill will be taken up. The people of the Northwest are petitioning very strongly in favor of the filled-cheese bill.

Mr. GALLINGER. The people of the East, too.

Mr. SHERMAN. I have had telegrams without number from all parts of the United States urging its passage. I do not want to interfere with the morning business, but I ask the Senate to allow the bill to be taken up. As a matter of course, it does not displace any business at 2 o'clock, but let it be taken up now, and we may be able to carry it through before 2 o'clock.

Mr. MITCHELL of Oregon. Mr. President——

Mr. MILLS. I wish to introduce a bill.

Mr. MITCHELL of Oregon. I gave notice heretofore that yesterday I would move to proceed to the consideration of the joint resolution proposing an amendment to the Constitution of the United States, providing for the election of United State Senators by direct vote, but on the statement of the Senator from Ohio that he had previously given notice for yesterday, I gave way and changed my notice to this morning.

Mr. SHERMAN. I tried to get up the filled-cheese bill yesterday, and could not do it.

Mr. MITCHELL of Oregon. I am in favor of the Senator's bill, but I can not afford to be crowded out every day.

Mr. SHERMAN. I have been crowded out. The moot court question was brought up yesterday and took the entire day.

Mr. MITCHELL of Oregon. I am not responsible for that.

The VICE-PRESIDENT. The morning business has not been concluded. The introduction of bills and joint resolutions is next in order.

BILLS INTRODUCED.

Mr. MILLS introduced a bill (S. 3206) to grant a right of way through the new Fort Bliss Military Reservation to the El Paso and Northeastern Railroad Company; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. MORRILL (for Mr. PROCTOR) introduced a bill (S. 3207) donating condemned cannon and cannon balls to Stow Post of the Grand Army of the Republic, of Calais, Vt.; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. DAVIS introduced a bill (S. 3208) for the relief of Rev. J. A. Gilfillan; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Indian Affairs.

Mr. BAKER introduced a bill (S. 3209) to grant right of way over the public domain for pipe lines in the State of Kansas and the Indian Territory; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. NELSON introduced a bill (S. 3210) granting a pension to Anna P. Johnson; which was read twice by its title, and referred to the Committee on Pensions.

Mr. THURSTON introduced a bill (S. 3211) to provide for the revision and adjustment of the sales of the Otoe and Missouria Reservation lands in the States of Kansas and Nebraska, and to confirm the titles under said sales; which was read twice by its title.

Mr. THURSTON. I ask the Committee on Indian Affairs to give the bill prompt and favorable consideration. It is concerning a matter of considerable importance, and it is very necessary that a prompt revision and adjustment of the sales of the Otoe and Missouria Reservation lands, in the States of Kansas and Nebraska, should be made, in order that titles to those lands may be confirmed. I move that the bill be referred to the Committee on Indian Affairs.

The motion was agreed to.

Mr. GEAR introduced a bill (S. 3212) granting a pension to Moreau J. Burt; which was read twice by its title, and referred to the Committee on Pensions.

Mr. DAVIS (by request) introduced a bill (S. 3213) to reform the currency of the United States and insure its integrity; which was read twice by its title, and referred to the Committee on Finance.

Mr. COCKRELL introduced a bill (S. 3214) to authorize Joseph J. Kinyoun, passed assistant surgeon of the Marine-Hospital Service, to accept a medal from the President of the Republic of Venezuela; which was read twice by its title.

Mr. COCKRELL. I have here some translations of letters transmitting the medal, which I move be printed as a document and referred, with the bill, to the Committee on Foreign Relations.

The motion was agreed to.

Mr. CULLOM introduced a bill (S. 3215) to increase the pension to William C. Gano; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. WARREN introduced a bill (S. 3216) donating condemned cannon and condemned cannon balls to the Wyoming State Soldiers' Home, at Cheyenne, Wyo.; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also introduced a bill (S. 3217) granting a pension to Mrs. Mary E. Morrison; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BAKER introduced a joint resolution (S. R. 150) authorizing the Secretary of the Treasury to refund to A. Beecher and others certain internal-revenue taxes illegally collected; which was read twice by its title, and referred to the Committee on Claims.

HENRY A. DU PONT AND OTHERS.

Mr. SHERMAN. If the morning business is over——

Mr. MITCHELL of Oregon. I have morning business myself to present. I am instructed by the Committee on Privileges and Elections to report a resolution and ask for its present consideration.

The resolution was read, as follows:

Resolved, That there be allowed out of the contingent fund of the Senate to Henry A. Du Pont the sum of $3,500 in full compensation for all his time and expenses, including printing and counsel fees, in prosecuting his claim to a seat in the Senate of the United States as a Senator from the State of Delaware.

Resolved further, That the further sum of $2,500 be allowed to James L. Wolcott, John Bassett Moore, and William F. Kurtz, counsel in opposition to the claim of Henry A. Du Pont, the same to embrace all their disbursements and expenses in the prosecution of their case.

Mr. PEFFER. What is the first payment proposed?

Mr. MITCHELL of Oregon. It is $2,500 in each case.

The VICE-PRESIDENT. The Chair suggests that the resolution should be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. MITCHELL of Oregon. Yes; I presume that reference is necessary.

The VICE-PRESIDENT. The resolution will be so referred.

TRIAL OF CITIZENS ARRESTED IN CUBA.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read, and, on motion of Mr. MORGAN, was, with the accompanying papers, referred to the Committee on Foreign Relations, and ordered to be printed:

To the Senate of the United States:

I transmit herewith, in response to a resolution of the Senate of the 16th instant, a report of the Secretary of State, to which are attached copies in English and Spanish of the original text of a protocol executed January 12, 1877, between the minister plenipotentiary of the United States of America to the court of Spain and the minister of state of His Majesty the King of Spain.

It being, in my judgment, incompatible with the public service, I am constrained to refrain from communicating to the Senate at this time copies of the correspondence described in the third paragraph of said resolution.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, May 23, 1896.

ORDER OF BUSINESS.

Mr. MITCHELL of Oregon. I move that the Senate proceed to the consideration of the joint resolution (S. R. 6) proposing an amendment to the Constitution of the United States providing for the election of Senators by the votes of the qualified electors of the States.

Mr. SHERMAN. I have a motion pending.

Mr. MITCHELL of Oregon. The Senator from Ohio could not make a motion, I submit, while morning business was pending.

Mr. SHERMAN. The motion I have made, by the uniform courtesy of the Senate, will be entertained.

Mr. ALLEN. Mr. President, I rise to a parliamentary inquiry. I want to ascertain the parliamentary status of the measure that was under discussion last evening prior to the adjournment of the Senate, and when it will properly be laid before the Senate.

Mr. SHERMAN. It comes up at 2 o'clock.

The VICE-PRESIDENT. It comes up at 2 o'clock as the unfinished business.

Mr. ALLEN. I shall insist upon its being taken up at 2 o'clock as the regular order.

Mr. MITCHELL of Oregon. It is the unfinished business; it comes up at 2 o'clock.

The VICE-PRESIDENT. It comes up at 2 o'clock as the unfinished business.

Mr. SHERMAN. I insist on my motion.

The VICE-PRESIDENT. The Chair will state that the Senator from Ohio and the Senator from Oregon each claim the floor. The Senator from Ohio first addressed the Chair, before the morning business had been concluded. While the Chair knows of no ruling on the point raised, yet it does seem that in accordance with the practice of the Senate, or rather what is known as the courtesy of the Senate, the Chair can not take the Senator from Ohio from the floor at this moment, but the Chair will submit the motion he has made. The motion of the Senator from Oregon [Mr. MITCHELL] will be entertained afterwards.

Mr. MITCHELL of Oregon. I give notice that unless I have an opportunity to-day, on Monday morning, immediately on the conclusion of the morning business, I shall renew the motion, if I can secure recognition.

Mr. COCKRELL. What is the motion?

Mr. HALE. I have given notice that at that time I shall ask the Senate to take up the deficiency appropriation bill. I state this for the benefit of the Senator from Oregon.

The VICE-PRESIDENT. The Chair will state the motion of the Senator from Ohio. It is to proceed to the consideration of a bill which will be stated by title.

The SECRETARY. A bill (H. R. 8008) defining cheese, and also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of filled cheese.

Mr. MITCHELL of Oregon. Will the Senator from Ohio yield to me for a moment?

Mr. SHERMAN. Certainly.

Mr. MITCHELL of Oregon. I desire to enter a protest against the ruling of the Chair. I do not intend to appeal from the decision of the Chair, but I desire to protest that a Senator can not, pending the morning business, rise and secure recognition and then at the conclusion of the morning business claim recognition to call up a bill for consideration.

Mr. SHERMAN. It has been done every day this session.

Mr. MITCHELL of Oregon. And hold the floor against other Senators when the morning business shall have been concluded. I hold that he can not do it, because that, without any intention upon the part of the Senator from Ohio, is an imposition on the Chair. The Chair was not presumed to know for what purpose the Senator from Ohio rose. The Chair recognized the Senator from Ohio, and very properly, supposing, I imagine, as a matter of course, that he intended to present morning business. But the Senator from Ohio said: "No; I supposed the morning business was through. I move to take up the filled-cheese bill." The Chair replied: "No; the morning business is not through;" and thereupon recognized five or six Senators for morning business. What I protest against is the right of the Senator from Ohio to hold the floor during that time and have recognition at the conclusion of the morning business as against other Senators.

Mr. HALE. It is not precisely that——

Mr. MITCHELL of Oregon. That is the case.

Mr. HALE. Is it not an everyday occurrence that a Senator rises, when morning business is not yet concluded, for something outside of morning business, and the Chair recognizes him, but informs him that morning business is not concluded? Now, is it not almost the universal custom that that Senator is given first recognition when the morning business is over?

Mr. MITCHELL of Oregon. I think not.

Mr. HALE. He does not, perhaps, hold the floor, but the Chair frequently says, "The Chair will recognize the Senator at the conclusion of the morning business," and it is a courtesy, almost invariably granted, that he will then have the first opportunity. I think the Senator from Oregon must remember that.

Mr. MITCHELL of Oregon. I desire to say, in reply to the Senator from Maine, without any reflection upon the Senator from Ohio, or the Senator from Maine, or the Chair, or anybody else, that such a proceeding is an imposition, not only upon the presiding officer, but upon every other Senator. I simply wish to enter my protest against it as being a very bad practice.

Mr. CHANDLER. I should like to ask the Senator from Oregon, who has been arguing against the right of the Senator from Ohio to recognition, upon what ground he places his own claims to recognition. Certainly if two Senators are on the floor when the morning business is concluded, it is entirely within the discretion of the Chair to decide which Senator he will recognize.

Mr. MITCHELL of Oregon. Undoubtedly. The Senator from Oregon is making no objection to that.

Mr. CHANDLER. But the Senator seemed to assume that if he could possibly get the Senator from Ohio off the floor he would be entitled to it.

Mr. MITCHELL of Oregon. No.

Mr. CHANDLER. The Senator from Oregon himself prolonged the morning business, and then he took the floor and claimed the privilege of making a motion to take up the measure in which he is interested, to the exclusion of the Senator from Ohio, who had been on the floor all the time.

Mr. MITCHELL of Oregon. There must be no misunderstanding about the matter. The Senator from Oregon did not assume at all that he had a right to the floor as against every other Senator; but the facts are simply these: Pending the morning business, and before its conclusion, the Senator from Ohio addressed the Chair and was recognized. The Chair informed the Senator from Ohio that morning business was not concluded. The Senator from Ohio took his seat. Five or six Senators, myself among the number, were recognized for morning business. At the conclusion of the morning business I addressed the Chair, and was recognized. The Senator from Ohio claimed that I should not be recognized because of the fact that he had addressed the Chair pending morning business. Those are the facts.

Mr. SHERMAN. The conclusion of the morning business was not announced, and it was to be presumed that when the Senator from Oregon rose under the circumstances he rose to morning business.

Mr. MITCHELL of Oregon. I do not wish to take up further time. I hope the Senator from Ohio will go on with his bill and finish it.

Mr. SHERMAN. Yes. I move that the Senate proceed to the consideration of the bill.

Mr. HARRIS. May I inquire whether the Chair has announced that morning business is concluded?

The VICE-PRESIDENT. The Chair thinks that announcement was made. Possibly it was not, however. The Chair will recognize the Senator from Tennessee for morning busines..

Mr. HARRIS. I have no morning business. I simply wanted to know the parliamentary status of the question. If morning business is concluded, the Senator from Ohio, I understand, has been recognized.

The VICE-PRESIDENT. That is correct.

Mr. HARRIS. Was it a request or a motion?

Mr. SHERMAN. It was a motion to proceed to the consideration of the bill called the filled-cheese bill.

Mr. HARRIS. The Senator from Ohio does not ask unanimous consent, but he moves its consideration?

Mr. SHERMAN. I simply made a motion to take up the bill.

REGULATIONS CONCERNING FILLED CHEESE.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Ohio [Mr. SHERMAN] that the Senate proceed to the consideration of the bill (H. R. 8008) defining cheese, and also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of filled cheese.

Mr. VEST. Mr. President, I wish——

Mr. SHERMAN. The motion is not debatable.

Mr. VEST. Then I ask for the yeas and nays on the motion, if the Senator from Ohio insists upon a strict observance of the rule.

Mr. SHERMAN. Let us have the yeas and nays.

Mr. KYLE. I presume it is the intention of the Senator from Ohio not to displace the regular order of business at 2 o'clock?

Mr. HARRIS. He can not.

Mr. SHERMAN. That can only be done by a vote.

Mr. HARRIS. By a vote at 2 o'clock.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Ohio, on which the yeas and nays are demanded.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. DUBOIS (when Mr. CANNON'S name was called). I announce the pair of the Senator from Utah [Mr. CANNON] with the Senator from Nevada [Mr. JONES].

Mr. DUBOIS (when his name was called). I announce my pair with the senior Senator from New Jersey [Mr. SMITH].

Mr. ELKINS (when his name was called). I am paired with my colleague [Mr. FAULKNER]. If he were here, he would vote "nay," I think, and I should vote "yea."

Mr. MITCHELL of Wisconsin. The Senator from West Virginia [Mr. FAULKNER] would vote "yea."

Mr. ELKINS. Then I will vote. I vote "yea."

Mr. GEAR (when his name was called). I am paired with the Senator from Georgia [Mr. GORDON]. I should vote "yea" if he were present.

Mr. HANSBROUGH (when his name was called). I am paired with the junior Senator from Illinois [Mr. PALMER]. I transfer my pair to the Senator from Montana [Mr. MANTLE] and vote "yea."

Mr. LODGE (when his name was called). I have a general pair with the Senator from New York [Mr. HILL]. I do not see him present, and I do not know how he would vote. Therefore I withhold my vote. If he were present, I should vote "yea."

Mr. MITCHELL of Wisconsin. The Senator from New York [Mr. HILL] assured me that he would vote "yea."

Mr. LODGE. Not knowing how he would vote, I withhold my vote.

Mr. MITCHELL of Wisconsin (when his name was called). I am paired with the Senator from New Jersey [Mr. SEWELL]. As he and I agree on this question, I will vote. I vote "yea."

Mr. MORGAN (when his name was called). I am paired with the Senator from Pennsylvania [Mr. QUAY].

Mr. PRITCHARD (when his name was called). I have a pair with the Senator from Louisiana [Mr. BLANCHARD]. I transfer my pair to the Senator from Rhode Island [Mr. ALDRICH] and vote "yea."

Mr. GALLINGER (when Mr. PROCTOR'S name was called). I was requested to announce a pair between the Senator from Vermont [Mr. PROCTOR] and the Senator from Florida [Mr. CALL].

Mr. PUGH (when his name was called). I am paired with the Senator from Massachusetts [Mr. HOAR].

Mr. THURSTON (when his name was called). I have a general pair with the junior Senator from South Carolina [Mr. TILLMAN]. If he were present, I should vote "yea."

The roll call was concluded.

Mr. CHANDLER. I am paired on certain questions to-day with the junior Senator from Nevada [Mr. STEWART], and therefore withhold my vote.

Mr. CARTER (after having voted in the affirmative). Observing that the junior Senator from Maryland [Mr. GIBSON] has not voted, and being paired with him, I withdraw my vote.

Mr. TELLER. I desire to announce that my colleague [Mr. WOLCOTT] is paired with the junior Senator from Ohio [Mr. BRICE].

The result was announced—yeas 39, nays 15; as follows:

YEAS—39.

Allen,	Cullom,	McMillan,	Roach,
Allison,	Davis,	Mitchell, Oreg.	Sherman,
Bacon,	Elkins,	Mitchell, Wis.	Shoup,
Blackburn,	Frye,	Morrill,	Teller,
Brown,	Gallinger,	Nelson,	Turpie,
Burrows,	Hale,	Peffer,	Vilas,
Butler,	Hansbrough,	Perkins,	Warren,
Cameron,	Hawley,	Pettigrew,	Wetmore,
Clark,	Kyle,	Platt,	Wilson.
Cockrell,	McBride,	Pritchard,	

NAYS—15.

Baker,	Chilton,	Jones, Ark.	Vest,
Bate,	George,	Lindsay,	Walthall,
Berry,	Gray,	Mills,	White.
Caffery,	Harris,	Pasco,	

NOT VOTING—35.

Aldrich,	Faulkner,	Lodge,	Sewell,
Blanchard,	Gear,	Mantle,	Smith,
Brice,	Gibson,	Martin,	Squire,
Call,	Gordon,	Morgan,	Stewart,
Cannon,	Gorman,	Murphy,	Thurston,
Carter,	Hill,	Palmer,	Tillman,
Chandler,	Hoar,	Proctor,	Voorhees,
Daniel,	Irby,	Pugh,	Wolcott.
Dubois,	Jones, Nev.	Quay,	

So the motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Finance with amendments.

Mr. SHERMAN. There are two amendments on page 2.

The VICE-PRESIDENT. The amendments will be stated.

The SECRETARY. The Committee on Finance propose to amend, in section 3, line 5, after the word "pay," by striking out "four hundred" and inserting "two hundred and forty"; and in line 10, after the words "two hundred," to strike out "and fifty"; so as to read:

Manufacturers of filled cheese shall pay $240 for each and every factory per annum. Every person, firm, or corporation who manufactures filled cheese for sale shall be deemed a manufacturer of filled cheese. Wholesale dealers in filled cheese shall pay $200 per annum.

The amendments were agreed to.

Mr. SHERMAN. I do not intend to make a speech upon this bill.

Mr. CULLOM. Will the Senator from Ohio allow me to present resolutions in the nature of a petition, which I ask may be read, as they bear immediately upon this question?

Mr. SHERMAN. I shall be very glad to have the resolutions read.

Mr. CULLOM. They are very short.

The VICE-PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

PRODUCE EXCHANGE, SECRETARY'S OFFICE,
Chicago, May 21, 1896.

Whereas there is being manufactured and placed upon the market a substance known as filled cheese, which is unsatisfactory to the trade and a fraud upon the consumer; and

Whereas so-called filled cheese has worked great harm to both domestic consumption and export trade in cheese made in the United States: Therefore

Be it resolved, That we urge upon our Senators their active support of the House bill now pending in the Senate.

Resolved, That a copy of these resolutions be forwarded by the secretary of the Produce Exchange of Chicago to Senators CULLOM and PALMER of our State.

P. M. LITTLER, *Secretary.*

Mr. CULLOM. I only wish to make one remark at this time. I received those resolutions in the mail at this moment, and I thought, as the subject was before the Senate for consideration, it was proper that I should present them now.

I desire to say that I have other resolutions and communications the purpose of which is to oppose the passage of the bill, and possibly I may have something to say upon the subject later.

Mr. SHERMAN. Mr. President, I have perhaps a hundred resolutions from different parts of the country, all somewhat similar to those presented by the Senator from Illinois [Mr. CULLOM], which I could produce if necessary; but I do not propose to do so, nor do I propose to make a speech upon this subject. I think the subject is understood without my doing so. I have here, however, a resolution of the New York Produce Exchange, which, as it represents probably the largest organization of the kind in the country, I should like to have read, and it is the only one I shall ask to have read.

The VICE-PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

NEW YORK PRODUCE EXCHANGE, *New York, May 21, 1896.*

SIR: I have the honor to transmit to you, as the expression of the views of this exchange, a copy of resolution adopted by our cheese committee in advocacy of the bill known as H. R. No. 8008:

Whereas the entire agricultural interests of this country are anxiously awaiting the favorable action of your honorable body on the filled-cheese bill, known as H. R. 8008;

Whereas it is of vital importance to this great interest that this bill should become a law this session, as delay for another year means a continuation of the present depression in dairy products and in many instances absolute ruin to the producers; and

Whereas this exchange is urged and begged by its constituents throughout the entire country to cooperate with them in securing favorable legislation: Therefore

Be it resolved, That the members of this exchange earnestly and urgently request the Senate of the United States to take up and consider the bill now in its hands, known as 8008, at the earliest possible moment, and ask favorable action on the same, that it may be a law at once.

Respectfully,

T. F. SHIELDS,
Secretary Cheese Committee New York Produce Exchange.

Mr. SHERMAN. Mr. President, this bill is founded upon what is called the oleomargarine law, and the provisions of it are similar to those contained in that law, and have the same object. The oleomargarine law was intended to protect one class of the

farming industry and the object of this bill is to protect another class.

This whole question was very thoroughly considered by the Committee on Ways and Means of the House of Representatives, and I have here a large body of printed matter, which every Senator can get who desires, which shows the nature of filled cheese and what abuses have grown out of its manufacture and sale, resulting in the destruction of our commerce in cheese, not only at home, but abroad. There has been a large falling off of our exportation of cheese, and many evils have arisen from this palpable fraud of the substitution of lard oil for cream—that is, the using of lard oil to mix and mingle with skimmed milk—thus creating a compound entirely foreign to real cream cheese. The article of cream cheese is now made, not in manufacturing establishments, but on the farms throughout the country.

Filled cheese is made by manufacturing establishments who take the milk and skim off all there is of it that can be called cream, and make that into butter, and then, to supply the place of healthful cream, they insert lard, cooked more or less, and various forms of oil to take the place of the natural cream, which is the chief and the most valuable part of our cheese.

I have here a very long and interesting statement made by Mr. Hatch, formerly a member of the House of Representatives, upon the subject. I could read to the Senate many points in relation to this matter, but I do not think it is necessary.

This bill is simply intended for the benefit of the farmers of our country, to protect them in their ordinary, common industry of making cheese, which is sold at something like 10 cents a pound on the average.

I do not say that this manufactured article is unwholesome, for there were witnesses who appeared before the Committee on Finance and some before the Committee on Ways and Means, who said that it was not an unwholesome food. I do not base this bill upon that ground, but upon the ground that this filled cheese is a fraud as it is sold. When sold at wholesale, I am told it is called filled cheese. The meaning of that phrase is just as well known as the meaning of any other form of words describing any compound whatever. The principal part of the filled cheese is made out of lard, instead of out of cream or the produce of the cow.

The House report is a very interesting document, and covers the entire ground.

Mr. HILL. Will the Senator allow me a moment?

Mr. SHERMAN. Certainly.

Mr. HILL. This bill has been reported by the Finance Committee, as I understand the Senator?

Mr. SHERMAN. It has been.

Mr. HILL. By a majority of the members of the committee, the Senator from Missouri [Mr. VEST] informs me.

Mr. SHERMAN. Yes.

Mr. HILL. Has the Finance Committee of the Senate given that careful consideration to the bill so that it is able to inform the Senate what is the estimated revenue expected to be received from the bill should it become a law? It is proposed as a revenue bill, is it not?

Mr. SHERMAN. Yes; it is proposed as a revenue bill.

Mr. HILL. What is the revenue estimated to be received from the bill if it becomes a law?

Mr. SHERMAN. That is very difficult to answer, and I believe there is no data upon which such a statement can be made. An inquiry of that kind was made of the Treasury Department by the House of Representatives, and the Department said it was not able to give it. When the oleomargarine bill was pending it was supposed that it would produce a million dollars of revenue, although many said it would not produce any revenue at all; yet it really produces between two and three million dollars of revenue.

Mr. HILL. Has the Senate committee cut down the tax which was proposed by the House of Representatives?

Mr. SHERMAN. It has cut down the tax.

Mr. HILL. To what extent?

Mr. SHERMAN. We have reduced the amount to be paid by manufacturers from $400 to $240, and the amount to be paid by wholesale dealers from $250 to $200 per annum. The provision in relation to retail dealers is not changed from the way it was fixed by the other House.

Mr. HILL. Upon what ground, will the Senator explain, were the reductions made?

Mr. SHERMAN. The object of the bill, I should have said, is not so much to raise revenue as to prevent fraud. We thought, therefore, that a modified or reduced rate of license tax would be proper. I would say to the Senator that the Committee on Finance heard from the manufacturers, who are naturally opposed to this bill; and we have their printed testimony here in full. So no subject could have been more fully stated on paper or from the mouths of witnesses than has been this question.

Mr. GRAY. May I ask the Senator if the manufacturers of filled cheese were heard before the committee?

Mr. SHERMAN. Oh, yes. Indeed we did not hear the other side at all. We heard the manufacturers in the Committee on Finance. So far as I can recall there was no one who appearen before us on behalf of the farmers.

Mr. VEST. The Senator from Ohio forgets, I think, that we heard the members of the House of Representatives, who framed this bill, and interviewed them.

Mr. SHERMAN. Yes; we heard the manufacturers and the leading representatives of the filled-cheese interest.

Mr. VEST. Then we heard the other side, including the members of the House of Representatives, who are responsible for the bill.

Mr. SHERMAN. I now recall the fact that several members of the other House appared before the committee representing the bill and made their statement.

Mr. ALLISON. Which was very brief.

Mr. SHERMAN. Yes, their statements were brief. They are all here in print. So I do not think it is necessary to go further into this matter, unless Senators wish to ask questions.

Mr. HILL. If the Finance Committee framed this bill with the object of raising revenue, why was not the highest tax imposed by the House of Representatives maintained by the Senate Committee?

Mr. SHERMAN. It was thought, on the whole, that $250 was a pretty good tax upon a manufacturing establishment, and that $100 or $200 on another class were pretty stiff duties. The object of this proposed law was not so much for the purpose of raising revenue as for the protection of the farmer.

Mr. HILL. If the trade in filled cheese is a fraud, and this fraud can stand this tax and can pay it, why is not the highest tax it can stand imposed upon it for the benefit of the Treasury?

Mr. SHERMAN. It can hardly be said, in one sense, that this is a fraud. The testimony discloses this state of facts: The manufacture of filled cheese requires quite a large establishment, which gathers in the skimmed milk from all the neighborhood around, and when they manufacture the cheese and put it up, they mark it as "filled cheese"; consequently there is no fraud in the manufacture of it; but when it goes into the hands of second parties, the sellers scattered through the country, then it is put in boxes, which are not stamped, and there is no indication at all of what it is, but it is usually stamped by these sellers as cream cheese—"Wisconsin cream cheese," or "Ohio cream cheese," or "New York cream cheese"—and thus a fraud is perpetrated, not by the manufacturer, but by the seller who sells to the people at large, the consumers, and they do not know what they are buying. They suppose they are buying cream cheese. It is said that we had some of that "filled cheese" in our restaurant below here, and nobody knew what it was until its character was disclosed.

Mr. GEAR. I wish to suggest to the Senator that the manufacture of this cheese is itself a fraud, and that the manufacturer who produces this article called filled cheese puts into it an article entirely foreign to that which makes genuine cheese.

Mr. SHERMAN. He does not label it.

Mr. GEAR. I beg the Senator's pardon. He brands it all. The different brands which the Senator suggests of "Wisconsin cheese" or "Ohio cheese" are put on by him.

Mr. HILL. What I want to know is if the ground of this proposed legislation is the prevention of a fraud, and if the traffic will bear a larger tax, why that larger tax was not insisted upon?

Mr. SHERMAN. If the Senator from New York desires to keep in the House provision, very well.

Mr. HILL. I think I shall offer an amendment later, before the debate closes.

Mr. SHERMAN. The amendments of the committee have already been adopted, but the Senator can have the vote again taken upon them if he desires.

Mr. CULLOM. The object and purpose of this bill is not to prohibit the manufacture of this article if anybody wants to manufacture it, but it is the purpose to have it so stamped or marked that it shall be sold for what it is, and not for what it is not.

Mr. ALLISON. And get a revenue from it.

Mr. CULLOM. And get a revenue from it, of course. The purpose of imposing that revenue is largely in the interest of securing the actual stamping of the article, so that it will not be imposed upon anybody.

Mr. GRAY. The Senator is seeking simply to exercise a police power, and not a revenue power.

Mr. CULLOM. That is the truth about it.

Mr. TELLER. This appears to be a revenue bill within the meaning of the term. I should like to inquire of the Senator from Ohio, who has this bill in charge and who has on various occasions lectured us because we did not take steps to secure additional revenue, why this would not have been a good bill for him or the Committee on Finance to have attached some provision of a nonpartisan character to, some provisions which would not have brought up the question of protection or antiprotection? I inquire if there is not some method by which the revenues can be increased so that we may not be assailed, as we have been every few days, by

the declaration that we are derelict in our duty and unpatriotic, and all that, in not providing revenue? The Senator might have added something to the tax on the manufacture of beer, I think, upon this bill, and perhaps have thus met the deficiency of this year, and a little more. The Senator from Ohio has been on various occasions very urgent about the raising of revenue, but it has always been upon a bill that contained some controverted and objectionable features to a majority of the Senate. I think he could have devised an amendment upon this bill which would have secured all the revenue necessary without antagonizing the peculiar views of a majority of the Senate.

Mr. MILLS. Mr. President, I appreciate the force of the remarks just made by the Senator from Colorado; and as this is a bill for raising revenue coming from the House of Representatives, which alone has the power under the Constitution to initiate measures of that sort, I propose to aid the Senator from Ohio in his patriotic, nonpartisan effort to raise revenue by offering the amendment which I send to the desk, to come in as section 20 of this bill.

The VICE-PRESIDENT. The amendment submitted by the Senator from Texas will be stated.

The SECRETARY. It is proposed to add at the end of the bill the following as a new section:

SEC. 20. That an internal-revenue tax of 5 per cent is hereby imposed on the value of all articles, in excess of $10,000 per annum, which are manufactured by any person, company, or corporation in the United States, from iron, steel, copper, nickel, brass, lead, zinc, cotton, wool, hemp, silk, or flax, or either of them, in whole or in part; and the revenues collected from the same shall be applied to the purchase and extinguishment of the interest-bearing debt of the United States as fast as the same may be collected.

Mr. SHERMAN. I hope the Senator from Texas will not intervene with such an amendment as that. As a matter of course, he can do it if he chooses. This is a bill demanded by the farmers of the country. There can be no objection to its passage. Its provisions are all clear and unobjectionable. Why delay it or involve this bill in controversy with the tariff question? We have a bill here from the House of Representatives——

Mr. MILLS. Mr. President——

Mr. SHERMAN. Let me finish.

Mr. MILLS. This is not a tariff bill. The Senator from Ohio will observe that this is an internal-revenue bill.

Mr. SHERMAN. It is all the same. The Senator's amendment is intended to defeat this measure of relief to the farmers. I move that the amendment be laid on the table.

Mr. MILLS. I suggest the want of a quorum.

The VICE-PRESIDENT. The Secretary will call the roll.

Mr. MILLS. It will be some time before you pass this bill if those tactics are pursued.

The Secretary called the roll, and the following Senators answered to their names:

Allison,	Gallinger,	Mills,	Roach,
Bacon,	Gear,	Mitchell, Oreg.	Sherman,
Bate,	George,	Mitchell, Wis.	Shoup,
Berry,	Gibson,	Morgan,	Smith,
Brown,	Gorman,	Morrill,	Teller,
Burrows,	Gray,	Nelson,	Thurston,
Caffery,	Hansbrough,	Palmer,	Turpie,
Carter,	Harris,	Pasco,	Vilas,
Chilton,	Hawley,	Peffer,	Walthall,
Cockrell,	Hill,	Perkins,	Wetmore,
Cullom,	Jones, Ark.	Pettigrew,	White.
Davis,	Lindsay,	Platt,	
Dubois,	McBride,	Pritchard,	
Frye,	McMillan,	Pugh,	

The VICE-PRESIDENT. Fifty-three Senators have answered to their names. A quorum is present. The question recurs on the motion of the Senator from Ohio to lay upon the table the amendment submitted by the Senator from Texas.

Mr. MILLS. I move that the Senate adjourn.

Mr. CULLOM. I hope we may be able to go along with this bill and dispose of it without any——

Mr. GRAY. Obstructive tactics.

Mr. CULLOM. Obstructive tactics, as my friend from Delaware suggests. This is a bill——

Several SENATORS. Debate is not in order.

The VICE-PRESIDENT. Debate is not in order.

Mr. CULLOM. I was merely making an appeal.

The VICE-PRESIDENT. The question is upon the motion of the Senator from Texas that the Senate do now adjourn.

Mr. SHERMAN. Do now adjourn?

The VICE-PRESIDENT. That is the motion of the Senator from Texas. The question is upon that motion.

The motion was not agreed to.

The VICE-PRESIDENT. The question recurs upon the motion of the Senator from Ohio to lay upon the table the amendment submitted by the Senator from Texas.

Mr. MILLS. Let us have the yeas and nays on that.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. DUBOIS (when Mr. CANNON'S name was called). I announce the pair of the Senator from Utah [Mr. CANNON] with the Senator from Nevada [Mr. JONES]. I vote "yea."

Mr. GEAR (when his name was called). I am paired with the Senator from Georgia [Mr. GORDON]. If he were present, I should vote "yea."

Mr. MORGAN (when his name was called). I am paired with the Senator from Pennsylvania [Mr. QUAY].

Mr. PUGH (when his name was called). I am paired with the Senator from Massachusetts [Mr. HOAR].

Mr. THURSTON (when his name was called). I have a general pair with the junior Senator from South Carolina [Mr. TILLMAN]. If he were present, I should vote "yea."

Mr. WALTHALL (when his name was called). I am paired with the Senator from Pennsylvania [Mr. CAMERON].

The roll call was concluded.

Mr. PRITCHARD. I am paired with the Senator from Louisiana [Mr. BLANCHARD]. I transfer that pair to the Senator from Rhode Island [Mr. ALDRICH] and vote "yea."

Mr. SHOUP (after having voted in the affirmative). I inquire if the senior Senator from California [Mr. WHITE] has voted?

The VICE-PRESIDENT. He has not voted, the Chair is advised.

Mr. SHOUP. I have a standing pair with that Senator, and withdraw my vote.

The result was announced—yeas 42, nays 15; as follows:

YEAS—42.

Allison,	Dubois,	McBride,	Sherman,
Bacon,	Elkins,	McMillan,	Smith,
Baker,	Frye,	Mitchell, Oreg.	Squire,
Brown,	Gallinger,	Mitchell, Wis.	Teller,
Burrows,	Gibson,	Morrill,	Turpie,
Caffery,	Gorman,	Nelson,	Vilas,
Carter,	Hansbrough,	Palmer,	Warren,
Chandler,	Hawley,	Perkins,	Wetmore,
Clark,	Hill,	Pettigrew,	Wilson.
Cockrell,	Lindsay,	Platt,	
Cullom,	Lodge,	Pritchard,	

NAYS—15.

Allen,	Butler,	Harris,	Peffer,
Bate,	Chilton,	Jones, Ark.	Roach,
Berry,	George,	Mills,	Vest.
Blackburn,	Gray,	Pasco,	

NOT VOTING—32.

Aldrich,	Faulkner,	Mantle,	Shoup,
Blanchard,	Gear,	Martin,	Stewart,
Brice,	Gordon,	Morgan,	Thurston,
Call,	Hale,	Murphy,	Tillman,
Cameron,	Hoar,	Proctor,	Voorhees,
Cannon,	Irby,	Pugh,	Walthall,
Daniel,	Jones, Nev.	Quay,	White,
Davis,	Kyle,	Sewell,	Wolcott.

So the amendment was laid on the table.

Mr. ALLEN. I move to add as a new section what I send to the desk.

The VICE-PRESIDENT. The amendment will be read.

The SECRETARY. Add as a new section:

SEC. —. That to raise revenue to carry out the provisions of this and other acts of Congress and to meet the deficiencies in the revenue there shall be levied and collected, under such rules and regulations as the Secretary of the Treasury may prescribe, a tax of $1 on every barrel of lager beer, ale, and porter manufactured and sold in the United States in addition to the tax now imposed thereon.

Mr. SHERMAN. I move to lay the amendment on the table. It is not germane at all.

Mr. TELLER. Why not?

The VICE-PRESIDENT. The Senator from Ohio moves to lay the proposed amendment on the table.

Mr. MILLS. On that question I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. DUBOIS (when Mr. CANNON'S name was called). I announce the pair of the Senator from Utah [Mr. CANNON] with the Senator from Nevada [Mr. JONES].

Mr. MORGAN (when his name was called). I am paired with the junior Senator from Pennsylvania [Mr. QUAY].

Mr. PRITCHARD (when his name was called). I am paired with the Senator from Louisiana [Mr. BLANCHARD]. I transfer that pair to the Senator from Rhode Island [Mr. ALDRICH] and vote "yea."

Mr. GALLINGER (when Mr. PROCTOR'S name was called). By request I announce the pair of the Senator from Vermont [Mr. PROCTOR] with the Senator from Florida [Mr. CALL], and to save further announcement I will state that this pair will continue during the day.

Mr. PUGH (when his name was called). I am paired with the Senator from Massachusetts [Mr. HOAR].

Mr. THURSTON (when his name was called). I have a general pair with the junior Senator from South Carolina [Mr. TILLMAN]. If he were present, I should vote "yea."

Mr. WALTHALL (when his name was called). I am paired with the senior Senator from Pennsylvania [Mr. CAMERON].

The roll call was concluded.

Mr. GEAR. I am paired with the Senator from Georgia [Mr. GORDON], and I withhold my vote.

Mr. MITCHELL of Wisconsin (after having voted in the affirmative). I am paired generally with the Senator from New Jersey [Mr. SEWELL], but as we would vote alike on this question I have voted.

The result was announced—yeas 35, nays 22; as follows:

YEAS—35.

Allison,	Elkins,	Mitchell, Wis.	Sherman,
Brown,	Frye,	Morrill,	Shoup,
Burrows,	Gallinger,	Nelson,	Smith,
Caffery,	Gorman,	Palmer,	Turpie,
Chandler,	Hawley,	Pasco,	Vilas,
Clark,	Hill,	Perkins,	Wetmore,
Cockrell,	Lodge,	Pettigrew,	White,
Cullom,	McBride,	Platt,	Wilson.
Davis,	McMillan,	Pritchard,	

NAYS—22.

Allen,	Carter,	Harris,	Roach,
Bacon,	Chilton,	Jones, Ark.	Squire,
Bate,	Dubois,	Kyle.	Teller,
Berry,	George,	Lindsay,	Vest.
Blackburn,	Gray,	Mills,	
Butler,	Hansbrough,	Peffer,	

NOT VOTING—32.

Aldrich,	Faulkner,	Mantle,	Sewell,
Baker,	Gear,	Martin,	Stewart,
Blanchard,	Gibson,	Mitchell, Oreg.	Thurston,
Brice,	Gordon,	Morgan,	Tillman,
Call,	Hale,	Murphy,	Voorhees,
Cameron,	Hoar,	Proctor,	Walthall,
Cannon,	Irby,	Pugh,	Warren,
Daniel,	Jones, Nev.	Quay,	Wolcott.

So the amendment was laid on the table.

Mr. GRAY. I move to add, as a twentieth section, at the end of the bill:

That there shall be levied and collected as a duty upon tea and coffee 3 cents per pound on all those articles imported into the United States.

Mr. SHERMAN. Mr. President——

The VICE-PRESIDENT. The amendment of the Senator from Delaware will be stated, and then the Chair will recognize the Senator from Ohio.

Mr. GRAY. I desire to modify my amendment by making the rate 10 cents per pound on tea and 3 cents per pound on coffee.

Mr. VEST. If my friend from Delaware will permit me to make a suggestion, why not submit the question first upon the amendment as to tea at 10 cents per pound?

Mr. GRAY. I would rather have the vote taken on both propositions.

Mr. VEST. Let us take a separate vote.

Mr. SHERMAN. I move to lay the amendment on the table.

The VICE-PRESIDENT. The Chair will recognize the Senator from Ohio when the amendment has been stated. The amendment submitted by the Senator from Delaware will be stated as modified.

The SECRETARY. Add as an additional section:

SEC. 20. That there shall be levied and collected a tax of 10 cents per pound upon tea——

Mr. GRAY. I will further modify the amendment by stopping at "10 cents per pound upon tea."

Mr. MILLS. And also insert the words "an import duty."

Mr. GRAY. I also suggest that the words "an import duty" be inserted in lieu of the words "a tax."

Mr. SHERMAN. Has the amendment been put in form?

The VICE-PRESIDENT. The Chair desires to have read the amendment, in order that the Senate may understand it. The amendment will be read as modified.

The Secretary read as follows:

SEC. 20. That there shall be levied and collected as an import duty upon tea 10 cents per pound.

Mr. SHERMAN. I move to lay the amendment on the table.

Mr. MILLS. Let us have the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. DUBOIS (when Mr. CANNON'S name was called). I make the announcement for the day that the Senator from Utah [Mr. CANNON] is paired with the Senator from Nevada [Mr. JONES].

Mr. GEAR (when his name was called). I announce my pair with the Senator from Georgia [Mr. GORDON]. If he were present, I should vote "yea."

Mr. MITCHELL of Wisconsin (when his name was called.) I am paired generally with the Senator from New Jersey [Mr. SEWELL]. We would vote alike on this question, and I vote "yea."

Mr. MORGAN (when his name was called). I am paired with the Senator from Pennsylvania [Mr. QUAY].

Mr. PRITCHARD (when his name was called). I am paired with the Senator from Louisiana [Mr. BLANCHARD]. I transfer that pair to the Senator from Rhode Island [Mr. ALDRICH] and vote "yea."

Mr. PUGH (when his name was called). I am paired with the Senator from Massachusetts [Mr. HOAR].

Mr. THURSTON (when his name was called). I have a general pair with the junior Senator from South Carolina [Mr. TILLMAN]. If he were present, I should vote "yea."

Mr. WALTHALL (when his name was called). I am paired with the senior Senator from Pennsylvania [Mr. CAMERON].

The roll call having been concluded, the result was announced—yeas 37, nays 19; as follows:

YEAS—37.

Allen,	Davis,	Mitchell, Oreg.	Sherman,
Allison,	Dubois,	Mitchell, Wis.	Shoup,
Bacon,	Elkins,	Morrill,	Turpie,
Baker,	Frye,	Nelson,	Vilas,
Burrows,	Gallinger,	Palmer,	Warren,
Butler,	Hill,	Peffer,	Wetmore,
Carter,	Kyle,	Perkins,	Wilson.
Clark,	Lodge,	Pettigrew,	
Cockrell,	McBride,	Platt,	
Cullom,	McMillan,	Pritchard.	

NAYS—19.

Bate,	George,	Jones, Ark.	Smith,
Berry,	Gorman,	Lindsay,	Teller,
Blackburn,	Gray,	Mills,	Vest,
Caffery,	Hansbrough,	Pasco,	White.
Chilton,	Harris,	Roach,	

NOT VOTING—33.

Aldrich,	Faulkner,	Mantle,	Stewart,
Blanchard,	Gear,	Martin,	Thurston,
Brice,	Gibson,	Morgan,	Tillman,
Brown,	Gordon,	Murphy,	Voorhees,
Call,	Hale,	Proctor,	Walthall,
Cameron,	Hawley,	Pugh,	Wolcott.
Cannon,	Hoar,	Quay,	
Chandler,	Irby,	Sewell,	
Daniel,	Jones, Nev.	Squire,	

So the amendment was laid on the table.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 1341) to prohibit the further issuance of interest-bearing bonds without the consent of Congress.

Mr. ALLEN. Mr. President——

Mr. SHERMAN. I hope that that bill will be temporarily laid aside for a few moments until a vote can be taken upon the pending bill.

Mr. MILLS. Oh, no. We want all the rest of the time to-day on the unfinished business. I shall object to laying it aside.

Mr. ALLEN. If the Senator from Ohio will recognize my right to the floor, I have no objection, so far as I have any control over the bond bill, to let it be temporarily laid aside.

Mr. MILLS. Oh, no; let us go on with the bill.

Mr. VEST. Let us go on with the bond bill.

Mr. HARRIS. I object to laying it temporarily aside.

The VICE-PRESIDENT. What is the request of the Senator from Ohio?

Mr. SHERMAN. My request is that the present order of business be temporarily laid aside with a view to final action upon the filled-cheese bill.

Mr. ALLEN. I am in sympathy with both bills, and I want to see both measures pass.

Mr. HARRIS. I object to temporarily laying it aside for any purpose.

Mr. SHERMAN. That is the end of it, then, for to-day.

The VICE-PRESIDENT. Objection is interposed.

Mr. SHERMAN. I move that the further consideration of the filled-cheese bill be postponed until Monday.

Mr. ALLEN. I hope I can not be taken off the floor by a motion.

Mr. MILLS. The Senator from Nebraska has the floor and he can not be taken off.

Mr. ALLEN. I decline to be taken off the floor for a motion. I have not yielded to the Senator from Ohio for a motion.

Mr. MILLS. The Senator from Nebraska had not yielded the floor.

Mr. WILSON. We in this part of the Chamber can not hear a single word that is being said.

The VICE-PRESIDENT. The Chair will state that the Senator from Nebraska has the floor. He rose and addressed the Chair, and the Chair thinks he is entitled to the floor.

Mr. SHERMAN. I ask the Senator from Nebraska to yield that I may ask consent that the filled-cheese bill be laid over until Monday, so that we can take it up again on Monday.

Mr. MITCHELL of Oregon. The bill goes over.

Mr. ALLEN. Do I understand the Senator to refer to the bond bill as going over until Monday?

Mr. SHERMAN. No; the filled-cheese bill. I ask that its consideration be postponed until Monday.

Mr. HARRIS. There is no unfinished business in the morning hour.

Mr. ALLEN. I have no objection to the filled-cheese bill going over until Monday, Mr. President.

Mr. HARRIS. It goes back to the Calendar.

Mr. GRAY. It takes its place on the Calendar.

The VICE-PRESIDENT. The Senator from Ohio will please state his request and the Chair will submit it to the Senate.

Mr. SHERMAN. The Senator from Nebraska having the floor, I ask the consent of the Senate that the filled-cheese bill be postponed until Monday at 1 o'clock.

Mr. MILLS. It is already postponed.

Mr. SHERMAN. And that it be made the special order.

Mr. HARRIS. I object to any consent agreement in respect to the cheese bill, Mr. President.

The VICE-PRESIDENT. Objection is interposed to the request of the Senator from Ohio.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had disagreed to the report of the committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 7664) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes; receded from its disagreement to the amendments of the Senate numbered 11, 14, 18, 19, and 190; insisted upon its disagreement to the residue of the amendments of the Senate to the bill; asked a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CANNON, Mr. HAINER of Nebraska, and Mr. SAYERS, managers at the conference on the part of the House.

The message also announced that the House had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the following bills:

A bill (H. R. 6248) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes; and

A bill (H. R. 7977) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

REGULATION OF BOND ISSUES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1341) to prohibit the further issuance of interest-bearing bonds without the consent of Congress.

Mr. ALLEN. Mr. President, when the pending bill went over at yesterday's session I was referring to the fact that at the extraordinary session of the Fifty-third Congress the Democratic party in this Chamber promised the country that the repeal of the purchase clause of the Sherman Act would be speedily followed by a bill for the free and unlimited coinage of silver at the established ratio of 16 to 1. Every appeal that was made to the chairman of the Finance Committee for an amendment of the repealing act providing for the free and unlimited coinage of silver was rejected. I did not at that time believe that there was the slightest purpose on the part of the Democratic party to reestablish the free coinage of silver. I lost faith in its promises when the repeal of the purchase clause was not accompanied by an act providing for the free and unlimited coinage of silver.

I think the Democratic party is responsible also in another sense and in view of another important fact connected with the history of the Fifty-third Congress. The silver Democrats in this Chamber had a majority at that time in their caucus. If they had seen fit they could have controlled the complexion of the Finance Committee in the interest of silver. They could have made it a free-coinage committee if they had seen fit to do so. They had the power to do that. They did not do it. Whether they attempted to do so or not I do not know, but they are chargeable, in my judgment, and held responsible to the country by the fact that they suffered the gold monometallists in their party, who were in the minority, to control the organization of the Finance Committee, and by that means rendering it impossible to report a bill to the Senate in favor of free coinage.

But I do not think the Democrats are any more responsible than the Republican party. I think the Republicans are equally as responsible, for every Republican member of the Finance Committee of the Fifty-third Congress was a gold monometallist. There was no exception, as I now recall the fact, and when we came to vote on the passage of the bill my recollection now is that 28 Republicans voted for it and 19 Democrats.

So there was no hope, and never has been, in my judgment, for free coinage at the hands of either of the old parties. I will take occasion, before I conclude, to show from the platforms that the Democratic party has, all through the years of its existence, been pledged to gold and silver as primary money; that it has been pledged against the domination of national banks; and I shall undertake to show that to-day no political party is more bankridden and more under the control of the banks than the Democratic party. I think I shall be able to show the same thing respecting the Republican party.

Yesterday the honorable Senator from Delaware [Mr. GRAY] told us how to maintain the parity between gold and silver. He has never told us what constitutes parity, a word that has by some mysterious process crept into political nomenclature within the last six or seven years. It did not appear before the Sherman Act of 1890. We were not told what constitutes parity by the honorable Senator from Delaware; that is, a definition was not given of the word "parity." But he told us (I do not use his exact words, but the substance of his meaning) that parity exists to-day in consequence of all other forms of money being subsidiary to and ultimately redeemable in gold. I think that is a fair statement of the Senator's position as he gave it to us.

Mr. President, parity is a law of equality.

Mr. GRAY. Will the Senator from Nebraska allow me to interrupt him?

Mr. ALLEN. Certainly.

Mr. GRAY. I do not know that I gave any definition of the word "parity." I said that parity actually was maintained by the Treasury Department paying out indifferently gold and silver as it might be demanded by the person who had a right to demand the payment under the law; that the duty imposed by the act of 1893 upon the Treasury was to maintain the parity of the two metals in the markets of the world, which I supposed meant the equality of the purchasing power of either in the markets of the world.

Mr. ALLEN. I still think I will be found to be right when the Senator's statement is analyzed. The Senator lays down the proposition that there is a disparity between the bullion value of gold and silver. I admit that under present conditions. And he follows that with the statement that there is a parity between gold and silver coins because of the power of the Secretary of the Treasury to place silver and paper money on a gold basis, or to estimate them from a gold point of view. I am stating the Senator's position about as he stated it yesterday.

Now, Mr. President, that does not constitute parity. It is a good deal like the parity given us a few days ago by the senior Senator from Ohio [Mr. SHERMAN], when he said parity consisted in making subsidiary coin of silver and using it in connection with gold. It is disparity that the Senator from Delaware and the Senator from Ohio have been talking about. Parity, if I understand it, is a law of equality existing between two things, not between the bullion value of the gold or the silver that enters into the dollar, but the money value of gold and silver when used as money.

The office of money, it has been said, and in my judgment wrongly, is to measure values; that it is a standard of value. I do not agree to that. There is no such thing as measuring value. Value is simply the estimate of people of the relation existing between two or more articles, and that estimate or value may be expressed in money, and when thus expressed it is called price. It is an ideal thing. The value of articles rises and falls like the tides of the ocean, according to the law of supply and demand. A dollar to-day may properly express the value of a bushel of apples. To-morrow there is a disparity between the dollar and the bushel of apples, resulting from the law of supply and demand. So, if it is a measure at all, it is a very imperfect measure. It is subject to constant fluctuations.

Then what is money? It is a medium of exchange, pure and simple. It possesses no office that may not be properly found in the definition of those words. It operates to facilitate exchange. It is in a certain sense a temporary receptacle or repository of value when it is taken in exchange for property and held for a time to be exchanged for other property or to be used in payment of debts, but there is no proper office that money can perform which is not embraced in the definition of a medium of exchange.

Now, then, if parity is a law of equality, I want to know of my honorable friend the Senator from Delaware how he is to establish parity by taking from one of the metals the particular function that has been given it by law and which makes it money on a parity with gold? [A pause.] I am waiting for the Senator to answer.

Mr. GRAY. I do not exactly understand the Senator's question. Will he be good enough to repeat it?

Mr. ALLEN. My question is this: You have limitless coinage of gold. The bullion value of the gold dollar is equivalent to the gold coin simply because the holder can convert it into coin without any expense to himself. You have stricken down silver. You have refused to permit silver to occupy the same position at the mints of the United States that you accord to gold. You have denied to it the monetary function as primary money. Now, I I should like to have the honorable Senator tell me, after having done that, how it is possible to reestablish the parity between those two metals until you put them on an exact equality at the mints of the United States.

Mr. GRAY. Let me see if I understand the Senator at all. His

question is a little metaphysical, I admit. I was talking yesterday about the duty that had been imposed by law upon the Executive of the United States and the Government of the United States to maintain the parity of the two metals in the markets of the world.

Mr. ALLEN. Is the Senator talking of metals or coins?

Mr. GRAY. The language of the law is "metals."

Mr. ALLEN. That is the language of the Democratic platform. The Democratic platform is in the law.

Mr. GRAY. I stated that. How long it could be done, and whether it was right to expect to Government to do it, is another question, but that certainly there is no other way by which we could hope that even for a short time it could be done than for the Government to pay out gold and silver indifferently at the demand of the person holding demand paper for the coins. That is all I attempted to say yesterday. I know of no other way to maintain it in the markets of the world.

Now, the Senator from Nebraska is talking about something a little different from that, if I understand him. He is talking about the power of a law giving free coinage to silver on the terms that it is given to gold. I say that with such a law the parity between the two metals, at the present ratio of 16 to 1, could not be maintained in the markets of the world.

Mr. ALLEN. Why?

Mr. GRAY. I do not want to interrupt the Senator now.

Mr. ALLEN. It is no interruption at all.

Mr. GRAY. Very well. Because the known commercial value of silver, 16 parts of silver to 1 of gold, is less than the value of 1 part of gold.

Mr. ALLEN. No; I deny the Senator's premises.

Mr. GRAY. Oh, well, the commercial value of an ounce of silver.

Mr. ALLEN. Measured in what?

Mr. GRAY. The commercial value of an ounce of gold is more than the commercial value of 16 ounces of silver. That is what I mean.

Mr. ALLEN. No; that is not correct.

Mr. GRAY. Very well. I can not undertake to make facts. I leave the Senator to do that.

Mr. ALLEN. I am not going to make facts, and I do not ask the Senator to make them.

Mr. GRAY. Let us hear what the Senator has to say. I did not mean it in any offensive way at all.

Mr. ALLEN. To put it in simple phrase, the Senator says it is a 50-cent dollar.

Mr. GRAY. I would rather the Senator would use the phrase I used. The Senator always gets away from the phrase I use.

Mr. ALLEN. Very well. If I got away from the phrase the Senator used, I will get back to it. He says that in the markets of the country, the markets of the world, probably—I do not remember the language of the Democratic platform exactly, and I do not think any other man does—the bullion in the silver dollar is not worth more than 50 cents. That is the position.

Mr. GRAY. About that, yes.

Mr. ALLEN. About that. That is in the neighborhood of the position, somewhere near it. Now, in what does the Senator estimate the bullion value of silver? What is the standard of estimation?

Mr. GRAY. I was estimating it as compared with gold.

Mr. ALLEN. As compared with gold. I thought it would come to that.

Mr. GRAY. Of course.

Mr. ALLEN. Of course. There it is. There is the whole thing.

Mr. GRAY. As that seems to be an important matter in the Senator's estimation, let me add that the very thing he is talking about is the ratio of 16 to 1. That is, 16 parts of silver to 1 part of gold.

Mr. ALLEN. That is right.

Mr. GRAY. That is the very thing with which I therefore compared silver, because I confined my estimate to the very terms of the Senator's own proposition. I said that in the markets of the world 1 ounce of gold is worth more than 16 ounces of silver—a great deal more.

Mr. ALLEN. I knew the Senator from Delaware would land exactly where he has landed.

Mr. GRAY. It is not very hard to know that.

Mr. ALLEN. And, Mr. President, you never saw a gold monometallist who did not land there.

Mr. GRAY. There is no other place for him to land.

Mr. ALLEN. Let me ask the Senator from Delaware, who I believe to be a fair-minded man, if he believes it is proper to estimate silver bullion in its stricken condition, which the Senator's party helped to bring about, from the standpoint of appreciated gold coin, and say that that is the commercial value of the silver bullion in a dollar?

Mr. GRAY. There is no sentiment in monetary economics.

Mr. ALLEN. I agree with that statement.

Mr. GRAY. And the stricken condition of this virgin silver may appeal to the sentiment and the affections of the Senator from Nebraska, but business knows no sentiment, monetary economics know no sentiment. All that I do know or think I know is that commercially the gold in a gold dollar is worth a good deal more than the silver in a silver dollar. In other words, 1 ounce of gold is worth a good deal more than 16 ounces of silver.

Now, the Senator says, "Is it fair to compare the two with silver in its present stricken condition?" I am not concerned about that. Whatever the stricken condition may be, whether it comes from that cause or another, we are dealing with facts. Take it in its stricken position, or take it in its resurrected position or any position that you please, I want the fact as it exists. I suppose the Senator is going to say, then, that we must make this tremendous experiment to see what the commercial value of silver is to be after you restore the free coinage of silver at the ratio of 16 to 1.

Mr. ALLEN. We know what that is. We do not have to wait to see. I never saw a gold monometallist in my life who did not run away from the point when brought to it. The Senator crawfishes, if I may use the expression.

Mr. GRAY. If the Senator will present his point I will promise not to run away from it. I will either meet it——

Mr. ALLEN. The Senator repeats an argument that is stale and moss-grown. He says the gold bullion in the dollar is equivalent to its coin value. There is not a child 10 years of age in the United States who does not know that. There is no discovery in that statement. Why is it? It is because you can take the bullion and go to the mints of the United States and have it coined freely without charge.

Suppose I should come to my friend the Senator from Delaware, who at this moment may have in his pocket 25.8 grains of gold in the form of bullion, and say, "I will give you 99 cents for it." He would not take it, would he? He would not take it. And why? Because he would say to himself and say to me, "I can take that bullion to the mints of the United States and have it coined into a dollar."

Mr. PEFFER. Law fixes the value.

Mr. GRAY. That is what they come to.

Mr. ALLEN. I am willing to——

Mr. GRAY. Law fixes the value of the dollar, says the Senator's Populist colleague.

Mr. ALLEN. The Senator from Delaware would refuse to take 99 cents, because the mints of the United States are open to the free coinage of the bullion in his pocket, and therefore the market value of the bullion and the coin value are equivalent.

Suppose I should go to the Senator, who has in his pocket 412½ grains of standard silver in the form of bullion, and say to him, "I will give you 95 cents for it." He would take it.

Mr. GRAY. Indeed I would.

Mr. ALLEN. Indeed he would. Yes; he is a true gold bug.

Mr. ELKINS. Ninety-five cents in what?

Mr. GRAY. In gold.

Mr. ALLEN. In any kind of money you will have. I ask him if he would take 95 cents, and he says indeed he would. Why would he do so? Simply because he knows that silver by law is shut out from the mints and can not be coined. Now, that is all there is to it. You never found a gold monometallist who would not back down when he came to the point.

Mr. GRAY. Mr. President——

Mr. ALLEN. Let me finish.

Mr. GRAY. Certainly. I do not want to interrupt the Senator.

Mr. ALLEN. I will yield to the Senator in a moment with pleasure. Suppose, under a system of free coinage, where silver could be coined into a dollar just as freely as gold can be coined, I should go to the Senator from Delaware and say, "I will give you 95 cents for 412½ grains of standard silver in the form of bullion in your pocket," Would you take it? I ask the Senator if he would take it?

Mr. GRAY. If it could be coined into a dollar?

Mr. ALLEN. If it could be coined into a dollar free of charge by the United States would the Senator take 95 cents for it?

Mr. GRAY. That depends.

Mr. ALLEN. Upon what?

Mr. GRAY. I will tell the Senator. I can not answer——

Mr. ALLEN. I should like to have the Senator answer me.

Mr. GRAY. Very well, if the Senator will let me answer. I do not want to interrupt him. It is very unsatisfactory to state one's position, where one does not want to interrupt the course of an argument, in disconnected phrases. I say to the Senator that if with the free coinage of silver and with the free coinage of gold as it existed prior to 1873 he had come to me with a gold dollar and had asked me to give him 412½ grains of silver for it, I would not have done it, because the silver in the coin was worth more than 100 cents in gold; and if I had been governed by the ordinary business notions that control sane men, who are acting on strictly business and economic principles, I should have said, "No, for the

bullion is worth more than 100 cents in gold." It was worth 103 cents or 104 cents, and at one time it was worth 107 cents.

Mr. ALLEN. That does not answer the question.

Mr. GRAY. Very well; if that does not answer it I will give up. Now let the Senator answer that.

Mr. ALLEN. Answer what?

Mr. GRAY. Answer whether, if the positions had been reversed, he would have taken it.

Mr. ALLEN. But the Senator——

Mr. GRAY. No "buts" about it.

Mr. ALLEN. The Senator intends to put that question to me in evasion of the question I asked him.

Mr. GRAY. I answered the Senator's question.

Mr. ALLEN. Then I will answer his question. Turn about is fair play. I will answer it squarely, too. If your 412½ grains of standard silver could be coined at the mints of the United States without charge to you and converted into a dollar, would you take 95 cents for the bullion in your pocket?

Mr. GRAY. Ninety-five cents in gold?

Mr. ALLEN. In anything; I do not care what it is.

Mr. GRAY. That is an insensible question. What does the Senator mean? Ninety-five cents in what? What kind of cents?

Mr. ALLEN. I mean 95 cents in money of any kind that is current in the country.

Mr. GRAY. That will not do. I should take 95 cents in gold for it.

Mr. PUGH. Why?

Mr. GRAY. Because I believe that the free coinage of silver would not bring up the commercial value to the mint value, and because I believe that if free coinage obtained the gold dollar would still be more valuable than the silver dollar; that is, the bullion in the gold dollar would be more valuable than the bullion in the silver dollar. Therefore, I would not accept his offer. Now I have answered the Senator's question. Will he answer mine?

Mr. ALLEN. I will answer the Senator's question. There was never but a temporary disparity between gold and silver at the period the Senator speaks of, and gold and silver were both out of circulation at that time. There was a little circulating on the Pacific Slope, but none in this section of the country. That disparity was made largely in consequence of the fact that under this system of restricted legal-tender greenbacks gold and silver had been made articles of commerce rather than money.

Mr. GRAY. How was it prior to 1860?

Mr. ALLEN. There was no disparity except in the form of alternate overvaluation and undervaluation.

Mr. GRAY. Oh, yes; there was.

Mr. BUTLER. I should like to ask the Senator from Delaware——

Mr. ALLEN. I hope the Senator from North Carolina will not do that. I wish to get through my remarks.

Mr. BUTLER. All right.

Mr. ALLEN. I will be charged with occupying the floor too long. I will yield at the proper time.

Mr. BUTLER. Very well.

Mr. ALLEN. The Senator would not take the 95 cents?

Mr. GRAY. No.

Mr. ALLEN. He would not take it because the bullion could be converted into a dollar, and he could use the dollar in the payment of debts or the purchase of property, and the moment silver bullion can be admitted to the mints of the United States and made a part of the standard coin of the country, coin of ultimate redemption as our Republican friends sometimes speak of it, that moment it will be worth in the markets of this country and in the markets of the world the face of the coin.

Mr. GRAY. I said I would take it, not that I would not take it.

Mr. ALLEN. The Senator has given his great influence to striking down silver and destroying the parity that existed between the two coins, and then he expects silver to get on its feet without any aid. He says there is no distinction——

Mr. GRAY. Did the Senator understand me to say I would not take 95 cents for the 412½ grains of bullion? I said distinctly that I would take it in gold.

Mr. ALLEN. I am afraid the Senator would take it, but I should dislike to risk a large sum under those circumstances. Suppose instead of having 412½ grains of silver bullion the Senator had what would amount to $1,000,000, if coined into standard dollars, and I should go to him and offer him 95 cents for every 412½ grains. He would not take it under those circumstances, he says.

Mr. GRAY. It would depend upon the commercial value of the bullion.

Mr. ALLEN. He would not take it because he could take it to the mints and have it coined into dollars which would be the equivalent of gold dollars.

That is all there is to it. That is where all these gentlemen land when they come to argue the question of parity.

Mr. GRAY. There is no difficulty in conducting an argument of that kind—I am always glad to conduct it—when the Senator both puts the question and answers it himself. So I leave him such triumph as comes from that mode of argument.

Mr. ALLEN. I want to give one or two illustrations of my interpretation of the views of the Senator from Delaware of the question of maintaining the parity. They are very homely and simple illustrations, but they bring out, I think somewhat forcibly, the views of that Senator and the senior Senator from Ohio and others of like belief.

Let us take the case of two men of about equal strength. We will say one is a yellow man and the other a white man, to make the simile complete. They are engaged in a physical struggle for the mastery. They are men nearly equally matched in strength. There is "a parity" of strength existing between them. Now, we are going to establish a parity between those men on the principles that have been argued by the Senator from Delaware and the Senator from Ohio. How will we do it? We will have some third person intervene and bind the white man with chains, so that he is powerless. Then we will say that the yellow man being free and the white man being bound so that he can not move, a parity of strength is established between them. Strike down one, prevent him from using the strength given to him, and give the mastery to the other, and it is asserted that a parity of strength has been thus established between them. That is the condition of gold and silver to-day. That is an illustration of the "parity" now existing between gold and silver.

Suppose my friend the Senator from Delaware were driving a team of horses, one a yellow horse, if the expression is permissible, and the other a white one, equally matched in speed and size and strength. Suppose a man having a monopoly of yellow horses should say to him, "Your white horse has no intrinsic value. The yellow horse has. You ought not to use it. It is true it travels as well and looks as well. It is as strong and perfect as the other; but it lacks intrinsic value, and you must establish a parity between the horses." How? By breaking the leg of the white horse, so that he can not travel or by binding him so that he can not travel. He is to be kept in that condition according to the logic of the Senator from Delaware—I am not using his language, but his logic—and the parity is to be established on that basis between the horses, until the white horse by force of circumstances breaks his environments and reestablishes the former relation existing between himself and his mate. That is the reasoning on parity of the gold-standard men.

Now, let us go one step further. The Senator has a gold and a silver bushel measure on his premises. Each measures a bushel. Some one having a monopoly of gold measures says to him, "Your silver measure has not the intrinsic value of the gold measure. There is a disparity between the two, and the parity must be established or the disparity wiped out." The Senator would cut down the silver measure one-half, according to his logic, and leave it a half measure until of its own accord it grew to full parity with the other. That is the logic.

Mr. CAFFERY. Mr. President——

Mr. ALLEN. I will yield in a moment. Suppose the Senator has two yardsticks, each 36 inches long, of course, one made of gold and the other of silver, and some gold bug should say, "The intrinsic value is not in the silver yardstick. There is a disparity between the silver and the gold." What would you do? Would you cut off 18 inches of the silver stick and leave it there to grow out and establish the parity between itself and the gold yardstick, just as the law destroyed the parity between gold and silver in 1873?

Mr. GRAY. There was no parity between them.

Mr. ALLEN. And the pseudo logicians argue that the parity must be established when silver has been completely stricken down and a disparity produced.

Mr. GRAY. I wish to know whether the Senator pretends to say that in 1873, when the free coinage of silver was discontinued, there was a parity between the gold dollar and the silver dollar?

Mr. ALLEN. Practically there was.

Mr. GRAY. The Senator and those who agree with him are dealing very much in phrases of this kind. They talk about striking down silver or destroying the parity by the act of 1873, and I will venture to say that there never has been a parity between gold and silver such as that phrase assumes there was from the beginning of the coinage of gold and silver down to 1873.

Mr. ALLEN. It is the misfortune of men who were born and raised and educated in the country where I was born and raised to be incapable of expressing themselves as plainly as our brethren who were educated at the better schools of the East.

Mr. CAFFERY. Will the Senator yield to me?

Mr. ALLEN. Certainly.

Mr. CAFFERY. I wish to see if I understand the Senator correctly. I understood the Senator to draw a comparison between a yellow horse and a white one entirely equal.

Mr. ALLEN. That is correct.

Mr. CAFFERY. And a gold bushel measure and a silver bushel measure. Do I understand by that that the Senator means there is a natural parity between those two metals?

Mr. ALLEN. No, Mr. President; the Senator from Louisiana is getting on dangerous ground for him. There never was a natural parity between any two things of which I have any knowledge.

Mr. CAFFERY. I will ask the Senator what he understands by parity?

Mr. ALLEN. I understand parity to be a relation of equality existing between articles.

Mr. GRAY. What sort of relation?

Mr. CAFFERY. What is the precise definition of parity?

Mr. ALLEN. There may be a variety of relations. It may be a relation of value, or a relation of volume, or a relation of use. It may present itself in a variety of forms.

Mr. GRAY. What do you mean by it?

Mr. ALLEN. I want the Senator to answer my question, and not to run away from the discussion.

Mr. CAFFERY. Will the Senator pardon me again?

Mr. ALLEN. Certainly.

Mr. CAFFERY. I ask the Senator whether it is that sort of parity that one piece of these metals of a certain weight is equal at all times to another piece of metal of the same weight?

Mr. ALLEN. I say to the Senator from Louisiana that as to articles which are produced in substantially the same quantity, have the same durability, are adapted to the same uses, and used to the same extent, there is not only a natural parity existing between them, but also a parity that may be established by the law. Now, I think I have answered the Senator.

Mr. CAFFERY. Not specifically.

Mr. ALLEN. But the Senator from Louisiana will not draw me on ground of his choosing.

Mr. CAFFERY. I am not trying to draw you on the ground of my choosing, but this is the ground of your own choosing.

Mr. ALLEN. No. I say that there has never been, so far as I know, a time when there was a commercial parity, if that is what you are speaking of, between two articles. The Senator from Delaware knows a great deal of these matters, and I ask him to point out an instance.

Mr. GRAY. I can not point it out between silver and gold at a given ratio.

Mr. ALLEN. No. Of course the ratio is the relation fixed by men; that is all.

Mr. GRAY. Do you not propose to fix it in the bill to restore free coinage?

Mr. ALLEN. Certainly. I say that when you took away from silver one of its chief uses you destroyed the commercial relation which existed between it and gold as well as the money parity between the two, just as when you take from your yardstick one-half you destroy the parity of measurement, just as you destroy the parity between your horses in one instance when you cripple one and permit the other to go free, just as you destroy parity between your bushel measures when you cut down one and permit the other to stand at full measurement.

Mr. GRAY. May I ask the Senator a question there?

Mr. ALLEN. Yes.

Mr. GRAY. Does the Senator contend—for he has not yet quite distinctly said so, although the Senator from Kansas [Mr. PEFFER], of the same party, has said so—does the Senator from Nebraska contend that the parity between the two metals is a mere matter of law?

Mr. ALLEN. No doubt the Senator from Delaware would like me to answer that question.

Mr. GRAY. I should, very much.

Mr. ALLEN. And the Senator from Louisiana [Mr. CAFFERY] was after me a moment ago to answer it, and I declined to walk on the ground chosen by the Senators. I ask the Senator to come to my ground for debate.

Mr. GRAY. Does the Senator believe that the mere enacting of a law that 16 parts of silver shall be equal to 1 part of gold will make it so, irrespective of commercial considerations?

Mr. ALLEN. Mr. President, I expect under a system of free and unlimited coinage of silver, which will give a new use to silver, or a use of which it has been deprived since 1873, that commercial parity between the metals as articles of commerce will be reestablished.

Mr. GRAY. Then the Senator does not believe that it is in the power of law alone to make an arbitrary parity between these two metals at 16 to 1, or whatever the ratio described in the law may be?

Mr. ALLEN. I have not said so. I know very well the Senator from Delaware would like to have me say so. Then he would like to contend that the Senator from Nebraska favors fiat money.

Mr. GRAY. No. I will promise not to argue that.

Mr. ALLEN. I say to the Senator that by demonetization of silver you took from it one of its chief functions.

Mr. GRAY. Let me ask the Senator——

Mr. ALLEN. Wait a moment. By that means you destroyed the commercial parity between silver and gold, which is given to either by the privilege of being coined at the mints free.

Mr. GRAY. Now, I think I understand the Senator.

Mr. ALLEN. I say if you will remove the demonetization statute and place silver once more at the mints where it stood when it was demonetized, the coin value of the metals and the bullion value of the metals will be equal.

Mr. GRAY. I want to be entirely fair to the Senator. The Senator knows that I do, though I may have misapprehended him.

Mr. ALLEN. Oh, yes; I believe you do.

Mr. GRAY. This question is too important a one to be insincere about. If I misstate the Senator's position, of course he will correct me; but, as I understand it, it is this: that there are two elements to be taken into consideration in the value of the two metals, gold and silver, as a medium of exchange—that is, as to the value of the metal in them—that at the ratio of 16 to 1 we have to consider not only the commercial value of the bullion alone, apart from any legal recognition of them as money metals, but we have also to consider the value that is given to them by the free coinage of both of them, and the establishment of them both on an equality as money metals. That is true, is it not?

Mr. ALLEN. No. Let me state my position to the Senator; and I think I can state it so that he will understand me, and so that it will be broad enough to be understood by everyone. I say that the demonetizing act of 1873 destroyed the parity between gold and silver as coins, as money, and made silver a mere article of commerce. You destroyed it by legislation—that is, by withdrawing from silver its chief function, the money function.

Mr. GRAY. Very well; I take that.

Mr. ALLEN. One moment. If you will repeal the demonetization act and reestablish silver at the mints in the condition it was when it was demonetized, that moment the bullion in the silver dollar will be worth commercially the silver coin.

Mr. GRAY. Now I think I understand the Senator; but I may have been unfortunate in trying to state his position. Let me state it again. It is this, then, in his own language, that in considering the commercial value of the two metals the coinage privilege or the money function of each is a very important if not the chief element in that value, or something of that kind——

Mr. ALLEN. The coinage use.

Mr. GRAY. Very well—and taking away that coinage use of course destroyed that element of value, and the only element remaining, for it still has value, is its commercial value as a metal, irrespective of and entirely apart from any money function that it may have. Is that so?

Mr. ALLEN. Its value is estimated from——

Mr. GRAY. It has some value.

Mr. ALLEN. Yes, just exactly as pig lead and copper.

Mr. GRAY. Exactly. But it has a value independent of coinage. That is true, is it not?

Mr. ALLEN. Certainly.

Mr. GRAY. And that value is affected like the value of all other commodities, by supply and demand, is it not?

Mr. ALLEN. Yes, sir; to a certain extent, with the qualification that the demand for its use as money has been taken away by statute.

Mr. GRAY. Not the whole demand, for there is still a commercial demand after the money demand has been stricken off.

Mr. ALLEN. Certainly.

Mr. GRAY. I am speaking now of that value that remains after the money function was stricken down.

Mr. ALLEN. Yes, sir.

Mr. GRAY. That value is subject to the ordinary causes which affect the values of all other commodities, supply and demand.

Mr. ALLEN. Certainly.

Mr. GRAY. Very well. Now, suppose we restore silver to free coinage, then we would restore that other element of value, to wit, the money function, the money use, which you say would be sufficient to do away with the disparity that now exists between the silver dollar and the gold dollar. Now, grant for the sake of argument that that would be fixed. Then, suppose there was an entire revolution in the metal element of the value, the bullion element of the value, and suppose the mines should treble in their output, would not that affect the value of the bullion in that silver dollar in addition to what had been worked in it by the restoration of free coinage?

Mr. ALLEN. The trouble, Mr. President——

Mr. GRAY. Let me add further, if that be so, how can you predicate and establish a permanent parity between the two metals, even if you do restore silver to free coinage?

Mr. ALLEN. I answer the Senator in this way—and yet it is not according to the rules of proper discussion for me to run after suppositious cases which he puts, but I am willing to do so—I am willing to let the Senator lead me on to his own ground at this time. I say to the Senator that one of the primary laws of economics is that everything must respond to the law of supply and demand. Articles rise and fall according to the supply and demand. Gold and silver are not exempt from that law; and when you use either of the metals as an article of commerce it is subject to the laws of supply and demand as any other article of

commerce, the same as wheat and oats and other products; but when gold and silver are used as money, and a new use given them that is not given other articles, then they respond to the law of supply and demand as money rather than as articles of commerce, and it is their money value that is taken into account, and not the commercial value of the materials.

Mr. GRAY. But the commodity value remains, does it not?

Mr. ALLEN. The commodity value when converted from bullion into coin assumes a new character.

Mr. GRAY. But the commodity value remains?

Mr. ALLEN. Now, I will answer the Senator in another respect. For twenty-seven centuries of the world, down to 1873, gold and silver were never to exceed three points apart, notwithstanding there was a great difference at times in the output.

Mr. BAKER. Will the Senator allow me to ask him a question?

Mr. ALLEN. Yes.

Mr. BAKER. What per cent would the three points apart be—how many cents?

Mr. ALLEN. What is your question?

Mr. BAKER. You say there was never more than three points difference between gold and silver in all these centuries. How many cents in a point?

Mr. ALLEN. What I mean to say is this: That in the various forms of estimating in the different countries—I do not know how many cents there would be in the estimate of the use of gold and silver in Jerusalem, and I do not think the Senator from Kansas does either—they did not differ to exceed three points.

Mr. BAKER. That is not answering the question.

Mr. ALLEN. What I mean to say is, that in the estimate of all countries for twenty-seven centuries the difference between the two metals has never been to exceed three points.

Mr. GRAY. May I ask the Senator a question for information?

Mr. ALLEN. I want to answer your other question first.

Mr. GRAY. I wish to ask a question right there, and then the Senator can go on and answer them together, for notwithstanding his extreme modesty, I think he knows a great deal about history.

Mr. ALLEN. Thank you, sir.

Mr. GRAY. However, there is a great deal in the history of the first thousand years to which I have not had access, and perhaps the Senator has. During that period there is much so-called history about which there is a great deal of uncertainty, but I wish to ask the Senator if, say during a thousand years—I will not say two thousand seven hundred years—the commercial ratio between silver and gold has been at the rate of 16 to 1?

Mr. ALLEN. It has not always been at that ratio.

Mr. President, I must return my profound thanks to the Senator from Delaware——

Mr. GRAY. How does the Senator say that it has not varied more than three points?

Mr. ALLEN. I return my profound thanks to the Senator from Delaware for his characterization of my knowledge of history. I have never met—I say it in candor and in kindness—an Eastern advocate of the gold heresy who did not at all times carry his egotism with him.

Mr. GRAY. If there is any charge I wish to utterly resent it is the one of egotism. I assure the Senator that what I said was said in perfect good faith. I believe he knows a great deal more about the history of coinage than I do. I think, perhaps, I am a little more clear about the present status of coinage than he is, or I would not presume to speak to him upon this question; but so far as what I said was concerned, I assure the Senator it was said in perfect good faith, and not meant in any other way.

Mr. ALLEN. I accept the apology, Mr. President. The Senator, however, was interrupting me when I was answering his question.

Mr. GRAY. I beg the Senator's pardon.

Mr. ALLEN. The fact is that the withdrawal of silver from its money use produced disparity between the metals. Then we have this fact that may come within the knowledge of the Senator from Delaware; and he has lived a few years more than I have, and of course knows more by virtue of that fact and by virtue of his closer proximity to colleges, universities, and books.

Mr. GRAY. Now the Senator is sarcastic.

Mr. ALLEN. Not at all. I am simply willing to accord to the Senator that which he claims for himself. [Laughter.]

Mr. GRAY. I have not claimed it.

Mr. ALLEN. Certainly the Senator from Delaware will not deny that there was any substantial disparity between gold and silver until 1873? I am speaking of a marked disparity.

Mr. GRAY. There was not much for two years after 1873.

Mr. ALLEN. And yet the Senator stood here yesterday and told us, and the changes are rung upon it from time to time, that there will be a disparity between gold and silver even if we return to free coinage. During a hundred years of national existence—and I am now within modern history—during a hundred years of national existence and a hundred years more of colonial existence, there was no disparity between the metals until 1873.

Mr. GRAY. The ratio was not always the same.

Mr. ALLEN. At any ratio—15½ or 16.

There was a time when we undervalued our silver, and it went out of the country; there was a time when we undervalued our gold, and it went out of the country; but that was in consequence of law and not in consequence of the disparity between the metals. That is about all there is to this question of parity.

How is it about appreciation? Our friends say there is no appreciation of gold; they tell us that gold is always stationary. Why, of course, anything is stationary with itself and always equal to itself; but gold does not mark the rise and fall in prices properly, honestly, and justly, considering the business and industrial interests of the country. What would be thought of this proposition—and I call the attention of the Senator from Delaware, with whom I have established a parity of friendship, to the remark—what would be thought of a contract, for instance, to deliver a thousand yards of cloth for a dollar a yard, and when the day of delivery came the man who is to receive the cloth would say to the other that the law had in the meantime changed the yard from 36 inches to 48 inches, and he was entitled to receive 48 inches of cloth for a yard instead of 36 inches, according to the standard of measurement at the time of the contract?

Mr. GRAY. That would be a pretty hard case.

Mr. ALLEN. The Senator says it would be a hard case. What would be thought, for instance, of a law which, after a contract had been made between two men that one was to deliver to the other 1,000 bushels of wheat for 37 cents a bushel—the price prevailing in my country now—if he were told before he delivered it that Congress had changed the law and now called 120 pounds a bushel instead of 60 pounds—had changed the standard of measurement? I suppose the Senator from Delaware would say that that was a hard case, too, would he not? That is precisely what was done under gold monometallism and by the demonetization of silver. It would be confiscation in the two instances I have mentioned, and, Mr. President, demonetization was confiscation. At the close of the war we could have paid our war debt, our bonded indebtedness of $2,800,000,000 in 2,800,000,000 bushels of wheat at a dollar a bushel, but in consequence of the demonetization of silver and the appreciation of gold and the introduction of the gold standard we have paid over three billions of the debt, principal and interest, and had something like $700,000,000 left before Mr. Cleveland and his Administration increased it by additional bonds; and we have used the value of 7,000,000,000 bushels of wheat in doing so; and yet men can be found with the hardihood to assert that there is no appreciation in gold.

I want briefly to direct attention to another thing that I regard as of importance. The honorable Senator from New York [Mr. HILL] yesterday and the day before, and the junior Senator from Kansas [Mr. BAKER] yesterday, reiterated the old story that the Populist party is in favor of an irredeemable paper money. Even the Senator from Ohio [Mr. SHERMAN] spoke of the Populist party as being a party in favor of irredeemable paper money. I say to the Senator from New York, as I have said to him before, and to the Senator from Ohio and the junior Senator from Kansas, and every other Senator who makes this assertion, that he talks of something he knows nothing about and that he has no right to assert unless he can find it in the party platform.

Mr. HILL. Will the Senator allow me a moment?

Mr. ALLEN. Certainly. I knew I would have the attention of the Senator from New York.

Mr. HILL. I hardly think that any remark I have made will bear the construction that the Populist party was in favor of the limitless issue of paper money. There must be some limit to it, I suppose, but I do not exactly understand what.

Mr. ALLEN. Do not let us chop logic on this question.

Mr. HILL. I do not know what the Senator means by that expression.

Mr. ALLEN. I mean to say that there is nothing in the declaration of the Populist party showing it to be in favor of an irredeemable currency.

Mr. HILL. When the Senator from South Carolina [Mr. TILLMAN] was asked what he wanted, he spoke of a billion or so.

Mr. ALLEN. The Senator from South Carolina is one of the leaders of the Democratic party and is going to the Chicago convention. He is not a Populist.

Mr. HILL. I do not know how long he will remain at Chicago. The point of the statement I made the other day was simply that I thought the Populist party was in favor of an irredeemable paper currency.

Mr. ALLEN. Here is the Populist platform, adopted in 1892, in the book which I will hand to the Senator, and I ask him to find any such declaration.

Mr. HILL. If the Senator will allow me, no matter what your platform says, if you provide for the issue of paper money and do not provide anything whatever of any substantial amount for its redemption, it would be in fact an irredeemable currency.

Mr. ALLEN. You provided nothing, and your party has provided nothing, to redeem your currency.

Mr. HILL. The Senator himself voted the other day to put a clause upon an appropriation bill for the issue of Treasury notes without providing a single particle of money with which to redeem them.

Mr. KYLE. I ask the Senator from New York how much will a basis of $100,000,000 support? Is it not a matter of judgment, merely?

Mr. HILL. I suppose you might say that a basis of $100,000,000 might support thousands and thousands of millions.

Mr. ALLEN. Just about two billions, according to the Democratic Administration.

The Senator from New York is a very great lawyer—and I mean what I say—and he knows very well that an issue of legal-tender notes under the act to which he referred the other day would be redeemable in coin under existing law.

Mr. HILL. When we did not provide anything for their redemption? You provided that they should be issued, that is all.

Mr. ALLEN. We have statutes on the books now providing for their redemption, but the trouble has been and is that under a Republican, and a Democratic Administration as well, you have bankrupted the Treasury and can not redeem your paper to-day.

Mr. HILL. I suppose my friend thinks that one of the things that has bankrupted the country is the passage of the Wilson bill, for which he voted.

Mr. ALLEN. No; I do not. I did not have any restraint placed on me at that time.

Mr. HILL. You do not seem to have any restrictions on you now. [Laughter.]

Mr. ALLEN. No; in other words, I was not tied up on the Wilson bill so that I could not vote my convictions.

Mr. HILL. I tried to get my friend to vote against it, but he seemed to be awfully tied up.

Mr. ALLEN. No, sir.

Mr. HILL. He said he was compelled to vote for it, and he did vote for it.

Mr. ALLEN. I had no unnatural alliances with Republicans or Democrats, as others had.

Mr. HILL. No; yours was a natural alliance. [Laughter.]

Mr. ALLEN. No; and it does not come with a very good grace from the Senator from New York—I am speaking of his party, of course—for my distinguished and able friend to gibe the Populist party. It comes with ill grace from my friend from New York, whose party has bankrupted the country jointly with the Republican party and reduced the Treasury so that you can not redeem, to say anything in disparagement of the Populist party.

Mr. HILL. Let us see about that. The only measure of any great importance relating to the finances which the Democratic party has passed was the Wilson bill, which was passed with the Senator's support and aid, and without which it could not have passed. Now, what other measure affecting the finances of the country can the Democratic party be held justly responsible for? If they are responsible for the Wilson bill, the Senator shares with them the responsibility.

Mr. KYLE. It was a good bill with the income tax embodied in it.

Mr. ALLEN. The Democratic party is responsible for the passage of the Wilson bill. The Democratic party passed something bigger than the Wilson bill; it passed the opportunity for success.

Mr. HILL. We are talking about legislation.

Mr. ALLEN. That was something a great deal bigger than the Wilson bill.

Mr. HILL. In what other respects does the Senator say the Democratic party has bankrupted the country?

Mr. ALLEN. If your party after the inauguration of Mr. Cleveland had promptly taken up the tariff question before some Senators on the Democratic side had formed alliances with the Republicans, and had passed a scientific tariff measure; if you had had the courage to take hold of the silver question; if you had not been bound by the shylocks who make your political success or your defeat certain, and had taken hold of the financial question, you could have established yourselves in this country, in my judgment, so that the next fifty years would have witnessed you in power; but you had no courage when you came to the test. Your President was bound by the gold power and the bond power, which precipitated the bankers' panic in 1893.

Then, following the bankers' wishes and not the people's, he convened Congress in session to unconditionally repeal the purchase clause of the Sherman Act.

Mr. HILL. The President never did a better thing in his life.

Mr. ALLEN. No, he never did many good things——

Mr. HILL. He never did, I say, a better thing in his life than when he convened the extra session of Congress to repeal the Sherman Act. There was not an intelligent silver man in the country who ever discussed the question who ever claimed that the Sherman law was a consistent and logical silver bill. It was a fraud from beginning to end, and ought to have been repealed, and every true silver man would probably take that position.

Mr. ALLEN. He has not done many great things, I think, in the last three years. Your party claims to be a party of bimetallism. I have heard the Senator from New York himself say he was a bimetallist. The world knows that he is a Democrat, for he has said so. That has been repeated from hilltop to hilltop and from valley to valley. If your party is a bimetallic party, why did not the country have the benefit of your services, when you repealed the purchase clause of the Sherman Act, in the passage of a free-coinage bill? Did not the Senator from New York vote constantly against free coinage during the three months of the extra session of 1893? No, Mr. President, the record of both of these parties is spotted all over. You have not the coin, gold and silver combined, to redeem the paper money. The banks do not pretend to redeem. They get together greenbacks and go down to the Treasury and call for gold and get the gold, and then get greenbacks back again and get more gold, and go through this endless process that Mr. Cleveland speaks of, and which he discovered within a year, long after it had been discovered by Populists.

Mr. HILL. Will the Senator from Nebraska vote for a provision that when greenbacks are once redeemed they shall not be reissued?

Mr. ALLEN. If you will supply their place with coin I will do so.

Mr. HILL. Why not let that question stand by itself? The Senator complains that the President of the United States uses for the ordinary expenses of the Government what is called the proceeds of the bonds, to wit, greenbacks received on redemption. I suggested yesterday in the remarks which I made here a method by which you could stop that by a simple amendment to this bill. Will the Senator support it?

Mr. ALLEN. What is the amendment? State it and I will tell you whether I will support it or not.

Mr. HILL. The amendment suggested is that when greenbacks are redeemed and placed in the Treasury they shall not be reissued.

Mr. ALLEN. Provided——

Mr. HILL. Provided what?

Mr. ALLEN. That their place in circulation shall be supplied by silver or gold dollars. I will support your amendment with that proviso attached to it.

No, Mr. President, I do not expect to hear the Senator assert again that the Populist party is in favor of irredeemable paper money.

Mr. BAKER. Mr. President——

Mr. ALLEN. I heard the junior Senator from Kansas [Mr. BAKER] assert that yesterday, and he asserted it in the light of the fact that there is no doctrine of that kind contained in the platform or in the official utterances of the Populist party.

Mr. BAKER. Mr. President——

The PRESIDING OFFICER (Mr. CARTER in the chair). Does the Senator from Nebraska yield to the Senator from Kansas?

Mr. ALLEN. Always; certainly.

Mr. BAKER. Did I understand the Senator from Nebraska to say a few moments ago that for two thousand seven hundred years there had been only two or three points' difference between the price of gold and silver?

Mr. ALLEN. I do not know what the Senator from Kansas understood me to say.

Mr. BAKER. Did the Senator say that in two thousand seven hundred years there had not been a difference of over three points?

Mr. ALLEN. I passed that point half an hour ago in my discussion.

Mr. BAKER. Did the Senator make that statement?

Mr. ALLEN. Yes, sir; I said something like that.

Mr. BAKER. Will the Senator tell me what a point is?

Mr. ALLEN. I answered the Senator.

Mr. BAKER. How many cents is a point?

Mr. ALLEN. It might be more or less than the Senator and I would agree on.

Mr. BAKER. Well, how much is it? The Senator is talking now upon finance.

Mr. ALLEN. I shall be glad indeed to answer the Senator from Kansas if he will give me a chance to finish my discussion of the point that I am on.

Mr. BAKER. This is a good time, when a man is posted on the finances, to tell us how much a point is. Does the Senator know?

Mr. ALLEN. Mr. President, the Senator from Kansas is pettifogging and beating about the bush, offering nothing substantial.

Mr. BAKER. Does the Senator know that a point is about 7 cents?

Mr. ALLEN. No; and the Senator from Kansas does not know it either.

Mr. BAKER. Three points are about 21 cents.

Mr. ALLEN. I say that points differ according to the particular market and the particular article and the particular country in which the transaction takes place.

Mr. BAKER. Suppose the scale ran, as you say, a difference of only two or three points for two thousand seven hundred years. How much would that be in cents? How much would be the difference between gold and silver? Tell me that.

Mr. ALLEN. The Senator seems to know a great deal about this matter, and questions my knowledge, and I do not object to it, either. I say to the Senator that gold and silver have run from 10½ to 16 from the foundation of the history we have of them.

Mr. BAKER. Sixteen what?

Mr. ALLEN. Sixteen grains.

Mr. BAKER. How much variation would that be on the dollar?

Mr. ALLEN. It would take me longer to figure that out than I care to devote to it. It involves a minute calculation.

Mr. BAKER. When the Senator said three points did he not know that it did not mean 3 per cent, but that it meant 21 cents?

Mr. ALLEN. No; I did not know anything of the kind——

Mr. BAKER. Then the Senator ought not to talk on the question of silver.

Mr. ALLEN. And the Senator from Kansas does not know anything of the kind, and is not capable of enlightening me.

Mr. President, I have made a discovery to-day. I have discovered that this Senator who budded and blossomed on the prairies of Kansas understands all about this question.

Mr. BAKER. Mr. President, will the Senator allow me a question?

Mr. ALLEN. Oh, certainly.

Mr. BAKER. I have made no such statement, but I want to say to my friend from the sand dunes of Nebraska that I think I perhaps know fully as much about it as he does. I have studied the question of points, I presume, fully as much as he has, and I can state to him now that a point is between 6 and 7 cents.

Mr. ALLEN. I have never lost anything on a board of trade, and therefore I do not know much about modern points.

Mr. BAKER. I presumed that was the case.

Mr. ALLEN. What I meant to assert and what I do assert, notwithstanding I incur the displeasure of the powerful judgment of the junior Senator from Kansas, is that from the time we have had any history of the relation of gold and silver to each other it has been from a little below 11 to 1 up to 16 to 1 in our age and at this time. Now, you may call that a point or lack of point or whatever you may see fit; that is the relation that has come down to us in the ages.

Mr. KYLE. The ratio of production, the Senator means.

Mr. ALLEN. The ratio of production. Mr. President, I do not know how many points that would make in the estimation of the Senator from Kansas, or that it would make any, and to be entirely frank with him and the country, I do not care. But the Senator from Kansas was one of the Senators who asserted in this Chamber yesterday (notwithstanding he had been corrected repeatedly) that the Populist party is in favor of an irredeemable currency.

Mr. BAKER. Mr. President, I have the speech of the junior Senator from Kansas right here. I will buy the gentleman a suit of clothes if he finds that statement in the speech I made. Now, come down to the truth and be honest. Here is the speech. Find the words there that you say I used, that the Populist party favors irredeemable paper money.

Mr. ALLEN. I am certain the Senator has made that statement two or three times here.

Mr. BAKER. What I said was paper Populism.

Mr. ALLEN. Paper Populism? That is good.

Mr. BAKER. That is what I said.

Mr. ALLEN. How long ago has it been since the Senator delivered a carefully prepared essay in this Chamber in which he used exactly the words I quoted?

Mr. BAKER. You can not find it even in the prepared speech that I delivered any more than you can find it in the little speech I delivered yesterday.

Mr. ALLEN. It was during this session of Congress. Now, the Senator from Kansas should not beat about the bush. During the present session of Congress the Senator, in his room or somewhere else outside of this Chamber, deliberately wrote a speech in which he spoke of the Populist party being in favor of an irredeemable paper money. The Senator from Kansas will not deny that.

Mr. BAKER. I have that speech. I think the Senator must have been reading the Omaha platform or the Ocala platform and got mixed.

Mr. ALLEN. No, I am not mixed on Populism. I am mixed sometimes on what constitutes Republicanism when I see on the other side a division among Senators on vital issues and somewhat mixed as to what constitutes Democracy over here; I get rather confused when there is a division in voting.

Mr. President, I have here the Omaha platform. I made the assertion in this Chamber a short time ago (and I believe it stands good yet) that seven Senators out of ten have never read that platform. I propose to read it. I am going to give the world the benefit of the Populist platform. I invite the careful and prayerful attention of my friend from Delaware [Mr. GRAY] and my friend from New York [Mr. HILL] as I read this platform:

Assembled upon the one hundred and sixteenth anniversary of the Declaration of Independence, the People's Party of America, in their first national convention, invoking upon their action the blessing of Almighty God, put forth, in the name and on behalf of the people of this country, the following preamble and declaration of principles:

The conditions which surround us best justify our cooperation. We meet in the midst of a nation brought to the verge of moral, political, and material ruin. Corruption dominates the ballot box, the legislatures, the Congress, and touches even the ermine of the bench. The people are demoralized. Most of the States have been compelled to isolate the voters at the polling places to prevent universal intimidation or bribery. The newspapers are largely subsidized or muzzled, public opinion silenced, business prostrated, our homes covered with mortgages, labor impoverished, and the land concentrating in the hands of the capitalists. The urban workmen are denied the right of organization for self-protection; imported pauperized labor beats down their wages; a hireling standing army, unrecognized by our laws, is established to shoot them down, and they are rapidly degenerating into European conditions. The fruits of the toil of millions are boldly stolen to build up colossal fortunes for a few, unprecedented in the history of mankind, and the possessors of these, in turn, despise the Republic and endanger liberty. From the same prolific womb of governmental injustice we breed the two great classes—tramps and millionaires.

The national power to create money is appropriated to enrich bondholders; a vast public debt payable in legal-tender currency has been funded into gold-bearing bonds, thereby adding millions to the burdens of the people.

Silver, which has been accepted as coin since the dawn of history, has been demonetized to add to the purchasing power of gold by decreasing the value of all forms of property as well as human labor, and the supply of currency is purposely abridged to fatten usurers, bankrupt enterprise, and enslave industry. A vast conspiracy against mankind has been organized on two continents, and it is rapidly taking possession of the world. If not met and overthrown at once, it forebodes terrible social convulsions, the destruction of civilization, or the establishment of an absolute despotism. We have witnessed for more than a quarter of a century the struggles of the two great political parties for power and plunder, while grievous wrongs have been inflicted upon the suffering people. We charge that the controlling influences dominating both these parties have permitted the existing dreadful conditions to develop without serious effort to prevent or restrain them.

Neither do they now promise us any substantial reform. They have agreed together to ignore, in the coming campaign, every issue but one. They propose to drown the outcries of a plundered people with the uproar of a sham battle over the tariff, so that capitalists, corporations, national banks, rings, trusts, watered stock, the demonetization of silver, and the oppressions of the usurers may all be lost sight of. They propose to sacrifice our homes, lives, and children on the altar of mammon—

It should be "wives and children"—

to destroy the multitude in order to secure corruption funds from the millionaires. Assembled on the anniversary of the birthday of the nation and filled with the spirit of the grand general chief who established our independence, we seek to restore the Government of the Republic to the hands of "the plain people," with whose class it originated. We assert our purposes to be identical with the purposes of the national Constitution, to form a more perfect Union and establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty for ourselves and our posterity.

We declare that this Republic can only endure as a free Government while built upon the love of the whole people for each other and for the nation; that it cannot be pinned together by bayonets; that the civil war is over, and that every passion and resentment which grew out of it must die with it, and that we must be in fact, as we are in name, one united brotherhood. Our country finds itself confronted by conditions for which there is no precedent in the history of the world. Our annual agricultural productions amount to billions of dollars in value, which must within a few weeks or months be exchanged for billions of dollars of commodities consumed in their production; the existing currency supply is wholly inadequate to make this exchange. The results are falling prices, the formation of combines and rings, the impoverishment of the producing class. We pledge ourselves that if given power we will labor to correct these evils by wise and reasonable legislation in accordance with the terms of our platform.

We believe that the powers of government—in other words of the people—should be expanded (as in the case of a postal service) as rapidly and as far as the good sense of an intelligent people and the teachings of experience shall justify to the end that oppression, injustice, and poverty shall eventually cease in the land.

While our sympathies as a party of reform are naturally upon the side of every proposition which will tend to make men intelligent, virtuous, and temperate, we nevertheless regard these questions—important as they are—as secondary to the great issues now pressing for solution, and upon which not only our individual prosperity, but the very existence of free institutions depend, and we ask all men to first help us to determine whether we are to have a Republic to administer, before we differ as to the conditions upon which it is to be administered, believing that the forces of reform this day organized will never cease to move forward until every wrong is righted and equal rights and equal privileges securely established for all the men and women of this country; we declare, therefore,

UNION OF THE PEOPLE.

1. That the union of the labor forces of the United States this day consummated shall be permanent and perpetual; may its spirits enter into all hearts for the salvation of the Republic and the uplifting of mankind?

2. Wealth belongs to him who creates it, and every dollar taken from industry without an equivalent is robbery. "If any will not work neither shall he eat." The interests of rural and civic labor are the same; their enemies are identical.

3. We believe that the time has come when the railroad corporation will either own the people or the people must own the railroads, and should the Government enter upon the work of owning and managing all railroads, we should favor an amendment to the Constitution by which all persons engaged in the Government service shall be placed under a civil-service regulation of the most rigid character, so as to prevent the increase of the power of the national administration by the use of such additional Government employees.

THE QUESTION OF FINANCE.

We demand a national currency, safe, sound, and flexible, issued by the General Government only, a full legal tender for all debts, public and private, and that without the use of banking corporations, a just, equitable, and efficient means of distribution direct to the people at a tax not to exceed

per cent per annum, to be provided as set forth in the subtreasury plan of the Farmers' Alliance, or a better system; also by payments in discharge of its obligations for public improvements.

Let me say right here that this is the only weak point that Democrats or Republicans could ever find in the Populist platform. It has never been advocated in either branch of Congress, and by the action of the National Alliance in this city in January last it was eliminated. So the subtreasury plan is no longer a part of the doctrine of the party.

Mr. LINDSAY. How about the 2 per cent plan?

Mr. ALLEN. Does not the Senator from Kentucky know that the 2 per cent plan is the subtreasury plan? It is just as inseparable as the dog from the tail.

Mr. LINDSAY. I am glad to know it.

Mr. ALLEN. I am glad to inform the Senator.

Mr. KYLE. The Senator from Kentucky probably refers to the 2 per cent loan upon lands.

Mr. ALLEN. There is no such thing in the platform.

Mr. KYLE. That was the policy advocated by the late Senator from California, Mr. Stanford, and it was a Republican, not a Populist, doctrine.

Mr. ALLEN. That is not in here and never has been. Now, further—

We demand free and unlimited coinage of silver and gold at the present ratio of 16 to 1.

There is nothing there about maintaining the parity, such as you find in the involved phrases of the Democratic and Republican platforms.

Mr. LINDSAY. You are entitled to credit for that, no doubt.

Mr. ALLEN. Yes; we are entitled to credit for something, if it is for nothing more than mere persistence.

We demand that the amount of circulating medium be speedily increased to not less than $50 per capita.

Mr. CHANDLER. I am following the Senator very carefully in his reading of the Populist platform. I find there are many excellent ideas in it—good things, many of them—and I should like to have the Senator——

The PRESIDING OFFICER (Mr. CARTER in the chair). Does the Senator from Nebraska yield to the Senator from New Hampshire?

Mr. ALLEN. Certainly.

Mr. CHANDLER. I should like to have the Senator expound some of them.

Mr. ALLEN. Let me finish reading the platform, and then I will expound it.

Mr. CHANDLER. At this particular point, about making the circulating medium $50 per capita, does the Senator mean that we should have $50 per capita of all kinds of money?

Mr. ALLEN. Of all kinds of money.

Mr. CHANDLER. And that that should be the limit?

Mr. ALLEN. That of gold, silver, and redeemable paper $50 per capita should be the amount to which the circulation should be brought.

Mr. CHANDLER. Gold, silver, and paper of all kinds?

Mr. ALLEN. No; not paper of all kinds; not national-bank issues. We do not want that kind of a circulating medium.

Mr. CHANDLER. The Senator's point is that there shall be in the circulating medium——

Mr. ALLEN. Legal-tender notes issued.

Mr. CHANDLER. Of all money $50 a head?

Mr. ALLEN. Yes, sir.

Mr. CHANDLER. Now, I want to ask the Senator how, if a paper issue is necessary, we are going to get that money into circulation among the people.

Mr. ALLEN. By putting it out in the form of erecting public buildings, improving rivers and harbors and mill ponds up in New Hampshire and other places.

Mr. CHANDLER. And not in any other way?

Mr. ALLEN. Oh, no; a man must work for what he gets in this world.

Mr. CHANDLER. That is where I am disappointed, Mr. President.

Mr. ALLEN. I know you are disappointed. [Laughter.] It has become a popular thing for some men who do not know anything of the Populist party—and I have no reference to the Senator from New Hampshire [Mr. CHANDLER], because I give him credit for keeping abreast of the times——

Mr. CHANDLER. I am studying all the time the Populist platforms and the Senator's speeches.

Mr. ALLEN. I know the Senator is. There is some hope, because the Senator has voted with us a few times. But it has been a popular thing among a certain class of statesmen who do not know anything of the Populist party to charge it with all kinds of vagaries.

Mr. HAWLEY. Will the Senator permit me to interject a remark here?

Mr. ALLEN. Oh, yes.

Mr. GRAY. We are all studying platforms. [Laughter.]

Mr. HAWLEY. After you get up to $50 per capita and the circulation is more than double what it is now it does not make much difference whether you absolutely distribute some money at the back door of the Treasury every day or loan it without limit as to sum to anybody who comes along at 2 per cent per annum.

Mr. ALLEN. No; we do not advocate anything of the kind.

Mr. HAWLEY. I think my expression, "anybody who comes along," may be a little indefinite. They would probably use some discretion, but it is to be distributed among the people at a tax not to exceed 2 per cent per annum. I thought that meant a loan.

Mr. ALLEN. The Senator from Connecticut was evidently in the cloakroom enjoying himself when I explained that matter.

Mr. HAWLEY. I was enjoying myself before I came in here.

Mr. ALLEN. I said to the Senate that that was the weak point, and the only weak point, in the Populist platform. Let me say to the Senator from Connecticut that I do not know of a Populist in public life who has ever advocated it. It is like the heresy of a 10 per cent tax on State banks that the Democrats have in their platform. It is like some heresies in the Republican platform. Now, the National Alliance, with whom that plank originated, removed it from its demands this winter in this city, at its national meeting.

Mr. GRAY. They postponed it.

Mr. ALLEN. No; they removed it as a part of the demands of that organization. It is no longer a part thereof.

Mr. GRAY. They did believe in it once, but they do not believe in it now.

Mr. ALLEN. The National Alliance believed in it. The Populist party never believed in it. It was weak enough to submit to the demands of the National Alliance, or to some members of the National Alliance, and put that plank in. Was not the Democratic party a little weak when it declared for the repeal of the 10 per cent tax on State bank issues?

Mr. GRAY. I have always been in favor of it.

Mr. ALLEN. A Democratic Congress voted it down.

Mr. GRAY. I am speaking of myself.

Mr. ALLEN. They would not have it.

Mr. GRAY. I am speaking of myself.

Mr. LINDSAY. I will ask the Senator, in view of the fact——

Mr. ALLEN. I hope the Senator will not compel me to talk until 6 o'clock.

Mr. LINDSAY. I want to ask a very simple question. In view of the retraction of a small portion of this platform with regard to money, how does the Senator propose to get the $50 per capita into circulation—into the hands of the people?

Mr. ALLEN. The Senator was evidently asleep when I was answering the question of the Senator from New Hampshire [Mr. CHANDLER]. I answered the Senator from New Hampshire as to that question a moment ago. Was the Senator from Kentucky sitting here at the time?

Mr. MILLS. Another gentleman looking for his $50 per capita. [Laughter.]

Mr. LINDSAY. The Senator from Nebraska told the Senator from New Hampshire that he did not intend to give the money to the people. Now, I ask him how does he intend to get it into circulation among the people?

Mr. ALLEN. How do you get your present volume of money in circulation among the people? How do you get it out? It is twenty-one dollars and sixty-odd cents now, according to Mr. Carlisle. How do you get it out? How was it got out in the first instance? That is something hard to solve, is it not? Suppose you go to building public buildings in Kentucky; suppose you pay pensions, pay salaries; improve the rivers and harbors of the country; improve Yellow Mill Pond in Connecticut.

Mr. KYLE. The difficulty is in getting enough.

Mr. ALLEN. The same as one of the appropriation bills proposes. How long would it be until the money would be in circulation? Make every man give an honest day's work—and I am afraid that condition my friend the Senator from Kentucky would not agree to—for the dollar he gets. Is there anything wrong about that? Is it anything hard to accomplish?

Mr. CHANDLER. Mr. President——

Mr. GRAY. There is another Senator who wants his $50. [Laughter.]

Mr. ALLEN. He will have to earn it if he gets it.

Mr. CHANDLER. If the Senator will allow me——

Mr. ALLEN. Let me get through the platform.

Mr. CHANDLER. The railroads can be bought, and money can be used to buy the railroad and telegraph lines. I want to help out the Senator from Nebraska all I can.

Mr. ALLEN. I do not care about being helped out.

Mr. GALLINGER. I will state to my colleague that that will only take $11,000,000,000.

Mr. ALLEN. I prefer to appeal to the friends of a platform and never appeal to its enemies, even though they come as Greeks bearing gifts.

Let me go on with the platform, because I have started a school of education here which will prove valuable. I have been interrupted by the Senator from New Hampshire [Mr. CHANDLER], the Senator from Connecticut [Mr. HAWLEY], the Senator from Kentucky [Mr. LINDSAY]——

Mr. CHANDLER. If the Senator is weary I will read the rest of the platform.

Mr. ALLEN. I am not weary. I never get weary reading it.

We demand a graduated income tax.

I think that was voted for here. I think the Senator from Kentucky [Mr. LINDSAY] voted for it.

Mr. LINDSAY. What is that?

Mr. ALLEN. A graduated income tax. Did the Senator vote for it?

Mr. LINDSAY. Yes, but it was not graduated.

Mr. ALLEN. No, it was not.

We believe that the money of the country should be kept as much as possible in the hands of the people, and hence we demand that all State and national issues shall be limited to the necessary expenses of the Government, economically and honestly administered.

That seems to be a truism in political faith.

We demand that postal savings banks be established by the Government for the safe deposit of the earnings of the people and to facilitate exchange.

Then there follow some resolutions which are along the same line, but which are not a part of the platform.

Mr. LINDSAY. I will ask the Senator if the transportation clause is not sufficient to get the $50 into circulation, if that plank is carried out?

Mr. ALLEN. No. I hope the Senator will not become facetious or funny. I have explained to him that the money is to be put into circulation the same as all money is put into circulation; the same as the money that we now have in circulation was put out. It is not necessary or proper that the Senator from Kentucky should make sport or game of me as respects the platform of the party.

That ends the whole thing; that is all there is to it, and it is a revelation to Senators. Where is my friend the Senator from New York [Mr. HILL] now? I thought he was here. My friend the Senator from Delaware [Mr. GRAY] is here, and I will do him the credit of saying that I have not heard him repeat the statement in this Congress that Populists wanted an irredeemable paper money, and yet it comes from the Senator from New York [Mr. HILL], the junior Senator from Kansas [Mr. BAKER], and other Senators, from time to time, that the Populist party wants an irredeemable paper money. Do you find it in the platform? That is as free from a demand of that kind as the Democratic or the Republican platform.

Have the Republican and the Democratic parties a monopoly of political knowledge? Mr. President, do you not suppose there are at least a few among the Populists who know that an irredeemable currency issued in limitless volume would ruin any country? I say any gentleman hereafter, after he has heard the platform read, must subject himself to the charge of mendacity if he repeats the statement that the party demands the issuance of irredeemable paper money.

Mr. CHANDLER. The Senator from Kansas has frequently been asked upon this floor, when he has been advocating the issue of paper money, what limit he would put to the issue, and he has never defined the limit. I never have understood the Senator from Kansas——

Mr. BAKER. Mr. President——

Mr. CHANDLER. No; I mean the Senator from Kansas [Mr. PEFFER], who sits opposite me now.

Mr. BAKER. The senior Senator from Kansas [Mr. PEFFER]?

Mr. CHANDLER. The senior Senator from Kansas; the Populist Senator from Kansas.

Mr. BAKER. I was sure the Senator did not mean me.

Mr. CHANDLER. The senior Senator from Kansas [Mr. PEFFER] has been asked over and over again on this floor where he proposed to stop the issue of paper money. He has always said, "We intend to have enough of it."

Mr. ALLEN. That is right. What is wrong about that?

Mr. CHANDLER. He has answered in the same indefinite way when asked how he proposed to get the money out among the people. He said they would get it out somehow; and now the honorable Senator from Nebraska says that none of us ought to venture to say that the Populist party is in favor of the issue of unlimited paper currency. I point him to the senior Senator from Kansas, now sitting, as he has done much of late, upon the Democratic side of the Chamber, who has always refused to answer the question, and who to-day, as I understand it, is in favor of issuing unlimited paper currency.

Mr. ALLEN. I do not think the senior Senator from Kansas—he can speak for himself—ever said that. I never heard him advocate it, and I feel quite confident he would have told me something during our acquaintance if he believed it.

Mr. CHANDLER. What is the limit of the senior Senator from Kansas?

Mr. ALLEN. I do not know where the Senator from Kansas——

Mr. CHANDLER. The Senator from Nebraska says he has frequently talked with the senior Senator from Kansas, and he knows he is not in favor of an unlimited paper currency. How does he suppose the Senator from Kansas proposes to limit paper currency?

Mr. ALLEN. I suppose the Senator from Kansas proposes to be bound by the platform. I know nothing to the contrary. But what is the Republican limit of money, I ask the Senator from New Hampshire?

Mr. CHANDLER. The Republican limit to the issue of money is that amount of paper money which may be redeemed at all times in gold or silver.

Mr. ALLEN. I am not talking of paper money. I am talking about all forms of money.

Mr. CHANDLER. All the paper money which can be safely issued, redeemable in gold or silver.

Mr. ALLEN. We agree. How are you going to redeem it—in silver?

Mr. CHANDLER. In gold or silver.

Mr. ALLEN. Will the Senator redeem it in silver?

Mr. CHANDLER. I am a bimetallist myself. I am not for the free coinage of silver, nor am I for the single gold standard.

Mr. ALLEN. You buy one metal with the other.

Mr. CHANDLER. I stand halfway between the Senator from Delaware [Mr. GRAY] and the Senator from Nebraska [Mr. ALLEN] as I heard them debating the subject a little while ago.

Mr. GALLINGER. Will the Senator from Nebraska permit me?

Mr. ALLEN. Certainly.

Mr. GALLINGER. The Senator says this is an educational exercise, and I want a little education.

Mr. ALLEN. The Senator needs it.

Mr. GALLINGER. I have no doubt of it, and the Senator from Nebraska can give it to me.

Mr. ALLEN. Yes, sir; I can give it.

Mr. GALLINGER. The Senator admits two propositions—first, that we have about $2,000,000,000 of money. Is that correct?

Mr. ALLEN. I think there is something of that kind reported by the Secretary of the Treasury.

Mr. GALLINGER. We have about $25 per capita.

Mr. ALLEN. No, we have not that; but the Secretary of the Treasury——

Mr. GALLINGER. Let me make my statement and then the Senator can answer it, and we will have it all together.

Mr. ALLEN. Very well.

Mr. GALLINGER. I make the statement that we have $2,000,000,000 of all kinds of money. We have $25 per capita. If we have $50 per capita, we will have double the money in circulation. How is it to be supplied? From what source? Is it to be silver, paper, or gold; and where is it to come from?

Mr. ALLEN. Another Senator has been passing through a Rip Van Winkle sleep. I explained that to the colleague of the Senator from New Hampshire a moment ago, and I explained it to the Senator from Kentucky.

Mr. GALLINGER. I listened, but I did not comprehend it. Will the Senator kindly explain it to me?

Mr. ALLEN. Does the Senator want to know how it is to be got into circulation?

Mr. GALLINGER. I do very much wish to know.

Mr. ALLEN. It may be put out in circulation in various ways. It may be paid out in the construction of public works——

Mr. GALLINGER. Where will you get it before it is put out?

Mr. ALLEN. In the improvement of harbors and rivers. It may be put out at the rate of a billion dollars in a year if necessary, although I would not favor that.

Mr. GALLINGER. That is in opposition to the Omaha platform, which says we shall not spend any more money than is absolutely necessary for the economical administration of the Government. Where shall we get the money before we put it out?

Mr. ALLEN. Get it from the mines. Dig it out of the ground and take it to the mints and coin it.

Mr. GALLINGER. It will take our mints just fifty years at their full capacity to mint silver enough to give us $2,000,000,000. How are we to get it?

Mr. ALLEN. Oh, no.

Mr. GALLINGER. Certainly.

Mr. ALLEN. It will not require any such length of time.

Mr. GALLINGER. We can coin $40,000,000 of silver a year, and it will take fifty years to give us enough.

Mr. ALLEN. It does not require anything of the kind, and if it did, let us increase the capacity of the mints.

Mr. GALLINGER. That would not be economy in administering the affairs of the Government.

Mr. ALLEN. The Senator wanted to find some fault with the Populist party——

Mr. GALLINGER. Not at all.

Mr. ALLEN. And he has failed.

Mr. GALLINGER. I want information.

Mr. ALLEN. The Populist party wants gold and silver, and a paper currency redeemable as it is redeemable now.

Mr. GALLINGER. Exactly.

Mr. ALLEN. In gold and silver.

Mr. GALLINGER. Precisely.

Mr. ALLEN. Increased by healthy and safe degrees to $50 per capita.

Mr. GALLINGER. Yes; but you must double the present currency of the country of all kinds before you can have $50 per capita. How are you going to do it?

Mr. ALLEN. How are you going to do it?

Mr. GALLINGER. Yes, sir.

Mr. ALLEN. I have said to the Senator that we would take gold and silver from the mines and coin them freely at the mints.

Mr. GALLINGER. It will take fifty years to do it.

Mr. ALLEN. It will not.

Mr. GALLINGER. It will, absolutely.

Mr. ALLEN. It will not.

Mr. STEWART. I should like to inquire of the Senator from New Hampshire whence comes this scare of inflation if we can coin only $40,000,000 in a year?

Mr. GALLINGER. That is all you can coin of silver.

Mr. ALLEN. I wish to get along with my argument. That is all there is to the Populist platform, and this thing that has come in here like a ghost occasionally, which has been brought in by Republicans and Democrats, disappears when you come to read the platform.

Let us go into the earth, into the rocks, and take the gold and silver that are produced there and bring them to the mints and coin them freely, and coin them in sufficient quantities. Let us issue a volume of money, paper money, redeemable in gold and silver, in a quantity that experience proves the coin basis will safely carry.

What is wrong about that? Yet I repeat that the senior Senator from Ohio [Mr. SHERMAN], the senior Senator from New York [Mr. HILL], the junior Senator from Kansas [Mr. BAKER], and other Senators, whose names I do not now recall—I recall those particularly—have stated in this Chamber and asserted from time to time that what the Populists want is an irredeemable paper money. There is no excuse for you, gentlemen, if you assert it again.

Mr. BAKER. Have any of your speakers asserted that doctrine? Has any Populist speaker asserted that you want a large amount of paper money, and that it should not be redeemable in gold or silver at all? Have any of your speakers canvassed the country upon that proposition? Did the Senator ever hear Jerry Simpson make a speech, in which Jerry said——

Mr. ALLEN. I have heard him speak.

Mr. BAKER. That gold and silver should not be dug from the mountains, but that they should remain in the mountains, that paper money should be issued against them as they lay in the mountains, because the gold and silver in the mountains were more safe and less expensive than if they were piled up in the Treasury?

Mr. ALLEN. I never heard Mr. Simpson say that, and I do not believe he ever did say it.

Mr. BAKER. Has the Senator ever heard that?

Mr. ALLEN. No, sir; never.

Mr. BAKER. The Senator is no Populist.

Mr. ALLEN. I never heard Mr. Simpson say that. I have not the slightest doubt that the junior Senator from Kansas is honest in what he says. I would not question his honesty. I might be induced to question his intelligence on the subject. I have never heard a Populist make a speech of that kind. It may be that Mr. Simpson, after being out on a long campaign on the bleak prairies of Kansas with the junior Senator from that State, got into that peculiar frame of mind that would make him a little reckless in what he said, but I do not believe it.

Mr. BAKER. I never had the pleasure of being out with Jerry at night or at any other time. Jerry goes out at night, and I do not. Perhaps the Senator has been out with Jerry and knows his habits. I think so, at times, although I have no right to speak of it authoritatively.

Mr. ALLEN. No; the Senator knows but little.

Mr. BAKER. But when the Senator says that he or that his party is not in favor of irredeemable paper money he has not listened to Populist speakers in the State of Kansas and Populist speakers in the State of Nebraska, because they have asserted time and again that there should be no gold and no silver, and that our money should be paper money and nothing else, and based upon the credit of the Government and nothing else.

Mr. ALLEN. I thought I would chase the Senator from Kansas away.

Mr. BAKER. And when that has been asserted by public speakers and by men in the Populist party who are just as eloquent and able as the Senator from Nebraska, it is just as authoritative and we have just as much right to believe it is the policy of the Populist party as the hedging statement of the Senator at this time. I will ask the Senator——

Mr. ALLEN. No; I do not yield to the Senator for the purpose of making a speech.

Mr. BAKER. May I ask the Senator another question? Has he not sat in the Senate of the United States when bills were introduced by Populist Senators providing that there should be issued for the benefit of the people of this country a thousand dollars per capita, and that it should be printed upon silk paper or aluminium? Has he not listened to the reading of such bills?

Mr. ALLEN. If the Senator from Kansas is through with his speech, I will resume mine. I have never heard anything of the kind. I do not believe the Senator from Kansas ever has. He may have.

Mr. BAKER. Shall I get the bill for the Senator?

Mr. ALLEN. The Senator can get anything he wishes. I do not care what he gets, if he is able to carry it.

Mr. BAKER. Would the Senator deny it if I produced the bill?

Mr. ALLEN. The Senator can take the hot end of a poker if he wants to, so far as I am concerned. I do not care what he gets or what he carries.

Mr. CHANDLER. Will the Senator from Nebraska yield to me for a motion to adjourn?

Mr. ALLEN. I would prefer to continue for a few minutes, and then I will yield to the Senator from New Hampshire. The interruptions have been quite numerous, and they have rather diverted my attention from the proper line of the argument I intended to make.

I wish to answer the junior Senator from Kansas, who thinks he knows a great deal of the Populist party and who knows little of other things, that I do not know of a Populist who has ever made a speech such as he mentions.

Mr. BAKER. Mr. President——

Mr. ALLEN. No; I will not be interrupted any more.

Mr. BAKER. I have the RECORD here. Will the Senator not allow me to interrupt him?

Mr. ALLEN. No; I will not be interrupted.

The PRESIDING OFFICER. The Senator from Nebraska declines to yield.

Mr. ALLEN. This snapping by the junior Senator from Kansas, like a coyote, and running into the grass after it has been done, I do not believe in.

I have never heard arguments of that kind in the State of Nebraska. I do not know, of course, what has occurred in Kansas. However, my knowledge of Kansas statesmen who are members of the Populist party does not lead me to believe that the statement of the junior Senator from Kansas can be borne out by the facts.

I know of fiat-money men in the Republican party. I know of Republicans who are suffering imprisonment in the penitentiary. I know of fiat-money men in the Democratic party. I know of Democrats who are suffering imprisonment in the penitentiary. My honorable friend the Senator from Illinois [Mr. PALMER] shakes his head. He says he does not; but I do. I have no doubt that there are Populists and Prohibitionists and all classes represented in the penal institutions of the country. I will not ask the junior Senator from Kansas, because he will answer me in my time; but does that make the Republican party responsible for the utterances of the fiat-money men in its ranks, or the Democratic party for the utterances of their fiat-money men? Is it a part of the Democratic or Republican faith? Do they stand sponsor for the conduct of those who have violated the laws and are in prison? No; and no one would hold them responsible.

Mr. BAKER rose.

Mr. ALLEN. I will not yield. Do they stand sponsor for the conduct of those who have violated the laws and been sent to prison? Yet the junior Senator from Kansas, who is a "funny man" as well a "smart man," and who is having fun, as he imagines, at the expense of the Populist party, by undertaking to make game of it, stands here and seriously asserts that that party is responsible for the utterance of every little cross-roads Populist orator who may be in the State of Kansas. The test of what a party is is what it promulgates by its official and recognized convention. Its platform is the test of its belief, and it must stand as the test of its belief until it is modified by the official action of the party.

Now I pass from that. I hope the time will not come again

when any self-respecting gentleman will permit himself to stand in this Chamber and assert——

Mr. BAKER. Mr. President——

Mr. ALLEN. I will not yield.

The PRESIDING OFFICER. The Senator from Nebraska declines to yield.

Mr. BAKER. All right.

Mr. ALLEN. I hope the time will never again come when any self-respecting gentleman will permit himself to stand in this Chamber and assert that the Populist party is in favor of an irredeemable currency.

The honorable Senator from North Carolina [Mr. BUTLER] yesterday read from a letter which had been sent out by bankers, the American Bankers' Association, on March 23, 1896. It appears in his remarks on page 6113 of the CONGRESSIONAL RECORD of yesterday. They have not only done that but they have gone to greater lengths. The so-called Sound Money League of New York has undertaken to prescribe the course that shall be pursued by all the little newspapers. The National Bankers' Association is to influence the bankers throughout the country; they are to control the delegations to both the Republican and Democratic national convention, and see that they vote in the interest of the gold standard. Possibly my friend from Illinois [Mr. PALMER] might inform the Senate as to whether they have succeeded in Illinois or not. They are to control the delegations in the interest of the single gold standard of both old parties. The Senator from Delaware sees nothing wrong in that. That seems to be legitimate business in his view of the matter. Those men are to use the agencies which they possess, one chief agency being that of the relation of debtor and creditor, to squeeze the little banks, and through them their debtors, into accepting the single gold standard. That is not a conspiracy, is it? There is nothing wrong about it, I suppose.

But, Mr. President, they are not content with that. I have two letters from the so-called Sound Money League, sent to the editor of a Populist paper in my State, and by him sent to me. What do they propose to do? They are to furnish single gold standard literature free to the papers; they are to furnish editorials free, set up in plate work, so that the unsuspecting voters out on the farms and in the workshops may be misled into the belief that the article they may read was produced by the editor of their own paper. I have a specimen here from the president of the New Era Publishing Company:

KEARNEY, NEBR., *May 12, 1896.*

DEAR FRIEND: Herewith we hand you two circular letters we have received from the gold shylocks of New York.

We made an editorial note some time ago about circular of April 2, and send them to you, hoping you may use them in an effective way, should you have a chance.

Yours, respectfully, ROY W. RHONE,
Kearney, Neb.

Senator W. V. ALLEN,
Washington, D. C.

Here are two other letters. The first is dated April 2, 1896, and is headed "Reform Club. Committee on sound currency."

Mr. President, every time one of those men uses the expression "sound money" he is guilty of a deliberate fraud and premeditated falsehood. He does not mean sound money; he means gold, and nothing but gold. He is guilty of false pretenses and of misleading the people when he says he is a "sound-money" man. Here is the letter:

52 WILLIAM STREET, *New York, April 2, 1896.*

DEAR SIR: In order to push the educational work for sound currency and to resist the efforts of free-coinage advocates to put this country on a silver basis, this committee has arranged to supply sound-currency matter to newspapers in certain States. We offer to supply it in two forms:

1. *Sound-currency plates.*—We will supply these through either the American Press Association, the Western Newspaper Union, the A. N. Kellogg Company, or the Century Press Company. A page is issued every four weeks; later we may issue as often as every two weeks.

That is, of course, when the Presidential campaign comes on.

There will be no charge for these plates; but you will have to pay expressage on them. All orders for plates must go through our office.

2. *Ready prints.*—If your paper is a ready print, and is printed by the Western Newspaper Union, A. N. Kellogg Newspaper Company, or the Nebraska Newspaper Union, or any of their branch offices, you can have from one to two columns of our matter inserted by notifying your company to that effect.

Inclosed herewith is a proof of the plate page which we are issuing this week. It is a fair sample of all of our matter. Inclosed are also order blanks containing information to assist you in ordering. All orders for plates should be sent direct to our office. Orders for ready-print matter may be sent to your ready-print printer. The plate and ready-print matter in most cases will probably be the same. Should you desire more than two columns per week of our matter in your ready prints, it is possible, though not probable, that your company can grant your request. By ordering at once you can receive matter on the inclosed page in plate form or in your ready prints.

Yours, truly,

CALVIN TOMKINS,
Chairman of the Executive Committee.

They are to corrupt the very sources of information that the people have.

Mr. GRAY. You only want your sort of education.

Mr. ALLEN. I am not talking about the sort of education.

Mr. GRAY. The Senator from Nebraska just now said he was conducting an educational campaign. Do you want to deny that right to anybody else?

Mr. ALLEN. No. I misapprehended the Senator's word. I thought he said "sort." I do not hear all things as distinctly as I should. No; but I would not go like a thief in the night, as these fellows have gone, and undertake to corrupt the editors of country papers by receiving this rot and trash at their hands and palming it off as the advocacy of sound-money principles upon the people. I would not do that.

Here is the other letter to which I have referred:

52 WILLIAM STREET, *New York, May 8, 1896.*

DEAR SIR: It is evident from letters constantly being received by us that many newspaper editors neither know where they can obtain sound currency matter nor the terms upon which it is supplied. Hence we repeat our offer of April 2.

Sound-currency plates.—We offer to all editors willing to use them a page of plates every two weeks. We pay for the plates, but do not pay expressage or freight. All orders for plates should be sent to us, but they can be filled by any office or branch office of the American Press Association, the A. N. Kellogg Newspaper Company, the International Press Association (Western Newspaper Union), or the Century Press Company. Each page contains several cartoons—mostly single column ones—and numerous short and carefully prepared articles.

Speech plates.—Supplied upon the same terms as our regular sound-currency plates, but issued only through the American Press Association. We can fill your order now, or at any time during the next six weeks, for speech of Carlisle at Chicago on April 15; of Judge Aldredge at Atlanta last year; or of MCCLEARY in Congress last February. These speeches are in great demand in all parts of the country. The first two are in full in one page each of nonpareil; MCCLEARY's has been cut down to one page. We expect to issue such future speeches as are likely to be in great demand, and as promptly as possible after delivery. Perhaps, also, we may decide to issue in this form such other speeches or pamphlets as are well fitted for such work. We do not expect to issue a page oftener than once every two weeks, but may do so if there is a sufficient demand and our funds will permit.

Ready prints.—If your paper is a ready print and is printed by the Western Newspaper Union, A. N. Kellogg Newspaper Company, Nebraska Newspaper Union, Chicago Newspaper Union, or the Sioux City Printing Company, or any of their branch offices, you can have two columns of our matter inserted every week by notifying your company to that effect. We will send our plates to any other ready-print company that has an opportunity and is willing to use them.

All of our matter is strictly nonpartisan. Discussion is devoted almost entirely to the standard of value and against the present 16 to 1 free-coinage proposition.

Inclosed herewith is a proof of the plate page which we are issuing this week. It is a fair sample of all of our matter. Inclosed are also order blanks containing information to assist you in ordering.

Yours, truly,

CALVIN TOMKINS,
Chairman of the Executive Committee.

What is the "ready print"? Here is some of the matter those fellows are sending out containing their political rot. [Exhibiting.] Here is what is printed at the top:

SOUND CURRENCY—REGULAR—NO. 2.

Issued once in two weeks and supplied free of charge by the sound currency committee of the Reform Club, 52 William street, New York City, to whom all orders should be addressed. Return used plates to the company from which they are received.

Here are the columns of plate matter, the first containing Mr. Carlisle's speech at Chicago and other matter of that kind, which are to be palmed off on the people as original matter of the editor to whom they may be sent.

Mr. HAWLEY. Will the Senator kindly permit a very brief interruption?

Mr. ALLEN. Certainly.

Mr. HAWLEY. Is there an offer in that letter to pay for the insertion of this matter?

Mr. ALLEN. None whatever.

Mr. HAWLEY. Very well. Then the newspapers will not reprint this matter unless they are what you call "gold men."

Mr. ALLEN. It is matter which is sent out to be put in the paper as original matter and set up in form.

Mr. COCKRELL. Already set up in type.

Mr. HAWLEY. Yes; but I want to know, as it is not to be paid for, if the newspaper man can not put it in his paper in any way he pleases, or not put it in at all? If he puts it in, it is evidence that he is a gold man already.

Mr. ALLEN. It is evidence that he is either a gold man or an ignoramus or lazy and does not write his own editorials.

I shall abandon my purpose to discuss other vital principles of the Populist party, as this bill is to be voted on on Monday next at 5 o'clock, and other Senators desire to be heard.

Mr. BAKER. Will the Senator kindly yield to me for a moment?

Mr. ALLEN. Not for the purpose of passing a bill until I conclude. I shall conclude in a moment.

Mr. BAKER. I do not wish to pass a bill, but I should like to call the Senator's attention to a little bill which was introduced appropriating $67,000,000,000 of money since he has been a member of the Senate.

Mr. ALLEN. I do not propose to get into any further controversy with the Senator from Kansas. When I have any controversy with a man I want to know that he means to play fairly and be a man.

Mr. BAKER. I have the RECORD here.

Mr. ALLEN. The Senator has not a bill unless it is a bill introduced by some person by request—he has not got a bill of the character of which he speaks. The Senator from Kansas is as persistent in his ignorance as a night moth in its desire for destruction, and eventually he will be scorched by his constant flitting around the fire. It is wonderful how he has discovered so much which is inexcusable in the Populist party. It is wonderful how it was reserved for him to arraign the Populist party as guilty of vagaries and inconsistencies.

Mr. President, the Populist party numbers 2,000,000 voters today, and I thank God a great majority of them are more intelligent than the junior Senator from Kansas has shown himself to be on this financial question. The party numbers 2,000,000 honest citizens, whose loyalty to the country and our institutions can not be doubted; men of as good education as the Senator or any other Senator in this Chamber. They are intense, Mr. President; they feel these wrongs; they know they exist; they have the manhood and the womanhood to sever their relations with the old parties and stand together for the protection and preservation of the American home, and they are not to be driven into silence nor quieted by the ridicule of extremely cunning, shrewd, and sharp men like the junior Senator from Kansas.

Mr. President, it was due that I should make these remarks respecting this charge against the Populist party of being in favor of the issuance of irredeemable currency. It has been here asserted from time to time until really some intelligent people began to believe that was a part of the Populist faith, but when any man looks at the platform which was promulgated in 1892, and upon which as modified by the action of the National Alliance last winter the party must stand until it meets in its national convention at St. Louis, he will see that the charge that it is in favor of the issuance of an irredeemable paper money is not true. Anyone who makes such an assertion after this must do so at the expense of being justly charged with knowledge of its falsity.

But, Mr. President, the Senator from New York yesterday wanted to know, as the junior Senator from New Hampshire wanted to know a while ago, where the money is to come from if we return to free coinage and increase the volume of our money. The junior Senator from New Hampshire said to me, with one of those sweet but crushing smiles of his, that it would take fifty years to increase the per capita circulation to $50.

Mr. GALLINGER. If it was to be in silver.

Mr. ALLEN. In silver, fifty years. Why, let us go to digging the gold and silver and constructing additional mints as rapidly as we are appropriating money for the construction of war vessels, and it will not be ten years until we have ample capacity to coin every dollar of gold and silver bullion that can be taken from the bowels of the earth.

I want to say to the Senator from New York, who is the distinguished leader of the gold element of his party, and always the able and conscientious champion of the present Administration, that when we increase the full capacity of our mints, when we restore silver to free coinage, as the Constitution intended it should be coined, when we restore it to the free coinage that was given to it by the Constitution and by the framers of our Government, when we stop the onward march of greed and begin to make provision for the homes of our country and lift the burdens from the people, we shall find that our industries and our commerce will expand sufficient to give us ample revenue under the present system of taxation to pay the ordinary expenses of the Government and discharge the national debt as rapidly as it inures.

Mr. PRITCHARD. Mr. President, I had intended to submit some remarks to-day in regard to the pending measure, but I am suffering with a headache, and find that I am unable to proceed. I ask to be allowed to proceed on Monday.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills and joint resolution:

A bill (S. 673) granting a pension to Joseph R. West, brigadier and brevet major-general, United States Army Volunteers;

A bill (S. 888) to amend an act entitled "An act to incorporate the Capital Railway Company," approved March 2, 1895;

A bill (H. R. 75) granting a pension to Mary F. Davenport;

A bill (H. R. 485) for the relief of Kate Eberle, an Indian woman;

A bill (H. R. 1601) to amend the military record of John S. Evans;

A bill (H. R. 2605) granting a pension to Henry V. Andrews, of Fulton County, Ill., a survivor of the Black Hawk war;

A bill (H. R. 3001) granting a pension to Cynthia A. Lapham, widow of William B. Lapham;

A bill (H. R. 3216) granting an increase of pension to James P. Hurley;

A bill (H. R. 3221) granting a pension to John Dalton;

A bill (H. R. 3234) granting a pension to Williamson Durley;

A bill (H. R. 3337) amending the act of June 8, 1880, entitled "An act to authorize the President to appoint an officer of the Navy or the Marine Corps to perform the duties of Solicitor and Judge-Advocate-General, etc., and to fix the rank and pay of such officer," and for other purposes;

A bill (H. R. 3689) increasing the pension of Jefferson Fueston, of Company M, Tenth Ohio Volunteer Cavalry;

A bill (H. R. 3932) granting a pension to Mrs. Elizabeth Richardson;

A bill (H. R. 4122) granting an increase of pension to James H. Jones;

A bill (H. R. 4383) granting a pension to Gen. William H. Morris;

A bill (H. R. 4395) for the relief of Miss Juliette Betts;

A bill (H. R. 4475) granting a pension to Mrs. Catharine Gaffney;

A bill (H. R. 5731) to regulate the practice of medicine and surgery, to license physicians and surgeons, and to punish persons violating the provisions thereof in the District of Columbia;

A bill (H. R. 7816) for the relief of John S. Burwell, administrator of the estate of A. L. Burwell, deceased;

A bill (H. R. 7977) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes;

A bill (H. R. 7983) to pension Frances E. Wickware;

A bill (H. R. 8167) to authorize the construction of a bridge across the Red River of the North; and

A joint resolution (H. Res. 174) granting permission to the circuit and county courts in Rockingham County, Va., to occupy the Federal court room in Harrisonburg, Va.

NATIONAL UNIVERSITY.

Mr. FRYE. I ask unanimous consent for the present consideration of the bill (H. R. 4785) to incorporate the National University. I desire to say in relation to this bill that the District Committee authorized the Senator from New Hampshire [Mr. GALLINGER] to report it to the Senate. When the attention of the Select Committee to Establish the University of the United States was called to it, it was thought that it might, to a certain extent, be in conflict with the jurisdiction of that committee; and on my motion the bill was transferred from the jurisdiction of the District Committee to the Select Committee to Establish the University of the United States. That committee has reported the bill favorably, finding that there was no conflict whatever.

The passage of the bill is rendered necessary, for the reason that under the general law half a dozen individuals may incorporate themselves in the District into any kind of educational institution, no matter what it was. This privilege was used improperly, undoubtedly, in some cases; and then Congress passed a law which provided that all such educational institutions should call on the District Commissioners for a permit.

This national university has been in existence for a quarter of a century. It is a university of dignity and character, and has graduated thousands of students, and it did not like to be exposed to that humiliating position, and so called for an act of incorporation. The House committee reported it favorably, and it passed the House, and, as I say, both committees in the Senate—the one on the university and the other on the District of Columbia—have reported it. There is no possible objection to the bill, in my judgment.

The PRESIDING OFFICER (Mr. CARTER in the chair). The Senator from Maine asks unanimous consent for the present consideration of the bill named by him. Is there objection?

Mr. HAWLEY. I make no objection. I wish to observe, however, that while they have a right to be called and have been called the National University for quite a number of years, they really have, as I understand, but two branches of education pursued there, though they have always been hoping that they would be enabled to do more.

Mr. FRYE. They propose, I think, to increase it somewhat.

Mr. GALLINGER. I do not object. On the contrary, I am very earnestly in favor of the passage of this bill; but I want to suggest to the Senate that, if I can get recognition after the bill is passed, if it shall be passed, I shall ask the Senate to proceed to the Calendar to consider private pension bills, as the end of the session is near at hand, probably, and it is important that they should be passed.

The PRESIDING OFFICER. Is there objection to the consideration of the bill named by the Senator from Maine?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 4785) to incorporate the National University.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ORDER OF BUSINESS.

Mr. GALLINGER. I ask unanimous consent that the Senate now proceed to the consideration of private pension bills on the Calendar.

Mr. FRYE. That the pending order be laid aside informally for that purpose?

Mr. GALLINGER. Yes, that the present order be laid informally aside.

The PRESIDING OFFICER. The Senator from New Hampshire asks unanimous consent that the pending order be laid informally aside, and that the Senate proceed to the consideration of private pension bills on the Calendar. Is there objection?

Mr. PASCO. I ask if that request covers all the remaining work of the day—if we are to adjourn after the pension bills have been disposed of?

Mr. GALLINGER. I did not state it in that way; but if the Senator desires I will couple that statement with the request that nothing further shall be considered.

Mr. CHANDLER. I ask that that may be the understanding, that no other business but pension bills shall be done to-day.

The PRESIDING OFFICER. The senior Senator from New Hampshire [Mr. CHANDLER] submits the request that it be understood that no other business but the consideration of pension bills be transacted for the remainder of the day.

Mr. HILL. The Senator from Maine [Mr. FRYE] has a bill which he is waiting for, to come from the House of Representatives.

Mr. COCKRELL. We can not agree to the suggestion that nothing else shall be done to-day, because there are two conference reports which we want acted upon. Let the understanding be that no bills on the Calendar shall be disposed of except pension bills and appropriation bills.

Mr. HAWLEY. I believe the signature of the Speaker of the House of Representatives to the river and harbor bill has not yet been announced.

Mr. HILL. No.

Mr. CHANDLER. I withdraw my request.

The PRESIDING OFFICER. The senior Senator from New Hampshire [Mr. CHANDLER] withdraws his request. The question recurs to the request of the junior Senator from New Hampshire [Mr. GALLINGER], that the Senate lay aside informally the pending order of business and proceed to the consideration of private pension bills on the Calendar. Is there objection? The Chair hears none. The pension bills on the Calendar will be considered in their order.

MRS. ANNIS H. ENOCHS.

The bill (H. R. 4275) to increase the pension of Mrs. Annis H. Enochs, widow of Gen. William H. Enochs, from $20 to $50 per month was considered as in Committee of the Whole. It proposes to increase the pension of Annis H. Enochs, widow of Gen. William H. Enochs, late lieutenant-colonel of the Fifth Regiment of West Virginia Volunteer Infantry and brevet brigadier-general, United States Volunteers, from $20 per month to $50 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. H. J. KIERNAN.

The bill (H. R. 468) granting an increase of pension to Mrs. H. J. Kiernan was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mrs. H. J. Kiernan, widow of the late Gen. James L. Kiernan, at $50 per month in lieu of the pension which she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZABETH MARSHALL.

The bill (H. R. 1109) granting a pension to Elizabeth Marshall was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elizabeth Marshall, of Bridgman, Mich., widow of Henry L. Marshall, a private in Company A, One hundred and eighty-fourth Regiment Pennsylvania Volunteers, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANN CATHERINE HULL.

The bill (H. R. 1734) to increase the pension of Ann Catherine Hull was considered as in Committee of the Whole. It proposes to increase the pension of Ann Catherine Hull, widow of Commodore Joseph B. Hull, United States Navy, to $50 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY CRAY.

The bill (H. R. 4598) granting a pension to Mary Cray, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary Cray, the wife of Michael Cray, late private in Company G, One hundred and fifth New York Volunteer Infantry, and Company G, Ninety-fourth New York Volunteer Infantry, and to pay her a pension of $12 per month, in lieu of all other pension.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN KEHL.

The bill (H. R. 1261) for the relief of John Kehl, and to restore him to his former rating, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 4, after the word "and," to strike out "instructed" and insert "directed"; in line 6, after the word "Infantry," to strike out "to" and insert "and pay him a pension at"; and in line 7, after the word "months," to strike out "as it was previous to July, 1893"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to restore the rating of John Kehl, late of Company D, Ninth Regiment of Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

MRS. ALICE MARTIN.

The bill (S. 685) granting a pension to Mrs. Alice Martin was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, after the word "of," to strike out "seventy-five" and insert "thirty"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Mrs. Alice Martin, widow of James P. Martin, deceased, late a lieutenant-colonel and assistant adjutant-general, United States Army, and allow her a pension at the rate of $30 per month from and after the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BETSEY B. OLIN.

The bill (S. 3133) granting an increase of pension to Betsey B. Olin, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Betsey B. Olin, widow of Charles Olin, late a private of Company I, Seventh Regiment New Hampshire Volunteers, and to grant her a pension of $25 per month, in lieu of the pension she is now receiving, the pension to be payable to her legally constituted guardian.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PETER RAFFERTY.

The bill (H. R. 6293) to increase the pension of Peter Rafferty was considered as in Committee of the Whole. It proposes to place the name of Peter Rafferty, late private in Company B, Sixty-ninth Regiment New York Volunteer Infantry, on the pension roll and to pay him $45 per month, in lieu of the pension now paid him.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AMENDMENT OF THE RULES.

Mr. MITCHELL of Oregon. I ask unanimous consent to give notice of a change in two of the standing rules of the Senate. I am authorized to do this by the Committee on Rules. I present a resolution, and I desire it to be regarded as one day's notice in writing. I ask that the resolution lie over until Monday.

Mr. GALLINGER. It will be printed?

Mr. MITCHELL of Oregon. It will be printed.

Mr. HILL. What are the changes proposed, in substance, I should like to ask the Senator from Oregon?

Mr. MITCHELL of Oregon. In substance, simply to make the rules conform to the changes made from time to time during the past session, increasing the membership of different committees and also changing the names of one or two of the committees. That is the change in one rule, and in the other a few slight changes are made in regard to admissions to the floor of the Senate.

Mr. HILL. No startling changes are proposed in methods of procedure?

Mr. MITCHELL of Oregon. Not now. I ask that the resolution be printed and go over, and that it be regarded as the written notice of those changes.

Mr. COCKRELL. Of course there will be no objection to that course. Does the Senator want to have the resolution read?

Mr. MITCHELL of Oregon. Not at all. I ask that it be printed in the RECORD, and the proposed changes can be examined between now and Monday.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Oregon?

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

Resolved, That Senate Rules XXV and XXXIII be amended to read as follows:

"RULE XXV.

"STANDING COMMITTEES.

"1. The following standing committees shall be appointed at the commencement of each Congress, with leave to report by bill or otherwise:

"A Committee on Agriculture and Forestry, to consist of 9 Senators.

"A Committee on Appropriations, to consist of 13 Senators.

"A Committee to Audit and Control the Contingent Expenses of the Senate,

to consist of 3 Senators, to which shall be referred all resolutions directing the payment of money out of the contingent fund of the Senate, or creating a charge upon the same.

"A Committee on the Census, to consist of 9 Senators.

"A Committee on Civil Service and Retrenchment, to consist of 9 Senators.

"A Committee on Claims, to consist of 11 Senators.

"A Committee on Coast Defenses, to consist of 11 Senators.

"A Committee on Commerce, to consist of 15 Senators.

"A Committee on Corporations Organized in the District of Columbia, to consist of 5 Senators.

"A Committee on the District of Columbia, to consist of 13 Senators.

"A Committee on Education and Labor, to consist of 9 Senators.

"A Committee on Engrossed Bills, to consist of 3 Senators, which shall examine all bills, amendments, and joint resolutions before they go out of the possession of the Senate.

"A Committee on Enrolled Bills, to consist of 3 Senators, which shall have power to act jointly with the same committee of the House of Representatives, and which, or some one of which, shall examine all bills or joint resolutions which shall have passed both Houses, to see that the same are correctly enrolled, and, when signed by the Speaker of the House and President of the Senate, shall forthwith present the same, when they shall have originated in the Senate, to the President of the United States in person, and report the fact and date of such presentation to the Senate.

"A Committee to Examine the Several Branches of the Civil Service, to consist of 5 Senators.

"A Committee on Finance, to consist of 13 Senators.

"A Committee on Fisheries, to consist of 9 Senators, to which shall be referred all matters relating to fish and fisheries.

"A Committee on Foreign Relations, to consist of 11 Senators.

"A Committee on Forest Reservations and the Protection of Game, to consist of 7 Senators.

"A Committee on Immigration, to consist of 11 Senators.

"A Committee on the Improvement of the Mississippi River and its Tributaries, to consist of 7 Senators.

"A Committee on Indian Affairs, to consist of 12 Senators.

"A Committee on Indian Depredations, to consist of 11 Senators.

"A Committee on Interstate Commerce, to consist of 11 Senators.

"A Committee on Irrigation and Reclamation of Arid Lands, to consist of 9 Senators.

"A Committee on the Judiciary, to consist of 13 Senators.

"A Committee on the Library, to consist of 3 Senators, which shall have power to act jointly with the same committee of the House of Representatives.

"A Committee on Manufactures, to consist of 5 Senators.

"A Committee on Military Affairs, to consist of 11 Senators.

"A Committee on Mines and Mining, to consist of 9 Senators.

"A Committee on Naval Affairs, to consist of 11 Senators.

"A Committee on Organization, Conduct, and Expenditures of the Executive Departments, to consist of 9 Senators.

"A Committee on Pacific Railroads, to consist of 9 Senators.

"A Committee on Patents, to consist of 7 Senators.

"A Committee on Pensions, to consist of 13 Senators.

"A Committee on Post-Offices and Post-Roads, to consist of 10 Senators.

"A Committee on Printing, to consist of 3 Senators, which shall have power to act jointly with the same committee of the House of Representatives.

"A Committee on Private Land Claims, to consist of 7 Senators.

"A Committee on Privileges and Elections, to consist of 9 Senators.

"A Committee on Public Buildings and Grounds, to consist of 11 Senators, which shall have power to act jointly with the same committee of the House of Representatives.

"A Committee on Public Health and National Quarantine, to consist of 7 Senators.

"A Committee on Public Lands, to consist of 11 Senators.

"A Committee on Railroads, to consist of 11 Senators.

"A Committee on Relations with Canada, to consist of 9 Senators.

"A Committee on the Revision of the Laws of the United States, to consist of 5 Senators.

"A Committee on Revolutionary Claims, to consist of 5 Senators.

"A Committee on Rules, to consist of 7 Senators,

"A Committee on Territories, to consist of 11 Senators.

"A Committee on Transportation Routes to the Seaboard, to consist of 9 Senators.

"A Committee to establish the University of the United States, to consist of 9 Senators.

"The Committee to Audit and Control the Contingent Expenses of the Senate, on Printing, and on the Library shall continue and have power to act until their successors are appointed.

"XXXIII.

"PRIVILEGE OF THE FLOOR.

"No person shall be admitted to the floor of the Senate while in session, except as follows:

"The President of the United States, and his private secretary, the President-elect and Vice-President-elect of the United States.

"Ex-Presidents and ex-Vice-Presidents of the United States.

"Judges of the Supreme Court.

"Ex-Senators and Senators-elect.

"The officers and employees of the Senate in the discharge of their official duties.

"Ex-Secretaries and ex-Sergeants-at-Arms of the Senate.

"Members of the House of Representatives and Members-elect.

"Ex-Speakers of the House of Representatives.

"The Sergeant-at-Arms of the House and his chief deputy, and the Clerk of the House and his deputy.

"Heads of the Executive Departments.

"Ministers of the United States.

"Governors of States and Territories.

"The General Commanding the Army.

"The Senior Admiral of the Navy on the active list.

"Members of national legislatures of foreign countries.

"Judges of the Court of Claims.

"Commissioners of the District of Columbia.

"The Librarian of Congress and the assistant librarian in charge of the Law Library.

"The Architect of the Capitol.

"The Secretary of the Smithsonian Institution.

"Clerks to Senate committees and clerks to Senators when in the actual discharge of their official duties. Clerks to Senators, to be admitted to the floor, must be regularly appointed and borne upon the rolls of the Secretary of the Senate as such."

MRS. JULIA A. JAMESON.

The PRESIDING OFFICER. The next pension bill on the Calendar will be proceeded with.

The bill (H. R. 5792) granting an increase of pension to Mrs. Julia A. Jameson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mrs. Julia A. Jameson, widow of Brig. Gen. Charles D. Jameson, United States Volunteers, at $50 per month, in lieu of the pension of $30 per month she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CELESTIA R. BARRY.

The bill (H. R. 1891) granting a pension to Celestia R. Barry was announced as next in order.

Mr. GALLINGER. I ask that the bill be passed over temporarily, a Senator desiring to get some information about it.

Mr. CHILTON entered the Chamber.

Mr. GALLINGER. The Senator from Texas is now in. I ask his attention to the case of Celestia R. Barry. I think the Senator wishes to get some information upon it.

Mr. CHILTON. I ask that the bill be passed over.

The PRESIDING OFFICER. The bill will be passed over.

WILLIAM T. APPLEGATE.

The bill (H. R. 7334) granting an increase of pension to William T. Applegate was considered as in Committee of the Whole. It proposes to place upon the pensicn roll the name of William T. Applegate, late private and second lieutenant in Company B, Twenty-eighth Kentucky Volunteer Infantry, and to pay him a pension of $30 per month in lieu of the pension he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZABETH T. BEALL.

The bill (H. R. 3033) to increase the pension of Elizabeth T. Beall, widow of Benjamin L. Beall, late colonel First United States Cavalry, was considered as in Committee of the Whole. It proposes to increase the pension of Elizabeth T. Beall, widow of Benjamin L. Beall, late colonel of the First United States Cavalry, to $50 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MICHAEL S. PETTIT.

The bill (H. R. 3007) granting an increase of pension to Michael S. Pettit was considered as in Committee of the Whole. It proposes to increase the pension of Michael S. Pettit, First Mounted Rifles, regular service, who performed conspicuous service in the war with Mexico, to $20 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JESSE M'MILLAN.

The bill (H. R. 8184) granting a pension to Jesse McMillan was considered as in Committee of the Whole. It proposes to place upon the pension roll the name of Jesse McMillan, a soldier in Company F, Third Regiment Arkansas Infantry, and to allow him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HARRIET C. GREGG.

The bill (H. R. 2006) to increase the pension of Harriet C. Gregg, widow of Col. John Irvin Gregg, from $30 to $50 per month was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 5, after the word "Cavalry," to insert "and brevet major-general"; so as to make the bill read:

Be it enacted, etc., That the pension of Harriet C. Gregg, widow of John Irvin Gregg, late colonel of the Eighth Regiment of United States Cavalry and brevet major-general, be, and the same is hereby, increased from $30 per month to $50 per month, and the Secretary of the Interior be, and is hereby, authorized and directed to place her name on the pension roll at the rate of $50 per month, subject to the provisions and limitations of the pension laws.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill to increase the pension of Harriet C. Gregg, widow of Col. and Bvt. Maj. Gen. John Irvin Gregg, from $30 to $50 per month."

MRS. HATTIE E. REDFIELD.

The bill (S. 2401) granting a pension to Mrs. Hattie E. Redfield, of Omaha, Nebr., was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty" and insert "fifteen"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hattie E. Redfield, widow of Charles E. Redfield, late a second lieutenant in Company A, Forty-second Wisconsin Infantry, and pay her a pension of $15 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM L. GRIGSBY.

The bill (S. 2999) granting a pension to William L. Grigsby, of Belvidere, in the county of Thayer, Nebr., was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "dollars," to strike out "seventy-two" and insert "thirty-six"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of William L. Grigsby, late a private of Company E, Seventeenth Regiment Iowa Volunteer Infantry, on the pension roll of the United States at the rate of $36 per month, to be paid as other pensions are paid under the general laws of the United States.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN F. HATHAWAY.

The bill (S. 1689) granting a pension to John F. Hathaway was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 9, before the word "dollars," to strike out "twenty" and insert "seventeen"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John F. Hathaway, late an assistant surgeon of the Fourth Regiment of Indiana Volunteers, and later assistant surgeon in the United States Army, and pay him a pension at the rate of $17 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN N. CORGAN.

The bill (S. 2507) granting a pension to John N. Corgan, of McPherson, Kans., was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John N. Corgan, late of Company G, Fourth United States Infantry, and to grant him a pension at the rate of $50 per month, in lieu of the pension he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to John N. Corgan, of McPherson, Kans."

MARY E. HAZLIP.

The bill (H. R. 138) granting an increase of pension to Mary E. Hazlip was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary E. Hazlip, widow of John Hazlip, late a private in Company H, One hundred and fortieth New York Infantry, and to pay her a pension at the rate of $12 per month, in lieu of the pension she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RICHARD P. PILKINGTON.

The bill (H. R. 5711) granting a pension to Richard P. Pilkington was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Richard P. Pilkington, late captain Company E, Seventy-sixth Pennsylvania Volunteer Infantry, and to pay him a pension of $50 per month in lieu of the pension he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SOLOMON HYAMS.

The bill (H. R. 2602) for the relief of Solomon Hyams was considered as in Committee of the Whole. It proposes to increase the pension of Solomon Hyams, of Charleston, S. C., Indian war survivor, to $20 per month in lieu of the pension now received by him.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. ELIZABETH M. WILLIAMS.

The bill (H. R. 5235) for the relief of Mrs. Elizabeth M. Williams, of Monroe County, Tenn., was considered as in Committee of the Whole. It proposes to place on the pension roll at the rate of $8 per month the name of Mrs. Elizabeth M. Williams, widow of William Williams, late a private in Captain Ware's Company, Tennessee Volunteers, Florida war of 1836.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NANCY GENTRY.

The bill (H. R. 5175) granting a pension to Nancy Gentry was considered as in Committee of the Whole. It proposes to place upon the pension roll the name of Nancy Gentry, widow of John A. Gentry, at the rate of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROBERT P. WILD.

The bill (S. 2477) granting an increase of pension to Robert P. Wild was considered as in Committee of the Whole. It proposes to pay Robert P. Wild, late of Company B, Second North Carolina Mounted Infantry, $20 per month in lieu of $10 per month he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THOMAS M. SCOTT.

The bill (H. R. 6132) granting an increase of pension to Thomas M. Scott was considered as in Committee of the Whole. It proposes to place upon the pension roll the name of Thomas M. Scott, late Company H, Seventy-eight Illinois Volunteer Infantry, and to pay him a pension of $30 per month in lieu of the pension which he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CAROLINE E. PURDUM.

The bill (H. R. 6134) granting an increase of pension to Caroline E. Purdum was considered as in Committee of the Whole. It proposes to place upon the pension roll the name of Caroline E. Purdum, widow of Elijah F. Purdum, late private in Company F, Thirtieth Regiment, and assistant surgeon Eighty-ninth Regiment, Ohio Volunteer Infantry, and to pay her a pension of $12 per month in lieu of the pension she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LAMBERT L. MULFORD.

The bill (H. R. 4753) granting an increase of pension to Lambert L. Mulford was considered as in Committee of the Whole. It proposes to increase the pension of Lambert L. Mulford, late of Company A, Second New Jersey Cavalry, and first lieutenant Third United States Cavalry, to $30 per month, the same to be in lieu of the pension now drawn by him.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZABETH A. SARGENT.

The bill (H. R. 6111) granting a pension to Elizabeth A. Sargent was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elizabeth A. Sargent, of Manchester, N. H., dependent mother of Capt. John B. Sargent, late of Company B, Tenth Regiment New Hampshire Volunteers, and to pay her a pension of $17 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS BREWER.

The bill (H. R. 3857) granting a pension to Thomas Brewer was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas Brewer, late of Companies I and F, Thirty-first Regiment Enrolled Missouri Militia, at the rate of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DELIA A. MARSH.

The bill (H. R. 4283) granting a pension to Delia A. Marsh was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Delia A. Marsh, sister of Albert Marsh, who was a corporal-sergeant in Company B, Sixty-fourth Regiment New York Volunteers, and to pay her a pension at the rate of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM F. JOHNSON.

The bill (S. 2184) granting a pension to William F. Johnson was announced as next in order.

Mr. GALLINGER. That is an adverse report. Let it be passed over.

The PRESIDING OFFICER. The bill will be passed over.

CARRIE H. GREENE.

The bill (H. R. 3395) granting a pension to Carrie H. Greene, was considered as in Committee of the Whole. It proposes to place upon the pension roll the name of Carrie H. Greene, of Lee County, Ala., widow of John W. Greene, late member of Captain Jones's company of Georgia Volunteers, Indian war of 1836.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. MARY L. ALESHIRE.

The bill (H. R. 4794) to increase the pension of Mrs. Mary L. Aleshire was considered as in Committee of the Whole. It proposes to place the name of Mary L. Aleshire, widow of Capt. Charles C. Aleshire, late of the Eighteenth Battery Ohio Light Artillery, on the pension roll, and to pay her a pension of $20 per month, in lieu of the pension she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SUSAN E. CUNNINGHAM.

The bill (S. 3182) granting a pension to Susan E. Cunningham was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 4, after the word "roll," to strike out "subject to the provisions and limitations of the pension laws"; in line 6, after the word "Cunningham," to insert "totally and permanently blind"; and in line 8, after the word "Artillery," to insert "at the rate of $12 a month"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Susan E. Cunningham, totally and permanently blind, daughter of Thomas Cunningham, late private, Company F, Fourth Regiment New York Heavy Artillery, at the rate of $12 a month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ELVIN J. BROWN.

The bill (H. R. 2373) granting a pension to Elvin J. Brown was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elvin J. Brown, a private of Capt. George A. H. Blake's Company A, Second Regiment of United States Dragoons, and to pay him a pension at the rate of $20 per month, in lieu of that which he now receives.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HANNAH NEWELL BARRETT.

The bill (H. R. 3229) for the relief of Hannah Newell Barrett was considered as in Committee of the Whole. It proposes to place upon the pension roll the name of Hannah Newell Barrett, eldest daughter of Noah Harrod, late a soldier in Colonel Shephard's regiment and Captain Webb's company of Massachusetts troops in the war of the Revolution, and to pay her a pension at the rate of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

MRS. EMILY M. VAN DERVEER.

The bill (H. R. 2143) granting a pension to Mrs. Emily M. Van Derveer, widow of the late Brig. Gen. Ferdinand Van Derveer, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "dollars," to strike out "fifty" and insert "seventy-five"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll of the United States the name of Mrs. Emily M. Van Derveer, widow of the late Brig. Gen. Ferdinand Van Derveer, at the rate of $75 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. GALLINGER. I move that the Senate request a conference with the House of Representatives on the bill and amendment.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate, and Mr. GALLINGER, Mr. BRICE, and Mr. HANSBROUGH were appointed.

MRS. MARY GOULD CARR.

The bill (H. R. 4354) granting a pension to Mrs. Mary Gould Carr, widow of the late Brig. and Bvt. Maj. Gen. Joseph B. Carr, United States Volunteers, deceased, was considered as in Committee of the Whole.

The PRESIDING OFFICER. The amendment of the Committee on Pensions will be stated.

The SECRETARY. In line 7, before the word "dollars," strike out "fifty" and insert "seventy-five"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Mrs. Mary Gould Carr, widow of the late Brig. and Bvt. Maj. Gen. Joseph B. Carr, United States Volunteers, deceased, at the rate of $75 per month.

Mr. GALLINGER. That is a mistake; the committee did not report that amendment.

Mr. HILL. That is the case of the widow of General Carr?

Mr. GALLINGER. It is; but the amendment is a mistake. The committee did not make that recommendation.

Mr. HILL. I wish to detain the Senate but a moment. I think that this pension should be $75 a month. That is the action which the committee ought to have taken, in my opinion. I should like to have the Secretary read the House report.

Mr. GALLINGER. I think it will not be necessary to take time to do that, if I may make a statement. As chairman of the Committee on Pensions I very cordially concurred in the wish of the Senator from New York that this pension should be placed at $75 a month. General Carr rendered very conspicuous service. But I will say to the Senator that the reason why the committee did not report it was because I did not have quite time to canvass the committee in regard to it, and we have not had a committee meeting for a few days.

Mr. HILL. General Carr was very early in the service and he continued until the close of the war, finally a brigadier-general and then a major-general. He served gallantly during all the war. I had personal acquaintance with him. He was for four years secretary of state of New York, elected by the State to serve during my term as governer. He was a prominent candidate for governor. His widow is in very moderate circumstances. The case is a very strong one. He was a man prominent in all the affairs of our State and a faithful and gallant soldier. She is a most deserving widow and has the care of an invalid daughter, requiring her constant attention. Seventy-five dollars a month is frequently given and this is such a case. I move to amend the bill, in line 7, by striking out "fifty" and inserting "seventy-five"; so as to make the amount $75.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. HILL. I move that the Senate request a conference with the House of Representatives on the bill and amendment.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate; and Mr. CANNON, Mr. ROACH, and Mr. GALLINGER were appointed.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. ALLISON. I ask that the action of the other House on the sundry civil appropriation bill may be laid before the Senate. I will state briefly that the House rejected the conference report and then receded from certain amendments, and have asked for a further conference upon the remaining disagreements in the bill. I desire to move that the Senate insist upon its amendments still disagreed to and agree to the conference asked on the part of the House. I presume there will be no objection to that course, although I understand there was a unanimous agreement that no business except what had been agreed upon should be transacted. It is only a formal matter.

Mr. FRYE. Conference reports were excepted.

Mr. COCKRELL. It is very manifest that there will be nothing done except by unanimous consent.

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives concurring in some and nonconcurring in other amendments of the Senate to the bill (H. R. 7664) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1897, and requesting a conference on the disagreeing votes of the two Houses.

Mr. ALLISON. I move that the Senate still further insist upon its amendments and agree to the further conference.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate at the further conference; and Mr. ALLISON, Mr. HALE, and Mr. GORMAN were appointed.

MRS. GEORGE PAULS.

Mr. FRYE. I should like to have present consideration of the bill (S. 2117) for the relief of Mrs. George Pauls. I have had two letters from the Secretary of State in relation to the case. I have one of them in my hand, in which he says:

At the instance of the German ambassador at this capital, I desire to call your attention to S. 2117, Calendar 623, being a bill for the relief of Mrs. George Pauls.

I earnestly concur with Baron Thielmann in the hope that the bill may be enacted by the Senate without delay and sent to the House with a view of its becoming a law at the present session.

Very respectfully, yours, RICHARD OLNEY.

I reported the bill from the Committee on Foreign Relations. It seems to me a plain case. The German bark was lying at her wharf at Wilmington, N. C. The *Colfax*, a revenue cutter, was lying at an adjoining wharf; no steam up. They undertook to turn the bow of the *Colfax* out to sea. They neglected to fasten a rope, so that it could not go too far. They did not succeed, at any rate, in fastening it. The result was that the *Colfax* floated down into the German bark, the rigging got entangled, and

Pauls, the husband of this woman, as was his duty, went out on the cathead of his ship to disengage the rope, and was thrown overboard and drowned. It seemed to be entirely the fault of the cutter that he was drowned, and not his own, because he was doing what he was obliged to do as a sailor.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Foreign Relations with amendments, in line 7, after the word "by," to strike out "the neglect on the part of officers of the United States" and insert "a collision with the United States"; and in line 10, after the word "Carolina," to insert "in full for all damages therefrom"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay, out of any money in the Treasury not otherwise appropriated, $5,000 to Mrs. George Pauls, widow of George Pauls, whose death was occasioned on May 8, 1896, by a collision with the United States revenue cutter *Colfax*, in the harbor of Wilmington, N. C., in full for all damages therefrom.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PRINTING OF GOVERNOR ALTGELD'S SPEECH.

Mr. COCKRELL. On the 14th of this month, at the instance of the Senator from Wisconsin [Mr. VILAS], the speech of Hon. John G. Carlisle before the workingmen of Chicago, Ill., delivered April 15, 1896, was printed as a document. I ask now that the reply of Governor Altgeld, of Illinois, may likewise be printed as a document.

Mr. CULLOM. I think this practice is a very bad one, but as the Senator from Wisconsin asked and obtained consent that the speech of the Secretary of the Treasury should be published as a document, I am not disposed to object to the publication of its answer, whatever it may be.

Mr. HILL. The only question that occurs to me is this: Of course one is an official of the Government; and while the speech was not made in an official capacity, yet possibly that courtesy was due to an officer of the Government.

Mr. COCKRELL. This is the speech of the governor of a sovereign State, one of the United States.

Mr. HILL. But not a United States official.

Mr. ALLEN. I hope the Senator from New York will not object.

Mr. HILL. I have not the slightest objection. I merely make that distinction.

Mr. HARRIS. I wish to say that I fully agree with the Senator from Illinois [Mr. CULLOM] that this is a very bad practice, and the original precedent I think a very bad one. I hope this request will be agreed to, and that the precedent will die out with the agreement to this request.

Mr. COCKRELL. It has been a practice immemorial, I desire to say to the distinguished Senator from Tennessee, because I have paid some attention to it, to print important publications as documents by order of the Senate, and where there is no abuse of it—anything can be abused—I see no objection to the principle of publishing important papers, that we may have the use of them.

Mr. CULLOM. The worst precedent I know of is the publication of Henry George's book.

Mr. COCKRELL. That was not under a permission to print, but it was published in a speech.

Mr. CULLOM. I think that was a pretty hard strain on the practice.

Mr. CHANDLER. That went into the RECORD as a part of several speeches.

Mr. CULLOM. I know it did.

Mr. COCKRELL. That is not what is asked to be done here.

Mr. HARRIS. My objection is not to printing important documents; but I think a request to publish as a document a political speech, I do not care by whom made, long after its making and made elsewhere than in the Senate, is a bad practice. But as one speech has been published, I hope the other will be. However, I trust the practice will die with this action.

Mr. CHANDLER. I wish to ask the Senator from Missouri a question. The Senator from Wisconsin, who asked to have the speech of the Secretary of the Treasury published, agrees with the speech and indorses the sentiments therein expressed. Do I understand the Senator from Missouri with equal cordiality and positiveness to indorse the speech of Governor Altgeld?

Mr. COCKRELL. I have not read his speech, but I have no doubt I indorse it.

Mr. CHANDLER. The Senator thinks he will add his approbation?

Mr. COCKRELL. I have no doubt I will indorse it.

Mr. BAKER. I hold in my hand a speech delivered——

Mr. COCKRELL. Let us dispose of this question.

Mr. BAKER. I may want to object.

Mr. COCKRELL. Object if you want to.

Mr. BAKER. I do not want to object just yet. I hold in my hand an answer both to Mr. Carlisle's speech and the speech of Governor Altgeld. It is of about the same length as either one of them, and I ask that it may be printed. It is a speech by a very eminent man. I ask that it may be printed in the RECORD at the same time.

Mr. COCKRELL. This is not a request to have Governor Altgeld's speech printed in the RECORD.

Mr. ALLEN. Whose speech is it that the Senator from Kansas has?

Mr. BAKER. Jacob L. Green's.

Mr. ALLEN. Who is Jacob L. Green?

Mr. BAKER. He lives at Hartford, Conn.

Mr. ALLEN. What is the character of the speech?

Mr. BAKER. I should call it a pretty honest money speech. I presume the Senator would call it a dishonest money speech.

Mr. ALLEN. What is the general character of it? I do not care anything about——

Mr. BAKER. It is the same as Mr. Carlisle's—upon the money question.

Mr. ALLEN. I shall object to Mr. Jacob L. Green's speech being printed, because he is a private citizen.

Mr. BAKER. Mr. Altgeld is no more than that, I understand.

Mr. GALLINGER. He soon will be no more than a private citizen.

Mr. ALLEN. No; he is at present governor of the State of Illinois.

Mr. BAKER. Then I object to Mr. Altgeld's speech being printed.

Mr. COCKRELL. I move that it be printed.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Missouri that the speech of Governor Altgeld in reply to Secretary Carlisle be printed as a document.

Mr. CULLOM. The Senator from Colorado [Mr. TELLER] is not present. My impression is that when the Senator from Wisconsin [Mr. VILAS] asked the Senator from Colorado whether there would be any objection to printing Mr. Carlisle's speech, the Senator from Colorado said he would not object, but that he would ask to have Governor Altgeld's speech printed as an offset to it when he got a copy of it. I only state that as one of the reasons why, perhaps, it is only fair, as the Senator from Colorado is not present, to allow this speech to be printed.

Mr. DUBOIS. Mr. President——

The PRESIDING OFFICER. The Chair does not understand that the Senator from Missouri requests unanimous consent. The Chair understands that the Senator makes a motion that the speech be printed as a document.

Mr. COCKRELL. I made the motion, as the distinguished Senator from Kansas [Mr. BAKER] made a personal objection.

Mr. DUBOIS. I desire to supplement the statement of the Senator from Illinois [Mr. CULLOM] by saying that the Senator from Wisconsin [Mr. VILAS] repeated the conversation he had with the Senator from Colorado [Mr. TELLER], and he also told me that he had submitted it to the Senator from Missouri [Mr. COCKRELL] before asking that the speech of Mr. Carlisle should be printed as a document. The Senator from Wisconsin said he responded to the Senator from Colorado that he had no objection whatever to Governor Altgeld's speech being printed as a document.

Mr. BAKER. Owing to the courtesy of the Senator from Nebraska [Mr. ALLEN], I withdraw any objection I made to the request of the Senator from Missouri.

Mr. COCKRELL. I am very much obliged.

Mr. BURROWS. Of course I do not know what the practice of the Senate may be or has been heretofore, but I agree with the Senator from Tennessee [Mr. HARRIS]. The proceeding is, it seems to me, most extraordinary and very dangerous. I should like to inquire of the Senator from Missouri whether the speech of Governor Altgeld is to be printed for the use of the Senate? Is it the purpose of this order to inform the Senate?

Mr. COCKRELL. As a matter of course, the same number of copies as in the case of any other document will be printed, and they will go to the document room, where any Senator can get copies.

Mr. CULLOM. How many copies will be printed?

Mr. COCKRELL. The usual number—1,700, I believe.

Mr. FRYE. It can go through the country in indefinite quantities.

Mr. BURROWS. If this document is to be printed because it contains superior information to that possessed by other American citizens and will enlighten the Senate, and the Senate needs it in the course of its legislation, that is one thing, but if it is proposed to be published, as I apprehend the other speech was published, for political ends, not for the use of the Senate but

simply to get free entrance to the mails and distribution, then I think it ought not to be done.

Mr. COCKRELL. Then the Senator from Michigan will permit Mr. Carlisle to go to Chicago and make a political speech, and when the governor of the State in which he has gone makes a reply to it, the Senator would refuse to have his speech printed.

Mr. BURROWS. My friend the Senator from Missouri misunderstands me. If I had been present and had known of the request to have Secretary Carlisle's speech printed as a document for the use of the Senate or for free distribution, I should have objected to it unless the traditions of the Senate compelled it to be done. No such thing is ever done in the House of Representatives. Political speeches are not published as documents by the authority of the House of Representatives. Members very frequently allude to speeches, read them as a part of their own remarks, or have them entered as a part of their remarks by the consent of the House, but not within my knowledge have political speeches been printed at public expense as public documents and printed to furnish material for campaign purposes.

Mr. COCKRELL. Would the Senator prefer to have this speech printed in the RECORD?

Mr. BURROWS. I have not made any objection at all.

Mr. COCKRELL. I would much prefer to have it go into the RECORD.

Mr. BURROWS. I have simply called attention to the fact that I think the practice is a pernicious one. I join with the Senator from Tennessee in the hope that this will be the end of it if that is the practice. Then I also desire to know of the Senator from Missouri how many copies he proposes to have printed for the use of the Senate.

Mr. COCKRELL. The law prescribes the number. I am not making a proposition about it.

Mr. BURROWS. How many is the usual number?

Mr. COCKRELL. I think the number is 1,700, but I am not positive.

Mr. GALLINGER. One thousand nine hundred.

Mr. HARRIS. I think it is 1,900; I am not sure. It is in that neighborhood, however.

Mr. COCKRELL. That number is for the Senate and the House. Each Senator will get two or three copies.

Mr. BURROWS. I have said all I care to say. I do not wish to object, but I think the practice is an exceedingly pernicious one.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Missouri that the speech of Governor Altgeld shall be printed as a document?

Mr. HARRIS. It is to be printed as a document and not in the RECORD?

Mr. COCKRELL. It is not to go into the RECORD.

Mr. HARRIS. I hope we will never do it again.

Mr. CULLOM. So do I.

Mr. BACON. Mr. President, I am very glad this colloquy has occurred, because I confess I felt great dissatisfaction with the course taken in the case of the publication of the speech of the Secretary of the Treasury at the request of the Senator from Wisconsin [Mr. VILAS]. It was entirely improper. I very gravely doubt whether two wrongs will make a right. Still it looks like a great hardship to exclude Governor Altgeld's speech at this time. I hope the example will not be repeated in the future.

I think the distinction drawn by the Senator from Michigan [Mr. BURROWS] is entirely proper. Any paper that gives valuable information to the Senate should be printed as a document; but political speeches made elsewhere certainly are not the proper subject-matter to be included in the official documents of the Senate.

Mr. CHANDLER. I wish to call the attention of the Senate to the fact that the Senator from Colorado [Mr. TELLER] has repeatedly had letters and speeches of foreigners, eminent gentlemen abroad discussing the financial question, printed as documents. I have myself had one or two printed. The Senator from Colorado the other day——

Mr. HARRIS. May I ask the Senator from New Hampshire if they did not come in the form of memorials or petitions?

Mr. CHANDLER. No, Mr. President. They were simple discussions of the subject; and they were presented and requests made that they should be printed as documents. I call the attention of the Senator from Tennessee to a case which perhaps he will remember. The Senator from Colorado offered a letter from Mr. Benjamin Butterworth in favor of bimetallism accompanied by a letter to Mr. Butterworth on that subject, which Mr. Butterworth thought was an excellent discussion of the silver question. So he wrote a letter embodying the letter to him. They were printed as a document.

I remember that at the last session of Congress two documents, one the speech of Mr. Giffen, president of the British Agricultural Society, were printed, I think, on the joint motion of the Senator from Colorado and myself, accompanied by the letter on silver of the senior Senator from Pennsylvania [Mr. CAMERON]. It was thought that those documents would enlighten the Senate upon the general subject of the free coinage of silver. So such documents have been printed repeatedly, and of course it is much better that they should be printed as documents in this way than that they should be put into the RECORD, as in the House of Representatives the whole book of Henry George was put into the RECORD, divided up among various members, each one putting in a part; and so several speeches have been inserted in the RECORD in the House of Representatives.

I think it desirable that the RECORD should be kept free from these bulky documents, but I do not think any great harm has been done by the printing in special form of anything that has been printed hitherto. I do not think any harm has been done by printing Secretary Carlisle's speech, and I certainly think we can stand the argument of Governor Altgeld.

Mr. CULLOM. The feature of this matter that I think makes it objectionable is that a Senator gets hold of a speech made by somebody outside, apparently without any other purpose than to get it into an official form, so that it can be franked, and comes in here and asks that it be made a public document. That movement is followed by another Senator asking the same privilege, because the speech that he asks shall be printed is an answer to the other one already printed. If we are going to begin the practice, whenever we find an important speech which we think should be made a public document, of an individual Senator coming in and asking that it shall be printed, we will have 10,000 public documents of that sort, of a political nature, piling up here, and to no good purpose, in my judgment.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Missouri [Mr. COCKRELL]? The Chair hears none, and the speech will be printed as a document.

ELBRIDGE M'FADDEN.

Mr. FRYE. As I shall be called away on important business the first of the week, I should like to secure the passage of another little bill. I ask the Senate to take up the bill (H. R. 5999) to correct the military record of Elbridge McFadden.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the Secretary of War to remove the charge of desertion and grant an honorable discharge to Elbridge McFadden, late of Company I, Thirty-eighth Regiment New York Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BONDS, ETC., OF ARIZONA TERRITORY.

Mr. PERKINS. I ask unanimous consent to call up the bill (S. 3161) amending and extending the provisions of an act of Congress entitled "An act approving with amendments the funding act of Arizona," approved June 25, 1890, and the act amendatory thereof and supplemental thereto approved August 3, 1894.

There bing no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. COCKRELL. When was that bill reported?

Mr. WHITE. A very short time ago, I think.

Mr. PERKINS. It was reported from the Committee on Territories yesterday.

Mr. COCKRELL. The report has not been laid on my table.

Mr. PERKINS. The report is printed, and the Secretary will read it for the Senator's information.

Mr. COCKRELL. I can understand much better when I have the report myself. Does the report explain the bill?

Mr. PERKINS. I so understand. I will say that I introduced the measure more especially at the request of the Delegate from Arizona, and it is to correct some informality. The committee examined it very carefully, and from those who have stated the matter to me I learn it is a very proper measure.

Mr. COCKRELL. Let the report be read.

The VICE-PRESIDENT. The report will be read.

The Secretary read the following report, submitted by Mr. DAVIS May 22, 1896:

The Committee on Territories, to whom was referred Senate bill 3161, having considered the same, hereby adopt House Report No. 1931 in support of a bill identical in tenor, and recommend the passage of Senate bill aforesaid.

[House Report No. 1931, Fifty-fourth Congress, first session.]

The Committee on the Territories, to whom was referred House bill 8885, beg leave to submit the following report:

The act of Congress entitled "An act approving, with amendments, the funding act of Arizona" became a law June 25, 1890, and authorized the funding of all Territorial, county, municipal, and school-district indebtedness of Arizona which had accrued and would accrue, with the interest thereon, until and including December 31, 1890, into 5 per cent bonds, and under the provisions of the act a loan commission, consisting of the governor, secretary of the Territory, and Territorial auditor, was created to fund indebtedness under the terms of the act.

The purpose of the law was to effect an annual saving in interest and place the Territory upon a cash basis. The floating indebtedness of the Territory represented by warrants bore 10 per cent interest, and upon that indebtedness an immediate saving was had of 5 per cent. The average rate of interest on the bonded indebtedness of the Territory was 8 per cent, and the operation of the law effected a saving of 3 per cent upon all indebtedness

funded. Only such bonded indebtedness could be funded as had matured or was voluntarily surrendered by the holders thereof.

A supplemental act of Congress was passed and approved August 3, 1894, extending the time for funding outstanding warrants for Territorial expenses only until December 31, 1895. The object of the present bill is to further extend the provisions of the funding act approved June 25, 1890, until January 1, 1897, so as to permit and authorize the funding of such outstanding indebtedness as might have been funded under the original act had the same been surrendered before the act had lapsed.

It is not proposed to fund any indebtedness which could not have been funded under the original act had said indebtedness been presented in time.

No new indebtedness is proposed to be funded in excess of the limit prescribed by law. In authorizing the funding of the outstanding liabilities the act also validifies the indebtedness already funded and authorized to be funded, so as to prevent the possibility of repudiation of bona fide obligations.

The eighteenth legislature of Arizona unanimously memorialized Congress to validate securities about which doubt existed.

Upon investigation the committee believe the legislation beneficial and wise and in the interest of good government, and therefore recommend the passage of the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

TWYMAN O. ABBOTT.

Mr. MITCHELL of Oregon. I ask unanimous consent for the present consideration of the bill (S. 2526) for the relief of Twyman O. Abbott.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Claims with amendments.

The first amendment was, in line 4, after the word "directed," to insert "out of any moneys in the Treasury not otherwise appropriated"; and after the words "sum of," in line 7, to strike out the words "twenty-seven thousand seven hundred and forty-eight" and insert "ten thousand nine hundred and sixty-seven"; so as to make the section read:

That the Secretary of the Treasury be, and he is hereby, authorized and directed, out of any moneys in the Treasury not otherwise appropriated, to pay to Twyman O. Abbott, of Tacoma, State of Washington, his heirs or legal representatives, the sum of $10,967.75, in full and final settlement of his claim for damages sustained by reason of the breach of a certain contract for lease of a building and ground for post-office purposes.

The amendment was agreed to.

The next amendment was to strike out section 2 of the bill, as follows:

SEC. 2. That the sum of $27,748.75 is hereby appropriated for the purpose of paying the above claim.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ENROLLED BILL SIGNED.

The signature of the Vice-President was announced to the bill (H. R. 7977) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes; which had previously been signed by the Speaker of the House of Representatives.

CONDEMNED CANNON FOR HASTINGS, MICH.

Mr. BURROWS. I ask unanimous consent for the present consideration of the bill (H. R. 948) empowering and directing the Secretary of the Navy to furnish four pieces of condemned cannon to the city of Hastings, Mich.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

COLONEL HAINS'S STATEMENT BEFORE COMMERCE COMMITTEE.

Mr. WHITE. I rise for the purpose of correcting an error in a document printed by the Senate in the report of a hearing before the Commerce Committee of the Senate on the subject of a deep-water harbor in southern California, of which we have heard considerable. The testimony of Colonel Hains, on page 29, contains the following statement:

The fact that they use these wharves so much without a breakwater is pretty good evidence that they need very little protection from the outside. I think that a breakwater made of plank would accomplish the purpose.

I received a letter from Colonel Hains this morning, calling attention to the error, and I desire to correct it. He wrote me as follows:

UNITED STATES ENGINEER OFFICE,
Baltimore, Md., May 22, 1896.

MY DEAR SENATOR WHITE: My attention was called a few days ago to the speech made by you in the Senate on May 9 relative to the deep-sea harbor in southern California, in which you quote certain remarks made by me at the hearing before the Committee on Commerce. These remarks were taken by the stenographic reporter, but they were never submitted to me for revision, and he has written them out as he doubtless understood them. I refer to the quotation on page 5527 of the CONGRESSIONAL RECORD of May 11, 1896, in which I am quoted as saying that "I think that a breakwater made of plank would accomplish the purpose." That expression was not made by me. I said, "I think that a breakwater made of that plan" (referring to the plan hung on the wall) "would accomplish the purpose."

The reporter left out the word "that" in front of the word "plan," and attached the letter "k" to the word "plan," which has given the sentence an entirely different meaning from what was intended. I suppose it is too late to make any correction of the sentence now, but I write this in order to show you that I did not make use of such an absurd expression as quoted from the stenographer's report.

Very truly, yours, PETER C. HAINS.

Hon. S. M. WHITE, *Washington, D. C.*

Colonel Hains is a distinguished officer, and of course desires to be technically accurate, and I make this statement so that it may be found corrected in the pages of the RECORD.

LOUIS V. HOUSEL.

Mr. BAKER. I ask unanimous consent for the present consideration of the bill (S. 2336) to place on the retired list of the Navy Louis V. Housel, late lieutenant of the Regular Navy.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. BATE. Was that bill reported by a committee?

Mr. COCKRELL. It was reported by the Committee on Naval Affairs.

Mr. BATE. And recommended?

Mr. COCKRELL. Yes, sir.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RIGHTS OF PURCHASERS UNDER MORTGAGES.

Mr. HILL. There is one more bill I should like to have taken up and considered. It is Senate bill 1832. While the title is a very broad one, it relates simply to one particular railroad. It has been unanimously reported from the Committee on the Judiciary. I ask unanimous consent for its present consideration.

There being no objection, the bill (S. 1832) to define the rights of purchasers under mortgages authorized by an act of Congress approved April 20, 1871, was considered as in Committee of the Whole.

The bill was reported from the Committee on the Judiciary with an amendment, to strike out all after the enacting clause and insert:

That whenever any mortgage made by the Atlantic and Pacific Railroad Company under and by virtue of acts of Congress is foreclosed in any court of the United States, or of any State or Territory thereof, and any sale of the road, equipment, lands, franchises, privileges, and other rights and property covered by said mortgage is made under a decree or decrees of such courts, the purchaser at any such sale or sales and their associates or assigns shall constitute a new company, which shall have and shall be entitled to hold and possess the franchises and property so sold, and to exercise the same rights, powers, privileges, grants, and franchises, including the franchise to be a corporation, granted by the act of Congress approved July 27, 1866, incorporating the Atlantic and Pacific Railroad Company, and by acts amendatory thereof and supplemental thereto, which were owned and possessed by said Atlantic and Pacific Railroad Company, or said mortgagees at the time of such decree of foreclosure; and the incorporation as hereby provided shall be completed and become effective whenever the said purchasers and their associates or assigns shall file with the Secretary of the Interior a certificate of incorporation hereunder, duly acknowledged, specifying the name of such new corporation, its president, and the names of its directors, the amount of its proposed capital stock and bonds, together with certified copy of the decree or decrees ratifying such sale; but nothing in this act shall make such purchasers and their associates or such new corporation liable for any debts or claims or contracts of the old corporation not expressly assumed in their contract of purchase at said judicial sale: *Provided*, That the amount of the proposed issue of stock of such new corporation shall not exceed the aggregate amount which the Atlantic and Pacific Railroad Company has already issued and is now outstanding, except that said corporation may issue an additional amount of stock which, with the stock heretofore issued, shall not exceed the aggregate amount heretofore authorized by Congress, and such additional stock shall not be issued except for money, labor, or property, estimated at its actual cost value, in exchange for such stock at its full or par value: *Provided further*, That nothing herein contained shall be construed as making any additional grant of lands or other franchises to such successor corporation, or as a waiver of any rights of the United States now existing to enforce any forfeiture of lands heretofore granted to the said Atlantic and Pacific Railroad Company, or as in any manner affecting the vested rights of any settler or settlers on any of the lands heretofore granted to the Atlantic and Pacific Railroad Company or of any purchaser or purchasers of said lands from said company.

SEC. 2. That Congress shall at all times have the power to alter, amend, or repeal this act.

Mr. MITCHELL of Oregon. I desire to inquire of the Senator from New York if he would have any objection to an amendment to this bill providing that this new company shall be responsible for any moneys that may be recovered by any parties on any warranty issued by the old company where the lands were found not to belong to the company, so as to protect the purchasers?

Mr. HILL. The Senator will recollect that we had this whole question before the Judiciary Committee; and I suggest that that can be done in the House of Representatives.

Mr. MITCHELL of Oregon. I desire to state, in order that there may be no misunderstanding as to the two bills before the Judiciary Committee, that one was relating to the Atlantic and Pacific and the other relating to the Northern Pacific.

Mr. HILL. The other is a very large matter.

Mr. MITCHELL of Oregon. I know, but at the same time I simply desire to state that since the Northern Pacific bill has been reported I have come to the conclusion that there ought to be, as to that bill at least, if not as to this, a provision so as to protect the parties who purchased land and hold warranty deeds from the old company and never got the lands.

Mr. HILL. I will assist the Senator in that.

Mr. COCKRELL. It is not necessary to do that on this bill.

Mr. MITCHELL of Oregon. I do not wish to embarrass this bill, and perhaps there may be circumstances which render it unnecessary to place such a provision in this bill.

Mr. CHANDLER. This bill simply authorizes the purchasers under mortgage to enjoy and use what they have purchased.

Mr. MITCHELL of Oregon. That is it.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. CHANDLER. The Senator from New York would oblige me if he would add to the title the words "concerning the Atlantic and Pacific Railroad."

Mr. HILL. I have no objection to that amendment.

Mr. CHANDLER. I move to amend the title so as to read: "A bill to define the rights of purchasers under mortgages authorized by an act of Congress approved April 20, 1871, concerning the Atlantic and Pacific Railroad."

OWNERS OF BRIG TALLY-HO.

Mr. PASCO. I ask for the present consideration of the bill (S. 337) to refer the claim of the owners of the brig *Tally-Ho* to the Court of Claims.

Mr. GALLINGER. I will not object to this bill, but I suggest that I shall move to adjourn after the bill is disposed of.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. GALLINGER. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 50 minutes p.m.) the Senate adjourned until Monday, May 25, 1896, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

SATURDAY, *May 23, 1896.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

THE JOURNAL.

The Journal of the proceedings of yesterday was read.

The SPEAKER. Without objection, the Journal will be considered as approved.

Mr. KEM. Mr. Speaker——

Mr. HOWARD. Mr. Speaker, I rise to a question of personal privilege. The privileged question is contained in the document which I send to the desk.

Mr. KEM. Mr. Speaker, I object to the approval of the Journal, and call for the regular order.

The SPEAKER. The gentleman from Nebraska [Mr. KEM] objects to the approval of the Journal.

Mr. HOWARD. I rise to a question of personal privilege.

The SPEAKER. This is a question of the highest privilege. The question is on the approval of the Journal.

Mr. DINGLEY. I move the approval of the Journal, and on that I demand the previous question.

The previous question was ordered; and under the operation thereof the Journal was approved.

QUESTION OF PRIVILEGE.

Mr. HOWARD. Mr. Speaker, I rise to a question of privilege.

The SPEAKER. The gentleman will state it.

Mr. HOWARD. I send the privileged matter to the Clerk's desk, and ask that it be read, after which I desire to address the Chair.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

I do impeach Grover Cleveland, President of the United States, of high crimes and misdemeanors on the following grounds:

1. That he has sold or directed the sale of bonds without authority of law.
2. That he sold or aided in the sale of bonds at less than their market value.
3. That he directed the misappropriation of the proceeds of said bond sales.
4. That he directed the Secretary of the Treasury to disregard the law which makes United States notes and Treasury notes redeemable in coin.
5. That he has ignored and refused to have enforced the "antitrust law."
6. That he has sent United States troops into the State of Illinois without authority of law and in violation of the Constitution.
7. That he has corrupted politics through the interference of Federal office-holders.
8. That he has used the appointing power to influence legislation detrimental to the welfare of the people: Therefore

Be it resolved by the House of Representatives, That the Committee on the Judiciary be directed to ascertain whether these charges are true, and if so——

Mr. STEWART. I rise to a question of order. This is not a question of privilege, and I object to the reading.

The SPEAKER. The Clerk will proceed.

The Clerk resumed and concluded the reading, as follows:

to report to the House such action by impeachment or otherwise as shall be proper in the premises. And said committee shall have authority to send for persons and papers.

Mr. DINGLEY. Mr. Speaker, I raise the question of consideration. At this late hour of the session I think it is hardly worth while to go into that matter.

The SPEAKER. The gentleman from Maine raises the question of consideration.

The question was taken; and the House refused to consider the question of privilege.

Mr. HOWARD. Mr. Speaker——

The SPEAKER. The gentleman from Illinois is recognized on a conference report.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. CANNON. Mr. Speaker, I desire the Clerk to read amendment No. 9. The House is dividing on that.

The SPEAKER. The Clerk will read amendment No. 9.

The Clerk read as follows:

(9) For court-house and post-office at Little Rock, Ark.: For additional amount to construct an addition to the United States court-house and post-office and enlarging judge's chamber and the offices of the marshal and clerk of the circuit and district courts, and for an elevator, $43,000.

The SPEAKER. The amendment No. 9 was disposed of.

Mr. CANNON. Then I ask for the reading of amendment No. 10.

The Clerk read as follows:

(10) For constructing a bathroom and lavatory in the basement of the post-office building at Sioux Falls, S. Dak., $300.

The SPEAKER. The gentleman from South Dakota moves that the House recede from its disagreement to the Senate amendment and agree to the same.

The question was taken, and the motion to recede from the disagreement to the Senate amendment and agree to the same was rejected.

The Clerk read as follows:

(11) For court-house and post-office at Los Angeles, Cal.: For additions to and alterations in the court-house and post-office building, $12,000.

Mr. CANNON. I yield five minutes to the gentleman from California.

Mr. McLACHLAN. Mr. Speaker, yesterday afternoon the members of this body seemed determined to vote down every appropriation proposed in the amendments of this bill on general principles. It is possible that some of these amendments have merit, and to vote them down on general principles may be doing grave injustice to the locality in which the improvement is sought to be made. I believe such to be the case with reference to the proposed amendment providing an appropriation of $12,500 for the improvement of the post-office facilities in the city of Los Angeles, Cal. I desire to state briefly the condition of affairs in that city. About eight years ago provision was made for the erection of a Government building in that city at a cost of $100,000, when it was a small place and contained but a few thousand people. Since that time the city of Los Angeles has had a marvelous increase in population, until to-day it is a city of upward of 100,000 population. Its growth has simply been marvelous. The business of the post-office has increased in the same proportion, until during the last fiscal year the revenues of the Government amounted to over $160,000, and the increase in the revenues during the first quarter of this fiscal year is sufficient to warrant me in saying that the revenues to the Government from that source alone will be over $180,000 during the present year.

The post-office is now conducted in the first story of the Government building, and is wholly inadequate for the proper performance of the vast amount of labor required in the proper management of that office. The Postmaster-General, recognizing the increased business at the post-office in Los Angeles, has recently provided a large additional force, and this fact emphasizes more strongly than ever the cramped quarters in which the large business was required to be performed. The Post-Office Department, through its inspectors, has duly reported that the basement of the public building at Los Angeles could be properly improved so as to make a suitable addition to the present post-office facilities for the sum of $12,500. That is the amount asked for in the amendment now under consideration. We do not ask for this appropriation for the purpose of enlarging the building by making additions, but simply to improve and fit up the basement of the building now in existence.

Mr. HENDERSON. It ought to be done.

Mr. McLACHLAN. Mr. Speaker, it is not in the line of additional improvements that we ask for the amount named in this amendment, and the objections raised to many of the amendments that have been adversely voted upon by this House do not apply in this case. If this amendment does not prevail, and this amount is not allowed for the improvement of the basement of the Government building already in Los Angeles, it will be necessary to

move the post-office from its present location to other quarters at a large annual expense to the Government for rent in the quarters so procured. The rent that the Government would be required to pay in a single year for proper quarters for our post-office in that city would almost, if not quite, equal the amount asked for in this amendment; and it is therefore economy on the part of the Government to make proper provision for improvements in its own building. Mr. Speaker, I submit in all candor that this is a just provision, and should be voted upon favorably by the members of this House.

Mr. CANNON. Mr. Speaker, a single word. I indorse what the gentleman says. This appropriation is not fairly within the line of public-building appropriations. The building is occupied, and from the extraordinary growth of the city they have got to fit up the basement so as to do the public business, or else they have got to go and rent quarters outside.

Mr. HENDERSON. It is economy to do it.

Mr. CANNON. If it was not for the fitting up and alteration—that means the cutting out of a door here and there—this appropriation could be paid from the general appropriation for repairs; but, under the technical rulings of the technical Comptroller of the Treasury, it is not available for that purpose. In my judgment it can be done without sacrifice of principle, and it ought to be done.

Mr. TERRY. I want to call the attention of the gentleman from Illinois to the fact that the condition which has been described as existing at Los Angeles is exactly the condition at Little Rock.

Mr. CANNON. Precisely. I acknowledge it.

Mr. TERRY. But your side voted it down.

Mr. MORSE. Mr. Speaker, there are 150 just such cases before the Committee on Public Buildings and Grounds.

Mr. CANNON. No, sir; so far as I know there is not one such case.

Mr. HICKS. We have them, though.

Mr. HENDERSON. Mr. Speaker, I have been in Los Angeles and know this building and know the city. It has grown from a little village until it is now the San Francisco of Southern California—a large, aggressive city, transacting the great business of that part of the beautiful fruit and flower region of this country. The people there need this improvement. It ought to be made. It is necessary for the transaction of the business of the city, and it will be economy for the Government to grant this appropriation.

Mr. MORSE. I ask the gentleman from Illinois to give me two minutes.

Mr. CANNON. I give the gentleman two minutes.

Mr. MORSE. I have in my memory at least two cases that are of equal importance to this. One is St. Albans, Vt., where the roof of the building is burned off. Another is at Topeka, Kans., where they are doing the post-office business in the cellar, and where they are crowded badly—have entirely inadequate facilities for the transaction of the post-office business. As a member of the Committee on Public Buildings and Grounds, I say now that we have many cases before our committee as meritorious as this, and if we are not going to vote the others we ought not to vote this one. We ought to treat them all alike. And I object to the way in which this and all these bills come here as riders on an appropriation bill from the Senate.

Mr. CANNON. The gentleman says he knows several places where they are doing post-office business in the cellar. This $12,000 is asked to enable the post-office at Los Angeles to do just that very thing—to fit the basement of the building for use.

Mr. TERRY. Mr. Speaker, I hope this side of the House will vote in favor of this California proposition, because it is meritorious; and I think that is the ground on which these appropriations ought to be considered.

The question being taken on the House receding from its disagreement to the Senate amendment, the Speaker declared that the noes seemed to have it.

Mr. CANNON. I ask for a division.

The House divided; and there were—ayes 84, noes 40.

Mr. MORSE. Mr. Speaker, I make the point of no quorum.

Mr. MILLIKEN. I would not do that.

The SPEAKER. The point of no quorum is made. [After counting.] One hundred and eighty-one gentlemen present—a quorum.

Mr. MORSE. I demand tellers.

Tellers were refused, only 4 members voting in favor thereof.

So the House receded from its disagreement and concurred in the Senate amendment.

The Clerk read as follows:

For court-house and post-office at Martinsburg, W. Va.: For completion of approaches, $5,000.

Mr. CANNON. I yield five minutes to the gentleman from West Virginia [Mr. DAYTON].

Mr. DAYTON. Mr. Speaker, I hope I may have the attention of the House for a simple statement with regard to this amendment. Here is a public building that has been erected, finished, and paid for, and the only thing necessary is the completion of the approaches. This building has been finished over a year and is occupied. The municipal regulations of the city of Martinsburg require every property owner to put in front of his property the necessary walks. That requirement has been sustained by the courts of our State. The Government has persistently disregarded the requirement for the putting down of these walks, and to-day we are in the position there that men who have to attend the courts that are held in that building are compelled to do so by walking over pine boards. This is an item of $5,000 only, and that is all that is necessary to complete the approaches to this building. I hope the House will concur in the amendment.

Mr. MILLIKEN. I wish the gentleman from Illinois would give me two minutes.

Mr. CANNON. I yield two minutes to the gentleman from Maine.

Mr. MILLIKEN. Mr. Speaker, there is no question that many of these cases are meritorious, but, as I said yesterday, the same is true of at least forty other cases that are not included in this bill, and out of forty or fifty bills pending before our committee there are many cases very much more meritorious than this. There is no absolute necessity for this appropriation. Still I would favor it if it came here in a legitimate way, with other measures quite as deserving; but I oppose all of these appropriations, with one or two exceptions where there is an absolute necessity, upon principle.

Mr. SAYERS. I wish to ask the gentleman a question of parliamentary law. Does he think that this particular item is one that should come directly before the Committee on Public Buildings and Grounds?

Mr. MILLIKEN. I think so. If it belongs to the Committee on Appropriations, that is another matter.

Mr. SAYERS. I just asked the gentleman's opinion.

Mr. MORSE. If you are going to pass these appropriations for public buildings in this way, you might as well abolish the Committee on Public Buildings and Grounds.

Mr. TAWNEY. I wish to ask the gentleman from Maine a question. Is there a bill pending before your committee for this purpose?

Mr. MILLIKEN. I do not recollect.

Mr. TAWNEY. If your committee had reported a bill of this kind would there be any objection at all, under the circumstances stated by the gentleman from West Virginia, to the House passing an appropriation of $5,000 for this purpose?

Mr. MILLIKEN. I answered that question yesterday. It was understood by the Committee on Public Buildings and Grounds that, on account of the condition of the Treasury, it was desirable upon the part of the House, desirable upon the part of the Executive, desirable upon the part of a great many people who have the interests of the country at heart, that in the present crisis our appropriations should be as small as they could be made consistent with getting along with the public service, and in order to keep down the appropriations, in consonance, as we believe, with the wishes of the House and of patriotic men generally, the Committee on Public Buildings and Grounds have delayed reporting bills for these appropriations and putting them upon the Calendar.

Now, as I said yesterday, if you pass in this way—which I regard as a most vicious method of legislation—public-building bills as Senate amendments to an appropriation bill, you leave a large number of the members of this House in a very disagreeable and embarrassing position. When they go home to their constituents, they will be asked, "Why have you not taken care of the interests of your constituents in regard to this or that public building?" and when they turn around and say, "It was not the policy of Congress to pass public-building bills," they will be pointed to Tom and Dick and Harry and Peter and Jim who got their public buildings through by having them sneaked into this House from the Senate in the way of amendments upon appropriation bills. In this way members will be left in a very bad position.

Mr. HULICK. I should like to ask the gentleman a question.

Mr. MILLIKEN. Certainly.

Mr. HULICK. Have the claims of the cases now presented here been considered by the gentleman's committee?

Mr. MILLIKEN. Some have been and some have not.

Mr. HULICK. If any of these cases have been passed upon by the committee and fully considered, then of course it might be important that we should know it.

Mr. MILLIKEN. Public-building bills which come into this House for its consideration should come from the committee, with a report stating the merits of the case, so that the House might know the circumstances and legislate intelligently.

Mr. WILLIS. I should like to ask the gentleman from Maine a question—whether he does not think the vote of this House sometimes depends largely upon the condition of the weather? [Laughter.] Yesterday, for instance, we took up the Senate amendments in a body, and with a spirit of rigidity and extreme opposition we

voted down everything that came along. This morning it seems the House is in such a delectable condition—as sweet and soothing as a summer breeze—that we want to pass this one and that one and the other one. As the gentleman has wisely said, this policy will put a number of gentlemen of the House in a false position.

Mr. MORSE. You are right.

Mr. WILLIS. There is no use in having our Committee on Public Buildings and Grounds, if we are going to vote through amendments of the Senate in this way, without any report from our committee. I have a number of propositions for public buildings in my own State which I have not had the nerve to offer to the House. And I feel that when propositions are presented in this way I ought to vote against every one of them.

Mr. MILLIKEN. The gentleman has answered his own question so admirably that I do not think anything further is called for from me.

Mr. CANNON. I yield two minutes to the gentleman from West Virginia [Mr. DAYTON].

Mr. DAYTON. Mr. Speaker, I want to call the attention of the House to the utter unfairness of the position taken by the gentleman from Maine [Mr. MILLIKEN]. He substantially admits that this is a work of necessity—a meritorious improvement. He simply insists that the appropriation for it should not be granted because the proposition has not passed through his committee. I maintain that such a position is not fair or right.

Mr. MILLIKEN. I have not asserted that this is a work of necessity.

Mr. DAYTON. You have parried the direct question that was put to you in regard to the matter.

The proposition here is simply to complete a public work. It has no relation to the building itself. In refusing to sustain this action of the Senate the House will stand in absolute defiance of a State regulation which requires all property owners to put down these walks in front of their property. If we desire that respect be paid to the laws which we pass we ought to have some respect for local regulations of this kind.

Mr. MILLIKEN. Just one word. I wish to say that in almost every one of these cases where the limit of the appropriation is broken the appropriation is to complete a public building.

Mr. CANNON. Mr. Speaker, I now ask for a vote.

The question being taken on the question, "Will the House recede from its disagreement and concur in the amendment of the Senate?" it was decided in the negative; there being on a division—ayes 47, noes 83.

The SPEAKER. The House refuses to recede and concur, and insists on its disagreement.

The next amendment was read, as follows:

On page 5, in line 15, strike out "seventy" and insert "one hundred"; so as to make the paragraph read:

"For court-house, custom-house, and post-office at Omaha, Nebr.: For continuation of building under present limit, $100,000."

Mr. CANNON. I ask for a vote.

Mr. MERCER. I ask the gentleman from Illinois [Mr. CANNON] to yield to me five minutes on this proposition.

Mr. CANNON. I will do so, Brother MERCER, unless three minutes will do.

Mr. MERCER. Possibly three minutes may suffice. I desire, Mr. Speaker, to move to concur in the amendment of the Senate with the following amendment:

In line 15, after the word "dollars," add "and the limit of cost of said building and site is increased from $1,200,000 to $1,300,000."

Now, Mr. Speaker, when this bill was before the House——

Mr. CANNON. Does the gentleman from Nebraska merely give notice of that amendment, or does he offer it now?

Mr. MERCER. Does the gentleman intend to raise a point of order?

Mr. CANNON. Oh, I suppose it is my duty to do so on the increase of the limit.

Mr. MERCER. Then, Mr. Speaker, I believe I will offer the amendment, because this is on a par with the amendment offered with reference to the post-office building at Kansas City, Mo.

Mr. CANNON. Precisely. Kansas City has been nonconcurred in. [Laughter.]

Mr. DOCKERY. I regret to say that is true.

Mr. MERCER. Well, that may be, Mr. Speaker, but, in the language of the gentleman from Delaware [Mr. WILLIS], that action was taken when the weather had a depressing effect upon the members of the House, and they were not in as good humor as they are this morning. [Laughter.] I take it now that, being in a little better humor, they will accept the amendment and reverse the decision of yesterday.

I have in connection with this matter, to which I desire to ask the attention of the House, a letter from the Secretary of the Treasury bearing on this point, which I will read for the information of the House:

TREASURY DEPARTMENT, *March 9, 1896.*

To the SPEAKER OF THE HOUSE OF REPRESENTATIVES.

SIR: I have the honor to submit the following statement relative to the United States court-house, custom-house, and post-office building now being erected in the city of Omaha, Nebr.

The limit of the cost of the site and building as fixed by act of Congress of January 21, 1889, is $1,200,000, the cost of the site $400,000, leaving a balance for the construction of the building of $800,000.

The cost of the contracts and contingent expenses to date is $554,090.75, leaving a balance for the completion of the building of $245,909.25.

The work yet uncontracted for consists of the plastering, joinery work, iron stairs, plumbing, elevators, electric wiring, heating, clock, approaches, certain carving of stonework of superstructure, etc., for the completion of which items the Supervising Architect of this Department estimates the sum of $345,909.25 will be required.

As the balance for construction under the present limit is $100,000 less than is absolutely necessary for the completion of the building, I have the honor to recommend that this amount be appropriated for that purpose in addition to the amount yet to be appropriated under the said limit.

This additional appropriation is rendered necessary by the fact that South Park, Colorado, granite was used in the construction of the building in lieu of limestone, the material originally intended in the official estimate, this substitution being made for the betterment of the building at the earnest solicitation of Hon. Charles F. Manderson and upon the recommendation of the Supervising Architect of this Department.

Respectfully, yours, etc.,

Now, Mr. Speaker, the building referred to by this amendment is in process of construction and is almost completed. If the House should strike down the amendment it would leave a building partially constructed, standing exposed to the elements, in which condition it must remain for at least twelve months. It is precisely in the same position as the post-office building in this city. If the House desires to take the position that the Omaha building, almost completed, shall stand exposed to the weather and subject to a damage which may probably reach as much as $250,000, let the House bear the responsibility.

If the gentleman from Illinois, however, insists on the point of order, I desire to be heard on that.

Mr. HICKS. Let me ask the gentleman this question: Are you not a member of the Committee on Public Buildings and Grounds of this House?

Mr. MERCER. To the best of my knowledge and belief I am. [Laughter.]

Mr. HICKS. Have not you voted against reporting bills to the House for public buildings at this session?

Mr. MERCER. Why, we have not had an opportunity to vote in favor of reporting them for action.

Mr. HICKS. I beg to say the gentleman is mistaken in that, for we have had the opportunity.

Mr. MERCER. Then I was not present.

Mr. HICKS. That was just the matter; the gentleman was not there.

The SPEAKER. The question is on the motion of the gentleman from Nebraska to recede from the disagreement to the Senate amendment and concur, with the amendment stated by him.

The question was taken; and on a division (demanded by Mr. MERCER) there were—ayes 59, noes 86.

So the motion was rejected.

The question being taken on the motion to recede and concur in the Senate amendment, it was rejected.

So the House refused to recede and concur, and insisted on its disagreement.

The next amendment was read, as follows:

(14) For custom-house and post-office at St. Albans, Vt.: For rebuilding and repairing same, made necessary by recent fire, $70,000.

Mr. CANNON. I yield five minutes to the gentleman from Vermont [Mr. POWERS].

Mr. POWERS. Mr. Speaker, the proposition embodied in this amendment is supported not only by its own intrinsic justice, but it has pictures to match. I hold in my hand a picture of the public building at St. Albans, Vt., when it was completed, ready for occupancy, and would have been occupied within two weeks but for a disastrous fire which befell that town in July, 1895, a fire as disastrous to St. Albans as the great fire in Chicago in 1871 was to that city. It wiped out the business portion of the town in two hours and a half, and in its ravages destroyed the public building that had been erected by prior appropriations of Congress, and left but a wreck, as shown in the photograph I hold in my hand. Any gentleman on the floor who will take the two pictures and compare this building as it was when completed and as it is to-day will appreciate the importance of immediate action upon this question.

One-third of the existing structure of to-day can be utilized and saved permanently if work is commenced on it at once; but if there is a delay of another year, even this part of the building will be utterly destroyed, and the Government will be subjected to an additional cost of twenty-five or perhaps fifty thousand dollars more than would be necessary at this time to preserve it.

Now, as to this item in the appropriation. A bill passed the

Senate appropriating the money unanimously, and the House sent it to the Committee on Public Buildings and Grounds when it reached this body; and by that committee, as I am informed by three or four members, and if I am not correct the gentleman from Massachusetts [Mr. MORSE] will correct me—it was approved by the committee. Every member of the committee agreed that the appropriation ought to be made; but, in view of the condition of the Treasury, the same policy inaugurated in respect to other public buildings was followed—that is, that no bill was to be reported to the House, although every member agreed that the appropriation ought to be made. Thereupon this amendment was put on in the Senate, and it comes over to the House for its action. I have the authority of each member of the conference committee having the matter in charge to say that they themselves agree that the amendment ought to be made.

Now, Mr. Speaker, let me submit it to the candid judgment of this House. Here is a piece of public property. If it stands twelve months longer the action of the elements upon it will absolutely destroy it from summit to base. If this appropriation is made and work resumed, one-third of the walls of that building can be utilized and the building reproduced. Now, Mr. Speaker, I submit to the candid judgment of this House that we can not afford, as representatives of the people, to allow the public property of the people to be wasted. If any one of you had the roof of your house burned you would, as a prudent man, at once go to work and save the balance of the House. Why should we not adopt the same thing here? Talk to me about the money in the Treasury being insufficient to do these things! No man in his private affairs would allow his partially burned dwelling house to go to ruin if he could save it by borrowing a few dollars. Why should not the Government, then, do the same thing with respect to this and try to act with economy rather than to act with extravagance? Why, sir, we were told by the Chaplain in his prayer this morning that man was created a little lower than the angels; but when you look upon the action of the House on yesterday I think the Chaplain probably was absent. I think if he had been present he would have had an entirely different idea.

Be that as it may, this is a matter of absolute merit, and no man can controvert it. Any man who will take the trouble to look at the picture of that building as it was and as it now is will at once vote for this proposition.

Mr. CANNON. I yield two minutes to the gentleman from Maine [Mr. MILLIKEN].

Mr. MILLIKEN. I am not going to disagree with the gentleman from Vermont [Mr. POWERS] as to the merits of this case. I only want to say to him that the Committee on Public Buildings and Grounds did report in favor of his bill. That is to say, they made a report and filed it in the committee room. They have not made it to the House. But they have also made reports as unanimously for perhaps thirty or forty other buildings or more, in cases many of which are quite as meritorious as this. But as I have before said (and there is no necessity for me to repeat it), it has not been the policy of this Congress to do what the gentleman states the Government should do in this case, and that is to do what a prudent business man would do or should do if he had the matter in hand. There are a great number of cases, not only those which have been reported but others in this country, a great many in the city of Washington, where, if the Government acted as a good prudent business man would act, it would appropriate money not only to repair but build public buildings. When one of the heads of the bureaus of this Government comes before the committee as an expert and states that if the Government will build a certain public building in six years it can save the entire cost of it by having modern improvements and conveniences, he states quite as strong a case as the gentleman from Vermont has stated, and yet nothing is done.

The gentleman says we are going to save a good deal because one-third of the walls of that building is left. Now, are the walls going to perish? I suppose they are built either of stone or brick. I do not know what the building is constructed of.

Mr. POWERS. Of marble.

Mr. MILLIKEN. Well, I do not think the weather is going to deteriorate that marble in the course of the next twelve months, and the gentleman has not stated there is anything left inside the building that is not burned up.

[Here the hammer fell.]

Mr. POWERS. One word further. I ought to have stated, Mr. Speaker, that this building is to accommodate the custom-house at one of the largest ports of entry in this country, the post-office, the internal-revenue collector's office, etc. The Government is now paying large sums in rent for the use of those offices, and I have no doubt that in eighteen months' time the rent which the Government pays would equal the amount of money called for to make this appropriation.

Mr. MILLIKEN. I will say that the Government is now paying more than $30,000 a year rent for accommodations for the Post-Office Department in this city, and more than $30,000 a year rental for the accommodations of the Public Printing Office, and yet we do not build new ones.

Mr. TAWNEY. But you have appropriated money for a new post-office, and for an addition to the Printing Office?

Mr. POWERS. We can not consider more than one thing at a time. Let us do the right thing about this and consider the others when they come up.

Mr. CANNON. I yield five minutes to the gentleman from Vermont [Mr. GROUT].

Mr. GROUT. I shall not want five minutes, Mr. Speaker. I simply want to call the attention of the House to the difference between this case and those stated by the gentleman from Maine [Mr. MILLIKEN], chairman of the Committee on Public Buildings and Grounds. He says various other projects before his committee are as meritorious as this. Very likely; but in nearly every instance it is the authority to erect a public building which is asked for.

Mr. MILLIKEN. Oh, no; not in every instance.

Mr. GROUT. In most instances.

Mr. MILLIKEN. Not in the majority.

Mr. GROUT. It is always the authority to erect public buildings that is granted by the gentleman's committee. That is what is ordinarily referred to that committee, except in cases like this. It seemed to me, in fact, when the bill came here from the Senate, that it should have gone to the Committee on Appropriations, as it calls for an appropriation simply, because the authority already exists. The Speaker, however, thought it should go to the Committee on Public Buildings and Grounds, very properly no doubt, and so it went there. But ordinarily, Mr. Speaker, where authority exists for an appropriation, all that is necessary is for the Committee on Appropriations to make the appropriation. This had been once made, it is true, and this building was destroyed. This appropriation is really in the nature of repairs, because there is something left of the building to be preserved, as has been stated by my colleague.

The gentleman from Maine says that the frost of winter would not unfavorably affect these blocks of marble. Everybody who knows anything about granite or marble knows that it would affect unfavorably such part of the walls as still stand. Every block of marble which could be used in the new structure, if left to the action of the frost, as it is, the joints being somewhat open, as they are from the effects of the fire, would be subject to disintegration. My colleague from Vermont stated that this was one of the largest subports of entry in Vermont.

Mr. POWERS. In the country.

Mr. GROUT. Yes, in the country; but if the largest in Vermont it would be large, for the district of Vermont is one of several large subports. And as illustrating the size of this subport I will say that the amount of revenue received at the port of St. Albans exceeds the amount received in the whole collection district of Portland, Me. And it is to accommodate the large customs business at this port as well as the post-office necessities of a large town that this appropriation is asked.

Now, I ask the members of this House to observe the ground on which the distinction between this case and those already rejected really rests. These other projects which have been voted on are where there was an increase in the limit—where there was a new authority to be granted. Here no authority is to be granted to erect a public building; that already exists. The simple request is for the money to rebuild it. The fire destroyed the building, but did not destroy the law authorizing it; that still exists, and this is an appropriation in accordance with that authority.

Mr. TAWNEY. Is the interior finish exposed to the elements?

Mr. GROUT. Certainly; to a very great extent. The roof was burned away and all the interior woodwork destroyed.

Mr. HICKS. Does not that increase the limit of the cost?

Mr. GROUT. Not at all. This item is for precisely the same sum originally appropriated.

Mr. HICKS. It has already been paid for once.

Mr. GROUT. Certainly; but the law authorizes a public building at St. Albans. There is now none there, and this appropriation provides the money with which to build it, and the limit is precisely the same as already authorized by law.

Mr. HICKS. But it doubles it.

Mr. GROUT. It leaves the limit unchanged.

Mr. MILLIKEN. If the gentleman will allow me one moment.

Mr. CANNON. I think we are ready to vote, if the gentleman has concluded.

Mr. MILLIKEN. It seems very curious that marble up in the State of Vermont would not stand the frost after the inside of the building was burned out. Now, if the marble will not stand frost in Vermont, I think the best thing the Government could do would be to build it up of granite, which will stand the frost of that country. Now one thing more. The gentleman is wrong in stating that the limit is not going to be exceeded. This authorizes $70,000 more. You had a limit fixed as the cost of your building, and the building according to the statement of your colleague

[Mr. POWERS] has been constructed and the money that was appropriated, to that limit, was expended.

Now, if Congress votes $70,000 it is certainly extending the limit. The gentleman says, further, that in these cases that have come before the Committee on Public Buildings and Grounds they are for the authorization of new sites. You take the case of the appraiser's store in the city of New York, which I mentioned yesterday. That is a case exactly in point with that of the gentleman. That building has been built up one story. It was authorized years ago. There is a proposition now before the Committee on Public Buildings and Grounds to strengthen the ironwork of the first story, because it is not strong enough, as proved by experts, to support the building and what it will have to contain hereafter. This was authorized long ago; yet it is properly before the Committee on Public Buildings and Grounds.

Mr. GROUT. I do not say that there are not other meritorious cases. I simply say this is one of great merit, which even the gentleman from Maine does not deny. I also say it is entirely different from the cases already voted down by the House.

Mr. CANNON. I ask for a vote.

The SPEAKER. The question is on receding from the disagreement to the Senate amendment and concurring in the same.

The question was taken, and the Speaker announced that the noes seemed to have it.

Mr. POWERS. Division, Mr. Speaker.

The House divided; and there were—ayes 64, noes 69.

Mr. POWERS. Mr. Speaker, I do not like to delay the action of the House, but I think this question is one on which we ought to have a vote of the whole House. I call for the yeas and nays. [Cries of "Oh, no!"]

After a pause,

Mr. GROUT. I suggest that the vote be by tellers.

Mr. POWERS. I will take it by tellers.

The SPEAKER. The gentleman withdraws the demand for the yeas and nays, and asks that the vote be taken by tellers.

The question was taken on ordering tellers, and tellers were ordered.

The SPEAKER. The gentleman from Illinois [Mr. CANNON] and the gentleman from Vermont [Mr. POWERS] will please take their places as tellers.

The House divided; and there were—ayes 73, noes 58.

So the motion was agreed to; and the House receded from its disagreement and concurred in the Senate amendment.

The Clerk read as follows:

For post-office, court-house, and custom-house at St. Paul, Minn.: For continuation of building under present limit, $125,000.

Mr. KIEFER. Mr. Speaker——

Mr. CANNON. I will ask the gentleman whether, with the limit unchanged, there is not money enough in the House appropriation?

Mr. KIEFER. The statement which the chairman of the committee made to me yesterday was that the $60,000 appropriated by the House, or about to be appropriated in this bill, with the money still on hand, was all that could be used up to March 3, 1897, according to the report made by the Treasury Department and as per the statement made by the Supervising Architect before the Committee on Appropriations. Is that correct?

Mr. CANNON. That is correct. I have the statement here.

Mr. MILLIKEN. Is the limit proposed to be broken in this case?

Mr. CANNON. No.

Mr. MILLIKEN. Well, if the limit is not broken, there is no objection on my part to this item, because it does not come within the rule.

Mr. CANNON. I will ask the House to disagree to the amendment, simply because there is money enough in the House provision.

The question being taken, the House refused to recede from its disagreement to the Senate amendment.

The Clerk read as follows:

For court-house at Savannah, Ga.: For continuation of building, $25,000; and the limit of cost of said building is increased $100,000.

The SPEAKER. The question is on receding and concurring in the Senate amendment.

Mr. CANNON. I yield five minutes to the gentleman from Georgia [Mr. LESTER].

Mr. LESTER. Mr. Speaker, this amendment appropriates $25,000 for the continuation of the building of the court-house at Savannah, and increases the limit of cost $100,000—that is, it extends the limit from $400,000 to $500,000. The situation at Savannah is this, and I think it is a case where the judgment of the House will be that the appropriation ought to be made, or at least that the limit ought to be extended, for reasons which I will explain. In 1886, ten years ago, this public building for the post-office and court-house was authorized by an act of Congress. After purchasing a site and partly erecting a building upon it, the site was changed and the limit was made $400,000. Subsequently the erection of a building upon a new site was commenced and the basement and lower story were finished with stone, the general expectation being that the building would be faced with marble. Last year they were ready to commence the erection of the superstructure, after having previously completed the basement, and it was then discovered that possibly there might not be money enough to finish the building as contemplated by the plans. Bids were advertised for by the Secretary of the Treasury for the completion of the building with brick and also alternate bids for marble. It turned out when the bids were received that the bid for the marble finish exceeded the amount of the appropriation. The same firm who offered to complete the building with brick also made the bid for marble. The Secretary of the Treasury, joining in the idea and the expressed wish of everybody concerned, that the building ought to be completed with marble—because so important a building in a city as important as Savannah should be of stone instead of brick—made an arrangement with the bidder to suspend his contract (which was to commence some time in October) until June of this year, in order to give Congress an opportunity, if it pleased, to extend the limit so that the building might be finished with marble, as it ought to be. The Secretary of the Treasury wrote a letter to the Committee on Public Buildings and Grounds, to which I ask the attention of the House:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., April 24, 1896.

SIR: I have the honor to invite your attention to Department letter dated February 7, 1896, addressed to you, relative to bill H. R. 317, entitled "A bill to increase the limit of cost of the public building now being erected at Savannah, Ga."

The office estimate for the work contemplated the use of limestone for the facing of the first story, with pressed brick and terra-cotta trimmings above, and contract on that basis was awarded August 20, 1895, in amount $117,000, which amount was within said office estimate.

At the earnest request of the Hon. RUFUS E. LESTER, who represented to this Department that the citizens of Savannah earnestly desired that the building should be faced with marble throughout, a communication was addressed to the contractors requesting them to state whether they would stand by their alternate bid for marble facing for the building until Congress should have an opportunity to make an extension of the limit.

In response thereto they agreed to stand by their proposition until June 1, 1896.

As the time limit is rapidly approaching, it becomes necessary to take action on the above bill, should Congress desire to comply with the request of the citizens of Savannah for the proposed substitution.

I have, therefore, to request that early action be had in the matter, so that this Department may know what course to pursue relative to the contract now in force.

Respectfully, yours, J. G. CARLISLE, *Secretary.*

To the CHAIRMAN,
COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS,
House of Representatives.

The SPEAKER. The time of the gentleman has expired.

Mr. LESTER. May I have another minute?

Mr. CANNON. I yield the gentleman two minutes more.

Mr. LESTER. Now, Mr. Speaker, the Committee on Public Buildings and Grounds of this House took the same view of that question, and recommended that the bill be passed extending the limit in respect to this building. I understand that the only objection raised now is based on some fanciful notion that perhaps if any public building bill be passed in any shape or form at this session it may reflect injuriously in some way upon the Committee on Public Buildings and Grounds and injure them with their constituents at home. I think, Mr. Speaker, that this case stands upon its own merits, like the proposition with reference to the public building at St. Albans, Vt., and the public building in California. I ask, therefore, that the House recede from its disagreement to the Senate amendment, and concur in that amendment.

It will be noticed that this amendment embraces two propositions—an immediate appropriation of $25,000 and an extension of the limit to $100,000 for the purpose of completing this building with marble. If this amendment be not adopted at this session we can not afford to wait until the next session of Congress for the continuance of this work, as may be done in the case of other public buildings. Unless this provision be now adopted, then, as the contract time will be up the 1st of next June, the work will be continued under the contract providing for finishing the building with brick. Hence, this question must be determined now or not at all. It will be seen that this case stands on a very different footing from the cases which other gentlemen have presented here this morning.

In reference to the immediate appropriation of $25,000, I will say that if it pleases the gentleman from Illinois to ask that that immediate appropriation be struck out I shall have no objection, because the building can be finished in the way I have stated by a mere extension of the limit.

Mr. HICKS. Would not an appropriation of $25,000 be sufficient for the present?

Mr. LESTER. I am willing that if the immediate appropriation of that amount be objectionable it be struck out altogether, retaining simply the provision extending the limit of cost.

Mr. CANNON. My recollection (which I think examination will verify) is that under the present law the limit of cost for the building at Savannah is $400,000, with authority to contract. Under that limitation there is plenty of money appropriated to care for this work during the coming year. The pending proposition, however, is to break the limit and authorize an expenditure of $500,000. If the House should authorize this increase it means a different finish for this building; if not, it means that it shall be finished in the manner originally contemplated. I am ready for a vote.

Mr. LESTER. I think the gentleman from Illinois is under a misapprehension in regard to the facts.

The SPEAKER. The question is on receding from the disagreement of the House to the Senate amendment and concurring therein.

The question being taken, there were—ayes 35, noes 52.

Mr. LESTER. I call for tellers.

Tellers were not ordered, only 33 voting in favor thereof.

The SPEAKER. Tellers are refused; the noes have it. The House refuses to recede and concur, and insists on its disagreement to the amendment.

The Clerk read the next amendment, as follows:

Insert on page 6 of the bill the following:
"For court-house and post-office at Salt Lake City, Utah: For purchase of site and commencement of construction of building, $75,000."

The SPEAKER. The question is, Will the House recede from its disagreement and concur in this amendment of the Senate?

Mr. CANNON. I yield five minutes to the gentleman from Utah [Mr. ALLEN].

Mr. ALLEN of Utah. Mr. Speaker, I would not undertake to occupy the time of the House on this question if it were like the questions which have already been decided. In the first place, I wish to call the attention of the House to the fact that so far as this bill is concerned there can be no objectionable precedent set by favorable action on this amendment, because this is the last of the public-building amendments in this bill.

Several MEMBERS. Oh, no.

Mr. ALLEN of Utah. Yes, it is. I wish also to call attention to the statement made here yesterday by the gentleman from Maine [Mr. MILLIKEN], that it is the policy of this House not to do anything in the line of public buildings at this session of Congress. I challenge that statement. The House has not so expressed its policy. It has not had the opportunity of declaring at this session what shall be its policy with reference to these questions.

Utah is the youngest State in the Union. It is the only State as to which provision has not been made for a public building at its capital. The Senate has passed a bill authorizing the construction of a public building at Salt Lake City, the capital of Utah. The House committee, if I am correctly informed, has in its pigeonholes a bill for this purpose which has been approved unanimously by that committee. It is true that no bill of this kind has been passed; but both Houses—one by an affirmative vote, the other by the action of its Committee on Public Buildings and Grounds—have declared it necessary and desirable that there should be a public building at Salt Lake City. The present proposition is to purchase a site for that building; and every argument which has been advanced here in favor of the other propositions of this kind which have been adopted can be advanced in favor of this proposition.

Gentlemen have said it is in the interest of economy to restore the public building at St. Albans, Vt. So I say it is in the interest of economy that a building be erected at Salt Lake City. And inasmuch as this case stands by itself, is sui generis, I ask that this amendment be concurred in.

Mr. CANNON. A single word, and I am ready for a vote. Gentlemen will understand that this is an entirely new building, authorized for the first time by the Senate amendment to the bill.

I now ask a vote.

The question was taken on receding from the disagreement to the amendment of the Senate and concurring in the same.

On a division (demanded by Mr. ALLEN of Utah) there were—ayes 24, noes 51.

So the House refused to recede from its disagreement.

The SPEAKER. The Clerk will read the next amendment.

The Clerk read amendments 18 and 19, as follows:

Amendment numbered 18: Strike out "two" and insert "three."
Amendment numbered 19: Add the words "and the limit of cost of said building is increased $410,000." So the paragraph will read as follows:
"For post-office at Washington, D. C.: For continuation of building under present limit, $375,000; and the limit of cost of said building is increased $410,000."

Mr. CANNON. I ask unanimous consent to consider these amendments together. They properly belong together. If the limit is broken, as proposed in one of the amendments, then the appropriation ought to be increased as the Senate amendment provides.

The SPEAKER. Without objection, the two will be considered together.

There was no objection.

Mr. SAYERS. Mr. Speaker, I move that the House recede from its disagreement to the amendments of the Senate Nos. 18 and 19 and concur in the same.

I will state that these two amendments have reference to the post-office building in the city of Washington. It is absolutely necessary that these amendments should be adopted in order to complete this building within the next eighteen months. If they should be adopted, then within eighteen months from this date the building will be completed, and 3,000 clerks, or thereabouts, who are now occupying rented buildings in this city, at a cost of about $100,000 per annum, will find quarters there. In addition to that, we are paying quite a large sum for the rent of a post-office for this city.

I state this latter amount subject to correction; but, at all events, the present post-office is now a rented building, and the post-office, of course, will be removed when the new building shall have been completed, so that there will be at least a saving absolutely to the Government by the completion of the building within the eighteen months not less than $100,000 a year. If the amendment should not be adopted, the building will not be completed and will come to a standstill, and the Government must continue paying rent at the same rate it pays the owners of houses now being used until work shall be resumed and the building completed.

I understood the gentleman from Maine [Mr. MILLIKEN], who is chairman of the Committee on Public Buildings and Grounds, to say on yesterday that this building is an exception and that these amendments ought to be adopted. With this statement, Mr. Speaker, I leave the matter to the House.

Mr. PICKLER. Let me ask the gentleman from Texas a question. Will this finish the building; and if so, when?

Mr. SAYERS. My understanding is that it will finish the building ready for occupancy in eighteen months.

Mr. DAYTON. Will this be sufficient to provide the steps and approaches to the building, so that we can get inside of it when it is completed? [Laughter.]

Mr. SAYERS. There will be no difficulty, I can assure the gentleman, in getting access to it.

Mr. MILLIKEN. Mr. Speaker, I did say on yesterday that I looked on this as an exceptional case. This provides for the completion of an almost completed building, and until it is completed I suppose it can not be occupied at all; and in view of the fact that it will provide accommodation for a large number of the employees of the Government and save such a large rental, it is an exceptional case, and one that the House should act upon and act promptly.

It is a case, too, which can not be pointed out to any member of Congress, when he may go home, by the people of his district, when he has failed to get his public building for his district, as militating against him or his efforts in that direction.

I will say, further than that, Mr. Speaker, that I feel a little pride myself in this building. I think, indeed, I have a right to do so. I worked for seven years on the Public Building and Grounds Committee of this House, together, let me say, with Mr. Dibble, of South Carolina, not now in Congress, but to whose active work and efficiency in this direction I desire to testify. For seven years we worked to get this building established here.

We had an old post-office building in this city in which I suppose you might have kept a cow without tying her, but you could not have kept a dog, for he could have run out through the cracks. [Laughter.] And in view of the difficulties that to-day face us in getting the establishment of a Printing Office and other necessary public buildings here, I feel some pride in the fact that although we kept working at this for nearly seven years, we finally succeeded and gained the victory, notwithstanding the efforts of a great many individuals who wanted to get their fingers into the pie. We succeeded also in establishing the building at a point where I think it ought to be established. I think it is the concurrent testimony of the people in this city, as well as the members of Congress themselves, that the building is well located.

Now it is nearly finished. Its construction has proceeded so slowly that the newspapers and the people have manifested impatience at the delay. If this provision in this bill will achieve its completion in the course of a few months, so that we can see it occupied—if the city of Washington, the national capital, which is entitled to have good public buildings, can rejoice in a post-office building belonging to the Government and worthy of the Government, and such as the public service requires—I shall be glad to see it done. I shall make no objection.

Mr. DAYTON. Why did you not report it long ago?

Mr. MILLIKEN. I have answered that question so many times that if the gentleman has as much intelligence as his face indicates he certainly must know what the answer is without asking any further question.

Mr. CANNON. I yield five minutes to the gentleman from Texas [Mr. ABBOTT].

Mr. ABBOTT. Mr. Speaker, I want to say to the House that I am not so much opposed to these particular provisions as I am to the method in which these amendments have been offered to this bill. The House in its organization created a Committee on Public Buildings and Grounds, upon which was conferred certain jurisdiction. These questions relating to public buildings have been presented to that committee, and in many cases that committee have acted favorably. Now, we have, as I understand, through the chairman of the Committee on Public Buildings and Grounds, sought opportunities to present to this House the bills which have been considered and favorably passed upon. We have not been accorded that privilege. We have not been allowed, as it were, to present our bills. Of course the committee can present them, but we do not choose to do so until such time as we believe we can get consideration at the hands of the Speaker and the House.

Now, it is not so much that I oppose these appropriations as the manner in which they are brought into this House. If we are going to permit the Senate of the United States, upon appropriation bills, to bring amendments here authorizing the building of new buildings or the continuation of new buildings already under construction, why not do away with the Committee on Public Buildings and Grounds altogether? Why have a committee here whose duty it is to inquire into and consider the merits of these respective measures, when at the same time you permit the Senate to come here and tack numerous bills upon an appropriation bill without any reports at all? Who knows in regard to this post-office here in the city of Washington? Who knows what the estimates are? Has anybody presented any statement that we should increase the limit of construction?

Mr. DOCKERY. I suggest to my friend that the letter of the Secretary of the Treasury recommends it.

Mr. ABBOTT. Perhaps the Secretary of the Treasury has recommended it. I did not know that fact to be true; but, nevertheless, I do not think it right and proper for this House to become a mere tool of the Senate of the United States and to allow that body to dictate to us what we shall do. Why do they not bring up their bills separately and pass them on their respective merits instead of tacking them upon an appropriation bill? There are numbers of gentlemen on this floor who have been before the Committee on Public Buildings and Grounds insisting upon the passage of their respective bills. Many of these bills are meritorious. There are several States in the Union which have not any public buildings. There are many places where the Federal courts are held where the Government of the United States has no house in which to hold them. These cases are just as meritorious as the bill under consideration.

Why should the people of the several States of this American Union be deprived of the privilege of having buildings where their courts may be held and where their post-office business may be transacted? Why should we make a special exception of the city of Washington or any other city? Why not let them come in and stand upon their own merits? I believe in no such policy as this. I believe it is wrong for bills of this character to be ingrafted upon appropriation bills.

Now, gentlemen, the House in the preparation of this bill provided for an appropriation of $275,000 to be expended for the continuation of the post-office in the city of Washington. Why should we increase it $100,000? I have been looking at that building for the last six or seven years, nearly. The work has been going on very slowly. Comparatively few laborers are employed upon it. It appears to me so, at least. Why should we, at the suggestion of the Senate, add $100,000 to the $275,000 which the House had agreed to?

[Here the hammer fell.]

Mr. CANNON. I ask for a vote.

The SPEAKER. The question is on receding and concurring.

The motion was agreed to.

Accordingly, the House receded from its disagreement, and concurred in the amendment of the Senate.

The SPEAKER. The Clerk will present the next amendment.

The Clerk read as follows:

For Treasury building at Washington, D. C.: For repairs to Treasury, Butler, and Winder buildings, $12,000.

Mr. CANNON. That amendment and the next one have already been disagreed to.

The SPEAKER. The Clerk will report amendment No. 22.

The Clerk read as follows:

For making certain proposed alterations in the post-office building in New York City, and for improving, arranging, and furnishing certain rooms therein in accordance with plans prepared by the Supervising Architect of the Treasury, to be done under the direction of the Secretary of the Treasury, the sum of $60,000, such sum to be immediately available.

Mr. CANNON. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. DANIELS].

Mr. DANIELS. Mr. Speaker, the object of this amendment to the bill has been to make certain alterations and changes in the court rooms in the post-office building in the city of New York. When the building was erected, these rooms were constructed of the height of two stories. Since that time Congress has provided for the circuit court of appeals, requiring more room than these two rooms and the district court room can afford. It has been proposed, therefore, to construct a floor midway between the upper and lower floors of the room, making four rooms out of two and two out of another, so as to accommodate these courts in the transaction of their business. They are now much restricted. All the business done by the United States is done by those courts. They are United States court rooms, and for the purpose of facilitating and increasing the means of doing that business this appropriation has been asked for. It stands upon a different principle from many of those which have been considered and disposed of by the House, for a bill was introduced into the Senate to make this appropriation and allowing these alterations, and the Senate bill was passed and came to the House. About a month or two months ago it was sent to the Committee on Public Buildings and Grounds of the House. One member of that committee, who was recently in the city of New York, went into the building for the purpose of seeing whether in point of fact these alterations were required, and upon his return he stated to me that he was satisfied the alterations ought to be provided for, and ought to be immediately made; but no report has been made by the Committee on Public Buildings and Grounds upon that bill, and the result of this delay of the House committee has been the insertion of this amendment in the bill by the Senate.

I have letters of the judges of the circuit court of appeals, Judges Wallace, Lacombe, and Shipman, stating these changes are necessary. The judges state:

As you are aware, two of these court rooms extend upward through two stories of the building. If they were floored over at the level of the first story the capacity of these rooms would be doubled.

I have also a letter of Justice Brown, of the district court, saying the same thing in reference to his room, and showing the necessity for this work being done, and done immediately. Now, it will be borne in mind, in connection with the proposal to do this work, that the revenues received by the Government from the post-office in the city of New York amount to millions more than those of any other post-office in the country. The postmaster himself has concurred also in the request that this work shall be done. So has the district attorney, and so has Mr. Choate, the president of the law institute, which has a large library, perhaps the largest library in the city of New York, of law books, which is used by the judges of this court. Unless this work is done, this library must be taken out of the building, because the accumulation has been such and so great that they have not room for the library; while if this work is authorized this room will be extended, by which the library can overflow into other parts of the building and afford additional accommodations to the judges for the examination of their cases and the investigation of the questions brought before the court, and at the same time afford them room to transact their business.

Now, the simple question here in reference to this amendment is whether the United States, for the purpose of transacting its business, its legal business, in the city of New York and affording the courts reasonable room for the dispatch of their business, will sanction this amendment. If Congress will not, then, of course, they must be put to inconvenience and have the business itself postponed or not done at all. If the amendment is permitted, by simply taking a small amount—and it will only take a small amount—of the surplus revenues of this post-office, it will afford these additional facilities for the transaction of the business of the court as well as furnish more room for the library that they have to use in the dispatch and consideration of their business.

I submit to the House, therefore, under these circumstances that this case is distinguishable from those which have been disposed of here, and that it requires that this appropriation should be sanctioned, particularly when, as they are made in the ordinary course of things and carried through a bill—the Senate has passed a bill for the appropriation of this money and the sanctioning of these improvements—through the failure of the committee of this House to act upon it, the House itself must dispose of the matter. This reads:

For making certain proposed alterations in the post-office building in New York City, and for improving, arranging, and furnishing certain rooms therein in accordance with plans prepared by the Supervising Architect of the Treasury.

Mr. DANIELS. That is it.

Mr. CANNON. It is not for a new building, nor for additions to the building, but to make changes so as to give double the present court room, by laying an additional floor, and is therefore like unto the Los Angeles case.

Mr. DANIELS. It will make six court rooms out of three.

Mr. CUMMINGS. Mr. Speaker, this change in the post-office building must be made now, or it will be futile. Unless the change is made now, the best law library in the city of New York will be removed from the Federal Building and the judges will be compelled to go outside to consult their law books. The Government of the United States will then be asked to furnish them a law library and, at the same time, to make the alterations in the building that are now called for in these specifications. It seems to me, Mr. Speaker, that the proposition ought to commend itself to the House without argument. It is virtually a proposition to save the Government of the United States $50,000.

Mr. LOW. One hundred thousand dollars.

Mr. CUMMINGS. I stand corrected by my colleague. It is virtually a proposition to save the Government of the United States $100,000. All the Federal courts of that circuit are held in the post-office building. Without a law library at hand they are crippled. I need not call the attention of gentlemen here who are lawyers to the fact that some of them may later on have a personal interest in this item, for if they practice in the Federal courts in New York, and if we make this appropriation, they will have law books right at hand; but if the library has to be removed from this building they will be correspondingly hampered in their practice. I know that my friend from Maine [Mr. MILLIKEN] is a good lawyer. I do not know but what, at times, he may be so unfortunate as to practice in the Federal courts in the city of New York, and I would really like to see him helped as much as possible by the passage of this appropriation. [Laughter.] I know that the removal of the law library would affect his practice unfavorably as well as that of any other gentleman here who might happen to be called upon to appear in those courts.

Mr. MILLIKEN. Mr. Speaker, I have been thoroughly entertained and greatly gratified by hearing how much money the Government of the United States is making by the passage of these appropriations. [Laughter.] My genial friend from New York [Mr. CUMMINGS], for whom I have as much admiration as I have for any man in this House or out of it, told us that we should save $50,000 by this appropriation, and his colleague [Mr. LOW] raised it to $100,000. I do not know how great the amount of our saving might be if the gentleman should consult all of his 33 colleagues on this floor. [Laughter.]

Mr. CANNON. Do you think we had better "call" him?

Mr. MILLIKEN. The gentleman is using language peculiar to a certain pursuit that I am not so familiar with as he is, and therefore I can not respond intelligently to his question. [Laughter.]

Now, Mr. Speaker, I am not going to discuss the merits of this case, but it does seem to me that there is no special exigency requiring this appropriation, and I can not see why it does not come under the same rule as the other cases in which we have instructed our conferees to insist upon our disagreement to the Senate amendments.

Mr. DANIELS. I will say to the gentleman that the business of the courts is constantly increasing, and this additional room is required to transact their business satisfactorily.

Mr. CANNON. I ask for a vote, Mr. Speaker.

The question being taken, the Speaker declared that the noes seemed to have it.

Mr. CUMMINGS. I ask for a division.

The House divided; and there were—ayes 45, noes 47.

Mr. CUMMINGS. I demand tellers.

Tellers were refused; the motion to recede and concur was rejected, and the House insisted upon its disagreement to the Senate amendment.

The Clerk read as follows:

To enable the Public Printer, with the approval of the Secretary of the Treasury, to purchase two lots of land immediately adjoining the site of the Government Printing Office on the west, said lots running north and south from H street to Jackson alley, and containing 8,412 square feet, more or less; and to purchase in addition a site in the vicinity of the Government Printing Office, within that part of square 624 bounded on the south by G street NW., on the east by North Capitol street, and on the north by Jackson alley, and containing 8,412 square feet, more or less, and to erect thereon a boiler house and coal sheds; and for the purchase and erection of two 300-horsepower steel steam boilers, with all necessary fittings and connections to connect said boilers to the Government Printing Office, $100,000, to be immediately available.

If from any cause the Public Printer, with the approval of the Secretary of the Treasury, shall be unable to purchase said land at a satisfactory price from the owners, he is hereby directed and empowered, within thirty days after the passage of this act, to secure the same by condemnation proceedings, as provided in the act approved June 25, 1890, entitled "An act to authorize the acquisition of certain parcels of real estate embraced in square No. 323 of the city of Washington, to provide an eligible site for a city post-office," and the amendment to said act contained in the act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1891, and for other purposes," approved August 30, 1890.

Mr. SAYERS. Mr. Speaker, I move that the House recede from its disagreement and concur in the amendment just read. In support of the motion I ask to have read from the RECORD of yesterday a letter of the Public Printer, which explains the situation and the necessity for this appropriation. If gentlemen can afford to vote against the motion after they shall have heard the letter read they must bear the responsibility.

The Clerk read as follows:

OFFICE OF THE PUBLIC PRINTER,
Washington, D. C., April 30, 1892.

DEAR SIR: I esteem it my duty to write you in connection with the item inserted in the sundry civil bill in the Senate, providing for the erection of additional boiler plant at this office and for the purchase of land, which item is now under consideration in conference with your committee.

This work is the outgrowth of work undertaken a year ago, at the instance of the Joint Committee on Printing, in securing the erection of the new west building, now nearing completion at this office; in fact, this plant is a part of the work contemplated in such erection, inasmuch as it was intended, in connection with the erection of the new building on the lot line of adjoining owners, that the purchase of the adjoining land was to be made and the buildings removed, that light might be admitted into the two lower stories of the new building. As it is now, many of the windows are completely darkened by the adjoining building.

It was also understood and stated by me that the present boiler plant would not be sufficient and could not be enlarged to furnish heat for the winter for the new west building. The erection of five additional rooms to the office, under the appropriation of $75,000 in 1894, caused me to utilize every resource of the present boiler plant, that the present power and heating demands of the office might be met, and which is inadequately met during the severity of winter.

There is no margin either in power or heat in our present plant to furnish heating facilities for the new building to be occupied in June. Such occupancy will be followed by vacating the building in November next unless heat is provided. No addition can be made to the present steam plant of the office except by purchase of land for the erection of the new plant.

All other dangers attending life and property in this office lessen before the danger incident to the tremendous steam energy concentrated within the group of buildings here, and which must be operated days, nights, and Sundays, with scarcely ordinary opportunities for withdrawing the fire and cleaning the boilers.

The demands on the steam service are now greater than ever, and the danger greater. I have mentioned this danger in public reports and verbal statements. If the new boiler plant is erected, I will use it entirely for power purposes, and use the old boilers within the office exclusively for heating purposes, removing in a large degree the great pressure of steam, thus lessening the danger to life and property.

The presentation of this matter to the Senate Appropriation Committee was in line of suggestions as made by members of the Committee on Printing, and not with a view of leaving your committee uninformed in the matter on my part.

Most truly, yours,

TH. E. BENEDICT,
Public Printer.

Hon. J. G. CANNON,
Chairman Committee on Appropriations,
House of Representatives.

Mr. SAYERS. Mr. Speaker, I have nothing to add to what is set forth by the Public Printer as to the necessity for this expenditure.

Mr. HENRY of Indiana. Is this merely for room for a boiler plant?

Mr. SAYERS. Additional room is needed in order to use a boiler plant.

Mr. HENRY of Indiana. Eight thousand square feet for a boiler plant?

Mr. SAYERS. I do not know how much will be used for that specific purpose.

Mr. MILLIKEN. Mr. Speaker, there is no man in this House who has any greater desire, or who has struggled any harder than I have done in several Congresses, to give to the Government a Printing Office adequate to do the work well and economically, and with due regard to the health and comfort of the officials and employees there. The Senate, which has seen fit to put this item into an appropriation bill, has, as old members of the House well know, stood in the door for three Congresses past and said to us, as the highwayman says, "Either take a certain lot or nothing." And for the last six years that has prevented the purchase of an eligible site where there would be light and ventilation and good drainage, where we could erect a Printing Office with modern improvements and facilities for doing the work satisfactorily. Even when the Public Printer has said to the committee, and when the fact has been brought to the attention of the Senate and of the House, that we are paying $30,000 a year rental for conveniences outside of the existing building—that it was costing the Government nearly twice as much to do the work in that old rat trap of a building, which was never built for a Public Printing Office and is not fit for one and never can be made fit—even when that fact has been brought to our knowledge the same difficulty has continued.

Now, here comes a proposition upon this appropriation bill, a proposition which has never been submitted to the Committee on Public Buildings and Grounds, to purchase 16,000 square feet of land, more than a quarter as much as the entire Printing Office now covers, in order to facilitate the erection of a boiler plant. I should like to have the gentleman who has spoken in favor of this amendment [Mr. SAYERS], a member of the Committee on Appropriations, inform the House why it is necessary to buy one-fourth and more than one-fourth as much land as the Public Printing Office now covers, in order to erect a boiler house and a coal shed.

Mr. SAYERS. I wish to say to the gentleman——

Mr. MILLIKEN. I do not want this interruption to come out of my time.

Mr. SAYERS. The gentleman can get more time. I wish to say that I know nothing about the matter except what is stated in the letter just read.

Mr. MILLIKEN. Exactly.

Mr. SAYERS. But let me say to the gentleman from Maine there are 2,500 or 3,000 people engaged from day to day in the building——

Mr. MILLIKEN. I know it.

Mr. SAYERS. And if any accident should happen to the building—if a fire should break out or if the building should fall—the responsibility must rest upon the shoulders of the gentleman from Maine and those who vote against this amendment. It will not rest on mine.

Mr. MILLIKEN. Well, we shall see.

Mr. SAYERS. No, it will not. You can not by anything you may say or do put the responsibility on me. All I ask members of the House to do is to read the letter most carefully——

Mr. MILLIKEN. I have read the letter.

Mr. SAYERS. And if they should then choose to vote down the amendment, the responsibility is with them.

Mr. MILLIKEN. The gentleman says there are 2,500 people at work in the Government Printing Office. Yes; there are 3,000 persons at work there. Last summer there were 3,500 people working there. And that building has been twice condemned by the grand jury. It has been stated by experts that we are liable to have the Ford's Theater disaster quintupled there at any time. The Public Printer himself has stated personally to me and to my committee that when he goes into the north wing of that building he does not feel safe until he gets out of it. He stated that the operatives are working there under fear all the time that the building may tumble down upon them. Yet instead of having from the Senate such a proposition as the case demands, we have this amendment. If they choose to put aside the Committees on Public Buildings and Grounds in both Houses and legislate directly upon public buildings, why have they not sent here a proposition to erect a new Printing Office, so that we may have one that will be safe?

Mr. SAYERS. Let me say——

Mr. MILLIKEN. One moment. I believe I have the floor at present.

Now, Mr. Speaker, I should like to have the gentleman tell me, and I will wait for him to reply, how building a new boiler house is going to prevent that old building from tumbling down any day. It might possibly prevent a fire there, but the same might be true of almost any other public building. Fires are liable to break out in one public building as well as another. But all that is proposed in this amendment, for which there is a proposition to buy 16,000 square feet of ground——

The SPEAKER. The time of the gentleman from Maine has expired.

Mr. MILLIKEN. I want gentlemen to understand this proposition, and to realize that it does nothing at all to promote the safety of that building, which has been twice condemned by a grand jury.

Mr. SAYERS. Will the gentleman in charge of the bill allow me three or four minutes?

Mr. CANNON. Certainly.

Mr. SAYERS. The gentleman says that the Senate ought to have proposed to the House a measure for the selection of a piece of ground upon which to construct a new building for the Government Printing Office.

Mr. MILLIKEN. I want to correct the gentleman. I do not say that. I do not say the Senate should have done anything of the kind. But if they were going to do anything at all, they should have done it right.

Mr. SAYERS. The gentleman acknowledges that the present building is in a dangerous condition.

Mr. MILLIKEN. That is true.

Mr. SAYERS. Now, the gentleman has not reported and put on the Calendar of the House any bill looking to the purchase of ground and the construction of a new building, has he? I pause for an answer.

Mr. MILLIKEN. I will say to the gentleman that we tried that in three Congresses——

Mr. SAYERS. Oh, yes; we know all about that.

Mr. MILLIKEN. I have already answered half a dozen times in this House the question why the Public Buildings Committee has made no reports; and I know the gentleman is bright enough to understand my answer.

Mr. SAYERS. Yes, I understand the gentleman's answer.

Mr. MILLIKEN. The gentleman asks this question not because he does not know my answer, but simply for another purpose.

Mr. SAYERS. I desire to show the gentleman's attitude before the House.

Mr. MILLIKEN. "The gentleman" can show his own attitude without the help of the gentleman from Texas.

Mr. SAYERS. Mr. Speaker, we find the gentleman from Maine, the chairman of the Committee on Public Buildings and Grounds, claiming jurisdiction over every public building and the purchase of every plot of ground for use by the Government, standing in his place and saying that this building, the Public Printing Office, occupied by 3,000 persons, is in an extremely dangerous condition; yet he and his committee have not submitted to the House a proposition for the purchase of ground and for erecting a new building. But he stands here to-day like a dog in the manger; he will not do anything himself, nor will he permit anybody else to act. That is the position that the gentleman and the Committee on Public Buildings and Grounds take.

Mr. MILLIKEN. Oh, no; that is not the position. "The gentleman" will permit anybody else to do right—not to do wrong. I do not intend to be misrepresented by the gentleman.

Mr. SAYERS. I do not wish to misrepresent my friend. I know I am getting him into a hard position and I feel for him. [Laughter].

Mr. MILLIKEN. Well, the gentleman may feel so, but the "gentleman from Maine" does not.

Mr. SAYERS. That is the condition, Mr. Speaker, into which the gentleman has put himself. He says, I repeat, that this is an exceedingly dangerous structure, accommodating some 3,000 occupants, liable to be burned or to fall down at any time, and yet the Committee on Public Buildings and Grounds are taking no step and have done nothing to provide against a possible disaster. Now, what has the Committee on Appropriations done?

Mr. MILLIKEN. Very little that it ought to have done. [Laughter.]

Mr. SAYERS (continuing). The proposition before us is to purchase a lot of ground and to provide as much as possible for the safety of the occupants of the building until a new site can be selected and a new building constructed. If Congress were to pass an act authorizing the purchase of a particular piece of ground and making an appropriation to construct the building to-day it would be three or four years before it could be constructed and ready for occupancy.

Mr. MILLIKEN. Will the gentleman allow a question?

Mr. SAYERS. Certainly.

Mr. MILLIKEN. Does the gentleman really believe that it requires 16,000 square feet of ground for a boiler house?

Mr. SAYERS. Mr. Speaker, we find the gentleman in charge of this building telling us that the adoption of this amendment is necessary. He says that he needs it. The Committee on Printing—the joint committee of the two Houses having charge of the repairs of the building—say so also; and in the absence of any testimony to the contrary I am bound to believe it to be a proper amendment to be adopted.

But, Mr. Speaker, rather than take any risk as to fire, or as to a collapse of the building, or as to an explosion which may occur from the old boilers, I am willing to go to the expense of purchasing this additional ground and expending the additional $100,000 as provided in the amendment.

Mr. HENDERSON. You believe in resolving all doubts in favor of human life.

Mr. SAYERS. I do.

Mr. MILLIKEN. I am glad to hear the gentleman from Texas say that. We shall call upon him to exhibit his faith by his work by and by.

Mr. SAYERS. I am ready to act on that principle at any time.

Mr. DINGLEY. If the gentleman from Illinois will pardon me for a moment, there are one or two questions I would like to ask. This is an appropriation of $100,000 for the purpose of procuring more land, for the purpose of erecting a boiler house, and for putting in new boilers at the Government Printing Office?

Mr. CANNON. Yes, sir.

Mr. DINGLEY. Has it any connection with a policy of retaining the present site, or is it simply a temporary arrangement?

Mr. CANNON. It does not solve that question at all.

Mr. DINGLEY. Because two years ago we appropriated, I think, $75,000——

Mr. SAYERS. Yes, seventy-five thousand.

Mr. DINGLEY (continuing). For the purpose of making some repairs of the old building at the present site. This would make $175,000; and it seems that we are making quite large expenditures there——

Mr. HICKS. And not improving the building either.

Mr. DINGLEY (continuing). If the site is to be a temporary one; and also acquiring more ground than would seem to be necessary.

Now, it seems to me that we ought to adopt the policy, one way or the other, of repairing the present buildings, enlarging or rebuilding them to meet the wants of the service, and acquiring such land as may be necessary, or of not spending so much money

upon them, and start out on the policy of erecting a new structure elsewhere. But of course I speak only tentatively regarding the amendment of the Senate. If the policy is to continue the Government Printing Office on the present site, then of course the amount of land that we purchase is a matter of no particular consequence. But here are 16,000 feet proposed to be purchased by this amendment. Now, do we require so much land as that, unless we are to continue the Government Printing Office at the present location? I would like to know the facts as to that.

Mr. CANNON. I think I can answer the gentleman, when he concludes his question, to his satisfaction.

Mr. DINGLEY. I ask the question for information.

Mr. CANNON. I can not give the answer except in two or three minutes.

Mr. DINGLEY. I shall be glad to have the gentleman give it.

Mr. CANNON. In the Fiftieth or the Fifty-first Congress, I am not sure which, there was an appropriation of $275,000 to acquire a site for a new Printing Office, to be made immediately available. A commission was authorized for the purpose of selecting the site, and the commission proceeded with its work. It resulted in nothing——

Mr. DOCKERY. The real estate ring proceeded to get in its work also.

Mr. CANNON (continuing). Contentions between different Departments, different interests throughout the city, differences between the House and the Senate, and various other reasons combined rendered that work fruitless, and that appropriation has never been utilized. Later on various bills in the House and Senate have been presented to buy a site for the new Printing Office. It is a matter that comes up every session of Congress, except at this one. Under peculiar conditions, it has not come up at this session.

Now, there is a lapse of seven years, in which we have been trying to get ground and build a new Printing Office. In my judgment it will be seven years more before we do it. In the meantime, what is it good business to do? To use that we are compelled to use—where the office now is, with as great efficiency to the Government as possible, with as little cost as possible, having efficiency in view, and with great care that it is done with safety to human life. Now, a year ago Congress, realizing this condition, appropriated $100,000 and over to build an addition to the Government Printing Office. Gentlemen who are familiar with it know that that addition approaches completion. It is just to the west of the main office, a very creditable building, by the way. I believe it is five or six stories high. It looms up above all the buildings in that part of the city. It is to be completed on the 1st day of July and ready for occupancy.

Now, the Public Printer writes a letter in reference to this amendment, which is for $100,000, to purchase this ground and build a boiler plant for heating and power. That letter is in the RECORD. I have it before me. He says that the present boiler plant is old and condemned, and can not be used with safety. He says that if it was new it would no more than heat the present building, without reference to the new addition, which is to be occupied by the 1st of July. He says, further, that unless some provision for heating it is made, the new building can not be occupied after the 1st of November. He says, further, that that building runs right out to the property line, and that the first two stories of it are substantially dark; that the adjoining low buildings are not expensive, that the land ought to be bought and the buildings moved away for the purpose of affording light. If gentlemen will look and see what fire traps those buildings are, they will consider it necessary, from the standpoint of safety as well, to remove them. Now, whether this ground is a little too much or not enough I do not know. To buy the 16,000 feet of ground, remove the old buildings standing upon it, and erect a new plant for heating and power will cost $100,000.

I want to say that so far as I am personally concerned I have always favored a new Government Printing Office away from there, a plant that would answer the purpose for half a century or a century to come; but I have no hope of such a plant being completed in the next seven or ten years. It would take many, many years to build it, if we should commence to-day. In the meantime the sun comes up and the sun goes down, Congress meets and goes, and the Printing Office has got to be run, with its 3,000 employees. Without any reference to a new Government Printing Office, it is sound business and simple safety and common prudence and an absolute necessity, in my judgment, to make this appropriation.

Mr. PAYNE. Has it not always been the policy of the Government, in erecting public buildings, to have at least 50 feet of open space between a Government building and any other adjoining building?

Mr. CANNON. Oh, yes; that is the policy.

Mr. PAYNE. Does the gentleman know of any other public building except the Public Printing Office which does not have this open space for safety, in case of fire, in the adjoining buildings?

Mr. CANNON. I do not think of any other now.

Mr. PAYNE. Is not the Printing Office the most inflammable of all the public buildings that the Government owns?

Mr. CANNON. I think so.

Mr. HICKS. I desire to say a word on this matter.

Mr. CANNON. I yield to the gentleman two minutes.

Mr. HICKS. Mr. Speaker, if this amendment prevails, my judgment is that it will practically settle the Printing-Office site for all time to come. As the chairman of the committee [Mr. CANNON] has properly stated, this matter has been talked about and talked about and talked about, and we have been unable to come to any agreement about the proper place to build a new Printing Office, until within the last six weeks, I think, the Committee on Public Buildings and Grounds have agreed upon a site. But in view of what we know about the present Printing Office, and in view of what the Committee on Public Buildings and Grounds have been informed and have long known concerning its very dangerous and unsafe condition, I am inclined to the belief that the Committee on Public Buildings and Grounds have almost been criminally negligent—at least have been grossly negligent—in not long ago reporting a suitable place for the erection of such a building as will meet the requirements necessary for a public printing office. I believe, sir, that if this amendment prevails it will settle that vexatious question forever; and had we not better, in view of the fact that the Government owns so much ground in this locality and have valuable and costly buildings thereon, adopt this amendment and stop all discussion and differences as to the question of location?

Mr. CANNON. I do not think it will settle it forever.

Mr. HICKS. As a member of the Committee on Public Buildings and Grounds I am in favor of this amendment, and trust it will prevail, and let us settle now once and forever where the Printing Office shall be. The Public Printer appeared in person before our committee and urged the necessity of prompt action, and fully acquainted the committee with the dangerous condition of the present structure and the risk attending those who work now in the building. We owe it to ourselves, to the employees of that department of the public service, and to the country to aid in securing the safety of the 3,000 Government employees who daily work in the present building, to make it as safe as we can. I long since made up my mind at the first opportunity I had I would, if in my power, avoid any further responsibility in a matter of such vital importance to so many people. I most earnestly desire that the House will recede from its position and concur in the Senate amendment.

Mr. CANNON. I want to say that I am glad the gentleman favors the amendment. I do not accept his conclusion, but I can not quarrel with anybody——

Mr. STEELE. Who agrees with you?

Mr. CANNON. Who agrees with me on any standpoint? In my judgment, it does not settle the question finally. That is not the purpose, in my judgment, but it is the best thing that can be done now; and then let the Committee on Public Buildings and Grounds settle the other matter later on.

Mr. RICHARDSON. This ground can then be sold.

The SPEAKER. The question is on receding from the disagreement of the House and concurring in the Senate amendment.

The motion was agreed to.

Accordingly the House receded from its disagreement and concurred in the Senate amendment.

On motion of Mr. SAYERS, a motion to reconsider the last vote was laid on the table.

Mr. CANNON. I ask that the House agree to the conference requested by the Senate.

The motion was agreed to.

The SPEAKER subsequently announced the appointment of the following conferees on the sundry civil appropriation bill: Mr. CANNON, Mr. HAINER of Nebraska, and Mr. SAYERS.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. HOOKER. Mr. Speaker, I present a conference report.

The report of the committee of conference was read.

[For conference report, see Senate proceedings of May 22.]

Mr. HOOKER. Mr. Speaker, I move to concur in the report, and I desire to send up a statement to have read.

The statement of the House conferees was read, as follows:

The amendment for deep-water harbor at Santa Monica or San Pedro provides for a cash appropriation of $50,000 to defray the expenses of the board for examining the projects and making plans and estimates for the improvement, and after their decision the Secretary of War is authorized to enter into contract for the completion of the project at a cost not to exceed $2,000,000. The amendment relative to the inner harbor at Wilmington provides that in the event the board shall decide to locate the outer harbor at Santa Monica, then the Secretary of War is authorized to contract for the completion of the inner harbor at Wilmington at a cost not to exceed $392,000, and in the event that the board decide to locate the outer harbor at San Pedro this contract for Wilmington shall not be entered into.

Total cash appropriations carried by bill	$12,852,235.00
Total contract appropriations carried	59,649,308.91

W. B. HOOKER,
BINGER HERMANN,
T. C. CATCHINGS,
Managers on the part of the House.

Mr. DOCKERY. Mr. Speaker, I desire to ask unanimous consent——

Mr. HOOKER. Mr. Speaker, this matter has been fully discussed in the Senate for four days. The report of the committee of conference was printed in the RECORD this morning, and every fact in connection with it is stated in detail in the report which has just been read.

Mr. DOCKERY. I desire to ask unanimous consent to submit some observations on this bill.

Mr. HOOKER. I did not understand the request of the gentleman.

Mr. DOCKERY. I ask unanimous consent to print some remarks on this report.

The SPEAKER. The gentleman from Missouri asks unanimous consent to print some remarks upon the pending measure.

Mr. KEM. Regular order, Mr. Speaker.

The SPEAKER. Objection is made by the gentleman from Nebraska [Mr. KEM].

Mr. HOOKER. I demand the previous question.

Mr. TERRY. I would like to ask the gentleman from New York a question?

Mr. HOOKER. I demand the previous question.

Mr. TERRY. I would like to ask the gentleman from New York if this matter affecting the Santa Monica Harbor has been changed.

The SPEAKER. The gentleman from Arkansas is not in order.

Mr. TERRY. I would like to ask the gentleman a question about that matter.

Mr. HOOKER. I will answer the question.

Mr. TERRY. Is it not in order to find out something about this matter on which we are to vote?

The SPEAKER. The gentleman demanded the previous question at the time the Chair said that the gentleman was not in order; but he seems to have changed his mind, and proposes to answer, and the gentleman from Arkansas is now in order.

Mr. TERRY. I desire to ask the gentleman what change is made in this conference from the action of the Senate on this Santa Monica matter?

Mr. HOOKER. The report which was read states just what change was made.

Mr. TERRY. Can not the gentleman state briefly, so that the House can understand?

Mr. HOOKER. The provision is simply that in case this board shall determine to locate the harbor at Santa Monica there is a provision in it with reference to the use of tracks to the wharf, owned by the Southern Pacific Railroad Company, and upon what terms other railroad companies may use them, and if they can not agree between themselves it is to be regulated and decided by the Secretary of War. Another provision has reference to the freight rate which will be charged by the Southern Pacific Railroad in case the rock is transported over the lines of the Southern Pacific Railroad. It is to be fixed by the Secretary of War and the agreement filed. Another provision is that in case the outer harbor is located at San Pedro, then in that event the inner harbor, or what is known as Wilmington Harbor, shall not be constructed, or, rather, that the Secretary of War shall not enter into contract for the completion of the inner harbor.

Mr. TERRY. These are all the changes the Senate made about the action of this board of officers?

Mr. HOOKER. Yes, sir. I demand the previous question.

The previous question was ordered; and under the operation thereof the conference report was agreed to.

On motion of Mr. HOOKER, a motion to reconsider the vote by which the conference report was agreed to was laid on the table.

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was communicated to the House of Representatives by Mr. PRUDEN, one of his secretaries, who also announced that the President had approved and signed bills and joint resolution of the following titles:

On May 21, 1896:

An act (H. R. 6172) authorizing the sale of the title of the United States in lot 5, square 1113, in the city of Washington;

An act (H. R. 5388) for the relief of F. Alberts & Co., Muskegon, Mich.;

An act (H. R. 7973) to establish a railroad bridge across the Illinois River near Grafton, Ill.;

An act (H. R. 2451) to correct the records of the War Department in the case of Capt. Henry S. Pratt;

An act (H. R. 8266) donating 2 condemned cannon to Custer Post, No. 38, Grand Army of the Republic, of Etna, Pa., and 2 condemned cannon to James G. Clark Post, No. 162, Grand Army of the Republic, of Allegheny, Pa.;

An act (H. R. 8077) granting to Budlong Post, Grand Army of the Republic, of Westerly, R. I., 2 condemned mounted brass cannon;

An act (H. R. 8013) donating 1 condemned cannon and cannon balls to Grand Army of the Republic, L. W. Cooper Post, Department of Missouri, No. 81, of Lathrop, Mo.;

An act (H. R. 7216) donating 1 condemned cannon and cannon balls to Grand Army of the Republic post, No. 573, of Evans City, Pa.;

An act (H. R. 7172) donating 4 condemned cannon and 4 pyramids of condemned cannon balls to the Soldiers' Monument Association of Allegan, Mich.;

An act (H. R. 7143) granting to the Soldiers and Sailors' Monument Association, of the county of Middlesex, in the State of New Jersey, 4 condemned cannon and 30 cannon balls;

An act (H. R. 7140) granting to A. L. Robeson Post, No. 42, Grand Army of the Republic, of Bridgeton, N. J., 4 condemned cannon and 20 cannon balls;

An act (H. R. 7100) to donate 8 condemned cannon and 100 cannon shot to the Grand Army of the Republic Cemetery Association of Colorado;

An act (H. R. 6666) granting to Major G. A. Angel Post, No. 20, Grand Army of the Republic, of Lambertville, N. J., 4 condemned cannon and 20 cannon balls;

An act (H. R. 227) requiring bills of sale, conditional sales, mortgages, or deeds of trust of chattels in the District of Columbia to be recorded;

An act (H. R. 6836) to amend section 2981 of the Revised Statutes as amended by the act of June 10, 1880;

An act (H. R. 8012) donating condemned cannon and cannon balls;

An act (H. R. 7671) authorizing and directing the Secretary of the Navy to donate 1 condemned cannon and condemned cannon balls to U. S. Grant Post, No. 72, Grand Army of the Republic, of Washington, Ind., Department of Indiana, and for other purposes; and

Joint resolution (H. Res. 122) authorizing the Secretary of the Navy to deliver condemned cannon to Chamberlain Post, Grand Army of the Republic, to be posted by the soldiers' monument at St. Johnsbury, Vt.

On May 22, 1896:

An act (H. R. 128) for the relief of Henry H. Schrawder;

An act (H. R. 3596) to remove the charge of desertion from the military record of Michael McKenna; and

An act (H. R. 6298) to correct military record of Charles K. Jenree, etc.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment a bill (H. R. 4910) granting a pension to Cyrus Thomas.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7977) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The message also announced that the Senate still further insists upon its amendments disagreed to by the House to the bill (H. R. 8109) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, had agreed to the further conference asked by the House, and had appointed Mr. PERKINS, Mr. ALLISON, and Mr. GORMAN as the conferees on the part of the Senate.

The message also announced that the Senate had passed bills and a joint resolution of the following titles; in which the concurrence of the House was requested:

A bill (S. 2628) to amend the act approved February 9, 1881, to grant the right of way for railroad purposes through certain lands of the United States in Richmond County, N. Y.;

A bill (S. 795) for the relief of John Little and Hobart Williams, of Omaha, Nebr.; and

Joint resolution (S. R. 148) for the relief of farmers and truckmen in the city of Washington, D. C.

The message also announced that the Senate had passed bills of the following titles, with amendments in which the concurrence of the House was requested:

A bill (H. R. 1436) to quiet title to lands in persons who purchased the same in good faith without notice and for a valuable consideration, and to enable the Government to issue patents on such lands, and that commutations of homestead entries shall take effect from the date of settlement and not from date of entry; and

A bill (H. R. 2054) to correct the military record of Charles W. Rinehardt and to grant him an honorable discharge.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, the following Senate bills and joint resolution were taken from the Speaker's table and referred by the Speaker as follows:

The bill (S. 2628) to amend the act approved February 9, 1881, to

grant the right of way for railroad purposes through certain lands of the United States in Richmond County, N. Y.—to the Committee on Interstate and Foreign Commerce.

The bill (S. 795) for the relief of John Little and Hobart Williams, of Omaha, Nebr.—to the Committee on Claims.

The joint resolution (S. R. 148) for the relief of farmers and truckmen in the city of Washington, D. C.—to the Committee on the District of Columbia.

LEGISLATIVE APPROPRIATION BILL.

Mr. BINGHAM. Mr. Speaker, I desire to present a conference report on the legislative, executive, and judicial appropriation bill.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 6248) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 38, 142, 309, 310, and 314.

That the House recede from its disagreement to the amendments of the Senate numbered 11, 12, 13, 19, 108, 109, 144, and 313, and agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Three laborers, at $840 each; twenty-two"; and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$120,784"; and the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with amendments as follows: In lieu of the number proposed insert "thirty"; and on page 9 of the bill, after the word "each," where it first occurs in line 5, insert "seven privates, at $960 each"; and the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with amendments as follows: In lieu of the sum proposed insert "$52,120"; and on page 9 of the bill, at the end of line 8, insert the following: "And hereafter the Capitol police, under the direction of the Sergeants-at-Arms of the Senate and of the House of Representatives and of the Architect of the Capitol, shall police the Capitol building and the Capitol Grounds"; and the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: In lieu of the number proposed insert "twelve"; and the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$10,800"; and the Senate agree to the same.

Amendment numbered 88: That the House recede from its disagreement to the amendment of the Senate numbered 88, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following:

"*Provided*, That the next session of the legislative assembly of the Territory of New Mexico shall commence on the third Monday in January, 1897, and each succeeding session thereof shall commence on the third Monday in January of every odd-numbered year thereafter: *Provided further*, That no other officer of either house of said legislative assembly shall be elected or appointed, or paid out of any moneys appropriated by the Congress of the United States or by the legislative assembly of said Territory, than such as may be provided for by the laws of the United States, except a translator and an interpreter."

And the Senate agree to the same.

Amendment numbered 233: That the House recede from its disagreement to the amendment of the Senate numbered 233, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$5,500"; and the Senate agree to the same.

Amendment numbered 305: That the House recede from its disagreement to the amendment of the Senate numbered 305, and agree to the same with an amendment as follows: Restore the section proposed to be stricken out by said amendment, amended to read as follows:

"SEC. 19. That the terms of office of all commissioners of the circuit courts heretofore appointed shall expire on the 30th day of June, 1897; and such office shall on that day cease to exist, and said commissioners shall then deposit all the records and other official papers appertaining to their offices in the office of the clerk of the circuit court by which they were appointed. All proceedings pending, returnable, unexecuted, or unfinished at said date before any such commissioner shall be continued and disposed of according to law by such commissioner appointed as herein provided, as may be designated by the district court for that purpose. It shall be the duty of the district court of each judicial district to appoint such number of persons, to be known as United States commissioners, at such places in the district as may be designated by the district court, which United States commissioners shall have the same powers and perform the same duties as are now imposed upon commissioners of the circuit courts. The appointment of such United States commissioners shall be entered of record in the district courts, and notice thereof at once given by the clerk to the Attorney-General.

"That such United States commissioners shall hold their offices, respectively, for the term of four years, but they shall be at any time subject to removal by the district court; and no person shall at any time be a clerk or deputy clerk of a United States court and a United States commissioner without the approval of the Attorney-General: *Provided*, That all acts and parts of acts applicable to commissioners of the circuit courts, except as to appointment and fees, shall be applicable to United States commissioners appointed under this act.

"Warrants of arrest for violations of internal-revenue laws may be issued by United States commissioners upon the sworn complaint of a United States district attorney, assistant United States district attorney, collector or deputy collector of internal revenue, or revenue agent, or private citizen; but no such warrant of arrest shall be issued upon the sworn complaint of a private citizen unless first approved in writing by a United States district attorney.

"That United States commissioners and all clerks of United States courts are hereby authorized to administer oaths."

And the Senate agree to the same.

Amendment numbered 306: That the House recede from its disagreement to the amendment of the Senate numbered 306, and agree to the same with an amendment as follows: Restore the section proposed to be stricken out by said amendment, amended to read as follows:

"SEC. 20. That no marshal or deputy marshal, attorney or assistant attorney of any district, jury commissioner, clerk of marshal, no bailiff, crier, juror, janitor of any Government building, nor any civil or military employee of the Government, except as in this act provided, and no clerk or employee of any United States justice or judge shall have, hold, or exercise the duties of the United States commissioner. And it shall not be lawful to appoint any of the officers named in this section receiver or receivers in any case or cases now pending or that may be hereafter brought in the courts of the United States."

And the Senate agree to the same.

Amendment numbered 307: That the House recede from its disagreement to the amendment of the Senate numbered 307, and agree to the same with an amendment as follows: Restore the section proposed to be stricken out by said amendment, amended to read as follows:

"SEC. 21. That each United States commissioner shall be entitled to the following-named fees, and none other: Drawing a complaint, with oath and jurat to same, 50 cents; copy of complaint, with certificate to same, 30 cents; issuing warrant of arrest, 75 cents; issuing a commitment and making copy of same, $1; entering a return, 15 cents; issuing subpœna or subpœnas in any one case, with 5 cents for each necessary witness in addition to the first, 25 cents; drawing a bond of defendant and sureties, taking acknowledgment of same and justification of sureties, 75 cents; for administering an oath (except to witness as to attendance and travel), 10 cents; recognizance of all witnesses in a case, when the defendant or defendants are held for court, 50 cents; transcripts of proceedings, when required by order of court and transmission of original papers to court, 60 cents; copy of warrant of arrest, with certificate to same, when defendant is held for court and the original papers are not sent to court, 40 cents; order in duplicate to pay all witnesses in a case: For first witness, 30 cents, and for each additional witness, 5 cents, and for oath to each witness as to attendance and travel, 5 cents; for hearing and deciding on criminal charges and reducing the testimony to writing when required by law or order of court, $5 a day for the time necessarily employed: *Provided*, That not more than one per diem shall be allowed in a case, unless the account shall show that the hearing could not be completed in one day, when one additional per diem may be specially approved and allowed by the court: *Provided further*, That not more than one per diem shall be allowed for any one day: *Provided further*, That no per diem shall be allowed for taking a bond or recognizance and passing on the sufficiency of the bond or recognizance and the sureties thereon when the bond or recognizance was taken after the defendant had been committed to prison upon a final commitment, or has given bond or been recognized for his appearance at court, or when the defendant has been arrested on a capias or bench warrant, or was in custody under any process or order of a court of record. For the examination and certificate in cases of application for discharge of poor convicts imprisoned for nonpayment of fine or fine and costs, and all services connected therewith, $3; for attending to a reference in a litigated matter, in a civil cause at law, in equity, or in admiralty, in pursuance of an order of the court, $3 a day; for taking and certifying depositions to file in civil cases, 10 cents for each folio; for each copy of the same furnished to a party on request, 10 cents for each folio; for issuing any warrant under the tenth article of the treaty of August 9, 1842, between the United States and the Queen of the United Kingdom of Great Britain and Ireland, against any parties charged with any crime or offense set forth in said article, $2; for issuing any warrant under the provision of the convention for the surrender of criminals between the United States and the King of the French, concluded at Washington November 9, 1843, $2; for hearing and deciding upon the case of any person charged with any crime or offense, and arrested under the provisions of said treaty or of said convention, $5 a day for the time necessarily employed.

"Such commissioners shall keep a complete record of all proceedings before them in criminal cases, in a well-bound book, which record book shall be delivered to and preserved by the clerk of the district court for such district on the death, resignation, removal, or expiration of term of the commissioner, for which record the commissioner shall receive no compensation."

And the Senate agree to the same.

Amendment numbered 308: That the House recede from its disagreement to the amendment of the Senate numbered 308, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"SEC. 22. That it shall be the duty of the Attorney-General of the United States to make an investigation as respects the compensation to be paid, by salary or otherwise, to clerks of the United States circuit and district courts; and he shall report on the first day of the next session of the present Congress a plan for fixing such compensation for the clerks of the several courts of the United States as he may deem just, and he shall also recommend with his report such provisions as may to him seem proper touching their appointment and the performance of their duties."

And the Senate agree to the same.

HENRY H. BINGHAM,
ALEXANDER M. DOCKERY,
JNO. E. McCALL,
Managers on the part of the House.

S. M. CULLOM,
H. M. TELLER,
F. M. COCKRELL,
Managers on the part of the Senate.

The statement of the House conferees was read, as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses to certain amendments of the Senate to the legislative, executive, and judicial appropriation bill (H. R. 6248) for the fiscal year 1897, submit the following written statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report, namely:

On amendments numbered 11, 12, 13, 14, 16, and 19: Increases the pay of certain committee clerks of the Senate from $1,440 to $1,800 each; provides for 10 additional messengers at $1,440 each, in lieu of 10 skilled laborers at $1,000 each; increases the pay of 3 laborers from $720 to $840 each, and increases the pay of annual clerks to Senators who are not chairmen of committees from $1,200 to $1,500 per annum each, as proposed by the Senate.

On amendments numbered 22, 23, 108, and 109, relating to the Capitol police force: Provides for 5 additional privates at $1,100 each and for 7 privates at $960 each, in lieu of 7 watchmen at $840 each, heretofore under the Architect of the Capitol, and requires that all of the Capitol police force shall police the Capitol building and the Capitol Grounds.

On amendments numbered 36, 37, and 38: Provides for 12 clerks at $900 each, instead of 8, as proposed by the House, on account of the copyright work in the Library of Congress, and strikes out the provision proposed by the Senate for appointment of register of copyrights.

On amendment numbered 83: Provides for the meeting of the legislative

assembly of the Territory of New Mexico on the third Monday of January, instead of the first Monday in May, as proposed by the House.

On amendment numbered 142: Strikes out the appropriation of $2,000 proposed by the Senate for distributing the opinions of the Supreme Court to circuit and district judges.

On amendment numbered 144: Authorizes the appointment of a messenger and librarian for the circuit court of appeals for the Eighth judicial circuit at $2,000, as proposed by the Senate.

On amendment numbered 233: Fixes the salary of the marshal of the District of Columbia at $5,500, instead of $5,000 as proposed by the House and $6,000 as proposed by the Senate.

On amendments numbered 305, 306, 307, and 308, relating to the appointment of United States commissioners and regulating who may hold the office of such commissioners, prescribing the fees that may be charged by commissioners, and requiring the Attorney-General to investigate and report at the next session of Congress as respects the compensation of clerks of United States courts, the agreement of the conference committee is fully set forth in the conference report.

On amendments numbered 310, 313, and 314: Corrects the numbering of sections and provides that the provisions of the act relating to the compensation of United States attorneys shall not apply to the attorney for the District of Columbia.

The bill as finally agreed upon appropriates $21,520,822.61, being $370,895.47 less than the law for the current year, $844,228.39 less than the estimates submitted, $140,057.10 more than as it passed the House, and $106,972.10 less than as it passed the Senate.

HENRY H. BINGHAM,
JNO. E. McCALL,
ALEX. M. DOCKERY,
Managers on the part of the House.

Mr. BINGHAM. Mr. Speaker, if the House has heard the detailed statement as submitted in the conference report as well as in the formal statement of your committee, I am of opinion that but little inquiry will be made in connection with the submission and the request for the acceptance of this conference report, the final report upon the bill. It is but fair, however, that the House should know, as stated in the concluding paragraph of the statement of your conferees, that the bill appropriates $21,520,822.61; being $370,895.47 less than the law for the current year, $844,228.39 less than the estimates submitted, $140,057.10 more than the bill as it passed the House, and $106,972.10 less than as it passed the Senate. In the body of the reduction of the total sum added to the bill by the Senate, $347,029.20, the House having agreed to $140,057.10, it is proper to state that $79,520 is for salaries of employees of the Senate. Therefore, in the contention between the two Houses on all the items increasing the paragraphs of the House bill but a very limited amount was conceded to the Senate, and, upon final conclusion, yielded to their recommendation; the bulk of the addition pertaining to the salaries of their own subordinate force.

It is unnecessary for me to state that these paragraphs of the bill were held in controversy between the two Houses until the House itself had declared by legislation that the House, and it alone, had the right to determine what increase, if any, should be made in its subordinate force and in the compensation of that force. Until that action by the House these paragraphs, I say, were held in contention, but when the House came to that determination, your committee felt that they had no ground to stand upon, and therefore conceded to the Senate what that body had proposed in the bill as to its subordinate force and their compensation.

Mr. HULICK. Did the Senate make any increase in the salaries of the secretaries for Senators?

Mr. BINGHAM. Yes; from $1,200 to $1,500, your committee conceding that, as the House had determined for itself without concert of action with the Senate what its subordinate force should be and what should be their compensation, the same right should be accorded to the Senate to determine all questions as to its employees and their compensation.

Mr. HULICK. Could they give any good reason why their secretaries should have $1,500 a year and ours $1,200?

Mr. BINGHAM. The gentleman must understand that the reason of a Senator is, "I wish it so;" and if the Senate agrees with him, that settles it. [Laughter.]

Mr. HULICK. And the House submits quietly.

Mr. BINGHAM. We had agreed upon this conference report several days ago, and it was submitted first to the Senate for action. There was a disagreement on the part of the Senate to three paragraphs, and the bill was sent back to conference by the action of the Senate. One of those paragraphs related to the register of copyrights. The House, by its subcommittee on appropriations, had considered the whole subject pertaining to library reorganization, and after hearing from Mr. Spofford, the Librarian, and others in connection with the question of library reorganization, they concluded not to make any report in their bill. The Senate, however, determined to insert a paragraph with reference to copyright clerks. The House approved that paragraph, but when the bill went back to the Senate for confirmation the Senate rejected from the bill their own proposition. As that proposition had not originated in the House, and as the judgment of your committee was that the question was such that it should not be acted upon at this time, they saw no objection to accepting the action of the Senate in determining that their own proposition upon that subject should go out of the bill. In the discussion a constitutional question arose as to whether the Joint Committee on the Library of the House and the Senate should determine how this alleged officer should be selected. The provision, however, has been stricken from the bill, and as the House had not considered it, your committee deemed it good judgment to accept the action of the Senate and eliminate the proposition.

The question of New Mexico came up in the House—not reported from your subcommittee—the question as to the date of the convening of the State legislature. It became the subject of a point of order, and the withdrawal of the point of order. Finally, in a qualified form, it became a part of the bill. It went to the Senate, and the Senate took exception to that legislation, claiming that it was political, and in the discussion between the two Houses, the conclusion of the committee is the recommendation that the legislature should meet on the third Monday of January. We agreed three days ago that that clause should read "the third Monday in February," our conclusion being based upon a recommendation of the gentleman representing New Mexico in this House, he having submitted in detail that which he felt they could fairly stand upon. His recommendation was embraced in the following letter from the Delegate from New Mexico, Mr. CATRON:

To the Committee of Conference on
Legislative, Executive, and Judicial Appropriation Bill:

The Senate having struck out the provision in regard to the time of the meeting of the legislature and employment of employees of New Mexico, I wish to say that if there should be any contest over it, the Democrats in the Senate stated they would agree to an amendment fixing the time of such meeting of the legislature in either January, February, or March, so as to deprive it of any political character. I did not intend the amendment to be political or to operate politically. I only sought to give sufficient time to prepare, get at issue, and take evidence in contested-election cases, so they could be promptly and intelligently considered.

Under the law of New Mexico the election returns have to be made fifteen days after the election to the secretary, and within thirty days thereafter the notice of contest must be served; but the contestant need not wait so long. He can serve it immediately, but probably would need five days in any event to do so. The contestee has eight days to answer. Thirty days are given in which to commence taking evidence and sixty days in which to take evidence. But the diligent contestant can shorten this up, as follows:

15 days for returns to reach secretary.
7 days to give notice of contest, if he is diligent.
8 days to answer.
10 days, say, to give notice of commencing the taking of evidence.
60 days to complete the evidence.

100 days in all.
5 days to have contest papers filed in the legislature.

105
10 days to meet all other contingencies.

115

The next election will be held on November 3; this will give—

27 days of November,
31 days of December,
31 days of January,
26 days of February.

115 days to February 26, 1897.

As no change can be made in the office of governor before March 19, at the earliest date, it will give the governor nearly a full month in which to make his appointments and have them confirmed.

I am willing to consent to a change to the fourth Monday in February, 1897, if insisted on.

The report which we had agreed upon three days ago was in accordance with this communication. Yesterday the Senate rejected that date, and the committee of conference has now agreed upon the third Monday of January, believing that to be the best conclusion we could reach on this question. I shall a little later in the discussion yield a few moments to the gentleman from Tennessee [Mr. McCALL], a member of the committee, who is familiar with this matter and who desires to make a brief statement on the question.

The main contention, however, between the two Houses has been upon the paragraph pertaining to United States commissioners. The chairman of the Committee on Appropriations, in submitting what is known as the urgent deficiency bill early in this session of Congress, called the attention of the House to the rapid growth of applied-for appropriations and expenditures in connection with the Department of Justice and the United States courts. In his report upon the first deficiency bill he made this statement:

The committee desire to call attention to the very large sum—$3,242,582.19—appropriated in the bill for expenses of United States courts, $3,006,000 of which sum is on account of the current fiscal year. They append herewith a statement showing the regular appropriations and the deficiencies made for the expenses of United States courts for the fiscal years 1885 to 1896, inclusive.

This exhibit shows, for the period named, a growth in the expenses of this branch of the public service of more than 100 per cent. The expenses for fees of United States commissioners have grown from $127,150 for the fiscal year 1889 to $340,000 for the current year; and the fees of witnesses have increased from $900,000 in 1889 to $1,500,000 for the current year.

That these expenditures are abnormal, and that some reform in the law should be instituted, the committee are well satisfied; but under the rules of the House they have no power in the premises other than to recommend the appropriations which are necessary to meet the demands of this branch of the public service as they arise under existing law, and to express the

earnest hope and recommendation that the proper committee or committees of the House will take up the matter without delay during this session, with a view to the enactment of proper legislation.

Appropriations for expenses of United States courts, and deficiencies therefor, fiscal years 1885–1896.

Regular appropriation for 1885	$2,760,000.00
Deficiencies	450,050.00
Regular appropriation for 1886	2,960,000.00
Deficiencies	560,266.00
Regular appropriation for 1887	2,904,400.00
Deficiencies	485,260.00
Regular appropriation for 1888	2,849,400.00
Deficiencies	1,024,728.00
Regular appropriation for 1889	3,505,600.00
Deficiencies	359,219.00
Regular appropriation for 1890	3,575,600.00
Deficiencies	1,156,289.00
Regular appropriation for 1891	3,616,600.00
Deficiencies	1,423,900.00
Regular appropriation for 1892	3,739,100.00
Deficiencies	1,391,123.00
Regular appropriation for 1893	3,330,600.00
Deficiencies	2,177,860.00
Regular appropriation for 1894	3,345,000.00
Deficiencies	2,758,402.00
Regular appropriation for 1895	3,595,000.00
Deficiencies	2,653,200.00
Regular appropriation for 1896	3,455,600.00
Amount in accompanying bill:	
For 1896	3,006,000.00
For 1895	180,238.12
For 1894	35,837.21
For 1894 and 1895	20,505.86

It would seem that the chairman of the Committee on Appropriations in this suggestion was in touch with the House. He undoubtedly impressed the House with the necessity of some change in connection with these growing expenses connected with the judicial administration of this Government. After deliberation, the House, in this bill providing for legislative, executive, and judicial expenses, accepted the recommendation of the Judiciary Committee of the House. Under the leadership of the chairman of that committee [Mr. HENDERSON], the House incorporated in this bill what has been known as the Updegraff bill, making detailed provisions with reference to compensation of United States marshals, United States district attorneys, and United States commissioners. We thus ingrafted upon our legislative bill a positive line of reform in connection with all the expenditures pertaining to this great division of one of the Departments of the Government.

As the Senate in the first instance rejected all of these provisions, it has been, ever since the first conference with the Senate, a question how we could best maintain these provisions of our legislation. It is a matter of satisfaction that in this report in almost every instance the legislation recommended by the House has been finally approved. In this connection I give the best estimate we have been able to obtain as to the saving which this legislation will effect if it should become a law:

Saving—	
On marshals' salaries, annual	$103,007
On district attorneys' salaries, annual	58,000
On commissioners' fees, annual	125,000
On mileage of district attorneys and marshals	125,000
By reduction of frivolous prosecutions	750,000
By diminished mileage of witnesses, to be worked by properly locating commissioners	100,000
On assistant attorneys and deputy marshals by being placed under control of Department of Justice	100,000
Total	1,361,007

In other words, the gentleman from Iowa [Mr. UPDEGRAFF], of the Judiciary Committee, having examined the details of the legislation which we propose and hope to see enacted into law, claims that, taking the estimates of the present system for the next year, as against the amounts which will be paid under these fixed salaries and compensations provided for the future in this bill, the annual saving by this legislation will be $1,361,007 each year. If that is so, the House is certainly to be congratulated, first, upon the wisdom of the chairman of the Committee on Appropriations in calling attention to these excessive expenditures and, secondly, upon the wisdom of the Judiciary Committee in suggesting such legislation which to-day, so far as the conference report is concerned, has been accepted by both sides of the House.

Mr. McMILLIN. I should like to ask the gentleman one question. He estimates that the saving under this new method of compensation will amount in round numbers to $1,300,000. One item of that computation, if I understood him correctly, is $750,000 which is expected to be saved by doing away with "frivolous prosecutions." Upon what does he base that estimate? What facts can he refer to tending to show the amount which will be saved in that way?

Mr. BINGHAM. I will leave that to the gentleman from Iowa [Mr. UPDEGRAFF], who has gone closely into the details and has furnished information of great value to the committee.

Mr. McMILLIN. I simply call the attention of the gentleman to the fact that this is merely guesswork, and in the end I think time will clearly demonstrate that my fears are well founded. My opinion is that you will lose some as to marshals, in the difference in paying salaries and mileage, in some of the States. The amount you claim to save by making this change will, I fear, be more than made up in mileage paid marshals under the new law.

Mr. BINGHAM. Well, the gentleman has made his criticism, and I have no answer to make to that, except that I think there is of necessity some guesswork about it.

Mr. DOCKERY. The gentleman from Tennessee is mistaken. They are paid mileage under the old law.

Mr. HENDERSON. Certainly.

Mr. McMILLIN. But that is on a different basis altogether. They were and are paid mileage, but there was a limit fixed by the old law on the amount of salary receivable.

Mr. HENDERSON. There is no difference on that score, I will state to the gentleman.

Mr. McMILLIN. I am not in error, I repeat, Mr. Speaker; and say that this is wholly guesswork, as to the $750,000 from minor prosecutions.

Mr. BINGHAM. Then I assume the gentleman regards his own statement as something else than guesswork. What is it? He makes the bold charge that the gentleman who had this matter under his control, who has examined it thoroughly, who has gone carefully through every detail of it and made a critical examination and presents a statement—that in the end it is mere "guesswork." Now, let the gentleman give his statement based on anything else than guesswork, and we will know how to appreciate its value.

Mr. McMILLIN. I will give my statement and let you figure it out for yourself. I say that there is not a fact presented in that statement on which you can base an accurate opinion as to the saving of the $750,000 that you claim is to be saved in frivolous prosecutions.

Mr. BINGHAM. Now, I am going to meet the gentleman's proposition in arithmetic and present him some conundrums in figuring out the appropriations for the past ten years on this very subject. We find that there are reductions that should follow in expenses of the United States court because of placing attorneys and marshals on the salaried list in every item of appropriation. We find, for instance, that as to the fees of United States commissioners the expenses have been trebled within the last ten years. The gentleman answers my question by an assertion. Now he can show, if he can by other than guesswork, why the expenses of United States commissioners should have trebled in ten years in the general business of the courts. For fees of witnesses the expenses have doubled in the past ten years. There is another conundrum for him to answer. For the fees and expenses of United States marshals the expense has doubled in ten years. Juror fees, United States courts, have increased 25 per cent in the past ten years. Fees of clerks have increased about 33 per cent in the past ten years, and for all the expenses of the United States courts the appropriations have been more than doubled since the fiscal year 1885. Under the fee system the attorneys could earn as compensation $425,000. Under this act the salaries amount to $280,500, or a reduction of $139,500 in expenditures per annum. Marshals could earn under the old plan $420,000; under this act their salaries amount to $267,000, or a reduction of $153,000 per annum.

That is a critical examination and the result of a careful and painstaking investigation of the details of this matter, showing the increase of expenses within the last ten years, and what we know to be the reductions under the terms of the new arrangement.

Mr. McMILLIN. The gentleman has not yet given one solitary item to base any reasonable calculation upon as to the amount saved on the $750,000 item which he claims will be made in the reduction of frivolous prosecutions.

Mr. BINGHAM. I do not propose that any statement of the gentleman shall stand unchallenged in this House that would even by deduction or inference take from the chairman of the Committee on Appropriations the credit to which he is entitled in calling the attention of this House to this growth of expenditures in this division of the Government, and the earnest, careful action of the Committee on the Judiciary of the House in suggesting and submitting this plan as a remedy.

Mr. McMILLIN. And I am not going to be put in a false attitude by the gentleman from Pennsylvania. I have not denied, and do not deny, that there are reductions of expenditures in some of the items he has mentioned. Nor do I take from the chairman of the Committee on Appropriations, General HENDERSON, any of the credit to which he is entitled; because for him no man has a higher regard than I. But when the gentleman in charge of this measure undertakes to figure out that under this one item there is a saving of $750,000, and he can not give a single reasonable foundation for the calculation, I claim that it is mere guesswork; and that is the matter I have challenged; and I will not let him switch me off into a controversy with somebody else.

Mr. HENDERSON. Will the gentleman from Pennsylvania allow me a moment?

Mr. BINGHAM. Certainly.

Mr. HENDERSON. Much of the calculation of Judge UPDEGRAFF is demonstrable——

Mr. McMILLIN. That is true.

Mr. HENDERSON (continuing). And a part of it is merely speculative——

Mr. McMILLIN. Now we agree as to that.

Mr. HENDERSON (continuing). But I believe the speculations and deductions made by him—and I regret that he is not present just at this time—will be more than sustained by experience in the administration of the new law. But whatever is in the womb of the future there is no man to determine, and there is no use in getting into a controversy about it. The data upon which this figuring has been done were largely derived from a careful statement prepared by the Department of Justice, and in conference with them officers of long service in the Department of Justice being at work with the subcommittee when that was done. One thing is certain, we are about to pass into law a great and needed reform.

That brings me to a point which I can not allow to pass. The suggestions of the gentleman from Pennsylvania [Mr. BINGHAM], always so thoughtful and kind, would make it appear to the House and country that this legislation was at the suggestion of the chairman of the Committee on Appropriations [Mr. CANNON]. I can not allow that to pass without in a degree challenging it. The chairman of the Committee on Appropriations in the last Congress, the gentleman from Texas [Mr. SAYERS], I myself in a former Congress when upon the Committee on Appropriations, the gentleman from Missouri [Mr. DOCKERY], and many other members of the Committee on Appropriations have again and again pointed out this evil, and when I came to the chairmanship of the Committee on the Judiciary it was one of the first things to which I addressed my attention, putting it into the hands of a strong subcommittee, with Judge UPDEGRAFF as chairman and Judge BURTON of Missouri and Judge CULBERSON of Texas as his associates.

Bills had been introduced, investigations were had, and work was being done before the suggestion came from the chairman of the Committee on Appropriations [Mr. CANNON]. When he did call attention to it, at the time referred to by my friend [Mr. BINGHAM], I happened to come upon the floor of the House and rose in my place and told him we were looking after that matter in the Committee on the Judiciary. Suggestions for years have been prolific from the press and the people in regard to this matter, and I congratulate this House on having put its shoulder to the wheel with us to work this reform. I want above all to personally thank the gentleman from Pennsylvania [Mr. BINGHAM] and his associates on the subcommittee, the gentleman from Tennessee [Mr. McCALL], and the gentleman from Missouri [Mr. DOCKERY], for their loyalty to the House in standing by this proposition and helping to sustain the doctrine laid down, and giving us, after long conference, substantially the bill passed by this House. I make this statement in justice to the House, in justice to my own committee, I deserving least of all and the members of my subcommittee the most. And I also want to publicly acknowledge the valuable aid rendered the committee by the gentleman from Missouri [Mr. TRACEY]. I deemed it to be my duty to make these statements in connection with that made by my friend from Pennsylvania [Mr. BINGHAM].

Mr. ALLEN of Mississippi. One question. Did not the President of the United States in his message call special attention to this subject?

Mr. HENDERSON. I regret to say that I did not make a special study of that, as my mind was made up anyhow; but the leader on the Democratic side of the House is an authority on all these great questions. Behold the man! [Laughter.]

Mr. ALLEN of Mississippi. The President did call attention to that in one of his first messages to Congress.

Mr. BINGHAM. The chairman of the Committee on the Judiciary [Mr. HENDERSON] well knows that I would not, either in thought or word, detract from any of the active interest or efforts on the part either of preceding Appropriation Committees or on the part of his own committee in their earnest labor to secure this legislation. I simply quoted, having it before me, the report of the chairman of the Committee on Appropriations [Mr. CANNON] in connection with the urgent deficiency bill. The language was so pronounced and pointed, that I thought it was fair to adorn my statement with his utterances.

Right in that connection I have a letter from the district attorney of the eastern district of Pennsylvania, Mr. James M. Beck, appointed about six weeks ago under the present Administration, and therefore just going into office, his predecessor having held for four years. His statement is so honorable and so worthy of public notoriety, that I wish to read the letter to the House, that it may form a part of the record of the proceedings in connection with marshals and United States district attorneys. His letter is as follows:

PHILADELPHIA, *April 25, 1896.*

MY DEAR SIR: I have your telegram of the 25th, and am obliged to you for your courtesy in sending me this early information as to the action of the conference committee. I confess to some disappointment at the result, chiefly because I can not but feel that any salary less than $5,000 lessens the dignity of the office. It is unquestionably the second most important office in this country in the importance of the cases which it handles, but it is given a smaller salary than districts of much less importance. Pecuniarily it is about one-half what the office has been worth in the last four years, but it is fair to add that the work will be in some respects lessened, and the discharge of the district attorney's duties will be more pleasant under the salary than the fee system. I am so persuaded as to the viciousness of the latter that, irrespective of the amount of the salary, I am glad that Congress has changed it. Any system that puts a pecuniary premium upon convictions and a discount on acquittals is wrong.

I take this occasion to thank you very heartily for your kind interest in the matter.

Yours, very truly, JAMES M. BECK.

Hon. HENRY H. BINGHAM,
House of Representatives, Washington, D. C.

Now, if there are no questions which gentlemen desire to submit in connection with the conference report, I will yield to the gentleman from Tennessee [Mr. McCALL], a member of the committee of conference.

Mr. GILLETT of Massachusetts. May I ask the gentleman a question?

Mr. BINGHAM. Certainly.

Mr. GILLETT of Massachusetts. I did not understand from the reading of the report, and I ask the gentleman now, how the section relating to commissioners is left, compared with what it was when first reported?

Mr. BINGHAM. With reference to the going out of the present commissioners, the date is changed from June 30, 1896, to June 30, 1897, extending the time one year. The committee believed it was not fair to turn out this vast body, a thousand of the subordinate force of the Government, within a month after the passage of the legislation.

Mr. GILLETT of Massachusetts. But otherwise it is the House bill?

Mr. BINGHAM. Otherwise, save changes which the gentlemen of the Judiciary Committees of the two Houses have accepted, it is the bill of the House. Now, I yield ten minutes to the gentleman from Tennessee [Mr. McCALL].

Mr. McCALL of Tennessee. Mr. Speaker, I agree largely with the statement made by the distinguished gentleman from Pennsylvania [Mr. BINGHAM] in regard to the work done upon the legislative bill, and especially do I indorse what he said when he prophesied great good to the country in the saving of money and expense under this new reform in our judicial system. I do not care to discuss that branch of the work, but to call the attention of the House especially to what is now known as the New Mexico amendment, offered by the gentleman from New Mexico [Mr. CATRON]. I only do so for the purpose of correcting a statement that has been made elsewhere, and in another forum, as to how that amendment became a part of this bill. It will be remembered that after this bill left the House it was said of it by a very distinguished gentleman, in a discussion of this portion of the bill, that the New Mexico amendment was a political amendment and had been "sneaked" into the bill.

Now, for the protection of the subcommittee and the House, and myself largely, because I had the honor of being in charge of the legislative bill when pending before the House, I wish to state how that amendment came into the bill, to disabuse the minds of gentlemen of the House and the country of the fact that we "sneaked" a political amendment into the legislative appropriation bill. What are the facts? When we reached Territories, and that of New Mexico, the Delegate from New Mexico [Mr. CATRON] offered an amendment, which finally became a portion of the bill. To that amendment I reserved the point of order. That amendment proposed to change the time of holding the legislature in New Mexico from the fourth Monday in December to the first Monday in May. The gentleman from Missouri [Mr. DOCKERY], my colleague upon the subcommittee, one of the leaders of the Democratic side of the House, stated that he wished time to look into this matter, and asked that that section be passed until we had finished the bill, and that we could return to it. He asked that to give him an opportunity to examine the amendment. That was agreed to, as the RECORD shows. On the following day, when he had time, as he says in his remarks, to consult with the Committee on Territories, and having slept over night with this political amendment that was "sneaked" into the bill, he stated, after certain modifications had been made by him, that there was no objection to it. Thereupon I withdrew my point of order. He renewed it for the purpose of making a statement, which appears here in the RECORD, and this is what he says:

Mr. DOCKERY. I ask the gentleman in charge of the bill to return now to the amendment offered on Saturday last by the gentleman from New Mexico [Mr. CATRON].

Mr. MCCALL of Tennessee. Mr. Chairman, when the committee rose on last Saturday it was with the understanding that to-day we should recur to the section relative to the Territory of New Mexico, for the purpose of considering the amendment offered by the Delegate from that Territory. The point of order which I then reserved I now withdraw.

Mr. DOCKERY. I desire to renew the point of order as to a part of the amendment. After consultation with the minority members of the Committee on Territories, I make a point of order upon all of this amendment except the first and last paragraphs.

After the gentleman from Missouri prepared that amendment, as I have shown, it was agreed to. That was done after he had consulted with the minority of the Committee on Territories, who were Democrats. This amendment, which is denounced in other quarters as a political amendment, "sneaked" into the bill, came into it in the light of day, after ample investigation by one of the leading Democratic members on the floor, and after consultation with his Democratic colleagues of the minority of the Committee on Territories. They found no fault with it, and allowed it to come into the bill. I felt that I ought to make that statement, in justice to the Republican members of the subcommittee and the Republican members of the House, that the country may know that the gentleman who has largely based his opposition to this bill upon that question in another place, and denounced it as a "sneak," has to thank the minority, the Democratic members of this House and the Democratic members of the subcommittee, for agreeing that it should become a part of the bill.

Mr. DOCKERY. Mr. Speaker, I differ from my colleague in one respect. I do not think the country is very much agitated in respect to the history of this amendment. The gentleman from Tennessee has substantially stated the facts in relation to the matter. It was not "sneaked in." Of course if we were again at the starting point I should insist upon the point of order, and the amendment would have no standing in this bill. I do not propose to plead the "baby act," however, here or elsewhere. That amendment was submitted to the minority members of the Committee on Territories, and while we thought for a time that it was political, it appeared to be so "innocent" that it was allowed to go into the bill. I could not say as much for it now; but I can not say that anyone misrepresented that amendment. No one on this floor did misrepresent it. It seemed to be a very "innocent" affair after the paragraph to which I objected was stricken out. It was, perhaps, not as "innocent" as it seemed to be; but the fault, if any, was my own and the minority of the Committee on Territories.

Mr. BINGHAM. I now yield five minutes to the gentleman from Missouri [Mr. DE ARMOND].

Mr. DE ARMOND. I quite agree, Mr. Speaker, with what has been said about the importance of the legislation put into this bill with respect to the officers of the Federal courts. Of course it is largely experimental, as it necessarily must be. It is legislation, undoubtedly, however, upon a correct theory; and if anything in detail be found wrong or ineffectual, the principle, I am satisfied, will be so well vindicated by a trial that whatever of imperfections may be found can be easily corrected.

There has been a great deal said, Mr. Speaker, in regard to appropriations and revenues. There has been much talk, first and last, in this House and in the other, as to the insufficiency of the revenues of the Government to meet the expenditures of the Government.

Now, there are two ways in which the Government can equalise these matters. By either any trouble that may at present exist or that may arise in the future with respect to income and expenditure might be met. One is to increase the revenues; the other is to lessen expenditures. To increase the revenue is to increase the burdens upon the people; to levy upon and collect from them a larger amount of taxes. To decrease the expenditures is to keep the balance account of the Government just as correctly, to preserve it just as neatly, without burdening the people, but with relief to them.

Now, it does seem to me that it is quite possible, with the huge income the Government has—not so huge, however, as its appropriations—by reducing expenditures, to keep the balance upon the right side. And if we were to start in earnestly upon the work of reducing expenditures and keeping the outlay within the limits of the income, we would naturally, I think, be expected to commence with ourselves.

There is in this bill, by action of the Senate, an item to which I wish to direct attention, not by way of criticising our committee of conference, which, under the circumstances, has, I think, done exceedingly well in having preserved in this bill very important items of legislation against serious difficulties encountered at the other end of the building. The particular matter that I refer to is the increase of expenditures with reference to the employees of the Senate. A number of individual clerks to Senators who heretofore have received $1,200 per year are now to be paid $1,500 per year. A number of committee clerks of the Senate who have received $1,440 per year are now to be given $1,800 per year. Then, too, the number of employees of the Senate is increased to some extent.

I think that if our brethren at the other end of the Capitol had wrestled very earnestly with this branch of the question of bringing the expenditures and the income of the Government to a "parity" (to use a very much-abused word) they would not have gone into the business of increasing the number or pay of employees of their own body. What reason is there why each of these clerks of individual Senators should be paid $1,500 per year instead of $1,200 per year? Is it because in the past years they have been underpaid? No. Or is it because their employers are expecting to exact a greater or more skillful service, or longer or harder hours of work, or to exchange their present employees for others more costly and more efficient? No.

The same questions arise with reference to the committee clerks. Fourteen hundred and forty dollars per year is a tolerably liberal compensation for an average Senate committee clerk. Why raise it $360 per year, making it $1,800? It is certainly not done in the interest of the general public. It is certainly not done because there is any necessity for doing it. With equal certainty it is done in order that these gentlemen, who enjoy the favor of the Senators who select them, shall receive a larger amount of compensation than they have heretofore received, without doing more work, and without any public necessity for the increase.

This "contingent fund" idea has been greatly enlarged and expanded of late. Formerly a contingent fund was understood to be a somewhat extraordinary fund, for purposes which could not well be specified in advance, which could not well be provided for, item by item. Such funds ordinarily, when they are confined to their legitimate use, are small funds. The idea, however, has been propagated and has grown that each branch of Congress ought to have just as much of a contingent fund as its members may conclude they should have, and that each body, out of its contingent fund, ought to be privileged to make just such expenditures as its members may see fit to make. So it is said: "We do not care about controlling your contingent fund; why should you control ours? Let us control our expenditures and you control yours."

Now, Mr. Speaker, that sounds very well, if we do not stop to inquire where these contingent funds come from. But who contribute to make up these contingent funds? They come out of the public Treasury. They are made up of the people's money, gathered by the Government from the people. The proposition of the Senate is, "Make your contingent fund as large as you please and do what you please with it, and let us make our contingent fund as large as we please and do what we please with it." In other words, "If you allow us to take as much money as we please from the public Treasury we will extend to you the same privilege." Out of this abuse, as I view it, have grown a good many extravagant expenditures. Out of this abuse has grown this particular increase of expenditure proposed by the Senate. The Senators, as I understand, say in substance: "We have a right to control our own expenditures; these employees serve us in our lofty legislative capacity. What difference is it to you what we pay them? We must determine that for ourselves." And in this body I think you have taken up the same idea. Upon that same idea the House the other day provided for supplying its members with clerks during vacation. I will not now go into a discussion of that proceeding.

My views upon it are very well understood, and have been heretofore expressed to the House. I think it an unnecessary expenditure. I think it is particularly objectionable, because it is made to apply immediately, and, in effect, amounts to this House legislating to each individual member who chooses to take the sum that may thus be drawn in vacation, a considerable sum of money over and above the amount for which he agreed to serve his constituents, when he offered himself as a candidate for election in 1894. This tendency to pay out of the contingent fund on all sorts of accounts is constantly growing. This tendency to allow each body to control its own expenditures is constantly growing. And the constant effect of it is to make expenditures larger than they otherwise would be; larger than they need be.

To sum up, it seems to me Congress has not been directing efforts sufficiently to that part of public policy which consists in keeping expenditures within the limits of income. It is not a matter of course that the Government income ought to be increased. The income of the Government now is very great—too great, not too small.

The SPEAKER. The time of the gentleman from Missouri has expired.

Mr. DE ARMOND. I would like about one minute more.

Mr. BINGHAM. Go ahead.

Mr. DE ARMOND. Mr. Speaker, when people talk about there being a "deficit" in the Treasury they do not mean that there is no money in the Treasury; for there is a large quantity there. It has been acquired in a way which I do not approve and do not excuse; there is, however, a large amount of money in the Treasury. When people talk about deficits they mean that the daily, monthly, or yearly income does not meet the daily, monthly, or yearly expenditures.

Such deficit—it is a misnomer, however—may be met either by increasing the amount of receipts or by decreasing the volume of appropriations, so as to keep the expenditures within the income. It seems to me that the latter is the safer and better way. It is a way to afford relief to the people. It is a way to cut off extravagant appropriations. It is a method of reform which carries the reformation to those who most need it. Meanwhile, even if these expenditures ought to be made, if they are necessary and not unnecessary, as I believe, and if for the time being the revenues of the Government are insufficient to meet them, there is, it seems to me, no reason for keeping piled up in the Treasury large sums of money, acquired by the unnecessary and, I think, the vicious sale of bonds, while the people are overtaxed and burdened, and looking in all directions for relief and ready to try almost any expedient in the hope of securing it, and thus far finding their troubles multiply rather than grow less.

Mr. BINGHAM. I yield two minutes to the gentleman from Tennessee [Mr. McMILLIN].

Mr. McMILLIN. Mr. Speaker, I did not wish that what I said a few moments ago should be taken—and it would not be taken by anyone here who knows my action in this House—as implying opposition to the efforts we are making here to check expenditures and to change the method of the administration of justice in the Federal courts. It is known to gentlemen around me that I favored that measure and still favor it. What I desired to call attention to, and all I desired to bring to the attention of the House by my question of the gentleman [Mr. BINGHAM] was that the item of $750,000 which it is claimed will be saved by doing away with frivolous prosecutions is an amount which it would be impossible to reach by any figuring based upon actual facts. Secondly, I expressed a fear, which I entertain yet, that the seeming saving in marshals' fees would probably be more apparent than real by reason of the fact that we have changed the compensation that may be given to marshals as mileage, so that our mileage account may overbalance the saving expected from the reform which we have inaugurated in the other direction.

But this work is important. There has been hardship for years past in the method in which petty prosecutions have been instituted and carried on in our Federal courts. On that subject I think this House has acted none too soon; and if in any respect we have made an error, we may be able to correct it later. I will ask permission to incorporate in my remarks, without taking the time to read it, an extract from President Cleveland's message, giving the President's recommendations to Congress on this subject. It will be seen that we are but following his recommendation.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to incorporate in his remarks the matter he has indicated.

Mr. KEM. I object.

The SPEAKER. Objection is made by the gentleman from Nebraska [Mr. KEM]. [Laughter.]

Mr. McMILLIN. Then as this is important, and therefore I do not like to be foiled in such a matter by a single objection, I will ask the Clerk to read the passage to which I desired to call attention in my time.

The SPEAKER. The gentleman objecting has a right to hear it. The Clerk will read.

The Clerk read as follows:

> I can not too heartily indorse the proposition that the fee system as applicable to the compensation of United States attorneys, marshals, clerks of Federal courts, and United States commissioners should be abolished with as little delay as possible. It is clearly in the interest of the community that the business of the courts, both civil and criminal, shall be as small and as inexpensively transacted as the ends of justice will allow.
>
> The system is therefore thoroughly vicious which makes the compensation of court officials depend upon the volume of such business, and thus creates a conflict between a proper execution of the law and private gain, which can not fail to be dangerous to the rights and freedom of the citizen and an irresistible temptation to the unjustifiable expenditure of public funds. If in addition to this reform another was inaugurated which would give to United States commissioners the final disposition of petty offenses within the grade of misdemeanors, especially those coming under the internal-revenue laws, a great advance would be made toward a more decent administration of the criminal law.
>
> In my first message to Congress, dated December 8, 1885, I strongly recommended these changes and referred somewhat at length to the evils of the present system. Since that time the criminal business of the Federal courts and the expense attending it have enormously increased. The number of criminal prosecutions pending in the circuit and district courts of the United States on the 1st day of July, 1885, was 3,808, of which 1,684 were for violations of the internal-revenue laws, while the number of such prosecutions pending on the 1st day of July, 1893, was 9,500, of which 4,200 were for violations of the internal-revenue laws. The expense of the United States courts, exclusive of judges' salaries, for the year ending July 1, 1885, was $2,874,733.11, and for the year ending July 1, 1893, $4,528,676.87.
>
> It is therefore apparent that the reasons given in 1885 for a change in the manner of enforcing the Federal criminal law have gained cogency and strength by lapse of time.

Mr. BINGHAM. I have a clear recollection of the recommendation of the President as just read; but I wish to ask the gentleman from Tennessee whether that recommendation was not sent in at the second session of the Fifty-third Congress?

Mr. McMILLIN. It is embraced in the President's annual message of December 4, 1893.

Mr. BINGHAM. That was the second session of the Fifty-third Congress. I merely wanted that fact to appear as part of the record.

Mr. DOCKERY. Mr. Speaker, I should like to say one word.

Mr. BINGHAM. I yield, of course.

Mr. DOCKERY. I simply desire to say that in my judgment the replacement of the fee system by fixed compensation for marshals and attorneys, together with the revision of the fees of commissioners and the abrogation of their life tenure, will, in my opinion, effect a great reform in the administration of justice.

Something has been said as to the credit due for the reforms that have already been effected and those to be effected if this conference report is agreed to.

All of the gentlemen already mentioned are fully entitled to the distinction of assisting in effecting these very important reforms. The Attorney-General, the Judiciary Committee, one and all, have labored faithfully and zealously, and also the Committee on Appropriations, as well as other gentlemen not connected with either committee, notably my colleague from Missouri [Mr. TRACEY]. I notice, however, that some gentlemen have not been mentioned in connection with these reforms who are entitled to special distinction. I refer to the gentleman from Illinois [Mr. CONNOLLY] and my colleague from Missouri [Mr. DE ARMOND]. I think this much should be said in their honor and supplementary of the just tributes already paid to other members of the House.

Mr. BINGHAM. The gentleman from Arkansas wants a few minutes, and I yield to him.

Mr. McRAE. Mr. Speaker, I indorse the principle embodied in this legislation of changing from the fee to the salary system, and advocated it not only on the floor of the House when the matter was under discussion but have favored it for years past; but I do not indorse the large salaries and some other provisions in the bill. I shall not now undertake to criticise the provisions of the bill. I did that when the matter was pending before the House for our consideration. But, Mr. Speaker, let it not be understood as admitted that the measure is by any means a perfect one. It is to be hoped, however, that it will result in some good.

I have taken the floor at this time for the purpose of expressing my opinion and belief that the bill will not result in the saving of any money to the National Treasury. If it does it will be because of the very great reduction in the number of criminal prosecutions under it. It is to be hoped that such will be the result. That hope certainly induced many members on this side of the House as well as on the other to support it. If the number of criminal prosecutions is not reduced the aggregate sum required to administer the Department of Justice will largely increase, because the salaries, many of them, carried by the new law are larger than they were before. The number of deputies provided for is indefinite and is left solely in the discretion of the Attorney-General and the judge. So no man can tell with accuracy what will be the relative cost unless he can know in advance what will be the action of the gentleman who presides over the Department of Justice in the matter of allowing deputies to district attorneys and marshals. I do not believe we will save any money with the bill in its present shape, but we will remove the temptation from marshals and attorneys to engage in the contemptible practice of "working up business" and will relieve the people from many frivolous, groundless, and vexatious prosecutions.

While the bill is better than no bill, yet there are many amendments or modifications that ought to be adopted before this bill passes. I hope we will be able in the course of a short time, in the light of experience, to take the step I attempted to point out when the bill was under consideration. If some changes are not made in the provisions you are about to adopt, you will find that the commissioners and deputy marshals will give you just about as much trouble on the question of expense as you had before. I fear that while you have stopped one leak you have made another almost as dangerous.

Mr. BINGHAM. Mr. Speaker, there having been fair and ample debate on this subject, I now move the adoption of the conference report.

The report was adopted.

Mr. KEM. Mr. Speaker——

Mr. BINGHAM. Mr. Speaker, I move to reconsider the vote just taken, and also move to lay that motion on the table.

Mr. KEM. Mr. Speaker, I rose to raise the question of no quorum.

Mr. BINGHAM and others. Too late.

The SPEAKER. The Chair thinks it is not too late. The gentleman is entitled to make the point if he rose, as he states, for that purpose.

The SPEAKER, having counted the House, announced the presence of 186 members—more than a quorum.

So the report was agreed to.

On motion of Mr. BINGHAM, a motion to reconsider the last vote was laid on the table.

VETO MESSAGE—FEES OF OFFICIALS, PUBLIC LAND OFFICES.

The SPEAKER laid before the House the following message from the President of the United States:

To the House of Representatives:

I herewith return, without approval, House bill No. 4804, entitled "An act to amend subdivision 10 of section 2238 of the Revised Statutes of the United States."

The subdivision of the section of the law proposed to be amended by this bill has reference to the fees allowed receivers and registers at public land offices. This subdivision now reads as follows:

"Tenth. Registers and receivers are allowed jointly, at the rate of 15 cents per hundred words, for testimony reduced by them to writing for claimants, in establishing preemption and homestead rights."

The bill under consideration so amends this subdivision that in the first clause a compensation of 10 cents per hundred words is allowed to the registers and receivers for reducing to writing the testimony of claimants "in all cases," instead of 15 cents per hundred words for reducing to writing testimony "in establishing preemption and homestead rights," as provided in the old law.

Whether this reduction of fees preserves an adequate and just compensation to the offices affected I suppose has been duly considered by the Congress.

The bill, however, after providing for this change in compensation, contains the following words: "And in all cases where they (the registers and receivers) can secure a competent person to reduce the testimony to writing for a sum less per folio than the sum herein prescribed, it shall be their duty to do so."

By the addition of these words the bill seems to give certain fees by way of official compensation to the officers named for certain services to be performed by them, and at the same time to provide that if they can secure other persons willing to perform these services for a less sum than the amount allowed to them, they shall forego their fees in favor of such persons.

It is very important that the fees and perquisites of public officers should be definitely and clearly fixed, so that the official may know precisely the items of his lawful compensation and the people be protected from extortion and imposition.

A public officer ought not to be expected to search very industriously for a person to underbid him for official work; and if such a person appeared, the temptation to combination and conspiracy would in many cases lead to abuse.

It will be observed that the officers are not given, by this amendment, the option to do this work themselves at 10 cents per folio, or secure a competent person to do it at a less rate; nor, if they desire, are they allowed to compete with those willing to accept a less compensation. They may charge a fixed rate for the service if performed by them, but in any event, if they can procure another party to perform the services for a less sum, they must do so.

I am convinced that this bill in its present form, perhaps through unfortunate phraseology, if it became a law, would lead to confusion and uncertainty, and would invite practices against which the public service ought to be carefully guarded.

GROVER CLEVELAND.

EXECUTIVE MANSION, *May 23, 1896.*

Mr. LACEY. I move to refer the message to the Committee on Public Lands.

The motion was agreed to.

INDIAN APPROPRIATION BILL.

Mr. SHERMAN. Mr. Speaker, I desire to present a conference report on the Indian appropriation bill.

The report was read at length. [For text of the conference report see Senate proceedings of Thursday, May 21, 1896.]

The statement of the conferees on the part of the House was read, as follows:

Statement to accompany conference report No. 3 on Indian appropriation bill.

Senate amendment 33 is agreed to with an amendment. As passed by the Senate it provided for an appropriation of $5,000 to purchase seed and for subsistence of the Ponca Indians. The committee being informed that seed for this spring's planting had already been furnished these Indians on credit, the wording of the amendment is changed so as to make the appropriation available for the payment therefor.

Senate amendments 46, 47, 48, 49, and 51 are consolidated in one amendment, providing that the Secretary of the Interior is authorized to appoint a commission to consist of three persons, not more than two of whom shall be of the same political party and not more than one of whom shall be resident of any State, to make all the negotiations provided for by all of said amendments, and appropriates $10,000 for the purpose of paying the expense thereof. This reduces the appropriation $14,000.

Amendment 52, providing for determining and locating the boundary line of the Klamath Reservation, is accepted, amended to provide that two of the commissioners shall be practical surveyors. This amendment also provides for the employment of a special attorney, at a compensation of $1,000, to care for interests of the Mission Indians in California.

The Senate recedes from amendment 56.

Amendment 68 is agreed to with an amendment. This is the appropriation for day and industrial schools. The bill as it came to us from the Senate increased the appropriation $2,000,000. This was an error, the intention being to increase the amount two hundred thousand. As agreed to, the amount is $1,235,000.

Amendment 71 increases the appropriation for purchase, lease, and repair of school building and purchase of school sites $100,000. This amendment is agreed to.

Amendment 76, appropriating $50,300 to increase the capacity of the school at Flandreau, is agreed to, it appearing that the present accommodations are wholly inadequate.

Amendments 77 and 78 are both agreed to, with amendments providing the amounts appropriated shall be accepted in full of all demand.

Amendments 86 and 87, increasing by $3,000 the appropriation for the Shoshone Reservation school, is agreed to.

Amendment 94, providing that the Secretary of the Interior is hereby directed to issue a patent in fee to Benjamin J. Clardy for all the land heretofore allotted to him in the Territory of Oklahoma, as a citizen Pottawatomie Indian, and all restrictions as to the sale, incumbrance, or taxation of said and is hereby removed, is agreed to.

Amendments 83, 84, and 85 are amended in phraseology, not in amount of appropriation, and with a provision that Indian children shall not be taken from school in one State or Territory to another against their will or the consent of their parents.

Upon amendments 37, Dawes Commission; 64, the so-called Old Settlers' claims; 66, providing for the disposition of the Cherokee Outlet money; and 69 and 70, the so-called sectarian-schools provision, no agreement has been reached, and as to them a further conference is desired.

Mr. SHERMAN. Mr. Speaker, this report is not a final report, as is shown by the statement. It covers all questions in the bill except the question of the continuance of the Dawes Commission, the distribution of the Cherokee Outlet money, the payment of the so-called Old Settlers' claims, and the question of the support of the sectarian schools.

If this report be adopted, Mr. Speaker, it is my intention hereafter to ask the House for instructions in reference to the question of sectarian schools, about which the conferees have been unable to agree.

Mr. McMILLIN. Will the gentleman allow me to ask him one question?

Mr. SHERMAN. Certainly.

Mr. McMILLIN. What has been done with the proposition for the distribution of lands in severalty among the civilized tribes?

Mr. SHERMAN. Nothing has been done in this bill. There was no provision in reference to that in the bill as it passed the House or as it came to us from the Senate. That question is covered by a separate bill, which has been favorably reported from the Committee on Indian Affairs; but it is not in this bill, and could not come up except upon the question of the continuance of the Dawes Commission, I imagine.

Mr. BARTLETT of New York. I should like to ask the chairman of the Committee on Indian Affairs one question. Does he propose to ask for instructions as to the distribution of the funds for the Old Settlers?

Mr. SHERMAN. I did not propose to ask for instructions, but we are perfectly willing to be instructed by the House on that question, if the House so desires. The intention simply was to ask for instructions in reference to sectarian schools. That of course we should not do until after this report is adopted, because that matter is not covered by this report.

Mr. FITZGERALD. If this report is accepted, then, when the question comes up on the matter of instructions, will debate be allowed?

Mr. SHERMAN. We shall have to dispose of that matter when that question arises. It can not be determined now.

Mr. FITZGERALD. I make that point for the reason that I should like to express some views on that matter. I should like to do it now, if debate is not going to be allowed when the matter comes up.

Mr. SHERMAN. That is not covered by this report. I think it is a matter we shall have to take care of when we reach it and not now. I move, Mr. Speaker, that this report be adopted, and that the matters not covered by it be the subject of further conference.

Mr. McRAE. I wish to ask the chairman of the committee if the amendment No. 57 is included in the agreement?

Mr. SHERMAN. Amendment No. 57 was included in a former conference report which has been adopted by the House.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. SHERMAN. I move, in reference to the other matters, the House insist on its disagreement, and that a further conference be ordered. Pending that, I move that the House conferees be directed to recede from the disagreement to the Senate amendments 69 and 70, and accept the same.

That, Mr. Speaker, is the question of the sectarian schools, and I desire to explain that matter briefly to the House. In the first place, the bill as it came from the committee to the House, as the House will recollect, contained the declaration that it was the purpose of the Government at the earliest practical moment to dispense with sectarian schools, and provided that the Secretary should not contract during the next fiscal year to an extent larger than 60 per cent of the amount contracted for in the last fiscal year. That proposition was stricken out by the House, and in lieu thereof there was inserted this proposition:

And it is hereby declared that it is the intention of this act that no money herein appropriated shall be paid for education in sectarian schools, and the Secretary of the Interior is hereby charged with the duty of so using and administering said appropriation as to carry out said object, and he is hereby authorized and required to make all needful rules and regulations necessary to prevent the use of any part of said fund for education in sectarian schools.

That section the Senate has stricken out, and in lieu thereof has inserted the following:

And it is hereby declared to be the settled policy of the Government to make no appropriation whatever for the education of Indian children in any sectarian school, just as soon as it is possible for provision to be made for their education otherwise; and the Secretary of the Interior is hereby authorized and directed to make such provision at the earliest practicable day, not later than July 1, 1898: *Provided*, That the Secretary of the Interior may make contracts with present contract schools for the education of Indian pupils during fiscal year 1897, but shall only make such contracts at

places where nonsectarian schools can not be provided for such Indian children and to an amount not exceeding 50 per cent of the amount so used for the fiscal year 1895.

So that, Mr. Speaker, it appears that whichever section is adopted the Government declares it to be its settled policy that we will not maintain sectarian schools any longer than is absolutely necessary. By the bill as it passed the House the proposition was to stop short now. By the Senate amendment the proposition is to cut off sectarian schools, not in a moment, but at the end of two years, allowing the Secretary or the Commissioner in the meantime an opportunity to provide means for the education of these children in place of the sectarian schools which are done away with. In my judgment this is wise. In all fairness, if we are to do away with these schools, let us do so gradually, so that other provision may be made for the education of the children, and that those persons, whether religious bodies or individuals, who have invested in these schools may withdraw with the least loss from a legitimate business in which they entered in good faith and with philanthropic purpose.

Mr. MORSE. Will the gentleman from New York permit me to ask him a question?

Mr. SHERMAN. Certainly.

Mr. MORSE. Does the gentleman think the present Congress, either House or Senate, can bind its successors to any policy such as he has indicated? Will not they be a law unto themselves?

Mr. SHERMAN. Of course, there is no question about that. We can not enact anything that future Congresses can not undo.

Mr. MORSE. So that, as it stands, it will be a mere sentiment or expression of opinion on the part of the present Congress, and nothing to bind our successors.

Mr. SHERMAN. That is true, of course. Yet let me say that the last Congress, in the Indian appropriation bill, declared that it was the policy of the Government to do away with these schools at the earliest practicable moment; and the Commissioner or Secretary stating that this could be properly done in four or five years, a reduction of 20 per cent in the amount expended in this branch of educational work among the Indians was provided in last year's bill. The Committee on Indian Affairs of this House, accepting that declared policy of the Government, as stated in the last Indian appropriation bill, reported a bill to this House following it out to the letter; and I have no doubt that if either section is accepted here, in the future the action of the committee would be the same. Of course there is no question of the absolute right of a future Congress to do as it pleases. About that the gentleman and I will not differ.

Mr. CURTIS of Kansas. Mr. Speaker, I desire to make a motion.

Mr. SHERMAN. I do not desire to yield the floor. I want to move the previous question.

Mr. CURTIS of Kansas. Then I will make a parliamentary inquiry. Is not the proper motion to make at this time that the House insist on its disagreement and ask for a further conference, instead of the motion that has been made to agree?

The SPEAKER. The motion to concur has precedence.

Mr. SHERMAN. Mr. Speaker, I take it it is a question of which side votes "yea" and which side "nay."

The SPEAKER. One moment. The Chair understood the gentleman from New York to say that he moved to insist on the disagreement, and then proposed to move to instruct the conferees to agree. The Chair thinks that is not the usual proceeding; and that it should be a motion to bring before the House the question of concurring in the Senate amendments.

Mr. SHERMAN. I intended, pending my motion to disagree, to move that the House conferees be instructed to recede from the disagreement to the Senate amendments numbered 69 and 70, and agree to the same.

The SPEAKER. It would seem as if that should be determined by the House itself on a motion to concur in the Senate amendments, which motion could be made by the gentleman from New York.

Mr. SHERMAN. Very well, Mr. Speaker; let it be that way. It seems to be a matter of no consequence which way the motion is put. I made the motion in conformity with my individual wish, but if the other is the better parliamentary procedure I am perfectly willing to make the motion that way. I understood that it was the purpose of the gentleman from Kansas [Mr. CURTIS] to move an amendment in that form.

The SPEAKER. The motion of the gentleman from New York would take precedence of the other, even if the other motion had been made first.

Mr. CURTIS of Kansas. Mr. Speaker, I understand the rule to be that the motion to insist has precedence.

Mr. SHERMAN. I did not desire to make the motion in that form, because I should vote against it, and I did not wish to submit a motion against which I should vote. If the gentleman from Kansas amends my motion, I do not see why it does not attain the same end.

Mr. McRAE. Can not the gentleman from New York attain the same object by withholding his motion to recede until after the other motion is passed upon? Or, if he does not desire to take that course, let the gentleman from Kansas move to insist.

Mr. CURTIS of Kansas. Mr. Speaker, I move that the House insist and ask for a further conference upon amendments 69 and 70.

Mr. HAINER of Nebraska. Mr. Speaker, I wish at the proper time to present a resolution instructing the House conferees to insist on the House disagreement to the specific amendment numbered 69. I will send up the resolution and have it read for information. I think this resolution will put the matter in a form so as to be easily understood and passed upon.

Mr. SHERMAN. I suggest that the gentleman's resolution be read; and if it makes the matter any clearer to the House, the vote might be taken in that way.

The resolution proposed by Mr. HAINER of Nebraska was read for information, as follows:

Resolved, That the House conferees on House bill 6249, "A bill making appropriation for current and contingent expenses of the Indian Department," etc., be, and they are hereby, instructed to insist upon the following provision in said bill as it passed this House, to wit:

(69) And it is hereby declared that it is the intention of this act that no money herein appropriated shall be paid for education in sectarian schools; and the Secretary of the Interior is hereby charged with the duty of so using and administering said appropriation as to carry out said object; and he is hereby authorized and required to make all needful rules and regulations necessary to prevent the use of any part of said fund for education in sectarian schools.

Mr. HAINER of Nebraska. The gentleman from New York will observe that I have set out in the resolution the exact language of the provision in the House bill. It will, therefore, be easily and clearly understood; and if he will allow me, unless he desires debate, I will move the previous question.

Mr. FITZGERALD. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. FITZGERALD. I make the point that the resolution of the gentleman from Nebraska is not in order at this time. A conference report is before the House, and no resolution such as the gentleman offers is in order.

Mr. HAINER of Nebraska. I have not offered it yet. It has simply been read for information.

The SPEAKER. There is no conference report before the House. That has been accepted.

Mr. FITZGERALD. There is, I understand, a conference report on the matter under discussion.

The SPEAKER. The bill is before the House for action by the House on a motion for another conference, and the question is as to the way in which the result shall be arrived at. A motion to recede and concur would take precedence of the other motion, but as the vote one way or the other will be just as effective, the Chair supposes that can be easily arranged.

Mr. SHERMAN. I do not see, Mr. Speaker, why we should not take the vote on my motion rather than upon the resolution of the gentleman from Nebraska. The one is simply the reverse of the other.

The SPEAKER. After the vote is taken a proposition for instructions can be received.

Mr. HAINER of Nebraska. I offer the resolution which has just been read, and move its adoption.

The SPEAKER. The Chair would suggest that the orderly method would be to have a vote on the question of receding or concurring, and when that is decided, then, if instructions to the conferees are found necessary, a proposition for instructions can be offered and acted upon. That is the regular way of proceeding.

Mr. HAINER of Nebraska. Very well.

Mr. SHERMAN. As I understand the statement of the Chair, my motion is first to be voted on.

The SPEAKER. The motion to recede and concur is the one to be first voted on.

Mr SHERMAN. On that I ask the previous question.

The previous question was ordered.

The SPEAKER. The question is on the motion that the House recede from its disagreement and concur in Senate amendments numbered 69 and 70. If no separate vote be called for, the question will be put on both amendments together.

The question being put, it was (on a division called for by Mr. SHERMAN) decided in the negative—ayes 34, noes 99.

Mr. HAINER of Nebraska. I now move the adoption of the resolution which was read a moment ago, and on that I demand the previous question.

Mr. FITZGERALD. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. FITZGERALD. I should like to ask the gentleman from Nebraska to give way for a few moments, that I may say something on this question. It seems to me unfair that after other reports, dealing with minor matters, have been discussed all day, a matter involving a great issue like this should be put through without debate.

The SPEAKER. The gentleman from Nebraska asks the previous question.

Mr. FITZGERALD. I appeal in all decency and fairness for the right of debate. This question has not been fairly met and properly discussed.

The SPEAKER. As many as are in favor of ordering the previous question——

Mr. FITZGERALD. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. FITZGERALD. There is no quorum present.

The SPEAKER. The Chair thinks there is.

The question was put on ordering the previous question; and it was ordered.

Mr. FITZGERALD. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. FITZGERALD. Is there no debate allowed on this question?

The SPEAKER. The Chair thinks not. The whole question has been debated and passed upon once or twice by the House.

Mr. FITZGERALD. If the Chair will pardon me, I do not think the resolution introduced by the gentleman from Nebraska has ever been debated.

The SPEAKER. The Chair thinks that no debate is in order on this proposition.

Mr. FITZGERALD. I doubt the vote on the question of ordering the previous question, and call for a division. [Cries of "Too late!"]

The SPEAKER. It is too late to call for a division.

Mr. FITZGERALD. I call for the yeas and nays.

The SPEAKER. It is too late to do that, because the result was announced by the Chair, and another question has arisen.

Mr. FITZGERALD. Mr. Speaker, do I understand that the question has been put to the House and passed?

The SPEAKER. The question was put to the House, and decided in the affirmative.

Mr. FITZGERALD. When I doubt the vote upon the previous question, can not my point be entertained after the vote is announced by the Speaker?

The SPEAKER. Not after the transaction of other business; not after other matters have been entered upon.

Mr. FITZGERALD. I appeal in all fairness to the judgment of the House. I was interrupted by gentlemen conversing about me and making suggestions, and I did not hear the announcement at the time.

The SPEAKER. The Chair would be very glad to entertain the gentleman's point; but the matter has been disposed of. He did not even rise at the time.

Mr. FITZGERALD. I want an opportunity to speak upon this proposition—an opportunity which has been denied me on this floor. I think this proceeding is unfair; and I enter my protest in behalf of the people of my district, because I have been denied the opportunity to voice their sentiments in fair discussion.

The SPEAKER. The gentleman is not in order.

Mr. FITZGERALD. I think I am always in order when I am undertaking to voice the principles of the people whom I represent.

The SPEAKER. The question is on agreeing to the resolution of the gentleman from Nebraska. [The question was put.] The ayes seem to have it.

Mr. FITZGERALD. I call for a division.

The question being again taken, there were—ayes 115, noes 25.

Mr. FITZGERALD. I demand the yeas and nays.

The SPEAKER. The gentleman from Massachusetts asks for the yeas and nays.

The yeas and nays were ordered, 31 voting in favor thereof—more than one-fifth of the last vote.

The SPEAKER. The Clerk will call the roll.

Mr. HENDRICK. Mr. Speaker, we should like to understand the question before the House.

The SPEAKER. If there be no objection, the Clerk will again read the resolution proposed by the gentleman from Nebraska.

The resolution of Mr. HAINER of Nebraska was again read.

Mr. WASHINGTON. I desire to make an inquiry. As we understood the reading of these proposed instructions, a part of the language was "the sectarian Secretary of the Interior." It seems to me there must be something wrong in the wording of the resolution.

The SPEAKER. The Chair is informed that the gentleman is mistaken. The language of the resolution is "the Secretary of the Interior." The Clerk will call the roll.

Mr. McCULLOCH. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. McCULLOCH. I want to understand this resolution. As I understood the reading, it spoke of "the sectarian Secretary."

The SPEAKER. As the Chair has just stated, the resolution does not contain that language.

Mr. MORSE. I rise to a parliamentary inquiry. As I understand, my colleague [Mr. FITZGERALD] was promised some time to speak on this proposition. Is it in order now to ask unanimous consent that he have permission to print his remarks in the RECORD?

The SPEAKER. The Chair thinks it would not be a good precedent to submit such a request after the roll call has been ordered. The Clerk will proceed with the call of the roll.

The question was taken; and there were—yeas 154, nays 22, recorded "present" 12, not voting 167; as follows:

YEAS—154.

Aldrich, Ala.	Dingley,	Kirkpatrick,	Shuford,
Allen, Utah	Doolittle,	Knox,	Simpkins,
Anderson,	Dovener,	Lacey,	Skinner,
Andrews,	Draper,	Latimer,	Smith, Ill.
Atwood,	Elliott, S. C.	Layton,	Southard,
Avery,	Ellis,	Leonard,	Spalding,
Babcock,	Evans,	Linney,	Spencer,
Bailey,	Faris,	Linton,	Sperry,
Baker, N. H.	Fenton,	Little,	Stahle,
Bartholdt,	Gardner,	Lockhart,	Stallings,
Bell, Colo.	Gibson,	Long,	Steele,
Bell, Tex.	Gillett, Mass.	Marsh,	Stewart, Wis.
Bingham,	Graff,	McCall, Mass.	Stone, C. W.
Blue,	Griffin,	McCall, Tenn.	Strait,
Broderick,	Grosvenor,	McClure,	Strong,
Bromwell,	Grout,	McCulloch,	Strowd, N. C.
Brown,	Hadley,	McDearmon,	Sulloway,
Buck,	Hainer, Nebr.	McLachlan,	Taft,
Bull,	Harris,	McRae,	Talbert,
Burrell,	Hatch,	Mercer,	Tate,
Burton, Mo.	Hendrick,	Milliken,	Tawney,
Burton, Ohio	Henry, Ind.	Milnes,	Tayler,
Clardy,	Hepburn,	Mondell,	Terry,
Clark, Mo.	Hermann,	Money,	Thomas,
Codding,	Hilborn,	Moody,	Tracewell,
Connolly,	Hill,	Morse,	Treloar,
Cook, Wis.	Hooker,	Northway,	Underwood,
Cooke, Ill.	Hopkins,	Otey,	Van Horn,
Cooper, Tex.	Howard,	Otjen,	Van Voorhis,
Cooper, Wis.	Hubbard,	Payne,	Warner,
Cousins,	Huff,	Pearson,	Washington,
Crowther,	Hulick,	Phillips,	Watson, Ohio
Curtis, Iowa	Hunter,	Pitney,	Williams,
Curtis, Kans.	Jenkins,	Prince,	Wilson, Idaho
Dalzell,	Johnson, Cal.	Reeves,	Wilson, Ohio
Danford,	Johnson, N. Dak.	Richardson,	Wilson, S. C.
Daniels,	Kem,	Russell, Conn.	Wood.
Dayton,	Kerr,	Sauerhering,	
De Armond,	Kiefer,	Shannon,	

NAYS—22.

Aldrich, Ill.	Denny,	Lewis,	Poole,
Allen, Miss.	Eddy,	Loud,	Sherman,
Baker, Kans.	Fitzgerald,	McClellan,	Stewart, N. J.
Bartlett, N. Y.	Harrison,	Noonan,	Sulzer.
Clarke, Ala.	Kleberg,	Odell,	
Cooper, Fla.	Lester,	Parker,	

NOT VOTING—179.

Abbott,	Dockery,	Lefever,	Robinson, Pa.
Acheson,	Dolliver,	Leighty,	Royse,
Adams,	Downing,	Leisenring,	Rusk,
Aitken,	Ellett, Va.	Livingston,	Russell, Ga.
Apsley,	Erdman,	Lorimer,	Sayers,
Arnold, Pa.	Fairchild,	Loudenslager,	Scranton,
Arnold, R. I.	Fischer,	Low,	Settle,
Baker, Md.	Fletcher,	Maddox,	Shafroth,
Bankhead,	Foote,	Maguire,	Shaw,
Barham,	Foss,	Mahany,	Smith, Mich.
Barney,	Fowler,	Mahon,	Snover,
Barrett,	Gamble,	McCleary, Minn.	Sorg,
Bartlett, Ga.	Gillet, N. Y.	McCormick,	Southwick,
Beach,	Goodwyn,	McCreary, Ky.	Sparkman,
Belknap,	Griswold,	McEwan,	Stephenson,
Bennett,	Grow,	McLaurin,	Stokes,
Berry,	Hager,	McMillin,	Stone, W. A.
Bishop,	Hall,	Meiklejohn,	Strode, Nebr.
Black, Ga.	Halterman,	Meredith,	Swanson,
Black, N. Y.	Hanly,	Meyer,	Thorp,
Boutelle,	Hardy,	Miles,	Towne,
Bowers,	Harmer,	Miller, Kans.	Tracey,
Brewster,	Hart,	Miller, W. Va.	Tucker,
Brosius,	Hartman,	Miner, N. Y.	Turner, Ga.
Brumm,	Heatwole,	Minor, Wis.	Turner, Va.
Calderhead,	Heiner, Pa.	Moses,	Tyler,
Cannon,	Hemenway,	Mozley,	Updegraff,
Catchings,	Henderson,	Murphy,	Wadsworth,
Chickering,	Henry, Conn.	Neill,	Walker, Mass.
Clark, Iowa	Hicks,	Newlands,	Walker, Va.
Cobb,	Hitt,	Ogden,	Walsh,
Cockrell,	Howe,	Overstreet,	Wanger,
Coffin,	Howell,	Owens,	Watson, Ind.
Colson,	Huling,	Patterson,	Wellington,
Corliss,	Hull,	Pendleton,	Wheeler,
Cowen,	Hurley,	Perkins,	White,
Cox,	Hutcheson,	Pickler,	Wilber,
Crisp,	Hyde,	Powers,	Willis,
Crowley,	Johnson, Ind.	Price,	Wilson, N. Y.
Crump,	Jones,	Pugh,	Woodard,
Culberson,	Joy,	Quigg,	Woodman,
Cummings,	Kendall,	Raney,	Woomer,
Curtis, N. Y.	Kulp,	Ray,	Wright,
De Witt,	Kyle,	Reyburn,	Yoakum.
Dinsmore,	Lawson,	Robertson, La.	

The following pairs were announced:

Until further notice:

Mr. DALZELL with Mr. CRISP.

Mr. JOY with Mr. COWEN.

Mr. BOUTELLE with Mr. TURNER of Georgia.
Mr. MEIKLEJOHN with Mr. ROBERTSON of Louisiana.
Mr. TRACEY with Mr. SAYERS.
Mr. STEPHENSON with Mr. DINSMORE.
Mr. MILLER of West Virginia with Mr. WOODARD.
Mr. HULICK with Mr. PRICE.
Mr. KULP with Mr. RUSK.
Mr. APSLEY with Mr. MILES.
Mr. COFFIN with Mr. LAWSON.
Mr. WILLIAM A. STONE with Mr. BLACK of Georgia.
Mr. HULL with Mr. OGDEN.
Mr. BOWERS with Mr. MINER of New York.
Mr. ADAMS with Mr. MCLAURIN.
Mr. WILBER with Mr. JONES.
Mr. SNOVER with Mr. MADDOX.
Mr. JOHNSON of Indiana with Mr. COX.
Mr. MOZLEY with Mr. MOSES.
Mr. ARNOLD of Pennsylvania with Mr. LIVINGSTON.
Mr. CORLISS with Mr. DOWNING.
Mr. FOWLER with Mr. BARTLETT of Georgia.
Mr. ROBINSON of Pennsylvania with Mr. MCMILLIN.
Mr. LEFEVER with Mr. TYLER.
For this vote:
Mr. GOODWYN with Mr. RUSSELL of Georgia.
Mr. FAIRCHILD with Mr. MEYER.
Mr. BLUE with Mr. COBB.
Mr. DOLLIVER with Mr. KENDALL.
Mr. GRISWOLD with Mr. ERDMAN.
Mr. MINOR of Wisconsin with Mr. TUCKER.
Mr. TOWNE with Mr. BERRY.
Mr. PICKLER with Mr. SWANSON.
Mr. WALKER of Massachusetts with Mr. HART.
Mr. UPDEGRAFF with Mr. MEREDITH.
Mr. HEATWOLE with Mr. HUTCHESON.
Mr. FOSS with Mr. ABBOTT.
Mr. SCRANTON with Mr. DOCKERY.
Mr. LOUDENSLAGER with Mr. NEILL.
Mr. WOOMER with Mr. MCCREARY of Kentucky.
Mr. BARNEY with Mr. GAMBLE.
Mr. BARRETT with Mr. KYLE.
Mr. HICKS with Mr. BANKHEAD.
Mr. HARMER with Mr. SORG.
Mr. STRODE of Nebraska with Mr. WHEELER.
Mr. HEINER of Pennsylvania with Mr. CULBERSON.

Mr. TERRY. Mr. Speaker, my colleague, General NEILL, is unavoidably absent. If present, he would vote "aye" on this proposition.

Mr. TRACEY. Mr. Speaker, I notice that I am mentioned as being paired with the gentleman from Texas [Mr. SAYERS]. The intention was that this pair should begin after to-day.

Mr. DOCKERY. In respect to that pair, Mr. Speaker, let me say that the gentleman from Texas, now absent on a conference committee, sent me word to pair him; and upon inquiry of the gentleman in charge of the pairs I was informed that Mr. SAYERS was paired with the gentleman from Missouri [Mr. TRACEY], and so took no further steps in the matter, supposing that it was a pair for this day.

The SPEAKER. The Chair will cause the correction to be made.

Mr. TRACEY. Well, let the matter stand as it is. I wish to state, Mr. Speaker, that if Mr. SAYERS were present and voting, I should have voted "aye." I therefore withdraw my vote, having voted in the affirmative.

Mr. LITTLE. Mr. Speaker, my colleague, Mr. DINSMORE, is unavoidably absent. If present, he would vote "aye."

Mr. JENKINS. My colleague, Mr. BARNEY, is necessarily absent. If present, he would vote "aye."

The SPEAKER. On this question the yeas are 154, nays 22; and in addition the following gentlemen are present and not voting: Mr. COBB, Mr. UPDEGRAFF, Mr. CATCHINGS, Mr. TRACEY, Mr. WOODARD, Mr. SCRANTON, Mr. KYLE, Mr. GAMBLE, Mr. FOWLER, Mr. MCMILLIN, and Mr. DOCKERY.

Mr. BLUE (having been recorded as present and not voting). Mr. Speaker, I was not here at the time my name was called. I was paired with Mr. COBB——

The SPEAKER. But the gentleman was present since the question was put to the House.

Mr. BLUE. After the second roll call.

The SPEAKER. The gentleman is entitled to a vote if he desires.

Mr. BLUE. Then I will vote in the affirmative.

[Mr. BLUE's name is recorded as above.]

Mr. TRACEY. My name was read as not voting. That is incorrect; I did vote, but withdrew it.

The SPEAKER. The RECORD will show that fact. The gentleman is recorded as present, his vote having been withdrawn.

Mr. GAMBLE. I desire to say, Mr. Speaker, that at the request of Mr. BARNEY I paired with him, which accounts for my not voting on this proposition, although I was present.

Mr. DOCKERY. I am paired with the gentleman from Pennsylvania [Mr. SCRANTON], but desire to be recorded as present.

The SPEAKER. The gentleman will be so recorded.

On this question the yeas are 154, nays 22, and a sufficient number of gentlemen being present and not voting to constitute a quorum, the ayes have it, and the instructions are agreed to.

Mr. SHERMAN. I move that the House now insist on its disagreement to the other amendments and ask a further conference thereon.

Mr. BARTLETT of New York. I have conferred with the chairman of the committee and desire to have specific instructions given for one amendment. Will the chairman yield to me?

Mr. SHERMAN. I yield to the gentleman.

The SPEAKER. The chairman of the Committee on Indian Affairs moves to insist upon the other disagreements.

Mr. SHERMAN. That is correct; and order a further conference.

The SPEAKER. The Chair will submit the motion.

The motion was agreed to.

Mr. BARTLETT of New York. I desire to move, Mr. Speaker, that the House conferees be especially instructed to insist on their disagreement to Senate amendment numbered 64.

The SPEAKER. Will the gentleman put his motion in writing?

Mr. BARTLETT of New York. I have not the amendment here. I ask the Clerk to report Senate amendment numbered 64.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

That the Secretary of the Interior be, and he is hereby, authorized and directed to pay to the following persons, and not to their assignees, immediately upon the passage of this act, out of the balance remaining of the 35 per cent reserved for payment of legal services rendered and expenses incurred, under contracts entered into by the Old Settlers or Western Cherokee Indians through their authorized commissioners, in the prosecution of their claim appropriated for by act of Congress approved August 23, 1894 (28 Stat. L., page 451), entitled "An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1894, and for prior years, and for other purposes," namely:

To William S. Peabody, $29,000.
To Charles A. Webb, administrator of the estate of C. M. McLoud, $5,050.
To Marcus Erwin, administrator of the estate of Marcus Erwin, deceased, $5,050.
To Theodore H. N. McPherson, $5,050.
To Mary E. Carey, executrix of the estate of James J. Newell, deceased, $3,000.
To John A. Sibbald, $1,000.
To Samuel W. Peel, $5,000.
To Reese H. Voorhees and John Paul Jones, $7,003.86.
To David A. McKnight, $1,000.
To C. M. Carter, $333.
To Belva A. Lockwood, $1,000.
To Joel L. Baugh, $5,000.
To Stephen W. Parker, $5,000.
To Joel M. Bryan, the remainder of said sum of money after paying the foregoing specific sums, be the same more or less: *Provided*, That every person receiving the sums herein stated shall receipt in full for all claims upon the aforesaid fund.

Mr. BARTLETT of New York. Mr. Speaker, I shall only occupy a few minutes stating my reasons for the motion.

In the general deficiency act of 1894, chapter 307, passed on the 23d of August, an appropriation was made under judgments of the Court of Claims amounting to some $803,000 to the Old Settlers or Western Cherokee Indians, by their commissioners, naming the three commissioners; and it was provided that the Commissioner of Indian Affairs should reserve only such sum as should be necessary to pay the necessary expenses and the claims for legal services rendered. The wording of the act is:

The Commissioner of Indian Affairs is directed to withhold from distribution among said Indians only so much of that part of the said judgment set apart, etc., as is necessary for him to pay the expenses and for legal services justly and equitably payable on account of such prosecution.

Now, you must bear in mind that these Indians are not a body politic or a body incorporate, and so they are peculiarly subject to our jurisdiction as our wards. This sum so provided for in the general deficiency act of 1894 was paid over; that is, the sum of $803,000, and of that sum about 35 per cent was set apart to meet these claims, amounting to $280,000 in round numbers. The sum of $193,000, or 25 per cent, has been already paid over by the Commissioner of Indian Affairs.

Now, the Senate, by this amendment, proposes to come in and dispose of the balance, some $86,000. It is conceded by the Indians, or by their committee, that the sum of $7,000 is due to Messrs. Voorhees and Jones. That would leave a balance of $79,000, and the Senate propose to dispose of this money, which really belongs per capita to these Indians, in this way. They propose to give $40,000, I believe, to claims which have already been specifically rejected by the Commissioner of Indian Affairs, in whom is vested the sole power of determining the justice and equity of the claims presented against this fund. They decide, without giving the Indians any hearing or any opportunity to present their side of the case, that the judgment of the Commissioner of Indian Affairs is wrong. Then they give $20,000 to claims which have never been

passed upon; that is, $40,000 to rejected claims and $20,000 to claims never determined, never adjusted, never even presented to the proper authority for adjustment. Then the balance of $19,000 they give to a man who seems to have had a good deal to do with the case, but who has already been paid some $52,000 in full. So of these funds, which belong to these Indians, amounting to $79,000, which they claim, this amendment proposes to give $40,000 to men whose claims have been rejected, $20,000 to men whose claims have never been presented, and $19,000 to a man who has already been paid in full.

I say, Mr. Speaker and gentlemen, under this state of affairs it is our duty to protest specifically against any such amendment.

Mr. DOOLITTLE. Will the gentleman allow me to ask him a question? Does not your motion provide for excluding the claim of Voorhees and Jones, which claim is contained in a bill which has already passed this House, a bill carrying $8,000? That is my recollection.

Mr. BARTLETT of New York. According to my view of the law the only person who has the right to determine the justice of these claims is the Commissioner of Indian Affairs. Under the act which made the award of $803,000, under the finding of the Court of Claims, it is provided that the Commissioner of Indian Affairs shall reserve the amount. Now, it is not for us to determine that question; it is for the Commissioner of Indian Affairs.

Mr. DOOLITTLE. Suppose your motion prevails, will it not result in the nonpayment of this claim which I have mentioned?

Mr. BARTLETT of New York. Well, I imagine not, because it is conceded that that claim is due, and I presume the Commissioner of Indian Affairs can dispose of that; but this is not the proper way. It is neither for the Senate nor the House to determine the parties who should share in that fund or to whom that fund should be paid.

Mr. HULICK. Was there any evidence before the committee in the Senate as to the propriety or justice of these claims, and has any report been made by a Senate committee upon their validity or justice?

Mr. BARTLETT of New York. I am informed by these pamphlets, which have been sent to me by one of the gentlemen connected with Indian affairs, and one of the most able and intelligent gentlemen in the city, that these facts were before the committee, and have been printed as a Senate document. Reference is made to that document in the paper which I now hold in my hand. Of course it is impossible, in view of the rapidity with which these matters come up for consideration, for a man to possess himself of all the knowledge which might be desirable.

Mr. HULICK. Did the committee take proof and evidence to sustain the claim, and upon that evidence render judgment in favor of the report they have made?

Mr. BARTLETT of New York. I have a brief here which contains a statement of fact in reference to each claim. For instance, the claim of William S. Peabody. It appears that this claim was rejected, and it is set forth in detail. That claim was rejected by the Commissioner of Indian Affairs and the Secretary of the Interior paid Mr. Peabody $8,000. Now, after that payment by the Secretary of the Interior of $8,000, presumably in full for his services, an additional award to him is made here of $29,000. I claim that it is not within the power of the conferees of the House, when an appropriation is made, and power is given in the language of the appropriation to the Commissioner of Indian Affairs to be the judge of the justice of these claims—it is not within our power to come in and vote that money without a hearing. I yield to the chairman of the committee. I should like to hear his view.

Mr. SHERMAN. Mr. Speaker, I do not differ with my colleague from New York in reference to the injustice of allowing these claims. In my judgment none of them should be paid; but I desire the House to know that the Senate conferees are most strenuous in insisting that this amendment shall go into the bill; and it has been intimated that unless the various claims go in or that the claims shall in some manner be provided for, no agreement can ever be reached by the conferees.

Mr. DOOLITTLE. Now, how can that be said of the Jones and Vorhees claim, or of the claim of Colonel Peel. Those claims were presented to the Committee on Indian Affairs, and we unanimously reported favorably bills providing for the payment of those claimants. And the bill for the payment of the Vorhees and Jones claim passed this House, carrying an appropriation of something more than $8,000. Now, this was for services rendered by this firm and Colonel Peel to the Indians in the preservation of this very money allowed to them as against the supposedly fraudulent claims or unjust claims of a great number of outside attorneys; and they certainly rendered very valuable and most efficient services to these Indians in the protection of this fund against the claims of other lawyers all over this country.

Mr. BARTLETT of New York. Will the gentleman allow me a question?

Mr. DOOLITTLE. Most assuredly.

Mr. BARTLETT of New York. Is the gentleman aware that on February 4, 1895, the firm of Jones, Vorhees & Boudinot received $32,015.45 under this act of 1894 for services rendered?

Mr. DOOLITTLE. I know they received a sum of money. I know that their services covered a very long period of time. I know the services of these men resulted in saving to these Indians a very large amount of money that was in this sum allowed to them, and it has been known to every man who has examined these claims and the claim of Colonel Peel that they earned every dollar that they are entitled to under the contract. They are asking for nothing more than they are entitled to.

Mr. SHERMAN. Let me say to my friend when I made the statement I did not mean to include the claims for services of those who opposed before the Secretary the payment of these claimants, which the Secretary rejected.

Mr. DOOLITTLE. That is the motion made by the gentleman from New York [Mr. BARTLETT].

Mr. SHERMAN. The absurdity of this item is shown by the fact that in the same item is included the payment of ten or twelve different persons or firms for services to the Indians, and in the very same item is included payment to another attorney for successfully opposing the payment of those other claimants. That is the absurdity of the item, but that is the shape it is in.

The only thing I have to suggest to my colleague from New York, and which I did not suggest to him in the brief conversation I had with him over here a moment ago, is that it would be well not to have a specific instruction. We might come to some agreement with the conferees on the part of the Senate by which these items were not paid and yet in some way be disposed of. For instance, it might be agreed to refer the whole matter to the Court of Claims, or to have it settled in some such way. If we are specifically instructed to insist upon this amendment going out of the bill, then I suppose we will not have the power to agree upon any sort of compromise in reference to it, so that specific instructions to the conferees might result in our not disposing of it in any way whatever; whereas, if we were not instructed specifically on this item, we might eventually reach some conclusion with the Senate conferees by referring the matter to the Court of Claims or something of that kind, which would be satisfactory to the House.

Mr. BARTLETT of New York. Let me suggest to the gentleman that there is some legal doubt about the right to do that. Having voted in the year 1894 some $803,000 to this body of Indians with a certain condition, namely, that such an amount should be reserved as, in the judgment of the Commissioner of Indian Affairs, should be necessary to pay certain claims, that transaction would seem to be ended. I do not believe that in 1896 we can come in and say to these Indians: "This reserve fund is no longer subject to the judgment and discretion of the officer to whom we intrusted it in 1894, but we will now relegate the matter to the Court of Claims for adjudication."

Mr. SHERMAN. I think the Secretary of the Interior takes the same view of the matter that my colleague takes. That is my understanding. I am not opposed to special instructions. I only suggest that it is possible that such instructions might retard an agreement of some sort that might otherwise be reached.

Mr. HULICK. Have these claims all been presented to the Secretary of the Interior and by him passed upon?

Mr. SHERMAN. Most of them have been presented to him, have been argued before him pro and con, and have been rejected. Others have not been presented at all and, as my colleague from Washington [Mr. DOOLITTLE] suggests, one or two items here are payments to attorneys for opposing these very claims before the Secretary of the Interior.

Mr. HULICK. Then why would it not be equitable and proper to have those claims as to the justice of which there is no controversy incorporated in the conference report and the others rejected? I will ask the gentleman another question: How did these claims get into the jurisdiction of the Senate committee after having been rejected by the Secretary of the Interior?

Mr. SHERMAN. The gentleman will have to go to the Senate for that information.

Mr. HULICK. I supposed that the conferees on the part of the House would know something about it, and that is why I asked the gentleman that question. Did you, as one of the conferees, ascertain how those claims came to be taken up and incorporated in this bill after having been rejected by the Secretary of the Interior?

Mr. SHERMAN. They were taken up, I suppose, because the Senate, in their wisdom, believed that the Secretary of the Interior was in error or did an injustice in disallowing the claims, and thought they would right that wrong.

Mr. HULICK. Was there any evidence before the conferees or before the Senate as to the justice of these claims, or was any additional evidence taken?

Mr. SHERMAN. The conferees have taken no evidence. Whether the Senate took any or not I do not know. Certain

briefs were presented in regard to some of the claims. Members of the conference committee have been visited many times by parties pressing these claims and have listened to their statements, nearly every one saying that the claim which he favored was that of the person who had rendered the only valuable services, and that everybody else's claim was without merit.

Mr. HULICK. Then would it not be within the jurisdiction of the conferees, and within their duty, to ascertain whether there is any justice in these claims, or whether any additional evidence can be submitted in their favor; and if they find that the claims are not supported by additional evidence, or are not just, then would it not be their duty to insist on the disagreement?

Mr. SHERMAN. From all the light the House conferees had I believe I am authorized in saying that they unanimously thought that most of these claims ought not to be allowed.

Mr. HULICK. Then we should insist that they be not paid, should we not?

Mr. SHERMAN. Yes; and yet the Senate may be so insistent that it might be imperative to find some middle ground whereby these claims might be referred to some judicial tribunal, if that is possible under the law (and my colleague from New York [Mr. BARTLETT] thinks it is not), to dispose of. That might perhaps be a wise solution of the problem. Where an intimation is given that this item must be settled in some way in order to have an Indian appropriation bill passed at all, it becomes somewhat serious, and we desire, if we can, to get upon some middle ground on which all can agree.

Mr. LITTLE. Mr. Speaker, in addition to what has been said with regard to this matter I desire to make a brief statement in regard to the claim of Colonel Peel and also the Voorhees claim. This fund was assaulted by these various claimants, and these two particular attorneys were employed for the purpose of defending the fund. They did defend it successfully against nearly every one of the claims mentioned in this bill. Amongst others is the Peabody claim for $29,000. Now, there is no contest whatever on the part of the Indians against either the Voorhees or the Peel claim, as I understand. Both those claims have gone through the Committee on Indian Affairs of the House and have met the approbation of the committee and of the House.

Mr. DOOLITTLE. I would like to call the attention of the gentleman to the fact that those claims, both of them, were most thoroughly investigated and that they met with the unanimous approval of the committee, and bills for the payment of both have passed this House.

Mr. LITTLE. So I understand. No one who has investigated the services of these gentlemen or the fruits of their services can doubt the propriety of the payment of their claims. There are, however, several other claims to the payment of which the House ought not to consent, and among them this claim for $29,000, which, as I understand, was adjusted and $8,000 paid in final settlement of it. And so with many of the others. But I am inclined to agree with the chairman of the committee that while the conferees might very properly be instructed to resist these matters, they should at the same time be left some degree of discretion.

Mr. BARTLETT of New York. Mr. Speaker, in view of the statement made by the chairman of the committee that if my motion should be insisted upon it might tend to embarrass the conferees, and in view of the fact that I think I have drawn the attention of the conferees sufficiently to the invalidity of this legislation, I withdraw my motion.

The SPEAKER. The motion of the gentleman from New York is withdrawn. The Chair appoints as conferees the gentleman from New York [Mr. SHERMAN], the gentleman from Kansas [Mr. CURTIS], and the gentleman from Texas [Mr. PENDLETON].

THE PREVIOUS QUESTION AND THE RIGHT OF DEBATE.

The SPEAKER. In regard to the suggestion or inquiry which was made a while ago by the gentleman from Massachusetts [Mr. FITZGERALD] in regard to the right to speak after the ordering of the previous question, on the ground that there has been no debate upon the pending proposition, the Chair desires to state that this question was raised on the 5th of February last by the gentleman from Georgia [Mr. CRISP], and the Chair had occasion then to consider the right of debate under such circumstances. Under the rules, the right of debate for a limited time is given after the ordering of the previous question wherever the proposition has not been debated. Of course, if that word "proposition" referred to all motions or to any action of the House whatever, debate would have to be granted upon every motion on which the House might be called upon to act, so that it would be impossible to escape a great amount of debate.

The object of the previous question is to bring the House to a vote without debate or without further debate whenever the House sees fit to insist upon a vote. But of course it was very undesirable that any proposition should be sprung upon the House, and, without a word of explanation, forced through under the previous question. Hence an ameliorating clause was introduced into the rule providing that no proposition should go entirely undebated; that is, if it were a new proposition which had not been debated, that it should have the benefit of the provision for limited debate after the ordering of the previous question. But that word "proposition" as embodied in the rule means the main question, as members of the House will see upon examining the language and reflecting upon what the practical working of the rule has always been. For example, debate in Committee of the Whole has always been held to satisfy this clause. So, also, wherever a question has been debated in the slightest manner—where merely a sentence or two have been uttered by the mover explanatory of the measure—such limited debate has been held to satisfy the requirement of the rule.

Now, propositions which come up in the House in connection with the reports of conference committees are all of them propositions which have been debated, and it does not matter that any particular item of the main question or proposition submitted to the House has not been debated. If the subject has had debate and thereby the House has had some information upon it, the rule allowing debate after the ordering of the previous question does not operate. The Chair thinks the matter is very clear, but as some gentlemen seem to have had some doubt about it, although the question has arisen more than once heretofore, the Chair thought he ought to make this statement.

Mr. FITZGERALD. Mr. Speaker, just a single statement. My object in asking recognition at the time I did was to say a few words on the proposition submitted to this House in the amendment of the Senate, which, as I considered, was an entirely new proposition, and it was for that reason I thought debate should have been had. I recognize the fair spirit always maintained by the Chair in these matters; but inasmuch as on other conference reports propositions which had been debated for days and days in this House had been recognized as open to debate to-day, I thought that on a question involving, as the then pending proposition did, the justice and right of appropriations for sectarian institutions, those members who favored the proposition submitted by the Senate ought to have been heard. And I still contend, Mr. Speaker, that gentlemen who shut off debate and refused to those of us who believed the Senate had sent to us a fair proposition the right to express our opinions were not dealing fairly and honestly with the representatives of the people.

The SPEAKER. The gentleman's remarks are a criticism of the House of Representatives—not an exposition of the rules as administered by the Chair.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolutions of the following titles; when the Speaker signed the same:

A bill (H. R. 5731) to regulate the practice of medicine and surgery, to license physicians and surgeons, and to punish persons violating the provisions thereof in the District of Columbia;

A bill (H. R. 2042) to increase the pension of Wilbur F. Cogswell;

A bill (H. R. 7977) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes;

A bill (H. R. 1601) to amend the military record of John S. Evans;

A bill (H. R. 2605) granting a pension to Henry V. Andrews, of Fulton County, Ill., a survivor of the Black Hawk war;

A bill (H. R. 3316) granting an increase of pension to James P. Hurley;

A bill (H. R. 3001) granting a pension to Cynthia A. Lapham, widow of William B. Lapham;

A bill (H. R. 75) granting a pension to Mary F. Davenport;

A bill (H. R. 3932) granting a pension to Mrs. Elizabeth Richardson;

A bill (H. R. 4395) for the relief of Miss Juliette Betts;

A bill (H. R. 8167) to authorize the construction of a bridge across the Red River of the North;

A bill (H. R. 485) for the relief of Kate Eberle, an Indian woman;

A bill (H. R. 7816) for the relief of John S. Burwell, administrator of the estate of A. L. Burwell, deceased;

A bill (H. R. 4122) granting an increase of pension to James H. Jones;

A bill (H. R. 4475) granting a pension to Mrs. Catherine Gaffney;

A bill (H. R. 3337) amending the act of June 8, 1880, entitled "An act to authorize the President to appoint an officer of the Navy or the Marine Corps to perform the duties of Solicitor and Judge-Advocate-General, etc., and to fix the rank and pay of such officer," and for other purposes;

Joint resolution (H. Res. 174) granting permission to the circuit and county courts in Rockingham County, Va., to occupy the Federal court room in Harrisonburg, Va.;

A bill (S. 888) to amend an act entitled "An act to incorporate the Capital Railway Company," approved March 2, 1895;

A bill (H. R. 7983) to pension Frances E. Wickware;

A bill (H. R. 3234) granting a pension to Williamson Durley;

A bill (H. R. 4383) granting a pension to Gen. William H. Morris;

A bill (H. R. 3221) granting a pension to John Dalton;

A bill (H. R. 3689) increasing the pension of Jefferson Fueston, of Company M, Tenth Ohio Volunteer Cavalry; and

A bill (S. 878) granting a pension to Joseph R. West, brigadier and brevet major general, United States Army Volunteers.

PRINTING MINORITY REPORT ON ELECTION CONTEST.

Mr. RICHARDSON. I rise to present a privileged report, which I send to the desk.

The Clerk read as follows:

Your committee having had under consideration the resolution (H. Res. 369) providing for the printing of the usual number of copies of the views of the minority in the contested-election case of J. Murray Mitchell against James J. Walsh, for the use of the House of Representatives, recommend that the same do pass.

Resolved, That there be printed for the use of the House the usual number of copies of the views of the minority in the contested-election case of J. Murray Mitchell against James J. Walsh.

The SPEAKER. The question is on agreeing to the resolution reported by the Committee on Printing.

The resolution was adopted.

On motion of Mr. RICHARDSON, a motion to reconsider the last vote was laid on the table.

And then, on motion of Mr. DINGLEY (at 5 o'clock and 30 minutes p. m.), the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, a letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of J. W. Fuson, administrator of Harvey Drennan, deceased, against The United States, was taken from the Speaker's table and referred to the Committee on War Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. LINTON, from the Committee on Ventilation and Acoustics, to which was referred House bill No. 8967, reported in lieu thereof a bill (H. R. 9170) to provide an improved system of heating and ventilating the House (south) wing of the Capitol, accompanied by a report (No. 1983); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SHANNON, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 8672) conferring jurisdiction upon the supreme court of the District of Columbia, or any court in said District having general equity jurisdiction, to decree a sale of real estate in said District belonging to insane persons for purpose of reinvestment, and for other purposes, reported the same without amendment, accompanied by a report (No. 1984); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the House resolution No. 22, reported in lieu thereof a joint resolution (H. Res. 189) for the relief of farmers, gardeners, and truckmen selling produce of their own raising in the markets of Washington, D. C., accompanied by a report (No. 1985); which said bill and report were referred to the House Calendar.

Mr. HADLEY, from the Committee on the Territories, to which was referred the bill of the House (H. R. 8615) to amend an act entitled "An act to restrict the ownership of real estate in the Territories to American citizens, etc.," approved March 3, 1887, reported the same with amendment, accompanied by a report (No. 1986); which said bill and report were referred to the House Calendar.

Mr. SCRANTON, from the Committee on the Territories, to which was referred the bill of the House (H. R. 3209) to enable the people of Oklahoma to form a constitution and State government, and to be admitted into the Union on an equal footing with the original States, reported the same with amendment, accompanied by a report (No. 1988); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BABCOCK, from the Committee on the District of Columbia, to which was referred the bill of the Senate (S. 3008) entitled "An act authorizing the employment of day labor in the construction of certain municipal buildings and works in the District of Columbia," reported the same without amendment, accompanied by a report (No. 1989); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. RICHARDSON, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 8469) to authorize the Baltimore and Washington Transit Company of Maryland to enter the District of Columbia, reported the same with amendments, accompanied by a report (No. 1990); which said bill and report were referred to the House Calendar.

Mr. SIMPKINS, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the House (H. R. 8190) to provide an American register for the bark *Ceres*, reported the same without amendment, accompanied by a report (No. 1992); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. MINOR of Wisconsin, from the Committee on Claims: The bill (H. R. 2470) for the relief of William E. Bond. (Report No. 1981.)

By Mr. SHERMAN, from the Committee on Indian Affairs: The bill (H. R. 8886) for the relief Hiram T. Corum and Silas W. Davis, of Oregon. (Report No. 1982.)

By Mr. FENTON, from the Committee on Military Affairs: The bill (H. R. 2732) authorizing the President to place the name of Julius R. Frederick on the retired list of the Army, with the rank, pay, and perquisites of second lieutenant. (Report No. 1987.)

By Mr. BAKER of Kansas, from the Committee on Invalid Pensions: The bill (H. R. 7585) granting pension to Anna B. S. Phillips, widow of Col. William A. Phillips, late colonel of Third Regiment Indian Home Guards. (Report No. 1991.)

ADVERSE REPORT.

Under clause 2 of Rule XIII, Mr. SIMPKINS, from the Committee on the Merchant Marine and Fisheries, reported adversely (Report No. 1993) the bills (H. R. 5822 and H. R. 6661) respectively entitled "A bill to amend sections 4488 and 4489 of the Revised Statutes of the United States"; which said bills and report were laid on the table.

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. KULP: A bill (H. R. 9169) donating 1 condemned cannon and 2 pyramids of condemned cannon balls to high school at Berwick, Pa.—to the Committee on Naval Affairs.

By Mr. PICKLER: A bill (H. R. 9171) granting a service pension to all honorably discharged officers and enlisted men of the war of the rebellion—to the Committee on Invalid Pensions.

By Mr. PHILLIPS: A bill (H. R. 9188) authorizing the appointment of a nonpartisan commission to collate information and to consider and recommend legislation to meet the problems presented by labor, agriculture, and capital—to the Committee on Labor.

By Mr. McRAE: A resolution (House Res. No. 371) providing for the consideration of House bill No. 119, to protect public forest reservations—to the Committee on Rules.

By Mr. LOW: A resolution (House Res. No. 372) to investigate the resignations of chiefs and bureau officers and employees of every grade in the Treasury Department since March 4, 1893—to the Committee on Accounts.

By Mr. ODELL: A resolution (House Res. No. 373) for the relief of the widow of William P. Slater—to the Committee on Accounts.

By Mr. HOWARD: A resolution (House Res. No. 374) to impeach Grover Cleveland, President of the United States, of high crimes and misdemeanors—to the Committee on Ways and Means.

By Mr. PICKLER: A resolution (House Res. No. 375) asking one hour and twenty minutes after the reading of the Journal on Tuesday, May 26, for the consideration of unfinished business on the Private Calendar—to the Committee on Rules.

By Mr. DRAPER: A memorial of His Excellency Roger Wolcott, lieutenant-governor and acting governor of the Commonwealth of Massachusetts, for the enactment of legislation authorizing said Commonwealth to construct bridges over the Charles River and to construct a dam in the Charles River—to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. ARNOLD of Pennsylvania: A bill (H. R. 9173) to remove the charge of desertion standing against the name of Jerome Salisbury, late of Company E, Fifty-second Regiment Pennsylvania Volunteers—to the Committee on Military Affairs.

By Mr. BANKHEAD: A bill (H. R. 9173) for the relief of Elizabeth Holliday—to the Committee on Pensions.

Also, a bill (H. R. 9174) for the relief of Ebenezer Brown—to the Committee on Pensions.

By Mr. CONNOLLY: A bill (H. R. 9175) for the relief of Luzern Hord—to the Committee on Military Affairs.

By Mr. COUSINS: A bill (H. R. 9176) granting an increase of pension to David E. Rummel—to the Committee on Invalid Pensions.

By Mr. DE ARMOND (by request): A bill (H. R. 9177) for the relief of Isaac N. Denham—to the Committee on Invalid Pensions.

By Mr. HARRIS: A bill (H. R. 9178) granting an honorable discharge to Brigham Perkins—to the Committee on Military Affairs.

Also, a bill (H. R. 9179) granting an honorable discharge to James Burroer—to the Committee on Military Affairs.

Also, a bill (H. R. 9180) granting an honorable discharge to William Weigel—to the Committee on Military Affairs.

By Mr. HOOKER: A bill (H. R. 9181) granting a pension to Marvin Older—to the Committee on Invalid Pensions.

By Mr. HULICK: A bill (H. R. 9182) to remove the charge of desertion from the military record of Charles Nailer—to the Committee on Military Affairs.

By Mr. JOHNSON of California: A bill (H. R. 9183) to put the name of Lulu A. Nichols upon the pension roll—to the Committee on Invalid Pensions.

By Mr. OTEY: A bill (H. R. 9184) for the relief of Thomas W. Scott, late United States marshal—to the Committee on Claims.

By Mr. TAFT: A bill (H. R. 9185) for the relief L. O. Maddux, doing business as Maddux, Hobart & Co.—to the Committee on Ways and Means.

By Mr. WASHINGTON: A bill (H. R. 9186) for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1883, commonly known as the Bowman Act—to the Committee on War Claims.

Also, a bill (H. R. 9187) for the relief of West H. Washburn, of Waverly, Tenn.—to the Committee on War Claims.

By Mr. FARIS: A bill (H. R. 9189) to correct military record of Frank McKinney—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ARNOLD of Rhode Island: Resolution of the Trades League of Philadelphia, opposing the passage of House bill No. 8536 and Senate bill No. 2967, to amend the interstate-commerce law—to the Committee on Interstate and Foreign Commerce.

By Mr. BARRETT: Paper to accompany House bill No. 8778, to amend the records on file at the War Department—to the Committee on Military Affairs.

By Mr. BARTHOLDT: Remonstrance of citizens of St. Louis, Mo., against the appropriation of public moneys for sectarian undertakings and for a constitutional amendment against making appropriations for ecclesiastical purposes—to the Committee on the Judiciary.

By Mr. CALDERHEAD: Petition of Lyons Post, No. 9; also Thompson Post, No. 246; also Chapman Post, No. 362, Department of Kansas, Grand Army of the Republic, for a service pension for volunteers in the late war of the rebellion—to the Committee on Invalid Pensions.

By Mr. FARIS: Petition of C. S. Andrews and 11 other citizens of Brazil, Ind., praying for favorable action on bill to amend the postal laws relating to second-class matter and bill to reduce letter postage to 1 cent per half ounce—to the Committee on the Post-Office and Post-Roads.

Also, remonstrance and petition of McE. B. Glenn and 9 other citizens of Terre Haute, Ind., in relation to the Marquette statue—to the Committee on the Library.

By Mr. HARTMAN: Petitions of citizens of Virginia City, Red Lodge, Helena, Great Falls, Glasgow, and Bozeman, Mont., asking for favorable action on House bill No. 838, to reduce letter postage to 1 cent per half ounce, and House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. HENDRICK: Petitions of citizens of Paducah, Ky., for favorable action on House bills Nos. 4566 and 838, amending the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. KERR: Petitions of citizens of Greenwich, Oberlin, Mansfield, Lorain, and Plymouth, Ohio, for favorable action on House bills Nos. 4566 and 838, proposing amendments to the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. LINTON: Paper regarding House bill No. 8714, granting accrued pension to John E. Carland—to the Committee on Pensions.

By Mr. LOUDENSLAGER: Petitions of Rev. J. H. Winters and 283 members of Mount Zion Methodist Episcopal Church, of Magnolia; Rev. H. A. Griesemer and 550 members of the Baptist Church, Haddonfield; Rev. Jeremiah P. Gregory and 60 members of Mount Olivet Baptist Church, of Haddonfield, and Rev. George N. Neal and 300 members of the Methodist Episcopal Church, Haddonfield, all in the State of New Jersey, favoring the enactment of a Sunday-rest law for the District of Columbia—to the Committee on the District of Columbia.

By Mr. STEPHENSON: Papers to accompany House bill No. 4303, for the relief of H. C. Farrand—to the Committee on Claims.

Also, petition of citizens of Calumet, Ontenogan, Ironwood, and Gladstone, Mich., asking for favorable action on House bills Nos. 838 and 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. TAFT: Memorandum relating to House bill for the relief of L. O. Maddux—to the Committee on Ways and Means.

By Mr. UPDEGRAFF: Petitions of citizens of Charles City, New Hampton, Oelwein, Clermont, Mason City, Clear Lake, and Kensett, in the State of Iowa, praying for favorable action on House bill No. 838, to reduce letter postage, and bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. WASHINGTON: Resolutions unanimously adopted by citizens of Nashville, Tenn., in mass meeting, on May 19, 1896, praying for the relief of the Armenian sufferers—to the Committee on Foreign Affairs.

SENATE.

MONDAY, *May 25, 1896.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of the proceedings of Saturday last, when, on motion of Mr. KYLE, and by unanimous consent, the further reading was dispensed with.

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, for consideration in connection with the deficiency appropriation bill, items of deficiencies for contingent expenses of the Department of Justice, miscellaneous items, and for the telegraph and telephone service for the District of Columbia; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Attorney-General, transmitting, in response to a resolution of the 18th instant, certain information respecting the suit pending in the United States circuit court for the southern district of New York to enjoin the carrying out of what is commonly known as the railway trunk line agreement; which, with the accompanying papers, was referred to the Committee on Interstate Commerce, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Navy, transmitting, in response to a resolution of the 20th instant, the report of the commission appointed under the resolution unanimously adopted by the Board of Visitors to the United States Naval Academy, 1895, to examine and report upon the condition of the grounds and buildings and sanitary condition of that Academy; which, with the accompanying papers, was ordered to lie on the table, and be printed.

PACIFIC COAST EXPOSITIONS.

Mr. PERKINS. I present a communication from the Secretary of the Treasury, addressed to the President of the Senate, transmitting a report of the officer in charge, relating to the administration of customs at the California Midwinter International Exposition, at San Francisco, and at the Northwest Interstate Exposition, at Tacoma, Wash. I move that the communication and accompanying report be printed and lie on the table.

The motion was agreed to.

ENROLLED BILLS SIGNED.

The signature of the Vice-President was announced to the following bills and joint resolution, which had previously been signed by the Speaker of the House of Representatives:

A bill (S. 673) granting a pension to Joseph R. West, brigadier and brevet major-general, United States Army Volunteers;

A bill (S. 888) to amend an act entitled "An act to incorporate the Capital Railway Company," approved March 2, 1895;

A bill (H. R. 75) granting a pension to Mary F. Davenport;

A bill (H. R. 485) for the relief of Kate Eberle, an Indian woman;

A bill (H. R. 1601) to amend the military record of John S. Evans;

A bill (H. R. 2605) granting a pension to Henry V. Andrews, of Fulton County, Ill., a survivor of the Black Hawk war;

A bill (H. R. 3001) granting a pension to Cynthia A. Lapham, widow of William B. Lapham;

A bill (H. R. 3216) granting an increase of pension to James P. Hurley;

A bill (H. R. 3221) granting a pension to John Dalton;

A bill (H. R. 3234) granting a pension to Williamson Durley;

A bill (H. R. 3337) amending the act of June 8, 1880, entitled "An act to authorize the President to appoint an officer of the Navy or the Marine Corps to perform the duties of Solicitor and Judge-Advocate-General, etc., and to fix the rank and pay of such officer," and for other purposes;

A bill (H. R. 3689) increasing the pension of Jefferson Fueston, of Company M, Tenth Ohio Volunteer Cavalry;

A bill (H. R. 3932) granting a pension to Mrs. Elizabeth Richardson;

A bill (H. R. 4122) granting an increase of pension to James H. Jones;

A bill (H. R. 4383) granting a pension to Gen. William H. Morris;

A bill (H. R. 4395) for the relief of Miss Juliette Betts;

A bill (H. R. 4475) granting a pension to Mrs. Catharine Gaffney;

A bill (H. R. 5731) to regulate the practice of medicine and surgery, to license physicians and surgeons, and to punish persons violating the provisions thereof in the District of Columbia;

A bill (H. R. 7816) for the relief of John S. Burwell, administrator of the estate of A. L. Burwell, deceased;

A bill (H. R. 7983) to pension Frances E. Wickware;

A bill (H. R. 8167) to authorize the construction of a bridge across the Red River of the North; and

A joint resolution (H. Res. 174) granting permission to the circuit and county courts in Rockingham County, Va., to occupy the Federal court room in Harrisonburg, Va.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented sundry petitions of North Point Council, No. 93, Junior Order United American Mechanics, of Baltimore, Md., praying for the passage of the so-called Stone and McCall immigration bills; which were ordered to lie on the table.

Mr. SHERMAN presented a petition of 53 citizens of Elyria, Ohio, praying for the passage of House bill No. 260, to increase the pay of letter carriers; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. FAULKNER presented a petition of Encampment No. 119, Union Veteran Legion, Department of West Virginig, praying for the enactment of a per diem pension law; which was referred to the Committee on Pensions.

Mr. TURPIE presented a memorial of the Business Men's Association of Terre Haute, Ind., remonstrating against any change being made in the present law regulating interstate commerce; which was referred to the Committee on Interstate Commerce.

Mr. HARRIS presented resolutions adopted by the board of directors of the Freight Bureau of Memphis, Tenn., relative to the adoption of the proposed amendment to section 3 of the act to regulate commerce; which were referred to the Committee on Interstate Commerce.

BILLS INTRODUCED.

Mr. GALLINGER introduced a bill (S. 3218) granting an increase of pension to Charles D. Hanscom; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CARTER introduced a bill (S. 3219) donating condemned cannon and cannon balls to Wadsworth Post, Grand Army of the Republic, of Helena, Mont.; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. THURSTON introduced a bill (S. 3220) granting a pension to Kate A. S. Connor; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GORMAN introduced a joint resolution (S. R. 151) relating to motive power on the Eckington and Soldiers' Home Railway, the Belt Railway, and the Maryland and Washington Railway companies; which was read twice by its title, and referred to the Committee on the District of Columbia.

NORTHERN PACIFIC RAILROAD COMPANY.

Mr. JONES of Arkansas. Some days ago I submitted an amendment intended to be proposed by me to Senate joint resolution 124, which, doubtless by a mistake of mine, was erroneously printed. I now submit the amendment in a corrected form, and ask that it be printed.

The VICE-PRESIDENT. The amendment will be printed.

WITHDRAWAL OF PAPERS.

On motion of Mr PEFFER, it was

Ordered, That James L. White be permitted to withdraw from the files of the Senate the papers pertaining to Senate bill No. 886, to provide a home for aged and infirm colored people, there having been no adverse report thereon, subject to the rules of the Senate.

AMENDMENT OF THE RULES.

The VICE-PRESIDENT. The Chair lays before the Senate as part of the morning business a resolution which will be stated.

The SECRETARY. A resolution by Mr. MITCHELL of Oregon to amend Senate Rules Nos. XXV and XXXIII, relating to standing committees and the privileges of the floor.

Mr. MITCHELL of Oregon. I ask for the adoption of the resolution.

Mr. MILLS. Let us have an explanation of the proposed amendments.

Mr. HILL. Will the Senator from Oregon let the resolution go over for to-day?

Mr. MITCHELL of Oregon. It went over for one day.

Mr. HARRIS. Is it a report from the committee?

Mr. MITCHELL of Oregon. The resolution is reported from the Committee on Rules. Notice was given on Saturday. It went over one day.

Mr. HALE. As there is a desire on the part of some Senators to debate the resolution, will not the Senator from Oregon consent that it may go over for another day, in order that I may get up the deficiency appropriation bill?

Mr. MITCHELL of Oregon. Certainly.

Mr. HILL. If there is not any special hurry, I suggest that the resolution go over until to-morrow.

Mr. MITCHELL of Oregon. There is no special hurry, except that the new Manual is about ready to go to press, and it is important to have these amendments disposed of as soon as possible. I will let the resolution go over, however, until to-morrow.

The VICE-PRESIDENT. Without objection, the resolution will go over.

ORDER OF BUSINESS.

Mr. HALE. I move that the Senate proceed to the consideration of the deficiency appropriation bill.

Mr. BUTLER. If the Senator from Maine will pardon me, I will state that several Senators desire to speak to-day on the bond bill, and I am very anxious to get through with that measure to-day and reach a final vote. If we wait until 2 o'clock, when that bill comes up as the unfinished business, it may be difficult to get a vote to-day.

Mr. LINDSAY. We do not hear a word on this side.

The VICE-PRESIDENT. The Chair is unable to hear the Senator from North Carolina.

Mr. BUTLER. I desire to get through with the bond bill to-day. There are several Senators who wish to speak upon it. If that bill is not taken up until 2 o'clock, it will be late this evening before we can get a vote, and possibly we may not reach a vote this afternoon. Therefore I suggest to the Senator from Maine that it would be better to take up the bond bill now and proceed with the discussion, as several Senators are ready to speak, instead of taking up the appropriation bill now and having to lay it aside at 2 o'clock to proceed with the consideration of the bond bill. I ask the Senator from Maine to let us take the day, beginning now, if the morning business is through, so as to conclude the consideration of the bond bill.

Mr. CHANDLER. I will state that it will be impossible to get a vote on the bond bill to-day, even if the Senator from Maine yields. There are more Senators than the Senator from North Carolina knows of who intend to speak on the subject, and I will say to the Senator from Maine and the Senator from North Carolina it will not be possible under any circumstances to get through with the bond bill to-day.

Mr. HALE. The measure is not, I understand, in such a condition that there has been an hour fixed for the final vote. There was an attempt made the other day, but I think that attempt did not succeed.

Mr. BUTLER. No; there was no arrangement made.

Mr. LINDSAY. Mr. President, we can not hear a word on this side of the Chamber.

Mr. HALE. Under the circumstances, with the importance of getting the deficiency appropriation bill out of the way, so that the Committee on Appropriations will not then be in the way of any other measures except as to conference reports, I think it incumbent upon me to ask the Senate to take up the deficiency appropriation bill now and go on, and at 2 o'clock I will confer with the Senator about the further order of business.

Mr. BUTLER. Mr. President——

The VICE-PRESIDENT. Debate is proceeding by unanimous consent.

Mr. BUTLER. There is no objection, I understand.

The VICE-PRESIDENT. The Chair hears no objection, and the Senator from North Carolina will proceed.

Mr. BUTLER. I shall feel compelled to ask the Senate at 2 o'clock to take up the bond bill, and if consent is not given I shall ask the Senate to determine by vote which measure is to be proceeded with.

Mr. MITCHELL of Oregon. The bond bill is the unfinished business and comes up at 2 o'clock.

Mr. BUTLER. Certainly; but the suggestion I make is that we take it up now to expedite matters, instead of devoting an hour to

the consideration of the appropriation bill and then laying it aside for the bond bill.

Mr. HALE. The Senator from North Carolina sees that there are objections on the part of other Senators to that course, and they want to go on with the appropriation bill; so that it is not in my power to make such an arrangement.

Mr. BUTLER. The sooner we proceed with the bond bill the better.

Mr. CHANDLER. The worse to take up the bill, because it ought not to pass at all, while it is necessary that the appropriation bill shall go through.

Mr. BUTLER. That is the view of the Senator from New Hampshire, who is in favor of the continued issuance of bonds; but certainly it is not the opinion of those who are opposed to bond issues.

Mr. GALLINGER. I ask for the regular order.

The VICE-PRESIDENT. The regular order is demanded. Debate is not in order except by unanimous consent. The question is on the motion of the Senator from Maine to proceed to the consideration of House bill 8293.

Mr. BUTLER. At the suggestion of several Senators I shall not insist on the bond bill coming up now, but at 2 o'clock, when it comes up of course as the unfinished business, I shall insist that it be proceeded with.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 6249) making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1897, and for other purposes; further insisted upon its disagreement to the amendments of the Senate numbered 37, 64, 66, 69, and 70 to the bill, agreed to the further conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SHERMAN, Mr. HAINER of Nebraska, and Mr. PENDLETON managers of the conference on the part of the House.

DEFICIENCY APPROPRIATION BILL.

The VICE-PRESIDENT. The Senator from Maine moves that the Senate proceed to the consideration of the bill (H. R. 8293) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1896, and for prior years, and for other purposes.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Appropriations with amendments.

Mr. HALE. I ask that the formal reading of the bill be dispensed with, and that the amendments of the committee be considered as they are reached.

The VICE-PRESIDENT. Without objection, it will be so ordered.

The Secretary proceeded to read the bill. The first amendment of the Committee on Appropriations was, on page 2, line 2, to increase the appropriation for stationery, furniture, fixtures, and repairs, and for the purchase of passport paper for the State Department from $500 to $1,000.

The amendment was agreed to.

The next amendment was, on page 3, line 18, before the word "cents," to strike out "two thousand one hundred and seventy dollars and sixty-two" and insert "one thousand six hundred and ninety-seven dollars and ninety-nine"; so as to make the clause read:

Reimbursement of A. Watt and E. A. Mitchell: To reimburse A. Watt and E. A. Mitchell, of Newcastle, New South Wales, for losses sustained by each through the payment of certain drafts illegally drawn on the Secretary of State and Secretary of the Treasury by George T. Baggs, late United States commercial agent at Newcastle, New South Wales, and purporting to be on account of the business of the United States Government, aggregating $1,697.99, together with interest thereon to date of final settlement of the claims by the Treasury Department.

The amendment was agreed to.

The next amendment was, on page 4, line 20, to increase the appropriation for loss by exchange, diplomatic service, from $966.37 to $1,057.32.

The amendment was agreed to.

The next amendment was, on page 5, after line 8, to insert:

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation for "Contingent expenses, United States consulates," for the fiscal year 1895, $799.82.

The amendment was agreed to.

The next amendment was, on page 5, after line 19, to insert:

Payment to Eliza Jaqua Gray: To pay Mrs. Eliza Jaqua Gray, widow of Isaac P. Gray, late United States minister to the Republic of Mexico, $8,750.

The amendment was agreed to.

The next amendment was, on page 5, after line 23, to insert:

Transportation of negroes in Mexico to their homes in Alabama: For payment of cost of transportation furnished by certain railway companies in connection with the failure of the scheme for the colonization of negroes in Mexico, necessitating their return to their homes in Alabama, as fully set forth in House Document No. 208 of this session, $824.27.

The amendment was agreed to.

The next amendment was, on page 6, after line 6, to insert:

Transporting remains of diplomatic officers, consuls, and consular clerks: To pay amounts found due by the accounting officers of the Treasury on account of the appropriation for "Transporting the remains of diplomatic officers, consuls, and consular clerks to their homes for interment," $730.76.

The amendment was agreed to.

The next amendment was, under the head of "Treasury Department," on page 6, after line 14, to insert:

That the proceeds of sales old material, condemned stores, supplies, or other public property of any kind, before being deposited into the Treasury, either as miscellaneous receipts on account of "proceeds of Government property" or to the credit of the appropriations to which such proceeds are by law authorized to be made, there may be paid the expenses of such sales, as approved by the accounting officers of the Treasury, so as to require only the net proceeds of such sales to be deposited into the Treasury, either as miscellaneous receipts or to the credit of such appropriations, as the case may be.

The amendment was agreed to.

The next amendment was, at the top of page 7, to insert:

Office of the Treasurer: For the purchase of one press and one separating machine for use in sealing and separating securities, $2,000.

The amendment was agreed to.

The next amendment was, on page 7, after line 3, to insert:

For salaries of one pressman, at $1,200; one feeder, at $660; one separator, at $660; one receiver, at $660; and one counter, at $660, in all $3,840, to be available during and until the close of the fiscal year 1897.

The amendment was agreed to.

The next amendment was, on page 8, line 24, under the head of "Treasury Department," to increase the appropriation to pay amounts found due by the accounting officers of the Treasury on account of the appropriation for "Fuel, lights, and water for public buildings" for the fiscal year 1895, from $159.85 to $190.20.

The amendment was agreed to.

The next amendment was, on page 10, line 4, to increase the appropriation for suppressing counterfeiting and other crimes from $5,000 to $10,000.

The amendment was agreed to.

The next amendment was, on page 10, after line 15, to insert:

To enable Thomas W. Palmer, president of the World's Columbian Commission, to make payment in full for all claims now outstanding against said Commission, $6,517.67.

Mr. SHERMAN. I call the attention of the Senator from Maine to the rather loose language used here, "to make payment in full for all claims." It ought to read, "adjudicated claims." The word "claims" would extend to just and unjust claims, to rejected claims. Some word should be inserted to indicate the character of the claims.

Mr. HALE. These claims are not adjudicated. They are claims precisely like those that we allowed to Commissioner Davis in the urgent deficiency appropriation bill. They do not go to court at all. They are claims some of which the commissioner has paid out and some of which he is obligated to pay by contracts he has made. If we should insert the word "adjudicated" every one of them would have to go to court. They are not judgments.

Mr. SHERMAN. But it says "claims now outstanding." To provide for the payment of claims against the commissioner outstanding would include all sorts of claims.

Mr. HALE. I suggest that we insert the words "due and"; so as to read, "claims due and outstanding." That will include only those that are actually due. The commissioner has to settle that himself.

Mr. SHERMAN. Even that is not very clear. I think the language ought to be carefully guarded.

Mr. HALE. Let the words be inserted so as to read, "due and outstanding."

The VICE-PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. Amend the committee amendment in line 18, after the word "now," by inserting the words "due and"; so as to read:

To enable Thomas W. Palmer, president of the World's Columbian Commission, to make payment in full for all claims now due and outstanding against said Commission, $6,517.67.

The amendment to the amendment was agreed to.

Mr. HALE. I suggest further, for ample precaution, in line 17, to strike out the words "in full" and at the end of the amendment to add "which shall be in full for all such claims."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 11, line 11, to increase the appropriation for customs service from $850,000 to $1,150,000.

The amendment was agreed to.

The next amendment was, on page 11, after line 11, to insert:

The Secretary of the Treasury is hereby authorized to expend, from the appropriation for collecting the revenue from customs, to provide for the

purchase of the necessary land, and for the construction and equipment of sampling works thereon, or for the leasing of suitable buildings and equipment for the sampling and assaying of imported silver ores and other ores containing lead at ports of entry which he may designate, the sum of $45,000, to be available for the fiscal year 1897: *Provided*, That the Secretary of the Treasury is hereby authorized, in case of importation of said ores at ports at which no facilities are provided, to send a portion thereof to any port having said facilities, at which port said portion may be sampled and assayed. The collector at the port of importation shall thereupon liquidate the entry upon said assay. In no instance, however, shall a less portion than one-fifth of any importation of ores be sampled and assayed.

Mr. DUBOIS. I ask that this provision of the committee, commencing at line 12, on page 11, and ending at line 3, on page 12, be passed over.

Mr. HALE. That may be reserved, Mr. President.

The VICE-PRESIDENT. Without objection, the amendment will be passed over.

The next amendment of the Committee on Appropriations was, on page 12, after line 3, to insert:

Refund to S. R. Fowle & Son: That the Secretary of the Treasury is hereby authorized and directed to refund to S. R. Fowle & Son, Washington, N. C., the sum of $187.08, to reimburse them for tariff exacted and collected from them February 6, 1895, by A. Mayo, deputy collector of customs, Washington, N. C., on cargo of salt imported in schooner *Cora* from St. Kitts, West Indies, to Washington, N. C.

The amendment was agreed to.

The next amendment was, on page 12, after line 12, to insert:

Newspapers and books: To pay amounts found due by the accounting officers of the Treasury on account of the appropriation for "Contingent expenses, Treasury Department: Newspapers and books," $21.33.

The amendment was agreed to.

The next amendment was, on page 12, after line 17, to insert:

Assay office at Helena, Mont.: For wages of workmen, $750.

The amendment was agreed to.

The next amendment was, on page 12, after line 19, to insert:

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation for "Contingent expenses, assay office at Helena," for the fiscal year 1895, $1.59.

The amendment was agreed to.

The next amendment was, on page 12, after line 23, to insert:

Assistant custodians and janitors: For the payment in full of Henry Sands, a watchman employed in the public building at Key West, Fla., for the fiscal year 1894, $183.91, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 13, after line 9, to insert:

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation for "contingent expenses, Treasury Department: Stationery," for the fiscal year 1895, $2,166.71.

The amendment was agreed to.

The next amendment was, on page 16, after line 11, to insert:

Payment to owners of steamer *Peter Jebsen:* To compensate the owners of the Norwegian steamer *Peter Jebsen* for damages sustained by said steamer in consequence of a collision with the United States revenue steamer *Rush* in San Francisco Harbor, March 2, 1896, $2,566.70.

The amendment was agreed to.

The next amendment was, on page 19, after line 11, to insert:

Payment to Southern Pacific Company: To pay the claims of the Southern Pacific Company, its branches and leased lines, certified in Senate Document No. 236, this session, $1,542,979.44.

Mr. THURSTON. I desire to ask the Senator in charge of the bill if any portion of this amount allowed to the Southern Pacific Company covers any service performed on any railroad or any part of any railroad that is aided by the bonds of the Government.

Mr. HALE. I might answer, and say nothing further, that no part of it is covered. They are simply the claims that have been audited, and such as are put in by the Senate always. They have been thoroughly examined. None of the claims to which the Senator from Nebraska alludes are included.

Mr. THURSTON. I merely ask for information, because the matter has not come to my attention before. Of course all the transportation claims of the Southern Pacific Company, except those for Government transportation on the lines of the Central Pacific or other bond-aided lines which are audited, should be paid.

Mr. HALE. They are all audited.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 21, after line 2, to insert:

To enable the Secretary of the Treasury to pay to W. L. Hall, for money expended by him in the discharge of his duty as deputy United States internal revenue collector during the fiscal year ending June 30, 1890, $178.

The amendment was agreed to.

The next amendment was, on page 21, after line 7, to insert:

To enable the Secretary of the Treasury to pay to James W. Murphy, of Wisconsin, amount due him from the United States for services as collector of internal revenue, First district of Wisconsin, from the 4th to the 13th day of November, 1893, inclusive, $122.24.

The amendment was agreed to.

The next amendment was, on page 21, after line 13, to insert:

Ford's Theater disaster payments: To provide for the payment of employees of the Government for injuries received and losses sustained and for three death cases at the Ford's Theater disaster, which occurred on the 9th day of June, 1893, $159,800, which sum shall be paid out by the Secretary of the Treasury to the persons and in the amounts as follows: Thomas D. Anderson, $200; Frederick Achenbach, $1,500; John Baker, $1,000; Ethelbert Baier, $2,500; Alexander C. Black, $800; James S. Busselle, $800; Winfred Beck, $300; John C. Ballou, $50; L. B. Bowman, $2,000; S. S. Baker, $1,500; C. H. Bliss, $2,500; P. G. Clark, $700; J. F. Bixler, $3,000; F. G. Calvert, $4,500; Edward C. Carroll, $300; John F. Dunton, $250; George W. Davis, $2,500; George J. Drew, $450; John B. Dowd, $3,000; Silas J. Dewey, $700; Horace V. Easterling, $2,500; Richard H. Gilliam, $700; George W. Green, $800; William M. Grogan, $2,000; Thomas J. Griffith, $300; George G. Garnett, $1,500; William S. Gustin, $2,500; Thomas Hynes, $4,500; C. A. Harper, $1,800; James A. Howard, $4,000; Samuel U. Hilton, $450; Augustus Hubbell, $300; Isaac N. Hammer, $1,500; Charles F. Hathaway, $1,500; Homer B. Harlan, $1,500; Ferman Housel, $700; James G. Jones, $300; Milford M. Jarvis, $300; Thomas Jones, $600; Wellington Kugler, $1,500; Charles A. Krause, $150; William B. King, $750; Clifton Lowe, $400; Frank F. Linden, $800; Charles Lucas, $150; William W. Lecture, $200; Eugene Leger, $800; William Ludgate, $200; Percy S. Lowry, $500; Daniel P. McCormack, $3,500; Thomas Morley, $2,250; Charles R. Miller, $3,500; C. E. McLaughlin, $800; John A. Miller, $4,500; Frank J. Metcalf, $1,000; C. J. Moore, $500; George N. McLaughlin, $4,000; John A. Magee, $1,500; John J. Meding, $1,000; Charles S. McLaughlin, $1,000; Simeon T. Neal, $500; John E. Nichol, $500; B. J. O'Driscoll, $4,000; John O'Neill, $500; Charles R. Owen, $400; Polk K. Pennington, $500; Charles H. Patterson, $700; C. M. Punteney, $100; Charles L. Patten, $700; R. M. Patrick, $3,500; George T. Prewitt, $200; Seth V. Peck, $1,500; Cassius C. Parker, $150; Morton E. Rose, $200; Louis A. Rosafy, $1,200; William T. Richardson, $2,700; Lloyd J. Smith, $5,000; Fountain F. Sams, $1,200; Frank B. Smith, $250; Edwin H. Spang, $400; James A. Stewart, $2,500; H. M. Shannon, $500; Robert A. Smith, $1,200; Charles D. Shadbolt, $3,200; Charles I. Simms, $2,500; Daniel K. Sargeant, $300; George W. Smoot, $1,200; James M. Stewart, $900; Peter U. Sommers, $2,500; James L. Taylor, $500; H. C. Thomas, $1,600; Francis W. Test, $2,500; John H. Thomas, $2,000; Smith Thompson, $2,000; Wilson H. Thompson, $1,500; W. W. Valentine, $500; James W. Webb, $300; Nathan F. White, $1,500; Nathaniel P. Worley, $1,000; Robert J. Walker, $2,000; Arthur P. Whitney, $1,500; H. P. Willey, $300; James A. White, $500; W. L. H. Wright, $100; Albert G. Yount, $1,000; Nina A. Kime, sole legatee of Arthur J. Kime, $5,000; Mrs. Georgie B. Baldwin, sole legatee of David Henry Porter Brown, $5,000, and Julia Müller, sole legatee of William Schrieber, $5,000.

Should any of the persons hereinbefore mentioned die before payment to the parties herein named, then, and in that event, the Secretary of the Treasury is hereby authorized and directed to pay to the personal representatives of the persons so dying the amount allowed under the provisions of this act.

And the Secretary of the Treasury is hereby directed, before paying over to the parties entitled to the same the amount allowed under the provisions of this act, to require them, in consideration of the amount allowed, to release, discharge, and free the United States from all claim, demand, or damage by reason of any injuries received or losses sustained in the Ford's Theater disaster, which occurred on the 9th day of June, 1893: *Provided*, That the provision of the sundry civil appropriation act, approved August 18, 1894, appointing a joint commission, consisting of five Senators, appointed by the President of the Senate, and five members of the House of Representatives, appointed by the Speaker of the House of Representatives, to investigate and report upon the Ford's Theater disaster, be, and the same is hereby, repealed.

Mr. PLATT. I do not quite know what the words "personal representatives" mean in the amendment. The provision is that in case any one of these parties dies before the payment of the award, the payment shall be made "to the personal representatives of the persons so dying." I suggest that this had better be looked into in conference.

Mr. FAULKNER. The provision means that in case any of these parties dies before the payment for which this award is made by Congress, qualified personal representative of any of these deceased parties will be entitled to receive the amount.

Mr. PLATT. I do not know whether "personal representatives" mean the same thing as "legal representatives." I do not know whether the words mean heirs, legatees, or what.

Mr. FAULKNER. "Personal representatives," as there used, mean the same as administrators. There is no difference between the term used and administrator. Anyone who by the law of the place in which that qualification is made is entitled to receive the personal assets is the personal representative.

Mr. HALE. The legal representative.

Mr. FAULKNER. The personal or legal representative.

Mr. PLATT. The provision does not use the words "legal representatives," and therefore I supposed it meant something different from a legal representative. I simply want the chairman of the committee to look into it when the matter is in conference, and see that that is the proper phrase to be used.

Mr. HALE. We shall look into that.

Mr. FAULKNER. All right.

The VICE-PRESIDENT. The question is on agreeing to the amendment reported by the Committee on Appropriations.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the subhead of "Engraving and printing," on page 26, line 23, before the word "days," to strike out "working"; and on page 27, line 5, after the word "Printing," to insert:

And for this purpose the sum of $3,500, or so much thereof as may be necessary, is hereby appropriated.

So as to make the clause read:

That the compositors and pressmen employed in the awards division of the Bureau of Engraving and Printing shall be allowed leave of absence with pay not exceeding thirty days in any one year, or a pro rata portion thereof for a less time than one year, under such regulations and such time or times as the Chief of the Bureau, with the approval of the Secretary of the Treasury,

may prescribe and designate, and in conformity with the act approved July 6, 1892, granting leaves of absence with pay to the employees of the Bureau of Engraving and Printing; and for this purpose the sum of $3,500, or so much thereof as may be necessary, is hereby appropriated.

The amendment was agreed to.

The next amendment was, under the subhead "Public buildings," on page 27, after line 11, to insert:

For post-office at Philadelphia, Pa.: For amount necessary to acquire, by purchase or condemnation, and for the removal of the buildings thereon, the lots or pieces of ground in the city of Philadelphia, Pa., adjoining or adjacent to the Philadelphia post-office building, additional to the sums appropriated therefor in the sundry civil appropriation acts for the fiscal years 1895 and 1896, $10,000. And this appropriation and the said previous appropriations shall be available for the purchase of said property: *Provided*, That the same shall contain a frontage on Market street of not less than 16 feet 8 inches, and extend in length and depth of that width not less than 222 feet.

The amendment was agreed to.

The next amendment was, at the top of page 28, to insert:

For court-house and post-office at Denver, Colo.: For payment in full of allowance by the Treasury Department to John Moore & Co., for interior finish of building, $1,235.69.

The amendment was agreed to.

The next amendment was, on page 28, after line 5, to insert:

For appraisers' warehouse at New York: For the purpose of strengthening the floors of the appraisers' warehouse building in the city of New York, State of New York, $125,000.

The amendment was agreed to.

The next amendment was, on page 30, after line 9, to insert:

Supplies of light-houses: To pay amounts found due by the accounting officers of the Treasury on account of the appropriation for "Supplies of light-houses," fiscal year 1894, $928.90.

The amendment was agreed to.

The next amendment was, on page 30, after line 14, to insert:

Credit in accounts of Maj. William Ludlow: Authority is hereby granted to the proper accounting officers of the Treasury to allow and credit in the accounts of Maj. William Ludlow, United States Army, late engineer Ninth and Eleventh light-house districts, the sum of $317.13, paid by him in connection with the examination and report upon the titles to lands to be acquired by the United States as sites for light-house structures, the bills for the expenditures referred to having been approved by the Attorney-General, and payment authorized by the Secretary of the Treasury and the Light-House Board, but disallowed by the Commissioner of Customs for want of authority of law to allow the same, said accounts being set forth in House Document No. 268 of this session.

The amendment was agreed to.

The next amendment was, under the subhead "Utah," on page 32, line 18, after the word "seventy-six," to insert "and Senate Document No. 268"; so as to make the clause read:

To pay the following, on account of the Territory of Utah, which are submitted to Congress in House Document No. 276 and Senate Document No. 268 of this session, namely.

The amendment was agreed to.

The next amendment was, on page 32, line 20, to increase the appropriation for contingent expenses, Utah Commission, from $749.18 to $801.18.

The amendment was agreed to.

The next amendment was, on page 33, line 8, to increase the total appropriation for expenses of constitutional convention from $33,813.56 to $33,865.56.

The amendment was agreed to.

The next amendment was, on page 33, after line 8, to insert:

To pay expense of publishing proceedings of the Utah constitutional convention, $7,632.

The amendment was agreed to.

The next amendment was, on page 33, after line 11, to insert:

To pay traveling expenses of E. W. Tatlock, member of late Utah Commission, $188.50.

The amendment was agreed to.

The next amendment was, on page 33, after line 14, to insert:

To pay in full George E. Blair, clerk to late Utah Commission, $205.

The amendment was agreed to.

The next amendment was, on page 33, after line 16, to insert:

To pay in full George W. Parks, clerk to late Utah Commission, $150.

The amendment was agreed to.

The next amendment was, on page 33, after line 18, to insert:

To pay expense of annual report of late Utah Commission for 1896, $50.

The amendment was agreed to.

The next amendment was, on page 33, after line 20, to insert:

To pay telephone bill of late Utah Commission, $25.

The amendment was agreed to.

The next amendment was, on page 33, after line 22, to insert:

To pay Charles C. Richards, late secretary of Utah Territory, for cost of moving Government safes and furniture, $65.

The amendment was agreed to.

The next amendment was, on page 34, after line 6, to insert:

INDEPENDENT TREASURY.

To enable the accounting officers of the Treasury to audit and pay the salary of George L. Wellington, late assistant treasurer of the United States at Baltimore, from the expiration of his term of service to the date of his successor's qualification (July 9, 1894, to July 22, 1894, inclusive), during which time he actually performed the duties of the office, a sufficient sum, not to exceed $171.19, is hereby appropriated from the unexpended balance of the appropriation made by act of July 31, 1894, for the fiscal year 1895.

The amendment was agreed to.

The next amendment was, on page 34, after line 19, to insert:

To enable the accounting officers of the Treasury to audit and pay the salary of Louis R. Walters, late assistant treasurer of the United States at Philadelphia, from the expiration of his term of service to the date of his successor's qualification (July 11, 1894, to August 19, 1894, inclusive), during which time he actually performed the duties of the office, a sufficient sum, not to exceed $489.18, is hereby appropriated from the unexpended balance of the appropriation made by the act of July 31, 1894, for the fiscal year 1895.

The amendment was agreed to.

The next amendment was, on page 35, after line 6, to insert:

To enable the accounting officers of the Treasury to audit and pay the salary of John P. Jackson, late assistant treasurer of the United States at San Francisco, from the expiration of his term of service to the date of his successor's qualification (May 21, 1894, to June 30, 1894, inclusive), during which time he actually performed the duties of the office, a sufficient sum, not to exceed $506.85, is hereby appropriated from the unexpended balance of the appropriation made by the act of March 3, 1893, for the fiscal year 1894.

The amendment was agreed to.

The next amendment was, under the head of "Fish Commission," on page 35, line 20, after the word "food-fishes," to strike out:

For the maintenance, equipment, repair, and operations of the fish-cultural stations of the Commission, the general propagation of food-fishes and their distribution, including movement, maintenance, and repairs of cars, purchase of equipment and apparatus, contingent expenses, temporary labor, $10,000.

And insert:

For miscellaneous expenses for the propagation and distribution of food-fishes, $5,000.

So as to make the clause read:

Propagation of food-fishes: For miscellaneous expenses for the propagation and distribution of food-fishes, $5,000.

The amendment was agreed to.

The next amendment was, on page 36, after line 2, to insert:

Fish hatcheries, repairs: For repairs and constructions required at the fish-cultural stations at Put in Bay, Ohio; Duluth, Minn.; Greenlake, Mo.; Craig Brook, Me., and Neosho, Mo., $8,450.

The amendment was agreed to.

The next amendment was, on page 36, line 22, to increase the appropriation for the completion of the fish-cultural station near Bozeman, Mont., from $10,000 to $12,000.

The amendment was agreed to.

The next amendment was, on page 37, line 7, to increase the appropriation for the fish hatchery at Northville, Mich., from $10,000 to $13,000.

The amendment was agreed to.

The next amendment was, under the head of "Interstate Commerce Commission," on page 39, in line 6, after the word "fiscal," to strike out "years" and insert "year"; in the same line, after the word "ninety-six," to strike out "and 1897"; and in line 9, after the word "counsel," to insert "under the limitations contained in said acts of appropriation"; so as to make the clause read:

That the unexpended balances of the appropriations for the Interstate Commerce Commission, 1894 and 1895, are hereby reappropriated and made available for expenditure during the fiscal year 1896, to enable the Commission to properly carry out the objects of the "act to regulate commerce" (including expenses in the employment of counsel under the limitations contained in said acts of appropriation), to give effect to, execute, and enforce the provisions of said act and all acts and amendments supplementary thereto.

The amendment was agreed to.

The next amendment was, under the head of "District of Columbia," on page 39, after line 19, to insert:

Rent of District offices: To pay the National Capital Investment Company in full compensation for rent and occupation of building for fiscal years 1895 and 1896, $1,895.

The amendment was agreed to.

The next amendment was, on page 39, after line 24, to insert:

Physicians to the poor: For amount necessary to pay the physicians to the poor in full satisfaction for all services during said period for vaccinating 11,980 persons during the smallpox epidemic from October, 1894, to January, 1895, inclusive, $1,500; $75 to be paid to each physician.

The amendment was agreed to.

The next amendment was, on page 41, after line 22, to insert:

For rent of Miner School building, $2,250.

The amendment was agreed to.

The next amendment was, on page 42, line 18, after the word "use," to strike out "as" and insert "for"; so as to make the clause read:

For buildings, namely: That the Commissioners of the District of Columbia be, and are hereby, authorized to transfer the unexpended balance of the appropriation for the fiscal year 1896 for truck house, lot, and furniture to the appropriation for the fiscal year 1896 for site and building for engine house No. 2, so as to complete, furnish, and equip said building for the additional use as headquarters of the fire department; also to repair the old No. 2 engine house for use for a chemical engine company.

The amendment was agreed to.

The next amendment was, on page 42, after line 18, to insert:

Telegraph and telephone service: For amount required to replace fire-alarm boxes destroyed by electric wires, $2,010.

The amendment was agreed to.

The next amendment was, on page 42, after line 21, to insert:

Payment of referees, Court of Claims: To pay J. W. Anderson, $530.

The amendment was agreed to.

The next amendment was, under the head of "Health department," on page 44, line 1, after the word "Major," to strike out "Charles T. Powell" and insert "Charles F. Powell"; so as to make the clause read:

Health department: That the sum of $20, paid to W. S. Odell as salary from February 23 to February 28, 1894, be allowed (the said Odell having been removed from office February 22, 1894, but the fact of his removal being unknown to the officer who delivered his check in advance of the end of the month), and the accounting officers of the United States Treasury are authorized and directed to credit the same in the settlement of the accounts of Commissioners J. W. Ross, M. M. Parker, and Maj. Charles F. Powell, Board No. 9, being for the service of the fiscal year 1894.

The amendment was agreed to.

The next amendment was, under the subhead "Smallpox hospital," on page 44, line 8, after the word "dollars," to insert:

Provided, That the Commissioners of the District of Columbia are hereby authorized to make rules and regulations for the government of said smallpox hospital.

So as to make the clause read:

Smallpox hospital: For amount required to complete and equip the smallpox hospital with boiler house, heating apparatus, and furniture, $6,000: *Provided*, That the Commissioners of the District of Columbia are hereby authorized to make rules and regulations for the government of said smallpox hospital.

The amendment was agreed to.

The next amendment was, on page 46, after line 4, to insert:

To Isaac S. Lyon, $4,082.70, together with $71.30 costs.

The amendment was agreed to.

The next amendment was, on page 46, after line 7, to insert:

To John Stuckert, $100.

The amendment was agreed to.

The next amendment was, on page 46, line 12, to increase the total appropriation for Freedman's Hospital and Asylum from $13,086.43 to $17,340.63.

The amendment was agreed to.

The next amendment was, on page 46, after line 16, to insert:

That a sufficient sum is hereby appropriated to pay the judgment of $1,727.30 in the case of Louisa Mohler, executrix of William H. Mohler, deceased, vs. The District of Columbia, together with the costs, $34.60, and interest, as required by law, from the date the same became due until date of payment: *Provided*, That the Commissioners of the District of Columbia, in the payment of said judgment, shall first apply the proceeds of the sale of the bonds in which the retent under contract 826, between the District of Columbia and William H. Mohler, was invested, deducting from the residue such sums as may have been paid to the executrix aforesaid for interest subsequent to April 25, 1893.

The amendment was agreed to.

The next amendment was, on page 47, after line 6, to insert:

That the sum of $1,294.54, or so much thereof as may be necessary, is hereby appropriated to pay the 10 per cent retained under contract 832, between the District of Columbia and James McCandlish, after deducting therefrom the amount expended on account of repairs during the guaranty period.

The amendment was agreed to.

The next amendment was, on page 47, after line 13, to insert:

That section 907 of the Revised Statutes of the United States, relating to the District of Columbia, is amended to read as follows:

"SEC. 907. He shall pay to his deputies or assistants not exceeding in all $10,000 per annum; also his clerk hire, not exceeding $6,000 per annum; office rent, fuel, stationery, printing, and other incidental expenses, out of the fees of his office."

The amendment was agreed to.

The next amendment was, on page 48, under the subhead "Extension of highways," in line 21, before the word "thousand," to strike out "one" and insert "two"; and in line 23, before the word "thousand," to strike out "five" and insert "six"; so as to make the clause read:

Extension of highways: To pay certain of the accounts set forth in House Document No. 324 of this session, namely, for advertising, bill of costs of United States marshal, and for services in reporting testimony incurred in the execution of the act entitled "An act to provide a permanent system of highways in that part of the District of Columbia lying outside of cities," approved March 2, 1893, and including $2,000 to compensate A. S. Worthington and Samuel Maddox in full for services as special attorneys for the District of Columbia, $6,491, to be paid wholly out of the revenues of the District of Columbia.

The amendment was agreed to.

The next amendment was, under the head of "War Department," on page 50, after line 3, to insert:

Horses for cavalry and artillery: For purchase of horses for the cavalry and artillery and for the Indian scouts and for such infantry and members of the Hospital Corps in field campaigns as may be required to be mounted, and the expenses incident thereto, $24,000: *Provided*, That the number of horses purchased under this appropriation, added to the number on hand, shall not at any time exceed the number of enlisted men and Indian scouts in the mounted service, and that no part of this appropriation shall be paid out for horses not purchased by contract after competition duly invited by the Quartermaster's Department and an inspection by such Department, all under the direction and authority of the Secretary of War.

The amendment was agreed to.

The next amendment was, on page 50, after line 17, to insert:

Quartermaster's Department: To pay amounts audited and allowed by the accounting officers of the Treasury Department for barracks and quarters, and reported to Congress in House Executive Document No. 234, Fifty-third Congress, third session, $38,500.12.

Mr. DANIEL. I wish to make an inquiry of the Senator in charge of the bill in respect to this amendment. Does it include the item on page 12 of the document referred to, No. 234? I refer to item No. 124048, number of settlement 9681, Taylor Hotel Company, Incorporated, of Winchester, Va.

Mr. HALE. The amendment may be passed over for the present, and I will have the papers hunted up. It may be reserved.

Mr. DANIEL. Very well.

The VICE-PRESIDENT. The amendment will be passed over.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 50, after line 24, to insert:

To pay George Baber, of Kentucky, amount found due, as per Treasury settlement No. 133, and reported to Congress in Senate Document No. 217, Fifty-fourth Congress, first session, $1,092.50.

The amendment was agreed to.

The next amendment was, on page 51, after line 4, to insert:

For payment of Treasury settlements certified to Congress and reported in Senate Miscellaneous Document No. 57, Fifty-third Congress, third session, $8,000.

The amendment was agreed to.

The next amendment was, on page 51, after line 8, to insert:

For payment of Treasury settlements certified to Congress, Fifty-third Congress, second session, and reported in Senate Executive Document No. 33, Fifty-third Congress, third session, $19,000.

The amendment was agreed to.

The next amendment was, on page 52, after line 21, to insert:

That the appropriation of $1,300 in the sundry civil appropriation act, making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes, "For leasing additional ground for the Marion Branch of the National Home for Disabled Volunteer Soldiers at Marion, Ind.," shall also be available for the purchase of gas pipe.

The amendment was agreed to.

The next amendment was, on page 53, after line 12, to insert:

Road to national cemetery, Illinois: For the construction of a graveled road starting at a point on the north side of Cache River, in Pulaski County, Ill., where the present county graveled road from Cairo, in Alexander County, Ill., and the bridge across said Cache River terminates, and connecting with the present national graveled road running from Mound City, in said Pulaski County, Ill., to the Illinois Central Railroad in said county, at or near the national cemetery in Pulaski County, Ill., $15,000.

Said road to be constructed above high-water mark, to be 18 feet in width on top surface, graveled similar to present national road to said cemetery, and same to be in continuation of graveled road to said national cemetery.

The amendment was agreed to.

The next amendment was, on page 54, after line 2, to insert:

Indianapolis Arsenal, Indianapolis, Ind.: For the payment of A. Bruner for the construction of a main sewer in Clifford avenue, adjacent to the United States arsenal grounds, in the city of Indianapolis, Ind., $4,323.15: *Provided*, That the Secretary of the Treasury shall not issue a warrant for the payment of said sum until the officer in command of the arsenal at Indianapolis shall certify that the sewer now provided for upon said grounds shall have been constructed by the United States and the same connected with the sewerage system of the city of Indianapolis.

The amendment was agreed to.

The next amendment was, on page 54, after line 13, to insert:

Payment to John Finn: To pay amounts found due to John Finn, under the act authorizing the Auditor for the War Department to audit certain quartermaster vouchers alleged to belong to John Finn, of St. Louis, Mo., approved March 19, 1896, $6,363.85, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 54, after line 21, to insert:

Rent of Bellevue Rifle Range: For the payment to Henry T. Clark, for the use of Bellevue Rifle Range, in the State of Nebraska, by the United States Army, for the fiscal year 1895, $600.

The amendment was agreed to.

The next amendment was, under the head of "Navy Department," on page 55, after line 3, to insert:

That the title "appointment clerk," office of the Secretary, Navy Department, provided for in the legislative, executive, and judicial appropriation act for the fiscal year 1897, is hereby amended to read: "Clerk in charge of civil employments and labor regulations at navy-yards, who shall also perform the duties of appointment clerk of the Navy Department, $2,250."

The amendment was agreed to.

The next amendment was, under the head of Naval Establishment, on page 55, after line 24, to insert:

For pay of the Navy, 1895, $64,956.03.

The amendment was agreed to.

The next amendment was, on page 57, line 1, to increase the total appropriation for the Naval Establishment from $142,688.59 to $207,639.62.

The amendment was agreed to.

The next amendment was, on page 57, line 7, to increase the appropriation to pay amounts found due by the accounting officers of the Treasury on account of the appropriation for "Pay of the Navy" for the fiscal year 1894, from $2,563.28 to $2,691.98.

The amendment was agreed to.

The next amendment was, on page 57, after line 8, to insert:

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation for "Pay of the Navy," fiscal year 1895, $450.89.

The amendment was agreed to.

The next amendment was, on page 57, after line 12, to insert:

To pay claims hereafter audited by the accounting officers of the Treasury on account of the appropriation for "Pay of the Navy" for the fiscal year 1895, $10,000.

The amendment was agreed to.

The next amendment was, on page 57, after line 16, to insert:

To pay claims hereafter audited by the accounting officers of the Treasury on account of the appropriation for "Pay of the Navy" for the fiscal year 1894, $5,000.

The amendment was agreed to.

The next amendment was, on page 58, line 1, to increase the appropriation to pay amounts found due by the accounting officers of the Treasury on account of appropriations for "Pay, miscellaneous" (Navy) for the fiscal year 1895, from $15,419.81 to $15,451.73.

The amendment was agreed to.

The next amendment was, on page 58, after line 2, to insert:

For pay, miscellaneous, fiscal year 1896, $226.20.

The amendment was agreed to.

The next amendment was, on page 58, after line 20, to insert:

To supply a deficiency in the appropriation "Pay, miscellaneous" for the fiscal year ending June 30, 1896, to pay amounts found due by the accounting officers on account of transportation of officers traveling under orders, rents of buildings, salaries, and incidental expenses of purchasing pay officers, and any other expenditures chargeable to this appropriation, $50,000.

The amendment was agreed to.

The next amendment was, on page 59, after line 12, to insert:

That the Auditor for the Navy Department be, and he is hereby, authorized and directed to pass vouchers in favor of the Sunset Telephone and Telegraph Company of San Francisco, Cal., for rentals of telephone instruments used in officers' quarters at the navy-yard, Mare Island, Cal., during the fiscal years 1894 and 1895, amounting to $318, and to relieve Pay Inspector Edward Bellows, United States Navy, of the disallowance of these vouchers in the settlement of his accounts, and further to pay and allow additional vouchers in favor of the same company for similar services for the fiscal year 1895, aggregating $372, out of funds in the hands of Pay Inspector Edward Bellows, under the proper appropriations for the payment of telephone rentals at navy-yards.

The amendment was agreed to.

The next amendment was, on page 60, after line 3, to insert:

Award of Secretary of the Navy: For payment in full to the Richmond Locomotive and Machine Works its audited and adjusted claim for damages and losses incurred in the construction of the armored battle ship *Texas*, $69,553.39.

The amendment was agreed to.

The next amendment was, under the head of "Marine Corps," on page 60, line 19, after the word "fiscal," to strike out "year" and insert "years 1894 and"; so as to make the clause read:

To pay accounts and reservations on file due contractors for the fiscal years 1894 and 1895, $11,021.54.

The amendment was agreed to.

The next amendment was, under the head of "Naval Academy," on page 62, line 2, to increase the appropriation for pay, Naval Academy, for the fiscal year 1896 from $1,411.52 to $1,929.32.

The amendment was agreed to.

The next amendment was, on page 63, after line 16, to insert:

BUREAU OF MEDICINE AND SURGERY.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation for "Medical department, Bureau of Medicine and Surgery," $21.

The amendment was agreed to.

The next amendment was, under the head of "Interior Department," on page 67, after line 6, to insert:

Payment of pensions: That the Auditor of the Department of the Interior is hereby authorized and required to state the account of Col. A. Wilson Norris, late pension agent at Philadelphia, and the balance found due shall be paid by the Secretary of the Treasury to Mrs. Mirtie M. Norris, widow of the said A. Wilson Norris, out of any funds in the Treasury not otherwise appropriated.

The amendment was agreed to.

The next amendment was, at the top of page 68, to insert:

The Architect of the Capitol is hereby directed to examine into the methods for the filtration of water used in the Capitol building, and to report to Congress on the first day of the next session the result of his investigations, what propositions have been made to furnish such filtration, and the probable cost thereof.

The amendment was agreed to.

The next amendment was, under the subhead "For survey of lands in California," page 68, line 18, after the word "amounts," to strike out "which may be"; in the same line, after the word "due," to strike out "before the close of the fiscal year 1896"; in line 22, before the word "thousand," to strike out "twenty" and insert "forty"; and in the same line, after the word "dollars," to insert:

Provided, That in the case of contracts for the survey of public lands in the State of California executed prior to June 30, 1890, in which the returns of the survey have been suspended by the Commissioner of the General Land Office until the appropriation for the survey of public lands from which the contracts for such surveys were made payable has lapsed and been covered into the Treasury, and in which cases such suspension is afterwards removed and the surveys executed under such contracts accepted by the Commissioner of the General Land Office, or in the case of such contracts when made payable from the fund of deposits by individuals for the survey of public lands in which the deposits made for the particular survey are insufficient.

So as to make the clause read:

For survey of lands in California: To pay amounts found to be due under contracts for the survey of public lands in California prior to June 30, 1890, $40,000: *Provided*, That in the case of contracts for the survey of public lands in the State of California, etc.

The amendment was agreed to.

The next amendment was, on page 71, after line 11, to insert:

To pay Oscar Sonnekalb, of Pocatello, Idaho, for surveying public lands in the State of Idaho under contract No. 152, $575.25, said sum being the cost and value of the work done under said survey contract, according to the rates fixed by statute.

The amendment was agreed to.

The next amendment was, on page 71, after line 17, to insert:

To pay Richard S. Fuller, United States deputy surveyor, balance due for surveys executed in townships 3 and 4 north, of range 91 west, and township 3 north, of range 92 west, in Colorado, under contract No. 781, and for retracements of 33 miles 42 links and 29 chains of retraced exterior lines of survey of said townships, and reestablishing corners along said lines, said contract having been approved by the surveyor-general, $423.81.

The amendment was agreed to.

The next amendment was, on page 72, after line 2, to insert:

To pay the account of Philip M. Gallaher, United States deputy surveyor, for the survey of certain boundary lines of the Yellowstone National Park and Public Forest Reserve in Montana, executed by him under contract No. 263, dated October 17, 1891, and approved by the Secretary of the Interior and by the Commissioner of the General Land Office, respectively, under date of June 3, 1893, at rates of $35, $30, and $43 per mile for lines embraced in said contract, $8,567.24.

The amendment was agreed to.

The next amendment was, on page 72, after line 14, to insert:

Payment to register and receiver: To pay John J. Beavers, register, and Benjamin H. Crowley, receiver, of the United States land office at Little Rock, Ark., compensation at the rate of $5 per day each for nine days in February, 1895, the time in which they were respectively engaged in appraising the Government lots at Hot Springs Reservation, Ark., $90.

The amendment was agreed to.

The next amendment was, on page 73, after line 13, to insert:

Indian school, Genoa, Nebr.: That the Secretary of the Interior be, and he is hereby, authorized and directed to adjust, settle, and pay, upon the presentation of sworn and competent evidence, out of any unexpended balance of the appropriations for the support of the Indian school at Genoa, Nebr., for the fiscal years 1894, 1895, and 1896, the claims of all persons, firms, and corporations who furnished goods and supplies for the Indian industrial school at Genoa, Nebr., during the incumbency of Horace R. Chase, superintendent of said school, which have not already been allowed and adjusted: *Provided*, That the sum so expended shall not exceed the sum of $8,000.

The amendment was agreed to.

The next amendment was, on page 74, after line 2, to insert:

Education in Alaska: For all expenses during the fiscal year 1897 of a school at Circle City, including hire of a teacher, $1,500.

The amendment was agreed to.

The next amendment was, on page 75, after line 5, to insert:

Incidentals in Idaho: To pay amounts found due by the accounting officers of the Treasury on account of the appropriation for "Incidentals in Idaho," for the fiscal years as follows:
For the fiscal year 1893, $24.48.
For the fiscal year 1895, $32.50.

The amendment was agreed to.

The next amendment was, on page 75, after line 13, to insert:

Incidentals in Oregon: To pay amounts found due by the accounting officers of the Treasury on account of the appropriation for "Incidentals in Oregon: Employees," for the fiscal year 1895, $603.13.

The amendment was agreed to.

The next amendment was, on page 75, after line 18, to insert:

Removal of Southern Utes: To pay amounts found due by the accounting officers of the Treasury on account of the appropriation for "Removal of Southern Utes," $502.40.

The amendment was agreed to.

The next amendment was, on page 78, line 12, after the word "authorized," to strike out "by act of March 3, 1891, and to print, engrave, and bind the Statistical Atlas, as authorized"; and in line 15, after the word "ninety-three," to insert "and by amendments thereto"; so as to make the clause read:

To continue printing, engraving, and binding the final volumes of the Eleventh Census, authorized by act approved February 23, 1893, and by amendments thereto, to continue available until expended, $250,000.

The amendment was agreed to.

The next amendment was, under the subhead "Mail transportation," on page 79, line 19, after the word "twenty-four," to insert "and Senate Document No. 268"; and in line 23, before the word "cents," to strike out "six thousand six hundred and nineteen dollars and forty-five" and insert "twenty-one thousand four hundred and four dollars and seven"; so as to make the clause read:

For the fiscal year 1895, to pay amounts set forth in House Document No. 324 and Senate Document No. 268 of this session, $121,404.07.

The amendment was agreed to.

The next amendment was, under the subhead "Mail transportation," page 80, line 1, after the word "twenty-four," to insert "and Senate Document No. 268"; and in line 3, before the word "cents," to strike out "fifty-one dollars and ninety-eight" and insert "ninety dollars and sixty-eight"; so as to make the clause read:

For the fiscal year 1894, to pay amount set forth in House Document No. 324 and Senate Document No. 268 of this session, $90.68.

The amendment was agreed to.

The next amendment was, on page 80, after line 3, to insert:

To pay the Sioux City and Pacific Railroad Company for railway post-office car service on account of the fiscal year 1895, $2,490.52.

The amendment was agreed to.

The next amendment was, on page 80, line 14, after the word "twenty-four," to insert "and Senate Document No. 268"; so as to make the clause read:

Compensation of postmasters: For amounts to reimburse the postal revenues, being the amount retained by postmasters in excess of the appropriations, including the amount set forth in House Document No. 324 and Senate Document No. 268 of this session, for the fiscal years as follows.

The amendment was agreed to.

The next amendment was, under the subhead "Compensation of postmasters," on page 80, line 19, to increase the appropriation for the fiscal year 1895 from $88,338.97 to $89,437.47.

The amendment was agreed to.

The next amendment was, under the subhead "Compensation of postmasters," on page 80, line 23, to increase the appropriation for the fiscal year 1894 from $6,139.64 to $6,397.29.

The amendment was agreed to.

The next amendment was, on page 81, after line 4, to insert:

Payment to John W. Ross: That the Auditor for the Post-Office Department be, and he is hereby, authorized and directed to credit the account of John W. Ross, late postmaster at Washington, D. C., with the sum of $141 paid for fuel for the fiscal year 1890; with the sum of $35.12 paid for ice third quarter of 1889, and with the sum of $45.83 paid W. C. Talley, jr., letter carrier, for overtime.

The amendment was agreed to.

The next amendment was, on page 81, after line 14, to insert:

Credit to William M. Masi: That the Postmaster-General is hereby authorized to credit William M. Masi, late postmaster at Cheyenne, Wyo., with $2,624.14, the amount now standing charged against him. Upon the receipt by the Secretary of the Treasury of the full amount of all dividends heretofore paid or hereafter to be paid by the receiver of the Cheyenne National Bank in the administration of the assets of said bank upon the case of William M. Masi all further liability of said William M. Masi and of his sureties to the United States of America upon his official bond as postmaster at Cheyenne, Wyo., shall cease and determine as to the extent of certain funds belonging to the United States which were deposited and upon deposit by the said Masi in said Cheyenne National Bank at the time it closed its doors and ceased to do business and went into the hands of the receiver: *Provided, however*, That nothing in this act contained shall operate as a release to the said Masi and his sureties on his official bond of any liabilities to the United States which may have been incurred by said Masi while acting as postmaster at Cheyenne other than as to the amount so deposited and on deposit in said bank as aforesaid.

The amendment was agreed to.

The next amendment was, on page 82, after line 17, to insert:

For the purpose of providing the necessary books to be used in the United States marshals' offices and in the Department of Justice, in order to establish a uniform system of bookkeeping for United States marshals, $10,000.

The amendment was agreed to.

The next amendment was, under the head "Department of Justice," on page 82, after line 21, to insert:

For official transportation on account of fiscal years as follows:
For fiscal year 1896, $146.95.
For fiscal year 1895, $5.35.

The amendment was agreed to.

The next amendment was, on page 83, after line 2, to insert:

For law books for library, being for the fiscal year 1895, $492.40.

The amendment was agreed to.

The next amendment was, on page 83, after line 5, to insert:

Agreements with Eastern Band of Cherokee Indians: To pay the decree of the United States circuit court, western district of North Carolina, in the cause of The United States *vs.* William H. Thomas and others, settling the title to certain land in controversy in said suit, $822.

The amendment was agreed to.

The next amendment was, on page 83, after line 11, to insert:

To pay the accounts of J. R. Snow, clerk, and N. B. Thompson, register of deeds, of Swain County, N. C., and John R. Long, register, and William H. Thomas, jr., justice of the peace, of Jackson County, N. C., for taking acknowledgments of deeds, privy examinations of married women, recording decrees, etc., $756.85.

The amendment was agreed to.

The next amendment was, on page 83, after line 18, to insert:

Rent and incidental expenses, Territory of Alaska: To pay amounts found due by the accounting officers of the Treasury on account of the appropriation for rent of offices and incidental expenses for the marshal, district attorney, commissioners, Territory of Alaska, for the fiscal year 1895, $60.

The amendment was agreed to.

The next amendment was, on page 83, after line 24, to insert:

Expenses in settling title to Greer County: To enable the Attorney-General to make final settlement for the services and expenses incurred by counsel employed to assist in bringing suits in equity in the Supreme Court of the United States, provided by section 25 of the act of May 2, 1890, relating to temporary government in Oklahoma Territory, for enlarging the jurisdiction of the United States court in the Indian Territory, and for other purposes, $5,000.

The amendment was agreed to.

The next amendment was, on page 86, after line 11, to strike out:

Payment to Eugene Hagan: To enable the Attorney-General of the United States to make an agreement with the defendant, the Leavenworth Coal Company, to pay Eugene Hagan, of Topeka, Kans., for services as special master and examiner in chancery in the case of the United States of America against the Leavenworth Coal Company, in the circuit court of the United States for the district of Kansas, each party to advance one-half of the fee for said service, without prejudice to the rights of either party under the orders already made, $2,000.

The amendment was agreed to.

The next amendment was, on page 86, after line 21, to insert:

Payment to Winslow Warren: To pay Winslow Warren, of Boston, Mass., for services rendered by him under an order of court, dated September 15, 1892, of the circuit court of the United States for the district of Massachusetts, $500.

The amendment was agreed to.

The next amendment was, on page 87, after line 2, to insert:

Payment to R. D. Benedict: To pay the account of R. D. Benedict, attorney at law, New York, N. Y., for legal services rendered to Samuel H. Lyman, clerk of the United States district court in New York City, $500.

The amendment was agreed to.

The next amendment was, on page 87, after line 7, to insert:

Payment to W. Hallett Phillips: To pay the account of W. Hallett Phillips, of Washington, D. C., for legal services in the case of The United States *vs.* Stanford, No. 784, under the direction of the Attorney-General, during the months of December, 1895, and January and February, 1896, $500.

The amendment was agreed to.

The next amendment was, on page 87, after line 15, to insert:

Reimbursement of Des Moines Navigation and Railroad Company: To reimburse the Des Moines Navigation and Railroad Company and others, defendants, for costs paid by them for printing in case of The United States of America, plaintiff, *vs.* The Des Moines Navigation and Railroad Company and others, defendants, in the United States circuit court for the northern district of Iowa, in pursuance of stipulation made between the parties and approved by the court in relation to said costs of printing, $541.20.

The amendment was agreed to.

The next amendment was, on page 89, line 15, to increase the payment of assistants to United States district attorneys employed by the Attorney-General to aid district attorneys in special cases from twenty to thirty thousand dollars.

The amendment was agreed to.

The next amendment was, on page 89, line 21, to increase the appropriation for payment of amounts found due by the accounting officers of the Treasury on account of the appropriation for "pay of special assistant attorneys, United States courts," for the fiscal year 1895, from $150 to $4,820.

The amendment was agreed to.

The next amendment was, on page 89, line 24, to increase the appropriation for payment of amounts found due by the accounting officers of the Treasury on account of the appropriation for "pay of special assistant attorneys, United States courts," for the fiscal year 1894, from $2,200 to $3,200.

The amendment was agreed to.

The next amendment was, on page 89, after line 24, to insert:

Fees of clerks: To pay amounts found due by the accounting officers of the Treasury on account of the appropriation for "Fees of clerks, United States courts," for the fiscal year 1894, $191.35.

The amendment was agreed to.

The next amendment was, on page 90, line 9, under the subhead of "Fees of commissioners," to increase the appropriation for fees of United States commissioners and justices of the peace acting as United States commissioners for the fiscal year 1895 from $1,976.30 to $6,809.75.

The amendment was agreed to.

The next amendment was, on page 90, line 13, to increase the appropriation for fees of United States commissioners and justices of the peace acting as United States commissioners for the fiscal year 1894 from $694.92 to $1,807.62.

The amendment was agreed to.

The next amendment was, on page 90, line 25, under the subhead of "Fees of jurors," to increase the appropriation for fees of jurors, United States courts, for the fiscal year 1889, from $8.30 to $17.30.

The amendment was agreed to.

The next amendment was, in the items for fees of jurors, at the top of page 91, to insert:

For the fiscal year 1888, $698.80.

The amendment was agreed to.

The next amendment was, in the items for fees of witnesses, on page 91, after line 4, to insert:

For the fiscal year 1896, $100,000.

The amendment was agreed to.

The next amendment was, on page 91, line 8, to increase the appropriation for fees of witnesses, United States courts, for the fiscal year 1895, from $83,831.74 to $91,431.74.

The amendment was agreed to.

The next amendment was, on page 91, after line 15, to insert:

For support of prisoners, United States courts, fiscal year 1896, $50,000.

The amendment was agreed to.

The next amendment was, on page 91, after line 17, to insert:

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation for support of prisoners, United States courts, fiscal year 1895, $7,766.73.

The amendment was agreed to.

The next amendment, was on page 91, after line 22, to insert:

To pay accounts for support of prisoners, United States courts, as reported by the Attorney General, on account of the fiscal year 1895, $6,754.58.

The amendment was agreed to.

The next amendment was, on page 92, after line 2, to insert:

To pay amounts reported by the Attorney-General for expenses of support of prisoners, United States courts, incurred in southern district of New York, for the fiscal year 1893, $1,461.75.

The amendment was agreed to.

The next amendment was, in the items for bailiffs and criers, on page 92, after line 21, to insert:

For the fiscal year 1896, $10,000.

The amendment was agreed to.

The next amendment was, at the top of page 93, to increase the appropriation for pay of bailiffs and criers for the fiscal year 1895 from $14,889.98 to $15,375.73.

The amendment was agreed to.

The next amendment was, in the items for bailiffs and criers, on page 93, after line 2, to insert:

For the fiscal year 1894, $30.

The amendment was agreed to.

The next amendment was, on page 93, line 6, to increase the appropriation for pay of bailiffs and criers for the fiscal year 1893 from $240 to $280.

The amendment was agreed to.

The next amendment was, in the items of bailiffs and criers, on page 93, after line 6, to insert:

For the fiscal year 1892, $35.

The amendment was agreed to.

The next amendment was, on page 93, after line 11, to insert:

For miscellaneous expenses, United States courts, for the fiscal year 1896, $5,000.

The amendment was agreed to.

The next amendment was, on page 94, line 7, to increase the appropriation to pay amounts due on account of the appropriation for protecting property in the hands of the receivers of United States courts for the fiscal years 1894 and 1895, from $20,018.16 to $25,176.82.

The amendment was agreed to.

The next amendment was, on page 94, line 12, to increase the appropriation to pay amounts due on account of the appropriation for protecting property in the hands of receivers of United States courts for the fiscal year 1894, from $2,367.50 to $4,365.

The amendment was agreed to.

The next amendment was, on page 94, after line 12, to insert:

DEPARTMENT OF AGRICULTURE.

WEATHER BUREAU.

To pay the account of J. S. Watson, of Titusville, Fla., for the total loss by wreckage of one sailboat while in the service of the Weather Bureau, repairing the United States telegraph line between Titusville and Jupiter, Fla., on October 12, 1893, including expenses incurred in connection therewith, $130.50.

The amendment was agreed to.

The next amendment was, under the head of "Legislative," on page 95, after line 15, to insert:

For printing and binding for the Department of Justice, $1,500.

The amendment was agreed to.

The next amendment was, on page 96, after line 11, to insert:

To enable the Public Printer to pay to the executors of John C. Rives rent for buildings on premises of the late John C. Rives, near Bladensburg, in the State of Maryland, in which certain books and stereotype plates belonging to the Government of the United States were stored from September 1, 1878, to November 5, 1885, $861.67.

The amendment was agreed to.

The next amendment was, at the top of page 97, to insert:

BOTANIC GARDEN.

To supply a deficiency in the appropriation for "Improving Botanic Garden" for the fiscal year 1896, to pay an account of William M. Galt & Co. for forage for horses, $117.21.

The amendment was agreed to.

The next amendment was, on page 97, after line 6, to insert:

SENATE.

For compensation of Senators, fiscal year 1893, $3,342.

The amendment was agreed to.

The next amendment was, on page 97, after line 10, to insert:

For material for furniture and repairs of same, exclusive of labor, $300.

The amendment was agreed to.

The next amendment was, on page 97, after line 13, to insert:

To pay for doors for the Senate Chamber, the cloakrooms, and the Senate corridor, $2,005.

The amendment was agreed to.

The next amendment was, on page 97, after line 15, to insert:

For miscellaneous items, exclusive of labor, for the fiscal year 1894, $21.25.

The amendment was agreed to.

The next amendment was, on page 97, after line 18, to insert:

For miscellaneous items, $5,000.

The amendment was agreed to.

The next amendment was, on page 97, after line 19, to insert:

To pay R. B. Nixon for year ending June 30, 1896, $500.

The amendment was agreed to.

The next amendment was, on page 97, after line 21, to insert:

To provide for four additional folders, at $840 each, for the fiscal year ending June 30, 1897, $3,360.

The amendment was agreed to.

The next amendment was, at the top of page 98, to insert:

To pay Maurice Smith for legal services in defending in the police court in the District of Columbia an employee of the Senate, fiscal year 1894, $10.

The amendment was agreed to.

The next amendment was, on page 98, after line 4, to insert:

That the Secretary of the Senate be, and he hereby is, authorized to pay Addison T. Smith, as clerk to the Hon. GEORGE L. SHOUP, Senator from Idaho, from March 7 to March 13, 1895, from the appropriation for salaries of officers, clerks, and employees of the Senate, for the fiscal year 1895.

The amendment was agreed to.

The next amendment was, on page 98, after line 11, to insert:

To reimburse the Official Reporters of the proceedings and debates of the Senate for expenses incurred during the first session of the Fifty-fourth Congress for clerk hire and other extra clerical services, $3,490.

The amendment was agreed to.

The next amendment was, on page 98, after line 16, to insert:

To pay Edward T. Mathews, late clerk of the Committee on Naval Affairs, for extra services as acting clerk of the Joint Committee on the Personnel of the Navy during the Fifty-third Congress, compiling and indexing the testimony, etc., $500.

The amendment was agreed to.

The next amendment was, on page 98, after line 21, to insert:

To pay Watson Boyle for services as clerk to the conference of the minority from March 4 to March 15, 1893, $72.

The amendment was agreed to.

The next amendment was, on page 98, after line 24, to insert:

To pay William A. Fields for extraordinary services in transferring and rearranging the papers and relettering the boxes of the files of the Senate from the Sixteenth Congress to the Forty-ninth Congress, inclusive, rendered necessary by certain changes and improvements made by the Secretary of the Senate for the better preservation and greater convenience for reference of the files, $400.

The amendment was agreed to.

The next amendment was, on page 99, after line 6, to insert:

To enable the Secretary of the Senate to pay the following persons, who were excluded by decision of the Comptroller of the Treasury from the benefits of the provision in the sundry civil act approved August 18, 1894, authorizing payment to the officers and employees of the Senate who were borne on the rolls of the Senate August 1, 1893, and who were not borne on said rolls November 3, 1893, of a sum equal to one month's pay at the rate of compensation paid them at the time of their discharge, namely: To William A. Merritt, $100; James McBride, $90; Godfrey Beck, $90; Matthew Healey, $83.33; Thomas P. Mitchell, $90; Hammett S. Delaplane, $66; W. H. Bright, $90; G. W. Thomas, folder, $60; and G. W. Thomas, $50, to be paid out of the unexpended balance of the appropriation made by said act of August 18, 1894.

The amendment was agreed to.

REGULATION OF BOND ISSUES.

The PRESIDING OFFICER (Mr. FAULKNER in the chair). The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business, which will be stated by the Secretary.

The SECRETARY. A bill (S. 1341) to prohibit the further issuance of interest-bearing bonds without the consent of Congress.

Mr. HALE rose.

Mr. PRITCHARD. Mr. President——

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HALE. I merely rose on the matter of the order of business, not to take the Senator from North Carolina from the floor.

Mr. PRITCHARD. I yield to the Senator from Maine for that purpose.

Mr. HALE. I wish to make a suggestion to the Senator from North Carolina [Mr. BUTLER], who is, I know, very desirous of continuing the consideration of the bill in his charge. While I am opposed to the bill, I am not in favor of any tactics to delay a vote upon it, for I have no doubt it will be voted upon in the Senate at some near point in the future; but being so near finishing the appropriation bill, I ask the Senator to consent that the unfinished business be temporarily laid aside, so that the Senate may go on with the appropriation bill. I have no doubt that the appropriation bill will be finished in the course of an hour and a half or two hours. Then it will be entirely out of his way, and I shall not be obliged to test the sense of the Senate by a motion to take up the appropriation bill. I would rather not pursue that course.

Mr. BUTLER. This is the last appropriation bill?

Mr. HALE. It is the last appropriation bill.

Mr. CULLOM. There is nothing additional except conference reports which will be coming in from the Committee on Appropriations. There is one now lying on the table. It will take probably not over ten or fifteen minutes to dispose of that report.

Mr. ALLISON. Conference reports do not displace the regular business.

Mr. CULLOM. They do not displace the regular business at all.

Mr. BUTLER. I would readily yield to the Senator from Maine

to continue with the appropriation bill were it not that there seems to be a disposition to filibuster against the bond bill. I ought to say to the Senator from Maine that he has not shown a disposition to do so, but there seems to be such a disposition on the part of some Senators, as we may judge from the newspaper reports, and the newspapers must have gotten their information from Senators. I saw in quite a number of newspapers that there is to be some filibustering tactics to prevent a vote on the bond bill, and the notice the Senator from New Hampshire [Mr. CHANDLER] served on the Senate means, I suppose, that there will be filibustering; at any rate, it is notice that there will be very lengthy debate and probably numerous amendments, which proceeding would amount to filibustering. I have no desire to delay the appropriation bill or interfere with it; but in the face of what has been said on the floor of the Senate and the reports in various newspapers, which must come from Senators, I would not be doing my duty and would be placed in an awkward light before the country if I agreed that anything should put the bond bill in a position where it could be filibustered to death.

Mr. HALE. Mr. President——

Mr. PRITCHARD. Mr. President, I did not yield the floor for the purpose of taking up any measure. I simply yielded to the Senator from Maine to make a statement, and with that understanding.

Mr. STEWART. Will the Senator from North Carolina allow me to make a suggestion?

Mr. HALE. I had not given up the floor, Mr. President.

Mr. STEWART (to Mr. PRITCHARD). Allow me to make a suggestion.

Mr. PRITCHARD. Certainly.

Mr. STEWART. Inasmuch as everyone is in favor of facilitating business, I suggest that we have an hour fixed on some convenient day when a vote may be taken upon the bond bill; and then, all anxiety as to a vote being reached having been removed, the business of the Senate can accommodate itself accordingly, and the Senators who desire to speak on the bond bill can be heard. I suggest that we agree to take the vote on Wednesday, at 5 o'clock. That would be far enough off to give all Senators who desire to be heard an opportunity to speak.

Mr. HALE. That is, that all debate shall cease at that time and a vote be taken on the bill and any amendments.

Mr. STEWART. Yes; that all debate shall cease at that time and the vote be taken upon any amendments; that amendments shall be put in before that time.

Mr. JONES of Arkansas. The Senator had better say "the final vote."

Mr. STEWART. Yes; that the final vote be taken at 5 o'clock on Wednesday.

Several SENATORS. Say 4 o'clock.

Mr. STEWART. I will say 4 o'clock on Wednesday. That will give time enough.

Mr. PEFFER. What does the Senator propose shall be discussed in the meantime?

Mr. STEWART. The discussion is to go on.

Mr. TELLER. With other business intervening.

Mr. PEFFER. What other business?

Mr. STEWART. Any other business that may come up.

Mr. HALE. If that is agreed upon, then we will go on with the appropriation bill and finish it.

Mr. STEWART. We will finish that up. Senators will have time enough to make speeches afterwards.

Mr. PRITCHARD. I yielded the floor with the understanding that there was to be no motion made which would take me from the floor. I prefer to make my speech now.

Mr. HALE. I do not know just what took place, but in matters of this kind where a measure is pending and the unfinished business is laid before the Senate ordinarily the Senator in charge of the bill which was pending has the floor. I supposed that I had the floor.

Mr. PRITCHARD. I will state to the Senator from Maine that I had the floor upon the adjournment of the Senate Saturday afternoon and gave notice that I would speak to-day.

Mr. HALE. Undoubtedly; but that does not give the Senator the floor until this order of business is disposed of.

The PRESIDING OFFICER. The Chair will submit to the Senate the request of the Senator from Nevada [Mr. STEWART] for unanimous consent, which does not involve the question suggested by the Senator from Maine or the Senator from North Carolina. It is that the final vote be taken upon the unfinished business which has been laid before the Senate, including all amendments of which notice has been given, at 4 o'clock on Wednesday evening.

Mr. PEFFER. Until we may know something further I shall interpose an objection.

The PRESIDING OFFICER. The Senator from Kansas objects.

Mr. HALE. Then I move that the Senate proceed to the consideration of the deficiency appropriation bill.

Mr. BUTLER. I suggest to the Senator from Maine that he ask for an hour to be fixed for taking the vote on the bond bill. I understand the Senator from North Carolina [Mr. PRITCHARD] would prefer to speak now, but it would be vastly better to have some hour fixed when we can vote on this measure. Will the Senator from Maine make a request for unanimous consent?

Mr. HALE. Then, in view of what the Senator from Nevada and the Senator from Kansas have said, I will make the same suggestion.

Mr. PRITCHARD. Mr. President——

Mr. HALE. If the Senator from North Carolina feels that it is more important than anything else that he shall go on with his speech now instead of an hour or two from this time, I do not feel that the appropriation bill——

Mr. PRITCHARD. I do not mean any such thing; but I do not want to lose my right to the floor.

Mr. HALE. Of course, if we come to an agreement for a vote, whenever the unfinished business comes up, which will be, if we do make an arrangement, within a few hours, the Senator from North Carolina [Mr. PRITCHARD] will have the floor.

Mr. PRITCHARD. I have no disposition whatever to block legislation.

Mr. HALE. I did not suppose the Senator had. The Senator does not lose his right to the floor. I will make the same suggestion heretofore made, incorporating with it what I understand will be agreed to, if that is agreed to, that at 4 o'clock on Wednesday a vote be taken on the unfinished business in charge of the Senator from North Carolina.

Mr. BUTLER. A final vote.

Mr. HALE. A final vote upon that measure and all amendments that have been offered or of which notice has been given. If that agreement is made, then I should expect the Senator from North Carolina to consent that the unfinished business be informally laid aside in order to finish the deficiency appropriation bill, the understanding being that his measure shall come up immediately after that is finished.

Mr. BUTLER. That includes all amendments of which notice has been given or which may be given.

Mr. HALE. That at 4 o'clock on Wednesday the Senate shall vote on all amendments that have been offered, or of which notice has been given.

Mr. BUTLER. Or which may be offered.

Mr. JONES of Arkansas. Or which may be pending at that time.

Mr. HALE. All amendments that may be pending. That includes all, of course. That gives ample time.

Mr. PALMER. It is impossible, in my judgment, that any unanimous consent can be obtained for the disposition of the measure under the control of the Senator from North Carolina. I think I ought to say emphatically that an agreement at this time is absolutely impossible. I object to it myself.

The PRESIDING OFFICER. The Senator from Illinois objects.

Mr. HALE. Then I will test the sense of the Senate on proceeding with the appropriation bill now. I will take no further time, but will call for the yeas and nays upon the motion. The Senate must settle it. I move that the Senate proceed to the consideration of the deficiency appropriation bill.

Mr. MORGAN. I wish to inquire whether the Senator from North Carolina [Mr. PRITCHARD] has the floor?

The PRESIDING OFFICER. The Chair will state to the Senate, in reply to the Senator from Alabama, that the unfinished business having been laid before the Senate, the Chair recognized the Senator from North Carolina [Mr. PRITCHARD] as entitled to the floor, as he obtained it at the close of the last day's session. Then the Senator from North Carolina yielded to the Senator from Maine, and of course the Senator from Maine is entitled to the floor in his right by reason of the yielding of the Senator from North Carolina.

Mr. HALE. I do not occupy the floor, and would not under the circumstances, except to make the motion and let the Senate settle it. That will be satisfactory to the Senator?

Mr. BUTLER. I rise to a point of order. I make the point of order that the Senator from North Carolina [Mr. PRITCHARD] did not yield for anything that would take him off the floor. I ask for the ruling of the Chair.

The PRESIDING OFFICER. The Chair will state that when a Senator is on the floor for a purpose and yields it must be decided by the judgment of the Senate as to that matter. It is impossible for the Chair to determine the extent of his yielding.

Mr. PRITCHARD. I distinctly stated to the Senator from Maine that I would not yield for a motion that would take me off the floor. I made up my mind that if the Senate should by unanimous consent fix a time for the vote I would yield for the present and let it go on and consider the appropriation bill, but inasmuch

as there is objection, I insist upon my right to the floor and that I am entitled to proceed.

Mr. BUTLER. My colleague would have yielded if a unanimous-consent agreement had been reached?

Mr. PRITCHARD. Yes, sir; if objection were not made to an agreement I would be perfectly willing to yield.

Mr. HALE. I will only say that I was entirely willing, without taking further time, that the Senate should settle the order of precedence, bearing in mind that taking up the appropriation bill will not seriously interfere with the bond bill. The appropriation bill is almost finished. There are only a few pages yet to be read. The bond bill will then come up. I should like to have the Senate settle whether it will go on with the appropriation bill, but I am not going to raise a question with any Senator here about his being unfairly treated by my taking the floor. I will not raise that question with either of the Senators from North Carolina, and if they prefer to go on under these circumstances, rather than to raise that question I will state here and now, in the presence of a very full Senate, that to-morrow morning after the routine morning business I shall move if I can get the floor, and I give notice to that effect, to take up the deficiency appropriation bill; and if it is not finished at 2 o'clock I shall then move that the Senate proceed further with its consideration and finish it; so the Senate will then be put face to face with the proposition whether for the remnant of finishing up an important appropriation bill it will vote it out for any other cause whatever. I shall ask the Senate then to do that, and I will make no further issue with either of the Senators from North Carolina.

Mr. PRITCHARD. I wish to be distinctly understood in this matter. I am now willing to yield, if there is no objection to the unanimous-consent agreement, in order that the appropriation bill may be taken up and concluded. But if there is to be objection, as there is, then I shall insist on my right to proceed with my speech.

Mr. CULLOM. I suppose as a matter of fact there would be no objection to allowing the Senator from North Carolina to speak immediately after the appropriation bill is concluded this afternoon.

Mr. PRITCHARD. I so understand.

Mr. CULLOM. I do not understand that the Senator objects to the consideration of the appropriation bill now, provided he may have the floor immediately after it is finished. Am I right in that supposition?

Mr. PRITCHARD. That is satisfactory to me; but I suggest that the Senator from Illinois [Mr. PALMER] objected to a unanimous-consent agreement.

Mr. CULLOM. The objection by my colleague was made to fixing an hour to vote upon the bond bill, not to laying it aside for the time being. [To Mr. HALE.] I think you had better ask whether that arrangement can not be made, and get the appropriation bill out of the way.

Mr. HALE. At the suggestion of the Senator from Illinois, I will ask that the unfinished business be temporarily laid aside for the purpose of proceeding with the consideration of the deficiency appropriation bill.

Mr. PRITCHARD. I shall ask leave to submit my remarks after that bill is concluded.

Mr. CULLOM. Immediately afterwards.

Mr. HALE. Undoubtedly.

The PRESIDING OFFICER. The Senator from Maine moves——

Mr. HALE. No; I do not make a motion. I do not want to displace the unfinished business.

The PRESIDING OFFICER. The Senator from Maine asks unanimous consent that the unfinished business be temporarily laid aside for the purpose of finishing the appropriation bill which has been before the Senate. Is there objection? The Chair hears none; and the appropriation bill will be proceeded with.

Mr. ELKINS. I wish to present a substitute for the bond bill, so as to have it before the Senate when the bill comes up. It is just five lines long.

Mr. HALE. Mr. President——

Mr. ELKINS. I merely want to put it before the Senate. Let it be read.

The PRESIDING OFFICER. If there is no objection, the amendment of the Senator from West Virginia will be stated.

The SECRETARY. It is proposed to strike out all after the enacting clause of the bill and insert:

That hereafter, in any sale or disposition of United States bonds, the same shall be first offered to the public for a period of not less than thirty days, under rules and regulations to be prescribed by the Secretary of the Treasury, and shall be sold to the highest bidder in case such bids, or any of them, are satisfactory.

The PRESIDING OFFICER. Does the Senator from West Virginia desire to have the amendment printed?

Mr. ELKINS. Yes; let it be printed.

The PRESIDING OFFICER. The amendment will be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 6994) relating to the sale of gas in the District of Columbia, agreed to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BABCOCK, Mr. ODELL, and Mr. RICHARDSON managers at the conference on the part of the House.

The message also announced that the House had passed the following bills:

A bill (S. 2499) to amend an act entitled "An act to incorporate the Washington and Great Falls Electric Railway Company"; and

A bill (S. 3011) for the relief of Nicolai Bros.

DEFICIENCY APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8293) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1896, and for prior years, and for other purposes.

The next amendment of the Committee on Appropriations was, at the top of page 100, to insert:

To pay Charles H. Evans for services in preparing statistics on imports and exports, as contained in Senate Report No. 259, Fifty-third Congress, second session, $1,500.

The amendment was agreed to.

The next amendment was, on page 100, after line 4, to insert:

To pay Mrs. Nannie Watkins, widow of Lieut. M. F. Watkins, deceased, who died while a lieutenant of the Capitol police, $600, being one-half of a year's salary.

The amendment was agreed to.

The next amendment was, on page 100, after line 8, to insert:

To pay Mrs. Mary C. Stone, widow of Charles Stone, who died while a member of the Capitol police, $550, being one-half of a year's salary.

The amendment was agreed to.

The next amendment was, on page 100, after line 11, to insert:

To pay Mrs. Hattie Newsom, widow of James Newsom, who died while a member of the Capitol police, $550, being one-half of a year's salary.

The amendment was agreed to.

The next amendment was, on page 100, after line 14, to insert:

To enable the Secretary of the Senate and the Clerk of the House of Representatives to pay to all officers and employees of the Senate and House of Representatives, including the Capitol police, who were employed on the 2d day of December, 1895, and who have ceased to be employed, a sum equal to one month's pay at the rate they were severally receiving on the 2d day of December, 1895, and a sufficient sum for this purpose is hereby appropriated.

The amendment was agreed to.

The next amendment was, on page 100, after line 24, under the head of "House of Representatives," to insert:

For compensation of Members of the House of Representatives and Delegates from Territories, on account of the fiscal years 1895 and 1896, $40,000.

The amendment was agreed to.

The next amendment was, on page 101, line 7, before the word "dollars," to strike out "three hundred and seventy-five" and insert "one thousand one hundred and twenty-five"; so as to make the clause read:

For postage stamps for the Clerk, $300; for the Postmaster, $50, and for the Doorkeeper, $25; in all, $1,125.

The amendment was agreed to.

The next amendment was, on page 101, line 15, to increase the appropriation for miscellaneous items and expenses of special and select committees from $10,000 to $13,500.

The amendment was agreed to.

Mr. COCKRELL. There are a number of Senate amendments relating to matters concerning the other House as to which I should like to have the Senator from Maine in charge of the bill make some explanation as to why the committee reported to place them in the bill.

Mr. HALE. I was just ready to say that the rule is always observed between the two Houses that the examination in reference to items touching the employment of the force of the two Houses and as to elections and contests and all that is attended to by each House, neither interfering with the other. In some cases it happens after a bill has passed the House of Representatives, and there has been no opportunity to examine certain matters, there are items which need to be put in the appropriation bills here touching House matters. The Senate Committee on Appropriations has always observed this rule, that it does not take jurisdiction or cognizance of such subjects, unless the proper committee deal with them in the House and request the Senate to insert the items; and there are items of that kind in this bill. In no other case have we interfered with the appropriations for the other House.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 101, after line 16, to insert:

To enable the Clerk, pursuant to the resolution of the House of Representatives adopted May 8, 1896, to pay to each Member and Delegate who is not

chairman of a committee entitled to an annual clerk, for clerk hire from the date of the adjournment of the present session of Congress to and including December 6, 1896, an amount not exceeding $100 per month, to be certified by him on the first day of each calendar month in the manner provided in the joint resolution approved March 3, 1893, $176,134.23, together with any unexpended balance, or so much thereof as may be necessary, of the appropriation made in the legislative, executive, and judicial appropriation act for the fiscal year 1896 to pay Members and Delegates the amount which they certify they have paid or agreed to pay for clerk hire necessarily employed by them in the discharge of their official and representative duties, which unexpended balance is hereby reappropriated and made available for expenditure under the said resolution of the House of Representatives adopted May 8, 1896.

The amendment was agreed to.

The next amendment was, to add to the items for allowance to contestants and contestees audited and recommended by the Committees on Elections of the House of Representatives for expenses incurred by them in contested-election cases, beginning in line 1, on page 105, the following:

To William H. Felton, $2,000;
To Finis E. Downing, $2,000;
To N. T. Hopkins, $2,000;
To W. R. McKenney, $2,000;
To Jacob Yost, $2,000;
To T. B. Johnston, $2,000;
To Robert Moorman, $2,000;
To J. Hampton Hoge, $1,350;
To J. H. Davis, $480.20;
To George B. McClellan, $500;
To John C. Tarsney, $2,000;
To Robert T. Van Horn, $2,000;
To Charles F. Buck, $2,000;
To William S. Booze, $2,000;
To Henry P. Cheatham, $2,000;
To Cyrus W. Thompson, $2,000;
To Alexis Benoit, $2,000;
To J. Murray Mitchell, $2,000;
To James A. Lockhart, $2,000;
To Charles H. Martin, $2,000;
To Fred A. Woodard, $2,000;
To Timothy J. Campbell, $2,000;
To H. Dudley Coleman, $2,000;
To J. G. Shaw, $2,000;
To C. J. Boatner, $1,962.75;
To R. T. Thorp, $2,000;
To W. C. Robinson, $2,000;
To James J. Walsh, $2,000;
To George W. Murray, $2,000;
To John A. Brown, $400.

The amendment was agreed to.

The next amendment was, on page 106, line 12, to increase the total appropriation for compensation of Members of the House of Representatives and Delegates from Territories from $50,162.87 to $104,861.82.

The amendment was agreed to.

The next amendment was, on page 109, after line 12, to insert:

To pay Harris A. Walters the difference between the pay of a folder and that of a messenger, at the rate of $3.60 per day, from the 10th of December, 1895, to the 30th day of June, 1896, inclusive, $332.52.

The amendment was agreed to.

The next amendment was, on page 109, after line 18, to insert:

To pay Henry H. Moler for extra services as assistant clerk to the House Committees on Invalid Pensions and on Pensions, $500.

The amendment was agreed to.

The next amendment was, on page 109, after line 21, to insert:

To pay C. M. Beach the difference between his salary and $720 per annum from February 20 to June 30, 1896, inclusive, under resolution of the House, $116.04.

The amendment was agreed to.

The next amendment was, on page 110, after line 3, to insert:

To pay W. P. Scott the difference between his salary and $1,000 per annum from April 1, 1896, to June 30, 1897, inclusive, under resolution of the House, $360.

The amendment was agreed to.

The next amendment was, on page 110, after line 7, to insert:

To pay to William C. Crawley the difference between his pay as a messenger and that of assistant postmaster of the House, from March 24 until December 2, 1895, $554.70.

The amendment was agreed to.

The next amendment was, under the head of "Judgments, United States courts," on page 110, line 20, after the word "forty-nine," to insert "and Senate Document No. ——"; and in line 22, after the word "appealed," to strike out "one thousand five hundred and seventy-two dollars and fifty-one" and insert "two thousand and seventy-nine dollars and eighty-eight"; so as to make the clause read:

For payment of the final judgments and decrees, including costs of suit, which have been rendered under the provisions of the act of March 3, 1887, entitled "An act to provide for the bringing of suits against the Government of the United States," certified to Congress at its present session by the Attorney-General in House Document No. 349, and Senate Document No. ——, and which have not been appealed, $2,079.88, together with such additional sum as may be necessary to pay interest on the respective judgments at the rate of 4 per cent per annum from the date thereof until the time this appropriation is made: *Provided*, That none of the judgments herein provided for shall be paid until the right of appeal shall have expired.

Mr. HALE. I move to fill the blank in the amendment which has just been stated, in line 21, by inserting as the number of the document referred to "279"; and in line 23, before the word "thousand," to strike out "two" and insert "three"; so as to make the amount "$3,079.88."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 111, line 7, after the word "in," to insert "House"; and in line 8, after the word "forty-four," to strike out "one hundred and forty-three thousand six hundred and forty-seven dollars and fifty-eight" and insert "except judgment No. 18783, in favor of the Mobile and Ohio Railroad Company for $21,696.68, withdrawn by request of the Attorney-General, and in Senate Document No. ——, $1,137,082.54"; so as to make the clause read:

For payment of the judgments rendered by the Court of Claims, reported to Congress at its present session in House Document No. 344, except judgment No. 18783, in favor of the Mobile and Ohio Railroad Company for $21,696.68, withdrawn by request of the Attorney-General, and in Senate Document No. ——, $1,137,082.54: *Provided*, That none of the judgments herein provided for shall be paid until the right of appeal shall have expired.

Mr. COCKRELL. I move to fill the blank in line 15 of the amendment by inserting as the number of the document "277."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the head of "Judgments in Indian depredation claims," on page 111, line 24, after the word "Senate," to strike out "document" and insert "documents"; in line 25, after the word "fifty," to insert "and," and on page 112, line 3, before the word "cents," to strike out "forty thousand five hundred and twenty-eight dollars and six" and insert "forty-nine thousand six hundred and eighty-seven dollars and eighty-six"; so as to make the clause read:

For payment of judgments rendered by the Court of Claims in Indian depredation cases, certified to Congress at its present session in Senate Documents Nos. 50 and — and House Document No. 348 of this session, $49,687.86, after the deductions required to be made under the provisions of section 6 of the act approved March 3, 1891, entitled "An act to provide for the adjustment and payment of claims arising from Indian depredations," shall have been ascertained and duly certified by the Secretary of the Interior to the Secretary of the Treasury, which certification shall be made as soon as practicable after the passage of this act, and such deductions shall be made according to the discretion of the Secretary of the Interior, having due regard to the educational and other necessary requirements of the tribe or tribes affected; and the amounts paid shall be reimbursed to the United States at such times and in such proportions as the Secretary of the Interior may decide to be for the interests of the Indian service.

Mr. HALE. I move to fill the blank after the word "and," where it occurs the first time, in line 25, by inserting "275" as the number of the document.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 113, line 14, section 2, after the word "and," to strike out "ninety-two" and insert "ninety-three"; so as to make the clause read:

SEC. 2. That for the payment of the following claims certified to be due by the several accounting officers of the Treasury Department under appropriations the balances of which have been exhausted or carried to the surplus fund under the provisions of section 5 of the act of June 20, 1874, and under appropriations heretofore treated as permanent, being for the service of the fiscal year 1893, and prior years, unless otherwise stated, and which have been certified to Congress under section 2 of the act of July 7, 1884, as fully set forth in House Document No. 322, Fifty-fourth Congress, first session, there is appropriated as follows, etc.

The amendment was agreed to.

The next amendment was, on page 125, after line 4, to insert as a new section the following:

SEC. 3. That for the payment of the following claims certified to be due by the several accounting officers of the Treasury Department under appropriations the balances of which have been exhausted or carried to the surplus fund under the provisions of section 5 of the act of June 20, 1874, and under appropriations heretofore treated as permanent, being for the service of the fiscal year 1893 and prior years, unless otherwise stated, and which have been certified to Congress under section 2 of the act of July 7th, 1884, as fully set forth in Senate Document No. ——, Fifty-fourth Congress, first session, there is appropriated as follows:

CLAIMS ALLOWED BY THE AUDITOR FOR THE TREASURY DEPARTMENT.

For enforcement of the Chinese exclusion act, $636.35.
For Life-Saving Service, $401.61.
Internal revenue: For salaries and expenses of collectors of internal revenue, $325.56.
For salaries and expenses of agents and subordinate officers of internal revenue, $311.
For refunding taxes illegally collected, $4,963.90.

CLAIMS ALLOWED BY THE AUDITOR FOR THE WAR DEPARTMENT.

For pay, etc., of the Army, $982.59.
For pay of two and three year volunteers, $2,479.90.
For bounty to volunteers, their widows and legal heirs, $6,532.51.
For bounty under act of July 28, 1866, $616.60.
For subsistence of the Army, $313.72.
For incidental expenses, Quartermaster's Department, $28.70.
For transportation of the Army and its supplies, $5,493.32.
For barracks and quarters, $122.22.
For Medical and Hospital Department, $48.90.
For Signal Service of the Army, $192.36.
For military telegraph lines, 15 cents.
For horses and other property lost in the military service, $474.85.
For pay of volunteers, Mexican war, $28.90.

For pay, transportation, services, and supplies of Oregon and Washington volunteers in 1855 and 1856, $173.26.

CLAIMS ALLOWED BY THE AUDITOR FOR THE NAVY DEPARTMENT.

For pay of the Navy, $7,607.69.
For pay, miscellaneous, $52.33.
For mileage, Navy, Graham decision, $5,546.94.
For pay, Marine Corps, $11.40.
For transportation, recruiting, and contingent, Bureau of Navigation, $4.46.
For contingent, Bureau of Ordnance, $84.70.
For equipment of vessels, Bureau of Equipment, $1,346.24.
For contingent, Bureau of Equipment, $179.77.
For maintenance, Bureau of Yards and Docks, 21 cents.
For contingent, Bureau of Supplies and Accounts, $880.13.
For construction and repair, Bureau of Construction and Repair, $46.16.
For steam machinery, Bureau of Steam Engineering, 35 cents.
For six first-class frigates, $2.65.
For destruction of clothing and bedding for sanitary reasons, $43.
For enlistment bounties to seamen, $566.68.
For extra pay to officers and men who served on the Pacific coast, act of March 3, 1855, $279.45.

CLAIMS ALLOWED BY THE AUDITOR FOR THE INTERIOR DEPARTMENT.

For repayment to receivers of public moneys for excess of deposits, 20 cents.
For surveying the public lands, $12,586.23.
For telegraphing and purchase of Indian supplies, $3,191.01.
For transportation of Indian supplies, $324.88.
For incidentals in South Dakota, $8.50.
For army pensions, $36.
For fees of examining surgeons, navy pensions, $4.

CLAIMS ALLOWED BY THE AUDITOR FOR THE STATE AND OTHER DEPARTMENTS.

DEPARTMENT OF STATE.

For salaries, secretaries of legations, $10.30.
For contingent expenses, United States consulates, $79.74.
For pay of consular officers for services to American vessels and seamen, $12.50.

DEPARTMENT OF AGRICULTURE.

For contingent expenses, Department of Agriculture, $691.23.
For general expenses, Weather Bureau, $118.37.

DEPARTMENT OF JUSTICE.

For salaries, district marshals, $9.34.
For fees and expenses of marshals, United States courts, $4,131.50.
For pay of special assistant attorneys, United States courts, $1,886.39.
For fees of commissioners, United States courts, $1,355.05.
For fees of witnesses, United States courts, $56.75.

CLAIMS ALLOWED BY THE AUDITOR FOR THE POST-OFFICE DEPARTMENT.

For advertising, $71.24.
For mail depredation and post-office inspectors, $26.
For star transportation, $34.76.
For railroad transportation, $64.73.
For railway postal clerks, $27.30.
For clerk hire, $225.
For rent, light, and fuel, $61.
For compensation of postmasters, $254.91.

Mr. HALE. I move to amend the amendment in line 16, on page 125, by filling the blank with "274" as the number of the document there referred to.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was concluded.

Mr. HALE. As the reading of the bill has been concluded, I now ask to go back to an unimportant amendment on page 101. I ask that the amendment of the committee in line 6, on that page, be reconsidered and disagreed to.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 101, line 6, after the word "all," strike out "three hundred and seventy-five," and insert "one thousand one hundred and twenty-five"; so as to make the clause read:

For postage stamps for the Clerk, $300; for the postmaster, $50, and for the doorkeeper $25; in all, $1,125.

The PRESIDING OFFICER. The vote by which this amendment was agreed to will be reconsidered in the absence of objection. The question recurs on agreeing to the amendment.

The amendment was rejected.

Mr. HALE. On the same page, line 10, I offer, as a committee amendment, to strike out "three hundred and seventy-five" and insert "one thousand one hundred and twenty-five."

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 101, line 10, after the date "1896," it is proposed to strike out "three hundred and seventy-five" and insert "one thousand one hundred and twenty-five"; so as to make the clause read:

For fiscal year 1896, $1,125.

The amendment was agreed to.

Mr. HALE. I have an amendment which has been sent over from the other House by the Committee on Appropriations. I move to insert it on page 101, after line 3.

The amendment was read and agreed to, as follows:

For assistant stenographer to committees during the fiscal year 1897, to be appointed by the Speaker, $1,200.

Mr. HALE. On page 99, line 21, I move to strike out the word "six," so as to read, "Hammett S. Delaplane, $60."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. HALE. On page 98, after line 21, I move to insert what I send to the desk.

The amendment was read and agreed to, as follows:

To reimburse the clerk of the Senate Committee on Pensions for money actually paid out by him during the first, second, and third sessions of the Fifty-third Congress and the first session of the Fifty-fourth Congress for stenographer and clerk hire, twenty-two months, $770.

Mr. HALE. On page 82, after line 17, I move to insert:

For miscellaneous expenses, including telegraphing, fuel, light, foreign postage, labor, repair of building, care of grounds, and other necessaries, $1,100.

The amendment was agreed to.

Mr. HALE. On page 58, line 15, I move to change the total from $19,080.16 to $19,338.28.

The amendment was agreed to.

Mr. HALE. On page 11, beginning with line 12, there is an amendment which was reserved at the request of the Senator from Idaho [Mr. DUBOIS].

Mr. DUBOIS. I desire to offer an amendment to the amendment.

The SECRETARY. It is proposed to strike out, in line 18, page 11, the words "ports of entry which he may designate" and insert:

El Paso, Tex.; Northport, Wash., and Bonners Ferry, Idaho, and at such other ports as, in the judgment of the Secretary of the Treasury, the interests of the revenue demand.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. HALE. On page 6, line 15, after the word "That," I move to insert the word "from," and in the same line, after the word "sales," I move to insert the word "of"; so as to read:

That from the proceeds of sales of old material, etc.

The amendment was agreed to.

Mr. HALE. Now let us go to page 21. The amendment there was reserved because it is necessary that several corrections should be made.

Mr. HARRIS. There are various amendments which are simply corrections of names to which I will call the attention of the Senate.

In the provision for "Ford's Theater disaster payments," on page 23, line 15, where occurs the name "George G. Garnett," I move to strike out "G" and insert "R," so as to read "George R. Garnett"; in line 19, I move to strike out the initial "A" in the name "James A. Howard" and insert "H," so as to read "James H. Howard"; in line 20, "Samuel U. Hilton," I move to strike out "U" and insert "N," so as to read "Samuel N. Hilton"; in line 25, in the name "Ferman Housel," I move to strike out "e" and insert "i," so as to read "Firman Housel"; in line 4, page 23, "William B. King," I move to strike out "B" and insert "R," so as to read "William R. King"; in line 6, "Frank F. Linden," I move to strike out the name "Frank" and insert "James," so as to read "James F. Linden"; in line 10, "Daniel P. McCormack," I move to strike out the "m" in the name "McCormack" and insert "n," so as to read "Daniel P. McCornack"; in line 16, "George N. McLaughlin," I move to strike out the letter "a" after the capital "L" and insert "o," so as to read "George N. McLoughlin"; and in line 22, "Charles R. Owen," I move to strike out "Charles" and insert "Chambers," so as to read "Chambers R. Owen."

The amendments to the amendment were agreed to.

Mr. HARRIS. In line 19, page 24, there appears an appropriation for the relief of Francis W. Test, $2,500. On the 11th of this month Francis W. Test died. I hold in my hand the affidavit of four physicians who made a post-mortem examination, and they attest the fact that his death was the result of the Ford's Theater disaster. In view of that fact I move to strike out "$2,500" and insert "$5,000," the amount allowed in every death case which has resulted from that disaster, and to make the appropriation payable to Julia E. Test, widow of Francis W. Test.

The SECRETARY. After the word "dollars," in line 19, page 24, it is proposed to insert "Julia E. Test, widow of"; and after the name "Test" to strike out "two thousand five hundred" and insert "five thousand"; so as to read:

Julia E. Test, widow of Francis W. Test, $5,000.

The amendment to the amendment was agreed to.

Mr. HARRIS. I return to page 21. In line 16 I move to strike out the word "three" and insert "four." The word "three" refers to three death cases reported in the bill, and the amendment which has just been adopted makes it four.

The SECRETARY. In line 16, page 21, it is proposed to strike out "three" and insert "four"; so as to read:

To provide for the payment of employees of the Government for injuries received and losses sustained, and for four death cases at the Ford's Theater disaster, etc.

The amendment to the amendment was agreed to.

Mr. HARRIS. In line 19, page 21, I move to strike out the word "fifty-nine" and insert the word "sixty-two," and after the word "thousand" to strike out "eight" and insert "three."

The SECRETARY. In line 19, page 21, it is proposed to strike out "fifty-nine" and insert in lieu thereof "sixty-two"; and after the word "thousand," in the same line, to strike out "eight" and insert "three"; so as to read "$162,300."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. HARRIS. On this Commission there are two members who have continued to serve on the Commission since their terms as members of the House of Representatives expired. The Commission directs me to offer the amendment which I send to the desk in respect to those two cases.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 26, after line 5, it is proposed to insert:

For compensation to E. V. Brookshire as a member of the Ford Theater Commission for twenty-one days subsequent to the expiration of his term in the House of Representatives, at $10 per day, $210.

For compensation to J. P. Pigott as a member of the Ford Theater Commission for nine days subsequent to the expiration of his term in the House of Representatives, at $10 per day, $90.

The amendment was agreed to.

Mr. GORMAN. I offer an amendment to be inserted on page 98, after line 21.

The amendment was read and agreed to, as follows:

To pay Francis M. Cox for work and expenses incurred in preparing for the printer and supervising the publication of the proceedings in Congress upon the acceptance of the statues of John Stark and Daniel Webster, under the direction of the Committee on Printing, as provided by resolution of the Senate adopted December 22, 1894, $100.

Mr. HALE. I have an amendment which comes from the naval appropriation bill and was dropped out there, being a deficiency. I move to insert it on page 55, after line 24.

The SECRETARY. After line 24, on page 55, it is proposed to insert:

Naval station, Key West, Fla.: For additional amount for coaling shed, $4,000. And the appropriation of $10,000 for this object made by the naval appropriation act for the fiscal year 1895 is hereby continued available for the same purpose.

The amendment was agreed to.

Mr. VILAS. I desire to offer an amendment to be inserted on page 111, after line 4. I wish to state that the foundation for it is seen in Senate Document 249 of this session. I think there is no objection to the amendment.

The SECRETARY. After line 4, on page 111, it is proposed to insert:

For payment of the judgment rendered by the United States circuit court for the eastern district of Wisconsin in favor of James Lucy against the United States, $400.

The amendment was agreed to.

Mr. KYLE. After line 19, on page 113, I move to insert the amendment which I send to the desk.

The SECRETARY. On page 113, after line 19, it is proposed to insert:

That the Secretary of the Treasury is directed to pay to the Sisseton and Wahpeton Indians of South Dakota all interest money due them up to July 1, 1895, and that thereafter all interest money as it shall accrue shall be paid on the 1st day of November annually.

Mr. PLATT. That is not the right place for the amendment.

Mr. HALE. This opens such a wide field, that I shall have to make the point of order against the amendment that it is not estimated for.

Mr. KYLE. It involves no appropriation at all. I believe the interest money is made payable to the Indians by act of Congress or by the President. They are badly in need of money, owing to putting in their spring crops. Many of them are very badly off, not having food and clothing. A certain amount of money is due them, according to the statement sent to us by the Secretary of the Interior. It is subject to our order, and it should be paid.

Mr. HALE. The trouble is that the Senate knows nothing about this matter. The Committee on Indian Affairs ought to have considered it, passed upon it, and reported it.

Mr. PETTIGREW. Those Indians made a treaty with the United States in 1889 by which they sold a large quantity of land, and the money was to be deposited in the Treasury and 5 per cent paid to them upon the order of Congress. No money has been paid to them for over a year. They are in a destitute condition. The money is due them. It requires no appropriation, but it needs an order of Congress in order to pay it out. So the amendment is entirely proper, and it ought to be inserted somewhere, so that the Indians can get the money. They are living now upon credit, which will soon be exhausted, and many of them will suffer.

Mr. KYLE. I have a number of letters from merchants in that region who are carrying these Indians and trusting them to-day.

The PRESIDING OFFICER. Does the Senator from Maine insist upon his point of order in view of the remarks of the Senators from South Dakota?

Mr. HALE. Let the amendment be read again, so as to see if it carries any appropriation.

Mr. PETTIGREW. It does not.

The Secretary again read the amendment.

Mr. HALE. I shall not object. I withdraw the point of order. The amendment should be put in where Indian matters occur. Let it come in on page 74, at the end of line 19.

Mr. KYLE. Very well.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from South Dakota [Mr. KYLE].

The amendment was agreed to.

Mr. PRITCHARD. On page 27, after line 8, I offer the amendment which I send to the desk.

The SECRETARY. On page 27, after line 8, it is proposed to insert:

For the purpose of purchasing or erecting a building to be used by the society known as the Washington Institute, $7,000. Said institution is nonsectarian in character and is to be conducted for the education, industrial and domestic training of colored men and women.

Mr. HALE. Is the amendment reported by any standing committee?

Mr. PRITCHARD. I will say to the Senator from Maine that the amendment was referred to the Committee on the District of Columbia the other day, but we have not had a meeting since that time to consider the question one way or the other. I will state, however, that several members of the committee are favorably disposed to it.

Mr. HALE. I must ask that the committee examine into the matter.

The PRESIDING OFFICER. The point of order is well taken.

Mr. PUGH. On page 23, line 23, before the word "five," I move to insert "twenty." I support that amendment by the report of the pension examining board, which I send to the Secretary to be read.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. After the name "Pennington," in line 22, page 23, it is proposed to insert the word "twenty"; so as read:

Polk K. Pennington, $2,500.

Mr. HALE. Is the amendment reported by the Commission?

Mr. PUGH. No, sir.

Mr. HARRIS. Will the Senator yield to me for a moment?

Mr. HALE. The Senator from Tennessee [Mr. HARRIS] knows about this matter.

Mr. HARRIS. The Ford Theater Commission called every claimant before it and examined him personally as to the character, extent, and probable duration of his injury. In addition to that examination we examined many witnesses, two or three or four, as the claimant chose to bring before the Commission, to state what they knew of the claimant's condition at the time of and subsequent to the Ford Theater disaster. Immediately after the raising of the select committee, which was the beginning of this investigation, I addressed notes to the Secretary of War and the Secretary of the Navy and the Secretary of the Treasury, asking each Secretary to detail an officer from the medical staff of those three Departments to constitute an examining medical board. When the Commission had developed all the facts that laymen would probably thoroughly comprehend and understand, we administered an oath to the attending physician of each claimant as a witness and sent the claimant and his attending physician before the medical board—the claimant for physical examination, if the board chose to subject him to physical examination, and the attending physician for examination by the medical board as a witness.

Now, each and every one of the cases reported by the Commission has passed that ordeal; and while the Commission was perhaps not unanimous in respect to any single allowance that appears in the report, differing in opinion as eight or ten gentlemen naturally would upon such a subject, the report is the result of a majority vote of the Commission. That we have not done full and exact justice in every case I am free to grant; but if we undertake to reopen and in the hurry of a session of the Senate to reexamine upon ex parte statement any one of these cases, and I believe there are one hundred and ten or one hundred and fifteen of them, I think we will have a job on our hands which will take us until about the 4th of July to get over this particular point in the bill.

The Commission had various applications to reopen cases after we had reported the measure for the relief of these persons, and, as a member of the Commission, I voted against reopening any case. I shall vote here against reopening or changing the report of the Commission in respect to any single item in the bill.

Mr. PUGH. Mr. President, I have no doubt the Commission devoted all the time and attention to the matter mentioned by the Senator from Tennessee [Mr. HARRIS]. I have no doubt they gave the most thorough and patient examination to each case, and made just such an allowance as they decided upon the facts before them was right and proper. I am aware of the difficulty in undertaking to make any change in the allowance made in any case that has been determined by the committee under the circumstances

mentioned by the Senator from Tennessee. But he admits that there may have been errors and mistakes in some cases, and I think I can show that in the case of Mr. Pennington there has been an allowance which, if not increased, would amount to a very great injustice to that sufferer.

Mr. HARRIS. If the Senator from Alabama will allow me, he states my language a little too strongly when he says I admit there have been mistakes. I made no such admission; but I say that such a thing is possible. That is the statement I made.

Mr. PUGH. The Senator said there may be mistakes. If I am unable to show upon the facts in this case that the Commission made a mistake I expect their allowance to remain as reported. Here is the statement in the report of the Commission upon which this estimate of $500 was made. On page 21 of the report I find the following:

POLK K. PENNINGTON.—Age 31; wife and one child; returned to work September 30; clerk class 1.

Claim.—Doctor's bill, drugs, clothing, etc., $136.

Claim.—Right leg broken; nose broken and cut; wound back of left ear; severe blow in small of back; many smaller bruises and cuts. February, 1894: Nose is permanently disfigured and scarred; partial deafness of injured ear; trouble in back; leg weak; confined to bed five or six weeks. June, 1895: Have been to work regularly ever since; health is good; leg troubles me some yet; back worries me most.

Medical board find no indication of fracture of leg.

Dr. GEORGE B. FADELY. Attended him nine days after accident; had a broken nose and a good many wounds over his body; in one the flesh had been chipped off; complained of his back, but I could not find anything there; on the 1st of September he was in fair condition; wounds all healed; reduced in flesh; seemed to be suffering from shock; he had good union of both the tibia and the nose; did not say anything to me about ear.

Medical board find no permanent disability.

Now, take that description of the amount of suffering of Mr. Pennington, that caused him to be confined to his bed five or six weeks, under medical treatment nine days. One hundred and thirty-six dollars of the $500 goes out of it for doctors' bills, drugs, clothing, etc., leaving him about $360. With nose permanently disfigured, leg disabled, back disabled, lying in his bed suffering from these injuries five or six weeks, with his whole nervous system shocked through that perilous trial, he is allowed $360. He is a young man, in the prime of life, with a wife and child. The statement made by the Commission, it seems to me, is conclusive that this allowance is wholly inadequate.

I desire to have read the examination of the board of pension examiners, a board made up of three physicians whose examination was made of these sufferers in several instances after the examination of the medical board which the Senator says was appointed by the Secretary of the Interior. After their examination and report the sufferers were examined by these same physicians, who made reports upon which the allowance was increased in several cases by the Commission. I ask the Secretary to read what these doctors say, under oath, is his present condition.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary proceeded to read the paper.

Mr. HALE. Will not the Senator consent that the paper be inserted in the RECORD without further reading?

Mr. PUGH. I just wish the Senate to understand that these three physicians, after examining this sufferer, pronounced his physical capacity to make a living as diminished one-half. They swore, on a thorough examination of his preseht condition, his capacity to make a living for himself and his family is diminished one-half.

Mr. HALE. Let it be printed in the RECORD.

The paper is as follows:

606 F STREET NORTHWEST, *Washington, D. C., May 13, 1896.*

Examination of Polk K. Pennington for injuries received in wreck of Ford's Theater building, this city, June 9, 1893.

History (as given by claimant).—Was on second floor of building; was carried through that floor and floors beneath to basement; was carried first to Emergency Hospital and thence home, where he was confined to bed for about ten weeks, and was on crutches for about two additional weeks. Injuries consisted of scalp wounds, compound fracture of nose, injury to small of back, and fracture of right leg.

Small of back and right leg are now weak, and small of back and right hip are painful after exertion. Is nervous and easily startled.

Present condition.—We find as follows:

Pulse rate, sitting, 72; standing, 78.

Respiration, 18 per minute.

Temperature, normal.

Weight, 120 pounds, stripped.

Height, 5 feet 11 inches.

Apparent age, 32 years.

Injury to back.—Deep pressure over lumbar region is moderately sensitive. The muscular strength of small of back is moderately diminished. Sensibility of both lower extremities is impaired to considerable degree, and the patella reflex of either side is diminished. No rectal or vesical symptoms.

Fracture of right leg.—Over anterior aspect of middle third of leg is a movable cicatrix one-half by two and one-half inches, beneath which there is moderate thickening of the tibia. There appears to have been a compound fracture of the tibia, which has, to a slight extent, weakened the limb. We do not doubt that the limb is weak, as alleged, after prolonged exertion.

Injury to nose.—Extending downward from one-half inch below mid point of forehead over nose is an irregular, moderately sensitive cicatrix 2½ inches long, terminating about the inferior border of right nasal bone. There was evidently a compound fracture of nasal bones, which has resulted in considerable deformity of nose. The capacity of the right nostril is perceptibly diminished, and the character of the voice is nasal.

Scalp injuries.—(*a*) Over right half of frontal bone, just in front of coronal suture, is a cicatrix, movable and painless, about 1 inch long.

(*b*) In position on left side, corresponding very nearly to (*a*) is a similar cicatrix three-fourths of an inch long.

(*c*) In roots of hair, immediately above posterior aspect of neck, left side, is an adherent cicatrix about three-fourths by three-fourths of an inch. No depressions of bone.

Claimant is nervous and very easily startled. He is neurasthenic to moderate degree. State of nutrition is poor. He is incapacitated, say, one-half for performance of manual labor, in addition to disfigurement of nose noted and mental anxiety which his nervous condition of necessity excites.

STERLING RUFFIN, M. D.
A. BALL, M. D.
C. V. BOARMAN, M. D.

Sworn to and subscribed before me this 13th day of May, A. D. 1896.
[SEAL.] BERTHA L. DANA,
Notary Public.

Mr. GEORGE. I wish to ask the Senator from Alabama a question. What is the date of that examination? How long was it made after the injury?

Mr. PUGH. It was made the other day.

Mr. FAULKNER. Three years afterwards.

Mr. GEORGE. Three years after the injury?

Mr. PUGH. Yes; and it shows that the disability is permanent; it has not disappeared by time. This is the same board that examined many cases where allowances have been made by the Commission, and in several cases, which you will find in the report of the Commission, they have upset the report of the board of medical examiners appointed by the Secretary of the Interior and on an examination by this same board and on this same evidence they have increased the allowances. It seems to me that the Commission itself will see that in this case there has been an insufficient allowance.

Mr. GEORGE. My object in making the inquiry was because the report which was partially read speaks of the present condition of the parties, and I wanted to know how long that was after the injury and whether the injury inflicted was likely to continue.

Mr. PUGH. The Secretary can state the date of the examination, or the Senator from Mississippi can examine it.

The SECRETARY. May 13, 1896.

Mr. GEORGE. When did the accident occur?

Mr. FAULKNER. The 9th of June, 1893.

Mr. GEORGE. Then three years had elapsed?

Mr. FAULKNER. I think before the Senate proceeds to reverse the action of the Commission, Senators should understand thoroughly how very careful the Commission, was in the examination of these parties. In the first place, as stated by the Senator from Tennessee, the evidence was examined as to all of the parties injured by the entire Commission. They had the parties before them. The parties had their witnesses before them, and they had their attending physicians before them. After that examination was completed the parties were then sent before a medical board of three surgeons appointed by the Secretary of War, the Secretary of the Navy, and the Secretary of the Treasury; also, the evidence of the attending physicians and all the statements before the medical board were taken down in shorthand. The medical board then proceeded to examine the physical condition of the parties and all the claims as to physical disability originating from this cause in the light of the evidence furnished by the surgeon in charge of the case. They made their report in writing to the Commission. Then the Commission appointed a subcommittee to analyze all of the evidence and condense it in the form shown in the report. Not satisfied with that, the Commission were then convened, and each individual case was taken up and the evidence in the case read to the entire Commission; and after that was done the Commission as a whole voted upon the amount that should be allowed.

Now, Mr. President, I will give an illustration that will show conclusively that you can not rely upon these ex parte statements. A gentleman came to me the other day after the report of the Commission had been made and said: "You all have done great injustice in my case." "Why," said he, "my medical bills were $400 and I have received by your allowance only $200. I am permanently disabled physically by that accident." I said: "Sir, if that is true the Commission have made a mistake and I will see it remedied and rectified; but," said I, "I should like first to examine the evidence of the Commission." I examined the evidence and there was a sworn statement by the man himself in his application to the Commission that the entire cost of his medical bill for surgery and medicine was $13.50; and there was the testimony of his own physician, who had attended him prior and subsequent to the accident, to the effect that this person was suffering from a constitutional disease and that that is the difficulty under which he is laboring at the present time. In addition to that was the testimony of the medical board that there was no injury whatever resulting to him by reason of the accident, but that it was the result of a constitutional affliction which he had prior to the accident, and the allowance was very liberal.

The statement made by this claimant, as certified by the physicians, is that he was confined to his bed for ten weeks.

Mr. PUGH. No.

Mr. FAULKNER. Yes; that is in the certificate of the physicians you have filed here, and yet the testimony before the Commission was that he was confined to his bed not longer than five or six weeks, and that was the evidence not only of himself, but the evidence of the physician who attended him at that time, showing that you can not rely upon the ex parte statements of these parties. Although there might be, perhaps, some discrepancies in the adjudications of the Commission, taking and analyzing the evidence in each particular case, I am satisfied that as a whole it is a fair adjudication of the claims of the parties.

Now, let me call the attention of the Senate to another fact. We passed a law in the last Congress by which we provided that there should be no deduction in the salaries of any of the parties during the time they were kept from earning a livelihood by reason of the disaster. Consequently all of these men, no matter how long they have been kept from the performance of their clerical service to the Government, have been paid in full as though they were at their desks every day during that time. Here is the evidence of his own physician:

DR. GEORGE B. FADELY. Attended him nine days after accident; had a broken nose and a good many wounds over his body; in one the flesh had been chipped off; complained of his back, but I could not find anything there; on the 1st of September he was in fair condition; wounds all healed; reduced in flesh; seemed to be suffering from shock; he had good union of both the tibia and the nose; did not say anything to me about ear.

It was stated before the Commission that there was some trouble there about his hearing, and yet his own physician states that during his entire examination of his case while he had it under his control there was no allusion whatever made to the condition of his ear or as to its being affected in any way.

Mr. GEORGE. Will the Senator from West Virginia allow me to ask him if this man is still in the employ of the Government?

Mr. PUGH. Certainly he is.

Mr. FAULKNER. Yes, sir; he is still in the employment of the Government, as shown by the report, and drawing a salary as a first-class clerk. His salary has not been reduced by reason of any disability resulting from this accident. In two or three cases there has been a reduction by reason of the inefficiency of the parties subsequent to the accident, but in this case, although a first-class clerk, he is still, under the rules of the Department, because of his efficiency retaining that position.

Mr. PLATT. There have been cases where the clerk has been obliged to surrender his position by reason of disability from this cause.

Mr. FAULKNER. Oh, yes; there are cases, of course, in which clerks have been required by reason of their disability to resign their positions, but that does not apply to this case. This gentleman is receiving a salary as a first-class clerk. Under these circumstances I hope the report of the Commission will not be amended.

Mr. PUGH. Mr. President, a word further. The report of the Commission as a whole I have no doubt is just and fair and as good as could have been made under the circumstances, but each individual sufferer was entitled to have justice done him. It is not a case of average correctness in the allowance. It is not a case where as a whole the report of the Commission is correct. Each one of the sufferers as an individual had a right to have his case examined and allowance made upon a full knowledge of all the facts relating to his condition. I undertake to say that in the case of Mr. Pennington the Commission were not in possession of all the facts upon which to make a just and proper estimate on account of his suffering and disability caused by the disaster. It seems to me that the report of the Commission itself shows on its face that it was a very low estimate to make of the amount that they say he ought to have upon the facts that they report themselves as having been shown to exist in his case.

Doctor's bill, $136.

One hundred and thirty-six dollars for medical attention in his case when his sufferings entitle him to only $360!

Right leg broken—

Who would have his right leg broken and lie in bed with it five or six weeks for $360?—

nose broken and cut; wound back of left ear; severe blow in small of back; many smaller bruises and cuts. February, 1894: Nose is permanently disfigured and scarred.

What young man 31 or 32 years old, or of any age, would like to have his nose broken and permanently disfigured for a dollar and a half? I suppose that is about the estimate made of it when you strike the average to get at the amount of $360.

Mr. GEORGE. I desire to ask the Senator a question if he will allow me. What is the condition of the man's nose three years after the accident?

Mr. PUGH. It is permanently disfigured, these doctors say, and they examined him on the 13th of the present month.

Mr. FAULKNER. I did not understand that to be the case from the report. I understand that he is in perfect condition, that it has knit perfectly, and there is no disfigurement whatever.

Mr. PUGH. I should like to make profert of him here in order to settle that fact, and let the Senate see whether his nose is broken and permanently disfigured or not.

Mr. BATE. Can not we have that part of the report read?

Mr. PUGH. That part of the report can be read again.

Mr. HALE. I hope Senators will not call for the reading of that again.

Mr. PUGH. I do not call for the reading, but the Senator from Mississippi [Mr. GEORGE] wanted to know if Mr. Pennington's nose showed that it was permanently disfigured.

Mr. HALE. That has already been brought out in the report.

Mr. PUGH. But the Senator from West Virginia disputes that.

Mr. BATE. There seems to be a difference between the Senators as to the facts in the case, and so I think that the portion of the report referring to this case had better be read. It is but a short sentence.

Mr. HALE. I hope we shall have this little matter brought to a head as soon as possible.

Mr. PUGH. This man has a "nasal twang." I do not suppose that anybody would like to have that disability attendant upon a broken nose for $340, and then it is stated that he has a partial deafness in one of his ears.

These are the facts, not dependent upon the statement of this sufferer, Pennington. The Senator from West Virginia says they are the ex parte statements of a man who is to receive this amount of money. There is not a single statement upon which this estimate is predicated which has been made by this sufferer. They are the statements of physicians, which are matters of record, made by them under oath as to this man's present condition. What are the facts upon which the physicians say this man is disabled to the extent of one-half in his capacity to make a living?

Mr. HARRIS. If the Senator will allow me, I will suggest to him that with an impartial official board, created for the express purpose of examining each and every one of these cases, this gentleman chooses to select a tribunal for himself, and in the nature of an appeal from this official board; he selects a tribunal for himself and goes before it, without authority or suggestion of the Commission, and brings to it the paper that the Senator presents here.

Mr. PUGH. But the report of the Commission shows that that was done in several instances in these examinations.

Mr. HARRIS. Where that and other testimony was satisfactory to the Commission, the Commission has acted upon it; but we have not discredited the official board that we had created to sit in judgment upon these cases upon the report of any pension board or any other board.

Mr. PUGH. This official board, upon which the Commission states that it acted, as I have no doubt that it did, made reports of no disability in some cases, and the pension board, made up of the same physicians in these very identical cases, reported a permanent disability, and then the Commission reported an increase on the report of this identical board which examined Pennington.

Mr. FAULKNER. I desire to ask the Senator from Alabama in what case that was done? I was on that Commission, and do not know of such an instance.

Mr. HARRIS. There are one or two instances where the pension board had examined, but where additional testimony was considered by the Commission and the results changed——

Mr. FAULKNER. That is not the statement of the Senator from Alabama. Of course all the evidence before the Commission was considered; and I assert here that there was no case that I can remember in which there was a decision changed by reason of any evidence being brought in there from the pension board. It was considered, if presented there, just like all the other evidence before us; but there was no adjudication and then a subsequent change to a different amount by reason of a certificate from the pension board.

Mr. HARRIS. Of course there have never been any changes, because our original findings are those that appear here. We have never changed any conclusion that the Commission had come to by reason of any evidence before the pension board.

Mr. PUGH. All I insist upon is that the facts as reported by the pension board of examiners under oath only a few days ago, upon an examination of Mr. Pennington, are that they found the injuries to which they testify, and they state the effect produced by those injuries which were occasioned by this disaster. How can there be any mistake as to the facts? There can be none whatever.

Then I submit to the Senate whether, on these indisputable facts as to the amount of suffering endured by Mr. Pennington in consequence of that disaster, he shall be sent off by this great Government with $340 in his pocket simply because we do not want to disturb the harmony of the report of the Commission. I submit the question to the Senate.

Mr. LODGE. Mr. President, if these allowances are to be increased, I shall move to increase the allowance to Frank J. Metcalf, the case stated on page 16 of the report.

Mr. PUGH. I want some action on my amendment. Do I understand that it has been agreed to?

The VICE-PRESIDENT. The amendment of the Senator from Alabama is pending, and the Chair understood that the Senator from Massachusetts addressed the Chair in relation to it.

Mr. LODGE. I am not offering an amendment; I was merely going to state this case. I propose, if the Senator's amendment shall be agreed to, to move an amendment in favor of another of the claimants.

Mr. HARRIS. Do I understand that the amendment of the Senator from Alabama has been disposed of?

The VICE-PRESIDENT. It has not been disposed of. The Chair supposed the Senator from Massachusetts was addressing himself to the pending amendment.

Mr. LODGE. I am going to speak on the pending amendment when I get the opportunity. I was going to say that if this report is to be subject to amendment, I have a case which I think quite as strong as that of the Senator from Alabama, in which I propose to move an increase. It seems to me perfectly clear, on the statement of the Commission, that the claimant is in no wise adequately compensated for the injury to which he has been subjected. I do not suppose there is any one of us who would care to fall through from the second story of old Ford's Theater into the cellar, in company with beams, mortar, and brick, and so forth, for $500 or $1,000, or $5,000, and I do not suppose there is a single one of the claimants adequately compensated.

If we are to accept the report of the Commission and make no additions to what they have found after careful and special investigation of what they think on the whole is all that ought to be awarded, I for one shall submit to that decision, although I think it very hard on many of the claimants; but if we are to open it to other claimants, then I think I have a case, and I have no doubt other Senators have cases, as meritorious as that suggested by the Senator from Alabama. I merely wish to give notice that I shall move my amendment after the question has been taken on the amendment of the Senator from Alabama, if it be adopted.

The VICE-PRESIDENT. The question is on the amendment submitted by the Senator from Alabama.

Mr. FAULKNER. The findings of the pension board and the remarks of the Senator from Alabama are based almost exclusively upon the statement of the claimant. He asserts in his statement, and he swears to it, that he has a broken leg, and yet his own physician has never heard of that broken leg; and after a thorough examination by the medical board they certify that they can find no indications whatever of a fracture of that leg. That shows how much weight should be given to this ex parte testimony.

Mr. PUGH. The facts are before the Senate. Let us have a vote.

Mr. FAULKNER. And yet there is the statement of the claimant to that effect, and that is relied upon by the Senator in his remarks.

Mr. PUGH. I relied on the statement of his physician.

Mr. GEORGE. I want to ask the Senator from Alabama a question. Do I understand that the injury to this gentleman's nose is permanent?

Mr. PUGH. I saw his nose, and its condition is described by the report. He seemed to have a little difficulty of hearing, too.

Mr. GEORGE. What is the extent of the injury? Is it permanent?

Mr. PUGH. He is a spare man; rather a weakly man; not a man of physical strength, and I have no doubt that he suffered more than the amount allowed him here by the shock occasioned to his nervous system by that terrible disaster. It is difficult to estimate such injuries in dollars and cents. There can be no doubt of the sufferings this young man endured, and his truth is not to be doubted. The Senator from West Virginia says that Mr. Pennington stated that he was down for eight or ten weeks, when the fact is that he was down for only five or six or seven weeks; that he was not in bed more than six or seven weeks. What a terrible discrepancy that is!

Let us have a vote, Mr. President.

The VICE-PRESIDENT. The question is on the amendment submitted by the Senator from Alabama.

Mr. FAULKNER. I call for the yeas and nays on the amendment. There are a great many other cases that will follow this if it be allowed.

The yeas and nays were ordered.

Mr. HARRIS. I want to say a word before we take the yea-and-nay vote, and it is simply this: Every man who was injured in that accident, after the Commission was created to investigate the matter with a view of making fair and reasonable allowances, flattered himself with extensive hopes of large appropriations. I think it is safe to say that nine out of every ten of these claimants were disappointed at the allowances made. If a single one of these cases is to be opened and reviewed in the hurry of the session of the Senate, and amounts to be fixed according to ex parte statements, I think it is due to these hundred and odd claimants that they at least have one additional day in court, and I shall ask for another day for the consideration of this bill; and there is not one of them who will not appeal to his Senator to come in and move to enlarge the allowances made by the Commission. I think we ought to deal justly with all of them, as the Commission has honestly and earnestly endeavored to do. If the matter is to be taken out of the hands of the Commission and its findings ignored; if the Senate is going to take charge of it and make such allowances in each individual case as it may feel inclined to upon statements made here, I think that we ought to deal equally just with all of them, and that each man should have his day in court and his opportunity to offer his amendment.

The Secretary proceeded to call the roll.

Mr. DAVIS (when his name was called). I am paired with the Senator from Indiana [Mr. TURPIE].

Mr. GEAR (when his name was called). I am paired with the Senator from Georgia [Mr. GORDON], and therefore withhold my vote.

Mr. GEORGE (when his name was called). I am paired with the Senator from Oregon [Mr. MCBRIDE]. If he were here, I should vote "yea."

Mr. MORGAN (when his name was called). I am paired with the Senator from Pennsylvania [Mr. QUAY]. If he were present, I should vote "yea."

Mr. PASCO (when his name was called). I am paired with the Senator from Washington [Mr. WILSON].

Mr. PRITCHARD (when his name was called). I am paired generally with the Senator from Louisiana [Mr. BLANCHARD], but in this case I exercise my discretion and vote "yea."

Mr. SHOUP (when his name was called). I am paired with the Senator from California [Mr. WHITE].

Mr. WALTHALL (when his name was called). I am paired with the Senator from Pennsylvania [Mr. CAMERON].

The roll call was concluded.

Mr. CULLOM. I have a general pair with the Senator from Delaware [Mr. GRAY], and therefore withhold my vote.

Mr. GALLINGER. I have a general pair with the Senator from Texas [Mr. MILLS], who, I think, has not voted. I therefore withhold my vote.

Mr. MCMILLAN (after having voted in the negative). I have a pair with the Senator from Kentucky [Mr. BLACKBURN], and therefore withdraw my vote.

Mr. CULLOM. I vote "nay" to make a quorum.

Mr. BACON. On this question I am paired with the junior Senator from Rhode Island [Mr. WETMORE].

The result was announced—yeas 20, nays 25; as follows:

YEAS—20.

Allen,	Dubois,	Mitchell, Oreg.	Sewell,
Bate,	Hansbrough,	Peffer,	Sherman,
Butler,	Hill,	Pettigrew,	Thurston,
Cannon,	Kyle,	Pritchard,	Vest,
Chilton,	Lodge,	Pugh,	Warren.

NAYS—25.

Aldrich,	Cullom,	Lindsay,	Smith,
Allison,	Daniel,	Martin,	Stewart,
Berry,	Faulkner,	Mitchell, Wis.	Teller,
Brown,	Gorman,	Palmer,	Vilas.
Caffery,	Hale,	Perkins,	
Chandler,	Harris,	Platt,	
Cockrell,	Jones, Ark.	Roach,	

NOT VOTING—44.

Bacon,	Elkins,	Jones, Nev.	Quay,
Baker,	Frye,	McBride,	Shoup,
Blackburn,	Gallinger,	McMillan,	Squire,
Blanchard,	Gear,	Mantle,	Tillman,
Brice,	George,	Mills,	Turpie,
Burrows,	Gibson,	Morgan,	Voorhees,
Call,	Gordon,	Morrill,	Walthall,
Cameron,	Gray,	Murphy,	Wetmore,
Carter,	Hawley,	Nelson,	White,
Clark,	Hoar,	Pasco,	Wilson,
Davis,	Irby,	Proctor,	Wolcott.

So the amendment was rejected.

Mr. GALLINGER. I submit an amendment to the pending bill.

The VICE-PRESIDENT. The amendment submitted by the Senator from New Hampshire will be stated.

The SECRETARY. After line 13, on page 47, it is proposed to insert:

To pay Emmart, Dunbar & Co. the amount found due by the auditor of the District of Columbia for work done by said firm in connection with the laying of the 36-inch water main under their contract of September 1, 1871, with said District, to be paid wholly from the revenues of the District of Columbia, $14,548.22.

Mr. HALE. I raise the point of order that that is neither an audited claim—the auditor of the District of Columbia not being

an auditor of one of the Departments—nor is it estimated for by the head of any Department.

Mr. GALLINGER. On the point of order I desire to submit the observation that this amendment was sent to the Committee on the District of Columbia and reported favorably by that committee, a standing committee of the Senate, and has passed the Senate; and I think, under the rule, it is not susceptible to the point of order.

As to being an audited claim, I submit that Mr. Petty, who signs himself auditor of the District of Columbia—and this is a claim against the District of Columbia—has audited this claim and made his report, as follows:

JANUARY 22, 1896.

In my letter of June 14, 1892, transmitting the report of Mr. Donovan, expert accountant, upon the claim of Emmart, Dunbar & Co. for work done in connection with the laying of the 36-inch water main under their contract of September 21, 1871, and on several occasions since, in response to Congressional inquiries, I had the honor to state that, in my opinion, the finding of Mr. Donovan that $14,548.22 was due to the claimants was "reasonable and just."

The views then expressed I still entertain. * * *

J. T. PETTY,
Auditor District of Columbia.

On the point of order raised by the Senator from Maine I would more particularly place the matter upon the fact that this has received the sanction of a standing committee of this body, and has passed the body.

Mr. HALE. Mr. President, there seems to be confusion in the minds of some Senators as to the effect of a bill passing the Senate or being reported by a standing committee. That claim is good under clause 1 of Rule XVI, which says:

And no amendments shall be received to any general appropriation bill the effect of which will be to increase an appropriation already contained in the bill or to add a new item of appropriation, unless it be made to carry out the provisions of some existing law, or treaty stipulation, or act, or resolution previously passed by the Senate during that session; or unless the same be moved by direction of a standing or select committee of the Senate, etc.

That is the limitation of authority which is given by the report of a standing committee to the passage of a bill by the Senate; but clause 4 of Rule XVI goes entirely to the bottom of the whole business of private claims, and no matter whether a committee reports a private claim or whether it has passed the Senate, it is not in any way in order, and the language is very clear:

No amendment the object of which is to provide for a private claim shall be received to any general appropriation bill, unless it be to carry out the provisions of an existing law or a treaty stipulation, which shall be cited on the face of the amendment.

Regular matters which come in the course of business of the Departments and are certified and audited by the Departments under the law as appears by estimates to carry on the Departments and to pay their ordinary expenses, but a private claim, such as this is, can not be put onto any appropriation bill under any rule. It is a private claim, and no matter how many committees have reported it, and even if it has passed the Senate, it is still a private claim, and does not come under the head either of having been audited by one of the great Departments of the Government or of not being a private claim.

Mr. GALLINGER. I would ask the Senator how a claim against the District of Columbia would be audited by any of the Departments? Such a claim is audited by the auditor of the District of Columbia.

Mr. HALE. Under the general system of auditing, all these matters go through the regular auditing in the Departments. The auditor of the District of Columbia is only an officer of the District to enable District officers to transact their business; but when an amendment comes in upon an appropriation bill it has to pass some authority of the General Government.

Mr. GALLINGER. Does the Senator say that such a claim must be passed upon by the Treasury Department?

Mr. HALE. Yes; it must come through the Secretary of the Treasury. Such claims are reported by the Secretary of the Treasury as estimates; and when they come here they are duly sent to the Appropriations Committee.

I sympathize with the Senator, for I have no doubt this is a good claim; but it does not belong on an appropriation bill.

Mr. GALLINGER. The Senator need not sympathize with me at all. Here is a claim which is justly due, as is found by the proper official of the District of Columbia, the auditor of the District of Columbia. He has gone through it carefully and certifies that it is a just claim, and that it ought to have been paid long ago; and yet the Government is refusing to pay it. The Senate of the United States has said it is a just claim and passed a bill to pay it, yet the technical point is raised—I am not quite prepared to say that it is not purely technical—that this has not been sufficiently audited to enable us to place it upon an appropriation bill. I think if we should go through the appropriation bills which have been passed, and possibly the one now under consideration, we could find a great many claims which have not run so severe a gantlet as this claim seems to have done. I am still of opinion that the point of order is not well taken, but of course shall bow to the decision of the Chair, whatever it may be.

Mr. HALE. Let me say here as to the pending bill that I do not think that I have ever seen in my experience a deficiency appropriation bill cleaner from claims than this is, as reported to the Senate.

I have no doubt this is a good claim. The committee was almost overwhelmed by a raft of good claims, which in themselves were correct and true and ought to be paid; but what it endeavored to do was to keep them all off, and I think it has done it. At any rate that has been the intent. I had matters in my own State that were very pushing upon me, exceedingly good claims, with a good many grounds for consideration; but I did not feel at liberty in the committee to ask that they be put on the bill, and they all have been kept off. Of course, if any of these claims go on they all ought to go on.

Mr. COCKRELL. The Auditor for the State and other Departments has control of all accounts of the District of Columbia just as he has of all accounts of the Department of State, the Department of Justice, the Department of Agriculture, the diplomatic and consular service, and the claims or accounts of the District of Columbia must go through his hands to be audited just like any others, and be certified; and that has not been done in this case.

In addition to what the Senator from Maine [Mr. HALE] said in regard to claims, the Committee on Appropriations determined not to put any claim on this deficiency bill. We have reported it without a solitary claim upon it, anything which was not audited by the proper Department.

As the Senator from Maine has said, so I can say that I had a large number of claims, some allowed by the Court of Claims, and others, that I was anxious to have placed upon the bill; but when we determined to adhere to the rule strictly I had to apply that rule to myself as well as to others.

Mr. MITCHELL of Oregon. Will the Senator allow me to ask him a question?

Mr. COCKRELL. Yes.

Mr. MITCHELL of Oregon. Does the Senator understand that a claim which has been audited, as he says, by the head of a Department, even in pursuance of a resolution of the Senate or of Congress, but has never been included in an estimate and sent here in the regular way, is one that can have preference over an ordinary private claim?

Mr. COCKRELL. A claim, or what would properly be called an account, which is audited by a Department comes from the Department in the regular way to the Senate or to the House of Representatives; being generally sent to the House, it comes within the rule of the Senate, and is not a claim in the sense of a private claim referred to in the rule. Therefore, those matters which were audited were placed upon this bill, but the others were not.

Mr. MITCHELL of Oregon. That is the very question I wanted to get at, whether because a claim has been audited, to use the language of the Senator from Missouri, that takes it out of the category of private claims, which can not go on an appropriation bill?

Mr. COCKRELL. If it is a matter that has grown up out of the business of the Government, has gone regularly to the Treasury Department and been audited, and the Treasury Department had authority to audit it, and has reported it to Congress, it is a deficiency.

Mr. MITCHELL of Oregon. That is all right; but, the Senator will allow me, suppose a claim has been audited, for instance, by the Secretary of the Interior——

Mr. COCKRELL. The Secretary of the Interior has no jurisdiction to audit claims.

Mr. MITCHELL of Oregon. Very well. Suppose it has been audited by the Secretary of the Interior or the Secretary of the Navy, if you please, under a direction of Congress, but that the claim has never been before the Treasury Department at all; that it has never received the investigation either of the Secretary of the Treasury or of any Auditor or Comptroller of the Treasury, does the Senator mean to tell me that that is a claim which is taken out of the category of private claims and can properly go into the deficiency appropriation bill?

Mr. HALE. The Senator will allow me. Unless the Secretary of the Interior or the Secretary of the Navy in terms is directed to audit it——

Mr. MITCHELL of Oregon. Why does that make any difference?

Mr. HALE. He has no right to audit a claim unless he is directed to do it. The Senator from Missouri is right about it. The auditing is done in the Treasury Department, and unless the head of another Department is directed to audit, he has no right whatever to do it.

Mr. MITCHELL of Oregon. If the Senator from Maine——

Mr. CULLOM. It seems to me we ought to have a real case and not a supposititious one. I think we ought to take this matter

as it comes up and not suppose propositions to be decided hereafter or amendments which may be offered later.

Mr. MITCHELL of Oregon. The Senator from Missouri has remarked—and I think the Senator in charge of the bill says the same thing—that the committee have intended to keep this a very clean bill; that is to say, a bill confined purely and exclusively to making appropriations for claims that can properly and rightfully go into an appropriation bill. In other words, they have excluded all private claims. There are in this bill certain claims that have never been passed upon by the Secretary of the Treasury or by the Comptroller of the Treasury or by any Auditor of the Treasury, but were simply audited by the head of some other Department. I make the statement——

Mr. GALLINGER. What about the Ford's Theater Commission claims? They are private claims—every one of them.

Mr. MITCHELL of Oregon. I undertake to say that a claim of that kind, although audited by the Secretary of the Navy or the Secretary of the Interior, is not taken out of the category of private claims, which ought to be excluded from an appropriation bill on a point of order. That is all I desire to say.

Mr. GALLINGER. I have no disposition to delay the decision of the Chair on this question, and I am not conceited enough to suppose that I can give the Chair any additional light on the question. But it is rather amusing to have Senators in charge of an appropriation bill so vehemently inform us from time to time that there is nothing in these bills that is not all right. The Senator from Maine tells us that this bill is free from everything that is obnoxious to that rule. Here is, I do not know how much, a hundred thousand dollars more or less, for gentlemen who lost health and limb and for the families of some of those who lost life in the Ford Theater disaster, and it has been acted upon by a Commission of Congress.

Mr. HALE. That is exactly under clause 4 of Rule XVI. There was a special act providing for the Commission, and that the awards of the Commission should be paid. The committee would not have put it on the bill for a moment unless there had been a special act requiring it.

Mr. GALLINGER. Yet the Senator admits that the amendment I have offered comes also under that head, but he cites the other rule that a private claim shall not be put on an appropriation bill; and every one of those is a private claim.

Mr. HALE. No, no; they are not claims.

Mr. GALLINGER. There is no escape from it.

Mr. HALE. The Senator's amendment is not like them.

Mr. GALLINGER. It may not be like them, but they are private claims.

I have no disposition to be technical or to delay the decision of this matter, but the rules are very convenient and are always called upon to sustain the position which the Committee on Appropriations may take in matters of this kind. They are always found faulty, however, it seems to me, when an individual Senator proposes an amendment to an appropriation bill. I believe that under a reasonably broad interpretation of the custom of the Senate and of the rules under which we are acting, the amendment I propose is not obnoxious to the rule, and ought not to be ruled out on a point of order.

The VICE-PRESIDENT. Under Rule XVI, the Chair is compelled to sustain the point of order made by the Senator from Maine [Mr. HALE].

Mr. TELLER. I have an amendment to send a case to the Court of Claims, which I desire to offer. It is to come in on page 60, after line 9.

The SECRETARY. On page 60, after line 9, it is proposed to insert:

Whereas the Secretary of the Navy, on the 28th day of January, 1893, contracted with Harris P. Hurst for certain rights accruing and arising under three several applications filed by said Hurst in the United States Patent Office for letters patent upon certain improvements, viz: "Cartridges for breech-loading ordnance, filed March 28, 1892, serial No. 426839," "breech-loading ordnance, filed July 28, 1892, serial No. 441433," and "breech-loading ordnance, filed August 17, 1892, serial No. 443329"; and

Whereas the Secretary of the Navy has heretofore decided that said Hurst is not entitled to be paid anything under said contract, nor anything out of the $25,000 appropriated for certain rights under patent No. 533171 in the "Act making appropriations for the naval service for the fiscal year ending June 30, 1896, and for other purposes"; and

Whereas the said Hurst expended the sum of $926.22 at the Washington Navy-Yard in small-bore and small-arm experiments: Now, therefore,

The Secretary of the Treasury is hereby directed, out of any moneys in the Treasury not otherwise appropriated, to pay to said Hurst the said sum of $926.22; and the Court of Claims is hereby directed to advance and adjudicate the claim of said Harris P. Hurst against the United States for all such sums of money as the said Hurst may be entitled to on account of any infringement of his, the said Hurst's, said patents by the United States Government, or on account of said contract of the 28th day of January, 1893, or on account of the provision for the payment of said Hurst of the sum of $25,000, on conditions therein mentioned in the "Act making appropriations for the naval service for the year ending June 30, 1896, and for other purposes." And the sum of $25,000, or so much thereof as may be necessary to satisfy any judgment the Court of Claims may render in the premises, is hereby appropriated to satisfy the same in part or in full, out of any money in the Treasury not otherwise appropriated.

Mr. HALE. The last clause of the amendment should be stricken out. Otherwise it will be clearly subject to a point of order as making an appropriation.

Mr. GALLINGER. I make the point of order that it is general legislation upon an appropriation bill. It is a private claim, and is likewise obnoxious to that rule of the Senate.

Mr. TELLER. This is a case where we have appropriated $25,000, and there is no necessity for an appropriation. It has already been made. The amendment was drawn by the Navy Department and sent here. I have no objection to striking out the objectionable words which the Senator from Maine has indicated.

Mr. HALE. Those words make the amendment subject to the point of order.

Mr. TELLER. Then it will not be an appropriation. All I desire in this connection is to secure for this young man an opportunity to go to the Court of Claims and to have his case expedited; that is, the court, instead of taking four years, shall hurry it up. The amendment also provides an appropriation of $926 for money that he has advanced. The Government is now using his device, whatever it may be, and it seems to me it ought to pay the money back.

Mr. GALLINGER. If the young man has advanced money and it is to be reimbursed, it is a private claim. Aside from that, as I have before suggested, it is general legislation upon an appropriation bill. The only way for this young man to prosecute his claim is the only manner left to Dunbar & Co., that is, through the Congress of the United States, and I make the point of order.

Mr. GEORGE. I desire to state one fact. I do not know whether it is material or not on the point of order. The amendment was prepared at the office of the Secretary of the Navy. It was approved by the Secretary and sent here by him with his approval.

Mr. CHANDLER. I should like to inquire about the appropriation of $25,000. It is the first time I have ever heard of an appropriation being made in advance to pay an anticipated judgment of the Court of Claims.

Mr. TELLER. The appropriation is to be stricken out. There is to be no appropriation. We made an appropriation last year and left it discretionary with the Secretary whether or not he would pay the claim. He has declined to pay the claim. I want to put the case in the Court of Claims, with the provision which is in the amendment that the court shall expedite it. I do not desire any appropriation, but the amendment came from the Navy Department and they put it in, and I did not notice that part of it.

Mr. CHANDLER. The difficulty, not that the Chair is under in making the ruling, but which Senators are under, is that they do not know what amendment is before the Senate. The Senator from Colorado moves a very long and unusual amendment——

The VICE-PRESIDENT. The Chair will have the amendment stated as modified by the Senator from Colorado [Mr. TELLER].

The Secretary read as follows:

Whereas the Secretary of the Navy on the 28th day of January, 1893, contracted with Harris P. Hurst for certain rights accruing and arising under three several applications filed by said Hurst in the United States Patent Office for letters patent upon certain improvements, viz, "Cartridges for breech-loading ordnance, filed March 28, 1892, Serial No. 426839," "Breech-loading ordnance, filed July 28, 1892, Serial No. 441433," and "Breech-loading ordnance, filed August 17, 1892, Serial No. 443329"; and

Whereas the Secretary of the Navy has heretofore decided that said Hurst is not entitled to be paid anything under said contract, nor anything out of the $25,000 appropriated for certain rights under patent No. 533171 in the "act making appropriations for the naval service for the fiscal year ending June 30, 1896, and for other purposes"; and

Whereas the said Hurst expended the sum of $926.22 at the Washington Navy-Yard in small-bore and small-arm experiments: Now, therefore,

The Secretary of the Treasury is hereby directed, out of any moneys in the Treasury not otherwise appropriated, to pay to said Hurst the said sum of $926.22, and the Court of Claims is hereby directed to advance and adjudicate the claim of said Harris P. Hurst against the United States for all such sums of money as the said Hurst may be entitled to on account of any infringement of his (the said Hurst's) said patents by the United States Government, or on account of said contract of the 28th day of January, 1893, or on account of the provision for the payment of said Hurst of the sum of $25,000, on conditions therein mentioned in the "act making appropriations for the naval service for the year ending June 30, 1896, and for other purposes."

Mr. TELLER. The remainder of the amendment has been stricken out.

The VICE-PRESIDENT. The Chair desires the attention of the Senator from Colorado. The only modification which the Chair understood is in the clause in regard to the appropriation of $25,000. Is that correct?

Mr. TELLER. It is.

The VICE-PRESIDENT. There is a provision in the amendment for the payment of the sum of $926.22.

Mr. TELLER. I will strike out that provision, so that the amendment will carry no appropriation. Then all there will be in it is a reference of the case to the Court of Claims, with a direction to the court to expedite it.

Mr. CHANDLER. I should like to ask the Senator from Colorado and also the Senator in charge of the bill, the Senator from Maine [Mr. HALE], whether it is in order upon the deficiency bill

to move to send any private claim to the Court of Claims for adjudication?

Mr. GALLINGER. Especially with a direction that they shall expedite it beyond existing law.

Mr. COCKRELL. It is, as a matter of course, if you admit general legislation, but it is only in order when general legislation is admitted. The amendment proposes general legislation.

Mr. CHANDLER. This is purely and simply a reference of the claim of Mr. Hurst to the Court of Claims for adjudication. It provides for a private claim, and if the Committee on Appropriations, one member of which is the Senator from Colorado [Mr. TELLER], will establish that rule, of course we will be content with it. But it should be understood hereafter that any private claim whatever may be especially referred to the Court of Claims upon the deficiency appropriation bill.

Mr. TELLER. There is no necessity to refer the case to the Court of Claims. Mr. Hurst has a right to go to the Court of Claims under his contract, but his case would not be expedited. I desire to have it hastened.

Mr. CHANDLER. Then the proposition of the Senator——

Mr. TELLER. I did not prepare the amendment. It was prepared at the Navy Department and sent here.

Mr. CHANDLER. That is not of half so much importance as it is that the amendment comes from a member of the Committee on Appropriations.

Mr. TELLER. It does not come from any member of the Committee on Appropriations as such.

Mr. CHANDLER. There would have been no possibility that the amendment would have been entertained for a minute if it had come from any other member of the Senate; but the Committee on Appropriations, immediately after objecting to an absolutely meritorious claim because it is a private claim, now send to the front the Senator from Colorado, who is a member of that committee, to insist upon it that a private claim may be expedited in the Court of Claims by a clause upon an appropriation bill.

Mr. TELLER. The Senator from New Hampshire, who is exceedingly critical at least, loses sight of the fact that last year we made an appropriation to pay this claim. It is carrying out existing law, you may say, to submit the question now to the Court of Claims. I do not desire to discuss the question, however.

Mr. CHANDLER. The Senator from Colorado does not wish to mislead the Senate, as he is in danger of doing by the last remark. The Secretary of the Navy was to pay this claim if he thought it was a good one. He adjudicated that it was a bad one, and the Senator now gets up and says the amendment is to carry out existing law.

Mr. TELLER. The Secretary of the Navy said that the claimant was not entitled to the money, and he was not inclined to pay it.

Mr. CHANDLER. Does the Senator argue that it is carrying out existing law to move to pay a claim which the Secretary of the Navy says is a bad one?

The VICE-PRESIDENT. Upon reflection the Chair is compelled to sustain the point of order upon the amendment even as modified.

Mr. MITCHELL of Oregon. On page 60, after line 9, I move to insert what I send to the desk.

The SECRETARY. On page 60, after line 9, it is proposed to insert:

That to carry out the provisions of the act making appropriations for the naval service for the fiscal year ending June 30, 1884 (22 Statutes, page 477), to pay to the legal representatives of John Roach, deceased, the sum of $28,160.25 for labor and material furnished by the said John Roach in completing the dispatch boat *Dolphin* under the advice and assistance of the Naval Advisory Board mentioned in said act, which amount is hereby appropriated out of any moneys in the Treasury not otherwise appropriated.

Mr. HALE. It is an ungrateful task to make points of order upon claims that are good. I know this old claim like a brother. It is a good claim. It ought to have been paid years ago. It is invested with peculiar hardship. The Government ought to pay it by a bill which should pass unanimously in the House and in the Senate. That is the way it ought to go. But it is not a claim that is excepted under clause 4 of Rule XVI.

The framing of the amendment attempts to avoid that rule by declaring that it is to carry out the appropriations of a certain year. Those are general appropriations. There is no appropriation in the act of 1884 for any private person who has a claim against the Government through the Navy Department. There was an appropriation in that act for the building of new ships, and in building those new ships this claim came up. It is just; it is a perfectly good claim; but simply referring to that act, the appropriation act which carried expenses for the building of the Navy, to cover the Roach ships, does not, I submit, Mr. President, bring it under the rule, which says that—

No amendment the object of which is to provide for a private claim shall be received to a general appropriation bill, unless it be to carry out the provisions of an existing law or a treaty stipulation.

I have no doubt that if there had been a special act or a treaty which had recognized this claim and declared that it should be paid, that it should be submitted to the Department and audited, the amendment would be carrying out a special provision in relation to it. But simply referring to an appropriation act which carried a general appropriation for the Navy and for naval ships clearly does not, in my opinion, entitle the amendment to come under clause 4 of Rule XVI. I have nothing more to say about it.

Mr. MITCHELL of Oregon. The Senator from Maine, a good lawyer, as he is, evidently realizes the weakness of his point of order, and for that reason he follows up his point with an argument in its favor.

Mr. HALE. I raised the point of order.

Mr. MITCHELL of Oregon. Certainly. I insist in all confidence that the amendment is not subject to the point of order, and I will give my reasons very briefly.

Mr. Roach had a contract with the Government of the United States for building this ship at a certain price. After the ship was completed and accepted by the Government, an act of Congress was passed—I care not whether it was a general appropriation act or a special act of Congress; it was an act of Congress—making an appropriation of money to meet this and other like contracts. It was an act which it was intended should provide the money, and it did provide money, to meet this contract.

Now, what followed? A question was raised in the Department to the effect that the vessel was structurally weak, and the Government held back this amount, $28,000, money appropriated by Congress to meet this particular claim.

Mr. HALE. The Secretary of the Navy refused to pay it.

Mr. MITCHELL of Oregon. He refused to pay it?

Mr. HALE. He claimed that the appropriation did not cover it.

Mr. MITCHELL of Oregon. No, the Senator is mistaken about that. That was not the question at all. The position taken by the Secretary of the Navy was that the boat had not been constructed according to the contract, and although the money had been appropriated by Congress and was there ready to be drawn, it was retained by the Secretary of the Navy.

Mr. HALE. That is right.

Mr. MITCHELL of Oregon. And a less amount than that called for in the contract was paid. The Senator from Maine says to me that it had not been earned.

Mr. HALE. I do not say that. The Secretary so held.

Mr. MITCHELL of Oregon. In view of what the Senator said a moment ago about the justice of the claim, he can not say that.

Mr. HALE. The Secretary held that way. I do not so hold.

Mr. MITCHELL of Oregon. That is true. The Secretary evidently made a mistake, as the whole history of the *Dolphin* has abundantly proved. The Secretary of the Navy was under a mistake. He was misled by the reports made to him by certain officers in regard to the character of the construction of the ship. Those reports were to the effect that the vessel was structurally weak, and therefore was not built according to the contract. The Secretary of the Navy—I am finding no fault with him—on those reports held back the amount of money which had been appropriated by an act of Congress to meet this particular case.

Subsequent investigation has demonstrated to everyone who has given the matter any attention that that was a mistake, just as the Senator from Maine says. It is a just claim, and one which ought to pass by the unanimous vote of both Houses of Congress. That is the case. Is not the amendment an appropriation to carry out existing law? That is the rule. What is the existing law? The existing law is a general appropriation act which appropriated $28,000 to meet this claim. It does seem to me that the point is not well taken. I do not think the Senator in charge of the bill ought to make any point of order against this claim under all the circumstances. I insist that the amendment is in order and that the point of order is not well taken. What does the rule say?

No amendment the object of which is to provide for a private claim—

I admit it is a private claim—

shall be received to any general appropriation bill, unless—

Unless what?—

unless it be to carry out the provisions of an existing law or a treaty stipulation.

The existing law said that this money should be paid.

Mr. HALE. No.

Mr. MITCHELL of Oregon. Yes, it did. The appropriation was made to cover this particular claim in the whole amount of the contract. The Secretary of the Navy, on an investigation in which I think he was misled, held back $28,000 of it upon the theory for the Government that the vessel was structurally weak and had not been constructed according to the contract. That vessel has been in the Government service now for eleven years. It has voyaged around the world more than once, and it has been demonstrated by actual service that no stancher vessel was ever constructed in any shipyard in America or elsewhere. Now, that is the case, Mr. President.

The VICE-PRESIDENT. Will the Senator from Oregon please indicate the terms of the existing law to which he refers?

Mr. MITCHELL of Oregon. I have not the statute before me. It is in the act making appropriations for the naval service for the fiscal year ending June 30, 1884, 22 Statutes, page 477.

Mr. HALE. Of course that is the general appropriation act which provides for the construction of so many ships. It has nothing in reference to this claim. I wish there was. There are cases that come under clause 4 of Rule XVI. For instance, if Congress provides that after the 1st day of July the salary of a certain officer shall be $3,000 instead of $2,500, and that amount is not appropriated for and is not paid, the difference between the $2,500 that he gets and the law that fixes the salary is a subject for an amendment on an appropriation bill, because it is to carry out an existing law appertaining to and applicable to that subject. There are here and there cases of that kind. That is intended to be the scope of clause 4. But to say that a general law providing for the construction of ships and appropriating money for them is intended to cover a particular claim that the then Secretary of the Navy decided was not to be paid and had not been earned is a very strong stretching and violation of the rule.

Mr. MITCHELL of Oregon. This is the statute.

Mr. HALE. The Senator can not point out, as the Chair has asked him to do, anything in the act that relates to this claim.

Mr. MITCHELL of Oregon. Oh, yes, I can. The act provides as follows:

For the construction of the steel cruiser of not less than 4,300 tons displacement now specially authorized by law, two steel cruisers of not more than 3,000 nor less than 2,500 tons displacement each, and one dispatch boat, as recommended by the Naval Advisory Board in its report of December 20, 1882, $1,300,000; and for the construction of all which vessels, except their armament, the Secretary of the Navy shall invite proposals from all American shipbuilders whose shipyards are fully equipped for building or repairing iron and steel steamships, and constructors of marine engines, machinery, and boilers; and the Secretary of the Navy is authorized to construct said vessels and procure their armament at a total cost for each not exceeding the amounts estimated by the Naval Advisory Board in said report, and in the event that such vessels, or any of them, shall be built by contract, such building shall be under contracts with the lowest and best responsible bidder or bidders, made after at least sixty days' advertisement, published in five of the leading newspapers of the United States, inviting proposals for constructing said vessels, subject to all such rules, regulations, superintendence, and provisions as to bonds and security for the due completion of the work as the Secretary of the Navy shall prescribe; and no such vessel shall be accepted unless completed in strict conformity with the contract, with the advice and assistance of the Naval Advisory Board, and in all respects in accordance with the provisions of the act of August 5, 1882, except as they are hereby modified; and the authority to construct the same shall take effect at once; and the Secretary of the Navy may, in addition to the appropriation hereby made, apply to the constructing and finishing of the vessels in this clause referred to any balance of the appropriation made to the Bureaus of Construction and Repair and Steam Engineering for the current fiscal year or in the present act which may remain available for that purpose: *Provided*, That he shall utilize the national navy-yards with the machinery, tools, and appliances belonging to the Government there in use in the building of said ships, or any parts thereof, as fully and to as great an extent as the same can be done with advantage to the Government.

It amounts to just this, Mr. President: Here is an act providing for and directing the construction of certain vessels at certain prices, not exceeding a certain cost, and making an appropriation to meet the same. This vessel was constructed, and it is admitted by the Senator in charge of the bill that the money has been unjustly detained. It does seem to me that the point of order is not well taken.

Mr. HALE. Under the Senator's construction of the rule, under a general appropriation, no matter what the Secretary of the Navy decided, claims for double the amount of the appropriation might be brought in on the ground that the appropriation had been put upon the ships. The whole clause simply makes a general appropriation for certain ships. It is left to the Secretary. He is to decide whether they are bid for according to contract and whether they are to be accepted or not. The Secretary, I think, made a mistake; but he decided that this item was not due under the contract and refused to pay it, and that is why it is before us now. All the other bills were paid long ago under the appropriation. When a part of the act left it to the Secretary and he decided that this money had not been earned, to claim that simply because of that appropriation it brings it under clause 4 of Rule XVI is certainly a very strained construction; and I have no doubt the Senator himself, who is a good lawyer, sees that. I do not care to take any more time. I want to get the bill through.

Mr. STEWART. I have had occasion to examine this claim in the Committee on Claims. I think that the withholding of this money was about as unjust a thing as has been done in a long time. I hope the Senator from Maine will waive his point of order and let this very just claim go on the bill.

Mr. HALE. I would do that very gladly for one; but if I did so someone else on the committee would make the point of order. There is a certain position under my responsibility as chairman of the subcommittee and in charge of the bill which I must take which I do not like to take. There are half a dozen claims that were presented before the committee by valued constituents of mine that I had to vote against. If this were the only claim, I for one would let it go; but there was no end of claims that have been besetting the Committee on Appropriations this year more than ever. Some of the very best of them are from my State. I voted against them all. I disliked to do it, and I dislike to make a point of order here. If this claim were single and alone I would not make it.

Mr. STEWART. The payment of this claim has been delayed so long, the point of order, I take it, will be overruled in this case. I advise my friend to take an appeal and let us overrule it.

Mr. MITCHELL of Oregon. I am not going to take an appeal until the Chair has decided against the amendment. I am expecting a decision in its favor.

The VICE-PRESIDENT. The law cited by the Senator from Oregon, the Chair thinks, does not take this case out of the prohibition of the rule. In order to do that the law should be specific and apply to the particular matter included in the amendment. The Chair very reluctantly sustains the point of order. There is no escape from it under the rule.

Mr. DANIEL. I have an amendment to offer to the bill, to come in after line 15, on page 70. It is an amendment reported from the Committee on Claims, with the exception of the proviso which I have added at the end in writing, which I propose to offer as an amendment to the amendment.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. After line 15, page 70, insert:

Providing the Public Printer is unable to produce without delay, at the Government Printing Office, the work hereinafter named, that the Secretary of the Interior be, and he is hereby, authorized and directed to cause the present contract for producing copies of the drawings of the weekly issues of patents for inventions, trade-mark certificates, drawings for the library editions of patents, for producing exhausted copies and copies of pending applications and of foreign patents or publications, and for producing the photolithographic work for the illustrated pages of the Official Gazette of the Patent Office, to be extended for the term of one year from the 1st day of July, 1896, the provisions of section 3679 of the Revised Statutes of the United States to the contrary notwithstanding: *Provided*, That the contractor will do the work at a figure as low as any other bid that has been made.

Mr. HALE. Mr. President, the amendment opens a great field. The Committee on Appropriations knows nothing about it. The Senate knows nothing about it. It is put in force by a new law and a new process. I have to make a point of order against the amendment that it is legislation.

Mr. DANIEL. I will state that this matter in a little different form was brought before the Senate on the urgent deficiency appropriation bill and that its entire object is one for the public good. While I believe it to be open to a point of exception, if it is insisted on, it is a matter that has been debated in the Senate and I believe the public interest will be subserved by a hearing and a favorable decision. Of course I can not persist, as the amendment is in the nature of legislation. I hope the Senator from Maine will not urge his point of order, at least until he hears the matter.

Mr. HALE. If I did not, there are other Senators who would make it. I have been requested, being in charge of the bill, to make it, as I have made other points of order. The Senator does not claim that the amendment is not subject to a point of order. I have to make it because it would open large debate. I know certain Senators are very much opposed to it. I am very desirous of getting the bill through to-night.

The VICE-PRESIDENT. The Chair sustains the point of order against the amendment.

Mr. MITCHELL of Oregon. I move to insert, after line 12, page 110:

To pay Henry A. Du Pont in full compensation for all his time and expenses, including printing and counsel fees, in prosecuting his claim to a seat in the Senate of the United States as a Senator from the State of Delaware, $2,500.

To pay James L. Wolcott, John Bassett Moore, and William F. Kurtz, counsel in opposition to the claim of Henry A. Du Pont, the same to embrace all their disbursements and expenses in the prosecution of their case in such opposition, $2,500.

Mr. HALE. That has been fully considered by the Committee on Privileges and Elections. My impression is that some subcommittee on one of the appropriation bills intended to put on this item.

Mr. COCKRELL. Did we not pass a resolution directing the payment of these two sums out of the contingent fund?

Mr. MITCHELL of Oregon. I will explain the matter. I was instructed by the Committee on Privileges and Elections to report the resolution providing for the payment of these amounts out of the contingent fund of the Senate. The resolution had to go to the Committee on Contingent Expenses and it is lying there yet.

Mr. COCKRELL. This is the proper place for it.

Mr. MITCHELL of Oregon. As it was necessary to make the appropriation, I thought it should be put on this bill, as it is the last one.

Mr. COCKRELL. I think it had better go on this bill, too, but the resolution ought to be recalled.

Mr. MITCHELL of Oregon. Yes.

Mr. HALE. Undoubtedly the committee intend in putting the provision on this bill that the resolutions shall be pushed out. It will fall undoubtedly when the appropriation goes through.

Mr. MITCHELL of Oregon. I thought it best that the provision should be made here.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Oregon.

The amendment was agreed to.

Mr. MITCHELL of Oregon. I desire to give notice that I wish to have the amendment on page 60 considered in the Senate.

The VICE-PRESIDENT. It will be so noted.

Mr. HILL. On page 87, at the end of line 7, I move to insert:

To Elihu Root, ex-United States attorney, southern district of New York, for services rendered as attorney for the defendant in the suit of the Yale Lock Manufacturing Company *vs.* Thomas L. James, in March, 1884, by direction of the Attorney-General, the sum of $2,000.

Mr. HALE. My impression is that the committee agreed to this amendment.

Mr. HILL. I supposed they had. It is a claim audited and approved by the Attorney-General.

Mr. HALE. It is a regularly certified Department claim.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from New York.

The amendment was agreed to.

Mr. WARREN. In behalf of the Committee on Claims I offer the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. Insert as an additional section the following:

That there be, and hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $1,027,314.09, for the payment of claims adjudicated by the Court of Claims under the French spoliation act of January 20, 1885, as follows:

Mr. COCKRELL. I make the point of order on the amendment. It is not worth while to read the names of all the claimants and the amounts. I make the point of order that they are claims, pure and simple, coming from the Committee on Claims, and are not appropriate to the pending appropriation bill.

Mr. CHANDLER. I should like to ask the Senator from Missouri a question. Have not the Bowman Act claims and the French spoliation claims been repeatedly put upon a deficiency appropriation bill, and has not the claim that they are findings or judgments of the Court of Claims been always held to take them out of the rule? If this point of order is good, why is it not good as against any judgment of the Court of Claims?

Mr. COCKRELL. Neither the French spoliation nor the Bowman law claims are judgments proper. They are findings of fact. Congress has recognized some of the findings in the case of the French spoliation claims and paid them. Congress has likewise recognized some of the claims allowed under the Bowman law, and that was done in a general act, including a large number of claims reported by the Court of Claims to Congress under the Bowman law, where they found the facts, finding the amount of property taken and actually used for army purposes and the value of it. That was a number of years ago. It is true once or twice, by a bare majority vote of the Committee on Appropriations, an amendment was inserted for the payment of the French spoliation claims. My recollection is that the Bowman Act claims have never been inserted upon a deficiency appropriation bill.

Mr. PLATT. We paid several million dollars of the French spoliation claims in that way.

Mr. COCKRELL. I know. I say there was one class of French spoliation claims where payment was made, and that was all.

Mr. PLATT. Two, were there not?

Mr. COCKRELL. The fact that Congress may have heretofore put these claims on an appropriation bill does not relieve the claims since reported from the rule of the Senate as being claims, pure and simple. They have been offered and have been rejected and discarded and ruled out because they were claims. There can be no question on earth that these are claims, pure and simple. They come from the Committee on Claims, and are reported here as claims. If they are not claims, then we have no claims. If these claims are to go on, every bill reported by the Committee on Claims ought to go on, and I shall insist that every solitary one shall go on the bill. These are just as much claims as anything that has ever been reported by the Committee on Claims.

Mr. PLATT. May I ask the Senator from Missouri a question?

Mr. COCKRELL. Certainly.

Mr. PLATT. Is it not true that the Senate has once decided this question of order and put these claims on an appropriation bill and the House accepted them and they were paid?

Mr. COCKRELL. I do not think there was any point of order made at the time that was done.

Mr. WARREN. I can answer.

Mr. COCKRELL. They were put on at the time, it is my recollection, by the Committee on Appropriations.

Mr. PLATT. Has not the Senate since decided the point of order in favor of putting these claims on an appropriation bill; and have they not been put on, but not acceded to by the conferees on the part of the House? That is my recollection.

Mr. WARREN. They were so put on the deficiency appropriation bill in 1891. The question of order was raised by the Senator from Missouri [Mr. COCKRELL], and it was settled by the Senate and they were put upon the bill and passed.

These are adjudicated claims coming from the Court of Claims over the proper certificate to the Committee on Claims and by that committee recommended to the Appropriation Committee. The certificate of the clerk of the Court of Claims is appended to the amendment, stating that they are the findings of the Court of Claims. It seems to me that when we by our own act have created a tribunal for the adjustment of such claims and by a later act have sent these particular claims to that particular tribunal for the specific purpose of making its findings and provided that they shall be reported to Congress annually, and they are so reported, there is but one honorable, decent, legal way to do, and that is to pay them.

I know of no point of order that can be raised as against the amendment and sustained, as I understand the rules of the Senate. The matter, it is true, was brought up in 1891. I have the CONGRESSIONAL RECORD of March 1, 1891, open before me. At that time the distinguished Senator from Missouri [Mr. COCKRELL] raised a point of order against the adoption of a similar amendment, and in making the point of order said:

The point of order is that the amendment proposes to provide for private claims; the claims were referred to the Committee on Claims, and that committee has refused to report them favorably to be placed on a general appropriation bill.

At this time we have the advantage of having had this amendment reported favorably by the Committee on Claims in a regular way and having had it sent to the Committee on Appropriations in due time. At that time the point of order was not ruled upon by the Chair, but was submitted to the Senate, and by the Senate it was decided that they were in order, and they were incorporated in the deficiency appropriation bill of that year. The law passed, and over $1,300,000 was appropriated and paid.

Mr. COCKRELL. That was in the last Congress?

Mr. WARREN. That was in 1891, the claims amounting to one million three hundred and some odd thousand dollars.

Mr. PLATT. I do not insist upon the accuracy of my memory, but I am very certain that since that session they have been reported by the Committee on Claims, the point of order made overruled by the Senate, or by the Chair, and they were placed upon the bill here but went out in conference.

Mr. COCKRELL. In the last Congress, when the combination was made between all the claims, including the sugar-bounty question, the question of order was raised by me. I have forgotten what claims they were, but I think it was upon these claims. It was submitted to the Senate, and the Senate decided that it was in order, and all the claims were put on, the whole mass of them, sugar bounty and all.

Mr. PLATT. The Supreme Court affirmed the sugar bounty to-day, and I think they would affirm these spoliation claims if they could.

Mr. COCKRELL. The House agreed to the one class and disagreed to the other, and they had to be abandoned in conference.

Mr. CHANDLER. I ask what the Senator's point of order was about the sugar-bounty claims? The proposed amendment was to carry out existing law, and I can not understand how the Senator can make a point of order on this amendment. I may be wrong, for I am not strong on points of order, but I have been under the impression that either the findings or judgments of the Court of Claims were treated as estimates or as audits of the other Departments of the Government which were entitled to be considered, and that they were not to be treated as private claims, because they were made to carry out existing law. That has been my impression, and that is my belief as to the meaning of the rule. The Senator from Missouri would have it that these claims have only been passed upon favorably by the Senate on previous occasions by reason of some combination among Senators, some unworthy combination among Senators, which could not possibly have existed, and the Senator from Missouri ought to be the last to impute such a motive to honorable Senators upon this floor.

If the question was submitted by the Chair to the Senate because the Chair was in doubt as to how to rule, the presumption is that the Senate decided the question of order as it ought to have been decided, and I submit now, and I am confident in the belief, that these findings of the Court of Claims under the Bowman Act and in connection with the French spoliation claims are findings made in pursuance of existing law and that they are not to be treated, in accordance with the previous practice of the Senate, as private claims.

Mr. WARREN. Mr. President, it seems to me that these claims come to us in the only way that they can ever be expected to come under existing laws. They are absolutely claims which have been reported here under and by reason of existing laws.

The amendment which I have sent to the desk covers 341 claims. The fact that they are claims on this Government of nearly one hundred years' standing is one that possibly does not reflect any too much credit on the Government in any way that we view it.

I do not suppose that I am as well acquainted with these claims as many of those who are older men and older in the service here than I, but I am informed that these claims grew out of a treaty made with France soon after the war of the Revolution, in which this country proposed to sustain France in any war she might have with England. A war between England and France occurred a few years later, in which we did not fulfill our engagements; and by reason of that an unpleasant feeling arose with France, and these depredations were committed upon our shipping, our commerce, by France. At a later date, under another treaty with France, the Government undertook the responsibility of paying these individual claims. It was expressly provided how the claims should be adjudicated and paid. It was provided that they should be investigated by the Court of Claims, and by the Court of Claims be sent to Congress, as their findings are sent here annually.

The amendment simply takes the findings of the Court of Claims in the order in which they were rendered, since and from those that were paid by the act of 1891 down to the date that these now presented were computed so far as they relate to individual and partnership claims, but excluding the so-called insurance claims.

I do not know on what point of order they can be ruled out. As I stated before, in 1891, when the Senate decided that they were in order, they were not part of a composite lot of claims.

They stood, as I may say, alone. At that time the point of order was made by the distinguished Senator who now makes the point, not only on the present grounds, but mainly on the fact that they had not been reported by any committee. Now, the Committee on Claims has reported this amendment exactly as it came from the Court of Claims over its certificate. I believe that this amendment is in order and that these claims come in under existing law. I believe it is but fair to say that they are also to carry out a treaty, and I believe it is not stretching it too far to say that they rise away over and above the ordinary purview of private claims. Therefore they meet every point that can be raised against them, and I submit that the amendment is perfectly in order.

As to previous rulings, there may have been others, but the only one I remember—and I have looked the matter up carefully—is, as I have said before, that the Chair, instead of ruling upon the point of order in 1891, submitted it to the Senate, and the Senate decided that the claims were in order, notwithstanding that at that time they had not been reported upon by one of the standing committees.

Mr. President, perhaps it is not necessary for me to say that I have no personal interest in these claims. I do not suppose a single individual in the State that I in part represent has any interest, even to the extent of one penny, in them; but in pursuit of my duty as a member of one of the great committees of this body, to which I have been assigned by the Senate, I have investigated these claims to some extent, and it seems to me that the only honorable way for us to do is to pay our debts. The fact that the claims are a hundred years old does not make any difference. They have come down to us and been adjudicated in the last five or six years in the only way they can be adjudicated, and their age and our former neglect should not militate against them.

I do not see how I can face my constituents, I do not know how this Senate can permit it to go out to the country that it has undertaken under a point of order, or through the ruling of the Chair upon the point of order, to rule out a million dollars of just debts, which have been due all these years to 341 different parties, and, at the same time, publish to the world the fact that we have appropriated during this session sixty-odd millions for the Navy, sixty-odd millions for rivers and harbors, and millions and millions more for other purposes—for improvements, investments, and so forth. I do not inveigh against any of these appropriation bills, but it seems to me that our first duty is to pay our just debts.

Mr. PLATT. I have only thought of this matter since the point of order has been made, but the more I think of it the more I am satisfied that this point has never been decided either by the Chair or by the Senate adverse to receiving these claims upon an appropriation bill.

Mr. COCKRELL. The Senator from Wyoming [Mr. WARREN] has stated the facts very clearly. He has shown that these are claims, and very old claims. They are not judgments of a court, and the Senator from New Hampshire [Mr. CHANDLER] knows perfectly well that these French spoliation claims are not judgments, like the ordinary judgments of the Court of Claims; he knows that the Bowman-law claims are not judgments like the ordinary judgments of a court, where the amount found is ordered and adjudged and it bears interest. He knows that under the Bowman law the court can only find certain facts and report their finding of facts.

They do not pretend to enter up a judgment; there is no pretense of a judgment; the first thing they determine is the question of loyalty. When that has been determined, they then proceed to determine as to the property, by whom taken, by whom used, and its value. If it were taken by the Army, and used for army purposes, they find that fact and state it, and report simply that fact, but they do not report any judgment. They report the facts in the case where the property was not used by the Army, and consequently the Government is not liable, just as they report in a case where the property was actually used by the Army for army purposes, and the liability of the Government is recognized. There is no distinction. They report the facts, and as a matter of course, they report them to Congress for action.

Now, the law in regard to French spoliation claims expressly declares that there is no liability on the part of the Government and that they are to be reported to Congress for its action. These are claims pure and simple, regardless of any decision or ruling which may have been made in the past, and I ask that they may be excluded.

Mr. LODGE. Mr. President, these claims, as has been stated by the Senator from Wyoming [Mr. WARREN], grew out of the treaty with France. The United States Government, if I remember correctly, agreed to pay these claims, and France in return agreed to pay the claims of her citizens against the Government of the United States.

Mr. GEAR. May I ask the Senator was not that arrangement made in the treaty at the time of the Louisiana purchase?

Mr. LODGE. I think it was before that treaty.

Mr. GEAR. Was not the money retained to pay these claims?

Mr. LODGE. The money was retained by our Government; at all events the money belonging to these claimants.

These claims have been contested before Congress for three generations. Finally, in 1891, as the Senator from Wyoming has stated, a portion of these claims were put in here in the Senate under the findings of the Court of Claims, and that portion has been paid. It was unjust to keep these people out of their money for a hundred years; it is still more unjust to have paid a portion of the claims and not pay the rest. That is the position in which we are placed.

As I understand, the Senate has already passed on this precise question, except that the claims were not then reported from a committee of the Senate. There has never been, I believe, an adverse decision; and it seems to me that being reported to the Senate from a Senate committee on the findings of the Court of Claims, they are not within the rule, and ought to be admitted as now in order.

The VICE-PRESIDENT. The Chair submits the question to the Senate. Is the pending amendment in order?

Mr. COCKRELL. Let us have the yeas and nays, Mr. President.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. BURROWS (when his name was called). I am paired with the Senator from Louisiana [Mr. CAFFERY], and therefore withhold my vote.

Mr. CULLOM (when his name was called). I have a general pair with the Senator from Delaware [Mr. GRAY], and therefore withhold my vote.

Mr. DUBOIS (when his name was called). I am paired with the senior Senator from New Jersey [Mr. SMITH].

Mr. FAULKNER (when his name was called). I am paired with the Senator from West Virginia [Mr. ELKINS].

Mr. GEAR (when his name was called). I am paired with the senior Senator from Georgia [Mr. GORDON]. I transfer that pair to the Senator from Connecticut [Mr. HAWLEY] and vote "yea."

Mr. HARRIS (when his name was called). I am paired with the senior Senator from Vermont [Mr. MORRILL].

Mr. McMILLAN (when his name was called). I am paired with the Senator from Kentucky [Mr. BLACKBURN], and therefore withhold my vote.

Mr. MORGAN (when his name was called). I am paired with the Senator from Pennsylvania [Mr. QUAY].

Mr. PASCO (when his name was called). I am paired with the Senator from Washington [Mr. WILSON].

Mr. PRITCHARD (when his name was called). I am paired with the Senator from Louisiana [Mr. BLANCHARD].

Mr. PUGH (when his name was called). I have a standing pair with the senior Senator from Massachusetts [Mr. HOAR]; but I am satisfied if he were present he would vote the same way I do, and therefore I feel at liberty to vote. I vote "yea."

Mr. SEWELL (when his name was called). I am paired with the Senator from Wisconsin [Mr. MITCHELL]. If he were present, I should vote "yea."

Mr. WALTHALL (when his name was called). I am paired with the Senator from Pennsylvania [Mr. CAMERON].

The roll call was concluded.

Mr. GALLINGER. I have a general pair with the Senator

from Texas [Mr. MILLS]. I will transfer that pair to the senior Senator from Ohio [Mr. SHERMAN] and will vote "yea."

Mr. SHOUP. I have a standing pair with the Senator from California [Mr. WHITE]. If he were present I should vote "yea."

Mr. PALMER (after having voted in the negative). I am paired with the Senator from North Dakota [Mr. HANSBROUGH], and, as he has not voted, I withdraw my vote.

Mr. BACON. I have a general pair with the Senator from Rhode Island [Mr. WETMORE], but as I have the assurance of his colleague that if present he would vote "yea," I will let my vote in the affirmative stand, although the Senator from Rhode Island has not voted.

Mr. CULLOM. My understanding with the Senator from Delaware [Mr. GRAY], with whom I am paired, is that I may vote to make a quorum or vote on any question which is not partisan. I vote "nay."

Mr. MCMILLAN. To make a quorum I feel authorized to vote. I vote "yea."

The result was announced—yeas 32, nays 14; as follows:

YEAS—32.

Aldrich,	Daniel,	Lodge,	Platt,
Allen,	Davis,	McBride,	Pugh,
Bacon,	Gallinger,	McMillan,	Squire,
Brice,	Gear,	Martin,	Stewart,
Butler,	Gibson,	Mitchell, Oreg.	Thurston,
Cannon,	Gorman,	Peffer,	Tillman,
Chandler,	Hale,	Perkins,	Vest,
Clark,	Lindsay,	Pettigrew,	Warren.

NAYS—14.

Allison,	Chilton,	Hill,	Turpie,
Baker,	Cockrell,	Jones, Ark.	Vilas.
Bate,	Cullom,	Nelson,	
Berry,	George,	Roach,	

NOT VOTING—43.

Blackburn,	Frye,	Mills,	Sherman,
Blanchard,	Gordon,	Mitchell, Wis.	Shoup,
Brown,	Gray,	Morgan,	Smith,
Burrows,	Hansbrough,	Morrill,	Teller,
Caffery,	Harris,	Murphy,	Voorhees,
Call,	Hawley,	Palmer,	Walthall,
Cameron,	Hoar,	Pasco,	Wetmore,
Carter,	Irby,	Pritchard,	White,
Dubois,	Jones, Nev.	Proctor,	Wilson,
Elkins,	Kyle,	Quay,	Wolcott.
Faulkner,	Mantle,	Sewell,	

The VICE-PRESIDENT. The amendment is declared to be in order.

Mr. HALE. Let us have a vote on the amendment.

Mr. COCKRELL. The amendment has not yet been read.

The VICE-PRESIDENT. The amendment will be stated.

Mr. HALE. There is no necessity for reading the whole amendment.

The VICE-PRESIDENT. The Chair understood the Senator from Missouri to call for the reading of the amendment.

Mr. COCKRELL. Let the amendment be read, as a matter of course.

The VICE-PRESIDENT. The amendment will be read.

The SECRETARY. It is proposed to add as a new section at the end of the bill the following:

That there be, and hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $1,027,314.09, for the payment of claims adjudicated by the Court of Claims under the French spoliation act of January 20, 1885, as follows:

On the brig *Alert*, Robert Gray, master, namely:

Robert M. Pratt, administrator de bonis non of Joseph White, deceased, $6,265.75;

William P. Parker, administrator de bonis non of William B. Parker, deceased, $2,088.58;

Elizabeth B. Gardner, administratrix de bonis non of Jesse Richardson, deceased, $2,077.16;

William D. Peckman, administrator de bonis non of Dudley L. Peckman, deceased, $649.62;

Henry O. Stone, Benjamin W. Stone, and Robert Stone, executors of Robert Stone, jr., deceased, $4,177.16;

William A. Lauder, administrator de bonis non of Pickering Dodge, deceased, $3,132.87;

Arthur E. Huntington, administrator of William Orne, deceased, $1,500;

Mary F. Witherby, surviving executor of Charles Cleveland, deceased, $783.21;

Nathaniel P. Richardson, executor of Joshua Richardson, deceased, $2,068.58.

On the brig *Sally*, William Hampton, master, namely: Alexander Proudfit, administrator of the estate of Robert Ralston, deceased, $5,734.

On the ship *Two Sisters*, Jacob Henery, master, namely:

George W. Norris, administrator of John Garesche, deceased, $2,043.80;

George W. Norris, administrator of Peter Baudy, deceased, $436.77;

William R. Lejee, executor of Samuel Breck, deceased, $1,919.27;

M. H. Messchert, administrator of Jacob Koch, deceased, $980;

George W. Guthrie, administrator of Alexander Murray, deceased, $784;

James C. Dawes, administrator of Abijah Dawes, deceased, $294;

J. Bayard Henry, administrator of Andrew Bayard, deceased, $784;

William A. M. Fuller, administrator of Joseph Leaney, deceased, $784;

Henry Pettit, administrator of Andrew Pettit, deceased, $784;

Arthington Gilpin, administrator of Joshua Gilpin, deceased, $294;

James S. Cox, administrator of James S. Cox, deceased, $294;

John C. Williams, administrator of Edward Dunant, deceased, $294;

Henry Lisle Waln, executor of Jacob S. Waln, deceased, $784.

On the brig *William*, Goe, master, namely:

D. Fitzhugh Savage, administrator of John Savage, deceased, $2,414;

J Bayard Henry, administrator of Andrew Bayard, etc., deceased, $784;

George W. Guthrie, administrator of Alexander Murray, deceased, $490;

Henry Pettit, administrator, of Andrew Pettit, deceased, $490;

Craig D. Ritchie, administrator of Joseph Summerl, deceased, $490;

William Brooke-Rawle, administrator of Jesse Waln, deceased, $882;

The Pennsylvania Company for Insurance on Lives and Granting Annuities, administrator of Thomas M. Willing, deceased, $686;

Samuel Bell, administrator of John G. Wacksmuth, deceased, $686;

James C. Dawes, administrator of Abijah Dawes, deceased, $392;

Francis R. Pemberton, administrator of John Clifford, deceased, $490;

James S. Cox, administrator of James S. Cox, deceased, $490;

Henry P. McKean, administrator of Henry Pratt, deceased, $490;

William R. Howell, administrator of Samuel Howell, deceased, $490;

William C. McMurtrie, administrator of William McMurtrie, deceased, $490;

Henry Pettit, administrator of Charles Pettit, deceased, $392;

Lorin Blodgett, administrator of Samuel Blodgett, deceased, $490.

On the vessel, snow *Fanny*, Garrett Barry, master, namely: Dayton S. Ward, administrator de bonis non of James Barry, deceased, $8,502.

On the schooner *Ballahoo*, Joseph Ripley, master, namely: James F. Breuil, administrator of Francis Breuil, deceased, $1,568.95.

On the schooner *Thankful*, William Ward, master, namely: Adeline F. Alden, administratrix of James Torrey, $1,428.40;

Adeline F. Alden, administratrix of George Torrey, $1,428.40;

Abel H. Bellows, administrator of Thomas Geyer, $226.80;

Stephen R. Rogers, administrator of Joseph Rogers, $1,733.33;

Albert C. Arnold, administrator of the estate of Frederick William Geyer, deceased, $226.80, the award in the above case having been made to Francis M. Boutwell, as administrator of the estate of John Heard, assignee in bankruptcy of said Frederick William Geyer;

Charles F. Adams, administrator of Peter C. Brooks, deceased, $2,000;

Henry W. Blagge and Susan B. Samuels, administrators of Crowell Hatch, deceased, $1,000;

William Sohier, administrator of Nathaniel Fellowes, deceased, $1,300;

William Gray, administrator of William Gray, deceased, $2,200;

William S. Carter, administrator of William Smith, deceased, $1,000;

Robert Grant, administrator of William H. Boardman, deceased, $400;

David G. Haskins, administrator of David Greene, deceased, $1,000;

Lawrence Bond, administrator of Nathan Bond, deceased, $400;

Lucy S. Cushing, administrator of Jacob Sheafe, deceased, $500.

On the brig *Lady Washington*, Selleck, master, namely:

Henry Pettit, administrator of Andrew Pettit, etc., deceased, $709.80;

William A. M. Fuller, administrator of John Leamy, deceased, $425.88;

Robert W. Smith, administrator of Robert Smith, deceased, $567.84.

George Willing, administrator of George Willing, deceased, $283.92;

Francis A. Lewis, administrator of John Miller, jr., deceased, $567.84;

George Blight, administrator of Peter Blight, deceased, $709.80;

Craig D. Ritchie, administrator of Joseph Summerl, deceased, $567.84;

William Brooke Rawle, administrator of Jesse Waln, deceased, $709.80;

Richard C. McMutrie, administrator of John Bohlen, etc., deceased, $567.84;

The Pennsylvania Company for Insurance on Lives and Granting Annuities, administrator of Thomas M. Willing, deceased, $709.80;

Thomas F. Bayard, administrator of Thomas W. Francis, deceased, $283.92;

Henry Pratt McKean, executor of Henry Pratt, deceased, $425.88;

Francis R. Pemberton, administrator of John Clifford, deceased, $354.90;

Samuel Bell, administrator of John G. Wacksmuth, deceased, $354.90;

William Read Fisher, administrator of Samuel W. Fisher, deceased, $354.90;

Isaac S. Smyth, administrator of Jacob Baker, deceased, $567.84;

George W. Guthrie, administrator of Alexander Murray, deceased, $709.80;

Uselma C. Smith, administrator of William Jones, deceased, $567.84;

A. Louis Eakin, administrator of Chandler Price, deceased, $709.80;

Frederick W. Meeker, administrator of Samuel Meeker, deceased, $709.80;

James C. Fisher, executor of James C. Fisher, deceased, $354.90;

D. Fitzhugh Savage, administrator of John Savage, etc., deceased, $709.80.

On the brig *American*, Thomas Towne, master, namely: J. Hall Ware, administrator de bonis non of John Hall, deceased, $4,601.

On the ship *Jane*, John Wallace, master, namely:

Esther S. Buchanan, administratrix, representing Smith & Buchanan, $11,600.21;

Robert Carter Smith, administrator, representing Samuel Smith, $6,738.21;

Cumberland D. Hollins, administrator, representing John Hollins, $4,922.

On the ship *Bacchus*, George, master, namely:

The Real Estate Insurance and Trust Company of Philadelphia, administrator of James Campbell, deceased, $5,290;

Henry Pettit, administrator of Andrew Pettit, etc., deceased, $980;

George W. Guthrie, administrator of Alexander Murray, deceased, $980;

M. H. Messchert, administrator of Jacob G. Koch, deceased, $980;

Samuel Bell, administrator of John G. Wacksmuth, deceased, $980;

James C. Dawes, administrator of Abijah Dawes, deceased, $196;

Henry Lisle Waln, executor of Jacob S. Waln, etc., deceased, $980.

On the vessel, the snow *Boston*, Dougherty, master, namely:

J. Bayard Henry, administrator of George Latimer, deceased, $3,025.36.

The Real Estate Title Insurance and Trust Company, of Philadelphia, administrator de bonis non cum testamento annexo of James Campbell, deceased, $3,025.36;

J. Bayard Henry, administrator of Andrew Bayard, etc., deceased, $882;

The city of Philadelphia, administrator of Stephen Girard, deceased, $490;

Henry Pratt McKean, executor of Henry Pratt, deceased, $784;

D. Fitzhugh Savage, administrator of John Savage, deceased, $784;

James Crawford Dawes, administrator of Abijah Dawes, deceased, $490;

Francis A. Lewis, administrator of John Lewis, jr., deceased, $490;

William A. M. Fuller, administrator of John Leamy, deceased, $490;

John C. Williams, administrator of Edward Dunant, deceased, $343;

Arthington Gilpin, administrator of Joshua Gilpin, deceased, $343;

Samuel Bell, administrator of John C. Wacksmuth, deceased, $1,176;

Henry Pettit, administrator of Andrew Pettit, etc., deceased, $784;

George W. Guthrie, administrator of Alexander Murray, deceased, $686;

D. Fitzhugh Savage, administrator of John Savage, deceased, $882;

James S. Cox, administrator of James S. Cox, deceased, $490;

M. H. Messchert, administrator of Jacob G. Koch, deceased, $490;

Richard C. Murtrie, administrator of John Bohlen, deceased, $490;

F. R. Pemberton, administrator of John Clifford, deceased, $294;

Henry Lisle Waln, executor of Jacob S. Waln, deceased, $588;

The Pennsylvania Company for Insurance on Lives, etc., administrator of Thomas M. Willing, deceased, $392;

Thomas F. Bayard, administrator of Thomas W. Francis, deceased, $392.

On the ship *Patapsco*, William Hill, master, namely:

William Donnell, administrator de bonis non cum testamento annexo of the estate of John Donnell, deceased, $6,659.99;

George W. Brown, administrator of the estate of James A. Buchanan, deceased, $4,609.99, being his share of vessel and freight;

Robert Carter Smith, administrator de bonis non cum testamento annexo of the estate of Samuel Smith, deceased, $4,609.99, being his share of vessel and freight;

Esther S. Buchanan, administratrix of the estate of William B. Buchanan, who was the surviving partner of the firm of S. Smith & Buchanan, deceased, $25,056, the value of the cargo shipped by said firm;

Cumberland D. Hollins, administrator de bonis non cum testamento annexo of the estate of John Hollins, deceased, $7,600;
Virgilia B. Brooke, administratrix de bonis non cum testamento annexo of the estate of John Smith, jr., deceased, $48,466.
On the brig *Hope*, Church, master, namely:
John C. Parsons, as administrator of the estate of John Caldwell, deceased, $12,412 17;
William Sohier, administrator of Nathaniel Fellowes, deceased, $1,000;
Frank Dabney, administrator of Samuel W. Pomeroy, deceased, $1,000;
John W. Athrop, administrator of Caleb Hopkins, deceased, $1,000;
Lawrence Bond, administrator of Nathan Bond, deceased, $500;
Daniel D. Slade, administrator of Daniel D. Rogers, deceased, $500.
On the brig *Juno*, Walker, master, namely: Ann Fisher Satterthwaite, administratrix of James Sheafe, deceased, $12,240.
On the brig *Confidence*, Thomas Manning, master, namely: Catherine M. Singleton, administratrix de bonis non of Alexander McKim, surviving partner of the firm of Robert McKim & Co., $1,497.39.
On the brig *Eleanor*, James Treat, master, namely:
George H. Williams, administrator de bonis non of Samuel Williams, deceased, $1,583.59;
Charles J. Bonaparte, administrator de bonis non of Benjamin Williams, deceased, $1,583.59;
David Stewart, administrator of Francis Johonnet, surviving partner of Francis Johonnet & Co., $5,723.18.
On the schooner *Eliza*, Thomas Poulson, master, namely:
John Merven Carrere and David Stewart, administrators of John Carrere, deceased, $11,744.06;
David Stewart, administrator of John G. Delisle, deceased, $3,781.
On the vessel *Fusileer*, Thomas Shaw, master, namely:
George B. Chase, administrator of Stephen Chase, deceased, $2,955;
Albion E. Taylor, administrator de bonis non of Joseph Chase, deceased, $2,955;
Calvin Page, administrator of Thomas Shaw, deceased, $1,168.55.
On the brig *Thomas*, Mark Fernald, master, namely: James W. Emery, administrator de bonis non of the estate of Thomas Manning, deceased, $6,132.
On the schooner *Lucy*, Lewis Holmes, master, namely:
Isaac Brewster, administrator de bonis non cum testamento annexo of the estate of Daniel Jackson, deceased, $3,567;
Charles G. Davis, administrator de bonis non of William Davis, deceased, $92.
On the brig *Leonard*, William Hackett, master, namely: Joseph A. Titcomb, administrator of the estate of John Wills, otherwise called John Wells, deceased, $6,150.
On the brig *Vulture*, John Berry, master, namely:
Elizabeth R. Gardner, administratrix of Jesse Richardson, $3,618.85;
Nathaniel P. Richardson, executor of Joshua Richardson, $3,618.85;
William Gray, administrator of William Gray, deceased, $1,500;
Charles F. Adams, administrator of Peter C. Brooks, deceased, $1,500;
William Sohier, administrator of Nathaniel Fellowes, deceased, $1,000;
H. H. Hunnewell, executor of John Welles, deceased, $500;
Henry W. Blagge and Susan B. Samuels, administrators of Crowell Hatch, deceased, $1,000;
On the sloop *Fox*, Brooks, master, namely:
Sanford J. Horton, as administrator of the estate of William Wickham, deceased, $1,508.33;
Melvin B. Copeland, as administrator of the estate of Nathaniel Blake, deceased, $454.16;
George G. Sill, as administrator of the estate of William Moore, deceased, $3,283.33;
Charles F. Adams, administrator of Peter C. Brooks, deceased, $400;
H. Burr Crandall, administrator of Thomas Dickinson, deceased, $400;
David G. Haskins, administrator of David Greene, deceased, $500;
Frank Dabney, administrator of Samuel W. Pomeroy, deceased, $500;
Robert Grant, administrator of William H. Boardman, deceased, $300;
William I. Monroe, administrator of John Brazer, deceased, $1,000;
John Wetherbee, administrator of James Tisdale, deceased, $1,000;
Henry W. Blagge and Susan B. Samuels, administrators of Crowell Hatch, deceased, $500.
On the schooner *Nancy*, Nathaniel Lincoln, master, namely: Charles E. Alexander, administrator of the estate of Jonathan Merry, deceased, $808.
On the brig *William*, Benjamin H. Rathboue, master, namely: Bayard Tuckerman, administrator of Walter Channing, surviving partner of Gibbs & Channing, and likewise administrator of George Gibbs, $20,754.
On the schooner *Alert*, Jacob Olliver, master, namely:
Franklin Leach, administrator of William Leach, $3,577.88;
Edward I. Browne, administrator of Israel Thorndike, $1,003.73;
Arthur L. Huntington, administrator of James Dunlap, deceased, $900;
John H. Moriarty, administrator of James Scott, deceased, $400;
Thomas H. Perkins, administrator of John C. Jones, deceased, $500;
Horace B. Sargent, jr., administrator of Daniel Sargent, deceased, $300;
John C. Ropes, administrator of Thomas Amory, deceased, $1,000;
H. H. Hunnewell, administrator of Arnold Wells, jr., deceased, $400;
William G. Perry, administrator of Nicholas Gilman, deceased, $300;
Lucy S. Cushing, administratrix of Jacob Sheafe, deceased, $400;
H. Burr Crandall, administrator of Thomas Cushing, deceased, $400;
Archibald M. Home, administrator of Francis Green, deceased, $800;
Frank Dabney, administrator of Samuel W. Pomeroy, deceased, $900.
On the ship *Theresa*, Phillip Brum, master, namely:
George S. Sonntag, administrator of William L. Sonntag, deceased, surviving partner of William L. Sonntag & Co., as representative of said firm, $13,587.50;
George S. Sonntag, administrator, as representative of William L. Sonntag, one of the joint owners of the *Theresa*, $3,264.50;
Jane J. De La Roche, administratrix of Frederick Franck De La Roche, as representative of one of the joint owners of the *Theresa*, $3,264.50.
On the schooner *Hannah*, Phillip Bessom, master, namely:
Sarah J. Brown, administratrix of Isaac Collyer, deceased, for value of 164 quintals of fish, $1,312;
Ebenezer D. Secomb, administrator of Phillip Bessom, value of cargo, less the 164 quintals of fish owned by said Collyer, and less also the insurance paid thereon by William Gray, $23,180;
William Gray, administrator of William Gray, deceased, $2,920.
On the brig *Lydia*, John Cook, master, namely: Charles B. Allen, administrator de bonis non of Zachariah Allen, for vessel, cargo, and the freight earned, $12,291.
On the ship *Reindeer*, Robert Motley, master, namely: Henry Deering and Francis Fessenden, administrators of James Deering, $20,625.
On the ship *Betsey*, Josiah Obear, master, namely:
Horace Obear, administrator of Josiah Obear, $1,705.68;
Franklin Leach, administrator of Nathan Leach, $126;
William G. Perry, administrator of Nicholas Gilman, deceased, $198;
H. H. Hunnewell, administrator of Arnold Welles, jr., deceased, $396.
On the ship *Argo*, Benjamin Randall, master, namely: Henry J. Gardner, administrator of the estate of Matthew Cobb, deceased $12,000.
On the ship *Eliza*, Peter Burton, master, namely: Alexandria Proudfit, administrator of the estate of John Proudfit, deceased, $6,951.
On the sloop *Nancy*, David Foster, master, namely:
George G. Sill, administrator de bonis non of William Coggeshall, deceased, $851.50;
Charles F. Adams, administrator of Peter C. Brooks, deceased, $1,000;
William Sohier, administrator of Nathaniel Fellowes, deceased, $1,000;
Henry W. Blagge and others, administrators of Crowell Hatch, deceased, $500.
On the brig *Venus*, John Harmon, master, namely: John S. Cole, administrator of the estate of John Storer, deceased, $10,568.
On the schooner *Needham*, William Grant, master, namely: John C. McDonald, administrator of the estate of William McDonald, deceased, $4,914.
On the snow *Lydia*, Eleazur Washburn, master, namely:
Charles E. Alexander, administrator of the estate of Jonathan Merry, deceased, $12,204.96;
William R. Richards, administrator of the estate of William and Thomas Walter, both deceased, $2,727.48.
On the schooner *Ranger*, Josiah Bacon, master, namely: Abiel S. Lewis, administrator of the estate of Thomas Lewis, jr., surviving partner of Thomas Lewis & Son, $8,480.
On the vessel *Georgia Packet*, John McKever, master, namely:
The Pennsylvania Company for Insurance on Lives and Granting Annuities, administrator of Thomas M. Willing, deceased, $6,246;
Richard F. Flickwir, administrator of Richard Flower, deceased, $1,055;
Richard F. Flickwir, administrator of John Flower, deceased, $1,055;
Richard F. Flickwir, administrator of Reese Wall, deceased, $1,055;
Edward S. McKever, administrator of John McKever, deceased, $1,055;
On the snow *Charlotte*, Cornelius Low, master, namely: George Hawkins Williams, administrator of Joseph Williams, surviving partner of Williams & Low, $3,464.
On the brig *Yorick*, William Moodie, master, namely:
George S. Sonntag, administrator of William L. Sonntag, $7,886.50;
Jane J. De La Roche, administrator of Frederick Franck De La Roche, $7,886.50.
On the schooner *Betsey*, John Murphy, master, namely: W. Hall Harris, administrator de bonis non, etc., estate of William Patterson, deceased, $20,334.16.
On the sloop *Martha*, Joshua McWilliams, master, namely: John C. Williams, administrator of Edward Dunant, deceased, $1,260.
On the brig *Calliope*, John Leonard, master, namely: Reginald Fendall, administrator of the estate of John Leonard, $26,960.
On the schooner *Betsey and Nancy*, Samuel Eels, master, namely: Samuel R. Eels, administrator of the estate of Samuel Eels, deceased, $2,504.25.
On the brig *Catherine*, Samuel Cazneau, master, namely: Henry R. Perkins, administrator of the estates of Anthony Davenport and Moses Davenport, joint owners of the *Catherine*, $8,935.
On the schooner *Hannah*, Joseph Bright, master, namely:
Abram H. Smyth, administrator of the estate of Abram Howes, deceased, $2,496;
Lawrence Stabler, administrator of the estate of William Hartshorn, deceased, remaining partner of the late firm of William Hartshorn & Sons, $2,496.
On the brig *Eliza Wright*, P. Etheridge, master, namely:
Henry A. T. Granbery, administrator of John Granbery, deceased, $109.01;
R. Manson Smith, administrator of Francis Smith, deceased, $118.92;
John Neely, administrator of John Cowper, deceased, $148.65;
Gilbert R. Fox, jr., administrator of Thomas Willock, deceased, $138.74;
John Newport Greene, administrator of Conway Whittle, deceased, $118.92.
On the schooner *Phœnix*, James Coward, master, namely:
George F. R. Wnesche, administrator de bonis non of the estate of George Repold, $4,427.44;
Henry Frederick Wegner, administrator de bonis non of the estate of Albert Seekamp, $4,427.44;
Charles F. Taylor, administrator de bonis non of the estate of Henry Schroeder, $4,427.44. The last above three items to be subject to a deduction of the amount of insurance received, which amount shall be investigated and determined by the proper accounting officers of the Treasury Department.
On the schooner *Phœnix*, Joshua Waite, master, namely:
Henry R. Virgin, administrator of the estates of Samuel Snow, Stephen Purrington, and John Snow, jr., $2,126;
Henry Deering and Francis Fessenden, administrators of the estate of James Deering, $1,373;
Henry J. Gardner, administrator of the estate of Matthew Cobb, $2,173;
Robert Codman, administrator of William Gray, deceased, $3,000.
On the schooner *Polly*, Joseph Atkins, master, namely: Charles E. Alexander, administrator of the estate of Jonathan Merry, deceased, $1,233.
On the brig *Caroline*, William Morton, master, namely:
Wallace T. Jones, administrator of the estate of Edward Jones, $2,752.70;
Charles F. Adams, administrator of Peter C. Brooks, deceased, $5,402.50;
Henry Parkman, administrator of John Duballet, deceased, $1,080.50;
Henry W. Blagge and others, administrators of Crowell Hatch, deceased, $1,080.50.
On the ship *Eliza*, William Marrenner, master, namely: Wallace T. Jones, administrator of the estate of Edward Jones, $48,186.
On the brig *Friendship*, George Hodges, master, namely:
Charles S. Nichols, administrator of the estate of Ichabod Nichols, $13,602.27;
William H. Silsbee, administrator of the estate of Benjamin Hodges, $14,225.04;
Thomas Kitridge, administrator of the estate of George Hodges, $171.94;
Robert Codman, administrator of William Gray, jr., deceased, $5,200;
Charles F. Adams, administrator of Peter C. Brooks, deceased, $2,000;
William Sohier, administrator of Nathaniel Fellowes, deceased, $700;
H. Burr Crandall, administrator of Thomas Dickason, jr., deceased, $500;
Henry W. Blagge and others, administrators of Crowell Hatch, deceased, $800;
Daniel D. Slade, administrator of Daniel D. Rogers, deceased, $500;
Robert Grant, administrator of Jonathan Mason, jr., deceased, $500;
John M. Clinch, administrator of Perez Morton, deceased, $500;
H. H. Hunnewell, administrator of Arnold Welles, jr., deceased, $300;
Francis M. Boutwell, administrator of Samuel Cobb, deceased, $200.
On the schooner *Jane*, Thomas Atwood, master, namely:
Henry G. Dorr, administrator of the estate of Andrew C. Dorr, $2,573.87;
Frances A. Wheelock, administratrix of the estate of William Door, $2,573.87;
Charles F. Adams, administrator of Peter C. Brooks, deceased, $2,700;
William Sohier, administrator of Nathaniel Fellowes, deceased, $500;
John Wetherbee, administrator of James Tisdale, deceased, $500;
William Vernon, administrator of Samuel Brown, deceased, $600;
Henry W. Blagge and others, administrators of Crowell Hatch, deceased, $700.
On the brig *Betsey*, William Witmarsh, master, namely:
Mary Souther, administratrix of the estate of Benjamin Wheeler, deceased, $6,048.06;
Charles F. Adams, administrator of Peter C. Brooks, deceased, $3,000;

Thomas H. Perkins, administrator of John C. Jones, deceased, $1,000;
William G. Perry, administrator of Nicholas Gilman, deceased, $1,000;
Robert Grant, administrator of William H. Boardman, deceased, $1,000;
John H. Moriarty, administrator of James Scott, deceased, $500;
Lucy S. Cushing, administratrix of Jacob Sheafe, deceased, $500;
Charles F. Hunt, administrator of Joseph Russell, deceased, $1,000.
On the sloop *Mary*, Gilbert Totten, master, namely:
John C. Hollister, administrator of the estate of Frederick Hunt, deceased, $2,362.34;
John C. Hollister, administrator of the estate of Thomas Rice, deceased, $2,362.33;
John C. Hollister, administrator of the estate of Elias Shipman, deceased $2,362.33.
On the brig *Rosetta*, Isaac Isaacs, master, namely:
John C. Tilghman, administrator of the estate of William Van Wyck, $6,024.96;
Rebecca R. Thompson and Elizabeth Y. Thompson, administratrixes of the estate of Joseph Young, $5,567.46;
William Donnell, administrator of John Donnell, deceased, $1,960;
Edward C. Noyes and others, administrators of James Clark, deceased, $980;
C. D. Hollins, administrator of Cumberland Dugan, deceased, $1,500;
David Stewart, administrator of William McCreery, deceased, $980;
Virgilia B. Brooke, administratrix of John Smith, deceased, $980;
Charles J. Bonaparte, administrator of Benjamin Williams, deceased, $980;
David Stewart, administrator of Paul Bentalou, deceased, $980;
John W. Jenkins, administrator of John Hillen, deceased, $980;
David Stewart, administrator of Henry Payson, deceased, $490;
Robert Shriver, administrator of Isaac Causten, deceased, $490;
On the schooner *Henry and Gustavus*, John Smith, master, namely:
George G. Sill, administrator of the estate of Thomas Sanford, $1,786.63;
Herman Whittlesey, administrator of the estate of Aaron Gaylord, $1,786.63;
Mary H. Williams, administratrix of Ezekiel Williams, deceased, $193.67;
John C. Parsons, administrator of John Caldwell, deceased, $487.50.
On the schooner *Friendship*, Jonathan Gilbert, master, namely:
James Manning, administrator of John Manning, $2,060;
Robert Codman, administrator of William Gray, jr., deceased, $2,000.
On the brig *Hiram*, J. Humphreys, master, namely:
Simon Tomlinson, administrator of Samuel Hull, $400;
John F. Plumb, administrator of John Humphreys, $400;
John F. Plumb, administrator of James Humphreys, $400;
Charles F. Adams, administrator of Peter C. Brooks, deceased, $414;
William Sohier, administrator of Nathaniel Fellowes, deceased, $414;
Henry W. Blagge and others, administrators of Crowell Hatch, deceased, $372;
Richard Delafield, administrator of John Delafield, deceased, $980;
Louisa J. Sebor, administratix of Jacob Sebor, deceased, $490;
Carlisle Terry, administrator of Carlisle Pollock, deceased, $490;
William H. S. Elting, administrator of Peter Elting, deceased, $490;
Union Trust Company of New York, administrator of William Ogden, deceased, $490.
On the schooner *Neutrality*, Elnathan Atwater, master, namely:
George P. Marvin, administrator de bonis non of Ebenezer Peck, $1,630.12;
Elihu L. Mix, administrator of Thomas Atwater, $1,630.12;
John C. Hollister, administrator de bonis non of Elnathan Atwater, $1,630.12;
John C. Hollister, administrator de bonis non of Elias Shipman, $815.06;
John C. Hollister, administrator of Austin Denison, $815.06.
On the schooner *Shepherdess*, Warren Chapman, master, namely:
George G. Sill, administrator of the estate of Timothy Chapman, $1,841.06;
Warren C. Pike, administrator of the estate of Warren Chapman, $1,841.06;
Mary H. Williams, administratrix of Ezekiel Williams, deceased, $96.53;
John C. Parsons, administrator of John Caldwell, deceased, $193.06.
On the ship *Two Sisters*, John T. Hilton, master, namely: Andrew Lacy, administrator of the estate of William Neal, deceased, $8,448.
On the sloop *Union*, Seth Lincoln, master, namely:
Shearjashub Bourne, administrator of the estate of Shearjashub Bourne, $3,250.38;
Stephen F. Peckham, administrator of the estate of Samuel Wardwell, $3,250.38.
On the sloop *Confidence*, Francis Bradbury, master, namely:
George W. Bradbury, administrator of the estate of Charles Bradbury, in right of Francis Bradbury, his assignor, $1,366;
George W. Bradbury, administrator of the estate of Theopholis Bradbury, $1,366.
On the schooner *Hannah*, Josiah Bouton, master, namely:
George B. St. John, administrator of the estate of Eliphalet Lockwood, Buckingham Lockwood, and William Lockwood, $4,202.09;
George B. St. John and Jarvis Kellogg, administrators of the estate of Hezekiah Selleck, $4,202.09.
On the schooner *Three Friends*, James Shepherd, jr., master, namely:
Gilbert C. Huntington, administrator of the estate of Alvan Fosdick, deceased, surviving partner of Fosdick & Lambert, $13,517;
Mary Souther, administratrix of the estate of Benjamin Wheeler, deceased, $510.
On the ship *Henry*, Daniel Allin, master, namely:
Rebecca B. Armington, administratrix of the estate of Samuel Allin, $3,766;
Elizabeth T. Pike, administratrix of the estate of Daniel Allin, deceased, $3,766;
Samuel W. Peckham, administrator of the estate of Samuel Carlisle, surviving partner of the firm of S. & B. Carlisle, $3,766.
On the ship *Juliana*, Thomas Hayward, master, namely:
Thomas B. Ghequiere, administrator of the estate of Charles Ghequiere, deceased, $3,849.16;
Jacob Bowman Sweitzer and David Stewart, administrators of John Holmes, deceased $12,129.16.
On the ship *Leeds Packet*, Richard Bunce, master, namely:
Benjamin H. Rutledge, administrator of Adam Tunno, surviving partner of Tunno & Cox, $21,167.80;
Gordon Gairdner, administrator of James Gairdner, surviving partner of James and Edwin Gairdner & Co., $4,853.93;
Henry E. Young, administrator of John Turnbull, $700;
Henry E. Young, administrator of James Carson, $1,700;
Lucy Franklin Reed McDonell, executrix of George Pollock, surviving partner of Hugh Pollock & Co., $12,109;
Louisa J. Sebor, administratrix of Jacob Sebor, deceased, $509.
On the schooner *Union*, Samuel Larrabee, master, namely:
Cornelia S. Jackson, administratrix of Levi Cutter, $1,833.50;
Seth L. Milliken, administrator of John Milliken, $1,833.50.
On the brig *Friendship*, Noah Wheeden, master, namely: George P. Marvin, administrator of Stephen Alling and Joseph Thompson, $3,940.
On the ship *Hitty* (or *Hetty*) *Jane*, Joshua Neal, master, namely:
Augusta R. Chapman, administratrix de bonis non of Peter Clarke, $14,844.37;
John C. Howell, administrator of John Potter, $25,254.76;
A. M. Lee, administrator of Thomas Stewart, $6,061.93;
Thomas H. Perkins, administrator of John C. Jones, deceased, $500;
William S. Carter, administrator of William Smith, deceased, $1,000;
Philo S. Shelton, administrator of Benjamin Homer, deceased, $500;
John C. Ropes, administrator of Thomas Amory, deceased, $1,000;
William G. Perry, administrator of Nicholas Gilman, $1,000;
John H. Moriarty, administrator of James Scott, deceased, $500;
Charles H. Ladd, administrator of Nathaniel A. Haven, deceased, $200.
On the brig *Horatio*, Perkins, master, namely:
Robert Codman, administrator of William Gray, jr., deceased, $4,800;
Theodore B. Moody, administrator of Joseph Moody, deceased, $2,844.50;
Charles C. Perkins, administrator of Eliphalet Perkins, deceased, $2,844.50.
On the sloop *New York Packet*, Carpenter, master, namely:
Joseph T. Waff, administrator of Stephen Carpenter, deceased, $3,081;
James R. B. Hathaway, administrator of James Hathaway, deceased, $3,081.
On the brig *Endeavor*, Freeman, master, namely:
Charles E. Alexander, administrator of Jonathan Merry, deceased, $11,990.50;
Francis Adams, administrator of Edmund Freeman, deceased, $4,591.50;
Robert Grant, administrator of William H. Boardman, deceased, $300;
H. H. Hunnewell, executor of John Welles, deceased, $300;
William J. Monroe, administrator of John Brazer, deceased, $1,000;
Horace B. Sargent, jr., administrator of Daniel Sargent, deceased, $500.
On the ship *Suffolk*, Brigham, master, namely:
Eliza J. Heiskell, administratrix of James Wilson, deceased, $5,518;
Eliza J. Heiskell, administrator of William Wilson, deceased, $5,518.

Provided, That all of said awards shall be paid to the personal representatives of the original sufferers, to be distributed to the next of kin in accordance with the probate laws of the several States and Territories in which letters testamentary or administration have been granted: *Provided*, That in all cases in which an individual or firm was adjudicated bankrupt or insolvent, or where an assignment for the benefit of creditors was made, or the estate of the original sufferer after his death was declared insolvent, payment shall be made to the executor or administrator of the original sufferer, or of the survivor of the firm: *And provided further*, That no award shall be paid until the Court of Claims shall certify to the Secretary of the Treasury that the person to whom the award is made payable does not represent an assignee in bankruptcy or insolvency or an assignee for the benefit of creditors, and until the court which granted administration shall certify that such executor or administrator has given adequate security for the legal disbursement of the award.

COURT OF CLAIMS.

I hereby certify that the above list of awards by the Court of Claims in French spoliation cases is prepared according to the order of date in which said cases were decided by said court, and that the awards therein stated are correct.

In testimony whereof I have hereunto set my hand and affixed the seal of the said court at Washington this 21st day of April, A. D. 1886.

ARCHIBALD HOPKINS, *Chief Clerk.*

Mr. VILAS. I want to inquire of whoever is proposing this amendment if it does not contain all the insurance claims?

Mr. WARREN. I will say, for the information of the Senator from Wisconsin, that it includes none of them.

Mr. VILAS. No insurance claims?

Mr. WARREN. No, sir; they are all excluded.

Mr. HARRIS. Mr. President, I offer the amendment which I send to the desk to the pending amendment to pay sundry claims, in respect to which the Court of Claims has found in favor of the claimants, and found the respective amounts. The amendment has been referred to the Committee on Claims of the Senate, and by that committee favorably reported, and referred to the Committee on Appropriations.

The VICE-PRESIDENT. The amendment submitted by the Senator from Tennessee will be stated.

Mr. HARRIS. I will state that the amendment is somewhat voluminous. It contains a large number of claims with the specific amount in each case. So the first paragraph may be read, and, unless desired by some Senator, there is no occasion to read the remainder of the amendment.

Mr. HALE. Are those claims found under what is generally known as the Bowman Act?

Mr. HARRIS. Under the Bowman Act. Each and every one of them has been found by the Court of Claims and reported by the Committee on Claims. They aggregate somewhere within the range of half a million dollars. Exactly what the aggregate is I have not summed up.

Mr. PALMER. I desire to ask the Senator from Tennessee—I do not insist upon having the amendment read—the number of claimants included in it?

Mr. HARRIS. Even that fact I can not answer, but each claim has been referred to the Court of Claims. That court has, in the first instance, found the fact of loyalty, and then it has gone on to find the facts as to the amount and character of property taken and the value of the property.

Mr. CHANDLER. I should like to ask the Senator from Tennessee whether this list of claims has been reported favorably by the Committee on Claims?

Mr. HARRIS. It has been.

Mr. CHANDLER. Then it has had the examination of that committee?

Mr. HARRIS. It has.

Mr. CHANDLER. And the amendment contains no other claims but those which have received the consideration of the committee?

Mr. HARRIS. None other than those reported upon by the Committee on Claims.

Mr. MITCHELL of Oregon. And referred to the Committee on Appropriations.

Mr. HARRIS. And referred to the Committee on Appropriations after having been reported by the Committee on Claims.

Mr. BURROWS. I will say, in response to an inquiry which has been made, that the amount carried by this amendment is $548,922.54.

Mr. HARRIS. Can the Senator answer the question asked by the Senator from Illinois [Mr. PALMER] as to the number of claimants? I could not; I have not the number in mind.

Mr. BURROWS. The number of claims carried in the amendment is 325. I became conversant with this matter because it was referred to me as a subcommittee, and I examined it with a great deal of care and made the report in the case.

The VICE-PRESIDENT. The amendment submitted by the Senator from Tennessee will be read.

The SECRETARY. It is proposed to amend the amendment of Mr. WARREN by adding the following:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the several persons in this act named the several sums mentioned herein, the same being in full for and the receipt of the same to be taken and accepted in each case as a full and final discharge of the several claims examined, investigated, and reported favorably by the Court of Claims of the United States under the provisions of the act of March 3, 1883, entitled "An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government," and known as the Bowman Act, namely:

ALABAMA.

To Elizabeth C. Bibb, of Huntsville, $1,644.
To S. V. Biggers, administrator of Robert P. Biggers, deceased, late of Cherokee County, $810.
To Joseph A. Clark, of Madison County, $590.
To Henry H. Coulson, of Jackson County, $250.
To John B. Hardman, of Cherokee County, $2,220.
To Thomas J. Hargiss, of Jackson County, $1,637.
To L. D. McCallum, administrator of Stephen Hurley, deceased, late of Cherokee County, $795.
To Philip M. Jones, administrator of Philip R. Jones, deceased, late of Lee County, $1,354.
To John P. Lewallen, administrator of Madison Lewallen, late of Jackson County, $305.
To E. W. Miller, administrator of Elizabeth A. Palmer, deceased, late o Walker County, $665.
To William B. Owens, of Cherokee County, $630.
To Mary E. Saffold, of Dallas County, $2,033.
To Solon D. Moore, administrator of John C. Scroggins, deceased, late of Cherokee County, $750.
To George W. Stutts, of Lauderdale County, $590.
To Eliza H. Tenge, administratrix of Charles A. Tenge, deceased, late of Lauderdale County, $501.
To Robert E. Tweedy, of Lawrence County, $3,879.
To John W. Wesson, of Dekalb County, $441.
To Samuel M. Weaver, administrator of George W. Yuckley, deceased, late of Huntsville, $600.

ARKANSAS.

To R. B. Carl Lee, administrator of Charlotte C. Bancroft, deceased, late of Phillips County, $9,970.
To Henry T. Cate, of Washington County, $835.
To Pryor D. Chism, administrator of Robert Chism, deceased, late of Monroe County, $295.
To William R. Clark, administrator of James W. Clark, deceased, late of Benton County, $3,610.
To Peter Cook, of Lonoke County, $904.
To Alexander Davis, of Conway County, $5,605.
To W. F. Davis, administrator of George W. Davis, deceased, late of Sebastian County, $505.
To William Y. Fain, of Phillips County, $560.
To E. M. Ford, administrator de bonis non of Richard L. Ford, deceased, of Phillips County, $3,159.
To Peter L. Freezer, of Mississippi County, $125.
To Samuel Gallaher, administrator of Henry Gallaher, deceased, late of Washington County, $575.
To J. W. Fraser, administrator of William J. Hendricks, deceased, late of Monroe County, $1,612.
To Warren Holtzclaw, administrator of Elijah Holtzclaw, deceased, late of Phillips County, $660.
To James H. Humphreys, of Phillips County, $293.20.
To Mary R. Kirkpatrick, of Jefferson County, $625.
To Abijah T. Phelan, of Washington County, $235.
To Frank Rhodes, of Phillips County, $605.
To Juber Russell, of Crawford County, $435.
To L. P. Featherstone, administrator of John R. Sembler, deceased, late of St. Francis County, $955.
To A. M. Scott, administrator of Sarah Slate, of Phillips County, $910.
To James C. Tappan, administrator of Samuel J. Sutton, deceased, late of Phillips County, $2,105.
To Mary Turner, administratrix of Sterling M. Turner, deceased, late of Sebastian County, $560.
To Thomas H. Webb, of Lonoke County, $542.
To D. C. York, administrator of William York, deceased, late of Woodruff County, $798.

DISTRICT OF COLUMBIA.

To Joseph T. Jenkins, $1,517.
To James W. Sears, administrator of Rebecca Sears, deceased, $1,800.
To Louis P Shoemaker and others, executors of Abner C. P. Shoemaker, deceased, $2,450.
To P. E. Dye and W. S. Hoge, administrators of David Shoemaker, deceased, $1,255.
To Barnett T. Swart, $6,012.
To James R. D. Morrison and others, $6,100.
To administrator de bonis non of Charles M. Roberts, deceased, the sum of $99,034.21.

GEORGIA.

To Thomas J. Anderson, administrator of David B. Anderson, deceased, late of Fulton County, $704.
To William L. Connally, of Walker County, $670.
To Myra M. Harbin, administratrix of Nathanial P. Harbin, deceased, late of Whitfield County, $12,400.
To George W. Hendricks, administrator of John Weitinger, deceased, late of Bartow County, $597.
To A. Thornburgh, administrator of John C. Lee, deceased, late of Walker County, $941.
To George Wagner, administrator of Henry Mastick, deceased, late of Savannah, $5,105.
To Richard Mayse, of Atlanta, $880.
To Charles V. Neidlinger, of Effingham County, $1,015.
To Minerva J. Nichols and others, executors of Frank D. Nichols, late of Cummings, $2,255.
To Benjamin P. Rogers, of Douglas County, $410.
To Francis Tillman, administrator of Francis Tillman, deceased, late of Chatham County, $952.
To William C. Parker, administrator of Moses Trimble, late of Campbell County, $279.

ILLINOIS.

To Daniel K. Tenney, of Cook County, $546.87.

KANSAS.

To Joseph Dunlap, of Greenwood County, $2,160.

KENTUCKY.

To Edward H. Taylor, administrator de bonis non of the estate of Lucy A. Barker, late of Louisville, $1,440.
To Martha Brashear, administratrix of Obadiah Brashear, late of Nelson County, $225.
To Margaret Carter, administratrix of Thomas Carter, deceased, late of Marion County, $1,780.
To Abijah M. Cartmell, of Nelson County, $449.
To James Doolin, of Pulaski County, $218.
To William J. Marshall and others, executors of John G. Holloway, deceased, late of Henderson County, $2,520.
To Henry E. Jenkins, of Warren County, $96.
To George Leonhart, of Campbell County, $410.
To Squire H. Bush, administrator of Edward C. Lucas, deceased, late of Hardin County, $720.
To John C. Lummis, of Kenton County, $150.
To Lemuel S. McHenry, of Daviess County, $150.
To Samuel B. Merrifield, of Nelson County, $404.
To Susan E. Miller, in her own right and as widow of and administratrix of Jacob M. Miller, deceased, late of Marion County, $910.
To Samuel D. Glasscock, administrator of William C. Moore, deceased, late of Hardin County, $530.
To Buford Mussen, of Marion County, $697.
To John G. Mussen, administrator of Susan Mussen, deceased, late of Marion County, $438.50.
To the Nazareth Benevolent Institution, of Nelson County, $319.
To Mary E. Neel, administratrix of Pearce Noland, deceased, late of Shelby County, $9,520.
To Mary Orendorff, of Breckinridge County, $250.
To Benedict Pash, of Nelson County, $350.
To Dent S. Pash, of Nelson County, $480.
To Elizabeth M. Patteson (formerly Lewis), in her own right and as administratrix de bonis non of William H. Lewis, deceased, late of Hart County, $2,825.
To Jacob H. Russell, of Lincoln County, $145.
To Mary Sisco, executrix of William Sisco, deceased, late of Nelson County, $299.05.
To George W. Smith, of Hardin County, $367.
To Thomas M. Beeler, administrator of David Standiford, deceased, late of Jefferson County, $85.
To James H. Taylor, administrator of Thomas W. Taylor, deceased, late of Nelson County, $99.
To William C. Kennedy, administrator of William Thixton, deceased, late of Jefferson County, $430.
To James W. Smith, administrator of Miles H. Thomas, deceased, late of Hardin County, $225.
To Abel A. Thompson, of Marion County, $124.
To W. C. M. Travis, of Crittenden County, $140.
To William H. Hughes, administrator of David Unsell, deceased, of Ballard County, $5,000.
To Alfred B. Vernon, of Hardin County, $82.25.
To John H. West, of Larue County, $150.
To Germania Safety Vault and Trust Company, administrator of William Wirtz, deceased, late of Jefferson County, $597.

LOUISIANA.

To James M. Dowling, administrator of Mary T. Anderson, late of St. Landry Parish, $10,610.
To Nannie A. Badley, administratrix of Henry Badley, deceased, late of Baton Rouge, $3,442.
To Lucile Tounoir, administratrix of Arnaud Decuir, deceased, late of Pointe Coupee Parish, $575.
To Alphonse Meuillon, administrator of Antoine Donato Meuillon, deceased, late of St. Landry Parish, $3,490.
To Abram A. Harvey, guardian, etc., of the children of Abram A. Harvey, deceased, of Washington Parish, $1,990.
To Benjamin R. Keaton, of Washington Parish, $739.
To Luke Madden, administrator of Patrick Madden, deceased, late of Madison Parish, $845.
To J. A. Oubre, administrator of Eugene Oubre, deceased, late of Pointe Coupee Parish, $6,983.
To John A. Porche, of Pointe Coupee Parish, $550.
To Joseph St. Amand, administrator of Alphonse St. Amand, deceased, late of Pointe Coupee Parish, $612.
To Fanny B. Randolph and Dora L. Stark, of Avoyelles Parish, $16,560.

MARYLAND.

To Franklin A. Ash, administrator of John Ash, deceased, late of Washington County, $750.
To William T. Beeler and others, administrators of David Beeler, deceased, late of Washington County, $437.
To Thomas W. Crampton, of Washington County, $1,378.
To Ezra Daub, of Washington County, $248.
To John Grice, of Washington County, $240.
To Isaac Gruber, executor of John Cowton, deceased, late of Clear Spring, Washington County, $295.
To William M. Blackford, of Washington County, $6,206.
To Benjamin Brown, of Washington County, $450.
To James R. Ferrell, of Frederick County, $599.
To William P. Hickman, administrator of George W. Spates, deceased, late of Montgomery County, $2,248.

To C. M. Keedy and others, executors of John J. Keedy, late of Washington County, $462.
To Benjamin F. Middlekauff, administrator of Henry J. Lowman, deceased, late of Washington County, $350.
To Daniel N. and Levi Middlekauff, administrators of John C. Middlekauff, deceased, late of Washington County, $160.
To Andrew J. McAllister, of Washington County, $60.
To Jacob F. Miller, of Washington County, $823.
To H. H. Keedy and Charles W. Adams, administrators of John Miller, deceased, late of Washington County, $475.
To Hamilton A. Moore, of Washington County, $180.
To the administrators or legal representatives of James W. J. Moore, deceased, late of Leonardtown, $1,040.
To Henry C. Mumma and others, executors of Samuel Mumma, deceased, late of Sharpsburg, $853.
To Victor Miller, administrator of Joshua Newcomer, deceased, late of Washington County, $380.
To John L. Nicodemus, of Washington County, $130.
To John L. Nicodemus, administrator of John Nicodemus, deceased, late of Washington County, $645.
To George W. Padgett, of Frederick County, $2,280.
To Samuel D. Piper, administrator of Elias S. Grove, deceased, late of Washington County, $800.
To James Resley, of Washington County, $514.50.
To Reuben Rouzee, of Montgomery County, $1,107.
To H. B. Snively and A. G. Lovell, executors of George Snively, deceased, late of Washington County, $174.
To Eveline Fries, sole heir of John Snyder, deceased, late of Washington County, $233.
To Eli Wade, William Wade, Mary E. Wade, Susan C. Wade, Elizabeth J. Hoffman, nee Wade, heirs of Henry Wade, deceased, late of Washington County, $2,902.
To Eli Wade, administrator of John A. Wade, deceased, late of Washington County, $1,755.
To William B. White, of Montgomery County, $672.50.
To Laura C. Wilson, administratrix of Richard T. Wilson, deceased, late of Montgomery County, $1,455.
To Lewis Trone, of Washington County, $555.50.
To Daniel M. Mullendore, of Washington County, $370.50.
To Reuben A. Hurley, of Montgomery County, administrator de bonis non of A. F. Hurley, deceased, late of Lyon County, Nev., $1,150.
To Thomas Hilleary, of Frederick County, $627.
To James F. Pierce, of Montgomery County, $2,505.

MASSACHUSETTS.

To Augustus P. Burditt, of Boston, $5,130.

MISSISSIPPI.

To Bettie A. Aldrich, late of Washington County, $2,605.
To John C. Bailey, of Marshall County, $1,587.
To William H. Belue, administrator of Nathan H. Belue, deceased, late of Tishomingo County, $325.
To Rebecca L. Bolling, of Warren County, $845.
To Rebecca L. Bolling, administratrix of Emily R. Martin, deceased, late of Vicksburg, $1,760.
To D. J. Foremon, administrator of Sarah Burton, deceased, late of Warren County, $571.
To Preston Chavis, deceased, late of Warren County, $320.
To Calvin Chesirs, of Benton County, $5,545.
To Evan Cook, administrator of John S. Cook, deceased, late of Hinds County, $1,780.
To K. D. Wright, administratrix of Lucy Cordell, deceased, late of Hinds County, $634.
To W. T. Ratliff, administrator of Willis Cotton, deceased, late of Hinds County, $270.
To E. E. Temple, administrator of Drury Couch, deceased, late of Lafayette County, $1,606.
To Pleasant L. Crosby, administrator of Peter Crosby, deceased, late of Warren County, $225.
To Edward V. Dickens, of Panola County, $4,280.
To W. T. Ratliff, administrator of Peter Dunbar, deceased, late of Hinds County, $320.
To James G. Ferguson, of Warren County, $15,063.
To Samuel Bagnell, administrator of Ignatius G. Flowers, deceased, late of Claiborne County, $7,935.
To A. H. Hamer, administrator of George Gorman, deceased, late of Marshall County, $3,105.
To Sarah Gosehorn, of Claiborne County, $584.
To Anna Hunt, administratrix of George F. Hunt, late of Jefferson County, $19,445.
To Aaron Langley, of Hinds County, $380.
To Mary T. Leake, of Warren County, $225.
To Virginia Lowe, of Claiborne County, $615.
To W. C. Mitchell, administrator of W. W. Mitchell, deceased, late of Tallahatchie County, $2,042.
To Catherine Murchison, of Hinds County, $1,461.
To John C. Bailey, administrator of Andrew Nichols, late of Marshall County, $1,067.
To Henry C. Nichols, of Marshall County, $980.
To Mattie S. Whitney, administratrix of Franklin Whitney, deceased, late of Claiborne County, the sum of $22,224.
To James H. Owens (or Owen), of Scott County, $825.
To R. J. Harding, administrator of Nelson Potter, deceased, late of Hinds County, $577.
To M. K. Redwine, administratrix of James A. Redwine, deceased, of Lafayette County, $545.
To Aaron Royston, of Marshall County, $250.
To Alexander Seals, of Marshall County, $390.
To Patrick Sheehan, of Warren County, $976.
To Claudius L. Shipp, administrator of Felix G. Shipp, deceased, late of Lafayette County, $1,895.
To T. C. Dockrey, administrator of William Sloan, deceased, late of De Soto County, $822.
To C. S. Farrar, administrator of Gray W. Smith, deceased, late of Marshall County, $11,080.
To Mrs. J. A. Sorrell, administratrix of E. F. Sorrell, deceased, late of Alcorn County, $1,443.
To Albert H. Sprich, of Amite County, $750.
To Martha J. Stewart, of Jefferson County, $2,317.
To L. M. Loewenberg, administrator of Seth R. and C. W. Strong, deceased, late of Warren County, $720.
To Emily Thrift, administratrix of S. B. Thrift, deceased, late of Warren County, $1,505.
To Martha Walker, administratrix of Sandy Walker, deceased, late of Marshall County, $350.
To Enoch P. Ward, of Marshall County, $1,673.
To Robert S. and George W. Woodbury, of Issaquena County, $2,570.
To Allie V. Askew, administratrix de bonis non of W. W. Neeley, deceased, late of Warren County, $8,540.

MISSOURI.

To E. W. Atchley, administrator of Thomas V. Atchley, deceased, late of Laclede County, $350.
To Wiley Bailey, of Cass County, $225.
To Charles Balmer, surviving partner of Balmer & Weber, of St. Louis, $3,072.25.
To Daniel P. Belcher, of Cass County, $100.
To J. M. Bell, of Vernon County, $735.
To George W. Claypool, administrator of Reuben Claypool, deceased, late of Greene County, $607.
To Thaddeus Collard, $150.
To Simeon Gilbreath, of Bates County, $869.
To David Graham, of Jackson County, $350.
To L. B. Hearrell, of Newton County, $744.10.
To A. L. and W. G. Keithley, of Taney County, $867.
To Mangram E. Langston, of Howell County, $350.
To John P. Legg, administrator of Arch C. Legg, late of Henry County, $1,050.
To Pleasant Longacre, administrator of Richard Longacre, deceased, late of Cass County, $1,155.
To John T. Lynch, of Houston County, $150.
To John T. Lynch, administrator of David Lynch, deceased, late of Houston County, $175.
To James H. Moyer, of Iron County, $500.
To John L. Peters, surviving partner of John L. Peters & Co., late of St. Louis, $3,115.50.
To Jehu Robinson, of Webster County, $176.
To Joseph L. Walls, of Pettis County, $1,272.
To George Withers, administrator of H. M. Withers, deceased, late of Cooper County, $435.

NORTH CAROLINA.

To Furneyfold Mercer, of Jones County, $747.

OHIO.

To David Hicks, of Hamilton County, $340.

PENNSYLVANIA.

To the heirs of the estate of Nicholas J. Bigley, deceased, late of Pittsburg, Sarah M. McMeal, Joseph H. Bigley, Catherine L. Grace, Mary E. Smith, George Carrol Bigley, Susannah L. McCormick, Agnes Loretta Suter, Nicholas J. Bigley, and John W. Bigley, $21,211.50.
To A. J. Schwartz, administrator of M. Schwartz, late of Adams County, $622.

TENNESSEE.

To M. A. Gober, administrator of Joseph T. Abernathy, deceased, late of Fayette County, $2,455.
To T. S. Galloway, administrator of Darling Allen, deceased, late of Fayette County, $1,880.
To Mary E. Bates, administratrix of James K. Bates, deceased, late of Shelby County, $900.
To George W. Beasley, of Fayette County, $618.
To William S. Bewley, of Hamblen County, $480.
To A. T. Bone, administrator of James T. Bone, deceased, late of Gibson County, $535.
To W. S. Beck, administrator of Joshua Beck, deceased, late of Hamilton County, $6,100.
To A. B. Cannon, administrator of Jane W. Cannon, late of Jefferson County, $150.
To Hugh Carothers, of Lawrence County, $720.
To J. Harvey Mathes, administrator of Benjamin Cash, deceased, late of Shelby County, $1,225.
To Mary R. Rowlett, administratrix of Caleb R. Clement, deceased, late of Gibson County, $1,102.
To P. B. Robinson, administrator of William R. Collier, deceased, late of Madison County, $171.
To Slater and William Cowart, of Hamilton County, $3,771.
To F. L. Crafton, administrator of Paul C. Crafton, deceased, late of Gibson County, $258.
To A. B. Crenshaw, of Gibson County, $300.
To William Crews, of Gibson County, $125.
To M. V. Dalton, administratrix of Carson R. Dalton, deceased, late of Shelby County, $930.
To John Deaton, of Chester County, $125.
To Lucy E. Dowdy, executrix of W. P. Dowdy, deceased, late of Fayette County, $1,380.
To Thomas N. Doyle, administrator of Newsom Doyle, deceased, late of Fayette County, $1,630.
To Abner East, of Shelby County, $240.
To Washington East, of Shelby County, $165.
To W. J. Embry, executor of John P. Brown, deceased, late of Maury County $5,192.
To Francis M. Freeman, of Giles County, $500.
To William A. Galloway, of Shelby County, $1,000.
To George L. Gray, of Franklin County, $1,643.12.
To S. E. Green, executor of A. P. Green, deceased, late of Hamilton County, $1,041.
To Elzira Hamilton, of Claiborne County, $1,320.
To Franklin E. Hardwick, of Bradley County, $632.
To S. B. Herbert, of Lawrence County, $425.
To David H. Hildebrand, of Shelby County, $863.
To C. M. Hunt, administratrix of John W. Hunt, deceased, late of Hardeman County, $4,200.
To Caty Jones, administratrix of William Irwin, deceased, late of Hawkins County, $125.
To William Johnson, administrator of Thomas J. Johnson, deceased, late of Fayette County, $13,378.
To Ann Kannell, administratrix of John Kannell, deceased, late of Memphis, $841.
To Stephen Kee, of Shelby County, $30.
To R. J. Burke, guardian of minor children of Peter Kelley, deceased, late of Madison County, $416.
To B. J. Kimbrough, administrator de bonis non of James Kimbrough, deceased, late of Shelby County, $1,091.
To Fredonia Knight, administratrix of Joseph T. Knight, deceased, late of Hardeman County, $360.

To Charles F. Beezley, administrator of J. C. Lanier, deceased, of Shelby County, $3,289.
To Thomas M. Lenoave, administrator of Irby T. Lenoave, deceased, late of Maury County, $750.
To J. I. McCown, of Lincoln County, $450.
To R. Love, administrator of D. W. McKenzie, deceased, late of Fayette County, $1,100.
To Sarah L. McLemore, administratrix of John C. McLemore, deceased, late of Shelby County, $2,830.
To J. Harvey Mathes, administrator of Benjamin Cash, deceased, late of Shelby County, $1,225.
To William F. Moore, of Maury County, $1,347.
To William M. Murdock, of Hamblen County, $435.
To John W. Devine, administrator of John G. Newlee, deceased, late of Claiborne County, $4,250.
To A. M. Applewhite, administrator of Andrew J. Newsom, deceased, late of Fayette County, $600.
To R. H. Ogilvie, of Maury County, $2,150.
To Joseph M. Orr, of Greene County, $255.
To Pleasant Owen, of Knox County, $311.
To John Warren, administrator of James Pankey, late of Hardeman County, $1,730.
To J. C. Jenkins, administrator of B. M. Parham, deceased, late of Hardeman County, $232.75.
To Thomas Patrick, administrator of Marion Patrick, deceased, late of Jefferson County, $150.
To Andrew B. Phillips, of Maury County, $585.
To William Pickett, administrator of Jesse Pickett, deceased, late of Sequatchie County, $4,700.
To Fayette J. Pulliam, of Fayette County, $92.
To William A. Quarles, administrator of Mary Quarles, deceased, late of Jefferson County, $243.
To James A. Richardson, administrator of Ezekiel T. Keel, deceased, late of Shelby County, $832.
To John A. Roe, of Gibson County, $2,763.
To Robert Talley, of Haywood County, $175.
To Archibald R. Thomas, of Madison County, $968.
To H. L. Thomas, administrator of B. R. Thomas, deceased, late of Shelby County, $5,876.
To Wilkin Thomas, of Shelby County, $210.
To T. D. Thurman, administrator of John G. Thurman, deceased, late of Shelby County, $585.
To Joseph Townsend, administrator of Peter Townsend, deceased, late of Tipton County, $1,045.
To E. J. Tucker, of Fayette County, $675.
To John Loague, administrator of John N. Stephens, deceased, late of Shelby County, $500.
To W. T. Smith, administrator of Willis Robinson, deceased, late of Hardeman County, $225.
To Osborn Walker, of Wayne County, $625.
To Marshall Wallace, executor of William Wallace, deceased, late of Hawkins County, $975.
To T. S. Gallway, administrator of Thomas J. Waller, deceased, late of Fayette County, $2,260.
To Mary M. White, administratrix of Owen (or Orrin) White, deceased, late of Shelby County, $457.
To John W. Alexander, administrator of James S. Williams, deceased, late of Williamson County, $1,080.
To Thomas H. Williams, administrator of Harvey Williams, deceased, late of Shelby County, $750.
To Alfred A. Young, executor of Joseph Young, deceased, late of Giles County, $375.
To Fannie Young, of Giles County, $125.

VIRGINIA.

To Loftin D. Allen, of Henrico County, $1,651.
To William H. Anderson, of Frederick County, $749.
To Sarah W. Brown, of Allegheny County, $892.
To Susan Brown, of Culpeper, $664.40.
To William Bushby, of Alexandria, $1,728.85.
To Martha S. Clark, of Amelia County, $450.
To Alexander Donnan, administrator of Thomas Farrell, deceased, late of Prince George County, $3,207.
To Elkanah Fawcett, of Winchester, $1,571.
To John E. Febrey, of Fairfax County, $2,630.
To Samuel W. George, sr., of Loudoun County, $642.
To George W. Gunnell, administrator of Elizabeth Gunnell, deceased, late of Fairfax County, $5,124.
To Jesse Owings, trustee of Ann E. Harper, of Alexandria County, $1,688.
To St. Clair D. Kirtley and Francis W. Kirtley, of Rockingham County, $996.
To Mary F. Lewis, of Clarke County, $1,002.
To John Mulholland, Peter Mulholland, and Patrick Mulholland, of Fairfax County, $930.
To Emily Taylor, executrix of William H. Taylor, deceased, late of Fairfax County, $1,935.
To James B. Russell, executor of Sampson Touchstone, deceased, late of Frederick County, $1,125.
To Rowena F. Vaughn, administratrix of Walker Vaughn, deceased, late of Culpeper County, $510.
To John Waldron, late of Greenbrier County, $6,984.20.
To V. Dallis White, administratrix of Benjamin K. White, late of Dinwiddie County, $2,203.
To William H. Woodard, of Shenandoah County, $772.
To Matthew Woodward, of Prince William County, $490.

WEST VIRGINIA.

To Moses C. Baylor, of Jefferson County, $1,144.
To Catherine Beck, administratrix of John Beck, late of Jefferson County, $365.
To H. P. Brown, administrator of William McClintic, deceased, late of Greenbrier County, $500.
To Rhoda Neal, of Greenbrier County, $345.
To John W. Ott, of Jefferson County, $708.
To Charles L. Pyles, of Kanawha County, $586.
To Joseph L. Roberts, of Jefferson County, $395.
To J. Ran Rhoderick, administrator of Benjamin Welsh, late of Jefferson County, $810.
To Henry T. Woody, of Kanawha County, $3,046.
To Samuel W. Wysong, executor of James Wysong, deceased, late of Jefferson County, $3,585.

Mr. BURROWS. If the question is upon agreeing to this amendment, I desire to call the attention of the Senator from Tennessee to page 25 of the amendment, where there is a provision to pay J. Harvey Mathes, administrator of Benjamin Cash, deceased, late of Shelby County, $1,225.

Mr. HARRIS. In line 13 I find the case referred to:

To J. Harvey Mathes, administrator of Benjamin Casa, deceased, late of Shelby County, $1,225.

Mr. BURROWS. In the copy of the amendment which I hold in my hand that claim is provided for on page 25, line 9, and it is also found on page 28, line 23.

Mr. HARRIS. That is evidently a mistake.

Mr. BURROWS. One of them should be stricken out.

Mr. HARRIS. Necessarily.

Mr. BURROWS. I move that one of the appropriations be stricken from the amendment.

Mr. HARRIS. Let the paragraph on page 29, lines 1, 2, and 3 of my amendment, which reads in precisely the same language, be stricken out.

Mr. BURROWS. Certainly.

The SECRETARY. On page 29 of the amendment to the amendment, it is proposed to strike out lines 1, 2, 3, and 4, as follows:

To J. Harvey Mathes, administrator of Benjamin Cash, deceased, late of Shelby County, $1,225.

The VICE-PRESIDENT. By unanimous consent, the amendment to the amendment will be modified by striking out those lines.

Mr. BURROWS. On page 27 of the amendment I have in my hand, and it is the one I examined, there is a clause which reads: "To David H. Hildebrand, of Shelby County, $863." I do not think the finding of the court would justify putting that sum in, although it is a small amount. The court in its finding did not ascertain that that amount was due. I hold in my hand the finding of the court, in which it says:

I.

During the war for the suppression of the rebellion there were taken from the claimant three horses and two mules for which the claimant had paid the following prices: For one horse $225, for another horse $175, and for the third horse $163; for one mule $340, for the other mule $175.

II.

The horses and mules were taken under the following circumstances: About April 1, 1864, between 10 and 11 o'clock in the forenoon, a force of some three hundred or four hundred United States mounted soldiers, commanded by an officer who represented himself to be a captain, halted at claimant's house in Shelby County, Tenn., and by the direction of the said commander seized and led away two horses and one mule. In the evening of the next day, before sundown, a similar force under similar circumstances seized the remaining horse and mule.

III.

Nothing has been shown to identify the command, which was unknown to claimant; the value of the stock has not been shown further than as stated in Finding I; no receipts or vouchers were given claimant or sought by him.

And that finding was that the claimant paid so much for this property. When he paid for it, whether he paid more than it was worth, or anything of the kind does not appear in the finding. I move to amend the amendment by striking out that provision, because the court has not found the amount due.

The VICE-PRESIDENT. The amendment can only be entertained by unanimous consent.

Mr. BURROWS. I think there will be no objection to it.

The VICE-PRESIDENT. Without objection, the amendment to the amendment will be considered as agreed to. The question is on agreeing to the amendment submitted by the Senator from Tennessee [Mr. HARRIS] to the amendment of the Senator from Wyoming [Mr. WARREN].

The amendment to the amendment was agreed to.

The VICE-PRESIDENT. The question is on agreeing to the amendment as amended.

Mr. BURROWS. I desire to offer an amendment to the amendment. It is an amendment submitted by the Senator from Missouri [Mr. COCKRELL]. It has been referred to the Committee on Claims and reported favorably.

The SECRETARY. It is proposed to add to the amendment:

For payment of Charles P. Choteau, survivor of Choteau, Harrison & Valle, of St. Louis, Mo., $174,445.75, it being the amount stated in the findings of facts by the Court of Claims on two separate occasions, to wit: First, in a proceeding under the general law (9 Court of Claims Reports, page 155); second, upon a reference by the Committee on War Claims of the House of Representatives (20 Court of Claims Reports, page 250) in the Forty-eighth Congress, said amount being the balance due and to be in full satisfaction of all claims arising out of the construction of the ironclad steam battery *Etlah*, constructed under the contract made by the Navy Department on behalf of the United States with Charles W. McCord on the 9th day of July, 1864.

The amendment to the amendment was agreed to.

Mr. PERKINS. I desire to offer an amendment to the pending amendment. The sum has been awarded by the Court of Claims. The matter was referred to the Committee on Indian Affairs, favorably reported, and referred to the Committee on Appropriations.

The SECRETARY. It is proposed to amend the amendment by inserting:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the several persons in this act named the several sums mentioned herein, the same being in full for, and the receipt of the same to be taken and accepted in each case as a full and final discharge of, the several claims examined, investigated, and reported favorably by the Court of Claims of the United States under the provisions of the act of March 3, 1883, entitled "An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government," and known as the Bowman Act, as hereinafter set forth, for supplies furnished the Indian service in 1873 and 1874, and reported to Congress by Senate Miscellaneous Document No. 165, Fifty-first Congress, first session, to wit:

To Edward N. Fish & Co., $1,800.

To Edward N. Fish & Co., assignees of W. B. Hugus, $2,400.20.

To Bowers & Richards, assignees of James M. Barney, $3,534.76.

To Sutro & Co., assignees of William B. Hooper & Co., $3,479.32.

The payments to the assignees in each case being at the request of the original claimants as found by the Court of Claims; and all of which claims were reported by the Secretary of the Treasury to Congress in House Executive Document No. 151, Forty-fourth Congress, first session, page 27, as deficiencies for the fiscal year ending June 30, 1876, and for prior years.

Mr. HALE. Are these claims under what is called the Bowman Act?

The VICE-PRESIDENT. The Chair so understands. The question is on agreeing to the amendment submitted by the Senator from California [Mr. PERKINS] to the amendment.

The amendment to the amendment was agreed to.

Mr. COCKRELL. There is an error in the list of Bowman Act claims. On page 23, line 8, and again in line 11, it says, "Houston County." It ought to be "John T. Lynch, Houston, Texas County, Mo." There are two places on page 23, first, line 8, and again in 11.

The VICE-PRESIDENT. The amendment will be modified as indicated by the Senator from Missouri. The question is on agreeing to the amendment submitted by the Senator from Wyoming [Mr. WARREN] as amended.

The amendment as amended was agreed to.

Mr. SQUIRE. I offer an amendment to be inserted after line 2, on page 55.

The SECRETARY. After line 2, on page 55, it is proposed to insert:

The disbursing officer of the United States Mexican Boundary Commission shall pay, from moneys already appropriated for said expenses, to each of the three members of the Commission, such allowance as may be authorized by the Secretary of State, not exceeding $3 a day for the time actually employed by them in the discharge of the work of the Commission.

Mr. SQUIRE. A word by way of explanation.

Mr. HALE. The Senator need not explain the amendment. I do not think it is absolutely needed, but if there is any point with reference to the Comptroller stopping the account it ought to be cured; and I do not object to the amendment.

Mr. SQUIRE. Thank you. The amendment does not involve any expenditure beyond what is already appropriated in the bill passed during the present session of Congress, which became a law February 26, 1896. It is simply to meet an objection of the Comptroller, and nothing more. The money has already been appropriated.

Mr. PETTIGREW. I should like to know what the amendment relates to.

Mr. SQUIRE. It relates to the Mexican National Boundary Commission, which was authorized by an international convention of 1882, and subsequently in 1889——

Mr. HALE. It is all right.

Mr. JONES of Arkansas. We can not hear a word that is occurring on the other side of the Chamber.

Mr. SQUIRE. I was about to state, in answer to the question of the Senator from South Dakota, that the International Boundary Commission, upon assuming their duties, were allowed to draw money to pay their personal expenses. There was an act to satisfy the Comptroller's objection to the payment thus authorized by the State Department. Provision was made in the deficiency act of 1894, and a provision was also inserted in the urgent deficiency act of February 26, 1896. I have it here before me. I will read it if it is necessary. I understand the Committee on Appropriations is willing to accept the amendment.

The VICE-PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from Washington [Mr. SQUIRE].

The amendment was agreed to.

Mr. ALLEN. After line 13, on page 28, I move to insert what I send to the desk.

The SECRETARY. After line 13, on page 28, it is proposed to insert:

For the payment to W. H. B. Stout, Cyrus J. Hall, and Isaac S. Bangs, late doing business under the style and firm name of Stout, Hall & Bangs, and J. M. Vale, out of any money in the Treasury not otherwise appropriated, in full payment of the balance due them on a contract entered into with them by the United States of America, April 21, 1868, for furnishing stone for the walls of the cellar or subbasement of the Library building in the city of Washington, as found by the Secretary of the Interior in his report to Congress (House Document No. 117, first session, Fifty-fourth Congress) under the authority conferred upon him by the act of Congress approved March 2, 1895 (28 Statutes at Large, 94), the sum of $32,802.52, which sum shall be paid as follows:

To William H. B. Stout and Isaac S. Bangs, or their assigns, the sum of $22,802.52.

To Cyrus J. Hall the sum of $6,000.

To J. M. Vale the sum of $3,000.

The amendment was agreed to.

Mr. MORGAN. I offer the amendment which I send to the desk.

The SECRETARY. On page 131, at the end of line 12, it is proposed to insert:

To enable the Postmaster-General to pay to Mary M. Force, postmaster at Selma, Ala., the sum advanced by her in 1890 in payment of horse hire and the increased salary of B. M. Russell, a carrier of said office, when said account had been audited by the Auditor for the Post-Office Department, if the same is found to be just, $112.82, and said Auditor is empowered and required to audit said account.

The amendment was agreed to.

Mr. PLATT. On behalf of my colleague [Mr. HAWLEY], who is called away from the city to-day, I offer the amendment which I send to the desk.

The SECRETARY. After line 12, page 51, it is proposed to insert:

To pay the claims (Treasury settlements) certified in Senate Executive Document No. 98, second session Fifty-third Congress, $35,791.67.

To pay the claims (Treasury settlements) certified in House Miscellaneous Document No. 56, third session Fifty-third Congress, $37,313.54.

Provided, That no part of the money appropriated by the two preceding paragraphs shall be paid to any one of the claimants until the Court of Claims shall have heard and determined all the questions involved and the liability of the United States Government therefor in at least one test case, which case shall be preferred in the order of the docket of said court. Full and complete jurisdiction is hereby conferred on the Court of Claims for the purposes above named. If the determination of the Court of Claims shall be in favor of the claimant they shall be paid, otherwise not. The Attorney-General shall see to it that the interest of the Government is protected in said suit or suits.

The amendment was agreed to.

Mr. PETTIGREW. I offer an amendment, to come in on page 26, after line 5.

The amendment was read, and agreed to, as follows:

To pay William H. Crook, as compensation for services as secretary to the President to sign land patents, $4,000, for the fiscal years 1879, 1880, 1881, and 1882, inclusive.

Mr. HALE. I offer an amendment, to come in on page 60, at the end of line 9.

The amendment was read, and agreed to, as follows:

That there be paid to the Portland Company, out of any money in the Treasury not otherwise appropriated, the sum of $80,867.46, in full payment and discharge of the claim of said Portland Company for work done and material furnished in the construction of the United States double-ender gunboats *Agawam* and *Pontoosuc*, as per report of Thomas O. Selfridge, commodore and president of board, Senate Executive Document No. 18, first session of the Thirty-ninth Congress.

Mr. HALE. I offer the amendment which I send to the desk.

The amendment was read, and agreed to, as follows:

That the sum of $77,989.38 be, and the same is hereby, appropriated, out of any moneys in the Treasury not otherwise appropriated, to be paid to William S. Grant in full satisfaction of his claims against the United States arising out of his contract to supply military posts in Arizona in the years 1860 and 1861, said sum of money to be paid under the direction of the Secretary of War, who shall take proper releases and receipts from said William S. Grant.

Mr. HALE. On page 50 there is a reserved amendment which I wish to have the Senate adopt. It was passed over, and I have neglected to call it up.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. The Committee on Appropriations report an amendment, to insert after line 17, on page 50:

Quartermaster's Department: To pay amounts audited and allowed by the accounting officers of the Treasury Department for barracks and quarters, and reported to Congress in House Executive Document No. 234, Fifty-third Congress, third session, $36,500.12.

The amendment was agreed to.

Mr. COCKRELL. I offer the amendment which I send to the desk.

The SECRETARY. It is proposed to add to the bill the following:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Calvin Gunn, of St. Louis, Mo., out of any moneys in the Treasury not otherwise appropriated, the sum of $700, in full compensation for the amount due him as informer, and ordered to be paid to him by the United States district court for the eastern district of Missouri, in case No. 1387 before said court, in the year 1868.

Mr. DANIEL. I should like to inquire whether or not these amendments are within the rule. The Senator from Missouri and others have been objecting to claims. I should like to know if these are not private claims.

Mr. COCKRELL. The Senate has decided that these amendments are all in order. The Senator from Virginia was absent at the time.

Mr. DANIEL. I only wish to give notice that we hope the bill may not be passed this evening, so that some of us may have an opportunity to enjoy the same privileges that are exercised by other Senators.

The VICE-PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from Missouri [Mr. COCKRELL].

The amendment was agreed to.

Mr. COCKRELL. I offer the amendment which I send to the desk.

The SECRETARY. It is proposed to add to the bill:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the heirs of James Bridger, deceased, the sum of $6,000, in full satisfaction for his improvements made at Fort Bridger, Utah Territory, which were appropriated by the United States Army, in the fall of 1857, under command of Brig. Gen. Albert S. Johnston.

Mr. COCKRELL. That was found by the Quartermaster-General to be due. A bill for this purpose has been reported favorably by the Committee on Claims and has passed the Senate two or three times.

Mr. ALDRICH. I make the point of order upon the amendment.

Mr. GALLINGER. Has the proper Auditor of the Department reported favorably on this claim?

Mr. COCKRELL. No.

Mr. GALLINGER. That was the ground on which the amendment I offered was ruled out.

Mr. COCKRELL. Certainly it was, but the Senate has decided that all these amendments are in order, and that is not necessary.

Mr. GALLINGER. I do not understand that the Senate so decided.

Mr. COCKRELL. It certainly decided that. Nobody pretends to claim that the Bowman Act claims are audited claims. This is in strict compliance with the ruling of the Senate.

The VICE-PRESIDENT. Does the Chair understand the Senator from Rhode Island to make a point of order against the amendment?

Mr. ALDRICH. I make the point of order that it is a private claim. It seems to me very plain. The fact that the Senate has decided by a vote that an amendment to pay the judgments of the Court of Claims in the French spoliation cases is in order does not entitle the Senator from Missouri or any other Senator to violate every rule of the Senate.

Mr. COCKRELL. These claims have been reported by the Committee on Claims, and have passed the Senate repeatedly. They are old claims. They are precisely as just as the French spoliation claims.

Mr. ALDRICH. They undoubtedly have the virtue of age, if that is in their favor.

Mr. COCKRELL. And there is no difference between them on this earth. I insist that the amendment shall go in.

The VICE-PRESIDENT. The amendment submitted by the Senator from Missouri will again be stated.

The Secretary again read the amendment.

Mr. ALDRICH. The point of order I make is that, under the fourth clause of Rule XVI, the amendment is not in order. It is a private claim offered to a general appropriation bill.

The VICE-PRESIDENT. The Chair was unable to understand from the Senator from Missouri how it was taken out of the rule.

Mr. COCKRELL. It was taken out by the action of the Senate. The Chair submitted the question of other claims of precisely similar import and the Senate decided that they were in order. This is a claim, a just claim. It dates away back; it is not quite as old as the French spoliation claims or some of the Bowman claims. It has been referred to the Quartermaster-General. The Quartermaster-General has made a report upon it, and this is the amount that he found due. It has been reported by the Committee on Claims repeatedly, has passed the Senate at the present session, and is now in the House.

Mr. CHANDLER. I do not understand that the Senate has made any such decision as the Senator from Missouri assumes. In the case of the Bowman Act claims and the French spoliation claims they were argued as being exempt from the ordinary rule as to private claims, because they had been passed upon by the Court of Claims, and because the amounts that were moved were findings of the Court of Claims. To be sure, there was the question whether a finding of the Court of Claims was a judgment. The Senator from Missouri admitted that the judgment of the Court of Claims was in order to carry out the provisions of existing law, but he said there was a distinction between a judgment of the Court of Claims and a finding of the Court of Claims under the Bowman Act and under the act in reference to the French spoliation claims. It was contended, however, by the advocates of those two classes of claims that the findings of the court were entitled to be treated, so far as the rule of the Senate is concerned, as in order, but it was not argued that every possible private claim was admissible notwithstanding the rule. Now, the Senator, a little out of sorts, I suppose, because the Senate overruled his point, argues here that the rule is wholly gone, and is seeking to load this bill with claims in order, I suppose, that an excuse may be found for leaving all the claims out in committee of conference.

Mr. COCKRELL. No; I am not. If I should be one of the conferees I will stick to them until the next 4th of March, if the other members will. I give notice if any of these amendments are receded from it will not be by my vote. I will keep this Congress in session until the 4th of next March or make the House agree to it. If they are receded from, it will not be my fault. I am not trying to prepare a way for any such thing as that.

Mr. CHANDLER. The Senator shows that he possesses that calm mind and judicial temper which fit him to be a representative of the Senate upon a committee of conference, but I take the liberty of saying to him that he is not acting in accordance with his own calm and cool judgment when he gives such notice to the Senate. He goes upon the committee of conference, if he goes there, to deal calmly and coolly and with good judgment, and not with bad temper.

Mr. COCKRELL. Why should I not adhere to these things?

Mr. CHANDLER. If he is going to act in temper, he ought not to go upon the committee of conference to represent the Senate.

Mr. PLATT. Will the Senator allow me? I do wish that some of our committees of conference would show a little of the temper which the Senator from Missouri is charged with showing. We should not then have to give up everything to the House the way we do.

Mr. CHANDLER. Practically the Senators who advocated that the Bowman Act claims and the French spoliation claims were in order upon this bill are being punished by the Committee on Appropriations now by having this bill loaded down with every claim which they can lay their hands upon for the purpose of making the amendments of the Senate odious. A very good argument has been exhibited to the Senate why the appropriation bills should be distributed instead of being concentrated in the hands of a half dozen gentlemen who, when things go to suit them, are very amiable, and when they do not go to suit them get out of temper and threaten the Senate.

Mr. COCKRELL. I knew I would make the distinguished Senator from New Hampshire mad. He has been in the habit of tantalizing Senators and trying to provoke them to anger, and now he has shown his want of balance. He has shown his anger. He has shown his resentful feeling. I told him a truth. He did not want to hear that truth. I told him that I was willing to stand by the Senate amendments, but that is not what he wanted. He was trying to make the impression that we were loading the bill down for the purpose of disagreeing to them—an insinuation unworthy of the distinguished Senator and which he never would have made if he had kept his temper and had not wandered off in anger and resentment.

Mr. President, I simply meant that I was willing to abide by the decision of the Senate and to adhere to it. I have always in the Senate opposed putting on any amendments that the Senate conferees would not adhere to. I do not believe it is seemly on the part of the Senate to do it. I have for one protested against amendments that were proposed to be put on by the Senate, because when the Senate puts on an amendment to an appropriation bill relating to its own personnel and administration it ought never to yield. While I had the honor of being chairman of the Committee on Appropriations it never did yield one solitary cent. The Senate ought to maintain certain things concerning itself, and it ought to have its own way in regard to them.

Mr. President, these are claims. Everybody admits that they are claims. The French spoliation cases are claims. They are claims a hundred years old. They have been to the Committee on Claims. They have been reported and they have been put upon this bill. The Senate had a perfect right to do that. The Bowman claims have been to the Court of Claims, where there was a finding of facts. They came here and the Senate had a right to put them on.

The Senate has a right to make its own rules when it comes to a point of this kind. It made this rule, and that rule was that these claims should go on this bill. I think now that any other claim as just as those, that has passed the proper scrutiny, has the same right to go upon it, and I offered these claims. They are old claims, just claims. Nobody disputes them. They ought to go on the bill. The Senator from Rhode Island [Mr. ALDRICH] has no right to make the point of order upon them. He is estopped from doing that just as plainly as a man can be.

Now, I hope that the distinguished Senator from New Hampshire will regain his accustomed kindly feeling; that he will not show so much anger and resentment hereafter, and will not accuse Senators improperly of attempting to do what they never dreamed of doing.

Mr. CHANDLER. I congratulate myself that I have succeeded in doing what I never knew any other Senator to do. I have made the Senator from Missouri good-natured.

It all comes back to the same thing, whether there is or is not a distinction between the Bowman Act claims and the French spoliation claims and other claims. Those claims have been passed

upon by the Court of Claims. The whole argument was based upon the proposition that there was a distinction between those claims and ordinary private claims that had only been passed upon by a committee of this body. I submit that the distinction is a good one, and that it does not follow because the Senate voted that those claims were in order therefore every private claim that is pending in Congress is in order on an appropriation bill.

Mr. HALE. Now, Mr. President, it is getting very late and dark, and I appeal to Senators to help me pass the bill. I want to get it out of the way to-night and be out of the way of the Senator from North Carolina, who this morning was willing to give way under the implied promise that the bill would be hurried through. I am very desirous that we should pass the bill to-night.

The VICE-PRESIDENT. The question of order is pending before the Chair.

Mr. HALE. I understand that. I hope the Chair will decide the point of order, and that then we may have a vote upon the bill, unless there are some other amendments to come in.

The VICE-PRESIDENT. The Chair determines the point of order when it is raised. The point of order made by the Senator from Rhode Island the Chair is compelled to sustain.

Mr. HARRIS. At the request of the senior Senator from Indiana [Mr. VOORHEES], who was chairman of the Finance Committee of the Fifty-third Congress, I offer an amendment.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. After line 21, page 98, insert:

To pay to Benjamin Durfee for extra services rendered to the Committee on Finance of the Senate during the consideration of the tariff bill of 1894, $2,500.

Mr. HARRIS. I simply desire to say that, while Mr. Durfee was not connected with that committee, I personally know that he performed many services and quite a good deal of hard work. He is wonderfully familiar with all revenue laws and regulations and was of great service to the committee. The gentleman occupying the position of clerk of the Committee on Ways and Means of the House, who, I believe, receives an annual salary of $3,000, has had an allowance similar to this made to him, as I am informed.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Tennessee.

The amendment was agreed to.

Mr. PLATT. I offer an amendment. I move to insert, after the Portland Company amendment, that was offered by the Senator from Maine, on page 60:

For payment to Nancy E. Day, administratrix of the estate of James L. Day, deceased, the sum of $3,041.66, in payment and satisfaction of the amount found due from the United States to the said Nancy E. Day, administratrix as aforesaid, by the Court of Claims, upon a reference of her claim to that court by the Postmaster-General, under the provisions of an act of Congress approved March 3, 1883, entitled "An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government."

The amendment was agreed to.

Mr. HILL. As I see the Senate is now in such good humor, I will take the liberty of offering an amendment.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. Add to the bill:

That the Secretary of the Senate and the Clerk of the House of Representatives be, and they are hereby, authorized and directed to purchase of James B. Lyon 50,000 copies of the United States Red Book (published by him at Albany, N. Y.), 2,000 copies for the use of the Senate, 30,000 copies for the use of the House of Representatives, and 5,000 copies to be distributed under the direction of the Secretary of State; and the sum of $50,000, or so much thereof as may be necessary, is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, to enable the Secretary of the Senate and the Clerk of the House of Representatives to carry into effect the provisions of this act.

Mr. HILL. Senators are, I think, familiar with this book. It has been laid upon their tables, one copy having been presented to each Senator. It is a most valuable and important book to be distributed to our constituents. It is one of the best books that can be distributed.

Mr. HALE. Is the amendment reported by any standing committee?

Mr. HILL. I think so, sir.

Mr. HALE. From what committee?

Mr. HILL. The Library Committee, I think.

Mr. HALE. It ought to have been there.

Mr. HILL. If the conference committee want to cut down the amount or prune it in any shape, they can do so. I offer it in behalf of my colleague [Mr. MURPHY], who is not able to be here, and I trust the Senator will allow the amendment to go on the bill. If you want to change it, it can be cut down hereafter.

Mr. HALE. If it is reported by a regular committee, of course I can not make the point of order. If it is not, I shall have to make the point of order, because there are fifty just such amendments pending.

Mr. HILL. I think it has been reported.

Mr. HALE. The Secretary can tell. I do not know anything about it.

The VICE-PRESIDENT. The Chair has no information upon the subject.

Mr. HILL. We will look that up afterwards, if the Senator pleases. Let it go for the present. You can find out afterwards if it is not a proper amendment.

The VICE-PRESIDENT. The question is on the amendment of the Senator from New York.

Mr. BATE. I should like to ask if this is the book that contains the likenesses of all Senators?

Mr. HILL. Yes, sir; and the finest looking body of men who ever got together.

Mr. ALDRICH. I make the point of order against the amendment if no one else does.

Mr. BATE. I think myself there are some good things in the book——

Mr. HILL. Yes, sir; the Senator's own likeness is there, and it is first rate.

Mr. BATE. But I do not think it is in good taste for the Senate here to vote $50,000 for its distribution when the larger part of it consists of likenesses of Senators. I shall vote against the amendment.

Mr. ALDRICH. I make the point of order. I supposed it had been made by the Senator from Maine, but if it has not I make it now.

The VICE-PRESIDENT. What is the point of order of the Senator from Rhode Island?

Mr. ALDRICH. That the amendment is not in order; that it has not been reported by any standing or special committee, and is adding a new item of appropriation not estimated for.

Mr. HILL. It is about as good as the French spoliation claims amendment. Can not the good-natured Vice-President submit the question to the Senate?

The VICE-PRESIDENT. The Chair submits the question to the Senate. Is the pending amendment in order? [Putting the question.] The noes seem to have it. The noes have it, and the Senate decides that the amendment is not in order.

Mr. DANIEL. After line 2, page 21, I move to insert:

To pay Briscoe B. Bouldin the sum of $205.15, in reimbursement of expenditures on account of wounds received in the service.

Mr. HALE. Is that reported by a standing committee?

Mr. DANIEL. Allow me to make a brief statement.

Mr. HALE. I merely asked the question.

Mr. DANIEL. A bill for this purpose has been reported favorably from the Committee on Claims, and it is as meritorious a claim as is embodied in this whole bill. This gentleman was an officer of the internal-revenue service and had a desperate encounter in North Carolina with certain moonshiners, in which he acted with conspicuous courage. It was recommended by the Commissioner of Internal Revenue that his absolute expenses incurred by reason of the wounds should be paid.

The matter has been for two consecutive years examined by the Committee on Claims; the correspondence, the proof, the medical certificates, all set forth in full; and it is a case of that dignity and merit which it seems to me ought to be recognized by the Senate, and that a worthy officer, who was highly commended by his Government, should be recognized by this humane consideration of his sufferings and his courage. I know personally the facts to be true beyond the information which I gather from the reports.

Mr. HALE. If the amendment has been reported by a standing committee and referred to the Committee on Appropriations it is not subject to the point of order. If it has not been so reported and referred it is subject to the point of order, and I make the point of order. I do not know whether that has been the case or not.

Mr. DANIEL. I think the Senator has himself offered amendments of the same character to this bill, and I do not see why we should be assailed on all hands with points of order which nobody regards as to his own claims.

Mr. HALE. I have not——

Mr. DANIEL. Members of the committee pay no attention to the rules.

Mr. HALE. I have not offered an amendment here that has not been either reported by a committee and referred to the Committee on Appropriations or already passed by the Senate or both.

Mr. DANIEL. We naturally look to the members of the Committee on Appropriations as our exemplars and guides. They have paid no attention to the rule. It is evidently one made merely for personal convenience and not for the government of the Senate.

Mr. HALE. Mr. President, the Senator has no right to make that statement.

Mr. DANIEL. I did not mean by it to be offensive to the Senator.

Mr. HALE. No member of the committee, certainly not myself, nor has any member offered an amendment that is not subject to precisely the rule that I have invoked here, and which was

taken out of the operation of the rule because it was reported by some committee and referred to the Committee on Appropriations, which made it in order, and in other cases because the bill itself passed the Senate.

Mr. GALLINGER. I will say to the Senator from Maine that that does not make a private claim in order.

Mr. HALE. No, it does not make a private claim in order.

Mr. GALLINGER. Yet the Senator, I think, admitted some private claims.

Mr. HALE. I did.

Mr. GALLINGER. Then I propose to reintroduce the amendment I offered some time ago, and I hope the Senator will not apply the rule which his own committee does not recognize.

Mr. HALE. I certainly shall not make the point of order, after what the Senate has done, against any claim, private or otherwise, where a committee has reported it and referred it to the Committee on Appropriations or where it has already passed the Senate. I certainly shall not make that point of order.

Mr. DANIEL. That exception, stated in guarded language, happens to cover cases which other gentlemen are interested in. I do not see why, if we are not going to be governed by the rule, gentlemen ought to invent new and very refining rules which simply bring in a certain class of cases and leave out the others. I am afraid that this rule, if strictly applied with the new and technical nicety with which the Senator shaves down the line, might trench dangerously near to the proximity of my case. I am a little uneasy about the refining application, and I hope the Senator will not make this point upon so worthy and meritorious a case. I think it is above the Senator from Maine, if he will allow me so to state, to make war upon a little claim of a revenue officer who was shot and wounded in the service and who was commended by the Government for his good conduct.

Mr. HALE. If the Senator will withhold his praise, I will withdraw the point of order.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Virginia.

The amendment was agreed to.

Mr. ALLISON. I offer an amendment, and after it is read I will make a brief explanation.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. After line 11, page 103, add:

To pay FRED T. DUBOIS the salary due him as Delegate in Congress from the Territory of Idaho from July 3, 1890, to March 4, 1891, inclusive, $3,333.34.

Mr. ALLISON. This amount includes the compensation of Delegate from Idaho from the time of the admission of the Territory of Idaho as a State until the expiration of his term as Delegate had the State not been admitted. It is a House provision, but by some accident it was omitted and not inserted in this bill. We are told that it will meet with no opposition on the part of the House. It is in exact accordance with all the precedents in similar cases.

The amendment was agreed to.

Mr. GALLINGER. I submit an amendment that was proposed, referred to the Committee on the District of Columbia, reported back favorably, and referred to the Committee on Appropriations.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. After line 13, page 47, insert:

To pay Emmart, Dunbar & Co. the amount found due by the auditor of the District of Columbia for work done by said firm in connection with the laying of the 36-inch water main under their contract of September 1, 1871, with said District, to be paid wholly from the revenues of the District of Columbia, $14,548.22.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. CULLOM. I wish to call up the conference report on the legislative, etc., appropriation bill. I think it will take no time.

Mr. ALLISON. I ask the Senator from Illinois to yield to me that I may submit a conference report in order to have it printed?

Mr. CULLOM. I have no objection and will yield to the Senator for that purpose.

Mr. ALLISON. I submit the report of the committee of conference on the bill (H. R. 7664) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes. I ask that the report may be printed in the RECORD, and also printed as a document, and I give notice that to-morrow morning, or at some convenient season, I shall ask the Senate to consider it.

The VICE-PRESIDENT. In the absence of objection, the report submitted by the Senator from Iowa will be ordered to be printed in the RECORD and also printed as a document.

The report is as follows:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 7664) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 20, 26, 34, 36, 40, 41, 45, 46, 47, 49, 50, 51, 52, 58, 60, 75, 80, 81, 85, 86, 104, 107, 118, 120, 121, 130, 148, 149, 151, 152, 153, 154, 158, 159, 183, 184, 185, 186, 188, and 189.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 5, 21, 27, 29, 30, 31, 35, 42, 43, 48, 53, 54, 55, 56, 59, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 77, 78, 79, 82, 83, 87, 88, 89, 90, 95, 99, 100, 101, 102, 105, 106, 108, 110, 113, 114, 115, 116, 117, 119, 131, 132, 136, 137, 138, 142, 143, 144, 150, 155, 156, 157, 162, 163, 169, 176, 179, 180, 181, and 182; and agree to the same.

Amendment numbered 33: That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Fire Island light vessel, New York: For constructing, equipping, and outfitting, complete for service, a first-class steam light vessel, with steam fog signal, $40,000; and the total cost of said steam light vessel, with a steam fog signal, under a contract which is hereby authorized therefor, shall not exceed $80,000."

And the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"San Francisco Harbor light vessel: For constructing, equipping, and outfitting, complete for service, a first-class steam light vessel with steam fog signal, $40,000; and the total cost of said steam light vessel, with a steam fog signal, under a contract which is hereby authorized therefor, shall not exceed $80,000."

And the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Tender for the Second light-house district: For constructing, equipping, and outfitting complete for service a new steam tender for buoyage, supply, and inspection in the Second light-house district, Massachusetts, $37,500; and the total cost of said steam tender, under a contract which is hereby authorized therefor, shall not exceed $75,000."

And the Senate agree to the same.

Amendment numbered 39: That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Tender for the Seventh and Eighth light-house districts: For constructing, equipping, and outfitting complete for service a new steam tender for buoyage, supply, and inspection in the Seventh and Eighth light-house districts, $37,500; and the total cost of said steam tender, under a contract which is hereby authorized therefor, shall not exceed $75,000."

And the Senate agree to the same.

Amendment numbered 44: That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert: "For constructing two revenue steamers of the first class, under the direction of the Secretary of the Treasury, for service on the Great Lakes, $200,000; and the total cost of said revenue steamers, under a contract which is hereby authorized therefor, shall not exceed $300,000 each"; and the Senate agree to the same.

Amendment numbered 57: That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment as follows: On page 27 of the bill, in line 3, strike out the following: "for extra engraving and drawing"; and the Senate agree to the same.

Amendment numbered 62: That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$67,000"; and the Senate agree to the same.

Amendment numbered 76: That the House recede from its disagreement to the amendment of the Senate numbered 76, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$110,000"; and the Senate agree to the same.

Amendment numbered 84: That the House recede from its disagreement to the amendment of the Senate numbered 84, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$131,000"; and the Senate agree to the same.

Amendment numbered 98: That the House recede from its disagreement to the amendment of the Senate numbered 98, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"That the city of Bismarck, in the State of North Dakota, by and through its regular city council, shall have authority to use, upon lease from the Government by the Secretary of the Interior, Sibley Island, an island in the Missouri River, near said city of Bismarck, for a public park: *Provided*, That nothing herein contained shall be construed to authorize the felling of timber on said island for sale or consumption, nor shall any timber be cut save for the purpose of improving or beautifying the grounds."

And the Senate agree to the same.

Amendment numbered 103: That the House recede from its disagreement to the amendment of the Senate numbered 103, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$15,000"; and the Senate agree to the same.

Amendment numbered 133: That the House recede from its disagreement to the amendment of the Senate numbered 133, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$40,000"; and the Senate agree to the same.

Amendment numbered 134: That the House recede from its disagreement to the amendment of the Senate numbered 134, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$40,000"; and the Senate agree to the same.

Amendment numbered 135: That the House recede from its disagreement to the amendment of the Senate numbered 135, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$40,000"; and the Senate agree to the same.

Amendment numbered 139: That the House recede from its disagreement to the amendment of the Senate numbered 139, and agree to the same with an amendment as follows: Add at the end of said amendment the following: "; this sum to be in full of any authorization or appropriation under said joint resolution"; and the Senate agree to the same.

Amendment numbered 145: That the House recede from its disagreement to the amendment of the Senate numbered 145, and agree to the same with an

amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For repairs to the Guilford battle grounds: To enable the Guilford Battle Ground Company to repair the grounds and public buildings of said company on said battle grounds, $1,000; said amount to be disbursed on the order of the president of the said company, and the United States shall be at no further expense in the future for repairs or other expenses relating to said battle grounds."

And the Senate agree to the same.

Amendment numbered 160: That the House recede from its disagreement to the amendment of the Senate numbered 160, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,470,478.75"; and the Senate agree to the same.

Amendments numbered 164 and 165: That the House recede from its disagreement to the amendments of the Senate numbered 164 and 165, and agree to the same with an amendment as follows: Strike out all of the amended paragraph constituting lines 22 to 25, inclusive, on page 93 of the bill, and lines 1 to 4, inclusive, on page 94 of the bill, and insert in lieu thereof the following:

"For payment of salaries, fees, and expenses of United States marshals and their deputies, $1,000,000, to include payments for services rendered in behalf of the United States or otherwise."

And the Senate agree to the same.

Amendments numbered 166, 167, and 168: That the House recede from its disagreement to the amendments of the Senate numbered 166, 167, and 168, and agree to the same with an amendment as follows: Strike out the amended paragraph constituting lines 5, 6, and 7, on page 94 of the bill, and insert in lieu thereof the following:

"For salaries of United States district attorneys and expenses of United States district attorneys and their regular assistants, $275,000."

And the Senate agree to the same.

Amendment numbered 170: That the House recede from its disagreement to the amendment of the Senate numbered 170, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$85,000"; and the Senate agree to the same.

Amendment numbered 171: That the House recede from its disagreement to the amendment of the Senate numbered 171, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$220,000"; and the Senate agree to the same.

Amendment numbered 172: That the House recede from its disagreement to the amendment of the Senate numbered 172, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$225,000"; and the Senate agree to the same.

Amendment numbered 173: That the House recede from its disagreement to the amendment of the Senate numbered 173, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$533,000"; and the Senate agree to the same.

Amendment numbered 174: That the House recede from its disagreement to the amendment of the Senate numbered 174, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,036,000"; and the Senate agree to the same.

Amendment numbered 175: That the House recede from its disagreement to the amendment of the Senate numbered 175, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$460,000"; and the Senate agree to the same.

Amendment numbered 177: That the House recede from its disagreement to the amendment of the Senate numbered 177, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "And such payments shall be allowed the marshal in the settlement of his accounts with the United States"; and the Senate agree to the same.

Amendment numbered 178: That the House recede from its disagreement to the amendment of the Senate numbered 178, and agree to the same with an amendment as follows: In lieu of the sum proposed insert: "$150,000"; and the Senate agree to the same.

Amendment numbered 187: That the House recede from its disagreement to the amendment of the Senate numbered 187, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: ": *Provided*, That hereafter the reports of the Geological Survey in relation to the gauging of streams and to the methods of utilizing the water resources may be printed in octavo form, not to exceed 100 pages in length and 5,000 copies in number; 1,000 copies of which shall be for the official use of the Geological Survey, 1,500 copies shall be delivered to the Senate, and 2,500 copies shall be delivered to the House of Representatives for distribution;" and the Senate agree to the same.

Amendment numbered 191: That the House recede from its disagreement to the amendment of the Senate numbered 191, and agree to the same with an amendment as follows: In line 3 of the matter inserted by said amendment insert, after the word "company," the following: "To reimburse said company for expenses incurred and paid in connection with the Government building and exhibit"; and the Senate agree to the same.

The committee of conference have been unable to agree on the amendments of the Senate numbered 2, 3, 4, 6, 7, 8, 9, 10, 12, 13, 15, 16, 17, 22, 23, 24, 25, 28, 32, 61, 91, 92, 93, 94, 96, 97, 109, 111, 112, 122, 123, 124, 125, 126, 127, 128, 129, 140, 141, 146, 147, and 161.

W. B. ALLISON,
EUGENE HALE,
A. P. GORMAN,
Managers on the part of the Senate.

J. G. CANNON,
E. J. HAINER,
JOSEPH D. SAYERS,
Managers on the part of the House.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. CULLOM. I ask that the conference report on the legislative, etc., appropriation bill may be taken up for consideration.

Mr. HILL. I hope the Senator from Illinois will not press the consideration of that report this evening.

Mr. CULLOM. I think it will take only a very few minutes. I think the Senator himself understands exactly what there is left in it.

Mr. HILL. I want to submit some remarks upon it, but do not desire to do so to-night.

Mr. CULLOM. Does the Senator desire the report to go over?

Mr. HILL. Let it go over until to-morrow.

Mr. CULLOM. Very well; I make no objection.

Mr. GORMAN. I move that the Senate adjourn.

The motion was agreed to; and (at 6 o'clock and 22 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, May 26, 1896, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

MONDAY, *May 25, 1896.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of Saturday was read.

The SPEAKER. Without objection, the Journal will be approved. The Chair hears no objection.

Mr. SHERMAN. Mr. Speaker——

Mr. KEM. Mr. Speaker, I object.

The SPEAKER. Did the gentleman rise to object to the approval of the Journal?

Mr. KEM. I object to the approval of the Journal.

The SPEAKER. And the gentleman rose for that purpose?

Mr. KEM. I did.

The SPEAKER. The Chair will submit the question to the House.

The question was taken; and the Journal was approved.

CHANGE OF REFERENCE.

The SPEAKER. The bill of the Senate (No. 989) granting a pension to Fannie Kautz, widow of General Kautz, of the Army, will be taken from the Committee on Invalid Pensions, if there be no objection, and referred to the Committee on Pensions. There was an erroneous reference in the first instance. Without objection, the change of reference will be made.

Mr. KEM. I object.

The SPEAKER. Objection is made by the gentleman from Nebraska [Mr. KEM]. The Chair will submit the question to the House.

The question was taken; and the change of reference was directed.

SALE OF GAS IN THE DISTRICT OF COLUMBIA.

The SPEAKER laid before the House the amendments of the Senate to the bill (H. R. 6994) relating to the sale of gas in the District of Columbia.

The Senate amendments were read at length.

Mr. BABCOCK. Mr. Speaker, I move that the House nonconcur in the Senate amendments and agree to a conference.

The motion was agreed to.

The SPEAKER announced the appointment of Mr. BABCOCK, Mr. ODELL, and Mr. RICHARDSON as conferees on the part of the House.

ECKINGTON AND SOLDIERS' HOME RAILWAY COMPANY, ETC.

Mr. BABCOCK. Mr. Speaker, this being District day, I desire to call up for present consideration the unfinished business on the Calendar, the bill (H. R. 2928) to extend the routes of the Eckington and Soldiers' Home Railway Company and of the Belt Railway Company of the District of Columbia, and for other purposes.

The SPEAKER. The Clerk will report the amendment proposed by the gentleman from Iowa [Mr. HEPBURN] which was pending when this matter was before the House on a previous occasion.

The Clerk read as follows:

Insert in line 14, section 1, after the word "power," the following:

"*And provided further*, That within thirty days after the passage of this act cars shall be regularly run over the existing tracks, beginning at the intersection of G street and New Jersey avenue, thence across New Jersey avenue to and along G street to North Capitol street, thence north on North Capitol street to T street, according to a schedule satisfactory to the Commissioners of the District of Columbia."

Mr. HEPBURN. I believe the gentleman in charge of the bill is willing to accept that amendment, Mr. Speaker.

Mr. BABCOCK. There is no objection to the amendment, as I understand it.

The amendment was agreed to.

Mr. HILL. Mr. Speaker, I offer the further amendment I send to the desk.

The Clerk read as follows:

Amend section 2 by adding:

"*And provided*, That said Eckington and Soldiers' Home Railway Company shall not have its bonds outstanding at any one time to a greater amount than 75 per cent of the actual cost of the construction and equipment of said railway; which actual cost the president, the treasurer, and a civil engineer, approved by the Commissioners of the District of Columbia, shall certify to said Commissioners, under oath, has been actually expended in the construction and equipment of its railway, and any false swearing in the matter shall be perjury.

Mr. HILL. Mr. Speaker, I wish simply to say that that is almost a precise copy of the general law of the State of Connecticut, with reference to bonding privilege of street railways. It provides specifically that there shall be at no time outstanding more than 75 per cent of the amount of the cost of the road in bonds, and is simply a provision for the protection of the bondholders. It requires that at least 25 per cent of the cost of the road shall be paid on its stock, and no honestly managed road can object to such a provision.

Mr. HOPKINS. Why do you not make that provision stronger and require that all of the stock shall be paid in, and that the bonds

shall only be for the surplus cost of the road over and above the amount of stock?

Mr. HILL. I have no desire to hamper the construction or extension of this road, but in looking over the bill it seemed to me that as now drawn there is no provision for the protection of the unsuspecting public who might buy the bonds. Therefore, after some personal experience in the construction of street railroads, and some familiarity with the law of Connecticut, I copied the precise provision of the general law of that State in regard to the bonding privilege.

Mr. HOPKINS. It would seem from a cursory examination of this provision that it is a bid to investors in these roads to only pay in 25 per cent of the stock and issue bonds for the rest of the cost of the construction.

Mr. HILL. The bill as drawn allows the issuing of bonds for the full amount of the cost. There is no limitation at all, except by the votes of the stockholders themselves. It seems to me there ought to be some provision for the protection of the bondholders.

Mr. HOPKINS. I agree to that entirely, and I ask the gentleman if he has any objection to striking out "75" and inserting "50," so that not more than 50 per cent of the cost shall be covered by the bonds, and at least 50 per cent must be covered by the stock?

Mr. HILL. I have no personal objection. It might possibly embarrass the road.

Mr. HOPKINS. It ought not. I move to amend the amendment by striking out "75" and inserting "50."

Mr. CANNON. I will ask my colleague if this is a new provision as to this particular road which did not pertain to the other roads in the District?

Mr. RICHARDSON. Yes; this is absolutely new.

Mr. CANNON. Well, I want to ask my colleague, if no such limitation as this was applied to the roads running through the thickly settled portions of the city, and this being a road which is to be extended out in a section which is thinly settled, where the investors will have to wait a considerable time before their turn comes, will not the provision which he offers be equivalent to saying that there shall be no road built?

Mr. HOPKINS. I will answer my colleague on that. I will say most emphatically no, and the reason why I say no is that it is supposed that the capital stock of this company, if honestly paid in, will be sufficient to build and equip the road. It ought to be, at least. This amendment of mine provides that it may be bonded for 50 per cent more than cost. Certainly the builders of the road have a margin greater than can be found in almost any business enterprise in the country.

In the State of Illinois this watering of stock had grown to such dimensions that the legislature in their wisdom saw fit to require that the entire capital stock should be paid in in money or its equivalent, and that fact must be certified before there can be any bonds issued at all. The reason for amendments of this kind is apparent to all persons who have had any experience in matters of this character. They know that original investors put in a small amount of money on the stock, and then go outside and borrow money and bond the road for more than it costs to build it. In that way they get the stock for nothing. If the road proves a paying enterprise they make a handsome profit upon the stock. If the road is not a good enterprise the bondholders are the ones who lose the money, and the original investors or stockholders lose nothing at all, because they are not personally responsible upon the bonds issued by the company.

Now, in this case I am not familiar with the location of the proposed road, but I say as a matter of principle that we should not authorize the building of any street railroad in any section where it will not pay in the present, or the immediate future, because there is no demand for any such road, and it partakes too much of a speculative character.

The SPEAKER. The question is on agreeing to the amendment.

Mr. BABCOCK. Mr. Speaker, I desire to say in reference to this bill that the provisions of it are more stringent than the provisions of any railroad bill that has ever been before this House. There is a provision in this bill that practically every railway company in the city of Washington must lay bare its books, its whole list of stockholders, in a report to Congress every year. Now, this provides for rapid transit on the Belt and Eckington lines, and I do not think we ought to insert a provision that would prove a hardship and prevent rapid transit on those lines. We have seen one result of putting rapid transit on the Metropolitan line. The committee are entirely willing to accept the amendment of the gentleman from Connecticut [Mr. HILL], but we do object to cutting it down to 50 per cent.

Mr. RICHARDSON. This is not a new line.

Mr. BABCOCK. This is not a new line, except a very small part of it. It is merely an extension. Now, Mr. Speaker, on these pending amendments I ask the previous question.

Mr. HOPKINS. Let me answer the gentleman in about three minutes.

The SPEAKER. The gentleman asks for the previous question. Does the gentleman from Wisconsin yield?

Mr. BABCOCK. I yield one minute.

Mr. HOPKINS. Upon the point stated by the gentleman I desire to say that if Congress has been liberal to these railroad companies heretofore that is no reason why we should be over-liberal with the present road. We know that with reference to many of these roads the stock that only cost 40 cents on a dollar is now selling for three or four dollars. The chartering of these roads is not to make a few individuals rich, but is for the purpose of giving the people cheap transportation, and the only way you can secure cheap transportation is to keep down the amount of the capital stock and bonds of the road. Now, if we allow the directors of this railroad to bond it for 50 per cent of the actual cost of the road it is amply sufficient. As my friend from Massachusetts [Mr. MOODY] says, why should they be permitted to issue their stock at all until the cash value of that stock is paid into the treasury?

Mr. RICHARDSON. The stock is already issued.

Mr. HOPKINS. These stockholders ought to be required to pay dollar for dollar into the treasury before any bonds are issued at all. That is the requirement of the State of Illinois; that is the requirement of many of the States of the Union; and if these limitations we propose are ingrafted upon this bill we will not hear the cry against this road that has come up against these other roads that Congress has had so much trouble with in the past.

Mr. RICHARDSON. Which other road?

Mr. HOPKINS. I trust my amendment will be adopted.

Mr. DOCKERY. What is your amendment?

Mr. HOPKINS. My amendment is that they shall not issue bonds for more than 50 per cent of the actual cost of the road.

Mr. DOCKERY. That is enough.

The SPEAKER. The question is on agreeing to the amendment to the amendment.

The question was taken; and the Speaker announced that the noes seemed to have it.

Mr. HOPKINS. Division, Mr. Speaker.

The House divided; and there were—ayes 60, noes 42.

So the amendment to the amendment was agreed to.

The SPEAKER. The question is on the amendment as amended.

The amendment as amended was agreed to.

Mr. BAKER of New Hampshire. Mr. Speaker, on page 2, section 1, lines 2 and 3, I move to strike out the words "city of Washington" and insert the words "District of Columbia."

Mr. BABCOCK. There is no objection to the amendment, Mr. Speaker.

The amendment was agreed to.

Mr. BAKER of New Hampshire. Mr. Speaker, I move to strike out section 5 of the bill.

The SPEAKER. The gentleman from New Hampshire moves to strike out section 5 of the bill.

Mr. HEPBURN. Before we reach that, I have an amendment which comes earlier in the bill. I move to strike out section 3 of the bill—section 4 as it originally was, but now section 3. That is the section authorizing an extension by the Belt Railway Company.

The SPEAKER. The Chair will recognize the gentleman from Iowa instead of the gentleman from New Hampshire. The gentleman from Iowa moves to strike out section 3 of the bill.

Mr. HEPBURN. Mr. Speaker, this section proposes to give to this company the right to largely extend its lines. It now has more than 20 miles of single-track railway in this city—that is, it and the other company which is a beneficiary in this bill, and yet there is a considerable portion of their road that has already been completed which they have persistently refused to operate. Here on North Capitol street, for the distance of a number of squares, immediately after the street had been completed by being perfectly surfaced, they tore up the street and laid their tracks, replaced the pavement between the tracks, and paved 2 feet on each side with cobblestones, and a portion of the way without any pavement between their tracks; and after thus marring the street, they persistently refused to use it. The people of that portion of the city have been clamoring for years to try to compel them to operate that franchise and give them the benefit of the travel that the charter originally provided for. The authorities have attempted to force them by process of the courts, and have thus far been unable to do it. Then, when they found they would not operate their road, action was brought against the company to require them to remove the nuisance; and they come in and cavalierly say that they are not required to do it, because, without warrant or authority of law, they have sold that property to another company. That is the situation to-day; and yet they come here and ask for some 6 or 8 miles more of trackage right in the city. I do not think they have shown themselves to be of that class

that ought to receive any further favor at the hands of this Congress. Therefore, I move to strike out all of this provision that proposes to give them additional extensions and franchises.

Mr. BABCOCK. In reference to the amendment proposed by the gentleman from Iowa, I desire to say that the committee have stricken out nearly all of the construction that this bill called for originally, leaving only these two spurs, one on Water street, which is a continuation of their track, provided they buy the right of way themselves, and this line beginning at Fourth and O streets and going up to what is called the baseball park. As I understand, this extension is less than 1 mile in length instead of 5 or 6, and the extension on Water street is very short, perhaps a quarter of a mile.

Mr. HEPBURN. Will the gentleman give some reason why this company, which has been resisting so contumaciously the rights of the people by refusing to operate its road on streets where it is already chartered, should be given these additional facilities? Corporations that act in that way do not belong to the class that are usually favored by legislation. For some reason or other that I do not know anything about they neglect or refuse to do what they voluntarily undertook to do, what they asked and worked to be permitted to do—refuse to give the people the benefit of the service to which they are entitled; and yet they are here now asking for additional favors. I think they ought to be able to show that they have well used the gifts heretofore given them before they will be in a condition to ask for more. I trust that some of the friends of this measure will explain this contumacious conduct on the part of this corporation.

Mr. BABCOCK. I desire to say, Mr. Speaker, that as one of the committee I have heretofore persistently resisted the resolution asked for by this company on the very ground the gentleman has stated.

Mr. HEPBURN. I do not, of course, mean "friends" in any improper sense; I mean simply advocates of this bill.

Mr. BABCOCK. As I have already said, Mr. Speaker, I have persistently opposed the legislation asked for hitherto in the last two sessions of Congress, until finally this bill has been presented which is so stringent in its requirements that I believe it to be in the interest of the whole city that it should pass. The District Committee, as I said before, has stricken from the Senate bill every provision for extension except the two trifling ones that I have indicated. I yield to the gentleman from Maryland [Mr. RUSK], who will further explain the bill.

Mr. RUSK. Mr. Speaker, I desire to say, in general explanation of the bill and somewhat in reply to the gentleman from Iowa, that these two lines have passed under the control of the same persons who constitute the corporation which is now building an electric line between Baltimore and Washington. In the city of Baltimore that line is rapidly approaching completion. By the 1st of August cars will run from Washington to Laurel, and from Baltimore to Ellicott City, and by the 1st of January the line will be in full operation between the two cities. In the city of Baltimore that line is connected with the Traction Company, which controls some 80 miles of street railroads running in various directions. Their idea is to take these two old horse railroads in this District, equip them thoroughly as modern lines, and connect them with the line between Baltimore and Washington.

The purpose is to reduce the fare between the two cities to probably $1 for the round trip, and to make such arrangements that a person buying a ticket from Washington to Baltimore or from Baltimore to Washington shall receive a coupon for street-car fare in either city so that he can ride not only between the two cities, but to any part of either city for the single fare of $1 for the round trip. In other words, the single fare will include street-car fare in each city. I know nothing of the conduct of those who formerly owned these lines, but I do know that the lines have now passed into the hands of responsible persons who have raised the millions necessary to build the line between Baltimore and Washington, and they desire this as a Washington terminus of their system, so that they may convey passengers not merely to the confines of Washington, but to any part of the city. The Senate committee examined this bill very carefully, and, in view of the considerations which I have briefly stated here, they granted very large extensions. The House committee, however, was not willing to go so far as the Senate committee had gone, and it struck out all those extensions except the ones that have been mentioned by the chairman of the committee and which are absolutely necessary to perfect the system even on a small scale. To strike out this section as proposed by the gentleman from Iowa would destroy entirely the plan. The company will be very much hampered by what the House committee has already done by striking out the extension to the Zoological Gardens and other points, and the striking out of this section would entirely defeat the object in view.

Mr. HEPBURN. Does the gentleman from Maryland feel authorized to give some assurance that this company, if they get these extensions, will use the franchises that have been given them heretofore? For example, that they will use the North Capitol portion of their track, which for more than two years they have refused to make any use of?

Mr. RUSK. I know the persons who are interested in this enterprise, and I know that they are anxious to have the bill pass, and will accept and carry out in good faith every provision contained in it.

Mr. McCORMICK. Is there any provision in this bill to prohibit the digging up of the streets and leaving them in confusion? That seems to be a practice in Washington, and there does not seem to be any power to compel the railroad companies to put the streets back into proper shape.

Mr. BABCOCK. There is a general law which regulates that.

Mr. McCORMICK. But it does not regulate it. F street was in a disturbed condition for a large part of the winter, and now H street—one of the most important streets in the city of Washington—long after the laying of the new track, is in a dangerous condition. We used to think in New York that the streets were too often left in bad shape by the railroad companies, but the streets in Washington are left in worse disorder, if H street is an example, than those of any city I have been in. There ought to be a law to stop the railroad companies from tearing the streets to pieces at will and leaving them in an unsafe condition for months after the work of laying the rails is finished.

Mr. BABCOCK. The reason the track has not been repaired on F street is because there was other work to be done there, and the repairing has been delayed until all the work was completed. Let me say that the work on F street has been done with the greatest rapidity, considering the vast amount of work required to be done.

Mr. McCORMICK. I speak more particularly now of H street. For the last four or five months H street has been in a constant state of confusion; torn up, and torn up, and torn up again, and now it is from Fourteenth street west unfit for vehicles, and in a state by the change of grade that would discredit a frontier village. Some one should be held responsible for it.

Mr. BABCOCK. I now ask for a vote on the amendment.

Mr. RICHARDSON. I hope the gentleman from Iowa will not insist on the amendment.

The question being taken, the amendment of Mr. HEPBURN was rejected.

Mr. BAKER of New Hampshire. I now renew my motion to strike out the fifth section.

The question being taken, there were on a division (called for by Mr. BAKER of New Hampshire)—ayes 6, noes 13.

So the amendment was rejected.

Mr. HILL. I offer the amendment which I send to the desk, and which I will state has been accepted by the committee.

The Clerk read as follows:

Amend section 6 by adding:

"*And provided*, That said Belt Railway Company shall not have its bonds outstanding at any one time to a greater amount than 75 per cent of the actual cost of the construction and equipment of said railway, which actual cost its president, treasurer, and a civil engineer, approved by the Commissioners of the District of Columbia, shall certify to said Commissioners under oath has been actually expended in the construction and equipment of its railway; and any false swearing in the matter shall be perjury."

Mr. HILL. I will simply say that this bill covers two railroads, not only the Eckington road, but the Belt Line. This amendment proposes to apply to the Belt Line the same restriction in regard to the issue of bonds that is applied to the Eckington road.

Mr. HOPKINS. I move to amend the amendment by striking out "75 per cent" and inserting "50 per cent."

Mr. BABCOCK. We accept that amendment.

The question being taken, the amendment of Mr. HOPKINS to the amendment of Mr. HILL was agreed to; and the amendment as amended was adopted.

Mr. BABCOCK. The amendment offered by the gentleman from New Hampshire [Mr. BAKER] to strike out section 5 was evidently misunderstood. That section provides that the Belt Railway Company may abandon certain lines in this city. The gentleman from New Hampshire objected to that provision, and wished to have it stricken out. The committee concede that the gentleman's amendment is right, and agree that the section be stricken. I move to reconsider the vote by which the amendment of the gentleman from New Hampshire was disagreed to; and then I shall ask that the amendment be adopted.

The SPEAKER. Without objection, the reconsideration will be considered as ordered.

There was no objection.

The SPEAKER. The question now recurs on the motion of the gentleman from New Hampshire to strike out the fifth section.

The amendment was agreed to.

Mr. HEPBURN. I move to amend by inserting after the words "shall be," in line 3, on page 9, the words "sworn to and"; so as

to read "which report shall be sworn to and signed by the president and treasurer of such corporation," etc.

Mr. RICHARDSON and Mr. BABCOCK. No objection.

The amendment was agreed to.

Mr. HEPBURN. I move further to amend by inserting after the word "debt," in line 11, on page 9, the words "amount of dividends declared."

Mr. RICHARDSON. The effect of that is that the companies shall report the amount of their dividends?

Mr. HEPBURN. Yes, sir.

Mr. RICHARDSON. No objection.

The amendment was agreed to.

Mr. HEPBURN. I move further to amend by inserting after the word "superintendence," in line 22, page 9, the words "salaries of," so that the reports shall embrace "salaries of officers, clerks, agents," etc.

Mr. BABCOCK. There is no objection to that.

The amendment was agreed to.

Mr BAKER of New Hampshire. I move to amend section 11 by striking out, in line 13, page 10, the word "may" and inserting "shall."

Mr. BABCOCK and Mr. RICHARDSON. No objection.

The amendment was agreed to.

The bill as amended was ordered to a third reading, read the third time, and passed.

On motion of Mr. BABCOCK, a motion to reconsider the last vote was laid on the table.

NICOLAI BROS.

Mr. BABCOCK. I ask present consideration of the bill (S. 3011) for the relief of Nicolai Bros.

The bill was read, as follows:

Be it enacted, etc., That the Commissioners of the District of Columbia are hereby authorized to grant permission to Nicolai Bros. to use the pipes heretofore laid by them under a permit from said Commissioners dated December 22, 1893, along I street southeast from Half street to South Capitol street, South Capitol street from I street to K street, K street from South Capitol street to corner of K and Half streets southwest, under such regulations and rental as may be made by the said Commissioners with regard thereto.

SEC. 2. That Congress reserves the right to alter, amend, or repeal this act.

The bill was ordered to a third reading; and being read the third time, was passed.

On motion of Mr. BABCOCK, a motion to reconsider the last vote was laid on the table.

BALTIMORE AND WASHINGTON TRANSIT COMPANY, OF MARYLAND.

Mr. BABCOCK. Now, Mr. Speaker, I call up for present consideration the bill (H. R. 8469) to authorize the Baltimore and Washington Transit Company, of Maryland, to enter the District of Columbia.

The bill was read, as follows:

Be it enacted, etc., That the Baltimore and Washington Transit Company, incorporated under the laws of the State of Maryland, and by amended charter by act of the legislature of Maryland, 1896, be, and is hereby, authorized to extend its road from its present charter terminus at Takoma Park, Md., into and within the District of Columbia, commencing at the northeastern boundary line of the District of Columbia, on Carroll avenue, in Takoma Park subdivision, thence in a westerly direction along said Carroll avenue to Maple avenue, thence southerly along said Maple avenue across the Blair road, thence northerly along Blair road to Umatilla street, thence westerly along Umatilla street in such manner and to such point on Umatilla or other streets as will be most feasible to form a junction with the Brightwood railway, the entire distance being about one-half mile.

SEC. 2. That the Baltimore and Washington Transit Company and the Brightwood Railway Company shall have the power to make any contracts or agreements that they may deem necessary to enable the said companies to run the cars of each or either company over the tracks of the other company, and also to contract for and use the power of each or either company to propel the cars of the other company; that said extension of the transit company from the District of Columbia line to a junction with the tracks of the Brightwood Railway Company, near Fifth and Umatilla streets, in Takoma Park, District of Columbia, shall be commenced within six months and completed within one year from the passage of this act.

SEC. 3. That in the event that the company should not be able to come to an agreement with the owner or owners of any land through which the said road may be located to pass, or upon which any necessary buildings may be required to be located, proceedings for the condemnation for the use of the company of so much of said land as may be required, not exceeding 30 feet in width, for its roadway, and of so much as may be necessary for buildings, etc., may be instituted in the usual way in the supreme court of the District of Columbia, under such rules and regulations as said court may prescribe for such purposes.

SEC. 4. That the said Baltimore and Washington Transit Company shall be empowered to construct, maintain, equip, and operate a single or double track street railway over the said line, with all necessary buildings, switches, machinery, appliances, appurtenances, and other devices necessary to operate the same by cable, electricity, compressed air, storage battery, or other motive power, to be approved by the Commissioners of the District of Columbia: *Provided*, That the right of said company to use an overhead single trolley on a street or part of a street shall cease six months after the date of the approval of an act of Congress appropriating money for or otherwise authorizing the paving of the roadway of such street or part of street, except in connection with continuous track rails: *And provided further*, That the right of said company to use an overhead single trolley in any public space in the District of Columbia, except in connection with continuous track rails, shall in any event cease on July 1, 1899. Said railway to be constructed of good material, with grooved rails of approved pattern, and in a neat and substantial manner, subject to the supervision and approval of the Commissioners of the District of Columbia; the standard gauge to be used and the surfaces of the tracks to conform to the grades of the streets established by the Commissioners of the District of Columbia, and where the tracks lie within the streets of the District of Columbia the same to be paved between the rails and 2 feet outside thereof with such material and in such manner as shall be approved by the said Commissioners, and kept in repair by the said railway company.

SEC. 5. That said railway shall be constructed in a substantial and durable manner. The plans of construction, rails, electrical and mechanical appliances, conduits and stations, and location of stations and tracks, shall be subject to the approval of the Commissioners of the District of Columbia. The said company, having first obtained the written permission of the District Commissioners therefor, may make all necessary trenches and excavations and place therein the machinery and devices necessary to the operation of said railway. When said trenches and excavations are open they shall be thoroughly protected to prevent accident, and shall be closed within a reasonable time and the disturbed pavement relaid, all to the satisfaction of said Commissioners. The said company shall, at its own expense, in a good and substantial manner, make all changes to pipes, conduits, and other underground constructions rendered necessary by the construction of said railway. Said company shall be liable for any damage to pipes or other underground constructions caused by the passage of its cars over the same, or by electric currents used in the propulsion of its cars. The said company shall, before commencing work on said railroad, deposit with the collector of taxes of the District of Columbia such sum as the Commissioners of said District may deem necessary to defray any expense that may be incurred by the District of Columbia in connection with the inspection of the work of construction of said railway, and to make good any damage done by said company or any of its contracting agents to any public work or construction. An account of the disbursement of such deposit or deposits shall be made to said company, and any balance due them shall be returned upon the completion of the work to defray the cost of which the money was deposited.

SEC. 6. That whenever the roadway of any street occupied by the said railway company is widened, one-half of the cost of widening and improvement of such widened part shall be charged to the said railway company and collected from said company in the same manner as the cost of laying or repairing pavements lying between the exterior rails of the tracks of street railways, and for a distance of 2 feet from and exterior to such track or tracks on each side thereof is collectible under the provisions of section 5 of the act entitled "An act providing a permanent form of government for the District of Columbia," approved June 11, 1878.

SEC. 7. That nothing in this act shall prevent the District of Columbia at any time, at its option, from altering the grade of any avenue, street, or highway occupied by said railway, or from altering and improving streets, avenues, and highways, and the sewers thereof. In such event it shall be the duty of said company to change its said railway and the pavement so as to conform to such grades and improvements as may have been established.

SEC. 8. That the said company may receive a rate of fare not exceeding 5 cents for each passenger for one continuous ride over the route aforesaid within the District of Columbia, or any part thereof, between the termini of said railroad within said District, and shall sell tickets at the rate of six for 25 cents.

SEC. 9. That said company shall pay to the District of Columbia, in lieu of taxes on personal property, for each fiscal year, 4 per cent of its gross earnings under this franchise upon its traffic for the preceding year derived from the operation thereof within the District of Columbia, which amount shall be paid to the collector of taxes at the times and in manner that other taxes are or may be payable, and subject to the same penalty in case of arrears; and the franchise and property of said company, both real and personal, to a sufficient amount, may be seized and sold in satisfaction thereof in the same manner as is or may be provided by law for the sale of other property for taxes, and said per cent of its gross earnings shall be in lieu of any and all assessments upon its personal property in the District of Columbia used solely and exclusively in the operation and management of said railway; but its real estate in said District shall be taxed as other real estate therein: *Provided*, That its tracks, machinery, and devices shall not be considered real estate for the purpose of taxation.

SEC. 10. That the said company shall, on or before the 1st day of February of each year, make a report to Congress, through the Commissioners of the District of Columbia, of the names of all the stockholders therein and the amount of stock held by each, together with a detailed statement of the receipts and expenditures, from whatever source and on whatever account, for the preceding year ending December 31, and such other facts as may be required by any general law of the District of Columbia. The report shall be verified by the affidavit of the president and secretary of the company, and if said report is not made within the time specified herein said company shall be liable to a fine of $500, to be recovered in any court of competent jurisdiction at the suit of the Commissioners of the District of Columbia.

SEC. 11. That the said corporation may issue bonds or other evidence of debt, to be secured by mortgage of its railroad properties and franchise within the District of Columbia, or by deed of trust thereon, but not to an amount greater than the cost of construction and equipment. It may own, purchase, lease, and sell real estate for the purposes of operating said road.

SEC. 12. That said company shall commence the construction of its said railway within six months from the approval of this act, and said railway shall be open for traffic, with its switches and turn-outs, and with cars running thereon for the accommodation of passengers, within one year from the date of the approval of this act.

SEC. 13. That the said railway company shall deposit with the collector of taxes, District of Columbia, the sum of $1,000, within sixty days from the passage of this act, as a guaranty that it will commence and complete its road within the time herein limited. And unless said sum of $1,000 is so deposited within sixty days from the passage of this act, all rights, franchises, and privileges hereby granted shall immediately cease and determine, and this charter shall be null and void. Should the said railway company fail to commence or complete the construction of its road within the limit of time prescribed by this act, said sum of $1,000 shall be forfeited by the said railway company, and shall be deposited by the collector of taxes with the United States Treasurer to the credit of the United States and the District of Columbia, in equal parts.

SEC. 14. That the Commissioners of the District of Columbia may make such regulations as to rate of speed, schedule for running cars, mode of use of tracks, and removal of ice and snow as, in their judgment, the interest and convenience of the public may require. Should the servants or agents of said company willfully or negligently violate such an ordinance or regulation, said company shall be liable to the District of Columbia for a penalty not exceeding $500.

SEC. 15. That Congress reserves the right to amend, alter, or repeal this act.

The Committee on the District of Columbia recommend the adoption of the following amendments:

First. Strike out all of the first section after the word "Columbia," in line 10, and insert in lieu thereof the words "on Spring road, in Tacoma Park subdivision; westerly along said road to the line of Tahoe street extended; west

along the line of said street to Blair road, and thence northwestery, following public highways, to a junction with the Brightwood Railway, along a route to be approved by the Commissioners of the District of Columbia: *Provided*, That the right of use of Spring road authorized herein shall cease and determine when highways contiguous thereto and shown upon the recorded highway extension plans shall have been opened, in which case the route of the said company shall be upon said highways as may be approved by the said Commissioners in lieu of Spring road."

Second. Add at the end of section 3 the words "*Provided*, That the land acquired by such agreement or condemnation for right of way for tracks within the limits of streets of the recorded highway-extension plans shall be dedicated to the District of Columbia for a public right of way before the company shall lay its tracks on such land, and that such right of way shall not be less than 90 feet in width for double tracks nor 20 feet in width for single track."

Mr. BARTLETT of New York. I would like to ask the gentleman in charge of the bill a question. This seems to be a provision for an overhead-trolley road coming into the District of Columbia.

Mr. RICHARDSON. If the gentleman will pardon me, I will explain the bill in a moment.

This road does not come within 5 miles of the city of Washington. It is away out at Takoma Park, and permission is granted by the bill to give the company, which has a part of its line in Maryland, the right to enter the District of Columbia. The purpose is to permit the road to connect with what is known as the Brightwood road at Takoma Park. It simply authorizes the connection. The bill has been carefully drawn by the District Commissioners, and the committee has made the various amendments which have been recommended by the Commissioners to the bill. The bill is drawn in accordance with their recommendation.

I ask a vote on the amendments of the committee.

The amendments were agreed to.

Mr. BAKER of New Hampshire. Mr. Chairman, I offer an amendment to section 8 of the bill which I send to the desk.

The Clerk read as follows:

Insert, in line 5, page 7, after the word "company," the words "in conjunction with said Brightwood Railway."

Mr. RICHARDSON. I would like the gentleman to state the effect of the amendment. I did not catch exactly the purport of it.

Mr. BAKER of New Hampshire. I have also another amendment that I propose to offer to the same section, line 7, page 7, before the word "aforesaid," to insert the words "and the route of said Brightwood Railway"; so that the section will read:

That the said Brightwood Railway Company may receive a rate of fare not exceeding 5 cents for each passenger for one continuous ride over the route aforesaid and the route of said Brightwood Railway within the District of Columbia, or any part thereof, between the termini of said railroad within said District, and shall sell tickets at the rate of six for 25 cents.

Mr. RICHARDSON. There is no objection to that. It simply makes them pay one fare in the District.

Mr. BAKER of New Hampshire. That is the purpose. This extension is only about a mile and a half long, and as the bill stands a 5-cent fare can be collected for that distance. I want to prevent that if possible.

Mr. RICHARDSON. There is no objection to the amendment.

The SPEAKER. The Chair understands the gentleman to offer this as one amendment?

Mr. BAKER of New Hampshire. Yes; as one amendment to section 8, to make it read as I have suggested.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. RICHARDSON, a motion to reconsider the last vote was laid on the table.

WASHINGTON AND GREAT FALLS ELECTRIC RAILWAY COMPANY.

Mr. BABCOCK. Mr. Speaker, I ask present consideration of Senate bill No. 2499, to amend an act entitled "An act to incorporate the Washington and Great Falls Electric Railway Company."

Mr. MILNES. Mr. Speaker, I desire to say that this is a very lengthy bill, but the amendments of the Senate make it a very simple one. I therefore ask to dispense with the reading of the bill except so far as it is amended.

The SPEAKER. Is there objection to dispensing with the reading of the bill except in so far as it will stand if amended?

Mr. KEM. I object.

The SPEAKER. Objection is made by the gentleman from Nebraska [Mr. KEM], and the Clerk will read the bill.

The bill was read, as follows:

Be it enacted, etc., That the act entitled "An act to incorporate the Washington and Great Falls Electric Railway Company," approved July 29, 1892, and the amendment thereto approved August 23, 1894, be, and the same are hereby, amended as follows:

Section 1 shall be amended to read as follows, commencing with the word "beginning," in line 17:

"Beginning at a passenger station to be erected and maintained on the square bounded by Prospect, Thirty-fifth, M, and Thirty-sixth streets northwest, as hereinafter provided for; thence westerly along Prospect street to or near Thirty-eighth street northwest; thence westerly and northerly on land to be acquired, except at street crossings, by said company, to and across the Foxhall road; thence westerly along the top of the bluff on the north side of the Canal road, and outside and south of the southern boundary of the land of the Washington Aqueduct pertaining to the distributing reservoir, to a point on said boundary not more than 600 feet from the western boundary of said land; thence across said land, but at no point less than 200 feet from the outer crest of the dam of said reservoir, to said western boundary; thence westwardly on a route exterior to and on the south side of the land of the United States pertaining to the Conduit road to the land of the said aqueduct pertaining to the receiving reservoir; thence through said land to a point on the land of said aqueduct near the westerly foot of Dalecarlia Hill; thence westwardly on a route exterior to and on the south side of the land of the United States pertaining to the Conduit road, except in the vicinity of Washington Aqueduct boundary stone No. 31, as hereinafter described, to Cabin John Creek, returning thence along the same line by return tracks to the place of beginning, with the privilege of constructing a branch line, with a single or double track, from the Conduit road lands south to Chain Bridge, and a branch line north, beginning and connecting at a point on its main line about opposite said Chain Bridge; thence running northerly on land to be acquired by said corporation to the Conduit road; thence across the Conduit road at right angles and on the grade of this road; thence northerly on land to be acquired by said corporation, except across and along streets, where necessary, to a point on the Georgetown and Tennallytown Railway at or near the junction of the Loughboro road with the River road. Also, beginning and connecting on Thirty-seventh street northwest at its junction with Prospect avenue; thence north along Thirty-seventh street 120 feet; thence easterly on land to be acquired by said corporation 240 feet; thence southerly on land to be acquired by said corporation 120 feet to Prospect avenue and to connect with its present tracks: *Provided*, That there shall be but one railway parallel to and near the Conduit road; and wherever the route specified in this act is parallel with or coincides with the route of any other railway the two companies shall maintain and use but one set of double tracks, and any violation of this provision by the said Washington and Great Falls Electric Railway Company shall operate as a repeal of this charter; and matters of dispute between the companies respecting railways parallel to the Conduit road, and affecting the same, in the District of Columbia shall be referred to and determined by the Secretary of War; and matters in dispute between the companies respecting railways on the Canal road shall be determined upon the application of either road to any court in the District of Columbia having competent jurisdiction. The inner rail of said Washington and Great Falls Railway shall not, at any place on the line of said railway, be less than 100 feet from the middle of the paved portion of the Conduit road, except in the county of Montgomery, in the State of Maryland, in which county said inner rail shall not be less than 50 feet from the middle of the paved portion of the Conduit road; and the said railroad may cross, under such conditions as the Secretary of War may impose, the lands of the United States at Chautauqua, between Washington Aqueduct boundary stone No. 31 and a planted stone south 36° 43' west, and distant 206.5 feet from Washington Aqueduct boundary stone No. 67, at which place the inner rail of the tracks shall be not less than 65 feet from the middle of the paved portion of the Conduit road: *Provided, however*, That said Washington and Great Falls Electric Railway Company, being authorized thereto by a vote of the majority of its stockholders of record, may contract with any street railway company in the State of Maryland or the District of Columbia, owning or operating a connecting or intersecting line for the joint management, lease, or purchase of such line or lines, and operate the same in connection and as an extension with its present line, and in case of such contract may provide the means necessary by an increase of its capital stock not to exceed the actual consideration paid or the actual cost of the necessary construction, completion, equipment, and maintenance thereof. And for the purpose aforesaid said company is hereby authorized and empowered to issue its bonds to aid in paying for such construction, completion, motive power, equipment, and maintenance aforesaid, and to secure the said bonds by mortgage or deed of trust of its right of way and all its property and franchise of whatsoever kind, whether real, personal, or mixed, on the whole of said line, its extensions, and branches, and connections, the stock and bonds authorized to be issued and negotiated by said company, to the amount of $650,000, under the decree of the supreme court of the District of Columbia being hereby confirmed. Wherever the said railway shall run over or across any of the lands of the United States or any of the accessory works of the Washington Aqueduct, as provided in this act, it shall be done only on such lines, in such manner, and on such conditions as shall be approved by the Secretary of War and accepted by said company, and no work shall be done on said railway on any of said lands until after such approval and acceptance in writing. No steam cars, locomotives, or passenger or other cars for steam railways shall ever be run over the tracks of said railway within the District of Columbia or on said lands. Said company shall, before commencing work on said railway, deposit with the Treasurer of the United States to the credit of the Washington Aqueduct the sum of $5,000, or such other sum as the Secretary of War may deem proper, to defray all the expenses that may be incurred by the United States in connection with the inspection of the company's work on the lands of the United States and any of the company's work that may affect the interests of the United States, and in making good any damages done by said company or its works to any work or land or other property of the United States, and in completing, as the Secretary of War may deem necessary, any of the company's work that the said company may neglect or refuse to complete and that the Secretary of War may consider necessary for the safety of the Washington Aqueduct and the works pertaining thereto, including its telephone line, or for the proper drainage of the United States lands, its reservoirs, and other works, or for the proper use and orderly appearance of the Conduit road; and the said company and its successors shall also deposit as aforesaid such further sums for said purposes and at such times as the Secretary of War shall direct. The said moneys shall be disbursed like other moneys appropriated for the Washington Aqueduct, and whatever shall remain of said deposits after the completion of the work for which they may be obtained shall be returned to said company with an account of their disbursement in detail. The disbursements of said deposits shall, except in case of emergency, be made only on the order of the Secretary of War. During the construction and after the completion of said railway its agents and servants, when on the public land of the United States, shall be subject to such regulations as the Secretary of War may prescribe. The provisions of this act, as far as applicable, shall apply to any extension of this railway in the State of Maryland that may be granted by said State; and the provisions of section 15 of the act of Congress approved February 28, 1891, entitled "An act to incorporate the Washington and Arlington Railway Company, of the District of Columbia," shall control and govern all the privileges granted by this act to the Washington and Great Falls Electric Railway Company and said section shall be held to include the Washington Aqueduct and its tunnels and all other works connected therewith. Said Washington and Great Falls Railway shall everywhere be constructed in a neat and substantial manner, of good material, subject, for such parts of the line as are within the jurisdiction of the Commissioners of the District of Columbia, to the supervision and approval of said Commissioners, and, for such parts of the line as are in any jurisdiction outside of the District of Columbia, to the supervision and approval of the proper authorities of such jurisdiction; the gauge of the track to be the same as that of the Washington and Georgetown Railway; and the said Washington and Great

Falls Railway Company shall, where its tracks run on or across any street or road which is under the jurisdiction of the Commissioners of the District of Columbia, or across the Conduit road or any road outside of the District of Columbia, pave the same between the rails and sets of rails and 2 feet outside thereof, with such material and in such manner as shall be approved by such proper authorities, as the case may require, and shall keep the same in repair at its own expense; and if the said corporation shall fail to make any necessary repairs within ten days after notice has been given by said authorities the repairs shall be made by said authorities and the cost thereof, except as hereinbefore provided, if not paid voluntarily, shall be recovered by them before any court of competent jurisdiction; and the amount of such repairs shall be a lien upon all property of said company from the time the same are made until paid by the company; that the said corporation shall operate its said road by electric power, and for this purpose it is hereby authorized to erect and maintain such poles and aerial lines as may be necessary for the proper conduct of said power; such lines to be built in the most perfect and substantial manner: *Provided*, That in order to prevent any danger or damage to the United States telephone line between the Great Falls of the Potomac and Washington, belonging to the Washington Aqueduct, or to its instruments, from the electric wires of said railway company, the said company shall, at all times and at its own expense remove, change, and protect said telephone line in such manner as may be directed by the Secretary of War. The said corporation shall erect and maintain, subject to the approval of the Secretary of War, at its own expense, a neat, well-painted, and substantial fence, 4 feet in height, on each side of its tracks, through the lands of the United States, and also at such places along the Conduit road as the Secretary of War may deem necessary, with suitable cattle guards, openings, and crossings for roadways, and at such places as the Secretary of War shall consider to be required for the safety of the use of said roadways.

"That the said corporation shall, at its own expense, maintain electric lights during the hours after nightfall that its cars shall run, and at least until 12 o'clock a. m., which lights shall be located so as to light all roads on and across which the railway shall pass and such other points along the proposed route as the Secretary of War shall direct. No claim for damages shall ever be made by said company or its successors in consequence of the exercise of any of the rights of the United States under this act. The crossings over the Conduit road shall be made to conform to all changes of grade of this road. The construction of said railway on any street where there are or may be any mains, fixtures, or apparatus pertaining to the Washington Aqueduct shall be subject to such conditions as may be approved by the Secretary of War, which conditions must be obtained and be accepted in writing by said company before commencing any work on such street; and the operations of said company in respect of the safety of such mains, fixtures, or apparatus shall always be subject to the control and direction of the Secretary of War, and subject to the right of the Secretary of War or other lawful public authority to interrupt the construction or use of said railway, whenever necessary for the protection or repair of such mains, fixtures, or apparatus. Efficient signals, by gong or bell, shall be made by every car before and during the crossing of the Conduit road, and, if the Secretary of War shall deem necessary and shall so direct, every car shall, before crossing this road, be brought to a full stop. The rate of speed at which the cars may run on said road shall not exceed 5 miles per hour on or across any street or road, and the fare for riding over the said road shall not exceed 10 cents each way per passenger, and this amount may be divided into divisions of 5 cents each. The work of construction and the operating of said railway by said company on the lands of the United States shall be subject to such regulations as the Secretary of War may prescribe, and the exercise of the rights by this act granted are to terminate at the pleasure of the Secretary of War in case of persistent neglect by said company or by its successors to make deposits or to comply with any of the conditions, requirements, and regulations aforesaid.

"Every car shall be brought to a full stop before crossing the Foxhall road. It shall be the duty of the Commissioners of the District of Columbia to inspect, or to cause to be inspected, from time to time, the cars operated on said road, and to require of said company that all cars and stations shall be of the first class and shall be maintained in good condition, and that cars shall be run according to schedules which shall accommodate the public; the said Commissioners shall also have the power to make such regulations as to the rate of speed, the use of tracks, the removal of ice and snow from off the tracks as the public interests may require; failure to comply with any such requirement or regulation or failure to stop cars before crossing the Foxhall and Conduit roads shall subject the company to a fine of $50 for each such failure, which fine may be recovered in any court of competent jurisdiction."

Section 2 shall be amended to read as follows:

"SEC. 2. That the capital stock of said company shall be $650,000, divided into shares of $100 each, which capital stock may be increased from time to time upon a majority vote of the stockholders, but not to exceed the actual cost of right of way, construction, equipment, station houses, and other buildings necessary to the operation of said road. The said company shall require the subscribers to the capital stock to pay in cash, to the treasurer appointed by the incorporators, the amounts severally subscribed by them, as follows, to wit: Fifty per cent at the time of subscribing and the remainder at such times and in such amounts as the board of directors shall require, and no subscription shall be deemed valid unless the 50 per cent thereof shall be paid at the time of subscribing; the remainder of said subscription to be paid at such times and in such amounts as the board of directors may require, as hereinbefore provided; and if any stockholder shall refuse or neglect to pay any installments as aforesaid, as required by the board of directors, after thirty days' notice in writing, the said board of directors may sell at public auction, to the highest bidder, so many shares of his stock as will pay the installments; and the person who shall offer to take the least number of shares for the assessments due shall be taken as the highest bidder, under such general regulations as may be provided in the by-laws of the company, but no stock shall be sold for less than the total assessments due and payable; or the company may sue and collect the same from a delinquent subscriber in any court of competent jurisdiction. No certificate of stock shall be issued until the par value thereof has been fully paid up. The company may buy, lease, or construct such passenger rooms, ticket offices, depots, workshops, and buildings as may be necessary, at such points, not on the land of the United States, along the lines as the business of the railway and the convenience of the public may require, and connect its tracks therewith; all of the above subject to the approval of the proper authorities. Whenever one-fourth of the capital stock of the company so subscribed shall have been paid in, bonds may be issued, in the discretion of the board of directors, to an amount not exceeding the balance of the stock unpaid, which bonds may be secured by mortgage of its franchise and property, real and personal: *Provided*, That the moneys raised on said bonds shall be used and expended only for the completion and improvement of said road and the equipment thereof. But this section is subject to the provision that said corporation shall not have or issue any greater number of shares of stock than the nominal value of such shares shall equal the actual and necessary cost of the construction and equipment of such railroad: *Provided, however*, That an amount of stock equal to the bonds so issued shall be first canceled and adjudged annulled: *And provided further*, That such stock and bonds may be issued as the work progresses."

Section 3 shall be amended to read as follows:

"SEC. 3. That within thirty days after the passage of this act the corporators named in the first section, or a majority of them, or if any of them refuse or neglect to act, then the majority of the remainder, shall cause books of subscription to the capital stock of said company to be opened and kept open in some convenient place in the District of Columbia, from 10 o'clock in the forenoon until 4 o'clock in the afternoon, for a period to be fixed by the corporators, not less than two days, unless the whole stock shall be sooner subscribed; and the said corporators shall give public notice, by advertisement in one or more of the daily papers published in the city of Washington, of the time when and place where the said books shall be opened; and the subscribers upon said books to the capital stock of the said company shall be held to be stockholders: *Provided*, That every subscriber shall pay, at the time of subscribing, 50 per cent of the amount by him subscribed to the treasurer appointed by the corporators, or his subscription shall be void; and when the books of subscription to the capital stock of said company shall be closed, the corporators, and in case any of them refuse or neglect to act, then a majority of the remainder, shall, within twenty days thereafter, call the first meeting of the stockholders of said company to meet within ten days thereafter, for the choice of directors, of which said meeting notice shall be given in a daily newspaper published in the city of Washington and by written notice mailed to each stockholder, and each stockholder shall be entitled to one vote for each share of stock standing in his name on the books of the company, which vote may be cast in person or by proxy."

SEC. 2. That all acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

SEC. 3. Congress reserves the right to alter, amend, or repeal this act.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. BABCOCK, a motion to reconsider the last vote was laid on the table.

RIGHTS OF MARRIED WOMEN IN THE DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker, I ask for the present consideration of the bill (S. 1659) to amend the laws of the District of Columbia as to married women, to make parents the natural guardians of their minor children, and for other purposes.

Mr. HULICK. I ask that the reading of this bill be dispensed with.

The SPEAKER. The gentleman asks unanimous consent to dispense with the reading of the bill. Is there objection?

Mr. HOWARD. In the absence of the gentleman from Nebraska [Mr. KEM], I object.

The SPEAKER. Objection is made by the gentleman from Alabama. The Clerk will proceed to read the bill.

The bill was read, as follows:

Be it enacted, etc., That the property, real and personal, which any woman in the District of Columbia may own at the time of her marriage, and the rents, issues, profits, or proceeds thereof, and real, personal, or mixed property which shall come to her by descent, devise, purchase, or bequest, or the gift of any person, shall be and remain her sole and separate property, notwithstanding her marriage, and shall not be subject to the disposal of her husband or liable for his debts, except that such property as shall come to her by gift of her husband shall be subject to, and be liable for, the debts of the husband existing at the time of the gift.

SEC. 2. That a married woman, while the marriage relation subsists, may bargain, sell, and convey her real and personal property, and enter into any contract in reference to the same in the same manner, to the same extent, and with like effect as a married man may in relation to his real and personal property, and she may, by a promise in writing, expressly make her separate estate liable for necessaries purchased by her or furnished at her request for the family.

SEC. 3. That any married woman may carry on any trade or business, occupation or profession by herself, or jointly with others, and perform any labor or services on her sole and separate account, and the earnings of any married woman from her trade, business, profession, occupation, labor, or services shall be her sole and separate property, and may be used and invested by her in her own name.

SEC. 4. That nothing in this act contained shall invalidate any marriage settlement or contract.

SEC. 5. That the husband shall not be liable for the payment of the wife's antenuptial debts, but she shall be liable to all remedies for the recovery of such debts, to be enforced against her and her separate property as if she were unmarried.

SEC. 6. That the father and mother shall be the natural guardians of the person of their minor children. If either dies or is incapable of acting, the natural guardianship of the person shall devolve upon the other: *Provided, however*, That in case of the death of either parent from whom the said children may inherit, or take by devise or bequest, the said parent may, by deed or last will and testament, appoint a guardian of the property of the children, subject to the approval of the proper court of the District of Columbia.

SEC. 7. That the survivor may by last will appoint a guardian of the person and property of any of the children, whether born at the time of making the will or afterwards, to continue during the minority of the child, or for a less time, subject at all times to removal for cause and appointment of another by the proper court.

SEC. 8. That dower shall hereafter be assigned to a widow entitled to the same in the equitable as well as the legal estate of her deceased husband.

Mr. HULICK. I send to the Clerk's desk certain amendments recommended by the committee. I wish first to offer a section, to come in after section 3, and to be numbered section 4. I shall then offer another section, to be numbered section 5. Then I shall ask that section 4 in the printed bill be numbered section 6, and that the other sections of the bill following that be renumbered to correspond. Then I shall offer a new section, to be numbered section 11.

The SPEAKER. The gentleman from Ohio offers an amendment, which the Clerk will read, which is to come in after section 3, and to be numbered section 4.

The Clerk read as follows:

SEC. 4. A married woman may contract, and sue and be sued in her own name, in all matters having relation to her sole and separate property, in the same manner as if she were unmarried; and her husband shall be joined with her when the cause of action is in favor of or against both her and her husband.

The amendment was agreed to.

Mr. HULICK. Now, Mr. Speaker, I offer the other section, to follow the one just adopted, and to be numbered section 5.

The Clerk read as follows:

SEC. 5. Neither the husband nor his property shall be bound by any such contract made by a married woman not liable for any recovery against her in any such suit; but judgment may be enforced by execution against her sole and separate estate, in the same manner as if she were unmarried; but she shall be entitled to all the benefits of all exemptions to the heads of families or householders.

The amendment was agreed to.

Mr. HULICK. Now, Mr. Speaker, I ask that section 4 in the printed bill be renumbered 6; that section 5 in the printed bill be renumbered section 7; that section 6 in the printed bill be renumbered section 8; that section 7 of the printed bill be renumbered section 9; and that section 8 be renumbered section 10. These are merely to make the numbers of the sections consecutive.

The amendments were agreed to.

Mr. HULICK. Now, Mr. Speaker, I wish to offer an additional section, to be known as section 11.

The Clerk read as follows:

SEC. 11. That sections 727, 729, and 730 of the Revised Statutes of the United States for the District of Columbia be, and the same are hereby, repealed.

The amendment was agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. HULICK, a motion to reconsider the last vote was laid on the table.

REAL ESTATE OF INSANE PERSONS IN THE DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker, I call up for consideration the bill (H. R. 8672) conferring jurisdiction upon the supreme court of the District of Columbia, or any court in said District having general equity jurisdiction, to decree a sale of real estate in said District belonging to insane persons for purpose of reinvestment, and for other purposes.

The bill was read, as follows:

Be it enacted, etc., That where any insane person, lunatic, idiot, or person non compos mentis is or shall be seized or possessed of or entitled to any lands, tenements, hereditaments, or real estate whatsoever, or any right, title, or interest therein, legal or equitable, in possession, reversion, or remainder, or any right of dower inchoate or consummate, or right by the curtesy, it shall and may be lawful for a justice of the supreme court of the District of Columbia holding an equity court, or any court in said District having general equity jurisdiction, upon the petition of the guardian or guardians, trustee or trustees, or committee of such insane person, lunatic, idiot, or person non compos mentis, and his or her appearance by guardian, to be appointed by the said justice or court aforesaid, and upon the hearing and examination of all the circumstances, and upon its appearing to the said justice or court aforesaid, as hereinafter provided, that it will be for the interest and advantage of such insane person, lunatic, idiot, or person non compos mentis to sell such lands, tenements, hereditaments, or real estate, or any part thereof, or any right, title, or interest therein, legal or equitable, to direct the same to be sold upon such terms as the said justice or court may direct, with full power and jurisdiction to control, govern, and direct the application of the money and proceeds arising from such sale or sales, and the interest thereof and the investment and reinvestment thereof as in the judgment of the said justice or court may seem proper in such funds, securities, loans, real estate, or the improvement thereof or in the improvement of other real estate belonging to said insane person, lunatic, idiot, or person non compos mentis by the erection and construction thereon of buildings and other improvements.

SEC. 2. That all sales made by the authority of the said justice or court under this act shall be reported to and confirmed by the said justice or court before any conveyance of the property shall be made. A lien shall be retained upon any real estate so sold to secure the unpaid purchase money, and bond with good and sufficient security, to be approved by the said justice or court, shall be given by the person or persons empowered to sell the property as aforesaid to the United States of America for the due execution of the trust committed to him or them, which bond shall be lodged with the clerk of said court and be by him recorded among the records of said court, and an attested copy thereof, under the hand of said officer and under the seal of his court, shall be evidence in all courts in this District. And upon any breach of the condition of said bond an action may be maintained in the name of the United States of America by and for the use of any person or persons interested, either upon the original bond or upon a duly certified copy thereof, and judgment may be recovered upon such action for the damage actually sustained.

SEC. 3. That the money and proceeds arising from the sales of said lands, tenements, hereditaments, or real estate whatsoever, or any right, title, or interest therein, legal or equitable, and also any funds, securities, loans, promissory notes, or bonds secured by deed of trust on real estate, or real estate in which the said money and proceeds arising from said sales shall be invested by and under the direction or authority of said justice of said court, except so much thereof as may have been previously applied under the order of said court or justice for the benefit of such insane person, shall, on the death of such insane person, lunatic, idiot, or person non compos mentis, be considered real estate and shall pass accordingly to such persons as would have been entitled to the estate if it had not been sold.

SEC. 4. That the said justice or court may order any real or leasehold property of such insane person, lunatic, idiot, or person non compos mentis to be leased for any term of years, or may order the surrender of any lease of the estate or property of such person to be accepted and the same to be demised anew on such terms as the justice or court may direct.

SEC. 5. That in all applications to sell the real or personal property of such insane person, or to demise the real or leasehold property of such person, or to accept the surrender of a lease thereof, the said justice or court shall, before passing a decree, have the appearance and answer of such person, as provided in section 1, and have proof taken as in other chancery cases as to the expediency of sale, quantity, value, and condition of the property; and after considering all the evidence and circumstances, if the said justice or court shall deem it for the interest and advantage of such insane person, said justice or court may decree a sale, lease, or surrender of the whole or part of such property on such terms and conditions as the said justice or court may prescribe; but a decree for a sale for the payments of debts may be passed by said justice or court without being satisfied that such sale is for the interest and advantage of such insane person.

SEC. 6. That no sale, lease, or surrender of a lease of the property, real or personal, of such insane person shall be valid unless the same shall be reported to and confirmed by said justice or said court.

SEC. 7. That it shall and may be lawful for the said justice or the court aforesaid to allow any trustee who shall make a sale of any real estate by virtue of this act such commission as is usually allowed upon sales made under authority of the supreme court of the District of Columbia.

Mr. SHANNON (during the reading of the bill). Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. SHANNON. I rise for the purpose of saying that the bill is quite lengthy, and that there is no intention on the part of the committee to amend it except in a few immaterial points. I therefore ask that further reading of the bill be dispensed with.

The SPEAKER. The gentleman from New York asks unanimous consent to dispense with the further reading of the bill. Is there objection?

Mr. BARTLETT of New York. I object.

The SPEAKER. Objection is made, and the Clerk will proceed.

The reading of the bill was resumed and concluded.

Mr. BARTLETT of New York. Mr. Speaker, I should like an explanation of this bill.

Mr. SHANNON. Mr. Speaker, those gentlemen who have taken the pains to examine the report which accompanies this bill will have noted the statement that this legislation has become necessary by reason of a late decision of the court of appeals of the District of Columbia in the case of Allen C. Clark, appellant, *vs.* Arthur Mathewson, committee, etc., filed January 6, 1896. That decision is to the effect that in the District of Columbia a court of equity has no jurisdiction to decree the sale of the real estate of a lunatic merely for the purpose of better investment. Authority has already been given by legislation for the sale of the real estate of an infant for that purpose; but legislation on this point is wanting in the case of insane persons. I will not detain the House by any extended reference to the decision, but will simply read the closing paragraph. The court says:

Finding no warrant for the exercise of the jurisdiction in the decree of sale under which the proceeding arose, whether under the statutes or independently thereof, we must reverse the decree appealed from, with cost to the appellant, and remand the case to the court from whence it came, with direction to dismiss the bill, unless it may be amended so as to show a necessity for sale for support and maintenance. And it is so ordered.

Decree reversed and cause remanded.

This decision of the court of appeals makes necessary the passage of some such legislation as is embodied in this bill.

I now invite the attention of the House to the terms of the bill itself. The first section of the bill provides for the filing of a petition by the committee of the insane person, requires proof of expediency of sale, and provides that the court shall have entire control of the investment of the proceeds. Section 2 requires that all sales must be reported to and confirmed by the court; that the trustee shall give a bond to the United States, and the same be recorded. Section 3 regulates the investment of the proceeds and provides that on death of the insane person his estate shall descend as land. Section 4 confers the additional power to lease estates and surrender the same. Section 5 prescribes the procedure and the evidence required in all cases under the bill. Section 6 requires that the lease, to be valid, must be reported to and confirmed by the court, and section 7 merely treats of the commission to which the trustee will be entitled for his services. The whole procedure, as outlined in the bill, follows very much that adopted by the courts in regulating the sale and disposal of the property of infants. I now send to the Clerk's desk three amendments, which are not of material importance, and only designed to correct the phraseology of the bill. I do this in the name of the committee.

Mr. BARTLETT of New York. I should like to ask the gentleman from New York what is the existing chancery power found in the bill?

Mr. SHANNON. I beg the gentleman's pardon; I was unable to hear him.

Mr. BARTLETT of New York. There are certain powers now vested in the court of equity to decree the sale of property in the District.

Mr. SHANNON. The decision in the case to which I have referred sets forth very clearly the condition of the law in the District of Columbia in regard to this matter. While the powers now lodged in courts of equity here are sufficient to authorize the

sale of the property of infants for the purpose of better investment, that is not the case with reference to the property of insane persons. Hence the necessity for some legislation like that embodied in the bill.

Mr. BARTLETT of New York. I would like to ask the gentleman what necessity there is for section 4 of this bill? The bill, as I understand, gives power to sell. Why do you extend it to power to lease?

Mr. SHANNON. The inquiry of my colleague is covered by the amendment already proposed by the committee and which I now send to the Clerk's desk to be read.

Mr. RICHARDSON. Let the amendments be reported.

Mr. SHANNON. I ask that the amendments be read.

The amendments were read, as follows:

Amend the caption of the bill so that it will read: "A bill conferring jurisdiction upon the supreme court of the District of Columbia, having general equity jurisdiction to decree the sale, lease, or surrender of any lease of real estate in said District belonging to insane persons for the purpose of reinvestment, and for other purposes."

Page 2, line 22, strike out the word "direct" and substitute the word "order."

Page 2, line 23, strike out the word "direct" and substitute "determine."

The amendments were agreed to.

Mr. BARTLETT of New York. Mr. Speaker, is it in order now to offer an amendment?

The SPEAKER. It is in order.

Mr. BARTLETT of New York. I desire to offer an amendment striking out section 7, and to state my reasons. Section 7, it seems to me, is objectionable, because it provides for an allowance of commission on sales, and the provision is vague and indefinite. It says that "such commission shall be allowed as is usual." That might be a commission of 5 per cent, or it might be a commission of 7 per cent, or it might be a commission of 10 per cent. Now, the proper commission would be about one-half of 1 per cent, and it seems to me it would be very unwise and improper to pass this seventh section in its present vague form. The courts, as a rule, would allow probably 5 per cent, which I think would be excessive. Suppose the estate was worth $100,000, it is manifest that a commission of one-half of 1 per cent for a sale would be adequate to compensate the committee or the trustee, but this section leaves it open to the court to allow $5,000 or $10,000 for such sale. I will ask the gentleman to accept an amendment limiting these commissions to one-half of 1 per cent.

Mr. SHANNON. I will say, in reply to my colleague from New York, that this section states distinctly that the commission allowed shall be such as is "usually allowed upon sales made under the authority of the court." I frankly admit that I do not know just what these commissions are, but whatever they are they are the commissions that would be usually allowed by the court in such cases, and that, it seems to me, is sufficiently definite.

Mr. BARTLETT of New York. I should like to ask the gentleman from New York if he thinks it proper for us to legislate in the dark? Why did not the committee reporting the bill ascertain what are the usual commissions? We should limit the commission to be allowed in these cases. I suggest that the gentleman accept an amendment providing that such commissions shall not exceed 1 per cent.

Mr. RICHARDSON. I will state to my friend from New York [Mr. BARTLETT] that the section he proposes to amend refers only to the commission to be allowed in cases covered by this bill, cases of the estates of lunatics. The general law provides what these commissions shall be, and this bill simply provides that the court shall take jurisdiction of the matter and fix the commission in each case in accordance with the general law. Now, if you change the commission in these cases, fixing a rate which shall be applicable only to cases arising under this bill, the result will be that you will have a different rate of commission paid in this District for handling the estate of lunatics from that which is paid for handling the estate of other persons under legal disability, such as infants and married women. Therefore it occurred to the committee that this was a matter which might well be left entirely to the discretion of the court. There is no difficulty about it. The court is not going to allow an excessive commission to the trustee or the guardian or the person who executes the trust. It is perfectly safe, in my opinion, to leave this matter to the discretion of the court.

Mr. BARTLETT of New York. Mr. Speaker, I withdraw my amendment and offer another. I move to insert after the words "such commission" the words "not exceeding 1 per cent."

The amendment was rejected.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. SHANNON, a motion to reconsider the vote by which the bill was passed was laid on the table.

ORDER OF BUSINESS.

Mr. EVANS. Mr. Speaker, I move that the House resolve itself into Committee of the Whole for the purpose of considering revenue bills.

Mr. RUSSELL of Connecticut. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RUSSELL of Connecticut. I understand that my colleague on the committee makes this motion as a privileged motion by direction of the Ways and Means Committee. If my understanding is correct, it is not in order to raise the question of consideration, and the only way the House can express itself on the subject of the consideration of this question at this time is by a vote on the motion to go into Committee of the Whole.

The SPEAKER. By vote on the motion to go into Committee of the Whole. If the House does not resolve itself into Committee of the Whole House on the state of the Union the question does not come up for consideration.

The question being taken on the motion of Mr. EVANS, the Speaker declared that the ayes seemed to have it.

Mr. KNOX. I ask for a division.

The House divided; and there were—ayes 41, noes 32.

Mr. BARTLETT of New York and Mr. KNOX. No quorum.

Mr. STEELE called for the yeas and nays, but immediately withdrew the call.

The Speaker proceeded to count the members present.

Mr. DINGLEY (pending the count). Mr. Speaker, I call for the yeas and nays.

The yeas and nays were ordered.

Mr. EVANS. Will the Chair please state the question.

The SPEAKER. The question is upon the motion of the gentleman from Kentucky that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of revenue bills.

Mr. BARTLETT of New York. A parliamentary inquiry, Mr. Speaker. After the point of no quorum has been made, no announcement having been made by the Chair, is this the proper procedure?

The SPEAKER. The Chair thinks that the yeas and nays may be called, because that is one method of determining the presence of a quorum. The Clerk will call.

The question was taken; and there were—yeas 127, nays 55, not voting 173; as follows:

YEAS—127.

Abbott,	Dingley,	Latimer,	Shafroth,
Aldrich, Ala.	Dolliver,	Layton,	Shuford,
Allen, Miss.	Doolittle,	Leighty,	Skinner,
Avery,	Elliott, S. C.	Leonard,	Smith, Ill.
Bailey,	Erdman,	Linton,	Sorg,
Barrett,	Evans,	Little,	Spalding,
Bell, Colo.	Faris,	Lockhart,	Sparkman,
Bell, Tex.	Gamble,	Long,	Stallings,
Berry,	Grow,	Maguire,	Steele,
Bishop,	Hager,	McCall, Tenn.	Stokes,
Broderick,	Hainer, Nebr.	McCreary, Ky.	Stone, C. W.
Bromwell,	Hardy,	McCulloch,	Strait,
Brown,	Harrison,	McLaurin,	Strowd, N. C.
Buck,	Hart,	McMillin,	Talbert,
Burton, Ohio	Hatch,	McRae,	Tate,
Calderhead,	Henderson,	Mercer,	Tawney,
Cannon,	Hendrick,	Milliken,	Tayler,
Catchings,	Henry, Ind.	Milnes,	Terry,
Clardy,	Hermann,	Minor, Wis.	Tucker,
Clark, Iowa	Hilborn,	Neill,	Turner, Ga.
Clarke, Ala.	Hopkins,	Otey,	Underwood,
Cobb,	Howard,	Otjen,	Van Voorhis,
Cockrell,	Hubbard,	Overstreet,	Walker, Va.
Cook, Wis.	Jenkins,	Owens,	Walsh,
Cooke, Ill.	Johnson, N. Dak.	Payne,	Washington,
Cooper, Tex.	Joy,	Pearson,	Williams,
Curtis, Kans.	Kem,	Pendleton,	Wilson, Idaho
Dalzell,	Kendall,	Prince,	Wilson, S. C.
Danford,	Kerr,	Raney,	Wood,
De Armond,	Kirkpatrick,	Reeves,	Woodard,
Denny,	Kyle,	Richardson,	Yoakum.
De Witt,	Lacey,	Sauerhering,	

NAYS—55.

Arnold, R. I.	Gillett, Mass.	McEwan,	Simpkins,
Baker, N. H.	Graff,	Miller, W. Va.	Stahle,
Bartholdt,	Griffin,	Moody,	Stewart, Wis.
Bartlett, N. Y.	Henry, Conn.	Morse,	Strode, Nebr.
Bennett,	Hill,	Mozley,	Sulloway,
Burton, Mo.	Howell,	Parker,	Towne,
Clark, Mo.	Huling,	Pitney,	Tracewell,
Colson,	Johnson, Cal.	Poole,	Treloar,
Cooper, Wis.	Knox,	Quigg,	Updegraff,
Curtis, Iowa	Low,	Royse,	Van Horn,
Daniels,	Marsh,	Rusk,	Wadsworth,
Fenton,	McCall, Mass.	Russell, Conn.	Walker, Mass.
Fowler,	McClellan,	Shannon,	Wright.
Gardner,	McCormick,	Sherman,	

NOT VOTING—173.

Acheson,	Andrews,	Baker, Md.	Belknap,
Adams,	Apsley,	Bankhead,	Bingham,
Aitken,	Arnold, Pa.	Barham,	Black, Ga.
Aldrich, Ill.	Atwood,	Barney,	Black, N. Y.
Allen, Utah	Babcock,	Bartlett, Ga.	Blue,
Anderson,	Baker, Kans.	Beach,	Boutelle,

Bowers,	Gillet, N. Y.	Livingston,	Sayers,
Brewster,	Goodwyn,	Lorimer,	Scranton,
Brosius,	Griswold,	Loud,	Settle,
Brumm,	Grosvenor,	Loudenslager,	Shaw,
Bull,	Grout,	Maddox,	Smith, Mich.
Burrell,	Hadley,	Mahany,	Snover,
Chickering,	Hall,	Mahon,	Southard,
Codding,	Halterman,	McCleary, Minn.	Southwick,
Coffin,	Hanly,	McClure,	Spencer,
Connolly,	Harmer,	McDearmon,	Sperry,
Cooper, Fla.	Harris,	McLachlan,	Stephenson,
Corliss,	Hartman,	Meiklejohn,	Stewart, N. J.
Cousins,	Heatwole,	Meredith,	Stone, W. A.
Cowen,	Heiner, Pa.	Meyer,	Strong,
Cox,	Hemenway,	Miles,	Sulzer,
Crisp,	Hepburn,	Miller, Kans.	Swanson,
Crowley,	Hicks,	Miner, N. Y.	Taft,
Crowther,	Hitt,	Mondell,	Thomas,
Crump,	Hooker,	Money,	Thorp,
Culberson,	Howe,	Moses,	Tracey,
Cummings,	Huff,	Murphy,	Turner, Va.
Curtis, N. Y.	Hulick,	Newlands,	Tyler,
Dayton,	Hull,	Noonan,	Wanger,
Dinsmore,	Hunter,	Northway,	Warner,
Dockery,	Hurley,	Odell,	Watson, Ind.
Dovener,	Hutcheson,	Ogden,	Watson, Ohio
Downing,	Hyde,	Patterson,	Wellington,
Draper,	Johnson, Ind.	Perkins,	Wheeler,
Eddy,	Jones,	Phillips,	White,
Ellett, Va.	Kiefer,	Pickler,	Wilber,
Ellis,	Kleberg,	Powers,	Willis,
Fairchild,	Kulp,	Price,	Wilson, N. Y.
Fischer,	Lawson,	Pugh,	Wilson, Ohio
Fitzgerald,	Lefever,	Ray,	Woodman,
Fletcher,	Leisenring,	Reyburn,	Woomer.
Foote,	Lester,	Robertson, La.	
Foss,	Lewis,	Robinson, Pa.	
Gibson,	Linney,	Russell, Ga.	

So the motion of Mr. EVANS was agreed to.

The following pairs were announced:

Until further notice:

Mr. HEATWOLE with Mr. HUTCHESON.

Mr. BINGHAM with Mr. DOCKERY.

Mr. FOSS with Mr. SULZER.

Mr. GOODWYN with Mr. COWEN.

Mr. LEFEVER with Mr. TYLER.

Mr. FOWLER with Mr. BARTLETT of Georgia.

Mr. ARNOLD of Pennsylvania with Mr. LIVINGSTON.

Mr. CORLISS with Mr. MOSES.

Mr. JOHNSON of Indiana with Mr. COX.

Mr. SNOVER with Mr. MADDOX.

Mr. WILBER with Mr. JONES.

Mr. BOWERS with Mr. MINER of New York.

Mr. HULL with Mr. OGDEN.

Mr. WILLIAM A. STONE with Mr. BLACK of Georgia.

Mr. COFFIN with Mr. LAWSON.

Mr. APSLEY with Mr. MILES.

Mr. HULICK with Mr. PRICE.

Mr. STEPHENSON with Mr. DINSMORE.

Mr. MEIKLEJOHN with Mr. ROBERTSON of Louisiana.

Mr. DALZELL with Mr. CRISP.

For this day:

Mr. HITT with Mr. SPENCER.

Mr. KULP with Mr. WHEELER.

Mr. CODDING with Mr. CUMMINGS.

Mr. PICKLER with Mr. CROWLEY.

Mr. HICKS with Mr. MEREDITH.

Mr. LOUDENSLAGER with Mr. MONEY.

Mr. HARMER with Mr. COOPER of Florida.

Mr. BOUTELLE with Mr. BANKHEAD.

Mr. SCRANTON with Mr. ELLETT of Virginia.

Mr. COUSINS with Mr. FITZGERALD.

On this vote:

Mr. CROWTHER with Mr. CULBERSON.

Mr. SPERRY with Mr. SWANSON.

Mr. TRACEY with Mr. SAYERS until June 3.

Mr. ELLIS. Mr. Speaker, I came in after my name had been passed. I wish to be recorded as present in order to make a quorum.

The SPEAKER. The gentleman will be recorded as present.

Mr. HARMER. I have been announced as paired, but I wish to be recorded as present. If at liberty to vote, I should vote in the affirmative.

Mr. DOCKERY. I am paired, but wish to be recorded as present.

Mr. FOWLER. Mr. Speaker, I am paired. If permitted to vote, I should vote "no."

Mr. KIEFER. Mr. Speaker, when my name was called I had just come in, and not knowing what the question was I did not vote. I wish to know whether I can vote now.

The SPEAKER. The Chair thinks that under the strict letter of the rule the gentleman's vote can not be received.

Mr. KIEFER. Then I desire to be recorded as present.

Mr. LEWIS. Mr. Speaker, I have just come in, and I desire to vote.

The SPEAKER. The gentleman can not, under the rules, be allowed to vote now.

Mr. LEWIS. I desire to vote "aye."

The SPEAKER. The Chair can not submit to the House the request of the gentleman to be allowed to vote. He may be recorded as present.

Mr. LEWIS. Very well; I desire to be recorded as present and to state that if permitted to vote, I should vote in the affirmative.

Mr. GIBSON. Mr. Speaker, I desire to be recorded as present.

The result of the vote was announced as above stated.

ALCOHOL IN THE ARTS.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. SHERMAN in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the purpose of considering revenue bills.

Mr. EVANS. Mr. Chairman, I call up for present consideration a bill (H. R. 3282) to repeal section 61 of an act to reduce taxation, to provide revenue for the Government, and for other purposes, which became a law August 25, 1894, and move to proceed with its consideration.

The motion was agreed to.

The CHAIRMAN. The Clerk will read the bill.

The Clerk read as follows:

Be it enacted, etc., That section 61 of an act entitled "An act to reduce taxation, to provide revenue for the Government, and for other purposes," which became a law August 25, 1894, be, and the same is hereby, repealed.

Amend the title so as to read: "A bill to repeal section 61 of an act to reduce taxation, to provide revenue for the Government, and for other purposes, which became a law August 28, 1894."

Mr. EVANS. Mr. Chairman, with reference to this measure——

Mr. RUSSELL of Connecticut. Before the gentleman from Kentucky proceeds, I would like to inquire of my colleague as to his disposition regarding the length of time that he proposes to occupy in general debate. I make the inquiry now because a number of gentlemen have expressed a desire to occupy some considerable time in the debate, and I would like to know, if possible, whether some arrangement could be made, and also with reference to the disposition of the time that will be allowed for debate. If agreeable to my colleague, I would like to have an expression of opinion on his part in regard to the matter.

Mr. EVANS. In answer to the question of my colleague, I will say frankly that so far as I am personally concerned, I am willing and should be glad to have the most liberal allowance of time that the business of the House and the wishes of the committee, considering the approach of the close of the session, the number of election cases, conference reports, and so on, pending, and other matters of business pressing before the House for consideration—I say I am willing that the time for debate shall be as liberal as the condition of business will allow. But that, of course, I can not control, nor can my colleague, for that matter. That is something for the House itself to determine. My personal preference would be to allow the utmost liberality to members to express their views on this most important subject.

Mr. RUSSELL of Connecticut. Is it the desire of my friend from Kentucky to allow the general debate to run this evening?

Mr. EVANS. I have no objection personally——

Mr. HOPKINS. You had better get a vote to-day.

Mr. CANNON. I do not want to interfere, but let me suggest to the gentleman from Kentucky that there are three or four appropriation bills, each of which will occupy something of the time of the House; then there are several election cases——

Mr. DALZELL. Four of them.

Mr. CANNON (continuing). Four election cases, I understand, awaiting disposition, and other matters pressing for consideration. As I understand it, this is merely a question of the repeal of what is known as the free-alcohol provision in the Wilson-Gorman bill?

Mr. EVANS. That is the whole proposition.

Mr. CANNON. I have not the honor to be a member of the Ways and Means Committee, but it does seem to me that at this stage of the session this bill ought to be disposed of this afternoon. I speak, of course, only for myself as an individual.

Mr. JOHNSON of California. I want to say, Mr. Chairman, to the House that for one I disagree entirely with the gentleman from Illinois who has just taken his seat. Even if this is only a matter of whether we are to have free alcohol or not, it is too important a proposition to be disposed of this afternoon. It opens up the question of an entire revision of the tariff, and it seems to me that the poor people of the West, if you are going to engage in that operation, ought to have some consideration. You ought not to take up one particular industry, but you ought to give an opportunity to the other industries also to be heard. If you are going to take up one particular clause of the bill, you ought to take up the entire bill and subject it to the revision that it requires.

Mr. DINGLEY. I hope the gentleman from Kentucky will

proceed, because the time that is taken up in this matter might well be occupied in the discussion.

Mr. EVANS. I will proceed, Mr. Chairman——

Mr. BARRETT. Do we understand the gentleman from Kentucky refuses to make any arrangement as to the time for debate?

Mr. EVANS. The gentleman understands nothing of the kind.

The CHAIRMAN. No arrangement has been made.

Mr. CANNON. If the gentleman will allow me, I would like to ask one question. This being an internal-revenue bill——

Mr. EVANS. Entirely.

Mr. CANNON. I would ask if it is in order, in any degree, upon this bill to legislate respecting the customs revenues?

Mr. EVANS. My own individual opinion would induce me to answer the gentleman's question quite positively in the negative.

Mr. BAKER of New Hampshire. I would like to ask the gentleman from Kentucky a question.

Mr. EVANS. Certainly.

Mr. BAKER of New Hampshire. Is it not a part of the general tariff law that you propose to repeal?

Mr. EVANS. I will say, as I intended to say in my remarks, that this is simply an internal-revenue excrescence on the Wilson tariff bill; that is all.

The CHAIRMAN. Will the gentleman from Kentucky give way for a moment to receive a message from the Senate?

Mr. EVANS. Certainly.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. CANNON having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed joint resolution and bills of the following titles; in which the concurrence of the House was requested:

Joint resolution (S. R. 149) extending the benefits of sections 1426 and 1573 of the Revised Statutes to all enlisted persons of the Navy;

A bill (S. 2401) granting a pension to Mrs. Hattie E. Redfield, of Omaha, Nebr.;

A bill (S. 685) granting a pension to Mrs. Alice Martin;

A bill (S. 3133) granting an increase of pension to Betsey B. Olin;

A bill (S. 2999) granting a pension to William L. Grigsby, of Belvidere, in the county of Thayer, Nebr.;

A bill (S. 1689) granting a pension to John F. Hathaway;

A bill (S. 2507) granting a pension to John N. Corgan, of McPherson, Kans.;

A bill (S. 2477) granting an increase of pension to Robert P. Wild;

A bill (S. 3182) granting a pension to Susan E. Cunningham;

A bill (S. 2117) for the relief of Mrs. George Pauls;

A bill (S. 3161) amending and extending the provisions of an act of Congress entitled "An act approving, with amendments, the funding act of Arizona," approved June 25, 1890, and the act amendatory thereof and supplemental thereto, approved August 3, 1894;

A bill (S. 2526) for the relief of Twyman O. Abbott;

A bill (S. 2336) to place on the retired list of the Navy Louis V. Housel, late lieutenant of the Regular Navy;

A bill (S. 1832) to define the rights of purchases under mortgages authorized by an act of Congress approved April 20, 1871; and

A bill (S. 337) to refer the claim of the owners of the brig *Tully-Ho* to the Court of Claims.

The message also announced that the Senate had passed with amendments the bill (H. R. 2143) granting a pension to Mrs. Emily M. Van Derveer, widow of the late Brig. Gen. Ferdinand Van Derveer, asked a conference with the House on the bill and amendments, and had appointed Mr. GALLINGER, Mr. BRICE, and Mr. HANSBROUGH as the conferees on the part of the Senate.

The message also announced that the Senate had passed with amendment the bill (H. R. 4354) granting a pension to Mrs. Mary Gould Carr, widow of the late Brig. and Bvt. Gen. Joseph B. Carr, United States Volunteers, deceased, asked a conference with the House on the bill and amendment, and had appointed Mr. CANNON, Mr. ROACH, and Mr. GALLINGER as the conferees on the part of the Senate.

The message also announced that the Senate still further insisted upon its amendments to the bill (H. R. 7664) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1897, had agreed to the conference asked by the House of Representatives on the disagreeing votes of the two Houses, and had appointed Mr. ALLISON, Mr. HALE, and Mr. GORMAN as the conferees on the part of the Senate.

The message also announced that the Senate had passed with amendment bills of the following titles; in which the concurrence of the House was requested:

A bill (H. R. 2006) to increase the pension of Harriet C. Gregg, widow of Col. John Irvin Gregg, from $30 to $50 per month; and

A bill (H. R. 1261) for the relief of John Kehl.

The message also announced that the Senate had passed without amendment bills of the following titles:

A bill (H. R. 5792) granting an increase of pension to Mrs. Julia A. Jameson;

A bill (H. R. 7334) granting an increase of pension to William T. Applegate;

A bill (H. R. 3033) to increase the pension of Elizabeth T. Beall, widow of Benjamin L. Beall, late colonel First United States Cavalry;

A bill (H. R. 3007) granting an increase of pension to Michael S. Pettit;

A bill (H. R. 1109) granting a pension to Elizabeth Marshall;

A bill (H. R. 8184) granting a pension to Jesse McMillan;

A bill (H. R. 138) granting an increase of pension to Mary E. Hazlip;

A bill (H. R. 5711) granting a pension to Richard P. Pilkington;

A bill (H. R. 2602) for the relief of Solomon Hyams;

A bill (H. R. 5225) for the relief of Mrs. Elizabeth M. Williams, of Monroe County, Tenn.;

A bill (H. R. 5175) granting a pension to Nancy Gentry;

A bill (H. R. 6132) granting an increase of pension to Thomas M. Scott;

A bill (H. R. 6134) granting an increase of pension to Caroline E. Purdum;

A bill (H. R. 4753) granting an increase of pension to Lambert L. Mulford;

A bill (H. R. 6111) granting a pension to Elizabeth A. Sargent;

A bill (H. R. 3857) granting a pension to Thomas Brewer;

A bill (H. R. 4283) granting a pension to Delia A. Marsh;

A bill (H. R. 3395) granting a pension to Carrie H. Greene;

A bill (H. R. 4724) to increase the pension of Mrs. Mary L. Aleshire;

A bill (H. R. 2373) granting a pension to Elvin J. Brown;

A bill (H. R. 3229) for the relief of Hannah Newell Barrett;

A bill (H. R. 1734) to increase the pension of Ann Catherine Hull;

A bill (H. R. 5999) to correct the military record of Eldridge McFadden;

A bill (H. R. 248) empowering and directing the Secretary of the Navy to furnish four pieces of condemned cannon to the city of Hastings, Mich.;

A bill (H. R. 4785) to incorporate the National University;

A bill (H. R. 4275) to increase the pension of Mrs. Annis H. Enochs, widow of Gen. William H. Enochs, from $20 to $50 per month;

A bill (H. R. 6293) to increase the pension of Peter Rafferty;

A bill (H. R. 4598) granting a pension to Mary Cray; and

A bill (H. R. 468) granting an increase of pension to Mrs. H. J. Kiernan.

Mr. JOHNSON of California. Mr. Speaker, we are now in the House. I move that the House do now adjourn, before you give the gavel up.

The SPEAKER pro tempore. The committee will resume its session.

The committee accordingly resumed its session, with Mr. SHERMAN in the chair.

TAX ON ALCOHOL.

The CHAIRMAN. The gentleman from Kentucky will proceed.

Mr. EVANS. Mr. Chairman, I was about to say it is quite immaterial to me usually whether what I have to submit to the House receives much attention or not; but upon this occasion I feel that it is so important to the interests of the revenue, the interests of the country, that I ask order and I beg attention while I submit the reasons upon which the Ways and Means Committee of the House, with entire unanimity, except one member, have recommended the repeal of section 61 of the Wilson bill.

Soon after this session began the distinguished gentleman from Pennsylvania [Mr. CHARLES W. STONE] introduced into the House a bill for the repeal of section 61, and the Ways and Means Committee were called upon to investigate the question involved in the bill which he submitted. We have done so with great industry. We have done so at great length, and the result of that investigation has been the report that we have submitted to this House, and the earnest recommendation that we have made for the repeal of section 61.

Section 61, which it is proposed by this bill to repeal, is in the following language:

> Any manufacturer finding it necessary to use alcohol in the arts, or in any medicinal or other like compound, may use the same under regulations to be prescribed by the Secretary of the Treasury, and on satisfying the collector of internal revenue for the district wherein he resides or carries on business that he has complied with such regulations and has used such alcohol therein, and exhibiting and delivering up the stamps which show that a tax has been paid thereon, shall be entitled to receive from the Treasury of the United States a rebate or repayment of the tax so paid. (28 Stat. L., 567.)

The practical operation of this provision, as I think you will see, is that it allows anybody calling himself a "manufacturer" to get alcohol, pay the market price for it, use it in what he calls the arts, or in medicinal or other like compounds, sell it at a full price including the tax, and after that has been done come to the Treasury and get a dollar and ten cents a gallon by way of a gift from the Treasury for every gallon of alcohol he has used. I shall endeavor to show to the members of the committee precisely how that act operates to a result such as I have described.

All of us who are in the least degree acquainted with the internal-revenue service of the country know that what are called distilled spirits under the internal-revenue laws embrace what we call whisky, what we call high wines, and what we call alcohol. Whenever any distilled spirits are made the law requires them to be put in a bonded warehouse, and they are not permitted to be removed therefrom until the tax of a dollar and ten cents per proof gallon has been paid to the Government, and just as soon as that is done, at that moment those distilled spirits must be removed from the warehouse.

Unquestionably the idea of taxing spirits for the purpose of raising revenue for the Government was founded in most manifest common sense and propriety. There are no subjects which to me seem better suited for the purpose of taxation than distilled spirits; but unquestionably the original idea of taxing them did not embrace the idea of taxing such as were used in the useful arts or in manufactures. Consequently I shall not attempt to discuss the general merits of an effort to pass a law giving free alcohol in the useful arts, but shall discuss before you the demerits of this section, the demerits of the manner by which that object was sought to be obtained through section 61, which was unfortunately slipped into the Wilson bill, in another place than this, and could not be stricken out, because Mr. Cleveland's letter so paralyzed all parties interested in passing the new tariff bill that a conference never took place for the purpose of taking these excrescences off.

There are several things to be considered; but I should like, gentlemen, in the investigation into the merits of this measure, to consider, preliminarily, one thing, and that is, the interests of the Government of the United States. It may startle you to know that the investigation made by the Ways and Means Committee demonstrates the fact to be that under the operation of section 61 of the Wilson bill the Government stands to lose $25,000 or $30,000 a day, not for the purpose of aiding manufacturers and the people generally, but as mere gifts and bounties to individuals who may call themselves manufacturers. The Government, I say, stands to lose not less than $25,000 or $30,000 a day in pure gifts, and this matter has been going on since August 28, 1894. Hence claims amounting to perhaps ten million or fifteen million dollars have arisen, and therefore we find, in opposition to this bill, a strong lobby—the only one I have encountered in my short experience here—urgent against the measure now before you.

This bill does not propose in any wise to affect the claims which have arisen under the law while in operation. It does not propose to take away from claimants their right to collect those claims, if they are just and fairly due by the Government. It does not propose to take away from the courts the ordinary right to adjudicate these questions between the Government and the claimant. We must look, therefore, I say, primarily to the interests of the Government which we come here to serve. Somebody must take care of the interests of the United States in these matters, and the Ways and Means Committee, in their endeavor to investigate this question, have felt the stress of that obligation in the midst of the clamor of those who were asking that the Government should not stop the doling out of these enormous gifts to those who call themselves manufacturers.

This has been done, too, by the majority of that committee without the slightest fear that they were doing anything in conflict with the doctrine of protection to home industries.

They are as strong protectionists as are in the House, and were appointed on that committee probably because they were such.

They knew that that doctrine had nothing to do with this question, and were not to be deceived by the pretense that it did.

The section of the bill which I have read gives a bounty to the manufacturers who deem it necessary to use alcohol in the arts or in medicinal compounds. Before I go any further let me say that of the whole medicinal interests, so far as numbers are concerned, 95 per cent of them have asked for the repeal of this bill. Take the vast retail drug trade in the country, and 95 per cent of them have asked that this bill be repealed, because of reasons I shall give further along in the progress of my statement.

Mr. MORSE. Will the gentleman permit me to ask him a question right there?

Mr. EVANS. I believe I prefer to wait until closing what I have to say. Then I will answer any questions in my power in respect to the bill.

Alcohol, as we all understand, is the highest form of pure spirits. It is useful in the manufacture of many articles, but I call the attention of the House to one most significant fact, namely, that a man who manufactures alcohol is perfectly willing to accept 2 cents a gallon as his whole net profit thereon. The man who proposes to use alcohol under the operation of this bill must not only have his profit on what he invests in it, but another profit of $1.10 per gallon on the alcohol used, the full amount of tax paid on it, thus adding what the Government gives to what he gets for his goods. An investigation of this question shows this to be the fact, that the man who uses alcohol in the manufacture or production of any article does not charge one cent less to his customers than he did before section 61 went into effect.

Right there comes an important suggestion in connection with this matter. The owner can not get the spirit out of bond until the tax is paid. He pays the tax and charges his customer the full amount of that tax, $1.10 a gallon, and probably a profit upon that, and after he has spread his product over the country and collected the cost of its manufacture, including the cost of the alcohol, after having received from his customer the full value of his goods, including the $1.10 tax which he paid on the alcohol, which is a part of the cost of the goods, he comes to the Government of the United States and says, "I want the $1.10 paid to me again by you."

The House can see that his purpose in trying to get free alcohol in this way is not to benefit the consuming public. Far from it. The retailer gets no part of the benefit of it; the man who buys the goods made with the free alcohol does not get any abatement in the price. The manufacturer collected the whole price from the man to whom he sold the goods, including the cost of the alcohol and the amount of the tax; and then, if section 61 is operative, he gets $1.10 per gallon again. These gentlemen are very clamorous, and not unnaturally. They desire that this bounty shall be continued to them at the expense of the Government.

Certainly, Mr. Chairman, there is no such merit in the use of alcohol in the arts or in medicinal compounds as that the Government of the United States should pay a premium of $1.10 a gallon to everybody who undertakes to use it; and I want again to contrast what they expect in the way of profit, that is, those who use alcohol in the manufactures or arts, and the profit of the man who manufactures the alcohol himself. One is content, as I said a while ago, with 2 cents a gallon profit for making it, while the other wants $1.10 a gallon profit for using it.

It is said that alcohol thus used is part of the raw material, and that we ought to cheapen raw material. Let us look at that a moment. The object of cheapening raw material is not exclusively for the benefit of the manufacturer, but that doctrine is meant to operate for the benefit of the consumer as well. If you give the manufacturer cheap raw material, it is to cheapen the manufactured product. But here is the peculiar feature of this thing: The manufacturer has collected from the consumer the $1.10 a gallon which he has paid. With that in his pocket, he comes also to the United States Treasury, under section 61, and wants it again; and you see it follows incontrovertibly that when he gets the other $1.10 per gallon it is that much of a gift or bounty, pure and simple, made to him by the Government because he used alcohol in the arts or in the manufacture of medicinal compounds.

Surely this is a most remarkable result, but not quite so remarkable as the fact that we find advocates for the continuance of so wanton a waste of public money under the guise of protection to home industries. And it is largely or almost entirely because the retail druggist does not get the benefit of a single cent of this rebate, because the articles come to him precisely as high as if this rebate was not allowed; that the retail druggists of the country are in favor of the repeal of section 61, saying that it is a bounty given to a few, regardless of the interests of the Government, and that the mass of the purchasing and consuming public got no sort of benefit from this so-called free alcohol.

Now, Mr. Chairman, I do not know that I need to consume much of the time of the committee on this subject; especially do I believe that I need not consume much of the time of those members who understand anything about the operations of the internal-revenue system. I do desire, however, to read to the committee a somewhat instructive circular letter which has come into my possession, and which illustrates to some extent the powerful influences that are operating in behalf of those who insist that this spigot shall remain open. A firm of attorneys in the city of Washington, writing over the name of Harvey Spaulding & Son, have issued a circular letter which illustrates the whole subject, and I will read an extract from it to the committee:

WASHINGTON, D. C., *April 21, 1896.*

GENTLEMEN: The Committee on Ways and Means in the House of Representatives and the Committee on Finance in the Senate have both reported bills for the repeal of section 61 of the act of Congress of August 28, 1894, providing for a rebate of the tax on alcohol to manufacturers, and there is every probability that the repeal bill will become a law within three weeks or a month. It will therefore be advisable to make as much use of alcohol in manufacturing as possible during the coming month, with a view of taking advantage of the law to the utmost as long as it lasts.

Now, Mr. Chairman and gentlemen, there is the milk in the cocoanut. This is a circular letter addressed generally, urging

all persons interested to come up and avail themselves of this good thing as long it lasts. The records of the Internal Revenue Bureau show that millions of dollars of these claims are being brought forward by persons who have used alcohol in manufacturing processes and who have collected the whole cost of it from their customers, and are now seeking, as a matter of pure profit from the Government, to get that $1.10 per gallon again. Of course they are perfectly right from their point of view. I am not impeaching the honesty of their motives in doing this. It is natural that they should be anxious to have this law remain on the statute book, and these attorneys, who probably hope to get some of the claims for collection, are urging the "boys" to avail themselves of the advantage of the law as long as it lasts. In this circular they are told that Congress intends to abolish the law and stop this leak, and are urged to come up and avail themselves of it as rapidly as possible while it lasts. There is one district in the city of New York where there are claims to the amount of a million dollars already made under section 61 of the statute, and it is natural that these people should be clamorous that it shall not be repealed. The possibilities under it are too great and too alluring for that to be allowed without a contest.

Mr. HILL. How much did I understand the gentleman to say the claims filed amount to?

Mr. EVANS. I do not know that the claims which have been filed amount to so large a sum as I have named, but the information which comes to us is perfectly clear and specific that claims of this character are outstanding to an enormous amount, which are only awaiting the decision of the test case which is pending in the Court of Claims.

Mr. HILL. May I ask the gentleman, in all courtesy, where the information comes from that he is now giving to the committee?

Mr. EVANS. It comes, as I have said, from the developments in the course of the investigation that we have made. We do not shut our eyes to the facts.

Mr. HILL. I am asking the gentleman for the particular sources of the information.

Mr. EVANS. Well, the gentleman can propound his question, but he can not by any means dictate my answer, which is as I have stated it.

Mr. HILL. I do not wish to dictate your answer. You stated, if I understood you correctly, that something like $30,000 a day of these claims were filed.

Mr. EVANS. I stated nothing of the kind, and the gentleman could not have been paying very much attention to what I said if he so understood me. What I did say (and the notes of the Official Reporter will doubtless show it) was that so long as this law remained on our statute book the Government stood to lose from twenty-five to thirty thousand dollars a day in the way of claims under this provision.

Mr. HILL. Have the committee any accurate information as to the amount of these claims which have actually been filed?

Mr. EVANS. We have the estimate of the Commissioner of Internal Revenue that these claims will amount to $10,000,000 annually.

Mr. HILL. That is not an answer to my question.

Mr. EVANS. I do not care whether it is or not in the gentleman's view. It is a fact as I have stated it.

Mr. HILL. Will the gentleman pardon me if I make a single statement?

Mr. EVANS. No, sir.

The CHAIRMAN. Does the gentleman from Kentucky decline to yield?

Mr. EVANS. I decline to yield, because I know what I am talking about, and my time is limited. I say that the Commissioner of Internal Revenue estimates that the claims under this law will amount to perhaps $10,000,000 a year. Take Hostetter & Co., who have a claim of perhaps a quarter million of dollars that they have not yet filed, and there are many others. It was stated in the hearings in our committee room that there were vast numbers of these claims not filed because a test case was pending in the Court of Claims, and it was not regarded as necessary to file them until that case was decided. The Commissioner of Internal Revenue states, in a letter from which I shall read an extract, that in one district in New York claims of this nature to the amount of about $1,000,000 have originated and probably have been presented. To illustrate—what I may as well do now as at any time—the extreme expansibility, so to speak, of this section 61, I will read what the Commissioner has stated to the committee as to the amount and character of these claims. In the report which the committee had the honor to submit to this House will be found the letter of the Commissioner, in which he says:

An investigation of claims presented in one of the collection districts of New York for rebate on alcohol claimed to be used under section 61 of act of August 28, 1894, shows that the same will amount in this district alone to about $1,000,000 annually. From information obtained in this district it is believed these claims will be largely increased in number and amount when it is generally known that the rebate will be paid.

I should like the attention of the House for a moment in order to show just what sort of a law this is. You must remember it says that—

Any manufacturer—

Now, think of the height, the breadth, the thickness of a word like that—

Any manufacturer finding it necessary—

Now, think of that word "necessary." Anybody may call himself a "manufacturer" and anybody may find it "necessary"—extremely appropriate—to use alcohol, if he can get $1.10 a gallon for using it.

Any manufacturer finding it necessary to use alcohol in the arts—

Apply yourselves for a moment to think of that word "arts." What is not an art in the language of one who can get $1.10 a gallon for alcohol to stimulate his ingenuity to find out what an "art" is?—

or in any medicinal or other like compound.

Observe the expansibility of this language, and then see what the Commissioner of Internal Revenue says in the letter, which I shall continue to read:

These claims cover a vast number of articles, such as tinctures, medical compounds, flavoring extracts, essences, patent medicines, bay rum, bay salt, Florida water, medicine extracts, pepto mangan, homeopathic medicines, root beer, witch-hazel, medicinal and other like compounds, fruit extracts, nutrolactics, pharmaceutical preparations, barbers' supplies, tobacco, smoking tobacco, celluloid and fancy goods, hair tonics, bovinine extract, varnish, bitters of various kinds, essential oils, essence of pepsin, medicinal saumetto, tricopherous perfumery, Jamaica ginger, ethers, oils, wine and liquor flavors, toilet waters, confectioneries, blackberry brandy, cherry brandy, household panaces, soothing sirup, Radway's Ready Relief, sarsaparilla, Venetian liniment, etc.

Note carefully what are to be the consequences as soon as it becomes known that these rebates will be paid, if the bill now before the House should fail to pass and section 61 should continue in operation. If in the dry tree these people have found out all these various ways of using alcohol, what may we expect in the green? There is no telling the enormous expansion that will be the result of the industry of our people when they find that they can get not simply 2 cents a gallon as manufacturers of alcohol, but $1.10 a gallon profit for each gallon that may be put into the manufacture of anything, even hair tonic, or any other useful article like that. The expansion of water just as it goes into steam will be as nothing to it.

Why, Mr. Chairman, it does seem to me that the slightest attention given to this matter by anyone who proposes to guard the interest of the Treasury and the Government must convince him, as it should every legislator acting here under the responsibility of a sense of duty, that we ought at once to vote for the repeal of this most obnoxious measure.

I am not here to say that there ought not to be a plan devised by which persons may get free alcohol for employment in the useful arts; and I am authorized to say in this connection on behalf of the Ways and Means Committee, whose organ I am, and in what I say I speak only in that capacity, I am authorized to say that they will propose a second section (which I will read now for information) which we have supposed would meet the views of most of the gentlemen who have heretofore engaged in the discussion of this matter with us, so that when we get this particular section repealed, the only one that we are seeking now to repeal, as it contains this Pandora's box, the one that gives this evil tinge to this whole matter—when we get this section repealed, this second section which we propose to offer will provide a method by which we can investigate deliberately and intelligently the whole question, and if there be a way of providing for the use of free alcohol in a manner safe for the interests of the Government, the committee which this second section proposes to raise can find that out. I ask the Clerk to read the amendment which I am authorized on behalf of the Committee on Ways and Means to propose.

The Clerk read as follows:

SEC. 2. That a joint select committee is hereby authorized, to consist of three Senators, to be appointed by the presiding officer of the Senate, and three members of the House of Representatives, to be appointed by the Speaker of the House, which select committee shall consider all questions relating to the use of alcohol in the manufactures and arts, free of tax, and to report their conclusions to Congress on the first Monday in December, 1896.

Said joint select committee is authorized to sit by subcommittee or otherwise during the recess or session of Congress at such times and places as they deem advisable; to summon witnesses, administer oaths, print testimony or other information, and to employ such stenographic, clerical, and other assistance as may be necessary, one-half of the expense to be paid from the contingent fund of the Senate and one-half from the contingent fund of the House of Representatives.

Mr. KNOX. I should like to ask the gentleman one question. Is it intended by the amendment just read to exclude from the consideration of the commission that is to be appointed alcohol used in medicinal and like arts?

Mr. EVANS. The amendment speaks very plainly for itself.

Mr. KNOX. It simply says "in the manufactures and arts."

Mr EVANS. I was just about to enter on that part of the discussion, and to explain the operation of that amendment.

Mr. McCALL of Tennessee. Allow me to ask this question: If this bill should become a law, in what position will it leave those persons who are already entitled under the existing law to rebates?

Mr. EVANS. I think the gentleman is too good a lawyer for it to be necessary that I should say to him what I will say to the House, that, in my opinion and in the opinion of the committee, there will be no difficulty whatever about those claims which have accrued. They would not be in any way impaired or affected by this repealing act.

Mr. McCALL of Tennessee. No provision is made for them in this bill.

Mr. EVANS. None.

Mr. McCALL of Tennessee. And does that mean that they will not be provided for, because up to this time they have not been provided for?

Mr. EVANS. Oh, well, that will be for the Government to answer. If these parties get a judgment, of course it can be appropriated for. We will answer that, however, when the time comes. It is not a pertinent question to the issue now.

Mr. Chairman, it must be understood, further, that the appetite for this dollar and ten cents will be almost unappeasable unless you repeal this provision of the law. And to keep that appetite down and to keep the revenues of the Government from being most grossly defrauded and imposed upon unless this section is repealed, you must have scattered broadcast throughout the country officers and agents of internal revenue, men in every district and every locality throughout the land, to protect the Government against frauds under the operation of this particular section of the law.

Let me say to the committee that the Commissioner estimates, and it is the estimate of our committee, too, that, in addition to the bounties that you give to these people as a premium, it will cost no less than from one million to one million two hundred thousand dollars a year in salaries and expenses in order to protect the Government against these frauds. It is thought by the Commissioner that this is not too high an estimate of what the Government will be annually required to pay in order to prevent the payment of fraudulent claims which would otherwise be presented.

Now, everybody on the Committee on Ways and Means—I believe I can say even my learned and able friend from Connecticut [Mr. RUSSELL]—will agree with me, and everybody who has investigated the question has come to the same conclusion, that there was no possibility of making a law in such form as that medicinal compounds could be included in the benefits thereof, because the facilities for fraud are too enormous and too certain in connection with that branch of the subject. The possibilities of fraud are so apparent in that connection that even the fool need not err therein. Anybody who chose to do so could swindle the Government under the guise of making medicinal compounds. And nobody in the committee, as I remember, supposed that the law ought not to be repealed so far as medicines and medicinal compounds were concerned.

But, Mr. Chairman, the great clamor with reference to this matter has come from the manufacturers themselves. It has not come from the people. The people make no demand for the retention of this section. On the contrary, let me say, infinitely the greater number of petitions that came to us have come from people asking the Government to repeal this section of the law. It is a provision that does not benefit the public, but only a few individuals. The profits of the provision, scattered out amongst the people at large, even if they derive the full benefits from it, would be so small, so infinitesimal, when divided amongst the mass of the population, it would amount to nothing. But if it is all accumulated in the hands of a few it makes an extremely respectable amount of wealth to be enjoyed at the expense of the Government. The only excuse, the only ground, upon which we can give free alcohol to anybody is not that it will benefit him individually, but that it will benefit the people at large; that it will benefit the consumer by giving a cheaper product.

There is no justification whatever in passing a law to give to a few people the benefit of a bounty, and excluding the general public from its provisions. The general public taxes alcohol at $1.10 a gallon, and they have taxed it at that rate ever since 1862. The general public is entitled to have that tax in order to pay the enormous expenses of the Government to which it is subjected by reason of the pension laws, the civil list, the Army estimates, and so on. I repeat, the general public is entitled to have that tax unless the general public, for the general good, shall see proper to relinquish it. In this case it is admitted that the general public has not derived any benefit from this particular relinquishment of the tax, and that only a few persons get it. And it is not wise legislation, in the estimation of the committee, that a few persons should be so vastly benefited at the expense of the Government and at the expense of the people.

Furthermore, Mr. Chairman, we must understand that one of the most important factors in raising revenue under our system, as it is at present operated, is the internal-revenue system. Last year the tax on distilled spirits produced a revenue of nearly $80,000,000. We collected that. There is but little taxation which escapes on distilled spirits under that system. We raise, I repeat, eighty millions per annum by that system. It will not do to relax the proper rigors of the internal-revenue system. It will not do to open such a door for fraud as was opened and will be kept open by the retention of section 61. And I call your attention to the fact that fortunately for the country in the framing of section 61 such inapt language was used, in my judgment and in the judgment of the Secretary of the Treasury and the Commissioner of Internal Revenue, as to make the act impracticable and inoperative.

While that section was foisted upon that bill, as I said a while ago, as an internal-revenue excrescence upon a tariff system which was vicious enough, as exemplified by the Wilson bill, luckily it was placed upon the bill in such hot haste that the author of it, whoever he may have been, used language not sufficiently explicit and apt to make it operative; and that is the only thing that saved this country $20,000,000 up to date by way of mere gift to those that were no more entitled to it than are we, the members of this committee who are deliberating upon this question to-day. It is all a bounty, nothing else. When the Secretary of the Treasury undertook to frame regulations he found that he could not do it. He was unequal to the duty. The Commissioner, after a most elaborate effort and careful investigation of the subject, was unequal to the task, a most fortunate failure, in my judgment, for the good of the country, in this day of deficiencies of revenue, when our expenses exceed by $2,500,000 per month our income.

We are told that there is great justice in these claims. Individually I have a conviction which I intend to declare here and let it go upon record, namely, that there is not one particle of justice or merit or anything like equity in a single claim that has been presented under section 61. And why? Because in not a single instance did the man who presented that claim lower his price in consequence of the rebate. Not in one instance was the price lowered to the consumer or the general public. The proof is clear enough about that. So that to start with there is nothing but a promise to give these people something, and there never was any consideration to uphold that.

But that is only an exceedingly minor and insignificant point compared with what I am about to state. Anybody who proposed to operate upon section 61 read in the most unmistakable and significant language the following:

> Any manufacturer * * * may use the same under regulations to be prescribed by the Secretary of the Treasury, and on satisfying the collector of internal revenue for the district wherein he resides or carries on business that he has complied with such regulations * * * shall be entitled to receive from the Treasury of the United States a rebate or repayment of the tax so paid.

He had no claim and knew that he had no claim until he complied with the regulations, and for that very reason, among others, he charged to his customers and consumers the whole $1.10 per gallon, and those two things, in my judgment—first, the absolute knowledge upon his part that he had no right except as it was based upon regulations which he knew did not exist, coupled with the fact that he charged the customer the whole price of this alcohol and then sought to get back the rebate as a mere gift and bounty—effectually excludes the idea of any justice, equity, or anything of that sort in these claims against the Government. So that the Government of the United States will inflict no wrong or injustice upon any claimant if it shall, in the progress of time, deny every one of these claims, through the courts or otherwise, upon the grounds that I have just indicated. The condition precedent to the allowance of these claims does not exist; has never existed. There have never been any regulations, and these claimants knew it. They knew they had no claim until regulations were made and they complied therewith, and, in my judgment, they have no claim. But, fortunately, that is for the courts to determine, and if the courts determine that these claimants have any just or equitable claim, that is all right.

My opinion is that the courts ought not to determine in that way, and I sincerely hope they will not, although I am in favor of paying every claim that the United States owes in justice and in fairness, whether we are able to pay it or not. I am in favor of paying them all, but I am not in favor of giving to anybody, as a premium or reward for using alcohol, the sum of $1.10 per gallon for all that his ingenuity may lead him to use. I do not believe in so rewarding that kind of ingenuity. There are other kinds of ingenuity that promote the public welfare, that advance the public good. We give them no such enormous and magnificent gifts as those which are proposed to be given under this section; and because there is no merit in these claims, I for one felt that it was our duty to take away the jurisdiction of the courts and the Department; but I am perfectly loyal to the committee, which thought otherwise, and will leave it just as it is; leave these claims to the court and let their decision be final. If the courts find in favor of these claimants, then the Government must pay

the penalty for the exceedingly unwise, inequitable, and perhaps iniquitous measure which was passed in the form of section 61; iniquitous because it gives to a few such a large bounty at the expense of the many.

Now, if the second section which we shall propose in due season shall be adopted by this House, this question of free alcohol in the arts and manufactures can receive deliberate, intelligent, adequate, and fair consideration at the hands of those who understand something about it between now and the next session; and if there can be a well-guarded provision by which manufacturers, for the benefit of the people at large, can receive their alcohol free for use in their various processes, I for one, so far from opposing it, shall be in favor of it; but I am urgently opposed to continuing this gap so wide open, out of which must necessarily flow, unless the courts come to the rescue, so large an amount of public wealth, so large an amount of the public revenue; and, as I said, unless we repeal the section the probability is that industries to absorb this bounty will expand as the ingenuity of our good citizens may find opportunity. They have only found this thing out recently in New Jersey, in New York, in Massachusetts, and in Connecticut; but it will spread abroad all over the country. Gentlemen of the committee, let me say it will even reach California after a while, and all over the country they will get to raiding the Treasury at the rate of $1.10 a gallon for every gallon of alcohol they can use in the manufactures. The way it is going on the most of us will quit the practice of law, we will quit the practice of medicine and doing all these meritorious things, and go to making a living on something in which we can use alcohol.

Mr. DALZELL. Making hair restorers!

Mr. EVANS. Yes; we will go into the making of hair restorers, where I might be a customer; and also patent medicines. It does not make any difference what sort of manufacture it is under this section. That is immaterial. This word "manufacture" is one of the broadest of words in the English language, unless it be the word "arts," and both of them are quite broad enough to let in anybody who wants to get into the business of looting the Treasury. You can use alcohol in anything, so that it is a "manufacture" or "art"; it matters not how little else there is. You can use it in any way, and you shall not be cut off from going to the Treasury, if only there is art or a medicinal compound. There is much mention of repudiation in this discussion. I have heard more talk of repudiation in the discussion of this matter than I have heard for many years. You are told that to repeal this section is repudiation.

Mr. GIBSON. I will say to my friend that he means since the United States refused to pay the war claims due its loyal citizens.

Mr. EVANS. Or anything of that sort. We are told that this is repudiation. I am not in favor of repudiating anything that is fair and right; but when the Government acts inops consilii [laughter] a remedy should be applied. It shall not act that way this time. The Committee on Ways and Means has recommended a measure that will cure the evil, and, with one exception, all its members are agreed; and I do not know but what that one exception was that way. At all events, all but one of the Committee on Ways and Means were clearly of opinion that we would lay this matter before you in such a shape as that you alone should take the responsibility of leaving this door open by which the Government can be plundered in the case of the use of alcohol in the manufactures and the arts.

I have spoken with earnestness because I feel that the people of this country ought to know the situation. I feel that the members of this committee ought to know of it. Many of them do not, because their avocations of life do not bring them in connection with the internal-revenue system. It is a most charming thing to talk about free alcohol in manufactures and free alcohol in the arts. That is one of those delightful siren songs that fill with pleasure some gentlemen who represent certain large and important parts of the United States.

Mr. LINNEY. Will the gentleman allow me to ask him a question?

Mr. EVANS. I always yield with pleasure to the gentleman from North Carolina.

Mr. LINNEY. I want to vote for the gentleman's bill if I can. I see, however, that you report here that under the existing law 20,000,000 gallons are used annually of grain alcohol. Now, suppose you repeal the present law, and it restores the use of wood alcohol, which you say is poisonous and is untaxed, will not the effect of it be to destroy the use of the 20,000,000 gallons of grain alcohol and stimulate the use of the poisonous wood alcohol?

Mr. EVANS. If my friend will just listen he will vote for this bill.

Mr. LINNEY. I listened to every word you said, my dear sir. Here you denominate it as cheap and poisonous.

Mr. EVANS. That is, 2,500,000.

Mr. LINNEY. But 20,000,000 of grain alcohol are now used.

Mr. EVANS. Gentlemen, I want you to understand this fact. Wood alcohol, which I did not think of enough importance in this matter to mention unless somebody asked about it, cut somewhat an incidental figure in the investigation of this matter. Nobody representing wood alcohol ever appeared before the Committee on Ways and Means; nor did I think of considering it here, because it did not need to be. But wood alchohol is alcohol made from wood instead of grain. Pure grain spirit is not poisonous; but it is useful as a solvent for varnishes, and is used in many other manufactures, such as hat making and things of that sort.

Now, I want to say to my friend from North Carolina that, so far as yet developed, nobody has sought any of this bounty for any alcohol that is used for drinking purposes, however much of an art that may become. It is only asked for on alcohol used by the manufacturers. Wood alcohol can not be used, of course, in medicine, with reference to which everybody admits that this section of the statute ought to be repealed, but it can be used in several ways in manufacture. In hat making, for instance, it is used as a solvent or in the preparation of the materials that are put into it, and it does not make a particle of difference, for that purpose, whether it is poisonous or not.

Mr. HILL. It only makes the difference of whether it kills you or not; that is all.

Mr. EVANS. Well, down in my part of the country we never take any varnish in ours, so there is no danger. [Laughter.]

Mr. HILL. You do not take wood alcohol either, do you?

Mr. EVANS. We would take, gladly take, wood alcohol for the purposes for which it can be safely used. Now, Mr. Chairman, under the operation of our internal-revenue laws, which have been in force ever since 1862, the wood-alcohol industry has developed to a considerable extent in some parts of the country, so that there are perhaps two and a half million gallons of it used. Wood alcohol costs more to make than grain alcohol. It does not cost more than 10 or 15 cents to make a gallon of grain alcohol, but it costs many times that much to make a gallon of wood alcohol. But when you add the tax of $1.10 a gallon to the grain alcohol you make the wholesale price about $1.25 per gallon, while the wood alcohol can be got for a good deal less. That being so, the wood-alcohol manufacture has developed until they have come to make about two and a half million gallons of it, employing about a thousand hands. But when you rebate the tax you reduce the cost of grain alcohol to 10 or 20 cents a gallon, and nobody will buy wood alcohol, thus killing the industry.

Mr. LINNEY. But the use of the wood alcohol will displace the use of the grain alcohol, will it not?

Mr. EVANS. To a certain extent, possibly. Where you have to have grain alcohol, you must have it; but where wood alcohol can be used, you can use it without paying the tax. But the wood-alcohol industry has very little to do with the question. It is simply alluded to in the report of the committee as one illustration of the unwisdom of keeping this law in operation. That is to say, the effect will be that by the paying out of the public Treasury of a bounty to certain industries—it may be a snide manufacture of some sort or something called art—you will destroy the wood-alcohol industry without benefiting in the least the public at large.

Mr. JOHNSON of California. The gentleman stated just now that the wood-alcohol industry would not be interfered with particularly. I wish to call his attention to the language of the report, which, on page 7, says:

> And, lastly, we deem it our duty to call attention to the fact that the effect of section 61, if carried out, will be the destruction of the large wood-alcohol industry.

Mr. EVANS. That is exactly what I have said and what I say now, and I have explained to the gentleman from North Carolina [Mr. LINNEY] how that will come about, by reducing the price of the grain alcohol and putting it at 20 or 30 cents or more below the price of wood alcohol. In that case wood alcohol will not be used, and so the industry will be destroyed.

Mr. Chairman, I ask that the report of the Ways and Means Committee on this subject be incorporated in the RECORD as a part of my remarks.

The report is as follows:

> The Committee on Ways and Means, to whom was referred the bill (H. R. 3283) entitled "A bill to repeal section 61 of an act to reduce taxation, to provide revenue for the Government, and for other purposes, which became a law August 28, 1894," having carefully considered the same, report it back to the House with the recommendation that it do pass, when so amended as to substitute the word "eighth" for the word "fifth," at the close of line 5 of the bill. An amendment of the title to conform to this change is also suggested.
>
> The language of the section which the bill proposes to repeal is as follows: "Any manufacturer finding it necessary to use alcohol in the arts, or in any medicinal or other like compound, may use the same under regulations to be prescribed by the Secretary of the Treasury, and on satisfying the collector of internal revenue for the district wherein he resides or carries on business that he has complied with such regulations and has used such alcohol therein, and exhibiting and delivering up the stamps which show that a tax has been paid thereon, shall be entitled to receive from the Treasury of the United States a rebate or repayment of the tax so paid." (28 Stat. L., 567.)

An effort was made to prescribe regulations to carry the law into effect, but the failure to do so is shown by the following letter, dated the 6th day of October, 1894:

"SIR: Your communication of yesterday in reference to the execution of section 61 of the act of August 28, 1894, and advising me that, for the reasons therein stated, you 'are unable to prepare any set of regulations which would yield adequate protection to the Government and the honest manufacturer without official supervision, which has not been provided for by Congress,' is received. I have also given much attention to the subject, and have fully considered all the arguments and suggestions submitted by the parties interested in the execution of the section of the statute referred to, and have arrived at the conclusion that until further action is taken by Congress it is not possible to establish and enforce such regulations as are absolutely necessary for an effective and beneficial execution of the law.

"You are therefore instructed to take no further action in the matter for the present.

"Respectfully, "J. G. CARLISLE, *Secretary.*

"Hon. J. S. MILLER,
"*Commissioner of Internal Revenue.*"

And thus the matter stands now, except that claims under the section to a great amount are outstanding against the United States unpaid and unadjusted.

Prior to the act of August 28, 1894, commonly known as the Wilson bill, there was never any such provision in our statutes as curiously and disastrously took shape in section 61. This crude legislation was not by any means one of the least of the evils of that incomplete and unfortunate measure. The wording of the section was found to be vague and inapt, so much so, indeed, that it was difficult and probably impossible to determine its limitations in practice, and the door was left wide open for frauds and misinterpretations. So certainly was this the case that the Treasury and internal-revenue officials, after patient and laborious effort, confessed, as shown in the foregoing letter, their inability to carry it into effect. That no other conclusion could be reached on the law as it stands every disinterested person who intelligently studies the subject must, it is believed, admit.

Necessarily, therefore, there should be some change of the section to make it practically operative, or else it should be repealed to avoid the very great harm it will do.

We have examined the schemes proposed in lieu of unconditional repeal, but in the judgment of the committee none of them would accomplish the object and adequately protect the revenue without involving large expenditures of money and the creation of a very large number of additional officers—results, unhappily, greatly disproportionate to the benefits to come to the public from free alcohol.

Undoubtedly the idea of taxing distilled spirits had its germ and origin in the conviction that that product was not in any respect a necessity, but was a quasi evil, to say the least, and from that standpoint a more appropriate subject of taxation than any of the necessaries of life. But this conception did not extend to such uses of alcohol and its preparations as were essential to the manufacture of articles of meritorious public consumption, such as medicines, hats, varnishes, and many fabrics. Consequently, if a scheme could be devised whereby the Government could exempt alcohol from taxation when so used it might strongly commend itself to the committee were it not for the considerations presently to be urged. But, as before suggested, nothing has been proposed to us which even approximately relieves the subject of the difficulties to be encountered.

The matters of prime importance in considering the subject seem to be, first, the interest of the Government from a revenue standpoint, and, second, the interest of the people generally as distinguished from that of a very limited number of them.

The hearings before the committee were very protracted and elaborate, and the conclusion was clearly reached that free alcohol, under the practical operation of any reasonable construction of section 61, would immensely benefit a few manufacturers and wholesale dealers in certain lines by returning to them, long after the product was marketed and sold, a sum equal to the tax on the alcohol used; but that the great consuming public would not, probably in a single instance, owing to the exceptional nature of the case, have a cheaper price made to them. This is so well illustrated in the case of the retail druggist and his customers (whose claim to cheaper medicines is certainly as meritorious as anything we can select) that we need go no further on this line than to report that the testimony did not materially conflict on the point that they could not and would not get lower prices. The entire retail drug trade is therefore against free alcohol. It is but just to say that this opposition is not merely on the ground of prices, but is also because of their fears of frauds on the Government, and of injury to themselves as merchants by jeopardizing the purity and character of the articles they sell.

A relaxation of the high tax on alcohol might be very desirable under some circumstances, especially if we did not so much need revenue, but the entire removal of the excise would not be excusable even to a meritorious manufacturing industry unless the people at large should share in the benefit when the manufactured article came to them for sale. It is one of the strongest objections to this particular legislation that no such participation by the public in the benefits of the exemption seems possible. This benefit all goes, and must continue to go, to the manufacturer alone, or to him and his jobber, and the consuming public pays just as much as if Congress had not enacted the section. The reason of this is that the full amount of tax must be paid at the outset to get the alcohol out of bond, and long afterwards, perhaps after the product is sold, the claim for refunding, if the proof is satisfactory, is allowed. This delay and uncertainty inevitably result in the collection from the purchaser of the full price of the goods, inclusive of the tax, and afterwards from the United States of whatever is refunded on account of the tax.

While this benefit to the manufacturer will greatly aid him when he gets the remitted tax, and possibly in a small way may benefit a limited number of laborers or jobbers, with whom he may divide to a nominal extent, the dividend to the consumer would be so small and uncertain in any event that it would not be worth making, and therefore will not be made, but substantially all of the amount thus refunded will be retained by the manufacturer alone. Hence it is apparent that he will continue to sell his product for precisely as much as if the alcohol were to continue to be tax paid, and will also afterwards get back and retain the $1.10 per gallon as additional profit. It can not be just or wise to favor in this manner the manufacturer of any sort of goods. We repeat that the appeal of no line of business can be stronger than that of the maker of medicinal compounds which are designed to promote the health of the people, and yet free alcohol is so manifestly improper and impossible for that interest, unless we wish to break up the internal-revenue system, that no one of the committee entertains the slightest idea that the law ought to remain in force as to medicinal or other like compounds. The facilities for frauds on the revenue are too manifest to make this tolerable.

We have pointed out that the proposed benefit to purely private enterprises and manufacturing interests could not bring any compensating general benefit to the people at large, which would alone justify it, and it would seem manifest from this point of view alone that section 61 should be promptly and unconditionally repealed, however desirable under other conditions free alcohol might be. We must for a long time necessarily tax alcohol generally, and we can not, under these circumstances, or without injustice to the public, exempt it even to the most meritorious industries. We can not make a separate matter of it in those connections with justice either to the revenue, the Government, or the general public. Ordinarily cheaper raw material will insure cheaper products, but where the price of the former is made to depend upon the more or less uncertain chance of a refund of a part of its cost, the result must be that the price of the product can not be materially reduced. So it will operate here, and the tax subsequently refunded will be that much of mere bounty to the manufacturer alone.

Other considerations seem cogent and powerful aids to the conclusion reached by the committee.

The current expenses of the Government for the fiscal year to end July 1, 1895, will exceed by about $30,000,000 the revenues for the same period. The best estimate made of the alcohol likely to be claimed as free under the act is 10,000,000 gallons per annum, a total for the fiscal years 1895 and 1896 of 20,000,000 gallons, on which the taxation is $22,000,000. We submit that the Government, especially in times like the present, can not afford, and ought not to be required to refund taxes under section 61, and should not any longer be subjected to the danger of having to do it. But the large direct loss to the revenue of $11,000,000 per annum is not all. Unless the strictest supervision is maintained over the whole subject of the use of alcohol in the arts, and in making medicinal and other like compounds whenever the manufacturer "finds it necessary," in the language of the section, to use it, the frauds committed under the extremely loose wording of the section will add many millions more to the losses the Government will sustain.

As anybody may become a "manufacturer" of some kind, and may "find" it necessary to use alcohol in the "arts," whatever that may mean, or in the making of medicinal or other like compounds, the utmost vigilance (to be exercised possibly in every school district from the Atlantic to the Pacific) will be required to prevent the success of the teeming schemes which will inevitably be devised to get the bounty of free alcohol. It is estimated that to do this adequately and effectively something like as many more revenue officers must be created as now exist, all of whom must be paid proper salaries. In this way more millions would have to be spent, adding fresh burdens to the people generally, in order to give a benefit to a few, upon some specious pretext of free alcohol to this, that, or the other interest, Government aid to which is neither fairer nor more necessary than to any and all others.

England, Germany, and some other countries have laws providing for the use of free alcohol in the preparation of foods, lights, and medicines, and in some of the useful arts. The last is done, where practicable, by the methylation of the spirits, and it has been urged that we could make and enforce similar laws, and in this way benefit a few industries. We have no accurate information as to how effectively these laws operate in those countries, though as they are not repealed the presumption is that favorable results have been attained.

But those countries of very limited territory and dense population present cases very different from ours, particularly in the matter of possibility of surveillance, and investigations made officially in this country do not encourage much hope that methylation could be so regulated as to give useful and safe results. It is too easy to demethylize the spirits to risk it to our acute and enterprising citizens of certain tendencies.

Again, distilled spirits produce more revenue than comes from all other internal-revenue sources combined. From them we got last year nearly or quite $80,000,000. Spirits are a manifestly proper subject for taxation, and we should not relax our hold upon this great source of revenue (as we certainly shall if we permit this entering wedge to remain) until the obligation to pay vast sums in pensions to the soldier and his widow has been extinguished. Its efficiency as a revenue producer will be greatly reduced by the seductive intrusions of claims for free alcohol upon one plausible but delusive pretext or another, unless we begin resistance at once. We should forget our duty to the Government, and the sacred objects in raising this revenue, if we gave it away in any unjustifiable manner.

While the case is admittedly clear to all as to medicinal compounds which may so easily be perverted into beverages, a few may insist that some industries, where the use of alcohol involves its total destruction, rest upon a better and more favorable foundation in claiming free alcohol; but while the committee admit that the difficulties of surveillance are diminished in proportion as the number of instances in which free alcohol may be used is limited, this does not relieve the subject from a most essential difficulty, which lies at the very root of the matter, namely, that for the Government to refund to the manufacturer the amount, or even a portion of the amount, of the tax paid on the alcohol used by him, long after that tax had been paid and the amount of it included in the price to the consumer, is to that extent to bestow a bounty upon an individual or industry no better entitled thereto than any of the others of the country not so favored. It must not be forgotten that there is no virtue so magical about the use of alcohol as to entitle him who uses it to be paid by the Government for so doing $1.10 per gallon on what he uses.

The manufacturer must always, under the peculiar circumstances of this case, sell his product at a price which includes the tax paid as well as a reasonable profit, and will afterwards get as an additional profit whatever sums may be refunded by the Government. This is the course the matter will take and must take in every case. It is therefore clearly a mere bounty to the manufacturer, and a possible injustice to all other industries not equally favored. Alcohol is exceptionally surrounded, and the people are entitled, through the Government, to the tax thereon, unless in some way they can get the benefits of its being exempt in certain instances. There is neither justice, propriety, nor logic in taking this benefit from the people generally, as represented by the Government, and bestowing it upon a less number, as must necessarily be the result unless section 61 is repealed. The practical operations of this peculiar section must lead to this and nothing else.

As very clearly stating views which met the approval of the committee, and as giving also some very important facts in a succinct and forcible manner, and particularly as showing, as the first one does, the almost phenomenal flexibility of the language employed in section 61, or at least its great width of application, the following letters are inserted at this point. They are quite instructive:

"TREASURY DEPARTMENT,
"OFFICE OF THE COMMISSIONER OF INTERNAL REVENUE,
"*Washington, D. C., February 11, 1896.*

"SIR: An investigation of claims presented in one of the collection districts of New York for rebate on alcohol claimed to be used under section 61 of act of August 28, 1894, shows that the same will amount in this district alone to about $1,000,000 annually. From information obtained in this district it is believed these claims will be largely increased in number and amount when it is generally known that the rebate will be paid.

"These claims cover a vast number of articles, such as tinctures, medical compounds, flavoring extracts, essences, patent medicines, bay rum, bay salt, Florida water, medicine extracts, pepto mangan, homeopathic medicines, root beer, witch-hazel, medicinal and other like compounds, fruit extracts, nutrolactics, pharmaceutical preparations, barbers' supplies, tobacco, smoking tobacco, celluloid and fancy goods, hair tonics, bovinine extract,

varnish, bitters of various kinds, essential oils, essence of pepsin, medicinal saumetto, tricopherous, perfumery, Jamaica ginger, ethers, oils, wine and liquor flavors, toilet waters, confectioneries, blackberry brandy, cherry brandy, household panacea, soothing sirup, Radway's Ready Relief, sarsaparilla, Venetian liniment, etc.

"Respectfully, yours,

"JOS. S. MILLER, *Commissioner.*

"Hon. WALTER EVANS,
"*House of Representatives, Washington, D. C.*"

—

"TREASURY DEPARTMENT,
"OFFICE OF THE COMMISSIONER OF INTERNAL REVENUE,
"*Washington, D. C., February 13, 1896.*

"SIR: Referring to my letter of the 11th instant, on the subject of alcohol used in the arts, etc., inclosed please find copy of a letter this day received from The A. Burdsal Company, of Indianapolis, Ind., manufacturers and jobbers in paints, varnishes, etc., protesting against the allowance of rebate of tax on the alcohol so used.

"The statements made in support of this protest confirm the views expressed in my letter above referred to, and, coming as they do from manufacturers who use alcohol in their business, and who have made claim for rebate on alcohol already used, seem to be entitled to special consideration.

"Respectfully, yours,

"JOS. S. MILLER, *Commissioner.*

"Hon. WALTER EVANS,
"*House of Representatives.*"

—

"INDIANAPOLIS, IND., *February 10, 1896.*

"DEAR SIR: I see by the trade papers that a large delegation of patent-medicine manufacturers, perfumers, wholesale druggists, and others have appeared before the Ways and Means Committee in favor of the McMillin bill for free alcohol. As a user of alcohol, and at the same time having a claim now before the Government for the refunding of the tax on what we have used during the past year, I desire to enter my protest against this bill, believing it is a great wrong to the people of this country and to the Government.

"If I correctly understand it, the Government refunds the duty on alcohol to every exporter of every line of goods in which alcohol enters. If such is the case, where, then, is the drawback to the manufacturer of goods that are sold for export? In the second place, is free alcohol likely to be of benefit to the people of this country? To this I answer no. It is simply a scheme of the large manufacturers of patent medicines and others to get absolute control of this business and shut out the small competitors, who are worrying them more than taxable alcohol.

"Go back to the time when manufacturers of patent medicines in this country had to affix a stamp to their preparations. By false representation they had Congress remove this tax. Is the public benefited thereby? Not a cent. Their medicines have sold at the same price as before, and the Government loses the revenue on them.

"It is exactly a parallel case with the tobacco manufacturers. They had the tax repealed on manufactured tobacco, and after that was done they sold tobacco at identically the same price; that is, so far as the poor man was concerned, his nickel piece of tobacco was no larger than it was before. The result was all the large tobacco manufacturers made immense fortunes.

"In order to prevent the Government being wronged by the use of free alcohol it is necessary that supervisors be appointed, just as they are in the distilleries. Many safeguards will have to be thrown around its use, which will entail expense upon the manufacturers. Those who manufacture in large quantities and can stand the expense of supervision will be able to run under the free-alcohol law, but small manufacturers who are to-day making extracts, elixirs, and different compounds in connection with a small retail drug business, who enter into competition with the large manufacturers that have appeared before your committee, will not be able to stand this expense of supervision, and the consequence will be they will have to go out of the business.

"One of the largest uses to which alcohol is put is the cutting of shellac to make 'shellac varnishes.' Almost every large paint house in the United States now make their own 'shellac varnish,' but if they are required to have a supervisor stand over them and see that they use the alcohol they buy for nothing else but the manufacture of this article they will have to discontinue it, and this business will be thrown into the hands of the large manufacturers in New York and elsewhere, who, having complete control of the market, will naturally take advantage of the situation and make exorbitant profits. It is simply a scheme of the big fish to eat the little ones.

"Outside of all this, the United States Government needs the revenue coming to it from alcohol, and should have it. I would even go further than that and reenact the law that a stamp should go on every bottle of patent medicine in this country, simply because these men are making large profits and can afford it. It will not advance the cost of their medicines 1 mill to the poor man, who buys them from the retail druggist. When this Government is on a better financial basis than she is to-day it will be time enough for her to be liberal, and throw away revenue that rightly belongs to her.

"Respectfully,

"THE A. BURDSAL CO.

"Mr. MILLER,
"*Commissioner of Internal Revenue, Washington, D. C.*"

In addition to all these considerations it should not be forgotten that the "chemical," the "spirits," and the "sundries" schedules of the Wilson bill were prepared without section 61 being in the bill, and after its insertion there was no rearrangement of the duties to meet this change, which was made in the Senate. Disproportionate protection is thereby unintentionally given to many articles to the extent in some instances of at least 100 per cent, notably:

In sulphuric and fruit ethers, and in all alcoholic compounds not specially classed in the schedules.

And, lastly, we deem it our duty to call attention to the fact that the effect of section 61, if carried out, will be the destruction of the large wood-alcohol interest. Over a thousand hands are engaged and several million dollars are embarked in the industry, and 2,500,000 gallons are annually produced. It is poisonous and not usable as a beverage, and is therefore not taxed. It is not as good as grain alcohol nor so cheap as free alcohol for manufacturing purposes, but amply suffices in many cases.

It is not considered by the committee to be either just or wise to give a bounty in the way of free alcohol to any other industry, when one of the certain effects of the bestowal will be to destroy the wood-alcohol interest, and in no way to benefit either the Government or the public. On the contrary, the Government, instead of being benefited, would pay a large bounty to one set of industries, and in this way enable them to destroy another. The bestowal of this bounty is not defensible upon any ground under what must be the practical operations of section 61, and its harmfulness to another meritorious industry enlarges and emphasizes the reasons against it, which the committee regard as already overwhelming.

Unless the section is repealed promptly, the Government stands in danger of losing about $11,000,000 per annum now because of it, with the chance for a large yearly increase as ingenuity in availing of its provisions develops. The reasons for immediate action seem most urgent and powerful.

Mr. EVANS. Mr. Chairman, how much time have I consumed?

The CHAIRMAN. The gentleman has occupied fifty-five minutes.

Mr. MORSE. Will the gentleman permit me to ask my question now?

Mr. EVANS. Yes; I shall be glad to answer it.

Mr. MORSE. I understood the gentleman from Kentucky to base his argument upon the ground that this free alcohol was an excrescence on the Gorman-Wilson bill.

Mr. EVANS. Yes, sir.

Mr. MORSE. If you remove all the excrescences upon that bill, will there be anything left? [Laughter.]

Mr. EVANS. Well, we propose to remove this one at least, one at a time in that respect. [Cries of "No!" "No!" on the Republican side.] Now, Mr. Chairman, I reserve the balance of my time, and after my colleague on the committee, the gentleman from Connecticut [Mr. RUSSELL], shall have occupied as much time as I have taken we can probably come to some agreement as to when the debate shall close.

Mr. RUSSELL of Connecticut. Mr. Chairman, inasmuch as there seems to be considerable uncertainty as to the length of time which is to be allowed for this debate, and as there are gentlemen sitting about me who represent districts in which legitimate and extensive manufactures exist which are vitally interested in this question, I do not wish to occupy any great length of time myself, preferring to give those gentlemen an opportunity to represent their districts and the industries of those districts.

Mr. EVANS. Did the gentleman understand my suggestion that he should proceed to occupy as much time as I have occupied, and that then we might reach an understanding as to the time for concluding the debate?

Mr. RUSSELL of Connecticut. If my colleague on the committee can assure me that we shall have general debate on the bill beyond this afternoon, that may help us to come to an understanding.

Mr. EVANS. Of course I can not give the gentleman that assurance, as I can not control the matter. My suggestion was that the gentleman should occupy the full length of time that I had taken, and that then we might come to an agreement.

Mr. RUSSELL of Connecticut. In any event, I should not think of occupying the whole of that time myself and leaving other gentlemen who are opposed to this bill the uncertain chance of securing time.

Now, Mr. Chairman, I have been unable to agree fully with my colleagues on the Committee on Ways and Means in relation to this proposition. I agree with them more nearly this afternoon than I ever have before, inasmuch as the amendment is proposed in a way declaring for the principle of free alcohol in manufactures and arts. In the few words I shall say I am going to speak generally on this subject.

I conceive it to be a policy of the Republican party that it shall by its legislation seek to foster, protect, and in every legitimate, reasonable way care for the manufacturing industries of this country. I consider it further specifically the policy of the Republican party to grant free alcohol for use in manufactures and arts. I call the attention of this committee to the fact that the Republican platform of 1888—the last platform on which we stood in victory—as it was presented to that great Republican convention at Chicago by the chairman of the committee on resolutions, William McKinley, jr., of Ohio [applause], declared unequivocally in favor of free alcohol for use in manufactures and arts. And so before that time, and clear down until to-day, I for one recognize and declare it to have been the policy of the Republican party to give free alcohol for use in manufactures and arts, under such rules and regulations as will protect the revenue of the Government from fraud in alcohol used for beverages and for purposes other than manufactures and arts.

Mr. MCMILLIN. Will my colleague on the committee permit a question right there? He has stated what was the platform of his party in 1888; and he mentioned in connection with that the gentleman whose name was attached to the tariff law which was passed when his party came into power. Now, is it not a fact that when Mr. McKinley was chairman of the Committee on Ways and Means he refused to make any provision of this kind giving free alcohol for use in the arts?

Mr. RUSSELL of Connecticut. Let me answer my colleague. Without going fully into the history of this question, I will come directly to the answer. In the Fiftieth Congress the Senate Committee on Finance, a Republican committee, in dealing with the Mills bill incorporated upon that measure an amendment providing specifically, and by regulations which I believe were practicable and feasible in their execution, for free alcohol in the manufactures and arts. That ended the action on the subject in the Fiftieth Congress. In the Fifty-first Congress we were in a position to pass a completely new tariff law dealing with the customs features and the internal-revenue features. It is a fact, as my colleague on the committee [Mr. MCMILLIN] states, that that

law did not contain provisions for free alcohol in manufactures and the arts. I do not know whether that subject was discussed or considered in the Committee on Finance of the Senate and the Ways and Means Committee of the House during that Congress. My understanding is that it was talked of and gone over at some length in the Ways and Means Committee. But what did Mr. McKinley and the Republican party, with which he acted, do in that tariff bill in the Fifty-first Congress? They had a reduced internal-revenue tax all along the line, lower than it is to-day by 37½ cents per commercial gallon, or something of that sort; and in addition to that they increased the duty on imports of manufactured articles which came into competition with domestic products in the production of which alcohol was used.

Mr. McMILLIN. My friend will pardon me——

Mr. RUSSELL of Connecticut. I am perfectly willing, if my friend from Tennessee would substitute the McKinley bill for this section and the other sections of the tariff law of 1894, to say nothing further about free alcohol. For the advantage and protection which the American manufacturer gets incidentally and accidentally from this section 61 which crept into the law through no desire of the party which my friend represents—the advantage which the American manufacturer gets from this section would be a mere bagatelle as compared with the advantage he would get from the full and complete provisions of the old McKinley law.

Mr. McMILLIN. Right there, if my friend will pardon me, I know he would not intentionally mislead the committee; and he will agree with me, I think, that his statement in regard to what was done by the committee and the House is misleading in this: He says that the internal-revenue tax was reduced 37 per cent, but the whisky tax of 90 cents a gallon, which is the question involved here, was not reduced one cent.

Mr. RUSSELL of Connecticut. I understand that under the McKinley law the tax was 37 cents less than it is now.

Mr. McMILLIN. No, sir.

Mr. RUSSELL of Connecticut. On alcohol?

Mr. McMILLIN. No, sir.

Mr. RUSSELL of Connecticut. Then there is a variance between my friend and myself.

Mr. McMILLIN. The gentleman stated that the committee did reduce this internal-revenue tax, when in point of fact neither the committee nor that House nor that Congress reduced the gallon tax on whisky by one cent. What the gentleman possibly might claim is——

Mr. RUSSELL of Connecticut. I hope the gentleman will not take too much of my time. My understanding is (and I am speaking in the presence of gentlemen who are better acquainted with this subject than I am) that the law——

A MEMBER. Which law?

Mr. RUSSELL of Connecticut. The law of 1890—the McKinley law, as it is commonly called—reduced the tax on the commercial gallon of alcohol by 37½ cents, and on the proof gallon by 20 cents less than it is to-day.

Mr. McMILLIN. I knew my friend was in error in that respect.

Mr. RUSSELL of Connecticut. But providing it did not reduce it a penny, it increased the tariff rates on the manufactured products into which alcohol enters as a component part, and the advantage to the American manufacturer comes there. You took away that advantage and you took that protection away by the law of 1894, and the incidental amount of protection and advantage left by section 61, you—and I regret to say it, Republicans as well as Democrats—propose now to take away.

But, Mr. Chairman, I have been diverted from the line of argument that I had intended to pursue. I was remarking that it was a principle and policy of the Republican party to grant free alcohol for use in manufactures and in the arts. I believe that is the policy which is held by the Republican party to-day; and in evidence of it I submit to you the amendment which my colleague [Mr. EVANS] from the Ways and Means Committee has given notice that he will offer some time in the discussion of this question. That is an amendment which recognizes that free alcohol shall be used in the manufactures and in the arts if regulations practical and effective and protective to the Government can be devised.

Now, section 61 is crude and is faulty. My colleague on the committee will bear me witness that during the consideration of this question in the committee at no time did I contend that this section should not be repealed. It came into the bill incidentally, but it was a declaration of a principle and policy of the Republican party. Incidentally, as long as it is on the statute book, it gives the benefit and protection of free alcohol to the manufactures and the arts. But what I have contended for was this: That with the repeal of this faulty section of the law there should be brought into the House for its consideration some measure which was practicable and feasible in its execution and which would guarantee to all our domestic manufactures free alcohol. Therefore, if I may be allowed to say it, I think the Republicans, my colleagues on the Committee on Ways and Means, did not go to the full extent of their duty as Republicans in this matter. I have no contention with my colleague the gentleman from Kentucky [Mr. EVANS] as to the faults of the present law. I admit that it is very crude, that it is very impracticable, though not impossible of execution. I have no doubt that it would cause frauds on the revenues of the Government, but I do say in connection with a repeal of this provision that it is the duty of the committee and it is the duty of this House to try in every possible way to prepare some measure which shall be practical in its stead.

Why do I say this, Mr. Chairman? The use of free alcohol in manufactures and in the arts to-day is admitted in all of the civilized countries abroad. Great Britain, France, Germany, Austria, Italy, Belgium, the Netherlands, Norway, Sweden, Russia, and Switzerland all have enactments allowing free alcohol for use in manufactures and the arts. Some of these laws have been on their statute books for ages almost. France has had such a law since 1816, and all the evidence we can find shows that those laws have operated not only to the advantage of the manufactures of those countries, but in no way have they interfered with the revenues of the respective Governments from alcohol or from spirits used for beverages. And in further evidence of that fact, every revision of their laws which any one of these countries has made has granted free alcohol for use in manufactures and in the arts as far as practicable, and each revision, as a rule, has been more liberal and comprehensive in allowing alcohol for such purposes than the law which preceded it. Probably the most perfect free-alcohol law in foreign lands to-day is that of Germany, which, if my memory serves me right, has been in operation in substantially its present form since about 1888. England's law, the present law, was amended at an earlier date, but the evidence is conclusive that all of these foreign countries protect and stimulate their manufactures by allowing the free use of alcohol.

Now, it seems to me perfectly clear and right from our standpoint as Republicans and protectionists that when these foreign countries stimulate their important industries and their export trade by allowing free alcohol the same stimulus should be given to the trade of this country. And here let me remark that there is no place in the world where grain spirits can be manufactured so cheaply and so easily as in the United States, and the free use of alcohol in manufactures and the arts, according to my idea, would afford a stimulus not only to domestic trade, but to our export business it would be a boon. And especially would it be advantageous to the grain producers of the country. I believe the free use of alcohol in manufactures and the arts would be a great advantage to the agricultural industries of the entire country in the greatly increased demand and production of grain alcohol for use in the industries which would be stimulated and extended by free alcohol.

Now, I say repeal section 61, if you see fit, because it is crude and possibly impossible of execution; but in its stead at the same time as you repeal it, or as soon as practicable thereafter, give us a law which shall allow free alcohol for use in the manufactures and the arts. Do not let the only single, well-defined tariff enactment of this Republican House of the Fifty-fourth Congress be a repeal of a protective feature of existing law without the substitution of more effective and pronounced protection. Do not let patriotic duty to a Democratic Administration entirely overweigh protective consideration for American industries. It is very proper to consider the deficiency of revenue and the distressed financial conditions of the Government, and seek to relieve and reimburse the Treasury. But it is not necessary to do it according to the dictum of a Democratic Administration and in a way hostile to Republican policy.

Now, it may be said that it is rather a late day to suggest that we substitute for this repeal some other enactment which shall allow free alcohol. It was my privilege in the committee to submit two bills, each of which seemed to me to be practicable and feasible in execution. One of them dealt exclusively with manufactured products, where the alcohol was entirely consumed in the product and could in no way be recovered in a portable form from the manufactured product. That bill would apply to a large number of manufacturing industries. It would apply to the hatting industry, which is to-day represented in so many States of this Union. It would apply to the manufacture of hardware. It would apply to the manufacture of various things. It would apply possibly to some manufactures of paints, varnishes, and that sort of thing.

There was another bill submitted, which was more extensive and more liberal in its provisions; and so in what I say to-day I wish it to be understood that I am in no way defending section 61 which you seek to repeal, except so far as I defend it as declaring a policy of the Republican party. I can enjoy the criticism of my friend and colleague [Mr. EVANS] in reference to the abuse of section 61. I stand with him, as he knows, for its repeal; but when we repeal it, we still place ourselves far from what I believe

to be our duty in carrying out a policy under the principles of the party to which we have prescribed ourselves year after year.

Going back for a moment to the foreign laws which allow free alcohol for use in the manufactures and arts, an excellent and practical law is the English law. The spirits under this English law are methylated under the supervision of Government officers. And now I want to speak for a moment about methylated alcohol and refer to the wood-alcohol industry. The wood-alcohol industry is a domestic industry which I as earnestly and as heartily as my colleague and friend from New York [Mr. PAYNE] believe in preserving and protecting. It makes no difference to me for this discussion or at this time if the industry is under the control or the influence of a trust.

Mr. PAYNE. If my colleague will allow me, I will say to him that I have no special interest in the wood-alcohol industry any more than in any other industry in the United States. There is not a drop of it manufactured in my district or very near to my district. I believe there is some manufactured in the State of New York and in the State of Pennsylvania, but I have no interest in it any more than I have any other industry.

Mr. RUSSELL of Connecticut. You have the same interest in it that I have—that is, an interest in its preservation as a domestic American industry.

But the argument is made that the continuance of section 61, by authorizing the use of free grain alcohol in the manufactures and arts, destroys the wood-alcohol industry. I quite disagree with that. I believe that free alcohol allowed for the manufactures and arts would be a stimulus for the wood-alcohol industry. The extent of the wood-alcohol industry to-day is very small. There is nothing better than wood alcohol with which to methylate grain alcohol. The free use of grain alcohol in our manufactures and arts would very largely extend the use not only of grain alcohol, but of methylated alcohol, and thereby furnish an outlet and a use for an additional quantity of wood alcohol.

Under the English law methylated alcohol is what is largely used in the manufactures and arts. It is a combination of perhaps nine parts grain alcohol and one part wood alcohol. These methylated spirits are prepared under the direction of a Government official, and the authority to methylate is granted to distillers, to rectifiers, and to licensed methylaters. Persons are licensed to sell such spirits. They are called authorized methylaters and retailers of such spirits, and the methylated spirits are authorized to be sold in quantity to any person for use in any art or manufacture carried on by him; to a retailer of such spirits, who is limited at one time to a holding of 50 gallons, and by a retailer to any person in a quantity not exceeding 1 gallon.

This law has been in force since 1880. There are to-day in the United Kingdom 24 methylaters and 12,104 retailers of methylated spirits. That is the way they take care of their users of methylated spirits over there in that foreign country, which sends, under the stimulus of the present tariff law, so many products to take away the trade of our domestic manufacturers. Further than that, they place a customs duty on every article in which spirits are used, including imports of methylated spirits. It seems to me, gentlemen, only fair that we should afford to our domestic manufacturers here the same stimulus and the same protection which they give there in Great Britain.

To illustrate, take the item of transparent soap. I am not dealing with any such fictitious manufactures and arts as my friend and colleague from Kentucky [Mr. EVANS] made reference to. The manufacture of transparent soap requires the use of methylated spirits or grain alcohol. First, there is a duty of 8 cents per proof gallon put upon methylated spirits, thus compelling the use of domestic spirits. Second, there is a duty of 6 cents per pound upon transparent soap. As a result of this, the importation of methylated spirits in Great Britain to-day amounts to less than 475,000 gallons, and the importation of soap amounts to less than 11,000 pounds, virtually no importation at all. So that the whole domestic market over in Great Britain is retained to their manufacturers of soap simply by their provision in relation to the use of free alcohol and methylated spirits in that manufacture.

Now, what protection can result to our industry of transparent-soap manufacture from a duty of 15 per cent on soap when we levy an internal-revenue tax of 800 per cent on the alcohol our manufacturers use in its production, when the foreign manufacturers have the benefit of free spirits? Why should this discrimination continue against our citizens when we have as an example to follow the laws granting free alcohol to manufacturers in force in every single civilized country abroad, the whole operating practically and preserving the other revenues of those governments from alcohol used for other purposes?

Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has occupied twenty-five minutes, and has thirty-five minutes remaining.

Mr. RUSSELL of Connecticut. Mr. Chairman, I do not propose to take up more time now, and, instead of reserving my time, I shall yield the remainder to my colleague, the gentleman from Connecticut [Mr. HILL].

The CHAIRMAN. The gentleman is recognized for thirty-five minutes.

Mr. HILL. I shall trust to the generosity of the House to give me the rest of the time to which I would be entitled if recognized in my own right. I propose to discuss this question as a Republican and a business man.

Mr. HILL. Mr. Chairman, I desire to say that this is the most important question to the interests of my district of any that has come before Congress this session, and I respectfully ask that I may be allowed to use my own time to the full extent that the rules will permit.

Mr. Chairman, I propose to discuss this question as a Republican and a business man.

On the 19th of December, 1893, the Wilson tariff bill was reported to the House and passed February 1, 1894. It was amended 634 times by the Senate, passed by that body July 3, and readopted by the House August 13, 1894. It was the Democratic expression of a deliberate intention to reduce duties on importations an average of 15 per cent and to increase internal-revenue taxation about 30 per cent. It was wickedly conceived, was delivered by abortion, and has developed into a monstrosity. It has proved a curse to the party that fathered it and disastrous to the home into which it was thrust. There has not been an hour since it was thought of till now when under its operations this nation has not steadily run into debt.

Think of what has happened to this land of ours since March 4, 1893. Two financial panics the like of which no living man has seen before. Factories closed and armies of idle men marching across the land demanding food and work. Business suspended or prosecuted at fearful loss. Public works postponed and the Government crippled in every branch of service. The coast defenses discontinued, so that, while we shout defiance to all the world, we are the objects of derision by the weakest of the civilized nations of the globe. Our little Army without equipment; our infant Navy without shot or shell and only fit for pleasure cruising. Thousands of men who fought to save the Union dropped from the pension roll and thousands more whose honest claims are by technicalities postponed and deferred while want, and destitution, and old age are bringing them to their graves. The postal service crippled and its wonderful growth and progress practically stopped.

A nation which for thirty years under Republican administration has been the wonder of the world, which in that time has had a growth in wealth, in numbers, and in the development of every industrial art unequaled since creation's dawn, this nation brought to a dead standstill by this full fruition and crowning glory of Democratic statesmanship.

The people who make Presidents and Congressmen have learned well the lesson taught by sore experience, and have spoken in ways that do not admit of doubt, that the blunder of 1892 shall be corrected and the Democratic policy reversed. They mean that the taxes upon the products of American labor shall be reduced, or, better yet, abolished altogether, and that the expenses of this nation shall be met from customs duties laid on foreign products coming into competition with our own and the balance paid by luxuries wherever found. To-day, without regard to party, the people are united on this issue in the Northern States, and woe to the politicians who run counter to this demand.

Honest pay for honest work and honest work for all is the people's rallying cry, and the whole brood of trusts and combinations, speculators and lobbyists, political schemers and bosses, must stand aside and give the procession room.

I will stop here to give notice that I shall move an amendment striking out all after the enacting clause and inserting in lieu thereof the amendment proposed by the committee, the effect being to appoint a commission not to repeal the law, but to report a substitute to the next session of Congress in place of it.

During the summer of 1894, while the Wilson bill was pending in the Senate and the auction for votes for its support was going merrily on, and the "deadly blight of treason was blasting the councils of the brave," and the "communism of pelf" was dictating laws to a triumphant Democracy for the first time in thirty years in full control of the nation, the keen eye of Senator HOAR of Massachusetts discovered one weak spot in the enemy's line and forced into the bill an amendment now known as section 61, which the pending measure proposes to repeal.

It was accepted for the time being to avoid discussion, but with no thought of final adoption, for no Democrat in either House for a moment dreamed that this mass of "outrageous discriminations" would come from the conference committee with any semblance of the Senate bill still remaining. The bill was in committee for forty days, until at length, with a hunger and thirst for tariff reform such as never tortured Dr. Tanner for food and drink, the Democratic majority swallowed it, amendments and all, at a single gulp, and have been suffering from indigestion ever since.

The only feature of the whole bill that was intended to operate in the interest of American labor and for the benefit of home industries was this section 61, put in by a Republican, left in by accident, and damned by the Administration from that day to this. Can it be possible that this Republican House will select this sole exponent of its own principles, the only leaven in the whole lump, the one redeeming feature of Democratic free-trade legislation, and repealing that, allow the rest to stand, to bring paralysis, decay, and death to every American industry for two years more? Was it for this and this only that this House was made two-thirds Republican by an indignant people? Think you that the members from doubtful States—yes, from any State—will glory in such a record as this upon the stump this fall?

But the Secretary of the Treasury, the Democratic members of the Ways and Means Committee, and, I am sorry to say, a few Republicans upon that committee, claim that because the enforcement of this law would inure to the benefit of the industries of this nation to the estimated amount of ten millions annually, and because large claims for rebates under its provisions are being prosecuted in our courts, it must, therefore, be repealed. I admit that large claims are being made; it only shows the necessity for the enforcement of the law. I deny that ten millions of revenue or one-quarter of that amount is possibly lost thus far by this one section of the bill, but I do know that one hundred and thirty millions have already gone by reason of the other sections, and that the next two years will add another hundred millions, and all at the expense of our own people; and yet this committee deliberately proposes to repeal the helpful clause and leave the rest untouched.

I ask the delegation from the great State of Ohio, a State whose splendid champion of protection seems now to be marching with triumphant tread to receive the highest honors of the nation [loud applause on the Republican side], if this is the advance message of prosperity which they will send out of the gloom and darkness of the past four years to the struggling industries of this land?

I ask the gentleman from William L. Wilson's district in West Virginia if this is the protection that he taught to his mountaineers in 1894? Did the members from North Carolina and Tennessee tell their constituents then that the internal revenue would be increased and the Wilson tariff duties left untouched? Was it for this that the woolgrowers of Montana, Idaho, Wyoming, and the Dakotas sent their members here, to tax alcohol in the industrial arts 700 per cent and keep wool on the free list, and so maintain the Wilson tariff price of 5 cents a pound?

Dare the gentlemen from the grain-raising States go back to their constituents and tell them that the only tariff legislation that they have succeeded in passing was to put the highest tax in all the world upon the farmer's grain, and thereby narrow the market which the Wilson tariff bill by accident had broadened? Will the gentlemen from New York and Pennsylvania enjoy telling their constituents that they have put the whole of the magnificent industries of those States under tribute to one little trust in a few counties there with an entire annual output of only $1,800,000?

And yet this is what must be done if this bill is passed, for it will be the only tariff legislation of this session, and if adopted by this Republican House will be gladly ratified by a Democratic Senate and approved, as it has already been demanded, by a free-trade Administration.

That there may be no misunderstanding about this matter, I wish to quote the section to which reference is made and show the action of the Administration in regard to its enforcement. It reads as follows:

> Any manufacturer finding it necessary to use alcohol in the arts, or in any medical or other like compound, may use the same under regulations to be prescribed by the Secretary of the Treasury, and on satisfying the collector of internal revenue for the district wherein he resides or carries on business that he has complied with such regulations and has used such alcohol therein, and exhibiting and delivering up the stamps which show that a tax has been paid thereon, shall be entitled to receive from the Treasury of the United States a rebate or payment of the tax so paid. (28 Stat. L., 567.)

This was not a new proposition, for on the 22d day of June, 1888, William McKinley, jr., chairman of the committee on resolutions, read to a Republican national convention, of which many members of this House and some of the members of the Ways and Means Committee were a part, that splendid enunciation of the doctrine of protection which has never been equaled in the history of the party and which has possibly made his name immortal, and therein specifically declared for free alcohol in the arts and sciences, and if less revenue was desired for the entire abolition of internal taxes rather than a reduction of the duties on imports.

Has it come to this, that because the Democrats in this Congress refuse to vote for a revenue tariff bill to furnish means to maintain an Administration of their own, we must violate our principles and repudiate our pledges to the people?

Neither was it a new legislative proposition, for provisions looking to the same result were added to the Mills bill in 1888, and the report of the Senate Committee on Finance refers to it in this language:

> Senate Report No. 2332, Fiftieth Congress, first session.
>
> Mr. ALDRICH, from the Committee on Finance, submitted the following report (to accompany bill H. R. 9051).
>
> The Committee on Finance, to whom was referred the bill (H. R. 9051) to reduce taxation and simplify the laws in relation to the collection of the revenue, respectfully report:
>
> * * * * * * *
>
> The provisions of the substitute which allow the use of alcohol in the industrial arts free from taxation would prove of great benefit to a large number of important manufactures. Alcohol is used in the production of more than 500 chemical and pharmaceutical preparations and in many of the mechanical and industrial arts, and its use in all these directions would be largely extended if the onerous tax should be abolished. The heavy tax upon alcohol unnecessarily increases the price of many manufactured products, with no corresponding benefit except the resulting revenue, which is now unnecessary.

Every reason that justified a Republican Senate in such action then justifies the Republican House now in demanding the execution of this law; and I can go even further than that, and assert that we have the very best Democratic authority for the statement that revenue need not be considered, for only a few days ago when the report upon "filled cheese" came in I found this statement therein:

> The Treasury does not need replenishment, even if revenue should arise from this bill. We have of available cash in the Treasury more than $160,000,000 over and above the gold reserve.
>
> H. G. TURNER.
> BENTON MCMILLIN.
> J. L. MCLAURIN.

So this remarkable spectacle is presented of Democrats voting for this bill in order to perpetuate the customs schedule of the Wilson bill and Republicans elected for the express purpose of wiping out that legislation aiding them in preserving it.

This talk of a loss of eleven millions of revenue per annum because of this measure is the veriest nonsense, prompted by a Democratic official to prevent the enforcement of the law, and no one knows this better than the author of this report.

At the end of the fiscal year of 1895, which covered ten months of the law, the claims for rebates were for 317,890 proof gallons, or about $317,890.

On November 30, 1895, the Attorney-General reports the amount to be, for fifteen months, nearly $2,500,000, a sum less by far than that which has been openly asserted upon the floor of this House to be annually stolen in the administration of the United States courts by marshals' and witnesses' fees.

Mr. RUSSELL of Connecticut. If it is agreeable to my colleague, I hope he will read a letter which I know he has received from the Attorney-General as to the facts in this matter.

Mr. HILL. If I have time I will read it; but I will put it in the RECORD. I wrote to the Attorney-General for a tabulation of these claims. I read this report from the Committee on Ways and Means, saying this Government was receiving $11,000,000 a year in claims; and I sat down and wrote to the Attorney-General for a tabulation of the claims he had received. The letter is as follows:

> DEPARTMENT OF JUSTICE,
> *Washington, D. C., May 4, 1896.*
>
> DEAR SIR: I am sorry to say that it is quite impossible for me to give you the exact information requested by your favor of May 3 with reference to the claims for rebate upon alcohol. There have now been commenced between 500 and 600 suits, which take their place day by day on the docket with suits of all other kinds, and there is no way of classifying them with reference to locality except by a separate examination of each individual petition. Our clerical force is kept so inadequate for the work to be done in this Department that it would be next to impossible to do this in time to be of any use to you.
>
> The condition of things is briefly this: Commencing with about December 1, 1894, almost daily since, these suits have been commenced in the Court of Claims, mainly by two attorneys. There are other attorneys who have large numbers of the claims who have not brought suit on them, thinking it as well to wait until the questions of law are decided and then make one suit cover the whole period. It is, of course, obvious that as to those who commenced suits some time ago, their claims have been growing daily, as they continue to use alcohol, and therefore the amounts stated in the petitions do not adequately represent the amount of claim which the individual would have were his action to be brought to trial and judgment.
>
> There are, as I say, about 550 of these suits already commenced (each day increases the number). The aggregate of the amounts claimed in those petitions is about $1,800,000, but as many of them were commenced nearly a year and a half ago, it is perhaps not far from correct to say that the present claims of the individuals represented by those suits aggregate about double the sum above mentioned, or about $3,600,000.
>
> It was estimated by the Commissioner of Internal Revenue that approximately 30,000 people used alcohol in such a way as to come within the terms of section 61 of the tariff act of 1894. Presumably, however, the 500 who have commenced suit are larger users on the average than those who have not.
>
> I shall be glad to give any information in my power on this subject, and if it is important that the exact information called for by your letter should be had I will facilitate any clerks who may be sent by obtaining the petitions for them and directing their work.
>
> Your letter has been referred to me for the reason that the suits in the Court of Claims are in my charge.
>
> Very respectfully,
>
> J. E. DODGE,
> *Assistant Attorney-General.*
>
> Hon. E. J. HILL,
> *House of Representatives.*

The aggregate amount of the claims in this computation is about $1,800,000, but as many of them were commenced nearly a year and a half ago, it is perhaps but fair for me to say that the present claims now represented by those suits would aggregate about double the sum, about $3,600,000 up to this time, so that the entire amount that anybody knows anything about is less than $2,000,000 per year. Now, one man's guess is just about as good as another man's guess, especially when he does not know anything about it, and it seems a very strange thing that a committee as important as the Ways and Means Committee of this House should have made a statement of that kind, when it was perfectly possible to get the actual facts in the case by simply doing as I did, by writing a letter to the Department and finding out; and it seems to me that that alone invalidates all the rest of the proposition that they have presented on this subject.

The fact of the case is that the estimate of $11,000,000 is the wildest kind of an estimate, originally made years ago and based on calculations made by David A. Wells, of the quantity of alcohol used in the arts and sciences before any tax was put on it, but that since that was done and the cost so enormously increased other and cheaper substitutes have been necessitated in order to meet foreign competition with untaxed spirits, with the result that greatly inferior products have been produced. No one knows except from the claims presented what amount is used, but everyone knows that if this law were enforced the amount would be enormously increased.

The census reports for 1890 show the use of alcohol by wholesalers and manufacturers to have been 5,425,791 proof gallons, and from this must be deducted the wood alcohol product before any definite conclusion can be reached, so that a fair assumption is that two and one-half million dollars will represent the full amount and that the entire rebate provided for has been claimed to date. In a letter from the present Commissioner himself, in 1887, he says:

I would not venture to say that the quantity so used was greater than 5,000,000 gallons.

Directly bearing upon this question, I wish to quote from a report made to the Fiftieth Congress extracts from letters of Emil Kipper and David A. Wells. Mr. Kipper says:

Whatever the amount, there is no question that the consumption of alcohol used in the arts has been immensely reduced by the high tax, and the best illustration of what would be used in the arts if the duty were removed is contained in D. A. Wells's letter of October 11, 1887, who, as special commissioner of revenue, has a more intimate knowledge of the whole subject than any other known source.

A result of removing the tax on spirits, never touched upon by either party up to this date, is this: The reduced cost of spirits on abolition of tax will so enlarge the industrial field that a whole class of products now limited would be revived, not only for home consumption, but for export, and this would be immediately felt by the agriculturist in increased demand for grain. It is fair to state that the increased consumption of spirits for industrial purposes were the tax repealed would foster and benefit so numerous channels of trade that the most sanguine estimates now suggested will be greatly exceeded.

You have probably noticed that the present tax aids the combination of distillers in their efforts to increase the price of spirits to the detriment of the consumer, since there is five times as much capital employed to pay the tax as would be required to produce the spirits were the tax repealed. A distiller may have sufficient capital to produce the spirits, but he needs quintuple the amount to pay duty and conduct his distillery business.

Since the whisky combination the price of alcohol has been advanced from $1.98 to $2.13, deducting the tax. This would show an advance of 50 per cent in price of spirit, exclusive of tax.

The board appointed to advise the Government in regard to the methylation of spirits for use in the arts stated that by charcoal filtration and subsequent distillation the wood alcohol could be separated from the methylated, and therefore reported adversely as to the introduction of a methylated act similar to the one in force in England.

In reply to this I inclose an abstract of the German law, where all the difficulties have now been overcome and the revenue protected.

The German law went into effect last October, and if any interest is felt I can procure the details and probably opinions as to its working effect. A perusal of the abstract, as it seems to me, will convince the authorities that it would be as practicable in the United States as in Germany.

Mr. Wells says:

NORWICH, CONN., *October 11, 1887.*

DEAR SIR: * * * Prior to the imposition of any taxes on distilled spirits, or before the war, I am of the opinion that at least 33 per cent of the whole product of the country, which in 1860 was probably about 90,000,000 proof gallons, was consumed in the arts and industries. * * *

For a period of nearly a half century previous to 1860 the manufacture of spirits in the United States had been free from all specific taxation or supervision by either the National or State Governments, and being produced mainly from Indian corn, at places adjacent to the localities where this cereal was cultivated, and to a large extent also from corn that was damaged and so otherwise unmarketable, was afforded at a very low price, the average market price in New York for the four years next preceding 1862 having been about 23 cents per proof gallon, with a minimum price during the same time of 14 cents per gallon. In Cincinnati the market price of whisky for August, 1861, was commercially reported as "closing dull" at 13 cents per gallon. The price of alcohol in New York during the period above noted ranged from 40 to 60 cents per gallon. Under such circumstances the consumption of distilled spirits in the United States previous to the war, for a great variety of purposes, had become enormous, affording a practical illustration of the curious varying relations between prices and consumption, and also of what may be considered in the light of an axiom in political economy, namely, that practically there is almost no limit to the consumption of any useful commodity, provided that through a reduction of cost or price it is brought within the purchasing power of those who desire to consume.

The excessive cheapness of alcohol also led to its most extensive use for fuel in manufacturing and in domestic culinary operations, for bathing and cleaning, for the manufacture of varnishes, vinegar, imitation wines, flavoring extracts, perfumery, patent medicines, white lead, percussion caps, hats, photographs, tobacco, and a great variety of other purposes.

The immediate effect of this imposition and rapid increase of internal taxes upon distilled spirits was a series of industrial and commercial phenomena more remarkable than anything of the kind before recorded in economic history; and yet so completely was the attention of the American people engrossed at this time in other and greater events—events affecting their very existence as a nation—that the results referred to did not so much as create a ripple in public opinion, and were barely adverted to, if noticed at all, in the columns of the public press. In short, the influence of these taxes was to entirely and rapidly revolutionize great branches of domestic industry, and in some instances to utterly destroy them.

My opinion now is that not more than 10 per cent, as a maximum, of the present product of distilled spirits in the United States is used for industrial, artistic, or medicinal purposes.

If the present tax of 90 cents per proof gallon could be reduced to 50 cents, the rate established from 1868 to 1872, I have no doubt that the use of alcohol for industrial and medicinal purposes would be very largely increased, cheapening many manufactured products, enlarging the market for the same both at home and abroad, and without occasioning any material reduction of the national revenues.

I am, yours, most respectfully, DAVID A. WELLS.

Mr. WILLIAM F. SWITZLER.

Mr. Chairman, there seem to be three parties interested in the repeal of this law. First, the whisky trust, from profit; second, the wood-alcohol trust, from the same motive, but, as I think, mistakenly; and third, the Democratic party, from principle, honestly believing in large internal revenues and low customs duties. In full accord with this idea, immediately upon the passage of the law, when manufacturers applied for regulations as required by section 61, a positive refusal was given, based upon the puerile excuse that the Department was unable to formulate regulations that would protect the Government from fraud, and this in the face of the fact that such regulations for accomplishing this object had some time before been prepared in the Department at the request of a Senator and had been submitted by him as an amendment to the bill while it was pending in the Senate.

And this, too, in the face of the further fact that such regulations had been for years and still are in daily operation for the use of either methylated spirits or pure grain alcohol free of tax in the industrial arts, etc., in Great Britain, France, Germany, Italy, Austria-Hungary, the Netherlands, Belgium, Spain, Sweden, Norway, Denmark, Greece, Switzerland, and Portugal, with every one of which countries we are to-day competing in the manufacture of products in which alcohol is a constituent part. Is it impossible for American ingenuity and Yankee skill to do that which all these foreigners have successfully accomplished? The refusal to obey the law was couched in the following language, and the only thing that has been done by this Administration is to endeavor to secure its repeal:

SIR: Your communication of yesterday in reference to the execution of section 61 of the act of August 28, 1894, and advising me that, for the reasons therein stated, you "are unable to prepare any set of regulations which would yield adequate protection to the Government and the honest manufacturer without official supervision, which has not been provided for by Congress," is received. I have also given much attention to the subject, and have fully considered all the arguments and suggestions submitted by the parties interested in the execution of the section of the statute referred to, and have arrived at the conclusion that until further action is taken by Congress it is not possible to establish and enforce such regulations as are absolutely necessary for an effective and beneficial execution of the law.

You are therefore instructed to take no further action in the matter for the present.

Respectfully, J. G. CARLISLE, *Secretary.*

Hon. J. S. MILLER,
Commissioner of Internal Revenue.

Mr. STEELE. Does the gentleman think we could bring methylated spirits into this country without escaping taxation?

Mr. HILL. I do not see why it is not possible except under the unfriendly disposition of this Administration.

Mr. STEELE. You could bring in methylated spirits from Germany or England or any other country and take them down to the chemist, and in an hour and a half he will fix them so that they would be fit to drink.

Mr. HILL. The trouble with this bill is the indisposition of the Democratic Administration to support the law. There was a proposition submitted by the manufacturers of my State. Your Internal Revenue Commissioner said it was most feasible.

Mr. STEELE. Yet we had hearings of parties from different parts of the country, and not a single party, in my recollection, said so.

Mr. HILL. It is perfectly puerile to say that they had hearings before the committee. How could the manufacturers know that there were hearings before the committee? I, a member of Congress, in daily attendance, did not hear of it, and how could the manufacturers receive any such information?

Mr. EVANS. Will the gentleman allow me to ask him a question?

Mr. HILL. Certainly.

Mr. EVANS. Do you think that section 61 of the Wilson bill, that is sought to be repealed, conferred on the Secretary or the Commissioner of Internal Revenue power or authority over methylated spirits?

Mr. HILL. I have this to say: These regulations could be put in force if the Ways and Means Committee in this matter had not yielded to the dictates of the Democratic Administration [loud applause], and they should have provided regulations to put it into effect rather than have this section repealed. My time is limited and I shall have to take all the rest of the time, but I think I will cover the grounds of the gentleman's question before I get through.

The date of this letter is October 6, 1894; so that it only took the Secretary of the Treasury thirty-nine days to decide not to enforce a law which was pending forty days in conference committee of the House and Senate. I have been informed that certain manufacturers of so-called bitters, who at first eagerly claimed the rebate under the law, suddenly discovered that the greatly reduced cost of their product was certain to invite an enormously increased competition in the manufacture and sale of articles of a similar kind, and that they at once became actuated by the same philanthropic motives which now prompt the whisky trust to mourn a possible loss to the revenues of the Government, so that they now appear as the most ardent and enthusiastic advocates of the repeal of the rebate law.

Mr. Chairman, it has been a surprising thing to me during the few months that I have been a member of this body to see how, even on political lines, this House and its committees have uniformly accepted the recommendations and suggestions of Department officials in framing legislation. We did finally secure a seed distribution too late for any practical use. [Laughter.] We have passed a postal bill with which many are dissatisfied, in order to keep within an income, for the cutting down of which no one on earth is so responsible as the present Postmaster-General, Mr. William L. Wilson. [Loud applause on the Republican side.] The sugar bounties voted by the last Congress are still unpaid, and Bowler reigns supreme. We have tried to humor this Democratic Administration with a revenue tariff bill, and even before we had recovered from the nausea occasioned by it they flung it back in our faces as unworthy of themselves or of us, and now demand an increase of internal-revenue taxation in place of it.

Oh, for one straight, square, outspoken, honest, manly declaration of Republican tariff principles by a House of Representatives elected by the people on that issue and on that alone! [Applause.]

This is our opportunity to say to the industries of this land, "We can and will at least stop the increase of internal-revenue taxation now, and if you stand by the party in November another Congress will enact a tariff law that will bring again to the American people the prosperity of 1892." [Applause.]

Let me give you a practical illustration of the effect of this bill upon a single industry in this country. I refer to the manufacture of hats. The cost of a proof gallon of alcohol is 15 cents. Commercial alcohol is 188° proof and is worth 28 cents. The tax on a proof gallon is $1.10 and on the commercial article is $2.07, or between 700 per cent and 800 per cent. The competing English manufacturer is allowed to use methylated spirit, or a mixture of 10 per cent of wood alcohol with 90 per cent of grain alcohol, free of tax, which costs him 30 cents. The cost of alcohol for stiffening a dozen hats thus becomes $1.25 here as against 15 cents there. Aside from this the labor cost is more than four times as much here, and the use of machinery, contrary to the prevailing idea, is far more prevalent there than here. In this country a man who works at stiffening hats gets $25 per week, whereas in Stockport, England, and in Brussels, in Belgium, he gets $6 per week. And yet the Wilson bill at the same time that it added to the cost by increased taxation here reduced the duties 15 per cent on the imported article, thus seriously handicapping the American producer. There have been more failures in the hat trade in my own district in two years under the Wilson bill, both in number and amount, than in any ten years before. The high tax has compelled the use of wood alcohol except in the finest work. Prior to 1894 wood alcohol sold at $1.40 per gallon. Immediately upon the passage of section 61 the price dropped to 70 cents, but when Mr. Carlisle refused to enforce its provisions it advanced to 90 cents—now $1.05. What our manufacturers now fear is that if this section is repealed it will go back to $1.40 as before. I said that the wood alcohol trust was urging this repeal mistakenly for their own interest. I believe that the untaxed use of methylated spirits would make a larger demand for their product than now, and I cite the following opinion of one of their own agents in support of that claim:

NEW YORK, *March 11, 1896.*

MY DEAR MR. MERRITT: I have your favor of the 10th. Concerning methylated grain alcohol, my opinion is that the best interests of the Government and the consumers will be obtained by following the foreign custom of adding about one-tenth of wood alcohol to the grain, making methylated spirits for commercial use. By this plan protection is afforded the Government and at the same time the necessary relief to manufacturers who are obliged to use grain alcohol. Besides this, it protects the capital already invested in the manufacture of wood alcohol in this country.

I am convinced that the cheapening of varnishes by the use of methylated spirits would increase the consumption of shellac varnish about 50 per cent, and this, I figure, would increase the demand and consumption of wood alcohol over the present basis.

It seems unwise and unjust that our Government should put such an unwarranted and enormous tax on such a necessity as grain alcohol for the arts, and the plan of methylated spirits has the benefit of a long and favorable trial in foreign countries, which our Government would do well to study.

Very truly, yours,

W. F. ARMSTRONG.

MR. CHARLES H. MERRITT,
Danbury, Conn.

Mr. Armstrong represents the New York Shellac Company, who are agents for refined wood alcohol made by F. J. Bayless & Co.

But whether this is so or not is of little moment, for there are other and graver reasons than mere profit and loss for discontinuing the use of the article in any manufacturing process where men inhale its fumes or it comes in contact with the person.

The first time that this subject was brought to my attention was upon the complaint of the employees and not of the manufacturers, and the question of profit was not considered, but only its injurious effect upon the workmen. There were submitted to the Committee on Ways and Means petitions of employees in large numbers against its use, and certificates of reputable physicians that it produced blindness and general destruction of health. If necessary such testimony could be multiplied to almost any extent, and I have personal knowledge of the truth of some of the statements made. In my judgment the use of wood alcohol should be forbidden by law in all cases where its fumes are inhaled by employees. Even the committee say on page 7 of their report that "it is poisonous and not usable as a beverage, and is, therefore, not taxed. It is not as good as grain alcohol nor so cheap as free alcohol for manufacturing purposes, but amply suffices in many cases." In that single sentence the committee have given away their whole case. "Poisonous," therefore not taxed. More expensive than free alcohol, but will answer as a substitute. If you are going to tax either, let it be the inferior, dear, and poisonous article, and give to the manufacturers of the land the best, the cheapest, and the healthiest one.

Another reason given by the committee why this law should be repealed was that the "damage to existing industries would be greater than any possible benefits which could be derived from putting section 61 in operation," and the existing industry cited is wood alcohol. I was glad to hear a leading member of the Ways and Means Committee a few days ago, when announcing his opposition to the tax on "filled cheese," declare that he never would vote to tax one industry to sustain another, and I declare to the members of this House now that, aside from carrying out Democratic methods of taxation, there is not one valid reason for refusing to enforce this law, and if repealed it will be at the insatiable demands of the wood-alcohol and whisky trust, that they may be supported at the expense of nearly 50 per cent of the other industries of this land. The wood-alcohol trust claimed before the committee that they had 100 factories in the United States employing 10,000 workmen; that they produced fifteen to twenty thousand tons of acetate of lime and 2,500,000 gallons of wood alcohol. The committee in their report have reduced the number of employees from 10,000 to 1,000, but, with an enthusiasm that knows no bounds, have increased the capital to "several million dollars"; forgetting that the entire product claimed is only $1,750,000.

As a matter of fact, there are 53 factories in the whole country, and their total product, by the census of 1890, was only $1,885,459, consisting of 11,061 tons of acetate of lime, valued at $315,430; 949,733 gallons of crude spirit, valued at $613,607, and 917,605 gallons of refined spirit, valued at $956,432.

Why, in the Fourth district of Connecticut, in hatting alone, from ten to twelve thousand men and women are employed, turning out a product of nearly $8,000,000, and the census reports show for the entire industry in this country 810 establishments, with a capital of $19,575,876, with 32,490 employees, receiving $16,319,693 in wages, and making a product of $46,107,044; and this industry, large as it is, is insignificant compared to the aggregate of industries which use either alcohol or some inferior or cheaper substitute therefor in their manufacturing processes. This is not a local question. In the single industry of fur felt hats, where once a few towns in two States monopolized the production, to-day Maine, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Maryland, Ohio, Indiana, Illinois, and Missouri compete with each other to the benefit of the consumer and to their own advantage in the employment of their people. [Applause on the Republican side.]

To-day Chicago has the largest shoe factory in the country, Alabama fixes prices on iron and steel, Florida on cigars, and South Carolina and Georgia on cheap cotton cloth. The increase on all textile products in 1890 over 1880 was 17 per cent in New England, 52 per cent in the Middle States, 47 per cent in the West, and 144 per cent in the South. The actual center of the manufacturing industries of the United States is rapidly moving westward, and, whatever may be the significance of the fact, is located to-day a little distance south of the city of Canton, in the State of Ohio. [Laughter and applause.]

The internal-revenue collection districts stand in the following

order with reference to the income tax returned last year from manufacturing and mercantile corporations, taking the highest ten only:

First Illinois	$504,000	First Missouri	$222,000
Fifth New Jersey	462,000	Connecticut	200,000
Third Massachusetts	297,000	First Pennsylvania	186,000
Twenty-third Pennsylvania	291,000	First California	106,000
Second New York	235,000	First Ohio	97,000

And though adding the returns from individual manufacturers and merchants would make some slight change in the order, it would not wrest the supremacy from the First Illinois district, so that he who votes upon this bill with the idea that he will help or hurt a single section of the country only will make a very great mistake.

Another peculiar feature of this whole thing is that, while it seems to be impossible under a Democratic Administration to frame regulations for the use of the American product, there is no trouble whatever in regard to the foreign article, and, while we are taxing our own citizens 700 per cent. under section 22 of the same bill, we are permitting foreign alcohol to be imported, used in manufacturing processes in this country, and exported again, all free of duty, so that the same man can manufacture for foreign trade with foreign alcohol at 28 cents a gallon, and for the American consumer he must pay $2.35 a gallon, and yet a Republican Congress is seriously asked to vote for such a thing as that as protection to American industry and to help enlarge the market for American farmers' grain products. But even worse than this is shown by the testimony of the Union Metallic Cartridge Company, of Bridgeport, Conn., that before section 61 was enacted "alcohol was withdrawn from distillery warehouses in the United States, shipped in bond to Canada to be used under their liberal laws in the manufacture of fulminate of mercury, and said fulminate of mercury subsequently returned to the United States, thus enabling Canada to build up a prosperous industry at the expense of this country. Is not this Administration satisfied with the absolute surrender by the Wilson bill of the markets of the United States to the natural products of Canada that they should now demand such legislation as to encourage and strengthen her manufacturing industries also?

It is also claimed that the Government might as well have the revenue, because if the law is enforced and the tax rebated the few manufacturers and not the many employees or the still larger body of consumers would get the benefit of it. I want to say that this same cry, that the manufacturer was getting all of the benefits of protection and the workingman little or none, was what elected Grover Cleveland in 1892, and that it actually needed the Wilson bill to convince by a hard and bitter experience that no greater mistake was ever made, and to-day the most enthusiastic and almost uncontrollable advocates of Presidential candidates are those very men who are now, without regard to any other issues, demanding protection to American labor.

The gentleman from Kentucky [Mr. EVANS], who submitted this report, is four years behind the times, and while his statement may be and undoubtedly is entirely true that the consumer would get no benefit from a reduction of the tax upon the Blue Grass whisky for which his State is famous, it is absolutely wrong in its relation to the useful industries of the country.

There is no business man, no manufacturer upon the floor of this House, and no man anywhere who is at all familiar with the course of trade, who does not know that in the keen competition of business for the past few years in all lines of staple industries every improvement in processes of manufacture and every reduction of cost instantly inures to the benefit of the consumer and that the reduced prices are fixed long before the goods are made, and based wholly upon an estimated cost from which percentages for possible economies are taken off rather than margins for profit added, as in former years. I challenge contradiction of this statement.

Because one hat manufacturer who retails his own product at a fixed price, and certain dealers in whisky, under the guise of "bitters," testified that the repeal or enforcement of this law would make no change in their prices to consumers, is no proof whatever against the general proposition that all staple products of manufacture are constantly cheapening to the consumer in precise proportion to the cost of production. I can take the members of this House into the largest hat factories of Philadelphia, Orange, Brooklyn, Yonkers, South Norwalk, Danbury, Fall River, and Haverhill and show them thousands of dozens of hats being made and sold to-day on less profit per dozen than is represented by the increased cost of alcohol alone under the Wilson bill. And yet this Republican House is asked to unite with a Democratic Senate and Administration and put upon these men taxes which the law says shall be remitted, forsooth, that the Canadian lumber and farm products may come into free competition with Maine and Michigan, and so assist in keeping the Dingley revenue bill, which they refuse to vote for, pigeonholed in the Senate; for bear in mind this is not a question whether public money shall be given to home industries, but rather the reverse, whether home industries and the American consumer shall be taxed, to give freer competition to the foreign manufacturer. And yet this committee talks of this rebate as "the bestowal of a bounty to one set of industries to enable them to destroy another." Bounty, indeed! The bounty in the Wilson bill is given to Canada and Great Britain, and that they leave untouched, but hasten to load upon an American industry, almost crushed now, an additional burden of $2,750,000, or $1.10 extra cost upon 2,500,000 dozen of fur hats, to say nothing of far greater interests involved in other lines. I can see the bounty in permitting bourbon whisky to remain in bond eight years without payment of the tax, and making an allowance for leakage and shrinkage while it improves by age, but when a manufacturer advances the tax and only gets it back when he proves that the pure spirit has been used in an honest industry, I can see no bounty there.

This proposed legislation is in utter violation of every Republican principle, and, however strongly urged by a bankrupt Democratic Administration, should be opposed by every Republican here, as it has already been by nearly every one in the Senate. [Applause on the Republican side.]

This is not a question of individual members of Congress being affected by the action of the House, though in the aggregate, perhaps, that is more important than the geographical location of a Presidential nominee. It is simply and solely a question of the principles of taxation. If the Republican party is right in its teachings, its members here can not vote for the unconditional repeal of section 61. If free trade is the best policy, this is a firm step in that direction, and a long step in advance of even the English system. As for me, I am ready to tax alcohol when used for drinking purposes, as I would wine or any other luxury, but I can see no more reason for taxing alcohol when used purely for manufacturing and the arts than for putting 700 per cent tax on the grain from which it is made, or on pig iron, leather, wool, or any other domestic product. Rather than reverse the principle involved in section 61, I would vote to abolish the entire internal-revenue system, with its spies and detectives and the infamous brood of parasites that have fastened themselves upon our courts because of it, and by so abolishing it take the Government out of the rum business and dissolve forever its unholy partnership with the whisky trust. [Loud applause.]

Wood alcohol, the poisonous product of the wild woodlands of the country, is distilled and put upon the market free of tax, while the corn of the South and the wheat and rye of the West, the laborious products of honest toil, are punished by putting upon grain alcohol the largest tax known to our laws.

Mr. Chairman, this House will soon adjourn and its members will engage in the discussion of the issues of a national election. One of the two dominant, overshadowing questions will be again, as it was in 1894, protection or free trade. Pass this unconditional repeal and every Republican speaker's mouth is stopped and every argument gone, for deeds speak louder than words and recorded votes outweigh fair promises. I vote for free American alcohol in the industrial arts and sciences, and for giving it at least an equal chance with the foreign product.

Where is the Republican that can dispute the justice of that vote? Where is the Republican that can explain to his constituents a vote for the exact reverse of this? On the one side is a free-trade President, a Democratic Senate, and a minority of this House; on the other the disheartened and discouraged industries of this country, and joined with them the thousands of men and women who are only asking the poor privilege of an equal opportunity to compete on equal terms with the labor of other lands. On which side will this great Republican majority be found?

Mr. Chairman, no man can hold in higher esteem than I do the distinguished gentlemen who compose the Ways and Means Committee of this Republican House. Charged with the grave responsibility of providing revenue for the maintenance of the Government, at the same time they must guard with jealous care the welfare of that magnificent system of manufactures which under Republican protection has made the United States the leading industrial nation of the world. To the one solitary, lonely representative of those interests upon that committee, my colleague [Mr. RUSSELL of Connecticut], who through all this session has stood for right and justice in the consideration of this bill I have only words of hope and courage. To the six lawyers upon that committee who represented the Democratic party I extend my congratulations upon the ability and skill by which they have, in this report, won a strong indorsement for the underlying principles of the Wilson bill, for which they were responsible. [Applause.] To the ten remaining lawyers who make up the balance of the Republican committee I have this to say: If the unconditional repeal of section 61 is a foretaste of what you have in store for the industries of this land when the Republican hosts shall have marched again to a hard-won victory in November next, see to it that you write it clear and large upon the party platform at St. Louis on June 16 that high internal-revenue and low customs duties will be the guiding principle of the next campaign, for an honest declaration is better far than any false pretense. But if you would have us fight again the battle which we fought and won

in 1894, send back this bill to the Democratic Administration from whence it came, or, better still, amend it to an enforcement on protection lines, and from each so-called doubtful State every Republican nominee, from governor down to sheriff, will once more give to you a true Republican greeting, as they do now. [Prolonged applause.]

Mr. EVANS. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SHERMAN, from the Committee of the Whole, reported that they had had under consideration the bill H. R. 3282, and had come to no resolution thereon.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, the following Senate bills and joint resolution were taken from the Speaker's table and referred by the Speaker as follows:

A bill (S. 1689) granting a pension to John F. Hathaway—to the Committee on Invalid Pensions.

A bill (S. 337) to refer the claim of the owners of the brig *Tally-Ho* to the Court of Claims—to the Committee on Claims.

A bill (S. 2401) granting a pension to Mrs. Hattie E. Redfield, of Omaha, Nebr.—to the Committee on Invalid Pensions.

Joint resolution (S. R. 149) extending the benefits of sections 1426 and 1573 of the Revised Statutes to all enlisted persons of the Navy—to the Committee on Naval Affairs.

A bill (S. 3182) granting a pension to Susan E. Cunningham—to the Committee on Invalid Pensions.

A bill (S. 3161) amending and extending the provisions of an act of Congress entitled "An act approving, with amendments, the funding act of Arizona," approved June 25, 1890, and the act amendatory thereof and supplemental thereto, approved August 8, 1894—to the Committee on the Territories.

A bill (S. 3133) granting an increase of pension to Betsey B. Olin—to the Committee on Invalid Pensions.

A bill (S. 2999) granting a pension to William L. Grigsby, of Belvidere, in the county of Thayer, Nebr.—to the Committee on Invalid Pensions.

A bill (S. 2477) granting an increase of pension to Robert P. Wild—to the Committee on Invalid Pensions.

A bill (S. 2336) to place on the retired list of the Navy Louis V. Housel, late lieutenant of the Regular Navy—to the Committee on Naval Affairs.

A bill (S. 2117) for the relief of Mrs. George Pauls—to the Committee on Claims.

A bill (S. 1832) to define the rights of purchasers under mortgages authorized by an act of Congress approved April 20, 1871, concerning the Atlantic and Pacific Railroad Company—to the Committee on Pacific Railroads.

ENROLLED BILL SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill (H. R. 4910) granting a pension to Cyrus Thomas; when the Speaker signed the same.

MARTIN VS. LOCKHART.

Mr. STRODE of Nebraska. Mr. Speaker, I desire to present a privileged report. I am directed by the Committee on Elections No. 2 to present the report in the contested-election case of Martin *vs.* Lockhart, from the Sixth Congressional district of North Carolina. The majority report in favor of seating Mr. Martin, the contestant, and I ask that the report be printed. I presume there ought to be a time fixed when the minority shall present their views if they desire to do so, as the day of adjournment is probably near at hand.

Mr. MAGUIRE. The gentleman from Texas [Mr. BAILEY] intends, I believe, to prepare a statement of the views of the minority, and I ask that he be allowed until Saturday to do so.

Mr. STRODE of Nebraska. That is too late.

The SPEAKER. If there be no objection, the views of the minority may be filed on or before Saturday next.

Mr. KEM. I object, Mr. Speaker. [Laughter.]

Mr. STRODE of Nebraska. I suggest that the minority file their views by Thursday.

Mr. MAGUIRE. My reason for naming Saturday was that the gentleman from Texas is to be absent for two days; but if the chairman will make it Friday, that will probably be satisfactory.

Mr. STRODE of Nebraska. Very well.

Mr. MAGUIRE. Friday is agreed upon between the chairman of the committee and myself, Mr. Speaker.

The SPEAKER. Then, if there be no objection, the minority will be allowed until Friday to present their views.

Mr. KEM. I object.

The SPEAKER. The gentleman from Nebraska [Mr. KEM] objects. [Laughter.]

Mr. STRODE of Nebraska. I desire to say, Mr. Speaker, that the gentleman is preventing a proceeding which would probably tend to seat a member of his own party.

The SPEAKER. The gentleman from Nebraska [Mr. KEM] objects.

Mr. KEM. If it be in order, I would like to reply to the gentleman at this time.

The SPEAKER. It would not be in order.

Mr. EVANS. I move that the House do now adjourn.

LEAVE OF ABSENCE.

Pending the motion to adjourn, leave of absence was granted as follows:

To Mr. LEISENRING, for three days, on account of important business.

To Mr. LEFEVER, indefinitely, on account of sickness in his family.

To Mr. BRUMM, for one week, on account of important business.

To Mr. RUSSELL of Georgia, for ten days, on account of important business.

To Mr. SPERRY, for ten days, on account of important business.

To Mr. BULL, for ten days, on account of important business.

To Mr. TRACEY, for ten days, on account of important business.

The motion of Mr. EVANS was then agreed to; and the House accordingly (at 5 o'clock and 5 minutes p. m.) adjourned.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Treasury, transmitting, with certain recommendations, a draft of a bill revising the mileage allowances of the Steamboat Inspection Service, was taken from the Speaker's table and referred to the Committee on the Merchant Marine and Fisheries, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS.

Under Clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. SHAFROTH, from the Committee on Irrigation of Arid Lands, to which was referred the bill of the House (H. R. 6448) to appropriate $100,000 for sinking artesian wells in the eastern portion of the State of Colorado, reported the same without amendment, accompanied by a report (No. 1996); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Under clause 2 of Rule XIII, upon request of Mr. DE ARMOND, the bill of the House (H. R. 4448) to repeal all provisions of the law for the payment by the United States of one-half of the appropriations for the District of Columbia with the adverse report (No. 1978) accompanying the same, were taken from the table and referred to the House Calendar.

Mr. POOLE, from the Committee on Invalid Pensions, to which was referred the veto message of the President of the United States on the bill of the House (H. R. 577), entitled "An act granting a pension to Lydia A. Taft, as the widow of Lowell Taft, a private of Company G, Eighteenth Regiment Connecticut Volunteers," reported the same, accompanied by a report (No. 1997); which said veto message, bill, and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, Mr. ERDMAN, from the Committee on Invalid Pensions, reported (Report No. 1995) the bill (H. R. 8138) granting an increase of pension to William H. Oliver; and the same was referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. HENDRICK: A bill (H. R. 9190) for a public building for a marine hospital at Paducah, Ky.—to the Committee on Public Buildings and Grounds.

By Mr. GIBSON: A bill (H. R. 9191) to authorize personal payments of pensions—to the Committee on Invalid Pensions.

By Mr. HENDERSON: A resolution (House Res. No. 376) fixing Tuesdays and Thursdays of the remainder of this session as suspension days, when the rules may be suspended—to the Committee on Rules.

By Mr. PICKLER: A resolution (House Res. No. 377) to continue during recess the assistant clerks of the Committee on Invalid Pensions—to the Committee on Accounts.

By Mr. PHILLIPS: A resolution (House Res. No. 378) setting apart Wednesday, May 27, 1896, for the consideration of bills from the Committee on Labor—to the Committee on Rules.

By Mr. WALSH: A resolution (House Res. No. 379) authorizing the painting of 20 oil portraits of the ex-Speakers of the House of Representatives, to be substituted for the 20 crayon portraits

now hanging in the lobby of the House of Representatives—to the Committee on Accounts.

By Mr. HAGER: A resolution (House Res. No. 380) authorizing the chairman of the Enrolled Bills Committee to appoint two additional clerks—to the Committee on Accounts.

By Mr. DANFORD: A resolution (House Res. No. 381) creating the office of assistant janitor of the House of Representatives and appointing J. B. Jackson to said office—to the Committee on Accounts.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. CATCHINGS: A bill (H. R. 9192) for the relief of estate of George Wyman, deceased, late of Warren County, Miss.—to the Committee on War Claims.

By Mr. CATRON: A bill (H. R. 9193) for the relief of Serapio Romero, late postmaster at Las Vegas, N. Mex.—to the Committee on Claims.

By Mr. HAGER: A bill (H. R. 9194) to increase the pension of Joseph A. Spaulding—to the Committee on Invalid Pensions.

By Mr. HARMER: A bill (H. R. 9195) for the relief of and pension of John Amrein—to the Committee on Invalid Pensions.

By Mr. HERMANN: A bill (H. R. 9196) confirming the sale of certain lands owned by Jefferson Harney and wife, and allowing the same to be alienated—to the Committee on Indian Affairs.

By Mr. McCLURE: A bill (H. R. 9197) to remove the charge of desertion against Philip Reiss—to the Committee on Military Affairs.

By Mr. QUIGG: A bill (H. R. 9198) granting an increase of pension to Laura Sprigg Foster—to the Committee on Pensions.

Br. Mr. SAUERHERING: A bill (H. R. 9199) granting an increase of pension to Joanna W. Turner—to the Committee on Invalid Pensions.

By Mr. SHAFROTH: A bill (H. R. 9200) for the relief of Thomas B. Catron—to the Committee on Claims.

By Mr. SHANNON: A bill (H. R. 9201) to remove the charge of desertion from the military record of Michael Mullett—to the Committee on Military Affairs.

By Mr. STRODE of Nebraska: A bill (H. R. 9202) granting a pension to Joseph Church—to the Committee on Invalid Pensions.

By Mr. WATSON of Ohio: A bill (H. R. 9203) for the relief of Frank D. Myers—to the Committee on Military Affairs.

By Mr. WHEELER: A bill (H. R. 9204) to pension Mrs. A. J. Bassett—to the Committee on Invalid Pensions.

By Mr. HERMANN: A bill (H. R. 9205) for the relief of M. J. Gilstrap—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALDRICH: Petition of citizens of the First Congressional district of Illinois, urging favorable action on House bill No. 7231, relating to the metric system—to the Committee on Coinage, Weights, and Measures.

By Mr. AVERY: Petition of John F. Maloney, George D. Bostock, William Knippel, and 41 other citizens of the State of Michigan, protesting against the passage of House bill No. 6668, to raise the license fee for the sale of intoxicating liquors in the District of Columbia from $400 to $800—to the Committee on the District of Columbia.

Also, petitions of citizens of Alma, Perrington, Elk Rapids, and Ashley, Mich., for favorable action on House bills Nos. 838 and 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. BANKHEAD: Petition of citizens of Tuscaloosa, Ala., asking favorable action on House bill No. 838, to reduce letter postage, and House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. BROWN: Memorial of the Department of Tennessee, Grand Army of the Republic, in camp at Chattanooga, April 14, 1896, in behalf of veterans of the late war, for employment at the Chickamauga and Chattanooga National Military Park—to the Committee on Military Affairs.

By Mr. CANNON: Petition of the congregation of the Methodist Episcopal Church at Wilton Center, Ill., in favor of a Sunday-rest law for the District of Columbia—to the Committee on the District of Columbia.

By Mr. CATCHINGS: Petition of R. B. Elliott Post, No. 17, Grand Army of the Republic, Department of Louisiana and Mississippi, praying for the passage of a service-pension bill—to the Committee on Invalid Pensions.

Also, petitions of citizens of Vicksburg, Indianola, and Greenville, Miss., asking favorable action on House bills Nos. 838 and 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. COOK of Wisconsin: Petitions of citizens of Oshkosh, Calumet, and Green Lake, Wis., favoring the passage of House bills Nos. 838 and 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. DALZELL: Resolution of the Commercial Exchange of Philadelphia, Pa., protesting against the passage of House bill No. 8536 and Senate bill No. 2967, proposing amendments to the interstate-commerce law—to the Committee on Interstate and Foreign Commerce.

By Mr. DANFORD: Petition of Local Union, No. 13, Mine Workers of America, of Bridgeport, Ohio, praying for Government ownership of telegraph lines—to the Committee on Interstate and Foreign Commerce.

By Mr. HALL: Petition of William J. Himmelberg and 39 others, of Chariton County, Mo., relating to the channel of the Missouri River at Wilhoits Landing—to the Committee on Rivers and Harbors.

By Mr. HARMER: Paper to accompany House bill granting a pension to John America—to the Committee on Invalid Pensions.

By Mr. KIEFER: Petition of St. Paul Typographical Union, No. 30, of St. Paul, Minn., praying for Government ownership of telegraph lines—to the Committee on Interstate and Foreign Commerce.

By Mr. McCLURE: Petitions of citizens of Creston, Doylestown, and Wooster, Ohio, for the passage of House bills Nos. 838 and 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. MILLIKEN: Remonstrance of Mrs. Frank Wadsworth and others, against teaching military tactics in the public schools—to the Committee on Education.

By Mr. MOZLEY: Petition of citizens of Cape Girardeau, Mo., for favorable action on House bills Nos. 838 and 4566, amending the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. QUIGG: Paper to accompany House bill granting a pension to Laura Sprigg Foster—to the Committee on Pensions.

By Mr. SORG: Petitions of citizens of Hamilton and Brookville, Ohio, in favor of House bills Nos. 838 and 4566, amending the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. WATSON of Ohio: Papers to accompany House bill for the relief of Frank D. Myers—to the Committee on Military Affairs.

SENATE.

TUESDAY, *May 26, 1896.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. HILL, and by unanimous consent, the further reading was dispensed with.

EXECUTIVE COMMUNICATION.

The VICE-PRESIDENT laid before the Senate a communication from the Postmaster-General, transmitting, in response to a resolution of the 9th instant, certain information regarding the number of aliens employed in the Post-Office Department; which was ordered to lie on the table and be printed.

VISITOR TO ANNAPOLIS.

The VICE-PRESIDENT appointed Mr. BACON a member of the Board of Visitors on the part of the Senate to attend the next annual examination of cadets at the Naval Academy at Annapolis, Md., under the requirements of the act of February 14, 1879.

PETITIONS AND MEMORIALS.

Mr. SEWELL. I present the memorial of Chapter II, Colonial Dames of America, of Philadelphia, Pa., remonstrating against the adoption of Senate bill No. 3087, to incorporate the National Society of Colonial Dames of America, which is now before the Senate, for the reason that the purposes and aims of the original society as set forth in its charter and constitution are similar to those proposed in the bill now pending. The memorial is brief, and in view of the fact that it comes from some of the most highly respected ladies in the country, I ask that it be printed in the RECORD.

There being no objection, the memorial was ordered to lie on the table and to be printed in the RECORD, as follows:

2007 DE LANCEY PLACE, PHILADELPHIA, PA.

To the honorable Senate and House of Representatives of the Fifty-fourth Congress:

GENTLEMEN: Mrs. George McClellan, president; Mrs. Thomas Balch, first vice-president; Mrs. Richard McCall Cadwalader, second vice-president; Mrs. George Brinton Phillips, secretary; Mrs. N. Chapman Mitchell, treasurer; Miss Elise Willing Balch, Mrs. James Bowden, Miss Anne Sophia Penn Chew, Miss Guilielma Penn-Gaskel Hall, Mrs. George Woolsey Hodge, Mrs.

Charles B. Penrose, managers; Mrs. Henry J. Hancock, historian; Miss Ursula Rose Boudinot, Miss Mary Swift Buckley, Miss Katharine Buckley, Miss Elizabeth Brown Chew, Mrs. Brinton Coxe, Miss Charlotte Drifton Coxe, Mrs. Horace Binney Hare, Miss Emelyn Storey McClellan, Mrs. Robert Morris, Miss Lucie Marshall Morris, Mrs. Thomas Fleming Parker, Miss Sallie Roberts Smith, Mrs. John T. Spencer, Mrs. James William Wallace, Mrs. William Herbert Washington, Mrs. Richard Tilghman, Mrs. Theodore Wright, Miss Elizabeth Cox Binney, officers and managers of Chapter II, Philadelphia, of The Colonial Dames of America, a corporation duly organized under the laws of the State of New York, respectfully and earnestly protest against the adoption of Senate bill 3087, entitled, "To incorporate the National Society of Colonial Dames of America," for the reasons following:

I. "The Colonial Dames of America," of which the above named constitute "Chapter II, Philadelphia," was organized May 23, 1890, as a national society, and on April 13, 1891, was duly incorporated under the name of "The Colonial Dames of America," with power to form chapters in the several States.

II. Prior to the incorporation of this, our society, no other society of similar name had been incorporated; and the purposes and aims of this original society, as set forth in its charter and constitution, are similar to those proposed in the bill now pending before your honorable bodies. Its members are residents of all parts of the United States.

III. The adoption of the same name as that of the original society by the corporation proposed to be organized by the pending bill will create difficulty, confusion, and conflict, and will inflict grave injury upon the rights and interests of the society which originated and first used the name "The Colonial Dames of America."

Your honorable bodies are therefore earnestly requested to refuse your sanction to this bill.

CHAPTER II, PHILADELPHIA, THE COLONIAL DAMES OF AMERICA.
(Signed) HARRIET HARE McCLELLAN, *President.*
ELLEN EMLEN PHILLIPS, *Secretary.*

Mr. McMILLAN presented the memorial of Walton McKinney, C. H. Tuthill, Mrs. A. H. Duboise, and Henry McKinney, of Great Bend, Pa., remonstrating against the enactment of legislation to extend the lines of the Potomac Electric Power Company in the District of Columbia; which was ordered to lie on the table.

Mr. SHERMAN presented a memorial of the railroad commissioners of the different States in convention held in Washington, D. C., May 20, 1896, remonstrating against the adoption of the proposed amendment to section 10 of the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

Mr. QUAY presented a memorial of the Manufacturers' Club of Philadelphia, Pa., remonstrating against the elimination of the involuntary features of the bankruptcy bill, as passed by the House of Representatives; which was ordered to lie on the table.

He also presented a memorial of the Commercial Exchange of Philadelphia, Pa., remonstrating against the adoption of certain proposed amendments to the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

Mr. CAMERON presented a memorial of the Manufacturers' Club of Philadelphia, Pa., remonstrating against the elimination of the involuntary features of the bankruptcy bill, as passed by the House of Representatives; which was ordered to lie on the table.

He also presented a petition of Local Union, No. 316, Cigar Makers' International Union, of McSherrytown, Pa., praying for the Government ownership and control of the telegraph lines; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of Chapter II, Colonial Dames of America, of Philadelphia, Pa., remonstrating against the adoption of Senate bill No. 3087, to incorporate the National Society of Colonial Dames of America; which was ordered to lie on the table.

Mr. HARRIS presented the petition of Bolton Smith, president of the Board of State Charities of Memphis, Tenn., praying that compensation be granted for the use, occupation, and destruction of the Tennessee School for the Blind by the Federal forces in the year 1862; which, with the accompanying paper, was referred to the Committee on Claims.

Mr. PEFFER presented the petition of A. E. Redstone, on behalf of himself and the State Settlers' League of California, praying for the passage of Senate bill No. 2118, to protect forest reservations; which was referred to the Committee on Forest Reservations and the Protection of Game.

Mr. BATE presented a petition of Local Assembly, No. 4602, Knights of Labor, of Knoxville, Tenn., praying for the passage of the so-called Phillips bill, authorizing the appointment of a nonpartisan commission to collate information, and to consider and recommend legislation to meet the problems presented by labor, agriculture, and capital; which was referred to the Committee on Education and Labor.

Mr. NELSON presented a petition of sundry citizens of Minneapolis, Minn., praying for the Government ownership and control of the telegraph lines; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. COCKRELL presented a memorial of the board of directors of the Merchants' Exchange of St. Louis, Mo., remonstrating against the adoption of House bill No. 8536, and Senate bill No. 2967, being amendments to the interstate-commerce act; which was referred to the Committee on Interstate Commerce.

He also presented resolutions adopted by the railroad commissioners of the different States, at a convention held at Washington, D. C., May 20, 1896, remonstrating against the proposed amendment to section 10 of the interstate-commerce act; which were referred to the Committee on Interstate Commerce.

He also presented a petition of Typographical Union, No. 80, of Kansas City, Mo., praying for the Government ownership and control of the telegraph lines; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. VEST presented a petition of Typographical Union, No. 80, of Kansas City, Mo., praying for the Government ownership and control of the telegraph lines; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. BACON presented a petition of the Board of Trade of Savannah, Ga., remonstrating against the adoption of certain proposed amendments to the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

Mr. ALLEN presented the affidavits of Emanuel Schamp and Jerome Schamp, of Lincoln, Nebr., in support of the bill (S. 3189) to remove the charge of desertion from the name of Emanuel Schamp; which were referred to the Committee on Military Affairs.

He also presented the affidavits of J. H. Thompson, M. D., of Petersburg, Nebr.; of F. E. Baxter, M. D., of Boone County, Nebr., and of Stephen D. Avery, of Petersburg, Nebr., in support of the bill (S. 3096) granting an increase of pension to Stephen D. Avery, of Petersburg, in the county of Boone, Nebr.; which were referred to the Committee on Pensions.

POSTAL TELEGRAPH AND TELEPHONE SYSTEM.

Mr. BUTLER. I present two arguments made at a hearing before the Senate Committee on Post-Offices and Post-Roads May 13 and 20, 1896, the first by Mr. P. B. Delany, who is a practical telegrapher and electrical inventor, and the second by Mr. S. H. Bell, of the International Typographical Union, both being in support of the bill (S. 2567) to establish a postal telegraph and telephone system and to enlarge the postal facilities of the people of the United States. I move that the arguments be printed as a document.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. PRITCHARD, from the Committee on Pensions, to whom was referred the bill (H. R. 5050) granting a pension to Ransom C. Hazelip, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 2947) increasing the pension of Daniel D. Jennings, late of Company C, Sixty-fifth Ohio Volunteers, reported it without amendment, and submitted a report thereon.

Mr. PEFFER, from the Committee on Pensions, to whom was referred the bill (H. R. 1599) granting a pension to Phœbe M. Wooley Palmeter, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 3151) granting a pension to Alice V. Cook, of St. Paul, Nebr., invalid daughter of John Y. Cook, deceased, late of Company D, Eighth Regiment Kansas Volunteer Infantry, reported it with an amendment, and submitted a report thereon.

Mr. CANNON, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 2481) granting a pension to Charles Edson; and

A bill (H. R. 4361) to pension William H. Nesbitt.

Mr. HANSBROUGH, from the Committee on Pensions, to whom was referred the bill (S. 3210) granting a pension to Anna P. Johnson, reported it without amendment, and submitted a report thereon.

Mr. WARREN, from the Committee on Claims, to whom was referred the bill (H. R. 1882) for the relief of John Ruhm, sr., Nashville, Tenn., reported it without amendment.

Mr. PALMER, from the Committee on Military Affairs, to whom was referred the bill (S. 530) for the relief of John A. Lynch, reported it with an amendment, and submitted a report thereon.

He also, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 3152) granting a pension to Charlotte A. Welton;

A bill (H. R. 6468) to increase the pension of Andrew R. Ladd; and

A bill (H. R. 986) for the relief of Hiram P. Pauley.

Mr. PALMER, from the Committee on Pensions, to whom was referred the bill (S. 1881) granting a pension to Lydia Chapman, reported it with amendments, and submitted a report thereon.

Mr. MITCHELL of Wisconsin, from the Committee on Pensions, to whom was referred the bill (S. 2126) granting a pension to Mrs. Laura A. Nelson, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 6607) for the relief of Helen Larned, reported it without amendment, and submitted a report thereon.

Mr. BAKER, from the Committee on Pensions, to whom were

referred the following bills reported them severally without amendment, and submitted reports thereon:

A bill (S. 3199) granting a pension to Jackson Osborn;

A bill (S. 3198) granting a pension to Edward Stanley;

A bill (S. 2949) granting an increase of pension to William H. H. Wright, of McPherson, Kans.

A bill (S. 1690) granting a pension to Richard Brookins;

A bill (S. 2005) granting an increase of pension to James M. Simeral;

A bill (S. 2445) increasing the pension of Celia A. Jeffers to the sum of $30 per month;

A bill (S. 1976) granting a pension to Catherine E. O'Brien; and

A bill (H. R. 2405) granting a pension to Maria Gibbons.

Mr. BAKER, from the Committee on Pensions, to whom was referred the bill (S. 2267) granting a pension to Alvah A. Eaton, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2702) granting an increase of pension to Samuel A. Smith, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 950) granting an increase of pension to Franklin C. Plantz, reported it with an amendment, and submitted a report thereon.

Mr. McMILLAN, from the Committee on Naval Affairs, to whom were referred the following bills, reported them severally without amendment:

A bill (H. R. 7171) authorizing and directing the Secretary of the Navy to donate 4 condemned cannon and 4 pyramids of condemned cannon balls to James T. Shields Post, No. 45, Grand Army of the Republic, of Galesburg, Knox County, Ill., and for other purposes;

A bill (H. R. 7881) directing the Secretary of the Navy to donate one condemned cannon and cannon balls to Soldiers and Sailors' Monument Association, of the city of Middletown, N. Y.;

A bill (S. 3219) donating condemned cannon and cannon balls to Wadsworth Post, Grand Army of the Republic, of Helena, Mont.;

A bill (S. 3216) donating condemned cannon and condemned cannon balls to the Wyoming State Soldiers' Home, at Cheyenne, Wyo.;

A bill (S. 3207) donating condemned cannon and cannon balls to Stow Post of the Grand Army of the Republic, of Calais, Vt.; and

A bill (S. 3175) donating condemned cannon and condemned cannon balls to S. A. Douglas Post, No. 69, Grand Army of the Republic, Department of Nebraska, at North Platte, Nebr.

Mr. PASCO, from the Committee on Claims, to whom was referred the bill (S. 1583) for the relief of L. Robert Coates & Co., of Baltimore, Md., reported it without amendment, and submitted a report thereon.

Mr. CHANDLER, from the Committee on Naval Affairs, to whom were referred the following bills, reported them severally without amendment:

A bill (S. 2483) donating condemned cannon and cannon balls to the New Hampshire Soldiers' Home; and

A bill (S. 2630) authorizing and directing the Secretary of the Navy to donate condemned cannon to the Londonderry Soldiers' Monument Association, of Londonderry, N. H.

Mr. MITCHELL of Oregon, from the Committee on Claims, to whom was referred the bill (H. R. 956) for the relief of Sophia Sparks and Julia C. Sparks, of Annapolis, Md., reported it without amendment, and submitted a report thereon.

Mr. STEWART, from the Committee on Claims, to whom was referred the bill (S. 1666) for the relief of the Overton Hotel Company, of Memphis, Tenn., reported it without amendment, and submitted a report thereon.

Mr. PLATT, from the Committee on the Judiciary, to whom was referred the bill (H. R. 7370) to amend an act entitled "An act to establish circuit courts of appeals and define and regulate in certain cases the jurisdiction of the courts of the United States and for other purposes," approved March 3, 1891, reported it with an amendment.

Mr. VILAS, from the Committee on Pensions, to whom was referred the bill (S. 3059) granting a pension to William Soden, reported it without amendment, and submitted a report thereon.

Mr. GALLINGER (for Mr. BRICE), from the Committee on Pensions, to whom was referred the bill (S. 3141) granting a pension to Rachel Kern, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment:

A bill (H. R. 5409) to increase the pension of Mary L. Bacon, widow of the late George B. Bacon, late lieutenant-commander, United States Navy;

A bill (H. R. 5311) granting a pension to Sarah Ann Wible; and

A bill (H. R. 1825) granting a pension to Mary Prince, widow of Ellis Prince.

PREVENTION OF CRUELTY TO ANIMALS.

Mr. GALLINGER. I am instructed by the Committee on the District of Columbia to report back with amendments the bill (S. 1552) for the further prevention of cruelty to animals in the District of Columbia, and I submit a report thereon. I desire to state that this is the bill known as the vivisection bill, concerning which there is a great deal of controversy and a very marked difference of opinion, both on the part of physicians and the general public.

I wish to ask in this connection that as a part of the report a lengthy hearing held before the Committee on the District of Columbia may be printed as an appendix. I desire further to request that 2,000 additional copies of the report may be printed for the use of the committee.

The VICE-PRESIDENT. The Chair hears no objection, and it is so ordered.

Mr. GALLINGER. It is proper I should state in this connection, so as to correct a misapprehension that is being very industriously circulated, that the bill does not propose to prohibit vivisection, but that it proposes to restrict and regulate it according to law, and that is all.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

FRANCIS E. HOOVER—VETO MESSAGE.

Mr. GALLINGER. I am directed by the Committee on Pensions, to whom were referred the bill (H. R. 1094) granting a pension to Francis E. Hoover and the veto message of the President of the United States, to submit a favorable report in the case, and to recommend that the bill be passed, notwithstanding the objections of the President of the United States.

The VICE-PRESIDENT. The bill, with the accompanying message and report, will be placed on the Calendar.

MRS. WILLIAM LORING SPENCER.

Mr. GALLINGER. Some time ago the Senate passed a bill granting a pension of $75 a month to Mrs. William Loring Spencer. The House of Representatives did not act upon the Senate bill, but passed a House bill granting a pension to the same claimant at the rate of $30 per month. I am directed by the Committee on Pensions to report back the bill (H. R. 4020) granting an increase of pension to Mrs. William Loring Spencer with an amendment, making the amount correspond to that passed in the Senate bill, and as it will take but a moment to pass the bill, such a measure having been once passed by the Senate, I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment of the Committee on Pensions was, in line 7, before the word "dollars," to strike out "thirty" and insert "seventy-five"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to place upon the pension roll the name of Mrs. William Loring Spencer, as widow of George E. Spencer, late colonel First Alabama Cavalry Volunteers, and pay her a pension of $75 per month in lieu of the pension which she now receives.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. GALLINGER. I move that the Senate request a conference with the House of Representatives on the bill and amendment.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate; and Mr. GALLINGER, Mr. PALMER, and Mr. BAKER were appointed.

HENRY R. WALTON.

Mr. BURROWS, from the Committee on Claims, to whom was referred the bill (S. 1421) for the relief of Henry R. Walton, administrator of John Walton, deceased, submitted a report thereon, accompanied by the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That Senate bill 1421, for the relief of Henry R. Walton, administrator of John Walton, deceased, be referred to the Court of Claims for findings of fact under the provisions of the act of March 3, 1887, such findings to include any facts bearing upon the question of loyalty or disloyalty of said John Walton during the war; any appraisement made in behalf of the Government of a part or the whole of property appropriated for the use of the Army; what, if any, compensation has been paid therefor, and to whom and for what the value of real property when appropriated and the deterioration thereof when surrendered at the close of the war, together with the value to said John Walton of fencing, fruit trees, and fruit, and report to the Senate in accordance with section 14 of said act.

BILLS INTRODUCED.

Mr. PLATT (for Mr. HAWLEY) introduced a bill (S. 3221) granting a pension to Georgia Gatewood; which was read twice by its

title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. MCMILLAN introduced a bill (S. 3222) fixing the pay of the members of the fire department of the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. QUAY introduced a bill (S. 3223) to authorize the President to place William T. Godwin on the retired list with the rank of first lieutenant; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 3224) to reimburse the depositors of the Freedman's Bank; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3225) to correct the record of Charles Schmeller, late Company G, Seventy-fifth Regiment Pennsylvania Volunteer Infantry, by removing the charge of desertion from the same; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. CULLOM. If the morning business is disposed of, I call up the conference report on the legislative, executive, and judicial appropriation bill.

The VICE-PRESIDENT. The introduction of bills and joint resolutions is still in order.

Mr. THURSTON. I introduce two bills by request, with the statement that I have not given them sufficient investigation to determine as to whether I can support them, but I desire that they shall be referred to the committees as indicated, in order that an opportunity may be given for the consideration of them at the next session of Congress.

The bill (S. 3226) to reimburse the depositors of the Freedmen's Bank was read twice by its title, and referred to the Committee on Claims.

The bill (S. 3227) to provide a home for aged and infirm colored people was read twice by its title, and referred to the Committee on Education and Labor.

Mr. MITCHELL of Oregon introduced a bill (S. 3228) increasing the pension of George W. Peters, Company I, Twelfth Regiment Tennessee Volunteer Cavalry; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HILL (by request) introduced a bill (S. 3229) for the relief of William H. Scofield, Jacob Brady, James Ketchum, Annie Booth as administratrix of the goods, chattels, and credits of George W. Booth, deceased; Wilson P. Billar, Ezra L. Waterhouse, Moses C. Bell, George W. Byles, and George A. Scofield; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. HANSBROUGH introduced a joint resolution (S. R. 152) appropriating $6,000 for completing the painting of the frieze in the Rotunda of the United States Capitol; which was read twice by its title, and referred to the Committee on the Library.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills, each with amendments in which it requested the concurrence of the Senate:

A bill (S. 1659) to amend the laws of the District of Columbia as to married women, to make parents the natural guardians of their minor children, and for other purposes; and

A bill (S. 2928) to extend the routes of the Eckington and Soldiers' Home Railway Company and of the Belt Railway Company of the District of Columbia, and for other purposes.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 8469) to authorize the Baltimore and Washington Transit Company of Maryland to enter the District of Columbia; and

A bill (H. R. 8672) conferring jurisdiction upon the supreme court of the District of Columbia, having general equity jurisdiction, to decree the sale, lease, or surrender of any lease of real estate in said District belonging to insane persons, for purpose of reinvestment, and for other purposes.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (H. R. 4910) granting a pension to Cyrus Thomas; and it was thereupon signed by the Vice-President.

AMENDMENT OF THE RULES.

Mr. CULLOM. Now, if there is no further morning business——

Mr. MITCHELL of Oregon. I ask that the resolution heretofore reported by me from the Committee on Rules be laid before the Senate.

The VICE-PRESIDENT. The Chair lays before the Senate, as a part of the morning business, the resolution of the Senator from Oregon, coming over from a previous day. The resolution will be stated.

The SECRETARY. A resolution by Mr. MITCHELL of Oregon, to amend Senate Rules Nos. XXV and XXXIII, relating to standing committees and the privilege of the floor.

Mr. MITCHELL of Oregon. The resolution has been read. I ask for a vote upon it.

Mr. STEWART. I should like to hear it read.

Mr. MITCHELL of Oregon. I can state in a word the proposed changes.

Mr. CULLOM. It is reported from the committee.

Mr. MITCHELL of Oregon. It is reported from the Committee on Rules unanimously.

The change in one rule is simply to make the standing and select committees conform as to number of members and name with the changes that have been made during the present session.

The proposed changes in the other rule relate to the privilege of the floor. One amendment is as follows: The rule as it stands today provides that the officers of the Senate shall be admitted to the floor. The change proposes to admit officers and employees of the Senate "when in the actual discharge of their official duties."

The next suggested amendment proposes to admit ex-Sergeants-at-Arms of the Senate to the privilege of the floor.

The third and last proposed amendment is to admit the chief deputy of the Sergeant-at-Arms of the House, and the deputy of the Clerk of the House.

Those are the changes suggested by the Committee on Rules, and those are all.

Mr. HILL. I suggest to the Senator from Oregon whether line 24, on page 6, should not read:

Ambassadors and ministers of the United States.

It simply says "ministers of the United States."

Mr. MITCHELL of Oregon. Undoubtedly the words "ambassadors and" should come in preceding the word "ministers." I ask that that change be made.

The VICE-PRESIDENT. Without objection, the amendment will be agreed to. The question is on agreeing to the resolution as amended.

The resolution as amended was agreed to.

MRS. ELEANOR CARROLL POE.

Mr. GALLINGER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 804) granting a pension to Mrs. Eleanor Carroll Poe, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with an amendment as follows: In lieu of the amount proposed to be inserted insert "seventy-five"; and the House agree to the same.

J. H. GALLINGER,
JOHN L. MITCHELL,
Managers on the part of the Senate.
HENRY F. THOMAS,
F. C. LAYTON,
Managers on the part of the House.

The report was concurred in.

ADA J. SCHWATKA.

Mr. GALLINGER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 710) granting a pension to Ada J. Schwatka, widow of the late Lieut. Frederick Schwatka, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with an amendment as follows: In lieu of the amount proposed to be inserted insert "twenty"; and the House agree to the same.

J. H. GALLINGER,
GEORGE L. SHOUP,
Managers on the part of the Senate.
H. C. LOUDENSLAGER,
DAVID G. COLSON,
Managers on the part of the House.

The report was concurred in.

REGULATIONS CONCERNING FILLED CHEESE.

Mr. SHERMAN. I move that the Senate proceed to the consideration of House bill 8008.

Mr. CULLOM. If it is in order to say a word on the subject, I will state that there are, I understand, three or four conference reports now ready to be acted upon by the Senate. I have one in charge that has been before the Senate three or four times, and it is on a long bill, needing some attention by the Executive when it gets to him, if it ever does. There are also the conference reports upon the sundry civil bill and the Indian appropriation bill ready for action.

Mr. SHERMAN. Let me make a suggestion, if I may be permitted to do so.

Mr. CULLOM. It seems to me the Senate ought to dispose of these conference reports before taking up any disputed question.

Mr. SHERMAN. I do not agree with the Senator on that point; but I will state that if the Senate, by unanimous consent, will agree to take up the bill defining cheese immediately after the disposition of the bond bill I shall be content. I do not want to be struggling here for its consideration.

Mr. CULLOM. I am entirely friendly to the Senator's bill and I want to see it passed.

Mr. SHERMAN. I ask unanimous consent that that arrangement may be made.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Ohio?

Mr. PEFFER. What is the request?

The VICE-PRESIDENT. The request is to proceed to the consideration of a bill which will be read by title.

Mr. BERRY. What is going to be done with the conference report?

Mr. CULLOM. I desire to have it considered immediately.

Mr. SHERMAN. If the Senate will by unanimous consent agree that the bill in respect to cheese shall come up after the bond bill, as it is called, is disposed of, I shall give way at once.

Mr. HARRIS. We can make no agreement about the bill. The Senator will get it up by a vote of the Senate when it comes up.

Mr. SHERMAN. Then I hope the Senate will take up the bill.

The VICE-PRESIDENT. The Chair will submit to the Senate the motion of the Senator from Ohio to proceed to the consideration of the bill, which will be read by title.

The SECRETARY. A bill (H. R. 8008) defining cheese, and also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of filled cheese.

Mr. MILLS. I rise to a point of order. The conference report has precedence over the motion of the Senator from Ohio, if the Senator from Illinois presents it.

Mr. SHERMAN. A motion to take it up has precedence.

Mr. MILLS. It does not make any difference, the question of precedence governs in every phase of the matter. If the Senator from Illinois presents his conference report it has precedence over all other motions, at least over all ordinary parliamentary motions.

Mr. SHERMAN. It is simply in regard to a motion to proceed to the consideration of a conference report.

Mr. CULLOM. I am not sure whether I have the right of way or not under the ruling as against the motion of the Senator from Ohio. However, I suppose I have a right to make the motion.

The VICE-PRESIDENT. The Chair is unable to hear the remark of the Senator from Illinois.

Mr. ALDRICH. I submit that all discussion is out of order, and that the motion of the Senator from Ohio is not debatable.

The VICE-PRESIDENT. Debate was proceeding by unanimous consent. The Chair will submit to the Senate the motion of the Senator from Ohio. The Chair has no doubt that that motion is now in order. The question is on agreeing to the motion of the Senator from Ohio to proceed to the consideration of House bill 8008.

Mr. SHERMAN. On that I call for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. CULLOM (when his name was called). I have a general pair with the Senator from Delaware [Mr. GRAY], and therefore withhold my vote.

Mr. DUBOIS (when his name was called). I am paired with the senior Senator from New Jersey [Mr. SMITH], but I will transfer that pair to the Senator from Nevada [Mr. JONES]. I vote "yea."

Mr. FAULKNER (when his name was called). I am paired with the Senator from West Virginia [Mr. ELKINS], and therefore reserve my vote.

Mr. GEAR (when his name was called). I have a general pair with the senior Senator from Georgia [Mr. GORDON]. If he were here, I should vote "yea."

Mr. PLATT. The Senator from Iowa can transfer his pair to my colleague [Mr. HAWLEY].

Mr. GEORGE (when his name was called). I am paired with the Senator from Oregon [Mr. MCBRIDE]. I should vote "nay," if I were not paired.

Mr. MCMILLAN (when his name was called). I announce my pair with the Senator from Kentucky [Mr. BLACKBURN].

Mr. CHILTON (when Mr. MARTIN's name was called). The Senator from Virginia [Mr. MARTIN] is necessarily absent, and is paired with the Senator from Montana [Mr. MANTLE].

Mr. PUGH (when his name was called). I have a general pair with the senior Senator from Massachusetts [Mr. HOAR]. If he were present, I should vote "nay."

The roll call was concluded.

Mr. GEAR. I transfer my pair with the Senator from Georgia [Mr. GORDON] to the Senator from Connecticut [Mr. HAWLEY] and vote "yea."

Mr. BURROWS. I am paired with the Senator from Louisiana [Mr. CAFFERY]; but I see that he has entered the Chamber, and I vote "yea."

Mr. THURSTON. I have a general pair with the junior Senator from South Carolina [Mr. TILLMAN]. If he were present, I should vote "yea."

Mr. PRITCHARD. I am paired with the Senator from Louisiana [Mr. BLANCHARD]; but as I understand this is not a political question, I desire to record my vote. I vote "yea."

Mr. CARTER (after having voted in the affirmative). Being paired with the junior Senator from Maryland [Mr. GIBSON] and observing that he has not voted, I withdraw my vote.

The result was announced—yeas 36, nays 14; as follows:

YEAS—36.

Aldrich,	Davis,	Morrill,	Roach,
Allison,	Dubois,	Nelson,	Sewell,
Bacon,	Gallinger,	Palmer,	Sherman,
Brown,	Gear,	Peffer,	Shoup,
Burrows,	Hansbrough,	Perkins,	Teller,
Cameron,	Hill,	Pettigrew,	Turpie,
Cannon,	Lodge,	Platt,	Vilas,
Chandler,	Mitchell, Oreg.	Pritchard,	Warren,
Cockrell,	Mitchell, Wis.	Quay,	Wilson.

NAYS—14.

Bate,	Gray,	Mills,	Walthall,
Berry,	Harris,	Morgan,	White.
Chilton,	Jones, Ark.	Pasco,	
Daniel,	Lindsay,	Vest,	

NOT VOTING—39.

Allen,	Cullom,	Hoar,	Pugh,
Baker,	Elkins,	Irby,	Smith,
Blackburn,	Faulkner,	Jones, Nev.	Squire,
Blanchard,	Frye,	Kyle,	Stewart,
Brice,	George,	McBride,	Thurston,
Butler,	Gibson,	McMillan,	Tillman,
Caffery,	Gordon,	Mantle,	Voorhees,
Call,	Gorman,	Martin,	Wetmore,
Carter,	Hale,	Murphy,	Wolcott.
Clark,	Hawley,	Proctor,	

So the motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8008) defining cheese, and also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of filled cheese.

Mr. THURSTON. Mr. President, I am advised by wire of sickness in my family, which makes it necessary for me to leave immediately for home. As I probably can not be in the Senate again, if final adjournment is to take place within the next few days, I ask unanimous consent for three or four minutes of time in which I may state my position as to two or three measures which may be brought before the Senate.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and the Senator from Nebraska will proceed.

Mr. THURSTON. I merely wish, Mr. President, to state my position. As it will be impossible for me to vote upon these measures which may come up between now and the date of adjournment, I shall content myself with a mere statement as to how I would vote upon the subjects if present.

The bill called up by the Senator from Ohio and now pending I should desire to support. The joint resolution which the Senator from Oregon [Mr. MITCHELL] has given notice that he would call up, proposing an amendment to the Constitution so as to provide for the election of Senators by a direct vote of the people, I should desire to support. The bill which the Senator from New York [Mr. HILL] has given notice he wishes to call up, reported from the Judiciary Committee, defining contempt of court, making a classification between direct and indirect contempt, I should support, and had proposed to move an amendment thereto, giving to a party charged with an indirect contempt of court the absolute right of trial by jury upon his request.

The bill which has lately been under consideration by the Senate prohibiting the issuance of bonds except by further consent or direction of Congress I should have supported had it come on for a vote at a time in the session when reasonable opportunity would have been given for legislation by Congress. I desire to say simply that at this late hour of the session, with the apparent impossibility of any further action on the part of Congress, I believe it would create altogether too great a danger for us now to withdraw from the Administration any power of providing for a monetary crisis in the affairs of Government between the present time and the next session of Congress.

Therefore, while I had desired to support the measure if it could have been considered earlier in the session, and while I may desire to support a similar measure at the next session of Congress, I do not believe it is wise to jeopardize the credit of the United States at this time by the passage of the bill; and were I present when the vote is called upon that measure, I should feel compelled to waive my own individual views and vote for what I consider to be a temporary necessity by placing the credit of this Government beyond all question and beyond all attack.

With these statements, in order that the Senate may know my position and that the Senator with whom I am paired may be in a

situation perhaps to vote on some of these measures, I shall be content.

Mr. PETTIGREW. I ask unanimous consent for the immediate consideration of the bill (S. 265) extending relief to Indian citizens, and for other purposes.

Mr. SHERMAN. If it does not lead to any debate.

Mr. PETTIGREW. I think it will lead to no debate. The bill has been read.

The VICE-PRESIDENT. The bill will be read by title.

The SECRETARY. A bill (S. 265) extending relief to Indian citizens, and for other purposes.

The VICE-PRESIDENT. If there is no objection, the bill is in Committee of the Whole and open to amendment.

Mr. HARRIS. Let the bill be read.

The VICE-PRESIDENT. The bill will be read for information.

The Secretary read the bill as amended on the report of the Committee on Indian Affairs.

Mr. BATE. That seems to be a very important bill. It seems to affect many Indians and to levy taxes on the property of those Indians. I ask that it may go over.

The VICE-PRESIDENT. Objection is interposed to the request of the Senator from South Dakota. House bill 8008 will be proceeded with.

Mr. DUBOIS. I offer an amendment to the pending bill.

The VICE-PRESIDENT. The amendment submitted by the Senator from Idaho will be stated.

The SECRETARY. It is proposed to add the following as a new section:

In order to raise revenue to meet the various expenses of the Government the sum of 75 cents shall be levied and collected, under such regulations as the Secretary of the Treasury may prescribe, on every barrel of lager beer, ale, and porter manufactured in the United States in addition to the tax now imposed thereon.

Mr. DUBOIS. Mr. President, the distinguished Senator from Ohio [Mr. SHERMAN] has called the attention of the country a number of times to the necessity of raising revenue in order to meet the current expenses of the Government. He has stated that it would be a disgrace, an infamy, if we did not do this, and he has said that the Senate would be especially censurable. But when he is pinned down he proposes to provide revenue only through the Dingley bill—an unjust, an unfair, a sectional measure which can not pass the Senate; and no one knows that it can not pass the Senate better than the Senator from Ohio.

The amendment which I propose will bring in a revenue of about $25,000,000 a year, almost enough money to make up the difference between the receipts and the expenditures. It will not hurt anybody in particular. It might be of some disadvantage politically in certain sections of the country, but if it imposes any additional burdens upon any class, those burdens will fall on gentlemen who have accumulated large fortunes in the manufacture of beer. I submit that it is fairer that these gentlemen should pay a little more into the Treasury instead of that the poor farmer and miner and sheep raiser should be compelled to pay it.

When the Senator from Ohio or any other Senator on this floor undertakes to censure the men sitting upon this side of the Chamber who voted against the Dingley bill, he loses sight of one very important fact. We represent constituencies which are in favor of the free coinage of silver, and yet in order to vote for the Dingley bill you would have compelled us first to vote down the substitute for it which provided for the unlimited coinage of silver. It was a trap, transparent and unfair. At that very time the silver substitute which we had passed through the Senate as a substitute for the bond bill was being considered in the House. The silver substitute for the bond bill was defeated in the House, as everyone knew it would be; and we silver men in this Chamber were called upon to vote against a free-coinage bill in the Senate at the same time, and we were asked to cast this vote against silver in order to reach a bill which was unfair and unjust to our own people.

It is utterly out of the question to talk about passing the Dingley bill. If the Senator from Ohio is willing to raise revenue by fair measures, the gentlemen on this side who voted against considering the Dingley bill will meet him fairly. If he is not willing to do that, or if the Senators on this side of the Chamber are not willing to consider a fair revenue bill, I insist that they shall quit posing before the country as the only patriots, as the only ones who are anxious to raise revenue for the Government.

We stand here ready to join in any proper method to raise revenue, but we will not allow a sectional tariff bill like the Dingley bill, which protected the Eastern manufacturer amply but gave no protection to the South or the West, to pass. There has not been a Senator on this side of the Chamber who has combated the arguments presented by the gentlemen who voted against the bill, showing that it was a sectional, unjust, unworthy, unmeritorious measure. They state on every occasion that it is not a proper bill. We state on the other hand that it is very improper, very sectional, and unjust to our part of the country. We state in addition that a protective tariff bill without free coinage will not avail, and insist that a protective tariff measure and a free-coinage bill should be passed together at the same time.

I offer the amendment which will raise $25,000,000, and state that it will not raise the price of beer to the consumer; it may diminish a trifle the great profits of the manufacturers.

Mr. SHERMAN. Mr. President, I do not intend to answer the Senator from Idaho [Mr. DUBOIS]. So far as a tax on beer is concerned, I might in a proper revenue bill, if it were pending before us, vote for levying such a tax, although I think the article of beer, yielding us a revenue now of over $30,000,000, has a pretty heavy tax on it for an article which is very useful and comfortable. I do not know whether I would vote for it, because I think that the consumers of beer pay already a very large sum.

But I rose more to appeal to the Senate to allow this bill to pass. It is supported, I believe, by the farmers of our country—North and South, East and West, and if it is passed it will prevent filled cheese or any other article or compound made out of lard and other materials from being sold for cream cheese. It is to prevent fraud. It seems to me it is one of those simple propositions which ought to meet with the assent of the Senate without being embarrassed with these various amendments.

Without going at all into the question of the Dingley bill, or any other tariff bill, or any other measure whatever, for I do not like to do that, I will state that I would vote against the Dingley bill as an amendment to the pending bill. The friends of this bill must see that the only way they can give this relief to the farmers of our country is to vote down all amendments. This is not in the broad sense a revenue bill. It is not expected that the bill will furnish more than a half million dollars, or something like that, a year. The precise amount we can not tell. It is proposed as a relief bill, as the oleomargarine bill was passed; and the oleomargarine act has proved to be a great success, satisfactory to the manufacturers of oleomargarine and satisfactory to all who were in favor of the bill. It has worked very well. But I do not want to embarrass the pending bill by a general question of taxation. I therefore move to lay upon the table the amendment of the Senator from Idaho [Mr. DUBOIS].

Mr. HARRIS. I hope the Senator from Ohio will allow me to ask him a question before he does that.

Mr. SHERMAN. Certainly.

Mr. HARRIS. If the amendment shall be agreed to and the additional tax of 75 cents upon a barrel of beer shall be passed into a law, will the tax, then, upon the alcohol contained in the lager beer be more than half so high as the present tax imposed upon all other alcoholic beverages?

Mr. SHERMAN. I am not a competent judge. I know that in whisky there is about one-half alcohol. I know that in beer it is said to be from 3 to 5 per cent. Therefore it would take an enormous tax to make the tax on beer equivalent to the tax on whisky.

Mr. HARRIS. I refer to the alcohol contained in those beverages, and I state as a fact that even if 75 cents shall be added to the present tax on beer, it will fall very far short, I may almost say immeasurably short, of the tax on other alcoholic drinks.

Mr. SHERMAN. I do not wish to go into the question as to the difference between the tax on whisky and the tax on beer. They both yield very large incomes. The tax on whisky at a dollar a gallon produced over $100,000,000. The tax on beer yields us $30,000,000, and I do not want to disturb those taxes. We can provide other taxes. I move that the amendment be laid upon the table.

The VICE-PRESIDENT. The question is upon agreeing to the motion of the Senator from Ohio [Mr. SHERMAN] to lay upon the table the amendment submitted by the Senator from Idaho [Mr. DUBOIS].

Mr. MILLS and Mr. DUBOIS called for the yeas and nays; and they were ordered.

The Secretary proceeded to call the roll.

Mr. CARTER (when his name was called). I am paired with the junior Senator from Maryland [Mr. GIBSON]. Not knowing how he would vote on this question, I withhold my vote.

Mr. FAULKNER (when his name was called). I am paired with the Senator from West Virginia [Mr. ELKINS]. I do not know how he would vote on this question. I therefore withhold my vote.

Mr. GEAR (when his name was called). I am paired with the Senator from Georgia [Mr. GORDON]. If he were present, I should vote "yea."

Mr. GEORGE (when his name was called). I have a general pair with the Senator from Oregon [Mr. MCBRIDE]. I do not know how he would vote. If he were present, I should vote "nay."

Mr. MCMILLAN (when his name was called). I am paired with the Senator from Kentucky [Mr. BLACKBURN].

Mr. PRITCHARD (when his name was called). I am paired with the Senator from Louisiana [Mr. BLANCHARD]. If he were present, I should vote "yea."

Mr. PUGH (when his name was called). I am paired with the Senator from Massachusetts [Mr. HOAR]. If he were present, I should vote "nay."

Mr. DUBOIS (when Mr. SMITH's name was called). I announce the pair of the senior Senator from New Jersey [Mr. SMITH] with the Senator from Nevada [Mr. JONES].

The roll call was concluded.

Mr. PUGH. I transfer my pair with the Senator from Massachusetts [Mr. HOAR] to the junior Senator from Virginia [Mr. MARTIN] and vote "nay."

Mr. FAULKNER. The Senator from West Virginia [Mr. ELKINS] has been in the Chamber during the roll call, and I will therefore vote. I vote "nay."

Mr. TILLMAN. I announce my pair with the Senator from Nebraska [Mr. THURSTON]. If he were present, I should vote "nay."

Mr. ALDRICH. I call attention to the fact that the Senator from Georgia [Mr. BACON], who is paired with my colleague [Mr. WETMORE], has voted. I suppose he did so inadvertently.

Mr. BACON (after having voted in the negative). I beg to state, in response to the suggestion of the senior Senator from Rhode Island, that if he regards this as a political question I will, of course, withdraw my vote.

Mr. ALDRICH. I have no doubt that my colleague, if present, would vote "yea" upon this question.

Mr. BACON. I will state that my agreement with the junior Senator from Rhode Island [Mr. WETMORE] is that upon matters not political we are at liberty to vote in our discretion; and I added in my former statement that if the senior Senator from Rhode Island would say in behalf of his colleague that he would regard this as a political question, of course I would withdraw my vote.

Mr. ALDRICH. It has certainly been made so by the vote, and I should say it is a political question. Senators upon the other side——

Mr. BACON. I transfer my pair to the senior Senator from South Carolina [Mr. IRBY], and allow my vote to stand.

Mr. CARTER. I rise to a parliamentary inquiry. I desire to know what notice the Chair has of a pair with my colleague [Mr. MANTLE].

The VICE-PRESIDENT. The Chair thinks no such announcement has been made. If a pair has been announced with the Senator from Montana [Mr. MANTLE] it has escaped the attention of the Chair.

Mr. CARTER. Understanding that my colleague [Mr. MANTLE] is paired generally with the junior Senator from Virginia [Mr. MARTIN], and the pair with the junior Senator from Virginia having been transferred to some other Senator, I desire to protect my colleague by transferring to him my pair with the junior Senator from Maryland [Mr. GIBSON]. I desire to vote. I vote "nay."

Mr. CHILTON. It is proper to state that the transfer of the pair of the Senator from Virginia [Mr. MARTIN] was made because I was assured that he was in agreement with the Senator from Montana [Mr. MANTLE]. I counseled with the Senator from Idaho [Mr. DUBOIS] in regard to the matter, who assured me that the Senator from Montana [Mr. MANTLE] would vote in the negative, and hence I arranged the transfer of the pair with the Senator from Virginia [Mr. MARTIN] to another Senator.

The result was announced—yeas 25, nays 30; as follows:

YEAS—25.

Aldrich,	Gallinger,	Palmer,	Shoup,
Allison,	Hawley,	Pasco,	Turpie,
Baker,	Hill,	Perkins,	Vilas,
Burrows,	Mitchell, Oreg.	Platt,	Wilson.
Cockrell,	Mitchell, Wis.	Quay,	
Cullom,	Morrill,	Sewell,	
Davis,	Nelson,	Sherman,	

NAYS—30.

Allen,	Carter,	Jones, Ark.	Roach,
Bacon,	Chilton,	Kyle,	Stewart,
Bate,	Daniel,	Lindsay,	Teller,
Berry,	Dubois,	Mills,	Vest,
Brown,	Faulkner,	Morgan,	Walthall,
Butler,	Gray,	Peffer,	White.
Caffery,	Hansbrough,	Pettigrew,	
Cannon,	Harris,	Pugh,	

NOT VOTING—34.

Blackburn,	Gear,	Lodge,	Squire,
Blanchard,	George,	McBride,	Thurston,
Brice,	Gibson,	McMillan,	Tillman,
Call,	Gordon,	Mantle,	Voorhees,
Cameron,	Gorman,	Martin,	Warren,
Chandler,	Hale,	Murphy,	Wetmore,
Clark,	Hoar,	Pritchard,	Wolcott.
Elkins,	Irby,	Proctor,	
Frye,	Jones, Nev.	Smith,	

So the Senate refused to lay the amendment on the table.

The VICE-PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from Idaho [Mr. DUBOIS].

Mr. SHERMAN. On that I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. VILAS. I desire to make a single remark on this question before the vote is taken.

Mr. DUBOIS. Debate is not in order.

Mr. GALLINGER. It is in order.

Mr. VILAS. I addressed the Chair before any name was called.

The VICE-PRESIDENT. The Senator from Wisconsin addressed the Chair at the moment the roll call commenced.

Mr. VILAS. I addressed it before any name was called.

Mr. DUBOIS. I suggest that the roll call has commenced.

Mr. COCKRELL. Debate is not out of order until there is an answer.

Mr. GALLINGER. There has been no response.

The VICE-PRESIDENT. The Chair thinks that the Senator from Wisconsin addressed the Chair just at the moment and before a name was responded to. The Chair recognizes the Senator from Wisconsin.

Mr. VILAS. Mr. President, I wish to make only a very few remarks on this subject. If Senators choose to adopt a tax on beer because they desire to kill this most meritorious measure designed to prevent the continued perpetration of injurious and shameful fraud upon a class of citizens at least as deserving of legislative consideration as any other, then to add this measure will undoubtedly effect the result. It is perfectly certain there can be no question that we can not expect to convert this bill, designed only to impose a tax upon filled cheese for a limited and special end, into a general bill for the raising of revenue; and if any general bill for the raising of revenue were thus to be framed we know it would not be passed at the present session of Congress.

Therefore this is a skillful scheme, if that be the object of those who vote for a tax upon beer, to defeat utterly and entirely this, as I said, most meritorious measure, in my opinion.

But if this be regarded as a deliberate expression of the judgment of the Senate as to whether there should be a tax upon beer, if that be the question which is now being considered by Senators, I desire to say a few words. I shall not detain the Senate, because I will not contribute to the purpose of defeating this bill by any lengthy argument.

But I desire to say with reference to the tax imposed upon beer, first, that the tax now charged for beer is the same per barrel that was put upon it when the necessities of war first taxed that article which, by the usage of so large a portion of our people, is one almost of necessity, like an article of food. The tax then laid upon beer was but little more than half the same percentage of tax it is now, because at that time beer was worth and sold in the markets for almost twice what it sells for now, if I am correctly informed in respect to it.

Mr. STEWART. I should like to ask the Senator from Wisconsin a question right on that point.

Mr. VILAS. Certainly.

Mr. STEWART. I am told that the manufacturers of beer practically dispense with hops and barley, and consequently they are making it for very much less, although it is very injurious. They are making beer with much more profit. It costs them but a small percentage of what it formerly cost. I should like to know, if the Senator represents a city where they manufacture a great deal of beer, whether the manufacturers have relieved themselves of the tax of using hops and barley. If they have they can stand this tax.

Mr. VILAS. The Senator from Nevada knows, perhaps, quite as much as I do and a good deal more in respect to making beer or of the recipe which is used by beer makers. I know nothing of it, but I understand that the beer of the large makers of beer is made in the most careful manner of the most genuine material—barley and hops—and is as useful and healthy a beverage, decently and reasonably taken, as it is pleasant on a hot day; and that is about the only time I am in the habit of drinking it.

Mr. MITCHELL of Wisconsin. Mr. President——

Mr. VILAS. I will listen to my colleague, but I can not spend my time on these side remarks with the Senator from Nevada.

Mr. MITCHELL of Wisconsin. I understand that the manufacturers of beer are required to make oath as to the ingredients of the beer. I think they are honorable men.

Mr. VILAS. I am not discussing the question of the manufacture of beer or whimsical suggestions of that kind. I call attention to the fact that the percentage of tax now charged upon this beverage is very much greater than that which was laid upon it by the necessities of war. It has never been diminished or removed since the war time, and it is a tax that must be paid by the consumer. Whatever, from morality or otherwise, you will think of that, I care not, but the truth is that the consumers who pay this tax are, in fact, the large body of laboring, hard-working,

wage-earning classes of our communities. You put this charge upon them when you increase the tax on beer.

The Senator from Tennessee [Mr. HARRIS] asked what the proportion of alcohol is in beer. What consequence is it? We are not taxing alcohol by the proportionable percentage in which it is found in different articles in the world. We are taxing liquors for the purpose of raising enormous revenues from them. We are holding a tax upon beer even now as we have held it through all the period of peace, at the same nominal specific rate, but at a much greater precentage than in time of war.

Mr. HARRIS. The Senator will not deny that our policy has been and is to tax alcohol which is contained in those luxuries known as beverages, and it applies as well to beer as it does to whisky or to any other article that contains alcohol.

Mr. VILAS. It is taxed in other articles into which it enters only because it happens to be in a certain sense a raw material of which those articles are composed, and it pays its tax as alcohol and not as a percentage of something else.

I do not desire to spend any time about it, as I said. I point to these two single facts, and if Senators choose to put a tax upon beer under the circumstances, the whole measure of the proposed act, in its effect grossly injurious and wrong to a class of people who are little deserving of being singled out for taxation, ought to be understood.

Mr. DUBOIS. Mr. President, this is really a ludicrous situation. All the Senators on the other side of the Chamber are censured almost daily because they will not vote to raise revenue. Some of us on this side of the Chamber are censured because we will not vote to raise revenue. The Senate by a majority vote affirms that it will vote revenue by placing a tax on beer. Senators on this side and some on the other side object. They say in substance we desire to raise revenue, but insist that the minority, who have some peculiar notions and who desire to make some political capital for themselves, shall determine the method of raising revenue, and they censure the majority because the majority will not submit to the dictation of the minority. They are out of patience with the majority and will not consent to any plan except their own. If I do not state the situation correctly will those Senators who are in the minority state precisely whether they really desire to raise revenue, and if so, what method they suggest? It is the strangest spectacle and the most transparent attempt to make political capital for a section of the country that I have witnessed since I became a member of the Senate.

Mr. GRAY. In other words, we are all in favor of raising revenue, but opposed to the tax.

Mr. DUBOIS. We are all in favor of an increased revenue, but we must do so only in the manner in which the minority want to raise it. The consumer will not have to pay this tax. You can get beer in almost all the cities in the country now two glasses for 5 cents.

Mr. TELLER. And the consumers will not have to pay any more for it.

Mr. DUBOIS. They will not have to pay any more for the beer if this tax is levied.

Mr. MITCHELL of Wisconsin. I should like to ask the Senator where you can get two glasses of beer for 5 cents? [Laughter.]

Mr. MILLS. Mr. President, the question presented for the consideration of the Senate is whether we shall tax for the benefit of certain cheese manufacturers, or whether we shall tax for the benefit of the public Treasury of the United States. The Senator from Wisconsin [Mr. VILAS] is opposed to a tax which will bring a revenue into the coffers of the Treasury and he is opposed to this bill.

Mr. VILAS. The Senator ought not to misstate my position. He knows well that there is no Senator on this floor who is more sincerely in favor of taxes to be so laid as to bring revenue into the Treasury and to put no proceeds of the taxes anywhere else except in the Treasury than I.

Mr. MILLS. Then you will not vote for this cheese bill.

Mr. VILAS. Then I will vote for this cheese bill.

Mr. MILLS. The Senator answers himself. The Senator thinks that I am doing an injustice in stating the principle so broadly. I will state that the Senator from Wisconsin is opposed to the tax—not a tax, but the tax—that will bring revenue into the Treasury now proposed to the Senate. It is admitted by everybody that the tax on beer will bring some millions of dollars into the almost empty coffers of the Treasury. It is stated by advocates of this bill who have it in charge and the distinguished and venerable Senator from Ohio [Mr. SHERMAN] that this bill will not bring any revenue to the Treasury, or substantially that it is not a revenue bill, and is not intended as a revenue bill. That is not denied. This bill is intended to raise the price of cheese to the consumer; this bill is intended to destroy competition; this bill is intended as a burden upon the people who use food to live, and the Senator from Wisconsin is in favor of imposing that burden upon the food of poor laborers and increase the price of another kind of food for the benefit of the manufacturer, but he will not vote for a tax to increase the price of beer either to the manufacturer or the consumer and at the same time bring revenue to the public Treasury.

Mr. President, I belong to a party which declared in its national platform in 1892 that taxation for any other purpose except to bring revenue to the public Treasury was a fraud and beyond the rightful power of Congress to lay; that it was the prostitution of a constitutional power; that it was seizing a power placed in Congress by the Constitution for the purpose alone of raising revenue to support the Government.

It has been said over and over again that the taxpayer is the forgotten man. He is always the forgotten man. Here we are, grave and deliberate Senators, on both sides discussing whether this is a political question or not. Mr. President, if the power to tax for the benefit of the public Treasury alone is not a party question in this country, there never was a party question. From the beginning of our Government those who formed the party to which I belong, and to which others on this side of the Chamber belong, demanded a strict construction of the Constitution in order that its powers should not be perverted to any other purposes except that for which they were intended.

What becomes of the poor people who eat this so-called filled cheese? Have they not a right to eat filled cheese? It was once said by a distinguished leader of the Republican party that cheap things and cheap clothes were nasty. Has that become the doctrine of the Democratic party too? Are the Democratic leaders, the national representatives of the Democratic party, standing before the country and leading this great party into the woods, demanding that the power to tax shall be used to the detriment of the poor people, to increase the price of food to the poor, and admitting at the same time they do that that not one dollar of that taxation comes to the public Treasury? I am not surprised at the Senator from Ohio and Senators on the other side of this Chamber advocating this tax. They believe in using the power of taxation to build up private industries. We do not; we never have believed in it, and we have said over and over again from the foundation of our party until the present time that the power of taxation must be used for the purpose of putting money into the Treasury, and for that purpose alone.

Now, here is a beer tax. It will bring money into the Treasury. Nobody doubts it. Why shall we not vote for it? We have been admonished over and over again that the Treasury needs money. The Senator from Ohio [Mr. SHERMAN] has told us that we ought not to leave here without putting more money into the Treasury. The Senator from Idaho [Mr. DUBOIS] offers an amendment to put twenty-five or thirty million dollars more money into the Treasury by a tax on beer; yet it is opposed upon the ground that the tax is burdensome; but the tax on food, the tax on cheese, which the poorest of our poor people have to consume, is not an objectionable tax to us, and at the same time it is admitted that that tax is for the purpose of increasing the price of other cheese, and for the purpose of extinguishing competition, and for building up private industries at the expense of the people of the country.

Mr. ALDRICH. Mr. President, I am very glad to hear this morning an official declaration from the Senator from Texas [Mr. MILLS], speaking for his party, that the Democratic party is in favor of imposing an increased tax upon beer. That was shown not only by his speech, but by the vote just taken to-day. The Senator from Texas had charge of a tariff bill a few years ago, while in the other House, which bore his name and became rather notorious in the country. That bill did not contain an increased tax upon beer. Several times subsequent to that, in the history of this country, Democratic tariff bills have been framed; notably last year we had a bill, which was called the Gorman-Brice bill, which passed the Senate, and there was no suggestion then made that the Democratic party was in favor of increasing the tax upon beer. There has never been up to this moment any suggestion that anything of that kind was contemplated. It has been generally understood that the brewers of the country have supported the Democratic party and supported it not only by their votes but in a more substantial way, and that as a return for that support the Democratic party was opposed to increasing the tax upon beer.

Mr. PEFFER. Will the Senator from Rhode Island allow me to interrupt him?

Mr. ALDRICH. Not at present.

It seems now that a change has taken place. I do not know whether it is in consequence of prospective action at Chicago, or what it may be, which has brought about this change in Democratic tactics and Democratic policies; but I am sure the people of the country will look upon this movement with a great deal of curiosity.

Mr. MILLS. Only a word. The Senator from Rhode Island states that I had charge of a bill a few years ago proposing to

raise revenue to support the Government without adding any increased tax on beer. Such a tax was not then necessary. We put a tax on other articles which was sufficient. It is demonstrated now that there are not revenues enough in the public Treasury, and we have got to select something which we will tax to bring those revenues into the public Treasury. I will agree with the Senator from Rhode Island, if he prefers that to a tax on beer, to put a tax on incomes, or I will vote to put a direct tax on manufactured products which are already protected. I will select that which will bring revenue to the Government and at the same time bear as lightly as possible upon the taxpayer.

That is all I desire to say.

Mr. NELSON. Mr. President, coming from the Northwest and from a community of farmers, it seems to me passing strange that whenever the farmers of this country or other aggrieved classes of the community come before the Senate of the United States for protection and relief, there is always an attempt made to sidetrack them in some manner by indirect methods.

Now, what are the plain facts in this case? The facts are these, Mr. President: An industry has grown up in this country of recent years, the manufacture of filled cheese, which has operated injuriously and damaging in several directions. It has destroyed the dairy industry among the farmers of the Northwest; it has destroyed our export trade in cheese, and has been the means of deceiving the consumers of cheese to such an extent that even in the very restaurant below us here they have sold and we have eaten filled cheese as the genuine article—as full cream cheese.

The main purpose and object of this bill is not so much to raise revenue as it is to provide for honesty and integrity among the people of this country in the matter of the sale and consumption of cheese. We want, first of all, to protect the consumers of cheese so that whoever buys it, if he desires filled cheese, may know that he is getting it, and whoever desires the genuine article may know that he is getting that.

Mr. LINDSAY. I will ask the Senator whether the State of Minnesota, as a State, has attempted to suppress the sale of this objectionable cheese?

Mr. NELSON. Certainly. The State of Minnesota has passed laws to that effect, and so have Wisconsin and a great many other States; but the work of the different States can not be carried out effectively, as I know from my own experience, unless it is supplemented by legislation of the Federal Government.

The manufacture of filled cheese is carried on at the great creameries where they make butter. They have a process, derived from Denmark in the first instance, by which they separate all the cream, the butter fat, from the milk when it is brought to the creameries. The cream or butter fat is separated from the milk and made into butter. Then that milk, at these large creameries, is heated and supplied with an amount of neutral oil—oil extracted from the leaf lard of the hog—and from these ingredients the filled cheese is made. In other words, to use plain language, the butter fat or cream that is extracted from the milk is supplied by fat taken from the hog and injected into the milk by means of a jet of steam, and from that the filled cheese is made. To every 100 pounds of this skimmed milk, if I may so call it, is added 3 to 4 pounds of what they call a neutral oil. The oil is extracted from the leaf lard of the hog; by the use of a steam jet this oil is injected into and mixed with this milk, and then the two are boiled and mixed and made into this filled cheese.

The manufacturers sell this cheese unbranded and unmarked to the wholesale dealers, and sell it for what it is, but at a large profit, while the wholesale dealers have it branded and labeled in various ways to suit the tastes, the notions, and the demands of the retail trade. They brand and label it "Full-cream cheese," "Wisconsin dairy cheese," "New York full-cream dairy cheese," and other fancy names. In this way and under such colors it is passed to the retail trade, who in turn sell it to the public as genuine full-cream cheese at nearly the same price, or pretty near the same price, as genuine cheese, while it costs less than half of the genuine article in the first instance. The consumer is defrauded in a twofold way—he is deceived into buying a sham for a genuine article, and he is compelled to pay the price of genuine cheese. In other words, both his purse and his stomach are defrauded.

It costs from 4 to 5 cents a pound to manufacture filled cheese, according to the price of the skimmed milk and the lard that enters into it, while it costs from 10 to 11 cents a pound to make the genuine full-cream cheese. The wholesalers make a large profit out of it from the retailers, and the retailers make a large profit again from the consumers. There is a temptation all around to deceive, and to work it off, if I may use a slang expression, among the public as genuine cheese at full prices.

What has been the result of this filled-cheese industry that has grown up in this country within recent years? It has destroyed our cheese export trade by bringing American cheese in disrepute abroad. Our filled cheese has led them to regard all our cheese as of that kind. Let me give you some figures.

Exports of cheese from May 1 to April 30.

[Submitted by Mr. Shields.]

Year.	New York.	Montreal.	Year.	New York.	Montreal.
	Boxes.	*Boxes.*		*Boxes.*	*Boxes.*
1879	2,775,829	525,000	1888	1,389,000	1,186,000
1880	1,949,060	535,212	1889	1,291,000	1,229,000
1881	2,368,635	553,800	1890	1,264,000	1,347,000
1882	2,217,024	671,094	1891	1,320,000	1,628,000
1883	1,633,724	842,912	1892	1,107,000	1,575,000
1884	1,840,580	909,680	1893	1,279,405	1,847,540
1885	1,789,508	1,256,405	1894	852,186	1,893,412
1886	1,518,000	1,208,000	1895	966,014	2,016,616
1887	1,211,000	1,025,000	1896	600,000	2,148,854

Practically the cheese trade has been reversed, and the quantity of cheese that we exported from New York in 1879 is now exported from Montreal, and the export from Montreal in 1896 is nearly as great as the export from New York in 1879.

In view of these facts and under these conditions it is very strange—it is the oddest thing of all—to see Senators on the other side indirectly vote in favor of filled cheese, especially when a large bulk of this fraudulent cheese is sent down South and marketed there. I wish Senators on the other side would take the time to read letters from retail dealers in the Southern States about this matter, which are incorporated in the hearings of the committee. They would then find that, aside from the cheese that is exported to foreign countries, the bulk of this sham and fraudulent cheese is sent down to the Southern States and there palmed off at full price as genuine cheese.

This is a plain, simple proposition for relief. It is, first of all, to prevent fraud and deception in trade. In the next place, it is to protect the dairy farmers of the Northwest, whose industry has been ruined by the fact that the export market has been destroyed; and the next object of the bill is to protect the consumer and honest retail dealer, so that they may all know whether they are buying a sham cheese, a lard cheese, or a real, genuine full cream cheese.

Under these circumstances, upon as plain and simple propositions as these, why should Senators seek to inject the tariff question or the silver question or party politics into this bill? Must these burning questions, at all the time afloat between the parties, be injected into every scheme of legislation that is brought into this Chamber to secure relief for the American public? But some of you come and say: "We have no right to legislate in this way." It is unconstitutional, you say. That is the old cry whenever it is attempted to protect the people. There are always some constitutional lawyers who come to the front and say: "You have no right to pass such legislation as this." Why, gentlemen, it is a principle of the common law which is older than the Constitution, and injected into it, that every man must use his property in such a way as not to injure his neighbor. We have a right to restrain and regulate every man's calling if it is of a nature which is calculated to work an injury and a damage to the public.

I want to call attention in this connection to the case of Plumley *vs.* Massachusetts, a case which was decided by the Supreme Court of the United States. The State of Massachusetts had enacted a law prohibiting the coloring of oleomargarine so as to resemble butter.

Mr. LINDSAY. I ask the Senator whether that was a State or a Federal law?

Mr. NELSON. I am coming to that, if the Senator will be patient. I said the State of Massachusetts; and if the Senator had listened he would have heard.

Mr. LINDSAY. We can not hear the Senator on this side of the Chamber.

Mr. NELSON. The State of Massachusetts enacted a law prohibiting the coloring of oleomargarine so as to resemble butter. A case was brought under that law, and it was held to be constitutional. It was finally brought to the Supreme Court of the United States and that court held that the law was clearly within the police power of the State, and was no infringement upon any principle of the Constitution of the United States. I want to read from the opinion of the court in that case; it is very apt and germane and covers one feature of this case:

> It will be observed that the statute of Massachusetts, which is alleged to be repugnant to the commerce clause of the Constitution, does not prohibit the manufacture or sale of oleomargarine, but only such as is colored in imitation of yellow butter produced from pure unadulterated milk or cream of such milk. If free from coloration or ingredient that "causes it to look like butter," the right to sell it "in a separate and distinct form and in such manner as will advise the consumer of its real character" is neither restricted nor prohibited.

So in this case, Mr. President—

> It appears that oleomargarine in its natural condition is of "a light yellowish color," and that the article sold by the accused was artificially colored "in imitation of yellow butter." Now, the real object of coloring oleomargarine so as to make it look like genuine butter is that it may appear to be what it is not, and thus induce unwary purchasers who do not closely scrutinize the label upon the package in which it is contained to buy it as and for butter produced

from unadulterated milk or cream from such milk. The suggestion that oleomargarine is artificially colored so as to render it more palatable and attractive can only mean that customers are deluded by such coloration into believing that they are getting genuine butter. If any one thinks that oleomargarine not artificially colored so as to cause it to look like butter is as palatable or as wholesome for purposes of food as pure butter he is, as already observed, at liberty under the statutes of Massachusetts to manufacture it in that State or to sell it there in such manner as to inform the customer of its real character.

And that is this bill.

He is only forbidden to practice in such matters a fraud upon the general public.

And that is the object of this bill.

The statute seeks to suppress false pretenses and to promote fair dealing in the sale of an article of food.

That is all this bill proposes to do, and that is the real meat of it.

It compels the sale of oleomargarine for what it really is by preventing its sale for what it is not.

Can it be that the Constitution of the United States secures to anyone the privilege of manufacturing and selling an article of food in such manner as to induce the mass of people to believe that they are buying something which in fact is wholly different from that which is offered for sale? Does the freedom of commerce among the States demand a recognition of the right to practice a deception upon the public in the sale of any articles, even those that may have become the subject of trade in different parts of the country?

That is all there is to this case. There is no use of beating around the bush. The chief object of this bill is not to raise revenue. That is only a collateral issue. The revenue features of the bill, if I may use the expression, are merely for the purpose of putting the manufacture and sale of filled cheese upon the State hook, upon the Federal hook, as it were, for the purpose of controlling and regulating the manufacture and the trade. That is all. The main issue, the main gist of the bill, is to protect the manufacturers and consumers and to enforce honesty and integrity in the manufacture, sale, and consumption of one of the chief articles of food. That is all there is of it. It is not a mere matter of revenue; it is for the purpose of putting the business under control in order that the Federal Government may have a supervision and control of the manufacturer and the dealer, and in that manner be able to protect the public against fraud and deception.

Mr. MORGAN. I should be glad to ask the Senator a question, if he will allow me.

Mr. NELSON. Certainly.

Mr. MORGAN. The Senator says the chief object of this bill is not to raise revenue.

Mr. NELSON. Yes; certainly I did.

Mr. MORGAN. "The chief object" was the language of the Senator.

Mr. NELSON. Yes.

Mr. MORGAN. "The chief object was not to raise revenue," was the language of the Senator.

Mr. NELSON. Yes, I think so; but I will say to the Senator, and he knows it, and we all know it, that the mere matter of revenue in this bill is collateral and cuts but a small figure. The chief object is to obtain relief against fraud and deception.

Mr. MORGAN. I wish to ask the Senator whether or not he is willing to put that declaration in the bill so that the Supreme Court may pass upon it?

Mr. NELSON. I put my declaration here. It is not necessary to put my personal opinion into the bill.

Mr. MORGAN. I want to put that declaration in the bill.

Mr. NELSON. You can put it wherever you like. I am satisfied with the bill as it is. [Laughter.]

Mr. President, I shall not take up the time of the Senate any further. I simply want to say in conclusion, as I have said at the outset, here are the farmers of the Northwest, here are the great dairy interests of the Northwest, here are the consumers, and here are the honest retail dealers and merchants everywhere asking for this relief. Why should they not have it without injecting into it either a barrel of beer or the silver dollar? The people of the United States—the farmers—can not be deceived by that. If you want to raise revenue from beer, introduce your bill in a manly way and let us have a vote upon it. If you gentlemen who are in favor of the free coinage of silver want that, let us bring that issue up; but pray do not inject all these questions into a little matter of relief that is brought in here on behalf of the farmers of the country.

Mr. GRAY. Mr. President, the Senator from Minnesota [Mr. NELSON], as other Senators upon this floor have done, has very candidly confessed that this is not a revenue bill; that it is not intended to raise revenue; that it is intended to suppress what they call fraud in the States.

Mr. LINDSAY. A common-law fraud.

Mr. GRAY. A common-law fraud, if you please, I think the Senator from Minnesota characterized it. Now, as it is not a revenue bill, is not intended to raise revenue, and will not raise revenue, except in such an insignificant amount as to make it unworthy of the time and attention that is being given to it on that score, the amendment of the Senator from Idaho [Mr. DUBOIS] is an exceedingly opportune and germane one. He has introduced an amendment which unquestionably will raise revenue; and if this bill, which seems to have so many friends, will pass, as it is likely to pass, then I say let us strip the bill of the false pretenses which it seems only intended to deal with in another phase, and put upon it a revenue-raising feature which will come to the relief of the Treasury and save this Government from some of the perplexities and troubles which now environ it on every hand.

Mr. ALDRICH. If this is not a revenue bill, as the Senator agrees and as the Senator from Minnesota has agreed, and there is a general agreement on that point, then certainly the amendment of the Senator from Idaho is out of order.

Mr. GRAY. No, Mr. President.

Mr. ALDRICH. Certainly it is.

Mr. GRAY. The bill on its face is a revenue measure, and that is the fraud that it commits upon the American people. It is a bill, say the Senator from Minnesota and the Senator from Ohio, meant, conceived, framed to prevent fraud, and yet upon its face it commits a fraud upon the American people by pretending that it is an exercise of the taxing power of the United States when it is only covertly an attempt by indirection to accomplish a purpose that it is not within the power of Congress to accomplish.

Mr. PLATT. May I ask the Senator from Delaware a question?

The PRESIDING OFFICER (Mr. FAULKNER in the chair). Does the Senator from Delaware yield to the Senator from Connecticut?

Mr. GRAY. Certainly.

Mr. PLATT. Was not the same argument which the Senator is now making made on the passage of the oleomargarine bill, and has not the Supreme Court decided that that bill is constitutional and is a revenue measure?

Mr. GRAY. Certainly the same argument was made; and I expect as long as I have the honor of a seat in this Chamber to protest, as I protested against the oleomargarine bill, that it was a fraud because it was labeled a revenue bill; and when the Supreme Court come to pass upon this bill, as it did upon the oleomargarine act, they are concluded by the ostensible object of the bill being stated to raise revenue, and they can not inquire into the motives of Congress. They can not——

Mr. DAVIS. Mr. President——

Mr. GRAY. In one moment. To quote the language of the Senator from Minnesota, they say here is a bill which ostensibly upon its face and in its framework was meant to raise revenue, and however insignificant that revenue is, and however much we may suspect the motives of those who have passed it, the judicial power of the United States can not put its hands upon it and declare it unconstitutional because it is the exercise of one of the granted powers.

Mr. DAVIS. If my friend from Delaware will allow me, it is true those arguments were made as to the oleomargarine bill as they are to this, but the fact is that the oleomargarine act has produced over $10,000,000 revenue since it was enacted, and it produced last year a million and a half.

Mr. GRAY. I do not doubt that.

Mr. VEST. It was not the intention.

Mr. DAVIS. I am speaking merely of the result, and this evil assails an industry as large in its provisions as the industry of butter, out of which such results in revenue have sprung.

Mr. GRAY. I believe it to be the fact, as stated by the Senator from Minnesota [Mr. DAVIS], that it has produced more revenue than was expected or than was intended by the act, but that does not alter the duty we owe to a measure of this kind. Whether the Supreme Court is able to pass upon this bill or not, we owe a duty to the Constitution ourselves. We owe it to the oath we have taken and the view that we take of the Constitution to conform our action here to what is our duty as we conceive it to be under that obligation, thus voluntarily assumed.

Mr. LINDSAY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Delaware yield to the Senator from Kentucky?

Mr. GRAY. Certainly.

Mr. LINDSAY. My recollection is that the Supreme Court sustained the constitutionality of the tax upon the issue of State banks on the ground that the act purported to be a revenue measure. I ask the Senator how much the Government raised on that tax?

Mr. GRAY. I did not hear the question of the Senator from Kentucky.

Mr. LINDSAY. I wish to ask the Senator, in answer to the suggestion of the Senator from Minnesota, what amount of revenue was raised under that particular supposed revenue measure?

Mr. GRAY. We all know that not a cent was raised.

Mr. VILAS. I wish to suggest that the Supreme Court did not support the tax on State banks by reason of its being a revenue measure. They supported it by reason of its being within the rightful power of Congress to suppress any other currency other than that which had been provided by Congress for the people of

the United States, and that the exertion of the taxing power was merely a means to the accomplishment of a rightful end within the power of the Congress to attain.

Mr. BACON. Will the Senator from Delaware allow me?

Mr. GRAY. The case of Veazie is the one to which the Senator refers me in support of his contention.

The PRESIDING OFFICER. Does the Senator from Delaware yield to the Senator from Georgia?

Mr. GRAY. Certainly.

Mr. BACON. I simply want to suggest to the Senator from Wisconsin that there are two decisions of the Supreme Court; one of them on the ground stated by the Senator from Kentucky and the other on the ground stated by the Senator from Wisconsin.

Mr. VILAS. The Senator from Georgia is mistaken. The second decision explains that the first one went upon the ground I have stated.

Mr. LINDSAY. I should like to ask the Senator from Wisconsin whether in his opinion this is a revenue measure or a measure to suppress fraud?

Mr. GRAY. I should like to hear the Senator from Wisconsin answer that question.

Mr. VILAS. Mr. President, I have not the least particle of difficulty with the question. Congress has the power, under the clause for regulating interstate commerce, to suppress such iniquitous and outrageous frauds as the one now sought to be suppressed is in its nature. Not only that, but Congress has the duty imposed upon it to do it, for the reason that the States are prohibited by the interstate clause, as construed by the Supreme Court, from enacting legislation which will protect themselves. The State of Minnesota, the State of Wisconsin, and other States in the Union have enacted to the extremity of their State power legislation to suppress this evil. It requires and demands the exercise by Congress of its authority, which alone is competent to reach a business of this description, interstate and foreign in its nature. For the purpose of exerting that rightful power, for the purpose of accomplishing that end which the Constitution has put upon Congress to accomplish, it proposes to exert another power within its authority as the most convenient and suitable means to that end—the taxing power. We are not using the taxing power to accomplish fraudulently an end not given to us to accomplish by the Constitution, but we are simply working to attain an end which the Constitution imposes upon us to seek——

Mr. GRAY. I think the Senator from Wisconsin has now answered the question.

Mr. VILAS. And that very question was decided by the Supreme Court in the Head Money cases, in the ninety-eighth volume of the Federal Reports, in which they said that the tax levied upon passengers was not a tax in a strict sense, and therefore the taxing power was not sought to be exerted, but it was an imposition, though under the form of a tax, for the regulation of interstate commerce.

Mr. GRAY. I am familiar with the Head Money cases.

Mr. DAVIS. Will the Senator from Delaware permit an interruption?

Mr. GRAY. In one moment, as soon as I allude to something the Senator from Wisconsin has said.

The PRESIDING OFFICER. The Senator from Delaware declines to yield.

Mr. GRAY. I will yield to my friend from Minnesota in one moment.

Mr. President, I am not one of those who have tried to be ingenious to evade the obligations which the Constitution places upon me in the exercise of my duties in this high place. I have not sought to participate in the exercise of powers of legislation that were not granted by that charter of our Government. I am not careful to defend myself against the charge of being one of the constitutional lawyers whom the Senator from Minnesota [Mr. NELSON] speaks of with something of a sneer. I do not pretend to be a constitutional lawyer further than that the Constitution has always been, so far as I could understand it, my guide in my public action and the measure of the duties and activities which I could exercise in this high place.

Mr. VEST. Mr. President——

Mr. GRAY. One moment, if the Senator from Missouri will pardon me. The Senator from Wisconsin comes to the aid of this fraudulent bill by declaring that it is an exercise of the power conferred by the commerce clause of the Constitution, and yet there is not one syllable or one line within the four corners of the bill that refers to interstate commerce. I know how wide the jurisdiction is that is claimed and asserted by the Congress of the United States under the commerce clause, but never yet has it been sought to be exercised except the jurisdiction was obtained by declaring that the duties or the restraint imposed by the bill were meant to be imposed upon the objects or upon the processes of commerce between the States, or commerce between the States and foreign countries.

Mr. VEST. Mr. President——

The PRESIDING OFFICER. Does the Senator from Delaware yield to the Senator from Missouri?

Mr. GRAY. I promised first to yield to the Senator from Minnesota [Mr. DAVIS].

Mr. DAVIS. I merely want to contribute another suggestion to the controversy for the consideration of our friends, that under the undoubted authority of the taxing power Congress long ago imposed a tax of 2 per cent upon the circulation of State banks.

Mr. VEST. Eight per cent.

Mr. HARRIS. Ten per cent.

Mr. COCKRELL. Ten.

Mr. VEST. I have the decision of the Supreme Court before me.

Mr. DAVIS. No one ever pretended that the object of that tax was revenue; its object was to drive the issue of State banks out of circulation; and yet that act was sustained by the Supreme Court of the United States.

Mr. GRAY. Mr. President, that power was sustained, as the Senator from Wisconsin, I think, said it was sustained. I never believed it was constitutional. But it was not sustained under the taxing power.

Mr. VEST. If the Senator from Delaware will now permit me, in this very connection I have before me the decision of Justice Miller in the head-tax cases referred to by the Senator from Wisconsin. He alluded to it as a decision involving the interstate-commerce clause of the Constitution. It was, in fact, a decision based upon the exclusive power of Congress to regulate immigration. What is known as the head-tax statute imposed a dollar tax upon every foreigner over a certain age coming into any port of the United States, and it was attacked upon the ground that it was unconstitutional. The money to be raised from that tax went into a fund to provide for indigent and diseased persons who came over as immigrants and were unfortunate upon shipboard or immediately after landing in this country.

Mr. MILLS. It was imposed by the State.

Mr. VEST. It was a United States statute. The head tax was a United States statute passed by the Congress of the United States, and Justice Miller, of the Supreme Court, emphatically declared that because the Congress of the United States had exclusive jurisdiction over the question of immigration they had a right to put a tax of $1 upon immigrants. If the Senator will read the language of Justice Miller he will find that it covers the entire question.

Mr. GRAY. I will read as the Senator from Missouri suggests:

If this is an expedient regulation of commerce by Congress, and the end to be attained——

Mr. VILAS. I ask the attention of the Senator to the very first words of the Supreme Court:

If this is an expedient regulation of commerce——

Mr. VEST. Of commerce with foreign countries.

Mr. GRAY. I trust the Senator from Wisconsin will not interrupt me while I am reading.

Mr. VEST. Justice Miller goes on to say that it is commerce with foreign countries.

Mr. GRAY—

If this is an expedient regulation of commerce by Congress, and the end to be attained is one falling within that power, the act is not void, because, within a loose and more extended sense than was used in the Constitution, it is called a tax. In the case of Veazie Bank vs. Fenno (8 Wallace, 553, 549)—

The case referred to by the Senator from Wisconsin—

the enormous tax of 8 per cent per annum on the circulation of State banks, which was designed and did have the effect to drive all such circulation out of existence, was upheld because it was a means properly adopted by Congress to protect the currency which it had created, namely, the legal-tender notes and the notes of the national banks. It was not subject, therefore, to the rules which would invalidate an ordinary tax pure and simple.

Mr. President, I have but a moment before the hour of 2 o'clock arrives. This is a bill that nowhere within its limits refers to the exercise of the interstate-commerce power. It is a bill which confessedly by its advocates was not intended to raise revenue, but a police bill intended to operate within the domain of the States and to regulate matters which by all the authorities and all the acknowledged text writers are peculiarly within the exclusive domain of State legislation. This bill, as its authors declare, is intended to suppress a fraud within a State. It does not lay hold of this alleged deleterious article on its course from one State to another, but in the State forbids the manufacture or sale except in accordance with certain prescribed regulations, and it was intended to suppress it, say the authors of the bill.

Mr. President, who contends that the Congress of the United States can reach its hands within the borders of a State and seize upon those reserved police powers which confessedly by all the decisions of the Supreme Court and by the acknowledgment of all constitutional writers belong exclusively to the States and not to the General Government? I do not contend that this is not a thing that ought not to be regulated. The Senator from Minnesota has stated a case which perhaps would appeal to the legislature of my own State or of his.

Mr. VEST. His own State excludes the sale of it entirely.

Mr. GRAY. But all I am contending for here is that we should not seek by indirection to exercise the police powers of a State, and to draw from the quiver of constitutional powers granted by the Constitution of the United States a weapon there placed and use it for a purpose for which it was never intended.

Mr. NELSON. Mr. President——

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 1341) to prohibit the further issuance of interest-bearing bonds without the consent of Congress.

Mr. SHERMAN. I merely wish to say that when the bond bill is disposed of I shall seek to bring the pending bill before the Senate again.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on the District of Columbia:

A bill (H. R. 8469) to authorize the Baltimore and Washington Transit Company, of Maryland, to enter the District of Columbia; and

A bill (H. R. 8672) conferring jurisdiction upon the supreme court of the District of Columbia having general equity jurisdiction, to decree the sale, lease, or surrender of any lease of real estate in said District belonging to insane persons, for purpose of reinvestment, and for other purposes.

DISTRICT STREET RAILWAY ROUTES.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 2928) to extend the routes of the Eckington and Soldiers' Home Railway Company and of the Belt Railway Company, of the District of Columbia, and for other purposes.

Mr. McMILLAN. I move that the Senate nonconcur in the amendments of the House and request a conference on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate, and Mr. McMILLAN, Mr. HARRIS, and Mr. PROCTOR were appointed.

MARITAL AND PARENTAL RELATIONS.

The PRESIDING OFFICER (Mr. DUBOIS in the chair) laid before the Senate the amendments of the House of Representatives to the bill (S. 1659) to amend the laws of the District of Columbia as to married women, to make parents the natural guardians of their minor children, and for other purposes, which were, on page 2, section 3, after line 7, to insert:

SEC. 4. A married woman may contract and sue and be sued in her own name in all matters having relation to her sole and separate property, in the same manner as if she were unmarried, and her husband shall be joined with her when the cause of action is in favor of or against both her and her husband.

On page 2, section 3, after line 7, to insert:

SEC. 5. Neither the husband nor his property shall be bound by any such contract, made by a married woman, nor liable for any recovery against her in any such suit; but judgment may be enforced by execution against her sole and separate estate in the same manner as if she were unmarried, but she shall be entitled to all the benefits of all exemptions to the heads of families or householders.

Change section 4 to section 6, change section 5 to section 7, change section 6 to section 8, change section 7 to section 9, change section 8 to section 10, and on page 3, section 8, after line 3, to insert:

SEC. 11. That sections 727, 729, and 730 of the Revised Statues of the United States for the District of Columbia be, and the same are hereby, repealed.

Mr. FAULKNER. I move that the Senate concur in the amendments of the House of Representatives.

The amendments were concurred in.

REGULATION OF BOND ISSUES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1341) to prohibit the further issuance of interest-bearing bonds without the consent of Congress.

Mr. PRITCHARD. Mr. President——

Mr. STEWART. Will the Senator from North Carolina yield to me? I hold in my hand a speech made——

Mr. PRITCHARD. I do not yield for that purpose.

Mr. STEWART. I was just going to ask to have it printed. I ask to have it printed as a document.

Mr. PRITCHARD. I ask the Senator to withhold his request for the present.

Mr. STEWART. Very well.

Mr. PRITCHARD. Mr. President, before casting my vote in behalf of the pending measure I wish to say a few words as to why I am in favor of preventing the issuance of bonds in time of peace for the purpose of raising revenue to meet the current expenses of the Government. I understand that it was not contemplated by the framers of the act of 1875 that the power to issue bonds was, under any circumstances, to be used for the purpose of raising revenue with which to pay the ordinary current expenses of the Government. I desire to quote from a speech delivered by the distinguished Senator from Ohio [Mr. SHERMAN], in the Senate, January 3, 1896:

> The Wilson law has produced a deficiency in every hour and day that it has been on the statute books, while the McKinley law has always produced a surplus until after the incoming of this Administration, and if administered since that time by friendly agents would have furnished the Government all the revenue needed.
>
> The deficiency of revenue was the primary cause of the demand for gold for United States notes. The gold hoarded for resumption purposes was not separated from the money received for current revenue, and this revenue being insufficient to meet expenses, the gold accumulated for redemption purposes was drawn upon to make good deficiencies. This created a doubt of the ability of the Government to maintain the parity of United States notes with coin, and led to their presentation for redemption in coin. The draft on the Treasury for coin during this Administration has been greater than the amount of deficiency of revenue during the same period. In every aspect in which the subject presents itself to my mind I come to no other conclusion than that the deficiency of revenue and the consequent encroachment upon the redemption fund is the cause of our present financial condition, and that the only remedies are either a radical reduction of expenditures or an increase of taxation, and perhaps both. I do not believe that the condition requires a suspension of public works or a postponement of measures now in progress to strengthen the Army and Navy.
>
> It is strange that the President, in dealing with our financial condition, should ignore entirely the pregnant and controlling fact that during his term of office thus far three issues of bonds have been made, amounting in the aggregate to $162,315,400, to meet current expenses in time of profound peace. He attributes all our financial difficulties to the continued circulation of United States notes and Treasury notes, debts bearing no interest, amounting to nearly $500,000,000. His statement of the origin and history of the United States notes is strongly tinged with prejudice, for, though these notes were irredeemable for a time, they were convertible into bonds bearing interest payable in coin. They replaced notes issues by banks chartered by the several States.
>
> * * * * * * *
>
> It is a practical fraud for the Government to use these notes for such purposes, and it never has been done except during this Administration. Every dollar thus taken in is an impairment of the redemption fund. It is the misapplication of a fund specially created by law for another purpose. The effect is to destroy confidence in the credit and safety of our paper currency. It has led to the demand for gold coin for United States notes. I do not believe that has been the design of the executive branch of the Government, but that has been its effect and should be prevented by the immediate action of Congress. The resumption fund is the safeguard of the money of the people, and its use for any other purpose is a practical repudiation of the public faith. The President complains that the notes are presented and paid, reissued, and paid again and again, making a continuous circuit. When did this circuit commence? The only answer is, When this Administration, supported by the last Congress, created a deficiency. Why does the circuit continue? It is because the deficiency continues. The Government resorts to the financial policy of Micawber. It gives its bonds and thinks the debt paid. But the circuit continues. The money received for current revenue is paid to cover deficiencies and is returned for gold, and then more bonds. The Secretary hopes that in two or three years there will be no deficiency. What is the ground for this hope? It is that a new Administration will provide more revenue, and then the circuit will be broken. Why not apply the remedy now?

This is a graphic picture of the financial situation as it now exists. Among other things, the distinguished Senator from Ohio says:

> It is the misapplication of a fund especially created by law for another purpose. The effect is to destroy confidence in the credit and safety of our paper currency.

Therefore, those who ask us to permit the act of 1875 to remain on the statute book without any safeguards indirectly indorse the misapplication of a fund created by law for another purpose, which Senator SHERMAN says "will destroy confidence and safety in our paper currency." The distinguished Senator also says:

> The Government resorts to the financial policy of Micawber. It gives its bonds and thinks the debt is paid. But the circuit continues. The money received for current revenue is paid to cover deficiencies and is returned for gold, and then more bonds. The Secretary hopes that in two or three years there will be no deficiency. What is the ground for this hope? It is that a new Administration will provide more revenue, and then the circuit will be broken. Why not apply the remedy now?

I say to my distinguished friend that I fully concurred in what he said when he made that speech and that nothing has occurred since then to change my mind in the least. The wholesale misapplication of public funds must be prevented. There are only two ways to prevent it; one is to pass an emergency protective tariff measure, and the other is to take from the Secretary the power to issue bonds and increase the public debt when there is no necessity for such conduct. If the Republican party, either directly or indirectly, sanctions this unwarranted exercise of discretion by the Secretary of the Treasury, we will be estopped in the approaching campaign from condemning the Democratic party for its conduct. Upon examination of the different Republican State platforms of 1894 it will be found that in a majority of the States they declared against the policy of the present Secretary of the Treasury in issuing bonds to meet the current expenses of the Government. We so declared in my State, and I am not willing, after having condemned the policy of the Secretary of the Treasury in every speech I made during the last campaign, to come here and to cast my vote to indirectly indorse the action of the Secretary. The Democratic party is still in control of the Executive Departments of this Government, and, if the Du Pont case is to be taken as a criterion, is also in control of this body. It is the only strictly partisan vote that we have had at this session. While we have a clear majority in the House, it is

admitted by all that we have not a majority of votes in this body, and therefore we are not responsible, as a party, for any legislation that may pass this body. The Democratic party had absolute control of all branches of this Government from March 4, 1893, until March 4, 1895, and as a result of their unwise legislation and injudicious administration of the law we are brought to the very verge of bankruptcy, and we should let the responsibility rest where it properly belongs.

Under the provisions of the act of 1875, so long as we had an American protective tariff law on our statute book, the Republican party maintained the credit of the Government, promptly paid all our current expenses, and kept the gold reserve fund unimpaired. When strictly construed and fairly executed in the spirit in which it was enacted it is a very valuable and necessary law, but when perverted and misconstrued it has proven to be a dangerous agency in the hands of those who seek to use it as a means of enabling them to conceal the actual deficiency which has necessarily resulted from the enactment of the Wilson law.

We are appealed to by Democratic Senators in this Chamber, who ask us to aid them in securing such legislation as will enable the Democratic party to extricate itself from the awkward position it now occupies, and thereby prevent this country from going into bankruptcy under Democratic management. The Republican party, in a spirit of patriotism and nonpartisanship, tenders to the Democratic members of this body a measure known as the Dingley bill, which we insist when properly amended will afford ample and sufficient revenue with which to meet the current expenses of the Government and will obviate the necessity of issuing bonds in the future.

The Democratic members of the Finance Committee have refused to support this bill or to offer anything in the nature of a substitute which has for its object the raising of revenue in sufficient quantities to supply the demands of the Government, but on the other hand they have tendered a substitute for the revenue bill in the nature of a free-coinage measure, which they know will not afford the relief they demand. There can be no excuse whatever for offering a free-coinage measure as a substitute for the Dingley bill, in view of the fact that this body has already passed a free-coinage bill during the present session. I am a friend to silver and believe it should be restored to its dignity as a money metal, but I do protest against the policy of certain individuals who attempt to tack it on every measure which comes before this body. Such a policy will result in making free silver odious and can only result in great harm to the cause of bimetallism. If our Democratic friends will come forward and join hands with the Republicans in the enactment of a revenue law which has for its object the creation of revenue sufficient with which to meet the demands of the Government along the lines of protection for the languishing industries of this country and the restoration of the duties on the raw materials and agricultural products, I will withdraw my support from the pending question and vote in opposition to its adoption. The moment you provide a sufficient amount of revenue to meet current expenses there will cease to be an excuse for the exercise of this discretion by the Secretary of the Treasury.

I wish to say in reply to the statement that "this bill means repudiation" that if I so understood the provisions of this bill I would under no consideration vote for it. As the act of 1875 is now construed and executed it can only result in one thing, and that is the bankruptcy of the American people. When I see the power conferred under the act of 1875 being exercised as it is by the Democratic party for the purpose of borrowing money and contracting an enormous debt at the expense of the people I feel that it is my duty as a member of this body to stay the hand which is trying to strike down our credit at home and abroad. The Democrats of this Chamber in one breath defiantly announce to the Republicans that they will not accept any temporary emergency measure we may offer for the relief of the Treasury, and in the next breath they ask us to permit them to continue the suicidal policy which they adopted when in full power in this Government by voting to allow the act of 1875 to remain upon the statute book in order that they may be able to borrow money with which to run the Government instead of taxing the foreigner and thereby creating a sufficient fund "to pay as we go."

In my judgment, the time has arrived when the Republican party should make the issue so clear and distinct that the American people may be able to distinguish between the policies of the two parties. It is not contended by any Republican that the Dingley bill is a Republican measure, and therefore can not be said to be a partisan measure. I have an amendment pending to that bill which restores the McKinley duties on the raw materials and agricultural products of this country, but for some strange and inscrutable reason every Democratic member of this body voted against taking it up for consideration, thereby preventing me from securing the adoption of that amendment as a part of the Dingley bill.

I can understand how a New England Democrat could vote against my amendment, but the conduct of Southern Democrats in voting against the consideration of that measure, when they knew that my amendment restoring the duties on raw materials and agricultural products was pending, is incomprehensible. It can mean but one thing, and that is that when they had an opportunity to befriend the farmers and the Southern people they were not equal to the emergency.

The distinguished Senators GORMAN, HILL, and GEORGE have admitted on this floor that there is a deficiency of revenue and that the Government will not be able to meet its current demands in the future. In view of these admissions, coupled with the fact that the records show an increasing deficiency each month under the operations of the present revenue law, it is the imperative duty of this body to pass an emergency bill. While I realize the fact that the Republican party is in no wise chargeable with the present unfortunate condition of affairs, at the same time I feel that it is my duty as a representative of the people to do all in my power to maintain the credit of this Government. Under the present management of our financial affairs the welfare of the people has been neglected to such an extent as to enable a foreign syndicate to realize in one transaction about $10,000,000 at the expense of the taxpayers of the United States. Now, I am unwilling that our Democratic friends should be permitted to pursue such a disastrous policy. In this connection I wish to say that I have great respect for the President of the United States as well as the honorable Secretary of the Treasury. I do not and can not indorse their policy, and at the same time I do not wish to be classed among those who denounce them as dishonest and corrupt. Every Democratic member of this body as well as every Democrat in this country was fully advised as to Mr. Cleveland's views before he was elected President. The Southern Democrats voted for him with the distinct understanding that he was opposed to the free coinage of silver and that he favored free raw material. It is amusing to hear Democratic Senators from the South denounce the President, after having voted for him with full knowledge of the fact that he said, in his letter of acceptance:

> We believe that the advantage of freer raw material should be accorded to our manufacturers, and we contemplate a fair and careful distribution of tariff burden rather than the precipitation of free trade.

Here was a direct proposition from the President to place the undeveloped wealth of the South on the free list, thereby crippling our Southern people without giving them a single cent of compensation in return. It is universally admitted that in the South there are concentrated greater resources for the development of manufacturing and mining than in any other part of the world. We have cotton, the manufacture of which has enriched New England and Great Britain; coal and iron, which has given such enormous wealth to Pennsylvania and other States; timber, which afforded the basis of the wealth of the Northwest, and added to these natural resources are greater advantages for their utilization than are possessed by any other part of the country. It is an admitted fact that in manufacturing capabilities the South has greater possibilities than all the other States in the Union combined. It has nearly one-half of the standing timber in the country; it has sufficient coal and iron to supply the demands of the world, if this were required, and to do it at the lowest possible cost; and it already raises enough cotton to supply 60 per cent of the 85,000,000 spindles of the world. Under the circumstances this is an opportune time to consider the relative positions of the two great political parties on this all-important question.

The McKinley law, reflecting as it did the patriotic wisdom and statesmanship of the Republican party, stimulated and encouraged every single industry in which the Southern people were interested. The question of placing the raw material of the United States on the free list is one which has been agitated more or less since the days of Thomas H. Benton. In the year 1832, when the question was under consideration in the Senate, Mr. Benton, speaking on Mr. Clay's tariff resolution, called attention to the fact that our domestic manufacturers, having a high tariff on their fabrics, were producing many from raw material from foreign countries, and showed that our flax fabrics were from foreign flax, and he cited wool, hemp, indigo, hides, and furs, of which five articles we had imported in six years $25,000,000. Commenting on the fact, he observed, "This immense sum has been paid to foreigners instead of to American citizens." Among other things he said:

> The farmers and planters of the United States should be admitted into the benefits of the American system and secured in the domestic supply of the raw material to our manufacturers. I hope for this much for the farmers and for the honor of the system. For nothing can be more absurd than to erect domestic manufactures upon foreign (raw) material; nothing more contradictory than to predicate independence for goods upon dependence for materials to make them of; nothing more iniquitous than to give to the manufacturers the home market of goods and not to give the farmers the home market of raw materials.

Then, as now, it was the policy of the speculating and trading classes to secure the enactment of such legislation as would place agriculturists and owners of the raw material at their mercy, and as one means of accomplishing their designs they have striven to

separate producer and consumer and make direct intercourse between man and man more difficult or well-nigh impossible. The producer, being widely separated from the consumer, the latter is forced to have recourse to many middlemen in exchange of his product, and they must be recompensed. By combination, the middlemen are enabled to fix the price of what they buy and what they sell, thus securing a large and ever growing share of other men's labor.

As another evidence of the fact that the Democratic party, as now constituted, stands pledged to the enactment of laws which are detrimental to the interests of the common people of this country, the distinguished Senator from Maryland [Mr. GORMAN] declared on this floor, the other day, that he was in favor of placing a tax on tea and coffee, two of the necessaries of life. He prefers that the coffee which the Americans consume shall be taxed in order to raise revenue rather than furnish protection to owners of the raw materials of the South and the agricultural products of this country. In other words, the policy of his party is to enhance the cost of the necessaries of life which come from abroad and which we can not produce and to cheapen the products which our own people have to sell. No party advocating such a policy can ever again receive the approval of the American people. The Southern people are just beginning to realize the fact that the policy of the Democratic party is inimical to the welfare of our section. Under the blighting influences of the policy pursued by the bourbon Democracy our wonderful resources have remained undeveloped, our facilities for manufacturing have not been utilized, and the farmer has not been furnished that home market for the products of his farm which is accorded his brother in all prosperous manufacturing communities. True progress is only possible when the farmer finds the market for his produce in the neighboring towns, and the manufacturer a market for his goods among the surrounding farmers; hence the importance of such a policy to the Southern people as will result in the opening of our mines, the manufacturing of our timber, and the utilization of the unsurpassed water power within our borders.

Mr. President, in referring to the advantages of the protective tariff to the South I wish to call attention to some expressions and statistics upon the subject by C. L. Edwards, of Texas, made some years ago. I have taken the liberty to revise his figures, illustrations, and propositions laid down, and ask the attention of every patriotic citizen to the following which I ask to be incorporated as a part of my remarks.

The PRESIDING OFFICER. Without objection, it will be so ordered.

The paper is as follows:

The colonels and brigadiers have controlled the politics of this part of the country for a good long time. The captains and majors and brevet colonels have also chimed in, but the voice of the ex-Confederate private has not been heard. One of this long-silent class who answered to roll call and figured in the bullet department now asserts the right to speak out in meeting. Mindful of both the ancient and modern prejudices of Southern people against the doctrine of protecting home industries by duties on foreign products, it is considered advisable to present some of the arguments used by those who favor a protective tariff. Hitherto the people of Texas have heard but little of this side of the question. The free traders have had the field to themselves. An earnest desire to lessen the fund of misinformation encumbering the subject will account for this treatise.

PROTECTION IN THE SOUTH.

Wherever manufacturing enterprises have gained a foothold in the Southern States, right there can be found a community of protectionists. Every factory, mill, foundry, furnace, or kindred establishment brings together a working and wage-earning population. These people must be fed, housed, and supplied with the necessaries of life.

Artisan populations are drawn from the surrounding farms. It is so in Columbus, Augusta, Atlanta, Birmingham, Knoxville, and every manufacturing city in the South. Every time a hand leaves the farm and goes into a manufactory farm production is lessened to that extent. Wages from a new source are drawn to pay other farmers for the supplies of the new consumer. Those who formerly helped to glut the local markets with farm products, after going to the factories, become consumers and sharpen the demand for the produce of other farmers. Hundreds of women and children, who before were a burden to those on whom they depended, find profitable employment and are the better able to supply themselves with necessaries. They now assist and help to a competence those whom they once weighed down. In this way those who live near manufacturing towns discontinue the cultivation of staple agricultural products, such as corn, cotton, and wheat. The demand for the smaller farm produce, as milk, fruit, poultry, vegetables, and the like, causes the owners of land to sell it off in small parcels. These subdivisions are devoted to fruit, dairy, and vegetable productions. The lands, as well as their owners, step out of the line of regular farm industry, are withdrawn from competition with the producers of corn, wheat, and cotton. Instead of helping in the profitless work of overproduction, they in turn become dependent upon the regular farmer for their supplies.

In the meantime lands in all that vicinity increase in value, and besides the better markets thus brought about, the factory, shop, or mill adds to the wealth of the man on the farm. Up to this time, except in a few manufacturing districts, Southern farmers have enjoyed few of the benefits of the protective system. In common with all others, they share the advantage of the decrease in prices of what they buy. But they need a better market to sell in, especially their small products. They have not yet received the benefits of an advance in the values of their lands nor of profitable employment for our people. Only those amongst whom industrial enterprises have become established reap all these benefits. Our time is coming. In Birmingham and a dozen other towns in north Alabama the iron industry has caused an immense influx of wealth and given good employment to thousands who never had it before. Owners of land that had been considered worthless for generations are now possessed of fortunes. So of many localities in North Carolina, Virginia, and Tennessee, where great stores of iron and coal in being brought to light bring with them wealth, employment, and happiness to thousands.

The free-trade element in the South is living on tradition. The one great duty that presents itself to every Southern man who loves his people and loves his country is to strive to disarm the prejudices of the olden time. The building up and development that have so auspiciously commenced will perish in the atmosphere of free trade. It is to our interest that the American policy should continue to prevail. Protective duties upon ordinary manufactures of cotton so high as to practically exclude foreign goods of like quality have doubled the crop. A tobacco duty so high as to protect, even after allowing for the burden of internal revenue, caused the crop to increase at the rate of 21,000,000 pounds a year. Cotton manufactures were first protected for the benefit of the Northern States at their request, and the planter shared only an incidental benefit. The Government placed protective duties on tobacco to enable it to bear the internal-revenue imposts. Other Southern crops receive no protection. Sugar and rice, with mere revenue duties, have all the while languished. Every product of the Northern farmer or manufacturer is jealously guarded by protective duties, because it is demanded. Our farmers have sent men to Congress who got as many Southern products as possible on the free list, and demanded a tariff for revenue on the rest. They are taken at their word, so far as our people are concerned.

Whether right or wrong, the American people believe in protection. Those who have built up under the system desire its continuance. Those who do not believe in it have not built up.

It will not do to fall behind the worn-out plea that we are an agricultural people. The North and Northwest are far ahead of us in agriculture. With them agriculture and manufactures have kept even pace. The factory is the best patron the farm ever had, and they have found it out. We do something in the way of agriculture, and but little else. They believe in protection, diversify their industries, and all prosper together. Let us compare the two States of Texas and Iowa. Both were admitted to the Union in 1845. Their populations were then and in 1880 nearly equal. Neither State was devastated by the war.

Texas has an area some five times that of Iowa, and double the amount of agricultural lands. The climates of the two States are widely different. We seldom have more than a month of cold weather; our spring and fall seasons are long and delightful, and the summers tempered with pleasant breezes. In Iowa the ice king sits enthroned half the year, and often more. Her prairies are the home of the blizzard from October until April, and the rallying ground of the storm god the rest of the year. When her people are muffling themselves in woolens and furs against the rigors of winter, ours go in their shirt sleeves and sleep under sheets; yet, strange to say, we raise sheep and cry out against the duties on wool and woolen goods, while the people of Iowa, who buy and use them, believe in protection and make no complaint whatever. Those who can remember as far back as the glorious free-trade era of 1860 know that those necessaries cost more then than now. The figures below are taken from the Compendium of the Eleventh Census, 1890:

	Iowa.	Texas.
Persons employed in factories	59,174	39,475
Value of manufactured products	$125,049,181	$70,433,551
Wages paid	$25,878,997	$18,586,338
Value of farm implements manufactured	$1,570,872	$397,795
Farms, acres improved	25,428,899	20,746,215
Value of farms	$857,581,022	$399,971,280
Value of farm implements and machinery	$36,065,315	$13,746,541
Value of all farm products	$159,347,844	$111,099,430
Value of live stock	$200,436,242	$103,259,503

SPECIMENS OF THRIFT.

When a Texas farmer raises a wheat crop, it goes off to hunt a mill, and having found it, the flour is shipped back to him. He pays freight both ways. The Northern miller takes toll for grinding, and out of it pays his employees. Our farmers have not yet learned that their hostility to manufactures keeps away the man who makes wheat into flour along with the man who makes wool and cotton into cloth. They have not yet realized that the distance between producers, consumers, and manufacturers supports the railroads and the ships; nor that wherever a manufactory is located these classes are in a measure brought together and hundreds of freight bills wiped away. In the new States, and even in the Territories of the Northwest, where the doctrine of protection is believed in, the flouring mills are crowding upon the wheat fields. Minnesota farmers raise wheat, and Minnesota millers grind it, giving employment to thousands of people of that State. They, in turn, are able, from the wages received, to purchase other supplies from the same farmers, and all prosper together. Industrial establishments of different kinds spring up in the vicinity of these great flouring mills. There is a large interchange of their respective products, and one sustains the other. To the extent of their mutual dealings, to the extent they supply the people in their vicinity, freight bills disappear. Of the wheat exported, even from Dakota, almost half of it goes abroad as flour. The toll is left with the people of the Northwest. We, on the contrary, oppose a policy which confers benefit upon all who avail themselves of it. Though the waters are troubled, we are loath to step in and be healed. Worse still, is the desire to injure by mischievous legislation those who have been more provident than ourselves. Israel in the desert never lusted more for the flesh-pots of Egypt than do we to return to the old days of low tariffs, foreign goods, high prices, and bills of lading reaching round the world.

The older Southern States have more water power than all New England, but hostility to protection has until quite recently kept the cotton mill far away from the cotton field. Except some thousands of bales manufactured at home, one-third of the cotton crop was burdened with the cost of transportation to the North, the other two-thirds to Europe. The producer foots the larger portion of the freight bills, while the profits of its manufacture are pocketed by other people. Suppose we discontinue our factious opposition and declare for protection, how long before the cotton manufacturing interests would be gainers by the change, and it is time we were learning that men who have sense enough to accumulate money are not anxious to risk it among those who are eternally threatening the destruction of their investments. New England, more than a thousand miles away, has built cities and grown rich by the manufacture of our cotton. Her agriculture has so flourished that she has long since left off raising the staples of the farm. Her cold, stony soil, lying in the grip of winter for more than half the year, has a summer verdure like Eden. Her arable lands, subdivided into stock, fruit, dairy farms, and gardens, have become of marvelous value, and their produce is sold to the people of manufacturing cities at prices that are remunerative away beyond ordinary agriculture. Sixty years ago there was little on her rivers besides some sand, rocks, and water running down hill. These, and the practical sense of her people were the sum total of her natural

advantages. They took hold of protection and used it for their benefit. The system that helped them will help us, if permitted. New York and Ohio have prospered exceedingly; so has New Jersey. Pennsylvania has grown rich almost "beyond the dreams of avarice." Black diamonds and iron crowns have been wrested from her rugged hillsides. Cities have been built and palaces reared that would discount the best performances of Aladdin's lamp. Delvers in mine and shop have become lords of mill and furnace. The hand of Midas has been laid upon their industries. Plodding farmers have become wealthy proprietors. So of all the manufacturing States. In Wisconsin, Michigan, Illinois, and Indiana agriculture and manufactures go hand in hand with each other. In all those States farm hands once received $8 per month for six months in the year. They now get $25 to $30 per month the year round. In Texas, where farm wages are better than in any Southern State, a young man on a farm does well to get a full year's employment at $15 per month, although we have a soil as productive as ever fell from the hands of the Maker. Our farmers make cotton to be sold at a low price and sent off on a foreign tour, while Northern farmers who believe in protection feed the operatives who work on that same cotton.

Ours may have a large surplus of fruits, melons, poultry, butter, and the like, but our towns are small, without manufacturing populations, and small quantities of such products will glut a market. These farmers have never suspected that they are in any manner the authors of the mischief. On the contrary, when politics come round every two years, and a double dose every four, they hie themselves to the political gathering, hoping, as they have vainly hoped for years, that by some turn in the management of public affairs the ills of their condition may be cured. A favorite politician addresses them from the hustings; they listen to anathemas against rich men, railroads, corporations, manufacturing monopolies, and the protective tariff, and shout approval until hoarse. They return to their homes embittered in spirit, strengthened in prejudice, steeped in error, feeling like anarchists; and, for the time, would be right glad, if they could, to accomplish by legislation what the Chicago thug seeks to do by bomb and torch. By such methods hundreds of millions of idle capital that would readily seek investment in the South is kept away. Begrudging a fair profit to the manufacturer, we keep ourselves in the hands of usurers.

Let us look further at results. Some of us remember the glorious days of comparative free trade from 1857 to 1860. Iron used by blacksmiths cost double what is does now. Imported iron was in general use. Some bought imported cast steel in bars to make shovel plows and sweeps. This cost at retail 12½ cents per pound. The smith cut it out and worked it up. Plowshares then costing $1 to $1.50 can now be had at from 30 to 50 cents. Axes, chains, and all farm hardware are reduced in price at least one-half. Calicoes that sold in country stores at 12 and 15 cents per yard can now be bought for 4, 5, and 6 cents. So of the other cotton goods. A better wagon is now sold for $60 than could then be had for $100; and so with a thousand articles entering into the uses of everyday life. These reductions have come with the change from foreign to domestic manufacture; by the competition of Americans who have prospered under protection. Hamilton's doctrine has been more than verified. It requires no statistics to prove these things; they have come under our observation.

There are those who say that improved machinery has wrought these results, and that the foreigner works still more cheaply. Granted, but before we had protection we had few machines, and the foreign manufacturer never did reduce his price lists until forced to do so by our own citizens. Protection gave us the machines, and the inventive genius of the American has continually improved them.

We continue to clamor for sweeping reductions of duties, demanding that numbers of articles grown and manufactured in this country be placed upon the free list, and that duties on imports be reduced to a strict revenue basis. To grant our petitions would plague us sorely, as were the frogs in the fable who prayed for a king. Hundreds of industries that have grown up under the protective system would be wrecked, and nearly all would be endangered. Low rates of ocean freight, the cheaper labor, plant, and capital of foreigners, would enable them to land unlimited supplies of their products on our shores. Wages of American operatives would be reduced; hundred of thousands of them would be thrown out of employment; manufactories, costing in the aggregate hundreds of millions, would be idle. Four times out of five in the history of the country bankruptcy and panic have followed the mischievous legislation of tariff reformers. We have had a touch of such experience under the revenue tariff (so called) of 1894.

The ruin of our manufactures accomplished and the American demand transferred to the foreigner, prices would advance—possibly to the free-trade standard of 1860. In the meantime our own operatives would be driven by swarms to seek employment in agriculture. Instead of buying and consuming farmers' products as they now do, they would help to swell the volume of farm production, which, for want of a domestic demand, would be forced to seek unprofitable foreign markets.

Approximately speaking, nine-tenths of all the articles used by our people are made at home; the other tenth is imported. Of our great agricultural product nine-tenths are consumed at home, and the other tenth is exported. But we do a safe business as a nation. The tenth we send and sell abroad is of greater value than the tenth we buy abroad. And this is the sum of political economy—we sell more than we buy.

In case of a foreign war we may live fairly well at home. A tenth of what we use is the utmost extent of the deprivation an enemy could inflict, even by blockading every port. So long as our protective system remains there is no danger of a return of Confederate experiences. On imported goods—one-tenth of our consumption—duties are laid on a part only. Fully one-third are on the free list; the other two-thirds—about one-fifteenth of the whole—yield the tariff revenue. These used to approximate $200,000,000 annually. The internal revenues, derived almost wholly from excises on liquors and tobacco, average about $120,000,000 a year. Other sources raise the annual income of the nation to $340,000,000, more or less. The aggregate of these revenues is some $50,000,000 a year above the necessary current expenses of the Government after allowing for the sinking fund.

The national income is almost wholly derived from two sources, internal-revenue imposts and tariff duties. The first is a direct, the second is an indirect tax. The American citizen understands and dislikes a direct tax. It is a burden and nothing else. No principle of protection goes with it. All agree that the internal revenue is oppressive. On the tariff opinion is divided. Internal-revenue taxes for the fiscal year ended June 30, 1895, amounted in round numbers to $143,000,000. Of this, $30,000,000 came from tobacco, $31,000,000 from ale and beer, and $80,000,000 from distilled liquors. These imposts are direct, onerous, and hateful. Relief from a large part of our Federal taxation and an honest application of the accumulated surplus to national purposes are inexorable demands of the people of the United States. What could be better than to strike first and strike hard at internal revenues? Their reduction to the extent of the annual overplus and the final abolition of the system are required by every consideration of statesmanship and of patriotism.

In a speech before Congress in 1884 Mr. Samuel J. Randall said: "With Albert Gallatin I have regarded the excise or internal taxes as offensive to the genius of our people, and tolerated by the framers of the Constitution only as a measure of necessity in the emergency of war, and that just so soon as the occasion for them had passed away they should cease to exist. He and Thomas Jefferson, as the very first act of Jefferson's Administration, secured a repeal of internal taxes and relieved the people from their inequality, inquisitorial annoyances, and hordes of officials clothed with dangerous powers. Only in the latter days have I heard men calmly claim these war taxes are still necessary—a generation after the war which gave rise to them had closed. And it is a very suggestive and suspicious feature of the affair that those upon whom the tax is laid clamor loudly against it being taken off, regarding it no doubt as a protection to the large monopolies against competition."

DIVERSIFY OUR INDUSTRIES.

It behooves us to continue to diversify our industries and cling to the system that encourages a profitable interdependence of our citizens, one upon another. We of the South have only to look back to the dark days of our civil war to appreciate the necessity of a people being able to live at home. We had depended upon foreign nations for supplies; the North upon herself. The one section had stood by a tariff for the encouragement and protection of her industries; the other had not. When the planter's slaves increased and when his granaries were filled, his next neighbor was not prosperous; but when the factory was built in the Northern town, values increased in all the neighborhood, employment was given to idle hands, and money was put into empty pockets. The staying qualities of their prosperity were better than ours. It really seems odd that any Southerner who passed through the deprivations of the war period should need persuasion of the advantages of protection. It is strange that he has not discerned that the free-trade idea in the South is the surviving partner of the institution of slavery. In our business affairs home truths, like home manufactures, have ever met an unwelcome reception. For two generations the protective tariff has been the hitching post of our prejudices, and on this subject reason knocks in vain at the doors of our understanding.

Cotton, sugar, rice, and certain fruits are produced in the South only.

Special advantages of soil and climate above all the world enables cotton to take care of itself. It needs no special protection, because we can produce more of it than the country needs. With sugar, rice, and Southern fruits conditions are different. Nine-tenths of the sugar consumed in the United States is produced abroad. Over three thousand five hundred million pounds a year are imported. Half-clad and half-slave labor produces it. Import duties on foreign sugars used to make nearly one-third of the tariff revenues. Nothing produced by the rich and powerful North yields such a revenue. All it produces or manufactures is hedged by tariff taxes that prevent large importations.

Our sugar-producing area is certainly as well adapted to supplying the people of this country with sugar and molasses as is New England to furnishing them with cotton and woolen goods. There is hardly a cotton plantation or a sheep ranch in all those States. Alabama, Tennessee, and West Virginia are making iron and steel as readily as Pennsylvania. Georgia and the Carolinas can well manufacture cotton goods to the same extent as Massachusetts or Rhode Island. Texas, with its flocks upon a thousand hills and its fine waterpowers in the sheep-growing regions, might well take part in furnishing blankets and woolens for the country. In straining their eyes after the ignis fatuus of free trade our representatives have never thought of the advantages that might accrue to the South by protecting its special products. On the other hand, Northern legislators have at all times and under all circumstances had the interests of their people in view. From these causes their industries have flourished, while ours have languished.

If, as it is insisted, protection has conferred undue privileges upon the Northern States, why do we not fall into line and procure high duties on all our products? Northern people use perhaps four-fifths of all the sugar, molasses, rice, wool, iron, and foreign fruits consumed in this country. We might thus equally make reprisals. With the duty of 3 to 5 cents a pound on imported sugar, they would pay five dollars where we pay one. This $1 would be spent by our own citizens among themselves, while the other $4 would for a time be drawn from the North to the South. So of all our special crops. Such a protection would cause the impoverished South to forget her woes and attire herself in the robes of prosperity, while increased production would soon give a greater and cheaper supply than ever. We would then be "solid" in a sense that would command respect rather than reproach. No one doubts that these benefits could be secured, nor that the Northern States would rapidly concur in these measures if our representatives could forbear tinkering with the tariff and permit the industries to remain undisturbed by meddlesome and mischievous interference under solid protective tariff.

Now, those Northern people are in the majority, and with the help gradually coming in from Southern districts that had begun to prosper under protection the system will again be maintained for years to come. The protectionist has built his house. It keeps him comfortable. He suggests to us that we build one like it and enjoy similar comforts. We dislike the laws that permitted him to build such a house, and want to tear it down. This he prevents us from doing. We then take revenge upon him by standing out shivering in rain and cold, shouting to him continually what a bad man he is for building under such wicked laws. The farce is finished by assuring him with great zeal that we will ever refuse to join forces and join interests with him; but, like Samson, the blind giant, we will one day lay hold of the pillars of the structure, bow ourselves with all our strength, and bring it down in ruins upon his head. Nor do we busy ourselves about what the consequences were to Samson.

The day of free trade in the South is past. It went out with the old system of labor. Old-time prejudices must soon follow. Thousands of young men born since the war will vote at the next election. Let it be hoped that they will not walk blindly in the leading strings of the politicians and that they will not yield readily to the artifices of the demagogues. It is a painful truth that positions of public trust are too often but dividends declared upon the capitalized prejudices and ignorance of our people. The politicians being both stockholders and directors are naturally interested in the perpetuation of their investment. But intolerance of free thought and free speech in politics is yielding in a degree to the lessons of experience and common sense. Factory, furnace, and mill are sounding the glad notes of the new gossip in the South. Prosperity is a splendid converting power. Dollars are eloquent orators and appeal to prejudice as nothing else can. Every mill is a missionary and every furnace a pillar of fire by night. Many and many a Rip Van Winkle is rousing up from his long, long sleep. The experience since 1894 of Southern control and tariff legislation has been a lesson to all of us in its disaster, impoverishment, and distress that should never be forgotten. Hasten the day when the men who lost in 1865 shall, with their children and grandchildren, become participants in the glorious prosperity that now lies just in sight, just up the hill, awaiting the triumphal march of the industrial South hand in hand with the industrial North.

Mr. PRITCHARD. The unprecedented victories which have been achieved within the last two years by the Republican party were won by a comparison of the economic policies of the Democratic and Republican parties.

The McKinley bill furnished employment for 37,285 additional hands; the Wilson bill threw out of employment 101,763. The

industrial census for 1894 shows a decrease of 56 per cent of the output of factories as compared with 1892, a falling off of 30 per cent of the number of hands employed, and a falling off of 45 per cent in the amount of wages earned.

The McKinley bill furnished a home market for the raw material of the Southern people, at whose invitation thousands of capitalists from the North came down and settled among our people, investing their millions in the undeveloped resources of the South, assuring to us the blessings which naturally and necessarily follow this development of our section.

It meant a good deal to our citizens. It was the one great agency which was to bring about a complete reconciliation between the North and South, by personal contact between those who had theretofore misunderstood each other. It meant the employment of thousands of laborers and the erection of schoolhouses and other institutions calculated to enhance the material welfare of our section. It was a measure brimful of patriotism and Americanism.

I defy anyone to show me a single sentence or syllable within the McKinley bill which preferred the capitalists of foreign lands to the American citizen. It contained no principle which has for its object the protection of the foreign citizen and the destruction of the American citizen. From the moment it became a law the business interests of this country acquired new impetus, and on every hand could be seen evidences of renewed prosperity.

On the other hand, the Wilson bill had for its object the promotion of the interests of those who live in foreign lands. It preferred the coal of Nova Scotia to that of Kentucky, West Virginia, and Tennessee. It preferred the cheap wool of Australia to the wool of the farmers living in Illinois, Iowa, Ohio, Texas, and the other great woolgrowing states in the Union. It preferred the iron, corundum, kaolin, and marble of foreign countries to that of Vermont, Pennsylvania, North Carolina, Tennessee, Virginia, and Alabama. It preferred the baled hay of Canada to that of Illinois, Tennessee, Kentucky, North Carolina, Ohio, and the other great agricultural States

It interrupted the tide of immigration and capital which was pouring into the South from New England and other sections, under the beneficient influences of the McKinley law, and drove back to their respective homes, in a great measure, that desirable class of citizens who engaged in mining iron, kaolin, talc, and marble which so abundantly abounds in Tennessee, Alabama, Virginia, Kentucky, Georgia, and North Carolina.

By its operation thousands of laboring men were thrown out of employment. It resulted in the withdrawal of millions of dollars from the only avenues of business by which it could be reached by the laboring men of our section. The one great desire of the laboring men of to-day is to again secure employment at wages which will enable them to comfortably clothe and educate their children.

The Republican party of this nation is to-day confronted by a crisis. The future welfare of the party depends in a great measure upon the manner in which they deal with this grave question. I am aware of the fact that there are some who contend it is best to adopt a do-nothing policy rather than to disturb the business interests of this country by tariff agitation. The expression of this sentiment emanates either from those who are enemies of the American system and desire to minimize the tariff question or those whose interest is carefully protected by the Wilson bill.

However, we should bear in mind the significant fact that no such argument has been advanced by the laboring men of this country, nor by those who are the owners and producers of our raw material. This class of people are largely in the majority, and it was their votes which enabled the Republican party to secure such an enormous majority in the lower branch of the present Congress. They voted the Republican ticket with the express understanding that Republican success meant the repeal of the Wilson bill, and that we were to have in lieu thereof such legislation as would be an assurance to our people that we are to be preferred in matters affecting our interest and welfare to the people of any other nation on the face of the globe.

It should be the desire of our party to strengthen, encourage, and establish a permanent and enduring party in the Southern States, and this can be accomplished by giving the people to understand that they are to have their interests protected, and that in future it will not be necessary to borrow money with which to pay the current expenses of the Government.

Mr. LINDSAY obtained the floor.

Mr. CULLOM. I suppose the Senator from Kentucky would prefer to go on in the morning, and I should be very glad, if he takes that view of it, to call up a conference report, which I think will take only a few minutes to dispose of. I will say to the Senator from Kentucky that I do not care to interrupt him if he prefers to go on now.

Mr. LINDSAY. The trouble I will have is that to-morrow, as soon as the morning business is over, we shall have the filled-cheese bill up again, and it will be in the afternoon before I can go on.

Mr. CULLOM. I think the Senator from Ohio [Mr. SHERMAN] announced that he did not expect to call up that bill again until the bond question was disposed of.

Mr. PLATT. It will be a good while, I fear, if that is true.

Mr. CULLOM. I will leave it to the discretion of the Senator from Kentucky.

Mr. LINDSAY. I believe I prefer to go on now.

Mr. CULLOM. Very well. Then I will not interrupt the Senator.

Mr. STEWART. Will the Senator from Kentucky yield to me for a moment? I desire to ask to have the speech of Secretary Carlisle, made in 1878, printed as a document. I am frequently applied to, as are other Senators, for copies of the speech. I saw a letter from the Secretary saying that it is out of print and that he can not furnish it. I ask that it be printed as a document.

Mr. LINDSAY. I believe I prefer that the Senator from Nevada should have that very antiquated and valuable document presented to the Senate at some other time.

Mr. STEWART. I hope the Senator from Kentucky will not object.

The PRESIDING OFFICER. The Senator from Kentucky objects.

Mr. TELLER. What is it?

Mr. STEWART. The speech of Secretary Carlisle made in 1878.

Mr. LINDSAY. I will withdraw the objection, and allow the speech to be printed as a document.

Mr. ALDRICH. Is it a speech made in Congress?

Mr. STEWART. Yes.

Mr. ALDRICH. Then it has been printed in the RECORD——

Mr. STEWART. But it is out of print, and there are constant applications for it.

Mr. ALDRICH. And I understand the Senate is asked to print it again?

Mr. STEWART. We print papers constantly for general information.

Mr. TELLER. We printed Mr. Carlisle's Chicago speech the other day.

Mr. ALDRICH. As a document?

Mr. TELLER. Yes.

Mr. ALDRICH. If I had been here I should have objected.

Mr. PLATT. What is the proposition?

The PRESIDING OFFICER. The Senator from Nevada asks unanimous consent that the speech of Mr. Carlisle delivered in the House of Representatives in 1878 shall be printed as a document. Is there objection?

Mr. ALDRICH. I shall have to object to that.

The PRESIDING OFFICER. Objection is made.

Mr. DANIEL. Is there any objection to having the speech printed in the RECORD?

Mr. ALDRICH. It is in the RECORD already.

Mr. STEWART. I want to have it printed as a document, because there are frequent applications for it.

Mr. COCKRELL. There are plenty of copies of that very valuable speech. They are now being distributed, particularly in Kentucky, and if the Senator from Nevada wants some copies I will furnish them.

Mr. STEWART. I should like some copies, because there are constant applications for the speech.

Mr. COCKRELL. I have them.

Mr. TELLER. I have one in my desk now.

Mr. PLATT. It seems to me we are going too far in the matter of printing speeches of individuals as documents. I understand the speech of Mr. Carlisle at Chicago was printed, and then the speech of Governor Altgeld was printed to offset it. I think we had better stop there.

Mr. STEWART. I do not know why we should stop printing valuable——

Mr. LINDSAY. I believe I have the floor.

The PRESIDING OFFICER. The Senator from Kentucky is entitled to the floor.

Mr. LINDSAY. Mr. President, I will not say the pending measure contemplates the ultimate repudiation of any of our national obligations. I am satisfied the large majority of Senators who look with favor upon the policy it declares would have no tolerance for any proposition involving in their belief a breach of the public faith. It is my opinion, however, that the adoption of this resolution by the two Houses of Congress, and its approval by the President, would bring the country to a suspension of specie payment within the next sixty days.

We have proximately five hundred millions of demand notes payable in coin, about four hundred millions of which are outstanding, and we have a redemption fund of only about one hundred and ten millions, and no means by which the loss of coin can be supplied, except by the use of surplus revenues and the sale of bonds, as provided for by the act of January 14, 1875.

There are no surplus revenues and will be none until confidence is restored and business revived.

Mr. DANIEL. Will it interrupt the Senator from Kentucky if I should ask him a question?

Mr. LINDSAY. No, sir.

Mr. DANIEL. Is not the silver in the Treasury, for which Sherman demand notes were given, a part of the redemption fund for the large sum which the Senator says has only $112,000,000 of redemption money behind it?

Mr. LINDSAY. I will come to the discussion of that point in a moment.

In the face of all this we are asked to take from the Secretary of the Treasury the only means by which the redemption fund can be replenished. If we were devising ways and means by which to invite disaster; if we were considering how we might most certainly abandon both gold and silver coin and bring the country back to the enforced use of irredeemable paper currency, there would be no better course to pursue than to put this resolution in force, and then by an early adjournment leave the speculators and exporters to raid the Treasury until not a dollar of the redemption fund remains. This resolution will not pass, but the support it is receiving and the unconcern with which the necessary consequences of the adoption of such a measure is regarded by leading members of the Senate are, in my estimation, ominous of the future. I sympathize with the opposition to the sale of bonds. I believe steps should be taken to avoid the necessity for such sales. The Government ought to be taken out of the business of supplying gold coin or coin of any kind to speculators or exporters, but as yet Congress has done nothing in that direction, and so far as appearances go intends to do nothing. Notwithstanding all this, it is apparent that an early adjournment is to be had, and the responsibility for the management of the national finances and the protection of the public credit left to rest upon the President and the Secretary of the Treasury from the date of our adjournment until the first Monday in December next.

If our financial system was meeting in a satisfactory way the exigencies of the Government, and the public credit was under such legislative safeguards as to assure its maintenance beyond all reasonable apprehension to the contrary, we might with propriety act upon the advice lately given us by the senior Senator from New Jersey [Mr. SMITH] and by adjourning relieve the country of further fears of legislation tending to disturb business security or to excite distrust in business circles. Such, however, is not the fact. The country knows, and we know, that our financial system is far from satisfactory, and that the legislation upon which it rests is as inconsistent as it is ill adapted to the conditions with which we have to deal. We know, and the country knows, that the public credit, so far as it depends upon the continued parity between our gold and silver legal-tender coinage, must be protected, if protected at all, by periodic sales of interest-bearing bonds. We know that the gold reserve is being steadily encroached upon, and have reason to fear that the gold now in the Treasury will be taken out as rapidly as it can be put to profitable use by exporters and speculators. Within a few months the Secretary of the Treasury may be again reduced to the necessity of selling bonds, or permitting a suspension not only of gold, but of specie payment by the Government.

The dangers are such that delay in affording relief to the Treasury can neither be defended nor excused. Congress must either admit their incapacity to remedy the admitted evils or concede their indisposition to do so.

The President has repeatedly recommended such Congressional action as would restore confidence and avert possible disaster, but nothing in that line has been done. I may say nothing has been attempted. By his regular message to this Congress when it convened in December last he recommended that the Treasury be relieved from the duty of supplying gold to those making profit out of its exportation by funding the legal-tender notes of the Government. Foreseeing, as he naturally would, the reluctance of Congress thus to contract the volume of our currency, he submitted the whole question of relief to our unembarrassed discretion by concluding his message with these words:

> I especially entreat the people's representatives in the Congress, who are charged with the responsibility of inaugurating measures for the safety and prosperity of our common country, to promptly and effectively consider the ills of our critical financial plight. I have suggested a remedy which my judgment approves. I desire, however, to assure the Congress that I am prepared to cooperate with them in perfecting any other measure promising thorough and practical relief, and that I will gladly labor with them in every patriotic endeavor to further the interests and guard the welfare of our countrymen whom in our respective places of duty we have undertaken to serve.

On the 28th of December last, nothing having been done up to that time, the President, by a special message, again called the attention of Congress to the difficulties of our financial situation, and in that connection said:

> We are in the midst of another season of perplexity caused by our dangerous and fatuous financial operations. These may be expected to recur with certainty as long as there is no amendment in our financial system. If, in this particular instance, our predicament is at all influenced by a recent insistence upon the position we should occupy in our relation to certain questions concerning our foreign policy, this furnishes a signal and impressive warning that even the patriotic sentiment of our people is not an adequate substitute for a sound financial policy.
>
> Of course there can be no doubt in any thoughtful mind as to the complete solvency of our nation, nor can there be any just apprehension that the American people will be satisfied with less than an honest payment of our public obligations in the recognized money of the world. We should not overlook the fact, however, that aroused fear is unreasoning, and must be taken into account in all efforts to avert possible loss and the sacrifice of our people's interests.
>
> The real and sensible cure for our recurring troubles can only be effected by a complete change in our financial scheme. Pending that, the executive branch of the Government will not relax its efforts nor abandon its determination to use every means within its reach to maintain before the world American credit, nor will there be any hesitation in exhibiting its confidence in the resources of our country and the constant patriotism of our people.
>
> In view, however, of the peculiar situation now confronting us, I have ventured to herein express the earnest hope that the Congress, in default of the inauguration of a better system of finance, will not take a recess from its labors before it has, by legislative enactment or declaration, done something not only to remind those apprehensive among our own people that the resources of their Government and a scrupulous regard for honest dealing afford a sure guaranty of unquestioned safety and soundness, but to reassure the world that with these factors, and the patriotism of our citizens, the ability and determination of our nation to meet in any circumstances every obligation it incurs do not admit of question.
>
> I ask at the hands of the Congress such prompt aid as it alone has the power to give to prevent, in a time of fear and apprehension, any sacrifice of the people's interests and the public funds or the impairment of our public credit in an effort by Executive action to relieve the dangers of the present emergency.

The recommendations of the President have gone for nothing. His appeals have fallen upon unwilling ears. Our financial system has neither been revised nor amended, and the indications are that "our dangerous and fatuous financial operations" are to continue for an indefinite time, and to continue under circumstances from which the country may fairly infer the consent and approval of the present Congress. Republican leaders may excuse themselves to their partisan followers on the ground that it is good party politics to leave the Administration to struggle with existing embarrassments as best it may. The condemnation of the sale of interest-bearing bonds in time of peace may be made an effective argument, with the unthinking, in favor of restoring the Republican party to power, but it will not deceive the intelligence of the country, and in the event of Republican success it will return to plague those who are now seeking to make it available as a party slogan.

The pretense of relieving the situation through the tariff and bond bills sent over some months since from the House of Representatives was so transparent that no one was or could be deceived by it. The demand was for the means by which to secure the necessary gold to keep up the Treasury reserve. The response was an offer of additional authority to sell bonds, payable in coin, just as the bonds authorized by the existing statute are payable. No one had the right to believe, and, I may safely say, no one did believe or does now believe, the proposed 3 per cent short-time bonds could have been sold at their face value. If the bill had become a law, the authority of the Secretary of the Treasury to sell bonds would have been increased to an indefinite extent, but he would still have been compelled to buy gold with bonds payable, not in terms in gold, but in coin.

The proposed tariff bill had the approval of no one. With it came from the other end of the Capitol the information that it was not a Republican bill. It certainly was not a Democratic bill. I have no information that any Populist, in or out of Congress, gave it the sanction of his approval. It did not have character enough to make its way out of the Senate Finance Committee, except with the incumbrance of a free-silver attachment. Concerning this remarkable bill the distinguished chairman of the Republican national committee, the Senator from Montana [Mr. CARTER], said, in February last, that it was "wholly at variance with all past professions of the Republican party on the tariff question," that it had been and was then "distinctly asserted that it is not a Republican measure," but "a measure to meet an alleged emergency which the Chief Executive Officer of the nation, chosen by the people in 1892, stoutly asserts does not exist at all."

The absurdities of the two bills being apparent and the shallowness of the pretense that they were intended to meet the emergency which unmistakably demands action by this Congress having been thoroughly exposed by eminent Republican Senators, they have faded out of public notice and are to-day sleeping their everlasting sleep.

The Republican majority has declined to do anything. Notwithstanding the repeated assurances we have had from a distinguished Republican leader that the Republican party was ready to take up any nonpartisan measure that would result in increasing the resources of the Treasury to equal its expenditures, we have had yesterday and to-day an illustration that that statement overlaps the disposition of that party to do anything to increase the revenues of the Government unless coupled with further protection to the manufacturing industries.

The Republican party proposes to go before the country upon the record it has made of not only doing nothing, but of failing

in good faith to attempt to obviate the necessity for the further sale of interest-bearing bonds.

Mr. DANIEL. Will the Senator allow me to ask him a question?

Mr. LINDSAY. Certainly.

Mr. DANIEL. Has not the President in his message to Congress stated that there was no lack of revenue or trouble about the revenue, and that bonds were only issued for the purpose of buying gold to pay obligations?

Mr. LINDSAY. The President has undoubtedly stated that there was no immediate necessity for more revenue, and the President has stated with equal distinctness that the embarrassments of the Treasury do not arise out of the want of revenue, but out of the difficulty of keeping up the gold reserve for the purpose of redeeming upon presentation the demand notes of the Government.

The complaint I make against the Republican party is not that it has not provided more revenue, but that, pretending to be in favor of providing more revenue, it refuses to take any step in that direction unless coupled with an increase of the protection now afforded to favored manufacturing industries.

The purpose of the distinguished Senator from Virginia I understand to be to direct my attention to the claim that these outstanding demand notes had as well be redeemed in silver as in gold, and that if the Secretary of the Treasury would consent to answer those demands by an offer to pay in silver, then the necessity for a further sale of bonds would be obviated. It is to that phase of the subject under consideration that I now wish to direct my remarks.

We have eminent men of both the old political organizations defending their nonaction on the ground that there is no obligation resting upon the Treasury to redeem the demand notes of the Government in gold coin to the exclusion of legal-tender silver. This is a fundamental doctrine of the Populistic or Peoples' Party, and it would be folly to deny that it has taken strong hold upon the public mind. Whether this contention, if correct, can be applied to the conduct of affairs consistently with the declared policy of the Government to preserve the parity of all our money of ultimate redemption is an important inquiry, and one that can not be answered in the affirmative without the most serious misgivings.

The present Administration has from the beginning been confronted with difficulties inherited from the past. Explaining its policy, the Secretary of the Treasury, in January, 1895, in answer to a question propounded by a member of the Ways and Means Committee of the House of Representatives as to what "objection there could be to having the option of redeeming demand notes either in silver or gold lie with the Treasury instead of the noteholder," said:

> If that policy had been adopted at the beginning of resumption—and I am not saying this for the purpose of criticising the action of any of my predecessors or anybody else—but if the policy of reserving to the Government, at the beginning of resumption, the option of redeeming in gold or silver all its paper presented, I believe it would have worked beneficially, and there would have been no trouble growing out of it; but the Secretaries of the Treasury from the beginning of resumption have pursued a policy of redeeming in gold or silver, at the option of the holder of the paper, and if any Secretary had afterwards attempted to change that policy and force silver upon a man who wanted gold, or gold upon a man who wanted silver, and especially if he had made that attempt at such a critical period as we have had in the last two years, my judgment is it would have been very disastrous. There is a vast difference between establishing a policy at the beginning and reversing a policy after it has been long established, and especially after the situation has been changed.

Mr. DANIEL. Will the Senator allow me to ask him if the Democratic party did not always oppose that policy on the part of our Republican predecessors?

Mr. LINDSAY. The Democratic party opposed the establishing of the policy, certainly.

Mr. DANIEL. Did it not always denounce it after it was established?

Mr. LINDSAY. It denounced it after it was established.

Mr. DANIEL. Did it not declare when it nominated its President in favor of preserving the double standard?

Mr. LINDSAY. I will come to that. I will show that it never declared against a policy that was so strongly established that the business of the country would be damaged by changing it.

The sufficiency of the Secretary's explanation has been denied and the answer criticised on the idea that the Executive can not bind the Government or pledge its faith or credit by the adoption of a mistaken policy. This may be conceded, but where the statute leaves to the Executive or to any one of the Departments of the Government the discretion to pursue one line of policy or the other as circumstances may demand, a new Administration may properly adhere to an established policy it would not have adopted at the outset. I may rely upon the deliberately expressed opinion of the senior Senator from Colorado [Mr. TELLER], whose devotion to the cause of silver coinage no one can question, to sustain me in this position.

On October 6, 1893, Senator TELLER, discussing the bill to repeal the purchasing clause of the Sherman Act and commenting upon the custom of the Secretary of the Treasury to redeem with gold the coin notes issued in payment for silver bullion purchased under the Sherman Act, detailed the circumstances under which, on the 14th of November, 1891, the first million dollars of those notes were presented to the subtreasury and redeemed in gold, and said——

Mr. TELLER. What is the date of that?

Mr. LINDSAY. This is from the Senator's speech on the 6th of October, 1893, when he said—and this is exactly in the line of Mr. Carlisle's explanation—

> Had Mr. Foster, the then Secretary of the Treasury, said, "We hold ourselves ready to redeem these notes in gold whenever any citizen or any holder thereof wants to exchange a reasonable amount of Treasury notes for gold, but we do not intend to make the Treasury of the United States the agency through which gold exporters can, without the payment of any premium or what the French call 'adio,' or any expense whatever, come and take our gold and ship it abroad. Therefore we decline to make that kind of payment in gold"—had he said that he would have performed a meritorious and deserving act, and one which it was absolutely within his discretion to have performed.

Continuing, the Senator said:

> If there is blame of the payment of the Treasury notes in gold, I am frank to admit that there is where the blame lies. I am not here to complain that the succeeding Secretary paid in gold just as his predecessors had done.

Continuing, after some further comments, the Senator said:

> Then came the change of Administration, and Mr. Carlisle, as Secretary of the Treasury, was confronted with this very question. Where there had been an inconsiderable amount of gold in the aggregate taken out of the Treasury of the United States, there came to be a great amount taken out during the early months of his Administration. I say here now, believing as I do that the Government of the United States should never have paid a dollar of gold upon these certificates, and certainly not a dollar under the circumstances under which they were paid, that if I had been Secretary of the Treasury I should not have changed the policy of the Government at that time and paid silver on them in the condition in which the market was during the early days of this Administration. It was no more than proper and right.
>
> I am not going to criticise an officer for doing that which I think under custom which had been established he was in duty bound to do, which was to continue a policy which his predecessors had established in order that there might be no disturbance in financial affairs at a time when financial disturbances were threatened, for while I think the payment of these Treasury notes by Mr. Foster, in the first instance, would not have created a ripple in financial circles, I am free to say that I believe if Mr. Carlisle had paid them in April, May, or June, there would have been a considerable disturbance in financial affairs. Not that we should have gone, as the Senator from New Jersey says, to a silver basis, or anything of that kind, but it would have added to the excitement, and there was no reason why, the policy having been adopted, the Secretary of the Treasury should not have continued it, because we were able to pay in gold.

Mr. TELLER. I do not know whether the Senator intends to read all of my speech or not, but, in justice to me, he should read what I said with reference to the condemnation which I made of Mr. Carlisle. I complained that Mr. Carlisle had attempted to change that policy.

Mr. LINDSAY. I propose to read all of that.

Mr. TELLER. Very well.

Mr. LINDSAY. The Senator continued:

> So I make no criticism of that. My criticism of the Secretary of the Treasury is that he did not say promptly, with that firmness which should have characterized a public officer charged with so great a duty as that of maintaining, as the Secretary of the Treasury is to some extent, the financial security of the country, on the 4th of March or immediately after: "I propose to follow just in the line of my predecessors in this matter."
>
> I repeat, if he had said that, there would have been no disquietude under the sun with reference to the question whether we were able or willing to continue to redeem the Treasury notes and the greenbacks in gold.—*Congressional Record*, appendix to part 3, pages 349 and 350, special session Fifty-third Congress.

The criticism was not that Mr. Carlisle followed the custom which had been established by Republican Secretaries of the Treasury, but that he did not announce at the outset promptly and decisively that he intended to follow that custom.

Mr. TELLER. If the Senator will read the whole of my remarks he will find that I went beyond that. I charged that the Secretary of the Treasury had changed the policy and then backed out of it.

Mr. LINDSAY. Of course I can not read the Senator's entire speech. I will, however, read enough to illustrate my point. The Senator charged that Mr. Carlisle had started to change the policy and then backed out of it. I will say, in justice to Mr. Carlisle, that he denies absolutely and unequivocally that he ever gave any intimation to any man that he proposed to change the policy; but, upon the contrary, he announced, as the Senator says he ought to have announced, that he intended to follow the policy which, under the circumstances, he could not change without disturbing financial conditions.

Mr. TELLER. But that was just the contention between myself and the Secretary. I contended, and I attempted to present the authority in proof of it, that he had notified the subtreasurer in New York that he would make this change; and he had done that, too, without notice to the public, or anything of the kind. The President of the United States had declined to allow that change to be made, and that is the way the trouble in New York began. I think I might say further that in that speech and in

others I charged that that was done for the purpose of creating an excitement that would enable the Administration to repeal the Sherman Act.

Mr. LINDSAY. I think I have stated the points in the Senator's speech fairly. The contention of fact between Mr. Carlisle and the Senator I shall not undertake to settle; but as to the other charge, which is collateral to the subject I am now discussing, I attempted on the floor of the Senate to vindicate Mr. Carlisle from that charge, and I am willing now that that vindication, weak as it was, shall go to the country.

If it was proper for Mr. Carlisle to follow the example and pursue the policy of Mr. Foster in regard to the Sherman notes, it was likewise proper for him to follow the example and continue the policy of all his predecessors in regard to the greenbacks, or United States notes. He has followed in the line of his predecessors, as the Senator from Colorado declared he ought to have done, and, in order to follow that policy, has been compelled from time to time to buy gold to maintain "the financial security of the country." This is the sum of his offending.

Carrying out a line of policy this Administration found firmly established, and which, under the surroundings, it could not abandon without danger to the financial security of the country, it has borne the obloquy and endured the criticism which always attend the enforcement of vicious legislation. It has done this, too, in the face of the persistent refusal of Congress to reform the financial system or to make it possible to change or modify the policy it has most unsparingly condemned.

The Republican party has suggested no remedy, except the increase of taxation. The free coinage of silver at 16 to 1 is the only alternative offered on the other hand.

There has been a decided sentiment in favor of the coinage of legal-tender silver since the Government in 1875 fixed the time for and put on foot the measures by which specie payment was to be resumed. At the outset the question of the particular ratio was not deemed a matter of importance. There was a strong feeling in favor of 15½ to 1, because that was the ratio at which silver had been coined by the States composing the Latin Union. In 1878 it was believed by many that we might safely go to free coinage at 16 to 1, inasmuch as silver bullion at that time had declined in its market value less than 8 per cent and there was an apparent reason to hope that the increased demand resulting from the remonetization and free coinage of silver by the United States would restore and preserve the old-time parity. That was the time when Mr. Carlisle made the speech which has been so often referred to, and which Senators are anxious now to make for the second time a part of the record of the Senate.

Mr. COCKRELL. What was the status, will the Senator say, in 1890, when Senator Carlisle voted for free coinage and wrote his celebrated letter to Mr. Smith, of Kentucky?

Mr. LINDSAY. If the Senator desires to make that letter a matter of record, then I shall give my attention to that letter. I am not now discussing Mr. Carlisle; I am discussing the question of the free coinage o silver.

Mr. COCKRELL. You were discussing what Mr. Carlisle did in 1878, and I want to know what he did in 1890.

Mr. LINDSAY. I collaterally referred to the attempt of gentlemen to publish a statement made by him in 1878, but not what he did or forbore to do in 1890. I am not here to defend Mr. Carlisle; Mr. Carlisle would not thank me for becoming his champion; and the Senate knows, the Senator knows, and the country knows that Mr. Carlisle is able upon all occasions and under all circumstances to take care of himself.

The coinage of silver under the Bland-Allison Act did not, nor did its purchase under the Sherman Act of 1890, impede the steady decline in the relative value of silver bullion. The two metals, gold and silver, continued to separate further and further, and in 1893 came the utter collapse of silver as a money metal in all the controlling business nations of the world.

It profits nothing to inquire the causes which produced that result. The demonetization of silver by the leading countries of Europe and by the United States between 1870 and 1876 no doubt contributed to it in a very great degree. Another and still more potent cause was the increased and cheapened production of silver bullion and the general conviction as to the still greater possibilities in the way of increased and cheapened production.

Whatever the causes may have been, we have the fact that, as compared with the currency of the European world and the currency of our own country, silver bullion has depreciated in its market value almost one-half. With this fact admitted, it is now proposed that the United States, by their own separate and independent action, shall open their mints to the free and unlimited coinage of silver at the ratio of 16 to 1, and, by so doing, undertake the herculean task of restoring the parity between the two money metals. We shrunk from such an undertaking in 1878, when silver had declined only 8 per cent; but it is proposed to take up the work in 1896 with a diminished market value of silver bullion six times greater than in 1878.

In proportion as the difficulties have increased, the seeming confidence of those who call themselves the friends of silver and the advocates of bimetallism has magnified. Neither of the great parties heretofore representing the political differences of the American people considered with favor in 1892 the experiment of free and unlimited coinage. The nominee of the Democratic party was known of all men to be unalterably opposed to any such policy. The platform then adopted by the Democratic party was intended to meet, and did meet, the views of that nominee, and his interpretation of the currency plank was accepted by the party as the correct one. His theory then was, and it was the then theory of his party, that "Every dollar put into the hands of the people should be of the same intrinsic value or purchasing power," and that with "this condition absolutely guaranteed, both gold and silver can be safely utilized upon equal terms in the adjustment of the currency."

The Democratic nominee for the Vice-Presidency was equally explicit. He understood the platform to import—

That every dollar, whatsoever its form, that finds its way into his—

The farmer's or wage earner's—

pocket shall be of equal, unquestioned, and universally exchangeable value and of equal purchasing power.

In the Democratic convention, and pending the consideration of a proposed amendment to the platform looking to the insertion of the word "free" in connection with the declaration in favor of the coinage of both gold and silver, Mr. Patterson, of Colorado, who spoke for the advanced friends of silver coinage, declared that all they asked was—

The recognition of the doctrine of free bimetallic coinage as a doctrine of the Democratic party; not the coinage of a 70-cent dollar, but the coinage of gold and silver dollars of a fixed parity, and each dollar containing metal of equal intrinsic value.

Not a parity fixed by law, but that each dollar, whether gold or silver, should contain metal of equal intrinsic value. I shall not stop to consider the criticism of the word "intrinsic." Evidently Mr. Patterson used it as every reasonable man would understand from the manner of its use, that the dollar he demanded the right to have freely coined out of silver was a dollar to contain bullion that would sell in the market for as much as the bullion in the gold dollar.

The bullion value of an American silver dollar, compared with gold, was then about 72 cents. Those for whom Mr. Patterson spoke did not then wish the free coinage of 72-cent silver dollars, but the free coinage of silver dollars equal in intrinsic value to gold.

Democrats had not up to that time turned their faces against the teachings of Jefferson that "the proportions between the value of gold and silver is a mercantile problem altogether"; that legal proportions ought to be disregarded and the average market prices of the two metals in the countries with which we are likely to be principally connected accepted as the ratio at which they may be freely coined. In 1892 no portion of the Democratic party—not even those whom Mr. Patterson especially represented—demanded the free coinage of 70-cent silver dollars. The free coinage of gold and silver dollars of a fixed parity, each dollar containing metal of equal intrinsic value, was the extent of their utmost demand, and no party, other than the Populists, was then ready to give countenance to the proposition of the unlimited coinage of legal-tender silver in the proportion of 16 to 1 of gold.

Of course there were many prominent Democrats who believed in that doctrine; of course there were many eminent Republicans who believed in that doctrine. But the Democratic party as a party did not hold to that doctrine, and the platform adopted, explained by the letters of acceptance of the nominee for President, of the nominee for Vice-President, and by this particular representative of silver coinage makes that proposition plain.

Since 1892 silver bullion has declined in value 30 per cent. The intrinsic metal value of the old silver dollar has fallen from 72 cents in 1892 to 53 cents in 1896; but nevertheless we are now to have unlimited silver coinage without a change of ratio and without regard to the policies of the countries from which we buy, to which we sell, and with which we have our principal trade relations.

Two or three years ago the argument was common that the free coinage of silver by the United States would of its own force restore the former relations between the two metals, and in 1893 it was confidently announced on the floor of the Senate by a distinguished Senator, then and now a member of the Finance Committee, that the day the United States should open their mints to free coinage, that day silver would go to a dollar and twenty-nine cents an ounce in the markets of the world. I do not remember any recent expression of that sublime faith in the superhuman efficacy of an act of Congress. There may be those who still entertain that belief, but in the main it now seems to be conceded that the free coinage of the cheaper metal will drive American gold to Europe as rapidly, at the least, as we may increase the volume of legal-tender silver. As an offset to this it is contended that the increase of gold in Europe will lessen the demand

for the supply now on that side of the ocean, and to that extent cheapen its money value and thus increase the prices for which American products may be sold in the European markets. It is at best doubtful whether gold in any quantity could be kept in this country to compete with cheaper silver money freely coined on individual account. The gold that might not be immediately exported would be hoarded for speculation and converted at once into an article of merchandise. The rule in such a state of case is that—

Whenever, under the double standard, there is a variance between the legal and market relations of the metals, the standard would be practically based on one metal, and it the cheaper and more available. There never can be practically two money standards whose units of account differ in value in any country at the same time.

This rule is founded upon the experience of mankind. It is not of my crystallization. It was declared to be axiomatic by the majority report of the Silver Commission created by the Senate in 1876, and that report was the handiwork of Senator JONES of Nevada.

We may take it as a conceded proposition that if we have two standards of different metallic values the standard will practically be based on the metal that is cheapest and most available; that—

There never can be practically two money standards whose units of account differ in value in any country at the same time.

Commencing free coinage at the ratio of 16 to 1, we would have a variance of nearly one-half between the legal and market relations of gold and silver from the beginning, and our standard would be based on one metal, "and that the cheaper and more available one." We would go at the first step to silver monometallism. We would at once be compelled to face the business disturbances which would necessarily follow so radical a change in our financial system. We would have cheap money, cheap in the sense that it would have a reduced purchasing power, but it will be well to consider the fact that cheap money thus secured, we may have, without increasing the volume of our currency and especially the volume of our money of ultimate redemption. If all the available silver bullion in existence and all the future production of silver bullion should be brought to our mints we could not coin it into money as fast as our gold coin would be withdrawn from circulation, and the first and immediate effect of the free coinage of silver would be to contract the volume of our metal or primary money.

The claim is made that the demand for currency would keep our gold at home, but it would not keep it in circulation. It might be held for speculative purposes, but not for use as money or currency. No man would invest his gold in property of any kind until the lowest possible prices had been reached and it had ceased to be profitable longer to hold it.

Mr. William P. St. John, president of the Mercantile National Bank of New York, an able and persistent advocate of the free coinage of silver, whilst testifying in 1894 before the House Committee on Banking and Currency, outlined a bill for free coinage which provided—

That the silver dollar now existing shall be coinable without limit in amount on producing the bullion for it and on the same terms now prescribed for gold.

In answer to the direct question—

Would your theory put this country on a silver basis?—

He replied:

Momentarily it might; I think it would immediately.

He was then asked—

How long would that condition prevail?

He answered:

I would not predict the achievement of actual bimetallism in the United States under the bill earlier than two years; that is, two years at the outside. I should expect it earlier if conditions now existing abroad—existing outside of France—prevail; I would expect it to be accomplished within one year.

I do not quote the opinion of Mr. St. John because he is a banker, but because he is an ardent friend of free coinage and regarded as authority upon the subject by the special friends of silver.

One year at the least, probably two years, of the single silver standard we are to have when we go to free coinage. One year, probably two, of the contraction necessarily incident to the expulsion of six hundred millions of gold from our volume of primary or redemption money.

Those who believe in free coinage insist that the contraction of the currency necessarily results in diminishing prices. Mr. St. John says that—

To enlarge the aggregate of money in the United States is to raise normal prices for home and internationally consumed commodities here. Per contra, to diminish the aggregate of money in the United States is to lower all normal prices.

This is the accepted theory of all advocates of free silver. If Mr. St. John be correct, then the free coinage of silver at 16 to 1 by the independent action of the United States means silver monometallism in this country for one year certainly, and probably for two years. Silver monometallism means the diminution of the aggregate of the money in the United States during those two years of more than 30 per cent. That diminution means the lowering here of the normal prices of all home and internationally consumed commodities. In the present business conditions the lowering of prices by the intervention of a Congressional enactment will drive embarrassed debtors to bankruptcy, alarm creditors and investors, and excite such distrust as may precipitate another business panic. So well satisfied was Mr. St. John that free coinage means temporary silver monometallism that he incorporated in his proposed bill a section providing for what he denominated "emergency currency"; that is, that for the time being and to meet conditions that might arise from the expulsion of our gold from circulation the Government should issue legal-tender money based upon uncoined silver bullion and upon the security of United States bonds. Whether this emergency currency, if issued, would inspire public confidence and preserve public and private credit may very well be doubted, but it was the best substitute Mr. St. John could suggest, and of the necessity for its issue he seemed to entertain no doubt.

The great mass of those who to-day are pressing for the free coinage of silver and insisting that it would be a remedy for all our financial difficulties make no suggestions as to how we are to bridge over the temporary emergency foreseen by Mr. St. John. They shut their eyes to all danger and call upon the American people to join them in the perilous and reckless experiment of free coinage at 16 to 1 without regard to consequences. Mr. St. John, by his bill, proposed that coin certificates should be issued upon the deposit of uncoined gold and silver, and also that such certificates might be issued and loaned upon the deposit of bonds of the United States. Explaining this provision against the consequences of the expulsion of gold from our circulation in case free coinage should have that effect, he said:

If a money panic threatened, the proposed enactment, with a sharp contraction of our aggregate of money, this provision (section 6) would empower the Secretary of the Treasury to issue over $200,000,000 of United States coin certificates against silver coin and bullion already in the Treasury and loan them at 4 per cent and 5 per cent per annum against United States interest-bearing bonds. This issue would reduce the aggregate reserve against silver certificates and Treasury notes to about 62 per cent.

He explained further that his suggested bill proposed in effect—

That the Congress restore immediately the coinage system of the United States founded with the mint in 1792, maintained for eighty years thereafter, and overthrown unobservedly when neither gold nor silver was our current money. It provides the modern convenience of paper substitute for coin on the choice of the depositors of gold and silver at the mint, one and the same coin certificate redeemable on demand in coin, and redeems these coin certificates in gold or silver, at the option and convenience of the United States. It provides an emergency issue of these coin certificates additionally, with "elasticity" unquestionable and with redemptions on demand assured, and the means in the Secretary's hands to stifle any panic in Wall street instanter.

With this explanation Mr. St. John was still apprehensive that the country might go to a silver basis, and was not willing to predict the achievement of bimetallism in the United States earlier than two years; or, at the best, earlier than one year. The possibility of the country being driven to the single silver standard, and the contemplation of a possible money panic, he did not pretend to conceal. He felt that an emergency might follow the adoption of his free-silver proposition, and that to meet it there would be a necessity for an "emergency issue" of coin certificates to take the place of the standard money driven from circulation by the free-silver experiment. Silver monometallism precipitated upon the country by act of Congress, whether for one, two, or ten years, would be equivalent to immediate and "sharp contraction." It would destroy confidence and excite alarm in every quarter. The "money-market panic" which would follow would be beyond the power of any "emergency issue" of coin certificates to relieve against or to mitigate.

Mr. Wharton Barker, another of the free-silver leaders of the East, does not rely on the potency of the so-called "emergency issue." He meets the question squarely, and insists that no contraction will follow free coinage. His theory is that contraction from the expulsion of our gold would be impossible—

for any export of gold before silver was coined to take its place in our currency would result in raising prices in Europe and relatively forcing them down in America, with the result that America would become an attractive market to buy in, and for that reason gold would flow back in payment for our grain, cotton, and other produce at their reduced prices. (See the Philadelphia American, May 9, 1896.)

That is a quotation from an editorial in the American, a newspaper published in Philadelphia, a stanch advocate of free silver coinage, edited, as I am informed, by Mr. Barker.

It is encouraging to the American farmer to be told that in any event, during the time we may be coining silver to take the place of gold, we shall be able to keep the latter metal in circulation here by our "attractive market to buy in" consequent upon the forcing down of the prices of our agricultural products.

We are, however, assured that the opening of our mints to free coinage will so increase the demand for silver and diminish the demand for gold that the two metals will come together at their legalized ratio. How many points we may expect silver to advance and how many points gold will decline no one has yet ventured to predict, but the leading 16-to-1 bimetallists confidently claim that silver

will rise as gold falls. They confidently assert that the present low prices of cotton and wheat will follow silver in its upward march, so that if silver appreciates 50 per cent, 60-cent wheat will sell for 90 cents and 8-cent cotton for 12 cents. Upon the same principle, high-priced labor will follow gold in its downward course, and the man who depends upon his wages for support will, under the new order of things, be compelled to pay 25 per cent advance upon all the necessaries of life without a corresponding increase in his daily or monthly stipend.

In a table prepared for and published by the American, February 8, 1896, it is shown that while the prices of cotton and wheat declined 50 per cent between 1873 and 1895, the decline in the prices of our great staples, corn and tobacco, was less than 8 per cent, and that the increase in the prices of bacon and beef was from 10 to 25 per cent. It was shown by that table that from 1873 to 1895 cotton cloths had declined in price over 60 per cent, copper ingots and bars 65 per cent, and mineral and illuminating oils 85 per cent.

Taking the farming products actually exported in 1895 at the comparative prices of 1895 and 1873, that table disclosed the following result as to the values in those years respectively:

	1895.	1873.
Wheat flour	$51,651,928	$102,409,534
Wheat	43,805,663	88,583,547
Corn	14,650,707	15,174,743
Bacon and hams	48,736,680	44,085,484
Beef	16,832,860	13,202,356
Tobacco	25,622,776	27,616,810
Total	201,300,674	291,132,474

These figures show an aggregate loss on these six staples of agricultural production, taking the prices of 1873 and 1895 as the criterion, of $99,831,800, which loss is, of course, to be distributed among all the States producing and exporting wheat, corn, bacon, pork, beef, and tobacco.

On the other hand, the table shows that the prices of staples the farmer must buy with the proceeds of the sales of his wheat, corn, meats, and tobacco and which were actually imported into the United States in 1895 had from 1873 declined as follows:

	1895.	1873.
Sugar	$76,461,557	$167,998,466
Tea	13,170,924	32,578,686
Coffee	96,129,326	86,742,907
Tin plates	12,144,080	39,149,028
Window glass	835,730	1,916,955
Salt	680,802	993,044
Molasses	211,143	566,519
Total	199,633,562	330,058,888

We thus had an aggregate saving to the farmers who consumed these seven staple articles in the difference between their prices in 1873 and 1895 of over $130,000,000, or over $30,000,000 more than the decline of the prices of the quantity of wheat, flour, corn, bacon, hams, beef, and tobacco exported in 1895. These figures prove that there are two sides to the question as to the effect the general decline of prices may have had upon the business of the Middle States farmer. It may be, and it seems probable, he saves more in the purchase of those things he must have and can not produce than he loses in the sale of his crops.

In a speech delivered in the Senate September 19, 1893, Mr. MILLS of Texas compared the prices of farm products in 1873 with their prices in 1891, and the prices in 1873 of articles the farmer customarily purchases, with their prices in 1891, and upon that comparison reached these conclusions:

These prices in the table show conclusively that the farmer has been benefited by the general fall of prices, because his products would buy more in 1891 than in 1873. In 1873 cotton was worth 18.8 cents per pound, and 1,000 pounds was worth $188, and at that time it would buy 766 gallons of illuminating oil, or 1,620 pounds of refined sugar, or 4½ tons of pig iron, or 2 tons of bar iron, or 1½ tons of steel rails, or 3,832 pounds of nails, or 1,412 yards of sheeting, or 1,330 yards of drilling, or 970 yards of shirting, or 1,653 yards of standard prints, or 2,810 yards of print cloth; while in 1891 1,000 pounds of cotton was worth $100, and at the prices of these same things at that time it would buy 1,428 gallons of oil, 1,754 pounds of sugar, 5½ tons of pig ore, 2½ tons of bar iron, 2½ tons of steel rails, 5,322 pounds of cut nails, 1,464 yards of sheeting, 1,560 yards of drilling, 940 yards of shirting, 1,666 yards of print, and 3,389 yards of print cloth.

With the exception of shirting, it would buy more of every other article enumerated, and the difference in that was very small. One thousand pounds of beef would buy, in 1873, 281 gallons of oil, 555 pounds of sugar, 1,282 pounds of nails, 490 yards of sheeting, 462 yards of drilling, 338 yards of shirting, 583 yards of prints, or 888 yards of print cloth; while in 1891 it would buy 809 gallons of oil, 982 pounds of refined sugar, 3,010 pounds of nails, 849 yards of sheeting, 873 yards of drilling, 526 yards of shirting, 933 yards of standard prints, or 1,989 yards of print cloth.

One thousand pounds of pork would buy, in 1873, 289 gallons of oil, 571 pounds of refined sugar, 1,319 pounds of nails, 504 yards of sheeting, 475 yards of drilling, 348 yards of shirting, 600 yards of standard prints, or 914 yards of print cloth; while in 1891 it would buy 843 gallons of oil, 1,055 pounds of refined sugar, 3,172 pounds of nails, 863 yards of sheeting, 920 yards of drilling, 554 yards of shirting, 983 yards of standard prints, or 2,000 yards of print cloth.

One thousand pounds of bacon and hams would buy, in 1873, 345 gallons of oil, 682 pounds of refined sugar, 1,564 pounds of nails, 603 yards of sheeting, 598 yards of drilling, 415 yards of shirting, 716 yards of standard prints, or 1,091 yards of print cloth; while in 1891 it would buy 1,085 gallons of oil, 1,157 pounds of refined sugar, 4,086 pounds of nails, 1,111 yards of sheeting, 1,185 yards of drilling, 714 yards of shirting, 1,266 yards of standard prints, or 2,576 yards of print cloth.

One thousand pounds of tobacco in 1873 would buy 413 gallons of oil, 833 pounds of sugar, 1,886 pounds of nails, 721 yards of sheeting, 680 yards of drilling, 498 yards of shirting, 856 yards of standard prints, or 1,307 yards of print cloth; while in 1891 it would buy 1,243 gallons of oil, 1,526 pounds of refined sugar, 4,677 pounds of nails, 1,273 yards of sheeting, 1,357 yards of drilling, 817 yards of shirting, 1,450 yards of standard prints, or 2,949 yards of print cloth.

One hundred bushels of wheat in 1873 would buy 590 gallons of oil, 1,176 pounds of refined sugar, 2,509 pounds of nails, 1,030 yards of sheeting, 964 yards of drilling, 611 yards of shirting, 1,225 yards of standard prints, or 1,840 yards of print cloth; while in 1891 it would buy 1,328 gallons of oil, 1,631 pounds of refined sugar, 5,000 pounds of nails, 1,342 yards of sheeting, 1,453 yards of drilling, 853 yards of shirting, 1,550 yards of standard prints, or 2,784 yards of print cloths.

What was true in this regard in 1891 is true in 1896. The continued decline in prices has affected the farmer as a purchaser equally with the farmer as a seller. If he receives less for the products of his industry, he pays less for his indispensable supplies.

The assumption that the general decline in prices is due to the discrimination against silver as a money metal is without warrant or support in fact. There is no occult connection between silver and wheat, or silver and cotton, any more than there is between silver and the meat product or silver and tobacco. If the alleged demonetization of silver has enhanced the value of gold and because of such enhancement diminished the market prices of cotton and wheat, the same cause ought to operate equally upon every other article of commerce where no exceptional reason intervenes to the contrary. If high-priced money makes low-priced goods, then, all things else being substantially alike, the prices of everything we produce or consume should equally decline. Such has not been the case. An advocate of free coinage had prepared and published in the American of January 25, 1896, a table upon this subject. He took January 1, 1891, as the basis of his figures, and the prices on that day of various articles of first-class importance as the test of the conclusion he proposed to draw.

This table shows that between January 1, 1891, and April 1, 1891, silver as measured by the gold standard declined from 100, the initial number, to 94.25. During the same time breadstuffs increased in price from 100 to 118.31 and live stock from 100 to 116.98. Between April 1 and July 1, 1891, silver increased in price from 94.25 to 98.21, while breadstuffs declined from 118.31 to 103.90 and live stock from 116.98 to 110.38. Between January 1, 1891, and April 1, 1893, silver declined from 100 to 80, while live stock increased from 100 to 125.28 and provisions from 100 to 115.84. October 1, 1894, silver stood at 60.84, live stock at 101.57, and provisions at 97.68. These instances are enough to prove that the price of silver has no immediate or intimate or natural connection with the prices of agricultural products.

A table prepared by Mr. Schoenhoff, a gentleman who was largely quoted in this Chamber during the tariff debate of 1894, shows the following changes in prices between 1850, when free coinage of both gold and silver prevailed this country; 1879, when we resumed specie payment, and 1888, fifteen years subsequent to the so-called crime of 1873:

	1850.	1879.	1888.
Coffee	100	143	166
Sugar	100	55	49
Tobacco	100	156	244
Wheat	100	75	58
Raw silk	100	113	117
Flax and hemp	100	80	66
Tin	100	77	173
Iron	100	77	67

We thus see that sugar fell 51 per cent between 1850, when we had free coinage, and 1888, when we had the single gold standard. During the same period wheat declined 42 per cent, but tobacco advanced in price from 100 in 1850 to 244 in 1888, and 88 per cent of that advance was between 1879 and 1888. Tin ran down from 100 in 1850 to 77 in 1879, and then up from 77 in 1879 to 173 in 1888, or about 225 per cent increase, and that was before it was reinforced by the provisions of the McKinley law.

It is folly to say that the money standard has controlled or does control prices independent of other and more potent considerations. The general decline of prices during the past thirty years can not be attributed to any one cause, much less to the change of the money standard. No man capable of reasoning can shut his eyes to the results which have followed the universal use of improved machinery and labor-saving appliances. The Bessemer process, the development of the power of electricity, the steam plow, the modern reaper and thrasher, reduced rates of transportation, and many other cognate causes have combined to cheapen

production and necessarily to lower prices. Our present industrial capacity for the almost unlimited production of all that is useful, all those things that satisfy our wants, minister to our comforts, or gratify our tastes, renders continued high prices practically impossible. The sooner we recognize the changed conditions which thirty years have wrought out, and that the march of events can not be turned back by legislative interference, the sooner we will adjust our business affairs to the new conditions and intelligently deal with the modern situation.

The tendency toward financial stringency was developed about 1890. A general business collapse came upon us in 1893. We have since had periods of apparent relief, but reflecting men understand that "hard times" must run their course, and that business follies and excesses must be atoned for before we can have a return to permanent and general prosperity. We can not improve the situation by experimenting with our money standard. The greatest period of prosperity the agricultural States and the States we call "Southern" have ever had was since "the crime of 1873" and under the operation of what the agitators of the free and unlimited coinage of silver call the single gold standard. Of the truth of this statement the statistics furnished by the census returns of 1880 and the census returns of 1890 are most convincing. I quote from a compilation made by Mr. Richard T. Edmonds, of the Manufacturers' Record, of Baltimore, Md., printed and circulated in 1895, as follows:

Recent census publications, although three years behind time, make it possible to compare the agricultural and manufacturing advance of the South from 1880 to 1890 with that of the country at large. The result is a remarkably favorable showing for the South. Starting in 1880 with total farm assets, which includes the value of farms, implements, etc., of $2,314,000,000, the South made an advance by 1890 to $3,182,000,000—a gain of 37 per cent. During the same period the increase in all other States and Territories was from $9,790,000,000 to $12,797,000,000, or 30 per cent. In studying these figures it should be remembered that the South had little or no immigration to help to swell the volume of its agricultural products, while other sections had the benefit of a large proportion of the 5,000,000 foreigners who had landed here during the decade, the number that settled on Western farms probably being a large majority of the total.

The total value of farm products of the South in 1880 was $906,000,000, against $1,500,000,000 for the remainder of the country. In 1890 the South produced $773,000,000, a gain of $107,000,000, or 16 per cent, while the gain in the rest of the country was only $141,000,000, or 9 per cent. With just one-fourth as much total assets in farm operations as the balance of the country, the South had $107,000,000 increase in production out of a total of $248,000,000, or nearly one-half.

The South had $3,182,000,000 invested in farm interests in 1890, and the total productions were $773,000,000, or a gross revenue of 24.1 per cent on the capital. All other sections combined had $12,797,000,000 in farm operations and the product was $1,687,000,000, or 13.1 per cent gross revenue, only a fraction more than one-half as much in percentage of production as the South's. It is impossible to get at the net profits, but these figures show how far ahead the South is in the gross product based on the capital invested.

In a much greater degree the manufacturing interests of the South increased between 1880 and 1890. Mr. Edmonds's compilation of the census reports show that—

In 1880 the South had $257,244,561 invested in manufacturing; by 1890 this had increased to $859,008,817, a gain of 156 per cent, while the gain in the entire country was 120.76 per cent. The value of the manufactured products of the South rose from $457,454,777 in 1880 to $917,589,045 in 1890, a gain of 100 per cent against an increase of only 69.27 per cent in the whole country. The factory hands of the South received $75,917,471 in wages in 1880 and in 1890 $222,118,505.

In 1890 the South had $21,976,000 invested in cotton manufacturing. It had 180 cotton mills, with 667,854 spindles and 14,300 looms. Since then this industry has quadrupled, and the capital invested aggregates $107,000,000. Comparing the census reports of 1880 and 1890, and the reports of the Manufacturers' Record for 1894 of the South's cotton manufacturing industry, we have:

Cotton manufacturing in the South.

	1880.	1890.	1894.
Capital	$21,976,712	$61,194,096	*$107,000,000
Number of mills	180	254	425
Number of spindles	667,754	1,712,930	3,023,000
Number of looms	14,323	33,231	68,000
Value of product	$21,038,712	$46,971,503	

*Estimated on basis of average capital per spindle in 1890.

In this connection, for fear some one may question the accuracy of this compilation, I will read an extract taken from Mr. Wharton Barker's newspaper, the American, of September 14, 1895. He quotes from the New Orleans Times-Democrat, and gives the quotation the weight of his authority. He says:

The New Orleans Times-Democrat, a paper noted for the accuracy of the statistics which it gathers and publishes from time to time, has lately made a comparative statement of the progress of the South in the past fifteen years.

That is from 1880 to 1895.

By the term South, it denotes the thirteen States south of the Potomac and Ohio, from Virginia to Texas. In this region from the year 1880 to 1895, the manufacturing establishments have increased from 34,565 to 59,176, and the capital invested from $179,336,240 to $559,467,500. The number of hands had more than doubled, and the wages more than trebled.

The cultivated land has increased from 34,679,145 acres to 59,462,672, while the value of farm products has risen in about equal proportion from $611,699,145 to $976,463,500. The number of farms has increased from 1,726,480 to 2,402,672.

These statistics and those relating to the coal and iron of the South are interesting as showing a regular progress and testifying that the change from the primitive dependence upon agriculture alone is giving place to diversified industries without impairing or curtailing the proper progress of agriculture. It is probable that the development of the natural resources of the South will be still greater in the next fifteen years than in the past.

Then Mr. Barker gives his opinion as to what is necessary to make that assurance doubly sure, not to go to the free coinage of silver, but, he says—

What is necessary to secure this is the restoration of the policy of protection to home industry, which the South has, unwisely for itself, so long opposed.

I will now take up a compilation made by Mr. Mulhall, the great English statistician, who, in an article in the June number (1895) of the North American Review, compares the conditions of the United States in 1870, 1880, and 1890, as shown by the census returns of those years.

He shows that the wealth of the New England States between 1870 and 1890 increased from $3,237,000,000 to $5,223,000,000, or more than 60 per cent; that the Middle States of New York, New Jersey, Pennsylvania, Delaware, and Maryland increased from $9,683,000,000 in 1870 to $17,819,000,000 in 1890, or about 88 per cent; that the Southern States, including the two Virginias, the two Carolinas, Georgia, Florida, Alabama, Mississippi, Louisiana, Texas, Arkansas, Kentucky, and Tennessee, increased from $2,827,000,000 in 1870 to $9,928,000,000 in 1890, or more than 350 per cent; that the Prairie States, including Ohio, Illinois, Missouri, Indiana, Iowa, Michigan, Wisconsin, Minnesota, Kansas, Nebraska, and the two Dakotas, increased from $7,642,000,000 in 1870 to $25,256,000,000 in 1890, or about 330 per cent; that the Pacific States increased from $656,000,000 in 1870 to $6,811,000,000 in 1890, or more than 1,000 per cent; that the increase in the Southern States from 1880 to 1890 was from $6,448,000,000 in 1880 to $9,928,000,000 in 1890, or more than 50 per cent, and the increase in the Pacific States from 1880 to 1890 was from $2,282,000,000 in 1880 to $6,811,000,000 in 1890, or about 300 per cent. These estimates were made upon a gold basis, the currency of the year 1870 having been treated as equal to 80 cents on the dollar in gold.

His tables also show that the increase in the value of lands from 1870 to 1890 was the difference between $7,410,000,000 in 1870 and $13,279,000,000 in 1890, or nearly 80 per cent; that the increase in the value of lands from 1850 to 1890 was from an average value of $29 per acre in 1850 to an average value of $37 per acre in 1890; and that the increase in the value of houses from 1870 to 1890 was from $9,240,000,000 in 1870 to $21,210,000,000 in 1890, or more than 216 per cent. Also that between 1870 and 1890 there was expended in the construction of new lines of American railway an average of $1,000,000 a day, and that the freight charges of railway transportation in the United States in 1890 averaged only 93 cents per ton per hundred miles, or less than half the customary charge in Europe of $1.90 per ton per hundred miles. In this respect there was saved to the American people $845,000,000 yearly. In his discussion Mr. Mulhall uses this language:

Another large item in the increment of wealth is houses, which represent an annual investment of $12 per inhabitant of the whole Union during twenty years ending 1890. The annual average in Great Britain is $5.50, and as economists recognize the outlay on houses to be the gauge of wealth, it appears that the average accumulation in the United States is double what it is in the mother country.

Whether we include the twenty-year period from 1870 to 1890, or the ten-year period from 1880 to 1890, the comparative results are the same. Our increase in wealth has never been equaled in any country or in any age. It was confined to no section. The claim that the agricultural States have not had their fair share of the general prosperity is disproved by the facts. The popular cry that whilst the center of population has traveled westward the center of wealth has moved toward the east or northeast has no foundation in fact.

From 1870 to 1890 the relative increase in values was:

	Per cent.
New England States	60
Middle States	88
Southern States	350
Prairie States	330
Pacific States	1,000

The real, subtantial, and permanent increase of values was in the Southern and Prairie agricultural States. I make that distinction because the Pacific States have mainly been developed from a wilderness since 1870. The increase was more than five times greater in the Southern and Prairie States than in New England, and four times greater than in the States of New York, New Jersey, Pennsylvania, Delaware, and Maryland, with all their great cities and all their combinations and syndicates of bankers, brokers, and railroad magnates.

Mr. GALLINGER. Would it disturb the Senator if I were to ask him a question?

Mr. LINDSAY. No, sir.

Mr. GALLINGER. Am I to infer, then, from the Senator's statement of that fact, that the accusation so frequently made that wealth is being aggregated in the East does not seem to be true?

Mr. LINDSAY. Here are the figures.

Mr. GALLINGER. I agree, I will say, with the Senator's observation upon that point.

Mr. LINDSAY. That the times are hard, that the people are oppressed with debt and unable to pay, that universal want of business confidence prevails, and that conditions seem to grow worse rather than better, it is useless to deny.

Mr. BACON. Will the Senator permit me to ask him if he has any statistics as to the relative advance or retrogression since 1890?

Mr. LINDSAY. The paper from which I read the extract, the Times-Democrat, covers the period between 1880 and 1895.

Mr. BACON. That was not the question I asked the honorable Senator. It is not what is the aggregate from 1880 to 1895, but what is the fact with reference to this matter between the dates of 1890 and 1895? Is it not a fact that between those dates the increase in wealth in the East has been very great, and that wealth has absolutely decreased in other parts of the country?

Mr. LINDSAY. I have no official data on the subject and no data that pretends to be official. I have given the best data I could have access to. My object was not to prove that there had not been a decline in wealth since 1890 in the South, nor to prove that there had been an increase. My attempt has been to show that the single standard did not interfere with the increase of wealth from 1870 up to 1890, nor the increase of wealth between 1870 and 1894.

If that great increase took place under the single standard during those twenty-four years, the single standard did not stand in the way of the increase. If there has been a decrease since 1890, or since 1893, that decrease is to be traced to some other cause than the single standard, under which the country flourished for twenty years as it never flourished before.

Mr. BATE. Will not the Senator admit that, although the proposition may be true that wealth did increase, yet it was concentrated during that time in the hands of a few?

Mr. LINDSAY. If it was, it was concentrated in the hands of the few in the South, and not in the hands of the few in the North or in the East, because the statistics show that the increase in the South was 350 per cent, while the increase in the great States of New York, New Jersey, Pennsylvania, etc., was only 88 per cent. I do not know how you distributed your wealth in Tennessee, but what I mean to say is that during twenty years you increased under what you call the gold standard, which you now claim is the cause of all our sorrows, as you never increased before.

Mr. BATE. But while the products in the agricultural States have increased during that time the proceeds have been concentrated in the hands of others who live elsewhere, and I think principally in the East and in the North.

Mr. LINDSAY. The figures are against you. The products of the agriculturist declined and the products of the man who buys from the agriculturist declined in equal proportion, not because of the gold standard, but because of the increased and cheapened facilities for production, which will reduce prices, and ought to reduce prices, unless the benefits of increased facilities for production are to go alone to the producers and the consumers are to have no share in the general gain.

Mr. VEST. I do not care to interrupt the Senator, but does he not overlook the fact in his argument in favor of the single gold standard that from 1878 to 1890 silver was partially remonetized in this country under the operation of what is known as the Bland-Allison Act?

Mr. LINDSAY. I will answer the Senator by saying that the proposition now is not to partially remonetize silver; the proposition is not now to remonetize silver upon its commercial value, but to remonetize it at half its commercial value. I am not arguing for the gold standard, and I am not arguing against the Bland-Allison Act. I am arguing against the idea that our past legislation has stood in the way of progress, and I am willing to give, by way of discount, the full benefit of the coinage of 400,000,000 silver dollars.

Mr. GRAY. May I say to the Senator that I think it is agreed among scientific monetary economists that the coinage of silver under the Bland-Allison Act or under the Sherman Act was not remonetization of silver in the proper sense of that term at all?

Mr. LINDSAY. It has been compared on the floor of this Senate——

Mr. TELLER. I should like to say that we always contended that the increased amount of money that was put in circulation was an aid and a help.

Mr. LINDSAY. I concur in that, that you have always argued that the increase in the quantity of money would tend to the increase of prices; but you have contended all the time, and still contend, that the Bland-Allison Act did not remonetize silver and that the silver coined under the Bland-Allison Act stood upon the same footing as bank notes or United States notes redeemable in coin.

Mr. GRAY. Or half dollars and quarters.

Mr. LINDSAY. Yes.

Mr. VEST. That statement is entirely incorrect. It has never been stated within my knowledge—and I have had some experience in regard to the discussion of this matter here and elsewhere—by any intelligent silver man that the Bland-Allison Act was a full remonetization of silver; but no intelligent silver man has ever stated that it was not a step in that direction and that it did partially remedy what the Senator has called the crime of 1873.

Now, I do not want to have any personal controversy with the Senator from Kentucky, but he is rather stringent and bitter in his denunciation——

Mr. LINDSAY. I have avoided denunciation absolutely.

Mr. VEST. Of the idea that we can have free coinage of silver in this country without great disaster unless there is an intrinsic commercial parity between the two metals. Is that the position of the Senator?

Mr. LINDSAY. I say it is a dangerous experiment, and I quote Mr. St. John to show that he so regarded it.

Mr. VEST. I ask the Senator—because every one of us must stand now in this desperate struggle upon his record—whether in 1887 he did not advocate the free and unlimited coinage of silver, when the intrinsic or commercial value of silver was but 73 cents as compared with gold?

Mr. LINDSAY. I do not think the Senator will find any evidence of that. In 1877, I think, I did believe that free coinage would have restored the parity as conditions then appeared, and I then believed it would preserve the parity.

Mr. VEST. I ask the Senator what in 1877 was the difference in the intrinsic or commercial value between gold and silver when he advocated the free coinage of silver?

Mr. LINDSAY. I will answer the Senator. In the first place, I am put in a false attitude when it is said I advocated it.

Mr. GRAY. You were not in public life then.

Mr. LINDSAY. I was not in public life then. I expressed the opinion that silver ought to be remonetized at 16 to 1. I believed then—and everything indicated it to be a reasonable belief—that the increased market for silver which would come from free coinage by the United States would increase the value of silver as much as 8 per cent, and put the two metals at a parity, and, except for the extraordinary changes which have taken place since then, which no man could foresee, would have kept the two metals at a parity.

Mr. VEST. Let me ask the Senator if the causes which he now says in 1877—and those causes can be embraced in one cause, namely, free coinage of silver—would have restored the parity then would not do so now?

Mr. LINDSAY. If the Senator believes it will do so now, why did he propose to change the ratio in 1893 to 20 to 1?

Mr. VEST. All the world knows that when the gold men declared that they were willing to have bimetallism if there was more silver put into the dollar, the silver men in both Houses of Congress, with great unanimity, tendered to them every ratio from 16 to 24, and then tendered them the Bland-Allison Act, and they rejected every one of those propositions, showing that they were opposed to bimetallism at any ratio. I declared then, as I have always declared, that I preferred the old ratio, but that, above all, I wanted bimetallism at some ratio. The difference between the Senator and myself is that I have always advocated bimetallism. He advocated it in 1877 and turns against it in 1896.

Mr. LINDSAY. No; I have not turned against it. I stand where the Democratic party stood in 1892, and at that time there was no party in the United States which advocated 16 to 1 except the Populist party.

Mr. COCKRELL. Was there any party advocating the single gold standard?

Mr. LINDSAY. There was a party advocating the single gold standard, or its commercial equivalent.

Mr. COCKRELL. Was there anyone then or had any Democrat of any respectability ever declared in favor of the single gold standard? Is there one word, one line, or one sentence in the platform of 1892 which squints at a gold standard?

Mr. LINDSAY. No; and I am not to-day advocating the gold standard, and I have never intimated that I was opposed to the coinage of silver. My whole contention has been that an attempt under present conditions to go to free coinage at 16 to 1 would be a dangerous experiment, one so dangerous that it is likely to bring upon the country greater calamities than it has ever suffered.

Mr. PASCO. May I ask the Senator a question?

Mr. LINDSAY. Yes, sir.

Mr. PASCO. I ask the Senator if he believed that it was not safe to attempt the free coinage of silver at 16 to 1, why has he not and why has not the Democratic Administration recommended

some other feasible scheme which would have brought about a realization of the platform formulated at Chicago four years ago?

Mr. LINDSAY. I have unfortunately been in the minority on this side of the Chamber and could not shape Democratic propositions. I might retort by asking my friend, why did you not propose some reasonable and feasible plan for the free coinage of silver? Upon the contrary, you have sat here and done nothing except talk in favor of free silver and threaten the country with free silver, and vote for it when everybody knew that the bill could not pass and never press it when anybody suspected that it could pass.

Mr. VEST. When was it that anybody suspected that a bill could pass?

Mr. LINDSAY. At the last session of Congress, two days before the adjournment, when it was attempted to put aside the consideration of an appropriation bill to take up a report from the Committee on Finance for the free coinage of silver at less than the commercial ratio.

That all or any considerable portion of our economic evils are traceable to the effect upon business of the existing money standard, the history of the country and of its progress from 1870 to 1890 abundantly and overwhelmingly disproves. This being the case, no change of the money standard can meet or overcome the difficulties by which the country is beset. The free coinage of silver at less than the commercial ratio will aggravate the situation. It can not relieve it. In the end it will give us cheaper money, for the all-sufficient reason that it will bring us to silver monometallism. With our great resources we may, through free coinage at 16 to 1, enhance the market price of silver bullion, but we can no more bring about the relations existing between gold and silver prior to 1871 or to 1873, by free coinage, than we were able to do by the act of 1890.

We then supposed, and it was generally believed, we had by that act supplied a market for all the silver that could be produced. That is all that free silver coinage can do. The act of 1890 enhanced the market value of silver bullion throughout the world 10 per cent, and fortified my belief in 1877 that free coinage would have enhanced it throughout the world 8 per cent. It raised the market value of the bullion in the silver dollar from 79 cents to 80½ cents, but at the end of a year this bullion had receded to 72½ cents, and at the end of two years to 65 cents. If free coinage by the United States should increase the bullion value of silver 30 per cent, or three times the temporary increase resulting from the act of 1890, and we should prove strong enough to maintain that increase, our silver dollar would be worth, in gold, 70 cents.

Upon that basis of values business would necessarily readjust itself, and the difference of exchange between this country and the European countries with which we have our principal trade relations would be 30 per cent. There are those who are bold enough to say that this apparently fatal difference in exchange would prove a blessing rather than a curse to the agriculturist and the laboring man. They claim that—

The difference of exchange between silver-standard countries and gold-standard countries is equivalent to a bounty equal to the difference between the value of gold and silver, in favor of the products of silver-standard countries exported to gold standard countries and a corresponding tariff against the products of gold-standard countries exported to silver-using countries.

I am not responsible for this statement of that claim. This extract is taken from the declaration of principles prepared and announced by representative silver men from all parts of the country at Washington in January, 1896. In his comments upon that declaration the editor of the American—Mr. Wharton Barker—said that—

An American policy—

And I commend this to Democrats—

of bimetallism and protection must be adopted, for an alien policy of gold monometallism and free trade will surely destroy the industrial classes of our country and enslave the people.

The effect of free silver coinage in Mexico on the trade of that country was discussed by the Mexican minister, Mr. Romero, in the June number, 1895, of the North American Review. He contends that the silver standard is a great stimulus in developing manufactures in that country, because foreign commodities have to be paid for in gold, and that owing to the high rate of exchange the price of such commodities has become so high that it pays well to manufacture them at home. To use his language:

The fact that foreign commodities have to be paid for in gold makes them so high that it operates as a protective duty against them.

And further that—

Importations are considerably reduced because foreign commodities almost duplicate their price when sold for silver, and are, therefore, beyond the reach of the middle classes.

In a published interview in the Manufacturers' Record about September 1, 1895, President Diaz, of Mexico, in discussing the condition of that country, is reported to have said:

Commerce and industry have continued their progressive march, notwithstanding the fact that in 1892 and in 1893 crops were short through want of rain, and that silver, our principal export, has suffered a notable decline in foreign markets.

Respecting this last point, President Diaz said:

I believe that in reality the detriment has not been of the magnitude that was anticipated, and this decline has been a benefit to general industries in the country, and this is easily explained. The depreciation of silver has produced a rise in foreign exchange, and therefore has raised the price of imported goods—

Something which the Democratic party has been trying for fifty years to bring down in this country—

which actually means an advantage to the industries of this country.

Whatever may be the advantage of the single silver standard to Mexico as a nation, it is evident that its tendency is to keep down the wages of labor and the rents of real estate, and to operate so successfully in the way of a protective duty against foreign commodities as to almost duplicate their price when sold for silver, and, in that way, to put them beyond the reach of the middle and poorer classes of the Mexican population. These results are not such as to commend the policy of the free and unlimited coinage of silver at the ratio of 16 to 1 to the American laborer, or to the American landowner, or to the American consumer.

In 1892 the Democratic party not only did not declare for free silver coinage at 16 to 1, but did declare in the most emphatic terms that protection was a fraud—

a robbery of the great majority of the American people for the benefit of the few—

And that it was—

a fundamental doctrine of the Democratic party that the Federal Government has no constitutional power to impose and collect tariff duties except for purposes of revenue only.

The leaders of the silver movement now tell us that—

the first step toward the reestablishment of a true protective system must be the restoration of bimetallism—

And that—

protection must be united with bimetallism.

I take from the issue of January 18, 1896, of the Philadelphia American, which is laid upon the desks of Senators every Monday morning, this extract:

In Mexico to-day the fact that foreign commodities have to be paid for in gold makes them so high that it operates as a protective tariff against them.

If a protective tariff is a fraud and the robbery of the great majority of the people for the benefit of the few, as the Democracy declared in 1892, it will be none the less a fraud, none the less the robbery of the many for the benefit of the few, when it comes from an act of Congress establishing the free coinage of silver at 16 to 1 than when it came from an act of Congress establishing that "culminating atrocity of class legislation" commonly called the McKinley tariff law.

In Mexico Mr. Romero says importations are reduced—

Because foreign commodities almost duplicate their price when sold for silver, and are, therefore, beyond the reach of the middle classes.

We know from long experience that when foreign commodities duplicate their prices from any cause domestic commodities follow closely upon their heels. When we come to the free coinage of silver and the necessary difference of exchange between this country and Europe we may find that the hopes and aspirations of the manufacturer have been fully realized by the fact that foreign commodities have been placed "beyond the reach of the middle classes," and the American consumer turned over to the tender mercies of those who for more than a third of a century have been enriched by the class legislation against which the American people revolted in 1892.

Congressional legislation may double the cost of European goods to American consumers, as Mexican legislation has doubled it to Mexican consumers, but no Congressional enactment can add one cent to the selling price of American products when put down for sale in the European markets. Balances there will be settled in European currency, and the trouble, annoyance, and expense incident to the adjustment of the differences in exchange will fall upon the American seller and not upon the European buyer.

A prize essay, written by Mr. George Jamison, British consul-general at Shanghai, China, on the subject of bimetallism, has been extensively circulated and greatly relied on by the silver propagandists to show the advantages to inure to American manufacturers from the free coinage of silver at 16 to 1. I shall not quote at length from what he says by way of illustration; but I ask the Secretary to read the quotation which I send to the desk.

The PRESIDING OFFICER (Mr. GIBSON in the chair). The Secretary will read as requested.

The Secretary read as follows:

Suppose two cotton mills working, the one in England and the other in Japan or China, and competing with one another for the sale of their productions, and contrast the position of the two in 1873 and in 1893. Let us assume that in 1873 they were competing on even terms—that is, that each realized to the owners the same profit. In 1894 each employs the same amount of labor as it did in 1873, which the English pays for in gold at the old rates, and the Japanese in silver, also at the old rates. The Japanese mill owner still pays his men, as he used to, 18 to 20 cents a day, and his women 8 to 10 cents a day. In 1873 that meant 9 pence to 10 pence per day for men, and 4 pence to 5 pence for women. Now it means just one-half—that is, 4 pence to 5 pence and 2

pence to 2½ pence. Multiply this over 2,000 mill hands and see what the saving will be on labor alone. But this is not all. The same advantage accrues on the coal bill. Japanese coal costs them, say, $4 to $5 a ton, which meant 16 shillings to 20 shillings. That still can be got at $4 to $5 a ton, but that now only means 8 shillings to 10 shillings. The same thing applies to rent, wages, taxes, and all fixed charges whatsoever. They are all payable in silver, and have nowise varied with the rise in gold. Only in the single item of raw material is the old equality maintained. Both are free to buy that wherever they can find it cheapest on the world's market, the only advantage being proximity to the best source of supply and, consequently, economy of transport.

Now, so long as the gold price went on falling and the silver price consequently kept steady there was no great manifest advantage resulting to the Japanese manufacturer from a fall in exchange. He continued to get the same prices for his products, and his outlay was the same year by year, both being in silver. Any improvement he could effect by economy of management or by getting his raw material cheaper would be so much extra profit; otherwise his position was unaffected. In any case exchange fluctuations would not trouble him.

The English manufacturer, on the other hand, has to meet the same fixed expenditure from ever-decreasing returns. He is able to buy his raw material cheaper, owing to the general fall in commodities; but his wages bill, his rent, his interest on borrowed capital, his rates and taxes, have all to be met as before. His profits begin to dwindle. It is only by the greatest economy of management that he can keep open at all. The best mills only manage to pay a fair profit, the worst struggle to the verge of bankruptcy, always hoping for a turn of the tide, and finally are forced to close.

Suppose, in the second place, that the silver price rises and, as a consequence, the gold price remains steady.

The gold manufacturer is, for the time being, in an easier position, his returns do not fall off, and though his expenses are the same he is in a position to profit by any economy of manufacture or management.

But the silver manufacturer is, so to speak, in clover. All his working expenses are on the old scale, and he is a clear gainer by the extra price he gets for his products. If silver prices have risen, say, 10 per cent, his profits will be increased by just 10 per cent on his turnover. The natural result of this will be to attract more capital, more mills will be built, and the output will increase. Competition will lower prices and the gold manufacturer will again be driven into a corner.

Whatever happens, the manufacturer in the silver-standard country has a great advantage, and simply for this reason, that he can obtain his labor at half the cost, relatively to gold wages, which he formerly paid. And this advantage must remain to him (unless silver can in the meantime be brought back to something like its old value) until either wages in gold countries have fallen 50 per cent or till they have risen 100 per cent in silver-using countries, or till some common meeting ground has been found between the two. In other words, the old equilibrium will not be restored until the standard of living and comfort among the working classes in England has greatly fallen, or till the standard in silver-using countries has greatly risen.

Mr. LINDSAY. Mr. President, in the gold-standard countries Mr. Jamison says the manufacturer has to meet the same fixed expenditure—his wage bill, his rent, his interest on borrowed capital, his rates and taxes, have all to be met upon the gold basis.

But the silver manufacturer is, so to speak, in clover. All his working expenses are on the old scale, and he is a clear gainer by the extra price he gets for his products. If silver prices have risen, say 10 per cent, his profits will be increased by just 10 per cent on his turnover.

And whatever may happen he—

has a great advantage; and simply for the reason that he can obtain his labor at half the cost relatively to gold wages, which he formerly paid.

He says that advantage will continue with these eastern countries until their labor has advanced 100 per cent or the wages of English labor have fallen 50 per cent.

The argument in Mexico in support of the policy of free coinage is that it operates as a protective tariff against foreign commodities by so increasing their price as to put them beyond the reach of the "middle classes." The argument of Mr. Jamison is that under the benign influences of free coinage the manufacturer may reduce the price of labor the difference between the commercial value of gold and silver bullion, or nearly 50 per cent, and thereby reduce the cost of production.

The American farmer has heretofore relied on foreign competition to keep down the prices of the manufactured articles his necessities compel him to buy. The wages of the American workingman have steadily increased under the existing money standard, and are paid in the best money known to the business world. These two great classes of our people are now to decide whether they will take the chance of destroying foreign competition in manufactured goods and of cutting down wages one-third or one-half in order to enhance the price of silver bullion.

I am not one of those who have confidence enough to dogmatize upon this most important economic question. The difficulties in the way of reaching correct conclusions I do not deny.

Considering, however, the question from every point of view, the conclusions I am about to state seem to me, to comport with the lessons of experience and the dictates of reason:

Free silver coinage will reduce the wages of labor in the proportion it may increase the cost of the necessaries and comforts of life.

It is problematic whether it will in any event or at any time increase the net proceeds to the farmer or planter of the products of his labor, while it is certain to add to the cost of all his necessary supplies.

It will enhance the profits of the manufacturer by reducing his wage accounts and by giving him additional protection against foreign competition.

Its first effect will be contraction, with such a loss of business confidence as to drive embarrassed debtors to immediate bankruptcy, and it may precipitate a business panic, from which the country will not recover until there has been a general liquidation of all existing indebtedness.

From 1876 to 1890 we constructed in the United States over 130,000 miles of railway. Mr. Mulhall estimates that from 1870 to 1890 we expended a million dollars a day in railway construction. We probably expended an equal sum in establishing new towns and cities and in extending to their present magnificent proportions our older towns and cities. To accomplish all this we borrowed vast sums of money from abroad. Not content to rely upon the surplus means of our own people, we made available the wealth of the world wherever we found it seeking investment. While these great works were in progress and these vast sums of money being paid out for labor, material, and supplies, the labor of the country found steady employment, the merchant ready sale for his wares, and the manufacturers and farmers an apparently exhaustless demand for the products of their industry.

These vast and continued expenditures of borrowed capital begat extravagance and profligacy in the use of money and reckless indifference in the contraction of debt. For the time, accruing interest was paid out of the money borrowed, and counties, cities, corporations, and individuals acted upon the assumption that the day of reckoning would never come. The country was improved beyond the demands of the present or of the immediate future, and investments which a few years ago promised rich returns have resulted in nothing more substantial than blasted hopes and disappointed expectations. The boom towns and cities of the other day are now remembered only to be scoffed at, but the obligations of those who invested in their evanescent existence remain unpaid and beyond the investors' ability to pay.

The day came when there were no more railways to construct, no more towns and cities to build, and relatively no more unoccupied territory to develop. With the coming of that day foreign capital ceased to fill our coffers, and those who had been hiring labor, supplying customers to our merchants, and consumers to those whose products enter into daily use, have had to turn their attention to keeping down the interest and arranging for the ultimate payment of their foreign indebtedness. Not only is this true as to individuals, but as to counties, towns, cities, and every municipality or corporation that had the power to bind itself or its constituent for the payment of money.

The act of 1873 demonetizing silver did not bring about these unfortunate conditions. Its repeal will not relieve against them. To pay what we honestly owe we must economize our expenditures. This suggestion is a homely one, but it is consistent with common prudence and common honesty, and has stood the test of human experience. It requires fortitude and demands sacrifice, but honestly and manfully applied it has never failed and will never fail any man or any community.

We can not pay our creditors by act of Congress; we can not reduce the sum of our indebtedness by legislative enactment. We can make no more profitable use of our time, labor, or means than in the payment to the uttermost farthing of all we owe in strict accordance with the spirit of our contracts and in money as good as that in use when our creditors parted with their property or their money.

The act demonetizing silver in 1873 may have been a crime. The failure to fully remonetize that metal in 1878 may have been a mistake, but those with whom we have had business relations since 1879, when specie payments were resumed, are in no way responsible for either the crime or the mistake. They had the right to deal with us upon the faith of the statutory assurance that it was our established policy to maintain the parity between our gold and silver coin. That parity good faith demands we shall preserve as to all debts contracted since specie payments were resumed.

If the controlling majority of the American people have deliberately concluded to return to the free coinage of silver, no opposition will be sufficient to defeat their will. With the authoritative expression of that will opposition will of course cease, but the details of the new policy will, or at least ought to, remain open for discussion, and the general good may still prevail against the special interest of the silver miners and of the holders and owners of silver bullion.

Mr. BUTLER. Will the Senator from Kentucky pardon a question?

Mr. LINDSAY. If the Senator will speak loud enough for me to hear I will yield.

Mr. BUTLER. I notice the Senator refers to the special interests of silver-mine owners; and only this morning I saw the same thing in a leading editorial in the New York World. I suppose the Senator indorses that sentiment, from what he says. The World says that the special beneficiaries of the free coinage of silver would be the Western mine owners. I want to ask the Senator from Kentucky if he believes that the silver-mine owners will be the special beneficiary of the free coinage of silver? I want an answer to that question.

Mr. LINDSAY. Is the Senator through?

Mr. BUTLER. Will the Senator answer yes or no?

Mr. LINDSAY. I will answer the Senator when he gets through. I have the floor, and I propose to make my own answer.

Mr. BUTLER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kentucky yield further to the Senator from North Carolina?

Mr. BUTLER. No; if the Chair will pardon me, the Senator said when I was through he would answer me. Then I wish to continue the question.

Is it not a fact that the silver-mine owner has lost less by the demonetization of silver than either the cotton farmer or the wheat farmer has lost? The cotton farmer has lost at least 50 per cent; the wheat farmer has lost as much; while the mine owner has lost probably only about 25 per cent. The mine owner to-day can dig his silver from the mines and make a profit where he has anything like a fair mine, because labor has fallen in price and the agencies which they use in mining silver have fallen in price. The demonetization of silver has hurt the men the mine owner employs as laborers more than it has hurt the mine owner. If you will remonetize silver to-day the advantage would be twice as great to the farmer of the South and the farmer of the West as it would be to the actual owner and operator of mines. I state that as a fact which can be proven. I state it as something I think the Senator from Kentucky will not deny; and if he does deny it, let us arrive at the truth.

Mr. LINDSAY. That may be a question in North Carolina, but it would be regarded as a stump speech in Kentucky. If the silver miner can make money mining silver when selling 30 pounds of silver for 1 pound of gold, and we remonetize silver so that 16 pounds of silver will buy 1 pound of gold, it occurs to me that there will be a direct gain to the silver miner. But I am not here to balance losses between the wheat farmer and the silver miner, nor to balance possible gains between the silver miner and the wheat farmer. My object has been to prove that the demonetization of silver was not the moving cause of the reduction of prices, and that the remonetization of silver will lead us through a vale of tears and sorrow before it can bring us to a material increase of prices.

As I was proceeding to say when interrupted, it will still be in order to insist that the silver dollar shall be made the commercial equivalent of the gold dollar, and that no unnecessary risk—and that is the point I put it on—that no unnecessary risk shall be taken of bringing the country to silver monometallism in the adjustment of the legal or mintage ratio. It is immaterial whether gold has enhanced or silver depreciated in value. It is certain that for commercial purposes 30 ounces of silver are now equal to only 1 ounce of gold. It is practically certain that free coinage at 16 to 1 by the United States alone will break down the present parity of the two metals, whilst it is at least possible that free coinage at the present commercial ratio may give us real bimetallism and enable us to maintain and preserve it in the future. If the experiment of free coinage must be made, let us take none of the chances for evil that can possibly be avoided. It is the general good we are to care for, and the special interests of the producers and holders of silver bullion are entitled to no consideration when their demands conflict with the common welfare.

The comments of an illustrious predecessor of mine in the Senate, Mr. Beck, upon a free-coinage proposition in 1878 are worthy of being repeated to-day.

What is commonly known as the Bland-Allison bill passed the House of Representatives in the fall of 1877 at a called session of the Forty-fifth Congress, at the time when I believed free coinage would bring the two metals together. It contained a provision for the free coinage of standard silver dollars. When it came to the Senate, Senator Beck, on the 4th day of January, 1878, moved to insert the following amendment, in lieu of the free-coinage provision:

> And the Secretary of the Treasury is directed, out of any money in the Treasury not otherwise appropriated, to purchase from time to time silver bullion at the market price thereof not less than $3,000,000 per month, or as much more as can be coined at the mints of the United States, and cause the same to be coined into such dollars; and any gain or seigniorage arising from this coinage shall be accounted for and paid into the Treasury as provided under existing laws relative to subsidiary coinage: *Provided*, That whenever the market price of silver bullion is such that it can not be purchased by the Secretary of the Treasury as herein provided at less than par with legal-tender notes of the United States, he shall give public notice of that fact, and then any citizen of the United States who is the owner of silver bullion may deposit the same at any United States coinage mint or assay office, to be coined into such dollars for his benefit upon the same terms and conditions as gold bullion is deposited for coinage under existing laws.—*Congressional Record*, second session Forty-fifth Congress, volume 7, page 725.

Whenever silver bullion could not be bought at a discount in legal-tender notes, then the mints might freely coin silver on account of the individual who might bring the bullion to the mint for that purpose.

In the course of the debate Mr. Beck said:

> In the second place, I desire so long as silver bullion can be purchased for less than par in legal-tender notes that the people of the United States shall have the benefit of the seigniorage or gain, and that it shall not go to private individuals.—*Congressional Record*, second session Forty-fifth Congress, volume 7, page 726.

Mr. Beck evidently thought the benefit would go to the silver miner. Again, on February 15, 1878, he said:

> I prefer that the Government of the United States should have whatever seigniorage there may be—and when I say "the Government" I mean, of course, the people—in the purchase of bullion so long as it is worth less than legal-tender notes. It is said to be now 8 per cent or 10 per cent below par. If it is, I am unable to see why any man in Europe or America or any European government shall have the right to furnish bullion to our mints and demand coin for it, when we can buy it 8 per cent cheaper than they offer it in open market.—*Congressional Record*, second session Forty-fifth Congress, volume 7, part 2, page 1004.

Mr. GEORGE. Will the Senator from Kentucky allow me to ask him a question?

Mr. LINDSAY. Certainly.

Mr. GEORGE. Did Mr. Beck in that debate express any opinion as to the probability that the coinage act which he proposed would bring the two metals to a parity?

Mr. LINDSAY. I do not remember that he did. I do not remember the entire speech. He voted for free coinage, however, after making the speech, as Mr. Carlisle voted for the Bland-Allison Act, after making his speech. So Mr. Beck and Mr. Carlisle may set off against each other.

Mr. GEORGE. I inferred from the expression the Senator quoted from Mr. Beck that he believed that that was probable.

Mr. LINDSAY. I think he did believe it.

Mr. GEORGE. At that time.

Mr. LINDSAY. I think he did believe it; but I do not remember that he expressly stated it.

Again, on the same day, Mr. Beck said:

> I spoke fully to this question before, and said then that I did not want the people of the United States to feel the Senate of the United States has allowed any man in California or Nevada or anywhere else, who had an immense amount of bullion, to take possession of the mints of the United States and make a seigniorage of 6 per cent or 8 per cent; and especially I did not want to allow the German Government or any foreign power or citizen to take possession of our mints and have the benefits of that seigniorage, when we could obtain and apply it for the benefit of the taxpayers of the country.

In 1878 Mr. Beck advocated the free coinage of silver, when it could not be purchased in the market at less than par with legal-tender notes, and objected to its free coinage in any other contingency. He did not see why "any man in Europe or America, or any European government," should "have the right to furnish bullion to our mints and demand coin for it, when we can buy it 8 per cent cheaper than they offer it in open market."

Mr. Beck was the friend and champion of silver coinage. I commend his words to the consideration of those who now insist that all owners of silver bullion shall have the right to furnish it to our mints and demand coin for it when it can be bought 47 per cent cheaper in the open markets.

Mr. President, I am free to say to-day if I believed with reasonable certainty that the free coinage of silver at 16 to 1 would bring the two metals together, I would yield my judgment to what may be the better judgment of those with whom I am politically associated. But I do not believe free coinage at 16 to 1 will bridge the chasm that now lies between gold and silver, and not believing that it will, it is my duty as a Senator to give to the Senate and to the people I represent my best judgment upon this great question. I am not here to make a record, but if I were engaged in the business of making a record the only record I think any man would look upon with pleasure in the future would be that which comes from honest dealing on his part with those for whom he is commissioned to act.

This great question will be settled this year, I hope. One party or the other will declare for or against free silver coinage at 16 to 1 in unmistakable terms. The people at the polls, enlightened as best they may enlighten themselves, will pass upon that great question, and when their judgment has been pronounced and their will declared, then that obedience which follows the deliberately expressed will of the people in the American Government will be yielded.

My object has been to show that the contention that low prices come from the present standard is not warranted by the facts and to show, as I believe the truth to be, that the legislative step from our present standard to the unlimited coinage of silver at 16 to 1 is an experiment so reckless that the American people ought not to be asked to make it if there be any ratio at which silver may be freely coined which is reasonably secure against the dangers I apprehend.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. CULLOM. I move that the Senate proceed to the consideration of the conference report on the legislative, executive, and judicial appropriation bill.

The motion was agreed to; and the Senate proceeded to the consideration of the following report:

> The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 6248) making appropriations for the legislative, executive, and judicial expenses of the Government

for the fiscal year ending June 30, 1897, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 38, 142, 309, 310, and 314.

That the House recede from its disagreement to the amendments of the Senate numbered 11, 12, 13, 19, 108, 109, 144, and 313, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Three laborers, at $840 each; twenty-two"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$120,784"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with amendments as follows: In lieu of the number proposed insert "thirty"; and on page 9 of the bill, after the word "each," where it first occurs in line 5, insert "seven privates, at $60 each"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with amendments as follows: In lieu of the sum proposed insert "$32,120"; and on page 9 of the bill, at the end of line 8, insert the following: "And hereafter the Capitol police, under the direction of the Sergeant-at-Arms of the Senate and of the House of Representatives and of the Architect of the Capitol, shall police the Capitol building and the Capitol Grounds"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: In lieu of the number proposed insert "twelve"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$10,800"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following:

"*Provided*, That the next session of the legislative assembly of the Territory of New Mexico shall commence on the third Monday in January, 1897, and each succeeding session thereof shall commence on the third Monday in January of every odd-numbered year thereafter: *Provided further*, That no other officer of either house of said legislative assembly shall be elected or appointed, or paid out of any moneys appropriated by the Congress of the United States or by the legislative assembly of said Territory, than such as may be provided for by the laws of the United States, except a translator and an interpreter."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 238, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$5,500"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 305, and agree to the same with an amendment as follows: Restore the section proposed to be stricken out by said amendment, amended to read as follows:

"SEC. 19. That the terms of office of all commissioners of the circuit courts heretofore appointed shall expire on the 30th day of June, 1897; and such office shall on that day cease to exist, and said commissioners shall then deposit all the records and other official papers appertaining to their offices in the office of the clerk of the circuit court by which they were appointed. All proceedings pending, returnable, unexecuted, or unfinished at said date before any such commissioner shall be continued and disposed of according to law by such commissioner appointed as herein provided, as may be designated by the district court for that purpose. It shall be the duty of the district court of each judicial district to appoint such number of persons, to be known as United States commissioners, at such places in the district as may be designated by the district court, which United States commissioners shall have the same powers and perform the same duties as are now imposed upon commissioners of the circuit courts. The appointment of such United States commissioners shall be entered of record in the district courts, and notice thereof at once given by the clerk to the Attorney-General.

"That such United States commissioners shall hold their offices, respectively, for the term of four years, but they shall be at any time subject to removal by the district court; and no person shall at any time be a clerk or deputy clerk of a United States court and a United States commissioner without the approval of the Attorney-General: *Provided*, That all acts and parts of acts applicable to commissioners of the circuit courts, except as to appointment and fees, shall be applicable to United States commissioners appointed under this act.

"Warrants of arrest for violations of internal-revenue laws may be issued by United States commissioners upon the sworn complaint of a United States district attorney, assistant United States district attorney, collector or deputy collector of internal revenue, or revenue agent, or private citizen; but no such warrant of arrest shall be issued upon the sworn complaint of a private citizen unless first approved in writing by a United States district attorney.

"That United States commissioners and all clerks of United States courts are hereby authorized to administer oaths."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 306, and agree to the same with an amendment as follows: Restore the section proposed to be stricken out by said amendment, amended to read as follows:

"SEC. 20. That no marshal or deputy marshal, attorney or assistant attorney of any district, jury commissioner, clerk of marshal, no bailiff, crier, juror, janitor of any Government building, nor any civil or military employee of the Government, except as in this act provided, and no clerk or employee of any United States justice or judge shall have, hold, or exercise the duties of the United States commissioner. And it shall not be lawful to appoint any of the officers named in this section receiver or receivers in any case or cases now pending or that may be hereafter brought in the courts of the United States."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 307, and agree to the same with an amendment as follows: Restore the section proposed to be stricken out by said amendment, amended to read as follows:

"SEC. 21. That each United States commissioner shall be entitled to the following-named fees, and none other: Drawing a complaint, with oath and jurat to same, 50 cents; copy of complaint, with certificate to same, 30 cents; issuing warrant of arrest, 75 cents; issuing a commitment and making copy of same, $1; entering a return, 15 cents; issuing subpœna or subpœnas in any one case, with 5 cents for each necessary witness in addition to the first, 25 cents; drawing a bond of defendant and sureties, taking acknowledgment of same and justification of sureties, 75 cents; for administering an oath (except to witness as to attendance and travel), 10 cents; recognizance of all witnesses in a case, when the defendant or defendants are held for court, 50 cents; transcripts of proceedings, when required by order of court, and transmission of original papers to court, 60 cents; copy of warrant of arrest, with certificate to same, when defendant is held for court and the original papers are no sent to court, 40 cents; order in duplicate to pay all witnesses in a case: For first witness, 30 cents, and for each additional witness, 5 cents, and for oath to each witness as to attendance and travel, 5 cents; for hearing and deciding on criminal charges and reducing the testimony to writing when required by law or order of court, $5 a day for the time necessarily employed: *Provided*, That not more than one per diem shall be allowed in a case, unless the account shall show that the hearing could not be completed in one day, when one additional per diem may be specially approved and allowed by the court: *Provided further*, That not more than one per diem shall be allowed for any one day: *Provided further*, That no per diem shall be allowed for taking a bond or recognizance and passing on the sufficiency of the bond or recognizance and the sureties thereon when the bond or recognizance was taken after the defendant had been committed to prison upon a final commitment, or has given bond or been recognized for his appearance at court, or when the defendant has been arrested on a capias or bench warrant, or was in custody under any process or order of a court of record. For the examination and certificate in cases of application for discharge of poor convicts imprisoned for nonpayment of fine or fine and costs, and all services connected therewith, $3; for attending to a reference in a litigated matter, in a civil cause at law, in equity, or in admiralty, in pursuance of an order of the court, $3 a day; for taking and certifying depositions to file in civil cases, 10 cents for each folio; for each copy of the same furnished to a party on request, 10 cents for each folio; for issuing any warrant under the tenth article of the treaty of August 9, 1842, between the United States and the Queen of the United Kingdom of Great Britain and Ireland, against any parties charged with any crime or offense set forth in said article, $2; for issuing any warrant under the provision of the convention for the surrender of criminals between the United States and the King of the French, concluded at Washington November 9, 1843, $2; for hearing and deciding upon the case of any person charged with any crime or offense, and arrested under the provisions of said treaty or of said convention, $5 a day for the time necessarily employed.

"Such commissioners shall keep a complete record of all proceedings before them in criminal cases, in a well-bound book, which record book shall be delivered to and preserved by the clerk of the district court for such district on the death, resignation, removal, or expiration of term of the commissioner, for which record the commissioner shall receive no compensation."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 308, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"SEC. 22. That it shall be the duty of the Attorney-General of the United States to make an investigation as respects the compensation to be paid, by salary or otherwise, to clerks of the United States circuit and district courts; and he shall report on the first day of the next session of the present Congress a plan for fixing such compensation for the clerks of the several courts of the United States as he may deem just, and he shall also recommend with his report such provisions as may to him seem proper touching their appointment and the performance of their duties."

And the Senate agree to the same.

S. M. CULLOM,
H. M. TELLER,
F. M. COCKRELL,
Managers on the part of the Senate.

HENRY H. BINGHAM,
ALEXANDER M. DOCKERY,
JNO. E. McCALL,
Managers on the part of the House.

Mr. HARRIS. I rise for the purpose of asking the Senator from Illinois if he will conclude to allow the report to go over? It is now 5 o'clock, and I want to move an executive session, because there are some matters that ought to have consideration, and it may take some little time to dispose of them.

Mr. CULLOM. I would be glad to accommodate the Senator, but I am not sure that I can be here to-morrow.

Mr. HARRIS. I have no personal interest in matters ahead of us.

Mr. CULLOM. I think it will take but a little while to dispose of the report.

Mr. HARRIS. I waive all objection and acquiesce.

Mr. CULLOM. If the Senate will allow me, I will state that the report, except as to two or three items, has already been read.

Mr. HARRIS. Perhaps the Senator can point out those items and obviate the necessity of reading the report.

Mr. CULLOM. That I propose to do. The amendment numbered 38 is the first one, I believe, which was in controversy when the report was before the Senate some days ago. I can state what the amendment is. It is the amendment in relation to the copyright provision, which was under consideration here, and the judgment of the Senate, I think, was that it ought not to be in the bill. The Secretary can read that amendment very quickly if it is desired.

Mr. COCKRELL. It is receded from.

Mr. CULLOM. I was going to say that amendment is receded from. The amendment in relation to New Mexico was changed in this respect. The amendment as previously agreed to fixed the time for the meeting of the legislature as the third Monday of February. The amendment as agreed to by the last conference fixed the time as the third Monday of January.

Then in the provision in relation to commissioners of United States circuit courts, the time when their terms shall expire is extended from the 1st day of January, as agreed to heretofore, to the 30th of June, 1897. In the clause providing that the places shall be designated by the Attorney-General where commissioners

shall be appointed, the words "Attorney-General" were stricken out and the "district court" inserted in lieu.

Then in section 20, where the words "or deputy clerk of the circuit court or district court" occur, they were stricken out, so that they, as well as the clerks, may, with the approval of the Attorney-General, act as commissioners as well as be deputy clerks.

Those are practically all the changes which are made by the last conference report. Those provisions can be read if the Senate desires them to be read, but that is all there is in controversy between the two Houses at this time, except that the whole conference report, of course, has to be concurred in, because the provisions as to clerks and many other matters about which there has been no controversy between the two Houses for some time are involved in the report, inasmuch as the report was rejected by the Senate last time. I hope the subject will be disposed of without delay.

Mr. PLATT. I should like to have section 19 read as it will read if the conference report is adopted.

The Secretary read as follows:

SEC. 19. That the terms of office of all commissioners of the circuit courts heretofore appointed shall expire on the 30th day of June, 1897; and each office shall on that day cease to exist; and said commissioners shall then deposit all the records and other official papers appertaining to their offices in the office of the clerk of the circuit court by which they were appointed. All proceedings pending, returnable, unexecuted, or unfinished at said date before any such commissioner shall be continued and disposed of according to law by such commissioner appointed as herein provided as may be designated by the district court for that purpose. It shall be the duty of the district court of each judicial district to appoint such number of persons, to be known as United States commissioners, at such places in the district as may be designated by the district court, which United States commissioners shall have the same powers and perform the same duties as are now imposed upon commissioners of the circuit courts. The appointment of such United States commissioners shall be entered of record in the district courts and notice thereof at once given by the clerk to the Attorney-General. That such United States commissioners shall hold their offices, respectively, for the term of four years, but they shall be at any time subject to removal by the district court; and no person shall at any time be a clerk or deputy clerk of a United States court and a United States commissioner without the approval of the Attorney-General: *Provided*, That all acts and parts of acts applicable to commissioners of the circuit courts, except as to appointment and fees, shall be applicable to the United States commissioners appointed under this act.

Mr. PLATT. No change has been made in the rest of the section, and it is not necessary to read further.

Mr. CULLOM. No.

Mr. HILL. Mr. President, I am opposed to the conference report and shall vote against it. I am opposed to it for the reasons which I briefly stated the other day, and which I beg the liberty of repeating.

I am opposed to any change in the time for the meeting of the legislature of New Mexico. The change originally proposed was from the first Monday of December until some time in May. It has now been modified by repeated conference reports until the third Monday in January is fixed upon. I am opposed to it for the reason that I do not think there is any necessity for the change. No good reason has been given for it. It is, in my judgment, political in its character and ought not to have been entertained at all, or at least it should not have been entertained on an appropriation bill.

In the second place, I am opposed to the wholesale removal from office of United States commissioners. The mere change of date, declaring that the removal shall not take effect until June, 1897, instead of December, amounts to nothing. It is the fact that every four years these commissioners are to apply to the United States district judge for reappointment. I do not think it is a wise policy. The plan now proposed to be entered upon will not, in my judgment, prove satisfactory.

A modification has been made so that a clerk of a United States court can be appointed United States commissioner, and a deputy clerk can also now be appointed, with the approval of the Attorney-General. I had hoped that it might provide that one approval would be sufficient, but it has been left by the conference committee so that an approval has to be obtained every four years.

These in brief are my objections. I explain them so that they may go upon record. I do not care to call for the yeas and nays unless some other Senator desires it. I will content myself with voting against it, and I presume probably at this stage of the session the report will have to be adopted. Whatever disposition the Senate shall make of it I shall be content, and I shall simply vote against concurring in the report.

Mr. PLATT. Mr. President, for the reasons so well though briefly stated by the Senator from New York [Mr. HILL] I wish in some way to declare my opposition to the provision relating to the wholesale removal of commissioners of the circuit courts of the United States. I think it is unparalleled in the history of legislation, and it can only be done in the Senate, in my judgment, because it has been put upon an appropriation bill, and we can not support the Government unless we accede to the provision.

Legislating out of office with one sweep of the pen 500 commissioners, most of whom are not only reputable men but valuable officers of the United States, and providing that their places shall be filled by a different appointing power, as I believe, in many instances by utterly inexperienced men, it seems to me is the most reprehensible legislation on principle that I have almost ever known, indeed ever known, in the Senate. But I recognize the situation. It only illustrates more forcibly than I have ever been able to illustrate in language the vice of general legislation upon appropriation bills. I do not care to call for the yeas and nays, but I wish it understood that I am opposed to the action of the conference committee.

Mr. CHANDLER. Mr. President, I call the attention of the Senate to the fact that we are to legislate all these commissioners out of office without one particle of reason assigned. No specific fact is assigned for this wholesale decapitation. It has been suggested by Senators who have advocated this clause that some commissioners somewhere are old fogies; that they have become decrepit; that they have got into old ruts, and ought to be got rid of in some way. That is the sole suggestion which has been made. There has not been a single commissioner called by name—not one. There has not been a part of the country mentioned where the commissioners are who ought to be legislated out of office, and on this general statement, absolutely general, that somewhere there are commissioners who ought not to remain in office, we must make this wholesale removal.

Every one of the commissioners can be removed to-morrow by the circuit court which appointed him, and there is the place to go for reform in this connection. It is an imputation upon the circuit judges of infidelity to duty and of cowardice to say that they do not dare remove these commissioners, and that objectionable commissioners, somewhere in this country, nobody knows where, are more powerful than the circuit judges. It is a cowardly act on our part to make the wholesale removal in this way by a clause upon an appropriation bill, and I wish that the Senate would vote down the conference report and instruct the conferees to insist upon it that so great an injustice to this very excellent body of men over this country shall not be perpetrated if the Senate of the United States can prevent it.

Mr. VILAS. I should like to ask if the provision with reference to the fees of commissioners has been kept in the bill as now reported?

Mr. CULLOM. The provision in reference to fees is not exactly as it came from the other House. It has been changed by the Senate, and especially, I think, by the Judiciary Committee of the Senate, and the Senate conferees take it in that shape.

Mr. VILAS. I am a member of the Judiciary Committee, and was never aware of that.

Mr. CULLOM. There are very few changes in relation to fees, however.

Mr. TELLER. Will the Senator from Wisconsin allow me?

Mr. VILAS. Certainly.

Mr. TELLER. I will state that there are only two changes which amount to anything, and those were made at the request of the Attorney-General, who appeared before the Appropriations Committee. They were as to the per diem.

Mr. VILAS. What is the change as to the per diem?

Mr. TELLER. In one case it was $1.50 and it was made $3, and in another place it was $3 and it was made $5. Otherwise the fees are fixed by the Attorney-General.

Mr. PLATT. They do not differ very much.

Mr. VILAS. The fees are as they have been in the past?

Mr. PLATT. They do not differ greatly from the fees at present allowed.

Mr. TELLER. No; I understand they do not differ very materially.

Mr. VILAS. It seems to me a very extraordinary way of legislating to affix a new fee measure upon an appropriation bill of this kind.

Mr. TELLER. It is.

Mr. VILAS. What changes in the present law in reference to commissioners are made by the amendment except to legislate out of office all those who are now in and to provide that the district judge shall appoint for four years, instead of leaving the power of appointment and removal as it now is, with the circuit judges?

Mr. CULLOM. There is not very much change. The present law provides for the appointment of commissioners by the circuit court. The Senator knows that nearly all the business of the circuit court and the district court in the several districts is now conducted by the district judge. He acts as the district judge and circuit judge on the same day, in many instances, and nearly all the business of the commissioners comes under the eye and the supervision of the district court. Therefore it was that the committee believed it was better to change the law so as to provide for the appointment of the commissioners by the district court instead of by the circuit court. The House passed the bill—if I may be allowed to refer to the House—fixing the time on the 1st day of July of this year. The Senate in the first instance changed the time to the 31st day of December of this year. In the last consideration of the bill by the conferees of the two Houses we extended the time to the 30th of June, 1897, a year from the coming June.

Those are all the changes, except that the original provision required that—

It shall be the duty of the district court of each judicial district to appoint such number of persons, to be known as United States commissioners, at such places in the district as may be designated by the Attorney-General.

The conferees thought it was not necessary that the Attorney-General should have the power of designation, but that it belonged more properly to the district court holding the court where the commissioners are serving. That is the only change that has been made by the conferees of the two Houses since the bill was first reported and passed, except as indicated in reference to fees by the Senator from Colorado [Mr. TELLER], who is one of the conferees.

As I said a while ago, there was some complaint that it was very convenient to have deputy clerks act as commissioners; that they made very good commissioners, and ought to be eligible to appointment as commissioners, as heretofore, as well as clerks; and the conferees in the last consideration of the matter not only provide that clerks shall be eligible to be appointed as commissioners, but that the deputy clerks of the United States courts shall also be eligible upon the approval of the Attorney-General. That is the way the bill stands now.

Mr. VILAS. Mr. President——

Mr. TELLER. Will the Senator from Wisconsin allow me to make a statement?

Mr. VILAS. Certainly.

Mr. TELLER. I think the Senate ought to understand exactly the history of the provisions respecting commissioners.

The other House sent to us a very sweeping provision for a change as to district attorneys, marshals, and commissioners. The Committee on the Judiciary, which took the question of fees under consideration, I think pretty generally were opposed to touching the matter of commissioners at all. The Appropriations Committee were unanimously opposed to it. We struck it out of the bill. But we found when we came to deal with the conferees on the part of the House that it was one of the things they would insist upon. We found also that, while we had prepared a provision to the effect that the Attorney-General should report to Congress a suitable list of fees for commissioners, the present fee measure as it is now in the bill was prepared at the Attorney-General's Office. We made the two changes I have mentioned, raising the per diem in two cases at the suggestion of the Attorney-General. We found the House determined to adhere to that, and we were reluctantly compelled to accede. We attempted then to get rid of the term of four years, which was somewhat objectionable, as we knew, in the Senate, and we found the House conferees determined not to yield upon it. We undertook then to get rid of the objectionable feature, as stated by the Senator from New Hampshire [Mr. CHANDLER], the Senator from New York [Mr. HILL], and the Senator from Connecticut [Mr. PLATT], legislating these people out of office. We found that that was a matter which the House conferees were determined not to yield.

So far as I am concerned as a member of that committee, I was in favor of trimming the provision in the way suggested by the Senator from New York, the Senator from New Hampshire, and the Senator from Connecticut, if I could have had my way. I do not know whether we could secure a change if we should hang out long enough, but it did not seem to me as if we were getting any nearer to it by the efforts we made. We finally thought that if we postponed it for a year the probability was that all the good officers would be reappointed and would continue in office, and if there were any poor and inefficient ones they might be dropped out.

Mr. GRAY. May I ask the Senator from Colorado whether the other House had provided salaries instead of fees for commissioners?

Mr. TELLER. No. They have compiled a list of fees, and in the two exceptions I have mentioned we raised the fees from $3 to $5 per diem in one case, and from $1.50 to $3 in another.

Mr. GRAY. Was it not alleged that in certain sections of the country there were abuses of the fee system running up to $20,000 a year in some cases?

Mr. TELLER. There were complaints, but it was thought that if the commissioners were put under the control of the district judges, who are close to them and know something of their work, there probably would not be very much more abuse. It seemed utterly impossible for us to deal with the subject and to fix their salaries. We did not know how to do it; I do not know how we could do it, and the Department of Justice was not willing to assist us in doing that, at least. I do not see that we are liable, if the report is rejected, to come any nearer to obviating the objections that are raised here than we are now.

Mr. VILAS. I am entirely unable to see from the statements made by the distinguished Senators who have managed the conference on the part of the Senate any substantial gain or advantage that is to be expected from this legislation or any reason why the Senate should yield that reasonable position which it took when, objecting very strenuously to the legislation, it insisted that it should not find its enactment upon an appropriation bill. Nor do I see any reason why the House should be yielded to in respect to a matter of this kind.

Mr. CULLOM. Will the Senator from Wisconsin allow me?

Mr. VILAS. Let me add a word.

Mr. CULLOM. Certainly.

Mr. VILAS. If I understand it, the provision simply means that we first declare to be legislated out of office on the 1st of July next all of the present commissioners, but we leave it to the judges to reappoint them?

Mr. CULLOM. Undoubtedly.

Mr. VILAS. In fact, the district judges have always made the appointments?

Mr. CULLOM. Probably that is true.

Mr. VILAS. The same authority is simply asked once in four years to reappoint the same men. If they ought to be removed, as was well stated by the Senator from New Hampshire, there exist now in the judges both the obligation and the power of removal. Perhaps it is in the circuit judge under the law now. It is true that the district judge usually holds the circuit court now.

I wish to remark, in this connection, that the legislation which was enacted in 1891 for the circuit courts of appeals in this country, seems to me to have worked one very unfortunate result. It has practically deprived the circuit courts of the country of the useful and advantageous service of the circuit judges. When we had only one circuit judge in a circuit we used to have our circuit courts held by circuit judges, and occasionally the justice of the Supreme Court assigned to the circuit participated in holding the court; a very great advantage to the administration of justice. Now, by this system, as the circuit judges have seen fit to construe it in operation, they have deprived the circuit courts of any circuit judges, and they have limited themselves, as I understand it, to the duty of holding the circuit courts of appeals. We have relieved the Supreme Court, not by creating one additional court to take off the extra business, but we have set up nine different courts throughout the United States to do the business only of the surplus accumulation of the Supreme Court, and instead of having one court which will hold a uniform line of decisions, we have now nine separate courts falling into differences of opinion.

Mr. TELLER. If the Senator will allow me, I should like to indorse what he has so well stated in this connection. I think we made a great mistake when we organized the circuit courts of appeals in the way we organized them. In my judgment, the time is not far ahead of us when we will have to make some reformation in that particular.

In the first place, we have nine courts. They are not always agreed as to the decisions they make. Sometimes one makes a decision in one way, and another in another; but we are met now, I think, with the simple question whether under the present conditions the district judge must not hold the court, and there does not seem to be an opportunity for the circuit judges. I do not think they are trying to shirk duty or anything of that kind; but there is work enough put on them. There is more appellate work than there would be if the cases had to come to the Supreme Court of the United States, and there is work enough put on these judges in their various circuits, so that I think they are occupied practically all the time. We shall never have the benefit of the circuit judge any more unless we increase their number very materially.

Mr. VILAS. If the Senator will permit me to interrupt him, I understand the main reason why the circuit judges now decline to hold any circuit courts is because of that provision in the act constituting the circuit courts of appeals which forbids the judge who tried the case below to sit in banc when the case is heard there on appeal or writ of error.

Mr. TELLER. I do not know how it is in other circuits, but I do know as to the eighth circuit, which I know more about than any other. I do not think the circuit judges have the time to hold circuit courts there. It may be otherwise in other circuits. I will say for the judges of that circuit that if they give attention to appellate duties it is all they should be asked to do.

Mr. CHANDLER. In view of what has been said by the Senator from Colorado [Mr. TELLER] and the Senator from Wisconsin [Mr. VILAS] about the injurious results which have come from creating the circuit courts of appeals, it seems to me it would be well to disagree to this conference report and let the conference committee insert some clause which will reconstruct the circuit courts of appeals and cure these defects in our administration of justice. That would be as exactly legitimate legislation upon an appropriation bill as is the clause which has led to this discussion.

I can understand how the conferees on the part of the Senate should yield to the conferees on the part of the House in reference to the fees of United States commissioners, because those fees result in the expenditure of money, and there may properly be a regulation of the expenditure of money upon an appropriation bill. There may be legislation incidental to an appropriation, very

broad legislation incident to an appropriation, upon an appropriation bill. We understand that perfectly well. But this clause for the removal of the court commissioners has not an appropriation in it from one end to the other. The first sentence provides for the removal of the present commissioners on the 31st day of December, 1896, and the last clause is a provision that warrants shall not issue upon the complaint of a private citizen without the consent of the district attorney.

There is not anywhere within the four sides of this report an appropriation of a single dollar of money or any reference whatever to the expenditure of money. It is a naked sword blade inserted into this appropriation bill to cut off the heads of the commissioners, a few of whom ought to be removed, whom the judges, it is said, have not the moral courage to remove, and because the judges who appointed them do not dare to remove them, we forsooth, by legislation upon an appropriation bill, are to cut off their heads all at once.

I repeat, Mr. President—and I call the point especially to the attention of the Senate and of the committee—that there can be no objection whatever to the Senate saying absolutely, "We will not agree to this clause, because it has nothing whatever to do with appropriations." The Senate committee could not well have said that, as I have remarked, as against any appropriation where there was a mere difference as to the size of an appropriation, whether it should be large or whether it should be small, or how it should be expended. In that case the Senate committee would not be authorized to say, "The Senate will not agree, and we will let the bill fail unless the House will recede"; but upon a clause of this kind, which is absolutely vicious legislation, which might just as well annihilate the circuit courts themselves—upon a clause of this kind being presented by the House of Representatives, I submit, Mr. President, that a case is given to us where we are at liberty to say, and where we ought to say, "If you do not recede from this anomalous attempt to legislate there shall be no sundry civil appropriation bill at this session of Congress." I think that may be said without any encroachment upon the rights of the House of Representatives.

Mr. PLATT. I do not want to prolong this debate, but I want to call attention to one result of the conference report, as illustrating the beauties of legislation by conference reports.

Here are the circuit court commissioners, who, the House says, must be legislated out of office, and the House insists upon it. The Senate insists that it ought not to be done upon this bill, and on another bill I am satisfied the Senate would not permit it. Then the conferees get together and they begin to compromise, and our conferees secure the great boon of having these wicked people continue in office a year longer. That is all the conference committee has been able to accomplish.

If these officers ought to be turned out, why not turn them out? I think the House position was right; if they ought to be turned out, let them go on the 1st of July. What is to be gained, what have the conferees gained, what does the Senate gain, what does the country gain, by wresting from the House conferees the privilege of allowing these wicked officers to continue in office for another year?

Mr. CULLOM. Mr. President, I do not care to take up the time of the Senate in further discussion of this report. This is the fourth report which has been made to this body regarding this bill, the one before this having been rejected by the Senate. There were modifications of the bill by the last committee of conference, and we did the best we could.

I wish to say again that all this legislation about marshals and attorneys and commissioners was not the seeking of the conferees on the part of the Senate on this bill. Senators have talked about the subject as though the conferees on the part of this body had discovered this legislation, brought it in here, and forced it upon the Senate. They have not done any such thing. The Senate conferees have dealt with the whole subject as best they could. We have, after a good deal of controversy, arrived at an agreement in reference to attorneys and marshals by a compromise as to their fees or salaries.

I hoped at the beginning that we should get rid of the question of commissioners. As Senators know, we have rejected and refused to agree to it two or three times; but finally we have modified it as well as we could, and arrived at an agreement. I hope that this example will be remembered by the Senate, so that hereafter no such general legislation will be allowed to go upon an appropriation bill. That is where we ought to stand, and I think it is where the Senate ought to have stood first.

Mr. CHANDLER. Why not stand upon it now?

Mr. CULLOM. We have come so near to the jumping-off place that there is no occasion to make any further fuss about it, in my opinion. I will say, now that we have come to this point, that I hope the Senate will approve the report and let the bill go to the President.

Mr. CHANDLER. One word, Mr. President. If this report is now adopted, I personally am a great deal worse off than I should have been if the last report had been adopted, because on this last conference the Senate committee has given away the provision for a register of copyrights, which was about the only good thing there was in the former report, and of which I am very much in favor. That is given away, and this clause, to which I am very much opposed, is agreed to by the conferees.

Mr. TELLER. The copyright provision was given away on constitutional grounds.

Mr. CHANDLER. I do not understand why the Senate committee felt obliged to give away the copyright provision. I think that was a provision inserted originally by the House of Representatives, was it not?

Mr. CULLOM. No.

Mr. TELLER. By the Senate.

Mr. CULLOM. It was our own provision.

Mr. CHANDLER. Very good. That makes the case worse. There does not seem any fair give and take about the conference at all. The provision, which had been carefully drawn up by the Senate for the purpose of restoring order to the copyright department of the Librarian's office—a very wise provision, as I conceive, notwithstanding the constitutional doubts which were raised by eminent constitutional lawyers upon this floor—has gone in this conference. The conferees agreed to it before, but now that is gone—I can not understand how that happened—and this very objectionable provision for cutting off the heads of United States commissioners remains. I can not understand what could have come over the spirit of the dreams of these conferees when they went into this last conference, to be hoodooed by the House members of the conference.

Mr. CULLOM. The Senate rejected the last report by the help of the Senator because that provision was unconstitutional.

Mr. CHANDLER. I suppose the object is to teach us to vote for the first conference report which we can get, so as not to be put in the condition where, like the Sibylline books, the price is advanced at every offer.

But, in spite of all that, I do not make an appeal here to the Senate not to do this great injustice to these circuit court commissioners, not to put the stigma upon them which will follow every one of them as long as he lives, that he belonged to such a vicious body of judicial or semijudicial officers that they were all removed at one fell swoop by a conference committee.

The VICE-PRESIDENT. The question is on concurring in the report of the committee of conference.

The report was concurred in.

INDIAN APPROPRIATION BILL.

Mr. PETTIGREW. I wish to make a report, in order to have it printed and considered to-morrow, from the committee of conference on the Indian appropriation bill. I ask that it may be printed in the RECORD and as a document.

The VICE-PRESIDENT. It will be so ordered, in the absence of objection.

The report is as follows:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 6249) making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1897, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 66.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with amendments as follows: Add at the end of said amendment the following:

"That said commission is further authorized and directed to proceed at once to hear and determine the application of all persons who may apply to them for citizenship in any of said nations, and after such hearing they shall determine the right of such applicant to be so admitted and enrolled: *Provided, however*, That such application shall be made to such commissioners within three months after the passage of this act. The said commission shall decide all such applications within ninety days after the same shall be made. That in determining all such applications said commission shall respect all laws of the several nations or tribes, not inconsistent with the laws of the United States, and all treaties with either of said nations or tribes, and shall give due force and effect to the rolls, usages, and customs of each of said nations or tribes: *And provided further*, That the rolls of citizenship of the several tribes as now existing are hereby confirmed, and any person who shall claim to be entitled to be added to said rolls as a citizen of either of said tribes and whose right thereto has either been denied or not acted upon, or any citizen who may within three months from and after the passage of this act desire such citizenship, may apply to the legally constituted court or committee designated by the several tribes for such citizenship, and such court or committee shall determine such application within thirty days from the date thereof.

"In the performance of such duties said commission shall have power and authority to administer oaths, to issue process for and compel the attendance of witnesses, and to send for persons and papers, and all depositions and affidavits and other evidence in any form whatsoever heretofore taken where the witnesses giving said testimony are dead or now residing beyond the limits of said Territory, and to use every fair and reasonable means within their reach for the purpose of determining the rights of persons claiming such citizenship, or to protect any of said nations from fraud or wrong, and the rolls so prepared by them shall be hereafter held and considered to be the true and correct rolls of persons entitled to the rights of citizenship in said several tribes: *Provided*, That if the tribe, or any person, be aggrieved with the decision of the tribal authorities or the commission provided for in this act, it or he may appeal from such decision to the United States district court: *Provided, however*, That the appeal shall be taken within sixty days, and the judgment of the court shall be final.

"That the said Commission, after the expiration of six months, shall cause a complete roll of citizenship of each of said nations to be made up from their

records, and add thereto the names of citizens whose right may be conferred under this act, and said rolls shall be, and are hereby, made rolls of citizenship of said nations or tribes, subject, however, to the determination of the United States courts, as provided herein.

"The Commission is hereby required to file the lists of members as they finally approve them with the Commissioner of Indian Affairs, to remain there for use as the final judgment of the duly constituted authorities. And said Commission shall also make a roll of freedmen entitled to citizenship in said tribes, and shall include their names in the list of members to be filed with the Commissioner of Indian Affairs. And said Commission is further authorized and directed to make a full report to Congress of leases, tribal and individual, with the area, amount, and value of the property leased and the amount received therefor, and by whom and from whom said property is leased, and is further directed to make a full and detailed report as to the excessive holdings of members of said tribes and others.

"It is hereby declared to be the duty of the United States to establish a government in the Indian Territory which will rectify the many inequalities and discriminations now existing in said Territory, and afford needful protection to the lives and property of all citizens and residents thereof.

"Sisseton and Wahpeton Indians: That all the interest due the Sisseton and Wahpeton Indians on March 3, 1896, is hereby appropriated to be paid at once in cash per capita; and hereafter all interest on the permanent fund of said Indians, after deducting the amount expended for education, shall be paid in cash per capita on the 1st day of November of each year.

"Seneca Nation of Indians: That the Secretary of the Interior be, and he hereby is, authorized and directed to ascertain and report to Congress a detailed statement of all the leases made and entered into by the Seneca Nation of Indians, with all persons or corporations, of all lands in the Allegany Indian Reservation in the State of New York, giving an itemized statement of each and every lease now in existence or force, with the date and terms of each lease, and amount or amounts due on each lease."

And the Senate agree to the same.

On amendments numbered 64, 69, and 70 the committee of conference has been unable to agree.

R. F. PETTIGREW,
H. M. TELLER,
F. M. COCKRELL,
Managers on the part of the Senate.

J. S. SHERMAN,
CHARLES CURTIS,
GEO. C. PENDLETON,
Managers on the part of the House.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. ALLISON. Mr. President, I venture, notwithstanding the lateness of the hour, to ask the Senate to consider the conference report on the sundry civil appropriation bill, which has been printed. I think it will take but a few moments.

There being no objection, the Senate proceeded to consider the report of the committee of conference on the bill (H. R. 7664) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes.

Mr. ALLISON. This conference report is substantially the same report which was agreed to by the Senate a few days ago. The report was voted down in the other House on account of some items it contained. After it was voted down the House took a vote on several matters that were still in controversy, and agreed to certain Senate amendments. The first of these amendments is the one numbered 11, relating to the Los Angeles public building. They agreed also to amendment No. 14, being the St. Albans public building. They also agreed to the amendments of the Senate respecting the Washington City public building. They also agreed to the amendment relating to the Government Printing Office, thus eliminating from future conferences those amendments.

Under the persuasive eloquence of my friend from Florida [Mr. PASCO], transmitted through the CONGRESSIONAL RECORD, the House conferees were convinced that the amendment inserted by the Senate respecting the cemetery in Florida should be agreed to, and instead of the $1,500 which we had compromised on, the House conferees have now agreed to recede from that amendment.

The Senate receded from amendment numbered 183, being the amendment inserted by the Senate relating to the historical publications of General McBride.

The House agreed to recede from amendments numbered 115, 120, 138, 139, 142, 143, and 145, all of which were disagreements in the last conference report and voted down in the other House. The series of amendments I have just named were amendments where we had increased the several items for river and harbor improvements, which will interest the Senator from Pennsylvania and other Senators.

I omitted to mention also that the other House agreed to recede from their disagreement to amendment numbered 190, which is, I think, an amendment relating to the improvement at Mobile, which was also in disagreement in the former conference report.

With the exceptions I have named, I believe all the amendments already agreed to by the Senate are included in this conference report.

Mr. PLATT. What is disagreed to?

Mr. ALLISON. There are a number of amendments still in disagreement, namely, all the amendments, except those I have named, relating to public buildings. I need not enumerate those public buildings. There are perhaps ten or a dozen of them. There are also a number of minor amendments.

The only disagreements of importance, except as to the public buildings, are the amendments proposed by the Senate relating to the lighting and ventilation of the Capitol and the Capitol Grounds. Those are still in dispute.

The Senate also inserted a provision enabling the Government of the United States to take part in the Belgian International Exposition at Brussels, which is to take place next year. The House of Representatives still insists that that amendment should be receded from by the Senate.

There are also the two amendments relating to Garfield and Providence hospitals in this city which are still in disagreement, the House refusing to accede to the proposal of the Senate respecting those two charities.

I believe I have stated all the differences now still pending between the two Houses on this bill.

Mr. DUBOIS. Mr. President, I understand the Senator from Iowa to state that the Senate amendments No. 2 in regard to the public building at Boise City, Idaho, No. 4 at Cheyenne, Wyo., and No. 7 at Helena, Mont., are still in conference.

Mr. ALLISON. They are, all of them.

Mr. DUBOIS. I desire to say, in the beginning, that we appreciate very fully the position taken by the Senate Appropriations Committee, by the Senate, and by the Senate conferees in regard to these public buildings. We understand that they are very much in earnest in having them taken care of in the conference, but I wish the Senate to give our conferees some substantial support.

The facts are that these public buildings in these three capital towns were provided for at the last session of Congress. At this session the capital of Utah has been added. They were put in deliberately by the Senate because there is not a public building in any one of those States. There is not a member of that conference committee who lives in a town as large as Salt Lake City; there is not a member of either Committee on Appropriations who lives in a town, I think, as large as Salt Lake City, where there is not a public building. There is not a town in this country of 60,000 people, like Salt Lake City, which has not a public building. Those capital towns of ours need public buildings, because they have there United States courts, the land offices, the surveyor-general's offices, the clerks, the marshals, the attorneys, collectors of internal revenue, and the post-offices. It will be a saving to the Government to erect these buildings. As I say, there is not a building in any one of those States.

The Senate has passed on this matter before; and I hope, in fairness and justice and for the best interests of the Government, that the Senate will sustain our conferees in asking that these States—at any rate these capital towns—be provided with public buildings.

Mr. PETTIGREW. I wish to ask were not these buildings started by a provision on an appropriation bill? Did we not make an appropriation to buy the sites and fix the cost to begin the erection of the building?

Mr. DUBOIS. Some eighteen months ago the law was passed and the appropriation was made, yet nothing has been done; and now the conferees of the other House desire to cut out the appropriations for the buildings in the towns I have named.

Mr. CANNON. Mr. President, I want to add a few words to what has been said by the Senator from Idaho [Mr. DUBOIS] on this question.

We in the new States appreciate very much the action of the Senate in this matter, and to justify that action and its continuance, and to justify the support of the conferees on the part of the Senate, which is asked by the Senator from Idaho, it is fair to state the circumstances. Utah has no court building. It has cities ranging from 60,000 down. Salt Lake City has at least 60,000 inhabitants. Its post-office does a business approximating $100,000 a year. It has a circuit court, a district court, a land office, a surveyor-general's office, the weather bureau, and the internal-revenue collector or deputy collector. For all these offices the Government pays rent. They are scattered around the city; they are inconveniently located.

The bill proposes to buy a site and to expend this year about $75,000, and it seems to me that economy on the part of the Government and a proper recognition of the claims of all the people residing there justify the request that the conferees on the part of the Senate shall be supported in this matter.

Mr. CARTER. As stated by the Senator from Idaho, these buildings were provided for in the last appropriation act. I am quite sure this matter can not fairly be regarded as a demand for a portion of the public appropriations regardless of merit. In the city of Helena, the capital of Montana, the rents paid by the Government at the present time for buildings, in no sense suitable for the purpose, will amount to from 3½ per cent to 4 per cent interest per annum upon the aggregate cost of the site proposed to be purchased and the building to be erected there.

The limit fixed by the appropriation act one year ago was $150,000 for the site and structure to be erected thereon. When the Supervising Architect undertook the task of providing adequate accommodations for the United States at that point he found that the amount of the appropriation was wholly inadequate to serve the purpose intended. We have the United States circuit and district courts, and the business of the courts in that district is not of a trifling character. Exposed to fire and immediate destruction to-day stand the decrees and records of last year's business relating to something over $300,000,000 worth of property.

We insist that the litigants forced into the United States court for an adjudication of their rights can fairly demand of the Government, when they pay costs and submit themselves to the jurisdiction, reasonable provision for the preservation of the records which form the basis of title in many instances.

We do not ask that these appropriations shall be adhered to as a matter of favor to those States, but we do suggest that the State capital, where the United States circuit and district court business is attended to, constitutes an exceptional case and one of an entirely different character from the ordinary public building provided for the accommodation of the post-office in a country town.

We ask the Senate to insist that these three amendments relating to the three public buildings shall be adhered to by the conferees on the part of the Senate. We think that sound public policy demands that this position shall be insisted upon.

Mr. ALLISON. I desire to say a word or two in detail as respects these public buildings.

Mr. HAWLEY. Will the Senator from Iowa allow me to put in another item for him before he is heard on the subject?

Mr. ALLISON. Certainly I will.

Mr. HAWLEY. For twelve or fourteen years, owing to my personal acquaintances, being on the Military Committee, visiting, and so forth, I have been well acquainted at Fortress Monroe; and among the affectionate messages that I always bring to Washington is a request for pity's sake give us a decent post-office. The old thing is rotting down; it is indecent; it is inconvenient. There is a growing business there, a very large business comparatively. There is some mail distributed there. The new great hotel is bringing more business. They have their inspector of customs, who needs a room there, and there is other Government business that will occasionally need accommodation. The commissioner used to wonder why he could not have a place, but I suppose he will have to find a place somewhere else hereafter. They ask to have a new building upon Government ground. It is all Government ground there. It is only a little brick building of $15,000. The measure has gone through the Senate several times. Some misfortune always happens to it. There is a small percentage of voters among the patrons of that office, which is perhaps one of the reasons. I wish the conferees of the Senate would just keep in that little item. It is an act of decency.

Mr. ALLISON. As respects these public buildings, two years ago, or perhaps a year ago, we provided for public buildings at the capitals of the three new States of Idaho, Montana, and Wyoming, appropriating a certain sum of money for the purchase of sites and limiting the cost of the buildings to $150,000 each. The Committee on Public Buildings and Grounds reported these amendments, and they were referred to the Senate Committee on Appropriations. We were told in the committee that the limit of $150,000 would not provide such public buildings and conveniences for the offices of the Government at those points for courts, and so forth, as would be required there. Therefore we increased the limit of cost, and that is the contention of the conferees on the part of the House of Representatives. They insist that because under the rules of the House an increase of the limit of the cost of a public building is new legislation, therefore they can not consent to these amendments. They explained to us that there were a great many other provisions for public buildings lying behind that could not be considered in the House, and that therefore it would be in the nature of ungenerous treatment to provide for a few public buildings.

Mr. HILL. There is provision made for a public building at Los Angeles, is there not?

Mr. ALLISON. There is.

Mr. HILL. That was agreed to. What is that building?

Mr. HAWLEY. A railroad depot?

Mr. ALLISON. No. The House conferees stated that this is legislation, and they can not consent to its application to the other public buildings I have named. The State of Utah coming in last year, we added in the Senate a building to be provided for at Salt Lake, which they also disagreed to; but they disagree also to the extension of the limit of a public building at Kansas City, Mo., where we have appropriated and expended $150,000.

Mr. GRAY. Is not that enough?

Mr. ALLISON. It does not seem to be quite enough. Under the plans and specifications of the architect of that great building it will require an additional $100,000 to complete it. We believed that in that case, where courts are held and where public offices must be provided for, it would be a wise thing for the Government to complete that building; but they will not consent to it.

The same is true of Omaha and St. Paul, where we have expended large sums of money and where the buildings are very nearly completed. We placed on this bill in the Senate an appropriation for a limited reorganization of the great public building in New York City for the convenience of courts and the members of the New York bar, appropriating $60,000 upon the urgent request of the judges there, and I believe the bar association of New York also concurred in the request.

Mr. HILL. That item has got left, has it not?

Mr. ALLISON. No; it is still in disagreement. We endeavored to impress upon our House friends the importance of those alterations, which they will not agree to.

So of Little Rock, where we appropriated $43,000, not to enlarge the limit, but to build an addition to the public building there, made necessary by the large amount of increasing business at that point.

Now, as to Los Angeles, the House itself receded from the amendment appropriating $12,000 to enlarge the post-office building at Los Angeles. The House also receded from its disagreement to the amendment respecting the post-office building in this city, although we did increase the limit $370,000 by our Senate amendment. It was found to be absolutely necessary to increase the limit in order to complete that building in a way suitable for use. That is the situation as respects these public buildings.

Mr. PLATT. Speaking about the repairs or changes in the New York post-office building, have not the House conferees heretofore made it a rule to agree to repairs and changes where they were necessary? Are they not taking new ground on that point?

Mr. ALLISON. They have agreed in several instances to alterations in public buildings, but they insist that all these matters shall go over for the present.

Mr. WARREN. Mr. President, regarding this matter of public buildings, in addition to what has been said let me state that it seems to me the House conferees are hardly in a position to insist upon these buildings going out of the bill, especialy the four that have been mentioned at the four new State capitals. They have already agreed to break the limit upon other buildings, notably the city post-office in Washington and the post-office or custom-house building at St. Albans, Vt. At St. Albans was a building that cost originally $85,000, including the site, which has since partly burned down. Notwithstanding the depreciation which has since occurred, the low price of labor, etc., they now appropriated $70,000 to repair and finish when they have the site and a goodly portion of the old building, and so they really appropriate for a new building. They also agree to a direct appropriation for more land for the public printing establishment, and that, too, when no bill has been passed or even introduced in either House.

In the matter of public buildings for Cheyenne, Wyo., Boise City, Idaho, and Helena, Mont., the original law passed, as has been said, several months ago. During the present session the Senate has passed a bill and sent it to the House making the limit even larger than the limit given in this sundry civil appropriation bill by just the amount necessary to buy the sites. In other words, a bill passed for $300,000 at Helena, $250,000 for Cheyenne, and $300,000 at Boise City, exclusive of cost of sites. That bill covering these buildings went to the House. It was there divided and put in three bills, and it is an open secret, if secret at all—in fact, it has been discussed on the floor of the House, so that I can allude to it—that those three bills have been reported favorably from the House Committee on Public Buildings and Grounds, or at least have been voted upon and remain in committee ready to be reported favorably.

Now, the House and Senate have once consented in a former Congress; the Senate has in this session consented twice to this measure, while the House, through its committee, has at least once consented. The proposed building at Cheyenne will save the Government enough rent to pay a good interest upon its expenditure. The people of Wyoming and of Cheyenne do not ask the Government to place a building there as a matter of charity or purely as a matter of benefit to that city or State. That city has built a capitol building, at a cost of about $300,000, to do the State business in, and I think I will be able to prove by at least two members of the Senate conference committee on this bill that it is as good a building for the money as has been erected in the United States.

The Government having a large amount of business at these cities and paying a large amount of rent, and having their offices scattered at various places, their valuable papers without vaults or safes, it seems to me a matter of economy and good business that the Government should without delay enter at least into the commencement of these buildings.

I understand the committee are asking for but $50,000 apiece for three of these buildings and $75,000 for the site of another. The immediate appropriation for the whole four amounts to but $225,000.

I say that the city of Cheyenne does not ask, nor does the State of Wyoming ask, as a charity, this building from the Government. Why should it? There is not in the State of Wyoming a poor-house, either State or municipal. There is not in the State of Wyoming a regular, habitual pauper known as such and supported as a pauper in some place of resort. The people of that State may be poor, but they are in a position to be self-supporting. As I said before, Wyoming people think enough of their own valuable public documents and papers and of their own State offices to have already erected a good capital building, a better one than is asked for now from the Government. The Government has to

provide for a district and circuit court and all the court officers, land offices, registers and receivers, surveyor-general's office, a weather station, post-office, and in fact all the offices that exist at any one of the capitals.

There has never been one dollar expended by the United States inside of Wyoming on public buildings, unless it be on Indian reservations or at military posts. This would be the first building. The ledger account as between the United States and Wyoming now shows that, notwithstanding the United States has taken millions of dollars from the State for lands sold to the citizens of that State and from other sources, the State has not received a dollar from the United States in the way of investment in permanent improvements of any kind.

We simply ask now that the United States Government shall give whatever benefit to the State that may arise from its showing sufficient confidence in the permanency of the State to erect therein a building for the Government's own use in the safe and orderly conduct of its business.

Only this, and nothing more.

The PRESIDING OFFICER (Mr. PASCO in the chair). The question is on concurring in the report of the committee of conference.

The report was concurred in.

Mr. ALLISON. I move that the Senate still further insist upon its amendments in disagreement and ask for a further conference with the House.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate at the further conference; and Mr. ALLISON, Mr. HALE, and Mr. GORMAN were appointed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 710) granting a pension to Ida J. Schwatka, widow of the late Lieut. Frederick Schwatka.

The message also announced that the House had agreed to the amendments of the Senate to the following bills:

A bill (H. R. 1436) to quiet title to lands in persons who purchased the same in good faith without notice and for a valuable consideration, and to enable the Government to issue patents on such lands, and that commutations of homestead entries shall take effect from date of settlement, and for other purposes; and

A bill (H. R. 5675) authorizing the construction of a wagon and motor bridge over the Missouri River at St. Charles, Mo.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills:

A bill (S. 3011) for the relief of Nicolai Bros.;

A bill (H. R. 138) granting an increase of pension to Mary E. Hazlip;

A bill (H. R. 248) empowering and directing the Secretary of the Navy to furnish four pieces of condemned cannon to the city of Hastings, Mich.;

A bill (H. R. 468) granting an increase of pension to Mrs. H. J. Kiernan;

A bill (H. R. 1109) granting a pension to Elizabeth Marshall;

A bill (H. R. 2373) granting a pension to Elvin J. Brown;

A bill (H. R. 2602) for the relief of Solomon Hyams;

A bill (H. R. 3007) granting an increase of pension to Michael S. Pettit;

A bill (H. R. 3033) to increase the pension of Elizabeth T. Beall, widow of Benjamin L. Beall, late colonel First United States Cavalry;

A bill (H. R. 3229) for the relief of Hannah Newell Barrett;

A bill (H. R. 3395) granting a pension to Carrie H. Green;

A bill (H. R. 3857) granting a pension to Thomas Brewer;

A bill (H. R. 4275) to increase the pension of Mrs. Annis H. Enochs, widow of Gen. William H. Enochs, from $20 to $50 per month;

A bill (H. R. 4383) granting a pension to Delia A. Marsh;

A bill (H. R. 4598) granting a pension to Mary Cray;

A bill (H. R. 4724) to increase the pension of Mrs. Mary L. Alexshire;

A bill (H. R. 4753) granting an increase of pension to Lambert L. Mulford;

A bill (H. R. 4785) to incorporate the National University;

A bill (H. R. 5175) granting a pension to Nancy Gentry;

A bill (H. R. 5225) for the relief of Mrs. Elizabeth M. Williams, of Monroe County, Tenn.;

A bill (H. R. 5711) granting a pension to Richard P. Pilkington;

A bill (H. R. 5792) granting a pension to Mrs. Julia A. Jameson;

A bill (H. R. 5999) to correct the military record of Elbridge McFadden;

A bill (H. R. 6111) granting a pension to Elizabeth A. Sargent;

A bill (H. R. 6132) granting an increase of pension to Thomas M. Scott;

A bill (H. R. 6134) granting an increase of pension to Caroline E. Purdum;

A bill (H. R. 6293) to increase the pension of Peter Rafferty;

A bill (H. R. 6833) defining the standard shape and size for dry measures in use in the District of Columbia, and for other purposes;

A bill (H. R. 7334) granting an increase of pension to William T. Applegate; and

A bill (H. R. 8184) granting a pension to Jesse McMillan.

Mr. HARRIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After fifteen minutes spent in executive session the doors were reopened, and (at 6 o'clock and 25 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, May 27, 1896, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate May 26, 1896.

SECRETARY OF LEGATION.

William Franklin Sands, of the District of Columbia, to be second secretary of the legation of the United States at Tokyo, Japan, vice Stephen Bonsal, resigned, to take effect June 8, 1896.

UNITED STATES ATTORNEY.

J. Ward Gurley, of Louisiana, to be attorney of the United States for the eastern district of Louisiana, vice Ferdinand B. Earhart, whose term expires May 27, 1896.

SURVEYOR OF CUSTOMS.

John F. Nash, of New York, to be surveyor of customs for the port of Syracuse, in the State of New York.

PROMOTION IN THE REVENUE-CUTTER SERVICE.

Third Lieut. Aaron L. Gamble, of Indiana, to be a second lieutenant in the Revenue-Cutter Service of the United States, to succeed D. J. Ainsworth, promoted.

PROMOTIONS IN THE ARMY.

Cavalry arm.

Lieut. Col. Samuel Storrow Sumner, Sixth Cavalry, to be colonel, May 23, 1896, vice Gordon, Sixth Cavalry, retired from active service.

Maj. Henry Carroll, First Cavalry, to be lieutenant-colonel, May 23, 1896, vice Sumner, Sixth Cavalry, promoted.

Capt. James Montgomery Bell, Seventh Cavalry, to be major, May 23, 1896, vice Carroll, First Cavalry, promoted.

First Lieut. Horatio Gates Sickel, adjutant Seventh Cavalry, to be captain, May 23, 1896, vice Bell, Seventh Cavalry, promoted.

Second Lieut. John Paul Ryan, Third Cavalry, to be first lieutenant, May 20, 1896, vice Gatewood, Sixth Cavalry, deceased.

Second Lieut. Edward Anderson, First Cavalry, to be first lieutenant, May 23, 1896, vice Russell, Seventh Cavalry, retired from active service.

Second Lieut. William Horace Hart, Fourth Cavalry, to be first lieutenant, May 23, 1896, vice Nicholson, Seventh Cavalry, appointed adjutant.

Infantry arm.

Lieut. Col. David Dougall Van Valzah, Twenty-fourth Infantry, to be colonel, May 23, 1896, vice Parker, Eighteenth Infantry, retired from active service.

Maj. Emerson Hamilton Liscum, Twenty-second Infantry, to be lieutenant-colonel, May 23, 1896, vice Van Valzah, Twenty-fourth Infantry, promoted.

Capt. William McCadden Van Horne, Seventeenth Infantry, to be major, May 23, 1896, vice Liscum, Twenty-second Infantry, promoted.

First Lieut. James Dallas Nickerson, Seventeenth Infantry, to be captain, May 23, 1896, vice Van Horne, Seventeenth Infantry, promoted.

Second Lieut. Charles Baldwin Hagadorn, Twenty-third Infantry, to be first lieutenant, May 23, 1896, vice Nickerson, Seventeenth Infantry, promoted.

JUDGE-ADVOCATE-GENERAL OF THE NAVY.

Lieut. Samuel C. Lemly, of the United States Navy, a citizen of the State of North Carolina, to be Judge-Advocate-General of the Navy, with the rank of captain in the Navy, for the term of four years from the 4th day of June, 1896.

ASSISTANT SURGEON IN THE NAVY.

Samuel B. Palmer, a citizen of Georgia, to be an assistant surgeon in the Navy, to fill a vacancy in that grade.

POSTMASTERS.

Mary A. Herrington, to be postmaster at Geneva, in the county of Kane and State of Illinois, in the place of Adeline M. Bunker, whose commission will expire May 27, 1896.

H. E. Blakeman, to be postmaster at California, in the county of Moniteau and State of Missouri, in the place of Lewis W. Barton, whose commission expired December 23, 1895.

Alvah A. Clark, to be postmaster at Somerville, in the county of Somerset and State of New Jersey, in the place of William H. Thompson, whose commission expired February 8, 1896.

Alfred W. Dey, to be postmaster at Asbury Park, in the county of Monmouth and State of New Jersey, in the place of Edmund G. Harrison, whose commission will expire July 18, 1896.

Henry G. Walter, to be postmaster at Lebanon, in the county of Lebanon and State of Pennsylvania, in the place of Asaph S. Light, whose commission expired March 28, 1896.

Harry L. White, to be postmaster at Eldred, in the county of McKean and State of Pennsylvania, in the place of Albert H. Mayo, whose commission will expire May 27, 1896.

John C. Neltnor, to be postmaster at West Chicago, in the county of Dupage and State of Illinois. This nomination is made in consequence of a change of name of the post-office from Turner to West Chicago.

Phoebe Mann, to be postmaster at Carlisle, in the county of Nicholas and State of Kentucky, in the place of Homer B. Bryson, whose commission expired January 21, 1896.

Charles W. Ellison, to be postmaster at Melrose, in the county of Middlesex and State of Massachusetts, his commission having expired May 9, 1896.

Jennie A. Harmon, to be postmaster at Palmyra, in the county of Wayne and State of New York, in the place of Daniel B. Harmon, deceased.

James McCloskey, to be postmaster at Johnsonburg, in the county of Elk and State of Pennsylvania, in the place of George Cooley, whose commission will expire May 27, 1896.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 26, 1896.

UNITED STATES ATTORNEY.

J. Ward Gurley, of Louisiana, to be United States attorney for the eastern district of Louisiana.

POSTMASTERS.

Phœbe Mann, to be postmaster at Carlisle, in the County of Nicholas and State of Kentucky.

Alvah A. Clark, to be postmaster at Somerville, in the County of Somerset and State of New Jersey.

Alfred W. Dey, to be postmaster at Asbury Park, in the County of Monmouth and State of New Jersey.

Augustus N. Cunningham, to be postmaster at East Providence, Providence County, R. I.

UNITED STATES CONSUL.

John Fowler, of Massachusetts, to be consul of the United States at Chefoo, China.

WITHDRAWAL.

Executive nomination withdrawn May 26, 1896.

T. J. Glenn, to be postmaster at Carlisle, in the State of Kentucky.

HOUSE OF REPRESENTATIVES.

TUESDAY, *May 26, 1896.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read.

The SPEAKER. Without objection, the Journal as read will be approved.

Mr. KEM. I object to the approval of the Journal, and call for the regular order.

The SPEAKER (having put the question on the approval of the Journal). The ayes seem to have it.

Mr. KEM. I make the point of no quorum.

The SPEAKER (having counted the House). One hundred and eighty members are present—a quorum. The ayes have it; and the Journal is approved.

ORDER OF BUSINESS.

Mr. EVANS. I move that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of considering revenue bills; and pending that motion, I move that the time for general debate on the bill which was before the Committee of the Whole yesterday be limited to 2 o'clock, and on that I demand the previous question.

Mr. BARTLETT of New York. What is the arrangement proposed?

The SPEAKER. The Chair will state the proposition. The gentleman from Kentucky [Mr. EVANS] moves that the House resolve itself into Committee of the Whole on the state of the Union for the consideration of revenue bills; and pending that, he moves that all general debate be closed at 2 o'clock.

Mr. BARRETT and Mr. BARTLETT of New York addressed the Chair.

The SPEAKER (to Mr. BARRETT). For what purpose does the gentleman rise?

Mr. BARRETT. To ask if that motion is now in order pending the call for the regular order?

The SPEAKER. The motion is now in order.

Mr. BARRETT. I wish to offer an amendment.

Mr. EVANS. I have moved the previous question.

The SPEAKER. The question is on seconding the call for the previous question. As many as are in favor of——

Mr. BARRETT. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. BARRETT. Mr. Speaker, I do not think that any member of the House heard the gentleman from Kentucky call for the previous question. I certainly did not.

The SPEAKER. The Chair heard him.

The question having been put on ordering the previous question,

The SPEAKER. The ayes seem to have it.

Mr. BARRETT. I call for a division.

The question being again taken, there were—ayes 91, noes 54.

Mr. BARRETT. I call for the yeas and nays.

The yeas and nays were ordered, 34 voting in favor thereof—more than one-fifth of the last vote.

The question was taken; and there were—yeas 125, nays 89, not voting 141; as follows:

YEAS—125.

Adams,	Doolittle,	Kyle,	Ray,
Aldrich, Ala.	Ellis,	Lacey,	Scranton,
Andrews,	Evans,	Layton,	Settle,
Avery,	Faris,	Leighty,	Shafroth,
Babcock,	Gamble,	Leonard,	Smith, Ill.
Baker, Md.	Gibson,	Lewis,	Smith, Mich.
Bartholdt,	Grosvenor,	Linney,	Sorg,
Bell, Tex.	Grow,	Little,	Southard,
Berry,	Hadley,	Loud,	Stahle,
Bishop,	Hager,	Low,	Stewart, Wis.
Blue,	Hainer, Nebr.	McCall, Tenn.	Stone, C. W.
Broderick,	Hall,	McCreary, Ky.	Strode, Nebr.
Brosius,	Harmer,	McCulloch,	Strong,
Brown,	Harris,	McDearmon,	Tawney,
Buck,	Harrison,	McLachlan,	Tayler,
Burrell,	Hart,	McRae,	Terry,
Burton, Mo.	Hatch,	Mercer,	Thomas,
Burton, Ohio	Henderson,	Miles,	Tracewell,
Cannon,	Hendrick,	Miller, W. Va.	Turner, Ga.
Clark, Iowa	Henry, Ind.	Milliken,	Underwood,
Cobb,	Hermann,	Milnes,	Van Voorhis,
Cooke, Ill.	Hilborn,	Minor, Wis.	Walker, Va.
Cooper, Fla.	Hopkins,	Mondell,	Washington,
Cousins,	Hubbard,	Neill,	Watson, Ohio
Crump,	Hulick,	Noonan,	Wilson, Idaho
Curtis, Kans.	Hyde.	Odell,	Wilson, Ohio
Dalzell,	Jenkins,	Otjen,	Wilson, S. C.
Danford,	Johnson, N. Dak.	Overstreet,	Wood,
Daniels,	Kerr,	Payne,	Wright.
Denny,	Kiefer,	Pearson,	
De Witt,	Kirkpatrick,	Pendleton,	
Dingley,	Kleberg,	Phillips,	

NAYS—89.

Allen, Utah	Fitzgerald,	Londenslager,	Shuford,
Apsley,	Fowler,	Maguire,	Simpkins,
Atwood,	Gardner,	Marsh,	Skinner,
Bailey,	Gillett, Mass.	McCall, Mass.	Spencer,
Baker, Kans.	Griffin,	McClellan,	Strait,
Baker, N. H.	Grout,	McEwan,	Strowd, N. C.
Bankhead,	Hardy,	McLaurin,	Sulloway,
Barrett,	Hartman,	Meredith,	Sulzer,
Bartlett, Ga.	Henry, Conn.	Money,	Swanson,
Bartlett, N. Y.	Hill,	Moody,	Talbert,
Bell, Colo.	Hedrur,	Morse,	Tate,
Bennett,	Howard,	Otey,	Towne,
Calderhead,	Howe,	Parker,	Treloar,
Clardy,	Howell,	Pickler,	Tucker,
Clark, Mo.	Hunter,	Pitney,	Updegraff,
Colson,	Hurley,	Poole,	Wadsworth,
Cooper, Tex.	Johnson, Cal.	Powers,	Walker, Mass.
Cooper, Wis.	Jones,	Quigg,	Walsh,
Crowther,	Kem,	Richardson,	Wilson, N. Y.
Cummings,	Knox,	Royse,	Woodard.
De Armond,	Latimer,	Russell, Conn.	
Erdman,	Lester,	Shannon,	
Fenton,	Linton,	Sherman,	

NOT VOTING—141.

Abbott,	Catchings,	Downing,	Hitt,
Acheson,	Chickering,	Draper,	Huff,
Aitken,	Clarke, Ala.	Eddy,	Huling,
Aldrich, Ill.	Cockrell,	Ellett, Va.	Hull,
Allen, Miss.	Codding,	Elliott, S. C.	Hutcheson,
Anderson,	Coffin,	Fairchild,	Johnson, Ind.
Arnold, Pa.	Connolly,	Fischer,	Joy,
Arnold, R. I.	Cook, Wis.	Fletcher,	Kendall,
Barham,	Corliss,	Foote,	Kulp,
Barney,	Cowen,	Foss,	Lawson,
Beach,	Cox,	Gillet, N. Y.	Lefever,
Belknap,	Crisp,	Goodwyn,	Leisenring,
Bingham,	Crowley,	Graff,	Livingston,
Black, Ga.	Culberson,	Griswold,	Lockhart,
Black, N. Y.	Curtis, Iowa	Halterman,	Long,
Boutelle,	Curtis, N. Y.	Hanly,	Lorimer,
Bowers,	Dayton,	Heatwole,	Maddox,
Brewster,	Dinsmore,	Heiner, Pa.	Mahany,
Bromwell,	Dockery,	Hemenway,	Mahon,
Brumm,	Dolliver,	Hepburn,	McCleary, Minn.
Bull,	Dovener,	Hicks,	McClure,

McCormick,	Price,	Spalding,	Wanger,
McMillin,	Prince,	Sparkman,	Warner,
Meiklejohn,	Pugh,	Sperry,	Watson, Ind.
Meyer,	Raney,	Stallings,	Wellington,
Miller, Kans.	Reeves,	Steele,	Wheeler,
Miner, N. Y.	Reyburn,	Stephenson,	White,
Moses,	Robertson, La.	Stewart, N. J.	Wilber,
Mosley,	Robinson, Pa.	Stokes,	Williams,
Murphy,	Rusk,	Stone, W. A.	Willis,
Newlands,	Russell, Ga.	Taft,	Woodman,
Northway,	Sauerhering,	Thorp,	Woomer,
Ogden,	Sayers,	Tracey,	Yoakum.
Owens,	Shaw,	Turner, Va.	
Patterson,	Snover,	Tyler,	
Perkins,	Southwick,	Van Horn,	

So the previous question was ordered.

The following pairs were announced:

Until further notice:

Mr. HEATWOLE with Mr. HUTCHESON.

Mr. BROMWELL with Mr. DOWNING.

Mr. FOSS with Mr. ELLETT of Virginia.

Mr. KULP with Mr. WHEELER.

Mr. BINGHAM with Mr. DOCKERY.

Mr. GOODWYN with Mr. COWEN.

Mr. ARNOLD of Pennsylvania with Mr. LIVINGSTON.

Mr. LEFEVER with Mr. TYLER.

Mr. CORLISS with Mr. MOSES.

Mr. JOHNSON of Indiana with Mr. COX.

Mr. SNOVER with Mr. MADDOX.

Mr. BOWERS with Mr. MINER of New York.

Mr. HULL with Mr. OGDEN.

Mr. WILLIAM A. STONE with Mr. BLACK of Georgia.

Mr. COFFIN with Mr. LAWSON.

Mr. STEPHENSON with Mr. DINSMORE.

Mr. MEIKLEJOHN with Mr. ROBERTSON of Louisiana.

Mr. DALZELL with Mr. CRISP.

Until June 3:

Mr. TRACEY with Mr. SAYERS.

For this day:

Mr. WILBER with Mr. STALLINGS.

Mr. HEMENWAY with Mr. CATCHINGS.

Mr. WOOMER with Mr. RUSSELL of Georgia.

Mr. TAFT with Mr. ABBOTT.

Mr. CROWLEY with Mr. CODDING.

Mr. HICKS with Mr. LOCKHART.

Mr. BOUTELLE with Mr. MCMILLIN.

Mr. HITT with Mr. CLARKE of Alabama.

Mr. BRUMM with Mr. PRICE.

Mr. BULL with Mr. RUSK.

On this vote:

Mr. WELLINGTON with Mr. ALLEN of Mississippi.

The result of the vote was announced as above recorded.

The question recurring on the motion of Mr. EVANS that the debate be closed at 2 o'clock in Committee of the Whole, on a division (demanded by Mr. BARRETT) there were—ayes 91, noes 30.

Mr. KEM. No quorum.

The SPEAKER. The Chair overrules the point of no quorum, as 213 members have just voted.

So the motion to limit debate to 2 o'clock was agreed to.

The question recurring on the motion of Mr. EVANS that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of revenue bills, it was agreed to.

ALCOHOL IN THE ARTS.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. SHERMAN in the chair.

Mr. EVANS. The gentleman from Iowa [Mr. DOLLIVER] will occupy the time.

Mr. RUSSELL of Connecticut. Before the gentleman proceeds, I would like to inquire of my colleague as to how he proposes to divide the remaining time.

Mr. EVANS. I suppose your side has had an hour and a half, while our side has occupied but fifty-five minutes. Suppose we divide the remaining time, we taking forty-five minutes and you taking the remainder.

Mr. MCMILLIN. I would like to have a little of the time myself, I would state to the gentleman from Kentucky.

Mr. EVANS. The gentleman from Connecticut will see the pressure that is brought to bear upon me——

Mr. RUSSELL of Connecticut. There is the same pressure on me. May I ask how the time has been consumed?

The CHAIRMAN. The affirmative have occupied fifty-five minutes, and the negative, the side represented by the gentleman from Connecticut, has occupied one hour and twenty-five minutes.

Mr. RUSSELL of Connecticut. I would suggest that my colleague on the committee allow the remaining time to be divided equally.

Mr. EVANS. Suppose we take fifty minutes and you take the remainder.

Mr. RUSSELL of Connecticut. That would not be sufficient. If the gentleman will permit me, I hope he will make another distribution of the time.

Mr. EVANS. I would suggest that you allow us forty-five minutes, then, and you take the remainder.

Mr. RUSSELL of Connecticut. We shall need at least an hour.

Mr. EVANS. If there was that much time I would be willing to do so. I suggest that we occupy forty minutes and you occupy the balance. Would that be satisfactory?

Mr. RUSSELL of Connecticut. Well, we will have to submit to it; it is the best we can get.

Mr. EVANS. Then I suggest that we will occupy forty minutes, and the remainder of the time, being thirty-five minutes, will be occupied by your side.

The CHAIRMAN. In the absence of objection, the Chair will regard that arrangement as acceptable to the committee.

There was no objection.

Mr. DOLLIVER. Mr. Chairman, I do not believe that it is necessary for those of us who are in favor of the pending bill to go further in defending the policy of the Ways and Means Committee of the House than to quote the admissions that were made on the floor during the discussion on yesterday by my colleague on the committee, the distinguished gentleman from Connecticut [Mr. RUSSELL]. He said, and that is all that we have claimed, that section 61 of the act of 1894 is "crude and faulty." He says that the repeal of section 61 is justifiable because of the fact "that it is crude and possibly impossible of execution." He admits that section 61 of the act of 1894 is not only crude but it is impracticable and can not be executed, and that it "would cause frauds on the revenue" if this law exempting alcohol for use in the industrial arts from the internal-revenue tax were kept on the statute book.

Now, what more could any man claim in behalf of the bill which is now pending? It is without dispute, measured by the wisdom of both political parties, that this provision for the exemption of alcohol used in the industrial arts from the internal-revenue tax upon distilled spirits is wholly impracticable. That was the opinion of the Republican Commissioner of Internal Revenue in the last Administration. That was the unanimous opinion of the Ways and Means Committee of the Fifty-first Congress, and it is the opinion of the present Commissioner of Internal Revenue. It was the unanimous opinion of this House in the last Congress, after the Wilson bill had passed, and it is the unanimous opinion, if the admissions made by the gentleman from Connecticut may be counted, of the Ways and Means Committee of the present Congress. That being true, what is the situation of the Government at this time?

We say that this section ought to be repealed because, unless that is done, we are inviting a mountain's weight of claims against the Treasury of the United States. And for whose benefit, Mr. Chairman? Why should this section be retained in the law? Certainly not for the benefit of the manufacturers, because they are required by the section to pay an internal tax and no regulations are in force for the rebate of the tax paid on alcohol used in the industrial arts. It is not for the benefit of the American public, because everybody knows that the uncertainty about the collection of that rebate has prevented the manufacturer from extending to his customers any advantage whatever by reason of this law. The law as it stands helps nobody, and the admission, candidly and fairly made yesterday by my colleague [Mr. RUSSELL of Connecticut], that it ought to be repealed ought to be very influential in the settlement of this dispute.

Therefore we say, appealing for the vindication of our judgment to the common opinion of all political parties, of experts of both Administrations, appealing to the judgment of the Ways and Means Committee in every House since the Forty-ninth Congress, that this section 61 ought to be repealed without delay. But my friend from Connecticut [Mr. HILL] comes forward and says to us, if this is repealed—

> Dare the gentlemen from the grain-raising States go back to their constituents and tell them that the only tariff legislation that they have succeeded in passing was to put the highest tax in all the world upon the farmer's grain, and thereby narrow the market which the Wilson tariff bill by accident had broadened?

I will say to my friend from Connecticut [Mr. HILL] that the repeal of this section has no connection whatever with the tariff question. The tariff question is not involved here. The only question is a plain business proposition, as to whether a section of the law of 1894 which we have a prospect of repealing, a section which, by the admission of my friend from Connecticut, is crude, impracticable, and ought to be repealed——

Mr. HILL. I do not wish to be put in that position. I did not say that.

Mr. DOLLIVER. I referred to my colleague on the Ways and Means Committee [Mr. RUSSELL of Connecticut]. The question is whether we ought to be put in the position of leaving that section on the statute book when, by the admission of my colleague [Mr. RUSSELL of Connecticut], it is crude, impracticable, and ought to be repealed.

But he says before we repeal it we ought to pass some more

suitable measure relative to the matter in order to do justice to legitimate manufacturing interests. I admit fully the force of his contention, and if we were not entirely at the mercy of an opposition Senate and a hostile Executive I would cheerfully follow my friend in his efforts to promote the prosperity of the great industrial interests for which he speaks.

But I undertake to say—and I address myself to Republicans on this floor—that no man of us who really weighs the political situation in which we are placed ought to stand in this House and lecture the Ways and Means Committee, or the Republican majority, for not having tried to move on party lines against the inert Populistic mass called the Senate, and the inert Democratic mass called the President. [Applause and laughter.] It takes at least three branches of Government in this country to put any kind of a political measure through; and at present the Senate and the President are against this House. I will not rail at the Senate. If it had not been for the fact that it requires three branches of legislation to do business in the United States, the programme of free trade, which my friend from Connecticut [Mr. HILL] laments, would have come to fruition in this country twenty years before it did. For all these years the Senate alone stood between the people and the impending threat, and for four of those years, from 1885 to 1889, the Senate alone steadied the business of the American people in the midst of free-trade proclamations from the White House and free-trade majorities on this floor.

I belong to an old-fashioned school of theology which believes that Providence, in all these years, was holding the Democratic party in check, and used Brother Wilson, somewhat diluted and modified by Brother GORMAN, for the purpose of setting up in the United States an object lesson in practical economics that should bring the American people, as the old preachers used to say, to a realizing sense of their lost condition. [Laughter.] Notice, for example, how long the object lesson was put off and postponed. If it had come before the waste and extravagance of the period of the civil war had been repaired, before a disordered currency had been restored, before a promise to pay that still occupies a prominent position on the face of every paper dollar of the United States had been kept, a thousand explanations would have befogged the inquiring citizen, and nobody would have known either the meaning or the purpose of the visitation.

If it had come before we had had a reasonably long experience with the protective tariff, operating upon the basis of a sound currency, the educational effect of it would have been limited, because we should not have been in a position to appreciate the blessings we had cast away. As it was, Providence gave us ten years of protection, from 1880 to 1890, years of comparative plenty, years of industrial growth, years of good markets for the farmer, years of good customers for the factory, years in which American manhood was lifted up into the largest and most hopeful outlook since the primeval benediction, "In the sweat of thy face shalt thou eat bread."

And yet the clamor still continued in this country. Walking delegates were going in carriages from factory to factory and from farmhouse to farmhouse, preaching the gospel of discontent, and from their easy chairs here in this Capitol, with the studied reiteration of the patent-medicine advertisement, to which so many of our colleagues have lent the light of their countenance [laughter], Democratic statesmen were telling the American people that their case was hopeless and that all that would save them would be the immediate application of the favorite Democratic prescription.

In my own State, for example, a land whose chief industries depend entirely on the farm, a land which I have sometimes thought merits the tribute that Homer paid to Argos when he called it the breast of Greece, because it furnished food for the whole nation, we had, by an accident that sometimes happens even in well-regulated communities, a Democratic governor, Horace Boies.

All his lifetime, even down to old age, he had been a Republican, looking through the dust and cobwebs of a country law office for a place on the ticket, until patience finally was regarded by him no longer as a real virtue, and so he joined himself to that portion of the population which believed that the corkscrew is the most essential device in the mechanism of civilization; and as an anti-prohibition Republican he was selected to lead the Democratic party to victory. [Laughter.] And he led it to victory; a victory "cheap and nasty"; exactly the kind of victory that is not very much better than defeat.

Hardly had he got seated in his office before his horizon began to widen. He saw at once that while a local dispute about the legal status of the town pump was a large enough question to get in on, it was hardly great enough to feed the aspiration of an immortal soul [laughter]; so he enlarged his horizon, or at least shifted it, and at the first opportunity carried his laurels to the city of New York, and laid them down at the annual dinner of the Tariff Reform League. He got from one J. R. Sovereign (a gentleman now grown obsolete as the head of a labor organization on whose assessments he manages to live in a style becoming the leisure he has always enjoyed), certain alleged statistics of the condition of industry in the State of Iowa.

He went to the banquet with the material prospects of our great State done up in a rag bag and sat down between Grover Cleveland and Mr. Carlisle and put the rag bag under his chair. Mr. Cleveland, then a private citizen, was the first speaker; Mr. Carlisle, then the junior Senator from the State of Kentucky, followed, both of them sticking close to the text of tariff reform. To the mind of both of these great men the people and their welfare were separated exactly as "to the Jews old Canaan stood, while Jordan rolled between" [laughter], and with them Governor Boies agreed. Not a word was said about the money question and not a word about silver. When he rose to speak he reached under his chair and took out of his rag bag—then and ever since the faithful traveling companion of his politics—and I will read the conclusion of what he said:

> I have spoken of the condition of agricultural industries in my own State. I have called attention to the fact that for years these industries have been prosecuted at a loss, instead of a profit, and I affirm without fear of contradiction that there is no State in this Union where the great staples of agriculture—the productions that supply the necessary food of man and beast—can be more cheaply produced.

He declared that the tariff had ruined agriculture, and ended by warning his hearers—

> to prepare for a storm the consequence of which in both a political and economic sense no man can measure.

I have read his words, not for the purpose of entering into an argument as to the truth of them, but solely for the purpose of showing how graciously Providence, knowing that the people of America were about to throw away the protective tariff, purposed to give them one up to date, with all the modern prosperity-producing improvements. In response to that purpose, I think, the Fifty-first Congress came together. It was a Republican Congress through and through. In the chair sat THOMAS B. REED, great in council, splendid in courage, magnificent in action. [Applause.] At the head of the table yonder, in Ways and Means, sat William McKinley, of Ohio [applause], the colored map of whose political victories, made out, I believe, by the gentleman from Ohio [Mr. GROSVENOR], would seem to indicate that he has carried nearly everything on this continent except the Gulf of California and the Great Lakes. [Laughter.] Around him sat the strong men of his party—Bayne of Pennsylvania, now gone out of the noise of time; McKenna of California, now a circuit judge of the United States; Lafollette of Wisconsin, young and eloquent champion of our cause; GEAR of Iowa and BURROWS of Michigan, fruitful in industry and knowledge, translated now, both of them, to that elysium of our politics where the wicked cease from troubling and the weary are at rest [great laughter and applause]; PAYNE of New York and Governor DINGLEY of Maine, still splendid leaders among us—men whose comprehensive grasp of great affairs has won for them a place among the notable political figures of our time. [Applause.] From that committee, not as the product of one man's wisdom, but of the wisdom of all, came the tariff law of 1890.

It passed this House without a dissenting vote. It went to the Senate and was there shaped under the hands of experienced statesmanship. It took on provisions for reciprocity with the commercial world, fresh from the genius of James G. Blaine. [Applause.] It went to the conference committee, was carefully considered, and came back to receive every Republican vote in the House and in the Senate; and afterwards the President of the United States, with a pen that has become an heirloom in the household of our faith, added to it the commanding signature of Benjamin Harrison. [Applause.] It was a courageous thing to do, to pass a law touching every man's business and go to the people in a general election within a month. The Republican party was brave enough to do it. But that little month was long enough to call forth all the legions of calumny and false pretense. Every line of the bill was belied, every sentence of it was distorted, and in the tumult created by the panic-stricken importers, jobbers, and bargain-counters of the country, the splendid political phalanx that stood by the side of REED in his quorum insurrection of 1890 [laughter], and that voted to a man with McKinley on the motion for the previous question on the conference report, melted away into private life, and saw their places taken by the most grotesque assortment of political freaks that ever contributed to the gayety of nations. [Great laughter and applause.]

Even McKinley himself, who gave his name to the bill, had the experience of being burnt in effigy at Sheffield on the same day that the Democracy defeated him for Congress in Ohio. [Laughter and applause.] But the purpose of Providence was not to be turned aside. Hardly had the tumult of politics quieted before business resumed its normal condition. Prices, instead of going up, went down, or at least were equalized; men, instead of losing employment, were happy in new industrial opportunities, and American business in every department of it responded to conditions the most satisfactory that ever existed in the whole history of the Republic if not in the record of the human race. The object lesson of prosperity was complete. It was palpable enough even to create a proper impression on the mind of our friend Governor Boies, whom we left a short time ago in New York sitting between Mr. Cleveland and Mr. Carlisle; for he delivered a message to the

legislature of Iowa, January 13, 1892, beginning with words which I wish to read here for the purpose of preserving them in the political records of the day. He said:

A provision in the constitution of our State directs that the governor shall convey to the general assembly information concerning the condition of the State and recommend such legislation as he deems expedient. In discharging this duty it is my pleasant privilege to say that at no time in the history of Iowa have her people been blessed with more general prosperity than they now enjoy. Every form of industry, every branch of business, has felt the influences of conditions so favorable to us. With increased prices for the products of our farms has come a substantial advance in the value of agricultural lands in our State. A marked impetus has been given to the upbuilding of cities and towns. An era of prosperity has come to our manufacturing and mining industries. Our lines of railway have felt the influence of better prices for the great staples we are able to send abroad, and wherever we turn in every branch of industry, trade, or profession in which our people are engaged are to be seen unmistakable evidences of the general prosperity with which our people are blessed.

Mr. McMILLIN (during the reading of the foregoing extract). Mr. Chairman, if the gentleman will permit me to interrupt him for a moment, I have been informed by the Chair that the arrangement has been made to give the gentleman from Iowa the time, which I hardly think is fair when it is to be exhausted not in a discussion of the measure before the committee, but in a political discussion altogether foreign to the measure and which is not to be answered on this side. I want simply to enter my protest, and I think the gentleman's sense of fairness will lead him to see the justice of it.

Mr. DOLLIVER. Mr. Chairman, I will say to my friend from Tennessee that I recognize the propriety of his suggestion, and that I intend to occupy only a few minutes more.

Think of it! Less than two years—hardly more than one year; yet it was long enough to turn the rags of our misery into the royal purple of prosperity! Now, it would almost seem that the dramatic unity of the narrative would require that I should tell you that Governor Boies, his backslidings having been healed, had been trying to get the people of our State and of the country back over the main traveled road to the industrial conditions which prevailed in 1892. I regret that I am compelled to state that the governor's point of view has again widened, or at least shifted, and that he is now engaged in trying, with more or less local success, to induce the people to change the treatment and wind up our worldly affairs by the unlimited coinage of silver dollars out of material now worth 51 cents, in order that our people may use such of these coins as they can get hold of in going through the motions of paying their debts. [Laughter.] I regret to have to say this, and I have put this message forward only to show how easily a good political leader is able to forget the blunder of 1892 in his new-born interest in the crime of 1873.

Now, a word more. I do not suppose that we can put through this Congress any tariff legislation. It is reasonably certain, however, that we can put through this Congress the legislation which this bill proposes. And I do not think that we should hesitate to do our part. I do not believe that we, as Republicans, since the opportunity has come to correct this evil of the law of 1894, ought to shrink from the duty and responsibility of saving the Treasury of the United from the accumulation of claims under a law which I have already suggested benefits no manufacturing industry in its present shape and is of no possible benefit to the consuming millions of the United States. [Applause].

I reserve the remainder of my time.

Mr. EVANS. Mr. Chairman, I suggest now that the gentlemen on the other side proceed with their thirty-five minutes. We have fifteen minutes remaining, the whole of which, if possible, I shall yield to the gentleman from Tennessee.

Mr. RUSSELL of Connecticut. Mr. Chairman, the gentleman from Iowa [Mr. DOLLIVER] having presented to this committee a very picturesque political kaleidoscope, including the political migrations of Governor Boies, I hope now that the committee may be favored with a return to the discussion of the subject-matter in hand. [Applause.]

I yield ten minutes to the gentleman from Massachusetts [Mr. KNOX].

Mr. KNOX. Mr. Chairman, during the speech just concluded I came to an understanding of why it was that the gentleman who has this bill in charge was so anxious to close this debate at 2 o'clock, instead of allowing the extended time that was desired. The reason is perfectly apparent—that they have got through discussing this measure which is before the House, and on which this House will soon be called upon to vote, and have gone to talking general politics, especially Western politics, and that in the State of Iowa.

Now, I think that such a political harangue as that will be a very poor answer when the question is asked by the various industries affected and to be affected, "Why was the repeal of section 61 necessary?" Some better reason than anything offered by the gentleman from Iowa will be required. Now, I do not propose to take up the time of this committee at any length, for two reasons. In the first place, the arguments upon this side of the case were very admirably and very ably stated yesterday by the gentleman from Connecticut [Mr. RUSSELL]. In the second place, we have got to a point in the session where time is of some consequence. But, notwithstanding all that, and notwithstanding the speech of the gentleman from Iowa, I would be willing to enter now upon a general revision of very many provisions of the Wilson bill, conscious that if any practical result were attained there is no work that we could perform that would be of such benefit to the people, and none which is so universally and so earnestly demanded. It might not be an entirely useless task, even though such a bill could not pass the Senate or receive the approval of the President. We should, Mr. Chairman, have a Republican bill, drawn and completed on Republican principles, ready to be offered when the extra session of the Fifty-fifth Congress comes in, in March, 1897, without compelling the people to wait till the coming fall for such provision to be had. [Applause.] We have very little to do, in the discharge of our duty, with the Senate; and we have very little to do with Grover Cleveland.

But, Mr. Chairman, I am opposed to any partial or piecemeal change in the present law. I am opposed to the repeal or substantial change of any of its important provisions without changing other important provisions, especially those which relate to the very enactments sought to be changed. I say it is not right or just to repeal this section and give no consideration whatever to the other provisions of our tariff and revenue laws which depend upon it and are connected with it. The rates of duty upon many articles of manufacture, it is to be presumed, were considered in relation to this tax upon alcohol. If that is not so, then it is fair to presume that when the tax on alcohol was fixed its effect upon these articles was considered. We at one sweep undertake to repeal this single section, caring nothing and considering nothing as to what or whom it affects in this country. Now, we have done very little for the manufacturers of this country. We have done nothing for its industries. Let us be very careful that we do not, in addition to that failure, strike a blow and do an injury to already existing industries.

Mr. Chairman, is this an important provision of the present tariff law—the internal-revenue portion of it? It is said in the report of this committee that the estimate made of the alcohol likely to be claimed under the act is 10,000,000 gallons per annum—a total for the fiscal years 1895 and 1896 of 20,000,000 gallons—making a tax of about $10,000,000 per annum. Is it not, then, an important provision that proposes to place now upon the industries of this country—burdened, struggling, trodden down to the ground—an additional burden of $10,000,000 a year?

Is it not of some consequence that we render them to that amount just so much less able to compete with the manufacture of articles in which alcohol enters that come into this country from abroad?

But it is an important provision, Mr. Chairman, in other respects, in that it is a practical declaration of a Republican doctrine that we shall reduce our revenue taxation as fast as possible and look for our revenue to the duties laid on imported articles.

We have now got this general provision incorporated into the law. I say to you if it is taken out no man can tell when, if ever, it will get back. We have got it. If there are faults under it, let us provide for them; let us amend the act; but let us retain the principle, and not lose what we have already gained.

What are the reasons offered for the repeal of the provision? If you will read the whole report of the Committee on Ways and Means through, you will find that four reasons are assigned. In the first place, that no rules can be framed under it; in the second place, it is not the consumer that gets the benefit; third, that we need the revenues, and fourth, because of the wood-alcohol trust. The second and third arguments are all contained in the first one, and there is no reason, when you analyze the report, why this should be done except that the regulations can not be framed under it, and second, that it should not be repealed because it would be in contravention of the wood-alcohol interest. Analyze it, and you will find that it all comes down to these two provisions.

Now, in regard to the inability to frame regulations, let us consider that for a moment. Under the section I submit to the House, and to the able gentlemen upon the Ways and Means Committee, as well as to the distinguished lawyers in this committee, that this section is drawn strongly in favor of the Government; that if you had the general doctrine which is therein embodied and incorporated in the internal-revenue laws you could not draw a section more in the interest of the Government and against the manufacturer who has to receive the article. You provide, for instance, in the first place, that he shall pay the tax before receiving the commodity. The money gets into the hands of the financial officers of the United States. It is to be gotten out by the manufacturer from the possession of the Government. How is he to do it? He can only get it under the language of the section, by "satisfying" somebody. No method of proof is prescribed, no kind of evidence is laid down by which he is to do it; but he can only receive the money back by satisfying——

Mr. WALKER of Massachusetts. Bowler. [Laughter.]

Mr. KNOX. No; the Supreme Court satisfied Bowler. This is

unfortunately apparently a "Bowler" game to prevent the Government from paying its just dues. That seems to be what it is.

But I say you have got to satisfy somebody. Now, when you have this general provision, why is it that regulations can not be framed to carry those provisions out? [Applause.]

[Here the hammer fell.]

Mr. RUSSELL of Connecticut. I now yield ten minutes to the gentleman from New Jersey [Mr. PARKER].

The CHAIRMAN. The committee will be in order.

Mr. PARKER. I thank the Chairman, I thank the gentleman from Connecticut, who has been only able, however, to give ten minutes to the Representative of the second manufacturing district of the United States in defense of its industries.

I have nothing, Mr. Chairman, but respect for the gentlemen who urge the passage of this bill, but if I judge by the last speech for it, I would say, with all due deference, that they do not understand it. I want to give you some facts in connection with the matter. It is a protective measure that is proposed to be repealed—protective both to agriculture and manufactures. I do not believe if the members of this House understood that fact that either Democrats or Republicans would try to bring further trouble upon these industries.

Commercial alcohol costs 23 cents a gallon. It was news to me, and I think it is news to you, to learn that fact. The tax on alcohol of $1.10 a proof gallon, the pure article being 88 per cent above proof, amounts to $2.06 a gallon, and the commercial article is sold, therefore, for about $2.30 a gallon. Men can, and often do, pay that price for a beverage, and my friend from Massachusetts would say that they ought. There are somewhere between one and two hundred drinks in a gallon, but men can not afford to use alcohol in the arts at any such price as that, and no nation in the world requires it. We used to have a burning fluid made of alcohol and benzine. We have it no longer, because we could not afford to use alcohol in that way. We used to have alcohol varnishes; now more seldom. We can use alcohol in the arts to an extent that is absolutely unknown until you have had occasion to investigate. It is destroyed in the manufacture of chloroform, which changes its character. It is destroyed in making photographic materials. It is used as a vehicle in varnish. It is used in a shellac composition to put into hats and then allowed to evaporate and get away. It is used in medicines as a mere solvent. I do not mean in alcoholic preparations, such as so-called bitters, but in medicinal preparations, whether in making such drugs as quinine or morphine, or in making corrosive sublimate. It is used in making a like compound of mercury, for the manufacture of percussion caps. It is used in making tinctures, extracts of fruits, and extract of flavors.

The expression "medicinal and other like preparations" means preparations of medicine and preparations of that sort, not alcoholic preparations under that guise, and any Secretary of the Treasury who can discriminate between silver ore and lead ore can discriminate between the preparations mentioned in that section and frauds upon the Treasury in the way of alcoholic preparations. It would be used in hundreds of other ways. It would be used in many times the present quantity. It would give a market for grain. The enforcement of this section would give a chance to manufactures and agriculture and employment to our people. But the Secretary of the Treasury has said he will not enforce it. He has said he will not prescribe regulations, and a Republican House is asked to support him in opposing the manufacturers of this country. What is more, under the present law that same alcohol is free for export and is exported in bond. Think what that means, gentlemen. That very alcohol at 23 cents a gallon was sent to Canada. There they made the explosive powder for percussion caps. They got the benefit of the manufacture and sent it back, on a small duty, to us. That very alcohol can be sent to England or Germany to make medicines there to send back to us.

Now as to a matter of history. Somebody has said that this provision was accidental. It was not. A constituent of mine who pays $48,000 a year in the way of tax on alcohol used in making sulphuric ether knows of that fact. The tariff of 1894 raised the internal revenue on commercial alcohol from $1.70 a gallon to $2.06, an increase of 36 cents. They protested. They said they could not continue their manufacture under those circumstances, much more when duties were reduced, and when the duty on hats went down from 100 per cent to 35 per cent, when the duties on sulphuric ether, their product, likewise went down, and everything was lowered, they said they could not use alcohol or continue their manufacture, and then they were told by this bill: "Make no objection. This bill is only against alcohol that is to be drunk, not against alcohol to be used in the arts." They have relied upon this law. They have made contracts based upon it. They have not received the rebate, but they have agreed with all their customers to give them the rebate when received. They have made their sales upon that basis, and you are asked to destroy those industries. They could make many other things, notably chloroform, with cheap alcohol.

Now, is there any difficulty, when 500 barrels of alcohol per year go to their factory with the stamps on the barrels, and they produce those stamps, as required by this law, to the Secretary of the Treasury, is there any chance for fraud? How? They can only use the alcohol in manufacture. They can not sell it. All the laws of the State and of the United States prevent such sale. They receive the barrels full, they send them back empty. They return the stamps, which show what they have used in their trade; and whether it be in factories of varnish, medicines, or percussion caps, or whatever it may be, any honest manufacturer can do the same thing, under such regulations as the Secretary of the Treasury shall prescribe, and there will not be a looting of the Treasury, as has been stated here, but simply a return of the tax which they themselves pay, a return made because it is for the benefit of American industries that they should have this protection.

Protection may be by duty; it may be by bounty; it may be by exemption. Here it is by exemption. It is none the less protection; and as a representative of the protective principle, with all my reverence for the leaders who framed the tariff bill of 1890, who are its parents, when it comes to the principles of protection, I must stand here in this House on facts which I believe they do not thoroughly realize and understand, to appeal to this House, Republican and Democratic, to all who believe in American agriculture, American manufacture, and American trade, binding the people together from one end of this country to the other, and to ask them, as they love their country, as they are trusted by their constituents, not to vote for this repeal. [Applause.]

[Here the hammer fell.]

Mr. RUSSELL of Connecticut. Mr. Chairman, I yield five minutes to the gentleman from Kentucky [Mr. COLSON].

Mr. COLSON. Mr. Chairman, in the five minutes which have been yielded to me by the gentleman from Connecticut, to whom I return thanks for the kindness, I can not go into detail, but I can and do enter my protest against the repeal of section 61 of the Wilson bill, which provides for free alcohol in the arts and in any medicinal compound.

Some members of the committee from which this bill was reported have complained at the criticism which has been made by many members of the House of the action of the committee in reporting measures here, but I think the criticism of which they complain is just and proper, for the measures which are referred to that committee are measures of most general interest to the people of this country and in which every member upon this floor has an intense interest. I submit that the Republican members of the Committee on Ways and Means have not done what they should have done in regard to these great public measures, in that they have failed to submit them to a caucus of the Republican members of this House.

They have no right to expect the Republicans of this House to come up and support any bill which they may seek to report here regardless of its merits, that measure not having been submitted to a caucus of the Republicans of this House. I say they have no right to complain at any criticism that may be made on their action. That action should be discussed freely and fully here when they have not submitted any measure to a Republican caucus. I would like, Mr. Chairman, for the Committee on Ways and Means to explain why it is that other matters of equal importance have not been considered by that committee and bills reported in regard to them. The Wilson bill, passed in 1894, thoroughly eliminated from our tariff system the reciprocity feature, and certainly that is of more importance than the matter embraced in this bill now before the committee for consideration. By the repeal of the reciprocity clause of the McKinley law we have lost millions of dollars of foreign trade. The flour-mill men in Kentucky and other States, who had not before the passage of the McKinley law been able to sell a barrel of flour in Cuba, under the reciprocal relations established with Spain, under section 3 of that bill, were afforded a market in Cuba for millions of dollars worth of flour, which market was taken from them as soon as the McKinley law was repealed. Why have not the Ways and Means Committee reported a bill here restoring reciprocity? Oh, they say, we can not secure the passage of such a bill—that the Senate will not pass it, and the President would veto it. I say to you that this House has not the right to anticipate the action of the Senate of the United States; it has not the right to anticipate the action of the President of the United States. We should act; we should do our duty; we should, in my judgment, have laid before the Senate a general tariff measure with reciprocity a prominent feature, and put the responsibility upon that body if it failed to pass it. [Applause.] And if the Senate passed it, let the responsibility for its failure to become a law rest upon the Chief Executive of the United States. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. RUSSELL of Connecticut. I yield five minutes to the gentleman from New York [Mr. BARTLETT].

Mr. BARTLETT of New York. I thought I was to have ten minutes.

The CHAIRMAN. The gentleman is recognized for five minutes.

Mr. BARTLETT of New York. Mr. Chairman, it is very singular that with an able and distinguished Committee on Ways and Means, we find that the great measure now under consideration, which affects the North, the East, and the Middle States, and the great manufacturing interests of those States, has been abandoned to the custody and control of the gentleman from Kentucky. It is hardly necessary for me to call attention to the names of the distinguished gentlemen upon that committee. I repeat that it is very remarkable that we find that no one of those distinguished gentlemen rises in advocacy of this bill; for the only prominent member of that committee who has ventured to address this Committee of the Whole, the distinguished gentleman from Iowa [Mr. DOLLIVER], has given us a speech—what on? On the triumphs of his party; on the alleged virtues of a protective policy, without uttering one word in favor of the measure now under consideration.

Let me, before passing on to consider the merits of this bill, call the attention of the committee to the fact that only a few days ago we had a bill passed hurriedly through this House, under the guidance of the gentleman from Kentucky [Mr. EVANS], a bill in the interest of the distillers of Kentucky and of the whisky trust; a bill which will do incalculable damage to the city of New York, which I have the honor to represent in part. I am told that it will deprive the Federal Government in licenses of three-quarters of a million dollars; and for what purpose—to give the distillers of Kentucky an opportunity to bottle their liquor and sell it for their own added benefit and advantage, and not through the dealers.

Mr. STEELE. And to deprive Canada of that trade?

Mr. BARTLETT of New York. That was the measure passed last week, and now we have another measure proposed in favor of the distilling interests and the whisky trust.

The only objection which I understand the committee made to the existing law is that it is impracticable to execute. Can it be possible, Mr. Chairman, that we, the Congress of the United States, confess our incapacity to frame adequate laws? Can it be possible that the Secretary of the Treasury or the Commissioner of Internal Revenue finds it beyond his brain power to frame regulations adequate to control this matter?

Let me call your attention to the fact that section 61 of the Wilson tariff bill of 1894 is very broad. It leaves this whole matter to the Secretary of the Treasury. He has absolute power in his discretion to frame proper regulations. Then the collector of internal revenue in each district must be satisfied about the manufacture. So that it is first only necessary that the Secretary of the Treasury should frame the proper regulations, however stringent they may be, and it is all within his discretion. Then it is incumbent upon the manufacturer to satisfy the collector of internal revenue that he has complied with the law, and when he has executed it he is entitled to a rebate. This repeal will work a great deal of harm to the manufacturing interests of New York; to the great drug trade; to those who are engaged in the manufacture of perfumes, varnishes, and paints, and in many other industries.

If you look back to the Forty-seventh Congress you will find that in 1882 it was stated in a Republican House, when Chester A. Arthur was President of the United States, that every member of the Committee on Ways and Means was in favor of free alcohol for use in the arts and sciences.

Now, let me say one word, which I think should be controlling in this matter. The bill now under consideration provides for what? For simple repeal, without any saving clause. Let me call your attention to the language of the Supreme Court of the United States.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BARTLETT of New York. Give me one minute more.

Mr. HEPBURN. Mr. Chairman, will the gentleman allow me to ask him a question?

Mr. KEM. I object, if this is by unanimous consent.

The CHAIRMAN. It is not by unanimous consent, the Chair will say to the gentleman from Nebraska.

Mr. RUSSELL of Connecticut. I yield two minutes more to the gentleman from New York.

Mr. EVANS. Mr. Chairman, unless the gentleman from Connecticut has some more time, I object.

The CHAIRMAN. The gentleman from Connecticut has the time and yields two minutes to the gentleman from New York.

Mr. HEPBURN. I simply desired to ask, Mr. Chairman——

Mr. BARTLETT of New York. I have the greatest regard for my friend from Iowa, and shall be glad to talk with him after I get through with my two minutes. [Laughter.]

I desire to call the attention of the committee to the point that we can not in common honesty repeal this section 61 without a saving clause. Look at what the Supreme Court decided yesterday in the sugar-bounty cases. In that decision they use the words "right and justice," "honor," and "moral claim." I use the same words to you to-day, and I call upon you in the name of common honesty not to repeal this section 61 without some saving clause providing for the repayment of the rebates to manufacturers. Those manufacturers who have filed their claims can not be barred out by the failure of the Secretary of the Treasury to make proper regulations. If he is chargeable with nonfeasance in having failed to prepare proper regulations, the manufacturers can not be debarred from the prosecution of their claims for the rebates to which they are entitled under the act of 1894.

The CHAIRMAN. The time of the gentleman has expired.

Mr. EVANS. Mr. Chairman, I believe I am entitled to control the remainder of the time.

The CHAIRMAN. The gentleman from Connecticut [Mr. RUSSELL] has one minute remaining, and the gentleman from Kentucky [Mr. EVANS] has the other eleven minutes.

Mr. EVANS. When the gentleman from Connecticut gets through we will use our remaining eleven minutes unless the gentleman chooses to yield us that one minute.

Mr. RUSSELL of Connecticut. I will reserve it.

Mr. EVANS. No; we want you to use it now, unless you will yield it to us.

Mr. RUSSELL of Connecticut. I yield it to the gentleman.

Mr. EVANS. Now, Mr. Chairman, I yield five minutes to the gentleman from Tennessee [Mr. MCMILLIN]. The remainder of the time will be occupied by the gentleman from Maine [Mr. DINGLEY].

Mr. MCMILLIN. Mr. Chairman, upon a purely business proposition so vastly important as this, I can not but regret that the time which was given for the presentation of the affirmative of the pending measure should have been wasted, as a portion of it was, in a discussion which, if no friend of mine were involved in it, I should have to call a harangue.

What is the proposition here? It is to repeal section 61 of the tariff act passed two years ago. It has been held by the Secretary of the Treasury that this section is wholly impossible of enforcement, by reason of its vagueness and uncertainty. It is held by the Ways and Means Committee of this House, it was held by the Ways and Means Committee of the last House, that the Secretary's contention in that regard was correct, and that it was wholly impossible for any Secretary of the Treasury, under any regulation, to enforce what was supposed to be the law. Before going further, I want to disabuse the mind of my good friend from New York [Mr. BARTLETT] of the idea that this is some legislation in favor of the distillers and of the whisky trusts. Nothing could be further from the truth, though I know the gentleman believes what he says or he would not say it. My friend in front of me [Mr. HILL] also took the same position. Now, does not the gentleman know that free alcohol in the arts would increase the amount of spirits used in the arts and would thereby increase the possibilities of distilling and of sale by the trust? If the whisky distillers and the whisky trusts are interested on either side of this question, they are interested in having free alcohol.

Mr. BARTLETT of New York. Will the gentleman yield for a question?

Mr. MCMILLIN. I can not. I am generally quite liberal in that respect, but my time is so limited that I can not yield on this occasion. Now, Mr. Chairman, what are the facts? Already there are heaped up before the Court of Claims millions of dollars of claims arising out of this vague, uncertain, indefinite provision of the tariff act. It is estimated that $10,000,000 a year in claims will be brought in in the future, and that ten millions a year for the last two years will be presented as soon as there is an intimation that the court will hold that the claimants are entitled to free alcohol in the arts. I want to cite here the evidence of men who have examined this question.

This is no new proposition. It has been suggested to every Ways and Means Committee ever since I have been a member of that committee, and it has been my fortune to be a member of it for twelve years past. There has never been a single Ways and Means Committee, either Republican or Democratic, in that time that thought it was possible to give free alcohol in the arts and still have an honest and thorough enforcement of the internal-revenue law. So thinks the present committee. So thought the last committee, which framed the Wilson bill. So thought the McKinley committee, which framed the bill that has been lauded so much by my friend from Iowa. So thought the Mills committee, which framed the Mills bill. I need not go further back. There has never been a suggestion either by the majority or the minority that it would be proper for the Government to give free alcohol in the arts and thus give opportunity for possible frauds that would result in pulling down the revenue derived from that great source of revenue to our Government. And the Finance Committee of the Senate took the same ground in the last Congress. The section that it is proposed to repeal was the work of Mr. HOAR alone.

It is the proposition of one man. It is crude, uncertain, and

indefinite. If you give free alcohol in the arts—if you give free alcohol in every drug store in the United States—if at every corner where a drug store may be erected you may have a free barrel and free spigot and free spile and free bung, who can tell what will become of the hundred and odd millions of revenue without which this Government is unable to proceed at the present day? [Applause.]

[Here the hammer fell.]

Mr. EVANS. I yield the balance of the time to the gentleman from Maine [Mr. DINGLEY].

Mr. DINGLEY. Mr. Chairman, in the few minutes remaining I can only state three facts. The first is that the bill now pending before the committee is not a tariff bill. It does not touch the question of duties upon imports or relate to that subject in any direct or even indirect manner whatever. It is simply an internal-revenue bill. And we have passed through this session of Congress already three internal-revenue bills, modifying the internal-revenue provisions in the act of 1894, and no one has suggested until this bill came up that we were changing the tariff of 1894.

Mr. PARKER. May I ask the gentleman whether it is not——

Mr. DINGLEY. I can not in my limited time yield for any interruption.

This question is purely a business question—nothing more, nothing less. It has no connection with party politics. The question is simply what a business man should do in the circumstances in which the Government finds itself to-day. In the closing session of the last Congress the then House of Representatives, every Republican member concurring, passed precisely this bill which we have before us to-day, all agreeing that in the interest of the Government, in the interest of good administration, this provision in the internal-revenue sections of the law of 1894 on this subject should be repealed.

Thirdly, I have to say that this situation arises from a peculiar condition of circumstances. When the bill of 1894 was under consideration in the Senate, after all the tariff provisions had been concluded and that body was considering the internal-revenue provisions, this provision was offered with the distinct understanding in the Senate that it was to go to the committee of conference, and that if they thought on examination that any provision should be framed to give in certain cases exemption from the internal tax on alcohol, without opening the door to frauds on the revenue, it should be done. Not a single vote would have been given for that provision in the Senate if it had been supposed that that precise provision was to be the law, and nothing more. It is utterly impracticable; and that is the agreement not merely of the present Commissioner of Internal Revenue; not merely of the present Secretary of the Treasury, but in 1890, when we framed that act we submitted substantially the same proposition, with other propositions, to the then Republican Commissioner of Internal Revenue and to the then Secretary of the Treasury, and they agreed that the provisions were utterly impracticable and that the duty on alcohol could not be remitted under such a law with safety to the Treasury of the Government.

We had this question before us when we framed the tariff act of 1890, notwithstanding the declaration of the platform of 1888; and after considering it for weeks we decided, in view of the wide extent of this country and the peculiar circumstances in which we are placed, that we could not then frame a measure making alcohol free of tax in all the various arts and manufactures and in medicine without effectually depriving the Government of essential revenue.

My own belief—certainly my hope—is that when we can spare the revenue and when we come to frame a new tariff act that will give the country sufficient revenue we can provide within certain limits for free alcohol in many manufactures. But that is a question which requires further investigation. This country is so wide in its territory, there are so many difficulties in the administration of such an act, that Republican and Democratic Administrations alike have agreed that it would be exceedingly difficult to frame provisions on this subject that will adequately protect the revenue; and all agree that the present provision is absolutely unworkable unless we propose to practically deprive ourselves of revenue.

What is the effect of this provision as we have it now? If we do nothing, if we allow this provision to run along for a year, it is the opinion of the Commissioner of Internal Revenue that at least $10,000,000 of claims will be piled up during that time which the Republican Administration next year will be called upon to pay in case the courts sustain the contention of the claimants. And I ask gentlemen on this side whether they are prepared to pile up such claims against the Administration which we know will come in on the 4th of March next.

Let us, then, at once repeal the unworkable free-alcohol provision of the act of 1894. Let us then turn over this subject to a careful committee of inquiry. Let them consider what can be done without depriving the Government of revenue, and let them report at the next session. And then when we come to frame a new tariff bill, when we undertake the task of providing sufficient Federal revenue, let us take up this question and consider to what extent and under what regulations and restrictions we can safely grant this exemption to certain industries of this country. But if we propose to open the door in the manner provided in the existing provision of law, certainly the Treasury must suffer; and no one among the great mass of the people can possibly be benefited, because no manufacturer, no person using alcohol under the existing law will reduce his price on the goods manufactured because of the fact that the rebate of the tax is so uncertain. It would not be good business for him to do so. Yet these claims are already piled up and are piling up every day; and if these gentlemen recover in the Court of Claims, then the Treasury of the United States will suffer in the future.

My own personal judgment, as the friend of free alcohol so far as it can be had without trenching upon the revenue, is that we should repeal the existing provision and adopt the amendment for an inquiry, thus closing the door which has been opened into the Treasury; and then, when we frame a tariff bill, let us cover the whole ground and provide sufficient revenue; and as to this particular matter, let us within certain limits do efficiently what the existing law in an unguarded and insufficient manner has attempted to do.

The CHAIRMAN. The time for general debate under the order has expired, and the Clerk will report the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That section 61 of an act entitled "An act to reduce taxation, to provide revenue for the Government, and for other purposes," which became a law August 28, 1894, be and the same is hereby, repealed.

Mr. EVANS. Mr. Chairman, I have been instructed by the Committee on Ways and Means, which committee was most anxious to do what has seemed to be the best and most proper thing in the premises, to offer an additional amendment to those already suggested by the committee, and pursuant to that authority I offer the additional section which was printed in the RECORD of yesterday, and of which I gave notice during the time I occupied the floor in the discussion of this bill.

The Clerk read as follows:

SEC. 2. That a joint select committee is hereby authorized, to consist of three Senators, to be appointed by the presiding officer of the Senate, and three members of the House of Representatives, to be appointed by the Speaker of the House, which select committee shall consider all questions relating to the use of alcohol in the manufactures and arts, free of tax, and to report their conclusions to Congress on the first Monday in December, 1896.

Said joint select committee is authorized to sit by subcommittee or otherwise during the recess or session of Congress at such times and places as they deem advisable; to summon witnesses, administer oaths, print testimony or other information, and to employ such stenographic, clerical, and other assistance as may be necessary, one-half of the expense to be paid from the contingent fund of the Senate and one-half from the contingent fund of the House of Representatives.

Mr. EVANS. I believe that no member of this House who listened with attention to the very clear, very pertinent, and perfectly correct exposition of this bill from the gentleman from Maine [Mr. DINGLEY] will for one moment doubt the propriety of the action of the Committee on Ways and Means with respect to their recommendation that section 61 should be now repealed.

But in order that those friendly to the use of free alcohol in the manufactures and in the arts may have an opportunity, deliberately and carefully, to investigate the question further, the Committee on Ways and Means has directed me to recommend to the House for its action the second section, which has just been read, in order that the whole question may be carefully investigated by a committee of both Houses, having full power in the premises and having the best opportunities to get at the merits of the case.

Mr. QUIGG. Will the gentleman allow an interruption?

Mr. EVANS. Certainly.

Mr. QUIGG. Why will not the committee consent to have this amendment passed as a substitute for the bill, and then wait for the repeal of section 61 until the commission has made its report?

Mr. EVANS. Because of the arguments and statements of fact introduced before the committee and here before the House, demonstrating that section 61 is operating to the injury of the Government of the United States at a rate of not less than $1,000,000 a month. That is the reason that there ought to be an instantaneous repeal. That is the reason there is a demand for the immediate repeal of the section; to stop the spigot, as I characterized it yesterday, and then through the select joint committee to investigate and see if some wise provision, some well-guarded measure, some proper legislation upon the subject, could not be evolved from its labors.

Mr. MOODY. If the gentleman will permit me to suggest, if that is the reason why he would not accept the suggestion of the gentleman from New York, would he not accept this: That instead of repealing the law at this time its effects be suspended until, say, the 1st of April, 1897; and the appointment of the commission in the meantime having been made, they can make their report after their investigation, so that the friends of free alcohol

by this arrangement would see that they still have something to hold onto, and not give up everything.

Mr. EVANS. Mr. Chairman, what I have said upon this subject, and what has been said generally by others on the floor of the House, regarding the demerits of and the objections which are raised to section 61, that it is utterly impracticable, that it is unworkable and inapt as a legislative provision, demonstrates the unwisdom of suspending such a provision of statutory law, instead of repealing it outright. It ought to be repealed, not suspended; and then a suitable provision, if necessary, can be enacted after the report of the joint select committee of the two Houses has been received.

Mr. QUIGG. Does not the gentleman from Kentucky think that it is worth while to get a unanimous Republican party on this subject?

Mr. EVANS. I do not think there is any politics in the question. I do not think the effort to inject politics into it has been fair, either to the Ways and Means Committee or to the Republican party, for I say it is not a doctrine of the Republican party that you should subject the Treasury of the United States to expenditures by way of bounties at the rate of $1,000,000 a month without conferring some compensating benefit upon the public which alone would excuse it in any case.

Mr. QUIGG. If the gentleman will permit me, there are some fifty or sixty Republicans here, however, on the floor who differ with him on that point, and think this is a political question. They differ with the gentlemen constituting the Committee on Ways and Means in that respect. Why not, then, have some consideration for their feelings in the matter?

Now, if the gentleman from Kentucky will accept the proposition of the gentleman from Massachusetts simply to suspend the law temporarily, it will save the money to which the gentleman from Kentucky refers.

Mr. EVANS. That is a fanciful idea, wholly impracticable, and unworthy of a legislative body——

Mr. MOODY. But it will save the money which you say is being wasted.

Mr. EVANS. We ought to repeal the law when we find it producing such disastrous results.

Now, Mr. Chairman, in justice to myself, in a matter that is somewhat personal to myself, I ask time to make a few remarks.

The CHAIRMAN. The time of the gentleman has expired.

Mr. EVANS. I ought to be permitted to take up as much time as was occupied in questions, for reasons personal to myself.

The CHAIRMAN. The gentleman can only proceed by unanimous consent.

Mr. KEM. I demand the regular order.

Mr. WALKER of Massachusetts. Mr. Chairman——

Mr. BARRETT. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from Massachusetts [Mr. BARRETT] rise?

Mr. BARRETT. I rise in opposition to the amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts [Mr. WALKER] to oppose the amendment.

Mr. SKINNER. Mr. Chairman, I have an amendment, and I rise to know when it will be the proper time to offer it?

The CHAIRMAN. After the discussion on the pending amendment is exhausted and the amendment has been disposed of.

Mr. WALKER of Massachusetts. I move to strike out the last word.

The CHAIRMAN. The gentleman is recognized without that—recognized in opposition to the amendment.

Mr. WALKER of Massachusetts. Mr. Chairman, I yield to no man in the House or in the country in my admiration for the chairman of the Committee on Ways and Means [Mr. DINGLEY] in his good judgment and his usefulness in this House on all questions of legislation; but I think he and the Committee of Ways and Means have made a most serious mistake in presenting this bill to the House. In the first place it and the reasoning in their report is a clear justification of the Democratic Administration in refusing to obey the mandate of the Congress of the United States enacted into law and approved by the President of the United States. [Applause.] The Democratic Administration have refused to obey the law, and this bill is a justification of the Administration for so doing. They have refused to obey the law, it seems to me, for no reason in the world other than because of the deficient revenue, which they have themselves produced in the tariff bill which they enacted.

Furthermore, I am amazed beyond measure that a Republican chairman of the Committee on Ways and Means should justify every argument against a protective tariff by saying that the consumers can not get the advantage of the rebate of taxes in the following words:

> Section 61 would immensely benefit a few manufacturers and wholesale dealers in certain lines by returning to them, long after the product was marketed and sold, a sum equal to the taxes on the alcohol used, but that the great consuming public would not, probably in a single instance, owing to the exceptional nature of the case, have a cheaper price made to them.

It appears to be a justification of the whole Democratic position, which we shall hear through the next Congress in every Democratic speech.

Let me say, Mr. Chairman, that it will be found impossible for Congress to pass any law for the use of free alcohol in the arts and manufactures that can by any possibility be as effective as the provision of the law which they seek to repeal. The provision of law which they seek to repeal puts it in the power of the ablest man that can be found in this country, with as many experts as he chooses to employ, to frame a law to-day, and amend the law to-morrow, and amend the law the next day and every day, and change the law until he finds it fits the circumstances, and this is impossible to the whole Congress of the United States.

I submit that the chairman of the committee, the gentleman from Maine [Mr. DINGLEY], gave his whole case away when he said that they would make an effort in the next Congress to frame a law allowing free alcohol, as in the present law. I do not believe that it has come to this, that the Governments of England, of France, of Germany can frame laws which are effective in those countries and that we can not frame a similar law which shall be as safe and effective in this country. And I want again to call the attention of this House to the fact that by no possibility can we frame a law that will not need amendment. By no possibility can we frame a law that will be as effective as to commit the whole lawmaking power (which is done under this section now sought to be repealed) to the Administration, that can amend the law every day and every hour, at any point where it is found ineffective. Therefore, I say that if this House votes to repeal this law it is stultifying itself and condemning the whole doctrine of protection as well as limiting the lawmaking power to a single act, when under the words to be repealed it may be continuous through years, until it is as perfect as expert ingenuity can make it.

[Here the hammer fell.]

Mr. HILL. I desire to offer an amendment at the proper time, of which amendment I have given notice.

The CHAIRMAN. An amendment to the amendment, or an amendment to the bill?

Mr. HILL. An amendment to the amendment.

The CHAIRMAN. An amendment to the amendment is in order now.

Mr. SKINNER. I offer an amendment.

Mr. HILL. The amendment which I wish to offer is to strike out all after the enacting clause and substitute another provision in the place of the present bill.

The CHAIRMAN. That is not an amendment to the amendment.

Mr. HILL. When that is in order, I wish to be recognized.

The CHAIRMAN. The Chair will recognize the gentleman from North Carolina [Mr. SKINNER] for an amendment to the amendment, as the Chair understands.

Mr. SKINNER. Yes.

The Clerk read as follows:

> Amend by adding:
> "That all brandies, high and low wines, alcohol, and distilled spirits of all grades, distilled entirely from fruit, shall hereafter be, and the same are hereby, exempted from the operation of the revenue laws of the United States, and the same is permitted free of tax or Federal supervision."

Mr. DINGLEY. A point of order against that amendment.

The CHAIRMAN. The Chair thinks that amendment is not germane to the amendment. It may be germane to the bill.

Mr. BARTLETT of New York. I wish to offer an amendment.

Mr. SKINNER. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SKINNER. Can I offer my amendment as an amendment to the bill?

The CHAIRMAN. After the present amendment is disposed of, then it will be proper to offer that, but not as an amendment to the amendment.

Mr. McMILLIN. Mr. Chairman, I move to strike out the last word of the amendment of the gentleman from Kentucky, for the purpose of answering one suggestion that has been made during this debate. The gentleman from Massachusetts a few moments ago, and others who have preceded him, spoke of the possibility of our administering this law so as to prevent frauds upon the Government. One of the means heretofore suggested, and even relied upon by those who favor free alcohol, was methylation. I was appointed chairman of the subcommittee on internal revenue of the Committee on Ways and Means which framed the Mills bill, and had occasion to make a very thorough investigation of this subject. A very fine chemist was employed by the Treasury Department, and he methylated spirits, ordinary whisky and table spirits. He stated to me he had put about enough poison into one bottle of it to kill a dozen men. He demethylated it, took the poison out, and left the whisky entirely harmless. That process was done over and over. Now, what method is pursued in France, England, and other countries in demethylating I do not know, but demethylation has thus far proved ineffectual by reason of this.

Mr. MORSE. That is right. It kills 60,000 a year.

Mr. McMILLIN. It is not the methylated that kills. That is

some that has never been methylated, my friend. I yield to the superior information of my friend from Massachusetts on that subject. It is one that I do not know anything about.

Mr. Chairman, the effect of the law as it now stands is this: Those gentlemen who suppose that the consumer is going to be benefited, and who vote against this bill on the idea that they are benefiting the consumer, are very much deluded. We had a number of manufacturers before the Ways and Means Committee, and they were asked the question whether they had fixed the price of their goods in the open market after they were manufactured with a view to the reduced price of the alcohol that was used in them, or whether they had gone in the open market and sold them as if manufactured from taxed alcohol. A very large majority stated very candidly, much to their credit, that they had been selling on the basis they would have sold on with taxed alcohol. So that if you go on from year to year and enable the manufacturer to get his product free of tax, you at the same time give uncertainty still longer to other people to which the product is sold in open market at the same rate it would bear if a tax were imposed on it instead of free alcohol.

Thus much on those two points. Now one word as to how this became law. The House of Representatives refused to adopt it. The majority of the Finance Committee of the Senate refused to adopt it. The Republican minority of the Finance Committee of the Senate refused to father it; but in that period of difficulty and uncertainty of passing the Wilson bill through the Senate it was offered by an individual member on his own responsibility, and was permitted to go into the bill under the same idea that many other things did, that they could be stripped off in conference. Now, if I may speak of past history, and I think I may without violating proprieties, there was not a single member of the committee of conference, either of Senate or House, who did not favor stripping the bill of this, and so far as I know the minority favored it as well as the majority of this House. If the conference report could have been adopted, that inevitably and certainly would have been stricken out of the bill. It was not in the bill with the consent of that Senate or that House or that Congress, and it will not be permitted to remain in with the consent of this Congress.

Mr. QUIGG. Mr. Chairman, let us understand exactly what this situation is. The existing law imposes a tax on spirits. A provision of law says that if a man can show that he is using those spirits in arts or manufactures he can get back the money that he has paid into the Treasury. The Committee on Ways and Means proposes that that provision of law, permitting this rebate, shall be repealed; and then, in order to show that maybe they do not mean to prevent the use of free alcohol in the manufactures or the arts, they suggest the appointment of a commission to inquire into the subject. Now, if they are sincere in the provision they make, if they would like to see an effective law on this subject, a law permitting free alcohol to be used in the arts and manufactures, and if they want a united party here in this House on that question, all in the world they have to do is to accept the suggestion of the gentleman from Massachusetts, which is a perfectly reasonable one, a perfectly easy one, and that is that this law, instead of being absolutely repealed, be simply suspended pending the report of this commission.

I want the attention, if I may have it, of the gentleman from Kentucky and of the chairman of the Ways and Means Committee. Those gentlemen say that the suggestion of a suspension of the law pending the report of this proposed committee is a fantastic proposition. Why any more fantastic than the repeal of the law? It simply sets a date at which the repeal of the law shall cease to be operative. That is the only effect of the suspension. Now, if the gentleman will not accept the proposition of the gentleman from Massachusetts, does it not show conclusively to every Representative on the floor of this House that the committee does not mean free alcohol in the arts and manufactures, and that somehow or other it does mean to facilitate the operations of the whisky trust? I do not suppose that any gentleman has that deliberate intention, but——

Mr. EVANS. Will you state how it facilitates the operations of the whisky trust?

Mr. QUIGG. I would if I had time.

Mr. EVANS. Take time and do it.

Mr. QUIGG. I would like to. What it does is to make alcohol so expensive that it can not be bought practically for use in the arts and manufactures. Now, the committee can accept the amendment of the gentleman from Massachusetts if they will. It is a perfectly reasonable one. Only private opinion can stand in the way of their accepting it.

Mr. STEELE. The Attorney-General and the Secretary of the Treasury have both decided that this law is not in effect and is not operative; the gentleman from New York wants us to declare that it is operative and to suspend it. In other words, he wants us to legalize claims which the Treasury Department rejects.

Mr. QUIGG. Not at all. That is not a question which the Treasury Department can dispose of. It is a question for the courts to dispose of, and they will do it.

Mr. STEELE. But you have claimed that the Secretary's decision is final.

Mr. QUIGG. I have claimed nothing respecting the Secretary's decision.

Mr. STEELE. Well, the gentleman from Connecticut [Mr. HILL] did yesterday.

Mr. QUIGG. What I do say is that you can perfectly well suspend this section if you mean anything practical by proposing this committee, instead of merely throwing out the proposition as a sop.

Mr. STEELE. It is no sop.

Mr. QUIGG. Well, if you intend anything by it, you can just as well suspend the law in the meantime. You can suspend it as well as you can repeal it; and I appeal to the members of this House to vote for that proposition.

Mr. KNOX. I do not wish to tire the committee, but I wish to add a few words to what I said before applicable to my amendment. The whole case for the repeal of the law has rested upon the proposition that it is impossible to frame regulations under this provision of law which shall permit the use of free alcohol in the arts and manufactures and at the same time secure the proper collection of the tax levied by the internal-revenue law. Now I say this amendment of the committee in itself directly contradicts that proposition and says, in effect, that it is possible for the committee who are to sit in the recess, and who are to have power to send for persons and papers, to frame rules and regulations which will adequately protect the revenue and at the same time give us free alcohol in the arts and in manufactures.

Mr. WALKER of Massachusetts. The committee's proposition gives away their whole case.

Mr. KNOX. It gives away their whole case. Upon another ground also I appeal to this House. Have you more confidence, gentlemen, in a committee of 6 to be appointed by the Speaker of the House and the President of the Senate than you have in the 17 men who constitute the Committee on Ways and Means of this House? If these abuses have been going on and it is possible, as the Committee on Ways and Means now say, to frame regulations to prevent them, why have not they devoted their time during this session to the framing of such regulations?

Mr. STEELE. They have tried to do so.

Mr. KNOX. Put them in here, then, and let us see them. We have not heard of them before. The proposition here has been that it is impossible to frame such regulations.

Mr. QUIGG. And yet they propose the appointment of a committee to frame such regulations!

Mr. DALZELL. The proposition is that it is impossible to frame regulations under this law.

Mr. KNOX. I agree fully to the gentleman's proposition, but I submit now that you can frame nothing that will be more general or stronger in favor of the Government than this. The Ways and Means Committee have had plenty of time. They have not been overburdened in framing legislation during this session.

Mr. DALZELL. I will say to the gentleman that the Ways and Means Committee has met nearly every day in the week from the beginning of this session.

Mr. KNOX. Very well. I submit that there was time to frame regulations for this purpose, and for my part I have more confidence in the distinguished gentleman from Pennsylvania [Mr. DALZELL], in the distinguished gentleman from Maine [Mr. DINGLEY], and in the other members of the Committee on Ways and Means than I have in any committee of six that can be appointed by the Speaker of the House and the President of the Senate. I say let this law stand until the next session. Let the Ways and Means Committee, in the meantime, be thinking over the rules and regulations that they can prescribe, and let us have the benefit of their reflection and judgment at the next session of Congress. They owe us that duty; they owe it to the House. Free alcohol in the arts is a Republican principle, a Republican doctrine. We have it now. And what I beg is that it shall not be thrown out because gentlemen say that regulations can not be framed, while at the same time they ask the House to appoint a committee to frame regulations.

Mr. STEELE. This measure has been suggested to the committee in the interest of the manufacturers and is presented at their request.

Mr. KNOX. We refuse it. It means nothing. It is simply a sugar coating——

Mr. STEELE. The manufacturers request it—nobody else.

Mr. KNOX. What manufacturers request it? No manufacturer that I know anything about has requested it.

Mr. STEELE. Ask Mr. RUSSELL of Connecticut who have requested it.

The CHAIRMAN. The time of the gentleman from Massachusetts [Mr. KNOX] has expired.

Mr. SKINNER. Mr. Chairman, this discussion illustrates, I may say exemplifies, in parables synonymous with truth how inconsistent, how unjust, inequitable, and un-American is the entire internal-revenue system; a system which the late Senator

Vance (who, I will add by way of parenthesis, was the greatest man ever furnished by North Carolina to public life) was accustomed to designate as infernal and those engaged in its execution as red-legged grasshoppers, a name which will follow them so long as the name and memory of Vance is revered and honored in the good old North State.

The amendment which I introduced, and which was ruled as not germane, reads as follows:

Amend by adding:
"That all brandies, low and high wines, and spirits of all grades and kinds, distilled entirely from fruit, shall hereafter be, and the same are hereby, exempted from the operation of the internal-revenue laws of the United States, and the same is hereby permitted without Federal tax or supervision."

Every principle consistent with natural and individual liberty demands the abolition of the entire revenue system, with its espionage, its inquisitions, its detectives, and its "red-legged grasshoppers" nosing and spying around the homes of the honest grain and fruit growers of the country. Every principle consistent with the American doctrine of protection would exempt the orchards and the vineyards of the country from this tax and thereby stimulate fruit growing and the vineyard industry of the country and give individual liberty to the small fruit growers of the country to do as they desire with their grapes, their apples, their peaches—to sell them in bulk or to distill them into wine or brandy, as they ought to have the right to do, and as they did have the right to do in good old antebellum days.

Mr. Chairman, the House can hardly conceive with what joy and satisfaction the small farmers of the country would receive this simple message of relief, that in the next fruit season, if Providence should bless them with a reasonable harvest, they might have the privilege of converting their surplus fruit into brandy for their own family use or sale, without tax and without Federal espionage and surveillance. It is simply tyranny on the part of the Government to exact this tax and surveillance, and to force the fruit grower to see his fruit rot and waste, because he can not comply with the harsh and tyrannical revenue laws of the country. Mr. Chairman, it does seem that the growers of fruit in this liberty-loving country should be permitted to make useful in every form the harvest with which Providence shall bless them, and to restrain them is abridging their natural rights and ancient privileges.

If this hand of oppression was raised you would see every farmer in the country increase his vineyard and orchard, and in this way the country would prosper in the sense of being the better self-sustaining and happier in the sense of enjoying their natural rights unrestrained by the Federal Government. Mr. Chairman, to the abstract question of the use of free alcohol in the arts and manufactures there would be no division of sentiment. The trouble arises in the practical execution of the law, that is to permit the same without subjecting the internal system to fraud.

The same objection is raised to free fruit alcohol—that is, if fruit were permitted to be distilled free that it would open the door to adulteration and fraud.

This inability of the Secretary of the Treasury to provide a system for these exemptions to the revenue laws is moonshine, and in the interest of Kentucky moonshine at that. It reminds me of the puerile argument of the Secretary of the Treasury against free coinage at 16 to 1—that the mints are not sufficient, when every child knows the Government can easily build more mints; and likewise I am convinced that the Secretary of the Treasury could provide a plan to protect the Government if he was interested and willing to do so.

It illustrates, however, that the entire internal-revenue system is radically wrong in principle. It can only be justified by the expediency of raising revenue, and on this line permit me to suggest to the House it is a failure—both in the net revenue raised and in its demoralizing methods. We commence at the wrong end. The person to bear the tax is the consumer—as a beverage. We ought to have the free manufacture of alcohol of all grades and all kinds. Then you would have free alcohol for the arts and manufactures, and free fruit brandy without embarrassment, and without fraud or temptation to fraud.

Let the Government levy its tax, raise its revenue from the personal consumer of all grades of alcohol, and not restrain manufacturers with Federal tax or interference. This can be done in either of two ways: by leaving to the States to collect through their own machinery such taxes, or by federalizing the South Carolina plan in a practical manner. This is such a control of the sale for beverage as will tend to decrease the evils of the whisky traffic and afford sufficient revenue to meet the deficiency in the Treasury, and with a smaller and less objectionable Federal army than is employed in the internal-revenue system, which is now primarily in the interest of the Kentucky whisky trust, and secondarily for revenue, and to the distaste and condemnation of all people who are familiar with its methods, plans, and results.

Mr. Chairman, give the country free manufacture of alcohol of all kinds and grades, then you will have restored to the people their natural rights, to do with their own as they please. Then, in the interest of revenue, yea, in the interest of humanity, assume the control of the sale. In this manner you can double the revenue raised from this source and at the same time ameliorate the conditions of consumers and protect the homes of the land against an abuse of its use.

The evil of the traffic is seen, felt, and heard from as it passes over the counter into the human system, destroying alike the manhood, the happiness, and prosperity of the people. At this point, where it becomes the fruitful source of pauperization, crime, insanity, disease, and death, is where the Government should levy and collect its revenues, both in the interest of an increased revenue and the good morals, health, and happiness of the human family.

My sympathy in this matter is with the fruit and grain grower; these are the ones whose conditions I would ameliorate, and these are the industries that I would encourage and stimulate, alike with all industries of our country, so as to bring equal prosperity and the exercise of equal rights.

I want to restore to the plain people their natural right to convert that product which they produce by their honest toil, under the favor of heaven, as they may please, into meal or hominy, wine, whisky, or brandy, without interference, surveillance, or tax from the Federal Government. If the public revenues require the tax, let it be applied in the control of the sale for a beverage.

[Here the hammer fell.]

The CHAIRMAN. Debate on the pending amendment is exhausted.

Mr. PAYNE. I move to strike out the last two words.

The CHAIRMAN. The entire debate on the pending amendments is exhausted.

Mr. PAYNE. I move to strike out the last three words. Let us have debate on that.

The CHAIRMAN. Debate on the pending amendment is exhausted; and there are pending two formal amendments which must be disposed of. If there be no objection, the informal amendments of the gentleman from Tennessee and the gentleman from Massachusetts will be considered as withdrawn. The Chair hears no objection. The question is now on the amendment of the gentleman from Kentucky [Mr. EVANS].

Mr. EVANS. There are three amendments proposed by the Committee on Ways and Means. The first is to change the date ascribed to the Wilson bill from the 25th to the 28th of August.

The CHAIRMAN. The amendment will be read.

The Clerk read as follows:

In line 5, strike out "25th" and insert "28th."

The CHAIRMAN. On that amendment the Chair will recognize the gentleman from New York [Mr. PAYNE].

Mr. PAYNE. Mr. Chairman, as a member of the Committee on Ways and Means of the Fifty-first Congress I entered upon the deliberation, in the formation of the bill reported and passed in that Congress, with a firm conviction that we ought to have free alcohol for use in manufactures and the arts in this country. I was as firmly convinced of that then as my friend from Connecticut is to-day; and on an examination of the subject I was as firmly convinced that it was a very easy thing to formulate just as he seems to think to-day it is a very easy thing to do. We examined the matter before the Committee on Ways and Means for a number of weeks and were unable absolutely to hit on any plan by which we could accomplish the result, as we thought, practically and without danger of serious frauds on the revenues of the Government.

I have given a great deal of thought and consideration to the subject since that time. When the Wilson bill was formulated in 1894 the matter was considered and this clause went in on the suggestion of a Senator from Massachusetts who, in reply to queries, said that he did not think the clause he offered was practical or that it could be enforced, but he offered it in order that the subject might go into conference, and see whether the conferees could not get something out of it. And it was put on in the Senate on that suggestion in the hope that something might grow out of the conference and some practical suggestion made by the conferees on the part of the two Houses to carry it into effect. But we all know how the Senate amendments were agreed to here in the House without any consideration whatever, because the conference failed.

Now, that section is an utterly impracticable measure. It can not be enforced. Of all the laws that have been drawn or proposed on the subject of free alcohol, none are so well calculated to defeat the very object it claims to have in view as this section 61, and there is no provision of law so difficult of enforcement. It is in fact utterly incapable of enforcement as it stands, and hence there has grown up throughout the country a demand for the repeal of this section 61 of the law of 1894.

I have seen no suggestion yet where there was safety for the revenues of the Government, save in the single proposition that every factory using alcohol for the purpose of manufacture should become a bonded warehouse with all the restrictions and

all the regulations and all the expenses that attend every distillery or bonded warehouse in the United States. The cost of such a system would be enormous—a million or more of dollars annually, and the Ways and Means Committee did not think that they ought to try to saddle this cost on the Government of the United States or upon the manufacturers who use alcohol and charge them with the expense unless it is the last resort in legislation upon the subject, because if we charge it on the factories it necessarily drives out the small men from the business. They can not come in and manufacture at the enormous expense that would attend the bonded manufacturer or the distiller under the law. It would involve an entire suspension of the smaller establishments. They might better pay the tax on the alcohol, which would drive them out of business.

For my own part, I hope that some way may yet be devised to meet the difficulties that exist, because such laws have been in force in England, in France, in the Netherlands, and in other countries with dense populations for some time. In countries where hundreds of their citizens surround the various factories and watch them, it is so easy, under such circumstances, to watch and detect fraud if any is committed. But we could not get along here in that manner. We can not even get along in the distilling of whisky, with all the care that is taken, without great fraud in the moonshining districts, away from population. We have not yet devised a plan that enables us to collect all the revenue on distilled whisky for that very reason.

I hope, therefore, that some provision will be made with reference to this very question that will be more satisfactory in the future. I want to see every legitimate manufacturer who uses alcohol permitted to get it free from all taxation. In saying that, however, I desire to say also that I have no sympathy with those people who peddle medicinal compounds and manufactured medicines throughout the country, because I believe as a rule that 95 per cent of them are used strictly for beverages by the people of the United States, as whisky is handed over the bar in a glass in the various saloons in our great cities. And I want to see, as long as we have the internal-revenue system in force, all of these stuffs that are used as beverages compelled to pay this tax. But I shall welcome any legitimate plan that will enable the manufacturer, using alcohol in his manufacturing processes, to get it free of cost as far as taxation is concerned, and I hope such a plan can be devised, or scheme formulated, to protect the revenues, while at the same time it allows alcohol free in the manufactures and arts.

[Here the hammer fell.]

Mr. HARDY. Mr. Chairman, it strikes me that this is one of the fragments of the Wilson bill brought into this Congress for repeal. I am glad to know that we have at last started along on that line—a line bearing in the right direction. I regret, however, that we can not bring in the entire bill and repeal it all at one fell swoop.

Now, I want to say to my distinguished friends who belong to one of the great political parties who are advocating the free and unlimited coinage of silver that they are going to the Chicago convention, many of them, to nominate a candidate for the Presidency who shall be pledged to the free and unlimited coinage of silver. [Applause.] But, Mr. Chairman, these gentlemen of the Democratic party, who maintain for a moment that they can, in that convention, nominate such a man, are reckoning without their host.

When you meet in Chicago you will find that the Paul of free silver may plant and the Apollos of bimetallism may water, but the gold-standard god of Democracy alone can give the increase, and that god of Democracy to-day is Grover Cleveland, now President of the United States. You will find that your convention will be controlled and absolutely dominated by the Clevelands, the Harritys, the Gormans, the Carlisles, and the Whitneys of the country, and you free-silver men who represent the ginseng and hoop-pole districts of the country, when you go to Chicago as delegates, will belong to the great family known as the family of Not-in-it.

Go back into the history of Democracy since the war, and you will see that every man you have nominated has been an Eastern man—every one from the State of New York; and in 1896 you will not make a new precedent.

In 1864 you nominated McClellan from New York, and he went down in defeat. In 1868 you nominated Seymour, and he went down in defeat; and Grant, the American patriot, statesman, and greatest soldier the modern world has known, was triumphantly elected to the Presidency. [Applause.] In 1872 no Democrat in your party was found worthy of a nomination, and knowing that defeat hopelessly confronted the Democracy, you took up that grand old apostle of Republicanism, Horace Greeley, and in his old age you immolated and murdered him on the altar of a decaying and defunct Democracy. In 1876 you made Tilden of New York your nominee and he went down in defeat by the overwhelming, fairly cast, and honestly counted vote of the country. [Derisive laughter on the Democratic side.]

In 1880 you took up the superb Hancock, also of New York, and he went down in defeat; and the immortal Garfield was elected to the Presidency. In 1884 you took up Cleveland, another New York candidate, and he was elected by the vote of New York, which more recent developments show to have been fraudulent. In 1888 you again nominated Cleveland, and he went down in defeat; and the great Indianian, Benjamin Harrison, took hold of the helm of the ship of state and guided her in safe channels for four years, and gave the people an Administration which courted and received the respect and admiration of every loyal American citizen.

In 1892 the Democracy again nominated Cleveland and he was declared elected, and in July, 1896, when the contending hosts of Democracy meet in national convention in Chicago, amidst strife and turmoil, you will find that Eastern Democrats will again control the convention and your candidate will be chosen from a State lying east of the Alleghanies, and he will be a single gold standard man, leaving the Western free-silver Democracy floundering in a fathomless sea without compass or rudder. [Applause on the Republican side.]

[Here the hammer fell.]

Mr. LACEY. Mr. Chairman, I move to strike out the last word.

I was very much impressed yesterday by a suggestion made by the gentleman from Connecticut [Mr. HILL], that some methylating process had been adopted in England by which the Government could give free alcohol. The question was asked then why we should not, instead of repealing this act, pass an amendment that would enable this country to do the same thing. Now, I want light upon that question, and I want my friend from New York [Mr. PAYNE], if he can, to give the House the information why it is not possible for us to adopt the same methods that have been adopted in England, and which we are assured have been successful there? I yield to the gentleman from New York to answer, and let it be taken out of my time.

Mr. PAYNE. I understand that the process of methylation consists of mingling about 10 per cent of wood alcohol with 90 per cent of grain alcohol, which renders the mixture poisonous, and of course while it is in that form it can not be used as a beverage. It would be deadly. That is the method which is used in England. But it is found that it is the easiest thing in the world to separate the wood alcohol from the grain alcohol. The specific gravity is not the same, even at normal temperature, and by slightly raising the temperature, not high enough for the purpose of distillation, the wood alcohol can be separated from the grain alcohol.

Mr. LACEY. How do they get over that difficulty in England?

Mr. PAYNE. They are living so compactly together, there are so many noses to smell the operation, all over the Kingdom, that it would be discovered. Because of the sparsely settled character of many parts of this country we have a great deal more danger of avoidance of the internal-revenue laws by illicit distillers. It is a notorious matter that all over the country there are many illicit stills which are almost impossible of detection, and that we can not regulate the collection of this revenue upon the products of distilleries without the strictest surveillance on the part of the Government, necessitating a large number of officers and a large expense. We should have to guard in the same way to protect against the frauds upon the revenue by the demethylating of methylated alcohol.

Mr. LACEY. Is the methylating of alcohol the only method used in England to protect the Government?

Mr. PAYNE. I think that is the only method, so far as I am informed, which is used in England. They have some strict rules and regulations, but that is the only method of rendering the alcohol unfit for use as a beverage.

Mr. LACEY. I believe there are only five distilleries in England?

Mr. PAYNE. I do not know. The number is small.

Mr. RUSSELL of Connecticut. I should like to ask the gentleman from New York whether he knows if there has ever been any successful demethylation of methylated spirits in what may be called commercial quantities? It has been done chemically at the Treasury Department, but is it not a fact that in England it is found impracticable and too expensive to demethylate the methylated spirits which are used in manufactures?

Mr. PAYNE. My information is that it can be done at a very slight expense.

Mr. RUSSELL of Connecticut. My information is just the contrary.

Mr. QUIGG. That is why we want this commission.

Mr. PAYNE. I hope the gentleman's view of the case may prove to be correct. If we appoint this commission, they may investigate that subject, and if his information proves to be correct I shall be with him.

[Here the hammer fell.]

Mr. EVANS. Mr. Chairman, I should not have further troubled the committee had it not been that some expressions fell from the

lips of the gentleman from Connecticut [Mr. HILL] yesterday and the gentleman from New York [Mr. BARTLETT] which insinuatingly connected me and Kentucky and my labors in this behalf with the so-called whisky trust or with some whisky ring. That was alike unkind and unjust, not otherwise to characterize it. Furthermore, I will venture to say that neither gentleman knows what the whisky trust is.

Mr. HILL. Will the gentleman pardon me? Does the gentleman from Kentucky say I made that statement yesterday?

Mr. EVANS. It is in your speech, I think.

Mr. HILL. All of my remarks are printed in the RECORD, and the gentleman is entirely mistaken in stating that I made such a remark.

Mr. EVANS. I may have confounded it with the remark of some one else. I have referred to it, however, without any feeling with respect to either gentleman.

Mr. Chairman, this question was as new to me as to any member of this body until it fell to my laborious duty as chairman of the subcommittee on internal revenue of the Ways and Means Committee to investigate the subject as a part of my work as such chairman. I never heard of free alcohol in the arts under section 61, so far as I know, until the bill, not a Kentucky bill, but a bill introduced by the gentleman from Pennsylvania [Mr. CHARLES W. STONE], came to the subcommittee for investigation. Now, I assert that the whisky trust of all the manufacturers of distilled spirits is the one which is particularly interested in the continuance of section 61. The whisky trust, it may surprise gentlemen to know, makes no whisky, but manufactures alcohol alone, and gentlemen ought to understand that the whisky trust is the American Spirits Manufacturing Company, a corporation which has distilleries in several parts of the country, mostly in Illinois, but none in Kentucky so far as I know. Let me say, by the way of relief to the inflamed gentlemen, that the Kentucky distillers, so far as I know, have not the slightest interest in this question, any more than any other citizen has in stopping a leak in the Treasury.

Mr. BARTLETT of New York. Will the gentleman allow me a question?

Mr. EVANS. Yes.

Mr. BARTLETT of New York. I understand the gentleman to say that so far as he knew the distillers of the country had no interest in this matter?

Mr. EVANS. I say the distillers of Kentucky.

Mr. BARTLETT of New York. Oh!

Mr. EVANS. So far as I know they have not. I am not here to speak for the distillers of Kentucky, and I do not know whether they have or not, but in what I have done with reference to this bill I am only discharging the duties devolved on me by reason of committee assignment and not otherwise, and I know of no distillers being specially interested in this bill except the manufacturers of alcohol, and their influence is in opposition to this bill. The maker of whisky has nothing to do with the matter.

Mr. BARTLETT of New York. Let me ask the gentleman one question.

Mr. EVANS. Certainly.

Mr. BARTLETT of New York. Has the gentleman forgotten that in the hearings before his subcommittee it was testified by the distillers that every distiller in this country was interested in this legislation?

Mr. EVANS. One Pennsylvania distiller, from Pittsburg, did so, volunteering a few words; and he was the only one, and whether he spoke as one having full knowledge or not I know not.

Mr. COLSON. Did he bring any Monongahela rye with him?

Mr. EVANS. Mr. Chairman, I only rose for the purpose of making this brief personal statement, and to move that debate on the bill and all amendments in the committee be closed at 3 o'clock.

Mr. BARTLETT of New York. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BARTLETT of New York. I have sent up an amendment which is to be offered after the committee amendments. Does the motion of the gentleman from Kentucky affect debate on my amendment?

The CHAIRMAN. It will affect debate upon amendments. It will not affect the offering of amendments. The question is on the motion of the gentleman from Kentucky.

Mr. QUIGG. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. QUIGG. Will the adoption of this motion prevent the introduction of other amendments?

The CHAIRMAN. It will not prevent the introduction of other amendments.

Mr. MOODY. Another parliamentary inquiry. Will the adoption of this motion shut out debate on any amendment which may hereafter be offered?

The CHAIRMAN. It would.

Mr. EVANS. But amendments can be offered.

Mr. DINGLEY. I desire to say to the gentleman from Kentucky that the gentleman from Connecticut [Mr. HILL] was assured that there would be an opportunity given him to offer an amendment and to make a few statements respecting the same; and in view of that fact, I ask the gentleman from Kentucky to make his motion to limit all debate on the section and pending amendments to 3 o'clock. That will give a vote on the pending amendments, and we can then take up other amendments.

Mr. EVANS. I accept that modification.

Mr. BARRETT. Mr. Chairman, will the adoption of the vote preclude the offering of amendments to the bill or a motion to report the bill to the House with the recommendation that the enacting clause be stricken out?

The CHAIRMAN. It would not.

The question was taken on the motion of Mr. EVANS, and it was agreed to.

The CHAIRMAN. The question is on adoption of the committee amendments.

The Clerk read as follows:

Strike out the words "twenty-fifth," in line 5, and insert in lieu thereof the words "twenty-eighth."

The amendment was agreed to.

The CHAIRMAN. The question is on the adoption of the amendment to the title of the bill.

The question was taken; and the Chairman announced that the ayes seemed to have it.

Mr. BARRETT. Mr. Chairman, I rise to call the attention of the Chair to the fact that an amendment to the title of the bill should not be submitted until the body of the bill has been perfected.

The CHAIRMAN. An amendment can not be agreed to, as in the House, but the Chair assumes that a recommendation of the amendment can be made by the committee.

The motion was agreed to.

The CHAIRMAN. The Clerk will now report the amendment of the committee.

The Clerk read as follows:

SEC. 2. That a joint select committee is hereby authorized, to consist of three Senators, to be appointed by the Presiding Officer of the Senate, and three members of the House of Representatives, to be appointed by the Speaker of the House, which select committee shall consider all questions relating to the use of alcohol in the manufactures and arts, free of tax, and to report their conclusions to Congress on the first Monday in December, 1896.

Said joint select committee is authorized to sit by subcommittee or otherwise during the recess or session of Congress at such times and places as they deem advisable; to summon witnesses, administer oaths, print testimony or other information, and to employ such stenographic, clerical, and other assistance as may be necessary, one-half of the expense to be paid from the contingent fund of the Senate and one-half from the contingent fund of the House of Representatives.

The question being taken, the Chairman declared that the ayes seemed to have it.

A division being called for, the committee divided, and there were—ayes 112, noes 9.

So the amendment was adopted.

Mr. MOODY. Mr. Chairman, I move to amend by inserting in line 3, after the word "that," the words "the effect and operation of"; and in line 7 by striking out the word "repealed" and inserting "suspended until July 1, 1897"; so that if the amendments be adopted the bill will read:

That the effect and operation of section 61 of an act entitled "An act to reduce taxation, to provide revenue for the Government, and for other purposes," which became a law August 28, 1894, be, and the same is hereby, suspended until July 1, 1897.

Mr. Chairman, it is not strange, after the Ways and Means Committee have deliberated throughout all this session, and, having found one single section in the Wilson-Gorman bill which conforms to Republican doctrine, have brought in here a measure for the purpose of repealing that section, that there should be some difference of opinion upon the Republican side of the House. The committee, fearing that that pill, not sugar coated, can not go through this Committee of the Whole and the House of Representatives, have now offered an amendment which has just been adopted—I will not call it a bunco amendment, but the effect of it is that. It has the effect of deluding the House with false hopes. It provides that a commission shall report upon this subject on the 1st day of December, 1896.

In what condition will the House find itself at that time? All reference to free alcohol will have been stricken out of the statute book. There will be a Democratic Senate and a Democratic President, and it will be utterly impossible to enact any measure which will lessen the receipts from internal revenue and give the opportunity to seek receipts at the custom-house. Therefore, if this repeal is now made by the House, no measure such as the appointment of a commission will accomplish anything during the remaining session of this Congress. Further than that, the result depends greatly upon the men who may be appointed upon the commission. If a majority of them believe, as the gentleman from Tennessee [Mr. MCMILLIN] believes, that revenue ought to be raised by internal taxation and not at the custom-house, they will not be able

to find any method of regulation which will provide for free alcohol any more than the present Secretary of the Treasury has been able to find such a method of regulation.

If, on the other hand, they consist of friends of free alcohol they may bring in some measure. It depends somewhat, though, on what kind of friends they are. The distinguished gentleman from Maine [Mr. DINGLEY] has declared that he is a friend of free alcohol. I wish he had devoted his great talents and learning to the discovery of a proper system of regulations to give effect to the provision for free alcohol instead of bringing in this bill to repeal the law. Free alcohol might well say to the distinguished gentleman from Maine who calls himself its friend, "It was all very well to dissemble your love, but why did you kick me downstairs." [Laughter.] For that is precisely what is done by the passage of this bill. Now, the amendment which I offer proposes to suspend the operation of the law until the 1st of July, 1897, until the commission that is to be appointed can reasonably consider the subject and make its report to this House. When that report is made at the next session of this Congress, we may find that we can get cooperation from the President and the Secretary of the Treasury if they think they can exchange a bad law for the good law which will be suggested by that commission; but if they find that, in accordance with Democratic principles, the whole theory of free alcohol is wiped from the statute book, we can get no such cooperation and we shall be powerless. As was pointed out by the gentleman from New York, if all that is aimed at is the elimination of the vicious element contained in the law, if the principle of free alcohol in the arts is not aimed at, then the House will adopt the amendment which is now before it. It is an amendment hastily drawn. I should have preferred to have had the same object brought about by a more carefully framed measure, but if the words in my amendment do not accomplish the purpose, words can be found that will accomplish it.

Mr. DALZELL. Mr. Chairman, I think it can be truthfully said that at least every member of the Republican end of the Committee on Ways and Means is in favor of free alcohol under some well-regulated and practicable law. But, not to use any more emphatic terms, it seems to me that the remarks made by numerous gentlemen on the floor with respect to the conduct of the Ways and Means Committee have been exceedingly unfair. That committee gave to this subject, as it gave to every subject that has been brought before it at this session, the most earnest and serious consideration. The result of that consideration was the conclusion that the law on the statute book now in question was futile to bring about the object that was intended by its framers. The Committee on Ways and Means did not rely simply upon the testimony presented before them, but they considered the opinion of the last Republican Commissioner of Internal Revenue, the opinion of the present Commissioner of Internal Revenue, the opinion of the last Republican Secretary of the Treasury, and the opinion of the present Secretary of the Treasury. And gentlemen who are fair will recognize at once that there is no argument in the assertion that this is declared an impracticable provision by a Democratic Administration merely because it does not wish to carry out the law. The opinions of the Secretary of the Treasury and of the Commissioner of Internal Revenue as to matters falling within their respective spheres are entitled to consideration; and that consideration they have had.

Coming into this House with the opinion that this act ought to be repealed, the Committee on Ways and Means made a concession to the opponents of the measure. It is embodied in this second section. And now gentlemen get up on the floor and in such language as that used by the gentleman from Massachusetts [Mr. MOODY] who has just sat down accuse us of submitting to the House a "bunco" measure.

Mr. MOODY. Oh, Mr. Chairman, if the gentleman understood me as reflecting upon the motives of the committee, I beg to disclaim any such suggestion.

Mr. DALZELL. That is just exactly what the gentleman said.

Mr. MOODY. Then I did not mean it. I withdraw it. I intended no such suggestion.

Mr. DALZELL. Well, I think the gentleman does himself credit in withdrawing it.

Mr. MOODY. I should regret exceedingly to be so understood.

Mr. DALZELL. Now, the question before the House is not whether or not we shall have free alcohol. The question before the House is whether the law on the statute book gives us free alcohol, whether it accomplishes the purpose for which it was intended. If it does not accomplish the purpose for which it was intended, then it ought to be stricken from the statute book, unless it accomplishes some other good purpose. Now, what good purpose does it accomplish, or rather what evil purpose does it accomplish? It does not give to the manufacturer free alcohol. It does not give to the consumer free alcohol. What does it do? It piles up day by day, month after month, so long as it remains upon the statute book, claims upon the Government of the United States, claims that the next Republican Administration (for we all believe, even our friends on the other side, that it will be a Republican Administration)—to the extent of millions of dollars that the Republican Administration will be called upon to pay.

Gentlemen must bear in mind that by a decision of the Supreme Court as long ago as 6 Cranch—every lawyer will remember the case of Fletcher *vs.* Beck—all these claims stand upon a basis that is impossible to be affected by legislation. And it matters not what this House may do, whether it repeal this law or not, those claims will exist as claims against the Government until they shall have been finally passed upon by the proper tribunal. If by the common-law principle that were not so, I call the attention of the committee to chapter 2 of the Revised Statutes, section 13:

> The repeal of any statute shall not have the effect to release or extinguish any penalty, forfeiture, or liability incurred under such statute, unless the repealing act shall so expressly provide, and such statute shall be treated as still remaining in force for the purpose of sustaining any proper action or prosecution for the enforcement of such penalty, forfeiture, or liability.

Mr. BAKER of New Hampshire. Does that provision apply in any other cases of repeal than repeals made by the Revised Statutes?

Mr. DALZELL. I think it does.

Mr. BAKER of New Hampshire. I think it does not.

Mr. DALZELL. But whether it does or not, let it be conceded that it does not——

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. DALZELL] has expired.

Mr. EVANS. I move that debate on this bill and all amendments be now closed. I believe the gentleman from Connecticut [Mr. HILL] does not wish to occupy any further time.

Mr. HILL. I beg the gentleman's pardon, I do.

Mr. EVANS. I understood the gentleman otherwise.

Mr. HILL. I said that I wanted to offer an amendment and explain it.

Mr. PARKER. I desire also to offer an amendment.

The CHAIRMAN. Does the gentleman from Kentucky [Mr. EVANS] withdraw his motion?

Mr. EVANS. I will move that debate be closed in five minutes, so that the gentleman from Connecticut [Mr. HILL] may have an opportunity to offer his amendment and explain it.

Mr. BARTLETT of New York. I have sent to the desk an amendment which I propose to offer, providing a saving clause drawn in accordance with the views of the distinguished gentleman from Pennsylvania.

Mr. DALZELL. I trust the gentleman will not do that. There is no use of our legislating as to whether those claims are good or bad. Let the courts pass on them when they come up.

Mr. EVANS. I modify my motion and move that debate on the bill and all amendments be closed in ten minutes from this time.

Mr. PARKER. If this motion be adopted, shall I be permitted to offer an amendment?

Mr. DINGLEY. Amendments will be in order.

The CHAIRMAN. This motion will not prevent the offering of amendments.

The motion of Mr. EVANS was agreed to.

Mr. HILL. Mr. Chairman, it was my intention, and I gave notice to that effect on yesterday, that at the close of the general debate, or when the opportunity offered, I would present the committee amendment as a substitute for the whole proposition reported from the Committee on Ways and Means. My purpose was this: The moment this law is repealed the manufacturers in my district at least, and I presume the other manufacturers throughout the country generally, believe that instantly the price of the only substitute for grain alcohol entering into the arts and manufactures will be largely advanced and that they will be placed at the mercy of a trust which controls the output in this country of the product. They believe that honestly, and I believe that they are right, from the very fact that the price of alcohol has been practically, during the last two and a half years, controlled by the Congress of the United States as the result of its legislation, and for that reason I was opposed and am now to the repeal of that provision of the law.

I believe the same result may be practically gained, and perhaps with better results to the United States, if the proposition of the gentleman from Massachusetts [Mr. MOODY] were adopted and put in force, and I give notice now that I shall not offer the substitute I had intended to offer, and which I have suggested, but will vote for the amendment of the gentleman from Massachusetts. I ask the members of this House to at least give the protection of a possible future competition, if they will not grant the protection of present competition, to the manufacturers who are compelled, if they are to continue business, to use wood alcohol at any price ranging from 90 cents to $2.30 a gallon, the price of grain alcohol with the tax paid, and it seems to me that if the country is not to suffer, as I believe it will not suffer by the adoption of the amendment of the gentleman from Massachusetts and a suspension for a short time of the present law, that the manufacturing industries are at least entitled to that protection.

I had another reason for opposing this matter. It seems to me to be utterly impossible as the Government is now constituted, and it is liable to be so constituted for the next two years, to enact into law the regulations the commission would formulate. That has been already touched upon, and I simply ask at this time that the amendment of the gentleman from Massachusetts may be passed, so that the possible future competition may prevent the advance of this product among our manufacturers who are compelled to use it in large quantities, for if they are forced to pay this high price for it it is a very serious drawback to this business.

I hope, therefore, that the amendment of the gentleman from Massachusetts will be adopted.

The question being taken on the amendment of Mr. MOODY, the committee divided, and there were—ayes 51, noes 88.

So the amendment was rejected.

Mr. PARKER. Mr. Chairman, I offer a further amendment.

The CHAIRMAN. The Clerk will read the amendment proposed by the gentleman from New Jersey.

The Clerk read as follows:

Strike out the last word, "repealed."
Insert in lieu thereof, "amended by adding thereto the following words:
"'And the Secretary of the Treasury may retain not to exceed 10 per cent of such rebate to form a fund for the payment of the expenses of such regulations and of such inspectors as may be needful thereunder, which inspectors the said Secretary is hereby authorized to employ from time to time.'"

Mr. PARKER. I desire simply to state the effect of the amendment in a single word.

Mr. EVANS. I believe the debate has been closed.

The CHAIRMAN. There are five minutes yet of the time, and the Chair will recognize the gentleman from New Jersey.

Mr. PARKER. I shall not want but a very few moments. I do not propose to occupy five minutes.

The proposition is now that the section shall be repealed. I say no. The Secretary of the Treasury says it can not be enforced as it is now, because he has no money to employ inspectors in the various factories and manufacturing establishments throughout the country. I say do not repeal the section, but amend it by allowing the Secretary of the Treasury to retain 10 per cent of all of the rebates collected to form a fund out of which he may employ inspectors and see that the law is enforced, as it was his duty all of the time to do.

I therefore say try that suggestion. Give him the means to try it. He says he lacks the money to carry the section into effect. Now, this proposes to give it to him.

In the case of my constituents they pay $48,000 a year. Ten per cent of that, or $4,800, would pay for the inspection, I think, and see that they do not defraud the Government. That is all.

I ask a vote on the amendment.

The question being taken, the committee divided; and there were—ayes 39, noes 80.

So the amendment was rejected.

Mr. EVANS. I move that the committee rise and report the bill back to the House with the recommendation that as amended it do pass.

Mr. SKINNER. Mr. Chairman, the time in which to offer amendments has not expired.

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. SKINNER. I rise for the purpose of asking for the reading of the amendment which was ruled not germane to the original amendment.

Mr. EVANS. The time for amendment has expired.

The CHAIRMAN. The amendment has not been offered as an amendment to the bill.

Mr. SKINNER. I now offer it.

The CHAIRMAN. The Chair will say to the gentleman that the time within which debate was allowed has expired, and the gentleman from Kentucky [Mr. EVANS] has moved that the committee rise and report the bill favorably to the House.

Mr. BARRETT. I move to amend by recommending that the enacting clause be stricken out.

The CHAIRMAN. The question is upon the motion of the gentleman from Massachusetts [Mr. BARRETT] that the committee recommend the striking out of the enacting clause.

The question was taken; and on a division (demanded by Mr. BARRETT) there were—ayes 54, noes 92.

Accordingly, the motion was lost.

The motion of Mr. EVANS was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SHERMAN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 3282) to repeal section 61 of an act to reduce taxation, to provide revenue for the Government, and for other purposes, which became a law August 28, 1894, and had directed him to report the same to the House with amendments, and with the recommendation that as amended the bill do pass.

Mr. EVANS. I move the previous question on the bill and amendments to the passage.

The previous question was ordered.

Mr. BARRETT. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. BARRETT. I rose in my place desiring to make a motion which is in order, and which I now desire to submit.

The SPEAKER. The gentleman will state his proposition.

Mr. BARRETT. It is a motion to recommit with instructions.

The SPEAKER. That will be in order after the engrossment and third reading is ordered.

Mr. BARRETT. I understand that motion is in order pending the previous question on the passage of the bill. The gentleman from Kentucky [Mr. EVANS] expressly moved the previous question up to and including the passage of the bill.

The SPEAKER. That is the proposition which he made.

Mr. BARRETT. And pending that motion I rose to offer a motion to recommit, which I think is in order.

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was communicated to the House of Representatives by Mr. PRUDEN, one of his secretaries, who also announced that the President had approved and signed bills of the following titles:

On May 25, 1896:

An act (H. R. 4179) to amend section 3719 of the Revised Statutes relative to guarantees on proposals for naval supplies;

An act (H. R. 4324) authorizing the Secretary of the Navy to deliver one condemned cannon to the city of Elmwood, Peoria County, Ill., and for other purposes;

An act (H. R. 270) changing the time of holding terms of the circuit and district courts of the United States in the northern district of California;

An act (H. R. 5217) making one year's residence in a Territory a prerequisite to obtaining a divorce there;

An act (H. R. 5379) making it unlawful to shoot at or into any railway locomotive or car, or at any person thereon, or to throw any rock or other missile at or into any locomotive or car in the Indian Territory, and for other purposes;

An act (H. R. 4255) to provide for settlement of titles and disposition of public lands in the Arredondo grant, in Columbia County, Fla.; and

An act (H. R. 8260) to authorize the establishment of a life-saving station at Port Huron, on the coast of Lake Huron, Michigan.

NOTE.—The following bills were presented to the President May 13, 1896, and not having been returned by him to the House of Congress in which they originated within the ten days prescribed by the Constitution, have become laws without his approval:

An act (H. R. 3606) granting a pension to French W. Thornhill; and

An act (H. R. 1020) granting an increase of pension to Gilman Williams.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed with amendments the bill (H. R. 8293) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1896, and for prior years, and for other purposes; in which the concurrence of the House was requested.

The message also announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 2928) to extend the routes of the Eckington and Soldiers' Home Railway Company and of the Belt Railway Company of the District of Columbia, and for other purposes, asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. MCMILLAN, Mr. HARRIS, and Mr. PROCTOR as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to bills of the following titles:

A bill (S. 710) granting a pension to Ada J. Schwatka, widow of the late Lieut. Frederick Schwatka; and

A bill (S. 804) granting a pension to Mrs. Eleanor Carroll Poe.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 1659) to amend the laws of the District of Columbia as to married women, to make parents the natural guardians of their minor children, and for other purposes.

ALCOHOL IN THE ARTS.

The SPEAKER. If the Chair is not mistaken, the motion of the gentleman from Massachusetts [Mr. BARRETT] is in order after the bill has been ordered to be engrossed.

Mr. BARRETT. Mr. Speaker, if the Chair will allow me, the rule says:

It (the motion to recommit) shall be in order pending the motion for or after the previous question shall have been ordered on its passage.

The SPEAKER. That is, pending the motion on the passage. That refers to a separate proposition where the previous question is moved on the passage, as it may be. The Chair supposes that the practical principle involved is this: After the House has

proceeded to amendment of the bill, and the bill has reached its final position, ready to be engrossed, or ordered to be engrossed, then, if the House is dissatisfied with it, it may move to commit, or recommit, as the phraseology ordinarily is. That is to enable the House to correct its action in case the bill when finished is not satisfactory.

Mr. BARRETT. Mr. Speaker, I understand that it is the intention of the Chair to allow me at some time to offer this motion, but I wish to submit this proposition: We will suppose for a moment that I wish to recommit this bill, being a friend of the bill. I understand the rule provides that that shall be allowable. We will suppose that the present position of the Chair is correct, and then we will suppose that the House, on the question of ordering the bill to be engrossed, should vote in the negative. That would shut out my motion to recommit, which this rule intends shall have precedence over any final action of the House, whether on the motion to engross or on the motion to the final passage. I submit that the reading of this rule is perfectly clear, that it has reference to the time pending the motion for the previous question as well as pending the motion on the passage of the bill after the previous question has been ordered. I think the illustration that I have offered covers the point, because it shows how it is possible, under the suggestion made by the Chair, for this House, without having an opportunity to vote on the motion to recommit, to kill this bill, when it is intended by this rule and the practice of the House that pending the final disposition of the bill it shall be in order to move its recommittal.

Further, the motion to refer (which is analogous to committal or recommittal) is, by the rule of the House, made to take precedence of the motion to amend. In fact, it is the general parliamentary rule that practically all subsidiary motions rank ahead of that to amend.

The SPEAKER. If the gentleman from Massachusetts will for a moment consider the general course of business, the Chair thinks he will see reason to change his opinion. Until the previous question is ordered, a motion to recommit is in order, and when the previous question is ordered, it is because the House orders a vote to be taken.

The House would not be likely to order a vote to be taken and still reserve or leave the right to commit until some further action had taken place. That further action is to vote on the amendments and to engrossment. After that the rules provide that the House, if dissatisfied with the action thus taken, may recommit the bill. First, there is an opportunity of committal prior to the motion for the previous question. If the previous question is ordered, it is ordered on the main question and the amendments.

Mr. BARRETT. The Chair has misunderstood my contention. My contention was that while the motion for the previous question on the passage of the bill was pending I rose in my place and asked to be recognized to make a motion to recommit.

The SPEAKER. Precisely. But this is a motion for the previous question on the engrossment of the bill, on the amendments, and on the passage, not what was referred to in what the gentleman has quoted, namely, a motion for the previous question on the passage of the bill. Pending that, a proposition can be made such as the gentleman speaks of.

Mr. BARRETT. Then I understand, Mr. Speaker, that the Chair holds that no motion has been made for the previous question on the passage of the bill.

The SPEAKER. The Chair holds that the motion has been made for the passage of the bill, but it is a motion for the previous question on a series of motions such as the rules authorize.

Mr. BARRETT. And the Chair holds that a motion to recommit is not in order until the question comes on the passage of the bill?

The SPEAKER. The motion is in order, but the vote is taken on it after the bill is engrossed.

Mr. BARRETT. Then I desire to give notice that at the proper time I shall move to recommit the bill.

The SPEAKER. When presented it will be pending.

DEFICIENCY APPROPRIATION BILL.

Mr. CANNON. Mr. Speaker, pending the disposition of this bill, I would like to call up the general deficiency bill, and move that the House disagree to the Senate amendments and ask a conference.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Illinois.

Mr. HOPKINS. One word with my colleague. There are two or three amendments offered by the Senate on which I would like to ask an expression of the House. Would the gentleman be willing to let a vote be taken on those amendments before the conferees are appointed or after they are appointed?

Mr. CANNON. If it is a matter of real difference.

Mr. BENNETT. Is this a report of a committee of conference?

The SPEAKER. It is not a report of a committee of conference.

Mr. BENNETT. Then it is not privileged.

Mr. CANNON. I suppose it is not privileged.

The SPEAKER. The Chair thinks not.

Mr. HOPKINS. I do not propose it, unless it is agreeable to my colleague.

Mr. CANNON. It is not at this time. I think it can be reached better further along. I want the bill to get into conference, and I ask to make the motion. I think it will take but a few minutes to dispose of it.

The SPEAKER. If there be no objection the motion can be entertained.

Mr. KEM. I object.

The SPEAKER. Objection is made by the gentleman from Nebraska [Mr. KEM].

Mr. CANNON. The gentleman from Nebraska is now stopping the steamboat.

ALCOHOL IN THE ARTS.

The SPEAKER. The question is on agreeing to the amendments reported by the Committee of the Whole.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill as amended.

The question was taken; and the Speaker announced that the ayes seemed to have it.

Mr. COLSON. The yeas and nays!

The SPEAKER. Does the Chair understand that a gentleman demanded the yeas and nays?

Mr. BARRETT. A call was made for the yeas and nays by a gentleman in the rear of the House.

Mr. COLSON. I do not wish the yeas and nays on the engrossment and third reading.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time.

The SPEAKER. The question is now on the passage.

Mr. BARRETT. Mr. Speaker, I move to recommit to the Committee on Ways and Means with instructions to report to this House on or before January 1, 1897, such amendments to the present law as will provide for the enforcement of the present laws relating to the use of alcohol in the manufactures and arts free of tax.

The SPEAKER. The question is on agreeing to the motion to recommit with instructions.

The question was taken; and the Speaker announced that the noes seemed to have it.

Mr. BARRETT. Division.

The House divided; and there were—ayes 56, noes 129.

Mr. BARRETT. I ask for the yeas and nays. [Cries of "Oh, no!"]

The question was taken on ordering the yeas and nays.

The SPEAKER. Twenty-seven gentlemen have risen in support of the demand—not a sufficient number; and the yeas and nays are refused. [Applause.] The noes have it, and the motion to recommit is disagreed to. The question is now on the passage of the bill.

The question was taken; and the Speaker announced that the ayes seemed to have it.

Mr. PITNEY. The yeas and nays, Mr. Speaker.

The yeas and nays were ordered.

The question was taken; and there were—yeas 166, nays 69, not voting 120; as follows:

YEAS—166.

Abbott,	Cooke, Ill.	Henderson,	McLaurin,
Aldrich, Ala.	Cooper, Fla.	Hendrick,	McMillin,
Allen, Miss.	Cooper, Tex.	Henry, Ind.	McRae,
Allen, Utah	Crowther,	Hermann,	Mercer,
Anderson,	Crump,	Hilborn,	Miles,
Andrews,	Culberson,	Hopkins,	Milnes,
Arnold, R. I.	Curtis, Iowa	Howard,	Minor, Wis.
Avery,	Curtis, Kans.	Hubbard,	Mondell,
Babcock,	Dalzell,	Huff,	Money,
Baker, Kans.	Danford,	Huling,	Neill,
Baker, Md.	Daniels,	Hunter,	Odell,
Bankhead,	De Armond,	Jenkins,	Otey,
Barham,	Denny,	Johnson, N. Dak.	Otjen,
Bartlett, Ga.	De Witt,	Kem,	Overstreet,
Beach,	Dingley,	Kendall,	Owens,
Belknap,	Doolittle,	Kerr,	Payne,
Bell, Colo.	Dovener,	Kirkpatrick,	Pendleton,
Bell, Tex.	Eddy,	Kleberg,	Phillips,
Berry,	Elliott, S. C.	Kyle,	Prince,
Blue,	Ellis,	Lacey,	Richardson,
Broderick,	Erdman,	Latimer,	Sauerhering,
Buck,	Evans,	Layton,	Sayers,
Burrell,	Faris,	Leighty,	Scranton,
Burton, Mo.	Gamble,	Leonard,	Settle,
Burton, Ohio	Gibson,	Lewis,	Shafroth,
Cannon,	Grow,	Linton,	Shuford,
Catchings,	Hadley,	Little,	Smith, Ill.
Clardy,	Hager,	Lockhart,	Smith, Mich.
Clarke, Ala.	Hainer, Nebr.	Long,	Sorg,
Clark, Iowa	Halterman,	Mahon,	Spalding,
Clark, Mo.	Hardy,	McCall, Tenn.	Spencer,
Cockrell,	Harmer,	McClure,	Stahle,
Connolly,	Harrison,	McCulloch,	Stallings,
Cook, Wis.	Hart,	McDearmon,	Steele,

Stewart, Wis.	Tate,	Turner, Ga.	Wilson, Ohio
Stokes,	Tawney,	Turner, Va.	Wilson, S. C.
Stone, C. W.	Tayler,	Van Horn,	Wood,
Strait,	Terry,	Walker, Va.	Woodard,
Strode, Nebr.	Thomas,	Washington,	Woodman,
Strong,	Tracewell,	Watson, Ohio	Yoakum.
Strowd, N. C.	Treloar,	Williams,	
Talbert,	Tucker,	Wilson, Idaho	

NAYS—69.

Adams,	Fitzgerald,	Lester,	Shannon,
Apsley,	Fowler,	Linney,	Sherman,
Atwood,	Gardner,	Loudenslager,	Simpkins,
Baker, N. H.	Gillett, Mass.	Low,	Southard,
Barrett,	Graff,	Marsh,	Stewart, N. J.
Bartholdt,	Griffin,	McCall, Mass.	Sulloway,
Bartlett, N. Y.	Grout,	McClellan,	Sulzer,
Bennett,	Hartman,	McCormick,	Towne,
Bishop,	Henry, Conn.	Moody,	Underwood,
Brewster,	Hill,	Northway,	Updegraff,
Brown,	Hooker,	Parker,	Van Voorhis,
Calderhead,	Howe,	Pearson,	Walker, Mass.
Cobb,	Howell,	Pitney,	Walsh,
Colson,	Hulick,	Poole,	Wilson, N. Y.
Cummings,	Hurley,	Powers,	Wright.
Curtis, N. Y.	Johnson, Cal.	Quigg,	
Fairchild,	Joy,	Royse,	
Fenton,	Knox,	Russell, Conn.	

NOT VOTING—120.

Acheson,	Draper,	Livingston,	Ray,
Aitken,	Ellett, Va.	Lorimer,	Reeves,
Aldrich, Ill.	Fischer,	Loud,	Reyburn,
Arnold, Pa.	Fletcher,	Maddox,	Robertson, La.
Bailey,	Foote,	Maguire,	Robinson, Pa.
Barney,	Foss,	Mahany,	Rusk,
Bingham,	Gillet, N. Y.	McCleary, Minn.	Russell, Ga.
Black, Ga.	Goodwyn,	McCreary, Ky.	Shaw,
Black, N. Y.	Griswold,	McEwan,	Skinner,
Boutelle,	Grosvenor,	McLachlan,	Snover,
Bowers,	Hall,	Meiklejohn,	Southwick,
Bromwell,	Hanly,	Meredith,	Sparkman,
Brosius,	Harris,	Meyer,	Sperry,
Brumm,	Hatch,	Miller, Kans.	Stephenson,
Bull,	Heatwole,	Miller, W. Va.	Stone, W. A.
Chickering,	Heiner, Pa.	Milliken,	Swanson,
Codding,	Hemenway,	Miner, N. Y.	Taft,
Coffin,	Hepburn,	Morse,	Thorp,
Cooper, Wis.	Hicks,	Moses,	Tracey,
Corliss,	Hitt,	Mozley,	Tyler,
Cousins,	Hull,	Murphy,	Wadsworth,
Cowen,	Hutcheson,	Newlands,	Wanger,
Cox,	Hyde,	Noonan,	Warner,
Crisp,	Johnson, Ind.	Ogden,	Watson, Ind.
Crowley,	Jones,	Patterson,	Wellington,
Dayton,	Kiefer,	Perkins,	Wheeler,
Dinsmore,	Kulp,	Pickler,	White,
Dockery,	Lawson,	Price,	Wilber,
Dolliver,	Lefever,	Pugh,	Willis,
Downing,	Leisenring,	Raney,	Woomer.

So the bill was passed.

Mr. HATCH. Mr. Speaker, I desire to withdraw my vote, as I am paired with the gentleman from Minnesota, Mr. MCCLEARY. If he were present, I would vote "yea" and he would vote "nay."

Mr. MORSE. Mr. Speaker, I am paired on this question with the gentleman from Kentucky, Mr. MCCREARY. Were he present, he would vote "yea" and I would vote "nay."

Mr. HENRY of Indiana. Mr. Speaker, my colleague, Mr. HEMENWAY, is detained from the House by sickness, and I ask that he be excused.

There was no objection, and it was so ordered.

Mr. FISCHER. Mr. Speaker, I voted, but having ascertained that I am paired with the gentleman from Pennsylvania, Mr. GRISWOLD, I withdraw my vote.

Mr. RUSSELL of Connecticut. Mr. Speaker, my colleague, Mr. SPERRY, has been called home on account of sickness. If present, he would vote "nay."

The following additional pairs were announced:

Until further notice:

Mr. COUSINS with Mr. MEYER.

For this day:

Mr. HITT with Mr. SPARKMAN.

Mr. HICKS with Mr. PATTERSON.

Mr. GROSVENOR with Mr. JONES.

Mr. PICKLER with Mr. DOWNING.

Mr. HATCH with Mr. MCCLEARY of Minnesota.

Mr. TRACEY with Mr. BAILEY.

On this question:

Mr. MORSE with Mr. MCCREARY of Kentucky.

Mr. KIEFER with Mr. HARRIS.

Mr. WADSWORTH with Mr. LOUD.

The result of the vote was then announced as above recorded.

On motion of Mr. EVANS, a motion to reconsider the vote by which the bill was passed was laid on the table.

GENERAL DEFICIENCY BILL.

Mr. CANNON. Mr. Speaker, I move to take from the Speaker's table the general deficiency bill, and to nonconcur in the amendments of the Senate and ask for a conference.

Mr. MAHON. I desire to move to concur in some of the amendments.

Mr. CANNON. I would not do that.

Mr. RICHARDSON. Mr. Speaker, I rise to a question of order. There is so much confusion that we can not hear what is going on.

The SPEAKER. The gentleman from Illinois [Mr. CANNON] moves that the bill be taken from the table, and that the House nonconcur in the Senate amendments and ask for a conference.

Mr. MAHON. I move, Mr. Speaker, that the House concur in the amendment on page 85 of the bill, known as section 4, a new section.

Mr. CANNON. Mr. Speaker, I again appeal to the gentleman, and state that there are over one hundred pages of Senate amendments. The gentleman need have no fear that the amendment he refers to will be settled in a conference report (so far as the conferees can settle it) until matters of disagreement shall have been reported back to the House. By that time the bill will be printed and the amendments numbered. When the report comes back with the bill printed and the amendments numbered, the whole matter can be taken up and discussed intelligently, and that method will certainly facilitate the business of the House.

Mr. MAHON. This is a Senate amendment.

Mr. CANNON. I understand that.

Mr. MAHON. Suppose the Senate conferees should agree to recede from that amendment, then it would never come back to the House.

Mr. CANNON. But you could vote down the conference report. Besides, the gentleman and I are both familiar enough with the Senate to know that it never recedes on an amendment—at least never on the first conference.

Mr. MAHON. Some things are very uncertain around this territory. [Laughter.]

Mr. RICHARDSON. Mr. Speaker, I make the point of order that these amendments should receive consideration in Committee of the Whole. Unless gentlemen will agree to give us a separate vote on the amendment which provides for claims under the Bowman Act, I must insist upon the point.

Mr. DOCKERY. The point of order comes too late.

Mr. RICHARDSON. No. I insist, Mr. Speaker, that I have been trying to hear what gentlemen were saying and could not hear.

The SPEAKER. The Chair put the proposition to the House.

Mr. RICHARDSON. There has been no matter submitted to the House.

The SPEAKER. The Chair submitted it to the House.

Mr. RICHARDSON. There has been no vote submitted to the House.

The SPEAKER. The gentleman from Illinois [Mr. CANNON] proposed that the House should nonconcur in the amendments of the Senate and agree to a conference. The Chair certainly put that.

Mr. RICHARDSON. The Chair is correct in his statement of the question, but there has been no matter submitted to the House.

The SPEAKER. And there has been debate since that time.

Mr. RICHARDSON. Purely on the question of order.

Mr. BARRETT. Mr. Speaker, I understood the motion to be to take the bill from the table, which motion has not been adopted. Until that has been adopted and the matter is before the House, the gentleman from Tennessee has the right to raise any relevant point of order.

Mr. CANNON. A new parliamentarian has arrived! [Laughter.]

Mr. BARRETT. Well, Mr. Speaker, I suppose I have the same rights on this floor as even a gentleman who has been here as long as the gentleman from Illinois.

Mr. CANNON. Oh, certainly.

Mr. DOCKERY. I suggest to my friend from Tennessee that debate has been going on.

Mr. RICHARDSON. There has been no debate on the motion. I raised the question at once and asked for order.

Mr. WASHINGTON. There has been no debate in any sense of the word.

Mr. CANNON. The motion was stated by the Chair, and the gentleman from Pennsylvania [Mr. MAHON], in pursuance of his right, moved that the House concur in a certain numbered amendment.

The SPEAKER. That is the fact.

Mr. BARRETT. I raise the question whether the motion to concur or nonconcur is in order, at any rate until after the motion to take from the table has been passed upon.

The SPEAKER. The Chair thinks it is.

Mr. DOCKERY. I believe an agreement can be very readily reached.

The SPEAKER. The gentleman from Illinois moves to nonconcur in the amendments——

Mr. RICHARDSON. Mr. Speaker, that can only be done by unanimous consent.

The SPEAKER. And the gentleman from Pennsylvania [Mr. MAHON] moves to concur in a specified amendment, which is his right.

Mr. MAHON. I should like to say a few words in explanation and support of my motion.

Mr. CANNON. What is the amendment? Let it be read.

Mr. MAHON. It might take two or three hours to read it. I can explain it.

Mr. CANNON. I will again ask the gentleman from Pennsylvania whether he proposes to insist on his motion at this time?

Mr. MAHON. I do propose to insist for this reason: This is a Senate amendment, in which a great many members of this House are interested. If in conference the House conferees succeed in getting the Senate conferees to recede from the amendment of the Senate, we shall never see it again in this House. We have now an opportunity to vote on a question that interests a great many of us.

Mr. CANNON. The amendment to which the gentleman's motion refers is the one covering claims under the Bowman Act?

Mr. MAHON. French spoliation claims and claims under the Bowman Act.

Mr. CANNON. Including claims in which the gentleman from Tennessee [Mr. RICHARDSON] is interested?

Mr. RICHARDSON. I am in perfect accord with the gentleman from Pennsylvania on this question. The amendment is embraced in section 4 of the bill as amended.

Mr. CANNON. The gentleman from Pennsylvania desires his motion to cover both classes of claims—the French spoliation claims and the claims under the Bowman Act.

Mr. MAHON. Yes, sir.

Mr. CANNON. Now I will ask for a vote on nonconcurring in the other amendments.

The SPEAKER. The question is on nonconcurring in the other amendments.

The question being taken, the amendments were nonconcurred in.

On motion of Mr. CANNON, a motion to reconsider the last vote was laid on the table.

Mr. CANNON. Now, Mr. Speaker, I wish to say a word. This bill, with the amendments of the Senate, has not been printed either on the Senate side, except the copy which I hold in my hand, or in the House. If it is satisfactory to the gentleman from Pennsylvania, I will ask that the amendments be numbered and printed, and that this matter go over until to-morrow after the reading of the Journal.

Mr. RICHARDSON. I hope the gentleman from Pennsylvania will agree to that.

Mr. MAHON. I will agree, Mr. Speaker, that this question be taken up after the reading of the Journal.

There being no objection, it was ordered accordingly.

ELECTION CONTEST—ALDRICH VS. UNDERWOOD.

Mr. DANIELS. On behalf of the Committee on Elections No. 1, I desire to present a report on the contested-election case of Aldrich *vs.* Underwood, from the Ninth Congressional district of Alabama. This report is concurred in by four members of the committee. I ask leave that the minority of the committee have leave to file their views by Friday next, as we desire to bring the case before the House on Monday next, immediately after the reading of the Journal.

The report of the committee was ordered to be printed.

The SPEAKER. The gentleman from New York [Mr. DANIELS] asks consent that the minority of the committee have leave to file their views by Friday next. Is there objection?

Mr. KEM objected.

The SPEAKER. Objection is made by the gentleman from Nebraska [Mr. KEM].

Mr. DANIELS. I move, then, that the House consent to that disposition of the matter.

The SPEAKER. The gentleman from New York moves that the House allow the minority of the committee until Friday next to file their views. As many as are in favor of that motion——

Mr. BARTLETT of Georgia. Before the motion is put, I desire to be heard a moment. This has been a very long case, and there is a very long report. I represent the minority of the committee. My colleague, the gentleman from Arkansas [Mr. DINSMORE], is sick. I will ask that, in the event we can not finish the minority report by Friday, we be allowed a reasonable time after Friday.

Mr. DANIELS. You will be ready, no doubt, by Saturday. We desire to bring the case before the House on Monday next, after the reading of the Journal.

Mr. BARTLETT of Georgia. I do not consent to that, though, as a matter of course, the gentleman has a right to call up the case if he wishes.

The question being put on the motion of Mr. DANIELS, it was agreed to.

ELECTION CONTEST—JOHNSTON VS. STOKES.

Mr. JENKINS. I call up the contested-election case of Johnston *vs.* Stokes, from the Seventh district of South Carolina. I ask that the Clerk read the resolutions presented by the majority of the Committee on Elections No. 3.

The Clerk read as follows:

Resolved, That Thomas B. Johnston was not elected a Representative in the Fifty-fourth Congress from the Seventh Congressional district of the State of South Carolina, and is not entitled to a seat therein.

Resolved, That J. William Stokes was duly elected a Representative in the Fifty-fourth Congress from the Seventh Congressional district of South Carolina, and is entitled to a seat therein.

Mr. JENKINS. Mr. Speaker, I desire to say first that the gentleman from Indiana [Mr. OVERSTREET] will have charge of the other side of this case, and that at this time it is impossible to limit the debate, but both sides promise that no unnecessary time will be consumed in presenting the case to the House.

There are several important questions involved in this controversy. One of them is as to the power of this House to declare the election law of a State unconstitutional when the right of a member to a seat would be thereby affected. Another is as to what effect should be given to an election held under an unconstitutional registration law of a State. Still another is as to what rule should be adopted with reference to counting the votes of the electors when lawfully tendered and unlawfully refused by the election officers when sufficient in number to change the result in the following cases: First, when it is shown for whom the elector offered to vote; second, when it is not shown for whom the elector offered to vote if permitted by the election officers to cast his vote, and still further as to the competency of the evidence sufficient to warrant the counting of the vote.

I address myself particularly to the case of Johnston against Stokes, and generally to the cases of Moorman against Latimer, Wilson against McLaurin, and Murray against Elliott, all four cases arising in the State of South Carolina. At the threshold of three of the cases named the committee was met with the proposition that the entire registration law of South Carolina and the election laws of that State under which all of these cases arose are unconstitutional, and an election held under the same a mere nullity; and the further claim is made that on that fact alone the contestants in these cases urging the unconstitutionality of the law are entitled to their seats. The question is one of very great importance, and has been very carefully considered by the Committee on Elections No. 3, and on the report of that committee two of the cases have been decided by this House in favor of the sitting members. I have some views on the subject, for which I am alone responsible, and will endeavor very briefly to disclose them. And I might say at the outset that I am a Federalist and an ardent Republican, and have never done anything and will never attempt to do anything that will promote the interest of any other political party than the Republican party.

Without being partisan or narrow, I do not hesitate to say that the future of this great Republic and the success and prosperity of the people depend upon the elevation and continuation in power of the Republican party. Democracy is alone valuable as a small minority; but in disposing of the election cases, and particularly the grave constitutional question involved, I do not purpose being influenced in the slightest degree from impartially discharging my full duty as a member of this House, and I am satisfied such has been the intention of the committee, and I believe that is the sentiment of this House. No matter what has been done in the past, it is high time that election cases be disposed of according to law and the evidence. Partisanship ought no longer to exercise any influence or have any control in determining this question. A right to a seat should be judicially disposed of and no longer be determined by partisan bias. The disposition of some of the cases disposed of by former Congresses is a disgrace to the Republic.

No matter how obnoxious it may be to us, we should see to it that the will of the people as declared at the ballot box is carried out. That will include condemnation of fraud and intimidation. Every effort ought to be made to have free and fair elections. It is the very substructure of Government. Murder, robbery, and horse stealing should have a secondary consideration compared with the great questions involved in a free, fair election and an absolutely honest count. Any attempt at dishonesty in elections should not only be frowned upon and condemned, but those responsible for it should be punished to the full extent of the law, ostracised, and absolutely disqualified from ever participating in elections or holding any office of profit or trust. So important has the question become that it is one of the highest duties of citizenship to demand that nothing shall be more sacred than the right of the citizen to vote and have his vote counted.

All dangers of a man losing his vote by reason of technicalities should be removed. Fair and just registration and election laws should not only be favored, but fairly and honestly enforced, and this political right should be so prominently advanced that it will be highly prized by every American citizen. It will have a tendency to enlarge and improve the quality of citizenship. It should be so regulated and enforced as to encourage education, for there is danger in allowing the ignorant to vote, and this fact induced me at this session of Congress to introduce a resolution providing

for an amendment to the Constitution of the United States, providing an educational qualification as a condition precedent to the exercise of the elective franchise. In a great government of the people it is worse than a farce to allow men to vote and participate in government who can not read or write and have to have their ballots marked for them.

It is prolific of fraud, and has been not only a perplexing but disturbing question in these cases. Ignorance is to be deprecated and feared in all things, but particularly so in exercising the right to vote in a popular government like ours. Notwithstanding the many contests to be determined by this House at this session of Congress, there has not been the least expression of unfairness or any attempt upon the part of the great majority here to allow politics to control their action; but it seems to be the determination on the part of every Republican to be absolutely fair and to allow the will of the people to prevail, which is very commendable. With these few preliminary remarks, I will invite attention to the constitutional question involved:

THE TEST.

All regulations of the elective franchise must be reasonable, uniform, and impartial. They must not have for their purpose, directly or indirectly, to deny or abridge the constitutional right of citizens to vote or unnecessarily to impede its exercise. If they do, they must be declared void.—*Cooley's Constitutional Limitations*, page 758.

Certainly no one can question this authority. This very broad, fair, safe, and reasonable statement of the law is sustained by an unbroken current of authority. The many courts stating the doctrine are of the highest character, their logic and reasoning unanswerable, and ought to meet the approval of every fair-minded voter in the land, and the very safety of our institutions calls for its enforcement according to its letter and spirit. As already said, there were four cases pending before Committee on Elections No. 3 from the State of South Carolina. The contestants were not uniform in regard to the high constitutional question involved, while the contestees were unanimously in favor of the validity of the law. In Moorman against Latimer, Wilson against McLaurin, and Johnston against Stokes the contestants insisted that the registration and election laws of South Carolina are in violation of the constitution of the State of South Carolina and the Constitution of the United States; and if I understand them correctly, from that fact alone they were entitled to their seats, while in Murray against Elliott the contestant makes no point as to the constitutional question; but the committee are unanimously of the opinion that the constitutional question must be disposed of alike in all of the four cases the same as though the contestants were all agreed upon this question, and that it can not be ignored in the one case because not raised, or decided differently in that case because the contestant did not present it, when all four cases were argued before judgment was reached in either one of them, and therefore ought to be ruled alike on this point.

Each case being alike affected, I will first consider the constitution and laws of South Carolina in order to determine whether or not the registration and election laws of that State are in violation of the constitution of that State. It is as follows:

ART. 1, SEC. 31. All elections shall be free and open, and every inhabitant of this Commonwealth possessing the qualifications provided for in this constitution shall have equal right to elect officers and be elected to fill public offices.

ART. 8, SEC. 2. Every male citizen of the United States of the age of 21 years and upward, not laboring under the disabilities named in this constitution, without distinction of race, color, or former condition, who shall be a resident of this State at the time of the adoption of this constitution, or who shall hereafter reside in this State one year, and in the county in which he offers to vote sixty days next preceding any election, shall be entitled to vote for all officers that are now or hereafter may be elected by the people, and upon all questions submitted to the electors at any election: *Provided*, That no person shall be allowed to vote or hold office who is now or hereafter may be disqualified therefor by the Constitution of the United States until such disqualifications shall be removed by the Congress of the United States: *Provided further*, That no person while kept in any almshouse or asylum, or of unsound mind, or confined in any public prison shall be allowed to vote or hold public office.

ART. 8, SEC. 3. It shall be the duty of the general assembly to provide, from time to time, for the registration of all electors.

It will be observed that by section 3, article 8, express power was conferred upon the general assembly "to provide from time to time for the registration of all electors," so no question can arise as to the power of the general assembly to pass a law requiring the registration of all electors. The general assembly did pass a law requiring as a condition precedent to voting that all persons otherwise qualified to vote be registered in conformity to law, and obtain a certificate to that effect evidencing registration, and produce it at the polls before being allowed to vote, and the contention is, by those who raised the question, that this law is in conflict with the constitution of South Carolina. Original provisions for the registration of voters in that State will be found in the "act approved February 9, 1882," 17 Statutes at Large, page 1110, and these provisions are incorporated in General Statutes 1882, beginning with section 89 and ending with section 106. These provisions were subsequently amended and incorporated in the Revised Statutes of 1893 as sections 131–156, both inclusive, but as instructed on the arguments, we are governed by the law of 1882, the amendments referred to and the codification of the law not changing the law of 1882 or affecting any present case from South Carolina. The material provisions of the registration law are as follows:

CHAPTER VIII (SECTIONS 131 TO 156, INCLUSIVE) OF THE ELECTION LAW OF SOUTH CAROLINA.

SEC. 131 (89). Every male citizen of the United States of the age of 21 years and upwards, not laboring under the disabilities named in the Constitution, without distinction of race, color, or former condition, who shall have been a resident of the State for one year, and in the county in which he offers to vote for sixty days next preceding any general election, shall be entitled to vote: *Provided*, That no person while kept in any almshouse or asylum, or of unsound mind, or confined in any public prison, or who shall have been convicted of treason, murder, burglary, larceny, perjury, forgery, or any other infamous crime, or dueling, shall be allowed to vote.

SEC. 132 (90). All electors of the State shall be registered; and no person shall be allowed to vote at any election hereafter to be held unless he shall have been heretofore registered in conformity with the requirements of Chapter VII of the General Statutes of 1882, and acts amendatory thereof, or shall be registered as herein required.

SEC. 133 (91, 106). On or before the 1st day of March in every second year, reckoning from 1882 the governor shall appoint, by and with the advice of the senate, if in session, and if not in session, subject to its approval at its next session, and subject to removal by the governor by and with the advice and consent of the senate, one competent and discreet person in each county, who shall be a qualified voter thereof, and who shall hold his office at the county seat, and shall be known as the supervisor of registration of such county, and whose duty it shall be to supervise the registration of the electors of such county as herein specified. He shall keep a record of all his official acts and proceedings. The term of his office shall be for two years from the date of his appointment; he shall continue in office until his successor shall be appointed and shall qualify; and his compensation shall be fixed by the general assembly from time to time, as may be deemed proper. His accounts for advertising (and in the county of Charleston for clerk hire and rent for registration precincts also) and for stationery shall be audited and paid by the county commissioners of his county.

"Term of office of supervisor appointed during vacation was not for the period of two years, but terminated when senate, at its next session, adjourned without approval of appointment. (State *vs.* Williams, 20 S. C., 12.)

"'Next session' means the next session in fact, whether regular or special." (Ib.)

SEC. 134. The governor is authorized to appoint a deputy supervisor in case of the inability of the supervisor to act, who, when so appointed, shall have all the powers and be charged with the duties of the supervisor, and shall receive $5 per diem when actually employed.

The governor shall also appoint two assistant supervisors of registration, who shall serve without compensation, and shall sit with the supervisor of registration in the determination of all cases of contested registration in which the supervisor shall refuse to register the applicant; the three supervisors shall sit for as many days, beginning on the second Tuesday in July, as may be necessary to hear and determine all such contested cases.

SEC. 135 (92). The secretary of state shall cause to be prepared a sufficient number of registration books and blanks, so that there shall be two of said books for each precinct in each county, which books shall be ruled in columns, with proper headings, so as to indicate the name, age, occupation, and place of residence of each elector, with a separate column to the right side of the page for such entries as may be necessary. And the secretary is authorized and required to provide additional registration books to supply the place of such as have become defaced and injured by use at the elections heretofore had, and he shall furnish the same upon application of any supervisor certifying to the necessity thereof. And in such case the supervisor so procuring such additional registration books shall copy from the original book the names and record thereof into the new book, and when the same shall be so copied it shall be the duty of the county auditor and clerk of the court of common pleas of the county, together with the supervisor, carefully to compare the names and record in the new book with those in the book so injured or defaced, and if the same is found correct to certify to its correctness; and such new book shall not be used at any election unless so certified.

SEC. 136 (93). For the purpose of registration, each township, as now laid out and defined, and in those counties where there are no such townships, the parish, as formerly known and defined, is declared a registration precinct. In the city of Columbia each ward registration precinct; and in the city of Charleston the registration precinct shall be the same as the voting precincts now established in the several wards of said city, as designated and defined in section 158.

SEC. 137 (94). After every general election the registration books shall be opened for registration of such persons as shall thereafter become entitled to register on the first Monday in each month until the 1st day of July preceding a general election, when the same shall be closed until such general election shall have taken place.

"Previously registration on Sunday was good." (State *vs.* Schneirle, 5 Rich., 299.)

SEC. 138. It shall be the duty of the supervisor of registration to deposit said books in the office of the clerk of court of common pleas in their respective counties, except in the counties of Charleston and Greenville, where they shall be deposited in the office of the register of mesne conveyance; and it shall be the duty of the clerk of said court and the register of mesne conveyance to safely keep the same, together with the other books of record in their respective offices; and it shall be unlawful for any person or persons to remove the same from the said offices, except the supervisors, who are hereby authorized to take the same from the said offices when it shall be necessary in the discharge of the duties imposed upon them by this chapter.

SEC. 139 (96). The supervisor shall determine as to the legal qualifications of all applicants for registration by summary process, requiring oath, evidence, or both, if he deem proper, subject to revision by the assistant supervisors and himself in all cases where he has refused to register an applicant. From their decision any applicant who is rejected shall have the right to a review thereof by the circuit court: *Provided*, He give notice in writing to the supervisor of his application for such review, and the grounds thereof within five days from the date of his rejection, and commence his proceedings within ten days from the service of said notice.

SEC. 140 (96). Any person coming of age and otherwise qualified as an elector may appear before the supervisor on any day on which the books are opened as aforesaid, and make oath (which the supervisor is hereby authorized to administer) as to his name, age, occupation, and place of residence; and if the supervisor find him qualified, he shall enter his name upon the registration book of the precinct in which he resides. Such person shall have the right of appeal, as provided in the last section, if the supervisor shall not find him qualified.

SEC. 141 (97). In case a person shall not be of age to qualify him as an elector on the day of the closing of the books of registration before any general election, but shall be of such age as will qualify him as such elector

before the said general election, and shall appear before the supervisor of registration and take oath thereto, the supervisor, if he shall find him qualified, shall enter his name upon the registration book as aforesaid.

SEC. 142 (98). Each elector registered as aforesaid shall thereupon be furnished by the supervisor with a certificate, which shall contain a statement of his age, occupation, and place of residence, as entered in the said registration book, and which certificate shall be signed by the said supervisor; and no person shall be allowed to vote at any other precinct than the one for which he is registered, nor unless he produces and exhibits to the managers of election such certificate: *Provided*, In case there shall be no election precinct within any township or parish the supervisor shall designate in the certificate at which of the neighboring precincts the elector shall vote; and in case there be more than one precinct in any township or parish, the supervisor shall likewise designate in the certificate at which of the said precincts the elector shall vote. The certificate of registration shall be of the following form:

"Registration certificate No. ——.

"—— County, ——township, or parish, election precinct ——.

"The bearer, —— ——, is a qualified voter in the above precinct, and resides at ——, in —— township or —— parish, and is —— years of age, and entitled to vote at said precinct.

"Registered on the —— day of ——, A. D. 18—.

"——, ——,

"*Supervisor of Registration.*"

SEC. 143. Wherever a new polling precinct is established by law, it shall be the duty of the supervisor to transfer from the books of registration the names of such qualified voters registered at other precincts as should, under this section, register and vote at the new precincts so established, and who may request such transfer, and to make such changes as may be necessary in the certificates of registration issued to such voters, who shall thereafter vote only at the precincts to which they have been thus transferred.

SEC. 144. When one polling place has been changed to another in any township, or where the name of the polling place has been changed since the last general election, the registration of voters for the former polling place shall be valid and effectual for the new polling place or precinct; and where one or more additional polling places or precincts have been established in the same township, or where a new precinct has been established in a township which formerly had none, it shall be the duty of the supervisor to change the certificates of registration of voters entitled by proximity of residence to vote at such new precinct, requiring in every case a surrender and cancellation of the former certificate and such evidence as he may deem proper as to the right of the elector to such change.

SEC. 145. Any registered elector who may reside nearer a polling place in a precinct or township than the precinct or township in which he is registered, and who desires to vote at such nearer polling place, shall, upon the surrender of his certificate of registration to the supervisor on or before the first Monday of July preceding the next general election, be entitled to a new certificate permitting him to vote at such nearer polling place; the old certificate to be destroyed by the supervisor, and such changes made by him in the registration books as will conform to the general provisions of this chapter. The supervisor of registration may require of the applicant for such change an affidavit or such other evidence as he may deem necessary to a determination of the residence of the applicant.

SEC. 146 (100). In case of the removal of an elector from one residence to another in the same precinct, he shall notify the supervisor and surrender to him his certificate of registration, and the supervisor shall enter the fact upon the registration book and give such elector a new certificate in accordance with such change of residence.

SEC. 147 (101). In case of the removal of an elector from one precinct to another in the same county, such elector shall notify the supervisor and surrender his certificate of registration to the said supervisor, who shall enter the fact upon the proper registration book, and shall give such elector a new certificate for the precinct into which he has removed.

SEC. 148 (102). In case of the removal of an elector from one county to another, he shall notify the supervisor of the county wherein he is registered and shall surrender his certificate of registration; and the said supervisor shall thereupon enter the fact of such removal upon the registration book as aforesaid, and shall give such elector a certificate of transfer to the county to which such elector has removed, upon the presentation of which the supervisor for such county shall cause such elector to be registered in the precinct of such county to which he shall have removed, and shall furnish such elector with a certificate, as hereinbefore provided.

SEC. 149 (103). No elector removing from one residence, precinct, parish, ward, or county to another shall be allowed to register or vote without a transfer of registration as above provided.

SEC. 150 (99). Every elector shall have the right to a renewal of his certificate without fee or charge, when the same becomes defaced by time or accident, upon his surrendering such certificate so defaced to the supervisor of registration. In case of the loss of any certificate, the elector losing the same shall be entitled to a renewal thereof by the supervisor, upon application and proof of such loss, in the following manner, to wit: He shall, at least thirty days before the next general election, make application under oath, setting forth the fact of such loss, and the circumstances attending it, as near as may be, and stating that he has not sold, bartered, or parted with the same for any pecuniary, valuable, or other consideration, and has not willfully destroyed the same; which application the supervisor shall examine and consider, requiring other evidence under oath if in his judgment necessary to a determination as to the loss thereof; and, upon such examination and consideration, if the supervisor shall be satisfied that the certificate has been actually lost, he shall issue to the applicant a renewal thereof, marking or stamping the same "renewal." The decision of the supervisor shall be subject to revision by the assistant supervisors, together with the supervisor to whom the application is made, in all cases in which he has refused to renew the said certificate. From the decision of the supervisor and assistant supervisors any applicant who has been refused a renewal of his certificate shall have the right of a review thereof by the circuit court of the county in which he was registered: *Provided*, He give notice thereof to the supervisor to whom he made application for such renewal within five days of the refusal thereof by the supervisor and assistant supervisors, and commence proceedings within ten days from the giving of said notice.

SEC. 151 (104). The supervisor of registration shall, immediately preceding each election, revise the registration of electors, and mark off the names of such electors as have died, and such as have removed from one residence, precinct, parish, ward, or county to another without notifying him and obtaining a certificate of transfer as hereinbefore provided.

SEC. 152. The clerks of the courts of general sessions and common pleas in the several counties of the State shall, on or before the 15th day of October, A. D. 1892, and biennially thereafter on or before the same day, make out and report to the supervisors of registration for their respective counties a complete list of all male persons convicted during the two preceding years, up to the 1st day of October aforesaid, of the following offenses, to wit: Murder, burglary, larceny, perjury, or any other infamous crime, or dueling; such report must be accompanied by the certificate of the clerk, under the seal of his office, that the report is correct as appears from the records of his office.

Any clerk of the court who shall fail or neglect to comply with the provisions of this section shall forfeit and pay to the county in which he holds his office the sum of $50 for each and every failure so to report.

SEC. 153. Every trial justice in the State shall, on or before the 15th day of October, A. D. 1892, and biennially thereafter on or before the same day, make out, under his hand and seal, and submit to the supervisor of registration for the county in which he holds his office, a certified list of all male persons convicted of petit larceny before him, or any of his predecessors whose trial docket is in his possession, during the two preceding years, or the period following his next preceding report. Any trial justice going out of office shall furnish such list immediately upon his retirement and up to that time, and any trial justice hereafter appointed shall furnish such list from the time of his entry upon the duties of his office.

Any trial justice who shall fail or neglect to furnish such reports as herein required shall forfeit and pay to the county in which he holds his office the sum of $10 for each and every such failure to report.

SEC. 154. The reports provided for in the two preceding sections shall be received by the supervisor as prima facie proofs of the facts stated therein, and he shall immediately erase the names of all such persons from the registration books in his county, and they shall not be allowed thereafter to register or vote in any elections in this State: *Provided*, That if any such person whose name is so furnished shall present to such supervisor, within sixty days after the next following election, a pardon from the governor, or, within such time, prove to the satisfaction of such supervisor that he was not convicted of the crime or misdemeanor stated in such certificate, his name shall be restored to the list of registered voters as completely and effectually as if the same had not been stricken therefrom.

SEC. 155 (105). At each and every election the supervisor of registration shall furnish the managers of election with one of the registration books for each precinct, for the care and custody of which the managers receiving the same shall be responsible and which they shall return to the supervisor of registration within three days after the close of election, and no elector shall be allowed to vote whose name is not registered as provided in this chapter.

SEC. 156. The supervisor of registration is authorized and directed to exchange the registration of such electors as may apply to him for that purpose from other precincts to the precincts now established by law whenever it shall appear to him that the elector so applying resides within a reasonable distance of the same.

Summarizing it, it provides that all electors of the State must be registered, and no person shall vote unless heretofore registered or registered as herein required. A supervisor of registration shall be appointed for each county, empowered to supervise registration of electors, keep a record, and hold his office at the county seat. There shall also be appointed two assistant supervisors of registration to sit with the supervisor in the determination of all cases of contested registration or in which the supervisor shall refuse registration, and this board is authorized to sit for as many days, beginning on the second Tuesday in July, as may be necessary to hear and determine such contested cases. After every general election the books shall be opened for registration of such persons as shall thereafter become entitled to register on the first Monday in each month until the 1st day of July preceding a general election, when the books shall be closed until the general election shall be held. The supervisor shall determine as to the legal qualifications of all applicants, and if an applicant is rejected he can appeal from the action of the supervisor and his assistants to the circuit court. Any person not of age when the registration books are opened but becoming of age before election may appear before the supervisor and have his name entered on the books at any time.

When a voter is allowed to register he obtains a certificate, which must be produced when offering to vote, but if he moves his residence in the same precinct or moves into another precinct he must have a transfer of his certificate, and if he loses his certificate he must obtain another. The statute also authorizes the supervisor before election to revise the list, marking off the names of those who have died or removed, those convicted of murder, burglary, larceny, perjury, or any other infamous crime, or dueling, and petit larceny, without notice to the elector, and if stricken off unlawfully the elector must prove to the satisfaction of the supervisor that he was not convicted of the crime of which he is charged or that he has a pardon from the governor. So with the constitution and statutes of South Carolina before us we will proceed to determine by the authority cited whether or not the regulations provided as a condition precedent to the exercises of the elective franchise in South Carolina are reasonable, uniform, and impartial, and whether the same have for their purpose directly or indirectly to deny or abridge the constitutional rights of citizens of South Carolina to vote, or unnecessarily impede their exercise of the right to the elective franchise to such an extent as to affect the rights of the contestants to their respective seats.

After giving the subject much thought, and fully appreciating the responsibilities surroundig such an important step, and considering carefully the claims of the contestants that they are denied valuable rights; considering also the situation of affairs in that State ever since the late civil war, sympathizing greatly with the success of Republican aspirants, keeping in view the rights of the States and the plain duty of the Federal Government, without the least intention or desire to impair the one or shirk the other, I am willing to go on record as saying that both branches of Congress have the power to inquire into the constitutionality of the law of the State whenever the same affects the right of a person to a seat in Congress, and should exercise that power in all proper cases, for by

the Constitution of the United States all questions affecting the elections, returns, and qualifications of its own members are referred to and must be determined by each House.

Each House shall be the judge of the elections, returns, and qualifications of its own members. * * * Article I, section 5.

I regret the almost entire absence of authority on so important a point, but this will be a good opportunity to create authority, and I would call attention to the case of Miller against Elliot, Fifty-first Congress, first session, H. R. Report 2502, part 2, where these same laws were involved and considered in Committee on Elections, the same contestee as in one of these cases, and I quote from the majority report, page 6—

That these provisions of the registration statutes are unconstitutional and void can not be seriously questioned.

The honorable and distinguished gentleman from Georgia, Mr. CRISP, was a member of the committee and signed the minority report, and that report impliedly sustains the conclusion arrived at by the majority of the committee as to the power of Congress in this regard, as will be shown by examining it. The contestant in that case was insisting that the law under which the election was held was unconstitutional. The majority report sustained the contention of the contestant. The able gentlemen composing the minority, always ready to defend the rights of the State, and jealous of the power of the National Government, did not in the minority report controvert the position of the majority or in any manner deny the power of the House in this regard, but contented themselves in their answer to the majority by offering three reasons why the law was constitutional.

First. That contestant had not in his notice of contest stated that he relied upon the unconstitutionality of the law as one of the grounds of contest, thereby defending the constitutionality of the law, and not denying the power of Congress, conceding the power of Congress to pass upon the constitutionality of the law, by insisting upon the presence of the question in the notice of contest. If they were prepared to deny the power of Congress in this regard they would not have defended the constitutionality of the law, but would have in place thereof denied the power of Congress to pass upon the question.

Their second answer was, "That there was no proof that the law was acted upon in the strict interpretation put upon it"; and

Third. "That the minority of the committee could not have been serious in reporting that the law was unconstitutional," to say the least of it, a very serious way of answering a great constitutional question involving to so great an extent the rights, privileges, and liberties of American citizenship. The majority report was adopted without argument and without division.

Among all of the able Democratic members of the Fifty-first Congress there was not one of them willing to put himself on record as denying the power of Congress to inquire into the constitutionality of the laws of the State affecting the right of the claimant to a seat in the Congress. By their silence we have a right to argue that the Democratic party is committed to the doctrine that this power does exist in Congress. Having arrived at the conclusion that Congress has the power to inquire into the constitutionality of these statutes, the next question is as to their constitutionality. The contestants favoring the unconstitutionality of the registration laws call attention to two cases which they insist clearly establish the unconstitutionality of these laws and as fully sustaining them in their positions, and contend that these cases ought to have great weight in determining the question because the same are the opinions of two great jurists, both familiar with the laws of South Carolina and the manner of enforcement and effect of the same, and for the further reason that both cases were direct actions brought to test the constitutionality of the laws in question.

One is Mills against Green, circuit court of the United States for the district of South Carolina, reported May 8, 1895, 67 Federal Reporter, page 818, by Nathan Goff, circuit judge. The other is Butler *vs.* Ellerbee et al., supreme court of South Carolina, July 6, 1895, 22 Southeastern Reporter, page 425, opinion by McIver, chief justice. The case in the United States court was brought on the equity side of the court, to prevent the defendant Green individually and as supervisor of registration of Richland County, S. C., from delivering the books of registration to the managers of election in the different precincts in that county, on the ground that the law was unconstitutional under which he was acting. A vigorous defense was interposed, and an earnest effort made to uphold the constitutionality of the law. Judge Goff sustained the bill, granted the prayer for relief, and in an elaborate opinion pointed out the many defects in the law, and held the entire registration act invalid.

The case went to the United States circuit court of appeals and was reversed for want of equity, so the constitutional question involved was not discussed in the appellate court, the position being taken that the elector had mistaken his remedy in proceeding on the equity side of the court. The case brought in the supreme court of South Carolina was to restrain the defendants, as fiscal officers, from paying the expenses incurred under the registration laws on the alleged ground that the same were unconstitutional. The two associate justices held that the court was not one of original jurisdiction for the determination of cases like this and dismissed the bill, but the chief justice delivered a dissenting opinion, not only sustaining the original jurisdiction of the court, thereby conceding the power of the court to determine the whole question, but held that the law was unconstitutional. Both of the opinions of these learned jurists are lengthy and discuss every question in the respective cases, leaving nothing of the law. Chief Justice McIver is a Democrat, an able jurist, and evidently an upright man, familiar with the laws of the State and manner and object of enforcement of the same, and thoroughly qualified to speak of it. His opinion ought to carry great weight, and can not be said to be in any sense partisan. Both of these able jurists agree that the law in question falls under the condemnation of the test formulated by Judge Cooley, and the particular points made by these eminent jurists, briefly stated, are as follows:

BY JUDGE GOFF.

First. Requiring any certificate.

Second. Closing of the registration books on the 1st day of July preceding a general election when held in November following.

Third. That an elector qualified and entitled to register in May and June, 1882, and failing to register by reason of inadvertence, sickness, absence, or other cause when the books were open for that year, has been disqualified as a voter ever since July 1, 1882, because the only ones going on the books since that time being those coming of age since July 1, 1882.

Chief Justice McIver in his opinion nowhere refers to the opinion of Judge Goff, but fully sustains Judge Goff in conclusions 2 and 3, as I have condensed and numbered them; and while holding that to require a voter to obtain a certificate is not unconstitutional, yet to compel an elector to get a new certificate in case of loss or transfer, or in case of a removal from one place to another in the same precinct or from one precinct to another, as a prerequisite to voting after registration and once having obtained a certificate, is well calculated to impede and obstruct the exercise of the right of suffrage; and from the language implied by the learned jurist we infer that on this point he regards the law unconstitutional.

We now have the opinion of two competent to judge, after careful consideration of the question, that the registration law of South Carolina is unconstitutional. Certainly no one in South Carolina will question the opinion of Chief Justice McIver, his ability, his integrity, or the fact that he is a Democrat and has always been a Democrat. I differ from both opinions in their reasoning, and inasmuch as no injustice be done these learned gentlemen, I submit the opinions of both:

[Opinion of Judge Goff in the case of Mills *vs.* Green, in the circuit court of the United States for the district of South Carolina, decided May 8, 1895, and reported in full in 67 Fed. Rep., 818, and in the News and Courier, Charleston, S. C., May 9, 1895.]

JUDGE GOFF'S REGISTRATION DECISION.

In the circuit court of the United States for the district of South Carolina—Lawrence P. Mills *vs.* W. Briggs Green—In equity.

On the 20th day of April last, on consideration of the bill in this cause, I passed an order that the defendant, W. Briggs Green, individually and as supervisor of registration for Richland County, in the State of South Carolina, be enjoined and restrained until the further order of this court from the commission of the acts complained of in complainant's bill, and I directed that said defendant show cause before me, if any he could, at Columbia, S. C., on Thursday, May 2, instant, why such order should not be continued, or some order of like purport and effect be then granted, enjoining and restraining him, both individually and as such supervisor of registration, from the commission of said acts until the final hearing and determination of this cause.

The plaintiff, a citizen of the State of South Carolina and of the United States, brings this suit against W. Briggs Green, a citizen of said State and of the United States. The plaintiff exhibits his bill in his own behalf and for all others, citizens of the county of Richland, in the State of South Carolina, circumstanced like him, who are too numerous to be named and made parties hereto. It is set forth in the bill that the plaintiff was 26 years of age on the 4th day of February, 1895; that he is a resident of Ward 4, precinct of Columbia, in said county and State; that he is a male citizen of the United States; that he has resided in the State of South Carolina for more than one year preceding the last general election in that State, and in the county of Richland for more than sixty days prior to said election; that he is an elector of the State of South Carolina, possessing all the qualifications of an elector of the most numerous branch of the State legislature, and is subject to none of the disqualifications set forth in the constitution of that State, and that he is under the Constitution and laws of the United States duly qualified to vote at all Federal and State elections held in said ward, county, and State.

It is set forth in the bill that section 90 of the general statutes of South Carolina, 1882, provides as follows: "All electors of the State shall be registered as hereinafter provided, and no person shall be allowed to vote at any election hereafter to be held unless registered as hereinafter required; that by section 94 of said statute it is provided: When the said registration (in certain books to be provided for and made in the manner provided for in section 93) shall have been completed, the books shall be closed and not opened for registration, except for the purposes and as hereinafter mentioned, until after the next general election for State officers. After the said next general election the books shall be opened for registration of such persons as shall thereafter become entitled to register on the first Monday in each month to and until the first Monday in July, inclusive, preceding the following general election, upon which last-named day the same shall be closed and not reopened

for registration until after the said general election, and that thereafter the said books shall be opened for the registration of such electors on the days above mentioned until the 1st day of July preceding a general election, when the same shall be closed as aforesaid until the said general election shall have taken place"; that in section 127 of said revised statutes it is provided: "After every general election the registration books shall be opened for registration of such persons as shall thereafter become entitled to register on the first Monday in each month until the 1st day of July, preceding a general election, when the same shall be closed until such election shall have taken place"; that section 97 provides: "Any person coming of age, and being qualified as an elector, may appear before the supervisor of registration on any day on which the books are opened, as aforesaid, and take oath as to his age and qualifications as hereinbefore provided, and if the supervisor find him qualified he shall enter his name upon the registration book of the precinct wherein he resides." It is also alleged that said registration laws provide that the supervisors of registration in the several counties shall issue to the voter when registered, a certificate of registration, and that said voter shall present the same at the polls to the managers of the election, and that no one shall be allowed to vote at any election to be held in said State unless his certificate of registration is exhibited when he offers to vote, and that it is required by said law that in case a voter shall remove from one county to another in said State, or from one precinct to another in the same county, or from one residence to another in the same precinct, that he shall obtain a transfer and a renewal certificate, and that should a voter lose his certificate he must obtain a renewal thereof upon furnishing evidence satisfactory to the registrar of the county wherein he resides, that his certificate has been mislaid or lost, and that the same has not been willfully or intentionally disposed of. The bill also alleges that by the provisions and requirements of said enactments, the voter failing for any reason to comply with any of the provisions of the same, is denied the right of suffrage, both in Federal and State elections. Complainant claims that the provisions of the said enactments fixing the time for registration and the closing of the books for that purpose on the 1st day of July preceding every election, and the many requirements and conditions set out in the various sections of said registration law were intended, and that they in effect do abridge, impede, and destroy the suffrage of the citizens, both of the State and of the United States.

It is also averred that on the 24th day of December, 1894, an act was passed by the general assembly of South Carolina entitled "An act to provide for calling a constitutional convention, to provide the number and qualifications of members of the convention, their compensation, etc., and to provide for the election of the same, and to define and prescribe the qualifications of the electors and the manner of the election and of declaring the result." That by section 4 of said act it is declared who shall be entitled to vote for delegates to said constitutional convention, and that in addition to the qualifications prescribed for electors by the constitution of the State of South Carolina is provided a further one, viz: "That the elector be duly registered, as now required by law, or who, having been entitled to register as a voter at the time of the general registration of electors in the State, which took place in the year 1882, or at any time subsequent thereto, failed to register at such time, or who has become a citizen of this State and who shall register as hereinafter provided in such cases."

Other provisions of the laws and of the constitution of the State of South Carolina are set forth, but I do not deem it necessary to now recite them.

The bill charges that W. Briggs Green has been appointed to the office of supervisor of registration for Richland County in pursuance of said registration laws; that he is now exercising the duties prescribed by the same, and that he intends to continue so to act, and that he intends to furnish to the several boards of managers for the precinct in which plaintiff resides in said county, who hold the election of delegates to said constitutional convention, certain paper writings purporting to be the registration books for use at such precincts.

The complainant says that he failed to register at the registration made after the general election in 1888, and during the ten days in March, 1895, provided for in the act of 1894, because although he made repeated and persistent efforts to become registered he found himself unable to comply with the unreasonable, unnecessary, and burdensome rules, regulations, and restrictions prescribed by said unconstitutional registration laws as conditions precedent to his right to register, and that he has never been allowed to vote at any Federal or State election of the State of South Carolina; that he is desirous of voting for delegates to the said constitutional convention, and that the paper writing purporting to be books of registration now in the hands of the defendant do not and will not contain his name as a registered voter, for the reason before stated; that he and others like circumstanced with him will not be permitted to vote at said special election by the managers thereof unless their names be found upon the books of registration and they produce the registration certificate mentioned; and that if the defendant be permitted to continue the aforesaid illegal, partial, and void registration, and be allowed to turn over to the managers of such election for the county of Richland the books of registration for said county, he, the plaintiff, will be deprived of his right to vote at said election and grievous and irreparable wrong will be done and damage him, which can only be prevented by the interposition of this court by way of restraining the defendant from the performance of said before-mentioned acts.

The defendant, in his return to the rule to show cause, insists that as supervisor of registration for Richland County he is not answerable to the jurisdiction of this court, and that the matters, facts, and things alleged and complained of in the bill are matters relating to the political duties of his office; that this is in effect a suit against the State of South Carolina, which is prohibited by the eleventh amendment to the Constitution of the United States; also that the bill presents no question arising under the Constitution or laws of the United States, and that this court has no jurisdiction of the case; that the bill presents no case for equity jurisdiction, as the plaintiff has a plain and adequate remedy at law; that the bill is multifarious and not properly verified; he denies that the registration laws were intended and that they in effect do abridge, impede, and destroy the suffrage of the citizens of the State and of the United States, and he claims that they are reasonable and constitutional, and submits their proper construction to the court. The other matters set up in the return will not now be recited, but will be considered in substance as the questions arising are disposed of.

The question of jurisdiction is first to be determined. Defendant insists that this suit is in effect a proceeding against the State of South Carolina, and that it should not be entertained because prohibited by the eleventh amendment to the Constitution of the United States. It is not my intention at this time to consider separately the many cases cited by counsel in argument bearing on this question. After carefully examining them all I conclude that it is the duty of the circuit court of the United States to restrain a State officer from executing an unconstitutional statute of the State when the execution of it by him would violate or abridge the rights, privileges, and immunities of the complainant that are granted by the Constitution of the United States. So far as this question is concerned, it is immaterial if the officer so restrained be the supervisor of registration, the auditor of state, the comptroller-general, the treasurer, the attorney-general, or the governor. We do not have in this country any class of people, State or national officials or private citizens, who are above the law and who are not compelled to respect it. The Constitution of the United States is the supreme law of the land, anything in the constitution or laws of any of the States to the contrary notwithstanding. The mandate of the nation's Constitution is addressed to all the officers of the United States, as well as to all the officers of all the States. The judges of the Federal, as well as of the State courts, must respect it, for it declares that the judges of every State shall be bound thereby. As is said by the Supreme Court in Dodge *vs.* Woolsey (18 How., 331): "To make its supremacy more complete, impressive, and practical, that there should be no escape from its operation, and that its binding force upon the States and the members of Congress should be unmistakable, it is declared that the Senators and Representatives before mentioned, and the members of the several State legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation to support this Constitution." It would be a strange admission, a startling decision, that the courts of the United States can not open their doors to the citizens of the United States who allege that they are by the unconstitutional laws of a State deprived of their privileges or immunities as citizens of the United States and denied the equal protection of the laws within the jurisdiction of such State. I am not aware that any court of the United States has ever so held. I trust I will never be advised of such a decision, and I am sure, as I now see the law and my duty, that I will not so rule, not establish such a precedent.

The case of In re Ayres (123 U. S., 443), relied on by defendant's counsel, does not in my judgment sustain the position taken by them. In that case the jurisdiction of the circuit court was denied not because the officers of the State were sued, but because the court found that the act of the legislature complained of did not violate any contract, and because the bill did not allege any ground of equitable relief against the individual defendants for any personal wrong committed or threatened by them, because it did not charge against them in their individual character anything done or threatened which constituted in contemplation of law a violation of personal or property rights or a breach of contract to which they were parties. In these particulars the Ayres case differs materially from the case now before me. In that case the Supreme Court says: "But this is not intended in any way to infringe upon the principle which justifies suits against individual defendants, who, under color of the authority of unconstitutional legislation by the State, are guilty of personal trespasses and wrongs, nor to forbid suits against officers in their official capacity either to arrest or direct their official action by injunction or mandamus, where such suits are authorized by law, and the act to be done or omitted is purely ministerial, in the performance or omission of which the plaintiff has a legal interest."

In Davis *vs.* Gray (16 Wall., 203) the Supreme Court held that a circuit court of the United States, in a proper case in equity, may enjoin a State officer from executing a State law in conflict with the Constitution or a statute of the United States when such execution will violate the rights of the complainant; that making a State officer a party does not make the State a party, although her law may prompt his action and she may stand behind him as the real party in interest. That case was a suit by Gray against Davis, the governor of the State of Texas, and Keuchler, commissioner of the land office of that State, and the injunction issued by the circuit court of the United States for the western district of Texas, restraining said officers from issuing and signing certain land warrants, was sustained, as I have mentioned, by the Supreme Court of the United States.

In the case of Pennoyer *vs.* McConnaughy (140 U. S., 1), in which the Supreme Court reviewed the cases bearing on the subject, Mr. Justice Lamar, speaking for the court, said: "But the general doctrine of Osborne *vs.* The Bank of the United States, that the circuit courts of the United States will restrain a State officer from executing an unconstitutional statute of the State, when to execute it would violate rights and privileges of the complainant which had been guaranteed by the Constitution, and would work irreparable damage and injury to him, has never been departed from. On the contrary, the principles of that case have been recognized and enforced in a very large number of cases, notably in those we have referred to as belonging to the second class of cases above mentioned." In reference to the case just referred to, he used this language: "The first class is where the suit is brought against the officers of the State as representing the State's action and liability, thus making it, though not a party to the record, the real party against which the judgment will so operate as to compel it to specifically perform its contract. (In re Ayers, 123 U. S., 443; Louisiana *vs.* Jumel, 107 U. S., 711; Antoni *vs.* Greenhow, 107 U. S., 769; Cunningham *vs.* Macon and Brunswick Railroad, 109 U. S., 446; Hagood *vs.* Southern, 117 U. S., 52.) The other class is where a suit is brought against defendants who, claiming to act as officers of the State under the color of an unconstitutional statute, commit acts of wrong and injury to the rights and property of the plaintiff acquired under a contract with the State. Such suit, whether brought to recover money or property in the hands of such defendants, unlawfully taken by them in behalf of the State, or for compensation in damages, or in a proper case where the remedy at law is inadequate for an injunction to prevent such wrong and injury, or for a mandamus in a like case to enforce upon the defendant the performance of a plain legal duty, purely ministerial, is not, within the meaning of the eleventh amendment, an action against the State. (Osborne *vs.* Bank of the United States, 9 Wheat., 738; Davis *vs.* Gray, 16 Wall., 203; Tomlinson *vs.* Branch, 15 Wall., 460; Litchfield *vs.* Webster County, 101 U. S., 773; Allen *vs.* Baltimore and Ohio Railroad, 114 U. S., 311; Board of Liquidation *vs.* McComb, 92 U. S., 531; Poindexter *vs.* Greenhow, 114 U. S., 270.")

Complainant insists that his case is included in the reasoning of the court in the cases last cited, and also that he is entitled to present his bill to this court relative to the matters therein set forth, because of the provisions of the Constitution of the United States, and particularly the fourteenth and fifteenth amendments thereof. To the consideration of this point, and of the constitutionality of the registration laws of the State of South Carolina, we now come. Complainant insists that the registration laws of South Carolina are in contravention of the provisions of the constitution of South Carolina, and that they also violate the Constitution of the United States, his rights as a citizen of the United States being so affected thereby as to entitle him to be heard in this court on the complaint we now consider. The constitution of South Carolina contains the following provisions:

ART. 1, SEC. 31. "All elections shall be free and open, and every inhabitant of this Commonwealth possessing the qualifications provided for in this constitution shall have equal right to elect officers and be elected to fill public offices."

ART. 8, SEC. 2. "Every male citizen of the United States of the age of 21 years and upwards, not laboring under the disabilities named in this constitution, without distinction of race, color, or former condition, who shall be a resident of this State at the time of the adoption of this constitution, or who shall hereafter reside in this State one year and in the county in which he offers to vote sixty days next preceding any election, shall be entitled to vote for all officers that are now or hereafter may be elected by the people, and upon all questions submitted to the electors at any election: *Provided*, That no person shall be allowed to vote or hold office who is now or hereafter may be disqualified therefor by the Constitution of the United States until such disqualifications shall be removed by the Congress of the United States: *Provided further*, That no person while kept in any almshouse or asylum, or of unsound mind, or confined in any public prison, shall be allowed to vote or hold public office."

ART. 8, SEC. 3. "It shall be the duty of the general assembly to provide, from time to time, for the registration of all electors."

ART. 8, SEC. 7. "Every person entitled to vote at any election shall be

eligible to any office which now is, or hereafter shall be, elective by the people in the county where he shall have resided sixty days previous to such election, except as otherwise provided in this constitution or the Constitution and laws of the United States."

ART. 8, SEC. 8. "The general assembly shall never pass any law that will deprive any of the citizens of this State of the right of suffrage, except for treason, murder, robbery, or dueling, whereof the person shall have been duly tried and convicted."

Section 2, Article I, of the Constitution of the United States is as follows: "The House of Representatives shall be composed of members chosen every second year by the people of the several States, and the electors in each State shall have the qualification requisite for electors of the most numerous branch of the State legislature."

Section 1, Article XIV (amendment), is in these words: "All persons born or naturalized in the United States and subject to the jurisdiction thereof are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of the citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws."

Article XV of the amendments to the Constitution reads:

SECTION 1. "The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

"SEC. 2. The Congress shall have power to enforce this article by appropriate legislation."

The Congress has given to the circuit courts of the United States jurisdiction of all suits to enforce the right of citizens of the United States to vote in the several States.

We find now that a citizen of South Carolina is a citizen of the United States residing in that State. The rights, privileges, and immunities belonging to him as a free citizen are his as a citizen of the United States, and do not depend upon his citizenship of that State. The plaintiff, Mills, a citizen of African descent, is a citizen of the United States and of the State of South Carolina.

By the fourteenth amendment he has been made a citizen of the United States, and by the fifteenth amendment he is a voter in the State in which he resides. Previous to the adoption of these amendments the race to which he belongs had no rights that the white men of this country were bound to respect, and it was not possible for anyone belonging to it to be a citizen of the United States. In the Slaughter House Cases (16 Wall., 68) the Supreme Court of the United States, referring to the time immediately preceding and following the adoption of these amendments, said:

"The institution of African slavery, as it existed in about half the States of the Union, and the contests pervading the public mind for many years between those who desired its curtailment and ultimate extinction and those who desired additional safeguards for its security and perpetuation culminated in the effort on the part of most of the States in which slavery existed to separate from the Federal Government and to resist its authority.

"This constituted the war of the rebellion, and whatever auxiliary causes may have contributed to bring about this war, undoubtedly the overshadowing and efficient cause was African slavery.

"In that struggle, slavery, as a legalized social relation, perished. It perished as a necessity of the bitterness and force of the conflict. When the armies of freedom found themselves upon the soil of slavery they could do nothing less than free the poor victims whose enforced servitude was the foundation of the quarrel, and when hard pressed in the contest these men—for they proved themselves men in that terrible crisis—offered their services and were accepted by thousands to aid in suppressing the unlawful rebellion. Slavery was at an end wherever the Federal Government succeeded in that purpose. The proclamation of President Lincoln expressed an accomplished fact as to a large portion of the insurrectionary districts when he declared slavery abolished in them all. But, the war being over, those who had succeeded in reestablishing the authority of the Federal Government were not content to permit this great act of emancipation to rest on the actual results of the contest or the proclamation of the Executive, both of which might have been questioned in after times, and they determined to place this main and most valuable result in the Constitution of the restored Union as one of its fundamental articles. Hence the thirteenth article of amendment to that instrument. Its two short sections seem hardly to admit of construction, so vigorous is their expression and so appropriate to the purpose we have indicated.

"'1. Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States or any place subject to their jurisdiction.

"'2. Congress shall have power to enforce this article by appropriate legislation.' * * *

"The process of restoring to their proper relation with the Federal Government and with the other States those which had sided with the rebellion, undertaken under the proclamation of President Johnson in 1865, and before the assembling of Congress, developed the fact that, notwithstanding the formal recognition by those States of the abolition of slavery, the condition of the slave race would, without further protection of the Federal Government, be almost as bad as it was before. Among the first acts of legislation adopted by several of the States in the legislative bodies which claimed to be in their normal relations with the Federal Government were laws which imposed upon the colored race onerous disabilities and burdens, and curtailed their rights in the pursuit of life, liberty, and property to such an extent that their freedom was of little value, while they had lost the protection which they had received from their former owners from motives both of interest and humanity.

"They were in some States forbidden to appear in the towns in any other character than menial servants. They were required to reside on and cultivate the soil, without the right to purchase or own it. They were excluded from many occupations of gain, and were not permitted to give testimony in the courts in any case where a white man was a party. It was said that their lives were at the mercy of bad men, either because the laws for their protection were insufficient or were not enforced.

"These circumstances, whatever of falsehood or misconception may have been mingled with their presentation, forced upon the statesmen who had conducted the Federal Government in safety through the crisis of the rebellion, and who supposed that by the thirteenth article of the amendment they had secured the result of their labors, the conviction that something more was necessary in the way of constitutional protection to the unfortunate race who had suffered so much. They accordingly passed through Congress the proposition for the fourteenth amendment, and they declined to treat as restored to their full participation in the Government of the Union the States which had been in insurrection until they ratified that article by a formal vote of their legislative bodies."

Before we proceed to examine more critically the provisions of this amendment (on which the plaintiffs in error rely) let us complete and dismiss the history of the recent amendments, as that history relates to the general purpose which pervades them all. A few years' experience satisfied the thoughtful men who had been the authors of the other two amendments that, notwithstanding the restraints of those articles on the States and the laws passed under the additional powers granted to Congress, they were inadequate for the protection of life, liberty, and property, without which freedom to the slaves was no boon. They were in all those States denied the right of suffrage. The laws were administered by the white man alone. It was urged that a race of men distinctively marked as was the negro, living in the midst of another and dominant race, could never be fully secured in their person and their property without the right of suffrage.

Hence the fifteenth amendment, which declares that "the right of a citizen of the United States to vote shall not be denied or abridged by any State on account of race, color, or previous condition of servitude." The negro having by the fourteenth amendment been declared to be a citizen of the United States, is thus made a voter in every State of the Union.

We repeat, then, in the light of this recapitulation of events, almost too recent to be called history, but which are familiar to us all, and on the most casual examination of the language of these amendments, no one can fail to be impressed with the one pervading purpose found in them all, lying at the foundation of each, and without which none of them would have been even suggested. We mean the freedom of the slave race, the security and firm establishment of that freedom, and the protection of the newly made freeman and citizen from the oppressions of those who had formerly exercised unlimited dominion over him. It is true that only the fifteenth amendment in terms mentions the negro by speaking of his color and his slavery. But it is just as true that each of the other articles was addressed to the grievances of that race and designed to remedy them as the fifteenth.

We do not say that no one else but the negro can share in this protection. Both the language and spirit of these articles are to have their fair and just weight in any question of construction. Undoubtedly while negro slavery alone was in the mind of the Congress which proposed the thirteenth article, it forbids any other kind of slavery now or hereafter. If Mexican peonage or the Chinese cooly-labor system shall develop slavery of the Mexican or Chinese race within our territory, this amendment may safely be trusted to make it void. And so if other rights are assailed by the States which properly and necessarily fall within the protection of these articles, that protection will apply, though the party interested may not be of African descent. But what we do say, and what we wish to be understood, is that in any fair and just construction of any section or phase of these amendments it is necessary to look to the purpose which we have said was the pervading spirit of them all, the evil which they were designed to remedy and the process of continued addition to the Constitution, until that purpose was supposed to be accomplished as far as constitutional law can accomplish it.

The first section of the fourteenth article, to which our attention is more especially invited, opens with a definition of citizenship—not only citizenship of the United States, but citizenship of the States. No such definition was previously found in the Constitution, nor had any attempt been made to define it by act of Congress. It had been the occasion of much discussion in the courts, by the Executive Departments, and in the public journals. It had been said by eminent judges that no man was a citizen of the United States except as he was a citizen of one of the States composing the Union. Those, therefore, who had been born and resided always in the District of Columbia or in the Territories, though within the United States, were not citizens. Whether this proposition was sound or not had never been judicially decided. But it had been held by this court, in the celebrated Dred Scott case (19 How., 393), only a few years before the outbreak of the civil war, that a man of African descent, whether a slave or not, was not and could not be a citizen of a State or of the United States. This decision, while it met the condemnation of some of the ablest statesmen and constitutional lawyers of the country, had never been overruled; and if it was to be accepted as a constitutional limitation of the right of citizenship, then all the negro race who had recently been made freemen were still not only not citizens, but were incapable of becoming so by anything short of an amendment to the Constitution.

To remove this difficulty primarily and to establish a clear and comprehensive definition of citizenship which would declare what should constitute citizenship of the United States and also citizenship of a State the first clause of the first section was framed:

"All persons born or naturalized in the United States and subject to the jurisdiction thereof are citizens of the United States and of the State wherein they reside."

The first observation we have to make on this clause is that it puts at rest both the questions which we stated to have been the subject of differences of opinion. It declares that persons may be citizens of the United States without regard to their citizenship of a particular State, and it overturns the Dred Scott decision by making all persons born within the United States and subject to its jurisdiction citizens of the United States. That its main purpose was to establish the citizenship of the negro can admit of no doubt. The phrase "subject to its jurisdiction" was intended to exclude from its operation children of ministers, consuls, and citizens or subjects of foreign states born within the United States.

While it is true that the Supreme Court has held that the fourteenth amendment did not add to the privileges and immunities of a citizen and that no new voters were necessarily made by it, it is equally true that it in effect held that it increased the number of citizens entitled to suffrage under the constitutions and laws of the States. It also held that in the light of the history of the late amendments there was no difficulty in giving a proper meaning to their provisions, and that the existence of laws in those States where the emancipated negroes resided which grossly discriminated against them as a class was the end to be remedied by them, and that by them such laws are forbidden. It also fully determined that a citizen of a State is now simply a citizen of the United States residing in that State; that his rights as such are those that belong to him as a citizen of the United States, and that they are not dependent upon his citizenship of any State, do not depend upon its legislation, and can not be destroyed by its power. As I understand the decision of the Supreme Court, they sustain the claim of this plaintiff that the courts of the United States are open for the relief of citizens of the United States whose privileges have been abridged by the State in which he resides. Certainly they should be, and I will surely so hold until advised by that court that I am in error. From these same decisions I find that while the right of suffrage is not a necessary attribute of Federal citizenship, it surely is such an attribute as is exempt from discrimination in the exercise of that right on account of race and previous condition, and that while the right to vote in the States comes from the State, the right of exemption from the prohibited discrimination comes from the United States.

While as a rule the rights of a citizen of a State are such as all citizens of the United States enjoy, yet this plaintiff has also certain rights under the constitution of South Carolina by virtue of the act of Congress of June 25, 1868, which was accepted and acted upon by that State, in which it is provided that the constitution of said State shall never be so changed as to deprive any citizen or class of citizens of the United States of the right to vote in said State who are entitled to vote by the constitution of the same, recognized in said act, except as a punishment for crime. The constitution there referred to is one from which I have before quoted, the present organic law of that State.

Are the registration laws of South Carolina constitutional? Do they

prevent the plaintiff and those situated like him from exercising the rights conferred upon and guaranteed to him? A registration law is not per se unconstitutional, but is the one referred to in the bill such as should be upheld by the courts? Does the State of South Carolina by this legislation deprive the plaintiff of any of the privileges to which he is entitled by the Constitution of the United States and of that State? Does it deprive him of his liberty by taking from him a right by which he can preserve that liberty? Does it deny him the equal protection of her laws by enacting a system of registration which does not protect but destroys his rights? If it does disfranchise him, are not his liberty and his property taken from him? If it does prevent him from voting (it is shown that he is duly qualified) for delegates to the constitutional convention mentioned in the bill, which may so change the organic law of the State as to affect his life, his property, his liberty, his franchise, does it not do him a grievous wrong, and by what authority? As pertinent to this I quote the words of Mr. Justice Swayne in the Slaughterhouse Cases: "Life, liberty, and property are forbidden to be taken without due process of law, and equal protection of the laws is guaranteed to all. Life is the gift of God, and the right to preserve it is the most sacred of the rights of man. Liberty is freedom from all restraints, but such as are justly imposed by law. Beyond that line lies the domain of usurpation and tyranny. Property is everywhere that which has an exchangeable value, and the right of property includes the power to dispose of it according to the will of the owner. Labor is property, and as such merits protection. The right to make it available is next in importance to the rights of life and liberty. It lies to a large extent at the foundation of most other forms of property, and of all solid individual and national property. 'Due process of law' is the application of the law as it exists in the fair and regular course of administrative procedure. 'The equal protection of the laws' places all upon a footing of legal equality and gives the same protection to all for the preservation of life, liberty, and property and the pursuit of happiness." (16 Wall., 127.)

It is not my intention at this time to state in detail the requirements and effect of each section of said registration law, but simply the result that I reach after a careful scrutiny of them all, aided as I have been by the exhaustive analysis of the same made by counsel. I find no warrant in the constitution for the certificate required by the registration law to be issued to the voter, the production of which is required at the polls or his vote is to be rejected. This is not registration which is simply the entering on the books or lists of voters of the names of those qualified under the constitution to vote, but it is an additional requirement to those mentioned in the organic law, not intended, I am constrained to believe, to facilitate the full, free, and legal expression of those entitled to exercise the right of suffrage. Such requirement is unreasonable, burdensome, and harassing, and clearly it impedes and abridges the right of the constitutional voters of the State to cast their ballots. The additional requirement that the voter moving from one place to another in the same precinct must surrender his old and secure a new certificate is without reason and vexatious, while the mode prescribed for securing a renewal thereof in case of loss is so cumbersome and peculiarly stringent that it likely fulfills its object in deterring the ordinary voter from making the effort.

The registration of voters closes on the 1st day of July preceding a general election, which is held in November following. What possible reason is there for this unreasonable course? During the four months preceding an election—the period voters generally devote to the examination of questions then to be determined and to the placing of their names on the voting lists when such lists are required—it is utterly impossible for any duly qualified voter to have his name registered, and necessarily results in depriving many of them of the right of suffrage. The only parties permitted to register during the four months preceding the election are those becoming of age during the period, provided they furnish satisfactory proof. The constitution says that the citizen who shall have been a resident of the State for one year and of the county in which he offers to vote for sixty days next preceding any election shall be entitled to vote at such election, and yet he is prohibited by this requirement from so doing. He has completed his one year's residence after the 1st day of July, but he can not register because the books are closed, and he can not vote because his name is not upon the books, and there is no provision by which he can prove to the election officers at the polls that he is a qualified and legal voter. This entire provision is most peculiar, without a precedent, and without defense even from the advocates of the law.

Why the books should be closed for months before the election and kept open for months after it is over, to the uninformed would be passing strange, and yet in the light of the recent history of this State and the discussion of this cause is easily understood. That such requirements are not only unreasonable but unconstitutional is shown by the following cases: Morris vs. Powell, 29 American Law Register, 839; White vs. Commissioners of Multnomah County, 13 Oregon, 317; Kinneen vs. Wells, 144 Mass., 497; State vs. Williams, 5 Wis., 308; Quin vs. State, 35 Ind., 485; McCafferty vs. Guyer, 59 Pa., 109; Green vs. Shumway, 39 N. Y., 418; Munroe vs. Collins, 17 Ohio, 666; People vs. Canaday, 73 N. C., 198; Cooley vs. Const. Lim., 753; Attorney-General vs. City of Detroit, 44 N. W. Rep., 888.

A careful examination of the registration enactment of the State of South Carolina—excluding the act of 1894—brings me to the conclusion that if a voter who was duly qualified and entitled to register in May and June, 1882, did not, on account of absence, sickness, inadvertence, or other causes, register when the books were open in that year that he was not only prevented from voting at the general election in November, 1882, but was and has been prevented—under the law—from voting at all elections held in the State subsequent to said election in 1882. This seems almost incredible, yet I think it is correct. The statement is appalling, the outrage stupendous, the result close to the borderland that divides outrage from crime. It is not necessary to discuss it further—likely the least said about it the better.

Does the act of 1894, the convention act, with its four sections relating to registration, cure the defects I have mentioned and render valid the former unconstitutional laws I have alluded to? In my opinion it does not. These sections refer to the old law—in fact, are to be considered as part of it, as amendments thereto—and they contain all the bad features thereof, including the certificates to be produced at the polls and the closing of the books many days before the election. They also add to the qualifications contained in the constitution relative to the residence of the voter in the State and county. And they make no provision for the registering of voters between the closing of the books and the election when their names have been omitted on account of absence or other usually sufficient reason.

Again, the applicant for registration must make affidavit setting forth his full name, age, occupation, and residence at the time of the general registration in 1882, or at the time thereafter when he became entitled to register, and also give the place or places of his residence since the time when he became entitled to register. This affidavit must be supported by the affidavit of two respectable citizens who were each of the age of 21 years on the 30th day of June, 1882, or at the time the applicant became entitled to register. Our most intelligent voters would dread this ordeal, this history of their movements for years, this statement of the different places at which they have lived, this securing of two reputable affiants, who must have been 21 years of age in 1882, or at the time the applicant arrived at voting age. With what crushing force, then, must it strike the weaker race, which is thus made to suffer by the stronger? How difficult for them to thus write out the books of their lives and have all the pages thereof attested by two witnesses reputable in the estimation of the registrar who is to judge them. In my opinion the fact that there still remains several days—prior to the election—during which the plaintiff may apply for registration does not, in the light of the allegations of the bill, the proofs tendered, and admissions made prevent him from asking for nor the court from granting the relief prayed for.

I was asked, in case any portion of the said registration laws should be found invalid, to eliminate the part so found and decree that the remaining section should stand. I have not been able to make the separation, for I find it all so interwoven as to render it impracticable, so far as results are concerned, and I can not winnow when there is no grain in behalf of those so treated. All interested in the welfare of their country and desirous of seeing its laws enforced should protest in order that public sentiment should no longer be dormant, but may by its activity rouse the community that has long suffered by such outrages to a realization of their cause, and to an appreciation of the beneficial results to be secured by the abolishment of the system that has caused them.

If we may judge of what the intention of the legislature was by the inevitable result of its enactment, as we are assured we can (Soon Hing vs. Crowley, 113 U. S., 703; Minnesota vs. Barber, 136 U. S., 313), then the one object that controlled the minds of those who formulated the enactment I have been considering was how best to abridge and destroy the greatest number of votes of the citizens of African descent, while at the same time interfering with as few as possible of the votes of the white race. The fact is that with a candor that was as frank as it was amazing this was virtually admitted during the argument of this case. It is evident that the effect of this registration system is to fearfully impede the exercise of the right of suffrage by the colored voters of the State of South Carolina. It to a great extent defeats their constitutional right to vote, and it seems to be its leading, I must be permitted to say its only object, the effort being to so legislate as to apparently respect constitutional requirements, but at the same time stab to the death the rights and immunities guaranteed by them.

Finding as I do that the registration laws of South Carolina are unconstitutional, and that their enforcement will deprive the plaintiff, a citizen of the United States, of the rights of a citizen of the same, I conclude that this court has jurisdiction of this case, and that the same is not a proceeding against the State of South Carolina, prohibited by the eleventh amendment to the Constitution of the United States. I find that the bill does present a question arising under the Constitution and laws of the United States, and that the plaintiff has not a plain and adequate remedy at law; that the bill is sufficiently verified and not multifarious. Under these circumstances it is the duty of the circuit court of the United States for the district of South Carolina to entertain this complaint—an instance in which duty mingles with inclination.

I have noticed during the progress of this case a disposition to regard this court as a foreign jurisdiction, much to my surprise and regret. This is as much a court of the State of South Carolina as is the circuit or supreme court of that State. The State of South Carolina assisted in forming the Constitution and making the laws by virtue of which this court was organized and now convenes. This court is and will be as careful and as jealous of the honor and the interests of that State as any of her citizens can be, and it hopes to merit their esteem by being worthy of it. A distinguished jurist of that State is my associate on the circuit and the Chief Justice of the United States is its presiding justice. Why such a court of the United States, convening in South Carolina, administering the laws of the nation and of that State, should be regarded as a foreign court is wonderful in the extreme and as strange as is the story relative to which it is about to enter its decree.

I will pass an order, as prayed for by complainant, restraining and enjoining the defendant individually and as supervisor of registration from the performance of any of the acts mentioned and complained of in the bill.

NATHAN GOFF,
United States Circuit Judge.

MAY 8, 1895.

[Opinion of McIver, C. J., of the supreme court of South Carolina, in the case of Matthew C. Butler vs. William H. Ellerbe and another, as fiscal officers of the State. 22 S. C. Rep., 425, 437. Rendered July 6, 1895.]

MCIVER, C. J. (dissenting). This is an action, instituted in the original jurisdiction of this court, for an injunction restraining the defendants, as fiscal officers of the State government, from applying the public funds in the State treasury to the payment of certain appropriations which, it is claimed, have been illegally made by the legislature. The particular appropriations claimed to be illegal are those made in the appropriation act of 23d December, 1893, for the pay of supervisors of registration, and for the pay of commissioners, managers, and messengers of elections, for the fiscal year commencing 1st November, 1893, and the prayer of the complaint is that the defendant Ellerbe and his successors in office as comptroller-general of the State of South Carolina be perpetually enjoined from drawing any warrant on the State treasurer for the payment of any of the said appropriations, and that the said Bates, and his successors in office as treasurer of the said State, be perpetually enjoined from paying any of the said warrants.

The ground upon which this claim is based is that the registration law, as it may be briefly termed for convenience, is unconstitutional, null, and void, and any appropriations of the public funds in pursuance of any of its provisions are without constitutional authority, and should be prohibited. Inasmuch as a copy of the complaint, or petition, as it is styled, should be incorporated in the report of this case, we do not deem it necessary to make here any more detailed or particular statement of the nature and scope of the action than has been made, in general terms, above, except to say that the action is brought by the plaintiff as "a citizen and resident taxpayer of the county of Edgefield, State aforesaid, possessing all the qualifications and laboring under none of the disqualifications provided in the constitution and laws of this State for the electors and officeholders thereof, on behalf of himself and other citizens and resident taxpayers of said State in the like plight and condition as himself as to qualifications and disqualifications, too numerous to be made parties to this action, and of other citizens and resident taxpayers of said State possessing the same constitutional qualifications as himself, and laboring under no disqualifications save those imposed by the acts of assembly hereinafter mentioned, alleged hereinafter to have been enacted in violation of the said Constitution."

The main object of the action, unquestionably, is to test the constitutionality of the registration laws of this State. But, before proceeding to the discussion of this main question in the case, it is necessary first to dispose of two preliminary objections presented by the attorney-general. The first of these objections, as we understand it, is that such an action as this can not be brought by a single taxpayer, either on his own behalf or on behalf of himself and others in similar plight and condition, upon the ground that no one can be allowed to assail the constitutionality of an act of the legislature by an action unless he shows that he has been injured either in his rights of person or property by such act, or, to use the language of the attorney-general in his argument, "The validity of a statute can not be questioned on the application of a mere volunteer or person whose right it does not specially

affect." Inasmuch as the object of this action is to prevent the application of the public funds in the State treasury arising from taxation, in which every taxpayer has a direct interest, to an illegal purpose, it would seem clear that there is no foundation for the objection.

But we do not deem it necessary to discuss the question, for we think it has been determined by express adjudication in this State in at least two cases, Mauldin *vs.* City Council, 33 S. C., 1, 11 S. E., 434; and McCullough *vs.* Brown (S. C.), 19 S. E., 458, supported by numerous authorities elsewhere. (1 Pom. Eq. Jur., page 277, section 260; Cooley, Taxation, 704; 2 Dill. Mun. Corp., section 736, and cases cited in note; Crampton *vs.* Zabriskie, 101 U. S., at page 609, where Mr. Justice Field used this language: "Of the right of resident taxpayers to invoke the interposition of a court of equity to prevent an illegal disposition of the moneys of the county * * * there is at this day no serious question.") While it is true that the case of McCullough *vs.* Brown, supra, has been overruled in so far as it held the dispensary law unconstitutional, by the subsequent case of State *vs.* City Council of Aiken (S. C.), 20 S. E., 221, yet that case does not affect the point for which the case of McCullough *vs.* Brown is now cited, for that point was in no way alluded to in the Aiken case, and it is there stated that the case of McCullough *vs.* Brown, and those decided upon its authority, "are overruled *in so far as they are antagonistic to the principles upon which this case is decided.*" (Italics ours.)

The next preliminary objection is that the plaintiff herein is estopped from assailing the constitutionality of the registration law by reason of the fact that he has for many years been in the enjoyment of the emoluments and honors of an office to which he has been chosen by elections held under the provisions of the registration law. How this can affect the right of the plaintiff as a taxpayer to institute an action to prevent the application of the public funds arising from taxation, in which he as well as any other taxpayer is interested, to an illegal purpose, it is impossible to conceive. The question here is not as to the validity of any election held under the registration law, for the record presents no such facts, and no proper parties for the consideration of any such question. The sole question here is whether the fiscal officers of the State government shall be restrained from applying the public funds to an illegal purpose; and that question turns entirely upon the result of the inquiry whether the registration law, in pursuance of which such application is threatened to be made, violates the constitution of the State. If it does, then, of course, it is null and void, and any appropriation of the public funds in pursuance of the provisions would be illegal and should be restrained. We see no ground whatever for the estoppel claimed.

Coming, then, to the main question in the case, we find that the question of the constitutionality of a statute requiring the registration of voters has been very frequently before the courts of the several States, and it seems to be settled that, even in States whose constitutions are silent upon the subject, a statute requiring a registration of voters is not per se unconstitutional, as such a statute is regarded as a mere regulation of the constitutional right to vote, and is designed to furnish evidence of the fact that the voter is possessed of the qualifications fixed by the constitution. But it seems to be as well settled that where the purport and effect of a registration law is to add to or to take away any of the qualifications prescribed by the constitution, or where its effect is to obstruct, subvert, or even unnecessarily to impede, the exercise of the right conferred by the constitution, it can not be sustained, but must be held an unconstitutional invasion of the constitutional right of suffrage.

These views are fully supported by the authorities elsewhere (for so far as we are informed we have no case in this State upon the subject), which, though not binding on us, are recommended to our approval by the reasoning upon which they are founded, as well as by the high character of the courts from which they come. (See Capen *vs.* Foster, 12 Pick., 485, reported also with elaborate notes in 23 Am. Dec., 632, frequently referred to as the leading case upon the subject.) In Kinneen *vs.* Wells, 144 Mass., 497; 11 N. E., 916, the question was as to the constitutionality of the registration law of that State, containing a provision forbidding any naturalized person to be registered as a voter within thirty days after his naturalisation, and it was held that such provision was unconstitutional because it purported to add to the qualifications of a voter as fixed by the constitution the further qualification that such voter should be possessed of the qualifications named in the constitution for a period of thirty days before he could be registered as a qualified voter.

The court, after noticing the further objection that such a provision was unconstitutional because it was not impartial, inasmuch as it imposed a restriction upon a certain class of voters—naturalized persons—not imposed upon any other class, goes on to say that even if the provision were general in its character, applying alike to all classes of voters, it would still be unconstitutional, because it added to the qualifications of a voter as fixed in the constitution the further requirement that he should be possessed of such qualifications for a specified time before he offers himself for registration, whereas every person who is possessed of the necessary qualifications at the time he offers himself for registration is entitled to be registered, without any regard to the length of time he has been possessed of the necessary qualifications.

In delivering the opinion of the court, Devens, J., uses this language: "It is not an unreasonable provision that all persons entitled as voters shall be registered as such previously to depositing their ballots, and if the legislature deems that such an inquiry could not proceed concurrently with the actual voting or election, and both be conducted in a deliberate and orderly manner, it is not unreasonable that it should provide that such an inquiry should terminate before the election actually commences at a previous time sufficiently long to make proper preparations therefor." Again, after referring to Capen *vs.* Foster, supra, as a leading case on the subject, he says: "But, while it is held to be within the proper limits of legislative power to provide suitable regulations for exercising the right of suffrage in a prompt and orderly and convenient manner, the court, speaking through Chief Justice Shaw, was careful to add: 'Such a construction would afford no warrant for such an exercise of legislative power as, under the pretense and color of regulating, should subvert or injuriously restrain, the right itself.'"

And again he says: "Every system of registration of voters contemplates that the registration will be completed and that the list of voters will be prepared before voting actually commences. No system would be just that did not extend the time of registration up to a time as near that of actually depositing the votes as would be consistent with the necessary preparation for conducting the election in an orderly manner, and with a reasonable scrutiny for the correctness of the list." In the case of City of Owensboro *vs.* Hickman (Ky.), 14 S. W., 688, the registration law there considered provided for a registration of voters in the city of Owensboro, to be made on the first Monday in July and the two succeeding days, at which those only could be registered who would be entitled to vote at the August election ensuing, and also provided that no vote shall be received at any election held within a year unless the voter's name is on the registry made in July. Held that the act was not a reasonable regulation of the elective franchise, and was void under the constitution of Kentucky, providing that every male citizen 21 years of age, who had resided in the State two years, and in the county, town, or city one year next preceding the election shall be a voter.

In that case the court, while conceding the power of the legislature to enact a uniform and reasonable registration law, used this language: "The true theory upon which those laws are based is that they must not impair or abridge the elector's privilege, but merely regulate its exercise by requiring evidence of the right. The right can not be impaired, but it may be regulated. * * * A registration law, however, will not be held valid which, under the color of regulating the manner of voting, really subverts the right." Without quoting from or referring more particularly to the cases on the subject, we think the foregoing views will be found to be supported by numerous other cases which we have examined, and to which we will simply refer by their titles: Dells *vs.* Kennedy, 49 Wis., 560; 6 N. W., 246, 381; Daggett *vs.* Hudson (Ohio Sup.), 3 N. E., 546; Brooks *vs.* Hydone (Mich.), 42 N. W., 1122; Attorney-General *vs.* City of Detroit (Mich.), 44 N. W., 388; Page *vs.* Allen, 58 Pa. St., 338; Patterson *vs.* Barlow, 60 P. St., 75; State *vs.* Baker, 38 Wis., 71; Edmunds *vs.* Banbury, 28 Iowa, 267; Perry *vs.* Whitaker, 71 N. C., 475; People *vs.* Canaday, 13 N. C., 198; Monroe *vs.* Collins, 17 Ohio St., 680.

In the light of these principles we will proceed to an examination of the provisions of the registration law of this State, with a view to ascertain whether any of the provisions of that law are in conflict with any of the provisions of our constitution. For this purpose we will first inquire what are the provisions of the constitution in reference to the right of suffrage. In article 1, section 31, the provision is as follows: "All elections shall be free and open, and every inhabitant of this Commonwealth possesses the qualifications provided for in this constitution shall have an equal right to elect officers and be elected to fill public office."

Section 33 of article 1 provides as follows: "The right of suffrage shall be protected by laws regulating elections and prohibiting, under adequate penalties, all undue influences from power, bribery, tumult, or improper conduct." In article 8, section 2, the qualifications of electors are specifically declared, as follows: (1) He must be a male citizen who has attained the age of 21 years. (2) He must have resided one year in the State, and in the county in which he offers to vote sixty days next preceding any election. (3) He must not be laboring under any of the disabilities named in the constitution. In addition to the qualifications of a voter thus specifically declared it is expressly provided that every person possessed of these qualifications "shall be entitled to vote for all officers that are now or hereafter may be elected by the people, and upon all questions submitted to the electors at any elections." But, in addition to this, in section 8 of the same article it is expressly declared that the general assembly "shall never pass any law that will deprive any of the citizens of this State of the right of suffrage, except for treason," and other offenses named in the section, "whereof the person shall have been duly tried and convicted." The provision of section 3 of article 8 is as follows: "It shall be the duty of the general assembly to provide from time to time for the registration of all electors."

The original provisions for the registration of voters will be found in the act approved 9th of February, 1882 (17 Statutes at Large, page 1110), and these provisions are incorporated in General Statutes 1882, beginning with section 80 and ending with section 103; and such provisions, as subsequently amended, are incorporated in the Revised Statutes of 1893 as sections 131–156, both inclusive. From a careful examination of the various statutory provisions thus referred to, it seems to us that the manifest scope and intent of such legislation was that there should be but one general registration of voters, to wit, that provided for in 1882, and that when the registration books were closed for that year a person who was then a qualified voter, but who had failed from any cause, whether from sickness, absence, or other cause, to register, was ever thereafter deprived of this right of suffrage, for there is no provision by which such a person could afterwards be allowed to register; and section 122 of the Revised Statutes expressly declares that "no person shall be allowed to vote at any election hereafter to be held unless he shall have been heretofore registered in conformity with the requirements of chapter 7 of the General Statutes of 1882, and the acts amendatory thereof, or shall be registered as herein required."

Now, on turning to the chapter of the General Statutes of 1882 and the acts amendatory thereof, we find that, while provision is made in section 94 of that chapter, corresponding with section 137 of the Revised Statutes, for opening the books of registration after every general election, not, however, for the purpose of registering voters generally, but "for registration of *such persons* as shall thereafter become entitled to register" (italics ours), there is no provision for the registration of persons who had previously become entitled to register. Hence it follows, necessarily, that one who had been a qualified voter and, as such, entitled to register before such general election could not then avail himself of the privilege offered by that section. The language found in section 94 of the General Statutes of 1882 is stronger than that found in section 137 of the Revised Statutes from which we have quoted, for in the General Statutes of 1882 the language is prohibitory and forbids reopening the registration books except for the purpose of registration of such persons as shall become entitled to register after the next election; and even as to this privileged class, their day of grace expires on the 1st day of July preceding a general election, something over four months before the general election, which is fixed by law for the first Tuesday after the first Monday in November in every second year, reckoning from the year 1870. (Const., article 2, section 3; Rev. Stat., section 162.) It is true also that sections 96 and 97 of the General Statutes of 1882, as well as the corresponding sections of the Revised Statutes (140 and 141), do make special provisions for a certain class of voters, to wit, minors who come of age and are otherwise qualified, but this provision is confined to that particular class, and is, therefore, not an impartial provision.

It seems to us that this feature of the registration law, to say nothing of other constitutional objections, renders it obnoxious to that provision of the constitution above quoted which makes it the duty of the general assembly to provide from time to time for the registration of all electors. The language of that constitutional provision necessarily implies that its purpose was to require the general assembly to provide every facility for the registration of all electors, by providing for the registration of all electors "from time to time," so that, as far as practicable, no elector should be deprived of his right of suffrage, and that this law, which provided for one general registration more than ten years ago, and afforded no other opportunity to any elector, except those of a certain class, to comply with its provisions, even though his failure to avail himself of the first and only opportunity ever offered him to register resulted from sickness, absence, or other good cause, must be regarded as a violation both of the spirit and letter of the constitution.

Inasmuch as the right of suffrage is provided for and guaranteed by the constitution, and the general assembly is expressly forbidden from passing any law depriving any citizen of the right of suffrage, except in certain cases not pertinent to the present inquiry, it would seem at first blush as if any law making it a prerequisite to the exercise of this constitutional privilege that the voter should be registered would be in violation of the constitution as adding an additional requirement to those mentioned in the constitution for the exercise of this right. But, as we have seen, this is not the correct view of a registration law, which is a mere regulation as to the mode and manner in which this constitutional right may be exercised. The constitution simply provides that every citizen possessed of certain specified qualifications shall be entitled to exercise the right of suffrage, but it makes no provision as to how the fact shall be ascertained that a citizen claiming the right to vote is possessed of the required qualifications. It is, therefore, not only proper but necessary that the legislature should make such regulations as it may deem

best for the purpose of determining the question of fact whether a person offering to vote is possessed of the necessary constitutional qualifications; and this, in our judgment, is the true office of a registration law.

It is also nothing but reasonable and proper that such an inquiry should terminate prior to the election, as it might greatly delay and possibly defeat the full exercise of the right of suffrage if it had to be conducted while the election was going on; and hence a law which provides for closing the registration books for such a length of time as would be reasonably necessary to enable the supervisor of registration to prepare and furnish the managers of elections at each polling precinct with a copy of the list of registered voters for such precinct would not probably be regarded as an unreasonable regulation. If, however, the law provides for closing the registration books for such a length of time before the election as would be manifestly unreasonable and unnecessary for that purpose, then such a law could not be defended as a legitimate exercise of legislative power; for, under color of regulation, it would have the effect of subverting and injuriously restraining the right of suffrage, and would in some cases totally defeat such right.

It seems to us that the law under consideration is open to this objection, for it provides that the registration books shall be closed on the 1st day of July preceding every general election, which, as we have seen, is fixed for the first Tuesday after the first Monday in November in every second year, reckoning from the year 1870, and shall not be reopened prior to such general election, except for the purpose of enabling minors coming of age and possessed of the other necessary qualifications to register. Surely a period of four months is wholly unreasonable and entirely unnecessary for the closing of the registration books previous to a general election, and the inevitable effect is to deprive a certain class of citizens of the right to vote at such election, to wit, those who, being otherwise qualified, complete their required term of residence either in the State or county within such period of four months.

Take, for instance, the case of a person who, being possessed of other constitutional qualifications, only completes the required term of residence, either in the State or county, on the 1st day of October immediately preceding any general election. By this provision of the law he is deprived of his right of suffrage, although it may be susceptible of proof to a demonstration that on the day of election he is, and for more than a month preceding has been, fully possessed of all the qualifications of an elector as fixed by the constitution, simply because he had not performed an impossible act by registering prior to the preceding July, which, under the case supposed, it would have been impossible for him to have done, as he had not, prior to the preceding July, completed his required term of residence. It is manifest that such a law can not be defended as a reasonable and necessary regulation of the mode of exercising the elective franchise, and is in direct conflict with the constitution; for, in the case supposed, which no doubt has frequently occurred, the constitution guarantees the right to vote, but the registration law forbids the exercise of such right because the person in question had not shown, four months previous to the election, what it was impossible for him then to have shown—that he was then possessed of all the constitutional qualifications—notwithstanding the fact that there was ample time for him to have shown, if allowed the opportunity, that he was on the day of election, and had been for at least one month, fully possessed of all the qualifications of an elector.

Much complaint has been made in the argument against what may be designated as the certificate feature of the act, which, it is claimed, is peculiar to the registration law of this State, by which it is provided that the supervisor of registration is required to furnish to each registered voter a certificate in the form prescribed in section 142 of the Revised Statutes, which he is required to exhibit to the managers of election before he can be allowed to vote, and which forbids him from voting at any other polling precinct than that mentioned in such certificate.

We must say, however, that we are not prepared to condemn this act simply on account of that feature. Indeed, if the proper construction of the act is that the exhibition of such certificate is conclusive of the voter's right to vote, we are inclined to think that such a feature is not only unobjectionable, but preferable to a provision whereby the voter's right to vote is made to depend upon the fact that his name is found on the list of registered voters furnished the managers of election by the supervisor of registration; for in the former case the voter is made the custodian of the evidence of his right to vote, whereas in the latter case his right is made to depend upon the act of another, and he may entirely lose his right by the carelessness or incompetency of an official in making out the list, to say nothing of the danger of his being deprived of his right by the willful omission of his name from the list by a corrupt official. If, however, upon a proper construction of the act it is necessary, as is supposed by some—for which supposition the language of section 155 of the Revised Statutes affords some warrant—that to entitle one to vote he must not only exhibit his certificate to the managers of election, but his name must also appear upon the list furnished the managers by the supervisors of registration, then it does seem that such double requirement is unnecessarily burdensome, well calculated to impede the exercise of the right of suffrage, and sometimes entirely defeat such right, without any fault on the part of the voter; for, though he may have carefully preserved and promptly exhibited his certificate of registration to the managers of election, he yet may lose his right to vote solely because his name does not appear on the list furnished by the supervisor, for the act makes no provision for the publication of the list of registered voters prior to an election, whereby the voter can ascertain whether his name appears on such list and, if it had been omitted through carelessness or even oversight on the part of the official charged with the duty of preparing such list, have it inserted.

We do not deem it necessary to go into any detailed consideration of the various provisions of the act in regard to the substitution of a new certificate for one which has been lost or destroyed by no fault on the part of the voter, or of the provisions of the change of certificate where the holder changes his place of residence, even from one point to another in the same precinct, but must say that these provisions seem to be unnecessarily harsh and burdensome, and, whether so intended or not, are well calculated to impede and obstruct the exercise of the right of suffrage.

There is one feature of this act which is not without significance. Sections 151-154, Revised Statutes, expressly require that the supervisor of registration "shall, immediately preceding each election, revise the registration of electors and mark off the names of such electors as have died and such as have removed from one residence precinct, parish, ward, or county to another without notifying him and obtaining a certificate of transfer," and the other sections referred to make provision for obtaining the names of persons who, within the two preceding years, have been convicted of any offense disqualifying a person from voting, which names shall be erased from the registration list; but there is a singular absence of any like provision for revising the registration list "immediately preceding each election" by adding thereto the names of qualified electors whose names, from any cause, may have been omitted from the list. The revision thus expressly provided for is altogether one-sided, and can not, therefore, be regarded as either reasonable or just.

The features of our registration law which have thus been shown to be unconstitutional are so intimately connected with and so interwoven with its other provisions that the whole act must be declared unconstitutional. If those features which have been specially commented on are eliminated from the act, as they must be if in conflict with the constitution, then the effect would be that we would have upon the statute book a law in a form which never received the sanction of the legislature, and this can not be. To use the language of the Michigan court in Attorney-General vs. City of Detroit (Mich.) (44 N. W., 988), we may say: "This law being, in the respects pointed out, both unreasonable and in conflict with the constitution, and it being apparent that the legislature would not have enacted the other portions of the act had it foreseen that the courts would declare these parts unconstitutional, the whole act must fall and be held unconstitutional and void." We must therefore conclude that the registration law of this State is unconstitutional, null, and void, and hence any appropriation of the public moneys for the pay of the supervisors of registration for carrying out the provisions of this unconstitutional statute is without the warrant of law, and should be forbidden.

Mr. JENKINS. I agree with both of the learned judges that the law is unconstitutional, but disagree with both as to the reasons or points upon which the law should be held unconstitutional. I do not think that any lawyer, even in South Carolina, would have any respect for the opinion of any gentleman who would say that the law in question is constitutional. For the purposes of the discussion I will very briefly refer to the constitution and point out the defect in the law as I understand it. Article 8, section 2, of the constitution of South Carolina provides:

Every male citizen of the United States—

With certain exceptions not necessary to be noticed—

21 years or upward, resident of the State at the time of the adoption of the constitution, or who shall hereafter reside in the State one year and in the county where offering to vote sixty days preceding any election, shall be entitled to vote; in short, the only qualification in general terms required by the constitution is that the man shall be 21 years of age, a resident of the State one year, and a resident of the county where offering to vote sixty days.

It will not require any argument to prove that the lawful electors of South Carolina are by the requirements of the statute deprived of their constitutional rights, and that the statute does impair the rights of electors and imposes conditions and makes unreasonable and burdensome requirements not warranted by the Constitution; and I think the law is void for reasons following: First. As affecting electors moving into South Carolina from a sister State or from a foreign country, or from one county to another in the State; for by the terms of the constitution a person, otherwise qualified, removing into South Carolina from outside the State can vote if a resident of the State a year and of the county where offering to vote sixty days prior to any general election.

It will be observed by the terms of the statutes that the person seeking registration must be an elector when offering to register. By the terms of the constitution an elector should be permitted to register the day before the general election in order not to deny the elector the right to vote when moving into the State one year before or from one county to another sixty days before a general election. An elector who has lived all of his days in South Carolina is, if he moves from one county to another sixty-one days before election, as much affected by the statute as one coming in from outside the State, for the constitution in imposing qualifications for electors in this particular simply requires that he reside in the county where offering to vote sixty days prior to the next general election.

Neither of the learned judges so often referred to speak of this feature of the law. In other words, if at any time after the 1st day of July before a general election and sixty days before the same general election an elector of South Carolina and who has lived all of his days in the State moves from one county to another, he can not vote; for by the terms of the registry law he must be registered in the county where offering to vote, and his name must appear upon the registration books of his precinct on or before the 1st day of July, and the provisions of section 148 under the codification or 102 of the law of 1882 do not help out the voter removing from one county to another, and are really of no benefit; for the books were closed July 1 to every elector as far as registration is concerned, excepting those coming of age after July 1 or awarded a certificate on appeal.

No doubt it was intended to protect the voter removing from one county to another in the State, but taking the statute as a whole, providing explicitly for the closing of the books on the 1st day of July, it certainly disfranchises this class of electors. The section quoted only applies to such removals taking place more than sixty days prior to July 1, and affords no relief to the class who I insist are barred by these statutes. The same difficulty is met with in case a citizen of Georgia should move into South Carolina a year before a general election to be there held. By the constitution his year's residence would make him a voter; but he can not vote, for he has not been registered. He could not register, for he was not an elector on or before July 1, when the books were closed against him until after the election was held.

Second. Because the electors are required to go to the county seat to register instead of being permitted to register at the precinct where entitled to vote. This ground was not mentioned by

either of the same learned judges, but I think the objection is good. It is an unreasonable requirement greatly abridging the constitutional right of the elector, imposing greatly upon his time and ability, an imposition not warranted by the constitution, and not a reasonable regulation of the elective franchise.

Third. In case of change from one polling place to another in requiring the surrender and cancellation of the former certificate, and such evidence as the register may deem proper as to the right of the elector to such change. The constitution does not contemplate that any such extensive power should be conferred upon the supervisor of registration. An American citizen ought to be permitted to change his place of residence at will without being compelled to disclose to the supervisor of registration his reasons for making the change when endeavoring to comply with the law to entitle him to vote.

Fourth. In giving any power whatever to the supervisor of registration to mark off the name of any elector for any reason, and particularly because the law allows it to be done without notice to the elector, and in requiring the elector, if his name is improperly stricken off, to apply within sixty days after the next following election to prove to the satisfaction of the supervisor that his name should not be stricken from the book. The only disability named in the constitution of South Carolina is in case of persons kept in almshouses, asylums, or of unsound mind or confined in any public prison. All others are electors, yet the law permits the supervisor of registration to mark off the names of electors who have removed from one residence, precinct, parish, ward, or county to another, those convicted of murder, burglary, larceny, perjury, or any other infamous crime, or duelling or petit larceny. The constitution does not disqualify even a murderer. As far as crime is concerned it is only those who are confined in a public prison who are disqualified by the constitution, but it will be observed in this particular that the registration statute imposes a great many disqualifications in addition to those contained in the constitution.

Under the constitution any man convicted of crime is still an elector as soon as he gets out of the public prison, but under the statute a very large number are disqualified. In order to vote an elector should not be required to prove a negative. The ridiculousness of it is seen in striking off the name of an elector reported dead. One person in the county can not keep track of every other inhabitant, but the register is informed that the man is dead; he strikes his name off the roll, when, as a matter of fact, he is not dead; but he has got to come up before the register and prove the fact that he is alive before he can vote. Every man entitled to register should be permitted to have his name remain on the registration book without reference to any subsequent disqualification to vote. This view is not suggested by either of the learned judges, but as far as the point is concerned I consider the objection well taken.

It will be noted that both of these same learned judges expressed the opinion that the law is unconstitutional for the reason that if an elector in 1882 duly qualified to register failed to register prior to July 1 preceding the next general election, to be held November 7 of that year, he was not only prevented from voting at the general election held in November, 1882, but has ever since that time been prevented from registering, and consequently denied the right to vote.

Perhaps I ought not to express my opinion as against the opinions of these two excellent jurists; but, however, I can not agree with them, and desire to express myself according to my own understanding of the law. The particular statute in question provides in brief that all electors of the State shall be registered, and no person shall be allowed to vote at any election hereafter to be held unless he shall have heretofore been registered in conformity with the requirements of chapter 7 of the General Statutes of 1882 and acts amendatory thereof, or shall be registered as herein required, and after every general election the registration books shall be opened for registration of such persons as shall thereafter become entitled to register on the first Monday of each month until the 1st day of July preceding the general election, when the same shall be closed until such general election shall take place.

A general election having taken place in South Carolina in 1882, the electors had until the 1st day of July to register. We were not informed when the law of 1882 took effect, but presumably on or about the 1st day of May, as both judges speak of the months of May and June in which the electors had to register, so that the books would be opened on the first Monday of May and the first Monday of June, and remain open, if necessary, to hear applications for registration until the 1st day of July. Those then not registering, if otherwise qualified, would certainly be permitted to thereafter register within the letter of the statute. Certainly it could not be presumed that the legislature intended the construction claimed by the learned judges; that is, Is a man who was qualified to register in May or June, 1882, but did not, forever disqualified? In this particular the law should be liberally construed for the benefit of an elector in the light of the constitution, so as not to deprive a voter of his political rights fully and clearly expressed in the letter of the statute.

Both of the judges condemn this feature of the law as they construe it in strong terms. One of them remarks "that it was a stupendous outrage, and that while the statement is correct, it seems incredible," and evidence has been offered to prove that the construction placed upon the law in this particular by the two learned judges is the construction placed upon the law by some of the registration officers of South Carolina. I can not agree that the construction is correct, and am loath to believe that the lawmaking power of a State would ever intend such a step, and I am satisfied that if so intended the general assembly did not accomplish their intention. When the law provided that the registration books should be opened for registration after every general election for such persons as shall thereafter become entitled to register, it must have meant to apply it to every person who was a lawful elector at the time the books opened, including those entitled to register in May and June, 1882. If not, what was the language used for?—if entitled to, but not registered in May or June, 1882, he would thereafter become entitled to register.

The law must mean something, and, if not construed as I understand it, would be absolutely useless, for according to the contention of the learned judges only those coming of age after 1882 and those moving into the State would be entitled to register; but there is an express provision of law for the registration of those subsequently coming of age, and if the general assembly had intended this provision of the law for the benefit only of those moving into a State after the 1st day of July, 1882, they would have said so in plainer and more unmistakable terms. Under the law once registered, always registered, unless stricken off, and as soon as the books were opened after a general election every person not registered and otherwise qualified for registry could register. However this may be, and however much we may differ as to the reason and the extent that the law should be considered unconstitutional, it will make no difference; and while I desire to express myself in favor of the unconstitutionality of the law, I do not want to adopt the entire reasoning of the two learned judges, but express my individual views of the question.

Conceding that there is ground for a difference as to the reason and extent, fair-minded people, qualified to speak on the subject, must admit that not only is the law unconstitutional, but that in proper cases Congress should so regard it and so act as to remedy any wrong. In my view of the South Carolina cases before the House it will make no difference whether the law is unconstitutional or not, but as the question has been raised, and is so very important, it must be disposed of as justice requires, and it ought to be done so fairly and understandingly. The mere fact that the law of a State is unconstitutional would not, in my judgment, be a foundation for Congressional action or intervention, and ought not to make any difference if an election is held under it unless a sufficient number be deprived of their rights by the law to affect the result. An unconstitutional law is the same as no law, but may be a barrier until removed in proper proceedings brought by an interested party whose rights are affected, but no one can complain of it unless deprived of some rights by reason of it.

Suppose the entire registration law of a State to be unconstitutional; in an election held under it for members of the Fifty-fourth Congress, no one is deprived of his rights. What action could Congress take in regard to it? None whatever, in my judgment. Concede that contests are inaugurated in every district on the single specification of the unconstitutionality of the law under which the election was held. Could the contestants be awarded their seats? I contend not; neither could Congress deprive the contestees of their seats and declare the State unrepresented. The case would be entirely different, in my judgment, if the unconstitutional law was so worded as to deprive one party or the other of a sufficient number of votes to overcome the vote of the sitting member, and if those disfranchised voters came to Congress with a statement of facts showing that they were electors entitled by the constitution of their State to vote, had applied for registration but were denied it, had offered to vote but were refused on the ground that they were not registered, and that if they had been permitted to vote would have voted for the contestant, Congress would not be doing its duty if it did not count the vote of the disfranchised electors and seat the contestant.

Certainly before a man can be heard to declare a law unconstitutional or have it set aside for his benefit he must show that the law or manner of its enforcement impairs his constitutional rights or that he has endeavored to enforce his rights under the law and been denied his constitutional rights. As applied to this case an elector can not remain inactive and absolutely refrain from attempting to register, or if denied registration refrain from voting, and then come to Congress and ask the House in a contest to count his vote. I do not mean to be understood as claiming that

if the registration law be unconstitutional the elector must first attempt to register, because he might be permitted to register under an unconstitutional law, and if he could register under an unconstitutional law he has not been denied any of his rights. But where it is well known, as claimed in these South Carolina cases, that it would be useless for him to attempt registration, he certainly ought to go as far as he can be permitted to go in offering his vote, and then if denied the right to vote Congress should certainly count it upon competent evidence that he is a voter.

I can not think that when it is well known that the registration law is unconstitutional; that electors can refrain from exercising their rights, and then come here and ask Congress to do for them what they have not attempted to do for themselves, because it can not be known whether the same men would have voted if permitted to or how they would have voted. To attempt anything of the sort would be a dangerous exercise of power, liable in the end to do more harm than good, and it would be far safer to require a voter to take the initiative and go as far as the officers of election would allow him before complaining to Congress of the denial of his rights. It would simply be a case of another wrong. Two wrongs can not make a right. Congress would be as much in error as the election officers of the State. Congress is as much bound to observe the law as any other tribunal. They must support the proposition that every elector should be permitted to vote if he wanted to and have his vote counted, and not disfranchise electors unless entirely justified in so doing.

The power of Congress in this regard is very great, and should be fairly and honestly exercised in a judicial manner, and not as politicians would farm out appointments. I trust the time has come when the Congress will so act as to command the respect of all fair-minded people in the disposition of election cases, giving all interested parties to understand that it will always exercise its full constitutional powers in assisting to carry out the declared will of the people as expressed at the ballot box; that while it will not encourage unlawful or unreasonable contests, it will discourage every disobedience of the law, frauds, and intimidations. It is to be regretted that contests for seats in a legislative body have to be determined by the house where the membership is sought, and a tribunal should be erected in every State to dispose of all election contests, and when the National Government is interested some suitable person or persons should join the State tribunal in disposing of Federal cases.

The committee have endeavored to be governed in each case by the law and the particular facts involved in each case, and speaking for myself, I sincerely regret the condition of things existing in South Carolina as shown by the record, and earnestly hope for the education of the people and a closer conformity to the law as practically the only solution of this very threatening question. I have been speaking with reference to the constitutional questions alone, not considering or including fraud or intimidation, which, to my mind, present an entirely different question, and to aid me in determining the facts in each particular case I have not felt bound by the technical rules of evidence established for the trial of cases in courts of justice, but believe if there is a way of finding out how an elector voted that that vote should be counted just as the elector intended. Substantial justice requires that broad, equitable, uniform rules be laid down for the determination of election cases.

Another very important question arises in the case of Johnston against Stokes by reason of what might properly be called the state of the pleadings. The notice of contest contains fourteen specifications, and the contestee in his answer endeavors to raise the question of the insufficiency of the specifications, and in the opening part of his answer, referring to the insufficiency of the specifications, alleges:

ANSWER TO NOTICE OF CONTEST.

ORANGEBURG, S. C., *January 14, 1895.*

MR. THOMAS D. JOHNSTON.

SIR: The undersigned, contestee, protests that the notice served on him by you that you propose to contest his right to sit as a member of the Fifty-fourth Congress from the Seventh district of South Carolina is merely a sweeping allegation that frauds were committed in said district at said election, as a result of which the contestant was defeated; that said charges are vague and indefinite, and do not, as by the law they should, specify particularly the grounds upon which the contestant relies in the contest, so that this contestee may be informed and know definitely what it is to which he is required to make answer and against what it is he is to defend; and as to such defective and insufficient paragraphs and allegations the contestee is not bound by the law to make answer, and will move the House, as soon as a resolution to that effect can be heard, to dismiss said notice, or such paragraphs or counts thereof as may be adjudged to be insufficient.

Second. And without waiving any objection to the irregularity and insufficiency of said notice, or any paragraph thereof, or the right to move that it or such paragraphs as may be adjudged defective and insufficient be dismissed, contestee says that the allegations of the first paragraph of said notice are not true.

The law requires the contestant in his notice of contest to "specify particularly the grounds upon which he relies in the contest." (R. S. U. S., section 105.)

There is no question but that if the law cited is to be fairly construed, every specification excepting the fourth is entirely insufficient. Not one of them would be sufficient as a pleading under any code or at common law. Not one specifies the ground with particularity. We will take the tenth and twelfth as a fair illustration of all except the fourth:

Tenth. That at the precinct of Beach Hill, in Colleton County, in the district aforesaid, the managers of election refused to receive the ballots of 300 or more legal voters who desired to vote for me, alleging as the reason therefor that their certificates of registration were for Ridgeville precinct; that the Beach Hill precinct and the said Ridgeville precinct are one and the same, the change being in name only, Ridgeville being now in Beach Hill precinct as Beach Hill formerly was in Ridgeville precinct, the metes and bounds being the same.

Twelfth. That at the precinct of Sumter, in Sumter County, in said district, the managers of election by allowing persons not registered to vote for you, while denying my friends and supporters the same right, by fraudulently abstracting from the ballot box ballots bearing my name for member of Congress which had been legally cast, and substituting and counting ballots bearing your name for member of Congress, by false returns of the votes cast and counted, and other misconduct of said managers, you were accredited at said precinct with 233 votes, and I was accredited with 65 votes, when a correct count and return and proper management would have shown that you received 65 votes and I received 236 votes.

A contestant has no right to assume fraud, make a general charge, and trust to the future to find evidence to support it.

Such general specifications imply that they are not based upon creditable evidence; merely speculation general enough to admit evidence if a sufficient number of parties can be found to testify in suport of the general wording of the specification without knowledge of the truth. The names of the persons should be given, and if any reliance is to be placed upon specification 12, the number allowed to vote not being registered and the names of the friends and supporters of the contestant, with the number of votes that were fraudulently abstracted from the ballot box bearing the name of the contestant, should be given. In short, the language is altogether too general to allow of any proof, and it is a fraud upon a contestee to uphold such general averments; for it deprives him of every opportunity to furnish evidence to defend himself.

The fourth specification charges that each and every member of the board of commissioners were Democrats. That one might be sufficient. The fluctuating decisions upon this important question in many cases open the door to fraud, and it is time that the practice was settled, so that when a notice of contest is served the contestee will know just exactly what he has got to answer and what proof is required. In some cases the House has gone so far as to hold that evidence can be received when there is no specification. Such practice is altogether too loose. The question has often been raised, and as it is meritorious it should be not only carefully but rightly considered.

In the case of Joseph Varnum, in the Fourth Congress, the House, after full discussion, resolved that the allegation that 5 votes were received and certified by the presiding officers which were given by persons by the law not qualified to vote at said meeting is not sufficiently certain, and that the names of the persons objected to for want of sufficient qualifications ought to be set forth prior to the taking of the testimony.

But in order to do the contestant no injustice, the case has been examined as though the specifications were sufficient, and we will proceed to examine the vote as returned.

Report of the secretary of state to the general assembly of South Carolina—Election returns.

SEVENTH CONGRESSIONAL DISTRICT.

Counties.	J. W. Stokes.	T. B. Johnston.	E. M. Brayton.	F. C. Caughman.	R. W. Mims.	Scattering.
Lexington	1,394	340	1	1		
Orangeburg	2,729	477	37			3
Sumter	1,142	670	11			4
Colleton	1,416	472	3	1		2
Berkeley	669	693	4			
Richland	8					
	7,358	2,656	56	4	1	9

STATE OF SOUTH CAROLINA,
Office Secretary of State.

We, the State board of canvassers, do hereby certify that the foregoing is a correct statement, based upon the statements made by the county boards of canvassers and the findings of this board of the whole number of votes given for the office of Representative in the Fifty-fourth Congress, held on the 6th November, 1894.

It is hereby agreed this page is to be considered as filed as a part of the testimony in the contested election case of Johnston *vs.* Stokes, Fifty-fourth Congress, Seventh South Carolina district.

April 6, 1895.

B. H. MOSS,
Attorney for Contestee.
ABIAL LATHROP,
Attorney for Contestant.

This gives the contestee a plurality of 4,702. The contestant claims the vote of the district, as it should have been received and counted, is as follows:

County.	Stokes returned.	Stokes deducted.	Johnston returned.	Johnston rejected.	Add Johnston.	Johnston not counted.
Lexington	1,394		340	543		
Colleton	1,416	368	480		932	
Orangeburg	2,729		477	2,860		229
Sumter	1,142		678	1,907		
Berkeley	672		688	536		48
Strawberry Ferry				204		
Biggin Church				102		
Richland	8		427	430		265
Totals	7,361	368	3,000	6,572	932	542

Johnston's returned vote		3,000
Johnston's rejected vote		6,572
Johnston's to be added vote		932
Johnston's not counted vote		542
		11,136
Stokes's returned vote	7,361	
Stokes's deducted vote	368	
		6,993
Johnston's majority		4,143

The contestant claims that there should be deducted 368 votes from the vote of the contestee and that 8,046 should be added to the vote of contestant, which, if correct, would change the result, giving the contestant a plurality of 4,143. The claim is itself astounding on account of the large number of votes involved and the character of the evidence and arguments of contestant in support of his claim. This increased vote of the contestant is made up of three items or classes of votes—votes rejected, 6,572; to be added vote, 932; not counted vote, 542. If the rejected vote of 6,572 be counted, contestant will be entitled to his seat. If the vote rejected be not counted and the other two classes of votes of 1,474 be counted, it will not change the result; so the case turns upon the rejected vote. As this vote is so large and the questions identified with it so important, it demands careful consideration. The facts relied upon by contestant for counting the increased vote present legal questions not free from embarrassment. I will first address myself to what the contestant is pleased to call the rejected vote:

First. Can lawful votes tendered, but not received, be made available by either party?

Second. If the number be sufficient to change the result, shall the same be counted according to the intention of the voter and the contestant seated, or shall the seat be declared vacant and the rejected votes not counted?

Third. In either case what shall be competent evidence that the vote of a qualified elector has been lawfully tendered and unlawfully rejected?

Fourth. Shall any different rule be adopted in a case like this at bar where thousands of votes are involved and in a case where only four or five or less votes be involved?

While principles of law ought to be just, equitable, and uniform, and ought not to become of more importance in one case than another, it presents at least a delicate question when arising between a State and the Federal Government. In 13 Alabama, 805; 34 Cal., 273; 19 How. Pr., 245; 13 B. Munroe, Ky., 515, and Biddle and Richard *vs.* Wing, first session Nineteenth Congress, it was held that rejected votes can not be made available for either party. Elementary rules of evidence should be followed as far as possible, and when cases arise that necessitate the making of new rules the rule should be broadly and equitably formulated so as to be followed in all cases applicable, just guides in all parallel cases not to be departed from as soon as there is a change in the political complexion of the House, but acceptable to all honest people inside or outside of Congress.

Notwithstanding the respectability of the cases supporting the doctrine that rejected votes can not be made available for either party, I think it a safer and better rule to hold that when properly proved they ought to be made available for the party that the voter intended them for. It is said in some of the cases cited that to count the rejected votes would be opening the door to fraud and give designing persons an opportunity to control the election contrary to the wishes of a majority of the electors. To my mind there is no force in the position, and I think the very reverse, that to count the vote will promote the ends of justice and have a tendency to lessen fraud and make officers of election more careful, for it is much easier to get a vote out of the box than to get one in the box, as is plainly shown in this case: Two men offer themselves for the same office. If every lawful voter was allowed to vote, A would be entitled to the office by one majority; but the officers of election see fit to reject two votes. According to the theory of the cases cited, upon due proof being made of these facts, there is no election. Now, A ought not to be denied his rights by the unlawful action of the election officers, who were guilty of no fraud, but really intended well, but did not happen to consider the law rightly. If there is to be no election, he might not be a candidate again, and thereby would be defrauded of his rights, and it would be opening the door for fraudulent acts, because in all cases where the election was close election officers might by improper construction of the law exclude a good many voters—sufficient to change the result. In short, many excellent reasons can be given in favor of counting the votes, and to my mind no good reason can be given against counting the votes.

The argument that is made in some of the cases that the voting must all be done on election day has no force. The putting of the ballot in the box on election day is the best evidence of the intentions of the voter, and the rejected vote loses none of its strength when properly offered by a qualified elector from the mere fact that it is rejected and not counted until some subsequent time. It is what took place on election day that determines the right, not what may happen afterwards. If a qualified elector makes every effort required upon his part to vote and his vote is improperly rejected, it ought to be as effective as though it actually went into the box. If we determine to count the vote, it becomes necessary in this case to find what proof will be required to permit a vote to be counted, and I think it must appear by competent testimony—

First. When no particular reason is given for rejection, but rejected generally for no reason, that the rejected voter was a male citizen of the United States of the age of 21 years and upward, a resident of the State one year, and the county where offering to vote sixty days preceding the election.

Second. That he presented his ballot and offered to vote or excuses the presentation and offer by showing that he belonged to a class of excluded voters who went to the polls for the purpose of voting and would have voted if permitted to.

Third. That the vote was rejected on his offering it or on account of the ruling made as to the class he belonged to.

Fourth. For whom he would have voted.

It might be sufficient when a voter is rejected for a particular reason to negative the objection, and the other qualifications might be assumed in his favor. It seems hard to apply the same rule in a case where the election has been fair and only one or more votes have been unlawfully rejected by the officers under the mistaken idea that they were doing their duty and in a case like this, where over 8,000 votes have been rejected, and things transpiring apparently with the approval of a large element of the people and practically of all of the officers of the State from the lowest to the highest that ought to bring the blush of shame to the face of every honest man, and to make us seriously doubt the perpetuity of popular government, when it seems to be conceded that the law under which the election was held was so framed as to deny the right of suffrage to a very large number of a certain class of voters, and each officer of the law charged with the execution of the same seemed intent on enforcing it so as to absolutely exclude those the law was aimed at.

It seemed almost like a denial of justice to require the evidence of the rejected voter himself, or, what might answer as well, the evidence of a person who stood close enough to the ballot box to hear all that was said, and could testify that he saw A tender his vote and heard him say that he wanted to vote for the contestant, and that his vote was refused because he was not registered; and it should appear by the testimony of A, or some one else knowing the facts, that the rejected voter was a qualified elector of the precinct where offering to vote.

Hard cases make a shipwreck of principles, and while the power of the House is very great, and while I think we ought not to be controlled by technical rules of evidence, I believe it very safe to be governed in these cases by common-law rules of evidence, and do not think we ought to formulate a rule for the government of any particular case; but think that every case can well afford to be proven by well-established rules of evidence that have come down to us through the many years of our jurisprudence, and that the case should be ruled without reference to the numbers of the rejected vote. Without reference to the exceptions which have no application to this case the rule is elementary—that hearsay evidence is not admissible to prove any fact, and particularly is hearsay evidence inadmissible when the fact material to be proved can be established by witnesses who speak from their own knowledge.

The contestant seeks to prove the rejected vote through what they call lists and list keepers, and in order that no injustice may be done and the question fairly presented I will give a sample of what is offered as evidence and take the very strongest for the contestant as selected by him in his reply brief. After a careful examination of the whole case I can find but very little difference in the testimony of the list keepers, and the form of the list is alike in all cases, the only difference in the lists being the difference in the names and the number of signers. While there is a little variation in the testimony of the list keepers it is not

sufficient to be material, and what is herein selected is the strongest that can be found in favor of the contestant. Here is the testimony of Mr. Ramsey, who was a witness for the contestant, and a copy of his list:

W. W. RAMSEY, Jr., being duly sworn, deposes as follows:

Q. What is your name, age, residence, and occupation?
A. W. W. Ramsey, jr.; age, 35; residence, Stateburg precinct, Sumter County; occupation, farming.
Q. Where were you on election day, the 6th of last November?
A. At the Federal poll, in Stateburg precinct.
Q. In whose interest were you there, if anyone's?
A. I was there in the interest of Col. T. B. Johnston, the Republican nominee for Congress from the Seventh district.
Q. If you did anything in his interest, state what it was.
(Counsel for contestee objects to question as leading.)
A. I kept a tally sheet or list of rejected voters.
Q. Have you the list with you? If so, produce it.
A. I have [witness produces a list].
Q. How did you secure the names on this list?
A. They were given to me by those whose votes were rejected.
Q. Was it possible for you while keeping the list to obtain a view of the ballot box, the poll list, the registration book, the managers, and the voting going on?
A. It was possible for me to obtain a view of the ballot box, registration book, but not of the poll list. I could see the managers and the voters as they deposited their ballots.
Q. Are the persons whose names you have on your list residents of Stateburg precinct?
A. They are.
Q. Do you know for whom they offered to vote?
(Counsel for contestee objects to question.)
A. They offered to vote for Col. T. B. Johnston, the Republican nominee for Congress.
Q. Please look at the list and tell us how many names it contains?
(Counsel for contestee objects to question on the ground that the list itself is the best evidence of what it contains.)
A. One hundred and forty-nine names.
Q. How many of these did you write?
A. One hundred and eleven.
Q. Did you see that day any ballots bearing the name of J. William Stokes at the polls.
(Counsel for contestee objects to the witness answering as to whose name the ballots, if any were there, bore, as the ballots would themselves be the best evidence of the name or names thereon.)
A. I did.
Q. Where were they?
A. When the polls closed, in counting the ballots there were several tickets folded together. The managers threw away the excess in that lot, and I got hold of one bearing the name of J. William Stokes.
Q. Who distributed the Johnston tickets on that day?
A. They were distributed by myself from the table at which I sat.
Q. Did you see anyone outside distributing Stokes ballots?
A. I do not recollect.
Q. Were you in Sumter during last year prior to the election on registration days?
A. I was.
Q. Were you ever at the supervisor's office on those days? If so, state for what purpose.
A. I was there for the purpose, if I could, to assist some voters in being registered.
Q. What was your success?
A. A failure.
Q. Why?
A. Couldn't get in the office because of the dense crowd which surrounded the door.
Q. Is it, or not, a notorious fact that in Sumter County Republican voters were unable to obtain an issuance change or renewal of registration certificates?
(Counsel for contestee objects to question, for the witness's information could only have been obtained by hearsay and report, and therefore incompetent.)
A. It is a fact, to my belief.
Q. Who assisted you in keeping the list of rejected voters?
A. John H. Douglass.

Cross-examined by Mr. REYNOLDS:

Q. What time did you reach the polls that day?
A. By my watch, twenty minutes past 6 o'clock a. m.
Q. Did you have that paper that day?
A. I did.
(Paper referred to being the list.)
Q. Where did you procure it?
A. It was given me by S. J. Bradley, precinct chairman for the Republican party of Stateburg.
Q. Do you undertake to swear that each and every one of the 149 voters of your own knowledge offered to vote on that day?
A. I can say that the greater portion of that number offered to vote.
Q. Can you undertake to swear what number of that portion offered to vote?
A. I can not say precisely the number, but the greater portion did so offer to vote.
Q. Can you say of your own knowledge why the greator portion on the list did not vote?
A. Because of not having registration certificates, as to some of them; others had, but because of change of residence and of failure to obtain renewals.

W. W. RAMSEY, Jr.

Sworn to and subscribed before me, after being read to deponent, this 20th day of February, 1895, at Wedgefield, S. C.

[SEAL.] W. T. ANDREWS, *Notary Public.*

I now give the testimony of Messrs. Waring and Johnson, who were witnesses for the contestant.

JAS. W. WARING, sworn, says:

Q. State your name, your age, your occupation, and your residence.
A. J. W. Waring; am 38 years old; am a farmer, and I reside in Lexington County, in about 1 mile from the court-house.
Q. State where you were on the 6th day of November last, the day of election.
A. I was at Lexington Court-House precinct, at the Federal box.
Q. Did you vote there that day?—A. Yes, sir.
Q. If you did anything in the interest of Col. T. B. Johnston, the Republican nominee for Congress for the Seventh Congressional district, state what it was.
A. I kept a list of all the names of those who voted for Colonel Johnston; I also kept a list of those who presented themselves to vote for Colonel Johnston but did not have registration certificates.
(Mr. Efird objects to the first clause of the answer because it is hearsay.)
Q. Have you that list with you?
A. Yes, sir; here it is.
(Mr. Efird, for contestee, submits the following question, which is objected to by contestant: Do you say positively that it was only three-quarters of an hour from the time you say you heard the conversation between Mr. Efird and Major Frye until Mr. Frye voted, or are you guessing at it?
Objection sustained, not being cross-examined upon any new matter brought out in reply.)

JAS. W. WARING.

[L. S.] J. A. MULLER, *Notary Public.*

A. W. JOHNSON, sworn, says:

Q. What is your age?
A. I am 35 years old.
Q. What position do you hold politically in Lexington County?
A. I am county chairman of the Republican party.
Q. Where were you on the 6th day of November, 1894?
A. I was here at Lexington Court-House, round about the polls.
Q. Did you take any special interest in the election of T. B. Johnston for a member to the Fifty-fourth Congress?
A. I did.
Q. What did you do toward that in way of special interest?
A. I appointed at this precinct here a clerk to take down the names of all those that they refused to let vote, or that did vote, that he could get the names of, and authorized the precinct chairmen at other precincts to do the same.
Q. At the close of the polls in the evening did you make any request of the managers of the Federal box, in behalf of T. B. Johnston, to allow you to be present at the counting of the vote, in such position as you would be enabled to see the count as they proceeded with the same?
A. Yes, sir; I asked them to let me come in and take down the vote of Mr. Johnston.
Q. Did they grant the request asked?
A. No, sir; they did not.
Q. In what building was the election held?
A. In Mr. Marrion Hannan's storehouse.
Q. Was there any obstruction at the door to keep the public from the view of the count being made in such way that the ticket being read by the manager could not be seen by the spectator?
A. The door was open, but there was a bar across the door that is used to hold the door shut when it is closed, and they were about midway the house, and we could not see what was on the ticket.
Q. Was there anyone present inside of the polls except the managers and their clerks at the time of the count?
A. No, sir.
Q. When you made that request to be allowed to be present inside of the building at the polls, was there any parties present outside besides yourself?
A. Yes, sir.
Q. How far, in the judgment of your own knowledge, does Mr. Daniel Frye live from Lexington?
A. It is between 6 and 7 miles.
Q. Did you see Mr. Daniel Frye here on that day?
A. I saw Mr. Frye; I did not know his name was Daniel.
Q. You stated you had taken a special interest in the appointing of James W. Waring for T. B. Johnston at the polls at Lexington; what caused you to take that special interest?
A. Well, sir, we had no managers or anything else at the election, and I had been authorized to do that.
Q. Were you aware that all Federal laws relating to elections had been repealed?
A. In 1890 I know that they had asked for managers at the Federal election, and they were refused.
Q. In 1894 were they allowed?
A. No, sir.
Q. Did you know that there was no Federal protection at the Federal boxes in 1894?
(Mr. Efird objects to question as leading.)
A. I knowed that the law had been repealed.
Q. Was that your reason for having these various appointments made to look after the interest of Mr. Johnston at the various polls, and get the names of those voters who were rejected?
(Mr. Efird objects to question as leading.)
A. I was instructed to do so by Mr. Johnston.

Cross-examination:

Q. Were you permitted to stand at the door and see the managers and clerk while they counted the votes?
A. Yes, sir; on the outside of the bar.
Q. How far were you from the managers during the counting?
A. I guess it was 5 or 6 feet; it may have been a little more and may not have been quite so much; it was about halfway of the building.
Q. Was there anything between the bar at the door and the managers to obstruct your view?
A. No, sir; there was a table, but it did not obstruct.

On this class of testimony we are asked to count the rejected votes, and the contestant supports the claim by a long legal argument and the doctrine of res gestæ is invoked in order to make this evidence competent. It certainly violates the rules that the very best evidence that the case in itself is susceptible of must be offered. The very best evidence would be the rejected voter himself, or, as I have said, what I consider to be equally as good, the testimony of a person who was present and saw the vote offered and rejected, and who could testify that the rejected voter was qualified and that as a part of the offer to vote heard him state who he would vote for. I can not think of any other way in which the matter can be proved. The testimony in the record is certainly hearsay and the doctrine of res gestæ will not save it. It is certain to my mind that if there were not more than 2 votes involved no lawyer could contend for a moment that this kind of hearsay testimony would be admissible or that the doctrine of res gestæ would help it out. Now, the question

is whether the fact that there is a large number of votes involved makes any difference.

In the testimony of Mr. Ramsay there is nothing to justify the claim that a single vote can be counted. It is wholly hearsay and insufficient. There is not a word in it to show that anyone was really a rejected voter. It falls far short of what is required to show that a vote was unlawfully rejected.

The testimony of Mr. Waring is no better. It is true he says that 39 on the list offered to vote for Mr. Johnston. That is the merest conclusion. It is not such testimony as would justify any tribunal in holding that a lawful vote had been unlawfully rejected.

Johnson's testimony does not add to that of Waring. The lists, of course, can not be considered as evidence. They are not memoranda. It would be extremely dangerous to hold that such loose general statements should be regarded as evidence of so material a point, and if we are going to take the position that a lawful vote unlawfully rejected shall be counted, we ought to require that it be proved by competent testimony in order to admit the vote.

Not one of the men who signed the lists was sworn or was before the notary for examination, and not enough of them can be found to change the result who made a declaration sufficient to prove anything, even if the declaration could be considered as evidence. It was assumed that the Republicans were not to receive fair treatment and in many ways were to be defrauded of their votes, and these lists were kept in order to prove the Republican vote. If a contestant comes and asks for a seat in this House he must show, under the law by competent evidence, that his claim is good. The House can assume nothing. Two wrongs can not make a right. If the State officers have done wrong the injured party must prove it. The House must not do a wrong in order to rectify an assumed wrong committed by the State.

I can not bring myself to think that the lists and declarations made by the rejected voters can be received as part of the res gestæ. I have been willing to concede for the purposes of this case that the declarations of the rejected voter made at the ballot box as a part of his offer to vote would be competent. What he said afterwards as explanatory of what he had tried to do at the box is not evidence. What he failed to say at the box as a part of his offer to show he was a qualified voter would still have to be proven. It was urged in the argument, for the purpose of counting these rejected votes, that the declarations made by the rejected voter after he had concluded his efforts to vote, away from the ballot box, should be received as part of the res gestæ—a part of the thing itself.

Assuming what the voter said at the box as a part of his offer to vote to be competent evidence, the moment the voter left the box he left the res gestæ, and what he said and did subsequently is most certainly hearsay. In fact, it is my opinion that as soon as the vote was rejected the res gestæ terminated, and everything thereafter would be but hearsay. It would be a dangerous exercise of power for this House to call such evidence for any purpose. It was also urged that to receive the lists and other declarations as competent evidence would not be a substitution of evidence, but only a selection of weaker instead of stronger proofs. I will read from contestant's brief the strongest point of his argument in favor of the admission of the testimony:

No doubt it is true, as a general proposition, that the rule which governs the production of evidence in a court of justice is that the party offering it is required to produce the best evidence of which the case in its nature is susceptible. You will observe that the nature of the case is to be considered. Here a class of men, numbering thousands, were denied the right to vote, because of the nature, as well as the administration, of the registration law of South Carolina. To have examined each of these witnesses concerning each and all of the facts establishing his right to registration and to vote, disproving the existence of the constitutional qualifications, as the contestee insists should have been done, and subjecting the witnesses to the lengthy cross-examination which would have been given them by contestee's attorneys, would have prolonged the taking of evidence beyond the life of this House; and so it became incumbent upon the contestant to offer the best evidence of which the case in its nature was susceptible, and he did that by furnishing the written declarations of these men as to their qualifications, supplemented by the testimony of men who knew them to the effect that they were entitled to the right of suffrage. In speaking of this general rule of evidence, above stated, Professor Greenleaf, in the first volume of his work on Evidence, fourteenth edition, section 82, says:

"But where there is no substitution of evidence, but only a selection of weaker instead of stronger proofs, or an omission to supply all the proofs capable of being produced, the rule is not infringed."

We submit that the contestee's evidence was a selection of weaker instead of stronger proofs, and for the very best of reasons, considering reasons from the standpoint of existing conditions and not of theory. Hon. John H. Ostendorff, one of the contestee's witnesses (Record, page 101) testifies on this point as follows:

"Q. Why was it found necessary to make lists of rejected voters, also of those voting?

"A. Because of the repeal of the Federal election laws, which left the Republicans without any representation in the election booths, thus leaving the election absolutely in the hands of Democratic managers of election. At previous elections we had a safeguard in the person of a Republican supervisor of election, who remained at the ballot box, kept the poll list, and viewed all proceedings and was enabled to detec any unfairness or frauds by the managers of election. Hence the only guard or protection for us was to keep a list of those who said they had voted for Johnston and also those who said they had offered to vote for Johnston and were rejected. This was all we could do under the circumstances, the entire election machinery with all its powers being used against the Republican candidate and in favor of the Democratic candidate."

There is no evidence to the contrary in the record. In this connection we commend to counsel for the contestee this quotation from section 83, 1 Greenleaf on Evidence:

"All rules of evidence, however, are adopted for practical purposes in the administration of justice, and must be so applied as to promote the ends for which they were designed."

The application of these rules so as to promote the ends of justice will not reject the evidence which we are discussing.

I must confess the argument failed to convince me that the evidence is competent. It may be more laborious and expensive to take the testimony of so many men, but that will not justify the violation of the plainest and safest rules of evidence—rules adopted to promote justice and prevent injustice; rules that have the indorsement of ages, the approval of all courts and text writers wherever jurisprudence is known. My own mind is clear on the subject; but if any lawyer has a doubt when the question is first sprung upon him he has only to read the able brief of the contestant to satisfy himself that the testimony is incompetent.

The testimony of Mr. Ostendorff shows that the Republicans anticipated fraud, and substituted the keeping of the lists for an attempt to vote, and omitted to lay the foundation to properly expose the unfairness and frauds that were feared. And it is upon this class of testimony that the House is asked to count votes enough to seat the contestant. As I have said, the case turns upon what the contestant calls the rejected vote; for if there is counted for the contestant what he calls to-be-added vote, 932, not-counted vote, 542, it still leaves the contestee a plurality of 3,228. While fraud is alleged in general terms, and an attempt made to prove it, and no doubt many things were done that can not be approved of, yet enough has not been proven to make any difference in the result. Contestant in his brief takes the same view of the evidence by saying:

Owing to the fact that the whole machinery of the election was in the hands of the partisan friends of contestee, it is impossible to present direct proof of actual fraud in the conduct of the election at the various precincts, except in a few instances, and that was in most cases by admission of the different managers on cross-examination when produced as witnesses in behalf of contestee.

We are judging this case by the record, not by the cry of fraud that has come up from South Carolina for years and gone all over the land; and while no doubt, if what is told is true, there has been a deliberate attempt, according to the forms of law, to prevent the colored electors from voting, it is to be regretted, when so much has been said, that sufficient evidence has not been furnished to afford relief; but, measured by the cry of fraud in the case, it is not as bad as one would be led to believe. Here is a sample of the record, taken from the brief of the contestant:

Mayesville precinct.—In the town of Mayesville Republican voters were rejected without cause and when they presented certificates.

The circumstances attending these rejections are aggravating and mean.

We find that the managers, all Democrats, allowed 15 white voters, all non residents of Mayesville precinct, to vote (pages 379, 374, 375), and even one manager voted without a certificate (page 375).

Beginning at page 261 of the record, to page 268, inclusive, we find the testimony of 11 Republican voters who presented certificates, intended to vote for contestant, and were rejected by the managers.

It will be seen by an examination of the statutes cited that electors had a right to vote outside of their precincts (sections 142, (98), 143, 145, and 156). It is true that all or most all of the election officers were Democrats, but that of itself does not change the result. Common fairness would have suggested that the Republicans be given one member of each board. There is another aspect of the case worth considering. For over twelve years the people of South Carolina have acquiesced in these registration and election laws, and all of this time no elector of that State has been interested enough to bring an action to enforce registration or the right to vote, and thereby test the validity of those laws and determine their rights as electors.

Now one branch of Congress is invited to nullify these laws. It was said in the argument of these cases that it would not do any good to bring an action, as the State judiciary was absolutely under the control of the element unlawfully controlling the election machinery of that State. Chief Justice McIver was not, and I regret that some elector did not bring in the State court mandamus to compel the registration of his name, or bring an action to test his right to vote, and after the courts had concluded their action we could better tell whether the judiciary of the State would properly discharge its duty.

The judiciary is the bulwark of American liberty, and I place great reliance upon the courts, notwithstanding the judges are partisans. It will be a dark day for the Republic when the courts are under the control of men undermining the foundations of Government. It is to be regretted, however, that we do not have before us the opinion of the supreme court of South Carolina on these important questions. The manner of holding elections for Congressmen is within the power of State governments. While Congress has the power, it has never attempted to exercise it (section 4, Article I, Constitution United States), but has always left the manner of electing Congressmen to the States. The

House can not interfere with the manner of holding elections in the States. The duty of the House is confined to determining whether the return has been impeached.

If what has been asserted in this case is true and can be proven, notwithstanding the contestee is entitled to his seat by a vote of the House, still Congress can inquire whether the State of South Carolina has a republican form of government. But the House alone can not make such inquiry. If what has been alleged and stated by the contestant is true, it is to be regretted, in the interest of good government, that it has not been proven. Freedom and purity of the ballot box must be upheld. No American citizen can afford to uphold fraud in elections, whether he be in the North or in the South. Matters are improving in the South. It has taken longer than it ought to to bring about the present state of improvement, and we can not afford to have it stop here. I trust that the South will fairly and honestly work out the great problems that have introduced themselves as a result of the war and do its part toward national unity and prosperity, which will never come until every American citizen enjoys unmolested his full political rights. The safety of the individual and the success of the nation depend upon a free ballot, a fair count, and absolute conformity to law. No one questions the loyalty of the South; but I want to say to our Southern friends that yielding to a lawful majority and obedience to the law will be the highest evidence of loyalty and fitness for American citizenship, and will largely aid in bringing to them desired prosperity. [Applause.]

During the delivery of the foregoing remarks,

Mr. BARTLETT of Georgia. Will the gentleman yield to me for a moment?

Mr. JENKINS. Certainly.

Mr. BARTLETT of Georgia. Mr. Speaker, the gentleman from Wisconsin has prepared certain matter in connection with this contest that I ask he may have leave to print without reading.

Mr. KEM. I call for the regular order.

Mr. JENKINS. Very well, Mr. Speaker; I will read the matter myself.

Mr. LACEY. I understand from your report, if the gentleman will permit me, that you find there were rejected something over 7,000 votes believed to be legal. Is that correct?

Mr. JENKINS. The gentleman has certainly misapprehended the report.

Mr. LACEY. What is the number you think were illegally rejected?

Mr. JENKINS. If the gentleman will permit me, I will state to him that I shall reserve time at the conclusion of this debate to answer all questions of this character, and prefer not to be interrupted in the course of my argument to answer them just at this time.

Mr. LACEY. I would like to ask, also, what proportion of the various election boards had representation other than Democratic representation on them?

Mr. JENKINS. That is a question to which I will also refer later on. The answer to the question would largely now anticipate my views on the constitutional question which I desire to present.

Now, Mr. Speaker, before concluding, I wish to state to the gentleman from Iowa that every question he desires to have answered can be and will be fully and satisfactorily answered, I think, before this debate is closed.

I move that the House do now adjourn.

Mr. LOUDENSLAGER. Will the gentleman yield to me for a moment to submit a conference report?

Mr. JENKINS. Before the motion is put I desire to reserve the balance of my time.

The SPEAKER pro tempore (Mr. SHERMAN). The time of the gentleman will be reserved.

Mr. JENKINS. I yield to the gentleman from New Jersey to submit a privileged report.

ADA J. SCHWATKA.

Mr. LOUDENSLAGER. Mr. Speaker, I send to the desk a conference report, on which I ask immediate action.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 710) granting a pension to Ada J. Schwatka, widow of the late Lieutenant Schwatka, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with an amendment as follows: In lieu of the amount proposed to be inserted insert "$20"; and the House agree to the same.

H. C. LOUDENSLAGER,
DAVID G. COLSON,
Managers on the part of the House.

J. H. GALLINGER,
GEO. L. SHOUP,
Managers on the part of the Senate.

The statement submitted by the House managers was read, as follows:

The managers on the part of the House having had under consideration Senate bill 710, granting a pension to Ada J. Schwatka, widow of the late Lieut. Frederick Schwatka, submit the following statement:

The Senate passed the bill allowing $30 a month.

The House amended the bill by inserting in lieu of $30 the amount of $17.

The Senate refused to agree to the House amendment and asked for a conference.

The House insisted on its amendment and agreed to a conference.

The conferees have agreed that in lieu of the amount proposed by the Senate, $30, and the amount proposed by the House, $17, that the sum of $20 per month be allowed, and recommend the concurrence of the House.

H. C. LOUDENSLAGER,
DAVID G. COLSON,
Managers on the part of the House.

Mr. LOUDENSLAGER. I ask the adoption of the report.

The report was agreed to.

On motion of Mr. LOUDENSLAGER, a motion to reconsider the last vote was laid on the table.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolutions of the following titles; when the Speaker signed the same:

A bill (H. R. 4598) granting a pension to Mary Cray;

A bill (H. R. 6293) to increase the pension of Peter Rafferty;

A bill (H. R. 3395) granting a pension to Carrie H. Green;

A bill (H. R. 3229) for the relief of Hannah Newell Barrett;

A bill (H. R. 6833) defining the standard, shape, and size for dry measures in use in the District of Columbia, and for other purposes;

A bill (H. R. 4785) to incorporate the National University;

A bill (H. R. 2373) granting a pension to Elvin J. Brown;

A bill (H. R. 3033) to increase the pension of Elizabeth T. Beall, widow of Benjamin L. Beall, late colonel First United States Cavalry;

A bill (H. R. 4724) to increase the pension of Mrs. Mary L. Aleshire;

A bill (H. R. 6111) granting a pension to Elizabeth A. Sargent;

A bill (H. R. 3857) granting a pension to Thomas Brewer;

A bill (H. R. 1109) granting a pension to Elizabeth Marshall;

A bill (H. R. 5792) granting a pension to Mrs. Julia A. Jameson;

A bill (H. R. 4283) granting a pension to Delia A. Marsh;

A bill (H. R. 5999) to correct the military record of Elbridge McFadden;

A bill (H. R. 468) granting an increase of pension to Mrs. H. J. Kiernan;

A bill (H. R. 5711) granting a pension to Richard P. Pilkington;

A bill (H. R. 248) empowering and directing the Secretary of the Navy to furnish 4 pieces of condemned cannon to the city of Hastings, Mich.;

A bill (H. R. 188) granting an increase of pension to Mary E. Hazlip;

A bill (H. R. 6134) granting an increase of pension to Caroline E. Purdum;

A bill (H. R. 6132) granting an increase of pension to Thomas M. Scott;

A bill (H. R. 5175) granting a pension to Nancy Gentry;

A bill (H. R. 3007) granting an increase of pension to Michael S. Pettit;

A bill (H. R. 7834) granting an increase of pension to William T. Applegate;

A bill (H. R. 2002) for the relief of Solomon Hyams;

A bill (H. R. 5225) for the relief of Mrs. Elizabeth M. Williams, of Monroe County, Tenn.;

A bill (H. R. 3184) granting a pension to Jesse McMillan;

A bill (H. R. 4753) granting an increase of pension to Lambert L. Mulford;

A bill (H. R. 4275) to increase the pension of Mrs. Annis H. Enochs, widow of Gen. William H. Enochs, from $20 to $50 per month; and

A bill (S. 3011) for the relief of Nicolai Bros.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, the following Senate bills were taken from the Speaker's table and referred by the Speaker as follows:

The bill (S. 685) granting a pension to Mrs. Alice Martin—to the Committee on Pensions.

The bill (S. 2507) granting an increase of pension to John N. Corgan, of McPherson, Kans.—to the Committee on Pensions.

INDIAN APPROPRIATION BILL.

Mr. SHERMAN. I desire to present a conference report on the Indian appropriation bill.

The conference report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 6349) making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1897, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 50.

Amendment numbered 37: That the House recede from its disagreement

to the amendment of the Senate numbered 37, and agree to the same with amendments as follows: Add at the end of said amendment the following:

"That said commission is further authorized and directed to proceed at once to hear and determine the application of all persons who may apply to them for citizenship in any of said nations, and after such hearing they shall determine the right of such applicant to be so admitted and enrolled: *Provided, however*, That such application shall be made to such commissioners within three months after the passage of this act. The said commission shall decide all such applications within ninety days after the same shall be made. That in determining all such applications said commission shall respect all laws of the several nations or tribes not inconsistent with the laws of the United States, and all treaties with either of said nations or tribes, and shall give due force and effect to the rolls, usages, and customs of each of said nations or tribes: *And provided further*, That the rolls of citizenship of the several tribes as now existing are hereby confirmed, and any person who shall claim to be entitled to be added to said rolls as a citizen of either of said tribes and whose right thereto has either been denied or not acted upon, or any citizen who may within three months from and after the passage of this act desire such citizenship, may apply to the legally constituted court or committee designated by the several tribes for such citizenship, and such court or committee shall determine such application within thirty days from the date thereof.

"In the performance of such duties said commission shall have power and authority to administer oaths, to issue process for and compel the attendance of witnesses, and to send for persons and papers, and all depositions and affidavits and other evidence in any form whatsoever heretofore taken where the witnesses giving said testimony are dead or now residing beyond the limits of said Territory, and to use every fair and reasonable means within their reach for the purpose of determining the rights of persons claiming such citizenship, or to protect any of said nations from fraud or wrong, and the rolls so prepared by them shall be hereafter held and considered to be the true and correct rolls of persons entitled to the rights of citizenship in said several tribes: *Provided*, That if the tribe, or any person, be aggrieved with the decision of the tribal authorities or the commission provided for in this act, it or he may appeal from such decision to the United States district court: *Provided, however*, That the appeal shall be taken within sixty days, and the judgment of the court shall be final.

"That the said commission, after the expiration of six months, shall cause a complete roll of citizenship of each of said nations to be made up from their records, and add thereto the names of citizens whose right may be conferred under this act, and said rolls shall be, and are hereby, made rolls of citizenship of said nations or tribes, subject, however, to the determination of the United States courts, as provided herein.

"The commission is hereby required to file the lists of members as they finally approve them with the Commissioner of Indian Affairs, to remain there for use as the final judgment of the duly constituted authorities. And said commission shall also make a roll of the freedmen entitled to citizenship in said tribes, and shall include their names in the lists of members to be filed with the Commissioner of Indian Affairs. And said commission is further authorized and directed to make a full report to Congress of leases, tribal and individual, with the area, amount, and value of the property leased, and the amount received therefor, and by whom and from whom said property is leased, and is further directed to make a full and detailed report as to the excessive holdings of members of said tribes and others.

"It is hereby declared to be the duty of the United States to establish a government in the Indian Territory which will rectify the many inequalities and discriminations now existing in said Territory and afford needful protection to the lives and property of all citizens and residents thereof.

"Sisseton and Wahpeton Indians: That all the interest due the Sisseton and Wahpeton Indians on March 3, 1896, is hereby appropriated to be paid at once in cash per capita, and hereafter all interest on the permanent fund of said Indians after deducting the amount expended for education, shall be paid in cash per capita on the 1st day of November of each year.

"Seneca Nation of Indians: That the Secretary of the Interior be, and he hereby is, authorized and directed to ascertain and report to Congress a detailed statement of all the leases made and entered into by the Seneca Nation of Indians with all persons or corporations of all lands in the Allegany Indian Reservation, in the State of New York, giving an itemized statement of each and every lease now in existence or force, with the date and terms of each lease and amount or amounts due on each lease."

And the Senate agree to the same.

On amendments numbered 64, 69, and 70 the committee of conference has been unable to agree.

J. S. SHERMAN,
CHARLES CURTIS,
GEO. C. PENDLETON,
Managers on the part of the House.

R. F. PETTIGREW,
H. M. TELLER,
F. M. COCKRELL,
Managers on the part of the Senate.

The statement of the House conferees was read, as follows:

STATEMENT TO ACCOMPANY CONFERENCE REPORT NO. 4 ON INDIAN APPROPRIATION BILL.

The Senate recedes from its amendment numbered 66.

Senate amendment 37 is agreed to with an amendment. As passed by the Senate, it provided simply for the continuance of the Dawes Commission, making an appropriation therefor. As agreed to in conference, it gives the Commission authority to determine the question of citizenship, where the question is voluntarily submitted to it, with the right of either party to appeal to the United States court; it confirms the rolls of citizenship as they exist to that extent only, and requires the Commission to make a complete roll from the original roll and the additions within six months. It gives the Commission authority to administer oaths, issue process, etc., in the execution of their duty. It also provides that the Commission shall ascertain and make full and detailed report to Congress in reference to leases in the Indian Territory; and lastly, it declares it to be the duty of the United States to establish a government in said Territory. It also makes provision as to the interest due the Sisseton and Wahpeton Indians, and for a report as to the leases of the lands of the Seneca Indians. Neither proposition involves any appropriation.

Mr. SHERMAN. Mr. Speaker, this report is not a final report, and it does not dispose of the two questions which are most mooted, to wit, the question of sectarian schools and the Old Settlers' claims. Those questions are still in conference. I move that this report be adopted and that a further conference be ordered.

The conference report was agreed to.

Mr. SHERMAN. Now, I move to further insist and agree to a further conference.

The motion was agreed to.

On motion of Mr. SHERMAN, a motion to reconsider the last vote was laid on the table.

The SPEAKER. The Chair will appoint the former conferees.

VETO MESSAGE—BENJAMIN F. JONES.

The SPEAKER laid before the House the following message from the President of the United States:

To the House of Representatives:

I return herewith without approval House bill numbered 7161, entitled "An act for the relief of Benjamin F. Jones."

This bill directs the payment of $50 to the beneficiary, late postmaster at Beauregard, Miss., or to his order, of the sum of $50, in full compensation for services and expenses in carrying and distributing the mails between Wesson and Beauregard, in the State of Mississippi, in 1883.

It appears from the report of the House committee recommending the passage of this bill that on April 22, 1883, while Mr. Jones was postmaster at Beauregard, a cyclone destroyed every building in the place, including that in which the post-office was kept. That in consequence of this disaster the mails for Beauregard were for a period of thirty-five days and until May 27, 1883, deposited at Wesson, 1 mile distant. That during that time it became necessary to transport such mails from Wesson to Beauregard, and that the postmaster caused this to be done, at an expense of $97.

A report from the Postmaster-General discloses the fact that this claim was presented to the Department in 1884 and was rejected on the ground that if the service was performed as alleged it was not authorized or directed by the Department.

In 1885 a suit was instituted against this postmaster and his sureties for a balance due the Government from him on his official accounts for the quarter ending June 30, 1883.

It will be observed that this quarter covered the period within which the alleged services were performed.

In the suit referred to a judgment was recovered by the Government against the postmaster for $190.45, being the balance found due from him. This judgment still remains unpaid.

In this condition of affairs it is quite plain that in fairness and justice no appropriation should be made in favor of the claimant.

It is the opinion of the Auditor of the Post-Office Department that even if this bill became a law, payment of the money appropriated should be withheld under a section of the Revised Statutes which provides:

"No money shall be paid to any person for his compensation who is in arrears to the United States until he has accounted for and paid into the Treasury all sums for which he may be liable."

GROVER CLEVELAND.

EXECUTIVE MANSION, *May 26, 1896.*

Mr. SPENCER. I move that this message be printed, and that the bill and message be referred to the Committee on Claims.

The motion was agreed to.

On motion of Mr. SPENCER, a motion to reconsider the last vote was laid on the table.

BRIDGE OVER MISSOURI RIVER, ST. CHARLES, MO.

The SPEAKER laid before the House the bill (H. R. 5675) authorizing the construction of a wagon and motor bridge over the Missouri River at St. Charles, Mo., with Senate amendments thereto.

The amendments of the Senate were read.

Mr. TRELOAR. I move that the House concur in the Senate amendments.

The motion was agreed to.

On motion of Mr. TRELOAR, a motion to reconsider the last vote was laid on the table.

TITLE TO LANDS, HOMESTEAD ENTRIES, ETC.

The SPEAKER also laid before the House the bill (H. R. 1436) to quiet title to lands in persons who purchased the same in good faith, without notice and for a valuable consideration, and to enable the Government to issue patents on such lands, and that commutations of homestead entries shall take effect from date of settlement and not from date of entry, with Senate amendments.

The Senate amendments were read.

Mr. LACEY. I move to concur in the Senate amendments.

The motion of Mr. LACEY was agreed to.

On motion of Mr. LACEY, a motion to reconsider the last vote was laid on the table.

NORTHERN PACIFIC RAILROAD INDEMNITY LANDS.

Mr. LACEY. Mr. Speaker, I desire to call up the conference report on the bill (H. R. 2221) for the relief of settlers on the Northern Pacific Railroad indemnity lands.

The conference report was read.

[For text of the conference report see House proceedings of May 20.]

Mr. LACEY. I move to agree to the conference report. My colleague upon the committee [Mr. MCRAE] has some objection to make to it, and I should like to yield to him such time as he may need to present his objection. How much time will the gentleman require?

Mr. MCRAE. I do not want very much time, but I want the right to make a motion.

Mr. LACEY. I will yield ten minutes to the gentleman from Arkansas [Mr. MCRAE].

Mr. MCRAE. Mr. Speaker, I stated the principal objection I have to this conference report when it was prematurely presented the other day. To granting relief to all settlers who had filed or entered, as was first proposed by the gentleman from Minnesota [Mr. TOWNE], I will make no objection. But this conference substitute for the two bills, one passed by the Senate and the other by

the House, ignores a requirement and regulation that I conceive to be important and essential in the homestead law. I do not believe that such was intended by the gentlemen who have signed this report, and therefore I think the report should be rejected and the conference committee instructed to make the correction necessary to prevent the error.

The act of October 1, 1890, which first sought to relieve these settlers, did not apply to any who had not filed upon or entered under the preemption or homestead law, and in addition to that it required as a test of good faith not less than three months' continuous residence prior to final proof. The fact that the settlers have not complied with that act shows that they do not want the lands for homes, but to sell. This bill requires no residence whatever for commutation. I doubt the wisdom of yielding that, but I will not press that point except to say that it has always been required in such laws heretofore.

I will, however, pass that; for the principal objection I make is that it allows squatters on the public domain to count, for the purpose of commuting, the time they may have occupied the land before they made entry. As long as no one applies to enter occupied land the Government will not dispossess a squatter, but he gets no right to take under the homestead law by simply getting on the land. I will ask the Clerk to read what is required of a settler before he can enter under that law.

The Clerk read as follows:

To obtain a homestead the party should select and personally examine the land and be satisfied of its character and true description.

He must file an application stating his name, residence, and post-office address, and describing the land he desires to enter, and make affidavit that he is not the proprietor of more than 160 acres of land in any State or Territory; that he is a citizen of the United States, or that he has filed his declaration of intention to become such, and that he is the head of a family, or over 21 years of age, as the case may be; that his application is honestly and in good faith made for the purpose of actual settlement and cultivation, and not for the benefit of any other person, persons, or corporation, and that he will faithfully and honestly endeavor to comply with all the requirements of law as to settlement, residence, and cultivation necessary to acquire title to the land applied for; that he is not acting as agent of any person, corporation, or syndicate in making such entry, nor in collusion with any person, corporation, or syndicate to give them the benefit of the land entered, or any part thereof, or the timber thereon; that he does not apply to enter the same for the purpose of speculation, but in good faith to obtain a home for himself, and that he has not directly or indirectly made, and will not make, any agreement or contract in any way or manner with any person or persons, corporation, or syndicate whatsoever by which the title which he might acquire from the Government of the United States should inure in whole or in part to the benefit of any person except himself; and, further, that since August 30, 1890, he has not entered under the land laws of the United States, or filed upon, a quantity of land agricultural in character, and not mineral, which, with the tracts now applied for, would make more than 320 acres, and that he has not theretofore had the benefit of the homestead laws, and must pay the legal fee and that part of the commissions which is payable when entry is made.

On compliance by the party with the foregoing requirements the receiver will issue his receipt for the fee and that part of the commissions paid, a duplicate of which he will deliver to the party. The matter will then be entered on the records of the district office and reported to the General Land Office.

Mr. McRAE. Now, Mr. Speaker, a sworn application of this character must be made and the land office fees paid before any settler can make an entry under the homestead law.

Mr. LACEY. May I ask my colleague a question?

Mr. McRAE. Certainly.

Mr. LACEY. If I understand your objection to this bill, it is that it allows these persons who took possession and who made no filing to have the benefit of the law?

Mr. McRAE. In the main, that is my objection. I am told that so far as these settlers are concerned, it was only intended to give this right to those who had made entries or filings, but the bill itself does not provide for that. It provides that "those persons who for the period of six months settled upon, improved, and cultivated any of said lands with a view of entering." Shall Congress grant people who go upon the public lands as squatters with a view of entering the same right as those who have entered? If so, then there is no necessity for entry, and all that a man has to do is to occupy and cultivate public land.

Shall we say that he must not pay the fees or give the land office notice that he intends to take it? If you are willing to say that because a settler has gone on the public land he has a right to hold it indefinitely without entry at the land office, then what use have we for land offices? Will you make the settler the judge of his own qualifications, and allow him to segregate the land he wants from the public domain without any record of it? There is no part of the homestead law that does not serve a wise purpose; and it requires every applicant to swear that he takes the land for actual settlement and cultivation and not for speculation; and the time he is required to reside upon it does not begin to run until the payment of the land office fees and the issue of the receiver's receipt. This bill also reduces the period of commutation from fourteen to six months as to homesteads and revives the repealed preemption law, with a reduction to the same period in favor of settlers who had no legal status at the time these changes were made. No preemptor could under that law enter without at least one year's residence on the land after filing, and if it was on unoffered land it required thirty months before he could get title. This bill, in short, gives these settlers who cultivated certain lands for six months the right to make cash entry of any other public land at $1.25 per acre.

Mr. Speaker, this error, I think, was committed by the committee of conference in confusing preemption and homestead entries. Under the homestead law no entry can be made until the settler has made an affidavit and paid the fees. Under the preemption law the settler was required to make a settlement before he could make his filing. If it was upon offered lands, then within thirty days after his settlement he was required to make his filing; and if upon unoffered lands, within three months from settlement. But the entry under the preemption law was not made until he made the final proof and payment. This could be done in the case of offered lands within twelve months from the settlement; but if unoffered land, then within thirty months. Under the homestead law the entry is made by the applicant declaring under oath that he wants a certain piece of land for a home, showing his qualifications for it and paying the commissions. The settlement and cultivation must in such cases follow the entry and at the end of five years be proven by at least two witnesses. In the case of preemption the settlement must precede the filing. In the case of homestead no payment, except fees, is required unless commuted. In preemption the full Government price and fees were required in all cases. One is a homestead entry, the other is a cash entry. It is perfectly clear to my mind that the person who drew this bill did not understand the proper distinction between preemption entries and homestead entries, and in trying to combine the two in general language he made a blunder that may make serious trouble unless corrected.

I have no disposition to antagonize this measure. In fact, I want it passed, in proper form, for the sake of my friend who introduced it. His constituents who have made entries or filings are entitled to it, but I do not believe that this House ought to commit itself to the dangerous principle of legalizing the right of squatters upon the public domain who have paid nothing, assumed no obligation to settle, and who have complied with no part of the law and regulations. I will therefore ask the House to vote down this report and give the conference committee the instructions which I send to the desk to be read.

The Clerk read as follows:

Strike out the following language in section 1:

"Within the period aforesaid for the space of six months settled upon, improved, and cultivated any of said indemnity lands with a view of entering the same under the homestead or preemption laws, being competent to make such entries, and who were not permitted to make such entries, upon establishing these facts before the register and receiver of the local land office, in such mode and under such rules as the Secretary of the Interior may prescribe, shall be allowed to enter under the homestead laws of the United States a quantity of land of the unappropriated public lands of the United States subject to homestead entry, equal in amount to the land settled upon, improved, and cultivated, as aforesaid, and under the homestead entry so made shall, when making proof and final entry, receive credit for the settlement, improvement, and cultivation made upon the said indemnity land as aforesaid: *Provided*, That the law in force in 1889 governing the commutation of homestead entries shall apply to the commutation of entries under this section."

And insert the following:

"In good faith settled upon, improved, and lived six months upon land in said second indemnity belt after having made filing or entry of the same, and who, for any reason other than voluntary abandonment, failed to make final proof thereon, may, within two years after the passage of this act, transfer their claims to any vacant surveyed Government land subject to entry under the homestead laws, and make proof therefor, in the same way as proof might have been made for their original entries if the same had not been canceled; and in making such proof credit shall be given for the period of their bona fide residence and the amount of their improvements upon their claims in said indemnity belt as if the same had been made upon the claims to which the transfer is made. Payment for such final selections shall be made as under existing laws. The provisions of this act shall be carried into effect under such rules and regulations as may be prescribed by the Secretary of the Interior.

Mr. McRAE. Mr. Speaker, it can only delay the passage of this bill a very short time to reject this report and give these instructions. In this way you will protect everyone who has made a filing or entry and lived upon this land for the time required under the preemption or homestead law.

Mr. LACEY. But would it not cut out those who have made no filings or to whom filing was denied?

Mr. McRAE. It ought to cut them out. The settler who did not enter under the homestead law and made no filing under the preemption law and paid nothing, lost nothing. If he applied and was denied, then he certainly could not complain that he was misled. If he did not make an entry under the homestead law, he has no legal status and ought not to be given this valuable right. If you adopt the principle of saying to every man who has squatted upon the public lands, "We will give you the right to go upon any other piece of land and have counted in your favor there the time that you have occupied the public lands as a squatter," you will find no end to the trouble and harassment to every land district in this country, and it will be the means of depriving many a poor man of a home.

The only principle upon which you can justify this bill is that, as the Government declared these lands open to settlement and

permitted homesteaders to make entries, it is the duty of the Government to protect those settlers who complied with the requirements of the law. But as to the man who settled and cultivated the land, but refused to comply with the law as to entry and payment, there is no obligation to give him a right equal in effect to land scrip which can be put upon any piece of land subject to homestead which he may find, and by paying $1.25 an acre and proving that he had settled upon and cultivated another piece of land for six months get title. The Government has not deceived him and owes him nothing. The precedent is extremely dangerous, and I warn the House against it.

Mr. LACEY. There is no scrip in this proposition.

Mr. McRAE. No; but it is about as dangerous as scrip. You reduce the period of commutation to six months and provide that every man who proves a residence for six months on any of these indemnity lands shall have the right to take any piece of public land in the United States which is subject to homestead. To illustrate: If an entry in any one of the land districts of the United States is rejected for technical reasons, and the land is declared to be public, these preferred citizens can say, "I will take this piece of land"; and all he has to do is to prove that he improved and cultivated for six months any land within the indemnity limits of the Northern Pacific grant, etc. It is the right to make a cash entry which is denied to other people. We have declared that public lands should be held in trust for actual settlers.

I hope the report will be rejected and the instructions I propose adopted, and if that is done I am satisfied that the conference committee in less than thirty minutes can agree to a proper measure for the benefit of these settlers. The gentleman from Minnesota [Mr. TOWNE] wisely proposed by his bill to give this right only to settlers who had made entries or filings, and never until to-day has it been admitted that it was sought to give this privilege to anybody else. Some of the conferees who signed this report have stated that they did so believing that it was the final proof in homestead cases which was the entry, and that a homestead entry was not made until the final proof was made.

Mr. LACEY was recognized.

Mr. KEM. Mr. Speaker, I make the point that there is no quorum.

The SPEAKER. There is no quorum present.

Mr. PAYNE. I move that the House adjourn.

The motion was agreed to; and the House accordingly (at 5 o'clock and 22 minutes p. m.) adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the assistant clerk of the Court of Claims, transmitting a list of 27 cases wherein the preliminary examination does not show that the claimants were loyal to the Government of the United States throughout the war—to the Committee on War Claims, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting copies of the decisions of the Comptroller of the Treasury and of the Auditor for the Post-Office Department, as to the amount to be paid for the relief of George H. Lott—to the Committee on Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. SHERMAN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 8551) to establish railroad bridges across the Cumberland and Tennessee rivers, in Kentucky, reported the same with amendments, accompanied by a report (No. 1998); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 9072) to authorize the Butler and Pittsburg Railroad Company to construct a bridge across the Allegheny River, reported the same with amendment, accompanied by a report (No. 2005); which said bill and report were referred to the House Calendar.

Mr. PHILLIPS, from the Committee on Labor, to which was referred the bill of the House (H. R. 9188) authorizing the appointment of a nonpartisan commission to collate information and to consider and recommend legislation to meet the problems presented by labor, agriculture, and capital, reported the same without amendment, accompanied by a report (No. 1999); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SHAFROTH, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 2232), entitled "An act to vacate Sugar Loaf Reservoir site in Colorado and to restore the lands contained in the same to entry," reported the same without amendment, accompanied by a report (No. 2003); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. PICKLER, from the Committee on Invalid Pensions, to which were referred House bills Nos. 6118 and 8552, reported in lieu thereof a bill (H. R. 9209) granting a service pension to all honorably discharged officers and enlisted men of the war of the rebellion, accompanied by a report (No. 2004); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. MINOR of Wisconsin, from the Committee on Claims: The bill (H. R. 3927) for the relief of James B. Russell. (Report No. 2000.)

By Mr. KERR, from the Committee on Invalid Pensions: The bill (H. R. 4924) granting an increase of pension to George D. Cook, late of Company K, One hundred and tenth Ohio Volunteer Infantry. (Report No. 2001.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. SPARKMAN: A bill (H. R. 9206) to establish a fish-hatching and fish-culture station in the State of Florida—to the Committee on the Merchant Marine and Fisheries.

By Mr. HOWARD (by request of James Seldon Cowdon, of Vienna, Fairfax County, Va.): A bill (H. R. 9207) to make the paper money of the United States receivable, not redeemable—to the Committee on Ways and Means.

By Mr. GILLETT of Massachusetts: A bill (H. R. 9208) to restore to the classified service persons employed in the Record and Pension Office of the War Department prior to July 25, 1894—to the Committee on Reform in the Civil Service.

By Mr. CONNOLLY: A joint resolution (H. Res. 190) to facilitate the reorganization of the Northern Pacific Railroad Company; to secure to actual settlers the right to purchase at a price not exceeding $2.50 per acre the agricultural lands within its grant, and to prohibit said company or any successor company from giving by consolidation, sale, or other corporate action control of its railroad to any corporation, company, person, or association of persons owning, operating, or controlling a parallel or competing railroad—to the Committee on the Judiciary.

By Mr. DINGLEY: A joint resolution (H. Res. 191) to authorize a scientific investigation of the fur-seal fisheries—to the Committee on Ways and Means.

By Mr. LOW: A resolution (House Res. No. 383) providing for the appointment of a committee of five members to investigate and report to the next session of Congress all the material facts connected with the removal of chiefs of divisions, etc., since March 4, 1893, in the Treasury Department and in the various offices under the said Department, and for other purposes—to the Committee on Reform in the Civil Service.

By Mr. WILSON of Idaho: A resolution (House Res. No. 384) to pay Albert E. Werner $77.78 for services as messenger under the Doorkeeper of the House—to the Committee on Accounts.

By Mr. SAYERS: A resolution (House Res. No. 386) providing for the printing of 1,000 copies of House bill No. 7977, known as the river and harbor bill—to the Committee on Printing.

By Mr. ATWOOD: A memorial relative to an amendment to the Constitution of the United States enabling Congress to enact laws regulating the hours of labor—to the Committee on the Judiciary.

By Mr. FITZGERALD: A memorial relative to an amendment to the Constitution of the United States enabling Congress to enact laws regulating the hours of labor—to the Committee on the Judiciary.

By Mr. SIMPKINS: A memorial relative to an amendment to the Constitution of the United States enabling Congress to enact laws regulating the hours of labor—to the Committee on the Judiciary.

By Mr. BARRETT: A memorial relative to an amendment to the Constitution of the United States enabling Congress to enact laws regulating the hours of labor—to the Committee on the Judiciary.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Military Affairs was discharged from the consideration of the bill (H. R. 6055) for the relief of John A. Campbell; and the same was referred to the Committee on Naval Affairs.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. BAKER of Maryland: A bill (H. R. 9210) to remove the charge of desertion from Patrick H. McCall, late an enlisted man in the United States Navy—to the Committee on Naval Affairs.

By Mr. BISHOP: A bill (H. R. 9211) to grant a pension to Mrs. Charles B. Gatewood, widow of Charles B. Gatewood, late first lieutenant, Sixth United States Cavalry—to the Committee on Invalid Pensions.

By Mr. CURTIS of Iowa: A bill (H. R. 9212) granting an increase of pension to John R. Lumbert, of Preston, Iowa—to the Committee on Invalid Pensions.

By Mr. HARMER: A bill (H. R. 9213) to authorize the President to place William T. Godwin on the retired list with the rank of first lieutenant—to the Committee on Military Affairs.

By Mr. JOY: A bill (H. R. 9214) to correct the naval record of Thomas Marshall—to the Committee on Naval Affairs.

By Mr. LOUDENSLAGER: A bill (H. R. 9215) granting a pension to Martha Jennie Freer—to the Committee on Invalid Pensions.

By Mr. McEWAN: A bill (H. R. 9216) to increase the pension of John Grimes—to the Committee on Pensions.

By Mr. STRODE of Nebraska: A bill (H. R. 9217) granting a pension to John F. Adams—to the Committee on Invalid Pensions.

By Mr. COOPER of Texas: A bill (H. R. 9218) for the relief of Martha A., widow of Joseph Hollingshead, late of Company A, Fifteenth Regiment United States Infantry—to the Committee on Invalid Pensions.

By Mr. McCLURE: A bill (H. R. 9219) to remove the charge of desertion against George Webb—to the Committee on Military Affairs.

Also, a bill (H. R. 9220) to remove the charge of desertion from the record of John T. Jones—to the Committee on Military Affairs.

Also, a bill (H. R. 9221) to remove the charge of desertion against John G. Frost—to the Committee on Military Affairs.

Also, a bill (H. R. 9222) to remove the charge of desertion against David Edwards—to the Committee on Military Affairs.

By Mr. PEARSON: A bill (H. R. 9223) to correct the military record of Joseph J. Grasty—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMS: Resolution of the Commercial Exchange of Philadelphia, protesting against the passage of House bill No. 8536 and Senate bill No. 2967, to amend the interstate-commerce act—to the Committee on Interstate and Foreign Commerce.

Also, petition of railroad commissioners, opposing the repeal of section 10 of the interstate-commerce law—to the Committee on Interstate and Foreign Commerce.

By Mr. COOPER of Texas: Sundry petitions of citizens of the State of Texas, asking for favorable action on House bill No. 838, to reduce letter postage to 1 cent per half ounce, and House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. CRUMP: Resolutions of the executive board of the Knights of Labor, favoring the passage of the industrial commission bill (H. R. 6119), to investigate the labor problem—to the Committee on Labor.

By Mr. DOOLITTLE: Petition of citizens of Bay View, Wash., protesting against the passage of House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. GIBSON: Petition of W. H. Dietz, of Kingston, Tenn., for a children's day—to the Committee on the Judiciary.

By Mr. HATCH: Petitions of citizens of Lowell and Monon, Ind., asking for favorable action on House bills Nos. 838 and 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. HITT: Petition of a convention of railroad commissioners of different States, May 20, 1896, protesting against a proposed amendment to section 10 of the interstate-commerce act—to the Committee on Interstate and Foreign Commerce.

By Mr. JOHNSON of Indiana: Petition of citizens of Knightstown, Ind., asking favorable action on House bills Nos. 838 and 4566, amending the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. JOY: Papers to accompany House bill to correct the naval record of Thomas Marshall—to the Committee on Naval Affairs.

By Mr. KERR: Petition of George H. Ely and others, of Elyria, Ohio, favoring the passage of House bill No. 260, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. KIEFER: Petitions of citizens of Taylors Falls, Cambridge, and St. Paul, Minn., asking for favorable action on House bills Nos. 838 and 4566, amending the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. LEIGHTY: Petition of citizens of Wolcottville, Ind., for favorable action on House bills Nos. 838 and 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. McLACHLAN: Petition of Cushing Post, No. 44, Grand Army of the Republic, of Ventura, Cal., favoring the passage of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. McRAE: Petition of J. E. Weir, T. S. Sandefer, and 36 other citizens of Clark County, Ark., in favor of House bill No. 6851, to aid Wilberforce University, located in Greene County, Ohio—to the Committee on Military Affairs.

By Mr. PRINCE: Petition of citizens of Moline, Ill., in favor of House bills Nos. 838 and 4566, amending the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. STAHLE: Petitions of Cigar Makers' Union, No. 316, of McSherrystown, Pa., praying for Government ownership of telegraph lines—to the Committee on Interstate and Foreign Commerce.

By Mr. STEELE: Petitions of citizens of Decatur, Dunkirk, and Geneva, Ind., for favorable action on House bills Nos. 838 and 4566, proposing amendments to the postal laws—to the Committee on the Post-office and Post-Roads.

By Mr. WADSWORTH (by request): Petition of ex-soldiers and sailors of the Union Army and Navy residing in Varysburg, N. Y., for the passage of a service-pension bill of at least $8 per month to every honorably discharged soldier, sailor, and marine who served ninety days in the late war on the Union side—to the Committee on Invalid Pensions.

By Mr. WILSON of Idaho: Petition of Knights of Labor General Assembly, in favor of House bill No. 6119, for the appointment of an impartial committee to investigate the labor problem and suggest a remedy—to the Committee on Labor.

SENATE.

WEDNESDAY, *May 27, 1896.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. HARRIS, and by unanimous consent, the further reading was dispensed with.

ENROLLED BILLS SIGNED.

The signature of the Vice-President was announced to the following enrolled bills, which had previously been signed by the Speaker of the House of Representatives:

A bill (S. 3011) for the relief of Nicolai Bros.;

A bill (H. R. 138) granting an increase of pension to Mary E. Hazlip;

A bill (H. R. 248) empowering and directing the Secretary of the Navy to furnish four pieces of condemned cannon to the city of Hastings, Mich.;

A bill (H. R. 468) granting an increase of pension to Mrs. H. J. Kiernan;

A bill (H. R. 1109) granting a pension to Elizabeth Marshall;

A bill (H. R. 2373) granting a pension to Elvin J. Brown;

A bill (H. R. 2602) for the relief of Solomon Hyams;

A bill (H. R. 3007) granting an increase of pension to Michael S. Pettit;

A bill (H. R. 3033) to increase the pension of Elizabeth T. Beall, widow of Benjamin L. Beall, late colonel, First United States Cavalry;

A bill (H. R. 3229) for the relief of Hannah Newell Barrett;

A bill (H. R. 3395) granting a pension to Carrie H. Green;

A bill (H. R. 3857) granting a pension to Thomas Brewer;

A bill (H. R. 4275) to increase the pension of Mrs. Annis H. Enochs, widow of Gen. William H. Enochs, from $20 to $50 per month;

A bill (H. R. 4283) granting a pension to Delia A. Marsh;

A bill (H. R. 4598) granting a pension to Mary Cray;

A bill (H. R. 4724) to increase the pension of Mrs. Mary L. Aleshire;

A bill (H. R. 4753) granting an increase of pension to Lambert L. Mulford;

A bill (H. R. 4785) to incorporate the National University;

A bill (H. R. 5175) granting a pension to Nancy Gentry;

A bill (H. R. 5225) for the relief of Mrs. Elizabeth M. Williams, of Monroe County, Tenn.;

A bill (H. R. 5711) granting a pension to Richard P. Pilkington;

A bill (H. R. 5792) granting a pension to Mrs. Julia A. Jameson;
A bill (H. R. 5999) to correct the military record of Elbridge McFadden;
A bill (H. R. 6111) granting a pension to Elizabeth A. Sargent;
A bill (H. R. 6132) granting an increase of pension to Thomas M. Scott;
A bill (H. R. 6134) granting an increase of pension to Caroline E. Purdum;
A bill (H. R. 6293) to increase the pension of Peter Rafferty;
A bill (H. R. 6833) defining the standard shape and size for dry measures in use in the District of Columbia, and for other purposes;
A bill (H. R. 7334) granting an increase of pension to William T. Applegate; and
A bill (H. R. 8184) granting a pension to Jesse McMillan.

PETITIONS AND MEMORIALS.

Mr. PEFFER. Congress has several times recently shown a disposition to encourage inventions for the purpose of aerial navigation. I have here a petition from James Seldon Cowdon, a resident of this city (a citizen of Virginia, I think), which is very brief, and I will read it, as I can perhaps get the sense of it to the Senate better by reading it than by stating it.

To the Congress of the United States:

Your undersigned petitioner would most respectfully apply to your honorable body for such financial encouragement as you may deem appropriate in the development of his plan of navigating the air upon the principle of "a live fish in the water" rather than upon the principle of "a live bird in the air."

Your petitioner would further state that he is financially unable to perfect his invention, but with, say, $15,000 and four months' time, he can construct an air ship that will move through the air at the will of the operator, and not otherwise, when finally perfected.

Your petitioner would still further ask this confidence and consideration at your hands in view of the fact that the Congress of the United States did appropriate the sum of $30,000 for the development of the Morse system of the magnetic telegraph.

And he will ever pray.

JAMES SELDON COWDON.

WASHINGTON, D. C., *May 26, 1896.*

I move that the petition be referred to the Committee on the Library.

The motion was agreed to.

Mr. QUAY presented a memorial of the Chamber of Commerce of Pittsburg, Pa., remonstrating against the adoption of certain amendments to the interstate-commerce law, as proposed by House bill No. 8536 and Senate bill No. 2967; which was referred to the Committee on Interstate Commerce.

Mr. LODGE presented resolutions adopted by the legislature of the Commonwealth of Massachusetts relative to an amendment to the Constitution of the United States enabling Congress to enact laws regulating the hours of labor; which were referred to the Committee on Education and Labor, and ordered to be printed in the RECORD, as follows:

[Commonwealth of Massachusetts. In the year 1896.]

Resolutions relative to an amendment to the Constitution of the United States enabling Congress to enact laws regulating the hours of labor.

Resolved, That in the opinion of the general court of Massachusetts it is desirable that the Constitution of the United States should be so amended as to place it clearly within the power of Congress to enact laws regulating the hours of labor in the several States according to some uniform system; and the Senators and Representatives of this Commonwealth in Congress are hereby requested to take such action as may be necessary in order to bring the question of so amending the Constitution before Congress.

Resolved, That properly attested copies of these resolutions be forwarded by the secretary of the Commonwealth to the presiding officers of both branches of Congress, and also to the Senators and Representatives in Congress from this Commonwealth.

In house of representatives, adopted May 5, 1896.
In senate, adopted in concurrence May 15, 1896.
A true copy. Attest:

WM. M. OLIN,
Secretary of the Commonwealth.

Mr. LODGE presented a petition of Boston Division, No. 122, Order of Railway Conductors, of Boston, Mass., praying for the enactment of a labor arbitration law; which was referred to the Committee on Education and Labor.

Mr. McMILLAN presented a memorial of the American Laryngolical Association, remonstrating against the passage of Senate bill No. 1552, for the further prevention of cruelty to animals in the District of Columbia; which was ordered to lie on the table.

ORDER OF BUSINESS.

Mr. ALLEN. I ask unanimous consent to call up the bill (S. 2118) to protect public forest reservations.

The VICE-PRESIDENT. The bill will be read for information.

Mr. HALE. Is this in the regular order of morning business?

The VICE-PRESIDENT. It is not a part of the morning business. The Senator from Nebraska asks unanimous consent for the present consideration of the bill. The Chair submits the request of the Senator.

Mr. ALLEN. I will state to the Senator from Maine that the bill is an important one, and it met the full approval at the last Congress and at the present Congress of the Committee on Forest Reservations and the Protection of Game. It is important to pass the bill. It will not lead to any discussion, I think.

Mr. HALE. Is it a long bill?

The VICE-PRESIDENT. It comprises seven pages, the Chair is advised.

Mr. HALE. It is very important to bring up the conference report on the naval appropriation bill and get it out of the way.

Mr. ALLEN. Very well; let the bill go over.

The VICE-PRESIDENT. If there are no further petitions and memorials, the reports of standing and select committees are next in order.

REPORTS OF COMMITTEES.

Mr. LODGE, from the Committee on Foreign Relations, to whom the subject was referred, submitted a report, accompanied by a bill (S. 3230) to provide for the reorganization of the consular and diplomatic service; which was read twice by its title.

Mr. DAVIS, from the Committee on Foreign Relations, to whom was referred the bill (S. 692) for the relief of the legal representatives of James and William Crooks, of Canada, reported it without amendment, and submitted a report thereon.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 3578) granting a pension to Elmira E. Dustin; and
A bill (H. R. 1062) to grant a pension to Armstead M. Rawlings, of Arkansas.

Mr. MITCHELL of Oregon, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 3058) to increase the pay of letter carriers, reported it without amendment, and submitted a report thereon.

Mr. PALMER, from the Committee on Pensions, to whom was referred the bill (H. R. 2320) for the relief of Samuel Burrell, reported it without amendment, and submitted a report thereon.

BILLS INTRODUCED.

Mr. McMILLAN introduced a bill (S. 3231) to amend an act entitled "An act regulating the sale of intoxicating liquors in the District of Columbia," approved March 3, 1893; which was read twice by its title, and, with the accompanying paper, referred to the Committee on the District of Columbia.

Mr. ELKINS introduced a bill (S. 3232) to amend section 2502 of the Revised Statutes of the United States; which was read twice by its title, and referred to the Committee on Commerce.

Mr. TELLER introduced a bill (S. 3233) for the relief of Henry A. F. Worth; which was read twice by its title, and referred to the Committee on Pensions.

JEROME KUNKEL.

On motion of Mr. BAKER, it was

Ordered, That the Committee on Military Affairs be discharged from the further consideration of the papers pertaining to the bill (S. 254) for the relief of Jerome Kunkel, and that they be sent to the Committee on Military Affairs of the House of Representatives.

WILLIAM B. MATCHETT.

Mr. DAVIS. I move to reconsider the vote by which the subject of the petition and papers in the claim of William B. Matchett against the Government of Venezuela was indefinitely postponed.

The motion was agreed to.

On motion of Mr. DAVIS, it was

Ordered, That the petition and papers of William B. Matchett be withdrawn from the files of the Senate under the rules of the Senate.

INVESTIGATION BY COMMITTEE ON NAVAL AFFAIRS.

Mr. CHANDLER submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the expense incurred by the subcommittee of the Committee on Naval Affairs in visiting Bethlehem, Pa., in pursuance of the duty imposed on said committee by resolutions of the Senate dated, respectively, December 31, 1895, and February 13, 1896, be paid from the contingent fund of the Senate.

DONATION OF CONDEMNED CANNON.

Mr. HALE. Mr. President——

Mr. BURROWS. Will the Senator from Maine yield to me for a moment?

Mr. HALE. I will yield to morning business. I can not yield for any other purpose, because I have already declined to yield to the Senator from Nebraska.

Mr. BURROWS. I will state to the Senator from Maine that it is the case of a House bill passed by the Senate with sundry amendments. I entered a motion some time ago to reconsider the action of the Senate in passing the bill with a view to securing a disagreement to the amendments. It will take but a moment to dispose of it.

Mr. HALE. It is in the nature of morning business, and I will yield.

Mr. BURROWS. It is a privileged motion, I understand.

Mr. HALE. I yield for that purpose to the Senator from Michigan.

Mr. BURROWS. The House passed the bill (H. R. 6256) authorizing and directing the Secretary of the Navy to furnish to George F. Fuller Post, Grand Army of the Republic, of Manistique, Mich., a condemned cannon. The Senate passed the bill

with sundry amendments, adding a donation of condemned cannon at other points. I have conferred with the various Senators who proposed the amendments, and they have kindly consented that the bill may be reconsidered and the amendments disagreed to, and that then the bill shall pass without amendment.

The VICE-PRESIDENT. The question is on the motion of the Senator from Michigan, to reconsider the votes by which the bill was ordered to a third reading and passed.

The motion to reconsider was agreed to.

The VICE-PRESIDENT. The bill is before the Senate.

Mr. BURROWS. I now ask that the vote by which the amendments were concurred in be reconsidered.

The VICE-PRESIDENT. Without objection, the vote will be reconsidered. The question is on concurring in the amendments made as in Committee of the Whole.

The amendments were nonconcurred in.

The bill was ordered to a third reading, read the third time, and passed.

The VICE-PRESIDENT. The amendment of the title will be disagreed to.

NAVAL APPROPRIATION BILL.

Mr. HALE. I move that the Senate proceed to the report of the committee of conference on the naval appropriation bill.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and the report will be read.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7542) making appropriations for the naval service for the fiscal year ending June 30, 1897, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 23, 30, and 55.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 4, 5, 6, 7, 8, 9, 11, 12, 13, 14, 15, 16, 17, 19, 20, 21, 25, 26, 27, 28, 29, 31, 50, and 54, and agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: Add at the end of the matter inserted by said amendment the following: "And the Secretary of the Navy shall detail a clerk of class 1 to perform clerical services in the Navy Department necessary to carry on the work incident to this appropriation"; and the Senate agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows: Strike out the comma (,) after the word "laboratory," in line 3, page 22 of the bill, and restore the matter stricken out by said Senate amendment; and the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: Strike out, in lines 4 and 5 of said amendment, the words "made for the same," and insert in lieu thereof the word "completed"; and the Senate agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with amendments as follows: Strike out the words inserted by said amendment and insert in lieu thereof the following, "at $2,500 each; one of English studies, history, and law (after thirty years' service), $2,500"; and strike out, in lines 22 and 23, page 36 of the bill, the words "at $2,500 each"; and the Senate agree to the same.

On amendments numbered 2, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 51, 52, and 53 the committee of conference has been unable to agree.

EUGENE HALE,
M. S. QUAY,
A. P. GORMAN,
Managers on the part of the Senate.

C. A. BOUTELLE,
JNO. B. ROBINSON,
AMOS J. CUMMINGS,
Managers on the part of the House.

Mr. HALE. I ask that the report be concurred in.

The report was concurred in.

Mr. HALE. I move that the Senate further insist on its amendments still in disagreement and ask for a further conference on the disagreeing votes of the two Houses.

Mr. QUAY. Unless the Senator from Maine objects, I should be glad to have another vote of the Senate on the question of the battle ships in the way of instruction to the new committee of conference.

Mr. HALE. I have been in conference with some of the Senators who are very earnest on that point, and it was suggested that it would be better, as there has been but one conference, to submit the matter to another conference and see if it can not be adjusted there.

Mr. QUAY. Very well, I give way to the wishes of the chairman of the Senate conferees.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Maine.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees at the further conference on the part of the Senate; and Mr. HALE, Mr. QUAY, and Mr. GORMAN were appointed.

EXECUTIVE SESSION.

Mr. HARRIS. I move that the Senate proceed to the consideration of executive business. I do not think it will be necessary to have a session exceeding thirty minutes, but it is very important, in my opinion, that we should have such a session.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After forty-eight minutes spent in executive session the doors were reopened.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 2221) for the relief of settlers on the Northern Pacific Railroad indemnity lands.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 6249) making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1897, and for other purposes, further insisted upon its disagreement to the amendments of the Senate numbered 64, 69, and 70, agrees to the further conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SHERMAN, Mr. CURTIS of Kansas, and Mr. PENDLETON managers at the conference on the part of the House.

The message further announced that the House had passed a concurrent resolution requesting the President to return to the House the bill (H. R. 5731) to regulate the practice of medicine and surgery, to license physicians and surgeons, and to punish persons violating the provisions thereof in the District of Columbia; in which it requested the concurrence of the Senate.

The message also announced that the House had passed a concurrent resolution authorizing the enrolling clerk of the House in enrolling H. R. 6248, making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes, to insert in section 24, after the words "ninety-six," the following, "except as in said sections otherwise specially provided"; in which it requested the concurrence of the Senate.

PRACTICE OF MEDICINE AND SURGERY.

Mr. SHERMAN obtained the floor.

Mr. GALLINGER. I appeal to the Senator from Ohio to yield to me that I may ask consideration for a concurrent resolution which has just come from the House of Representatives, to correct an enrolled bill. It is important that it should be attended to at once. It will take but a moment.

Mr. SHERMAN. I yield to the Senator.

Mr. GALLINGER. The concurrent resolution relates to the medical and surgical bill.

The VICE-PRESIDENT. The Chair lays before the Senate a concurrent resolution from the House of Representatives, which will be read.

The Secretary read the concurrent resolution, as follows:

Resolved by the House of Representatives (the Senate concurring), That the President be requested to return to the House of Representatives House bill 5731, to regulate the practice of medicine and surgery, to license physicians and surgeons, and to punish persons violating the provisions thereof in the District of Columbia.

Mr. GALLINGER. The resolution is simply to secure the return of a bill in order to correct an unfortunate error which was made by the enrolling clerk of the House of Representatives, and it is important that the resolution should pass.

The VICE-PRESIDENT. The question is on concurring in the resolution.

The resolution was concurred in.

DONATION OF CONDEMNED CANNON.

Mr. BAKER. The Senator from Ohio yields to me for a moment that I may ask unanimous consent for the consideration of House bill No. 2777, relating to the donation of condemned cannon and cannon balls. I hope it may now be considered.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 2777) authorizing and directing the Secretary of the Navy to donate condemned cannon and condemned cannon balls to certain posts of the Grand Army of the Republic. It proposes to donate one condemned cannon and condemned cannon balls for four pyramids to Shaw Post, Grand Army of the Republic, at Leavenworth, Kans., and also one condemned cannon and condemned cannon balls for four pyramids to McLouth Post, No. 279, Grand Army of the Republic, at McLouth, Kans., for soldiers' monuments.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REGULATIONS CONCERNING FILLED CHEESE.

Mr. SHERMAN. I now move that the Senate proceed to the consideration of what is known as the filled-cheese bill.

The motion was agreed to; and the Senate, as in Committee of

the Whole, resumed the consideration of the bill (H. R. 8008) defining cheese, and imposing a tax upon and regulating the manufacture, sale, importation, and exportation of filled cheese.

The VICE-PRESIDENT. The Chair will state the status of the bill. The yeas and nays have been ordered upon the amendment submitted by the Senator from Idaho [Mr. DUBOIS]. The Secretary will call the roll.

The Secretary proceeded to call the roll, and Mr. ALLEN responded to his name.

Mr. QUAY. I desire to have the amendment stated before the vote is taken.

The VICE-PRESIDENT. The Senator from Pennsylvania asks that the amendment be stated. Without objection, the amendment will be read.

The SECRETARY. It is proposed to add as a new section the following:

In order to raise revenue to meet the various expenses of the Government the sum of 75 cents shall be levied and collected, under such regulations as the Secretary of the Treasury may prescribe, on every barrel of lager beer, ale, and porter manufactured in the United States in addition to the tax now imposed thereon.

The Secretary resumed the calling of the roll.

Mr. CLARK (when his name was called). I wish to announce that for the day I am paired with the Senator from Louisiana [Mr. BLANCHARD], this pair having been transferred to me by the Senator from North Carolina [Mr. PRITCHARD].

Mr. GEAR (when his name was called). I am paired with the senior Senator from Georgia [Mr. GORDON]. Not knowing how he would vote if present, I withhold my vote.

Mr. MCMILLAN (when his name was called). I announce my pair with the Senator from Kentucky [Mr. BLACKBURN].

Mr. PRITCHARD (when his name was called). I have a general pair with the Senator from Louisiana [Mr. BLANCHARD], but I have transferred that pair for the day to the Senator from Wyoming [Mr. CLARK], and vote "nay."

Mr. PUGH (when his name was called). I have a general pair with the senior Senator from Massachusetts [Mr. HOAR], which I transfer to the senior Senator from South Carolina [Mr. IRBY], and vote "yea."

Mr. TILLMAN (when his name was called). I have a general pair with the junior Senator from Nebraska [Mr. THURSTON], which I transfer to the Senator from Nevada [Mr. JONES], and vote "yea."

Mr. ALLEN. I wish to state that my colleague [Mr. THURSTON] is detained from the Senate on account of sickness in his family.

The roll call was concluded.

Mr. BACON. On this question I am paired with the junior Senator from Rhode Island [Mr. WETMORE], and therefore withhold my vote.

Mr. GALLINGER. I desire to announce the fact that the junior Senator from Vermont [Mr. PROCTOR] is paired with the Senator from Florida [Mr. CALL]. I make the announcement for the day.

Mr. MARTIN. I have a general pair with the junior Senator from Montana [Mr. MANTLE]. Being assured that he would vote "yea" if present, I vote "yea."

Mr. DANIEL. I inquire if the Senator from Washington [Mr. SQUIRE] has voted?

The VICE-PRESIDENT. The Senator from Washington has not voted, the Chair is advised.

Mr. DANIEL. I am paired with the Senator from Washington, and in his absence I withhold my vote. If he were present, I should vote "yea."

The result was announced—yeas 27, nays 34; as follows:

YEAS—27.

Allen,	Carter,	Lindsay,	Roach,
Bate,	Chilton,	Martin,	Stewart,
Berry,	Dubois,	Mills,	Teller,
Brown,	George,	Morgan,	Tillman,
Butler,	Gray,	Peffer,	Vest.
Caffery,	Harris,	Pettigrew,	Walthall.
Cannon,	Jones, Ark.	Pugh,	

NAYS—34.

Aldrich,	Gallinger,	Nelson,	Shoup,
Allison,	Hansbrough,	Palmer,	Smith,
Baker,	Hawley,	Pasco,	Turpie,
Burrows,	Hill,	Perkins,	Vilas,
Chandler,	Lodge,	Platt,	Warren,
Cockrell,	McBride,	Pritchard,	White,
Cullom,	Mitchell, Oreg.	Quay,	Wilson.
Davis,	Mitchell, Wis.	Sewell,	
Faulkner,	Morrill,	Sherman,	

NOT VOTING—33.

Bacon,	Daniel,	Hale,	Murphy,
Blackburn,	Elkins,	Hoar,	Proctor,
Blanchard,	Frye,	Irby,	Squire,
Brice,	Gear,	Jones, Nev.	Thurston,
Call,	Gibson,	Kyle,	Voorhees,
Cameron,	Gordon,	McMillan,	Wetmore,
Clark,	Gorman,	Mantle,	Wolcott.

So the amendment was rejected.

Mr. VEST. Mr. President, I voted for the amendment, but under no circumstances could I vote for the bill even if the amendment had carried. I have not the slightest doubt but that if I should vote for the bill in any shape I would, with my convictions upon the subject, violate the Constitution which I have sworn to support. I do not understand that I can shield myself for a violation of that instrument by assuming, or even knowing, that the Supreme Court of the United States would declare the proposed act constitutional upon the ground that every member of Congress is presumed to have the proper motive and supports a measure in order to attain proper and constitutional ends.

We know that if in enacting the oleomargarine law the motives which actuated members of Congress in supporting it had been placed upon its face the enactment would have been declared unconstitutional. The coordinate branch of the Government, the judiciary, is bound to assume that Congressmen do not violate the Constitution, and that when they impose taxes it is done under the general taxing power which is given to Congress and not to use that taxing power for unconstitutional purposes or for purposes not contemplated in granting that power to the legislative department. Tariff laws are enacted in which many of the items are placed there not to raise money to support the Government, but in order to protect certain class interests, and to give an advantage by governmental partnership to the producers of certain goods in the United States, that advantage being to the detriment always of the large body of the people who are consumers. If any tariff act contained upon its face the declaration that "these taxes are imposed in order to give protection, simple and pure, to American manufacturers," I believe the Supreme Court of the United States, no matter how constituted politically, would declare it to be unconstitutional. But those laws are enacted and sent to the Supreme Court without any declaration upon their face in regard to the object, and the Supreme Court says, as it has done repeatedly:

It is our duty to assume and to presume that the Congress of the United States has enacted this law within its constitutional discretion, and for purposes which are indicated alone upon the face of the law.

Mr. President, the pending bill is not to raise revenue. This is so plain that it is simply unnecessary iteration to make the statement. The Ways and Means Committee of the House of Representatives in their report declared that its object is not to raise revenue. They have said in so many words that they have no idea of raising revenue, and that this is not the primary object of the enactment, but it is to bring this product within the police powers of Congress. The distinguished Senator from Ohio [Mr. SHERMAN], who reported the bill as the organ of the Committee on Finance, declared that the object of the enactment is not to raise revenue, but to exercise the police power upon a fraudulent compound which he claims is deleterious to the health and comfort of the people of this country. The Senator from Minnesota [Mr. NELSON] yesterday declared that raising revenue is the smallest portion of this legislation, but that it is proposed to be done in order to take hold of this product and bring it within the police powers of Congress.

We can not escape our responsibility by saying that the Supreme Court will pass upon the law. When the law is presented to the Supreme Court they see in it a measure to raise revenue to support the Government. Does that absolve any member of this body who votes for the bill from accounting to his conscience and judgment as to why he votes for it and whether he acts within the constitutional discretion and jurisdiction of Congress?

Mr. President, the enactment of the proposed law is outrageous under the circumstances, because it takes away from the people affected by it the only redress they can have against an unconstitutional act, and that is an appeal to the Supreme Court and to the Chief Executive. The proposed law is a greater fraud than any compound which can be manufactured in any locality in this country. It is a pretense of exercising the taxing power, when, in fact, it is an exercise of police power which never has been given to Congress by the Constitution. Congress can have no police power in regard to an article made in a State, sold in a State, and never to go out of a State, unless the exercise of that power be in aid of a power clearly given by the Constitution to Congress.

I grant that Congress has the right to use the taxing power as an auxiliary to a power vested by the Constitution in Congress. If Congress sees proper to use the taxing power as an auxiliary to the interstate-commerce power conferred by the Constitution upon Congress, it can do so. If Congress sees proper to use the taxing power as an auxiliary to its absolute control over the currency of the country, it has a right to do it, as was decided in 8 Wallace in the case of Veazie Bank against Fenno. But whenever the Constitution fails to give jurisdiction to Congress over a subject-matter, it has no right to use the taxing power in order to create a power which was not originally vested in it.

The Supreme Court of the United States by this sort of fraudulent legislation is kept from giving redress to citizens of the United States who are injured by it. The Chief Executive is

prevented from giving redress by using his veto power. When the oleomargarine bill was passed and sent to the President of the United States he communicated to Congress by message, and I ask the Secretary to read what he said in regard to that enactment. Let the part I have marked be read.

The VICE-PRESIDENT. The Secretary will read as indicated.

The Secretary read as follows:

It has been urged as an objection to this measure that, while purporting to be legislation for revenue, its real purpose is to destroy, by the use of the taxing power, one industry of our people for the protection and benefit of another.

If entitled to indulge in such a suspicion as a basis of official action in this case, and if entirely satisfied that the consequences indicated would ensue, I should doubtless feel constrained to interpose Executive dissent.

But I do not feel called upon to interpret the motives of Congress otherwise than by the apparent character of the bill which has been presented to me.

Mr. VEST. The Chief Executive, when the oleomargarine bill was presented to him, declared that if he had been satisfied that it was an exercise of the taxing power of Congress in order to discriminate against one food product in behalf of another, or if it was a disguised exercise of the police power that had not been given to Congress, he would have vetoed the bill. But the bill was sent to him, as it would go to the Supreme Court, ostensibly a naked exercise of the taxing power; and the Chief Executive, like the Supreme Court, says he is bound to assume that members of Congress have observed their oaths to support the Constitution, and are simply actuated by a desire to raise revenue to carry on the Government.

Any Senator who knows that he votes for the bill not to raise revenue, but in order to bring this food product under the inspection laws of the United States, unless he can find in the Constitution the grant of some other power to which the taxing power is necessary as an auxiliary, violates his oath to support the Constitution. Unless he can find that originally the Constitution has given to Congress a power which requires the taxing power in order to carry it out, he can not shield his conscience or his judgment behind the fact that the Supreme Court of the United States may afterwards declare the law to be constitutional. It is his primary duty to observe his obligations and not to vote for a measure that goes outside of the legislative discretion of this body. I ask attention to what was decided even by so strong a Federalist and Republican as Mr. Justice Miller in 112 United States Reports, and I will ask the Secretary to read a small portion of the decision which I have marked.

Mr. GEORGE. What is the name of the case?

Mr. VEST. The Head Tax Cases.

The VICE-PRESIDENT. The Secretary will read as indicated.

The Secretary read as follows:

It constitutes a fund raised from those who are engaged in the transportation of these passengers, and who make profit out of it, for the temporary care of the passengers whom they bring among us and for the protection of the citizens among whom they are landed.

If this is an expedient regulation of commerce by Congress, and the end to be attained is one falling within that power, the act is not void, because, within a loose and more extended sense than was used in the Constitution, it is called a tax. In the case of Veazie Bank *vs.* Fenno, 8 Wall., 533, 549, the enormous tax of 8 per cent per annum on the circulation of State banks, which was designed, and did have the effect, to drive all such circulation out of existence, was upheld because it was a means properly adopted by Congress to protect the currency which it had created, namely, the legal-tender notes and the notes of the national banks. It was not subject, therefore, to the rules which would invalidate an ordinary tax, pure and simple.

So, also, in the case of The Packet Company *vs.* Keokuk, 95 U. S., 80, the city of Keokuk having by ordnance imposed a wharfage fee or tax for the use of a wharf owned by the city, the amount of which was regulated by the tonnage of the vessel, this was held not to be a tonnage tax within the meaning of the constitutional provision that "No State shall, without the consent of Congress, lay any duty of tonnage." The reason of this is that, though it was a burden or tax in some sense, and measured by the tonnage of the vessel, it was but a charge for services rendered, or for conveniences furnished by the city, and was not a tonnage tax within the meaning of the Constitution. This principle was reaffirmed in the case of Packet Company *vs.* St. Louis, 100 U. S., 423.

We are clearly of opinion that, in the exercise of its power to regulate immigration, and in the very act of exercising that power, it was competent for Congress to impose this contribution on the shipowner engaged in that business.

Mr. VEST. The last sentence read by the Secretary shows the ground upon which the Supreme Court decided that the head-tax levy was within the power of Congress; that it was auxiliary to the power of Congress to control and regulate immigration, which is a species of commerce with foreign nations. Mr. Justice Miller, strong Federalist that he was, never would have decided that, without being an auxiliary power, the tax was constitutional. It was simply to assist and make perfect the exercise of a power granted by the Constitution to Congress that caused him to declare the head tax to be within the jurisdiction of Congress; and in an unbroken series of decisions, which any Senator who is interested in the question may examine, the Supreme Court has drawn the line distinctly and emphatically between the power of the Congress of the United States and of the States in regard to all police matters. Some of the decisions are the Passenger Cases, in 7 Howard, 590; Henderson *vs.* The Mayor of New York, 92 U. S., 259; The Commissioner of Immigration *vs.* The North German Lloyd, 92 U. S.; The People *vs.* The Compagnie Générale Trans-Atlantique, 107 U. S.; Chy Lung *vs.* Freeman, 92 U. S., 275; Brimmer *vs.* Redman, 138 U. S., 78; Voight *vs.* Wright, 142 U. S., 62; and Crutcher *vs.* Kentucky, 141 U. S., 46.

Mr. GRAY. May I interrupt the Senator from Missouri for a moment?

Mr. VEST. Certainly.

Mr. GRAY. It is not to ask a question, but to emphasize what the Senator has just said in regard to the head-tax cases. That was an assertion of power by Congress to deal with immigration from foreign countries into this country. It could have no relation to any other subject-matter than foreign commerce in passengers. The court decided that the passenger traffic was a portion of the foreign commerce of the country. They had to decide that first before they could assent to the jurisdiction which Congress claimed, and it being a part of the foreign commerce of the country, there was no suggestion even that it touched in the slightest degree any transaction entirely within a State or affected or impinged in any fashion whatever upon the police power of any State in the Union, especially of the State where the landing was made. So there was a case plainly, palpably within the jurisdiction of Congress under the grant of the commerce clause of the Constitution, and it was in reference to that transaction that Congress was exercising its power.

Mr. MILLS. That the exercise of the taxing power was an appropriate exercise of the power to regulate commerce.

Mr. GRAY. We were taxing foreign-commerce transactions.

Mr. VEST. I challenge any advocate of the bill to find a single decision by the Supreme Court of the United States which says that the taxing power can be used in regard to a function which is not given directly or by implication to carry out an expressly granted power in the Constitution. In other words, I challenge any advocate of the bill to show where the Supreme Court has ever said that Congress could use the taxing power in order to bring a product under the police power of Congress.

Mr. GRAY. And to create a jurisdiction.

Mr. VEST. And to create a jurisdiction which the Constitution had never given to Congress.

Mr. CAFFERY. Will the Senator from Missouri allow me to interrupt him?

Mr. VEST. Certainly.

Mr. CAFFERY. If the trade in filled cheese is a matter of interstate commerce, can not the Congress of the United States pass such inspection laws and provide such funds to carry into execution those inspection laws as it may deem necessary?

Mr. VEST. Unquestionably.

Mr. CAFFERY. Then I would ask the Senator, if the bill were so amended as to make the provisions of it applicable only to filled cheese exported from the State or Territory where made, whether then his constitutional objection would be obviated?

Mr. VEST. Entirely; and I have an amendment prepared which I propose to make. I will not use the word "make," but I will ask the Senate, every individual member of it, to place himself upon record as to the very proposition indicated by the Senator from Louisiana.

Mr. CAFFERY. Then I will ask the Senator a further question, if he will pardon me. In a vote given by a Senator who has any constitutional objections to the bill as it appears upon its face, being a police regulation, would a vote given primarily with a view of obtaining revenue and not with a view of policing filled cheese be in accord with his constitutional conscience?

Mr. VEST. If any Senator says that the bill is for the purpose of raising revenue and not to bring this food product under a police jurisdiction of Congress, then of course he can justify himself from that standpoint. But how is it possible for him to do that when the framers and makers and advocates of the proposed law say they do not want revenue, but they want to prevent the sale and use of a fraudulent deleterious compound? How is it possible that any Senator can come to the conclusion that this is a revenue measure when the committees which report it, the Senators and Representatives who advocate it, all deny that it is intended to raise one dollar of revenue?

Mr. SHERMAN. Mr. President, I should like to make a statement which I believe is true historically. There never was a tariff bill passed since the Government of the United States was founded where, in addition to raising revenue, it was not alleged and the statute was not so framed as to promote some private interest. Jefferson and Madison and every one of the old Democratic Presidents advocated that in framing a tax law due regard must be had to promoting the manufacturing and other interests of the United States. That was the established doctrine.

Now, I say here that this is not the main purpose of the bill. I might say, probably, it is to prevent a fraud. But it imposes a tax, which we have a right to impose. The President of the United States, in a single remark that was read this morning, said that if the object is attained he will not veto a bill merely because some other motive or some motive that he did not approve might

actuate the making of the law. That is the same case now. This bill, if enacted into a law, will yield, as near as I can gather from the reports that I have read, probably half a million dollars of revenue. It was supposed the oleomargarine law would yield $1,000,000, and it has yielded $3,000,000.

Mr. GRAY. A million and a half.

Mr. SHERMAN. Two and a half million or three million dollars.

Mr. VEST. A million and three-quarters is the highest revenue that was ever raised from it.

Mr. SHERMAN. I think I could take issue on that point, but I do not want to debate the matter.

Mr. VEST. One million and three-quarters is the report of the Department.

Mr. SHERMAN. In every tariff law the question of benefits to the people in some other way than the mere fact of taxation has always been urged by every party that has ever governed in this country.

Mr. VEST. A tariff law is supported upon two grounds: First, that it is a regulation of foreign commerce, which is clearly within the exclusive jurisdiction of Congress; second, that it is the exercise of the taxing power to raise revenue to support the Government. A tariff enactment can be supported upon either of these clauses of the Constitution; but if a tariff law should be enacted which said the express purpose of this act is to protect American manufactures, the Supreme Court of the United States, in my judgment, no matter how constituted, would declare it to be unconstitutional. It is true that the advocates of tariff laws say the indirect and necessary effect of the imposition of the tax is to protect, but that is not the primary object of the law.

Is that this case? Here the primary object is to bring this food product under the police regulation of Congress, and not to raise revenue. The evidence before the House committee shows that if this tax should stand as the bill came to us from the House it would not raise one dollar; that it would be absolutely prohibitory.

Mr. President, if I believed about the Constitution as the Republican party and the Senator from Ohio, I would have no trouble in voting for this bill or any other measure. If I believed in the teachings of Mr. Hamilton, that under the general-welfare clause of the Constitution Congress can do anything, and that this clause overrides the special grants of power which are made in that instrument, I would have no difficulty in voting for any proposed legislation, because whenever Congress thought it expedient and necessary for the general welfare they could pass any law within their discretion, and they would have full jurisdiction under that construction of the Constitution to do so. But how any Democrat who professes to believe in the teachings of Jefferson, the great opponent of Hamilton, who left Washington's Cabinet because he refused to accede to the proposition contained in Hamilton's report upon manufactures, who handed his portfolio to Washington because he said he would not remain in the Cabinet when the Secretary of the Treasury had announced a doctrine that made this a Government of unlimited Congressional power—how any Democrat professing to believe in Jefferson's teachings can vote for the pending bill is beyond my comprehension.

The bill is not a revenue measure. Like the oleomargarine law, it is intended to discriminate against a food product. Here is a mass of testimony coming from the cheese manufacturers of the United States in which every one of them declares, "We want this commerce stopped; we want this manufacture stopped, because it interferes with our business." They are not politicians. They are men engaged in making money exclusively; and they come and, without reference to the Constitution, declare, "We want this law because it puts money into our pockets and prevents competition." I know the oleomargarine law brings a revenue of a million and three-quarters of dollars. But that was not the intention of the men who framed it. The argument that was made when the oleomargarine law was before us was that it was intended to prevent the sale of a deleterious compound to the people of this country.

Mr. HARRIS. The oleomargarine law was referred to the Committee on Agriculture against a motion to refer it to the Committee on Finance because it was not a revenue measure.

Mr. VEST. Of course, it was sent to the Committee on Agriculture and Forestry because it was not a revenue measure.

Mr. MILLS. It was referred to the Committee on Agriculture in the other House.

Mr. VEST. In the House it came from the Committee on Agriculture. I have here the testimony of my distinguished former colleague and fellow-citizen, Col. William H. Hatch, who was the author of the oleomargarine law, and who is now president of the Dairy Association of the United States, and who appeared before the Ways and Means Committee and made an argument in behalf of this filled-cheese bill, in which he says it is a deleterious compound. He appeals to Congress to stop its sale altogether in this capital. He tells Congressmen: "You are putting into your stomachs down in these restaurants filled cheese and oleomargarine without knowing it; and the poor innocent creatures must be protected or else dyspepsia will come upon the National Legislative Assembly."

Now, Mr. President, if this is a deleterious compound, what must be thought of the legislator who deliberately bargains away the health and comfort of the people of the United States in order to secure a paltry tax for the Treasury? What must be thought of the man who will vote for a law that he knows is protecting and licensing a manufacture injurious to the health of the people of the United States and destructive of their lives?

I ask the Secretary to read what Colonel Hatch says, in order that there may be no mistake and that I may not do him injustice.

The VICE-PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

Mr. CRISP. Is there anything deleterious to health in this filled cheese?

Mr. HATCH. I am very glad, Mr. Speaker—I have been so in the habit of addressing you that way, the chairman will pardon me for addressing you so, but I will say the gentleman from Georgia——

The CHAIRMAN. It is a natural mistake, and I make it myself very often.

Mr. HATCH. I will say for myself I have not a doubt on earth. I have studied this question for twenty-five years, more or less, but in the last twelve years it has been my duty to study it, and I have heard a great deal from physicians, chemists, and experts, and that it is deleterious to health I have not a doubt in the world. A great many claim that oleomargarine, or filled cheese, has nothing in it deleterious to health, but I base my answer to that question upon this one single point. I have stated repeatedly since I first studied this question that the admixture of skimmed milk and cotton-seed oil in the manufacture of oleomargarine contained nothing that was deleterious to health. Cotton-seed oil is a vegetable oil and is absolutely digestible raw. We may have our own question about the taste, but as a raw product it is as digestible as olive oil is, but no oil extracted from an animal uncooked was ever digestible, and things not digestible are deleterious to health.

You take the leaf of the hog, which makes the best lard in the world, when it is boiled for hours, and the lard is digestible, and tallow when it is roasted or thoroughly cooked is digestible, but in the raw state not one of them are, and if the leaf lard of the hog, which can only be detected by the keenest analysis and microscopic examination, happens to have in it the germs of trichina, as they are right along in that part of the hog—the tenderloin is more affected by trichina than any other portion of the hog's carcass—if it has trichina in it at all or is tainted with it, cooking by the process of rendering it into lard destroys it, but the heat of 130° or 140° has no effect upon it at all, and when they press that oil out and it goes into this product which is absolutely uncooked, it is subject to putrefaction, and in that way becomes deleterious to health; but I have stated time and again that in all these manufactures of vegetable oil that the skimmed milk that is in them is the only portion of that compound that is not deleterious to health.

Now, I do not believe, as a matter of fact, that cheese thoroughly cooked would be deleterious to health, or oleomargarine used in the frying pan is deleterious to health, but used as butter there is not one man out of ten thousand who has a good stomach who can stand it three times a day right along, and the growing impression is among chemists and the best physicians in the United States and in the world that a large class of diseases, especially stomach troubles, are due to these compounds that are used as butter and cheese.

Now, we will file with you, Mr. Chairman, before this investigation closes, a statement delivered at this convention by Professor Henry, of Wisconsin, to show that the export of cheese from the United States has been dwindling in proportion to the increase in the manufacture of this filled cheese, until to-day in the best cheese-consuming markets of the world, England, Ireland, Scotland, and Wales, our brands of Ohio, New York, Wisconsin, Michigan, and Illinois cheese have been so destroyed by this filled cheese that has gone out until our trade in it has been almost destroyed. Now, the bills which are before you need no argument to sustain them as far as their constitutionality is concerned, and what their beneficent operation will be if enacted into law, because they are both founded and follow closely the lines of the oleomargarine act.

Mr. TAWNEY. That act has been held constitutional by the Supreme Court of the United States?

Mr. HATCH. Repeatedly; by all the courts in all the States where it has been tested it has been upheld and sustained. By the last opinion by the Supreme Court of the United States in a decision delivered by Mr. Justice Harlan, and it is a tribute to that act which every member of Congress who voted for it and every farmer in the United States——

Mr. TAWNEY. Can you give me the title of that case?

Mr. HEWES. It is Plumley *vs.* The Commonwealth of Massachusetts.

Mr. TAWNEY. Have you got a memorandum of the volume?

Mr. HEWES. I think it is 156 United States.

Mr. HATCH. I want to say this much for the operation of that act. I stated on the floor of the House during its consideration and before it passed that in my judgment the passage of that law would have the most beneficial effect in this, that it would not only compel the sale of it where the law was enforced under its own name and upon its own merits, but it would do more to protect the consumers of oleomargarine throughout the United States than it would the producers of butter, and time has vindicated my statements in regard to it. At the time that oleomargarine bill passed, in 1886, there were almost numberless manufacturers of oleomargarine scattered throughout the United States. In fact, wherever there was a dead-animal factory or fourth-class slaughterhouse there was an oleomargarine factory, but to-day there are in existence, as reported, only 24 manufacturers' licenses of oleomargarine and butterine in the United States.

The CHAIRMAN. How does the quantity compare now with what it was then?

Mr. HATCH. The quantity has gradually increased. The output gradually increased. Of course we knew nothing about what was manufactured before 1886, but within the last three or four years the product has been increasing, and it fell into the hands of a few large and reputable manufacturers, who have complied strictly with the law; and not one single manufactory, as I understand, has yet been punished for violation of law, and I do not know of any wholesale dealer who has. Am I correct in that?

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be read by title.

The SECRETARY. A bill (S. 1341) to prohibit the further issuance of interest-bearing bonds without the consent of Congress.

Mr. SHERMAN. I ask the unanimous consent of the Senate to proceed for a few minutes with the cheese bill. I do not think

there will be any further debate on the bill. Unless Senators express a desire to debate it further I hope it will be proceeded with for a little while.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Ohio?

Mr. MILLS and Mr. GRAY. What is the request?

Mr. SHERMAN. I ask the unanimous consent of the Senate to proceed with the consideration of the cheese bill for ten or fifteen minutes. I hope Senators will see their way clear to the adoption of this course.

Mr. MILLS. We can not hear the Senator on this side.

Mr. HARRIS. I object to the request.

The VICE-PRESIDENT. Objection is interposed.

Mr. SHERMAN. I give notice, then, that as soon as the pending order of business is over I shall try to call up the cheese bill again.

Mr. MORGAN. I submit an amendment to the cheese bill, which I ask may be read, printed, and lie over.

The amendment was read, and ordered to lie on the table and to be printed, as follows:

Amend the bill by adding the following as an additional section:

"SEC. 20. That a tax of 1 cent per pound be levied, assessed, and collected on cheese made in the United States for sale, or that is sold in the markets by any dealer, and said tax shall be in addition to the tax on filled cheese imposed by this act, and the Secretary of the Treasury shall establish suitable regulations for the collection of the said tax, in accordance with the provisions of this act."

Mr. STEWART. I give notice of an amendment which I intend to propose to what is called the filled-cheese bill. I propose to add to the bill the following:

That on and after the 1st day of August, 1896, there shall be levied, collected, and paid 10 cents a pound upon all wools imported into the United States from any foreign country.

Mr. MITCHELL of Oregon subsequently said: I desire to give notice that when what is called the filled-cheese bill again comes up I shall offer as an amendment what I send to the desk. I ask that the proposed amendment be printed in the RECORD and also printed in regular form as an amendment. I will state in this connection that the amendment I offer is the tariff bill which was passed by the House of Representatives at the present session, without any change whatever.

The PRESIDING OFFICER (Mr. SEWELL in the chair). The amendment proposed by the Senator from Oregon will be printed in the RECORD and also printed as a document, in the absence of objection.

The amendment is to add to the bill the following as additional sections:

SEC. —. That from and after the passage of this act, and until August 1, 1898, there shall be levied, collected, and paid on all imported wools of classes 1 and 2, as defined in the act hereinafter cited, approved October 1, 1890, and subject to all the conditions and limitations thereof, and on all hair of the camel, goat, alpaca, and other like animals, except as hereinafter provided, and on all noils, shoddy, garnetted waste, top waste, slubbing waste, roving waste, ring waste, yarn waste, and all other wastes composed wholly or in part of wool, and on woolen rags, mungo, and flocks, a duty equivalent to 60 per cent of the duty imposed on each of such articles by an act entitled "An act to reduce the revenue and equalize duties on imports, and for other purposes," approved October 1, 1890, and subject to all the conditions and limitations of said act; and on all wools and Russian camel's hair of class 3, as defined in said act approved October 1, 1890, and subject to all the conditions and limitations thereof, there shall be levied, collected, and paid the several duties provided by such act approved October 1, 1890. And paragragh 279 of Schedule K, and also paragraph 685 in the free list of an act entitled "An act to reduce taxation, to provide revenue for the Government, and for other purposes," which became a law August 27, 1894, are hereby suspended until August 1, 1898.

SEC. —. That from and after the passage of this act, and until August 1, 1898, there shall be levied, collected, and paid on all imported articles made in whole or in part of wool, worsted, or other materials described in section 1 of this act, except as hereinafter provided, 60 per cent of the specific pound or square-yard duty imposed on each of such articles by an act entitled "An act to reduce the revenue and equalize duties on imports, and for other purposes," approved October 1, 1890, and subject to all the conditions and limitations thereof, in addition to the ad valorem duty now imposed on each of such articles by an act entitled "An act to reduce taxation, to provide revenue for the Government, and for other purposes," which became a law August 27, 1894; and on carpets, druggets, buckings, mats, rugs, screens, covers, hassocks, bedsides, art squares, and other portions of carpets or carpeting, made in whole or in part of wool, the specific square-yard duty imposed on each of such articles by said act approved October 1, 1890, and subject to all the conditions and limitations thereof, in addition to the ad valorem duty imposed on such articles by said act which became a law August 27, 1894.

SEC. —. That from and after the passage of this act, and until August 1, 1898, there shall be levied, collected, and paid on all imported lumber and other articles designated in paragraphs 674 to 683, inclusive, of an act entitled "An act to reduce taxation, to provide revenue for the Government, and for other purposes," which became a law August 27, 1894, a duty equivalent to 60 per cent of the duty imposed on each of such articles by an act entitled "An act to reduce the revenue and equalize duties on imports, and for other purposes," approved October 1, 1890, and subject to all the conditions and limitations of said last-named act; but pulp wood shall be classed as round unmanufactured timber, exempt from duty: *Provided*, That in case any foreign country shall impose an export duty upon pine, spruce, elm, or other logs, or upon stave bolts, shingle wood, pulp wood, or heading blocks exported to the United States from such country, then the duty upon the lumber and other articles mentioned in said paragraphs 674 to 683, inclusive, when imported from such country, shall be the same as fixed by the law in force prior to October 1, 1890.

SEC. —. That from and after the passage of this act, and until August 1, 1898, there shall be levied, collected, and paid on all the imported articles mentioned in Schedules A, B, C, D, F, G, H, I, J, L, M, and N of an act entitled "An act to reduce taxation, to provide revenue for the Government, and for other purposes," which became a law August 27, 1894, a duty equivalent to 15 per cent of the duty imposed on each of said articles by existing law in addition to the duty provided by said act of August 27, 1894: *Provided*, That the additional duties imposed by this section shall not in any case increase the rate of duty on any article beyond the rate imposed thereon by the said act of October 1, 1890, but in such case the duty shall be the same as was imposed by said act: *And provided further*, That where the present rate of duty on any article is higher than was fixed by said last-named act, the rate of duty thereon shall not be further increased by this section, but shall remain as provided by existing law.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. CULLOM. I ask the Chair to lay before the Senate a concurrent resolution from the House of Representatives in relation to the enrollment of the legislative, etc., appropriation bill.

The PRESIDING OFFICER laid before the Senate the following concurrent resolution from the House of Representatives; which was read:

Resolved by the House of Representatives (the Senate concurring), That the enrolling clerk of the House, in enrolling H. R. 6248, an act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes, be, and he hereby is, authorized and directed to insert in section 24, after the words "ninety-six," the following: "except as in said sections otherwise specially provided."

Mr. CULLOM. I ask that the resolution be concurred in.

Mr. HARRIS. Is that an omission in the enrollment of the bill in the House of Representatives?

Mr. CULLOM. Yes, sir; it is a mistake by which the wrong date is inserted in one section of the bill.

The PRESIDING OFFICER. The question is on concurring in the resolution.

The resolution was concurred in.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed a bill (H. R. 3282) to repeal section 61 of an act to reduce taxation, to provide revenue for the Government, and for other purposes, which became a law August 28, 1894; in which it requested the concurrence of the Senate.

REGULATION OF BOND ISSUES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1341) to prohibit the further issuance of interest-bearing bonds without the consent of Congress.

Mr. HANSBROUGH. Mr. President, I fully agree with the Senator from Ohio [Mr. SHERMAN] and the Senator from New York [Mr. HILL] that this is a most important bill. No two lines of type ever transferred to paper any proposition that means so much as this plain, simple declaration. It puts a very sharp edge upon a great question that had become exceedingly dull. It is the diamond point in the end of the drill. It defines and accentuates an issue that may be settled at the coming November election, or it may not be, but which must be settled before financial and commercial peace can come to the institutions and people of this country.

Let us see what it says, and then let us say what it means:

That the issuance of interest-bearing bonds of the United States for any purpose whatever without further authority of Congress is hereby prohibited.

Here is a straightforward proclamation against one-man power and in favor of paramount legislative authority. If it goes down and the principle it avows is overthrown, then the Empire is established. If it is sustained, there is yet hope for the Republic. The temporary embarrassment of a government, as our Government is temporarily embarrassed in consequence of the un-American tariff and an unfortunate Treasury policy, the fruit of a vicious financial system, is of small consideration when compared with the permanent evil that would result from a solemn declaration by this or any other Congress in favor of the supremacy of executive over legislative power. If in the past the lawmaking branch of the Government has made the mistake of yielding any of its functions to the man in the White House, it is not too late to correct the error. It is a question so full of seriousness as to completely overshadow the aims and purposes of political parties. It is greater than the gathering of political conventions or the interests of party candidates, because it affects the welfare of the whole people.

It is to this controversy what the Missouri compromise was to the great question of slavery. When Mr. Lincoln said, in 1858, that this country could not remain permanently half slave and half free, he summed up in a few words a situation concerning which there was far less light and less general knowledge among the common people than there is upon the financial question of to-day. The great American commoner knew that slavery was inherently wrong, just as millions of people at this time know that bond contracts and bond issues, with peace prevailing everywhere, are inherently wrong. His remedy primarily was to simply check the spread of slavery. He did not at any time during

his great debate with Mr. Douglas go to the extent of advising the total abolition of slavery.

The purpose of this bill suggests the thought that must have been in Mr. Lincoln's mind when he opposed the extension of slavery to Kansas and Nebraska. It proposes a check, but not a total prohibition of bond issues. The power to provide revenue and the control of our monetary affairs would continue to reside in the Congress. We can not succeed nor hope to succeed in doing justice to all classes of our people if we leave the "endless chain" machinery of the Treasury Department in the hands of a single individual, to be automatically and autocratically manipulated and put into motion at his own sweet will. Far better that Congress should remain permanently in session and take the responsibility..

No doubt some Senators will ask how the danger may be averted and the remedy applied. The answer to that, I think, will be found in a suggestion made in this Chamber within a week.

The Senator from Ohio, in a burst of patriotism the other day, proposed a duty upon certain articles of import in order to raise necessary revenue and avoid future Treasury deficits. I believe a majority in both branches of Congress would acquiesce in such a proposition. The question need not be discussed at length. An hour's reckoning will tell us what amount of duty should be placed upon tea and coffee and how much of a tax upon beer to bring sufficient money to the Treasury to carry on the Government. A duty upon tea and coffee has never been considered good Republican party policy, but the Senator from Ohio said he was ready to recommend it, and did recommend it, under the present emergency. I am willing to follow the distinguished Republican leader in support of such a policy in behalf of present necessities, and I have no doubt others on this side of the Chamber will do likewise.

I believe it was on Friday last that the Senator from Mississippi [Mr. GEORGE] in words and tones which indicated his deep anxiety in behalf of some kind of relief declared that he was ready to vote for a moderate duty upon raw wool. The party to which that distinguished Senator belongs has heretofore been intensely hostile to this kind of tariff duties. Thus we see party isms disappearing under the shadow of a situation which arouses the consciences and stirs the patriotic impulses of all fair-minded men.

Bond issues afford but temporary relief, while they breed distrust in the minds of honest business men and bring unrest to the breasts of a peace-loving people. They invite new raids upon the redemption fund, cause the withdrawal of capital from the channels of legitimate trade, and place the stamp of respectability upon gambling. They destroy confidence in every avenue of trade and aggravate a situation and intensify a condition that has been brought upon an unfortunate people through unwise legislation. The time to enact some measure of relief and stop plunging the country further and further into debt is now. No individual debtor can long maintain his credit by borrowing. No Government can do it. The end of credit must come sooner or later. I believe it is near at hand with us. Our debt already exceeds the assessed value of all kinds of property in this country. What must be the ultimate result of our present policy of running into debt?

I suggest to the Senator from Ohio and to the Committee on Finance that we take the emergency tariff bill from the Calendar, substitute therefor a bill carrying a duty upon tea and coffee and an additional tax upon beer, and return the measure to the House. The emergency tariff bill can not become a law. This has been demonstrated repeatedly in this chamber, and if it should pass no one believes that the President would sign it. A measure such as I have just suggested, following the lead of the Senator from Ohio, must surely meet with Executive approval, and if it did not, I believe there is enough patriotism and enough nonpartisan statesmanship in Congress to put it upon the statute books, the veto to the contrary notwithstanding. If we fail to do this another bond issue will follow within a month after the adjournment of Congress, and possibly another before the next session begins. In this event the country will believe that this Congress is open to the suspicion of being in league with the bond syndicate.

We should cease this skirmishing for party advantage, put an assessment upon the consumers of a few articles of everyday use, though not of everyday necessity, suspend forever the power of the Executive to further pile up the burden of debt, and then go home to a grateful constituency.

Mr. GALLINGER obtained the floor.

Mr. ALLEN. Will the Senator from New Hampshire yield to me?

Mr. GALLINGER. I will yield to the Senator from Nebraska. I understand he does not propose to occupy much time. Am I correct?

Mr. ALLEN. I will take just a moment.

The PRESIDING OFFICER (Mr. BURROWS in the chair). The Senator from Nebraska will proceed.

Mr. ALLEN. Mr. President, I desire to occupy the attention of the Senate but a moment. During the discussion of this measure last week the Senator from North Carolina [Mr. BUTLER] read a circular letter, issued by the American Bankers' Association, dated March 23, 1896. That letter was regarded by him and is regarded by others, I think, as of very great importance; but in view of the fact that the honorable Senator from Delaware [Mr. GRAY] and one or two other Senators seemed to think that there was nothing strange or unusual in the letter, I think it is perfectly proper for me at this time to make known the fact that at least one of the great labor organizations of the United States has thought it of sufficient importance to issue an official order to their membership, calling attention to the conspiracy of these bankers. I send to the desk and ask to have read a circular issued a few days ago by the Knights of Labor.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

OFFICE OF GENERAL ASSEMBLY,
ORDER OF KNIGHTS OF LABOR,
Washington, D. C., May 23, 1896.

To the Order of the Knights of Labor, greeting:

In the United States Senate, on Friday, May 22, there was exposed by Senator BUTLER of North Carolina one of the most dangerous and far-reaching conspiracies ever concocted against the welfare of this Republic.

The following official circular, issued and signed by the executive council, president, and secretary of the American Bankers' Association, on March 23, 1896, and now for the first time exposed to the public, contains in its first paragraph an unexpected warning to the people of the United States of what is in store for them unless something can be done to checkmate this plot of the Bankers' Association. It is the low growl of the tiger in his Wall street lair. Read it and be warned:

THE AMERICAN BANKERS' ASSOCIATION,
2 WALL STREET AND 90-94 BROADWAY,
New York, March 23, 1896.

[President, Eugene H. Pullen, vice-president National Bank of the Republic, New York; first vice-president, Robert J. Lowry, Lowry Banking Company, Atlanta, Ga.; chairman executive council, Joseph C. Hendrix, president National Union Bank, New York; treasurer, William H. Porter, vice-president Chase National Bank, New York; secretary, James R. Branch, 2 Wall street, New York.]

To the Bankers of the United States:

At a meeting of the executive council of the American Bankers' Association, held in this city on March 11, 1896, the following declaration was made by unanimous vote:

THE EXISTING STANDARD OF VALUE.

"The executive council of the American Bankers' Association declare unequivocally in favor of the maintenance of the existing gold standard of value, and recommend to all bankers and to the customers of all banks the exercise of all their influence as citizens in their various States to select delegates to the political conventions of both the great parties who will declare unequivocally in favor of the maintenance of the existing gold standard of value."

Your influence is earnestly requested to give practical effect to this action.

EUGENE H. PULLEN, *President.*
JAMES R. BRANCH, *Secretary.*
JOSEPH C. HENDRIX,
Chairman Executive Council.

We have here reprinted this exposure of the bankers' conspiracy, in order that the members of the Knights of Labor and the wealth producers of the country may be prepared in time to take prompt and decisive action to defend themselves from the evil consequences that are sure to follow if this scheme of the bankers to fasten their gold standard-millionaire-and-pauper-producing-system upon the people of America, is successful.

This secret circular was issued over two months ago. Has it ever been published in the press of the land? Has it ever been referred to by the bankers or their attorneys, many of whom occupy seats in the United States Senate? They all knew of its existence, but for two months they have preserved the most profound silence, and even when Senator BUTLER sent it to the Clerk's desk in the Senate and had it read they either professed utter ignorance or kept silence regarding this criminal conspiracy.

The people can not longer delay action with safety.

The Bankers' Association have issued their call for recruits to help enslave the people of this country to the money lenders of Europe and America. The Knights of Labor propose to meet the issue squarely, and we hereby appeal to the farmers, laboring men, and legitimate business men of the United States to unite with us and use their combined influence "as citizens" to rescue the United States from the clutches of the gold-money shylocks whose "existing gold standard" (existing since 1893) has brought, in that brief time, more of misery, hunger, and ruin to the people of this country than all the wars and pestilences we have suffered since the foundation of the Republic.

To meet the organized bankers we must have an organized people. It devolves upon the Knights of Labor to take the lead in this great work. They must see to it that the entire country is aroused to the danger of the hour, and the importance of immediate action. Call red-letter meetings of your assemblies at once, and prepare to organize the people of your locality into the Knights of Labor. Where there are no assemblies in existence, any citizen who is not a banker can join with us in this contest against the gold power by means of our individual membership card. We can initiate one person at a time until ten or more persons are admitted, when a charter will be issued, and commission as organizers granted. The initiation fee for the first card for individual members will be 50 cents, and 25 cents for each renewal quarterly, this amount to be sent direct to the general secretary-treasurer. Under the system of organization of the Knights of Labor and the methods adopted, we can erect a solid wall of resistance against the encroachments which the confederated banks are making on popular rights.

Give immediate attention to every member of Congress and every delegate to the national convention of either party. Notify them that every man representing the people must stand for the people or be branded as a tool of the banks. By your immediate and earnest action you will show your full appreciation of the friends of the people in the Senate and House of Representatives and their great leaders, Senators TELLER, VEST, ALLEN, and others who are standing firmly against the onslaughts of the gold-standard element in Congress.

Let us hear from you at once as to the condition of affairs in your locality, and what action has been taken by the bankers toward bribing or coercing the public men in your vicinity to submit to the dictation of the gold-standard influence. If we can secure evidence sufficiently strong against them, we shall furnish you with information how to proceed against any bank which

is actively engaged in the infamous conspiracy outlined above. In the meantime organize; organize the people as rapidly as possible. For further information address General Secretary of the Knights of Labor, 48 B street NW., Washington, D. C.

Fraternally,

J. R. SOVEREIGN,
General Master Workman.
JNO. W. HAYES,
General Secretary-Treasurer.
T. B. McGUIRE,
H. B. MARTIN,
JAMES M. KENNEY,
C. A. FRENCH,
General Executive Board.

Mr. ALLEN. Mr. President, there has been furnished me also what purports to be a very complete statement of our bonded indebtedness, and, in fact, what purports to be a transcript of the books of the Government, containing the account of our bonded indebtedness. I do not know whether it is correct or not. I have assurances, however, that it is. Anyway, it is of sufficient importance, in my judgment, that it should be read, and I ask leave to make it a part of my remarks.

Mr. GALLINGER. Will the Senator be willing to have it printed in the RECORD without being read?

Mr. ALLEN. Certainly; let it be inserted without being read.

The PRESIDING OFFICER (Mr. SEWELL in the chair). It will be so ordered, in the absence of objection.

The statement referred to is as follows:

United States bonds.

Total amount of United States bonds issued and bearing interest May 22, 1896	$900,935,412.00
Bonds at 2 per cent per annum, date of maturity optional	25,364,500.00
Bonds at 4 per cent per annum ($559,634,000), date of maturity 1907 Bonds at 4 per cent per annum ($162,315,400), date of maturity 1925	721,949,400.00
Bonds at 5 per cent per annum, date of maturity 1904	100,000,000.00
Bonds at 6 per cent per annum ($9,712,000), date of maturity 1897 Bonds at 6 per cent per annum ($20,904,952), date of maturity 1898 Bonds at 6 per cent per annum ($14,004,560), date of maturity 1899	53,621,512.00
Total	900,935,412.00

INTEREST.

(When due, rate, and on what amounts.)

Due quarterly, at 2 per cent per annum, on $25,364,500 for 9 months of 1896	380,467.50
Due quarterly, at 4 per cent per annum, on $559,634,000 for 11 years to 1907	246,238,960.00
Due quarterly, at 4 per cent per annum, on $162,315,400 for 23¼ years to 1925	186,121,658.66
Due quarterly, at 5 per cent per annum, on $100,000,000 for 7⅓ years to 1904	38,333,333.33
Due semiannually, at 6 per cent per annum, on $9,712,000 for 1 year to 1897	582,720.00
Due semiannually, at 6 per cent per annum, on $20,904,952 for 2 years to 1898	3,588,594.24
Due semiannually, at 6 per cent per annum, on $14,004,560 for 3 years to 1899	2,520,700.80
Total interest that shall have been paid if bonds are redeemed at maturity, and the $25,364,500 of 2 per cents, January 1, 1897	477,706,434.53

RECAPITULATION.

Principal and interest of United States 2 per cents (redemption optional), 1896	25,744,967.50
Principal and interest of United States 4 per cents (consols), due 1907	805,872,960.00
Principal and interest of United States 4 per cents, due 1925	348,437,058.66
Principal and interest of United States 5 per cents, due 1904	138,333,333.33
Principal and interest of United States 6 per cents (currency), due 1897	10,294,720.00
Principal and interest of United States 6 per cents (currency), due 1898	33,496,546.24
Principal and interest of United States 6 per cents (currency), due 1899	16,525,200.80
Total, principal and interest (the twos being considered as being paid, principal and interest $25,744,967.50, January 1, 1897)	1,378,701,846.53

SUMMARY.

The interest (payable in gold) due on all United States Government bonds now issued as above set forth for one year is	37,602,510.72
Principal and interest due January 1, 1897 (of which amount the payment of $25,364,500 is optional)	26,039,687.50
Principal and interest due January 1, 1898	33,493,546.24
Principal and interest due January 1, 1899	16,525,200.80
Principal and interest due after February 1, 1904	138,333,333.33
Principal and interest due after July 1, 1907	805,872,960.00
Principal and interest due after February 1, 1925	348,437,058.66
Total	1,378,701,846.53
During this Administration there has been added to the bonded debt of the nation—	
Bonds at 4 per cent per annum	$162,315,400.00
Bonds at 5 per cent per annum	100,000,000.00
Interest on 4 per cent bonds to maturity	186,121,658.66
Interest on 5 per cent bonds to maturity	38,333,333.33
Total	486,770,391.99

Mr. GALLINGER. Mr. President——

Mr. ELKINS. I ask the Senator from New Hampshire to allow me to occupy the attention of the Senate for a few moments.

Mr. GALLINGER. With the understanding that I may be permitted to follow the Senator from West Virginia, I very gladly yield to him for a short time.

Mr. ELKINS. Mr. President, I want to confine myself particularly to the question of giving the power to the President to sell bonds. I have offered a substitute for the bill under discussion. The bill before the Senate reads as follows:

That the issuance of interest-bearing bonds of the United States for any purpose whatever without further authority of Congress is hereby prohibited.

There would be no objection to this bill if we could always rely upon two conditions: First, that Congress would always be in session ready to act in an emergency; and second, that Congress could or would during its sessions pass a revenue law which would yield money sufficient to maintain the public credit and pay the current expenses of the Government until a succeeding Congress.

It is impossible that Congress can meet these two conditions. It may so happen that a revenue measure such as passed the last Congress and which is now a law will fail to yield sufficient revenue to pay the current expenses of the Government. This may happen for a number of reasons. Business may be prostrated; there may be long-continued panics which would prevent a revenue law from yielding the revenue which had been estimated or contemplated. Then, again, it might be impossible to get a quorum of both Houses of Congress. There might be a state of civil or foreign war in the United States, where more than one-half of the elected members of the House of Representatives or one-half of the members of the Senate would be prisoners of war. This is an emergency, a contingency, which we can not provide against. What, then, would become of the Government if we had to rely upon Congress to provide revenue to meet the demands against the Government? I know such contingencies are not probable, but they are barely possible. Must the Government in such a case come to a dead standstill and go into bankruptcy?

Mr. BUTLER. May I ask the Senator a question?

Mr. ELKINS. Yes, sir.

Mr. BUTLER. Do I understand the Senator from West Virginia to take the position that the President now has the power, and, if he has not, that he should have the power, to raise revenue regardless of Congress?

Mr. ELKINS. Not at all.

Mr. BUTLER. I understood the Senator to say that a particular revenue law might not raise enough revenue to meet the expenses of the Government, and therefore that the President should have the power to issue bonds at his discretion.

Mr. ELKINS. I did.

Mr. BUTLER. Then how will this authority which the Senator claims that the President has to issue bonds help him to raise revenue?

Mr. ELKINS. In reply I will state, Mr. President, that in case there is not sufficient revenue provided for under any revenue law then the Executive should have power to sell low interest-bearing short-term bonds in order to protect the integrity of the Treasury and maintain the public credit.

Mr. BUTLER. You claim that the President has that power?

Mr. ELKINS. I claim he has the power to sell bonds now.

Mr. BUTLER. To raise revenue?

Mr. ELKINS. After money is in the Treasury nobody can sort it out and tell what dollar comes from the revenues or from the sale of bonds. Money once in the Treasury, no matter from what source, the Secretary has the right to use it to pay the obligations of the Government. It is well known that the Secretary of the Treasury for the last two years has been paying out proceeds of the sale of bonds to meet current obligations.

Mr. BUTLER. How can that be done under the Constitution, when it even denies to the Senate the power to raise revenue and vests it in the legislative branch of the Government called the House of Representatives? Is it proposed to take that from the House of Representatives and give it to the President, and do you indorse such a proposition? Is that your position?

Mr. ELKINS. No, sir; that is not my position; not at all.

Mr. BUTLER. Then, does the Senator think that this present Democratic President is more patriotic than Congress, and that this one man can be trusted to meet emergencies and protect the honor and integrity as well as the property and life of the nation better than Congress?

Mr. ELKINS. No, I do not.

Mr. BUTLER. If you do, you had better nominate Cleveland for your Republican candidate for President.

Mr. ELKINS. As Republicans we think we have a better man, whom we will nominate and elect.

Mr. BUTLER. Do you intend to have your man pursue that policy, as far as your opinion goes, if he should be elected?

Mr. ELKINS. I would have him in the interest of the Government sell bonds when it happens that there is no money in the

Treasury to maintain the public credit and pay the current expenses of the Government and prevent it from coming to a standstill.

Mr. BUTLER. You want him to have that authority irrespective of the wishes of Congress or the will of the people?

Mr. ELKINS. I want him to have that power explicitly, definitely, and clearly, of course with the consent of Congress. He could not have it without its consent. I would prefer, of course, always if it could be done, that Congress have the sole power to sell bonds as it has to borrow money. But if it should happen for any reason that Congress should, for want of power to agree or because it can not get a quorum, fail to provide revenue sufficient to meet the needs of the Government, then I favor the President having the power to sell bonds of the Government, preferably low interest bearing, short term bonds.

Mr. BUTLER. Is that the policy of the Republican party?

Mr. ELKINS. That is my judgment, my individual opinion.

Mr. BUTLER. And that is the policy you will try to have the Republican party establish?

Mr. ELKINS. If the Senator will listen to me, I will endeavor to make my position clear to him.

Mr. BUTLER. You intend to support a man for President, and your party will support him, who will take that position.

Mr. ELKINS. I hope he will. I do not know what he will do.

Mr. BUTLER. That is one of the very best reasons why the country should never elect him.

Mr. ELKINS. I think I can fully answer the Senator before I get through, and to do so I shall not detain the Senate long.

I have instanced cases, which might happen, where the Congress of the United States could not be in session, at least where it might so happen that half the Senators might be prisoners of war in a civil or foreign war, and if you take from the President——

Mr. BUTLER. That is a very remote contingency, but if the Senator wants to deal in such vague suppositions, let us suppose the President himself should happen to be taken prisoner of war.

Mr. ELKINS. Then, we would have a Vice-President, and we have the members of the Cabinet to succeed to the great office. We have provided for such an emergency.

Mr. BUTLER. You think that is probable enough to have this Congress turn over its most important legislative power and function to the President?

Mr. ELKINS. Not at all. I do not want this Government to be put in a worse position than an individual, but I do want the Government to have the same rights and the same privileges that an individual, firm, or corporation has. Why deny to the Government the right to borrow money under all possible conditions? If I can find an indorser and make a note acceptable to my banker I can borrow money, and perhaps save myself from bankruptcy. Why not give the Government the same power? I can not think it wise to pass this bill. It prohibits the President from selling bonds for any purpose whatever. The position which I assume from a business standpoint is entirely unanswerable. The Senator from North Carolina can not answer it.

Suppose another case. Suppose that there should occur in one branch or the other of the Congress of the United States a deadlock, such as we have now in the Senate. We can not now pass a bill without the consent of the three parties in the Senate, the Senator's party being one of them. If this deadlock should be prolonged two or three years, and there should be no money in the Treasury, how are we to carry on the Government? As I said to the Senator, I favor the power being given the President explicitly, definitely, and clearly to sell bonds of the Government, under proper conditions and restrictions, to tide over any emergency. I do not care what that emergency may be; I do not care if it is to maintain the public credit or pay current expenses. I confess I would like that power to be given to the President in case there should be a failure of revenue.

Mr. BUTLER. Does the Senator from West Virginia prefer to borrow money and pile up debt to meet the expenses of the Government? If we can not meet expenses now, when will we ever be able to pay our debts?

Mr. ELKINS. I prefer to have the Government economically administered. I do not want to increase the public debt if it can be avoided. The Republican party for thirty years has constantly reduced the public debt. It has never increased the interest-bearing debt and, if it can have its way, never will. The strange practice or doctrine of increasing the interest-bearing public debt of the country came in vogue when the Democratic and Populist parties took full possession of the Government in all of its departments.

Mr. President, I do not look upon this bill as involving the question of the administration of the Government, whether economically and wisely or extravagantly. I look upon just what the bill means and what it says, that the President of the United States shall not have power to sell bonds except with the consent of Congress. Primarily I say that is correct and that is good doctrine, but I want to bring the attention of the Senate from a business standpoint to a condition of affairs which might occur in this Government when it would be wise and in the interest of the Government and the people that the President should have the power to raise money by the sale of bonds, if Congress did not provide it, to carry on the Government and pay its current expenses or any other obligations. This is a fair proposition, and it seems to me any business man will agree to it. Every business man, firm, corporation, or individual in the United States has that power, and certain Senators would take it from the Government under certain conditions.

Mr. BUTLER. Does the Senator from West Virginia mean that he thinks the American people should ever be taxed without the consent of their representatives in Congress?

Mr. ELKINS. Surely not; no, never, I will answer the Senator. So far as this talk about the President is concerned, I will say that I am not here to attack this or any Administration or to raise any partisan question. The President of the United States is a part, a coordinate branch, of this Government.

Mr. BUTLER. Is he a part of the legislative branch?

Mr. ELKINS. Yes; he is in a certain sense. Laws can not be made without his approval. He is equal to two-thirds of both Houses together under certain conditions.

Mr. BUTLER. Unfortunately.

Mr. ELKINS. If Congress and the people can not and will not trust the Executive of this Government, then the Government will soon come to an end. No matter if we had a Populist as President to-morrow, and no matter if we had unlimited paper money, or silver money, or gold money, I would favor the proposition that the President should have power to sell bonds under proper restrictions. This bill does not raise the question as to the kind of money for which the President may sell bonds. It does not raise any of these issues about money or the currency. I want to place this question above partisanship. I want to so provide in the laws of the land that this Government can not stop, can not be starved to death, no matter what emergency may occur or what crisis may come, and no matter what kind of money may be current.

But, Mr. President, it is possible, as I have said, that a revenue law may fail to produce sufficient revenue, and Congress may not be able to get together. What are we to do under those circumstances? The very case that is now before the Senate may occur in a more intense form, where we may have a deadlock and can not pass any revenue bill at all. The Government is going into debt every day, and every business man in the country knows it. We are to inaugurate a President on the 4th of March next. He may be a Populist, a Republican, or a Democrat, but no matter to what party he may belong, he will be our President—he will be the President of the United States—and during the first ninety days of his Administration he will have to sell bonds to raise money. We do not want, nor is it expedient, that we should take the power from him to sell bonds. On the contrary, under proper restrictions and conditions, the President, no matter to what party he may belong, should have clear and explicit authority to sell bonds. Are the Populists here on the floor ready to deny the President this authority? Are the silver men ready to do it? Are the Democrats ready to tie the hands of the Executive and to pass a bill that the Government shall come to a dead standstill and repudiate its obligations? That is the question I ask the Senator from North Carolina.

Mr. BUTLER. I will answer that question gladly. For the relief of the Senator from West Virginia, I want to say that on the 4th day of next March, when we inaugurate a People's Party President of the United States [laughter], then, instead of continuing to borrow money, we shall have the mints thrown open to the free and unlimited coinage of silver, we shall then stop the drain of gold from the Treasury, and we will stop the bondholders from demanding gold on Government obligations, and if they do demand gold we will not borrow it to get it for them, but we will pay them, according to the letter and spirit of the contract, in coin of the same standard value as that which existed when the law of 1870 was passed. We will pay them in the money that their contracts call for; we will exercise the option of paying in silver or gold. When we do this there will be no more raids upon our Treasury, and no more bond issues. That President will send a message to Congress asking this body to repeal the resumption act, so that succeeding Presidents (if, unfortunately for the country, they should happen to be Republicans or Democrats) can not abuse the law of 1875 to issue more bonds. That President would stop the policy of contraction; would urge Congress to to increase the circulating medium as fast as population and business increase. He would advise the abolishment of national banks, and have all money issued direct by the Government, and many other good things.

Mr. CHANDLER. Will the Senator from North Carolina tell me the name of the President? Let me get the name, and I will not go any further. [Laughter.]

Mr. ELKINS. I can not yield further.

Mr. BUTLER. Does the Senator want me to turn myself into a nominating convention? I will tell him the name of the next President of the United States on the 22d of July next. I will send him the news from St. Louis by telegraph.

Mr. ELKINS. We have heard something about the tailors of Tooley street getting together and running the world. I do not think the next President is going to be a Populist.

But listen to what the Senator says. He says, "We, the Populists, are going to repeal the resumption act, we are willing to starve the Government, and do divers and sundry things"; but how are you going to do all these things if you happen to have a Republican Senate here, and if you happen to have a Republican House of Representatives? You will have to get the consent of Congress to do any or all of these things.

Mr. BUTLER. The People's Party will attend to that.

Mr. ELKINS. We shall not have the People's Party in a majority in the Senate or in the other House, if you will allow me to differ with you, nor will you have the President.

Mr. BUTLER. We shall see.

Mr. ELKINS. I want to ask the Senator and all who are like disposed as he is, how they propose, in case we should have a Populist President, to carry on the Government without selling bonds? I mean in case your party should elect a President, how are you going to pay the expenses? It is impossible. The next President will inherit a bankrupt Treasury; this is inevitable. And to make matters worse, you propose to refuse him the authority to sell bonds even for the purpose of paying just debts. This will never do. The proposition is bad—bold, bald repudiation.

Mr. BUTLER. We shall try to live within our income.

Mr. ELKINS. You can not live within your income under the appropriations already made; you have not the money; and the next President of the United States will have to borrow money, no matter who he is. Why not look at the case as it is, right in the face, and say you are willing to stand before the world as repudiating just obligations and as a bankrupt, without any wish or desire to pay your debts?

We are the richest nation in the world unquestionably, and we are adding to our national wealth at the rate of $15,000,000 every twenty-four hours. But that does not count in the eyes of the world when we get into the unfortunate condition we are now in, where our Treasury is without sufficient means to pay current expenses. Europe interprets it that we are bankrupt, and Europe refuses to loan us money. There is no Populist State in the Union but wants to borrow money. There is not one of them but wants more railroads, more mines opened, more development. We are a borrowing nation. We are as yet in our infancy; and the Populists and those they represent go to New York and go to Europe with their hands wide open asking to borrow money, and yet they make it impossible to borrow it by the adoption of such measures as this.

Such bills as the one under consideration destroy confidence; they unsettle business. This Government has been for three years and six months dragging on the rocks, on the verge of bankruptcy, and nearly the whole country has been in the same condition so far as business is concerned. The people can scarcely make ends meet. I do not object to the discussion of the silver question, nor the gold question, nor the currency question. I think all these things do good in their way and are a benefit to the country; but I think, as a business man, that it is time Congress should call a halt and give the country some repose. I mean, stop useless agitation. First one thing happens and then another to disturb and unsettle confidence in the money centers of the world. The last one is that the President of the United States shall be stripped of the power to sell bonds for any purpose whatever.

Mr. DANIEL. Will the Senator allow me?

Mr. ELKINS. Yes, sir.

Mr. DANIEL. I wish to ask the Senator what has become of the large supply of confidence which was to be brought to the country by the great Republican proposition to repeal the purchasing clause of the Sherman law? If I remember aright, the leader of that party then said on this floor that we should have prosperity and confidence within ten days from the time of the repeal of that law.

Mr. ELKINS. I will answer the Senator.

Mr. DANIEL. What has become of that prosperity and confidence?

Mr. ELKINS. I was not one who shared in that prophecy. The Sherman Act and all of the agitation for its repeal originated largely with Mr. Cleveland and his party as the best means to draw attention from the fright that fell upon the people and the country after they realized that they had elected a free-trade President on a free-trade platform and the threatened panic that followed. All the trouble, fear, and anxiety that followed Mr. Cleveland's election was set down not to the fact that he had been elected on a free-trade platform, but to the Sherman Act. The Sherman Act had little to do with bringing on the panic that followed Mr. Cleveland's inauguration. The panic and distress that came upon the country were due mainly to the fact that the people began to realize that business would be prostrated; that labor would be without employment by mills and factories closing down.

Mr. DANIEL. If the Senator will allow me a moment further—I do not want to interrupt him—but, if he will remember, the proposition to repeal the Sherman law was made by the Senator from Ohio [Mr. SHERMAN] himself, and was repeated in this body in February, 1893.

Mr. ELKINS. That is true.

Mr. DANIEL. The Democrats were then deluded into adopting a Republican proposition, and I am afraid the Senator, with his persuasive voice, might do it again, and that is the reason I call attention to it.

Mr. ELKINS. I thank the Senator.

We all know, Mr. President, the proposition to repeal the Sherman Act was brought forward by Democrats, fostered by Democrats, and I admit helped by some Republicans. The Democratic party had, in my judgment, its purpose and plan in view when that proposition was brought forward, but I want to say that almost all the promises made to the country to follow the repeal of the Sherman Act have failed; and why? They have failed because under the Wilson-Gorman law and under its operation the business of the country has been depressed and confidence destroyed. We have not had enough revenue to carry on the Government. I did not believe, as a great many of my fellow-Republicans believed at the time, that the Sherman Act was the cause of all the evils and all the financial ills which then rested upon the country. They were due largely to threatened free-trade legislation which followed after the inauguration of Mr. Cleveland the second time.

As I said before, without any partisan feeling whatever, looking at this as a plain business proposition, I want the Government, under all conditions and circumstances, and our President, whoever he may be, to have the power during every moment of this Government's existence to borrow money by selling bonds whenever for any reason it occurs that there is no money in the Treasury. Why deny that power to the Government? I know the Constitution says Congress shall have power to borrow money, but this does not prevent Congress from conferring power on the President to sell a 3 per cent five-year bond to realize money to pay the debts of the Government when for any reason the money in the Treasury is exhausted. This is a wholesome power to prevent national dishonor and national bankruptcy, and this is the power for which I contend.

Mr. PERKINS. Will the Senator from West Virginia allow me?

Mr. ELKINS. Certainly.

Mr. PERKINS. If the Senator will pardon me for interrupting him, I should like to ask him a question. He is a lawyer and a distinguished statesman, as well as a business man, and he states this as a business proposition, and therefore, as a business man, I desire to ask him if he is a member of any corporation—railroad, banking, manufacturing, or other—which delegates the power of that corporation to its president and secretary to borrow money? He will be obliged to answer, I am sure, in the negative, because the directors meet, and by proper resolutions authorize the loan to be made or the bonds to be issued. It is possible that under the law the board of directors may not have the power to borrow this money. What do they then do? They call a meeting of the stockholders of the company and they, by resolutions, authorize the board of directors to perform such and such an act. We are simply the trustees of the people; we are elected here to represent them for a purpose; and I believe the people are too loyal not to support this Government. But pardon me for lengthening out the question to such an extent.

Mr. ELKINS. This is the same proposition in another form. Because the Senator from California is a business man, I wish to answer his question from a business standpoint. Take the case of a corporation, where the trustees or directors, if you please, have the power to borrow money. Suppose that for any reason the directors do not have a meeting for a year or two years, and the president would have to carry on the business of the corporation without them. Does the Senator from California mean to say here and now that he would take the power from the president to borrow money to save the corporation from bankruptcy and ruin when the directors did not meet? That is the proposition. What will become of his corporation? Suppose they owed $100,000, and suppose they had a good note and could get it discounted, should the power be taken from the president to get the note discounted?

Mr. PERKINS. The corporation would go into the hands of a receiver. That is just what I am contending for.

Mr. ELKINS. I do not want this Government to go into the hands of a receiver. This is what I want to prevent. I do not want any corporation with which I am connected to go into the hands of a receiver, especially because the directors will not authorize the president to get the notes of the corporation discounted,

nor does the Senator from California want his corporation to go into the hands of a receiver.

Mr. PERKINS. No; I agree with my friend the Senator from West Virginia, and that is the reason why we want to obtain the power from the people to issue bonds, and not permit the president or secretary to issue them without the authority of the corporation or the people.

Mr. ELKINS. In the event that Congress fails to pass a revenue bill, and there is no money in the Treasury, what do Senators who favor this bill propose? I want to ask if they propose that the Government shall starve and die—go out of existence—simply because Congress will not trust the President to sell a few bonds to pay just debts and meet a crisis or emergency.

There are more ways to destroy this Government than by war. Congress can destroy its credit, and then the Government.

I do not know what is the reason of the apparent antagonism to the President. The President is a part of the Government. He is entitled to the respect, the support, the loyalty, and the confidence particularly of the Congress of the United States and of the people. When you embarrass the President in the matter of preserving the integrity of the Treasury, maintaining the public credit, and paying just obligations, you embarrass the Government. When you embarrass the Government you embarrass the people, because the Government is but the instrumentality of the people to perform their will. I wish to have located somewhere in the Government the power to sell bonds to pay the current expenses when Congress for any reason fails to provide sufficient revenue.

Senators talk as if this were a new proposition. England, governed by wise, able, and far-seeing statesmen, meets this question broadly. Whenever there is a shortage in the revenue for any reason, the Government has the power to sell exchequer notes at low rates of interest, running five years. Just the other day, although England is in a prosperous condition, she sold £5,000,000 of those exchequer notes to provide needed revenue. You can not find a government which has not that power, and you can not run a government long without it. When you get three parties in the Senate and have a deadlock and take from the President the power to sell bonds, you will bring the Government to a standstill. I do not know whether or not that is in the mind of the Senator from North Carolina and those who favor the bill.

Mr. STEWART. Will the Senator from West Virginia permit me?

Mr. ELKINS. Do you want to stop the Government? What have you against the President?

Mr. STEWART. Will the Senator from West Virginia allow me to ask him to explain a little provision in the Constitution?

Mr. ELKINS. I will come to that later.

Mr. STEWART. I should like to have an explanation from the Senator.

Mr. ELKINS. I have heard that provision of the Constitution and have already referred to it.

Mr. STEWART. Will the Senator——

The PRESIDING OFFICER. Does the Senator from West Virginia yield to the Senator from Nevada?

Mr. ELKINS. I wish the Senator from Nevada would excuse me. I am taking the time of the Senator from New Hampshire [Mr. GALLINGER]. He wanted me to finish my remarks, so as to proceed with his speech. I promised him not to speak longer than fifteen minutes.

Mr. STEWART. There is a little provision to borrow money——

Mr. ELKINS. I know what that is, and the Senator does too.

I trust I have made myself plain. I have not meant to appeal to party feeling in anything I have said. If the Populists come into power and we have the Senate Chamber full of greenbacks, and there is no prospect of getting gold, I say give the President power to sell bonds even for greenbacks, if necessary to carry on the Government. I would give it to him cheerfully and willingly, just as I would to a Republican President to sell bonds for gold. Why not treat the Government as well as you would an individual? I have power to sell my note for money so long as I have credit. That is one of the powers I possess under the law of the land. Why not give the Government the same power under all conditions?

This bill does not raise the question of the coinage of silver. It simply takes power from the President which, under certain conditions, he should have in the interest of the Government and the people. Every government in the world has the power. I am opposed to the bill. It is mischievous, because even now, while the deadlock continues in the Senate, every proposition to raise revenue is voted down by one side or the other. That has occurred within the last three months and the last three days. We go on making appropriations and make no provision for revenue. The President of the United States is sworn to uphold the Constitution. He is expected, in the discharge of his duty, to carry on the Government, and any President would be considered recreant if he did not do all in his power to protect the credit of the Government.

Mr. BUTLER. Will the Senator from West Virginia pardon me for a moment? The Populist Senators stand here ready—and they have so stood every day this session—to give six votes to help pass any measure in the interest of the welfare of the American people. You propose a revenue measure which is highly protective, to give special benefits to a few people, and we say to you that if you will couple with it a measure to increase the ability of the people to pay taxes and to add to their general prosperity, to give relief to the South and West, we will join hands with you and pass the measure. But we will never agree to pile taxes upon the people for the special benefit of a favored few while the great masses of the wealth producers of this nation have no relief, but have additional burdens placed upon their shoulders.

If that is your policy, then you are responsible for nothing being done. You are the few who stand by the protected interests and refuse to do anything to relieve the Treasury or to give relief and prosperity to the people. If you will just turn your back for one moment upon the idol of protective interests and take a broad, patriotic view and propose some measure that will be fair and equitable to the American people, you will get six votes from the People's Party to help you to pass it.

Mr. ELKINS. Every time we approach the proposition to raise money each party has its own particular notions as to how it should be done. That is what I am arguing—that you can not pass a revenue bill even now. The Republican party proposes a measure which on principle has had the sanction of the Government, in one way or another, for thirty years; yes, since its foundation. It is at once opposed and called protecting a favored few. It is called legislation in the interest of individuals, and so it is. Each party can find some objection. That is just what I am complaining about. I credit the Senator from North Carolina and his party with sincerity; I credit the Democratic party with sincerity; I credit the Republican party with sincerity. But these parties can not agree on a revenue bill.

Mr. BUTLER. I am willing to compromise——

Mr. ELKINS. The Senator must excuse me. I have been interrupted too much already.

The PRESIDING OFFICER. The Senator from West Virginia declines to yield.

Mr. ELKINS. What I complain of is that we can not agree. Suppose the Senate fails to agree for two or three years and no revenue is provided? Is the Government to stop, languish, and die? That is the question. I do not want to bring party politics into this question. I do not want to make a financial speech. I simply desire to have the power lodged in the President, under certain conditions and restrictions, to be able to sell bonds to maintain the credit of the Government. I am greatly obliged to the Senator from New Hampshire [Mr. GALLINGER] for his courtesy in allowing me to speak and take so much of his time.

Mr. GALLINGER. Mr. President——

Mr. STEWART. Will the Senator from New Hampshire pardon me for one moment? There is an old document here, more than a hundred years old, which appears to have been overlooked in this discussion. It may have some influence, and I call attention to it.

Mr. GALLINGER. The Senator simply wants to read from it and not to make a speech?

Mr. STEWART. Yes.

Mr. GALLINGER. I will allow the Senator to read it.

Mr. STEWART. Section 1 of Article I of the Constitution reads as follows:

> All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Section 8 of the same article reads as follows:

> The Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States.

Mr. MITCHELL of Oregon. What is the title of the document the Senator reads from?

Mr. STEWART. It was formerly known as the Constitution of the United States. [Laughter.] But it appears to have been abrogated, and inasmuch as it is seriously contended that the power to borrow money is lodged in the President and ought of right to remain there, I think it well to call attention to the instrument. It may have something to do with the question.

Mr. PLATT. Will the Senator from Nevada allow me to ask him a question?

Mr. STEWART. Certainly.

Mr. PLATT. How does Congress borrow money?

Mr. STEWART. It can pass a law authorizing the borrowing of money.

Mr. PLATT. That is what we have done, and that is what the Senator wants to have repealed.

Mr. STEWART. We have not passed any law authorizing the borrowing of gold. There is no such law on the statute books. It is a bold usurpation, and the Senator from Connecticut knows it well. The borrowing of gold for the benefit of the gold gamblers without authority of law has brought dire distress upon this country.

Mr. GALLINGER. Mr. President, on the 15th day of the present month I introduced in the Senate a resolution as follows:

That the widespread business depression and rapid increase of the public debt demonstrates that the existing tariff does not produce sufficient revenue, and that a revision of the law is imperatively demanded in the interests of the people of the United States.

It was my purpose to make this resolution a text for some remarks on the question of the tariff, but as a subject is now before the Senate upon which I can properly speak, I propose to avail myself of the opportunity at this time.

Mr. President, there is, as I believe, one way, and one way only, to secure a return of prosperity to the people of this country, and that is by the repeal of the existing tariff law and the enactment of a law that will compel the manufacturers and importers of foreign goods to liberally contribute toward the support of our Government, which will be in the interests of all classes of the American people. Believing this, I propose to occupy a little time in discussing the tariff question, holding, as I do, that when a proper revenue bill is passed the necessity for the sale of interest-bearing bonds will no longer exist.

Mr. President, two years ago, in the month of May, 1894, the Senate, as in Committee of the Whole, had under consideration the bill (H. R. 4864) to reduce taxation, to provide revenue for the Government, and for other purposes; which bill, as finally enacted, is now the law of the land. In opposing that measure I then felt it my duty to lay before the Senate an accurate historical analysis of American tariff legislation from the day the Pilgrims placed their feet on Plymouth Rock down to that time, in order that the people of the country might be acquainted with the great fact that impartial history teaches that protective tariffs have always brought prosperity to the people of the United States, while low tariffs have invariably disturbed business, prostrated industries, and brought suffering and want to the laboring masses of our people. I endeavored to show that the history of our country for more than a hundred years had established a principle that had proved to be as invariable as the law of gravitation and as inexorable. That principle is that whenever free trade, or a tariff for revenue only, has prevailed, or there has been a threat of either, with a probability that that threat would be executed, we have had widespread business depression, lack of confidence, lack of credit, stoppage of business, lack of employment, bankruptcy, disorder, and ruin, with all their attendant evil consequences. This rule is not a matter of opinion nor of argument, but of stern, impartial, and unimpeachable history.

Having completed the historical analysis of tariff legislation in this country, I availed myself of the kind indulgence of the Senate to conclude with two contrasting pictures, the first depicting the prosperity that would immediately follow the assurance that protection was to be the established policy of the nation, the second a suggestion of the distress and ruin that would inevitably come upon the country should the measure then pending be adopted. I also ventured the prophecy that if the Wilson-Gorman bill should be enacted into law the American people would rise in their might, irrespective of former political affiliations, and elect a Congress that would reenact laws that would restore to our statute books the kind of legislation that throughout our entire history had brought employment, prosperity, and happiness to all classes of our citizens.

Mr. President, the Democratic majority gave no heed to the historical record, nor to the signs of distress everywhere apparent in consequence of the universal doubt and uncertainty that followed close upon the defeat at the polls in November, 1892, of the party that had established and maintained protection for more than thirty years. They had even then seen the literal fulfillment of the notable prophecy of Mr. Blaine, made in these words:

The business men of the country, fearing the destruction of the principles of protection, will decline to engage in business; consequently mills will shut down, and the workingmen will be thrown out of employment. The people will then see, as they have never seen before, that they can not be prosperous and have work while the principle is threatened. In the midst of their sufferings they will learn that the only way they can be prosperous and happy is to vote for the party that has built up the industries by which they have gained a livelihood; because they will then see clearly that when the manufactory is shut down there is no demand for the only thing which they have to sell, and that is their labor.

But neither the history of the past nor the fulfillment of Mr. Blaine's prediction had the slightest influence upon the leaders who controlled the legislation of that session. They were as blind to the real meaning of what was going on in the country as was President Cleveland when, in August, 1893, he wrote:

With plentecus crops, with abundant promise of remunerative production and manufacture, with unusual invitation to safe investment, and with satisfactory assurance to business enterprise, suddenly financial distrust and fear have sprung up on every side.

Numerous moneyed institutions have suspended because abundant assets were not immediately available to meet the demands of frightened depositors. Surviving corporations and individuals are content to keep in hand the money they are usually anxious to loan, and those engaged in legitimate business are surprised to find that securities they offer for loans, though heretofore satisfactory, are no longer accepted.

Values supposed to be fixed are fast becoming conjectural, and loss and failure have involved every branch of business.

Those leaders knew that the great Southern wing of the Democratic party had determined to establish the doctrine of free trade in this land and that they would be assisted by their Northern allies, as Mr. Blaine had foreseen they would be. The passage of the Wilson-Gorman bill was therefore a foregone conclusion. It was not all that the Democratic House of Representatives had intended it should be, for it was materially amended in the Senate, which led President Cleveland to say in his letter to Mr. CATCHINGS—in which he gave his reasons for allowing the bill to become a law without his signature—that there were Senators who—

Had stolen and worn the livery of Democratic tariff reform in the service of Republican protection.

And therefore, said he—

Trusts and combinations—the communism of pelf—whose machinations have prevented us from reaching the success we deserved, should not be forgotten nor forgiven.

But although the President refused to sign the bill because it was too protective, and refused to accept its results as the close of the war for tariff reform, in that same letter to Mr. CATCHINGS he said of it:

And yet, notwithstanding all its vicissitudes and all the bad treatment it received at the hands of pretended friends, it presents a vast improvement to existing conditions. It will certainly lighten many tariff burdens that now rest heavily upon the people. It is not only a barrier against the return of mad protection, but it furnishes a vantage ground from which must be waged further aggressive operations against protected monopoly and governmental favoritism.

Mr. President, with the indulgence of the Senate, I propose to show what "vast improvement to then existing conditions" has been made since the President permitted this bill to become a law; what tariff burdens have been lightened that, he claimed, then rested heavily upon the people; what a "barrier against the return of mad protection" it has proved to be, and what a splendid "vantage ground" it has furnished to free-trade Democracy from which to wage "further aggressive operations against protected monopoly and governmental favoritism."

EFFECTS UPON AGRICULTURE.

Now, Mr. President, agriculture has been fittingly termed "the mother of all industries." Because of it the civilized world "lives, and moves, and has its being." In noticing some of the "vast improvements" that President Cleveland said would follow the operations of the present tariff law let us begin with agriculture. The census of 1890 gave the number of farms in the United States as 4,564,641, comprising a total acreage of 623,218,619, of which 357,616,755 were improved and 42.6 per cent unimproved. The average size of these farms was 137 acres. The total area in farms of the 5 great States of Illinois, Ohio, New York, Pennsylvania, and Iowa was 124,668,158 acres; the total value of the land, buildings, and fences was $5,057,557,375, and their average value per acre was $40.57. These 5 States contain about 20 per cent of all the farms of the country. The farmers of these, as of their sister States, have acquired some new ideas as to what the President considers "a vast improvement," but they call it by another name. For instance, they do not think there has been any improvement in sheep husbandry; but they have known ever since they read the President's third annual message of December 6, 1883, that he had no accurate knowledge on that subject. Then he said:

I think it may be fairly assumed that a large proportion of the sheep owned by the farmers throughout the country are found in small flocks numbering from twenty-five to fifty. * * * When the number of farmers engaged in wool raising is compared with all the farmers in the country, and the small proportion they bear to our population is considered; when it is made apparent that in the case of a large part of those who own sheep the benefit of the present tariff on wool is illusory, etc.

They forgave that ignorance at the time. They have had good reason since then to regret that they were so merciful. Here are some of the reasons for their sorrow: I will give in parallel columns the free-wool value on the farm in June, 1894, and the lowest value of the same kind of wool on the farm prior to March 4, 1893, when a Democratic President and a Democratic Congress assumed control of the Administration of the country and immediately announced that wool must be placed on the free list. The farmers of this country do not consider a falling off from 25½ cents to 10 cents a pound, or from 11 cents to 2½ cents, an improvement. Certainly the old tariff on wool was anything but "illusory." The farmers know that protection did protect wool. The following table shows that there is nothing "illusory" in their belief on that point. It shows that American wool, under ten

years of protection, averaged 9½ cents per pound higher than wool of the same kind and quality in the free-trade markets of the world, and that after wool was put on the free list American wool was 5½ cents per pound lower than similar wool in the markets of the world:

A comparison of the course of the American and London wool markets during the ten years from 1885 to 1894, showing that domestic wool under ten years of protection averaged 9½ cents per pound higher than foreign of the same kind and quality, and under free trade was 5½ cents per pound lower.

	Average price, 1885 to 1894.	Under protection American higher than foreign.	Price at the close of 1895, as compared with average of ten years.	Price March 1, 1896.	Under free trade American lower than foreign.
American, Ohio XX, washed.	$0.3122	$0.09½	40.74 per cent less.	$0.18½	$0.05½
Australian, Port Philip, unwashed superior.	.2170	.....	5.99 per cent more	.24	.....

There is no industry more sensitive to the effect of favorable or unfavorable tariff legislation than sheep husbandry, as is illustrated by the history of four succeeding periods. The first was under the tariff law of 1867, when the duties upon imported wool were about 12½ cents a pound, which rates furnished adequate protection. During the last four years of that period, from 1880 to 1884, the flocks increased 25 per cent.

The second period began when the tariff law of 1883 went into operation, which decreased the wool duties from 12½ to 10 cents a pound. A blunder in the wording of that law also removed the compensatory duties from manufactures of wool. Cloth made of Australian combed wool was admitted, under the commercial name of worsteds, at lower duties than were imposed upon all other cloths. The result was that American manufacturers were crippled, and while there was a nominal duty of 10 cents per pound upon wool, American woolen mills were so injured by the importation of so-called worsteds as to injure the market for wool, and the 10 cents per pound nominal duty on wool failed to prevent a decrease in the flocks. Scoured wools, under the name of waste, were also then admitted at only the duty of unwashed. An attempt was also made, aided by the Administration then in power, to remove wool duties. Under these combined discouragements the flocks decreased 18 per cent in four years, and the destruction of sheep was only arrested by the election in 1888 of a President and Congress favorable to protection upon wool.

The third period showed an increase in the flocks from General Harrison's election in 1888 until President Cleveland was inaugurated in 1893. The prospect of increased protection to wool, with suitable compensatory duties upon manufactures of wool, which were afterwards embodied in Schedule K of the law of 1890 (the McKinley law), gave a new stimulus to sheep industry, and during this period the flocks increased 13 per cent.

The fourth division covers the free-wool period of the existing tariff law. The policy of this Administration toward wool, announced by President Cleveland in his inaugural message, was enacted into law in the Wilson-Gorman tariff passed in 1894. The certainty of the removal of wool duties and the actual accomplishment of that fact was discounted in the low free-trade price of wool, and the flocks have continued to be slaughtered in countless numbers until the number of sheep estimated on hand January 1, 1896, shows a decrease of 19 per cent since 1893. There were no more sheep in the United States on January 1, 1896, than there were in 1880. Commenting on the effect of the wool schedules of the McKinley tariff on sheep husbandry, the American Economist, that earnest, ably conducted, and most reliable advocate of protection, to which I am indebted for most of the foregoing statements, recently said:

The rate of increase of American wool under protection was greater than in any other nation of the world.

During the last twelve years of the tariff law of 1867, including the year 1884, one year after that law had been repealed, but before the effect of the repeal was visible, the wool clip of the United States doubled. The clip of 1873 was 170,000,000 pounds, which had increased to 340,000,000 pounds in 1884—an increase of 100 per cent. The greatest increase in any other nation of the world in this period was Australia, where the increase was only 64 per cent. At the Cape of Good Hope the increase was 60 per cent, and in the Argentine Republic 35 per cent. In Great Britain, the only country where the climatic conditions were at all similar to those in the United States, and the only country named in this comparison where sheep have to be fed crops during the winter months, the wool clip decreased 19 per cent under free trade, while in the United States, during the same years, the wool clip increased 100 per cent, although our winters are much more severe than those of Great Britain. The difference clearly illustrates the effect of protection and free trade upon the sheep and wool industry in the North Temperate Zone.

The Chief of the Bureau of Statistics has furnished some valuable information as to the imports of wool into the United States, and it shows the countries whose farmers are gathering the golden harvest that should have been reaped by our own. The following figures, compiled from his returns, tell their own story. There is nothing "illusory" about this table:

WHERE THE WOOL CAME FROM.

From—	1894.	1895.
	Pounds.	*Pounds.*
United Kingdom	38,576,307	109,583,124
France	5,294,040	13,006,048
Germany	730,620	882,770
Other European countries	13,905,422	20,279,259
South America	17,389,350	37,164,467
British North America	2,099,597	7,306,571
China	19,634,427	23,711,306
Asia and Oceanica	13,764,742	20,140,146
Other countries	3,672,405	16,855,526
Total	115,836,820	248,989,217

Mr. GRAY. May I ask the Senator a question?

Mr. GALLINGER. Certainly.

Mr. GRAY. By whom were those importations made?

Mr. GALLINGER. I presume largely by the manufacturers of the country.

Mr. GRAY. To be worked up into fabrics in this country?

Mr. GALLINGER. Unquestionably so, sooner or later.

Mr. GRAY. And employ American labor to do it?

Mr. GALLINGER. Mr. President——

Mr. MORRILL. Will the Senator from New Hampshire allow me?

Mr. GALLINGER. With pleasure.

Mr. MORRILL. I understand that at the present time there are something like between two and three hundred million pounds of wool unsold in this country.

Mr. GALLINGER. There is unquestionably an enormous amount of wool in the warehouses of this country and no call for it at the present time.

Mr. MORRILL. And the statement of the manufacturers is that 64 per cent only of the manufactories are now employed.

Mr. GALLINGER. A little later in this discussion I shall endeavor to show to the Senator from Delaware that under the operation of the free-wool doctrine of the Democratic party American woolen mills are largely idle at the present time, and that in such as are not idle the hands employed aggregate but a small portion of those employed under the policy of the Republican party.

Mr. President, the wool that was imported into this country in 1894 and 1895 cost comparatively as follows:

THE MONEY THAT IT COST US.

To—	1894.	1895.
United Kingdom	$5,531,409	$17,301,043
France	736,914	2,131,842
Germany	70,582	95,484
Other Europe	1,443,532	1,861,213
South America	1,444,980	3,717,574
British North America	480,446	1,353,785
China	1,342,985	1,510,572
Other Asia and Oceanica	1,682,682	2,783,576
Other countries	529,002	2,261,070
Total	13,262,512	33,016,159

In other words, the American people in 1894 paid for imported wool $13,262,512, while in 1895, under free wool, they paid $33,616,159. And yet it was contended by the Democratic party that free wool would stimulate sheep husbandry in this country.

Here are some additional statistics that show that there was an increase of wool imports in 1895 of 115,341,405 pounds over the average importations of the preceding four years, and that this cost us in gold an increase of $16,818,883 over the average of any one of the four protection years:

Imports of wool.

Calendar year.	Pounds.	Value.
1891	139,317,571	$18,798,402
1892	167,784,490	21,191,639
1893	111,752,398	13,953,549
1894	115,730,820	15,802,512
Protection average	133,647,812	16,951,276
1895	248,989,217	33,770,159
Free trade, increase	115,341,405	16,818,883

That the protective tariff on wool was not "illusory" is evident from the following facts. The total number of sheep in the several

sections of the Union and their value in the years 1892 and 1896 are given in the following table:

	Number.		Average price.		Total value.	
	1892.	1896.	1892.	1896.	1892.	1896.
New England	1,241,805	621,691	$3.58	$2.18	$3,943,065	$1,360,542
Middle States	2,802,653	1,994,882	3.80	2.34	10,726,960	4,661,919
Southern States	9,152,562	7,153,615	2.07	1.45	17,548,081	10,361,282
Western States	14,027,755	9,983,336	2.90	1.96	43,635,724	19,731,972
Pacific States	7,730,849	6,893,498	2.47	1.65	18,491,047	11,323,001
Rocky Mountain States and Territories	9,962,738	11,652,461	2.37	1.52	21,776,453	17,728,359
Total for the United States	44,938,365	38,299,483	2.58	1.70	116,121,290	65,167,675

Evidently the "illusory" feature came in when the farmers of this country voted for a change that caused a decrease of 6,638,882 in their flocks, a loss of 88 cents per head in the average value of the sheep that remained, and a total loss in the value of their flocks of $51,012,615. This is one of the "vast improvements" that the Wilson-Gorman tariff bill is responsible for.

Depreciation in farm values and in live stock values are briefly summarized in the following tables. These show how absurd the claim was that "vast improvements" would result from the Democratic tariff:

Depreciation in farm values.

	Value.		Total values.	
	1891.	1895.	1891.	1895.
Corn ..... per bushel	$0.406	$0.264	$836,439,228	$567,509,106
Wheat ..... do	.899	.509	513,472,711	237,938,998
Rye ..... do	.548	.44	* 25,542,000	11,964,836
Oats ..... do	.315	.199	232,312,267	163,655,068
Cotton ..... per pound	.086	.076	297,377,014	259,164,640
Hay ..... per ton	8.39	8.35	411,110,000	393,185,615
Potatoes ..... per bushel	.073	.266	83,475,000	78,984,901
Wool ..... per pound	.17	.09	52,258,256	26,486,705
Barley ..... per bushel	.54	.397	40,500,000	29,312,413
Buckwheat ..... do	.504	.452	6,948,000	6,936,325
Tobacco ..... per pound	.084	.072	† 40,000,000	35,574,000
Totals			2,539,434,476	1,810,712,597

* Cincinnati Price Current. † Clapp's.

Depreciation in live-stock values.

	Value per head.		Total values.	
	Jan. 1, 1892.	Jan. 1, 1896.	Jan. 1, 1892.	Jan. 1, 1896.
Sheep	$2.50	$1.70	$116,121,270	$65,167,735
Swine	4.60	4.35	241,031,415	136,529,745
Milch cows	21.40	22.55	351,378,132	363,955,745
Other cattle	15.16	15.86	570,749,155	508,958,416
Horses	65.01	33.07	1,007,593,636	500,140,186
Mules	76.55	45.20	147,882,070	103,304,457
Total values			2,434,755,678	1,677,936,284

These tables show the alarming fact that the—

Annual loss on crops in four years has been	$728,721,879
Annual loss on live stock in four years has been	756,829,394
Being a total annual loss to farmers	1,485,551,773

Mr. PEFFER. For what length of time?

Mr. GALLINGER. There has been an annual loss for each of the last four years on live stock and farm values of $1,485,551,773.

Now, Mr. President, if the farmers of the country continue to lose money at the rate of nearly one and a half billion dollars a year, how long will they remain solvent and independent? This startling exhibit of the losses in the value of live stock on our farms is an illustration of the "vast improvement" that was promised by President Cleveland. Live stock that was worth nearly $2,500,000,000 on January 1, 1892, in the good times of McKinley protection, was worth $756,829,394 less money to the farmers exactly four years later, and after three years' experience with a Democratic Administration. Can we wonder that farmers in every section of the country, while studying the low value of their live stock, should determine to restore the policy of protection and prosperity by voting for Republican candidates for Congress and for the Republican candidate for the office of President?

A MATTER OF HISTORY.

Before leaving the field of agriculture it is interesting to note the fact that in the earlier days of the Republic there were Democratic statesmen who thought that the interests of American agriculture would be advanced by increasing the duties on articles of foreign growth or manufacture to a protective point. The annals of the Eighteenth Congress, first session, bear record that when the debate on the tariff bill was pending the House Committee on Agriculture, pursuant to instructions, investigated this subject, and through its chairman, Mr. Van Rensselaer, of New York, handed in a short report, which contained the following salient points:

1. Whatever increases the consumption of its products, whether home or abroad, necessarily advances the interests of agriculture.
2. He who cultivates the soil looks to a market for his surplus products, the home market being at all times preferred to the foreign when the reward is equal, the home market being less precarious, more permanent and certain, and beyond the reach of foreign hostility.
3. It favored an increase of duties on many foreign articles to promote agricultural prosperity. Manufacturers would open up a new market and a new demand would be created for domestic raw material.
4. If the manufactured articles then consumed by our people could all be made at home from the raw material furnished by ourselves, the value of our lands would be increased and agricultural profits augmented.
5. The extension of domestic manufactures, depending on the production of such raw materials as can be found in this country, must increase the demand for those materials and of course secure a new and ready market.
6. As to the articles of foreign growth to which an increase of duty should apply in order to promote the prosperity of our agriculture, the duty should embrace every "raw material" found or procured with ease, cheapness, and in abundance in the United States.
7. An increase of duty would not decrease the sale of our surplus products abroad, because those nations purchase from motives of self-interest or necessity and not from favor.
8. As to the amount of duty which should be imposed, it should be sufficient to secure the exclusive and constant demand for our raw material, competent to build up and protect those manufacturing establishments at present in the country, and which, with a reasonable encouragement, will present a constant demand for those raw materials.

James Buchanan, of Pennsylvania, then a member of the House, favored this feature of the bill, and said:

If I understand the principle of this bill, it is that a moderate additional protection shall be afforded to those manufactures the raw material of which either is or may be made abundant in this country. When this raw material is a product of agriculture it has a peculiar claim to our favor, because by that means the agricultural interest will be promoted.—*Annals Congress*, 18th, volume 2, page 1890.

It will be seen that in those good old Democratic days protection on raw materials was advocated; and the wisdom of the Democratic Congressmen of that era is in striking contrast with the folly or prejudices of those who passed the existing tariff law.

MANUFACTURERS AND EMPLOYEES.

Mr. President, when mills and factories are running to their full capacity and finding a ready market for all that they can produce, there is a demand and steady employment for labor, from the lowest to the highest grades, at good wages, and every line of business in the entire country is benefited. There is a home market for the products of field, garden, and orchard, for the wares of the merchant, and for all the necessaries and the luxuries of life. The fishermen along our coasts and on the Great Lakes are rewarded for their toil, as are also the farmers and market gardeners, and all who provide sustenance for man or beast. The statistics of the growth of manufacturing in this country from 1860, which was the last of fourteen years of free trade, to 1894, when the Democratic party gave protection what was intended to be its death-blow, present a remarkable array of figures, and inasmuch as men who are employed at good wages consume much more than when they are idle or working for small pay the figures are of interest to farmers as well as others.

In 1860 there were 1,312,000 wage earners employed in our diversified manufacturing industries. In 1870 the number had increased to 2,054,000, a gain of 74,000 a year. In 1880 they numbered 2,740,000, an increase of 59,000 a year. In 1890 there were 4,712,000 employees, an increase of 196,000 a year, and in 1892 there were over 5,300,000 hands at work, a further increase of more than 300,000 a year under protection. In 1860 these workers received $380,000,000 in wages, or $289 per hand. In 1890 the pay roll amounted to $2,282,000,000, equal to $485 for every man, woman, and child so employed. In 1890 the wage earners of the country, under protection, had $196 per capita more money to spend than in 1860 under free trade. During that time, aided by and as the legitimate and almost invariable result of protection, labor steadily gained on capital in the division of the earnings. In 1860 labor received $44.50 and in 1890 $54.50 out of each hundred dollars' worth of net products, while capital had $55.50 in 1860 and $45.50 in 1890. Labor advanced from $289 to $485, or 70 per cent, while capital went from $361 to $408, an advance of only 40 per cent. This shows a difference in favor of labor of 30 per cent. In 1860, under the free-trade policy, $785 of capital and $790 worth of raw material gave employment to one hand who produced $1,438 in finished goods. The value of products over cost of material was $650. Of this sum labor received $289, or about 44½ per cent, while capital had $360, or about 55½ per cent, for expenses and profits. In 1890, under the protective policy, it required $1,385 of capital and $1,095 in raw material for each hand employed. The finished product amounted to $1,988, or $893 above cost of material. Of this amount labor received $485, or about 54½ per cent, while capital

had $408, or about 45¼ per cent, reversing in the interest of labor the division of net products. While the capital required to keep one hand employed had to be increased 76 per cent from 1860 under a free-trade policy to 1890 under protection, and the needed raw material was over one-third greater, the product of labor was only increased 38 per cent. The increase in earnings over the cost of material was $243 per hand. Of this increase labor received in enhanced wages $196 while capital only received $47 as its share of this gain.

THE TRIUMPH OF PROTECTION.

To understand the significance of these figures we must remember that from 1861 to 1865 the country was engaged in waging the greatest civil war of history; that it was a period of terrible waste and destruction, and that when it ended one extensive area of our country was ruined and its labor system completely destroyed. It lacked both money and credit, and had, besides its lands, only the brave hearts and the strong hands of its men on which to depend for its rehabilitation. Then, too, many of the great industries that had grown up in the North and West to supply the Army and Navy with war supplies of every kind had to be converted to other uses, while at the same time there were restored to civil life and to the ranks of industry many hundred thousand men who had followed the flag. The nation was staggering under the burden of an immense debt and a depreciated currency. It had also to deal with the vast question of reconstruction, and to bring about harmony and brotherly love between the people of the South and those of the loyal States. It was protection that enabled the country to overcome all these difficulties, to restore the credit of the Government, to meet current expenses and carry forward great national improvements, to pension the wounded and the bereaved, to bring the vast amount of paper currency to a par with gold, to reduce by large annual payments the national debt and the heavy interest charges it carried, and to do all this with so little friction and with such steadily increasing prosperity that all civilized nations, who had watched with wonder the sublime struggle, were still more amazed at the splendid statesmanship that carried the country through its myriad perplexities and made it stronger in all that constitutes national power and national prosperity.

The years 1892 and 1893 saw the culmination of this grand period of national progress. Then influences that had been long and insidiously at work to cause a reaction finally succeeded, and in the election of 1892 administrative and legislative control was wrested from the party that for more than thirty years had carried the country onward and upward. Since then the people have been realizing more and more with each passing day how grossly they were deceived, and what a fearful blunder they were led to commit.

If it be true—and all our experience proves that it is—that national prosperity stimulates industry and creates a demand for labor that must increase the wages of workingmen, it is equally true that cheaper imported competitive commodities must destroy national prosperity, and the demand for labor must decrease in proportion to the importation, because all competitive importation supplants home production, thereby reducing the rate of wages. It has been well said that—

> It does not lie within the brain of mortal man to frame any law that can determine for the whole people a fixed rate of wages without destroying personal liberty. The prosperity of every nation is measured by the prosperity of the masses, which is determined by the rate of wages they receive. Freedom, personal liberty, and national prosperity can not continue when the wage earner is poor and dependent.

But before the passage of the Wilson-Gorman bill, during all our thirty years of prosperous progress, each wage earner had in the long run secured his fair remuneration for his services and had been as independent and free and as self-respecting as any other citizen.

LABOR STRIKES.

A recent report of the United States Commissioner of Labor on labor strikes and lockouts during the period from 1881 to June 30, 1894, gives some statistics that throw a strong side light on this subject. Summarizing briefly the result of the years 1891 to 1894, we have the following results:

	Number of strikes.	Employees made idle.
1891-92, 24 months	3,016	505,735
1893-94, 18 months	2,201	747,980

Loss to employees.

	Strikes.	Lockouts.	Total.
1891-92, 24 months	$25,574,336	$3,739,722	$29,314,058
1893-94, 18 months	38,176,519	7,116,632	45,293,151

Loss to employers.

	Strikes.	Lockouts.	Total.
1891-92—24 months	$11,322,979	$2,311,968	$13,634,947
1893-94—18 months	18,963,361	1,630,904	20,594,265

During the years 1891 and 1892 the country was under an Administration favorable to protection.

During the later period, to June 30, 1894, we were afflicted with a free-trade Administration for sixteen months, and the certainty of it during theother two months.

During the free-trade year and a half there were 242,245 more employees made idle by strikes than in the two full years of protection.

During the free-trade year and a half the loss of wages to employees was $15,979,093 more than in the two full years of protection.

During the free-trade year and a half the loss to employers of labor was $6,959,318 more than in the two full years of protection. Bringing the facts down to an average monthly basis, we have the following:

Monthly averages.

	Protection, 1891-92.	Free trade, 1893-94.	Free trade increase.
Employees made idle	21,072	41,554	20,482
Wage loss of employees	$1,221,419	$2,516,286	$1,294,867
Loss to employers	$569,123	$1,144,126	$576,003

During the present free-trade Administration there were 20,482 more employees idle every month, through strikes or lockouts, than during the protection period. The loss of wages to employees was $1,294,867 a month more under Mr. Cleveland's régime, and the loss to employers was $575,003 a month more. Both employers and employees have common ground and good reason to oppose anything that will ever help to restore to power an Administration favorable to free trade.

THE BALANCE OF TRADE.

The Democratic argument in favor of free trade has been condensed into two phrases: First, "If we do not buy, we can not sell;" second, "Give our manufacturers free raw materials, and we can command the world's markets." The statistics of the United States Treasury fully refute these specious arguments. The statement of our exports and imports for 1895 may be thus summarized:

	Twelve months ended December 31—	
	1894.	1895.
Domestic exports	$807,312,116	$807,775,849
Foreign imports	676,312,941	801,626,638
Favorable balance	130,999,175	6,149,211

In 1894, with four months of the free-trade tariff bill, we still had a balance of trade in our favor amounting to $130,999,175. But with a full year of the "perfidy-and-dishonor" tariff law the whole of this favorable trade balance was wiped out with the exception of a paltry $6,000,000. Note that our exports were practically the same in each year, but the wiping out was done by an increase of $125,000,000 in our imports for 1895. The following are the official free trade and protection records of imports and exports for the periods specified:

Protection and free-trade imports.

From—	Value for year ended—	
	June 30, 1894 (last McKinley year).	December 31, 1895 (first Gorman year).
Europe	$295,077,865	$431,514,024
North America	166,962,559	139,012,043
South America	100,148,107	117,306,447
Asia	66,186,397	87,049,876
Oceanica	21,457,923	18,253,341
Africa	3,479,338	6,786,323
All other countries	1,693,433	1,741,836
Totals	654,994,622	801,663,490
Free-trade increase in imports		146,668,868

Protection and free-trade exports.

To—	Value for year ended—	
	June 30, 1894 (last McKinley year).	December 31, 1895 (first Gorman year).
Europe	$700,870,822	$834,503,492
North America	119,695,212	114,174,471
South America	33,212,310	34,131,572
Asia	20,872,761	19,221,535
Oceanica	11,914,182	13,846,401
Africa	4,923,859	8,519,116
All other countries	653,426	465,888
Totals	892,140,572	824,862,475
Free-trade decrease in exports		67,278,097

Thus we had as a result of one year of a free-trade tariff an increase in imports of $146,668,868 and a decrease in exports of $67,278,097, being a total loss in one year of $213,946,965.

The free-trade orators must find better arguments than the two I have quoted if they wish to convince people that they are right. Facts are against them. But the United States Treasury has an abundance of telling statistics that show how unreasonable and fallacious are these arguments. From the following table it will be seen that during the four years 1890-1893 England bought a little over two and one-half times as much from us as she sold to us, and for 1892, a year in which the McKinley bill was fully operative, she bought over twice as much as she sold us. An inspection of the table also proves that in general the less we have bought of England the more she has bought of us. From 1893 to 1895 the excess of exports was $65,000,000 less than from 1890 to 1892, proving clearly that under a policy savoring of free trade the Britisher sells us more and buys less from us. In 1895 the excess of exports was nearly $100,000,000 below the excess in 1894. So much for tariff reform.

Table showing (in millions of dollars) exports to the United Kingdom, imports from the United Kingdom, and the excess of exports over imports for the years 1888 to 1895, inclusive.

Year.	Exports to the United Kingdom.	Imports from the United Kingdom.	Excess of exports over imports.
1888	358.24	177.90	180.34
1889	379.99	178.27	201.72
1890	447.90	186.49	261.41
1891	445.41	194.72	250.72
1892	499.32	156.30	343.02
1893	421.13	182.86	238.27
1894	431.06	107.37	323.69
1895	387.16	159.11	228.05

One more quotation from the Treasury records before I pass to other subjects.

The following is the summary of Europe's tariff account with the United States for the year ended December 31, 1895:

	Value for year ended—	
	June 30, 1894 (last McKinley year).	December 31, 1895 (first Gorman year).
Purchases	$700,870,822	$834,503,492
Sales	295,077,865	431,514,024
Balance	405,792,957	202,989,468

Europe's increased sales	$136,436,159
Europe's decreased purchases	66,367,330
Europe's total gain in one year	202,803,489

FREE RAW MATERIAL.

Mr. President, no one feature of this free-trade tariff subject is more interesting or instructive than the gratification that the Wilson-Gorman measure has afforded to our British cousins. The passage of that act was a godsend to all the textile mills of Yorkshire, to the cutlers, the potters, and various other British manufacturers who have been drawing more gold from us of late than they have handled before in many years. At the annual meeting last February of the A. S. Henry Company, Limited, of Bradford, one of the largest of the Anglo-American shipping houses of that city, Sir Henry Mitchell, chairman of that company, said:

When the shareholders assembled twelve months ago it was at the close of a very trying and very difficult year, and the directors had to put before them business results which were considerably less than the average for a number of years past, and even less than in any year since the company was formed. He was very glad to meet the shareholders with a very much more satisfactory report and very much better results. [Hear! Hear!] As they would see from the balance sheet, the net divisible profits were about £46,000 more than they were last year, and nearly £20,000 more than the highest amount realized since the company was formed. He hoped that the results would be considered satisfactory. Then, speaking of the general prospects of trade, he said those shareholders who were at the last annual meeting would remember that he held out some hope of improved trade, and stated that the company had orders on their books of upward of £500,000 to commence the business of the year. He was now very glad to be able to say that at the present time the orders amounted to nearly £1,000,000. [Applause.] So that their prospects, at any rate, were somewhat encouraging for the new year.

It will be observed that the first year of our Democratic tariff with free wool enabled a British woolen manufacturing concern to record profits of "the highest amount realized since the company was formed." It also began the second year of our free-trade experiment with orders on hand that amounted to nearly $5,000,000. No wonder the British stockholders greeted these remarks of Sir Henry with "applause" as they compared the annual reports of 1894 and 1895, a digest of which is given in the following parallels:

A. & S. Henry Company, Limited, Bradford.

Annual report, 1894.		Annual report, 1895.	
Profit	£63,910	Profit	£95,708
Dividend	5 per cent	Dividend	7 per cent
Reserve fund	£35,000	Reserve fund	£100,000
Carried forward	£910	Carried forward	£16,708

Although only a 7 per cent dividend was paid, yet the chairman explained that the company had really earned 12 per cent, but that this was one of the years when it was prudent to add a large sum to the reserve fund. Possibly he was anticipating Republican success in this country next November. This is not a manufacturing, but a mercantile company, that handles the various goods of that district, and does an enormous trade with the dry goods merchants of the United States. But others, equally capable of talking business, have testified to how British manufacturers have profited by American folly. At the thirty-fifth annual meeting of the Chamber of Commerce of the United Kingdom, held March 12 to 14, inclusive, Sir Albert K. Rollit, its president, said:

American tariff reform has (notwithstanding the adverse influence of the resurrection of the silver question) so far stimulated our exports of cotton goods as to have doubled their value in February as against January, to have increased the quantity from eleven to eighteen million yards during 1895 as against the corresponding period of 1894, and to have made this year's shipments exceed those of two years ago in both quantity and value. Similarly there have been larger linen shipments to the States for both the last month and the two months of the present year, while in woolens the advance in values has been three times and in worsteds four times more than in 1894, and in quantity quite 400 per cent. So, too, the same beneficial influence has made itself felt in great increases during both the month and year and in both quantity and values of our consignments to America of cutlery, rails, and iron and steel goods generally, and more especially of tin plates, as also in earthenware and china, and to the extent of 600 per cent in shipments of raw wool.

Let me make a quotation to show how all Yorkshire has felt the reviving influence of that tariff measure, which has nearly paralyzed the woolen industry of the United States, but has revived and made prosperous scores of mills in Bradford and the great manufacturing district of which it is the center. A recent issue of the New York Tribune contained a long letter from its very careful and critically observant London correspondent, in which the great revival of business in the Bradford district is described at length. In part the correspondent says:

After a long series of lean years the Bradford district has been blessed with a fat one.

This correspondent goes on to say:

The American tariff was changed in 1890, and the Bradford trade with the United States in men's coatings, which had amounted to $6,500,000 in 1889, dropped to $2,500,000 in 1891, and after a temporary revival during the next two years fell again to $1,300,000 in 1894. In like manner the exports of stuff goods, which had averaged $6,000,000 in 1890, sank to the low level of $2,200,000 in 1894. The old and the new industries of Bradford suffered alike from the McKinley tariff, which largely increased the duties on stuff goods and coatings. It was a period of profound gloom for the entire district. The reaction came when the duties on goods for the American market were reduced about one-half in the Wilson tariff, and when also bright mohair and similar lustrous fabrics were again fashionable for women's wear. A well-informed specialist, whose figures I take from an exhaustive industrial review of the Bradford trade published in the London Times, states that the exports of coatings to the United States rose from $1,275,626 for the year ended September 30, 1894, to $6,575,062 in 1895 at a corresponding date. This increase of nearly 600 per cent reveals the full effect of the Wilson tariff during the first year when it was in operation. The export of stuff goods during the same period ran up from $2,200,000 to $8,375,000. It was virtually quadrupled, but a portion of this increase in the export of bright fabrics may fairly be accounted for by the change of fashion. On the basis of the consular statistics for the year ended December 30, 1895, the results of the repeal of the McKinley tariff may be enlarged considerably. The export of worsted coatings to the United States was $8,561,228; that of stuff goods, $9,748,527. The entire Bradford trade with the United States during 1895 ran up from $8,215,234 to $27,745,096.

Business improved with every portion of the world, but the largest gain was in the trade with the United States; and this was mainly due to the reduction of duties on woolen and worsted goods. The point which I am now seeking to emphasize—

Continues this correspondent—

is the fact that whatever may have been the effect of the new wool schedule upon competing American manufacturers, or the price of wool, or the cost of clothing, the reduction of duties has powerfully promoted the fortunes of the Bradford district. This has been a year of unexampled prosperity. In

the worsted trade alone 120,000 operatives are employed in the West Riding of Yorkshire, and they have had uninterrupted work on full time. During the busiest portion of the last year there was a scarcity of labor, and hundreds of young women who had gone into domestic service returned to the mills. Every worsted and woolen mill in West Yorkshire has been running on full time. Some of the old properties which had been standing idle for many years started up again under the impetus of the revival of the popularity of lustrous fabrics. The entire woolen district, with Leeds and Huddersfield, brought within a radius of a dozen miles from Bradford, contains a population exceeding 900,000, and its prosperity during the last year has been shown by unmistakable signs. There has been no lack of employment; the savings of the working class have largely increased, as is proved by the returns of the savings banks; manufacturers and merchants have had the best trade known for many years, and, in the main, there has been a rising market in prices, with fortunes to be rapidly made in certain lines of goods.

Another exultant English correspondent exclaims:

Under the Republican tariff Bradford exported worsteds worth $2,200,000 to the United States. Under the Wilson tariff last year Bradford exported $8,375,000 of worsteds to the United States. Bradford has $6,175,000 in pocket that she would not have had if Professor Wilson were not a statesman. Hurrah for Bradford! Hurrah for Professor Wilson! And damn the United States!

Now, what has happened in those British mills because of free wool and the reduced duties on woolens and worsteds under the Wilson-Gorman tariff has been exactly reversed in those industries in this country by the operation of the same law. The most accurate information respecting this is to be found in the annual reports of the Massachusetts bureau of labor. As the old Bay State does at least a fourth of the woolen manufacturing of the country, the statistics compiled there for the past five years probably furnish the best obtainable information of the condition of that industry in this country. The latest compilation covers a period of five years, from 1890 to 1894, inclusive. It gives the following statistics:

	1890.	1891.	1892.	1893.	1894.
Capital invested	$28,271,436	$27,835,204	$28,440,8[illegible]	$25,554,880	$24,094,195
Stock used	$19,461,008	$21,162,373	$21,300,933	$16,674,542	$13,019,911
Goods made	$31,151,139	$33,989,350	$35,673,477	$28,061,054	$22,284,958
Number of establishments	138	139	142	115	115

This exhibit represents a substantial growth of the woolen manufacturing industry from 1890 to 1892, the value of the product made increasing by $4,500,000 in 138 establishments within the two years. A contrary condition, however, was experienced with startling results in the two subsequent years, when the output of the factories decreased by nearly $13,400,000, and the factories decreased 17 in number. Taking next the employment of labor, we find it to have been as follows in the same factories:

	Hands employed.				
	1890.	1891.	1892.	1893.	1894.
Average number	16,816	17,479	18,199	15,857	14,261
Smallest number	15,054	16,007	16,280	11,240	10,163
Greatest number	18,426	18,821	19,545	18,581	16,703

It naturally follows that more employment was given to labor in the woolen mills of Massachusetts in 1892 than in either of the two preceding or subsequent years, the average number employed that year being 1,833 more than in 1890, and nearly 4,000 more than in 1894. Turning next to the wages paid to labor in the woolen mills of that State, we find the amount of the average earnings to have been as follows:

Year.	Total paid.	Average yearly earnings.
1890	$5,607,885	$339
1891	6,616,442	379
1892	7,061,211	388
1893	5,893,015	371
1894	4,887,984	343

Here again, not only was the aggregate total the largest in 1892, but the average earnings of each man were greatest in that year. A circulation of $1,400,000 more wage earnings in 1892 than in 1890 must have meant greater general prosperity in the manufacturing centers of Massachusetts, and the falling off of money circulation by nearly $2,200,000 in 1894 must have had a dampening effect on business prosperity. An increase in the average yearly earnings of $20 per employee, followed by a decrease of $45 a year, represents a very startling condition in the value of labor. Taking the reports for the five years we are enabled to make another interesting comparison of the value of the goods made in 101 different woolen establishments for each year from 1890 to 1894, showing the increase or decrease in the value and per cent as compared with the previous year. These facts are here given.

Goods made in 101 different establishments.

Year.	Value of goods.	Increase (+) or decrease (—) as compared with previous year.	
		Value.	*Per cent.*
1890	$27,378,680		
1891	30,170,615	+$2,791,935	+10.20
1892	31,035,734	+ 865,119	+ 2.87
1893	26,063,436	— 4,972,298	—16.02
1894	20,903,019	— 5,160,417	—19.80

It will thus be seen that in these 101 establishments the increase in the output was $2,791,935 in 1891, a gain of 10.20 per cent over 1890. In 1892 the further increase was $865,119, or 2.87 per cent. This improvement did not last, for in 1893 there was a decrease of almost $5,000,000, or 16.02 per cent, and again in 1894 a still further decrease of $5,160,417, or 19.80 per cent, in the output of the woolen mills. The condition of the woolen industry of Massachusetts is probably as good if not better than of the remaining mills of the country. Evidently the same law that carried peace, plenty, and prosperity to the woolen manufacturers of Great Britain has depressed the same business on this side of the ocean and made it unprofitable.

In New Hampshire the woolen industry is very seriously crippled. In Cheshire County there are eight woolen mills, employing in good times about 1,200 operatives. Recently the Keene Sentinel made careful inquiry of the managers of these mills, three of whom are Republicans and three Democrats, and note the result. The Sentinel of April 18, 1896, says editorially, under the caption of "Silent Looms":

No important business has been so disastrously affected by the Wilson-Gorman tariff law as the manufacture of woolens. All over the country the experience seems to be the same—inability to cope with English competition and the consequent closing of the mills in whole or in part, or, if the mills keep up their production, the profits are miserably small. Our mills in Cheshire County have suffered with the rest. Mill owners have lost profits, laborers have lost work, and storekeepers have lost trade. Hinsdale and Ashuelot have been struck the hardest blow. They were lively places a year ago. Now their principal industrial establishments are closed and the towns are quiet beyond precedent. Everybody in the two villages feels the hard times and almost everybody curses the Wilson law.

The loss in labor and wages owing to the depression in the woolen business is astonishingly large. In good times, say in the fall of 1892, the woolen mills of the county were employing 1,200 hands and paying out in wages about $36,000 a month. At present the same mills are employing not quite 400 hands and are paying in wages between $11,000 and $12,000 a month. In other words, the number of laborers employed and the aggregate amount of wages have been reduced two-thirds. These figures are compiled from statistics obtained from the manufacturers and are most of them found in the detailed statements given below.

Following is a comparison by mills of hands employed and aggregate monthly wages paid before the passage of the Wilson law and now:

	Hands employed.		Wages paid.	
	Good times.	Now.	Good times.	Now.
Haile & Frost	375	30	$12,000	$1,200
Thayer	300		7,000	
Dickinson	80	65	2,500	1,800
Faulkner & Colony	65	65?	6,000	6,000
Cheshire Mills	115	115§		
Amidon	100		4,000	
Gilsum Woolen Co	75	50	2,500	1,300
Collins	70	65	2,100	1,600
Total	1,180	390	36,100	11,900

The proprietor of another large woolen mill in New Hampshire wrote me a few days ago: "Our business has been, and is now, as poor as poor can be."

What a commentary that is upon the Democratic contention that free wool and low tariff are of advantage to the manufacturer and the laborer. Free wool has almost entirely destroyed the woolen industry of this country, and has thrown out of employment thousands upon thousands of honest and intelligent American workingmen for the benefit of foreign mills and foreign labor.

Recently the New York Press made some inquiries among New England woolen mills, with the idea of showing their condition now as compared with a year ago. Returns from 32 mills were received, and the following is the result:

Mills shut down	14
Mills on quarter time	10
Mills on eighth time	5
Mills on half time	1
Mills practically closed	2
Operators practically idle	7,500
Estimated annual wages of these operators one year ago	$3,000,000
Estimated annual wages of operators to-day	$375,000
Loss to the country in wages	$2,625,000
Loss to the country in native raw material, say	$5,000,000

Beyond a doubt these woolen mills have shut down or reduced their force with much execration of free traders. None of the shoddy mills have shut down. They are busy making the best possible product they can that will compete with the looms in the British ragshops. Free trade in raw wool is closing American woolen mills, while it promotes the industry of the European ragpicker and of the British shoddy shops.

And what is true of the woolen industry of the country is relatively true of almost every other industry. On every hand complaints are heard, and the army of the unemployed is bitter in its denunciation of so-called tariff reform. All kinds of business is suffering. A few weeks ago I received a letter from the senior member of a business firm in New Hampshire which has been engaged in manufacturing since 1813. He is a quiet, conservative man, but he writes as follows:

I assure you the business situation is serious with all of us, and unless the Congress wakes up to the real situation there will certainly be some demonstration similar to the one at Chicago. I think I understand the position of the Senators, but I am afraid they do not realize the actual situation of the business men all over the country, who have been dragging along as best they could for the past two years, not making a cent profit, but shrinking their capital and plants in order to keep doing something until the tide turns, if it ever does, and if they can hold out.

That gentleman was making a plea for the passage of the so-called Dingley bill, which had passed the House of Representatives, and the consideration of which was voted against by every Democratic Senator.

A SUMMARY OF THE SITUATION.

Mr. President, manufacturing is fearfully depressed, workmen are either out of employment or working for reduced wages, one-half the railroad mileage of the United States is in the hands of receivers, and the Government is borrowing money to pay its current expenses. In this connection a comparison between the workings of the first nineteen months of the McKinley and the Wilson-Gorman law will be instructive. During the first nineteen months of the McKinley law the receipts of the Government exceeded the expenditures $24,988,221, while during the first nineteen months of the Wilson-Gorman law the expenditures exceeded the receipts $76,257,515.

It is estimated that when the heavy payments of June, July, and August come along they will bring the total deficiency up to nearly or quite a round $100,000,000 by the end of the second year of the new law's work. There have been but three months in the nineteen in which the law has been in operation in which it did not create a deficiency, and the prospect is not cheering for anything better. It seems impossible for the new law to reach more than about $26,000,000 or $27,000,000 in its monthly receipts, thus making the deficiency from $3,000,000 to $6,000,000 a month on an average, running up some months to $9,000,000 or $10,000,000.

The public debt was reduced as follows during the four years of the Administration of President Harrison:

1889	$120,668,600
1890	104,540,790
1891	114,783,990
1892	25,499,790
Total reduction for the four years	365,493,170

Now note the effect of the Democratic triumph of 1892. Since then the public debt has steadily increased, the increase for 1893, 1894, and 1895 being as follows:

1893	$7,770
1894	50,004,790
1895	81,160,170
Being a total increase of	131,172,730

for the years 1893, 1894, and 1895, and the debt continues to pile up every month of the present year.

Interest-bearing bonds have been sold by the present Administration to the enormous amount of $262,000,000, which when paid, with interest added, will aggregate about $500,000,000, every dollar of which the taxpayers of the country will have to sacrifice on the altar of that miserable Democratic heresy called "tariff reform."

The following is an accurate statement of the Treasury account on May 1, 1896:

Cash in Treasury March 1, 1893	$124,128,087
Cash added by sale of bonds, premium added	293,454,272
Total	417,582,359
Cash in Treasury May 1, 1896	270,090,000
Expenditures in excess of receipts	147,482,669

History has simply repeated itself. The result of the present low tariff is precisely the same as this country has experienced from every other similar law that has been passed since the Government was organized. Under it, while our own mills are half idle and our own laborers working on part time with decreased pay, our British rivals are waxing fat over profits lugged away from this market. It is a curious condition of things, and interesting just as a study of the possibilities of human folly. We pass a tariff act to prostrate our manufacturing industries. We adopt a British system to ruin our farming industries. Then we borrow money with which to pay our running expenses, and finally we try to keep gold in the Treasury by making agreements to pay out more than we take in.

The Republican party loudly proclaimed what the result would be if the McKinley law was repealed and a tariff-for-revenue law substituted. Before that folly was consummated the two eminent Republican statesmen who are to-day more prominently before the American people than any others sounded a note of alarm, which ought to have been heeded by the American Congress. Let me quote their utterances:

Major McKinley, of Ohio, the great apostle of protection, declared as follows:

A revenue tariff encourages no home enterprise; it supplies employment to no American workingman; it takes employment from him because in the encouragement of foreign importations it diminishes the demand for American products. It is an enemy to the American shop and the American workingman, to American prosperity and American industrial independence. It embraces not a single element of patriotism. It has no national spirit or instinct. To supply the needs of the Treasury is its chief and exclusive concern; it has no other. It is a sure precursor to national poverty, national bankruptcy, and individual distress. It is the forerunner of hard times. It is without a single worthy triumph. The years in which it has been tried in the United States excite neither our respect nor pride. It has furnished no inspiring page in our history. Its record has been one of deficient revenues, gathered bonded indebtedness, and universal want among the people.

Mr. President, in the light of events those words sound like prophecy, and I commend them to the careful attention of the American people. And the great Speaker of the National House of Representatives, Mr. REED, in talking to the Democratic majority in the Fifty-third Congress used this instructive language:

I confess to you that this question of wages is to me the vital question. To insure our growth in civilization and wealth we must not only have wages as high as they are now but constantly and steadily increasing. [Loud applause on the Republican side.] No applause for this sentiment, I notice, on the Democratic side. This desire of mine for constantly increasing wages does not have its origin in love for the individual, but in love for the whole nation in that enlightened selfishness which recognizes the great truth that your fate and mine, Mr. Speaker, and the fate of your descendants and mine are so wrapped up in the fate of all others that whatever contributes to their progress gives to us all a nobler future and a higher hope.

Those two utterances embody the very essence of the tariff question, and with them this discussion may well be closed.

Mr. President, what I said in this Chamber two years ago has been literally verified, and it will be emphasized in the elections to be held this year. The people have decreed the overthrow of the Democratic party and the election of a Republican President. The blight of tariff reform will in due time pass away, and it will be demonstrated that only through a return to genuine American protection can prosperity be renewed and the country be enabled to enter upon another period of commercial and industrial success. That change is inevitable, and when it comes the gloom and distress of the present will be exchanged for the joy and the gladness that the music of the loom and the spindle brings to the heart of the American toiler. Then American capital and American labor will produce most of what we consume, and a home market will be ready for the products of the farm. Then the deficit in our revenues will give way to a surplus, and American homes will be cheered and comforted, because American skill and American genius will be employed at remunerative wages. Speed the day when the doctrines and disasters of free trade will give way to the grand Republican doctrine of protection to American capital, American labor, and American agriculture.

Mr. DANIEL and Mr. PETTIGREW addressed the Chair.

The PRESIDING OFFICER (Mr. CHANDLER in the chair). The Senator from Virginia.

Mr. PETTIGREW. I desire to have the conference report on the Indian appropriation bill laid before the Senate.

The PRESIDING OFFICER. The Chair will recognize the Senator from South Dakota for that purpose.

Mr. PETTIGREW. The conference report has been printed.

Mr. DANIEL. I had wished to submit some remarks this evening, if the Senate will indulge me. I hope the Senator will not interrupt me.

The PRESIDING OFFICER. Does the Senator from South Dakota desire to proceed with the conference report?

Mr. PETTIGREW. I think it is important that we should do so. I understand that there will be discussion in regard to it, and it ought to be disposed of, as the conferees have not reached a full agreement.

Mr. WALTHALL. Is this a request for unanimous consent to proceed to the consideration of the report or is it a motion to take it up? The report was made yesterday.

The PRESIDING OFFICER. The Chair understands that it is in order to call up the report at any time without a motion.

Mr. WALTHALL. I do not so understand the rule, sir. It is in order to present a conference report, but I think it has to be taken

up by a vote of the Senate. There is no doubt about that, I presume, under the rule.

The PRESIDING OFFICER. The Senator from South Dakota will state the situation of the report.

Mr. PETTIGREW. I made the report yesterday, and stated that I desired to have it printed for the purpose of calling it up to-day. I think the RECORD will so show.

Mr. WALTHALL. It has to be taken up on motion.

Mr. PETTIGREW. I will listen to the ruling of the Chair on that point.

The PRESIDING OFFICER. It is the impression of the Chair that under those circumstances the report is a privileged question and can be called up at any time; that the report does not lose its privilege by having been printed.

Mr. WALTHALL. I ask the Chair to have the rule read.

Mr. PASCO. Rule XXVII covers the point.

Mr. WALTHALL. Let Rule XXVII be read.

The PRESIDING OFFICER. Rule XXVII will be read.

The Secretary read as follows:

RULE XXVII.

REPORTS OF CONFERENCE COMMITTEES.

The presentation of reports of committees of conference shall always be in order, except when the Journal is being read or a question of order or a motion to adjourn is pending, or while the Senate is dividing; and when received, the question of proceeding to the consideration of the report, if raised, shall be immediately put, and shall be determined without debate.

The PRESIDING OFFICER. The Chair continues under the impression that having the report printed does not make it lose its precedence. Of course the question of consideration can be raised.

Mr. PASCO. That is raised.

Mr. WALTHALL. That is the question I have raised.

The PRESIDING OFFICER. The Chair will then submit the question to the Senate.

Mr. GORMAN. I trust the Senator in charge of the conference report will permit it to go over until to-morrow, in view of the fact that the Senator from Virginia desires to address the Senate.

Mr. PETTIGREW. Very well. I will allow it to go over, but I shall call it up the first thing after the routine business to-morrow morning. I give that notice.

Mr. WALTHALL. There is no unanimous consent given that the report shall be taken up at that time. I wish that understood.

Mr. PETTIGREW. I suppose it will be taken up under the rule.

Mr. WALTHALL. Yes; taken up by a vote.

The PRESIDING OFFICER. The Chair understands that it is in order for the Senator from Mississippi to object to the consideration of the report when it is called up. The Senator from Virginia will proceed.

Mr. DANIEL. Mr. President, the distinguished and able Senator from Kentucky [Mr. LINDSAY] yesterday addressed the Senate in an elaborate speech upon the pending question. In that speech he reproached Congress, including many if not a majority of his own colleagues, upon the ground that they had not responded to the Presidential demand upon Congress to provide measures that would restore confidence and bring relief to the country. He said:

The President has repeatedly recommended such Congressional action as would restore confidence and avert possible disaster, but nothing in that line has been done.

Those remarks, sir, were made in connection with his animadversions to the depleted condition of the Treasury, and I beg leave, before passing beyond them, to point out the fact that though far from recommending to Congress any measure which would refurnish the Treasury with supplies, the President has himself in his message scouted the idea of an insufficient revenue, and has emphatically advised the country that the issues of bonds which have been made during this Administration were not based upon any such view of the subject.

THE PRESIDENT HAS ASKED FOR NOTHING BUT GOLD BONDS.

In his message addressed to this Congress at its convening last December he said:

At no time when bonds have been issued has there been any consideration of the question of paying the expenses of Government with their proceeds. There was no necessity to consider that question. At the time of each bond issue we had a safe surplus in the Treasury for ordinary operations, exclusive of the gold in our reserve. In February, 1894, when the first issue of bonds was made, such surplus amounted to over $18,000,000; in November, when the second issue was made, it amounted to more than $42,000,000, and in February, 1895, when bonds for the third time were issued, such surplus amounted to more than $100,000,000. It now amounts to $98,072,420.30.

With this statement of facts from the President of the United States I take it, sir, that the Senator from Kentucky, with his reproach to Congress for not providing revenue, can not be sustained by those who are most familiar with the subject and who have official custody of our Governmental affairs.

Mr. President, it is very obvious that the President has called upon Congress to do but one thing, and that is to authorize him to issue gold bonds. It can not be that the country has suffered from Congress refusing to the President such authority. He has experienced no difficulty in getting all the money he asked for, and in having much more than he asked for offered to the Treasury under his interpretation of present laws which are provided. Therefore, to charge upon Congress that any condition with which we have to deal is attributable to its action, and to attempt to relieve the Administration under this condition of affairs from any share therein, is obviously incorrect, and I have only to avouch its own record and its claim to demonstrate it.

THE RAINBOW PICTURES OF THE SENATOR FROM KENTUCKY.

Mr. President, the Senator from Kentucky proceeded to paint a rainbow picture of the condition of the country. Instead of being in trouble, according to the logic of his view, the country was never so rich, so prosperous, or so pleasantly situated. As to the farmers, he said they are getting more for the proceeds of their crops than they ever did before in the history of agriculture. A farmer who has 50 cents in his pocket can buy more Barlow knives, more penknives, more inkstands, and more paper than he ever could in the history of this country, and the Senator from Kentucky can not, therefore, understand why the farmers are not happy. His view of that subject puts me in mind of the claim of the clown in the circus, who declared before an admiring audience that he could jump so high that he could not put a half dollar between him and the moon. "How is that?" asked one of the surprised auditors. He answered, "It did not make any difference how high I jumped; I did not have the half dollar to put there."

THE DEARTH OF MONEY.

This question is presented to the American people very much in that aspect. There is lack of money in this country to sustain the values of all of its manufactured articles and its agricultural produce. It does not go to the core of the matter, it does not suggest relief, to say that the laborer can get more bread for his dollar than ever before, or that the farmer can buy more knives with his dollar than ever before. It is a question of getting the dollar and of making the dollar so dear to the laborer, to the manufacturer, and to the agriculturist that all of their efforts to get dollars are circumvented by the margin of profit from one year to another fading away and leaving them depleted, with their industries prostrate.

THE VAST DEPRECIATION OF VALUES.

I hold in my hand a careful compilation of the statistics of this country, taken from the American, of Philadelphia, of April 4 of this year. I beg leave to insert it as a part of my remarks. It says:

[From the American, of Philadelphia, of April 4, 1896.]

THE WAGE EARNER NOT BENEFITED BY FALLING PRICES.

In 1872 the acreage of our cereal crops, corn, wheat, oats, barley, rye, and buckwheat, was 68,280,197 acres, and the farm value of our cereal crops $874,594,459, the average value of the yield per acre being $12.81. In 1895 the acreage of our cereal crops was 149,955,163 acres, the farm value $1,017,316,936, and the average value of the yield per acre $6.78, the value to our farmers of every acre of cereals harvested in 1895 being $6.03 less than in 1872. If the money yield per acre had been as great in 1895 as in 1872, if the farmers had been as fully recompensed in 1895 for their labor expended in raising cereals as they were in 1872, they would have received $900,000,000 more for their cereal crops in 1895 than they did.

In 1871-72 the yield of cotton in the United States was 1,384,084,494 pounds and the farm value $288,300,000. This, however, was a short crop. In 1872-73 the yield was 1,833,188,931 pounds and the value $301,067,500. For the year ending June 30, 1895, the yield was 5,036,964,409 pounds and the farm value $262,426,000. For the year before, an average year, the yield was 3,760,381,478 pounds and the farm value $263,857,000. The cotton crop of 1894-95 was nearly three times as large and the cotton crop of 1893-94 more than twice as large as the cotton crop of 1872-73, yet the money value was less. The cotton acreage for 1894-95 was more than twice the acreage for 1872-73, but the value of the crop was $40,000,000 less. Making all due allowance for the effect on the price of cotton of the extraordinary crop of 1894-95, the largest on record, and taking the 1893-94 crop as a basis for comparison, we are forced to the conclusion that the loss of income to our cotton planters caused by the fall in the price of cotton, and directly due to the competition with the cotton of silver-using countries engendered by the fall in the gold price of silver, has not been less than $350,000,000 annually for the two years ending June 30 last.

As shown in another column, the number of horses in the United States January 1, 1896, was 64 per cent greater than on January 1, 1873; of mules, 74 per cent greater; of milch cows, 53 per cent greater; of oxen and other cattle, 93 per cent greater; of sheep, 16 per cent greater; and of swine, 31 per cent greater; yet the total value of farm animals was 3 per cent less on January 1, 1896, than January 1, 1873. As we have shown elsewhere, if the value of farm animals per head was as great January 1, 1896, as it was January 1, 1873, the value of farm animals to-day would be between $2,600,000,000 and $2,700,000,000 instead of $1,600,000,000, and assuming the value of farm animals is realized by those raising live stock once in four years, this represents a loss to the farmers on account of the fall in live stock as compared to prices in 1872 of not less than $250,000,000 for the one year 1895.

Thus we have seen that because of the fall in prices since 1872, directly due to the demonetization of silver, the farm value of cereals was $900,000,000 less for 1895 than it would have been, the value of the cotton crop to the planter $350,000,000 less, and the loss to those raising live stock not less than $250,000,000, or a sum of $1,500,000,000 on agricultural products, representing three-fourths of the total value of farm products. In other words, if the agricultural classes had received proportionately the same reward for their labor expended in raising cereals, cotton, and live stock in 1895 as they did in 1872, the value of their products would have been about $3,150,000,000 instead of $1,650,000,000.

THE LOSSES OF AGRICULTURE.

From this carefully compiled statistical statement, which shows that the value of agricultural products of the United States, measured in money, is $1,500,000,000 less in 1895 than it was in 1872, it is evident that something has gone wrong in our affairs, for it

would take more than all our currency to recoup the loss of that single year. The intrinsic qualities of corn, oats, wheat, rye, buckwheat, cotton, and farm animals have not changed. The intrinsic qualities of gold and silver are also the same. And that monetary value does not vest solely on intrinsic quality is a necessary conclusion, else why is it not the same in the same quantity of such articles to-day, yesterday, and forever?

That the "new factor" of depressed prices pointed out by Sir W. Houldsworth, a delegate of Great Britain to the Brussels International Monetary Conference of 1892, is getting in its work, that the "accursed sinking of prices" pointed out by Prof. E. Benjamin Andrews, an eminent American, who was one of our representatives to that conference, is pulling down and paralyzing our farming industries and all others dependent upon it—including factories, banks, and railroads—all this is now a painful and palpable realization.

INCREASE OF DEBTS AND DISLOCATION OF MONEY.

I attribute this changed condition chiefly, as do so many of the ablest minds in the world—which are far more competent than mine to judge—to the immense increase of public and private debts and to the dislocation of our bimetallic base of credit; and I propose once more to tax the patience of the Senate. But I say this much now for introduction, for it is my desire to develop my views on our situation in a systematic way, and to take my own time to state them as I approach the question of fallen and falling prices.

NO RELIEF TO BE HOPED FOR FROM THE REPUBLICAN PARTY.

Whatever else we may expect about the condition of affairs, there is nothing to be hoped for from the Republican party in the way of any relief for the people. It may yet prove a blessing in disguise that they carried the country at the last election, for they have already had time to advertise their impotency to accomplish anything and their indisposition to endeavor to do anything that would bring relief to this situation.

Wherever we look in the direction of Government to-day there is deficiency, insufficiency, and makeshift. Deficiency of revenue, deficiency of gold, as we are told, deficiency of bonds, insufficiency of taxation, makeshift proposals for more bonds, more taxation, and more contraction of the currency are the only legislative responses. No financial system exists save a rickety, spasmodic, wheezy, panic-breeding system with the fate mark of its own death upon its forehead. No system is proposed save one that does not deserve the name; none is proposed either by the Administration or the legislative party in power unless we may call that a system which deliberately roots up and tears down what we have without the substitution of anything and without the suggestion of anything but petty palliatives for mortal wounds.

ORGANIZERS OF EMERGENCIES.

As organizers of emergencies the gold monometallists are complete successes. They have been in emergencies ever since they leaped into the saddle.

Successive emergencies follow each other like successive shocks of an earthquake. Emergencies are sandwiched between glowing prophecies of prosperity, which are made before every new issue of bonds and collapse as soon as they are taken. Every dose of medicine administered to the patient is followed by momentary calm, and then a long-protracted spasm. Our new Republican doctors came post haste, with flourish of trumpet and profusion of promise. We were told by them that the old doctors of Democracy were quacks, and that they, the new ones, knew their business. The country held its breath in December last as they wrote out their prescription. Alas, it was only Sangrado again with basin and lancet, for here are the prescriptions for an expectant people: More bonds, more taxes. To rectify the morals of the people a prohibitory tax is proposed to be imposed upon filled cheese.

The barber's pole is the only sign of relief, the razor the only remedy for depression.

THE REPUBLICAN ICONOCLASTS.

What, indeed, could we have expected other than this from the Republican party? It has been the great iconoclast of our monetary systems and institutions, and it was an evil day for the Democratic party as well as for the country when an Administration put in power by those who had opposed Republican finance for a quarter of a century joined hands with the Republicans to resist reform and construct new plans of ruin. At enormous cost to the taxpayers it provided the national banks, which, however objectionable, were admirable in the solvency secured to their currency. But when increasing population and expanding territory and expanding business needed expanding accommodations the Republican party shriveled up the banks by excessive payments of the bonded debt and provided no substitute for their retiring circulation.

The Republican party gave us also the greenback legal-tender fiat paper money, which was a stroke of genius in its way, albeit as many believe in violation of the time-honored principles of the Constitution. But at a time when this currency was needed wherewithal to pay the prodigious volume of debts and taxes it withdrew and contracted the greenback notes, shriveled up the prices of produce, land, and labor, more than doubling the debts and burdens of the people, and made the bankrupt courts the most active industries of the country. In this career of ruin its course was arrested in time to preserve three hundred and forty-six million of the greenback notes, which, by statute enactment and by Supreme Court decision, were legal and tenderable dollars. While pretending that these paper dollars were in all respects dollars, the Republican party loudly clamored against its own work, declared that it had done an unconstitutional thing, proclaimed in the presence of its own fiat money that no such thing as fiat money could exist, and made boast of superior virtue in ridiculing its own progeny.

At unprecedented usury the Republican party created a national debt payable in dollars. I make no complaint against that debt; the war necessitated it. Considering it to have been legal and honest and that it would be dishonorable to repudiate a dime of it, it has nevertheless been dealt with by the Republican party after the most approved methods of Shylock. It considered the term "dollars" to mean "coined dollars," although the Supreme Court had said that it meant either coin or paper dollars, and then, in order to make coined dollars dearer and the burden of debt greater, the Republican party stopped coining the standard silver dollars and evolved a gold reserve, providing gold only for the redemption of outstanding obligations. Meantime the Republican party had created a trade dollar composed of silver, with 420 grains of weight, whereas the standard dollar has only 412½. This would not circulate because it was not legal tender; it was less valuable than the standard dollar, though the latter had less silver in it. It lay stagnant upon the market and would not circulate; but as soon as it had been bought up by a few bankers and speculators it was paid off at par, although it contained no promise to pay anything.

Finally, in 1890, the Republicans passed the Sherman Act, a veritable Pandora's box of evils; and in 1893 it led off in the movement to repeal it, without the suggestion of a substitute. We can hope for nothing in the way of relief from a party which has such a history and from a party which has gone to the foot of the class in its first attempts at legislation.

NO RELIEF TO BE EXPECTED FROM REPUBLICAN IMITATORS.

Nor can we hope for any relief from those Democrats who, after opposing the Republican party for twenty-five years, passed like "ships that pass in the night" into imitation of Republican policies and now prescribe as a test of true Democracy the question, "Will you join with us in aping and carrying out the policies which your whole history has opposed and denounced?"

It was an evil day for Democracy and an evil day for the country when the gold fledglings of Democracy combined with the Republicans and copied their example.

Alas for the hour, when to Evelyn's bower
The lord of the manor with false vows came.

Our currency is to-day in the most distressing and confused state that it has ever been. The struggling energies of the people are more impeded in every avenue of trade and industry than they have ever been. The magnates of wealth are growing richer faster than they have ever grown before and are more potential than ever before. Poverty is a heavier load upon those who bear it than it has ever been before. Congress is paralyzed; the Presidential candidates are mute of suggestion as to any remedy that will alleviate the miseries or cheer the hopes of the people. The great protectionist of Ohio wraps himself up in the same old platitudes. Both political parties stand confronting a Presidential election, impotent of legislation and impotent of suggestion, and the Republican party, having just assumed the reins of legislation, has gone into bankruptcy with a precipitate rush that would be ludicrous if it were not appalling. As those who are in authority can not manage the business of the American people, they have shown a restless propensity to take hold of the business of other nations. Hawaii, Armenia, Cuba, and Venezuela have become the intimate and dazzling themes of American discourse, and American statesmanship interests itself in affairs in inverse proportion to our proximity from them and our relation to them.

WHAT DO WE PROPOSE?

If we were asked now, What do you propose? we would say return to the principles of the Democratic platform of 1892 upon which Grover Cleveland was nominated and elected President. That platform declared for two things:

> We hold to the use of both gold and silver as the standard money of the country, and to the coinage of both gold and silver without discriminating against either metal or charge for mintage.

The second point in the platform to which I wish to call attention is as follows:

> We recommend that the prohibitory 10 per cent tax on State bank issues be repealed.

I have heretofore shown, Mr. President, and, indeed, it was conceded at the time, that the platform meant the free coinage of both gold and silver. But it does not follow that the people would

be content with that platform now. A note may be very good in its inception, but if it once has the mark of protest upon it, its negotiability is lost, and this protested paper will be no longer accepted according to its face. The people will call now for plain and explicit language, and they will also demand that whoever receive their votes for President shall be committed to the platform, that he will pay respect to the voice of their representatives, and will not impede their deliberate judgment by the powers of government and by veto messages.

FOR SOUND MONEY.

I am in favor of sound money, the soundest that the world has ever known. It should consist primarily of gold and silver, the money of civilization from remote ages, the money of America from its earliest period, the money of our Federal Constitution, the money of Democratic faith throughout the career of that great party, the money upon which rests a vast superstructure of public and private debt, and the money under which we prospered as no nation has ever prospered in history. This gold and silver should be "standard money," as demanded by the national Democratic platform of 1892, and should, in its language, be coined "without discrimination against either metal or charge for mintage." This hard, solid, sound, shining, constitutional, historic, Democratic money should be supplemented by paper money or currency redeemable in coin. The units of the whole mass should be maintained at par by having given to each of them parity of legal-tender function, and be as nearly as the art of man can make them of equal value. Being myself as much for sound money as any man in the land, I deny the right of a few people to arrogate to themselves the sole title of sound-money men, and to designate those who do not agree in their new-fangled British notions as "unsound." In appropriating to their exclusive use such phrases they are merely attempting to fill vacuous minds with vague and ambiguous words.

Why change the old Democratic shibboleth of "hard money" for the new and specious and plausible title of sound money? Under analysis they evidently mean that they will give much sound to the ear and little money to the purses of their deluded followers, who, if they permit themselves to be enticed by a catch phrase, will only show that they are grown-up children, "pleased with a rattle and tickled with a straw."

LAND AND LABOR.

The land and its products are the material sources of all wealth. Labor is the means by which they are utilized. A financial policy which continuously diminishes the market values of land and its products and increases the value of money must necessarily make the rich richer and the poor poorer. Such a policy must decrease the compensation of labor just as it diminishes its fruits. It must add to the burdens of all debtors and all taxpayers, as debts and taxes are fixed charges, and thus the masses are compelled to discharge continuously increasing burdens with continuously decreasing resources. They must therefore have losses left wherewithal to employ labor and support their families, and, in short, they are all on the road to ruin.

OUR SO-CALLED SOUND-MONEY MEN ARE FOR CONTRACTION.

The so-called, self-styled, sound-money men have been quite verbose in telling us what they are against, but very reticent and slow to reveal as to what they are for. In point of fact they are not only against the free coinage of silver, but are for retiring the three hundred and forty-six millions of greenbacks and the one hundred and thirty-six millions of coin certificates issued under the Sherman Act of 1890, all of which is legal-tender money. As a rule they also propose the continuation of the 10 per cent destroying tax on all State banks. Many believe that they will soon declare against our existing volume of silver money and attempt to reduce it to a mere token money, to be made legal tender only in small sums.

SPECIFIC DECLARATIONS OF DEMOCRATIC DOCTRINES.

I will be specific in stating not only what I am against, but what I am for. I am against gold monometallism, as Democracy has always been, and regard it as Mr. Carlisle did when he was a Representative of the people, "as great a curse as war, pestilence, or famine"—a proposition which since then he has well-nigh demonstrated. I am against withdrawing the five hundred millions of greenbacks and Sherman legal-tender notes, because that would involve a contraction of about one-third of all American money, to reducing the prices of land and commodities and wages at least 30 per cent more than they are now, would increase the burdens of debt and taxation, and would ultimately produce a panic, involving land owners, laborers, merchants, manufacturers, and agriculturists in widespread ruin. I am against the increase of the public debt by borrowing gold to discharge greenbacks and Treasury notes which are payable in silver as well as gold.

No government can have any higher ideal before its mind than the conception of what an honest, just, and intelligent citizen would do. There is not an honest, just, and intelligent citizen in the United States to-day who owes silver or gold and who would tolerate for one moment the demand of his creditor that he might designate the coin which he should exercise the privilege to pay.

I am against attempting to build up again the national banks by providing a public debt in order to accommodate them. In short, I am against the contraction of the currency of the people in any way, shape, or form.

I am for:

1. The free coinage of gold as it now exists.

2. I am for the free coinage of standard silver dollars just the same as we have issued from our mint from 1792 to 1895, and such as were freely coined from 1792 to 1873.

3. I am for retaining in circulation all existing greenback legal-tender paper money of the United States.

4. I am for repealing the Federal tax of 10 per cent on State banks—a war measure—a measure against which Democracy with one voice proclaimed, a measure which destroys and dries up the local energies of the people and helps to destroy self-help, the great help of all self-respecting and self-achieving nations.

In short, I am for a liberal supply of money to meet the wants of the most energetic, progressive, and inventive people that ever lived.

IN FAVOR OF INTERNATIONAL AGREEMENT; BUT OPPOSED TO WAITING FOR IT.

Mr. President, I am also in favor of an international agreement between the great nations of the earth regulating the power of exchange between their gold and silver coins and providing for the free coinage of both metals; but I am not in favor of waiting to put out the conflagration of ruin in my own country until Queen Victoria sends us a British hose company to help to do it. When gentlemen declare the benefit of an international agreement they acknowledge how great an advantage it would be to the world to get silver money restored. But with what face can we insist that other nations whose interest is against it shall lead in the matter when the great supply-producing nation of the world, which has more to gain by it than any other, sits supinely and proclaims and advertises its helplessness to a waiting world?

The leading nation of the world, the greatest Republic that ever existed in the world, could not place itself in a more subservient attitude than by waiting hat in hand at European courts to get permission to establish a financial system to suit itself. In vain was the sword of independence drawn in 1776 if we have not acquired the purse of independence in 1896.

The first charter issued to American colonists from Great Britain—the charter of King James—to the Virginia settlers authorized them to establish a mint and coin their own money. As early as 1645 the little Virginia colony made the Spanish dollar its standard of value, and for this great nation, now in the ascendency of its power, to turn its face to the Old World and fling up its hands and say, "You have closed our mints and we can not open them any more until you give us the 'open sesame,'" is a proclamation to mankind of weakness and inanity that is absolutely appalling. And yet, Mr. President, these older nations in their commercial and in their industrial interests are feeling the necessity of the restoration of bimetallism, and they would quickly restore it if it were not for the domination of the old classes of plutocracy who are still in power.

On March 17 of the present year, just some two months ago, the following resolution was carried through the House of Commons of Great Britain with cheers:

Resolved, That this House is of opinion that the instability of the relative value of gold and silver since the action of the Latin Union in 1873 has proved injurious to the best interests of this country, and urges upon the Government the advisability of doing all in their power to secure by international agreement stable monetary par of exchange between gold and silver.

There are gentlemen of the school of the Senator from Kentucky [Mr. LINDSAY] who reproached us yesterday that we had done nothing. We have done all that we could. We passed a free-coinage bill through the Senate. We passed a seigniorage bill, which was vetoed. We elected delegates to an international conference. Now, in turn, when he and his school of thinkers and actors, say they are in favor of international agreement, I ask what have you done in order to bring it about or to accept the invitation of those who are calling to you?

WE ARE ABLE TO ACT FOR OURSELVES.

Mr. President, we are the wealthiest nation, as the Senator himself said yesterday, that ever existed on the face of the earth, and the strongest, too—for wealth, while already corroding us, has not as yet sapped the vitality and manliness of our people. It is stated by the ablest statists of Europe that there is nothing in human history to compare in this respect to the United States at the present time. While a great and devastating war raged upon our soil for four years, the working power of America has increased threefold since 1860, when we stood upon its eve. We have as much energy as Great Britain, Germany, and France collectively.

Why shall we stand back and acknowledge their precedence in the courts of the universe and say, hat in hand, "After you, master?"

Ninety per cent of our population can read and write. And that is one reason, Mr. President, why the numbers are daily increasing who are for the restoration of our constitutional money. We spend three times as much annually for schools as Great Britain and more than double as much as Great Britain, France, Germany, Austria, and Italy.

And yet, Mr. President, this enlightened nation, with its torches of enlightenment burning on every side, and with great tracts of country rising up almost solidly to restore their constitutional money, can find no greater support from the minds of those who differ from them, like the Senator from Kentucky, than a sneer of the lip and to be told that they are all crazy and should be in lunatic asylums.

Our annual accumulation of wealth is doubly what it is in Great Britain per capita. In area we are as large as Europe, and exclusive of Alaska as great as that of Great Britain and Ireland, Switzerland, Sweden, Denmark, Holland, Belgium, France, Spain, Portugal, Greece, Italy, and European Turkey, Palestine, Japan, and China proper. We are more independent of all other nations of the earth than any other people that ever existed, being able to produce more within ourselves than any other nation. Our 45 great Commonwealths form a world within themselves, and the American Congress, as their delegated representative body could, with a single vote, put the world at America's feet, and assert a commercial supremacy that would endure for ages, by boldly refusing to accept European dictation, and enacting by law an independent financial system of its own.

EUROPE'S PRIMARY INTERESTS AND OURS ARE DIFFERENT.

But we are told to wait and wait for an international agreement. Why, sir, we have been waiting for it for a quarter of a century. We are told that America could not act independently, and that we must postpone the restoration of silver until the others lead. I reply (1) that it is senseless to make a proposition for the management of our domestic concerns which must be unconditionally dependent for its sanction on the action of any others whatsoever. I reply (2) that Europe has several primary interests just as she had in the days of James Monroe, and that they are against international agreement, which pertains peculiarly to it and its institutions and its conditions. I reply (3) that Great Britain, Germany, Holland, and other nations are creditor nations and have a direct interest to oppose the liberalizing of the money systems of the world and the cheapening of what they derive from bond clipping. To make our nation dependent upon other nations would be as foolish as for an army to submit its plans to the dictation of a hostile general. (4) The prevailing systems of government in Europe are also different from ours. Great Britain with her Queen of Great Britain and Ireland and Empress of India, Germany with her imperial war Emperor, Russia with her Czar, Austria with her Emperor, and Italy with her King—all these nations are monarchies; their legislation is for the benefit of oligarchies and classes, and was pretended and claimed to be of divine right; the people do not exist for them in the sense that the American people exist for themselves; standing armies stand around the throne ready to suppress popular ebullition or popular advancement; the divine right of kings permits some liberties to flow down to the masses from the imperial reservoir in the crown, but the people are not sovereign, as they are here.

Mr. President, America can rescue herself from this difficulty the very moment she makes up her mind that it shall be done. The enunciation of her decree will make the world bow to her power and to the sovereignty of her will.

When the warning finger of this great nation was uplifted and Great Britain was told that she should not rob Venezuela after the manner that she is now plundering in Egypt and South Africa, the money changers trembled lest there might be war and coupon clipping be transiently suspended. There was no danger of war; for Great Britain is gathering more wealth from the United States than she can gather from the gold mines of South Africa or from the alluvial lands in the Valley of the Nile.

If she had dared to dictate to her colonies in the manner that she has dictated to us, they would have arisen in rebellion without waiting for a stamp act or an embargo against the port of Boston. If we choose to submit to the grinding policy of gold, let us do so; but, in the name of sense, in the name of justice, in the name of the pride and honor of our country, let us not submit on the lame and pusillanimous ground that we are not able to act for ourselves without consent by international agreement of the Old World's kings. If the text of monometallism—that we can not act for ourselves—be true, then let me say:

We have thews and sinews like our ancestors,
But wo! the while, our fathers' hearts are dead.

FORKS OF THE ROAD—SILVER OR CONTRACTION AND DEBT THE ALTERNATIVES.

Mr. President, I have thus reviewed the present situation and stated my own position. It is conceded on all hands to be deplorable, and all parties and all persons denounce it and cry out against it, and say, "We must change it! We must change it!" But how? There are two general schemes of alteration, Mr. President. The first is to restore bimetallism as it existed before 1873; the second is to move on the policy of contraction. Let everybody understand that we are at the forks of the road, and whether we move in one direction or another we move down a long lane. The contraction policy, which presents one alternative, means this:

To pay off in gold and retire the greenbacks, amounting to	$346,681,016
To pay off in gold and retire the Sherman certificates of 1890, amounting to	136,719,280
To pay off in gold and retire the silver certificates issued under the Bland-Allison Act of 1878, amounting to	344,377,504
In all	827,779,800

Or more than one-half of all our currency. In order to effect this result we would have to issue over eight hundred millions of gold bonds.

Mr. President, I can appreciate the anxiety of the Senator from Kentucky [Mr. LINDSAY] to have Congress allow the issue of any gold bonds, for if ever that were done to the extent of even a small sum it would be a declaration that Congress had put itself and the country deliberately upon the gold standard, and the rest would follow. We must turn that vast sum into a public interest-bearing burden—this vast sum of money that is now serving us as currency. Such a contraction of the currency and such a stupendous debt are terrifying to contemplate. But these are the two plans before us. We must take one or the other. We must build up and restore or we must pull down and destroy. Let not the people deceive themselves and imagine a vain thing, and let us not be parties to their deception.

OUR CURRENCIES.

We have now, Mr. President, nine different kinds of currency. Here is a statement of it from the Treasury, and here is a statement of the credit currency, showing how much of it is payable in gold, in silver, and in coin:

Statement showing the amounts of gold and silver coins and certificates, United States notes, and national-bank notes in circulation March 1, 1896.

	General stock coined or issued.	In Treasury.	Amount in circulation March 1, 1896.	Amount in circulation March 1, 1895.
Gold coin	$586,168,106	$140,874,515	$445,293,591	$468,568,100
Standard silver dollars	424,780,629	369,273,688	55,515,941	54,649,360
Subsidiary silver	78,564,547	14,820,486	63,744,061	60,940,597
Gold certificates	44,384,489	651,470	43,733,019	51,507,769
Silver certificates	344,377,504	11,831,561	332,545,943	325,816,415
Treasury notes, act of July 14, 1890	136,719,280	30,644,730	106,074,550	114,249,700
United States notes	346,681,016	106,222,443	240,458,573	261,988,258
Currency certificates, act of June 8, 1872	33,070,000	245,000	32,825,000	36,925,000
National-bank notes	217,181,917	8,630,538	208,551,379	199,889,356
Total	2,211,936,488	683,194,431	1,528,742,057	1,574,534,557

Thus it will be seen that we have—

1. Gold coin, $586,168,106, which is limited legal tender for all debts and taxes, which is freely coined at the mint into $20, $10, $5, and $2.50 pieces, which is, under certain conditions, exchangeable for gold certificates. It will be observed that no gold dollar pieces are minted.

2. The 424,780,629 standard silver dollars are legal tender for all dues and all debts except when otherwise stipulated in the contract.

3. The silver certificates issued under the Bland-Allison Act of February 28, 1878, and the act of August 4, 1886, represent silver dollars deposited in the Treasury to meet them, and are in denominations of $1, $2, $5, $10, $20, $50, $100, $500, and $1,000. These silver certificates are receivable for customs taxes and all public dues.

4. The gold certificates are issued to represent gold coin in the Treasury.

5. The United States notes, or greenbacks, first issued under the act of February 25, 1862, are legal tender for all debts and taxes under the law of their issue.

6. The Treasury notes of 1890, or the Sherman notes, as they are sometimes called, are issued under the act of July 14, 1890, for the purchase of silver bullion at the rate of 4,500,000 ounces per month. They are legal tender in payment of all debts, public and private, except where otherwise expressly stated in the contract, and are receivable for all customs taxes and all public dues, and may be counted as part of the national-bank reserve. They are payable in coin, and it is provided in the act of their issue that the Secretary of the Treasury shall, under such regulations as he may prescribe, redeem such notes, in gold or silver coin at his discretion, it being the established policy of the United States to maintain the two metals on a par with each other on the present legal ratio

or such other ratio as may be provided by law; and also provided that he shall each month coin 2,000,000 ounces of the silver bullion purchased under the operations of this act into standard silver dollars until the 1st day of July, 1891, and after that time he shall coin of the silver bullion purchased under this act as much as necessary to provide for the redemption of the Treasury notes herein provided for, and any gain or seigniorage arising from such coinage shall be accounted for and paid into the Treasury.

7. Subsidiary silver, $78,564,547, are the 50-cent, 25-cent, and 10-cent pieces, issued under the acts of 1853 and 1879. They are only nine-tenths fine, as compared to our standard silver dollars, and they are legal tender in sums not exceeding $10, and are redeemable in lawful money at the Treasury or subtreasury in sums of $20 or any multiples thereof.

8. The currency certificates are issued under the act of June 8, 1872. They are not issued in denominations of less than $5,000, and are payable on demand in greenback notes, and are used by banks for the sake of convenience, and are not in general circulation.

9. The national-bank notes are secured by United States bonds, and may be equal in amount to 90 per cent of the current market value of the bonds not exceeding par. They are not legal tender, but are receivable for public dues, except duties on imports.

It will be observed that no redemption is provided for the standard silver dollars and that the greenbacks or Sherman notes are payable in coin, silver certificates payable only in silver dollars, and that the gold certificates constitute our only currency which is payable at the Treasury Department in gold. This forty-four million of gold certificates are not a source of any embarrassment to the Treasury, as there is a gold dollar representing them all in the Treasury to pay them. The silver certificates are no source of embarrassment to the Treasury because there is a silver dollar to represent every dollar of them.

WHY IS THE TREASURY EMBARRASSED?

The $346,681,016 of greenbacks and the $136,719,280 of Sherman notes make a total of $483,400,296, and are payable in coin. The greenbacks were issued at a time when there was free coinage of silver. The Sherman notes were issued at a time when we were making standard silver money at the rate of about five millions per month; and to pay either kind of these notes in coin it is only necessary to have silver money in the Treasury wherewithal to do it. The act for the resumption of specie payment was passed on the 14th of January, 1875. It was provided therein that on and after the 1st day of January, 1879, the Secretary of the Treasury shall redeem in coin the United States legal-tender notes then outstanding, on their presentation for redemption at the office of the assistant treasurer of the United States in the city of New York, in sums of not less than $50. And to enable the Secretary of the Treasury to prepare and provide for the redemption in this act authorized and required, he is authorized to use any surplus revenue from time to time in the Treasury not otherwise appropriated, and to issue, sell, and dispose of at not less than par any coin, either of the description of bonds of the United States in the act of Congress, approved July 14, 1870, entitled "An act to authorize the refunding of the national debt, with like qualities, privileges, and exemptions to the extent necessary to carry this act into effect, and to use the proceeds thereof for the purpose aforesaid."

WE RESUMED SPECIE PAYMENT NOT GOLD PAYMENT BY LAW.

Before the day of specie resumption came, and while the resumption act was inchoate, on the 28th day of February, 1878, there was passed the Bland-Allison Act, as it is commonly called, entitled "An act to authorize the coinage of the standard silver dollar and to restore its legal-tender character." It is provided therein that the Secretary of the Treasury is authorized and directed to purchase from time to time silver bullion at the market price thereof, not less than $2,000,000 worth per month nor more than $4,000,000 worth per month, and cause the same to be coined monthly, as fast as so purchased, into such dollars.

The whole tenor of this series of acts; the expression of coin in the greenback law; the expression of coin in the act providing for the resumption of specie payments; the provision for the utterance of at least two million standard silver dollars per month, and the authority to the Secretary of the Treasury to use any surplus revenue for the purpose of redeeming legal-tender notes—mind you, Mr. President, not gold but any surplus revenue of any kind—all show that Congress had not the slightest notion or conception of gold resumption, but only of specie resumption, and no gold bonds were authorized, but only coin bonds.

THE PRESIDENT SHOWS WE HAVE NO GOLD OBLIGATIONS BUT GOLD CERTIFICATES.

The President, in his message to Congress last December, shows that he evidently and clearly understood the law, for he urged Congress to authorize gold bonds, claiming that they would be a great saving to the Government, as they could be sold at a higher price; and a member of his Cabinet now contends in a public letter that had they been gold bonds the Government would have been saved $16,000,000.

The President had just as much authority to issue gold bonds as he had to issue any kind of bonds when there was silver coin in the Treasury as part of the surplus revenue wherewithal to pay outstanding coin obligations. And as he knows and declares by his messages that there is no law for the issue of gold bonds, so it should be equally plain to him that there is no law for providing gold to pay bonds as long as there is coin in the Treasury.

MALADMINISTRATION OF THE TREASURY.

The embarrassment of the Government arises from the arbitrary and obdurate assumptions of successive Administrations, which have made an artificial endless chain by which the Treasury may be raided for gold at the option of any creditor. If all the creditors of the Government, its salaried officers, its employees, its claimants, and its contractors were to act like its bondholders and money holders, and demand gold, and were the Treasury to manifest the same weakness toward them in recognizing their claims that it does toward bondholders, the Government might be overwhelmed at any day by gold demands, when in point of fact it had an abundance of surplus revenue and silver coin wherewithal to meet justly all its obligations. Let the people understand, then, that the apparent trouble in the Treasury is an artificial one, invented by the Treasury itself. If we are a "foolish purveyor" of gold for European monarchs, if we have filled the strong boxes of every autocrat who is hoarding gold as a war fund, it is simply because the Treasury has voluntarily persisted in doing so when it could have stopped it in a moment. It is a folly that the Secretary could have stopped at any moment by the scratch of his pen; it is a folly that is persisted in because Congress sits helpless and allows it to continue; it is a folly because with all the strong talk we have here we have also weakness of will and weakness of action and suppliance of disposition.

THE WAR ON PROPERTY AND VESTED RIGHTS.

Mr. President, I am by nature, by experience, and education a conservative. I am for property and vested rights. I believe in the virtues of a people who are characterized by moderation. I am against radicalism that would pull down and destroy; and the place for every conservative who would maintain the institutions of America and preserve the property of its people is in the ranks of the true bimetallists. The rights which attach to life, liberty, and property are those upon which all social order must rest. To protect them, government was founded, and that government is freest in which they are best protected and the most amply and securely enjoyed. Life and liberty can not be safely secured or freely enjoyed unless property is respected.

"You take my life when you do take the means whereby I live" is a plain proposition. That every man's house is his castle is an axiom of our free race, and it has always been ready to draw the sword and meet tyranny at the threshold. There are various methods of warring upon property. The robber band may go with a high hand and expel the tenant, but time has long since passed when this could be done in any land where the English-speaking race is in power. It was a splendid illustration of the genius of the Germanic race, from which we are in part descended, when there was a peasant in Berlin who had a little cottage that the king wished to possess in order to make a part of his park. The peasant refused the royal request, and declined all the gold that was offered him, and, when he was threatened, he sat securely at his door, and said: "There are laws, Your Majesty, in Berlin."

CONTRACTION OF THE CURRENCY MEANS CONFISCATION.

It is by the subtle agencies of taxation and currency that the modern wars against property are conducted, and the contraction of the currency is the most subtle and certain method of confiscating property that the wit of man has ever yet invented. To contract the currency of a country is to reduce the value of property, to increase the burden of debt and taxation, to destroy confidence. "Confidence," "Confidence," say the soothsayers of monometallism; but there is no confidence. How can confidence exist when there is a condition of organized depreciation of all property upon which confidence rests? The policy of contraction is to check enterprise; it is to stagnate circulation; it is to paralyze trade and manufactures and agriculture; it is to reduce wages; it is to organize failure, bankruptcy, and ruin; and at the end of the process it is inevitable that the rich shall be richer, the poor poorer, and society at the mercy of its money kings.

HOW CONTRACTION OF THE CURRENCY WORKS.

This consequence of the contraction of the currency results from economic laws which are as fixed and certain in their operation as the precession of the equinoxes or the law of gravitation. The whole value of the property of a country is measured by the whole sum of the currency which may be used in its purchase and exchange, and the particles of property bear the same ratio to the particles of the currency which express their price or valuation as the mass of property bears to the whole mass of currency. It results from this principle that as the mass of currency is diminished in

amount the mass of property diminishes proportionately in value as expressed in money. It follows that a very small diminution of the volume of the currency produces a very large diminution in the monetary value of property. Thus, if we were to destroy all money, it is evident that we would destroy the monetary value of all property, for there would be no money into which any part of it might be converted and exchanged. No price could be fixed, because no price could be paid. So, if we were to destroy half of the money, half of the monetary value of the property would be destroyed likewise, as the demand for the money would remain as great, with only half of the supply to meet it. So, if we were to destroy 10 per cent of the money, 10 per cent of the monetary value of property would pass away with it. Now, the value of all the property of the country is many times greater than the aggregate value of all its money, and the reduction of property value in money is just so many times greater than the amount of the reduction of the money in which the assessment or valuation is made.

HOW CONTRACTION OF CURRENCY INCREASES THE BURDEN OF DEBT AND TAXATION.

With diminishing currency and diminishing values of property, it is quite evident that the burden of debt and taxation is increased. The debt remains a fixed figure. There is a less supply of money from which the fund must be derived to pay it; there is a less aggregate value of property from which the fixed debt must be liquidated. The creditor's demand draws with the same power, and, indeed, with increasing power, since interest accumulates day by day, while the supply of funds on which the demand is made diminishes, and the supply of property from which the funds must be extracted also diminishes. Hence, a larger proportion of the debtor's property must now be taken to pay the debt. Just so with taxation. Public expenses, such as fixed salaries, contracts to supply armies and build navies, to conduct schools, and construct roads and make other improvements, and interest on public obligations, all these items in the continuous budgets remain at a stationary figure, and the funds to meet them must be derived from declining values of land, of personalty, and of business. The assessments made for taxation before the contraction of the currency took place remain, while the subjects of taxation are shrinking in value. The taxpayer must now pay a sum which no longer represents the value on which it was based. The burden is increased, the power to bear it is lessened. As soon as the reassessment comes the diminished value of property is such that taxes must be increased in order to discharge the fixed obligations.

HOW CONTRACTION OF THE CURRENCY IMPAIRS CREDIT.

Credit must necessarily be impaired under these circumstances. We may say of it, as has been said of interest, that interest follows the debt as the shadow the substance, and credit follows property and ability to accomplish as the shadow the substance. He who has trusted another to pay money must place reliance upon the other's property to make good his realization. That reliance is simply the creditor's faith that the means will be forthcoming to meet the outstanding obligation. This faith must weaken as the creditor sees the property declining in value. The trust and the security for its performance are parted. The creditor makes haste to collect lest he lose. Other creditors in simular cases do likewise. Debtors with depreciating properties are pressed, their holdings are thrown upon the market, and the weakened conditions are stimulated and precipitated by the steps taken to forestall and prevent loss.

HOW CONTRACTION OF THE CURRENCY STAGNATES IT.

With a weakened credit all enterprise must feel the checkrein of hesitation, doubt, and distrust. The circulating medium now secretes and hoards and hides itself in banks and safes and stockings. He who has money fears either to loan it upon or invest it in property which is declining in value. Self-interest stays his hand, and he refuses to buy, for he says to himself: "To-morrow I can buy cheaper." Banks of undoubted solvency find funds accumulating in their vaults and staying there, because money is constantly increasing in purchasing power, just in proportion as property is losing in selling power. The unjust steward who hoards his talent in a napkin becomes the only prudent financier, for if he loans or buys he may lose, while in the napkin the talent is growing daily in its power to command whatever property the owner desires. Seeing money heaped up in banks, the superficial observer cries out: "Money is plentiful; see how much of it is piled up here!" He forgets that it is stagnated, piled up, and heaped together for the very reason that there is no temptation to invest it or circulate it in loans upon declining values; he forgets that if there were more of it values would rise and not decline, and it would then pour out in volume, tempted to turn itself into property in order to get the benefit of rising prices: he forgets that if there was more of it it would be fulfilling the mission which its very name, "circulating medium," implies it was destined to perform. It would be circulating from the owner to the farmer and the landowner, and from them to the laborer and to the merchant, from them to the manufacturer, from the manufacturer to the lumberman, the miner, the quarryman, the mechanic, and from them again and again to all the sons of toil, in office and countingroom, and field and workshop, round and round, in the healthy activities of all the children of men.

HOW CONTRACTION OF THE CURRENCY INJURES THE MERCHANT.

The falling prices that follow every contraction and stagnation of the currency cramp and paralyze commerce, manufacture, and agriculture. The merchant buys or rents a storehouse, hires a coterie of clerks and helpers, buys a stock of goods for cash, or more generally on credit, advertises it for sale, sends out his commercial travelers, and is ready for business. Then comes contraction of the currency. His taxes remain at a fixed figure, the charges for rent, for gas, and for water remain at a fixed figure. So his advertising expenses, his laborers and the wages he pays; so his outstanding notes and obligations; but the goods fall in value. Every merchant's goods fall in price also. There is a letdown in the very base of his operations. Profits vanish; all hope of them vanish. To get out even is now his forlorn hope. Another merchant sells his goods out at auction at sacrificial prices. The bank or the wholesale dealer who has trusted him presses for the payment of all notes given. The merchant's goods must go upon the falling market. Buckle and tongue will not meet. The merchant fails.

HOW CONTRACTION INJURES THE MANUFACTURER.

The manufacturer depends upon the merchant. What use to make goods if a merchant can not buy at a profit to the maker? What use for the merchant to buy if he can not sell at a profit to himself? The contagion of the paralysis passes from the merchant to the manufacturer. He reduces wages; he cuts close and pays lesser prices for his raw material. But as the contraction of the currency continues prices of all products go lower and lower; the prices paid for this year will leave no margin of profit for the next year. The manufacturer gets desperate; his factory closes; his machinery rusts; his plant decays; his enterprise fails.

HOW CONTRACTION INJURES THE WAGE EARNER.

Meanwhile wages decline. The demand for labor decreases as enterprise decreases, and wages decrease as demand for labor decreases. The laborers can not be paid at the old rates when property declines; idle laborers can get no work, or must take any job they can get at any price that will hold soul and body together. The mechanic's wife stares starvation in the face; his children can not keep up decent appearance in the public schools, or find work for their fingers. There are strikes and lockouts; then come the tramp of soldiery and menacing steel. The capitalist, if he is oblivious of this, sits back in his easy chair and says: "We must have a big army and a strong Government"; the days of Jeffersonian Democracy have gone by, and Macaulay's letter to Randall was a true foreshadowing of our future; the old idea that a President should never fill the chair but twice belongs to a time of inexperience and adolescence. Suicides increase, burglaries increase, failures increase. Money now buys more than it ever would before; the usurer thrives; the demagogue stands out before the poor man, and with subtle flattery for his vanity tells him that he wants the poor man to have as good a dollar as the rich man, and the best money in the world. The poor man meantime, who has few dollars of any kind and little or no work of any kind, looks up with a dubious scowl upon his face and marvels much at this expression of disinterested benevolence. But money is getting dearer and dearer; it buys more and more; and the self-complacent capitalist, who is getting richer and richer on other men's ruin, declares that times are prosperous, and that the discontent is all due to the agitation of the silver question!

HOW CONTRACTION PRODUCES WANT OF CONFIDENCE.

Want of confidence is now loudly proclaimed to be the cause of the disturbances by the superficial observers who witness the panorama before them, and who can see plainly that want of confidence is an attendant circumstance. They have mistaken an effect for a cause. "Restore confidence" is at once the panacea prescribed as a sure cure for the evil. The unthinking and the crafty are alike fond of this vague phrase—for it conceals the lack of ideas of the one class, and the subtle designs of the other class. Want of confidence has existed with all the monetary panics that ever visited the earth. "To restore confidence" has been the desire of every person who ever prescribed for the infirmities of society. But want of confidence is always an effect before it becomes a cause; and the want of confidence that comes after every contraction of the currency is always the effect of the declining values produced by that contraction, and it can never be cured while the cause is operative. To restore confidence without removing the cause is impossible; and he who clamors for confidence while contraction is undermining the property on which it is based might as well cry out against buildings falling down when the foundations are crumbling beneath them.

HOW CONTRACTION RUINS THE FARMER.

What has become of the farmer in this process of stagnation and contraction? He is at the bottom of the list. He comes last. He does more for the Government and receives less from the Government than any other portion of its constituents. Feeding the world, he is driven by the world to the point of starvation. It is he who furnishes the bounteous crops, but not he who enjoys the benefit thereof. In 1872 his land produced $12 worth per acre—now but half that sum. This is largely the fruit of contraction. He works as hard as those who work hardest to get their daily bread; but he is not classed among the laboring men and wage earners who share the benefits of the protective policies of taxation. He must be a business man of knowledge, alertness, and application of method and sagacity; but he is not classed as a business man by the dealers of the exchange. The Republican party aroused the indignation of the people in 1890, when it summoned the manufacturers to Washington and allowed them to fix the taxes that the masses had to pay, and from which they derived the benefit. And now our monometic leaders go to New York and call upon the money-changers to arrange the money system without even mentioning the farmer as one who may be properly consulted. But the land and its products are the material resources of all wealth. They have ever been, and they must ever be. And to-day, with the manipulators of their products and the manipulators of the exchanges arranging schedules of taxation and establishing money systems for themselves, those who produce the basis of all their wealth are mere political castaways in the councils of the politicians who govern them.

Mr. President, at this stage I will yield at the suggestion of the Senator from Rhode Island [Mr. ALDRICH].

Mr. ALDRICH. I ask the Senator from North Carolina [Mr. BUTLER] if he will allow the pending bill to be laid aside temporarily to take up a House bill which will lead to no discussion?

Mr. BUTLER. Before that, Mr. President, I wish to ask unanimous consent that an hour shall be fixed when the vote shall be taken on the pending bill, and I suggest, if it meets the approval of the Senate, that the final vote be taken upon the bill and all amendments of which notice has been given to-morrow evening at 5 o'clock.

Mr. HILL. Let me ask the Senator a question. Does the Senator know how many Senators desire to speak upon this subject?

Mr. BUTLER. I know how many have given notice to the Chair of their intention to speak.

Mr. HILL. How many are those?

Mr. BUTLER. I think there are four on the list.

Mr. HILL. There may be others who desire to speak.

Mr. BUTLER. I would ask the Chair how many have given notice of their intention to speak?

The PRESIDING OFFICER. Three Senators have given notice of their intention to speak on the pending bill.

Mr. HILL. There are likely to be others.

Mr. BUTLER. Then, in order that everybody may have time, I will change the request, and ask that the final vote on this bill be taken at 5 o'clock on Friday evening. That will give one more day.

Mr. CHANDLER. I would not object to fixing the time of voting on this bill at the close of the recess of Congress, say, on the first Monday of December next. Congress will then be in session; and I am anxious that the act which the Senator proposes to repeal should remain on the statute books during the summer. So I object to any other time than the first Monday in December next. I will agree cheerfully, Mr. President, to that time.

Mr. STEWART. I wish to inquire of the Senator from New Hampshire if he is perfectly certain that the next bond issue can be negotiated before that time, so that his friends will all be safe from the operation of this bill?

Mr. BUTLER. I do not think the Senator from New Hampshire is serious in his suggestion, and therefore I make one more offer. I do not desire to cut off discussion, but certainly, unless there is a desire to kill the bill by talking it to death, nobody can object to the proposition which I now make.

Mr. CHANDLER. The Senator will allow me to say——

Mr. BUTLER. Let me get through with this statement.

Mr. CHANDLER. The Senator will allow me to remark——

Mr. BUTLER. No; I do not yield.

Mr. CHANDLER. Go ahead, then.

The PRESIDING OFFICER. The Senator from North Carolina declines to yield.

Mr. BUTLER. The request I now make is that the Senate shall agree to take a final vote upon this bill and all amendments thereto next Monday evening at 5 o'clock. That is one week from the time we first asked for a unanimous-consent agreement that a vote should be taken. That certainly gives plenty of time.

Mr. PLATT. The experience of the Senate has been such that I shall object to any agreement fixing a time for a final vote upon any bill unless it be understood that all parliamentary motions in reference to the bill are in order at the time agreed upon.

Mr. ALDRICH. That is all right.

Mr. CHANDLER. Mr. President——

Mr. BUTLER (at 5 o'clock and 32 minutes p. m.). I still hold the floor, I believe. I move that at 6 o'clock the Senate take a recess until to-morrow morning at 11 o'clock and 55 minutes.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from North Carolina.

Mr. CHANDLER. I suggest the absence of a quorum.

Mr. HILL. With the consent of the Senator——

Mr. STEWART. The motion is not debatable.

Mr. TELLER. It is too late.

The PRESIDING OFFICER. The roll will be called.

The Secretary called the roll; and the following Senators answered to their names:

Aldrich,	Chilton,	Martin,	Sewell,
Allen,	Cockrell,	Mitchell, Oreg.	Shoup,
Allison,	Cullom,	Morgan,	Squire,
Bacon,	Dubois,	Nelson,	Stewart,
Bate,	Elkins,	Pasco,	Teller,
Berry,	Gallinger,	Peffer,	Tillman,
Brown,	Gear,	Perkins,	Turpie,
Burrows,	Gibson,	Pettigrew,	Vest,
Butler,	Gorman,	Platt,	Warren.
Cannon,	Hale,	Proctor,	
Carter,	Harris,	Pugh,	
Chandler,	Hawley,	Roach,	

The PRESIDING OFFICER. Forty-five Senators have answered to their names. A quorum is present.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (S. 710) granting a pension to Ada J. Schwatka, widow of the late Lieut. Frederick Schwatka;

A bill (S. 1659) to amend the laws of the District of Columbia as to married women, to make parents the natural guardians of their minor children, and for other purposes;

A bill (S. 2221) for the relief of settlers on the Northern Pacific Railroad indemnity lands;

A bill (S. 2499) to amend an act entitled "An act to incorporate the Washington and Great Falls Electric Railway Company;

A bill (H. R. 1436) relating to commutations of homestead entries, and to confirm such entries when commutation proofs were received by local land officers prematurely;

A bill (H. R. 1734) to increase the pension of Ann Catherine Hull;

A bill (H. R. 5675) authorizing the construction of a wagon and motor bridge over the Missouri River at St. Charles, Mo.; and

A bill (H. R. 6248) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes.

ALCOHOL IN THE ARTS.

The bill (H. R. 3282) to repeal section 61 of an act to reduce taxation, to provide revenue for the Government, and for other purposes, which became a law August 28, 1894, was read twice by its title.

Mr. ALDRICH. This bill has the unanimous approval of the Finance Committee of the Senate, and in its present form I think it is satisfactory to everybody in the Senate. It will lead to no discussion.

Mr. STEWART. I object to the present consideration of the bill.

Mr. BUTLER. Is my motion pending?

The PRESIDING OFFICER (Mr. SEWELL in the chair). The motion of the Senator from North Carolina is pending.

Mr. ALDRICH. Do I understand the Senator from Nevada to object to the bill if it will not lead to any discussion? I do not ask to displace the unfinished business.

Mr. STEWART. The motion for a recess is pending.

Mr. ALDRICH. I am willing that a vote shall be taken upon that motion.

Mr. STEWART. I want the motion for a recess agreed to first.

Mr. ALDRICH. I have no objection to that.

Mr. STEWART. We do not know about the other matter.

PROPOSED RECESS.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from North Carolina [Mr. BUTLER].

Mr. HILL. What is the distinct motion?

The PRESIDING OFFICER. That the Senate take a recess from 6 o'clock this evening until 11.55 o'clock to-morrow morning.

Mr. HILL. On that question I desire to say a word. A motion that at a certain hour we take a recess is debatable.

I simply desire to say that I can not let the remarks of the Senator from North Carolina go unchallenged. Scarcely had the bill been moved when the Senator from North Carolina began to make the statement that the bill was to be opposed by dilatory tactics. I have already explained the reasons why, on the evening when it was proposed to take up the bill, I opposed its consideration at that time. I shall not renew that portion of the discussion. On the next day, without any dilatory tactics of any sort, a vote was

permitted to be taken and was taken to proceed with the bill. It was carried. I immediately proceeded to discuss the bill. I gave way to interruptions, and the interruptions from the friends of the bill took nearly half my time. I freely allowed several Senators to make speeches in favor of the bill during my time. That was followed by a speech in favor of the bill, and the next day was Saturday last. Friday evening a suggestion was made that we should take a vote on Monday at 5 o'clock, to which I did not object, but an objection came from one of the friends of the bill. The bill went over to Saturday. On Saturday the distinguished Senator from Nebraska [Mr. ALLEN] took the whole afternoon in favor of the bill, and not an opponent of the bill had an opportunity to say a word.

Then this week came on. We have had tariff speeches, and properly so, because the tariff is mixed up with this question. We have listened for the last two hours to a very eloquent and able speech in favor of the bill, or rather in favor of free silver, by the distinguished Senator from Virginia [Mr. DANIEL], to whom we are all delighted to listen. Three or four Senators have given notice that they desire to speak on the bill. I do not know how long they are going to speak. They have just as much right to take an afternoon as had the Senator from Nebraska [Mr. ALLEN]. They have just as much right to speak one, two, or three hours.

To-morrow there will come in a very important conference report. How long will it take? Who knows? No one can tell. It is a privileged question. It is to be discussed. My attention has been called to a conference report which is going to lead to extensive debate. Now, to ask at such a time, when three or four Senators (some of whom are for the bill and some against it) have given notice that they desire to speak, to fix in advance an hour when the final vote shall be taken can not be done.

Mr. STEWART. I rise to a question of order.

The PRESIDING OFFICER. The Senator from Nevada will state his point of order.

Mr. STEWART. It is that debate is not in order pending a motion to take a recess.

The PRESIDING OFFICER. The Chair is obliged——

Mr. CHANDLER. I desire to speak to the point of order.

The PRESIDING OFFICER. The Chair is obliged to hold that the point of order is well taken. The Chair decides that the motion is not debatable.

Mr. HILL. A motion to take a recess at a time in advance is debatable, with all due respect to the Chair.

Mr. CHANDLER. I wish to call attention to the point made by the Senator from New York, that while a motion to take a recess to a certain hour or day is not debatable, a motion that a recess shall be taken at a certain hour in the future would seem to be debatable.

The PRESIDING OFFICER. The Chair is advised that the rules were changed at a late date in relation to recess. The rules provide that—

Motions relating to adjournment, to take a recess, to proceed to the consideration of executive business, to lay on the table, shall be decided without debate.

"Motions relating to adjournment, to take a recess."

Mr. CHANDLER. The only point, if the Chair please, is that this is a motion to take a recess at some time in the future. While the rule is to be construed strictly, possibly to exclude debate, a motion that at some time in the future a recess shall be taken to some other time must be debatable.

Mr. NELSON. I move that the Senate adjourn. That motion is in order.

The motion was agreed to; and (at 5 o'clock and 45 minutes p. m.) the Senate adjourned until to-morrow, Thursday, May 28, 1896, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nomination confirmed by the Senate May 19, 1896.

COMMISSIONER OF PENSIONS.

Dominic I. Murphy, of Philadelphia, Pa., to be Commissioner of Pensions.

Executive nominations confirmed by the Senate May 27, 1896.

FIRST DEPUTY COMMISSIONER OF PENSIONS.

Napoleon J. T. Dana, of Portsmouth, N. H., to be First Deputy Commissioner of Pensions.

SECRETARY OF LEGATION.

William Franklin Sands, of the District of Columbia, to be second secretary of the legation of the United States at Tokyo, Japan.

PROMOTIONS IN THE NAVY.

Lieut. Samuel C. Lemly, of the United States Navy, a citizen of the State of North Carolina, to be Judge-Advocate-General of the Navy.

P. A. Engineer Albert B. Willits, to be a chief engineer in the Navy.

Asst. Engineer William W. Bush, to be a passed assistant engineer.

Surg. William G. Farwell, to be a medical inspector.

P. A. Surg. James D. Gatewood, to be a surgeon.

Surg. John C. Wise, to be a medical inspector.

P. A. Surg. Oliver Diehl, to be a surgeon.

APPOINTMENTS IN THE NAVY.

William M. Wheeler, a citizen of New York, and Robert S. Blakeman, a citizen of Connecticut, to be assistant surgeons.

POSTMASTERS.

Bernard Monnich, to be postmaster at Hooper, in the county of Dodge and State of Nebraska.

W. S. Cornutt, to be postmaster at Culbertson, in the county of Hitchcock and State of Nebraska.

Adrian P. Jordan, to be postmaster at Leesburg, in the county of Lake and State of Florida.

John C. Neltnor, to be postmaster at West Chicago, in the county of Dupage and State of Illinois.

Mary A. Herrington, to be postmaster at Geneva, in the county of Kane and State of Illinois.

Edward H. Chase, to be postmaster at Dexter, in the county of Penobscot and State of Maine.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *May 27, 1896.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read.

The SPEAKER. Without objection the Journal will be approved.

Mr. KEM. I object to the approval of the Journal, and raise the point of no quorum.

The SPEAKER. The question is on the approval of the Journal.

The question was taken; and the Speaker decided that the motion had been adopted.

Mr. KEM. No quorum.

The SPEAKER. The gentleman from Nebraska [Mr. KEM] makes the objection that there is no quorum present. [After counting the House.] A quorum being present, the point is overruled, and the Journal is approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6248) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7664) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes, and had still further insisted upon its amendments numbered 2, 3, 4, 6, 7, 8, 9, 10, 12, 13, 15, 16, 17, 22, 23, 24, 25, 28, 32, 61, 91, 92, 93, 94, 96, 97, 109, 111, 112, 122, 123, 124, 125, 126, 127, 128, 129, 140, 141, 146, 147, 161, disagreed to by the House of Representatives, asked a further conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. ALLISON, Mr. HALE, and Mr. GORMAN as the conferees on the part of the Senate.

The message also announced that the Senate had passed without amendment bills of the following titles:

A bill (H. R. 6256) authorizing and directing the Secretary of the Navy to furnish to George F. Fuller Post, Grand Army of the Republic, of Manistique, Mich., a condemned cannon; and

A bill (H. R. 2777) authorizing and directing the Secretary of the Navy to donate condemned cannon and condemned cannon balls to certain posts of the Grand Army of the Republic.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7542) making appropriations for the naval service for the fiscal year ending June 30, 1897, and for other purposes, and had further insisted upon its amendments numbered 2, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 51, 52, and 53, disagreed to by the House of Representatives, had asked a further conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. HALE, Mr. QUAY, and Mr. GORMAN as the conferees on the part of the Senate.

The message also announced that the Senate had passed without amendment the following resolution:

Resolved by the House of Representatives (the Senate concurring). That the President be requested to return to the House of Representatives the bill (H. R. 5731) to regulate the practice of medicine and surgery, to license physicians and surgeons, and to punish persons violating the provisions thereof in the District of Columbia.

RETURN OF BILL FROM THE PRESIDENT.

On motion of Mr. RICHARDSON, the following resolution was read, and agreed to:

Resolved, That the President be requested to return to the House of Representatives the bill (H. R. 5731) entitled "An act to regulate the practice of surgery, to license physicians and surgeons, and to punish persons violating the provisions thereof in the District of Columbia."

On motion of Mr. RICHARDSON, a motion to reconsider the last vote was laid on the table.

ENROLLMENT OF LEGISLATIVE BILL.

The SPEAKER laid before the House the following concurrent resolution, submitted by Mr. DOCKERY:

Resolved by the House of Representatives of the United States (the Senate concurring), That the enrolling clerk of the House, in enrolling the bill (H. R. 6248) making appropriations for the legislative, executive, and judicial expenses of the Government of the United States for the fiscal year ending June 30, 1897, and for other purposes, be, and hereby is, authorized and directed to insert in section 24, after the words "ninety-six," in said bill, the following: "except as in said sections otherwise specially provided."

Mr. DOCKERY. I move the adoption of the resolution.

The resolution was agreed to.

On motion of Mr. DOCKERY, a motion to reconsider the last vote was laid on the table.

ORDER OF BUSINESS.

Mr. LOUDENSLAGER. Mr. Speaker, I desire to submit a privileged report.

The SPEAKER. There is a privileged report pending, submitted last evening by the gentleman from Iowa [Mr. LACEY].

Mr. COLSON. Mr. Speaker, before that is taken up I ask unanimous consent for the present consideration of the bill (H. R. 2568) authorizing the construction of a road from the Mill Springs National Cemetery, in Pulaski County, Ky., to the town of Somerset, in said county.

The SPEAKER. The gentleman from Kentucky asks unanimous consent for the present consideration of the bill indicated. Is there objection?

Mr. KEM. I object.

The SPEAKER. Objection is made by the gentleman from Nebraska [Mr. KEM].

NORTHERN PACIFIC RAILROAD INDEMNITY LANDS.

Mr. LACEY. Mr. Speaker, I wish to call up the privileged report which was under consideration when the House adjourned last evening.

I will be glad to have the attention of my colleague on the committee [Mr. MCRAE], the gentleman from Arkansas, who on last evening objected to the conference report. I think the gentleman has hardly made use of his usual care and accuracy in examining points of law in connection with these land matters as applicable especially to the pending bill. His argument was based on two errors of law.

In the first place, the original act of 1864 making the land grant to the Northern Pacific road gave rights to actual settlers both for preemption and for homestead purposes, and the Commissioner of the General Land Office held that that land was under a different rule from the public lands located outside of that grant, so far as homesteads were concerned. But in 1880 an act was passed placing the rights of homestead settlers generally on the same footing as those enjoyed by preemptors, and I call the attention of the House to section 3 of the act of March 14, 1880, which provides:

That any settlers who have settled or shall hereafter settle on any of the public lands of the United States, whether surveyed or unsurveyed, with the intention of claiming the same under the homestead laws, shall be allowed the same time to file his homestead application and protect his right of entry in the United States Land Office that is now allowed to settlers under the preemption laws to put their claims on record; and his rights shall relate back to the date of settlement the same as if he settled under the preemption laws.

My colleague has evidently overlooked this statute, and the Senate bill was drawn for the purpose of giving to the settlers who had taken possession before filing the same right accorded to them under this act of 1880.

Mr. MCRAE. The gentleman from Iowa is wrong in his construction of the act of 1880 and in his attempt to apply it to these settlers.

The gentleman should tell us, while on that point, what time was allowed under the preemption law for filing or entering——

Mr. LACEY. Three months.

Mr. MCRAE. Thirty days in one class and three months in the other.

Mr. LACEY (continuing). Three months; and, in addition, let me say to my colleague that it has been held by the Department that the three months simply gives an exclusive right for that period, and if for these three months the party still remains in possession and no filing has been made adverse his rights still remain. In short, his rights are good as against everybody in the world except somebody who files after the three months and before the settler has made his filing. So that this bill in the Senate was drawn to cover that class of cases. And that was one of the difficulties about the act of 1890 which was passed to relieve these settlers. It did not take care of this particular class of settlers. The Senate bill has this feature better than the House bill in that respect, and the gentleman from Minnesota [Mr. TOWNE] was entirely satisfied to accept this modification as prepared by the committee of conference, and which is taken in part at least from the Senate bill. Without that a number of these people would be cut out. This bill will grant relief to about 189 or 190 families who have not taken the benefits of the act of 1890.

Mr. Speaker, I think the bill as presented by the conference report protects the rights of all these settlers. It does not give rights to squatters, as my colleague on the committee [Mr. MCRAE] seems to think; for the bill in express terms says that to acquire rights under it a person must have settled with a view to taking under the homestead law. Squatters do not do that. So that the only persons covered by the provision to which the gentleman objects are persons who in good faith have entered upon the public lands within this particular territory adjacent to the Northern Pacific Railroad line with the purpose of taking under the homestead law, and who by a change of the ruling in the Interior Department were subsequently prevented from completing their filing.

Mr. TOWNE. And they must make that showing.

Mr. LACEY. And they must make that showing before they get the benefit of this act.

Mr. Speaker, I move the previous question on agreeing to the conference report.

Mr. MCRAE. I should like to say a word or two in reply to the gentleman from Iowa.

Mr. LACEY. How much time does the gentleman want?

Mr. MCRAE. Only about three minutes.

Mr. LACEY. I withhold for the present the call for the previous question and yield three minutes to the gentleman.

The SPEAKER. The gentleman from Arkansas [Mr. MCRAE] is recognized for three minutes.

Mr. MCRAE. Mr. Speaker, I am surprised that the gentleman from Iowa [Mr. LACEY], the chairman of the Committee on Public Lands, should undertake to make this House believe that this bill was framed and presented for the purpose of securing the rights which were reserved to settlers by the act making the grant to the Northern Pacific Railroad. The rights of all settlers on lands withdrawn for railroad purposes were protected, but even they were required to file proper notice within reasonable time. Why, sir, the very bill under consideration provides for relief to "those persons, their heirs, or legal representatives, who, between the dates of the 15th of August, A. D. 1887, and January 1, 1889, settled upon" land within the second indemnity belt of the Northern Pacific Railroad grant. It has no relation to the grant of 1864, nor to the settlers who may have been on lands prior to that act; and I hope the House will not be misled by any statement of that kind.

There is no pretense on the part of the friends of this bill that it would aid any settler who entered or made settlement prior to the Northern Pacific grant. By its very terms it is limited to settlements made between August 15, 1887, and January 1, 1889, upon land which has been since determined not to be subject to homestead.

The act of May 14, 1880, does not apply to settlements upon lands not subject to homestead entry. The point I insist upon is that this bill makes it possible to benefit those who never made filing or entry at all, and that we should not give such a preference over other citizens who want land.

Why are we told that these rights relate back to 1864, and also that the bill as now framed does not benefit squatters, when the mover of the bill has only asked relief for those who had "made filing or entry of the same" between said dates? I have said from the start, in committee and here, that every man who was induced to make a filing by any erroneous Department ruling should have his rights fully protected and his time and improvements allowed. I am informed that the object of the conference bill was to protect those who had made filing or entry, but had been denied the right to make final proof; and there was no pretense until yesterday that a settler who had never made a filing or entry was to be given the benefit of the bill. It was expressly so limited in the bill introduced by the gentleman from Minnesota [Mr. TOWNE], but we are now told that we should broaden it so as to reach those who did nothing except to go upon the land. I tell you, gentlemen, if you pass this bill you will find squatters upon public lands all over the country knocking at your doors and demanding that you give them the same rights granted by this bill. Why should not settlers who have occupied public lands as squatters for years and been "entered out" have just as much right as these settlers who have done nothing except to come to Congress and demand the right to purchase other land at $1.25 an acre—a right denied to other American citizens? Squatters in other parts of the country ought to have the same rights as these people, and it will be hard for you to refuse them when you have made this precedent.

Limit the benefits of this bill, as I propose and as the gentleman

from Minnesota proposed in the beginning, to those who have made filings or entry, and you do no great injustice; but if you pass the bill in its present form you establish a precedent that will open the door to every man who has lived on public lands for similar relief. You do injustice to the rights of the thousands of homeless people of this country who desire to enter public lands for the purpose of building homes upon them. It is admitted that the settlers in question decline to take the benefits of the act of October 1, 1890, because it required a residence of three months. That shows conclusively to my mind that they do not mean to take the lands for homes, but for the purpose of selling them—for speculation. This bill removes all limitations as to time when these entries can be made, and allows legal representatives—a thing unheard of in the homestead law—to make the entries.

[Here the hammer fell.]

Mr. LACEY. Mr. Speaker, the men who took possession of these lands for the purpose of entering them under the homestead law did so upon the invitation of the Government; they did so upon the ruling of the Interior Department which held the lands subject to homestead entry. They did all that the law required, and although it turned out afterwards that the land was not subject to homestead entry, yet as they had occupied it and had complied with the law in all respects, this bill proposes to put them on other lands simply upon the same footing which they occupied upon the lands in question. I now call for the previous question.

The question being taken on ordering the previous question, there were on a division (called for by Mr. MCRAE)—ayes 79, noes 28.

Mr. MCRAE. I call for the yeas and nays.

The yeas and nays were not ordered; there being—ayes 21, noes 128 (less than one-fifth voting in the affirmative).

So the previous question was ordered; and under the operation thereof the report of the committee was agreed to.

On motion of Mr. LACEY, a motion to reconsider the last vote was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment the following resolution:

Resolved by the House of Representatives (the Senate concurring), That the enrolling clerk of the House in enrolling H. R. 6248, making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes, be, and he hereby is, authorized and directed to insert in section 24, after the words "ninety-six," the following, "except as in said sections otherwise specially provided."

PATENTS TO UNION PACIFIC LANDS.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent for the immediate consideration of Senate concurrent resolution No. 38.

The SPEAKER. The Clerk will report the title of the resolution.

Mr. KEM. Is that by unanimous consent, Mr. Speaker?

The SPEAKER. The Clerk will read the title of the resolution, and then the Chair will put the question to the House.

The Clerk read as follows:

Concurrent resolution.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of the Interior be directed to rescind his orders to the Commissioner of the General Land Office suspending work upon the Union Pacific Railroad Company land lists now on file, embracing lands along the Union Pacific main line in western Nebraska, northern Colorado, Wyoming, and Utah, and shall cause work thereon to be resumed and patents to issue to the Union Pacific Railway Company without delay to all lands described in the several lists now on file in the United States Land Office upon which title is due to the Union Pacific Railway Company, in order to complete, through the Union Pacific Railway Company, good and sufficient title to the purchasers and present owners of such lands: *Provided*, That no patents shall be issued for any lands which have not been sold by said company prior to the passage of this resolution.

With the following amendment, recommended by the Committee on Public Lands:

Strike out all after the enacting clause and insert the following:

"That the Secretary of the Interior be, and he hereby is, authorized and directed to resume work upon and to issue patents to the Union Pacific Railway Company without delay to all lands which have been sold by said company to bona fide purchasers: *Provided*, That nothing herein contained shall be construed as waiving any right that the United States may have to declare a forfeiture as to the lands which have not been so sold by said company."

The SPEAKER. The gentleman asks unanimous consent for the present consideration of the resolution.

Mr. KEM. I call for the regular order.

The SPEAKER. The gentleman from Nebraska [Mr. KEM] objects.

Mr. MONDELL. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. MONDELL. Mr. Speaker, my question of personal privilege is that my constituents are entitled to know, and the country is entitled to know, why, at this time, it is impossible to provide relief for something like 25,000 people living along the line of the Union Pacific Railway whose property is jeopardized by reason of the fact that they have not a perfect title to their lands.

Mr. KEM. I raise the point, Mr. Speaker, that that is not a question of personal privilege.

The SPEAKER. The Chair thinks it is not a question of personal privilege.

Mr. MONDELL. Mr. Speaker, I hold that it is a question of personal privilege that my constituents and the constituents of the gentleman from the Sixth district of Nebraska, in which there are over 900,000 acres of land, owned by farmers who are threatened with financial ruin—if this resolution to afford them relief does not pass, then these 5,000 people interested in it should know who is responsible. If this resolution does not pass——

Mr. KEM. I call the gentleman to order.

The SPEAKER. The gentleman from Wyoming must be in order.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 1436) relating to commutations of homestead entries, and to confirm such entries when commutation proofs were received by local officers prematurely;

A bill (H. R. 1734) to increase the pension of Ann Catherine Hull;

A bill (H. R. 5675) authorizing the construction of a wagon and motor bridge over the Missouri River at St. Charles, Mo.;

A bill (S. 1659) to amend the laws of the District of Columbia as to married women, to make parents the natural guardians of their minor children, and for other purposes;

A bill (S. 710) granting a pension to Ada J. Schwatka, widow of the late Lieut. Frederick Schwatka;

A bill (S. 2221) for the relief of settlers on the Northern Pacific Railroad indemnity lands;

A bill (S. 2499) to amend an act entitled "An act to incorporate the Washington and Great Falls Electric Railway Company"; and

A bill (H. R. 6248) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes.

ORDER OF BUSINESS.

Mr. POWERS. Mr. Speaker, I desire to present a conference report.

Mr. CANNON. I shall have to raise the question of consideration on that report.

Mr. POWERS. It will not take more than a minute.

Mr. CANNON. I want to dispose of the deficiency bill.

Mr. POWERS. It will not take a minute.

The SPEAKER. The Clerk will present the conference report.

Mr. DINGLEY. I hope the gentleman from Vermont will withdraw the report. The deficiency bill ought to be gotten into conference.

Mr. POWERS. I withdraw it.

Mr. KEM. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. KEM. I desire to be informed by the Chair if remarks made by gentlemen upon the floor out of order are entitled to go into the RECORD when objection is made.

Mr. GROSVENOR. Mr. Speaker, I make the point of order that the RECORD is not made up yet, and the gentleman is not charged with any duty in connection with it until to-morrow morning.

The SPEAKER. The Chair is obliged to say that the question of what goes into the RECORD is somewhat of a disputed point. Whatever is presented as a question of privilege and as a part of the proceedings of the House ought to go into the RECORD, but what is said after the question has been ruled upon by the Chair the Chair thinks ought not to go into the RECORD.

Mr. KEM. Then I ask that that part be stricken out.

Mr. CANNON. Oh, what difference does it make. The newspapers have got it if it is of enough importance. [Laughter.]

The SPEAKER. The Chair will endeavor to do his duty in that regard.

GENERAL DEFICIENCY APPROPRIATION BILL.

Mr. CANNON. Mr. Speaker, I now call up the motion that the House disagree to amendment numbered 233 on the general deficiency bill.

Mr. SAYERS. Mr. Speaker, with the permission of the gentleman from Illinois, I will state that that single amendment covers 75 pages of printed matter. The bill as amended by the Senate has been printed, and gentlemen can send for that bill and know exactly what is under consideration. I make this statement in order to save the necessity of reading the amendment, which covers 75 pages of printed matter.

Mr. CANNON. The gentleman's motion will cover this amendment 233.

Mr. RICHARDSON. Mr. Speaker, I would like very much to hear what these gentlemen are saying.

The SPEAKER. The House will be in order. The gentleman

from Tennessee makes the point that he can not hear what is being said.

Mr. CANNON. I can say to the House, if they will send and get the House print of the deficiency bill covering the Senate amendments that came here yesterday, and which they can get at the document room, they will find that amendment No. 233 of the Senate commences on page 139 of the bill, and that it includes all that follows, to the end of the bill, on page 214, covering, in round numbers, 700 items in one amendment.

Mr. MAHON. Do you know the exact amount?

Mr. CANNON. I have the amount here. The deficiency bill as it passed the House covered $4,798,590.45. Gentlemen will recollect that early in the session we passed an urgent deficiency bill that covered, in round numbers, $6,000,000. That and this bill as it passed the House would make about $11,000,000. The Senate has added to this bill $6,266,000, an extraordinary addition; and when I state that, substantially, the general deficiency bill as it passed the House cared for the public service under the rules of the House I am strictly within the limit of correct statement. This bill makes appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1896, and prior years.

Mr. DINGLEY. If the gentleman will pardon me, do I understand that the Senate has sent in one amendment seventy-five pages of claims to the House?

Mr. CANNON. Precisely.

A MEMBER. Seventy-eight pages.

Mr. DINGLEY. Seventy-eight pages of claims in one omnibus provision, and expect this House, without any investigation, to immediately adopt a proposition of that kind?

Mr. CANNON. Covering over seven hundred items.

Mr. SAYERS. If the gentleman will allow me, it not only contains the French spoliation claims and the Bowman Act war claims, but it also contains the claims of Charles P. Chouteau, amounting to over $174,000, and other claims amounting to $11,000, that have nothing to do with these other classes of claims.

Mr. DINGLEY. All in one omnibus amendment?

Mr. HOPKINS. One moment. As I understand about that Chouteau claim, the Committee on War Claims of this Congress have rejected that claim.

Mr. SAYERS. I am glad to hear it.

Mr. ADAMS. I will ask the gentleman if these claims have not been adjudicated in the Court of Claims? When statements are made here that these claims have not been investigated it is not a correct statement, for they have been investigated in the court.

Mr. CANNON. If the gentleman will allow me, and I may be permitted to have quiet and proceed in my own time, I think I can cover the statement.

Mr. DOCKERY. Mr. Speaker, I would like to hear the gentleman from Illinois.

The SPEAKER. The House will please be in order.

Mr. CANNON. Mr. Speaker, this is the most extraordinary set of amendments ever proposed by the Senate of the United States in twenty years, during my service in the House of Representatives, to the general deficiency or any other appropriation bill. Now, that we may see just a minute wherein it is extraordinary, I ask the attention of the House. Gentlemen understand that it is necessary for the House and the Senate to make rules, to create committees, and make provision for doing public legislation, and to make provision touching legislation covering the claims of the private citizen. For that reason the House is divided into fifty-odd committees, and the jurisdiction of each committee is fixed by the rules of the House. You have the Committee on Appropriations. You jealously by the rules limit the jurisdiction of that committee to recommending provisions that will carry on the Government from year to year in pursuance of existing law. That is as far as we can go. It is as far as we should go on general appropriation bills.

Mr. BAKER of New Hampshire. Will the gentleman allow me to ask him a question?

Mr. CANNON. Certainly.

Mr. BAKER of New Hampshire. Is it not entirely within the province of the Committee on Appropriations in the deficiency bill to make an appropriation to pay claims found due against the United States?

Mr. CANNON. It has been held universally that we can not.

Mr. BAKER of New Hampshire. Did you not put them in this very deficiency bill?

Mr. CANNON. Not at all.

Mr. BAKER of New Hampshire. I can show them to you by the dozen.

Mr. CANNON. The gentleman has been long enough in his service in Congress to know that touching these extraordinary amendments he and I, knowing what the rules are and the distinction between audited claims under the rules and those not audited, we can not deceive each other, and I know I do not and he ought not to mislead the House.

Mr. BAKER of New Hampshire. There are thousands of dollars of appropriation in this bill for the payment of simple findings of the Departments, while every one of these claims to which the gentleman objects are findings of the Court of Claims.

Mr. CANNON. Oh, Mr. Speaker, it is a sorry case indeed which requires the eminent gentleman from New Hampshire to come and seek to muddy the water in favor of these claims before I can even get a chance to state the proposition. I have not stated it, but if gentlemen will give me their attention I will state the jurisdiction of the Committee on Appropriations, and how that jurisdiction has been exercised, and just what it is that the Senate of the United States seek to have us do in one of these amendments that they send over here in these closing days of the session. If you will look at Rule XI, you will find that all claims under the Bowman Act and all claims under the French spoliation act are to be referred to the Committee on War Claims or the Committee on Claims, and these matters that are placed in this general appropriation bill by Senate amendment were referred in House and Senate to the proper claims committees. Much has been said about the Appropriations Committee usurping the jurisdiction of other committees. I call the House to bear me witness that we have tried zealously to conform to the rules, and when general appropriation bills are sought to be made the vehicles to carry through, out of order, the business of other committees, it is not a safe or wise procedure, and I stand to protest against it. Let me call attention for a minute to the rule which governs the jurisdiction of the House Appropriations Committee:

No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law or changing existing law.

More; let me read the next clause, that you may see how sweepingly the House has provided for this class of amendments:

No bill for the payment or adjudication of any private claim against the Government shall be referred, except by unanimous consent, to any other than the following-named committees: Pensions, Invalid Pensions, Claims, War Claims, Private Land Claims, and the Committee on Accounts.

Now, this deficiency bill, strictly within the rules of the House, was passed by the House. "But," says the gentleman from New Hampshire, "it covers claims that have been audited by the Treasury Department." Yes; but the statute of the United States makes the proper officers of the Treasury Department a court to do what? To pass on legal claims against this Government arising under appropriation or positive provision of law, where the money has not been appropriated; and these audited claims that come here from time to time, certified by the Department under the law, are the judgments of that court, and have always been referred under the rules to the Committee on Appropriations, and have always been appropriated for just as we appropriate for the payment of judgments of the United States courts. But it may be asked wherein do the Senate rules differ from the rules of the House in this respect? Not at all. They have substantially the same rules there that we have. Yet that coordinate branch of Congress have made this and other amendments to the general deficiency bill and sent them with their compliments to us. It is not for me to criticise the coordinate branch. I belong to this branch of the Congress, and my duties lead me to insist upon legislation and appropriation, safe legislation and appropriation, under the rules and usages of the House, and if we have to resist the encroachments of another body out of order, let us perform our function. It is not the first time the House of Representatives has had to take care of itself and the other departments of the Government.

Now, Mr. Speaker, what does this amendment consist of? It consists of these 700 items, part of them called the French spoliation claims. I am not going to discuss their legality or equity. It may be that they ought to be paid. It may be that a portion of them ought to be paid and another portion ought not to be paid. It may be that the claimant, or the descendants of the claimant, ought to be paid, and that the insurance company which took the risk and got the premium and met with the loss ought not to be paid. It may be that the assignee in bankruptcy who, three generations ago, acquired some of these claims for a song ought not to be paid. I do not know. I am not going to discuss that now. But all these questions are involved in appropriations for the payment of French spoliation claims, and the bare statement of the proposition shows the wisdom of the rule of the House that appropriations upon general appropriation bills shall be in pursuance of existing law. "But," says somebody, "has not the Court of Claims passed upon them?" Let us see. I hold in my hand volume 23 of the acts of 1885, when there was legislation touching the French spoliation claims. It referred them to the Court of Claims. For what purpose?

And they [the court] shall decide upon the validity of such claims according to the rules of law, municipal and international, and the treaties of the United States applicable to the same, and shall report all such conclusions of fact and law as in their judgment may affect the liability of the United States therefor.

Report to whom? To Congress. What else?

Such finding and report of the court shall be taken to be merely advisory as to the law and facts found, and shall not conclude either the claimant or Congress; and all claims not finally presented within two years shall be barred.

Now listen:

And nothing in this act shall be construed as committing the United States to the payment of any such claims.

Congress by law made the Court of Claims like unto a committee to examine these claims and report back its findings; but the reservation is expressly made that nothing in the proceeding shall commit the United States to the payment of the claims. It is merely advisory. That is the condition of these claims covered by this one amendment, embracing something like 100 pages. And yet are we to understand that in these the last days of this session these claims are to be taken by a Cæsarian operation from the committee of the gentleman from Pennsylvania and from the Claims Committee of the Senate, and when the child is taken forcibly from its legitimate mother, legitimate under law and rule, it is to be placed here as an illegitimate child on a general appropriation bill, designed legitimately to carry on the service of the Government for this fiscal year?

Mr. ADAMS. Will the gentleman permit a question?

Mr. CANNON. Certainly.

Mr. ADAMS. Has not Congress acknowledged the legitimacy of this "child" by appropriating money in 1890 to pay all the claims that had then been reported to Congress by the Court of Claims?

Mr. CANNON. What does that prove?

Mr. ADAMS. That these are legitimate claims; and even assuming the gentleman's position that the Court of Claims in this matter acts the part of a committee, Congress has acknowledged the legitimacy of these claims by paying a part of them.

Mr. CANNON. I am not speaking of the merits of these claims. Some of these claims are made payable to the descendants of the men who are supposed to have been originally entitled; others are payable to the collateral representatives; others to assignees in bankruptcy; others to insurance companies that reaped their profit in the war premiums, and claim to be subrogated to the rights of the original claimants.

Mr. GROSVENOR. Will the gentleman allow me a question?

Mr. CANNON. Certainly.

Mr. GROSVENOR. Does not the gentleman think that if Congress goes on refusing to pay the debts of the country all those debts will after a while be due to "heirs" and "collateral representatives"? [Laughter.]

Mr. CANNON. The gentleman makes that inquiry; let me answer him. If the Court of Claims or any other court is to be invested with jurisdiction to render judgment, let us invest it with that jurisdiction, and then appropriate to meet the judgments. But because Congress fails to so invest it with jurisdiction, and honorable gentlemen like my friend from Ohio, when he asks a question of that kind in apology—if it is to be followed to its legitimate conclusion—for this class of legislation coming as an amendment on a general appropriation bill, he does not, in my judgment, perform his duty as a conservative legislator as well as he does almost invariably at other times.

But that is not all. There is a lot of claims here under the Bowman Act amounting in round numbers to half a million dollars. This amendment covers altogether claims amounting to about $2,000,000 or a little less in round numbers. Now, what is the Bowman Act? It was enacted in 1883. Let us see what jurisdiction it confers:

That whenever a claim or matter is pending before any committee of the Senate or House of Representatives, or before either House of Congress, which involves the investigation and determination of facts, the committee or House—

Mark you! Either—

may cause the same, with the vouchers, papers, proofs, and documents pertaining thereto, to be transmitted to the Court of Claims of the United States, and the same shall there be proceeded in under such rules as the court may adopt. When the facts shall have been found the court shall not enter judgment thereon, but shall report the same to the committee or to the House by which the case was transmitted for its consideration.

Gentlemen talk about these being "judgments" of the Court of Claims. The Court is prohibited from rendering judgment in these cases. Upon the request of a committee or of the House or of a Department the Court makes the investigation and returns answer as to its finding of facts, for the consideration of the Department or of Congress.

Mr. DOCKERY. Do I understand the gentleman from Illinois to say that claims of this character are carried in the Senate amendment?

Mr. CANNON. Certainly. The Senate amendment includes claims under the Bowman Act, claims arising in the Indian service, war claims, and claims touching the construction of ships or gunboats during the war—a generation ago. In fact, I may say in passing, that these claims come substantially within the following description: As early as 1864 legal claimants had a status afforded them by the Fourth of July claims act, including these claims. And that tribunal investigated and passed upon claims to the amount of six millions and a half of dollars, which have been reported by the Committee on Claims year by year and appropriated for. Then, under the Southern Claims Commission act, claims to the amount of nearly $5,000,000 were investigated and paid. Nearly all the claims embraced in the present amendment have had their day in court and been rejected. But they come, and they can come. Like hope, they "spring eternal." Under the Bowman Act these claims are referred for a finding of fact to the Court of Claims. The Court of Claims finds the facts and reports them back for our consideration.

Mr. DOCKERY. Have they been considered?

Mr. CANNON. Have they been considered on the report of the gentleman from Pennsylvania, claim by claim? No.

Mr. GIBSON. Every one of these claims has been reported by the War Claims Committee. Every one of them has been investigated and recommended for payment.

Mr. CANNON. Every one of these claims, the gentleman says, has been reported by the War Claims Committee. Let that committee perform its functions just as it did in respect to the $12,000,000 that was appropriated for similar claims under the Fourth of July act and the act creating the Southern Claims Commission.

Mr. QUIGG. Does the action of the Court of Claims in reporting its finding of facts establish legally a debt?

Mr. CANNON. No, sir.

Mr. QUIGG. It simply brings the case to Congress?

Mr. CANNON. Precisely.

Mr. DOCKERY. For consideration.

Mr. CANNON. For consideration only. The act of Congress expressly provided in the one case that it should not commit Congress to the payment of the French spoliation claims; and in the other that the reports shall be merely advisory; that they should report their findings. In other words, that the Court of Claims should not enter judgment, but leave the whole matter open, upon the findings submitted by them, for the consideration of Congress.

Now, if I have been able to place this matter before the House so that they can understand it, let me take another step forward.

Mr. KNOX. Let me ask the gentleman from Illinois whether there are not precedents for putting appropriations on the general appropriation bills simply on the findings of the Court of Claims?

Mr. CANNON. I do not recollect any except in the Fiftieth Congress; in which, my recollection is, by order of the House in the first instance, before the Committee on Appropriations was appointed, the French spoliation people got their work in, by a resolution which amounted to a rule, directing the Appropriations Committee afterwards—after it was appointed—to report to the House an item covering these claims. And I am informed, as my recollection is refreshed, that notwithstanding that order, the House Committee on Appropriations should report on a general appropriation bill these claims, afterwards, when considered in the House, they were ruled out by a majority of the House and did not go upon the bill.

Mr. DOCKERY. That is correct.

Mr. CANNON. The objection was sustained on a yea-and-nay vote in the House.

In the Fifty-first Congress—and I want to be exactly fair—the Senate of the United States, against its own rules, put the French spoliation claims on the deficiency bill in the closing hours of the session; and I recollect when that deficiency bill came over here, after midnight, with a House that was completely tired out, and with barely a quorum in attendance (having to wake members as they reclined on the lounges around the Halls and in the committee rooms), the matter was considered, and the House agreed with the Senate under those circumstances. And, if I recollect aright, the last night of the last day between 2 and 3 o'clock in the morning, this proceeding took place.

Now, Mr. Speaker, a word in conclusion. Gentlemen were present in the House on yesterday when this bill came over from the Senate. It had not then been printed. These 700 items, aggregating in round numbers some $2,000,000, were placed on the bill. I happen to be chairman of the Committee on Appropriations. I am chairman of the subcommittee that prepared this deficiency bill; and I never had read one item of these 700, aggregating $2,000,000, and my eyes met them for the first time this morning when I sent after this bill, in which I discovered these amendments. Not only the war claims, not only the French spoliation claims, but the Indian claims, the damages to shipmasters, as is alleged—claims originating over a generation ago, barred by the statutes, turned down in the courts—I find them like birds of evil omen, some of them, trooping together to fasten on this general deficiency bill that must pass or the Government stop.

Mr. DOCKERY. Does the gentleman mean to say that these claims are all grouped in one amendment of the Senate?

Mr. CANNON. I do.

Mr. NORTHWAY. All in one.

Mr. DOCKERY. In other words, that they are all pooled?

Mr. NORTHWAY. Yes.

Mr. CANNON. Precisely so. They are all grouped together in the one amendment, covering some hundred pages of the bill, 700

different items, running along item after item, from $150,000 down, and aggregating about $2,000,000.

Now, can anybody claim that the Committee on Appropriations can, in these the closing hours of this session, turn itself into a claims committee, and even read a sentence touching the merits of each one of these various claims? It can not be done.

"Ah! But," says somebody, "they may claim that these represent a judgment of the court and the adjudication of a claim." I deny it. The court never was given jurisdiction to render a judgment. That court was merely made a commission, or a committee if you please, to investigate and report its findings to the House of Representatives, and it is of no higher weight or sanctity than the reports of any other committee of the House. Each one of these cases, if it has merit, must stand upon its own merit. I think I am safe in guessing that a dozen volumes, of 500 pages each, closely printed, would not understandingly and conclusively discuss these 700 claims.

Mr. LACEY. Will the gentleman allow a question?

Mr. CANNON. Yes.

Mr. LACEY. Can you give some suggestion as to the ground on which they claim that we ought to pay the insurance companies in these French spoliation claims? Is there any reasonable suggestion as to the validity of their claims?

Mr. CANNON. Well, the gentleman understands the doctrine of subrogation. The insurance company took a risk on a vessel a hundred years ago, at a very high premium; the vessel was captured, the insurance company makes a loss; but in footing up their whole business they make a great profit. Now, the insurance company pays in part or altogether, as the case may be. This proposition would subrogate the insurance company to the rights of the man who lost the vessel. So you may take the case where an assignee in bankruptcy sells a man out, and the claim goes for a bagatelle, a cent on the dollar. It is insisted that they should be paid in full. It may be that they ought to be. I am not discussing the merits of these claims. I say that the Private Calendars of the House and Senate have been stripped, against the rules of both bodies, and literally written upon this bill in the closing hours of the session.

Mr. GROUT. If the gentleman will allow me to interrupt, there are no insurance cases in this French spoliation list.

Mr. CANNON. Can the gentleman speak from his own knowledge?

Mr. GROUT. Well, from what I believe to be reliable information, there is no insurance company provided for in this list of French spoliation claims.

Mr. CANNON. I heard that in the Fifty-first Congress; and yet the insurance companies abounded all through that appropriation, and that is just what I complain of. My colleague from Vermont [Mr. GROUT] is an able and well-equipped legislator, vigilant in the performance of his public duties. He and I serve upon the same committee. He rises in his place and says that he is credibly informed that there are no insurance claims in these 700 items. I reply that I am credibly informed that there are insurance claims in there. Now, the bare statement of the proposition, when two as smart men as my colleague and I disagree upon our information, ought to be sufficient to show the inconsistency of this method of legislation. [Laughter.] Is the whole House, that has not been charged with the preparation of this bill, to open its mouth like a chicken and gulp it down, whatever it may be composed of?

Mr. GROUT. The gentleman is now speaking of insurance claims. When I interrupted the gentleman he was speaking about insurance companies. I do not say that there may not be in this list of French spoliation claims some cases of individual underwriters.

Mr. LACEY. Look at page 146 and page 148.

Mr. GROUT. I do not say that may not be so. I say there is not the case of any insurance company in this list of claims.

Mr. GROSVENOR. If the gentleman from Vermont will allow me to call attention to the matter referred to by the gentleman from Iowa [Mr. LACEY]——

Mr. CANNON. The gentleman from Vermont has not taken the floor. I will yield to the gentleman from Ohio [Mr. GROSVENOR] in a minute. I want to say that I have not yet read these 100 pages. My colleague on the committee [Mr. NORTHWAY] calls my attention to the fact that one paragraph of these 100 pages prohibits the payment of these appropriations to insurance companies. I have not carefully read the items—I had no time to read—but was informed, and am still informed, that, as the gentleman from New Hampshire [Mr. GROUT] has admitted, there are claims in favor of individuals which are substantially and equitably insurance claims—claims owned by others than the original losers or their heirs—included in the bill.

Mr. QUIGG. Does the gentleman mean that if we pay these items we shall be paying a lot of speculators instead of heirs of original sufferers?

Mr. CANNON. I am so informed.

Mr. MAHON. That is not in the bill.

Mr. CANNON. The gentleman says it is not in the bill. Let anyone rise in his place in this House who has read this amendment, which the gentleman moves that the House concur in, since it was printed this morning.

Mr. MAHON. Every item in that amendment is an honest debt, no difference to whom it belongs.

Mr. CANNON. Has the gentleman read it?

Mr. MAHON. Yes.

Mr. CANNON. This morning?

Mr. MAHON. Yes.

Mr. CANNON. From beginning to end?

Mr. MAHON. I have looked over it.

Mr. CANNON. I have found one who says he has read it. Let No. 2 stand up.

Mr. ADAMS. Why should we read all the items? It is nothing but a list of claims which have been passed upon by the Court of Claims.

Mr. GROSVENOR. I do not intend to stand up to be shot at by a gentleman so utterly furious as the gentleman from Illinois.

Mr. CANNON. I beg the gentleman's pardon. The gentleman knows I had no intention to treat him with rudeness. It had passed from my mind that he desired to be recognized. I will now yield to him for a question.

Mr. GROSVENOR. I wanted to call the gentleman's attention to this fact: It was stated by the gentleman from Iowa [Mr. LACEY] that on page 148 he had found the name of an insurance company. I simply want to say that the Real Estate Insurance and Trust Company of Philadelphia, which was formed probably seventy-five years after the French spoliation claims were created, is the administrator, under the law of Pennsylvania, of an estate. I think that law under which that company can be the administrator is a bad one. We have the same law in Ohio. That company, under that statute, is the administrator of one James Campbell, deceased, and as the administrator of James Campbell that company is prosecuting this claim, but not as an insurance company, because there was no such thing. This company was not in existence when these claims were incurred.

Mr. ADAMS. It is not a fire-insurance company. These wild statements will all be answered in time.

Mr. CANNON. Is the gentleman from Ohio through with his question?

Mr. LOUDENSLAGER (to Mr. GROSVENOR). I should like to ask the gentleman from Ohio if the James Campbell mentioned on page 148 is the same gentleman who is mentioned on page 149 in connection with the Real Estate Title Insurance and Trust Company of Philadelphia, administrator?

Mr. GROSVENOR. In one case it is the Real Estate Insurance and Trust Company of Philadelphia, administrator of James Campbell, deceased, and in the other case it is the administrator de bonis non. They appear to be two different claims. I want to say that I made an investigation, that I might satisfy myself that there was no insurance-company claim allowed in this bill, and then, when the gentleman from Iowa pointed this out, I thought it was fair to make an explanation.

Mr. QUIGG. But the gentleman from New Jersey claims that this party had two administrators.

Mr. GROSVENOR. One is the administrator and the other is the administrator de bonis non. There is nothing incompatible in that.

Mr. CANNON. Has the gentleman from Ohio concluded his question?

Mr. GROSVENOR. Yes, for the present; and I hope the gentleman will stay on the earth on this question, so that we may have chance to ask him other questions.

Mr. CANNON. I will stay on the earth; let no man get in the dirt on this proposition. If you turn to page 214 you will find this:

> The payment to the assigns in each case being at the request of the original claimants as found by the Court of Claims.

That, I suppose, would include all classes of claims.

Mr. SAYERS. I want to call the gentleman's attention to the claim found on page 212. That item is for $174,000 or more. That is an independent claim.

Mr. CANNON. Yes.

Mr. SAYERS. Has the gentleman any information respecting that claim? If so, I would be glad if he would inform the House.

Mr. CANNON. I do not know anything about it, and I do not know that anybody else knows anything about it. I know that it is for $174,000, and I know it had its origin, as it appears, in 1864. That is all. Does anybody know anything about it?

Mr. DOCKERY. Will the gentleman allow me a question?

Mr. CANNON. Yes.

Mr. DOCKERY. I desire to know of the gentleman, because it seems important to have some committee action, whether these 700 claims incorporated in one amendment were ever considered by the Senate Committee on Appropriations?

Mr. CANNON. I understand not.

Mr. DOCKERY. Then this amendment was put on in the open Senate?

Mr. CANNON. That is the way I read the RECORD.

Mr. DOCKERY. Without the action of the Committee on Appropriations of the Senate.

Mr. RICHARDSON. Still, did not the Senate put it upon the bill on the report of the Committee on Claims, the report being made by Mr. BURROWS of Michigan?

Mr. CANNON. I understand the fact to be that these claims were put on in the Senate. The claims were not reported, and can not be, to the Committee on Appropriations under the rules of the Senate.

Mr. RICHARDSON. The gentleman, I know, wants to be entirely fair.

Mr. CANNON. Yes.

Mr. RICHARDSON. If he will recur to the RECORD a minute he will find that Senator BURROWS of Michigan stated in the open Senate that he reported these claims from the Committee on Claims, and reported them favorably. I am referring to the war claims. Now, will the gentleman allow me to ask him a question?

Mr. CANNON. Has Mr. BURROWS reported 700 claims?

Mr. RICHARDSON. He stated that he reported 348 of them.

Mr. CANNON. Let me answer the gentleman and say, so far as I know, Mr. BURROWS has not information touching these 700 items, and I speak respectfully, for he is an eminent man and statesman; and they have not been argued in the Senate or House, and this House has no knowledge touching their merits.

Mr. RICHARDSON. Now, Mr. Speaker, will the gentleman allow me a moment?

Mr. CANNON. In a minute. Let me state one thing further.

Mr. RICHARDSON. I hope the gentleman will allow me to recur to his statement.

Mr. CANNON. In a minute. There are a lot of things floating around loose to convince our minds. I hold in my hand a letter to Mr. HENRY, a Representative from Indiana. He brought it over to me a minute ago, and said that I was at liberty to use it. I did not intend to do so, and I will not now read the man's name, because I do not care to do such a thing unless some gentleman should demand it.

DEAR MR. HENRY—

Mr. HENRY, I believe, says he does not know this gentleman—

DEAR MR. HENRY: Senate amendment to general deficiency bill to pay Court of Claims findings is O. K.

The cases thereon were tried while I was one of the Attorney-General's assistants, and I know the findings to be correct.

The Democrats have neglected this appropriation, and by putting same on the deficiency bill now it can be charged to them, and properly so.

Mr. BAKER of New Hampshire. What of it?

Mr. CANNON. Any action of the committee about that?

Mr. BAKER of New Hampshire. The man says he has helped try these cases and knows they are O. K.

Mr. CANNON. Does my friend know who the man is?

Mr. BAKER of New Hampshire. I do not care who he is. He is giving a statement of fact.

Mr. CANNON. Does the gentleman want the man's name made public?

Mr. BAKER of New Hampshire. I do not care.

Mr. CANNON. Was the gentleman concerned in the trial of these cases?

Mr. BAKER of New Hampshire. Myself? No, sir.

Mr. CANNON. How do you know they are correct?

Mr. BAKER of New Hampshire. Because I have studied them.

Mr. CANNON. Studied all of these 700 items?

Mr. BAKER of New Hampshire. I know that the Court of Claims is accustomed to being right, and I am willing to bear my testimony to that effect at all times.

Mr. CANNON. The Court of Claims under the law had no power to render judgment in these cases, and has not done so. Now, I have said enough about this matter.

Mr. GROSVENOR. Will the gentleman permit another question?

Mr. CANNON. With pleasure.

Mr. RICHARDSON. I thought the gentleman was going to yield to me.

Mr. CANNON. In a minute.

Mr. GROSVENOR. In reply to the question of the gentleman from Illinois whether we know these claims to be correct, I want to quote an authority to show that they are correct.

Mr. CANNON. Very well.

Mr. GROSVENOR (reading)—

Now, one word—

That is pretty familiar language—

Now, one word in respect to the French spoliation claims—

Mr. CANNON. These claims?

Mr. GROSVENOR. The same class of claims; French spoliation claims.

Mr. CANNON. These identical claims?

Mr. GROSVENOR. The same class.

Mr. CANNON. The gentleman now is about to misrepresent somebody, I do not know whom. [Laughter.]

Mr. GROSVENOR (reading)—

In a previous Congress I voted for these claims. After some careful examination on my part and listening to the arguments with regard to them, I came to the conclusion that at least a certain amount of them were just and should be paid.

Mr. CANNON. What claims does that refer to?

Mr. GROSVENOR. French spoliation claims.

Mr. CANNON. I have suspicion that I know, perhaps, whose language the gentleman is reading. Were not those claims under the Bowman Act?

Mr. GROSVENOR. This extract begins, "Now, one word in respect to the French spoliation claims." The authority whom I am quoting is one JOSEPH G. CANNON, an honored Representative from the State of Illinois. [Laughter.]

Mr. CANNON. My recollection is that those were some claims under the Bowman Act.

Mr. GROSVENOR. No; they were French spoliation claims. [Laughter.]

Mr. CANNON. Very well. Were they the claims that are in this amendment—these particular claims? If the gentleman quotes me correctly, I said there that I had investigated the particular claims there referred to and that I believed some of them were just and ought to be paid. I have no occasion to modify that language. I suppose that some of these claims are just, but which one of the 700 is just I do not know and I do not believe any member of this House knows. I believe that God Almighty alone knows now. [Laughter.]

Mr. WALKER of Massachusetts. I would like to ask the gentleman how many members of this House know of their own knowledge, derived from personal investigation, that one bill in ten or one item in one hundred that is passed here is correct? Members have to take somebody's word, and to assume that he is honest.

Mr. CANNON. Yes; and therefore we organize the House, create committees, form rules, and adopt methods of procedure for the transaction of the public business, so that when a matter comes here the House may know that the committee that reports it has investigated it and is responsible for it. All those safeguards are given; they are all absent here. No committee of this House vouches for these claims. By force they are put upon a bill that I happen to have charge of, wrongfully, by a Senate amendment, and I know nothing of them and can know nothing of them. Therefore I am against this method of legislation. They have brought the Bowman Act claims and the Indian claims and the French spoliation claims and put them on here, not upon their separate individual merits—oh, no; but out of order, in one amendment, 700 items, $2,000,000 in amount. They have married these claims one to another. If there is to be issue of that marriage, I want to make prophecy to the gentlemen of this House that it will be deformed, it will be corrupting in its action, and it will plague its ancestors. [Laughter.]

Mr. MERCER. It is polygamy, is it not? [Laughter.]

Mr. WELLINGTON. I want to ask the gentleman from Illinois a question. What is there against the claims presented on page 190, beginning with "Maryland," on the nineteenth line, down to line 13, on page 194?

Mr. CANNON. God knows. I never saw them until this morning. I have not yet seen them. I have had no opportunity to see them.

Mr. WELLINGTON. Is it not true that every one of those claims has been before the Court of Claims and has been favorably reported to a committee of this House? And is it not further true that that report was referred to the Committee on Claims and that every one of those claims has been favorably reported to the House by that committee?

Mr. CANNON. It may be true; but even if that be true there is no judgment. It was a mere finding by the Court of Claims. The court had no authority to do more than merely to make a finding and report it to Congress for its consideration, and the fact that the report was referred to the Court of Claims shows the jurisdiction. It is the effort to take these separate claims, against the rule, against sound practice, and to put them wholesale upon a bill where they do not belong, and which must pass, that I object to.

Mr. WELLINGTON. I just want to add this: So far as these claims are concerned they come, every one of them, from the State of Maryland, every one of them from the district that I represent. The greater part of them I know something about personally. The greater part of them are due to men, or to their estates, for goods and property taken in war time. They have been proven again and again. They have gone before the Court of Claims; they have gone before the committee of this House; they have been favorably reported; and I say that it is within the

jurisdiction of this House to pay these people the honest debt which the Government owes them.

Mr. CANNON. Well, that is a pretty long question, but I like to yield to my friend when I can. He says he thinks these claims under the Bowman Act are just.

Mr. WELLINGTON. I do.

Mr. CANNON. Has my friend examined the other claims in this amendment?

Mr. WELLINGTON. Some of them I have, and some I have not——

Mr. CANNON. Hold on a moment; I want to get at the fact. Has my friend examined into the matter of the Chouteau claim for $174,000?

Mr. WELLINGTON. I have not. I have taken it just as the gentleman took the other day the twelve-thousand-five-hundred-dollar claim.

Mr. CANNON. Oh, "the twelve-thousand-five-hundred-dollar claim!" I assented to that appropriation by Senate amendment at the close of a conference after midnight and after the Senate had receded on two or three million dollars; and when that item was submitted here in a conference report the House believed it unwise and rejected the report. Let the House follow suit in this case.

Mr. WELLINGTON. But did not the gentleman know, or ought he not to have known, that this expenditure of $12,500 was not a just or correct one?

Mr. CANNON. In my judgment——

Mr. WELLINGTON. And yet the gentleman objects this morning to the payment of claims——

Mr. CANNON. I do not yield.

Mr. WELLINGTON. Claims that are correct and just, and have been year after year reported to the House.

Mr. CANNON. I claim the floor.

Mr. WELLINGTON. I say that the Government owes these just debts, and ought to pay them to these people.

Mr. CANNON. Mr. Speaker, I desire to be protected in my rights.

Mr. WELLINGTON. I want my constituents to be protected in their rights.

The SPEAKER. The gentleman from Maryland is out of order.

Mr. CANNON. Mr. Speaker, it always affords me pleasure——

The SPEAKER. The House will come to order, and gentlemen will take their seats. [After a pause.] The time of the gentleman from Illinois has expired.

Mr. CANNON. I ask for a minute more.

Mr. WELLINGTON. I move that the gentleman——

Mr. CANNON. Oh, I want but a minute—merely a part of the time that I yielded to the gentleman from Maryland.

Mr. SAYERS. Mr. Speaker, as a member of the committee I shall be entitled, I presume, to an hour; and I yield to the gentleman as much time as he may desire out of my hour.

Mr. CANNON. I want only a minute. I have already said what I desire to say about the merits of this question. I yielded to the gentleman from Maryland, for whom I have respect, that he might ask a question. In the colloquy back and forth he thought proper—I suppose in the fancied hope that he would strengthen this amendment—to refer to an irrelevant matter—an item which was carried in the conference report on the sundry civil bill; and he taunted me with the fact that that report was "turned down." The House did not assent to that Senate amendment on the merits. I was not sorry then that it was turned down; I am not sorry now. When you settle bills carrying thirty or forty million dollars, there must be something of compromise and something of yielding back and forth. But it seemed to me that the gentleman, in his zeal to try to strengthen these claims, not upon their merits, did not do himself the credit that he ordinarily does in his direct way when he turned off and lugged in something that had nothing whatever to do with the provisions before the House.

Mr. WELLINGTON. I should like to say just one word in reply to the gentleman from Illinois, if he will permit me.

Mr. CANNON. In one moment I shall be through. Is the gentleman from Ohio [Mr. GROSVENOR] in his seat?

Mr. GROSVENOR. I am here.

Mr. CANNON. I find that the language which the gentleman from Ohio read from a debate in the Fifty-first Congress and credited to me was not my language. I find that it was the language of Mr. Peters of Kansas, to whom I had yielded.

Mr. GROSVENOR. Not at all; I did not make any mistake.

Mr. CANNON. Very well; it may be the gentleman is correct; I will examine further. But if the language which the gentleman read was mine, it was precisely like that of the gentleman from Kansas, Mr. Peters. I acquit my friend, of course, of any intention of misquoting me. The book is here, and we will both examine it.

Mr. GROSVENOR. Very well. The book was sent to me with a note calling my attention to the remarks of the gentleman, and I read what was marked.

Mr. CANNON. But what the gentleman read was the language of Mr. Peters.

Mr. GROSVENOR. We will see about that.

Mr. RICHARDSON. Will the gentleman from Illinois be kind enough to state the page of the RECORD that he read from?

Mr. CANNON. Page 3807.

Mr. RICHARDSON. What Congress?

Mr. CANNON. It was in 1891—the Fifty-first Congress

Mr. MAHON obtained the floor.

Mr. GROSVENOR. If the Chair will allow me a moment, this book was sent to me with a note calling my attention to a marked paragraph. Looking at the heading, I saw that it appeared to be a part of the remarks of the gentleman from Illinois [Mr. CANNON]; and with that understanding I read a sentence or two. I find now it is the language of another member, who had interrupted the gentleman from Illinois.

Mr. SAYERS. It was not the language of the gentleman from Illinois?

Mr. GROSVENOR. It was not. I was misled in the hurry.

Mr. RICHARDSON. Now, if the gentleman from Illinois will yield to me—he promised to do so——

The SPEAKER. The gentleman from Pennsylvania [Mr. MAHON] has been recognized.

Mr. RICHARDSON. Then I will ask the floor later. I want to call the attention of the gentleman from Illinois to what I understood him to say and what the RECORD shows him to have said in the Fiftieth Congress.

Mr. CANNON. Oh, it makes no difference what I said in the Fiftieth Congress. What is it decent and proper to do now?

Mr. RICHARDSON. You said then that these claims were "decent and proper" and ought to be paid.

The SPEAKER. The gentleman from Pennsylvania [Mr. MAHON] has been recognized.

Mr. MAHON. Mr. Speaker, I advocate the amendment of the Senate to this bill not because I have any personal interest in it, or because the great State that I in part represent has much in the bill. There are but two war claims under the provisions of the Bowman Act in the amendment in which that State is interested; two cases—small ones—one from Pittsburg, represented by my colleague [Mr. DALZELL], and another from the county of Adams, where the great battle of Gettysburg was fought. It is not, therefore, the amount that the bill carries for my own State that induces me to support the amendment; but I support it for a reason which is entirely satisfactory to me, and I propose, in the time I shall occupy, to present to the House as a lawyer the cold, naked facts which to my mind should recommend this amendment to the House for adoption.

The gentleman from Illinois [Mr. CANNON] says this takes away the functions and the business of the Committee on Claims and of War Claims of the House of Representatives.

I have no complaint to make against the gentleman from Illinois or any other member of the House as to the method of legislation adopted by this body. We have regular calendars for the business of this House. I am not attributing it to any one or any two men, but the House has absolutely, during this entire session, permitted legislation that was in gross and open violation of the rules of the House to be enacted on this floor. The gentleman from Illinois says: "Why not stand to the rules of the House?" That has been my contention in the past, and is my contention to-day. The Bowman Act has resulted in presenting to this House and placing upon the Calendar of the Committee of the Whole House on the state of the Union a number of claims, legitimate claims, against the Government of the United States. This Congress has been in session six long months and yet that Calendar has never been touched for one single moment. The Calendars of this House are veritable graveyards in which the bills of the great committees of the House are buried, and buried out of sight. [Applause.]

The gentleman speaks of the "great committees of the House," fifty-seven of them, "organized for the transaction of its business." If I had the time I could show him and convince this House that there are about forty-two of these committees that are absolutely and utterly ignored. The gentlemen composing these committees have spent their time during this session at arduous and hard work on their committees; but all in vain, simply because they were not permitted to come before the House with the business they had matured. Now, if the War Claims Committee wants to put life into any legislation, wants to give birth to any legislation and write it on the statute books of the country, it can accomplish it in no other way than in the way the gentleman from Illinois indicates, and that is to apply the knife—a drastic measure—and put life into it by the Cæsarean operation, as he calls it.

Mr. Speaker, four times in past Congresses in recent years has

the Senate of the United States placed these amendments on the deficiency bills. Why is it not a pertinent and proper amendment? The reason the Senate put them on—and they represent the people as we do—the reason the Senate put them on in four Congresses, and have included them in deficiency bills, is simply because that is the only way the people can get any consideration in this body. Take, for instance, the great Committee on Public Buildings and Grounds of this House. There are present to-day gentlemen who have served a long time in the House and are on that committee; and the sole work of that committee at this session was to report a resolution, and pass it through the House, appropriating the sum of $2,000 to fix up the kitchen in the House restaurant. [Laughter.] So I might go through many of the great committees of the House and point to the fact that they have not passed a bill during this Congress.

Now, this is a deficiency bill. If the Government of the United States owes these people, and the Secretary of the Treasury has no authority to pay them, we have a right to put the claims on the bill and appropriate the money for their payment.

I will now make a brief statement as to the French spoliation claim. It is a long history. Perhaps members of the House are all familiar with it. You remember that when the colonies had declared war against Great Britain—when they had declared for their independence—another nation across the sea came to the rescue of the colonists. In 1778 a treaty was entered into by which the Government of France bound herself to help the United States colonists to secure their independence. They performed their part of that contract to the letter. They sent their men and ships of war, and the dust of thousands of brave Frenchmen is in the soil of this country to-day in recognition of the fact that they did perform their part of the contract with this Government. But in 1790, or along there, the United States Government, in violation of that treaty, after they had secured their independence, went into another treaty, known as the Jay treaty, with Great Britain; and in that treaty the United States Government wantonly and knowingly refused to perform her part of the agreement with France, which was to protect her great West India possessions as well as to give her certain rights in the ports of this country. But in place of standing with France, as she agreed to do, she turned from France to Great Britain, and what was the result?

While there was no direct declaration of war between the two countries, France began at once to prey upon the commerce of the United States. So up until about 1800 this business went on. The result of it was that some 700 vessels of the pioneer merchantmen of the United States were destroyed by the French. Then the treaty of 1800 was entered into. Up to that time the French Government, in all her legislative bodies and by all her public utterances, openly acknowledged that she was indebted to the people of the United States who had had their vessels destroyed by her privateers. There is no question about that. And the French Government was ready and willing to pay them; but at the same time they held the United States Government bound to pay damages on account of the violation or nonperformance of the treaty of 1778. So, in recognition of this fact, about the year 1800 a commission sought to settle this difficulty between France and the United States. How was it settled? It is a fact beyond all controversy that the claim of the French Government was much larger than the claims of the people of the United States—nearly two to one. France agreed that she would abandon her claim, and the United States Government was to take care of the losses to American merchantmen and relieve France from that responsibility.

Mr. SAYERS. Will the gentleman allow me?

Mr. MAHON. Yes.

Mr. SAYERS. Does the gentleman state to the House that it is a matter of official record that any such agreement as that was ever entered into between the two Governments?

Mr. MAHON. Yes; that was the discussion, or understanding, if you will read it.

Mr. SAYERS. I do not refer to the discussion, but to the agreement. The gentleman stated that there was an agreement between the two Governments.

Mr. MAHON. Does the gentleman from Texas deny that the French Government so understood it, and relinquished her claim?

Mr. SAYERS. I do not know.

Mr. MAHON. Well, I know.

Mr. SAYERS. I know there was a certain class of claims paid for depredations by the French Government upon American commerce. That class of claims related entirely to ships that were seized in the ports of France. If my recollection serves me rightly, the French Government was then sadly in need of provisions and supplies, and that character of claims was paid for by the French Government, but that as to the other character of claims, such as we have here now, and which relate to depredations upon the high seas, payment for those claims was refused.

Mr. MAHON. Well, to be short, the French Government, through her commissioners, demanded that the United States should pay her claim for violation of the treaty for the reason, as the gentleman knows, that France had not declared war against the United States and the United States had not declared war against France. If the gentleman will go back and read the speeches of Clay and Webster, and men of that kind, in the United States Senate from 1826, during the time they served in that body, he will find that those great statesmen recognized the responsibility of the United States.

Mr. SAYERS. But the claims were not paid.

Mr. MAHON. Now, Mr. Speaker, to put it in a nutshell, the United States Government took the claims of the people who owned these American vessels, and with those claims settled with the French Government, and were released from their obligations to the French Government,

Mr. HAINER of Nebraska. When did the United States settle with the French Government for those claims?

Mr. MAHON. In 1800.

A MEMBER. When we bought Louisiana.

Mr. HAINER of Nebraska. With those claims?

Mr. MAHON. Yes; they took those very claims——

Mr. HAINER of Nebraska. Will the gentleman cite us to the treaty?

Mr. MAHON. The claims which were passed in the Fifty-first Congress, to the amount of $1,300,000, and these claims which are included in this amendment to-day, and with those claims of the United States they paid to the French Government the obligations which the French Government would have insisted on being paid by the Government of the United States; and if we had refused payment we should have been compelled to pay at the point of the bayonet and in the mouth of cannon.

Mr. HAINER of Nebraska. If the gentleman can cite us to any such treaty he is entitled to it by every possible right of discovery. It is his.

Mr. MAHON. I am not talking about the treaty. I am talking about the agreement.

Mr. HAINER of Nebraska. There was no such agreement made.

Mr. NORTHWAY. If the gentleman will send to the Court of Claims he will get a very long opinion, showing the whole history of the thing, and showing how the Court of Claims uphold these claims.

Mr. MAHON. I have it here, and if the gentleman takes the floor and denies the statement I made I shall be ready to knock the pins from under him. I say there was an agreement made.

Mr. WALKER of Massachusetts. Made in some form.

Mr. MAHON. It was repeatedly declared by Webster, by Chickering, and other great statesmen who in the past graced this Government with their great intellectual powers. Now, that is the way these claims originated.

These very claims were used by the Government of the United States. In other words, the United States Government having released the French Government, so that our people could not make individual claims against the French Government, the United States Government, by that agreement or understanding relinquishing all claims against the French Government, I repeat it, was using the claims of these people to pay its obligations to the French Government. Away back, from 1800 down to the present time, these people have ever since justly and properly insisted that the United States Government should pay them back what they had lost at the hands of this Government. Now, Mr. Speaker, in 1826 President Adams sent a message to the Senate of the United States in which he set forth all the facts in relation to these claims, and if my friend from Nebraska [Mr. HAINER] will get that message and read it carefully he will find everything contained therein to show what transpired between the French Government and our Government. Prior to that time three adverse reports had been made against the payment of any of these claims; but after Mr. Adams, on May 20, 1826, placed the correspondence between the United States Government and France before the Senate in the message, from that time up to 1895 not a solitary adverse report has been made to the Senate or House of the United States against these claims. The Congress of the United States since 1826 have made 53 reports, both in the House and Senate, and every one of them urging in the strongest terms the payment of these spoliation claims. The following favorable reports have been made:

There is probably no subject submitted to Congress since the organization of the Government under the Constitution, in 1798, which has been so fully and thoroughly investigated by committees of the two Houses as the present. Every essential fact having a bearing on the question, and every consideration of the international law, combined with a full development of the proceedings of both the French and American Governments in this regard, with an exposition of our diplomacy and numerous treaties, all, in the judgment of this committee, evincing conclusively the equity of these claims, have, from time to time, been laid before Congress.

In the House of Representatives there have been presented no less than 14 reports, as follows:

No.	Session.	Congress.	By whom presented.	Committee.
1	Second	Seventh	Mr. Giles	Select.
2	do	Ninth	Mr. Marion	Do.
3	First	Seventeenth	Mr. Russell	Foreign Affairs.
4	do	Eighteenth	Mr. Forsyth	Do.
5	do	Twentieth	Mr. Edward Everett	Do.
6	Second	do	do	Do.
7	do	Twenty-third	do	Do.
8	do	Twenty-fifth	Mr. Howard	Do.
9	First	Twenty-sixth	Mr. Cushing	Do.
10	Second	Twenty-seventh	do	Do.
11	Third	do	do	Do.
12	First	Twenty-eighth	Mr. C. J. Ingersoll	Do.
13	do	Twenty-ninth	Mr. Truman Smith	Foreign Affairs (verbal).
14	do	Thirtieth	do	Do.

In the Senate the subject has undergone an investigation by the committees thereof in a manner equally elaborate, and reports have from time to time been submitted to this body, as follows:

No.	Session.	Congress.	By whom presented.	Committee.
1	First	Fifteenth	Mr. Roberts	Claims.
2	Second	Nineteenth	Mr. Holmes	Select.
3	First	Twentieth	Mr. Chambers	Do.
4	Second	do	do	Do.
5	First	Twenty-first	Mr. Livingston	Do.
6	Second	do	do	Do.
7	First	Twenty-second	Mr. Wilkins	Do.
8	Second	do	do	Do.
9	do	Twenty-third	Mr. Webster	Do.
10	do	Twenty-seventh	Mr. Choate	Foreign Relations.
11	Third	do	Mr. Archer	Do.
12	First	Twenty-eighth	Mr. Choate	Do.
13	Second	do	do	Do.
14	First	Twenty-ninth	Mr. Clayton	Select.
15	Second	do	Mr. Morehead	Do.

It is a remarkable fact that there has not been a report adverse to these claims in either House of Congress since the President laid before the Senate, by message of May 20, 1826, the correspondence between the United States and France relative to these claims. Prior to that disclosure three adverse reports were made, to wit, one in the Senate by Mr. Roberts, from the Committee on Claims, in 1818, and two in the House of Representatives, from the Committee on Foreign Affairs—the first by Mr. Russell in 1822, and the other by Mr. Forsyth in 1814—all of which were far from being positive in opposition to their justice.

The papers communicated by the President in his message of the 20th of May, 1826, poured a flood of light on the subject; and since then every committee having the matter in charge has been constrained to come to the conclusion that these claims are just and equitable.

This committee can only account for the unexampled delay which (in face of expositions of great cogency by some of the most accomplished jurists and statesmen that have occupied seats in this Chamber) has occurred by the magnitude of the claims, and the large draft which their allowance would make on the Treasury of the United States. It would be difficult to find anywhere a more striking illustration of the truth of the axiom that delay is a denial of justice.—*Senate Committee Report No. 44, first session Thirty-first Congress.*

Your committee add the following list of favorable reports made since 1850:

No.	Where reported.	By whom reported.	Committee.	Date.	Report.	No. of bill.
30	Senate	Mr. Tru. Smith	Select	Feb. 5, 1850	Favorable	101
31	House	Mr. Buel	Foreign Affairs.	June 14, 1850	do	64
32	Senate	Mr. Tru. Smith	Select	Jan. 24, 1851	do	101
33	do	Mr. Bradbury	do	Jan. 14, 1852	do	64
34	do	Mr. Hamlin	do	Feb. 15, 1854	do	36
35	House	Mr. Bayly	Foreign Affairs.	Jan. 4, 1855	do	117
36	do	Mr. Pennington	do	Mar. 3, 1857	do	865
37	Senate	Mr. Crittenden	Select	Feb. 4, 1858	do	45
38	House	Mr. Clingman	Foreign Affairs.	May 5, 1856	do	552
39	do	Mr. Royce	do	Mar. 29, 1860	do	259
40	Senate	Mr. Crittenden	Select	June 11, 1860	do	428
41	do	Mr. Sumner	Foreign Relations.	Jan. 13, 1862	do	114
42	do	do	do	Jan. 20, 1863	do	114
43	do	do	do	Apr. 4, 1864	do	213
44	do	Mr. Cameron	do	Jan. 30, 1872	do	100
45	House	Mr. Myers	Foreign Affairs.	May 19, 1872	do	384
46	do	Mr. Frye	do	May 5, 1882	do	1465
47	do	Mr. Hoar	Claims	Mar. 12, 1884	do	1820
48	do	Mr. Cox	Foreign Affairs.	Jan. 24, 1884	do	745

Now, I want to read just briefly, but I do not want to weary the House by reading. I find that Marshall, the great Chief Justice; Madison, Pickering, Clay, Clinton, Livingston, Everett, Webster, Cushing, Sumner, and many other distinguished statesmen known to American history favored and made speeches in the Senate of the United States in favor of these very claims and acknowledged their validity. If my friend from Illinois [Mr. CANNON] will turn to Senate Document 102 he will find the reasons Mr. Webster assigned why these claims should be paid. It covers half a page, and it is too long for me to read. He puts it on the ground that these claims were just claims of the people of the United States against the French Government, and absolutely without the consent of the claimants the United States used them in payment of what they owed the French Government.

Mr. BAKER of New Hampshire. Read what Mr. Webster said.

Mr. MAHON. Gentlemen ask that I read to the House what Mr. Webster said. If the House will bear with me I will read it:

Mr. Webster, in his celebrated speech on granting indemnity to American citizens for French spoliations on American commerce prior to 1800, in the Senate of the United States January 12, 1835, says:

"A letter appeared in a newspaper published at Albany, N. Y., in which I was charged with having a direct personal interest in these claims. The assertion, like many others which I have not felt it to be my duty to take any notice of, was wholly and entirely false and malicious. I have not the slightest interest in these claims, or any one of them. I have never been conferred with or retained by anyone, or spoken to as counsel for one of them in the course of my life. No member of the Senate is more entirely free from any connection with these claims than I am. The question, sir, involved in these cases is essentially a judicial question. It is not a question of public policy, but a question of private right—a question between the Government and the petitioners. And, as the Government is to be the judge of its own case, it would seem to be the duty of the Government to examine the subject with the utmost good faith and the most solicitous desire to do justice."

And in same speech Mr. Webster, commenting upon the statement made by Mr. Clay as Secretary of State, in May, 1826, in transmitting Document 102 to the Senate, delivered the following remarks:

"Before the interference of our Government with these claims, they constituted just demands against the Government of France. They were not vague expectations of possible future indemnity for injuries received, too uncertain to be regarded as valuable or to be esteemed property. They were just demands, and, as such, they were property. The courts of law took notice of them as property. They were capable of being devised, of being distributed among heirs and next of kin, and of being transferred and assigned, like other legal and just debts. A claim or demand for a ship unjustly seized and confiscated is property as clearly as the ship itself. It may not be so valuable or so certain, but it is as clear a right, and has been uniformly so regarded by the courts of law.

"The papers show American citizens had claims against the French Government for 615 vessels unlawfully seized and confiscated. If this were so, it is difficult to see how the Government of the United States can release these claims for its own benefit with any more propriety than it could have applied the money to its own use if the French Government had been ready to make compensation in money for the property thus illegally seized and confiscated; or how the Government could appropriate to itself the just claims which the owners of these 615 vessels held against the wrongdoers, without making compensation, any more than it could appropriate to itself, without making compensation, 615 ships which had not been seized. I do not mean to say that the rate of compensation should be the same in both cases; I do not mean to say that a claim for a ship is of as much value as a ship; but I mean to say that both the one and the other are property, and that Government can not, with justice, deprive a man of either for its own benefit, without making a fair compensation.

"It will be perceived at once, sir, that these claims do not rest on the ground of any neglect or omission, on the part of the Government of the United States, in demanding satisfaction from France. That is not the ground. The Government of the United States, in that respect, performed its full duty. It remonstrated against these illegal seizures; it insisted on redress; it sent two special missions to France charged expressly, among other duties, with the duty of demanding indemnity. But France had her subjects of complaint also against the Government of the United State, which she pressed with equal earnestness and confidence, and which she would neither postpone nor relinquish, except on the condition that the United States would postpone or relinquish these claims. And, to meet this condition and to restore harmony between the two nations, the United States did agree first to postpone and afterwards to relinquish these claims of its own citizens. In other words, the Government of the United States bought off the claims of France against itself by discharging claims of our own citizens against France."

As Webster puts it is the whole question in a nutshell.

Mr. HOPKINS. Will the gentleman state what he is reading from?

Mr. MAHON. Senate Document 102.

Mr. HAINER of Nebraska. Now, the gentleman has read the speech of Webster; will he now point out the section of the treaty under which the United States discharged these claims?

Mr. MAHON. I refer the gentleman to history on this matter. I have not the time to cite it to him. He has an hour.

Mr. HAINER of Nebraska. The gentleman can not find it during the course of this debate.

Mr. MAHON. The gentleman can get Senate Document 102, and all the papers transmitted by President Adams, and you will get the whole history.

Mr. BAKER of New Hampshire. Do you think that Mr. Webster did not tell the truth about it?

Mr. HAINER of Nebraska. I am not speaking about the truthfulness of the statement. I think the gentleman is mistaken in his conclusions.

Mr. BAKER of New Hampshire. He has read from the speech of Daniel Webster.

Mr. HAINER of Nebraska. I understand that, and I ask him to point out the section of the treaty.

Mr. MAHON. Now, Mr. Speaker, it has been urged by some that these are stale claims. Old they are, but not stale. They are not unjust simply because the Government of the United States has refused to pay these claims that she ought to have paid long ago. Since 1800 these people have been thundering at the doors of the Departments of this Government and Congress for the payment of their claims. Now, Mr. Speaker, up to 1885——

Mr. HOPKINS. Will the gentleman allow me a question? I

stepped out while he was reading the speech of Daniel Webster, who favored the payment of these claims. Does the gentleman know why it was that his colleagues did not vote with him to pay these claims?

Mr. MAHON. Because they were men who in private life would pay the last dollar of their debts, even to the selling of the shirts off their backs, but when it comes to the question of the United States, are willing to rob the private citizen. [Loud applause.]

Mr. HOPKINS. Oh, no. Does not the gentleman know right there that it was disputed by leading Senators that these claims were just?

Mr. MAHON. I do not care what leading Senators might think about it. These were just claims against the Government of the United States.

Mr. HOPKINS. Does he not know that those gentlemen considered that it was just a speculation, and for that reason they were disallowed?

Mr. GROUT. Mr. Speaker, if the gentleman from Illinois will allow me——

The SPEAKER. One moment. The gentleman from Pennsylvania has the floor.

Mr. MAHON. Notwithstanding the fact that John Marshall, the great Chief Justice of the United States, approved these claims, notwithstanding the fact that some of the most brilliant jurists of this country approved them, notwithstanding the fact that after long and severe legal contests the courts one after another declared that these were just claims of our people against the French Government, and that they had been used by this Government to liquidate claims which France had made against it—notwithstanding all this, up to 1885 Congress failed to take any action for the settlement of these claims.

Mr. GROUT. If the gentleman from Pennsylvania will yield to me for a moment, I will make a brief statement of historic facts for the information of the House, and especially in reply to the gentleman from Nebraska, who asked the gentleman from Pennsylvania [Mr. MAHON] awhile ago to point out a place in the treaty where these claims were involved. These French spoliation claims arose, as gentlemen will remember, prior to 1800. They rose out of the Napoleonic wars, the wars of France under the Republic, the Directory, and in part the Consulate. The Government of the United States called on our merchants to send in statements of their losses. They did so, and a claim for them was presented by our Government to France. Our commissioners went over once on that errand, but the French Government would not receive them at all. They went a second time, and finally they were received, and what is called a convention was entered into. As soon as the convention met the representatives of the French Republic presented claims against the United States for a breach of the treaties of 1778.

What were those treaties? One was the treaty of amity and commerce, by which certain commercial privileges were to be given to the French, they agreeing to give us like privileges in their ports; but the principal treaty under which the French claims were made was the treaty of alliance, so called, by which France agreed to come and help us in the war of the Revolution, as she did, and by which we agreed in return to guarantee and defend the French possessions in America—the West India Islands. Now, remember this was in 1778, and when the wars of the French Republic arose, about 1793, Great Britain made for the West India Islands and France called on the United States Government to protect and defend them for her according to our promise in the treaty of 1778. I have the document here, but it would take an hour to read what I am stating in substance, and therefore I prefer to make this brief statement. I say France called upon the United States to defend her possessions in America. The United States never lifted a finger to do it. One of the French ministers to this country made a great fuss about it and was finally sent home, because he became somewhat uncivil in his complaints on account of the failure of our Government to carry out its treaty obligations.

Mr. WALKER of Massachusetts. Honest men are apt to become uncivil when injustice is done.

Mr. GROUT. Yes, and that is what ailed the French minister then.

But to resume my statement. When our commissioners presented the claims of our merchants for the destruction of our vessels and cargoes the French Government presented its claim for failure of our treaty obligations. In Article II of the treaty of 1800 it was at last agreed that the claims of the two Governments should be postponed till a more convenient time, and Bonaparte, First Consul, in the name of the French people, consented on the 31st day of July, 1801, "to accept, ratify, and confirm the above convention, with the addition importing that the convention shall be in force for the space of eight years, and with the retrenchment of the second article: *Provided*, That by this retrenchment the two States renounce the respective pretensions which are the object of the said article." This is the vital point in the treaty relating to these claims, namely, that "the two States renounce the respective pretensions which are the object of said article."

The Senate ratified this proposition of Napoleon, and it became the treaty, and that is how these claims of our citizens were used by the Government in settlement of a claim by the French Government of a claim against the United States, and the United States have not settled with the claimants; and this, briefly, is the ground on which these claims rest. These claims thus collected of France have never been paid to the claimants, though it is true that in 1819, when we bought Florida of Spain, we deducted $5,000,000 from the purchase money for such of these claims as arose from condemnations in Spanish courts. But these in this bill are for vessels and cargoes condemned in French courts.

Mr. HAINER of Nebraska. Does not the gentleman know that that second article was not in the treaty at all as finally made and ratified?

Mr. GROUT. That is right; the second article, which provided for an indefinite postponement of the matter, was rejected, and in the language of Napoleon, "The two States renounced their respective pretensions which are the object of the said article." In other words, the United States gave up the claims of her merchants, and France gave up her claim against the United States for breach of the treaties of 1778. They quit even. No one well informed can for a moment claim but that the merchants' claims were used to settle the claim of France against the United States for the broken treaties of 1778.

Mr. MAHON. Mr. Speaker, I can not yield further. There can not be any controversy that the United States openly and flagrantly violated its treaty with France. I will give the gentleman from Nebraska my memoranda, by which he will be able to find the Louisiana treaty and the other documents bearing upon this question. As I was saying when interrupted, Mr. Speaker, the contention about these claims went on up to 1885——

Mr. KEM. Mr. Speaker, I suggest that there is no quorum present. We ought to have a quorum.

The SPEAKER pro tempore (Mr. DINGLEY). The gentleman from Pennsylvania [Mr. MAHON] has the floor.

Mr. MAHON. Mr. Speaker——

Mr. KEM. I rise to a parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Pennsylvania can not be taken from the floor by anything but a point of order directed against words uttered by him and a refusal of the House to allow him to proceed.

Mr. KEM. I rise to a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from Pennsylvania has the floor, and will proceed.

Mr. MAHON. As I said before, the best jurists, the ablest statesmen of this country and of France, all or nearly all, were in full accord as to the justice of these claims; and in the House of Representatives it was openly declared that these claimants were entitled to compensation from our Government, but like all other claims of private citizens, these were deferred from day to day and from year to year, and up to 1885 were still unadjudicated. In that year the justice of these claims was admitted by the Congress of the United States, and it referred the claimants to the Court of Claims, telling them to go there and establish their rights; in other words, to show that their fathers, or their grandfathers, or somebody from whom they inherited, had lost a vessel or vessels by destruction at the hands of the French, and to show the value of the property. Congress, I say, under the act of 1885, sent these claimants to the Court of Claims and thereby put out of its own hands forever the right to investigate them.

Now, Mr. Speaker, the Court of Claims did investigate; and the Fiftieth Congress (if I am not mistaken as to the date), recognizing the justice and righteousness of these claims, paid $1,300,000 upon account of them. I say that if previously there had been any controversy as to the obligation of the Government to pay these claims—if prior to that time there had been any room for such a quibble as that with which the gentleman from Illinois [Mr. CANNON] has undertaken to puzzle this House—all such controversies and quibbles disappeared at that time when Congress, by the payment of over a million dollars on account of these claims, recognized in a way that can not be escaped the legality and justice of these claims. If Congress at that time paid $1,300,000 on account of these claims, upon what ground can we refuse now to pay this amount of $1,027,000 upon claims which have since been adjudicated by the Court of Claims? Mr. Speaker, that is all I have to say on the spoliation claims.

Now I want to refer to the claims arising under the Bowman Act. I do not know whether the gentleman from Illinois has read the debate which took place when that act was passed; but I want to refer to that debate and the reasons that compelled—I say compelled—Congress to pass the act. The committee rooms of the House and Senate were crowded with claims running into the thousands and the millions. Congress could not in its business hours, through its committees, investigate these claims. Hence it

passed what was known as the Bowman Act, referring to the Court of Claims these various claims—for what purpose? For the purpose of ascertaining certain things.

The first question to be considered by the court under that act was the question, Was the claimant loyal? That was a jurisdictional fact which the court must find. If found against the claimant, that was the end of the case. If the claimant was found to be a loyal man, the question was, Did he furnish stores or supplies to the Army of the United States? And the next question was, What were those stores and supplies worth at the time they were furnished? Those were the three things which Congress could not properly investigate, and which it wanted the court to investigate. In the case now presented, the court, after long and careful examination, has found that the claimant is loyal, that he furnished stores and supplies which were used by the Army of the United States, and that those stores and supplies were worth a certain amount of money. This finding, I say, is conclusive upon Congress as to those three facts. The Supreme Court of the United States may render judgment for a million dollars against this Government in favor of you or myself; yet it can not be enforced unless the Congress of the United States sees fit to appropriate money to pay that judgment. The money or property of the United States can not be taken by attachment or execution. This Congress is the last resort. If there has been a judgment, whether a mere finding of fact or a final judgment, the parties must come here to get their money.

Now, sir, in the Bessemer Case, 93 United States, May, 1865, the Supreme Court of the United States was asked to review a finding of fact by the Court of Claims; and the Supreme Court held that "the Court of Claims has furnished the facts we are to consider; and we can not look beyond them. For the purposes of this case they import absolute verity." The finding of the Court of Claims, according to this decision of the Supreme Court of the United States, is conclusive upon both parties. If a claimant demands $600,000 and the Court of Claims allows him but $50,000, that is conclusive upon him and upon the Government.

What is the Government of the United States except the legislative, executive, and judicial departments? I say that when the courts that have been created to ascertain the facts with regard to these claims have made their finding, it is binding upon the Congress of the United States; and we can do but two things: Either pay the amount found due or repudiate debts owing to private citizens of the United States.

Now, must Congress go into the merits of these cases? I was asked by the gentleman from Illinois whether I had examined these claims. Sir, I got a copy of this amendment from the Journal Clerk yesterday afternoon in less than three minutes after the committee had made their report to this House. I spent nearly all the hours of last night in examining the amendment, and I want to say that every claim therein contained coming under the Bowman Act was before the Committee on War Claims of this House, and no claim could be favorably reported by that committee that had not been examined by the Court of Claims. I wish to say that every claim in this amendment has been favorably reported by the War Claims Committee of this House, and the bills which they have reported are on the Calendar. If the business of this House were run in accordance with the rules the omnibus bills providing for these claims would have been considered four months ago, because it is near the head of the Calendar of the Committee of the Whole on the state of the Union, a Calendar which the House has neglected, because it has squandered its time in consideration of cases brought up by unanimous consent.

Mr. WILLIS. Have these bills been before the Court of Claims?

Mr. MAHON. Every one of them. There is not a bill in the amendment—no spoliation claim and no claim under the Bowman Act—that has not been carefully scrutinized by the Court of Claims.

A MEMBER. You mean the Committee on Claims.

Mr. MAHON. No; I mean the Court of Claims. We excluded every claim that had not been thus examined. The spoliation claims in this bill, amounting to $1,027,314.09, have all been before the Court of Claims and found honestly and justly due. The claims under the Bowman Act, amounting to $587,956.75, have also been before the Court of Claims.

The Chouteau claim, a claim for the construction of a gunboat, was also before the Court of Claims, and the court found that these parties were entitled to $174,445.75. It is true that the court, after finding these facts, held that it had no jurisdiction of the case; but nevertheless, in order to give the claimants a fair hearing, they reported it to Congress. If gentlemen will refer to the records of the court they will find that what I state is true.

Mr. CANNON. The gentleman does not claim that the court had any jurisdiction to try that case judicially and render judgment?

Mr. MAHON. No; they simply found the facts.

Mr. CANNON. And reported them back for the consideration of Congress?

Mr. MAHON. Yes, sir.

Mr. CANNON. In other words, the Court of Claims under the law acted in the same capacity that a committee of Congress would act.

Mr. MAHON. Yes, sir. I want to be honest in this matter. This claim, which received a long and tedious examination at the hands of the court, was confronted by the Attorney-General of the United States with the plea of want of jurisdiction. Still the court, after having taken all this testimony, and in view of the fact that the plaintiffs had been subjected to this long and expensive litigation, found as an absolute fact that the amount was due these people, but stated that they would have to go to the Congress of the United States and present their bill for that sum—an indebtedness which did not arise under the Bowman Act.

Mr. LEWIS. Do I understand the gentleman to say that the Supreme Court held, in the opinion to which he has referred, that the finding of facts by the Court of Claims, under the circumstances suggested, was conclusive and binding?

Mr. MAHON. It found that the finding of the court was an absolute verity; and why? Because it was a competent court, created to do certain things, namely, to find the facts as to whether the claims were just and ought to be paid.

Mr. LEWIS. Did they not hold that it was binding on the Supreme Court itself?

Mr. MAHON. The court held that it was binding on the Government, because it bound the claimant, and therefore bound the Government. Now, this Government is composed of the legislative, executive, and judicial branches. If it is binding upon one, it is binding upon all; and in all good conscience when your court so decides are you not bound by it? You are not bound to pay; I admit that. You are not bound to pay, even if the court held that you owed the debt to these people; and the gentleman will not deny that they do owe the debt. The only thing, however, if you refuse to pay, is to absolutely repudiate your obligations to the honest creditor of the Government. That is the only course left open to you. Are you willing to assume that course? The plea that the Treasury is empty has been used against these unfortunate people in the years gone by to prevent payment. "Let us not pay them, because the Treasury is not able to pay them at this time," has been the cry for all these years.

But, Mr. Speaker, that plea has no force. We can remedy it very easily. We can make, for instance, our river and harbor bill $50,000,000 instead of seventy-four million. We can do with one war vessel less. I claim that you had better pay the honest debts of the Government than to make expenditures that are not absolutely necessary at the present time. Pay the honest debts and curtail the expenditures of the Government. Why, I could, at this very session of Congress, if I had the power, take enough money, without hurting the public service, out of the general appropriation bills to pay every war claim and every spoliation claim and every Indian depredation claim in twenty-four hours, and adjourn Congress without making the appropriation bills larger by a single penny.

Yes, we appropriated for war ships, and I voted for it. I voted for the river and harbor bill, too. I am not excusing myself; I am not accusing any other man. I am willing to go to the people of this country—the great mass of the people—with the record that has been made in that respect. I am willing to make the Navy of the United States such as will command the respect not only of the greatest government on this earth but of the combined forces of all the world. This Government is great enough and rich enough to do that, so I do not excuse my vote on war ships or on the river and harbor bill.

They talk of poverty! Why, do you not know that this country is richer to-day than ever before in the history of the country?

A MEMBER. And richer than any other country on earth.

Mr. MAHON. Richer than any other country. We went into the war of 1860 and spent four years in a bloody contest, and the Government lost the business of the eleven Confederate States; we paid the expenses of the largest army of the world, and by so doing we accumulated an enormous war debt, and yet the business of this country went on, the prosperity of the country continued; and from 1865 up to 1892 this Government paid two-thirds of that enormous debt, as well as meeting all of the current expenses of the Government, and yet people talk of being poor. If the Treasury of the United States is in trouble to-day, it is not because the Government is not rich and mighty and powerful, but because of the blundering of statesmen of past Congresses and of the gentleman who sits at the other end of the Avenue. [Applause.]

Now, gentlemen, you claim that we have reserved the right to review the findings of the court. If that be true, the passage of the Bowman Act was the sheerest nonsense. What possible object could you have in sending a claim to a court of this kind that would have no more power than one of the committees of the House? It is not worth the expense of keeping it up. Why were the courts established? Simply because it was absolutely impossible for Congress to go into the full investigation of these matters

as they ought to be investigated, and therefore you transferred that duty to a court.

If the contention of the gentleman from Illinois is right, that the House should go into an investigation of all these claims, and he holds up as a bugaboo that there are 700 claims in this amendment of the Senate—yes, there are 700 claims; and it is a living, crying shame to-day that the Government of the United States has not paid them before. Each one has been adjudicated honestly and fairly; but if you are to examine them in detail, then abolish your court. If Congress is to deal with the subject solely and alone, let us get rid of the expense of maintaining the court. What possible value is it? And the time has come in the history of this Government when Congress should either pay the findings of the Court of Claims or abolish the court altogether, repeal the Bowman Act, and the Tucker Act, and the act sending the spoliation claims to that court for adjudication.

Why, Mr. Speaker, here are thousands of dollars in these claims that have been investigated. I know of many men in this country who believed that the law would be observed when the claims were investigated and adjudicated by this court. I know of one man with a claim of $1,100. Having faith in the Government and the representatives of the people, he spent $800, mortgaged his little home, in order to get a verdict from court, which found eleven hundred dollars in his favor, and he has been knocking at the doors of Congress for three or four years trying to get the little pittance due him.

Now, in his old age, 85 years, with the poorhouse staring him in the face, the Congress of the United States, in which he trusted, refuses to make the appropriation to pay his claim and keep him out of the almshouse. You serve on the War Claims Committee, and see the unfortunate men and women who are going down into the decline of life, with white hair upon their heads, appealing and knocking at the door of this committee for the just recognition of their claims, and I tell you, if you were approached by these people who come to this Capitol endeavoring to get simply their just dues, it would touch you and cause you to vote for this bill. Now, the statement was made here, when we had a war claim up a few weeks ago, that there were $400,000,000 of war claims pending before the Court of Claims. That statement was made in a message by President Harrison, I believe. It was made under a misunderstanding of the facts. The Attorney-General of the United States at once proceeded to investigate and ascertain what the fact was. In his report of 1894 he says:

> Since my last report there has been completed a detailed examination of all the cases pending under the Bowman Act, something over 7,000 in number, in order to distinguish from others those which are to be classed as war claims, defined as those "growing directly or indirectly out of the late war for the suppression of the rebellion." I am now able to report, as a result of such detailed examination, that up to the present time 9,182 claims of this description have been referred by Congress to the Court of Claims, the aggregate whereof is about $36,000,000. Of these, about 2,177 cases have been disposed of, aggregating on the face of the claims the sum of $16,184,000—the amount found due by the court thereon aggregating $2,344,000.
>
> There remain pending in the court 6,985 claims of this character, which aggregate upon their face about $21,500,000. In addition to the foregoing, suits are pending within either the general jurisdiction or jurisdiction conferred by special acts of Congress, based upon claims either directly or indirectly growing out of the said war, the aggregate whereof, as stated by the petitions, is about the sum of $2,600,000, thus making the total amount of war claims pending in both jurisdictions about $24,100,000, instead of the $400,000,000 stated to be pending in reports of my predecessor, presented in 1890 and 1892, and in the message of President Harrison to the second session of the Fifty-second Congress.

Mr. Speaker, that great bugaboo, that great bogie man, that has been running around through this House to frighten members, that statement about $400,000,000 of war claims under the Bowman and Tucker and 4th of July acts, is cut down to $24,000,000.

Mr. Speaker, how many of these claims will the Court of Claims allow? I want to say to this House that the pick and choice of all these claims have been passed upon long ago. After careful investigation, by the help of the officers of the Court of Claims, I find that during the last thirty-two years, of all the claims presented to the Court of Claims since the court had jurisdiction over them, only 8¼ per cent were paid, and the balance rejected. I will tell you the reason why. It was because the claimants failed to prove their loyalty, which was a jurisdictional fact, and they were kicked out of court, and that was the end of it. Now, during the past thirty-two years, if only that small percentage has been paid, it is safe for this House to presume that there will not be over 5 per cent of the claims allowed which are still pending.

Mr. WILLIS. What amount is carried in these claims that have been placed upon the bill by the Senate?

Mr. MAHON. About $1,800,000. I went to the trouble to ascertain all the claims that have been paid since 1865, and I ask the attention of the House to this matter, because this statement has been made to frighten people, and perhaps persuade them not to vote for these bills. I have examined with great care and with the help of a gentleman who is an expert, and these figures which I now read are correct to a penny. Claims for quartermaster stores furnished the Army of the United States by loyal citizens residing in the loyal States to the amount of $6,010,425.43 have been approved by the Quartermaster-General and paid to citizens of the several States by Congress under the terms of the act of July 4, 1864.

Claims for commissary supplies furnished the Army of the United States by loyal citizens residing in the loyal States to the amount of $429,552.87 have been approved by the Commissary-General and paid to citizens of the several States under the provisions of the act of July 4, 1864.

Claims for the use and occupation of church and school buildings by the Army during the late war to the number of 234 were filed in the office of the Quartermaster-General of the Army under the terms of the act of July 4, 1864. Ninety-seven of these, aggregating $102,270.29, have been paid or recommended for payment, in whole or in part, and 137 claims, aggregating $247,797.38, have been disallowed or not paid.

Claims for stores and supplies furnished the Army and the Navy of the United States by loyal citizens residing in States declared in rebellion to the amount of $4,636,920.69 have been approved by the Southern Claims Commission and paid by Congress to citizens of the several States under the terms of the act approved March 3, 1871, and acts amendatory thereof.

Claims arising under the terms of the Bowman Act have been recommended for payment by the court, and Congress has paid to citizens of the several States $751,027.41.

Congress has appropriated the following amounts to pay claims allowed under the provisions of the Bowman Act, to wit:

Forty-ninth Congress	$8,627.98
Fiftieth Congress	119,510.75
Fifty-first Congress	573,763.30
Fifty-second Congress	597.00
Fifty-third Congress	48,528.38
Total	751,027.41

Claims arising under the terms of the Tucker Act have been approved by the court and paid by Congress to the amount of $4,595. The total amount paid under these acts is $11,934,721.69.

The total amount paid since the war closed under all acts for claims growing out of the war amounts to a little over $11,000,000, or less than you spend in one year on your rivers and harbors, less than you spend in building and equipping two men of war.

Mr. Speaker, these are the facts, and still these gentlemen will come in here and undertake to convince this Congress that these claims will swamp the Government of the United States if we open the door to pay these people what we owe them.

Mr. Speaker, in closing, I want to state, as I did before, that I have no personal interest in this business. I have endeavored all my life to pay every man whom I have owed, and I propose, as a member of this Congress, as long as I remain a member, to vote to pay every citizen of this country every dollar that I believe is honestly and justly due, and that has been found to be due by the courts created by this body, and I am willing to defer other appropriations until these unfortunate people are paid. I hope this House will adopt this amendment and pay these people. It is the only way that they can get before this body, as I said before, and in order that a vote can be had, the Senate put this amendment on this appropriation bill.

I want to say to gentlemen of this House who are interested in these people, who come from all your States, you will find them in every condition of life. If you vote against this amendment, do not come to this Congress afterwards and complain that the leaders of the House have not given you a fair opportunity, a fair hearing, and a fair chance to have a vote on this matter. No obstruction is placed in your way. Here is a question that has been casting a shadow over Congress for years past. You are now confronting it face to face. If you want to pay your people the just debts that this Government owes to them, if you want to sustain the hands of this Government, and to do what is right between man and man and enforce justice and equity, vote for this amendment. It is the only chance you will have. If you depend upon the House to act on this matter, the House, under the rules, will not allow you to get it before the House. I am not as sensitive as some of my friends may be. As chairman of the Committee on War Claims I am perfectly willing to take this chance to have these claims passed. That committee will never get a bill passed through this House unless we do it as we are doing. If we desire to do justice to these claimants, we can stand this $1,800,000.

Why, Mr. Speaker, if this thing goes on, this country will become the greatest robber on the face of the earth, taking the property of her own people and using it for her own purposes and then refusing payment. What would you say of a neighbor who emptied your corncrib to feed his own stock and then refused to pay for it? An honest man will pay his debts, even if it takes the coat off his back, and an honest government, through its representatives, will pay the people it owes, even if it hurts, and even if it has to borrow money or issue bonds to pay them. [Loud applause.]

Mr. SAYERS. Mr. Speaker, how much time have I?

The SPEAKER pro tempore. The gentleman from Texas is recognized in his own right for an hour.

Mr. SAYERS. Mr. Speaker, I desire to say that I will yield of my time ten minutes to the gentleman from Tennessee [Mr. RICHARDSON], ten minutes to the gentleman from Ohio [Mr. GROSVENOR], and five minutes to the gentleman from Illinois [Mr. CANNON]. The rest of the time I will use myself.

Mr. CANNON. Before the gentleman begins, I hope to be able—and that is the reason I wanted five minutes, if the gentleman has it to spare—at the end of the time the gentleman yields, to move the previous question and get a vote.

Mr. SAYERS. The gentleman's time is yielded last. It is the understanding, then, that the other gentlemen shall speak first. If I can have order in the House I would be glad.

Mr. Speaker, I do not intend to occupy a very large portion of the time of the House, and will go directly to the proposition under consideration. It is strange, it is passing strange, that four classes of claims shall be grouped together in one amendment. In the pending proposition we find these four classes, all different from one another, sandwiched together, and attached to the bill as a single item. Upon the authority of a distinguished Senator, one of long experience in the matter of appropriations, I assert that this is the first time in the history of general deficiency bills that we have findings under the Bowman Act put upon that bill.

Now, why is it, Mr. Speaker, that these different kinds of claims are grouped together in a single amendment? If they are as meritorious as they are said to be by the gentleman from Pennsylvania [Mr. MAHON] and by other members upon this floor, whence the necessity of incorporating them, aggregating more than $1,700,000, in one proposition? It was because, Mr. Speaker, these claims could not stand upon their individual merit. Each must have support from the others in order to pass the House.

For the information of members I will read them:

French spoliation claims	$1,027,314.09
Bowman Act war claims	548,022.54
Charles P. Chouteau claim	174,445.75
Claims of E. N. Fish and others	11,214.28
Total	1,761,896.66

I believe the last-mentioned claims have grown out of Indian transactions, and that the Chouteau claim is a relic of the late war, but not what is technically known as a war claim.

Mr. MAHON. Will the gentleman allow me to ask him a question?

Mr. SAYERS. Certainly.

Mr. MAHON. The reason why they have been put as an amendment upon this deficiency bill was because during the past year it has been known that this House would not give them any consideration under the rules.

Mr. SAYERS. The gentleman assumes to speak as to the motive of the Senate in consolidating these different classes of claims. I can only look for its motives to the records of that body, and upon examination I find no expression that would justify the explanation of the gentleman from Pennsylvania. But why put all these claims into one amendment, so different from one another? It was for the purpose, Mr. Speaker, of getting the votes of the friends of each class in support of the other three classes, and in that way carry the measure through this House. What do we know about the claim of $174,445.75 due Charles P. Chouteau? Can any gentleman upon this floor explain it?

Mr. MCMILLIN. I know this, that it has been rejected by several Congresses.

Mr. SAYERS. About all we know of this claim is that it has been heretofore rejected; and so have the other claims been rejected by several Congresses.

But I wish to reply to the gentleman from Pennsylvania [Mr. MAHON] in regard to the French spoliation claims. These claims have been argued again and again in this House. The first acquaintance I had with them was during the Fiftieth Congress when Mr. Burnes of Missouri had charge of the deficiency bill, and during the Fifty-first Congress, when the distinguished gentleman from Iowa, Mr. HENDERSON, was in charge. We have been told by the gentleman from Vermont [Mr. GROUT] that because of the fact that the Government of the United States yielded up the just demands of its citizens to the French Government, therefore our Government became liable for the payment of these claims. That was the ground, and the sole ground, on which the gentleman from Pennsylvania [Mr. MAHON] and the gentleman from Vermont [Mr. GROUT] based their arguments for the payment of these claims. Let us turn to the proceedings of the Fiftieth Congress. Mr. McComas of Maryland, then an able Representative, and now a distinguished member of the judicial bench of this District, was urging the payment of these claims. When the proposition was under discussion in the Fiftieth Congress, Mr. McComas said in reference to them:

> The question, in my opinion, is whether war existed between the years 1794 and 1801 between the United States and France. If there was war, I think that is an end of these claims.

The issue upon which the validity of these claims must rest was plain. Did war exist between France and the United States between the years 1794 and 1801 was the question and the only question. Now, how are we to ascertain whether there was war or not one hundred years ago or thereabouts? To what better authority than to the official records of our country and to the opinions of our Supreme Court can we appeal? I have before me a copy of a letter by the Attorney-General of the United States, dated August 21, 1798, in the very midst of the troubles of that time; written not fifty or a hundred years later, but at the very time, and addressed to the then Secretary of State. In this letter, dated, as I have said, on the 21st of August, 1798, he says:

> SIR: Having taken into consideration the acts of the French Republic relative to the United States and the laws of Congress passed at the last session, it is my opinion that there exists not only an active maritime war between France and the United States, but a maritime war authorized by both nations. Consequently France is our enemy; and to aid, assist, and abet that nation in her maritime warfare will be treason in a citizen or any other person within the United States not commissioned under France; but in a French subject, commissioned by France, acting openly, according to his commission, such assistance will be hostility. The former may be tried and punished according to our laws; the latter must be treated according to the laws of war. I have thought it my duty to make this communication in consequence of the information you received from Rhode Island of the intentions of a Frenchman, whose name I do not now call to mind, who is said to be somewhere in this country on the business of buying ships and military supplies for the West Indies. He should be apprehended and tried as a traitor, unless he has a commission and acts according to it, in which case he should be treated as an enemy and confined as a prisoner of war.
>
> I have the honor to be, etc.,
>
> CHARLES LEE.
>
> To the SECRETARY OF STATE.

Mr. Speaker, this letter furnishes the reason why France would not acknowledge the justice of these claims against that Government. It was because, and only because, they originated in actual warfare.

Mr. BAKER of New Hampshire. Will the gentleman permit a question?

Mr. SAYERS. Certainly.

Mr. BAKER of New Hampshire. Do any of our standard historians give any account of such a war as that which the gentleman is talking about?

Mr. SAYERS. Ah, Mr. Speaker, is not the official opinion of the Attorney-General of the United States, written at the very time when all these things were transpiring, history? Is it not better than ordinary history? The historian oftentimes writes years and years after the events and occurrences which he narrates have transpired, but here we find the Attorney-General of the United States, at the very time, in an official communication to the Secretary of State, declaring that war did exist between the two Governments. But is that all? If gentlemen will turn to the opinion of the Supreme Court—perhaps they will say that is not history—in the case of Bas *vs.* Tingy, delivered at the August term in 1800, they will find that court stating emphatically that we were then in a condition of war with France—during the very time stated in the communication of the Attorney-General to the Secretary of State, which I have already read.

Mr. ADAMS. Will the gentleman permit a question?

Mr. SAYERS. Certainly.

Mr. ADAMS. Had Congress declared war?

Mr. SAYERS. There may be war without a declaration by Congress.

Mr. ADAMS. Had Congress declared war?

Mr. SAYERS. Not at all; but may there not be war without a declaration by Congress?

Mr. ADAMS. Nothing in the treaty of 1800 showed a state of war existing. On the contrary, both nations denied it.

Mr. SAYERS. I take it the gentleman is a lawyer, is he not?

Mr. ADAMS. I am, sir; but I am sorry to say not a very good one.

Mr. SAYERS. Will not the gentleman then abide the decision of the Supreme Court, the highest judicial tribunal of the land, upon the question whether there was then actual war or not?

Mr. ADAMS. Let me answer the gentleman's question.

Mr. SAYERS. I will hand the book to the gentleman and he can read it.

Mr. ADAMS. I will answer the gentleman's question. The decisions of the Supreme Court, so far as they relate to this country, are of course paramount, but when you come to treaties between sovereign nations, the decisions of the Supreme Court are not binding upon questions of international law. Therefore, when two nations make a treaty——

Mr. SAYERS. The gentleman is wandering into a dissertation upon international jurisprudence.

Mr. ADAMS. If the gentleman will permit me to answer his question——

The SPEAKER pro tempore. Does the gentleman from Texas [Mr. SAYERS] yield further.

Mr. SAYERS. I decline to yield further.

Mr. ADAMS. If the gentleman, after asking a question, will not permit me to answer, all right.

Mr. SAYERS. The gentleman must be contented with the time he has already had.

Mr. ADAMS. The gentleman finds he is wrong, and backs out.

Mr. SAYERS. Mr. Speaker, I venture the assertion that no treaty stipulation can be shown by which the United States released to France the claims of its citizens. But independently of any treaty stipulation between the two Governments as to the payment of these claims, the main proposition is—and it is a controlling one—that the French Government was not responsible for the payment of these claims growing out of a state of war. If the proposition with reference to damages incurred and property destroyed in time of war be not admitted, then all the property destroyed in the South during the late war must be paid for. If the French Republic was responsible to the owners of these vessels for the destruction of their property while these hostilities existed, then the Government of the United States is responsible to every Southern man that lost property at the hands of the Union soldiery during the late war. If one proposition be good, the other necessarily follows.

Mr. BAKER of New Hampshire. If these claims were not valid against the French Government, why did the French Government pay valid claims for the relinquishment of these?

Mr. SAYERS. I do not understand that the French Government did pay any valid claims in order that it might be released from the payment of other claims. The French Government and the Government of the United States were in a state of war. There were misunderstandings on both sides. The Government of France was involved in war not only with England but with Europe, and was anxious to make peace. The Government of the United States, recognizing the fact that France had been our ally during the Revolution, when we were weak and in our infancy, was also desirous for peace; and in that way peace was brought about.

Now, let me have the attention of my friend from Pennsylvania for a moment. I have in my hand a volume of the Supreme Court Reports, 4 Dallas. Here is what the court says in regard to the existence of war at that time:

> Now, if this be the true definition of war, let us see what was the situation of the United States in relation to France.

Mr. ADAMS. Read the definition.

Mr. SAYERS (reading)—

> In March, 1799, Congress had raised an army, stopped all intercourse with France, dissolved our treaty, built and equipped ships of war and commissioned private armed ships, enjoining the former and authorizing the latter to defend themselves against the armed ships of France, to attack them on the high seas, to subdue and take them as prize, and to recapture armed vessels found in their possession. Here, then, let me ask, what were the technical characters of an American and French armed vessel, combating on the high seas, with a view the one to subdue the other and to make prize of his property? They certainly were not friends, because there was a contention by force; nor were they private enemies, because the contention was external and authorized by the legitimate authority of the two Governments. If they were not our enemies, I know not what constitutes an enemy.

Here, Mr. Speaker, we have the reason why these claims have not been paid. The Congress of the United States settled all the Revolutionary claims many years ago. The Congress of the United States assumed the payment of the debts of the different States. Congress met every year to legislate upon the affairs of the people, and yet while the participants in the Revolution were still alive and while the men who were actually present and took prominent part in that great struggle were acting as Representatives in the Halls of Congress these claims were refused payment. These Senators and Representatives were entirely familar with all the facts involved. They, it is to be presumed, were honest and patriotic. Why, Mr. Speaker, did they not provide for the liquidation of these claims?

Mr. GROSVENOR. Will the gentleman yield to me for a question?

Mr. SAYERS. Certainly.

Mr. GROSVENOR. Is not Congress—and I speak now collectively, of course—are we not great men and wise men and patriotic men——

Mr. SAYERS. I will answer the gentleman by a question——

Mr. GROSVENOR. Let me finish first, and then you can answer altogether——

Mr. SAYERS (continuing). I will most cheerfully admit the gentleman from Ohio to be a great, and a wise, and a good man. There is no use in consuming my time, therefore, in asking the question.

Mr. GROSVENOR. I am referring to Congress now collectively. If Congress be an aggregation of wise men and patriotic men, why do we not pay the honest debts that the Government owes?

Mr. SAYERS. I am discussing these particular claims.

Mr. GROSVENOR. I refer to all honest claims.

Mr. SAYERS. Ah! that is the trouble. When we begin the discussion of a particular class of claims, or one particular claim, gentlemen will introduce into the discussion the nonpayment of other claims not connected with the matter under consideration.

It seems to me, Mr. Speaker, to be rather late in the day for us to undertake to pay one million dollars and over of these claims—claims which our forefathers and their children refused to pay. We should not be considered dishonest because we refuse to pay them—claims that are more than a hundred years old, claims the payment of which have been refused again and again by Congress and once vetoed by a President of the United States and no effort made to pass the bill over his veto.

Now, Mr. Speaker, it is in the power of the majority to do so. I would say, however, to our Republican friends that they should not be overhasty in this matter. The claims have been discussed again and again and have been oftentimes rejected. Will the majority pay them now, presented as they are now presented, four different classes of claims grouped together in a single amendment, to be considered all together and as a single item?

Why, sir, I heard a gentleman in the House say that if the French spoliation claims were separate and apart he would vote for them, but he would not vote for the other claims that are connected with them. I heard another gentleman, who is friendly to the Southern war claims, say that if he could get a direct vote upon them, separate and distinct from the others, he would not vote for the French spoliation claims. And yet, in order to get all of these claims through, in order to draw support from all sides, these four classes are combined together in a single amendment, and the friends of each class are asked to support them all. The friends of the respective classes are uniting, and arm in arm they are marching to the Treasury to pay claims which some of them believe ought not to be paid, and which, if presented separately, would be rejected by this House with scarcely a discussion.

The idea, Mr. Speaker, that the Government of the United States is an insurer of the property of its citizens in time of war is an absurdity. What were these people doing on the high seas in armed ships?

Mr. WALKER of Massachusetts. What business had they on the high seas at any time? They ought to stay at home. [Laughter.]

Mr. SAYERS. Possibly so, and I hope the gentleman will vote against the claims.

Mr. MAHON. Will the gentleman yield to me for a question?

Mr. SAYERS. In a moment.

These people were on the high seas with vessels laden with their own commodities, in order to run the blockade which England had thrown around the whole of Europe. They were trying to get their goods into the European markets and to sell them at the high prices then prevailing. Their ships were armed with artillery, in case they met the French, and if they happened to be the stronger they fought and took possession of French vessels. But when they lost their own ships they came to their own Government and presented claims for compensation for the losses which they thus sustained.

I now yield to the gentleman from Pennsylvania, who wishes to ask a question.

Mr. MAHON. Was war declared between the United States and France when these ships were taken and destroyed?

Mr. SAYERS. It was not necessary that it should have been formally declared. The Supreme Court have decided that it was not necessary for the existence of public warfare that war should have been actually declared. And if the gentleman, who is a lawyer, will turn to the opinion of the court in the case which I have just cited, he will find that I am sustained by high authority.

Mr. MAHON. What was the case?

Mr. SAYERS. The case of Bas against Tingy.

Mr. MAHON. What date?

Mr. SAYERS. 1800, or about that time.

Mr. MAHON. Have you read Chief Justice Marshall's opinion?

Mr. SAYERS. This opinion was before he was a member of the Supreme Court, I believe.

Mr. MAHON. I only want the gentleman to state the fact that the judges have held that there was no such state of war existing.

Mr. SAYERS. I beg the gentleman's pardon, they have held just the reverse.

Mr. WELLINGTON. Will the gentleman permit me to ask him a question?

Mr. SAYERS. Certainly.

Mr. WELLINGTON. I would like to ask the gentleman why,

if the condition of war, as he contends, existed—why John Adams, who was President from 1797 to 1801, says something like this:

To explain all the mysteries of that period never was and never will be in my power. It would require volumes to give a simple history of it. * * * My sole object was to preserve the peace and neutrality of the country, and that, I thank God, I obtained at the loss of my power and fame on both sides.

Mr. SAYERS. Oh, Mr. Speaker, I understand——

Mr. WELLINGTON. That is what the President of the United States contended and claimed at that time.

Mr. SAYERS. But we have the letter of the Attorney-General of the United States in 1798, and the opinion of the Supreme Court in 1800——

Mr. WELLINGTON. Thomas Jefferson in 1801 used this language:

While we devoutly return thanks * * * we are bound with peculiar gratitude to be thankful to Him that our peace has been preserved through so perilous a season.

The President of the United States ought to have known something about the condition of the country, ought he not?

Mr. SAYERS. I will say to my friend that in what was said by the President of the United States view was had to the course which he took in order to prevent a formal declaration of war upon the part of the Government of the United States against France; and the gentleman will not, I apprehend, find in any of the writings, either of Jefferson or of Adams, any assertion that a state of war was not then existing. The character of war to which these gentlemen referred was an authorized war under an act of Congress, followed by direct and open hostilities.

Mr. WELLINGTON. Will the gentleman permit another interruption?

Mr. SAYERS. Certainly, and I will endeavor to answer the gentleman.

Mr. WELLINGTON. Would it be possible, if there were war of any kind existing between France and America, that when Washington died in 1799 the French people throughout the whole land would have put up crape and expressed their condolence with this nation?

Mr. SAYERS. I should think so.

Mr. WELLINGTON. It is scarcely supposable that a nation at war with another would do that.

Mr. SAYERS. I can see very well why they should. The French people were living under a republic, and the United States was also a republic. The people of France knew that they had the sympathy of the people of the United States in their effort to reform their Government and to establish a republic. Republicans in those days sympathized with each other, wherever they lived.

A MEMBER. And they do now.

Mr. QUIGG. Will the gentleman yield for a question?

Mr. SAYERS. Certainly.

Mr. QUIGG. Is there any adjudication on the part of Congress or on the part of the Supreme Court or on the part of any other authority that we actually owe this money?

Mr. SAYERS. None that I know of.

Mr. QUIGG. Has there ever been?

Mr. SAYERS. None that I can now recall.

Mr. DOVENER. I will show you one.

Mr. SAYERS. I hardly think so.

Mr. DOVENER. I will show you such a declaration of the Supreme Court of the United States.

Mr. MAHON. I know you want to be correct.

Mr. SAYERS. Certainly. If there has been any such adjudication, I am not advised of it. I speak subject to correction.

Mr. MAHON. You have just stated that these American merchantmen had no business to run the blockade.

Mr. SAYERS. That is what my friend from Massachusetts [Mr. WALKER] suggested.

Mr. MAHON. Now, I want to read——

Mr. SAYERS. Oh, do not do that now. You had an hour.

Mr. MAHON. I want to correct you. I quote from Wharton's International Law the following letter, written by Thomas Jefferson to the merchants of the United States:

I have it in charge from the President to assure the merchants of the United States concerned in foreign commerce or navigation that due attention will be paid to any injuries they may suffer on the high seas or in foreign countries contrary to the law of nations or to existing treaties, and that on the forwarding hither of well-authenticated evidence of the same proper proceedings will be adopted for their relief.

Mr. SAYERS. I object to any further interruption.

The SPEAKER pro tempore. The gentleman declines to yield further.

Mr. MAHON. If you object to a letter from Thomas Jefferson, why, then, you can go ahead.

Mr. SAYERS. The gentleman should regard a decision of the Supreme Court.

Mr. MAHON. I am talking about Thomas Jefferson.

The SPEAKER pro tempore. The gentleman from Texas desires to reserve twenty-five minutes. He has now only twenty-five minutes remaining.

Mr. SAYERS. That being the case, Mr. Speaker, I yield to the gentleman from Tennessee [Mr. RICHARDSON].

Mr. RICHARDSON. Would the gentleman from Ohio [Mr. GROSVENOR] prefer to proceed now? If so, I will allow him to do so.

The SPEAKER pro tempore. The Chair will say that the gentleman from Texas has twenty-five minutes remaining, and he has yielded ten minutes to the gentleman from Tennessee [Mr. RICHARDSON].

Mr. GROSVENOR. It is very kind in the gentleman, but——

Mr. SAYERS. The gentleman from Ohio asked me for time, and I yield to him.

Mr. GROSVENOR. I am very much obliged to the gentleman. It was very generous in him to yield the time. I want, if I can, to get about ten minutes more time, in my own right or otherwise.

The SPEAKER pro tempore. The gentleman from Tennessee [Mr. RICHARDSON] is recognized.

Mr. GROSVENOR. Mr. Speaker, under what principle is the time limited?

The SPEAKER pro tempore. The gentleman from Texas [Mr. SAYERS], a member of the conference committee, took the floor in his own right, and that, of course, gave him an hour. He has used all but twenty-five minutes, and he yields ten minutes of his remaining time to the gentleman from Tennessee.

Mr. GROSVENOR. Then I will wait and try to get more than ten minutes.

Mr. SAYERS. I would give the gentleman more time if I had it.

Mr. GROSVENOR. I understand. I will wait until the gentleman from Tennessee has concluded.

Mr. RICHARDSON. If the gentleman from Ohio [Mr. GROSVENOR] will not take his time now I should like ten minutes more coupled with my time, to make it about twenty minutes.

Mr. CANNON. How much time does the gentleman want?

Mr. GROSVENOR. Twenty minutes.

Mr. CANNON. I will ask unanimous consent that the gentleman's time may be extended ten minutes more, in addition to the ten minutes yielded by the gentleman from Texas.

Mr. GROSVENOR. Then the gentleman from Tennessee can proceed and use his ten minutes.

Mr. RICHARDSON. Mr. Speaker——

The SPEAKER pro tempore. The gentleman is yielded only ten minutes.

Mr. RICHARDSON. When I asked for time to speak upon this amendment I hoped I would have more than ten minutes.

Mr. GROSVENOR. Will the Chair recognize me in my own right?

The SPEAKER pro tempore. The Chair will simply say that the gentleman from Texas [Mr. SAYERS] had the floor and had twenty-five minutes remaining, and indicated an intention to yield ten minutes to the gentleman from Tennessee [Mr. RICHARDSON], ten minutes to the gentleman from Ohio [Mr. GROSVENOR], and five minutes to the gentleman from Illinois. That would make his twenty-five minutes.

Mr. CANNON. I want to say to the gentleman from Ohio that I hope to have a vote not far from 4 o'clock upon this bill. There is another conference report, on the sundry civil bill, that I want to dispose of yet to-night; there is an election case pending; and if the gentleman desires twenty minutes I will ask unanimous consent now.

Mr. GROSVENOR. You will not get that.

Mr. CANNON. If the Chair will recognize me in the time offered to me by the gentleman from Texas, I will ask for time for the gentleman.

Mr. MAHON. I yield ten minutes to the gentleman from Ohio.

Mr. GROSVENOR. Very well; the arrangement is all made.

Mr. RICHARDSON. Mr. Speaker, I ask for order. When I asked for time I hoped I would have more than ten minutes in which to discuss this measure. In ten minutes it is impossible to do so. I wanted, if I had time, to recur to the two main propositions—the war claims and the spoliation claims—and to have endeavored, if I had the time, to reply to the argument of the gentleman from Illinois and that of the gentleman from Texas, in opposing the pending amendment. I will not have time to do so to my own satisfaction.

Mr. Speaker, I want to say first, in reply to the gentleman from Illinois, who opposes the French spoliation claims, that it occurs to me that the objection does not come with good grace from him. I sought to interrupt the gentleman when he was on the floor a while ago to call his attention to the fact that in a previous Congress the gentleman himself had favored an appropriation for the payment of French spoliation claims. I could not get the attention of the gentleman then, and I only want now to recur to it briefly. He will find in the Fiftieth Congress, the second session, on page 2706 of the RECORD, the following. Mr. SAYERS, of Texas,

had yielded to Mr. CANNON five minutes. Mr. CANNON, among other things, said:

The bone of contention is this item of one and a half millions of dollars, known as the spoliation claims, ninety years old.

I want to be entirely frank and say there are two sides to this question. In former years, when most of us were boys, these claims met, after full discussion and passage in the House and Senate, with Executive veto. A year or two ago we did refer these ninety-year-old claims to the Court of Claims, not to render judgment, but to investigate and report to the House. As one member of this House I have read with great care the decision of that court. I believe from the best lights I can get the Government of the United States three generations after these claims are due and payable ought to pay them.

[Applause.]

Now, that is what the gentleman then said. As a matter standing alone, I do not favor payment of the spoliation claims, but there is no other way to get our little pittance of war claims.

Mr. CANNON. Will the gentleman just yield to me one minute?

Mr. RICHARDSON. The gentleman has time after I get through.

Mr. CANNON. I will yield him one minute of the time yielded to me by the gentleman from Texas. I want to say that I have no recollection of the debate. Further, you may find the language may be modified by all that I said. I want to say, further, that I have made no attack upon the legality of the French spoliation claims; but I make the attack that it is not parliamentary, it is not sound policy, it is not parliamentarily decent to put these claims upon a general appropriation bill, some of which claims may be right, the most of which I believe to be wrong.

Mr. RICHARDSON. Now, Mr. Speaker, I yielded to the gentleman that he might make his explanation. I want to say that was not all that he said. He went on to say that it was then within fourteen hours of the adjournment of Congress, but that we ought to vote to pay these claims. We are not within fourteen hours of adjournment. He can have ample time to examine all the claims in the Senate amendment.

Mr. CANNON. Does the gentleman say that I voted to pay them or voted against paying them?

Mr. RICHARDSON. You said they ought to be paid. There was no yea-and-nay vote, and there was no other chance of paying them but on the appropriation bill, and they were so paid, as I understand it.

Mr. CANNON. My recollection is that there never was a time when I advocated the payment or voted to put wholesale claims upon an appropriation bill.

Mr. RICHARDSON. In view of the circumstances, it is impossible to procure the consideration of these claims in any other way, and the gentleman knows it. How much time have the leaders of the House given to the Committee on Claims or to the Committee on War Claims of the Fifty-fourth Congress to consider such measures as are involved in the Senate amendment? An hour and a half, the gentleman from Pennsylvania [Mr. MAHON] says. Now, when are you going to consider them? If you wish to do justice to these claims there is no difficulty in the way of protracting this session a week or ten days and allow the gentleman and his committee to investigate them fully.

Mr. Speaker, they are brought here in a regular way, the only way they can be brought here. My friend from Texas says these claims are all grouped together, and therefore they ought not to be considered. They were not grouped together. They were considered separately in the Senate. Each one of these four propositions to which my friend refers had separate consideration in the Senate. First, the French spoliation claims were offered as an amendment. Then an amendment to that amendment was offered, and that amendment to the amendment was agreed to. That was a separate vote. Then the Chouteau claim, as it is called, was offered as an amendment to the amendment and agreed to, and so with the other amendment, all being agreed to in order. They were all separately considered. Anyone who will examine for a moment can see that these four amendments were each considered separately and passed separately, and became one Senate amendment. Therefore there is nothing in the point of the gentleman from Illinois or the gentleman from Texas. Each one of these four separate claims had separate consideration by the Senate. They each had separate consideration by the Court of Claims, organized for the express purpose of relieving this House and the other branch of Congress from the investigation of the details necessarily incident to the claims.

Why was jurisdiction given the Court of Claims to try these cases under the Bowman Act? I have the act before me. Its title is, "An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government." The whole object in referring these claims under the Bowman Act to the Court of Claims was to relieve Congress of the labor of investigating the details of these cases. Yet we are told, after that court, organized for the purpose, has made the investigation, that we must have time to investigate them ourselves. If only an honest investigation is wanted, we have ample time to investigate them, now that they are before this able Committee on Appropriations. We can sit here a few days and allow the committee to complete the investigation, if they desire to enter upon it. But, Mr. Speaker, I say that the Court of Claims having found the facts in each one of these cases, it seems to me that we ought to accept their findings as final and conclusive and take action accordingly. If we had a month or three months or years for the investigation, we would not undertake to go into the records in these cases as that court does.

How is that tribunal to proceed in these cases? Take the cases referred under the Bowman Act. They are referred to the court, which in its make-up is not partial to that class of claims, which are mainly war claims arising in the South. That is a Republican court. Five members compose it, each of them a Republican, and all from Northern States. Therefore I feel justified in saying that the members of that court are not partial to this class of war claims, and yet they have found every fact that Congress required them to investigate in favor of each one of these 384 war claims, saying that they are just and proper and ought to be paid. Gentlemen say we have not time to investigate them, but I repeat that if we had a year or five years there is not a member who would go through the records with such detail and thoroughness as this court does.

When I interrupted the gentleman from Illinois awhile ago I made the statement that an able Senator who formerly occupied a seat on this floor, and with whom many of us served here for years, had reported these claims in the Senate from the Committee on Claims of that body. I want to read what he said in the Senate when these Bowman Act claims were presented as a separate amendment. After the French spoliation amendment had been adopted, this amendment was offered covering these war claims, and the Senator I refer to, Mr. BURROWS of Michigan, in answer to a question, said—I will quote his words:

I will say, in response to the inquiry which has been made, that the amount carried by this amendment is $548,922.54.

Mr. HARRIS. Can the Senator answer the question asked by the Senator from Illinois [Mr. PALMER] as to the number of claims? I could not; I have not the number in mind.

Mr. BURROWS. Yes: the number of claims carried in the amendment is 325. I became conversant with this matter because it was referred to me as a subcommittee, and I have examined it with a great deal of care and made the report in this case.

That is, Senator BURROWS said that he, as a subcommittee of the Senate Committee on Claims, had investigated this matter; had gone over the findings of the Court of Claims covering the 325 claims embraced in the war claims amendment to this bill; had examined them with great care, and had recommended that they be paid. The committee adopted his report and made the same recommendation to the Senate, and they were put upon this bill as an amendment. There was nothing unfair or unusual about it.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. RICHARDSON. I wish I had more time.

Mr. GROSVENOR rose.

The SPEAKER pro tempore. The gentleman from Ohio is recognized for ten minutes, yielded by the gentleman from Texas [Mr. SAYERS].

Mr. GROSVENOR. Mr. Speaker, I desire to devote twenty minutes to the discussion on this matter—ten minutes yielded by the gentleman from Texas [Mr. SAYERS] and ten minutes yielded by the gentleman from Pennsylvania.

I think if Congress on this occasion shall refuse to pay these claims, and particularly the so-called French spoliation claims, they will never be paid. From time to time Congress has passed the French spoliation claims. It is said that they have passed in one or both Houses of Congress fifty-two times. In the brief time which I intend to devote to these I can reply to only one or two of the arguments which have been made here. The gentleman from Texas [Mr. SAYERS] has repeated the oft-told tale that there is a doubt whether there was not a war existing between France and the United States at the time of the accruing of these claims for the destruction of the commerce of the merchant marine of New England.

Now, in the first place, it is too late to put forward that argument. The question has been settled by the action of Congress over and over again. It was settled especially by the Fifty-first Congress, which paid a million and a half dollars of these claims, in face of the identical argument made by the gentleman from Texas to-day. I would like to ask some student of American history when that war began. We live in an age of civil-service reform now, and all our public servants are bound to know something about the history of the United States. When was that war? How did it begin? Who commanded the French troops? Who commanded the American troops? What battle was fought? What ship fired a gun? What was the name of some officer who participated in that war? The Supreme Court of the United

States in a case which has been cited used an unfortunate expression, which was mere obiter dictum, and from that time to this everybody who wanted to be on the side of the repudiation of these claims has been turning over that utterance of the court in his mouth as a sweet morsel. This war, if it happened at all, was in the year 1799. George Washington was alive for eleven and one-half months of that year. George Washington did not know that that war had any existence. [Laughter.] He never found it out. Living down here in quiet retirement on the banks of the Potomac, he never learned that his country was at war with its former ally.

Mr. ROBINSON of Pennsylvania. Mr. Speaker, if the gentleman will permit an interruption, I wish to say that while I am in favor of these claims, and while I do not pretend to be a student of history, I have always understood that that war was known as the quasi war with France.

Mr. GROSVENOR. The "quasi war"! Well, Mr. Speaker, one of the judges of the supreme court of Ohio told me once that whenever a lawyer wanted to bring a party into court, a corporation, and did not know exactly what its name was or where it was located, or how to describe it, he always spoke of it as "a quasi corporation." [Laughter.] I hold in my hand the Memoirs of Napoleon Bonaparte, dictated by himself after 1799, in the seclusion of the island on which he died. On page 116 he says this in regard to the death of Washington. It will be remembered that that death took place on the 15th day of December, 1799, while, according to the gentleman from Texas, war was raging between the Republic of the United States and France.

The death of Washington, which happened on the 15th day of December, 1799, gave the First Consul an opportunity of making known his sentiments toward the United States of America. He put on mourning for that great citizen and directed all his army to wear it likewise by the following order of the date of the 9th of February, 1800—

It took a good while to get the news over there in those days. The order is as follows:

"Washington is dead! That great man fought against tyranny, and established the liberty of his country. His memory will always be dear to the French people, as well as to all freemen in both hemispheres, and especially to French soldiers, who, like him and the soldiers of America, fight for equality and liberty."

The First Consul further ordered that for ten days all colors and standards of the Republic should be hung with black crape.

Hung with black crape for a distinguished citizen of a nation that was at war with France, says the gentleman from Texas!

But that there may be no misunderstanding about the matter, I hold in my hand a copy of a letter written by Washington less than a year before his death, in which he uses this language:

The inclination of France to be upon good terms with the United States is so strong that it must be our own mismanagement and disinclination to peace if matters with that country are not accommodated upon terms honorable and advantageous to this.

Washington died on the 14th of December, 1799. By order of the First Consul crape was suspended in honor of his memory from all the standards and flags of France. Napoleon spoke in most glowing terms of him. A funeral oration in his honor was pronounced by M. de Fontrews in the Hotel des Invalides

So the theory that there was war is an absurd one. We are to suppose that there was a war that nobody ever heard of—troops commanded by nobody—muster rolls never filed in the Department at Washington—a myth—a Flying Dutchman of the imagination!

Now, let us see the basis upon which these claims arose originally. Let me see whether I can condense it into about a minute and a half or two minutes.

When the treaty between the United States and France, which was ratified by the United States on the 18th of February, 1801, was in process of construction, each nation presented great claims—volumes of claims—against the other. It is unimportant what the French claims against us were. They were for violations of treaties, breaches of concessions, and other international complaints, alleged by France against the United States. The United States alleged these identical spoliation claims against France and demanded payment. An article was put into the treaty providing that after the treaty both nations should hold in reserve their respective claims. In the second article of the treaty this language was used:

And with respect to the indemnities mutually due or claimed, the parties shall arrange these matters by ulterior negotiations at a suitable time; and until they shall have agreed on these points the said treaties and conventions shall have no effect, and the relations between the two nations shall be regulated in the manner following.

That left to the future the settlement of both classes of these claims. But when the time came to settle finally that treaty by an agreement between the two nations that article was stricken out. With reference to that occurrence Napoleon says:

The suppression of this article at once put an end to the privileges which France had possessed by the treaty of 1778, and annulled the just claims which America might have made for injuries done in time of peace. This was exactly what the First Consul had proposed to himself in fixing these two points as equiponderating each other. Without this it would have been impossible to satisfy the merchants of the United States, and to banish from their memory the losses they had suffered. The First Consul's ratification of this treaty was dated July 13, 1801, and declared that it was to be clearly understood that the suppression of article 2 annulled all claims for indemnity, etc.

That is the language of Bonaparte, dictated to his scrivener during the last years of his life.

So a complete bar was created by this stipulation against the prosecution by merchants of the United States of any claims in any court anywhere for damages or losses arising out of those hostilities, and in return for that the United States obtained a complete acquittance of all the claims that France held against us; and from that day to this, Mr. Speaker, those claims have been as solemnly due from the Treasury of the United States as though they were the note of hand or the bond of the Government. And I would as soon, Mr. Speaker—and I make no aspersion upon anybody else, either a member of this body or elsewhere—but I would as soon vote not to pay a bond of the Government when it is due as to vote, in the time of a possibility to do so, against the payment of what I regard to be these just and honest claims against the Government.

I have no time to go further into the question of the French spoliation claims. I will now devote a few moments of the remaining time to the Bowman Act and the claims sent to the court under that act; and if my distinguished friend from Illinois will, in his own time, answer one or two propositions I want to put to him, he will disabuse my mind of some serious and unpleasant considerations in the matter.

In the first place, I hold in my hand, and will incorporate at this point, the law under which the French claims—going back to them for a moment—are audited, if you may call it auditing, in the Court of Claims. It is in the following words:

CHAPTER 25.

An act to provide for the ascertainment of claims of American citizens for spoliations committed by the French prior to the 31st day of July, 1801.

(January 20, 1885. 23 Stat., 283.)

1. Claims for indemnity on France for illegal captures, etc., prior to July 31, 1801, referred to Court of Claims. Certain classes not included.
2. Court may make rules.
3. Validity of claims to be determined. Proceedings and evidence.
4. Attorney-General to appear and resist claims.
5. Documents and evidence from abroad to be obtained.
6. Court to report to Congress annually. Claims not presented within two years to be barred. United States not committed to payment

CLAIMS FOR INDEMNITY ON FRANCE FOR ILLEGAL CAPTURES, ETC., PRIOR TO JULY 31, 1801, REFERRED TO THE COURT.

Be it enacted, etc. [SECTION 1], That such citizens of the United States, or their legal representatives, as had valid claims to indemnity upon the French Government arising out of illegal captures, detentions, seizures, condemnations, and confiscations prior to the ratification of the convention between the United States and the French Republic concluded on the 30th day of September, 1800, the ratifications of which were exchanged on the 31st day of July following, may apply by petition to the Court of Claims, within two years from the passage of this act, as hereinafter provided.

CERTAIN EXCEPTIONS.

Provided, That the provisions of this act shall not extend to such claims as were embraced in the convention between the United States and the French Republic concluded on the 30th day of April, 1803.

Nor to such claims growing out of the acts of France as were allowed and paid, in whole or in part, under the provisions of the treaty between the United States and Spain concluded on the 22d day of February, 1819.

Nor to such claims as were allowed, in whole or in part, under the provisions of the treaty between the United States and France concluded on the 4th day of July, 1831.

COURT MAY MAKE RULES.

SEC. 2. That the court is hereby authorized to make all needful rules and regulations, not contravening the laws of the land or the provisions of this act, for executing the provisions hereof. (See rules 105, 106.)

VALIDITY OF CLAIMS TO BE DETERMINED.

SEC. 3. That the court shall examine and determine the validity and amount of all the claims included within the description above mentioned, together with their present ownership, and, if by assignee, the date of the assignment, with the consideration paid therefor.

PROCEEDINGS AND EVIDENCE.

Provided, That in the course of their proceedings they shall receive all suitable testimony on oath or affirmation, and all other proper evidence, historic and documentary, concerning the same; and they shall decide upon the validity of said claims according to the rules of law, municipal and international, and the treaties of the United States applicable to the same, and shall report all such conclusions of fact and law as in their judgment may affect the liability of the United States therefor.

ATTORNEY-GENERAL TO APPEAR AND RESIST CLAIMS.

SEC. 4. That the court shall cause notice of all petitions presented under this act to be served on the Attorney-General of the United States, who shall be authorized, by himself or his assistant, to examine witnesses, to cause testimony to be taken, to have access to all testimony taken under this act, and to be heard by the court. He shall resist all claims presented under this act by all proper legal defenses.

DOCUMENTS AND EVIDENCE FROM ABROAD TO BE OBTAINED, USED, ETC.

SEC. 5. That it shall be the duty of the Secretary of State to procure, as soon as possible after the passage of this act, through the American minister at Paris or otherwise, all such evidence and documents relating to the claims above mentioned as can be obtained from abroad; which, together with the like evidence and documents on file in the Department of State, or which

may be filed in the Department, may be used before the court by the claimants interested therein, or by the United States, but the same shall not be removed from the files of the court.

And after the hearings are closed the record of the proceedings of the court and the documents produced before them shall be deposited in the Department of State.

COURT TO REPORT TO CONGRESS ANNUALLY.

SEC. 6. That on the first Monday of December in each year the court shall report to Congress, for final action, the facts found by it, and its conclusions in all cases which it has disposed of and not previously reported.

Such finding and report of the court shall be taken to be merely advisory as to the law and facts found, and shall not conclude either the claimant or Congress.

CLAIMS NOT PRESENTED IN TWO YEARS BARRED.

And all claims not finally presented to said court within the period of two years limited by this act shall be forever barred.

UNITED STATES NOT COMMITTED TO PAYMENT.

And nothing in this act shall be construed as committing the United States to the payment of any such claims.

January 20, 1885.

My argument, it will be seen, therefore, applies now both to the Bowman Act and to these French spoliation claims. We have provided this tribunal; we have enacted the law for their consideration, and what further can we do about them? The claims have come here from that court, acting under the jurisdiction which we conferred upon it. They have followed our direction in the consideration of the claims, and have exhausted all their resources of examination. A great many of the claims were rejected; many of them were cut down, but ultimately the forum which we have chosen made its report under that law, and these claimants have no power to go further.

How, then, will the gentleman from Illinois examine these claims? Can the committees of this Congress do it? Certainly not. The committees of Congress have remitted the jurisdiction of the examination of the claims to the Court of Claims, and this court has made its investigation and findings, and have sent the report to us clothed with the ultimate and final judgment of the court.

The gentleman from Illinois asked someone this morning, during this discussion, if he would undertake to say that the findings of the court were a judgment. Certainly not a judgment in the sense that an execution can be issued under it. But let us see what the Supreme Court say in reference to the matter—as to the finality of the two great facts in the Bowman cases and the single fact in the other.

In the case of Carver *vs.* The United States (111 United States Reports, page 609) the court says:

> We have no doubt that Congress, in cases under the Bowman Act, intended to establish the same practice of making the findings of facts by the Court of Claims conclusive upon both parties.

And yet, says the gentleman from Illinois, we must investigate; we must look further into them; we must consider them after a conclusive finding has been made by the court of our own choosing; after a decision has been rendered in a forum prescribed by ourselves. The gentleman says he wants us to go and examine the identical question which was submitted to the court, and whose decision the Supreme Court say was intended to be conclusive on both parties.

But let me finish the citation:

> Thus removing from the halls of legislation the determination of controverted questions of facts, relieving itself and its committees of the investigation of such matters proper to be tried only by a judicial tribunal, and obtaining the full measure of the assistance and relief contemplated by the act.

Mr. CANNON. From what is the gentleman reading?

Mr. GROSVENOR. I read from the case of Carver *vs.* The United States, 111 United States Reports.

Mr. CANNON. When decided?

Mr. GROSVENOR. Well, judging by the number of the report, I would say quite recently.

Mr. CANNON. Does the gentleman refer to the sugar-bounty cases?

Mr. GROSVENOR. No; this is the Carver case. This is under the Bowman Act, for the citation says:

> We have no doubt that Congress, in cases under the Bowman Act, intended to establish, etc.

And after five years the Court of Claims has been operating on these claims under our direction, and in other cases which I will cite, limited by the terms of that law, and we turn around now and say we are not satisfied with the finding of the facts, that we want more facts, and we will make a further investigation.

Now, Mr. Speaker, I have but to say, in conclusion, with reference to some of the claims in the amendment, that if I were called upon I should certainly point out one or two claims that, as an original proposition, I would not be willing to support; and if an opportunity shall come later on I will point them out. But the claims under the Bowman Act are legitimate claims against this Government; just as legitimate as the bonds of the United States. We have put these people off time and again. After fighting the war claims for ten years, when they came only as a report from a committee or were offered under unanimous consent, I have stood them off because I wanted them to come in some form that was authentic and after due investigation. Now they are here. We have battled against and defeated private-bill day all of this session. Now they come here in a form that, in my judgment, is a legitimate demand upon the Treasury of the United States, and I for one shall vote to pay both classes of these claims. [Applause.]

Mr. MAHON. I yield ten minutes to my colleague [Mr. ADAMS].

Mr. ADAMS. Mr. Speaker, I rise in my representative capacity, first because the people in my district have been waiting for many years to receive justice at the hands of the Congress of the United States, but more as a citizen of Pennsylvania who desires to see removed a blot upon the escutcheon of our fair country, and I believe that the time has now arrived so to do, or, as the gentleman from Ohio [Mr. GROSVENOR] has said, this will remain an ineffaceable stain on the jurisprudence of our country and upon Congressional action. These claims are founded in justice. They have knocked at the doors of Congress for years, but owing to the congested state of the business of this body they were referred to a court which was authorized to look into them and to report, as the act read, "from year to year" the findings. That court has from time to time reported either for or against these claims.

Mr. Speaker, the strength of our Republic is the law, and when you break down the faith of the people in the law, either as applied to Congress or as adjudicated in the courts of our country, you do, in my judgment, a dangerous thing. This representative assemblage of the people referred these claims to the courts of the United States. We sent them there in good faith, and the suitors, under our instructions, went there in equal good faith. They came back here seeking payment after making large expenditures in the employment of counsel, gathering the witnesses, and looking up the proofs. Our own Government assisted them by sending commissioners abroad to furnish all the obtainable evidence in the way of documents necessary to substantiate these claims. The claims were reported back to this House, and by the act of 1890 Congress acknowledged the findings of that court in judgments against the United States and appropriated one million and a quarter of dollars to pay these claims. It is too late now to question either the jurisdiction of this court or the act of Congress.

Do you wish the people of the country to believe that you will pay one set of these claims and that you will not pay another? Is this Republican Congress of the United States, which will be held responsible by the people, going to say to the people that we show preferences as to suitors whose claims are founded in equal force and upon substantial equality under the law?

More than that, there is a stronger side to this question. When, in the treaty of 1819, we purchased Florida from the Kingdom of Spain, we reserved $5,000,000 out of that purchase money to cover French spoliation claims for vessels which had been condemned in Spanish ports. That was a trust fund held by the Government of the United States for the benefit of these claims. It lies in the Treasury to this day, and with the exception of a million and a quarter of dollars appropriated in the Fifty-first Congress to pay a portion of these claims already adjudicated it stands there to-day as a trust fund for the settlement of these claims; and I appeal to this Congress now to appropriate the amount of money necessary to pay these claims sent over by the Senate after careful investigation.

Our country has always settled spoliation claims collected on behalf of its citizens. Under the Napoleonic wars we filed our claims, and in the treaty of 1831 we got our damages and paid them over to the people. So one year later we held The Two Sicilies responsible for depredations on our commerce. We took the money, and, like an honest Government, we paid it over to the people who had been damaged. These claims stand alone here in the history of our country. Yet we refuse to pay this money that we have obtained for damages from a foreign country over to the people who were damaged.

And who are the people who are claiming this money? They are the descendants or heirs at law of people who, when the high seas could not be protected by our Government, took all the danger to establish the commerce of the then young Republic, and carried the flag of the new Republic into every port. For the damage which they suffered in that heroic endeavor they have never been compensated since. These are just and equitable claims. The money should be in the Treasury of the United States, and I say here now, as to the cry of poverty that goes up whenever any legitimate appropriation is proposed here, if you have no money in the Treasury of the United States to pay these claims, then stop the salaries of the judges, stop the pay of the clerks, for it is ridiculous to support courts of justice and then not liquidate the solemn judgments of those courts.

Mr. HEPBURN. May I ask the gentleman a question?

Mr. ADAMS. I have only five minutes, and I have been waiting all day.

The chairman of the Committee on Appropriations in his remarks said that these claims had received no consideration.

Why, gentlemen, they have been considered in the Senate, have received the indorsement of the committees of that body; they have been debated; they have been carefully considered there. The French spoliation claims have been considered by our own committee. That committee has not been able to get the matter before the House, but the claims have been considered and reported upon, and the statement that they have received no consideration is not an accurate statement. So with the Bowman claims; they have been considered by the Committee on War Claims; they have been reported upon, not only in this Congress, but for half a dozen Congresses back. They have passed the House at one time or another. There has probably been no legislation before the Congress of the United States that has received so many reports and been considered so carefully by the different sessions of the respective Congresses.

How any man can rise in his place and say that this amendment is tacked improperly upon an appropriation bill is past my comprehension. The facts I state here are correct. Other statements have been challenged on this floor. The gentleman from Nebraska [Mr. HAINER] defied us over and over again to produce the section of the treaty of 1800 whereon these claims were founded by the convention between the two countries, and it was not until we poked the treaty under his nose that he admitted the fact. There have been other statements made upon this floor in that way.

Mr. HAINER of Nebraska. I wish to say to the gentleman that he has not stated the facts correctly.

Mr. ADAMS. I have stated the facts correctly. The gentleman defied me personally to produce the treaty.

Mr. HAINER of Nebraska. And you have not done it yet.

Mr. ADAMS. I have; and if the gentleman has not been long enough in this country to understand the English language, I refer him to the French translation, on the other page.

Mr. HAINER of Nebraska. You may be polite, but you are certainly not informed.

Mr. ADAMS. I am informed and polite. I welcome foreigners to our country; but when I rise upon the floor of this House to advocate the payment of claims, the justice of which has been established, for services upon which the commerce of this country has been built up, it comes, I say, with bad taste from the gentleman to oppose them.

Mr. HAINER of Nebraska. If you will just allow me a minute——

Mr. ADAMS. These other claims have had consideration. Now, it follows that they will have to be acted upon by Congress. I appeal for justice to our people who have presented these claims, who have followed your advice and sent them to the Court of Claims that you designated. That court has now reported and adjudicated them, and now we ask that you shall keep good faith with the people of our country as a legislative body. You first pointed out the way in which they might establish their claims, and now refuse the payment. The law is the strength of the Republic, and if you do not enforce the law and keep confidence with the people, God help the Republic! [Applause.]

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. CANNON. Mr. Speaker, what time have I?

The SPEAKER pro tempore. The gentleman has five minutes.

Mr. CANNON. Mr. Speaker, in that five minutes——

Mr. LEWIS. I only want to say——

Mr. CANNON. At the end of five minutes I want to ask for a vote.

Mr. LEWIS. I have no objection to that; I only ask about ten minutes. My constituents are very much interested in this matter.

The SPEAKER pro tempore. Does the gentleman from Illinois yield?

Mr. CANNON. I have only five minutes.

Mr. LEWIS. Ten minutes is all I ask; and I ask it in my own right?

The SPEAKER pro tempore. The gentleman from Illinois has the floor.

Mr. LEWIS. I have not had a minute of the time of the House this whole session.

The SPEAKER pro tempore. The gentleman from Illinois has the floor. The Chair will state that no time has been fixed for closing the debate. If the House shall order the previous question all debate will be closed. The gentleman from Illinois has the floor.

Mr. LEWIS. I insist on my constitutional rights as a representative of the people.

The SPEAKER pro tempore. But the gentleman from Illinois has the floor.

Mr. CANNON. I will ask the Chair if I will have time for debate after the previous question is ordered?

The SPEAKER pro tempore. Not after the previous question is ordered.

Mr. CANNON. That was my understanding. And now, Mr. Speaker, when this is disposed of there is yet a conference report upon the sundry civil bill that I want disposed of, if I can, and send it to conference.

One word in conclusion:

Such findings or report of the court shall be taken to be merely advisory as to the law and facts found, and shall not conclude either the claimant or Congress.

That is the law as to every claim in these 100 pages of claims that have been wrongfully and against all rule and all precedent placed upon this bill by the Senate. Gentlemen can concur with the Senate if they choose, but I say this to those who are interested in appropriations for public improvements in their various sections of this country: From the standpoint of patriotism you deny yourselves authorizations and appropriations, and yet now, out of order, without investigation, you are asked to place yourselves $2,000,000 further away from those just appropriations by paying these claims, many of which, in my judgment, are stale, and no one of which any man here can rise and say is right. The question is, will you do it? Will you set this precedent? Will you break down your general appropriation bills? Will you countenance this coming together and by this log-rolling scheme putting these claims on a general appropriation bill, claims as to which I believe the gentleman from Ohio knows that a portion of them are dead wrong, and which are made up, at least in one case, by an allowance for interest and profits? Gentlemen, I ask you to turn down this method of legislation and keep clear of the scandal that I say, measuring my words, will, in my judgment, follow the action which you are asked to take. Mr. Speaker, I move the previous question. [Applause.]

Mr. LEWIS. Mr. Speaker——

The SPEAKER. The gentleman from Illinois asks for the previous question.

Mr. LEWIS. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. LEWIS. I desire to be heard before the question is submitted on ordering the previous question.

The SPEAKER. The Chair regrets to state that it can not recognize the gentleman for that purpose.

Mr. LEWIS. That is always the case.

The previous question was ordered.

Mr. LEWIS. I move to reconsider the vote by which the previous question was ordered.

Mr. SAYERS. I move to lay that motion on the table.

The motion of Mr. SAYERS was agreed to.

The SPEAKER. The question is on concurring with the Senate amendments.

Mr. SAYERS. On that I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 110, nays 97, not voting 148; as follows:

YEAS—110.

Acheson,	Ellett, Va.	Johnson, Cal.	Poole,
Adams,	Elliott, S. C.	Kendall,	Richardson,
Anderson,	Ellis,	Kerr,	Robinson, Pa.
Arnold, R. I.	Fischer,	Knox,	Russell, Conn.
Atwood,	Fitzgerald,	Kyle,	Scranton,
Baker, N. H.	Fowler,	Latimer,	Shannon,
Barham,	Gardner,	Leonard,	Simpkins,
Bartholdt,	Gibson,	Lester,	Skinner,
Bartlett, Ga.	Gillett, Mass.	Lewis,	Spencer,
Brown,	Grosvenor,	Little,	Stahle,
Buck,	Grow,	Lockhart,	Stokes,
Burton, Mo.	Halterman,	Long,	Stone, C. W.
Catchings,	Harmer,	Loudenslager,	Strode, Nebr.
Clardy,	Harris,	Mahany,	Sulloway,
Clark, Iowa	Hartman,	Mahon,	Tawney,
Cobb,	Heiner, Pa.	McCall, Mass.	Underwood,
Colson,	Hendrick,	McCormick,	Van Horn,
Cooper, Fla.	Henry, Conn.	McCulloch,	Van Voorhis,
Cooper, Tex.	Hermann,	McDearmon,	Walker, Mass.
Cooper, Wis.	Hicks,	Meredith,	Walker, Va.
Crowther,	Hill,	Money,	Walsh,
Cummings,	Howe,	Moody,	Washington,
Curtis, Iowa	Howell,	Neill,	Wellington,
Curtis, N. Y.	Huff,	Newlands,	Willis,
Denny,	Hulick,	Odell,	Wilson, N. Y.
De Witt,	Huling,	Otey,	Wood.
Doolittle,	Hurley,	Otjen,	
Dovener,	Hyde,	Phillips,	

NAYS—97.

Aldrich, Ala.	Cooke, Ill.	Harrison,	Layton,
Andrews,	Danford,	Hart,	Leighty,
Bankhead,	Daniels,	Hatch,	Linney,
Beach,	Dayton,	Henry, Ind.	Loud,
Bell, Colo.	Dingley,	Hepburn,	Maguire,
Bell, Tex.	Dockery,	Hilborn,	Marsh,
Bishop,	Dolliver,	Howard,	McCall, Tenn.
Blue,	Erdman,	Hubbard,	McCleary, Minn.
Burrell,	Faris,	Johnson, N. Dak.	McClure,
Burton, Ohio	Fenton,	Jones,	McLaurin,
Calderhead,	Gamble,	Joy,	McRae,
Cannon,	Graff,	Kem,	Milnes,
Clark, Mo.	Griffin,	Kiefer,	Minor, Wis.
Cockrell,	Hadley,	Kirkpatrick,	Mondell,
Connolly,	Hager,	Kleberg,	Mozley,
Cook, Wis.	Hainer, Nebr.	Lacey,	Murphy,

Northway,	Sayers,	Strait,	Updegraff,
Parker,	Shafroth,	Strong,	Warner,
Payne,	Shuford,	Strowd, N. C.	Wilson, Idaho
Pearson,	Sorg,	Sulzer,	Wilson, Ohio
Pitney,	Southard,	Talbert,	Wilson, S. C.
Prince,	Spalding,	Tate,	Yoakum.
Quigg,	Stallings,	Terry,	
Raney,	Steele,	Thomas,	
Ray,	Stewart, Wis.	Turner, Ga.	

NOT VOTING—148.

Abbott,	Crisp,	Leisenring,	Russell, Ga.
Aitken,	Crowley,	Linton,	Sauerhering,
Aldrich, Ill.	Crump,	Livingston,	Settle,
Allen, Miss.	Culberson,	Lorimer,	Shaw,
Allen, Utah	Curtis, Kans.	Low,	Sherman,
Apsley,	Dalzell,	Maddox,	Smith, Ill.
Arnold, Pa.	De Armond,	McClellan,	Smith, Mich.
Avery,	Dinsmore,	McCreary, Ky.	Snover,
Babcock,	Downing,	McEwan,	Southwick,
Bailey,	Draper,	McLachlan,	Sparkman,
Baker, Kans.	Eddy,	McMillin,	Sperry,
Baker, Md.	Evans,	Meiklejohn,	Stephenson,
Barney,	Fairchild,	Mercer,	Stewart, N. J.
Barrett,	Fletcher,	Meyer,	Stone, W. A.
Bartlett, N. Y.	Foote,	Miles,	Swanson,
Belknap,	Foss,	Miller, Kans.	Taft,
Bennett,	Gillet, N. Y.	Miller, W. Va.	Tayler,
Berry,	Goodwyn,	Milliken,	Thorp,
Bingham,	Griswold,	Miner, N. Y.	Towne,
Black, Ga.	Grout,	Morse,	Tracewell,
Black, N. Y.	Hall,	Moses,	Tracey,
Boutelle,	Hanly,	Noonan,	Treloar,
Bowers,	Hardy,	Ogden,	Tucker,
Brewster,	Heatwole,	Overstreet,	Turner, Va.
Broderick,	Hemenway,	Owens,	Tyler,
Bromwell,	Henderson,	Patterson,	Wadsworth,
Brosius,	Hitt,	Pendleton,	Wanger,
Brumm,	Hooker,	Perkins,	Watson, Ind.
Bull,	Hopkins,	Pickler,	Watson, Ohio
Chickering,	Hull,	Powers,	Wheeler,
Clarke, Ala.	Hunter,	Price,	White,
Codding,	Hutcheson,	Pugh,	Wilber,
Coffin,	Jenkins,	Reeves,	Williams,
Corliss,	Johnson, Ind.	Reyburn,	Woodard,
Cousins,	Kulp,	Robertson, La.	Woodman,
Cowen,	Lawson,	Royse,	Woomer,
Cox,	Lefever,	Rusk,	Wright.

The following pairs were announced:

Until further notice:

Mr. DALZELL with Mr. CRISP.

Mr. HUNTER with Mr. MCCREARY of Kentucky.

Mr. COUSINS with Mr. MEYER.

Mr. BOUTELLE with Mr. MCMILLIN.

Mr. JOHNSON of Indiana with Mr. COX.

Mr. ARNOLD of Pennsylvania with Mr. LIVINGSTON.

Mr. PICKLER with Mr. MILES.

Mr. FOSS with Mr. SPARKMAN.

Mr. LEFEVER with Mr. TYLER.

Mr. CORLISS with Mr. MOSES.

Mr. SNOVER with Mr. MADDOX.

Mr. BOWERS with Mr. MINER of New York.

Mr. HULL with Mr. OGDEN.

Mr. WILLIAM A. STONE with Mr. BLACK of Georgia.

Mr. COFFIN with Mr. LAWSON.

Mr. STEPHENSON with Mr. DINSMORE.

Mr. MEIKLEJOHN with Mr. ROBERTSON of Louisiana.

Mr. KULP with Mr. WHEELER.

Mr. BROMWELL with Mr. DOWNING.

Mr. HEATWOLE with Mr. HUTCHESON.

Mr. ROYSE with Mr. TURNER of Virginia (except on Tucker-Yost election case).

For this day:

Mr. TOWNE with Mr. SHAW.

Mr. TRACEY with Mr. BAILEY.

Mr. BRODERICK with Mr. SMITH of Illinois.

Mr. JENKINS with Mr. OVERSTREET.

Mr. BAKER of Maryland with Mr. ALLEN of Utah.

Mr. TAFT with Mr. TAYLER.

Mr. MERCER with Mr. ABBOTT.

Mr. MORSE with Mr. HENDERSON.

Mr. CURTIS of Kansas with Mr. PENDLETON.

Mr. BULL with Mr. OWENS.

Mr. BRUMM with Mr. PRICE.

Mr. WOOMER with Mr. RUSSELL of Georgia.

Mr. CODDING with Mr. CROWLEY.

Mr. HITT with Mr. CLARKE of Alabama.

Mr. HEMENWAY with Mr. ALLEN of Mississippi.

Mr. TRELOAR with Mr. CULBERSON.

Mr. LEISENRING with Mr. SWANSON.

Mr. SMITH of Michigan with Mr. DE ARMOND.

On this question:

Mr. COWEN with Mr. CRUMP.

Mr. BINGHAM with Mr. HALL.

Mr. GROUT with Mr. HEPBURN.

Mr. FAIRCHILD with Mr. TRACEWELL.

Mr. EVANS with Mr. HOPKINS.

Mr. RUSK with Mr. WOODARD.

Mr. WADSWORTH with Mr. MCCLELLAN.

Mr. ATWOOD. Mr. Speaker, I desire to state that my colleague, Mr. BARRETT, if he were present, would vote "aye."

Mr. DOCKERY. Mr. Speaker, I was paired with the gentleman from Pennsylvania, Mr. BINGHAM, but I have transferred the pair to my colleague, Mr. HALL, and have voted.

The SPEAKER. On this question the yeas are 111 and the nays are 97; and accordingly the House concurs in the Senate amendments. [Applause.]

Mr. MAHON. Mr. Speaker, I move to reconsider the vote by which the House has concurred in the Senate amendments and to lay that motion on the table.

The SPEAKER. Without objection, the latter motion will be——

Mr. KEM. I object.

The SPEAKER. Objection is made by the gentleman from Nebraska [Mr. KEM].

Mr. CANNON. I withdraw the motion to reconsider, Mr. Speaker.

The SPEAKER. The gentleman from Pennsylvania [Mr. MAHON] made the motion to reconsider.

Mr. CANNON. I think the gentleman from Pennsylvania had better withdraw it.

Mr. MAHON. I withdraw the motion.

Mr. CANNON. I am not sure whether the Senate asked a conference on this bill or not. I believe my motion covered a request for a conference.

The SPEAKER. The Senate did not ask a conference.

Mr. CANNON. Then I move that the House request a conference with the Senate on the remaining disagreements on this bill.

The motion was agreed to.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. CANNON. I rise to present a privileged report, which I send to the desk.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 7604) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 20, 26, 34, 36, 40, 41, 45, 46, 47, 49, 50, 51, 52, 58, 60, 75, 80, 81, 85, 86, 104, 107, 118, 120, 121, 130, 148, 149, 151, 152, 153, 154, 158, 159, 183, 184, 185, 186, 188, and 189.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 5, 21, 27, 29, 30, 31, 35, 42, 43, 48, 53, 54, 55, 56, 59, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 77, 78, 79, 82, 83, 87, 88, 89, 90, 95, 99, 100, 101, 102, 105, 106, 108, 110, 113, 114, 115, 116, 117, 119, 131, 132, 136, 137, 138, 142, 143, 144, 150, 155, 156, 157, 162, 163, 169, 176, 179, 180, 181, and 182; and agree to the same.

Amendment numbered 33: That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Fire Island light vessel, New York: For constructing, equipping, and outfitting, complete for service, a first-class steam light vessel, with steam fog signal, $40,000; and the total cost of said steam light vessel, with a steam fog signal, under a contract which is hereby authorized therefor, shall not exceed $80,000."

And the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"San Francisco Harbor light vessel: For constructing, equipping, and outfitting complete for service, a first-class steam light vessel with steam fog signal, $40,000; and the total cost of said steam light vessel, with a steam fog signal, under a contract which is hereby authorized therefor, shall not exceed $80,000."

And the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Tender for the Second light-house district: For constructing, equipping, and outfitting complete for service a new steam tender for buoyage, supply, and inspection in the Second light-house district, Massachusetts, $37,500; and the total cost of said steam tender, under a contract which is hereby authorized therefor, shall not exceed $75,000."

And the Senate agree to the same.

Amendment numbered 39: That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Tender for the Seventh and Eighth light-house districts: For constructing, equipping, and outfitting complete for service a new steam tender for buoyage, supply, and inspection in the Seventh and Eighth light-house districts, $37,500; and the total cost of said steam tender, under a contract which is hereby authorized therefor, shall not exceed $75,000."

And the Senate agree to the same.

Amendments numbered 44: That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert: "For constructing two revenue steamers of the first-class, under the direction of the Secretary of the Treasury, for service on the Great Lakes, $200,000; and the total cost of said revenue steamers, under a contract which is hereby authorized therefor, shall not exceed $200,000 each"; and the Senate agree to the same.

Amendment numbered 57: That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment as follows: On page 27 of the bill, in line 3, strike out the following: "for extra engraving and drawing"; and the Senate agree to the same.

Amendment numbered 62: That the House recede from its disagreement to

the amendment of the Senate numbered 62, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$67,000"; and the Senate agree to the same.

Amendment numbered 76: That the House recede from its disagreement to the amendment of the Senate numbered 76, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$110,000"; and the Senate agree to the same.

Amendment numbered 84: That the House recede from its disagreement to the amendment of the Senate numbered 84, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$131,000"; and the Senate agree to the same.

Amendment numbered 98: That the House recede from its disagreement to the amendment of the Senate numbered 98, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"That the city of Bismarck, in the State of North Dakota, by and through its regular city council, shall have authority to use, upon lease from the Government by the Secretary of the Interior, Sibley Island, an island in the Missouri River, near said city of Bismarck, for a public park: *Provided*, That nothing herein contained shall be construed to authorize the felling of timber on said island for sale or consumption, nor shall any timber be cut save for the purpose of improving or beautifying the grounds."

And the Senate agree to the same.

Amendment numbered 103: That the House recede from its disagreement to the amendment of the Senate numbered 103, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$15,000"; and the Senate agree to the same.

Amendment numbered 133: That the House recede from its disagreement to the amendment of the Senate numbered 133, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$40,000"; and the Senate agree to the same.

Amendment numbered 134: That the House recede from its disagreement to the amendment of the Senate numbered 134, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$40,000"; and the Senate agree to the same.

Amendment numbered 135: That the House recede from its disagreement to the amendment of the Senate numbered 135, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$40,000"; and the Senate agree to the same.

Amendment numbered 139: That the House recede from its disagreement to the amendment of the Senate numbered 139, and agree to the same with an amendment as follows: Add at the end of said amendment the following: ": this sum to be in full of any authorization or appropriation under said joint resolution"; and the Senate agree to the same.

Amendment numbered 145: That the House recede from its disagreement to the amendment of the Senate numbered 145, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For repairs to the Guilford battle grounds: To enable the Guilford Battle Ground Company to repair the grounds and public buildings of said company on said battle grounds, $1,000; said amount to be disbursed on the order of the president of the said company, and the United States shall be at no further expense in the future for repairs or other expenses relating to said battle grounds."

And the Senate agree to the same.

Amendment numbered 160: That the House recede from its disagreement to the amendment of the Senate numbered 160, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,470,478.75"; and the Senate agree to the same.

Amendments numbered 164 and 165: That the House recede from its disagreement to the amendments of the Senate numbered 164 and 165, and agree to the same with an amendment as follows: Strike out all of the amended paragraph constituting lines 22 to 25, inclusive, on page 93 of the bill, and lines 1 to 4, inclusive, on page 94 of the bill, and insert in lieu thereof the following:

"For payment of salaries, fees, and expenses of United States marshals and their deputies, $1,000,000, to include payments for services rendered in behalf of the United States or otherwise."

And the Senate agree to the same.

Amendments numbered 166, 167, and 168: That the House recede from its disagreement to the amendments of the Senate numbered 166, 167, and 168, and agree to the same with an amendment as follows; Strike out the amended paragraph constituting lines 5, 6, and 7, on page 94 of the bill, and insert in lieu thereof the following:

"For salaries of United States district attorneys and expenses of United States district attorneys and their regular assistants, $275,000."

And the Senate agree to the same.

Amendment numbered 170: That the House recede from its disagreement to the amendment of the Senate numbered 170, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$85,000"; and the Senate agree to the same.

Amendment numbered 171: That the House recede from its disagreement to the amendment of the Senate numbered 171, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$220,000"; and the Senate agree to the same.

Amendment numbered 172: That the House recede from its disagreement to the amendment of the Senate numbered 172, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$225,000"; and the Senate agree to the same.

Amendment numbered 173: That the House recede from its disagreement to the amendment of the Senate numbered 173, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$583,000"; and the Senate agree to the same.

Amendment numbered 174: That the House recede from its disagreement to the amendment of the Senate numbered 174, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,066,000"; and the Senate agree to the same.

Amendment numbered 175: That the House recede from its disagreement to the amendment of the Senate numbered 175, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$460,000"; and the Senate agree to the same.

Amendment numbered 177: That the House recede from its disagreement to the amendment of the Senate numbered 177, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "And such payments shall be allowed the marshal in the settlement of his accounts with the United States"; and the Senate agree to the same.

Amendment numbered 178: That the House recede from its disagreement to the amendment of the Senate numbered 178, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$150,000"; and the Senate agree to the same.

Amendment numbered 187: That the House recede from its disagreement to the amendment of the Senate numbered 187, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: ": *Provided*, That hereafter the reports of the Geological Survey in relation to the gauging of streams and to the methods of utilizing the water resources may be printed in octavo form, not to exceed 100 pages in length and 5,000 copies in number; 1,000 copies of which shall be for the official use of the Geological Survey, 1,500 copies shall be delivered to the Senate, and 2,500 copies shall be delivered to the House of Representatives for distribution"; and the Senate agree to the same.

Amendment numbered 191: That the House recede from its disagreement to the amendment of the Senate numbered 191, and agree to the same with an amendment as follows: In line 3 of the matter inserted by said amendment insert, after the word "company," the following: "To reimburse said company for expenses incurred and paid in connection with the Government building and exhibit"; and the Senate agree to the same.

The committee of conference have been unable to agree on the amendments of the Senate numbered 2, 3, 4, 6, 7, 8, 9, 10, 12, 13, 15, 16, 17, 22, 23, 24, 25, 28, 32, 61, 91, 92, 93, 94, 96, 97, 109, 111, 112, 122, 123, 124, 125, 126, 127, 128, 129, 140, 141, 146, 147, and 161.

J. G. CANNON,
E. J. HAINER,
JOSEPH D. SAYERS,
Managers on the part of the House.

W. B. ALLISON,
EUGENE HALE,
A. P. GORMAN,
Managers on the part of the Senate.

Mr. CANNON (when the reading of the conference report had begun). I ask that the reading of the conference report be dispensed with, and that simply the statement of the House conferees be read.

The SPEAKER. The gentleman from Illinois asks to dispense with the reading of the conference report. Is there objection?

Mr. KEM. I object.

The SPEAKER. The gentleman from Nebraska [Mr. KEM] objects.

The Clerk resumed and concluded the reading of the report.

The following statement of the House conferees was also read:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 7664) making appropriations for sundry civil expenses of the Government for the fiscal year 1897 submit the following written statement in explanation of the accompanying conference report, namely:

The conference report as submitted differs from the conference report submitted on the 22d instant in respect to the following amendments only:

On amendment numbered 115: Appropriates $500, as proposed by the Senate, for the arsenal at Columbia, Tenn.

On amendment numbered 120: Strikes out the appropriation of $1,500 proposed by the Senate for a children's playground in East Washington.

On amendments numbered 138, 139, 142, and 143: Appropriates for river and harbor works under contract as follows:

At Philadelphia, $300,000, as proposed by the Senate, instead of $480,000, as proposed by the House;

At Mobile, Ala., $160,000, as proposed by the Senate, with the provision that said sum shall be in full of any authorization or appropriation under the joint resolution approved March 16, 1896;

At Point Judith, R. I., $300,000, as proposed by the Senate, instead of $240,000, as proposed by the House; and

At Humboldt, Cal., $225,000, as proposed by the Senate, instead of $159,000, as proposed by the House.

On amendment numbered 144: Appropriates $2,058, as proposed by the Senate, for purchase and use of land included in the military cemetery at Key West, Fla.

On amendment numbered 145: Appropriates $1,000 for repairs to the Guilford battle grounds, with a provision that the United States shall be at no further expense in the future for repairs or other expenses relating to said battle grounds.

On amendment numbered 183: Strikes out the appropriation of $12,500 proposed by the Senate to purchase from Gen. James D. McBride 2,500 sets of his "historical publications."

The conference committee have been unable to agree on the following amendments, namely:

On amendments numbered 2, 3, 4, 6, 7, 8, 9, 10, 12, 13, 15, 16, 17, and 22, relating to public buildings, as follows:

Boise City, Idaho, increasing limit of cost from $150,000 to $300,000, and appropriating $50,000;

Camden, N. J., increasing limit and appropriating $25,000;

Cheyenne, Wyo., increasing limit from $150,000 to $250,000, and appropriating $50,000;

Fortress Monroe, Va., for post-office building, $15,000;

Helena, Mont., increasing limit from $150,000 to $300,000, and appropriating $50,000;

Kansas City, Mo., increasing limit from $1,200,000 to $1,316,000;

Little Rock, Ark., increasing limit and appropriating $43,000;

Sioux Falls, S. Dak., appropriating $700 for bathroom and lavatory;

Martinsburg, W. Va., appropriating $5,000 for approaches;

Omaha, Nebr., appropriating $100,000, instead of $70,000, as proposed by the House;

St. Paul, appropriating $125,000, instead of $60,000, as proposed by the House;

Savannah, Ga., increasing limit $100,000, and appropriating $25,000;

Salt Lake City, Utah, appropriating $75,000 for site and commencement of building; and

New York City, post-office building, appropriating $60,000 for alterations.

On amendments numbered 23, 24, and 25, reducing the appropriations proposed by the House for work and improvements at the Marine Hospital at Chicago, $1,500.

On amendments numbered 28 and 32, appropriating $30,000 for range lights in Sandusky Bay, Ohio, and $15,000 for a light-house on Swan Island, in the Caribbean Sea.

On amendment numbered 61, appropriating $250,000 for an additional fireproof building for the use of the National Museum.

On amendments numbered 91, 92, and 93, relating to the lighting of the Capitol Grounds by electricity.

On amendment numbered 94, appropriating $55,000 for ventilation of the Senate wing of the Capitol.

On amendment numbered 96, increasing the appropriation for surveys and resurveys of public lands from $250,000 to $400,000.

On amendment numbered 97, relating to the reclamation of arid lands.

On amendment numbered 109, appropriating $35,000 to enable the Government to take part in the International Exposition at Brussels, Belgium.

On amendments numbered 111 and 112, relating to the editing of papers and archives of the Revolution.

On amendments numbered 122, 123, 124, 125, 126, 127, 128, and 129, relating to the price to be paid for gas and electric lamps in the public grounds.

On amendments numbered 140 and 141, relating to the improvement of the Columbia River.

On amendments numbered 146 and 147, relating to the support and medical treatment of destitute patients and to the Providence and Garfield hospitals.

On amendment numbered 161, relating to the disbursement of appropriations for the National Home for Disabled Volunteer Soldiers.

The Senate, by its amendments, added to the bill $6,577,257.10. Of this sum, under the terms of the conference agreement and the action of the House when the bill was last considered, the House agrees to $2,487,628; the Senate recedes from $3,003,450, and there remains in dispute $1,086,179.10.

J. G. CANNON,
E. J. HAINER,
JOSEPH D. SAYERS,
Managers on the part of the House.

Mr. CANNON. I move that the conference report as just read be adopted.

The motion was agreed to.

On motion of Mr. CANNON, a motion to reconsider the last vote was laid on the table.

Mr. CANNON. I now move that the House further insist on its disagreement to the amendments still open, and agree to the further conference asked by the Senate.

Mr. TERRY rose.

The SPEAKER. Does the gentleman from Illinois yield to the gentleman from Arkansas [Mr. TERRY]?

Mr. TERRY. I desire to make a motion that the House concur in Senate amendment numbered 9.

Mr. CANNON. I suppose that motion would be in order.

Mr. TERRY. That is the amendment relating to the court-house and post-office building at Little Rock, Ark.

Mr. CANNON. Does the gentleman desire to discuss the matter?

Mr. TERRY. Yes, sir; I should like to say a few words.

Mr. CANNON. Will five minutes suffice?

The SPEAKER. The Chair would like to know whether there are any other of these amendments on which a separate vote is asked.

Mr. LESTER. I desire to move concurrence in amendment numbered 16.

Mr. CUMMINGS. I wish to move that the House recede from its disagreement to amendment numbered 22, and concur in that amendment.

Mr. DAYTON. I ask a separate vote upon amendment numbered 12, on which I desire to move concurrence.

Mr. LOUDENSLAGER. And I ask a separate vote on amendment numbered 3.

Mr. CANNON. I now move that upon the remaining amendments the House further insist on its disagreement.

The SPEAKER. That motion covers all the remaining amendments, except those numbered, respectively, 3, 9, 12, 16, and 22.

The motion was agreed to.

The SPEAKER. The first question now is upon amendment numbered 3.

Mr. BLUE. What is that?

The Clerk read the amendment, as follows:

For public building at Camden, N. J.: For construction of building, $25,000; and the limit of cost of said building is increased $125,000.

Mr. CANNON. I wish to say only a word touching this matter. It may be a very desirable thing to extend the limit with reference to the public building at Camden, N. J., $125,000; but after the action that the House took touching these public-building items the other day, when this subject was fully discussed, I will simply say that I should like to have this question disposed of by the House one way or the other. If the House wants to concur, well and good; but if it desires to insist on nonconcurrence I hope the Senate in the next conference will recede.

Mr. BLUE. Did we not vote to nonconcur in this amendment?

Mr. CANNON. We did.

Mr. BLUE. Why, then, is it brought back now and made an exception?

Mr. CANNON. It is a matter of difference between the House and the Senate. We report that difference; and it is in order for gentlemen to move to concur. We have taken a vote now on all the amendments except five, upon which gentlemen have asked separate votes, as they desire to move concurrence. This is one of them.

Mr. WILSON of Idaho. If the House concurs in this amendment of the Senate, let me ask the gentleman if it is not, in his judgment, a plain discrimination against public buildings in the far Western cities?

Mr. CANNON. Well, I think the House understands about that. Gentlemen understand how many public buildings have been passed at this session for those far Western places.

But one thing certain, we are not going to get public buildings authorized this session; and we are not going to get them because the Senate does not take a hundred public buildings and put them in one amendment and distribute them throughout the whole country and then attach the amendment to a general appropriation bill. [Laughter.] If the Senate did that, I am satisfied the House would concur. But they have not, and therefore we are not going to get public buildings, and it is not for me to say whether the House wants to make an exception in any particular case or not. I answer the gentleman's question in that way.

I am well acquainted with the honorable gentleman who represents that district in New Jersey; I like him. I am well acquainted with the Senator who represents that State, and I like him. [Laughter.] I understand that Camden is a large city; a growing city that needs this public building, and needs it badly. Now the matter is with the House. If you see proper, under all the circumstances, to adopt the amendment, I have nothing more to say. I am here merely, for the time being, as the servant of the House on this conference; and it is for the House to determine what it will do.

Mr. ALLEN of Utah. You have not yet answered my question, with all deference, as to whether or not the adoption of this amendment would not be a plain and a palpable discrimination against the capitals of the Western States which have no public buildings at all.

Mr. CANNON. Well, Camden in that event would have the limit broken, and the others would not have the limit broken; that is all.

Mr. HENRY of Indiana. They would be left entirely out.

Mr. WILSON of Idaho. Then there is less merit in these otners, or more merit in Camden than in them?

Mr. CANNON. I do not say that. There is merit in many other places. But it is impossible to do much, if anything, in that line at this session. That is plain.

Mr. BLUE. Mr. Speaker, it is not a question of liking or disliking, as presented in this amendment, and I do not think it a good reason that Camden should be made an exception because it has a very lovable Representative on this floor. There are very many cities, in the Western country especially—and I am more familiar with them than the East—that are equally deserving.

Mr. NORTHWAY. On the same ground. [Laughter.]

Mr. BLUE. On the same ground, the gentleman from Ohio suggests, and I accept the amendment. But they are also more deserving, or equally deserving, at least, on other grounds.

The gentleman from Idaho has made a very pertinent suggestion, and addressed an inquiry to the gentleman from Illinois, which, I regret to say, my good friend from Illinois, the chairman of this committee, did not answer with his usual promptness and candor.

Mr. CANNON. Well, I aimed to be candid. I said the situation is this, and explained it. I had no intention, certainly, of covering up anything.

Mr. BLUE. Certainly not. I did not mean to intimate that my friend had done so, or to criticise him, especially in such a matter as this. But possibly, under the impulse of the moment, whether hypnotized or not by the lovable characteristics of the member from New Jersey, I fear the gentleman who represents the committee is a little too much disposed to be lenient in this particular case.

It seems to me that we ought to see, as a matter of common justice to all, that exceptions are not made in regard to these public buildings in which all parts of the country are equally interested.

Mr. CANNON. I yield three minutes to the gentleman from New Jersey [Mr. LOUDENSLAGER].

Mr. LOUDENSLAGER. Mr. Speaker, in regard to the necessity for a public building at Camden, N. J., I desire to say simply and briefly, in reply to the remarks of the gentleman from Kansas [Mr. BLUE], that that necessity does not rest on the likes or dislikes of a member who represents New Jersey on this floor, but rests solely upon the merits of the case itself.

The Committee on Public Buildings and Grounds in the previous Congress, after having had the matter under consideration and after a full investigation, decided that a public building for Camden was necessary, and that it was for the best interests of the Federal Government and the officials located there.

As I said to the House on a previous occasion when this matter was pending, and the gentleman from Kansas, if present, will remember the fact, before a title to the site was obtained by the Government officials, so much delay had been occasioned that the amount of money necessary for the construction of the buildings proper, so as to be sufficiently commodious to accommodate the public business there, was not contained in the appropriation. The amount appropriated was insufficient, and the Secretary of the Treasury, under the advice of the Supervising Architect of the Treasury, refused to contract for the building for the amount of funds at his disposal.

Since that time the city has almost doubled itself in population. The receipts of the post-office at that place have more than doubled—almost trebled. The post-office receipts when this building was authorized amounted to about $23,000. They now amount to $68,000 per annum, and there is located there an internal-revenue collector and a collector of the port.

The site of this building, already obtained by the Government,

in the center of that important city, has been boarded up and is now boarded up in some places, while a part of the inclosure has been torn down in others and in some places entirely torn down. One of the buildings that were on the site has remained there ever since. It has been partially destroyed. The shutters have been torn off, the window lights are out, the doors are open, and the building is a constant nuisance, right in the center of that city of 70,000 population. It seems to me that when a matter of such importance, of such merit, is presented to the House, it ought not to be decided upon a question of likes or dislikes, but it ought to be decided upon the merits of the case. That city of 70,000 population ought to have a public building. The Federal Government, for the purpose of conducting its Federal business, requires it, and I hope that the members of this House will give this measure fair, just, and honest consideration.

Mr. NORTHWAY. I should like about three minutes.

Mr. CANNON. I yield to my friend such time as he desires.

Mr. NORTHWAY. I am very glad the gentleman from New Jersey has made the speech he has, because it is exactly applicable to the city of Akron, in my district, a city of some 40,000 or 50,000 inhabitants, where a public building was authorized some years ago, and after purchasing the ground there was not money enough left so that the Department was authorized to enter into any contract. We need a larger building, and must have one.

Mr. LOUDENSLAGER. Will the gentleman yield for an interruption?

Mr. NORTHWAY. Yes.

Mr. LOUDENSLAGER. If you will present that matter in the House I shall gladly vote for your bill.

Mr. NORTHWAY. Yes, but here is the difficulty: When I go to the proper committee to inquire about it they turn me down, as they have turned down all others, and I find no fault, because they have treated me as they have treated others; but if this House should authorize a public building for the city of Camden, N. J., which is not yet commenced, I should like to know why they should not authorize it for the city of Akron, in my district. If I vote for one, why should I not vote for the other? If you vote for one, why should you not vote for the other?

Mr. LOUDENSLAGER. I will.

Mr. NORTHWAY. No exception should be made in favor of Camden. There are a good many other cities that desire the same thing. The Committee on Public Buildings and Grounds have declined to listen or to consider the other cases at all, and why should we make an exception of this? I submit that it would not be fair to the other sections of the country.

Mr. LOUDENSLAGER. I do not desire to make an exception. I shall gladly vote for the public building in the city which the gentleman refers to whenever the opportunity is presented.

Mr. NORTHWAY. But there are fifty other similar cases here.

Mr. CANNON. I will say to my friend that there is no amendment concerning Akron in this bill.

Mr. NORTHWAY. No; because they would not put it on, as the Senate did in favor of Camden, N. J. In the House the same Committee on Appropriations turned down both projects.

Mr. HOPKINS. Is not Ohio represented in the Senate? [Laughter.]

Mr. HENRY of Indiana. I should like a little time.

Mr. CANNON. I yield to the gentleman from Indiana.

Mr. HENRY of Indiana. It seems to me the gentleman from Ohio [Mr. NORTHWAY] has correctly stated this matter, and that the gentleman from Illinois only emphasizes it. If we make two or three exceptions, as will be the case if we vote in favor of these amendments upon which separate votes have been requested, then all the rest of the country will suffer. We are willing to suffer if we can all suffer alike, but we are not willing to suffer when some one else does not suffer. When an amendment is put upon this bill in the Senate, and it comes over here without any report from the Committee on Public Buildings and Grounds of this House, it has no sanction whatever so far as this House is concerned, and it has never received any consideration here. I am not calling in question the truthfulness of the statements of the gentleman, but this question has never received any consideration at the hands of this House. Now, would it be proper to make it an exception and leave all of these other cases out? Should all of these other cities be left out which have no public buildings and which are in great need of them? Should my State and other States suffer, while an exception is made in this case? Mr. Speaker, there is but one proper course in this matter. Let us follow the right rule of legislation, and let us not concur in these amendments of the Senate, but let us stand by the action of the House and of the committees of this House and vote in favor of nonconcurring in each of these Senate amendments.

Mr. LOUDENSLAGER. Will the gentleman allow me to ask him a question?

Mr. HENRY of Indiana. Yes.

Mr. LOUDENSLAGER. You are willing to vote for all meritorious and just bills, are you not?

Mr. HENRY of Indiana. I am when they come in the proper way; but I am not willing to vote for a bill because it is meritorious when it comes here in an exceptional way, because that is against the interest of all other similar bills which can not be reached in the same way.

Mr. LOUDENSLAGER. I do not think this is against the interest of the others.

Mr. HENRY of Indiana. It certainly is, because you can not reach all these other bills in the same way.

Mr. LOUDENSLAGER. We have never had any chance to consider any of these bills in the House.

Mr. HENRY of Indiana. We have had no chance to consider this bill, nor has it received any consideration in this House.

Mr. LOUDENSLAGER. I would say to the gentleman that I am credibly informed that the matter has received consideration in the Committee on Public Buildings and Grounds.

Mr. HENRY of Indiana. I am a member of that committee, and I am credibly informed that the bill has not received consideration at the hands of the committee.

Mr. LOUDENSLAGER. It has been considered by the committee.

Mr. HENRY of Indiana. It has not received consideration that amounts to final consideration.

Mr. KIEFER. It has not received such consideration as to be reported.

Mr. HENRY of Indiana. No consideration amounts to anything except it be a final consideration. It has been talked about, if that is consideration; but it has received no action at the hands of that committee of the House.

Mr. CANNON. I ask for a vote.

The SPEAKER. The question is on concurring in the amendment of the Senate.

The question was taken; and the Speaker announced that the noes seemed to have it.

Mr. LOUDENSLAGER. Division, Mr. Speaker.

The House divided; and there were—ayes 35, noes 61.

So the House refused to concur in the Senate amendment.

The SPEAKER. The Clerk will report amendment numbered 9.

The Clerk read as follows:

For court-house and post-office at Little Rock, Ark.: For additional amount to construct an addition to the United States court-house and post-office and enlarging judge's chamber and the offices of the marshal and clerk of the circuit and district courts, and for an elevator, $43,000.

Mr. CANNON. I yield six minutes to the gentleman from Arkansas.

Mr. TERRY. Mr. Speaker, this is not a new project at all. It has received consideration. The Congress preceding this adopted a proposition to improve this building. It is urgently demanded; and the question now is simply as to whether this House will vote the amount of money recommended by the Secretary of the Treasury in his report sent to the Speaker at the present session. I hold the report in my hand in which is shown the great necessity for this work. So the point can not be made that it has not been considered and been determined upon. That has already been done. To show the imperative need for this work I will again call the attention of this House to a letter from the Federal judge, because it relates especially to the United States court building:

DEPARTMENT OF JUSTICE, EIGHTH CIRCUIT.
Little Rock, March 23, 1892.

MY DEAR SIR: I have just seen a copy of your bill relating to the United States building in this city.

I have said and written so much about this building in the past that I have grown weary of the subject. My letters are on file in Washington protesting against laying the foundations of the building under the limitations and restrictions of the act making the first appropriation.

I said then, and time has verified the correctness of my judgment, that the building which it was proposed to erect would be found totally inadequate to accommodate the public officers and business expected to be provided for within its walls. I knew this was so so far as it related to the United States courts.

I pleaded for two court rooms, or a judge's chambers large enough for a chambers court room, but all in vain. There is but one court room, and the judge's chambers is barely large enough to contain my bookcases, a table, and two or three chairs.

The result is that when there are two judges here and it is desirable to hold two courts at the same time, as it frequently is, we are unable to do so except when the county court-house is not in use and is loaned to us, or we can get in the State house.

The want of another court room is a source of expense to the Government and of delay and costs to parties and witnesses.

The circuit court of appeals ought to hold its winter sessions at this place, and doubtless would do so if we had a court room, but under existing conditions it is out of the question.

I know nothing about the wants of the other departments. I only know that the present building does not furnish adequate accommodations for the United States courts.

Yours, truly,
HENRY C. CALDWELL,
Circuit Judge.

Hon. W. L. TERRY, M. C.,
Washington, D. C.

Now, gentlemen, here you have a proposition, the policy of which and the necessity for which has already been determined upon by Congress. It is a matter of such urgent necessity that a special recommendation has been sent in to the Speaker of this House,

asking that this appropriation should be made. The estimate is here and this proposition stands upon different ground to any that has been presented. Now, I appeal to the House that, in a spirit of justice and with a sense of fair play, it will concur in this amendment. Although the building in which I am interested may be beaten, I shall not stand here to aid in the dog-in-the-manager policy that some have advocated upon this floor, and say that no man shall have a public building because I got none. I will vote for a public building where it is shown to be so urgently needed, or in a special case like this. I ask the House, in that spirit of fairness which I hope will control the vote upon this matter, to allow us the poor privilege of having a United States court-house adequate to the public business, and not to put this great Government in the humiliating position of having to depend upon the courtesy of a county in order to have a building in which to hold its court.

Mr. KEM. Mr. Speaker, I make the point of no quorum.

The SPEAKER. The Chair overrules it.

Mr. CANNON. I ask for a vote.

The SPEAKER. The question is on the motion to concur in the Senate amendment.

The question was taken; and the Speaker announced that the noes seemed to have it.

Mr. TERRY. Division, Mr. Speaker.

The House divided; and there were—ayes 41, noes 72.

Mr. TERRY. I ask for tellers.

The question was taken on ordering tellers.

The SPEAKER. Twenty-eight gentlemen have arisen—not a sufficient number, and tellers are refused. On this question the ayes are 41, the noes 72——

Mr. KEM. Now I make the point of no quorum.

The SPEAKER. The Chair thinks the point is raised too late, tellers having been demanded and refused. The noes have it, and the amendment of the Senate is nonconcurred in.

Mr. CANNON. I ask for a vote on the text.

The Clerk read as follows:

For court-house and post-office at Martinsburg, W. Va.: For completion of approaches, $5,000.

Mr. CANNON. I yield to the gentleman from West Virginia.

Mr. DAYTON. Mr. Speaker, I think the members of this House upon calm consideration of the circumstances at Martinsburg will certainly make an exception. [Laughter.] It does not appear to me possible that members of this House, knowing the situation and condition of things, will say that this case is similar to the other cases in regard to public buildings. Surely it has not come to pass that this great Government of ours will haggle over the matter of clearing away the rubbish around one of its public buildings so as to afford to those who have business to transact in the court-house at Martinsburg some other means of approach to that building than a pine plank. I do not believe it is possible that we are going to take such a position as that when the small sum of $5,000 is all that is necessary to get rid of the rubbish and put in order the approaches to the building, the structure itself being completed and occupied, especially when the present condition of the approaches to that building is in violation of the municipal regulation which requires the Government as well as other owners of property to put down sidewalks. I trust that members will not go to the extent of voting against this item simply because they say they can not have their own appropriation or bills passed.

Mr. CANNON. Just a word, Mr. Speaker. The facts about the public building at Martinsburg are these: For two or three years past that building has been completed and occupied by the Government for both court and post-office purposes. There is no money to the credit of that building. The approaches from the street to a public building can not be constructed from the general appropriation for repairs.

Mr. HENRY of Indiana. This building has sidewalks around it, has it not?

Mr. CANNON. I understand that there are temporary sidewalks there. It is for the House to say what they will do with this amendment. I only want gentlemen to understand that this is not for any addition to the building—that this is a completed and occupied building.

Mr. HENRY of Indiana. If I understood the statement of the gentleman from West Virginia [Mr. DAYTON] correctly, this appropriation is asked for to build sidewalks around the property of the Government. Am I correct?

Mr. DAYTON. It is for the approaches to the building.

Mr. HENRY of Indiana. Is it for the sidewalks or for work on the grounds belonging to the building?

Mr. DAYTON. It is for the approaches and for the removal of the rubbish that is on the ground.

Mr. HENRY of Indiana. Then it is not for the purpose of building sidewalks?

Mr. DAYTON. Yes, sir; sidewalks and approaches to the building. The building itself has been completed.

Mr. HENRY of Indiana. Then, Mr. Speaker, the objection to this is twofold. For fifteen years Congress has not made any allowance for streets and sidewalks around public buildings.

Mr. CANNON. As I understand it, the Government has always taken care of the property on which it puts its buildings out to the property line of the street, making sidewalks and approaches, but for many years past the Government has not been paying for the macadamizing of the streets.

Mr. HENRY of Indiana. So far as walks upon the property itself is concerned, I think the gentleman from Illinois is correct; but the regular sidewalk is a part of the street, and the rule has been as I have stated it so far as my examination has gone. I can say very positively, so far as Indianapolis, the capital of my State, is concerned, that there are now pending in this House before various committees claims to the amount of twenty-five or thirty thousand dollars for improvements of sidewalks and streets made under laws similar to that spoken of by the gentleman from West Virginia requiring the property owners to pay for them.

Mr. CANNON. The gentleman is correct about the streets; but our public buildings, so far as I know, stand back from the property line. So far as I have knowledge or belief, the Government universally constructs the approaches upon its own property and the sidewalks around its buildings and out to the property line, or to the street.

Mr. HENRY of Indiana. In answer to that suggestion I would say that if there is a city in the United States that has the ordinary sidewalks which accompany our streets situated upon the property of the United States and not upon the street, I do not know of it. In the cases that I speak of the sidewalks along the Government property are within the line of the highway, the same as they are along private property, and, as I understood the gentleman from West Virginia, these sidewalks about the building in question are a part of the street, so that property owners are required by the local regulations or by the law of West Virginia to construct them.

Now, certainly the local authorities there would have no right to order the Government to make sidewalks upon its own property, so that can not be the ground upon which this appropriation is asked. The local authorities would, of course, have no jurisdiction whatever over that question. Therefore there must be sidewalks that are parts of the highway, parts of the street, the same as the roadway itself. Now, the rule, as I understand it, has been for at least fifteen years past that no Congress has given an appropriation for the construction of such sidewalks around a public building, unless it may have been put through by such an item as this. What I mean is that no fair, straight-out, honest appropriation has been made for the building of a sidewalk along Government property. The statement is sometimes made here that cities are glad to have public buildings, and that, therefore, they ought to improve the roadways and the sidewalks. Now, I do not believe in that doctrine, but I say it is wrong to single out an exceptional case, put it on this bill by a Senate amendment, and seek to get it through in that way.

Mr. CANNON. After all, the question is not what the gentleman from West Virginia or I may say touching this matter. The item speaks for itself:

For court-house and post-office at Martinsburg, W. Va.—

Now comes the operative language—

For completion of approaches, $5,000.

Mr. DAYTON. That is all of it.

Mr. HENRY of Indiana. If the gentleman from West Virginia says it does not include streets or sidewalks——

Mr. CANNON. If the intention were to include streets or sidewalks the money would not be available under the language I have just read.

Mr. HENRY of Indiana. I will say that I have no information on this subject except the statement of the gentleman from West Virginia the other day, and have based my objection on his statement.

Mr. DOVENER. Mr. Speaker, I inspected these grounds yesterday. When the building was completed the ground was covered with stone and was not graded. The object, as I understand, of this appropriation is to clear and improve a walk of probably 40 or 50 feet from the building to the street. The sidewalk in front of the grounds—only about 8 feet wide and 100 feet long—is entirely outside of the matter spoken of in this appropriation.

Mr. HENRY of Indiana. Will it take $5,000 to grade the lot and make the necessary improvement which the gentleman speaks of?

Mr. DOVENER. I suppose it would, on account of the size of the lot. A portion of it is not even graded; there are deep places which have to be filled up.

The SPEAKER. The question is on the motion that the House recede from its disagreement to Senate amendment numbered 12 and concur in the same.

Mr. KEM. I again make the point that no quorum is present.

The SPEAKER (after counting the House). One hundred and forty-two members are present; not a quorum.

Mr. CANNON. It is now nearly half past 5 o'clock, and I move that the House adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 25 minutes p. m.) the House adjourned.

REPORTS OF COMMITTEES ON PUBLIC BILLS.

Under clause 2 of Rule XIII, Mr. BURTON of Missouri, from the Committee on the Judiciary, to which was referred House bills Nos. 2273, 3457, and 4975, reported in lieu thereof a bill (H. R. 9226) to change the time and places for the district and circuit courts of the northern district of Texas, accompanied by a report (No. 2007); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. ANDREWS, from the Committee on Invalid Pensions:

The bill (S. 2880) entitled "An act granting a pension to Charles E. Mann." (Report No. 2008.)

The bill (S. 2433) entitled "An act granting a pension to William F. Gowdy." (Report No. 2009.)

The bill (S. 2758) entitled "An act granting a pension to Hiram H. Palmer." (Report No. 2010.)

The bill (S. 2820) entitled "An act granting a pension to Mary F. Hawley." (Report No. 2028.)

The bill (S. 205) entitled "An act granting a pension to Mary O. H. Stoneman." (Report No. 2031.)

The bill (S. 1621) entitled "An act granting a pension to Josephine I. Offley." (Report No. 2032.)

The bill (S. 2428) entitled "An act granting an increase of pension to Jacob P. Fletcher." (Report No. 2033.)

The bill (S. 1117) entitled "An act granting an increase of pension to Cornelia De Peyster Black." (Report No. 2034.)

By Mr. ANDERSON, from the Committee on Invalid Pensions:

The bill (S. 2529) entitled "An act for the relief of Sarah E. Cotton." (Report No. 2011.)

The bill (S. 2763) entitled "An act granting a pension to Silas B. Hensley." (Report No. 2012.)

By Mr. BAKER of Kansas, from the Committee on Invalid Pensions: The bill (S. 2645) entitled "An act granting a pension to Jane H. Vandever." (Report No. 2013.)

Also, from the Committee on Pensions: The bill (H. R. 5544) granting a pension to John Heniff. (Report No. 2030.)

By Mr. KIRKPATRICK, from the Committee on Invalid Pensions:

The bill (S. 152) entitled "An act granting a pension to Abel S. Chase." (Report No. 2014.)

The bill (S. 3004) entitled "An act granting a pension to Jacob Saladin." (Report No. 2015.)

The bill (S. 2535) entitled "An act granting a pension to Elender Herring, of Elsmore, Kans." (Report No. 2016.)

The bill (S. 890) entitled "An act granting an increase of pension to John N. Landon." (Report No. 2017.)

The bill (S. 1809) entitled "An act granting a pension to Joshua Parker." (Report No. 2018.)

By Mr. MILES, from the Committee on Invalid Pensions: The bill (S. 1694) entitled "An act to increase the pension of Maj. Gen. Julius H. Stahel." (Report No. 2019.)

By Mr. PICKLER, from the Committee on Invalid Pensions: The bill (S. 759) entitled "An act granting a pension to Carrie A. Moody." (Report No. 2020.)

By Mr. POOLE, from the Committee on Invalid Pensions:

The bill (S. 856) entitled "An act granting an increase of pension to Philip T. Greely." (Report No. 2021.)

The bill (S. 2312) entitled "An act granting a pension to William T. Hill." (Report No. 2022.)

The bill (S. 3020) entitled "An act granting a pension to W. L. Faxon." (Report No. 2023.)

By Mr. SULLOWAY, from the Committee on Invalid Pensions:

The bill (S. 2729) entitled "An act granting a pension to Emma Weir Casey." (Report No. 2024.)

The bill (S. 139) entitled "An act granting an increase of pension to Caroline B. Bradford." (Report No. 2025.)

The bill (S. 2983) entitled "An act granting a pension to Ida Emmott, dependent and invalid daughter of the late Thomas Emmott." (Report No. 2026.)

The bill (S. 2828) entitled "An act granting an increase of pension to Samuel E. Liscom." (Report No. 2029.)

The bill (S. 2230) entitled "An act to increase the pension of Ellen C. Abbott, widow of Bvt. Brig. Gen. Joseph C. Abbott." (Report No. 2035.)

By Mr. THOMAS, from the Committee on Invalid Pensions: The bill (S. 122) entitled "An act granting an increase of pension to Jerusha Sturgis, widow of Brig. Gen. Samuel D. Sturgis." (Report No. 2027.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. STRAIT (by request): A bill (H. R. 9224) to create a national money system by which the Government will receive and not pay interest; increase the volume of legal-tender money on a real-estate and gold and silver basis; secure all the national revenues without bonds, tariffs, or income taxes; obtain all the gold and silver that may be required by the Government without other cost than that of their coinage, and for other purposes—to the Committee on Ways and Means.

By Mr. LINTON: A bill (H. R. 9225) empowering and directing the Secretary of War to furnish 2 pieces of condemned cannon to the Grand Army of the Republic Post of St. Johns, Mich.—to the Committee on Military Affairs.

By Mr. HOWARD (by request): A bill (H. R. 9227) to provide for the assembling of Congress on the 4th day of March instead of the first Monday of December—to the Committee on the Judiciary.

Also (by request), a bill (H. R. 9228) to provide for the publication of a periodical which shall be known as the "Congressional Closure"—to the Committee on Printing.

By Mr. HARRISON: A joint resolution (H. Res. 192) relative to the expenditure of the appropriation heretofore made to the Choctawhatchee River in Alabama—to the Committee on Rivers and Harbors.

By Mr. LOUDENSLAGER: A resolution (House Res. No. 389) providing that the clerk of the Committee on Pensions be continued on the roll during the recess of the present Congress—to the Committee on Accounts.

By Mr. SOUTHARD: A resolution (House Res. No. 390) authorizing the Postmaster of the House of Representatives to employ four additional annual messengers—to the Committee on Accounts.

By Mr. DRAPER: A memorial of the general court of Massachusetts, relative to an amendment to the Constitution enabling Congress to enact laws regulating the hours of labor—to the Committee on the Judiciary.

By Mr. McCALL of Massachusetts: A memorial of the general court of Massachusetts, relative to an amendment to the Constitution enabling Congress to enact laws regulating the hours of labor—to the Committee on the Judiciary.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. BARRETT: A bill (H. R. 9229) to increase the pension of George E. Tibbetts—to the Committee on Invalid Pensions.

By Mr. COCKRELL (by request): A bill (H. R. 9230) for the relief of the estate of Virginia Rosson, deceased, late of Dickens County, Tex.—to the Committee on War Claims.

By Mr. CURTIS of Iowa: A bill (H. R. 9231) granting an increase of pension to Col. Benjamin Beach, of Muscatine, Iowa—to the Committee on Invalid Pensions.

By Mr. HILL: A bill (H. R. 9232) granting a pension to Abigail E. Bogart, of Norwalk, Conn.—to the Committee on Invalid Pensions.

By Mr. HULING: A bill (H. R. 9233) granting a pension to Andrew C. Smith—to the Committee on Invalid Pensions.

By Mr. McCLURE: A bill (H. R. 9234) for the relief of Elijah Rowe—to the Committee on Military Affairs.

Also, a bill (H. R. 9235) for the relief of Theophilus H. Stees—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9236) granting a pension to James W. Miller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9237) for the relief of Edgar G. Abbott—to the Committee on Invalid Pensions.

By Mr. MEREDITH: A bill (H. R. 9238) for the relief of the estate of Catherine Crittenden, deceased, late of Culpeper County, Va.—to the Committee on War Claims.

By Mr. POWERS: A bill (H. R. 9239) granting a pension to Sarah A. Grennell, stepmother of Frank W. Grennell, late of Company G, Fourteenth Vermont Volunteers—to the Committee on Invalid Pensions.

By Mr. ROBINSON of Pennsylvania: A bill (H. R. 9240) to pension Louisa Donath, dependent daughter of John G. Donath, at rate of $12 per month—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Resolution of the Commercial Exchange of Philadelphia, protesting against the passage of House bill No. 8536 and Senate bill No. 2967, to amend the interstate-commerce act—to the Committee on Interstate and Foreign Commerce.

Also, petition of railroad commissioners, opposing the repeal of section 10 of the interstate-commerce law—to the Committee on Interstate and Foreign Commerce.

By Mr. BARRETT: Petition of Division No. 122, Order of Railway Conductors, of Boston, Mass., in favor of House bill No. 6119, for the appointment of an impartial committee to investigate the labor problem and suggest remedy—to the Committee on Labor.

By Mr. COOK of Wisconsin: Petitions of citizens of Plainfield and Winneconne, Wis., praying for favorable action on bill to amend the postal laws relating to second-class matter and bill to reduce letter postage to 1 cent per half ounce—to the Committee on the Post-Office and Post-Roads.

By Mr. HITT: Paper to accompany House bill granting a pension to Abigail E. Bogart—to the Committee on Invalid Pensions.

By Mr. JOHNSON of California: Petition of A. E. Redstone, secretary State Settlers' League of California, in behalf of settlers, miners, and stock raisers of California, favoring the passage of Senate bill No. 2118—to the Committee on the Public Lands.

By Mr. OVERSTREET: Petitions of citizens of Spencer and Columbus, Ind., favoring the passage of House bills Nos. 838 and 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. ROBINSON of Pennsylvania: Paper to accompany House bill to pension Louisa Donath, dependent daughter of John G. Donath, at the rate of $12 per month—to the Committee on Invalid Pensions.

By Mr. ROYSE: Petitions of citizens of Warsaw, New Carlisle, Elkhart, and South Bend, Ind., for favorable action on House bills Nos. 838 and 4566, amending the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. TRACEWELL: Petition of citizens of North Vernon, Ind., for favorable action on House bills Nos. 838 and 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

SENATE.

THURSDAY, *May 28, 1896.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. LODGE, and by unanimous consent, the further reading was dispensed with.

ACCIDENTS TO NAVAL VESSELS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Navy, transmitting, in response to a resolution of April 17, 1896, a list of accidents furnished by the Bureaus of Construction and Repair and Steam Engineering, showing the principal accidents that have occurred to naval vessels within the period mentioned, the causes thereof, and the damages resulting therefrom; which, with the accompanying papers, was referred to the Committee on Naval Affairs, and ordered to be printed.

TENNESSEE CENTENNIAL EXPOSITION.

The VICE-PRESIDENT appointed Mr. DUBOIS, Mr. GIBSON, Mr. ALLEN, Mr. BROWN, and Mr. BATE, under the resolution of May 12, 1896, as the committee to attend the celebration of the one hundredth anniversary of the admission of the State of Tennessee into the Federal Union, to be held at the city of Nashville, Tenn., on the 1st day of June next.

Mr. LODGE. I ask unanimous consent for the present consideration of the bill (H. R. 6739) for the relief of John N. Quackenbush, late a commander in the United States Navy.

Mr. HALE. I call for the regular order.

The VICE-PRESIDENT. The regular order is demanded. Petitions and memorials are in order.

PETITIONS AND MEMORIALS.

Mr. McMILLAN presented the petition of James F. Dodge and 116 other citizens of Detroit, Mich., who earn their living in Canada, remonstrating against the passage of the so-called McCall immigration bill, on the ground that it may necessitate their removal to Canada; which was ordered to lie on the table.

Mr. DAVIS presented a petition of sundry citizens of Minneapolis, Minn., praying for the Government ownership and control of the telegraph lines; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the common council of St. Paul, Minn., praying for the enactment of legislation extending aid for a governmental exhibit at the transmississippi and international exhibition to be held at Omaha, Nebr., in 1898; which was referred to the Committee on Appropriations.

Mr. CANNON presented a petition of the legislature of the State of Utah, praying that an appropriation be made for the support of the Shebit Indians; which was referred to the Committee on Indian Affairs, and ordered to be printed in the RECORD, as follows:

House joint memorial.

To the Congress of the United States:

Your memorialists, the governor and legislature of the State of Utah, respectfully ask your favorable action in the matter herein set out. In Washington County, this State, are a few families of Indians, known as the Shebits. Some years ago, through the action of your honorable body and the Commissioner of Indian Affairs, a small appropriation was secured for these Indians and disbursed, under the direction of Hon. A. W. Ivins, of Washington County, in providing farms, houses, mules, wagons, and other utensils for general farming. The Indians at once settled down and went to work and have been working steadily ever since, their progress being most gratifying, and there having been something of an increase of their numbers. But through constant use and the lapse of time some of the mules are dead, the implements are in many cases broken down or altogether worn out, and further assistance is needed.

The testimony of those who have had opportunity to observe is that the money spent on these Indians was well spent, and they are progressing toward civilization and a self-supporting condition as rapidly as possible.

Your memorialists, in view of the premises, would therefore ask a further appropriation of $10,000, to be applied as needed for the relief of these Indians, under the direction of some reputable citizen of Washington County, and, hoping your immediate and favorable action thereon, we will ever pray.

GEORGE M. CANNON,
President of the Senate.
PRESLEY DENNY,
Speaker of the House.

Approved April 3, 1896.

HEBER M. WELLS,
Governor of Utah.

STATE OF UTAH, *Department of State, ss:*

I, James T. Hammond, secretary of state of the State of Utah, do hereby certify that the foregoing is a full, true, and correct copy of house joint memorial No. 3, approved April 3, 1896, as appears on file in my office.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of Utah this 21st day of May, A. D. 1896.

J. T. HAMMOND,
Secretary of State.

Mr. WHITE. I present a memorial, forwarded to me by telegraph, of the Chamber of Commerce of Los Angeles, Cal., remonstrating against the passage of House bill No. 8536 and Senate bill No. 2967, proposing to amend section 10 of the interstate-commerce law. I move that the memorial be referred to the Committee on Interstate Commerce.

The motion was agreed to.

Mr. BRICE presented a memorial of the Medical Society of Cleveland, Ohio, remonstrating against the passage of Senate bill No. 1552, for the further prevention of cruelty to animals in the District of Columbia; which was ordered to lie on the table.

He also presented a petition of Encampment No. 124, Union Veteran Legion, of Erie County, Ohio, praying for the enactment of a service-pension law; which was ordered to lie on the table.

He also presented petitions of the Ohio State Grange, of sundry citizens of Ohio, and of the Ohio Cheese Manufacturers' Association, of Cleveland, Ohio, praying for the passage of the so-called filled-cheese bill; which were ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. PETTIGREW, from the Committee on Indian Affairs, to whom was referred the bill (S. 3188) to ratify an agreement with the Indians of the Shoshone or Wind River Reservation, Wyo., and making an appropriation to carry the same into effect, establishing the Wyoming Hot Springs Reservation, and making an appropriation for the survey thereof, reported it with an amendment.

He also, from the same committee, to whom was referred the bill (S. 3167) to grant to the Hudson Reservoir and Canal Company of Arizona the right of way through the Gila River Indian Reservation, reported it with an amendment.

Mr. ALDRICH. I am directed by the Committee on Finance, to whom was referred the bill (H. R. 6259) to expedite the delivery of imported parcels and packages not exceeding $500 in value, to report it with an amendment in the nature of a substitute. I give notice that I shall ask the Senate at an early day to proceed to the consideration of the bill.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

Mr. BATE, from the Committee on Military Affairs, to whom was referred the bill (S. 2874) to provide for the construction of a graveled road from the termination of the graveled road and bridge on the north side of Cache River, in Pulaski County, Ill., to the national military cemetery near Mound City, in Pulaski County, Ill., and for other purposes, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. BACON, from the Committee on Naval Affairs, to whom was referred the bill (S. 1968) for the relief of the Mobile Marine Dock Company, reported it without amendment, and submitted a report thereon.

Mr. BRICE, from the Committee on Pensions, to whom was referred the bill (H. R. 979) granting a pension to Frances E. Helfenstein, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 2358) for the relief of Arminda White, widow of Israel White, reported it without amendment, and submitted a report thereon.

Mr. PASCO, from the Committee on Private Land Claims, to whom was referred the bill (S. 1178) conveying to Rafael Seguro, of Iberia Parish, La., the right, title, and interest of the United States in and to certain lands in said parish of Iberia, reported it without amendment, and submitted a report thereon.

INVESTIGATION BY COMMITTEE ON NAVAL AFFAIRS.

Mr. GALLINGER, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted yesterday by Mr. CHANDLER, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the expense incurred by the subcommittee of the Committee on Naval Affairs in visiting Bethlehem, Pa., in pursuance of the duty imposed on said committee by resolutions of the Senate dated, respectively, December 31, 1895, and February 13, 1896, be paid from the contingent fund of the Senate.

EMPLOYEES OF GOVERNMENT PRINTING OFFICE.

Mr. PRITCHARD. I am directed by the Committee on Civil Service and Retrenchment, who were authorized by the resolution of March 23, 1896, to investigate and report upon the administration of the civil-service law in the Government Printing Office, etc., to submit a report thereon. I ask that the report be printed in the RECORD.

The VICE-PRESIDENT. Without objection, it will be so ordered.

The report is as follows:

The Committee on Civil Service and Retrenchment, having had under consideration the following resolution, which was adopted by the Senate on the 23d day of March, 1896:

"*Resolved*, That the Committee on Civil Service and Retrenchment be, and is hereby, empowered to fully investigate and report upon the administration of the civil-service law in the Government Printing Office as affecting the separation from service of the 35 ex-employees referred to in the printed correspondence furnished the Senate under Senate resolution of January 29, 1896"—

report as follows: Your committee have examined all the parties who desired to be heard in the matter, and herewith attach a copy of the statement of each individual who appeared before the committee. There were only two questions arising before the committee for consideration, to wit:

When did the order of the President placing the Government Printing Office under the civil service go into effect?

Second. Were the parties employed on the temporary roll at the time of the adoption of the order entitled to be classified and placed on the list of eligibles?

Your committee deem it unnecessary to state any conclusion in regard to the questions suggested, and therefore submit to the Senate the statement of the witnesses, without recommendation.

BILLS INTRODUCED.

Mr. SHERMAN introduced a bill (S. 3234) donating condemned cannon and cannon balls to the Ohio Soldiers and Sailors' Home, Erie County, Ohio; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Naval Affairs.

Mr. KYLE (by request) introduced a bill (S. 3235) to regulate labor and business on Sunday in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. GORMAN introduced a bill (S. 3236) to remove the charge of desertion from Patrick H. McCall, late an enlisted man in the United States Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. STEWART introduced a bill (S. 3237) granting a pension to Annie Fowler; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BRICE introduced a bill (S. 3238) to amend the military record of Silas Graham; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. HALE introduced a joint resolution (S. R. 153) authorizing the compilation of the United States customs laws and regulations thereon, the decisions in relation thereto of the Federal courts, the Treasury Department, the United States general appraisers, and the opinions of the Attorneys-General; which was read twice by its title, and referred to the Committee on Printing.

IMPORTATIONS BY EXPRESS COMPANIES.

Mr. GIBSON submitted an amendment intended to be proposed by him to the bill (H. R. 6259) to expedite the delivery of imported parcels and packages not exceeding $500 in value, imported by express companies, or other duly incorporated inland carriers; which was ordered to be printed.

REGULATIONS CONCERNING ADULTERATED BEER.

Mr. CARTER submitted an amendment intended to be proposed by him to the bill (H. R. 8008) defining cheese, and also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of filled cheese; which was ordered to be printed.

WITHDRAWAL OF PAPERS.

On motion of Mr. DAVIS, it was

Ordered, That the adverse report in the case of William B. Matchett be withdrawn from the files of the Senate under the rules of the Senate.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. PASCO, it was

Ordered, That the petition of Fernando I. Moreno be taken from the files in the Secretary's office and referred to the Committee on Claims.

INDIAN APPROPRIATION BILL.

Mr. PETTIGREW. I desire to call up the conference report on the Indian appropriation bill.

Mr. WALTHALL. I object to the consideration of that report at this time. It will lead to quite a protracted debate.

Mr. PETTIGREW. I suppose if the question of consideration is raised it will be submitted to a vote of the Senate, and that I desire.

The VICE-PRESIDENT. Does the Senator from South Dakota move to proceed to the consideration of the report?

Mr. PETTIGREW. Yes; I move that the report be taken up.

The VICE-PRESIDENT. The question is on the motion of the Senator from South Dakota, that the Senate proceed to the consideration of the conference report on the Indian appropriation bill.

The question being put, there were, on a division—ayes 24, noes not counted.

Mr. PETTIGREW. I ask for the yeas and nays.

Mr. CULLOM. What is the use? The "ayes" have it.

Mr. PETTIGREW. There was no quorum voting on the division.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. PALMER (when his name was called). I am paired with the Senator from North Dakota [Mr. HANSBROUGH]. He has not voted, and I withhold my vote.

Mr. PRITCHARD (when his name was called). I am paired with the Senator from Louisiana [Mr. BLANCHARD].

Mr. PUGH (when his name was called). I am paired with the senior Senator from Massachusetts [Mr. HOAR].

Mr. TILLMAN (when his name was called). I am paired with the Senator from Nebraska [Mr. THURSTON]. Otherwise I should vote "nay."

The roll call was concluded.

Mr. CARTER. I desire to announce a pair between the junior Senator from Maryland [Mr. GIBSON] and my colleague [Mr. MANTLE]. I make the announcement for the day.

Mr. DUBOIS. I inquire if the Senator from New Jersey [Mr. SMITH] has voted?

The VICE-PRESIDENT. He has not voted.

Mr. DUBOIS. I am paired with that Senator, but will transfer my pair to the Senator from Nevada [Mr. JONES] and vote. I vote "yea."

The result was announced—yeas 41, nays 13; as follows:

YEAS—41.

Aldrich,	Dubois,	Mills,	Sewell,
Allison,	Elkins,	Mitchell, Oreg.	Sherman,
Berry,	Gallinger,	Morgan,	Shoup,
Burrows,	Hale,	Morrill,	Teller,
Butler,	Hawley,	Nelson,	Turpie,
Cannon,	Hill,	Perkins,	Vest,
Carter,	Jones, Ark.	Pettigrew,	Warren,
Chilton,	Lodge,	Platt,	Wilson.
Cockrell,	McBride,	Proctor,	
Cullom,	McMillan,	Quay,	
Davis,	Martin,	Roach,	

NAYS—13.

Bacon,	George,	Mitchell, Wis.	White.
Bate,	Gorman,	Pasco,	
Brown,	Harris,	Peffer,	
Chandler,	Kyle,	Walthall,	

NOT VOTING—35.

Allen,	Daniel,	Irby,	Squire,
Baker,	Faulkner,	Jones, Nev.	Stewart,
Blackburn,	Frye,	Lindsay,	Thurston,
Blanchard,	Gear,	Mantle,	Tillman,
Brice,	Gibson,	Murphy,	Vilas,
Caffery,	Gordon,	Palmer,	Voorhees,
Call,	Gray,	Pritchard,	Wetmore,
Cameron,	Hansbrough,	Pugh,	Wolcott.
Clark,	Hoar,	Smith,	

So the motion was agreed to.

ALCOHOL IN THE ARTS.

The bill (H. R. 3282) to repeal section 61 of an act to reduce taxation, to provide revenue for the Government, and for other purposes, which became a law August 28, 1894, was referred to the Committee on Finance.

Mr. HARRIS. I believe the conference report has been taken up?

The VICE-PRESIDENT. It is before the Senate.

Mr. HARRIS. So soon as the conference report is disposed of I shall ask the unanimous consent of the Senate to allow me to report the bill that has just been referred to the Finance Committee. That committee, having anticipated the reference, considered the measure this morning. I shall report the bill back as soon as the pending matter is disposed of, if I can get the floor, and will ask the Senate to allow me to make a statement of about two minutes and a half, when I shall appeal to the Senate for unanimous consent to consider the bill this morning.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed a concurrent resolution authorizing the Secretary of War to lend to the mayors of the cities of East St. Louis, Ill., St. Louis, Mo., and vicinity, a sufficient number of tents to temporarily shelter such citizens as may have lost their homes by the tornado of yesterday, and to render such other relief in the premises as he may deem necessary; in which it requested the concurrence of the Senate.

SUFFERERS BY TORNADO IN ILLINOIS AND MISSOURI.

The VICE-PRESIDENT. The Chair lays before the Senate the concurrent resolution just received from the House of Representatives.

The concurrent resolution was read, as follows:

Resolved by the House of Representatives (the Senate concurring), That the Secretary of War be, and is hereby, authorized to lend to the mayors of the cities of East St. Louis, Ill., St. Louis, Mo., and vicinity, under such regulations and restrictions as he may deem proper, a sufficient number of tents to temporarily shelter such citizens of said cities as may have lost their homes by the tornado of yesterday, and to render such other relief in the premises as he may deem necessary.

Mr. PALMER. The Senate is fully advised of the terrible calamity which has befallen St. Louis, and more particularly East St. Louis, Ill. I ask for the immediate consideration of the resolution.

The VICE-PRESIDENT. Is there objection to the present consideration of the concurrent resolution?

The Senate, by unanimous consent, proceeded to consider the concurrent resolution.

Mr. VEST. Mr. President, of course it would be a very ungracious and ungrateful proceeding, perhaps, upon my part to offer any opposition to the resolution. Yet I am compelled to say that I do not think there is any necessity for its passage. Recent advices, telegrams received within the last half hour, show that the accounts of this great disaster, which is a great one, have been terribly exaggerated, as is always the case in the first hours of a calamity.

I wish to say for the city of St. Louis and the State of Missouri, without boasting, that that city and that State can take care of their people under these or any other circumstances. I have myself received no information that tents are needed. No harm can be done by passing the resolution, but I wish to express my dissent from the custom which has obtained in all instances of States and communities which are entirely capable of meeting any exigency themselves rushing impulsively to the seat of the Government of the United States at all times and asking assistance. I myself do not like that practice. But, of course, if the Senators from Illinois, speaking for their constituents, want to have the resolution passed, I shall make no objection to it.

Mr. HARRIS. I wish to suggest whether the resolution ought not to be made a joint resolution instead of a concurrent one. I hardly think it safe to pass it as a concurrent resolution, as it is evidently in conflict with existing law. I shall interpose no objection, but I am in full sympathy with the views expressed by the Senator.

Mr. PALMER. I did not quite understand the suggestion of the Senator from Tennessee.

Mr. HARRIS. My suggestion is that the resolution should be made a joint resolution instead of a concurrent one, inasmuch as it changes existing law; and I will say to the Senator, the House having passed the resolution, that if such an amendment should be made I do not think it will involve a delay of two hours, because I think the House, which passed the resolution, would concur in such an amendment at once.

Mr. PALMER. I am impressed with the suggestion of the Senator from Tennessee, and I will move the amendment according to his suggestion. I move that the resolution be made a joint resolution.

The VICE-PRESIDENT. Without objection, the resolution will be amended by inserting the resolving clause of a joint resolution instead of a concurrent resolution. The joint resolution will be considered as having been twice read, and is before the Senate as in Committee of the Whole.

Mr. CULLOM. I simply desire to say that this is a House resolution, and while I agree with the Senator from Missouri [Mr. VEST] that there is probably no occasion for its passage, because I am very much gratified to learn that the loss of life and property there is not so great as was reported by the papers this morning, and that our respective States will be able to take care of all the interests of our people on both sides of the river, yet as the House has passed it I suggest it might be well for us to agree to it.

I desire to state further that I am very much worried over the reports which come from the Illinois side of the river. The last report which was shown me a moment ago stated that the loss of life was much greater on the east side of the river than on the Missouri side. But on whichever side the greatest suffering has occurred, I have no doubt the officials of the States will take care of the people. I hope the joint resolution will be passed, inasmuch as it comes from the other body.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

The title was amended so as to read: "A joint resolution authorizing the Secretary of War to lend to the mayors of the cities of East St. Louis, Ill., and St. Louis, Mo., and vicinity, a number of tents."

INDIAN APPROPRIATION BILL.

The VICE-PRESIDENT. The report of the committee of conference will be read.

The Secretary read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 6249) making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1897, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 66.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with amendments as follows: Add at the end of said amendment the following:

"That said Commission is further authorized and directed to proceed at once to hear and determine the application of all persons who may apply to them for citizenship in any of said nations, and after such hearing they shall determine the right of such applicant to be so admitted and enrolled: *Provided, however*, That such application shall be made to such Commissioners within three months after the passage of this act. The said Commission shall decide all such applications within ninety days after the same shall be made. That in determining all such applications said Commission shall respect all laws of the several nations or tribes, not inconsistent with the laws of the United States, and all treaties with either of said nations or tribes, and shall give due force and effect to the rolls, usages, and customs of each of said nations or tribes: *And provided further*, That the rolls of citizenship of the several tribes as now existing are hereby confirmed, and any person who shall claim to be entitled to be added to said rolls as a citizen of either of said tribes and whose right thereto has either been denied or not acted upon, or any citizen who may within three months from and after the passage of this act desire such citizenship, may apply to the legally constituted court or committee designated by the several tribes for such citizenship, and such court or committee shall determine such application within thirty days from the date thereof.

"In the performance of such duties said Commission shall have power and authority to administer oaths, to issue process for and compel the attendance of witnesses, and to send for persons and papers and all depositions and affidavits and other evidence in any form whatsoever heretofore taken where the witnesses giving said testimony are dead or now residing beyond the limits of said Territory, and to use every fair and reasonable means within their reach for the purpose of determining the rights of persons claiming such citizenship, or to protect any of said nations from fraud or wrong, and the rolls so prepared by them shall be hereafter held and considered to be the true and correct rolls of persons entitled to the rights of citizenship in said several tribes: *Provided*, That if the tribe or any person be aggrieved with the decision of the tribal authorities or the Commission provided for in this act, it or he may appeal from such decision to the United States district court: *Provided, however*, That the appeal shall be taken within sixty days, and the judgment of the court shall be final.

"That the said Commission, after the expiration of six months, shall cause a complete roll of citizenship of each of said nations to be made up from their records, and add thereto the names of citizens whose right may be conferred under this act, and said rolls shall be, and are hereby, made rolls of citizenship of said nations or tribes, subject, however, to the determination of the United States courts, as provided herein.

"The Commission is hereby required to file the lists of members as they finally approve them with the Commissioner of Indian Affairs, to remain there for use as the final judgment of the duly constituted authorities. And said Commission shall also make a roll of freedmen entitled to citizenship in said tribes, and shall include their names in the lists of members to be filed with the Commissioner of Indian Affairs. And said Commission is further authorized and directed to make a full report to Congress of leases, tribal and individual, with the area, amount, and value of the property leased and the amount received therefor, and by whom and from whom said property is leased, and is further directed to make a full and detailed report as to the excessive holdings of members of said tribes and others.

"It is hereby declared to be the duty of the United States to establish a government in the Indian Territory which will rectify the many inequalities and discriminations now existing in said Territory, and afford needful protection to the lives and property of all citizens and residents thereof.

"Sisseton and Wahpeton Indians: That all the interest due the Sisseton and Wahpeton Indians on March 3, 1896, is hereby appropriated to be paid at once in cash per capita; and hereafter all interest on the permanent fund of said Indians, after deducting the amount expended for education, shall be paid in cash per capita on the 1st day of November of each year.

"Seneca Nation of Indians: That the Secretary of the Interior be, and he hereby is, authorized and directed to ascertain and report to Congress a detailed statement of all the leases made and entered into by the Seneca Nation of Indians, with all persons or corporations, of all lands in the Allegany Indian Reservation in the State of New York, giving an itemized statement of

each and every lease now in existence or force, with the date and terms of each lease, and amount or amounts due on each lease."

And the Senate agree to the same.

On amendments numbered 64, 69, and 70 the committee of conference has been unable to agree.

R. F. PETTIGREW,
H. M. TELLER,
F. M. COCKRELL,
Managers on the part of the Senate.

J. S. SHERMAN,
CHARLES CURTIS,
GEO. C. PENDLETON,
Managers on the part of the House.

Mr. HALE. Mr. President, I wish to call the attention of the Senator in charge of the bill and who submitted this conference report, before the report is accepted, to what seems to be the main feature, or the only feature of the report, aside from further disagreements:

That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with amendments as follows:

Add at the end of said amendment the following—

Which is a complete and carefully drawn and extended provision of new law as it has just been read from the desk. The basis of that amendment I find in the bill is amendment 37, which is referred to, and which reads as follows:

For salaries and expenses of the Commissioners appointed under acts of Congress approved March 3, 1893, and March 2, 1895, to negotiate with the Five Civilized Tribes in the Indian Territory, the sum of $40,000, to be immediately available; and said Commission is directed to continue the exercise of the authority already conferred upon them by law and endeavor to accomplish the objects heretofore prescribed to them and report from time to time to Congress.

That, Mr. President, is a clear, plain provision recognizing existing law, in no degree departing from it, making an appropriation to carry it out, and directing the Commission so to carry out the provisions of existing law. I do not see that any point of order can be made upon that amendment or could have been made at the time it passed the Senate. It is such a provision as is proper in appropriation bills, and is the provision that went to the conference.

I find, further, as to the great body of the new law proposed and reported here from the conference—which was never considered by the Senate and was never adopted in either House, but which is absolutely new—I find, on looking at the debates which arose in the course of the progress of the bill, that nearly identically the same proposition which the conferees have now reported was, upon April 23 last, submitted as an amendment, discussed for days and days, and at last ruled out of order by the Presiding Officer, thereby taking it from the consideration of the Senate; thereby, under the rules, declaring that it was not a proper subject for consideration in Congress on an appropriation bill. The ruling of the Chair is found on page 4312 of the CONGRESSIONAL RECORD during the session of April 23.

I rose, Mr. President, for the purpose of asking the Senator in charge of the bill, a member of the Committee on Appropriations, a member of large experience in this and the other body, what warrant of authority the committee of conference had to enlarge the simple amendment that is found in the bill which I have read, to ingraft upon it provisions of law that had been before the Senate and rejected under its rules, and also, as I am informed, as to the latter part of the amendment, to ingraft provisions which had never in any form been before the Senate.

I ask this question with some considerable earnestness, because it has been my fortune to serve upon the Committee on Appropriations ever since I have been a member of this body. If there is one thing that ought to be observed with most sacred obligation it is the limitation of committees of conference to subjects-matter that have been before one body or the other. The line is as clearly drawn as the walk between the two Houses in this Capitol. The disagreeing votes of the two Houses is the fundamental proposition upon which conferences are ordered. Without such disagreeing votes no conferences would be ordered or needed; and the domain under which committees of conference must always come is that limited domain. It is the subjects-matter that are in controversy between the Houses. It is subjects-matter that one House insists upon and the other House disagrees to, and one or the other on a compromise definable within the limits of the subject disagreed upon is all that conferences can ever report.

I know it is not only a tradition, but it is the experience and the history of the Committee on Appropriations on the part of the Senate, to insist rigidly upon this rule. Mr. President, if this rule is departed from, if conferees can put new matter into their report and introduce it in this body with the privileges that conference reports have of being always in order and that they can be made at any time, there is no authority, there is no committee, there is no portion of the Senate that has such power to abuse its privilege as conference committees have.

Mr. GRAY. May I ask the Senator from Maine whether I understood him to say that the provision reported by the conference committee was substantially the same as the amendment proposed in the Senate to the bill when it was before the Senate and ruled out of order by the Chair?

Mr. HALE. The two provisions are long. I have read them both, but have not had time to compare them. I do not say that they are the same, but I understand that they involve——

Mr. TELLER. They are not the same.

Mr. HALE. No; I do not suppose they are.

Mr. TELLER. They are quite different.

Mr. HALE. I understand they involve the same subjects-matter; that other things have been added to them, and that the subject-matter which was ruled out on a point of order is again introduced in the report of the committee of conference.

Mr. President, I do not know the merits of this controversy. I was not here when it was debated. When the Senator submitted the report and it was printed in the RECORD and I examined the RECORD and saw this long amendment which had been reported from the committee of conference, without consultation with any Senator I went to the RECORD, hunted up the original amendment, and hunted up the debates, because it occurred to me at once that there must be some reason why so great a body of law had been reported here, if the committee had not exceeded its authority.

Mr. President, the Committee on Appropriations ought to be very sensitive about these matters. There is no committee that is so trusted by the Senate as the Committee on Appropriations. It submits its final reports, in many cases, during the last week of the session, when there is no opportunity for critical examination. It submits its amendments agreed to, disagreed to, and amended, generally by numbers, and nothing more than the numbers and amendments are read. Senators know the Committee on Appropriations realize that there is no opportunity for full examination and investigation. The highest duty that is imposed upon the members of the Committee on Appropriations in conference on appropriation bills is to hew to the line of the rule and rigidly refuse to put in any new propositions, no matter how beneficent they are, no matter how desirable they are, no matter if they be consented to by every member of the Senate. The initiative point of the wisest legislation is never with a committee of conference, and it never ought to be there.

It is, therefore, as a member of the Committee on Appropriations that, having the gravest doubt about this matter, I have called the attention of the Senator in charge of the bill—if it can be fully explained, that it comes within the rule and is not new matter. As I said, I know nothing of the merits of the controversy, but I am interested that the committee should not in any way exceed its authority.

Mr. HILL. Will the Senator from Maine please explain, if he is familiar with the report, what was the amendment numbered 37, to which the new matter is now proposed to be added?

Mr. HALE. I have read it once. I will read it again for the Senator.

Mr. HILL. I was not in at the time.

Mr. HALE. It is very simple.

For salaries and expenses of the Commissioners appointed under acts of Congress approved March 3, 1893—

Which I have here—

and March 2, 1895—

Which is only a continuation of the appropriation and providing for two additional Commissioners—

to negotiate with the Five Civilized Tribes in the Indian Territory, the sum of $40,000, to be immediately available.

That is simply an appropriation for the salary under those acts.

And said Commission is directed to continue the exercise of the authority already conferred upon them by law and endeavor to accomplish the objects heretofore prescribed to them and report from time to time to ongress.

As I said while the Senator was not in his seat, that is a very simple provision. It is giving money to carry out the existing law, and in a monitory way, and no further, suggesting to the Commissioners that they proceed to carry out the law. That has been reported by the conference committee, as I have said, as provisions embodying a wide scope of legislation, and I am informed a portion of it was ruled out in the Senate, and that another portion was not considered either by the Senate or the House. I want the Senator in charge of the bill to explain why it is that this departure has been made.

Mr. CHANDLER. Mr. President, I desire to make a point of order as to whether a conference report containing substantially a provision that was ruled out as not being in order when the bill was before the Senate is now in order as a part of the conference report. I desire to make that point of order, and to state to the Senate the reasons why I believe it to be good.

Mr. TELLER. I should like to call the Senator's attention to the fact that in making the point of order he is assuming that this provision has been ruled out by the Senate. That is incorrect. It is an entirely different proposition.

Mr. CHANDLER. It is a much stronger provision. It contains additional provisions which would have made it much more amenable to the point of order if this had been the amendment that was ruled out of order instead of the one that was ruled out.

Now, I desire to state the reasons why I think this amendment is not in order. A conference report of this kind ought to be out

of order under the rules of the Senate, whether it is or is not, because if a long and important amendment making alterations in existing law can be deliberately ruled out upon a point of order, and then can be inserted almost bodily in a conference report, it will be necessary for the Senate to be constantly watching the reports of conference committees.

Mr. JONES of Arkansas. I should like to present a parliamentary inquiry to the Chair, and that is whether a point of order can be made to a conference report? My understanding is that a conference report has to be accepted or rejected as a whole, and that points of order can not be entertained in connection with anything of this kind.

Mr. CHANDLER. That is the very point I am arguing, if the Senator from Arkansas will allow me to proceed.

The VICE-PRESIDENT. The Chair is hearing the discussion on that point. The Chair has not ruled upon it.

Mr. CHANDLER. The very point I am arguing is whether a conference report, the vote upon which must be taken either yea or nay, so that one vote disposes of it, can, according to the rules of the Senate as they ought to be construed, contain a long provision of law that was once deliberately ruled out by the Presiding Officer and his ruling acquiesced in by the Senate.

Mr. President, that is the point of order, and it seems to me that the Chair, and if not the Chair, then the Senate, ought to decide that it is not in order for a conference committee to do what this conference committee has done.

The amendment as it was proposed in the Senate on the 23d day of April provided $40,000 for the salaries of the members of the Dawes Commission, directed the Commission to proceed to make rolls of citizenship of the Five Civilized Tribes, and to make allotments of land to those whom they might find to be citizens. All the provisions in reference to the duties of the Commission were attached to the amendment appropriating $40,000 for continuing the Commission and paying their salaries, and the Senator from Maine [Mr. HALE] has stated the result. After a long debate the Vice-President decided that the amendment was out of order, particularly specifying the powers of a court that were given to the Commission. The whole amendment went out, not only the provision for the salaries to the Commission, but also the legislation changing existing law and providing for a census of the tribes and the allotment of land.

Before the bill was disposed of the Senator from Wisconsin [Mr. VILAS] moved an amendment contained on page 4216 of the RECORD, which was a mere appropriation of $40,000 for continuing in existence the Commission and directing them to go on and negotiate with the Indian tribes in accordance with the provisions of existing law.

That provision, which was adopted (it was the first part of the amendment that had been ruled out of order), did not change existing law in any manner. It simply provided for the salaries of the Commissioners and for continuing them in the work which the previous law authorized. All the rest of the amendment was ruled out of order. No appeal was taken; no criticism was made. The Senate acquiesced in the ruling, and, as ex gratia, subsequently consented to the amendment of the Senator from Wisconsin simply continuing the Commission with its existing powers, and the Senate one and all understood that so far as this bill was concerned that was an end of the question of dealing with the Civilized Tribes by an amendment upon an appropriation bill.

What do we behold? We behold the conference committee doing substantially the very thing which had been held to be out of order—doing substantially what the Senate unanimously acquiesced in as being something which could not be done upon the appropriation bill, and we have the long provision that the Chair will see by glancing at the amendment. The amendment is as long as the other. It is on the same subject-matter. It provides equally with the other amendment for a census of these Indian tribes. But I admit that it has been carefully and cunningly framed to avoid, if possible, any point of order in the Senate, so that, if possible, it may receive the approbation of the Senate, which had once been refused it.

If it can be done in this form upon a conference report, it can be done in precisely the form in which the Senate rejected it. I maintain that proposition with confidence. If it can be done with the amendment as it now stands, the conference committee might have put the very rejected amendment itself upon the bill.

Mr. HALE. Let me ask the Senator from New Hampshire a question. Suppose it is not the identical amendment which was ruled out in the Senate. Is it any the less a body of absolutely new legislation that the conference committee had no business to deal with, whether or not it is the same amendment that was ruled out? Is it not new matter?

Mr. CHANDLER. Beyond all question.

Mr. HALE. And upon which there was no disagreement between the Houses?

Mr. CHANDLER. None whatever. The subject-matter which was ruled upon by the Chair has never been discussed between the two Houses, because it never so passed one House that it could be disagreed to by the other.

There is the broad question whether the Senate wishes to approve of this attempt to legislate upon a conference report, even if it is in order to do so. There is the narrower question which I am arguing, whether it is in order to submit to the Senate and compel the Senate to vote upon a conference report which contains a provision of this kind.

Not only do we have the whole subject of dealing with the Five Civilized Tribes—about which the Senate did nothing, about which the House did nothing—disposed of by an amendment to a conference report, but we have two other extraordinary provisions, to which the Senator from Maine has also alluded. There is the following clause on the second page of the report:

Sisseton and Wahpeton Indians: That all the interest due the Sisseton and Wahpeton Indians on March 3, 1890, is hereby appropriated to be paid at once in cash per capita; and hereafter all interest on the permanent fund of said Indians, after deducting the amount expended for education, shall be paid in cash per capita on the 1st day of November of each year.

I do not know how much money that clause appropriates from the Treasury of the United States, but I do know that that clause was not in the House bill; it was not a Senate amendment; and the conference committee have undertaken to usurp to themselves the sole function of legislation by inserting this provision which never was heard of in the House, which never was heard of in the Senate, until the conference report was presented.

Another thing, Mr. President. Curiously enough, there is a provision about the Seneca Nation of Indians:

Seneca Nation of Indians: That the Secretary of the Interior be, and he hereby is, authorized and directed to ascertain and report to Congress a detailed statement of all the leases made and entered into by the Seneca Nation of Indians, with all persons or corporations, of all lands in the Allegany Indian Reservation in the State of New York, giving an itemized statement of each and every lease now in existence or force, with the date and terms of each lease, and amount or amounts due on each lease.

That is an entirely new provision. It does not appropriate any money. It is legislation pure and simple. Whether it is important legislation or whether it is unimportant legislation, it has no place whatever upon a conference report when the subject-matter never was mentioned in the original bill, and never was proposed to the Senate or discussed by the Senate or voted on by the Senate.

This is the most extraordinary parliamentary proceeding I have ever witnessed during my nine years' service in Congress. It is a more extraordinary proposition than I have ever observed or heard of so long as I have observed legislative proceedings anywhere. It is a new departure by the conference committee, made I know not on what conception of their powers and duties, but it is a proceeding which, if it is in order to present it to the Senate and it can not be ruled out of order and the Senate has no way of disposing of it except to vote it down, is going absolutely to revolutionize the methods of doing business in this body.

The Committee on Appropriations of the Senate has enough to carry. It has had difficulty enough hitherto in dealing with the subjects-matter that were committed to the committee. It has had difficulty enough in the selection of its conference committees which have at the last hours of the session been in the habit of dealing with the various appropriation bills. It has had difficulty enough, while the Committee on Appropriations, so far as I know and have observed, have at all times hitherto conformed to the fundamental rule of the Senate in connection with conference committees, without undertaking to constitute themselves legislators for the Senate, to bring in new legislation in the closing hours of an expiring session of Congress. If the power to do this thing exists with conference committees, if the intent to do it is not now met promptly and vigorously, I say the whole character of legislation will be changed, and instead of proceeding in a safe, prudent, and orderly way we shall have adopted methods of legislation which will open the Treasury to all manner of raids upon it through concealed paragraphs in conference reports, and the public welfare will be immensely damaged by the new practice.

My point is that the rules of this body protect the Senate against the necessity of having to vote upon this rejected proposition; that it is legislation of an extensive character, no part of which was in the original bill; that in particular there are two clauses which never were heard of or suggested in either the House or the Senate in connection with the bill until they are presented by the conference report, and that therefore the conference report ought to be ruled out of order. The committee of conference ought to be called upon to take up the matter again and to proceed to do the duty committed to them by the Senate, and to do no more than the duty which was committed to them by the Senate.

Mr. WALTHALL. Mr. President, it has not been disputed and it can not be disputed that the amendment to item 87 as reported by the conference committee proposes original legislation. It does not in any wise arise out of the disagreeing votes of the two Houses. I submit, therefore, that it is entirely without the proper sphere of a conference committee's duty.

When the Indian appropriation bill came from the other House there was no provision in it for the Dawes Commission. There was no mention of the Dawes Commission. That Commission was not referred to directly or incidentally in the bill as it came to us from the House. When the bill reached the Senate an amendment was proposed here appropriating $40,000 for the Dawes Commission, prescribing duties for the Commission which did not belong to it under the law that provided for its organization. That amendment led to protracted debate, in which some eight or nine Senators participated, and it extended through the whole of two days. The Senate decided that that amendment could not be engrafted upon an appropriation bill without an open violation of a standing rule of the body. It must not be forgotten that the Dawes Commission appeared for the first time in the proposed amendment in the Senate, no provision of any kind or character having been made, and no reference having been made to it in the bill as it came to us from the other House.

The Senate, as I have said, after full debate decided that no such provision could be ingrafted upon the Indian appropriation bill without a direct breach of one of its own standing rules. After that decision was reached the Senator from Wisconsin [Mr. VILAS] offered an amendment appropriating $40,000 for the Dawes Commission, and directing the Commission to proceed with the negotiations for which it was organized and the only purpose for which it was organized. To that amendment no objection was raised, although the appropriation for the Dawes Commission had gone out on a point of order along with the balance of the amendment. But when that harmless provision was proposed no objection was interposed to it.

After that was done, what does the conference committee do? The conference committee proposes to invest the Commission not only with duties which did not belong to it before, but to invest it with power and authority which were positively, after long debate, denied to the Commission by the action of the Senate, and, what is more, which had never been asked for by the House. Therefore there were no disagreeing votes between the two Houses, and there could not be. The provision originated here. It was not asked for by the House. It was defeated here upon the ground that we would violate one of our standing rules unless it was ruled out.

Mr. President, the proposed legislation, originating with the committee, is wholly gratuitous. It is directly in conflict with the action of the Senate, and is not responsive to anything that has been proposed on the part of the House. For one I desire to protest against such unauthorized and most questionable extension of their own powers by this committee of conference or by any other committee of conference.

That is not all. It is said that the amendment is not identical with the amendment which went out on a point of order in the Senate. It is not identical, but it is exactly the same character of legislation. It is general legislation upon an appropriation bill, and upon exactly the same subject, with many of the same provisions in it contained in the amendment which the Senate decided should not go upon the appropriation bill and could not go upon it without an open violation of a standing rule of the Senate.

I call attention to one other matter. The committee, not content with originating its legislation and building it upon the amendment providing an appropriation of $40,000 for the Dawes Commission, go further and say:

> It is hereby declared to be the duty of the United States to establish a government in the Indian Territory which will rectify the many inequalities and discriminations now existing in said Territory and afford needful protection to the lives and property of all citizens and residents thereof.

The honorable committee proposes a policy; it proposes to put into the form of law its idea of the duty of the United States upon a most complicated and difficult problem. With as much right and as much pretense of authority it might just as well have declared what the policy of the United States should be upon the financial question. With the same propriety it might have declared what the policy of the United States should be with reference to the Cuban question, or with reference to the tariff, or any other subject not connected with the matter with which they were dealing.

Whatever may be said about the changes which have been made in the proposition submitted by the committee as compared with what is known as the Platt amendment, which the Senate rejected, this I suppose the conference committee will concede and admit, that it has no right in this form to lay down a line of duty for the Government upon a question which has vexed the greatest statesmen of our day for years—the Indian problem. The Senate amendment provided that the Dawes Commission should go on under the law under which it was organized. The committee says that the policy of this Government with reference to the Indians shall be so and so; as foreign, as I said before, to its duty and proper function as if it had declared what the policy of the Government should be upon any question before the American people.

Mr. HALE. I wish to ask the Senator from Mississippi whether there is any doubt that the authority with which the Dawes Commission is invested by the amendment is entirely distinct from its present authority by law, and an enlargement of its scope of duty and of action, and entirely beyond what was contemplated in the original law?

Mr. WALTHALL. Every word contained in the long amendment in relation to the Dawes Commission is new; every word in it is an addition to the duty devolved upon it under the law by which it was organized and referred to in the amendment which the Senator from Wisconsin offered.

Mr. HALE. I so understand.

Mr. VILAS. Will the Senator from Mississippi allow me to add one other statement? It is not only that, but it is in the most flagrant violation of existing treaties with the Five Civilized Tribes, upon which ground it was opposed in the Senate during that long discussion, when the bill was before the Senate, of which the Senator from Mississippi has spoken.

Mr. JONES of Arkansas. Will the Senator from Wisconsin be good enough to explain where and how it is in direct violation of the treaties? That is a pretty broad statement.

Mr. VILAS. That can be done before the debate is ended, if necessary.

Mr. JONES of Arkansas. I think the Senator will have some difficulty in doing it.

Mr. WALTHALL. The question was up before, and no matter who was right about it the Senate determined that it was one of those questions which could not be disposed of in an amendment to an appropriation bill.

But that is not all of this most remarkable report. After declaring what the policy of the United States is upon the Indian question, they go on and dispose of some Indian interests with which the Dawes Commission have never had any connection whatever, direct or indirect. As I said, the Dawes Commission dealt with the Five Civilized Tribes and no other Indians. This report says:

> Sisseton and Wahpeton Indians: That all the interest due the Sisseton and Wahpeton Indians on March 3, 1896, is hereby appropriated, to be paid at once in cash per capita; and hereafter all interest on the permanent fund of said Indians, after deducting the amount expended for education, shall be paid in cash per capita on the 1st day of November of each year.

Having relation to a tribe of Indians that the Dawes Commission have no connection with; that the Dawes Commission was not instructed to negotiate with. But that is not all. The report says further:

> Seneca Nation of Indians: That the Secretary of the Interior be, and he hereby is, authorized and directed to ascertain and report to Congress a detailed statement of all the leases made and entered into by the Seneca Nation of Indians, with all persons or corporations, of all lands in the Allegany Indian Reservation in the State of New York, giving an itemized statement of each and every lease now in existence or force, with the date and terms of each lease, and amount or amounts due on each lease.

Now, Mr. President, I ask the Senator in charge of this conference report if either the Sisseton and Wahpeton Indians or the Seneca Nation of Indians cut any figure in any way in the matter which this conference committee had to deal with? As I said before, the Dawes Commission had no connection with them, and no duty was imposed upon that Commission with reference to those Indians. Their duties were limited to negotiations with the Five Civilized Tribes, and this conference committee, after conferring upon the Dawes Commission new powers which did not belong to it, most of which the Senate had refused to give to it, and after proposing legislation indicating what the duty and policy of the Government should be in reference to the Indians, travels outside and deals with two tribes of Indians that the Dawes Commission had no connection with.

Mr. President, it will not be denied, I take it, that this is entirely original legislation, and that it is not responsive to anything proposed by the House of Representatives and rejected by the Senate, and that it does not arise either directly or indirectly out of any disagreeing votes between the two Houses.

I think, Mr. President, that this kind of legislation is reprehensible in the last degree.

Mr. TELLER. Mr. President, the point of order raised by the Senator from New Hampshire [Mr. CHANDLER] can not be well taken. I understand the proper way to deal with the subject, if the report is not agreeable to the Senate, is to reject the report, and that is the only way it can be disposed of. If the Senate is not satisfied with the enlargement of the Senate amendment, which was disagreed to by the other House and which put the provision in conference and gave to the conference committee jurisdiction, the Senate can so declare by voting it down or declining to accept the report, and that is the only way it can be done. That is the proper way to deal with it, and that is the way I shall consider it.

There has been a good deal of indignation and a good deal of loose statement made about conference reports. The Senator from New Hampshire declares that nothing of the kind has ever occurred in the extended public service that he has had here. Why, Mr. President, in the twenty years I have been familiar with this body there has not been an appropriation bill passed which did

not contain more or less of this "reprehensible legislation" of which the Senator from Mississippi [Mr. WALTHALL] speaks; and the objection now is not that it is reprehensible. That is not what disturbs the Senator from New Hampshire and the Senator from Mississippi, but it is that they are opposed to this kind of legislation, whether it is in an appropriation bill or whether it is in any other bill.

Mr. WALTHALL. The Senator has no right to say that as to me.

Mr. TELLER. If the Senator says it is not true, of course I retract it.

Mr. WALTHALL. The Senator has no right to say that. I discussed the proposition when it was here before distinctly on the point of order and declined to take any position on it except in reference to the point of order.

Mr. TELLER. If I am mistaken, the Senator can correct me. I understand the Senator considers that he is acting under instructions of his legislature on this subject.

Mr. WALTHALL. I do not think the Senator should say that.

Mr. TELLER. The legislature of Mississippi has taken action on the subject as to what should be the action of this Government with reference to these Indians.

Mr. WALTHALL. Mr. President, I think it is due to myself and to the Senator that he allow me to make a statement.

Mr. TELLER. Certainly.

Mr. WALTHALL. I am under no instructions from anybody. My attention, as I said when the question was up before, was directed to this subject by reason of a memorial from the legislature of Mississippi.

Mr. TELLER. That is what I understood.

Mr. WALTHALL. That induced me to look into the subject; and I said then, and say now, that the legislation is not proper upon an appropriation bill. That is the extent to which I have gone on the subject.

Mr. TELLER. It may be true that it is not proper on an appropriation bill, and yet some of the most beneficial and valuable legislation on the statute books we have got on appropriation bills.

Mr. HALE. But not originated in conference committees.

Mr. TELLER. Yes; originated in conference committees.

Mr. HALE. I will venture to say that the Senator is mistaken as to that.

Mr. TELLER. I am not going into details. I make the statement, and Senators who have been here a long time will bear me out in it, that we frequently change measures in conference and that we make material changes.

Mr. HALE. And introduce new matter?

Mr. TELLER. Yes, new matter.

Mr. HALE. That has not been done so far as I have been concerned as a member of the body and as a member of the Committee on Appropriations. If it has been done, it has always been done sub silentio, no attention being called to it; and that is the reason whenever a subject does come up that the committee ought to take notice of the violation of the rule and see that it does not occur again. I can not say that in years past something of this kind may not have been done and no attention called to it, where a matter has been passed without objection; but never have I known in any conference I have been where absolutely new matter was projected and initiated by the conference, and I think the chairman of the committee will bear me out in that statement.

Mr. ALLISON. I never knew but once to my knowledge of new matter being placed on any appropriation bill by a conference committee, and then it passed without the Senate knowing it.

Mr. HALE. It was found out afterwards.

Mr. ALLISON. It was discovered afterwards; and I want to say for myself, as the matter is up, because I do not want the Senator from Colorado to rest in the belief that conference committees have ever put new matter in a conference report, that I never have done it since I have been on the Appropriations Committee for twenty-three years but once.

Mr. TELLER. I will not take back that statement, but to that extent I will admit——

Mr. ALLISON. I want the Senator from Colorado to give any instance, except the one to which I have referred, in twenty-three years in which that has been done on a conference report.

Mr. VEST. It was done in 1883 on the tariff bill.

Mr. ALLISON. That is not an appropriation bill. I am speaking of appropriation bills.

Mr. VEST. Oh!

Mr. TELLER. But it is a conference report, all the same.

Mr. ALLISON. Yes, it is.

Mr. TELLER. And it is just as objectionable on one conference report as on another. I am speaking generally of conference reports.

Mr. ALLISON. I can have no controversy about this matter. I venture the statement that there never has been, except in one instance, any new matter inserted on an appropriation bill, especially nothing containing legislation, which this amendment, if I am not mistaken, certainly does contain.

I do not wish at this stage to engage in this debate, but when it is said that it is a common thing on appropriation bills, or other bills, to inject new matter in the conference, I wish to say that I think it never has been done except when explained to the Senate, and unanimous consent asked, which probably may have been done in some instances.

Mr. TELLER. I do not intend to go into a general discussion of this question.

Mr. ALLISON. I want to say——

Mr. TELLER. I want to say a word, if the Senator will give me a chance.

Mr. ALLISON. Very well, I will give the Senator a chance.

Mr. TELLER. When I get through, the Senator can be heard. I want to say that conference committees within my experience have changed the phraseology of bills repeatedly.

Mr. ALLISON. Undoubtedly.

Mr. TELLER. And changed the interpretation, changed the meaning, and have done that from time to time. Sometimes I think the changes have gone to such an extent as to be objectionable, because they perhaps went beyond what would be germane and proper, where the objection could be made that it was legislation. I do not claim because that has been done that it follows that it is correct; but I want to say that the question should be here now, not whether this is a customary thing, but whether this is proper legislation which ought to be put on any bill. It may be objectionable to say that you shall not legislate in an appropriation bill; and yet the most important legislation of this session is in an appropriation bill which has now become a law, or, so far as we are concerned at least, I believe it has been agreed to. We have thereby torn up a system which has existed in this country for one hundred years, and we have done that on an appropriation bill; and we defend ourselves in that because we said it was an important question, that it was a very important thing to be done now, and that it could not be done otherwise because of certain objections which would be made to a general bill. We have changed the whole system of marshals, of district attorneys, and of commissioners.

Mr. HALE. That was not initiated in conference.

Mr. TELLER. That was not initiated in conference, but one of the objections now is that this is on an appropriation bill.

Mr. HALE. So far as I am concerned I did not raise that point. My point was that it was an alarming instance of initiating new legislation, which the Senator does not deny, in conference committee not behind the general subject of legislating on appropriation bills. That is not the grievance. The grievance is the other thing.

Mr. TELLER. I am coming to that; but both seem to be grievances to Senators, and if the Senator from Maine has not made that a grievance some other Senator has.

The trouble here now is, I think I may say, that if this had been legislation which was agreeable to certain Senators there would have been no objection made. This legislation, which I admit ought not to pass here in any shape without a full and free discussion, is very much controverted. There probably never has been in the history of this Senate and the House of Representatives such an active lobby against this class of legislation as there is here to-day. There never has been since I have been in public life an evil of such magnitude which ought to be taken hold of, and as to which, if there is any justification at any time for a violation of the Senatorial rule, it ought to be excused in this case by those at least who are familiar with the necessities of legislation and the deplorable condition which nearly half a million of American citizens are in to-day for want of some such legislation.

I am not going to contend that this is in order, and if the Senate thinks it is not in order and that there is not a necessity for this legislation which would justify the Senate in departing from its customary rule, the way to meet it is to vote down this report. Then the committee will know what they have to do.

We attempted in the early days of the session—but that is some time since—to put upon this bill a provision which the Chair held to be out of order. The Senate did not vote on it as I understand, but it was declared to be out of order under the rule. This is a very different proposition, however, from the one which was declared to be out of order, for that was a provision which contained all of these provisions and very much more. It contained a provision for the allotment and the distribution of the lands of the Indians, and in that respect at least it was a repeal of existing law. This does not repeal any existing law. This provides simply that a Commission which we have appointed and to which we have given certain powers may have additional powers, and that is all there is of it. It is simply an extension of the authority already given to them, recognized in the statute now. I will admit that it is an extension and that it is a detailed statement of

what they should do or what they might do without that detailed statement if they saw fit. The law creating this Commission I have before me and I will read it.

SEC. 16. The President shall nominate and, by and with the advice and consent of the Senate, shall appoint three Commissioners to enter into negotiations with the Cherokee Nation, the Choctaw Nation, the Chickasaw Nation, the Muscogee (or Creek) Nation; the Seminole Nation, for the purpose of the extinguishment of the national or tribal title to any lands within that Territory now held by any and all of such nations or tribes, either by cession of the same or some part thereof to the United States, or by the allotment and division of the same in severalty among the Indians of such nations or tribes, respectively, as may be entitled to the same, or by such other method as may be agreed upon between the several nations and tribes aforesaid, or each of them, with a view to such an adjustment, upon the basis of justice and equity, as may, with the consent of such nations or tribes of Indians, so far as may be necessary, be requisite and suitable to enable the ultimate creation of a State or States of the Union which shall embrace the lands within said Indian Territory.

Then it goes on to give power and authority to the Commissioners to appoint a stenographer, etc., and provides how they shall discharge their duties. I have not read it all, because it is not necessary. Then it proceeds:

Such Commissioners shall, under such regulations and directions as shall be prescribed by the President, through the Secretary of the Interior, enter upon negotiations with the several nations, of Indians as aforesaid in the Indian Territory, and shall endeavor to procure, first, such allotment of lands in severalty to the Indians belonging to each such nation, tribe, or band, respectively, as may be agreed upon as just and proper to provide for each such Indian a sufficient quantity of land for his or her needs, in such equal distribution and apportionment as may be found just and suited to the circumstances, etc.

For which purposes $50,000 is appropriated.

This provision is contained in "An act making appropriations for the current and contingent expenses, and fulfilling treaty stipulations with Indian tribes, for fiscal year ending June 30, 1894."

Mr. HALE. Approved March 3, 1893?

Mr. TELLER. Approved March 3, 1893. Then it provides that the Commission shall report.

There is a most extensive authority given to this Commission—authority to deal with these Indians on every subject, to buy their lands, to allot their lands, and to negotiate with them as to their condition with reference to statehood, etc.

Mr. GEORGE. Will the Senator from Colorado allow me to ask him a question?

Mr. TELLER. Certainly.

Mr. GEORGE. Is any power under the original act given to these Commissioners except the power to negotiate to make contracts or agreements? Is anything that they do binding on anybody except by agreement with the Indian tribes?

Mr. TELLER. I suppose not. I supposed the object was to negotiate, as I said, with the Indians, and I suppose any agreement which they made with the Indians which was subsequently disagreed to would not be an agreement with the Indians.

Mr. HALE. The amendment, among other things, I see, provides that the decision of the Commissioners in all such cases shall be final.

Mr. GEORGE. To what is the Senator from Maine alluding?

Mr. HALE. To the amendment which is proposed.

Mr. GEORGE. That the action of this Commission shall be final?

Mr. HALE. Yes. I do not understand that there is any great controversy between Senators. The Senator from Colorado himself has been very frank about it, and he does not claim that this is not an enlargement of the powers granted to the Commission.

Mr. TELLER. I have said so. I have said it is an enlargement which could only be justified by the exigencies of the case.

Mr. HALE. The Senator does not contend that the power which is given by this amendment is in any way contained in the original act?

Mr. TELLER. I think very much of it is. It is not such an enlargement as Senators have professed; but it is somewhat of an enlargement, I admit. It is not so objectionable, however, it seems to me, as the Senator from Mississippi and the Senator from New Hampshire seem to think.

Mr. President, the conference committee got jurisdiction of this matter by amendment numbered 37 of the Senate, which is as follows:

For salaries and expenses of the Commissioners appointed under acts of Congress approved March 3, 1893, and March 2, 1895, to negotiate with the Five Civilized Tribes in the Indian Territory, the sum of $40,000, to be immediately available; and said Commission is directed to continue the exercise of the authority already conferred upon them by law and endeavor to accomplish the objects heretofore prescribed to them and report from time to time to Congress.

That is legislation on an appropriation bill undoubtedly, and when this came into conference—I suppose I am not precluded from saying what occurred in conference—when it came into conference, the conferees on the part of the House, the House having originated this provision in another measure, said they would accept it and agree to it provided that this substantial amendment as we have presented it here should be added. There is where the conferees of the Senate were met, and the conferees of the Senate believed that it would be better for all concerned that we should agree to this provision, which is substantially a provision which I think has already passed the House of Representatives. At all events, it was taken out of a House bill which had been considered by the House of Representatives. Am I mistaken in saying it passed the Senate?

Mr. JONES of Arkansas. I do not think the House bill has passed the Senate, but this conference report has been agreed to by the House of Representatives.

Mr. TELLER. This provision is in a House bill, though it may not have passed the other House.

Mr. JONES of Arkansas. I do not think it has ever been taken up, but I am not sure about that.

Mr. TELLER. But it met the approval of the Committee on Indian Affairs, and was taken from a House bill at the request of the conferees on the part of the other House, with perhaps some slight amendments and changes of phraseology.

I make this statement simply to show, Mr. President, that the Senate conferees have not gone out hunting for something extraordinary and that we have done what is frequently done, when one part of the conferees say, "We will accept this with some amendments," and the amendments are made.

Mr. HALE. The Senator states what I suppose undoubtedly to be the fact, that this subject-matter originating in the other House was embodied in a bill there which perhaps had been reported by the same committee which has charge of the appropriation bill—the Indian Committee.

Mr. TELLER. The same committee—the Indian Committee.

Mr. HALE. Now, in all fairness, if that committee, or any subcommittee of that committee, expected to bring this matter up before the Senate on an appropriation bill, ought not that committee to have put it onto this appropriation bill, which originated in the other House?

Mr. TELLER. Yes, they ought to have done it, but they did not.

Mr. HALE. Therefore is it not objectionable, after they have failed to do that and thereby given us notice when the bill comes in that then it should be put on in conference, as I understand they insisted that it should be put on in conference? I understand the pressure came from the House conferees. I think the Senator himself sees, as a member of the committee, some embarrassments that we are under by the House taking this course.

Mr. JONES of Arkansas. Will the Senator from Colorado allow me to ask the Senator from Maine a question?

Mr. TELLER. Certainly.

Mr. JONES of Arkansas. I do not understand the position assumed by the Senator from Maine in the question that is now submitted. Does he assume that whatever is done by the Senate must of necessity go without concurrence on the part of the House?

Mr. HALE. No; not at all.

Mr. JONES of Arkansas. We have made an amendment to this bill by putting on the Commission, and the House simply reply that they will agree to the Commission provided we limit its authority in a certain method.

Mr. TELLER. And instruct it to do certain things.

Mr. JONES of Arkansas. Precisely.

Mr. HALE. Provided you put on in effect what a House bill contained, but which the House did not put on the appropriation bill. I say the Indian Committee of the House of Representatives, if it expected this legislation to pass on an appropriation bill, ought to have put it right on the Indian appropriation bill and passed it through the House of Representatives and sent it to us, so that we could have considered it; but they declined to do that. They failed to do that, and it comes here on a bill with the ordinary clause giving money to the Commission under its old power, and then that committee comes in and insists on putting on their amendment, which they could not and would not put on an appropriation bill. I do not believe that is right.

Mr. TELLER. I do not care to go into any criticism of the other House as to what they failed to do. It is enough for us to know that the conference committee came here with our measure, and they suggested that they must have some addition to it, and that we allowed.

I want to go to the question for a moment whether there is any necessity for legislation at all here, and whether, after all, there is any such great outrage committed as the Senator from Mississippi and the Senator from New Hampshire seem to think there has been upon the Senate. It was not expected that a matter of this kind would escape the attention of the Senate. We knew very well that when this report came before the Senate it would be thoroughly discussed. We knew that with the great lobby which was hanging around this Senate, with nearly all the attorneys of this community employed, there would be some objection made to the report; and therefore we kept it as near as we could within the rule that we thought had been sometimes recognized as acceptable and not objectionable where there has been enlarged and extended in conference what has been done by one of the

Houses, with the consent or at the demand of the conferees of the other.

Mr. President, I do not intend to waste much time upon this subject, but I wish to say that we have in the Indian Territory a question which has got to be settled in the interest of good government, which has got to be settled in the interest of the Indians, which has got to be settled in the interest of the great mass of the Indians and the mass of the white people who have been allowed by the Indians to invade that Territory and to make that Territory their home.

We agreed with the Indians that we would keep from their settlements white people if they objected, and to a very great extent the Government of the United States has maintained that agreement. We have kept out of the Indian Territory the class of people as a rule that they objected to. There have been some exceptions; but there is to-day within the Indian Territory a very large population by the consent and at the request of the Indian population—a population that has made the Indian land and the Indian property worth a great deal more than it would have been. There are in the Indian Territory now, I think I may say without exaggeration (probably more than I shall name), at least 300,000 citizens of the United States who are as foreign to the government of the Indian Territory as they would be if they lived in the Island of Cuba, where every right of citizenship is denied to them, where they are compelled to raise their children in ignorance, where they can not have the benefit of schools, which are denied to them by the Indian population and the Indian government, who have declined, at the request of these white people, to open their schools and allow them to have the advantages of the schools under any terms whatever, and who have treated them as if they were foreigners in a foreign land.

There are now at least five white people in that Territory to every red man. I need not say to the Senate of the United States that that condition of affairs is an unnatural one—one that can not be continued; and that if the Indians will not make some arrangement and take some steps by which the citizenship of those people can be recognized and they be given an opportunity to educate their children, the Government of the United States must take some steps in that direction.

To do that we shall be compelled to change existing laws or treaties with those tribes. And why should we not? Of this Indian population of sixty-odd thousand, or somewhere, probably, in the neighborhood of 75,000, I will say not to exceed 10 per cent, although I do not believe it exceeds 5 per cent (I think, perhaps, one man out of ten in that community; I do not believe that is correct, for I think the number is less), are participating in the advantages and are aggregating to themselves all the benefits of the acts, very liberal acts, which the Government of the United States has passed from time to time, not for a few Indians, but for all of them. The great mass of Indians are denied as absolutely the right of property in that Territory as the white men are denied it, and a sprinkling, a few men who control that population, are the nabobs and the lords who realize the profits the Government of the United States intended that the whole tribe and all the people should have. A few families alone are aggregating to themselves all the benefits and all the wealth to the exclusion of the great mass of Indians, as well as to the detriment of the great mass of whites who inhabit that section of country.

Mr. President, the common Indian in the Indian Territory has made practically no advancement in the last quarter of a century. He stands still. He does not progress. The other class of which I have spoken as the few have grown wealthy and rich. I can name an Indian whom I met two years ago last spring in the town in which he lived. I put the question to him, "I am told that you have 130 tenants?" He said, "Yes; I have." The most of his tribe were living in squalor and poverty, while this man was living in wealth. I was told, in the southern part, in another tribe (and I do not doubt the accuracy of the statement), that a man who had no Indian blood in him whatever, but who had acquired citizenship by intermarriage, had 400 tenants, and another man who had no Indian blood in him whatever was the owner of an income of $200,000 a year from rentals, while the average Indian was not occupying more than 10 or 15 acres of that vast heritage which the Government intended should be owned by all the Indians, and not by a few.

Mr. President, that is the condition, and that is the condition which is now sought to be continued in this country. The common Indians are in the brush; the aristocratic Indians are getting all the advantages and all the benefits, the very great benefits, that the Government has conferred upon them from time to time in grants of land and grants of money. The common Indian takes what he can get. When the Senator from Connecticut [Mr. PLATT], the Senator from North Dakota [Mr. ROACH], and myself went down there two years ago as members of the Select Committee on the Five Civilized Tribes we were assailed by the common Indians. They said, "When you have any more money to be paid to this tribe, let an employee of the United States Government pay it, because if it is not paid that way we do not get it." We had just before that made to those people in purchase of their land a great grant of money that was supposed to be distributed per capita amongst all the people alike. We were told of a woman who came up there to get her money which was in the hands of the Indian officials. She brought her family certificate showing that she was entitled to $800. When she went up to the people who were by their tribe charged with the distribution of the money she was told that the United States Government had not paid the money and she could not have it, but if she would wait a few days she could get it. Returning on the street she met one of these confederates, who with effrontery walked up and said, "I will buy your certificate of $800." The ignorant woman from the brush said, "What will you pay?" He said, "I will give you $40"; and he paid her $40 for that which he had only to walk to the office to get the Government money that should have been paid to her.

That is a sample of the way the leading Indians in that country manage the affairs of the tribe to the exclusion of the great mass of them and to their own enrichment and aggrandizement. And it is not to be wondered that they are standing around the corridors of the Senate and insisting that there shall be no violation of treaties—that they shall be maintained. These Indians have never maintained a treaty that they made with the United States. Their treaties require them to give to all the Indians benefits, and equal benefits. This they do not pretend to do, and nobody pretends that such a state of affairs exists.

Mr. President, because of my knowledge that this condition of affairs existed I was willing myself to stretch the rule with reference to the authority of the conference committee and accede to what the House demanded, and what I thought they rightfully demanded, if we were to further legislate upon that subject at all, and present the conference report in the shape it is in. I have no more interest in it than anybody else, and I have no feeling about it. I am not disturbed about the criticism that is made that this is an unusual proceeding. The condition of affairs existing there is an anomalous one, an unusual one, and one that exists nowhere else under the sun, I believe. It may be true that we should wait and let this matter go on year after year until we can pass, in some general law, legislation that shall rectify these wrongs. But as I have seen on other occasions appropriation bills made use of for such a purpose, as I have seen during the present session an appropriation bill made use of for the purpose of accomplishing beneficial legislation, I am myself in favor of keeping this amendment in the appropriation bill and enacting it into law, whether it is consistent with the rules of the Senate or whether it is not.

I am not afraid of the precedent. I am not afraid that the Senate of the United States will fail, whenever there is an improper provision in an appropriation bill, to reject it. The question here for the Senate should be, Is there such a condition of affairs now in the Indian Territory as will justify the Senate in passing this kind of legislation? If there is, we will be justified if we shall adopt this report.

Mr. VILAS. Mr. President——

Mr. HALE. Will the Senator from Wisconsin allow me to make a suggestion relative to the order of business?

Mr. VILAS. Certainly.

Mr. HALE. I wish to make a suggestion to the Senator from New Hampshire [Mr. CHANDLER]. I see the difficulty of enforcing by a point of order the views which have been expressed here. It is a grave question whether it can be reached in that way. I suggest to the Senator from New Hampshire that he withdraw the point of order and that the sense of the Senate upon this whole matter can be taken by the vote on accepting the report.

Mr. GRAY. In other words, it is a question that concerns the privileges of the Senate in a very high degree and does not exactly touch the point of order made by the Senator from New Hampshire.

Mr. HALE. No; I myself think it is beyond the domain of a point of order.

Mr. TELLER. I think the Senator from Maine is right. If the Senate of the United States thinks the contingency is not such as to justify the departure, then, of course, the report ought to be voted down. That is the way to meet it, and not simply by a question of order.

Mr. CHANDLER. I comply willingly with the suggestion to withdraw the point of order. I think there ought to be a rule, and a rule that can be enforced by the Presiding Officer; but I am convinced that there is not such a rule capable of enforcement. Therefore the Senate must deal with the question of the observance of its own rules by its own vote.

The VICE-PRESIDENT. The point of order being withdrawn, the question is upon concurring in the report of the committee of conference.

Mr. PETTIGREW. Mr. President——

Mr. VILAS. I believe I have the floor.

The VICE-PRESIDENT. The Senator from Wisconsin is entitled to the floor. The Chair will state to the Senator from Wisconsin before proceeding that the hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 1341) to prohibit the further issuance of interest-bearing bonds without the consent of Congress.

Mr. PETTIGREW. I ask unanimous consent that the pending order be temporarily laid aside that we may proceed with the consideration of the conference report.

The VICE-PRESIDENT. The Senator from South Dakota asks unanimous consent that the unfinished business be laid aside temporarily for the purpose of proceeding with the consideration of the conference report. Is there objection?

Mr. GEORGE. There are several objections over here.

Mr. BUTLER. I object.

The VICE-PRESIDENT. Objection is interposed to the request of the Senator from South Dakota.

ALCOHOL IN THE ARTS.

Mr. HARRIS. I ask leave at this time simply to submit a report.

I am directed by the Committee on Finance to report back favorably without amendment the bill (H. R. 3382) to repeal section 61 of an act to reduce taxation, to provide revenue for the Government, and for other purposes, which became a law August 18, 1894. I report it in order that it may go upon the Calendar, and I give notice that immediately after the reading of the Journal to-morrow morning, if I can get the floor, I shall ask the unanimous consent of the Senate to consider it at that time.

Mr. PETTIGREW. Mr. President——

The VICE-PRESIDENT. The bill will be placed on the Calendar.

Mr. PLATT. May I inquire what was the notice which was given?

Mr. HARRIS. I gave notice that I would to-morrow morning immediately after the reading of the Journal, if I can get the floor, ask the unanimous consent of the Senate to consider at that time the bill which I have just reported.

Mr. PLATT. That is all right.

Mr. PETTIGREW. I can not yield consent.

Mr. PLATT. It is merely a notice.

Mr. PETTIGREW. The notice I care nothing about. I wish to state that at the earliest possible moment I shall try to call up again the conference report on the Indian appropriation bill and dispose of it. I will not make the motion now, however.

The VICE-PRESIDENT. The unfinished business will be proceeded with.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the concurrent resolution of the House authorizing the Secretary of War to lend to the mayors of the cities of East St. Louis, Ill., and St. Louis, Mo., and vicinity, a number of tents.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 3279) to authorize the reassessment of water-main taxes in the District of Columbia, and for other purposes.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1347) to establish and provide for the maintenance of a free public library and reading room in the District of Columbia.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled joint resolution (H. Res. 193) authorizing the Secretary of War to lend to the mayors of the cities of East St. Louis, Ill., and St. Louis, Mo., and vicinity, a number of tents.

REGULATION OF BOND ISSUES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1341) to prohibit the further issuance of interest-bearing bonds without the consent of Congress.

THE ENDLESS CHAIN.

Mr. DANIEL. Mr. President, we are told that there is an endless chain in the Treasury. There is also an endless chain in the pulling-down process of a contracting currency, which pulls down first the farmer, the merchant, and the manufacturer, and presently pulls down also the investors and capitalists who must rely upon the prosperity of these industrial interests for their own. They now form trusts to sustain prices, and trusts failing, they resort to tariff taxation and to all manner of legislative, mechanical stimulants. After a while these in turn fail, and with the foundations crumbling the superstructure commences to fall. There are black Fridays in New York and black Fridays in London; railroads go into the hands of receivers, and while ruin is rampant even the Treasury of the United States passes into the hands of receivers with foreign connections, who kindly take the great Republic, with all its boundless resources, under the shadow of their wings.

THE SOPHISM THAT "THE QUANTITIVE THEORY OF MONEY IS EXPLODED."

There are certain sophisms used by the so-called sound-money men—who are in fact gold monometallists and national-bank-extension advocates—to uphold their schemes. One of these is that the quantitive theory of money, to which I have referred, is exploded, and the distinguished Senator from Louisiana [Mr. CAFFERY] fervently so declares in his able speech of recent date.

But in the very moment of his declaration he showed that he realized the quantitive theory, for he was opposing free coinage on the ground that, while within a certain limit silver dollars were not cheap, they would become cheap if freely coined. The fact is, the whole theory of monometallism and its purpose to keep money dear is based upon the idea that by keeping it small in quanity it will be kept dear and strong in purchasing power. The great thinkers of the world have, of course, universally admitted and illustrated the quantitive theory of money. Montesquieu, in his Spirit of the Laws, teaches that—

> Prices are fixed in a ratio of the whole of the commodities to the whole of the signs (gold and silver) combined with a ratio of the whole of the commodities in the channels of trade to the whole of the signs in these channels. The establishment of prices depends always fundamentally upon the ratio of the total of commodities to the total of signs.

Darvanzati, the eminent Italian, taught three hundred years ago that—

> All commodities which serve to subserve the wants of man are by convention equal in value to all the gold, silver, and copper. The parts are subject to the same rule as the whole.

So Hume taught in his Essay on Money:

> The policy of the good magistrate consists in keeping the money of the nation, if possible, still increasing, because by that means he keeps alive a spirit of industry and increases the stock of labor, in which consist all real power and riches. Accordingly we find that in every kingdom into which money begins to flow in greater abundance than formerly everything takes a new face—labor and industry gain life, the merchant becomes more enterprising, the manufacturer more diligent and skillful, and even the farmer follows his plow with greater alacrity and attention.

So Hamilton taught in his report on the mint in 1791:

> But, upon the whole, it seems to be most advisable, as has been observed, not to attach the unit exclusively to either of the metals, because this can not be done effectually without destroying the office and character of one of them as money and reducing it to the situation of a mere merchandise, which accordingly at different times has been proposed from different and very respectable quarters, but which would probably be a greater evil than occasional variations in the unit from the fluctuations in the relative value of the metals, especially if care be taken to regulate the proportion between them, with an eye to their average commercial value.
>
> To annul the use of either of the metals as money is to abridge the quantity of circulating medium, and is liable to all the objections which arise from a comparison of the benefits of a full with the evils of a scanty circulation.

Daniel Webster declared that a contraction of the currency, even if not sudden, contracts business, discourages enterprise, and restrains the commercial spirit; and that these circumstances were aggravated by sudden contraction. (See Shucker's Reply to Garfield, page 8.)

Jean Baptiste Say, the great French economist, reviewing the period of resumption and contraction in England, closes by declaring that the privileged classes, the public functionaries, the pensioners of the State and the fundholders, had profited by the resumption act, but that it had laid a burden upon the masses of the people and upon industry which only so rich and industrious a nation, so admirably administered in all respects, could support.

The difference between contraction and expansion was admirably stated by Hon. Thomas Ewing, of Ohio, in 1877, wherein he said:

> No greater wrong can be inflicted on a people by government than a contraction of the volume of currency to which their values are adjusted. The prices of commodities, whether land, product, or labor, are determined absolutely by the effective volume of the currency. An increase of the volume raises the price of all commodities, but if not carried beyond the wants of business does injury to only a comparatively small class, whose wealth or dependence is chiefly in money securities, fixed rents, annuities, or salaries. Yet, while it injures them in one way it helps them in another; it lightens the burden of taxation, promotes industry, stimulates exchanges, multiplies opportunities for safe and profitable investments, and thus indirectly compensates them for the diminution of the relative value of their money. Thus, during the war of the rebellion, so great were the general benefits from the increased volume of the currency, and so many the new opportunities for successful investment, that even the small creditor class suffered little by the decrease of the purchasing power of money.—*Speech of November 23, 1877, in House of Representatives.*

HISTORIC ILLUSTRATIONS.

In a speech which I had the honor to make against the unconditional repeal of the Sherman law, on the 14th of September, 1893, I attempted to show that the monetary panic which was then raging had begun to creep upon the commerce of Great Britain in 1888 and had burst forth in the summer of 1890 upon the announcement of the failure of the Barings. I pointed out, furthermore, that so far from the Sherman law being the cause of the panic that it had come at a time when money was so much needed in this country that the printing presses were put actively

to work to meet the demand for them in printing Sherman notes, and so eagerly were they sought that they were printed in hundred and thousand dollar notes, the famishing money market not being willing to wait for small bills. I pointed out also that in 1890 the Bank of England, upon the failure of the Barings, went to work to supply more money, and secured from the British Government the right to issue £7,000,000, provided the same was used to assist that firm. I believed then, as I believe now, that it was more money, and not less money, that was needed, and that we could not possibly by contracting the currency in such an emergency restore confidence or revive business.

In 1825, after England had forced the resumption of specie payments that had been suspended in 1797, a period of momentary, or rather apparent, prosperity began, and the King congratulated the people that "the country was reaping, in honor and repose, all that had been sown in courage, constancy, and wisdom."

In December of that year, owing to a drain of bullion from the country and a contraction of the currency, a fearful monetary panic was in full blast. How was it met? The Bank of England in four days inflated the currency by an issue of $25,000,000 of notes. And it is said:

> This audacious policy was crowned with the most complete success; the panic was stayed almost immediately. All contemporary evidence proves that it was this profuse issue of £5,000,000 of paper in a few days that stayed the panic. If the bank had persevered in its restrictive policy three days longer, it was said the total and entire destruction of commercial credit would infallibly have ensued.—*Shuckers on Panics*, page 17.

In the crisis of 1847 a similar policy of the British Government had equally beneficial effects. In October, to relieve the pressure, the Government recommended the Bank of England to enlarge its discounts. Ten minutes after this policy was announced its effect was produced:

> The panic vanished like a dream. Mr. Gurney stated that it produced its effects in ten minutes. No sooner was it known that notes might be had than the want of them ceased.

Ten years after, in 1857, another panic came upon England. The Government again authorized the Bank of England to inflate the currency by extending its issue, and the beneficial effect was instantaneous.

In 1866—with singular periodicity—still another panic came. Again the Government suspended the bank act, which restricted the issue of currency; again the favorite English remedy of inflation was applied, and again, as said by Gebbart in his work on Banking, "it operated like a charm."

THE SOPHISM THAT "FINANCE IS A MERE QUESTION OF FIGURES."

In reversing the wise precedents and in stopping the coinage of money when it was most needed we have reversed the effect and have brought distress and hardship upon the country. Some of the sophists tell us that "finance is a mere matter of figures." An eminent gentleman in public life said to me lately, "Finance is a mere matter of figures; there is nothing in your free-silver business." Said he, "Let me illustrate. After the war I assessed all of my property, and it was worth $130,000. Soon the currency was contracted; silver was demonetized. I reassessed the same property, and it was then worth $30,000, and," he added, "I lost nothing, for the property was all there." "Yes," I replied, "the property was all there; but let me put another case to you and see if the matter does not appear in a different light. Suppose that when it was assessed at $130,000 a buyer had called and you had sold it to him for that price. Suppose he had paid you $60,000 in cash and given his note for the balance of $70,000, running through a series of years to come. He defaulted in payment. You then had the property sold and bought it back at $30,000, which was its then value. At the end of the transaction the buyer had lost his $60,000, he was yet $40,000 in debt, and you had all the property you started with and $60,000 to boot and $40,000 due you." So, when contraction of the currency and property take place, was it a mere matter of figures representing dollars that ruined the one and enriched the other? This process, in different degrees and in different shades, is what has been transpiring in this country in recent years.

THE WORLD-WIDE MALADY—DISLOCATION.

Within this recent period not only the United States but the world is suffering from a world-wide malady. There has been a displacement and derangement of one of the great factors of civilization—hard, bimetallic money. One of the foundation stones of money upon which three thousand years of civilization had been built up has been pulverized by the massive force of governmental power. The law has been employed to uncouple gold and silver and to confuse their relation and to discharge one of them from the monetary function, and the effort is now being made to require indebtedness accrued upon the double standard to be discharged according to a single standard, and that represented by the dearest metal. It is imagined by some that this question will soon be dismissed from public view and soon be settled by the productive powers of an active and energetic people. They reckon without their host—that is, unless the question is rightly settled. The people are just beginning to realize thoroughly the terrible effects upon all the workers of the world of this derangement and contraction of the currency, and if the projections of those who favor the contraction shall be realized, we are destined to wallow in the slough of despond for many years to come. They propose a further contraction.

PRESIDENTIAL CAMPAIGN OF 1892.

Let me now review briefly the political events with reference to our currency of the past four years. In the Presidential campaign of 1892, which resulted in the election of Grover Cleveland, the Republican, Democratic, and Populist parties differed in many things, but all of them agreed in the necessity for the restoration of silver money.

The Republicans declared in their platform:

> The American people, from tradition and interest, favor bimetallism, and the Republican party demands the use of both gold and silver as standard money, with such restrictions and under such provisions, to be determined by legislation, as will secure the maintenance of the parity of values of the two metals, so that the purchasing and debt-paying power of the dollar, whether of silver, gold, or paper, shall be at all times equal. The interests of the producers of the country, its farmers and its working men, demand that every dollar, paper or coin, issued by the Government shall be as good as any other. We commend the wise and patriotic steps already taken by our Government to secure an international conference to adopt such measures as will insure a parity of value between gold and silver for use as money throughout the world.

The Democrats at Chicago said in their platform:

> We hold to the use of both gold and silver as the standard money of the country, and to the coinage of both gold and silver without discriminating against either metal or charge for mintage; but the dollar unit of coinage of both metals must be of equal intrinsic and exchangeable value.

The Populist party in its platform said:

> We demand free and unlimited coinage of silver and gold at the present legal ratio of 16 to 1.

The President who was elected, in accepting his nomination, accepted all the pledges which his party made in behalf of its nominee. He said:

> I find much relief in the reflection that I have been selected merely to stand for the principles and purposes to which my party is pledged and for the enforcement and supremacy of which all who have any right to claim Democratic fellowship must constantly and persistently labor.

Again, in the same speech, he said:

> I shall not attempt to specify at this time other objects and aims of Democratic endeavor which add inspiration to our mission. True to its history and its creed, our party will respond to the wants of the people within safe lines and guided by enlightened statesmanship.

The election came, and the Democratic party found itself in full possession of the executive and legislative departments of the Government. In the House of Representatives and in the Senate it alike had a majority, and in the Presidential chair was the present Executive, who had been elected by a popular majority and by a majority of the electoral college as well.

Over thirty years had elapsed since the Democratic party had been in power. A new generation had grown up since it had been driven into retirement. It was composed of veterans who had grown gray in its service, of recruits from the opposition who had grown weary of its extravagance, and of fresh and buoyant young men who looked forward to see the policies reversed which had been so disastrous and detrimental to the country. The chief issue of the Presidential election, by the common consent, was the tariff, but as soon as the President was inaugurated the outcry against the McKinley bill grew fainter and fainter. I was then in favor of an extra session of Congress, and so declared myself in a public letter. The iron was hot; then was the time to strike. But the weary months wore on. The robber barons were left unvexed by any attempt to relax their extortions. Presently, like a thunderbolt, came a message from the President convening Congress in extra session.

THE PRESIDENT'S CHANGE OF BASE AND HIS MISTAKEN DIAGNOSIS.

A new revelation seemed to have dawnded upon the Presidential mind. It had discovered that the tariff was not the great imposition upon the people and impediment to our prosperity that it had been represented to be, but that our silver currency, which we had promised to uphold, was the trouble.

When the message was delivered, I felt that a great mistake had been made. The physician, in my opinion, had made a false diagnosis of the disease. The message demanded the unconditional repeal of the Sherman law of 1890—that and no more. A great struggle ensued. Desiring to keep the Democratic party together, I offered upon the floor of the Senate to meet with my Democratic brethren in caucus and to abide their judgment. This was indignantly refused by the leaders of the opposition. Various compromises were proposed, and one was agreed upon, nearly all Democrats signing their names thereto, the Secretary of the Treasury himself favoring it. At the last moment this compromise was repudiated. The repeal, unconditionally, of the Sherman law was a Republican proposition. It had been made by the Senator from Ohio; it had been defeated by the Democrats in February, 1893, before the Democratic President was inaugurated. It was not called for by the Democratic platform, which

had demanded in lieu of the Sherman law "the free coinage of both metals without discrimination against either." Under no political promise or obligation to vote for the unconditional repeal, I declined to do it. It was urged that after the repeal there would be silver legislation, but I knew that then a Presidential veto would be all-powerful, and it would be difficult to agree upon a measure.

THE FALSE PROPHECIES OF THE REPEALERS.

Now, let me ask what considerations urged in favor of the unconditional repeal of the Sherman law have been substantiated? What prediction of the repealers has come true? Not one; not one. It was urged that it would prevent the further export of gold from the country, but the gold has flowed and flowed away.

(1) It was urged that it would prevent the raid upon the gold reserve. Behold the result. Two hundred and sixty-two millions of gold borrowed to keep it up, and yet it remains an organized appetite without the power of satisfaction.

(2) It was urged that it would induce foreign capital to invest here, and there would be a flow of money to our shores. The flow has been in the other direction.

(3) It was urged that it would stop the sale of our securities by foreign investors. More securities were thrown upon the market the day after its repeal and more and more.

(4) It was urged that it would restore confidence and prosperity. "Confidence, confidence," was on every lip, and a bountiful supply of it was predicted to pervade the land just as soon as the law was repealed.

The President said in his message:

Our unfortunate financial plight is not the result of untoward events nor of conditions related to our natural resources; nor is it traceable to any of the afflictions which frequently check national growth and prosperity. With plenteous crops, with abundant promise of remunerative production and manufacture, with unusual invitation to safe investment, and with satisfactory assurance to business enterprise, suddenly financial distrust and fear have sprung up on every side. Numerous moneyed institutions have suspended because abundant assets were not immediately available to meet the demands of frightened depositors. Surviving corporations and individuals are content to keep in hand the money they are usually anxious to loan, and those engaged in legitimate business are surprised to find that the securities they offer for loans, though heretofore satisfactory, are no longer accepted. Values supposed to be fixed are fast becoming conjectural, and loss and failure have invaded every branch of business.

I believe these things are principally chargeable to Congressional legislation touching the purchase and coinage of silver by the General Government.

The Hon. JOHN SHERMAN, in a speech made for the repeal, declared on October 17, 1893, with radiant and roseate inspiration:

In the present condition of affairs there is no money to buy cotton or corn or wheat for foreign consumption.

Break down the barrier now maintained by the Senate of the United States, check this viper called obstruction to the will of the majority, give the Senate free power and play, and—

Now mark the sunburst that was to come—

and in ten days from this time the skies will brighten, business will resume its ordinary course, and the clouds that lower upon our house will be in the deep bosom of the ocean buried.

Horace White wrote in the Forum for August, 1893:

What may be affirmed with positiveness is that our present scarcity of money would certainly be relieved by the surplus of Europe but for the silver wars.

What prompt and bountiful relief was thus vouchsafed to us.

PROFESSIONS OF LOYALTY TO BIMETALLISM.

(5) Associated with these alluring predictions were declarations of undying loyalty to bimetallism and assurances that after unconditional repeal was accomplished legislation would be effected that would restore silver to its accustomed place in our financial system. Many supposed to be on intimate terms with the President shook their heads wisely and said he would duly be heard from in behalf of silver. Indeed, in the very statute of repeal new vows of friendship were sealed by solemn enactment, the President himself becoming a party to those vows by approving the repealing statute, which declared:

And it is hereby declared to be the policy of the United States to continue the use of both gold and silver as standard money and to coin both gold and silver into money of equal intrinsic and exchangeable value, such equality to be secured through international agreement, or by such safeguards of legislation as will insure the maintenance of the parity in value of the coins of the two metals and the equal power of every dollar at all times in the markets and in the payment of debts.

Time wore on. A bill for coining the seigniorage passed Congress and went to the President and was vetoed. The fish had the hook in his mouth; nothing was done. Nothing can be done; nothing is even proposed.

WHERE IS THE PROSPERITY PROMISED?

In the meantime, Mr. President, what kind of prosperity is this that has come upon us? The first quarter of 1896, as stated in the financial journals, has been the most disastrous in our commercial history. Losses by failures in 1895 were greater than those in 1894, and the process of failure goes on. While the masses are thus suffering the dividends of the national banks have decreased from fifty-one millions in 1893 to forty-six millions in 1895.

LOOK AT OUR RAILROAD SYSTEM.

Let me read a little extract from the Financial and Commercial Chronicle of April 4.

Mr. GEORGE. Of what year?

Mr. DANIEL. Eighteen hundred and ninety-six.

Railroads: Decrease of gross earnings in 1894 as compared to 1893 = $142,313,275 = 11.64. Dividends decreased $10,000,000.

We show a deficit in March (1896) of $1,804,000. This is not large, but to us it is a disappointment, though, as stated a month ago, it was to be expected, for no other result was possible with business unloading.—*The Financial and Commercial Chronicle*, April 4, 1896, page 616.

[The Manufacturer, March 28, 1896.]

This country has about one-half of the railroad mileage of the world. At the present time, according to report, two-thirds of the railroad mileage are in the hands of receivers. A few weeks ago the great Baltimore and Ohio system went over to the majority. On Monday last receivers were appointed to take charge of the Central Vermont Railway Company, a corporation having 800 miles of track. On Monday, also, the Glendon (Pa.) Iron Company failed. Not long ago it was one of the richest and most successful concerns of the kind in the country. The list of wrecks grows larger. The mass of ruin heaps higher and higher. What is the matter? The potentiality of wealth in this land is beyond computation. The soil is rich; the people are industrious, intelligent, enterprising. The Government no longer purchases silver. The credit of the public Treasury has been fully established. The gold standard is supreme. A tariff for revenue only is in full operation. Why should the clouds grow darker and the commercial situation more hopeless day by day? What else must be done to bring back again the good times? Nothing is more nearly certain than that the extension into practice by a Government of wrong theories must work toward evil. Would it not be well for the wealth producers, who suffer from the conditions as they are, to consider if indeed some of the theories now in practical operation are destructive in their nature? Mr. Cleveland represents the present tariff and the existing financial system; has he suggested any method of reaching good times which can commend itself to men of sound judgment?

POSITION AND PROPHECIES OF THE BIMETALLISTS AS TO THE UNCONDITIONAL REPEAL OF THE SHERMAN LAW.

At the time when I was resisting the unconditional repeal of the Sherman law I undertook to analyze the situation and to state my judgment as to what would occur if Congress should yield unconditionally to the Executive command.

(1) I showed that the repealing statute did not put back the law as it existed before the Sherman law was passed, for then we had the Bland-Allison Act, which put forth a minimum of two million of silver dollars every month, and unconditional repeal meant no free silver at all per month or per year.

(2) I acknowledged that some temporary benefit might flow from the repeal "under the momentary influence of declarations so vociferously made that prosperity would come," but expressed my opinion that this momentary effect would soon wear off; that, "existing mostly in the emotional nature of man, though to a degree promoted by a scheme to contract the currency, it would soon dissipate its influence," and that people who were persuaded to expect great relief would "ere long stand confronting the merciless conditions of a contracted currency without a corresponding contraction of either taxation or debt." Let the course of affairs of the last three years bear witness to the truth of that prophecy.

(3) I undertook to show that silver would further decline in value. It had declined under the demonetization in Germany and the United States twenty years ago. It fell perceptibly in India but a few years ago; and I asked, "Under demonetization would not history repeat itself if we follow these examples now?" We followed the example, and history has repeated itself.

(4) I predicted an increase of taxation; that present assessments of real and personal property would be reduced, and, meanwhile, the property holder compelled to pay a tax no longer represented by corresponding value of productive power. This prediction is verified by the very bills now before the Senate.

(5) I showed further, Mr. President, that as soon as the Sherman law was repealed monometallism would be strengthened, and that those who in America had masqueraded as bimetallists would unfurl the flag of monometallism. I declared that it would be heralded over the boards of exchange and urgently boasted by all the organs of the money power that this country had deliberately discarded silver and turned the prow of the ship of state toward the mainland of monometallism. Hear the present clamor of the single gold standard! See how the masks are being cast aside from those who danced at the masquerade ball of the Sherman silver repeal bill and witness the somersaults of the political changelings!

I predicted further that as soon as the Sherman law was repealed it would be immediately claimed that all our silver money was a mere subsidiary money to be redeemed in gold. I pointed out that our stock of gold in the Treasury was then about $103,000,000, and was then charged with the redemption of $412,000,000 of uncovered paper money; that in addition to this there was $600,000,000 of certificates and silver dollars, making over a billion of subsidiary money, resting upon a gold basis of $100,000,000, or an inflation of a billion of paper money on the unbankable basis of 10 to 1, provided the theory upon which the Sherman law was repealed was carried to its intended projections.

Now, here comes the Director of the Mint, the avant courier of further contraction, and two years later fulfills my prophecy that the withdrawal of outstanding currency would be demanded.

GOLD RESERVE.

[The American, February 29, 1896.]

Mr. Preston, the Director of the Mint, is authority for this statement. In his annual report for 1895, page 184, after speaking of the $346,681,016 of greenbacks and the $141,092,280 of Treasury notes outstanding November 1, 1895, a total of $487,773,296, which he assumes to be redeemable in gold, and of the insufficiency of a gold reserve of $100,000,000 to insure their convertibility at all times, he proceeds: "But this heavy task is not the only one imposed on our gold reserve of $100,000,000. As under the laws of February 12, 1878, July 14, 1890, and March 3, 1891, $423,289,309 in full legal-tender silver have been coined, against which $333,456,236 in certificates were outstanding November 1, 1895, and as the act of July 14, 1890, has declared it to be the established policy of the United States to maintain the two metals on a parity with each other upon the present legal ratio or upon such ratio as may be provided by law, we have a total superstructure of $821,229,532 resting on the frail basis of a gold reserve of $100,000,000."

A gold reserve of $100,000,000 is indeed frail to support a superstructure of eight times as much. The European banks of issue, taken as a whole, hold $1 in gold to $2 of paper in circulation.

I then showed, Mr. President, that with these conditions we would have two alternatives presented to us, that is, either the withdrawal of the greenback circulation of $346,000,000, or the issue of bonds for the taking up of all our paper money. In order, if I may quote myself, I said:

To provide gold to save the Treasury, there should be a rush of silver or greenbacks for redemption, the issue of bonds would be proposed.

And I asked—

Will confidence then be restored when the already overtaxed gold resources are thus assailed? On the contrary, confidence will be weakened, and those who have been urging the President to order or recommend the issue of bonds to provide gold will renew their demand, and it must be granted or the attempted gold system will collapse and fall and bury the honor of our country in its ruin.

Every prediction which I then made, Mr. President, has been fulfilled. Two hundred and sixty-two million dollars of bonds, the greatest public debt ever contracted in time of peace, have been piled up upon the people, the increase of taxation has been demanded, and the end is not yet, for the only remedy we have now suggested from the Presidential chair is that we shall proceed to further contract the currency by the withdrawal of the greenback circulation, and that would inevitably result in appalling disaster.

THE CAUSE OF FALLING PRICES.

It is alleged that the dislocation of silver is not the sole cause of falling prices in this and other nations; and that this is shown by the fact that the fall began in 1865, not in 1873. I admit all this, that the fall began in 1865. It was natural that a fall in prices should come about in 1865, for two reasons:

(*a*) Because then over two millions of men who had been engaged in the work of war and destruction returned to peaceful pursuits—ceasing to be destroyers and consumers of other men's productions, and becoming producers themselves and vastly increasing production in all the avenues of labor.

(*b*) Because a currency that had been used only in the Northern and Western States had to diffuse and divide itself among the Southern States, who had little or no money of any kind, and whose productions were now opened to the world's markets, increasing their stock. Such a period as this, the period just after the war, is generally the opportune occasion seized by those who profit by making money dearer and commodities cheaper to get in their work. Great Britain seized such an occasion after the overthrow of Napoleon at Waterloo and demonetized silver to enhance the value of her securities; Germany did likewise after the fall of Napoleon III at Sedan, and the United States followed suit after Appomattox; and the like results followed in each case.

It is argued that the demonetization of silver in 1873 could not have been the cause of falling prices for two reasons:

1. Because in the period extending from 1818–1827 to 1843–1852—a period of twenty-five years—the fall in average prices was about the same as that which has taken place since 1873.

Admitting the fact, it is evident that the price fall was due to very much the same causes that have prevailed in the last quarter of a century.

Remember—

(1) Great Britain demonetized silver in 1816.

(2) Great Britain resumed specie payments in 1819.

(3) The Spanish-American wars cut off the world's supply of the precious metals.

Commenting upon the decreased production of the precious metals from 1810 to 1829, Jacobs, in his work on the Precious Metals, says:

We are now arrived at a period when a great and sudden change took place in the production of the mines of gold and silver. After a space of more than three centuries, during the whole of which there had been a constant increase of the quantities obtained, and each succeeding decennial period yielding a larger portion than the similar number of years that preceded it, the whole of the mines in every part of the Western Continent declined greatly in their produce; and though they have in some measure been restored, it has been by slow degrees, and they are yet very far from having the copious produce which they yielded before their general abruption from European government.

But it is urged by an able and distinguished opponent of free silver coinage that "during the long period from 1809 to 1865—a period marked first by a tremendous fall and then by a great rise in price of commodities—the price of silver varied but slightly." This is put forward in support of the idea that silver "held aloof from other commodities when it had free access to the mints," and was impotent alike to prevent the fall or promote the rise of prices.

I reply that in that period, though silver had legally free access to the mints, its decreased production kept much of it from getting there; whereas now the mine turns it out and the mints shut it out—the same result being reached by closing the mines in one case and closing the mints in the other.

Let anyone read the little volume of Sir Archibald Allison entitled England in 1815 and 1845, or a Sufficient and Contracted Currency, and he will see displayed with the clearness of the master mind the effect on prices produced by English policy. He points out that the period from 1797 to 1815 was the most glorious, and taken as a whole the most prosperous, which Great Britain had ever known; that agriculture, commerce, and manufacture had increased in an unparalleled ratio; that the landed proprietors were in affluence, and that wealth to an unheard-of extent had been created among the farmers. He shows that with the arrival of peace with its sudden contraction of war expenditures there was of necessity great temporary distress and extraordinary difficulty experienced in industry finding out new and specific channels. He shows that the Empire continued to grow richer, although for decade after decade there was never a greater amount of financial embarrassment experienced by Government or more widespread or acute suffering endured by the people. That is just the condition of this country now. And now, as then, it is largely due to the same cause. While wealth was increasing, as Allison says, to an unparalleled extent among the commercial classes, suffering and distress generally ensued amongst the rural inhabitants.

THE PREDICTED FALL OF REVENUE.

There was one prediction, Mr. President, which I took occasion to make, and that was that there would be shrinkage of revenue. I pointed out that the British commission on the Indian currency had shown that the fluctuation in relative values of gold and silver had so increased the liabilities of the Indian Government in comparison with its revenues as to make it necessary in the absence of other remedies to impose fresh taxation. This shrinkage of revenue is now a sad realization; this increase of taxation has only been avoided so far by the $262,000,000 of public debt.

Now comes the Senator from Ohio [Mr. SHERMAN], the same who told us in 1893 that the patient would be well and prosperous in ten days if he would take his repeal bolus. He comes again—the pulse is low and faint, but the physician has lost no confidence in himself, and he is ready again to tell us all about the sick man and his troubles. He says now that the whole matter is want of revenue—that is, the man is dying for want of breath. He says put up high taxes again and all will be well.

Want of revenue is indeed a malady of the Treasury visible enough, and the present Secretary of the Treasury has been as far behind in his predictions as his predecessor from Ohio, who is his model.

In 1892, while the McKinley law and the Sherman law were both in operation, we had still a small surplus revenue, although the revenues were much reduced by their passage. They were both passed in 1890, when we had a surplus of $105,344,469. This fell to $37,239,762 in 1891, to $9,914,543 in 1892, and to $2,341,674 in 1893. Now, on November 1, 1893, the Sherman law was repealed, while the McKinley law remained, and in 1894 the deficit was $72,000,000. In 1895 the deficit was $40,000,000 under the Wilson-Gorman bill, and in 1896 it was $25,000,000. This analysis shows that the great deficit followed the repeal of the Sherman law with the McKinley law yet in force.

What is the cause of this want of revenue? The Senator from Ohio says it is the Wilson-Gorman tariff bill. Certainly, but for the additions put in that bill in the Senate the deficit would be much greater, and it is gratifying to observe that while the President would not sign it in 1893 his subsequent reflections have led him to regard it as embodying—

A tariff policy which in principle is based upon the denial of the right of the Government to obstruct the avenues to our people's cheap living or lessen their comfort and contentment, for the sake of according especial advantages to favorites, and which well encourages our intercourse and trade with other nations, recognizes the fact that American self-reliance, thrift, and ingenuity can build up our country's industries and develop its resources more surely than enervating paternalism.

But here is the deficit to deal with. What caused it? A falling off in the volume of trade. Yes. But what caused the increasing falling off of trade? I answer its shrinkage and its paralysis from the accursed falling of prices, which unsettled all business relations.

FALLING PRICES AND SHRUNKEN VOLUME OF BUSINESS THE CAUSE OF FALLING REVENUES.

Let me read an extract from a recent issue of the Financial News:

If we had received 1873's prices for the quantity of produce we exported in 1895, the latter year's exports would have brought $1,769,061,584 instead of

$607,538,165. How many know that the merchandise balance of trade in our favor, had we received 1873's prices, would have been in 1895 $616,508,997 instead of $75,568,209, which they actually were? Yet such are the facts.

These figures should form interesting study for the farmers of this country. Just think of it, farmers and laborers, a falling off of more than one-half of the value of the products of your labor within twenty-two years, or from 1873 to 1895! The same products that were exported last year would have brought, had the prices of 1873 been realized, just $361,523,419 more than they did. That is just what laborers and producers lost by this falling off in prices. Now, we may ask, What is the cause of such an immense contraction of prices? Not because of overproduction, for actual facts go to prove that the increase of the world's population is greater in proportion than the increase of the necessaries of life, and they also show that people are not using proportionately as much as they did twenty years ago from the very fact that they have not the money with which to buy. Then what can be the cause? There is but one reasonable answer, and that is that silver (which had always been used by almost every nation of the world except England as primary money) was demonetized in 1873 by the United States, Germany, and the other nations forming the Latin Union in Europe, and has since been used only as subsidiary coin by these nations. Every man knows that the value of the products of the soil has ever been measured by the value of silver, and we know that ever since the United States and these nations of Europe have been degrading silver money that the value of all the products of the farmer and the laborer have in like manner been getting lower and lower, until now the expense of producing many of our staple products is more than those products will sell for on the market.

Mr. GRAY. If the Senator will permit me, the line of suggestion as to the cause of the falling off of revenue which the Senator has made is very interesting. He says truly that the apparent cause, the approximate cause, of the falling off of revenue is the falling off of business, the falling off of those transactions of daily life which make trade and imports, upon which revenue is paid and internal taxation collected. I wish to know whether he attributes the falling off in business activities to the unsettled state and the want of confidence which has been produced by the agitation of the standard of payment in the matter of silver and gold, for if, as I believe—I am not going to argue the question—it is true that the paralysis of business which so largely prevails in our country is due to that cause, then it deserves some consideration. Returning to the suggestion which the Senator made as to the business conditions, not to interrupt him again, I will add further that he would also have to account, it seems to me, in dealing with this cause which he asserts, for the fact, as stated in British trade journals, that in the year last past in the trade of Great Britain, which has not been assailed by the disturbing influences of a disputed standard and a troubled currency, there has been a most gratifying increase in every direction, and in the profits of the British people resulting therefrom.

Mr. DANIEL. No doubt, Mr. President, the British people are getting along very well on our paying them two for one.

I will try to answer the Senator's question with entire frankness. I have no doubt that any agitation on any large question of currency or taxation which is in an acute condition, independent of the right or wrong on either side, is calculated to depress trade; but I wish to call the Senator's attention to one thing. This agitation had been going on for twenty-five years; and when in 1878 it had agitated a silver free-coinage bill through both Houses of Congress, which was compromised by the Bland-Allison Act, which poured $2,000,000 more silver into the currency each month, the agitation, instead of having a depressing effect, stopped the course of the panic, increased prices, and started the country upon a career of prosperity. It is the agitation for the gold standard, and the partial success of it, which is depressing the conditions of the country, and your success will be more depressing than your agitation. Our success relieves, whilst yours destroys. If the Senator is right, why is it that the agitation of 1878 and its partial success did not depress prices? I will give the Senator time to reflect in order to invent an answer.

Mr. GRAY. Mr. President, I do not want time to invent an answer. I do not want to give any answer that is not apparent, and does not result from the conditions of the question; but the point I wanted to call the Senator's attention to and have him explain in the last part of my question was this: Why is it that a people of kindred tongue and kindred thought and blood during the last year under a condition of what he calls gold monometallism, with a perfect stable standard so far as any assault being made upon it by its own people is concerned, should have enjoyed this exceptionally prosperous year which ended in January, 1896, while we, who have such intimate intercourse with that people, should be now in the depths of what the Senator has described as a business depression wide and extended and all-prevailing in this country, including all classes of the community? Is there any other difference in the condition of the two countries which will account for this different result, except that in the one case they had a stable standard and in the other they had one that is threatened with destruction and instability?

Mr. DANIEL. Mr. President, my worthy friend has shifted his question.

Mr. GRAY. I beg pardon.

Mr. DANIEL. The first question he asked me was this: If I did not believe that the agitation of the silver question was one of the causes of depression.

Mr. GRAY. That is quite right; I did.

Mr. DANIEL. And I answered the Senator with precision that any agitation was depressing, but that whenever our agitation had been successful it had elevated conditions and had not been depressing; and I pointed to him the result of the passage of the Bland-Allison Act in 1878.

The Senator now asks me another question. He asks me, Why is it that Great Britain is prospering? I will give him a partial answer, for I am not prepared to answer fully without an analysis of all the conditions of British trade. It is because the gold standard plays into her hands and out of our hands and the double standard plays out of her hands and into our hands. It is because she is buying American cotton cheaper than she ever bought it before by the gold standard. It is because she is getting more corn and oil and wine and iron and wool and cotton, dollar for dollar, under the gold standard than she could get if we had the double standard, and what she is gaining is just to the same extent our loss.

Mr. GRAY. She need not have a monopoly of this stable condition unless we choose to give it to her.

Mr. DANIEL. We are largely the producers of the bread stuffs and raw materials and Great Britain is the consumer, and if the buyer is constantly putting down the prices of the seller, will not the buyer get rich and will not the seller lose? It depends upon which side of the counter you are buying. If I were an Englishman, especially if I were a rich English capitalist, my selfishness might prompt me to be a gold-standard man, but, instead of being an English capitalist or their representative, I am an American and the representative of American interests, and that is the reason I am for the double standard. [Applause in the galleries.]

The PRESIDING OFFICER (Mr. GALLINGER in the chair). The Chair will admonish the galleries that it is a violation of the rules of the Senate to show evidence of approval or disapproval.

Mr. GRAY. Mr. President, the Senator has sought to answer my question with an appeal, not to the reason of the thing, but to the supposed patriotism involved in his position. I do not deny the Senator's patriotism; but I should like to know from the Senator, to return to the question I just put, how it is that a stable condition of currency based upon the gold standard, unassailed by popular agitation, should be fruitful of results so beneficent to the British people, and that the like condition should not produce the same results in our own country; and, further, to ask him what other difference there was to account for this difference of condition, except that in this country there is this intense agitation and threat made against the stability of our monetary standard, to distinguish ourselves from the people who have a stable standard and abounding prosperity under it? The Senator answers, true it is, that England, with her stable-money standard, has reached beneficent results from it because she has been buying from this country cheaply with her gold-standard money, and is enabled thereby to make a profit from her traffic with the people of this country. Now, I ask the Senator from Virginia, how will she buy at higher prices, or any less cheaply, if we go upon the standard of 16 to 1 on a free-silver-coinage basis? Will not England have to pay the same price for our corn and our wheat in gold that she pays now, even though there is nominally a higher price?

Mr. DANIEL. She would have to pay more.

Mr. GRAY. Would she have to pay more for it?

Mr. DANIEL. Yes, sir.

Mr. GRAY. Why?

Mr. DANIEL. Because the entire monetary volume of the world will be swelled up, and there being more money in the world money will be cheaper and property dearer. That is the reason.

Mr. GRAY. I would ask the Senator, would every bushel of grain raised by an American farmer and sold abroad have to be settled for upon gold prices? Then, if it has to be settled for upon a gold price, the merchant abroad who buys it will buy it upon the same terms he does now. The only thing you can argue is for the benefit of the farmer that you translate the gold price he may get into a silver price here; and whether that silver price will be worth more to him when it has less purchasing power, is a question I have not heard answered yet.

Mr. DANIEL. The Senator from Delaware has diverted me from the trend of my remarks, and has anticipated much to which I had expected to refer before I got through; but he wants to know now, as my answers to his other questions do not seem to have brought him contentment, whether or not the prices of American produce in English markets would be increased by the double standard in America or otherwise. If the Senator had read the debate in the House of Commons on the 17th of March last, he would have seen that resolutions were unanimously passed by that body favoring a return to the double standard, and he is very much mistaken if he imagines that there is not agitation for the double standard in Great Britain.

Mr. GRAY. There is no evidence of it in their press.

Mr. DANIEL. I have an extract from the London Times before me, and can show the Senator the entire paper.

Mr. GRAY. In regard to those resolutions?

Mr. DANIEL. Yes, sir.

Mr. GRAY. I recollect the resolutions very well.

Mr. DANIEL. Then there is agitation, and agitation sufficient to get a unanimous vote from the House of Commons for the restoration of bimetallism by international agreement. Now, I ask the Senator not to ask me another question until I get through answering this one.

THE BRITISH WANT MUCH OF OUR PRODUCTS FOR LITTLE OF THEIR GOLD.

The resistance in the British House of Commons to the whole theory of bimetallism was based upon the proposition which the Senator from Delaware is now denying. It was based upon the proposition that it would make Great Britain pay higher prices for all the produce which she buys from other nations. I will read the Senator a portion of the speech of Sir W. Harcourt, who addressed the House of Commons on that subject. He said:

There has been something said about England as the creditor country, and nobody who heard it will have forgotten that remarkable speech which was made by Mr. Gladstone in this House when he last spoke upon this subject, when he held up to the scorn of mankind the proposal that the great creditor country should go, hat in hand, to beg the world to pay 10 shillings in the pound. [Laughter.] That is practically the result that the bimetallic system would bring about. ["Hear!" "Hear!"] Of course it is said we receive more for our money. The fact is, we are not paid in gold, as everybody knows, but in commodities. These are the commodities upon which our people live, and therefore we are to go round the world to beg them in return for the gold we have lent them to send fewer commodities. Is it possible to conceive idiocy going further than that? [Laughter and "Hear!" "Hear!"] We, who have lent £100,000,000, perhaps £1,000,000,000, to foreign nations, are to beg them to give us less in exchange for that money than they do at present. ["Hear!" "Hear!"] It is really hardly possible to state a case of that kind and imagine any person would adopt it. I know they say that under the bimetallic system silver will really be exactly worth as much as gold. If you believe that, will you show the sincerity of your belief by giving an option to the creditor as well as the debtor? ["Hear!" "Hear!"]

Sir, there is my answer to your question. The declaration of the British gold-standard men, the open and declared purpose to buy from us all that they get cheaper, and the appeal to Britons to stand by them upon the ground that it would be idiocy for Great Britain to be wanting to pay more—and while I would not use such a term as "idiocy," or use any term which might reflect upon honorable gentlemen who debate with me on this subject, I do say that it is the most singular piece of fatuity that I have ever seen for the great debtor nation of the world and the great productive nation of the world to be constantly laboring in its legislative bodies to increase the burden of those debts upon the people, and to change the standard of them in order to pay Britons $2 where they owe $1, and bear down the prices of their wheat and their corn and their iron and their wool and their cotton in the markets.

Mr. GRAY. Will the Senator allow me to interrupt him?

Mr. DANIEL. Certainly.

Mr. GRAY. What I started out to say to the Senator was that these conditions of alleged prosperity, perhaps I might say conceded prosperity, which obtain according to the financial chronicles of Great Britain in that country were by reason as I thought of the only differentiation I could make between them and this country—that there was no substantial agitation of the currency question, there was no attack threatened upon the stability of the monetary standard, while here the situation was entirely different. But the Senator takes issue with me upon the fact that there is no agitation in Great Britain just now, and in proof of it reads resolutions passed by the House of Commons, the debate upon them, and the comments of the London Times. All I want to say in regard to that is that since those resolutions passed and since that debate the whole question so far as I know—the Senator may differ with me—has fallen entirely flat in Great Britain, and there is by general consent an abstinence from any raising of a question of changing the standard of exchange or of value in that country. It may be that reasons such as were alleged in the speech in the British House of Commons which was read by the Senator from Virginia were given, but what I contend for is that the same conditions which make prosperity there will make prosperity here, if they are allowed to work out their legitimate results without the constant threat made that there is going to be a change in the standard of value in order to pay debts contracted in the gold standard in cheapened silver.

Mr. BACON. Will the Senator from Virginia permit me to say a word?

Mr. DANIEL. I am trying to make a speech, and I hope Senators will be good enough to make their speeches in their own time.

Mr. GRAY. I have interrupted the Senator, and I beg his pardon.

Mr. BACON. Will the Senator allow me to introduce a statement from the London Statist which answers the question of the Senator from Delaware?

Mr. DANIEL. I have that statement here, and shall come to it directly, but I shall be glad if the Senator from Georgia will send it to me now, because I want to take one idea after another.

Mr. BACON. I send it to the Senator marked.

Mr. DANIEL. I am very much obliged to the Senator for his courtesy.

Mr. President, I have answered all the questions which the Senator from Delaware has asked me, and he now comes with an abstract proposition which he does not ask me as a question, but enunciates it as a relief to himself.

Mr. GRAY. And as a comment upon your answer.

WHY THE GOLD STANDARD IS NOT GOOD FOR AMERICA.

Mr. DANIEL. And as a comment upon my answer the Senator now declares that if America would only come to the gold standard, as the gold standard has brought prosperity to Great Britain, it would bring prosperity here. I beg leave to say to the Senator that if he has read the views of the leading financiers of Great Britain, as expressed in the international monetary congresses, he will see that Mr. Rothschild declared that while the gold standard was a good thing for Great Britain, if the rest of the world were to try to come to a gold standard it would produce widespread panic and ruin. Mr. President, one man may live on bacon and another on beef. There may be enough bacon for one man to grow fat and hardy upon, and there may not be enough for two men to grow fat and hardy upon; and the trouble about the gold standard is that there are not enough rations to go around, and that you can not go to a gold standard without reducing the prices of wages in the United States, without reducing the prices of produce and land in the United States, and without paying to Great Britain double the quantity in produce and labor that we are now paying in order to discharge our debt to her.

Mr. GRAY. You recognize that we are on the gold standard in this country?

THE SOPHISM THAT WE ARE ON THE GOLD STANDARD NOW.

Mr. DANIEL. Mr. President, I do not recognize that we are on the gold standard in this country; and if we are upon the gold standard in this country, the Democratic party carried the last Presidential election by a false pretence. It elected its President upon the declaration that, "We hold to both gold and silver as standard money of the country, and to the coinage of both metals without discrimination." We could not hold on to it if we did not have it, and there was not a political party in the United States, neither Populist, Democratic, nor Republican, nor was there a Democratic Senator upon this floor, who, prior to this session, ever pretended that we were upon a gold standard.

Now, I ask the Senator a question which I hope he will not respond to with a speech, unless he makes it in his own time. I ask him, if the United States is to-day upon a gold standard, when it got there?

Mr. GRAY. I can answer, without making a speech, that the United States is on a gold standard just so long as it maintains all the silver money and all the paper money of the United States on a parity with gold, the bullion value of the silver money not being equal to gold.

Mr. DANIEL. I have just as much right to say that we are upon a silver standard because we maintain gold at a parity with silver.

Mr. GRAY. Yes; but silver bullion is not equal to gold bullion in commercial value.

OUR LAWS SHOW THAT WE ARE NOT ON THE GOLD STANDARD.

Mr. DANIEL. I look to our laws to find what standard we are upon; and, in reply to the Senator's question or assertion, I say that we can not destroy the gold standard, because we are not upon it. Our original mint law made the silver dollar the unit of coinage, and in providing for the coinage of both metals based our currency upon the double standard in the year 1792. It is true that we did not coin but 8,000,000 standard silver dollars prior to 1873, and it is also true that on the 12th of February, 1873, we stopped the coinage of these dollars, and on June 20, 1874, by the Revised Statutes, we made the silver coins of the United States a legal tender for payments not exceeding $5. But it has been truly stated that, while this made all silver dollars coined prior to 1873 legal tender only in sums not exceeding $5, it was evidently an oversight, and that this error was eliminated by the Bland-Allison Act of 1878, which provided for the restoration of the full legal-tender quality of all of the silver dollars theretofore coined by the United States of like weight and fineness to those whose coinage was provided for under that act. So that now all the silver dollars of the Government which ever possessed the legal-tender feature possess it to an unqualified extent. I take this sentence from the excellent book of Mr. Armistead C. Gordon, of Staunton, Va., on Congressional Currency, and there should be added to it "unless otherwise stipulated in the contract."

My contention is that we are upon the double standard in all transactions except when otherwise stipulated in the contract, and if you stipulate in a contract to pay gold dollars, that is on the gold standard; if you stipulate to pay silver dollars, that is on the silver standard; if you stipulate simply to pay dollars, according to the general usages of trade and as in the vast mass of our transactions, you are upon the double standard, and may pay in either.

Mr. President, if we were to go to silver coinage we should not destroy any gold standard. If we were temporarily thrown upon the sole use of silver, as soon as the spasm of alarm was over the gold and silver would mingle together and gold would be brought to us by the rising prices of our products abroad. We are upon the mixed standard of gold, silver, and paper, of limping, humpbacked bimetallism, with a supplement of paper money. It is the mass of legal-tender money that constitutes the standard. If we appropriate money to build ships in an appropriation bill in this body, if we appropriate for the salary of an officer, if we estimate for the cost of a Navy, we make those estimates and assessments in the double standard of gold or silver, supplemented by paper. We can not be upon the gold standard, nor has any political party in the United States as yet so imagined or so declared.

THE SOPHISM THAT SILVER MONEY IS SUSTAINED BY GOVERNMENT CREDIT OR REDEMPTION.

Mr. President, in this connection, and as cognate to the question which the Senator from Delaware asked me, in reply to those who declare that our silver money is sustained as a subsidiary money in this country by the credit of the Government, as is often stated—and the undertone of such a suggestion lies in the assertion of the Senator from Delaware that we are upon a gold standard—I will say that in 1894, in the canvass in the city of Richmond, I was met by the same suggestion by some of my critics; and in order that I might be possessed of official documents to answer it, I wrote to the Secretary of the Treasury, and I have here a copy of his letter, of the letter which he sent me, which I publish to show the ingenuousness and sincerity and veracity of my statement. He says:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., October 18, 1895.

SIR: I have the honor to acknowledge the receipt of your letter of the 12th instant, and to inform you, in reply to first, second, and third questions therein contained, that there is no statute or practice of this Department under which any of the standard silver dollars coined by this Government can be converted into gold at the Treasury.

In answer to your fourth question, as to whether there is any method by which gold dollars may be converted into silver dollars at the Treasury, I have to state that there is no established method, but that the Department would not refuse to receive gold dollars in exchange for silver dollars, when requested to make the exchange, if at the time of such request there should be in the Treasury a sufficient amount of silver dollars above that required to be held for silver certificates and Treasury notes outstanding.

Respectfully, yours,

J. G. CARLISLE, *Secretary.*

Hon. JOHN W. DANIEL,
Lynchburg, Va.

So that the silver dollars of the United States to-day stand upon their own bottom, not looking to any redemption, but fighting and achieving their own way throughout the world by the demand of the people for their possession and by their equal function of debt-paying, tax-paying, and purchasing power.

THE SOPHISM THAT SILVER WILL NOT CIRCULATE.

It was suggested by one of the Senator's colleagues who is in near unison with him upon this subject, the Senator from Wisconsin [Mr. VILAS], that our silver would not circulate; and we have often the sneering finger of the monometallist pointed to the Treasury and to the heaps of silver piled up there, with the declaration that our dollars will not circulate. I have here the statement of the Treasury, dated the 1st of April, 1896. Since then it has not varied, but that was the day upon which I made my figures. If you will examine that statement you will see that more silver dollars in proportion and their representatives are in circulation to-day in the United States than gold. Here is the statement:

April 1, 1896.

GOLD.

Total:	
Coin	$588,743,303
Bullion	29,054,663
	617,797,966
In Treasury	142,831,047
In circulation:	
Coin	445,912,256
Certificates	43,239,249
	489,151,505

SILVER.

Total:	
Coin	426,289,916
Subsidiary coin	78,216,677
Bullion	122,187,306
	626,693,899
In Treasury:	
Coin	371,497,164
Subsidiary coin	15,246,374
	386,743,538
Silver certificates	122,187,306
	508,930,744
In circulation:	
Coin	$54,792,752
Subsidiary coin	62,970,303
Silver certificates	337,032,436
Treasury notes of 1890	103,728,956
	558,524,447

Thus it will appear that of our whole stock of gold—that is, $617,797,966—there are $489,151,505 in circulation; and that of our whole stock of silver—that is, $626,693,899—there are $558,524,447 in circulation.

Let no one be deceived by the fact that so many standard silver dollars are in the Treasury. They are represented, every one of them except a few, by an outstanding silver certificate.

There are $386,743,538 of silver coins in the Treasury and there are outstanding $440,763,492 of certificates. So there are not enough silver dollars there to meet outstanding demand upon them. There is more money based on silver in circulation in the United States by over $50,000,000 than there are silver coins in the Treasury, and more by about $70,000,000 than there are standard silver dollars in the Treasury, and far more silver proportionately in circulation than gold. Yet we are met upon the floor of the Senate with a bald assertion that "silver will not circulate" and that we are on the gold standard.

THE SOPHISM THAT CHEAPNESS IS A BLESSING.

Mr. President, as the Senator here is so heartily at work to put down the price of American land and American produce, I know he feels that he is bent upon a benevolent and patriotic service. He is one of the gentlemen who believe that cheapness is a blessing. I should like to analyze the proposition of cheapness a little and see upon whom it dispenses its fruition.

The Senator from Wisconsin [Mr. VILAS] a few days ago took up the same song.

Is it an evil—

He asked—

which mankind should defend against that the prices of those things which make for human comfort and joy should decrease? Is it lamentable that the family which depends for bread, clothes, and education on the toiling father's wages should be able to buy now for one day of his labor many times as much of all the means of happiness as he could have thus provided in past generations? * * *

Falling prices!—

He exclaimed—

May they continue to fall until everything of excellence shall be within the reach of all deserving men; till mankind shall revel in abundance. Falling prices means shorter hours of labor, longer hours of enlightenment. It is the hope of the good and wise that looks to a coming time when all the earth affords for the needs and happiness of those man loves and toils for shall be so abundantly and cheaply provided that the curse of toil may vanish in the blessing of labor, which is only beneficent.

Such is the stream of eloquence which is poured forth from the lips of the eloquent Senator from Wisconsin, and which I have heard time and again from the eloquent Senator from Delaware. Let us argue a little. To put all the comforts and luxuries of life easily within the reach of man is a laudable undertaking. But to make one set of things dear and another set of things cheap by operation of law is to place society into two classes and is to organize class legislation.

The millennium day, which the Senator seems to behold in a vision, will be slow coming, I fear, under a system which is manifestly working out this evil. The people who are to buy cheaply, and whom the Senator has in mind, must get money to buy with. They were not born with silver spoons or with gold dollars in their mouths. They must first get money in the process of evolution of the purchase of work and by selling the produce of their labor. If their produce gets cheaper and cheaper, how in the name of sense are they to get anything without great cost of labor and without great volume of production? The trouble with the Senator's idea is that it is only one-sided. If bonds were cheap, we would all buy them and live on their interest. If money were cheap, we would all get it easily and with little labor. The trouble is that the system which the Senator advocates makes money and bonds dear by the constant appreciation of money, and labor is made cheap and its produce cheap, so that those who have the money and bonds are constantly getting richer and those who have labor to produce are constantly getting poorer. There is not a usurer upon the face of the earth who grinds the faces of the poor whose heart would not thrill with delight to hear the Senator's praise of falling prices. The mortgages are not falling, the bonds are not falling, the taxes are not falling, but it is the labor and prices that are falling. Only the means of meeting them and redeeming them are falling, and with every new weight of burden that is put on the toiler's back the Senator claps his hands and shouts with joy and says, "How prices are falling"; and the producer is going down. Rothschild rejoiced at the Brussels conference at the cheapness of wheat. What did that mean to the American farmer who supplies him and his country with it? Where are the farmers and where are the laborers who are rejoicing in the cheapness of all they produce and sell? Can the Senator point me to any constituency of that kind clamoring for the gold standard or tell me who is sustaining it out in the country?

THE LONDON TIMES REJOICING IN CHEAPNESS FOR BRITONS.

Mr. President, the Senator still keeps in pleasant chime with his admirable English friends. The London Times not long since had this remark:

It seems impossible to get bimetallists to understand that there is quite a large number of us for whom a general rise of prices has no charms whatever. We like them low, and the lower the better. If they all went down to half their present figures we should rejoice—

That is, we Britons, Englishmen, people who are buying—

because we have nothing to sell and a great many things to buy.

So the London Times answers the question which the Senator put to me as to what was the difference between Great Britain and America, and he shows you why Great Britain is getting rich—"because they have nothing to sell and a great many things to buy"; and the reason why we are getting poorer is because we have so many things to sell that we are selling to them cheaper, cheaper all the time.

Mr. GRAY. The Senator does not believe any such statement?

Mr. DANIEL. I believe it is a little extravagant, as the Senator's assertion and as many of our assertions are, but it is a rough draft of a great truth.

WHAT CHEAPNESS IS.

Cheapness is a low degree of commercial value, commercially speaking. It is that which requires but little labor. It is a relative term. There is no such thing as positive, absolute, invariable cheapness, as there is no such thing as positive, absolute, invariable value. Time, place, circumstance, demand, and supply must settle what is cheap, as they must settle what is valuable, in a commercial sense. If the price of an article falls with relation to other articles you call it in a condition of cheapness. For instance, if a peace is declared arms are cast aside. They have all the intrinsic qualities that they had in war, but they become cheap because no longer needed. The bicycle is invented; the demand for horses lessens, and they become cheap. Spring dawns with warm suns; and winter clothes become cheap. The question of cheapness or dearness depends in its interest to you upon which side of the counter you are on. Being upon the American side of the counter, where an active and industrious and working nation is pouring the fruits of its toils into the markets of the world, I want them to be dear that we may get the British gold for which they would then sell.

THE PRESIDENT ONCE MOURNED OVER DECLINING LANDS AND INCREASING DEBTS.

Nor, sir, have I always been without friends amongst those who admire and who share the Senator's philosophy. Let me ask the Senator to turn to President Cleveland's message of 1888, and he will perceive that a flash of the truth that I am now preaching went across the Presidential mind:

Our farmers, long-suffering and patient, struggling in the race of life with hardest and most unremitting toil, will not fail to see, in spite of misrepresentations and misleading fallacies, that they are obliged to accept such prices for their products as are fixed in foreign markets, where they compete with the farmers of the world; that their lands are declining in value while their debts increase; and that, without compensating favor, they are forced by the action of the Government to pay for the benefit of others such enhanced prices for things that they need that the scanty returns of their labor fail to furnish their support or leave no margin for accumulation.

The President of the United States, eight years ago, deplored a condition which was forcing down the value of American land and American produce, but to-day his defenders and champions upon this floor exalt the glory of cheapness and rejoice that the millennium of falling prices has come.

HOW THE BRITISH ARE WORKING US.

I do not know that I have the same piece from the London Statist which my friend from Georgia referred to, but I could read all day from the London press and from the London propaganda of the gold standard the doctrines upon which they rely in their commercial conquest of the world. I will read a little piece from it of January 11, 1896:

In 1895 we purchased—

Says the London Statist—

15,688,000 hundredweight of raw cotton, against 16,013,000 hundredweight in 1890, a diminution of 345,000 hundredweight or 2 per cent; but we paid for our raw cotton supplies £12,327,000 less in 1895 than in 1890. Had we purchased the same quantity in both years the benefit to this country from the fall in the price of cotton would have been £11,500,000. In 1895 we purchased 100,118,000 hundredweight of wheat and flour, as against 76,247,000 hundredweight in 1890, an increase of 23,871,000, or 31 per cent, while we have actually paid about £2,451,000 less in 1895 than in 1890, the value of our wheat and flour imports in 1895 having been £32,207,000, against £23,361,000 in 1890. In other words, at the 1890 level of prices we should have paid £42,880,000 for our wheat and flour supplies in 1895, whereas we have actually paid only £30,207,000, a benefit from the lower price of no less than £12,600,000. Our imports of wool for 1895 exceeded those of 1890 by 142,000,000 pounds, or 22 per cent; but in 1895 we actually paid £830,000 less than we did in 1890—that is to say, we have paid £23,321,000 for wool in 1895 which at the 1890 level of prices would have cost us £33,100,000, a benefit of about £9,800,000. In 1895 we imported 31,157,000 hundredweight of sugar, as against 25,093,000 hundredweight in 1890, an increase of 5,404,000, or 21 per cent, and with this enormous increase in quantity we have actually paid £390,000 less in cash, the cash value of our sugar imports in 1895 having been £17,685,000, as against £18,075,000 in 1890. At the 1890 level of prices we should have paid for sugar imported in 1895, £21,870,000, as against the actual cost of £17,685,000, a benefit from the fall in price of over £4,000,000.

London is rejoicing and pressing its policy and propagating the gold doctrine because they say, behold how the oil and the wine and the riches of the earth are flowing into our hands under this British gold-standard process.

THE SOPHISM THAT GOLD IS THE MONEY OF CIVILIZATION.

Mr. President, we are sometimes told that gold is the money of civilization. I reply that silver is also the money of civilization, for there is not a civilized country in all the world that does not use it, and not one that proposes entirely to abolish it. We are then told that the civilized nations are making gold the standard of value and simply using silver as subsidiary coin. I reply that the masses of the plain people in these civilized nations are paying very dearly for their whistle, and that America, which has free idea, more so than any of them, should lead them, and not be led by them. All the great civilized nations of the world, Great Britain, France, Germany, Russia, Prussia, Italy, and so on, were under the rule of monarchs when we declared our national independence. We set the liberty ball in motion and have had great influence in liberalizing other institutions as well as our own. Their conspiracy of kings was organized when Monroe taught them by his doctrine that America was no longer a field for their exploitation. What they sought to accomplish by steel, the kings of the earth are now seeking to accomplish by gold—by the most subtle art of gold. There is not an autocrat of Europe who is not firmly fixed upon his throne to-day through the work of America in foolishly following his policy. Napoleon was wont to declare that British gold was often the more potent factor in deciding the destinies of the European nations than the largest armies led by his ablest generals. It is British gold that has reversed the governments of liberty; and stanch American principles ought to resist it just as they would resist British bayonets upon our shores and British ships upon the ocean. Civilization has always moved in cycles. Herbert Spencer, indeed, teaches that all motion is undulatory and that all civilization has certainly been so, sagging down now and then in deterioration and then blooming out in long periods of prosperity. Nothing has so impeded the progress of this age as the disorganization of its money system and our sagging down and giving way from virile American principles; and if it shall be persisted in it will not end until standing armies are invoked to stamp out the uprisings of the people.

Mr. President, I have another speech before me that was made in the British House of Commons on the 17th of March last by Mr. Balfour, who in that address set forth the same theory that Sir W. Holdsworth set forth in his remarks at the Brussels conference, and who went on to show his British brethren that the world was not going very long to submit to it, in his opinion. He said:

The whole trend of civilized opinion is in the direction of a double standard [cries of "No!" and cheers]; and I confess that I look forward to a period when it will be accepted not merely by the great commercial nations of which I have been speaking, not merely by the great manufacturing classes of Lancashire, and by the vast majority of the representatives of agriculture, but also by the great body of opinion within this great commercial center of the Empire. [Cheers.]

THE SOPHISM THAT WE MUST SUSTAIN THE CREDIT OF THE GOVERNMENT BY GOLD PAYMENTS.

Mr. President, we are sometimes taught that we must sustain the credit of the Government, with an implied intimation that there is some one on this side of the Chamber or some portion of the American people who are not sensitive to the obligations of their Government, and who are faltering in rendering it the due and loyal support it should have from every citizen.

An axiomatic principle like this declaration I will take no issue with. I think the Senator from Connecticut [Mr. HAWLEY] spoke truly and rightly when he said that the honor and credit of this Government should be as sacred as a soldier's grave. But I resent the imputation that I am doing anything or would do anything or am capable of thinking or desiring anything that would be against the honor and credit of the American Republic, one of whose sons I am. I challenge the specification. What is credit? Credit is faith. What is faith but a reliance that a promise which has been made will be observed? It is not an assurance that something else than the promise will be done. What is the greenback promise? Here it is; read it. Let your Supreme Court interpret it to me. Let the intelligence and honor of the world sit in judgment upon it, and I will abide there. Our Supreme Court have said that the greenback is redeemable in silver dollars, and yet some of us are to be reproached because we comply with the honest text of the paper and with its fair exposition by the judges who are called upon to interpret it.

THE SOPHISM THAT FREE COINAGE IS "ONLY FOR THE MINE OWNERS' BENEFIT."

Mr. President, this great cause and its advocates are sometimes attempted to be belittled by the declaration that they are only fighting for the mine owners' benefit. The Senator from Ohio [Mr. SHERMAN], the Senator from Vermont [Mr. MORRILL], and many of their confreres are continually urging us to do something for the sheepowners' benefit by levying taxes upon those who wear

woolens. The New England men in this body never tire in their endeavor to regulate taxes and commerce to favor their fishermen and their manufacturers. Louisiana men have manifested no entire indifference to the sweetness of sugar. All States are up in arms to protect—by which they mean to tax others to protect—their wage earners and their pockets by national legislation. But the silver-mine owner is not one of the elect amongst the great protected classes. If it were true that the mine owner wanted protection and the whole silver movement was a mere movement of protection, tell me, ye gentle shepherds of Ohio, and Vermont, and Pennsylvania, and of the Western pastures, and all the Eastern factories, tell me why the mine owner is not as rightly entitled to protection as your flocks and your production. Furthermore, let me ask, is it not just as well to protect our American mines as to protect British gold mines? All the value which we have taken by our policy out of the silver mines of the West we have simply transferred, as through a legislative pipe, into the gold mines of Australia and South Africa and all other parts of the world.

Look at the statement of the production of the Witwatersrand mines in South Africa. See how they have developed—494,869 ounces of gold in 1890, and are annually increasing the output as follows: In 1891, 729,238 ounces; in 1892, 1,210,868 ounces; in 1893, 1,478,473 ounces. Then the Sherman law repeal struck in and closed the American silver mines. Ships were loaded with new mining machinery in the English ports, and went steaming on their way to exploit the British mines. The next year—1894—2,024,159 ounces were produced, and the Englishman took the profit out of his gold mine that we had destroyed in the American silver mine.

PROTECTION FOR THE MASSES IN FREE SILVER COINAGE.

The great injustice of the protective tariff system lies in the fact that it does not and can not protect all alike. In making this analogy or comparison between silver and other products I did not mean to say that I advocated that system or gave my adhesion to it. The question of silver is not one of protection, as presented to my mind, for the mine owner, but one for the comprehensive and entire benefit of all the American industrial classes of every kind—farmer, merchant, manufacturer, and taxpayer in every State, in every county, and in every community of the United States—and if it be a protection it is one in which every American citizen except some greedy usurer will have equal stock and equal benefit.

THE SOPHISM THAT "WE MUST HAVE MONEY GOOD ALL THE WORLD OVER."

We are told that we must mint money from our mints that is good all the world over. In a certain sense I do not dissent from this, but the money of different nations circulates but little beyond their borders. We never see English money in America, nor seldom see American money in Europe. It is but a small proportion of the money of Europe that comes here and a small proportion of our money that goes there. Obligations are settled by exchanges and commodities, and it is in goods that they are mostly paid. Money that would be good in America would be good all over the world, for here there is more demand for it than anywhere else in the world, and at any other place the difference in value could only be measured by the cost of transportation.

THE SOPHISM THAT "WE MUST HAVE THE BEST MONEY IN THE WORLD."

Mr. President, we are told that we should have the best money in the world. This leads me to inquire, What is the best money in the world? The judgment of three thousand years of civilization is in favor of both gold and silver as constituting the best money in the world. The fact that they are the best money in the world is attested by the further fact that all civilized nations in all times have so regarded them, and that no one proposes wholly to exclude silver. The question now raised does not concern the value of a specific silver coin, but concerns the quantity of the coin, and as to the method of employing them, and as to their particular function. The dearest money in the world is thought by no nation, and by no people, and by no person that I know of to be the best. Were this otherwise, we should coin money out of some metal dearer than gold. The best money in the world is that which the world has been long accustomed to; that which has been made or employed in its outstanding contracts and obligations; that which in its nature shows that it is fitted for the uses of the world, and is eagerly sought by all classes of people in the world all the world over.

The best money in the world is that money which will discharge any debt or obligation, public or private, of the country which creates it. This is another definition which I give of the best money in the world; and we have no such money here in the United States to-day either of silver or gold, for the Supreme Court of the United States, that marvelous body of mystics which makes and unmakes constitutions, and has recently discovered that it has been wrong for a hundred years—the Supreme Court has decided that we have no such money.

What do I mean by this declaration? I mean this: That the Supreme Court has decided that if a man enters into a contract to pay dollars of one metal of certain specific fineness, he can not discharge the debt by paying any other kind of dollars. It results from this decision that if a man promise to pay greenback dollars he must pay them and them only; if he contracts to pay silver dollars, then he must pay them only, and if he contracts to pay gold dollars, he must pay them only. This decision has undermined our bimetallic system. It has overturned our Constitution, and has put the metals that make the dollars at the mercy of speculators.

It is at the root of our disordered currency, for it enables the speculator and usurer to corner our metal at any time he pleases and force it out of circulation.

The idea of our Constitution in reposing in Congress the power to coin money and to regulate the value thereof, and that no State should make anything but gold and silver legal tender, was to put the two metals into a legislative melting pot, and to have the dollar as an ideal composed indifferently of either; and when the court parted the two metals in legal association it laid the groundwork of disintegration, and with $1,500,000,000 of money in circulation, there is not a whole, solid dollar in the whole mass that will discharge any debt or any tax which may become the burden of a citizen.

THE SOPHISM THAT "PARITY OF UNITS MUST BE SUSTAINED BY GOLD PAYMENTS OF SILVER OBLIGATIONS."

We are told in this connection that "all the units of our currency must be at parity." We are told that all our monetary units must be at parity with each other. So say we all—that is, just so far as the law can make them so. Greenbacks and gold have been at a premium recently. Silver dollars were at a premium of from 3 to 5 per cent at the very time when the Sherman law was repealed. We can not make a currency system embracing hundreds of millions of dollars, operating throughout the commerce of 70,000,000 people, operate with the nicety of a stop watch. But one thing is clear, that we can never maintain the unities of the volume of currency at a parity with each other without giving to all the units "unity of function," without giving to each unit all the functions that we give to another unit. It is the functions that the law imparts to money by which it gains its power. Money has a threefold function: First, the power to pay debts; second, the power to pay taxes; third, the power to purchase. The dollar of debt is also the equivalent to the dollar of debt or taxes that has to be paid, but the purchasing power, which is largely derived from its functions, can never be a fixed and unvariable force.

Two things are absolutely certain. First, that it is not by any of the shifts of the Treasury that we now maintain the parity of our silver money. Not one of the dollars issued under the Bland-Allison Act of 1878 has ever been redeemed in gold, and the Secretary of the Treasury has no discretion to redeem any of them in gold, nor can he either exchange a gold dollar for a silver dollar. Notwithstanding all this, silver dollars and silver certificates are now and have ever been at par, sustaining themselves as such simply by their debt and tax paying power and by the purchasing power of the silver dollar possessing such legal-tender function. Second, the pretense that the Sherman certificates and the greenbacks which are payable by law either in silver or gold must be maintained at parity by giving the holder the right to demand them in gold is a mere pretense and nothing more. The Bland certificates and dollars are just as good as they are without any such pretense existing in respect to them, and it is plain that to transfer to the holder the option which the Government possesses by law to demand either gold or silver is to stand the pyramid upon its apex and to reverse the whole system of bimetallism. So long as the holder does not know whether he will get silver or gold if he presents his greenback or Sherman silver certificate, he has no motive to exalt silver or gold the one before the other, but the moment that he is informed at the Treasury that he will be paid gold if he demands it he is given the motive to demand it whenever he fancies it is better than silver. Thus the demand for the dearer metal is increased at a time when, to preserve their equilibrium, demand should be centered upon the weaker metal. Thus reenforcement is given to a raid upon and the desire for gold at the very moment when they should be resisted. The two hundred and sixty-two millions of debt which we have already piled up is a monumental warning against a policy so professedly illogical and so obviously ruinous, and should be a warning to other ages against the inventions of modern sophistry, against the experience of ages.

THE SOPHISM OF "THE HONEST DOLLAR."

They say that the silver dollars of free coinage would not be honest dollars. I answer, the reverse of this proposition is true. It is dishonest to deny to those who have contracted debts the right to pay them in dollars that conform to the contract, and dishonest to prevent them from paying them by stopping coinage, so as to enhance the difficulty and increase the burden of paying it. There is downright wickedness in moving to the gold standard and leaving outstanding to be paid on it obligations solvable in

the double standard—the wickedness that the Master denounced when He said, "The love of money is the root of all evil."

The moralists of the stock exchange turn in abhorrence from the idea of a debtor paying a cheap dollar to his creditor. At the same time they rejoice in compelling him to pay a dearer dollar than he contracted to pay. What sort of morality is this? We can not measure great matters in apothecary scales, but Justice walks in the middle of the road without diverting its footsteps to the one side or the other. It would not clip the dollar and let the debtor pay less than he contracted to pay, neither would it pad the dollar and make him pay more than he had contracted to pay. Free coinage is right because it acts without discrimination upon both the dearer and the cheaper metal; because it walks in the middle of the way; because it is the nearest proximity to justice on all sides that can be attained.

Wherein the silver dollar is dishonest is not discernible to the naked eye of a clear conscience. It was provided for by the first coinage act of the United States. It was recommended by Hamilton and Jefferson, and approved by Washington. It is the same dollar in 1896 that it was declared to be in 1792, containing as many grains of silver, maintaining its parity with gold, filling its office with as perfect functions as any piece of machinery in the economy of States, and passing everywhere, without discount or discredit, for exactly what it purports to be. It has fought in every war of the Republic, and has been the vade mecum of the people through all the days of peace.

I would like those who are prating of "honest" dollars to read Balfour's speech in the House of Commons on the 17th of March last, and see the clear statement of an honest Englishman. He said:

> I will tell the right honorable gentleman why. The right honorable gentleman tells us, and tells us truly, that the debts of this country are paid in commodities which are estimated upon a gold basis, and that the result of the appreciation of gold, which has gone on during the last twenty years, is that the creditor country paid in commodities gets a very much larger proportion of commodities than on the original gold value of the commodities it had the slightest right to. Does the right honorable gentleman think that this creditor argument is one which commends itself to those who have got to pay debts in this country? What they ask and what we ask is that some standard of debts which could be valid over a long period of years should be adopted not only between individuals but between countries. We hold—and this is held by the best scientific economic opinion of every party all over the world—that this would be more effectively secured by the bimetallic system than by the monometallic system. [Cries of "No"!] I do not say that that opinion is right, but I do say that it is the opinion of all economic authorities. ["No!" No!"] If foreign countries hold, as they do hold, that the single standard has the result of artificially increasing the burden of their debts to this country, they will think, and think truly, that the right honorable gentleman is not so much occupied in maintaining what is called an honest currency as with the object of obtaining a currency which will get more than their just debts from our debtors.

THE SOPHISM THAT "DEMONETIZATION OF SILVER WAS NOT INSPIRED BY GREED."

It is said that the demonetization of silver in 1873 was not inspired by the greed of capital because silver was then a dearer dollar than gold. I may answer, first, that the fact that it was a dearer dollar than gold—worth a 3 per cent premium as proved—does not show that it was not demonetized, as so many contend, because it was a cheaper dollar. It was worth a premium because France was free coining silver at 15½ to 1 while we put 16 of silver to 1 of gold in a dollar. I reply, second, that the demonetization was inspired by greed if we may believe the popular declarations of the English propagandists. It mattered little to them, originally, whether they demonetized silver or gold. They selected silver as the metal to be dishonored for two reasons: First, because great mines of silver had recently been discovered in the West in America and they anticipated from them a great outflow of silver into the mints; and just as Europe organized a raid against gold when gold was discovered in California, so now it egged on a raid against silver because it had been discovered in large quantities in America.

OF EQUAL INTRINSIC VALUE.

We are also told by the same school of sophists that all the units of money must be of equal intrinsic value. I will reply first by the phrase, "If you will put the dollar in the silver bullion, you will find the intrinsic value in the dollar." I reply further that value is not a substance. It is the relation of substance and of function to demand and to use. That word "intrinsic" and that word "value" are used in most misleading and deceitful senses.

It is an admitted fact that the action of law is a factor in fixing the value of money. This is demonstrated by the fact that all agree to the proposition that the consensus of nations, "international agreement," as it is called, could establish a ratio between gold and silver and maintain that ratio. So universally is it admitted that the law is a factor in determining money value that I deem it needless further to argue it.

But it is said the United States can not alone determine the value of gold and silver so far as to fix and maintain a ratio between them. I shall not insist that it is certain that the United States can do so.

Here is a United States dollar coined at a ratio of 16 of silver to 1 of gold. We are told that it will buy two Mexican dollars, each of them containing more silver than the United States dollar, and it is argued that our dollars will go down to the value of Mexican dollars if we have the free coinage of silver. I draw very different deductions from this fact: (1) It conclusively answers the argument that the value of money is proportioned to its intrinsic qualities—or "value," as these qualities are sometimes called. It shows to me that the demand for money to pay debt and taxes is so great in the United States that it gives to the dollar fully one-half of its value; (2) it shows to me that the demand for money in the United States is at least twice as great as the demand for money in Mexico; (3) it shows that the mere function imparted to the bullion by the United States mint gives that bullion 50 per cent of its worth in exchange.

THE SOPHISM THAT "LAW CAN NOT CREATE VALUE."

And yet we are told that law can not create value; that only Deity can create it. If value were a material thing this would be true; for it is a fact, as stated by Edward Atkinson, that "man can create nothing; he can only move something." Yes; men can think and men can move things, and his change of the relation of things by their transposition is what creates value. Meissonier takes a brush, a few dollars' worth of paint, and a little canvas, and by transposing their relations makes a picture of Napoleon which sells for $75,000. Who will say that he did not create value? An artist and a chisel convert a marble stone into a Venus de Medici, and the nations vie for its image. Is not that value? Bell takes a wire and a tube, and there is a telephone. Are not the machines that spring from his thought value? Value is not a simple idea. It is a complex one. We can conceive of a single horse, of a single tree, of a single grain of sand, of a single lump of gold, of a single lump of silver, but we can not conceive of any value inherent in any one of these things by itself. We can conceive of two horses, two trees, two grains of sand, two lumps of gold, and two lumps of silver, but no reduplication of objects in our vision gives rise to the idea of value. We must conceive first of the thing, and then of the person, and third of the use or desire or need that a person has for the thing and what he is willing to do or give for it before the idea of commercial value enters into the mind. Value is therefore a relation between (1) a person, and (2) a thing, and (3) the desire of the person for the thing, and (4) the labor or whatever the person with the desire will do or give for the thing demanded or desired; and what a person is willing to do or give for the thing demanded or desired is the measure of value which he attaches to it.

A mind that can not fuse into a composite idea these four elemental ideas can not conceive of commercial value, and takes refuge in some vague notion that it is only a divine gift.

That the law can create value is an axiom of political economy. It is a self-evident fact. Protectionists know that the law can create value, and are therefore in favor of putting a high tax on the entrance of foreign articles into our ports in order that domestic articles of like character may supply the demands of our people and have a higher value attached to them by the exclusion of foreign competition. By concentration of popular demand on the domestic articles they increase their prices. Free traders and revenue-tariff men know that law creates value and diminishes value. They know that if a farmer has $500 to spend and can get his goods at 30 or 40 per cent less than he is paying for them by free trade you have created that additional value to his commodity and to the land that produced it. The law creates value in gold and silver by giving it privileges of coinage or taking it away. A piano is a musical instrument, but it is not music. Neither commodity nor money is value by itself, though both are instruments of value and valuation. When the piano comes into relation with a performer, who touches its keys, the product of the mechanism of the performer and the mechanism of the instrument is music. When the commodity or money comes into relation with one who needs and demands them, the product of the demand in the person and the supply in the thing makes the value of their relation to each other.

THE DOUBLE SOPHISM THAT FREE COINAGE OF SILVER "WILL CONTRACT THE CURRENCY BY DRIVING OUT GOLD" AND "WILL DELUGE US WITH CHEAP MONEY."

But we are told, and told for the thousandth time, in the face of the contradictions of our history, that if we have free coinage we will contract our currency by driving out our gold, and with the words yet warm upon the lips of him who utters this statement we are told that we will be deluged with cheap silver dollars. We can not have a drought and a deluge at the same time. We can not expand and contract at the same time. We can not go both ways at once. One of these propositions might possibly be true, but both of them can not possibly be true. I do not believe that either is wholly true. It is obvious that the free coinage of silver would cheapen gold, for when two things can be used for the same purpose instead of one, it takes the demand from the one and distributes it amongst the two. Gold would come down and

silver would go up in value. The silver dollars would not be cheap, and the gold dollars would not be so dear as they are now. The two would be brought together by the magnetic influence of an equal function in the discharge of debts and taxation.

They say that free coinage will drive out gold. Out of what? Out of the country? Should such be the case would not the volume of gold going into other countries increase the currency there? Would it not consequently increase prices there? Would we not therefore get more for the hundred million dollars of products which we sell? Would this not strengthen our balance of trade with foreign nations? Would not this pour wealth back into our coffers? It is evident that it would. But do they mean that it would simply drive it out of circulation and into hoards and safes and banks? If so, just as soon as property began to rise as the silver volume flowed in it would yield to that temptation which always brings money from its hiding places. It would leap forth to get an advantage of rising prices. If it were to retire for a little while it would come forth again. But the fact is, the free coinage of silver in this country has never driven out gold. It was said by the distinguished Senator from Ohio [Mr. SHERMAN] that fifty millions of silver would drive away gold, but the Bland-Allison Act was passed, and we had $50,000,000, and now we have $500,000,000. Never yet has it driven away gold, nor has gold gone away for any other purpose than to discharge our debts and to meet a superior demand in Europe to any demand we made. After the Sherman law of 1890 was enacted gold continued to come to us, nor did it leave until the panic in Europe compelled the sale of securities and carried it back. Money attracts money the world over. "To him who hath shall be given."

WHERE THE GOLD GOES NOW.

In the New York Journal Mr. George Rutledge Gibson, a well-known financial authority, shows that for five years Europe has been gaining gold, while the United States has been steadily losing it. From 1890 to 1896 Europe has gained $561,100,000 in gold, besides the gold we have mined in those years. The Journal gives Mr. Gibson's figures, and they are very interesting reading in the face of the education which is being carried on by the gold bugs:

The last five years have witnessed a struggle for gold among the nations, and Europe has obtained possession of the new supplies of the yellow metal coming from the mines, and besides a part of our Treasury and bank reserves. The aggregate gold holdings of European banks covered by monetary statistics at the end of each year, beginning with 1890, is as follows:

December 31, 1890	$970,900,000
December 31, 1891	1,112,400,000
December 31, 1892	1,232,000,000
December 31, 1893	1,217,000,000
December 31, 1894	1,400,000,000
December 31, 1895	1,532,000,000

Here is an almost continuous increase in the gold resources of these banks, while the gold holdings of our associated banks of New York and the net Treasury holdings have declined during this period as follows:

December 31, 1890:		
Treasury net gold	$148,972,000	
Associated banks of New York, specie, mostly gold	77,812,000	
		$220,784,000
December 31, 1895:		
Treasury net gold	63,262,000	
December 27, 1895:		
Associated banks of New York, specie	67,114,000	
		130,376,000
Loss within five years		96,408,000

Thus we see that in the race for the possession of gold within this period the European banks have increased their holdings from $970,900,000 in December, 1890, to $1,532,000,000 in 1895, or a gain of $561,000,000, while our chief depositories have lost $96,000,000. Europe not only relieved us of this amount of gold, but of all the gold produced during that period within our borders not consumed here in the arts. The production of gold in the United States in the years 1891, 1892, 1893, 1894, and 1895, according to Wells, Fargo & Co.'s estimates, was $189,500,000.

These figures tell a tale of gold grabbing in Europe, distrust there of American securities and their return here in vast quantities, of immense sums spent abroad by traveling Americans, large payments to foreign shipowners for passengers and freight, and of the utter lack of any power in the American banks and Treasury to attract and accumulate gold. The scramble for gold, which has been a monomania in Europe, is doubtless the result of the general preparations for war by the great state banks, particularly those of France, Germany, and Russia.

If anyone will read the following statement he will see, first, that the Bland-Allison Act of 1878 did not drive gold from us as the gold men declared it would. On the contrary, the year of its passage was the first year that gold began to flow to us, and we received from abroad in 1878 over four millions. In 1879, over a million; in 1880, seventy-seven millions; and in 1881, ninety-seven millions, and so on, until 1884 and 1886 the tide flowed the other way; but in 1887 and 1888 gold flowed to us again and continued to flow to us until the rising monetary disturbances of that year in Great Britain caused it to flow backward. In 1889 nearly fifty millions went away from us because of the increasing disturbances in Great Britain, and since then it has continued to flow abroad on account of the demand created by European nations moving to the gold standard and by reason of the widespread panic that spread from Argentina to Australia and Great Britain.

Clear it is that gold must continue to go from us and pay interest to foreign investors on American stocks and securities, and we may not be able to prevent it by any system of currency here. The trouble is that if it goes away and we do not have silver to take its place it will leave us bereaved and naked and poor indeed.

Here are the figures as to our imports and exports of gold, and they are worthy of study:

Value of gold coin and bullion imported and exported from 1846 to 1895; also annual excess of imports or of exports.

Year ended June 30—	Exports.			Imports.	Excess of—	
	Domestic.*	Foreign.	Total.		Exports over imports.	Imports over exports.
	Dollars.	*Dollars.*	*Dollars.*	*Dollars.*	*Dollars.*	*Dollars.*
1846	423,851	1,629,348		910,413		
1847	62,630	975,301		21,574,931		
1848	2,700,412	8,370,785		3,408,755		
1849	966,874	1,015,359		4,098,647		
1850	2,046,679	2,513,948		1,776,703		
1851	18,089,580	4,767,333		3,569,090		
1852	37,437,387	2,636,142		3,658,059		
1853	25,548,535	1,894,353		2,427,356		
1854	38,062,570	2,491,894		3,031,964		
1855	53,957,418	1,151,797		1,092,802		
1856	44,148,279	852,698		990,305		
1857	60,078,352	5,154,301		6,654,636		
1858	42,407,246	7,595,558		11,566,038		
1859	57,502,305	3,605,748		2,125,397		
1860	56,946,851	1,499,188		2,508,786		
1861	23,792,870	3,624,103		42,291,930		
1862	31,044,651	4,395,252		13,907,011		
1863	55,993,562	6,169,276		5,530,538		
1864	97,134,824	3,527,010	100,661,834	11,176,769	89,484,865	
1865	56,558,706	1,822,327	58,381,033	6,498,228	51,882,805	
1866	70,127,466	1,069,843	71,197,309	8,190,261	63,001,048	
1867	36,229,676	2,796,951	39,026,627	17,024,866	22,001,761	
1868	68,251,158	4,165,186	72,398,344	8,737,443	63,658,901	
1869	23,442,776	7,560,722	36,003,498	14,132,568	21,870,930	
1870	28,580,079	5,055,353	33,635,962	12,056,850	21,579,012	
1871	64,581,678	2,104,530	66,686,208	6,883,561	59,802,647	
1872	48,377,502	1,171,258	49,548,760	8,717,458	40,831,302	
1873	44,472,698	384,677	44,856,715	8,682,447	36,174,268	
1874	32,645,483	1,396,934	34,042,420	19,503,137	14,539,283	
1875	61,543,545	5,437,432	66,980,977	13,696,703	53,284,184	
1876	29,431,757	1,745,233	31,177,050	7,992,709	23,184,341	
1877	22,359,101	4,231,273	26,590,374	26,246,234	344,140	
1878	6,632,570	2,571,885	9,204,455	13,330,215		4,125,760
1879	4,145,085	442,529	4,587,614	5,624,948		1,037,334
1880	1,775,639	1,863,986	3,639,625	80,758,396		77,119,371
1881	1,826,307	738,825	2,565,132	100,031,259		97,466,127
1882	31,403,625	1,184,255	32,587,880	34,377,054		1,789,174
1883	8,930,909	2,679,979	11,600,888	17,734,149		6,133,261
1884	35,294,204	5,787,753	41,081,957	22,831,317	18,250,640	
1885	2,741,559	5,736,333	8,477,892	26,891,696		18,213,804
1886	32,796,066	10,186,125	42,982,191	20,743,349	22,208,842	
1887	5,705,304	3,995,883	9,701,187	42,910,601		33,209,414
1888	12,560,084	5,816,150	18,376,234	43,934,317		25,558,083
1889	54,930,332	5,021,953	59,952,285	10,284,858	49,667,427	
1890	13,466,632	3,870,859	17,274,491	12,943,342	4,331,149	
1891	84,939,551	1,423,103	86,362,654	18,232,567	68,130,087	
1892	43,321,351	6,873,976	50,195,327	49,699,454	495,873	
1893	102,068,153	6,612,691	108,680,844	21,174,381	87,506,463	
1894	64,487,354	12,490,707	76,978,061	72,449,119	4,528,942	
1895	55,890,295	10,240,888	66,131,183	35,146,734	30,984,449	

*Gold and silver can not be separately stated prior to 1864, but it is probable that the greater portion of the exports was gold.

THE SOPHISM THAT "SILVER MONEY WOULD BE FIAT MONEY."

We are also put down amongst the creatures of the air who are for fiat money. I answer that all money is fiat money. Gold is fiat money to-day. There is such a thing as natural food for man—the roots of the earth, the fruits of the trees, the grain of the field, the domestic animals; there is natural drink for man, such as water and milk and the juices of natural products. There is natural shelter for man, but there is no such thing as natural money. The wampum beads, made of shells or other commodities of ornament, have been used by nations as a kind of circulating medium. They facilitated exchanges and acted in a crude way as money acts, but they were not money. The law said, "let there be money," and there was money, and without it there can be none.

As money is the only commodity created by law, so it is the only one which a man is compelled to possess by law.

There is a fiat of law in creating money; there is fiat of law in compelling its possession.

Money is the one species of property that all civilized governments compel its citizens to possess under heavy pains and penalties.

Government is sustained by taxation. Taxation consists in the levy of a compulsory contribution from the citizen by government. This contribution, according to our usages, is required to be made in money. If a man owns land he is not permitted to cut off a piece of it and accede it as his contribution. If he owns flocks and herds, mines, goods, wares, merchandise, or what not, he can not requite his contribution by giving a portion of them. He must have money. If he has not got it he must convert his property into it by sale, and if he does not do this, government

confiscates and sells enough of his property to get the money that it has called upon him to pay.

No matter who he is, or what he is, he must be taxed, and the tax must be paid in money. Money is therefore the one species of property that law compels the citizen to possess; else to suffer confiscation.

As Government thus imposes upon the citizen the duty to possess money, at the forfeiture of his property, the Government is a robber if it does not itself produce enough money to afford him the opportunity to contribute it without the sacrifice of his property and his home; and the trouble in this country to-day is that with the most wideawake and progressive nation in the world, there are revenue bills and billion-dollar Congresses which exact from the people contributions of money, and do not furnish the volume of currency to supply the demand without driving the citizen into cruel hardship and into enervating and crushing sacrifice.

THE SOPHISM THAT "THE POOR MAN'S DOLLAR MUST BE AS GOOD AS THE RICH MAN'S."

Ah, Mr. President, we are told by the same school of sophists that the poor man's dollar must be as good as the rich man's dollar. It goes without saying, and is so much matter of course that to say it carries insinuations.

It is a fact, however, that the poor men of our country hardly ever see a gold dollar. So far as the mints and our legislation are concerned, we have long since stopped coining the gold dollar piece, and the metallic dollars which go in circulation are nothing but silver. Let us see what the law does with the rich man's dollars, which are in gold coins or certificates of large denominations, and the poor man's dollar, which can never be anything but silver, because no longer are gold pieces produced. Let the rich man drop his dollar into a fire. The law insures its life. He may pick it up an unsightly lump and carry it to the mint and it will be turned back into a new dollar for him. But let a poor man drop a silver dollar into the fire or have it crushed by some heavy vehicle running over it, and the life of the dollar has gone, and it has gone forever, for he may take it to the mint, which will only refuse to do for it what it does day in and day out, year in and year out, for the rich man.

I am for treating all of these dollars alike. Let the man who has the silver take it to the mint and have it coined as from 1792 to 1873, and if it loses its life by accident, let the Government insure it by reimparting its dollar character to the disfigured metal.

THE SOPHISM THAT "OVERPRODUCTION OF SILVER HAS DEPRECIATED IT."

Some say that overproduction of silver has caused its depreciation. They have not read history, or else have not digested it. They do not know the A B C of money. They have not used their reason, else they could not think or say so. It will be admitted that when there is a bountiful supply in proportion to demand of the perishable articles which must be consumed in the season which produces them, such as fresh fruit and vegetables, such as wheat and corn and rye, the value will go down just in proportion as the supply exceeds the demand. But silver and gold are not the perishable products of the spring or summer, nor are they an ice crop of winter, that melts when the sun returns. The silver money which existed a thousand years before Christ is as good silver to-day as if it were minted yesterday, and so the gold. The silver and gold that are plucked from the ruins of Troy or from under the lava of Pompeii are just as good as if they came yesterday from Colorado. A larger production of silver or gold for one year or for ten years or twenty years is but a small addition to the stock of gold and silver accumulated through centuries and centuries. Hence the so-called overproduction for a particular period can not affect the market like the overproduction of green groceries.

One of my distinguished predecessors upon this floor, a scholar and thinker, Hon. R. M. T. Hunter, once a Senator from Virginia, said in a valuable report which he made on this subject:

It seems that for fifty years, from 1750 to 1800 (see Document No. 117, page 50, first session Thirty-first Congress), the quantity of silver raised was to that of gold as 40 to 1, and yet during that period the value of gold was not more than fifteen times as great as that of silver.

The amounts of gold and silver money actually in existence are estimated as follows:

	Gold.	Silver.
1800	£120,000,000	£260,000,000
1848	150,000,000	280,000,000
1880	700,000,000	490,000,000

So, again, we see it was no overproduction of silver money that led to demonetization in 1873 or to any derangement in the par of the metals.

From 1831 to 1840 only £28,000,000 of gold was produced and £52,000,000 of silver. That is nearly two to one of silver to gold.—*Schoenhoff on Money and Prices*, page 381.

Yet mark the fact that during this period gold and silver kept close together on coinage.

I read a sentence from Schoenhoff, an author quoted a few days ago by the Senator from Kentucky [Mr. LINDSAY]:

From 1850 to 1880 the very opposite occurred in regard to production. The world produced more than $2 worth of gold for every dollar's worth of silver.

Yet it was during this period that silver was demonetized on the ground, as alleged by the sapient expounders of monometallism, that silver was overproduced.

There is no authentic table as to the production of the two metals that does not show that it has not been the overproduction of the one or the other that has created the divergence between them, but it is plain that it took place immediately, almost instantaneously, under the process and action of the law.

THE SOPHISM THAT OVERPRODUCTION OF COMMODITIES BY INVENTION HAS DERANGED PRICES.

We are told that the overproduction of commodities through the mechanical inventions that have stimulated the energies and enlarged the powers of man is the cause of their cheapness. The steam engine pours into New York from over the land, and then into Liverpool over the ocean, the wheat crops of the Dakotas. The reaper and mower make a Briareus of every farmer, and it is true that mechanical invention has greatly increased all the productions of the earth and supplied them for the use of man. This accounts for their plentifulness, but it does not account for their continual cheapening, for mechanical invention has moved on an equal line in bringing gold from Alaska and Australia, and in opening the mines in South Africa. If we were to stop the production of commodities by law, does not everyone know that they would become dearer, because mechanical invention could not longer multiply them? Now, we have stopped the production of money by law; we have put a ligature upon the mint, and said you can not coin a silver dollar. We have put a stopper in the silver mine, and said no matter how much silver you produce you shall bring not a dollar to the mint for coinage. By leaving mechanical forces free to produce marketable commodities, and by stopping them from the equally free production of metallic money, we have increased the supply of the commodities and lessened the supply of the money. Hence, that which has been lessened has become dearer by the inevitable law of supply and demand, and that which has multiplied has become cheaper by the same law.

THE SOPHISM THAT GOLD HAS NOT APPRECIATED.

But we are told that gold has not appreciated. Not so thinks the honorable gentleman who now occupies the position of Secretary of the Treasury, and not so thinks his honorable predecessor, the Senator from Ohio [Mr. SHERMAN], who once filled the same chair.

Let me read to the Senate two articles from each of these distinguished gentlemen. In the Treasury Department in 1878 the then Secretary of the Treasury, who is now a Senator from Ohio, went on to explain how at one time he had been deluded into the advocacy of the single gold standard. He says, under date of July 15, 1878:

During the monetary conference in Paris, when silver in our country was excluded from circulation by being undervalued, I was strongly in favor of the single standard of gold, and wrote a letter which you will find in the proceedings of that conference, stating briefly my view.

Having made this confession, the Senator then went on to announce his conversion back to the double standard, and to state his reasons therefor.

At that time—

Said he—

the wisest of us did not anticipate the sudden fall of silver or the *rise of gold* that has occurred.

Mr. President, the trouble with all these gentlemen who are advocating the single standard is that they do not ever seem to have anticipated anything that happened after the country was deluded into taking their advice.

This uncertainty—

He went on to say—

of the relation between the two metals is one of the chief arguments in favor of a monometallic system, but other arguments, showing the dangerous effect upon industry by dropping one of the precious metals from the standard of value, outweigh in my mind all theoretical objections to the bimetallic system.

Mr. President, an ounce of experience is worth many pounds of theory; and in view of the sad experience, ruinous and disastrous beyond all the anticipations of those whom this country has been beguiled and deluded to follow, shall we not accept the wisdom of the Senator from Ohio, thus so sententiously and so powerfully stated? Shall we not renounce those who have led us almost back to the door of the gold standard, and allow our experience to outweigh all the theoretical and sophistical objections to the bimetallic system?

SECRETARY CARLISLE'S EXPOSITION OF THE EVILS OF APPRECIATING GOLD.

The fall of silver and the appreciation of gold were the text of this sermon. Now we have another, sir, from the mature and clear and able mind of the distinguished gentleman who is now Secretary of the Treasury. I shall make no fling at him because

he has changed his opinions. It is the privilege of everyone to change his opinions; and any honest mind that undergoes a change of opinion will always be courageous and open enough to announce it. It is not to his opinion but to his reason and to his judgment as an expert and as a man of knowledge to which I now appeal. I read a little extract from his speech made in the same year the Senator from Ohio renounced the gold standard and announced himself as reconverted and rebaptized in the waters of bimetallism. Said Mr. Carlisle:

I shall not enter into an examination of the causes which have combined to depreciate the relative value of silver and to *appreciate* the value of gold since 1873, but I am one of those who believe that they are transient and temporary in their nature, and that when they have passed away or have been removed by the separate or united actions of the nations most deeply interested in the subject, the old ratio of actual and relative value will be reestablished on a firmer foundation than ever. I know that the world's stock of precious metals is none too large, and I see no reason to apprehend that it will ever become so. Mankind will be fortunate indeed if the annual production of gold and silver coin shall keep pace with the annual increase of population, commerce, and industry. According to my view of the subject, the conspiracy which seems to have been formed here and in Europe to destroy by legislation and otherwise from three-sevenths to one-half the metallic money of the world is the most gigantic crime of this or any other age.

So thinking, Mr. President, I shall decline to join the criminals. Said Mr. Carlisle, further:

The consummation of such a scheme would ultimately entail more misery upon the human race than all the wars, pestilence, and famine that ever occurred in the history of the world. The absolute and instantaneous destruction of half the movable property of the world, including horses, ships, railroads, and all other appliances for carrying on commerce, while it would be felt more sensibly at the moment, would not produce anything like the prolonged distress and disorganization of society that must inevitably result from the permanent annihilation of one-half of the metallic money of the world.

With the opinion of these able and experienced men, I do not think it necessary or desirable that I should elaborate the fact that gold has appreciated.

THE SOPHISM THAT SILVER WOULD REDUCE US TO THE LEVEL OF INDIA, MEXICO, CHINA, AND JAPAN.

Mr. President, our pride as a nation and our pride as men is appealed to. I am afraid it is a species of vain pride that goeth before destruction; but there are those who tell us that we must scout and reject silver money because it would reduce us to the level of Mexico, China, Japan, and India. I reply to this sophism that we have been already reduced to the level of India. By behest of our British financial masters the free coinage of silver in India was suspended in the summer of 1893. And it was in response to their behest, and by the voice of a propaganda that was organized against America simultaneously with that against India that the Sherman law was repealed in America a few months afterwards. The fact is that there was but one movement directed against the two countries, and the subjugation of America soon followed that of Great Britain's other province on the other side of the globe.

But, Mr. President, as to Mexico, China, and Japan, what is there in the cry that we should refuse silver money because they are employing it? I have before me the article of the minister of Mexico, who shows how Mexico is thriving upon her silver. We have recently seen the astonishing exploit of Japan in war and are witnessing it equally manifested in manufacture, and are we not old enough and wise enough and experienced enough to judge these questions upon their own merit without being diverted from the weight of the argument by any such catch phrases as being reduced to the level of Mexico or India or China or Japan?

THE SOPHISM THAT WE HAVE $21.65 PER CAPITA OF CIRCULATION.

We are told that we have some $21.65 per capita in the United States, and that this is more money per capita than we have ever had before, and the deduction is drawn from this fact that we do not need more money. In point of fact we had $25.57 per capita in November, 1893, when we repealed the Sherman law, and there is no logical principle ever yet discovered by which we can determine how many dollars per capita a nation needs, so diverse and complicated are the circumstances which must solve the question. But it does not follow, because we have $22, or $24, or $25 per capita, that therefore we have enough.

First. There is more for money to do in this age than there ever has been for money to do before. We were never burdened by so many debts or by more exacting demands of taxation heretofore.

Second. Mr. President, it must be remembered, in comparison with former years before the war, that for a long time foreign coins were money in the United States, and that fact is not taken into consideration in estimating the per capita volume of our circulation.

Third. It ought to be remembered that the State bank circulation of the United States is left totally out of consideration, and that when the civil war commenced there were $212,000,000 of State bank circulation that was doing service for the people.

Fourth. It is to be noted that our present estimated per capita is a very unreliable one at best. We count in it all the dollars which we have minted from the beginning of the Government, and which are unaccounted for by any knowledge of what was done with them; those which have been burned, those which have gone down in the sea, those which have been lost amid the myriad casualties of life, are all counted as part of our volume of per capita money. We are told that in some places all the dead men on the registration lists are voted, and in the per capita circulation of the gold monometallist all the destroyed and dead and ruined dollars are still doing work for their cause.

Fifth. It should also be noted that much of our gold is held as reserve by national banks, and can not fairly be counted as "circulation."

And I may observe, too, that in 1860 there was $1 in circulation for every $37 worth of property; that is to say, with $435,407,252 of money, we had $16,159,616,068 of property, but now we have but $1 to every $45 of property, showing that our ratio of money to property has much decreased, and if we take the ratio as compared to the taxes and indebtedness which the dollars must redeem, it is much greater.

THE SOPHISM THAT THE PRINCIPAL DEBTORS ARE NOT THE POOR PEOPLE BUT THE CORPORATIONS.

But we are told that the principal debtors in this country are the great corporations, not the poor people. It is contended that the chief persons who hold the obligations of the country are the railroad companies, the banks, the life insurance and fire insurance companies, and other associations. It is the very rich men, it is claimed, who would derive some temporary advantage from the free coinage of silver; but the moderately well-to-do people, the widows and the orphans and the laboring classes, would be those who would suffer from its free coinage. The banks and other loan associations and insurance companies undoubtedly are largely in debt, but they have more due them than they owe to their customers, otherwise they are insolvent to begin with. It would be well for those who are seeking to curtail our volume of currency to realize what an immense body of debt there is upon the American people and how little prospect there is of its payment if you take away the opportunity of the people to get money for their property and labor wherewithal to pay.

I have before me a tract issued from the Department of Labor, known as House Document No. 33. In that it is shown that the minimum debt of the United States, public and private, is $20,227,170,546; that the annual interest upon that debt alone is the mighty sum of $1,166,101,303. In other words, it will require every dollar of gold, every dollar of silver, every dollar of greenbanks, and every national-bank note we have to be used to pay one year's interest upon the accumulated debt of the people of the United States. If this astounding and startling fact does not arouse the attention of the gold-standard men to the dread deed they are seeking to accomplish, then I believe they would not be convinced even though one should rise from the dead.

THE SOPHISM THAT LOW INTEREST INDICATES ABUNDANCE OF MONEY.

We are told that the low rate of interest which is commanded by money in the central market of exchange is an indication that money is plentiful. Let me read in reply what the Royal British Commission not long since said on that subject:

The rate of interest on permanent investments is also declining, for reasons, it is urged, similar to those which have been described above as affecting the rate of discount. When gold is scarce and commercial activity is checked by the resulting fall of prices, the demand for permanent investments increases and the price of such security rises. Owing either to the actual or apprehended scarcity of gold there is a tendency to invest in securities bearing a fixed interest payable in gold, which raises their price and reduces the net return obtainable from them.

The very fact that money is piled up in the vaults and is being loaned out at such a low rate of interest is the sign of the distrust of the capitalists in all property and in all industry, and it alone is a species of congestion which ought to warn the patient of his diseased condition.

THE SOPHISM THAT BUT 5 PER CENT OF BUSINESS IS TRANSACTED ON MONEY.

But we are told that we want but very little money; that only 5 per cent of the business is done by actual money payments, so vast is the use of checks and clearing-house certificates to offset one debt against another and to carry balances to the creditor's account. If it be true that only 5 per cent of the business of the country is done by money, then the displacement or loss of a single dollar must produce a vast disarrangement and displacement of business, for if every dollar is carrying a credit of $19 in the amount of business the loss of a dollar in cash is the proportional loss of $19 in business credit. The cessation of the coinage of $4,500,000 per month or $54,000,000 per year under the Sherman law therefore eliminated the superstructure of $85,500,000 per month of business or $1,026,000,000 in volume of business per year.

THE SOPHISM AS TO AMOUNT OF OUR SILVER COINAGE BEFORE DEMONETIZATION.

We are often told that we only coined $8,000,000 of silver before 1873; but let the whole truth and not a part of it be told, for we coined at the same time $77,000,000 in other denominations than dollars. The exact amount of legal-tender silver in the United States from the opening of the mint until silver was demonetized in 1873 was $84,700,000, and these figures can be found in detail in the Report of the Mint for 1894. At the same time it ought also to be remembered why it was that we were coining so few of those dollars. The reason that we did not coin more silver was because the silver metal could go into European mints, the French and other mints, at a less ratio than in our own; and in swelling the volume of international money in Europe it left our mints open to be occupied by gold; and whether the one species of metal went to one mint or another, there was an uninterrupted flow of both metals into money and into the swelling of the world's currency and the sustenance of the world's prices.

THE SOPHISM THAT JEFFERSON STOPPED SILVER COINAGE.

We are told that Thomas Jefferson stopped silver coinage. This is another half fact which should be told in connection with the other half. If Secretary Carlisle may be believed, he has stated in a recent speech that in May, 1806, President Jefferson stopped the coinage of the silver dollar, but not silver, which was still coined in small denominations.

Mr. STEWART. And was a full legal tender.

Mr. DANIEL. And was a full legal tender, as the Senator from Nevada says.

THE SOPHISM THAT "JEFFERSON AND HAMILTON WERE FOR FREE COINAGE OF BOTH METALS AT THE COMMERCIAL RATIO."

It is true as a fact that Jefferson and Hamilton tried to fix the coinage at the commercial ratio of the two metals. But at that time there was a commercial ratio in the value of the two metals, and that was 15 to 1, which was adopted in our first mint law. Now there is no commercial ratio between the value of silver bullion and gold bullion whatever. Gold bullion has a coinage value fixed by law, and silver bullion has no coinage value fixed by law. The law has destroyed the ratio, and silver bullion bobs up and down on the market like any other commodity. In 1792 the ratio of 15 to 1 existed because free coinage of gold and silver existed in the great European nations. When the United States divested silver of its coinage right in 1873 it divested it of its legal and commercial ratio to gold.

We can not reestablish a ratio between the metals without reestablishing free coinage in the United States—coining both metals "without discrimination." If we must change the ratio of 16 to 1, it should be done after and not before free coinage.

THE SOPHISM OF THE SILVER DELUGE.

That the silver deluge is a mere fancy is too obvious to those familiar with the subject to need much notice. Mr. Windom showed, when he was Secretary of the Treasury, that there was no accumulated stock of silver in the world.

Edward Atkinson, who was sent to Europe by President Cleveland in his first Administration, showed in his report that Europe was much more afraid of an avalanche of silver, from our discontinuing the use of silver and throwing our discarded stock upon its market, than of any other course we might take, and it has been demonstrated that the great body of silver in the world is in use in the coinage of other nations, which they can not afford to part with.

THE SOPHISM THAT OUR STOPPAGE OF COINAGE WOULD SQUEEZE EUROPE.

Ten years ago we were urged to demonetize silver on the ground that it would create such a tight money market in Europe as to compel the European nations to sue to us for an international agreement. The objection to the argument was that while we were squeezing the bear, the bear might, perhaps, take it into his head to squeeze us, and that we would feel the squeeze in all probability much more severely than the bear. But finally, in 1893, we entered into the squeezing business. The bear has been squeezing ever since, but has not yet cried "enough" to our squeezing. It is highly probable that if we continue to squeeze for eight or ten years and go through contracting greenbacks, destroy the rest of the silver we have, and keep up the panicky feeling in Europe as toward silver, that the world will at last become so outraged and indignant that there will be a restoration. So astute and bright a man as Cernuchi predicted such a final result in his little tract entitled Monetary Diplomacy, in 1878. He urged the United States to stop coining silver, and declared that "the United States will have a grand revenge to take on England with the United States coining no more silver. Let them repeal the Bland bill and England will be in consternation."

Ten years ago, Mr. President, these were the arguments which were used in the House of Representatives and were exploited through the press of the United States against any attempt to restore silver; and Mr. Cernuchi's pamphlet, which was at that time very much circulated, added this prediction:

The very day when no particle of silver is longer coined either in Europe or the United States monometallism will fall powerless, and it will be in its own cradle on the banks of the Thames that it will draw its last breath. The transition from monometallism to bimetallism in England will be effected without the slightest difficulty.

THE RESULT OF THE SQUEEZING PROCESS.

Mr. President, we have tried the squeezing process; we rudely cut off silver by the unconditional repeal of the Sherman law. The bear has not cried "Enough!" and I am afraid that on our part it is not a success. It may be that if Europe and if America are continually squeezed and squeezed that some future generation will come which will rise in the fire of revolution, and that under its inspiration silver may be restored. I wish to avert this hard and rigorous process and this fatal consummation. It is by the slow and patient step of reiterated argument, it is by the constant appeal of truth and justice to the unrighteous judge, that right and justice and truth go to their final triumph in this world; and I had rather see that triumph won by peaceful and moderate methods than by forcing the world into a fatal catastrophe.

HOW GREAT BRITAIN AND THE UNITED STATES ARE OPPOSITELY AFFECTED BY THE GOLD STANDARD.

But meanwhile, while we are waiting for Great Britain to cry "Enough!" and for monometallism to die, according to Cernuchi's prophecy, upon the banks of the Thames, it would be well for us to remember that such are the different attitudes of these two great nations that Great Britain can afford to support the gold standard, and that we can not. Great Britain has been, is now, and doubtless will be for years to come, the leading nation in attempting to force the world from a bimetallic to a gold basis. Her object is plain; her object is proclaimed; and her object is threefold: First, to enhance the purchasing power of debts due her as the great creditor nation; second, to enhance the value of gold mines in British possessions and owned by British subjects; and third, to lower the price of the produce and raw material which other nations sell and which she buys and consumes.

For her to succeed in the consummation of her object is to strengthen her autocratic institutions at the expense of popular institutions, to establish her commercial supremacy in all quarters, and to make herself, in short, the primate nation of the world.

She is a great creditor nation and the United States is a great debtor nation. Great Britain has in her colonies large gold mines and few silver mines, and we have large silver mines and gold mines alike. The United States is the largest silver-producing nation in the world. Great Britain does not produce the wheat, the corn, the cotton, or anything of the kind which she consumes. The United States is a large producer of all those articles, and sells much of them in the British market. The issue is, therefore, an international issue between Great Britain, chiefly, upon the one side, and the United States on the other; an issue in which British interests seek to increase the value of British credits at the expense of American debits, to increase the value of British gold mines at the expense of American silver mines, and to decrease the value of American mining and agricultural produce for the benefit of the British consumer.

BRITISH CAPITAL VERSUS AMERICAN LABOR.

The issue, broadly stated and summarized in a sentence, is, British capital against American labor; and I take the American side. For Briton or for American—that is the question; and that question ramifies into all our internal and domestic concerns. Like to like, the wide world over. The creditor sections of the United States draw sympathetically to the side of the British creditor. The sections which produce no silver show a tendency to minimize the subject to a mere mining question. The American capitalists tend to the side of the British capitalists. American bankers who are largely under pressure from British bankers tend to their side. The great cities with congested populations tend also to dear money and cheap produce, because they have proportionately more money, and only manipulate what others produce, instead of being themselves producers of raw materials and provisions. On the other hand, the instinctive intelligence of the country people puts them on the American side as the side of their interest. The instinctive intelligence of the industrial classes in cities as well as in the country puts them also largely on the same side. Thoughtful and reading commercial men see that the ultimate effect of the gold policy is to contract and reduce their business, and to make it tributary to British interests, and many of them tend to the American side.

Scholarly men, just men, everywhere resent the injustice of the gold standard; and lovers of free government see in it the most powerful and subtle enemy of free institutions. Taxpayers nearly everywhere see that it means depressed prices for property and

increased burden of debts and taxes. Wage earners know by sad experience that it depresses industry and curtails the number of employees as well as the wages of those who are employed.

Mr. President, I have thus attempted as best I could in the hours at my command to state plainly what I conceive to be the true bearings of this question. I know that those of us who advocate the money of the Constitution, the money of the fathers, and the money of the plain people face a battlefield which will require men of mettle to stand up to its duties. With a full comprehension of the power of our enemy, knowing that fashion and wealth and caste and office are all against us, I yet, sir, would be untrue to my duty as an American citizen and to my manhood as a man if I did not thus declare the truth as I see it, and pray God to give me the strength to vindicate it. Whatever may betide, I take my place in the ranks of the plain masses of the American people who appreciate their institutions and intend to defend them at whatever cost. [Applause in the galleries.]

Mr. PEFFER. Mr. President, at this late hour, I think if I am not interrupted I shall probably conclude what I have to say in about thirty or forty minutes. I would not have taken part in the discussion of this bill at all had it not been that some things have been said which I think demand my attention. I will come to those things after a short time.

The discussion that has followed the introduction of the bill has taken a very wide range. Silver in all its phases has been discussed ably. Gold monometallism has been treated with considerable ability. Both sides of almost every economic question have been considered. But the only argument which has been presented in opposition to the passage of the bill was that of the Senator from New York [Mr. HILL], which was that it is a Populist measure.

It appears that the time has come in our history when in the American Senate the merits of a measure are to be determined by the politics of the Senator who proposes it. I ask if that is Democracy, if that is Republicanism, that because a Senator who is the equal of all his colleagues introduces a bill trenching upon a particular line of party politics it must be discarded, it must be hounded and beaten and abused and ridiculed without touching the merits of the subject involved?

I assert, Mr. President, that in all of our eventful history no President before the year 1894 ever undertook or proposed to undertake to sell a Government note or a Government bond without express authority of Congress before that time enacted.

I repeat, in all our history, never until 1894 were Government bonds or notes issued or sold without express authority from the legislature for the particular act. Every one of the American colonies, at times when they were without gold or silver coin, prepared, issued, and used paper money. The seven years' war of the Revolution was fought to successful conclusion on paper money; and our new Government began the issue of paper before it was three years old. Bank notes were issued in 1791, and Treasury notes followed quickly after the first bank charter expired in 1811. Treasury notes were issued in 1812, 1813, 1814, and 1815.

The second United States bank was established in 1816, continuing twenty years, to 1836. Treasury notes were issued in 1837, 1838, 1840, 1841, 1842 (two issues), 1843, 1846, 1847, 1857, 1860, and 1861. For every one of these issues there was express authority previously granted.

During our great war there were many issues and sales of bonds and notes of the Government; and afterwards, down to 1877, there were many million dollars' worth of bonds issued and sold, every bond being expressly authorized by law previously enacted.

In 1875 the last grant of authority to issue and sell bonds was given in the resumption act, and that was for a purpose plainly stated in the law, namely, "to enable the Secretary of the Treasury to prepare and provide for the redemption in this act authorized or required."

It was not a measure for the purpose of maintaining specie payments; it was a measure simply to provide funds in order that the resumption of specie payments might be effected. I will not stop to read the law, because it has been repeatedly read in the presence of the Senate.

But even allowing all the force that is given to that act by the friends of the present custom of bond issues, three years later, and before the resumption was to take effect, Congress passed an act positively prohibiting the withdrawal and the cancellation of the Government notes.

The resumption law has been obsolete seventeen years. I say obsolete. I mean by that that it has no force either in law or in fact; that it served its purpose; and that the act of 1878 made its further application absolutely unnecessary. But even, repeating my words, if we give it all the force that is claimed by the friends of the present bond-issuing custom, still it has no effect at this time for the purposes for which bonds are now being issued.

If good for any purpose it is only to maintain a coin fund and we have never lacked in that respect, having all the time had plenty of coin on hand and millions of dollars to spare.

But the President goes back to an older law than that, the act passed in 1862—a law that served its purpose and passed into oblivion long, long ago, and was never recalled until the President of the United States has revived it for the purposes of this Administration. That act was passed for a particular purpose, and that particular purpose was clearly expressed in the language of the law. I will read that act, for I have observed that no Senator has ever yet referred to it in the discussion of this subject, whether upon the present bill or when some other subject was pending.

It is an act of Congress approved on the 17th day of March, 1862, entitled "An act to authorize the purchase of coin, and for other purposes." It is composed of four sections. I read the first section:

> That the Secretary of the Treasury may purchase coin with any of the bonds or notes of the United States, authorized by law, at such rates and upon such terms as he may deem most advantageous to the public interest; and may issue, under such rules and regulations as he may prescribe, certificates of indebtedness, such as are authorized by an act entitled "An act to authorize the Secretary of the Treasury to issue certificates of indebtedness to public creditors," approved March 1, 1862, to such creditors as may desire to receive the same, in discharge of checks drawn by disbursing officers upon sums placed to their credit on the books of the Treasurer, upon requisitions of the proper Departments, as well as in discharge of audited and settled accounts, as provided by said act.

That section is one entire paragraph; it is one entire sentence, and only one. There is a division at the word "interest," the division being marked by a semicolon. I will now read to that semicolon, repeating—

> That the Secretary of the Treasury may purchase coin with any of the bonds or notes of the United States authorized by law, at such rates and upon such terms as he may deem most advantageous to the public interest—

Semicolon. It so happens that that sentence was incorporated into the Revised Statutes of 1874 as a complete paragraph and a complete section. It is known as section 3700. The President of the United States, in contracting through the Secretary of the Treasury with the gold syndicate in the beginning of last year, referred to this particular sentence which I have just read as his authority for making the contract.

Mr. President, I insist that section 3700 of the Revised Statutes has no more force in the connection in which it has been used by the President than would a passage of law authorizing the funding of the national debt; that it has absolutely no connection whatever with the transaction; that it gives no authority for the sale of bonds in 1895. It was not intended for that purpose, but for a wholly different one. It served its purpose in 1862, and has never been of any force from that day to this.

An act was passed March 1, 1862. I read its title: "An act to authorize the Secretary of the Treasury to issue certificates of indebtedness to public creditors."

There is no mistaking the meaning of that act. It is to authorize the Secretary of the Treasury to issue certificates of indebtedness, and it says so.

I turn to the next preceding act, the act of February 25, 1862, and I read its title: "An act to authorize the issue of United States notes, and for the redemption or funding thereof, and for funding the floating debt of the United States."

There can be no mistaking the meaning of that act.

I turn to the next one preceding, which was approved February 12, 1862, entitled "An act to authorize an additional issue of United States notes."

So wherever you go, through all the acts that were passed during that terrible period, you will find that the title in every instance expresses the object for which the act was enacted.

In this case the act of March 17, 1862, provides for the purchase of coin and for other purposes, and in providing for the purchase of coin provision is made as to the manner of purchasing coin, what sort of proceeding shall be had, and it is this:

> With any of the bonds or notes of the United States authorized by law.

Such notes, such bonds as had already been provided by law. They are the notes and they are the bonds, and they alone, that the Secretary was authorized to issue for the purpose of purchasing coin to pay interest on the public debt and other coin obligations, not for a reserve fund, not to maintain specie payments, or to provide for specie payments, or anything of that kind.

Now, coming back again to this particular act, if it were proper that section 1 of the act of March 17, 1862, which I have read, should in 1874 be incorporated in the Revised Statutes for purposes in future, the whole section ought to have been copied.

But it may be said that I am estopped from questioning the propriety of the transaction for the reason that Congress passed upon the compilation and the revision after it had been made. I am willing to concede all of that, but that does not authorize the Secretary of the Treasury or the President of the United States or any other official to violate the plain letter and spirit of the law which they and the law officers of the Government, if they were

consulted, certainly ought to have known was enacted originally for an altogether different purpose, and that it must certainly have been an oversight upon the part of Congress in 1874, for at that time there was no expectation of there being any trouble in the future requiring that bonds would have to be issued for any purpose whatever. The bond-issuing period at that time had been passed and it was presumed then that nothing further along that line would be required.

Mr. HARRIS (at 5 o'clock p. m.). Mr. President——

Mr. PEFFER. I see the Senator from Tennessee is rising.

Mr. HARRIS. I ask the Senator from Kansas if he will be inclined to yield for a motion to adjourn, or if he desires to proceed now?

Mr. HALE. Let us go on for another hour.

Mr. PEFFER. I am entirely willing to leave that matter to the comfort and convenience of Senators, so far as I am personally concerned.

Mr. HARRIS. If the Senator from Kansas leaves it to me, I shall move to adjourn, but I will not do so of course without the consent of the Senator.

Mr. PEFFER. I think it would be better that I should go on and conclude my remarks this evening, if Senators are willing to remain; and if they are not, I shall be left so that I can make the motion to adjourn when I conclude.

The VICE-PRESIDENT. The Senator from Kansas will proceed.

Mr. PEFFER. The point that I make upon this section is that it is utterly valueless for the purposes for which the President of the United States has called it into action. Lest there may be some mistake, I read from the message of the President of February 8, 1895, as follows:

> In the judgment of those especially charged with this responsibility—

The President was speaking at this particular point of the troubles we were experiencing in our financial affairs. He says:

> In the judgment of those especially charged with this responsibility, the business situation is so critical and the legislative situation is so unpromising, with the omission thus far on the part of Congress to beneficially enlarge the powers of the Secretary of the Treasury in the premises, as to enjoin immediate Executive action with the facilities now at hand.

The President plainly intimates between the lines that the authority under which he and the Secretary are acting is of doubtful validity, and nothing but the acquiescence of Congress and of the people of the United States could under any circumstances justify it. Now, he proceeds:

> Therefore, in pursuance of section 3700 of the Revised Statutes, the details of an arrangement have this day been concluded with parties abundantly able to fulfill their undertaking, whereby bonds of the United States, authorized under the act of July 14, 1875, payable in coin thirty years after their date, with interest at the rate of 4 per cent per annum, to the amount of a little less than $62,400,000, are to be issued for the purchase of gold coin amounting to a sum slightly in excess of $65,000,000, to be delivered to the Treasury of the United States, which sum, added to the gold now held in our reserve, will so restore such reserve as to make it amount to something more than $100,000,000.

The President uses section 3700 of the Revised Statutes, which was an act originally passed for the purpose of authorizing the Secretary of the Treasury to purchase coin to pay interest on the public debt, and to pay other little coin demands that were then in force against the Government.

Here is the contract. I shall not stop to read it, but I will have it inserted as a sort of supplement to the message:

> This agreement entered into this 8th day of February, 1895, between the Secretary of the Treasury of the United States, of the first part, and Messrs. August Belmont & Co., of New York, on behalf of Messrs. N. M. Rothschild & Sons, of London, England, and themselves, and Messrs. J. P. Morgan & Co., of New York, on behalf of Messrs. J. S. Morgan & Co., of London, and themselves, parties of the second part.
>
> Witnesseth: Whereas it is provided by the Revised Statutes of the United States (section 3700) that the Secretary of the Treasury may purchase coin with any of the bonds or notes of the United States authorized by law, at such rates and upon such terms as he may deem most advantageous to the public interests; and the Secretary of the Treasury now deems that an emergency exists in which the public interests require that, as hereinafter provided, coin shall be purchased with the bonds of the United States, of the description hereinafter mentioned, authorized to be issued under the act entitled "An act to provide for the resumption of specie payments," approved January 14, 1875, being bonds of the United States described in an act of Congress approved July 14, 1870, entitled "An act to authorize the refunding of the national debt."
>
> Now, therefore, the said parties of the second part hereby agree to sell and deliver to the United States 3,500,000 ounces of standard gold coin of the United States, at the rate of $17.80441 per ounce, payable in United States 4 per cent thirty-year coupon or registered bonds, said bonds to be dated February 1, 1895, and payable at the pleasure of the United States after thirty years from date, issued under the acts of Congress of July 14, 1870, January 20, 1871, and January 14, 1875, bearing interest at the rate of 4 per cent per annum, payable quarterly.
>
> First. Such purchase and sale of gold coin being made on the following conditions:
>
> (1) At least one-half of all coin deliverable hereinunder shall be obtained in and shipped from Europe, but the shipments shall not be required to exceed 300,000 ounces per month, unless the parties of the second part shall consent thereto.
>
> (2) All deliveries shall be made at any of the subtreasuries or at any other legal depository of the United States.
>
> (3) All gold coins delivered shall be received on the basis of 25.8 grains of standard gold per dollar, if within limit of tolerance.
>
> (4) Bonds delivered under this contract are to be delivered free of accrued interest, which is to be assumed and paid by the parties of the second part at the time of their delivery to them.
>
> Second. Should the Secretary of the Treasury desire to offer or sell any bonds of the United States on or before the 1st day of October, 1895, he shall first offer the same to the parties of the second part; but thereafter he shall be free from every such obligation to the parties of the second part.
>
> Third. The Secretary of the Treasury hereby reserves the right, within ten days from the date hereof, in case he shall receive authority from Congress therefor, to substitute any bonds of the United States, bearing 3 per cent interest, of which the principal and interest shall be specifically payable in United States gold coin of the present weight and fineness for the bonds herein alluded to, such 3 per cent bonds to be accepted by the parties of the second part at par, i. e., at $18.60465 per ounce of standard gold.
>
> Fourth. No bonds shall be delivered to the parties of the second part, or either of them, except in payment for coin from time to time received hereunder; whereupon the Secretary of the Treasury of the United States shall and will deliver the bonds as herein provided, at such places as shall be designated by the parties of the second part. Any expense of delivery out of the United States shall be assumed and paid by the parties of the second part.
>
> Fifth. In consideration of the purchase of such coin, the parties of the second part and their associates hereunder assume and will bear all the expense and inevitable loss of bringing gold from Europe hereunder; and, as far as lies in their power, will exert all financial influence and will make all legitimate efforts to protect the Treasury of the United States against the withdrawals of gold pending the complete performance of this contract.
>
> In witness whereof the parties hereto have hereunto set their hands in five parts this 8th day of February, 1895.
>
> J. G. CARLISLE,
> *Secretary of the Treasury.*
>
> AUGUST BELMONT & CO.,
> *On behalf of Messrs. N. M. Rothschild & Sons, London, and Themselves.*
>
> J. P. MORGAN & CO.,
> *On behalf of Messrs. J. S. Morgan & Co., London, and Themselves.*

This bill has been treated by Senators as if it were the first of the kind ever proposed. But that is error. We—and when I use the word "we" I do not use it editorially, but I mean those of us who are charged with the paternity of bills of this kind—have not been derelict in our duty. The Senator from North Carolina [Mr. BUTLER], coming here nearly two years after the bond-trading business began, very properly seized the first opportunity to press the subject on the attention of the Senate, and it is greatly to his credit that he has been able to accomplish so much this soon. I allude to the matter only for the purpose of calling attention to the fact that early, even before the first sale was made, immediately, the next day after the proposition to sell was made, I offered a resolution reciting the facts and asserting as the sense of the Senate that the whole proceeding was in violation of law. The next day I addressed the Senate on the subject. A few days later the Senator from Nebraska [Mr. ALLEN] delivered a forcible argument to show that such issue of bonds is illegal, and we have not lost an opportunity from that time until the present to denounce the whole proceeding as a grievous usurpation of power.

On the 18th of January, 1894, I offered a resolution, which became Miscellaneous Document No. 39, Fifty-third Congress, second session, which reads as follows:

> "Whereas on the 17th day of January, 1894, the Secretary of the Treasury did prepare and publish the following notice:
>
> "TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
> "*Washington, D. C., January 17, 1894.*
>
> "By virtue of the authority contained in the act entitled 'An act to provide for the resumption of specie payments,' approved January 14, 1875, the Secretary of the Treasury hereby offers for public subscription an issue of bonds of the United States to the amount of $50,000,000, in either registered or coupon form, in denominations of $50 and upward, redeemable in coin at the pleasure of the Government after ten years from the date of their issue, and bearing interest, payable quarterly in coin, at the rate of 5 per cent per annum.
>
> "Proposals for the whole or any part of these bonds will be received at the Treasury Department, office of the Secretary, until 12 o'clock noon on the 1st day of February, 1894. Proposals should state the amount of bonds desired, whether registered or coupon, and the premium which the subscriber proposes to pay, the place where it is desired that the bonds shall be delivered, and the office, whether that of the Treasurer of the United States or an assistant treasurer of the United States, where it will be most convenient for the subscriber to deposit the amount of his subscription. Failure to specify the above particulars may cause the proposal to be rejected.
>
> "As soon as practicable after the 1st day of February, 1894, the allotment of bonds will be made to the highest bidders therefor, but no proposal will be considered at a lower price than 117.223, which is the equivalent of a 3 per cent bond at par, and the right to reject any and all proposals is hereby expressly reserved. In case the bids entitled to allotment exceed the bonds to be issued they will be allotted pro rata.
>
> "Notices of the date of delivery of the bonds will be sent to the subscribers to whom allotments are made as soon as practicable, and within ten days from the date of such notice subscriptions must be paid in United States gold coin to the Treasurer or such assistant treasurer of the United States as the subscriber has designated; and if not so paid the proposal may be rejected.
>
> "The bonds will be dated February 1, 1894, and when payment is made therefor as above accrued interest on both principal and premium from February 1, 1894, to date of payment, at the rate of interest realized to the subscriber on his investment, will be added.
>
> "All proposals should be addressed to the Secretary of the Treasury, Washington, D. C., and should be distinctly marked 'Proposals for subscriptions to 5 per cent bonds.'
>
> "J. G. CARLISLE, *Secretary.*

"And whereas there is nothing in said notice to show that there is immediate or prospective need for the sale of bonds to accomplish the object sought by Congress in the enactment of the resumption law of January 14, 1875; and

"Whereas the Secretary of the Treasury has no authority to issue and sell bonds for any other purpose than that set out in said resumption act: Therefore,

"*Resolved by the Senate*, That in the opinion of this body the Secretary of the Treasury has no lawful authority for issuing and selling bonds as proposed in the notice aforesaid."

Some time afterwards I offered a resolution instructing the Committee on Finance to report a bill repealing all laws which authorize the issue and sale of bonds, if there were any such authority. That is known as Miscellaneous Document No. 128, Fifty-third Congress, second session, and reads as follows:

"*Resolved*, That the Committee on Finance be, and it is hereby, instructed to prepare and report as soon as practicable a bill to repeal all laws authorizing or permitting the Secretary of the Treasury to issue bonds or other interest-bearing obligations of the Government, and to prohibit any and all such issues in future without express authority by act of Congress first had and obtained."

Later on I offered a resolution instructing the Committee on the Judiciary to inquire whether there was any lawful authority for the issue and sale of bonds by the Secretary of the Treasury. It is Miscellaneous Document No. 3, Fifty-third Congress, third session, and is as follows:

"*Resolved*, That the Committee on the Judiciary be, and it is hereby, instructed to inquire and report whether the acts of the Secretary of the Treasury in issuing and selling United States bonds in the months of February and December, 1894, were authorized by any act or acts of Congress then in force."

The resolution was referred to the committee, but no report has yet been made by the committee. A similar resolution was referred to the House Committee on the Judiciary with exactly similar result.

On the 4th day of December, 1894, the very day when Congress met, I introduced the bill (S. 2330) to repeal that part of the act of January 14, 1875, commonly known as the resumption act, which authorized the sale of bonds. It provided:

That so much of the act of Congress entitled "An act to provide for the resumption of specie payments," approved January 14, 1875, as provided for the sale of bonds of the United States is hereby repealed.

On December 3, 1895, I introduced a bill to repeal all laws authorizing the issue and sale of bonds:

That so much of the act of Congress entitled "An act to provide for the resumption of specie payments," approved January 14, 1875, as provides for the issue and sale of bonds, section 3700 of the Revised Statutes, and all laws or parts of laws that authorize the sale of bonds of the United States, are hereby repealed.

On the 7th day of January, 1896, I proposed an amendment to House bill 2904, to maintain and protect the coin redemption fund, etc. It provided:

That all laws and parts of laws authorizing the issuance and sale of bonds of the United States are hereby repealed.

So we have not been sleeping on our oars.

Not only have the bonds been illegally issued, but there was no necessity for their issue, because there was an abundance of funds in the Treasury at the time of the sale of the bonds to pay every debt that was due from the United States, whether we paid it in gold or in silver. There was an abundance of coin in the Treasury with which to redeem all the greenbacks which had been offered at that time, so that absolutely and positively no necessity for the issuance of bonds existed, except only to accommodate the speculators and the gold gamblers in New York and London.

In proof of that—it is not a mere idle assertion—I took occasion in a speech, delivered by me January 15th last, to collect the figures from the Treasury. It appears that, beginning in 1879 with $128,000,000, we go on down to 1884, when there was $154,000,000. In 1889 there was $229,000,000; in 1890, $249,000,000, the largest amount in any one year. Then we come down to the last of January, 1895, with $51,000,000. On the last of January, 1894, when the first of the last three issues was made, there was $65,000,000 of gold coin lying in the Treasury.

Statement showing the amount of gold coin (excluding bullion) in the Treasury on the last day of January each year since and including 1879.

Year.	Amount.	Year.	Amount.
1879	$128,792,903	1888	$185,906,571
1880	96,463,601	1889	229,051,535
1881	60,797,508	1890	249,963,167
1882	81,266,312	1891	229,942,686
1883	121,868,452	1892	196,454,175
1884	154,882,129	1893	147,375,054
1885	172,747,344	1894	65,490,319
1886	179,402,994	1895	51,343,230
1887	189,122,038	1896—September 30	80,216,756

I have here a statement showing the amount of net gold in the Treasury at the end of January of each year since 1878. Beginning with 1879, it was $116,000,000; coming on down to the largest amount in any one year, it was $202,000,000 in 1888, and in January, 1894, the amount was $65,650,175. That was when the first issue of the last three issues was proposed and the sale was made. There was then $65,000,000 of gold in the Treasury.

It may seem almost revolutionary, and I have no doubt that if my good friend the Senator from Connecticut [Mr. HAWLEY] were here he would regard it as revolutionary, as infamous, and anarchistic, but I yet insist with all candor, with all earnestness, and with a patriotic devotion which I do not believe any Senator will doubt, that there was no other demand upon the Treasury at the time when the bond issues were made except, and except alone, from the speculators in Wall street, New York, and their confreres in the city of London, on the other side of the Atlantic. I have asserted again and again that the United States Goverment has been forced into partnership with these men, that we are in fact the silent partner. We are expected only to tax the people and raise the money that these men want.

The only need that the Government has for money is to pay its debts. We promised to pay our debts in coin, and I have shown by the figures that we had an abundance of coin to do it.

Here is a tabulated statement showing the net gold in the Treasury on the last day of January in each year, from 1878 down to the time when the compilation was made, showing the gold, and the silver, and the amount of each and the amount of both that was on hand at the time:

Statement showing the amount of net gold in the Treasury at the end of January each year since 1878.

Year.	Amount.	Year.	Amount.
1879	$116,674,227	1888	$202,955,184
1880	143,340,027	1889	194,655,264
1881	148,052,809	1890	177,386,285
1882	159,972,569	1891	141,728,097
1883	125,648,195	1892	119,574,905
1884	144,350,736	1893	108,181,713
1885	125,187,595	1894	65,650,175
1886	136,086,610	1895	44,705,967
1887	168,475,361		

Statement showing amount of silver bullion in the Treasury at the end of January each year since 1878.

Year.	Amount.	Year.	Amount.
1879	$10,347,889	1888	$10,219,546
1880	4,888,036	1889	10,606,677
1881	6,704,197	1890	11,557,760
1882	3,258,926	1891	21,277,979
1883	3,761,958	1892	57,940,646
1884	4,674,453	1893	99,282,961
1885	4,613,582	1894	127,215,171
1886	3,658,783	1895	124,852,679
1887	4,877,039		

Fractional coin in the Treasury.

January 31, 1893	$11,346,523
January 31, 1894	15,932,847
January 31, 1895	15,481,586

Total silver in the Treasury.

1893	$111,629,484
1894	143,148,018
1895	143,334,265

I am frequently asked what are we going to do with individual persons and corporations who have promised to pay their indebtedness in gold, and whose debts are due on the other side of the Atlantic. My answer is that it is none of our business about the contracts of private individuals or corporations. If they have made contracts to pay their debts in gold, it is their business to get the gold. It is not the business of the United States to supply them with gold any more than it is the business of the Government to supply me with flour, or sugar, or coffee, or a pair of shoes when I happen to need them. If these men have promised to pay in gold let them procure their gold just as I would procure wheat and corn—by going out into the open market, where those articles are for sale. The banks have gold to sell. They have it to exchange.

That is one of the legitimate functions of banking, but the Government of the United States ought not to be called upon to furnish gold for these speculators and traders.

A good deal of talk has been indulged in here about revenue. It is insisted that our trouble all comes from the lack of revenue.

But Senators surely know that there is very little gold being collected now in the way of revenues, whether it be from customs duties or from internal taxes; that silver certificates are just as good as gold for the payment of duties on imports. United States notes, although the law provided that they should not be used in the payment of customs duties nor as interest on the public debt, are used for those purposes. They were so used in 1878 by direction of the Secretary of the Treasury, and very properly, I think. All of our paper money is now used in the payment of customs duties and in the payment of internal-revenue taxes, so there is no gold being collected in that way.

Now, we may pile up our money derived from revenues mountain high, and, as the President says, it will not cure our troubles because it is not in gold.

Here is what the President says about it in his message on January 28, 1895:

> It will hardly do to say that a simple increase of revenue will cure our troubles. The apprehension now existing and constantly increasing as to our financial ability does not rest upon a calculation of our revenue. The time has passed when the eyes of investors abroad and our people at home were fixed upon the revenues of the Government. Changed conditions have attracted their attention to the gold of the Government. There need be no fear that we can not pay our current expenses with such money as we have. There is now in the Treasury a comfortable surplus of more than $63,000,000 but it is not in gold, and therefore does not meet our difficulty.

The whole trouble—and the President of the United States is right about it—comes from the demand for gold, and it is not because the people of the United States demand gold—I mean the great body of the people of the country. They are not asking for gold. They care nothing about gold coin. They hardly ever see a gold coin. Probably ninety-nine out of every hundred would be unable to distinguish at first sight between a quarter eagle and a half eagle in gold coin. The demand for gold comes from one class exclusively, and that is the speculative class—the money changers, the bankers, and, it is an ugly term to use, the gold gamblers. I can not think of a better word to use, because it is gambling, the same as gambling on a stock exchange or a race course.

The President in his message of December 20, 1895, and again in the one I have just read from, speaks about the folly of men either in this country or in any other country suspecting or questioning the solvency of the people of the United States. The whole trouble, the President insists, and the Secretary with him, is the lack of gold, and then when we buy gold and get $100,000,000, $50,000,000, and $100,000,000, it goes out almost as fast as it comes in. It was about six months, I think, before all of the gold on account of the next to the last purchase was delivered to the Treasury, and it went out about that fast. We see now the reserve is nearly down to the one-hundred-million-dollar mark, notwithstanding the fact that it was up to $130,000,000 a short time ago. We are pouring the gold in with the sale of bonds, and in a little while we are pouring it out in the laps of the speculators, and so this revolving process goes on.

The object of the pending bill is to stop that kind of work, to tie the hands of the President, if he can not use them in accordance with the law which he has held up his hand and sworn before God faithfully to execute. We—perhaps I had better speak for myself—I denounced it upon this floor as a usurpation of authority for which, if it had been perpetrated in the better and earlier days of the Republic, the guilty one would have been impeached for high crimes and misdemeanors. I heard a democrat Senator say on this floor, "Why do you not impeach him?"

This is not the place to impeach him. At the time the bonds were issued the President was Democratic, the Senate was Democratic, the House of Representatives was Democratic by a large majority, and there is the place to begin impeachment proceedings.

But it is said, and that comes chiefly from this side of the Chamber, from old veteran Republicans, that this bill is opening up the avenue to repudiation, that it means repudiation. I appeal to Senators, especially to Republicans, a class of men with whom many of the best years of my life were spent, and not until the last six or eight years did I feel it to be my duty to separate from them on account of the tendency of that great organization toward the policy we are now pursuing. They charge me, and they charge the rest of us in this Chamber who are Populists, with attempted repudiation. No, Mr. President; the legislature that sent me to this body was composed almost wholly of men who had been Republicans within two years. There were 95 Populists in the house of representatives. Every one of them voted for me. Out of the 95 Populists 83 had been active, earnest Republicans up to and after the year 1883. They and I all voted for Benjamin Harrison. Out of those 83 old Republicans 41 had spent from two and one-half to three of the best years of their lives in the Union Army, in our great struggle to suppress the most tremendous rebellion known in human history. All of my ambition is to serve this great country. There is nothing that I venerate more highly, more intensely than I do the flag of our country. The great body of the Populist party in the Northern and Western States were Republicans only a few years ago, and there are more old Union soldiers in our party to-day in proportion to the aggregate membership than there is in the great organization of Republicans.

I resent that imputation indignantly. It is unworthy of the Senator from Connecticut [Mr. HAWLEY] and the other Senators who have uttered the sentiment upon this floor. I have said, and I do now say, that you men who are insisting upon this policy will drive the people to repudiation in the end. I would stop repudiation; I would stop all dishonor; I would stop all revolution, by taking from the hands of the usurpers the power they are improperly exercising. That is the object of the bill. I have said upon the public platform, in the presence of the people, as I say here in the Senate, that this proceeding is not only without authority of law, but it is one of the most dangerous proceedings, the most dangerous exercise of power that has ever befallen the American people.

But it is utterly impossible, certainly impracticable, to pay our obligations in gold. We have now out bonds running from ten to thirty years amounting to $747,277,300, and notes payable on demand and to be reissued and kept in circulation, to be again redeemed and again issued, and so on interminably, to the amount of $490,347,296, bonds and notes making a total debt of $1,237,624,596, all payable in coin—gold and silver—and our stock on hand is utterly inadequate.

This bonding of the people of the country in order to procure gold and then letting the gold go out again, at the rate of about $100,000,000 a year, will drive the people of this country into revolution. We have not lost the courage of our ancestors, and all this noise that we hear and all this tumult that you see—these quarrels and confusion, this commotion that we see in the political conventions that are being held over the country in regard to the question of silver coinage—there is something still deeper, far deeper than the silver question, that even the silver men themselves have not yet taken hold of. It is the beginning, the rumblings in the distance of a revolution that will shake the throne when the time comes if these usurpations are not stopped.

It has been argued, and I think wisely, that the Secretary of the Treasury is not only authorized to redeem all the outstanding notes, but the bonds as well—in silver as well as in gold. When the House of Representatives a year or more ago called the Secretary before the Committee on Appropriations the Secretary was asked this question: What objection could there be to having the option of redeeming either in silver or gold lie with the Treasury instead of the note holder?

The answer was this:

> Secretary CARLISLE. If that policy had been adopted at the beginning of resumption—and I am not saying this for the purpose of criticising the action of any of my predecessors, or anybody else—but if the policy of reserving to the Government, at the beginning of resumption, the option of redeeming in gold or silver all its paper presented, I believe it would have worked beneficially, and there would have been no trouble growing out of it, but the Secretaries of the Treasury from the beginning of resumption have pursued a policy of redeeming in gold or silver, at the option of the holder of the paper, and if any Secretary had afterwards attempted to change that policy and force silver upon a man who wanted gold, or gold upon a man who wanted silver, and especially if he had made that attempt at such a critical period as we have had in the last two years, my judgment is it would have been very disastrous. There is a vast difference between establishing a policy at the beginning and reversing a policy after it has been long established, and especially after the situation has been changed.

That means it would have been very proper in the beginning—just as Populists have been asking all the time since they have been organized—that the notes should be redeemed with silver whenever it was more convenient to the Treasury, more convenient to the Government, and not with gold. But the Secretary says inasmuch as a bad or unwise policy was begun, that therefore it must be continued. The Populist wants to stop this policy, the Populist wants to go back to correct principles, to go back where we began, to take up the thread where we dropped it, and regain our lost privilege.

Mr. President, I quote again some matter which I incorporated in the speech referred to a while ago. It shows what our people are thinking all the time—that coin for redemption purposes means the coin of the contract. I procured from the Register of the Treasury, J. F. Tillman, a copy of the reading matter on the face of the bonds that are now being issued. Here is his letter and certificate for a one-thousand-dollar bond:

> TREASURY DEPARTMENT, OFFICE OF THE REGISTER,
> *Washington, D. C., January 4, 1896.*
>
> SIR: Your letter of the 27th of December, 1895, addressed to the Treasurer of the United States, having been referred to this office by the honorable Secretary of the Treasury, I have the honor, in compliance with your request, of transmitting herewith "a certified copy of the reading matter appearing on the face and on the back of a United States bond issued under provisions of the refunding act of 1870."

You will observe I have copied the text of a $1,000 bond. The only difference to be found between this text and that of other denominations of the same loan, lies in a change of the wording relative to the denomination of the bond. That is to say, on a $100 bond the words "one hundred dollars" would appear wherever the words "one thousand dollars" appear in the copy submitted.

Respectfully, yours, J. F. TILLMAN, *Register.*

Hon. W. A. PEFFER,
United States Senate.

[FACE OF BOND.]

1877 1907 M

FOUR PER CENT CONSOLS

OF THE UNITED STATES.

PICTURE OF LINCOLN. PICTURE OF UNITED STATES TREASURY.

Principal and interest payable in coin ONE M THOUSAND At the Treasury of the United States.

Washington, July 1st, 1877.

THE UNITED STATES OF AMERICA

(.....) (.....)

Are indebted to.....or assigns

In the sum of

ONE THOUSAND DOLLARS.

This bond is issued in accordance with the provisions of an act of Congress entitled "An act to authorize the refunding of the national debt, approved July 14, 1870," amended by an act approved January 20, 1871, and is redeemable at the pleasure of the United States, after the first day of July, A. D. 1907, in coin of the standard value of the United States, on said July 14, 1870, with interest, in such coin, from the day of the date hereof, at the rate of four per centum per annum, payable quarterly, on the first day of October, January, April, and July in each year. The principal and interest are exempt from the payment of all taxes or duties of the United States, as well as from taxation in any form, by or under State, municipal, or local authority.

Date of issue.....

Transferable on the books of this office.

Seal of Treas'y Dept.

Entered.....Recorded.....

Register of the Treasury.

Mr. President, in addition to quoting the matter appearing upon the face of the bond, I have matter which recites the history of proceedings interpreting the meaning of the word "coin," which occurred in the Senate and House of Representatives in 1878.

It seems strange that there can be now, or that there ever should have been, any question on this point. But because there seems to be now some doubt about it, I have dwelt upon the subject more at length than it would otherwise warrant. And I have not done with it. There is some official interpretation of the language and some authoritative construction of the law relating to the subject.

The present senior Senator from Ohio [Mr. SHERMAN], when he was Secretary of the Treasury, raised the point, and asked the opinion of the Attorney-General of the United States as to whether the coinage act of 1873 in any way affected the terms of our contract to pay the bonds in coin. I read his letter:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., April 21, 1877.

SIR: I beg leave to call your attention to, and ask your opinion upon, the following questions growing out of the refunding act of July 14, 1870, to wit: Can I stipulate in the body of the 4 per cent bonds about to be issued that they shall be redeemable in coin of the present standard value—that is, the standard value at the date of their issue, or must it be the date of the law?

I submit a statement, prepared by the Hon. H. M. French, Assistant Secretary, having reference to the laws.

It may become important to the public interests to make the new bonds payable in coin of the present standard—that is, gold coin. Some doubts have been expressed upon whether previous bonds issued under acts passed prior to 1873 are not legally payable in silver coin. This question may become important, as any doubt upon the legal terms of a public security affects its value.

Very respectfully, JOHN SHERMAN, *Secretary.*

Hon. CHARLES DEVENS,
Attorney-General.

In answer, the Attorney-General wrote this letter:

DEPARTMENT OF JUSTICE, *Washington, April 26, 1877.*

SIR: In answer to your letter of the 21st instant requesting my opinion upon the following question growing out of the refunding act of July 14, 1870, to wit, "Can I stipulate in the body of the 4 per cent bonds about to be issued that they shall be redeemable in coin of the present value, that is, the standard value at the date of their issue, or must it be the date of the law?" I have the honor to reply:

The act provides for the issue of bonds "redeemable in coin of the present standard value." The word "present" undoubtedly refers as a matter of date to the time when the act was passed, and not to the time when the bonds were thereafter issued. It contemplated that a long period would elapse before it would finally be carried into effect, and that changes in the coinage of the country might occur during that period.

Whatever changes in the coinage should occur, these bonds were, however, to be redeemed in coin of the standard value as it existed at the date of the act. By this provision the holder was guarded against any depreciation that might take place in the value of the coin, and the Government would not be compelled to pay the additional value should the coinage be appreciated. All the bonds issued under the act were to stand alike, no matter what was the date when such bonds were issued. Each was to be redeemable in coin which was included in the authorized coinage of the country at the date referred to, it being of the standard value as it then existed. Since the law was passed no change has taken place in the standard value of the coin. It is understood that there has been a certain change in the coinage of the country, and that silver dollars have now ceased to exist practically as coin.

It has been further provided by the statute of February 12, 1873 (Revised Statutes, sections 3585, 3586), that "the silver coins of the United States shall be a legal tender at their nominal value for any amount not exceeding $5 in any one payment."

Notwithstanding this practical change in the coinage of the country and the passage of this act in regard to legal tenders, the form of bond to be issued by you should not be changed so far as the mode in which it is to be redeemed is concerned. It was not intended that this should be varied according to the changes which might be made in the coinage, because a definite rule was given by reference to the coin of a particular date. That which will pay the bonds heretofore issued under this act will pay the bonds which you may hereafter issue.

It can not be authoritatively said that the words "payable in coin" or "payable in gold" are equivalent to the words used by the statute. Even if this leaves open for discussion the question whether bonds issued under this act are or are not redeemable in silver coin of the character and standard which existed July 14, 1870, it is not a doubt which it is in your power to remedy by the use of words in the bond other than those which this statute provides.

While I comprehend the difficulty suggested in your letter and the convenience that there might be in removing any question upon this matter, I am, therefore, of opinion that it would not be safe to issue the bonds except as redeemable in coin of the standard value of July 14, 1870.

Very respectfully, your obedient servant,

CHAS. DEVENS, *Attorney-General.*

Hon. JOHN SHERMAN,
Secretary of the Treasury.

This correspondence took place during April, 1877. Mr. Secretary Sherman, seeing that the law officer of the Government construed coin the same as it had always been construed in the United States, and desiring to make the bonds more salable by making them a more desirable investment for men who make a business of lending money in large amounts, asked Congress to authorize him to make the bonds redeemable in gold coin. The request is in the form of a recommendation in his report under date December 3, 1877, in these words:

If, therefore, the public interests demand the issue of silver dollars—a subject hereafter discussed—it is respectfully submitted to Congress that an express exception be made requiring that gold coin alone shall be paid for principal or interest on bonds issued to public creditors since February 12, 1873, the amount of which is $502,990,700. These bonds have entered into the markets of the world. If the market value of the silver in the new coin is less than the gold dollar, a forced payment in the new coin is a repudiation of a part of this debt.

The point that was suggested by the then Secretary of the Treasury, Mr. Sherman, was that in case at the time the bonds were to be paid the amount of silver in the silver dollar should be of less value than its coin value, and creditors were forced to take it, it would be to that extent the repudiation of the debt.

Congress did not act on this recommendation. One would suppose this fact to be notice, if any were necessary, to the officials of the United States that Congress did not agree with the Secretary in his interpretation of the case, whether upon the law or the facts. Congress did not see that either the law or the equities required any readjustment. Congress knew, as all men knew, that the bondholders had taken very good care of themselves already, and had in 1870 provided for full, and more than full, payment by the passage of the provision for payment in coin of either metal.

Quoting from page 260 of Senator JONES's admirable speech of 1893—

People who buy bonds do not buy them from altruistic motives. They buy them for their own profit and advantage. They buy bonds of the United States as they buy all bonds, only after careful scrutiny of the terms on the face of the bonds, and of the laws by authority of which these bonds have been issued.

And I have read the words printed on the face of the bonds.

They look sharply to the figures which show the dates of payment of principal and interest, but above all, and rising beyond all other considerations, they look to the medium, or, as they term it, the standard in which the payment is, by the terms of the bond, to be made.

To suppose that such a feature is neglected would be to suppose that public creditors, the keenest of men, had lost their cunning. Every bond ever issued has, in plain terms, stated on its face the authority for its existence. It contains a clear citation of the law or laws which constitute the reason for its being. These laws are open to public inspection. No class of persons better than public creditors so well understand the limitations which the laws of all civilized nations place upon the functions of executive officers with respect to issuing bonds or incurring debts or obligations on behalf of their country. They know that the duties of those officers in connection with loans are specified in the laws by which the loans are authorized to be effected. Hence these loans are examined as with a mental microscope to see that no doubt exists as to the authority of the officer who executes the securities, and as to all other particulars concerning payment of the obligation. If they did not observe on the bond the plain printed statement that it was payable in the standard coin of the United States of July 14, 1870, they must have been blind indeed.

I have never heard a denial by anyone having knowledge of the legislation under which the bonds were issued that it is the legal right of the United States to pay those bonds in either gold or silver coin. It is said that at the time of the negotiation of the bonds silver money was out of use in this country. The sufficient answer to that is that gold was equally out of use. It is said that the bonds were sold to citizens or subjects of countries in which silver was not recognized as money. This was certainly not true of Germany, in which country early and considerable sales were made.

Germany was on the silver standard until December, 1871, and had considerable silver in its coin for a long time after that. Besides, our bonds were not, either by their terms or by implication, payable in foreign countries or in the money of those countries. They were payable within the United States, and it was distinctly affirmed on their face that they were payable in dollars of the United States.

While Congress took no action on the recommendation of Mr. Secretary Sherman, it did take action of its own motion. In order to place the matter beyond possibility of doubt or peradventure, this whole question as to whether the bonds of the United States were lawfully payable in either gold or silver, at the option of the United States, was thoroughly discussed by the representatives of the people in both Houses of Congress in 1878, prior to the passage of the silver-purchase law of that year. On the 16th of January, 1878, the Hon. Stanley Matthews, then a Senator from the State of Ohio, in view of the claims of the bondholders and their representatives in Congress that the bonds were legally payable in gold alone, submitted to the Senate a concurrent resolution designed to call forth the views of the members of the House and Senate nine years after the passage of the act of March 18, 1869. That was time enough for second thought. The preamble of the resolution recites the condition of existing laws relating to the payment of United States bonds. I read it just as it was presented:

Whereas by an act entitled "An act to strengthen the public credit," approved March 18, 1869, it was provided and declared that the faith of the United States was thereby solemnly pledged to the payment in coin or its equivalent of all the interest-bearing obligations or the United States, except in cases where the law authorizing the issue of such obligations had previously provided that the same might be paid in lawful money or other currency than gold or silver; and

Whereas all the bonds of the United States authorized to be issued by the act entitled "An act to authorize the refunding of the national debt," approved July 14, 1870, by the terms of said act were declared to be redeemable in coin of the then present standard value, bearing interest payable semi-annually in such coin; and

Whereas all bonds of the United States authorized to be issued under an act entitled "An act to provide for the resumption of specie payments," approved January 14, 1875, are required to be of the description of bonds of the United States described in the said act of Congress approved July 14, 1870, entitled "An act to authorize the refunding of the national debt"; and

Whereas at the date of the passage of the said act of Congress last aforesaid, to wit, the 14th day of July, 1870, the coin of the United States of standard value of that date included silver dollars of the weight of 412½ grains each, declared by the act approved January 18, 1837, entitled "An act supplementary to the act entitled 'An act establishing a mint and regulating the coins of the United States,'" to be a legal tender of payment, according to their nominal value, for any sums whatever: Therefore,

Be it resolved by the Senate (the House of Representatives concurring therein), That all the bonds of the United States issued or authorized to be issued under the said acts of Congress hereinbefore recited are payable, principal and interest, at the option of the Government of the United States, in silver dollars of the coinage of the United States, containing 412½ grains each of standard silver; and that to restore to its coinage such silver coins as a legal tender in payment of said bonds, principal and interest, is not in violation of the public faith nor in derogation of the rights of the public creditor.

An effort was made by Senator Edmunds, of Vermont, to have the resolution modified in favor of gold payments when demanded by the creditor, but the amendment was voted down—yeas 18, nays 48—and the resolution passed the Senate by a large majority. It was at once sent to the House, where in like manner similar amendments were defeated, and the original resolution passed by 189 yeas to 79 nays.

Mr. President, in the face of the situation that now confronts us, in face of the fact that the President himself is not clear about his authority to issue bonds and avails himself of every opportunity to cast the responsibility upon Congress, where it properly belongs; in view of the fact that the gold which is purchased with the bonds of the people is going out of the Treasury just about as fast as it is coming in; in view of the fact that the people of the entire country from Maine to Washington and from Minnesota to Florida are exercised as they never were before upon this great question, I ask who, in the face of this condition of things, can oppose the passage of this bill, which proposes to take away from the Executive one of the highest and most important prerogatives of the legislative department of the Government? I ask Republicans, they who revere the memory of Lincoln, Seward, and Chase, are they willing to turn over to an executive officer of the Government the power to sell bonds ad infinitum, and to tax the people for their payment in the years to come, when most of us will be gone to our reward and our children will have these debts to pay?

I regard this proceeding, Mr. President, as not only dangerous, but as the stepping stone to monarchy, authorizing the President of the United States to exercise one of the supreme powers granted by the people to Congress, and to Congress only. I ask Democrats who revere the name of Jefferson and Jackson, how they can face the people if they vote against this bill, and how they can explain their conduct?

Mr. President, I now come to the only argument which has yet been made against this bill, that is, that it is a Populist measure, and I want to detain the Senate a few minutes while I talk to them about this Populist party, how it came into existence, what its creed is, and what it proposes to do.

Mr. MITCHELL of Oregon. Would not the Senator just as soon do that to-morrow morning? It is getting a little late.

Mr. PEFFER. I shall leave it entirely to the convenience of the Senate.

Mr. MITCHELL of Oregon. I should like to transact a little business before we adjourn.

Mr. PEFFER. I am sure what I have to say will not occupy more than fifteen minutes, if I am not interrupted.

Mr. CULLOM. Does the Senator want to go on now or in the morning?

Mr. PEFFER. I had rather finish now; and, as I have already suggested, if Senators do not remain, I shall be here to move to adjourn. [Laughter.]

Mr. President, about twenty years ago the Southern farmers—the cotton farmers—were in trouble by reason of exorbitant charges which were made by merchants for supplies furnished on credit to them, and by reason of the exorbitant charges of warehousemen for storing cotton, and by reason of high rates of interest for the use of borrowed money. They organized themselves into what they called the Farmers' Alliance. That was in Texas, in 1875. Their object was to relieve themselves from those extortions, and they proposed to effect this reform through the establishment of public warehouses in which they could store their cotton, and use the warehouse certificates as local currency for 80 per cent of the market value of the cotton deposited, the currency to be canceled and destroyed when surrendered and the cotton removed. This was the origin of the "subtreasury" plan.

The Alliance spread through all the Southern States, and finally came northward, reached Kansas, Nebraska, and Colorado, and grew to a tremendous membership of about four million in 1890.

In 1889, at the city of St. Louis, they met in a delegate assembly. Delegates were present from the Knights of Labor, from the Farmers' Mutual Benefit Association, and from the Grange or Patrons of Husbandry. They adopted a declaration of principles, taking to themselves the name of the Farmers' Alliance and Industrial Union.

The next year at Ocala, in Florida, they met and adopted the following platform, which I shall read:

ORIGINAL OCALA PLATFORM, 1890.

1. (*a*) We demand the abolition of national banks.

(*b*) We demand that the Government shall establish subtreasuries in the several States, which shall issue money direct to the people at a low rate of tax, not to exceed 2 per cent per annum, on nonperishable farm products, and also upon real estate, with proper limitations upon the quantity of land and amount of money.

(*c*) We demand that the amount of the circulating medium be speedily increased to not less than $50 per capita.

2. We demand that Congress shall pass such laws as will effectually prevent the dealing in futures of all agricultural and mechanical productions; providing a stringent system of procedure in trials that will secure prompt conviction, and imposing such penalties as shall secure the most perfect compliance with the law.

3. We condemn the silver bill recently passed by Congress, and demand in lieu thereof the free and unlimited coinage of silver.

4. We demand the passage of laws prohibiting alien ownership of land, and that Congress take prompt action to devise some plan to obtain all lands now owned by aliens and foreign syndicates; and that all lands now held by railroads and other corporations in excess of such as is actually used and needed by them be reclaimed by the Government and held by actual settlers only.

5. Believing in the doctrine of equal rights to all and special privileges to none, we demand—

(*a*) That our national legislation shall be so framed in the future as not to build up one industry at the expense of another.

(*b*) We further demand a removal of the existing heavy tariff tax from the necessities of life that the poor of our land must have.

(*c*) We further demand a just and equitable system of graduated tax on incomes.

(*d*) We believe that the money of the country should be kept as much as possible in the hands of the people, and hence we demand that all national and State revenues shall be limited to the necessary expenses of the Government economically and honestly administered.

6. We demand the most rigid, honest, and just State and national governmental control and supervision of the means of public communication and transportation, and if this control and supervision does not remove the abuse now existing, we demand the Government ownership of such means of communication and transportation.

7. We demand that the Congress of the United States submit an amendment to the Constitution providing for the election of United States Senators by direct vote of the people of each State.

Mr. President, that is the much-talked-of Ocala platform adopted by the Farmers' Alliance and Industrial Union at Ocala. It was adopted, I think, in December, 1890.

The next spring, in May, a conference of the labor organizations of the country was held at Cincinnati. I had the honor of presiding over that assembly. There were between 1,400 and 1,500 delegates from 26 States of the Union. After a free and full conference, as we say here in our conference committee reports, they agreed that the time had come when it was proper that the reform forces of the country should be organized into the People's Party of the United States. That conference appointed a committee to meet at St. Louis in February, the 22d day of that month,

in the next year, 1892. The conference met on that day and organized themselves, as they were authorized to do by the resolutions adopted at Cincinnati. They appointed a time for holding a national convention.

The national convention was to be held July 4, at Omaha, Nebr., and it was held. At that convention a platform was adopted which slightly modifies the Ocala platform. There was a very long preamble—a sort of stump speech—as is usual on such occasions, which I shall not read:

THE OMAHA PLATFORM.

First. We declare the union of the labor forces of the United States, this day accomplished, permanent and perpetual. May its spirit enter into all hearts for the salvation of the Republic and the uplifting of mankind.

Second. Wealth belongs to him who creates it. Every dollar taken from industry without an equivalent is robbery. "If any will not work, neither shall he eat." The interests of rural and urban labor are the same; their enemies are identical.

Third. We believe that the time has come when the railroad corporations will either own the people or the people must own the railroads. And should the Government enter upon the work of owning and managing any or all railroads, we should favor an amendment to the Constitution by which all persons engaged in the Government service shall be placed under a civil-service regulation of the most rigid character, so as to prevent the increase of the power of the National Administration by the use of such additional Government employees.

Mr. HAWLEY. The Senator will excuse me, but he is skipping some very important points, I think.

Mr. PEFFER. No, I am not. I want to keep it all together, and when I get through I will answer any questions the Senator may wish to ask.

Mr. HAWLEY. I should like to have it all read.

Mr. PEFFER. The platform continues:

Fourth. We demand a national currency, safe, sound, and flexible, issued by the General Government only, a full legal tender for all debts, public and private, and that without the use of banking corporations, a just, equitable, and efficient means of distribution direct to the people at a tax not to exceed 2 per cent—

The word "tax" was used in place of the word "interest"—

as set forth in the subtreasury plan of the Farmers' Alliance, or some better system. Also by payments in discharge of its obligations for public improvements.

Fifth. We demand that postal savings banks be established by the Government for the safe deposit of the earnings of the people and to facilitate exchange.

Sixth. We demand that the amount of circulating medium be speedily increased to not less than $50 per capita.

Seventh. We demand the free and unlimited coinage of silver and gold at the present legal ratio of 16 to 1.

Eighth. We believe that the money of the country should be kept as much as possible in the hands of the people, and hence we demand all national and State revenues shall be limited to the necessary expenses of the Government, economically and honestly administered.

Ninth. We demand a graduated income tax.

Tenth. The land, including all the natural resources of wealth, is the heritage of all the people, and should not be monopolized for speculative purposes, and alien ownership of land should be prohibited. All lands now held by railroads and other corporations in excess of their actual needs, and all lands now owned by aliens should be reclaimed by the Government and held for actual settlers only.

Eleventh. Transportation being a means of exchange and a public necessity, the Government should own and operate the railroads in the interest of the people.

Twelfth. The telegraph and telephone, like the post-office system, being a a necessity for the transmission of news, should be owned and operated by the Government in the interest of the people.

Then follow a series of resolutions.

Now, if the Senator from Connecticut has anything to suggest about an omission, I will hear him.

Mr. HAWLEY. I do not know the platform from which the Senator has been reading, but it seemed to me as if he omitted some of the parts and did not read them in order. Is it the Nebraska platform from which he has been reading?

Mr. PEFFER. I have been reading from the platform as it was printed at the time of the proceedings. I have saved it and have had it pasted in this little book for a number of years.

Mr. HAWLEY. Is it the Omaha platform?

Mr. PEFFER. Yes; the Omaha platform. I observe there are quite a number of versions, as there are of the Old Testament. There are different versions of it, but they are substantially the same, I will say.

I will not stop to comment, for I shall not have the time, further than to say that the money that the People's Party demand is gold, silver, and paper. Populists believe in the unlimited and free coinage of both the metals, and if there is not enough of coin money in the country, supplement it with paper money. The difference between the Populists and the Democrats and the Republicans is this: That we do not believe in bank notes; we do not believe in private notes of any kind to circulate as money; we do not believe in the Government of the United States or the Congress of the United States delegating its authority "to coin money and to regulate the value thereof" to any class of people under heaven. We believe it is a function of government, and a sovereign function, to prepare and to issue its own money—its own gold money, its own silver money, its own paper money—and then we have good money all the time.

The question of redemption in gold comes up and we talk about it frequently. The redemption idea is the product of a bad system; that is, the system of banks issuing paper money. The bank is a private corporation and its paper represents a private debt—the Bank of Johnstown will pay the bearer $10, the Bank of Smithville will pay to bearer $1, and so on—and the law says, correctly, that there should be some safety, something back of, something that the people have confidence in behind these notes, and hence they were to be redeemed in coin.

But now when the Government comes to issue its own paper, what sort of sense, I ask, Mr. President, is there in requiring any redemption fund at all? Our Republican friends and our Democratic friends both say that we want money of which the different kinds of dollars shall be exactly equal, each dollar as good as every other dollar. If that be true, what in the name of common sense do you want any redemption for? Will you redeem a gold dollar with a silver dollar? Will you redeem a silver dollar with a gold dollar? And if paper money is as good as gold, why redeem it in gold?

There is where we differ in respect to the redemption matter, and it is a vital difference, I say to Senators. As long as we have national-bank notes we want them redeemed in money that the people have faith in. They have no faith in the private note of the banks, because they have been robbed time and time again by bank notes, and that is the reason why this idea of redemption has come. What do you want with the redemption of greenbacks? That is what is giving us all of our trouble now, although if the Secretary would redeem in silver, as he is authorized to do, and as he ought to do, we would have no trouble, because we would have an abundance always on hand to redeem the notes. Nobody would want them redeemed. Any man would rather have a five-dollar bill than five silver dollars in his pocket, and particularly would he rather have a ten-dollar Government note than ten dollars of silver in his pocket. It is for no other purpose under heaven that this redemption business is now going on at such a rapid rate than to serve the personal purposes of speculators and gamblers in gold.

Populists want no reserve fund to redeem their money—no redemption fund for the benefit of stockbrokers and banking syndicates. We believe Government paper is a safer money than metal of any kind. We want Government paper, not bank notes; we want money that is as good as the nation's credit—money that needs no redeemer; money as good in the hands of the poor as in the tills of the rich; money worth its face in the products of labor; money that will not slink away when trouble comes; money that speculators can not corner; money that will pay debts and taxes; money based on the people's property and the public credit; money that the Government will receive at par; money that will be good as long as the Republic endures.

Mr. President, the growth of the Populist party has been phenomenal. The New York World, which publishes an annual almanac containing a vast amount of useful statistical information, a few months ago published the following editorial showing the rapid growth of this new party:

GROWTH OF POPULISM.

As the strength of the Populists is chiefly in the West and South, it is not to be wondered at that so little attention has been paid to their movements in those parts of the country exempt from their influence.

In 1892 they cast a total of 1,041,028 votes for their Presidential candidate, Weaver, out of a total of 12,110,636 for all candidates. If they had given no evidence of growth in the meanwhile they would not cut much of a figure in the calculations of the present year. But a remarkable feature of the elections of 1894 was the great increase in the Populist vote which accompanied the overturning the Democratic candidates. In the leading States in which a Populist organization was in the field in 1892 and in 1894 the following table shows their gains:

State.	1892.	1894.	State.	1892.	1894.
Arkansas	11,831	24,541	Missouri	41,213	42,463
California	25,325	51,304	Montana	7,794	15,240
Illinois	22,207	59,706	Ohio	14,850	52,675
Indiana	22,208	29,388	Oregon	26,965	26,033
Iowa	20,595	32,118	Tennessee	23,447	23,002
Kentucky	23,500	16,911	Texas	99,698	159,224
Michigan	19,892	30,012	Washington	19,165	25,140
Minnesota	20,315	87,931	Wisconsin	9,909	25,604

These results were on straight tickets. In addition, the Populists in a fusion with the Democrats increased in Colorado from 53,584 to 82,111. In Georgia, where they cast 42,937 votes in 1892, a Republican fusion gave them 96,888 in 1894. In Kansas a Democrat fusion gave them 163,111 votes for President in 1892, and separately they cast 118,327 in 1894. In Nebraska a straight vote of 83,132 for Weaver in 1892 was increased by Democratic fusion to 97,815 in 1894.

In North Carolina a fusion with the Republicans on chief justice in 1894 increased their vote from 44,736 (in 1892) to 148,344, or more than the total Republican and Populist vote of 1892. In Virginia a similar fusion increased the vote from 12,276 to 81,239.

In Alabama the fusion vote of 85,182 in 1892 only fell off on a straight vote in 1894 to 83,283. In Mississippi the vote was substantially unchanged. In North Dakota a fusion vote of 17,700 in 1892 was reduced to a straight vote of 9,354 in 1894.

It must be borne in mind that the vote in the off year is uniformly less than in a Presidential year.

If the Populist vote increased so largely from 1892 to 1894, it becomes an interesting question to know whether it has gone on increasing? It will undoubtedly be a factor in the results of next November, especially if there should be a fusion with the free-silver bolters from one or both of the old parties.

Now, Mr. President, I have detained the Senate long enough, and I will conclude by reading a selection, not from the Psalms, but from an article that I prepared some two years ago for the North American Review. I think it appeared in the December number of 1893 or 1894, and it concluded in these words, and perhaps Senators who listen will get as much Populism in these words as they will get anywhere else in the same number:

The Populist party is an organized demand that the functions of government shall be exercised only for the mutual benefit of all the people. It asserts that government is useful only to the extent that it serves to advance the common weal. Believing that the public good is paramount to private interests, it protests against the delegation of sovereign powers to private agencies. Its motto is: "Equal rights to all; special privileges to none." Its creed is written in a single line of the Declaration of Independence—"All men are created equal."

Devoted to the objects for which the Constitution of the United States was adopted, it proposes to "form a more perfect union" by cultivating a national sentiment among the people; to "insure domestic tranquility" by securing to every man and woman what they earn; to "establish justice" by procuring an equitable distribution of the products and profits of labor; to "provide for the common defense" by interesting every citizen in the ownership of his home; to "promote the general welfare" by abolishing class legislation and limiting the Government to its proper functions; and to "secure the blessings of liberty to ourselves and our posterity" by protecting the producing masses against the spoliation of speculators and usurers.

The Populist claims that the mission of his party is to emancipate labor. He believes that men are not only created equal, but that they are equally entitled to the use of natural resources in procuring means of subsistence and comfort. He believes that an equitable distribution of the products and profits of labor is essential to the highest form of civilization; that taxation should only be for public purposes, and that all moneys raised by taxes should go into the public Treasury; that public needs should be supplied by public agencies, and that the people should be served equally and alike.

The party believes in popular government. Its demands may be summarized fairly to be—

1. An exclusively national currency in amount amply sufficient for all the uses for which money is needed by the people, to consist of gold and silver coined on equal terms, and Government paper, each and all legal tender in payment of debts of whatever nature or amount, receivable for taxes and all public dues.

2. That rates of interest for the use of money be reduced to the level of average net profits in productive industries.

3. That the means of public transportation be brought under public control, to the end that carriage shall not cost more than it is reasonably worth and that charges may be made uniform.

4. That large private landholdings be discouraged by law.

Populists complain of legislation in the interest of favored classes. At the very time when the homestead law was passed a scheme was hatching to absorb the public lands by railway corporations. Scarcely had the great war begun when a plan was laid to establish a system of national banking based on the people's debts; and while customs duties were raised to increase the public revenues, cheap foreign labor was brought in under contract to man the factories. Banks have been specially favored. When it was to their interest to withdraw their notes it was done with impunity. They have been permitted to openly violate the law which authorized their existence, and this without rebuke. The United States Senate shields them from exposure. When the Treasury was flush public moneys were lavishly left with the banks to use without interest, and when the great banks in New York City needed funds to relieve the stringency in the "money market" there they had only to ask and they received. And now that the Treasury is running short in gold reserves, there is a demand for more bonds to purchase more gold to be used in redeeming Treasury notes which the law requires to be redeemed in silver, thus again reducing the reserves, making another bond issue necessary to procure more gold; and so on, as the "money market" may require. These "Napoleons of finance" are playing a bold game.

* * * * * * *

Rapid accumulation of wealth by a few citizens, as we have seen it in the United States during the last thirty years, is evidence of morbidly abnormal conditions. It is inconsistent with free institutions. It is breeding anarchy and trouble. No man can honestly take to himself what he does not earn; and if he does no more than that riches will come to him slowly. It is only when he gets what he does not earn that his "success" attracts attention. Fortunes running into millions of dollars must be made up of property and profits mostly produced and earned by persons other than those who claim them.

No man ever earned a million dollars. If he was moved to great undertakings, nature's God inspired him. And if in the play of his ambition he marshaled effective forces his equipment cost him little. To a great mind success is compensation. The value of its labor can not be measured with money. A strong man's intellect moves as easily as a blacksmith's arm. Both are gifts.

The best men are content with little. Vast enterprises which move the world are maintained by contributions from the labor of the poor. Leaders do but organize and direct; the rank and file do all the rest. Apply the "iron law of wages" equally to all that work and you scale down the salaries of many useless people. If the Republic is to endure we must encourage the average man.

That is all, Mr. President.

Mr. BROWN. Mr. President, I merely wish to take the floor on the subject of the pending bill. I will proceed with my remarks to-morrow. I will now yield to Senators who have other business to transact.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 7664) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes; further insisted upon its disagreement to the amendments of the Senate numbered 2, 3, 4, 6, 7, 8, 10, 13, 15, 16, 17, 23, 24, 25, 28, 32, 61, 91, 92, 93, 94, 96, 97, 109, 111, 112, 122, 123, 124, 125, 126, 127, 128, 139, 140, 141, 146, 147, and 161 to the bill; agrees to the further conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CANNON, Mr. HAINER of Nebraska, and Mr. SAYERS managers at the conference on the part of the House.

The message also announced that the House insisted upon its amendments to the bill (S. 2928) to extend the routes of the Eckington and Soldiers' Home Railway Company and of the Belt Railway Company of the District of Columbia, and for other purposes; agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BABCOCK, Mr. RICHARDSON, and Mr. CURTIS of Iowa managers at the conference on the part of the House.

The message further announced that the House had passed a concurrent resolution authorizing the Committee on Enrolled Bills of the two Houses to correct the enrolled bill (H. R. 5731) entitled "An act to regulate the practice of medicine and surgery, to license physicians and surgeons, and to punish persons violating the provisions thereof in the District of Columbia"; in which it requested the concurrence of the Senate.

PRACTICE OF MEDICINE AND SURGERY.

Mr. GALLINGER. I ask the Chair to lay before the Senate a concurrent resolution which has come from the House of Representatives for the purpose of correcting an error in the enrollment of a bill.

The PRESIDING OFFICER (Mr. DUBOIS in the chair). The Chair lays before the Senate a concurrent resolution of the House of Representatives, which will be read.

The Secretary read as follows:

Resolved by the House of Representatives (the Senate concurring), That the Committee on Enrolled Bills of the two Houses be authorized to correct the enrolled bill (H. R. 5731) entitled "An act to regulate the practice of medicine and surgery, to license physicians and surgeons, and to punish persons violating the provisions thereof in the District of Columbia," by striking out, in section 3, lines 1 and 2, "1st day of July, 1896," and inserting "passage of this act"; also, in section 12, after the word "Columbia," strike out "nor to medical students who have matriculated in any medical college in the District of Columbia prior to January, 1896."

Mr. GALLINGER. I ask that the resolution be now considered.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

Mr. HILL. What is the resolution?

Mr. GALLINGER. I will say to the Senator that it is simply to correct an error made by the enrollment clerk of the House of Representatives in the bill to regulate the practice of medicine and surgery in the District of Columbia.

The resolution was considered by unanimous consent, and concurred in.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. HALE. I ask the Chair to lay before the Senate the message of the House of Representatives in relation to the sundry civil appropriation bill.

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives, agreeing to the report of the committee of conference on the disagreeing votes of the two Houses on certain amendments to the bill (H. R. 7664) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes, insisting upon its disagreement to certain amendments, and agreeing to the further conference asked by the Senate.

Mr. HALE. It requires no action, as the Senate has asked for the conference.

JOHN N. QUACKENBUSH.

Mr. LODGE. I ask unanimous consent for the present consideration of the bill (H. R. 6739) for the relief of John N. Quackenbush, late a commander in the United States Navy.

The PRESIDING OFFICER. The bill will be read for information.

The Secretary read the bill, as follows:

Be it enacted, etc., That the provisions of law regulating appointments in the Navy by promotion in the line, and limiting the number of commanders to be appointed in the United States naval service, are hereby suspended for the purpose of this act only, and only so far as they affect John N. Quackenbush; and the President of the United States is hereby authorized, in the exercise of his discretion and judgment, to nominate and, by and with the advice and consent of the Senate, to appoint said John N. Quackenbush, late a commander in the Navy of the United States, to the same grade and rank of commander in the United States Navy as of the date of August 1, 1883, and to place him on the retired list of the Navy as of the date of the approval of this act: *Provided*, That he shall receive no pay or emoluments except from the date of such retirement.

The PRESIDING OFFICER. Is there objection to the request for unanimous consent that the bill be now considered?

Mr. SMITH. I should like to ask if the bill was reported by the Committee on Naval Affairs?

Mr. LODGE. It was reported unanimously by the Judiciary Committee, to whom it was referred.

Mr. MITCHELL of Oregon. It was reported from the House

Judiciary Committee and sent to the Judiciary Committee in the Senate. A similar bill has been before that committee heretofore on several occasions and has been reported unanimously.

Mr. LODGE. A similar bill passed the Senate heretofore.

Mr. MITCHELL of Oregon. It is a House bill, a very meritorious bill, I think, and that seemed to be the judgment of each member of the Judiciary Committee.

Mr. HAWLEY. I never before knew a bill of this character to be referred to the Judiciary Committee.

Mr. SMITH. That is the reason why I raise the question as to its reference.

Mr. MITCHELL of Oregon. A similar bill has been before the Judiciary Committee heretofore at various sessions of the Senate.

Mr. HAWLEY. It suspends the number of commanders to be appointed in the United States naval service "for the purpose of this act only, and only so far as they affect John N. Quackenbush, and the President of the United States is hereby authorized, in the exercise of his discretion and judgment, to nominate, and by and with the advice and consent of the Senate to appoint said John N. Quackenbush, late a commander in the Navy of the United States, to the same grade and rank of commander in the United States Navy as of the date of August 1, 1883."

The Committee on the Judiciary has probably done the right thing, but it is not the committee to which the bill should go.

Mr. MITCHELL of Oregon. There are some legal questions involved in the case.

Mr. LODGE. I think it purely a legal question that was involved in this case.

Mr. HILL. The Senator from Massachusetts [Mr. HOAR] said he knew all about the matter, and I think that was one reason why the measure was referred to our committee.

Mr. HAWLEY. There are a good many Senators who have been obliged to learn all about it for several years past. Some of them are on the Naval Committee.

Mr. SMITH. I have no desire to object to the bill. I merely raised the question as to the committee which had it under consideration.

Mr. HAWLEY. I do not know that I have an objection to the bill, but I do protest against its coming from the Judiciary Committee.

The PRESIDING OFFICER. The Chair hears no objection to the present consideration of the bill, and——

Mr. SEWELL. I should like to know from the Senator from Massachusetts what date the pay accrues from, whether from 1883 or from the passage of the bill?

Mr. LODGE. From the passage of the bill. If it does not so provide I will have it amended.

Mr. SEWELL. It seems to me that it dates back to the time of retirement.

Mr. MITCHELL of Oregon. It carries no back pay or anything of that kind.

Mr. LODGE. It carries no back pay.

Mr. MITCHELL of Oregon. That is particularly guarded against.

Mr. SEWELL. Let the clause at the end be read.

Mr. LODGE. If it does not so provide it should be amended. I understood that it was so.

The PRESIDING OFFICER. The Secretary will read the proviso, as requested.

The Secretary read as follows:

Provided, That he shall receive no pay or emoluments except from the date of such retirement.

Mr. SEWELL. That would carry it back to 1883. It should be amended so as to read: "except from the date of the passage of this act."

Mr. LODGE. I suggest that the bill be so amended.

Mr. MITCHELL of Oregon. Let that amendment be made.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. Strike out, in line 17, the words "such retirement" and insert "passage of this act"; so as to make the proviso read:

Provided, That he shall receive no pay or emoluments except from the date of the passage of this act.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. ALLISON. I should like to ask the Senator in charge of the bill whether it would be necessary for the President to send his name to the Senate for confirmation or if the bill makes him an officer to be placed on the retired list without confirmation?

Mr. LODGE. No; the appointment would have to be sent to the Senate for confirmation. It simply gives the President the power to appoint him in his discretion.

Mr. ALLISON. Then I think the bill should be amended so that the pay shall begin after the date of the confirmation by the Senate rather than from the passage of the act.

The PRESIDING OFFICER. The Chair suggests to the Senator from Iowa that all this discussion is out of order. Unanimous consent has not yet been given for the consideration of the bill.

Mr. ALLISON. Very well. I do not object to its consideration.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. BATE. I do not think the bill should be taken up now under the circumstances. I do not know that I oppose it. I do not want it understood that I oppose the bill, but I object to the irregularity by which it comes here from another committee when it is the universal custom of the Senate to send a military bill to the Military Committee and bills relating to matters of the Navy to the Committee on Naval Affairs. That committee has not seen it. I know it comes from a good committee, of course, but it is irregular; it is out of the usual course, and I do not think the bill ought to be considered in a slim Senate, as is the case this evening.

Mr. LODGE. I trust the Senator from Tennessee will not object. A similar bill was referred to the Committee on the Judiciary in a former Congress. It went to the House Judiciary Committee, and therefore it was referred to the Judiciary Committee of the Senate. No objection was made to the reference.

Mr. BATE. Will the Senator give me any reason for sending the bill to the Judiciary Committee instead of the Naval Committee?

Mr. LODGE. There is no reason that I am aware of except that it came from the House Judiciary Committee and was referred at the desk as a matter of course to the Judiciary Committee of the Senate. There was no objection made at the time. There was no objection made subsequently. The Judiciary Committee dealt with it. There was no objection made by any member of the Naval Committee. There is no objection made now, so far as I am aware. The bill has been considered in the Senate several times before, always favorably, and it always passed. I hope that the Senator from Tennessee will allow it to be considered and the amendment made, so that it may be sent back to the House with the amendment and go into conference.

Mr. BATE. It is certainly a bad precedent to send bills of that nature to the Judiciary Committee. It is setting a precedent here which will certainly be very bad in its operation.

Mr. MITCHELL of Oregon. The Senator will see that it is a bill which has always been considered by that committee in both Houses.

Mr. BATE. I do not want to interpose any objection to the bill.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Massachusetts [Mr. LODGE].

Mr. LODGE. The Senator from Iowa [Mr. ALLISON] suggested that it should be amended so as to read "from the date of confirmation by the Senate," which I think is a proper amendment.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In the proviso, at the end of the bill, it is proposed to strike out the words "such retirement," after "date of," and insert "his confirmation by the Senate."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. MITCHELL of Oregon. I move that the Senate request a conference with the House of Representatives on the bill and amendment.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate; and Mr. MITCHELL of Oregon, Mr. LODGE, and Mr. PUGH were appointed.

Mr. HILL. I call the attention of the Chair to the very dangerous precedent that has been established this afternoon, namely, the appointment of a Senator who is not a member of the committee which reported the bill as a member of a conference committee. The bill was reported from the Judiciary Committee. The Judiciary Committee had charge of it. Following the universal rule, the members of the Judiciary Committee should have been appointed, whereas the Chair appointed the Senator from Massachusetts [Mr. LODGE]. Mr. President, I congratulate the Senate upon the establishment of that precedent. It is a very good one and ought to be followed in the future.

The PRESIDING OFFICER. The Chair will state to the Senator from New York that no new precedent has been established by the Chair. It has been the custom of the Senate for a great many years to appoint other than a member of the committee reporting a bill on the conference committee.

Mr. HILL. I am very glad to hear it, Mr. President. I was looking in vain for a precedent.

Mr. CHANDLER. Particularly where they take great interest in the bill——

Mr. MITCHELL of Oregon. It is no new precedent.

Mr. CHANDLER. Then the Presiding Officer ought to go outside of the committee which nursed the bill.

Mr. HILL. I think he ought to go outside of the committee most of the time. That is my judgment about it. I congratulate the Chair upon following previous precedents, but not late precedents.

The PRESIDING OFFICER. The Chair will state that he has not established any new precedent.

B. F. DOWELL.

Mr. MITCHELL of Oregon. I ask unanimous consent for the consideration of the bill (S. 715) for the relief of B. F. Dowell. It is a brief bill for a constituent of mine. It is very short.

Mr. BATE. I do not want to interfere with that bill, but it is nearly half past 6 o'clock, and time to adjourn. There are not many Senators here.

Mr. MITCHELL of Oregon. I hope the Senator from Tennessee will not object.

Mr. BATE. I do not; but I give notice now that after the Senator gets his bill through I shall make a motion to adjourn.

Mr. MITCHELL of Oregon. All right; I will join the Senator then.

The PRESIDING OFFICER. The Senator from Oregon asks unanimous consent for the present consideration of the bill indicated by him. Is there objection?

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The preamble recites that the United States, by B. F. Dowell, prosecutor, recovered judgment against W. C. Griswold in the district court of the United States for the district of Oregon, under section 3490 of the Revised Statutes, for the sum of $35,228 and costs, and upward of $15,000 is still due B. F. Dowell on the judgment, and the United States has compromised its half of the judgment without including the following-described appropriation, namely: By House Executive Document No. 30, Forty-fifth Congress, third session, and by an act of Congress of the 3d of March, 1879 (18 Statutes, page 481), there was due, allowed, and appropriated for W. C. Griswold the sum of $2,104.32, and on the 21st of June, 1891, this sum was turned into the Treasury as a special fund that should be set off against the judgment against Griswold and paid to B. F. Dowell according to the statute in such case made and provided.

The bill directs the Secretary of the Treasury to set off the sum of $2,104.32 against the judgment against Griswold, and provides that the sum shall be paid out of the special deposit to B. F. Dowell.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. BATE. I move that the Senate adjourn.

The motion was agreed to; and (at 6 o'clock and 20 minutes p. m.) the Senate adjourned until to-morrow, Friday, May 29, 1896, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

THURSDAY, *May 28, 1896.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The SPEAKER. The Clerk will read the Journal of yesterday's proceedings.

Mr. KEM. If in order, Mr. Speaker, I make the point that there is no quorum present.

Mr. HARDY. I object. [Laughter.]

The SPEAKER, having counted the House and ascertained the presence of a quorum, directed the Clerk to read the Journal.

The Journal was read and approved.

SHELTER FOR HOMELESS CITIZENS OF ST. LOUIS.

Mr. JOY. I ask unanimous consent for the present consideration of the resolution which I send to the desk.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That the Secretary of War be, and is hereby, authorized to lend to the mayors of the cities of East St. Louis, Ill., and St. Louis, Mo., and vicinity, under such regulations and restrictions as he may deem proper, a sufficient number of tents to temporarily shelter such citizens of said cities as may have lost their homes by the tornado of yesterday, and to render such other relief in the premises as he may deem necessary.

The SPEAKER. Is there objection to the present consideration of this resolution? It requires unanimous consent. [A pause.] The Chair hears no objection.

Mr. BARTHOLDT. There having been no objection made to the consideration of this resolution, I hope it will be adopted. I called on the Secretary of War this morning in company with my colleague [Mr. HUBBARD], and was assured that if Congress would give the necessary authority, the War Department would place eight or ten boats——

Mr. KEM. I rise to a point of order. We can not hear what the gentleman is saying.

The SPEAKER. The House seems to be in order.

Mr. KEM. I hope the gentleman will speak louder.

Mr. BARTHOLDT. I was saying that the Secretary of War, or rather his assistant (he himself not being present), assured my colleague [Mr. HUBBARD] and myself this morning that eight or ten boats, which are now used for the purpose of Mississippi River improvement near Jefferson City, Mo., could be sent to St. Louis immediately to render such aid and relief as may be possible. For this reason I trust that Congress will, by the adoption of this resolution, give the War Department the necessary authority.

I shall also on behalf of my colleague and myself ask the House for leave of absence. My colleague, being a medical man, will probably be able to render valuable individual assistance; because our information is to the effect that the physicians there are unable to attend to the needs of the wounded. I trust the resolution will be adopted.

The question being taken, the resolution was adopted.

On motion of Mr. BARTHOLDT, a motion to reconsider the last vote was laid on the table.

PERSONAL EXPLANATION.

Mr. CANNON. I ask unanimous consent to be allowed two minutes for the purpose of making a statement in reference to the misquoting of the RECORD of the Fifty-first and Fiftieth Congresses, as it appears in the RECORD of this morning.

The SPEAKER. Without objection, the gentleman will proceed.

Mr. LEWIS and Mr. KEM objected.

The SPEAKER. Objection is made by the gentleman from Kentucky [Mr. LEWIS] and the gentleman from Nebraska [Mr. KEM].

Mr. LEWIS, proceeding to make some remarks, was called to order by

The SPEAKER, who said: The gentleman after making objection can not discuss the matter himself. The Reporters will not put the gentleman's remarks in the RECORD.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. CANNON. I now call up the conference report on the sundry civil appropriation bill. The House was dividing yesterday on a motion to concur in the Senate amendment appropriating $5,000 for approaches to the court-house at Martinsburg, W. Va. The presence of no quorum was developed, and the House adjourned.

The SPEAKER. The Clerk will read the pending amendment.

The Clerk read as follows:

For court-house and post-office at Martinsburg, W. Va.: For completion of approaches, $5,000.

The SPEAKER. The question is on the motion that the House recede from its disagreement to this amendment and concur with the amendment.

The question being taken, the motion was agreed to; there being—ayes 92, noes 25.

The SPEAKER. The Clerk will read the next amendment on which a separate vote is demanded.

The Clerk read as follows:

For court-house at Savannah, Ga.: For continuation of building, $25,000; and the limit of cost of said building is increased $100,000.

Mr. CANNON. Does the gentleman from Georgia, who asked a separate vote on this amendment, desire any time?

Mr. LESTER. I would like a few minutes to discuss the matter.

Mr. CANNON. I yield to the gentleman five minutes, or so much time as may be necessary to explain the amendment.

Mr. LESTER. Mr. Speaker, this amendment relates to the construction of the public building in the city of Savannah, Ga., and my motion is that the House recede from its disagreement to the Senate amendment and concur in the same.

This is one of the amendments in the sundry civil bill, and proposes an increase of the limit in the construction of the court-house and post-office building in the city of Savannah. The limit fixed by the original act providing for this building (and it has been about ten years under construction and is partly finished at this time) was fixed at $400,000. When bids were called for for the purpose of facing the building, alternate bids were had both for brick and marble. It was discovered on an investigation of the bids for the marble coating that they involved more than the amount authorized by law for this expenditure by the Treasury Department to the extent of about $100,000. The bids to finish it with brick were accepted. It was understood that the bids for

marble would be accepted if Congress within a certain time (that is, by the 1st of June, 1896) would extend the limit of the appropriation so as to permit the structure to be of marble, as it ought to be, instead of brick.

The amendment of the Senate now proposes to extend the limit of the cost of the building from $400,000 to $500,000, in order that the finishing may be of marble instead of brick. It was the contemplation and expectation of every one concerned in the matter (and the whole people of the United States are concerned in this, because it is a public building of the United States) that this building should be finished with stone or marble as a building of that character and size ought to be constructed. Brick is not a proper material (and in that suggestion I think the House will agree) out of which a structure of this kind should be finished. But in order to have marble and not brick it is necessary to extend the limit of cost to the amount contemplated in this amendment.

In August last, when it was discovered that the limit of appropriation was not sufficient (and the cause of its not being sufficient, I may state, was due to the fact that the site was changed and much money lost on that account, a loss to the building, for otherwise the $400,000 would have been sufficient to finish it in marble; but, as I have said, the money was expended on another site, the location having been changed)—but in August last, when it was discovered that the appropriation was not sufficient, a communication was addressed by the Secretary of the Treasury to the contractors, to which I will refer in a moment, upon this subject. So the situation now is whether this building shall be of brick or of marble. All will agree, I think, that it ought to be of marble, and in order to provide marble for it the extension of the limit is necessary. That is the purpose I have in view in asking the House to recede from its disagreement to the Senate amendment.

In August of last year bids were advertised for to do the finishing. The groundwork and under structure had already been finished of stone. These bids were sent in and (I think it was in August) were accepted. Now the Secretary of the Treasury, concurring in the view that this building should be of marble or stone, addressed a letter to the contractors for the purpose of ascertaining whether or not they would stand by their alternative bids for marble instead of brick—they having already received the contract for the brick, and were about to begin the work. They replied that they would do so, and the Secretary of the Treasury made an arrangement with the contractors to withhold their right to carry on the contract until the 1st of June of this year, so that if this Congress would extend the limit the structure could be finished in marble. They agreed to do it, and that is the present situation.

Now, Mr. Speaker, on the 1st day of June the time expires, and unless Congress extends the limit the building will have to be finished of brick, as I am sure all will agree it ought not to be. I would be very glad, and would consent cheerfully, to join with gentlemen who say that they can not have their public buildings this session of Congress for certain reasons, and would be perfectly willing to wait until the next session of Congress to urge this matter if it were not for the facts I have stated, namely, that unless the limit is extended before the 1st of June nothing can be done thereafter on the subject, but the building will have to be finished of brick.

I ask the House, therefore, to recede from its disagreement to the Senate amendment and concur in the same for the reasons stated.

Mr. POWERS. How much is the appropriation proposed in the amendment?

Mr. LESTER. This proposes to increase the limit of the appropriation from four hundred thousand to five hundred thousand dollars.

Mr. CANNON. I yield now five minutes, or so much time as he may desire, to the gentleman from Indiana [Mr. HENRY].

Mr. HENRY of Indiana. Mr. Speaker, this case, it seems to me, is not such a one as requires the House to step outside of the ordinary rule and make an exception in its favor. The limit of cost is provided at $400,000 for this building. Now, it is sought by the adoption of the Senate amendment to extend this limit to $500,000, for the purpose, it is said, of making it a stone building instead of a brick one. There is no reason why the Department could not wait until the next session of this Congress, if they desire to do so, in letting the contract for the finishing of the building. There are many towns and cities in the land that would be glad to have a limit of $400,000 for a building, instead of $500,000.

Mr. LESTER. Will the gentleman allow me one question?

Mr. HENRY of Indiana. Yes.

Mr. LESTER. I know the gentleman does not wish to misrepresent anything. He says there is no reason why the Secretary of the Treasury should not wait until another time before giving out these bids. The truth about the matter is, that the bids have already been taken and the contract has already been signed. It was only by an agreement to extend the time for commencing the work from last August until June that the matter has been delayed this long. On the 1st of June, unless action is taken before that time, the contractor will go on with the construction of the brickwork, and the Secretary of the Treasury can not prevent it.

Mr. HENRY of Indiana. The gentleman has answered the objection himself. The contractor has agreed to wait until the 1st of June in order that he may build a stone building. If he is willing to do that, he will be willing to extend the time. It is by mutual agreement and common consent.

Mr. LESTER. If the gentleman will make that arrangement, I shall say nothing more about this business.

Mr. HENRY of Indiana. I am not making the arrangements. I am not managing the building of that structure and shall not go into that part of it; but, Mr. Speaker, the point is here: No exception should be made of this case. Let it stand where it is. If they want to continue it longer than the 1st of June, to have it considered further at the next session of Congress, all well and good. Or if, on the contrary, they want to go ahead and build a brick building, let them do that; but let us not make an exception at this late day in the session, when we can not properly consider these questions.

Mr. CANNON. Mr. Speaker, one word. This is on all fours with the Camden building, except that the Camden building has not been commenced and this has.

Mr. HENRY of Indiana. No, it has not been commenced

Mr. TATE. Yes, it has.

Mr. CANNON. But I want to say, when I asked for two minutes this morning and the gentleman from Nebraska objected, when I wished to make a statement in reference to the quotation made by the gentleman from Tennessee from the RECORD, I had to submit, as I always do when somebody objects and he has the right of it at the time; but I thought a little later I could get the two minutes, and I take the floor in these two minutes to call attention to a matter which was quoted by the gentleman from Tennessee [Mr. RICHARDSON] in the RECORD of this morning. If you will turn to page 5816 you will find that the gentleman from Tennessee [Mr. RICHARDSON]——

Mr. RICHARDSON. Mr. Speaker, let us have order. I can not hear what the gentleman says.

The SPEAKER. Will the House please be in order? Will gentlemen in the aisles take their seats and cease conversation?

Mr. CANNON. On page 5816 the gentleman from Tennessee [Mr. RICHARDSON] had the floor and did me the honor to quote from the RECORD of the Fiftieth Congress, reading from my remarks touching certain French spoliation claims then pending before the House on a general deficiency appropriation bill.

Mr. LEWIS. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman from Illinois has the floor.

Mr. LEWIS. Is a parliamentary inquiry in order?

The SPEAKER. Not without further definition than the gentleman has given. The gentleman from Illinois has the floor.

Mr. LEWIS. If I have the opportunity I will state it. Unanimous consent was asked this morning to go into a discussion of this matter and I objected, and I desire to know what effect the objection has.

The SPEAKER. The effect which the objection had was to stop the gentleman from Illinois proceeding.

Mr. LEWIS. He is going on now with the same matter. It seems that the objection amounted to nothing.

The SPEAKER. That objection was at a different time.

Mr. LEWIS. Well, I object again.

The SPEAKER. The gentleman will have to put it in proper shape if he desires——

Mr. CANNON. I will try to proceed in order. I believe I have an hour, if I insist upon it. I think I shall occupy about three minutes. I want to say to the gentleman from Kentucky [Mr. LEWIS] that I recollect the occurrence of yesterday, and I beg to assure him now that it was without the slightest desire to offend him or to discriminate against him that, being in charge of the bill, I made the motion for the previous question. I want to disclaim any desire to in any way wound his feelings or to discriminate against him. Having said that much, I want to say now in two or three minutes that the gentleman from Tennessee [Mr. RICHARDSON] read a part of what I said in 1889. What he read left the impression upon the House that I was advocating the adoption of an amendment upon the deficiency bill away back in 1889 that would pay the French spoliation claims. What the gentleman read was as follows:

I believe from the best lights I can get the Government of the United States three generations after these claims are due and payable ought to pay them.

Here is what he did not read:

When I say that, however, I want to say there is room enough for gentlemen honestly to disagree with me in that conclusion. I stand ready, under the light of full discussion, with this measure resting on its own merits, and its own merits alone, to vote for the appropriation of money necessary to pay these claims; but while I say that, I want to say I doubt the propriety in the closing

hours of the session of putting this amendment upon a bill which carries pensions and bounty and back pay, and for the service of the Government for the remainder of this year all along the line, and saying those items shall not pass unless these claims shall pass.

For one I am willing to vote on concurrence, or I am ready to vote to insist, but I believe it is the part of wisdom in these the closing hours of this Congress that the House shall send this bill back into conference, and let the ninety years of waiting add another year to the investigation of these claims under circumstances where they can be fully and fairly investigated and discussed, and stand or fall upon their own merits alone. [Applause.]

I voted against the loading of that batch of spoliation claims in a lump on the deficiency bill, as I voted yesterday against a large batch that was added to the other claims.

Now, touching for a moment the matter that the gentleman from Ohio [Mr. GROSVENOR] referred to yesterday, in which there was a garbled extract read—I do not speak offensively—and laid to me, when it was not my words at all, but those of another member, I can excuse the gentleman from Ohio. I recollect that Rule XXXIV, in spite of the efforts of the Speaker, is almost impossible of enforcement; and I am reliably informed that ex-members of Congress were upon the floor yesterday, belonging to the lobby, dog-earing books, utilizing the employees of the House to send them about, and no wonder that members made mistakes. I do not seek to fight the battles of yesterday over. When a fight is on on this floor I make the best fight that I can while it is on, but when it is concluded, as I always have in the past, and expect to do in the future, when the majority of the House acts, whether I agree with the wisdom of its action or not, I always bow in obedience, without grumbling and without scolding. I felt it proper that I should call attention, to do simple justice to myself, to the fact that in the haste of debate the gentleman from Tennessee did not do me justice in only putting in a part of my remarks. We recollect the man who made a wager to prove by the Bible that there is no God; and he read it, "There is no God." "Hold on," said the preacher, "'The fool hath said in his heart.' You did not put it all in." So he did not make the proof.

Now, then, it does not make much difference what I said in the Fiftieth or Fifty-first Congress, or what I may have said in debate in twenty years. When somebody gets up and challenges me about it I do not know. It has passed from my mind. I know generally that I perform my duty from time to time in this House when it is necessary to act, following my judgment and conviction. I do not know how many times I have crossed my path in twenty years; and where questions are coming up under different circumstances from time to time I do not care. If I can follow my judgment in the present the past will take care of itself.

Mr. RICHARDSON. Mr. Speaker, I only want a word in reply to the gentleman from Illinois. I can assure him and the House that nothing would be further from my mind than intentionally to do him an injustice, after serving with him as I have in this House for ten or twelve years. I had no disposition yesterday to do him an injustice; but, Mr. Speaker, I think I legitimately and fairly quoted what he said in the Fiftieth Congress. I thought so then; I think so now. I did not undertake to quote all he did say, because I had only ten minutes, and it would have taken five minutes' time to read all he said, and to have done so would have used half of my time. I insist that I did not do him an injustice. I simply quoted an opinion he expressed, which was that the claims should be paid. I asked the gentleman's attention to this while he had the floor and had unlimited time. I rose with a RECORD in my hand and sought while he had the floor to call his attention to what he had said. Then he could have read it all; but the gentleman declined to yield to me.

Mr. CANNON. Not this morning.

Mr. RICHARDSON. No; yesterday. He yielded to the gentleman from Ohio, some gentleman in front of him, the gentleman who now sits at my right [Mr. ADAMS], and did not give me time to get in his statement. I wanted to give him the full benefit of it while he had the floor. It was not any intention on my part to take any advantage of him or to do him any injustice, I assure him; and I think, if he will take all the circumstances into consideration, he will not conclude I did do him injustice in what I said in my remarks. I said, "This was not all the gentleman said." I said, "He went on to make other remarks about these claims." I did not undertake to say that was all; but I gave him the benefit of stating that he said other things in respect to these claims. I did not have time to put it all in at that time. And, Mr. Speaker, what I did then say, and I repeat now, was that he took the position that the spoliation claims should be paid, and that the House was then "within fourteen hours of final adjournment." I called attention to the fact that that was not the condition now, and that his committee would have ample time to thoroughly, fully, carefully, and exhaustively investigate these claims, and that after doing that then he could make such a report upon it to the House as would govern us in our conclusions. I do not think I did him an injustice; and I again assure him that I did not intend to do so.

Mr. CANNON. Mr. Speaker, as I have the floor, just a word. I am content if the gentleman from Tennessee is. After he read a part of my remarks, and I challenged what he had read, he went on to say that that was not all I said, and then he made me say that this was "within fourteen hours of adjournment of Congress" and "that we ought to pass these claims." Yes, he did quote me that much further, but failed to quote the remainder of my remarks, which, taken with what he quoted, made my position entirely different. Now, then, I am content with it. I am satisfied with it. I could not challenge it yesterday by calling attention to the RECORD, because then there was a real fight on over 700 items grouped in one amendment, amounting to $2,000,000, covering the public service and stale claims for three generations back, and which were walking through this House out of order. I was gunning for bear then. This morning it is mere play. It makes no difference, in fact, whether I was quoted fully or not.

Mr. RICHARDSON. I am inclined to think, Mr. Speaker, that the gentleman protests too much about not intending to fight the battle over again to-day. [Laughter.] There is such a thing as protesting too much.

The question was taken on concurring in Senate amendment numbered 16; and the Speaker declared that the noes seemed to have it.

Mr. LESTER. I ask for a division.

The House divided; and there were—ayes 44, noes 77.

Mr. LESTER. I ask for tellers.

Tellers were refused, only 34 members voting in favor thereof.

So the House refused to concur in the amendment.

The Clerk read as follows:

For making certain proposed alterations in the post-office building in New York City, and for improving, arranging, and furnishing certain rooms therein in accordance with plans prepared by the Supervising Architect of the Treasury, to be done under the direction of the Secretary of the Treasury, the sum of $60,000, such sum to be immediately available.

Mr. CANNON. I yield to the gentleman from New York [Mr. DANIELS].

Mr. DANIELS. Mr. Speaker, I desire to call the attention of the House again, as it was done on Saturday, to the effect and necessity of this amendment. On that occasion the House declined to concur with the Senate by a majority of only 2 votes. Now, when members understand fully the condition of things in this building in the city of New York they will see that the adoption of this amendment is exceedingly important. All of the public business of the United States in the city of New York is done in this building. All the United States courts are held there, and those courts have increased in number since the passage of the act creating the circuit court of appeals. When the building was erected the three court rooms in it were built two stories in height from the floor to the ceiling, and it is found that a floor can be put halfway up, thus doubling the number of court rooms and giving ample room for the transaction of business.

The purpose of this amendment is to authorize and provide for making the necessary improvements by putting this flooring between the ceiling and the existing floor, thereby increasing the number of court rooms from three to six. The business in the United States courts there is larger than anywhere else in the country, unless it may be in the Supreme Court here in Washington, and a larger number of appeals are brought to the Supreme Court of the United States from that district than from any other. The business of the United States must be delayed unless additional court room can be supplied; and everyone will understand that this delay in cases that are not yet tried will of course be exceedingly perilous, because we all know that the longer the trial of a case is postponed after it has been put at issue the greater the risk of losing witnesses and of the witnesses failing to preserve their memories in such condition as to do justice by their testimony to the parties to the controversy.

This improvement is so important and so necessary for the facilitation of the public business that all of the United States judges in that district have agreed to urge upon Congress that the appropriation be made and the changes authorized. All the judges of the circuit court of appeals, Judge Wallace, Judge Lacombe, Judge Shipman, and the district judge, Judge Brown, have agreed to urge this matter upon the consideration of Congress. So has the postmaster of the city of New York, whose letter I have here. So has the district attorney. It should be remembered, too, that a larger revenue comes to the Government from that district than from any other in the United States. What is asked is simply that this amendment shall go through for the purpose of securing the convenience of the courts and the convenience of the use of the library which the judges now have. That library belongs to the institute of the city of New York, but it will necessarily be removed from the building for want of room unless these alterations are made. This is really a case of urgent necessity, so much so that a bill was introduced into the Senate in the early part of the session to authorize this work. It was passed there and sent to the House. We referred it to the Committee on Public Buildings and Grounds, but it has never come back from that committee. It will be seen, therefore, that this amendment is in a different position

from any other public building amendment that the House is now asked to sanction.

This is simply a struggle on the part of the public authorities there, and of no one else, to secure these additional conveniences for the proper transaction of the public business in the city of New York. In addition to the advantages I have stated, these changes will give the post-office one additional room, and will thus help to facilitate the transaction of the business of that great office, which has overflowed the existing conveniences of the building as at present divided. The matter is certainly a very important one, and I ask this committee to so regard it, in view of the evidence, uncontradicted by anybody, that these alterations are absolutely needed to facilitate the business of the courts, and thus secure an earlier determination of the litigation pending in those courts.

Mr. CANNON. Mr. Speaker, I want to say just a word about this motion. I want to call the attention of the House to the difference in principle involved in the public building amendments that have been put on this bill by the Senate. Take the Savannah case, for instance; there is $400,000 authorized for that building and the building has been commenced, but Savannah wants the limit broken a hundred thousand dollars so that the building may cost half a million, thus giving a better finish to the structure. Take the case of Kansas City; they want the limit broken there. Omaha did want to get on the bill with a broken limit. St. Paul wanted to get on in the same way. Several other places wanted to get on when this bill was under consideration in the House, but were ruled out on points of order. The Senate has put on limit-breaking amendments in the cases of Savannah, Kansas City, Camden, and other places.

Then they have put on several other amendments for the improvement or alteration of buildings that are now in existence and occupied. For instance, take the case at Los Angeles, where the Senate put in an amendment appropriating $12,000 to change the basement of the building so as to afford quarters for the post-office in addition to the public accommodations already afforded. The House concurred in that amendment, because it was not the breaking of a limit substantially as these others were, but it was along the line of the public service—utilizing that which we had, and by the small expenditure of $12,000 saving many thousands on account of rent which would have to be paid if the officers thus accommodated were obliged to go out of the building.

Now, I want to be exactly fair. Take this New York case. The building is occupied. There is not enough room for the courts. It is proposed to put in another floor, making two rooms where there is now only one. They could paint the building, they could repair the roof or the stairways, if the roof were burned off they could put on a new roof, from the general appropriations for repairs to public buildings. But when you come to laying a new floor and making such alterations as will double the present capacity of the building, that general appropriation for repairs is not, under Bowler, available. [Laughter.]

Now, it is for the House to say whether there is a substantial distinction between this case and the Camden case and the Savannah case. To my mind there is.

Mr. SHAFROTH. What amount of money is involved?

Mr. SULZER. Sixty thousand dollars.

Mr. CANNON. Now, I want to be exactly fair——

Mr. SAYERS. Does the gentleman think there is any substantial difference between this case and the Little Rock case?

Mr. CANNON. I was going on to say—and if the gentleman was listening he must have noted that I said, "I want to be exactly fair." I was about to say that the Little Rock case goes on all fours with this case.

Mr. SAYERS. I think this amendment ought to be concurred in, and also the amendment in relation to the building at Little Rock.

Mr. CANNON. The Little Rock building has been occupied many, many years; and in connection with that building the question is merely as to the alteration of the building so as to make it halfway large enough for the courts. There is no proposition for the erection of a building; it is not the breaking of a limit; but the object is to make such alterations that the United States will not be obliged to go outside and rent rooms. I think that technically there may be no difference between the two classes of cases; substantially there is. "The letter killeth, but the spirit giveth life."

Now, let me state what I think it would be well to do and what I am willing to do: Vote to adopt the amendment for the alteration and improvement at New York City; and if that is done, I shall then move in simple justice that we go back to the Little Rock item, reconsider our action, and concur in that amendment. That is all I want to say.

Mr. HENRY of Indiana. I should like to occupy a moment.

Mr. CANNON. I yield to the gentleman.

Mr. HENRY of Indiana. Mr. Speaker, I am surprised at the position which the chairman of the Committee on Appropriations has taken; and in what I shall now say I shall not so much discuss this item as make a statement in reference to the situation in which we find ourselves. By the rules of the House, when this bill was originally under consideration by the House, no member was allowed, under the objection of the gentleman from Illinois, the chairman of the Committee on Appropriations, to present an amendment of this character. It made no difference how urgent the case was; it was of no importance whatever how the public service was suffering. Nothing of that kind could have any effect. On each and every occasion when an effort was made to insert an amendment of this kind, there stood the gentleman from Illinois, like a stone wall, objecting to any amendment for any improvement upon any public building or for increasing the limit of cost on any public building. And now, forsooth, because the Senate has proposed an amendment to this bill, all things have changed. Let us look at the situation for a moment. In what sort of a plight do we find ourselves? As that branch of the legislative body which comes latest from the people and, as we claim, stands nearest to the people, shall we tie our hands so that we can not legislate on matters of this kind? Shall we say, "We can not put an amendment upon an appropriation bill, however important it may be"; yet, when the bill comes back from the Senate with an amendment, the chairman of the Committee on Appropriations will not only get entirely out of the way, but will absolutely advocate an amendment which he would have protested against had it been offered on the floor of the House?

Now, Mr. Speaker, not so much with reference to this case, but in justice to all this class of legislation, this House owes it to itself to stand by the position which it has taken in this matter. It owes it to itself to say, "We will not put such amendments upon these general appropriation bills." Until we do take that stand and adhere to it firmly, positively, and all the time, we can not expect to have equal-handed justice in legislation of this character.

This case, I want to say, Mr. Speaker, is no more urgent than many other cases that have come before the committees of this House. Urgent in some respects it may be; but I could, if I were willing to take up the time of the House, show at least a dozen cases where there is more urgency than in this. Yet it is proposed that we shall take this case entirely out of the class to which it belongs and make it an exception. For this reason, Mr. Speaker, I protest against concurring in the Senate amendment.

Mr. QUIGG. The gentleman surely does not wish to be understood as saying that because one good thing has not been done another good thing should not be done?

Mr. HENRY of Indiana. I do not say that this is a good thing to do. On the contrary, it is an absolutely vicious thing to do. The public service is not suffering for want of this improvement any more than it has been in the past; and to pursue this class of vicious legislation is, in my judgment, the thing which we ought not to do.

Mr. DANIELS. The cases are constantly running behind in New York because of the lack of facilities in this building. They have not force enough to do the business, and even take the judges from the eastern and northern districts to help them.

Mr. HENRY of Indiana. Mr. Speaker, it is a very strange thing that this condition of affairs has come so suddenly upon New York. Be it far from me to say anything against that great State or city; but it is not entitled to any more consideration than all of the other cities of the Union east or west of the Mississippi River. What we need to do is to follow a fair and a just course with reference to all of these matters, and for that reason I insist that no exception should be made here.

Mr. CANNON. I yield three minutes to the gentleman from New York [Mr. BENNETT].

Mr. BENNETT. Mr. Speaker, I do not deem it necessary to stand up here in defense of the great State of New York and make reply to the arguments advanced by the gentleman from Indiana [Mr. HENRY]. Nor do I think it necessary to answer the assertion that New York is not entitled to any more consideration than any other State. We do not ask anything of the kind. This question presents itself before the House solely on its merits. It is an entirely different question from that of asking consideration for the State of New York.

I need not appeal to any lawyer who has ever practiced in the United States courts in New York, or who has ever had occasion to transact any business in the Government building there, to answer the assertion that this work is not absolutely essential. Any one of them will appreciate the absolute necessity for the improvement called for by the Senate amendment in the bill under consideration. It is an improvement that has been asked for by the judges and public officials in order to facilitate the transaction of the public business. It will necessitate, in case the appropriation of the Senate is not concurred in by the House, a removal of the public library beyond the reach of the judges of our United States courts, and compel them to go outside of the building for the

purpose of consulting the records; and I am sure there is no member of this House who would vote to cause or continue such a condition of affairs as that.

I trust, therefore, Mr. Speaker, that the amendment of the Senate will be concurred in by the House.

Mr. CANNON. I yield five minutes to my colleague on the committee [Mr. BLUE].

Mr. BLUE. Mr. Speaker, if this course of procedure is to be indulged in, then it will resolve itself at last into the diligence of Senators.

The gentleman from Indiana [Mr. HENRY] is eminently right when he seeks to prevent the enactment of these measures in this way. If this course is to be pursued, what is the necessity for the existence of the Committee on Public Building and Grounds?

At the inception of this session of Congress it was deemed wise and proper not to enter upon the policy of making appropriations for public buildings. This measure is not one seeking to secure an appropriation for the purpose of protecting a building which has been unroofed or partially destroyed by fire, or anything of that kind. Nothing will suffer by reason of delay until the next session of Congress; and to my mind it is an argument with but little force when it is claimed here that the public library will have to be removed if the appropriation is not made at this time. It seems to me that in the few months intervening between now and the next session of Congress there will be no very serious inconvenience in this matter, certainly not such as would warrant us in breaking a rule that seems to be an eminently wise one.

Mr. NORTHWAY. And vacation time is near anyway.

Mr. BLUE. And, as the gentleman from Ohio well suggests, vacation time is at hand, and our very much overworked judiciary will doubtless avail itself of that vacation.

I claim, therefore, that there is no good reason for making an exception in this case. It ought not to be done.

Mr. PAYNE. Is not vacation time a very good time to do the work, so that they can have the buildings for the courts next winter, when they reassemble, and not have to wait until February?

Mr. BLUE. There might be something in that if it were impossible to use the present building, but it is being used now.

Mr. DANIELS. That is the very thing that is desired to be done; to get the building in readiness for the sessions of the court in the fall.

Mr. BLUE. And the other gentleman from New York suggests that that is just what is desired. Yet this does not convince me, Mr. Speaker, that there is any imperative necessity demanding the appropriation at this time and in this way.

Mr. PITNEY. Let me ask the gentleman from Kansas if he knows anything whatever of the merits of this amendment?

Mr. BLUE. Only what has been stated by the gentlemen from New York [Mr. PAYNE and Mr. DANIELS] themselves in its behalf.

Mr. PITNEY. Well, I have personal knowledge of it and the conditions existing, and I know the gentleman from Kansas well enough, I think, to be sure that he is not so narrow-minded as to object if he does not know the conditions existing. This is one of the most meritorious items in the bill.

Mr. BLUE. I take it that the gentleman from New York [Mr. DANIELS] stated it with all the force that he was capable of presenting it, and yet I failed to see anything of such an imperative character as to require us to break the record on behalf of this appropriation. And I say the rule that we have adopted is a wise one, and I hope it will be adhered to and that no attempt will be made to take from the Committee on Public Buildings and Grounds the functions for which it has been created. By taking this appropriation out of the list of those we have rejected we violate a precedent which has been wisely established in reference to these matters, and we thereby render it so that hereafter the question will resolve itself into a mere question of diligence on the part of Senators to determine whether or not public buildings shall be constructed or appropriations made for their extension. Hence it seems to me, Mr. Speaker, that this should be voted down and treated in exactly the same way that other measures have been treated which have been placed on this bill in violation of precedent and the rules of this House.

Mr. CUMMINGS rose.

Mr. CANNON. How much time does the gentleman from New York desire?

Mr. CUMMINGS. Not more than five minutes.

Mr. CANNON. Very well.

Mr. CUMMINGS. As I had the honor to move to concur in the Senate amendments, I should like to have the attention of the House for a minute. My friend from Kansas [Mr. BLUE]—and I esteem no one in the House more highly—is certainly mistaken when he says these alterations can be put off for another year, and that it will make no difference so far as the New York post-office is concerned. He is utterly mistaken, Mr. Speaker. These alterations must be made now or they will be utterly useless. If the alterations are not made at this session the Federal courts in New York will not be able to properly conduct their business there. The library upon which they rely will be removed, and it will not be brought back. It will take the members from New York City probably four years to induce Congress to give those courts another library, but in the end they will get it, and the Government will pay for it. And when you have got it and paid for it you will be compelled to make the very alterations in that building that you are called upon to make to-day.

Now, Mr. Speaker, the post-office of the city of New York pays a net profit into the Treasury of the United States of $4,500,000 a year. This net sum is distributed throughout the country for the benefit of post-offices not self-sustaining. Possibly my friend from Indiana [Mr. HENRY] may get the benefit of some of this money. I hope it is not necessary, but if it is necessary I hope he may get it. Now, it seems to me it would come with very poor grace for Congress to say that the New York post-office shall not have $60,000 out of the $4,500,000 that it pays into the Treasury annually to increase the facilities in the post-office building. That is all, Mr. Speaker.

Mr. CANNON. Let us have a vote, Mr. Speaker.

The SPEAKER. The question is on concurrence in the Senate amendment.

The question was taken; and on a division there were—ayes 90, noes 32.

Accordingly the motion to concur in the Senate amendment was agreed to.

Mr. CANNON. Mr. Speaker, keeping my word, I desire now to move to reconsider the vote by which the House further insisted on its disagreement to the Little Rock item, amendment numbered 9.

The SPEAKER. The gentleman moves to reconsider the vote by which the House refused to concur in amendment numbered 9, which the Clerk will report.

The Clerk read as follows:

For court-house and post-office at Little Rock, Ark.: For additional amount to construct an addition to the United States court-house and post-office and enlarging judge's chamber and the offices of the marshal and clerk of the circuit and district courts, and for an elevator, $43,000.

Mr. CANNON. Now I ask for a vote.

The SPEAKER. The question is on concurring in the amendment of the Senate.

The motion to concur in the Senate amendment was agreed to.

Mr. LOUDENSLAGER. Mr. Speaker, I move to reconsider the vote by which the House disagreed to amendment numbered 3.

Mr. BLUE. I move to lay that motion on the table.

The question was taken.

The SPEAKER. The ayes seem to have it. The ayes have it, and the motion to reconsider is laid on the table.

Mr. HOPKINS. There was a misunderstanding on that. The gentleman from New Jersey [Mr. LOUDENSLAGER] supposed that that was a vote on the proposition to reconsider. I did not so understand it, and was going to raise the point, but the gentleman stopped me, saying that it was on his motion.

Mr. LOUDENSLAGER. I understood the gentleman from Kansas [Mr. BLUE] to withdraw his motion to lay on the table.

Mr. BLUE. Oh, no.

Mr. HOPKINS. Then I ask another vote on that.

The SPEAKER. Without objection, the Chair will again submit the question.

Mr. BLUE. I object.

The SPEAKER. Objection is made.

Mr. THOMAS. Division, Mr. Speaker.

The SPEAKER. The Chair thinks it is too late to call for a division.

Mr. RICHARDSON. Mr. Speaker, I desire to rise to a matter of privilege.

Mr. CANNON. I believe we have concluded all the items.

The SPEAKER. The question is on agreeing to the motion for a conference.

Mr. LESTER. Mr. Speaker——

The question was taken on agreeing to the conference.

The SPEAKER. The ayes appear to have it. The ayes have it, and the motion is agreed to.

Mr. LESTER. I move to reconsider the vote on amendment 16.

The SPEAKER. It is too late, because the conference has been agreed to.

Mr. LESTER. I was trying to get the ear of the Chair to make that motion.

The SPEAKER. Does the gentleman state that he rose in time?

Mr. LESTER. I state that I did rise before that motion was put.

The SPEAKER. Did the gentleman address the Chair?

Mr. LESTER. I addressed the Chair, certainly.

The SPEAKER. The Chair will consider the other action as vacated, because it was under a mistake. The gentleman from Georgia [Mr. LESTER] moves to reconsider the vote by which amendment numbered 16 was nonconcurred in.

Mr. CANNON. I move to lay that motion on the table.

The question was taken; and on a division (demanded by Mr. LESTER) there were—ayes 67, noes 53.

Accordingly the motion to reconsider was laid on the table.

Mr. CANNON. Now I ask that the motion for a conference be put.

The SPEAKER. The gentleman moves to agree to the request of the Senate for a conference.

The motion was agreed to.

MRS. ELEANOR CARROLL POE.

Mr. THOMAS. Mr. Speaker, I rise to present a conference report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 804) granting a pension to Mrs. Eleanor Carroll Poe, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with an amendment as follows: In lieu of the amount proposed to be inserted insert "seventy-five"; and the House agree to the same.

HENRY F. THOMAS,
F. C. LAYTON,
Managers on the part of the House.
J. H. GALLINGER,
JNO. L. MITCHELL,
Managers on the part of the Senate.

Mr. CROWTHER. Mr. Speaker, as a member of the House conference committee I have not had an opportunity to express my convictions upon the measure suggested in the report just presented, and I desire to state briefly to the House that this is one of the bills that was considered by the Committee on Invalid Pensions—a bill for the widow of a lieutenant-colonel of the Regular Army, who was pensioned by a Senate bill at the rate of $100 per month. The Committee on Invalid Pensions, after a careful, serious, and an honest investigation, amended the bill so as to grant her a pension of $50 a month, $20 more than she could have received under the general law had the death of the soldier been of service origin or had the disability occurred in service. I desire to enter my protest now, as I have done heretofore, against these extravagant appropriations in special pension bills for the widows of general officers and against the widows of the private soldier. I am in favor, and always have been, of fair pensions, nay, of liberal pensions; but I am opposed to selecting the widows of general officers as the beneficiaries of this Government in pension matters. The time has come for a halt in this business. We have given this widow now a pension at $20 a month more than she could get under the general law.

Mr. Speaker, during all the time I have served as a member of the Committee on Invalid Pensions and as a member of this House, since last December, I have never yet known that the widow of a private soldier has been pensioned at a higher rate than that allowed by the law, and I insist that the time has arrived when we should extend the beneficent operations of the pension law to the widows of the private soldiers and stop this granting of pensions excessively and extravagantly to the widows of general officers.

And, Mr. Speaker, I desire further, in conclusion, to say that in the conference committee the Senate conferees and the majority of the House conferees simply divided the difference between the amount that was contained in the Senate bill and the amount that was appropriated by the bill as it was finally passed by the House.

Mr. THOMAS. Mr. Speaker, I desire to say to the House that this bill passed the Senate granting Mrs. Poe a pension at $100 per month. It then came to the House committee, and was recommended to and passed by the House at $50 per month. The conference committee have recommended it at $75 per month. This report has been adopted by the Senate and is now before the House for its consideration. The gentleman from Missouri [Mr. CROWTHER], in his zeal to make a record for some one in his part of the country, has taken occasion, without properly considering this matter, to misinform the House; and it is in this way. He says that this is a lieutenant-colonel, and that the widows of lieutenant-colonels should not be pensioned at this amount. The record, as made by the Secretary of War, discloses the fact that Poe was a graduate from West Point; was a brigadier-general of volunteers and commanded the Ninth Corps, acting in the capacity of major-general of volunteers. General Sherman, in a letter to General Poe a short time before he was assigned to duty as engineer on the Great Lakes of this country, said:

I construe your personal and official service near my person to have begun in the spring of 1864 at Nashville, and that it will not cease till February 3, 1894, so that you will have been with me twenty years—and twenty most eventful years. In the beginning we were in the throes of a great civil war, with vast armies in motion needing guidance and maintenance, wherein your well-stored mind and sound judgment aided me more than you ever can know.

Now, the service of General Poe during the war as a brigadier-general, as a corps commander, is equal to that of Logan, McPherson, Reynolds, and other great men that this House and Congress have honored in the past, and whose widows are drawing more pension than the conference committee ask you to give to Mrs. Poe.

There is something very sad in this family history, considering the long service General Poe has given to the country. Only a few years since a son who was expected to be the support of the family sickened and died. A daughter followed. Next General Poe himself died, and the widow, who is more than 60 years of age, is now left with a dependent daughter. I know not what may be thought elsewhere, but in the State of Ohio, where General Poe was born, and in the States of Michigan and Wisconsin, where he supervised the construction of the great public works on the Lakes, the dry docks, the St. Marys Ship Canal, and others, he was held in the highest esteem. All those great works are to be credited to the ingenuity and skill and faithfulness of General Poe. With his environments it was not possible for a man receiving but $3,500 a year to accumulate property. He had been offered by railroad corporations, on several occasions, a salary many times as great as that which he was receiving from the Government, but he always refused, because his heart was in the Government work, and he expected, as every unselfish public servant has a right to expect, that the Government would look after those he left behind. I now yield to the gentleman from Kansas [Mr. BLUE].

Mr. BLUE. Mr. Speaker, the facts of this case, as I understand them, are that this was an educated soldier, and that in his chosen profession of arms he rose to the rank of lieutenant-colonel in the Regular Army. He was also a brigadier-general of volunteers and for a time served by assignment as brevet major-general of volunteers. Is that correct?

Mr. THOMAS. Yes, sir; he commanded the Ninth Corps.

Mr. BLUE. Then, so far as his service as major-general is concerned, it cuts no figure in this business of pensioning his widow, because that was a mere honorary title except where the officer was assigned to duty under orders with the rank of major-general. Besides, the service he performed as major-general seems to have been very brief. The most that can be said in this case is that under the general law this soldier's widow is entitled to a pension of $30 a month. Now, why it is necessary to take the widow of a soldier who would be entitled to only $30 a month under the general law and give her a pension of $75 a month is something that I do not understand, and it is something which I think the facts in this case do not warrant at all.

Mr. THOMAS. Do you think it was warranted in the cases of the widows of General Doubleday, General Logan, and others of that class?

Mr. BLUE. I do not believe that any general officer or his widow should receive any pension above that which the general law provides unless the case is an exceptional one. It is only by reason of distinguished and meritorious services that that rule should ever be broken.

Mr. THOMAS. We claim such services in this case.

Mr. BLUE. I know you make that claim, but I fail to hear anything that justifies the claim.

Mr. THOMAS. I ask the gentleman if being chief of engineers of General Sherman's army in that general's great campaign should not cause a man to rank equal with any of the line officers or general officers in that command?

Mr. BLUE. I suppose it would cause him to rank just where he stood, and no higher.

Mr. LOUD. Does not the gentleman remember that this officer had a good fat job with General Sherman for twenty years, and is not that a good reason why his wife should receive $75 a month?

Mr. BLUE. I apprehend that this soldier, like every other regular soldier, was pretty well taken care of in time of peace, and the death of his son and daughter, however much to be regretted and however much it may excite our sympathy for the widow, should not be introduced as a factor in this case. I take it that the son and daughter each had passed the age of 16 years. The widow now seems to be 60 years of age. It seems to me that the throwing in of these domestic afflictions here is a piece of mere sentimentality that should have no weight with the House.

Mr. Speaker, it is not the mere difference of $20 per month that works the wrong in this kind of legislation. The Government of the United States, we all know, would not suffer seriously from these extra expenditures. It is the injustice that is wrought to the widows of other soldiers that is the crying evil of legislation of this kind. It is the discontent that it breeds amongst the people of the country when they see the widow of a soldier who happened to be a brigadier-general or a colonel given a pension two or three times as great as is allowed other equally deserving widows, without any exceptional reason. It is wrong in principle. There is no equity in it. There is no justice or fairness in it. And when this report is brought in here to pension this widow at $75 a month, it shows to my mind that somewhere there is sufficient power to exercise favoritism in behalf of this particular beneficiary. I trust that this report will not be agreed to, but that, in

the interest of fair dealing and equity and justice to the widows of other soldiers throughout the country, and to the people at large, this report will be disagreed to.

The SPEAKER. The question is on agreeing to the conference report.

Mr. CROWTHER. Mr. Speaker, I move as an amendment that the House adhere to its disagreement and ask a further conference.

The SPEAKER. That will be in order if the conference report is rejected.

Mr. THOMAS. Mr. Speaker, am I entitled to a little more time?

The SPEAKER. The gentleman has time remaining.

Mr. THOMAS. It was only the other day that the gentleman from Kansas [Mr. BLUE] advocated as high a pension as this for a general's widow, and I leave it for him to reconcile his position then with his position in this case. To feel as I feel in connection with this claim, gentlemen should have known General Poe and his works. A more conscientious man in the interest of his duty never occupied an official position. He saved millions of dollars to the Government in his supervision of the public works on the Great Lakes, many thousand times more than the paltry sum which his widow would receive as pension under this bill.

But the principal argument made, both by the gentleman from Kansas and the gentleman from Missouri, is that bills of this class breed discontent throughout the country among the soldiers. I do not know what class of soldiers these gentlemen come in contact with; but I have never seen a private soldier who has said to me that he would take one dollar away from these commanders of his army or their widows. On the contrary, the private soldiers take a pride in having the Government treat liberally their officers and the widows of officers. All that the soldiers of this country demand is justice, justice to all ranks, and a proper consideration of the condition and meritorious services of the soldiers of the Republic.

Now, if the gentleman from Kansas would take half a day and examine the business that has been considered by the Committee on Invalid Pensions during this Congress, he would find that privates are receiving as large pensions as general officers, and I think the pensions to privates exceed those to general officers.

Mr. WILLIS. Does the gentleman know of the widow of any private that has been so treated?

Mr. THOMAS. Yes, sir; I know of dependent daughters who are insane, of widows obliged to have a constant attendant, and who are receiving more at the hands of this committee than they would receive under the law.

Mr. CROWTHER. The gentleman has mentioned the imbecile and unfortunately paralyzed daughters of soldiers. Does he know of any widow of a private soldier who has had a bill passed by the Invalid Pensions Committee at this session giving her a pension of more than $12 a month?

Mr. THOMAS. I think there was such a bill only a few days ago, but I can not recall the case.

Mr. CROWTHER. It is not a question of "thinking." Does the gentleman know of any such bill?

Mr. THOMAS. I can not give the name of the case at this time.

Mr. CROWTHER. The gentleman is a member of the committee, I believe.

Mr. THOMAS. Certainly; but I can not carry in my mind all the cases considered by the committee.

Now, Mr. Speaker, I have said all that I desire to say, and I ask for a vote.

Mr. BLUE. Before the gentleman takes his seat I should like to occupy a moment or two.

Mr. THOMAS. Go ahead.

Mr. BLUE. It is true that I favored a pension of $75 a month for the widow of General Blunt; but that was an exceptional case, he having risen from the rank of a private soldier to that of major-general, and having distinguished himself in numberless battles. I did vote to make the pension of the widow of Gen. Thomas Ewing, who was a Kansas soldier when the conflict began, what the House made this pension—$50 a month. He was a brigadier-general—the highest rank that this man ever held.

The question being taken on agreeing to the conference report, it was not agreed to; there being—ayes 23, noes 42.

Mr. CROWTHER. I move that the House further insist on its amendment and ask a further conference with the Senate.

The motion was agreed to.

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was communicated to the House of Representatives by Mr. PRUDEN, one of his secretaries, who also announced that the President had approved and signed a bill of the following title:

On May 27, 1896:

An act (H. R. 2740) to carry into effect a finding of the Court of Claims in favor of the estate of George Case, late of Independence County, Ark.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed the following resolution:

Resolved, That the Senate agree to the concurrent resolution of the House of Representatives authorizing the Secretary of War to lend to the mayors of the cities of East St. Louis, Ill., St. Louis, Mo., and vicinity, tents, etc., with the following amendments:

Lines 1 and 2, strike out "*Resolved by the House of Representatives (the Senate concurring)*" and insert "*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled.*"

Give it a title to read: "Joint resolution authorizing the Secretary of War to lend to the mayors of the cities of East St. Louis, Ill., and St. Louis, Mo., and vicinity, a number of tents."

The message also announced that the Senate had passed with amendments the bill (H. R. 4020) granting an increase of pension to Mrs. William Loring Spencer, asked a conference with the House of Representatives on the said bill and amendments, and had appointed Mr. GALLINGER, Mr. PALMER, and Mr. BAKER as the conferees on the part of the Senate.

WATER-MAIN ASSESSMENTS, DISTRICT OF COLUMBIA.

Mr. HULICK. I am directed to submit the conference report which I send to the desk. I ask that it may be adopted.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 3279) to authorize the reassessment of water-main taxes in the District of Columbia, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same amended as follows: At the end of section 1 of the amendment add: "*Provided, however*, That where lots or parcels of land have been released from water-main taxes or assessments by reason of technical defects or errors in making such assessments, and where such lots or parcels of land have been sold by the former owner between the order of said release of said tax or assessment and the passage of this act, the Commissioners of the District of Columbia shall not reassess the same against such property in the hands of bona fide purchaser for value without notice of the failure to pay the water-main assessment on said property."

Also strike out section 2 of the amendment and insert in lieu thereof the following:

"SEC. 2. That where outside the city of Washington Potomac water shall hereafter be introduced said water-main tax or assessment shall be levied or assessed within thirty days after such introduction, and where Potomac water has been heretofore introduced the assessment or reassessment shall be made within ninety days after the passage of this act, and such levy, assessment, or reassessment on unsubdivided land shall be made on a frontage not exceeding 100 feet for each lot or parcel of land or premises into which Potomac water has been or shall be introduced and shall be considered in any subsequent subdivision of such property as having extended to a depth of not exceeding 100 feet from the front of said lot or parcel of land: *Provided, however*, That said water-main tax or assessment or reassessment shall be due, payable, and collectable on each lot or parcel of land or premises on and after the date on which the connection is made from the water main to said lot or parcel of land or premises."

And the Senate agree to the same.

GEO. W. HULICK,
J. W. BABCOCK,
JAMES D. RICHARDSON,
Managers on the part of the House.

REDFIELD PROCTOR,
CHARLES J. FAULKNER,
Managers on the part of the Senate.

The report of the committee of conference was agreed to.

FREE LIBRARY IN THE DISTRICT OF COLUMBIA.

Mr. POWERS. I submit the conference report which I send to the desk.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1247) to establish and provide for the maintenance of a free public library and reading room in the District of Columbia, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same amended to read as follows: "In lieu of the matter inserted in section 6 by said amendment strike out all of section 6"; and the House agree to the same.

H. HENRY POWERS,
A. MILNES,
J. W. BABCOCK,
Managers on the part of the House.

JAMES McMILLAN,
GEORGE PEABODY WETMORE,
REDFIELD PROCTOR,
Managers on the part of the Senate.

Mr. POWERS. I move the adoption of the report.

The motion was agreed to.

On motion of Mr. POWERS, a motion to reconsider the last vote was laid on the table.

SHELTER FOR HOMELESS CITIZENS OF ST. LOUIS.

Mr. JOY. I desire to call up the amendments of the Senate to the resolution adopted by the House this morning and to ask that the House concur in those amendments.

The amendments were read, as follows:

In lines 1 and 2, strike out "*Resolved by the House of Representatives (the Senate concurring)*" and insert "*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled.*"

Amend further, so that the title of the resolution will be: "Joint resolution authorizing the Secretary of War to lend to the mayors of East St. Louis, Ill., and St. Louis, Mo., and vicinity a number of tents."

The SPEAKER. If there be no objection, these amendments will be considered.

There was no objection.

The amendments were concurred in.

FORT OMAHA MILITARY RESERVATION.

Mr. BISHOP. Mr. Speaker, I submit a conference report.

The SPEAKER. The report will be read.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 225) to provide for the transfer of the Fort Omaha Military Reservation to the State of Nebraska, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate, and agree to the same.

R. P. BISHOP,
JOHN P. TRACEY,
GEO. B. McCLELLAN,
Managers on the part of the House.

FRANCIS E. WARREN,
W. J. SEWELL,
E. C. WALTHALL,
Managers on the part of the Senate.

Mr. DINGLEY. Let the statement be read.

Mr. BISHOP. It appears that Fort Hayes Military Reservation, near Omaha, was donated by the State to the United States——

Mr. DINGLEY. Is there a statement accompanying this report?

Mr. BISHOP. There is no written statement; but the amendments I will explain in a moment. The word "giving" or "granting" to the State of Nebraska, as used in the House bill, has been stricken out in the Senate bill and the word "lease" inserted; so that we only lease these lands to the State.

Mr. MERCER. That is all it does.

Mr. DINGLEY. With the right of resumption on the part of the Government at any time?

Mr. BISHOP. At any time.

The conference report was agreed to.

On motion of Mr. MERCER, a motion to reconsider the last vote was laid on the table.

CAROLINE A. HOUGH.

Mr. WOOD. Mr. Speaker, I submit a conference report.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (H. R. 2604) to increase the pension of Caroline A. Hough, widow of Brig. Gen. John Hough, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same.

BENSON WOOD,
C. A. SULLOWAY,
WM. BAKER,
Managers on the part of the House.

J. H. GALLINGER,
WM. F. VILAS,
FRANK J. CANNON,
Managers on the part of the Senate.

Mr. LOUD. I would like to have the statement of the conferees read.

Mr. BLUE. At what rate does that leave the pension?

Mr. WOOD. The bill as originally introduced provided $50 a month. By the action of the House committee and the House itself this was reduced to $30. The Senate amendment makes it $50 a month; and the conferees on the part of the House have agreed to the Senate amendment.

Mr. BLUE. That is, $50 a month?

Mr. WOOD. Yes.

Mr. BLUE. What was the rank of this officer?

Mr. WOOD. He was a brevet major-general; I think chief of staff of Gen. A. J. Smith, of an army corps.

Mr. BLUE. Let us hear the report.

The SPEAKER. The Chair is informed that there is no statement accompanying the report. That is a subject of objection, if the House insist upon the statement.

Mr. LOUD. I raise that point.

The SPEAKER. Then the report can not be received.

Mr. McMILLIN. I suggest the propriety of there being the statement that the statute requires in all of these cases. I think the Speaker is entirely correct in holding that that is the best way to proceed with this business.

The SPEAKER. The House rules require such a statement.

Mr. WOOD. I will withdraw the report for the present.

ECKINGTON AND SOLDIERS' HOME RAILWAY, ETC.

Mr. BABCOCK. Mr. Speaker, I desire to call up a privileged matter. I ask that Senate bill 2928 be taken up.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (S. 2928) to extend the route of the Eckington and Soldiers' Home Railway Company and the Belt Line Railway Company, in the District of Columbia, and for other purposes.

Mr. LOUD. What is privileged about this bill?

Mr. BABCOCK. The Senate asks a conference on the part of the House.

Mr. LOUD. I would like to ask if a bill in that condition is privileged?

Mr. RICHARDSON. The exact status of the case is this: This is a Senate bill, which passed the Senate and came to the House, was considered by the House and amended, and went back to the Senate. That body disagreed with the House amendments and ask a conference. They have appointed conferees, and return the papers here.

The gentleman from Wisconsin now desires the House to agree to the conference asked by the Senate.

The SPEAKER. The Chair will hear the gentleman from California.

Mr. LOUD. I am satisfied on the statement. I understood the gentleman to say that it was a House bill with Senate amendments.

The SPEAKER. It is a Senate bill with House amendments disagreed to by the Senate and a conference asked.

Mr. DINGLEY. Has there been an actual disagreement?

Mr. LOUD. Yes.

Mr. DINGLEY. Because I have noticed in some of these cases that before an actual disagreement the Senate has asked for a conference, and whenever such a case arises I desire to submit the point that a conference asked under such circumstances does not present a privileged matter.

Mr. BABCOCK. I move that the House insist upon its amendments and agree to the conference asked by the Senate.

The motion was agreed to.

PRINTING OF RIVER AND HARBOR BILL.

Mr. RICHARDSON. Mr. Speaker, I have a privileged report which I desire to submit.

The SPEAKER. The gentleman presents a report from the Committee on Printing, which the Clerk will read.

The Clerk read as follows:

Your committee, having had under consideration resolution No. 386, providing for the printing of 1,000 copies of the bill (H. R. 7977) known as the river and harbor bill, for the use of the House of Representatives, recommend that the same do pass.

Resolved, That there be printed 1,000 copies of the bill (H. R. 7977) known as the river and harbor bill, for the use of the House of Representatives.

The resolution was agreed to.

On motion of Mr. RICHARDSON, a motion to reconsider the last vote was laid on the table.

ORDER OF BUSINESS.

Mr. JENKINS. Mr. Speaker, we desire to resume consideration of the contested-election case of Johnston against Stokes.

The SPEAKER. The gentleman calls up the contested-election case——

Mr. GROSVENOR. Will not the gentleman allow a privileged report to be presented?

Mr. JENKINS. I yield the floor to the gentleman from Indiana [Mr. OVERSTREET].

Mr. GROSVENOR. Will not the gentleman from Indiana yield long enough for a resolution of inquiry to be presented to the House?

Mr. OVERSTREET. Just simply to be reported, not to be discussed.

Mr. GROSVENOR. It probably will pass without discussion.

Mr. OVERSTREET. If it will not be discussed, I am willing to yield, but otherwise not.

Mr. GROSVENOR. The previous question will be moved.

Mr. OVERSTREET. With that understanding, I will yield to the gentleman.

Mr. McMILLIN. Still we should not want to agree to the passage of the resolution without any explanation or discussion, and I should not like the gentleman to be misled.

Mr. GROSVENOR. There will be fifteen minutes' debate on a side after the previous question is ordered.

Mr. McMILLIN. We will hear it read first.

EMPLOYEES IN THE DEPARTMENTS.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, That the Secretary of State, the Secretary of the Treasury, the Secretary of War, the Attorney-General, the Postmaster-General, the Secretary of the Navy, the Secretary of the Interior, and the Secretary of Agriculture be, and they are hereby, directed to furnish the House of Representatives the following information, to wit:

First. The number, names, salary of each, and the States to which they are credited, of all bureau officers, chiefs of division, clerks, and employees of every grade who were employed in their respective Departments on the 4th day of March, 1893, and who have since been removed or reduced in salary or who have died or resigned, stating the same in classes according to grade and salary, and stating also, separately, those who were in the classified and those who were in the unclassified service.

Second. The number, names, salary of each, and the States to which they are credited, of all officers and employees of the classes above named who

have been appointed or promoted to positions in their respective Departments since the 4th day of March, 1893, stating separately those in the classified and those in the unclassified service

Third. The number, names, salary of each, and the States to which they are credited, of all the ex-Union soldiers in their respective Departments who have been appointed, promoted, reduced, or removed, stating them separately, or who have resigned or died since the 4th day of March, 1893.

Mr. GILLETT of Massachusetts. Mr. Speaker, I move the previous question.

Mr. McMILLIN. Mr. Speaker, a parliamentary inquiry. Does the Chair hold that that resolution is privileged?

The SPEAKER. The Chair thinks it is a resolution of inquiry, which under the rules of the House would be privileged, would it not?

Mr. McMILLIN. I desire to ask the gentleman if it comes with a report from the committee?

Mr. GILLETT of Massachusetts. Yes; a unanimous report from the Committee on the Civil Service.

Mr. McMILLIN. Is there a printed report accompanying it?

Mr. GILLETT of Massachusetts. There is.

Mr. McMILLIN. I should like to have the report read.

Mr. GILLETT of Massachusetts. The Clerk has the report.

The Clerk read as follows:

The Committee on Reform in the Civil Service, to whom was referred House resolutions 355, 356, 357, 358, 359, 360, 361, and 362, have had the same under consideration, and respectfully report back the accompanying substitute for all the said several resolutions, and recommend that the said substitute do pass.

Mr. McMILLIN. Mr. Speaker, the reason I made the inquiry as to whether this was privileged is this: I realize that resolutions of inquiry are privileged ordinarily, but it strikes me—I will not make the point, however, in this case, but will suggest to the gentleman who has the bill in charge that he is offering a very wide resolution here, the substance of which is to reprint and extend the Blue Book, which is an expensive document and one that it will take hundreds of clerks to prepare, I think.

Mr. GROSVENOR. Oh, no; you are mistaken.

Mr. McMILLIN. Would the gentleman have any objection to letting it go over, with all its privileges attaching to it, until to-morrow? These gentlemen want to go on with their debate on the contested-election case.

Mr. GROSVENOR. Mr. Speaker, this is a mere matter of inquiry, the same as we have had often.

Mr. OVERSTREET. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. OVERSTREET. Is not a motion pending for the previous question?

The SPEAKER. The motion for the previous question is pending.

Mr. GROSVENOR. I will say to the gentleman from Tennessee that there is no dynamite in this resolution.

Mr. McMILLIN. If there is no dynamite in it, it will not explode if it is allowed to lie over until to-morrow.

Mr. OVERSTREET. Mr. Speaker, I make the point that debate is not in order pending the motion for the previous question.

The SPEAKER. Pending the motion for the previous question debate can not continue except by unanimous consent.

Mr. McMILLIN. I will ask the gentleman whether he will not let the resolution go over until to-morrow, retaining the privilege which attaches to it? I should like to read the resolution. It strikes me that it is a very broad resolution. We do not want to do any unnecessary compiling or printing.

Mr. GILLETT of Massachusetts. There is but one reason why I object to allowing the resolution to go over, and that is that the gentleman who has it in charge is going away and will not be here for several days after to-day.

Mr. McMILLIN. The privilege which the resolution has will still attach to it.

Mr. OVERSTREET. Mr. Speaker, a point of order. I yielded the floor only under an agreement that the motion for the previous question should be made. I insist that the gentleman allow that motion to be voted on or withdraw the report.

The SPEAKER. The previous question is demanded.

Mr. DOCKERY. Will the gentleman allow me a question?

The SPEAKER. Objection is made. The Chair has allowed debate to proceed already which is not strictly in order.

Mr. DOCKERY. I am a member of that committee, and have just come into the Hall. I should like to be heard.

Mr. McMILLIN. Let it go over until to-morrow. The very printing of this report is going to cost thousands of dollars.

Mr. GROSVENOR. Oh, it is not going to cost thousands of dimes.

Mr. DOCKERY. I just came into the Hall. I did not know that this matter was coming up.

Mr. McMILLIN. It was stated that it was presented as a unanimous report from the committee.

Mr. DOCKERY. I want to say that it is not unanimous so far as I am concerned.

The SPEAKER. The question is on ordering the previous question.

The question was taken; and the Speaker announced that the ayes seemed to have it.

Mr. McMILLIN. I demand a division.

Mr. KEM. I raise the point of no quorum.

The House divided; and there were—ayes 65, noes 27.

Mr. KEM. I make the point of no quorum, Mr. Speaker.

The SPEAKER. The point is made by the gentleman from Nebraska [Mr. KEM] that there is no quorum.

Mr. McRAE. The yeas and nays.

Mr. GROSVENOR. If this can have its place on the assembling of the House to-morrow, I suggest that it be passed over, holding its privilege. Is there any objection to that?

The SPEAKER. The gentleman can withdraw it prior to a decision on the part of the House and it will retain whatever privileged character it has.

Mr. GILLETT of Massachusetts. I withdraw the resolution.

CONTESTED-ELECTION CASE—JOHNSTON VS. STOKES.

Mr. OVERSTREET. Mr. Speaker, the consideration of this question has been broken into by the taking up of matters which at the time were thought to be of greater importance. I trust that the members now present may dismiss the thoughts which have arisen in their minds relative to appropriations and other matters which have just been under consideration, and will come to a candid, fair, and careful consideration of a question which I deem of the greatest privilege and importance, namely, the right of an individual to a seat upon this floor. The statement made in the opening of this case by the gentleman from Wisconsin [Mr. JENKINS] a few days ago in a fair manner outlined the position taken by the majority members of the Committee on Elections No. 3. I think I will be able to show to this House before I conclude my remarks that there is no majority report of this committee save and except upon the bare, plain proposition of seating the contestee [Mr. Stokes].

We are disposed, Mr. Speaker, to look lightly upon the consideration of contested-election cases from the State of South Carolina. I have been informed that scarcely a Congress has been assembled for many years, at least since the rebellion closed, except there has been a contested election case from the State of South Carolina. Many different methods have been resorted to in that State to suppress and overcome the vote of the majority of its citizens, until we are brought, in the consideration of this case, to the very latest method that is pursued by those who undertake to control the elections in South Carolina. I think, Mr. Speaker, that for the purpose of a proper consideration of this case all of the conditions which form a basis for a contest should be inquired into, and for that purpose allow me to call attention to a few facts which will be undisputed.

First, that in the year of 1893 a new apportionment law was passed in the State of South Carolina, and the first election under it was held in 1894, in which this contest originated. Remember that there are seven districts in that State, and when that apportionment law was passed those districts were not changed in their geographical grouping, except the districts numbered 1 and 7, with one single exception, that of a small portion of Colleton County, which was transferred from the Seventh to the Second district. But, practically speaking, no change was made in the outline of any Congressional district of South Carolina under the apportionment law of 1893 except the shifting or the reorganization of the same counties and townships which formerly existed in the First and Seventh districts.

No one denies the fact that for years, since the relegation of the shotgun and tissue ballot and the cipher returns in that State, they have undertaken to congest the colored population into certain districts, conceding, I think, by such conduct their right to control those districts. This Seventh Congressional district, as shown by the census report, discloses a state of facts which must confront us at the threshold of this consideration as making a prima facie case in support of the contestant, Mr. Johnston.

Remember, Mr. Speaker, that in South Carolina no effort has ever been made to draw the limitation of districts by county boundaries, but they must needs cut in and out like a saw tooth or like shoestrings that are limbered up, so as to conform to their ideas of apportionment, until they have parts of counties and parts of counties that go to make up these two Congressional districts. So that the Seventh Congressional district is composed of three full counties, namely, Lexington, Orangeburg, and Sumter, four townships of Berkeley, one township of Colleton, and one little township of Richland. An examination of the census returns of 1890 of these various subdivisions of counties discloses that in all the subdivisions of every county the colored population exceeds the white population, and the colored vote the white vote with one sole, single exception, that of Lexington County. Lexington County has 2,982 white voters and 1,650 colored; but with that

single exception every other subdivision of the Seventh Congressional district discloses that of the voting population the black exceeds the white.

The population of the district is 178,830, of which there are 12,989 white voters and 23,876 colored, as shown by the last census, leaving a clear majority of colored voters over the white voters of 10,937—that is, taking the colored vote as compared with the white vote; but when we take into consideration the fact that Colonel Johnston, himself a white man, has lived among those people ever since the war and has been a part of their new civilization in his efforts to vindicate the right of suffrage, we must conclude that at least some whites voted for him. But it may be said, what right have we to assume that all the colored voters of the Seventh district of South Carolina were Republican in 1894? In reply to that let me say, Mr. Speaker, that the efforts made, as disclosed in the testimony in this case, covering hundreds of pages, to establish that the colored vote was other than Republican have, to my mind, wholly failed. More than that, the record teems with evidence disclosing the unpopularity of the contestee and dissatisfaction among his own people; and when I say to you, without fear of contradiction, that Mr. Stokes did not make a speech in the Seventh district and had no organization which brought any speaker into the district, while Colonel Johnston in his management of the campaign displayed an organization that would have done credit to any Northern district, you will, I think, deem it reasonable to assume that the weight of evidence disclosing the natural conditions that existed there is in favor of the position taken by the contestant.

Now, what do the returns disclose? They show that in the entire district Mr. Johnston received 2,647 votes, while Mr. Stokes received 7,358 votes. I have taken the trouble to compile a table comparing the voting population of the several counties and parts of counties in that district with the returned vote as disclosed by the certificate of the Secretary of State, and I will take the time of the House long enough to call attention to it in order to show just one thing, namely, that the per cent of the vote that was cast, as disclosed by the returned votes, shows that there was something wrong. This table, showing the voting population by counties as divided upon race lines, together with the returned vote, is as follows:

County.	Stokes.			Johnston.		
	White vote.	Returned.	Per cent.	Colored vote.	Returned.	Per cent.
Berkeley	885	669	------	4,821	688	------
Colleton	1,970	1,416	------	3,499	472	------
Richland	932	8	------	1,665	----------	------
Lexington	2,982	1,394	------	1,650	340	------
Orangeburg	3,440	2,729	------	6,346	477	------
Sumter	2,730	1,142	------	5,895	670	------
Total	12,909	7,358	57+	23,876	2,647	11+

I will read these figures in order to show you, as I stated a moment ago, that my statements are based upon facts. In Berkeley County the white vote was 885 and the colored vote was 4,821. Mr. Stokes received, as shown by the returns, 669 votes, while Mr. Johnston received 688. Colleton County contained a white vote of 1,970 and a colored vote of 3,499. Mr. Stokes received 1,416 votes and Mr. Johnston 472. Richland contained a white vote of 932 and a colored vote of 1,665, and there Mr. Johnston did not receive a vote, and, according to the returns, Mr. Stokes received only 8. I will ask you to remember Richland County, as I shall have occasion later to explain the very light vote that was cast there. Lexington County had a white vote of 2,982 and a colored vote of 1,650. The returned vote there for Mr. Stokes was 1,394 and for Mr. Johnston 340. Orangeburg had a white vote of 3,440 and a colored vote of 6,346. The vote there returned for Mr. Stokes was 2,729 and for Mr. Johnston 477. Sumter County, the remaining county of the district (a full county in this apportionment), had a white vote of 2,730 and a colored vote of 5,895. The return for Mr. Stokes was 1,142 and for Mr. Johnston but 670.

The total returned vote for Mr. Stokes was 7,358. That is 57 per cent of the entire white voting population of the district, while the vote returned for Mr. Johnston was but 2,647, only 11 per cent of the colored vote of the district. As I said a moment ago, I have made this comparison merely for the purpose of showing that something was rotten in Denmark, that some explanation was needed why the light vote was cast for Mr. Johnston and the heavy vote for Mr. Stokes.

Now, Mr. Speaker, these figures establish a condition of things which may be summed up in this way: Here is a district of 11,000 Republican majority on the face of the race division of voters. Each subdivision was Republican, and yet the returns show 57 per cent of the white vote of the district and but 11 per cent of the colored vote. Let me now make a brief statement showing the condition, as disclosed by the record which brings this case before the House. The committee do not undertake to throw out a solitary vote in this district. No effort is made by the committee, or urged by the contestant, in that direction. The fact is, as disclosed by the evidence, that the organization of Colonel Johnston to which I have referred, directed its efforts to making a showing to this House that the colored vote was Republican and that it had sought to register its will by casting its ballots at the election in November, 1894. The registration law of South Carolina, which was so ably discussed by the gentleman from Wisconsin [Mr. JENKINS] the other day, fixed provisions whereby the voter must needs register before he could be entitled to cast his ballot on election day. It was my purpose to discuss at some length and, by citations of authorities and reasoning, to show the House that that registration law was unconstitutional, but I deem that I may be excused from that labor by reason of the concession made by the gentleman from Wisconsin that this law is unconstitutional. I shall therefore assume that there is no controversy on that question.

Mr. HOPKINS. As I understand, both the supreme court of the State and the Federal circuit court have decided that that registration law is unconstitutional. Is that correct?

Mr. OVERSTREET. In answer to the gentleman from Illinois [Mr. HOPKINS] I will say that this registration law of South Carolina is like a head at Donnybrook fair; it has never been exposed but it has received a telling blow. The supreme court of South Carolina, the district court of that State, this House in the Fifty-first Congress, and this committee in this Congress, have all held that that law is unconstitutional.

Mr. McLAURIN. May I interrupt the gentleman a moment? I think he is mistaken in his statement about the supreme court of South Carolina. There was a dissenting opinion filed by——

Mr. OVERSTREET. I will say to my friend that I inadvertently stated that part of the case too strongly. The question was before the court; and two of the three members held that there was no original jurisdiction; and on the jurisdictional ground alone the case was disposed of, while Chief Justice McIver held that the law was unconstitutional.

Mr. McLAURIN. And also Judge Goff, who was overruled by Chief Justice Fuller.

Mr. OVERSTREET. On the question of jurisdiction.

Mr. McLAURIN. Yes, sir; on the question of jurisdiction. The case has never been decided on its merits by a court—only on the jurisdictional question.

Mr. OVERSTREET. It may not have been decided on its merits by the court; but it has unquestionably been decided on its merits by the minority members of both courts; and Judge Goff in an elaborate opinion has held the same thing.

Mr. McCALL of Massachusetts. And, may I suggest to my friend, no jurist has ever decided that the law is constitutional. The judges who overruled their associates did so upon the question of jurisdiction.

Mr. McLAURIN. That is correct.

Mr. McCALL of Massachusetts. And in no instance has any judge pronounced the law constitutional.

Mr. McLAURIN. That is correct.

Mr. OVERSTREET. I think the gentleman is correct.

Mr. LONG. Is not the committee in this case unanimously of the belief that the law is unconstitutional?

Mr. OVERSTREET. In answer to the gentleman from Kansas [Mr. LONG], I will say that, so far as I have been able to obtain a full expression of the committee, it is unanimous. I can not speak for the minority members of the committee, the three Democratic members, because they have not so stated in the report. I will say, however, that every Republican member of the committee has so announced himself in the report which has been submitted to the House, with the exception of the gentleman from Wisconsin [Mr. JENKINS], who so declared himself in his statement of the case.

Mr. LONG. Does not the majority report contain the statement?

Mr. JENKINS. I wish to ask whether the gentleman from Indiana [Mr. OVERSTREET] has ever read the report made by "the gentleman from Wisconsin"?

Mr. OVERSTREET. I say that the gentleman from Wisconsin has held all the way through that this law is unconstitutional. Is not that correct?

Mr. JENKINS. I understood the gentleman to say that he had never been able to obtain an opinion from his colleagues on the constitutionality of this law.

Mr. OVERSTREET. Oh, no; I did not state that. The gentleman misunderstood me.

Mr. JENKINS. I simply desire to ask the gentleman whether it is not the fact that the report drawn by myself takes the ground that the law is unconstitutional——

Mr. OVERSTREET. That is true.

Mr. JENKINS. And that such is the sentiment of the committee?

Mr. OVERSTREET. That is true. That is the reason I

deemed it unnecessary for me to insist further upon the unconstitutionality of this law.

That being conceded, then it must follow as the natural, logical sequence that any legal vote proffered and rejected should be counted. Therefore, through this organization to which I have had occasion to refer, headed by Colonel Johnston, the contestant, an effort was made to furnish this House with the data of the rejected votes: and that was done by the arrangement to which I will now address myself.

At each of the voting precincts a list keeper was by prearrangement stationed with a paper headed with a uniform character of petition that was to be signed by the voters who failed in their efforts to have their ballots received. I will not stop to give in detail the character of that petition; let me say, once for all, that that petition or circular form of paper was at all these precincts, and 7,336 voters attached their names to those papers in one form or another. The custom as disclosed by the evidence—and a witness has said it was so arranged that word was passed all along the line—was that the individual who had been designated by the local committee to have this paper in charge was approached by the voter immediately upon the rejection of his vote—not at some distant point but in the immediate vicinity of the polls and immediately following the rejection of the vote. To this list keeper, as he is called, this rejected voter disclosed the facts which went to show his qualifications and the failure to have his vote received and his intention to vote for Colonel Johnston. As I have stated, 7,336 of these names appear on these papers which are brought into the record.

We do not count all those. We count the vote only in the cases where this state of facts is disclosed: First, that the voter in person approached the list keeper in the vicinity of the polling booth immediately after the rejection of the vote and disclosed to him the facts which showed his qualifications, the fact of his effort to vote, and his intention to vote for Colonel Johnston.

There were two classes of those who approached the list keepers: first, those who could read and write, who voluntarily subscribed their names, and those who could not read or write, and authorized the list keeper to subscribe their names. In those instances where the list keeper wrote the names himself, he, in two or three instances, received authority at the time to transcribe that paper; and that fact is brought clearly into the evidence by the list keepers.

In Sumter County there were six precincts, to which I will refer in detail later on, at which the voters did not approach the list keepers and make known in person the facts to which I have just referred. But at each of these six precincts the list keeper brings the list of voters into the record, and swears positively and without contradiction to these facts: First, that they were voters and offered to vote; that he saw the rejection; or, as one witness I now recall expressed it so tersely, "I saw him not vote." He testifies to the fact of residence, and to all of the facts going to show that he was a qualified voter, and then shows by his evidence that the voter was a supporter of the Republican party, and it is understood, Mr. Speaker, that Colonel Johnston was the nominee of that party. With that exception all the votes we count under this form of lists were made up by the voters themselves coming to the list keepers.

Now, I want to submit that this state of facts is undisputed: First, that there were over 7,000 colored voters who were at the polls in addition to those whose ballots were received. Let me say, in passing, that that fact in itself discloses that there was but little division in the colored vote. That is, in addition to the voters whose ballots were received, 7,000 or more—7,336, to be exact—colored voters, as shown by the evidence, were at the polls. The name of no Stokes voter was on either list. Bear that in mind; and therefore surely we have not deprived Mr. Stokes of any of his votes, nor can he claim anything more in his behalf. Of the 7,336 voters who voluntarily entered into the organization, coming on the scene under these circumstances, there is not a possibility even of concluding any one of them to have been a Stokes voter. The fact that they came and subscribed their names when there was a motion to carry out the plan of organization discloses that they were Johnston supporters and would have voted for him if there had been no rejection of their votes. These rejections were because of their not having registration certificates or that there was some irregularity in the certificate which they presented.

Mr. HOPKINS. These were all requirements under the unconstitutional law?

Mr. OVERSTREET. They were all requirements under the unconstitutional law.

If a voter, for instance, after having obtained a certificate of registration, after July 1 moved from one house to another, even if next door, he was compelled under the law to obtain a new certificate. If he did not obtain a certificate by the 1st of July, four months before the election, then, although the constitutional limitation of residence was only sixty days in the county and one year in the State, he could not obtain a certificate at all. So that the irregularities in the certificates grew in some instances out of these conditions—either that he had moved from one precinct to another in the same county, or had moved from one house to another in the same precinct, or that the number of the certificate did not conform to the number on the registration book, or, as was shown in some instances, there was a failure to insert the name of the township in the blanks furnished to the voter. Such irregularities were the basis of the rejections of the votes.

In addition to that, not a vote for Stokes has been disturbed by the committee. Surely he can not claim that he has been misused, because instead of taking a vote away from him we counted a precinct that gives him some votes. That precinct is Strawberry precinct, in Berkeley County, in which the ballots were not counted for him because the ballot box was stolen after the voting and before the returns were made up by the board of commissioners. We undertake to say by the evidence of the manager, who is a Democrat, and by the commissioner, who is a Democrat, that these votes should be counted, and we give, therefore, on that showing 92 votes to Johnston from this precinct and 12 to Stokes. The whole committee agrees to this, and I will not discuss that particular point further.

Let me say, Mr. Speaker, that when you take into account the state of affairs that I have described, which I undertake to say can not be successfully controverted, you must admit that the effort on the part of the contestant was uniform and energetic to disclose to the House the honest, fair facts on which he asks your support. There was not a member of the board in the entire district but who was a Democrat, except the two precincts in Richland County, the precincts of Gadsden and Eastover.

At Gadsden and Eastover precincts the governor, through his regular appointees, had made arrangements for Democratic managers. Richland County, as I showed awhile ago, contained 1,665 colored voters and 932 white. It was the effort of the Democratic managers to keep the votes down in Richland County. Do I speak without authority? Let me see. Mr. Speaker, on the 5th day of November, the day before the election in 1894, the Charleston News and Courier, the leading Democratic organ of that State, had a special dispatch from Columbia pertaining to the political outlook in the Seventh district, in which this statement is found:

It is stated to-night—

That is, the night before the election—

that the precincts at Gadsden and Eastover will not be open to-morrow. They are expected to have large anticonvention and Republican majorities. The managers, it is said, decline to serve. This will only be another club for the Republicans to use in their contest.

On the day following the election, the morning of the 7th of November, the same paper said editorially:

It is plainly and painfully true that the voters generally have no confidence in the fairness of the elections, and have had none for years. It is generally believed that the men who control the count decide the election, and there is no way under the present system of conducting our elections to do away with this injurious impression.

Carrying out that arrangement, announced the night before the election, the Democratic managers at these two precincts did decline to serve; but under that organization, which I undertake to commend to this House, the Republicans at the polls organized, as in my judgment they had the honest right to do, and established a board of their own, and those officers of that board so improvised, contrary to the law of South Carolina perhaps, but in justice to all men who believe in honest elections, and right in the eyes of this House, they acted and conformed to the technical rules as established by the election laws of the State and returned for Mr. Johnston 427 votes in the two precincts. So that accounts for the failure to return any votes for Colonel Johnston in Richland County, and it further accounts for the failure to return any for Mr. Stokes.

I undertake to say, Mr. Speaker, that there is not a man upon this floor who will assail the position which I have assumed, that these 427 votes should be counted for Colonel Johnston. They were refused by the returning board, so that, with the exception of Eastover and Gadsten precincts in Richland County, there was not a Republican member of a board in the entire Seventh Congressional district.

Colonel Johnston importuned the governor of that State for representation upon the board, and the Governor, in a verbal statement, as testified to by Mr. Johnston, promised that representation, but later refused to give it. Every effort was made by this contestant for an honest representation, to watch the nefarious methods of this self-organized party in its effort to suppress the vote of a majority of that district. But their efforts were futile, and it was for that reason that he organized this board of list keepers throughout the district who compiled the 7,336 votes. After the returning board of the district certified to the secretary of state these returns, the secretary of state counted these 427 votes in Richland County, so that that point will not be disputed.

Mr. JENKINS. I will ask the gentleman if the majority report, filed long before the minority report was made, did not concede

that these votes should be counted? And have we not, in our majority report, counted those votes? And is not that supported by the unanimous report of the committee?

Mr. OVERSTREET. That is very true. Had the gentleman not interrupted me I should have so stated. I have simply taken the vote in detail for the purpose of eliminating it from the remainder of these votes which were upon the lists.

Now, Mr. Speaker, one further reason for this organized effort to compile these lists. You will understand without explanation that in contest proceedings you must take evidence by notaries and deposition proof. It is a fact disclosed by the evidence that efforts have been repeatedly made to deprive these men of the services of Republican notaries, and when they can not get notaries before whom to submit their testimony it can not be received by the House. So that it was at first impossible to have 7,300 people come voluntarily one at a time and testify to those facts. It was, in the second place, difficult, if not impossible, by virtue of the great hardship which has been imposed by depriving these Republicans of the use of Republican notaries public. Sir, it was but a few years ago that the governor of South Carolina, who now may be heard at times in the other branch of this Congress, absolutely revoked numbers of notaries' commissions and appointed new ones, and when Colonel Johnston made an effort to obtain affidavits——

Mr. McLAURIN. Will the gentleman allow me to interrupt him?

Mr. OVERSTREET. In a moment, as soon as I have developed this point. When he undertook to obtain affidavits from notaries public, the very individual who was at that time acting as a notary in his behalf had his certificate revoked. I wish to call the attention of the House to this state of facts, to show the great difficulty which would have been encountered by this contestant if driven to the first and primary evidence, that of obtaining the affidavits or deposition proof of each of the seven thousand and more voters.

I have, Mr. Speaker, a paper which discloses the effort which was made to obtain evidence on the part of notaries public, resulting in the revocation of the commission of the notary public while he was in the very act of furnishing these certificates. These certificates, I will say, in order to be fair, were not to take testimony in this case, but to obtain registration certificates upon the vote for a constitutional convention. It only discloses the methods which were pursued in order to suppress the line of evidence which would have been sought in this case. I will say, Mr. Speaker, in order to make the point full and clear, that I will read this correspondence, in order to show that I have not misstated the case. The full correspondence was published March 11, 1895, in the Sumter (S. C.) Daily Item, and is as follows:

THE NOTARY PUBLIC REMOVAL—THE CORRESPONDENCE BETWEEN GOVERNOR EVANS AND W. T. ANDREWS.

The correspondence between Governor Evans and W. T. Andrews, colored, whose commission as notary public was revoked by the governor, in reference to the revocation, which is given below, throws very little additional light upon the subject. Andrews very naturally asks the reasons for his removal, and Governor Evans does not give them:

SUMTER, S. C., *March 7, 1895.*

SIR: I am in receipt of a telegram and letter revoking "for good and sufficient reasons" my commission as notary public. This revocation is, under the circumstances, a reflection upon my character, either officially or otherwise. I therefore ask to be acquainted with the nature of the charges, if any, which have been preferred against me, and the names of my accusers; if there are no charges I then ask that the reasons be given which prompted the revocation. I ask this as a matter of simple justice and right. I am conscious of no act of my life which could in any way bring my character into question, and assert, without fear of successful contradiction, that no man can point to any act of mine involving a lack of honesty, integrity, or character.

Very respectfully, your obedient servant,

W. T. ANDREWS.

His Excellency JOHN GARY EVANS,
Governor of South Carolina, Columbia, S. C.

STATE OF SOUTH CAROLINA, EXECUTIVE CHAMBER,
Columbia, March 8, 1895.

DEAR SIR: In reply to your inquiry of the 7th instant, Governor Evans directs me to say that the power to revoke a commission of a notary public is reserved to the governor, as you will see by reference to your commission.

This privilege the governor exercises whenever he deems it for the welfare of the public, as has been done in other cases recently in your county.

Respectfully,

U. X. GUNTER, Jr., *Private Secretary.*

Mr. W. T. ANDREWS, *Sumter, S. C.*

SUMTER, S. C., *March 8, 1895.*

To the Editor of the Daily Item:

Please publish the accompanying letter, which is a copy of the one mailed by me to Governor Evans March 7, and the reply to the same, received by me Sunday morning, March 10.

In the reply to me the governor seems purposely to evade answering direct questions asked as to whether any charges were preferred against me and the names of those preferring said charges. He very kindly and gratuitously volunteers the information that "the power to revoke is reserved to the governor," and adds that "this privilege the governor exercises whenever he deems it for the welfare of the public." The reason which he ungenerously withholds from me in this letter, however, he publicly announced in the columns of The State Saturday morning. He then stated that three notaries had been removed in Sumter "upon a request from respectable white citizens, stating that they had been soliciting business and making themselves particularly obnoxious to respectable white people." I do not know who the other two are, and examination of the roll in the clerk's office fails to reveal who they are, as no record of any removal except my own can be found there.

For my own part, I decline to permit even the governor of South Carolina to publish me to the world as being offensive to the respectable white people of my home, among whom I was born and reared, and to whom I have never, in the smallest degree, public or private, given offense or cause for lack of confidence or respect. If there are "respectable white people" to whom I have made myself "obnoxious" let the governor or his informers name them and state specifically the "obnoxious" acts which I have performed. Let them state what sort of "business" I have "solicited." I assert emphatically that I have never "solicited" notarial "business," and the only ground for the charge lies in the fact that I announced that I would issue, and did issue, registration affidavits to men of my race, that they might qualify themselves to choose delegates to the constitutional convention, counted in for the avowed purpose of further oppressing them. It is for this reason that the governor of South Carolina holds me up to the world as a man unfit to perform the insignificant functions of a notary public! A shadow must be thrown across my reputation; my character must be under suspicion to the end that my people and myself shall be deprived of all voice in the framing of the fundamental law of the land. Not content with obstructing the pathway to registration with every barrier human ingenuity can devise, notaries are warned that if they permit negroes to make registration affidavits before them their commissions will be revoked. The chief magistrate of the commonwealth—God save the mark!—is become directly the chief instrument for the perpetration and perpetuation of fraud. There are more than twenty notaries in Sumter, and yet from Wednesday 2 p. m. to Saturday 1 p. m. there were only three who would issue a single affidavit for negroes, and they, after issuing less than five each, declared they could do so no longer, as their commissions would be revoked if they did.

Truly, Mr. Editor, this is a commentary upon nineteenth century civilization! What a spectacle for the rest of the civilized world to gaze upon! A people, silent and submissive during many years of oppression, hoping each year that their very submission, more eloquent and powerful than opposition, would conquer the hearts of their oppressors, and bring them to a sense of justice, are now rudely brought face to face with the brutal truth that the machinery of the Government will be used to its last extremity to strike down and obliterate the last semblance of liberty, which they now have left, and this in the name of the "public welfare."

For the "public welfare" the chief executive, sworn to execute the laws impartially, not only connives at but lends himself immediately to the commission of outrageous fraud and enters into an open conspiracy to create a constitution which he declares shall be itself a monster of fraud and an instrument for the perpetuation of perjury and fraud.

God knows that my people have already suffered enough, and I refuse to believe that now, in their extremity—offering as they are no menace to white supremacy—Anglo-Saxon civilization, Anglo-Saxon love of liberty and sense of justice, will permit so foul a stain to tarnish the shield itself of liberty; but that those who ruled in this State from 1876 until 1890 will rise up in their intellectual might and create a constitution that, while eternally assuring the rule of wealth and intelligence, will yet impartially apply to all, and will guarantee to the humblest black man his right to life, liberty, and property.

I say that the correspondence that passed between this notary public and the governor of the State disclosed that he was in the act of furnishing certificates of registration, and that five days elapsed before they could get another notary to certify to the fact of residence and qualification. Only ten days were allowed for registration, and fully half of that time was taken from these people when they would have had an opportunity to obtain registration certificates. It was because of that condition of affairs, Mr. Speaker, that this contestant was driven, in his efforts to show to this House his right to a seat, to obtain secondary evidence, which, under the circumstances, is the best evidence as to the expression of the people at the polls.

Now I yield to the gentleman from South Carolina for a question.

Mr. McLAURIN. Is not that correspondence which the gentleman has referred to after the election?

Mr. OVERSTREET. I stated that before.

Mr. McLAURIN. Then I want to make another statement, for fear you may create a wrong impression, which I know you would not do willingly. In revoking commissions of notaries public, I will say it was done to both Republicans and Democrats, and also in the case of trial justices. In the State there were a great many commissions that had been issued for years, both in the cases of notaries public and trial justices, and all of these were revoked and new commissions issued; and any man of good moral character who could get the indorsement of his fellow-citizens could receive a commission as a notary public. I suppose many of these commissions were over twenty years old. This was done under an act of the legislature, and it had no reference to election cases or anything of that sort.

Mr. HOPKINS. Was this revocation made about the time that it was necessary to use the notaries for the preservation of evidence?

Mr. McLAURIN. Oh, no; it was done under an act of the legislature that was passed about 1890.

Mr. OVERSTREET. That revocation occurred to Democrats and Republicans, but no one could get an appointment as notary after revocation unless he was recommended by a Senator and Representative, and God knows there were very few Representatives and Senators of South Carolina who would recommend Republicans as notaries.

Mr. WILSON of South Carolina. Then again the gentleman is mistaken in that statement.

Mr. OVERSTREET. I yield only for a question.

Mr. WILSON of South Carolina. Are you not inaccurate in

that statement? In the provision that revoked the old appointment, the old commission of notary public, there was a provision that anyone could be appointed on the recommendation of 20 reputable citizens.

Mr. HOPKINS. One moment. Is that the law of South Carolina—that notaries public can be appointed on the recommendation of 20 citizens?

Mr. WILSON of South Carolina. As stated by the gentleman from South Carolina, it was an act which gave the governor power to appoint notaries public. The governor had exclusive power to make these appointments without restrictions, and he imposed this restriction himself for his own guidance.

Mr. HOPKINS. Now, let me understand this. Then there is no restriction on the governor as to whom he shall appoint and what evidence he shall take to determine, in his discretion, as to whether it shall be John Jones or Bill Smith?

Mr. WILSON of South Carolina. He is simply like all other executives in a matter of that kind.

Mr. OVERSTREET. Mr. Speaker, it is all very easy to see how the two gentlemen from South Carolina would meet the issue; but when you understand that the governor holds in his own power the right to appoint whom he pleases and to accept such recommendations as he pleases, it is easy to conclude and to understand how these men were deprived of the assistance of Republicans as notaries public.

Mr. LACEY. Will the gentleman allow me to ask him a question at this time?

The SPEAKER pro tempore. Does the gentleman from Indiana yield to the gentleman from Iowa?

Mr. OVERSTREET. Yes, sir.

Mr. LACEY. Is it claimed now that the notaries public who had been selected to take the evidence during this contest had their commissions canceled during that time?

Mr. OVERSTREET. It is not. I only give instances of this to show why in this case they did not resort to the deposition proof. They were justified, in my judgment, in not undertaking that when it was a notorious fact that they could not get the aid and assistance of notaries public of their own selection. The evidence shows that in some of these counties in this district there was not a solitary Republican notary public, and that upon the request of this contestant the governor refused to appoint a notary who would be friendly to him and give him fair dealing and justice; and that was another reason why he was compelled to resort to what I concede to be secondary evidence.

Now, Mr. Speaker, I have taken much longer time than I anticipated in dealing with the questions which I am called on to answer and in the detailed statement of this condition; and I wish to go now to the very gist of this case for a few minutes, and hope that gentlemen who are attending to my argument will remember the reasons why Colonel Johnston resorted to this means of obtaining a list of the names of the voters as I have outlined.

Mr. POWERS. Do I understand that all the voters on this list of 7,000 and upward tendered their votes?

Mr. OVERSTREET. I do not contend that the proof shows that they all tendered their votes. It does not. I said a while ago that we did not count all the 7,000. All that we do count did actually tender their votes, and their intention, the candidate for whom they intended to vote is shown, and also their qualification, and the further fact that their votes were rejected; and on that basis the contestant has a majority of the votes of the district.

Mr. POWERS. Did they approach the vote taker and formally offer their votes?

Mr. OVERSTREET. If the gentleman was present a few moments ago he has doubtless forgotten that I explained that, excepting six precincts in Sumter County, the lists not only showed that every voter approached the polling place to vote, but also disclosed the other facts I have mentioned, and signed the lists when he was able to sign, or authorized the list taker to sign for him when he was not able to sign for himself. At those six excepted precincts, as I have stated, the voters did not approach the vote keeper, but the testimony shows—the testimony of parties who offered themselves for cross-examination—that the votes were tendered, that the men were qualified voters, and that they were members of the Republican party.

Mr. POWERS. You speak of the "list taker." I am not quite sure that I understand that. Is the list taker the man who had a right to take the vote, or is he the man who was taking down the names of persons who desired to vote?

Mr. OVERSTREET. The list taker is the man that was designated by the committee to stand near the polling place, the man to whom these voters went immediately upon the rejection of their votes.

Mr. POWERS. My question is: Did these voters offer their votes to anybody else before they went to this list taker?

Mr. OVERSTREET. Yes; they offered their votes to the managers of the election in the polling place, and they were rejected.

Mr. POWERS. What is the proof in the case that they offered their votes to the man who had the legal right to take them?

Mr. OVERSTREET. The proof is that in those precincts the man who gives the testimony testifies that he saw the vote offered and saw it rejected, and also testifies to the further fact that the voter thus offering his vote was a member of the Republican party. These other voters who approached the list keeper after tendering their votes and having their names enrolled, first tendered their votes and then went immediately to the list keeper, who was stationed as near the polling place as was permitted, and there made known to him what they had done, their qualifications, the fact of the rejection of their votes, and the fact of their intention to vote for Mr. Johnston. That is the point to which I am now going to address myself.

Mr. POWERS. Do you prove the fact that they offered their votes to the regular vote taker by the list keeper, or by the voters themselves?

Mr. OVERSTREET. The voters made the declaration to the list keeper.

Mr. POWERS. And you prove that by the list keeper?

Mr. OVERSTREET. We prove the declaration of the voter by the list keeper.

Mr. POWERS. So it is one step removed from primary evidence?

Mr. OVERSTREET. It is one step removed from primary evidence.

Mr. HOPKINS. Primary evidence in that case could not be procured.

Mr. OVERSTREET. It could not be procured because of the large number of voters and because of the lack of facilities.

Now I wish to address myself briefly to the question whether or not these declarations are proper proof, and I will ask attention to this point, because upon it, in all probability, will hinge the result in this case. I submit that a declaration made in the vicinity of the polling place, immediately subsequent to the rejection of the vote, while the matter was fresh in the voter's mind, before he had an opportunity to confer with others and without apparent design, may be held a part of the res gestæ, and, when brought into the record by proper proof, is as binding upon the House as primary evidence itself. This question of a declaration being a part of the res gestæ is not a new one in the House.

It has been decided so many times that I almost feel that it is trespassing upon the time of the House to argue it. In the Thirty-fifth Congress, in probably the ablest report that has been made upon this question of declarations being a part of the res gestæ, a report made by so eminent a man as Mr. L. Q. C. Lamar, of Mississippi—certainly a good authority for my Democratic friends—the question was presented to the House, and there has never been any variance since that time in the acceptance of the doctrine. I admit that this is secondary evidence, but it is not a substitution of evidence; and when we elect to take that evidence which is the best that is attainable under the circumstances, it ought to be received with the same degree of respect with which primary evidence would be received. Remember that this was an occasion where the entire community of this district was a party. I admit that in many cases the voter at the polls is not a party, but in other circumstances he is a party, and his declarations may be shown in evidence and proven to establish the case upon which you base your decision. In this case I undertake to say that we find a condition of affairs that does not appear in many cases, and which, in my judgment, strengthens the proposition that here the voter at the polls is a party to the suit.

I have told you that these lists are uniform. Not only that, Mr. Speaker, but they are in the form of a petition addressed to this House, starting out in this way:

To the honorable Senate and House of Representatives of the United States in Congress assembled:

The petition of the subscribers, citizens of the State of South Carolina, respectfully showeth that your petitioners are over the age of 21 and male residents of the county of ——— and the voting precinct of ———, in the county and State aforesaid, and are legally qualified to register and vote.

And then it goes on and recites the fact of their qualification, the fact of their rejection, and their intention not only to vote but to register, and their inability to register by virtue of the act of those who had control of the registration of the State.

In one of the primary books on evidence which is always an authority, Greenleaf, the author states in section 138:

The question of the admissibility of this sort of evidence seems, therefore, to turn upon the nature of the reputed fact, whether it was interesting to one party only or to many. If it were of a public or general nature, it falls within the exception we are now considering, by which hearsay evidence, under the restrictions already mentioned, is admitted. But if it had no connection with the exercise of any public right nor the discharge of any public duty, nor with any other matter of general interest, it falls within the general rule by which hearsay evidence is excluded.

In section 128 the same author says:

And first, as to matters of public and general interest. The terms "public" and "general" are sometimes used as synonyms, meaning merely that which concerns a multitude of persons; but in regard to the admissibility of hearsay testimony a distinction has been taken between them, the term "public" being strictly applied to that which concerns all the citizens and every member of the State, and the term "general" being referred to a lesser, though still a large, portion of the community.

Taking into account the statements which I have made relative to the difficulties in the way, this contestant had no other means of putting this evidence before the House than that by which he did it; and having been brought in here, these declarations under the authority of Greenleaf can be accepted as hearsay testimony even if not a part of the res gestæ. I undertake to say that the true rule whereby we may consider these as part of the res gestæ is best put by the authority which I shall next read:

If declarations of a past occurrence are made under such circumstances as will raise the reasonable presumption that they are the spontaneous utterances of thoughts created by or springing out of the transaction itself, and so soon thereafter as to preclude the presumption that they are the result of premeditation and design, they will be admissible as part of the res gestæ. (Am. and Eng. Encl. Law, volume 21, page 101.)

To make declarations a part of the res gestæ, they must be contemporaneous with the main fact; but in order to be contemporaneous they are not required to be precisely concurrent in time. If the declarations spring out of the transaction, if they elucidate it, if they are voluntary and spontaneous, and if they are made at the time, or so near to it as reasonably to preclude the idea of deliberate design, they are then to be regarded as contemporaneous. (Stare vs. Garrard, 5 Ore., 216.)

[Here the hammer fell.]

Mr. WALKER of Virginia. I desired to make some remarks further on in relation to this case; but I propose now to yield to the gentleman from Indiana [Mr. OVERSTREET].

The SPEAKER pro tempore. How much time?

Mr. WALKER of Virginia. As much as the gentleman wants; all, if he needs it.

Mr. TAWNEY. Before the gentleman from Indiana [Mr. OVERSTREET] resumes, will he permit me one question? Under the rule just cited by the gentleman, why are not these declarations primary evidence—these declarations in regard to how the citizen intended to vote, etc.?

Mr. OVERSTREET. Mr. Speaker, I think it would not be straining the rule to maintain that they are primary evidence. But I have not been disposed to take so stringent a position. Even on the ground that this is the best evidence that could be had under the circumstances, it is sufficient, though it may not be primary evidence. I am inclined to believe, as a personal opinion, that these declarations made under such circumstances are, in view of the authorities, to be considered a part of the res gestæ and therefore constitute primary evidence.

Mr. FAIRCHILD. Did not the men who kept these lists, or accompanied them, go on the witness stand and swear to these declarations having been made to them at the time?

Mr. OVERSTREET. In each instance where we have counted a vote upon the evidence of the declaration of the citizen, the man to whom the declaration was made went upon the stand and testified.

Mr. LACEY. Does the gentleman claim that it is a constitutional right of these Republican voters to have somebody representing them at the election? Does the gentleman think that is a part of their constitutional rights?

Mr. OVERSTREET. It is not a part of the constitutional rights of the citizen as disclosed by the constitution of South Carolina.

Mr. LACEY. But under the Constitution of the United States have they not the right to have somebody see that they have a fair chance?

Mr. OVERSTREET. I think so.

Mr. LACEY. Then if the law of South Carolina denies them that right, and they select a list taker, tacitly or by direct agreement, do they not thereby create that list taker, at least semiofficially, their representative, to see to their side of the election; and in view of that fact, does not his act become practically official, the law having denied the right of that party to representation?

Mr. OVERSTREET. I think the gentleman is entirely correct in his expression of the rule. I believe that as a constitutional right the party at the poll is entitled to some representation, and where he is deprived of that representation, either by the express law of the State or by the action of the managers of the election, and he provides a representative who afterwards comes upon the stand and introduces the proof of the transaction, that proof becomes primary evidence, and should be so received by the House. I wish to cite these authorities sustaining this view without reading at length, because I do not care to encroach too much on the good nature of my friend from Virginia, who joins me in the expression of these views and signs the report I had the honor to prepare and submit to the House.

I only wish to say that the cases to which I refer—that of a New Jersey case in 1840, 1 Bartlett, 28; also the case of Vallandigham vs. Campbell, acted upon in 1858, 1 Bartlett, and found on page 230 (that is the case to which I referred awhile ago in which the report was drawn by ex-Justice Lamar of Mississippi)—the case of Smith vs. Jackson (Rowell, page 27), and also McDuffie vs. Turpin (Rowell, page 252)—these cases sustain the position I have taken, and hold that declarations are admissible as part of the res gestæ.

I wish to refer now, Mr. Speaker, to an expression used outside of the House of Representative upon the principle that I have thus rapidly undertaken to develop. In the State of Tennessee, where prosecutions were sought at the hands of the Federal authorities, in his charge to the grand jury, as great a man as Judge Howell E. Jackson, who was the idol of the Democracy of that State, and whose eminence as a jurist commended him to a Republican President as great as Benjamin Harrison, who gave him a position upon the highest court known in Christendom, uses this language:

If the prosecution had simply shown that each one of these witnesses was seen going to the poll with a Republican ticket in his hand, which he had received from Rives, with a declaration of his intention to vote such ticket, such facts and acts would have constituted circumstantial evidence that they voted such ticket.

Mr. Speaker, in all of my research for authority on the question of declaration, as constituting a part of the res gestæ, to present as a basis for the action of the House in this case, I have found none as broad and comprehensive as that used by Judge Jackson in his charge to the grand jury from which I have just read.

The men in the present case, in each instance, made their declaration to the list keeper, who brought it into the evidence. Now, I said awhile ago that we did not count all of the 7,300. Why? In one instance the evidence shows that, not the list keeper himself, but a third person, who deposes to the fact that the list keeper kept the list. We ignored that. In another instance the list was kept at a store about half a mile from the place where the votes were taken. We also ignored that. We considered, in order to be eminently fair, that that was too far removed from the voting place, and we excluded that count also. But in one of the authorities cited it is held that where a statement or declaration "was made on the day of the election, or soon after," it is a declaration within the meaning of the rule, and it is a part res gestæ.

But we have come to you asking fair dealing for this contestant, and putting it on the strictest ground, not extending the rule even as far as the last two cited authorities, and have counted no votes except where the declaration was taken at the time, in the vicinity of the polling place, and by the man who testifies to the declaration, except where we show all the facts pertinent—the qualification of the voter, the intention of the voter, and the additional fact that the voter is a member of the Republican party.

Now, Mr. Speaker, I anticipate that these gentlemen who seek to fix the title of this seat in the gentleman now occupying it will try to persuade you that the evidence is not as I have stated it; that it does not disclose the fact I have referred to. But I undertake to say, sir, that in every instance where we have undertaken to count the list the list keeper has made we show by his statement, subjected to cross-examination, that the declaration was as full and complete as I have stated.

Remember, first, that these are petitions of the voters before this House, who present their statement at the heading of the petition and come before this House asking justice at your hands and showing their right to vote, with the evidence upon which they base that right, and for whom they should have voted if they had not been prevented. I have tabulated the evidence by counties and precincts in the districts, citing the name of the precincts, the witness, the page of the record, and the number of votes we count in each.

This statement is as follows:

COLLETON COUNTY.

Precinct.	Witnesses.	Record page.	Votes.
Horsepan	J. K. Bennett	30	18
Walterboro	S. H. Campbell	45	157
Hendersonville	P. C. Hamilton	53	56
Summerville	Chas. S. Edmondston	69	91
Reach Hill	A. H. Humbert	72	251
Do	Stephen Moultry	74	
Do	Sam Pinkney	75	85
Georges Station	A. J. Hutson	78	
Grover	J. S. Jenkins	81	14
Reevesville	E. Kelly	89	53
Smoaks Crossroad	C. R. Rivers	93	117
Bells Crossroads	J. W. Stevens	98	86
Preachers Mill	H. S. C. Murdaugh	96	101
Total			1,029

BERKELEY COUNTY.

Strawberry	E. A. Jenkins	151	112
Hiltons Crossroads	S. Gailliard	142	56
Black Oak	J. D. Wright	148	98
St. Stephens	A. M. Pinkney	156	50
Holly Hill	J. S. Brown	140	117
Ten Mile	J. H. Ostendorff	100	156
Total			587
Biggin Church	C. Holmes	153	91
Strawberry	D. J. Cooper	147	
Do	J. S. Schulze	134	93
Grand total			770

LEXINGTON COUNTY.

Precinct.	Witnesses.	Record page.	Votes.
Sandy Run	C. M. Cromartie	162	100
New Brookland	M. E. Boozer	165	63
Spring Hill	H. B. Kesler	170	20
Fork Crossroads	Sidney Caughman	172	38
Batesburg	L. P. Artemus	354	51
Total			272
Lexington Court-House	J. W. Waring	347	39
Grand total			311

RICHLAND COUNTY.

Gadsden	J. H. Garner	178	246
Eastover	W. Richardson	243	184
Total			430

SUMTER COUNTY.

Lynchburg	Albert J. Edwards	189	186
Shiloh	T. J. Smith	194	16
Do	G. T. Evans	203	7
Do	S. J. Anderson	200	17
Do	R. W. McDowell	203	119
Mount Clio	Ben Fortune	208	154
Carters Crossroads	Henry Holmes	225	45
Bishopville	J. H. Slater	233	76
Sumter	M. H. Fields	236	9
Do	J. C. Whittaker	237	74
Stateburg	W. W. Ramsey	275	110
Do	J. H. Douglas	276	38
Total			951
Wedgefield	Daniel Rich	277	161
Spring Hill	D. B. Reynolds	291	53
Concord	E. W. Gregg	239	65
Mayseville	J. H. Cooper	239	241
Privateer	G. A. Huggins	246	126
Providence	W. G. Deas	255	60
Grand total			1,666

ORANGEBURG COUNTY.

Ayers	A. Frederick	307	107
Fort Motte	H. A. Bostick	310	107
Do	D. Esau	312	188
Total			402

RECAPITULATION.

Counties.	Johnston.	Stokes.
Colleton	1,029	
Berkeley	770	12
Lexington	311	
Richland	430	
Sumter	1,666	
Orangeburg	402	
Total	4,608	12
Returned vote	2,647	7,358
Gadsden precinct	265	
Eastover precinct	162	
Grand total	7,682	7,370

Johnston's plurality, 312.

As shown by this statement, we count for this contestant 4,608 votes out of the 7,336—but little more than half—4,608 votes, where the list keeper in every instance, except in the six precincts in Sumter County, testifies to the fact of the voter coming to him in person and making the declaration to him, and to the fact of his intention as so disclosed by the declaration.

Mr. HOPKINS. Counting the number of votes you have there, what majority does it give the contestant?

Mr. OVERSTREET. The returned vote of the contestant was 2,647. We counted for the contestant at Strawberry precinct the 92 votes that the gentleman will remember were given him, and which are conceded by all parties, the full committee, and the returning board of the State. We counted at Gadsden and Eastover 427 votes, which are conceded by the entire committee and the secretary of state. Adding to those two items the 4,608 which we undertake to say come into the record by these declarations to the list keepers gives the contestant 7,682 votes and the contestee 7,370, leaving the contestant 312 majority.

Mr. DANIELS. Was any evidence given to show that the statements of these persons to the person who took down their statements concerning their voting were not true? Is there any contradiction of that?

Mr. OVERSTREET. There is no contradiction on one page of this record of the fact, first, that seven thousand three hundred and more voters were at the polls, in addition to those whose votes were counted; second, that they were colored voters; third, that their names were subscribed, either by themselves, or the proof made that they were members of the Republican party; and fourth, that not one of them was a Stokes voter. There is no contradiction of that, I will say to my friend from New York, which emphasizes the position we have taken.

Now, to return to what I have just stated, an effort will be made here, and I direct your attention to that effort, for it is sure to come, to prove that the evidence does not show these facts.

Now, Mr. Speaker, you must remember that this is an ignorant community. The voters are largely illiterate. It is a fact to be regretted that they have not the intelligence sufficient to create a basis of contest that would obtain in many if not all of the Northern districts. Their language is not correct. Their syntax is poor. But the true statement which they seek to place in this record comes to you with the force of conviction, which I undertake to say this House will commend by accepting it as proof. For example, a voter will say that he kept a list of voters that were "objected."

Well, now, I submit that that is not the technical term to use. The votes were "rejected" and not "objected." He says, "I kept a list of voters that were objected to," not the voters that were rejected. But, Mr. Speaker, all these men were appointed under a common organization. They held lists of uniform draft; they had one object in view. They acted with unanimity, and when they came upon the stand to testify you must accept that testimony as tending in the direction expressed by the great bulk of the witnesses. If I testify as a witness, following twenty other witnesses, and do not go into a detailed statement, it would not therefore be excluded, because I follow others, and we may properly assume, I think, that these witnesses, in the limited time given for this proceeding, were not all asked as carefully about the facts which are brought into the record as in some cases they were asked. But I say, Mr. Speaker, that the evidence shows that each list keeper is discussing the same kind of testimony. He has brought a list into the record headed in the same way, and it all tends in one direction. In every instance the list itself is put into the record.

Mr. HOPKINS. I should like to ask the gentleman a question.

Mr. OVERSTREET. In one moment, please. My friend from Wisconsin [Mr. JENKINS] in his report very adroitly calls the attention of the House to the fact that these lists are not in the record, because they are not filed as exhibits. But, sir, when this House undertakes to put the screws upon testimony, when it concludes that it must resort to the technical expressions of criminal courts, we had as well deliver over to these people of South Carolina the control of this Government. A list appears in the record, subjected to the scrutiny of this House and to the analysis of this committee. If it is not presented formally with the statement, "I offer the following list, and request that it be marked as Exhibit A and made a part of the record," my friend from Wisconsin [Mr. JENKINS] would exclude it; but I pass that over, believing that the fairness of this House will conclude that those lists are in the record. And in no instance—I challenge the statement—in no instance does the list differ in one iota from the statement made by the witness who submitted it, unless it is in the number of names that appear upon the list; but in no instance have those members of the committee who, with me, urge the seating of this contestant, counted a list without first counting, one at a time, the names upon the list as disclosed by the evidence, and comparing that with the vote itself; and where there is a discrepancy, as where one says the list contains 256 names and the count discloses that it contains but 251, we only count the names that the list shows, 251, as in the example which I have given. I now yield to my friend from Illinois [Mr. HOPKINS].

Mr. HOPKINS. The gentleman has covered the point I was going to speak about.

Mr. McCALL of Tennessee. In whose possession have these lists been kept since the election, until they were filed as part of this record?

Mr. OVERSTREET. The evidence discloses that in many instances the list keeper kept it himself, and in others, if he did not keep it himself, he left it in the custody of some individual who, as he says, put it away for safe-keeping; but he always says that was his list. And I will say to my friend from Tennessee that there is no evidence to show, and no effort made to show, that there has been any alteration in any of these lists since election day, when they were taken. I shall briefly refer to the evidence upon this point of bringing the lists into the record in order to illustrate the manner in which they are brought in. The original lists themselves are filed with the record and appear with the papers in the case.

Mr. McLAURIN. Will the gentleman permit a question?

Mr. OVERSTREET. I shall be very happy to answer it.

Mr. McLAURIN. In some of the contested-election cases from

South Carolina did they not seek to count lists that were taken and made up three or four months after the election?

Mr. OVERSTREET. Not in this case.

Mr. McLAURIN. But it was done in similar cases, was it not?

Mr. OVERSTREET. In answer to the gentleman from South Carolina and also in answer to the statement made by my colleague on the committee, the gentleman from Wisconsin [Mr. JENKINS], I will say that there were four cases from South Carolina, and that lists of some sort appeared in each case. The gentleman from Wisconsin undertook to impress upon the House the idea that those cases should all stand or fall together, or else I myself misjudged his remarks.

Now, we could not count enough lists in those other cases under this rule, because, as I have said, a list that was taken several days after the election we would exclude, and a list that was not brought into the record by the list holder we would exclude, and a list which sought to give declarations of voters that did not cover all of the facts required to entitle them to vote we would exclude; so that in the case of Wilson *vs.* McLaurin we seated the gentleman who has just asked me a question because of the imperfection in the evidence which brought those lists into the record. But the doctrine was the same. The other South Carolina case went off for the same reason. The doctrine of declarations being a part of the res gestæ, and the bringing in of the declarations, as we do in this case, did not bring in that evidence in the gentleman's case, and, therefore, he was given the seat.

Mr. LACEY. Were any of the lists in this case made at a different time from election day and at a different place from the place of election?

Mr. OVERSTREET. Not a single, solitary list that we counted.

Mr. McLAURIN. But were there not such lists?

Mr. OVERSTREET. Some were made at a place distant from the poll, but those we exclude.

Mr. LACEY. Then you count only those that were made on the spot, and you treat them as a part of the election itself?

Mr. OVERSTREET. That is it, exactly. We count only those lists that I undertake to say are parts of the res gestæ.

Now, Mr. Speaker, I will address myself as briefly as I can to the evidence in this case to which I have so often referred. Before doing that, however, I wish to point out to the House the line which separates the gentlemen who espouse the contestee's case from those of us who espouse the case of the contestant. We hold that these declarations are parts of the res gestæ, while you will find in the remarks of the gentleman from Wisconsin [Mr. JENKINS] the statement which I now read:

Assuming what the voter said at the box as a part of his offer to vote to be competent evidence, the moment the voter left the box he left the res gestæ—

I do not know, Mr. Speaker, what kind of an animal the gentlemen on the other side have mapped out to be termed the "res gestæ," which can be left by somebody in a particular place. [Laughter.] It is my understanding that the acts which create the transaction at a given place and within a given time, pertaining and applicable to a given individual or individuals, all together, constitute the res gestæ, and no individual has it in his power to leave it in any place. I have said that no vote has been counted by those who seek to seat the contestant except where the declaration was made at the time of election and in the vicinity of the polling place, and to the individual who brings it into the record by his deposition proof, excepting at the six precincts in Sumter County, and in each of those cases the proof is full as to the qualification of the voter, the rejection of his vote, and his membership of the Republican party.

Now, this class of evidence is shown, as I stated a moment ago, by witnesses in various ways, but all tending in one direction, and the gentlemen who support the contestee in this case in their report cite the case of Humbert at Beach Hill, in Colleton County, as an example of the testimony which we have to rely upon, and they urge upon this House to discredit that testimony. They do that on the ground that A. H. Humbert did not write the names on the list there. The evidence is found on page 72 of the record. Gentlemen who seek to retain the contestee in his seat ask you to discredit the evidence of Humbert because he did not write the names upon the list. The evidence shows upon the cross-examination that W. D. Humbert wrote the names upon that list. I concede that fact. If the gentlemen had taken the trouble to follow the other witnesses at that precinct they would have found that Stephen Moultry (page 74 of the record) and Sam Pinkney (page 75 of the record) both corroborated the statement of Humbert on page 72, going to establish this state of facts: That A. H. Humbert was the committeeman designated to stand and control the taking of the names, and that W. D. Humbert was his clerk and actually wrote the names in his presence.

I refer to that line of evidence to show the House that the list keeper was present and saw the names written by his clerk as the voters came up. They were systematic. They had uniform petitions with printed headings, tables, and pens and ink. It would be called a "conspiracy" in some localities, doubtless, but I call it an honest effort to disclose the pains that were taken to establish the rights of this contestant; and while A. H. Humbert does say that the list is not in his handwriting the evidence shows that W. D. Humbert, his clerk, wrote them, and Stephen Moultry and Sam Pinkney both corroborate the committeeman in the statement that he was there; that the voters made their declarations to him, and that W. D. Humbert was his clerk and wrote the names. The gentleman from Wisconsin asks why W. D. Humbert was not put upon the stand. But in God's name how many witnesses is it necessary to bring upon the stand to prove the name of the individual to whom the declaration was made?

Now, I have stated that every one of these 4,608 votes that we undertake to count was brought into the record by these declarations through the medium of the list keeper; that those questions were asked the list keeper as to what he did, and his statement made that he kept the list of the rejected votes; that the voters sought him in person; that they were not intimidated; that they voluntarily made known to him their desire, and that that was the list that he kept. These, I affirm without fear of contradiction, are the facts proved in each case if you will read the evidence aright, except as to these six precincts in Sumter County; and to those I wish to call your attention.

It has been held by this House in many cases—and I undertake to say that in no case has it been denied—that where all the facts are disclosed, the act of the voter, not the declarations and statements made, but his acts and conduct, the proof of his residence and other proofs showing his qualifications as a voter; second, proof of his offer to vote; third, proof of the rejection of the vote, and fourth, proof that he was a member of the given party, that evidence is sufficient to be admitted in proof. That proposition has been universally accepted. And at every one of these precincts in Sumter County where we have counted the vote and where the declaration was not made to the list keeper, that state of fact has been disclosed. I refer you to Wedgefield precinct, page 277 of the record, where the list keeper says that he was in the house where the voting was carried on; that he kept a list of voters who were rejected:

Q. Do you know to what political party they belonged?
A. To the Republican party.

And then on cross-examination we have this testimony:

Q. Do you know of your own knowledge that the names on this list are those of voters who tried to vote?
A. I do.
Q. Did you see each man on this list rejected by the managers, or did they tell you so?
A. I saw them rejected.
Q. On what grounds?
A. A portion of them on the ground that they had no registration certificates, and others that had their registration certificates had changed residence, and still others who had registration certificates, the number on the managers' registration book and voter's certificate did not correspond.

That was no fault of the voter. He had no control of the book. He presented the certificate and if the number varied they rejected it. At Spring Hill township, in the evidence of Reynolds (page 291); at Concord precinct, in the evidence of Gregg (page 239); at Mayesville precinct, in the evidence of Cooper (page 269); at Privateer precinct, in the evidence of G. A. Huggins (page 246), and at Providence precinct, in evidence of W. G. Deas (page 255), we have the evidence showing conclusively what I have stated—not the declarations, but the facts, all of which go to make up and establish the right of the voter to vote, the fact of his rejection, and that he was a member of the Republican party. Why, sir, Justice Jackson, in his charge to the grand jury in Tennessee, held that if the voter was seen with a Republican ticket in his hand en route to the poll it was a sufficient circumstance to prove that he was going to vote that ticket, and (if he got to the polls) did vote it. In this instance there is not a syllable of proof to discredit the statement of the witnesses at these six precincts. No man undertakes to deny the fact that these men were qualified voters, as declared by the list keeper. No man disputes the assertion that their votes were rejected or that they were members of the Republican party.

I wish to emphasize the statement that we have counted no votes except where the full declaration is made under the proposition of law which makes it a part of the res gestæ, except, as I have mentioned, in Sumter County; and there every substantial and material fact is disclosed by evidence to establish the right of the voter to have his vote counted.

When we take those lists that I have thus counted, it makes 4,608 votes. And I submit, Mr. Speaker, that, in view of the caution which we have exercised, in the spirit of fairness which should commend itself to the House—where we count but a little more than one-half of the lists of voters who sought to have their votes counted by this House—this result should be accepted. And this table shows that when you give Mr. Johnston the votes that the full committee gives him, that the State returning board gives him, and add to his returning vote the 4,608 which I undertake to say are absolutely his right under the propositions in regard to

declarations, he has 7,682 votes against 7,370 for Mr. Stokes, leaving the contestant a clear plurality of 312.

Now, Mr. Speaker, I called attention at the outset to the table which I had prepared comparing numerically the black and white population with the returned vote, showing that the colored voting population cast but 11 per cent of its entire vote, conceding all of it to have been Republican and none Republican except the colored, while the white voting population cast 57 per cent of its vote. And when you add the seven thousand and more voters who were on the ground seeking recognition at the polls, it accounts for the interest manifested by the Republican voters of that district. But when we make up the table that I now present to the House with the corrected vote according to the propositions which I have undertaken to impress upon the House, it discloses still that the colored vote has not received as much consideration as the circumstances of the case, in my judgment, entitled it to. When we correct this table by adding the votes which we count, distributing them by counties in the proper way, the following result is obtained:

Counties.	Stokes.			Johnston.		
	White vote.	Corrected returns.	Per cent.	Colored vote.	Corrected returns.	Per cent.
Berkeley	885	681	.....	4,821	1,458	.....
Colleton	1,970	1,416	.....	3,499	1,501	.....
Richland	932	8	.....	1,665	857	.....
Lexington	2,982	1,394	.....	1,650	651	.....
Orangeburg	3,440	2,720	.....	6,346	879	.....
Sumter	2,730	1,142	.....	5,895	2,336	.....
Total	12,939	7,370	57+	23,876	7,682	32+

This gives Stokes 7,370, 57 per cent of the entire white vote of the district, and Colonel Johnston 7,682 votes, only 32 per cent of the colored vote alone of the district. We find a condition outlined where an organization was effected by the contestant, ramifying to every precinct, where every township in the district was stumped by the contestant in his able manner, who impressed himself on the voters; where no divisions existed among the colored vote; where, conceding him no white votes, a man who at the first sound of the gun, as a member of the militia of Massachusetts, penetrated the treasonous confines of the South, and who was a member of the last regiment mustered out of the service, was the candidate of his party. What was there in the history of such a man to alienate the colored voters?

And, Mr. Speaker, when you consider the condition and the circumstances under which they labored, the energy they exerted at the polls, and since they were counted out at the election, and contrast it with the position of the Democratic party, led by a Populist candidate, a man whom the evidence shows had no organization, and did not make a speech in the district, and yet who received such a large per cent of the white vote, I ask you what can be and what must be the conclusion? I submit that it is not right and fair to undertake to say that because we have not brought in 4,600 men and placed them one at a time on the witness stand, we have not made out our case.

I wish briefly to state the position of the committee on this question. The report I have been advocating here for such a protracted time is entitled the minority report. I think it should be dignified by a better appellation than that, in the light of the circumstances under which the case was brought before the House. Ordinarily a dilemma has but two horns, but unfortunately the Committee on Elections No. 3 brings into the House a dilemma with four horns. I commit no breach of confidence within the committee when I state the various positions maintained, because they are disclosed in the four reports submitted to the House. I speak now from the reports as shown by the House records: There are nine members on the Committee on Elections No. 3. There are six Republicans and three Democrats constituting the committee. Three of us maintained the position that I have advocated this morning.

Mr. HOPKINS. Three Republicans?

Mr. OVERSTREET. Three Republicans—Mr. WALKER of Virginia, Mr. THOMAS of Michigan, and myself. Mr. MCCALL of Massachusetts, the chairman of the committee, holds that there is no election, as his report in the record discloses. The gentleman from Wisconsin [Mr. JENKINS], together with the three Democratic members of the committee, who are always together with a complacency that is refreshing and a unanimity that is always to be anticipated—three members of the minority, with the gentleman from Wisconsin, hold that the declarations are worse than hearsay and that this testimony should not be considered by the House. And Mr. JENKINS stated in the House in his speech that the res gestae was left at the ballot box when the voter left the polls. The gentleman from Pennsylvania [Mr. CODDING], who undertook to submit his views on the facts and the law to the House, but was called away by the sad news of the death of a sister and was unable to submit them in print, holds that the declarations or statements made to the list keepers are mere memoranda and can not be otherwise employed than as memoranda in his testimony, and are not a part of the res gestae. He counts all the votes he thinks the evidence shows were proper to count from the memoranda to which I have referred, but he does not count as many as 4,600; and hence he joined with the two Democrats and the gentleman from Wisconsin in causing the majority report to be submitted to the House recommending the retention of the seat by the contestee.

Mr. JENKINS. Will the gentleman allow an interruption?

Mr. OVERSTREET. Certainly.

Mr. JENKINS. I want to ask the gentleman, in all common fairness, if it is not a fact that when the resolution was submitted to the committee that the contestant was entitled to the seat, there were six out of nine votes against him? I will ask further if the three votes were not the Republicans, including myself, the gentleman from Massachusetts [Mr. MCCALL], and our colleague, Mr. CODDING of Pennsylvania? Is not that a fact?

Mr. OVERSTREET. I will answer the gentleman's question. Since the gentleman sees fit to go outside of the record as presented to the House by the reports and inquire of me, I have no disposition to keep any of the facts from the House. It is true as he stated. I was only giving the facts as disclosed by the record, which is before the House, and not the confidential features which were stated in the committee.

Mr. JENKINS. These facts that I now state are disclosed by the reports, are they not?

Mr. OVERSTREET. The facts of the vote against the contestant are naturally shown by the four reports. If one report is that there is no election, of course that is against both contestant and contestee. The three members of the minority of the House, joined by the gentleman from Wisconsin [Mr. JENKINS] and the gentleman from Pennsylvania [Mr. CODDING], making five of the nine, are in favor of the contestee.

Mr. JENKINS. I asked the gentleman a question, in fairness, for the instruction of the House, if it is not a fact that six of the nine members of the committee have decided that the contestant in this case is not entitled to his seat?

Mr. OVERSTREET. I have not denied it. I admit that is a fact. Now, Mr. Speaker, I have disclosed, as the record discloses (because I say in fairness to my colleagues on the committee that what takes place in the committee room ought not to be mentioned) these four reports disclose what I state, that there is not a majority report of that committee upon any question except the bare statement that the contestee is entitled to his seat, because they differ upon the questions of law. And I say in all fairness to my colleague from Pennsylvania [Mr. CODDING] whose remarks will be read in the time of one of the gentlemen who will speak upon this case, that he holds to the law that the lists are memoranda, but he could not see his way clear to count enough of the memoranda to seat the contestant. And I say, Mr. Speaker, that upon the conditions that existed as we found them in this district, as I have detailed them, upon the best evidence that could be obtained in this case, showing the energy and diligence which has been displayed, within the spirit of the law, this contestant should be seated.

I wish to say, Mr. Speaker, that the gentleman from Wisconsin [Mr. JENKINS] almost concedes his case in his concluding remarks, and I want to read them in order that he may refresh his recollection and address himself to that point when he closes this case, and see whether he changes his ground in any respect.

Mr. FAIRCHILD. We are all pleased to hear this reference to the nonpartisanship of your committee, where three Republicans take one position and two Republicans another and one Republican another. I should like to ask the gentleman if the nonpartisanship of the Democrats led them to divide on any question?

Mr. NORTHWAY. O Lord, no.

Mr. OVERSTREET. As I have stated, their conduct in this, largely the same as in other cases, displays a complacency that is refreshing and a unanimity that we always anticipate.

The gentleman from Wisconsin [Mr. JENKINS] stated this:

> Substantial justice requires that broad, equitable, uniform rules be laid down for the determination of election cases.

To that doctrine I say amen, and urge that it be taken home in this case, and I ask gentlemen whether they can do exact justice upon the merits of this case, in the light of the evidence and facts, unless they seat the contestant. The gentleman from Wisconsin [Mr. JENKINS] in his concluding remarks said:

> If what has been asserted in this case is true and can be proven, notwithstanding the contestee is entitled to his seat by a vote of the House, still Congress can inquire whether the State of South Carolina has a republican form of government. But the House alone can not make such inquiry. If what has been alleged and stated by the contestant is true, it is to be regretted, in the interest of good government, that it has not been proven. Freedom and purity of the ballot box must be upheld. No American citizen can afford to uphold fraud in elections, whether he be in the North or in the South. Matters are improving in the South. It has taken longer than it ought to to

bring about the present state of improvement, and we can not afford to have it stop here. I trust that the South will fairly and honestly work out the great problems that have introduced themselves as a result of the war and do its part toward national unity and prosperity, which will never come until every American citizen enjoys unmolested his full political rights. The safety of the individual and the success of the nation depend upon a free ballot, a fair count, and absolute conformity to law. No one questions the loyalty of the South, but I want to say to our Southern friends that yielding to a lawful majority and obedience to the law will be the highest evidence of loyalty and fitness for American citizenship, and will largely aid in bringing to them desired prosperity.

I submit, Mr. Speaker, that in the light of the laxity with which evidence should be taken in these cases, in the light of the common justice and equity with which we should conduct and try these cases, in the spirit of patriotism and fairness between man and man as to the protection of the ballot box, as to the right of suffrage, as to his privilege to have his vote counted fairly and construed justly, this House would stultify itself did it not look into this case as we have looked into it, and seat the contestant instead of the contestee. [Applause.]

Mr. Speaker, if there is any remaining time I wish to yield it back to the gentleman from Virginia [Mr. WALKER].

The SPEAKER pro tempore. The gentleman has ten minutes remaining.

Mr. WALKER of Virginia. I do not care to speak now, and reserve that time.

Mr. DE ARMOND. Mr. Speaker, as was stated by the gentleman from Indiana [Mr. OVERSTREET], our colleague upon the committee [Mr. CODDING] was called away, and he has been unable so far to have published, either in the RECORD or in the usual way, his views upon this case. He left them with me, and I now send them to the Clerk's desk to be read.

The Clerk read as follows:

Fifty-fourth Congress, first session. House of Representatives. To accompany Report No. 1229.

THOMAS B. JOHNSTON vs. J. WILLIAM STOKES.

Mr. CODDING, from the Committee on Elections No. 3, submitted the following views:

In concurring fully with the resolutions submitted by the committee in this case, I am compelled to dissent from the reasoning by which the result is reached. The value given to the so-called "lists" has my approval. They are memoranda only, and worthy of consideration when by competent evidence the parties named are proven to be voters, present at their proper voting places for the purpose of voting for the contestant and illegally rejected. To go further than this is to establish a rule, in my opinion, incorrect and dangerous.

The report of the majority ignores the fact that many lists are supported by evidence possessing the qualities named. I shall not go into details. It is sufficient to say that, after a careful examination of the lists and evidence for every precinct in the Seventh Congressional district of South Carolina, I can not find rejected votes enough to sustain the claim of the contestant.

In dissenting from the conclusions of the minority of our committee I find a general line of reasoning, excellently presented by Mr. OVERSTREET, in which I gladly concur. But it goes too far. No authority quoted sustains the result. To adopt the computation is to give to the "lists" an importance at once startling and revolutionary.

The minority report proposes to award the seat to Colonel Johnston by a majority of 233. It will illustrate my convictions, and if correct, dissipate the majority, to refer only to the following precincts:

	Votes.
Bells Crossroads. (Record, page 93. Report, page 47)	86
Preachers Mills. (Record, page 96. Report, page 48)	101
Ayers. (Record, page 307. Report, page 92)	107

In these cases, selected almost at random, the evidence discloses not one word of citizenship or any ordinary qualification. The names are those of persons "rejected to vote," "objected from voting," "rejected from voting." No more, no less. Much as I regret it, I can not concur in counting lists supported, or rather unsupported, by such evidence.

JAMES H. CODDING.

Mr. DE ARMOND. Mr. Speaker, I thought it no more than fair to Mr. CODDING, as well as to the members of the House, that his statement of his views should be presented and printed in the RECORD for the information of such as may choose to read it. I need not say with respect to this gentleman what all who are acquainted with him know, that he is an exceedingly able and fair-minded man, and an excellent lawyer.

Mr. Speaker, as stated by the gentleman from Indiana [Mr. OVERSTREET], there are three general views entertained of this case: The view that the contestee ought to retain his seat; the view, very ably advocated by the gentleman from Indiana, that the contestant ought to be awarded the seat; and the view expressed briefly on pages 14 and 15 of the report, by the distinguished gentleman from Massachusetts [Mr. MCCALL], our honored chairman, that the House, instead of deciding that either of these candidates is entitled to the seat, ought to declare that there was no election deserving to be respected as such, and send the matter back for the further consideration and decision of the people of the Seventh district of South Carolina. There are about this case (as is true, I believe, of every case) some peculiarities of its own. The persons rejected when offering to vote were rejected largely because they had not complied with the requirements of a registration law the constitutionality of which was exhaustively discussed by the gentleman from Wisconsin [Mr. JENKINS] a few days ago, and discussed at less length but very clearly by the gentleman from Indiana [Mr. OVERSTREET] to-day.

It is enough for me to say, as to the question of the constitutionality of that law, that while different members of the committee have different opinions as to some provisions in it, we all concur in the view that it was and is an unconstitutional law. Further, we all came to the conclusion that, this being an unconstitutional law, the question presented to the House is the question of what ought to be done in view of the fact that that unconstitutional law was upon the statute book and was observed in the conduct of the election last November. There is surely a difference between the conduct of officers observing a law binding upon them, but deemed afterwards and elsewhere unconstitutional, and the acts of officers who, in violation of the law and apparently with the purpose of doing wrong for the sake of wrongdoing, deprive electors of their right to vote.

This registration law was placed upon the statute book of South Carolina in the year 1882, and was a law of that State up to 1894, when this election was held. While we deem this law unconstitutional, as I have stated, and as the other gentlemen who have addressed the House have also stated, it never has been so adjudged in the State of South Carolina. So far as the committee know, but two proceedings were ever instituted in that State during the twelve years of the existence of this law to test its constitutionality.

Those proceedings have both been referred to by the gentlemen who have spoken in this case. Both were brought since the last election. One was before the supreme court of the State of South Carolina, which held that it had not jurisdiction of the matter; that the question did not properly arise in the case presented. The chief justice of that court, however, gave an opinion to the effect that the law, for reasons which he stated, was unconstitutional. The other proceeding was in the Federal court, where Judge Goff pronounced a similar decision; but upon appeal to a higher court it was determined that he was without jurisdiction of the matter. Therefore we have virtually and actually only the opinions of these two distinguished jurists upon the question of the constitutionality of this law.

Now, in the twelve years from 1882 up to and including 1894, the time when this election was held, so far as the committee is advised—I think I am not wrong about this—the constitutionality of the law was never called in question in the way of submitting it to any tribunal in South Carolina. The election of 1894 was held with that law upon the statute book, as it had been for twelve years, the question of its constitutionality not even having arisen up to that time in any court, although the law itself provides abundant means by which any person who is denied the right to register or vote may appeal to the courts and get a decision. Then, when the time came for holding the election in November, 1894, for these election officers (managers of election they are called in South Carolina), this registration law was law, and these officers, in trying to observe the requirements of that law and to enforce its provisions, were certainly doing their duty. It was not for them, when the law had been in full force and effect and no question made about it for twelve years, to set themselves up as a supreme court or as any power high enough to declare that it was an unconstitutional law or to admit to suffrage persons not qualified to vote under that law.

Now, the first point I make about that—and I do not care to dwell longer upon it—is that the decision by which persons offering to vote were excluded from voting was a decision under the law and in accordance with the law. In that respect this case is different, I believe, from any other that has heretofore been before this House; and to some extent the questions which arise, in view of the fact that the committee concludes that the law was unconstitutional, are novel.

Now, another fact which I think I may safely state, and challenge the record for contradiction, is, that the election was fairly held. I do not mean that there were no errors committed; but I mean that in a general way, speaking of the election as a whole, the record is substantially void of any evidence tending to show fraud or intentional wrongdoing or oppression or misconduct on the part of the election officers.

The fact simply was that they had a registration law which they had had for twelve years; that persons who did not comply with that law by securing registration, in large part, I think, did not apply to vote, and those who did apply to vote were excluded from voting because they had not complied with the law. But in the conduct of the officers throughout there was good faith and an attempt to observe the law.

Having concluded, as the committee did conclude, that this registration law—and I will not go into its details; as I said, some may think it unconstitutional in one particular and some in another, some to this extent and some to that; but I simply treat it as an unconstitutional law so far as the consideration of this case goes, in order to shorten the matter—this unconstitutional law thus hampered the suffrage, as it unquestionably did, what was the duty of the committee, what is the duty of the House, what

would be a proper decision and disposition of this case upon the facts and according to law? That is the simple question submitted to the House.

Mr. HEPBURN. Will the gentleman allow me a question?

Mr. DE ARMOND. Certainly.

Mr. HEPBURN. In the event that this act which the gentleman has been discussing should be held unconstitutional, would there then exist in South Carolina any legal method of providing the machinery for the holding of the election?

Mr. DE ARMOND. Oh, yes. There is a considerable body of law, independent of the registration features. The unconstitutionality of the registration law had the effect undoubtedly to keep persons from voting who could vote if that law had not been upon the statute book, and who probably would have applied to vote had it not been there, and who undoubtedly, had it not been there, would have been permitted to vote, whereas when some of them applied they were denied that right. The law undoubtedly had that effect. In other words, a man who had not a registration certificate could not vote. If a man without a registration certificate applied to vote, the election officers rejected his vote, as under the law they were bound to do. Probably, men not having registration certificates, in many instances, did not apply to vote, because they understood that they would be rejected and could not vote—did not have the right under the law to vote. That being the case, the question arises, what should the House do with this particular contest? That there could be held an election, throwing out all this registration law, is a clear proposition from an examination of the whole body of the law. Whether the election which was held should be respected, or whether it should be declared that owing to the obstruction of this unconstitutional law the House concludes that there was no such election as to entitle anyone to the seat in controversy is a question which naturally arises in this case.

I submit, Mr. Speaker, that it is really the question in the case; and with all due deference to my friend from Indiana, who made an able presentation of his view of the case and the view of those who concur with him, I think the question before the House is whether the contestee should hold his seat or whether the whole matter should be sent back to the people of the Seventh district of South Carolina to determine by another election, without the obstruction of an unconstitutional law, who shall be their Representative in Congress. To my mind, as I shall endeavor to explain a little further on, according to the law, according to the precedents—according to the value of this case itself as a precedent—there can be no just contention that the contestant ought to be awarded this seat.

Now, then, what shall be done? If there was enough of an election, if there was enough of valid election law, if the condition of things was such and the result such, under all the evidence, that the House believes the result would probably have been the same had this registration law been out of the way, then the contestee ought surely to hold his seat.

The contestant, after the correction made by counting some votes excluded by the legal canvassers and counted by the State canvassing board, and unanimously conceded by the committee—the contestant has, I believe, some 4,275 fewer votes than the contestee.

Then how can there be gathered together enough votes—gathered together under the law and the evidence, with due regard to the merits of this case and to the value of our decision with respect to other cases that may arise anywhere at any time—how can there be gathered together enough votes to be counted for the contestant which, added to the vote actually cast for him, will entitle him to the seat? I do not believe it can properly be done.

Mr. OVERSTREET. Will the gentleman allow me to interrupt him for an inquiry?

Mr. DE ARMOND. Certainly.

Mr. OVERSTREET. The gentleman will admit that other laws have been enacted by the State of South Carolina since the last election?

Mr. DE ARMOND. I understand that is true. I have not seen them.

Mr. OVERSTREET. Then, if this case was sent back, if a new election was ordered, would it not have to be held under the new law?

Mr. DE ARMOND. Certainly; under the law as it is. I understand the laws have been changed since the last election.

Mr. OVERSTREET. And under that law is not there an educational qualification fixed by the constitution?

Mr. DE ARMOND. I really have never read a line either of the new constitution or the new law of the State, and I can not answer the gentleman from personal knowledge.

Mr. WILSON of South Carolina. If the gentleman from Missouri will allow me, I have the section of the constitution here.

Mr. DE ARMOND. It is immaterial. I am not trying to discuss the case on that basis, but as it is.

Mr. WILSON of South Carolina. I thought it well to put this citation in there.

Mr. DE ARMOND. I do not care to go into that question at this time.

Mr. Speaker, the gentleman from Indiana and those who agree with him in regard to this case, according to their view of the question, have counted enough votes for the contestant in addition to those he received to give him a plurality, as stated in their report, of 233. Now, what is necessary, first? If you are going to count as voting persons who did not vote what is necessary to lay the foundation, to establish the groundwork, in order to enable you to count such votes? It would seem that the persons to be counted as voting ought to be shown by the evidence to have all of the qualifications necessary under the South Carolina constitution and law for voters—the qualifications which a voter in South Carolina in November, 1894, ought to have had and was required to have, excluding the requirements of their registration law.

I think there can be no dispute as to that point. How is it to be shown? It must be shown in some manner, I submit, by competent testimony. It is not a thing to be presumed; it is not something to be guessed at. In order to vote enough of these persons to change the result of the election in question—and these gentlemen proceed on the theory that there was an election in which the House can carry out something that was not entirely accomplished in South Carolina by declaring the election of one of the gentlemen who were parties to the contest—in order to vote enough of them to change the result of that election, it is necessary to have cast for Mr. Johnston, the contestant in the case, more than 4,270 votes which must be obtained somehow from the "lists" upon which he relies. How were these lists kept? What are the lists? I will read the heading which appears to the most of them:

To the honorable Senate and House of Representatives
of the United States in Congress assembled:

The petition of the subscribers, citizens of the State of South Carolina, respectfully sheweth:

That your petitioners are over the age of 21 years and male residents of the county of Colleton, and the voting precinct of Walterboro, in the county and State aforesaid, and are legally qualified to register and vote.

That on this the 6th day of November, 1894, they did present themselves at said voting precinct, in order to vote for member of Congress, and that they were denied the right to vote.

That your petitioners have made every reasonable effort to become qualified to vote according to the registration law of this State, but have been denied an equal chance and the same opportunity to register as are accorded to others of their fellow-citizens.

Your petitioners desired and intended to vote for Hon. Thomas B. Johnston for member of Congress.

Wherefore your petitioners pray that you investigate the facts herein stated and the practical workings of the registration and election laws of this State, and devise some means to secure to us the free exercise of the rights guaranteed to us by the constitution of this State and the laws and Constitution of the United States; and your petitioners will ever pray, etc.

Now, in that is to be found the evidence in most instances, the evidence in large part, of the so-called qualifications of these people to vote. In order to count a man on the estimate made in these petitions you must conclude that he was qualified to vote under the constitution and laws of the State independently of the registration law. We can not ignore everything of law. This is not evidence, the heading of the various petitions "to the honorable Senate and House of Representatives," "to investigate the facts and devise some means" to secure to these people their rights under the constitution of the State and the Constitution and laws of the United States. If we were to conclude that the statement in this petition—and what a remarkable proposition it is—but if we were to conclude that the statement in the heading of the petition is sufficient to constitute proof of the qualification to vote of those whose names were signed under it and on sheets fastened to the one bearing it, either by themselves or by somebody else, still if you come to look at the real qualifications of voters under the constitution and laws of the State of South Carolina, independently of the registration law, you would find some of the qualifications lacking.

There is nothing said about the length of residence in the precinct, nothing about whether the voter or would-be voter had resided in the precinct sixty days, or sixty years, or an hour. There is nothing whatever in regard to the negative qualifications. I will not insist that, as a matter of law, it would be necessary, prima facie, to show that a man was not under any of the disabilities imposed by the constitution or statute, as being a pauper or having been convicted of a crime, which disqualify persons from voting. There is no declaration of an offer to vote. The declaration is:

Your petitioner desired and intended to vote for the Hon. Thomas B. Johnston for member of Congress.

If question had arisen as to a single person offering to vote, and who had voted or who had not voted, and whose qualifications were called in question, and the testimony with regard to his qualifications were embodied in what I have quoted from these petitions, called "lists" sometimes, it would not be enough to

show that he was entitled to vote. It would not show his residence in the precinct for the necessary length of time. It would not show that he possessed the constitutional qualifications.

But how startling, Mr. Speaker, is the proposition to call evidence of the qualifications of voters the heading to a petition! A large proportion of the persons whose names are appended to these petitions could not read, could not write, did not sign the petitions themselves—could not sign them. The petitions do not disclose the slightest design or purpose that any petition, or the heading of the petition, or anything connected with the petition would be offered or should be taken as evidence, here or anywhere, to prove anything. These gentlemen make certain representations by the heading of the petition to the Senate and to the House of Representatives, and ask the Senate and the House to investigate facts and "devise means," but not to seat or unseat anybody. There is nothing about any one of the petitions which would impress upon the mind of a person signing it anything of the solemnity that ought to attach to the act, that ought to have its effect upon the mind of a conscientious person if he were to understand that what he should then and there say was to be and would be regarded as the equivalent of testimony—statements on oath. Here are certain general recitals preliminary to a petition, and that is all.

I venture to say that never in the history of this House, never in the history of the Senate, never in the history of any legislative body upon this continent or upon the other continent, never anywhere has there been found such "evidence" or such complete lack of evidence of qualification to vote, coupled with such insistence that it is proof sufficient to authorize the counting of votes not cast.

Mr. TERRY. Will the gentleman allow me to interrupt him?

Mr. DE ARMOND. Yes.

Mr. TERRY. Is that what is offered as constituting proof that these gentlemen offered to vote for the contestant?

Mr. DE ARMOND. That is what is offered in large part as proof of their qualifications to vote. There is one further thing about their offering to vote. The testimony varies, but with respect to a good many of them it is that after they came away from the polls, or at some time, they asked that their names be taken down upon a list, and their names were accordingly taken down upon this list, although the statement as to the time when the request was made is often vague and uncertain. It is in the heading of these lists, or rather petitions, that, according to the contention of the minority, the evidence is found that they were qualified to vote, and that therefore their votes ought to be counted.

Mr. WALKER of Virginia. Mr. Speaker——

Mr. TERRY. I should like to make a suggestion right there.

Mr. DE ARMOND. I will yield to the gentleman from Virginia [Mr. WALKER].

Mr. WALKER of Virginia. I ask the gentleman this question: Is not every vote that is counted by the minority of the committee counted upon the sworn deposition and evidence of the list keepers?

Mr. DE ARMOND. Mr. Speaker, what I am saying is that in very large part the only evidence of the qualifications to vote of the persons who are counted is found in the heading of these petitions or listt, as you call them. This is stated in the report. I read from page 29 of the minority report, submitted by the gentleman from Indiana [Mr. OVERSTREET], with reference to one county:

> An examination of the evidence as to Colleton County, part of which we submit herewith, justifies the counting of 1,039 votes for Johnston.
>
> The lists of voters taken at the various precincts in said county were brought into the record by the witnesses who took the declarations from the voters immediately after the vote was rejected, and in the vicinity of the polling place, the qualification of all of said voters whose ballots were so rejected being shown either by the heading of the petition or paper upon which their names were entered, or by the statement of the voter himself, for the paper, being signed by the voter or by one authorized to sign it for him, discloses the qualification and intention of the voter, and therefore becomes a part of the declaration itself; and, taken together, all constitute one and the same transaction, and each of said votes should be counted the same as if each of the voters themselves had come upon the stand and testified singly to the same statements.

Upon that rests the contention that the contestant is entitled to a seat in this House as the Representative in Congress from the Seventh district of South Carolina.

Mr. Speaker, I ask gentlemen who feel any interest in the case and any desire to get at the actual facts, and to pass their own individual judgment upon the law involved—I ask them to read that, as it appears upon page 29 of this report. All the reports are printed together, except that of Mr. CODDING. The evidence of the qualifications of voters, we are told by Mr. Johnston's advocates, is to be found in the heading of a petition to Congress to investigate matters down there, and to devise means to secure these people their rights; a petition that does not disclose a purpose to contest this election; a petition that does not carry with it a hint that the persons who signed it or who authorized the appending of their names to it ever expected that it would be paraded as testimony here or elsewhere.

Some one has a petition at the polls. In the first place, the chances are 50 to 1 that nobody would care exactly what was in the heading of that petition, because a man goes there simply to be listed, and the chances are 100 to 1 that a given voter would not know what was in the heading of the petition. We all know from common experience and observation how carelessly and recklessly petitions are signed. Here is a petition to Congress to investigate matters down in South Carolina and to devise means on general lines, and lo and behold, later comes up the same petition with its heading produced as the evidence that the persons whose names were appended to it were qualified to vote, and wished to vote for Johnston. Upon that kind of "evidence" depends the seating of the contestant, because, excluding that evidence—excluding those as to whose qualifications there is no proof but the heading of the petitions—it is utterly impossible to find enough votes, or enough persons regarded as voters, to seat him. Now, I yield to the gentleman from Indiana [Mr. OVERSTREET] for a question.

Mr. OVERSTREET. I will ask the gentleman whether there was a solitary voter challenged at the polls?

Mr. DE ARMOND. I do not understand the gentleman.

Mr. OVERSTREET. Was any voter challenged as to his right to vote?

Mr. DE ARMOND. I do not know anything about that. These men did not vote.

Mr. OVERSTREET. Now, if a voter presents himself to vote and is not challenged, is he not presumed to be qualified to vote?

Mr. DE ARMOND. I should think, Mr. Speaker, that when a person offers to vote and is not permitted to vote there has evidently been something transpiring at that polling place which would come within the ordinary meaning of the word "challenge." To challenge a man's vote is to suggest that that man is not entitled to vote. Here is a decision that a particular man is not entitled to vote, and yet the gentleman from Indiana asks me whether, when a man is denied the right to vote, there does not arise some sort of a presumption that he is entitled to vote? I think not.

Mr. WILLIS. If the gentleman will pardon a suggestion, I think I read somewhere in this report a statement that at one place 34 votes had been rejected under challenge, though I may be mistaken about it.

Mr. DE ARMOND. Now, Mr. Speaker, I pass to another point.

Mr. WALKER of Virginia. Is it not a fact that the record does show that nearly all these rejected voters were rejected for want of registration, or of proper registration, or of proper registration certificates?

Mr. DE ARMOND. A large part of them—I do not remember the percentage.

Mr. OVERSTREET. Where were they?

Mr. DE ARMOND. There are lots of lists of that kind—no evidence of qualification except the heading, which I read. Here at Preachers Mills is one, page 48 of the report. Recollect, Mr. Speaker, that in order to count in the contestant but few lists can be left out. But I was about to read from the views of the minority as expressed in this report, on page 59:

> At the several precincts in Berkeley County above noted the list of voters was kept in the same manner as in Colleton County, above referred to, and the declarations of voters made to the list keeper immediately following the rejection of the vote, and in the vicinity of the polling place, and the lists in this county were either signed in person or their names authorized to be signed at the time by the voter himself, so that the action of the voter and his statements to the list keeper, together with the statements in the paper which bears the name of the voter, constitute one and the same transaction, and entitle and justify the counting of the votes in this county to the number of 587 for Johnston.
>
> In Berkeley County, at the precinct of Biggin Church, as shown by the evidence of C. Holmes, at page 153, the names of 91 qualified voters were attached to the same character of paper herein referred to, and in all respects identical with the other lists mentioned, except that the intention of the voter is not shown in the same manner; but in this instance, as shown by the evidence of C. Holmes, the "voters belong to the Republican party," and inasmuch as Johnston, the contestant, was the candidate of the Republican party, it is by no means unreasonable to assume that these 91 votes were intended to be cast for the contestant, and for this reason we consider that they should be so counted.

Now, there are several hundreds in that category. The voters are qualified, according to this contention, by the heading of the paper and nothing else. The voter omitted to state in the list or elsewhere that he intended or desired to vote for Mr. Johnston, the contestant, but there is some testimony to show that he belonged to the Republican party and the minority say—and they are compelled to say it in order to get enough evidence—"it is by no means unreasonable to assume that these 91 votes were intended to be cast for the contestant," as he was the regular Republican nominee, and they count them accordingly. In the record, page 408, I find this:

> WASHINGTON, D. C., *September 21, 1894.*
>
> *To the Republican voters of the Seventh Congressional district of the State of South Carolina:*
>
> The National Republican Congressional committee have had under consideration, and have fully investigated, the contest over the regularity of the nomination by the Republicans of the Seventh Congressional district of South Carolina, such contest being between T. B. Johnston, of Sumter, and E. M. Brayton, of Columbia.

The committee make the following findings of the fact:

The appeal for the action of the committee, upon which it assumes jurisdiction, came from the members, regularly chosen, of the district Republican committee. Mr. Brayton, early in the transaction, made direct appeal to the Congressional committee for investigation and decision, agreeing to abide by their findings. Mr. Johnston, upon being notified that this appeal had been made, declined to submit the matter to the committee, but subsequently appeared in person, and has had repeated communication with the chairman of the National Republican Congressional committee. For full investigation of the facts in dispute the committee sent an accredited and trustworthy agent into the district, who has made full investigation and report.

Both the contestants were duly notified that on the 20th day of September, 1894, the committee would give full hearing to the matter. Mr. Brayton at that time appeared before the committee, and the investigation continued during the 21st day of September, full consideration being given to the claims of both contestants. Mr. Johnston was notified that if he desired further time the investigation would be continued until the 25th day of September, to which suggestion of further delay he responded that he would not be able by that time to make a showing.

The committee, having under these circumstances assumed jurisdiction, find that the convention held at St. Matthews on the 19th day of July, 1894, presided over by W. F. Myers, was regularly called, and that its proceedings were in every respect in accord with the customs of the party, and resulted in the nomination of Mr. Brayton, who is found by the committee to be the regular Republican nominee for Congress in the Seventh Congressional district of South Carolina. The action of the convention held at Jacobson Hall upon the same date, by which Mr. Johnston is claimed to have been nominated, was irregular as to call and as to manner of proceeding.

The committee, while regretting exceedingly the necessity for its action in this behalf, feels that the cause of Republicanism and good government demands its interference, and it appeals to those who have engaged in this contest to unite in vigorous and earnest effort for Republican supremacy, especially at this critical time, when the prospect for Republican success in the South is so well assured, if unity and harmony of action shall prevail.

The Republican voters of the district, and all who favor an improved condition of local affairs and of national control, are urged to unite in vigorous support, resulting in the election of E. M. Brayton, the regular candidate.

CHARLES F. MANDERSON,
Chairman Executive Committee.
W. B. HOOKER.
L. D. APSLEY.
J. W. BABCOCK.
J. A. T. HULL.
ROBERT R. HITT.
THOMAS SETTLE.

Yet, in view of that manifesto, the gentleman from Indiana assumes that Mr. Johnston was the regular Republican nominee, and that persons shown to be Republicans, who said nothing upon the subject, must have intended to vote for Mr. Johnston, and therefore ought to be counted for him.

Mr. OVERSTREET. Let me ask the gentleman if it is not true that, subsequent to the action of the national Congressional committee to which he has called attention, and before the election, Mr. Brayton withdrew from the contest, and not only gave his support to Mr. Johnston's candidacy, but stumped the district for him.

Mr. DE ARMOND. I do not know anything about stumping the district or giving his support.

Mr. OVERSTREET. Is not that evidence in the record?

Mr. DE ARMOND. I can not say as to that; but I was just about to remark that Mr. Brayton did afterwards withdraw. But I will read from the record some testimony bearing upon this point. On page 383 of the record I find this:

TONY JOHNSON (colored), duly sworn, says:

Q. State your name, age, and residence.
A. Tony Johnson; 34 years old; live in the city of Orangeburg, in Orangeburg County.
Q. Did you have a registration certificate, and were you qualified to vote at the election for Congressman on the 6th of November last?
A. Yes, sir.
Q. Did you vote for Congressman on that day?
A. I did not.
Q. Why did you not vote?
(Objected to by Mr. Lathrop on grounds of incompetency and irrelevancy.)
A. I had no candidate.
Q. To what political party have you always belonged?
A. The national Republican party.
Q. Who received the nomination by the regular Republican convention for Congress in this district?
(Same objection by Mr. Lathrop.)
A. Colonel Brayton.
Q. Why didn't you vote for Mr. Brayton?
A. Because he had withdrawn.
Q. How long before the election did you hear that he had withdrawn?
A. A few days before the election I heard it, but did not know for certain until that morning.
Q. What kind of a candidate was Mr. Johnston?
(Same objection by Mr. Lathrop.)
A. He was with the bolting faction. I don't know what kind of a candidate he was.
Q. Were you at the Federal election poll at Orangeburg Court-house precinct on last election day?
A. I was.
Q. Did the colored Republicans at that precinct take as much interest in the last election for Congressman as they generally do when they have a regular candidate?
A. They did not.
Q. Have you ever moved your residence since you first registered?
A. Yes, sir.
Q. Did you get your registration certificate changed without trouble?
A. I did.
Q. Were the colored Republicans satisfied or dissatisfied with the candidacy of Mr. Johnston?
A. They were dissatisfied.

So, on page 463, I find the testimony of L. A. Kizer, a manager of election at Holly Hill, to the same effect.

Mr. OVERSTREET. If the gentleman will refer to the testimony on page 347 of the record, he will find what I have referred to.

Mr. DE ARMOND. Mr. Speaker, let me remark in passing that of the persons listed in order to make up this plurality of two or three hundred for Colonel Johnston are some 700 persons whose votes it is claimed were rejected at certain polls. The testimony of the election managers at those polls shows that, instead of there being six or seven hundred votes rejected, there were less than 50.

Mr. WILLIS. Thirty-four.

Mr. DE ARMOND. Now, here is an interesting question presented to the mind of anyone who wishes to dispose of this case upon its merits. And I may say it is far more important in every view of the case, for the present and for the future, to dispose of this case rightly than to dispose of it with reference to what any particular individual may gain or lose for the time being by a wrong decision. The fact, if it be a fact, that these persons were present and were deprived of their right to vote is often testified as to tens, and twenties, and fifties, and hundreds, and several hundreds by a single person—a list keeper. A list keeper says, "Here is a list of 50, 100, or 250 persons who told me that they offered to vote; that they were not permitted to vote; and they put their names down or asked me to put their names down."

Now, one man will swear to such a statement as to 20, 30, 50, 100, or 250 so-called voters. Against the statement of that one man stands in the record the testimony of 1, 2, or 3 sworn election officers, to the effect that there were but a small number—perhaps half a dozen, probably a dozen persons—whose votes were rejected at that poll, and some of them Democrats. Six or seven hundred votes are brought in in this way—not by any person swearing that the persons had offered to vote and were rejected, not by any person swearing that they had the requisite qualifications of voters, but brought in by the head lines of a petition, with the statement of a body of names. I repeat that against such evidence we have the statements of forty or fifty election officers, showing that out of the aggregate of 600 or 700 less than 50 (34 I believe the gentleman from Delaware [Mr. WILLIS] has suggested) were actually rejected.

In determining this case one is compelled to reach one of two conclusions. On the one hand, he may conclude that the testimony of the one man who kept a list, and his list of scores or hundreds must be taken against the testimony of three sworn election officers that not a tenth and in some instances not a twentieth of the number of persons mentioned offered to vote and were rejected. If you adopt such a conclusion as that you may count in the contestant. If you proceed on that basis there is no use talking about evidence. If any sound rules of evidence are to be followed, then a case supported in that way must fall.

I find that the gentleman from Indiana [Mr. OVERSTREET] has a different idea of what constitutes res gestæ from that which I entertain. The cases bearing on this subject, if carefully examined, will, I think, show that in almost all instances the declarations offered in evidence were the declarations of persons who actually voted, made at the time of their actually voting, or who actually offered to vote, made at the time of offering to vote. Now, let me read something cited by the gentleman himself upon that subject, as showing the law—and I think it is good law. It is from one of these election cases. I read from page 25 of his report:

The law is settled that the declaration of a voter as to how he voted or intended to vote, made at the time, is competent testimony on the point.

And the case of Vallandigham *vs.* Campbell is referred to.

The statement contained in the affidavits of these 19 voters—

Not the heading of a petition—

that they offered to vote the ticket attached to their respective affidavits, on each of which tickets the name of the contestant was found as a candidate for Congress, amounts to a declaration of the voter, which brings the case within the rule decided in Vallandigham *vs.* Campbell. These declarations are filed as a part of the res gestæ; and these declarations are supported by the testimony of the supervisor, who states the fact that nearly all of these 19 voters made these affidavits when they presented their certificates and with their ballots attached, and that they deposited them with him as supervisor on the day of election.

The objection that this is hearsay evidence, and that the deposition of each particular voter is the only competent evidence of the facts sought to be proven, is not well taken. The witness Butler does not prove what these 19 voters said to him, but what they did. There is a marked distinction between proof of what a party said and proof of the acts of the party or facts connected with what he did. In the first case it may be hearsay testimony. In the other it is testimony as to facts which the witness observed, which is just as competent as the testimony of the voter as to the facts in which he was an actor.

There are declarations which mingle and mix with the principal act so as to constitute a part of the res gestæ, and to be admissible as such. The voter says, "Here; I offer this vote; attached to this vote is my affidavit of my qualifications to vote; upon this ticket you will find the names of those for whom I desire to vote."

Now, in this case——

Mr. OVERSTREET. I know the gentleman does not wish to misrepresent——

Mr. DE ARMOND. No, sir; I have no such desire.

Mr. OVERSTREET. I understood the gentleman to say he was reading from the case of Vallandigham *vs.* Campbell.

Mr. DE ARMOND. No, sir.

Mr. OVERSTREET. Well, the gentleman referred to that case.

Mr. DE ARMOND. Yes; it is cited in the case from which I was reading.

Mr. OVERSTREET. The gentleman was, in fact, reading from the statement of law made in the case of Bell *vs.* Snyder.

Mr. DE ARMOND. Yes, sir.

Mr. OVERSTREET. I want to call the gentleman's attention to this expression, which is used in the case of Vallandigham *vs.* Campbell, and to ask him whether he adheres to that rule. The statement in that case is:

As to the declarations, most of them were made after or about the time of voting, on the day of the election, or soon after.

Mr. DE ARMOND. Mr. Speaker, I will discuss that, too, although my time is very brief, and I have already occupied too much time.

Here is a sentence also in that same report, showing that these "declarations" are usually admitted as "admissions" or "confessions"—statements against interest:

It is sometimes treated as an exception to the rule, excluding the hearsay declarations of third persons, but generally it is put upon the ground that in elections contested because of illegal votes being received each voter challenged is a party to the proceeding, and therefore whatever he says about his own voting is an admission or confession.

Now, an admission is not a declaration. A declaration is an affirmative proposition. It is not a confession. When I say I am qualified to vote, that is a declaration. It is not an admission. It is not a confession. These declarations against interest in general tend to show disqualification. And their admissibility rests upon a familiar principle. But the gentleman from Indiana makes a statement about a past event, a part of the res gestæ. He claims that what a man says after an event is past is competent evidence as part of that event.

Something may be said after the main transaction has taken place and yet constitute a part of and characterize the transaction. That is true. It may be said when a man is full of the original transaction, when the act is clearly in his mind to the exclusion of other things, when it has so impressed itself upon him that he is simply characterizing what he did. But what is the connection here? What is done in this case? I offer to vote. My vote is rejected by the officers of the election. I walk down the street, meet somebody, or go to a list keeper and make the remark that I offered to vote and my vote was rejected. That is my narrative of a past event. It is no part of the transaction itself. What I said at the polling place, what I did at the polling place, what I did while the transaction was carried on—while I was voting or trying to cast my ballot—that forms a part of the transaction itself. What I say when I am voting or trying to vote would be a part of the transaction. But the story to the list keeper is a recital of a past occurrence. Its repetition by the list keeper is hearsay, not evidence.

In this case it is claimed that many men offered to vote who were denied the right to vote, and went up to some selected spot near the polling place, where the list keeper had a seat, and presented the facts to him. But there is nothing in that but a recital of past occurrences; nothing more and nothing less. In the Snyder case the affidavits were attached to the ballots. The voter says: "Here, I offer to vote this ticket. Here is my affidavit as to my qualifications"; and that was supported by witnesses outside and by the inspector of the election. The ballot was handed in with the affidavit attached; it was preserved in that form, and is in the record. What is equivalent to that here? Nothing whatever.

The qualifications to vote must be found before any listed person can be counted as if he voted. The heading of the petitions does not supply the proof upon that point. The testimony—not regarding the petitions as testimony—does not disclose to us, as to hundreds and thousands of those counted by the minority for contestant, a single qualification of a voter. Not only that, Mr. Speaker, but to count in contestant it is necessary to presume that persons who made no declaration of their intentions, but are said to be members of the Republican party, meant to vote for Mr. Johnston because he was the Republican nominee, when the evidence is to the contrary, as I have shown.

There are over a hundred pages of testimony furnished by the contestee. It shows that many refrained from voting because of dissatisfaction over the withdrawal of Brayton, the regular Republican nominee. Then it is shown overwhelmingly, if evidence is to be regarded, that six or seven hundred of the people counted here were not rejected at all; did not offer to vote, and were not rejected; simply did not try to exercise the right of suffrage.

I have been addressing myself, Mr. Speaker, at too great length to the question as to whether or not the contestant is entitled to the seat. To entitle him to it, I repeat, it is necessary to get out of these lists, somehow, between 4,200 and 4,300 names of persons who should be regarded as legal voters, who tried to vote for him and were prevented from doing so. The minority find the qualifications of most of them solely in the heading to petitions. In addition to that, they presume that some six or seven hundred of them intended to vote for Johnston (although there is not a syllable of evidence that they did) because they were Republicans and because he was the regular Republican nominee, when the evidence shows that he was not the regular Republican nominee. It will be found all through the record that these listkeepers testify they did not know whether persons listed. What was told to them and the petition heading must make Johnston's case, or he has none.

Such is the case submitted to this House. Of course, Mr. Speaker, having discharged my duty as well as I could under the circumstances by placing before the House my view of the case, I am done. I think no decision has ever been made in this House that will authorize the counting of these lists as votes for Mr. Johnston. No action of the House ever has sanctioned, and I hope none ever will sanction, such views of law and evidence as must be entertained in order to seat contestant. The law is not with him; he lacks necessary evidence. More than twice as many votes counted for him by the minority as, according to them, constitute his plurality are positively proven away by the witnesses introduced by the contestee.

Mr. Speaker, if I have any remaining time, I reserve it.

The SPEAKER pro tempore. The time of the gentleman has expired.

MEDICINE AND SURGERY IN THE DISTRICT OF COLUMBIA.

The SPEAKER laid before the House the following message from the President of the United States:

To the House of Representatives:

In compliance with a resolution of the House of Representatives of the 27th instant (the Senate concurring), I return herewith the bill (H. R. 5731) entitled "An act to regulate the practice of medicine and surgery, to license physicians and surgeons, and to punish persons violating the provisions thereof in the District of Columbia."

GROVER CLEVELAND.

EXECUTIVE MANSION, *May 28, 1896.*

The SPEAKER pro tempore. This resolution will be referred to the Committee on Enrolled Bills.

Mr. BABCOCK. Mr. Speaker, I present the privileged resolution which I send to the Clerk's desk.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That the Committee on Enrolled Bills of the two Houses be authorized to correct the enrolled bill (H. R. 5731) entitled "An act to regulate the practice of medicine and surgery, to license physicians and surgeons, and to punish persons violating the provisions thereof in the District of Columbia," by striking out in section 3, lines 1 and 2, "1st day of July, 1896," and inserting "passage of this act." Also, in section 12, after the word "Columbia," strike out "nor to medical students who have matriculated in any medical college in the District of Columbia prior to January, 1895."

APPOINTMENT OF CONFEREES.

The SPEAKER announced the appointment of Mr. BABCOCK, Mr. RICHARDSON, and Mr. CURTIS of Iowa as conferees on the part of the House on the bill (H. R. 2928) relating to the Eckington and Soldiers' Home Railway and the Belt Line Railway Company.

The SPEAKER also appointed Mr. CANNON, Mr. HAINER of Nebraska, and Mr. SAYERS as conferees on the part of the House on the sundry civil appropriation bill.

ENROLLED JOINT RESOLUTION SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolution (H. Res. 193) authorizing the Secretary of War to lend to the mayors of the cities of East St. Louis, Ill., and St. Louis, Mo., and vicinity, a number of tents; when the Speaker signed the same.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. SHUFORD, for three days, on account of important business.

To Mr. PICKLER, for ten days, on account of important business.

To Mr. ROYSE, for fifteen days, on account of important business.

To Mr. BROMWELL, for three days, on account of important business.

To Mr. MORSE, for ten days, on account of important business.

MRS. ELEANOR CARROLL POE.

The SPEAKER appointed as conferees on the bill (S. 804) granting a pension to Mrs. Eleanor Carroll Poe Mr. THOMAS, Mr. CROWTHER, and Mr. LAYTON.

CHARLES W. REINHARDT.

Mr. STEELE. There is a matter on the Speaker's table which will take no time, I think.

The SPEAKER laid before the House the following bill, with Senate amendments thereto:

A bill (H. R. 2054) to correct the military record of Charles W. Reinhardt, and to grant him an honorable discharge.

The Senate amendment was read.

Mr. STEELE. I move to concur in the Senate amendment. It strikes out the words "Secretary of War," a mistake having been made in supposing that the man belonged to the Army, instead of which he belonged to the Marine Corps of the Navy. Therefore the words "Secretary of War" are stricken out and the words "Secretary of the Navy" are inserted. The bill has passed both Houses.

The motion to concur in the Senate amendment was agreed to.

On motion of Mr. STEELE, a motion to reconsider the last vote was laid on the table.

And then, on motion of Mr. JENKINS (at 5 o'clock and 15 minutes p. m.), the House adjourned.

REPORTS OF COMMITTEES ON PUBLIC BILLS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. FLYNN, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 9029) to grant to the Hudson Reservoir and Canal Company the right of way through the Gila River Indian Reservation, reported the same with amendment, accompanied by a report (No. 2049); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the message of the President of the United States returning without approval the bill of the House (H. R. 1139) entitled "An act granting a pension to Caroline D. Mowatt," reported the same, accompanied by a report (No. 2050) recommending the passage of said bill, the objections of the President to the contrary notwithstanding; which said message, bill, and report were referred to the House Calendar.

Mr. WOOD, from the Committee on Invalid Pensions, to which was referred the message of the President of the United States returning without approval the bill of the House (H. R. 1185) entitled "An act granting a pension to Rachel Patten," reported the same, accompanied by a report (No. 2051) recommending the passage of said bill, the objections of the President to the contrary notwithstanding; which said message, bill, and report were referred to the House Calendar.

Mr. RUSSELL of Connecticut, from the Committee on Ways and Means, to which was referred the bill of the Senate (S. 2412) entitled "An act to make the city of Santa Barbara, county of Santa Barbara, State of California, a subport of entry," reported the same without amendment, accompanied by a report (No. 2052); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House as follows:

By Mr. ANDREWS, from the Committee on Invalid Pensions:

The bill (S. 2158) entitled "An act granting an increase of pension to Abraham Rhodes." (Report No. 2036.)

The bill (S. 2077) entitled "An act granting a pension to Richard T. Seltzer." (Report No. 2037.)

The bill (S. 2074) entitled "An act granting an increase of pension to Sarah L. Hively." (Report No. 2038.)

The bill (S. 2430) entitled "An act granting a pension to James W. Whitney." (Report No. 2039.)

By Mr. SULLOWAY, from the Committee on Invalid Pensions:

The bill (S. 568) entitled "An act granting a pension to Mrs. Ann M. Madden." (Report No. 2040.)

The bill (H. R. 9093) granting a pension to Andrew R. Hayes. (Report No. 2068.)

By Mr. THOMAS, from the Committee on Invalid Pensions:

The bill (S. 2877) entitled "An act granting a pension to Hiram Santas." (Report No. 2041.)

The bill (S. 613) entitled "An act granting an increase of pension to Henry Wilson." (Report No. 2042.)

The bill (S. 1127) entitled "An act granting an increase of pension to Russell R. King." (Report No. 2043.)

The bill (S. 1124) entitled "An act granting an increase of pension to Albert B. Simpson." (Report No. 2044.)

The bill (S. 1679) entitled "An act for the relief of Helen Larned." (Report No. 2045.)

The bill (S. 2556) entitled "An act granting an increase of pension to Lewis D. Baker." (Report No. 2046.)

The bill (S. 2035) entitled "An act granting a pension to Julia D. Richardson." (Report No. 2047.)

By Mr. WOOD, from the Committee on Invalid Pensions: The bill (S. 752) entitled "An act to increase the pension of Capt. James B. Logan." (Report No. 2048.)

By Mr. COLSON, from the Committee on Claims: The bill (H. R. 6473) for the relief of James Clark Smith. (Report No. 2053.)

By Mr. COX, from the Committee on Claims:

The bill (H. R. 8761) for the relief of Kate Wade. (Report No. 2054.)

The bill (H. R. 8760) for the relief of Nancy Susan Thompson. (Report No. 2055.)

By Mr. DENNY, from the Committee on Claims: The bill (S. 1335) entitled "An act for the relief of John Veeley." (Report No. 2056.)

By Mr. HEINER of Pennsylvania, from the Committee on Claims: The bill (H. R. 1248) for the relief of J. F. Bailey & Co. and others. (Report No. 2057.)

By Mr. GRAFF, from the Committee on Claims: The bill (S. 795) entitled "An act for the relief of John Little and Hobart Williams, of Omaha, Nebr." (Report No. 2058.)

By Mr. WATSON of Indiana, from the Committee on Claims: The bill (S. 337) entitled "An act to refer the claim of the owners of the brig *Tally-Ho* to the Court of Claims." (Report No. 2059.)

By Mr. WOODARD, from the Committee on Claims: The bill (S. 1434) entitled "An act for the relief of the legal representatives of John W. Branham, late an assistant surgeon in the United States Marine-Hospital Service." (Report No. 2060.)

By Mr. HARDY, from the Committee on Pensions: The bill (H. R. 2366) to increase the pension of John A. Anderson. (Report No. 2062.)

By Mr. STRODE of Nebraska, from the Committee on Pensions: The bill (H. R. 8450) granting a pension to Alden B. Thompson. (Report No. 2063.)

By Mr. KERR, from the Committee on Invalid Pensions:

The bill (H. R. 7290) granting a pension to Charles W. Benedict. (Report No. 2064.)

The bill (H. R. 7687) granting a pension to Eliza Stofer. (Report No. 2065.)

The bill (H. R. 3482) granting a pension to Maggie Donovan. (Report No. 2066.)

The bill (H. R. 5661) to increase the pension of Anna E. Botsford, widow of Eli W. Botsford, late major of Sixteenth Regiment Ohio Volunteers. (Report No. 2067.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. LOUDENSLAGER: A bill (H. R. 9241) to amend sections 4488 and 4489 of the Revised Statutes of the United States, relating to lifeboats, etc., on the ocean, lake, and sound steamers and the penalty for refusing to provide such—to the Committee on the Merchant Marine and Fisheries.

By Mr. WILLIS: A bill (H. R. 9242) providing for the examination by the Civil Service Commission of all persons employed in the classified service of the United States who have not passed said examination, and filling vacancies caused thereby—to the Committee on Reform in the Civil Service.

By Mr. CALDERHEAD: A resolution (House Res. No. 391) making four messengers in the post-office annual employees—to the Committee on Accounts.

By Mr. ALLEN of Utah: A memorial of governor and legislature of Utah, praying for an appropriation of $10,000 for the maintenance of the Shebit Indians—to the Committee on Indian Affairs.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following petition and bill; which were referred as follows:

A petition of Mr. W. S. Edwards and others, praying for the passage of House bill No. 8914—Committee on the Judiciary discharged, and referred to the Committee on Indian Affairs.

A bill (H. R. 5982) for the relief of Elizabeth Roberts—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. ACHESON: A bill (H. R. 9243) granting a pension to Capt. William McIntosh, of Carnegie, Allegheny County, Pa.—to the Committee on Invalid Pensions.

By Mr. BUCK: A bill (H. R. 9244) for the relief of Mrs. Joseph Kittridge—to the Committee on War Claims.

By Mr. DINSMORE: A bill (H. R. 9245) to carry out the findings of the Court of Claims in the case of the estate of S. P. Woods, deceased—to the Committee on War Claims.

By Mr. HARMER: A bill (H. R. 9246) for the relief of Helen

Gillen, widow of Daniel F. Gillen, late captain Company I, Sixty-ninth Regiment Pennsylvania Volunteers—to the Committee on Invalid Pensions.

By Mr. JOY: A bill (H. R. 9247) to correct the military record of William C. Kennedy—to the Committee on Military Affairs.

By Mr. LINNEY: A bill (H. R. 9248) for the relief of William Lewis Bryant, of Boone, N. C.—to the Committee on Claims.

By Mr. LINTON: A bill (H. R. 9249) for the relief of Seabury G. Davison—to the Committee on Invalid Pensions.

By Mr. MARSH: A bill (H. R. 9250) to grant a pension to William W. Gilihan—to the Committee on Pensions.

By Mr. McCALL of Tennessee: A bill (H. R. 9251) to increase the pension of Minerva Haynes—to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. COUSINS: Petition of 59 members of Liberty Sunday School and Congregation of Friends and Christians, of Bangor, Iowa, in favor of a Sunday-rest law for the District of Columbia—to the Committee on the District of Columbia.

By Mr. DALZELL: Resolution of the Chamber of Commerce of Pittsburg, Pa., protesting against the passage of House bill No. 8536 and Senate bill No. 2967, proposing amendments to the interstate-commerce law—to the Committee on Interstate and Foreign Commerce.

Also, resolutions adopted by the railroad commissioners of the different States, at a convention held at Washington, D. C., May 20, 1896, remonstrating against the proposed amendment to section 10 of the interstate-commerce act—to the Committee on Interstate and Foreign Commerce.

By Mr. HEATWOLE: Petition of citizens of Goodhue County, Minn., against the manufacture, sale, and importation of all alcoholic beverages in the District of Columbia—to the Committee on the District of Columbia.

Also (by request), petitions of citizens of Belle Plaine, Carver, Gibbon, Kenyon, Le Sueur, Pine Island, Red Wing, Renville, Winthrop, and Zumbrota, Minn., asking favorable action on House bills Nos. 838 and 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. HITT: Resolution adopted at the thirtieth annual encampment of the Department of Illinois, Grand Army of the Republic, at Cairo, Ill., May 13 and 14, 1896, urging the prompt passage of House bill No. 4339, to establish a national military park to commemorate the campaign, siege, and defense of Vicksburg—to the Committee on Military Affairs.

By Mr. JOY: Papers to accompany House bill to correct the military record of William C. Kennedy—to the Committee on Military Affairs.

By Mr. McCALL of Tennessee: Paper to accompany House bill to increase the pension of Minerva Haynes—to the Committee on Pensions.

By Mr. RUSSELL of Connecticut: Paper to accompany House bill No. 8909, granting a pension to Esther Jackson—to the Committee on Pensions.

By Mr. WARNER: Petitions of citizens of Deland, Clinton, Arrowsmith, and Hammond, Ill., favoring the passage of House bills Nos. 4566 and 838, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

SENATE.

FRIDAY, *May 29, 1896.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. McMILLAN, and by unanimous consent, the further reading was dispensed with.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the bill (H. R. 2054) to correct the military record of Charles W. Rinehardt, and grant to him an honorable discharge.

The message also announced that the House had disagreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 804) granting a pension to Mrs. Eleanor Carroll Poe; further insisted upon its amendment to the bill disagreed to by the Senate; asked a further conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. THOMAS, Mr. CROWTHER, and Mr. LAYTON managers at the conference on the part of the House.

The message further announced that the House had agreed to the amendment of the Senate numbered 233 to the bill (H. R. 8293) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1896, and for prior years, and for other purposes; disagreed to the residue of the amendments of the Senate to the bill; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CANNON, Mr. NORTHWAY, and Mr. SAYERS managers at the conference on the part of the House.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 225) to provide for the transfer of Fort Omaha Military Reservation to the State of Nebraska.

FREE PUBLIC LIBRARY IN WASHINGTON.

Mr. McMILLAN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1247) to establish and provide for the maintenance of a free public library and reading room in the District of Columbia, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same amended to read as follows: "In lieu of the matter inserted in section 6 by said amendment strike out all of section 6"; and the House agree to the same.

JAMES McMILLAN,
GEORGE PEABODY WETMORE,
REDFIELD PROCTOR,
Conferees on the part of the Senate.

H. HENRY POWERS,
A. MILNES,
J. W. BABCOCK,
Conferees on the part of the House.

Mr. HAWLEY. I should like a distinct assurance from the Senator from Michigan that the bill in no way sanctions or indirectly permits the proposition to put the whole expense upon the District of Columbia.

Mr. McMILLAN. I will state to the Senator that it does not. It simply leaves the matter of expenditures to be arranged for by each Congress.

The VICE-PRESIDENT. The question is on concurring in the report.

The report was concurred in.

DISTRICT WATER-MAIN TAXES.

Mr. PROCTOR submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 3279) to authorize the reassessment of water-main taxes in the District of Columbia, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same amended as follows: At the end of section 1 of the amendment add: "*Provided, however*, That where lots or parcels of land have been released from water-main taxes or assessments by reason of technical defects or errors in making such assessments, and where such lots or parcels of land have been sold by the former owner between the order of said release of said tax or assessment and the passage of this act, the Commissioners of the District of Columbia shall not reassess the same against such property in the hands of bona fide purchaser for value without notice of the failure to pay the water-main assessment on said property."

Also strike out section 2 of the amendment and insert in lieu thereof the following:

"SEC. 2. That where outside the city of Washington Potomac water shall hereafter be introduced said water-main tax or assessment shall be levied or assessed within thirty days after such introduction, and where Potomac water has been heretofore introduced the assessment or reassessment shall be made within ninety days after the passage of this act, and such levy, assessment, or reassessment on unsubdivided land shall be made on a frontage not exceeding 100 feet for each lot or parcel of land or premises into which Potomac water has been or shall be introduced and shall be considered in any subsequent subdivision of such property as having extended to a depth of not exceeding 100 feet from the front of said lot or parcel of land: *Provided, however*, That said water-main tax or assessment or reassessment shall be due, payable, and collectable on each lot or parcel of land or premises on and after the date on which the connection is made from the water main to said lot or parcel of land or premises."

And the Senate agree to the same.

REDFIELD PROCTOR,
CHARLES J. FAULKNER,
Managers on the part of the Senate.

GEO. W. HULICK,
J. W. BABCOCK,
JAMES D. RICHARDSON,
Managers on the part of the House.

The report was concurred in.

FORT OMAHA MILITARY RESERVATION.

Mr. SEWELL submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 225) to provide for the transfer of the Fort Omaha Military Reservation to the State of Nebraska, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate, and agree to the same.

FRANCIS E. WARREN,
W. J. SEWELL,
E. C. WALTHALL,
Managers on the part of the Senate.

E. P. BISHOP,
JOHN P. TRACEY,
GEORGE B. McCLELLAN,
Managers on the part of the House.

The report was concurred in.

DEFICIENCY APPROPRIATION BILL.

Mr. HALE. I ask the Chair to lay before the Senate the action of the House of Representatives on the deficiency appropriation bill.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives, agreeing to amendment numbered 233 and disagreeing to the other amendments of the Senate to the bill (H. R. 8293) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1896, and for prior years, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. HARRIS. I ask the Senator from Maine what amendment it is that is agreed to by the other House?

Mr. HALE. The amendment that is agreed to by the House is the conglomerate amendment that covers the French spoliation claims, the Bowman Act claims, and some other claims for which I have no designation. I move that the Senate insist upon its amendments disagreed to by the House of Representatives, and agree to the conference asked for by the House.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate, and Mr. HALE, Mr. ALLISON, and Mr. COCKRELL were appointed.

VETO MESSAGE—ELVIRA BACHELDER.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read, referred to the Committee on Pensions, and ordered to be printed:

To the Senate:

I herewith return without approval Senate bill No. 147, entitled "An act granting a pension to Elvira Bachelder."

This bill provides for a pension to the beneficiary as dependent mother of "J. K. P. Bachelder, late a private in Company D, Seventh New Hampshire Volunteer Infantry."

On the merits of the case I am satisfied this mother deserves a pension. I withhold my approval of the bill intended to grant her this relief solely because I am advised that the law would be inoperative, for the reason that the deceased soldier never served in the Seventh New Hampshire Infantry, and should have been described in the bill as a member of Company D, First New Hampshire Heavy Artillery.

GROVER CLEVELAND.

EXECUTIVE MANSION, *May 29, 1896.*

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, in response to a resolution of the 8th instant, calling for information as to whether any counterpoise batteries have been constructed by the Government within the last eighteen years, using or embodying substantially the principle or plan embraced in, and covered by, the patent issued by the United States to Maj. Beverly Kennon, transmitting a report of the Chief of Engineers, United States Army, on the subject; which, with the accompanying papers, was referred to the Committee on Naval Affairs, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of State, transmitting a copy of amendments suggested by the American delegates to the Washington International Marine Conference of 1889 to the act approved August 19, 1890, entitled "An act to adopt regulations for preventing collisions at sea"; which, with the accompanying papers, was referred to the Committee on Commerce, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting a draft of a bill prepared by the delegates of the United States to the Washington International Marine Conference of 1889, proposing certain amendments to the act of August 19, 1890, entitled "An act to adopt regulations for preventing collisions at sea"; which, with the accompanying papers, was referred to the Committee on Commerce, and ordered to be printed.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of Wyoming Chapter, Daughters of the American Revolution, of Wyoming, Ohio, praying for the publication of the records and papers of the Continental Congress; which was referred to the Committee on the Library.

Mr. CULLOM presented a petition of Galesburg Division, No. 83, Order of Railway Conductors, of Galesburg, Ill., praying for the enactment of legislation providing for the proper appeal from the unreasonable decision of any Federal judge in any case of punishment for contempt of court; which was ordered to lie on the table.

He also presented a petition of Galesburg Division, No. 83, Order of Railway Conductors, of Galesburg, Ill., praying for the enactment of a labor arbitration law; which was referred to the Committee on Education and Labor.

He also presented a memorial of Aurora Council, No. 49, of Aurora, Ill., remonstrating against the continuance of the statue of Père Marquette in Statuary Hall; which was ordered to lie on the table.

Mr. PROCTOR presented a memorial of the General Conference of the Methodist Episcopal Church, in session at Cleveland, Ohio, relative to the Armenian outrages; which was referred to the Committee on Foreign Relations.

Mr. HALE presented petitions of 78 citizens of Portland, of sundry citizens of Gardiner, of 35 citizens of Monmouth, of 46 citizens of Albion, of 80 citizens of Newport, of 28 citizens of Castlehill, of 32 citizens of Deering, of 23 citizens of Canton, of 20 citizens of Pittsfield, of 20 citizens of Anson, of 37 citizens of Columbia Falls, of 16 citizens of Limerick, of 68 citizens of Princeton, of 30 citizens of Phillips, of 19 citizens of Island Falls, of 21 citizens of North Newport, of 33 citizens of South China, of 34 citizens of Norridgewock, of 42 citizens of East Thorndike, of 21 citizens of Skowhegan, of 16 citizens of Rumford Center, and of 62 citizens of Bath, all in the State of Maine, praying for the passage of the so-called Lodge immigration bill; which were ordered to lie on the table.

Mr. QUAY presented petitions of 564 citizens of Pennsylvania, praying for the enactment of legislation restricting immigration; which were ordered to lie on the table.

REGULATION OF BOND ISSUES.

Mr. PEFFER. I desire to present a petition of my own, verbally.

Yesterday evening at a late hour, as the Chair remembers well, I was addressing the Senate. A number of Senators were waiting for the conclusion of my address in order to transact some business they were interested in. In my haste to conclude early I neglected to ask the permission of the Senate to include in my remarks the date and title of a few bills that were pertinent to the line of argument. I did not discover my mistake until after the Senate had adjourned. I now ask permission to include that matter in my remarks.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and leave is granted.

REPORTS OF COMMITTEES.

Mr. MCMILLAN, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 8469) to authorize the Baltimore and Washington Transit Company, of Maryland, to enter the District of Columbia, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. 7469) for the removal of snow and ice from the sidewalks, cross walks, and gutters in the District of Columbia, and for other purposes, reported it without amendment.

He also, from the same committee, to whom was referred the joint resolution (S. R. 151) relating to motive power on the Eckington and Soldiers' Home Railway, the Belt Railway, and the Maryland and Washington Railway companies, reported it with amendments.

He also, from the same committee, to whom was referred the bill (S. 2901) to incorporate the United States Annuity Company, of Washington, D. C., reported adversely thereon; and the bill was postponed indefinitely.

Mr. SEWELL, from the Committee on Military Affairs, to whom was referred the bill (S. 2791) for the establishment, control, operation, and maintenance of the Northern Branch of the National Home for Disabled Volunteer Soldiers, at Hot Springs, in the State of South Dakota, reported it without amendment, and submitted a report thereon.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (H. R. 5393) for the relief of Lucinda Rickards, widow, and the minor children of John D. Rickards, deceased, reported it without amendment, and submitted a report thereon.

Mr. PROCTOR. I am directed by the Committee on Military Affairs to report back adversely the bill (S. 1064) to fix the pay of certain noncommissioned officers of the United States Army. I will state that a bill covering the matter of this bill has already passed the Senate. I move that the bill be indefinitely postponed.

The motion was agreed to.

Mr. FAULKNER, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 3610) for the relief of holders of certain District of Columbia tax-sale certificates, and for other purposes, reported it with amendments, and submitted a report thereon.

Mr. DUBOIS, from the Committee on Naval Affairs, to whom was referred the bill (S. 1350) to make Commodore William P. McCann, of the Navy, a rear-admiral on the retired list, reported it without amendment, and submitted a report thereon.

Mr. ELKINS, from the Committee on Commerce, to whom was referred the bill (S. 3010) relating to the landing of any new submarine telegraph cable line or system in this country, reported it with amendments, and submitted a report thereon.

Mr. WARREN, from the Committee on Military Affairs, to whom was referred the bill (H. R. 3771) for the relief of Stratton H. Benscoter, reported it with an amendment, and submitted a report thereon.

Mr. SHOUP, from the Committee on Military Affairs, to whom was referred the bill (H. R. 4872) to correct the military record of Homer C. McCuskey, reported it with an amendment, and submitted a report thereon.

PROCEEDINGS OF BOARD OF INSPECTORS OF STEAM VESSELS.

Mr. GORMAN, from the Committee on Printing, to whom was referred the following concurrent resolution of the House of Representatives, reported it without amendment, and it was considered by unanimous consent and agreed to.

Resolved by the House of Representatives (the Senate concurring). That there be printed for the use of the Treasury Department, Steamboat Inspection Service, 300 copies each of the Proceedings of the Board of Supervising Inspectors of Steam Vessels for the years 1895 and 1896.

BILLS INTRODUCED.

Mr. GORMAN introduced a bill (S. 3239) for the relief of the estate of Richard Lawson; which was read twice by its title, and referred to the Committee on Claims.

Mr. MORGAN. I introduce a bill and ask that it be read at length and laid upon the table.

The bill (S. 3240) relating to crimes against the circulation of lawful money of the United States was read the first time by its title and the second time at length, as follows:

Be it enacted, etc., That any agreement or conspiracy, of two or more persons, one or more of whom is an officer, agent, or stockholder of a national bank, to bring about any restriction of the current circulation or any diminution of the volume of the lawful money of the United States, of any description, at any place or places in the United States, or to refuse payment to any depositor in a national bank in such lawful money, of any sum due such depositor, for the purpose of decreasing the volume or quantity of such lawful money in circulation or to prevent such lawful money from being put into circulation at any place in the United States, is guilty of felony, and on conviction thereof, in a district court of the United States, shall be punished by a fine of not less than $1,000, to be fixed by the jury who try the case, and imprisonment, to be adjudged by the court, for not less than one year nor exceeding five years, at hard labor.

The VICE-PRESIDENT. The bill will lie on the table.

Mr. HARRIS. I ask the consent of the Senate to make a very brief statement of two minutes, and then I shall ask unanimous consent that the Senate consider House bill 3282.

Mr. HALE. Will the Senator not wait until the regular routine morning business is finished?

Mr. HARRIS. Of course, if the Senator desires, I will postpone my request until after the routine business.

Mr. HALE. I ask the Chair to enforce the regular order of routine business.

The VICE-PRESIDENT. The introduction of bills and joint resolutions is still in order.

Mr. WARREN introduced a bill (S. 3241) granting a pension to Mary A. Benjamin; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SQUIRE introduced a bill (S. 3242) for the preparation of plans or designs for a memorial or statue of Gen. Ulysses S. Grant, on ground belonging to the United States Government, in the city of Washington, D. C.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. HANSBROUGH introduced a bill (S. 3243) regulating the salaries of printers, binders, and other skilled workmen employed in the Government Printing Office; which was read twice by its title and referred to the Committee on Education and Labor.

Mr. WHITE introduced a bill (S. 3244) to amend an act approved August 19, 1890, entitled "An act to adopt regulations for preventing collisions at sea"; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Commerce.

REPORT ON UNDERVALUATION FRAUDS.

Mr. BURROWS submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury be directed to send to the Senate, as soon as may be, a complete copy of the manuscript report of frauds arising from undervaluation submitted by Special Treasury Official T. A. Byrne and dated May 27, 1896.

REPORT ON RUSSIAN FUR-SEAL ISLANDS.

Mr. HALE submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That the Public Printer is hereby authorized and directed to print 2,200 extra copies of the report of Leonhard Stejneger on the Russian fur-seal islands, being article 1 of the Bulletin of the United States Fish Commission for 1896; of the said number of copies 500 shall be for the use of the Senate, 1,000 for the House, 500 for the use of the Treasury Department, and 200 for the use of the Fish Commission.

FUR SEALS IN BERING SEA.

Mr. HALE submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring). That there be printed 1,000 additional copies of Part II, together with its accompanying atlas, of Senate Document No. 137, of the Fifty-fourth Congress, first session, for the use of the United States Fish Commission.

RULES OF THE SENATE, ETC.

Mr. DUBOIS submitted the following resolution; which was referred to the Committee on Rules:

Resolved, That the Committee on Rules be, and is hereby, authorized to employ a suitable person to compile a history of the rules of the Senate and of amendments proposed thereto; of the Committees on Finance and Appropriations, and of the general appropriation bills from the First Congress to the present session, inclusive, the person so employed to be paid out of the contingent fund of the Senate such compensation as may be fixed by the Committee on Rules.

Resolved, That the Committee on Rules be authorized to have printed for its use such matter in the execution of the foregoing order as it may deem proper.

TENNESSEE CENTENNIAL EXPOSITION.

Mr. FAULKNER submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized to pay the necessary expenses of the committee appointed by the President of the Senate to attend the celebration of the one hundredth anniversary of the admission of the State of Tennessee, authorized by the Senate resolution of May 12, 1896, upon vouchers to be approved by the chairman of the committee.

ALCOHOL IN THE ARTS.

Mr. HARRIS. Mr. President, I ask the permission of the Senate to make a brief statement in regard to House bill 3282.

The VICE-PRESIDENT. The Senator from Tennessee asks unanimous consent to make a brief statement in regard to the bill indicated by him. Is there objection? The Chair hears none.

Mr. HARRIS. Mr. President, section 61 of the tariff act of 1894 was not recommended by the Finance Committee, but was incorporated in the bill by a majority vote of the Senate. It provides for free alcohol in the arts. The Treasury Department has found it impossible to make regulations for the purpose of carrying out that section of the act without greatly endangering the collection of revenue upon alcohol in all of its forms. Therefore no regulations have been made. There are many claims, amounting to many millions of dollars, for rebates upon alcohol which has been used in the arts since the passage of that act. There are 550 suits now pending against the Government to recover rebate claimed to be due these claimants.

This bill repeals that section of the law and proposes to create a joint select committee composed of three Senators and three Representatives, which committee is required to carefully investigate the question of alcohol in the arts and to report to their respective Houses upon the first Monday in December next their conclusions, by bill or otherwise; and it is to be hoped that upon such thorough investigation as may be given the subject-matter some provision may be made which will give free alcohol to the arts without endangering the collection of revenue upon alcohol.

Mr. PEFFER. Will the Senator from Tennessee allow a question?

Mr. HARRIS. In a moment. The Treasury Department estimates that the claims growing out of this section year by year aggregate not less than $10,000,000 per annum. It is very, very important that the section should be repealed and the subject investigated, and that a well-considered and carefully drawn provision in respect to alcohol in the arts should be made.

Mr. PEFFER. I wish to ask the Senator from Tennessee whether this bill makes any provision for such persons as are authorized under existing laws to have a rebate?

Mr. HARRIS. It does not. It preserves whatever rights they have, and these rights, if rights there be, depend upon the action of the judicial department hereafter. As to what that action may be it is impossible for me to say, though I have serious apprehensions that the question may be determined in favor of the claimants.

Mr. PEFFER. So they may present their claims if they desire so to do under existing laws and have them speedily adjudicated?

Mr. HARRIS. There is no question about any claim that has accrued up to this time or up to the time the section may be repealed. Their rights remain intact even though we repeal this act. It does not prejudice or affect rights already accrued, if rights have accrued.

Mr. PLATT. Mr. President, I ask the indulgence of the Senate to make a statement as long as that which has been made by the Senator from Tennessee.

It is known, I think, that I have opposed the repeal of section 61, and the statement which I wish to make is to show why I now acquiesce in the passage of the bill.

I have felt for many years that persons engaged in legitimate manufacturing in this country, who are compelled to use alcohol, ought not to be compelled to pay upon one of the materials which enters into their manufacture a tax to the Government of from 700 to 1,000 per cent, and for many years I have endeavored to have incorporated in the statutes a provision which would allow manufacturers to have alcohol free, as their competitors in other countries do.

In 1888 the Finance Committee of the Senate reported such provisions, but the proposed law did not pass. When the act of 1894 was passed I was anxious that something should be incorporated in that act. Section 61 was incorporated in the act. It has not proved to be an operative law, but to my mind it established the principle that alcohol ought to be free in manufactures and should only be taxed when used as a beverage. Therefore I opposed the repeal of the section until Congress should consider whether some law could not be passed which would effectuate the object of section 61 without serious dangers of frauds upon the revenue.

The Ways and Means Committee of the House and the Finance Committee of the Senate, as it seemed to me, failed to give any attention to the subject, but insisted upon the immediate and

unconditional repeal of section 61. However, since there has been coupled with it, in good faith, as I believe, a proposition that in the recess a joint committee or commission shall consider the whole subject and report in December, it seems to me that the principle for which I was contending is thereby recognized by the bill, and I have faith to believe that a proper bill can be prepared which will be acceptable to Congress and which will eliminate any considerable possibility of frauds upon the revenue. It is therefore that I acquiesce in the passage of this bill.

Mr. SEWELL. Mr. President, I would not resort to any obstructive means to prevent the consideration of the bill. I think it very seriously affects a number of my constituents in New Jersey, some of whom have gone into business for the manufacture of alcohol based upon this provision. As we all know, alcohol enters into the production and is the basis of pretty much all medicines and it is used in the arts to a very great extent. There is one firm in my State that paid last year, I think, $96 a barrel for 500 barrels of alcohol on the faith of the Government that there was to be a rebate. That is one of a number that I will not detain the Senate by mentioning. The 500 barrels amounted to $48,000, which went into the manufacture of one single article connected with photography. So we can see how far-reaching the measure is.

Alcohol is made to-day for about 23 cents a gallon. The tax on it is $2.06. The foreigner can get it for 23 cents, receiving his full rebate of $2.06, and there is no reason in the world why he should not outsell in every way our manufacturers on that basis. Our people will be driven out of our own country into the West India Islands or some other place to take advantage of the rebate on alcohol and be able to manufacture their products with alcohol at 23 cents instead of $2.29.

I think it is a very serious matter, but there seems to be a majority of the people who are bound to repeal the law. I look upon it as an act of bad faith on the part of the Government to induce these people to go into this business and then to wipe out their whole profits, you might say; and many of them to-day have their capital invested in this rebate.

The VICE-PRESIDENT. The bill will be read at length.

Mr. DUBOIS. I ask unanimous consent at this time that a time be set for the final vote on Senate bill 1341.

Mr. HARRIS. I hope the Senator will postpone his request until the Senate has disposed of this measure. It will not take long.

Mr. SHERMAN. It will take but a minute to pass the bill.

The VICE-PRESIDENT. The Chair will recognize the Senator from Idaho in a moment to make his request.

Mr. DUBOIS. I am constrained to object to the unanimous consent asked for the consideration of this bill.

REGULATION OF BOND ISSUES.

Mr. ALDRICH. I hope the Senator from Idaho will make a statement of his request. Let him state when he wants to have the vote taken.

The VICE-PRESIDENT. The Chair will submit the request of the Senator from Idaho.

Mr. DUBOIS. My request is that the vote be taken on the unfinished business—the pending bond bill—at 4 o'clock Monday afternoon.

Mr. HARRIS. Monday afternoon?

Mr. DUBOIS. Monday afternoon.

Mr. MILLS (to Mr. DUBOIS). The final vote, you mean.

Mr. DUBOIS. The final vote.

The VICE-PRESIDENT. The Chair submits to the Senate the request of the Senator from Idaho.

Mr. BURROWS. Mr. President——

The VICE-PRESIDENT. The Chair will state the request of the Senator from Idaho. It is that the final vote upon the pending bond bill be taken at 4 o'clock on next Monday.

Mr. ALDRICH. And all propositions affecting the bill.

Mr. BURROWS. Whether that is agreed to or not will depend something upon the purpose of the Senate to remain in session to-morrow. To-morrow being Decoration Day, I suppose the Senate will adjourn from to-day until Monday. If that is done, then there would be no opportunity for further debate upon the bill except what time may be had to-day and on Monday. It seems to me that that would be a little short. I desire to state to the Senator from Idado that the Senator from Utah [Mr. BROWN], who has the floor on the measure, came to me this morning and said that he was so ill that it would be impossible for him to proceed to-day, and he would desire to take the floor on Monday. I do not object to the fixing of a time, but I suggest that the Senator fix Tuesday instead of Monday.

Mr. MORGAN. I hope the Senator from Idaho will name Tuesday.

Mr. DUBOIS. Very well; that suits me, as far as I am concerned. I ask unanimous consent that at 4 o'clock Tuesday the final vote shall be taken on the unfinished business—the bond bill.

Mr. HILL. Mr. President, in arriving at a time for a vote it would probably be better to understand who intends to speak upon the question. If the Senate desires to vote to-day upon that bill, so far as I am concerned, I will make no opposition. However, I do not like to fix an hour. I have expressed my objection to that course in reference to other bills, and I do not like to have an hour fixed for the vote. I will, however, suggest to the Senator that, unless there are some Senators here who want to speak, we agree to an understanding that a vote be had on the bond bill to-day before we adjourn.

Mr. DUBOIS. To-day?

Mr. HILL. Yes; to-day.

Mr. DUBOIS. I will say to the Senator——

Mr. BURROWS. That would hardly be courteous to the Senator from Utah [Mr. BROWN], who has the floor and desires to be heard on the bill.

Mr. HILL. I expressly said unless there are Senators who desire to be heard, of which I knew nothing. Of course, we were assured at the outset that the friends of the measure did not desire to debate the bill. Yesterday a proposition was made——

Mr. DUBOIS. I am perfectly willing to accommodate the Senator from New York. I have no other desire than to fix a general time when we shall take the vote. I am willing to change the request and ask unanimous consent that on Monday or Tuesday, as the Senator may desire, a final vote before adjournment shall be had on the bill and amendments.

Mr. HILL. The difficulty is, we can not tell what is going to come up between now and that time. We may be engaged all the time in conference reports, or something else may intervene. That is the difficulty about it. I am willing, so far as I am concerned, to take the vote to-day, and proceed right on with the debate, if any one wishes to speak. The Senator from Utah, who is absent, wants to speak hereafter. That is, of course, another question.

Mr. HARRIS. I wish to suggest to the Senator from Idaho——

The VICE-PRESIDENT. The Chair will state that it is impossible to hear the remarks of Senators. The Chair requests Senators to refrain from audible conversation.

Mr. HILL. I ask the Senator from Idaho what was the last suggestion he made?

Mr. DUBOIS. The last suggestion was that on Tuesday next the Senate shall remain in session until a final vote is taken on the pending unfinished business and the amendments thereto.

Mr. MILLS. Let us fix an hour. We do not want to stay here until midnight.

Mr. HAWLEY. Did the Senator say Tuesday?

Mr. DUBOIS. On Tuesday next, that the Senate shall not adjourn until a vote is had on the unfinished business.

Mr. HILL. That is entirely satisfactory to me except this, that an agreement to take the final vote shall not prevent a motion to postpone the consideration of the bill to some fixed day.

Mr. DUBOIS. Certainly not.

Mr. HILL. Before the final vote.

Mr. HARRIS. Of course that motion would be legitimate.

Mr. HILL. I want that understood as agreed to.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Idaho?

Mr. BURROWS. I only regret that the Senator does not fix an hour for the vote.

Mr. DUBOIS. I am not able to fix an hour, because there is objection.

Mr. BURROWS. It is exceedingly unfortunate that the Senate is without a system of rules governing such a case, and that it may be compelled to remain in session all night upon a single proposition.

Mr. HARRIS. There is no danger of that.

Mr. CULLOM. We will not do that.

Mr. BURROWS. I prefer that a time shall be fixed, but nevertheless I shall not object.

The VICE-PRESIDENT. The Chair submits to the Senate, Is there objection to the request of the Senator from Idaho?

Mr. HILL. As modified by myself.

The VICE-PRESIDENT. As modified by the Senator from New York. Is there objection? The Chair hears none. It is so ordered.

ELECTION OF SENATORS BY DIRECT VOTE.

Mr. MITCHELL of Oregon. I wish to give a notice. I simply desire to give notice that to-morrow morning, immediately after the routine business, or if the Senate is not in session to-morrow, then on Monday morning, I shall move to take up for consideration the joint resolution (S. R. 6) proposing an amendment to the Constitution of the United States providing for the election of Senators by the votes of the qualified electors of the States.

Mr. HALE. There may be a conference report before the Senate at that time.

Mr. MITCHELL of Oregon. I hope there will be no conference report which will interfere with my motion at that time. I simply desire to give the notice; that is all.

ALCOHOL IN THE ARTS.

Mr. HARRIS. Did I understand the Senator from Idaho [Mr. DUBOIS] as objecting to my request to consider at this time House bill 3382, the free-alcohol bill?

Mr. DUBOIS. Oh, no, I do not object.

Mr. HARRIS. Then I renew the request that the bill may be now considered.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 3382) to repeal section 61 of an act to reduce taxation, to provide revenue for the Government, and for other purposes, which became a law August 28, 1894; which was read, as follows:

Be it enacted, etc., That section 61 of an act entitled "An act to reduce taxation, to provide revenue for the Government, and for other purposes," which became a law August 28, 1894, be, and the same is hereby, repealed.

SEC. 2. That a joint select committee is hereby authorized, to consist of three Senators to be appointed by the presiding officer of the Senate and three members of the House of Representatives to be appointed by the Speaker of the House, which select committee shall consider all questions relating to the use of alcohol in the manufactures and arts free of tax, and to report their conclusions to Congress on the first Monday in December, 1896.

Said joint select committee is authorized to sit, by subcommittee or otherwise, during the recess or session of Congress, at such times and places as they deem advisable; to summon witnesses, administer oaths, print testimony or other information, and to employ such stenographic, clerical, and other assistance as may be necessary, one-half of the expense to be paid from the contingent fund of the Senate and one-half from the contingent fund of the House of Representatives.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BRANDY FROM FRUITS.

Mr. PASCO. There is a bill which logically follows the one just passed. It was passed in the House in January and reported from the Committee on Finance of the Senate in March without amendment. Afterwards amendments were made to it in consequence of the bill which has just passed, but the necessity for those amendments no longer exists. I wish to ask that that bill be now taken up and put upon its passage. I think there will be no objection to it. It will take but a few moments. It is a bill in which the fruit growers of the country are very largely interested, particularly those of my own State.

The VICE-PRESIDENT. The bill will be stated by title.

The SECRETARY. A bill (H. R. 886) to amend section 3255 of the Revised Statutes of the United States concerning the distilling of brandy from fruits.

Mr. PASCO. I ask that the bill be passed in the shape in which it originally came from the House of Representatives and as it was originally reported from the Committee on Finance.

Mr. ALDRICH. The bill has the unanimous approval of the Committee on Finance, and there is no reason, I think, for the amendment. It may delay the passage of the bill. The amendment may be disagreed to as far as the committee is concerned.

Mr. PASCO. It was first reported from the committee without amendment.

The VICE-PRESIDENT. The bill will be read for information.

The Secretary read the bill, as follows:

Be it enacted, etc., That section 3255 of the Revised Statutes of the United States be, and the same is hereby, amended so as to read as follows:

"SEC. 3255. The Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may exempt distillers of brandy made exclusively from apples, peaches, grapes, pears, pineapples, oranges, apricots, berries, or prunes from any provision of this title relating to the manufacture of spirits, except as to the tax thereon, when in his judgment it may seem expedient to do so."

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The VICE-PRESIDENT. The amendment reported by the Committee on Finance will be stated.

The SECRETARY. It is proposed to add to the bill the following additional section:

SEC. 2. That section 61 of the act of August 28, 1894, entitled "An act to reduce taxation, to provide revenue for the Government, and for other purposes," providing for the rebate, or repayment, of internal-revenue tax on alcohol used in the arts, or in any medicinal or other like compound, be, and the same is hereby, repealed.

Mr. PASCO. All the amendments are withdrawn.

The VICE-PRESIDENT. The amendments are withdrawn.

Mr. PLATT. No, Mr. President, the amendment about repealing section 61 is withdrawn, but I hope not the one about other fruits. There is a little amendment there.

Mr. WHITE. As already stated, the bill has the unanimous approval of the Committee on Finance. I do not suppose there would be any objection to the amendment proposed by the Senator from Connecticut were it not for the possible effect upon the measure in the other House. That is the only fear I have in connection with it.

Mr. PLATT. I desire to make a statement. Dates are not mentioned in the bill. There is a company already organized in the city of New York, with quite a large capital, intending, if this bill passes, including other fruits, to manufacture brandy from dates, which they will import and on which pay duty to the Government. Surely all fruits ought to be included. I do not desire in any way to prevent or endanger the passage of the bill, but I hope that that amendment will be adopted, at least provisionally, this morning, and then I will make inquiries and learn if it is likely to endanger the passage of the bill. The bill can lie over for a little time until I can make inquiries. If I were satisfied that it would endanger the passage of the bill I would not insist upon the amendment.

Mr. DUBOIS. Mr. President, this is a bill in which my constituency is very much interested. My colleague in the House, Mr. WILSON, by his energy and activity, secured its passage in that body. It came over here, and, without any consultation with the Senators from California, the Senators from Utah, the Senators from Oregon, or myself or my colleague, all of whom are very much interested in the bill, the Finance Committee added a number of amendments which would have destroyed it had they been agreed to. I submit that is unusual, to start with. It is not customary in the Senate to weigh down and load down bills of other Senators with amendments unless with the consent of those Senators. The manifest injustice of that proceeding induced the Finance Committee to take off the amendments and they are willing to have the bill passed as it came from the House. The House passed the bill without the words "other fruits," and I think the Senator from Connecticut ought not to ask for that amendment, especially as the Finance Committee has unanimously agreed not to press the amendment. The Senator from California has agreed that he will not ask for it, although he is interested in it. I think the Senator from Connecticut ought not to press that amendment, because through these various other amendments delay has occurred until now in the closing days of the session the passage of the bill will be endangered if it is amended at all. I shall certainly, so far as I am concerned, object to that amendment, and I hope the Senator from Connecticut, under the circumstances, will not press it. Let the bill go through as it came from the House.

Mr. SHERMAN. The Senator from Idaho has already stated the objection to the amendment. I do not think we ought to allow foreign fruits to be brought into this country, dried and preserved, and be converted into brandy in competition with the brandy from fruits produced in our own country. It seems to me that that is not within the scope and purpose of this proposed law. The measure itself is a wise one. It is to relieve farmers from the ordinary restrictions of the law applied to the production of alcohol or whisky from grains, etc. At the same time it imposes the same rate of duties upon brandy that is imposed upon whisky, but it simply relieves the domestic manufacturers from impossible conditions which are prescribed for great distillers.

The fruit of the country is perishable. It passes away in a short time. Apples and grapes and all those fruits have to be used immediately, and must be used mainly on the farm, at home, or near by, in small establishments. Therefore it is proposed that they shall be relieved from the heavy restrictions. But to extend this provision to foreign dried fruits it seems to me would not be within the meaning or purpose of the law. The action of the proposed law is simply to enable farmers and others to utilize their perishable products without being subjected to the severe restrictions of the law in regard to whisky.

I hope, therefore, the amendment will not be agreed to.

Mr. PLATT. I supposed that this matter was fully understood by the Finance Committee when it recommended this amendment. There was a letter of the Secretary of the Treasury, who understood the matter fully and recommended it; there was a letter from the chairman of the subcommittee of the Committee on Ways and Means in the House of Representatives, saying that it was intended that these words should be added in the House of Representatives. The matter was considered in the Finance Committee, and I supposed it was fully understood.

I do not wish, however, to endanger the passage of this bill. I do not believe the adoption of the amendment would endanger its passage. If other Senators believe it would they must pursue such a course as they think is advisable.

Mr. WHITE. Mr. President, there is this difficulty in the situation, entirely apart from the merits of the amendment proposed by the Senator from Connecticut: This is a House bill. If we amend it, it goes back to the other House; and even though the House committee should advise concurrence or nonconcurrence in our amendment—it would be immaterial which view they took on the subject—the question would not be a privileged one under the rules of the House, and the bill would go where another bill in which I am interested went two or three days ago, to the foot of the Calendar, and among those masses of forgotten things which are only the subject of memory and regret.

Mr. PASCO. I hope the Senator from Connecticut will not urge his amendment. He will doubtless remember that when this bill was first reported from the Committee on Finance on the 17th of March it came without any amendment, exactly as it passed the House of Representatives; and now if the amendment should be made at this late hour of the session, when the final passage of the bill may be prevented by it, the fruit growers all over the country may be deprived of the very great advantage which would come from the passage of this bill. We are in the season when fruits are maturing; we are in the season when this bill will be of great practical benefit to the fruit growers.

Mr. PLATT. Let it go. I will try to take care of the matter in some other way.

Mr. PASCO. I am much obliged to the Senator.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. PLATT subsequently said: I ask leave to introduce a joint resolution. It is important that the joint resolution should be introduced this afternoon.

The joint resolution (S. R. 154) relating to fruit brandies was read twice by its title, and referred to the Committee on Finance.

ADJOURNMENT OVER DECORATION DAY.

Mr. HAWLEY. I move that when the Senate adjourn to-day it be to meet on Monday next.

The motion was agreed to.

VISITORS TO ANNAPOLIS.

Mr. HALE. In the condition of the business of the Senate and in the view of a near adjournment, I find that it will be impossible for me to attend the meeting of the Board of Visitors at the Naval Academy at Annapolis, to which place I have been kindly assigned by the Chair. For that reason I make my declination of that appointment.

Mr. BACON. For the reason stated by the Senator from Maine in his case I am also laboring under a similar embarrassment, very much to my regret, and I beg the Chair to excuse me from performing the duty assigned me.

The VICE-PRESIDENT subsequently appointed Mr. GIBSON and Mr. BURROWS members of the Board of Visitors on the part of the Senate to attend the next annual examination of cadets at the Naval Academy at Annapolis, Md., under the requirements of the act of February 14, 1879.

POST-OFFICE APPROPRIATION BILL.

Mr. GORMAN. The Senator from Kentucky [Mr. BLACKBURN] was appointed as one of the conferees on the part of the Senate on the Post-Office appropriation bill. As he has been called from the city, I ask that he be excused from further service on the committee, and that the Chair be authorized to fill the vacancy.

The VICE-PRESIDENT. If there be no objection, the Senator from Kentucky will be excused from further service on the conference committee, and the Chair will appoint the Senator from West Virginia [Mr. FAULKNER] to fill the vacancy.

MONONGAHELA RIVER BRIDGE.

Mr. QUAY. I ask unanimous consent of the Senate to proceed to the consideration of the bill (S. 3071) to authorize the construction of a bridge over the Monongahela River from the borough of Braddock to the township of Mifflin, Pa.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Commerce with amendments.

The first amendment was, in section 2, line 5, after the word "receive," to insert "such"; and in line 6, after the word "therefor," to insert "as may be approved from time to time by the Secretary of War"; so as to make the section read:

SEC. 2. That said bridge may be constructed to provide for the passage of railway trains, street cars, wagons, and vehicles of all kinds, for the transit of animals, foot passengers, and of commercial travel and communication. The said corporation may charge and receive such reasonable tolls therefor as may be approved from time to time by the Secretary of War.

The amendment was agreed to.

The next amendment was, in section 3, line 7, after the word "Duquesne," to insert "Bridge"; so as to make the section read:

SEC. 3. That any bridge built under this act and subject to its limitations shall be a lawful structure, and shall be recognized and known as a post route, and it shall enjoy the rights and privileges of other post roads in the United States: *Provided*, That the United States may construct a postal telegraph over said bridge without charge therefor: *And provided also*, That the said Braddock and Duquesne Bridge Company shall not commence the construction of its bridge, bridge piers, abutments, causeways, and other works over or in said Monongahela River until the location and plan of same shall have been submitted to and approved by the Secretary of War.

The amendment was agreed to.

The next amendment was, after section 5, to insert as a new section the following:

SEC. 6. That all railroad or street-car companies desiring the use of the bridge authorized by this act shall have and be entitled to equal rights and privileges relative to the passage of trains or cars over the same, and over the approaches thereto, upon the payment of a reasonable compensation for such use; and in case the owner or owners of such bridge and the several companies, or any one of them, desiring such use shall fail to agree upon the sum or sums to be paid, and upon rules and conditions to which each shall conform in using said bridge, all matters at issue between them shall be decided by the Secretary of War upon a hearing of the allegations and proofs of the parties; and equal privileges in the use of said bridge shall be granted to all telegraph and telephone companies.

The amendment was agreed to.

The next amendment was to add to the end of the bill the following as a new section;

SEC. 8. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (H. R. 225) to provide for the lease of Fort Omaha Military Reservation to the State of Nebraska;

A bill (H. R. 2777) authorizing and directing the Secretary of the Navy to donate condemned cannon and condemned cannon balls to certain posts of the Grand Army of the Republic;

A bill (H. R. 3279) to authorize the reassessment of water-main taxes or assessments in the District of Columbia, and for other purposes; and

A bill (H. R. 5731) to regulate the practice of medicine and surgery, to license physicians and surgeons, and to punish persons violating the provisions thereof in the District of Columbia.

INDIAN APPROPRIATION BILL.

Mr. PETTIGREW. I now ask to have the conference report on the Indian appropriation bill laid before the Senate.

The VICE-PRESIDENT. The Chair lays before the Senate the conference report on the bill indicated by the Senator from South Dakota.

The Senate resumed the consideration of the conference report on the bill (H. R. 6249) making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1897, and for other purposes.

Mr. PETTIGREW. Mr. President, in the Indian appropriation bill of 1893 the Senate provided for the appointment by the President of a Commission to treat with the Five Civilized Tribes in the Indian Territory for the cession of a portion of their lands or for a division of the lands among the Indians by allotment. That provision was pure legislation upon an entirely different subject from anything considered or provided for in the bill. It was adopted by the Senate. This Commission went to the Indian Territory and undertook to negotiate with those people, and after spending about two years' time they reported that they found it impossible to carry out any of the provisions of the law under which they were appointed; that it was impossible to treat with those Indians; that they refused to meet with the Commission, and that they have, in fact, given the Commission to understand distinctly in so many words that their presence was not desired in that country. The Commission inform us that as the act now stands there is nothing which they can do, no function which they can perform. In view of those facts the Senate amended the Indian appropriation bill and incorporated into it this provision:

For salaries and expenses of the Commissioners appointed under acts of Congress approved March 3, 1893, and March 2, 1895, to negotiate with the Five Civilized Tribes in the Indian Territory, the sum of $40,000, to be immediately available; and said Commission is directed to continue the exercise of the authority already conferred upon them by law and endeavor to accomplish the objects heretofore prescribed to them and report from time to time to Congress.

When the conference committee of the two Houses met and considered this provision it was urged on the part of the other House that it was absolutely useless and unnecessary to continue the Commission without duties to perform and that the existing law could not be carried out. The Committee on Indian Affairs of this body and the Committee on Indian Affairs of the House of Representatives have frequently talked with these Commissioners, and they have asserted that there was nothing they could accomplish as the law now stands. They thereupon prepared and suggested to the committee legislation which would give them power sufficient to accomplish something. That the necessity exists there can be no question. The conference committee, in view of the difficult and complicated questions which surrounded those people, decided to take a step in the direction of breaking up the lawlessness and want of government and protection of life and property in the Indian Territory, and we undertook to do it without encroaching upon any of the treaties and without a violation of any of the property rights of those people. Therefore the committee provided that this Commission, if continued in power, should have authority to make up a roll of those people. Some one had to make up such a roll. Heretofore the roll has been approved by the Secretary of the Interior. We have taken arbitrary powers in this direction.

We therefore provided that the Commission should make up a roll of those people and determine who were citizens of those tribes. Under the treaty of 1866 it had been provided that friendly Indians, to a certain extent limited in number, might settle among those people and become members of the tribes, and that those who had been slaves previous to that time should be admitted to citizenship, and yet their rights had been denied by the Indians who occupied that country. So we provide that this Commission shall make up a roll, considering the treaty of 1866 and all the laws and former rolls of those people, and report who are citizens of that country.

We further provided that they should make up a list of leases which had been made, and report to Congress the number of the leases, the amount and value of the property involved, who made the leases, to whom the lease money was paid, and to report that fact also to Congress.

Now, it seems to me that the conference committee came clearly within the provisions of the rule as heretofore enforced and practiced in this body. The Senate provided that the Commission, with certain powers, should continue, and made an appropriation to carry out those provisions. The conference committee simply enlarged and defined those powers, and, in my opinion, added nothing to what the Commission could perform, except the ratification of the roll, even if we had not made this enactment.

I propose, Mr. President, to show that the conference committee has not violated the precedents of this body on this subject, but, on the contrary, that it has been the custom in conference committees to enact legislation where there was less ground for it than there is in this case. But even if this were not true, I shall undertake to show that the great necessity of some legislation in connection with these tribes of Indians justifies the course pursued by the conference committee.

In the Indian appropriation bill of last year, on page 86, as the bill passed the Senate, there is this provision:

For collecting and transportation of pupils to and from Indian schools and also for the transportation of Indian pupils from all the Indian schools and placing of them, with the consent of their parents, under the care and control of such suitable white families as may in all respects be qualified to give such pupils moral, industrial, and educational training, under arrangements in which their proper care, support, and education shall be in exchange for their labor, $40,000.

Now comes amendment numbered 199:

Of which amount the sum of $8,000 shall be immediately available.

Here is the conference report:

That the House recede from its disagreement to the amendment of the Senate numbered 199, and agree to the same with an amendment as follows: Add at the end of said amendment, as a new paragraph, the following:

"That hereafter no Indian child shall be sent from any Indian reservation to a school beyond the State or Territory in which said reservation is situated without the voluntary consent of the father or mother of such child, if either of them are living, and if neither of them are living, without the voluntary consent of the next of kin of such child. Such consent shall be made before the agent of the reservation, and he shall send to the Commissioner of Indian Affairs his certificate that such consent has been voluntarily given before such child shall be removed from such reservation. And it shall be unlawful for any Indian agent or other employee of the Government to induce, or seek to induce, by withholding rations or by other improper means, the parents or next of kin of any Indian to consent to the removal of any Indian child beyond the limits of any Indian reservation."

Mr. HALE. Did that amendment become embodied in the law, I ask the Senator?

Mr. PETTIGREW. It did become embodied in the law as the result of the conference report.

Mr. HALE. I call the Senator's attention to the fact that while perhaps no attention was called to it and it slipped through unnoticed, and might be to a degree objectionable, it is all in the direction of limiting the original proposition which was found in the bill the Senator has read from as it came from the other House. There is a difference between conference committees limiting the expenditure of money or the operation of a clause that has been put in either by the other House or by the Senate which is the subject of disagreement—there is a great difference between that and the enlargement and magnifying and introduction of new matters enlarging and magnifying, and I think that distinction exists as to the case the Senator has cited, although I would say in that respect that the only good reason why that should have been allowed was that no attention was probably called to it at the time.

Mr. PLATT. That was not a good reason.

Mr. HALE. That was not a good reason, but that was the only reason. I should think it doubtful whether, when the attention of the Senate is called to so much of an exercise of the limiting power in detail as was exercised there, the Senate would authorize a conference committee to do that; but it is in no degree, it seems to me, like the case now before the Senate.

Mr. PETTIGREW. There is no allusion whatever to securing the consent of the parents of those children to their removal from any reservation of any of the tribes.

Mr. HALE. No; but it is a limitation of the removal, which was the subject-matter of the original proposition of the House. It is a limitation, not an extension.

Mr. PETTIGREW. It was an appropriation for the transportation of Indian children.

Mr. HALE. You can not transport them unless you start them from their homes.

Mr. PETTIGREW. Then you provide by law, clear legislation, pure and simple, and nothing else, with regard to the consent of the parents, and going into details. There are a great many other matters of that kind. In this case which is complained of the conference committee simply enlarged the power of the Commission, and yet Senators rise here with great indignation, and the Senator from New Hampshire [Mr. CHANDLER] talked about a cunningly devised change, as if something had been done which was unusual. I propose to show that this has been the practice.

Last year a clause was placed by the committee of conference on the Indian appropriation bill, and it became a law, providing that the claimants upon lands on the Crow Creek Reservation, in South Dakota, should go into the Court of Claims and sue in order to recover damages for having been removed by Executive order from that reservation—entirely new matter, legislation pure and simple. That has been the custom right along. Here is one of the most striking cases in the Indian appropriation bill of 1891. In this case there is no mention of any treaty made with the Sisseton or Wahpeton Indians, no mention made of any attorneys or any power of attorney, or any right of anybody to represent those Indians in any way as the bill passed the Senate. No one appeared here and claimed to be the attorneys of these Indians. No one appeared before the committees of either House, and the bill passed the Senate without any provision whatever, except simply ratifying an agreement made with those Indians for the sale of their lands. The report of the conference committee contains this provision, which was injected—absolutely new matter, legislation pure and simple:

Provided, however, That all contracts or agreements between said Indians, or any of them, and agents, attorneys, or other persons for the payment of any part of this appropriation for or on account of fees or compensation to said agents, attorneys, or other persons, unless the same have been made as provided by law and are yet in force and have been approved by the Department of the Interior, or have been made by and between citizens of the United States, are hereby declared null and void; and in such cases the Secretary of the Interior shall cause all moneys herein appropriated to be paid directly to the said Indians, and shall pay no portion of the same to their said agents or attorneys, and in no event shall a sum exceeding 10 per cent be paid to any agent or attorney.

That was injected without any reference to anything contained in the bill, with nothing to hang it upon except that we had made a treaty with those Indians for a cession of their land. In the same appropriation bill in 1891 we treated with the Indians in Oklahoma for the purchase of a large strip of country, and it passed both Houses of Congress. It provided simply for the cession of property and for an allotment of lands to the Indians. The conference committee inserted this provision as a new section. The report says:

And insert after said section the following:

"SEC. 15.—

Absolutely a new section, new matter, and the broadest kind of general legislation.

"SEC. 15. That before any lands in Oklahoma are open to settlement it shall be the duty of the Secretary of the Interior to divide the same into counties, which shall contain as near as possible not less than 900 square miles in each county. In establishing said county lines the Secretary is hereby authorized to extend the lines of the counties already located so as to make the area of said counties equal, as near as may be, to the area of the counties provided for in this act. At the first election for county officers the people of each county may vote for a name for each county, and the name which receives the greatest number of votes shall be the name of such county: *Provided further*, That as soon as the county lines are designated by the Secretary, he shall reserve not to exceed one-half section of land in each county, to be located near the center of said county, for county-seat purposes, to be entered under sections 2387 and 2388 of the Revised Statutes: *Provided*, That in addition to the jurisdiction granted to the probate courts and the judges thereof in Oklahoma Territory, by legislative enactments, which enactments are hereby ratified, the probate judges of said Territory are hereby granted such jurisdiction in town-site matters and under such regulations as are provided by the laws of the State of Kansas."

Then it goes on and reserves the school lands. Yet there was nothing in the world in that Indian appropriation bill as it passed the Senate upon which that could be hung in any way. It is simply injected there, and is absolutely new legislation, without any possible chance to excuse it at all, while in this case we have simply placed in the bill an enlargement of the powers of a Commission provided for by the Senate amendment.

This is not the only instance. In the bill of 1891 we opened an Indian reservation in Montana, and we injected a provision in conference, which, I think, will be well remembered by the Senator from Montana, which provided for disposing of the lands open to settlement in an entirely different manner from the way the Senate provided for disposing of those lands—absolutely another provision, absolutely another method, diametrically opposed to the method of disposing of those lands provided for by the Senate. No one, I suppose, knew anything about it until after the Senate adjourned.

These things do not always produce the best results, but how can any harm come in this case, where the matter is fully before the Senate, where everyone has a chance fully to discuss it, where the purpose to be accomplished is so absolutely necessary and important? I can cite many other instances of the same sort where we have legislated in conference, placing upon the bill in conference matters unheard of when the bill was before the Senate.

I wish to call attention for a few moments to the condition of affairs in the Indian Territory, which we propose to undertake to remedy. About 1830 we provided that certain tribes should be located in the Indian Territory, and that the land should be patented to them, and held for the equal use and benefit of every

member of those tribes. We provided that without their consent white people should not be settled in the country, but that it should be reserved for the use and benefit of the Indians. When we made the agreement we expected that the Indians would keep it and we expected to keep it. As far as we are concerned, we have kept the agreement, but the Indians have not kept it, not through any fault of theirs, but because they have been overrun by men who have become citizens of the tribes, and who are, in reality, not Indians, but white people.

Conditions have changed. To-day in that country there are less than 65,000 Indians and 300,000 white men. Five different sovereign governments exist, holding legislatures, having courts, but enforcing practically no law, with no law maintained except the right of the individual to protect himself. The white people have no schools. There is no means of taxation by which they can be provided with schools. The Indians are governed by a small number of white people who have gained control of their tribes. The real Indians are driven back into the mountains and the woods and along the streams, many of them being wild Indians, while the property of the tribes has been acquired by the white men who have gained control of that country. There is no protection whatever to life and property, and a condition exists which would justify the United States in sending the Army to take possession of the country, ousting all semblance of government and preserving law and order. The Committee on Indian Affairs has petitioned the President—and I think the petition was signed by every member of the Committee on Indian Affairs of this body—to send a regiment of troops into the Territory at once, as the condition of affairs is intolerable.

The Dawes Commission, of which ex-Senator Dawes was chairman, examined the condition of affairs in that country, and I will read some extracts from his report:

All the functions of the so-called governments of these five tribes have become powerless to protect the life or property rights of the citizen. The courts of justice have become powerless and paralyzed. Violence, robbery, and murder are almost of daily occurrence, and no effective measures of restraint or punishment are put forth to suppress crime. Railroad trains are stopped and their passengers robbed within a few miles of populous towns and the plunder carried off with impunity in the very presence of those in authority. A reign of terror exists, and barbarous outrages, almost impossible of belief, are enacted, and the perpetrators hardly find it necessary to shun daily intercourse with their victims. We are now informed that, within the territory of one of these tribes, there were 53 murders during the month of September and the first twenty-four days of October last, and not a single person brought to trial.

In every respect the present condition of affairs demonstrates that the permission to govern themselves under the Constitution of the United States, which was originally embraced in the treaty, has proved a failure. So, likewise, has the provision that requires the United States to exclude white citizens from the Territory.

* * * * * * *

Corruption of the grossest kind, openly and unblushingly practiced, has found its way into every branch of the service of the tribal governments. All branches of the governments are reeking with it, and so common has it become that no attempt at concealment is thought necessary. The governments have fallen into the hands of a few able and energetic Indian citizens, nearly all mixed blood and adopted whites, who have so administered their affairs and have enacted such laws that they are enabled to appropriate to their own exclusive use almost the entire property of the Territory of any kind that can be rendered profitable and available.

In one of these tribes, whose whole territory consists of but 3,040,000 acres of land, within the last few years laws have been enacted under the operation of which 61 citizens have appropriated to themselves and are now holding for pasturage and cultivation 1,237,000 acres. This comprises the arable and greater part of the valuable grazing lands belonging to that tribe. The remainder of that people—largely the full bloods who do not speak the English language—are excluded from the enjoyment of any portion of this land, and many of them occupy the poor and hilly country, where they get a scanty living from such portions as they are able to turn to any account. This class of persons in the Territory—

That is, the full-blood Indians, whom we are called upon by our treaties to protect—

are making little, if any, progress in civilization. They are largely dependent on those in control of public affairs, whose will they register at the polls, and with whose bidding, in a large measure, they comply without question. Those holding power by these means oppose any change and ask only to be let alone.

When payments of money are made to the Indians the Indians themselves do not get the money. The money is paid out almost in every instance and secured by the white men and mixed bloods who live among them.

Justice has been utterly perverted in the hands of those who have thus laid hold of the forms of its administration in this Territory and who have inflicted irreparable wrongs and outrages upon a helpless people for their own gain. The United States put the title to a domain of countless wealth and unmeasured resources in these several tribes or nationalities, but it was a conveyance in trust for specific uses, clearly indicated in the treaties themselves, and for no other purpose. It was for the use and enjoyment in common by each and every citizen of his tribe, of each and every part of the Territory, thus tersely expressed in one of the treaties: "To be held in common, so that each and every member of either tribe shall have an equal, undivided interest in the whole." The tribes can make no other use of it. They have no power to grant it to anyone, or to grant to anyone an exclusive use of any portion of it.

Let us see how this trust has been carried out. We agreed that we would hold this land in trust for the use and benefit equally of every member of the tribe. We have been powerless to carry out and fulfill that trust, owing to the dishonesty of the men who have gained control of those nations. I now read from the testimony, or rather the argument made by Judge McKennon before the House Committee on Indian Affairs, in which he shows, and he gives the names of the persons, that 61 persons have 1,500,000 acres of land in the Creek Nation under cultivation or fenced in as pasture lands.

Mr. JONES of Arkansas. That acreage is one-half of all that country.

Mr. PETTIGREW. It is one-half of the entire area of land belonging to the tribe, who number 15,000 people. The Perrymans received $25,000 in rent; Turner & Porter, $16,000; one of the Childers, I think it is the father, $6,000; another one $6,000, and another $3,000; Willison, Welden & Co., $3,000; Robinson & Chissoe, $2,000, and Bob Childers, $800; making a total of $61,800 received in rent by these eight persons from lands belonging to the Indians of those tribes.

The report shows that many of the Indians are unable to secure land fit for cultivation because it has been taken by the white men. Every one of the names which I have read is the name of a white man. They are entirely white, or have the slightest tincture of Indian blood in their veins. For the purpose of maintaining this monopoly and continuing to plunder the people, they maintain a large and active lobby at the Capitol. They have done so ever since I have been a member of the Committee on Indian Affairs, and they still continue to do so.

Aside from the vast pasture lands, aside from the vast fields cultivated by white men who are their tenants, there are immense mines of coal which are also leased by these people. There are towns of five or six thousand people where they are leasing the lots, and a very large fund is secured, not for the benefit of the Indians, but to enrich the men who have gained control of the government. Mr. McKennon says:

They say we have exaggerated the amount of crime committed there. It has been said that we adopted the statements published by a paper in one of the border States, written by some one who knew nothing about it. We have made no statement on that line. A member of this committee has in his possession a list, taken from the papers published in the Territory, of the murders committed since the adjournment of Congress on the 4th of March last—

A year ago last March—

up to the present time, amounting to 200 or 275; I do not know the exact number. Reason will teach you gentlemen, however, that those were not all the murders that were committed there. This list does not contain all of them. Many were committed statements of which never appeared in print. No one man, no half dozen men, can go through the papers and get every instance of murder committed in that Territory.

* * * * * * *

About a year ago Governor Fishback, of Arkansas, addressed an open letter to the President of the United States—possibly you have not seen that—in which he sets out the difficulty that the State of Arkansas labors under in getting fugitives from that Territory. It is a city of refuge for criminals from the surrounding country.

Then Mr. LITTLE says:

There are robberies committed there?

Mr. MCKENNON. Numbers of them; almost of daily occurrence. It is hard to tell what causes the murders. They kill for any cause and without cause.

Mr. GAMBLE. What is the rule in the courts there in regard to the punishment of these crimes? Are the courts capable of prosecuting and convicting?

Mr. MCKENNON. You mean the Indian courts?

Mr. GAMBLE. Yes.

Mr. MCKENNON. I have not known exceeding half a dozen punishments for murder since I have been in that Territory.

And the Dawes Commission say that 53 murders were committed in one nation in six weeks, and not a single one of the offenders was brought to justice.

Mr. GAMBLE. So they really go unpunished?

Mr. MCKENNON. A number of them have come to my knowledge that were never prosecuted at all.

The statement has been made that there is no more crime in that Territory than there is in the States surrounding it. Let us see about that. I am going to give you the figures and I shall stand by the record. We will say, for instance, that there were 275 murders committed in that Territory.

Mr. GAMBLE. Within what time?

Mr. MCKENNON. Since the adjournment of Congress on the 4th of March last. Let us see the magnitude of that. I have inquired of the officials of my State (Arkansas) in order to determine how many murders would probably be committed in Arkansas during that time, and they have estimated the number at from 40 to 60, not higher than 60. The estimates were made by ex-Governor Fishback, Governor Clarke, and Attorney-General Kinsworthy, and I have talked to Judge Little upon the subject. No one has fixed the number higher than 60. We will take that as the number. How does that compare with the Territory? The Territory comprises something less than 20,000,000 of acres; that would be about 33,000 square miles. Arkansas has 52,000 square miles. If 33,000 square miles has 275 murders, 52,000 square miles would have about 423.

Mr. GAMBLE. But how would the comparison stand if made by density of population?

Mr. MCKENNON. I am coming to that. The population of the Territory will not exceed 400,000—

He has placed it too high, in my opinion—

and that is a high estimate. The population of Arkansas is something over 1,500,000, about four times as many. If the population of Arkansas committed as many murders in proportion, the number would be about 1,732, or 23 to the county. Do you not know that if such a condition existed in Arkansas martial law would be proclaimed there for the protection of the people? That is not an exaggeration. Make your own calculations and see if I am not correct.

Here is a letter from William M. Fishback, governor of Arkansas:

FORT SMITH, ARK., *March 7, 1896.*

DEAR BASS: We have had two recent raids upon banks, one in Arkansas and one in Kansas, from the Indian Territory. They killed Director Goodwin in Warren the other day, and were chased back to the Territory 175 miles, but not caught. They killed Dorsey in Wichita, but were caught and mobbed. The United States Government is responsible for these murders, for it fosters the condition which tempts them.

Very truly, your friend,

WM. M. FISHBACK.

Hon. J. S. LITTLE.

Mr. HALE. Let me ask the Senator from South Dakota a question. This statement discloses a remarkable and perhaps horrible condition, but were not all of these reasons for the incorporation of this legislation on an appropriation bill urged at length and with force in the Senate when the proposition was brought forward on the appropriation bill? When the ruling was made by the Chair throwing the amendment out, was any appeal taken from that ruling? Therefore, was it not the sense of the Senate that the amendment or a kindred amendment should not go on the appropriation bill? Is there anything new, although what the Senator from South Dakota is giving is interesting, that was not given in the debate when the bill was under consideration in the Senate?

Mr. PETTIGREW. I do not know whether or not all of these facts were presented to the Senate. For that matter, it makes no difference.

Mr. JONES of Arkansas. If the Senator will allow me, I should like to state that it ought not to be allowed to be taken as for granted that this is the proposition which was presented to the Senate before. That was a proposition which made the power of the Commission absolute in making the roll, and provided, in addition, for the division of the land in the Indian Territory, a measure altogether different from this one. This is a proposition simply to authorize the making of a roll, and when there is any dissatisfaction with the finding of the Commission, the action of the Commission is not to be final, but an appeal is to be had to the courts, and they are to determine whether or not people who claim to be members of the tribe have a right to be on the roll.

Mr. HALE. The advocates of the measure (I do not go into its merits; I appreciate the force of the statement that something ought to be done in a proper way and by proper channels) had the opportunity when the matter was discussed here to frame their amendment so as to avoid the point of order. They did not do that. A point of order was sustained by the action of the Senate, and no appeal was taken.

Now, the two propositions are not identical. Any man can read them and see that they are not identical, but the great feature of enlargement and expanding, by a new body of law, the power of the Commission is just as much contained in the amended report from the conference committee as it was in the amendment which was ruled out in the Senate. What is objected to is not that it has not a good case, but that it has avoided all other channels of legislation. It has avoided action by the Senate committee on a Senate bill. It has avoided action by a House committee on a House bill. It has avoided action upon an appropriation bill, considered in two bodies, and seeks now to come in here in this way, initiating legislation in committee. That is the trouble.

Mr. BERRY. Will the Senator from Maine permit me?

Mr. HALE. Certainly.

Mr. BERRY. I wish to state that the original legislation in regard to this matter was put upon an appropriation bill. When the Commission was enlarged during the last Congress it was done upon an appropriation bill.

Mr. HALE. By a conference committee?

Mr. BERRY. It was first put on here. The last time, I do not remember distinctly, but I think probably it passed the House as it was put in here, increasing the Commission.

Mr. HALE. It did, and was considered by both bodies.

Mr. BERRY. I wish to say to the Senator, furthermore, that the strip was disposed of and sold and the money distributed on an appropriation bill, and I never heard any objection from the Senator from Maine or anyone else in regard to the legislation. It has been the universal custom.

While I am up I wish to state another fact. I wish the Senator from Wisconsin to hear it, too. My recollection is that during the last Congress a conference committee in regard to the Indian courts in that country, of which the Senator from Wisconsin was a member, reported a substitute bill from the committee on conference enlarging the jurisdiction that was given by either House, enlarging the power, extending them. That was done by a conference committee, if I am not mistaken. The Senator will correct me if I am. They reported a substitute bill from the conference committee, and it was adopted by the Senate and became the law.

Mr. HALE. Was that a conference committee of the Committee on Appropriations?

Mr. BERRY. No; of the Judiciary Committee.

Mr. PETTIGREW. I do not know that it is material to this question as to whether or not the Committee on Indian Affairs has performed its full duty in this respect. The Committee on Indian Affairs has had this question under consideration, and a great many difficulties in the solution of the question covering the Five Civilized Tribes presented themselves. We found difficulty with respect to title to their lands, difficulty in determining who are entitled to allotments, difficulty in determining who are members of the tribes, the danger of Executive disapproval, etc. After spending a great deal of time upon the matter the committee unanimously reported the amendment, which was ruled out on the point of order. It was not ruled out upon its merits. Certainly the Senate on its merits would never rule an amendment on this question out—a question so pressing for solution, involving the lives and happiness and property of so many people. It seems to me that unusual proceedings would be justified in order to reach and remove the difficulty. But no unusual proceedings are undertaken or proposed.

On the contrary, it has been the practice of the Committee on Appropriations in charge of the Indian appropriation bill to inject legislation before unheard of into a conference report and enact it into law. When we purchased the Cherokee Outlet, a large portion of Oklahoma, we provided in a conference report for the organization of that Territory into counties. In no place in the Indian appropriation bill had anything been said about the organization of counties. We determined their boundaries, their area; reserved lands for county seats; provided for locating county seats; and provided for an election to name the county seats. Nothing had been said about it. No allusion was made to it in the bill as it passed here. It was good legislation. It was conducive to the peace and prosperity and happiness of the people of that country, and it was well that it was enacted, and, if necessary, enacted as part of a conference report.

The legislation which we propose is a step in the direction of the solution of difficulties which have become intolerable. The life and happiness and the property of a large number of citizens of this country are involved in this question. For the Senate to reject the amendment, to declare that nothing shall be done for the people of the Indian Territory in the next year, will make this body responsible for the lives of innumerable people who will be murdered during the next twelve months. This is properly here, it is rightfully before this body, according to a precedent, and for the Senate to undertake to shirk the responsibility of enacting it, claiming that it is proposed upon a conference report, it certainly seems to me is cowardly and unjustifiable.

Mr. WALTHALL. Will the Senator allow me to ask him a question?

Mr. PETTIGREW. I will yield to the Senator.

Mr. WALTHALL. I have listened with a great deal of interest to what the Senator has had to say in regard to the Five Civilized Tribes and the Dawes Commission. I ask the Senator if he will be kind enough to state the explanation of the last two paragraphs in the conference committee's report relating to the Sisseton and Wahpeton Indians and the Seneca Nation of Indians, which have no connection, as I understand it, with the Five Civilized Tribes or with the Dawes Commission?

Mr. PETTIGREW. Mr. President, I hardly expected that gentlemen who oppose this wholesome and just and proper legislation would shift the issue to two immaterial and indifferent matters.

Mr. WALTHALL. The issue was tendered by the conference committee.

Mr. PETTIGREW. The great question before the Senate is the question as to whether we will allow a condition of murder and crime unparalleled in the history of the world to continue. The Senate talks for hours about the wrongs of Cuba and the crimes committed by Spaniards in that island, about the danger to the life and property of our own citizens there, and yet it sits quietly by and allows a condition of things to exist within our own borders in comparison with which the scenes enacted in Cuba are nothing. There were 53 murders in one of these five tribes in six weeks last fall and no one was brought to justice and no one ever arrested. The courts at Fort Smith, Ark., and Paris, Tex., are crowded with criminals; 900 criminals were tried in those courts last year, and three-quarters of them were from the Indian Territory. Robberies are committed everywhere in the Territory; men shot down in cold blood and without any reason whatever; and yet the Senate of the United States proposes, because a step in the direction of correcting this evil is suggested in a conference report, to let that condition go on.

Mr. HALE. Mr. President——

Mr. PETTIGREW. I will tell the Senator from Mississippi about the two amendments, if that is the question he desires to have answered.

Mr. WALTHALL. That is the only question I propounded to the Senator, and I have had no reply so far.

Mr. PETTIGREW. I will reply to the Senator. The two

amendments to which the Senator refers have no relation to this question. The first one, with regard to the Sisseton and Wahpeton Indians, was adopted by the Senate and placed upon the deficiency appropriation bill. It simply provides, under the provisions of a treaty with those Indians, for the payment of their interest money. It does not appropriate a dollar, but under that treaty the interest as well as the principal of the money they received for their lands is to be disposed of under the direction of Congress.

Mr. WALTHALL. How does that find a place in legislating upon the Dawes Commission, with which it has no sort of connection?

Mr. PETTIGREW. It is simply following those precedents which have been followed heretofore, where a matter would be accepted by the Senate by unanimous consent. There is no justification for it under the rule aside from the fact that we have done these things. It has been customary on the Indian appropriation bill, as I showed a short time ago, to take up matters of that sort and dispose of them in that way, doing substantial and equal justice and harming no one.

The amendment in regard to the Seneca Indians is of exactly the same character. They have tribal property. They hold it in common. But the men who are bright and smart, who are almost white, the same as those who have taken possession of the Indian Territory, got possession of the lands on the reservation in New York. The real Indians are pushed back into the forests and mountains and are beggars. The amendment simply proposes to find out how much of the tribal property has been taken possession of by white men who claim that they are Indians of the Seneca Reservation, and to report to Congress. Can there be any objection to that? No appropriation of money is made. It is simply an inquiry for the purpose of protecting the rights of the Indians, the real Indians, of New York, who have been so grossly neglected by the Indian Rights Association, the association spending their time on Indians farther from home.

I can see no reason why those two items should lead to any excitement. They are matters that would go through this body by unanimous consent at any time. They are simply placed upon the bill as a matter of fair, substantial justice to those people.

Mr. WALTHALL. What is done by unanimous consent can be no precedent in a matter where consent is refused.

Mr. PETTIGREW. Mr. President, I am loath to believe that all this opposition, in view of the large number of cases which I have cited, has its seat in the desire of Senators to protect a conference report. Let Senators come out and discuss the issue and justify the conditions which exist down there.

Mr. HALE. What does the Senator think is the reason? He has intimated there is some covert reason that animates Senators.

Mr. PETTIGREW. I do not care to impute reasons to anyone. I say I am loath to believe that the reason is simply that it is on a conference report. It may be that that is the case with the Senator from Maine.

Mr. HALE. I should like to have one point explained by the Senator before he sits down. I have listened with interest to his statement, which is very clear and is very forcible. Just before he was interrupted, or before he answered the question of the Senator from Mississippi, he arraigned the Senate for cowardice in sitting by and allowing the opportunity to pass to cure an evil so monstrous that he said Cuba had no comparison with it, nor anything else in the history of the world. Now, if that is the case, and here is so grievous an instance of wrong that has been going on for months and years, and the Senator arraigns the Senate now for cowardice in not passing measures to regulate it and to extirpate the evil, I in turn arraign the Committees on Indian Affairs in both Houses, in the presence of this monstrous evil that has been stalking before us, as the Senator says, for months and years, that those committees have not duly reported measures for the relief of this condition and for the cure of these evils and brought them in before the Senate and passed them as other measures, but that they have waited until six men get together in a conference room and initiate legislation. I ask the Senator to explain why the Committees on Indian Affairs did not pursue that course?

Mr. PETTIGREW. Mr. President, if I have said anything that would offend anyone in the arraignment of the Senate in this connection, I am perfectly willing to have the words expunged from the RECORD. As far as the Committee on Indian Affairs is concerned, it has had this matter under consideration for several years, the question of intruders, and other questions. We found that those people had tribal patents. We found great difficulties in the way. We finally secured the appointment by a provision on the appropriation bill in 1893 of the Dawes Commission. We did not feel that we wanted to overrun or impose upon any class of people. The length and breadth and width of the iniquity that exists down there was unknown to the committee until we got the report of the Dawes Commission. The Commission have been at work some two years and a half. Last year they made a report. This last winter they made another one, corroborating the facts which they had gathered before. And now the committee came in here and was ruled out on a point of order in trying to take a step in the direction of curing these evils. We did not succeed because of the point of order.

That is the whole question before the Senate, clearly and fairly understood. Inasmuch as it is a violation of no custom, inasmuch as we have been in the habit upon indifferent matters of legislating with a conference committee, it seems to me that now is the time to correct or start to correct this evil.

Mr. HILL. Will the Senator allow me? Was there not an appeal taken on the question of order?

Mr. PETTIGREW. I did not have charge of the matter. I do not think there was.

Mr. JONES of Arkansas. There was no appeal taken on the question of order. The amendment was technically liable to a question of order. There is no question about that. Whenever anyone in the Senate chose to raise the question of order there could be no doubt that the amendment would have to go out on the question of order.

Mr. PETTIGREW. I wish to say further——

Mr. HALE. Let me ask the Senator——

Mr. PETTIGREW. We have been met with all sorts of difficulties, points of order, objections, etc., in the committees of both Houses. It seems almost impossible to reach these people, so firmly are they intrenched behind the profitable plunder which they have secured from robbing the Indians who belong to these tribes.

Mr. HALE. Does the Senator think that an entire session of Congress ought to be allowed to pass; that every other method known under the rules of providing for full discussion should be avoided, and that then the evil should be sought to be cured in this way? Does he think that is good legislation?

Mr. PETTIGREW. I think the evil should be cured in any way that we can reach it. Have we reached the point where it is said, as a person who wants to do nothing can always say, "Oh, yes; I am in favor of it, but let us do it some other time"? Now, this provision has passed the House. It is before the Senate. In thirty minutes you can send it to the President if you want to take a step toward correcting these evils; and it is our duty to do so. There is no question of rules, no question of time or method of procedure, that ought to stop us.

Mr. CHANDLER. May I ask the Senator a question? Why has not the committee reported a special bill for this purpose some time during the present session? What excuse can he give as chairman of the committee, what excuse can the Senator from Arkansas [Mr. JONES] give, or what excuse can the other Senators on the committee give, when they could have passed a special bill on the subject in two hours at any time, and they did not report it?

Mr. PETTIGREW. The Senator from New Hampshire is not a member of the Committee on Indian Affairs. There are 12 members of that committee, and they unanimously reported an amendment to the appropriation bill to cover this question, and it was ruled out of order. Now, whether we have done our duty or not is something that we shall not leave to the Senator from New Hampshire. If I chose to criticise him, I fear that I could show failure on his part as a member of the Committee on Interstate Commerce, perhaps.

Mr. CHANDLER. I am willing to discuss with the Senator any dereliction of mine in connection with any committee to which I belong.

Mr. PETTIGREW. I do not care to go into that.

Mr. CHANDLER. The Senator is imputing motives very freely.

Mr. PETTIGREW. Not at all.

Mr. CHANDLER. He is making charges; he is talking about a lobby; he is talking about responsibility for crime, and is making the heaviest arraignment of his own committee that I ever heard any Senator make in all my life. He makes an arraignment of his own committee for the grossest possible neglect of duty. If what he says is true——

Mr. PETTIGREW. Mr. President, I think the Committee on Indian Affairs will be able to survive even the criticism of the Senator from New Hampshire.

I do not think it is necessary for me to go further into this matter. I believe these questions are thoroughly understood by the Senate. I think the Senate and the country are aware of the conditions which exist in the Indian country; and it seems to me we can not possibly hesitate to take a step in the direction of correcting the present condition of things.

Mr. JONES of Arkansas rose.

Mr. PETTIGREW. I yield to the Senator from Arkansas.

Mr. JONES of Arkansas. I want the Senator from South Dakota to yield to me just one moment to make another suggestion before 2 o'clock in connection with the arraignment of the committee of the House and the committee of the Senate by the Senator from Maine [Mr. HALE]. During the present session of Congress the Dawes Commission has been here at the request of

the committees of both Houses and each committee has been in session for a considerable time. The House committee has been more actively engaged in this investigation, and has had the Commission and witnesses, people from the Indian Territory and others, before it for days and days. After a careful investigation that committee prepared a bill which has been reported favorably and is on the Calendar of the House. It has not been considered simply for want of time. The Senate committee has not urged the report of a bill simply because it was impossible for a bill to pass unless it would go through both Houses; and we believed it was best for the House committee to push its work more rapidly than we did, if there was hope for any legislation.

This proposition is a part of a section of the House bill, which provides for a number of other very important things besides. This is a single step in the right direction, conservatively proposed, and to which we believe there ought not to be any objection in the Senate at all.

Mr. HALE. If this single provision is so important, as stated here, and will avert such tremendous evils, as is said, why has not the Committee on Indian Affairs in the House or in the Senate taken it out of the general bill and made it a single measure and passed it, when no objection would be made to it? Why does it connect it with a lot of other propositions and let them lie in the pigeonholes of the committee or on the Calendar or wherever they may have no action taken and insist on picking out this provision and passing it as a matter of initiation by a conference?

Mr. JONES of Arkansas. Considering the amount of active opposition it has received here, I do not know how the Senator from Maine assumes there would have been no opposition to it if it had been reported as a separate measure.

Mr. HALE. I have heard very little opposition to the merits of the measure.

Mr. PETTIGREW. Mr. President, it is not——

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 1341) to prohibit the further issuance of interest-bearing bonds without the consent of Congress.

Mr. PETTIGREW. May I ask unanimous consent that the unfinished business be temporarily laid aside and that we complete the conference report?

The VICE-PRESIDENT. Is there objection to the request of the Senator from South Dakota?

Mr. HILL. I have no objection to its being laid aside for an hour temporarily, but I must object beyond that at present. I think we understand this question pretty well, and while I do not object to reasonable debate, I do not think it is quite right to fix a time to vote upon a bill and then immediately proceed to take up another measure and exhaust all the time. If the request is made for an hour, I have no objection to it.

Mr. HALE. Let me suggest to the Senator from New York that the Senator from Utah [Mr. BROWN], who desired to go on to-day and occupy such time as he might choose in discussing the bond bill, is not able to go on, and it is not understood that any one else desires to speak upon that measure.

Mr. HILL. Oh, yes; there are other Senators who wish to speak.

Mr. HALE. It was understood, I think, when the arrangement was made about taking the vote on the bond bill that we should go on and finish this matter to-day.

Mr. HILL. How much time is wanted now?

Mr. HALE. I am not in charge of the conference report. I do not myself want to consume any time.

Mr. GRAY. An hour will do, I think.

Mr. HILL. I have no objection to an hour, and then we will see what the situation shall be. There is no disposition to prevent action. Of course the conference report ought to be disposed of.

The VICE-PRESIDENT. The Chair will submit the request to the Senate.

Mr. BUTLER. Before that is submitted I wish to say——

The VICE-PRESIDENT. The Chair will recognize the Senator from North Carolina in a moment. The Senator from South Dakota asks that the unfinished business be laid aside temporarily for the purpose of concluding the consideration of the conference report. Is that the request of the Senator?

Mr. HILL. And I propose to amend the request by the further suggestion as a part of the unanimous-consent agreement that the unfinished business be temporarily laid aside for one hour.

Mr. HALE. Let it be laid aside for two hours. I think we can get through with the report in that time.

Mr. HILL. Does the Senator from North Carolina consent to two hours?

The VICE-PRESIDENT. The Chair will state the request.

Mr. DUBOIS. Mr. President——

The VICE-PRESIDENT. The Chair will recognize the Senator in a moment. The Chair desires to state the request as submitted by the Senator from South Dakota.

Mr. PETTIGREW. I ask that the pending order be temporarily laid aside and that the Senate proceed with the consideration of the conference report.

The VICE-PRESIDENT. That is the request, and the Chair submits it to the Senate.

Mr. BUTLER. I object to it in that shape.

Mr. CHANDLER. I rise to a question of order. The conference report is privileged over the unfinished business.

Mr. BUTLER. I ask for the ruling of the Chair on the point of order.

The VICE-PRESIDENT. The Chair thinks the unfinished business is in order at this time without——

Mr. HALE. The Senator from South Dakota will then have to make a motion, and that will displace the unfinished business.

Mr. HILL. I ask unanimous consent that the bond bill be temporarily laid aside for one hour, and then we can determine the situation and possibly accommodate Senators all around.

Mr. HALE. Let that be done.

The VICE-PRESIDENT. The Chair will submit the request of the Senator from New York. It is that the pending unfinished business be laid aside temporarily for one hour in order to consider the conference report. Is there objection?

Mr. BUTLER. Tuesday has been fixed as the time for voting upon the bill. I ask the Secretary to read the unanimous-consent agreement. Inasmuch as I was not present, I want to know exactly what it is.

The Secretary read as follows:

Agreement for final vote on Senate bill 1341 some time during Tuesday, June 2.

Mr. BUTLER. Is there any hour agreed upon?

Mr. GRAY. There was no hour.

Mr. BUTLER. Is there any objection to naming some time—say before 6 o'clock?

Mr. GRAY. Let the agreement stand as it is.

Mr. JONES of Arkansas. It is better to let it alone.

Mr. HALE. The agreement was made in that way for the very purpose of not cutting off anyone who might wish to offer an amendment or anyone who might wish to speak. It is better for the Senator in charge of the bill in its present form.

Mr. BUTLER. All right. I said to the Senate I was anxious to get a vote on the bill, and when naming an early hour for a vote I said that I did not intend to speak on the bill if an early hour could be arranged; that I was desirous of having a vote and not speaking. Inasmuch as it has been agreed that at some time on Tuesday the vote shall be taken on the bill, I want to give notice that I expect to speak. I give notice now, because if there are others who desire to speak and who may think there will be plenty of time by laying the unfinished business aside temporarily, that they may choose to object to the request of the Senator from New York, I give notice now that on Tuesday—I will make it Tuesday, and let others come in first—as soon as Senate bill 1341 is laid before the Senate, I shall ask the consent of the Senate to be heard upon it. I want to give that notice so that others can come in before or come in afterwards, if there is no conflicting notice.

Mr. GRAY. When an agreement has been reached by unanimous agreement of the Senate to vote at a certain hour I suppose every one has the right to speak who can obtain the floor, and this notice is a mere matter of courtesy. It gives the Senator no right to the floor?

Mr. BUTLER. Certainly not; but inasmuch as I gave notice that I would not speak, and now having made up my mind to do so, it is my duty to make that fact known. I have no objection to laying aside the unfinished business for one hour.

Mr. HILL. That is rather a reflection upon the arguments already made, for three-quarters of the arguments have been made in favor of the bill. What is the precise time? Is it the understanding that the unfinished business is to be laid aside for one hour?

The VICE-PRESIDENT. The Chair submits to the Senate the request of the Senator from New York that the pending unfinished business be laid aside temporarily for the purpose of proceeding with the consideration of the conference report for the period of one hour. Is there objection? The Chair hears none.

Mr. BERRY. I should like to say one word in reply to what the Senator from Maine said just before 2 o'clock.

Mr. GRAY. Is the request granted?

The VICE-PRESIDENT. It is; and the conference report will be proceeded with.

Mr. BERRY. Mr. President, I wish to respond to a word said by the Senator from Maine just before the hour of 2 o'clock in regard to the conference report. The Senator asked why the House had not taken up and passed this bill and passed some other bill. I will tell the Senator why. This matter was heard before the House committee for six weeks. Almost every man on both sides who felt an interest in the Territory, those who opposed any legislation of every character, the delegates from the Territory, were

heard day after day and week after week. The Dawes Commission was heard, and finally the House committee made up and reported a bill unanimously, as I understand, to be passed, and which they hoped to pass during the present session. The provision in this conference report is a part of that bill, but not all of it. There were a great many other things in the bill. Now, the House committee have hoped all the time that they could get a day fixed in the House when this matter could be heard. The Senator from Maine knows the rule that prevails there, and it has been impossible to get the Committee on Rules to give them time to consider it, as I am informed.

Mr. PLATT. There has not been a single day assigned to the committee.

Mr. BERRY. There has not been a single day.

Mr. PLATT. There has not been a day assigned in the House.

Mr. BERRY. Not a day. They have been trying for weeks. I understand that it was a unanimous report, and I repeat what I said before, all parties from the Indian Territory were heard, and the delegates from those nations were heard. They took up nearly all of the six weeks that was devoted to this hearing; but a few days, probably a week or ten days, were given to the Dawes Commission, who were heard also. Those are the facts in regard to it, and there has been no dereliction of duty so far as I know upon the part of any one. Bills are pending in the Senate. They have heard this matter. The committee took from the House bill, and the House conferees, as I am informed by the Senator from Colorado, insisted that this much, at least, was absolutely necessary to be done for the peace and order of society within the Indian Territory. There were many other things that they wanted to do. There are many other things in the bill that ought to be done, but they took only that which was absolutely necessary, as I understand it, and insisted that it should go on this conference report; and without this that there would be confusion and probably bloodshed arising over questions about putting out 8,000 people in that Territory by the Secretary of the Interior.

Therefore, as the basis for any legislation, it was necessary to ascertain definitely who were entitled to rights; to ascertain whether or not certain Indians had been kept unjustly from that roll it was necessary that the full investigation could be had before any talk of allotment took place, because they wanted to know the number who would share in the allotment. Therefore they put in this provision for the Dawes Commission to make this roll, and so particular were they that they said that if any member was dissatisfied, if the Territory was dissatisfied, if the individuals were dissatisfied, an appeal lay to the courts of the United States to determine whether injustice had been done. That is all there is in it, and if the Senator defeats this, the Senator knows as well as I know that it is impossible to get a hearing in the House without the permission of three or five men who constitute the Committee on Rules; that no legislation can be had; and yet, on a technicality merely, he seeks to defeat legislation which every man who visits that Territory, every Senator who lives in that section of country, every Senator who has been there, and every man who has visited that country in an official capacity knows is an absolute necessity and is demanded, and demanded now.

Mr. HALE. I want to say to the Senator from Arkansas that I do not think the fact that legislation proper has not got the sanction of the Committee on Rules if a separate measure ought to justify us in breaking a very substantial and essential rule here. I do not think that they ought to come to the Senate and ask us to violate our rules because they can not get a special bill through there.

Now, further, if the Committee on Indian Affairs in that body found that it could not get a day assigned to it for a special bill covering this purpose, why did they not incorporate this measure, if it is so very important, in the Indian appropriation bill which that committee prepared and sent to this body? I look over the Indian appropriation bill and I find that as sent to the Senate by the House it contains in one clause and another many features as important in legislation as this; but the Indian Affairs Committee, which now beseech the Senate to override all its most important rules, waited until the conference committee met together, and did not attempt to incorporate it into their bill, that would have been boldly before the House. They did not even take the risk of a point of order, and did not get it through as they did other legislation, but waited all the stages until this last stage.

I am amazed, Mr. President, at its being urged here that it is nothing but a technicality that lies at the bottom of this objection, or that Senators are actuated by some other motive, and that there is a lobby here. I never heard of this measure—I was absent when the appropriation bill was passed—until I read what the conference committee proposed to do in submitting the conference report. I then examined into it and examined the statutes and examined the debates. I never heard the subject mentioned. I do not suppose a single Senator who is standing here now for the rules of the Senate and to prevent what will be a most disastrous result in the hereafter if this is allowed to stand as the report of the conference committee and adopted by the Senate heard of a lobby until it was stated in debate to-day that it exists here. I did not for one. I am not urging a technicality, but I am fighting to preserve the integrity of conference committees in the future. If it is the fact that on the Indian appropriation bill there have passed heretofore sub silentio important matters of legislation, that is all the more reason now, when the attention of the Senate is called to it, why it should not be allowed to be done again.

Mr. PLATT. The Senator from Maine seems to suppose that there are some rules of the Senate relating to conference reports and what shall be contained in them. It so happens that there is no rule whatever on the subject.

Mr. HALE. What is the invariable constitution and creation of a conference committee under the rules? That it is upon the disagreeing votes of the two Houses. I never knew a conference report ordered and assented to that the conference was not upon that very proposition. The rules require that when matters come to a conflict between the two Houses there shall be a conference committee upon the disagreeing votes of the two Houses.

Mr. PLATT. That is just what has taken place in this case, Mr. President. There is no rule of the Senate relating to conference reports. All that the Senator said before I rose seemed to be based upon the idea that we were violating some rule of the Senate in accepting this conference report. There are no rules relating to conference reports in the Senate, and there is no parliamentary rule relating to them so far as affects the acceptance of a report when the conferees have agreed.

The conference, of course, arises over a disagreeing vote of the two Houses. It has arisen in this case over the disagreeing vote of the two House with reference to an amendment which provides for the continuation of what is called the Dawes Commission and the payment of the salaries of the Commission. That is the matter which gave the conference committee jurisdiction, and, I agree, the only matter which gave them jurisdiction.

If you will look in Cushing's Manual, you will find there parliamentary rules laid down for conferees in their meetings; and one is—and the only one which affects this question—that if the conferees of one House, in considering a matter which comes before them, seek to incorporate matters which are foreign to the subject, or which are not directly concerned with it or legitimately associated with it, then it is the duty of the conferees to break the conference; but where the conferees of the two Houses agree, there is no rule, there is no parliamentary law, which prevents the two bodies from accepting their agreement. There may be a question of policy about it. It may not be good policy to legislate by the incorporation of anything which was not directly before one branch or the other of Congress at the time the vote was taken upon which the disagreement was had. It may be that the Congress itself—the two Houses—as a matter of policy, might limit the conferees; but as a matter of practice they are not limited by the two Houses, and it is for each House, and for both Houses, to say how far they will go in accepting the report of the conference when once made. There is no rule about it that is being violated; there is no parliamentary law about it that is being violated; it is a question for the two Houses to determine when the report is made. When the conferees have agreed to change an amendment and bring it before the Houses, the whole subject is open, and the only possible ground on which the Senator from Maine can object to this is that it is bad policy.

Mr. HALE. I said yesterday that I did not understand that it is subject to a point of order under the rules; but when I use the words "rules of the Senate," I mean the rules of conduct, of procedure of the Senate, which undoubtedly have been in the direction of not legislating in this way. The Senator knows that as well as I do, for he is an older Senator than I and he has helped in contests made heretofore against conference committees enlarging their jurisdiction.

Mr. PLATT. Perhaps, Mr. President, I have been as strenuous in objecting to legislation by conference committees as almost anyone, and I do feel myself quite embarrassed when the question arises whether I shall support this conference report; but it is not as objectionable as those who have argued against it seem to suppose. The foundation for this conference report—and all there is in it with the exception, perhaps, of the two items about the Sisseton and Wahpeton Indians and the Seneca Indians, so far as this discussion proceeds, are to my mind unimportant—is connected with and legitimately related to the amendment of the Senate which was disagreed to by the House. The Senator from Maine admits that, I think.

Mr. HALE. It is the same subject-matter; it relates to the Commission; but the Senate amendment, to which the House disagreed, is a pure limitation. It provides in its terms for a limitation: it exhausts itself and does not call for anything beyond it. The Senator has examined that, and I think he will see that.

Mr. PLATT. When the Senator was replying to the Senator

from South Dakota [Mr. PETTIGREW] with reference to conference reports on the last year's appropriation bill, or the one in 1891, I do not remember which, he drew the distinction between a limitation of law or an enlargement of it.

Mr. HALE. A limitation of law upon an amendment.

Mr. PLATT. A limitation of law upon an amendment or a limitation of an amendment—put it either way. The law was so that these children could be transported from their homes. The amendment was originally simply an appropriation for transporting children to schools, and the limitation put upon it was a limitation upon the law or a restriction of the law, just as much as it was a restriction of the amendment. It was new legislation, a limitation upon the amendment, a limitation upon legislation, and the Senator from Maine says, "How does that differ from an enlargement of the powers of a commission?"

Mr. HALE. I do not think the conferees ought to do that.

Mr. PLATT. If we can limit the power of a commission, if we can say they shall not do as much as they have done heretofore, why can we not enlarge their powers?

Mr. HALE. I do not think we ought to do either in conference.

Mr. PLATT. So that this is not so very serious a matter after all, and I venture to say that I can take the reports of conference committees composed of members of the Appropriations Committee, running back over a series of years, and find fifty cases where they have gone beyond the mere technical matter which was in disagreement between the two Houses by incorporating into it provisions which looked as if they were legislation and which in a certain sense were legislation. I have not any opportunity now to go over all these records, but every Senator will remember them.

Now, let us see what has been done here. Here is the Dawes Commission, appointed to negotiate with Indians and try to obtain from them some agreement by which the terrible condition of affairs in the Indian Territory may be remedied. We inserted in the Senate a clause continuing that Commission in existence, and they are authorized to negotiate now. It is perfectly apparent that negotiations will amount to nothing unless some other steps are taken, and some steps which specifically the Commission do not seem to be empowered to take. I think all that is required to be done here is within the spirit of the power which was conferred upon them in the first instance, but specifically, technically, according to the letter of their appointment, it would seem that they have not the power which is conferred upon them here. All that this provision does is to enlarge their power in the direction of the spirit of their appointment. In other words, it is to put out of the way a stumbling block to negotiation, one which the other House felt it was necessary to remove if our amendment was to stand paying the salaries of the Commissioners for conducting the negotiation. That is all there is to it; that is the length and breadth of it, and it does not seem to me so very objectionable—not so objectionable as a great many cases to which I might allude if I had the opportunity to consult the records. The Senator from South Dakota [Mr. PETTIGREW] has consulted the records with reference to the Indian appropriation bill, but I venture to say with regard to other appropriation bills—the Post-Office appropriation bill, the naval appropriation bill, the sundry civil appropriation bill, and the legislative appropriation bill—in times past there have been departures from the strict rule which the Senator from Maine is trying to lay down at this time.

Mr. HALE. I do not want that statement to go unchallenged. I have no doubt the Senator thinks or believes or conjectures that what he says is borne out by the record; but I do not believe the Senator can find, with the exception of one or two instances which were referred to yesterday by the chairman of the Committee on Appropriations [Mr. ALLISON], outside of the Indian appropriation bill—which does not seem to have been abused heretofore, and which ought to be stopped now—any such instances in the other appropriation bills. I am quite certain that in any appropriation bill which I have had anything to do with, new matter not in controversy between the two Houses has not been admitted, because, constantly, we are obliged in conference to contest propositions of that kind made by the House conferees.

Mr. PLATT. I have known of this thing being done repeatedly and done after discussion in the Senate, and without serious objection being made to it in the Senate, that where a bill originated in the other House and was amended in the Senate, a half dozen amendments being made in quite a long bill, when a conference committee was raised upon the disagreeing votes of the two Houses, which were upon the amendments, the conference committee would come back with an entirely new draft of a bill.

Mr. HALE. In an appropriation bill?

Mr. PLATT. Not in an appropriation bill.

Mr. HALE. I am making the distinctive point there, because appropriation bills deal with so many subjects and the Senate trusts the Committee on Appropriations so completely in its conferences that the rules which apply to other committees of conference do not apply to them. My remarks about changes in conference apply to changes by Appropriations Committee conferences; they do not apply to other conferences. I have not examined as to that.

Mr. PLATT. There is no rule as to conference committee reports on appropriation bills different from that on other bills.

Mr. HALE. Undoubtedly there is no rule; but does the Senator not see that the Committee on Appropriations, in its great jurisdiction over so many subjects-matter, ought to be held to a more stern scrutiny and to a more stern adherence to the rules—I will not say "rules" again, but practice of the Senate—about originating new legislation in conference committees than any other. It has more power and there is more opportunity to abuse it; its reports increase in the last days of the session, and it ought to be scrupulous, and I might say overscrupulous, about this very thing of reporting to the Senate in its conference reports new matter, new and extended legislation—much more so than any other committee.

Mr. PLATT. I am not seriously contending with the Senator from Maine as to the general policy which should be observed with regard to appropriation bills, but I remember, I think, a military bill within four or five years past containing some 15 or 20 sections, as to which there were certain disagreements upon amendments, and rather unimportant amendments, and when it came back from the conference committee there came the draft of an entirely new bill relating to the same subject-matter, but changing the provisions of the original bill to quite a considerable extent. Four States came into this Union under those circumstances, with an entirely new draft of a bill, where the disagreement had been upon a bill as to whether one State should be admitted. Similar instances are numerous. So there is no rule about it, and there is no settled practice about it which is being transgressed in this case.

Mr. HALE. Does the Senator not see the difference? In a matter of that kind the moment a conference report is made it is notice to everybody of what is in it. Everybody sees it; nobody is taken unawares; but in an Appropriation Committee conference report it is entirely different. The most elaborate legislation, the most offensive legislation may be embodied, and in the vast realm the appropriation bills cover in the last few days of a session the body does not get any such notice as it did in the case the Senator cites of new States. Everybody knew of that. The truth is Senators do not know what conference committees of the Appropriations Committee report. They have to trust to the precedents that they will not put in new matter, and thereby delude the Senate.

The Senator from South Dakota alluded to one case on an Indian appropriation bill where new matter was put in, and, as he said, nobody found it out until after Congress had adjourned. That is wrong, and that ought not to take place; that ought not to ever happen again. The very thing he alluded to shows the impropriety of inserting such legislation in conference reports. If a conference committee of the Committee on Appropriations did that, perhaps nobody would find it out, but it was impossible that Senators should not discover that four States were being admitted instead of one. So the cases are not alike.

Mr. PLATT. Mr. President, I still think if we could examine all the reports of conference committees upon appropriation bills and upon the disagreements as to amendments upon appropriation bills, we should find very many instances in which the conferees have so far departed from the technical thing which was in disagreement between the two Houses as that other matters, other forms of dealing with the question raised by the amendments, were introduced; as where there had been an appropriation for a specific purpose the appropriation was allowed to stand and a joint commission was attached to it, and various matters of that sort. The Senator, I think, will not claim that the conferees upon appropriation bills hold to the very technicality of what he is insisting upon should be held to in this case. I think not, but I have had no time to examine, and it takes time to examine the record upon points like this.

Mr. President, I think, on the whole, that the importance of a matter must be considered in determining the question as to how technical we shall be with reference to the acceptance of a conference report. I do not want to go into that matter at length. I have heretofore discussed it to some extent in the Senate. I simply want to say this: We recognize in this country that we ought to prevent the robbery of Indians. If there is anything which has stirred the philanthropic and benevolent heart of this country it is that in some way or other the Indians of the country are being robbed of their just rights by traders, by contractors, by persons who want to make money out of them; and it justly excites the indignation of the country that this thing takes place and that it can not be prevented by Congress. But, Mr. President, what I desire to do here with reference to this Indian question is this: I want to prevent the robbery of the real Indians by the pretended Indians; and when I have said that I have stated this whole case. The real Indian is being robbed and despoiled

by the pretended Indian, and the pretended Indian is here insisting that there shall be no legislation to prevent it.

Mr. VILAS. Mr. President, I regret that the point of order which was urged against this amendment was withdrawn. I should be disposed to renew it, except that I do not wish individually to assume to direct the course which those more particularly in charge of this subject have chosen to pursue. But I believe the point of order was well made by the present occupant of the Chair [Mr. CHANDLER].

I want to draw attention for a moment to the rule and then see wherein there can be an exception justly made to this rule by reason of the fact that it is proposed by managers of the Senate in conference. The third paragraph of Rule XVI reads:

No amendment which proposes general legislation shall be received to any general appropriation bill.

Mr. MITCHELL of Oregon. I desire to suggest to the Chair whether a point of order can be made at this stage of the proceeding to an insertion in the bill which comes back here in a conference report.

The PRESIDING OFFICER (Mr. CHANDLER in the chair). No point of order is made by the Senator from Wisconsin.

Mr. VILAS. Mr. President, what is the significance of that rule of the Senate? Does it go simply to a mere question of the order of business? Not at all. It is the emphatic and careful declaration of this Senate, through its rules, that no general legislation ought, under any circumstances, to be put upon an appropriation bill, and the reason of it needs no particular discussion.

When we fix upon an appropriation bill general legislation, we to a certain extent deprive the Executive of his rightful part in the legislation of the country, because we threaten by the possible failure of the appropriations, injury or inconvenience, distress, perhaps, to the administration of the public business, in case he shall exert his independent judgment upon that general legislation by interposing an objection which he can only interpose at the cost of defeating perhaps the entire appropriation bill. It is for the legislative body to throw upon a coordinate branch of the Government an unfair and unjustifiable stress to compel acquiescence in measures which Congress chooses to pass; and it is unbecoming Congress, it is unworthy of the body which occupies so exalted a position in this nation and in the conduct of government among mankind, thus to abuse the power which is left in its hands.

It is impossible, Mr. President, as we all know, that a constitution should both lay down the principles of government and follow the division of the powers of government by minute and particular directions to inhibit the abuse of the authority conferred. Constitutions necessarily leave and intrust large powers to men who are supposed to be sufficiently great in character, honest in purposes, intelligent in perception to understand and observe the true principles upon which they go. Upon that basis this rule of the Senate was prescribed. It is not a rule of order merely. It is a rule which simply gives execution to the true principle of constitutional authority delegated to the Senate. The rule is, as I have said, that no amendment shall be received——

Mr. GEORGE. From any quarter.

Mr. VILAS. I was about to add that it is not to depend upon the quarter from which it comes. It depends upon the nature of the amendment.

Mr. LINDSAY. If the Senator will consent, I wish to ask him a question for information. I understand that the bill as it came from the other House made no provision for continuing the duties of the Dawes Commission?

Mr. VILAS. That is correct.

Mr. LINDSAY. And that, although the law would not have been repealed by nonaction, there would have been no appropriation under which any of its provisions could have been enforced.

Mr. VILAS. I am not so sure about that. I shall have something to say, perhaps, on that subject a little later on.

Mr. LINDSAY. Assuming that to be true for the purposes of the inquiry, the Senate amended the bill by making an appropriation to continue the execution of the duties of the Dawes Commission, and the House conferees accepted that upon the condition that certain duties should be discharged by that Commission which had not theretofore been discharged by it. Now, I ask which is the new legislation—the legislation which originated in the Senate or the amendment to the legislation which originated in the Senate?

Mr. VILAS. Mr. President, the distinguished Senator from Kentucky fails to observe the force of the adjective in the rule. This rule is not that no new legislation shall be put upon an appropriation bill, because every addition of a dollar may be in one sense new legislation; but this rule is that no amendment which proposes "general legislation" shall be received. Now, the Senate only proposes this: Here was a commission in existence, with all its powers provided by law, with appropriations perhaps sufficient to have enabled it to proceed. The House probably thought so, for it made no amendment. The Senate, in order to insure it, in point of fact, for I offered the amendment myself with a view of adjusting certain conditions that had arisen in the Senate, proposed to supply the Commission with money in order to enable it to perform the functions which it was already established to perform. That was not general legislation. That was, it is true, in a sense new legislation. Now for the House managers to so amend it, if it is to be supposed that the House managers have proposed this—it comes from the Senate managers or from an agreement between the Senate and House managers—is none the less to incorporate upon an appropriation bill what the Senate refused to permit to be put upon it—general legislation.

Mr. LINDSAY. The Senator will pardon me again. Is this general legislation? I understand that it merely authorizes the Dawes Commission to ascertain certain facts and to report them to the Congress of the United States.

Mr. VILAS. The Senator from Kentucky will, I hope, in a few minutes, if he will give me his attention, at a later point in the argument perceive and agree with me that this is not only general legislation, but that if it were enacted it would repeal, in a manner which would be almost disgraceful to this Government, its solemn guaranties to the Five Civilized Tribes of their right to do the very thing which the amendment seeks to take from them and confer on the Dawes Commission, and which we, no later than two or three years ago, solemnly agreed should be the right of one of those tribes as a consideration and condition of our accepting from them a large body of land which it was desired to purchase.

I will pass that now for the time being with the assumption, if the Senator will indulge me in it, that this is, for the reason I have but briefly indicated, general legislation. Thus it will be seen, I am sure, that this legislation is of the very character which the rule of the Senate forbids to be put upon an appropriation bill, irrespective of the source from which it comes. The force of the Senate rule does not depend upon the authorship of the amendment. It depends upon the great principle to which I have made but a very brief allusion, for an allusion is enough in this body to recall it to the attention of everyone and to insure the force in the mind of every Senator which it ought to receive. It is the execution of, it is a due respect to the Constitution of the United States, and this is a rule to preserve in proper manner the great division of power which belongs to the several departments of the Government according to the Constitution.

Mr. GEORGE. Will the Senator allow me? Will he answer, before he gets through with that part of his argument, whether there is any rule positive or any rule in parliamentary law which exempts a committee of conference from an obligation to observe the rules of the Senate?

Mr. VILAS. I had hoped to have a little more time, because I had intended to point out by Cushing and by May, writers of acknowledged authority in parliamentary law, that there is no such rule whatever.

Mr. FAULKNER. Will the Senator from Wisconsin permit me to make a suggestion?

Mr. VILAS. With pleasure.

Mr. FAULKNER. A case exactly similar to this was decided in the House of Representatives, I think, week before last. I myself was one of the conferees. We agreed to an amendment perfectly satisfactory to the entire body of conferees of both Houses, but it was not really involved in the question that was in conference. The point was made that it was new legislation and not within the scope of the conferees when the matter was submitted to them. The Speaker ruled the whole amendment out of order and out of the conference report, and they proceeded with the balance of the conference report.

Mr. PASCO. I do not wish to interrupt the Senator from Wisconsin, but I will read a decision substantially to the same effect. It was made as early as 1812 by the Speaker of the House of Representatives. It appears in the Journal of the House of Representatives for the first session of the Twelfth Congress, on page 383:

Mr. Wright, from the managers appointed on the part of this House to attend to conference with the managers on the part of the Senate upon the subject-matter of the disagreeing votes of the two Houses on the amendments of the Senate to the bill "for the more perfect organization of the infantry of the Army of the United States," made a report; which was read, and declared by the Speaker to be out of order, inasmuch as the conferees had discussed and proposed amendments which had not been committed to them by either of the Houses.

I submit it to the Senator from Wisconsin, if he wishes to make use of it.

Mr. VILAS. I am very much obliged to the Senator from Florida, whose research has discovered a precedent at so early a date in our history and so exactly conforming to the principle which I was seeking to suggest. The reading of the precedent shows itself what its force is, and I think, for myself, that the point of order ought to be made and ought to be insisted on and ruled upon. I should be very glad if others took that view, and we could have what seems to me to be the very best protection against the violation and abuse of that rule, the duty imposed upon the Chair, subject, of course, to the right of correction in

the Senate, to strike out of conference reports, on objection, new legislation which is proposed, of a character like this, not amendatory, not calculated simply to perfect and make useful the amendment which was submitted to conference, but an entirely new proposition, a suggestion of legislation so new that it would be the fit subject, of itself alone, of an independent bill, and so important that in this particular instance it seeks to strike down the rights of five nations of Indians whom we have most solemnly promised to guarantee in the very right which is thus to be taken from them. It does seem to me that it would be of the utmost importance and value if we could establish here the proposition that it is the duty of the Chair to pass upon the rule of the Senate and to give it effect precisely as he gives effect to every other rule of the Senate. We shall, if we do not insist upon this, refrain somewhat from the duty which is incumbent upon us in this instance of so marked and manifest a departure from the ordinary practice of conference reports and of violation of the rule of the Senate.

Mr. President, not only is there nothing in any work on parliamentary law which gives any such authority as this to a conference committee, but according to my reading of all works of that kind conference committees are held bound precisely as any other committee is by the rule of the Senate. It can no more depart from the rule of the Senate than a Senator can. Two Senators or three Senators are no more as against the rules of the Senate than one, and they to whom a special subject has been committed ought to be rather more than less careful to observe the rules of the Senate.

Mr. VEST. Will the Senator from Wisconsin allow me to ask him a question?

Mr. VILAS. With pleasure.

Mr. VEST. Suppose, under the rules of the Senate, granting the Senator's proposition to be true, for the sake of the argument, that this amendment ought not to have been put upon the bill, or that the rule of the Senate as to general legislation is enforced and the rules of the House of Representatives do permit such amendments, is the rule of the Senate binding upon the conferees on the part of the House?

Mr. GEORGE. It is binding on our conferees.

Mr. VEST. That is not the question. Could the Senate, by making a rule, enforce its will against that of the House of Representatives, a coordinate branch of the legislature?

Mr. GRAY. Let me ask the Senator from Missouri if the gist of the whole matter is not the question whether this matter was within the submission of the conferees by the Senate or by the House?

Mr. VEST. Of course, if it was not submitted legitimately it is not there; it can not be put there. But we contend that it was legitimately before them; that it is germane entirely to the subject-matter of the bill and the action of the two Houses. But I put now to the Senator from Wisconsin or to any other Senator the question: Can we by our rules control the action of the coordinate branch of Congress?

Mr. VILAS. I do not feel a particle of difficulty on that question as applied to this subject, and it is only as it is applicable to this question or a question presented in this aspect that we are bound to consider or that I am bound to attempt to answer the Senator's question.

The Senate made no proposal to violate the rule of the House of Representatives or to enforce anything upon the rule of the House. The House has made no attempt to violate the rule of the Senate or to impose anything upon the Senate. The Senate simply submitted as an amendment to an appropriation bill from the House of Representatives a proposal to add a further appropriation to meet the expenses of a commission already existing, and to continue it in existence only by virtue of the law which had created it, and with the powers and authority which had previously been given to it by law. They submitted simply a provision for an appropriation. That does not authorize the managers of the conference, who are but a committee of the Senate, to come in here and violate a rule of the Senate which forbids not that it shall be offered, not that somebody shall offer it, but that from any source whatever such an amendment shall be received.

That is the language of the rule, and that language of the rule depends upon the principle to which I have alluded—the principle of the division of power between the legislative and executive branches of this Government, which would be most grossly abused and overridden if Senators and Members of the other House should choose to put upon a bill like this measures which the Executive would not approve except under stress of the public necessity for appropriations.

Now, let us look at another thing in respect to this matter. See how much more flagrant this case is as an abuse of the rule when you consider that this very amendment was debated in the Senate for two or three days, both as a matter of order, as a question whether it was general legislation or not, and upon the very merits of the proposition. The greatest force of the argument presented in the Senate upon that debate against the adoption of this amendment—for the one now proposed is not so substantially different, so far as it affects the Five Civilized Tribes, that it needs to be talked about as any the less general legislation than the other; I will point that out presently—was that the subject of the proper method of dealing with the Five Civilized Tribes was too important, required too much study and attention, required too large an investigation into the facts, too much of an examination of the past history of treaties and statutes in this country, to be dealt with upon an appropriation bill; that before we could take from those Indian tribes that right and power which we had solemnly promised to them and guaranteed to them, the subject ought to be presented to the consideration of Congress in due and proper way.

So the Senate decided—it being very apparent, too, perhaps, that the Senate was not willing so to legislate at that time—that no such thing as this should be put upon the appropriation bill. It was the decision of the Senate that no legislation of this character should be received to the bill, and thereupon, after that decision was made, we committed to our conferees upon a general conference a proposition simply to maintain existing law and to provide the means for it, not to change existing law. They come back intc the Senate, under the guise of a conference report, with the very thing which the Senate had thus refused after long debate, at the proper time for the debate, when the general appropriation bill was pending.

Is it to be said that when the Senate has made a rule that no general legislation shall be received on an appropriation bill, and in a particular instance in which attempt was made to violate that rule the Senate has declared that it shall not be received to the appropriation bill, then the conferees can go out and bring it in again and compel the Senate, if by any means they can secure a change of votes sufficient now, to receive that legislation? If that is in order, what is the use of having rules of order?

Mr. MORGAN. I rise to inquire whether this debate is now in order?

The PRESIDING OFFICER. The Chair will inform the Senator from Alabama that the hour will cease at ten minutes after 3 o'clock.

Mr. VILAS. I wish to draw attention for one moment to the fact that this amendment as it is proposed here is the same amendment in all substantial effect as the amendment which was proposed and rejected in the Senate as general legislation.

First look at the amendment proposed by the Senator from Connecticut [Mr. PLATT], and you will see that it contains: First, a provision that that Commission are authorized and directed to proceed to hear and determine the question of citizenship in the Five Civilized Tribes. Second, they are to make for each of the tribes a full and complete roll of all persons entitled to the rights of citizenship. Third, powers are given them to send for persons and papers, and so forth. I will not stop to read it. Fourth, the rules are provided by which they are to proceed in the determination of the question of citizenship, and they are to make up rolls of citizens including those now so recognized. Fifth, their decision shall be final. Sixth, that the rolls shall include Africans admitted to the tribes.

Now, take the amendment brought in by the committee of conference. It provides, first, that the Commission shall proceed to hear and determine the question of citizenship, of precisely the same principle as we find in the amendment proposed by the Senator from Connecticut; and the difference is this: They are also to put on the rolls of citizenship those who have been adjudicated by the nations already, but the phraseology with respect to others is changed so that instead of its being directed to hear and determine all questions of citizenship, they are to hear and determine the applications of persons to be put upon the rolls. Their powers are the same; they are given them in the same way; there is the authority to send for persons and papers; they are to pursue the same method; their judgment is to be final, subject only to one qualification, to which I will call attention—an appeal to the district court for the Indian Territory. That is all the difference there is in the provision so far as the establishment of citizenship is concerned.

Is there any man in the world who would doubt that if the amendment had had that form when it was proposed by the Senator from Connecticut [Mr. PLATT], instead of the form in which he happened to write it, that this, equally with that, would have been ruled out of order? Does it change the question of the right of the Senate to insist upon its rules of order that the verbiage is altered by the committee of conference? Are we governed and controlled by the words in which the idea is carried, or by the substance of the thing itself? In substance, so far as the determination of citizenship is concerned, this amendment is the same as the amendment proposed by the Senator from Connecticut [Mr. PLATT], except that by the conferees authority is given to the

district court to hear an appeal taken by the tribe, to whom we have given the sole power, or by the applicant, according to the determination.

The PRESIDING OFFICER. In accordance with the unanimous-consent agreement, it is the duty of the Chair to lay before the Senate the unfinished business, which will be read by title.

The SECRETARY. A bill (S. 1341) to prohibit the further issuance of interest-bearing bonds without the consent of Congress.

Mr. GEORGE. I ask unanimous consent that the bill may be temporarily laid aside until the close of the remarks of the Senator from Wisconsin [Mr. VILAS].

The PRESIDING OFFICER. The Senator from Mississippi asks unanimous consent that the unfinished business may be temporarily laid aside until the Senator from Wisconsin shall finish his remarks. Is there objection?

Mr. BUTLER. If the Senate is ready to take a vote on this question just at the present time, I will yield, of course.

The PRESIDING OFFICER. The request is that the unfinished business shall be postponed until the Senator from Wisconsin shall have finished his remarks.

Mr. GEORGE. That is all.

Mr. BUTLER. If the Senator from Wisconsin is ready to take a vote, I will yield. Otherwise I shall be compelled to object.

Mr. VILAS. I am not asking anything on the subject. I am making no appeal, even to the courtesy of the Senator. It is the Senator from Mississippi.

Mr. GEORGE. I made the request.

The PRESIDING OFFICER. The request before the Senate is that of the Senator from Mississippi [Mr. GEORGE] that the unfinished business shall be postponed until the Senator from Wisconsin [Mr. VILAS] shall have finished his remarks. Is there objection?

Mr. BUTLER. Unless there is some one else who desires to speak on the bond bill, I desire to proceed now, and after I finish this matter can be taken up. Therefore I object.

The PRESIDING OFFICER. The Senator from North Carolina objects.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. MCKENNEY, one of its clerks, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (H. R. 886) to amend section 3255 of the Revised Statutes of the United States concerning the distilling of brandy from fruits;

A bill (H. R. 2054) to correct the military record of Charles W. Rinehardt and to grant him an honorable discharge;

A bill (H. R. 3282) to repeal section 61 of an act to reduce taxation, to provide revenue for the Government, and for other purposes, which became a law August 28, 1894; and

A bill (H. R. 6256) authorizing and directing the Secretary of the Navy to furnish to George F. Fuller Post, Grand Army of the Republic, of Manistique, Mich., a condemned cannon.

ELMIRA E. DUSTIN.

Mr. CULLOM. I ask unanimous consent for the consideration at this time of the bill (H. R. 3578) granting a pension to Elmira E. Dustin, to which I am sure there will be no objection.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of Elmira E. Dustin, of Sycamore, widow of Gen. Daniel Dustin, late colonel of One hundred and fifth Illinois Infantry Volunteers, and to pay her a pension of $50 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

M. S. HELLMAN.

Mr. MITCHELL of Oregon. I ask unanimous consent for the present consideration of a small private bill, which will take but a moment. It is the bill (S. 2653) for the relief of M. S. Hellman.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of War and the proper accounting officers of the Government to charge to M. S. Hellman, of Canyon City, Oreg., the sum of $1,000 damages, in full for all damages sustained by the United States for the breach of his contract, made July 5, 1871, with Capt. W. H. Bell, commissary of subsistence, United States Army, for the supply of flour at Camp Warner, Oreg., to remit all further claims of damage under the contract, and to settle and adjust his unsettled accounts with the Government, after the deduction of the sum of $1,000; and directs the Secretary of the Treasury to pay the balance due upon proper vouchers therefor, the amount so found due to be in full and final settlement of all claims upon the Government.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MRS. ELEANOR CARROLL POE.

The PRESIDING OFFICER (Mr. PUGH in the chair) laid before the Senate the action of the House of Representatives, disagreeing to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 804) granting a pension to Mrs. Eleanor Carroll Poe.

Mr. GALLINGER. I move that the Senate recede from its disagreement to the amendment of the House.

The motion was agreed to.

REGULATION OF BOND ISSUES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1341) to prohibit the further issuance of interest-bearing bonds without the consent of Congress.

Mr. BUTLER addressed the Senate. [See Appendix.]

Mr. HILL. Will the Senator from North Carolina yield to me? I desire to move that the Senate proceed to the consideration of executive business.

Mr. BUTLER. I yield.

Mr. HILL. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After seven minutes spent in executive session the doors were reopened, and (at 6 o'clock p. m.) the Senate adjourned until Monday, June 1, 1896, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate May 29, 1896.

PROMOTIONS IN THE ARMY.

Adjutant-General's Department.

Lieut. Col. Henry Clarke Corbin, assistant adjutant-general, to be assistant adjutant-general with the rank of colonel, May 26, 1896, vice Wood, retired from active service.

Maj. Arthur MacArthur, junior, assistant adjutant-general, to be assistant adjutant-general with the rank of lieutenant-colonel, May 26, 1896, vice Corbin, promoted.

Corps of Engineers.

First Lieut. Joseph Ernest Kuhn, to be captain May 26, 1896, vice Fiebeger, who vacates his corps commission on accepting commission as professor of civil and military engineering at the United States Military Academy.

Second Lieut. Jay Johnson Morrow, to be first lieutenant, May 26, 1896, vice Kuhn, promoted.

SPECIAL EXAMINER OF DRUGS, MEDICINES, AND CHEMICALS.

Alexander G. Maylie, of Louisiana, to be special examiner of drugs, medicines, and chemicals, in the district of New Orleans, in the State of Louisiana, to succeed Erasmus D. Fenner, resigned.

POSTMASTER.

B. O. Guthrie, to be postmaster at Burlington, in the county of Alamance and State of North Carolina, in the place of Joseph Fix, whose commission expired December 17, 1895.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 29, 1896.

COMMISSIONER FOR ALASKA.

Kenneth M. Jackson, of Juneau, Alaska, to be a commissioner in and for the district of Alaska, to reside at Wrangel.

PROMOTIONS IN THE ARMY.

Cavalry arm.

Lieut. Col. Samuel Storrow Sumner, Sixth Cavalry, to be colonel.

Maj. Henry Carroll, First Cavalry, to be lieutenant-colonel.

Capt. James Montgomery Bell, Seventh Cavalry, to be major.

First Lieut. Horatio Gates Sickel, adjutant Seventh Cavalry, to be captain.

Second Lieut. John Paul Ryan, Third Cavalry, to be first lieutenant.

Second Lieut. Edward Anderson, First Cavalry, to be first lieutenant.

Second Lieut. William Horace Hart, Fourth Cavalry, to be first lieutenant.

Infantry arm.

Lieut. Col. David Dougall Van Valzah, Twenty-fourth Infantry, to be colonel.

Maj. Emerson Hamilton Liscum, Twenty-second Infantry, to be lieutenant-colonel.

Capt. William McCadden Van Horne, Seventeenth Infantry, to be major.

First Lieut. James Dallas Nickerson, Seventeenth Infantry, to be captain.

Second Lieut. Charles Baldwin Hagadorn, Twenty-third Infantry, to be first lieutenant.

POSTMASTERS.

I. J. Jenkins, to be postmaster at El Paso, in the county of Woodford and State of Illinois.

Harry Warren, to be postmaster at Winnemucca, in the county of Humboldt and State of Nevada.

W. A. Shepard, to be postmaster at Auburn, in the county of Placer and State of California.

Sylvester H. Day, to be postmaster at Carson City, in the county of Ormsby and State of Nevada.

Isaac N. Sherwood, to be postmaster at Elko, in the county of Elko and State of Nevada.

Moran Scott, to be postmaster at Ardmore, in the Chickasaw Nation, Ind. Ter.

Oswald Allen, to be postmaster at Loveland, in the county of Larimer and State of Colorado.

Lewis W. Christian, to be postmaster at Weatherford, in the county of Parker and State of Texas.

William H. Smith, to be postmaster at Newport, in the county of Perry and State of Pennsylvania.

Kate V. Caseber, to be postmaster at Charleroi, in the county of Washington and State of Pennsylvania.

John W. Brown, to be postmaster at Butler, in the county of Butler and State of Pennsylvania.

Harry L. White, to be postmaster at Eldred, in the county of McKean and State of Pennsylvania.

Harriet L. Hastings, to be postmaster at Port Gibson, in the county of Claiborne and State of Mississippi.

Benjamin F. Shaffer, to be postmaster at Canon City, in the county of Fremont and State of Colorado.

Frank S. Kearney, to be postmaster at Warsaw, in the county of Wyoming and State of New York.

Charles Morgenstern, to be postmaster at Attica, in the county of Wyoming and State of New York.

George W. Salisbury, to be postmaster at Cazenovia, in the county of Madison and State of New York.

Charles McCray, to be postmaster at Ash Grove, in the county of Greene and State of Missouri.

H. E. Blakeman, to be postmaster at California, in the county of Moniteau and State of Missouri.

Giles M. Stoddard, to be postmaster at Groton, in the county of Tompkins and State of New York.

HOUSE OF REPRESENTATIVES.

FRIDAY, *May 29, 1896.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of yesterday's proceedings was read, corrected, and approved.

Mr. KEM. I make the point of no quorum, Mr. Speaker.

The SPEAKER. The gentleman from Nebraska makes the point of order that there is not a quorum present. [After counting.] The point is overruled, there being a quorum present.

ADJOURNMENT OVER.

Mr. DINGLEY. Mr. Speaker, in view that to-morrow will be Memorial Day, I move that when the House adjourns to-day it be to meet on Monday next.

The SPEAKER. The gentleman from Maine moves that when the House adjourns to-day it be to meet on Monday next.

The motion was agreed to.

ORDER OF BUSINESS.

Mr. JENKINS. Mr. Speaker, we desire to resume the argument in the Johnston and Stokes case.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1247) to establish and provide for the maintenance of a free public library and reading room in the District of Columbia.

The message also announced that the Senate had passed without amendment bills of the following titles:

A bill (H. R. 3282) to repeal section 61 of an act to reduce taxation, to provide revenue for the Government, and for other purposes, which became a law August 28, 1894; and

A bill (H. R. 886) to amend section 3255 of the Revised Statutes of the United States, concerning the distilling of brandy from fruits.

The message also announced that the Senate has passed without amendment the following resolutions:

Resolved by the House of Representatives (the Senate concurring). That the Committee on Enrolled Bills of the two Houses be authorized to correct the enrolled bill (H. R. 5731) entitled "An act to regulate the practice of medicine and surgery, to license physicians and surgeons, and to punish persons violating the provisions thereof in the District of Columbia," by striking out, in section 3, lines 1 and 2, "1st day of July, 1896," and inserting "passage of this act"; also, in section 12, after the word "Columbia," strike out "nor to medical students who have matriculated in any medical college in the District of Columbia prior to January, 1896."

Also:

Resolved by the House (the Senate concurring), That there be printed for the use of the Treasury Department, Steamboat Inspection Service, 300 copies each of the proceedings of the Board of Supervising Inspectors of Steam Vessels for the years 1895 and 1896.

A further message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 3279) to authorize the reassessment of water-main taxes in the District of Columbia, and for other purposes.

The message also announced that the Senate had passed without amendment the bill (H. R. 3578) granting a pension to Elmira E. Dustin.

The message also announced that the Senate had passed with amendment the bill (H. R. 6739) for the relief of John N. Quackenbush, late a commander in the United States Navy, asked a conference with the House on the said bill and amendment, and had appointed Mr. MITCHELL of Oregon, Mr. LODGE, and Mr. PUGH as the conferees on the part of the Senate.

The message also announced that the Senate had passed the bill (S. 715) for the relief of B. F. Dowell; in which the concurrence of the House was requested.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 8293) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1896, and for prior years, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. HALE, Mr. ALLISON, and Mr. COCKRELL as the conferees on the part of the Senate.

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was communicated to the House of Representatives by Mr. PRUDEN, one of his secretaries, who also announced that the President had approved and signed bills of the following title:

On May 28, 1896:

An act (H. R. 6248) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes;

An act (H. R. 8167) to authorize the construction of a bridge across the Red River of the North; and

An act (H. R. 7285) for the relief of George McFarland.

CONFEREES ON DEFICIENCY BILL.

The SPEAKER. The Chair appoints the following conferees on the general deficiency bill: Mr. CANNON, Mr. NORTHWAY, and Mr. SAYERS.

CONTESTED-ELECTION CASE—JOHNSTON VS. STOKES.

Mr. McCALL of Massachusetts. Mr. Speaker, after the three very able arguments that have been made in this case by my colleagues on the committee it will not be necessary at this time to have an extended statement of the case made to the House. I say that, however, upon the assumption that all the members of the House either heard those arguments or have read them in the RECORD. The majority for the contestee, as appears from the report of the minority, which is made from an accurate compilation of the figures in the case as corrected, is 4,275. The contestant, Johnston, proposes to exclude none of the returns of this district, so that in order to seat him it is necessary to prove that at least 4,276 legal voters made an offer to vote for him and had their votes rejected.

He proposes to do this, Mr. Speaker, first, by claiming that certain persons were entitled to vote who were not registered under the registration law of the State of South Carolina, on the ground that the law was unconstitutional. I think there is no doubt whatever that this position is correct so far as the unconstitutionality of the law is concerned. The registration law was passed in 1882. I may say that the constitution of South Carolina at that

time was one of the freest constitutions in this country, and provided that all male citizens of the United States over the age of 21 who had been residents of the State of South Carolina one year and of a given precinct or county sixty days should have the right to vote; this, with certain exceptions or disqualifications on account of conviction for crime. That is, they had practical universal suffrage there, and any citizen over 21 years of age who had the qualification of residence referred to was a legal voter.

The law of 1882 provided for the registration of the voters of the State. There is a ground for contending, and the chief justice of South Carolina took that view in a decision which he rendered, that all persons who were at that time voters and who were not registered during the year 1882 were forever thereafter prevented from registering, and that the operation of that law in the future after the year 1882 was only intended to apply to persons who thereafter should become voters. If this construction of the law be correct, then there were at least 100,000 persons who were entitled to vote in South Carolina in 1882, who failed to register during that year, who were forever disfranchised by this registration law.

That construction of the law has been put upon it by the chief justice of South Carolina, and it is the practical construction that has been put in force there in registration. The registration officers have almost uniformly held in all the precincts involved in the four contests from South Carolina before our Committee on Elections that where a man did not register in 1882 he could not afterwards be permitted to register. So that this law was, at the outset, put to the practical use of disfranchising this enormous number of voters. But the particular point in regard to the law which to my mind makes it clearly repugnant to the constitution of South Carolina is section 137, which provides that "after a general election the registration books shall be opened for the registration of such persons as shall thereafter become entitled to register on the first Monday in each month until the 1st of July preceding the election, when they shall be closed until such election shall have taken place."

Thus the general election occurs in November. The first month when the books would be opened after that is in December; then the books are to be kept open on the first Monday of each month until the 1st of July preceding the general election, and then they are to be closed; so that it is clear that unless the 1st of July comes upon a Monday the only days for registering under that law are the first Mondays in December, January, February, March, April, May, and June, and the registration closes upon the first Monday in June, which is fully five months in advance of the time of the general election.

Now, the constitution of South Carolina gives to any man who is a citizen of the United States and who has resided in the State a year and in the voting precinct sixty days a right to vote. Take the case of a man, for instance, who has resided in the precinct for sixty, ninety, or one hundred and twenty days before the date of the election, and there is no provision for his being registered. In fact, his registration is absolutely prohibited, so that this provision is repugnant to the constitution of South Carolina, and under the pretense of regulating suffrage it imposes a new qualification; and according to the uniform decisions in such cases in the State of Massachusetts, in the State of Kentucky, and many other States of this Union, such a provision would be unconstitutional. And being a vital and necessary part of the act, it seems to me that it renders the whole act unconstitutional and void.

Now, this opinion is fortified by authority. This case has twice been considered by judicial tribunals. The question was first considered in a case in the United States court before Judge Goff, a very eminent jurist; and he held that the law was unconstitutional. The court of appeals, however, overruled him—not holding that the law was constitutional, but holding that he did not have jurisdiction in the case. So that the result of the proceeding was that one judge, an eminent judge, gave an opinion that the law was unconstitutional, and in that opinion he was in no way contradicted by his associates.

The law then came up before the supreme court of South Carolina upon appeal. There were sitting the chief justice and two associate justices. The chief justice, in a very carefully considered opinion, held that the law was unconstitutional, and the associate justices did not hold that it was constitutional, but simply that the court had no jurisdiction. Those are the only two cases where, so far as I have been able to ascertain, this law has been submitted to judicial tribunals, and the only opinions rendered with regard to it have been that the law was contrary to the constitution of South Carolina. I may say that in the Committee on Elections the opinion is unanimous that the law is unconstitutional, although my Democratic colleagues on the committee differ somewhat as to the effect of that finding upon the validity of the entire law.

Mr. TAWNEY. Is it admitted by all the members of your committee that the law is unconstitutional?

Mr. McCALL of Massachusetts. I have just so stated. It is admitted by all that the law is unconstitutional; but my Democratic colleagues do not think that the whole law is therefore vitiated and destroyed. The majority of the committee, however, hold that it is unconstitutional in such essential provisions that the entire law is void.

Mr. BARTLETT of Georgia. Do I understand the gentleman to hold that the registration law being unconstitutional, even if there was a proper expression of all the legal voters who offered to vote and had an opportunity to vote, the election would still be void?

Mr. McCALL of Massachusetts. The gentleman is anticipating my argument. That is an obvious point that must be met in the course of the discussion of this case.

Mr. BARTLETT of Georgia. I beg the gentleman's pardon.

Mr. McLAURIN. May I ask the gentleman a question?

Mr. McCALL of Massachusetts. Yes, sir.

Mr. McLAURIN. Do you hold that if the law is unconstitutional, there was no machinery there by which an election could be held?

Mr. McCALL of Massachusetts. No; I do not claim that. The registration law is unconstitutional, but there is still an election law surviving in South Carolina with sufficient machinery under which an election can be held; and I do not think any member of the committee contends that the fact that the registration law is unconstitutional would vitiate all elections held in South Carolina.

The first proposition of the contestant, I have stated, is that the registration law is unconstitutional, and therefore he claims that all men who are qualified voters under the constitution have a right to vote, and that if they go to the polls and make proper tender of their votes for him and they are refused, then it is our duty here to count the ballots just as if they had been cast. There is no question, I think, of the truth of this proposition. But in the testimony adduced is involved the point upon which the case hinges so far as the contestant's right to the seat is concerned. The contestant had established at or near the various polling places throughout the district certain so-called list keepers; and men who had not been registered, or who had been registered and had defective registration certificates, would come to these list keepers, stationed in the vicinity of the polls, and would sign a certain paper which is in the form of a petition to the Senate and House of Representatives in Congress assembled. Those persons signed that petition, setting forth certain facts, but it was not sworn to, and the list keeper in most cases imported that petition into the record and made it evidence by swearing that he had kept it and that it was either signed by the voters who came to him or that they authorized him to sign it for them, the men being in many cases unable to read and write.

Mr. POWERS. Were those petitions printed? Did they have a printed heading?

Mr. McCALL of Massachusetts. I would say that those petitions had a printed heading and were uniform throughout the whole district.

Mr. POWERS. They were prepared in advance of the election.

Mr. McCALL of Massachusetts. They were prepared in advance of the election. I think, however, that no point should be made against the contestant with regard to that, because it was well known that men who did not have registration certificates would be denied the right to vote, and efforts were made to have at each polling place a record kept of the men whose votes were rejected.

Now, it seems to me there can be no doubt of the proposition, as the law stands to-day, that if a legal voter is denied the right to vote, if he makes the proper tender of his vote and if proper and legal evidence is brought into the House of Representatives showing that he made that tender, we should count his vote. This question arose in the Fifty-first Congress, in the case of Waddill *vs.* Wise, in the Richmond district of Virginia. There were some 500 voters in line all election day at certain precincts in that district desiring to vote. They had their ballots with them. They stayed there all day until the sun went down, until the polls closed, and they did not have an opportunity to vote. But in that case the testimony of each one of those voters who there stood in line was produced. Each voter testified that he was present there, that he got as near the poll as he could, and that he was prepared with a ballot for the contestant. He proved his qualifications as a voter, and in that case the House of Representatives—as I believe with entire justice—counted those votes. The same question arose in the case of Featherston *vs.* Cate, and the same principle was again sustained by the House.

Now, I want to call the attention of the House to the proposition that is here put forth for the contestant. In the first place, these petitions are unsworn. I have a sample here, which I show you, from the original record, containing the original petitions. On it you find the names of one, two, or three hundred men, all signed in the same handwriting, and all under the declaration that each of them is a voter. Some of them are signed under no declaration at all. I certainly know of no rule that has ever been

followed in this House or in any of the courts that would permit the election of members of this body by petition, by evidence that is absolutely unsworn to. But it is claimed in this case that these petitions are a part of the res gestæ. Now, every lawyer knows that the doctrine of the res gestæ is often made to cover cases that are very weak, and that it is the last resort of lawyers who are trying to introduce purely hearsay testimony. But if it is res gestæ in South Carolina for a voter or for any man, whether he is a voter or not, to go around the corner or perhaps out into a neighboring grove or elsewhere at some distance from the polls and sign his name to a paper—if that is a part of the res gestæ in South Carolina it is a part of the res gestæ in Massachusetts, and if we can elect members from South Carolina by petition in that way we can elect members from Ohio or from any other State in the same way. So that the great difficulty is that, in order to seat the contestant in this case, you have to adopt a new rule of law, and one which in my judgment would be most dangerous in its operation in the future in elections held all over this country.

Most of the petitions imported into this record are imported into it by the testimony of the witnesses. But the whole case does not rest on the petitions simply, and in the report of the minority, fully setting forth the testimony in regard to these lists, you will find precisely how they are set up in the record. I think that there are very few of the lists that can be held and counted as actual votes cast for the contestant. But my able colleague from Pennsylvania [Mr. CODDING], in his minority report, differing from me as he does as to the legality of most of the lists, called attention to certain lists relied on here which he says he selected at random from the report of the minority of the committee and says with reference to them:

To adopt this computation is to give to the lists an importance at once startling and revolutionary.

On page 47 of the report of the minority of the committee is list which was compiled at one of the precincts known as Bells Cross Roads and containing 86 names. In that case the list keeper, after giving his name, age, etc., says that he was near the polling place at the Federal precinct, and then was asked what he was there for. He said, "To receive the names of those who were rejected at the polls.

Q. How did you get those names?
A. I taken the names of those that applied for registration and could not get them and attempted to vote and could not vote.

Now, it could not be held, Mr. Speaker, that there is any proof whatever in that particular precinct that these men who went there were voters, that they had resided in the State a year or in the precinct sixty days; and the witness does not state even the legal conclusion that they were voters. There is no evidence whatever that the men whose names are signed to this petition had a right to vote, or that they were improperly rejected. There are also in the minority report two other cases, one at Preachers Mills and the other at Ayers precinct, involving 208 votes, which are precisely similar in all respects to the one that I have just cited.

Now, I do not believe, Mr. Speaker, that the House of Representatives, in view of the precedents established in the past, and also in view of the decisions of the courts of the country, can hold that a man who simply signs a petition in the vicinity of the polling place, who makes no affirmation or oath that he is a voter or as to his intention to vote, can be made a voter and can have his vote counted by this House, as if actually cast, upon any such testimony.

Mr. HOPKINS. Will the gentleman allow me to ask him a question?

Mr. McCALL of Massachusetts. Certainly.

Mr. HOPKINS. It is stated, is it not, that the Republicans had no representation on any of these boards; that they were composed entirely of Democrats?

Mr. McCALL of Massachusetts. I think that there was no representation by Republicans at a single precinct in the entire district.

Mr. HOPKINS. That they were all Democrats?

Mr. McCALL of Massachusetts. They were.

Mr. HOPKINS. And under them these six or eight thousand Republican voters were disfranchised. Now, let me ask the gentleman if we are not to consider petitions or papers of this character as proper to be received, and as indicating that these voters were not permitted to exercise their right, although at the polling place for that purpose; petitions setting forth the facts, and signed or authorized to be signed by each one of them, that he was a legal voter, that he was a Republican, that he went to the polling place to vote for Colonel Johnston, and was denied the privilege? I say if we do not count such votes how are the Republicans in the State of South Carolina to be represented on this floor?

Mr. McCALL of Massachusetts. Well, the gentleman from Illinois is only stating a difficulty, and we have only an illustration of the old adage that bad cases make bad laws. We can not hold that a member of this House can be elected from South Carolina on such a paper as that or by such a proceeding unless we hold that members can be elected from Iowa, Illinois, or any other State in the same manner.

Mr. NORTHWAY. Will the gentleman yield to me for a question?

Mr. McCALL of Massachusetts. Certainly.

Mr. NORTHWAY. Have you any doubt that the persons who signed the petitions were really at the polls and ready to vote?

Mr. McCALL of Massachusetts. I can only know what the record shows, and when there is absolutely no testimony, even by this list keeper, which shows that the man who signed the list was a voter, that he lived in the precinct, and had a right to vote, I certainly can not know that he was a voter.

Mr. NORTHWAY. Then your question is one of proof and not of actuality? That is, you admit that probably the voters were there, but you say the proof was not sufficient in a court of law to prove it.

Mr. McCALL of Massachusetts. The gentleman says my difficulty is one of proof and not of actuality. I do not think we can decide election cases upon faith here. This House can only act upon proof. Otherwise abolish the taking of evidence in these cases. I do not think we can assume things that are not proved, and this record here clearly and distinctly omits proof which has been required by this House in the past and which has been required by all courts.

Mr. NORTHWAY. Then tell us how to prove it?

Mr. HOPKINS. If the gentleman from Massachusetts [Mr. McCALL] will allow me right there, did not the voter certify to the party in the immediate presence of these election judges, immediately after he was refused the privilege of voting, that he was a legal voter in the State of South Carolina, in the county where the election was held, and in the voting precinct where he was denied his right as a citizen, and did he not also certify that he was a Republican and had attempted to vote for Colonel Johnston?

Mr. McCALL of Massachusetts. Now, Mr. Speaker——

Mr. HOPKINS. If the gentleman will allow me to proceed just a little further upon that, I think the conditions in South Carolina are entirely different from what they are in Massachusetts or in Illinois, where we notoriously have honest elections. A petition coming from a State like either of these, where everybody knows that every citizen, however humble he may be, can exercise his right, would be looked upon with suspicion; but here the gentleman from Massachusetts says that an election was being held under an unconstitutional law, in a State where notoriously the Republicans are disfranchised, and where a large portion of the Republican voters are ignorant; and under those conditions it seems to me that the gentleman is holding too high and too rigid requirements upon the voters.

Mr. McCALL of Massachusetts. Well, Mr. Speaker, I do not understand that we have authority here to lay down a particular rule with regard to counting excluded voters for one State that is not in the future to apply to every State in the Union. I say here with regard to these lists that there is absolutely——

Mr. HOPKINS rose.

Mr. McCALL of Massachusetts. Now, if the gentleman will permit me, he can make a speech later on.

Mr. HOPKINS. The gentleman misunderstood me there.

Mr. McCALL of Massachusetts. There is absolutely no testimony in the record anywhere showing that these persons were legal voters. The only evidence—if you can consider it evidence—upon that point is contained in these petitions, these statements, which apparently were not intended to be used in a contested-election case, and which are entirely unsworn.

Mr. HOPKINS. Here is the point I desire to make. I am not contending for a different rule. The rule can be the same. But in determining the evidence it seems to me you should take into consideration the peculiar conditions in South Carolina, that are different from what they are in the State of Massachusetts or in the State of Illinois. Now, take an ignorant witness upon the stand. In judging of his evidence you take into consideration the fact that he is not trained in the schools and can not express himself so clearly and well, and just here it seems to me that you are in your argument applying the technical requirements that might apply to a gentleman of the intelligence of the Representative from Massachusetts, but not to an ignorant colored voter in South Carolina.

Mr. McCALL of Massachusetts. Now, Mr. Speaker, it seems to me with reference to the counting of votes we have got to apply one uniform law everywhere. I do not understand that because a man is ignorant he will be permitted to sign a prepared statement and have that statement received in the courts as evidence. They will not dispense with the ordinary rules of law. They will not permit hearsay testimony, and they will not permit evidence which is absolutely unsworn to be admitted to prove facts.

Mr. NORTHWAY. Will the gentleman permit me? If you adhere——

Mr. McCALL of Massachusetts. I should be glad to proceed with my argument, but——

Mr. NORTHWAY. If you adhere to that rule, why is it that in your report you say this:

The testimony shows that many voters, some of them coming 30 or 40 miles, appeared regularly at the places of registration from month to month and were denied registration by means of a systematic obstruction. It shows further that many thousand men who had the constitutional qualification, but were not registered, and who therefore had the right to vote if the registration laws were unconstitutional, expressed their desire to vote by going to the polls. Doubtless many thousands more unregistered voters remained at home who would have come had they not known that a rule requiring registration certificates was in force and that they would be excluded if they came. * * *

The colored race is enormously in the majority in this district, and it appears—

From what evidence, I should like to know—

that as a rule the voters of that race in that district were Republicans.

Mr. McCALL of Massachusetts. I am sorry that the gentleman from Ohio should have made that interruption to quote from my report. He can only make it on the assumption that I can not say everything at the same time. I shall follow my own report and consider that point when I reach it, but I am now addressing myself to the proposition——

Mr. OVERSTREET. Will the gentleman allow me to ask him a question?

Mr. McCALL of Massachusetts. I should be glad to proceed with my argument, but I will yield to my colleague, certainly.

Mr. OVERSTREET. The gentleman has stated that no one of these lists is supported by any evidence showing the qualifications of the voters.

Mr. McCALL of Massachusetts. I did not state that.

Mr. OVERSTREET. You made that statement as to some of them, then. I want to ask you if all of the lists which carry the 4,608 votes that we count here are not supported by evidence of some kind which discloses the qualifications of the voter?

Mr. McCALL of Massachusetts. Well, Mr. Speaker, I have referred to three lists, taken from the very able report of my colleague upon the committee [Mr. OVERSTREET], which do not give the qualifications of voters; and if the members of this House will refer to page 5875 of the RECORD, in the report of the gentleman from Pennsylvania [Mr. CODDING]—if they will take the three precincts mentioned there and look upon the evidence in the gentleman's [Mr. OVERSTREET'S] own report—they will find absolutely no testimony to show that those men were voters.

Mr. OVERSTREET. Will the gentleman permit me? Are not all of these lists to which you have just referred based upon the common, uniform petition that was used in that district?

Mr. McCALL of Massachusetts. I stated that the petitions were uniform—upon printed blanks—but the gentleman himself does not rely upon the petitions alone. He claims that they are evidence because the list keepers swear to certain essential facts. I am calling attention to the absolute worthlessness in some cases of this testimony. If this House can receive these petitions, which are unsworn to, as proving the facts which are set up in them, then it will be entirely unnecessary to have any depositions taken in election cases, but a contestant can simply go around and get petitions from men who have been at an election or who say that they have the right to vote and their votes were refused.

Mr. OVERSTREET. Are there not petitions filed continuously in this House that are acted upon with greater promptness than is proposed to act on these petitions?

Mr. McCALL of Massachusetts. I do not think it has ever been the rule of this House in contested-election cases, where the statute provides a way for the taking of sworn testimony, that petitions shall be received of the character of these petitions to settle the right of a member to his seat. The gentleman's question demonstrates the weakness and the danger of his position. I should be very glad personally if I could see my way clear, without doing violence to the rules of law which have governed in such cases, to seat the contestant; but gentlemen are asking us here, in order to do what they consider a great right, to do a little wrong; and it is the old story. "'Twill be recorded as a precedent, and many an error by this example will rush into the State." Therefore, Mr. Speaker, I am unable to break down every rule of evidence and law that has been set up in cases of this character and to count the signatures to these petitions as votes actually cast.

Finding that the contestant was not elected, I come now to consider the question whether the contestee is entitled to the seat. Proceeding from the conclusion that the law was unconstitutional, what are the facts? First, the population of that district is overwhelmingly black. We find, further, that the colored voters are almost uniformly Republicans; so uniformly Republican that even if this unconstitutional law had been honestly and fairly enforced a majority of Republicans and of colored voters would have been registered, enough probably to have elected the contestant. The law was not fairly enforced. There was, for instance, but one registration place in a county, and only five or six days each year in which a man could be registered; and the record is full of evidence that the colored voters came from 20 to 30 and even 40 miles and endeavored to get registered; that they were put off in one way or another, kept standing in line all day, and denied the right to register, and they came month after month and year after year legally entitled to registration and yet were denied it. That fact is established. In the next place, the law was unconstitutional, and the voter had the right to rely upon and believe that the requirements of the law as to registration certificates would be enforced against voters, and that no man could vote who did not produce a registration certificate.

Now, what is the rule laid down upon this question? In McCrary on Elections, section 241, it is declared that—

If the officers conducting an election adopt and enforce an erroneous rule as to the qualification of voters which prevents certain legal voters who offer to vote from giving in their votes, and being made known prevents other legal voters similarly situated from offering to vote, the election may be set aside, especially if it appear that such votes if offered and received would have changed or rendered doubtful the result.

That has been decided in Pennsylvania. In the case of Scranton Boroughs, where the doctrine was held that if the officers of election laid down an erroneous rule and it was known beforehand that that rule would be adopted, voters affected by it were justified in not going to the polls and go through the useless formality of tendering their votes, and if a sufficient number of legal voters were thus prevented from voting to have changed or rendered doubtful the result, then there was no election. Now, I contend that there is no question here, there can be no question whatever after reading that record, that if this unconstitutional registration law had not been enforced, or if it had been fairly applied, more than enough voters would have turned out to have rendered the election of the contestee doubtful.

When we consider the large number of legal voters who went to the polls and were denied the right to vote—and I am considering now no debatable lists—and the large number who remained at home as a natural result of their knowledge that this statute would be enforced, we are stating the conclusion mildly when we say that if it had not been for the enforcement of this rule the result would probably have been different. My conclusion, therefore, is safely within these reasonable precedents. But upon the record it is impossible, except by creating a new, dangerous, and revolutionary precedent, for us to count these votes for the contestant in this case. So that, as the result would certainly have been doubtful, and as the operation of this unconstitutional law was to prevent a fair expression of the will of the voters there, I do not believe there has been any election.

Mr. HOPKINS. Will the gentleman permit another interruption?

Mr. McCALL of Massachusetts. Certainly.

Mr. HOPKINS. Where do you get your evidence that there was no election there? Do you not get it from the very petitions upon which Colonel Johnston seeks to be seated?

Mr. McCALL of Massachusetts. I do not.

Mr. HOPKINS. Where do you get it in the record?

Mr. McCALL of Massachusetts. I have stated that the record shows, or certainly the facts are, that the overwhelming majority of the voters in that district were black, and further, that those black voters were Republicans, and I contend that vast crowds of them did, as a matter of fact, resort to the polls.

Mr. HOPKINS. How do you know that?

Mr. McCALL of Massachusetts. Because there is ample proof in the record that there were great numbers of them who went to the polls. It is proven by the depositions.

Mr. HOPKINS. The very depositions upon which Colonel Johnston asks to be seated.

Mr. McCALL of Massachusetts. Yes, sir; but it is needless for me to repeat that they do not prove a sufficient number alone, and I find, as a result of the evidence and as the natural result of the operation of this registration rule, that many voters did not go to the polls, because they knew this statute would be enforced and their votes refused, who, if it had not been for this rule, would have gone in sufficient numbers to render the result doubtful.

Mr. HOPKINS. You say those people went to the polls to vote. To vote for Colonel Johnston?

Mr. McCALL of Massachusetts. I say that a great many of them went to the polls to vote; but I say further that it was not necessary for them to go to the polls to vote. I say that if they had stayed at home, relying upon their belief that that rule would be enforced as it had been enforced at previous elections—if enough of them stayed at home to make the result doubtful—there was no election. I have cited a Pennsylvania case covering that very point. But it certainly would be necessary for them to go to the polls to vote in order to justify us in counting their votes here.

Mr. PAYNE. Does it not appear that a large majority of the voters in that district were disfranchised by an unconstitutional registration law?

Mr. McCALL of Massachusetts. It does.

Mr. PAYNE. And that a large majority of the voters of the district were Republicans? And is not that enough to set aside the election without going any further?

Mr. McCALL of Massachusetts. Certainly; and that is what I contend. I say that with such a record as we have in this case we can not seat the contestee; we can not permit him to retain a seat here without doing violence to every principle of fair elections.

Mr. OVERSTREET. Is it not true that there were over 4,600 of those voters who were at the polls, and whose names were enrolled upon a list which declared their intention to vote for Colonel Johnston?

Mr. McCALL of Massachusetts. My friend doubtless knows what is contained in his minority report. He finds that, counting all the lists which he thinks should be admitted, there was a majority for Colonel Johnston of 233.

Mr. OVERSTREET. I will say to the gentleman that that compilation in the report is erroneous. A mistake was made in carrying forward the figures. The result should be 312, instead of 233.

Mr. McCALL of Massachusetts. Well, I was simply taking the gentleman's figures. If you will go through this evidence carefully, you will find that there are enough defective depositions to wipe out that majority over and over again; so that on your own theory you do not make out your case.

Mr. OVERSTREET. Is it not true that there are 4,600 votes enrolled upon the list which recites the intention of those voters to support Colonel Johnston? I am not asking you to admit that those lists should be counted as proof.

Mr. McCALL of Massachusetts. I have not counted the names upon those petitions, but if the gentleman says that there are 4,600 names signed to them, I am willing to admit that. What I claim is that there are not a sufficient number put into the case by depositions to overcome the majority adverse to Colonel Johnston. So my conclusion is, Mr. Speaker, if I may be permitted to state it simply as my conclusion, that there was no valid election in the district in question; that the contestant has not produced evidence in such form as we can recognize to warrant us in giving him the seat. And I believe, on the other hand, that the election was so grossly unfair, by reason of the unfair application of this registration law, as well as its unconstitutionality, that we can not hold that the contestee is entitled to the seat. And my verdict is, and I simply give it because I feel it my duty to state my own convictions to the House—my verdict is, based on the evidence, that we can not give the seat to either party.

Mr. SETTLE. Will the gentleman allow me to ask him a question?

Mr. McCALL of Massachusetts. Certainly.

Mr. SETTLE. I want to see if I correctly understand your argument or position with reference to the lists or petitions. They find their place in the record by being introduced by the gentleman who was keeping the lists and who was designated for that purpose at the various precincts. This list keeper is examined as a witness, testifies in the case, and corroborates his memory from the list. Does not that fact give the so-called petitions an additional weight, and put them on a very different legal plane from the ordinary petitions which are sent to Congress as the term "petition" is usually understood?

Mr. McCALL of Massachusetts. I have no question whatever that the petitions are memoranda, and can be imported into the testimony by depositions of witnesses, and I so stated in the course of my argument. But the trouble is that a sufficient number is not put in by deposition or other testimony so that we can legally count them. No matter if we do count three or four thousand of these names, you can not count a sufficient number, which are held up by depositions, to accomplish the purpose you have in view.

Mr. BRODERICK. You speak of the unfairness of the election. Was there any unfairness except from the operation of this unjust registration law?

Mr. McCALL of Massachusetts. I will say in regard to that, that I do not think the testimony shows that there was any fraudulent counting in the district, or any question of that sort; or that there was any stuffing of the ballot boxes. It was simply an unfair application of the registration law. I have no doubt, in view of the condition of that State, that this law was passed and enforced for the express purpose of disfranchising the colored voters. And so I can not find that if the law operated as it operated in this case, to prevent this great body of voters from expressing their will at the polls, that there had been an election in that district; and in cases like this, when a State sends Representatives here, claiming a seat in this House, the House should deny representation to such States until they had instituted fair methods of ascertaining the will of their voters.

Mr. HILL. Will the gentleman permit me to ask him this question: In the event that the House sustains your view of the case, that there was no election, and the contestee is compelled to relinquish his seat, and the case goes back to the State of South Carolina for a new election, is not the law under which such an election is to be held more unjust and unfair than the present law?

Mr. McCALL of Massachusetts. Well, I do not think we have anything to do with the result, as far as that is concerned. We are simply passing an opinion as judges in a case upon the law and evidence now before us. We do not have any right to consider results or to hold an election here. If we could do so, I would have no doubt as to which candidate I would cast my vote for.

Mr. DOCKERY. Let me ask the gentleman a question.

Mr. McCALL of Massachusetts. Certainly.

Mr. DOCKERY. Will the gentleman state why the act of June 20, 1874, was passed applicable to this District, and disfranchising the entire colored votes?

Mr. McCALL of Massachusetts. Well, my friend is going a good long way back of the record——

Mr. DOCKERY. I simply wanted to know why the Republican party, when they had a two-thirds majority in the House, disfranchised the colored people of this District?

Mr. McCALL of Tennessee. I would like to ask the gentleman from Massachusetts this question with reference to these petitions: Whether there is a single deposition in the record to show that any one of these men went to the polls, tendered his ballot to vote, and was refused? These lists refer to a large number who were refused the privilege, but what I wish to ask is, if there is any direct evidence to show that any one voter was refused the right to vote?

Mr. McCALL of Massachusetts. I think there is such testimony.

Mr. McCALL of Tennessee. In how many cases?

Mr. McCALL of Massachusetts. I have not computed them. There were quite a number of lists, but the total number presented by the contestant, sufficiently sustained by deposition, did not overcome the majority of the contestee.

Furthermore, Mr. Speaker, there is nothing in the record, no evidence anywhere, that there was any special wrongdoing in connection with the election on the part of the contestee or on the part of any of the sitting members in these South Carolina contests. In one district, certainly, where they had not for years opened certain polls, where the black voters are greatly in the majority, the contestee [Mr. ELLIOTT], before the election was held came out and urged that all the polls be opened, and it was against his protest that the polls were closed on that day.

The difficulty is that a system exists the principle of which is to disfranchise the colored voters. It is a system that permits the minority in certain districts to choose the members of the House themselves. Individuals are powerless to oppose it, and it is a duty which we owe to this Government, and even to the State of South Carolina, to refuse to seat members chosen in such a manner.

Mr. BRODERICK. Let me ask the gentleman if the constitutionality of the law under which this election was held has ever been presented to the courts for adjudication?

Mr. McCALL of Massachusetts. It has.

Mr. BRODERICK. What decision was rendered?

Mr. McCALL of Massachusetts. It was not adjudicated; but in two cases where the question was considered opinions were given that the law was unconstitutional. But the majority in each case held that the court had no jurisdiction.

Mr. BRODERICK. Was that prior to the election?

Mr. McCALL of Massachusetts. It was subsequent to the election.

I reserve the remainder of my time, Mr. Speaker.

Mr. WALKER of Virginia. Mr. Speaker, it is not my intention to detain the House for any considerable length of time; but if in the discussion of this case I should detain it a longer time than I anticipate I ask the indulgence of the members.

The constitution of South Carolina confers the elective franchise upon all the male citizens of the United States 21 years old, who have resided within the State for one year and in the election district where they seek to vote for the period of sixty days, subject to certain exceptions which it is not necessary to notice here. This constitutional right to vote can not be taken away or abridged by legislative enactment. The legislature may enact and make reasonable rules for the government of the election and for the exercise of the right, but any act of the legislature which unnecessarily restricts the right to vote is unconstitutional. The constitution of South Carolina further says that the legislature shall enact from time to time proper registration laws. In pursuance of the authority thus vested by the constitution the legislature of South Carolina has passed two sets of laws wholly separate and distinct. They have passed registration laws and election laws; that is, laws to govern the casting of the ballot upon the day of election.

The election laws are constitutional and are not attacked. The registration laws of South Carolina not only impair the right of

citizens to vote, but in effect render the exercise of that right impossible to thousands of honest voters.

It is conceded by every member of the committee that the registration laws are unconstitutional.

Mr. LACEY. I should like to ask the gentleman did the Democratic members of the committee agree that this law was unconstitutional?

Mr. WALKER of Virginia. In answer to the gentleman I will say that I have never yet been able to find out what the Democratic members of the committee think about this question. They say they think it is partly unconstitutional and partly constitutional, but where they run the dividing line I have not been able to get them to say. They so state in their report. I am not here to say what the Democratic members of this committee think, except they think the Democrat ought to occupy his seat. [Laughter.]

It is manifest from an inspection of the registration law of South Carolina that it is an almost undisguised attempt to impair the right of citizens to vote under the constitution of that State. It is not a mere regulation of the right of suffrage, as prescribed by the Constitution, but its effect and operation is to obstruct and hinder and subvert the right guaranteed by the fundamental law of the State in the following particulars:

I.

It forever disfranchises and deprives of the right to vote all constitutional voters who were entitled to register in 1882 and failed for any reason to do so. In the able opinion of Judge McIver, of the supreme court of South Carolina, rendered in the case of Matthew C. Butler *vs.* William Ellerbe et al., on the 6th day of July, 1885, and reported in 2 S. E. Reporter, 425, this construction of the law is maintained. Says Judge McIver in that case:

> The original provisions for the registration of voters will be found in the act approved 9th of February, 1882 (17 Stat. L., page 1110), and these provisions are incorporated in the General Statutes, 1882, beginning with section 89 and ending with section 106, and such provisions, as subsequently amended, are incorporated in the Revised Statutes of 1893 as sections 131-156, both inclusive. From a careful examination of the various statutory provisions thus referred to, it seems to us that the manifest scope and intent of such legislation was that there should be but one general registration of voters, to wit, that provided for in 1882, and that when the registration books were closed for that year a person who was then a qualified voter, but who had failed from any cause, whether from sickness, absence, or other cause, to register, was ever thereafter deprived of the right of suffrage, for there is no provision by which such a person could afterwards be allowed to register; and section 132 of the Revised Statutes expressly declares that "no person shall be allowed to vote at any election hereafter to be held unless he shall have been heretofore registered in conformity with the requirements of chapter 7 of the General Statutes of 1882 and the acts amendatory thereof, or shall be registered as herein required."
>
> Now, on turning to the chapter of the General Statutes of 1882 and the acts amendatory thereof, we find that while provision is made in section 94 of that chapter, corresponding with section 137 of the Revised Statutes, for opening the books of registration after every general election, not, however, for the purpose of registering voters generally, but "for registration of *such persons* as shall thereafter become entitled to register" (italics ours), there is no provision for the registration of persons who had previously become entitled to register. Hence it follows necessarily that one who had been a qualified voter, and as such entitled to register before such general election, could not then avail himself of the privilege offered by that section. The language found in section 94 of the General Statutes of 1882 is stronger than that found in section 137 of the Revised Statutes, from which we have quoted, for in the General Statutes of 1882 the language is prohibitory, and forbids reopening the registration books except for the purpose of registration of such persons as shall become entitled to register after the next election; and even as to this privileged class, their day of grace expires on the 1st day of July preceding a general election, something over four months preceding the general election, which is fixed by law for the first Tuesday after the first Monday in November in every second year, reckoning from the year 1870. (Constitution, Article II, section 11; Revised Statutes, section 162.)
>
> It is true also that sections 96 and 97 of the General Statutes of 1882, as well as the corresponding sections of the Revised Statutes (140 and 141), do make special provisions for a certain class of voters, to wit: Minors who come of age and are otherwise qualified, but this provision is confined to that particular class, and is, therefore, not an impartial provision. It seems to us that this feature of the registration law, to say nothing of other constitutional objections, renders it obnoxious to that provision of the constitution above quoted, which makes it the duty of the general assembly to provide, from time to time, for the registration of all electors. The language of that constitutional provision necessarily implies that its purpose was to require the general assembly to provide every facility for the registration of all electors by providing for the registration of all electors "from time to time," so that, as far as practicable, no elector should be deprived of his right of suffrage, and that this law, which provided for one general registration more than ten years ago, and afforded no other opportunity to any elector except those of a certain class to comply with its provisions, even though his failure to avail himself of the first and only opportunity ever afforded him to register resulted from sickness, absence, or other good cause, must be regarded as a violation both of the spirit and letter of the constitution.

II.

The statute is unreasonable and obstructs the right of the duly qualified voters to register and vote, because it only provides one place of registration in each county, and that at the court-house.

A reasonable regulation for registration should provide certain days for registration at other election precincts in the county.

To require voters to leave their residences and places of business and go long distances, as much as 30 miles, to register tends to obstruct and hinder electors in the exercise of their rights.

III.

The law only allows registration on the first Monday of each month, from December to June, inclusive, and makes no provision for subsequently registering those who, from sickness, absence from home, or other unavoidable reason, were prevented from registering on those days.

IV.

The registration books are required to be closed on the 1st day of July, four months before the general election to be held in the November following, and no persons who were eligible to registration prior to the 1st day of July are allowed to register between that day and the election. This is clearly an unreasonable regulation, and manifestly intended to hinder and obstruct voters in the exercise of their constitutional rights.

V.

The supervisors of registration are to "determine as to the legal qualifications of all applicants for registration by summary process, requiring oath, evidence, or both, if he deem proper, subject to revision by the assistant supervisors and himself, in all cases where he has refused to register an applicant."

The powers conferred upon the supervisors by this section are absolute and unreasonable. There is no limitation upon his power to reject voters except his own will and his views as to the legal qualifications of applicants. He may refuse to register an applicant who makes oath as to his qualifications, and require evidence if he deem proper. The kind and quantity of evidence sufficient to satisfy him are left wholly to his own discretion.

He can register a white man on oath or without, "by summary process," or can refuse to register a colored man on the same oath and require evidence which he knows can not be produced in the case of the colored voter. It is true the refusal of the supervisor to register a voter is subject to revision by the assistant supervisors and himself. But how the revision is to be had, and when and where the assistant supervisors and the supervisor are to meet and consider the question of revision is not prescribed in the law. The rejected voter is left wholly in the dark as to the time and place and manner of such revision. But if he is fortunate enough to bring his application for revision before the supervisor and assistant supervisor and his application is rejected he has the right to review of their decision by the circuit court, "Provided he give notice in writing to the supervisor of his application for such review, and the grounds thereof, within five days from the date of his rejection, and commence his proceedings within ten days from the service of the said notice."

This provision for an appeal is indefinite, cumbersome, and in most cases would be unavailing to the injured party.

To avail himself of this right of appeal it will be necessary to call in the services and assistance of an able lawyer, and the expense would be beyond the means of a large majority of the voters. The time allowed for the notice—five days from day of his rejection, and the commencement of the proceedings within ten days from the service of the said notice—is an unreasonable limitation upon the right of appeal.

VI.

The provisions of the statute with reference to the certificate of registration required of the voter in all cases is an unreasonable regulation and unconstitutional. The name of the voter as recorded on the registration books must correspond exactly and precisely with the name upon the certificate. The certificate must describe accurately the occupation, age, and place of residence of the voter. When a new voting precinct is established the voter is required to get a transfer and get a new certificate, and can not vote without it. If the polling place is changed, the voters are required to surrender the old certificate and get new ones.

If the elector changes his residence, even from one place in the registration precinct to another in the same precinct, he is required to surrender his old certificate and take out a new one or he can not vote. If the certificate is defaced, he must surrender it and get a new one. If it is lost, he is required to make application, under oath, for a new certificate at least thirty days before an election, setting out the facts and circumstances attending the loss, and that he had not bartered or sold it, or parted with it for any pecuniary consideration, and that he had not willfully destroyed the same. Even after a voter has gone through all this trouble, and made the required affidavit as to loss of his certificate, the supervisor is not required to issue a new one; but, in the language of the law, the supervisor shall examine and consider the question and require other evidence under oath, if in his opinion it is necessary to determine the loss, and then, if satisfied, shall issue a renewal.

How long the supervisor shall examine and consider is not stated or limited, nor is it stated what other evidence under oath he may require or what in his opinion may be necessary to determine the loss, nor is it stated what shall satisfy this autocrat of registration. It would be hard indeed to satisfy a partisan Democratic supervisor that a colored voter was entitled to vote under any circumstances or upon any proof.

Another unreasonable regulation is found in the manner in which the supervisor of registration is allowed to refuse registration lists. By section 151 it is provided that a supervisor of registration shall, immediately preceding each election, revise the registration of electors and mark off the names of such electors as have died, and such as removed from one residence, precinct, parish, ward, or county to another without notifying him and obtaining a certificate of transfer.

The power conferred upon the supervisor by this section allows him, without notice to the elector, without legal evidence, and in effect without any evidence at all, to mark off the names of as many electors as he may choose to believe have died or changed their residence since the last registration. And from this arbitrary and one-sided action there is no provision for an appeal or for a review. By the one hundred and fifty-second and one hundred and fifty-third sections the clerks of the courts of general sessions and every trial justice in the State shall, on or before the 15th of October and biennially thereafter, make out a report to the supervisors of registration of their respective counties, a list of all persons convicted during the two preceding years of murder, burglary, larceny, perjury, or other infamous crime, or dueling; and such report shall be received by the supervisor as prima facie proof of the facts stated therein, and he shall immediately erase the names of all such persons from his registration books in his county, and they shall not be allowed to register or vote thereafter in any election in this State. Thus, upon mere report of these officers unaccompanied by any abstract from the record or any other legal evidence, voters may be disfranchised and forever disqualified from voting. It is true there is a proviso that if any person whose name is so furnished shall present to the supervisors within sixty days after the next following election a pardon from the governor or within such time prove to the satisfaction of the supervisor he was not convicted of the crime or misdemeanor stated in such certificate, his name shall be restored to the list of registered voters.

It will be seen that this provision violates all rules of evidence, and especially all rules of criminal evidence, by requiring a party charged with crime to prove his innocence to the satisfaction of such supervisor before he can be restored to his rights. In the language of the statute, he must "prove to the satisfaction of such supervisor that he was not convicted of the crime or misdemeanor stated in such certificate." Such a requirement is not a regulation of suffrage, but an unjust and unreasonable requirement, and one which not only obstructs the right to vote, but destroys that right.

It will further be noticed that the voter who is thus stricken from the registration list on or before the 15th day of October is not allowed to prove his innocence or claim the benefit of the pardon until sixty days after the next election, thereby absolutely disqualifying him and depriving him, without a remedy or without a hearing, of his vote at the next November election.

VII.

The provision of the law requiring that voters shall deposit nine different ballots in as many different boxes is unreasonable and manifestly intended to confuse and embarrass the voter in the exercise of his right, and to render the voting by ballot impracticable and in many instances impossible. That a ballot in legal form and cast by an elector who is entitled to vote and who does vote for a member of Congress should be cast out and made null and void merely because it is placed in one box when it should be deposited in another is an unreasonable regulation and deprives the voter of his right to have his ballot counted, which right is guaranteed to him by the Constitution.

VIII.

The manner in which the law is executed, as shown by the evidence, is a gross outrage. In the first place, the whole machinery of the election is placed in the hands of the Democratic party, and at a large majority of the voting places, if not at all of them, all the officers of election—the superintendent of registration, the manager of election, the clerks, and constables—are all of one political faith.

Such action is prima facie evidence of fraud, and the party placing itself in such an attitude should be required to prove that the elections and registrations and returns were fair and honest. The evidence shows that gross frauds were perpetrated in preventing negroes from registering; that intimidation was resorted to on the day of election.

IX.

The registration, being unconstitutional, is null and void, and as a consequence there were no registration laws in force in South Carolina on the 6th of November, 1894. All citizens of that State having the constitutional qualifications of voters under the constitution of South Carolina and who are entitled to vote for the most numerous branch of the general assemby of that State were entitled to vote for members of Congress at that election. And every voter entitled to vote for member of Congress whose vote was rejected for want of registration or for want of certificate of registration was illegally deprived of his suffrage, and his vote should be counted for the party for whom he desired to vote and for whom he was prevented from voting. It is proved that there were 7,336 legal voters excluded who were present at the polls on the day of election and would have voted for the contestant if they had been allowed to cast their ballots.

Now, right here we meet one question. What is the rejection of a voter? Gentlemen will tell you that a voter is not rejected unless he goes to the judges of election and offers and actually tenders his vote over the desk. I take issue with that proposition. The tender of the vote and the rejection of a voter does not depend upon any such narrow construction. I am reminded that most of them did actually tender their votes, but some of them did not. Now, what is a rejection? Right there I desire to notice a very ingenious but a very misleading argument offered by the gentleman from Missouri [Mr. DEARMOND]. He said that it was proved by five witnesses, managers of election, that only 50 votes were rejected, when affidavits and depositions were taken to show that 250 votes were rejected. Gentlemen do not tell this House that the votes, that the rejected votes, were not all of them actually tendered to the judges, because it was unnecessary, and because proclamation had been made that it was useless for men who did not hold certificates of registration to apply to vote, because they would be rejected. Therefore the attempt is made to attach the crime of perjury to these men who state that only 50 were rejected. The judges perhaps were right in one sense, because perhaps only 50 at that precinct were actually refused by the managers, but the remainder were men who had been told not to apply and not to offer their ballots, because they would be rejected, and that excused them from actually tendering the ballots to the judges. That is the law as laid down by all the authorities and is sustained by all the decisions of this House.

It is insisted by gentlemen that the elector, in order that his vote may be considered, must actually present himself at the polls and actually tender himself to the election managers as ready and willing to vote, and actually tender his ballot and have it rejected. This as a general proposition of law may be true, and it is true when applied to the case of a voter who had an opportunity to present himself to the managers of election and without excuse failed to do so. But the rule can not apply to a case like the one before us, where it is contended an unconstitutional law deprives the voter of his right, and where the voter knew that the provisions and requirements of such unconstitutional law rendered it useless and unnecessary for him to attempt to vote.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. WALKER of Virginia. I should like some further time.

Mr. OVERSTREET. Mr. Speaker, it was my understanding that we were to be permitted additional time. I have no time at my disposal. I think it is just to the minority that it have some more time.

The SPEAKER pro tempore. The gentleman from Wisconsin has some time left.

Mr. JENKINS. Mr. Speaker, I do not understand that the gentleman from Indiana has asked me for any time. I am certainly willing to accommodate him as far as possible; but I now yield the floor to the gentleman from Vermont [Mr. POWERS] for ten minutes.

Mr. POWERS. Mr. Speaker, I believe it is one of the dogmas of the Republican creed that we should have honest elections and honest counts; and I have always believed that this doctrine applied not only to the procedure at the polls, but that it applied on the floor of this House; and the question before us to-day is whether we shall have an honest count of the ballots that were cast in the Congressional election now under consideration. It is conceded on all hands that there was no real fraud practiced upon the voters at that election, unless it be said that the operation of the registration law itself operated as a fraud. That did undoubtedly to some extent deter them from offering their votes on that occasion. It seems to me to be pretty clear that the registration law itself was unconstitutional when measured by the limitations of the constitution of South Carolina. But any registration law, Mr. Speaker, will be found in practical operation to exclude some voters. However perfect you may make it, in every State of this Union the registration law, if there be one in force, necessarily, in its practical application to the casting of votes by the people of a whole district, works more or less disaster and more or less unfairness. Men will be excluded who ought to be included; men will be included who ought to be excluded. That is one of the incidents that attach to all human legislation. You can never make it perfect. But this law was grossly imperfect. It practically disfranchises every voter in the State of South Carolina who failed for any reason whatever to get his name upon the registration list as early as the 1st day of July, to prepare himself to vote on the succeeding first Tuesday in November. But be that as it may; concede for the purpose of this inquiry that the law is unconstitutional, what is left? Why, then the election that is held, if it be held

in accordance with other law and in accordance with the requirements of the constitution itself, must be disposed of on that ground. It does not follow that because the registration law was unconstitutional that therefore no election—no legal election—has been held. On the contrary, I affirm that there must necessarily be a legal election. The Federal Constitution itself requires the State of South Carolina to send her delegates to this body, and if the State of South Carolina—without meddling with the methods of sending those Representatives here in a way that defeats the requirements of the Federal Constitution that we shall have Representatives from South Carolina—can do so under the State laws or the remaining body of the election laws of the State of South Carolina, and an election has been had that is fair and represents the will of the people, the gentleman who secures that election should have his seat in this House.

Now, then, Mr. Speaker, it is said in this case that the contestant should be seated because there were 7,000 and more legal voters who intended to vote for him. Well, upon the general proposition I would assume that we are to count the votes that are actually cast, and not those that somebody proposed to cast. That is the rule that we apply in our own cases. We come here with a certificate certifying that we actually received so many votes. But here is a case where a contestant comes, not with a certificate that he received so many votes actually cast, but with a petition—that is what it is called, and that is, therefore, what I will call it—a petition signed by 7,000 who intended to vote for this man.

Mr. FAIRCHILD. Will the gentleman permit me to ask him a question?

Mr. POWERS. I have not time to yield.

Now, how do these voters prove their right to vote and their attempt to vote for Colonel Johnston? I agree that, as in the case cited by the gentleman from Massachusetts [Mr. MCCALL]—the Petersburg case—where the voters stand in line with the ballots in their hands in front of the judges of election, ready to deposit their ballots in the box, and they are deprived of their right to cast that ballot—that upon their testimony that they intended to cast that particular ballot for some particular person they prove that they did, to all intents and purposes, vote for that man. But that is lacking in this case. Now, I desire to call the attention of the House to the exact import of these petitions and the exact measure of proof that we have that these 7,000 men intended to vote for Colonel Johnston, and that they had a right to vote for Colonel Johnston. It has been stated by the chairman of the committee that these petitions had printed headings that were prepared in advance of election. Now, that is a significant fact. That signifies that Colonel Johnston and his friends, instead of waiting for a fraud to be committed, went to the polls prepared to take proof that a fraud was committed. So that the language of that petition is not the language embodied by the voter himself, but he is telling his story about a wrong that somebody else prepared in advance, and the voter is asked to indorse it.

Mr. STEELE. And does indorse it.

Mr. POWERS. And does indorse it. Now, let us see what the effect of that is. I shall not take the time to read this petition. It has been read; but somebody certifies what the voter thinks. The House will notice that no way, either in the testimony or in the petition, is it stated to be under oath. It is the mere naked declaration of somebody, not testified to by himself, but testified to by a third person; so that it is nothing more nor less than hearsay testimony; a kind of testimony that would not be received on the trial of a man charged with the enormous crime of shooting a dog. Now, what does the list keeper say? The first one that I come to is this:

> Personally appeared before me, Edward Lewis, who, on oath, says that he had charge of the petition on election day last November, that it was explained to each one before signing, that each one whose name is hereunto attached, signed, or authorized his name to be signed, in the presence of deponent.

There is no certificate whatever that these voters offered their votes, or that they were qualified to vote, but simply a certificate that they signed the petition.

Take the next one:

> Personally appeared before me ——— ———, a notary public, who on oath says that he was in charge of this petition on election day last, and that each citizen who was rejected by election managers came up and signed, or authorized to be signed, his name; that each and every one was thoroughly informed as to the nature of the petition.

That is all the certificate there is in that case. Take the next one:

> Personally appeared before me ——— ———, who on oath says that each signer was informed of the nature of the petition before signing, and they each and every one signed in the presence of deponent, who had charge of the petition during the entire day.

It does not even say whether it was this particular petition or not, but simply that they signed a petition. Each one of these certificates certifies to these general facts. Then when you come to the signatures they run like this: James (his x mark) Fox, Taylor (his x mark) Edwards, Richard (his x mark) Belton, and so on. It is easy to see that the man who framed these petitions in advance and went, by his agents, to the various polling places among an ignorant set of voters could get any kind of a certificate out of them that he saw fit to ask.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. JENKINS. I yield the gentleman three minutes more.

Mr. POWERS. Now, Mr. Speaker, I desire to address myself to the legal proposition which was advanced here yesterday, that this kind of testimony is admissible on the ground that it is a declaration which is made admissible as part of the res gestæ. I submit very confidently to every lawyer on the floor of this House that this evidence has no single element that brings it within the rule that a declaration can be made admissible as part of the res gestæ. These declarations were not made accompanying any act, and it is a fundamental legal proposition that before a declaration can be admitted as a part of the res gestæ it must be shown to be not only contemporaneous with, but explanatory of, the fact that is spoken of by the witness.

Mr. OVERSTREET. The gentleman, I suppose, does not undertake to say that these declarations were made at a time different from the day of election, or that they were made at a place other than the polling place, or in reference to any other subject than the casting of the votes there.

Mr. POWERS. I undertake to say, in answer to my friend, that upon each and every one of the grounds he has enumerated in his inquiry these declarations are not admissible as a part of the res gestæ. Take the case of a dying man—where these questions come in more frequently than elsewhere—he makes a declaration about the facts of his injury. If that declaration is made by him after the injury, the courts all say that it is a mere narration of a past event, but if he makes a declaration at the time his assailant is at work upon him that is a contemporaneous declaration, and serves to explain his own conduct in the matter, and it is therefore admissible as a part of the res gestæ.

Mr. TAWNEY. Is that rule applicable to cases where men are injured in accidents?

Mr. POWERS. That rule is applicable everywhere. There is no distinction between civil and criminal cases in this respect, and I invoke every text-book that treats of the subject in support of what I say.

Mr. TAWNEY. They will all refute you.

Mr. POWERS. None of them will.

Mr. NORTHWAY. Will the gentleman permit a question?

Mr. POWERS. I can not stop for a question now; I have but three minutes.

Mr. NORTHWAY. You have made a statement that needs contradiction.

Mr. POWERS. Then answer it in your own time.

I say, Mr. Speaker, that in order to make a declaration admissible as a part of the res gestæ, it must be contemporaneous with the act itself, or so near it as to prevent any possibility of self-interest creeping in to vary or influence it.

Mr. FAIRCHILD. May I ask the gentleman a question?

Mr. POWERS. I can not be interrupted.

Mr. FAIRCHILD. Stick to the record, then.

Mr. POWERS. I will not be interrupted. I am simply stating the law as set forth by Greenleaf and Best and by every writer on this subject, and if any gentleman can produce an authority to the contrary he is at liberty to produce it.

Mr. OVERSTREET. I can produce it.

Mr. POWERS. Produce it, then, in your own time, but do not interrupt me.

Now, Mr. Speaker, I say that these parties who went up and offered their votes were engaged in the transaction which constituted the res gestæ, but when they went across the street or elsewhere and saw a man seated in a wagon and made declarations to him about it, those declarations were in no proper sense a part of the res gestæ.

Mr. TAWNEY. What is the res gestæ?

Mr. POWERS. The res gestæ is the thing that is going on.

Mr. TAWNEY. Was not that a part of it?

Mr. POWERS. No, sir. The thing that was going on was the voting at that election, and what those men chose to say about it afterwards was a subsequent narration, not a part of the thing itself.

Mr. TAWNEY. Not if made immediately afterwards?

Mr. POWERS. If made a second afterwards; if the transaction is ended, that excludes it.

Now, Mr. Speaker, I have been interrupted by several gentlemen who say they can contradict me on this proposition. I challenge any one of them to produce a law book or any authority from a respectable court that contradicts it.

Mr. OVERSTREET (holding a book in his hand). Will the gentleman read this authority?

Mr. FAIRCHILD. My point against the gentleman from Vermont was not that he misstated the law, but that he made a wrong application of it to this case.

[Here the hammer fell.]

Mr. JENKINS. I yield twenty minutes to the gentleman from Virginia [Mr. WALKER].

The SPEAKER pro tempore. The gentleman from Wisconsin [Mr. JENKINS] has no time at present. The gentleman from Virginia [Mr. JONES] is recognized.

Mr. JONES. I yield my time to the gentleman from Wisconsin [Mr. JENKINS].

Mr. JENKINS. I now yield twenty minutes to the gentleman from Virginia [Mr. WALKER].

Mr. WALKER of Virginia. Mr. Speaker, when I was cut off in my remarks I was asserting the proposition of law that the rejection of a voter does not mean simply the rejection of a man who actually applied to the judges and was refused the right to vote, but that it applied to men where classes of voters were excluded. The language of the law is (I read from McCrary on Elections, section 200):

> And in such a case, if the erroneous rule affects a class of voters and it has become generally known to the persons who are excluded by it, they may submit to it without waiving any rights, although they do not present themselves at the polls and offer their ballots. They have the right to take notice of the decision of the board in other cases precisely like their own.
>
> To require each voter belonging to a class of excluded voters to go through the form of presenting his ballot and having a separate ruling in each case would be an idle and useless formality. We are to look at the substance and not the formality.
>
> After a decision has been made by the election officers affecting the right of a class of persons to vote, and that decision becomes known, it is not necessary that every voter belonging to such class should offer his vote and have it formally rejected.

Mr. McCALL of Massachusetts. May I ask the gentleman a question?

Mr. WALKER of Virginia. Certainly.

Mr. McCALL of Massachusetts. Is not that statement of the law based upon the proposition that there was no election in that particular case?

Mr. WALKER of Virginia. I think not.

Mr. McCALL of Massachusetts. I think it is.

Mr. WALKER of Virginia. I think not.

As is shown by the evidence in this case, the managers of election ruled early in the day that persons not having certificates of registration would not be allowed to vote, and they made proclamation to this effect at the polling places. This ruling was communicated to voters far and near who were on their way to the polls and were met and turned back on account of this ruling.

This principle has been sustained by the House of Representatives in a number of contested election cases. (See following cases in Digest of Contested Election Cases of the Fifty-first Congress: Miller *vs.* Elliott, 515; Goodrich *vs.* Bullit, 584; Mudd *vs.* Compton, 153; Waddill *vs.* Wise, 224.)

It seems clear, therefore, that the votes rejected as set forth in the lists furnished by the contestant and which are proved by the list keepers should be counted for the contestant.

But it is said the officers of election were guilty of no fraud and that they did their duty under the law. Mr. Speaker, if gentlemen mean by this that the election officers, all of whom belonged to the Democratic party, were guilty of no fraud, they have not read the evidence in this case. The gentleman from Missouri [Mr. DE ARMOND], and I understood he was indorsed by the gentleman from Massachusetts [Mr. McCALL], says that the election was fairly held in a general way, and that there is no evidence of fraud; that the officers of election attempted in good faith to observe the law.

Mr. McCALL of Massachusetts. I desire to say to my friend that I made no such statement.

Mr. WALKER of Virginia. Then I misunderstood the gentleman, and I cheerfully make the correction. Certainly that was the statement of the gentleman from Missouri [Mr. DE ARMOND], as can be seen by reference to the RECORD of this morning.

Now, Mr. Speaker, if the gentlemen mean to say that there are not many evidences of fraud upon the day of election, I accept the statement. But gentlemen know, and the record sustains the statement, that there was no necessity for fraud on the day of election. The fraud had been committed before—in the registration—which made the success and the return of the Democratic candidate a certainty beyond a reasonable doubt. There was no necessity for committing fraud on the day of election, because before that day the question had been settled by the grossest frauds ever committed upon the elective franchise of any people. Why, sir, the supervisors of registration were all Democratic officials; so were all the election officers in the State of South Carolina—all Democrats. And I say here now that whenever it is shown that every election officer at a given election belongs to one party it is prima facie evidence of fraud.

Why, Mr. Speaker, these supervisors of registration in effect denied the right of registration to voters. There was only one place of registration in each county. Voters desiring to register were required to go on foot or as best they could in order to reach the place, 25 or 30 miles away, perhaps, where they were required to register. Not only that, but the registration days were on the first Monday of each month from December till July, and on no other day could they be allowed to register. The proof in this case shows that the supervisors of registration came to the places of registration at 9 or 10 o'clock in the morning; that they dallied and fooled with the registration, and, as one witness expressed it, were the slowest men with the pen that he ever saw. They would require hundreds of men to stand in line all day when those men were of opposite politics. But whenever a Democrat came up he was promptly and immediately registered. Republican voters were told, "Stand back; we have no time to attend to you now." Some were too old and some too young to register. These supervisors would hold the poll open an hour or two in the morning, then adjourn for dinner; stay away two or three hours, and on their return hold the registry open an hour or two, and then go home, saying to those who had failed to secure registration, "Come back the first Monday of next month." When they came back on the first Monday of the next month, the same thing occurred. It is known that in some cases men attended on every registration day, six times in the year, and could never obtain registration.

When persons were registered they were furnished with a certificate of registration, which was numbered, and the number had to correspond with the name and number upon the book. When the voters went to the polls it was found that hundreds of these registration certificates did not correspond with the entries on the books. A man would be rejected, for instance, because when he presented his certificate—No. 110, we will suppose—the election officers would say, "Your name as entered here is No. 109." How did such things occur? The cases of that kind were so numerous that it can not be assumed that they arose from mistake or accident. By all the rules of circumstantial evidence we have the right to suppose that it was intentionally done. Gentlemen talk about there having been no frauds. These are illustrations of the frauds committed, not on the day of the election, but before the election—frauds which rendered it unnecessary to commit any on the day of the election.

Now, Mr. Speaker, my time is so limited that I find myself very much embarrassed in dealing with the points in this case. The evidence of these frauds appears in the result of the election. On the day of the election the contestee received 7,361 votes; the contestant only 3,090. There were rejected 7,336 votes. In other words, the rejected votes lacked only 25 of equaling the number given for the contestee. Two-fifths of the whole number of voters who went to the polls were rejected. Three-fourths of all the Republican voters who presented themselves at the polls were rejected. Hundreds of voters, as is shown, stayed away from the polls—did not offer to vote, because, being Republican voters, they knew that under the unconstitutional registration laws of South Carolina their votes would be rejected for want of the certificate of registration, or for want of some other formality required by that unconstitutional law. Almost every one of the votes rejected was rejected for failure to comply with some one or more of the provisions of the unconstitutional registration laws. This alone is sufficient to defeat the contestee.

Mr. Speaker, I ask in all seriousness whether the votes of American citizens are to be trifled with in this manner? I ask members of this House whether they can say that a man is honestly elected and returned to this House when as many votes are rejected as the number of votes he received? I say not. I say that the man who claims to be entitled to a seat in this House must show that he has received a plurality of the honest votes that were tendered at the election.

But, recognizing this, the able chairman of the committee takes the position that there was no election. Now, will it be held by this House that in this case, where it is shown that 7,336 votes were tendered, and tendered by men who are proved to have been Republicans, who were known to be supporters of the contestant, and whose votes are rejected, will it be claimed that the contestant shall be turned down and the case referred back to the people for another election? If he goes back, does he go back to be elected by the same electors? Is it contended that he will go back under the same conditions and circumstances that prevailed when the former election was held? No. We have a new election law in South Carolina by which an educational and a property qualification are prescribed as prerequisite to the right to vote. "Ah," gentlemen say, "that law does not go into effect until the 1st of next November." But the governor of South Carolina has the right to fix the time for the election, and he will not fix that time until the new law goes into effect, you may rest assured of that.

Even if you send the contestant home again to be voted for he will not be voted for by the same voters; you will not submit his

rights to the same tribunal to which it was submitted before. Things have changed since then. Why, gentlemen on the other side admit that there was fraud; they admit that there is an unconstitutional law, and yet they come forward and seek to shelter themselves behind the technicalities of the law. They shelter themselves behind the strict rules of evidence applicable to a criminal or to a nisi prius trial. I claim that the members of the House are bound by no ironclad rules of evidence. I claim that there is in the House the power to do right and to do justice, but not to sanction fraud. The same gentlemen say that we must be governed by the strict rules of evidence, and that we must try the case by the strictest technicalities of the law; themselves strain at gnats when it comes to counting votes of honest electors and swallow the grossest frauds committed by sworn election officers.

Now, if I can be allowed a minute, I propose to show that the tally lists are properly counted; that they are part of the res gestæ. Why, gentlemen say and contend that the res gestæ mean just what occurred before and in the presence of the managers of the election. I contend that the res gestæ are extended to and embrace not only what occurred in the immediate presence of the judges of the election, but what occurred from the time the elector received his ballot, passed into the booth, prepared and delivered it to the managers, and until he returned and announced immediately before witnesses then and there what took place. The lists that we count are all composed of the names of men who went into the booths and were rejected. They are made up, as I have shown, of men who immediately turned, after their rejection, and made their declaration and gave their names to the list keeper. I hold it is not only part of the res gestæ but it is the best and only evidence of which the case is capable.

How would you prove that 7,000 voters were rejected? Gentlemen say you must have the best evidence. The best evidence is insisted upon, and they say you must bring every one of the 7,000 men to the book and take his testimony. If that be insisted upon, it is a practical exclusion of justice. It is insisting upon an impossibility. Why, all a candidate need do if he desires to make his frauds unimpeachable would be to make them so great, so extensive, that you could not reach them by evidence. If he defrauded 10 men, you might prove it by the evidence of the 10 men; but if he defrauded 10,000 men you make the fraud so great that it is impossible to expose it by the testimony of the parties themselves.

Now, Mr. Speaker, the names of the voters who were thus excluded were taken down by the list keepers on the day of the election and either immediately at the polls or within a very short distance thereof. This was done openly and publicly, and in one case at least so publicly that the Democratic officers of election ordered the list keepers away and compelled them to take a position farther off. In other words, these men were so close to the polls that the managers and officers of election drove them away. The depositions of these list keepers were taken and will be found in the record in this case. They prove the following facts: First, that all the persons whose names are upon the list were at the polls on that date. Every man whose name is on the list was proved to be there on that day. Second, as soon as they were rejected they reported to the list keepers in person and claimed that they intended to vote for the contestant and were refused. It is contended by the contestee that this is not strict legal evidence to establish the rights of those persons to vote and that they can not be counted for the contestant for that reason. The counsel for the contestee contends that there is no legal proof that such persons were legal voters, possessing the qualifications required by the constitution, which are as follows:

First. That they were over 21 years of age.
Second. That they had resided in the State twelve months and in the county sixty days.
Third. That they were not laboring under some of the disabilities mentioned in the constitution.

In reply we think that the evidence furnished was the very best which, under the circumstances of the case, it was possible to obtain. The statements made by the rejected voters and the list taken by the keepers at the time and place where the elections were being held were part of the res gestæ. It was the very best evidence that it was practicable to obtain without examining on oath each and every one of the 7,336 voters illegally excluded and prevented from casting their ballots. To require the taking of all this evidence would render a contest impossible to the contestant.

The persons whose names are on the excluded list did not vote at the election, because their names are not found on the list of persons voting. The poll list shows this and is conclusive proof against the contestee that they did not vote.

The registration books will also show whether the names found on said lists are upon the registration books.

These books are in the possession of the Democratic officers, and it would have been an easy task to show whether the persons whose names are on the lists were on the registration books or not.

The lists were put in evidence by the contestant, and the contestee had ample time to inspect the lists and compare them with the registration books; to inquire whether the persons claiming to have their votes counted were legally qualified voters under the constitution. No evidence is offered by the contestee to contradict the facts sought to be established by the said lists.

First. No evidence is offered to prove that a single voter whose name is on the list was not present at the voting place on the day of election.

Second. No evidence is offered to prove that the names of any of the said persons were not on the registration books.

Third. It is not attempted by the contestee to prove that a single one of the 7,336 voters were not citizens of the State of South Carolina, having resided in the State one year and in the county sixty days before the election.

Fourth. It is not shown that any of the persons claiming to be rejected actually voted on that day.

Fifth. Is is not shown that any of the persons embraced in said lists were disqualified from voting by reason of conviction of infamous crime, larceny, or dueling.

It is said that the party claiming that his vote should be counted must show that the voter offered to vote; that he is a legally qualified voter in all respects; and that to require the opposite party to prove that he is not a legally qualified voter is to require proof of a negative.

Now, we deny the first branch of this proposition in the broad terms in which it is asserted. When a citizen who is registered as a voter applies to an officer of election to vote, and his vote is objected to and challenged on a single ground and is rejected on that ground alone, it is and must be taken as prima facie evidence that the ground of objection made is the only objection relied upon and the only objection which exists. When a voter removes that objection and none other is made against him, his vote must be received. He is not called upon or required to prove without further challenge that he is possessed of all the qualifications prescribed by the Constitution. So when the 7,336 Republican voters were rejected solely on the ground that they had not been registered or did not produce satisfactory certificates of registration at a time when there was no valid registration law in the State of South Carolina, the presumption arose that there was no other objection to their voting and that they possessed the qualifications requisite to the exercise of the right of suffrage.

On the second branch, that the contestee is required to prove a negative, we reply that the person challenging a registered voter is always required to prove that the voter is not qualified, and such a requirement does not amount to negative proof; nor is it true, as a proposition of law, that the party can never be required to prove a negative.

The fact that a voter is registered is prima facie evidence that he is a legal elector, possessed of all the qualifications required by the law, and the person who challenges a registered voter must state the ground of his challenge and prove it, though it requires him to prove a negative.

The divergent views of the members of the committee result from the different interpretations of the rules of evidence to be applied by the House in this case. The able chairman of the committee concedes that the evidence clearly establishes such frauds upon the part of the election officers as render the election void, but he holds to the view that the evidence is not sufficient to count the rejected votes or any part of them in favor of the contestant. Four of the members of the majority ignore all the rejected votes, while the fifth concedes that a portion of the rejected votes should be counted for contestant, but splits hairs upon technical rules of evidence and fails to count enough to elect him. The majority ignore the frauds practiced by the election officers in coming to a conclusion, but the gentleman from Wisconsin [Mr. JENKINS], in his very able and exhaustive speech in favor of the majority report, gives away his case when he uses the following language:

No matter how obnoxious it may be to us, we should see to it that the will of the people as declared at the ballot box is carried out. That will include condemnation of fraud and intimidation. Every effort ought to be made to have free and fair elections. It is the very substructure of government. Murder, robbery, and horse stealing should have a secondary consideration compared with the great questions involved in a free, fair election and an absolutely honest count. Any attempt at dishonesty in elections should not only be frowned upon and condemned, but those responsible for it should be punished to the full extent of the law, ostracized, and absolutely disqualified from ever participating in elections or holding any office of profit or trust. So important has the question become that it is one of the highest duties of citizenship to demand that nothing shall be more sacred than the right of the citizen to vote and have his vote counted.

All dangers of a man losing his vote by reason of technicalities should be removed. Fair and just registration and election laws should not only be favored but fairly and honestly enforced, and this political right should be so prominently advanced that it will be highly prized by every American citizen.

No American citizen can afford to uphold fraud in elections, whether he be in the North or in the South.

The safety of the individual and the success of the nation depend upon a free ballot and fair count and absolute conformity to law. It will not require any argument to prove that the lawful electors of South Carolina are by the requirements of the statute deprived of their constitutional rights, and that the statute does impair the rights of electors and imposes conditions and makes unreasonable and burdensome requirements not warranted by the constitution; and I think the law is void.

It seemed almost like a denial of justice to require the evidence of the rejected voter himself, or, what might answer as well, the evidence of a person who stood close enough to the ballot box to hear all that was said and could testify that he saw A tender his vote and heard him say that he wanted to vote for the contestant, and that his vote was refused because he was not registered; and it should appear by the testimony of A, or some one else knowing the facts, that the rejected voter was a qualified elector of the precinct where offering to vote.

Hard cases make a shipwreck of principles, and while the power of the House is very great, and while I think we ought not to be controlled by technical rules of evidence, I believe it very safe to be governed in these cases by common-law rules of evidence, and do not think we ought to formulate a rule for the government of any particular case; but think that every case can well afford to be proven by well-established rules of evidence that have come down to us through the many years of our jurisprudence, and that the case should be ruled without reference to the numbers of the rejected vote.

The gentleman in these eloquent words admits fraud and intimidation and raises a freeman's voice in behalf of a free ballot and a fair count; and yet the result reached by the majority of the committee and sanctioned by him gives full effect to the most outrageous frauds practiced under cover of an unconstitutional law. He admits and says in words that—

The lawful electors of South Carolina are, by the requirements of the statute, deprived of their constitutional rights, and the statute does impair the rights of electors and imposes conditions and makes unreasonable and burdensome requirements not warranted by the constitution.

And yet the gentleman insists that the contestee is honestly elected and that the action of the election officers of South Carolina should be approved and sanctioned. But the gentlemen who favor the majority report insist that this case must be disposed of, not upon its merits but according to the strict rules of law; that we must ignore justice and lay down rules for the government of future cases. In short, that we must do evil that good may come; do injustice to-day in order to avoid the possibility of doing injustice hereafter.

The gentleman from Wisconsin [Mr. JENKINS] expresses this idea when he exclaims, "Hard cases make a shipwreck of principles."

This is the special pleading of one who sees and admits the hardship and injustice of seating the contestee, and honestly seeks to do justice, but sticks in the bark of precedents and hesitates before imaginary evils. Every case must be decided by its own circumstances, and this House can not be bound by any iron rule of law or precedent to do wrong.

The only ground upon which it can be asked to set aside this election and order a new one is that it is not proved by legal evidence that the contestant received a sufficient number of votes to give him a majority. It is clear from the evidence in the record in this case that if the contestant did not receive a majority of the votes cast at the election he was unlawfully deprived of them by the partisan manner in which the laws were executed, by frauds in the election practiced by the contestee or his political friends, and by intimidation and illegal practices. To allow the contestee and his friends to obtain any advantage from their own wrong would be to offer a premium for such practices. It is but the exercise of a well-established rule of equity, that no man shall take advantage of his own wrong, and that when fraud is once proved all presumptions are against the wrongdoer.

If the purity of the ballot box is to be preserved, if the right of every qualified voter to have his ballot cast according to his wish and counted as cast is to be preserved, if the right of a majority of the electors, as expressed through the ballot box, to choose their representatives in Congress is to be protected and preserved, it must be done by the representatives of all the people of these United States in Congress assembled.

It is vain for the people of South Carolina to expect protection from their State laws or from the officers who are chosen to administer them. If fraud, intimidation, and unjust laws administered in a partisan spirit oppress the citizens of the State of South Carolina in the exercise of their domestic affairs and deprive them of representation in the halls of the State legislature, it behooves the House of Representatives of the United States to see that citizens of the United States are not made the victims of State tyranny and are not deprived of representation in the halls of the National Legislature by unconstitutional laws or by fraudulent practices.

The SPEAKER pro tempore. The time of the gentleman from Virginia has expired.

Mr. WALKER of Virginia. I do not like to ask the indulgence of the House, but I have not disturbed it very much during the session. I have but little further to say, and would ask unanimous consent to conclude my remarks.

The SPEAKER pro tempore. Is there objection to the gentleman from Virginia concluding his remarks?

Mr. KEM. I object.

The SPEAKER pro tempore. The gentleman from Nebraska [Mr. KEM] objects.

Mr. WALKER of Virginia. Then I will ask permission to insert the balance of my remarks in the RECORD.

Mr. KEM. The gentleman from Nebraska [Mr. KEM] objects. [Laughter.]

The SPEAKER pro tempore. The gentleman from Nebraska [Mr. KEM] objects.

Mr. WALKER of Virginia. I trust the day may come when Mr. KEM will forget to object.

Mr. JOHNSON of California. Would it be in order for the gentleman to move to print his remarks in the RECORD?

The SPEAKER pro tempore. It could only be done by unanimous consent.

Mr. JENKINS. Mr. Speaker, I wish it were possible for me to make myself heard by every gentleman who must finally determine this case as a juror and as a judge of the law and the facts.

I consider that the right of a gentleman to a seat in the House of Representatives, under our form of Government, is what may properly be called a sacred right.

There is in this case an attempt upon the part of an interested gentleman to wrest from another man a seat that he now holds by virtue of the law, and I do not know, for my part, how gentlemen are to determine this very important question unless they are familiar with the facts that are involved in this case.

I want to say, Mr. Speaker, to all of my Republican associates on the floor of this House that if they will sit down and canvass this testimony as carefully as I have canvassed it for months they will have no hesitation in coming to the same conclusion that a majority of the committee have come to in this case.

I want to say to every gentleman upon the floor of this House that there is no more question about the right of the contestee to his seat in this House than there is to the right of any other gentleman upon the floor of this House. I believe that he holds it according to law, and I do firmly believe as a lawyer, as a citizen, and as a member of this House that to undertake, under the law in this case and upon the facts as I shall present them to this House, to take that man's seat away from him would be deliberate fraud not only upon him, but upon the sovereign State of South Carolina.

I do not hesitate to say that as a Republican. I have given a large amount of time, as the chairman of this committee, the gentleman from Massachusetts [Mr. MCCALL], can testify, to the consideration of this case. I have gone over every word of this evidence time and again, and I want to assert to this House that up to this moment the underlying facts in this case, that must govern it, and that ought to determine the right to this seat, have not been presented to this House. I am willing that you should take the most partisan lawyer who sits upon the Republican side of this House, and if it could be referred to him as a referee, I would refer this case to him and abide by his decision, if he would only examine the facts.

There is a great mistake made, Mr. Speaker, at the very threshold of this case. Many gentlemen attach too much importance, in my judgment, to what they call the power of this House. In other words, they look upon it as though this was a House having a power unto itself, that there was no appeal, that there was no limit to its power, and that no one had a right to criticise its action. While I recognize the high constitutional power of this House, I say, Mr. Speaker, that it must consider that constitutional power in connection with an implied power, that this House has the right of judging of the elections, returns, and qualifications of its members according to the law and the evidence.

Now, as a member of this House and of the Elections Committee, with eighteen cases pending before that committee, I have had the honor to participate in the decisions of that committee. When I sat down to determine those cases I knew of no other guide but to anchor myself to the law and the evidence as I understood it, not as some other gentlemen understood it. I was guided in all my deliberations by the law and the evidence in this case. In other words, I have tried to treat this case and every case that came within my jurisdiction exactly as a judge would upon the bench, and not as a politician would upon the rostrum when he was addressing a political convention.

Mr. HEPBURN. Mr. Speaker, will the gentleman allow me to ask him a question?

The SPEAKER pro tempore. Does the gentleman from Wisconsin yield to the gentleman from Iowa?

Mr. JENKINS. For one question.

Mr. HEPBURN. You have stated that you were guided by the law. Have you been guided by the provisions of the statute of South Carolina in the cases that you have examined from that State, with regard to the method of ascertaining the intent of the voter? Have you felt that the law of South Carolina was obligatory upon you with reference to ascertaining the intent? Probably with reference to the qualifications of the voter it would control, but does it control you in the other respect?

Mr. JENKINS. Mr. Speaker, I can not answer all the questions now that may be asked in a discussion like this, but I think, before I get through, my very learned legal friend from Iowa will be satisfied with my explanation. I want to continue my line of

thought, and I shall be willing, at the close of it, to answer any question; but the question that is now asked me is not involved in this case.

Now, Mr. Speaker, in connection with this one thought as to the constitutional power of this House, there is another constitutional provision that must be considered by this House in determining this question, and that is, Mr. Speaker, that the Constitution of the United States, which governs us, has placed the power withia the States to determine the entire question of electing members of Congress. There is also a power lying within the Constitution which permits, not the House, but the Congress of the United States, to also regulate the manner of electing Representatives, but up to this day the Congress has never asserted its constitutional power in this regard. Therefore, Mr. Speaker, notwithstanding that a sovereign State may not do just exactly what is right, I insist as a lawyer that there is no power within either of the Houses of Congress separately to override the law of a sovereign State as far as this question is concerned. I say that the law of a sovereign State at this time, providing for the election of members of this House, is absolutely binding upon this House according to the Constitution of the United States.

Now, Mr. Speaker, that is a position that I am willing to leave to the country. I do not care to submit it to a politician, but I insist that, sitting here to-day, this House ought to carefully guard these great questions. Gentlemen sitting around me here to-day have said that the time has come when we ought to reach out the strong arm of this House and assert Republican rights in those States, but I want to say to the House and the country, as I replied to those gentlemen, that there is danger lurking in positions of that kind. The very first duty that devolves upon this House is to be governed by the law itself. I tell you that the Republican party has lost more power in this country by usurping rights that never belonged to it under the Constitution than it has by any other thing it has to combat.

Mr. OVERSTREET. Will you permit me to ask you a question?

Mr. JENKINS. One question; but if I am to be constantly interrupted I can not present my views in this matter.

Mr. OVERSTREET. Will you be kind enough to state what power the Republican party has usurped?

Mr. JENKINS. I will open a law school and gladly admit you, but I can not now.

Mr. STEELE. You have made a declaration you have no right to make unless you offer something to substantiate it.

Mr. JENKINS. I do not want to be interrupted by these gentlemen unless it is necessary.

Now, Mr. Speaker, I say that I have the right to my views upon this question; and I have a right to present them to this House. I do not expect that everything that I may say as a matter of law will accord with the views of every other gentleman; but I am submitting my own views. I am speaking here in answer to those gentlemen who insist that whenever we have the power to elect a Republican we should exercise that right. I say that we are just as much under the influence and power of the law in this Congress as the humblest citizen in the United States. I say now that if there is any attempt to do what is wrong, if there is any attempt to do unlawful things, any attempt to violate the Constitution, let the Democrats do it, as they have continuously been doing. I do not want that charge successfully made against the Republican party.

I say as a general proposition that I assume that some of the States of the South have not done their duty. They have not conformed to the law, but we should not make matters worse by stepping in and absolutely violating the law and counting a man in here when the law does not justify it. I am only standing here upon the law.

Now, Mr. Speaker, in personal defense of myself I want to answer one little thrust made at me yesterday; and I am sorry that the remarks are not in the RECORD, so that I could do no gentleman any injustice about the matter. A question was flauntingly asked and answered in this House with reference to my voting with the Democrats. Well, now, Mr. Speaker, I do not know that I need to enter into any defense of my Republicanism. I stood here from April, 1861, to July, 1865, with a musket defending the principles of the Republican party in my very feeble way. For over twenty-five years I have been a humble member of the Republican party; and I can say what few other gentlemen on this floor can say—I never was guilty of voting for a Democrat in my life, and by God's help never will. [Laughter.] There is something not common between the Democracy and myself; but when a matter like this is intrusted to me as a member of this House I am going to discharge my full duty without any reference to politics. Now, then, I propose to answer the question the gentleman from Indiana asked yesterday upon this floor with reference to my position in this matter, and that is all I want. I want to know—as it is now stated that the record shows that against seating the contestant in this case there were 6 votes out of 9—3 Democrats and 3 Republicans—in the committee——

Mr. OVERSTREET. Did I not admit that?

The SPEAKER pro tempore. Does the gentleman yield?

Mr. JENKINS. I do not. I insist, Mr. Speaker, that I am supported by most excellent authority, by the gentleman from Massachusetts [Mr. MCCALL], who has honorably served in this Congress and in previous Congresses in election cases, and by the very able gentleman from Pennsylvania [Mr. CODDING], both concurring with my views that the contestant in this case is not entitled to the seat. So far I have very honorable support in my proposition. We did not come to a conclusion in a hurry. It took months of hard work to get down to a conclusion in this matter. The only difference is that Brother CODDING, as able a lawyer as there is in Pennsylvania, disagrees with me, and says that some of the lists can be counted, while he goes far enough to hold the minority report in this case was wrong. I am supported in my conclusions by the gentleman from Massachusetts [Mr. MCCALL] that you can not count a single vote on these lists.

Now, I want to know why I should be singled out and abused, and charged with confederating with my Democratic associates. I want to say, Mr. Speaker, that I am proud of my Democratic associates on this committee as legal gentlemen, as honest, conscientious gentlemen as I ever met in my life; and I regret the covert attacks that are made on those honorable gentlemen, as was done by the gentleman from Virginia [Mr. WALKER], and the assault on them in the pending minority report. Injustice was done those gentlemen. They were among the first on that committee to announce their views to us that this law was unconstitutional. It is only just to the Democrats to state that. I was absolutely surprised at them myself. My learned colleague [Mr. MCCALL of Massachusetts] is a witness to their views. He is a witness that there was no hesitation upon their part.

There was no cowardice on their part, and if my learned friend from Virginia had been as industrious in the committee as he was in getting votes in the State of Virginia at that time he would have become as familiar with their views as I am. So I say that so far as that is concerned there is no fault to be found with those gentlemen. I want to know why I should be charged with want of loyalty to the Republican party because I do not agree with these three learned gentlemen? Why, my friend who made that attack upon me was in his swaddling clothes, feeding out of a nursing bottle, when I was out here in the State of Virginia trying to keep the Democratic party from overthrowing this Government! [Laughter.] I was a Republican when my learned friend from Virginia was a Democrat, doing everything he could to overturn the Constitution of the United States. I was a Republican here when my learned friend was down in Virginia helping the Democratic party to deprive the loyal negro voters of that State of their political rights. I am a Republican yet. I admire the honesty of the gentleman. I admire his bravery and his courage. But new converts are always zealous, and he must not charge me with cowardice or want of loyalty to the Republican party because I fail to follow my colleagues on the committee in their views. Am I to be abused and charged with want of loyalty to the Republican party because I refuse to follow the views of the gentleman from Michigan [Mr. THOMAS], who was not educated for the bar? I think that, with twenty-five years' experience at the bar, I am as competent to judge of these election cases as the gentlemen who have attacked me.

Mr. OVERSTREET. Who has abused you?

Mr. JENKINS (continuing). And I do not see why a man is to be charged with being lacking in loyalty to his party because he honestly disagrees with the views of gentlemen with whom he is associated.

Mr. WALKER of Virginia. Will the gentleman yield for a question?

Mr. JENKINS. For one question.

Mr. WALKER of Virginia. Have I ever accused you of want of loyalty to your party?

Mr. JENKINS. General, if you will sit down until I get through, you and I will talk this matter over. [Laughter.]

Now, Mr. Speaker, I am very anxious to present this case to this House, but I want to say that up to this time the particular facts of the case have not been fully presented. My very learned friend from Massachusetts [Mr. MCCALL], the chairman of the committee, was prepared to present them, but he was interrupted so much that he was unable to complete his presentation of the questions that are directly involved in the case.

Let us see first about the constitutional provision. There has been much in the way of attack upon that provision. The committee were all agreed, not that the election laws of the State of South Carolina were unconstitutional, but that the registration law of that State was unconstitutional, and, as I have said, upon that subject the committee were unanimous.

Now, Mr. Speaker, what were the committee to do under the circumstances? We were confronted with the question which was presented in the brief and in the argument, and we had to deal with it. We held, as I have said, that that registration law

was unconstitutional, but the question we had to consider was, did this House have the power to declare that there was no election because that law was unconstitutional? Let me say to my friend from Delaware [Mr. WILLIS] that we agreed that we would hold that there had been an election in that State, because there had been acquiescence in that registration law for over twelve years. But our view was that there really was no registration law there. An unconstitutional law is no law, and there was nothing, so far as the registration was concerned, to prohibit those men from voting.

Mr. FAIRCHILD. Except the Democratic managers of election.

Mr. NORTHWAY. They were prohibited from voting, though.

Mr. JENKINS. The next question was, How were we to deal with the case? I have gone further in committee and in my private views, as the gentleman from Massachusetts [Mr. MCCALL] can testify, than any other member of the committee. I have said, as the gentleman from Massachusetts said this morning, that if we found that a voter had stayed at home because he was advised that his vote would not be accepted we would include that vote—that is, we would not count it, but we would include it for the purpose of holding that there was no election. We could not count it unless the man went to the poll and tendered his vote or was prevented from tendering it. How can you count the vote of a man who has never gone to the poll or offered his vote? That is the great question here, and I will show before I get through that the testimony of the contestant's own witnesses shows that there were enough voters to change the result who never tendered their votes. Being confronted with that question, we adopted the rule which was stated in my previous remarks upon this case. We said we would count the vote of every man whose vote ought to be counted, just as though it had been counted there on election day. But we required some conditions. We required it to be shown that the man was a voter. We required it to be shown that he went to the poll and tendered his vote or was prevented from tendering it. And I say here to-day that I join in the conclusion reached in the case of Waddill *vs.* Wise, that where the voter went up to vote and was prevented from reaching the poll, but was standing there intending to vote, and where it was known for whom he would vote, I would count that man's vote just as readily as though it had been cast. That is my legal position.

Mr. FAIRCHILD. What difference is there between that case and this, where these men went to the polls and tendered their votes and were not permitted to vote?

Mr. JENKINS. I am sorry my learned friend did not stay here and listen to the argument, because if he had done so he would not ask that question. The difficulty is that there is not a particle of proof as to many of these voters that they did what the gentleman says they did.

Mr. FAIRCHILD. I will say to the gentleman from Wisconsin that I have listened very carefully to the argument of this case. Besides that, I have studied it for two nights at my room, and I find plenty of evidence of just that kind—enough to seat the contestant.

Mr. JENKINS. Mr. Speaker, I object to the gentleman interjecting an argument into my time. I am not responsible for the views he may entertain. I say, Mr. Speaker, that in the case of Waddill *vs.* Wise the committee of this House insisted that the voters should be called. Each and every qualified voter was called and testified, showing his qualification, showing that he went to the polls, showing that he had his vote there, showing for whom he voted; and those facts being shown, the House counted the votes. But in this case that has not been done.

Now, I want to say to-day, answering the question which was asked by the gentleman from Massachusetts, that if you will sit down and examine this evidence—I am speaking as a lawyer, not as a layman—I say to-day that I am willing any lawyer should take this evidence and go through it, and I will give him a dollar apiece for every voter that he will say is qualified to vote on that list as obtained from the record.

Mr. FAIRCHILD. I say to the gentleman that I will take his offer.

Mr. JENKINS. Mr. Speaker, I ask protection. I do not want to be interrupted by a gentleman who knows nothing about this case. [Laughter.]

The SPEAKER pro tempore. The gentleman from Wisconsin declines to yield and must not be interrupted without his consent.

Mr. OVERSTREET. Will the gentleman yield a moment to me?

Mr. JENKINS. Yes, sir.

Mr. OVERSTREET. I wish to ask the gentleman whether in respect to the excluded voters in every one of those six precincts in Sumter County the qualification of the voter is not shown by the evidence?

Mr. JENKINS. No, sir, not in one case; and I will demonstrate it.

Mr. OVERSTREET. I hope the gentleman still keeps open his offer of "a dollar apiece," and will let me present him the proofs that he has called for. [Laughter.]

Mr. JENKINS. Now, Mr. Speaker, I have made my statement. I want it distinctly understood what I am insisting upon in behalf of the Republican party in this House. If you want to count any of these votes you must have satisfactory proof that the man who offered to cast the vote was a qualified voter under the law of the State of South Carolina, that he tendered his vote or was prevented from tendering it.

Right here is where I join issue with my learned friend from Massachusetts [Mr. MCCALL], the able chairman of this committee. I say that if he consistently accepts his own conclusion he must unite with the majority of this committee, because the only difference between us is this: He says there is no proof that these men ought to have been permitted to vote; that is, there is no proof sufficient to entitle them to have their votes counted. Well, if you can not count their votes, how can you hold a new election?

I say again, so that I may not be misunderstood, that if the proof showed that these men whose votes were rejected were qualified voters, that they were at the polls to vote and were prevented from voting, then we should count them for the purpose of declaring there was no election, but could not count them unless the voters actually tendered their votes, or were prevented from tendering them by the crowd around the polls, or something of that kind.

Now, let us see how gentlemen on the other side get at the vote in this case. In the first place, there is not a particle of difference among the members of this committee until we come to the counting of these rejected votes. We are unanimous in our view as to the unconstitutionality of the registration law. We are unanimous in counting those votes to which I called attention yesterday. The fact is, we have given the minority more lawful votes than they themselves have counted. We have been willing to do that. Now they go to work and take the vote that was contained in the official return and they add to it 427 votes obtained from Richland County. Then they say they have by that process 3,083 votes. Then they count 4,523, and, adding that to the number we have given them credit for, they claim a majority of 233. Now, remember that they themselves find a majority of only 233 out of 3,736 votes on these lists. On those lists, all they can count is 4,523.

Mr. OVERSTREET. Did the gentleman hear my statement that 233 was a misprint. It should be 312. That is an accurate computation.

Mr. JENKINS. One hundred more?

Mr. OVERSTREET. Yes, sir.

Mr. JENKINS. Now, we will give them credit for 100 more, so that they will have 333. They have made a mistake in footing up the official returns. We called attention to it in the majority report, but the minority ignored it in their report. That reduced their count 9, according to their own confession.

Now, they start out with a majority of only 333 according to their claim, which will be reduced in the manner I have stated to 312. The question is, how do they obtain this vote? The attention of the House has been called to the fact that prior to the election certain persons went to work and had printed a petition or the heading of a petition which they circulated at each poll, and the minority report claims that the heading to that petition recites every requisite to establish the right of the voter to have his vote counted. In common fairness to the rights of these parties, I will submit the heading of this petition to any gentleman familiar with the law on this subject; and I claim you will not find a single element there that qualifies the voter. The petition is addressed to this House, and it alleges that the persons who claim to have their votes counted are over 25 years of age, male residents of the precinct, and are qualified to register and to vote. Now, I do not want to be hypercritical or technical, but I will leave it to any lawyer whether that is not "leading" of the worst character. Here are men permitted to testify in this way, and no opportunity is given to cross-examine them to ascertain whether their statements are true or not.

But what do they say? They say that they desired and intended to vote. Mark that; they desired and intended to vote, not that they offered to vote, not that they tried to vote, not that they were prevented from voting, but that they desired and intended to vote. That may be all true; but what we are complaining of is that it is not sufficient evidence to show a direct offer on their part to vote.

Mr. BAKER of New Hampshire. Will the gentleman allow me to ask him a question?

Mr. JENKINS. Yes, sir.

Mr. BAKER of New Hampshire. Have you any doubt that if there had been an entirely fair election in that district the contestant would have received a majority of the votes cast?

Mr. JENKINS. I want to say to the gentleman that when a judge sits on the bench—I do not care what view he may have as to the guilt or innocence of the person arraigned—he must be governed by the record.

Mr. BAKER of New Hampshire. Will the gentleman answer my question specifically?

Mr. JENKINS. We are not here to give opinions; and I am surprised that any gentleman who claims to be a lawyer should ask another what his opinion is in a case of this kind outside of the record.

Mr. BAKER of New Hampshire. I asked the gentleman whether he had any doubt on that point.

Mr. JENKINS. Now, in the first place, I want to say there is not a word of evidence in this case from first to last to show that there was any fraud at the election. On the other hand, I will show you by the statements of leading men—witnesses called by the contestant—that it was as fair an election as was ever held in the State of South Carolina. What right has any gentleman to sit upon the floor of this House as judge and jury and make up his opinion outside of the evidence in the case as to what the result of the election would have been in a certain contingency? It would not be fair for me to express an opinion one way or the other. I have no right to know anything about this case except what this record discloses. When you take these lists and read them over, you will find, as has been so well said by the gentleman from Vermont [Mr. POWERS], that there is nothing in them going to show a single qualification of these supposed voters, except what they desired to do. Take the report, page 47—and whatever statement I make about this case I propose to follow it up by the proof. Let us take page 47 and see what the witness there swears to. Just at this point it comes to my mind that I have objected to the fact that these lists are not properly brought before this House; were not properly offered as evidence.

I never made the objection which it was charged yesterday I had made, that they were never filed. That would be hypercritical. My point was that these lists ought to be brought here as evidence, so that the House would have power to look over them, just as you would bring a document into court through the aid of a deposition. Now, I refer to this evidence, about the middle of the page I have named, where it is stated expressly that there is no paper in evidence. The witness was asked where he was on that day. He says, "I took the names of those who applied for registration and attempted to vote and could not vote"; and he says he returned that paper to Mr. Meyers. That is the statement of a gentleman who is called to introduce into this record a large number of votes—86 in all; and there is not a single word in that deposition with reference to what those men said whose votes are now to be counted. This man simply states that he took down the names of those who offered to vote and could not vote.

There is not a single statement that one of the men was qualified as a voter or that he even tried to vote. Now, let me bring your attention for a few moments to the question about which so much is said here—the res gestæ of the case. Right here is where we seriously divide on the question of the legal effect of the evidence. They say it can be introduced because it is a part of the res gestæ. What, then, is the res gestæ? It is simply the thing itself. Let me illustrate: If there is a railroad accident, that is the res gestæ; it is the railroad accident itself. Now, I may be laughed at when I say that when the engineer or the conductor leaves the train he does not take the res gestæ with him. It remains. If, at the moment the accident happens, that engineer or the conductor or any other employee of the road speaks out instantly and says, "I told the master mechanic this morning that that train was not fit to run; that it was not safe," that is a part of the res gestæ, and can be offered in evidence against the company by anybody who heard it. But when a man goes away a distance and talks generally of the accident, narrating the facts, it is not a part of the res gestæ. It is difficult to determine as to the exact time and place which marks the line of demarcation. But I have in mind a case in Missouri where it was held that after the conductor had crossed the road, only a very short distance from where the accident occurred, and had charged the company with negligence, it was not considered to be a part of the res gestæ. What a man says and does at the time is the test.

Now, the affidavit and lists are not evidence in any sense, because they are not memoranda. What is a memorandum? They must be considered, if they are considered as evidence at all, upon one of two propositions: Either that they are memoranda or that they constitute a part of the res gestæ. When we get down to it we find that the men made no statements. Is the House to hold, as a matter of law, to establish a precedent for all time, that a man can sign a paper which never was seen by the parties in interest and never was heard of, to sign a paper of that character and make it a declaration.

They say that there are over seven hundred electors, according to their statement, who have not declared any intention, and you are asked to count them without a particle of evidence of intention or anything else, simply on the mere fact that they belonged to the Republican party, and so would have voted for the Republican candidate.

Now, they say that they are forced to do that. I will demonstrate, Mr. Speaker, that they were not forced to do it. I will demonstrate that they were not confined to this class of evidence. There were abundant ways to prove it, and they are not denied any of their rights because of the number of the men and the difficulty of securing their testimony. But supposing, for the sake of the argument, that the number of men is large, and it would be hard to run around and hunt them up and take the affidavits of each and every man, ought we, as has been well said, to violate every rule of law? Hard cases do make shipwreck of legal principles, but it will not do to abolish and absolutely overturn all principles of law for the purpose of counting a man in.

These men, then, never made a declaration. I say that these lists can not be memoranda, because a memorandum is where a matter is in the memory of a man, who writes down the fact, to which he can always refer afterwards, for the purpose of refreshing his memory. But how can you call a paper a memorandum when another man signs it without a word and hands it to you? I am at a loss to understand on what principle such a contention can be based.

But now suppose you call it a declaration. I wish to submit this proposition to any lawyer on this floor (I raised it heretofore in the remarks I made on this case): That you can not find a single instance anywhere in the books, emanating from any authorities, text writer or jurist, that warrants you to receive the declaration of a man as to what he intended to do in this regard. The declaration of a voter is only received in one particular instance, and that is to impeach his right to vote. It is never received in favor of himself, but always as against himself.

Now, I am warned to hurry, as the time is very brief. But, as I was saying, they can not be considered as memoranda or received as evidence as such, because the man who made the memorandum is not here to verify it. They can not be received as declarations, for no man is in the record testifying as to what the electors said. I say he can not sign a paper and have it regarded as a declaration. I am not begging the question either. I am not asking any extreme rule to be applied, but I am sheltering myself within such authorities as Paine and McCrary, and the other great Republican authorities, who say that the best evidence the case in its nature is susceptible of applies to election cases——

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. McCALL of Massachusetts. Mr. Speaker, may I ask how much time I have remaining?

The SPEAKER pro tempore. The gentleman has ten minutes.

Mr. McCALL of Massachusetts. I yield that to the gentleman from Wisconsin, but would like to say first that if the substitute of the minority shall prevail, I will ask for a separate vote on the two resolutions presented by the majority of the committee, in order to test the proposition which I made to the House.

Mr. JENKINS. As I was saying, Mr. Speaker, in order to unseat this contestant, this House has got to lay down as a matter of law that whatever a man says with reference to his intention to vote and his denial to vote is evidence. Let us bring it home, so we can understand it. Suppose there is an election contest for the office of sheriff, and the successful party has 3 majority. According to the position taken here to-day, all that the defeated party has to do is to go out and take the declarations of three men that they offered to vote and were denied the right to vote, and get them to sign a petition, and he thereby secures the office.

Now, when you undertake to apply this principle so that you understand it at all you will readily see why I have not consented to count those votes in this way. Every man has a right to be confronted with the witnesses, and in this case here it is asked that the bare, naked statement of over 4,500 men be taken here and not a single effort be made to examine them and find out whether what they are telling is true or not.

There is one thing that I want to briefly call attention to, Mr. Speaker, and gentlemen have anticipated it in their report and in their argument, a matter that I should not refer to if not in self-defense. That is with reference to the division in the Republican party.

I want to say here that this case can not turn upon the proposition as to whether or not Mr. Johnston was a good soldier or a bad soldier, whether he was a Republican or a Populist, whether he was the unanimous choice of his party or not; but gentlemen have desired to give it out to the country that there was great unanimity down there in the State of South Carolina in the Republican party, that there was opposition to Mr. Stokes in his party, and that therefore any charge that is made that there was a divided Republican party is false. Now, I say I would not have introduced it except in self-defense; but I want to call attention first, Mr. Speaker, to the statement that was read here last night by my learned colleague from Missouri [Mr. DE ARMOND]—a statement signed by Charles F. Manderson and six gentlemen of this House who have a right to vote on this case, in which they have stated to the Republican party throughout the nation that Mr. Johnston was not the Republican candidate in that district.

and that Mr. Brayton was, and urging the Republican voters of that district not to vote for Mr. Johnston, but to vote for Mr. Brayton.

This was on the 21st day of September, 1894. Over their signatures they say that they invited Mr. Johnston to confer with them about this question and that he absolutely refused to do it. Does that show that there was no opposition to Mr. Johnston? Who were these learned gentlemen, sitting now in this House, who sent that forth to the country? They were W. B. HOOKER, of New York; L. D. APSLEY, of Massachusetts; J. W. BABCOCK, of Wisconsin; J. A. T. HULL, of Iowa; ROBERT R. HITT, of Illinois, and THOMAS SETTLE, of North Carolina. There is the statement of these six men that on the 21st day of September, preceding the election, Mr. Johnston was not the nominee of the Republican party, a statement advising the Republicans of that district not to vote for him, but to vote for Mr. Brayton.

Mr. STEELE. The gentleman understands that Mr. Brayton withdrew; that he was not in the race on election day at all.

Mr. FAIRCHILD. Will the gentleman from Wisconsin allow one question? Is it not a fact that before the election Mr. Brayton specificially withdrew from the race?

Mr. JENKINS. Now, my friend is too quick. If he had only waited, that is just what I was going to state.

Mr. FAIRCHILD. And whether the State executive committee did not decide in favor of Mr. Johnston's candidacy?

Mr. JENKINS. Before the election day, but at what time is not known, Mr. Brayton, it is said, withdrew; but there is nothing in the record to show when he withdrew. It is a mere statement that some time before the election he withdrew. But I will show you before I get through that it was unknown to the Republican voters in that district that he had withdrawn, and it does not make any difference. I say that at the time which I have indicated the statement signed by these gentlemen whose names I have read was sent out to the Republican party of this country, saying that Mr. Johnston was not its candidate.

Now, Mr. Speaker, so that there shall be no question, I propose that any gentleman shall have the page of the record and the record itself to verify the statements I make; statements by the witnesses called by the contestant to show that Mr. Johnston was not the Republican candidate, that he could not poll the full vote, and that they refused to vote for him, and that the colored people were not unanimous for Mr. Johnston, and that there was a fair election. The following question was asked of C. B. Brock, on page 19:

Q. Did the full Republican vote of Walterboro precinct vote or attempt to vote on the 6th of November last?

Remember, "vote or attempt to vote."

A. I don't think that the full Republican vote of Walterboro precinct voted or attempted to vote.

Now, I ask you, Mr. Speaker, in all candor, if men will not attempt to vote, how in the world can we count their votes? There is the statement of one of their leading witnesses that these men in that precinct did not vote or attempt to vote.

Q. Don't you know that there was dissension in the Republican party and that both T. B. Johnston and E. M. Brayton claimed the Republican nomination for Congress from the Seventh Congressional district?
A. Yes, sir.
Q. Don't you know that until his withdrawal Colleton supported E. M. Brayton?
A. Yes, sir.

The following question was asked James Davis, on page 23:

Q. Did all the Republican voters of the Walterboro precinct vote or attempt to vote on the said 6th of November?
A. The greater portion did not vote; a few voted.

Samuel Sumter (page 125):

Q. Did not many colored voters remain away from the poll that day?
A. Yes, sir. A great many white people stayed away from the poll that day also.
Q. Did not Mr. Brayton and his friends claim that he had received the nomination from the convention, and that Colonel Johnston was a bolter?
A. Yes; they did.

R. H. Jenkins (page 130):

Q. If you are in a position to know who were the bolters, please state who were the bolters from the nomination of the Republican party for member of Congress from the Seventh district?
A. E. M. Brayton and his friends.

F. R. Springs:

Q. Was there not a large number of colored people preferred him to Mr. Johnston?
A. At Summerville there was.

* * * * * * *

James Meatchem:

Q. Then those who did not appear at the last election did not manifest much interest in the election, did they?
A. They did not turn out; that is all I can say.

Thomas H. Howard:

Q. Did the colored people take as much interest in the last election as they did in former elections?
A. No, sir.
Q. Were there not many colored Republicans who did not vote in the last Congressional election?
A. Yes, sir.

Carolina Holmes (the very witness they depended on more than any other):

Q. Were not the Republicans at one time divided up as to whether they should support Brayton or Johnston?
A. Yes, sir.

M. E. Boozer:

Q. Was not the said T. B. Johnston nominated on that day by a set of bolters from the regular convention?
A. We considered them as such.

W. A. Smith:

Q. Was not E. M. Brayton regularly nominated by a majority of the delegates present?
A. Yes.

J. F. Boyd:

Q. Did you vote at the Federal poll on that day for member of Congress?
A. No, sir.
Q. Did you offer to vote?
A. No, sir.

His name heads the list of those rejected.

Now, I want to say that there was a man who was at the polls and kept a list, and yet he signs this petition and tells this Congress that he did not have his political legal rights there, and he testifies that he did not offer his vote; and his name is on the list of those who said they had tried to vote.

Mr. NORTHWAY. Why was it that he did not offer his vote; was it because the judges of the election declined to accept their votes?

Mr. JENKINS. He was asked the question, and says he did not offer it. I do not know why.

Mr. NORTHWAY. Was it because the judges would not receive them? I am asking for information.

Mr. JENKINS. I am reading what he said.

Mr. NORTHWAY. He did not register?

Mr. JENKINS. How do you know?

Mr. NORTHWAY. I am asking for information.

Mr. JENKINS. The record shows that he was asked if he voted, and he said that he did not; and yet he comes and signs one of these lists. And I cite this to show what little reliability there is in this class of testimony.

The SPEAKER. The time of the gentleman has expired.

Mr. BELL of Texas. Mr. Speaker——

Mr. OVERSTREET. Mr. Speaker——

Mr. JENKINS. I want a little further time, if I can get it from my colleague.

Mr. BELL of Texas. Mr. Speaker, I yield to my colleague on the committee so much of my time as he desires.

Mr. DINGLEY. Mr. Speaker, if the gentleman from Wisconsin will suspend a moment I will say to him that gentlemen are asking when a vote is to be reached. Can any information be given as to when he will move the previous question?

Mr. JENKINS. I did say to the Speaker that I expected to only occupy a few minutes further.

Mr. OVERSTREET. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. OVERSTREET. Would an objection defeat this arrangement which has been made granting further time to the opposition? They have now consumed nearly an hour more than the minority has been granted, and if I can defeat the further continuation of that arrangement I desire to do so. I have objected to the arrangement to extend further time to the gentleman from Wisconsin, and I ask the Chair whether that objection is in order?

Mr. BELL of Texas. I claimed the floor as a member of the committee.

The SPEAKER. It has been the custom in the House for members to yield time to individual members. The Chair thinks that that can be done.

Mr. OVERSTREET. Is it not also the custom that the two sides shall have equal time?

The SPEAKER. It is usual for them to have equal time, but it is not the custom in the sense that the other is.

Mr. WALKER of Virginia. The other side prevented me from having more time, and cut me off in the middle of a speech. I would like to make a parliamentary inquiry. Is that either just or generous?

The SPEAKER. The justice or generosity of any proposition is not a parliamentary inquiry. [Laughter.]

Mr. DINGLEY. If the gentleman from Wisconsin will pardon me, I will simply state that the gentleman from Virginia [Mr. WALKER] was recognized and yielded a portion of his time and used the remainder; so that he has had his hour.

Mr. OVERSTREET. I desire to give notice that at the conclusion of the remarks of the gentleman from Wisconsin I shall move the previous question.

Mr. JENKINS. I supposed, Mr. Speaker, that I had the floor. I suppose that I am to have some time of the gentleman from Texas, a member of this committee, and I shall not abuse that privilege, but get through as rapidly as possible.

Without consuming the time to read, I want to say to this

House that I have the evidence here that I took out last night of over 100 gentlemen who testified in this case, all tending to show just exactly as I say, that so far as the election is concerned it was absolutely fair; that there was this great division inside of the Republican party; and I have the statement here of over 40 colored men who testified that they did not vote for the contestant in this case because they did not believe he represented the Republican party. I only speak of it as emphasizing the fact that there was not that great unanimity down there that they are talking about.

Mr. WALKER of Virginia. May I answer the gentleman about that?

Mr. JENKINS. I can not hear myself.

Mr. WALKER of Virginia. If the gentleman can have four hours to my one, I do not see why he should not permit an interruption to answer the question he is asking.

Mr. JENKINS. I want to call the attention of my legal friends to this proposition, so far as that evidence is concerned. Now take, for instance, the report of the minority. They are here insisting that the headings of these petitions are all sufficient in order to count the votes. So that there may be no question about it, I am going to give this record to my learned colleague from Delaware [Mr. WILLIS]—I know he is an honest lawyer—and ask him to look at these petitions.

Mr. Speaker, there is no heading to that petition. Now, stop and think that they are asking you to take away a seat in this House by counting those votes, when they claim that the declaration in the heading of this petition is all-important in the case, and when in fact there is not a single declaration made on the part of any of these 117 men signing that petition. I produce the record and ask gentlemen to look at it. I will not make a statement that is not backed up by the record. Read the deposition upon which they seek to count those 117 votes; it does not contain a single word in the form of a declaration. Now, Mr. Speaker, there are 326 names in my colleague's report signed to petitions which have no heading. How are we going to count those votes for the purpose of unseating a gentleman holding a seat in this House?

Mr. WALKER of Virginia. Will the gentleman yield?

Mr. JENKINS. No, sir; not now. I submit that question, Mr. Speaker, and I submit the record, and I would like any gentleman who is interested in this question to answer me how we are going to count those votes.

Mr. WALKER of Virginia. How can I answer the gentleman if he will not give me the time? [Laughter.] I desire to answer him, but he will not give me time.

The SPEAKER. The gentleman from Virginia will please be in order. The gentleman from Wisconsin declines to yield.

Mr. WALKER of Virginia. The gentleman from Wisconsin called for an answer.

Mr. JENKINS. No, General, you mistake me. I say I ask any gentleman to solve the question for himself. When the deposition itself is silent and contains not a word with reference to the intention of the voter or his qualifications, and when the petition has no heading, how are you going to count those votes? That is what I want to know.

Mr. WALKER of Virginia. Does the gentleman really want to know it? [Laughter.]

Mr. JENKINS. Yes, sir.

Mr. WALKER of Virginia. Then if you will give me ten minutes of your time I will tell you. [Laughter.]

Mr. JENKINS. You are asking too much. It is not worth the time, I will say, with all due respect to my learned friend, because my question can not be answered. There is the record in the hands of my colleague from Delaware [Mr. WILLIS]. Look at it. There is no heading to that petition. Three hundred and twenty-six names are signed to petitions without headings, without a word to show that the men had a right to vote, or that they tried to vote or offered to vote or intended to vote.

Mr. OVERSTREET. Where does the gentleman find that?

Mr. JENKINS. It is on page 141 of the record. They call 44 witnesses. Those 44 witnesses have been divided by me into three different classes for the purpose of analyzing their testimony. Eleven of those men testify they did vote. Nine of them state that they did not vote. Twenty-four of them do not say a word about it.

Now, those 24 names are signed to the list as representing that they did not vote and could not vote, but those 24 men were on the stand, and they were not asked a word in reference to whether they had voted or had tried to vote. So of the 9 who stated that they did not vote there is not a word as to why their votes were refused. There are 44 of these men, all of whom, except 1, according to their own statements, were electors of that district, but they do not give any reasons for that statement. Mr. Speaker, this is certainly a new method of obtaining a seat in Congress.

Now, in order to save time, I want to call the attention of gentlemen interested in this case to page 60 of the report. Bear in mind that they are trying to count 91 votes that have not been referred to. Now look at the testimony. The witness is asked, page 60:

Did you secure the names of the Republican voters and those rejected voluntarily?

He answers:

I received the names from each person themselves.

He goes along and states that he did not make any threats or anything of that kind, and then he is asked:

Do you know of your own knowledge whether those men offered to vote?

He says he does not. He says he was there all the time at the polls; that he was not excluded, but was at the polls. He is asked if he knows of his own knowledge whether they did offer to vote, and he says he does not. He is further asked:

Do you know of your own knowledge whether any one of these names were rejected or not?

He says that he does not know.

That is obviously the grossest kind of hearsay testimony. It is, in fact, no testimony at all. Now, I pass further along to his testimony on page 61, where he is asked:

Then those whose names appear on this list No. 2 did not attempt to vote?

He answers:

No, sir; had no certificate.

Mr. Speaker, I am addressing myself now to lawyers, and I call attention to the fact that this witness, who undertakes to draw in 91 votes to be counted in this case, himself testifies that not one of them offered to vote. They did not attempt it. He does not say that they offered to vote; he says they did not attempt to vote.

Mr. OVERSTREET. That man had two lists, had he not?

Mr. JENKINS. Yes, sir; and I am referring to the right one. He is asked this question:

Then your only possible objection to the management and result of the election is that 91 persons, who neither had certificates nor presented themselves to vote, were not allowed to vote.

He says, "Yes, sir," that that is the only objection. That is his testimony. And yet the list says that they did try to vote. Now, how are you going to count those 91 votes when this witness swears that the men did not even present themselves to vote?

As I hurry along I wish to call attention to one other very important question. I have been criticised because I raised an objection to the incompetency of the testimony. Now, if you will refer to the record, you will find that there are 779 names on lists that were not kept by the men who testified to them; 779 names by actual count that are on the lists here. And the men who testified did not keep the lists. Now, I want to know how you can count those 779 names. It appears that somebody else kept the list. There you have the grossest kind of hearsay.

Now, there are 415 names that are not on original lists; and there is no explanation as to why these names were copied. The men merely say that they copied them—that they had permission of the men whose names are given to copy them, and they made copies. There is no sort of testimony here to make that evidence competent. You will find by actual count 187 names on lists which are not identified. You will find, according to the admission of the minority in their report—they will not deny this—that there are 715 names on lists where the record is silent as to any intention on the part of the voter. But this House is asked to count those votes—presumably because the men were Republican voters.

Mr. OVERSTREET. Does not the gentleman know that not one of those is counted?

Mr. JENKINS. I will show the gentleman that they are. I refer to page 83 of the report of the minority; and I emphasize it again by reading the report. They concede that there is no evidence here as to the intention of those voters; but they say, "It is reasonable to assume that the voters at these precincts mentioned intended to cast their votes for the contestant." Now, I ask any legal gentleman here whether, sitting as a judge, he would count 715 votes when the witness himself—and we must regard this report as a witness—says there is nothing to show what was the intention of the voters, but "it is reasonable to assume that the voters at these precincts mentioned intended to cast their votes for the contestant." Sir, I could not consent to count votes on any such assumption.

There is one very important point to which I ask the attention of gentlemen, and that is this: In two counties—Lexington and Orangeburg—the attorneys took occasion to furnish proof as to the number of votes actually rejected. Remember that this was done in those two counties only, and in those two counties there were 730 names on these lists. Now, at each one of those polls every sworn officer of the election was there to testify as a witness as to the number of votes actually rejected. Remember, there are 730 names of men who the minority of the committee undertake in this very weak way to say were there as lawful voters and were denied the right to vote. Now, in opposition to this claim the sworn officers of the law testify that instead of

there being 780 votes rejected, there were only 21, of which 2 were the votes of Democrats. Mr. Speaker, I can not for a single moment believe that this House is going to say that each of these sworn officers of the law committed perjury in reference to this question. In order to seat the contestant this House must act without a particle of evidence, upon mere presumption, and hold that every single precinct officer committed perjury in coming forward and testifying that there were but 21 votes rejected in those two counties. They assign the reason for the rejection of those 21 votes that each of the 21 men, including 2 Democrats, was denied the right to vote because he did not hold a registration certificate. And the record so shows.

Mr. WALKER of Virginia. Will the gentleman yield a moment for a question?

Mr. JENKINS. If the gentleman will keep quiet the balance of the afternoon, I will yield.

Mr. WALKER of Virginia. I did not understand the gentleman.

Mr. JENKINS. I say that I will yield now, but I do not wish to yield again.

Mr. WALKER of Virginia. Does not the gentleman know that these men whose votes, it is conceded, were rejected belonged to a class—the class of men without registration certificates; that it had been announced publicly at the polls that men who were without registration certificates would not be allowed to vote, and for that reason numbers who had gone to the polls to vote did not apply to vote?

Mr. JENKINS. What I am saying is that according to these lists there were 780 men who actually tendered their votes, while in opposition to that claim the sworn officers of the law testify that there were but 21 votes rejected.

Now, there are one or two general observations which I wish to make, and then I shall conclude my remarks. It is utterly impossible for a man to say in a case like this all that he wants to say and ought to say, because there are so many things crowding upon one's mind. But there are one or two things to which I wish to invite attention as offsetting the prejudice that was sought to be created here yesterday against the contestee.

A large amount of time has been consumed in arguing in reference to the notaries public. I have felt it unjust to intrude upon this House that question. But the inquiry has been made here in a very learned way whether the law did not put the whole power of appointment of notaries public in the governor. Why, sir, as I understand, that power is vested in the governor in every State of the Union. Certainly such is the case in the State that I have the honor to represent. But the real point is here: There was not a single question raised in that whole district in reference to the action of a notary public. There is not a suggestion but that every notary yielded readily and promptly to the contestant all his rights; and if lawyers will look over the record they will see that the attorneys representing the contestee made objections all along the line—to almost every question—and every objection was overruled by the notary public and every particle of testimony admitted. Then why should we assail South Carolina and the laws of that State, or the acts of her executive, in presenting this question, unless there is evidence that there was fraud on the part of the notaries or a refusal to act?

My learned friend from Indiana [Mr. OVERSTREET] stated on yesterday that it was but fair to presume that something was wrong, because Mr. Stokes, the contestee, had such a majority and had never canvassed his district. Why, Mr. Speaker, I want to call the attention of the House to the district of one of my colleagues, the gentleman from Wisconsin [Mr. SAUERHERING]. The gentleman who preceded him in the House from that State as a member of the Fifty-third Congress came here with a majority of 6,500 votes. Mr. SAUERHERING never made a speech in his district, and yet he came here by a very large majority, overcoming the majority of the Democratic contestant and winning the election. Now, upon the arguments made in this case, the Democrat that he beat had better come here and insist on his right to have his seat in this House.

It is entirely outside of the record; there is nothing to show whether Mr. Stokes participated in the campaign or not; but he assures me, personally, on his honor as a gentleman, that he canvassed every single place in the district, made speeches in every part of the district, and just before the election; and the proof is ample, he assures me, that he spoke in every place in the district; and why should the empty charge be made that he never participated in the campaign and that he stayed at home, for the purpose of arguing or creating the inference that he felt assured that he was safe, and need not take any part in the canvass?

Mr. WALKER of Virginia. Does the gentleman want me to give him an answer?

Mr. JENKINS. Not now, General.

Mr. WALKER of Virginia. Because if I am permitted to answer I would say that he felt sure there was no need for him to do so. It was all arranged for him.

Mr. JENKINS. Now, Mr. Speaker, in view of the fact that the record in the case does disclose that Mr. Stokes did take part in the campaign, it is very unfair to say that he did not participate, and allow a latitude for belief that he felt so conscious of success that he could safely remain at home.

I want to call your attention now to one other point with reference to the vote in Richland County. Great stress is laid on the fact that but 8 votes were returned from the township. Mr. Stokes got 8 and the contestant 427 in Richland County. Did my learned friend go far enough on yesterday and tell the House that there were but two townships of the county in that district? No, only one township; I overstated it. Why did not my friend say that there was but one township in the county in that entire district?

Mr. OVERSTREET. I so stated.

Mr. JENKINS (continuing). And that accounts for the small vote; and in that one township Mr. Stokes got 8 and the contestant 427 votes.

Now I want to yield five minutes to the gentleman from Pennsylvania, my colleague on the committee [Mr. CODDING], and at the end of that time I will move the previous question.

Mr. CODDING. Mr. Speaker, I come to this subject entirely unprepared for any formal remarks, and accept this time to speak only in deference to the opinion which has been expressed that some misunderstanding might arise as to my position in reference to this contest—not personal, for that would be of no importance, but as a member of the Committee on Elections in connection with these reports.

My colleague, Mr. DE ARMOND, kindly read to the House, or caused to be read yesterday, the brief views that I had prepared with reference to the dissenting or rather contending opinions presented by the Committee on Elections No. 3. I have the distinction of disagreeing, to some extent, with both sides. In the main, however, the opinions which I have formed, based upon the legal principles involved, are those expressed in that report as read—a line following the opinion of the minority of the committee, but still just as firmly fixed in the opinion that pursuing that line leads to the retention of the seat by the contestee. For under no possible circumstances which I can conceive, having read carefully, day and night, every word of testimony embodied in the record, can I be convinced on the legal testimony that enough votes can be computed for the contestant to entitle him to the seat.

Throughout the course of my life I have been a Republican, like the gentleman from Wisconsin [Mr. JENKINS], and never voted any other ticket. But I can not but believe that in a case like this, where a judicial investigation is made and a judicial opinion needed, there can be nothing righteous, nothing justifiable, in a decision which excludes a contestee or a contestant from a seat in this body on account of his politics, or by any straining of the rules that have been followed by this House so far as precedents are concerned, or by twisting or contorting the rules of law in the presentation of ordinary evidence.

Now, I state conclusions, for the time compels such a course—conclusions and not reasons. Those conclusions have been mostly presented before. I present them here as my own, simply following the idea with which I started in these remarks: That the registration law of South Carolina, and not the election law, is unconstitutional. There has been no division in the committee on that subject; none whatever. Republicans and Democrats, almost at the very outset of the argument of the South Carolina cases, have agreed entirely, or without any marked dissent. Next the votes of those who are proved to be voters—and of that I require proof outside of these so-called lists—voters who are proved to be such and who offered their votes for the contestant, Colonel Johnston, should be counted either by the committee or in this House, or in any other way the computation should be made; should be reasonably computed and allowed to him. But in doing this it is doing violence to just principles to take a census of the colored voters of that district of South Carolina and on the presumption that they are Republicans count them bodily for the contestant. No such rule can be fairly allowed.

One other conclusion, and I have done. It is a conclusion so well expressed, so ably put, by the gentleman from Vermont [Mr. POWERS], I think, that I can agree with it, as I understood him, without the modification of a single word.

The doctrine of res gestæ, so far as I have ever been able to understand it—and it is in any case but the refuge of a man who can not prove his case in any other way—that doctrine has no application here. The lists as they were made up, I think, without a single exception, are far enough removed in time at least, and in circumstances certainly, to form no part of the actual transactions at the voting booths or polls that day.

I should prefer, Mr. Speaker, to advocate the cause of the contestant. Natural and political sympathy go that way, but I desire to raise my voice to-day simply to say to the House that I trust that neither in this case nor in any other will this House drift toward the dea or the standard that the rights of a contestant or

a contestee are to be judged by the political complexion of a majority of the House.

Mr. JENKINS. I now move the previous question.

The previous question was ordered.

The SPEAKER. The Clerk will report the resolutions and the substitute.

The Clerk read as follows:

Resolved, That J. William Stokes was not elected and is not entitled to a seat in the Fifty-fourth Congress from the Seventh Congressional district of South Carolina; and

Resolved, That Thomas B. Johnston was elected and is entitled to a seat in the Fifty-fourth Congress from the Seventh Congressional district of South Carolina.

The SPEAKER. The question is on agreeing to the substitute.

Mr. OVERSTREET. On that question I ask for the yeas and nays.

Mr. McCALL of Massachusetts. I understand that the substitute resolutions have been first read, and they are to the effect that the contestant is entitled to his seat. There seems to be some doubt in the minds of members. Let it be stated.

The SPEAKER. The substitute is in favor of the contestant.

Mr. OVERSTREET. I desire to withdraw my demand for the yeas and nays.

The SPEAKER. The gentleman withdraws his demand for the yeas and nays. The question is on agreeing to the substitute.

The question was taken; and Mr. JENKINS demanded a division.

Mr. POWERS. I desire to know what the pending question is?

The SPEAKER. The pending question is to substitute the resolutions of the minority for those of the majority.

Mr. HOPKINS. I understood the gentleman from Indiana [Mr. OVERSTREET] to present the minority resolutions, and on them to ask the yeas and nays.

The SPEAKER. But he withdrew the demand. Gentlemen in favor of the substitute will rise in their places and be counted.

The House divided; and there were—ayes 78, noes 84.

Mr. OVERSTREET. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. GIBSON. Mr. Speaker, can these resolutions be divided and voted on separately?

The SPEAKER. The Chair thinks it is too late, they having already been voted upon together, and the yeas and nays having been ordered.

Mr. McCALL of Massachusetts. I shall ask a separate vote on the majority resolutions if these resolutions do not prevail.

The question was taken; and there were—yeas 95, nays 105, not voting 155; as follows:

YEAS—95.

Acheson,	Curtis, Kans.	Hopkins,	Reeves,
Aldrich, Ala.	Danford,	Hunter,	Settle,
Aldrich, Ill.	Daniels,	Johnson, Cal.	Shannon,
Allen, Utah	Dayton,	Kiefer,	Smith, Ill.
Andrews,	De Witt,	Kirkpatrick,	Steele,
Avery,	Doolittle,	Lacey,	Strode, Nebr.
Baker, N. H.	Eddy,	Leighty,	Strong.
Barham,	Fairchild,	Linney,	Sulloway,
Beach,	Faris,	Linton,	Taft,
Bennett,	Gamble,	Long,	Tawney,
Bingham,	Gardner,	Loudenslager,	Tracewell,
Bishop,	Goodwyn,	Low,	Treloar,
Brewster,	Graff,	Marsh,	Updegraff,
Brown,	Hager,	McCall, Tenn.	Van Horn,
Burrell,	Halterman,	McCleary, Minn.	Van Voorhis,
Burton, Mo.	Hardy,	Mercer,	Walker, Va.
Burton, Ohio	Harris,	Milnes,	Wanger,
Calderhead,	Hartman,	Minor, Wis.	Warner,
Cannon,	Hatch,	Mozley,	Wilson, Idaho
Clark, Iowa	Heiner, Pa.	Northway,	Wilson, N. Y.
Colson,	Henderson,	Overstreet,	Wilson, Ohio
Cooke, Ill.	Henry, Ind.	Poole,	Wood,
Crowther,	Hicks,	Prince,	Woodman.
Curtis, Iowa	Hill,	Quigg,	

NAYS—105.

Abbott,	Dockery,	Lester,	Southard,
Allen, Miss.	Elliott, S. C.	Little,	Spalding,
Apsley,	Erdman,	Lockhart,	Stahle,
Arnold, R. I.	Fletcher,	Maguire,	Stallings,
Atwood,	Gillett, Mass.	McCall, Mass.	Stewart, Wis.
Baker, Kans.	Griffin,	McClellan,	Strait,
Baker, Md.	Griswold,	McCulloch,	Strowd, N. C.
Bankhead,	Grow,	McDearmon,	Sulzer,
Barney,	Hadley,	McLaurin,	Swanson,
Bartlett, Ga.	Hainer, Nebr.	McMillin,	Talbert,
Bartlett, N. Y.	Hall,	McRae,	Tayler,
Bell, Colo.	Harrison,	Money,	Terry,
Blue,	Hart,	Moody,	Towne,
Broderick,	Hendrick,	Owens,	Tucker,
Buck,	Henry, Conn.	Parker,	Turner, Ga.
Clardy,	Howard,	Payne,	Tyler,
Cobb,	Jenkins,	Pearson,	Underwood,
Cockrell,	Johnson, N. Dak.	Pendleton,	Walsh,
Codding,	Jones,	Pitney,	Washington,
Cooper, Fla.	Kem,	Powers,	Williams,
Cooper, Tex.	Kendall,	Raney,	Willis,
Culberson,	Kerr,	Richardson,	Wilson, S. C.
Curtis, N. Y.	Kleberg,	Sayers,	Wright,
De Armond,	Knox,	Scranton,	Yoakum.
Denny,	Kyle,	Shafroth,	
Dingley,	Latimer,	Simpkins,	
Dinsmore,	Layton,	Skinner,	

NOT VOTING—155.

Adams,	Draper,	Leonard,	Reyburn,
Aitken,	Ellett, Va.	Lewis,	Robertson, La.
Anderson,	Ellis,	Livingston,	Robinson, Pa.
Arnold, Pa.	Evans,	Lorimer,	Royse,
Babcock,	Fenton,	Loud,	Rusk,
Bailey,	Fischer,	Maddox,	Russell, Conn.
Barrett,	Fitzgerald,	Mahany,	Russell, Ga.
Bartholdt,	Foote,	Mahon,	Sauerhering,
Belknap,	Foss,	McClure,	Shaw,
Bell, Tex.	Fowler,	McCormick,	Sherman,
Berry,	Gibson,	McCreary, Ky.	Shuford,
Black, Ga.	Gillet, N. Y.	McEwan,	Smith, Mich.
Black, N. Y.	Grosvenor,	McLachlan,	Snover,
Boutelle,	Grout,	Meiklejohn,	Sorg,
Bowers,	Hanly,	Meredith,	Southwick,
Bromwell,	Harmer,	Meyer,	Sparkman,
Brosius,	Heatwole,	Miles,	Spencer,
Brumm,	Hemenway,	Miller, Kans.	Sperry,
Bull,	Hepburn,	Miller, W. Va.	Stephenson,
Catchings,	Hermann,	Milliken,	Stewart, N. J
Chickering,	Hilborn,	Miner, N. Y.	Stokes,
Clark, Mo.	Hitt,	Mondell,	Stone, C. W.
Clarke, Ala.	Hooker,	Morse,	Stone, W. A.
Coffin,	Howe,	Moses,	Tate,
Connolly,	Howell,	Murphy,	Thomas,
Cook, Wis.	Hubbard,	Neill,	Thorp,
Cooper, Wis.	Huff,	Newlands,	Tracey,
Corliss,	Hulick,	Noonan,	Turner, Va.
Cousins,	Huling,	Odell,	Wadsworth,
Cowen,	Hull,	Ogden,	Walker, Mass.
Cox,	Hurley,	Otey,	Watson, Ind.
Crisp,	Hutcheson,	Otjen,	Watson, Ohio
Crowley,	Hyde,	Patterson,	Wellington,
Crump,	Johnson, Ind.	Perkins,	Wheeler,
Cummings,	Joy,	Phillips,	White,
Dalzell,	Kulp,	Pickler,	Wilber,
Dolliver,	Lawson,	Price,	Woodard,
Dovener,	Lefever,	Pugh,	Woomer.
Downing,	Leisenring,	Ray,	

So the substitute was rejected.

The following pairs were announced:

Until further notice:

Mr. COUSINS with Mr. MEYER.

Mr. JOHNSON of Indiana with Mr. COX.

Mr. ARNOLD of Pennsylvania with Mr. LIVINGSTON.

Mr. PICKLER with Mr. MILES.

Mr. FOSS with Mr. SPARKMAN.

Mr. CORLISS with Mr. MOSES.

Mr. SNOVER with Mr. MADDOX.

Mr. BOWERS with Mr. MINER of New York.

Mr. SMITH of Michigan with Mr. COWEN.

Mr. HULL with Mr. OGDEN.

Mr. COFFIN with Mr. LAWSON.

Mr. MEIKLEJOHN with Mr. ROBERTSON of Louisiana.

Mr. BROMWELL with Mr. DOWNING.

Mr. HEATWOLE with Mr. HUTCHESON.

Mr. WOOMER with Mr. RUSSELL of Georgia.

Mr. PUGH with Mr. McCREARY of Kentucky.

Mr. LEFEVER with Mr. BAILEY.

Mr. W. A. STONE with Mr. RUSK.

Mr. KULP with Mr. MEREDITH.

Mr. DALZELL with Mr. CRISP.

Mr. ROYSE with Mr. TURNER of Virginia, except on Tucker-Yost election case.

For this day:

Mr. HOWE with Mr. CROWLEY.

Mr. MILLER of West Virginia with Mr. WOODARD.

On this question:

Mr. STEPHENSON with Mr. NEILL.

Mr. HEMENWAY with Mr. WHEELER.

Mr. COOK of Wisconsin with Mr. SHUFORD.

Mr. HULING with Mr. ELLETT of Virginia.

Mr. FISCHER with Mr. PATTERSON.

Mr. LEWIS with Mr. BERRY.

Mr. TRACEY with Mr. FITZGERALD.

Mr. LEISENRING with Mr. SPENCER.

Mr. HARMER with Mr. CUMMINGS.

Mr. WELLINGTON with Mr. SHAW.

Mr. DOVENER with Mr. CATCHINGS.

Mr. THOMAS with Mr. BELL of Texas.

Mr. ELLIS with Mr. OTEY.

Mr. BELKNAP with Mr. CLARKE of Alabama.

Mr. DOLLIVER with Mr. BLACK of Georgia.

Mr. SORG with Mr. GROSVENOR.

The result of the vote was then announced as above recorded.

The SPEAKER. The question is upon the original resolutions.

Mr. McCALL of Massachusetts. Mr. Speaker, I ask for a separate vote on those resolutions.

The SPEAKER. The gentleman asks for a division. The Clerk will report the first clause of the resolution.

The Clerk read as follows:

Resolved, That Thomas B. Johnston was not elected a Representative in the Fifty-fourth Congress from the Seventh Congressional district of the State of South Carolina, and is not entitled to a seat therein.

Mr. WALKER of Virginia. May I rise to a parliamentary inquiry?

Mr. McMILLIN. For the information of the House, Mr. Speaker, I will ask for the reading of the second part, so that we can see what the division effects.

Mr. WALKER of Virginia. A parliamentary inquiry. If this resolution is adopted it declares that there is no election?

The SPEAKER. If both branches of the resolution are defeated.

Mr. WALKER of Virginia. What is the portion now offered?

The SPEAKER. The resolution now offered has just been read to the House, but without objection it will again be read.

Mr. KEM. I object.

The SPEAKER. Objection is made by the gentleman from Nebraska [Mr. KEM]. [Laughter.] The question is on agreeing to the resolution.

Mr. McCALL of Massachusetts. A parliamentary inquiry. If both of these resolutions are defeated the effect will be to declare the seat vacant, will it not?

The SPEAKER. The Chair thinks so.

Mr. RICHARDSON. The second part has not been reported.

The SPEAKER. The question is on agreeing to the resolution.

Mr. LACEY. Which resolution is being offered first?

The SPEAKER. The first.

The SPEAKER put the question on the adoption of the resolution.

Mr. POWERS. I would like to know what I am voting upon.

The SPEAKER. The Clerk will please read both resolutions.

Mr. McMILLIN. That is what I wanted.

The Clerk read as follows:

Resolved, That Thomas B. Johnston was not elected a Representative in the Fifty-fourth Congress from the Seventh Congressional district of the State of South Carolina, and is not entitled to a seat therein.

Resolved, That J. William Stokes was duly elected a Representative in the Fifty-fourth Congress from the Seventh Congressional district of South Carolina, and is entitled to a seat therein.

The SPEAKER. The Clerk will now report the portion of the resolution which is to be voted on now by the House.

The Clerk read as follows:

Resolved, That Thomas B. Johnston was not elected a Representative in the Fifty-fourth Congress from the Seventh Congressional district of the State of South Carolina, and is not entitled to a seat therein.

The question was taken; and the Speaker announced that the noes seemed to have it.

Mr. JENKINS. Division.

The House divided; and there were—ayes 96, noes 91.

Mr. BAKER of New Hampshire. The yeas and nays. [Cries of "Tellers!" on the Republican side, and cries of "Oh, no!" on the Democratic side.]

The SPEAKER. Does any gentleman rise to demand the yeas and nays?

Mr. McCALL of Tennessee. The yeas and nays, Mr. Speaker.

The yeas and nays were ordered.

The question was taken; and there were—yeas 103, nays 99, not voting 153; as follows:

YEAS—103.

Abbott,	Erdman,	Lockhart,	Spalding,
Allen, Miss.	Gibson.	Maguire,	Stahle,
Baker, Kans.	Gillett, Mass.	McCall, Mass.	Stallings,
Baker, Md.	Griffin,	McClellan,	Stewart, Wis.
Bankhead,	Griswold,	McCulloch,	Strait,
Bartlett, Ga.	Grow,	McDearmon,	Strowd, N. C.
Bartlett, N. Y.	Hadley,	McLaurin,	Sulzer,
Bell, Colo.	Harrison,	McMillin,	Swanson,
Blue,	Hart,	McRae,	Talbert,
Broderick,	Hendrick,	Money,	Tate,
Buck,	Henry, Conn.	Moody,	Tayler,
Bull,	Howard,	Overstreet,	Terry,
Clardy,	Howell,	Owens,	Towne,
Cobb,	Jenkins,	Parker,	Tucker,
Cockrell,	Johnson, N. Dak.	Payne,	Turner, Ga.
Codding,	Jones,	Pearson,	Tyler,
Cooper, Fla.	Kem,	Pendleton,	Underwood,
Cooper, Tex.	Kendall,	Pitney,	Walsh,
Culberson,	Kerr,	Powers,	Washington,
Curtis, N. Y.	Kleberg,	Raney,	Wheeler,
De Armond,	Knox,	Richardson,	Williams,
Denny,	Kyle,	Sayers,	Willis,
Dingley,	Latimer,	Scranton,	Wilson, S. C.
Dinsmore,	Layton,	Shafroth,	Wright,
Dockery,	Lester,	Skinner,	Yoakum.
Elliott, S. C.	Little,	Southard	

NAYS—99.

Acheson,	Burton, Mo.	Fairchild,	Hicks,
Aldrich, Ala.	Burton, Ohio	Faris,	Hill,
Aldrich, Ill.	Calderhead,	Fenton,	Hopkins,
Allen, Utah	Cannon,	Gamble,	Hulick,
Andrews,	Clark, Iowa	Gardner,	Hunter,
Arnold, R. I.	Colson,	Goodwyn	Johnson, Cal.
Atwood,	Cooke, Ill.	Graff,	Joy,
Avery,	Cooper, Wis.	Hager,	Kiefer,
Baker, N. H.	Crowther,	Halterman,	Kirkpatrick,
Barham,	Crump,	Hardy,	Lacey,
Beach,	Curtis, Iowa	Harris,	Leighty,
Bennett,	Curtis, Kans.	Hartman,	Linney,
Bingham,	Daniels,	Hatch,	Linton,
Bishop,	Dayton,	Heiner, Pa.	Long,
Brewster,	De Witt,	Henderson,	Loudenslager,
Brown,	Doolittle,	Henry, Ind.	Low,
Burrell,	Eddy,	Hermann,	Marsh,
McCall, Tenn.	Otjen,	Strode, Nebr.	Van Voorhis,
McCleary, Minn.	Poole,	Strong,	Walker, Va.
McClure,	Prince,	Sulloway,	Wanger,
Mercer,	Quigg,	Taft,	Warner,
Milnes,	Reeves,	Tawney,	Wilson, Idaho
Minor, Wis.	Settle,	Tracewell,	Wood,
Mozley,	Smith, Ill.	Updegraff,	Woodman.
Northway,	Steele,	Van Horn,	

NOT VOTING—153.

Adams,	Draper,	Lorimer,	Russell, Conn.
Aitken,	Elliott, Va.	Loud,	Russell, Ga.
Anderson,	Ellis,	Maddox,	Sauerhering,
Apsley,	Evans,	Mahany,	Shannon,
Arnold, Pa.	Fischer,	Mahon,	Shaw,
Babcock,	Fitzgerald,	McCormick,	Sherman,
Bailey,	Fletcher,	McCreary, Ky.	Shuford,
Barney,	Foote,	McEwan,	Simpkins,
Barrett,	Foss,	McLachlan,	Smith, Mich.
Bartholdt,	Fowler,	Meiklejohn,	Snover,
Belknap,	Gillet, N. Y.	Meredith,	Sorg,
Bell, Tex.	Grosvenor,	Meyer,	Southwick,
Berry,	Grout,	Miles,	Sparkman,
Black, Ga.	Hainer, Nebr.	Miller, Kans.	Spencer,
Black, N. Y.	Hall,	Miller, W. Va.	Sperry,
Boutelle,	Hanly,	Milliken,	Stephenson,
Bowers,	Harmer,	Miner, N. Y.	Stewart, N. J.
Bromwell,	Heatwole,	Mondell,	Stokes,
Brosius,	Hemenway,	Morse,	Stone, C. W.
Brumm,	Hepburn,	Moses,	Stone, W. A.
Catchings,	Hilborn,	Murphy,	Thomas,
Chickering,	Hitt,	Neill,	Thorp,
Clark, Mo.	Hooker,	Newlands,	Tracey,
Clarke, Ala.	Howe,	Noonan,	Treloar,
Coffin,	Hubbard,	Odell,	Turner, Va.
Connolly,	Huff,	Ogden,	Wadsworth,
Cook, Wis.	Huling,	Otey,	Walker, Mass.
Corliss,	Hull,	Patterson,	Watson, Ind.
Cousins,	Hurley,	Perkins,	Watson, Ohio
Cowen,	Hutcheson,	Phillips,	Wellington,
Cox,	Hyde,	Pickler,	White,
Crisp,	Johnson, Ind.	Price,	Wilber,
Crowley,	Kulp,	Pugh,	Wilson, N. Y.
Cummings,	Lawson,	Ray,	Wilson, Ohio
Dalzell,	Lefever,	Reyburn,	Woodard,
Danford,	Leisenring	Robertson, La.	Woomer.
Dolliver,	Leonard,	Robinson, Pa.	
Dovener,	Lewis,	Royse,	
Downing,	Livingston,	Rusk,	

Mr. OVERSTREET. Mr. Speaker, I desire to know how I am recorded?

The SPEAKER. The gentleman is recorded in the negative.

Mr. OVERSTREET. I desire to change my vote to the affirmative.

The following additional pairs were announced:

On this question:

Mr. WILSON of New York with Mr. HALL.

Mr. SIMPKINS with Mr. ADAMS.

The SPEAKER. On this question the yeas are 103, and the nays are 99; and accordingly the resolution is agreed to.

Mr. OVERSTREET. Mr. Speaker, I move to reconsider the last vote.

Mr. JENKINS. I move to lay that motion on the table.

Mr. SETTLE. Pending that, Mr. Speaker, I move that the House adjourn; and on that I ask for the yeas and nays.

Mr. McCALL of Massachusetts. I make the point of order that the motion to reconsider is not in order at this time, the House not having yet voted on the whole proposition.

The SPEAKER. The Chair thinks the motion to reconsider is in order.

Mr. McCALL of Massachusetts. Then I move to lay the motion on the table.

Mr. SETTLE. Mr. Speaker, I have a motion to adjourn preceding the motion of the gentleman from Massachusetts.

The SPEAKER. Prior to the motion to adjourn the gentleman from Wisconsin [Mr. JENKINS] had moved to lay the motion to reconsider on the table.

Mr. SETTLE. Pending that, Mr. Speaker, I move, if it is in order, that the House take a recess until 8 o'clock p. m.

The SPEAKER. The Chair thinks that is not in order.

Mr. SETTLE. Is a motion to adjourn in order, Mr. Speaker?

The SPEAKER. The Chair thinks the motion to adjourn is in order.

Mr. SETTLE. Then I move that the House adjourn; and on that I ask for the yeas and nays.

The question was taken; and the Speaker declared that the noes seemed to have it.

Mr. SETTLE. I ask for a division.

The House divided; and there were—ayes 82, noes 111.

Mr. SETTLE. I ask for tellers.

Tellers were ordered; and Mr. SETTLE and Mr. JENKINS were appointed.

Mr. POOLE. A parliamentary inquiry, Mr. Speaker. If the motion to adjourn prevails, will that do away with the Friday night session?

The SPEAKER. It will.

Mr. POOLE. Then we do not want to adjourn; we want to take a recess.

Mr. BOUTELLE. Mr. Speaker, I call up the conference report on the naval appropriation bill.

Mr. McCALL of Massachusetts. Mr. Speaker, I make the point of order that there is a privileged matter pending.

The SPEAKER. The House is now dividing.

Mr. BOUTELLE. I wish to say, Mr. Speaker, that I made the motion partly in the sense of a parliamentary inquiry, as I had been advised by gentlemen whom I supposed to be thoroughly informed on the subject that the conference report would be in order at this time.

The SPEAKER. One of the express exceptions in regard to the privilege of conference reports is when the House is dividing.

Mr. CANNON. If the motion to adjourn is voted down, the conference report would be in order.

The House divided; and the tellers reported—ayes 54, noes 106.

Mr. SETTLE. I call for the yeas and nays.

NAVAL APPROPRIATION BILL.

Mr. BOUTELLE. I now present the report of the committee of conference on the naval appropriation bill.

The SPEAKER. The gentleman from Maine [Mr. BOUTELLE] presents the report of a conference committee.

Mr. McMILLIN. The yeas and nays having been demanded, I make the point that the House is still dividing—that the vote is not yet complete.

The SPEAKER. The Chair does not agree with the gentleman.

Mr. RICHARDSON. I raise the point that a conference report is not of higher privilege than the right of a member to his seat.

The SPEAKER. The rules think it is.

Mr. BOUTELLE. That question is not involved. The pending question was on the motion to adjourn.

Mr. McMILLIN. I do not wish to argue the point, but it strikes me that when a vote has begun all the steps in the process of taking that vote are of equal importance; and what can not interfere with one part of the process can not interfere with another.

The SPEAKER. The Chair thinks there is a distinction between the different methods of making the count.

Mr. McMILLIN. The Chair, then, would hold that after the conference report is acted upon, the taking of the yeas and nays on this question will still be in order. I presume that would inevitably follow. If it is now in order, pending the call for the yeas and nays, to introduce this conference report, the Chair, I presume, must hold that when the conference report has been disposed of the demand for the yeas and nays may still be acted on by the House.

The SPEAKER. The Chair thinks so. The conference report will be read.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7542) making appropriations for the naval service for the fiscal year ending June 30, 1897, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 23, 30, and 55.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 4, 5, 6, 7, 8, 9, 11, 12, 13, 14, 15, 16, 17, 19, 20, 21, 25, 26, 27, 28, 29, 31, 50, and 54, and agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: Add at the end of the matter inserted by said amendment the following: "And the Secretary of the Navy shall detail a clerk of class 1 to perform clerical services in the Navy Department necessary to carry on the work incident to this appropriation"; and the Senate agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows: Strike out the comma (,) after the word "laboratory," in line 3, page 22 of the bill, and restore the matter stricken out by said Senate amendment; and the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: Strike out, in lines 4 and 5 of said amendment, the words "made for the same" and insert in lieu thereof the word "completed"; and the Senate agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with amendments as follows: Strike out the words inserted by said amendment and insert in lieu thereof the following, "at $2,500 each; one of English studies, history, and law (after thirty years' service), $2,500"; and strike out, in lines 22 and 23, page 36 of the bill, the words "at $2,500 each"; and the Senate agree to the same.

On amendments numbered 2, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 51, 52, and 53 the committee of conference has been unable to agree.

C. A. BOUTELLE,
JNO. B. ROBINSON,
AMOS J. CUMMINGS,
Managers on the part of the House.

EUGENE HALE,
M. S. QUAY,
A. P. GORMAN,
Managers on the part of the Senate.

Mr. BOUTELLE. Mr. Speaker, as the Clerk, not unnaturally, finds the chirography of some gentlemen difficult to read——

Mr. RICHARDSON. I make the point that this conference report should be accompanied with a written statement of the House conferees.

Mr. BOUTELLE. Will my friend do me the great favor to listen for a moment? I was about stating that as a matter of courtesy to the Clerk, who would find some difficulty in reading some very poor handwriting in this statement, I will read it myself.

Mr. RICHARDSON. I do not object to that. I was only inquiring whether there was a statement.

Mr. BOUTELLE. I am about to read it, if that is entirely satisfactory to the gentleman.

Mr. RICHARDSON. Entirely so.

Mr. BOUTELLE (reading)—

The Senate recedes from its amendments 23, 30, and 55.

No. 23 is merely verbal.

No. 30, as agreed upon, restores the provision making mileage of marine and naval officers uniform in rate.

No. 55 embraced legislation for the safety of passengers and others on excursion steamers, etc., at regattas, which has been otherwise provided for.

The House recedes from its disagreement to amendments—

No. 1, which makes the provision for enlistment of additional men immediately available.

No. 3 authorizes employment of one draftsman at $1,200 at Naval War College.

No. 4 is a verbal correction.

No. 5 appropriates $50,000 for testing methods of throwing high explosives on board ship.

No. 6 is a verbal correction.

No. 7 increases appropriation for reserve guns for auxiliary cruisers from $250,000 to $400,000.

No. 8 authorizes the Secretary of the Navy, in his discretion, to purchase by contract all or any part of said guns.

No. 9 is a typographical correction.

Nos. 11, 12, and 13 are corrections in computation.

No. 14 provides $5,000 to purchase additional land at naval station at Port Royal, S. C.

No. 15 corrects footing.

No. 16 provides $8,000 additional to former appropriation for paving certain streets in Annapolis connected with Naval Academy.

No. 17 authorizes the Board of Visitors to inquire and report advisability of acquiring additional grounds for use of Naval Academy.

No. 19 corrects typographical error.

No. 20 changes location of proposed model tank from old observatory grounds to the navy-yard, Washington.

No. 21 authorizes use of one of the old boilers of the *Galena* for training ship *Enterprise*.

Nos. 25, 26, and 27 are verbal corrections.

Nos. 28 and 29 provide a contingent fund of $1,000 for Superintendent of Naval Academy.

No. 31 provides quarters for leader of Marine Band.

No. 50 authorizes Secretary of Navy to contract for two additional submarine torpedo boats of Holland type, at a cost not to exceed $175,000 each, provided that the vessel now building proves successful and satisfactory.

No. 54 authorizes official examination of systems for propulsion of vessels by direct action against the water without the use of screws.

The House recedes with amendments from—

No. 10 modifying the provisions of the appropriation for the naval militia, and providing that the Secretary detail a clerk of class 1 for the office work.

No. 18 restores the words "department of instruction, museum of hygiene," under Bureau of Medicine and Surgery.

No. 22 provides that the Secretary be authorized to examine and report to next session of Congress upon claims against the Government for building hulls and machinery of naval vessels completed since January 1, 1891.

No. 24 provides that after thirty years' service the professor of English studies, history, and law shall have the same salary as is now paid to the professors of mathematics, chemistry, and physics.

On amendments numbered 2, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 51, 52, and 53 the committee of conference has been unable to agree.

No. 2 relates to officers appointed to any corps, after service in a different corps, having all the benefits of their previous service in the same manner as if said appointments were a reentry into the Navy or Marine Corps, and further that hereafter officers on the active or retired list of the Navy are prohibited from taking employment with any company or person furnishing material to the Government.

No. 32 is Senate amendment reducing the number of battle ships from four to two.

Nos. 33 to 38, inclusive, relate to the number, speed, type, and cost of the torpedo boats.

No. 39 provides that not more than two battle ships or three torpedo boats shall be built in one yard or by one party.

Nos. 40 and 41 are provisions for the construction of one battle ship and three torpedo boats on the Pacific coast.

Nos. 42 and 43 are merely verbal.

No. 44 provides for the construction of one torpedo boat on the Missouri River.

Nos. 45, 46, and 47 are mere verbal changes.

No. 48 extends the time within which the contracts for the construction of the vessels shall be made from ninety to one hundred and twenty days from the passage of the act.

No. 49 prohibits the Secretary of the Navy from contracting for armor plate for battle ships at exceeding $350 per ton in case of separate contracts for hulls and armor, and requires him to report to next Congress if unable to contract at that price.

No. 51 is an amendment of the Senate reducing the amount appropriated for construction and machinery from $7,670,679 to $6,370,679, based on reduction of the number of battle ships, etc.

No. 52 is an amendment reducing the appropriation for armor and armament from $4,871,454 to $4,371,454, based on same changes.

No. 53 directs the Secretary of the Navy to cause one of the light-draft gunboats heretofore authorized to be finished for a training ship for the Naval Academy.

Mr. Speaker, a number of these amendments brought up in conference were formally disagreed to, as they depend upon what may ultimately be done as to the number of battle ships which shall be provided for. The disagreement in regard to the torpedo boats is one which will be easily adjusted, the question being as to the relative number of vessels, their size, etc. The general scope of the appropriations is not substantially changed.

The important items, as the House will readily see, relate to the number of battle ships and to the contracts for armor plate. The Senate inserted an amendment providing that where the

Secretary of the Navy may make a contract for the furnishing of armor plate he shall not pay more than $350 per ton. It was thought desirable to further consider that provision in view of the various representations which have been made, including an important paper from the Secretary of the Navy, which in a moment I will read to the House. Of course everybody connected with the Government and with every department of the Government is desirous of obtaining the armor plate for our ships at the most reasonable price that is practicable. Some question, however, arose in the minds of the conferees as to the feasibility of the terms of the amendment restricting the Secretary to $350 per ton. I may say in substance that the contracts for the armor of the two ships now under construction have been at a rate in the vicinity of $500 per ton, and so far as I have been able to learn that is about the price which is paid by the great Governments of Europe for similar material.

A committee of the other branch of Congress made an investigation in connection with the furnishing of armor plate during this winter, and as one of the results, I understand, this amendment was reported to the Senate. I will say, however, that the House conferees were not satisfied at the time of our former conference that it was wise to make this restriction in the terms provided in the Senate amendment, and I find that the Secretary of the Navy has had a similar doubt as to the desirability of this provision. Hence, we disagreed in regard to it in order to obtain fuller information, and after further discussion of the whole subject we hope to be able to deal with it in a more intelligent, comprehensive, and satisfactory manner.

The Secretary of the Navy, under date of the 8th of May, addressed a letter to the chairmen of the two committees of the House and Senate, calling attention to this provision. I will read the entire communication:

NAVY DEPARTMENT, *Washington, May 8, 1896.*

SIR: I desire, through you, to call to the attention of the conferees hereafter to be appointed on H. R. 7542, making appropriations for the naval service, the forty-ninth amendment, which reads as follows:

"*And provided further*, That in case the Secretary of the Navy shall make separate contracts for the armor and armor plate for said battle ships, he shall not accept bids at a rate exceeding an average of $350 per ton of 2,240 pounds; and in case the said Secretary can not make contracts for said armor and armor plate within said limit, he shall delay action and report the offers made to the next session of Congress."

If this amendment becomes law in its present shape it limits the price to be paid by the Navy Department for armor only in cases where the Secretary of the Navy shall contract directly with the manufacturers of armor for armor and armor plate for battle ships, and does not apply in case the Department should decide to contract with the shipbuilder for a completed vessel, armor included. It has heretofore been a question seriously considered by the Department whether it should continue to contract, as has been done in the past, with the shipbuilder for the hull and machinery and separately with the armor manufacturers for the armor, or contract with the shipbuilder for the completed vessel, armor included. The amendment as it now reads leaves it within the discretion of the Secretary to pay indirectly to the shipbuilder, by contracting for a ship complete, a higher price for armor than he would be permitted to do if he should contract directly with the manufacturers of the armor. The reading of the amendment might carry with it the impression from the words used in the outset, "That in case the Secretary of the Navy shall make separate contracts for the armor and armor plate for said battle ships he shall not accept bids," etc., that it was the intention of Congress not to limit the Department at all in the price to be paid for armor in case contracts should be made with the shipbuilder for vessels complete. I can not think, however, that such is the intention, and therefore desire that this matter be called to the attention of the conferees on this bill.

It is, perhaps, proper that I should also state that the amendment, as it now reads, is somewhat indefinite in another respect. The Department is forbidden, in the case mentioned, to accept bids for armor and armor plate "at a rate exceeding an average of $350 per ton." Simple steel armor can be manufactured at a very much lower price, say from 35 to 40 per cent lower than the armor which the Government is now procuring. The expense of incorporating nickel in the armor is about $11.20 per ton, exclusive of the cost of nickel oxide, which amounts to about $30 per ton. The expense of face hardening by the Harvey or similar process, or by reforging, averages about $4 per ton.

It is suggested that if the law be passed limiting the price to be paid for armor it might be well to have the law state definitely whether the price mentioned is to include the price to be paid for the armor, finished and complete, according to the requirements of the Government.

I have written a similar letter to the chairman of the Committee on Appropriations of the Senate.

Very respectfully, H. A. HERBERT, *Secretary.*

Hon. C. A. BOUTELLE,
Chairman Committee on Naval Affairs,
House of Representatives.

I will say that this is the desire of the House conferees. We wish to consider it more thoroughly and comprehensively as to its application, and especially in connection with the points raised by the Secretary of the Navy.

Mr. CANNON. If the gentleman will permit me, I understand you to say that we are paying now $500 per ton for this armor plate?

Mr. BOUTELLE. In the vicinity of that price.

Mr. CANNON. I am asking for information, as I do not know anything of the subject. Is that also the price at which it has been furnished to anybody else?

Mr. BOUTELLE. I will state what is well known to those who have followed the developments connected with the building up of the Navy——

Mr. RICHARDSON. Mr. Speaker, I would like to hear this exciting debate between the two gentlemen over there; it is impossible to hear it here.

Mr. BOUTELLE. I am very much gratified by this complaint of too little instead of too much of my oratory. [Laughter.]

But I will say to the gentleman from Illinois and to the House that last year the Bethlehem Iron Works, which has provided a large portion, in connection with the Carnegie Works, of the armor for the use of the Navy, made a contract with the Russian Government for a certain number of tons of American armor at a very low price; at a price which they claimed at the time would give them substantially no profit, but which was very likely to cause a loss. They made the contract for the purpose of introducing American armor into Russia. Since that time they have made another contract with the Russian Government for armor at a price almost twice that paid for the experimental lot. They are now executing a contract, as I understand, with that Government at approximately the same price paid by our Government; and so far as I have been able to learn the price we have contracted to pay for the armor for the two ships at the Newport News yard, the *Kentucky* and the *Kearsarge*, is approximately that which is paid by European governments for this class of armor.

Of course this whole matter of the price at which armor can be furnished is largely in the realm of experimentation as yet. It is a business by itself. It is a business which has only one class of customers. Governments are the sole customers. There are no private works in this country which require the output of the great steel works, as there is no other use for the great steel forgings turned out by these works except by the Government for war purposes.

The conferees desire to take the matter under further consideration in another conference; and the other branch have in a formal manner, as I learn from the RECORD, sent it back to conference on the basis of the statement that there were a number of matters that it was believed might be adjusted thereby. I ask that the House may in a similar way formally insist and send the bill with its amendments back to a further conference, as was done by the Senate.

Mr. MERCER. I desire to ask the gentleman from Maine if amendment numbered 44 is in conference yet?

Mr. BOUTELLE. What is the subject of the amendment?

Mr. MERCER. It relates to the one torpedo boat on the Missouri River.

Mr. BOUTELLE. It is either in conference or has been agreed to.

Mr. HEPBURN. I hope the gentleman will yield to me for a moment or two, as I had something to say about the torpedo boat on the Missouri River when the bill was before the House. I live up that way——

Mr. ALLEN of Mississippi. Will the gentleman from Maine allow me a question?

Mr. BOUTELLE. With much pleasure.

Mr. ALLEN of Mississippi. I notice that there are many verbal amendments mentioned in this report. I would like to know if in the report the House has yielded its dignity to the verbal superiority of the Senate? [Laughter.]

Mr. BOUTELLE. Mr. Speaker, if I felt sure that it was strictly in order to make even a remote allusion to the verbal superiority or inferiority of the august body which is supposed in some vague way to be located in the vicinity of this Capitol I should be very happy to answer my friend from Mississippi, but I will say to him that for a large number of the verbal errors referred to the responsibility lies between the clerks of the committees and the Public Printing Office.

Mr. ALLEN of Mississippi. The House is not involved?

Mr. BOUTELLE. The House is not involved. [Laughter.] And I think I may assure my friend from Mississippi that if the House will send the bill back to conference we will see that the dignity of this body is fully maintained, typographically and otherwise.

The SPEAKER. The question is on agreeing to the conference report.

Mr. HOPKINS. If there were time, I should like to be heard on the battle-ship question, but I will take some other time to submit remarks on that subject.

Mr. HEPBURN. Mr. Speaker, I think I ought to insist upon my right to be heard upon this question of the torpedo boat on the Missouri River. [Laughter.]

Mr. BOUTELLE. I yield one minute to the gentleman from Iowa.

The SPEAKER. The gentleman from Iowa is entitled to the floor for one minute.

Mr. HEPBURN. Not having any rivers in my district, I have never been able to get it into the river and harbor bill. Not having any war claims there, I did not get in on the deficiency bill. For the reason that none of my constituents were in that region of the country at the proper time, I was unable to get in on the French spoliation claims.

Mr. GIBSON. You had better move to a better country.

Mr. HEPBURN. My only hope is on this question of the torpedo boat. I am a little disturbed about that, Mr. Speaker, because, as conditions now exist, we should, if we built this torpedo boat in the only town in my district near to the river, be compelled to transport it some miles across the Missouri River bottom. [Laughter.] A few years ago we had a harbor there on the Missouri River, after the manner of the Vicksburg Harbor, but the Missouri being somewhat eccentric, one night it cut across a bend and left my town 6 miles high and dry on the prairie. [Laughter.] But we are hoping, Mr. Speaker, that the eccentricity will be repeated, and that we shall be in a position to compete for the building of this torpedo boat.

Mr. BOUTELLE. I will say to the gentleman from Iowa that, unless otherwise ordered, the conferees will consider themselves instructed to look out for the interests of the Missouri River. [Laughter.]

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. BOUTELLE. I ask that the House insist on its disagreement to the other amendments, and agree to the conference asked by the Senate.

The SPEAKER. The gentleman moves that the House insist on its disagreement to the other amendments, and agree to the request for a conference.

The motion was agreed to; and the Speaker appointed as conferees Mr. BOUTELLE, Mr. ROBINSON of Pennsylvania, and Mr. CUMMINGS.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 5731) to regulate the practice of medicine and surgery, to license physicians and surgeons, and to punish persons violating the provisions thereof in the District of Columbia;

A bill (H. R. 2777) authorizing and directing the Secretary of the Navy to donate condemned cannon and condemned cannon balls to certain posts of the Grand Army of the Republic;

A bill (H. R. 335) to provide for the lease of Fort Omaha Military Reservation to the State of Nebraska;

A bill (H. R. 3279) to authorize the reassessment of water-main taxes or assessments in the District of Columbia, and for other purposes;

A bill (H. R. 3282) to repeal section 61 of an act to reduce taxation, to provide revenue for the Government, and for other purposes, which became a law August 28, 1894;

A bill (H. R. 886) to amend section 3255 of the Revised Statutes of the United States, concerning the distilling of brandy from fruits;

A bill (H. R. 6256) authorizing and directing the Secretary of the Navy to furnish to George F. Fuller Post, Grand Army of the Republic, of Manistique, Mich., a condemned cannon; and

A bill (H. R. 2054) to correct the military record of Charles W. Rhinehardt and to grant him an honorable discharge.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, the bill (S. 715) for the relief of B. F. Dowell was taken from the Speaker's table and referred to the Committee on Claims.

VETO MESSAGE—RIVER AND HARBOR APPROPRIATION BILL.

The SPEAKER laid before the House the following message from the President of the United States:

To the House of Representatives:

I return herewith without approval House bill No. 7977, entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes."

There are 417 items of appropriation contained in this bill, and every part of the country is represented in the distribution of its favors.

It directly appropriates or provides for the immediate expenditure of nearly $14,000,000 for river and harbor work. This sum is in addition to appropriations contained in another bill for similar purposes amounting to a little more than $3,000,000, which have already been favorably considered at the present session of Congress.

The result is that the contemplated immediate expenditures for the objects mentioned amount to about $17,000,000.

A more startling feature of this bill is its authorization of contracts for river and harbor work amounting to more than $62,000,000. Though the payments on these contracts are in most cases so distributed that they are to be met by future appropriations, more than $3,000,000 on their account are included in the direct appropriations above mentioned. Of the remainder, nearly $20,000,000 will fall due during the fiscal year ending June 30, 1898, and amounts somewhat less in the years immediately succeeding. A few contracts of a like character, authorized under previous statutes, are still outstanding, and to meet payments on these more than $4,000,000 must be appropriated in the immediate future.

If, therefore, this bill becomes a law, the obligations which will be imposed on the Government, together with the appropriations made for immediate expenditure on account of rivers and harbors, will amount to about $80,000,000. Nor is this all. The bill directs numerous surveys and examinations which contemplate new work and further contracts, and which portend largely increased expenditures and obligations.

There is no ground to hope that in the face of persistent and growing demands the aggregate of appropriations for the smaller schemes not covered by contracts will be reduced or even remain stationary. For the fiscal year ending June 30, 1898, such appropriations, together with the installments on contracts which will fall due in that year, can hardly be less than $30,000,000; and it may reasonably be apprehended that the prevalent tendency toward increased expenditures of this sort and the concealment which postponed payments afford for extravagance will increase the burdens chargeable to this account in succeeding years.

In view of the obligation imposed upon me by the Constitution, it seems to me quite clear that I only discharge a duty to our people when I interpose my disapproval of the legislation proposed.

Many of the objects for which it appropriates public money are not related to the public welfare, and many of them are palpably for the benefit of limited localities or in aid of individual interests.

On the face of the bill it appears that not a few of these alleged improvements have been so improvidently planned and prosecuted that after an unwise expenditure of millions of dollars new experiments for their accomplishment have been entered upon.

While those intrusted with the management of public funds in the interest of all the people can hardly justify questionable expenditures for public work by pleading the opinions of engineers or others as to the practicability of such work, it appears that some of the projects for which appropriations are proposed in this bill have been entered upon without the approval or against the objections of the examining engineers.

I learn from official sources that there are appropriations contained in the bill to pay for work which private parties have actually agreed with the Government to do in consideration of their occupancy of public property.

Whatever items of doubtful propriety may have escaped observation or may have been tolerated in previous Executive approvals of similar bills, I am convinced that the bill now under consideration opens the way to insidious and increasing abuses, and is in itself so extravagant as to be especially unsuited to these times of depressed business and resulting disappointment in Government revenue. This consideration is emphasized by the prospect that the public Treasury will be confronted with other appropriations made at the present session of Congress amounting to more than $500,000,000.

Individual economy and careful expenditure are sterling virtues which lead to thrift and comfort. Economy and the exaction of clear justification for the appropriation of public moneys by the servants of the people are not only virtues but solemn obligations.

To the extent that the appropriations contained in this bill are instigated by private interests and promote local or individual projects, their allowance can not fail to stimulate a vicious paternalism and encourage a sentiment among our people, already too prevalent, that their attachment to our Government may properly rest upon the hope and expectation of direct and especial favors, and that the extent to which they are realized may furnish an estimate of the value of governmental care.

I believe no greater danger confronts us as a nation than the unhappy decadence among our people of genuine and trustworthy love and affection for our Government as the embodiment of the highest and best aspirations of humanity, and not as the giver of gifts, and because its mission is the enforcement of exact justice and equality and not the allowance of unfair favoritism.

I hope I may be permitted to suggest at a time when the issue of Government bonds to maintain the credit and financial standing of the country is a subject of criticism that the contracts provided for in this bill would create obligations of the United States amounting to $62,000,000 no less binding than its bonds for that sum.

GROVER CLEVELAND.

EXECUTIVE MANSION, *May 29, 1896.*

[The message was received with applause.]

Mr. HERMANN. I move to refer the bill and message of the President of the United States to the Committee on Rivers and Harbors.

Mr. DOCKERY. Will the gentleman kindly indicate when the message can probably be returned to the House?

Mr. HERMANN. It is my impression, Mr. Speaker, that it will be not later than Tuesday.

Mr. DOCKERY. Not later than Tuesday, and probably on Monday?

Mr. HERMANN. I am not speaking by authority. That is simply my opinion.

Mr. DOCKERY. I hope the House will take notice.

The motion of Mr. HERMANN was agreed to.

The SPEAKER. The time having arrived under the rule, the House will now be in recess until 8 o'clock this evening, when the gentleman from New York [Mr. PAYNE] will act as Speaker pro tempore.

EVENING SESSION.

The recess having expired, the House was called to order at 8 o'clock p. m. by Mr. PAYNE as Speaker pro tempore.

The SPEAKER pro tempore. The Clerk will report the rule.

The Clerk read as follows:

2. The House shall on each Friday at 5 o'clock p. m. take a recess until 8 o'clock, at which evening session private pension bills, bills for the removal of political disabilities, and bills removing charges of desertion only shall be considered; said evening session not to extend beyond 10 o'clock and 30 minutes.

The SPEAKER pro tempore. The Clerk will report the first bill.

Mr. KEM. Mr. Speaker, I move that in the consideration of pension bills to-night each bill be taken up in its regular order and considered, and that no exception be made to this rule.

The SPEAKER pro tempore. The Chair will state to the gentleman from Nebraska that this is the Calendar of unfinished business, and the regular order will be to take them up in their order. The motion of the gentleman is not in order at this time. The Clerk will report the first bill.

The Clerk read as follows:

A bill (S. 819) granting a pension to Catherine Leary.

Mr. CROWTHER. Mr. Speaker, I move that that bill be passed over without prejudice.

The SPEAKER pro tempore. The Clerk will first report the bill.

The bill was read.

The amendment recommended by the Committee of the Whole was read.

Mr. CROWTHER. Now, Mr. Speaker, I move that the bill be passed over without prejudice, retaining its place upon the Calendar.

The SPEAKER pro tempore. The gentleman from Missouri asks unanimous consent that the bill be passed over without prejudice, retaining its place on the Calendar.

Mr. LONG. Why do you do that?

Mr. CROWTHER. In explanation I desire to say this: There are ten Senate bills on this Calendar of unfinished business. The probability is that before ten days shall have expired from this time this session will have closed; and if the bills should pass at this time it might be that perhaps the President would be unable to sign them all.

The SPEAKER pro tempore. The gentleman from Missouri asks unanimous consent that the bill be laid aside and retain its place on the Calendar.

Mr. CURTIS of New York. May I ask, then, if this action is to be taken in reference to this bill——

The SPEAKER pro tempore. The question is not debatable.

Mr. CURTIS of New York. I am not going to debate it. A parliamentary inquiry. In view of the motion made by my friend from Missouri, or the request made by him, would it not be proper to have a motion made that all Senate bills on the Calendar of unfinished business be laid aside without prejudice?

The SPEAKER pro tempore. It can not be done except by unanimous consent.

Mr. CURTIS of New York. I ask unanimous consent, in view of the statement made and the probability that unless that is done it would lead to their defeat, that all Senate bills be laid aside without prejudice.

The SPEAKER pro tempore. The gentleman from New York asks that all Senate bills on the Calendar of unfinished business be laid aside without prejudice. Is there objection?

Mr. JENKINS. I do not want to object, but I have a Senate bill that I want passed.

Mr. CURTIS of New York. With the exception of the bill to which the gentleman refers, I make that request.

The SPEAKER pro tempore. Objection is made, and the Clerk will proceed.

The amendment recommended by the Committee of the Whole was again reported:

Strike out "eight" and insert "twelve"; so as to read: "At the rate of $12 per month."

The amendment was agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. CROWTHER. Mr. Speaker, I rise to a parliamentary inquiry. There was no objection to this bill retaining its place on the Calendar unprejudiced, as I understand.

The SPEAKER pro tempore. The Chair asked if there was objection, and objection was made.

SAMUEL D. GILMAN.

The next business on the Private Calendar was the bill (H. R. 7127) granting a pension to Samuel D. Gilman.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

AUGUSTA G. CARY.

The next business on the Private Calendar was the bill (H. R. 4405) granting a pension to Augusta G. Cary.

The amendments recommended by the Committee of the Whole were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MRS. CHRISTINA GRAHAM.

The next business on the Private Calendar was the bill (H. R. 4268) granting a pension to Mrs. Christina Graham.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN R. ROW.

The next business on the Private Calendar was the bill (H. R. 3380) granting an increase of pension to John R. Row, of Toronto, Kans.

The amendment recommended by the Committee of the Whole was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JACOB M. HAMBURGER.

The next business on the Private Calendar was the bill (H. R. 948) to remove the charge of desertion against Jacob M. Hamburger.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CHARLES WILLIAMSON.

The next business on the Private Calendar was the bill (S. 807) granting a pension to Charles Williamson.

Mr. CROWTHER. Mr. Speaker, I ask that this bill be passed over without prejudice, and that it retain its place on the Calendar.

The SPEAKER pro tempore. The gentleman from Missouri asks unanimous consent that this bill be passed over without prejudice. Is there objection?

Mr. ERDMAN. I think the Calendar ought to be cleared up, and I will object to that request.

The SPEAKER pro tempore. Objection is made.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

WILLIAM GREER.

The next business on the Private Calendar was the bill (H. R. 6590) granting a pension to William Greer.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HELEN M. MALLERY.

The next business on the Private Calendar was the bill (S. 724) granting an increase of pension to Helen M. Mallery.

Mr. CROWTHER. Mr. Speaker, I move that the rules be suspended and this bill retain its place on the Calendar without prejudice.

The SPEAKER pro tempore. It requires unanimous consent.

Mr. CROWTHER. Then I will state that I have been requested to ask that this bill retain its place on the Calendar.

The SPEAKER pro tempore. The gentleman asks unanimous consent that this bill may be passed over and retain its place on the Calendar.

Mr. KEM. I think we had better make no exceptions here.

The SPEAKER pro tempore. Objection is made.

Mr. CROWTHER. I hope the gentleman will not object to this bill being passed over and retaining its place on the Calendar. That is the request of the gentleman who introduced it in the Senate.

Mr. McCLELLAN. Regular order.

Mr. CROWTHER. There can be no objection to this bill retaining its place on the Calendar. It simply saves the bill.

Mr. WOOD. I move that this bill be laid aside without losing its place.

The SPEAKER pro tempore. The gentleman from Illinois moves that the bill be laid aside, retaining its place on the Calendar.

Mr. McCLELLAN. I make the point of order that it requires unanimous consent to lay aside the bill.

The SPEAKER pro tempore. The gentleman from New York makes the point that it requires unanimous consent to lay aside the bill. The Chair sustains the point of order.

Mr. NORTHWAY. A parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. NORTHWAY. Would it not be in order to postpone the consideration of this bill until the second Monday of December, 1896?

The SPEAKER pro tempore. That is in order.

A MEMBER. Move to postpone its consideration for a week.

Mr. NORTHWAY. Then I move to postpone the further consideration of this bill until one week from to-night.

The SPEAKER pro tempore. The gentleman from Ohio moves to postpone the further consideration of this bill until one week from to-night.

The motion was agreed to.

PRISCILLA R. BURNS.

The next business was the bill (H. R. 5938) for the relief of Pricilla R. Burns.

The bill was read.

The amendments reported from the Committee of the Whole were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

MRS. WILLIAM LORING SPENCER.

The next business was the bill (S. 1699) for the relief of Mrs. William Loring Spencer.

The bill was read.

Mr. McCLELLAN. Mr. Speaker, I ask that this bill be laid on the table. A similar House bill has been passed and sent to the Senate, where it has been amended and sent back to the House and a conference thereon has been ordered.

The SPEAKER pro tempore. Without objection, the bill will be laid on the table.

Mr. KEM. I object.

Mr. McCLELLAN. I move that the bill be laid on the table.

The motion was agreed to.

ALEXANDER C. MORRISON.

The next business was the bill (H. R. 6552) granting an increase of pension to Alexander C. Morrison.

The bill was read.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

GIDEON L. M'GINNIS.

The next business was the bill (H. R. 6549) granting a pension to Gideon L. McGinnis.

The bill was read.

An amendment reported from the Committee of the Whole was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

MARY A. STACEY.

The next business was the bill (H. R. 6046) granting a pension to Mary A. Stacey, dependent mother of Manley T. Stacey, late private Company D, One hundred and eleventh Regiment New York Volunteers.

The bill was read.

An amendment reported from the Committee of the Whole striking out "Mary" and inserting "Sarah" was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

The title was amended to conform to the amendment in the body of the bill.

OLIVE M. LEWIS.

The next business was the bill (H. R. 6472) granting a pension to Olive M. Lewis.

The bill was read.

An amendment reported from the Committee of the Whole was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

JOSIAH P. BRADBURY.

The next business was the bill (H. R. 5852) to increase the pension of Josiah P. Bradbury.

The bill was read.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

MISS JENNIE E. MOORE.

The next business was the bill (H. R. 6247) to grant a pension to Miss Jennie E. Moore.

The bill was read.

An amendment reported from the Committee of the Whole was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time and passed.

CATHARINE DILLON.

The next business was the bill (S. 148) granting a pension to Catharine Dillon.

The bill was read.

Mr. CROWTHER. Mr. Speaker, I move that this bill be postponed until next Friday evening.

Mr. ERDMAN. Is that in order, Mr. Speaker?

The SPEAKER pro tempore. The Chair thinks the motion is in order.

Mr. ERDMAN. I want to say that a quorum will have to do that.

The SPEAKER pro tempore. The Chair thinks the motion must be decided without debate, unless by unanimous consent.

Mr. CROWTHER. Mr. Speaker, if there is to be objection I withdraw the motion.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

WILLIAM GROSE.

The next business was the bill (H. R. 515) granting a pension to William Grose.

The bill was read.

In accordance with the recommendation of the Committee of the Whole, the bill was laid on the table.

Mr. HENRY of Indiana. I think the intention was that this bill should lie over until the result of the action on a Senate bill of similar tenor.

The SPEAKER pro tempore. The motion to lay the bill on the table is not debatable.

Mr. HENRY of Indiana. I understand that. I was simply inquiring as to the situation.

The question being taken, the bill was laid on the table.

LUE R. BROWN.

The next business was the bill (S. 1672) granting a pension to Lue R. Brown; which was ordered to a third reading, read the third time, and passed.

ELISE BLENKER.

The next business was the bill (H. R. 4410) to increase the pension of Elise Blenker from $30 to $50; which was ordered to be engrossed for a third reading, read the third time, and passed.

GREENVILLE PUCKETT.

The next business was the bill (H. R. 5880) granting an increase of pension to Greenville Puckett; which was ordered to be engrossed for a third reading, read a third time, and passed.

LENA D. SMITH.

The next business was the bill (S. 1342) granting a pension to Lena D. Smith.

Mr. NORTHWAY. Is it in order to move to amend this bill now.

The SPEAKER pro tempore. A motion to amend is in order, the previous question not having been ordered.

Mr. NORTHWAY. I move to amend by striking out "$50" and inserting "$30."

The amendment was agreed to.

The bill as amended was ordered to a third reading, read the third time, and passed.

ROBERT SMALLS.

The next business was the bill (H. R. 1874) to place the name of Robert Smalls on the pension roll.

The amendment reported from the Committee of the Whole was agreed to; and the bill as amended was ordered to a third reading, read the third time, and passed.

ELLA D. CROSS.

The next business was the bill (S. 997) granting a pension to Ella D. Cross; which was ordered to a third reading, read the third time, and passed.

MRS. JANE STEWART WHITING.

The next business was the bill (S. 1511) granting a pension to Mrs. Jane Stewart Whiting.

The amendment reported from the Committee of the Whole, to strike out "$75" and insert "$50," was read.

Mr. NORTHWAY. I move to amend the amendment by striking out "$50" and inserting "$30."

The amendment was agreed to; and the amendment as amended was adopted.

The bill as amended was ordered to a third reading, read the third time, and passed.

BARTON S. DAWSON.

The next business was the bill (H. R. 4494) granting a pension to Barton S. Dawson.

The amendment reported from the Committee of the Whole was agreed to; and the bill as amended was ordered to be engrossed for a third reading, read the third time, and passed.

DOLLY S. BROWN.

The next business was the bill (H. R. 1646) for the relief of Dolly S. Brown.

The amendment reported from the Committee of the Whole was agreed to; and the bill as amended was ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE JOHNSON.

The next business was the bill (H. R. 4281) granting a pension to George Johnson, of Lenox, Iowa.

The amendments reported from the Committee of the Whole were agreed to; and the bill as amended was ordered to be engrossed for a third reading, read the third time, and passed.

SILAS ADAMS.

The next business was the bill (H. R. 4841) granting a pension to Silas Adams, reported from the Committee of the Whole with amendments.

The amendments were agreed to, and the bill as amended ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

The title of the bill was amended to conform to the amendment reported from the committee.

CALEB L. JACKSON.

The next business was the bill (H. R. 6417) to complete the military record of Caleb Jackson; which was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

JOHN ZELLERS.

The next business was the bill (H. R. 4519) granting a pension to John Zellers, reported from the Committee of the Whole with amendments.

The amendments were agreed to, and the bill as amended ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

GABRIEL WIDMER.

The next business was the bill (H. R. 4267) granting an increase of pension to Gabriel Widmer; reported from the Committee of the Whole with amendments.

The amendments were agreed to, and the bill as amended ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

HANNAH R. QUINT.

The next business was the bill (H. R. 6792) granting a pension to Hannah R. Quint.

The bill was ordered to be engrossed and read a third time.

The question being on the passage,

Mr. ERDMAN. Mr. Speaker, I desire to call the attention of the House to the fact that this is another case of a divorced widow. Now, I think she ought to have another chance. We ought to let her wait a little while longer. Perhaps she will marry again. We ought not to hamper her; and we may seriously injure her chances by pensioning her.

Mr. RANEY. I ask for the reading of the report in that case.

Mr. LACEY. Mr. Speaker, I ask unanimous consent that this bill be laid over. The matter is pending before the Committee on Invalid Pensions on a vetoed bill; and I suppose the same action will be taken with this as in the other case.

Mr. KEM. I can not agree to that.

Mr. LACEY. I move that it be laid over for two weeks.

The motion was agreed to.

CELESTE A. BOUGHTON.

The next business was the bill (S. 1291) granting an increase of pension to Celeste A. Boughton, widow of Bvt. Brig. Gen. Horace Boughton, reported from the Committee of the Whole with amendments.

The amendments were agreed to, and the bill as amended ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

ELIZA G. PYNE.

The next business was the bill (H. R. 3990) granting a pension to Mrs. Eliza G. Pyne.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

AUGUSTA TULLER.

The next business was the bill (H. R. 3398) for the relief of Augusta Tuller, reported from the Committee of the Whole with amendments.

The amendments were agreed to, and the bill as amended ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

MARGARET J. YOUNG.

The next business was the bill (H. R. 9139) granting a pension to Margaret J. Young; which was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

ETHAN A. SELLMAN.

The next business was the bill (H. R. 4490) to restore the name of Ethan A. Sellman to the pension roll, reported from the Committee of the Whole with an amendment.

The amendment was agreed to, and the bill as amended ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

ORDER OF BUSINESS.

Mr. TALBERT. I ask to take up——

Mr. WOOD. Mr. Speaker——

The SPEAKER pro tempore. The gentleman from Illinois.

Mr. KEM. I desire to renew my motion, if it is in order.

The SPEAKER pro tempore. What is the statement of the gentleman?

Mr. KEM. A parliamentary inquiry. I desire to renew my motion now, if it is in order.

Mr. TALBERT. Mr. Speaker, I had the floor, I think.

The SPEAKER pro tempore. What is the motion? The Chair recognized the gentleman from Illinois [Mr. WOOD], but if the gentleman has a question to ask——

Mr. WOOD. Mr. Speaker, I move that the votes by which the various bills have been passed be reconsidered, and I move to lay that motion on the table.

The motion to lay upon the table the motion to reconsider the vote by which the various bills were passed was agreed to.

Mr. KEM. Now, Mr. Speaker, I desire to renew my motion.

MRS. CLIFFORD NEFF FYFFE.

Mr. TALBERT. Mr. Speaker——

The SPEAKER pro tempore. The gentleman from South Carolina.

Mr. TALBERT. I ask that the House consider the bill, Calendar No. 877, granting a pension to Mrs. Clifford Neff Fyffe.

The SPEAKER pro tempore. The gentleman from South Carolina asks for the present consideration of the following bill——

Mr. KEM. Is that by unanimous consent, Mr. Speaker?

The SPEAKER pro tempore. He asks unanimous consent——

Mr. TALBERT. I ask unanimous consent——

The SPEAKER pro tempore (continuing). For the present consideration of the bill the title of which the Clerk will report, after which the Chair will ask if there be objection.

Mr. KEM. Then I must object.

The SPEAKER pro tempore. Objection is made by the gentleman from Nebraska [Mr. KEM].

A. S. LOUDERMILK.

Mr. FARIS. Mr. Speaker, I ask unanimous consent for the immediate consideration of Senate bill 1139, increasing the pension of A. S. Loudermilk, who is suffering from a gunshot wound.

Mr. KEM. I call for the regular order.

The SPEAKER pro tempore. The gentleman from Nebraska [Mr. KEM] asks for the regular order, which is equivalent to an objection.

ORDER OF BUSINESS.

Mr. WOOD. Mr. Speaker, I move that the House do now adjourn.

Mr. KEM. Now I desire to offer my motion, if it is in order.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. WOOD] moves that the House do now adjourn. That is in order. That is the regular order which the gentleman is demanding.

The question was taken; and on a division (demanded by Mr. POOLE) there were—ayes 43, noes 51.

So the motion to adjourn was rejected.

Mr. WHEELER. Mr. Speaker——

Mr. WILLIS. Mr. Speaker, I ask unanimous consent to consider the bill H. R. 7969, and I hope no gentleman will object until he hears the report.

Mr. KEM. Regular order, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Nebraska [Mr. KEM] demands the regular order, which is equivalent to an objection.

Mr. WOOD. As the House has refused to adjourn, I move that it resolve itself into the Committee of the Whole to take up bills that are subject to the order for to-night.

Mr. KEM. Now, Mr. Speaker——

The SPEAKER pro tempore. The gentleman from Illinois [Mr. WOOD] moves that the House resolve itself into the Committee of the Whole for the purpose of considering bills on the Private Calendar under clause 2 of Rule XXIV.

Mr. KEM. Mr. Speaker, a parliamentary inquiry. I desire to know if my motion is now in order?

The SPEAKER pro tempore. What is the motion of the gentleman?

Mr. KEM. The motion that I made a while ago.

The SPEAKER pro tempore. What is the motion? The gentleman will state it.

Mr. KEM. Namely, that in the consideration of pension bills to-night we take them up in the regular order and dispose of them, and that no exception shall be made to this rule.

The SPEAKER pro tempore. That motion will be in order after the House resolves itself into the Committee of the Whole. The Chair does not think it is in order now.

Mr. SWANSON. A point of order.

The SPEAKER pro tempore. The rule states that the Committee of the Whole may determine the order in which bills shall be considered. The Chair does not recall any words of the rule that authorize the House to do it.

Mr. SWANSON. A parliamentary inquiry. As I understand the rule, it provides that the Committee of the Whole can do it, provided the House has not determined before it goes into Committee of the Whole as to what the order shall be.

The SPEAKER pro tempore. The gentleman may be right about it. The Chair will cause the rule to be read.

Mr. KEM. All I desire to do is this——

The SPEAKER pro tempore. The Chair will cause the rule to be read.

Mr. SWANSON (to Mr. KEM). Offer your motion as an amendment to the motion to go into Committee of the Whole.

The SPEAKER pro tempore. The House will be in order. The Clerk will read the rule.

The Clerk read as follows:

4. In Committees of the Whole House business on their Calendars may be taken up in regular order, or in such order as the committee may determine, unless the bill to be considered was determined by the House at the time of

going into committee; but bills for raising revenue, general appropriation bills, and bills for the improvement of rivers and harbors shall have precedence.

The SPEAKER pro tempore. The Chair thinks the gentleman's motion would be in order.

Mr. WILLIS. I move to amend the motion to go into Committee of the Whole——

The SPEAKER pro tempore. The gentleman from Nebraska [Mr. KEM] has the floor.

Mr. KEM. Mr. Speaker, on last Friday night we went into the Committee of the Whole——

The SPEAKER pro tempore. Does the gentleman desire to submit a motion? This motion must be decided without debate.

Mr. KEM. I have already submitted my motion, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Nebraska [Mr. KEM], pending the motion to go into Committee of the Whole, moves that the House, in Committee of the Whole, proceed to take up the cases in the order in which they appear upon the Calendar.

Mr. KEM. And that no exception be made to that rule.

Mr. HICKS. I rise to a point of order. The point of order is this: That the House can not direct the Committee of the Whole as to what business they shall take up.

The SPEAKER pro tempore. The Chair caused the rule to be read, and the Chair thinks from the rule it is in order. The Chair overrules the point of order.

Mr. ANDREWS. Mr. Speaker——

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. ANDREWS. I rise to ask unanimous consent to take up the bill (S. 2758) granting a pension to Hiram H. Palmer.

Mr. KEM. Regular order, Mr. Speaker.

Mr. MILNES. I move that the House do now adjourn.

Mr. SWANSON. I make the point of order that that is a dilatory motion.

The question was taken on the motion to adjourn; and the Speaker pro tempore announced that the noes seemed to have it.

Mr. CROWTHER. Division.

The House divided; and there were—ayes 36, noes 53.

So the House refused to adjourn.

Mr. ANDREWS. Mr. Speaker——

The SPEAKER pro tempore. The question now is on the motion of the gentleman from Nebraska [Mr. KEM], that when the House resolves itself into Committee of the Whole it take up the bills in the order in which they appear on the Calendar without exception.

Mr. ANDREWS. I offer an amendment to that motion.

Mr. CURTIS of New York. May I offer a word?

Mr. ANDREWS. My motion is to amend the motion so that the roll be called and that each member as his name is called in alphabetical order may be permitted to call up a bill in which he may be interested or which is urgent.

Mr. LOUDENSLAGER. Make that so the call shall begin at the bottom of the alphabet.

The SPEAKER pro tempore. The Chair will recognize no gentleman until the House is in order.

Mr. MOODY. Mr. Speaker——

The SPEAKER pro tempore. All gentlemen will be seated. The gentleman from Nebraska will please reduce his amendment to writing.

Mr. ANDREWS. I will withdraw my amendment rather than reduce it to writing.

Mr. SWANSON. I would like to substitute, "to commence with the letter 'S.'"

The SPEAKER pro tempore. A substitute is not in order until the amendment to the amendment is reported to the House.

Mr. CURTIS of New York. I understand that it is withdrawn.

The SPEAKER pro tempore. The gentleman from Nebraska [Mr. ANDREWS] will reduce his amendment to writing and send it to the Clerk's desk to be read.

Mr. ANDREWS. If it is insisted upon.

Mr. WHEELER. I rise to a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. WHEELER. I have prepared a speech that I want printed in the RECORD, and I would like, in a parliamentary way, to have the assistance of the Chair to get it in. [Laughter.]

The SPEAKER pro tempore. The Chair will state to the gentleman from Alabama that to-morrow he will be glad to give him some instructions upon that point if he needs them.

Mr. WHEELER. Then I ask unanimous consent that I be permitted to print this in the RECORD.

Mr. KEM. Regular order, Mr. Speaker.

The SPEAKER pro tempore. Objection is made by the gentleman from Nebraska [Mr. KEM].

Mr. CROWTHER. I desire to make the suggestion that inasmuch as the gentleman from Alabama has not had an opportunity to speak during this session, that he be permitted to have these remarks printed in the RECORD.

Mr. KEM. What is the regular order?

The SPEAKER pro tempore. The Chair will not entertain any other request until the gentleman from Nebraska has reduced his amendment to writing.

Mr. WILLIS. I desire to make a parliamentary inquiry of the Chair. Is the motion made by the gentleman from Nebraska debatable?

The SPEAKER pro tempore. It is not. [Cries of "Vote!" "Vote!"]

Mr. WILLIS. As I understand the parliamentary situation, the gentleman from Nebraska [Mr. KEM] offered an amendment that when the House went into Committee of the Whole it should take the bills up in their regular order. Then another gentleman offered a substitute before taking a vote on the amendment to the original proposition.

Mr. KEM. That was my amendment.

The SPEAKER pro tempore. The gentleman from Nebraska offered a motion, pending which his colleague [Mr. ANDREWS], offered the following amendment, which the Clerk will now report, and the House will be in order until it is reported.

The Clerk read as follows:

Mr. KEM moved that in Committee of the Whole bills on the Calendar be considered in the regular order as they appear on the Calendar.

Mr. ANDREWS moves that the roll of members be called, and that each member as his name is called be permitted to call up one bill for consideration.

Mr. WILLIS. I move to amend the amendment.

Mr. WOOD. Mr. Speaker, I hope this amendment will not prevail.

The SPEAKER pro tempore. Debate is not in order.

Mr. WILLIS. I move to amend the amendment.

The SPEAKER pro tempore. The Chair is of the belief that the amendment is not in order under the rules, as it might include bills not reported from committees and bills which the Committee of the Whole would not have power to consider. [Applause.] The question is on the motion offered by the gentleman from Nebraska [Mr. KEM].

Mr. FAIRCHILD. I move as an amendment to the amendment that the roll be called, and that each member as his name is called have the privilege of calling up one bill that has been reported from a committee and that is in order in this committee.

The SPEAKER pro tempore. The gentleman from New York will reduce his amendment to writing. [Laughter.]

Mr. WILLIS. I have an amendment to offer to that.

Mr. LOUDENSLAGER. I move that the House do now adjourn.

Mr. SWANSON. Mr. Speaker, I make the point that that is a dilatory motion. The House has just voted upon it twice.

The SPEAKER pro tempore. The Chair overrules the point of order.

The question being taken on the motion to adjourn, the Speaker pro tempore declared that the noes seemed to have it.

A division was called for.

The House divided; and there were—ayes 32, noes 50.

So the motion was rejected.

Mr. FAIRCHILD. Mr. Speaker, I send to the desk an amendment which I offer to the motion of the gentleman from Nebraska [Mr. KEM].

The amendment was read, as follows:

That the roll be called of members, and each member be entitled to call up one bill as his name is called, provided that such bill shall have been introduced by such member and reported and on the Calendar.

Mr. LACEY. Mr. Speaker, I make the point of order against the original motion and also against the amendment. The point of order is that when we are about to go into Committee of the Whole the House may direct what particular bill shall be taken up in committee, but in the absence of such an order selecting some particular bill the whole matter is in the control of the committee.

The SPEAKER pro tempore. The Chair has already ruled on that point of order so far as the original motion is concerned; but the Chair thinks that the amendment of the gentleman from New York is obnoxious to the point of order, in that it may include bills which are not in order at a Friday night session. The Chair therefore rules the amendment out of order.

Mr. FAIRCHILD. Then, Mr. Speaker, I renew the amendment, with the modification that it shall include only bills that are in order.

The SPEAKER pro tempore. The gentleman will reduce his amendment to writing. [Cries of "Question!" "Question!"]

Mr. WILLIS. Mr. Speaker——

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. WILLIS. I rise to offer an amendment to the amendment of the gentleman from New York.

The SPEAKER pro tempore. That is not yet before the House.

Mr. WILLIS. Mr. Speaker, is not this debatable?

The SPEAKER pro tempore. It is not. The Clerk will report the amendment of the gentleman from New York as modified.

The Clerk read the amendment as modified, as follows:

That the roll be called of members, and each member be entitled to call up one bill as his name is called, provided that such bill shall have been introduced by such member and reported and on the Calendar, and such a bill as is in order at a Friday night session.

Mr. WILLIS. Mr. Speaker, I move to amend that amendment.

Mr. LACEY. Mr. Speaker, I make the point of order against the amendment.

Mr. WHEELER. Mr. Speaker, is not that debatable?

The SPEAKER pro tempore. It is not debatable.

Mr. WHEELER. I respectfully appeal from the decision of the Chair.

Mr. LACEY. Mr. Speaker, I make the point of order against the amendment.

The SPEAKER pro tempore. The gentleman will state the point of order.

Mr. LACEY. It was stated a few moments ago, and the Chair sustained it, as I understood.

The SPEAKER pro tempore. The Chair did not sustain the point made by the gentleman from Iowa, and the Chair overruled the same point when previously made by some other gentleman. The question is on the amendment of the gentleman from New York [Mr. FAIRCHILD].

Mr. WILLIS. Mr. Speaker, I move to amend by adding to the amendment to the amendment that in calling the roll we begin at the bottom of the roll call. [Laughter.]

The SPEAKER pro tempore. The question is on the motion of the gentleman from Delaware.

Mr. SWANSON. Mr. Speaker, I move to lay the amendment of the gentleman from New York, as proposed to be amended by the gentleman from Delaware, on the table.

The SPEAKER pro tempore. That would lay the whole matter upon the table.

Mr. KEM. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. KEM. If that is adopted, will it carry with it the original motion?

The SPEAKER pro tempore. It will.

The question being taken on the motion of Mr. SWANSON, the Speaker pro tempore declared that the noes seemed to have it.

Mr. ERDMAN. I ask for a division.

Mr. POOLE. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The House is dividing.

The question was taken on the motion of Mr. SWANSON; and it was rejected—ayes 14, noes 28.

Mr. ERDMAN. Mr. Speaker, I make the point of no quorum.

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. ERDMAN] makes the point of no quorum.

Mr. EVANS. Call the roll.

The SPEAKER pro tempore (having counted). There are 128 gentlemen present; not a quorum.

Mr. POOLE. Mr. Speaker, I move that the House do now adjourn.

The question being taken on the motion to adjourn, the Speaker pro tempore declared the ayes seemed to have it.

Mr. HARDY and Mr. MCRAE asked for a division.

The House divided; and there were—ayes 70, noes 66.

Mr. EVANS. I call for the yeas and nays.

The yeas and nays were ordered, 42 voting in favor thereof.

The question was taken; and there were—yeas 67, nays 58, not voting, 230; as follows:

YEAS—67.

Anderson,	Daniels,	Jenkins,	Pitney,
Andrews,	Dockery,	Knox,	Poole,
Arnold, R. I.	Ellis,	Kyle,	Reeves,
Atwood,	Erdman,	Leonard,	Sauerhering,
Avery,	Evans,	Long,	Simpkins,
Bankhead,	Gibson,	Loudenslager,	Smith, Ill.
Bell, Colo.	Gillett, Mass.	Low,	Spalding,
Bishop,	Griffin,	McCall, Tenn.	Stewart, Wis.
Boutelle,	Griswold,	McClellan,	Strong,
Burrell,	Hadley,	McDearmon,	Swanson,
Calderhead,	Hager,	Milnes,	Taft,
Clardy,	Hall,	Minor, Wis.	Tucker,
Codding,	Halterman,	Moody,	Van Voorhis,
Cooke, Ill.	Hart,	Northway,	Walker, Va.
Crowther,	Hepburn,	Otjen,	Willis,
Curtis, Kans.	Hicks,	Payne,	Wood.
Curtis, N. Y.	Howell,	Pearson,	

NAYS—58.

Baker, Kans.	Hatch,	Layton,	Sorg,
Baker, N. H.	Heatwole,	Leighty,	Southard,
Bartlett, Ga.	Henry, Conn.	Lewis,	Stokes,
Broderick,	Henry, Ind.	Linney,	Strode, Nebr.
Burton, Mo.	Hill,	Little,	Strowd, N. C.
Burton, Ohio	Howard,	McCulloch,	Talbert,
Cook, Wis.	Hulick,	McRae,	Terry,
Cooper, Wis.	Hunter,	Mercer,	Treloar,
Crump,	Johnson, N. Dak.	Mosley,	Updegraff,
Curtis, Iowa	Kem,	Noonan,	Walsh,
De Armond,	Kerr,	Prince,	Warner,
Fairchild,	Kiefer,	Raney,	Wheeler,
Faris,	Kirkpatrick,	Sayers,	Wilson, Ohio.
Fenton,	Lacey,	Shafroth,	
Hardy,	Latimer,	Shannon,	

NOT VOTING—230.

Abbott,	Dayton,	Lefever,	Rusk,
Acheson,	Denny,	Leisenring,	Russell, Conn.
Adams,	De Witt,	Lester,	Russell, Ga.
Aitken,	Dingley,	Linton,	Scranton,
Aldrich, Ala.	Dinsmore,	Livingston,	Settle,
Aldrich, Ill.	Dolliver,	Lockhart,	Shaw,
Allen, Miss.	Doolittle,	Lorimer,	Sherman,
Allen, Utah	Dovener,	Loud,	Shuford,
Apsley,	Downing,	Maddox,	Skinner,
Arnold, Pa.	Draper,	Maguire,	Smith, Mich.
Babcock,	Eddy,	Mahany,	Snover,
Bailey,	Elliott, Va.	Mahon,	Southwick,
Baker, Md.	Elliott, S. C.	Marsh,	Sparkman,
Barham,	Fischer,	McCall, Mass.	Spencer,
Barney,	Fitzgerald,	McCleary, Minn.	Sperry,
Barrett,	Fletcher,	McClure,	Stahle,
Bartholdt,	Foote,	McCormick,	Stallings,
Bartlett, N. Y.	Foss,	McCreary, Ky.	Steele,
Beach,	Fowler,	McEwan,	Stephenson,
Belknap,	Gamble,	McLachlan,	Stewart, N. J.
Bell, Tex.	Gardner,	McLaurin,	Stone, C. W.
Bennett,	Gillet, N. Y.	McMillin,	Stone, W. A.
Berry,	Goodwyn,	Meiklejohn,	Strait,
Bingham,	Graff,	Meredith,	Sulloway,
Black, Ga.	Grosvenor,	Meyer,	Sulzer,
Black, N. Y.	Grout,	Miles,	Tate,
Blue,	Grow,	Miller, Kans.	Tawney,
Bowers,	Hainer, Nebr.	Miller, W. Va.	Tayler,
Brewster,	Hanly,	Milliken,	Thomas,
Bromwell,	Harmer,	Miner, N. Y.	Thorp,
Brosius,	Harris,	Mondell,	Towne,
Brown,	Harrison,	Money,	Tracewell,
Brumm,	Hartman,	Morse,	Tracey,
Buck,	Heiner, Pa.	Moses,	Turner, Ga.
Bull,	Hemenway,	Murphy,	Turner, Va.
Cannon,	Henderson,	Neill,	Tyler,
Catchings,	Hendrick,	Newlands,	Underwood,
Chickering,	Hermann,	Odell,	Van Horn.
Clark, Iowa	Hilborn,	Ogden,	Wadsworth,
Clark, Mo.	Hitt,	Otey,	Walker, Mass.
Clarke, Ala.	Hooker,	Overstreet,	Wanger,
Cobb,	Hopkins,	Owens,	Washington,
Cockrell,	Howe,	Parker,	Watson, Ind.
Coffin,	Hubbard,	Patterson,	Watson, Ohio
Colson,	Huff,	Pendleton,	Wellington,
Connolly,	Huling,	Perkins,	White,
Cooper, Fla.	Hull,	Phillips,	Wilber,
Cooper, Tex.	Hurley,	Pickler,	Williams,
Corliss,	Hutcheson,	Powers,	Wilson, Idaho
Cousins,	Hyde,	Price,	Wilson, N. Y.
Cowen,	Johnson, Cal.	Pugh,	Wilson, S. C.
Cox,	Johnson, Ind.	Quigg,	Woodard,
Crisp,	Jones,	Ray,	Woodman,
Crowley,	Joy,	Royburn,	Woomer,
Culberson,	Kendall,	Richardson,	Wright,
Cummings,	Kleberg,	Robertson, La.	Yoakum.
Dalzell,	Kulp,	Robinson, Pa.	
Danford,	Lawson,	Royse,	

So the motion to adjourn was agreed to.

Accordingly (at 9 o'clock and 40 minutes p. m.) the House, in accordance with its previous order, adjourned until Monday next.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of the Treasury, transmitting, with a favorable recommendation, a draft of a bill making appropriation for the immediate repair of the United States Marine-Hospital buildings at St. Louis, Mo.—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting, with a favorable recommendation, a draft of a bill to make certain amendments in the act entitled "An act to adopt regulations for preventing collisions at sea"—to the Committee on the Merchant Marine and Fisheries, and ordered to be printed.

A letter from the Secretary of State, transmitting, with a favorable recommendation, a draft of a bill to make certain amendments in the act entitled "An act to adopt regulations for preventing collisions at sea"—to the Committee on the Merchant Marine and Fisheries, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. WANGER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 3170) entitled "An act to authorize the Butler and Pittsburg Railroad Company to construct and maintain a bridge across the Allegheny River," reported the same without amendment, accompanied by a report (No. 2091); which said bill and report were referred to the House Calendar.

Mr. BENNETT, from the Committee on Interstate and Foreign Commerce, to which was referred House bill No. 2282, reported in lieu thereof a bill (H. R. 9252) to facilitate the construction and maintenance of telegraphic communication between the United States, the Hawaiian Islands, Japan, and China, and to promote

commerce, accompanied by a report (No. 2092); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MURPHY of Arizona, from the Committee on the Territories, to which was referred the bill of the House (H. R. 243) to enable the people of Arizona to form a constitution and State government and to be admitted into the Union on an equal footing with the original States, reported the same without amendment, accompanied by a report (No. 2093); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. McRAE, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 7044) for the better improvement of the Government reservation at the city of Fort Smith, in the State of Arkansas, and for other purposes, reported the same with amendment, accompanied by a report (No. 2094); which said bill and report, were referred to the Committee of the Whole House on the state of the Union.

Mr. GROSVENOR, from the Committee on Ways and Means, to which was referred the joint resolution of the House (H. Res. 191) to authorize a scientific investigation of the fur-seal fisheries, reported the same without amendment, accompanied by a report (No. 2095); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CUMMINGS, from the Committee on the Library, to which was referred the bill of the House (H. R. 1991) to purchase a painting of Abraham Lincoln, reported the same without amendment, accompanied by a report (No. 2096); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. FLETCHER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 8321) to authorize the county of St. Louis, in the State of Minnesota, to build or authorize the building of a foot and wagon bridge across the St. Louis River between Minnesota and Wisconsin at a point near Fond du Lac, in said State of Minnesota, reported the same with amendment, accompanied by a report (No. 2097); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. ANDERSON, from the Committee on Invalid Pensions:

The bill (H. R. 6215) to increase the pension of Ambrose D. Manion. (Report No. 2069.)

The bill (H. R. 8463) granting a pension to Milo Dixon. (Report No. 2070.)

By Mr. BAKER of Kansas, from the Committee on Invalid Pensions:

The bill (H. R. 8511) granting a pension to Ann M. Tate. (Report No. 2071.)

The bill (H. R. 7420) granting a pension to Elizabeth M. Sale. (Report No. 2072.)

The bill (H. R. 5750) granting a pension to Joseph Crow, of Eldorado, Kans. (Report No. 2103.)

By Mr. CROWTHER, from the Committee on Invalid Pensions: The bill (H. R. 3805) to increase the pension of Clark W. Harrington, late sergeant of Company I, Ninety-third New York Infantry. (Report No. 2073.)

By Mr. KIRKPATRICK, from the Committee on Invalid Pensions:

The bill (H. R. 6962) granting a pension to Dennis B. Sanford. (Report No. 2074.)

The bill (H. R. 4621) granting a pension to Andrew J. Arnett. (Report No. 2075.)

The bill (H. R. 9157) granting a pension to Blanche E. Barlow. (Report No. 2076.)

The bill (H. R. 6971) granting a pension to Mary E. Bucklew. (Report No. 2077.)

By Mr. LAYTON, from the Committee on Invalid Pensions:

The bill (H. R. 8524) to pension William Rice, Company G, Tenth Ohio Cavalry, at an increased rate. (Report No. 2078.)

The bill (H. R. 4431) to place on the pension roll the name of Minerva Sample. (Report No. 2079.)

By Mr. PICKLER, from the Committee on Invalid Pensions: The bill (H. R. 4388) for the increase of pension of Farnham J. Eastman. (Report No. 2080.)

By Mr. POOLE, from the Committee on Invalid Pensions:

The bill (H. R. 1942) for the relief of Charlotte L. Walker. (Report No. 2081.)

The bill (S. 3182) entitled "An act granting a pension to Susan E. Cunningham." (Report No. 2099.)

The bill (H. R. 6222) granting an increase of pension to Czar Dunning. (Report No. 2100.)

The bill (H. R. 7375) granting a pension to Susan I. Barrows. (Report No. 2082.)

By Mr. SULLOWAY, from the Committee on Invalid Pensions:

The bill (S. 3133) entitled "An act granting an increase of pension to Betsey B. Olin." (Report No. 2083.)

The bill (H. R. 6604) granting a pension to Charles S. Kidder. (Report No. 2084.)

The bill (H. R. 3903) granting a pension to Olive Brown. (Report No. 2085.)

By Mr. WOOD, from the Committee on Invalid Pensions:

The bill (H. R. 7336) granting an increase of pension to James B. Crawford. (Report No. 2086.)

The bill (H. R. 6235) to grant increase pension to Ira Bacon, Company A, Fifty-second Indiana Infantry Volunteers. (Report No. 2087.)

The bill (H. R. 7976) to increase the pension of Mrs. Ann Gibbons. (Report No. 2088.)

By Mr. FENTON, from the Committee on Military Affairs: The bill (H. R. 5757) to remove the sentence of court-martial from the military record of Thomas J. Sutton. (Report No. 2089.)

By Mr. BARNEY, from the Committee on the Public Lands: The bill (H. R. 459) for the relief of Thomas Rosbrugh. (Report No. 2090.)

By Mr. ANDREWS, from the Committee on Invalid Pensions: The bill (S. 2879) entitled "An act granting a pension to Charles A. Hutchings." (Report No. 2098.)

By Mr. THOMAS, from the Committee on Invalid Pensions: The bill (H. R. 3509) granting a pension to Joseph H. Failes. (Report No. 2101.)

By Mr. LOUDENSLAGER, from the Committee on Pensions: The bill (S. 1684) entitled "An act granting a pension to Sam P. Barbee." (Report No. 2102.)

By Mr. COLSON, from the Committee on Pensions: The bill (H. R. 6140) to increase the pension of Mary C. Cook. (Report No. 2104.)

By Mr. HOWE, from the Committee on Pensions: The bill (H. R. 4953) to grant a pension to John Thurston, of Island Pond, Vt. (Report No. 2105.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. PAYNE: A bill (H. R. 9253) to amend an act approved August 19, 1890, entitled "An act to adopt regulations for preventing collisions at sea"—to the Committee on the Merchant Marine and Fisheries.

By Mr. COLSON: A bill (H. R. 9254) to aid in the establishment and temporary support of common schools—to the Committee on Education.

By Mr. McCLEARY of Minnesota: A resolution (House Res. No. 393) allowing the messengers of the House post-office an extra month's pay—to the Committee on Accounts.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. BINGHAM: A bill (H. R. 9255) to correct the record of Charles Schmeller, late of Company G, Seventy-fifth Regiment Pennsylvania Volunteer Infantry, by removing the charge of desertion from the same—to the Committee on Military Affairs.

By Mr. CURTIS of Kansas: A bill (H. R. 9256) granting an increase of pension to James B. Cooper—to the Committee on Invalid Pensions.

By Mr. HEINER of Pennsylvania: A bill (H. R. 9257) for the relief of William H. Masters, of Blairville, Pa.—to the Committee on Invalid Pensions.

By Mr. HUNTER: A bill (H. R. 9258) for the relief of Mary F. Grider—to the Committee on War Claims.

Also, a bill (H. R. 9259) for the benefit of V. F. Andrews, of Monroe County, Ky.—to the Committee on War Claims.

By Mr. KIRKPATRICK: A bill (H. R. 9260) to increase the pension of Adam Johnson—to the Committee on Invalid Pensions.

By Mr. LEWIS: A bill (H. R. 9261) granting a pension to William H. Spencer—to the Committee on Invalid Pensions.

By Mr. McCALL of Tennessee: A bill (H. R. 9262) for the relief of Ross & Mangum—to the Committee on Claims.

By Mr. MONEY: A bill (H. R. 9263) for the relief of D. M. Snowden, of Fort Stephens, Miss.—to the Committee on War Claims.

By Mr. PICKLER: A bill (H. R. 9264) to amend the military record of James H. Watts—to the Committee on Military Affairs.

By Mr. VAN HORN: A bill (H. R. 9265) to remove the charge of desertion from the military record of John Allison—to the Committee on Military Affairs.

By Mr. PICKLER (by request of the Secretary of the Interior): A bill (H. R. 9266) to repeal the act of Congress of August 13, 1888—to the Committee on Invalid Pensions.

By Mr. WASHINGTON: A bill (H. R. 9267) for the relief of William J. Thomas, of Springfield, Tenn.—to the Committee on War Claims.

By Mr. McCLURE: A bill (H. R. 9268) to remove the charge of desertion from the record of Herman Schloo—to the Committee on Military Affairs.

Also, a bill (H. R. 9269) to remove the charge of desertion against James Addy—to the Committee on Military Affairs.

Also, a bill (H. R. 9270) granting a pension to Mrs. Rebecca L. English—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9271) granting a pension to Mrs. Susannah Bennett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9272) to remove the charge of desertion against Daniel Firestone—to the Committee on Military Affairs.

Also, a bill (H. R. 9273) to remove the charge of desertion against Henry Crawford—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BULL: Resolutions of the Division of Rhode Island Sons of Veterans, United States Army, in sympathy with the Cuban patriots, in favor of resolutions definitely supporting the Monroe doctrine, and in relation to the massacres in Armenia—to the Committee on Foreign Affairs.

By Mr. CLARK of Iowa: Petition of citizens of Keokuk, Iowa, urging the passage of House bill No. 260, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. DALZELL: Petition of J. B. Corey, of Braddock, Pa., in favor of the repeal of legislation increasing official salaries—to the Committee on the Judiciary.

By Mr. HITT: Resolutions adopted by the eighth annual encampment of the Division of Rhode Island Sons of Veterans, United States Army, held at Providence, R. I., February 12, 1896, sympathizing with the Cuban patriots, urgently supporting the Monroe doctrine, and deploring the massacre of Christians in Armenia—to the Committee on Foreign Affairs.

By Mr. KIEFER: Resolutions of the Chamber of Commerce of St. Paul, Minn., in favor of increasing the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

SENATE.

MONDAY, *June 1, 1896.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of the proceedings of Friday last, when, on motion of Mr. HILL, and by unanimous consent, the further reading was dispensed with.

PROPOSED FINANCIAL LEGISLATION.

Mr. MORRILL. Mr. President, I desire to state that I shall ask the leave of the Senate to address it upon the subject of the House tariff bill with the Senate silver-coinage substitute to-morrow in the morning hour, immediately after the conclusion of the routine business.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial of the Pathological Society of Philadelphia, Pa., and a memorial of the State board of health, of Indianapolis, Ind., remonstrating against the passage of Senate bill No. 1552, for the further prevention of cruelty to animals in the District of Columbia; which were ordered to lie on the table.

Mr. McMILLAN presented a petition of Typographical Union, No. 122, of Kalamazoo, Mich., praying for the Government ownership and control of the telegraph lines; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Baptist, Congregational, and Methodist Episcopal churches of Bronson, Mich., praying for the enactment of a Sunday-rest law for the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. SHERMAN presented sundry petitions of citizens of Ohio, praying for the enactment of legislation to restrict immigration; which were ordered to lie on the table.

Mr. LODGE presented resolutions adopted by Sons of Veterans, Division of Rhode Island, favoring the Monroe doctrine, sympathizing with the Cuban patriots, and deploring the Armenian massacres; which were ordered to lie on the table.

Mr. PEFFER. I present the petition of A. E. Redstone, asking for the passage of Senate bill 2118. In making this request the petitioner sets forth certain important facts that on the western slope of the Sierra Nevada Mountains certain settlers, himself among others, for whom he speaks, settled upon certain public land, made farms and other improvements, and when the Sierra forest reserve was made by act of Congress it inclosed the homes of these settlers, and that from that time until the present their homes have been practically valueless to them, cut off from all communication with the outside world, and he and his neighbors have been asking Congress from year to year since that time for relief.

Senate bill 2118 is a bill that has been introduced in the Senate and referred to the proper committee for the purpose of affording that relief. Among other things the petitioner asks that a typewritten copy of testimony which was taken at Fresno, Cal., by the Felton Commission, of the Fifty-third Congress, be printed in the RECORD, etc.

I move that the petition be referred to the Committee on Forest Reservations and the Protection of Game.

The motion was agreed to.

Mr. WHITE presented a memorial of the Trades League of Philadelphia, Pa., remonstrating against the adoption of the proposed amendment to section 10 of the interstate-commerce act; which was referred to the Committee on Interstate Commerce.

Mr. STEWART presented memorials of John H. Carper and 42 other citizens of Farmington, Wash.; of W. I. King and 19 other citizens of Clay, Cal.; of A. J. Kershner and 47 other citizens of Claylick, Pa.; of William H. Daniels and 21 other citizens of Fairhaven, Wash.; of J. W. Baker and 18 other citizens of Magnolia, Ark.; of N. G. Wilson and 37 other citizens of Auburn, Ark.; of J. F. Gwin and 75 other citizens of Galt, Cal., and of the Order of the Patriots of America of Galt, Cal., remonstrating against the passage of the so-called Loud bill, to amend the postal laws relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. DANIEL. I present the memorial of John Cowdon, of Washington, D. C., relative to certain items contained in the river and harbor appropriation bill.

I beg leave to state, in presenting it, that I do not mean to intimate any approval or dissent from the opinions therein expressed. I present it as a matter of courtesy upon my part, and I communicate to the Senate the request of the memorialist that his memorial may be printed.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). As a document, does the Chair understand?

Mr. DANIEL. As a document of the Senate.

The PRESIDING OFFICER. Without objection, that order will be made. The memorial will lie on the table.

REGULATIONS CONCERNING FILLED CHEESE.

Mr. SHERMAN. In the nature of a resolution, I will ask the unanimous consent of the Senate that at 4 o'clock to-day the vote be taken on what is called the filled-cheese bill. The Senate has been very kind in regard to other bills, and I hope that it will allow this bill to be voted on at 4 o'clock to-day.

The VICE-PRESIDENT. The Chair will submit the request of the Senator from Ohio to the Senate.

Mr. HILL. What is the request?

Mr. SHERMAN. I ask that at 4 o'clock this afternoon the vote shall be taken on the cheese bill and any amendments that are pending or any amendments that are offered.

Mr. HILL. I am in favor of that bill and expect to vote for it on its final passage, but in the absence of several Senators who are opposing the bill I do not think it is quite right to fix a time now for its final passage.

Mr. SHERMAN. I have inquired of several Senators about it and they made no objection at all to the proposition I now make; but I will defer the request if the Senator from New York desires and will let me know when the time comes.

Mr. HILL. I have no objection myself, but I think it would be wiser to wait until several Senators who are now absent are present.

Mr. SHERMAN. There was an agreement made on Friday last to dispose of the bond bill to-morrow. I should like to have this bill disposed of without further debate, so that it may go into conference.

Mr. VEST entered the Chamber.

Mr. HILL. The Senator from Missouri is now here.

The VICE-PRESIDENT. The Chair submits to the Senate the request of the Senator from Ohio that the vote be taken at 4 o'clock.

Mr. HARRIS. I object.

Mr. SHERMAN. At 4 o'clock to-day.

The VICE-PRESIDENT. At 4 o'clock to-day.

Mr. HARRIS. I object to any agreement on the subject.

Mr. HALE. I call for the regular order of business.

The VICE-PRESIDENT. If there are no further petitions and memorials, reports of standing and select committees are next in order.

REPORTS OF COMMITTEES.

Mr. McMILLAN, from the Committee on the District of Columbia, to whom was referred the bill (S. 2941) to authorize the

Baltimore and Washington Transit Company of Maryland to enter the District of Columbia, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 2288) to provide for the removal of snow, ice, and dirt from the sidewalks, crosswalks, and gutters in the District of Columbia, and for other purposes, reported adversely thereon; and the bill was postponed indefinitely.

Mr. McMILLAN. There are corresponding House bills on the Calendar.

Mr. SHOUP, from the Committee on Military Affairs, to whom was referred the bill (S. 1277) for the appointment as lieutenants on the retired list of certain survivors of the Lady Franklin Bay expedition, reported it with an amendment, and submitted a report thereon.

Mr. NELSON, from the Committee on Commerce, to whom was referred the bill (S. 3049) to incorporate the Maritime Canal of North America, and for other purposes, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2504) to incorporate the Maritime Canal of North America, and for other purposes, reported adversely thereon; and the bill was postponed indefinitely.

Mr. BRICE, from the Committee on Pensions, to whom was referred the bill (S. 2989) to increase the pension of Caroline S. Baker, reported it without amendment, and submitted a report thereon.

ELVIRA BACHELDER.

Mr. GALLINGER, from the Committee on Pensions, reported a bill (S. 3245) granting a pension to Elvira Bachelder, and submitted a report thereon.

The bill was read twice by its title.

Mr. GALLINGER. A bill granting a pension to this old lady passed both Houses, but was vetoed by the President the other day for the reason that the military record was not correctly given. The President says:

> On the merits of the case I am satisfied this mother deserves a pension. I withhold my approval of the bill intended to grant her this relief solely because I am advised that the law would be inoperative for the reason that the deceased soldier never served in the Seventh New Hampshire Infantry, and should have been described in the bill as a member of Company D, First New Hampshire Heavy Artillery.

This bill proposes to correct the soldier's record, and I ask for its immediate consideration, a bill granting the pension having passed the Senate before.

The VICE-PRESIDENT. Is there objection to the request of the Senator from New Hampshire?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll, at the rate of $12 a month, the name of Elvira Bachelder, dependent mother of J. K. P. Bachelder, late a private in Company D, First New Hampshire Heavy Artillery.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

W. H. MICHAEL.

Mr. HALE, from the Committee on Printing, reported the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay from the contingent fund of the Senate to W. H. Michael the sum of $1,600 for compiling and indexing all the acts imposing duties on imports heretofore passed by Congress, the said compilation having been made and completed under the authority of the Joint Committee on Printing, as authorized by concurrent resolution of January 16, 1896.

FLAGSTAFF AND CANYON RAILROAD.

Mr. TELLER. I am directed by the Committee on Forest Reservations and the Protection of Game, to whom was referred the bill (H. R. 7578) granting the Flagstaff and Canyon Railroad Company right of way for railroad purposes through the Grand Canyon Forest Reserve in northern Arizona, to report it without amendment. As the bill is simply for a right of way across a forest reservation, I ask that it may be now considered.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DISTRICT APPROPRIATION BILL.

Mr. PETTIGREW. I ask to have the conference report on the Indian appropriation bill laid before the Senate.

Mr. TELLER. Will the Senator from South Dakota allow me to present a conference report, that it may be printed?

Mr. PETTIGREW. I yield for that purpose.

Mr. TELLER. I submit a conference report on the bill (H. R. 5210) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1897, and for other purposes. I ask that the report be printed.

The VICE-PRESIDENT. It will be so ordered.

The report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5210) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1897, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 6, 22, 23, 24, 28, 29, 30, 50, 52, 59, 60, 62, 63, 68, 73, 74, 75, 76, 77, 79, 80, 81, 83, 102, 104, 105, 107, 112, 113, 114, 118, 122, 123, 127, 128, 129, 130, 132, 134, 144, 146, 148, 152, 153, 157, 158, 162, 170, and 199.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 7, 8, 10, 12, 13, 14, 17, 18, 19, 20, 21, 25, 30, 33, 34, 38, 48, 49, 53, 56, 58, 64, 65, 66, 67, 70, 71, 72, 78, 82, 84, 85, 108, 109, 110, 111, 115, 126, 133, 136, 138, 142, 145, 151, 159, 160, 161, 164, 165, 166, 168, 169, 192, 197, and 198, and agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$51,089"; and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: After the word "expenditures," at the end of line 4 of the matter inserted by said amendment, insert the following: ", not exceeding in the aggregate $9,713.50"; and the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "deputy collector, $1,800, and such deputy collector shall hereafter perform such duties as may be required of him by the collector, and the collector may require the said deputy collector to give bond for the faithful performance of such duties; but the collector shall in every respect be responsible, as now provided by law, to the United States, the District of Columbia, and to individuals, as the case may be, for all moneys collected;" and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$16,000"; and the Senate agree to the same.

Amendments numbered 15 and 16: That the House recede from its disagreement to the amendments of the Senate numbered 15 and 16, and agree to the same with an amendment as follows: Strike out the matter inserted by said amendments, and on page 4 of the bill strike out all after the word "markets," in line 21, down to and including the word "dollars," in line 23, and insert in lieu thereof the words "one thousand two hundred dollars"; and the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27 and agree to the same with an amendment as follows: Restore the matter proposed to be stricken out by said amendment, and strike out all after the word "law," in line 5 of the matter inserted by said amendment; and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$9,000"; and the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$7,500"; and the Senate agree to the same.

Amendment numbered 32: That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$3,000"; and the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,000"; and the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with amendments as follows: Strike out the sum named in lines 6 and 7 of said amendment, and insert in lieu thereof "$10,000"; and strike out all of said amendment after the word "highways," in line 13; and the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$10,000"; and the Senate agree to the same.

Amendment numbered 41: That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$140,000"; and the Senate agree to the same.

Amendment numbered 42: That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$150,000"; and the Senate agree to the same.

Amendment numbered 43: That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$13,500"; and the Senate agree to the same.

Amendment numbered 44: That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$45,000"; and the Senate agree to the same.

Amendment numbered 45: That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$22,500"; and the Senate agree to the same.

Amendment numbered 46: That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$34,500"; and the Senate agree to the same.

Amendment numbered 47: That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$34,500"; and the Senate agree to the same.

Amendment numbered 51: That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment as follows: In lieu of the amount proposed insert "$1.80"; and the Senate agree to the same.

Amendment numbered 54: That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$75,000"; and the Senate agree to the same.

Amendment numbered 55: That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an

amendment as follows: In lieu of the matter inserted by said amendment insert the following: "For constructing the Fifteenth street and F street portion of the F street and Easbys Point intercepting sewer, $35,000; and the total cost of constructing said portion of said intercepting sewer, under a contract which is hereby authorized therefor, shall not exceed "$37,000"; and the Senate agree to the same.

Amendment numbered 57: That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$60,000"; and the Senate agree to the same.

Amendment numbered 86: That the House recede from its disagreement to the amendment of the Senate numbered 86, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$17,000"; and the Senate agree to the same.

Amendment numbered 88: That the House recede from its disagreement to the amendment of the Senate numbered 88, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$130,500"; and the Senate agree to the same.

Amendment numbered 89: That the House recede from its disagreement to the amendment of the Senate numbered 89, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$30,000"; and the Senate agree to the same.

Amendment numbered 101: That the House recede from its disagreement to the amendment of the Senate numbered 101, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following: "To provide for new hull and necessary repairs for harbor boat, $1,250"; and the Senate agree to the same.

Amendment numbered 103: That the House recede from its disagreement to the amendment of the Senate numbered 103, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$8,500"; and the Senate agree to the same.

Amendment numbered 116: That the House recede from its disagreement to the amendment of the Senate numbered 116, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$32,000"; and the Senate agree to the same.

Amendment numbered 117: That the House recede from its disagreement to the amendment of the Senate numbered 117, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$9,000"; and the Senate agree to the same.

Amendment numbered 119: That the House recede from its disagreement to the amendment of the Senate numbered 119, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$28,000"; and the Senate agree to the same.

Amendment numbered 120: That the House recede from its disagreement to the amendment of the Senate numbered 120, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$30,000"; and the Senate agree to the same.

Amendment numbered 121: That the House recede from its disagreement to the amendment of the Senate numbered 121, and agree to the same with an amendment as follows: In lieu of the sum named in the amendment insert "$8,000"; and the Senate agree to the same.

Amendment numbered 124: That the House recede from its disagreement to the amendment of the Senate numbered 124, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment, insert the following: "A contract is hereby authorized for the construction of an eight-room school building, Sixth Division B, Giesboro, at a total cost not exceeding $21,000; and the appropriation of $9,000 heretofore made for a four-room building, Sixth Division B, Giesboro, is hereby made available toward the construction of said eight-room building"; and the Senate agree to the same.

Amendment numbered 125: That the House recede from its disagreement to the amendment of the Senate numbered 125, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$8,000"; and the Senate agree to the same.

Amendment numbered 131: That the House recede from its disagreement to the amendment of the Senate numbered 131, and agree to the same with an amendment as follows: In lieu of the number named insert "286"; and the Senate agree to the same.

Amendment numbered 135: That the House recede from its disagreement to the amendment of the Senate numbered 135, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "$576,940"; and the Senate agree to the same.

Amendment numbered 137: That the House recede from its disagreement to the amendment of the Senate numbered 137, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$19,500"; and the Senate agree to the same.

Amendment numbered 139: That the House recede from its disagreement to the amendment of the Senate numbered 139, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$37,750"; and the Senate agree to the same.

Amendment numbered 140: That the House recede from its disagreement to the amendment of the Senate numbered 140, and agree to the same with an amendment as follows: In lieu of the number proposed insert "eight"; and the Senate agree to the same.

Amendment numbered 141: That the House recede from its disagreement to the amendment of the Senate numbered 141, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$142,100"; and the Senate agree to the same.

Amendment numbered 143: That the House recede from its disagreement to the amendment of the Senate numbered 143, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$5,500"; and the Senate agree to the same.

Amendment numbered 147: That the House recede from its disagreement to the amendment of the Senate numbered 147, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$38,500"; and the Senate agree to the same.

Amendment numbered 149: That the House recede from its disagreement to the amendment of the Senate numbered 149, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,500"; and the Senate agree to the same.

Amendment numbered 150: That the House recede from its disagreement to the amendment of the Senate numbered 150, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$4,200"; and the Senate agree to the same.

Amendment numbered 155: That the House recede from its disagreement to the amendment of the Senate numbered 155, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,500"; and the Senate agree to the same.

Amendment numbered 156: That the House recede from its disagreement to the amendment of the Senate numbered 156, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$10,900"; and the Senate agree to the same.

Amendment numbered 163: That the House recede from its disagreement to the amendment of the Senate numbered 163, and agree to the same with an amendment as follows: In lieu of the matter stricken out and inserted by said amendment insert the following: "$1,800, to be expended under the direction of the Attorney-General"; and the Senate agree to the same.

Amendment numbered 167: That the House recede from its disagreement to the amendment of the Senate numbered 167, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$1,000"; and the Senate agree to the same.

Amendment numbered 196: That the House recede from its disagreement to the amendment of the Senate numbered 196, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$5,000"; and the Senate agree to the same.

Amendment numbered 200: That the House recede from its disagreement to the amendment of the Senate numbered 200, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$37,934"; and the Senate agree to the same.

The committee of conference have been unable to agree on the amendments of the Senate numbered 40, 61, 69, 87, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 105, 154, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 193, 194, 195, and 201.

H. M. TELLER,
W. B. ALLISON,
F. M. COCKRELL,
Managers on the part of the Senate.

WILLIAM W. GROUT,
MAHLON PITNEY,
ALEX. M. DOCKERY,
Managers on the part of the House.

FRIEZE IN THE ROTUNDA.

Mr. HANSBROUGH. I am directed by the Committee on the Library, to whom was referred the joint resolution (S. R. 152) appropriating $6,000 for completing the painting of the frieze in the Rotunda of the United States Capitol, to report it without amendment; and I ask unanimous consent for its present consideration.

The VICE-PRESIDENT. The joint resolution will be read for information.

The Secretary read the joint resolution, as follows:

Resolved by the Senate, etc., For completing the painting of the frieze in the Rotunda of the United States Capitol by Filippo Costaggini, after designs to be furnished by him and approved by the Joint Committee on the Library, $6,000, or so much thereof as may be necessary.

The VICE-PRESIDENT. Is there objection to the present consideration of the joint resolution? The Chair hears none, and it is before the Senate as in Committee of the Whole, and open to amendment. If there be no amendment as in Committee of the Whole, the joint resolution will be considered as having been reported to the Senate for a third reading, read the third time, and passed.

Mr. HAWLEY. I am not quite satisfied with the manner in which that frieze is being finished or conducted. I make no special criticism upon the President of the United States for various reasons, and he might find his place upon it, but I am not quite satisfied with an attempt to approve a history of the United States, which the frieze is supposed to suggest, that omits George Washington and Abraham Lincoln and presents Mr. Cleveland, when we consider the respective positions of Mr. Lincoln and Mr. Cleveland during the great war of the rebellion.

Mr. HANSBROUGH. In my judgment there is not an appropriate place in this fresco work for a representation of any of the Presidents, and this is the judgment of the Committee on the Library. The joint resolution proposes an appropriation of $6,000 to complete the fresco work in the Dome of the Capitol. It is very important that the unsightly scaffolding that has been hanging there for two or three years, and which one of these days will fall and kill some one, should be removed.

I have here two sketches which it is proposed to use in completing the fresco work. The one that the Senator from Connecticut objects to, or believes he objects to, represents President Cleveland pressing the electric button which notified the world that the World's Fair was open. It also represents in the background the Duke of Veragua and his family, the remnants of the Columbus family, and all there is left of it.

It will be remembered that the first painting in the frieze of the Dome is a fresco representing Columbus landing in America. The last one will be a fresco representing the opening of the World's Fair, attended by the only living descendants of the Columbus family. The committee think it a very appropriate sketch. I do not believe the Senate should permit, or any Senator here should permit his prejudices, if he has any, against the President of the United States to stand in the way of carrying out the purpose of the joint resolution.

Mr. HAWLEY. The artistic purpose of the frieze evidently is to suggest a great deal more than it tells. I wonder how a man giving the history of the United States could entirely skip the great war for the Union. If you ask how I would put it upon the frieze, if I did nothing else I would represent the apple tree at Appomattox and Grant and Lee shaking hands, with surrounding touches and intimations of troops and various designs. I am sure that an artist who had poetry and patriotism in him could easily suggest the whole history and show the whole happy conclusion of that great event. I think the scheme lacks something. I do not object to the Senator's idea of giving a hint of the great exhibition at Chicago, but I object to the utter absence of the greatest historical event since the war of the Revolution—one of the greatest in all history. However, I will let it go. It will, by

the absence of what ought to be there, suggest criticism and consideration.

The VICE-PRESIDENT. The Chair did not understand the Senator from Connecticut to object to the present consideration of the joint resolution. If the Senator objects——

Mr. HAWLEY. No, sir; I do not object, for there is more criticism of its propositions. The Committee on the Library is preparing for us, to put here in this Hall in one of these niches, a bust of John C. Breckinridge, who left the chair you now occupy, sir, to engage in the rebellion. You may say, without reference to what he was or was not in the war, that he had the elements of nobility in his character; you may say, without reference to that, that it is simply his historical relations we must consider, and he must be given his place among those honored men in the list of Vice-Presidents. I make no objection. I do not quite like some of these things, however. I want history told simply as it is; that is all.

Mr. HANSBROUGH. With regard to the bust which is to occupy a place in this Chamber, I will say that it will be placed here in compliance with a statute and at the request of at least one of the Senators from the State of Kentucky and other Senators on this floor. I am one of those who are liberal enough to believe that the war is over.

Mr. HAWLEY. Well, Mr. President, I object to that sneer.

Mr. HANSBROUGH. It was not intended as such.

Mr. HAWLEY. It was one. I am liberal about these things. I have toward the men who were in the rebellion not one particle of hostility, and I thank heaven there are many among them with whom I am upon terms of warmest friendship, and I could easily cast my eye upon some of them here, not to mention others scattered all about the country. But I do not believe in telling a falsehood about the history of my country. There was an enormous war over a great principle, which involved untold volumes of history of brave transactions, and the Confederates need not be ashamed to be mentioned as soldiers, nor the Union men, either. No, sir; I have voted here for liberal treatment of the men who were in the rebellion. They may come into public office; they may go into the Army if they get appointments now. We have wiped all those things out, but there is no use in wiping out of history the war and its significance, and it will be quite impossible to do so.

Mr. SHOUP. I desire to submit a report from the Committee on Military Affairs.

Mr. HANSBROUGH. Do I understand that the joint resolution has been disposed of?

The VICE-PRESIDENT. The joint resolution reported by the Senator from North Dakota has been passed.

Mr. WILSON. Do I understand the Chair to state that the joint resolution has been passed?

The VICE-PRESIDENT. The Chair had announced that without objection the joint resolution was passed before the Senator from Connecticut addressed the Chair. The Chair then inquired of the Senator from Connecticut whether he interposed an objection. The Chair understood the Senator from Connecticut to say that he did not object.

Mr. HAWLEY. When I heard the joint resolution read I had not been paying very close attention. I thought it was the reading that precedes consideration. I did not know that it was announced that it was passed. However, I should have asked leave to speak even had I known to what stage the bill had arrived.

Mr. WILSON. I certainly thought an objection had been interposed. Then I understood the Senator from Connecticut to withdraw whatever objection he had, and I thought perhaps the Chair would ask if objection was made, whereupon I intended to interpose an objection to the joint resolution. If the joint resolution has already been passed——

Mr. SHERMAN (to Mr. WILSON). You can move to reconsider.

The VICE-PRESIDENT. The Chair understands the Senator from Washington to object now to the consideration of the joint resolution.

Mr. WILSON. If the Senator from Washington has that right under the rule, I object.

The VICE-PRESIDENT. Objection being interposed, the joint resolution will go over under the rule.

BILLS INTRODUCED.

Mr. PEFFER (by request) introduced a bill (S. 3246) to promote aerial navigation for military purposes; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. ALLEN (for Mr. THURSTON) introduced a bill (S. 3248) granting an increase of pension to Edward Yarton; which was read twice by its title, and referred to the Committee on Pensions.

He also (for Mr. THURSTON) introduced a bill (S. 3249) granting an increase of pension to Andrew J. Cook; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GEAR introduced a bill (S. 3250) for the relief of Julia A. Devier; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

THE NICARAGUA CANAL.

Mr. MORGAN. I introduce a bill, and I wish to make a brief remark about it.

The bill (S. 3247) to amend the act entitled "An act to incorporate the Maritime Canal Company of Nicaragua," approved February 20, 1889; was read twice by its title.

Mr. MORGAN. I understand that a bill similar in import has been agreed to by the House committee, and probably it may be reported to-day; I do not know. But I introduce this bill without committing myself to all its provisions, and yet I think I could agree to every one of them personally.

The bill is the production of Hon. Mr. MAHON, of Pennsylvania. It was referred to the Committee on Interstate and Foreign Commerce in the House and has been considered by them very laboriously, and after long investigation they have concluded to report it back to the House, as I am informed. At all events, I introduce it upon that supposition.

I think, Mr. President, that the country is to be congratulated that both Houses in their action, in some form or other, have indorsed all of the great outlying propositions which are involved in the Nicaraguan Canal subject. I believe it would be hardly possible, at least in the Senate, to get action upon this bill at the present session of Congress. I do not hope to realize that expectation. At the same time, if the Senate of the United States, before it should disperse, would reenact the bill that it enacted here at the last session of the last Congress, or this bill, which is substantially the same in its general features, I think that the country would feel great satisfaction with the idea that we were doing something for the benefit of the world as well as our own people.

I move that the bill be referred to the Select Committee on the Construction of the Nicaragua Canal.

The motion was agreed to.

ISSUE OF BONDS.

Mr. BROWN. I submit a resolution and ask that it may lie on the table. I shall discuss it in the course of the day.

The resolution was read, as follows:

Be it resolved, That, in the opinion of the Senate of the United States, the Secretary of the Treasury has no authority under the act of January 14, 1875, to issue any further or other bonds in addition to those already issued, and that any such bonds that may hereafter be issued by him will be without authority of law and void.

The VICE-PRESIDENT. The resolution will lie on the table for the present.

SEIZURE OF SCHOONER FREDERICH GERRING, JR.

Mr. LODGE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the President be requested, if not incompatible with the public interest, to report to the Senate the facts in regard to the seizure of the American schooner *Frederick Gerring, jr.*, by the Canadian revenue cutter *Aberdeen;* whether there is any proof that said schooner was fishing inside the 3-mile limit at the time of the seizure, and to inform the Senate what action, if any, has been taken by the United States Government in regard to the seizure of said schooner.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. PRUDEN, one of his secretaries, announced that the President had on May 28, 1896, approved and signed the following acts:

An act (S. 144) granting an increase of pension to T. Clarkson Ingalls;

An act (S. 145) granting a pension to Maud Ardelle Bliss;

An act (S. 177) granting an increase of pension to Sophia D. Clendenin;

An act (S. 247) granting a pension to Wallace McGrath;

An act (S. 466) granting an increase of pension to William Brown;

An act (S. 1051) granting a pension to Elizabeth New, widow of Jethrow New;

An act (S. 2014) granting an increase of pension to Sarah A. Bull;

An act (S. 2175) granting a pension to James Lloyd Young, late of Company A, Sixth Regiment Kentucky Volunteers;

An act (S. 2357) granting a pension to Elizabeth Watts Kearny, daughter of the late Philip Kearny, major-general, United States Army;

An act (S. 2823) to increase the pension of Theodore V. Purdy; and

An act (S. 888) to amend an act entitled "An act to incorporate the Capital Railway Company," approved March 2, 1895.

The message also announced that the President of the United States had on May 29, 1896, approved and signed the following acts:

An act (S. 246) granting a pension to Nancy Carson Blunt;

An act (S. 705) granting a pension to Emily B. Muncey; and

An act (S. 746) granting a pension to Elizabeth E. Donohoe.

The message further announced that the President of the United States had on May 30, 1896, approved and signed the following acts:

An act (S. 616) granting a pension to Matilda Gresham, widow of the late Walter Q. Gresham, at the rate of $100 per month;

An act (S. 404) granting a pension to Samuel Goldwater;
An act (S. 1924) granting a pension to Carrie L. Yeaton;
An act (S. 1493) granting a pension to Mary Clare Kelly;
An act (S. 1215) granting a pension to Ellen Kingsley;
An act (S. 1044) granting a pension to Mary Newman;
An act (S. 125) for the relief of Elizabeth Cook, of Arkadelphia, Clark County, Ark., widow of Robert T. Cook;
An act (S. 739) granting an increase of pension to C. E. Philbrook, major of Twenty-fourth Regiment Wisconsin Volunteers;
An act (S. 1435) granting an increase of pension to Nathan Kimball; and
An act (S. 3011) for the relief of Nicolai Bros.

The message also announced that the President of the United States had on this day approved and signed the act (S. 1659) to amend the laws of the District of Columbia as to married women, to make parents natural guardians of their minor children, and for other purposes.

BILLS BECOME LAWS.

The message further announced that the following bills were presented to the President May 13, 1896, and not having been returned by him to the House of Congress in which they originated within the ten days prescribed by the Constitution, have become laws without his approval:

An act (S. 981) relating to the testimony of physicians in the courts of the District of Columbia;
An act (S. 2790) for the relief of Sophronia S. Stowell; and
An act (S. 2843) to authorize the construction of a bridge across the Missouri River at or near the city of Boonville, Mo.

The message also announced that the bill (S. 730) granting an increase of pension to Mrs. Helen Morrell Carroll was presented to the President May 15, 1896, and not having been returned by him to the House of Congress in which it originated within the ten days prescribed by the Constitution, has become a law without his approval.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CHAPELL, one of its clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 7542) making appropriations for the naval service for the fiscal year ending June 30, 1897, and for other purposes, further insisted upon its disagreement to the amendments numbered 2, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 51, 52, and 53 to the bill, agreed to the further conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BOUTELLE, Mr. ROBINSON of Pennsylvania, and Mr. CUMMINGS managers at the conference on the part of the House.

The message also announced that the House had passed the following bills:

A bill (S. 148) granting a pension to Catharine Dillon;
A bill (S. 807) granting a pension to Charles Williamson;
A bill (S. 887) granting a pension to Ella D. Cross; and
A bill (S. 1672) granting a pension to Lue R. Brown.

The message further announced that the House had passed the following bills, each with an amendment; in which it requested the concurrence of the Senate:

A bill (S. 819) granting a pension to Catherine Leary;
A bill (S. 1291) granting an increase of pension to Celeste A. Boughton, widow of Bvt. Brig. Gen. Horace Boughton;
A bill (S. 1342) granting a pension to Lena D. Smith; and
A bill (S. 1511) granting a pension to Mrs. Jane Stewart Whiting.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 948) to remove the charge of desertion against Jacob M. Hamburger;
A bill (H. R. 1646) for the relief of Dolly S. Brown;
A bill (H. R. 1874) to place the name of Robert Smalls on the pension rolls;
A bill (H. R. 3380) granting an increase of pension to John R. Row, of Toronto, Kans.;
A bill (H. R. 3398) for the relief of Augusta Tuller;
A bill (H. R. 3990) granting a pension to Mrs. Eliza G. Pyne;
A bill (H. R. 4267) granting an increase of pension to Gabriel Widmer;
A bill (H. R. 4268) granting a pension to Mrs. Christina Graham;
A bill (H. R. 4281) granting a pension to George Johnson, of Lenox, Iowa;
A bill (H. R. 4405) granting a pension to Augustus G. Cary;
A bill (H. R. 4410) to increase the pension of Elise Blenker from $30 to $50;
A bill (H. R. 4490) to restore the name of Ethan A. Sellman to the pension roll;
A bill (H. R. 4494) granting pension to Barton S. Dawson;
A bill (H. R. 4519) granting a pension to John Zellers;
A bill (H. R. 4841) granting a pension to Mellisa Adams, widow of Silas Adams;
A bill (H. R. 5852) to increase the pension of Josiah P. Bradbury;
A bill (H. R. 5880) granting an increase of pension to Greenville Puckett;
A bill (H. R. 5938) for the relief of Pricilla R. Burns;
A bill (H. R. 6046) granting a pension to Sarah A. Stacey, dependent mother of Manley T. Stacey, late private Company D, One hundred and eleventh Regiment New York Volunteers;
A bill (H. R. 6247) to grant a pension to Miss Jennie E. Moore;
A bill (H. R. 6417) to complete the military record of Caleb L. Jackson;
A bill (H. R. 6472) granting a pension to Olive M. Lewis;
A bill (H. R. 6549) granting a pension to Gideon L. McGinnis;
A bill (H. R. 6552) granting increase of pension to Alexander C. Morrison;
A bill (H. R. 6590) granting a pension to William Greer;
A bill (H. R. 7127) granting a pension to Samuel D. Gilman; and
A bill (H. R. 9139) granting a pension to Margaret J. Young.

INDIAN APPROPRIATION BILL.

Mr. PETTIGREW. I ask that the conference report on the Indian appropriation bill be laid before the Senate.

The Senate resumed the consideration of the conference report on the bill (H. R. 6249) making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1897, and for other purposes.

Mr. VILAS. Mr. President, at the time when the hour expired in the consideration of the conference report on Friday, I was still discussing the question of the point of order. I do not wish to spend too much time upon that point unless it shall be renewed and discussion be perhaps important to it, but I do desire to add a few words from which I was cut off on Friday.

The Senator from Mississippi [Mr. GEORGE] asked a question, "whether there is any rule positive or any rule in parliamentary law which exempts a committee of conference from an obligation to observe the rules of the Senate." I understand the precise contrary to be the rule of parliamentary law. The conferees or managers on the part of either body of Congress or Parliament or legislature were originally directed when a conference was ordered to submit to the managers of the other House on the part of that House which asked the conference simply the reasons in support of the amendment which had been passed by the House and disagreed to by the other. The old practice was to put those reasons in writing. They were carefully considered by the House which sought the conference, and they were submitted by the conferees to the managers on the part of the other House without the right to argue, and the disagreement continued if they were not accepted as sufficient to justify the proposed action.

Then came the other course, which is called a free conference, in which the managers were intrusted with the presentation verbally of the reasons which supported the course desired to be pursued by one House.

Now, I will turn to a word or two only in Cushing on Parliamentary Law to show the nature of conferences and what may be done in conference. Speaking of communications by conference, he says that—

> The most usual occasions, upon which it is competent for either house, according to the practice of Parliament, to demand a conference with the other, may be arranged under the following heads, namely—

There are five, the fifth of which only is important to the present consideration—

> 5. To offer reasons for disagreeing to, or insisting on, amendments made by one house to bills, resolutions, or addresses, passed or agreed upon in the other.

Then later he lays it down that—

> The duty of the managers, on the part of the house proposing the conference, is confined to the delivery to the managers for the other of the communication, whatever it may be, which it is the purpose of the communication to make; and the duty of the managers for the other house is merely to receive such communication. They are not at liberty to speak, either on the one side to enforce, or on the other to make objections to, the communication.

After the practice of the free conference superseded the more limited method of presenting the reasons, the difference was, in the eye of parliamentary law, only that the reasons were presented verbally, and the reasons of the other House for disagreeing were also presented verbally, and if no acceptance of the amendment resulted, the managers reported back to the House their disagreement. There is in no treatise upon parliamentary law any provision which I have fallen upon which authorizes the conferees to make amendments of their own volition to a bill. They are limited by the principles of parliamentary law to the presentation pro and con of the reasons which support the proposed amendment or the disagreement to it. So far from the rule being that conferees are exempt from the limitations in the rules of the Senate so that they can introduce to the legislation under discussion general legislation, or provisions of a character not merely in nature to perfect that which is proposed, the rule is laid down thus by Mr. Cushing, in paragraph 841 of his work:

> The only rules relating to the manner in which the discussions at a free conference are to be conducted seem to be the same by which a debate in

either house on the same subject-matter would be conducted; namely, 1. That no personalities, either toward the managers on the other side or the house which they represent are to be indulged in; and, 2—

To which I ask now particular attention—

That no irrelevant topic, that is, one not embraced within the subject-matter of the conference, as agreed upon, is to be introduced.

Such is the parliamentary law in respect to conferences. Conferences are to be conducted upon the same principles as a debate, and of course conferees are to be governed by the rules which limit debate in the House, and especially by a rule which prohibits the introduction of a new subject of legislation.

Now, let us see what is the duty of conferees in case a violation of this principle should happen in the conference, as, for example, if the House conferees in this particular issue insisted upon proposing general legislation upon this bill in violation of the rules of the Senate, the introduction of what is declared to be an inadmissible thing, an irrelevant topic, not embraced in the subject-matter of the conferences as agreed upon. He says:

If either of these rules is infringed by the managers or any of them on the one side there is no other remedy but for the managers on the other to object to any further proceeding, stating at the same time the reason of their objection, and then to withdraw from the conference and report the whole matter to the house of which they are members.

That indicates at once what the proper course of procedure of these conferees was, that the managers on the part of the Senate, if we are to suppose that this general legislation which had once been ruled out of order in the Senate was proposed again to this bill by the managers on the part of the House, instead of accepting it and reporting it as an agreed measure, it was the duty of the conferees to have reported that the managers on the part of the House declined to accept the amendment proposed by the Senate, but added to it as a condition the proposal of new legislation of a general character, which, under the rules of the Senate, they were not authorized to accept.

Now, Mr. President, it seems to me that that is a perfectly plain expression of what common sense teaches. It has been the crying evil of the legislation of Congress that too much of it was originated in conference. The same rule, however, does not in all its particulars apply, at least with equal force, to conferences upon other bills than appropriation bills, because other bills are in their nature general legislation for the most part, and there is no rule of the Senate which would forbid the offering of an amendment to such a bill germane and proper in its nature; but in the case of an appropriation bill there is the express and particular rule of the Senate that no general legislation shall be received to it from any quarter whatever, for that is the import of the rule, relating not to the source from which the proposal comes, but to the nature of the proposal, and for the reason which I gave the other day.

I might add, as was suggested to me afterwards by the Senator from Mississippi, that another strong reason supports it, and that is that Senators ought not to be put to the necessity of voting for some measure which they themselves can not approve, or else to defeat perhaps the passage of an appropriation bill which they are conscious the needs of the public service may require. In every aspect in which this business can be viewed, from the standpoint of parliamentary law, as to the obligation resting upon conferees or managers on the part of the Senate, it seems to me perfectly clear that the duty of the Chair is to protect the Senate against the imposition upon appropriation bills of legislation of this character, when proposed by the managers of the conference, with the same force which it lies upon him to protect the Senate from the imposition of such propositions when offered in the course of the discussion of a measure. I therefore think the point of order ought to have been insisted upon and sustained. Of course it comes to the same thing if the Senate takes a vote to reject it, but if we tolerate that practice we have taken away one of the safeguards which the rule provides against legislation of this character.

I called attention the other day to the fact that this is new legislation of a general character, not merely new legislation but general legislation, and I pointed out, and I do not propose to repeat it, that the difference between the original amendment which was ruled out of order in the Senate and that proposed by the conferees is insignificant so far as any claim may be made that the one is different from the other in the sense of this rule. Limiting it to the subject of the citizenship of the Indian tribes, the amendment is substantially the same; in most particulars practically identical. But there is another thing in the amendment, which was not in the amendment proposed in the Senate, that is of very great importance. Here is a declaration in the amendment proposed by the managers of the conference that goes far beyond the amendment proposed by the Senator from Connecticut [Mr. PLATT]. It is far more radical in its nature than the amendment proposed by the Senator from Connecticut. After having made the same provisions substantially with reference to the determination of citizenship and the making up of the roll of citizens which was included in the former amendment, this one now proposes the following declaration of public policy on the subject of the government of the Indian tribes:

It is hereby declared to be the duty of the United States to establish a government in the Indian Territory which will rectify the many inequalities and discriminations now existing in said Territory and afford needful protection to the lives and property of all citizens and residents thereof.

The last clause is merely an explanation of the reasons or objects of the Government, not all that might be mentioned, but the leading ones. Thus, by this amendment Congress is asked not only to interfere with the right of the tribes to make up their rolls of citizenship but to go much further than has yet been suggested—to declare the duty of this Government to establish a government in the Indian Territory.

Let us consider for a moment what that means with reference to the condition of the Indians under the treaties which have been made with them by this Government. Of course if the amendment proposes radically to alter the established government which the United States have caused to be created in a single one of those five tribes, it is not only general legislation but general legislation of a most important character; and the Senator from Kentucky [Mr. LINDSAY], who asked a question the other day in respect to the subject, will, I am sure, agree with me that that is a fair statement.

Let us, for an illustration, take a single one of these tribes, and I am now only repeating the argument which the Senate heard when the Indian appropriation bill was before it and upon which the Senate manifested its entire unwillingness to receive this proposal of general legislation. Take the case of the Cherokee Nation, and I shall not trespass upon the patience of the Senate to go at greatest length into the history of treaties with any one of those tribes. However, I desire to call attention to the engagements between the United States and the Cherokees. The Cherokee Nation formerly lived in certain Southern States, and the United States had dealt with them repeatedly as an independent nation. Finally it sought to secure their removal beyond the Mississippi River, and several different conventions were had during the course of a number of years in order to reach that result. Treaties were made in 1816, 1817, 1828, 1833, and 1835. The treaty of 1828 contained a covenant on the part of the United States to grant to the Cherokee Nation a tract of 7,000,000 acres of land west of the Mississippi, within defined bounds, and an additional agreement to grant them an outlet to the western border of the United States, so as to give them access to the Spanish or Mexican territory lying to the west of it. That outlet embraced over 6,000,000 acres. The United States covenanted to give them a patent for the land, so that the title of the lands bestowed upon them in consideration of the cession of their lands in the South and their removal to the West should be absolute and perfect in the Cherokee Nation. Now see further what was agreed to by the United States in the fifth article of the treaty of 1835, which has never been qualified or in any measure withdrawn:

The United States hereby covenant and agree that the lands ceded to the Cherokee Nation in the foregoing article shall, in no future time, without their consent, be included within the territorial limits or jurisdiction of any State or Territory. But they shall secure to the Cherokee Nation the right, by their national councils, to make and carry into effect all such laws as they may deem necessary for the government and protection of the persons and property within their own country belonging to their people or such persons as have connected themselves with them: *Provided always*, That they shall not be inconsistent with the Constitution of the United States and such acts of Congress as have been or may be passed regulating trade and intercourse with the Indians.

The last part of the article it is immaterial to read. It is in relation to travelers in the country. Now, take the next article:

ART. 6. Perpetual peace and friendship shall exist between the citizens of the United States and the Cherokee Indians. The United States agree to protect the Cherokee Nation from domestic strife and foreign enemies and against intestine wars between the several tribes. The Cherokees shall endeavor to preserve and maintain the peace of the country and not make war upon their neighbors. They shall also be protected against interruption and intrusion from citizens of the United States who may attempt to settle in the country without their consent; and all such persons shall be removed from the same by order of the President of the United States.

Now, Mr. President, what was the legal consequence of our creating, in the solemnest manner that the United States can make an engagement, an autonomous nation of Indians and bestowing upon that nation the full title, by patent granted by the United States to them, of all the territory which was to be theirs, in no future time to be included within a State or Territorial government of the United States except by their own consent? First, it implied, if it may not be said to be an explicit declaration, that they possessed the right to determine the question of their own citizens. The Supreme Court of the United States recognized that in two or three cases in terms which leave no opportunity for doubt about the meaning of those provisions. No lawyer will pretend, no man who will address his mind to this subject as a matter of fair legal interpretation will pretend, that to create an autonomous government, with full power of legislation according

to their own methods, is not to invest them with the full power of determining who constitute the citizens within that government. The Supreme Court in the Cherokee trust fund case said distinctly:

By treaties with the Cherokees the United States have recognized them as a distinct political community, so far independent as to justify and require negotiations with them in that character.

Then there followed in that case a further discussion of the right of the Eastern Cherokees, who had not migrated to the lands of the Cherokee Nation, to participate as citizens in the funds and property of the Cherokee Nation there domiciled and settled. The Supreme Court in that case said of that question:

The claim presented by the Cherokees of North Carolina to a share of the commuted annuity fund of $214,000, and of the fund created by sales of lands west of the Mississippi ceded to the Cherokee Nation, resting as it does upon the designation in the treaties of the lands originally possessed by the Cherokees and ceded to the United States, or subsequently acquired by them from the United States as "the common property of the nation," or as held for the "common use and benefit" of the Cherokee people, has no substantial foundation.

And the reason was given; and I quote further to illustrate that reason and to reenforce the proposition I am making:

If Indians in that State, or in any other State east of the Mississippi, wish to enjoy the benefits of the common property of the Cherokee Nation, in whatever form it may exist, they must, as held by the Court of Claims, comply with the constitution and laws of the Cherokee Nation, and be readmitted to citizenship as there provided.

It did not need that explicit declaration of the Supreme Court; but if anything were necessary in the way of judicial determination, that is ample and sufficient to fix the absolute and exclusive right of the Cherokee Nation to determine for itself who constitute citizens entitled to share the property and the privileges of the Cherokee government and the Cherokee people.

But let us go a step further. A few years ago the advance of frontiersmen upon the Indian Territory created a demand for the country known as the Cherokee Outlet. We created a commission to negotiate with the Cherokee Nation to buy the Outlet. It resulted in an agreement by which the United States paid a sum of money, exceeding $6,000,000, for their title to that Outlet, such as it was. It was a title limited in character and different from that by which they hold the territory of their nation. They were reluctant to give it up, but they acceded to the desire of the United States and they made a bargain to sell. But at the same time, in making that bargain they stipulated afresh not only for money but for what they regarded as of at least equal importance. They stipulated again that the United States should guarantee and protect their right to determine the question of citizenship; and now I desire to note the covenant in that agreement which the United States made only four years ago last December:

For and in consideration of the above cession and relinquishment, the United States agrees:

First. That all persons now resident, or who may hereafter become residents, in the Cherokee Nation, and who are not recognized as citizens of the Cherokee Nation by the constituted authorities thereof, and who are not in the employment of the Cherokee Nation or in the employment of citizens of the Cherokee Nation, in conformity with the laws thereof, or in the employment of the United States Government, and all citizens of the United States who are not resident in the Cherokee Nation under the provisions of treaty or acts of Congress, shall be deemed and held to be intruders and unauthorized persons within the intent and meaning of section 6 of the treaty of 1835—

Which I have read—

and sections 26 and 27 of the treaty of July 19, 1866, and shall, together with their personal effects, be removed without delay from the limits of said nation by the United States, as trespassers, upon the demand of the principal chief of the Cherokee Nation.

Mr. President, when that treaty was laid before Congress and became the subject of discussion, it was held up for some time without being ratified by Congress. But finally a law was passed—I think it was March, 1893, if I am not mistaken as to the date—by which the treaty was ratified, and this particular clause was especially ratified, with the addition only of an amendment to the effect that before any intruder should be removed the value of his improvements should be appraised and paid him, etc. I shall not stop to read the detail of that limitation.

Mr. GEORGE. May I ask the Senator from Wisconsin if that addition or modification of the agreement was made by act of Congress alone, or was it dependent upon ratification by the Cherokees?

Mr. VILAS. It was in the act ratifying the treaty, and no provision was made, as I remember, for a resubmission, nor has there ever been any other acceptance of it than may be implied in the fact that the Cherokee Nation received the money which was paid for the Outlet. But that does not alter this question at all. We thus see that from the original institution of that nation they have had the covenant of the United States guaranteeing to them their own independent autonomous form of government, their own right to determine who constitute citizens within it, authorized to share the property which that nation owns.

What is proposed by this amendment? Not general legislation. This amendment proposes to leave it to the Dawes Commission to make up a roll of citizens. True, it instructs them to accept the roll as it has already been made by the Cherokee authorities, but it commits to the Dawes Commission to determine every disputed and doubtful question, and that is all there is of value in the treaties; that is precisely what is the right of the Cherokee Nation itself by the treaties which have been made, repeated, reiterated with that nation, and only three or four years ago confirmed afresh by an act of Congress, accepting from them a large tract of country with that confirmation as one of the considerations of the trade.

If there is anything in the world that should give Congress pause, it is the attempt to override by power the obligations which the Government has made and which depend only on its good faith and its integrity.

It is said here that there is an appeal from the Dawes Commission to the district court, and the appeal may be taken within sixty days, but the judgment of the court shall be final. Why should the Cherokee people be put to take an appeal from a Commission when, by the terms of our solemn engagement with them, their judgment is final, and by what right are we to declare that it is the duty of the United States to establish a government there? Have we not covenanted, and are we not bound to respect our covenants, that no government shall be established there without their consent?

Mr. President, I recognize the fact, which no doubt will be urged in argument here, that the power lies with the United States—that Congress may, if it will, trample down every security which the pledge of this Government to those people would seem to have given to them. I recognize that we may, if we will, take from them their property, that we may divide it up and give it to the horde of adventurers who are seeking to enrich themselves at the expense of those people. We have that power. We have the power to do a great many things; but is it possible that that power shall be exerted unless the necessity has become so great and overruling as to furnish in the eye of moral, respectable, upright people a justification for the breach of an agreement like this? It may be that an engagement of such a nature as this can be justified in the breaking; it may be that in dealings between peoples you can proceed to overthrow the obligations which if a State of the Union had made, no power would tolerate the overthrow of, and no excuse could allow it; but before that is to be done Congress ought to be well advised. It is alarming that when questions involving such vast interests—the happiness of a people who have confided themselves to our faith and our sense of justice—are under discussion we can hardly get attention to the subject. Now it is proposed to do all this thing; to overthrow and override every right of these people by an amendment to an appropriation bill which the Senate has once declared to be not in order.

Mr. ALLISON. And which is unamendable.

Mr. VILAS. And which is unamendable as proposed to us, as suggested by the Senator from Iowa. If that be the method of procedure which can prevail in the Senate of the United States, there will be found justification in the fact for a greater lament over the decadence of public morals and the sense of public duties than has been heard here from any man heretofore, however eminent in character or exalted in place.

Sir, I do not intend to weary the Senate with a protracted discussion. I had desired to point out only in a direct and simple way how far-reaching is this proposed amendment in character and in principle, how contrary to every one of those rules of good faith which should govern and restrain the Congress of the United States.

I said it might happen—and I am willing to admit it may happen—that such a thing as the breach of a public engagement, even of this character, may be committed and defended without casuistry, but the case must be an extraordinary one. If a case exists in respect to our dealings with the Indian tribes to whom we have given these rights of separate existence and independent government that case ought to be submitted to Congress in an independent bill. It ought to be a measure which will carry in every part of it proper provision for the redress of such wrongs as exist, for the security of such rights of property as ought to be preserved, for the security of such rights of persons as can not but be acknowledged to be sacred even with Indians. It ought to be a measure formulated with that care which belongs to statesmanship, and be considered in the Congress of the United States with solemn attention. It is little short of legislative outrage to propose such a thing upon an appropriation bill, especially in the last moments of a session and in the guise of a conference report.

Mr. President, it is said, and it will undoubtedly be said again in the course of this debate, that disorder exists in the Indian Territory and among these tribes. It will be said that bribery and corruption prevail in their courts, yet let me remind Senators that it is not ten years since it was our habit to point to those Five Civilized Tribes as evidence of what the Indian nature was capable of when properly guarded and left to work out its rightful condition. A few years ago there were councils, as there are yet, that enacted such laws for the government of those tribes respectively, and annually their books of session laws were printed, and they would compare favorably, at least not at all

discreditably, with the volumes of session laws enacted in the States. We rejoiced in the success of that experiment. What is it that has created disorder there? It is the breach of duty on the part of the United States.

We covenanted to protect them in their independence; we covenanted to prevent them from being overrun by a horde of intruders; and we have permitted 300,000 people to go into the territory of one of those tribes where but fifty or sixty thousand Indians were living in independence, peace, and good order.

It is said that there is great misrule there. Read what Judge Stewart said of them only a short time ago, a judge of the United States court. I wish I had his language before me, so that I could give it with accuracy; but he commended that government; he commended those people as equal in obedience to law and the order of their society to their neighbors in the surrounding States.

Sir, it is perfectly evident that the trouble which those Five Tribes suffer under results from the United States having failed to discharge its duty. Shall we proceed to make that an excuse for the most flagrant disregard of every national obligation which we have entered into with those people?

I hope the Dawes Commission may continue their labors. I hope that they may secure an eventual agreement by which the United States shall be empowered to act without dishonor. I think it possible to be done. At all events, I hope before we shall proceed to such steps as those who favor this legislation would demand of us, before we shall overthrow so ruthlessly and pitilessly rights which depend only for their security upon the solemnity and good faith of our promise, that we shall wait until the Dawes Commission by further efforts have given us a greater excuse than we now possess.

It will not be difficult to find in isolated instances in States of the Union as flagrant violations of the principles of morality, of the principles of judicial administration and political government as have been pointed out in that report to have taken place in particular instances in the Indian Territory. We have in them as yet, in my judgment, no sufficient warrant for such a course of action as is now proposed to us.

Here is another thing in this amendment which it was said by the Senator from Iowa [Mr. ALLISON] we have to swallow whole, if we take it at all, not suggested in the bill. Let me read it:

> Sisseton and Wahpeton Indians: That all the interest due the Sisseton and Wahpeton Indians on March 3, 1896, is hereby appropriated to be paid at once in cash per capita; and hereafter all interest on the permanent fund of said Indians, after deducting the amount expended for education, shall be paid in cash per capita on the 1st day of November of each year.

I should like to ask the manager on the part of the Senate, the Senator from South Dakota, where the Sisseton and Wahpeton Indians are? I think perhaps I know, but I shall be glad to be accurately informed.

Mr. PETTIGREW. What was the question of the Senator?

Mr. VILAS. Where do the Sisseton and Wahpeton Indians abide?

Mr. PETTIGREW. In the eastern part of South Dakota, near Lake Travers.

Mr. VILAS. What connection has the interest upon the funds of the Sisseton and Wahpeton Nation to do with the appropriation for keeping alive the Dawes Commission?

Mr. PETTIGREW. Does the Senator want an answer?

Mr. VILAS. If the Senator will give it.

Mr. PETTIGREW. I am not aware that it has anything to do with it. I will say, however, if the Senator has no other objection to this report than that he intimates in regard to the Sisseton and Wahpeton and Seneca Indians, and will address himself to that, I do not think I shall resist very long sending it back, but the real fact of the matter is that those questions would never have been here at all had it not been for the other question, which is properly here under the precedents.

Mr. VILAS. I should like to know for what reason there should be a change of law as to the mode in which the interest should be paid to the Sisseton and Wahpeton Indians?

Mr. PETTIGREW. I will say that under the treaty made with those Indians some years ago we purchased a large tract of land from them. The treaty provided that the money should remain in the Treasury and should bear 5 per cent interest, and that the principal and interest should be appropriated by Congress. The ratification of the treaty provided that it should either be appropriated by Congress and spent for the benefit of the Indians, or by order of the President. This is simply carrying out the provisions of the treaty itself; and until either Congress acts in this way or the President issues his order none of this money can be expended for this purpose. To-day, through the neglect of the President, who for months has refused to issue the order, these Indians are starving, and the Western papers are full of complaints of their misery and distress. It is about time for Congress to step in and do something when the Executive fails to do his duty.

Mr. VILAS. Is it not somewhat curious that that state of facts first became disclosed to the Senate through a conference report, when the Indian appropriation bill was depending, and the Committee on Indian Affairs has had charge of our relations to the Indians during this entire session?

Mr. ALLISON. Allow me to say to the Senator that the provision was put on the deficiency bill in the Senate.

Mr. VILAS. I was not aware of that.

Mr. PETTIGREW. I can answer the Senator with regard to that matter if he desires.

Mr. VILAS. If the Senator from South Dakota desires to do so, I will hear him with pleasure.

Mr. PETTIGREW. I understood the Senator to ask a question, and that he wanted to know why the subject had not been disposed of before. In the first place, it was supposed the President would act, and every effort has been made in that direction. Since this bill went to conference these Indians have sent a committee of their number here to urge action in this connection. They were very desirous of securing this legislation and escaping hereafter the neglect of the Executive.

Mr. VILAS. I suppose the truth is that the treaty with the Sisseton and Wahpeton Indians provided that this interest should be expended, under the direction of the President, by the Interior Department, for the benefit of those Indians.

Mr. PETTIGREW. I will say to the Senator that it has been the custom to pay to them in cash per capita, for they are voters and citizens of the United States.

Mr. VILAS. Am I not right that the treaty provided that this interest should be expended by the Interior Department for the benefit of the Indians?

Mr. PETTIGREW. The treaty provided that the money should be expended upon appropriations to be made by Congress, nothing more and nothing further.

Mr. VILAS. But the money when appropriated by Congress was to be expended, under the direction of the President, through the Interior Department, for the benefit of the Indians, was it not?

Mr. PETTIGREW. No, sir; it was not.

Mr. VILAS. I venture to say, without now being able to recall accurately in memory all the provisions of that treaty with the Sisseton and Wahpeton Indians which was made when we purchased their country in the Dakotas, that there was provision there for expenditure for education, for the purchase for them of various articles and implements of value to them, for the assistance of the individual Indians in the art of agriculture, providing them with instructors, and other things of that kind, and this direction which now would at once put into the hands of those Indians per capita this fund into a fund which would be gathered annually year after year is a change at least of the law as it existed before. Congress has not hesitated regularly to appropriate the interest which is due upon the Indian funds. The question is one of the mode of expenditure—whether it shall be placed in the hands of the Indians themselves, with the ordinary result, that some traders have it within forty-eight hours, or whether it shall be applied according to the method hitherto pursued to insure its expenditure with benefits to their families and children.

Mr. President, there are thus in this particular instance, and as well in the Seneca Nation of Indians, two additional provisions brought in here on the conference report, and proposed to be legislated upon this bill by Congress. Where is the limitation? If the question of order is not to be made, where is the limit? Why may not conferees bring in subjects entirely independent of the measure in the last days of the session for the first time, and we be required to take the whole dose at one gulp?

The objections that may exist to that measure with reference to the Sisseton and Wahpeton Indians I am not able to declare. I know nothing of the reasons that should support that legislation; but I am of opinion that we ought not to be challenged to give our assent under such circumstances to such a measure.

With reference to the others, it is perfectly obvious that the objections are of the most importance. They are of a character which should call a halt if they were proposed in an independent bill. Why has it not been done? During this entire session this same report of the Dawes Commission had been lying on the desks of Senators or accessible to them. The Committee on Indian Affairs have had since the first day of this session of Congress every particle of information upon which action ought to have been taken, if any should be taken. Why have not that committee, or those Senators interested in the matter, proposed some scheme of legislation to meet the evils which they declare to be so insistent? For one I believe that Congress will proceed more safely if they shall wait until another session at least before they undertake to deal with a subject of so vast importance, affecting property rights so enormous—because I have no doubt that the property rights of those Indians in that Territory of theirs are worth at least $50,000,000—affecting considerations of a nature so delicate, addressed to every sentiment of national honor and good faith. I think, sir, we can wait until another session can

intervene. We can, perhaps, though I hardly know if that is possible, get over something of the frenzy which seems to rule the political hour; we can, I trust, at all events, assemble at the next session of Congress with more composure of judgment, with greater freedom, to consider questions of this kind and address ourselves to the duty, if it be a duty, of dealing so ruthlessly with the rights which these people have obtained from our covenant and are entitled to enjoy at our hands, and deal in such manner as that we shall not add another terrible imputation upon the honor of the United States in its transactions with a people so utterly helpless as these are.

Mr. President, if the Senate will not have this question of order ruled as such, I do sincerely trust that it will send this report back into conference, and with an instruction that, if the other House will not accept the amendment which the Senate has made, the Senate conferees shall no longer urge it upon them. Let us abide by the rules of conferences as laid down in Cushing's work on parliamentary law, and insist that the conference shall relate to the subject which is committed to the conferees by the two Houses of Congress.

When we debated this subject some weeks ago while this bill was under discussion, similar views to those now entertained were urged upon the floor by myself and others, and seemed to secure the almost unanimous judgment of the Senate—no, that would be too strong a statement—but seemed to secure the judgment of the Senate. We took no vote, but when the Chair ruled the amendment out of order there was no question raised of the sufficiency of the ruling, and the usage of the Senate has been to vote anything in order which they wanted to do. I think the Senator from Colorado will agree with me in that.

Mr. TELLER. I think the ruling of the Chair on that subject was right.

Mr. VILAS. No doubt.

Mr. President, after that ruling was made, after that bill had been thus left, without this injustice ingrafted upon it, at the suggestion of some of those who had favored the amendment I myself offered, with the hope that it would be a satisfactory arrangement, the amendment which proposed an appropriation for the salaries and expenses of the Dawes Commission. I do not know that they absolutely need the appropriation. I believe $50,000 was provided for them when that Commission was started. We have had, I think, no report yet to show that that has been exhausted. I believe there must still remain a considerable portion of that appropriation unexpended. But the Senator from Colorado says not much remains. It was upon the understanding that the sum named was probably insufficient that I offered the amendment which was adopted by the Senate. It seems to me that under all the circumstances the Senate is well entitled to insist that that should be regarded as a finality, that that should be regarded as not a compromise, but so much of the nature of a compromise of the existing controversy at that time as that it ought to be accepted or rejected.

Mr. HALE. Mr. President, I make a suggestion to the Senator in charge of the bill. As the report has hung along for a long time, I suggest that debate be continued—I will not say under the five-minute rule, but under the ten-minute rule—for the remainder of the time that the bill is under consideration. I make that proposition and ask that unanimous consent be given.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Maine?

Mr. GEORGE. I object.

The VICE-PRESIDENT. There is objection. The question is upon agreeing to the conference report.

Mr. GEORGE. Mr. President, I feel some embarrassment in attempting to occupy the attention of the few members of the Senate who are paying any attention at all to the subject now under consideration. I feel a very deep conviction that the proposed amendment by the conference committee is unjust and unfair. I might go further and say that it is a simple outrage upon the rights of five autonomous tribes of Indians who are under our wardship. I feel, sir, as two of these tribes once occupied the fair land in which I now reside and also from principles of justice to the others, that I ought to do everything in my power to prevent the consummation of this outrage.

Certainly it is a very extraordinary spectacle that in the United States Senate, a part of the treaty-making power of the Government, a body which in times past gave its constitutional sanction to the various treaties which we have made with those tribes—I say it is an extraordinary spectacle that in a solemn debate, so far conducted with very great ability and fairness and justice, we find the great body of Senators paying not the slightest attention whatever to what is said or alleged upon either side. So I am disposed, in view of the fact that the Chair is obliged to listen to the arguments of Senators, to renew the point of order, which I think was incautiously withdrawn by the Senator from Maine.

The technical discussion of the point of order has been well conducted by my colleague [Mr. WALTHALL] and by the Senator who last addressed the Senate. There is but little more on that line which might be urged. I will urge a point or two.

The Dawes Commission, the continuation of which was the amendment inserted by the Senate to the bill (and which so far as this report is concerned was the thing in dispute between the two Houses), was the matter which the Senate and the House committed to their respective conferees to settle the difference between the two Houses. That Commission, I need not remind the Chair as well as any Senator who may see proper to give any attention to this debate, was purely an executive committee. It had nothing but executive power, and it had no other executive power than the power to negotiate; that is, to confer with the authorities of the tribes to make propositions of settlement upon matters which the United States desired to settle, to receive answers from the tribes as to those propositions, and discuss the propositions, and arrive at a conclusion, if a conclusion could be reached. That was the sole power of the Dawes Commission. It could not disturb a right. It could not touch by a hair's breadth any right, political or personal, or property which belonged either to the tribes as autonomous communities or which belonged to any single member of the tribes.

That was the law which created the Dawes Commission. They were officers under the United States as created by law. The President of the United States sent to this body the names of five persons, first and last, who were to fill these five offices of negotiators. What does that involve, Mr. President? A law was enacted. The President was required to nominate and appoint, by our consent, these five negotiators. It was his duty to select five men who were qualified and who could discharge properly for the interests of the United States the duty of negotiators. That was all. They were selected for that purpose. Their names were sent to the Senate and our advice was asked as to the appointment. We gave the advice for the appointment of these officers simply as negotiators, as being persons competent and fit to be intrusted with the duty of making a bargain, which bargain was afterwards to be subject to our ratification or rejection.

The appropriation bill simply continued this Commission by making an appropriation. The House disagreed to that, and we have as the result of that disagreement, I will say with due respect to the very eminent men who signed this report, the most extraordinary document, considering the purposes for which it was designed, that ever emanated from any committee of this body or any other.

The first thing they do, under the plea, under the specious pretext of enlarging the powers of the Dawes Commission, is to make a judicial tribunal out of an executive board. Now, let us see how that changes the situation. These five men were selected by the President as fit persons for negotiators. They were confirmed by the Senate because they were supposed to be fit persons for negotiators. Without any recommittal of the propriety of choosing these five men for other distinct, separate, and, under the Constitution of the United States, inconsistent duties, we are now asked to confer upon them, without any resubmission of their qualifications either to the President or to us, the extraordinary powers mentioned in this amendment.

I will not now insist, Mr. President, that it is constitutionally incompetent for the Congress to invest with judicial powers officers who were appointed and confirmed as executive officers, though if I were disposed to go into that it would be very difficult to resist the conclusion that such a thing can not be done. I will not put it on that ground. I put it upon the good sense of the Senate whether this body will thus do violence at least to the ordinary course of procedure, to what seem to be the obvious dictates of common sense and common justice, that when a board has been created simply for the purpose of negotiation, or making a bargain, we shall convert that board into a tribunal possessing, I am bound to say, powers which are not possessed by any other court in the United States, and which, I might add, are not possessed by the courts of any nation in Christendom; that is, the power to add to the citizenship of an autonomous and self-governing body. It has done that.

But, Mr. President, as extraordinary as the end sought to be attained by this amendment is, the provisions of the amendment are equally extraordinary, and I may add, as I will show, they are utterly insufficient for the end in view.

The VICE-PRESIDENT. The Senator from Mississippi will suspend. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 1341) to prohibit the further issuance of interest-bearing bonds without the consent of Congress.

Mr. HALE. I ask unanimous consent that the unfinished business be laid aside temporarily for the purpose of allowing the Senator from Mississippi to finish his remarks.

The VICE-PRESIDENT. The Senator from Maine asks unanimous consent that the unfinished business be laid aside temporarily in order that the Senator from Mississippi may conclude his remarks. Is there objection?

Mr. BUTLER. Mr. President, without being discourteous in the least to the Senator from Mississippi, I am compelled to object, and I will take the floor on the unfinished business to continue my remarks.

Mr. HALE. Had not the Senator from North Carolina concluded?

Mr. BUTLER. No, sir.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1341) to prohibit the further issuance of interest-bearing bonds without the consent of Congress.

Mr. CULLOM. I believe the Senator from North Carolina yields to me for the purpose of occupying the attention of the Senate a little while upon the pending bill.

Mr. BUTLER. I understand the Senator from Illinois will not speak long, so I yield the floor to him.

Mr. CULLOM. Mr. President, while I do not question the motive which prompted the introduction of the bill to prohibit the issuance of interest-bearing bonds, yet I must confess that I am surprised that, under the circumstances, it should receive serious favorable consideration in this body. No one on this floor deplores more than I do the issue of interest-bearing obligations by this Government in time of peace and the piling up of debt at the rate of $100,000,000 per year. But does any Senator imagine that the causes which made the issue of bonds necessary, and which may require further issues, can be removed by simply passing a bill prohibiting it? The consequences of the passage of the bill, if it shall become a law, to my mind, are so far-reaching as to be simply appalling.

Mr. President, in my opinion, it would be the undoing of all that has been accomplished and built up since the passage of the resumption act in 1875. It would mean the repudiation of our obligations. Its tendency would be to place this country at once upon a silver basis, whatever that may mean. It would seriously endanger every business concern in the country which has weathered thus far the terrible financial storm that has prevailed during the last three years. It would throw out of employment hundreds of thousands of laboring men and women who have begun to hope that the dawn of brighter days is at hand. It is wholly wanting in common honesty, and would forever be a blot upon the page of American history.

Mr. President, I agree with what the distinguished Senator from Ohio [Mr. SHERMAN] said a few days ago. I do not suppose any Senator believes this bill will become a law. The Executive should never be deprived of the power given him by the act of January 14, 1875, which authorized his Secretary of the Treasury to "issue, sell, and dispose of, at not less than par in coin, either of the descriptions of bonds of the United States described in the act of July 14, 1870," unless upon the passage of another act giving the President and Secretary power to maintain the reserve and also to borrow money to meet any emergency on better terms.

We have, during the present Administration, been confronted with an emergency which, in the judgment of the Executive, required the exercise of the authority vested in him by the act above quoted. And whatever money the President and the Secretary of the Treasury may have raised by the sale of bonds (whether judiciously raised or not) is not seriously claimed to have been unlawfully obtained. I have my own views as to the wisdom of the Executive action, but there is no doubt whatever of the lawful power of the President of the United States, with the Secretary of the Treasury, to sell or to provide for the sale of such evidences of indebtedness as they may deem necessary to effectuate the lawful policy of the Government. Mr. President, I shall be the last man to join in any trifling crusade against the official and personal integrity of the President. No Government should fail to guard against national dishonor. The United States can not afford to permit such a condition of things as even to hazard or jeopardize its credit or its financial honor.

General Grant, the great soldier and statesman, said in his first message, March 4, 1869:

> To protect the national honor, every dollar of Government indebtedness should be paid in gold unless otherwise stipulated in the contract. That no repudiator of one farthing of our public debt will be trusted in public place.

Such has always been the spirit and determination of the people. It is now proposed by this bill to prohibit the President from borrowing a dollar, no matter what may happen or what calamity may come upon the country. It is not only wrong but it is a crime against the honor, security, and prosperity of the nation. While the nation was struggling in civil war and groaning under the vast burdens of debt no word was ever officially uttered which had even the semblance of repudiation, and never was an attempt made to take away from the President the lawful power to make loans to protect the nation's credit. When General Grant uttered the words quoted gold was at a premium of 38 per cent, as compared with paper money, and the interest on Government bonds was 6 per cent. The total interest-bearing debt was then $3,162,000,000, but the policy of the nation was sound money, a protective tariff, and sufficient revenue. Under that policy the people prospered. We were not so great a nation then as we are now. Our population was about 38,000,000, as against 72,000,000 to-day. Then the value of our personal and real property was about $30,000,000,000. In value this has increased until it now approximates $70,000,000,000. The injunction is still as imperative to be honest and maintain our integrity and credit as it has ever been.

But, Mr. President, it is not my purpose to discuss the bond bill at length, as it will not become a law. I desire to discuss briefly the financial or monetary question.

The financial exigencies of this country and the necessary relationship which exists between the monetary systems of the United States and of the other civilized nations of the world have of late years given rise to the hope of an international agreement in regard to coinage and coin values. The money metals all over the world are gold and silver, and nearly all the civilized nations are producers, in a greater or less degree, of these metals. The commerce of the world, under the stimulating influences of steam transportation, electric communication, and other modern facilities, has been so modified in its character, and the conditions affecting it have so radically changed in a few years, that any intelligent consideration of the commercial problem must include new factors and new influences.

Our own territorial growth, unexampled as it has been, ought to demonstrate to us that other nations have grown, too. Our prosperity should remind us that other countries may prosper, too. What we, with our growth, intelligence, enterprise, and push, may have had yesterday is to-day possessed by Australia, India, Argentina, and even South Africa. Our Kansas City, Omaha, St. Paul, Minneapolis, Denver, and Leadville have their counterparts in Melbourne, Bombay, Buenos Ayres, Johannesburg, and Kimberley. The discovery of precious metals in California and Colorado was but a precursor of similar discoveries in localities but recently emerged from barbaric control in the South Sea Islands and in Africa.

So to-day we find that these comparatively new colonies and countries are vigorous competitors of the United States not only in their agricultural productions, but in valuable mineral products as well. The competition which has already met our wheat growers, from the great new wheat fields of South America, as well as from Siberia and the Black Sea provinces of Russia, has made itself painfully felt. Our exports of domestic wheat (wheat and flour), which reached 225,000,000 bushels in 1892, have fallen off largely each year until in 1895 only 144,000,000 bushels were exported, thus showing a reduction of over 80,000,000 bushels in our annual wheat exports in a four-year period. The vast production of petroleum in southern Russia has operated very greatly to the disadvantage of American producers. The increased production and importation of foreign wool has caused a specific and unfavorable effect upon the wool producers of the United States.

I cite these examples merely to show the extensive and constantly changing relations between distant countries, and the consequent changes in their trade and in their staple and important products. Commerce in the leading productions of these countries instantly responds to these variations and fluctuations, and is injured or benefited as the case may be. The laws of coinage in Australia or in Russia, or the extension or limitation of gold or silver circulation in other remote countries, may have either a beneficial or an injurious effect upon the most important commercial interests of the United States.

I do not propose to take the time necessary to detail how certainly and how absolutely these distant and apparently distinct influences may rule or ruin the commerce of the United States. But I shall assume without question that the important interests of the world's trade and of international commerce are so affected by the operation of distant and distinct governmental policies that the necessity already exists for a harmonious international arrangement in monetary affairs. The world's production of precious metals and the world's coinage of the same have become important integers which can not be overlooked in any study or discussion of the economic conditions surrounding any country of the world. Even now we can not say that the stoppage or the increase of the metallic circulation in any one of the smaller nations may not, or will not, affect for good or bad the mercantile interests of the United States.

The phenomenal fact that the world's production of silver, which had remained about stationary at thirty or forty million dollars annually for nearly a century, has of late vastly increased—and last year reached the wondrous sum of two hundred and sixteen millions—must necessarily produce some signal effects upon the varied interests of the newer commercial world which it would be mere presumption now to predict. But it does seem to

me that the only competent authority to consider the grave conditions newly created by reason of this phenomenal addition to the world's silver supply must be composed of representatives of the nations of the world. No one nation can determine the policy which shall be adopted by all, or for itself, without considering the policy of the others. There have been several monetary commissions created, and monetary conferences charged with the duty of arranging proper regulations to meet the exigencies existing at the various times in which they were called together.

But the present seems to be the most appropriate time to press to a conclusion and to an ultimate agreement between the great commercial and monetary nations the decision as to the wisest ratio between gold and silver to be made universal over the world. The reason for this urgency at the present time is the fact I have recited of the enormous production of silver which is forcing its way into the world's supply. Trade relations, as well as the conditions of domestic or internal trade, have been rudely interfered with by the injection into the supply of visible coinage material of two hundred and sixteen millions of silver per year. If this new average of supply shall become constant, or even continue for merely a few years, it must be provided for and looked after.

To illustrate the existing conditions, I will here present in tabular form some facts regarding the production of gold and silver in the world. First, a table showing the production of gold and silver in the world from 1873 to 1894, inclusive; second, a table showing the amount of gold and silver annually coined in the world during the same period; third, a table showing the product of gold and silver in the United States from 1845 to 1894; fourth, a table showing the coinage of the United States mints from 1841 to 1895; and fifth, a table showing the amount of money in the United States—gold, silver, notes, etc.—and the circulation per capita annually from 1872 to 1895, inclusive:

Production of gold and silver in the world for the calendar years 1873–1894.

Year.	Gold.		Silver.		
	Fine ounces.	Value.	Fine ounces.	Commercial value.	Coining value.
1873	4,638,675	$96,200,000	60,207,187	$82,120,800	$81,800,000
1874	4,390,031	90,750,000	55,300,781	70,674,400	71,500,000
1875	4,716,563	97,500,000	62,251,719	77,578,100	80,500,000
1876	5,016,498	103,700,000	67,753,125	78,322,600	87,600,000
1877	5,512,196	113,947,200	62,679,916	75,278,600	81,040,700
1878	5,761,114	119,092,800	73,385,451	84,540,000	94,882,200
1879	5,262,174	108,775,800	74,393,495	83,532,700	96,172,600
1880	5,148,889	106,436,900	74,795,273	85,640,600	90,705,000
1881	4,993,742	103,223,100	79,020,873	89,925,700	102,168,400
1882	4,934,088	101,996,600	86,472,091	98,232,300	111,802,300
1883	4,614,586	95,392,000	89,175,023	98,984,300	115,297,000
1884	4,921,169	101,729,000	81,567,801	90,785,000	105,461,400
1885	5,245,573	108,435,600	91,600,959	97,518,800	118,445,200
1886	5,135,679	106,163,900	93,297,290	92,793,500	120,636,800
1887	5,116,861	105,774,900	96,123,586	94,031,000	124,281,000
1888	5,330,775	110,196,900	108,827,606	102,185,900	140,706,400
1889	5,973,790	123,489,200	120,213,611	112,414,100	155,427,700
1890	5,749,306	118,848,700	126,095,082	131,937,000	163,092,000
1891	6,320,194	130,650,000	137,170,910	135,500,200	177,352,300
1892	7,302,180	146,815,100	153,151,782	123,401,400	198,014,400
1893	7,608,787	157,287,600	166,092,047	129,551,800	214,745,300
1894	8,737,788	180,636,100	167,752,561	106,522,900	216,802,200
Total..	122,235,638	2,526,834,900	2,130,397,137	2,151,474,700	2,754,452,900

Coinage of gold and silver of the mints of the world for the calendar years 1873–1894.

Calendar year.	Gold.		Silver.	
	Fine ounces.	Value.	Fine ounces.	Coining value.
1873	12,462,800	$257,630,802	101,741,421	$131,544,434
1874	6,508,279	135,778,387	79,610,875	102,931,232
1875	9,480,802	195,987,428	92,747,118	119,915,467
1876	10,309,645	213,119,278	97,899,525	126,577,164
1877	9,758,196	201,616,468	88,449,796	114,359,332
1878	9,113,202	188,386,611	124,671,870	161,191,913
1879	4,300,167	90,752,811	81,134,555	104,888,313
1880	7,242,951	149,725,081	65,442,074	84,611,974
1881	7,111,864	147,015,275	83,530,051	108,010,086
1882	4,822,851	99,697,170	85,685,996	110,785,934
1883	5,071,882	104,845,114	84,541,904	109,306,705
1884	4,810,061	99,432,795	74,120,127	95,832,084
1885	4,632,273	95,757,582	98,044,475	126,764,574
1886	4,578,310	94,642,070	96,506,844	124,854,101
1887	6,046,510	124,982,465	120,588,508	163,411,397
1888	6,522,345	134,828,855	104,354,000	134,922,344
1889	8,170,611	168,901,519	107,788,250	139,362,595
1890	7,219,725	149,244,955	117,780,228	152,293,144
1891	5,782,466	119,534,122	106,962,040	138,294,397
1892	8,343,387	172,473,124	120,282,947	155,517,347
1893	11,243,342	232,430,517	106,607,783	137,862,600
1894	11,025,080	227,921,032	87,472,523	113,095,788
Total	164,762,527	3,404,760,460	2,131,930,919	2,756,423,015

Product of gold and silver from mines in the United States, 1845 to 1895.

Calendar year.	Gold.		Silver.		
	Fine ounces.	Value.	Fine ounces.	Commercial value.	Coining value.
1845	48,778	$1,008,327	38,672	$50,196	$50,000
1846	55,116	1,139,357	38,672	50,274	50,000
1847	43,000	889,085	38,672	50,583	50,000
1848	483,750	10,000,000	38,672	50,428	50,000
1849	1,935,000	40,000,000	38,672	50,622	50,000
1850	2,418,750	50,000,000	38,672	50,822	50,000
1851	2,660,625	55,000,000	38,672	51,704	50,000
1852	2,902,500	60,000,000	38,672	51,279	50,000
1853	3,144,375	65,000,000	38,672	52,130	50,000
1854	2,902,500	60,000,000	38,672	52,130	50,000
1855	2,660,625	55,000,000	38,672	51,985	50,000
1856	2,660,625	55,000,000	38,672	51,985	50,000
1857	2,660,625	55,000,000	38,672	52,333	50,000
1858	2,419,000	50,000,000	386,720	519,752	500,000
1859	2,419,000	50,000,000	77,344	105,188	100,000
1860	2,225,250	46,000,000	116,016	156,832	150,000
1861	2,080,125	43,000,000	1,547,000	2,092,151	2,000,000
1862	1,836,300	39,200,000	3,480,000	4,683,880	4,500,000
1863	1,935,000	40,000,000	6,574,230	8,842,326	8,500,000
1864	2,230,100	46,100,000	8,510,000	11,445,950	11,000,000
1865	2,574,750	53,225,000	8,701,200	11,642,308	11,250,000
1866	2,588,062	53,500,000	7,734,400	10,356,362	10,000,000
1867	2,502,197	51,725,000	10,441,000	13,865,648	13,500,000
1868	2,322,000	48,000,000	9,281,250	12,306,938	12,000,000
1869	2,370,375	49,500,000	9,281,250	12,297,656	12,000,000
1870	2,418,750	50,000,000	13,000,000	17,384,000	16,000,000
1871	2,104,300	43,500,000	17,789,000	23,588,214	23,000,000
1872	1,741,500	36,000,000	22,244,100	29,406,700	28,750,000
1873	1,741,500	36,000,000	27,650,000	35,750,000	35,750,000
1874	1,620,563	33,500,000	28,849,000	36,869,000	37,300,000
1875	1,615,725	33,400,000	24,518,000	30,549,000	31,700,000
1876	1,930,162	39,900,000	30,069,000	34,690,000	38,800,000
1877	2,228,788	46,900,000	30,783,000	30,970,000	39,800,000
1878	2,476,800	51,200,000	34,980,000	40,270,000	45,200,000
1879	1,881,787	38,900,000	31,550,000	35,430,000	40,800,000
1880	1,741,500	36,000,000	30,320,000	34,720,000	39,200,000
1881	1,678,612	34,700,000	33,200,000	37,860,000	43,000,000
1882	1,572,187	32,500,000	36,200,000	41,120,000	46,800,000
1883	1,451,250	30,000,000	35,730,000	39,660,000	46,200,000
1884	1,499,950	30,800,000	37,800,000	42,070,000	48,800,000
1885	1,538,325	31,800,000	39,910,000	42,500,000	51,600,000
1886	1,693,125	35,000,000	39,440,000	39,230,000	51,000,000
1887	1,596,375	33,000,000	41,200,000	40,410,000	53,350,000
1888	1,604,841	33,175,000	45,780,000	43,020,000	59,195,000
1889	1,587,000	32,800,000	50,000,000	46,750,000	64,646,000
1890	1,598,880	32,845,000	54,500,000	57,225,000	70,465,000
1891	1,604,840	33,175,000	58,330,000	57,630,000	75,417,000
1892	1,596,375	33,000,000	63,500,000	55,563,000	82,101,000
1893	1,739,323	35,955,000	60,000,000	46,800,000	77,576,000
1894	1,910,813	39,500,000	49,500,000	31,422,000	64,000,000

Coinage of the United States mints from 1841 to 1895.

[From the Report of the Director of the Mint.]

Calendar year.	Total coinage.			
	Gold.	Silver.	Minor.	Total.
1841	$1,091,857.50	$1,132,750.00	$15,973.67	$2,240,581.17
1842	1,829,407.50	2,332,750.00	23,833.90	4,185,991.40
1843	8,108,797.50	3,834,750.00	24,383.30	11,967,830.70
1844	5,427,670.00	2,235,550.00	23,987.52	7,687,207.52
1845	3,756,447.50	1,873,200.00	38,948.04	5,668,595.54
1846	4,034,177.50	2,558,580.00	41,208.00	6,633,965.50
1847	20,202,325.00	2,374,450.00	61,835.69	22,638,611.69
1848	3,775,512.50	2,040,050.00	64,157.99	5,879,720.49
1849	9,007,761.50	2,114,950.00	41,984.32	11,164,695.82
1850	31,981,738.50	1,866,100.00	44,467.50	33,892,306.00
1851	62,614,492.50	774,397.00	99,635.43	63,488,524.93
1852	56,846,187.50	999,410.00	50,630.94	57,896,228.44
1853	39,377,909.00	9,077,571.00	67,059.78	48,522,539.78
1854	25,915,982.50	8,619,270.00	42,638.35	34,577,870.85
1855	29,387,968.00	3,501,245.00	16,030.79	32,905,243.79
1856	36,857,768.50	5,142,240.00	27,106.78	42,027,115.28
1857	32,214,040.00	5,478,760.00	178,010.46	37,870,810.46
1858	22,938,413.50	8,495,370.00	246,000.00	31,679,783.50
1859	14,780,570.00	3,284,450.00	364,000.00	18,429,020.00
1860	23,473,654.00	2,259,390.00	205,660.00	25,938,704.00
1861	83,395,530.00	3,783,740.00	101,000.00	87,280,270.00
1862	20,875,997.50	1,252,516.50	280,750.00	22,409,264.00
1863	22,445,482.00	809,267.80	498,400.00	23,753,149.80
1864	20,061,415.00	609,917.10	926,687.14	21,618,019.24
1865	28,295,107.50	691,095.00	968,552.86	29,954,695.36
1866	31,436,945.00	982,400.25	1,042,960.00	33,461,314.25
1867	23,928,625.00	908,876.25	1,819,910.00	26,657,411.25
1868	19,371,987.50	1,074,343.00	1,697,150.00	22,142,880.50
1869	17,982,987.50	1,206,143.00	963,000.00	19,812,130.50
1870	23,198,787.50	1,378,256.50	350,325.00	24,927,368.00
1871	21,032,685.00	3,104,038.30	99,890.00	24,236,613.30
1872	21,812,645.00	2,504,488.50	369,380.00	24,686,513.50
1873	57,022,747.50	4,024,747.60	379,455.00	61,426,950.10
1874	35,254,630.00	6,851,776.70	342,475.00	42,448,881.70
1875	32,951,940.00	15,347,893.00	246,970.00	48,546,803.00
1876	46,579,452.50	24,503,307.50	210,800.00	71,293,560.00
1877	43,999,864.00	28,393,045.50	8,525.00	72,401,434.50
1878	49,786,052.00	28,518,850.00	58,186.50	78,363,088.50
1879	39,080,080.00	27,569,776.00	165,003.00	66,814,859.00
1880	62,306,279.00	27,411,683.75	391,395.95	90,111,398.70
1881	98,950,890.00	27,940,163.75	428,151.75	125,219,205.50
1882	65,887,085.00	27,973,132.00	960,400.00	94,821,217.00
1883	29,241,990.00	29,246,968.45	1,604,770.41	60,093,728.86
1884	23,991,756.50	28,534,866.15	796,483.78	53,323,106.43
1885	27,773,012.50	28,982,176.20	191,622.04	56,926,810.74

Coinage of the United States mints from 1841 to 1895—Continued.

Calendar year.	Total coinage.			
	Gold.	Silver.	Minor.	Total.
1886	28,945,542.00	32,086,709.90	343,186.10	61,375,438.00
1887	23,972,383.00	35,191,081.40	1,215,686.26	60,379,150.66
1888	31,380,808.00	33,025,606.45	912,200.78	65,318,615.23
1889	21,413,931.00	35,496,683.15	1,283,408.49	58,194,022.64
1890	20,467,182.50	39,202,908.20	1,384,792.14	61,054,882.84
1891	29,222,005.00	27,518,856.60	1,312,441.00	58,053,302.60
1892	34,787,222.50	12,641,078.00	961,480.42	48,389,780.92
1893	56,997,020.00	8,802,797.30	1,134,931.70	66,934,749.00
1894	79,546,160.00	9,200,350.85	438,177.92	89,184,688.77
1895	59,616,357.50	5,698,010.25	882,430.56	66,196,798.31

Gold and silver, United States notes, etc., in United States Treasury and in circulation, from 1872 to 1895, inclusive.

July 1—	In Treasury.		Circulation.				Population June 1.
	Money.	Certificates.	Money.	Certificates.	Total.	Per capita.	
1872	$24,412,016	.....	$738,309,549	.....	$738,309,549	$18.19	40,596,000
1873	54,078,801	$215,000	720,366,809	$31,515,000	751,881,809	18.04	41,677,000
1874	87,941,750	755,000	718,083,031	58,000,000	776,083,031	18.13	42,796,000
1875	102,141,562	445,000	696,131,947	57,970,000	754,101,947	17.16	43,951,000
1876	95,638,896	275,000	695,044,388	32,565,000	727,609,388	16.12	45,137,000
1877	94,563,964	1,135,000	668,489,883	53,825,000	722,314,883	15.58	46,353,000
1878	106,910,422	2,025,520	682,880,554	46,252,080	729,132,634	15.32	47,598,000
1879	200,058,398	3,636,350	773,582,493	45,049,300	818,631,793	16.75	48,866,000
1880	240,156,508	6,965,401	945,393,759	27,988,469	973,382,228	19.41	50,155,783
1881	291,874,503	12,354,201	1,057,717,870	56,520,249	1,114,238,119	21.71	51,316,000
1882	307,887,580	11,673,720	1,101,510,309	72,780,110	1,174,290,419	22.37	52,495,000
1883	387,676,705	38,883,415	1,084,817,640	145,488,056	1,230,305,696	22.91	53,693,000
1884	423,087,520	50,825,700	1,064,162,318	179,763,651	1,243,925,969	22.65	54,911,000
1885	502,710,611	52,164,110	1,034,722,939	257,845,676	1,292,568,615	23.02	56,148,000
1886	491,117,849	83,241,320	1,070,289,925	182,410,600	1,252,700,525	21.82	57,404,000
1887	557,987,016	33,996,513	1,075,425,689	242,113,454	1,317,539,143	22.45	58,680,000
1888	655,789,464	49,910,615	1,035,601,563	336,519,307	1,372,170,870	22.88	59,974,000
1889	669,551,558	42,632,504	989,120,855	391,240,794	1,380,361,649	22.52	61,289,000
1890	696,649,256	31,215,633	988,974,173	440,277,097	1,429,251,270	22.82	62,622,250
1891	679,755,789	41,807,579	1,048,266,672	449,174,035	1,497,440,707	23.41	64,002,000
1892	750,211,165	21,041,149	1,103,720,103	497,627,084	1,601,347,187	24.44	65,403,000
1893	720,478,491	6,222,656	1,165,520,208	431,181,037	1,596,701,245	23.87	66,826,000
1894	749,120,255	10,505,818	1,208,543,123	452,265,585	1,660,808,708	24.33	68,275,000
1895	786,928,734	9,710,213	1,178,519,223	423,449,250	1,601,968,473	22.97	69,733,000

It may be claimed that there is apparently no immediate prospect of an international agreement. That may be true, but it is likewise true that the tremendous increase in silver production everywhere has only recently begun to be noticed and its new relation to be understood. Who would have supposed in 1865–66, when the world was moving along quietly and with apparent regularity, and had been for many years producing perhaps forty millions of silver per year, that the world should to-day be piling up five times that amount?

Mr. STEWART rose.

Mr. CULLOM. I do not wish to be interrupted.

Mr. STEWART. Of course the Senator does not want to be interrupted. It would have the effect of breaking him up.

Mr. CULLOM. I suggest to the Senator that he sit down here and listen to me.

Mr. STEWART. A man who makes suc ah statement will be broken up.

Mr. CULLOM. Who could have supposed that in six years, from 1888 to 1894, the world should have increased its already enormous production of one hundred and eighteen millions to two hundred and sixteen millions of silver in a single year? No economist ever imagined such a condition. It was wholly unprecedented; yet judging by the more recent yield, it is possibly only the steppingstone to the yield of coming years. When the fact is understoodthat we are possibly to have a constant and increasing addition to the world's silver, without any similarly increasing demand for it, either as money or as a commodity, it is apparent that its value has become and must continue subject to the inflexible laws of trade, like any other commodity. It must decline in market value under such increased supply. Its quotations must fluctuate with the fluctuations of supply and demand like coal, like iron, and other products. Upon no consistent basis can any fixed ratio be established by the United States alone between silver and gold under such circumstances.

The ratio in 1873 was 16 to 1; in 1893 it was 32 to 1. In 1873 it required 16 ounces of silver to purchase 1 of gold. In 1893 it required 32 ounces of silver to buy the same ounce of gold. These are not merely the prices and ratios of the United States but they are the world's ratios and the world's values. The United States did not establish them, and who will contend that the United States can change them, except in a slight degree? Suppose for a moment that free and unlimited coinage of silver in the United States had continued from 1873 down to the present. What now would be the situation? The United States have coined in the twenty-one years following 1873, and including that year, approximately, five hundred and twenty millions of silver. According to the contention of the silver producers, if the coinage had been free during this period we ought to have coined more than double this sum, or perhaps one thousand to twelve hundred millions of dollars. But with only the five hundred millions coined we find the value has declined so that a dollar is intrinsically worth about 50 cents. What would have been the depreciation if the coinage had been so doubled? No man can tell; but would it be unreasonable to suppose that the silver dollar would have been worth no more than 35 to 40 cents? Probably not. But, say our friends, the coinage of it into standard dollars would have fixed its value. The coinage of silver or gold or the stamping of paper may declare its nominal value, but that does not establish its intrinsic value if the world does not recognize it or if commerce will not have it so. Mexican dollars and the coins of many other countries have time out of mind been used in the traffic and transactions of other nations, but they have almost always been treated as a mere commodity, worth just so much as commerce had determined, and were shoveled or weighed or counted out at their commercial worth only.

The great and omnipotent commercial public of the world makes its own laws concerning money values and determines for itself what is a just standard or measure of value, regardless of the dictum of any political congress or parliament. In view of the immense addition to the silver output to which I have called attention, and of the disturbing influence which such addition necessarily causes, I feel sure that the great commercial nations will be compelled to devise means to adjust our monetary relations so as to be just alike to the producers of silver and to determine a proper ratio by which all shall abide.

But let no man flatter himself that a determination of the great economic problem will ever be arrived at under the teachings of the empirics who vie with each other in the effort by legislation to put the dollar stamp on a half dollar's worth of silver in any single country.

In our local and municipal conventions, in the political caucuses, and on the partisan platform we see men settling this great question by insisting that the United States shall adopt free coinage regardless of the course of other nations.

The supply of silver in the world and the commercial demand for silver being what determines its value practically, it is only just that all commercial nations shall participate in establishing an international ratio, giving silver an international value equivalent to and interchangeable for a certain amount of gold between all concurring nations. If we shall devote our surplus eloquence and overflowing patriotism to securing that result we shall do far better than in exploiting intangible theories.

Let us look a little into the history of the several international monetary conferences. The first one met at Paris June 17, 1867. It was called by the invitation of the French Government. The United States of America and 18 of the European countries participated. They were unanimous in expression against a single silver standard, and, with the exception of the Netherlands, were unanimous in favor of a single gold standard. I may say, in passing, that very many of the countries engaged in the conference have had the silver standard. None of the countries participating took action toward establishing the suggestions of the commission, and although the French Government was given the power to reassemble the conference, it never exercised that power.

The second international monetary conference was called by the President of the United States in accordance with an act of Congress of February 28, 1878, and met at Paris August 17, 1878. Twelve countries were represented, the United States representatives being Reuben E. Fenton, of New York; W. S. Groesbeck, of Ohio; Francis A. Walker, of Connecticut, and S. Dana Horton. The substance of the opinions of the members was: First, that the monetary function of silver as well as of gold should be preserved in the world, but that the choice of one or both should be governed by the special situation of each group of states; second, that the restriction of silver coinage should be discretionary with each state or group; third, that existing differences of opinion prevented the adoption of a common ratio between the two metals. The conference adjourned August 29.

The third international monetary conference was called in 1881 by the joint action of France and the United States to establish a system for the use of silver and gold as bimetallic money, with a relative settled value between the two metals. Thirteen countries were represented. The United States representatives were William M. Evarts, of New York; Allen G. Thurman, of Ohio, and Timothy O. Howe, of Wisconsin. This conference closed by adjourning to April 12, 1882, but it was never reconvened.

The fourth international monetary conference was called by the United States. and met at Brussels November 22, 1892. The delegates from this country were WILLIAM B. ALLISON, JOHN P. JONES, JAMES B. MCCREARY, Henry W. Cannon, E. Benjamin Andrews, and Edwin H. Terrell. The instructions which were

given by President Harrison, through Secretary of State John W. Foster, were so concise and comprehensive that I deem them worthy of introduction here, as representing in apt language the true theory to be adopted by the United States upon the coinage question:

DEPARTMENT OF STATE, *Washington, November 10, 1892.*

* * * The main purpose which this Government seeks to accomplish by this conference is to bring about a stable relation between gold and silver.

It is the opinion of the President, and, as he believes, of the people of the United States, with singular unanimity, that a full use of silver as a coined metal at a ratio to gold to be fixed by an agreement between the great commercial nations of the world would very highly promote the prosperity of all the people of all the countries of the world. For this reason your first and most important duty—

This is addressed to the delegates—

will be to secure, if possible, an agreement between the chief commercial countries of the world looking to international bimetallism—that is, the unlimited coinage of gold and silver into money of full debt-paying power at a fixed ratio in coinage common to all the agreeing powers.

You should not lose sight of the fact that no arrangement will be acceptable to the people or satisfactory to the Government of the United States which would by any possibility place this country on a silver basis while European countries maintain the gold standard.

Failing to secure international bimetallism, the next important duty will be to secure, if possible, some action upon the part of European countries looking to a larger use of silver as currency, in order to put an end to the farther deprecition of that metal. * * *

JOHN W. FOSTER.

It seems to me that that letter, signed by the Secretary of State, at that time John W. Foster, but written, I imagine, by the President of the United States, states the truth as near as it can be stated by anybody; and it states what in my judgment is the only safe position which our country can occupy upon this question.

I desire to say here that I should hail and will hail any settlement of this question that will not take our Government out of the position it has occupied and make it purely a monometallic silver country, driving out the gold. And in my opinion the time is near at hand when this Government and other commercial nations with which we are dealing will be able to settle this question so that the silver interests of this country and silver as a money metal will be cared for and will be placed, probably, as I hope, on a par with gold. But I insist that by any other course than an international agreement between ourselves and other great commercial nations it would be a dangerous experiment for this Government to undertake the free coinage of silver.

The instructions which I have read present, as I have said, the true basis of bimetallism, and in my judgment indicate the only solution which can ever be reached satisfactory to most of the great nations of the world and in the interest of the people of the United States. For the United States alone to declare for free coinage would be ineffective, except to the great injury of our own people. This country, great and powerful as it is, populated by an intelligent and enterprising people, is not the controller nor the autocrat of the monetary world. Our wishes and desires may all be right and proper, but our present power does not justify us in establishing an exclusive monetary system which shall invite the antagonism of twenty or thirty other nations, nearly all of which are greater or lesser contributors to the trade we now enjoy.

Mr. President, what the nations need is an international conference and agreement as to the use of silver, fixing the ratio, and then opening the mints for free coinage upon the ratio to be agreed upon. Every year and month and day makes it clearer to me that such a conference is sure to come, and I believe very soon. What a relief to the situation in this and other nations if this vexed, troublesome, and vastly important question could be settled—settled in harmony with the interest of silver as a money and in harmony with the best interests of the people of this and all the nations.

I may say here that in talking with a certain silver Senator, if I may so designate him, he intimated to me that he would be willing to fix the ratio at 32 to 1. I do not know whether the silver men generally would agree to such a ratio. But whatever ratio the principal nations will agree to, whether it is 15½ to 1 or 16 to 1, or 20 to 1, will be entirely satisfactory to me, because if those nations make such an agreement, in my judgment it will probably bring the commercial value of silver up to par with gold. But without such an agreement it would be utterly futile, in my judgment, for us to undertake it with any expectation that it would increase the price of silver very materially for one single nation to do so.

The great political parties in their national conventions have expressed themselves strongly in favor of the determination of the relative values of gold and silver by international action.

The Republican party said at Minneapolis in 1892:

We commend the wise and patriotic steps already taken by our Government to secure an international conference to adopt such measures as will insure a parity of value between gold and silver for use as money throughout the world.

That resolution is sound. We there took the position four years ago in favor of an international conference for the purpose of fixing a ratio which would insure a parity of value between gold and silver.

The Democratic party said at Chicago in 1892:

We hold to the use of both gold and silver as the standard money of the country and to the coinage of both gold and silver without discrimination against either metal, or charge for mintage, but the dollar unit of coinage of both metals must be of equal intrinsic and exchangeable value or be adjusted through international agreement, or by such safeguards of legislation as shall insure the parity of the two metals.

I am not sure but that the Democratic platform on that question four years ago was a little better than the Republican platform, because in addition to their favoring an international agreement for the adjustment of the exchangeable values of these two metals, they used the words "but the dollar unit of coinage of both metals must be of equal intrinsic and exchangeable value." The word "intrinsic" is not a part of the Republican platform.

The Populist party, calling itself "the People's Party," said at Omaha in 1892:

We demand the free and unlimited coinage of silver and gold at the present legal ratio of 16 to 1.

The Populist party also said:

We demand that the amount of circulating medium be speedily increased to not less than $50 per capita.

This latter enunciation of the principles of the party, which has been somewhat in evidence for a few years, would seem to be its own most certain antidote.

I hear a good many men say that "sound money" is a mere phrase; that it does not mean anything; that anybody can use the expression and still be entirely in order. But there is a definition of it which it seems to me means something. The best and most appropriate definition of the term "sound money" as applied to metallic coinage is to be found in the words of one of the most distinguished international bimetallists of the world, Henry Cernuschi, as follows:

It is by the ordeal of fire that money can be tried. The coins which, being melted down, retain their entire value for which they were legal tender before they were melted down are good money. Those which do not retain it are not good money.

Expressing it in other words, he says:

Good money consists of coin which is worth as much after it is melted as it purports to be worth in coin.

Edward Atkinson says:

Bad money can only be circulated by force. Good money requires no force. Everybody is glad to get it. Money made of gold, or its representative, convertible or redeemable in gold, is the world's standard or unit of value.

There must be a final ultimate standard or unit or coin by which all other forms or types of money—silver, nickel, copper, or paper—must be rated. All such subsidiary types of what is sometimes called money, sometimes called currency, sometimes instruments of exchange, can only be kept in circulation at a parity with the unit or standard by positive, absolute redemption or payment therein. If the law gives an employer the power to force bad money upon workmen and does not give the workman an easy and ready means of converting that bad money instantly into good money, that workman will be cheated.

The pretext is that the coinage of silver dollars at 16 to 1 should be as free as the coinage of gold dollars, and that, by itself, can be agreed to. Coinage is nothing but the manufacture of round disks of metal stamped and certified. There is no danger in free coinage. The danger lies in the efforts of these supporters of free coinage at 16 to 1 to force cheap 50-cent dollars upon the community by an act of legal tender. The moment anyone offers to any of these people to agree to free coinage without an act of force or legal tender by which they may compel uninformed people to accept these dollars, they immediately give up their case; they will not accept free-silver-dollar coinage without the power to force them upon the people.

Mr. President, both the act of 1878 and the act of 1890—the one called the Bland-Allison Act, the other the Sherman Act—were passed by Congress in response to a demand for free and unlimited coinage of silver by a portion of the people and as a compromise between the friends of free coinage and those opposed to such action. When the Sherman Act of 1890 was passed it was alleged and believed by the friends of free coinage that the effect of the act would be to send the price of silver up to about par with gold. The price of silver did increase for a time, but soon began to decline again, and for some time the commercial value of a dollar of 412½ grains of silver has been only about 50 cents in gold. The effect upon silver by the passage of the acts of 1878 and 1890, especially the latter act, has been very disappointing to the so-called silver men and somewhat to all who supported it. I myself supported it. It did not have the effect upon the price of silver that was expected, and instead of satisfying the special champions and friends of silver it has only made them more aggressive in favor of the free and unlimited coinage of silver at the ratio of 16 to 1, and at the same time embarrassed still more the financial situation.

The solution of the difficulties so apparent can only be reached by concerted international action—by the establishment of international bimetallism.

It is claimed by a recent writer that none of the recognized defenders of international bimetallism have ever declared in favor of free coinage by the United States alone. Gen. F. A. Walker, a most eminent exponent, has declared distinctly his opinion that free coinage by this country alone would delay, if it did not prevent, adoption of an international agreement establishing a par of exchange between the gold and silver using countries.

As to our former legislation he says:

Our coinage of two millions a month under the Bland-Allison Act of 1878 was directly against the interests of bimetallism, while our purchase of four millions five hundred thousand ounces of silver bullion a month under the Sherman Act of 1890 was an even worse strategic blunder.

Balfour says:

If it be possible by international arrangement to establish a joint standard throughout the world, it would not be open to the objection which a single standard is open to.

Barbour says:

No final or satisfactory settlement of the currency question is possible except by an international agreement.

Houldsworth says:

It is an international question. It is the duty of Her Majesty's Government to negotiate without delay with other nations.

Professor Foxwell says:

Bimetallism is new and involves international agreement, the question of valuation as well as the question of ratio. These matters can not be settled by isolated action. We shall never settle the monetary difficulty without international action.

The Bimetallic League:

The aim of the Bimetallic League is to secure by international agreement the opening of the mints of the leading commercial nations to the unrestricted coinage of gold and silver at such a fixed ratio as may be mutually agreed upon amongst those nations.

No settlement is, however, in our opinion, possible without international action. The remedy we suggest is essentially international in its character, and its details must be settled in concert with the other powers.

Mr. President, it seems to be apparent that after the failure of the effort on the part of the Government to hold silver at a parity with gold by the two acts referred to (under which 456,000,000 ounces of silver were purchased between the years 1877 and September 30, 1893) everybody should be convinced that it would be futile to venture upon free coinage on the basis of 16 to 1, and place it by the side of the gold dollar. The disparity between the two metals is too great. The consequences of such action by the Government would inevitably result in the disappearance of gold. The United States would at once approach a silver basis, uncertain and changing from day to day, with the fluctuations of silver.

The total estimated metallic stock in the United States on July 1, 1895, according to the last report of the Secretary of the Treasury, was gold $636,000,000, and silver $624,000,000, in round numbers. By this statement it will be seen that there is no great difference between the amount of gold and silver in use in the country. The United States, considering the great depression in silver, has dealt fairly with the white metal, showing great reluctance to give up either.

I am in favor of using all the silver as coin we can, and we may be able to use even more than we are now using, but the question of the standard should be settled. We should not depart from the gold standard until we can have the cooperation of other great commercial nations and an agreement as to the ratio for the free and unlimited coinage of silver for all the nations.

The Treasury Department shows that on April 1, 1896, there was in the Treasury of the United States six hundred and ninety-five millions of all kinds of money—gold, silver, paper, and minor coins. On the same day there was in circulation $1,528,000,000. Assuming that at that time the population of the United States numbered 71,909,000, we had in circulation $21.53 per capita. The statistics also show that in 1872 our per capita money circulation averaged $18.19; in 1873, $18.04; in 1874, $18.13; in 1878, $15.32; in 1890, $22.82, and in 1893, $24.44. So that the per capita circulation has not varied to any great extent for many years. The variation in the amount of our circulation has been largely produced by the fluctuation in the amount in the Treasury vaults.

Mr. President, since 1872 we have had good times and we have had hard times. Neither the one nor the other, it is plain to me, has been produced by the changes in our per capita circulation. This leads me to the real cause which brought about, first, good times, and next, hard times. Under Republican rule we had a protective tariff, and not so much disturbance in the financial system as of late. There was always money to spare in the Treasury; we had a revenue system that yielded it, and there was no fear ever manifested of a bankrupt Treasury. Under the change of Administration and policy there has been a continual state of anxiety in the minds of the people engaged in any kind of business. With a well-adjusted protective tariff system the depressed and embarrassed condition of the people of the Government would very soon be greatly relieved, but even with a proper tariff law the situation demands that our monetary system must be settled, so that the world may know that we mean to be honest with ourselves and with the rest of mankind. But, Mr. President, I do not intend to discuss the tariff question to-day, further than to say that without a wise protective tariff in this country we will have hard times whatever we may do in relation to our monetary system.

The creditors of the people of the country and of the Government itself have perhaps justly questioned even the good faith of the nation in meeting its obligations.

A recent editorial article in the Chicago Tribune describes the situation thus:

Those who "demand" the free coinage of silver at the ratio of 16 to 1, or 50 cents to the 100-cent dollar, assert that the fall in the commercial value of silver was due to "the crime of 1873," which forbid the coinage of silver dollars when none was being coined, nor had been for many years. They have nothing to say about the action taken by Germany prior to 1873, when that nation stopped silver coinage and adopted the gold standard. And they never mention the fact of France and the Latin Union following Germany's example two or three years later.

They are silent about these limitations in countries numbering 130,000,000 enterprising people, or more than twice the population of this country at the last census. They have not reviled Holland, Scandinavia, and Austria-Hungary for adopting the gold standard—enterprising countries containing nearly 60,000,000 people. They are not abusing Russia, with her 120,000,000 people, for putting her currency on a gold-standard basis. They seem to think that what 300,000,000 Europeans have done cuts no figure in the case of silver, and that the "future of silver" depends solely on the fiat of the American Congress for the 16 to 1 ratio or 50-cent dollar.

The chief cause of the immense cheapening of silver since 1875-76 is not legislation, either that of Europe or of America or both taken together. The principal effective cause is overproduction of silver in proportion to the demand for it. The mines have turned out more of that metal than the world needed or was able to use for coinage and other purposes, and as an inevitable consequence the price went down.

The commercial world has always determined the relative value of the precious metals to suit itself. It has never paid any attention to statutory ratios of any nation, but has exercised its own judgment as to values, just the same as it does about copper, iron, wheat, corn, and cotton. If the production of silver were to stop that metal would gradually become scarcer. The old stock would be consumed, so to speak, and the commercial world, without waiting for a law, would rate it at a higher value every year after a cessation of its extraction from the mines.

In an address delivered before the Transmississippi Commercial Congress at St. Louis, Mo., November 27, 1894, by the Hon. George E. Leighton, the following statement is made, showing by contrast the results which would follow the establishment, respectively, of the legal-tender free coinage of gold and the legal-tender free coinage of silver. Mr. Leighton says:

An act of Congress to make legal tender the gold coin of any country, or every country on the face of the earth, at rates established according to their actual weight and fineness as compared with the 25.8-grain standard dollar of the United States would not produce a ripple of disturbance in the commercial world. Not a sovereign, or franc, or mark, or florin, or peso, would come or go, except in the normal flow created in the settlement of international balances. There would be no movement, simply because the coin would have no more value in one place than another.

To pass an act to receive the silver coin of the world as legal tender at the rates established according to weight and fineness, according to our false 412½-grain dollar, would bankrupt the country, as it would mean taking the world's silver at double its present value. Does this not prove that the position is inconsistent and untenable?

In my opinion the substantial correctness of this position can not be controverted. One of these metals is the nearly universal standard, with a determinate intrinsic value, by which is measured the value of the productions of the world, while the other has but a transitory and uncertain value, dependent upon demand and supply, and contingent upon prosperity or adversity among the people. It matters not what silver was twenty years ago. It does not in any way bear upon the issue to say that before 1873 silver possessed certain attributes as a measure of values. It does not possess them now. A great change occurred. The fact exists, and governments deal only with existing facts. It can not take cognizance of obsolete and abandoned conditions. Lamentations over a change which occurred nearly a generation ago, resulting in what to-day is part of the settled coinage policy of nine-tenths of the civilized world, are wholly fruitless and unavailing.

Silver as a standard currency was retired in Germany in 1871, suspended in Belgium, France, Holland, Denmark, Sweden, Norway, and the United States in 1873, and in Italy and the Dutch Colonies in 1875, and in many other countries before and since 1873. With silver possessing the value it now bears the return of any single country to a legal-tender silver standard would imperil not only its commercial interests, but its very position among nations.

I desire to notice a few of the unfounded assertions which constantly pass current as part of the literature of the free-coinage, legal-tender advocates. It has been widely asserted that by the act of 1873 silver was secretly demonetized. An examination of the Congressional Globe of that session discloses the fact that the discussion upon the bill covers 140 columns of the Globe, and that the bill was printed more than a dozen times during its progress through Congress. In addition to the discussion of its general provisions, the matter of the omission of the silver dollar from the authorized coinage of the country was freely discussed in the House of Representatives by such members as the distinguished Republican, William D. Kelley, the distinguished Democrat, Clarkson N. Potter, with W. L. Stoughton and Samuel Hooper. Mr. Kelley said:

It is impossible to retain the double standard. * * * All experience has shown that you must have one standard coin.

Mr. Potter said:

This bill provides for substituting as legal tender coin of only one metal instead, as heretofore, of two. I think myself that this would be a wise provision, and that legal-tender coins, except subsidiary coins, should be gold alone.

Mr. Stoughton said:

Gold is practically the standard of value among all civilized nations, and the time has come in this country when the gold dollar should be distinctly declared to be the coin representative of the money unit.

Mr. Hooper said:

The committee, after careful consideration, concluded that 25.8 grains of standard gold, constituting the gold dollar, should be declared the money unit or metallic representative of the dollar of account.

It was also discussed and amended in the Senate. This law of 1873 was not rushed secretly through without consideration. It was enacted in the same manner in which all laws are enacted, and yet, although it is claimed to have injured silver, it is a fact that the average annual coinage of silver for twenty years following "the crime of 1873" was more than ten times the annual average for the forty years prior to that year. The Government has gone out of its way to favor silver and has as a special favor stored away in its vaults some $350,000,000, for which it gives circulation to a representative paper certificate which passes for money.

Mr. President, the argument, or rather the assertion, that the act of 1873 has brought about the reduction in the price of silver is gratuitous. The depreciation in silver is due largely to the increase in production, not only in the United States, but over the whole world. I do not believe that by any logical argument or true statement of conditions can it be shown that the law of 1873 reduced the commercial value of silver materially. On the contrary, if free and unlimited coinage had been given its full effect the amount rushed through the mints would probably have brought down the price of silver much sooner, and to a lower point than it has yet reached, because those nations at that time had nearly all demonetized silver, to use the ordinary expression, so that if we had continued the free and unlimited coinage of silver, without regulation as to the admission of foreign bullion, we would have been overwhelmed with silver.

Why not give to well-known natural and commercial causes the credit or the blame for the fluctuation in silver value instead of charging it to legislation of 1873? Why, at the time that law was enacted one would hardly see a silver dollar in circulation in a month's travel. Silver, except in the smaller coins, was practically out of use. In the next four years, 1874 to 1877, inclusive, there were no silver dollars coined. But what was coined? Did silver lose anything? Not a farthing. On the contrary, in those four years there was coined $21,500,000 in half dollars and $15,300,000 in quarter dollars, or a total of over $36,800,000 in silver. This was an average of over $9,200,000 a year in silver half and quarter dollars, being a greater quantity of silver than had ever been coined into similar silver pieces in any four years either before or since 1873.

And so, Mr. President, on applying the touchstone of simple fact to the wholesale creations of the imagination which have been woven about this subject they vanish like a breath.

Let us look at another claim. It is constantly asserted that our trade demands an increase of circulating medium. The political scientists who met in Omaha in 1892 and nominated Mr. Weaver for President seriously demanded that the circulating medium should be rapidly increased "to not less than $50 per capita."

In point of fact the amount of money in actual circulation in the United States has never been less than $22 per capita since 1881. It has fluctuated between $22 and $25 during that time. And at this present time, counting the money in the Treasury in the computation, we have per capita of money in the country about $24. No other country in the world exceeds this, or anywhere nearly equals it, except France, which has about $36 per capita. It is not necessary here to discuss the reason why France should slightly exceed the United States in amount of money per capita. It is sufficient to answer the insistence that we have too little money in circulation by saying that it is a mere assertion, incapable of substantiation. The average circulating medium in thirty countries of the world is less than $13 per capita. France excepted, the United States stands at the head and has more than twice as much money per capita as the average nation of the world.

This fact ought to settle the contention without further argument, as the figures are taken from the statistical reports of the officials of the United States.

Mr. President, in the remarks I have made I have sought to give my views dispassionately on the subject in the hope that we may, guided by history, observation, and reason, arrive at a proper final decision in the interest of the general welfare of the people of this country. The monetary question presses itself upon the attention of the country. Let us meet it with courage and do right. We can not permit the free and unlimited coinage of silver at 16 to 1 if we look to the interest of the people of the United States, except as the result of an international agreement for such coinage by the leading commercial nations. With such agreement we can. We can not depart from the gold standard with safety until such international agreement is made. I believe the time will soon come when a conference of the nations will be held and by which the silver question will be settled by fixing a ratio for its use as a money metal and for opening the mints for its free coinage. I hope for it, and look for it.

Mr. BUTLER. I had agreed to yield to the Senator from Utah [Mr. BROWN] after the Senator from Illinois [Mr. CULLOM] had concluded, but, by permission of the Senator from Utah, I will now yield ten minutes to the Senator from Nevada [Mr. STEWART].

Mr. STEWART. Mr. President, I propose to call attention to the fact that the gold standard can not be maintained except by a perpetual increase of the national debt or repudiation. One or the other must be done to maintain the gold standard; and I think a moment's reflection will bring everyone to that conclusion.

Our gold obligations, while we are on a gold standard, are very large to Europe. We will not quibble about the amount, but I think from all the statements I have examined $400,000,000 a year of fixed charges would be a conservative estimate at the present time. Of course as we add to the principal these new loans, it will increase very rapidly, and is increasing very rapidly. The only means by which we can obtain gold for the purpose of paying our gold obligations to foreigners is by the sale of our commodities in foreign markets. We are compelled to sell those commodities in competition with Russia and all the Asiatics. They have about 100 per cent advantage of us in the difference of exchange in competing in those markets. I shall not elaborate upon that point; but they have such an advantage that they have been gaining in those markets and we have been losing very rapidly. During the current year we have not been able to sell enough to pay for more than we have bought. We have imported of commodities as much as we have exported in value. Consequently there has been added to our foreign debts, public and private, resulting from these fixed charges growing out of our foreign carrying trade, travelers abroad, interest and dividends on foreign investments, about $400,000,000 during this year.

So long as the Government of the United States will borrow gold and keep it on call for those who have greenbacks, and the greenbacks are out, of course we can maintain the gold standard without individuals paying a premium. But the Government is paying a premium.

The 4 per cent bonds had a very well-established market in February, 1895. They never have sold since they got fairly on the market for less than 1 per cent premium for each year they had to run. In 1888–89, having only about eighteen years to run, they sold for as high as 27 per cent premium, but that was exceptional. The market settled down finally to about 1 per cent a year for the time the bonds had to run. At the time the $62,500,000 of bonds were put upon the market in February, 1895, they were selling for about 11 or 12 per cent premium, they having then between eleven and twelve years to run. The President of the United States informed Congress at the time that he could obtain $16,000,000 more for the $62,500,000 of bonds provided Congress would authorize gold bonds. In other words, he had to pay $16,000,000 on the $62,500,000 in order to get gold.

At the last sale of bonds the premium was not so high, being only 11 or 12 per cent, and while the sale was manipulated sufficiently, it was not so absolutely a private deal as were the prior bond sales. The loss to the Government on what it had to pay on that loan to get gold was about ten to twelve million dollars, the Government paying a premium. The Government never can get a dollar of gold without paying premium. Just so soon as the Government ceases to pay a premium for gold and ceases to supply gold to those who must have it, somebody else must pay the premium for the gold. If the gold standard is maintained, payment must be made in gold; but just so soon as individuals can not come to the Treasury and get gold they must themselves pay that premium; and as soon as individuals pay the premium, your gold standard is gone. Just as soon as the Government of the United States ceases to pay a premium the individuals must pay the premium, and they can not get it otherwise if you maintain the gold standard. There is one other way, however, in which it can be done, and that is not pay at all; but if they pay at all, they must get gold at a premium. Consequently the gold standard can not be maintained longer than the credit of the Government will last to pay a premium, because when individuals pay the premium the fact is seen and recognized, but when the Government sells its bonds the country does not see that selling United States bonds at an enormous discount is paying a premium.

Gold is at a premium now, and the Government paid $16,000,000 in 1895 on sixty-two and one-half millions, and paid at least $12,000,000 premium on $100,000,000 in the last loan. The Government must pay a premium all the time, and individuals would have to pay a higher premium. The only way to prevent the payment of the premium would be for individuals to say that they would not pay at all. The gold standard can only exist while somebody will load the Government with debt to buy gold to furnish the gold to exporters. The

Government has no use for gold, for it has not promised to deliver gold. If individuals have so promised, why should all the people be taxed to pay a premium to get gold to pay gold contracts which individuals have made?

The end is near, and if you do not stop selling bonds voluntarily you will be forced to stop by the loss of credit. Turkey tried it and it can not sell any more, Austria tried it and can not sell any more, Italy can sell no more, Spain can sell no more. The wrecking process will cure itself, and the time will come when the Government will be unable to pay a premium and when the people can not endure the taxation to which they are subjected to pay this premium. We are getting behind at a geometrical ratio every year, and whenever the Government ceases to pay a premium on gold, those who have gold obligations must pay gold if you maintain the gold standard. So the gold standard means an unending increase of the public debt or repudiation by individuals.

Mr. PALMER. Will the Senator allow me to ask him what remedy he proposes for the condition of things which he describes?

Mr. STEWART. I can not answer that question without trenching on the time of the Senator from Utah.

Mr. BROWN. I yield to the Senator.

Mr. STEWART. In answer to the question of the Senator, I will say that I propose to reenact the coinage laws of Jefferson and Jackson; I propose to have more money by the use of both metals; I propose to wipe out that clandestine legislation which took away the basis of the fabric, and which put a premium on gold; I propose to return to the money of the Constitution; and then there will be no premium on gold, because we can have some other material besides gold out of which to manufacture money, but when you have to pay in that material only, there is not enough to pay, and you have to pay a premium upon it, as there always must be high prices on any article cornered in the market; and gold is cornered by means of this clandestine legislation; gold is cornered by means of the operations of the Administration, which refuses to obey the law and pay in silver; gold is pooled; and consequently I propose to break the pool. It is pooled just as stock is pooled that is put in a safe, and I propose to use both gold and silver, and break the corner that these people have made through the cooperation of the Administration.

Mr. PALMER. May I ask the Senator whether he means by all that the free and unlimited coinage of legal-tender silver at the ratio of 16 to 1?

Mr. STEWART. I certainly do mean that; and that is the only remedy. So long as you can make money out of only one metal, and that metal is pooled and cornered, the men who have it hold the world by the throat, and they have throttled enterprise and brought misery everywhere through their criminal practices.

Mr. VILAS. I should like to ask the Senator what he thinks would be the effect upon our getting plenty of gold if we made silver a legal tender in sums of $50 in amount only, removing the power to receive silver certificates for customs dues?

Mr. STEWART. I would not bind the limbs of silver and have it start on a race with gold. They had a race for four thousand years, and they stood abreast; and now the Senator from Wisconsin proposes to hamstring one of them and start it out in the race.

Mr. ALLISON. I should like to ask the Senator, if he will allow me, whether or not it would be his purpose as part of his scheme of free coinage at 16 to 1 to issue certificates upon the bullion before it is coined into money; that is, would the Senator propose to issue certificates providing for so many dollars from bullion yet to be coined and resting in the mints?

Mr. STEWART. I would issue certificates to-morrow on what bullion we have, and I would coin it forthwith. There has been a good deal said about the inability to coin silver, and that only $40,000,000 could be annually coined. I will undertake to coin all the silver brought to the mints for the seigniorage the Government gets. If they will let me have it for the space of ten years, I will undertake to coin $500,000,000 a year for the Government charges for the refining the bullion in the mints and other mint charges; that is, for just what the mint takes out of the bullion of the depositors for expenses. There is no trouble about increasing our coinage $10,000,000 a day.

Mr. ALLISON. I only wanted to know the fact. Then, of course, the Senator's idea would be either to have some provision whereby the coinage would be immensely projected, or else require the coinage of the bullion.

Mr. STEWART. I would have a sufficient amount coined. There is no excuse for not coining all the silver and all the gold that comes to the mints. There is no excuse for not doing it, because the Government charges enough for preparing the bullion for coinage and other charges to pay the whole expense. I will say to my friend from Iowa, there is one thing of which I want to notify him, and that is that there would be no trouble if mints were open except to get enough silver to coin. There is no danger of getting too much silver. I see more money and good times in the near future. There is an undercurrent coming; the common people have dropped on the gold game. They begin to understand that the public press is not telling the truth, and they have discarded its advice. They begin to understand that the public men have been misleading them. They begin to understand this Administration. The truth of what Mr. Lincoln said, that you can not fool all the people all the time, is going to be verified in the near future.

Mr. CHANDLER. I suppose the Senator excepts in his denunciation of the public press a mendacious publication in this city called the Silver Knight.

Mr. STEWART. Always excepting that. It takes an exception to prove the rule. The people are going the way of the Silver Knight more than they are going the way of the goldites just now. They have struck the exception, and if my friend from New Hampshire would read the Silver Knight attentively he might get his eyes opened.

Mr. CHANDLER. I am glad to advertise the Senator's publication. I have subscribed for it, and I also have one copy sent to me gratuitously through the favor of the Senator, and I read a great deal of truth in it. It goes to an excess sometimes, as the Senator does in his speeches.

Mr. STEWART. I hope that the Senator does not allude to the excess of circulating medium that is now among the people; that they are getting too much of it. I do not think he has reference to that. Excess! Is it possible to find language to describe a transaction which enabled a few gamblers in money to pool the circulating medium of the world, the standard money of the world, and to ask the price they had a mind to, and transform 70,000,000 of the most prosperous people on earth into 70,000,000 of dependents upon the caprice of an English syndicate? When you talk about the press, the great mass of the press has been the mouthpiece of an alien syndicate for years; and they have iterated and reiterated their nonsense and absurdities until the people have found them out.

Mr. BROWN. Mr. President, I should like to change the subject a little bit. I wish to discuss the bill before the Senate to prohibit the further issuance of bonds by the Secretary of the Treasury, and incidentally the resolution which I offered this morning declaring bonds hereafter to be issued by the Secrptary of the Treasury illegal.

My reason for saying that they are illegal is the Constitution of the United States. The Congress of the United States alone, and not the Executive, is authorized, to quote the language of the Constitution, "to borrow money on the credit of the United States." I think the further issue of bonds by the Secretary of the Treasury or by the Executive is contrary to that clause of the Constitution. The authority claimed for the issue of these bonds is the act of 1875. It must be remembered by the students of the history of this country that that act was passed at a peculiar time, under peculiar circumstances, when extraordinary measures had been necessary to preserve the life of the Government and extraordinary measures were necessary to preserve the credit and honesty of the Government. Perhaps they might be called heroic measures that we had indulged in, and that it was necessary to indulge in in the year 1875. It had been the wish, the long-felt longing of the people of the United States—I might perhaps say of all parties, of certainly the dominant party—that we should at once, or as soon as possible, resume specie payments, that we should come back to the stable basis of coin, both silver and gold.

In the light of these circumstances, while one part of the country demanded it and said the way to resume was to resume—that is, at once to undertake the task—this measure was passed as a compromise one, authorizing the Secretary of the Treasury to issue bonds to meet the legal tenders then outstanding. The legal tenders then outstanding were limited to somewhere near $350,000,000. It was to redeem those. It was supposed that when we redeemed those we would return to a specie basis. In one sense it might be said in criticising that act that there was no limit as to the time when bonds should be issued, the method, or the manner of their issue. The Secretary need not issue any. He might issue or not at his discretion. He was limited, however, if we will remember the circumstances—

First, by the purpose which was expressed in the act, "to prepare and provide for the redemption." I quote the words. It was not to use money to supply deficits; it was not to pay running expenses; it was not to pile up the surplus in the Treasury, but "to prepare and provide for the redemption." Not even to maintain it. No authority was given to maintain the redemption, because it was not supposed that when once accomplished it needed any maintenance. It was simply to prepare and provide for it that the Secretary of the Treasury was authorized to issue bonds.

Second, he was limited by the amount; that is, he was limited by the quantity of legal tenders then in circulation. This grant of power to the Secretary of the Treasury was only for the legal tenders then in circulation, and not for any others.

Third, the Secretary was limited as to the time when he was to issue bonds. Not, perhaps, in so many express words; but these

grants of authority are to be strictly construed, as the law books say and common sense teaches also; and the time within which the redemption was to be made complete and to be an accomplished fact or a dismal failure was four years.

So we had, as the act was passed and at the time it was passed, these limitations upon the power of the Secretary of the Treasury. It was given to whomsoever should be Secretary. It might be well that Congress would feel authorized and were authorized to extend this extraordinary power to the Secretary of the Treasury for a limited time, knowing who would be the Secretary, knowing to what party he would be committed, and yet that Congress would not and did not indefinitely extend the authority for all time to all Secretaries to issue as many bonds as they saw fit for any purpose that they might use them for.

I have the act before me here, and I will read it in this connection with my remarks. It is as follows, cutting out those parts of it which relate to the payment of money and only quoting the passages which relate to the issue of bonds:

> And to enable the Secretary of the Treasury to prepare and provide for the redemption in this act authorized or required, he is authorized to issue, sell, and dispose of, at not less than par, in coin, either of the descriptions of bonds of the United States described in the act of Congress approved July 14, 1870, entitled "An act to authorize the refunding of the national debt," with like qualities, privileges, and exemptions, to the extent necessary to carry this act into full effect, and to use the proceeds thereof for the purposes aforesaid. (Volume 1, Supplemental Revised Statutes of United States, chapter 15, pages 58, 59.)

To carry this act into full effect was to redeem the legal tenders of the United States on or before the 1st day of January, 1879. That was the effect of the act. When we returned to specie payment the purpose and end of that act had been accomplished and ended.

A grave question is intimated, and it again might arise as to the constitutionality of the act at the time it was passed. It seems to have been considered then an act of doubtful constitutionality. To a certain extent it was a delegation of legislative authority, a thing which this Congress can never do. Congress can not delegate its authority to any Secretary or to any Executive whatsoever. Such delegation is wholly illegal and forbidden; and yet with this limitation, and under the circumstances, and for the purpose for which the act was passed, it has been so far considered and treated as a constitutional act, and under the circumstances I do not propose to criticise it.

The use, however, that has been made of that act since could not have been foreseen at the time of its passage. It is now used for an entirely different purpose. The original statute simply gave authority to prepare and provide for the redemption. It is now said that it is to be used to maintain permanently the legal-tender notes in circulation and their perpetual reissue. Originally it was a fixed, definite amount, of about $350,000,000 or a little more; now it is $500,000,000, and that $500,000,000 it is proposed to maintain in a constant change, a constant reissue, so that the authority which originally was limited to the Secretary of the Treasury to issue bonds in the sum of about $350,000,000 is now construed to mean issue of bonds to the extent of $500,000,000 and five hundred million as many times as they see fit to pass the legal tenders over the counter of the Treasury. That may be infinite. It is an unending amount, so that the authority claimed now and that is claimed to be exercised by the Executive and the Secretary of the Treasury is to issue bonds not only to the extent of $500,000,000, but $500,000,000 multiplied by infinity itself just as often as the pleasure of the Secretary of the Treasury sees fit to issue them.

If the exercise of this power be strictly followed and the bonds issued for no other purpose, it would not probably be necessary now to forbid or prohibit the Secretary of the Treasury or the President from the further exercise of the issue of bonds. It could not be foreseen at the time of the passage of the act that the time would come twenty years after the passage of the act, sixteen years after the resumption which the act was passed to accomplish had been perfected and a fixed fact, that the Executive of the United States would search out and bring forward this old statute and claim authority under it to issue, at his own will to any extent that he saw fit, the bonds of the United States, and would thus exercise the constitutional authority of Congress to borrow for any and all purposes all the money that he desired.

Yet that is the state of affairs we now have. The Executive borrows, not to prepare for redemption, not to provide for redemption, not even to maintain the redemption accomplished sixteen years ago, but to pay the ordinary expenses of the Government of any and all kinds; and in addition to paying the ordinary expenses of the Government, which have been unusually large since this system of issuing bonds under the act was in vogue, to accumulate a fund on hand far in excess of the needs of the Government, so that he is able at any time to set aside the wish of the Legislature and dispense with the aid of Congress in raising money. He raises it without the act of Congress.

It will be observed that as now practiced the issuing of bonds is without limit. The original limitation has substantially been equaled if not passed. There was issued prior to 1879, the date of the passage of the act of 1879, as I understand it, bonds the face of which called for ninety-five and one-half million dollars in addition to whatever bonus may nave been received therefrom. There has since been issued bonds the face of which called for $262,000,000, making the face value of all the bonds three hundred and fifty-seven and one-half million dollars issued assumedly under this act. That, with the bonus and all, is about equal now to the amount of legal tender that existed at the time of the passage of the act. We are now asked to say that the Executive shall not issue more; that is, that he shall not exceed the limit which was originally fixed by the act of 1875.

It seems to me that the exercise by the present Executive of the act of Congress of 1875 is unconstitutional and to issue these bonds the Executive is without authority or warrant of law. It is our duty to protect the Treasury against further issue, and it is our duty to protect those who deal with the United States, who buy bonds, who deal with the Treasury, against receiving anything except bona fide bonds of the United States that can be enforced. Bonds of doubtful validity we have no right to sell. It is a deception to the buyer of them as well as a robbery of the country that we represent.

It follows that these bonds will be absolutely valueless in the hands of the holders. The question may be raised; and it is our duty now to warn the buyer, to pass such a resolution at this session of the Senate as to show to every would-be buyer that he is buying something which can not be enforced in the United States, and it is our duty to say to the public that these bonds are without authority, so that the cry of repudiation can not be successfully raised with regard to them. It is not repudiation to say that it is not our debt, it is not the debt of the country; but beforehand, before any person buys a single bond, I would have them warned by the Senate if they believe it to be true; I would have the Senate say to these would-be buyers of the bonds that we believe them to be illegal.

Mr. ALLEN. Will the Senator from Utah yield for a suggestion at this point? In January, 1894, before a bond had been issued under the present Administration, a resolution was introduced in the Senate declaring that the Administration had no power under the act of 1875, the resumption act, to issue bonds. That resolution was fully discussed here, and the purchasers of Government bonds from that time to this have been put upon their notice that they receive these bonds with a questionable title. Therefore there is no necessity for warning them again that there is lack of power on the part of the Government to issue bonds.

Mr. BROWN. May I answer the distinguished Senator, and ask him the further question: Did that resolution pass the Senate?

Mr. ALLEN. Oh, no, sir; it was antagonized by the other side of the Chamber.

Mr. BROWN. If the resolution passed the Senate I would sit down and have nothing further to say.

Mr. ALLEN. The honorable Senator from Ohio [Mr. SHERMAN], the leader of his party on the other side, said there was no question about the power to issue bonds; that the redemption of the notes would exist as long as water ran and grass grew. I quote his language. I simply call the attention of the Senator from Utah to the fact that he and the leader of his party are not agreed upon this question, but that the invalidity of the bonds, which I believe are invalid, was discovered and promulgated to the world long before a bond was issued. It is nothing new here, then, to warn the bondholders that they have no title.

Mr. BROWN. Our party, Mr. President, does not have leaders. Every Republican is his own leader; every Republican is a thinker. My friend from Nebraska has time and again talked about the Populist party and has made promises for the Populist party. He has leaned over and asked the Senator from Ohio [Mr. SHERMAN] and the Senator from Rhode Island [Mr. ALDRICH] to make promises as leaders of the Republican party. I assure him that while the Populist party may have leaders who can speak for it, the Republican party is democratic in that respect; every man stands on the same footing.

Mr. ALLEN. That is, every man is a thinker?

Mr. BROWN. And let me say further in reply, for I have not got quite through answering the former conundrum of the distinguished lawyer from Nebraska, that merely discussing a question is not the opinion of the Senate. When the Senator from Nebraska gave it as his opinion and offered his resolution in 1894 it went out to the world for what it was worth, for what the world thought of the distinguished gentleman's opinion. So I would not now claim any more for the resolution which I submitted this morning, and which I will read in a moment. The mere discussion of it would be nothing. That is merely an expression of a Senator's views as a lawyer or as a citizen. It carries no special weight beyond the doors of this Chamber; but when the Senate of the United States passes a resolution such

as I shall ask them to pass, I think that is another matter; that becomes the opinion of the Senate. I think that will be heard wherever a man is going to buy a bond or whenever he thinks of buying one.

Mr. ALLEN. The Senator will of course indulge me a moment?

Mr. BROWN. Certainly.

Mr. ALLEN. The Senator is a lawyer. The filing of a lis pendens is notice to the purchaser. You do not have to have a judgment declaring a thing to be illegal.

Mr. BROWN. It depends on who files it.

Mr. ALLEN. Whenever you file a notice of a lis pendens to contest the legality of a title, that notice stands good, and a person who purchases after that notice has been filed purchases caveat emptor. The Senator from Utah knows that. I simply call his attention to the fact by the filing of a lis pendens (if you may call it such, for that is what it is in legal parlance) it stands as a notice to all who purchase the bonds of the United States that those bonds are illegal. Now, as to the Senator's suggestion that every Republican is a leader and that every——

Mr. BROWN. I did not say that every Republican is a leader, but just the reverse.

Mr. ALLEN. And that every Republican is a thinker. I do not care to be pushed upon that question for an answer.

Mr. BROWN. Mr. President, I have not any desire to push the Senator from Nebraska upon that subject, because I think he knows the fact without any discussion.

As to the essay that has been read and the comment that has been made upon the law of lis pendens, I am glad to hear the opinion of the jurist representing Nebraska here. I do not so understand the notice or the law of lis pendens. I understand that every notice of every kind to put a person upon his guard must come from the person who intends to act. It is the plaintiff in the lawsuit who files the lis pendens—not some stranger. It is not second-hand cousins. I propose to file notice lis pendens by the resolutions here to-day, by the Senate of the United States. My friend, the distinguished jurist from Nebraska, in offering his resolution a year or two ago, did not happen to be the Congress of the United States or even the Senate. That was the difficulty with that notice lis pendens. However, I am very glad he filed it as a friend of the court.

Mr. ALLEN. I am in sympathy with the Senator from Utah, and I propose to vote for his measure.

Mr. BROWN. I suppose so.

The Secretary of the Treasury is the mere agent or machine through which Congress makes loans. This agent, the Secretary of the Treasury, being one designated by law, can not be delegated with any of the legislative authority of the principal. He can only do the ministerial acts—carry out the will of the Congress. The determination of those things which belong to the legislative power must exist in Congress, and can not be exercised in any event by any Secretary at any time. To make a loan and to make any further loan under this law the following elements must be determined, and they must be determined just as much under this law as if no law existed:

First, the necessity and the occasion for the loan. If we were to authorize a new loan the first thing we would have to act upon is the necessity, the occasion, for the loan. Under the law of 1875 somebody must exercise the power of judgment, of determination, of discrimination, and say that there is a necessity for the loan. As construed, the Secretary of the Treasury is authorizing it. As required by the Constitution, it is the Congress of the United States.

Second, the amount of the loan. The first question going to the parliament, going to the representatives of the people, is how much the loan shall be. It must be determined by the representatives of the people in Congress assembled. As exercised the amount, as I have already discussed, is infinite. There is no limit. Just as fast as you can bring the $500,000,000 around, as he pleases and when he pleases, he is to exercise this power. He talks about keeping good $100,000,000 in gold in the Treasury. Yet he waited until it was $49,000,000 the last time. That was not the test. He does what he pleases. He exercises discretion as to the amount and the occasion; whether he will call for $500,000 or $100,000,000 at a time. He is exercising it, not Congress, as should be.

Third, the length and time of their maturity. There is another thing as to which, in borrowing money, the principal alone must exercise the discretion. If we are to borrow money of the world, we are the parties to say how long the bonds are to run. The Secretary of the Treasury exercises it under this law to run from five years to thirty years, just as he pleases, selecting any one of the classes of bonds which are named in the former act at his discretion. All these elements are matters which require the discretion, the judgment, the wisdom, and the power of Congress itself. Manifestly the Secretary never can legally exercise them except as they have been theretofore determined and settled by Congress. To make a further issue of bonds for the purpose of redeeming the now outstanding legal tenders the determination of all of these three elements is necessary, as this power has not been and can not be delegated to the Secretary of the Treasury, any attempt by him to exercise it would be without legal authority and actually void.

Therefore, I propose the resolution which I have offered as an effective method of preventing bonds. It has been boasted here by the distinguished Senator from Ohio [Mr. SHERMAN] and others that we are powerless; that the House and the President will never concur, even if the Senate declares void the bonds. If we pass this resolution the buyers will see to it that they themselves and the country are alike protected. I have with me a copy of the resolution now on the table of the Secretary, offered this morning, and I will read it:

Be it resolved, That in the opinion of the Senate of the United States the Secretary of the Treasury has no authority under the act of January 14, 1875, to issue any further or other bonds in addition to those already issued, and that any such bonds that may hereafter be issued by him will be without authority of law.

I believe if we serve that as a lis pendens, using the expression of the Senator from Nebraska, it will be effective to stop the further issue of bonds, and the boast of the Senator from Ohio [Mr. SHERMAN] will fall as dead as he hopes the proposed act of Congress will be.

Mr. PALMER. Will the Senator from Utah allow me?

Mr. BROWN. Certainly.

Mr. PALMER. I wish to ask the Senator if he thinks the bonds already issued are authorized by existing law?

Mr. BROWN. I say frankly to the Senator that I do not think they are. I have not argued it in anything that I have said or am prepared to say, because for the purposes of this discussion, either in passing the resolution or in passing the proposed law, I do not regard it as necessary. It is a case we have not before this court to-day. Whenever it should arise it is possible that a further examination may change my opinion. I have not gone into that branch of the case; yet I think that so far as concerns those bonds which have been issued by this Administration—and I suppose that is what the Senator from Illinois refers to—they are without authority of law; that they are illegal, and could be avoided by the country.

As to those which were issued prior to the resumption act, they rest upon an entirely different basis. I think they are legal, or at least they were issued under authority. All these other bonds were issued without the authority of the act of 1875. The act of 1875 never could have imagined or foreseen Mr. Cleveland's Administration; it never could have foreseen this process of changing greenbacks for gold around through the endless chain which we have had described, and then turning it over to the general fund, until we have the accumulated surplus which we have here, a false surplus, a surplus of which and its evil result I shall have occasion to speak more hereafter.

The Senator from Georgia [Mr. BACON] in a very able argument, as it struck me (I do not see the Senator from Georgia present, and I am sorry he is not in his seat), by the way, has taken in a measure the same view that I have and in a measure not, that the act of 1878 enlarges the power of the Secretary of the Treasury to issue bonds, and it was against the evil effect of the act of 1878 that he was speaking. The act of 1878 has been quoted as if it were an extension of power to the Treasurer to issue more and more bonds. Authority given to an Executive or the Secretary of the Treasury must be strictly construed. It must be in the letter, not in the spirit. Unless the grant is given here so that every man can read it, it can not give the power by implying a necessity. You must say, "He shall have the power; he may do this, that, or the other." Grants of power are so strictly construed. There must be express words to authorize the Secretary of the Treasury to issue bonds. There can be no authority given to an officer except it is clearly and distinctly stated. The act of 1878, instead of being an extension of authority, may possibly be considered a repeal of the resumption act so far as it relates to the issue of bonds. It certainly places it out of the power of the Secretary to ever issue enough bonds to preserve the resumption. There is nothing in the act certainly which simply permits the reissue of these legal tenders that would authorize the Secretary of the Treasury to "borrow money on the credit of the United States."

The act simply says that the legal tenders then outstanding, $347,000,000, shall be reissued, and there is no grant of power given—is there?—to issue bonds; no hint that they want the Secretary of the Treasury to go and borrow money in untold quantities, and yet it is that power, that act, which is really, not professedly, assumed to be the basis and warrant for the action of the Executive at this time. It is because he has to keep those legal tenders good, keep redeeming them, that he says he exercises the power. I say that act is a repeal. It took away the power. It was repugnant to the original object. Let us see. A statute is repealed by the passage of another repugnant to and inconsistent with the first. The statute of 1878 forbids the redemption of

legal tenders. The purpose of the statute of 1875—the object of it—was to redeem legal tenders, "to prepare and provide for redemption."

What is redemption? Payment. A new statute says it never can be redeemed, never can be paid. First, remember what the evil was to be met in 1875, the object of it, the gist of the statute. It was to retire these greenbacks, to pay the legal tenders, as every other honest debtor pays his debts. It was the policy then, and I hope it is the policy of the Republican party now, to pay our debts in full, to wipe them out of existence, and not to keep them forever returning, coming back to annoy us. We were to redeem the greenbacks, and the authority was given for that; but along comes the act of 1878 and says there is danger of contraction, and instead of passing an act in 1878, as they should have done, recognizing free silver and the free coinage of silver, and paying these debts so that there would be no contraction, they passed the act of 1878 which authorized the Secretary of the Treasury to reissue forever and ever the same legal-tender notes. That was in exact contradiction of the purpose and object of the act of 1875, the one being to pay, the other to say never to pay in the wide world.

Mr. ALLISON. Will it disturb the Senator from Utah if I make a remark?

Mr. BROWN. No, sir.

Mr. ALLISON. I call the attention of the Senator to another provision in the resumption act of 1875. I was perfectly familiar with the passage of that act through all its phases, as was the Senator from Ohio [Mr. SHERMAN]. The very point that the Senator now states as a conclusive one at the time was really the tender point, the difficulty. If he will take another portion of the act he will see that the greenback notes were to be reduced to $300,000,000, and no further reduction, in the minds of most of those who voted for that bill, was to be made, and the United States pro tanto was to be a bank, redeeming and paying out.

After that law was passed a question of argumentation rose among people who supposed they knew a great deal about the act, which was that this redemption fund would retire all those greenbacks, and that it could be done under the law. That was the view taken by Mr. Edward Atkinson and other gentlemen who wished then to get rid of the greenbacks. The act of 1878 was supplemental and in support of the original act, except in one single instance, and that was that the original provision which authorized the greenbacks to be reduced to $300,000,000 was cut off specifically at $346,000,000, and the further provision that the notes should be paid out again was sacredly regarded by most of those who voted for it as a part of the original law of 1875. It was never intended by the men who passed that law that the greenbacks which had formed such an important portion of our currency should be withdrawn, canceled, and destroyed, and form no part of the circulation.

I make the statement as a part of the contemporaneous history, with which I was certainly familiar.

Mr. BROWN. I know the Senator is familiar with it. I gave myself the pleasure the other day of reading the debate. I could see how active the Senator from Iowa was in that matter. I noticed, too, that the question of $300,000,000 rose in that debate, and the question was discussed whether it should be put in or whether it would be unnecessary to put it into the law, if I remember rightly. I have not the language before me.

Mr. ALLISON. If the Senator will bear with me one moment more, I will say, as to the passage of that bill through the Senate of the United States, that the Senator from Ohio—he can speak better for himself than I can for him—had charge of the bill for the Finance Committee, and it was understood that there would be no explanation of the bill. There was none. The Senator is familiar with it. The then Senator from Missouri, Mr. Carl Schurz, undertook to catechise the Senator from Ohio, and he parried his blows and thrusts as very few Senators in the Senate could do. So there was no Senatorial debate which in any way tended to elucidate or to fix what was in the Senatorial mind upon that subject. That was fixed elsewhere.

Mr. TELLER. I do not desire to interrupt the Senator from Iowa, but I know we never will have the truth of it until the Senator tells us what occurred in the caucus.

Mr. ALLISON. That was a long time ago, and I do not know but that the statute of limitations has run against the caucus. It is more than twenty years. But I do know what I heard, not only in the Republican caucus, but elsewhere, that with two or three exceptions it was in the minds of the men who voted for the resumption act of 1875 that the greenbacks were not to be retired, canceled, and destroyed except down to $300,000,000. Beyond that the greenback notes were to be circulated and redeemed and paid out by the Treasury and kept in circulation. The act of 1878 was but a legislative declaration of what was originally contained in the act of 1875.

Mr. BROWN. I repeat what I have intimated to my friend two or three times, that it is a poor kind of interpretation of a statutory law for a man who was present and voted for it to say, "I thought so and so about it at that time. Therefore that is the construction."

Mr. ALLISON. I agree to that.

Mr. BROWN. "It was understood so and so. Therefore you must construe it so and so." Statutes are construed by what they say and nothing else. It must be located right there, and no one knows better than the distinguished and brilliant lawyer from Iowa and the great financier from Ohio how to make clear their meaning in statutes. They did it then, as they always do; and what that statute says, that must be its meaning.

I will say to the Senator from Iowa, when he says that the Senator from Ohio can better express what was thought at the time, that he himself has expressed it. He can not add to that now, either. The debate that was had on that occasion is the conclusion of what they had to say in support of the measure at that time. It was ably and thoroughly argued by the distinguished Senator from Ohio, and it was passed as he wanted it, without objection or amendment.

I wish to say a word or two as to the policy of the act of 1878, and I am reminded by the Senator from Ohio that he was not a member of the Senate at that time. I am aware he was Secretary of the Treasury. At the time of the passage of the act of 1878 silver had been demonetized, but the effect had not been extensively felt nor was the question thoroughly understood. It had not been debated in every schoolhouse in the land. We had little coin in circulation, and had not arrived at the period of absolute redemption. It was feared that if the legal tender should be retired, redeemed, and canceled when paid, there would be contraction. It was to prevent the contraction which followed and was the necessary effect of the demonetization of silver that the legal tenders were issued.

Whether intended or not, it was a cover by which the people were deceived as to the effect of demonetization. Some have been so ungenerous as to charge that demonetization was a malicious act purposely done, and it may be that the act of 1878 might be said to have been intentionally passed with a view of preventing the people from early appreciating the effect of the demonetization. But it may have been passed in entire good faith. It is not necessary to impute bad motives to it. But the effect was just the same. It was to create a false currency, a false plenty of currency, when, in truth, the money was being driven out of the country. Had silver been coined instead of the reissue of legal tenders, and that silver placed in circulation to the extent of the legal tenders at that time, silver never could have fallen as it has. We would have had a much larger circulation than we now have, a greater currency per capita, and now we would have had no legal tenders to redeem or to drive away the gold out of the country. The danger which now appalls us could not have existed. The opportunity for the issue of bonds which is now claimed was created not by the act of 1875, but by the act of 1878.

When a statute is passed for a particular object, and that object has been accomplished, the force of the statute has been spent. It amounts to a virtual repeal, not a repeal to have any retrospective effect, to invalidate that which has been done, but a repeal of its power in the future, because all its conditions have been complied with. The act of 1875 authorizing the Secretary of the Treasury to issue bonds to prepare and provide for redemption was temporary in its nature by the statement of the object which was to be accomplished at the end of four years. The four years came, the resumption of specie payment was complete; the bonds were issued under it, were issued under that authority, and the whole statute was fulfilled, accomplished, ended, and it was as impossible under that statute, after the resumption had thus been made operative, for the Secretary to issue bonds as if the statute had been actually repealed by act of Congress. The condition of it had been performed and its force had lapsed.

It can not be said that this issue of bonds is merely to meet the deficiency in the revenue, because the deficiency in the revenue is vastly less than the issue of bonds. Forty-two millions deficiency of revenue in the last fiscal year and probably thirty-five millions this year; I forget how much for the year ending 1894, but a small amount, not in all $100,000,000—the Senator from Ohio [Mr. SHERMAN] says to me more than $100,000,000 in three years. Perhaps so. I have not the figures. The Senator will not differ certainly with the result. It has been vastly smaller than the amount of the issue of bonds. I think it is less than $100,000,000. And yet to meet this deficiency an issue of bonds already of two hundred and sixty-two millions, and the probability of another one hundred million to be added shortly.

The Congress of the United States has no power and no right thus to delegate its function to borrow money on the credit of the United States. It can not resign to President Cleveland the determination of when it is necessary to borrow money for the public good. It can not resign the question of how much money should be borrowed to meet the deficiency, or for any other purpose. It can not resign to the Executive the duty of maintaining the resumption and redemption of its own legal tender and bills of credit.

I was prepared to say before I heard my friend from Iowa, and I say it yet, so far as any public debate is concerned, and so far as any act of Congress is concerned, that it was never dreamed when the act of 1875 was passed that it would be necessary to extend the power any further than four years before redemption was expected to take place. Whatever may have been thought by any member of the Senate, nowhere in the debate is to be found a hint that the power of issuing bonds under that law was to be exercised after the four years had expired. The limit was fixed when redemption was to be accomplished, and it was for that particular occasion that they were to prepare, and there was no hint that afterwards there was to be any further issue. It was not to be an indefinite grant for all future time, and as to being a contract, it was impossible for Congress to contract. The Senator from Ohio said that it is a contract binding upon us morally, if not legally, and perhaps legally, that it is our duty to fulfill. What moral obligation can exist to violate the Constitution of the United States?

If this act as now exercised by the Executive is in violation of the Constitution of the United States, is there any moral obligation? Is the Constitution of the United States the subject of barter and sale by the Forty-third Congress? Can we contract away its provisions—moral obligation to set aside the liberties of the people which we are sworn here to defend and which the Forty-third Congress were sworn to defend? They were and we are here to uphold the Constitution and to protect it, under which law we are authorized to meet here.

Yet it is said it is a contract existing with the holder of every bill, every legal-tender note, that the Secretary shall have the power to issue these bonds. These bills may never be paid if the intention is to issue and reissue them forever. If this contract scheme is to continue, the Forty-third Congress, that passed that act, would have the power to contract away the Constitution of the United States. Can any contract be said to be moral that barters away the liberties and rights of the citizens of the United States? What right had the Forty-third Congress to thus barter away Constitutional rights? The very definition of a free government is one controlled and managed entirely by the representatives of the people in Congress assembled, and the duty is upon Congress here in this instance to perform these functions and to prevent their further usurpation by the Executive. The usurpation in this instance is on the part of the Executive. This has never been attempted by any other Executive. It will be remembered that none of his predecessors since resumption have exercised or pretended to exercise this power. It has first occurred to this Executive that he can bring that law back which in reality had ceased to exist (because it has accomplished the object for which it had been passed) and, by reason of finding this old law, prevent the control over the Treasury of the United States which justly and properly belongs only to the Congress of the United States.

Mr. PALMER. I want to ask the Senator whether it is or is not true that the predecessor of Mr. Carlisle gave the same construction to this law that Mr. Carlisle has given, and even went to the extent of ordering the preparation of bonds to be issued under that act? I ask the question because the Senator may be better informed on this historical point than I am.

Mr. BROWN. I am not better informed, and do not assume to be informed at all. I will say that I neither know nor do I care. I know this, however, that he never committed the act. Many a man has thought and contemplated whether he would not commit a crime, yet he paused without doing it. It would not be competent and proper, in trying a man who had committed a crime, to say, "Well, there was another fellow who was thinking about committing the same act and wondering if he had not better do it, though he did not do it." That is about all there is in the Senator's question. I do not know, I was not familiar with the matter, I never saw the gentleman, I never heard him say anything about it, and there is nothing in the records of Congress to show about it, and I am sure if the Senator has any such information he is welcome to it; I have none.

The controversy we have here to-day is the same old one that has been going on between the executive and legislative departments. It differs only in name of acts and name of executive and name of legislative department from the controversy between the Parliament of England and Charles the First. The parallel is complete between the situation at that time and the situation now. The executive then, as now, did not approve of the legislation which the Parliament desired to enact. He had a theory of government of his own, just as Grover Cleveland has, and because Parliament desired to annex conditions to their legislation of grants of money he sought to raise money by the executive power alone. So because the Congress of the United States has its own theories, has its own scheme of legislation, with which the Executive does not sympathize, he desires to raise money by his authority only. The effect of this power, thus exercised, of borrowing money in excess of the deficiency, and using the bonds for ordinary expenses, has been in the last two years to make the Executive independent of the legislative power of Congress.

Mr. PALMER. Will the Senator allow me?

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Does the Senator from Utah yield?

Mr. BROWN. Certainly.

Mr. PALMER. I should like to express my satisfaction at the announcement that this Congress has some scheme for raising money to discharge public obligations.

Mr. BROWN. I confess the sarcasm of the Senator. I perhaps might have said, if I had gone a little further, that there might have been some scheme if it had not been for this terrible surplus on hand. We have got money enough. Perhaps I ought to have said, instead of this Congress demanding legislation, the people have demanded legislation, and legislation of a character which the Senator knows right well.

The people were heard from in 1894 from one end of this country to the other, when they told the Senator what kind of legislation was dearest to their hearts. We can not pass it to-day, and why not? Because the Executive does not need money. That is the legislation that is being prevented. If it were not for this surplus of $270,000,000 tied up in the Treasury, the unruly members would get together, and we could agree on some measure of revenue. The necessity would then be upon us, but we have no necessity now. We have got the money; we do not need any more money. We have too much money in the Treasury, some say. The President himself says in effect—I do not quote his language, as I have it not before me—that there is no question about the revenue; there is revenue enough; yet all the money that he has piled up in the Treasury is that which he has procured by a violation of the Constitution of the United States in selling bonds and preventing the legislation which would be necessary if he did not do that.

Mr. ALLEN. Will the Senator permit me at this point?

Mr. BROWN. Yes.

Mr. ALLEN. I wanted to call the Senator's attention to the fact that the $100,000,000 of gold reserve, as it is called, and which has been the source of all our evils so far as the issuance of bonds is concerned, was established by the honorable senior Senator from Ohio [Mr. SHERMAN], then Secretary of the Treasury, and without a syllable of law authorizing its establishment; and therefore the Republican party is purely responsible for the present condition of affairs.

Mr. ALDRICH. The Senator is historically mistaken now, as he is at other times.

Mr. ALLEN. I shall be glad to be corrected by the Senator from Rhode Island.

Mr. ALDRICH. The $100,000,000 reserve was first established by Mr. Manning, the first Secretary of the Treasury under Mr. Cleveland.

Mr. ALLEN. If the Senator will permit me, I still insist upon the fact that the gold reserve was established by the senior Senator from Ohio, in or about 1878.

Mr. ALDRICH. A gold reserve was established by the sale of $95,000,000 of bonds in accordance with law in 1878 and 1879, but the gold reserve of $100,000,000 was established in accordance with the provisions of the act of 1882, in the first instance by Daniel Manning, when Secretary of the Treasury.

Mr. ALLEN. The honorable Senator from Ohio sold $90,000,000 of bonds.

Mr. ALDRICH. Ninety-five millions dollars.

Mr. ALLEN. He sold $90,000,000 of bonds under the resumption act of 1875, and he converted $5,000,000 of the Geneva award into bonds, making $95,000,000, with which he purchased coin, and with which he established a reserve fund or a redemption fund when he was Secretary of the Treasury. There was not then, and there is not now, a statute upon our books authorizing the existence of that reserve fund or redemption fund. According to the first section of the act of 1882, there is a proviso which has been construed since that time into authorizing the existence of this fund; but I wanted to call the attention of the Senator from Utah to the fact that the honorable Senator from Ohio is the author of all our evils and financial ills in that respect.

Mr. BROWN. Mr. President, I never had heard before that the Senator from Ohio was the author of Populism. I have heard almost everything else laid at his door, except that one thing of all our evils, which is surely one of the greatest. I do not understand that the Senator from Ohio ever advocated irredeemable paper, nor do I understand that he has ever been a very earnest advocate for paper at all. I think sometimes that he was a little inconsistent in the extent to which he did go in that regard, but I do not understand that he has gone to the extent of irredeemable paper, though perhaps I am mistaken.

Mr. ALLEN. If the Senator will allow me——

Mr. BROWN. Before the Senator from Nebraska interrupts me, I wish to make just one other remark.

The Senator uses the Populistic logic here in his question to me,

and says the Republican party is responsible for the issue of these bonds, because they were issued by a President whom the Republican party labored so hard at the polls to defeat. That is the usual logic of the Populistic party, because a Republican President never issued one of these illegal bonds, no bonds whatever, since 1878, and the Democratic party did; therefore, the Republican party are to blame for the Democratic party doing it. That is the condition we are in.

When interrupted I was about to say, or, rather, I will interrupt myself in the line of argument I was pursuing to call attention to an ingenious argument which was made here the other day by the distinguished Senator from West Virginia [Mr. ELKINS], who is a friend of mine. I am sorry he is not here to-day, because I want to reply to something he said. It was upon the subject of these bonds, and his remedy apparently is to change the Government. His remedy is if Congress and the people will not trust the Executive of this Government, then the Government will come to an end. That seems to be the argument of some other Senators, if I understand it. What government will come to an end? The government by Grover Cleveland; the government by the Executive? The Government by the Constitution, which has confided to the representatives of the people alone the power to borrow money and to raise money by bonds, will come into new life when we enforce these provisions and do not yield to Executive usurpation. The Senator from West Virginia went on to say:

No matter if we had a Populist as President to-morrow, and no matter if we had unlimited paper money, or silver money, or gold money, I would favor the proposition that the President should have power to sell bonds under proper restrictions.

That is, he favors a different Constitution to that which we have. That, as I understand, is the argument of the distinguished Senator from Ohio. It is not that the Secretary of the Treasury now has authority, but that he ought to have it. It is consistent with his theory of government, but not with the Constitution of the United States which our forefathers provided for us. The Senator from Ohio said:

By the terms of that contract it was the agreement of Congress that the Secretary of the Treasury, an officer always at his post, an officer who is charged with these financial duties and not Congress, should pay the notes when presented, and in order to enable him to do so it authorized him to sell certain classes of bonds to pay them, and he was authorized to say which of those classes of bonds should be sold in order to provide the money.

The Secretary of the Treasury is "always at his post," said the Senator, as if that was a reason for the issuing of bonds, that a man is handy and can do it often; as if that was a thing we were looking for, somebody to keep up the machine and keep grinding out the bonds; that we want them to-day; we want them all the time; that they are something that we must have. I say it is contrary to the spirit of free government everywhere and contrary to that Constitution which we are sworn to defend. It was Congress that was to meet and see the occasion and not the Executive. It strikes me that the position taken by the distinguished Senator from Ohio on another bill was more consonant with his history of liberty-loving and with his life than the expression which I have just read, and I am proud to read and indorse the expression he made to the honorable Senator from Maryland [Mr. GORMAN] on the subject of issuing certificates of indebtedness. At that time the Senator from Ohio said:

I would tear up every appropriation bill pending in this Senate and refuse to appropriate the money rather than issue $100,000,000 of certificates of indebtedness in a single year.

That was because he did not believe in running this country in debt. He would tear up every appropriation bill. That has the true ring of liberty and of sound finance—of appropriating nothing except what we are prepared to pay for. But let me say if we should not issue a single bond by act of Congress, which has the power, why should we issue bonds by the Executive, who has not the power? What consistency can there be in this position of the Senator from Ohio on that subject?

The President has no need to suggest any measure of immediate relief from the present condition of affairs. He sends us no message suggesting how a revenue may be raised. He has plenty of revenue, and his friends and supporters which he has in this body and in this Congress are unwilling to support any measure of obtaining revenue. The Executive is imperial; he is independent of the Congress because he has constantly before him this method of raising money whenever the gold in the Treasury becomes depleted or below the standard at which he thinks it ought to be maintained. At will he and the Secretary of the Treasury sell them, with or without notice, and thus obtain money without the need of any Congress whatever. The effect must be demoralizing both upon the Executive and upon the people themselves. I think we have seen its demoralizing effects here in this Congress and in this body.

I have already mentioned wherein I think the Executive has failed to answer to the public in recommending revenue legislation in consonance with that for which the people have expressed their wish. The effect has been equally injurious to another question; and it is with regard to this other question that the members of this Senate have been debating day after day this bond bill, because they know this question is affected by the power of issuing bonds.

There is another question which has awakened interest in the public mind all over the United States. The majority of this body, a large portion of the people—all the people, if we may believe the expression of the platforms of the two great parties made in 1892—are in favor of such legislation as will keep silver on a parity with gold, so that 371¼ grains of fine silver shall be equal to one dollar in gold. To-day the President uses this authority to raise money so as to prevent any legislation on the part of Congress which will compel him to put these two metals upon a parity with each other, the parity as defined by him being simply the privilege of using silver as a promise to pay gold. As such silver has no use whatsoever. It destroys its value as a money metal in every sense.

It has been said if it were not for this power exercised by the Executive of issuing bonds from time to time the Government would be without means of sustaining itself. That Congress would not agree upon any measure—could not agree upon any measure—to supply the deficiency, and that the wheels of the Government must stop for the lack of money and means with which to run it. This is an unnecessary and unjust aspersion upon any and every Congress. If it is true that the representatives of the people can not be trusted to furnish the means with which to carry it on, then the defect is in the organization of the Government itself, its foundation, its Constitution. The same fear, the same sensitiveness, has always existed. Those who laid the foundation of our Government were not afraid to trust the representatives of the people. The Constitution is made upon the theory that the Representatives will be always ready and willing to vote the necessary revenue to supply the needs of the Government, and leave with Congress the responsibility, the duty.

The Constitution is made upon the theory that the representatives will always be ready and willing to vote the necessary revenue to supply the needs of Government, and it leaves with the Congress the responsibility and duty. If Congress fails to furnish the revenue, invoke the proper means; then the Government fails by reason of Congress, and the blame must rest with the representatives of the people. Such criticism could always be brought against any and every free government, and yet a loan on the authority of the people only to raise money is the most stable of all. The Executive has no right, no duty to say to the Congress: "I know that you are incapable of running the Government in the constitutional manner, and therefore I will usurp it and run it in an unconstitutional manner." He has no right to assume that Congress will not fully comply with its duty when the necessity is upon it. It is a usurpation of the power of government when he assumes to take from Congress that which duty compels them to perform. The passage of this bill is not repudiation or infamy, but repudiation of the infamy of usurpation. But it is not true that there is any danger that Congress will not perform its duty.

Another evil effect of this constant loaning of money in time of peace is that it furnishes a place for those who have money to invest, so that they will not invest it in legitimate enterprises. We have a right to assume in the ordinary current of business that the money of the country will be invested in legitimate speculation—in manufacture, in farming, in buying and selling lands, in buying and selling produce, in buying and selling manufactured articles. We have a right to have the money of the country invested in business, but here we first cut off the business by the single gold standard and deprive the people of business; then we say, "We will furnish a place for the rich men of this country to receive an income from the Government by loaning their money to us, and taking it out of the channels of business, and we will pay 4 per cent interest upon it." That is one of the evils which comes from this policy, which I think is reason enough why this proposed legislation should pass.

I confess the fact of this constantly having an immense surplus in the Treasury is demoralizing to the members of Congress; it has been demoralizing in this Congress and in this Senate. Two hundred and seventy millions of surplus piled up, mainly, almost exclusively, by the sale of bonds, by constantly running in debt, has produced its usual result.

The Senator from Nevada [Mr. STEWART], whom I saw in his seat only a few minutes ago, has clamored almost every day for spending that money. He says he is in favor of the largest appropriations, whether they are needed or not needed, because he wants to disburse the $270,000,000 among the people. If this money must be raised from the people again by taxation he would not be so ready to pass the appropriations.

It has been urged here on the floor of this body that we have a surplus that we must distribute, that we must dispose of. It is true we have a surplus, but it is a disgraceful surplus, a surplus that we have gained by pledging the credit of our children and mortgaging the earnings of our grandchildren, or rather,

not by our mortgaging them, but by the Secretary of the Treasury mortgaging away the future of our children and grandchildren. It is a surplus that we have no right to have. If it were not for that surplus no appropriation bill could be passed here in this body or in the other without it being seen where the money was coming from with which to pay the appropriation. It is the theory of government that the appropriation of money and the raising of it go hand in hand.

There would be no difficulty had it not been for this corruption fund that has been created by this surplus of $270,000,000. There would be no difficulty in harmonizing the different elements in this body and passing some kind of a revenue bill had not this two hundred and seventy million been in the way.

If, with every appropriation bill, we should add a provision providing by taxation to raise the necessary revenue to meet it, which we should all have to agree to before the appropriations could pass, we should have then no river and harbor bill with $70,000,000 in it to make deep-sea harbors for British ships; we should have no million and a half of French spoliation claims or a half million Bowman Act claims. Senators would pause before they voted to spend the money if they had to find some means of raising it.

This vast accumulation has prevented any harmony or harmonious action. If it had been seen that the Government must stop except we should pass a revenue bill, it is not to be supposed that the great party to which the Executive belongs would have persistently sat in this Senate and refused to consider a bill that came from the House for the purpose of raising revenue in any form whatever, and yet we are met with the astounding situation that the party of the Administration refuse to support the Administration or try to pass any kind of a revenue measure, every member of it, if I mistake not, voting against taking up the substitute for the Dingley bill, as it is called—not voting against it, but voting not to consider it; not to take it up, and not to consider any measure of revenue.

I know it is fashionable to find fault with that particular measure and make that an excuse why this Congress has not considered, discussed, and amended that bill, and why they refused to take it up for consideration at all. The particular defects that may be reasons for refusing to pass it never can be reasons for refusing to consider a measure. To pass a measure is one thing and to take it up for consideration is another. The particular friends and supporters of the Adminis ration were in duty bound to take some measure to relieve the necessities of the public Treasury. The distinguished Senator from Maryland has said here that the country would hold the Republicans responsible for their failure to legislate on the subject of raising revenue; but the country will look and see what party is in power; the country will look and see who has taken the reins of the executive government; the country will say, "Why did not the friends of President Cleveland," and among whom the Senator from Maryland will be reckoned as one; "why did not you and the others vote for some measure?" It is not to be expected that the House of Representatives will pass a measure exactly suitable to the Senate.

It is not to be expected that the House of Representatives will pass perfect measures; they are not required to do that, but they are to make a measure as perfect as they can, and they are permitted to apply their judgment to a revenue bill; but when it comes here, it is our duty, the duty of every Senator, and the duty of this whole body, to take up that measure, good or bad, wise or foolish, and consider it. That is what we are sworn to do, because if the Dingley bill was not satisfactory to the Democratic party it was still their business to take it up and then to amend it and revise it. But there was another peculiarity about it, and another peculiarity about the refusal to consider that measure. When it left the House of Representatives and came to us it was a measure for raising revenue purely and nothing else, a measure for raising revenue by a partial act of protection. When sent to our Committee on Finance it was changed, every word of it after the enacting clause being stricken out and a line drawn through it, and it came back here a bill for the free coinage of silver and nothing else but a bill for the free coinage of silver. There was nothing else in it but word for word a bill which had been theretofore approved by the Senate as a free-coinage bill.

Such a bill as that presented to a free-coinage Senate by its own Committee on Finance ought surely to have been considered in the body where the majority of its members believe and agreed to every term in it, and yet, when it is proposed to take up this substitute to the Dingley bill, not the Dingley bill itself at all, not one word of protection in it, not one word with regard to anything but the free coinage of silver, we are met with the astonishing sight of every one of the Democratic party who have been talking free silver and free coinage of silver, even the eloquent Senator from Virginia [Mr. DANIEL], the patriotic Senator from Mississippi [Mr. GEORGE], in deliberate and long argument refusing to vote even to consider it for a moment or to allow it to come before the Senate for consideration.

Even they join hands in voting against this substitute, a free-coinage bill upon its face. With what face and by what right can those Democratic Senators who believe in the free coinage of silver go before the country and say that the Democratic party is for the free coinage of silver? And yet the venerable Senator from Alabama [Mr. MORGAN] and the venerable Senator from Missouri [Mr. COCKRELL] have said that free coinage can only be expected by the aid of the Democratic party. Free coinage from the Democratic party, when they vote down free coinage at the first opportunity that they have! It but illustrated the bad faith with which that party have dealt with every subject of finance and every subject of national importance.

The Democratic platform of 1892 was construed to be a platform for the greater use of silver and the advancement of its value. It was construed to give such authority and permission as would, during four years, bring around equality with gold at the old ratio. But no sooner did the Democratic party get in power on the basis of this half-way promise to restore silver to its old position than we find the most vicious antisilver Administration that has ever taken possession of governmental affairs; all the silver legislation, all the props that have maintained the price of it, rapidly taken away; and so it is now we find the Democratic members of the Congress of the United States standing here opposing a bill for the free coinage of silver. It can not be said that this bill was anything else when it came to this House. The motion of the chairman of the Committee on Finance to take it up did not change its nature from a free-coinage bill back to a revenue bill again. It was here the reported substitute was to be considered, and when the venerable chairman moved to take it up he moved to take up the silver bill, and nothing else.

Nor can it be said that we have already passed one free-coinage bill and it was unnecessary to pass another. We had passed one of them, and at the time the first vote was taken a motion was made for taking up the bill. Action had not been taken upon it in the House; but when the motion was made the second time, on the 25th of February, action had been taken and it had been rejected, so that no free-coinage silver was before the people at that time. There could seem to me to be no excuse for a Democratic Senator, who is posing here claiming that that party represents the free-coinage sentiment, to refuse to take up this free-coinage bill. When they go before the people this fall shouting that they are for free coinage, we can point to them their action in this body when a free-coinage bill was before it. Every one of them, without exception, voted against it, even voting against considering it when it was their duty under the Constitution to consider the bill which had come from the House as a revenue measure.

The Senator from Idaho [Mr. DUBOIS] intimated the other day in a few remarks that he made and in effect said that the free-coinage substitute to the Dingley bill was "a trap, transparent and unfair," and therefore the free-coinage men were not to be caught by such a trap and voted against the free-coinage measure. I read at length:

> We represent constituencies which are in favor of the free coinage of silver, and yet in order to vote for the Dingley bill you would have compelled us first to vote down the substitute for it, which provided for the unlimited coinage of silver. It was a trap, transparent and unfair.

Who set the trap? Who was it that made the substitute to the Dingley bill a free-coinage measure? Did any one of the Senators on this side who voted to take up that measure vote in the Committee on Finance to make the change? Who made this bait of the free-coinage bill? Was this minority responsible for it? Did they ask it? Did they urge it upon the floor of the Senate? Who set the trap? The free-coinage members of the Committee on Finance. The majority of that committee were in favor of free coinage. They set the trap. They made the change. Lo and behold, when they had made the change they did not vote for the free coinage that they themselves recommended to the Senate. If I remember aright (I have not the vote before me, but I think I can not be mistaken) every one of them in the Chamber voted against it. I would ask the Senator from Idaho [Mr. DUBOIS], if he were here—I am sorry he is away—what members of the Finance Committee set the trap? What trap could it be?

Mr. HILL. Will the Senator from Utah allow me a moment?

Mr. BROWN. Certainly.

Mr. HILL. It is not that it is my desire or intention to defend the action of the free-silver Democrats to whom the Senator has alluded, but simply that the truth of history may be preserved. I understand the criticism of the Senator from Utah is that the free-silver Democrats ought to have voted to take up the Dingley bill with the substitute for free silver attached to it. Is that the point of the Senator's criticism?

Mr. BROWN. Yes, to take up the substitute. It was the substitute only that was offered, as I understand.

Mr. HILL. I, of course, need not now discuss the question that a bill does not become a substitute until it has been acted upon by the Senate. It was the Dingley bill all the time. But I desire to inform the Senator that, I think, prior to his coming here, the Senate had taken up a bill which provided for the free coinage of

silver and had passed it, for which every free-silver Democrat voted, and it was sent to the House. It was known as the Jones bill. I therefore simply make the suggestion what was the necessity for passing it over again? I say this in justice to my associates upon this side of the Chamber who differ with me upon the financial question.

Mr. BROWN. I am glad that the free-silver Senators on the other side have so able a defender. I think they need it.

Mr. HILL. I do not think they need any defense, and in that respect I do not make it; but I simply desire to state the truth, which is, as I think, that they have already voted at this very same session for a free-silver bill; and if their votes were cast for it and it was sent to the other House, there was, therefore, no necessity for passing it again.

Mr. BROWN. The bill came from the House here, as I have already said, a tariff measure, a quasi tariff bill.

Mr. HILL. That was the Dingley bill.

Mr. BROWN. The Dingley bill.

Mr. HILL. The other was the bond bill, a certificate bill, that I referred to, which was stricken out and made a free-coinage bill and sent back to the House.

Mr. BROWN. It was referred to the Committee on Finance. They struck that bill out, as they had the power to do, and offered a substitute, as they had the power to do. That substitute was a free-coinage measure, pure and simple, Taking it up, which was on motion of the Senator from Vermont [Mr. MORRILL], did not make it the Dingley bill. It did not remove the substitute. That could only be done by the action of the Senate. To be sure, it did not pass it. Taking it up for consideration of course does not pass it. But when it had been taken up, what had we before the Senate but a simple free-coinage bill and nothing else?

Mr. HILL. What was the point in passing another one?

Mr. BROWN. That is another question.

Mr. HILL. That is the question. If they are subject to any criticism about it the Senator might make the criticism plain. What was the point in passing another free-silver bill?

Mr. BROWN. The Senator asks me two questions, and when I get through answering one he repeats the second one over and over again. I will state the reason why it was necessary to pass it again. The first coinage bill, when we voted upon it the second time, had been rejected by the House. If we wanted it to be a law it had to be passed again. To be sure it was the Finance Committee that insisted that we should have it again. They said, "Well, we are not satisfied with it once, but we will put it to you again." They were the persons. It was just as much our duty to take it up and dispose of it and discuss it and consider it whether it was brought to our attention by the Finance Committee or the Secretary of the Treasury.

Mr. HILL. Then the Senator thinks they should pass another free-coinage bill, and then possibly if the House did not agree to it pass a third one, a fourth one, and a fifth one. Is that his criticism?

Mr. BROWN. That seemed to be the position of the Committee on Finance.

Mr. HILL. I am not speaking of the Committee on Finance.

Mr. BROWN. I am not responsible for their action.

Mr. HILL. I am speaking now of the silver Democrats on this side of the Chamber whom you are criticising.

Mr. BROWN. Certainly, if they want a free-coinage bill they should pass it, or if they want a revenue bill they should take it up for consideration, or vote it down if they do not want it.

Mr. HILL. That is your criticism? They should have passed it the second time, then they should have passed it the third time, and the fourth time, every time it is put on a bill here. Is that the Senator's point? Let us understand what is the precise criticism you make of it.

Mr. BROWN. The Finance Committee say that is what we must do. Again and again they present it whenever we have a revenue bill presented. They say this free-coinage bill must be brought up as often as the Finance Committee see fit to present it. It is their duty if they want to have the bill to pass it.

When I was interrupted I was discussing what kind of a trap it was that the Senator from Idaho [Mr. DUBOIS] referred to. Suppose this rascally minority that were in favor of the tariff had actually voted for a free-coinage bill with the Senator. Would the cause of free coinage be forever ruined for that reason? Is the free-coinage cause one that is to be injured by the vote, or is it because the free-coinage bill might carry that the Senator from Idaho is so worried? Suppose the trap had been successful and the free-coinage bill had passed this body and had passed the lower House and had gone to the President for his signature. What injury could have happened to the free-coinage bill? It would seem from the Senator's fear about the free-coinage substitute that he regards it a necessary part of a free-coinage measure that it should not pass; that it should be in a minority, that there might be some occasion to complain of some other part of the country not doing justice to the free-coinage measure.

But the Senator explains, "You would have compelled us first to vote down the substitute for it, which provided for the unlimited coinage of silver." Who would have compelled the Senator from Idaho? Is there any great danger of the antisilver minority in this body rising up and seizing hold of the majority? Was there any danger of the minority that voted in favor of taking up the measure, even if it had been taken up, ever obtaining control of it? Could not the majority that voted it down still continue to control? They were in the majority and amended the bill. What compulsion was there? What reason or excuse can ever be given for not taking up this measure, which contained at once the opportunity for free coinage, an opportunity for revenue, and an opportunity for protection? The Senator from Idaho is in favor of protection. He is in favor of free coinage. Here was a bill in which both would be represented, in which both would have joined. We had the free-coinage bill. We were voting upon that. We could have voted to add the revenue measure to it.

I hope that the next Republican Administration will set the trap again, and that it will be successful in catching the Senator and all other Senators, and that free coinage will become the law. I trust the Senator from Idaho will be caught in the trap and will be found once at least voting for free coinage of silver, and never again against it.

The outcry against the Dingley bill and its free-coinage substitute by the Democratic party, and the demand by that party for a platform of a single standard, is but an attempt to divert the attention of the public and to prevent at the coming election the issue turning upon the great question on which the majority of the people have set their hearts, and upon which the Republican party are sure of victory. The issue of the tariff has been made during the years before. The Republican party upon that issue has been formed and are united. In 1892 the platform of that party demanded a high protective tariff. The Democratic party won at the polls, but failed in the performance of their promise of free trade. The people demand now that we go back and pass such measure as was pledged to them in 1892. This is the issue of the Republican party, and it is pledged to free the people from the blighting effects of the Wilson-Gorman legislation.

The attempt to talk about the financial question in New York is but an attempt of Democrats to lead away Republicans from this great question. The metropolitan press are teeming with discussion in favor of the single standard, and demand that this country shall follow in the lead of Great Britain and make our finances conform to those of that country. They have a gold standard now; what more do they want? The Democratic party stood for free trade. Do they dare shrink from it now? Do they dare avoid the question? It is evident that the Democratic party do not dare to face the issue upon which they have fought for fifty years. If they believed in it they would again demand that that should be the foremost question, but this outcry that is going abroad is only to injure and break down the Republican party.

Protection or free trade is a legitimate issue this year. The Republican party owes it to the country to restore the protective tariff which the Democracy has destroyed, and in destroying it has destroyed the prosperity of the country. Let us not be diverted into passing a platform to please the gold-standard Democrats. If they can divide us on that issue, it is possible there may be some little Democratic hope. United on the great question, the Republican party is sure of victory. Victory not only for to-day, not only for this year, but for the years to come. Break up the Republican party once, as it is sought to be done by those who go through the country and seek in the name of the financial question to have us join other issues, and then the great mainstay of the country will be taken away. Destroy protection and you destroy the country itself. I ask the Republicans on this side, I ask those who believe in a single standard, if they are willing for that standard to give up their tariff convictions of a lifetime? Are they willing to see the issue of protecting the manufacturer and the farmer sacrificed at the hands of this gold craze that has suddenly taken possession of the country?

The PRESIDING OFFICER (Mr. GALLINGER in the chair). The Senator from Utah will suspend, that the Senate may receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CHAPELL, one of its clerks, announced that the House had passed the bill (S. 3161) amending and extending the provisions of an act of Congress entitled "An act approving with amendments the funding act of Arizona," approved June 25, 1890, and the act amendatory thereof and supplemental thereto, approved August 3, 1894.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 7664) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1897, and

for other purposes; further insisted upon its disagreement to the amendments of the Senate numbered 2, 3, 4, 6, 7, 8, 13, 15, 16, 17, 32, 61, 96, 97, 109, 122, 123, 124, 140, 146, 147, and 161 to the bill; asked a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CANNON, Mr. HAINER of Nebraska, and Mr. SAYERS managers at the conference on the part of the House.

VETO MESSAGE—HELEN M. JACOB.

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States; which was read:

To the Senate:

I herewith return without approval Senate bill No. 140, entitled "An act granting a pension to Helen M. Jacob."

The purpose of this bill is to grant a pension of $12 per month to Helen M. Jacob, of Rochester, Ind., widow of Benjamin Oden West.

It appears from the records of the War Department that Benjamin O. West served in the Mexican war from January to November, in the year 1847. The beneficiary named in this bill was married to him in 1850, and he died in 1856. She was pensioned as his widow and received such pension from the date of her husband's death until April 17, 1861. On that day she was married to William W. Jacob, whereupon the pension ceased, but two minor children were awarded pensions and continued in the receipt of the same until January, 1873, when the youngest child became 16 years of age.

The entire absence of any fixed or reasonable principle or rule regulating private pension legislation at this time suggests the danger of its near approach in many cases to caprice and favoritism.

Though I have in a number of instances deferred to the judgment of Congress, and refrained from interposing objections to bills of this character which seemed to me to be of doubtful merit, I am unwilling to follow such a wide departure from a palpably just pension theory, and assent to the establishment of such an unfortunate precedent as this bill involves.

There is no duty or obligation due from the Government to a soldier's widow except it be worked out through the deceased soldier. She is pensioned only because he served his country and because through his death she as his wife has lost his support. In other words, she becomes a beneficiary of the Government because she is a soldier's widow. When she marries again and thus displaces the memory of her soldier husband and surrenders all that belongs to soldier widowhood she certainly ought not on the death of her second husband to be allowed to claim that she is again the soldier's widow.

GROVER CLEVELAND.

EXECUTIVE MANSION, *June 1, 1896.*

Mr. TURPIE. I move that the message and accompanying bill be referred to the Committee on Pensions and printed.

The motion was agreed to.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (S. 948) to remove the charge of desertion against Jacob M. Hamburger; and

A bill (S. 6417) to complete the military record of Caleb L. Jackson.

The following bills were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 1646) for the relief of Dolly S. Brown;

A bill (H. R. 1874) to place the name of Robert Smalls on the pension rolls;

A bill (H. R. 3380) granting an increase of pension to John R. Row, of Toronto, Kans.;

A bill (H. R. (3898) for the relief of Augusta Tuller;

A bill (H. R. 3990) granting a pension to Mrs. Eliza G. Pyne;

A bill (H. R. 4267) granting an increase of pension to Gabriel Widmer;

A bill (H. R. 4268) granting a pension to Mrs. Christina Graham;

A bill (H. R. 4281) granting a pension to George Johnson, of Lenox, Iowa;

A bill (H. R. 4405) granting a pension to Augustus G. Cary;

A bill (H. R. 4410) to increase the pension of Elise Blinker from $30 to $50;

A bill (H. R. 4490) to restore the name of Ethan A. Sellman to the pension roll;

A bill (H. R. 4494) granting a pension to Barton S. Dawson;

A bill (H. R. 4519) granting a pension to John Zellers;

A bill (H. R. 4641) granting a pension to Mellisa Adams, widow of Silas Adams;

A bill (H. R. 1552) to increase the pension of Josiah P. Bradbury;

A bill (H. R. 5880) granting an increase of pension to Greenville Puckett;

A bill (H. R. 5938) for the relief of Priscilla R. Burns;

A bill (H. R. 6046) granting a pension to Sarah A. Stacey, dependent mother of Manley P. Stacey, late private Company B, One hundred and eleventh Regiment New York Volunteers;

A bill (H. R. 6247) to grant a pension to Miss Jennie E. Moore;

A bill (H. R. 6479) granting a pension to Olive M. Lewis;

A bill (H. R. 6549) granting a pension to Gideon L. McGinnis;

A bill (H. R. 6552) granting increase of pension to Alexander C. Morrison;

A bill (H. R. 6590) granting a pension to William Greer;

A bill (H. R. 7127) granting a pension to Samuel D. Gilman; and

A bill (H. R. 9139) granting a pension to Margaret J. Young.

FORTIFICATIONS APPROPRIATION BILL.

Mr. PERKINS submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8109) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 4, 9, and 10.

That the House recede from its disagreement to the amendments of the Senate numbered 3, 6, 18, 19, and 20, and agree to the same.

That the House recede from its disagreement to the amendments of the Senate numbered 1 and 2, and agree to the same with an amendment as follows: In lieu of the amended paragraph insert the following:

"Gun and mortar batteries: For construction of fortifications, $2,500,000; of which sum not exceeding $100,000 may be expended for the construction of necessary buildings connected therewith: *Provided*, That contracts may be entered into, under the direction of the Secretary of War, for materials and work for construction of fortifications, to be paid for as appropriations may from time to time be made by law, to an additional sum in the aggregate not to exceed $2,500,000."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,205,003"; and the Senate agree to the same.

That the House recede from its disagreement to the amendments of the Senate numbered 7 and 8, and agree to the same with an amendment as follows: In lieu of the amended paragraph insert the following:

"In all, $3,770,076: *Provided*, That the following sums, to meet payments as they become due for the afore-mentioned objects under armament of fortifications, are hereby appropriated, namely."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$650,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$750,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$900,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$200,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,075,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$650,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: After the word "guns," in line 1 of said amendment, insert the following: "of American manufacture"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree so the same with an amendment as follows: In line 1 of the matter inserted by said amendment, after the word "fortifications," insert the words "in its discretion"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "That in the act making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, approved February 18, 1893, the paragraph beginning with the words 'Of the $110,000' and providing for terms of payment for the 12-inch elevating gun carriage to be contracted for with A. H. Emery under the provisions of said act be, and is hereby, amended to read as follows:

"Of the $110,000 to be paid for the carriage and its foundations, 85 per cent shall be paid in partial payments as the work progresses, in accordance with the proposals submitted by A. H. Emery to the Board in his letter of January 21, 1893. And no bond shall be required for the return of this money if the carriage is not accepted, nor shall the said Emery be required to return the money paid, and the carriage shall belong to the United States when the tests are completed. The balance of the $110,000 shall be paid as soon as said carriage shall have been completed in all respects according to contract, and shall also have undergone and endured a test satisfactory to the Board of Ordnance and Fortification. Of the $20,000 to be paid for testing of the carriage, three-eighths shall be paid the contractor when the preliminary tests are completed, and the other five-eighths shall be paid to him proportionally as the 50 rounds for proof are furnished. And the Secretary of War is hereby authorized and directed to enter into a supplemental contract with the contractor for this carriage for the supply by him of a loading apparatus to go with and belong to the carriage and to be furnished therewith as a part thereof, and the carriage shall be so constructed that a part of the work of recoil can be used for the horizontal traverse of the carriage and the working of the loading apparatus, and the payment for the work so furnished under this supplementary contract shall be $10,000, which sum shall be due and payable when said loading apparatus is completed in all respects according to contract, and shall also have undergone and endured said test hereinbefore mentioned, to make which payment the sum of $10,000 is hereby appropriated."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"To enable the Board of Ordnance and Fortification to procure and test one 8-inch caliber high-power gun, cast in one piece, on the plan of R. J. Gatling; and the Secretary of War is hereby authorized and directed to contract with said Gatling for said gun, without advertisement, which gun shall be constructed according to the plans and specifications prepared by said Gatling and under his supervision, and to be subjected to the same test now applied to the built-up gun of the same caliber, and the sum of $40,000 is hereby appropriated to pay for said gun, of which sum 85 per cent shall be paid in partial payments as the work progresses, in accordance with the contract to be entered into between the Secretary of War and the said Gatling, and the remainder

upon the completion and test of said gun: *Provided*, That before said contract is entered into the plans and specifications for said gun shall be deposited with the Secretary of War, which plans and specifications may be modified, in the discretion of said Gatling, from time to time as the work progresses: *And provided further*, That the said gun shall conform in general form and dimensions to modern ordnance, and shall not, therefore, differ materially in form and dimensions from service guns, in order that it may admit of being mounted on a service carriage and in a service emplacement or fortification."

And the Senate agree to the same.

GEORGE C. PERKINS,
W. B. ALLISON,
A. P. GORMAN,
Managers on the part of the Senate.

E. J. HAINER,
WILLIAM W. GROUT,
FRANKLIN BARTLETT,
Managers on the part of the House.

The report was concurred in.

SOUTHERN STATES EXPOSITION AT CHICAGO.

Mr. BACON. Will the Senator from Utah [Mr. BROWN] permit me for a moment?

Mr. BROWN. Certainly.

Mr. BACON. Senate concurrent resolution No. 42, relating to the Southern States exposition at Chicago, was submitted by myself and referred to the Select Committee on International Expositions. I ask that the committee may be discharged from the further consideration of the resolution in order that I may ask the Senate to permit its withdrawal. I desire to state that I ask for the withdrawal of the resolution at the request of the parties at whose instance it was originally presented. Let the committee be discharged from its consideration and the resolution withdrawn without my calling the attention of the Senate further to it.

The PRESIDING OFFICER. Without objection, that order will be made.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. ALLISON. I ask that the sundry civil bill may be laid before the Senate with the action of the House thereon.

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives agreeing to the report of the committee of conference of the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7664) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes.

He also laid before the Senate the action of the House of Representatives further insisting upon its disagreement to certain amendments of the Senate to the bill (H. R. 7664) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes, and requesting a further conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. ALLISON. I ask that the report may be now considered.

The PRESIDING OFFICER. The report will be read.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 7664) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 24, 25, 111, 112, 125, 126, 127, 128, and 129.

That the House recede from its disagreement to the amendments of the Senate numbered 10, 28, 91, 93, and 94, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert "mandamizing"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$24,000"; and the Senate agree to the same.

The committee of conference have been unable to agree on the amendments of the Senate numbered 2, 3, 4, 6, 7, 8, 13, 15, 16, 17, 32, 61, 96, 97, 109, 122, 123, 124, 140, 141, 146, 147, and 161.

W. B. ALLISON,
EUGENE HALE,
A. P. GORMAN,
Managers on the part of the Senate.

J. G. CANNON,
E. J. HAINER,
JOSEPH D. SAYERS,
Managers on the part of the House.

Mr. PLATT. I ask the Senator from Iowa to state what is still left open.

Mr. ALLISON. The important amendments left open are those relating to public buildings, which have not been agreed to by the House; amendment No. 97, which relates to arid lands; the amendment relating to the survey of public lands; also the amendment which was inserted by the Senate relative to the Brussels Exposition; also the items respecting the charities in the District of Columbia. There may be one or two other small items which I have not named.

Mr. PLATT. Does the Senator remember the numbers of the amendments relating to charities?

Mr. ALLISON. I do not.

Mr. CULLOM. They are not agreed to.

Mr. ALLISON. There is no agreement about them. The House, it will be remembered, placed them under contract, and the Senate amended the provision by inserting Providence and Garfield hospitals. Those are still open.

The PRESIDING OFFICER. The question is on concurring in the report of the committee of conference.

The report was concurred in.

Mr. ALLISON. I move that the Senate further insist upon its remaining amendments and agree to the conference asked for by the House of Representatives.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate at the further conference; and Mr. ALLISON, Mr. HALE, and Mr. GORMAN were appointed.

POST-OFFICE APPROPRIATION BILL.

Mr. ALLISON. I ask the indulgence of the Senator from Utah for a moment that I may present the report of the committee of conference on the Post-Office appropriation bill.

Mr. BROWN. Certainly.

Mr. ALLISON submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6614) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1897, having met after full and free conference have agreed to recommend and do recommend to their respective Houses, as follows:

That the Senate recede from its amendment numbered 3.

That the House recede from its disagreement to the amendments of the Senate numbered 5, 6, 7, 9, 10, 11, 12, 13, and 14, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$10,400,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For pay of letter carriers, $12,240,200;
"For marine free-delivery service, $3,500;
"For horse-hire allowance, $344,000;
"For car fare and bicycle allowance, $170,000;
"For street letter boxes, posts, and pedestals, $15,400;
"For package boxes, $10,250;
"Twelve mechanics in the six largest cities, exclusively employed in repairing boxes and locks, and erecting boxes, planting posts and pedestals, at $900 per annum, $10,800;
"Incidental expenses, including repairs, painting, freight, straps, time cards, maps, directories, furniture, etc., $24,000;
"In all, $12,818,250: *Provided*, That 10 per cent of the foregoing amounts for free-delivery service may be available interchangeably for expenditure on the objects named, but no one item of appropriation shall thereby be increased more than 10 per cent: *Provided further*, That $10,000 of this amount may be used to defray the expense of experiments in rural free delivery under the direction of the Postmaster-General, and that the amount heretofore appropriated for this purpose and still unexpended be available for said experiments."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$28,000,000"; and the Senate agree to the same.

On the amendment of the Senate numbered 1 the committee of conference have been unable to agree.

W. B. ALLISON,
R. F. PETTIGREW,
CHARLES J. FAULKNER,
Managers on the part of the Senate.

E. F. LOUD,
GEORGE W. SMITH,
J. C. KYLE,
Managers on the part of the House.

The PRESIDING OFFICER. The question is on concurring in the report of the committee of conference.

Mr. PLATT. I do not think that we ought to agree to these conference reports where we have had a serious difference with the other House without some explanation. I listened to the reading of the report as well as I could with the confusion in the Chamber, but I was utterly unable to learn what the conferees have done with reference to the action of the Senate for the continuance of the experimental free-delivery system. I should like to have some explanation as to that item, to say the least.

Mr. ALLISON. Amendment numbered 1, inserted by the Senate, relates to the consolidation of post-offices. It consists of two parts, the first relating to county seats and the other confining consolidation to corporate limits. The conferees were unable to agree to that provision. As to item No. 2, the House appropriated for compensation to clerks in post-offices $10,350,000. The Senate, by an amendment, increased it to $10,500,000. The House conceded $50,000 in addition to the amount already appropriated, leaving the sum agreed upon $10,400,000.

The next amendment is No. 4, wherein the House specified in detail the uses to which the appropriation for the free-delivery service should be applied, and giving the appropriations in detail. The Senate struck out that provision entirely and inserted what has hitherto been found in the Post-Office appropriation bill, a gross amount for the free-delivery service. The House insisted upon its detailed appropriations. The Senate conferees agreed to recommend to the Senate that the detailed appropriations should be made, with a provision that 10 per cent of each detailed amount

may be transferred from one item to another, thus leaving a flexible sum in the discretion of the Postmaster-General.

It was provided that $50,000 of the amount should be used to defray the expense of experiments in rural delivery, under the direction of the Postmaster-General. The sum of $50,000 was stricken out and $10,000 inserted in lieu thereof, and in addition to that the amount heretofore appropriated for this purpose and still unexpended is made available in the future.

Mr. PLATT. I notice that a little more is done than to strike out $50,000 from the Senate amendment and insert $10,000. The Senate amendment read:

Provided further, That $50,000 of this amount be used to defray the expense of experiments in rural free delivery under the direction of the Postmaster-General, and that the amount heretofore appropriated for this purpose and still unexpended be available for said experiments.

I see that the word "may" has been inserted. It is a small word, but I am very much afraid it may come to be a very important word. It now reads:

Provided further, That $10,000 of this amount may be used to defray the expense of experiments in rural free delivery.

As we understand that the Postmaster-General is not very favorable to these experiments, the little word "may" may result in there being no experimental free delivery after the 1st of July, 1896.

Mr. ALLISON. The Senator from Connecticut will also observe that the amount heretofore appropriated for this purpose and still unexpended is made available. The word "may" is not inserted there. I have no doubt that the Postmaster-General will so use the money.

Mr. PLATT. While I am on my feet I wish to ask a question. Have the conferees any information upon the subject as to whether even in towns where the delivery has been paying its way it will be continued after the recommendation of the Postmaster-General, as I remember, that the whole matter should be discontinued?

Mr. ALLISON. I understand from the House conferees that that will be done. They had a consultation with the Postmaster-General. I have no doubt it will be done. I think in appropriations where the words "may in his discretion" or "in the discretion of the Postmaster-General" are not inserted it is generally regarded as equivalent to "shall."

Mr. CHANDLER. I do not wonder that the Senator from Connecticut [Mr. PLATT] interrogates carefully the chairman of the committee of conference. In view of the precedent attempted to be established in the Senate it will be necessary to spend a great deal of time over these conference reports. I now take occasion to ask the Senator from Iowa whether there is any provision in the conference report changing the rates of postage either on letters or on second, third, or fourth class matter?

Mr. ALLISON. I will state to the Senator from New Hampshire that there is nothing in the conference report relating to those subjects.

Mr. CHANDLER. The amount that is asked in certain bills before the Senate for establishing a postal telegraph system and taking charge and control of all the telegraph lines is about $28,000,000. I notice an appropriation of $28,000,000 here in the conference report. I should like to ask the Senator from Iowa whether it is for taking the telegraph lines and establishing a postal telegraph system?

Mr. ALLISON. No. I will say to the Senator from New Hampshire that that item was not in conference. It is one of the original appropriations made by the House of Representatives which was assented to by the Senate. It is for the purpose of conveying the mails from one place to another, known as transportation, and I think under no construction could it be used for purchasing or leasing telegraph lines.

Mr. CHANDLER. Then it is not entirely a new item inserted in the conference report by the committee of conference?

Mr. ALLISON. It is not.

Mr. CHANDLER. I suppose I may infer, then, that there is nothing in this report for steamship subsidies. I can cover the point I desire to assure myself about by asking the Senator whether there is anything in this report that was not the subject of difference between the two Houses?

Mr. ALLISON. There is nothing in this report that was not a subject of dispute between the two Houses.

Mr. CHANDLER. I beg pardon of the Senator for putting these questions to him, but evidently it will be necessary hereafter to catechise the chairmen of committees of conference on every imaginable subject that by any possibility can connect itself with the subject-matter of an appropriation bill if the precedent is to be approved by the Senate which has been set by the Senate on the Indian appropriation bill, which is now being defended by Senators upon this floor.

Mr. ALLISON. There was a provision inserted by the Senate relating to the Australian Steamship Company, which has been assented to by the House conferees.

Mr. CHANDLER. If the Senator is sure that the committee of conference has added no other steamship line——

Mr. ALLISON. They have added no other steamship line.

Mr. CHANDLER. There ought to be, I will say, a renewal of the Brazilian steamship subsidy, and I very much regret, if this system is to go on, that the conference committee, knowing that fact just as well as I do, did not put the Brazilian subsidy upon the Australian subsidy.

Mr. ALLISON. That question was not considered by the committee.

Mr. PLATT. If the Senator from New Hampshire has got through illustrating that story of Henry Ward Beecher about the dog Noble, I will venture to ask the Senator from Iowa how much is the amount reduced in Senate amendment numbered 2? It is now $10,400,000, the Senator stated.

Mr. ALLISON. It is reduced from the amount named in the Senate amendment $100,000.

Mr. PLATT. It makes an increase of $50,000.

Mr. ALLISON. Fifty thousand dollars.

Mr. PLATT. The $150,000 which the Senate put in there, so far as I remember, was to enable the Postmaster-General to classify the post-office clerks; at least it was stated that if we would put in $150,000 additional to the amount appropriated by the House, the Postmaster-General would be able to make a reclassification of the post-office clerks in the country, for which they have been struggling, and in which they are very much interested. This reduction, I suppose, will make it impossible for that to be done.

Mr. ALLISON. It is probable that under the report as agreed to there will be a deficiency next winter. Of course if the Postmaster-General sees proper to do what the Senator thinks he ought to do, it can be done as well under this appropriation as under a larger one, but the deficiency would be larger in that instance than it will be under the appropriation made. That is all.

Mr. LODGE. The Senator has not stated another matter of disagreement.

Mr. ALLISON. I have stated that there is only one matter in disagreement, and that is amendment numbered 1, an amendment originally placed upon the bill upon the motion of the Senator from Maryland, and added to on the motion of the Senator from Florida.

Mr. LODGE. It was on that I desired to say a word.

Mr. ALLISON. I ask the Senator to first allow this report to be agreed to.

Mr. LODGE. All right; but in regard to the item of disagreement to which the Senator has now referred I desire to be heard for a moment.

Mr. ALLISON. That will be in order as soon as the report is concurred in.

The PRESIDING OFFICER. The question is on concurring in the report of the conference committee.

The report was concurred in.

Mr. HAWLEY. Mr. President, I have the consent of the Senator from Utah [Mr. BROWN]——

The PRESIDING OFFICER. The Senator from Massachusetts [Mr. LODGE] has been recognized.

Mr. LODGE. I only want to say in regard to that portion of the disagreed item which was added on the motion of the Senator from Florida at the close of a long discussion in the Senate by a somewhat narrow majority, that I trust the Senate will recede from that portion of the amendment. As it now stands it is going to inflict very great hardship on a very large population. I have not looked the question up for all the cities, but I have looked it up with some care for the city of Boston.

There are no less than 157,786 persons now served from the Boston city post-office who are not within the municipal limits, who under this amendment will be thrown out of that service and forced back on fourth-class post-offices and the service greatly deteriorated thereby. I have received petitions, which I have filed here, and I have received representations from different city governments, and the strongest protests against this plan of taking from them a postal service which they have had for years.

The cities included in the Boston metropolitan circuit, but which are not within the municipal limits of Boston, are, with their populations, as follows:

Brookline	12,103
Cambridge	70,028
Chelsea	27,109
Revere	5,668
Winthrop	2,726
Somerville	40,152
Total	157,786

All these people are now served from the central metropolitan office. This amendment, which declares that no station or substation shall hereafter be established or maintained outside of the municipal limits of a city, will throw all those towns and cities outside. I trust that such a sweeping measure as that will not be inflicted upon these persons and these communities; and I shall therefore move that the Senate recede from that portion of the amendment.

Mr. ALLISON. I ask the Senator from Massachusetts to consent that this matter be now allowed to go over until to-morrow morning, when we have a fuller Senate. I shall then be glad to have the attention of the Senate to this amendment.

Mr. LODGE. Very well.

Mr. ALLISON. In view of the fact that so many matters are pressing upon us now, and that we have an order for to-morrow which includes an agreement to vote upon the bond bill, so called, before adjournment, I ask unanimous consent that when the Senate adjourn to-day it adjourn to meet at 11 o'clock to-morrow morning.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Iowa, that when the Senate adjourn to-day it be to meet at 11 o'clock to-morrow morning? The Chair hears no objection, and it is so ordered.

Mr. HARRIS. Is the conference report disposed of?

Mr. ALLISON. The conference report has been concurred in, but the motion of the Senator from Massachusetts [Mr. LODGE] goes over until to-morrow.

Mr. HAWLEY. I desire to present some morning business.

Mr. HARRIS. I desire to ask the Senator from Utah if it will be agreeable to him to yield to a motion to proceed to the consideration of executive business? It is now twenty minutes to 6 o'clock.

Mr. BROWN. Mr. President, I have already said to the Senator from Connecticut [Mr. HAWLEY] that I would yield for a very important matter which he wishes to present. So I shall not go on further to-night.

Mr. HARRIS. I had intended to move an executive session, but I do not like to come in conflict with my friend from Connecticut if there is any especial matter in which he is interested.

Mr. HAWLEY. I rose to a matter which would occupy two or three minutes, but it is important——

Mr. HARRIS. I yield to the Senator from Connecticut.

Mr. HAWLEY. I had rather speak to a fuller Senate than is now present, and do not claim the floor.

CATHERINE LEARY.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 819) granting a pension to Catherine Leary, which was, in line 6, before the word "dollars," to strike out "eight" and insert "twelve."

Mr. HANSBROUGH. I move that the Senate concur in the amendment made by the House of Representatives.

The motion was agreed to.

EXECUTIVE SESSION.

Mr. HARRIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After eight minutes spent in executive session the doors were reopened, and (at 5 o'clock and 50 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, June 2, 1896, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate June 1, 1896.

UNITED STATES ATTORNEY.

William B. Childers, of New Mexico, to be attorney of the United States for the Territory of New Mexico, vice John B. H. Hemingway, deceased.

CHIEF EXAMINER, CIVIL SERVICE COMMISSION.

Abram R. Serven, of New York, to be chief examiner of the Civil Service Commission, vice William H. Webster, deceased.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 1, 1896.

PROMOTIONS IN THE ARMY.

Adjutant-General's Department.

Lieut. Col. Henry Clarke Corbin, assistant adjutant-general, to be assistant adjutant-general with the rank of colonel.

Maj. Arthur McArthur, junior, assistant adjutant-general, to be assistant adjutant-general with the rank of lieutenant-colonel.

Corps of Engineers.

First Lieut. Joseph Ernest Kuhn, to be captain.

Second Lieut. Jay Johnson Morrow, to be first lieutenant.

RECEIVER OF PUBLIC MONEYS.

Henry C. Fink, of Montrose, Colo., to be receiver of public moneys at Montrose, Colo.

POSTMASTER.

Clinton O. Talcott, to be postmaster at Glastonbury, in the county of Hartford and State of Connecticut.

REJECTION.

Executive nomination rejected by the Senate June 1, 1896.

COLLECTOR OF INTERNAL REVENUE.

William H. Fowle, of Virginia, to be collector of internal revenue for the Sixth district of Virginia.

HOUSE OF REPRESENTATIVES.

MONDAY, *June 1, 1896.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The SPEAKER. The Clerk will cause the Journal of the preceding session to be read.

Mr. KEM. I make the point of no quorum.

The SPEAKER (after counting the House). A quorum appearing, the Clerk will proceed with the reading of the Journal. The Chair hopes that members will be present promptly and save these annoyances.

The Journal was read.

Mr. GIBSON. On page 5914 of the RECORD I am recorded as not voting, which is a fact. But when my name was called I answered "present," and I desire the RECORD to show that I so answered.

The SPEAKER. There is no record made in the Journal of those present upon a roll call and not voting except on particular occasions where members present and not voting are necessary to be counted in order to make a quorum. The gentleman's explanation will appear in the RECORD.

ELECTION CONTEST—JOHNSTON VS. STOKES.

The SPEAKER. The Chair would like the attention of the House for a moment. The matter which now comes before the House in regular order is the election case of Johnston against Stokes. As the House will recollect, the previous question was ordered upon the resolutions reported by the Committee on Elections and upon a substitute submitted on behalf of the minority of the committee. A vote was taken on the substitute, and it was disagreed to. The question recurring on the resolutions of the committee, a division of the question was asked for; the first resolution was voted upon and adopted. A motion to reconsider was then made, and a motion to lay that motion on the table is now pending.

As the Chair understands, some members of the House, perhaps all members, desire to vote not merely upon the two propositions—that Mr. Stokes was elected and Mr. Johnston was not, or that Mr. Johnston was elected and Mr. Stokes was not. They desire to vote in addition upon the question whether either of these gentlemen was elected; and the present situation does not give an opportunity to do that. Hence the Speaker thinks it proper for him to say that if the House should reconsider the vote by which the first of the resolutions reported by the committee was adopted, it would then be open to the House to reconsider the vote by which the amendment was negatived and also to reconsider the vote by which the previous question was ordered; and if that were done, a motion could be made (which would be in the nature of a substitute for the amendment) that the seat is vacant. The question now before the House is on the motion to lay on the table the motion to reconsider.

Mr. JENKINS. Mr. Speaker, I withdraw the motion to lay on the table.

The SPEAKER. Then the question recurs on the motion to reconsider.

The motion to reconsider was agreed to.

Mr. McCALL of Massachusetts. Now, Mr. Speaker, I move to reconsider the vote whereby the House refused to substitute the resolutions of the minority.

Mr. HENDERSON. Mr. Speaker, I desire to submit a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HENDERSON. I do not exactly understand the parliamentary status, and I would be glad, before the question is submitted, to have it clearly understood by the House.

The SPEAKER. A motion is now made by the gentleman from Massachusetts to reconsider the vote by which the amendment of the minority of the committee was rejected.

Mr. HENDERSON. But what is the amendment? That is the question I want the House clearly to understand.

The SPEAKER. It is the minority resolutions, namely, that Mr. Stokes was not elected, and is not entitled to the seat; and that Mr. Johnston was elected, and is entitled to a seat. If the House shall agree to reconsider the vote by which the minority resolutions were rejected, then the matter will stand precisely as it did when the previous question was ordered.

The motion to reconsider was agreed to.

Mr. OVERSTREET. Now, Mr. Speaker, I move to reconsider the vote by which the previous question was ordered.

The motion was agreed to.

The SPEAKER. The question now recurs on the demand for the previous question.

Mr. JENKINS. I withdraw the demand for the previous question.

Mr. McCALL of Massachusetts. Mr. Speaker, I now move as an amendment to the substitute resolutions proposed by the minority of the committee the resolution which I send to the desk, and on that demand the previous question.

The resolution was read, as follows:

Strike out all after the word "*Resolved*," in the resolutions submitted by the minority, and insert:

"That there was no valid election for Representative in the House of Representatives of the Fifty-fourth Congress from the Seventh Congressional district of South Carolina on the 6th day of November, 1894, and that neither Thomas B. Johnston nor J. William Stokes is entitled to a seat therein."

The previous question was ordered.

Mr. HOPKINS. Before the question is submitted on the resolution, Mr. Speaker, I desire to submit a parliamentary inquiry. If this is voted down, then the proposition will be as to whether Mr. Johnston is elected or not?

The SPEAKER. Or Mr. Stokes.

Mr. McMILLIN. If the proposition is voted down, it leaves the question in exactly the situation, as I understand it, that it was in when the previous question was demanded by the gentleman from Wisconsin on Friday last?

The SPEAKER. Precisely.

Mr. MOODY. Mr. Speaker, a parliamentary inquiry. If the proposition is adopted by the House, is the sitting member deprived of his seat and the seat declared vacant?

The SPEAKER. If the resolution is adopted, it vacates the seat.

Mr. HEPBURN. May the resolution be again reported?

The SPEAKER. Without objection, it will be again read.

The resolution was again reported.

Mr. OVERSTREET. If I understand the situation correctly, in the event the resolution fails, then a vote may be had on the original substitute?

The SPEAKER. That is correct.

Mr. LACEY. Mr. Speaker, there is one parliamentary inquiry I would like to make involving a somewhat more difficult position. Suppose the resolution is voted down and each of the other two resolutions submitted by the minority are defeated, what then will be the parliamentary situation? [Laughter.]

A MEMBER. In other words, where are we at?

The SPEAKER. The Chair absolutely declines to say. [Laughter.]

The question being taken on the amendment proposed by Mr. McCALL of Massachusetts, the House divided; and there were—yeas 104, nays 103.

Mr. OVERSTREET. I demand the yeas and nays.

The yeas and nays were ordered.

The question being taken, there were—yeas 130, nays 125, not voting 100; as follows:

YEAS—130.

Abbott,	Dinsmore,	Latimer,	Shafroth,
Allen, Miss.	Dockery,	Layton,	Shuford,
Anderson,	Downing,	Lester,	Simpkins,
Babcock,	Ellett, Va.	Little,	Skinner,
Bailey,	Elliott, S. C.	Lockhart,	Sorg,
Baker, Kans.	Ellis,	Loud,	Southard,
Bankhead,	Erdman,	Maguire,	Spalding,
Bartlett, Ga.	Evans,	McCall, Mass.	Sparkman,
Bartlett, N. Y.	Fowler,	McCleary, Minn.	Sperry,
Bell, Colo.	Gardner,	McClellan,	Stewart, Wis.
Berry,	Gibson,	McCulloch,	Stone, C. W.
Bishop,	Gillett, Mass.	McDearmon,	Strait,
Black, Ga.	Griffin,	McLaurin,	Strowd, N. C.
Blue,	Griswold,	McMillin,	Sulzer,
Broderick,	Grow,	McRae,	Swanson,
Buck,	Hadley,	Money,	Talbert,
Catchings,	Hainer, Nebr.	Moody,	Tate,
Clardy,	Hall,	Noonan,	Tayler,
Clarke, Ala.	Harrison,	Ogden,	Terry,
Cobb,	Hart,	Otey,	Towne,
Cockrell,	Hendrick,	Otjen,	Tucker,
Codding,	Henry, Conn.	Owens,	Turner, Ga.
Cook, Wis.	Hepburn,	Payne,	Tyler,
Cooper, Fla.	Howell,	Pearson,	Underwood,
Cooper, Tex.	Jenkins,	Pendleton,	Walsh,
Cooper, Wis.	Johnson, N. Dak.	Pitney,	Wheeler,
Culberson,	Jones,	Powers,	Williams,
Cummings,	Kem,	Raney,	Wilson, S. C.
Curtis, N. Y.	Kendall,	Richardson,	Woodard,
Dalzell,	Kerr,	Robertson, La.	Wright,
De Armond,	Kleberg,	Russell, Conn.	Yoakum.
Denny,	Knox,	Sayers,	
Dingley,	Kyle,	Scranton,	

NAYS—125.

Adams,	Belknap,	Cannon,	Dayton,
Aldrich, Ala.	Bennett,	Clark, Iowa	De Witt,
Aldrich, Ill.	Bingham,	Clark, Mo.	Doolittle,
Allen, Utah	Brewster,	Coffin,	Dovener,
Andrews,	Bromwell,	Colson,	Eddy,
Arnold, Pa.	Brosius,	Cooke, Ill.	Fairchild,
Avery,	Brown,	Crowther,	Faris,
Baker, N. H.	Bull,	Crump,	Fenton,
Barham,	Burrell,	Curtis, Iowa	Fischer,
Barney,	Burton, Mo.	Curtis, Kans.	Gamble,
Barrett,	Burton, Ohio	Danford,	Gillet, N. Y.
Beach,	Calderhead,	Daniels,	Goodwyn,
Graff,	Hulick,	Milnes,	Taft,
Grosvenor,	Huling,	Minor, Wis.	Thomas,
Grout,	Hunter,	Mozley,	Tracewell,
Hager,	Hurley,	Northway,	Tracey,
Halterman,	Johnson, Cal.	Odell,	Treloar,
Hardy,	Kiefer,	Overstreet,	Updegraff,
Harmer,	Kirkpatrick,	Poole,	Van Horn,
Hartman,	Lacey,	Prince,	Van Voorhis,
Hatch,	Leighty,	Pugh,	Walker, Va.
Heatwole,	Lewis,	Quigg,	Wanger,
Hemenway,	Linney,	Reeves,	Warner,
Henderson,	Linton,	Sauerhering,	Wellington,
Henry, Ind.	Long,	Settle,	White,
Hermann,	Loudenslager,	Shannon,	Wilber,
Hicks,	Low,	Smith, Ill.	Wilson, Idaho
Hill,	Marsh,	Smith, Mich.	Wood,
Hooker,	McCall, Tenn.	Steele,	Woodman.
Hopkins,	McLachlan,	Strode, Nebr.	
Howe,	Mercer,	Strong,	
Hubbard,	Miller, W. Va.	Sulloway,	

NOT VOTING—100.

Acheson,	Foss,	McCreary, Ky.	Rusk,
Aitken,	Hanly,	McEwan,	Russell, Ga.
Apsley,	Harris,	Meiklejohn,	Shaw,
Arnold, R. I.	Heiner, Pa.	Meredith,	Sherman,
Atwood,	Hilborn,	Meyer,	Snover,
Baker, Md.	Hitt,	Miles,	Southwick,
Bartholdt,	Howard,	Miller, Kans.	Spencer,
Bell, Tex.	Huff,	Milliken,	Stahle,
Black, N. Y.	Hull,	Miner, N. Y.	Stallings,
Boutelle,	Hutcheson,	Mondell,	Stephenson,
Bowers,	Hyde,	Morse,	Stewart, N. J.
Brumm,	Johnson, Ind.	Moses,	Stokes,
Chickering,	Joy,	Murphy,	Stone, W. A.
Connolly,	Kulp,	Neill,	Tawney,
Corliss,	Lawson,	Newlands,	Thorp,
Cousins,	Lefever,	Parker,	Turner, Va.
Cowen,	Leisenring,	Patterson,	Wadsworth,
Cox,	Leonard,	Perkins,	Walker, Mass.
Crisp,	Livingston,	Phillips,	Washington,
Crowley,	Lorimer,	Pickler,	Watson, Ind.
Dolliver,	Maddox,	Price,	Watson, Ohio
Draper,	Mahany,	Ray,	Willis,
Fitzgerald,	Mahon,	Reyburn,	Wilson, N. Y.
Fletcher,	McClure,	Robinson, Pa.	Wilson, Ohio
Foote,	McCormick,	Royse,	Woomer.

So the proposition of Mr. McCALL of Massachusetts to amend the substitute was agreed to.

The Clerk announced the following pairs:

Until further notice:

Mr. MAHON with Mr. CRISP.

Mr. WOOMER with Mr. RUSSELL of Georgia.

Mr. WILLIAM A. STONE with Mr. RUSK.

Mr. BOWERS with Mr. MINER of New York.

Mr. SNOVER with Mr. MADDOX.

Mr. CORLISS with Mr. MOSES.

Mr. JOHNSON of Indiana with Mr. COX.

Mr. PICKLER with Mr. MILES.

Mr. COUSINS with Mr. MEYER.

Mr. KULP with Mr. MEREDITH.

Mr. HYDE with Mr. LAWSON.

Mr. ROYSE with Mr. TURNER of Virginia.

On this vote:

Mr. JOY with Mr. McCREARY of Kentucky.

On this question:

Mr. DOLLIVER with Mr. HUTCHESON.

Mr. FOSS with Mr. SHAW.

Mr. BARTHOLDT with Mr. LIVINGSTON.

Mr. MORSE with Mr. STALLINGS.

Mr. LEWIS with Mr. WASHINGTON.

Mr. LEFEVER with Mr. COWEN.

Mr. HULL with Mr. PATTERSON.

Mr. BAKER of Maryland with Mr. FITZGERALD.

Mr. LEISENRING with Mr. SPENCER.

Mr. STEPHENSON with Mr. NEILL.

For this day:

Mr. MEIKLEJOHN with Mr. CROWLEY.

Mr. STEELE. Mr. Speaker, this is a very important vote. I think we had better have a recapitulation of it.

The SPEAKER. The Chair thinks so too. The Clerk will recapitulate.

The Clerk recapitulated the names of those voting.

The result of the vote was announced as above recorded.

The SPEAKER. The amendment to the substitute is agreed to. The question is now upon the substitute as amended.

The substitute as amended was agreed to.

The SPEAKER. The question is on the passage of the resolution; that is, the resolution presented by the gentleman from Massachusetts [Mr. McCALL].

The resolution was agreed to.

The SPEAKER. The resolution is agreed to, and the seat is declared vacant.

On motion of Mr. McCALL of Massachusetts, a motion to reconsider the last vote was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks,

announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 3071) to authorize the construction of a bridge over the Monongahela River from the borough of Braddock to the township of Mifflin, Pa.; and

A bill (S. 2653) for the relief of M. S. Hellman.

The message also announced that the Senate had passed without amendment bills of the following titles:

A bill (H. R. 3282) to repeal section 61 of an act to reduce taxation, to provide revenue for the Government, and for other purposes, which became a law August 28, 1894; and

A bill (S. 3245) granting a pension to Elvira Bachelder.

The message also announced that the Senate had agreed to the amendment of the House to the bill (S. 804) granting a pension to Mrs. Eleanor Carroll Poe.

The message also announced that the Senate had agreed to the report of the conference committee on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 225) to provide for the transfer of the Fort Omaha Military Reservation to the State of Nebraska.

The message also announced that the Senate had passed without amendment the bill (H. R. 7578) granting the Flagstaff and Canyon Railroad Company right of way for railroad purposes through the Grand Canyon Forest Reserve in northern Arizona.

The message also announced that the Vice-President had appointed Mr. FAULKNER one of the conferees on the bill (H. R. 6614) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1897, in place of Mr. BLACKBURN.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, the following Senate bills were taken from the Speaker's table and referred by the Speaker as follows:

A bill (S. 2653) for the relief of M. S. Hellman—to the Committee on Claims.

A bill (S. 3245) granting a pension to Elvira Bachelder—to the Committee on Invalid Pensions.

A bill (S. 3071) to authorize the construction of a bridge over the Monongahela River, from the borough of Braddock to the township of Mifflin, Pa.—to the Committee on Interstate and Foreign Commerce.

CERTAIN BONDS OF NEW MEXICO TERRITORY.

Mr. OWENS. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 9275) which I send to the Clerk's desk.

The SPEAKER. The gentleman moves to suspend the rules and pass the bill which the Clerk will report.

The bill was read, as follows:

A bill (H. R. 9275) approving certain acts of the legislative assembly of the Territory of New Mexico, authorizing the issue of certain bonds of said Territory, and for other purposes.

Be it enacted, etc., That the coupon bonds and indebtedness of the Territory of New Mexico, amounting to $75,000, authorized by section 7 of an act of the Thirty-first legislative assembly of the Territory of New Mexico, entitled "An act authorizing the rebuilding of the Territorial capitol at Santa Fe, which was destroyed by fire May 12, 1892, and to provide the necessary means therefor and a board with authority to rebuild the same," approved February 5, 1895, and designated as capitol rebuilding bonds of the Territory of New Mexico;

Also, the bonds and indebtedness, amounting to $15,000, authorized by section 1 of an act of the said legislative assembly of the Territory of New Mexico, entitled "An act to provide for the maintenance of the military institute at Roswell, N. Mex.," approved February 13, 1895;

Also, the bonds and indebtedness, amounting to the sum of $30,000, authorized by section 1 of an act of the said legislative assembly of the Territory of New Mexico, entitled "An act to provide an addition to the insane asylum of New Mexico for the accommodation of all the insane persons of the Territory, and for other purposes," approved May 13, 1895; and

Also, the bonds and indebtedness, amounting to the sum of $35,000, authorized by section 1 of an act of the said legislative assembly of the Territory of New Mexico, entitled "An act to provide for the completion of the buildings for the normal schools of New Mexico at Las Vegas and Silver City, and to provide for the necessary furnishings therefor; and for additions to the New Mexico College of Agriculture and Mechanic Arts, at Las Cruces," approved February 27, 1895, be, and the same are hereby, approved, confirmed, and made valid; also, the certain bonds and indebtedness, $172,500 in amount, together with the interest coupons thereto attached, of the county of Santa Fe, Territory of New Mexico, dated March 1, 1892, issued under the provisions of an act of the Territorial general assembly known as the refunding act. Such bonds having been issued in refunding and in lieu of $150,000 of bonds, and the overdue interest thereon, of said county of Santa Fe, theretofore issued and outstanding, are hereby validated, approved, and confirmed.

Also the certain bonds and indebtedness, together with interest coupons thereto attached, of the county of Santa Fe, Territory of New Mexico, dated September 29, 1891, issued under the provisions of an act of the Territorial general assembly of the Territory of New Mexico, entitled "An act for the financial relief of counties and municipalities," approved February 26, 1891.

Such bonds having been issued in refunding and in lieu of $150,000 of bonds, overdue interest, and a judgment rendered thereon, of said county of Santa Fe, theretofore, in the year 1880, issued and outstanding, are hereby validated, approved, and confirmed. Also the certain bonds and indebtedness, $56,000 in amount, together with the interest coupons thereto attached of the county of Grant, Territory of New Mexico, dated July 1, 1883, being the unretired part of an issue of $60,000 in bonds issued by said county of Grant under the provisions of an act of the Territorial general assembly, dated February 1, 1872, are hereby validated, approved, and confirmed. Also the certain bonds and indebtedness, $50,000 in amount, together with the interest coupons thereto attached, of the city of Silver City, county of Grant, Territory of New Mexico, dated March 1, 1893, issued under the provisions of an act of the Territorial general assembly of the Territory of New Mexico entitled "An act enabling the authorities having charge of the finances of any town or city of the Territory of New Mexico to refund any bonds or other obligations of said town or city by the issuance of similar obligations, bearing a less rate of interest," approved February 11, 1891. Such bonds having been issued in refunding and in lieu of bonds and indebtedness to the amount of $50,000 of said city of Silver City, county of Grant, theretofore issued and outstanding, are hereby validated, approved, and confirmed.

It is intended hereby to validate, approve, and confirm any and all laws, ordinances, and proceedings, and bonds relating to the matter necessary to the validation of the said Santa Fe County, Grant County, and town of Silver City bonds, but no further and for no other purpose.

The said county of Santa Fe is hereby authorized and empowered to again refund all or any portion of the indebtedness thereof by this act validated within one year from the passage of this act, in accordance with the terms and provisions of an act of the legislature of the Territory of New Mexico, being chapter 79, entitled "An act for the financial relief of counties and municipalities" (house bill No. 192), approved February 26, 1891, except that such refunded bonds shall bear interest at the rate of 4 per cent per annum, payable semiannually, and shall become due twenty-five years from the date of the issue of such refunded bonds, and shall be issued for the amount of unpaid principal of the bonds of said county by this act validated, with interest thereon from the date thereof, to wit, September, 1891, and March, 1892, respectively, at the rate of 4 per cent per annum until the date when the sum shall be refunded as herein provided, less the amount of interest heretofore paid on such bonds; and when said bonds shall be so refunded they shall be subject in all other respects to all the provisions, liabilities, rights, obligations, benefits, and advantages of said act of the legislature herein referred to. In case said bonds shall not be refunded by said county of Santa Fe upon the terms and conditions in this section set forth, then the bonds validated by this act shall remain as the legal obligation of said Santa Fe County.

If said bonds shall be refunded as herein provided, the holders of the bonds herein validated shall, upon actual notice given by said county, deliver to said county the bonds herein validated, and shall receive in lieu thereof the refunded bonds provided for in this section: *Provided*, That any of said bonds which shall not be delivered for refunding to said county of Santa Fe within six months after said notice shall be given, as herein required, shall not bear a rate of interest greater than 4 per cent per annum from date of issue: *Provided*, That nothing in this act shall be so construed as to make the Government of the United States liable or responsible for the payment of any of said bonds by this act approved, confirmed, and made valid.

Mr. BAKER of New Hampshire. I demand a second.

Mr. TERRY. Mr. Speaker, can we have the report on this bill read?

Mr. LACEY. I ask that a second be considered as ordered.

Mr. BAKER of New Hampshire and Mr. BARTLETT of Georgia objected.

The SPEAKER appointed Mr. OWENS and Mr. BAKER of New Hampshire as tellers.

The House divided; and the tellers reported—ayes 90, noes 14.

The SPEAKER. A second is ordered. The gentleman from Kentucky [Mr. OWENS] is entitled to twenty minutes——

Mr. BARTLETT of Georgia. I make the point of no quorum.

The SPEAKER. It is very apparent that there is a quorum present.

Mr. HENDERSON. Is the point of no quorum insisted on, Mr. Speaker?

Mr. DOCKERY. It has been overruled by the Chair.

The SPEAKER. The gentleman from Kentucky [Mr. OWENS] is entitled to twenty minutes in the affirmative, and the gentleman from New Hampshire [Mr. BAKER] to twenty minutes in the negative.

Mr. OWENS. Mr. Speaker, as most of the members of the House will recall, the bill now up for consideration is one passed some months ago by the House of Representatives to validate certain municipal bonds issued by different towns in the Territory of New Mexico. That bill went to the Senate, and was there amended so as to validate certain other bonds issued by the county of Santa Fe, N. Mex., and also by the city of Santa Fe—bonds that had been issued some ten or fifteen years ago for the purpose of aiding in the construction of a railroad within the Territory of New Mexico. When that came back to the House it was referred to the Committee on Territories; which committee added a still further provision or amendment validating certain bonds issued by the county of Grant and also by Silver City for a like purpose.

A short history of the bonds issued, included in the Santa Fe and Grant County and Silver City bonds, will present the issue before the House.

There is no controversy, I believe, but that these bonds all stand upon a like basis, and were issued in perfect good faith by the people of New Mexico. They desired the construction of a railroad, which was largely beneficial to the people of Santa Fe County and also of Grant County, as well as the adjacent counties. After contracting with a company for the purpose of securing the construction of these roads, they agreed, in consideration of their construction, to issue the bonds named in the bill just reported. The constructing companies, operating in like good faith, went ahead and constructed the road, in compliance with the contract made with the people.

There is no contention indulged in by anybody here or elsewhere but that the bonds issued to the construction company had been issued in perfect good faith, and that the bonds were used in the construction of this railroad, and that the company did construct

the road. The fact is before me now that Grant County gave $100,000 in bonds for the construction of that road, and the railroad has paid back to that city and county $110,000 in taxes, more than enough to pay the original bonds with the accrued interest thereon. The county of Santa Fe was in the same position. The bonds were issued by all the parties in perfect good faith. It was supposed by everybody that they had a perfect right to issue them; and when these bonds were issued they went ahead paying the interest for a number of years on the idea that they were completely within the terms of the law. But a few years ago, in the case of some bonds that were issued in a certain county in Arizona, the Federal court, passing upon their validity, determined that those bonds, similar to the Santa Fe bonds, were not issued within the terms of the law. In other words, these bonds were issued under an act which authorized the Territories to issue bonds to aid in internal improvements, and these bonds having been issued in order to build a railroad, they did not fall within the term "internal improvements," and therefore were invalid.

Now, that is the sole objection to them, a technical one, which seems strained and farfetched. Many of the best lawyers of the country had not supposed up to that time that that objection could lie against these bonds. Prior to the time when this decision was rendered the people acquiesced in the regularity of the bonds and paid the interest upon them. Their regularity had been tested in the Territorial courts of New Mexico, and that court had decided that the bonds were valid and regular. They were issued at a high rate of interest; and, desiring to fund them at a lower rate, they had the benefit of an enabling act, and put their bonds upon the market under that act, and with the moneys thus secured from that loan they had paid off the old bonds issued by the construction company and issued new bonds to the present holders. Thus you see if there had been any trouble, if there had been any irregularity in the original issue of the bonds, that question ought not and can not be valid in this controversy.

There is no question but those who hold the new bonds parted with their money in perfect good faith, parted with it on the faith of the decision of the Territorial courts of New Mexico, on the faith of the representations made by the attorney of the Territory of New Mexico and concurred in by the United States district attorney of the Territory. There was then, I say, no possible claim that these bonds were in any sense invalid or irregular. The men who own the bonds had taken the money out of their pockets and placed it in the hands of the people in New Mexico solely for the purpose of taking up their bonds, for which they were paying a higher rate of interest, and giving to them the benefit of a low rate; and it can scarcely be denied that these people have acted in good faith in furnishing the money to enable the Territory to take up the old bonds and furnish the money at a comparatively low rate. It can not be contended, I think, that they should escape the payment of these bonds, and this thought of irregularity was not entertained by anybody until after the decision I have referred to.

Mr. BLACK of Georgia. If the gentleman will allow me to ask him a question, was the money obtained from the sale of these bonds used in the construction of the railroad?

Mr. OWENS. The money was used for the construction of the railroad, and it was paid to the construction company in consideration of their engagement to build this railroad. The construction company did build the road, and it is now being operated. In one of those counties that railroad has paid into the treasury in taxes $110,000, while the county only paid $100,000 in bonds in aid of the construction of the road.

Mr. TERRY. Is this the same bill that was opposed by the gentleman from Texas [Mr. COOPER]?

Mr. OWENS. Yes, sir.

Mr. TERRY. Is not he a member of the committee?

Mr. OWENS. Yes, sir.

Mr. TERRY. Did not he contend on this floor that there had been really no consideration given for these bonds?

Mr. OWENS. Not at all, sir. Nobody has ever contended that. Every member of the committee except the gentleman from Texas referred to was in favor of the passage of the bill with the amendments. Not even the representative from New Mexico protested against the passage of the bill, or even contended that no valid consideration was given by the construction company which had been given these bonds; but when the Federal courts had determined that they fell outside of the terms of the law the contention was, for that reason the counties ought not to be compelled to pay them.

Mr. COCKRELL. Will the gentleman state whether the representative of New Mexico favors the payment of these bonds?

Mr. OWENS. The representative of New Mexico does, and I have here a letter from him asking the passage of this bill. In fact, this bill comes here as the result of an agreement between the parties interested directly in the bonds and the Territorial representative from New Mexico, the agreements having been based on the proposition that the bonds shall pay a still lower rate of interest than is provided in the Senate amendment, and the bonds to be issued are to be twenty-five-year bonds, at 4 per cent interest instead of 10 per cent, at which they were originally issued.

Mr. DOCKERY. I understood the gentleman to say that he had a letter from the representative of the Territory of New Mexico favoring the passage of this bill as amended.

Mr. OWENS. Yes, sir; asking for the passage of this bill with the Senate and House amendments.

Mr. COCKRELL. I ask that that letter be read.

Mr. OWENS. I am going to have it read.

The letter was read, as follows:

HOUSE OF REPRESENTATIVES UNITED STATES,
Washington, D. C., May 30, 1890.

DEAR SIR: Having accepted an invitation to make an address before the Alumni Association of the University of Missouri, which has been fixed for June 2, I am compelled to be absent during the coming week to fulfill that engagement.

It is very important that H. R. No. 4052, in regard to the validation of certain bonds of New Mexico, be acted upon by the House before the close of the session. The original bill provided for the validation of bonds to aid in the construction of buildings of certain educational institutions, the asylum for the insane and the Territorial capitol, the history and necessity for the same being set out in the report made by me on behalf of the Territorial Committee when that bill was presented, and to which I refer. After the bill passed the House it was amended in the Senate so as to validate certain other bonds issued as refunded bonds by the county of Santa Fe. It was returned to the House, and on reference to the Committee on Territories it was there again amended by validating certain other refunded bonds of the county of Santa Fe and certain bonds of the county of Grant and city of Silver City. The bonds of Santa Fe County, when refunded, had the interest thereon decreased from 7 to 5 per cent. The amendment of the House committee now authorizes the further refunding of said bonds and a reduction of the interest to 4 per cent.

When this bill was called up by Representative Low, after the Territorial Committee had reported it with the amendment, I opposed its passage at that time in order that information might be furnished, if any existed, as to the validity of those bonds, which, it had been said, would be furnished from Santa Fe. No information has been furnished to me, however. I have made inquiry in regard to them, and am personally acquainted with their status of my own individual knowledge. As a matter of law, I do not believe the Santa Fe County bonds are invalid, and I know that no fraud was perpetrated when they were issued; that is, when the original bonds were issued, which were afterwards refunded. The indebtedness was voted or authorized in each instance by a majority of the taxpayers of the county. It was believed by everyone at the time that such bonds would be valid, and that the county had authority to issue them on the consent of the taxpayers. The legal profession in the county all agreed that such bonds would be legal. They were voted in aid of the construction of railroads into the county. The roads were constructed as stipulated and are now in operation. I have made inquiry of many of the taxpayers of the county since these amendments came up for action and they say that they favor the passage of the bill with these amendments. I furnish you with this two telegrams from taxpayers and prominent citizens of Santa Fe County, which will show you the feeling of the people of the county in regard to this bill.

There has been a general demand on me throughout the Territory, since the passage of the bill was delayed at my request, in order to get further information, to have the bill passed, as it will be for the general interest of the Territory. The institutions for which the bonds are intended to furnish aid already have contracts made for the completion of the buildings. They can not realize on the bonds unless they be validated. Those institutions will remain paralyzed without it. I therefore ask you to have the bill passed, if within your power to do so, before the close of the present session. Should it be brought up during my absence you can use this letter as expressing my views, as well as the telegrams I have furnished you. I have many other letters and telegrams from various parts of the Territory urging the passage of this bill on the ground of its great interest to the whole people, and I do not furnish them to you, because it will encumber the RECORD to have them read.

Hoping that you will give this matter attention and secure the passage of the bill, I am,

Very respectfully,

T. B. CATRON,
Delegate from New Mexico.

Hon. WILLIAM C. OWENS,
House of Representatives, Washington, D. C.

Mr. OWENS. I reserve the remainder of my time.

Mr. BAKER of New Hampshire. Mr. Speaker, I wish, in the first instance, to call attention to the fact that this matter has already been before the House at this session. It was called up on the 6th day of April, and there was quite an extended discussion of it at that time, after which the House proceeded to vote, and the vote then taken on the very question which is before the House now was against the validation of these bonds—ayes 42, noes 73. It will be seen, therefore, that this is the second attempt which has been made at this session to pass this bill, which, I trust, I shall be able to show is in part, at least, without justification. If gentlemen will, at their leisure, turn to pages 3641 et seq. of the RECORD of this session they will see the reasons then assigned why these bonds should not be validated.

This is not a new question, Mr. Speaker. In a form almost identical with that in which it is presented to this House the question has been before the Supreme Court of the United States. I refer to the case of Lewis *vs.* Pima County (155 U. S., 54), on appeal from the supreme court of the Territory of Arizona, where bonds issued in like manner with these were before the court. I will not detain the House by reading the opinion of the court in full, but will read sentences from it here and there. The court says:

Now, unless a debt thus incurred in aid of the construction of a railroad can be said to be an obligation necessary to the administration of the internal

affairs of Pima County, it must necessarily follow, irrespective of every other consideration, that the legislature exceeded its powers in authorizing and requiring the county to issue these bonds in exchange for those of the railroad company in question, and that the bonds are void.

The question in that case was, as I have said, almost identical with the one now before the House. Then, in closing, the court said:

We are compelled to hold that the bonds in question create no obligation against the county which a court of law can enforce.

I hold in my hand an issue of the Santa Fe Daily New Mexican of date Thursday, April 1. This is a paper printed in the very city where these bonds were issued, and, if legalized, will be a tax upon the people. It contains an article of which the headings are as follows:

A BLACK SHOWING—FULL EXPOSURE OF SCHEME TO VALIDATE FRAUDULENT BRICE AND COLER BONDS—HOW BRICE AND COLER HAVE LOADED IT WITH AMENDMENTS AIMED TO ROB PEOPLE OF SANTA FE AND GRANT COUNTIES—RECORD OF PERFIDY AND FRAUD—SUBSTANTIAL REASONS WHY PEOPLE OF THIS COUNTY FEEL THEY ARE NEITHER LEGALLY NOR MORALLY BOUND TO PAY THESE BONDS—REASONS THAT OUGHT TO WEIGH WITH CONGRESS.

This article says:

In 1872 the legislature of New Mexico passed an act authorizing the counties to issue bonds in aid of railroad construction, but expressly provided that not more than 5 per cent of the assessed valuation of the property in any county should be issued to aid in the construction of any one railroad, and contained the following proviso, to wit: "*Provided*, That no bonds or other evidence of debt created in this act shall be sold for less than par value, nor such bonds or other evidence of debt shall be paid or delivered to any railroad or person or persons for the use of such company, nor shall they be permitted to leave the hands of such commissioners except on the certificate of the governor that the railroad to which said aid has been conceded has been completed in the county where such aid was voted." (See section 2712, Compiled Laws of New Mexico.) The same law also provides that railroad stock shall be issued to the county in consideration of such bonds.

Afterwards, in 1878, for the purpose of limiting the power of the counties and municipal corporations in issuing bonds, Congress passed a law expressly providing that no county or municipal corporation shall issue bonds for any purpose "except where absolutely for the management of its internal affairs."

Is there any member of this House who believes that the building of a railroad is necessary to the management of the internal affairs of a municipal corporation? If not, then these bonds, every one of them, are absolutely against not only the statutes of the Territory of New Mexico but also in violation of an act of Congress.

This article goes on to say:

In the face of this absolutely prohibitory provision of Congress the county of Santa Fe, in 1880, voted to issue at one election to the New Mexico and Southern Pacific Railroad $75,000 in bonds for the construction of the Santa Fe-Lamy branch and $75,000 for the construction of the main line, the assessed valuation of the property of Santa Fe being $2,300,000. These bonds were voted to one company at one election, and were really intended to be used to build the branch, as the New Mexico and Southern Pacific built its entire line throughout the Territory without asking aid from any county, except exemption from taxation and other exemptions provided by law; and no other county except Santa Fe voted any aid to the main line of railroad.

These bonds were void for two reasons: First, they were absolutely prohibited by an act of Congress in 1878, and it was a fraudulent evasion of the Territorial law by pretending that they were issued for the purpose of aiding in the construction of two roads when they were intended to apply to the construction of only one road.

The railroad received the bonds and held them until $42,350 of interest had accrued—the citizens from the very first refusing to pay them, and the law being so weak that the holders dare not undertake to force collection.

At this time the railroad company sold the bonds to Messrs. Coler & Co., of New York, at a little less than 50 cents on the dollar, including the accrued interest, as will appear from the following telegram of the broker who sold them.

Now, the very statute under which they were issued said they should not be sold for less than par.

Mr. OWENS. What were they sold for?

Mr. BAKER of New Hampshire. For less than 50 cents on the dollar.

Mr. OWENS. Is it not a fact that when the original owners parted with them they parted with them at par under the contract to give the construction company so many dollars in bonds at par for the construction of this railroad?

Mr. BAKER of New Hampshire. The gentleman can make any explanation of this dispatch that he desires to make in his own time.

Mr. OWENS. By whom were they sold?

Mr. BAKER of New Hampshire. I am not worrying about that.

Mr. OWENS. They were sold by the man who got possession of them under that contract, not by the county.

Mr. BAKER of New Hampshire. Here is the dispatch:

SILVER CITY, N. MEX., *March 23.*

W. T. THORNTON, *National Hotel, Washington, D. C.:*

Fifty thousand dollars bonds and $42,350 past due coupons, Santa Fe County issue, sold at 64 flat.

GEORGE H. UTTER.

The article proceeds:

It will thus be seen that the bonds were taken as a speculation, not a dollar's worth of stock being issued by the New Mexico and Southern Pacific Railroad to Santa Fe County as a consideration, and the county therefore absolutely received no benefit, except the construction of the branch road, 18 miles in length.

The statute absolutely required that an equal amount of stock should be issued with the bonds, but not a dollar's worth of stock has been issued and turned over to the county.

Mr. OWENS. How do you know that?

Mr. BAKER of New Hampshire. I know it by the statement of this paper, printed in Santa Fe, N. Mex., and I trust that if the gentleman wishes to assault the paper he will do it in his own time.

Mr. OWENS. I do not want to assault the paper, but I assault that dispatch.

Mr. BAKER of New Hampshire. I wish to state to the gentleman from Kentucky that he has reserved the remainder of his time and can answer me in it. I can not give up mine, limited as it is, for his argument. The article proceeds to say:

After Messrs. Coler & Co. had obtained these bonds they brought suit to recover the defaulting interest, and obtained judgment for seventy-odd thousand dollars, Messrs. Catron, Knaebel & Clancy appearing for the plaintiffs. The decision of the supreme court of the Territory affirming this judgment will be found in the 27 Pacific Reporter.

An attempt was made upon the part of the citizens to appeal this case to the Supreme Court of the United States—the citizens offering to pay the entire expense of the appeal, making transcript and all costs in connection therewith, which was refused by the county commissioners, the commissioners being entirely under the influence of the bondholders.

That is the statement of the Santa Fe paper. If anyone has anything to controvert it I am perfectly willing that he shall produce it in his own time; but I do not presume that a paper issued at the very capital of the Territory, where every citizen knows the facts, would make such statements if there was not at least a preponderance of proof in their favor.

The bondholders afterwards, through the influence of their attorney, Mr. J. H. Knaebel, secured the passage through the Territorial legislature of a refunding act, and the $250,000 of Santa Fe County bonds included in the Coler amendment are the funded bonds issued under this act to take up the original $150,000 issued, with accrued interest. How completely the bondholders dominated this legislature will be proved by an examination of the law (chapter 79, page 146, Laws of New Mexico of 1891) which provides not only for the refunding of the bonds but makes it a penitentiary offense to refuse to levy the tax or for the collector to refuse to collect the taxes to pay overdue interest on these bonds.

Mr. DOCKERY. Will the gentleman state where those bonds are held now?

Mr. BAKER of New Hampshire. I do not know, but I suppose they are held in New York City. I do not know where they are held. I do not know a person who owns them.

Mr. DOCKERY. It might be interesting to identify their ownership at this time.

Mr. BAKER of New Hampshire. But it does not matter what the ownership is if the bonds were fraudulent in their inception.

Mr. DOCKERY. Certainly not.

Mr. BAKER of New Hampshire. These bonds were sold originally at a small figure, leaving a margin large enough so that parties interested could come and bedevil legislatures and Congresses in connection with them.

Mr. LOW. Why does the gentleman from New Hampshire suppose that those bonds are held in New York?

Mr. BAKER of New Hampshire. Because in this country bonds of this kind are generally held in New York. That is the only reason.

Mr. LOW. In fact, they are scattered all over the country.

Mr. BAKER of New Hampshire. I do not care where they are held.

Mr. LOW. You simply suppose they are held in New York without any knowledge.

Mr. BAKER of New Hampshire. I do suppose so without any personal knowledge, for reasons sufficient for myself.

Mr. WATSON of Ohio. What is the amount of these bonds?

Mr. TERRY rose.

Mr. BAKER of New Hampshire. I yield for a moment to the gentleman from Arkansas [Mr. TERRY].

Mr. TERRY. The statement of a member of the committee on that subject, made in the previous debate, is to this effect:

In one instance, bonds that had been purchased by some agent or broker named Coler, and known as the "Coler bonds," which originally amounted to $150,000, but in the refunding act you find that after having been refunded they amount to $250,000.

Mr. BAKER of New Hampshire. That was my understanding, that they were originally $150,000, and that about $50,000 was accumulated in interest. Where the rest of the amount comes from I must confess myself ignorant, for I do not know.

Then this railroad was sold. As appears by Record Book O, page 19, it was conveyed by George S. Preston and wife to CALVIN S. BRICE and wife, of New York.

Mr. DOCKERY. Will the gentleman allow me to ask whether he has received any petition from citizens of Boston in connection with this bill?

Mr. BAKER of New Hampshire. I have a letter from a gentleman in Boston calling my attention to the preceding action of this House; stating that he was familiar with the matter; that these bonds were fraudulent, and that he hoped I would do anything I could to prevent the passage of this bill.

Mr. LACEY. Will the gentleman yield for a question?

Mr. BAKER of New Hampshire. Yes, sir.

Mr. LACEY. Is it not true that this Boston man has some bonds which he thinks will be strengthened if these bonds can be repudiated? Is not that all there is in it?

Mr. BAKER of New Hampshire. I am reading from a paper published in Santa Fe, N. Mex., showing that the people in Santa Fe are opposed to the validation of these bonds; and I do not suppose there is a person on this floor who is in favor of validating them that has not some friend who owns some of these bonds.

Mr. OWENS. What was that statement?

Mr. BAKER of New Hampshire. I say that every person who is in favor of validating these bonds, if he has looked into the question, must have some friend who owns some of them.

Mr. OWENS. Well, sir, I can say for myself I do not know an individual on earth that owns one of them. I am in favor of validating these bonds, because I am against repudiation in every form and wherever it comes from.

Mr. BAKER of New Hampshire. I am in favor of repudiation of every bond which was absolutely void at the time of its issne.

Mr. LOW. Is it not a fact in regard to these refunded bonds that when they were refunded an act was passed by the legislature of New Mexico validating them?

Mr. BAKER of New Hampshire. That is true; but the assertion is openly made in Santa Fe and elsewhere that the legislature which did it was corrupted; and the Supreme Court of the United States has held in a similar matter that bonds so validated are absolutely void.

Mr. LOW. One more question, and I will take my seat. Why is it, then, that to-day the largest taxpayers in New Mexico want these bonds validated?

Mr. BAKER of New Hampshire. I do not believe they do.

Mr. LACEY. And why is it that Boston men are fighting these bonds? Explain that, if you please.

Mr. BAKER of New Hampshire. The account from which I have been reading goes on to say:

The road was completed from Espanola to Santa Fe, and was operated by the Santa Fe Southern system until a short time ago, when it went into the hands of a receiver and was sold. For the purpose of giving validity to its bonds the assessments of Santa Fe County were padded. Large quantities of property exempt from taxation were placed upon the assessment rolls, as will fully appear by the accompanying certificate prepared from the records of Santa Fe County by George W. Knaebel, secretary of the Santa Fe Board of Trade:

SANTA FE, N. MEX., *March 20, 1896.*

DEAR GOVERNOR: At the request of Judge Downs I assisted him in getting the data called for in your telegram to him of the 19th instant, and such data are as follows:

1884.		
Total assessed value of real estate		$1,504,139.00
Total assessed value of personal property		1,729,005.00
		3,233,144.00
Exemption not included in above:		
To heads of families	$144,400.00	
Of railroads assessed	3,129,000.00	
		3,273,400.00
Total assessed valuation 1884		6,506,544.00
1885.		
Real estate, etc		2,705,085.71
Railroads		4,733,425.94
Total		7,438,511.65
Amount exempt, etc., railroads, etc		4,602,943.55
Net amount, subject to taxation		2,835,568.10
1896.		
Real and personal		2,792,105.00
New Mexico and Southern Pacific Railroad Company	$725,000.00	
Unconfirmed grants	260,125.00	
Pueblo grants	59,493.00	
		1,044,618.00
		3,836,633.00
1887.		
Real and personal		3,785,309.00
Exemptions		126,200.00
		3,659,109.00
1895.		
Total assessment		2,356,895.00
Exemptions		204,503.00
Net		2,152,392.00

Taken from records of the Territorial auditor.

Very truly, yours,

GEO. W. KNAEBEL,
Secretary Santa Fe Board of Trade.

GOV. W. T. THORNTON,
National Hotel, Washington, D. C.

When these bonds were issued there was a Congressional statute absolutely forbidding the issue of the bonds; the Supreme Court of the United States has held identically similar bonds to be void ab initio; and it appears that there is grave suspicion in regard to the enactment of the Territory of New Mexico which undertook to validate them; and that that action of the Territorial legislature was in contravention of an existing statute of Congress—the act of 1878—no one denies.

Mr. DOOLITTLE. Will the gentleman allow me to ask him how the matter he mentions can cut any figure morally, so far as innocent holders of these bonds are concerned, ratified, as the bonds have been, by the action of the legislature?

Mr. HEPBURN. How can there be "innocent holders" in this case?

Mr. BAKER of New Hampshire. I do not suppose that there is any man who buys a bond in the United States of America anywhere who buys it without knowing something of it; and if he knows anything of these bonds he is not an innocent holder.

Mr. DOOLITTLE. But is not the record of these bonds straight as far as the acts of the legislature are concerned? In other words, did not the legislature, in passing the acts ratifying the issue of these bonds, settle that question?

Mr. BAKER of New Hampshire. No; because the act of a Territorial legislature in contravention of an act of Congress is void, and because it was contrary to the decision of the Supreme Court of the United States. That ought to be enough to put a banker on his guard in dealing with such securities as these bonds.

The bonds issued to the New Mexico and Southern Pacific Railroad were speculative, received by the railroad as a bonus which they accepted with a view of realizing what they could out of them, and sold them for 50 cents on the dollar, when the law provided they should only be sold at par.

The county received no consideration. Not a dollar's worth of stock was issued, when the law required that it should be issued. Double the amount permitted by the Territorial law was issued by the fraudulent pretense that they were to be used in the construction of the two roads.

The bonds issued to the Texas, Santa Fe and Northern road were issued to a corporation that was fraudulent from its very inception, being fraudulently organized, having instigated fraudulent assessments to evade the Congressional act prohibiting such action, and were issued in fraud in that they were issued to a company that did not own the road under construction, and the stock which the county was to receive would have been in a corporation bankrupted, and therefore absolutely valueless. For these reasons the citizens contend that they are neither legally nor morally bound to pay this obligation, and there is certainly no precedent for going to Congress and asking Congressional aid in validating bonds which have been issued in direct violation of the acts of Congress.

It would certainly lead to serious consequences for Congress by its actions in this instance to set a precedent wherein it would declare that municipal corporations in the Territories might create indebtedness in violation of an act of Congress, issue bonds therefor, sell them to speculators, who, failing to collect in the courts, finally come and ask Congressional aid, to make legal such illegal issues. There is no telling where this may end.

Representatives of these bondholders pretend that they have found a precedent for this action in the Yankton County (Dak.) Case, found in 101 United States Reports, but, with all due respect, it is submitted that they are in no way or respect similar. In that case, the governor of the Territory of Dakota had called the legislature together in an extra session, in the year 1871, which was without authority of law. This legislature, among other things, passed an act authorizing the organization of a railroad company, and providing for the vote of bonds in aid thereof. Under this law Yankton County subscribed stock in a railroad and voted bonds in aid thereof. In 1872 Congress passed an act declaring all proceedings of such legislature void, except the one with reference to the issuing of bonds by Yankton County; that act it affirmed, adding certain provisions for the protection of the county for the bonds issued, but these bonds were not issued until after this Congressional act ratifying the action of the Territorial legislature, and placing safeguards upon the county subscription, so that the bonds at the time of their delivery were delivered in pursuance of an existing law made by Congress. Here, the bonds in question were issued, delivered, and sold in direct violation of the law, and nearly sixteen years afterwards, and after the Supreme Court had held that the issuance of such bonds was void, the owners come to Congress and ask for the passage of an act making valid void bonds issued in such direct violation of a law. There certainly can be no excuse for the issuance of the bonds of the Texas, Santa Fe and Northern Railroad in 1887, some months after the approval of the act of Congress, on July 30, 1880, which expressly provided that "no Territory, or any political or municipal corporation, or subdivision thereof, shall in any manner loan its credit to, or use it to the benefit of any company or association, or borrow any amount of money for the use of said company or association."

No language could be plainer than this, and yet, in violation of it, bonds were issued to the Texas, Santa Fe and Northern Railroad Company nearly six months after its adoption upon an election held only two days before said action by Congress.

Mr. HARRISON. Where does the gentleman from New Hampshire get the information he is now giving the House?

Mr. LOW. Will the gentleman please repeat his question so that the House can hear it?

Mr. HARRISON. I ask where the gentleman gets the information he is giving the House? These facts were not in evidence before the committee.

Mr. BAKER of New Hampshire. I get the information from the document I hold in my hand.

Mr. WATSON of Ohio. Is that the only authority the gentleman from New Hampshire has that these bonds were sold at 50 cents on the dollar in place of at par?

Mr. BAKER of New Hampshire. No, sir; it is not the only authority. I have read the telegram to which I have referred, which states the fact.

Mr. WATSON of Ohio. Will the gentleman be kind enough to state the authority for the information he has given the House that they were sold at 50 cents on the dollar?

Mr. BAKER of New Hampshire. If the gentleman had listened to what I said he would not have had occasion to ask the question.

Mr. WATSON of Ohio. I did not care about wasting my time.

Mr. LACEY. You do not suppose a newspaper would lie, do you? [Laughter.]

Mr. DOOLITTLE. Especially when it is an interested party.

Mr. POWERS. What was the original issue of the bonds and what is the amount sought to be validated? I understand the gentleman to claim that the amount has been increased in some improper manner.

Mr. BAKER of New Hampshire. The original amount authorized was $150,000, but through some kind of a hocus-pocus proceeding they have reached $250,000.

Mr. KNOX. If the gentleman from New Hampshire will permit me, that was made up of the accrued interest and the costs of the suit brought for the purpose of collecting the coupons. It was made up on the judgment of the court, and increased the amount to this extent.

Mr. BAKER of New Hampshire. The accrued interest is only about $50,000.

Mr. LACEY. There was a judgment in the first instance of $78,000 for accrued interest on $150,000, which amounted to $228,000, and the costs run it up to $250,000.

Mr. BAKER of New Hampshire. I hope I may be permitted to proceed without interruption; I should like to occupy the floor a little while.

Neither the gentleman from Iowa, the gentleman from Massachusetts, nor the gentleman from New York, nor anyone else has been able to show in any way how bonds which were void in the beginning can be found right subsequently.

The SPEAKER pro tempore (Mr. PAYNE). The time of the gentleman has expired.

Mr. OWENS. I yield now five minutes to the gentleman from Iowa [Mr. LACEY].

Mr. LACEY. Mr. Speaker, we have here presented the remarkable spectacle of the gentleman from New Hampshire [Mr. BAKER] making a determined fight in opposition to the validity of certain New Mexican bonds or obligations as against the Delegate from New Mexico, who wants them validated.

Mr. BAKER of New Hampshire. Will the gentleman yield to me for a question?

Mr. LACEY. I will yield to the gentleman for one question.

Mr. BAKER of New Hampshire. Are there not some people in your immediate neighborhood who are interested in this matter, who own some of these bonds, and who are represented by you?

Mr. LACEY. Mr. Speaker, these bonds are held part in Iowa, part in Chicago, part in New York, and elsewhere. They are held by various people all over the country. They were issued for the purpose of refunding other bonds outstanding in that Territory. When they were originally issued under the law they were believed to be valid. The question of validity arose subsequently; the interest on the bonds was in default, and suit was brought upon them. That question went to the supreme court of the Territory of New Mexico, which court declared the bonds to be valid, and the legislature of that Territory passed a law authorizing the refunding of the bonds. And the gentlemen living around throughout the country, to whom my friend from New Hampshire refers as owning the bonds, furnished the money to pay for them; furnished and put good, honest money into these bonds.

The Delegate from New Mexico [Mr. CATRON] asks that the bonds be validated and left unquestioned by an act of Congress. It is true that in the Lewis Case from Arizona a decision was rendered some years afterwards, which practically would affect the validity of these bonds. Whether it would do so as to bonds that had been once merged in judgment and that subsequently were reissued in the form of refunding bonds is a question that is not entirely clear; but the Territory of New Mexico prefers, through its Delegate in Congress—and he sends a written communication to that effect—that no question be raised against them, and that the fair faith of the Territory of New Mexico be upheld. Now, the newspaper that has been read, issued in Santa Fe last April, contains some very rash statements, and I am surprised to see my friend from New Hampshire [Mr. BAKER] relying so implicitly on what he finds in a newspaper. I am not inclined to accept a mere newspaper statement as against the solemn declaration of the gentleman who represents the Territory. If he is perpetrating a fraud upon his constituents in asking us to validate these bonds, his constituents will notify him of that fact next November. He takes his political life in his hand when he asks us to validate these bonds.

Mr. DOCKERY. Suppose they do? How will that leave us?

Mr. LACEY. How is it going to leave these men who have furnished this money if these bonds are not validated? I want to suggest that to my friend from Missouri [Mr. DOCKERY], because it is not likely that the gentleman, who lives there upon the spot and knows the situation, would make any representation that was not correct when he advocates this measure here in his official capacity upon the floor of this House. The gentleman who inspired this newspaper article was at one time governor of New Mexico, and he came here in person to fight these bonds. The Delegate said upon the floor of this House when the bill was before us some time ago that he thought some further time ought to be given, and asked that the House would not pass the bill at that time in order to enable him to communicate with his people. The House refused to pass the bill by a two-thirds vote at that time, but since then he has had ample time to communicate with his people, and he says in his letter that the people are satisfied. Let me call the attention of the House to the statement signed by Governor Prince and others when these bonds were first issued. The statement was in these words:

> We, the undersigned, members of the Santa Fe Board of Trade and taxpayers of Santa Fe County, respectfully represent that the issue of $150,000 in Santa Fe County bonds, issued in 1880 to aid in the construction of the Santa Fe, New Mexico and Southern Railroad, affords a safe and reliable investment. * * *

That is signed by L. Bradford Prince, the very gentleman who inspired this article in the newspapers and who contests these bonds.

Mr. WATSON of Ohio. He was the governor of the Territory.

Mr. KNOX. Allow me to suggest that these bonds were certified to be good by the United States district attorney for the Territory.

Mr. LACEY. They were certified by many of the leading citizens of the Territory, by the Board of Trade of Santa Fe, and others. They voted these bonds four times before they could get anybody to take them.

Mr. KNOX. Five times.

Mr. LACEY. Five times. And the fifth time the bonds were issued the money was furnished and the railroad was built. After the Territorial supreme court had declared the bonds valid, they issued new bonds to take up and pay off the old bonds. Now, my friend from New Hampshire [Mr. BAKER] wants the bonds repudiated, in order that some gentlemen in the city of Boston, who have some bonds, may have the opportunity to get in on the ground floor with their own bonds, by having the Territory repudiate its honest debts to somebody else.

[Here the hammer fell.]

Mr. OWENS. How much time have I left?

The SPEAKER pro tempore. One minute.

Mr. OWENS. I yield that time to the gentleman from Ohio [Mr. WATSON].

Mr. WATSON of Ohio. Mr. Speaker, I want to make just one statement in connection with this matter. The gentleman from New Hampshire [Mr. BAKER] a moment ago said he did not think that any gentleman upon the floor of this House would vote to validate these bonds unless he had some personal friend who owned some of them. That is a very serious reflection upon gentlemen who constitute this House. I never heard of this transaction in my life until the gentleman rose to make his speech. I do not know anyone who has any money interest in these bonds, but I intend to vote to validate these obligations, because I believe them to be just.

The SPEAKER pro tempore. The question is on the motion to suspend the rules and pass the bill.

The question was taken, and the Speaker pro tempore announced that in his opinion two-thirds had voted in favor of the motion.

Mr. BAKER of New Hampshire and Mr. TERRY demanded a division.

The House divided; and there were—ayes 65, noes 23.

Mr. BAKER of New Hampshire and Mr. TERRY made the point of no quorum.

The SPEAKER pro tempore proceeded to count the House.

Mr. HEPBURN (during the count). I make the point of order, on the counting of a quorum, that those members who enter the House after the announcement of the vote can not be counted.

The SPEAKER pro tempore. The Chair overrules the point of order.

Mr. BAKER of New Hampshire. On this question I demand the yeas and nays.

The SPEAKER pro tempore announced a sufficient number in support of the demand for the yeas and nays.

Mr. LACEY demanded the other side.

The yeas and nays were ordered.

The question was taken; and there were—yeas 150, nays 48, not voting 161; as follows:

YEAS—150.

Adams,	Blue,	Cobb,	Fairchild,
Aldrich, Ala.	Brewster,	Codding,	Faris,
Aldrich, Ill.	Broderick,	Coffin,	Fischer,
Apsley,	Bromwell,	Cummings,	Fletcher,
Arnold, Pa.	Brosius,	Curtis, Iowa	Fowler,
Arnold, R. I.	Brown,	Curtis, N. Y.	Gardner,
Avery,	Brumm,	Danford,	Gibson,
Babcock,	Buck,	Dayton,	Gillet, N. Y.
Barney,	Bull,	Dingley,	Goodwyn,
Beach,	Burrell,	Doolittle,	Griffin,
Belknap,	Burton, Mo.	Dovener,	Griswold,
Bennett,	Cannon,	Elliott, Va.	Grosvenor,
Bingham,	Chickering,	Ellis,	Grow,
Bishop,	Clardy,	Erdman,	Hadley,
Black, Ga.	Clark, Iowa	Evans,	Hager,

Haines, Nebr.	Hurley,	Murphy,	Steele,
Hall,	Jenkins,	Odell,	Stewart, Wis.
Halterman,	Johnson, Cal.	Otjen,	Stone, C. W.
Hardy,	Johnson, N. Dak.	Owens,	Strode, Nebr.
Harmer,	Knox,	Payne,	Taft,
Harrison,	Lacey,	Phillips,	Tayler,
Hart,	Latimer,	Pitney,	Tracey,
Hartman,	Layton,	Poole,	Trelear,
Hatch,	Leighty,	Powers,	Turner, Ga.
Heatwole,	Lewis,	Prince,	Updegraff,
Henderson,	Long,	Pugh,	Wadsworth,
Hendrick,	Loud,	Reyburn,	Walker, Va.
Henry, Conn.	Loudenslager,	Richardson,	Walsh,
Henry, Ind.	Low,	Russell, Conn.	Wanger,
Hermann,	McCall, Mass.	Sauerhering,	Watson, Ohio
Hicks,	McCleary, Minn.	Scranton,	Wellington,
Hilborn,	McClellan,	Sherman,	White,
Hill,	McCormick,	Simpkins,	Willis,
Hopkins,	McLachlan,	Sorg,	Wilson, Ohio
Howe,	Mercer,	Southard,	Wilson, S. C.
Howell,	Miller, W. Va.	Spalding,	Wood.
Hulick,	Milnes,	Sparkman,	
Hunter,	Minor, Wis.	Sperry,	

NAYS—43.

Abbott,	Curtis, Kans.	McCall, Tenn.	Sulloway,
Baker, Kans.	De Armond,	McCulloch,	Sulzer.
Baker, N. H.	Denny,	McRae,	Talbert,
Bankhead,	Dockery,	Mozley,	Tate,
Bartlett, N. Y.	Hemenway,	Otey,	Terry,
Bell, Colo.	Hepburn,	Pendleton,	Tucker,
Bell, Tex.	Kem,	Raney,	Underwood,
Burton, Ohio	Kirkpatrick,	Shuford,	Williams,
Cockrell,	Linney,	Stallings,	Woodard,
Crowther,	Little,	Strait,	Yoakum.
Culberson,	Marsh,	Strowd, N. C.	

NOT VOTING—161.

Acheson,	Draper,	Maddox,	Russell, Ga.
Aitken,	Eddy,	Maguire,	Sayers,
Allen, Miss.	Elliott, S. C.	Mahany,	Settle,
Allen, Utah	Fenton,	Mahon,	Shafroth,
Anderson,	Fitzgerald,	McClure,	Shannon,
Andrews,	Foote,	McCreary, Ky.	Shaw,
Atwood,	Foss,	McDearmon,	Skinner,
Bailey,	Gamble,	McEwan,	Smith, Ill.
Baker, Md.	Gillett, Mass.	McLaurin,	Smith, Mich.
Barham,	Graff,	McMillin,	Snover,
Barrett,	Grout,	Meiklejohn,	Southwick,
Bartholdt,	Hanly,	Meredith,	Spencer,
Bartlett, Ga.	Harris,	Meyer,	Stahle,
Berry,	Heiner, Pa.	Miles,	Stephenson,
Black, N. Y.	Hitt,	Miller, Kans.	Stewart, N. J.
Boutelle,	Hooker,	Milliken,	Stone, W. A.
Bowers,	Howard,	Miner, N. Y.	Strong,
Calderhead,	Hubbard,	Mondell,	Swanson,
Catchings,	Huff,	Money,	Tawney,
Clark, Mo.	Huling,	Moody,	Thomas,
Clarke, Ala.	Hull,	Morse,	Thorp,
Colson,	Hutcheson,	Moss,	Towne,
Connolly,	Hyde,	Neill,	Tracewell,
Cook, Wis.	Johnson, Ind.	Newlands,	Turner, Va.
Cooke, Ill.	Jones,	Noonan,	Tyler,
Cooper, Fla.	Joy,	Northway,	Van Horn,
Cooper, Tex.	Kendall,	Ogden,	Van Voorhis,
Cooper, Wis.	Kerr,	Overstreet,	Walker, Mass.
Corliss,	Kiefer,	Parker,	Warner,
Cousins,	Kleberg,	Patterson,	Washington,
Cowen,	Kulp,	Pearson,	Watson, Ind.
Cox,	Kyle,	Perkins,	Wheeler,
Crisp,	Lawson,	Pickler,	Wilber,
Crowley,	Lefever,	Price,	Wilson, Idaho
Crump,	Leisenring,	Quigg,	Wilson, N. Y.
Dalzell,	Leonard,	Ray,	Woodman,
Daniels,	Lester,	Reeves,	Woomer,
De Witt,	Linton,	Robertson, La.	Wright.
Dinsmore,	Livingston,	Robinson, Pa.	
Dolliver,	Lockhart,	Royse,	
Downing,	Lorimer,	Rusk,	

The following additional pairs were announced:

Mr. JOY with Mr. MCCREARY of Kentucky, for this day.

On this question:

Mr. HUBBARD with Mr. SAYERS.

Mr. HULL with Mr. PATTERSON.

Mr. LEWIS with Mr. WASHINGTON.

Mr. MORSE with Mr. STALLINGS.

Mr. BARTHOLDT with Mr. LIVINGSTON.

Mr. BAKER of Maryland with Mr. FITZGERALD.

Mr. LEISENRING with Mr. SPENCER.

The SPEAKER. On this question the yeas are 150, the nays 43; two-thirds having voted in the affirmative, the rules are suspended, and the bill is passed.

Mr. OWENS. Mr. Speaker, I want to see if the record is right. I understand the record is that the bill was passed, while it was really to concur in the Senate amendment. The bill passed the House some time ago.

The SPEAKER. This is a House bill with a Senate amendment which the House has passed.

Mr. OWENS. It is just this way: It was a House bill with a Senate amendment, which the House committee passed with another amendment.

The SPEAKER pro tempore. The bill that the gentleman sent up is a House bill with a Senate amendment.

Mr. OWENS. The only question was whether the record read right. I know that it was the right bill.

The SPEAKER. It seems that the House has passed the same bill which the Senate passed, and the regular way in which to have passed it would have been to concur in the Senate amendment.

Mr. OWENS. With an amendment.

The SPEAKER. With an amendment. And if there be no objection that will be considered as the action of the House.

Mr. KEM. I object.

Mr. HENDERSON. It is a House bill that has passed with a Senate amendment. That seems to meet the case.

The SPEAKER. The trouble is that the House has passed the bill with a Senate amendment and an amendment thereto.

Mr. OWENS. I move that the record be made to conform to the action of the House.

Mr. HENDERSON. The bill has passed with a Senate amendment and an amendment to that.

The SPEAKER. Will the Reporters have the kindness to give the Chair the statement made by the gentleman from Kentucky?

Mr. LACEY. The motion was to concur in the Senate amendment with an amendment.

The SPEAKER. The Chair thinks the bill will have to be regarded as a House bill with a Senate amendment.

Mr. HENDERSON. We have just passed the House bill with a Senate amendment.

The SPEAKER. With the Senate amendment amended.

Mr. OWENS. That is all I wanted.

The SPEAKER. It seems to the Chair that that was not the transaction of the House.

Mr. LACEY. That is the transaction as the House understood it.

Mr. HEPBURN. Mr. Speaker, would it have been competent under this order of business to have taken up this bill and adopted the amendment of the Senate without unanimous consent?

Mr. OWENS. I moved to suspend the rules.

Mr. HENDERSON. For the purpose of passing the bill.

The SPEAKER. It would have been competent to concur in the Senate amendment with an amendment under suspension of the rules.

Mr. LACEY. That is the effect.

The SPEAKER. It would have been competent to do that.

Mr. HENDERSON. It goes to the Senate as a House bill.

The SPEAKER. The Chair thinks the action of the House ought to prevail, but of course can not control an individual member who may think otherwise.

Mr. OWENS. Would a motion to correct the record to that effect be in order?

The SPEAKER. The trouble is that the record has got to be corrected with reference to the facts. It can not be corrected to make the facts conform, but the gentleman can be recognized to make the proper motion.

Mr. OWENS. Mr. Speaker, I move to reconsider the vote by which the House has passed the bill.

The SPEAKER. That can not be done; but the gentleman can now be recognized to make the proper motion.

Mr. OWENS. Then I move to suspend the rules and concur in the Senate amendment with the amendment proposed by the House committee.

The bill and amendments were read.

Mr. BAKER of New Hampshire. Mr. Speaker, I demand a second.

Mr. PAYNE. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

Mr. BAKER of New Hampshire. I object.

Mr. OWENS. I withdraw the motion to suspend the rules, Mr. Speaker.

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was communicated to the House of Representatives by Mr. PRUDEN, one of his secretaries, who also announced that the President had approved and signed bills and joint resolutions of the following titles:

On May 28, 1896:

An act (H. R. 9030) declaring a certain bridge across the Tallahatchie River, in Tallahatchie County, State of Mississippi, a lawful structure, and for other purposes;

An act (H. R. 8590) granting to the Denver, Cripple Creek and Southwestern Railroad Company a right of way for a railroad through the South Platte and Plum Creek forest reserves in the State of Colorado;

An act (H. R. 7324) to authorize and empower the State of South Dakota to select the Fort Sully Military Reservation in said State as a part of the lands granted to the State under the provisions of an act to provide for the admission of South Dakota into the Union, approved February 22, 1889, and for indemnity school lands, and for other purposes;

An act (H. R. 3013) to amend section 4131 of the Revised

Statutes of the United States, to improve the merchant marine engineer service and thereby also to increase the efficiency of the Naval Reserve, and for other purposes;

Joint resolution (H. Res. 193) authorizing the Secretary of War to lend to the mayors of the cities of East St. Louis, Ill., and St. Louis, Mo., and vicinity, a number of tents; and

Joint resolution (H. Res. 174) granting permission to the circuit and county courts in Rockingham County, Va., to occupy the Federal court room in Harrisonburg, Va.

On May 29, 1896:

An act (H. R. 4452) to amend section 416 of the Revised Statutes of the United States relating to the District of Columbia.

On May 30, 1896:

An act (H. R. 515) granting a pension to William Grose;

An act (H. R. 2326) granting a pension to Thomas Holaday;

An act (H. R. 2844) granting a pension to Martha McNeil;

An act (H. R. 4712) granting a pension to Margaret A. Luthy;

An act (H. R. 5814) granting a pension to Cassie A. Davis, widow of James P. Davis and mother of Mary T. Davis, an invalid daughter;

An act (H. R. 5854) granting a pension to John Caster;

An act (H. R. 1181) for the relief of Maria E. Wilson;

An act (H. R. 483) for the relief of Mary Jane Lynn, the daughter of John R. Lynn, a Revolutionary soldier;

An act (H. R. 5140) for the relief of Michael H. J. Crouch, late of Company M, Sixth Regiment Pennsylvania Cavalry;

An act (H. R. 3426) granting a pension to Eugenia R. Sweeny, widow of Brig. Gen. Thomas W. Sweeny, deceased;

An act (H. R. 4182) granting increase of pension to Georgianna C. Hall, dependent mother of Maj. John W. Williams, deceased, late surgeon United States Army;

An act (H. R. 5226) to give increased pension to Gen. James C. Parrott;

An act (H. R. 485) for the relief of Kate Eberle, an Indian woman;

An act (H. R. 1001) to amend the military record of John S. Evans;

An act (H. R. 7816) for the relief of John S. Burwell, administrator of the estate of A. L. Burwell, deceased;

An act (H. R. 248) empowering and directing the Secretary of the Navy to furnish four pieces of condemned cannon to the city of Hastings, Mich.; and

An act (H. R. 6838) defining the standard shape and size for dry measures in use in the District of Columbia, and for other purposes.

On June 1, 1896:

An act (H. R. 4785) to incorporate the National University.

WILLIAM H. MAHONEY.

The SPEAKER. The Chair lays before the House a message from the President of the United States, which the Clerk will read.

The message was read, as follows:

To the House of Representatives:

I herewith return without approval House bill numbered 900, entitled "An act to provide for the payment of the claim of William H. Mahoney."

This bill directs the Secretary of the Treasury to receive and pay to W. H. Mahoney, without the indorsement of N. A. Rogers, a certain bond issued by the United States in 1861 for the sum of $500, such payment to be made upon the giving by said Mahoney of a bond to hold harmless the United States against repayment of said bond.

The bond mentioned is one of a large issue which was authorized under an act passed March 2, 1861, and known as Oregon war-debt bonds. They were made payable in 1881.

In 1864 an act was passed directing the Secretary of the Treasury to issue or cause to be issued to E. F. and Samuel A. Ward duplicates of 19 of these bonds, particularly described by their numbers and otherwise. Among others are mentioned "Nos. 1352 to 1359, inclusive." This of course includes the bond numbered 1358, which is directed to be paid in the bill under consideration. Nothing can now be discovered to indicate the occasion for the issuance of these duplicates, but from the fact that a bond of indemnity was required it is inferred that they were issued because of the loss or destruction of the original bonds.

Pursuant to this act, a duplicate of the bond in question, among others, was issued and made payable to the order of Thomas Pritchard, attorney, who was the payee in the original bond.

In 1881 this duplicate was paid by the Treasury Department and is now in possession of the Government. The indorsement of the payee, "Thomas Pritchard, attorney," appears thereon, and all other proper indorsements to show title in the party to whom the payment was made.

The Government has therefore once paid the amount of this bond to the party apparently entitled to it. If the beneficiary named in this bill has a better right to the money, the Government, not being in default, should be protected against double payment. I suppose to sustain a claim upon the indemnity bond given when the duplicate was issued in 1864 we should be prepared to show that the second payment on the original bond was made upon such a state of facts as compelled or at least justified it. The passage of an act simply directing such payment would alone not be sufficient. The bond directed to be given by this bill would afford the Government no protection, since it only provides against repayment of the bond in the future, whereas the payment we should suffer from has already been made.

I suggest that an act be passed directing the Secretary of the Treasury to investigate the entire subject with a view of determining to whom this money should be paid, in a manner to bind, if possible, by the results of the examination the party to whom it has already been paid and who should refund if another has a better right.

GROVER CLEVELAND.

EXECUTIVE MANSION, *May 29, 1896.*

Mr. JOHNSON of California. Mr. Speaker, that is a bill that was introduced by my colleague, Mr. BARHAM. He is not present, but from conversation with him I know that he would wish to have it referred to the committee which considered the bill.

The SPEAKER. Without objection, the message and accompanying bill will be referred to the Committee on Claims.

Mr. KEM. I object.

The SPEAKER. Objection is made by the gentleman from Nebraska [Mr. KEM].

Mr. JOHNSON of California. I move that the message and bill be referred to the Committee on Claims.

The motion was agreed to; and the reference was made accordingly.

AMANDA WOODCOCK.

The SPEAKER laid before the House a message from the President of the United States; which was read, as follows:

To the House of Representatives:

I return without approval House bill No. 6087, entitled "An act granting a pension to Mrs. Amanda Woodcock."

The bill provides for the granting of a pension to the beneficiary therein named, describing her as the "widow of Robert Woodcock, deceased, late a private in the Fourth United States Volunteer Infantry in the Mexican war.

My action in this case is based upon the following statement concerning the bill from the Pension Bureau:

"The bill, if approved, would be inoperative, inasmuch as there was no such organization in the Mexican war as named in the bill (Fourth United States Volunteer Infantry), and the service alleged by the soldier having been in the Fourth Kentucky Volunteer Infantry.

GROVER CLEVELAND.

EXECUTIVE MANSION, *May 30, 1896.*

Mr. ANDREWS. Mr. Speaker, I move that the message and accompanying bill be referred to the Committee on Pensions.

The motion was agreed to, and the reference was made.

JONATHAN SCOTT.

The SPEAKER also laid before the House a message from the President of the United States; which was read, as follows:

To the House of Representatives:

I herewith return without approval House bill No. 4536, entitled "An act granting a pension to Jonathan Scott."

This bill directs that the Secretary of the Interior place upon the pension roll, at the rate of $72 per month, subject to the provisions and limitations of the pension laws, the name of Jonathan Scott, late of Company M, Sixth Regiment Iowa Volunteer Cavalry.

The beneficiary was dropped from the pension roll in October, 1895, after a very thorough examination for fraud, it appearing to the satisfaction of the Pension Bureau that the disability for which he was pensioned was not due to his army service. There certainly ought to be a strong presumption that the case was fairly and justly determined by the Bureau, and the evidence strongly tends to support the conclusion reached. If restored to the rolls, such restoration would still be "subject to the provisions and limitations of the pension laws," and he would not be exempt from further investigation if circumstances or newly developed facts justified such a course.

Whatever may be the merits of the case, however, I am advised by the Pension Bureau that the bill, if it became a law in its present form, would be inoperative, for the reason that the beneficiary is therein described as having been a member of the Sixth Regiment of Iowa Volunteer Cavalry, whereas he actually served in the Fifth Regiment of the Volunteer Cavalry of that State.

GROVER CLEVELAND.

EXECUTIVE MANSION, *May 30, 1896.*

Mr. ANDREWS. I move the reference of this message, with the accompanying bill, to the Committee on Invalid Pensions.

The motion was agreed to.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. CANNON. I rise to present a privileged report—the report of the committee of conference on the sundry civil appropriation bill. I ask that the statement of the House conferees may be read and that the reading of the conference report be dispensed with.

The SPEAKER. Without objection, the statement will be read without the reading of the report.

Mr. KEM. I object.

The SPEAKER. The gentleman from Nebraska [Mr. KEM] objecting, the conference report will be read.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 7604) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 24, 25, 111, 112, 125, 126, 127, 128, and 129.

That the House recede from its disagreement to the amendments of the Senate numbered 10, 28, 91, 93, and 94; and agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert "macadamizing"; and the Senate agree to the same.

Amendment numbered 92: That the House recede from its disagreement to the amendment of the Senate numbered 92, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$24,000"; and the Senate agree to the same.

The committee of conference have been unable to agree on the amendments of the Senate numbered 2, 3, 4, 6, 7, 8, 13, 15, 16, 17, 52, 61, 96, 97, 109, 122, 123, 124, 140, 141, 146, 147, and 161.

J. G. CANNON,
E. J. HAINER,
JOSEPH D. SAYERS,
Managers on the part of the House.

W. B. ALLISON,
EUGENE HALE,
A. P. GORMAN,
Managers on the part of the Senate.

The following statement of the House conferees was read:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 7664) making appropriations for sundry civil expenses of the Government for the fiscal year 1897 submit the following written statement, in explanation of the effect of the action agreed upon and recommended in the accompanying conference report on each of said amendments, namely:

On No. 10: Appropriates $300 for bathroom and lavatory in the public building at Sioux Falls, S. Dak., as proposed by the Senate.

On Nos. 23, 24, and 25: Appropriates $8,950, as proposed by the House, instead of $7,450, as proposed by the Senate, for certain improvements of the marine hospital at Chicago.

On No. 28: Appropriates $20,000, as proposed by the Senate, for range-light stations in Sandusky Bay, Ohio.

On Nos. 91, 92, and 93: Appropriates $24,000, instead of $13,000, as proposed by the House, and $26,000 as proposed by the Senate, for lighting the Capitol and Capitol Grounds, and $45,000, as proposed by the Senate, for extension of electric-light plants in the Capitol and to the grounds about the Capitol.

On No. 94: Appropriates $55,000, as proposed by the Senate, for ventilation of the Senate wing of the Capitol.

On Nos. 111 and 112: Strikes out the appropriation of $5,000 proposed by the Senate for editing documents relating to the war of the Revolution.

On Nos. 125, 126, 127, 128, and 129: Appropriates for electric lights on the grounds south of the Executive Mansion, and in Lafayette, Franklin, Judiciary, and Lincoln parks, at the prices per lamp as proposed by the House.

The committee of conference have been unable to agree on the following amendments, namely:

On Nos. 2, 3, 4, 6, 7, 8, 13, 15, 16, and 17, relating to public buildings, as follows:

Boise City, Idaho, increasing limit of cost from $150,000 to $200,000, and appropriating $50,000;

Camden, N. J., increasing limit and appropriating $25,000;

Cheyenne, Wyo., increasing limit from $150,000 to $250,000, and appropriating $50,000;

Fortress Monroe, Va., for post-office building, $15,000;

Helena, Mont., increasing limit from $150,000 to $300,000, and appropriating $50,000;

Kansas City, Mo., increasing limit from $1,200,000 to $1,316,000;

Omaha, Nebr., appropriating $100,000, instead of $70,000, as proposed by the House;

St. Paul, appropriating $125,000, instead of $60,000, as proposed by the House;

Savannah, Ga., increasing limit $100,000, and appropriating $25,000; and

Salt Lake City, Utah, appropriating $75,000 for site and commencement of building.

On amendment numbered 52, appropriating $15,000 for a light-house on Swan Island, in the Caribbean Sea.

On amendment numbered 61, appropriating $250,000 for an additional fireproof building for the use of the National Museum.

On amendment numbered 96, increasing the appropriation for surveys and resurveys of public lands from $350,000 to $400,000.

On amendment numbered 97, relating to the reclamation of arid lands.

On amendment numbered 109, appropriating $35,000 to enable the Government to take part in the International Exposition at Brussels, Belgium.

On amendments numbered 122, 123, and 124, relating to the price to be paid for gas lamps in the public grounds.

On amendments numbered 140 and 141, relating to the improvement of the Columbia River.

On amendments numbered 146 and 147, relating to the support and medical treatment of destitute patients and to the Providence and Garfield hospitals.

On amendment numbered 161, relating to the disbursement of appropriations for the National Home for Disabled Volunteer Soldiers.

J. G. CANNON,
JOSEPH D. SAYERS,
Managers on the part of the House.

The question being taken, the conference report was agreed to.

On motion of Mr. CANNON, a motion to reconsider the last vote was laid on the table.

Mr. CANNON. I move that the House further insist on its disagreement to the Senate amendments still in controversy, and ask a further conference with the Senate.

Mr. LOUDENSLAGER. I ask a separate vote on Senate amendment numbered 3, on which I desire to move concurrence.

The SPEAKER. The question will be put on the motion of the gentleman from Illinois [Mr. CANNON], excepting amendment numbered 3.

The motion was agreed to.

The SPEAKER. The Clerk will now read amendment numbered 3.

The Clerk read as follows:

For public building at Camden, N. J.: For construction of building, $25,000; and the limit of cost of said building is increased $125,000.

Mr. LOUDENSLAGER. I move that the House recede from its disagreement and concur in the amendment.

The motion was not agreed to; there being—ayes 33, noes 64.

The SPEAKER. The question is on the motion of the gentleman from Illinois [Mr. CANNON] that the House further insist on its disagreement to Senate amendment numbered 3, and ask a conference with the House thereon.

The motion was agreed to.

On motion of Mr. CANNON, a motion to reconsider the vote by which the House further insisted on its disagreement to Senate amendments and asked a conference with the Senate thereon was laid on the table.

The SPEAKER. The Chair will appoint the former conferees.

LABOR COMMISSION.

Mr. PHILLIPS. I move a suspension of the rules for the consideration and passage of House bill No. 9188.

The bill was read, as follows:

A bill (H. R. 9188) authorizing the appointment of a nonpartisan commission to collate information and to consider and recommend legislation to meet the problems presented by labor, agriculture, and capital.

Whereas many of those engaged in the various fields of labor and also many of those engaged in agricultural pursuits are organized and, together with those engaged in commerce, are presenting grievances to Congress and to the various State governments, seeking and demanding legislation in their behalf: Now, therefore, in order to give a hearing and to meet the requirements of this large number of citizens,

Be it enacted, etc., That the President of the United States is hereby authorized and directed to appoint a commission, to be called the "industrial commission," composed as follows: Three men representative of labor, three men representative of agriculture, three men representative of manufacturing, and three men representative of business. A majority of this commission shall not belong to any one of the political parties which took part in the last Presidential election. The President shall have the power to remove any member of said commission for inefficiency, neglect of duty, or malfeasance, or for any other reason duly set forth.

SEC. 2. That each division of three shall have the right to employ one legal adviser, whose compensation shall be the same as hereinafter provided for a member of the commission, and one secretary, at a salary of $200 per month; the commission shall convene in the city of Washington, D. C., within sixty days after its appointment, and shall organize by the selection of one of its members as president, who shall designate from time to time one of the secretaries provided for in this section to act as secretary of the commission. The president and officers shall be chosen by a majority vote of the commission, and may be removed from office at any time by a vote of two-thirds of the commission; the president shall serve for such term as the commission may determine; a majority of the commission shall determine the composition of its standing committees and their duties, and shall appoint any subcommissions that may be required as provided for in section 5, and committees and subcommissions shall report to the commission. The commission shall have power to make such rules as it may deem necessary for carrying out the purposes of this act.

SEC. 3. That it shall be the duty of this commission to investigate questions pertaining to immigration, to labor, to agriculture, to manufacturing, and to business and to recommend to Congress such legislation as it may deem best upon these subjects.

SEC. 4. That it shall furnish such information and suggest such laws as may be made a basis for uniform legislation by the various States of the Union, in order to harmonize conflicting interests and to be equitable to the laborer, the employer, the producer, and the consumer.

SEC. 5. That the commission shall receive petitions and other papers on subjects pertaining to its duties and give reasonable time for hearings, if deemed necessary, and if necessary it may appoint a subcommission or commissions of its members to make investigation in any part of the United States, and it shall be allowed actual necessary expenses for the same. It shall have the authority to send for persons and papers and to administer oaths or affirmations. All necessary expenses, including reading clerk, shorthand reporters, messengers, rent for place of meeting, furniture and fixtures, and printing and stationery shall be allowed; however, not to exceed $50,000 per annum for expenditures under this section.

SEC. 6. That it may report from time to time to the President of the United States, and shall at the conclusion of its labors submit a final report.

SEC. 7. That the term of the commission shall be two years. The salary of each member of this commission shall be $5,000 per annum and actual traveling expenses from the home of each commissioner to Washington and return once each year.

SEC. 8. That any vacancies occurring in the commission by reason of death, disability, or from any other cause, shall be filled by appointment of the President of the United States.

SEC. 9. That a sum sufficient to carry out the provisions of this act is hereby appropriated out of any moneys in the Treasury of the United States not otherwise appropriated.

The SPEAKER. Is a second demanded on the motion to suspend the rules?

Mr. BARTLETT of New York. I demand a second.

The SPEAKER. Does the gentleman desire that a second be considered as ordered?

Mr. BARTLETT of New York. Yes, sir.

The SPEAKER. Without objection, a second will be considered as ordered.

Mr. KEM. I object.

The SPEAKER. Objection is made by the gentleman from Nebraska [Mr. KEM]. The gentleman from New York, Mr. BARTLETT, and the gentleman from Pennsylvania, Mr. PHILLIPS, will please take their places as tellers.

The House divided; and the tellers reported—ayes 122, noes 1.

So a second was ordered.

The SPEAKER. The gentleman from Pennsylvania [Mr. PHILLIPS] is recognized to control twenty minutes, and the gentleman from New York [Mr. BARTLETT] the same amount of time.

Mr. PHILLIPS. I reserve my time for the present.

Mr. BARTLETT of New York. Mr. Speaker, my object in demanding a second was to obtain the opportunity to criticise certain provisions of this bill from the standpoint of a lawyer and from a constitutional point of view. This bill being brought up to-day in this peculiar manner, under a motion to suspend the rules, every member, no matter how earnest and ardent he may be in the interest of labor, is denied opportunity to suggest any amendments. As gentlemen are well aware, no amendment is now in order. So this bill, different in form from the original bill—different from the bill as amended a few days ago on the motion of the gentleman from Pennsylvania—this bill revamped comes up for consideration without any member having had any opportunity in advance to read it. I am aware, Mr. Speaker, that the

members of this House are afraid even to criticise a bill which comes to the House in the name of the labor interests of the country. But I shall indicate, sir, two objections, of a constitutional nature, which I consider are serious, and so serious as to demand that this bill should not be passed.

Bear in mind that when the labor organizations of this country recommended such a bill it was not the bill now before the House. It was a bill proposed in the Fifty-third Congress, some time in the year 1894. We have had no opportunity to examine that bill to-day, and I call your attention to the fact that one of the labor organizations in recommending that bill conditioned its approval of it upon strict economy in expenditure. What is the case in regard to this bill? You give each of the 13 members of your composite committee $5,000 a year, and you also provide that there shall be four legal advisers—an entirely unnecessary expenditure. I certainly, Mr. Speaker, should advocate at all proper times the interests of the bar. But on this occasion I see no necessity whatever for legal advisers; hence there is a clear waste of $20,000 per annum in this one item. You also provide a number of clerks, at the salary fixed in the bill, amounting in the aggregate to $9,600 for the two years, and further $50,000 per annum in the way of general expenditures, making the sum total for the two years $279,200 as carried by the bill.

Now, Mr. Speaker, the first objection to the bill is that it provides that the members of the commission shall be appointed by the President of the United States alone. If we take the test of the decisions of the Supreme Court of the United States, going back to the case of The United States *vs.* Hartwell, in 1867, reported in 6 Wallace, and continued in the Germaine case of eleven years later, and in the latest case, The United States *vs.* Monat, decided in 1887, you will find certain rules are laid down as to what constitutes an office. It is laid down by the Supreme Court that the indicia are duration, tenure, emoluments, and duties, and you find in the ideas in this particular case under consideration appertaining to the functions of these officials all the indicia of a United States officer.

Now, if they are superior officers, they must be appointed, under our Constitution, by the President, by and with the advice and consent of the Senate. If they are inferior officers, by the President, or the head of a Department, or by the courts alone. But no one will contend, when it is remembered that even a second lieutenant or an officer of inferior rank in the Army or Navy is dependent for his appointment on the confirmation of the Senate—no one will maintain that one of these commissioners is not an officer of high rank in the constitutional sense, and hence that his appointment must not be confirmed by the Senate. Now, appoint your men on that commission, but beware lest they never be paid their salaries, lest after serving two years and applying for their salaries the Supreme Court of the United States shall decide that they were officers of the United States and had been appointed in violation of the Federal Constitution.

Now, what is the other objection? It is that by the Constitution of 1787 all legislative powers are vested in the Congress of the United States. If this had been an act providing for the appointment of a commission to collate or take evidence as to strikes, lockouts, and so on, or the interests of capital as opposed to labor, I should say well and good. I should gladly support such a measure. But here is a proposition to delegate the legislative powers of Congress—that is, to delegate the powers of suggestion, with a mandatory force almost equal to that of Congress—to a body of 13 men who are to consider the whole subject-matter of legislation upon the subjects involved. And I say that there, gentlemen, you violate one of the first principles of the Federal Constitution, the principle of the tripartite division of power into the executive, legislative, and judicial branches. And if you read the Constitution of the United States you will find that Article I, section 1, provides that—

> All legislative powers herein granted shall be vested in a Congress of the United States.

And yet to-day you are about to advertise yourselves to the people of this country, far and wide, as incapable of legislation. You have your great Committee on Ways and Means, your committees on Immigration, on Labor, on Banking and Currency, on Coinage, Weights, and Measures, on every civil relation of the Government, and yet you propose to say to the people of the United States that we, the members of the Fifty-fourth Congress, have not the brain power, we have not the knowledge, the experience, or the capacity to legislate for the people of the United States, and desire now, at the end of the nineteenth century, to abdicate our powers and to delegate them to a tribunal composed of twelve men.

Why, I say, Mr. Speaker and gentlemen, that this is a most unconstitutional attempt to exercise the powers of the Government. I say you have no right, taking in view the fact that the only ones to be considered are the people of this country—the electors of this country—on the one hand and we, their Representatives, on the other, to abdicate your powers. They give us certain powers by electing us and sending us to Congress. The Federal Constitution gave us other powers to which the people at large consented; but nobody has ever yet voted in favor of such a change of the Federal Constitution as that which you practically will inaugurate to-day. Legislative powers are vested in the Senate and the House of Representatives. These powers from 1787 have been exercised by the Congress of the United States.

Mr. DINGLEY. Will my friend permit me? I have been listening to what he has said—that there is something in this bill which gives to this commission legislative powers. I have read the bill very carefully. I have seen nothing of that kind in it. This commission may inquire into and investigate certain problems relating to labor, immigration, etc., and may recommend, may suggest to those who have the legislative power, any propositions of legislation or otherwise, that may seem to them desirable for the promotion of these great interests. Where is there anything in that bill to vest in this commission legislative powers? This is a mere commission of parliament, which Great Britain has created over and over again, and which we have created. We have a Labor Commissioner, who suggests legislation. I do not see anything in this bill which goes beyond that, as I have read it.

Mr. BARTLETT of New York. Mr. Speaker, in answer to the distinguished gentleman from Maine, to whom I am always glad to listen, because his suggestions are always full of point and interest, let me say that if we do not violate the letter of the Federal Constitution we violate its spirit. Let me call the attention of the distinguished gentleman from Maine to the decisions of the courts in our various States, where the judges have said if the general legislative power can not be delegated with propriety to an individual it can not be delegated to communities or to the electors of the whole State.

Mr. DINGLEY. Is there any delegation of legislative power in this bill? I do not find anything of the sort.

Mr. BARTLETT of New York. I say that it violates the spirit of the Federal Constitution. It was intended by those great men who met at Philadelphia in 1787 that the only suggestions as to legislation should come from the people at large. Now, you give this special body of twelve men a standing between the people who have sent you here and yourselves, their representatives. If you do not give them the absolute power to legislate, you give them power to investigate on all these questions. With what intent and purpose? That their suggestions shall have a certain degree of force, be it more or less binding. I should agree with the gentleman from Maine [Mr. DINGLEY] if this bill were only to investigate questions of the relations of capital and labor, that is, as concerned in lockouts and strikes. That might be a pertinent and proper subject of investigation, to hold hearings, and to report the evidence taken to this body, in order that we might be guided in the future; but it is wrong to write ourselves down as incompetent, and to relegate to this commission questions pertaining to immigration, as to which we have just passed a bill, with full enlightenment from the distinguished gentleman from Missouri, the distinguished gentleman from Pennsylvania, and the distinguished gentleman from Massachusetts. You have passed your immigration bill. What more need of inquiry? Then as to labor, let that pass, if that were the only question. But you go further, and say all questions as to agriculture and all questions as to business. The last, Mr. Speaker, covers nearly every field of inquiry as to which the gentleman from Maine [Mr. DINGLEY] is regarded by a large part of this country as the highest exponent and the most worthy legislator.

Mr. Speaker, I speak in the true interests of American labor. I am in favor of and I shall always advocate the true interests of the laboring man, of the mechanic, the artisan, and the agriculturist. I do not, for one, understand the subdivision, which must be new and artificial, between labor and agriculture. That is a division which would hold that the man who follows the plow is not embraced in the ordinary ranks of labor, but that the railway conductor is. Now, can it be said—and I ask the distinguished gentleman from Maine—that when you pass a bill authorizing the appointment of a nonpartisan commission to collate information and to consider and recommend legislation, to meet the problems presented by labor, agriculture, and capital, that the recommendations of this commission, inchoate to-day but probably springing full into being a week hence, shall have no force with this body? Can you say that they shall have no binding effect to any extent whatsoever? Does the gentleman maintain for one moment that if that commission recommends various schemes of legislation we shall be as free as we are to-day? No, there will stand another body, another armed force, between us and our constituents, a force which shall say, "Vote in accordance with these measures which we recommend or be relegated forever to political obscurity."

Mr. LOW. Will the gentleman allow me to ask him a question?

Mr. BARTLETT of New York. In a moment, before I have finished. Now, I maintain, gentlemen, that this bill is unconstitutional for the reasons which I have indicated. In the first

place, because the appointments of the commissioners will be made without the advice and consent of the Senate, and that therein we trench upon the constitutional powers of the other body of our legislature; but beyond and above that, that the fundamental principle of the Federal Constitution that each and every measure of legislation shall come through Congress alone and through the people, by their representatives in Congress, is violated; that an attempt to form a new legislative body violates at least the spirit and intent, if not the letter, of the Federal Constitution.

Why, sir, if you go back to the formative period of American history and consider the body which led up to the convening of the Federal convention in 1787, when you consider the Annapolis convention of 1786—if I mistake not, only four of the eight colonies called upon were represented—you will find it was to be the function of that body before we had any real government, before we had any Federal Constitution, to suggest legislation.

This object which you provide for in your bill to-day might be all very well if we had not been existing with a written Constitution for the last century and more; but I appeal to you, gentlemen, do not pass this bill which will say to the people of the United States we are not competent to legislate for them at large. Do not pass such a bill because one or two gentlemen, representatives of labor organizations, said that they believed in a bill which was before us in 1894. This is a serious matter. The people of this country will not regard with favor any attempt on our part, their chosen representatives, to abdicate our functions.

Mr. LOW. Will the gentleman permit me to ask him a question?

Mr. BARTLETT of New York. Certainly.

Mr. LOW. Is it not a fact that the Venezuela Commission was appointed by the President for the specific purpose of obtaining information, and that the members of that Commission were not appointed subject to the approval of the Senate?

Mr. BARTLETT of New York. In answer to the gentleman from New York, I will state that I believe that the Venezuela Commission was appointed for the purpose of acquiring information; but that Commission was not appointed, Mr. Speaker, for the purpose of suggesting legislation or recommending legislation to the Congress of the United States. As to the other point, I call the attention of the gentleman from New York to the indicia to office, as laid down by the Supreme Court of the United States—duties and emoluments, tenure and duration. That Commission is a temporary commission; but this commission, lasting as it will for a fixed and definite period of two years, carries with it, perforce, the ideas of duration and tenure.

The SPEAKER. The time of the gentleman has expired.

Mr. PHILLIPS. I yield five minutes to the gentleman from Iowa.

Mr. HENDERSON. Mr. Speaker, this is what is known as the "labor bill," reported from the Committee on Labor; and I rise to support it as a lawyer and as a laboring man. [Laughter and applause.]

My friend from New York [Mr. BARTLETT] criticises the bill because of the way that it is brought in. It was introduced on the first day of this Congress, and was reported to the House on the 15th day of February, so that the bill and the able report thereon have long been in our possession. On the 23d of this month this bill, with certain amendments, was introduced, which is the bill to be voted upon now—the only changes made cut down the number of the officials—so that everyone is familiar with this bill, and the original bill has been discussed most ably by the gentleman from Pennsylvania [Mr. PHILLIPS].

Now, it is simply this: It creates a commission, consisting of three representatives of labor, three representatives of agriculture, three representatives of manufactures, and three representatives of general business. They are each paid $5,000 a year, and each of these groups is to be aided by a legal adviser, who is to be paid the same amount. This makes the total annual salaries $80,000, the object being to bring into one council chamber the representatives of all the great interests of the country. That in itself is argument enough for me to support it. In reply to my friend from New York [Mr. BARTLETT] I say that we abdicate nothing; we abdicate no power of Congress. We have it in our power to pass a law, with the help of the Senate, which shall make the officers to be confirmed with the advice of the Senate or not as we choose. We are the lawmaking power.

When it comes to getting information, notwithstanding the high attainments of the distinguished gentleman from New York, I have never been so much convinced as within the last twenty minutes of the necessity for more information for the benefit of lawmakers. [Laughter and applause.]

I submit, Mr. Speaker, that we may be able lawyers—some may be able doctors, some may be able preachers—but if we can have recommendations to this body coming from the labor interests, the great agricultural interests, and the great manufacturing interests, and representing general business, we will all get information that will be a surprise to most of us. I say to you, talk not of the $80,000 per annum. This commission in its counsels, in my judgment, will avert clashes between the great industrial interests of this country. It will prevent strikes and struggles. Where a million dollars will be saved in a single hour, why talk of your $80,000?

The gentleman from New York [Mr. BARTLETT] refers to the expense of this commission. What is the expense? This bill provides for twelve commissioners at $5,000 per annum each and one lawyer for each group, at the same rate of compensation, making a total annual expense for salaries of $80,000. To provide for this is in my judgment great economy, and is called for by the conditions of the country. It will prevent great loss and expense by bringing the great interests of this country into close and cordial consultation, and I believe that recommendations will come from this commission which, when enacted into laws, will save our people millions of dollars.

Let me make a brief quotation from the able report of Mr. PHILLIPS on the cost of strikes:

That our relations are most intimately bound up with the wage earner is shown by the many strikes and lockouts in recent years, which have entailed great suffering and loss of property, as well as the sacrifice of life. Upon this subject of strikes we desire to state that the Hon. Carroll D. Wright, Commissioner of Labor, in his third annual report submitted the results of an extensive investigation as to strikes and lockouts in the United States from 1880 to 1886. It will be seen by an examination of this summary that during the years named (1881 to 1885, both inclusive) there were 3,902 strikes in the United States.

There were 22,304 establishments and more than 1,727,273 employees involved.

It will be seen also by this report that—

The loss to the strikers for the period of six years was	$51,814,723
Loss to the employees by reason of lockouts	8,157,717
Loss to employers of labor	34,163,814
Amount of assistance to strikers by contribution	4,430,595
Total loss in the six years	98,566,859

These figures represent the actual loss to the parties engaged, and do not represent the enormous loss which incidentally came to the community by reason of such disturbances.

The facts and figures of the last few years in regard to strikes and lockouts are not fully accessible. They are recent history and are still more appalling than those given. One writer has estimated the loss caused by strikes in 1894 at $80,000,000. Others estimate it as high as $100,000,000.

What is the cost of this commission in the face of these figures? If we are going into this matter, let us do it right and make such provisions as will secure the services of the very best men.

The Interstate Commerce Commission is paid $7,500 each annually. The Commissioners of the District of Columbia get $5,000 each. The Dawes Indian Commission get $5,000 each, and the same rate was paid to the Utah Commission. In my opinion this is a more important commission than either of these. This commission should rank in point of ability with Senators and Representatives in Congress, and should receive as much compensation. The abler the men the more valuable will be their recommendations. Do not haggle over the expense in the face of the mighty interests involved.

But the wisdom of creating such a commission is called in question. Mr. Speaker, "the world moves," and the lawmaker that closes his eyes and heart to the growing needs of this world, and especially of this country, will soon be left at home, and ought to be. Labor and its associates, agriculture and manufacturing, are growing with modern civilization in importance, and their relations must be studied for their good and the good of the whole people. The spirit of the age is calling for statistics touching these great interests. In proof of this I again quote from the report of the Committee on Labor of the House:

Labor statistical bureaus are of recent origin, and were first established in the United States—the first one in Massachusetts in 1869. They have since been established in 32 of our States. The first Commissioner of Labor, the Hon. Carroll D. Wright, was appointed under the General Government in 1885. The English royal labor commission was appointed by royal warrant dated April 21, 1891, and is composed of 27 members. The fifth and final report of this commission was made to both houses of Parliament in June, 1894. The German commission of labor statistics was appointed in 1891, and it consists of 14 members, 168 civil servants, and 64 assistants. The higher council of labor was established in France in 1891. It consists of 50 members, chosen from among manufacturers, workingmen, and persons well informed upon economic and social questions. The Belgian higher council of labor was appointed in 1892. It consists of 48 members, chosen in equal numbers from workingmen, employers, and specialists in economic science.

Let the American Congress keep pace with the spirit of the age and seek for all possible light affecting these great and growing interests.

I say to this House that the labor interests and the agricultural interests of this country with united voice ask for the passage of this bill, and I am sorry that a lawyer from the great Empire State should rise and antagonize it. Let us with one voice vote for it. I hope my friend from New York will join us—I believe he will, because I see his face mellowing up with a kindly disposition. [Laughter.] Let us obey the mandates, the prayers, of all these great interests, and dedicate this petty sum to try to bring together all the great interests of this country and give us all the light that is possible before we legislate. [Applause.]

Mr. PHILLIPS. I yield five minutes to the gentleman from New Jersey [Mr. GARDNER].

Mr. GARDNER. Mr. Speaker, the gentleman from New York stated with great distinctness and deliberation, as he usually makes statements, that he proposed to criticise this bill from the standpoint of a lawyer. I beseech the House to take that part of the gentleman's statement, whether by reason or by courtesy, as a matter of fact, and to assume that he did criticise it as a lawyer, and that he has said against it from that standpoint all that is to be said.

The gentleman seemed concerned because the Senate of the United States is not to confirm the members of this commission. In the first place, Mr. Speaker, I take it that the Senate has the capacity to take care of itself and of the Constitution in that regard. Secondly, the view of the gentleman that that is necessary is but a part of that error which makes him set down the creation of this commission as at least an attempt on the part of Congress to create these commissioners officers of the United States possessing legislative power. I admit that the gentleman is great on the Constitution. I admit that he began somewhere this side of where the lamented Webster left off, and that he is far ahead of the most advanced stage of that great lamented expounder of the Constitution, when he discovers that there is great danger that the Congress of the United States is going to get information from an unconstitutional source. [Laughter.] If there is a suggestion in the gentleman's argument when analyzed, if there is anything left, it is that Congress is going to find an unconstitutional source from which to get information for legislation.

Now, I do not wonder—I would not wonder, I prefer to say—if some gentleman should conceive the notion that it was entirely unconstitutional to proceed to investigate questions pertaining to statesmanship outside of the area of their own horizon, but as to the great majority of this body, I trust and believe that that is not true. Mr. Speaker, nobody denies or will deny that there are in our society great questions at issue; nobody denies or will deny that there are looming above the political horizon social and political problems of mighty moment. They are neither timid nor inconsiderate people who believe that it may be possible that if society does not proceed to solve those problems, they, by and by, may proceed to solve society. If the gentleman from New York, or anybody else, would suggest a better method of meeting these questions than to appoint a commission that represents as nearly, I take it, the main interests involved——

Mr. LINNEY. Why should not this House, by a change of its rules, appoint a new committee and place the distinguished gentleman from Iowa, General HENDERSON, at the head of it, and thus get all the information by a committee of this House that could possibly be obtained by the expensive process proposed in this bill?

Mr. GARDNER. I am afraid, Mr. Speaker, that the great mass of the people who are interested in the solution of these problems, finding a commission so constituted, would believe that there was about as much politics involved in its make-up as there appears to be in the questions propounded and the suggestions made in opposition to this bill.

Mr. LINNEY. But would not a committee be less open to that objection than a commission to be appointed by the President, who himself represents politics at white heat?

Mr. GARDNER. Mr. Speaker, I do not care to consume time in a discussion as to whether the President of the United States, upon an occasion like this, may or may not rise above petty partisan considerations and appoint a commission such as the country has a right to expect at the hands of the Chief Magistrate. I was about to say that this commission will represent the interests involved in most of the disputes that now arise in the business of the country. They will come together, and they must and will seek to reconcile their differences. They will be free from political bias and party bickering. They will have faith in the sincerity of each other, and the public in all of them. If they agree, perplexing problems will be solved. If they can not agree, they and the world will understand why, and whether there is an "irrepressible conflict." That there are problems none will deny; that they will be solved without effort nobody believes. To pass and put into operation this bill is, in my opinion, an imperative duty of the hour.

The SPEAKER. The time of the gentleman has expired.

Mr. PHILLIPS. I yield five minutes to the gentleman from Illinois [Mr. BELKNAP].

Mr. BELKNAP. Mr. Speaker, I will consume but a few minutes of the time of the House in which to express my earnest advocacy of the passage of this measure. Some seem to think that strikes and disorders of like character are always occasioned by the impetuosity or unwise acts of labor. I deny this to be the fact. All fair-minded citizens, upon reflection, must admit that often capital is oppressive and unjust, and therefore at fault; and remember, gentlemen, labor does not ask for charity; all it wants is justice.

Under our form of government all men are equal before the law, but when we recall the frequent occurrence of strikes, lockouts, and similar events, causing suffering and distress to many, we can not but conclude that often misunderstanding exists between the employer and the employee, or that there is frequently oppression and injustice. Therefore, it is our highest duty as the immediate representatives of the people, honored as we are by their suffrages with seats in this branch of our chief legislative body, to adopt such measures as will do away with this unfortunate condition of affairs. This can not be done without a careful consideration of the interests of all. The facts must all be weighed in an unselfish, thoughtful manner, so that a fair and just conclusion may be reached.

The appointment of the "industrial commission," as authorized by this bill, I believe, will accomplish this most desirable end. Composed, as it will be, of competent representatives of labor, of agriculture, of manufacturing, and of business, all sides may have a full hearing and all interests carefully weighed, and as a result proper legislation for the remedying of existing evils may be recommended.

This measure has received the earnest attention of able men, fully competent to come to a wise and proper decision upon such matters, and it has their unanimous recommendation.

By referring to the third annual report of the Hon. Carroll D. Wright, Commissioner of Labor, we find the results of an extensive investigation as to strikes and lockouts in the United States. It shows that during the years named (1881 to 1886, both inclusive) 3,902 strikes occurred in our free and grand Republic. Establishments to the number of 22,504 and more than 1,323,203 employees were involved. The report also shows that—

The loss to the strikers for the period of six years was	$51,814,723
Loss to the employees by reason of lockouts	8,157,717
Loss to employers of labor	34,163,814
Amount of assistance to strikers by contribution	4,430,595
Total loss in the six years	98,566,850

These figures, which I take from the report of the House of Representatives Committee on Labor, in connection with the bill we are considering, show the losses in dollars and cents; but, gentlemen, I ask you to reflect upon the fact of how insignificant and inconsequential are these losses in comparison with the heartaches, the distress, and sorrow brought about by these unfortunate occurrences. Think of the sorrowing wife, the suffering children, the heartbroken father; hunger and want staring in the face him and his; and all this unhappiness brought about by the selfishness of some, or on account of unfortunate misunderstandings between man and man; all occurring right here in our own prolific land, filled with plenty, and where none who are worthy should ever want. Answer by your votes if it is not high time that we, the people's servants, should act, and at once, and afford a proper method of relief.

Further, Mr. Speaker, all will recall the fact that since 1886, the last year covered by the report of the Commissioner of Labor, heretofore referred to, strikes have occurred greater and more distressing than those mentioned in the period named. Aye, sir; something must be done without delay to right this hurtful and unhappy condition ofaffairs.

The investigation of the questions involved must be made in a nonpartisan manner. This bill requires that a majority of the commission shall not belong to any one of the political parties. Therefore it meets that most necessary requirement.

Mr. Speaker, as members of this body we have considered varied and important questions, but none of which concerns more closely the welfare of the Republic and the happiness of its people than the one now before us. This bill brings together the chosen representatives of capital and of labor, in the same room, around the same table, where the needs of all may be carefully considered; where the interests of all may be discussed. It harmonizes these conflicting elements. Instead of pulling against each other they will pull together. Instead of working as enemies they will act as friends. What better method could we adopt, Mr. Speaker? This bill has the hearty approval of every labor organization in the land. It is a fair and just measure, and we owe it to the bone and sinew of our country that it should be passed.

I ask you, gentlemen, to bear in mind the fact that the Union of the States was preserved by the men who guided the plow, who swung the hammer, who pulled the throttle, or followed some other worthy avocation in the ranks of labor. To the heroism and self-sacrifice of the laboring man capital owes the preservation of the best form of government ever known to man.

Some seem to think that patriotism is dying out, that love of country is diminishing; but, Mr. Speaker, this can not be. On the heathered hills of Scotland the sword of Wallace is yet a bright tradition. The genius of France, in its brilliant literature of the day, still pays its high tribute to the young Maid of Orleans. On the mountains and in the valleys of the picturesque Republic of Switzerland the story of William Tell is still rehearsed and his memory most highly honored. The sons of the Fatherland still love the country through which runs the lovely Rhine. And the

sons of the Emerald Isle still cherish the records of her heroes and are loyal to her cause. And here in our own fair land, if at any time our country should be in trouble; if at any time our free Republic should be attacked by some monarch from across the sea, the so-called laboring man would be the first to respond to a call; to see to it that the principles represented by the Stars and Stripes, the dearest flag that waves, always triumph.

Mr. Speaker, the signs of the times are auspicious; the return to power of the party of protection is assured. Then will the worthy unemployed be given the work of which they have been deprived by an unjust and uncalled-for free-trade policy.

Therefore, gentlemen, pass this bill and give to all right and justice, and thus take a grand step forward toward that happy epoch of "peace on earth, good will toward men." [Loud applause.]

Mr. PHILLIPS. I yield three minutes to the gentleman from New York [Mr. HOWE].

Mr. HOWE. Mr. Speaker, to my mind this bill is one of the most important that has come up for consideration before this House. It has for its object the bringing about of a better understanding between capital and labor, and therefore I am in favor of its passage. Any legislation that has for its object the bringing about of a better understanding between capital and labor should commend itself to our most earnest thought, for it concerns the enlargement of our internal commerce and the enrichment and happiness of 70,000,000 people. This bill has the support of labor organizations throughout the country, and the fact that not a single board of trade or commercial or manufacturing organization has protested against its passage shows that it will be acceptable to all classes of our citizens, and will go far toward solving the vexed questions that so often arise between capital and labor.

It will be far-reaching in solving the problem as to the conditions that attain in all parts of this country, in Europe, and throughout the world, and, Mr. Speaker, not the least of its achievements will be to put a quietus upon the traffic in human labor as now practiced through the importation of foreign paupers; men who are bartered and sold like cattle, men who are imported by unscrupulous demagogues to compete with and degrade American labor. These foreign paupers are not immigrants; they do not come here to stay; they do not intend to make this country their home; they are scavengers; they are antagonistic to American institutions; they are as clay in the hands of the potter, and are guided by their demagogic slave owners and are only here to steal from the fruits of honest toil.

The passage of this bill will blot out this inhuman traffic in foreign pauper labor. It will also be an eye opener to the next Congress in placing the bars of protection high enough in the interests of American labor so that it will not have to compete with unfavorable conditions in Italy, Japan, and India, for, Mr. Speaker, this commission will show that the conditions that attain in this country will not compare with those in lands that are but now emerging from the dark-lantern ages of the middle century. The characteristics, results, and fruits of civilization can not be brought to the low level of ignorance and poverty without suffering loss. It will show that values here are established on quite a different basis, and that they can not be brought to the low level and conditions that exist in countries that are only now, in the beginning of the twentieth century, emerging from barbarism without bringing depreciation, stagnation, and general demoralization upon the business and labor interests of our country, for, Mr. Speaker, in proportion as we still the hammer and the chisel by foreign pauper labor, in proportion as we silence the wheels of industry, so in proportion do we breed discontent and unrest among the masses of our countrymen.

In conclusion, allow me to say that in my humble opinion the enactment of this bill will go far toward bringing all lines of business and labor to an intelligent understanding with each other, so that all will share in the general prosperity of the country. [Applause.]

Mr. PHILLIPS. Mr. Speaker, I now call for a vote.

The question was taken on the motion to suspend the rules and pass the bill; and two-thirds voting in favor thereof, it was agreed to.

JUDICIAL ADMINISTRATION IN THE TERRITORIES.

Mr. CULBERSON. I move to suspend the rules and pass the bill which I send to the desk.

The Clerk read as follows:

A bill (H. R. 4154) to amend section 9 of an act entitled "An act to provide for the appointment of additional judges of the United States court in the Indian Territory, and for other purposes."

Be it enacted, etc., That section 9 of an act entitled "An act to provide for the appointment of additional judges of the United States court in the Indian Territory, and for other purposes," approved March 1, 1895, be amended so as to read as follows:

"SEC. 9. That the United States court in the Indian Territory shall have jurisdiction of all offenses committed in said Territory of which the United States court in the Indian Territory now has jurisdiction, and shall have such original jurisdiction of civil cases as is now vested in the United States court in the Indian Territory, and appellate jurisdiction of all cases tried before said commissioners acting as justices of the peace where the amount of the judgment exceeds $20: *Provided*, That the United States courts now held in Arkansas, Kansas, and Texas, outside of the limits of the Indian Territory, shall have, retain, and possess their present jurisdiction as to offenses in said Indian Territory, as defined by law, and that all laws heretofore enacted conferring jurisdiction upon said United States courts held in Arkansas, Kansas, and Texas, outside of the limits of the Indian Territory, over the offenses aforesaid committed in the Indian Territory, and not in conflict with the provisions of this act, be, and the same are hereby, reenacted and continued in full force and effect: *Provided further*, That every case, civil or criminal, pending in the United States court in the Indian Territory shall be tried and disposed of by the court where the same is pending unless the venue therein be changed as herein provided."

SEC. 2. That all laws and parts of laws in conflict with this act are hereby repealed.

Mr. CURTIS of Kansas. Mr. Speaker, I demand a second, but I am willing to consider a second as ordered if there be no objection.

The SPEAKER. The gentleman from Kansas asks that a second be considered as ordered.

Mr. KEM. I object.

The SPEAKER. Objection is made by the gentleman from Nebraska [Mr. KEM]. The gentleman from Kansas [Mr. CURTIS] and the gentleman from Texas [Mr. CULBERSON] will act as tellers.

The House divided; and the tellers reported—ayes 108, noes 2.

So a second was ordered.

The SPEAKER. The gentleman from Texas [Mr. CULBERSON] is recognized.

Mr. CULBERSON. I yield twenty minutes to the gentleman from Arkansas [Mr. LITTLE].

Mr. LITTLE. Mr. Speaker, Doubtless the House is aware that for more than twenty years the Federal court at Fort Smith, Ark., has exercised jurisdiction in the Indian country. Later that jurisdiction was divided between that court and the court at Paris, Tex. In 1889 there was a court established, an inferior court, in the Indian country. Later on, during the last session of Congress, that court was increased to three judges, and it was provided in the bill that the jurisdiction at Fort Smith, Ark., and at Paris, Tex., should cease from the 1st of September, 1896. As a member of Congress at that time I voted for that bill, hoping that it might be sufficient to accommodate the business of that country and protect the lives of the people. But the record of the courts in that country show that they are wholly unable to transact the business. The fact is, as gentlemen here have doubtless learned, that in the Indian Territory crime has increased very materially in the last year, and the relations between the whites and the Indians in many parts of the country are becoming daily more strained. This bill simply seeks to continue the outside jurisdiction until the conditions are better arranged.

I have before me a statement which I have prepared from the report of the Attorney-General giving an idea of the business of those courts. In three districts in the Indian Territory there were instituted in the year ended July 1, 1895, 1,740 criminal cases, while there remained undisposed of on the docket July 1, 1895, 693 criminal cases. In the States of Ohio, Indiana, and Iowa during the same length of time there were instituted 1,690 cases, 1,120 of which remain undisposed of. As to the civil business in that country, there were instituted during the year 1,521 cases. In the three States named there were instituted 1,344 cases, being 177 cases more in the Territorial courts than in the three States of Ohio, Indiana, and Iowa.

I cite this, Mr. Speaker, to show the House how utterly impossible it is for the courts there to transact the business for that Territory and to punish crime so prevalent there.

Mr. HOPKINS. Will the gentleman yield for a question?

Mr. LITTLE. Certainly.

Mr. HOPKINS. If that statement be correct, and I have no disposition to dispute it, why did not the Judiciary Committee bring in a bill to increase the judicial force in the Territory instead of giving some foreign State jurisdiction of these cases?

Mr. LITTLE. I can not speak for the committee on that point, but I can say to my distinguished friend that so far as I was able to ascertain, from information outside of the committee, there was a general disposition against increasing the appointees at this particular time.

Mr. HOPKINS. Does not the gentleman from Arkansas think that it is rather a doubtful policy to allow the courts of a foreign State to take jurisdiction of matters arising in the Indian Territory, when there are regularly constituted courts there?

Mr. LITTLE. I am very glad the gentleman asked that question. I will answer it with pleasure. Do not forget this: That there are no local governments there——

Mr. HOPKINS (interrupting). Well, they have a court, as the gentleman has stated.

Mr. LITTLE. Yes.

Mr. HOPKINS. And with full jurisdiction in civil and criminal matters.

Mr. LITTLE. Oh, no; not full jurisdiction, and never had.

Mr. HOPKINS. Well, they have full jurisdiction in all matters arising in the Indian Territory, have they not?

Mr. LITTLE. They have jurisdiction of all matters where the jurisdiction is not now vested in the courts at Paris and Fort Smith.

Mr. HOPKINS. Are there any cases where the courts of the Territory do not have jurisdiction?

Mr. LITTLE. Certainly.

Mr. HOPKINS. What class of cases?

Mr. LITTLE. The higher felony cases, principally. Cases against the laws of the United States are within the jurisdiction of the Fort Smith court on the line on the east, and at the Paris (Tex.) court on the south.

Mr. HOPKINS. As a matter of fact, under existing law, by September 1 next, would not the courts of the Territory have full jurisdiction?

Mr. LITTLE. Certainly.

Mr. HOPKINS. Then this bill will take from the courts of the Territory a certain jurisdiction in some classes of cases at least and transfer them to Paris, Tex., and Fort Smith, Ark.?

Mr. LITTLE. This continues the jurisdiction exactly as it now stands.

Mr. HOPKINS. By the legislation of Congress certain jurisdiction has been taken from the courts—from these foreign courts in the States—and is given to the courts of the Territory.

Mr. LITTLE. That is true; but it does not take effect until September.

Mr. HOPKINS. And this bill takes from the courts of the Territory the jurisdiction they will exercise in September under the law.

Mr. LITTLE. That is it. It repeals the limitation.

Now, in the entire Indian country they have not a well-established jail. There is scarcely a court-house in the Territory. There is in the jail in the city of Fort Smith an average of about 250 lawless men. But there are not sufficient facilities for the courts to execute the law, in spite of the vigilance of the officers, no matter how honest they may be, or how efficient, for they have not the means at their command to protect the country from the lawless characters there and who come into that country. And there is but little objection to this measure from the Indians from any quarter. I have talked to many of them, and have letters from others, and they all agree that the great protection of the Indians against the aggressions of lawless people invading the Territory has been in a large measure due to the court at Fort Smith. It is not a foreign court. The only difference is that Fort Smith being on the border, the jurors are taken from a State where they can act firmly and impartially without being influenced by the desperadoes. One is on one side of the line and the other is on the other side. The Indians have been going there for twenty years, and any man familiar with the conditions existing there will see that the court presided over by Judge Parker, by his vigorous and determined enforcement of the law, has done much to punish and deter the red-handed murderers who infest that land.

I hoped when Congress passed the present law taking away this jurisdiction, September 6, that sufficient provision would be made to enable them to enforce the law, but it has not been done. But when I saw the rapid increase in crime; when I saw the absolute impossibility of controlling lawlessness there and the inadequacy of the jails, I believed it would be better that the jurisdiction should be continued in these extraterritorial courts, and that it could be done without doing injustice to the people of that country. More than that, I believe that when this jurisdiction ceases there will be an increase of crime. I believe, sir, that the lives and homes of the people inhabiting that country demand a continuance of its exercise, and I am not willing to meet these perils without an earnest effort on my part to stay the rising flood of crime in that country by giving the protection of all the courts as they now exist.

Mr. HOPKINS. Does the gentleman from Arkansas state to the members of this House that the residents of the Indian Territory will not enforce the laws of the Territory against crime, and that it is necessary to go to a foreign State to have jurors selected, and to a foreign State to administer the laws of the Territory? Is that the gentleman's contention?

Mr. LITTLE. No, sir; that is not my contention. That is not the position I occupy. The position I occupy is, first, that the courts as organized there can not enforce the laws with vigor, for they have not the means. You can not confine the desperate outlaws there without the best facilities. There are no well-built jails. There is in my city one of the very best jails in the country, and yet they can hardly restrain the outlaws who are crowded into it.

I do not question that there are many good people in the Indian country, but I believe that there are many of the worst outlaws there who have ever disgraced the country; and when the people go to the jury box, they go there under restraint and fear of these desperadoes and outlaws. I do not care how good they are or may be, these influences will have much to do with the enforcement of the laws.

The SPEAKER. The time of the gentleman has expired.

Mr. CURTIS of Kansas and Mr. CULBERSON rose.

Mr. CURTIS of Kansas. I would just as soon take my time now.

Mr. Speaker, I hope this bill will be defeated. On the 1st day of March, 1895, the Fifty-third Congress passed a bill creating 13 courts in the Indian Territory, giving them jurisdiction to try the criminal cases which are now being tried at Fort Smith, Ark., and Paris, Tex.; and now these gentlemen, before these courts have had an opportunity to try a criminal case, ask that we nullify that act. The only reason given for the continuation of the courts at Fort Smith, Ark., and Paris, Tex., is that they can not obtain a fair jury in the Indian Territory to try criminal cases. I want to call attention to the fact that there are in the Indian Territory to-day 300,000 people, 250,000 of whom are white men and white women. At least 75,000 of these citizens are eligible to jury service, the most of whom are honest and law-abiding, and they should have the right to try the crimes that are committed there.

Now, we have established these courts for that purpose. That is not all. The reason these gentlemen desire to have these two courts continued is perfectly apparent. It is because of the great amount of money that has been paid out in these two cities, and will be as long as they retain jurisdiction over crimes committed in the Indian Territory. It has virtually kept these two cities for twenty years. I have a report here given out by Judge Kilgore, in which he informs us that it costs $10 to prosecute a case in his court while it costs $350 to try a similar case in the United States court at Paris, Tex., or Fort Smith, Ark. Why? Because men charged with crime are arrested in the Indian Territory and are taken to Fort Smith or Paris, having to travel hundreds of miles; the dockets are crowded, the cases are continued, the witnesses return home, and then they are forced back again and again. There is absolutely no excuse for the continuance of these courts; and let me call attention of the House to the fact that the law enacted March 1, 1895, was based on a report of the Attorney-General for the year 1893. He says:

> In 1889 Congress established courts for the Indian Territory, being the courts now held at Muscogee, South McAlester, and Ardmore. Their jurisdiction, chiefly civil, does not, however, extend to the common or the grosser criminal offenses. These are under the jurisdiction of two courts situated outside of the Territory—one at Fort Smith, Ark., and the other at Paris, Tex.

Since that time additional courts have been provided for, and there are now 13 places where court is held in that Territory.

Your attention is also called to the following statement, contained in the same report:

> In almost all cases situated very remote from the localities of the offenses. Hence defendants and witnesses are compelled to travel hundreds of miles from their homes to the places of trial, while the two courts upon which all the business is accumulated are so crowded with work that defendants and witnesses are frequently obliged to remain in waiting for weeks before their cases are called, and sometimes to return at subsequent terms because their cases are not reached at all, but continued. The necessary results are that lawlessness and crime are greatly encouraged and that their investigation and punishment are attended with great uncertainty and difficulty, with great hardship both upon the accused and upon witnesses, and with most inordinate expense to the Government.

Mr. HOPKINS. What report is that?

Mr. CURTIS of Kansas. This is the report of the Attorney-General for the year 1893.

Mr. HOPKINS. Before you get through, I want to ask you if, in pursuance of the report made by the Attorney-General, legislation was had such as suggested by which the Territory is given thirteen additional courts?

Mr. CURTIS of Kansas. That is right. That bill was passed by the Fifty-third Congress on the 1st day of March, 1895. The very gentlemen who are now asking that the jurisdiction of these two courts be continued were here in support of that measure, and now they are asking that the law be repealed, and they have not given a chance to have a single criminal case tried in the new courts. That is not all. The Attorney-General says further——

Mr. LITTLE. If the gentleman will allow me. We are not here insisting on destroying the courts out there. Does not he know that the courts at Ardmore, South McAlester, Vinita, and Muscogee, four of the principal places where the courts are held—that the business of those courts is more than two years behind?

Mr. CURTIS of Kansas. I do not know that to be the case.

Mr. LITTLE. I have a letter stating that fact.

Mr. CURTIS of Kansas. The judges of these courts can try the cases just as well as they can in Texas or Arkansas. Another thing; it is well known that the criminal cases are always tried first, and no matter how far behind the docket may be, the criminal docket is called first and the cases upon it are the first to be tried.

Mr. LITTLE. Will the gentleman allow me to ask him another question. Are the people there entitled to have their civil causes tried?

Mr. CURTIS of Kansas. They can have them tried. If they need more courts, instead of piling up the expense of continuing these courts, that cost us over $600,000 a year, give them more courts in the Territory. What is the use of spending $310 in the

trial of a criminal case when it can be tried for $10, and tried just as well in the new courts as the old?

Mr. LITTLE. Did not my friend introduce a bill to that effect as to these other courts?

Mr. CURTIS of Kansas. I did not.

Mr. LITTLE. I have seen the letter of Judge Kilgore, who seems to be advocating an increase of his own powers instead of attending to his judicial business.

Mr. CURTIS of Kansas. I decline to yield for a speech.

Now, the Attorney-General continues:

In the face of a situation like this, which should be changed for the better at whatever cost, to advert to the expense of maintaining the existing system seems almost like trifling with a subject of grave importance. Yet the wastefulness of the system is probably as marked as its inefficiency.

The expenses of the United States courts incurred and paid during the fiscal year ending July 1, 1903, throughout the entire country, with its population of 85,000,000, amount to $4,528,676.87. The corresponding expenses incurred and paid during the same period on account of the courts of the Indian Territory, with less than one-twentieth of the population, amount to $625,226, or between one-seventh and one-eighth of the whole.

These are the courts they want you to continue, that cost us $625,000 that year. Now, why do they want them continued? Here is a letter published in one of the leading papers of the Territory and signed by Mr. Powe, in which he says:

Why is it that men are daily arrested in various parts of the Territory and taken scores and even hundreds of miles to the Fort Smith court for selling whisky to Indians, and are heavily fined and often sent to the pen, while right in Fort Smith, under the shadow of the court, a score of saloons have for twenty years sold whisky to Indians openly without molestation, and not only this, but the marshal's office is made a collection agency for the saloonists? The saloon men have runners who keep up with the court witnesses. The latter, Indians, whites, or blacks, are given credit for whisky, and in return give an order on the marshal for a certain amount of their witness fees. This order is filed in the marshal's office, and when the witness is paid the amount is withheld by the clerk and by him turned over to the saloonist or his agent. This seems incredible, but is a notorious fact which the writer has witnessed time and again and will not be denied.

The following is his opinion as to the benefits these two courts have been to the country:

Many of the most notorious outlaws this country has ever known, among them the Daltons and Starrs, have graduated out of the marshal's office and out of the Fort Smith jail, where they were incarcerated unjustly upon trivial charges and returned to their homes smarting for revenge.

I venture the assertion that this court has manufactured two criminals where it has punished one.

Why, it is a well-known fact that one of the Dalton boys was a deputy United States marshal, and yet he was the leader of one of the gangs they complain of. What do the papers down there say about the matter? I read from one of the Indian Territory papers, the Muscogee Phœnix. It says:

It could hardly be expected that the towns of Fort Smith and Paris, which for years have fattened at our expense, would be willing to give up the "snap" without a dying struggle of some kind. That struggle has materialized both from Arkansas and Texas quarters in the shape of bills introduced into Congress by Congressman LITTLE of Arkansas and Congressman BAILEY of Texas. LITTLE wants the Fort Smith court to retain jurisdiction over this country and have that jurisdiction extended. BAILEY wants a court established at Gainesville, Tex., with jurisdiction over the Indian country. In other words, they both seek to levy tribute upon the Indian Territory to bolster up the decaying grandeur and crumbling greatness of their home towns.

The House should stand by the existing law, at least until after it has been determined whether or not these courts can try the cases. I submit further that it is an insult to the 300,000 people of the Indian Territory, a large majority of whom are honest and law abiding, to say that it is impossible to get a jury from among them, when those men have gone there from every State in the Union. They talk about gangs being organized and going out to commit crimes. If they do, then they are answerable to the laws of the States where the crimes are committed and can be prosecuted there. That is not all. We have an extradition law under which if a man commits a crime in one State, in Kansas or Arkansas, and flees to the Indian Territory, he may be apprehended upon an order of a United States court. We have United States commissioners in every part of that Territory. We have given them thirteen courts, and it will not cost us one-thirtieth as much to prosecute the criminals in the Indian Territory as it costs to prosecute them in Texas or in Arkansas. I therefore hope that the House will defeat this bill. [Applause.]

I reserve the remainder of my time.

The SPEAKER pro tempore. The gentleman from Kansas has seven minutes remaining.

Mr. CULBERSON. I yield five minutes to the gentleman from Kentucky [Mr. LEWIS].

Mr. LEWIS. Mr. Speaker, this bill was before the Judiciary Committee and was very carefully considered. It has been favorably reported to the House. The act conferring jurisdiction upon the courts of the Indian Territory to try persons accused of crimes committed in that Territory does not take effect until the 1st day of September next. It has never taken effect as yet. And the simple question here is whether the time has arrived when it is wise and in the interest of justice, and in the interest of the protection of lives and property of the people involved, to change the jurisdiction over these matters that has heretofore existed for years in the Federal court at Fort Smith, Ark., at Paris, Tex., and somewhere in southwestern Kansas.

Upon the facts as presented to the committee, which seem to be overwhelming in their purport and perfectly clear and satisfactory, the committee determined that that time had not arrived. It is notorious to the country and the world that some of the most terrible, outrageous, and ruinous crimes of every description have been committed in that country. It is also well known that the courts in Arkansas, Texas, and Kansas have efficiently dealt with the criminals. The purpose of a court is to uphold the law and to administer justice. Whether it is expensive or not, the court is utterly useless unless that result can be obtained. I presume that if the jurisdiction were placed in the local courts it would be attended with costs, and as they have no jails in which to confine these criminals and hold them until justice can be enforced upon them, the probability is that instead of diminishing expenses and costs there would be a considerable increase over the present system.

Mr. CURTIS of Kansas. What is there to prevent the sending of criminals for safe-keeping to other jails, as they do in other States, in case the local jails are not sufficient?

Mr. LEWIS. Would not that be attended with expense?

Mr. CURTIS of Kansas. The expense would not be nearly as great as the traveling expenses of all the witnesses in each case.

Mr. LEWIS. I think the jail ought to be within the jurisdiction of the court whose duty it is to administer justice upon an offense. That is my idea of that. I want to say further that it is well known to the country that justice has been effectively administered in those courts which have heretofore held this jurisdiction, and that they have afforded protection to life and property. Great transcontinental lines of railway traverse this Territory. It has been made a harbor and a resort of criminals and refugees from justice from all over the country, and it seems that these crimes are committed by these classes more than by the residents of the Territory. They have to be tried by jury, and the juries trying them in the Indian Territory would be under terrorism of the confederates of those criminals. The days of martyrdom have passed, and it is no reflection upon the integrity of any man who sits as a juror to say that he would be unwilling to return a verdict of guilty when he knew that assassination or destruction of his property was impending over him. It would be too much to ask of him. The distinguished judge of the western district of Arkansas, in a letter which was before the committee, uses the following language:

As you know, the Government has at Fort Smith a very fine court-house, and perhaps the best jail in the United States, built at great expense. There is attached to the jail a Government hospital in which are cared for, treated, and nursed the persons who are brought here charged with crimes. None of these things exist in the Indian country. In fact, there is not a jail there to-day, nor is there likely to be soon, that would hold the lawless and desperate men who are now confined in the jail at Fort Smith. If there ever was a time when the protecting power of these courts should be exercised to secure the peace and protection which should be afforded to the honest and upright citizens in the Indian country it is now, because that country is in a formative condition. Hundreds and thousands of men, many of them reckless, many of them criminals, have flocked into that country in anticipation of some opportunity that might be afforded them, and they have to be dealt with by a power that is so free and independent that it can exercise the full measure intended by the law to be exercised to secure the rights of the people.

As you know, there can not be obtained better jurymen anywhere than make up the panels in the Federal court at Fort Smith. They are men of intelligence, men of integrity, men who, as a rule, dispose of cases without bias, or without prejudice, and then they are so situated that they can act independently. While it matters not how good men may be in the Indian country, and how willing they may be to uphold the law, their environment is such that they can not with safety enforce the law against the members of the banditti that at times have infested that country, though by the vigilance and activity of the courts at Fort Smith and Paris they are now largely broken up. It is not likely that men can afford, if willing, to find verdicts of guilty, say for murder, against members of lawless bands when the confederates of the man convicted would shoot them down or destroy their property.

Men can not afford to uphold the law of the United States, great as the duty may be, under such circumstances. And it is my judgment, after twenty years' experience with these conditions which exist, that the strong judicial arm of the Government, as it has been wielded by what are sometimes called these outside courts, should remain extended over the Indian country, and that the higher crimes affecting life and property should be brought before these outside courts, and that their jurisdiction to try such crimes should remain until that country is able to place its star on our flag—until its autonomy is changed from what it is now to statehood.

Respectfully, etc.,

I. C. PARKER.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LEWIS. I wish to have printed as a part of my remarks a portion of a letter received from a distinguished gentleman——

The SPEAKER pro tempore. That can be done only by unanimous consent. Is there objection?

Mr. KEM. I object.

The SPEAKER pro tempore. Objection is made by the gentleman from Nebraska.

Mr. CULBERSON. I ask the gentleman from Kansas [Mr. CURTIS] whether he desires to use the remainder of his time?

Mr. CURTIS of Kansas. I reserve my time.

Mr. CULBERSON. I have the conclusion.

The SPEAKER pro tempore. The gentleman from Texas [Mr. CULBERSON] has five minutes and the gentleman from Kansas

[Mr. CURTIS] has seven minutes. Does the gentleman from Kansas desire to use his time?

Mr. CURTIS of Kansas. No, I do not.

Mr. CULBERSON. Very well, then. I yield to my colleague [Mr. BAILEY] to make a statement.

Mr. BAILEY. Mr. Speaker, I simply desire to say that the newspaper article which has been read by the gentleman from Kansas [Mr. CURTIS], so far as it relates to me, is an unmitigated lie. I have not introduced the bill that I am accused of introducing, nor has such a bill been introduced by anyone.

Mr. CULBERSON. Mr. Speaker, since the act of 1895 was passed a great many lawyers have migrated to the Indian Territory and have flooded that country and filled the pockets of the gentleman from Kansas [Mr. CURTIS] with stale statements about the courts at Paris and at Fort Smith—such statements as are read here, one of which has just been denounced as an unmitigated lie. I have on my desk a report made by the gentleman from Illinois [Mr. CONNOLLY], which is one of the ablest reports I have ever read upon a subject like this, and if members want to understand the real reasons why this bill seeks to repeal the act of 1895 I ask them to listen to this report. The papers referred to are all on file. They are in the room of the Committee on the Judiciary. They come from reputable business men, not from political lawyers and hotelkeepers who have gone into that country to prey upon the substance of the people when the provision for this court goes into effect. I ask to have the portions of the report of Judge CONNOLLY that I have marked read in my time.

The Clerk read portions of the report until the time of Mr. CULBERSON had expired. By unanimous consent, leave was given to print the whole report in the RECORD. It is as follows:

The Committee on the Judiciary, to whom was referred the bill (H. R. 4154) to amend section 9 of an act entitled "An act to provide for the appointment of additional judges of the United States court in the Indian Territory, and for other purposes," submit the following report:

By sundry acts of Congress jurisdiction over offenses against the Federal laws in the Indian Territory has heretofore been given to the Federal courts for the western district of Arkansas, the eastern district of Texas, and the district of Kansas. By an act passed March 1, 1895, provision has been made for a transfer of this jurisdiction September 1, 1896, to the new courts organized by that act.

It is well known that the district courts in Arkansas, Texas, and Kansas have long been a terror to the criminal classes in the Indian Territory, and the efficiency of these courts in enforcing the Federal laws in the Territory has been the means of making life and property comparatively safe there, notwithstanding the notorious fact that organized bands of outlaws make their hiding places there, who are in great measure restrained in their criminal career by the knowledge that condign punishment will certainly follow their arrest and conviction.

The great efficiency of these courts in enforcing the criminal laws and convicting criminals has arisen from the fact that the juries in those courts have been absolutely free of any domination or terrorism that the indicted criminals or their friends could exercise over them.

While there is no doubt that conditions of life and society are changing in the Indian Territory, yet the change has not yet reached that stage where it would be safe to intrust the enforcement of Federal laws to the average juries that would necessarily be found in the Territory, subjected as they would be to the terrorism and other influences of criminals and their friends, knowing, as they would, that a verdict of guilty against any criminal who had friends would probably be followed by a reign of terror against the jurors who should return such a verdict.

The effect of this act of March 1, 1895, is to transfer on September 1, 1896, to the care of the three courts in the Indian Territory and to the verdicts of juries in that Territory the lives and property of the denizens of the Indian Territory. And the property, business, and employees' lives of the various railroad and express companies doing business in and through that Territory, as well as of the travelers through the Territory, will be forced to depend on juries of the Indian Territory for security, for it is well known that no matter how stringent the criminal laws may be or how learned and incorruptible the courts may be, still the safety of life and property from injury, loss, and destruction by violence depends upon the courage and integrity of juries.

Already the change of jurisdiction which is threatened by the act of 1891 has aroused and alarmed the peaceable residents as well as the various business interests in the Territory, and express companies doing business through the Territory have withdrawn their money-carrying business from the Territory.

Your committee have before them a communication on this subject, dated January 25, 1896, from the general superintendent of one of the leading express companies of the country, from which we quote:

"Recently a bill has been presented to Congress * * * for the retention of jurisdiction over crime committed in the Indian Territory by the United States courts at Fort Smith, Ark., Paris, Tex., and for the southern division of Kansas. Express companies which do business in the Indian Territory are very much interested in having this bill become a law. A little over a year ago the express companies found it so hazardous to handle money within the Indian Territory that they were compelled to withdraw from that Territory that part of their business.

"The Territory was overrun with bandits, who not only robbed the trains, but robbed the express offices. One of the agents of the Pacific Express Company has been killed while his office was being robbed. The loss to the express companies did not consist wholly in the money taken by the robbers, there having been very great expense in endeavoring to protect the trains and agents and in efforts to capture the robbers.

"About that time the marshals and deputy marshals of the courts I have referred to instituted a vigorous crusade against the bandits, which resulted in the capture of a large number of them, some of whom have paid the penalty of their crimes with their lives. This resulted in breaking up nearly all the numerous bands, and the vigorous and fearless administration of justice by these courts has, up to this time, deterred the formation of new bands. The new courts which have been established in the Indian Territory have been, as I understand it, given jurisdiction over these crimes, and I wish to say that such jurisdiction by these courts within the Territory can not, in my opinion, be made effective for the prevention of crime.

"Juries for such courts having sufficient courage and patriotism to enforce the law could not be obtained.

"These bandits have the citizens of the Indian Territory thoroughly terrorized, and any jury which would find one of these desperadoes guilty would be sure to be assassinated by his friends. This assertion is based upon our experience and knowledge of the condition of things within the Territory.

"Recently we have received information that bands of robbers are now forming, and it is their avowed intention to begin operations against railroad and express companies and others in September, or as soon as the law giving to the Territorial courts the jurisdiction referred to becomes effective."

Your committee has also received a memorial from the governor and over fifty of the officials and leading men of the Chickasaw tribe of Indians, residents of the Territory, which sets forth their views as follows:

"We are heartily and sincerely in favor of that peace and security in the Indian country which can alone come from an enforcement of the laws of the United States applicable thereto, and if this continues to be done, as it has been done by the United States courts at Fort Smith, Ark., and Paris, Tex., we feel that we can take care of our own criminal classes.

"Under treaty obligations, and therefore in justice to us, the Government of the United States is pledged and in duty bound to take all necessary steps to effectually suppress lawlessness and crime in the Indian Territory.

"No more effective means can be taken, looking to the effective enforcement of the law, than to continue and retain the present jurisdiction over the Indian country of the United States courts at Paris, Tex., and Fort Smith, Ark., over the higher and graver classes of criminal offenses.

"These Federal courts, having jurors free from prejudice or bias, and who therefore act without fear or favor, have been most effective in the trial and conviction of the worst criminals who ever infested our country. Besides, they have ever shown that they are the true friends of the Indian; that they know his rights and have dared maintain them.

"We assert that the majority of the higher and graver class of criminal offenses in the Indian country are committed by those people known in that country as the criminal-intruder class from the United States, and the crimes not committed by them are very largely committed through their instigation and example.

"This jurisdiction should be given and retained in said courts for the following reason, as we believe:

"As is well known, there are two distinct classes of people now occupying the Indian country. One class, the members of the tribes or citizens of the respective nations; the other class is the white man who has settled in this country. Conflicts are frequent between these two contending classes, and crimes are committed by the one upon the other. When these conflicts arise they should be settled by a fair and impartial tribunal. This can not be done if the person charged with such offense is to be tried in the Indian Territory. The jurors there necessarily belong to one or other of these two classes, each with a sympathy for his own people, and will be incapable of doing justice to the other.

"The jurors of the United States courts at Fort Smith, Ark., and Paris, Tex., are beyond these influences, and therefore entirely unbiased and unprejudiced, and besides the United States courts at these places have demonstrated by experience that they have been the only effective barriers between such contending classes.

"The abandonment of such jurisdiction would, we believe, greatly increase such class of crimes, as we believe such criminal classes would have no fear of the courts and jurors in said Indian Territory."

Your committee also have a memorial from the officers of the Kansas City, Pittsburg and Gulf Railroad Company—which company does a large business in and through the Indian Territory—in which they strongly urge the retention of criminal jurisdiction over graver crimes of the Indian Territory in the United States courts at Fort Smith, Paris, and in Kansas.

They say of these courts:

"They are the greatest blessing the people of the Indian country have had; that they have aided them in their journey along the pathway of civilization; they fearlessly declare and vindicate rights; they have stood by the people of the Territory in their contest with the criminal invader of their country; they have taught the peaceable people of the Indian Territory to rely upon that great handmaiden of civilization whose mission is peace and harmony—the law—as upheld by brave, fearless, just, and impartial courts. * * *

"We fear the gravest consequences to express and railroad companies in that country if, in its present condition, the jurisdiction of these courts is taken away. They and they only, in our judgment, can cope with the lawless criminals who have refugeed into the Indian country."

To the same effect, and in equally vigorous terms, is a memorial your committee has received from the officers of the Wells-Fargo Express Company, which does a large business in the Territory. They say:

"The environment of the whole class of people in the Indian country is such that they can not act with that spirit of freedom and independence necessary to secure an impartial and an efficient enforcement of the law for the protection of life and property in the Indian country. In our judgment these strong judicial arms of the Government should remain extended over the Indian country until that country is able to place its star on our flag—until its autonomy is changed from what it is now to Statehood."

The United States district judge at Fort Smith, Ark., who has had over twenty years' experience in that court in dealing with the criminal classes of the Indian Territory, and whose judgment is therefore of great value on this question, writes to the committee, under date of January 21, 1896, as follows:

"DEPARTMENT OF JUSTICE, EIGHTH CIRCUIT,
"*Fort Smith, January 21, 1896.*

"In reply to your letter of the 17th instant, asking me to give my views upon the proposition as to whether the jurisdiction now in the United States courts at Fort Smith, Ark., and Paris, Tex., over the Indian country should remain until there is a change in the condition of that country: As you are well aware, as far as I am personally concerned, to take away this jurisdiction would remove a great burden from my shoulders, because for twenty years I have had to wrestle with one of the greatest problems of the age, a problem growing out of a contest between civilization and barbarism, a problem which exists because of the intrusion into the Indian country of large numbers of refugee criminals from the different States in the Union. To relieve me of this responsibility would be to take from me a great burden; but at the same time, while the Indian country is in its present condition, I can not see that it would inure to the benefit of that country or its peaceable and law-abiding people, but on the contrary, in my judgment, it would increase crime there.

"As you are aware, the Federal court for the western district of Arkansas has been held at Fort Smith since the year 1871. After the State was divided into two districts the court for the western district of the State, up to 1871, was held at Van Buren. The United States courts for the State of Arkansas, and then for the western district of Arkansas, have had jurisdiction for the punishment of crimes committed in the Indian country ever since the 15th of April, 1844. For over half a century have the people of Arkansas, as jurors in the Federal courts, administered the law for the Indian country. These courts, first for the State of Arkansas, and then for the western district of Arkansas, have had criminal jurisdiction over the whole of the Indian country.

From its eastern boundary to the Texas and Colorado lines was within the jurisdiction of this court. For some years this jurisdiction has been divided between the United States courts for the eastern district of Texas and the United States courts for the district of Kansas, held at Wichita. More recently the United States courts in the Indian Territory have been established. They have as yet but limited jurisdiction over any of the higher crimes under the laws of the United States.

"The fact that the criminal laws of the United States have been extended over the Indian country, and that the United States courts for the western district of Arkansas have had jurisdiction to enforce those laws, is why it is there are so many criminal cases tried in this court, and the same remark applies with equal force to the condition which exists in the United States courts for the eastern district of Texas, held at Paris, Tex. There have been perhaps more criminal cases of great magnitude tried in the courts at Fort Smith than in any one court in the world, yet there are fewer of these cases which come from that part of the district in the State of Arkansas than come from any district in the United States. The great majority of criminal cases in the Federal courts usually are violations of the laws of the United States regulating the operations of the Government, such as counterfeiting, offenses under the postal laws, offenses affecting the revenue department of the Government, such as violations of the revenue laws, cutting timber, etc.

"Now, there are less of these crimes committed in the State part of the western district of Arkansas than in any other Federal jurisdiction I know of. That part of the district is proverbially quiet and orderly, and largely free from violations of the Federal laws, and its people have as high a respect for the laws of the United States as people to be found in any section of the country. The whole country can with slight effort understand that these great crimes for which criminals are tried and punished in the Federal courts here are not crimes committed by the people of Arkansas, but they are very largely crimes committed in the Indian country by the refugee criminals from every State in the Union. Everyone should know that the Federal courts do not have jurisdiction over cases of murder committed in the State or over other criminal offenses affecting individual rights, such as the rights to persons or property.

"It can therefore be seen that the court here, with its juries, has had cast upon it the great responsibility of trying escaped criminals from every State in the Union. This is true also of the court at Paris, Tex. The records of the Federal court show that the great proportion of criminals tried for murder and other high crimes are not Indians, but whites and negroes, citizens of the United States, many of whom have refugeed into the Indian country. As you well know, courts are the greatest agencies of civilization to be found in any system of government, because, if efficient and able, they overcome the great enemy of peace and order, and consequently of civilization—the man of crime, the man of blood. He represents savageism and brutality, while the majesty of the law, as upheld by the courts, represents a state of public order and tranquillity growing out of the security of the citizen in all his rights.

"As you well know, I have for almost twenty-one years been the presiding judge over the United States courts at Fort Smith, and I think it may be truthfully said that during that time more has been accomplished by the United States courts at Fort Smith to establish the supremacy of the law in the Indian country than was ever before accomplished in any country with the same conditions affecting it. I think my large experience here has enabled me to understand the necessity for a vigorous enforcement of the laws in that country; the necessity for having the opportunity of selecting jurors who can from their surroundings act without fear, favor, or affection. It may be said without contradiction that the laws of the United States have been more often vindicated in the Federal courts at Fort Smith than in any other.

"The worst bands of desperadoes, murderers, and outlaws to be found in any civilized land have infested the Indian country, having run from the laws of the States. A greater per cent of them have been captured and brought to merited punishment by the United States courts here and at Paris, Tex., than in any other court. It is a maxim that certainty of arrest and reasonable certainty of conviction follows the commission of crime in the Indian country. The members of banditti after banditti have been captured, sent to prison, convicted of murder or other high crimes. The terror of certain punishment has been held before the criminal minded. Because of this certainty of punishment in the United States courts here and at Paris, Tex., and the confidence the law-abiding people have in their integrity, ability, and desire to protect the good people of the Indian country, mobs rarely exist in that country. The enforcement of the laws of the United States in these courts has rightfully, properly, and justly been vigorous, impartial, just, and most efficient. These courts have done more than courts anywhere to uphold the laws of the land, to protect the innocent by the punishment of the guilty. They do more than all agencies besides to make civilization a reality in the Indian country.

"As you are aware, the Indian courts have no jurisdiction over offenses committed by citizens of the United States, and if they had, surrounded as they now are, they are hardly strong enough, notwithstanding their willingness to uphold the law, to contend with and punish this vast horde of refugee criminals who have in violation of law sought nesting places in the Indian country. The United States courts at Paris and Fort Smith are courts where certainty of arrest and surety of punishment exists. The greatest blessing the Indian people have had or now have is these Federal courts, who have stretched their strong arms over them for their protection as well as the protection of all the peaceable and law-abiding citizens in that country. They have aided the Indian in his journey along the pathway of civilization. These courts have stood by all the peaceable and law-abiding citizens in the Indian country in their contest with the criminal invader of that country—the man of blood. These courts have taught such people to rely upon that great handmaiden of civilization whose mission is peace and harmony—the law as upheld by courts who have the opportunity of performing their duty.

"Now, in the condition of that country, there is a greater necessity for the strong arm of the Government as wielded in the Federal courts at Fort Smith and at Paris, Tex., to be stretched out over it now than ever before, and in regard to the change of jurisdiction in its present condition, to my mind it would be almost fatal to the safety of the good citizens of that country. There are many good people there among the Indians as well as among the whites who are in that country, but their environment is such that in my judgment it would be very difficult to put them in a position where they could fearlessly perform their duty as jurymen. The juries in the Federal courts both at Paris and at Fort Smith are entirely without any feeling of race prejudice, and they decide the cases before them irrespective of any feeling that may be entertained for or against the one accused or those who accuse him.

"As you know, there are many lawless and desperate men who have infested that country, and they justly fear these courts of the United States which have been engaged in bringing them to justice. For twenty years, by my own personal observation, the Federal court at Fort Smith has been placed in direct contact with this element, and it has taught the criminal element an object lesson which has inured to the lasting benefit of the Indian country. It has not only taught the Five Civilized Tribes that they can safely rely upon the laws of the United States when they are properly enforced, but it has taught the whole country a lesson of the greatest benefit to it.

"As you know, the Government has at Fort Smith a very fine court-house, and perhaps the best jail in the United States, built at great expense. There is attached to the jail a Government hospital in which are cared for, treated, and nursed the persons who are brought here charged with crimes. None of these things exist in the Indian country. In fact, there is not a jail there to-day, nor is there likely to be soon, that would hold the lawless and desperate men who are now confined in the jail at Fort Smith. If there ever was a time when the protecting power of these courts should be exercised to secure the peace and protection which should be afforded to the honest and upright citizens in the Indian country it is now, because that country is in a formative condition. Hundreds and thousands of men, many of them reckless, many of them criminals, have flocked into that country in anticipation of some opportunity that might be afforded them, and they have to be dealt with by a power that is so free and independent that it can exercise the full measure intended by the law to be exercised to secure the rights of the people.

"As you know, there can not be obtained better jurymen anywhere than make up the panels in the Federal court at Fort Smith. They are men of intelligence, men of integrity, men who, as a rule, dispose of cases without bias or without prejudice, and then they are so situated that they can act independently. While it matters not how good men may be in the Indian country, and how willing they may be to uphold the law, their environment is such that they can not with safety enforce the law against the members of the banditti that at times have infested that country, though by the vigilance and activity of the courts at Fort Smith and Paris they are now largely broken up. It is not likely that men can afford, if willing, to find verdicts of guilty, say for murder, against members of lawless bands when the confederates of the man convicted would shoot them down or destroy their property.

"Men can not afford to uphold the law of the United States, great as the duty may be, under such circumstances. And it is my judgment, after twenty years' experience with these conditions which exist, that the strong judicial arm of the Government, as it has been wielded by what are sometimes called these outside courts, should remain extended over the Indian country, and that the higher crimes affecting life and property should be brought before these outside courts, and that their jurisdiction to try such crimes should remain until that country is able to place its star on our flag—until its autonomy is changed from what it is now to statehood.

"Respectfully, etc.,

"I. C. PARKER."

The Indian Territory is no longer a closed country. Railroads have made public passageways through it, along which thousands of citizens of the States are annually compelled to travel from east to west and from north to south in pursuit of business or pleasure, and over which millions of dollars' worth of property and treasure belonging to citizens of the different States are necessarily carried in the ordinary course of commerce between the States, and no chances should be taken that would imperil the safety of these travelers or this commerce between the States; and your committee, regarding it as a dangerous experiment to remit the protection of these travelers and this commerce to the courts and juries of the Indian Territory, believe that the jurisdiction heretofore and now exercised over crimes committed in the Indian Territory in violation of the Federal laws should be continued as provided by this bill, instead of being turned over to the Indian Territory courts, as will be the case on September 1, 1896, unless this bill becomes a law. Your committee therefore report this bill back with the recommendation that it do pass.

The question being taken on suspending the rules and passing the bill, there were—ayes 63, noes 66.

So the motion was rejected.

ARIZONA FUNDING ACT.

Mr. MURPHY of Arizona. Mr. Speaker, I move to suspend the rules and pass the Senate bill which I send to the desk.

The bill was read, as follows:

Be it enacted, etc., That the provisions of the acts of Congress approved June 25, 1890, and August 3, 1894, authorizing the funding of certain indebtedness of the Territory of Arizona, are hereby amended and extended so as to authorize the funding of all outstanding obligations of said Territory, and the counties, municipalities, and school districts thereof, as provided in the act of Congress approved June 25, 1890, until January 1, 1897, and all outstanding bonds, warrants, and other evidences of indebtedness of the Territory of Arizona, and the counties, municipalities, and school districts thereof, heretofore authorized by legislative enactments of said Territory bearing a higher rate of interest than is authorized by the aforesaid funding act approved June 25, 1890, and which said bonds, warrants, and other evidences of indebtedness have been sold or exchanged in good faith in compliance with the terms of the acts of the legislature by which they were authorized, shall be funded, with the interest thereon which has accrued and may accrue until funded into the lower interest-bearing bonds as provided by this act.

SEC. 2. That all bonds and other evidences of indebtedness heretofore funded by the loan commission of Arizona under the provisions of the act of Congress approved June 25, 1890, and the act amendatory thereof and supplemental thereto approved August 3, 1894, are hereby declared to be valid and legal for the purposes for which they were issued and funded; and all bonds and other evidences of indebtedness heretofore issued under the authority of the legislature of said Territory, as hereinbefore authorized to be funded, are hereby confirmed, approved, and validated, and may be funded as in this act provided until January 1, 1897: *Provided*, That nothing in this act shall be so construed as to make the Government of the United States liable or responsible for the payment of any of said bonds, warrants, or other evidences of indebtedness by this act approved, confirmed, and made valid, and authorized to be funded.

The SPEAKER pro tempore. Is a second demanded?

Mr. HEPBURN. I demand a second.

Mr. MURPHY of Arizona. I ask unanimous consent that a second be considered as ordered.

Mr. KEM. I object.

Tellers being ordered upon the question of ordering a second, the House divided; and the tellers reported—ayes 80, noes 1.

So a second was ordered.

Mr. MURPHY of Arizona. Now, Mr. Speaker, I ask that the report upon this bill be read. It is a unanimous report and explains the object of the bill clearly.

The report (by Mr. HARRIS) was read, as follows:

The Committee on the Territories, to whom was referred House bill 8885, beg leave to submit the following report:

The act of Congress entitled "An act approving, with amendments, the funding act of Arizona" became a law June 25, 1890, and authorized the funding of all Territorial, county, municipal, and school district indebtedness of Arizona which had accrued and would accrue, with the interest thereon, until and including December 31, 1890, into 5 per cent bonds, and under the provisions of the act a loan commission, consisting of the governor, secretary of the Territory, and Territorial auditor, was created to fund indebtedness under the terms of the act.

The purpose of the law was to effect an annual saving in interest and place the Territory upon a cash basis. The floating indebtedness of the Territory represented by warrants bore 10 per cent interest, and upon that indebtedness an immediate saving was had of 5 per cent. The average rate of interest on the bonded indebtedness of the Territory was 8 per cent, and the operation of the law effected a saving of 3 per cent upon all indebtedness funded. Only such bonded indebtedness could be funded as had matured or was voluntarily surrendered by the holders thereof.

A supplemental act of Congress was passed and approved August 3, 1894, extending the time for funding outstanding warrants for Territorial expenses only until December 31, 1895. The object of the present bill is to further extend the provisions of the funding act approved June 25, 1890, until January 1, 1897, so as to permit and authorize the funding of such outstanding indebtedness as might have been funded under the original act had the same been surrendered before the act had lapsed.

It is not proposed to fund any indebtedness which could not have been funded under the original act had said indebtedness been presented in time.

No new indebtedness is proposed to be funded in excess of the limit prescribed by law. In authorizing the funding of the outstanding liabilities the act also validifies the indebtedness already funded and authorized to be funded, so as to prevent the possibility of repudiation of bona fide obligations.

The eighteenth legislature of Arizona unanimously memorialized Congress to validate securities about which doubt existed.

Upon investigation the committee believe the legislation beneficial and wise and in the interest of good government, and therefore recommend the passage of the bill.

Mr. MURPHY of Arizona. I reserve the balance of my time, unless some gentleman desires to ask questions.

Mr. HOPKINS. Mr. Speaker, I think it is quite important that the gentleman should explain the provisions of this bill somewhat.

Mr. MURPHY of Arizona. I supposed that the report explained it sufficiently, but if the gentleman thinks it does not I will gladly supplement it with a brief explanation. Under the working of the act of Congress approved June 25, 1890, the Territory of Arizona was authorized to fund all its indebtedness of whatever nature into 5 per cent bonds, thereby effecting an average saving of 3 per cent upon its indebtedness. That law applied to all kinds of indebtedness—school district, Territorial, county, and municipal.

A commission was organized under the act, consisting of the governor, the secretary, and the Territorial auditor, for the purpose of executing the law, but of course the outstanding indebtedness bearing a higher rate of interest could not be compelled to be surrendered or funded unless it had matured, and therefore there still remained a considerable portion which could not be funded. Many obligations were about to mature, and they were funded. A portion of the 8 per cent indebtedness was funded, but some of the higher interest-bearing bonds of counties and municipalities were refused to be surrendered for funding. The expectation was to put the Territory upon a cash basis, but that expectation was disappointed, and the members of the Territorial government came here and asked the last Congress to extend the funding act for a year longer, covering the floating indebtedness and the Territorial expenses only, but not including the outstanding indebtedness of municipalities bearing a higher rate of interest. That act was passed August 3, 1894.

A question was raised here this morning about a cloud being on Territorial bonds, and a bill was passed validating certain bonds of New Mexico. A large amount of the bonds of Arizona might possibly give rise to the same questions if our people desired to repudiate their obligations, but there is no such desire on their part, and the Territorial legislature, recognizing the danger to the credit of the Territory if anyone should undertake to litigate these securities, have unanimously memorialized Congress to pass this act to validate both the bonds which have been funded and others outstanding, bearing a higher rate of interest, upon their voluntary surrender by their holders. There is about $200,000 involved altogether. I will ask the Clerk to read the memorial of the legislature, if the gentleman desires.

Mr. HOPKINS. That is not necessary.

Mr. JOHNSON of North Dakota. I wish to ask the gentleman whether there is anything in the act of 1890 safeguarding these bonds against being sold for less than par?

Mr. MURPHY of Arizona. Yes, sir; they can not be so sold.

Mr. JOHNSON of North Dakota. I do not see any provision of that kind in the bill.

Mr. MURPHY of Arizona. Well, this bill refers to the provisions of the other act, which prohibits the selling of the bonds for less than par.

Mr. JOHNSON of North Dakota. What arrangement is there for securing a premium on the bonds, provided the market should warrant it?

Mr. MURPHY of Arizona. The Territorial officers constituting the loan commission are required, under the provisions of the act, to advertise for bids.

Mr. JOHNSON of North Dakota. What experience have you had on that subject since the act of 1890?

Mr. MURPHY of Arizona. Bonds to the amount of $500,000 were sold at a premium, bringing 102.

Mr. JOHNSON of North Dakota. The bonds, as I understand, which were sold under the act of 1894 were gold bonds; that is, the interest was payable in gold.

Mr. MURPHY of Arizona. Yes, sir; and the principal in lawful money.

Mr. JOHNSON of North Dakota. And the same requirement applies with regard to these bonds?

Mr. MURPHY of Arizona. Yes, sir.

Mr. McCORMICK. Will this issue of bonds cover the entire indebtedness of the Territory?

Mr. MURPHY of Arizona. Yes, sir; the entire indebtedness of the Territory may be funded under this act.

Mr. JOHNSON of North Dakota. Will this bill, if it becomes a law, have the effect of validating any bonds which are now questionable?

Mr. MURPHY of Arizona. Yes, sir; to a certain degree. None of the bonds have been repudiated by the Territory, but there is a cloud to a certain extent resting upon some of them.

Mr. HEPBURN. This indebtedness, or the larger part of it, was incurred, I believe, while a statute of the United States forbidding the Territory from issuing bonds was in force?

Mr. MURPHY of Arizona. Oh, no; only a very small portion of it—about $200,000.

Mr. HEPBURN. What is the total amount that has been funded or may be funded under this act—the total amount of the indebtedness of the Territory?

Mr. MURPHY of Arizona. Probably less than $2,000,000. I funded $1,600,000 while I was governor. The aggregate I have named covers not simply debts of the Territory proper, but indebtedness of cities, counties, townships, and school districts. No one would call the debt of New York City the debt of New York. The amount of indebtedness I have named includes every kind of obligation of the Territory proper and the indebtedness of municipalities, school districts, etc.; and the funding of this debt will save us on the average 3 per cent interest.

Mr. HEPBURN. What portion of the $2,000,000 of indebtedness has been or will be incurred in the refunding of bonds of the prohibited class of which we have been speaking?

Mr. HILBORN. The Pima claims?

Mr. MURPHY of Arizona. None of the Pima claims; but of obligations similar to those, about $200,000.

Mr. HEPBURN. I am willing to yield the floor to any gentleman who wants to speak on this subject. [Cries of "Vote!" "Vote!"]

The question was taken; and the motion to suspend the rules and pass the bill was agreed to, two-thirds voting in favor thereof.

GOVERNMENT OF INDIAN TERRITORY.

Mr. SHERMAN. I move to suspend the rules and pass the bill which I send to the desk.

The Clerk read as follows:

A bill (H. R. 7907) for the protection of the people of the Indian Territory, extending the jurisdiction of the United States courts, providing for the laying out of towns, the leasing of coal and other mineral, timber, farming, and grazing lands, and for other purposes.

Be it enacted, etc., That the criminal laws of the United States be, and the same are hereby, extended over the Indian Territory, and the United States courts now in existence, or that may be hereafter created in or for said Territory, are hereby given jurisdiction over all prosecutions for crimes and misdemeanors committed within their respective jurisdiction, without regard to the race or citizenship of the person or persons violating or charged with having violated any of the laws of the United States, or the laws of the State of Arkansas heretofore put in force in said Territory by acts of Congress, and sections 1636 to 1644, inclusive, entitled embezzlement, and sections 1711 to 1718, inclusive, entitled bribery and embracery of Mansfield's Digest of the State of Arkansas, are hereby extended over and put in force in said Territory, and the word officer where the same appears in said laws shall include all officers of any of the governments of either of said tribe of Indians: *Provided*, That this section shall in no way destroy or curtail the jurisdiction of the United States courts at Fort Smith, Ark., and Paris, Tex., under existing laws. The fifteenth section of the act of Congress entitled "An act to establish United States courts in the Territory, and for other purposes," approved March 1, 1889, limiting jurors to citizens of the United States, is hereby repealed, but not to affect any causes now pending in said court or crimes committed prior to the passage of this act.

SEC. 2. That said United States courts within their respective districts be, and they are hereby, given exclusive jurisdiction to hear and determine all civil suits arising between citizens of the United States or between citizens of the United States and members of any of said five tribes of Indians, or between Indians of the several five different tribes, and said courts shall also have jurisdiction over all appeals from any judgment or determination of any Indian court in said Territory, and the said United States court may, in the event of a reversal of any such judgment or determination of an Indian court, order a new trial to proceed within its own jurisdiction.

SEC. 3. That said courts are hereby given jurisdiction in their respective districts to try cases against those who may unlawfully and forcibly enter into lands and tenements and detain the same, and also those who having originally made a lawful and peaceable entry into lands and tenements and unlawfully and by force hold the same beyond the legal period, and also those who claim to hold as members of a tribe and whose membership is de-

nied by the tribe but continue to hold said lands and tenements notwithstanding the objection of the tribe; and if it be found upon trial that an unlawful and forcible entry has been made, or that the said lands and tenements are held by force, or that the same, after lawful or peaceable entry, are held unlawfully, or that the same are held unlawfully against the tribe by those claiming to be members thereof, and the membership and right is disallowed by the court, then said court shall cause the parties charged with unlawfully holding said possessions to be removed from the same and cause the lands and tenements to be restored to the person or persons or nation or tribe of Indians entitled to the possession of the same.

SEC. 4. That before any action by any tribe or person shall be commenced under section 3 of this act it shall be the duty of the party bringing the same to notify the adverse party to leave the premises for the possession of which the action is about to be brought, which notice shall be served at least thirty days before commencing the action by leaving a written copy with the defendant, or if he can not be found, by leaving the same at his last known place of residence or business with any person occupying the premises over the age of 12 years, or if his residence or business address can not be ascertained, by leaving the same with any person over the age of 12 years upon the premises sought to be recovered and described in said notice.

SEC. 5. That the summons shall not issue in such action until the chief or governor of the tribe or person or persons bringing suit in his own behalf shall have filed a sworn complaint on behalf of the tribe or himself with the court, which shall as near as practicable describe the premises so entered upon or detained, and shall set forth either an unlawful and forcible entry and detention or an unlawful and forcible detention after a peaceful entry, or a detention without the consent of the person bringing said suit or the tribe by one whose membership is denied by it: *Provided*, That if the chief or governor refuse or fail to bring suit in behalf of the tribe, then any person authorized by the council of the tribe may make complaint and bring said suit.

SEC. 6. That no continuance shall be granted for a longer period than thirty days, unless the defendant applying therefor shall give an undertaking, if required by the court, to the adverse party, with good and sufficient sureties, to be approved by the judge of the court, conditioned for the payment of all damages and costs and double the rent that may accrue if judgment be rendered against the defendant.

SEC. 7. That when a judgment for restitution shall be entered by the court the judge shall, at the request of the plaintiff or his attorney, issue a writ of execution thereon which shall command the proper officer of the court to cause the defendant or defendants to be forthwith removed and ejected from the premises and the plaintiff given complete and undisturbed possession of the same. The writ shall also command the said officer to levy upon the property of the defendant or defendants subject to execution, and also collect therefrom the costs of the action and all accruing costs in the service of the writ; said writ shall be executed within ten days.

SEC. 8. That the rolls of citizenship of the several tribes as now existing are hereby confirmed, and any person who shall claim to be entitled to be added to said rolls as a citizen of either of said tribes and whose right thereto has either been denied or not acted upon, or any citizen who may within six months from and after the passage of this act desire such citizenship, may apply to the legally constituted court or committee designated by the several tribes for such citizenship, and such court or committee shall determine such application within thirty days from the date thereof.

SEC. 9. That the commission heretofore appointed under acts of Congress approved March 3, 1893, and March 2, 1895, or their successors, to negotiate with the Five Civilized Tribes in the Indian Territory, in addition to the authority already conferred upon them by law, are authorized and directed to proceed at once to hear and determine the application of all persons who may apply to them for citizenship in any of said nations, and after such hearing they shall determine the right of such applicant to be so admitted and enrolled: *Provided, however*, That such application shall be made to such commissioners within six months after the passage of this act. The said commissioners shall decide all such applications within ninety days after the same shall be made. That in determining all such applications said commission shall respect all laws of the several nations or tribes not inconsistent with the laws of the United States, and all treaties with either of said nations or tribes, and shall give due force and effect to the rolls, usages, and customs of each of said nations or tribes.

SEC. 10. That the said commission, after the expiration of nine months, shall cause a complete roll of citizenship of each of said nations to be made up from their records, and add thereto the names of citizens whose right may be conferred under sections 8 and 9 of this act, and said rolls shall be, and are hereby, made rolls of citizenship of said nations or tribes, subject, however, to the determination of the United States courts, as provided herein.

In the performance of such duties said commission, and each of them, shall have power and authority to administer oaths, to issue process for and compel the attendance of witnesses, and to send for persons and papers, and all depositions and affidavits and other evidence in any form whatsoever heretofore taken where the witnesses giving said testimony are dead or now residing beyond the limits of said Territory, and to use every fair and reasonable means within their reach for the purpose of determining the rights of persons claiming such citizenship, or to protect any of said nations from fraud and wrong, and the rolls so prepared by them shall be hereafter held and considered to be the true and correct rolls of persons entitled to the rights of citizenship in said several tribes: *Provided*, That if the tribe, or any person, be aggrieved with the decision of the tribal authorities or the commission provided for in this act, it or he may appeal from such decision to the United States district court: *Provided, however*, That the appeal shall be taken within sixty days, and the judgment of the court shall be final, and such appeal shall not suspend or delay the allotment of lands as provided for in this act.

When the roll of citizenship of any one of said nations or tribes is fully completed, as hereinbefore provided, and the survey of the lands of said nation or tribe is also completed, the said commission shall proceed to allot the exclusive use and occupancy of all the lands of said nation susceptible of allotment among the citizens thereof, to them and their heirs, as shown by said roll, giving to each so far as possible his fair and equal share thereof, considering the nature and fertility of the soil, location, and value of same. All known and valuable coal and mineral deposits and town sites are reserved to the several tribes, and shall be set apart as incapable of division. When such allotment of the lands of any tribes has been by them completed, said commission shall make full report thereof to the Secretary of the Interior for his approval, reporting all town sites, coal and other mineral deposits thus reserved, or other property which they find incapable of division, and giving reasons why the same can not be divided; and the Secretary shall thereupon direct the disposition of the use of such undivided property in the best manner for the benefit of the respective tribes: *Provided*, That allotments herein provided for shall not impair any rights heretofore granted by Congress: *Provided further*, That whenever it shall appear that any member of a tribe is in possession of lands to an amount in excess of the number of acres to which he shall be entitled by reason of the allotment hereinbefore provided for, his allotment shall be made out of the lands in his possession if the holder so desires as the said commission may select: *Provided further*, That if the person to whom an allotment shall have been made shall be declared, upon appeal as herein provided for by any of the courts of the United States in or for the aforesaid Territory, to have been illegally accorded rights of citizenship, and for that or any other reason declared to be not entitled to any allotment, he shall be ousted and ejected from said lands; that all persons known as intruders who have been paid for their improvements under existing laws, who may be found under the provisions of this act to be entitled to citizenship, shall, within thirty days thereafter, refund the amount so paid them, with 6 per cent interest, to the tribe entitled thereto; and upon their failure so to do said amount shall become a lien upon all improvements owned by such person in such Territory, and may be enforced by such trib; and unless such person makes such restitution no allotments shall be made to him.

SEC. 11. That the Secretary of the Interior is hereby authorized and directed to provide rules and regulations in regard to the leasing of coal, mineral, and timber lands, and whenever either of the tribes shall hereafter make a lease of coal, mineral, or timber land the same shall be done in compliance with the directions of the Secretary of the Interior; and any lease for any such land hereafter made shall be absolutely void until approved by him: *Provided*, That nothing herein contained shall impair the rights of any holder or owner of a leasehold interest in any coal rights, coal claims, mineral or timber rights, which have been acquired with the consent or authority of Congress, but all such interests shall continue unimpaired hereby: *And provided further*, That when, under the customs and laws heretofore existing and prevailing in the Indian Territory, leases have been made of different groups or parcels of coal deposits and possession has been taken thereunder and improvements made for the development of such coal deposits by lessees or their assigns, which have resulted in the production of coal in commercial quantities by such lessees or their assigns, then such parties in possession shall be given preference in the making of new leases, in conformity with the laws of the tribe, and in compliance with the directions of the Secretary of the Interior; and in making new leases due consideration shall be made for the improvements of such lessees, and in all cases the leasing or renewal of leases of coal deposits preference shall be given to parties in possession who have made improvements.

SEC. 12. That when the allotment of lands of any member of a tribe is made, a record of the same shall be made and kept by the officers of the tribe, and a full report thereof made to the Secretary of the Interior, and after the said Secretary of the Interior shall confirm the same, the persons making such selections shall remain in peaceable and undisturbed possession thereof, subject to the provisions contained in section 2 hereof.

SEC. 13. That if the person to whom an allotment is made shall die, leaving no widow or descendants surviving him, then such land shall revert to the tribe and may be allotted by the Secretary of the Interior to any citizen of said tribe who shall be without allotted land. But in the event of the death of any person to whom an allotment is made, who shall leave a widow or children surviving him, then said lands shall go to the use and occupancy of said widow during her lifetime, and his children during their minority, and upon her death the same shall go to the use and occupancy of the children of the original allottee, share and share alike, with the same rights, however, as said lands were originally held by the original allottee.

SEC. 14. That all actions for restitution, ejectment, and possession of real property under this act must be commenced by the service of a summons within two years after the passage of this act where the wrongful entry, detention, and posession began prior to the date of its passage, and all actions which shall be commenced hereafter based upon wrongful entry, detention, and possession committed since the passage of this act must be commenced within two years after the cause of action accrued. And nothing in this act shall take away the right to maintain an action for unlawful and forcible entry and detainer, given by the act of Congress passed May 2, 1890 (26th United States Statutes, page 95).

SEC. 15. That said commission is further authorized and directed to cause to be surveyed and laid out town sites at such places as they may deem expedient and necessary for the needs of the people and the prosperous growth of the country, at the present sites of towns and at such other places as may seem necessary, opening or laying off such streets, alleys, and other grounds as they may deem sufficient, and giving to such town sites such extent of territory as may appear necessary for the future growth thereof, and making correct and proper plats of each town, and filing said plats in the clerk's office of the United States court in the district in which said towns are located, to be there recorded: *Provided*, That nothing herein shall be construed to vest any right or title in anyone occupying any of said lots or lands so laid off into town sites: *Provided further*, That the said commission provided for in this act may exempt from ground rental a sufficient amount of land near such town for cemetery purposes, and such lots inside of such towns upon which to erect churches, public-school buildings, or buildings for the purpose of education or charity, and public parks, and also shall exempt from ground rental all property used or occupied under former acts of Congress.

SEC. 16. That upon the approval by the Secretary of the Interior of the plats the said commission is authorized to let and lease any and all of the lots in such town at not less than the annual ground rental fixed by them and approved by the Secretary of the Interior, and for terms of one year, and renewals shall be for the same period as the original letting. The ground rental herein provided for shall be paid by the lessee into the Treasury of the United States for the benefit of the tribe or nation in whose territory such town is located, under such rules and regulations as the Secretary of the Interior may prescribe.

In making such leases, and the renewal of leases, preference shall be given to the owner of the improvements upon such lots, or to the person in the possession of the same, as the case may be. Should the owner of any such improvement neglect or refuse to lease the said lot or lots, then said commission shall lease to any other person or persons on the terms provided in this act. The rightful owners of improvements or the possessors of lots shall have preference to lease as herein provided.

SEC. 17. That should any lessee of lots, in such towns as are provided in this act, in possession of any lot or lots, neglect or refuse to pay the ground rental within thirty days after the same be due and demanded by the proper officer, such overdue ground rental shall become a lien upon the improvements situated thereon.

SEC. 18. That the inhabitants of any town in said Territory having two hundred or more residents therein may proceed, by petition to the United States court in the district in which such town is located, to have the same incorporated as provided in chapter 29 of Mansfield's Digest of the Statutes of Arkansas, if not already incorporated thereunder, and such town government, when so authorized and organized, shall possess all the powers and exercise all the rights of similar town governments in said State of Arkansas. All male inhabitants of such towns over the age of 21 years, who are citizens of the United States or of either of said tribes, who have resided therein more than six months next before any election held under this act shall be qualified voters at such election.

All elections shall be conducted under the provisions of chapter 56 of said digest, entitled "Elections," so far as the same may be applicable; and all

inhabitants of such towns, without regard to race, shall be subject to all laws and ordinances of such town governments, and shall have equal rights, privileges, and protection therein. Such town governments shall in no case have any authority to impose upon or levy any tax against any lands in said towns; but all other property, including all improvements on town lots, which for the purposes of this act shall be deemed and considered personal property, together with all occupations and privileges, shall be subject to taxation. And the town councils of such town governments, for the support of the same, and for school and other public purposes, may provide by ordinance for the assessment, levy, and collection, annually, of a tax upon such property, not to exceed in the aggregate 1 per cent of the assessed value thereof, in manner provided in chapter 129 of said digest, entitled "Revenue," and for such purposes may also impose a tax upon occupations and privileges.

Such town councils may also establish and maintain free schools in such towns, under the provisions of sections 6258 to 6276, inclusive, of said digest; and may exercise all the powers conferred upon special school districts in towns in the State of Arkansas by the laws of said State when the same are not in conflict with the provisions of this act.

For the purposes of this section all the laws of said State of Arkansas herein referred to, so far as applicable, are hereby put in force in said Territory; and the United States court therein shall have jurisdiction to enforce the same, and to punish any violation thereof: *Provided*, That owners and holders of leases shall be privileged to transfer the same.

SEC. 19. That it shall be unlawful for any person, after the passage of this act, to claim, demand, or receive for his own use or for the use of anyone else any royalty on stone, coal, or other mineral, or on any timber or lumber, or any other kind of property whatsoever, or any rents on any lands or property belonging to any one of said tribes or nations in said Territory, or for anyone to pay to any individual any such royalty or rents or any consideration therefor whatsoever; and all royalties and rents hereafter payable to the tribe shall be paid, under such rules and regulations as may be prescribed by the Secretary of the Interior, into the Treasury of the United States to the credit of the tribe to which they belong: *Provided*, That where any citizen shall be in possession of only such amount of agricultural or grazing lands as would be his just and reasonable share of the lands of his nation or tribe and that to which his wife and minor children are entitled, he may continue to use or receive the rents thereon until allotment has been made to him: *Provided further*, That nothing herein contained shall impair the rights of any member of a tribe whose allotment of lands may hereafter disclose coal or other minerals from using the same for his or her own use and benefit.

SEC. 20. That it shall be unlawful for any citizen of any one of said tribes to inclose, or in any manner, by himself or through another, directly or indirectly, to hold possession of any greater amount of lands or other property belonging to any such nation or tribe than that which would be his approximate share of the lands belonging to such nation or tribe, and that of his wife and his minor children as per allotment herein provided; and any person found in such possession of lands or other property in excess of his share and that of his family, as aforesaid, or having the same in any manner inclosed, at the expiration of nine months after the passage of this act, shall be deemed guilty of a misdemeanor.

SEC. 21. That any person convicted of violating any of the provisions of sections 19 and 20 of this act shall be deemed guilty of a misdemeanor and punished by a fine of not less than $100, and shall stand committed until such fine and costs are paid (such commitment not to exceed one day for every $2 of said fine and costs), and shall forfeit possession of any property in question, and each day on which such offense is committed or continues to exist shall be deemed a separate offense. And the United States district attorney in said Territory is required to see that the provisions of said sections are strictly enforced, and he shall at once proceed to dispossess all persons of such excessive holding of lands and to prosecute them for so unlawfully holding the same.

SEC. 22. That all per capita payments hereafter made to the citizens of any of said nations shall be paid directly to each individual citizen by a bonded officer of the United States, under the direction of the Secretary of the Interior, who shall be required to render strict account for such disbursements to Congress.

SEC. 23. That said commission shall have power to employ such assistants as may be found necessary in the performance of its duties, such employment to be first approved by the Secretary of the Interior, who may fix their compensation.

SEC. 24. That all rights of way granted to railroad corporations whose lines have heretofore been constructed, and at the time of the passage of this act are being operated, and those granted by act of Congress which are now in the course of construction, or are hereafter constructed as provided in the act or acts of Congress granting the right, together with such lands as they were or are authorized to take or acquire for depot or rights of way, sidings, and freight or storage purposes, are hereby confirmed.

SEC. 25. That whenever the executive of any State or Territory shall demand of the United States judge of any of the districts in the Indian Territory any person as a fugitive from justice, and shall have complied with the requirements of the act of Congress in regard to requisitions on governors of States in similar cases, it shall be the duty of the judge of the district to issue a warrant, under the seal of the court, directed to the United States marshal, for the apprehension of such person.

SEC. 26. That every warrant so issued may be served in any part of the Territory, and when the person named in the warrant is arrested, he shall be taken before the judge; and if, upon hearing, the judge is satisfied that the person arrested is a fugitive from justice, he shall order that the prisoner be delivered to the agent or officer of the State demanding him.

SEC. 27. That no act, resolution, ordinance, or decree of the councils of either of said tribes in any manner affecting the public domain, moneys, or other property of the tribe, the right of any person to employ any kind of labor, the rights of persons who have taken the oath of allegiance to the United States Government, or its authorities, shall be of any validity after the passage of this act, until approved by the President of the United States; and all such acts, resolutions, ordinances, and decrees so approved shall be published in at least two newspapers having a bona fide circulation in the Territory of the tribe affected thereby, with such approval, before the same shall be valid.

SEC. 28. That the said commission is hereby authorized and directed to make a full and complete roll of all those persons residing in the Choctaw and Chickasaw Nations, and designated in article 3 of the treaties of said nations of April 28, 1866, as "persons of African descent residing in said nation at the date of the treaty of Fort Smith, and their descendants, heretofore held in slavery among said Indians," who shall not be found by said commission to be entitled to be enrolled as citizens of said nation; and the said Secretary of the Interior shall make his report thereon, showing whether the stipulations described in said treaty of April 28, 1866, for the benefit of said persons, have been fulfilled, with his recommendation for such action by Congress as in his judgment is required.

Mr. KIRKPATRICK. I demand a second on the motion to suspend the rules.

The SPEAKER. Without objection, a second will be considered as ordered.

Mr. TATE. I object.

Mr. TATE and Mr. SHERMAN were appointed tellers.

The House divided; and there were—ayes 77, noes 14.

Mr. TATE. No quorum.

The Speaker proceeded to count the House.

Mr. TRACEY (before the count was concluded). I move that the House do now adjourn.

The motion was not agreed to.

The SPEAKER. One hundred and eighty members are present—a quorum. The motion to suspend the rules is seconded.

Mr. SHERMAN. Mr. Speaker, I shall occupy but a moment in speaking on this bill; and then I shall yield to the gentlemen composing the subcommittee that did most of the work in framing the measure. There were introduced some three or four bills on the general subject of ameliorating the condition of affairs in the Indian Territory. Those bills were considered by the Committee on Indian Affairs for many weeks. The members of the Dawes Commission were before the committee time and time again, discussing fully the condition of affairs in the Indian Territory. Full hearings were given to the representatives of every tribe of Indians in the Territory. The Committee on Indian Affairs sat daily between three and four weeks until every interest desiring to be heard upon the propositions covered by the various bills had had the fullest possible hearing. And then that subcommittee took up the subject and framed the bill which is now presented as a substitute for the various propositions which were before the committee for its consideration.

It has the approval, Mr. Speaker, of these gentlemen; it has the unanimous approval of the full committee; it has the approval of the Indian Bureau, the Secretary, and of the Dawes Commission; and I believe it has the approval of every person who has any understanding of the condition of affairs in that Territory and who desires to see a step taken in the line of better government and progress among the people there. The bill as presented gives proper consideration to every interest involved, and is the first important step to civilize the uncivilized and advance the condition of over one-quarter of a million of people, now residing within the limits of the Indian Territory. I believe it ought to pass; yes, without opposition.

I now yield to my colleague on the committee, Mr. LITTLE of Arkansas, for ten minutes.

Mr. LITTLE. Mr. Speaker, the recent history of this country furnishes no more striking examples or illustrations of a lawless condition of affairs which has worked to unsettle all progress and destroy all material interests than are to be found in the Indian Territory. The growing shame of that country is, first, the nonenforcement of law in the Indian courts; second, a monopoly in landholding, and thirdly, the unfortunate condition of the many towns inhabited by good citizens situated in all parts of it.

The bill that the Committee on Indian Affairs has now presented for the consideration of the House has been the result of many months of labor on the part of that committee. Objections have been met and remedied, until the bill now presented is the unanimous voice of that committee as to what they believe ought to be done; not what many of us believe should have been done, but that this, at least, should be done under present circumstances as an urgent necessity.

In the first place it has become a notorious fact that the Indian courts in that Territory are incapable of enforcing their laws and unable to protect the lives and the property of their own people. This is a well-recognized fact by all persons who are at all familiar with the condition of affairs existing in that Territory.

This bill provides that all criminal jurisdiction shall be vested in the Federal courts in the Territory. It gives the right of appeal from the Indian courts in civil cases to the Federal courts. To that extent it affects the jurisdiction of the courts there. It provides next for completing and finishing the rolls of citizens of that country for a just, equitable, and legal distribution of the common property. These rolls are essential and necessary before a step can be taken looking to a just division of this property.

It is a crying shame, as I said at the beginning of my remarks to-day, that a few people, some of them members of the Indian tribes, and many of them in whose veins not a drop of Indian blood flows, should absorb the public domain of the Territory, as they are absorbing its wealth steadily, in violation of the treaty rights of the Indian people.

This bill seeks to remedy what all recognize as an evil in that respect, and that is that the lands, as soon as they are surveyed (not the title, for the title is maintained intact to the tribes under the treaties)—but it is made the duty of the commission, after the survey of the land is made, to set apart the right of occupancy equally to every member of every tribe in the Territory.

It seems to me that any man who loves justice to the Indians must see the wisdom and the necessity of such an enactment, and

that there can be no possible objection to this provision. It is in proof beyond controversy that in one tribe 61 people occupy no less than 1,250,000 acres of this land. In another tribe 21 people occupy 164,000 acres of the public domain. And yet hundreds and thousands of their citizens are without homes and land.

This bill does not affect the title, but decrees that the occupancy of the land shall be set apart to these people. In the towns, many of them with three, four, five, or six thousand inhabitants they stand in that country absolutely without any corporate or municipal law governing them. They have no means of enforcing health regulations or sanitary rules, no means of protection against fire or otherwise. They are absolutely helpless to-day. The bill provides for the incorporation and organization of the towns.

More than that, Mr. Speaker, there are some hundred and fifty thousand white children in that country without schools, growing up in utter ignorance to become part of the bone and blood of this great nation. This bill provides that they shall have the benefit of a common-school education; that school shall be established and maintained by taxes levied on the property of noncitizens, and I believe a provision of that character looking to the education of these children will meet the approval of this House without any dissent. As to the leases in that country, this bill maintains those that are legal. The others are disregarded, and the land is directed to be set apart, as I have said.

As to the abolition of the criminal jurisdiction of these courts, I have in mind an instance where only a few weeks ago the sheriff of one of the counties was murdered in open daylight, and the next day the murderer announced himself as a candidate for successor to the position of the man he had murdered.

In the courts of the Choctaw Nation 14 criminals charged with murder forfeited their bonds and went into an organization and defied the courts of the Territory. This bill, in order to create uniformity in the administration of the law, invests the criminal jurisdiction over all the people, without regard to race, in the Federal courts of that country. More than that, the bill provides for an investigation of the condition and status of the colored population of the Choctaw Nation who claim the rights of citizenship.

I wish I had time to consider this bill section by section and explain it to this House, because I feel sure that it would commend itself to every man who wants to see the right done and the treaties carried out with these people.

This bill does not violate a treaty with the Indians. In every treaty between the United States and any tribe it is provided that it shall be the duty of the Government to maintain and protect life and property in the Territory. That right is reserved to the Government, and order can not be restored until the conditions in that country are broken up.

Why, sir, if you will travel over that country—the richest in almost all the land, you will see men occupying hundreds and thousands of acres to which they have no right. On the other hand, you will see the young Indian who has called to his heart the young, loving squaw who is to preside over his home in future hunting for land on which to erect an honest little cabin home in which to live. He finds the land guaranteed to him by the treaties, guaranteed to him by this Government, yet he can not obtain it. It is in the possession of another. And disappointed and broken-hearted they enter the battles of life, while others feast upon their inheritance. These things have commended themselves to the committee. The committee have acted with great earnestness, and have endeavored to protect every interest in that country. We urge this Congress to raise its hand in defense of these defenseless people, the Indians themselves. The lobbyists who hang around this Capitol pay their expenses out of money which they have extorted from their own people, and are not representative in their character. The fruits of their own criminality is used to further their extortions and monopolies.

I beg this Congress, in the name of the rights of the people in the Indian Territory, to give to them, under the law, the rights which the treaties guarantee to them. Do not let the tribes handle these rolls as a political football. Let the authorities of the Government make an authorized roll and then set apart the lands for these Indians. Why, sir, it is not infrequent in that country when a man is arrested, charged with crime, for him to stand in with the Indian authorities and have his name placed on the roll as an Indian. That defeats the jurisdiction of the Federal courts. Then, if the Indian courts seek to pursue him, they strike him off the roll and the Indian courts have no jurisdiction.

A number of cases of that sort have happened, resulting in a mere trifling with the sacred rights of the people and resulted in the exoneration of the worst criminals. I urge upon Congress the necessity of prompt action. We have waited and waited for these Indian governments to do something to relieve their people, but they are dumb to the appeals of justice. Commission after commission and committee after committee have gone into that country and investigated the condition of these tribes, and they return here telling you with one voice of the conditions which exist there. There is no disagreement in that regard. If you seek to make that country a country of law, of order, and of equal rights of the people to whom it belongs, it is the duty of Congress either to pass this measure or some other measure of similar import, giving to the Indian his rights and to the good, honest American citizens of that country protection to their lives and families and education for their children. [Applause.]

How much time have I remaining, Mr. Speaker?

The SPEAKER. The gentleman has one minute remaining.

Mr. LITTLE. I yield that back to the gentleman in charge of the time.

Mr. TURNER of Georgia. I should like to ask the gentleman is this bill approved by the Dawes Commission?

Mr. LITTLE. It is substantially on the same line as their bill. It is not so radical as the one which they recommend.

Mr. KIRKPATRICK. I yield ten minutes to my colleague, Mr. TRACEY.

Mr. TRACEY. Mr. Speaker, in my opinion this bill is entirely too important to be passed under a suspension of the rules, without opportunity for amendment. There are some good features in the bill, which, in my opinion, ought to become law, but it ought to be amended in some respects; and without an opportunity to amend it it ought not to be taken up and passed. There are several particulars in which amendments are necessary in order to preserve existing rights. Those rights ought not to be disregarded, because they are the rights of men who have invested considerable sums of money in the development of property in the Territory. Those rights ought not to be trampled upon. They ought not to be disregarded, and unless the bill is amended in some particulars they will be disregarded.

Now, I hold this to be an absolutely just position. In the years gone by men have been invited to go into the Indian Territory and other portions of that country down there and develop the coal and mineral lands. They have accepted that invitation and gone there. Some of them, about whom I know personally, have invested a good many thousands of dollars in the development of those lands.

Mr. LITTLE. Will the gentleman permit me?

Mr. TRACEY. Yes; certainly.

Mr. LITTLE. The bill protects their rights.

Mr. TRACEY. In my opinion it does not.

Mr. LITTLE. It certainly does.

Mr. TRACEY. I understand it is the belief of the committee that in section 11 they have protected all these rights, but I do not think the section is sufficiently explicit to protect the rights to which I refer.

With reference to what constitutes the matter in issue in the case of the renewal of a lease, the language is not sufficiently explicit, in my opinion. I should like to make it more explicit, and that is one of the reasons why I am opposed to the consideration of so important a bill as this in this way.

Mr. SHERMAN. Will the gentleman kindly read section 11, which covers that point?

Mr. TRACEY. I have read section 11 three or four times, or half a dozen times. The provision to which the gentleman refers reads as follows:

That when, under the customs and laws existing and prevailing in the Indian Territory, leases have been made of different groups or parcels of coal deposits and possession has been taken thereunder and improvements made for the development of such coal deposits by lessees or their assignees——

Mr. SHERMAN. Read the provision that begins on line 6.

Mr. TRACEY (reading):

That nothing herein contained shall impair the rights of any holder or owner of a leasehold interest in any coal rights, coal claims, mineral or timber rights which have been acquired with the consent or authority of Congress, but all such interests shall continue unimpaired hereby.

That is all very true. But when you come to the succeeding provision, talking about the renewal of leases, you do not continue the language used in that provision; and hence in the following provision, if it is necessary to put it in at all, the same explicit language ought to govern and control the leases; that is to say, specifying the right that any holder or owner of the leasehold has under the provision referred to:

And provided further, That when under the customs and laws heretofore existing, etc.

Now, under that provision, instead of using the language of the provision just read, you have:

In making new leases due consideration shall be made for the improvements of such lessees, and in all cases the leasing or renewal of leases of coal deposits preference shall be given to parties in possession who have made improvements.

Now, if the language of the provision covering the first provision had been continued, so that the subject of the leases or the renewal of leases of coal deposits was included as specifically

as in the first provision for coal claims and mineral or timber claims, then I think it would not still be perfect as to the rights of the parties about which I am talking, but they would be certainly much better protected than they are in the bill as it is. In other words, it is not sufficiently explicit in the latter part. "And in all cases of the leasing or renewal of leases" it should be, and the specification should be made as in the first provision, where the words "coal and coal deposits" are used in the latter part of the section. It ought to be construed, and the law ought to so state, as to "coal rights, coal claims, mineral or timber rights." That ought to be provided for in the last as well as in the first provision.

Evidently it was the intention of the framers of the bill to guard and protect the interests of these men who have invested their money for the purpose of developing the coal mining in that country. It is evident that they intended to do it, but I do not think they have done it. There is at least a question of doubt as to whether they have done it; and when it comes to the renewal of leases down there, there ought to be a provision more explicit than there is here, which gives a preference to those men who have invested their money. That is attempted to be guarded here in the bill, but I do not think the language is as explicit upon that point as it ought to be in order to guard and protect the rights of the people who have invested their money down in the Territory.

Now, for these reasons, Mr. Speaker, I am opposed to the passage of this bill in this way, and for an additional and larger reason than that—that no bill involving what is involved in this bill, no bill having the importance that this bill has, ought to be taken up and passed under a suspension of the rules.

Mr. KIRKPATRICK. Mr. Speaker, I have been endeavoring to consider this bill in a few moments. Of course I was not aware that it would be taken up at this time. I have examined it to some extent heretofore, and I am inclined to believe that the bill in many particulars is a very excellent one. There is one objection I had to the bill, but since making that objection I have been informed by a member of the committee that the committee concede the correctness of my opposition and that an effort will be made in the Senate to have an amendment inserted.

Now, from our part of the country quite a number of people have gone down into the Indian Territory, have been invited down there, for the purpose of improving the farms, and they made leases that have been heretofore recognized as valid. These parties have acted upon these leases and have expended large amounts of money in the improvement of farms with the privilege of keeping them from five to seven and eight years to pay them for making these improvements. Now, it seems to me that this bill does not protect the rights of these persons; but the committee suggests that an effort or application will be made in the Senate to amend this bill so as to protect the rights of these people. You can readily see that if this bill should go through in its present condition, if the construction is to be placed on it that it annuls and vacates all these leases, it would be a manifest injustice to a large number of persons. For that reason I have opposed the passage of this bill. It seems to me it is an unsafe thing to pass a bill and then submit it to the other body, the Senate, and take our chances to secure an amendment which is conceded should be made in this House.

It would have been far better for those who have been interested in this bill that it should wait until it could be considered in a proper way, and all suitable amendments could be suggested. This is a bill dealing with very important questions. That we need legislation along the line proposed in this bill there is no question; but we should proceed in a careful way about this matter, so as not to do an injustice to a great number of citizens who have honestly gone down there to develop that country and have expended their time and their money. They should not have their rights, I say, trampled under foot, in order that we may protect the rights of some one else. For that reason I can not vote for this measure in its present condition. I reserve the remainder of my time.

Mr. SHERMAN. I wish the gentleman would occupy all his time now.

Mr. KIRKPATRICK. Unless some other gentleman desires to be heard, I have no further remarks to make.

Mr. SHERMAN. Then let us take the vote.

The question being taken on the motion to suspend the rules and pass the bill, the Speaker declared that the ayes seemed to have it.

Mr. TATE. I ask for a division.

Mr. KEM. Mr. Speaker, it is evident that there is no quorum, and I make that point.

The House divided; and there were—ayes 85, noes none.

Mr. TATE. No quorum, Mr. Speaker.

Mr. SHERMAN. I move that the House do now adjourn.

The motion was agreed to; and the House accordingly (at 5 o'clock and 40 minutes p. m.) adjourned.

REPORTS OF COMMITTEES ON PUBLIC BILLS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. KERR, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5287) for the relief of widows who were wives of soldiers and sailors while in the service of the United States, reported the same with amendment, accompanied by a report (No. 2125); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. DOOLITTLE and Mr. SHERMAN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 35) to amend the act entitled "An act to incorporate the Maritime Canal Company of Nicaragua," approved February 20, 1889, reported the same with amendment, accompanied by a report (No. 2126); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. FENTON, from the Committee on Military Affairs: The bill (H. R. 3926) to correct the war record of David Sample. (Report No. 2106.)

By Mr. MINOR of Wisconsin, from the Committee on Claims: The bill (H. R. 5693) for the relief of the city of Racine. (Report No. 2107.)

By Mr. LOUDENSLAGER, from the Committee on Pensions: The bill (H. R. 2336) to grant a pension to Theresa Bonnaveau. (Report No. 2108.)

By Mr. ANDERSON, from the Committee on Invalid Pensions: The bill (H. R. 5128) to increase the pension of Jere Smith. (Report No. 2109.)

By Mr. CROWTHER, from the Committee on Invalid Pensions: The bill (H. R. 3858) granting a pension to Charles L. Stephens. (Report No. 2110.)

By Mr. KERR, from the Committee on Invalid Pensions:

The bill (H. R. 8461) granting a pension to Theodore Jones, late brigadier-general of volunteers. (Report No. 2111.)

The bill (H. R. 2060) to pension Oscar Dunham. (Report No. 2112.)

The bill (H. R. 3245) granting a pension to Alfred Vansickles. (Report No. 2113.)

The bill (H. R. 7563) to pension Sarah A. Halter. (Report No. 2114.)

The bill (H. R. 5041) to pension Ella F. Sydnor. (Report No. 2115.)

The bill (H. R. 6092) granting a pension to Delia Fry. (Report No. 2116.)

By Mr. THOMAS, from the Committee on Invalid Pensions: The bill (H. R. 5263) granting a pension to Henry Willis. (Report No. 2117.)

By Mr. WOOD, from the Committee on Invalid Pensions:

The bill (H. R. 5457) to increase the pension of John Yahne. (Report No. 2118.)

The bill (H. R. 7342) to pension Ella S. Mannix. (Report No. 2119.)

The bill (H. R. 2321) to increase pension of John J. Cross. (Report No. 2120.)

The bill (H. R. 7581) granting a pension to Mrs. Maria N. Flint. (Report No. 2121.)

The bill (H. R. 7440) to increase the pension of Albert G. Dow. (Report No. 2122.)

The bill (H. R. 1896) granting a pension to Sarah E. Hoadley. (Report No. 2123.)

By Mr. OTJEN, from the Committee on War Claims: The bill (S. 2871) entitled "An act to amend an act for the correction of the military record of Wilhelm Spiegelburg," approved July 21, 1892. (Report No. 2124.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. JOHNSON of Indiana: A bill (H. R. 9274) to amend an act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes, and to repeal a certain provision therein—to the Committee on Appropriations.

By Mr. SULLOWAY: A bill (H. R. 9276) to increase the pensions of widows when they become 65 years of age—to the Committee on Invalid Pensions.

By Mr. HOPKINS: A concurrent resolution (House Con. Res. No. 53) relative to the printing of 10,000 copies each of the majority and minority reports of the Committee on Ways and Means concerning reciprocity and commercial treaties, and also 10,000 copies of the hearings before the subcommittee of Ways and Means on the same subject—to the Committee on Printing.

By Mr. JOHNSON of California: A concurrent resolution (House Con. Res. No. 54) authorizing the local United States engineers in the State of California to examine and survey Mormon Channel and Calaveras River, etc., in California, and to report the results to the Chief of Engineers of the United States—to the Committee on Rivers and Harbors.

By Mr. McCLEARY of Minnesota: A resolution (House Res. No. 394) giving to each messenger of the House post-office an extra month's salary—to the Committee on Accounts.

By Mr. HEATWOLE: A resolution (House Res. No. 395) to authorize the Clerk of the House to employ two messengers during the remainder of the first session of the Fifty-fourth Congress—to the Committee on Accounts.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. BUCK: A bill (H. R. 9277) to remove the charge of desertion from John L. Arms—to the Committee on Military Affairs.

By Mr. CALDERHEAD: A bill (H. R. 9278) granting a pension to Ezra Crosby, of Barnard, Kans., late first lieutenant of Company A, Thirty-eighth, and Company F, Thirty-fourth Regiments Iowa Volunteer Infantry—to the Committee on Invalid Pensions.

By Mr. HARDY: A bill (H. R. 9279) for the relief of Wesley Porter—to the Committee on Military Affairs.

By Mr. LONG: A bill (H. R. 9280) granting a pension to John Fuller—to the Committee on Invalid Pensions.

By Mr. PEARSON: A bill (H. R. 9281) to complete the military record of John Jenkins—to the Committee on Military Affairs.

Also, a bill (H. R. 9282) to complete the military record of William Johnson—to the Committee on Military Affairs.

By Mr. SHERMAN: A bill (H. R. 9283) to increase the pension of Mrs. Nettie B. Smith—to the Committee on Invalid Pensions.

By Mr. SOUTHARD: A bill (H. R. 9284) to increase the pension of Edward Blanchard, Company L, Second Michigan Cavalry—to the Committee on Invalid Pensions.

By Mr. CALDERHEAD: A bill (H. R. 9285) granting a pension to Henry H. Tucker, of Minneapolis, Kans., late a sergeant of Company E, Thirty-first Ohio Volunteer Infantry, and a first lieutenant of Company B, One hundred and forty-third Illinois Infantry—to the Committee on Invalid Pensions.

By Mr. GROUT: A bill (H. R. 9286) granting a pension to Frank W. Gold—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. CALDERHEAD: Papers to accompany House bill to pension Henry H. Tucker—to the Committee on Invalid Pensions.

By Mr. COFFIN: Petitions of citizens of Annapolis and Prince Frederick, Md., asking favorable action on House bill No. 838, to reduce letter postage, and House bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. CURTIS of New York: Petition of citizens of Ogdensburg, N. Y., asking for favorable action on House bills Nos. 838 and 4566, amending the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. GROUT: Testimony in the matter of granting a pension to Frank W. Gold, late an employee of the Quartermaster's Department, Army of the Potomac—to the Committee on Invalid Pensions.

Also, testimony in the matter of granting a pension to Mary B. Chamberlin, mother of Charles L. Chamberlin, late of Company D, Ninth Vermont Volunteers—to the Committee on Pensions.

Also, resolutions adopted by the General Conference of the Methodist Episcopal Church, held at Cleveland, Ohio, in relation to the Armenian atrocities—to the Committee on Foreign Affairs.

By Mr. HARMER: Paper to accompany House bill for the relief of John Amrein—to the Committee on Invalid Pensions.

By Mr. HEMENWAY: Petition of citizens of Evansville, Ind., asking favorable action on House bills Nos. 838 and 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. KERR: Petition of Albert F. Remy and others, asking favorable action on House bills Nos. 838 and 4566, amending the postal laws—to the Committee on the Post-Office and Post-Roads.

Also, petition of J. R. McKnight and 32 others, of Huron County, Ohio, on behalf of House bill No. 6851, to aid Wilberforce University—to the Committee on Military Affairs.

By Mr. KNOX: Petition of the Old South Methodist Episcopal Church, of Reading, Mass., favoring the enactment of a Sunday-rest law for the District of Columbia—to the Committee on the District of Columbia.

By Mr. LINTON: Statement to accompany House bill No. 8304, for the relief of David J. Newman—to the Committee on Invalid Pensions.

Also, statement to accompany House bill for the relief of Charles Coles—to the Committee on Invalid Pensions.

By Mr. MERCER: Resolutions of the Chamber of Commerce of Los Angeles, Cal., in favor of the transmississippi exposition at Omaha, Nebr.—to the Committee on Ways and Means.

By Mr. RUSSELL of Connecticut: Petition and papers from citizens of Connecticut, in favor of free alcohol for use in manufactures and arts—to the Committee on Ways and Means.

By Mr. SAUERHERING: Petition of 88 citizens of Hustisford, Wis., favoring the passage of House bill No. 8315, for the manufacture of pure beer—to the Committee on Ways and Means.

By Mr. SMITH of Illinois: Petition of citizens of Penn Yan, N. Y., asking favorable action on House bills Nos. 838 and 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. SOUTHWICK: Petition of citizens of Albany and Troy, N. Y., remonstrating against the acceptance of the Marquette statue—to the Committee on the Library.

SENATE.

TUESDAY, *June 2, 1896.*

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. HALE, and by unanimous consent, the further reading was dispensed with.

COST OF PRODUCTION OF GOLD AND SILVER BULLION.

Mr. PEFFER. I have had frequent requests recently for Senate Report No. 1310, second session Fifty-second Congress. Upon inquiry I find that the edition has been exhausted. I ask that it may be reprinted. It is a report of the Committee on Mines and Mining.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

DEFICIENCY APPROPRIATION BILL.

Mr. HALE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 8293) "making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1896, and for prior years, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 10, 12, 20, 58, 59, 62, 75, 76, 77, 89, 114, 146, 176, and 186.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 13, 15, 16, 17, 18, 19, 21, 22, 23, 26, 28, 29, 32, 33, 34, 35, 36, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 60, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 78, 84, 85, 86, 87, 88, 90, 94, 95, 96, 97, 98, 99, 100, 101, 102, 107, 108, 109, 110, 111, 112, 113, 115, 116, 117, 118, 119, 120, 121, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 138, 139, 140, 141, 142, 144, 145, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 177, 178, 179, 180, 181, 182, 183, 184, 185, 187, 188, 189, 191, 193, 194, 195, 196, 197, 198, 201, 202, 203, 204, 205, 208, 209, 210, 211, 212, 213, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, and 232, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$304"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 91, and agree to the same with an amendment as follows: Insert said amendment after line 10 on page 37 of the bill; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 92, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$64,951.03"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 93, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$307,094.62"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 143, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$134.85"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 199, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"To pay Mrs. Hattie Newsom, widow of James A. Newsom, who died while a member of the Capitol police, $450, being one-half of a year's salary."

And the Senate agree to the same.

That the House recede from its disagreement to the amendments of the Senate numbered 214 and 215, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendments insert after the matter inserted by amendment numbered 179 the following:

"To pay Henry A. Du Pont, in full compensation for all his time and expenses, including printing and counsel fees, in prosecuting his claim to a seat

in the Senate of the United States as a Senator from the State of Delaware, $2,500.

"To pay James L. Wolcott, for himself and associates, counsel in opposition to the claim of Henry A. Du Pont, the same to embrace all their disbursements and expenses of the prosecution of their case in such opposition, $2,500."

And the Senate agree to the same.

The committee of conference have been unable to agree on the amendments of the Senate numbered 14, 24, 25, 27, 30, 31, 37, 74, 79, 80, 81, 82, 83, 103, 104, 105, 106, 122, 137, 147, 148, 190, 192, 200, 207, and 208.

EUGENE HALE,
W. B. ALLISON,
F. M. COCKRELL,
Managers on the part of the Senate.

J. G. CANNON,
S. A. NORTHWAY,
JOSEPH D. SAYERS,
Managers on the part of the House.

The report was concurred in.

Mr. HALE. I move that the Senate further insist on its amendments still in disagreement between the two Houses, and request a further conference thereon.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate at the further conference; and Mr. HALE, Mr. ALLISON, and Mr. COCKRELL were appointed.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial of the Downing and Lawrence Dry Dock Company, of Brooklyn, N. Y., remonstrating against the adoption of amendment numbered 45 to the river and harbor appropriation bill, giving to the estate of the late J. P. Robinson land in Gowanus Bay Channel, at the foot of Court street; which was referred to the Committee on Commerce.

Mr. PRITCHARD presented a petition of Biltmore Branch, Journeymen Stone Cutters' Association of North America, of Asheville, N. C., praying for the enactment of legislation to prohibit the use of stone cut by convict labor in penitentiaries in the construction of public buildings by the Government; which was ordered to lie on the table.

Mr. BURROWS (for Mr. MCMILLAN) presented petitions of the Methodist Episcopal Church, the Woman's Christian Temperance Union, and the Woman's Foreign Missionary Society, of Somerset Center, Mich., praying for the enactment of a Sunday-rest law for the District of Columbia; which were referred to the Committee on the District of Columbia.

REPORTS OF COMMITTEES.

Mr. GALLINGER (for Mr. MCMILLAN), from the Committee on the District of Columbia, submitted a report to accompany the bill (H. R. 8469) to authorize the Baltimore and Washington Transit Company of Maryland to enter the District of Columbia, heretofore reported from that committee.

He also (for Mr. MCMILLAN) from the same committee, submitted a report to accompany the bill (S. 2840) to incorporate the East Washington Heights Traction Railway Company of the District of Columbia, heretofore reported from that committee.

He also, from the Committee on Pensions, to whom was referred the bill (S. 3218) granting an increase of pension to Charles D. Hanscom, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1551) granting a pension to Mrs. Selena McKay, of Suwanee County, Fla., reported it with an amendment, and submitted a report thereon.

Mr. SHOUP, from the Committee on Education and Labor, to whom was referred the bill (S. 3243) regulating the salaries of printers, bookbinders, and other skilled workmen employed in the Government Printing Office, reported it without amendment, and submitted a report thereon.

He also (for Mr. HANSBROUGH), from the Committee on Pensions, to whom was referred the bill (H. R. 1820) granting a pension to Neil McNeil, reported it without amendment, and submitted a report thereon.

Mr. BERRY. I am directed by the Committee on Patents, to whom was referred the bill (S. 1453) for the relief of Daniel Drawbaugh, to report it with an amendment, and submit a report thereon.

Mr. PLATT. I desire to state that this is not a unanimous report; that I disagree to it, with other members of the committee. I ask for a little time in which to prepare the views of the minority, which may be printed with the report.

The VICE-PRESIDENT. Leave will be granted, in the absence of objection.

Mr. MORRILL, from the Committee on Finance, to whom was referred the bill (H. R. 3787) for the relief of H. C. Herndon, reported it without amendment.

Mr. HAWLEY, from the Committee on Military Affairs, to whom was referred the bill (S. 2009) to simplify the system of making sales in the Subsistence Department to officers and enlisted men of the Army, reported it without amendment, and submitted a report thereon.

Mr. LINDSAY, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 4721) granting an increase of pension to Orleina J. Clark, of Louisville, Ky.;

A bill (H. R. 4720) granting an increase of pension to Isaac H. Whetsel, of Louisville, Ky.;

A bill (H. R. 950) granting increase of pension to John Coombs;

A bill (H. R. 2359) granting a pension to Katherine Zeigenheim, of Louisville, Ky.; and

A bill (H. R. 4604) granting a pension to Jane Fisher.

Mr. MITCHELL of Wisconsin, from the Committee on Pensions, to whom was referred the bill (S. 2916) granting an increase of pension to Mary Sprague, reported it with an amendment, and submitted a report thereon.

Mr. PALMER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 1022) to increase the pension of Byron Cotton; and

A bill (H. R. 6466) to increase the pension of George V. Barnard.

Mr. BRICE, from the Committee on Pensions, to whom was referred the bill (H. R. 4888) for the relief of George Hager, reported it without amendment, and submitted a report thereon.

Mr. WHITE, from the Committee on Commerce, to whom was referred the bill (S. 3224) to amend an act approved August 19, 1890, entitled "An act to adopt regulations for preventing collisions at sea," reported it without amendment, and submitted a report thereon.

MARY E. CHAMBERLIN.

Mr. GALLINGER. I am directed by the Committee on Pensions, to whom was referred the bill (H. R. 6221) granting an increase of pension to Mary E. Chamberlin, to report it without amendment. I will state that the Senate passed a bill for this claimant increasing the pension to $40 per month. The House, instead of acting on the Senate bill, passed a House bill at $30 a month. The Senate committee has concluded to report the House bill back without amendment, and I ask for its immediate consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of Mary E. Chamberlin, widow of Lowell A. Chamberlin, late a captain in the First United States Artillery, and pay her a pension of $30 a month, in lieu of the pension she is now receiving or of that to which she is entitled.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

W. H. MICHAEL.

Mr. GALLINGER. I am directed by the Committee to Audit and Control the Contingent Expenses of the Senate to report back favorably the resolution referred to that committee yesterday, and on behalf of the Senator from Maine [Mr. HALE] I ask that it be considered at the present time.

The resolution submitted yesterday by Mr. HALE was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay from the contingent fund of the Senate to W. H. Michael the sum of $1,000 for compiling and indexing all the acts imposing duties on imports heretofore passed by Congress, the said compilation having been made and completed under the authority of the Joint Committee on Printing, as authorized by concurrent resolution of January 16, 1896.

HENRY H. BAILEY.

Mr. LODGE. I ask unanimous consent to call up the bill (H. R. 3582) to remove the charge of desertion now standing against Henry H. Bailey.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to remove the charge of desertion now standing against Henry H. Bailey, private of Company H, First Massachusetts Heavy Artillery, and record the fact that this soldier died on or about December 21, 1862, while in the service of the United States and in the line of duty.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MILITIA ORGANIZATION.

Mr. HAWLEY. I am directed by the Committee on Military Affairs, to whom was referred the bill (S. 2849) to promote the efficiency of the militia, to report it with amendments.

I beg leave to say a very few words. The report is not yet ready to be submitted. This bill may be called the essence of the acts that have been attempted in Congress from time to time for a hundred years.

The original militia act of 1795 had hardly passed before George Washington begged that somebody would take up the subject and reorganize the militia properly. Every President from that time down to—I think the last formal recommendation was in 1843—repeatedly called attention to the inefficiency and utter uselessness of the act, which required the enrollment of every single

man between the ages of 18 and 45 and required that he should be trained every year, etc.

The act died. Gradually there has grown up by natural selection a system of national guards throughout the States, which is practically an organized militia. Other citizens are practically a reserve militia.

The bill proceeds upon that theory, and we have simply recognized what is in fact in existence and put it in form, and repealed the rubbish of the old law.

There are some delicate questions in regard to the use of the Army, as at elections, for example, and in certain circumstances to enforce the statutes and protect public property, that are provided for in other statutes. Those questions have nothing to do with this bill and we have nothing to do with them. Our bill is simply the business of revision, repealing an old and obsolete act and covering with statute law the National Guard system, which has so happily grown up under the independent legislation and expenditures of the individual States.

The bill will not be called up until the next session, and I make these remarks only that I may forefend misapprehension and speak for its kindly consideration.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

Mr. HAWLEY, from the Committee on Military Affairs, to whom were referred the following bills, reported adversely thereon; and the bills were postponed indefinitely:

A bill (S. 1285) to promote the efficiency of the militia; and

A bill (S. 833) to promote the efficiency of the militia.

ABRAHAM H. PARKER.

Mr. LINDSAY. I am directed by the Committee on Pensions, to whom was referred the bill (H. R. 5946) granting an increase of pension to Abraham H. Parker, to report it back favorably without amendment, and I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place the name of Abraham H. Parker, late private of Company A, Forty-fifth Regiment Kentucky Mounted Infantry, on the pension roll of the United States at the rate of $50 per month, in lieu of the pension he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES H. KILE.

Mr. PRITCHARD. I am directed by the Committee on Pensions, to whom was referred the bill (S. 3184) granting an increase of pension to James H. Kile, to report it with an amendment. I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment of the Committee on Pensions was, in line 6, before the word "dollars," to strike out "thirty-six" and insert "twenty-four"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to pay James H. Kile, late first lieutenant, Battery D, First Tennessee Light Artillery Volunteers, $24 per month, in lieu of $17 he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CELESTE A. BOUGHTON.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 1291) granting an increase of pension to Celeste A. Boughton, widow of Bvt. Brig. Gen. Horace Boughton.

The amendment of the House of Representatives was, in line 8, before the word "dollars," to strike out "seventy-five" and insert "thirty."

Mr. GALLINGER. Inasmuch as the amendment to the bill made by the House of Representatives grants the beneficiary precisely the amount of pension that she is now drawing under the general law, I am constrained to move that the Senate disagree to the amendment and ask for a conference on the disagreeing votes of the two Houses thereon.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate; and Mr. GALLINGER, Mr. PALMER, and Mr. HANSBROUGH were appointed.

LENA D. SMITH.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 1342) granting a pension to Lena D. Smith.

The amendment of the House of Representatives was, in line 7, before the word "dollars," to strike out "fifty" and insert "thirty."

Mr. GALLINGER. I move that the Senate concur in the amendment made by the House of Representatives.

The motion was agreed to.

NANCY G. ALLABACH—VETO MESSAGE.

Mr. PALMER. I desire to give notice that to-morrow morning, after the regular morning business is disposed of, I shall ask the unanimous consent of the Senate to call up and consider the bill (S. 894) granting a pension to Nancy G. Allabach, which has been returned to the Senate with the disapproval of the President.

FRANCIS E. HOOVER—VETO MESSAGE.

Mr. GALLINGER. I give notice in the same connection that if the Senate will be kind enough to permit me, I shall at the same time ask for the consideration of the pension veto on the bill (H. R. 1094) granting a pension to Francis E. Hoover, a case that I am very sure will not consume much time when all the facts are known to the Senate.

BILLS INTRODUCED.

Mr. CULLOM introduced a bill (S. 3251) to procure a site and erect a peace monument at Appomattox, Va.; which was read twice by its title, and referred to the Committee on the Library.

Mr. CANNON introduced a bill (S. 3252) to increase the pension of Esther Brown; which was read twice by its title, and referred to the Committee on Pensions.

Mr. WOLCOTT introduced a bill (S. 3253) granting an increase of pension to Mark Hathaway; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BRICE introduced a bill (S. 3254) to increase the pension of Mrs. Helen A. De Russy; which was read twice by its title, and referred to the Committee on Pensions.

Mr. VILAS introduced a bill (S. 3255) granting a pension to Anna B. Gillett; which was read twice by its title, and referred to the Committee on Pensions.

Mr. ALLISON introduced a joint resolution (S. R. 155) to authorize a scientific investigation of the fur-seal fisheries; which was read twice by its title, and referred to the Committee on Finance.

PRICES OF ARMOR FOR NAVAL VESSELS.

Mr. GORMAN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That there be printed for the use of the Senate 1,000 copies of the testimony taken before the Naval Committee entitled "Prices of Armor for Naval Vessels."

AFFAIRS IN INDIAN TERRITORY.

Mr. CHANDLER. I submit a resolution which I ask to have read.

The resolution was read, as follows:

Resolved, That the Judiciary Committee be directed to inquire, respecting the southern judicial district for the Indian Territory, into the manner in which contracts have been made for court-houses, jails, and other public buildings, and whether the rentals paid for the same are reasonable, and into the cause for any excessive rentals; into the fees and compensation received by the clerk, commissioners, and other officers before as well as since the creation of said district, and whether any such fees or compensation have been paid by such officers directly or indirectly to any persons not legally entitled to the same, and if so, the cause or consideration for such payment, and whether such fees and compensation have been fair and reasonable; into the appointment of jailers, janitors, criers, deputy clerks, and deputy marshals; whether any appointments have been made in direct or indirect violation of section 7 of the judiciary act approved August 13, 1888, and whether the persons holding these positions have been permitted to receive and retain the full compensation allowed by the Government, or have been required to divide the same with any other persons, and whether the same person has been permitted to hold more than one office; into the appointment of receivers and the granting of injunctions, and the disposition of property in the hands of receivers, and whether any abuses have existed in connection with the receiverships and injunctions and like cases; into the question whether railroads are being constructed wholly on receivers' certificates; into the conduct and appointment of masters and referees in chancery and the class of cases and questions submitted to them, the compensation allowed and how collected, and whether any abuses have existed in the employment of masters or referees; and whether demurrers or other contested questions of law which it was the duty of the judge to hear and determine have been referred to masters and the parties required to pay the expenses of such hearings, and whether any arbitrary methods have been employed to compel the parties to pay for services which it was the duty of the judge to render; and generally into the administration of justice in said district, to determine whether irregularities and abuses have existed, and if so, whether any legislation is necessary to apply remedies therefor.

Mr. CHANDLER. I shall not ask for the adoption of the resolution, but its reference to the Judiciary Committee. I wish, however, to call the especial attention of the Judiciary Committee—and I should like the attention of the junior Senator from Arkansas [Mr. BERRY], if he will listen to me—to the singular fact about which inquiry is made in the resolution, as to whether in the Indian Territory a railroad is being constructed wholly upon receivers' certificates. I had heard of this in one or two ways, and I now have a letter inclosing to me a slip from a newspaper, not stating from what newspaper it came, as follows:

Judge Kilgore, at Ardmore, in the United States court for the southern district of the Indian Territory, on motion by the creditors of the road, placed the Denison and Northern in the hands of a receiver, Moran Scott being appointed such receiver. Now, the court has authorized and directed said receiver to proceed with the construction and equipment of the Denison and Northern from Dougherty, Ind. T., on the Gulf, Colorado and Santa Fe Railway, easterly to a point near Coalgate, in said Territory, and from a point near Pennington, in said Territory, on the line of the Denison and Northern, south to

the Red River, near the city of Denison, Tex., the lines so to be constructed being about 104 miles. For the purpose of carrying on this construction work the receiver is empowered to issue receiver's certificates at the rate of $11,000 per mile, said certificates to be issued "at the par value thereof," to bear 6 per cent interest per year and to be payable January 1, 1897, to be secured by a lien upon all the rights, franchises, equipment, and appurtenances of every kind, "with right of priority over all other claims except those of complainants in this cause."

I am informed that this company has no assets whatever; that substantially no money whatever has been paid into the treasury of the company, but that the court has appointed Moran Scott a receiver, and that all the means for building this railroad of 104 miles are the receiver's certificates. If this be true, it is a gross perversion of justice, and it ought to be promptly checked by the action of Congress. I call it to the attention of the Senator from Arkansas. He may know something about it.

Mr. BERRY. A Senator told me that the Senator from New Hampshire made some reference to me. What was the reference?

Mr. CHANDLER. The inquiry was whether the Senator knew anything about the construction of the Denison and Northern Railroad in the Indian Territory on receiver's certificates.

Mr. BERRY. I had never heard of the Denison and Northern Railroad, or receiver's certificates, or anything in reference to it in any way whatever until the Senator made his statement. I know nothing about it at all. I never heard any intimation in regard to it.

Mr. CHANDLER. If any judge of a United States court in the Indian Territory or in any other Territory is building a railroad wholly on receiver's certificates the proceeding ought to be checked. I have reason to believe that is being done, and my belief is that the certificates never will be worth the paper they are written on.

Mr. HILL. I suggest to the Senator from New Hampshire that this is a practical illustration of the Government running a railroad, and is in accordance with the doctrine advocated by certain people.

Mr. CHANDLER. The broad and statesmanlike view taken on this subject and the lesson which the Senator from New York proposes to draw from it I do not care to discuss now. I am on a narrower line of debate, and that is the proposition that this thing should be arrested by the aid of the Judiciary Committee of the Senate, if it can possibly be done.

Mr. BERRY. I would suggest that it is another illustration of the necessity of agreeing to the conference report made by the Senator from South Dakota [Mr. PETTIGREW], and that legislation should be had with reference to the Indian Territory. The condition of affairs there should be changed at the earliest practicable moment.

Mr. CHANDLER. I am happy to perceive that all is fish that comes to the net of the Senator from Arkansas.

Mr. CHILTON. Mr. President, just a word. Allusion has been made by the Senator from New Hampshire to the action of Judge Kilgore, of the United States district court for the Indian Territory. I have no familiarity with the particular transaction about which the Senator reads—the newspaper clipping—but I remember at an early day in the present session to have had a conversation with a gentleman connected with the Denison and Northern Railway, and my recollection of the state of the matter is that after a great deal of money had been spent upon the grading of that railroad the company failed and the road was put into the hands of a receiver. Its promoters came to Congress and asked for an extension of time for the construction of their road. Some citizens of Texas were interested in it, and I enlisted myself in securing the necessary extension.

While I know nothing about the particular order of Judge Kilgore to which the Senator from New Hampshire alludes, my information in a general way has been that finding, after the grading of the road was largely completed, that they had no money to continue its construction, in order to prevent the whole project from failing they secured an order from the court to buy the iron so as to make the railroad a serviceable enterprise.

The Senator from New Hampshire criticises that sort of judicial order, and I think myself that such a method of administering receiverships merits disfavor; but it certainly is no novelty. Federal courts have frequently ordered the issuance of receiver's certificates to complete the construction of unfinished lines. The practice has sometimes been a matter of judicial censure. I remember that the late Judge Miller, of the Supreme Court of the United States, on one occasion enlarged a good deal upon this topic, referring sharply to the difficulties in building railroads and protracting receiverships in the Federal courts.

But in this case, as I have said, according to my information, these certificates were authorized as a matter of necessity, and by general consent, to make the railroad an active concern.

The VICE-PRESIDENT. The resolution will be referred to the Committee on the Judiciary.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CHAPELL, one of its clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6994) relating to the sale of gas in the District of Columbia.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 9188) authorizing the appointment of a nonpartisan commission to collate information and to consider and recommend legislation to meet the problems presented by labor, agriculture, and capital; and

A bill (H. R. 9275) approving certain acts of the legislative assembly of the Territory of New Mexico, authorizing the issue of certain bonds of said Territory, and for other purposes.

The message further announced that the House had passed a concurrent resolution requesting the President to return to the House the bill (H. R. 3279) to authorize the reassessment of water-main taxes, and for other purposes; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (S. 148) granting a pension to Catharine Dillon;

A bill (S. 804) granting a pension to Mrs. Eleanor Carroll Poe;

A bill (S. 807) granting a pension to Charles Williamson;

A bill (S. 819) granting a pension to Catharine Leary;

A bill (S. 997) granting a pension to Ella D. Cross;

A bill (S. 1247) to establish and provide for the maintenance of a free public library and reading room in the District of Columbia;

A bill (S. 1672) granting a pension to Lue R. Brown;

A bill (S. 3161) amending and extending the provisions of an act of Congress entitled "An act approving with amendments the funding act of Arizona," approved June 25, 1890, and the act amendatory thereof and supplemental thereto approved August 3, 1894;

A bill (H. R. 3578) granting a pension to Elmira E. Dustin; and

A bill (H. R. 7578) granting the Flagstaff and Canyon Railroad Company right of way for railroad purposes through the Grand Canyon Forest Reserve in northern Arizona.

PROPOSED FINANCIAL LEGISLATION.

The VICE-PRESIDENT. The morning business is closed.

Mr. MORRILL. I ask the Secretary to read the title of the House tariff bill.

The SECRETARY. A bill (H. R. 9749) to temporarily increase revenue to meet the expenses of Government and provide against a deficiency.

Mr. MORRILL. Mr. President, the discussion of the tariff, free coinage, and collateral matter by the Senate having been conducted very largely by one side only, I hope it will not be intrusive for me to ask to be briefly heard on the other side, though I could wish it were represented by more ability.

When Congress met here in December last, all Republicans were supposed to be agreed, in view of the failure of the Wilson tariff bill in supplying sufficient revenue, to add to the receipts of the Treasury thirty or forty million dollars by amending the existing Democratic tariff. They knew that it could not be done by a plenary and thoroughbred Republican tariff bill so long as the executive department was under Democratic control, nor so long as the leadership of the Senate Populists wabbled between the learned and iridescent farmer of Nebraska and the veiled prophet of Kansas. All knew, however, that any tariff additions would afford some incidental protection. The tariff bill of the House of Representatives at the present session proposed this, and very little more. The business of agriculture, manufacture, mercantile trade, and transportation might all be classified, if not wholly in the group of nondividend-paying enterprises, certainly as enterprises so very seriously depressed that even a little incidental protection would have been refreshing to all the group, while the direct aid of more revenue to the Treasury would have been highly appreciated even by Democrats, if conferred, and no questions asked.

The Democratic party might well blush for having proposed in time of peace a clumsily made income tax, but after its defects had been exposed, and the law ignominiously thrown overboard by the Supreme Court, the party might well have admitted without a blush that there would be a shortage of thirty to forty million dollars of revenue. Otherwise the party must concede that it had maladroitly attempted to obtain thirty or forty millions of unnecessary revenue. The expenditures of the Government, compared with its receipts, every month still show a deficit.

The Democrats have broken away from the leadership of their President, and, while marching to the drum and fife of a North Carolina Populist, are in such dread lest the Populists should get control of their party that they seem to be in a hurry to become Populists themselves.

The executive department would seem to be bound by law to

maintain the parity of gold and silver money, but with no other means within its reach for the purpose than an issue of bonds for whatever amount might be required. The Republicans were not only willing to provide bonds, as more quickly available in the emergency, but were willing also to provide a more ample revenue to prevent an endless recurrence of such emergencies.

To the bond bill of the House of Representatives the Democrats and Populists of the Senate, in sheer mockery, at once proposed a free-coinage substitute. The stiff refusal of the go-it-alone free-coinage Senators to favor any measure by which gold can be cheaply obtained to maintain the parity of all our money now in circulation undeniably uncovers a purpose, whether acknowledged or not, to stampede the country, if they get the power, to silver monometallism.

The recent obstructive tactics brought forth in the Senate to defeat the "coin redemption fund" bill, as well as also to defeat the emergency tariff bill of the House of Representatives, with a silver coinage substitute, wholly irrelevant, and having no possibility of becoming a law, but contemptuously obtruded solely to defeat the measures of the House, can hardly be regarded as standard Senatorial statesmanship, nor as legitimate opposition by regular party opponents, still less when promoted by those who claim to be friends, and the excuses of such participants, if not merely accusatory of somebody else, must always have a fair hearing, even if unsatisfactory.

The Democratic vote for the substitute is poorly justified by the fact that the party deny any present deficiency of revenue and repudiate all tariff protection, but the hot and cold prevailing reasons for the adverse votes of their auxiliaries was conspicuous, some claiming to hold to the doctrine of protection, yet, like Ensign Stebbins, on prohibition, were against its enforcement, and asserting that the present Democratic tariff was protective or high enough on everything except wool, and that all further revenues should be collected by internal-revenue taxes, that the bill should have been made nonpartisan, and, finally, that the bill was not of a Republican protective tariff character and did not change ad valorem duties to specifics, well knowing that such a tariff bill would not receive an Executive approval.

The incongruous free-coinage silver substitute for the House tariff bill was a repetition of the Senate substitute for the House bond bill—a legislative twin, of which the Committee on Finance only may now be supposed to be especially proud—and illustrates the old apothegm that "Men are but children of a larger growth," as they appear to have as much pleasure in playing with cheap toy silver substitutes to House bills as juveniles ever enjoyed with the repeated and stunning toy show of a jumping-jack-in-the-box.

The tariff bill of the Republican House of Representatives, subjected to remarkable assaults by Republicans, and made with much ability, but with some condiments, perhaps, most agreeable to the taste of our Democratic opponents, was merely an emergency bill to last only until 1898, when it is believed the Executive Mansion will have a Republican occupant and that a less number of free traders in the Senate will disport themselves with revenue bills. Some obloquy seems to have been borrowed to be thrown upon the tariff bill suggesting that "while little or nothing was proposed for wool, the New England woolen mills were very well taken care of." A more careful reading of the House bill might have made it unnecessary to call upon either Ahithophel or Abishai for its true interpretation, as that would have shown the bill to have squarely proposed on first and second class wool, now free, 60 per cent of the duties imposed by the McKinley Act of 1890, and only an equal compensatory duty on woolens, but that the woolen Schedule K was wholly excluded from the additional 15 per cent ad valorem duty proposed upon all other schedules. Was this not right? And does it not choke the life out of any borrowed charge of neglect on wool, or of sectionalism?

When, even in friendly hands, the promotion of sheep husbandry has long been a difficult problem where land is dear and where winter feeding is most expensive. The wools of Australia, Africa, and South America are produced at a cost so small comparatively with all other countries that the duty on wool imported into the United States has to be placed at a rate almost as high as would be expedient if it were a luxury, or it would yield little revenue, and the protection would be wholly inadequate.

The wide difference in the market price of wool before protective duties were repealed and after will show the benefit derived by the woolgrower. The market price of Ohio XX wool in July, 1892, was 28 to 29 cents per pound; in December, 1894, after wool was made free, it was 18 to 18½ cents per pound, and to-day (1896) it is less.

The Democratic tariff has made sheep husbandry no longer successful in any American State, and this most attractive national industry, if free-trade supporters hold the power, is to be wholly and forever abandoned and extinguished. Now, while the woolen mills of Great Britain are busy and have nothing to complain of, here in the United States it is different, where it is reported that only 64 per cent of the hands in the woolen manufacture are now employed, and those at a reduction of wages. The sales of wool daily reported are the smallest ever known, and, among the non-dividend class of mills, the woolen mills are more largely represented than any other.

The bill was sent to the Senate by a Republican majority of the House of Representatives the largest we have had in many years. A Republican caucus of the members of the Senate had instructed the Republican members of the Committee on Finance to support the bill without any amendment. As chairman of a committee, though it was erroneously supposed to have had a majority of its members who were, at least, in favor of incidental protection, I did not think it an "unseemly" discharge of my duties to move the consideration of the tariff bill in the Senate, February 13, and repeated the motion February 25. Both of these motions were defeated, showing conclusively that the tariff bill was not to have any chance, even of amendment, but that the plot of the majority to obtain, through the threatened policy of coercion, the free coinage of silver, was to be inaugurated at once, if possible, by stopping all further tariff supplies.

Whenever the Republican party shall be so unfortunate as to have presented for its adoption any measure not practically for the general welfare, or not worthy of national favor, the party will not mourn to see it slide into oblivion, but the party will spurn the success of even a cardinal measure if it is to degrade its members by being obtained contingently for an equal support of any other measure, good or bad. No man of independence, no freeman goes even to his dinner on compulsion, and no political party will be prone to suicide when it is nearing the goal which promises the mastery with its highest honors.

The National Republican platform of 1892 in relation to silver, though constructed, as recently disclosed, by the distinguished Senators from Colorado and Nevada [Messrs. TELLER and JONES] with the exception only of the best and most important part which provided for the preservation of the money parity of silver with gold, did not secure, as it will be remembered, either the vote of Colorado or Nevada for the Republican ticket. But, if the same distinguished platform builders should this year be intrusted with full authority to give form and substance to the financial part of the Republican platform, there would be as little doubt of their learning and ability to so frame and dovetail it that a victory would be as plump and sure in Colorado and Nevada as would be a Waterloo defeat in other equally important States.

As there have been already elected to the St. Louis convention between seven and eight hundred sound-money delegates, and less than one hundred who favor the free coinage of silver without the cooperation of any other Government, or who want the pockets of the American people to jingle with silver money only, it is very certain that the platform of the Republican party in 1896 will place every dollar of our money in circulation on a parity with the best dollar of the world.

It seldom happens that any member of a political party is read out of the party to which he may have attached himself. Such parties are apt to be tolerant, even of the vagaries of their friends, and do not rashly pursue technical heresies. Occasionally some members will put themselves outside of the party breastworks, especially if pondering a divorce from their party, and then they feel bound to put forth some plausible pretext by finding fault with pending measures. The retention of constantly growling members of a party, like the retention of loose teeth, is rarely possible and never very serviceable.

The political ground under the Democratic party appears dangerously volcanic. In South Carolina a portentous revolt is threatened unless the convention at Chicago favors the free coinage of the 16 to 1 fifty-cent dollar. In Missouri, no longer conservative, an irruption hardly less sublime is indicated by the meteoric denunciations poured out upon sound-money Democrats who may dare to go to their Chicago convention. Even a Democratic President can not adhere to the sound-money doctrine of Jackson and Jefferson without being "barked at by Tray, Blanche, and Sweetheart" of his own party.

Some Republicans of Colorado, also afflicted with the same epidemic, have announced with telling emphasis that if the Republican convention at St. Louis should not sufficiently recognize the claims of silver Colorado would bolt as heretofore, and Mr. Belford claims the State should secede. Idaho, too, is training a bolt, which the trainers do not expect will be as

Harmless as summer lightning.

It does not yet appear, however, whether these bolters will all cuddle together in one thunderclap, or each one have a separate and independent bolt. They are all of age, and have the right in a Presidential race to go, bolt, or burst as they please.

No doubt had our country been shielded by a sound protective tariff, during the hopeless years of the present Democratic Administration, much of the business distress and woe of unemployed labor might have been averted; but another adverse and sore bewitchery of all business affairs in the United States, hardly less

potent than a free-trade tariff, has been the unceasing agitation of the free coinage of silver, and on a ratio that would not fail to reduce the standard value of our money, as well as the whole fabric of public and private credit, to one-half of its present value. Parties most respectable in numbers and ability, as well as parties with that reputation all yet to win, have together made what they call demonetized silver their snarling and woeful jeremiad, and to them might justly be imputed the fatherhood of much of the unrest and distrust in many industries which now becloud even republican institutions. They have disclosed the fact that the people of several States are not unwilling to pay debts in cheaper money than what they borrowed, nor to obtain wealth by compelling the Government to take their silver bullion at twice its value. The extreme positions thus proclaimed have jostled and prodded all American securities abroad, insomuch that their easily frightened holders have been sending them home on a canter.

There is a lofty imperial assumption among its 16-to-1-standard advocates that silver has a miraculous dignity of character as one of the elect money metals, and that it must not be wickedly degraded by having its value subjected to criticism or to the vulgar test of a commercial market. Therefore any inquiry into the present standing and character of the white metal, even if not as white as it should be, is to be regarded as worthy only of wicked Pharisees and uncircumcised gold bugs.

The droll and weak-backed contention appears to be, if the United States should alone open its mints to the free and unlimited coinage of silver, that it would at once be hoisted to its ancient full-coinage value, and would not only increase the value of the silver actually coined in the United States, but would hypnotize and increase the value of silver in all the markets of the world. The insurmountable impediment to this high-stepping theory is that it is proposed to have the American people assume all of the risk, loss, and shame of a gigantic boomerang in the perilous attempt to boom silver.

It is preposterously claimed by leading supporters of the silver 16-to-1 standard that its consumption in the arts as merchandise, or in whatever manner, however large, except that of free coinage as standard money, will debase and not increase its value, and that even the purchase and coinage of silver is not an equivalent of bimetallism. Nothing less than the perpetual free coinage of silver until the crack of doom, and giving to the owners all the difference between its nominal and its real value, with no charge of seigniorage, it is seriously urged, will prove a wholesome tonic and restore silver to its former prestige and standard value.

According to this hysterical theory the United States may thus indefinitely inflate our currency with silver dollars, but, should their coinage at our mints ever cease or be suspended, the Treasury and our people would find these dollars had suddenly tumbled from their fiat value to that of the paralytic class of 50-cent dollars.

The increase of the annual silver product of the world since 1873 has been very great, that of the United States alone being, in 1894, in coinage value, $77,575,757, or almost as much as the $81,800,000 of the whole world in 1873. Our present stock of silver, now mainly in the Treasury, and a drug wherever pushed as circulation, $624,000,000, is excessive and far beyond any legitimate demand. No one hoards or covets for himself a stock of dear-bought silver any more than he would nurse or covet carbuncles, but all prefer "some other fellow," especially bond-holding gold bugs, should exclusively enjoy the blessing.

If the President now finds it a task of some difficulty to sustain our silver and silver certificates on a parity with gold, obviously an unlimited increase of such currency would be perilous.

If the Government has been sadly overreached financially by taking at a cost much too dear from the mine owners several hundred millions of silver, for which its obligations were exchanged, to circulate as money, it appears to have only prompted the mine owners, after silver has had a further and profounder slump, to shove a bigger job upon the Government and people, and the demand now made is for the free and unlimited coinage of all the silver bullion, domestic or foreign, which may be brought to our mints. For all this our paper obligations, in the shape of silver certificates, are to be exchanged, to circulate as the chief part of our paper money, and be receivable for customs, taxes, and all public dues at the rate of $1 for 371¼ grains of silver, or at nearly twice the present value.

The Government can never recoup its loss of over $150,000,000 on its recently acquired stock of silver, as that loss, like the depreciated silver itself, came to stay, but the loss may be indefinitely expanded if the silver autocrats now succeed in their world-wide 16 to 1 free coinage plot. In spite of all past experience, we are asked to stubbornly embark alone in the knight errantry of a world-bounded coinage of silver dollars, having the very significant legend of "Trust in God" prayerfully stamped on their face, but dollars only in circumference and number of pennyweights, not in real value, and with the honorable pledge of the United States to preserve their parity with gold carefully, silently, and wholly omitted.

If it was a great crime in the sixth, fourteenth, and sixteenth centuries for the rulers of nations to grossly debase their silver coins for their own profit and to defraud their subjects by shoving such coins into circulation as standard money, a similar act to-day of defrauding the people can not be sweetened by the denial of any depreciation of the metal or made innocuous by providing that the profit of coining depreciated silver shall accrue to and be pocketed wholly by the owners of silver mines. It would be even more reprehensible for our Government to incite the greed and cupidity not only of our own people, but to spread out an invitation over the whole world to all holders of silver bullion to bring it to our market to be coined as dollars, wrongly stamped as dollars, and paid for and held by our people as dollars, although known to be much less in real value.

Hamilton and Jefferson are entitled to the credit of establishing the ratio of our gold and silver coins, and their labor then was what it would be were they here to-day—to fix the ratio precisely in proportion to the intrinsic value of gold and silver. In 1805, under the Administration of President Jefferson, the coinage of silver dollars was wholly suspended and not resumed for over thirty years. Jefferson then furnished the precedent for what is now denounced as the "demonetization of silver and the great crime of 1873," and yet the learned and alert Senator from Nevada has neither denounced the thirty years of silver demonetization nor the great crime of Tom Jefferson in 1805.

Even at the present reduced value of silver bullion, its pursuit is indisputably more remunerative than that of agriculture or manufactures, and this fact appears to be confirmed by a distinguished Senator from one of the silver fertilized States, who with pardonable exultation has told us that the wealth per capita of his people is two dollars to one compared with that of the more populous Eastern States of Massachusetts and Pennsylvania, and yet all the Senators from the States now enriched or pregnant with silver, rigorously demand about 100 per cent additional profit on their silver bullion through its coinage by the Government, although that profit must come out of the more limited earnings of those whose wealth per capita, after two hundred years of hard labor, by themselves or their ancestors, is only one dollar to two, compared with that in some of these young and more wealthy silver States.

We are often sympathetically informed by silver-tongued orators that Japan manufactures numerous articles—bicycles especially—far cheaper than they can be made in the United States, and that it is the silver currency of the oriental people which confers upon them this mastery by the cheaper payment of their wage earners, who are now receiving less than one-third of what is paid in the United States, and are paid in silver, as they were before its great superabundance had so largely depreciated its value throughout the world.

The patent and only remedy of the United States, as we are pitifully told, is to crush this all-conquering Japanese competition by equalizing our exchanges; that is to say, by pushing our silver coinage to the front, leaving gold behind as a commodity to be bought and sold at a premium, and thus to obtain the supremacy of cheap silver with which to pay all American wage earners. To thus equalize exchanges would not relieve us of the competition unless it brought down American wages, as would be the manifest tendency, to the level of wages in Japan, or brought up Japanese wages to the level of wages in America.

Beyond all controversy, wherever the silver standard of money alone practically prevails, the lowest and poorest standard of wages prevails. The wages of the progressive Japanese, however, within the last ten years have been much increased, and their workmen are likely to demand American wages long before Americans will stoop to accepting wages now current in Japan.

The ludicrous misinformation which supports the broad assertion that countries where the silver-money standard prevails have a hundred per cent premium in their favor of exchange is as much a travesty on the facts as on common sense. The country which uses a depreciated currency falls under many disadvantages and as certainly and swiftly as the man of business whose credit is depreciated. What we buy of silver-standard countries can be paid for in depreciated silver. What they buy of us must be paid for in the best of sound money and nowhere subject to any discount. Free coinage of silver as a remedy against Japanese or any cheap foreign labor would prove very much like taking refuge in a pest-house to avoid the plague.

Bimetallism is nothing more than two-metallism, though sometimes industriously and artfully used to mean the unlimited free coinage of gold and silver, and was first used by Cernuschi, a distinguished Frenchman, soon after Germany and the Latin nations had lost confidence in the stability of silver money, who then began the agitation of a larger use of silver among nations. When this prominent leader of bimetallism visited this country some years later, he was invited by me as the honored guest to a dinner party, and his advice then was against the free coinage of silver without the cooperation of other leading nations, as no nation was

competent alone to handle so large a question. M. Cernuschi has reiterated this opinion several times since. If the United States start in this desperate silver risk alone, of course we shall be defeated, and silver will be further humbled and take a lower position in the estimation of all commercial nations.

Certainly an invitation from commercial nations to join in a cooperative agreement for a larger money use of silver would here be accepted by a Republican Administration, and it would be more desirable that the United States should receive rather than offer the invitation, as the American production of silver is comparatively so large that any initiatory step on our part might subject us to the charge of being inspired by the thrifty purpose of securing a better market for our annual domestic product.

Were it as certain, as some extreme silver advocates represent, that no cooperative agreement among leading nations for a larger use of silver can be obtained, that fact alone would be a cogent and sufficient reason why the United States should decline to stultify itself by embarking single-handed in an experiment so reckless and so distrusted as to be shunned and coldly rejected by the statesmen of every enlightened nation.

But this hopeless representation of the silver question in Europe is untrue. The trend of public opinion in Germany and in Great Britain favors tolerance of the question. Very recently Mr. Balfour, the first lord of the treasury, in response to an inquiry whether the Government had refused to cooperate with Germany in furthering an international monetary agreement by reopening the Indian mints, replied that there was no truth in the rumor, and added that "we should willingly consider, in conjunction with the Indian government, the reopening of the Indian mints, if the measure comprised a satisfactory scheme of currency."

As recently as April 20, 1896, there was an international bimetallic conference held at Brussels, with the view of paving the way to international negotiations on the subject, to which delegates were present from Germany, the United States, Great Britain, France, Austria, Russia, Belgium, Denmark, Holland, and Roumania.

It would almost look as though—if the vociferous cry here about opening our mints alone to the free coinage of silver were only to cease—the United States might be invited to a conference where silver would have some practical favor besides wind.

Our Southern States are for the most part far less densely populated than their sister States of equal age, and the acreage of their uncultivated land is enormously greater. The unused water power of their numerous rivers, and their inexhaustible iron ores and coal fields would seem to invite an unlimited expansion of diversified industries as well as a large increase of population. Their material prosperity and advance in the value of their estates in land must be, for generations to come, wholly based upon inspiring confidence in the owners of capital and in many people to move there with the view of finding a safe and conservative home for both labor and property. Instead of this the silver heresy, threatening the stability of all values, rages like an epidemic, and is rampant in the South, where it may be supposed that some advantage will be derived by cheap money in payment of cheap labor, and where, I fear, they are about to show their willingness to bid adieu to any large additional Anglo-Saxon growth.

The highest ambition of all the enterprising people of our new States must be to attract large accessions of an industrious and intelligent class of citizens to their respective States. Will this be accomplished where one industry alone is made dominant, and where all other occupations, if not deemed intrusive, are held as subordinate, or where there is the same dictator in politics as in business? They also want to attract capital to make great and permanent investments within their magnificent boundaries, but, as an attractive sign to tempt either domestic or foreign capital and labor to go west of the Mississippi to build up safe and happy homes, will it be wise to advertise and tolerate no other financial flag but the silver standard at 16 to 1?

If the silver States want tariff on silver as a raw material in which they are largely interested, they may feel sure that Republicans will make no opposition to the imposition of such a tariff; but, if it is only an attempt to unload the depreciated white metal upon the people of the United States by demanding its unlimited coinage as the standard money of final redemption, then it must be discussed upon its present intrinsic or commercial merits, and the ratio of 16 to 1 of gold must now be dismissed as a stupendous fraud upon the pockets of the people, as well as an imputation upon their business capacity.

The free coinage of silver is treated by most of its advocates, not as a great national question touching many large commercial nations, and challenging all of their financial resources, but merely as a local affair to be exclusively handled here by bluffing the whole world with a standing offer by statute law to receive at our mints and coin the present surplus and all the world's product of silver which may be annually presented. For all this, with no charge of seigniorage, the United States is to exchange silver certificates, to go into circulation as money at double the value of the silver received, and then it is claimed, with smooth-faced solemnity, that silver will at once spontaneously flop upward to the same value where it stood years ago, when the annual product was comparatively small and when its coinage had not ceased, as it has now ceased altogether among the largest commercial nations.

There are some persons who accept with reluctance the miracles of the Bible who eagerly accept in advance the miracle thus prophesied by stump orators concerning the resurrection of silver by the magic wand of the United States.

My interest in the silver question is no other than that of every American citizen who would promote the interest and happiness of the greatest number, and the public credit of our Republican Government. I believe the prosperity of the South is absolutely essential to that of the North, and that the prosperity of the West, where the East finds kith and kin in every school district and every church, is the prosperity of the same family. The growth of every State is a subject of national pride. I am glad not to belong to a party which flourishes most in times of adversity, and whose prospects brighten when calamities threaten. I believe the party soon expected to control national affairs will best flourish in days of prosperity, and whose prospects will brighten when our people find full employment and full wages, and are paid in money that will suffer no degradation in contact or exchange with the sound money of the most enlightened and leading nations of the world.

THE NICARAGUA CANAL.

Mr. MORGAN. I am instructed by the Select Committee on the Construction of the Nicaragua Canal to report back the bill (S. 3247) to amend an act entitled "An act to incorporate the Maritime Canal Company of Nicaragua," approved February 28, 1881, and submit a report thereon. I ask that the report may be printed, and that the bill may be put upon the Calendar.

I am also instructed by the committee to ask the Senate to fix Monday, the 14th day of December next, as the day on which the bill may be taken up for consideration. I now ask unanimous consent to that effect.

Mr. PETTIGREW. What is the request?

The PRESIDING OFFICER (Mr. FAULKNER in the chair). The Senator from Alabama asks the unanimous consent of the Senate that the 14th day of December next shall be fixed for the consideration of the bill which he has reported. Is there objection?

Mr. PETTIGREW. I object.

Mr. TURPIE. Mr. President——

The PRESIDING OFFICER. Objection has been made by the Senator from South Dakota [Mr. PETTIGREW].

JUDGMENTS IN INDIAN DEPREDATION CASES.

Mr. MILLS. I ask unanimous consent for the adoption of the resolution which I send to the desk.

The resolution was read, as follows:

Resolved, That the Attorney-General be directed to transmit forthwith to the Senate a list of all final judgments rendered in Indian depredation claims since the 21st day of May, 1896, being the date of the last report to Congress.

Mr. HILL. What is the point of the resolution?

Mr. MILLS. The resolution merely calls on the Attorney-General for a report of judgments in Indian depredation cases.

Mr. HILL. Have not all the appropriation bills been passed? No one proposes to legislate in conference committees any more.

Mr. MILLS. It merely asks for a report for the benefit of the Senate. I ask for the adoption of the resolution.

The resolution was considered by unanimous consent, and agreed to.

INDIAN APPROPRIATION BILL.

Mr. PETTIGREW. I ask to have the conference report on the Indian appropriation bill laid before the Senate.

The Senate resumed the consideration of the conference report on the bill (H. R. 6249) making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1897, and for other purposes.

The PRESIDING OFFICER. The Senator from Mississippi [Mr. GEORGE] is entitled to the floor.

Mr. VILAS. I should like to ask of the Senator from Mississippi, before he begins, the privilege of adding a word or two of information in respect to one branch of the amendment which I did not have yesterday. It will take but a moment. It has reference to the Sisseton and Wahpeton Indians of South Dakota.

Mr. GEORGE. Certainly.

Mr. VILAS. The treaty was made with these Indians on the 12th day of December, 1889, and was ratified on the 3d day of March, 1891. It contained this provision in reference to the lands which were sold by those Indians to the United States:

That the sum so to be paid—

That is, in consideration of the land—

shall be held in the Treasury of the United States for the sole use and benefit of the said bands of Indians; and the same, with interest thereon at 3 per

cent per annum, shall be at all times subject to appropriation by Congress for the education and civilization of the said bands of Indians or members thereof.

Under that act it has been the custom of the Government to make appropriation from the annual interest in such manner as shall best employ it for the education of the Indians and their civilization.

In reference to that also the Commissioner of Indian Affairs has sent to me a copy of a letter which he addressed to the honorable Senator from South Dakota [Mr. PETTIGREW] on the 26th day of May last, which I suppose probably the Senator may have received before yesterday's discussion. It had reference to the amendment which for the first time I was informed yesterday by the Senator from Iowa [Mr. ALLISON] the Senate had adopted on the general deficiency bill. His letter related, therefore, to the proposed amendment to the general deficiency bill, but of course it has precisely the same effect as applied to the amendment when now proposed through the conference committee as an attachment to the Dawes Commission appropriation. I will read it:

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington May 26, 1896.

SIR: I notice on page 5664 of the RECORD of yesterday the following adopted amendment to the general deficiency bill, namely:

"That the Secretary of the Treasury is directed to pay to the Sisseton and Wahpeton Indians of South Dakota all interest money due them up to July 1, 1896, and that thereafter all interest money as it shall accrue shall be paid on the 1st day of November annually."

If this amendment should become a law it will have the effect of stopping all educational work upon the Sisseton Reservation and leave the Indians without necessary employees to conduct the agency. Under the direction of the President there is paid out of this interest fund the sum of $4,000 for agency employees and $8,450 for school employees, and the sum of about $12,000 for school supplies annually. This money accrues from the agreement concluded with them December 12, 1889, and ratified by act of Congress approved March 3, 1891. Section 27 of the agreement provides that the principal and interest shall be at all times subject to appropriation by Congress or to application by order of the President for the education and civilization of said Indians. Their present annual interest amounts to $75,000.

I am of the opinion that this amendment should be changed so as to provide that at least $25,000 should be reserved for education and necessary employees.

Very respectfully, D. M. BROWNING, *Commissioner.*

Hon. R. F. PETTIGREW,
United States Senate, Washington, D. C.

Mr. ALLISON. I will simply say, in view of what the Senator from Wisconsin has stated, that this amendment is still in disagreement on the deficiency bill. We have in the Committee on Appropriations a similar letter to that just read by the Senator, and of course modifications will be made in the amendment so as to comply with what seems to be necessary under the agreement.

Mr. PETTIGREW. I wish to state, in reply to the Senator from Wisconsin, that I received the letter which he has read before the amendment was agreed to in conference. The amendment agreed to in conference protects the schools upon the reservation, while the amendment placed upon the deficiency bill does not protect them.

The act of Congress or the agreement with those Indians reads as follows:

In consideration for the lands ceded, sold, relinquished, and conveyed as aforesaid the United States stipulates and agrees to pay to the Sisseton and Wahpeton bands of Dakota or Sioux Indians, parties hereto, the sum of $2.50 per acre for each and every acre thereof, and it is agreed by the parties hereto that the sum so to be paid shall be held in the Treasury of the United States for the sole use and benefit of the said bands of Indians; and the same, with interest thereon at 3 per cent per annum, shall be at all times subject to appropriation by Congress for the education and civilization of the said bands of Indians or members thereof, as provided in section 5 of an act of Congress approved February 8, 1887.

The act ratifying this agreement varied its terms and provided that the money might be paid out upon the order of the President or by appropriation on the part of Congress. The Indians insist upon a compliance with their agreement and their treaty. The money has always been paid to the Indians in cash per capita, except that which was expended for agency employees and for schools.

Now, as to that question, those Indians live in my State, and I know their situation and position fully as well as the Department knows it. Many of them are very intelligent and educated gentlemen, fully capable of managing their own affairs. The agent is paid by the Government of the United States in the regular appropriation. He has no duties to perform except to pay out this money and in a general sort of way to look after their affairs. They are all voters. Some of them are officeholders in the county where they reside. They do not believe that $4,000 of their fund should be spent for agency employees, and they object to that distribution of their money. They are willing that the schools shall be continued, and that the money necessary to run them shall be paid out by the Department. The amendment inserted in conference provides for the schools and does not provide for the surplus agency employees. Those people know better than anybody else whether the agency employees should be employed and paid out of their money.

One thing is certain, and that is that very few, if any, of those people get any benefit from the agency employees. It is doubtful if an agent is needed, but even if an agent is needed it is not required that in addition to that $4,000 of their money shall be paid perhaps to men as a reward for political service. For that reason it was left out of the amendment, and properly so, in my opinion.

Mr. CHANDLER. I should like to ask——

The PRESIDING OFFICER. The Senator from Mississippi [Mr. GEORGE] is entitled to the floor.

Mr. CHANDLER. Will the Senator from Mississippi allow me?

Mr. GEORGE. I yield to the Senator from New Hampshire.

Mr. CHANDLER. I was puzzled yesterday by the remark made by the Senator from Iowa [Mr. ALLISON] to the effect that there was a clause already upon the deficiency bill in connection with the Sisseton and Wahpeton Indians. I could not understand why this clause should be in these two places. If it is on the general deficiency bill, why is it on this bill? Why is it in two places? Why, if the clause is upon the deficiency bill, is it necessary to write it into the conference report on this bill? That is what I can not understand.

The remark of the Senator from Iowa was mysterious to me. I thought it was bad enough to have the clause on the conference report, but to learn that it was also in the deficiency bill was a great puzzle. I thought perhaps I was getting dizzy in the matter of legislation and unable to comprehend the modern methods of the Senate.

Mr. ALLISON. The Senator from New Hampshire is laboring under a misapprehension. The amendment was not put on the deficiency bill by the conferees. It was put on in the Senate before we had any knowledge of the conference now in charge of the Senator from South Dakota.

Mr. CHANDLER. Why, if it is on the deficiency bill, is it put in the Indian appropriation bill?

Mr. ALLISON. That I do not know.

Mr. GEORGE. Mr. President, at the close of my remarks yesterday I stated that this amendment of the bill, as recommended by the committee of conference, was inartificially drawn, ambiguous, and seemed to be impossible of execution. I desire to call the attention of the Senate, and especially I desire to call the attention of the members of the conference committee, if there be any of them present and take an interest in this matter, to what I am now about to state as to the effect of the amendment. It is provided—

That said commission is further authorized and directed to proceed at once to hear and determine the application of all persons who may apply to them for citizenship in any of said nations, and after such hearing they shall determine the right of such applicant to be so admitted and enrolled.

That is one distinct provision for the purpose of amending the rolls of the citizenship of the various tribes. There is another provision on the same subject to which I desire to call the attention of the Senator from Colorado [Mr. TELLER], if he will give me his attention, so that he may explain it:

Provided, however, That such application shall be made to such commissioners within three months after the passage of this act. The said commission shall decide all such applications within ninety days after the same shall be made.

* * * * * * *

And provided further, That the rolls of citizenship of the several tribes as now existing are hereby confirmed.

This is the point to which I desire especially to call the attention of the conferees:

And any person who shall claim to be entitled to be added to said rolls as a citizen of either of said tribes and whose right thereto has either been denied or not acted upon, or any citizen who may within three months from and after the passage of this act desire such citizenship, may apply to the legally constituted court or committee designated by the several tribes for such citizenship, and such court or committee shall determine such application within thirty days from the date thereof.

So it appears there are two distinct provisions for the purpose of adding to the rolls of the tribes. One is that the addition shall be made by the Dawes Commission. The second is that an addition may be made by any one of the authorized committees or tribunals of the several tribes. So it appears that there are two boards, two tribunals, having equal authority, having the same jurisdiction, who at the same time are to hear the applications of these parties. What I desire to call the attention of the Senator from Colorado to is, if a man should apply to one of these tribunals and at the same time should apply to the other, because he has a right to apply to both, and one should decide one way and the other the other, what would be the situation of the applicant? Would he be a member of the tribe or would he be excluded? I think that ought to be answered. I hear no answer.

The amendment proposes these two distinct and contradictory and inconsistent tribunals to decide the same thing. Either may act or both may act, and if one acts one way and the other the other there is no provision here as to which shall prevail.

I call the attention of the Senate, too, as it is very pertinent, to the question whether we ought on a mere conference report to decide to legislate upon these important matters. They are always drawn up in haste; they are always acted upon without amendment in this body, so that incongruities and inconsistencies occur, as they do here.

There is another provision to which I call attention. The Dawes Commission is required to decide an application within ninety days after the application is made. When the application is made to the Indian commissions, to the Indian committees, to the Indian tribunals, they must make the decision within thirty days. I should like to know what motive or reason influenced the committee in giving the Dawes Commission ninety days in which to make the decision and confining the tribunals of the tribes to thirty days?

Then I should like to know, and it is a very pertinent inquiry, if a man shall apply to the Indian committee and it should be decided against his right within thirty days, there would be sixty days, then, in which he could apply to the other commission; and is it the meaning of the amendment that an applicant shall experiment in this way with both tribunals, that he shall apply to the Indian commission or to the Indian tribunals that are to decide within thirty days, and then after the thirty days he is allowed sixty days more in which to apply to the Dawes Commission? How is that? Why was that done? Will the Senator from Colorado or any other member of the committee explain it to the Senate?

Then, there is another ambiguous provision in the amendment, and one on a very important point:

That in determining all such applications said commission shall respect all laws of the several nations or tribes, not inconsistent with the laws of the United States, and all treaties with either of said nations or tribes, and shall give due force and effect to the rolls, usages, and customs of each of said nations or tribes.

What is due force? Is it just such force as the commission shall see proper to give them? If so, there is no use for the introduction of this provision at all. What is due force? I should like to have that explained. I will read further to show what a very remarkable provision this committee of conference have given to the Senate for its ratification:

In the performance of such duties said commission shall have power and authority to administer oaths, to issue process for and compel the attendance of witnesses, and to send for persons and papers, and all depositions and affidavits and other evidence in any form whatsoever heretofore taken where the witnesses giving said testimony are dead or now residing beyond the limits of said Territory.

What affidavits? Taken before whom? Taken in what kind of proceeding? Taken merely ex parte, without any judicial proceeding pending in which affidavits can be used? If that be the meaning of it—and I think it is—then every affidavit, every deposition, not taken under judicial proceedings and with the view of being used in judicial trial and pertinent to the issue in that trial will be utterly worthless, because if the party swore falsely in a case of that sort he could not be indicted or punished for perjury. Do the committee of conference mean to say that mere ex parte statements, made by anybody at any time, may be used for the purpose of determining the very great question whether a man is a citizen of one of these tribes or not?

Then here is another very important provision, such as I undertake to say was never found in any statute which attempted to regulate proceedings for the determination of rights of person or property. They are not only to take these ex parte affidavits, taken at any time and anywhere and for any purpose, but they are also—

To use every fair and reasonable means within their reach.

What are "fair and reasonable means"? Simply the discretion of the Commission. Whatever the Commission may determine to be fair, whatever they may determine to be reasonable, for the purpose of ascertaining the truth in this case, whether they be legal or not, they are authorized to use; and that, too, in a case which I have just said is one of the most important that could be submitted to any tribunal in the world—the right of citizenship.

Then we come to another very extraordinary provision, one which the committee of conference must have supposed to be effectual for the purpose of securing right and justice to these tribes. It is the proviso—

That if the tribe or any person be aggrieved with the decision of the tribal authorities or the commission provided for in this act, it or he may appeal from such decision to the United States district court.

There is no provision as to how the appeal shall be granted. There is no provision as to any bond or want of bond for costs that may be given. There is no provision as to whether an appeal shall operate as a suspension of the decision of the commission, and, what is more important, there is no means provided whereby the nation shall know the date of the decision of the commission, so that it may take the appeal within the time specified. There is no provision for any notice to be given to the nation or any one of its authorities when an appeal is taken. There is no provision as to what record shall be sent by this commission on an appeal. There is no provision whether the trial in the district court shall be upon a record or whether it shall be de novo. No man can tell.

I should like to hear some member of the conference committee explain these things. How is the appeal to be taken? What notice is to be given to the other side? Then what record is to be made and sent up? Then how the district court shall proceed—whether upon testimony introduced originally in that court or whether upon the testimony certified? It must do one or the other. Now, see. If they are to try it upon the record made in the court below, then there is no provision for any record at all to be made in the court below. There is no clerk. There is no duty imposed upon the commission but to make one record, and that record is to be made at any time after six months, after the performance of all the duties imposed upon the commission. Next, sir, I was going to remark, there is no provision made for the purpose of putting in the record any evidence that might be introduced before this commission. How is the court to decide it? There is but the one record required to be made, and I will read to the Senate what that record is:

The commission is hereby required to file the lists of members as they finally approve them with the Commissioner of Indian Affairs, to remain there for use as the final judgment of the duly constituted authorities.

After everything has been done, after six months have expired, then the first record that this Commission is authorized to make is to be made, and what is it? Is there any evidence to be reported? No; nothing but the simple names of the parties who have been admitted to the roll.

I should like for some member of the conference committee or for some member of the Senate who favors this report to explain to the Senate how that appeal is to be taken, how it is to be tried.

Then here is another remarkable thing. While the two boards, while the Commission and any tribunal in the Territory are limited as to the time in which they shall make their decision, there is no limit as to the time in which the court shall make its decision. So it may be years after the final adjournment of all the proceedings under the Commission before the decision of the district court.

Mr. President, it may be said or it may be thought (I do not think any lawyer will say it in the Senate openly) that all these omissions to which I have called the attention of the Senate may be supplied by the action of the Commission. In answer to that I have but to cite to the Senate a very simple rule of law, which every lawyer recognizes at once as soon as it is stated. Where a tribunal of any kind, having judicial powers, has a limited jurisdiction, it has no power to go beyond the letter of the law which created it. The reason is very simple. Here is a board, not a court, an executive board, with no common-law powers, who are endowed with certain powers by act of Congress. What are the powers? They are simply the powers specified in this amendment, and where there is no specification of a right or of a duty by a well recognized principle of law, not disputed by anybody, there is no power on the part of the board.

Mr. BUTLER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from North Carolina?

Mr. GEORGE. Does the Senator desire to interrupt me?

Mr. BUTLER. If the Senator from Mississippi will pardon me, I call attention of the Chair to the fact that the morning hour has expired. The Senate having met at 11 o'clock, the morning hour ends at 1. I ask that the bond bill be laid before the Senate.

The PRESIDING OFFICER. The Senator from North Carolina raising the question of consideration of the unfinished business, if there is no objection, the unfinished business will be laid before the Senate.

Mr. GEORGE. Does not that come up at 2 o'clock?

The PRESIDING OFFICER. The morning hour comprises two hours. When the Senate meets at 11 o'clock, of course 1 o'clock is the end of the morning hour. The question of the consideration of the unfinished business being made, the Chair will lay, if there is no objection, the unfinished business before the Senate.

Mr. CHANDLER. I do not object, but I do contend that a conference report has priority over the unfinished business. It is a subject that may be discussed hereafter. If the unfinished business was pending a conference report could be presented, and being presented it must stay before the Senate until it is disposed of in some way by a vote of the Senate. It seems to be a unanimous-consent agreement that the bond bill shall go on, but I do not acquiesce in any such decision of parliamentary law as will give the unfinished business preference over a conference report.

Mr. GEORGE. I have no objection to the conference report going over. I do not claim any rights in the matter. I am willing to abide by the rules of the Senate. If by the rules of the Senate the unfinished business does not come up until 2 o'clock, I will go on; if it is the rule of the Senate to lay the matter before the Senate at 1 o'clock, I will yield very cheerfully.

The PRESIDING OFFICER. The unfinished business, as a general rule, will come up at 1 o'clock when the Senate meets at 11.

Mr. VILAS. If the unfinished business has rightful precedence over this business, I am willing to yield to it. If it has not, I insist upon the conference report being proceeded with. I desire to observe the rule if there is one.

Mr. JONES of Arkansas. I suggest to the Senator from Wisconsin that there was an agreement a day or two ago that there should be a vote on the unfinished business to-day. If there are Senators who desire to speak it seems to me to be very unfair, without regard to the question whether it is absolutely right, that the unfinished business shall give way to the conference report. The unfinished business ought at least to have the right, in view of the fact that there has been a unanimous-consent agreement that there should be a vote to-day on the unfinished business.

Mr. VILAS. I understand that the unanimous-consent agreement did not limit the hour.

Mr. JONES of Arkansas. No, sir, it did not; but Senators prefer not to stay all night in session.

Mr. GEORGE. I think that the suggestion of the Senator from Arkansas has great force, and ought to weigh and prevail with the Senate.

Mr. CHANDLER. In view of the point suggested by the Senator from Arkansas, that it has been agreed to finish the bond bill to-day, I make no objection to going on with the unfinished business, if the Senator from Mississippi does not care to go on.

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business, if there be no objection.

REGULATION OF BOND ISSUES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1341) to prohibit the further issuance of interest-bearing bonds without the consent of Congress.

The PRESIDING OFFICER. The Senator from Utah [Mr. BROWN] is entitled to the floor.

Mr. ALDRICH. Will the Senator from Utah allow me to offer an amendment?

Mr. BROWN. Certainly.

Mr. ALDRICH. I move to add at the end of the bill:

Unless in case of an emergency it is necessary, in the opinion of the President of the United States and the Secretary of the Treasury, to issue such bonds in accordance with the provisions of existing law, to preserve the public credit or to meet obligations of the United States created by such existing law which can not otherwise be met, and all such bonds when so issued shall first be offered at public sale.

Mr. HILL. Will the Senator from Utah give way a moment for me to make a suggestion? The Senator yesterday introduced a resolution in regard to this same bond question. He was discussing it yesterday, and I presume he may continue that discussion to-day. In order that the whole bond question may be disposed of at once, as the Senate will probably be as prepared to understand the question now as ever and not have it come up hereafter, I suggest to the Senator whether it would not be wise to ask unanimous consent to take up that resolution and vote upon it without further debate immediately after the bond bill is acted upon.

Mr. BROWN. I had intended to ask it at that time.

Mr. HILL. There ought to be an understanding now, if at all.

Mr. BROWN. If it is more fitting to ask it now, I will do so.

Mr. ALLEN. I think the resolution of the Senator from Utah is worthy of very serious discussion and very close examination by the Senate. I am in favor of the resolution; I have been in favor of it for a great number of years; but I feel as though the remarks of the Senator from Utah ought not to pass without a reply of some kind from the Populist representation in this Chamber. Therefore I shall object to its——

Mr. HILL. Object to the consideration of the resolution?

Mr. ALLEN. No; I shall not object to its consideration, but I shall object to voting on it immediately after the vote is taken on the pending measure.

Mr. BUTLER. I should like to suggest to the Senator from Nebraska and the Senator from Utah that we get unanimous consent, if that is the pleasure of the Senate, to vote on the resolution to-morrow evening at 6 o'clock. I should like to be heard ten minutes on it.

Mr. HILL. No; let us dispose of this whole bond business to-day, or not at all. We do not want this thing hanging along to interfere with other business. Let us clear the floor of the whole thing or else not at all. I am sorry that there is a disposition to filibuster against action on the resolution.

The PRESIDING OFFICER. The Senator from Utah asks that after the vote on the bill which is now the unfinished business the resolution that he introduced relating to the same subject be voted upon without further debate. Is there objection?

Mr. ALLEN. There is objection upon the ground alone that I desire to debate the resolution before it is finally disposed of.

The PRESIDING OFFICER. Objection is made.

Mr. BROWN. With regard to that matter, I believe that it is our duty to take action, and I shall call the attention of the Senate to it immediately after the vote has been taken upon the measure now pending before the Senate.

Mr. CHANDLER. I should like to ask the Senator from Nebraska if he has any objection to voting upon it and answering the Senator from Utah after it has been voted on.

Mr. ALLEN. Probably not.

Mr. CHANDLER. That is the customary method in the Senate these days. If the Senator would do that it would be a great convenience to other Senators.

Mr. ALLEN. I am decidedly in favor of the resolution of the Senator from Utah, and the only serious objection I would have to letting it be voted on and then debating it afterwards would be the absence, I am afraid, of my distinguished friend from New Hampshire. I should like to have him here until the question is disposed of.

Mr. CHANDLER. I assure the Senator I will be here when the vote is taken, and if I absent myself when he speaks it will be from no disrespect whatever to the Senator.

Mr. ALLEN. Will the Senator from New Hampshire be present when I speak?

Mr. CHANDLER. I will give consent to the arrangement. I will agree to stay even if no other Senator does.

Mr. ALLEN. Then I will consent, too.

Mr. BROWN. Then it is the unanimous agreement, I understand.

The PRESIDING OFFICER. The Senator from Utah asks unanimous consent that after the vote is taken on the unfinished business the resolution that he introduced touching the bond question shall also be voted upon immediately after the other votes without debate.

Mr. TURPIE. I object.

The PRESIDING OFFICER. The Senator from Indiana objects.

Mr. BROWN. I will say, so that there may be a fair test of the question, that immediately after the vote has been taken on the pending bill, if it is in order, and I understand it will be, I shall move to take the resolution from the table and pass it.

Mr. ALDRICH. I suggest to the Senator from Utah that he has a remedy in his own hands. He can move it as an amendment to the pending bill.

Mr. BROWN. I can move it independently.

Mr. ALDRICH. You can move it as an additional section to the pending bill. I presume that the friends of one measure are also the friends of the other.

Mr. ALLEN. We are losing all the remarks of the Senator from Rhode Island, which are no doubt very entertaining.

Mr. ALDRICH. I suggested to the Senator from Utah that he move his resolution as an amendment to the pending bill, either in the form of an amendment to the first section or as an additional section; and then he will be sure to get a vote on it.

Mr. ALLEN. I hope the Senator from Utah will not be persuaded to walk into that trap.

Mr. ALDRICH. I presume Senators who are in favor of one measure are also in favor of the other.

Mr. BROWN. Undoubtedly I should have been misled by it had I not had the light of my friend from Nebraska to warn me. Otherwise I should have allowed this purely Senatorial resolution, to be passed by the Senate as the expression of their judicial opinion, to have been attached to the bill. But in view of the fact that the Senator from Nebraska has put me upon my guard I think I shall not add the Senatorial resolution to an act of Congress.

Mr. ALLEN. Mr. President, I shall always feel as though I have accomplished something.

Mr. HILL. The gentleman is satisfied with very little, though. [Laughter.]

The PRESIDING OFFICER. The Senator from Utah has the floor and will proceed.

Mr. BROWN. Mr. President, recurring to the subject which I was discussing when we adjourned last night, I wish to say that protection in the sense in which it is used—protection of our American industries—and the free coinage of silver go together. They are kindred. They are measures of the same class. Both are for the protection of the same persons. Both are for the protection of the American farmer, the American laborer, American enterprise, and American institutions as against the foreigner.

The merits of each have been tried and each has been found an efficacious remedy for hard times. The period when we have been deprived of both—the last three years—is the period of the greatest depression in all classes of industry and all enterprises. Since the beginning of the war we have had protection in greater or less measure. It has brought us prosperity notwithstanding our calamities. The Senator from New Hampshire has most ably presented in detail the benefits derived from a purely protective-tariff law. I agree with all his conclusions. I presume he is correct in his figures; I know he is correct in his argument, and yet I apply the word protection in a little broader sense. Protection is not only a tariff on imports, but is such legislative assistance to each kind and class of industry, labor, production, or manufacture as that particular form of enterprise may, under all the circumstances, need to place it on an equal footing with every other and to enable such industry to successfully compete with foreign rivals. The

nature of the protection must depend upon the nature of the business. It may mean a tariff for one article, a bounty for another, a subsidy for a third, and discrimination in duties for a fourth.

We applied the doctrine of Republican protection when we voted a subsidy to the oceanic steamship for carrying the United States mail. It was in the line of upbuilding that industry. The Senator from West Virginia [Mr. ELKINS] has introduced a most beneficial protection and Republican measure in proposing to discriminate in duties in favor of American ships. The shipbuilding and shipowning can not be built up merely by tariff protection; but it may be built up by proper discrimination in duties and, if necessary, by subsidy. So with silver. Silver is a production of American soil. The miner and manufacturer of silver and the laborer who digs it out are equally entitled to the protection of the United States; not merely as an article of commerce, not merely for the benefit of the laborer and the silver-mine owner. That is but a trivial benefit subsidiary to the great, vast good that is to come to the whole community by the free coinage of silver. It is a money, and coinage is the true protection, not only for the silver miner, but for the whole nation.

We meet with two classes of opponents to the free coinage of silver; one class who believe theoretically in a single standard, who wish all nations and our nation to come to the one gold standard all over the world, and thus accomplish two objects—one to have, it is believed, but one measure of value, a single uniform measure of all values, and have also, as necessary to it, the concomitant and constantly appreciating value of money; the other class is in favor of the free coinage of silver at a uniform ratio to be agreed upon by us with all the rest of the world. They desire, or say they desire, or believe that they desire, to enhance the value of silver so that it shall remain constantly on a par with gold at the ratio that may be thus agreed to. They believe in a double standard, an appreciating value of production or a depreciating value of money, but think that the United States is not strong enough or large enough to bring about a double standard alone, and that the free coinage of silver in this country would force us to a single standard of silver. The fact remains, however, recognized by each of these classes and by the advocates of free coinage by the United States only, that a single standard constantly does increase the value of money and decreases the value of products. The believer in the theoretic gold standard regards this as the goal to be reached, the constantly increasing power of money, constantly enhancing the value of it and the depreciation of all other interests, all other property. The true way, however, as we believe who are not only silver advocates, but also that branch of the advocates of the present status of affairs who say that they desire to return to a silver basis if they can do so safely, and I am sure the only way to prosperity is that, as the population of the nations is increasing, as the needs of money are constantly greater, as civilization spreads over the face of the earth, the value of the dollar should be all the time slightly, very, very slightly, depreciated; that is, that the value of human labor, of human enterprise, of human production the world over should be constantly, slightly, very slightly, increasing, so that enterprise and commerce, agriculture and manufacturing may always be having the advantage of advancing prices, subject to the competition which improved methods will always produce.

The natural competition which comes from inventive genius and enterprise, so far as that depresses prices, is proper, that is a proper depression; but the price of products should never be depressed in any other manner; it should not be depressed by law or by a constantly growing measure of value. The world is not at a standstill; the world is advancing. It demands more and more money. It can only do its increasing business upon a double standard. It demands money more and more because it is doing more and more business everywhere over the face of the earth. We need more and more railroads, more and more manufactures, more and more enterprises; and labor, in a broader and wider sense of the definition of that term, is called for from one end of the earth to the other. The single standard is but an experiment. It never has been put in practice for a sufficient length of time to know whether it is a success or not. No country or nation or series of nations, not even Great Britain, has ever, until the last twenty years, tried the experiment of a single standard of gold, and never yet has the single standard of gold been successful to the single nation or to the world at large. I might say, perhaps, that with the apparent exception of certain classes of Great Britain, but not to Great Britain, has the single gold standard been entirely a success. To her agricultural classes, to the great mass who have created Great Britain free and independent and glorious, the single standard has been a curse. If we may believe the public press and the discussions in the newspapers, the agricultural classes have suffered immensely by the single gold standard of Great Britain. It must be remembered that at some ratio silver and gold have always been measures and standards of value in all countries until 1873. I do not forget that Great Britain nominally, by law, abolished the silver standard as early as 1816. But alone, the act of Great Britain's legislation had no effect whatever.

Silver circulated as money side by side with gold in Great Britain freely and constantly at par on the usual ratio from 1816 to 1873, and in all the rest of the nations of the world. All the other nations together were enabled to hold up the other standard so it was fully equal and sometimes more valuable than the gold standard. At no time was there any serious departure from the value of these two standards. Whenever the one became more valuable, the cheaper was used until that in turn equaled the value of the other, and thus we have had the true measure of values by adjusting one standard by the other. The double standard prevents the single standard from appreciating constantly in value. It prevents any fictitious value of the single standard, which may for a time exist and thus destroy the proper relation of commerce, product, and money. By the double standard the cheaper metal will always be used, and thus, making an increased demand, will enhance its value until it passes the limit of the dearer. It was only after the leading representative nations and the United States legislated against silver that its price began seriously to decline as compared with the gold price, and the price of gold to advance in proportion. The result has been from that time to this a constantly falling price. I care not to go into particular details of the tables, which have been so often repeated and spread before the Senate, in different arguments which have been made upon that subject, though the tables will show that there has been constantly falling values in everything that can be produced.

Differences exist as to the extent of those values. There have been slight variations. It has been shown that the values have not fallen exactly in proportion to the fall of silver, but as a whole, looking through the twenty years past, silver has substantially been the measure of the value of land and of land products. It has been substantially the measure of the value of the manufactured products. It has been the measure of everything excepting indebtedness. I say that we need not go to statistics to prove this, because every argument that has been addressed against the free coinage of silver begins by that statement and ends in it. It has been said here on this floor that the effect of free coinage of silver would be to permit the debtors to pay their debts in 50-cent dollars. In that sentence is the concession of all that can be claimed for the falling prices. How can the debtors get possession of these 50-cent silver dollars with which to pay their debts, except it be that their prices for that which they have to sell will advance from 50 cents to 100 cents in nominal valuation? They get 50-cent dollars and are able to pay their debts in 50-cent dollars, because they get twice as much for whatever they have to sell. The land will advance; the land production will advance; the manufactured products will advance exactly in the proportion of 50 cents to 100 cents. It does mean that the indebtedness of this nation and the private debt shall be paid in just one-half the product that it is required to pay it in, or just such a proportion as silver bears to gold. And this statement of 50-cent dollars not only shows that this is to be the result, but it shows that this is the right result, because if it is true that restoring silver to its place equal to gold, at the ratio of 16 to 1, will double the price of products and of manufactures, if it will advance everything in that proportion, then it must follow that had silver never been dethroned from its position as a money metal, had it remained on a parity with gold at the ratio of 16 to 1, these prices never would have fallen to where they are, but they would have kept at the prices to which we would restore them.

"Fifty-cent dollar" means that, with a double standard, dollars will buy only half as much as now—that is, the farmer, manufacturer, and producer of all kinds get double the price. "Fifty-cent dollar" means that if the double standard had been maintained as it was before 1873, produce would now be worth just twice what it is and dollars worth just half as much.

The use of the phrase "50-cent dollars" concedes all that silver men have ever claimed to have been the effect of demonetization of silver, viz, that the relative value of production and money has changed so that production is worth only one-half and money has doubled. It means that the indebtedness payable in money (coin) has been doubled by the single standard. It means that we must pay our English creditor twice as much as we did under the double standard, twice as much as we will if we return to a double standard. It means that we are willing to aid in the robbery by the English creditor taking 200 cents on the dollar for 100 cents contracted from the American farmer.

The single standard means bankruptcy. It is dishonest to change the contract and double the obligation, just as dishonest as to forge a note doubling the promise.

"Fifty-cent dollar" is a phrase intended to imply turpitude in those that advocate double standard. When examined the phrase is used to cover a steal. It is twice as dishonest to demand 200 cents for a dollar as it is to pay 50 cents.

All this vast indebtedness of the United States and all the indebtedness of the world was in equity contracted under the old system—under the system which has kept gold and silver at a

parity at that ratio, and under promises which have been made ever since by every platform and by the nation in its law to keep the parity of gold and silver at that ratio. It has been said here on this floor that the old contracts have been changed, have taken new forms, have been created within a few years, and that the present indebtedness is a new contract. That is but paltering with the letter. The debt that the United States owes is a sacred one, because it was contracted in behalf of the Union and for the preservation of the nation.

It was contracted from 1861 to 1865. It is that which makes it sacred; when it dates back to that, when values were formed upon the basis of a double standard, there can be nothing but injustice and wrong in attempting to pay an indebtedness thus created in a single standard. It is the payment and has been the payment of an indebtedness contracted on 100-cent dollars and not 200-cent dollars. It is not a 50-cent dollar that we now ask to be restored, but we do ask to abolish the 200-cent dollar. When men speak as if it were dishonest to pay in 50-cent dollars, they must remember that the indebtedness has been advanced to 200 per cent of its original amount. It is the doubling of the dollar which we now demand shall be reduced to its old figure.

The cry of 50-cent dollars will be equally true, even more true, of bimetallism procured by international agreement. Then all nations will have agreed that the relative value of production and money shall change, that money shall be reduced to one-half what it now commands under the single standard, or that production shall be doubled. It is but the other form of stating the same proposition. We in this country accomplish the same result, however, alone and by ourselves, if we are able, by passing a free-coinage measure to raise the standard of silver the world over, so that it shall be worth, not only in our own country but in the markets of other countries, as much as gold, dollar for dollar, at the ratio of 16 to 1. We shall have doubled the value of production the world over if we are able to accomplish that, of which it seems as if there could be no possible doubt. But at all events the effect will be the same whether we do it by international agreement or whether we do it alone. As soon as the price of silver goes up relatively to gold, so that they stand equal at the old ratio, the value of production will at once be doubled and the value of the dollar will be cut in two. It is just as true whether we do it alone or whether we do it by the aid of all the nations.

The effect of the single standard has been to drive out of business all kinds of effort to manufacture or to produce or to speculate. How can any person safely buy with a view of profit any product of the hand, of the soil, or the soil itself upon a constantly falling market? Every man that ever dealt in any property whatever knows that it is never safe to buy upon a falling market. It is only when the market begins to rise, when there is hope for the future, that anybody will invest. The single standard has produced a constantly falling market from the moment that we have embarked upon it, from 1879 to 1896. The market of everything has been down, down, down. The Senator from Kentucky shows the relative price of wheat to be to-day one-half what it was when the single standard was adopted. The fall in the other 23 items he had in his list was equally as great in proportion.

Perhaps a test better than any test of marketable articles may be found by every Senator by applying it to farming lands in his own vicinity. Go outside of a city anywhere, into any farming community from New York to California, go through the large States, go to Ohio or Michigan, and as soon as you get into the country where farming lands are, you will find that they are worth a little less to-day than they were last year. That they are worth only half the price that they were in 1873. That land has kept pace with silver. That it is down, down, down, and going lower. How can any man be expected to invest in lands, or in farming, or in producing anything when it is certain that his price is going down and getting to be less each year? The Senators who have argued in favor of the single standard have not held out any other hope. They do not pretend to any other expectation. They simply say that this is all owing to some other cause, and that it is right that it should fall; but it is not land only, it is manufactured articles as well. How can a man engage in manufacturing when the manufactured article will every year sell for less and less and less, and stack his warehouse with something that will produce him less than cost—something that if he does not happen to sell it immediately in the market, the next year he knows somebody else can make it cheaper. The only profitable business to do under the single standard, and apparently the only business intended to be profitable by the single standard, is the lending of money. Somebody has to be a borrower and somebody a creditor. That business alone is successful.

The result of a single standard means slavery to Great Britain, and nothing else. We still owe her. We have this enormous debt to pay. The decline is not going to stop here on 50-cent dollars and 50-cent prices and 50-cent wheat and 50-cent land, but it is going lower so long as the single standard is maintained, because with but one metal to supply the needs of the whole world, by which to measure all the values of all the world, that metal, according to the law of supply and demand, the supply being not equal to the demand, must appreciate in value. The desire for that gold dollar is greater, and greater, and greater, and the supply is less, and less, and less, or at least not in proportion to this enhanced demand. That is the trouble with this redemption fund, or the lack of it. There is but little gold in the world. All the nations are striving for it. If we are to redeem constantly and every year the five hundred millions of greenbacks in gold it will soon be an impossibility with all the mortgages that we may place upon our property. Mortgage it as you will, it will only be a few years until the debt will get so high that we can not raise money by mortgage or bonds, which is the same thing. Our property is already bonded or mortgaged almost to the extent of its value.

The time is nearly at hand when instead of our bonds going at a premium of 11½ or 16 per cent they will go below par. The inevitable result of a single standard has been outlined in the expression of the Senator from Connecticut. The single standard means "repudiation, bankruptcy, anarchy, infamy." It means bankruptcy because, like "the affluent spendthrift," to use the expression of the Senator from Ohio, running in debt and giving a bond upon what we have leads to the inevitable result of expensive habits and expenditures that we would not otherwise indulge in. It leads to seventy-million-dollar harbor bills. It leads to every other conceivable improper bill that can possibly be passed, and then when the debt is due we have no means from the revenue to pay it with, and we have no revenue with which to raise means. The people are getting poorer and poorer, and nothing is left but constantly mortgaging over and over again. Where is it to end, and where can it end? The President has shown by his message that the constant presentation of the legal tenders for gold produces the endless chain by which the Treasury is being depleted and by which it will be infinitely and forever depleted. There is no way to stop it until the wealth of this country is wholly absorbed and wrapped up in this loan or this series of loans. Must this process of drawing the gold out of the Treasury and replacing it with bonds be continued? That is bankruptcy, to mortgage in time of peace our property and our wealth. To mortgage to pay the common ordinary expenses of the Government, the ordinary expenses of existence, is bankruptcy in either a government or an individual.

It is worse than bankruptcy; it is repudiation. The Senators have already heard the growl of repudiation on the floor of the Senate at this session. I do not believe in repudiation. I believe that every cent should be paid, but there comes a time when the constantly enhancing debt and the enhancing value of a dollar will render the nation wild and crazy. Usurpation leads to anarchy, and anarchy is repudiation. The holder of the indebtedness of the United States should be willing, must be willing, to accept its payment in the same coin in which the debt was contracted. He will either be paid in silver, as his debt was contracted in silver, or he must be content to take the result which his own avarice is bringing upon this country—bankruptcy, repudiation, anarchy, infamy.

The "affluent spendthrift" designation of the United States by the Senator from Ohio, in seeking the single standard, borrowing money from year to year to live upon, has the same result as to a private individual. What would we think of a man who would mortgage year after year all his own earnings, mortgage his inheritance, and when the interest came due, instead of earning it and paying it, would run in debt and issue bond after bond? A single standard and issuing bonds will indeed take the last shirt from the people, as the Senator said he is anxious to do, to protect the public credit by gold monometallism. And yet the Senator from Ohio is among those who vote for aiding in spending the means of the affluent spendthrift; to vote the river and harbor bill of seventy millions when we have not a cent with which to meet it; to run in debt to build deep-sea harbors for British ships, even though it takes the last shirt from the people to pay for it.

If this nation is really to govern itself as an individual should be governed, the appropriations must always be within and less than the system of revenue provides; and, first, we must agree upon the system of revenue before we can take anything to appropriate. If a farmer of Ohio had raised both corn and wheat to sell, and he should insist on burning up and destroying his corn, locking it up so it could not be used, and only utilized his wheat crop, and should then go and borrow money to make good the deficiency for what he might have received for his corn crop, we all would agree that he was not only a spendthrift, "affluent or otherwise," but that he was insane. And yet that is just exactly what is being asked of us here. We are asked to destroy our silver crop. The United States is the greatest producer of silver in the world. The others that produce are small, so small that their product amounts

to little or nothing compared to that of the United States. The wealth that would flow to us, a debtor nation and a nation producing silver, from making this one article commercial the world over at a dollar for 371¼ grains would be immense, and the Senator from Virginia has estimated it as equivalent to over a billion per annum. Perhaps the estimate may be a little indefinite; but certain it is that in a short time it would wipe out the indebtedness. The effect of the legislation against silver has been to deprive the United States of this great source of revenue. I know it is said that if we adopt the system to-day by law—the free coinage of silver alone and unaided—that gold will disappear, go to a premium, and therefore we shall lose one of the elements of the circulating medium. But why should it disappear? It can not unless it goes to a premium. It can not go to a premium unless there is plenty of silver money to supply its place. The question is, is there silver to be shipped to this country to supply its place? It is said by those who believe in the gold standard that there is danger that silver will be brought in here and coined, so that this country will have to pay $1.29 per ounce for foreign silver. Where is it to come from? What silver is there in existence outside of that produced by the United States? European silver is coined. It is in use. We ship from here to Europe, and from Europe to Asia. It is the United States that supplies the silver, and not Europe that supplies it to us. It is not shipped from Asia here.

The single standard has never yet been fully tried in any of the countries, and it has been successful in none, unless it is in Great Britain, the great creditor country, and unsuccessful there so far as the agricultural classes go. Ever since the single standard was adopted by law prices have been falling in this country. We have been able to check in a measure the force of the wrong and evil by that other kindred necessity, a protective tariff, and from the date of our resumption in 1879 to the date when the Republican party went out of power in the fall of 1892, the protective tariff and Bland-Allison Act had broken the force of the blow which had been made to our industries by the single-standard law.

It should not be forgotten that we did not entirely go upon the single-standard basis during those years. We broke the force of the injury that came to us by another measure, and that was the Bland-Allison silver law. We had the free coinage of $2,000,000 per month, the amount provided by that law, and it produced great benefit up to the time of its repeal. It aided in keeping up prices. Yet notwithstanding a protective tariff, notwithstanding the Bland-Allison law, notwithstanding the Sherman Act of 1890, notwithstanding the different efforts which have been made to keep prices up, they have gone down in consequence of the single standard. True, notwithstanding the tariff, there had been a deficiency. The tariff was essential to our welfare, and it enabled us to tide over, but prices fell constantly even under the beneficent effects of that. We only received the full benefit of the single standard and free trade when in 1892 it was believed that the Democratic party was about to come in power and enforce their free-trade doctrine. Then it was, believing that the Democratic party would keep their platform, that every manufacturer ceased to buy and every consumer at once ceased to buy. Then it was that trade was brought to the condition in which it must always be with the single standard and free trade. The effect of it from the fall of 1892 to the fall of 1893 I need not recall. The memory of it will always be with the American people—the gradual constant injury, the loss and financial crash, ruining and blighting wherever these two doctrines were brought together. It destroyed the banks which created the panic, and it destroyed the manufacturers, ruining debtor and creditor alike and impoverishing the farmer. It was only when the Wilson bill was found not to be a free-trade measure that in part the country slowly rose from the staggering blows which had been given to it. Now, there is but one method by which we can return to prosperity; that is to return to the finances of our forefathers; return to the double standard. Coin silver freely, so that the debtor may pay his creditor and not be bankrupted.

It has been said here that the employee, the workman, the wage earner will be thus compelled to receive less. It may be true that his dollar will be worth less, but, on the other hand, he will be enabled to obtain it. As it is now, under the conditions of a single standard, the employers of the wage earners—those who take the risk of business enterprise—are growing fewer and fewer. There are 15,000,000 employees and wage earners in the United States, it is estimated, and when we subtract from the 70,000,000 the women and children who are neither wage earners nor employees, and then deduct the million or more of those who have accumulated wealth and live only by loaning money, it must be apparent that the number of employers—those who are enabled to pay wage earners—must be very few, probably not more than a million as against the 15,000,000 wage earners. Who can become an employer with the certainty staring him in the face that the article he produces by hired labor is constantly diminishing in value? From the farmer to the manufacturer the lesson is the same. The farmer may possibly till his soil for himself with his own hands—be laborer and owner at once, for his own subsistence—but he can not afford to hire help to enable him to run his farm when the products of his farm will not pay for that hired help. The manufacturer who must depend entirely upon hired employees can not afford to manufacture goods when the articles, after they are produced, will not pay the price of his employees; and yet that is the condition of affairs we have to-day, and the result is that just as rapidly as the men who are employers can get out of the business of employing help they cease.

The single standard and free trade make war upon every man who is engaged in promoting industry, every rustler, every person who hires, and thus prevents the employees from having an opportunity. A wage earner can do better to be paid $1 a day for six days than to be paid $2 a day for three, and yet that would be the effect of free coinage of silver. His dollar may not be worth so much, but his opportunity is vastly greater; his chance of employment is five times greater. The whole amount of money that will be paid out to all the wage earners of the United States under free silver coinage will be double that paid now to the laborers of the United States. The single salaried officer might complain that his dollar will not buy so much, but the great mass of wage earners are the very ones that will be benefited by it. Among those who are equally benefited is the creditor. The free coinage of silver is for the benefit of the debtor and creditor alike. In the first place, there are few, if any, creditors in these United States. It is almost impossible to say when a man is a creditor. The same man is debtor and the same man is creditor in so many complicated transactions of this world that it is impossible almost for the man himself to say whether he is a debtor or creditor on the whole balance. We are all in debt. We all owe our share and portion of the national indebtedness. However wealthy the capitalists imagine themselves, they owe a part of the national debt. We all owe a part of the municipal debt. We all owe a part of the railroad debt. Whether we like it or dislike it, whether we live near or far from the railroad, the railroad indebtedness of this nation to foreign nations, to Great Britain, must be paid by all of us. By means of their rates they reach down to the pocket of every man, woman, and child in this country. They reach all property as if with taxing power.

No man can use the railroad to ride himself or to transport what he produces or to purchase what he consumes without paying in some measure some part of the railroad indebtedness. He can consume nothing unless it has been brought to him by the railroads, roads of which he knows nothing, whose names perhaps he may never have heard. But he is paying in every consumption he makes a portion of the indebtedness of railroads. It must come from us all, and we are all debtors to the extent of our proportion of it. But so with all the rest of the debt of the nation. When this shall have been adjusted, when this shall have been paid, it is impossible to say whether an individual is a debtor or creditor. The benefit, however, of the free coinage of silver is to all alike.

It is not right for this Congress to adjourn without making some effort to pass some measure to raise revenue for the benefit of the Government. We do not do our duty until we do. It is our duty now to return to constitutional methods, our duty to see to it, first, that the Executive is stripped of that evil power which he is now exerting, contrary to the Constitution and contrary to its law, of himself determining when, where, and how much money shall be borrowed. It is our duty to deprive him of that first, and then proceed to pass some measure, upon which we must agree, to furnish revenue by means of a proper and suitable bill. The occasion is here. The bill is still before us as it came from the House. It is our duty to-day to take that bill up, to consider it, to amend it, and provide revenue and to thus prevent the need of the Executive usurpation.

This country can well afford at once to undertake the free coinage of silver. The coinage itself is necessarily slow, and no great amount of foreign silver could be received or coined at our mints. Joined with protection, which the nation is demanding, free coinage would stop the constant fall of prices of everything. We would begin upon an era of industry, prosperity, higher prices, and success in all parts of the country. Both parties were in 1892 committed to a double standard. True, there were certain qualifications detracting from the force of the plain statements that they were in favor of the double standard, but the declarations still stand, and all the United States is pledged to this double standard. The Republican party is pledged to carry out measures to bring this country to a double standard. That promise remains unredeemed. It is the duty of the party to fulfill that promise. Strike from the platform the qualifications, leaving the simple declaration in favor of the use of both gold and silver at the old ratio and the free coinage of both, added to the protective policy, which is the index of American patriotism, and then the country and prosperity will join hands and thank with acclaim the fulfillment of these promises.

Mr. CHANDLER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from New Hampshire suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,	Daniel,	Hill,	Pugh,
Allen,	Davis,	Jones, Ark.	Quay,
Allison,	Dubois,	Lindsay,	Sherman,
Bate,	Elkins,	McBride,	Smith,
Berry,	Faulkner,	Mitchell, Oreg.	Stewart,
Brice,	Gallinger,	Morgan,	Teller,
Brown,	Gear,	Morrill,	Tillman,
Butler,	George,	Nelson,	Vest,
Cannon,	Gibson,	Peffer,	Walthall,
Carter,	Gorman,	Perkins,	Warren,
Chandler,	Hale,	Pettigrew,	White,
Chilton,	Harris,	Platt,	Wilson,
Cullom,	Hawley,	Pritchard,	Wolcott.

The PRESIDING OFFICER. Fifty-two Senators have answered to their names. A quorum of the Senate is present.

Mr. CANNON. Mr. President, it is probable that 90 per cent of the American people believe that the power to issue bonds should be withdrawn from the Administration, if it ever existed there constitutionally and legally, and that it should be reposed again in the hands of the representatives of the people. The granting of such authority was a threat of danger. Its appalling misuse by the present Administration is an achieved disaster. I believe in the bill now pending and shall therefore vote for it, as also for the resolution which has been proposed to serve notice that all bonds hereafter issued without consent of Congress shall be considered void.

Having said so much, Mr. President, which is all that is necessary on this question, I might conclude, but for the necessity of referring to strictures which have been passed upon those Republicans who chose on the 25th day of February of the present year to vote according to conscience and the will of their constituents and against consideration of the so-called Dingley bill.

It has become the fashion of late on the part of those Senators who do not believe in the free coinage of silver to hold up to popular disapproval and to invoke the detestation of the people upon the Senators of Republican faith who joined with the Democracy and the Populists in favor of silver as against a partial and indefensible tariff. It is quite noticeable that such remarks usually come from Senators who have political fences to repair at home, and who, feeling the need of an argument to reenforce a position already declared by their people to be untenable, seek to transfer disapproval from themselves either to their colleagues or to other Senators belonging to their own party. I have the utmost sympathy with such gentlemen, and I do not desire to resent with any unkindness the attacks which they may choose to make. If any man can find comfort in this way, if he can win back the lost love of his people, if he can again acquire their confidence by such methods, no matter who may be the object of attack, I simply pity him, as I always pity weakness. But, Mr. President, it is not within the province of any man on this floor to cast aspersion upon any one of the five Senators of Republican faith who on the 25th of February voted against the consideration of an iniquity, a monstrosity in legislation; nor is it just to allow such aspersion to be attempted without comment. The Dingley bill would have taken from those who had not to give to those who already had too much. It was a narrow, a sectional, an unjust measure. This is not to question the conscientious vote, or speech, or conduct of any man upon this floor. I believe that those who themselves are honest in their motives and in their deeds are ready to concede that others are also honest. The imputation of insincerity attempted to be cast upon us reflects directly back upon the men who utter it. A hypocrite fancies all others are guilty of hypocrisy, no matter how straightforward their course.

I know of only two influences which should guide a man in this Chamber or in any position of public trust. The highest and the first—that which should always control—is conscience. A man should first satisfy his own idea of right. Next to that he should gratify the wishes of the people who sent him here. I do not care to fall into the custom, which is more honored in the breach than in the observance, of making a speech to my constituents from this Chamber, by which to repair some break in the lines of selfish or political interests at home. But I do wish to say that there is not one of the five Senators upon the Republican side who voted against the consideration of the Dingley bill who has not had a vindication which any man, no matter how high his station, might well take with pride unto himself.

THOMAS H. CARTER and LEE MANTLE, Senators of the United States from the State of Montana, voted against consideration of that bill. At the ensuing State Republican convention they were unanimously returned to the national convention of the Republican party. FRED T. DUBOIS, a Senator from the State of Idaho, voted against consideration of the Dingley bill. At the ensuing State Republican convention in Idaho he was returned to head his delegation to St. Louis with only 5 dissenting votes; and by the way, Mr. President, he was the only Senator from the State of Idaho who was thus honored by his people, as he was the only Senator from the State of Idaho who chose to vote against consideration of the Dingley bill. HENRY M. TELLER, a Senator from the State of Colorado, voted against consideration of the Dingley bill, and he was unanimously sent to St. Louis at the head of the delegation from that State, and the other delegates were instructed to follow his leadership. One Senator from the State of Utah voted against the consideration of the Dingley bill, and at the ensuing State convention he received 501 votes out of a total of 522, and his nearest competitor received more than 200 votes less than that number.

Mr. President, the five Senators from the silver States who declared that a protective tariff, sectional and unjust, should not become a part of the revenue system of the United States by their votes, and who declared in public announcement that no protective tariff disassociated from bimetallism would be sufficient to relieve the distresses of the people of the United States, have all the consolation which they need. Doubtless each one of them feels the approval of his conscience, and each one of them has positively received the indorsement of his people at home.

I have no desire to reflect upon any gentlemen on this floor or elsewhere, but I do know that the great beating heart of the intermountain States is for free and unlimited coinage of silver, and that the people there take for their leader on this question HENRY M. TELLER, rather than the distinguished Senator from Ohio [Mr. SHERMAN]. Any gentleman who seeks to pacify his people at home by saying that he voted for the free and unlimited coinage of silver, or for the consideration of a measure looking in that direction, by following the leadership of the Senator from Vermont [Mr. MORRILL] and the Senator from Ohio [Mr. SHERMAN] and the Senator from Rhode Island [Mr. ALDRICH] rather than the leadership of the senior Senator from Colorado [Mr. TELLER] will find that his people reject magnificent technicality and splendid hairsplitting and plant themselves on the plain common sense of the proposition.

Mr. ALLISON obtained the floor.

Mr. ALDRICH. Will the Senator from Iowa yield to me for a moment?

Mr. ALLISON. Certainly.

Mr. ALDRICH. The Senator from Utah [Mr. BROWN], who has addressed the Senate at considerable length on this subject, entered into an elaborate argument to show that the power granted by the act of January 14, 1875, had been exhausted, and that any further issue of bonds under its provisions is illegal and void. I should like to ask that Senator, who is a distinguished lawyer, what disposition he would make of section 3700 of the Revised Statutes, under which all the bonds which have been issued recently have been issued.

Mr. BROWN. I do not understand that they were issued under that section, and I ask the Senator whether he claims that they were issued under it or the act of 1875?

Mr. ALDRICH. The Secretary of the Treasury and the President say so in a published communication, both to Congress and the country.

Mr. BROWN. In the published statements, as I understand and as I have read, they say that they are issued under the law of 1875. If I am not very much mistaken, the bonds themselves state that they are issued under the law of 1875. The discussion in their favor has been upon the law of 1875, the discussion against them has been upon the law of 1875, although of course that would not weigh.

Mr. ALDRICH. The President in his annual message stated that the bonds were issued under section 3700 of the Revised Statutes.

Mr. BROWN. The last one?

Mr. ALDRICH. Yes, the last one.

Mr. HARRIS. If Senators would address the Chair and not each other perhaps the rest of us could hear what is going on.

Mr. ALDRICH. And the Secretary of the Treasury makes the same statement. If there is not sufficient power under the act of 1875, there is certainly under the provisions of section 3700 of the Revised Statutes. This is surely too serious a question to be disposed of without full consideration. If the Senator from Utah expects to get the action of the Senate upon this proposition it seems to me that he and the gentlemen who think with him should state what view they take of section 3700. If the bonds which have been issued recently have not been legally issued, if they are not valid, if they are void in the opinion of Senators, it is time that the holders of those bonds and the country should understand it.

Mr. BROWN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Utah?

Mr. ALLISON. I will yield to the Senator from Utah.

Mr. BROWN. I should like to ask the Senator from Rhode Island whether he claims that these bonds were not issued and not authorized by the law of 1875 or whether they were wholly

issued by the law of 1862 and section 3700 of the Revised Statutes? Because it must be true that they were issued under one or the other. There must be some explicit law to authorize it. They must be authorized by one or the other, and we must plant our right to issue them upon that particular law. I had supposed from the argument of the venerable Senator from Ohio—I had supposed from the statement made by the President that it was assumed that the law of 1875 was the only power for their issue. I can state, if necessary, why I think that section 3700 does not give authority.

Mr. ALDRICH. The Senator from Utah has asked me a question as to my opinion. I have not the slightest doubt myself that both the act of 1875 and section 3700 of the Revised Statutes authorize the Secretary of the Treasury to sell bonds of the United States to any extent he pleases whenever it is necessary to maintain the public credit, for the redemption of United States notes, or for the payment in whole or in part of the public debt of the United States.

Mr. STEWART. May I be allowed to say a word?

Mr. BROWN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Utah?

Mr. STEWART. I wish to say just one word.

Mr. ALLISON. I will yield with great pleasure to my friend from Nevada.

Mr. STEWART. I have taken this matter into consideration before. Section 3700 of the Revised Statutes reads as follows:

The Secretary of the Treasury may purchase coin—

Not gold coin—

with any of the bonds or notes of the United States authorized by law, at such rates and upon such terms as he may deem most advantageous to the public interest.

It does not authorize the Secretary to purchase coin with any other bonds than those authorized by law. He can not sell bonds to buy coin unless he is so authorized by law.

This was passed in 1862, when from time to time laws were being passed to buy coin to pay interest on the public debt which was payable in coin. But the funding act of July 14, 1870, provided what kind of bonds should be issued, and all the bonds now issued were issued under that law. There is no other law in existence on the statute books describing a bond that may be issued. The bonds issued under that law were confined, in the first place, to the refunding of the national debt, with a provision that the national debt should not be increased in amount. When the national debt had been funded and the full amount issued there was no further power to issue under that act.

The only other act that authorized the issue of bonds was the provision in the act of 1875 authorizing the Secretary of the Treasury to sell bonds to the extent necessary and to buy coin to redeem the greenbacks which would be outstanding on the 1st day of January, 1879. So the law is absolutely inoperative unless you can point to a provision that authorizes the issuance of the bonds. If there is any law authorizing the issuance of the bonds the Secretary can sell them for coin whenever the law authorizes it.

Mr. ALDRICH. The act of 1870 does it in express terms.

Mr. STEWART. The act of 1870 authorizes the issuance of bonds?

Mr. ALDRICH. Yes, sir; of various denominations.

Mr. STEWART. I beg pardon; it authorizes the issuance of bonds enough to fund the public debt, and it declares that there shall be no more issued than an amount sufficient to fund the public debt, and that the public debt shall not be increased thereby. When the public debt was funded all the bonds authorized by the act of 1870 were issued and no more could be issued. The only authority for issuing bonds must be found in the act of 1875. That is a limited authority and does not apply to the issuance of bonds now.

Mr. BROWN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Utah?

Mr. ALLISON. Certainly.

Mr. BROWN. The Senator from Rhode Island put a question to me which I in part answered, but not fully. I desire to answer why section 3700 did not, in my judgment, authorize the issue of bonds. My answer is that that statute permits the sale of bonds for coin, but in itself does not authorize the borrowing of money or the issuing of bonds. It presupposes that bonds have been authorized by some other statute. Of itself it would not be operative. But if bonds were authorized by another statute, and there were other statutes then in force stating the amount to which the Executive might borrow, the Secretary could issue the bonds which he was allowed then to issue; he could exchange them for coin. That was the sole purpose of that statute as it has just been read here and as it appears in and of itself. It is not sufficient to warrant the Secretary of the Treasury to borrow money. But if he were authorized by some other statute he might exchange bonds for coin. That is my answer, and I think it is conclusive.

Mr. ALDRICH. There is no authority of law for the Secretary of the Treasury to issue bonds to borrow money to pay current expenses. There is no contention of that kind here or anywhere else, so far as I know. He is authorized to issue bonds for two purposes. One is to provide for the redemption of United States notes; the other is to obtain coin to pay the public debt, the whole or any part, either the principal or interest; and no Secretary of the Treasury has any authority of law to issue bonds for any other purpose.

Mr. ALLISON. Now, having yielded to Senators about me, I hope, as I intend only to speak briefly, that I may proceed without interruption and say what I desire to say on the pending bill. I regret that we have occupied several days of the closing hours or days of the session in the discussion of a proposition which it is well known can not pass at the present session, and therefore will have no other effect than to enable those who desire so to do to express their opinion upon the subject.

There is, I think, no doubt of the fact that every Senator on this floor agrees that the power to borrow money is not an executive power. It does not rest in the President or in the Secretary. It is a power conferred upon Congress.

The PRESIDING OFFICER. The Senator from Iowa will suspend while the Senate receives a message from the House of Representatives.

RIVER AND HARBOR APPROPRIATION BILL.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the President of the United States having returned to the House of Representatives, in which it originated, the bill (H. R. 7977) making appropriations for the construction, preservation, and repair of certain public works on rivers and harbors, and for other purposes, with his objections thereto, the House proceeded in pursuance of the Constitution to consider the same; and

Resolved, That the said bill pass, two-thirds of the House of Representatives agreeing to the same.

Mr. VEST. Will the Senator from Iowa permit me?

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Missouri?

Mr. ALLISON. I will yield.

Mr. VEST. I ask unanimous consent that the river and harbor bill and the message of the President thereon be taken up for consideration immediately after action upon what is known as the bond bill.

The PRESIDING OFFICER. The Senator from Missouri asks unanimous consent that the bill known as the river and harbor bill, with the message of the President of the United States, be taken up for consideration immediately after final action upon the pending unfinished business. Is there objection?

Mr. SHERMAN. I must object unless some arrangement is made in regard to the bill which has been before the Senate two or three times, and which ought to have been disposed of several days since. I shall object to any order being made until we have some agreement in regard to the measure known as the filled-cheese bill.

The PRESIDING OFFICER. The Senator from Ohio objects.

Mr. VEST. If the Senator wants to take that responsibility he can do so. He will get no agreement about the filled-cheese bill.

The PRESIDING OFFICER. The Senator from Ohio objects.

Mr. VEST. I give notice that I shall move to take up the river and harbor bill to-morrow morning immediately after the routine business.

SALE OF GAS IN THE DISTRICT OF COLUMBIA.

Mr. GALLINGER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6094) relating to the sale of gas in the District of Columbia, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the first and second amendments of the Senate, and agree to the same amended so that the first section of the bill, down to the proviso, shall read as follows:

"That the Washington Gas Light Company of the District of Columbia is authorized to charge and collect, after the 1st day of July, 1896, for illuminating gas furnished to and paid for by private consumers in the District of Columbia, at the rate of not exceeding $1.10 per thousand cubic feet until the 1st day of July, 1901, after which last-named date the rate shall not exceed $1 per thousand cubic feet; and that after the 1st day of July, 1896, the Washington Gas Light Company of the District of Columbia shall furnish to the United States Government and the District of Columbia gas at the rate of $1 per thousand cubic feet."

And that the Senate agree to the same.

That the House recede from its disagreement to the amendments of the Senate numbered 3 and 4, and agree to the same amended so that the second section of the bill, down to the proviso, shall read as follows:

"SEC. 2. That the Georgetown Gas Light Company, doing business in that part of the District of Columbia formerly known as Georgetown, is authorized to charge and collect after the 1st day of July, 1896, for illuminating gas furnished to and paid for by private consumers in that part of the District of Columbia, at the rate of not exceeding $1.35 per thousand cubic feet, until the 1st day of July, 1901, after which last-named date the rate shall not exceed $1.25 per thousand cubic feet; and that after the 1st day of July, 1896, the said Georgetown Gas Light Company shall furnish to the United States Government and the District of Columbia gas at the rate of $1.25 per thousand cubic feet."

And that the Senate agree to the same.

That the House recede from its disagreement to the fifth, seventh, and eighth amendments of the Senate, and agree to the same.

That the House recede from its disagreement to the sixth amendment of the Senate and agree to the same amended as follows: In lieu of the words "twenty-four" insert the words "twenty-five"; and that the Senate agree to the same.

That the House recede from its disagreement to the ninth amendment of the Senate and agree to the same amended so that section 5 shall read as follows:

"SEC. 5. That neither the Washington Gas Light Company nor the Georgetown Gas Light Company shall hereafter issue any greater number of shares of stock than shall be equal to the actual cash value of said plants and necessary cost of the construction of future extensions or future enlargement of plant, which cash value and cost of extensions shall first be ascertained and authorized upon petition therefor to the supreme court of the District of Columbia, under such regulations as the chief justice and the justices thereof shall prescribe; also if either of the said corporations shall desire hereafter to issue bonds upon their property, secured by mortgage or otherwise, upon petition therefor to said court, setting forth the necessity thereof and the amount of stock issued and outstanding, it may and shall be lawful for said court, or the chief justice and justices thereof, as the case may be, or one of them, upon public notice, to be prescribed by the rules of said court, to permit the issuance of such bonds and mortgage as desired: *Provided*, That the amount of stock and bonds issued shall not exceed the actual cash value of said plants and the cost of such extensions or enlargement of plant: *And provided further*, That the Washington Gas Light Company is hereby authorized to issue such additional amount of capital stock as will provide for the conversion into such stock of its outstanding certificates of indebtedness, which conversion of said certificates is hereby authorized to an amount not exceeding $300,000."

And the Senate agree to the same.

That the Senate recede from its tenth amendment.

That the House recede from its disagreement to the eleventh amendment of the Senate, and agree to the same amended so that said amendment shall stand as section 6, and the Senate agree to the same.

JAMES McMILLAN,
CHARLES J. FAULKNER,
J. H. GALLINGER,
Managers on the part of the Senate.

J. W. BABCOCK,
B. B. ODELL,
JAMES D. RICHARDSON,
Managers on the part of the House.

The report was concurred in.

REASSESSMENT OF WATER-MAIN TAXES.

The PRESIDING OFFICER laid before the Senate the following concurrent resolution of the House of Representatives; which was considered by unanimous consent, and agreed to:

Resolved by the House of Representatives (the Senate concurring), That the President be requested to return to the House the bill (H. R. 3279) to authorize the reassessment of water-main taxes, and for other purposes.

HOUSE BILL REFERRED.

The bill (H. R. 9188) authorizing the appointment of a nonpartisan commission to collate information and to consider and recommend legislation to meet the problems presented by labor, agriculture, and capital was read twice by its title, and referred to the Committee on Education and Labor.

REGULATION OF BOND ISSUES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1341) to prohibit the further issuance of interest-bearing bonds without the consent of Congress.

Mr. BUTLER. I should like at this time to get unanimous consent in reference to a vote. The Senator from Iowa knows about how along he will speak. About how much time will the Senator from Iowa occupy?

Mr. ALLISON. It is impossible, I will say in answer to the Senator, for me to know precisely how much time I shall occupy. I will be as brief as possible. I think there will be no trouble in reaching a vote.

Mr. BUTLER. If the Senator himself has no objection I would suggest that we have a unanimous agreement to stop general discussion at 4 o'clock, and then continue under the five-minute rule until 5 o'clock, if the Senate so desires, but to take a vote as soon after 4 o'clock as there is no desire to continue discussion under the five-minute rule, and to take the final vote on the bill and all amendments thereto not later than 5 o'clock.

Mr. TELLER. I think the Senator from North Carolina had better let the order stand, which is that we shall come to a vote some time to-day.

Mr. BUTLER. I suggest to the Senator from Colorado, if he will pardon me, that, as all are aware, a great many Senators would like to attend to some social duties this evening, and it will be very hard to hold a quorum here.

Mr. TELLER. We are very likely to get through with the bill early. I shall object to fixing a time.

The PRESIDING OFFICER. The Senator from Colorado objects. The Senator from Iowa will proceed.

Mr. ALLISON. Mr. President, I will repeat that the power to borrow money rests in Congress under the Constitution, and therefore the bill is simply a declaration on its face, which has the intent and purpose only of repealing the existing power in our statutes to borrow money. Therefore it appeared to be necessary for the Senator from Utah [Mr. BROWN] to hold in his observations and argue that there is no power under existing laws to borrow money for any purpose. When on yesterday I interrupted him with a view to express an opinion as respects the powers contained in the law of 1875, he responded to me very properly that statutes could not be construed by the hazy and misty memories of those who participated in their enactment, but that we must take the laws as they are found upon the statute books and interpret them in their letter and spirit.

I believe and have believed since the statute of 1875 was put upon our statute books that it carried with it, by its own force and vigor, the power to borrow money to execute its purposes. The Senator from Utah [Mr. BROWN] yesterday argued at some length that the plain import of that statute is that when a United States note under it was redeemed in the Treasury it was then to be destroyed and canceled, and that there was under it no power to borrow to reissue, and that therefore this power to borrow money exhausted itself for that and other reasons on the 1st of January, 1879.

When we look at the contemporary circumstances that surround the passage of that law we can readily see and know that the plain import of the language of the statute taken as a whole was meant and intended to provide that only those greenback notes over and above $300,000,000 should be canceled and retired, and that $300,000,000 and no more should be allowed to continue in circulation as bank notes were continued in circulation, redeemed, and reissued by the Government of the United States.

It will be remembered that we had a contest, long and serious, respecting these notes before the resumption act of 1875. In April, 1866, we passed a law through the two Houses that the Secretary of the Treasury could withdraw and retire and cancel $10,000,000 of these notes within six months, and that he should thereafter retire and cancel $4,000,000 per month of the notes until they were all canceled and destroyed. That law was on our statute book for two years, and under it there were canceled $44,000,000 of greenbacks, the total issue authorized by law during all the period of the war being $400,000,000, with an emergency act authorizing the issue of $50,000,000 more. During all that period the greenback circulation of the war was limited to $400,000,000. In December, 1865, after the war closed, in the House of Representatives, Democrats and Republicans alike, with but 5 dissenting votes, declared it to be wise public policy to retire all those greenbacks, but as time went on the opinions of men changed, and when 1866 came that same Congress limited the retiring of greenback notes to $4,000,000 a month after six months.

In 1868, when there were $356,000,000 of these notes in circulation, Congress passed a joint resolution, as I remember, prohibiting the further retiring of a single dollar of the greenbacks then in circulation, and, therefore, from 1868 to 1875, with an exception to which I shall allude, the destruction or retirement of greenback circulation was inhibited by the joint resolution of 1868.

In 1873, during the panic which occurred in that year, the then Secretary of the Treasury construed the law which authorized the issue of $400,000,000 to permit and enable him to reissue up to the amount of $400,000,000; and the Secretary of the Treasury, under the stress of that panic, issued greenbacks to the extent of $27,000,000. So when the statute of 1875 came into play the limit of the greenback notes was $383,000,000 in round numbers. It is not important to my purpose, but I am reminded that both Houses of Congress afterwards passed provisions looking to the justification of that issue by the Secretary of the Treasury.

There is another bit of history that should be remembered in connection with this law of 1875, and that is that in December, 1861, the banks of the United States suspended specie payments, and from 1861 to 1879, a period of eighteen years, there was a suspension of specie payments in the United States. I merely allude to this, for it is useless for us to stand here and talk about the double standard, the gold standard, or the silver standard between those years. There was no standard in the United States, except for a brief period, between 1861 and 1879 but a paper standard, fluctuating day by day and hour by hour as measured in gold, and gold was sold upon the marts of our great cities at a premium during all that period; the premium at first being small, I agree, at least being small as we approached the year 1879. It is well known to those who are familiar with that period, and to most of us here, that during all that time, especially after the close of the war, there was a condition of unrest and distrust, followed at times by panic, by people not knowing how to transact business, for they could not tell, owing to the rise of gold or its fall, whether they would make profits or losses. Therefore the great business interests of this country had knocked at the doors of Congress over and over again and asked that Congress should in some way provide for the convertibility of the irredeemable paper of the United States into coin. We had the greenback agitation running through four or five years, some insisting upon an indefinite issue, and others insisting that the greenbacks which were already authorized and had been issued should continue in circulation.

Mr. President, if you will look at the fluctuations of this money during all these years you will see that in 1862 it fluctuated from 101½ to 134, in 1863 from 122 to 172, in 1864 from 151 to 285, in 1865 from 128 to 234, and so on until in 1869, long after the close of the war, the fluctuations were from 119½ to 162½ in a single year, a fluctuation of over 40 per cent in a single year in the currency of our country, which measured all values, controlled all

purchases and all sales of property, and measured the wages of labor. So it is not singular that during these years, continuing up to 1875, the fluctuations ranged from what I have stated to 9, 10, 15, and 20 per cent.

When we convened in 1874, after the elections of that year, when the Democratic party for the first time since 1861 had secured a majority of the House of Representatives, there was a pressure of public opinion upon the Congress of the United States to deal with this question in some form. There were then, as there are now, men in both political parties who believed that the greenbacks should be obliterated from our circulation; that the United States itself should be free from any responsibility respecting the circulating money of the country. These divers opinions found their way into a caucus of the Republican party in 1874, in December, and that caucus, consisting of eleven Senators, prepared a bill which became a law on the 14th day of January, 1875. I wish to take note of the provisions of that law for a moment. The first section of it directed the Secretary of the Treasury to proceed immediately to the coinage of fractional silver—for what purpose? For the purpose of placing in circulation fractional silver coins in lieu of the fractional paper money which was then in circulation, and no other. Not only the silver dollars of the United States had found their pathway out of this country, but the 10-cent pieces, the 25-cent pieces, and the half dollars had taken wing and flown to more remote places where they could find circulation. So when this law was passed the first section was designed to deal with the minor paper money which was then in circulation, and we provided for a substitution of fractional silver for the paper money then in circulation, there being no fractional silver in circulation when this law was passed.

The second section related to the charge for coinage. Section 3 provided—

That section 5177 of the Revised Statutes, limiting the aggregate amount of circulating notes of national banking associations, be, and is hereby, repealed.

What was that for? There had been by prior statute a limitation of $354,000,000 upon the aggregate circulation of national banks. That was repealed in order that there might be an addition to the paper circulation; and for what purpose? It is shown further on in the act, where it is provided that—

Whenever, and so often, as circulating notes shall be issued to any such banking association, so increasing its capital or circulating notes, or so newly organized as aforesaid, it shall be the duty of Secretary of the Treasury to redeem the legal-tender United States notes in excess only of $300,000,000, to the amount of 80 per cent of the sum of national-bank notes so issued to any such banking association.

That is to say, as fast as $100 in national-bank notes were issued $80 of greenbacks might be retired, until the sum of $300,000,000 was reached.

Mr. GEORGE. What is the date of that act?

Mr. ALLISON. The act of January 14, 1875, which is called the resumption act. Then comes the remaining provision:

And on and after the 1st day of January, A. D. 1879, the Secretary of the Treasury shall redeem, in coin, the United States legal-tender notes then outstanding, on their presentation for redemption at the office of the assistant treasurer of the United States in the city of New York, in sums of not less than $50.

In the face of the surrounding circumstances at that time, is it to be supposed for a moment that this law was intended by those who made it to be construed into a provision whereby the entire greenback circulation should be destroyed and canceled and retired? When, however, this law appeared upon the statute books, and when this process authorized by the act itself was going on, it became a moot question, I agree—and I am not surprised that the Senator from Utah has been misled by it—among the people who wished to destroy the greenback currency whether, as applied to the Government, the word "redeem," in the latter part of this statute, did not mean to pay off, and require the Government to borrow money in order to redeem and pay off every dollar of the greenback currency. In order that there might be no question about the construction of that law, later, in 1878, there was a statute passed, which was alluded to by the Senator from Utah yesterday. The only purpose and intent and effect of that statute was to limit the retirement of greenback notes to $346,000,000, and to require specifically that they should be again paid out.

Mr. President, when you take the whole of this statute you will see that its purpose was to require the Secretary of the Treasury to provide for the redemption of these notes, first using the surplus revenue, and then selling as many bonds as he chose to sell for that purpose, of course in the expectation that no unnecessary debt would be created for the redemption of these notes.

The then Secretary of the Treasury, the honorable Senator from Ohio, whose duty it was to execute this law, so managed that great office during that period as that the redemption of these notes on the 1st day of January, 1879, became a pleasing pastime, and the business men and the industrial people of this country, its wage earners and producers, knew nothing of the change. The Secretary of the Treasury borrowed $95,500,000 as a preliminary step to the execution of the law, and a surplus revenue was also provided. Did the Secretary of the Treasury or any of his successors ever for a moment dream that when these greenbacks were paid into the Treasury they must be retired and canceled, even though money had to be borrowed for that purpose? That law was uniformly construed as I construe it, as meaning that down to $300,000,000, and afterwards $346,000,000, these greenback notes were to continue a circulating money as bank notes are circulating money, to be redeemed and reissued in the ordinary course of business.

Mr. STEWART. May I interrupt the Senator?

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Nevada?

Mr. ALLISON. I can not refuse the Senator.

Mr. STEWART. Was it ever contemplated at the time spoken of by the Senator from Iowa that those notes should be redeemed only in gold?

Mr. ALLISON. If the Senator will have patience I will deal with that question frankly; but I am dealing with another question now.

Since 1879 what I have stated has been the course of the Secretary of the Treasury. During that time—I do not remember just when—those who believe as the Senator believes brought a suit in one of the courts of New England to test this law and the amendment to it, claiming that when greenbacks were redeemed they could not be paid out again by the Secretary of the Treasury, and if he did so pay them out it was a new issue of greenbacks, which was unauthorized by law and was in violation of the Constitution of the United States. That case went up to the Supreme Court. The Senator from Missouri [Mr. VEST] will remember the details of it. I believe it was upon that case that every member of the Supreme Court of the United States united in the opinion that it was a question for Congress to decide as to the emergency and the time of dealing with the notes of the United States.

Mr. BROWN. May I interrupt the Senator?

Mr. ALLISON. Certainly.

Mr. BROWN. That decision was limited solely to the legal tenders. No word is to be found in the decision as to the legality of the bonds.

Mr. ALLISON. Certainly; I understand that.

Mr. BROWN. It is reported in 110 United States Reports.

Mr. ALLISON. I did not quote it for that purpose. I only mentioned it for the purpose of showing that it was never the intent of this original statute, or of any subsequent statute, or of anybody in the United States, to dispute the intent and purpose and manifest meaning of this law, which was, first, that the greenbacks should be reissued; and, secondly, that they should be redeemed in coin. Look at the language:

The Secretary of the Treasury shall redeem in coin.

Mr. SHERMAN. I wish the Senator would be kind enough to read that clause of the section in answer to the claim made yesterday that after one redemption there can be no other redemption. The language is:

And on and after—

That word "after" was thoroughly construed, and thoroughly debated, and held to extend to all time.

And on and after the 1st day of January, A. D. 1879, the Secretary of the Treasury shall redeem in coin the United States legal-tender notes then outstanding on their presentation for redemption at the office of the assistant treasurer of the United States in the city of New York, in sums of not less than $50.

That was construed at the time by all the best lawyers in the Senate and by the court as well as a continuous provision—"after"—not until doomsday; not for five years, not for ten years, not for any period, but for all time.

Mr. ALLISON. On and after that time.

Mr. SHERMAN. Yes.

Mr. ALLISON. "And the Secretary of the Treasury shall redeem."

What did Congress do to enable the Secretary of the Treasury to execute that imperative duty imposed upon him? They said to him first that he could use the revenues, and next that he could use the credit of the Government. What is that? It is to borrow money; and the experience of the last eighteen years prior to that time had taught the American people that the credit of the Government was a precious boon to them, and that it ought not to be lightly interfered with or lightly trampled under foot.

What was that credit? It was that the laborer who toiled in his shop on one day should not be required on the next day to take a less sum in purchasing power for his day's wages than he had agreed to take the day before; it was to create a stable measure of value as to all property, all credit, all debt, and all measure of the wages of labor. So you see when you come to analyze the act of 1875 it is one of the marking points in the period of the progress of our country. It was put into play years after its date. This was to give ample preparation not only to the Treasury but to the people of the United States to gradually reach the point of convertibility which was anticipated by that action.

Mr. President, I have characterized this as a great boon. Was it or was it not? Are these great interests which I have described

such as that we can deal with them here as we deal with the balls upon a billiard table? That law took effect upon the 1st of January, 1879, and, without fear of successful contradiction in this place or any place, I can maintain, but need only state, that from that time forward until 1892 we had a period of unprecedented prosperity in the United States, whether that prosperity is measured in the accumulation of wealth, whether it is measured in the wages of labor, whether it is measured in the value of property, or whether it is measured in the surplus profits of earnings which came to all those who toiled.

I listened the other day to the speech of the junior Senator from Kentucky [Mr. LINDSAY], in which he portrayed the growth and development of our country from 1880 to 1890. I have had occasion more than once to make that investigation, and it applies to the great Northwest region in which I dwell. It is shown by the census of 1890 that the five States carved out of the Northwest Territory and the seven States which were created from the Louisiana purchase west of the Mississippi River, being twelve States in all, in 1890 had two-fifths of the population of the United States and more than two-fifths of the sixty-four thousand million dollars of wealth in the United States. Twenty-five thousand millions of it were aggregated in the twelve States I have named, against eleven States upon the Atlantic Seaboard, including the great States of Pennsylvania, Maryland, New York, and the whole of New England.

So whatever may have been the mutations and changes as to the effect of this great act of 1875, it must be admitted that at least for the period I have described it did not in any way deter or impair the power of the citizens of the United States to largely increase their wealth.

Without going into a discussion of the question, I think it must be agreed that in order to have prosperity in our country whatever measures our values or measures our property or measures the wages of labor must have a reasonable stability. It is not possible, I agree, to have an exact measure, but it must have that reasonable stability whereby during short periods one class of men shall not be robbed for the benefit of another.

Therefore, from what I have already said, it must be apparent, it seems to me, to every Senator that it would be a most unwise and unjust thing to all the people of the United States for us to run the slightest risk of a relapse into the condition under which we labored between 1861 and 1879. In other words, no part of the people of the United States, it seems to me, can be benefited by relapsing into an unstable and fluctuating, and it may be a depreciating currency, nonmetallic, and that we should take no risk whatever in that direction.

Mr. President, it must be remembered that we are taking this question as it exists in 1896. We are not dealing, as we all think we ought to, with this financial question by and large. There is no proposition here for free coinage of silver; there is no proposition here for the enlargement of our currency and giving it flexibility; there is no proposition here dealing with this general subject. Is it wise for us in the closing hours of the session, even by our votes, to say that we are willing to deal with this question in a spasmodic or in a partial manner?

I have heard it said that this taking away of the authority which is given by law to the Secretary of the Treasury is a mere bagatelle. What is it? We have now in circulation as many greenbacks, less the loss in shrinkage, as we had in 1879 on the 1st of January. We have, in addition to that, in round numbers, $130,000,000 of Treasury notes. I do not claim that they come within the purview of the law of 1875. Therefore I need not be interrogated upon that point. We have the same number of greenbacks; but we have weighting down those greenbacks—although the act of 1875 does not apply to them—$130,000,000 of Treasury notes, which are a full legal tender. We have in addition to that three hundred and sixty-odd millions, I believe—I have not the tables before me—of silver certificates, each of which has behind it, I agree, a silver dollar, but which constitute a redemption fund, each dollar for itself. What have we—and I address that to the Senator from North Carolina [Mr. BUTLER] and to those who propose to vote with him—what have we to maintain the redemption of the $346,000,000 of greenbacks?

Mr. BUTLER. Will the Senator yield to me for an answer?

Mr. ALLISON. I am not asking for an answer now.

Mr. BUTLER. I am anxious to answer the Senator's question.

Mr. ALLISON. I intend to answer it myself.

Mr. BUTLER. I may not want to rely on the Senator's answer.

Mr. ALLISON. I shall be glad to hear the Senator after I have done. I do not want to occupy much time, and shall be glad to yield to him when I finish my statement.

Mr. BUTLER. I hope the Senator will make a good answer.

Mr. ALLISON. I may not make a good answer, but I will make the best I can.

I have here a statement issued by the Treasury Department on June 1, which shows the situation of the Treasury. This statement shows that there is in the Treasury $108,345,233.91 in gold coin, $100,000,000 of which, the Secretary says, is devoted and applicable to redemption purposes.

What else have we? I am now speaking on the assumption that silver should be paid out. We have now in the Treasury $18,864,000 of free silver, that is, silver belonging to the Treasury. That constitutes our redemption fund, and nothing less and nothing more. I heard it said by some one here the other day that we have seigniorage on silver to the extent of $55,000,000, which might be coined and thus used. If it could be coined and thus used, it would be a bagatelle. But how can it be coined and used? Not by this law. It can not be thus coined and used until Congress, by an affirmative statute, authorizes such coinage and use.

Mr. TELLER. We have done that.

Mr. ALLISON. We have?

Mr. TELLER. We passed an act of that kind which the Executive vetoed.

Mr. ALLISON. Oh!

Mr. TELLER. I think the Senator from Iowa voted to sustain the veto.

Mr. ALLISON. Of course the Senator from Colorado wishes to be perfectly fair. I voted against the proposed law because it authorized, among other things, as I plainly showed in this Chamber, not only an equivalent amount in certificates or notes, but it authorized on its face twice the amount, and I was not willing to give $55,000,000 in addition of fiat money for the sake of having $178,000,000 of other money coined.

Mr. TELLER. I think the Executive, who hunted for some excuses, did not make that one of them.

Mr. ALLISON. Perhaps he did not. It only shows how the Executive fails to see a good point now and then. We may have passed such a bill, but as the Senator from Colorado says, it was vetoed, and it did not pass over the veto. Therefore it is not a law now.

How is the silver to be coined? It is to be coined in the discretion of the Secretary of the Treasury, and the Secretary of the Treasury has no seigniorage until it is coined. What is seigniorage? It is the thing that arises out of coinage. It can not exist until the dollars are coined under existing law. I know we could provide a law whereby we could rescue, as it were, or rejuvenate probably $50,000,000, but not $55,000,000, because a portion of it has been coined since that time.

Mr. STEWART. Let me ask the Senator from Iowa a question. Does the Senator contend that there is no power in the Secretary of the Treasury to coin the silver in the Treasury?

Mr. ALLISON. Per contra, I have just stated that he can coin every ounce of silver in the Treasury, and as he coins it the seigniorage arises.

Now, how would he coin it? We have, with the existing mints, as has been shown here over and over again, the ability to coin between forty and fifty million dollars of silver per annum, which is the ultimate coining capacity of the mints, and if we are to build new mints it will take at least a year to do it. Allowing that $50,000,000 of silver can be coined, there would be a residuum fund of probably twelve to fifteen million dollars arising out of it, and nothing more. So here we are playing with the great question of the convertibility of all our paper money upon the idea that if we choose we shall find, without this power, a sufficient amount of money to redeem the greenbacks, which by law and by solemn obligation, as sacred as any obligation we have, we are bound to redeem, when the holder of one of the greenbacks presents it.

We might take some hazard as respects this matter if there were a great overpowering emergency; we might take some hazard if we had a full Treasury, as we did have for many long years after this law came into play; but here we are with a deficit for the current year amounting, in round numbers, probably to thirty-three or thirty-four million dollars, swelling each month, because, as I saw in a newspaper this morning, supposed to be reliable, the receipts during the month of May just passed were less than the receipts in any May for five years. Yet I heard another Senator say the other day that there is a large amount of money in the Treasury. So there is; but does it redeem greenbacks? Can you redeem greenbacks with a greenback? The money in the Treasury, over and above the reserve of $100,000,000, is the same kind of money, practically, that is to be redeemed.

So we are here now running the hazard not of the silver standard of money, but of going back within thirty days, if it were possible to enact this bill into law, to an inconvertible paper-money standard, irredeemable, with nothing behind it except the credit of the Government, because if you take away the prop that sustains the house you destroy the house itself. Are we ready for that? The prop which sustains the greenback currency is the credit of the nation and the reserve, and the power to create it, which we gave in 1875. It is proposed now to take away the only prop that is left after the reserve of $100,000,000 is gone, because confessedly—and it is made the subject of criticism on both sides of this Chamber—those who have voted appropriations this year

have voted a considerable sum beyond the current receipts of the Treasury. If we pass this bill we shall have put gyves upon our wrists and shall have tied ourselves in such way that we will be likely within a short space of time to go to inconvertible paper money.

I have talked longer than I intended upon the subject, but I wish to say a few words more in relation to the matter.

Mr. BUTLER. Will the Senator pardon me? He has finished the answer to his own question?

Mr. ALLISON. Yes, sir.

Mr. BUTLER. Therefore, if he will pardon me, before he proceeds I should like to correct his answer.

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from North Carolina?

Mr. ALLISON. I yield for a few moments.

Mr. BUTLER. I think I can answer in a few moments. It would be very easy to reply to the Senator's statement in detail, but the bill was drawn especially in order to prevent the necessity of doing that. Has the Senator from Iowa read the bill? It was drawn to prevent wasting time over splitting hairs, over detail and catch phrases and various sophistries which the men who support the gold standard use on all occasions. We can not argue with these gold advocates, because they dodge facts and arguments and at once jump back to their pet phrases. What is the language of the bill?

The issuance of interest-bearing bonds of the United States for any purpose whatever, without further authority of Congress, is hereby prohibited.

The Senator's argument all falls flat when he simply looks at the bill. It is true we have no free-coinage measure on the statute books, which I regret more than does the Senator from Iowa.

Mr. ALLISON. I have no doubt of it.

Mr. BUTLER. It is true we have not such a bill now pending with a possibility of passage, which I regret more than does the Senator from Iowa. It is true we need some method to increase the currency, which we have not, which I regret more than does the Senator from Iowa. But the pending bill was drawn to prevent those Senators who uphold the gold standard from dodging the real issue and basic question that lies at the bottom of the whole financial troubles of the country and the hard times that oppress——

Mr. ALLISON. I do not yield to the Senator from North Carolina for any observation of that character. Let us understand that in the beginning.

Mr. BUTLER. Unless the Senator considers that the patriotism, the desire to uphold the credit and power of this Government, rests with the President of the United States, and unless he has more confidence in the President than he has in himself and others on this floor, he can not oppose the bill. There is not a country in Europe that claims any credit for solvency or respectability where it would be necessary to pass such a bill as this, because no such monstrous power has ever been given even their kings to borrow money and pile up debt without limit.

Mr. ALLISON. Mr. President——

Mr. BUTLER. There can not be raised a single dollar by the Crown of Spain without the authority of the legislative power. The Crown of Great Britain lost his head for attempting to usurp such power.

Mr. ALLISON. Mr. President, I decline to yield further.

The PRESIDING OFFICER. The Senator from Iowa declines to yield further.

Mr. ALLISON. The Senator from North Carolina talks in a circle.

Mr. BUTLER. Not at all.

Mr. ALLISON. I said in the very beginning of the discussion that there is no power anywhere except in Congress to authorize the issuance of bonds. I have argued in vain if I have not shown that the point here is the convertibility of the greenback notes into coin and not into other fiat money; I have stated that all the money can be made applicable to the redemption and reissue of those notes, and therefore the answer of the Senator from North Carolina is no answer.

Of course we all agree that you can not authorize the Secretary of the Treasury to borrow money in any other way than by law. There is such a law now. The Senator's proposition is to take that power from the Secretary. Why? Because he thinks that by that indirection he will force this country not to the silver standard, but to an irredeemable paper-money standard, having neither silver nor gold behind it. He supposes still further that he will force the people of the United States who disagree with him, by indirect methods and not by bold movements, to carry out what he believes ought to be carried through the two Houses and approved by the Executive—a law authorizing the free coinage of silver at 16 to 1 by the United States alone.

Mr. BUTLER. The Senator from Iowa can not wish to do me injustice. He puts words into my mouth without any authority.

Mr. ALLISON. I will only ask the Senator from North Carolina to tell me whether he does not favor the free coinage of silver at 16 to 1, and whether he does not believe that what he proposes here will be a step in that direction? If he does not believe it he is playing with idle balls.

Mr. BUTLER. I believe that if the pending bill is passed before any more gold is borrowed to support the gold standard, the President will call Congress together and Congress will decide the question which the Senator is now trying to dodge. Congress will decide whether or not we shall borrow gold; whether or not we shall have free coinage; whether or not we shall have an increase of the standard money of the country by some other method, and this body is the one to decide it. That is bold; that is honest; and that is the honest way in which I want to do it. The Senator's method, I must say, in justice to truth, is indirection, because he wishes to dodge the question and leave the power in the Executive.

Mr. ALLISON. I have endeavored to show, first, that the power to borrow money under the law of 1875 is an essential power. I have undertaken to show, and I think I have shown, that if it is taken away we shall go back again to inconvertible paper money. Now I am told indirectly that because I have so stated I am dodging the real question at issue here.

I do not expect to weary the Senate by arguing the silver question, nor do I expect to deal with the historical part of it. I merely wish to say that when the law was passed we had neither silver nor gold. We had a gold standard, it is true, created by the act of 1873, but that act was as inoperative then as a statute that could not be made operative before 1879. When the statute of 1873 was passed we were upon an inconvertible paper system, with neither gold nor silver in our country, except a small amount to pay duties on imports and interest upon the public debt. On the Pacific Coast the gold standard prevailed, and there greenbacks were at a discount, instead of gold being at a premium. There all contracts were made in gold coin alone. Provisions for such contracts in the laws and statutes of some of those States have not been repealed to this day, I believe. But with the exception of the Pacific Coast we had at that time no metallic standard of money. We had a fluctuating and, it is true, an appreciating paper standard, but we had neither silver nor gold.

I wish to say, with respect to the question which we have in hand, that it will be decided, I have no doubt, in a greater or less degree in the future, but it will never be decided until it is decided right. I have always believed, and I believe now, that the United States can not by itself open its mints to the free coinage of silver at the ratio of 16 to 1 without becoming a monometallic silver nation. I believe that it should be done by means of international arrangements with other commercial nations. So believing, I have voted always, and so long as I thus believe, and until some Senator can convince me that I am wrong, I shall continue to vote against the free coinage of silver at the ratio of 16 to 1 by the United States alone. When the law of 1875 was passed, I repeat, we had the gold standard, but we had neither silver nor gold. So long as the coins are at a parity with each other, as they are now, the greenback notes are redeemable in either, and they are so held, I believe.

Without arguing the belief I entertain upon this subject, and without, in any sense, intending to unite or in any way to join the two questions, I believe that it is the height of unwisdom for us to deal partially with this question. When the question as to the free coinage of silver by the United States alone and the opening of our mints to its free coinage at a ratio of 16 to 1 is before the Senate, I expect, I will say in answer to my friend, to vote as I have hitherto voted.

Mr. STEWART obtained the floor.

Mr. BUTLER. Before the Senator from Iowa sits down I should like to ask him a question.

Mr. CHANDLER. Mr. President——

The PRESIDING OFFICER. Does the Senator yield to the Senator from New Hampshire?

Mr. BUTLER. I wish to ask a question.

Mr. ALLISON. I have agreed to yield to the Senator from North Carolina, who seems to have a speech of mine in his hand.

Mr. BUTLER. Inasmuch as the distinguished Senator from Iowa——

Mr. CHANDLER. Who has the floor?

The PRESIDING OFFICER. The Chair understood that the Senator from Iowa had closed his remarks, and recognized the Senator from Nevada [Mr. STEWART].

Mr. ALLISON. I was about closing my remarks when the Senator from North Carolina asked me to yield for a question before sitting down, and I will be glad to do that, although I do not crave the opportunity.

Mr. BUTLER. That is very evident.

The PRESIDING OFFICER. The Chair recognizes the Senator from Nevada as entitled to the floor.

Mr. STEWART. I yield to the Senator from North Carolina to ask a question.

Mr. BUTLER. As the Senator from Nevada yields a moment, I wish to enter my protest against the statement made by the Senator from Iowa [Mr. ALLISON] that all of the purpose and

scheme on the part of Populists and others to whom he refers in this connection is to run this Government to irredeemable fiat money, whatever he means by that—something horrible, he says.

Mr. ALLISON. I did not say that was the purpose. I said that was the effect.

Mr. BUTLER. I so understood the Senator. He says it is the effect. Does not the Senator himself fear that it means free coinage, for does not the Senator know that during the coming summer, as soon as Congress adjourns, the gold reserve jumping down every morning, being only $108,000,000 this morning, more bonds will be issued to sustain the system which he is advocating and supporting? He knows it, and he is willing to see it done.

Now, he knows this in connection with it, that if the bill which I have offered becomes a law, instead of the President issuing bonds, he will call Congress together if the emergency arises and Congress, this body, will sit in judgment and decide whether or not those bonds shall be issued or whether the free coinage of silver shall increase the circulating medium or some other method.

Does the Senator object to the legislative branch of the Government deciding this question? That is what he fears. It is not paper money. He fears the judgment of the American people in Congress assembled. He thinks that the gold ring have a cinch on the President of the United States and he wants to see that they keep it. He wants to see that the next President keeps it. He wants to see that the man whom the Republican party will put up, if he should be elected, will keep it, and they now pretend to be trying to make Eastern men scared of your candidate [turning to Senator SHERMAN] from Ohio, to fool the Senator from Colorado, and to fool people in the South and West. They know that McKinley belongs to the gold ring as much as Cleveland does, but they are trying to fool the free-silver men in the Republican party—trying to make them believe that McKinley is for silver, trying to make them believe that the gold ring is not satisfied with him. That game worked a few years ago, but it will not work now. The Eastern goldbugs are pretending to be afraid of McKinley's goldbuggery. They say they will bolt if McKinley does not satisfy them on this point. They have known for years where McKinley stood. He is the special candidate picked out by the gold ring. My dear friend, that game was smart a few years ago, but the American people have waked up. It will not work. What the Senator from Iowa and those who stand with him fear is that this dangerous and terrible bond-issuing power will be vested in the people and their representatives to decide what shall be done, and that is all that he fears, and I challenge him to stand up and say before his God and his conscience that he fears anything else.

Mr. CHANDLER and Mr. STEWART addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Hampshire.

Mr. STEWART. I have not given up the floor.

The PRESIDING OFFICER. The Chair understood the Senator from Nevada to yield the floor.

Mr. STEWART. I did not yield the floor at all.

Mr. BUTLER. The Senator from Nevada held the floor.

Mr. STEWART. I yielded for a question.

The PRESIDING OFFICER. The Chair understood that the Senator from Nevada yielded the floor. There can be no farming out of the floor of the Senate.

Mr. CHANDLER. I yield to the Senator from Nevada. There is time enough.

The PRESIDING OFFICER. The Senator from New Hampshire yields to the Senator from Nevada.

Mr. STEWART. Mr. President, we have made some progress to-day. The Senator from Iowa [Mr. ALLISON] has relieved us from all the laboring part of our argument. He has conceded and stated that the greenbacks and Treasury notes are redeemable in silver coin as well as gold.

Mr. ALLISON. As long as silver is kept at a parity with gold.

Mr. STEWART. So long as they are at a parity? Can the Senator find the word "parity" in the language of the law? What does he mean by that? The statute says "coin of standard value" and nothing else. "So long as they are at parity." What does the statute of 1875 say about parity? It says that the Secretary may purchase coin to redeem the greenbacks outstanding on the 1st day of January, 1879—then outstanding. It does not say silver coin or gold coin, but coin, and the question as to what was meant by "coin" has been very well settled by about a three-fourths vote in the two Houses of Congress in the passage of the Matthews resolution in 1878.

I think my friend the Senator from Iowa [Mr. ALLISON] voted for that resolution. He voted for it. The present Secretary of the Treasury voted for it, and there can be no question about the language. That being taken for granted; that being the law, and nobody can question it, it solves the whole practical difficulty, because if the Secretary of the Treasury will exercise the option to pay in silver no gold gambler will come to get the silver. Every one of our silver certificates stays out. They do duty as money. Nobody takes them to the Treasury to get silver. They are the best money we have. You go into any bank, and three-fourths of the money you get is in the shape of silver certificates. The greenbacks and Treasury notes are redeemable in the same way, and they would be just as good money and just as safe if the Secretary would exercise his option to pay in silver as well as gold. That is the only trouble.

Now, there is of silver coin in the Treasury $18,000,000, and of silver certificates $10,000,000, making $28,000,000, in round numbers, of silver coin in the Treasury, because these silver certificates can be exchanged at the option of the holder for coin. If the Government owns them it can go to the other counter and obtain coin for them. We have $28,000,000 of coin. That is silver. Then it is made the duty of the Secretary of the Treasury to coin the silver for the purpose of redeeming the Treasury notes issued under the act of 1890. He has not done that. He has used a large amount of gold, I do not remember the amount, bought with bonds, to redeem the Treasury notes issued under the act of 1890, when the law says in so many words that he shall provide for the redemption of those notes by coining the silver purchased under the provisions of the act of 1890. So if he proceeds to coin the silver he would have an ample amount. He ought to have done it long ago. He could have had it all coined now if he had done his duty, because the whole of it should be coined.

The Senator from Iowa says only $40,000,000 of silver can be coined in a year. I undertake to say that an expenditure of ten or fifteen thousand dollars will double the capacity, and so far as coining is concerned, as I said the other day, if you will pay to any private party the charge that is paid to the Government by the owners of bullion to have it coined, what is deducted from their bullion for preparing it for coinage, you will have $500,000,000 a year coined.

A public institution, self-sustaining, would enable private parties to make at least 50 per cent profit, if not 75 per cent, because there is a great deal of machinery about the mint. So there is no difficulty about the coinage if there was any disposition to coin it. We have, then, $108,000,000 of gold, $30,000,000 of silver, $50,000,000 of seigniorage, $130,000,000 of coin besides bullion that should be coined—ample provision, more than would be called for.

Let the Secretary of the Treasury say that the Treasury notes and greenbacks would hereafter be redeemed in silver. They would go into circulation immediately. Those notes would be as good money as the silver certificate which circulates. They do not now circulate; they are either tied up in the Treasury or are in the banks to be prepared for a raid at any time. Over $100,000,000 of these legal tenders are tied up in the Treasury.

There are $270,000,000, in round numbers, of money in the Treasury, with $55,000,000 more of silver bullion, which it is the duty of the Secretary to coin, making, in round numbers, $325,000,000, the larger portion of which ought to be in circulation. It is tied up, and we are threatened with another bond issue. We are threatened by the Administration, or rather Wall street says we are going to have more bonds. And for what purpose? To buy up more currency and impound in the Treasury this unhealthy surplus, a larger surplus than when parties were running upon the question and the issue was to relieve the Treasury of the surplus which was collected in taxes. Now we have a surplus collected by bond dealing, a surplus taken out of the circulating medium, and a further threat to take out more; and it is claimed that Congress can not pass this law resuming its function to regulate the borrowing of money without bankrupting the Treasury. Is it possible that the gold and silver will be drawn out before Congress can meet? We know very well that $28,000,000 of silver is a sufficient bar to protect the Treasury.

Germany, with only $150,000,000 of silver in the Empire, is able to protect all her gold by her practice of paying silver when gold is asked for export. France protects her gold from export by the exercise of her option to pay in silver. If the United States would exercise her option as other nations do her credit would be as good as theirs. It is because the United States undertakes to do an impossibility, because the United States opens her Treasury to speculators, because the Administration combines with stock jobbers to drain the Treasury, to wreck the credit of the Government, that our credit is impaired.

There is enough silver in the Treasury now to maintain the credit of the Government through all time. They will not take the $28,000,000, and besides silver is coming daily into the Treasury. One-half of the revenue, I am informed, is paid in silver certificates, which means silver coin, and there is no limit to the amount of silver that will come in during the year, and it can be used for redemption purposes. There will be an ample redemption fund in silver coin pouring into the Treasury daily, coming in the way of revenue, and that is the kind of redemption first mentioned.

The statute of 1875 says that the Secretary of the Treasury shall use the revenue that comes in to redeem these greenbacks. When that is insufficient he may sell bonds. Everybody knows the revenue now is ample. There is a great surplus, and he can use all

the revenue that comes in from taxes for the purpose of redeeming the Treasury notes. There are more silver certificates constantly coming into the Treasury in payment of taxes than there are greenbacks presented for redemption in gold. The outstanding Treasury notes would be as good money and as free from uses for fraudulent purposes as the silver certificates if the Secretary would do his duty. In the face of what the Secretary has done, in the face of the bond deal of February, 1895, in the face of the charges made in the public press, in the face of the conviction on the part of the people that something is wrong, in the face of this manipulation of the Treasury Department, in the face of the fact that the Senate has passed a resolution to investigate those transactions, shall we leave the Administration in power to continue the speculation upon the nation's credit—to continue, in other words, to wreck the nation's credit and impair the moral standing of the Administration? Everybody knows it has been badly impaired. Everybody knows what we now demand is that in the absence of Congress there shall be no more scandals.

It is said by the Senator from Ohio that this bill will not become a law, and that if it passed the other House it would not be approved by the President. Let the other House take its responsibility if the other House wants to assume it. If the other House is desirous of sanctioning this stock jobbing, if it is anxious to sanction the bond deal of 1895 and the bond deal of this year, if it is anxious to sanction the disregard of the law, if it is anxious to sanction the robbery of the Treasury to pay gold when the Government owes no gold—if the other House is anxious to do that, send it this bill and let it take the responsibility. If the Republican party indorses the Cleveland Administration, if the Republican party indorses these bond deals, let it be done by their votes. Let the people of the United States know who is responsible, who are engaged in this practice of wrecking the public credit, who are in it, who support it, who are backing it. If these bond deals, I say, have the backing of the Republican party, let the votes tell; and if the Republican party in the other House want to back Cleveland and Carlisle and Pierpont Morgan and encourage them to make further deals, let them refuse to pass this bill when it reaches them. But let the Senate act, a majority of which is opposed to these deals, a majority of which is opposed to wrecking the public Treasury, opposed to stock jobbers and gold gamblers raiding the Treasury and bringing disgrace upon the country, opposed to buying up currency and impounding it in the Treasury. That has been shown by several votes. Let it be shown by the votes to-day, and let those who are in favor of it take the responsibility.

Mr. CHANDLER. Mr. President, it was not worth while for me to make so much effort to get the floor to make the few brief remarks that I desire to submit. I rose to deprecate the spirit and the manner of the Senator from North Carolina [Mr. BUTLER] which he has brought into this debate. The remarks which he made the other day I do not find reported in the RECORD. I suppose they are kept for revision. But if they are printed as they were uttered they will contain what I conceive to be undignified and unbecoming threats against those who differ from him in opinion. If I am not mistaken, the Senator talked about revolution and bloodshed. He was willing that the views which he entertains upon public questions should prevail without revolution and without bloodshed if they could thus prevail, but, if necessary, the Senator very clearly intimated the disposition of himself and of those with whom he is associated in the party known as the Populist party to resort to any means to accomplish the purposes which they have in view.

Mr. BUTLER. Now, Mr. President, I should like——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from North Carolina?

Mr. CHANDLER. I would rather the Senator would reply after I finish.

Mr. BUTLER. But I would rather, if the Senator will be just, that he would not misrepresent me further, because I am sure he does not intend to do it purposely. The Senator says there was a clear inference from my remarks that if the People's Party could not have its way, the purpose of the People's Party was to resort to bloodshed. He states what I think he can not find another Senator on the floor to sustain him in saying, for no others will say, I think, that they drew such conclusions from my remarks, or that any such inferences could fairly or justly be drawn from them.

Mr. CHANDLER. Mr. President, I allow the Senator from North Carolina to make the disclaimer before I go on, and I proceed to say that I think those words will be found in his remarks. I think the Senator said that he was willing, that he hoped—perhaps that is the way he put it—that these evils with which humanity and society are afflicted might be removed without revolution and without bloodshed.

Mr. BUTLER. That is about the language I used. I used the word "hope."

Mr. CHANDLER. I chose to assume, for the purposes of these remarks, that there was an implied threat in that kind of language.

Mr. BUTLER. Then the Senator is the only one who can——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield?

Mr. CHANDLER. I do not yield any more.

The PRESIDING OFFICER. The Senator from New Hampshire declines to yield.

Mr. CHANDLER. That is a question which I leave to the Senate. I undertake to say that the language of the Senator then, the language of other Senators on some occasions, and the language of other members of the Populist party, are calculated not for the calm discussion of public questions, but are calculated to produce the revolution and the bloodshed which they say they hope to avoid and which they say they hope will not be found necessary, in order that the objects which the People's Party desire to secure may be accomplished.

Mr. President, the spirit and the language of the Senator found quick response in the Southern country. I have the Philadelphia Inquirer of Monday morning, June 1, in my hand, and it contains the following telegram:

TALLAHASSEE, FLA., *May 31.*

At a Populist picnic near Lairds Mill, Washington County, yesterday, Henry Dangley shot James Powers through the stomach, after having had his arm nearly severed with an ax in the hands of his assailant.

The wives of the two men are sisters. The women became engaged in a quarrel, one championing gold and the other free silver. The men also differed on financial questions and took up the quarrel.

Powers infuriated Dangley, who rushed at him with a knife. Powers seized an ax and sunk the blade so deep into Dangley's arm at the shoulder that the member hung only by shreds. Dangley retreated to his wagon, where his wife seized a Winchester and hurriedly handed it to her husband.

He took the weapon in one arm and resting the barrel over the wheel of the cart fired several shots at Powers. Finally one bullet struck Powers in the stomach and he fell to the ground. It is thought he can not recover.

Dangley was placed in the cart and driven to Lairds Mill, where his wound was dressed. On the way he lost so much blood that his life is also despaired of.

That, Mr. President, comes from only one Southern Populist picnic since the Senator from North Carolina expressed the hope that all the great benefits to society which he and his party desired might be accomplished without revolution and without bloodshed.

I hold in my hand a copy of a newspaper published at Raleigh, N. C., the issue of May 28, 1896, the Caucasian, "published every Thursday by the Caucasian Publishing Company, Marion Butler, president." I find on the third page of this sheet a very full "Account of the National Congress"; "Some record of what the people's representatives are trying to do in the Senate."

In the Senate Senator Butler's bill to prevent the further issue of bonds without the consent of Congress was the main feature of interest.

Mr. President, what follows is so bad, is so violent and so abusive and so unjust to the Senator from New York [Mr. HILL] and the Senator from Ohio [Mr. SHERMAN], that I do not dare to take the responsibility of putting it in the RECORD. I hand it to the Senator, so that he can see what kind of language his newspaper is engaged in printing in connection with Senators upon this floor with whom he is in the habit of meeting in friendly intercourse and in constant daily debate.

I rose only to suggest to the Senator from North Carolina that if he expects to make proselytes for the views which he entertains it will be necessary to approach the subject in a different spirit and with different utterances from those which he puts forth on this floor and publishes in his Caucasian newspaper in the State of North Carolina.

Mr. President, this is about all I had to say, except to express the hope that this bill may not pass. I am afraid that there is a small majority in its favor, but I hope that the sober sense of the Senate will assert itself, and that we will not upon the eve of final adjournment repeal the only law upon the statute book which enables the President and the Secretary of the Treasury to protect the national credit and the public honor during the six months which will intervene before Congress again meets.

Mr. President, everyone knows that Congress has been unable to pass any bill for the relief of the public Treasury, or to avert the public calamity which may result from a depleted Treasury. The House of Representatives has passed a bill, but nothing has been done with it in the Senate. Our Populist friends, who stand between the two parties here, and, I regret to say, a few vainglorious Republican Senators, have interposed to prevent any legislation which would relieve the public Treasury at this crisis in our affairs. Now, as we can not pass any affirmative legislation, why not for heaven's sake leave upon the statute book the little remnant of authority there is in the President and Secretary of the Treasury to take care of the national credit and the national honor during the coming half year?

Mr. President, it is only a question of interest on bonds. Not even my violent friend from North Carolina [Mr. BUTLER] nor my stalwart friend from Nebraska [Mr. ALLEN] contends that the President or the Secretary of the Treasury has laid dishonest hands upon one dollar of money that has been borrowed. They do not steal it. It goes into the Treasury. There is not one dollar embezzled; it is a mere question, as I said, how much interest we shall pay upon the bonds which are issued. However much

we may differ from our President and our Secretary of the Treasury, as we do on many questions, as Republicans on this side of the Chamber differ fundamentally upon many questions, yet we give to them the credit of possessing absolute personal integrity. No one has ever ventured to say that the Secretary of the Treasury ever had a dishonest dollar in his life; and certainly no one will undertake to make any impeachment of the personal integrity of the present President of the United States.

Mr. President, they are not the President and the Secretary of the Treasury of my choice, but while we are to be absent at our homes, there they will stand representing the power as well as the credit and the honor of the United States. In my judgment they are to be trusted with that power; and we ought to leave with them every particle of power which the statutes of this country to-day give them to enable them to see to it that the national credit and the national honor receive no detriment during the recess of Congress.

I am happy to say that two-thirds or three-quarters of the Republicans upon this side of the Chamber propose to vote that to this extent, of leaving the laws as they now are, they have confidence in the Democratic President of the United States; and I ask Senators upon the other side of the Chamber who participated in the election of President Cleveland, every one of them, who is of the same politics as that of John G. Carlisle, to sink all animosity against the President of their choice and the Secretary of the Treasury of their choice and to join with us at least in one patriotic vote, where all Senators shall rise above party and say to the people of this country and to the people of the whole world that at least the law as it now stands upon the statute book, and which enables these executive officers to protect the honor and the credit of the United States, shall not be stricken down by our votes.

Mr. President, it is of no use to say that this bill will not pass the House of Representatives, and therefore we might as well pass it as not. There are Senators here to-day, I regret to say, who will vote for this bill and send it to the House of Representatives who would not take the responsibility of voting for it if they believed it would become a law, and I do no more than justice to my friend from Nebraska [Mr. ALLEN] now sitting before me when I say that if he had the responsibility of taking away absolutely from the Secretary of the Treasury all the power to borrow money he would not do it merely to make a platform for the People's Party, but would himself refrain from voting to put this law upon the statute book, which strikes down all power upon the part of the Secretary of the Treasury to borrow money to protect the credit of the United States.

Mr. President, realize how we should feel if we were in Europe to-day. There is not a Senator here, whatever he may say in private conversation or whatever he may be led to say upon the floor of this Senate occasionally in debate against the President of the United States, who, if he were abroad and were to hear his American President maligned, would not rise in his defense and denounce with fiery indignation any criticism which might be made upon his nation's President.

Mr. President, it is a strange thing for me to be defending your President [Mr. FAULKNER in the chair] when two-thirds of his own party on this floor are afraid to trust him with the existing power upon the statute books of the United States to borrow money—not one cent of which either he or his Secretary of the Treasury will ever be charged with misappropriating—to borrow money to protect the honor of the United States during the period when the custody of that honor passes out of our hands because we go to our homes for six months.

Mr. PETTIGREW. Mr. President, I rise at this time not for the purpose of discussing this question, but to make a statement personal in its nature.

Mr. BUTLER. Will the Senator from South Dakota yield to me for a moment?

Mr. PETTIGREW. I yield to the Senator from North Carolina.

Mr. BUTLER. Mr. President, I want to say first that the action of the Senator from New Hampshire [Mr. CHANDLER] in taking an irresponsible newspaper squib about some local and unfortunate if not exaggerated affair in Florida and bringing it into this discussion as a dignified argument or as worthy of consideration is resorting to a kind of unsenatorial method that puts him on a plane where he can not with good grace criticise the methods of any other Senator which may not meet his fastidious taste. Suppose I should rise here every morning after there had been a fight in a Republican town, or in any kind of Republican caucus, meeting, or gathering, where the distribution of Republican patronage and spoils or campaign funds was the trouble, and should call attention to it as a forcible argument on the floor of the Senate against that party, I should not think that I was doing myself or my cause any credit. I should think that it was not dignified. I should think it was unbecoming.

Mr. President, aside from that, I wish now to say a word with reference to the paragraph in my own newspaper, the Caucasian, to which the Senator from New Hampshire referred.

Mr. President, I do not go behind the backs of Senators here to express myself. I say what I think, and in as mild and courteous language as I think the occasion demands or justifies or will permit, and say it on the floor of the Senate. I do it boldly; I do it candidly; I do it as a right and as a duty. I do not think I have ever taken occasion to attack any man in my paper with language which I would not use on the floor of the Senate. The Senator did not mean to intimate that, I hope, by his reference to my paper, but what he did say by implication makes it necessary for me to make this statement, since he left that impresssion upon the minds of Senators possibly——

Mr. CHANDLER. May I ask the Senator if he is willing to read upon the floor of the Senate the language that was used in the Senator's paper about Senator HILL and Senator SHERMAN and put it in the RECORD?

Mr. BUTLER. I will say—and that is what I rose to say—that the language used, of which the Senator complains, is language which I would not myself have used on the floor of the Senate or in the newspaper, and I regret, I say frankly, that it was used. But it is not in an editorial; it is not in the Washington communications; it is in what is called in this paper, and known among its readers, as an abstract of Congressional proceedings, which is made sometimes by one man on the paper and sometimes by another, and the man who does it has often taken occasion to make comments. He quotes from the CONGRESSIONAL RECORD each week and takes what he considers to be the salient points, and he has often commented upon the parts he clips. I, of course, never read these extracts of Congressional proceedings, nor has my attention ever been called before to any comments interspersing these clippings from the RECORD of which I or anyone else could complain. Therefore I have never given any attention to this department of the paper, and have had no occasion to give any instructions with reference to it. I have just now read the paragraph referred to for the first time, and wish to say here and now that I do not approve of the language used with reference to the Senator from Ohio and the Senator from New York, however much I oppose their policies and methods, and shall take occasion to say so by next mail to the resident manager of the paper.

One word further, Mr. President. I do not think the Senator from New Hampshire was fair in taking an isolated statement, made in my speech a few days ago, without the connection, and attempting to misrepresent it—I will not say attempting, but that was the result—by connecting it with that newspaper clipping. The Senator well knows, and every Senator here knows, that the connection in which I used that statement was this: I called attention to the record on the pages of history, to the empires which have fallen and to what caused them to fall; the dangers to the body politic are now threatened, and history shows what the result has been when certain conditions existed and proceeded unchecked to their logical and direful conclusion. Then I called attention to the fact that those evils existed here, and that if they are not checked by legislative means or at the ballot box—that if we can learn anything from history, if we can learn anything from experience, the same thing will happen here that has happened there, and it was then that I said that I hoped and prayed that such a result would never come here, but that these evils would be remedied by peaceful and legal means.

I submit that that was a patriotic utterance, and it is one that I am not ashamed of; it is one that I am proud of, and from the bottom of my soul am sorry for the man who can not and does not entertain the same sentiments.

Charles I lost his head, and the cause, as well as the result, is a historical fact that is not wholly inappropriate to consider at this time; but if he could have issued bonds ad libitum without the authority or protest of the English Parliament and the English people, he would not have been disturbed about ship money and might have saved his head at the expense of English liberty. England has already passed the danger point that we stand on now. No crowned head of England can borrow money without limit. It must be done with the permission of the legislative branch of the Government and for a specific purpose. This is no threat; but it is the cold facts of history and a solemn warning for us at this time.

Mr. PETTIGREW. Mr. President, last week one of the newspapers in this city in publishing the platforms of the various State conventions published the following with regard to the convention in South Dakota:

> Previous to choosing delegates a resolution was adopted requiring all nominees to go upon the floor and declare for McKinley and sound money, and not only to vote, but to work to accomplish this end.

As I am one of the delegates to the St. Louis convention from my State, I concluded to challenge this statement, not because it appeared in the newspaper press, for it has gone the rounds of the newspapers for the past month, but because there was placed in the RECORD on the 6th of last month an editorial from a South Dakota newspaper reiterating this statement with many adjectives. I therefore have decided to state the facts to the Senate with regard to the matter.

The assertion is that having for years on all proper occasions, as a member of this body, voted for the free and unlimited coinage of silver at the ratio of 16 to 1, for the purpose of procuring a seat in the St. Louis convention I abandoned my position upon that subject and was willing to announce that I was ready to go to St. Louis and work for McKinley and sound money. I do not care to go into a definition of "sound money," but I simply wish to say to my fellow-Senators here that the statement that any delegate was required in the South Dakota convention to pledge his support to the gold standard or to any sort of financial plank or platform whatever is absolutely and unqualifiedly false and without any possible foundation for it whatever and made by designing persons for a purpose.

The convention in South Dakota on the 25th of March was a Republican convention. The chairmen, both temporary and permanent, were elected by acclamation; the platform was adopted by acclamation, and the chairman of the committee on resolutions was an ardent advocate of the free coinage of silver. The platform simply said that inasmuch as the Republicans of South Dakota were divided upon the financial question we would refer that subject to the St. Louis convention. There was no test of strength—no division—on the subject whatever. I was elected a delegate by acclamation, and so were the other delegates elected by acclamation; and there was no controversy, no issue, and no test vote whatever taken upon this or any other question.

It seems to me, Mr. President, that it is no more than fair and just to myself that I should have read at the Secretary's desk a letter which I wrote and which was published in February, 1894. I at that time was a candidate for reelection to the Senate of the United States. The people of my State had never taken a test vote on the question of the free coinage of silver, but it was well known that I had always voted and acted with those who advocated the free and unlimited coinage of silver at the ratio of 16 to 1. Some of the newspapers which advocated the gold standard in my State attacked me, and I wrote the editor of one of these papers the letter which I will ask the Secretary to read, as it gives briefly, in a measure, my views at that time and ever since and my views at the present time upon the subject of silver.

I want to say further, Mr. President, that there is no position, much less the position of delegate to the St. Louis convention, however high and honorable the position of delegate may be, in the gift of the people of South Dakota or anyone else, that would lead me to sacrifice my convictions upon this subject. This letter will disclose that I took that position in the face of a campaign for reelection to this body.

The PRESIDING OFFICER. If there be no objection, the Secretary will read as requested. The Chair hears no objection.

The Secretary read as follows:

FROM SENATOR PETTIGREW.

Senator PETTIGREW thinks the attitude of the Blade is entirely wrong on the silver question and has favored us with a letter under date of January 25 in which he sets forth his views and the arguments on which they are based. As this is a public question in which all our readers are interested, some on one side and some on the other, and as his words will be read just now with especial interest, we herewith publish all of the letter which treats of that subject, deeming it a service both to him and the public. It reads as follows:

"I object to nothing that you have published except the statement that I am catering to the Populist vote in my attitude on silver. That is not the fact. I am catering to my own conscience and to what I honestly believe is for the interests of the people I represent, and to nothing else. I had rather be right on this question than be Senator. I consider it the greatest and most important question of the age, a question of civilization. I have given this question care and thought, and while I am in favor of an honest dollar, I consider the single gold standard the most dishonest dollar ever conceived by man. It is a dollar which grows in value all the time. The unearned increment which comes with every credit, resulting from the appreciation of the gold in which it is to be paid, is robbing the producing classes and has produced the present panic. An honest dollar is one that honestly at all times is an honest measure of debts. This must be a dollar which will not depreciate or appreciate. In order that this result may be accomplished the number of dollars must increase with the increase of population. It makes no difference what substance the dollar is composed of so the quantity is limited to the needs of business and the demands of population.

"The value of the unit of money depends upon the number of units, and not upon the stuff of which the units are composed. This is proven by the fact that the silver certificates remain at a par with gold, although they are redeemable in silver dollars, and can not be redeemed in anything else, but the functions they perform, and the fact that the quantity is not sufficient for the needs of business, maintain them at par, although the silver in the dollar is only worth about 50 cents. An honest dollar is a dollar which requires no more of human sacrifice and effort and toil to earn when the debt is due than when the debt was contracted. A gold dollar is therefore dishonest for the reason that it commands each year more of all the products of labor than it did the year before.

"In 1873, when silver was demonetized by this country and several nations of Europe, it took $1.03 to buy the same amount of vegetable food product that can be purchased for 75 cents now; animal food, meats, etc., it took $1.09 to buy what can be purchased for 81 cents now in gold; sugar, coffee, and tea, it took $1.06 to buy what can be purchased for 71 cents now; all mineral products, it took $1.41 to buy what can be purchased for 76 cents now; all textile fabrics, it took $1.03 to buy what can be bought for 59 cents now, and this decline has been steady and practically constant from year to year from that time to this. In other words, a man who owned a farm in 1873 and mortgaged it for $1,000 will have to produce one-third more of all the things which grow upon his farm to pay the debt than he would have had to produce at that time; in fact, the ratio would be greater than this. It would take nearly one-half as much more, and the same would be true of the yearly interest. Take, for instance, the item of wheat alone. To-day wheat is worth about 58 cents in Chicago, then it was worth $1.42.

"The decline in wheat has been greater, I think, than that of very many other products, for the reason that in addition to the appreciation of gold the bounty on the export of wheat resulting to the India merchant by the decline of silver has stimulated exportation from that country, so that, although the world produces no more wheat now than it did in 1873, and has not increased its production of wheat since that time, and the number of consumers of wheat have increased some 80,000,000, still the price has kept going on down, and the India people who produce no more wheat now than they did then ship their wheat and live on other things. In other words, for the last twenty years an ounce of silver would buy a bushel of wheat in India and lay it down in England, and that is true of the situation to-day. However, I am not going to discuss the silver question with you.

"I could not change my position on the silver question if I knew it would result in my defeat. I have refrained from making a speech upon this subject because I know the Republican party of the State of South Dakota are divided with regard to it and I do not care to make it a test of Republicanism or injure Republican success, but if attacked I shall try to meet this issue before the people. I am ready to defend my position anywhere and everywhere."

Mr. PETTIGREW. I think in justice to myself it should be known how this report came to be put into circulation and how the editorial came to be written which was placed in the RECORD. The editorial which was placed in the RECORD on the 6th of last month is from a Democratic newspaper, published in the town where I reside, and the editorial was written by J. Tomlinson, jr. Tomlinson has devoted a great deal of his time to me during the last three or four years, and has published a great many editorials of a personal and abusive nature. It was well known that his prejudice against and his personal dislike of myself is very bitter, and it seems to deprive him of the ability or capacity, if he ever possesses it, of telling the truth. He edits a Democratic newspaper, and is known to be a Republican, and therefore he is a Democrat only for revenue. Under his management and as editor of the leading Democratic newspaper of the State the Democratic party has nearly disappeared, not having elected a single Democratic member of the last legislature and having but 8,000 votes out of 80,000.

I do not care to say anything further with regard to Mr. Tomlinson, but I propose to put in the RECORD that which others have said with regard to this editorial.

I will say further that the Sioux Falls Press, the leading Republican newspaper in the State, offered $10 apiece for every credible person who would corroborate the statement of the Argus-Leader, or the editorial which has been placed in the RECORD. No witness has ever been produced, and the reward has never been claimed, and no person, with or without character, has been found to sustain the fables, fictions, and falsehoods of this pretended Democratic editor.

The Sioux Falls Press, after the editorial appeared which has been put into the RECORD, interviewed several prominent people in regard to the truth or falsity of the facts therein stated, among them Judge C. S. Palmer, who was for years a circuit judge in South Dakota, and who is one of the prominent lawyers of the city. I send the interview of Judge Palmer to the desk and ask the Secretary to read it, and also a statement by Mr. Ravndahl, the editor of the leading Scandinavian newspaper of my State on the same subject.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the Secretary will read as indicated.

The Secretary read as follows:

The Press prints the following interviews, in addition to those of yesterday, regarding the estimate of gentlemen from this city who were in attendance at Huron, concerning the false and nonsensical reports sent out by Tomlinson and Cavalier:

Judge Palmer: "Yes; I have read the Argus' report of the convention yesterday and their published telegrams of to-day. I look at the Argus-Leader's attitude the same now as before the convention. Two distinct purposes seem apparent:

"First. Revenge upon Senator PETTIGREW growing out of the Postmaster Tinsley appointment.

"Second. To sow seeds of discord and, if possible, disrupt the Republican party in the State.

"Not one nor both of these purposes, I think, warrants the strange conclusions published in the Argus-Leader of yesterday. To say 'that Senator PETTIGREW was compelled to get upon the floor and pledge himself to not only vote but work for the adoption of a sound money (or gold) plank at St. Louis' is so glaringly unfair as to be absolutely untrue and sufficient to cast a great cloud of suspicion over the whole report. It is a matter of little importance to me whether Democracy calls the result at Huron a PETTIGREW or anti-PETTIGREW victory. To me it was a Republican victory. That Senator PETTIGREW had bitter political enemies at Huron amongst Republicans, Democrats, and railroad lobbyists is very true; but in my opinion there was never a moment in that convention when all of these forces combined could have defeated the Senator as a delegate to St. Louis. That the old railroad lobby, which was there in force, repeatedly tried to form combinations to do so is well known. The conservative leaders upon both sides were in the saddle at Huron. Concessions were made upon both sides with a view to Republican success, and no concessions were exacted or made upon either side which were not readily assented to for reasons stated. The committee on resolutions came near at one time to reporting a financial plank similar to this one, which declared for the use of both metals as well as the paper dollar; but believing that even this might provoke useless discussion prematurely they finally decided to relegate the whole question to the St. Louis convention, where it belongs.

G. Bie Ravndahl: "The effrontery of that Argus-Leader account of the Huron convention is amazing. I would not have believed it possible that such a thing would be done. The deliberations of the convention were dignified and proper, both in spirit and form. A few irresponsible parties occasionally showed bad taste, but the strong interest of good Republicans in their party's success caused the almost unanimous action of the convention upon nearly

every matter of importance before it. No one was humbled. Senator PETTIGREW made a strong, manly statement of his position and received the nomination as delegate at the hands of conservative Republicans and against the desire of a lobby which was composed largely of men who had been defeated by their own people at home. It was a PETTIGREW victory and so conceded by all but a few of the opposition. The Senator had to enlarge the band wagon several times to hold the people who had fought him and who struggled to get on. That report was gross."

Mr. PETTIGREW. I also desire to have the Secretary read an interview with C. A. Jewett, who is the largest wholesale merchant in my State, doing a business of $2,000,000 a year, and an interview with C. P. Bates, who is the city attorney of the city in which I reside, upon the same subject.

The PRESIDING OFFICER. The Secretary will read as requested, if there be no objection. The Chair hears none.

The Secretary read as follows:

C. A. Jewett: "I told Mr. Tomlinson last night that I never saw such an exhibition of nerve and courage as the speech of Senator PETTIGREW when talking to the convention just before his election. So far as I could discover, and my thought was, the convention was a perfect success for Senator PETTIGREW. I talked with a great many on that subject, both to delegates and those who were not delegates, and I frankly say that I failed to find in a single instance any other view taken of the matter. I think the enemy was routed upon every issue and at every turn. In my judgment, Senator PETTIGREW came away from that convention with more true friends than he ever enjoyed before in the State."

C. P. Bates: "The Argus-Leader statement is entirely misleading and full of false assumptions and misrepresentations. So far as I know, the result of the convention is exactly what the Minnehaha delegates worked for from the time they left Sioux Falls. There was not a man in the Minnehaha delegation who worked against instructions as to the candidate from the time he left this city. During the campaign in Minnehaha County the railroad lobby worked against Senator PETTIGREW. At Huron the same lobby fought the proposition of his going to the St. Louis convention, and the result in both battles was the same. The delegation from Minnehaha County was unanimous in insisting that he must go to St. Louis, whether such was his personal wish or not. Senator PETTIGREW's desires as to resolutions were ultimately carried out by the committee upon resolutions and ratified by the convention. They left him standing squarely upon the same platform upon which he has consistently stood for four years. He was not placed in a false position regarding the money question at all. The convention, by a unanimous vote, left it to the judgment of the St. Louis convention, and this was the position taken by his friends. The victory was complete, certain, and decisive. It struck the lobbyists their second crushing blow."

Mr. PETTIGREW. I also desire to have the Secretary read an interview with H. H. Keith on the same matter. He is a prominent lawyer in the city where I reside.

The PRESIDING OFFICER. If there be no objection, the Secretary will read as requested. The Chair hears none.

The Secretary read as follows:

H. H. Keith: "I have read the Argus-Leader's report of the convention, and also its labored attempt in last night's issue to prove the correctness of its report. If the Argus-Leader was conscious of having made a correct and truthful report, it ought not to have been necessary for it to take so much trouble to prove its assertions true. The purported telegrams from the delegates elected come very far short of sustaining the allegations of the Argus-Leader. To my mind they are a complete refutation of its version of the convention. Senator PETTIGREW and his friends accomplished everything they wanted in the convention. They did not go to the convention for the purpose of waging a fight on anyone, but to take an active part in shaping the policy of the convention for the good of the Republican party of the State. Senator PETTIGREW's friends insisted that he should go as a delegate to the national convention. They made no opposition to instructions for McKinley; in fact, they were as enthusiastic for him as any delegates in the convention.

"Senator PETTIGREW and his friends were opposed to having the convention declare for a gold or silver platform, but thought it wise to leave the financial question to be settled by the national convention. Senator PETTIGREW addressed the committee on resolutions, as did other members of our delegation, and the resolution adopted by the committee was entirely satisfactory to the Senator and his friends, and they so expressed themselves to the committee before it decided to adopt them. The resolutions speak for themselves, but there is not a word of instructions in them in reference to the financial question. Every delegate to the national convention, with the exception of one or two, will work in perfect harmony with Senator PETTIGREW at the national convention, and I speak advisedly on this question. It seems hardly necessary to refute a Democratic version of a Republican convention, or even reports sent to Republican newspapers instigated by a Democrat. All I care to say further is, we got everything we asked for, and the convention adjourned with the best of feeling on the part of the delegates."

Mr. PETTIGREW. There are a great many other interviews in the same line, and it is unnecessary to place them in the RECORD. The editorial to which these interviews refer was written, as I said before, by J. Tomlinson, jr., editor of the Sioux Falls Argus. He secured an appointment as a representative of the press associations, and attended the convention in my State, apparently for the purpose of sending out these false reports, and he is the author of all the telegrams which were published by the Associated Press. He is the writer and instigator of the entire story, untrue in every particular from the beginning.

I do not care to say anything about Mr. Tomlinson except that his reputation for truth and veracity in the community where he resides is bad, and I do not believe he could sustain it in a court of law. He is unworthy of the notice I have given him, unworthy of my anger or contempt, and I feel that I owe my fellow-Senators an apology for having directed your attention to him even for one brief moment.

Mr. TELLER. Mr. President, at this hour I do not intend to enter into a general discussion of the silver question. The bill before the Senate is not connected with that question at all, or at least not necessarily. The question before the Senate is whether the American Congress will abdicate its power to determine when, how, and under what conditions the Government shall borrow money.

The Senator from New Hampshire [Mr. CHANDLER] has assumed that the Republicans of this body are in favor of putting that power in the hands of the Executive and leaving it there. I deny the right of the Senator from New Hampshire to speak for the Republicans of this country. It will be enough for him to speak for the Republicans of New Hampshire.

Mr. CHANDLER. May I ask whether the Senator from Colorado undertakes to speak for the Republicans of the country?

Mr. TELLER. I am going to speak for myself.

Mr. CHANDLER. I will accept the rebuke of the Senator and shall not undertake to speak except for the Republicans of New Hampshire, and I hope the Senator from Colorado will not undertake to speak except for the Republicans of Colorado, and then we are even.

Mr. TELLER. The Republicans of the country at the last election expressed themselves on the question of the increase of the public debt in time of peace. In one State represented in the other House 19 conventions that nominated members declared against the issue of bonds. I believe there were 19 members from that State who voted in favor of a bond issue. In my judgment the American people are not in favor of increasing the public debt in time of peace, and in my opinion the people who dissent from propositions to issue bonds are quite as honest and quite as tenacious of the public credit and the public honor as any gentleman anywhere who cries out for the lodgment of the most important function of government in the hands of the Executive, unrestrained and unhindered.

During the whole debate that has taken place in this Chamber over the pending bill the opponents of the bill have taken the position simply, and will admit no alternative, that the representatives of the States and the representatives of the people are not to be trusted to maintain the credit of the American Government. I dissent from that view. My education has been of a different character. I believe that the American people can be trusted at all times to maintain the honor and the integrity and the credit of the nation, and when the representatives of the States in this Chamber and the representatives of the people in the other can not be trusted to do that there might as well be an abandonment of this Government of ours and the pretense that it rests upon the consent of the governed.

It is to me a most astonishing spectacle that the Senator from Iowa [Mr. ALLISON], who has spent almost a lifetime in the public service, and who has been honorably mentioned in connection with great offices in addition to those which he has held, should in substance address the Senate and appeal to the Senate not to pass the bill, because if we do Congress, when called upon in an emergency, will not respond in a way to maintain the public credit. Then the Senator from New Hampshire [Mr. CHANDLER] follows in the same strain and congratulates himself and the country that at least three-fourths of the representatives in this body of the party to which he belongs insist that the legislative department is incompetent and untrustworthy to deal with this subject.

It is not at all a question of free coinage, nor is it a question whether the public will recognize as valid and legal the bonds which have been issued within the last two years. I do not myself intend to enter into any discussion as to the validity of the bond issues. It may be a controverted question. There is one thing I know, and that is that the American people intend, without respect to their belief upon the question of silver or gold, that every bond which shall be issued by the Government of the United States under the current pretense of law shall be paid according to the letter and the spirit of the bond. It is because there is a claim—and a claim, too, that may be made, I think, with great force—that the bonds when issued are obligations upon us which we are bound to pay that we desire to put upon the statute book a law which will determine when and how and where and under what conditions the Government of the United States shall incur indebtedness and increase its debt in time of peace.

I am willing myself to trust the American people. I have never seen an hour since I have been in this body when there has not been a majority of it ready and willing to incur any and all indebtedness that was necessary and requisite to the maintenance of the public credit, and the discharge properly of the public obligations. It is a part of the stock in trade of the people who are arrogating to themselves now, first, superior financial knowledge, and then superior financial integrity, to charge that everybody who does not agree with them is dishonest. We have heard it in this Chamber, we have heard it in the other, and we have heard it through the press; and yet those of us who here contend for what we claim is a decent system of finance have upon all occasions been found as active, as earnest, and as intelligent in maintaining the public credit and the public honor as these self-satisfied Pharisees who claim that they alone possess the honesty and the ability to deal with this question.

The question is not one that requires a great deal of examination or discussion, and at this hour I do not intend to go into any general argument in relation to it. The authority for the issue of bonds, if found at all, must be found under the act of 1875, in my judgment. If this act does convey to the President of the United States the full authority which it is asserted it does, and which I am not now denying—if it was intended to lodge that power with the Executive, it was under circumstances absolutely dissimilar to those now presented to us that the power was lodged with the President. The Senator from Ohio [Mr. SHERMAN] himself, who has spoken of his connection with the act of 1875, could not have contemplated at any time that such a condition of affairs would exist as prevails now. When it was determined by the American people through their representatives that the Government would redeem the greenbacks in coin, it was not anticipated that the greenback would be used as an agency for the accumulation of money for export, whether it might be gold or silver. It was supposed that in the course of business affairs occasionally a man holding a greenback or a paper note would want gold or silver, the money of the world, and the Government undertook, as every just government should, to provide for a proper exchange for the paper money of the money recognized as the world's money, which I repeat was gold and silver, and in that day a decided preference for silver over gold existed.

The act took effect four years after its passage. I was not connected with this body when the act was passed. I was a member when it went into operation, as I had been for some time previous. We had provided in that act for what we thought would be the ordinary demands of business and trade. We had left it with the executive department to determine how much should be accumulated. There had been nothing said about the amount, and the Secretary of the Treasury fixed the sum in the neighborhood of $100,000,000. I will say that there was a good deal of controversy in the public press and some in this Chamber and some in the other body as to whether $90,000,000 or thereabouts was enough. It was asserted by some that the people would make a rush for the gold and that it would be all at once taken out. In the first year there was $11,000,000 of greenbacks presented to the Treasury for redemption or exchange, and in the succeeding eleven years and six months there was $28,000,000 in round numbers and a few odd hundred thousand dollars exchanged. It is apparent from this fact that this exchange of greenbacks for gold was a legitimate transaction, not for export but for use. Occasionally a man might have desired gold to lay away; occasionally he might have obligations that required him to produce gold to pay his debts; and in the eleven years and six months $28,000,000 alone was exchanged. That brings us up to 1890, and in the succeeding two years there was $15,000,000 more. There was in thirteen years and six months $43,000,000 of greenbacks exchanged for gold. We had maintained up to that time from $100,000,000 to $150,000,000 of gold in the Treasury to make sure that the men who wanted the gold could get it.

Since 1892, when the $43,000,000 had been exchanged, how much gold has been exchanged from the Treasury for greenbacks? From July 1, 1892, to December, 1895—and I have not followed it beyond that, because I have taken the Secretary's report for it—we had exchanged $360,266,000 in gold for either greenbacks or Treasury notes. During that time we had exported $305,000,000, leaving about $55,000,000 that was withdrawn from the Treasury that did not go abroad. What became of that I do not know. I presume some of it has been lodged in safe deposits, some of it has been made probably a special deposit in banks, largely growing out of the fact that the Treasury Department and the Government itself as an entity has been engaged during the last three years in declaring to the public that there were grave doubts whether the Government had either the honesty or the ability to continue this system.

It would be interesting to go into the reason why $305,000,000 have been withdrawn from the Treasury and exported. There is no time to-night. The gold people will tell us and do tell us that it has arisen from the fact that the silver question was especially alive and especially being discussed. In 1876 the silver question was here. In 1876 I first came into this Chamber, and amongst the first things that I heard discussed during the following winter was the silver question. In 1877 and 1878 it was as live a question as it has ever been in this body and in the other, and the public were discussing it everywhere. It has been a live question ever since.

In 1893 we changed Administrations. For myself I did not believe then, and I am free to say now, that I doubt whether it was wise that we made the change. It is asserted by those who represent the views that I do, in part at least, that the whole disarrangement of our finances and the withdrawal of gold from the Treasury, running from comparatively nothing to the rate of $100,000,000 a year, has grown entirely out of the discredit thrown upon the Government by a change of Administration. Mr. President, there never was a greater mistake than those make who believe that to be the case. The same condition, in my judgment, would exist to-day if Mr. Harrison had been reelected. I will add that a change of Administration must, in some degree, disturb and disorder business; and if Mr. McKinley, with all the promises that he and his friends are making, shall be inaugurated on March 4, 1897, there will be some disturbance then growing out of a change of Administration.

The other day, in looking over the financial reports of the city of New York issued by the great financial papers, I found that there had been a disturbance in the money market, and then I found the statement made by leading financiers that that had been largely the result of the almost certainty that McKinley was going to be nominated as the next candidate of the Republican party. It is easy enough to get up a fright and to disturb business. But the three hundred and odd million dollars that have gone out of this country, to which I have called attention, have not gone out of the country because of any fright; it was not because they were afraid of the party that is in power, nor is it because they are afraid of the party that is coming into power.

Mr. ALLEN. I should like to ask the Senator from Colorado a question.

Mr. TELLER. Certainly.

Mr. ALLEN. The Senator says that the financial journals spoke of some fright existing in consequence of the prospect of Mr. McKinley becoming President. Does the Senator mean to be understood that the bondholders are becoming frightened because Mr. McKinley, if President, would favor bimetallism, the restoration of silver, or anything of that kind?

Mr. TELLER. I do not think there is anything in the statement that the public were frightened because of Mr. McKinley's candidacy. It was only a statement that the financial papers made to excuse the disordered condition of the finances of the country. It would be very interesting if I could bring here and read to the Senate—I follow them with some closeness myself—the monthly and daily circulars that are issued. To-day one cause is given as the reason why prosperity has not come. Sometimes it is a storm in the West; sometimes it is a speech that some one has made on the silver question; and sometimes it is something else. Childish and foolish and weak are the excuses which have been made for two years now by those who promised the country prosperity, and I mean to say that the statement in regard to Mr. McKinley was but an excuse.

Mr. President, I do not think that the gold people need to have any fears of Mr. McKinley. I do not think that they have any fears of him, either. When you see the declaration that is made by his friends and when you study his record I do not think there need be any distrust on their part as to his attitude on the money question.

I did not mean that as an indication that it was a truthful statement, but simply to show that all the difficulties which exist must be attributed to something. Probably no one had made a silver speech within a few days, and they could not attribute it to that, and so they said: "Well, it is the looming up of the McKinley candidacy which has now disturbed the finances of the country."

Mr. President, if our finances are in such a deplorable condition as to show that there is something wrong about the system, that is not the cause. We are a debtor nation. We have by our system of finance destroyed the price of our products out of which we are compelled to pay our debts abroad. Their value is one-half what it was a few years ago. Seventy-five per cent of all our exports are the products of farms and fields. We double them in quantity, and when we have doubled them in quantity we find we have halved them in value.

If since 1873 the products that we have sent to Europe had brought the gold prices of 1873 the American people would not owe a dollar to Europe. That statement was made in one of the financial papers of London last summer, and it is undoubtedly true. The exports of gold are legitimate and proper, because we are in debt and because we have not products enough that we can send abroad to meet the demands that are made upon us. The conditions have changed since 1875. If we thought then that we could afford to sell bonds and keep on hand gold to exchange for greenbacks whenever any citizen desired such exchange, we must see that to-day the conditions are so different that it is not justifiable that we should continue the same system. We must either now adopt some other system or we must undoubtedly continue to sell bonds.

Mr. JONES of Nevada. Or go into bankruptcy.

Mr. TELLER. Or go into bankruptcy, as suggested. Mr. President, I do not know but that we shall go into bankruptcy. Certainly there will be no prosperity brought to this country by the sale of bonds. It is true we may borrow some money abroad. We borrowed some with the first issue of bonds and we borrowed some on the second, and I am told by those who ought to know that in ninety days all the bonds that we sold on the second issue were in New York. Whenever the price rises a little above what was paid for them here they come to this country, and that process will be continued to the end of time.

Mr. President, we shall have to adopt some other system. The President of the United States has a system. He says that to retire the greenbacks and relieve the Treasury will do it; that if we retire the greenbacks and the Treasury notes the Treasury will no longer have raids made on it by the exporters of gold. The great American sentiment is against that policy. That is a contraction of currency of more than one-third of all we have in circulation. That is impossible, Mr. President. It is impossible unless we devise some method of putting in its place other money. I do not know how we can do it except by bringing into use the gold and silver that we have in such abundance.

Mr. President, we are producing to-day, I think I may say without question, as much gold as any other nation in the world, and more silver. We could, by a wise system of legislation, make every ounce of gold that comes out of our mines, and every ounce of silver, equal in purchasing power at a ratio we may establish. The Senator from Iowa in front of me [Mr. ALLISON] says he does not think we can. He does not think that we can open our mints now. The Senator from Iowa did not think ¶n 1878, when the House sent us a free-coinage bill, that we could open our mints, when silver was only 7 or 8 per cent below par, when the divergence between the bullion in the silver dollar and the bullion in the gold dollar was less, as I recollect, than 8 per cent. The Senator said then, "You can not do it," and the American Senate followed his lead, and there never has been a legislative act, in my judgment, by any nation on the face of the earth that has been fraught with more evil as that act. Had we accepted the bill as it came to us from the House we would have stopped the fall of silver, and silver would have retained its place as the money metal of commerce, as the favorite money metal of the world.

The Senator, as much as I cherish and respect him, can not ask me, in view of what I regard as one of the greatest legislative blunders of the present age or any other, to follow him upon his mere suggestion that in his judgment it can not be done. The history of the world is against him. The logic of the position is against him. The philosophy is against him. We can go to free coinage and maintain the parity of the two metals, as Mr. Gibbs said, when asked by the English commission. It was said, "Can Great Britain handle this question alone and maintain the parity of the two metals?" He replied, "Any great nation can do it."

The Senator from Illinois [Mr. CULLOM] yesterday gave us his opinion. I respect the Senator from Illinois for things he has studied and knows. He said: "I do not believe you can maintain the parity. I do not believe the divergence between silver and gold is the result of legislation, but, on the contrary, it is overproduction." The English commission, composed of 12 men, and it will not be invidious if I say that every one of them was the peer of any man here on this subject, declared with a universal voice that the depreciation of silver was not overproduction, but it was the disuse of it by legislative enactment, and that alone.

The $200,000,000 that is now put out upon the world, according to the statement of the Senator from Illinois, is less in proportion to the demands of commerce and trade that the world is now demanding than the gold that was put out by California, Australia, and the Ural mines. It is one of the laws of commerce and trade that with the output of more gold and more silver there is a greater demand for it, and there has never been an hour in the history of the world when the silver and gold reached up to the demands of commerce and trade. It has not done so yet. It will not do it. If it doubles in amount use will be found for it in the stimulated activities. Ah, Mr. President, had we not better try it? Can we not try it? Is the condition of the people of this country so good, is it so desirable and so satisfactory that we can not afford to take any chances or try any experiments?

Mr. PALMER. May I ask the Senator from Colorado a single question?

Mr. TELLER. Certainly.

Mr. PALMER. Does the Senator regard it as an experiment?

Mr. TELLER. I do not.

Mr. PALMER. The Senator spoke of trying the experiment.

Mr. TELLER. But I say if it is an experiment we had better try it. The Senator from Vermont [Mr. MORRILL] this morning, whom I do not see now in his seat, repeated the objections to free coinage which he has urged here for the last twenty years in my hearing. He told us of the great French economist, Mr. Cernuchi, whom he had the honor of inviting to his table—and it was an honor, for he was a great thinker and a great political economist—that he had declared when here that we could not afford, as a nation, to "go it" alone. It is true, Mr. President, that he did so declare at that time. But years afterwards and years ago in the most pronounced manner possible he declared that the American people were rich enough and strong enough, and if they would only take hold of this question they could handle it alone. The Senator from Vermont forgot to tell us that. It is only a half truth that you hear on this subject.

We hear of a 50-cent dollar. Mr. President, any man who gets up here and uses that argument insults the intelligence of the Senate and he insults the intelligence of the American people. There is not a 50-cent dollar anywhere on the face of God's earth to-day. There is no depreciation in a silver dollar anywhere compared with commodities. Take Mexico. Take the Mexican silver dollar that exchanges here at the rate of 54 cents for your gold. Is it a 50-cent dollar in Mexico? Take the Japanese yen. Is it a 50-cent yen in Japan? Not at all. Everybody knows better. The Mexican dollar in every market where it is treated as money, and that is on more than one-half of the face of the earth, and that, too, in the hands of three-fourths of the people of the globe——

Mr. VILAS. Mr. President——

The PRESIDING OFFICER (Mr. FAULKNER in the chair). Does the Senator from Colorado yield to the Senator from Wisconsin?

Mr. TELLER. Not now.

The PRESIDING OFFICER. The Senator from Colorado declines to yield.

Mr. TELLER. Three-fourths of the people of the globe are using it, and not as a 50-cent dollar, but as a 100-cent dollar. It will buy in Japan, it will buy in China, it will buy in India, it will buy in the Straits Settlements, it will buy in Mexico, and it will buy here as much of human products as it would ever buy. Yet the Senator from Illinois spent the most of his time in talking about the dishonesty of the 50-cent dollar. He never saw a 50-cent dollar.

Mr. President, if you will go to Mexico to-day you will find the Mexican dollar will purchase as much property there as it would thirty years ago; if you go to Japan you will find that the Japanese yen, equivalent to the Mexican dollar in the amount of silver it contains, will purchase as many commodities as it would ever purchase. It is in this country when measured with gold, and gold alone, that you can say that the depreciation exists. You have a 200-cent dollar. That is what is the difficulty here. You have a dollar when measured by commodities which measures more than twice what it measured when I came into this body, more than twice what it measured when we passed the Bland-Allison Act. It measures 21 per cent more of farm products than it did when you repealed the Sherman law. That is the trouble with this country, and that is the trouble with your dollar.

I do not intend to detain the Senate at this time with a discussion of this question. I am moved to say these things because I regard the statements which have been made on this floor by those who are contending that we are too weak to have a financial system of our own as lacking in patriotism and, I will say, not meaning to be offensive, as an insult to my intelligence, as it is to that of every other thoughtful man. We are big enough and rich enough and strong enough to have a financial system of our own; and I myself do not believe there would be any experiment or any loss. But if there were, what becomes of the patriotism of the country, and what becomes of your confidence in the people, who are supposed to be the fountain of all power and authority, if you dare not trust them, if you dare not let the American people have their say upon this question—not only upon the question whether the bonds shall he sold, but also upon the question whether we shall make use of silver as our fathers made use of it, and as it is being made use of in a great portion of the earth; in fact, the greater portion of it to-day as primary money?

Mr. CULLOM. Would it interrupt the Senator if I should read a paragraph from a newspaper and ask a question for information from the Senator from Colorado? Because I think he can explain it, and I am sure I can not. What I wish to read is in reference to the Mexican dollar, of which the Senator has just spoken. The quotation is as follows:

To the Editor:

I saw in the Record recently a letter from W. W. containing some financial queries, the first being in regard to what part of Mexico one can get two Mexican dollars for one American dollar. In any large city near the Mexican border or in Mexico money can be changed, but not quite two dollars for one. If both coins contained an equal amount of silver the ratio would be 2 to 1, but the Mexican dollar contains the most silver; one United States dollar being worth $1.88 in Mexican money.

At Monterey, Nuevo Leon, Mexico, I cashed a $50 Chicago draft, receiving $94 Mexican money; at Durango, Mexico, I was paid at the Wells-Fargo Express office, for $100 wired from Chicago, 188 Mexican silver dollars (no light load in that warm climate).

What I desire to inquire, in perfect good faith, is (because I do not understand the reason for it), if the Mexican dollar has as much silver in it as the American dollar, or more, how it happens that we can get almost two Mexican dollars for one American dollar?

Mr. TELLER. The Senator ought not to have any great difficulty in that.

Mr. CULLOM. I should like to have it explained.

Mr. TELLER. One can go to Japan and do the same thing with the Japanese yen. The reason simply is that we are on the gold basis, and everything in the world which is measured with gold is worth practically but half what it was a few years ago. In other words, where the gold standard prevails there has been a shrinking and shriveling of values. You can go to Great Britain to-day, which is on the gold standard, and you can buy land in that country for one-fifth of what you would have had to pay

for it thirty years ago. You can go to the rich State of Illinois, which the Senator represents, and within 125 miles of the city of Chicago you can buy the best land that the sun ever shone upon for 40 per cent less than it could have been bought for twenty years ago. You may go to the State of Ohio, in the neighborhood of the great city of Cincinnati—I am not speaking now at random—and you will find that you can buy land there now for half what you could have bought it for less than twenty years ago.

Mr. CULLOM. Mr. President——

Mr. TELLER. In one moment I will yield to the Senator.

Take Illinois. The city of Chicago has trebled her population since the time that I have been familiar with the Rock River Valley, and yet land in the Rock River Valley, or 125 miles from it, will not bring as much now as it would have brought eighteen or twenty years ago. Why should that be? Illinois has a good government; Illinois has a good climate; Illinois has had prosperity, and has filled up her great city with thousands and thousands of men who are demanding the products of farmers; and yet the products of farmers are lower now than they were twenty years ago, and the farms themselves in any portion of that great State will bring but little more than half of what they would have brought then.

Mr. CULLOM. I only wanted to say that, while I am not familiar with the prices of land in all parts of the State, I think in the central portion the land is substantially holding its own, and has been during recent years.

Mr. TELLER. "Substantially holding its own," when you have quadrupled your population. The price of land ought to have doubled.

Mr. CULLOM. That may be so, but the Senator knows very well there are other reasons besides the question whether or not we are on a gold basis which have materially affected the prices of all things in this country, land included.

Mr. TELLER. I deny that there is any particularly powerful agency which has depreciated land in this country in the sections of which I am speaking. I will admit that the railroads which reach Chicago and the great prairies did depreciate somewhat the value of land in New York; I will admit that the competition has put down the prices of farm products in New York; but that is not true of the great prairie West. In that section they have nothing beyond them in the way of competition. What I said of Illinois is true of Kansas; it is true of Nebraska; it is true of Minnesota. The only places where the value of land has appreciated are in the vicinity of cities and towns where it has a prospective value with reference to either being cut up into small farms or that it shall be occupied as town lots.

Mr. President, the Senator wants to know why you can get $2 down in Mexico for one American dollar. It is because you can bring back that American dollar and you can purchase twice as much with it now as you could purchase twenty years ago. The only exception there is to the ability to purchase twice as much is labor. There is an exception there. I will admit that you can not purchase twice as much labor. The labor organizations have held up the price of labor; but does not everybody know that that can not be continued; that ultimately the price of labor must drop with that of the products of labor?

In every gold country without exception the condition prevails which prevails here; that is to say, we are worse off to-day than we were formerly. We have grown poorer. I suppose there never was an hour in the history of this country when there was so much discontent; when there was so much complaint; I may say, when there was so much distress.

The other day I received a letter from one of the great, rich States of the West, asking me, as a member of the Judiciary Committee, to do something with the bankruptcy bill; and the writer, whom I do not know, but from the character of his letter I have no doubt he is a truthful man, said:

> We need a bankruptcy law; our homes are being taken from us under mortgage claims; and when they have taken our all, they leave us in debt.

That was from a State for which nature has done as much as for any State in the Union, both as to climate and as to soil.

A few days since an intelligent medical man from the State of Nebraska said to me:

> In the neighborhood in which I am practicing my profession there is not, to my knowledge, 5 per cent of the whole farming community that are not in absolute distress; not entirely, I will admit, owing to the financial question, but largely owing to that.

Mr. President, there is nobody here, save the Senator from Kentucky [Mr. LINDSAY], who will rise and assert that the present financial condition of the United States is a satisfactory one. "Oh, we have held our own," the Senator from Illinois says; but we ought to have done more. They have done more than that in Mexico; they have done more than that in Japan; they have done more than that in China. Progress is the rule in China; progress is the rule in Japan; progress is the rule in Mexico and Central America, and retrogression, depreciation, and fall in values is the rule in this country and in every other gold-standard land.

I only wish to say a word or two more, and that in reply to a suggestion made by the Senator from Utah [Mr. BROWN]. The Senator from Utah, in a very ingenious, but not ingenuous, speech, undertook to make it appear that I, with others, had been found voting against a silver proposition in this Chamber. He, representing a community interested in silver, found himself training under the leadership of the distinguished Senator from Vermont [Mr. MORRILL] and the distinguished Senator from Ohio [Mr. SHERMAN]. He was following them in their mad zeal to accomplish something for silver. The people of Utah are a people of intelligence, and that kind of talk will fool nobody in Utah; it certainly will fool nobody in Colorado. If the Senator is proud of his silver leaders and wants to train with the senior Senator from Ohio and the senior Senator from Vermont, he will hardly establish a character in the great Northwest of being zealous for silver.

So far as I am concerned, I believe the silver question to be the paramount question before the American people. I believe, as I believe that I am alive, that it is the duty of every man here and everywhere else to settle this question, and to settle it so that there shall be a return to the use of both metals on an equality to be established by law. I do not believe that you will ever have prosperity until that is done. I do not believe the unfortunate condition now existing will be reversed and set aside until you make that the paramount question of all questions in legislative life and in legislative fields.

I know that the Senator from Connecticut not long since told us here that, as to those of us who had said we put the financial question in front of the protective system, the people of our States would not sustain us in that view. Mr. President, the people of four of the States whose representatives took action here have been heard from. There has been no condemnatory voice from those States. The people of the great Northwest understand that this is the great question that is being presented for their consideration. I want to say to the Senator from Connecticut that the people of my State have been attached to the protective system as the people of his State have not been. We have given Republican victories and Republican officials when his State, the center of manufacturing as it is, has given other votes; and yet we know that the protective system as applied to our section of the country has not been of local benefit. We, however, have been protectionists, as I have said before in this Chamber, because we believed that the greatest good to the greatest number should be the rule, because we believed that if we brought prosperity into Connecticut we should bring prosperity into Texas and Colorado. I so believe now; but we must have a system of finance not local, not applying to one section, but applying to all.

I am not advocating the use of silver as money because it is created or dug out of the earth in my State, but because, in my judgment, the use of silver will promote the interests of those people who are now crying out against it, and who are telling us, as they were a few days since, that the silver question had been relegated to the rear, and that nothing more would be heard of it.

Mr. President, I said here two months ago that the silver question was a lively corpse. It is more than lively. Two or three months ago great effort was made to control the great political parties and to put them in harmony on the money question. The bankers and the bankers' conventions told the people, "You must see to it that both political organizations, Democrats and Republicans, declare for the gold standard." We were told that a large sum of money had been raised to accomplish that desirable end. There was no secret about it. It was proclaimed from the house tops that that was to be done and that it was being done, and we have had the proof in various sections of the country that it was being done. Yet, notwithstanding that, Republican States, States in the Union, States of equal intelligence with any other, have been declaring for free silver, and the great Democratic party is now, I believe, practically ready to inscribe on its banner free coinage.

The people of the United States have learned that the question of free coinage is one that comes home to them. They know that the money question is one which touches every man's interest. They know that there is no legislation which can be enacted, that there is no legislation which ever has been enacted, that comes so close home, to the men on the farm and in the shop and in the mill and in the mine, as the financial question, and they know that a mistake upon that question is a mistake which goes deeper and outrages them more than any other mistake that can be made in legislation; and they are taking hold of it.

We had an election in Oregon yesterday. The Senator from Oregon [Mr. MITCHELL] has been an intelligent and pronounced advocate of free coinage for many years by my side. He is a candidate for reelection. All the powers of the gold field and the gold standard have been arrayed against him. The great press of his State has been bought up. And yet, if we are not misinformed to-day, he has made a triumphant success in his candidacy, and he has been indorsed by the people as he never was indorsed before. The Representative who ran as a silver man is elected. The Representative who defeated a silver man in the House for the nomination and who ran as a gold man or a straddler, if not an avowed gold man, is reported to be defeated.

